November 10, 2026

TO: Columbia River Gorge Commission

FROM: Krystyna Wolniakowski, Executive Director
Jeff Litwak, Counsel

SUBJECT: Election of Officers

Action Requested

In November each year, the Gorge Commission elects its officers (Chair and Vice-Chair) for the following calendar year.

If you are interested in being an officer, please consider reaching out to Krystyna to learn more about that important role and obligations that you may not see in your current work on the Gorge Commission.

Procedures for the Election

Below are the procedural requirements in the National Scenic Area Act and the Gorge Commission's Bylaws for your election of officers.

The National Scenic Area Act, 16 U.S.C. § 544c(a)(4), states:

> "The members of the Commission shall select from among themselves a Chairman by majority vote of the members appointed from each State."

In Oregon, there are attorney general opinions that conclude that a vacancy on a board or commission does not change a quorum requirement under Oregon law. While not directly applicable to the supermajority voting requirement in the National Scenic Area Act, I recommend that we follow this approach so that the "majority vote of the members appointed from each state" means a majority of members from each state, regardless of

whether a seat is vacant. As of the time that staff is sending you this memorandum, Wasco County's seat is vacant; if that seat is vacant when you elect your 2027 officers, you would still count Oregon as having six members and thus a vote to elect an officer would require 4 votes (not 3) of members appointed from Oregon.

The Gorge Commission's bylaws, article III, sections 1 through 3, refine the National Scenic Area Act requirement for a Chairperson. Those sections state:

> Section 1. The officers of the Commission shall be a Chair and Vice-chair and others as may be deemed necessary.
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> Section 2. The Chair and Vice-chair and any officers as may be deemed necessary shall be elected by the Commission by a majority vote of Commissioners appointed from each state. The terms of such officers, unless terminated earlier, shall expire on December 31 of each year, but if necessary, shall be extended automatically until the next regular or special meeting at which officer elections are held. In the event a new Chair or Vice-chair is not elected, the Commission may hold elections over to the next regular meeting or a special meeting, or continue balloting as many times as necessary to obtain the required majority for a single candidate. Nominations for officer positions do not require a "second." The Commission shall take all nominations for each officer position and vote on all nominations for each officer position at the same time (this procedure modifies Roberts Rules of Order, which requires voting on each nomination individually in the order in which the nominations were made).
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> Section 3. Officers of the Commission shall serve no more than two consecutive terms in each position; however, the Commission may suspend this limit when voting for officers of the Commission. Any officer appointed or elected by the Commission may be removed by a majority vote of the members appointed from each state.

In the past, the Gorge Commission observed the following procedures, which do not appear in the National Scenic Area Act or the bylaws:

The Gorge Commission usually votes for the Chair first and Vice-Chair second, but there is no legal reason that you must use this order.

The Chair calls for nominations; you may nominate others or yourself. The nominees indicate whether they would like to be considered. A second is not needed, but a commissioner may choose to second the nomination. If the Chair is nominated, they will pass the gavel to the Vice-Chair to preside over the election. If the Chair and Vice-Chair are both nominated, the Chair has passed the gavel to a former officer who has not been nominated.

When nominations are done, the Chair should ask the nominees to say a few words about why they would like to be elected.

The commissioners may discuss nominations, but usually there has not been discussion, and the presiding commissioner calls for a vote after the nominees complete their statements. One vote is held with all nominees on the "ballot." Commissioners vote for their preferred nominee. The vote must be by roll call. Voice votes and secret ballots are not permitted. Sometimes a nominee will choose to abstain, although there is no requirement to do so. A majority of the currently appointed commissioners from each state must vote in favor of a nominee; thus, you need at least four commissioners from each state to vote yes to a nominee to elect that nominee as an officer.

If there is an insufficient number of votes for any nominee, you may choose to discuss the nominees, have the nominees say more, vote again, or seek new nominations, or all the above. You may also choose to postpone the election to the next Gorge Commission meeting. In the past to get to the requisite supermajority, some nominees have withdrawn from consideration, some nominees have voted affirmatively instead of abstaining, and commissioners have nominated different commissioners.

Staff will be prepared to help you use a permissible process to elect your 2027 officers.