Lane Area Commission on Transportation (LACT)
Proposed Bylaws
FACT-LC Consensus Draft, 4/16/2010

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Recognizing the importance of transportation to the long-term livability of the area and the desirability of speaking with one voice on major transportation issues, and in fulfillment of the requirements of Senate Bill 944 (Section 1, Chapter 509, Oregon Laws 2009), the Board of County Commissioners of Lane County is submitting to the Oregon Transportation Commission (OTC) this proposal for the formation of an area commission on transportation (ACT) for Lane County.

I. PURPOSE

The Lane Area Commission on Transportation (LACT) is an advisory body established to provide a forum for stakeholders to collaborate on transportation issues affecting Oregon Department of Transportation Region 2, Area 5 ("Area") and to strengthen state/local partnerships in transportation.

II. MISSION

The mission of LACT is to:

1. Provide a local forum for sharing information, understanding, coordinating, and gaining consensus around transportation plans, policies, projects and funding;
2. Engage key stakeholders and the general public with a process consistent with state and federal laws, regulations and policies;
3. As applicable, consider all modes and aspects of the transportation system, including air, marine, rail (freight and passenger), road, transit, bicycle, pedestrian, and pipelines;
4. Review and monitor the condition of the Area's transportation system, using appropriate benchmarks;
5. Recommend short- and long-term transportation investment priorities based on state and local plans and addressing identified needs of the Area's transportation system while balancing local, regional and statewide perspectives; and
6. Communicate and coordinate regional recommendations, priorities and activities, and collaborate with other organizations and interests, including as applicable the Central Lane Metropolitan Planning Organization (CLMPO), other ACTs, the OTC, ODOT advisory committees, the Governor's Economic Revitalization Team (ERT), regional partnerships and investment boards, state legislators, Oregon's congressional delegation, and other agencies and stakeholders.

III. AUTHORITY

LACT is an advisory body chartered under authority of the OTC. ORS 184.610 to 184.666 gives the OTC the authority to establish policies for the operation of ODOT and for the administration of programs related to transportation. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements of the *Policy on Formation and Operations of ACTs*. The OTC retains oversight and final decision-making authority to assure efficient management of the state transportation system. ACTs provide valuable input and recommendations to that process.

LACT is a voluntary association of government and non-government transportation stakeholders and has no legal regulatory, policy or administrative authority. LACT processes and resulting recommendations shall comply with relevant laws, regulations and policies. As an advisory body to the OTC with authority to make recommendations on policy or administration, LACT meets the definition of a "Governing Body" and falls under the requirements of the Public Meetings Law, ORS 192.610 to 192.690. LACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest.

IV. ORGANIZATION

A. Voting Members

LACT is comprised of up to 27 voting members, determined as follows:

1. **Counties and Cities:** The governing bodies of Lane County and the incorporated cities within the Area (Coburg, Cottage Grove, Creswell, Dunes City, Eugene, Florence, Junction City, Lowell, Oakridge, Springfield, Veneta and Westfir) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *elected official* but an alternate need not be. In order to facilitate better coordination between LACT and CLMPO, each city that is part of CLMPO is encouraged to appoint a primary representative that is also a member of the CLMPO policy board. (13 members)
2. **Tribes, Ports and Transit Districts:** The governing bodies of the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians ("Tribes"); the Port of Siuslaw ("Port"); and Lane Transit District (LTD) are each invited to designate a primary representative and an alternate representative to LACT. A primary representative shall be an *appointed or elected official* but an alternate need not be. (3 members)
3. **MPOs:** CLMPO is invited to designate a primary representative and an alternate representative to LACT. Such representatives need not be *elected officials*, but should be well versed in federal MPO requirements. (1 member)
4. **Transportation Advisory Committees:** The Lane County Roads Advisory Committee (LCRAC) and the CLMPO Citizen Advisory Committee (CAC), with the approval of the CLMPO, are each invited to designate a primary representative and an alternate representative to LACT. (2 members)
5. **Highway 126 East:** The Lane County commissioners shall appoint a primary representative and an alternate representative for the Highway 126 corridor east of Springfield. (1 member)
6. **Citizens (Private Sector):** Following public advertisement, LACT shall appoint up to six (6) citizens as members of LACT. The citizens should be selected to represent a diversity of interests, which may include airports, rail (passenger & freight), trucking, public transit (bus & rail) riders, bicyclists and pedestrians, business, freight, tourism, public safety, public health, schools, neighborhoods, senior citizens, special transportation needs, minorities, environment, land use, parts of Lane County not otherwise well represented on LACT, and other interests. Citizen (Private Sector) members shall reside in the Area or represent a business or organization that operates in the Area. (up to 6 members)
7. **ODOT:** The ODOT Lane County Area Manager is a voting member of LACT and shall designate an alternate. (1 member)

Alternates: In order to ensure good representation, when a primary member is unable to attend a meeting, he/she should contact his/her alternate to serve in his/her place. An alternate member may attend and participate in any meeting, but may vote only when the primary member is absent. In rare cases when both primary and alternate members are unable to attend a meeting, someone else may vote by written authority from the member jurisdiction/entity. Citizen (Private Sector) representatives shall not have alternates.

Multiple Representation: A Highway 126 East or Citizen (Private Sector) member may not be someone who could be a voting member representing one of the other jurisdictions/entities, i.e., a county, a tribe, a port, a transit district, a MPO, the LCRAC, the CAC or ODOT.

Terms: Highway 126 East and Citizen (Private Sector) members will serve two-year terms and may be reappointed. All other voting members may be designated or replaced at any time by their represented jurisdictions/entities.

Repeated Absences: All voting members of LACT are expected to participate in all meetings, or to send an alternate if applicable. If a voting member fails to participate in three (3) consecutive meetings, or to send an alternate, his/her position shall be deemed eliminated for the purposes of a quorum and decision-making, until such time as the position is filled and someone in that position participates (again) in a meeting. The responsible jurisdiction/entity may replace its own repeatedly absent voting member, even if his/her term has not yet expired. The LACT may replace a repeatedly absent Citizen (Private Sector) member.

B. Non-Voting Members

The following officials are invited to be non-voting, *ex officio* members of LACT or participate in any LACT meetings:

- ODOT Area Managers for Areas adjacent to Lane County.
- Oregon Transportation Commissioners.
- The member of the Governor's Economic Revitalization Team responsible for Lane County.
- State legislators representing parts of Lane County.
- Members of Congress representing parts of Lane County.

Space and time permitting, staff to jurisdictions or entities that are members of LACT are invited to participate in discussions as non-voting members.

LACT may invite other non-voting members to represent relevant areas of interest or expertise and to participate in discussions, on either an *ad hoc* or ongoing basis.

C. Staffing and Financial Support

ODOT will arrange staff support for LACT, with funding provided by ODOT. Specific responsibilities shall be determined by mutual agreement between LACT and ODOT.

Ed. Note: ODOT will arrange for initial staffing support in advance of the first meeting of LACT.

V. OPERATION

A. Decision-Making

Quorum: All voting members of LACT are expected to participate in all meetings, or to send an alternate if applicable. A quorum for decision-making purposes will be two-thirds (2/3) of the voting membership. A quorum may include teleconferencing of members, if feasible. LACT may consider purely informational items with less than a quorum present.

Ed. Note: For example, if the total number of voting members were 27, then a quorum of 18 would be needed to make decisions.

Consensus: LACT will use a consensus decision-making process and will foster mutual respect and a collaborative approach to problem solving. Members will seek to advance broad interests and look for win-win solutions. Consensus means that *all* voting members present can live with the decision. Members are encouraged to voice and have recorded all views. Once a consensus decision has been reached, all members agree to support that decision.

Supermajority Vote: In rare cases where consensus cannot be reached, decisions will be made by a 80% supermajority of the voting members present. A simple majority of voting members present may call for the end of discussion and a supermajority vote.

Ed. Note: For example, if the number of voting members present was 18, then those 18 voting members could make a decision by consensus. Alternatively, a supermajority of 15 or more voting members could make a decision.

Basis for Making Decisions: LACT shall develop criteria for making recommendations based on local, state, and federal adopted transportation plans, policies and procedures.

B. Officers

Chair and Vice-Chair: A Chair and Vice-Chair shall be elected by the voting members. The Chair shall preside at all meetings attended, sign documents and correspondence, orient new members, approve agendas, represent LACT in other venues and serve as LACT's official spokesperson. The Vice-Chair shall serve as the Chair's primary alternate and shall preside at LACT meetings in the Chair's absence and assist the Chair in new member orientations as needed.

Ambassador(s): Optionally, LACT may elect one or more Ambassadors to represent it, in place of the Chair or Vice-Chair, when coordinating with the OTC, other ACTs and other entities.

Elections: Decision-making shall be as described in Section V.A, Decision Making. Officers may be elected to more than one term of office.

C. Committees

LACT may establish a Steering Committee. The Steering Committee shall consist of the Chair, Vice-Chair, the ODOT Area 5 Manager and up to five (5) other primary voting members of LACT elected by the voting members of LACT. Duties of the Steering Committee include development of meeting agendas, development and monitoring of a Work Plan, and mentoring of new members.

LACT may form other standing or *ad hoc* committees as needed, for example, a Technical Advisory Committee. Committees may develop options and make recommendations, but policy decisions must be made by the voting members of LACT.

D. Work Plan & Report

LACT shall develop and adopt a Work Plan. The Work Plan can be amended at any time.

Accomplishments, based on the Work Plan and other achievements, shall be reviewed at least once every two years and a Report prepared. The Report shall review how well LACT is functioning, including staffing, public participation, and coordination with other entities. The Report shall be provided to the OTC.

E. Meetings

LACT will hold monthly meetings at a regularly scheduled time, unless it determines there is no need to meet.

All meetings will be held within the geographic boundaries of LACT. Meetings can sometimes be held at different locations in the Area in order to experience transportation issues first hand. Meeting field trips may be made a part of the regular meeting to allow greater community input on local issues and priorities.

When urgent business must be conducted, the Steering Committee may call a special meeting with 10 days advance notice.

F. Public Involvement

LACT will develop a Public Participation Plan. At least once every two years as part of its regular Report, LACT shall review the effectiveness of its public participation efforts.

In order to fulfill its advisory role in prioritizing transportation problems and solutions and recommending projects, the LACT will involve the public and stakeholders in its decision making process, as prescribed in its Public Involvement Plan. As LACT considers local, regional and statewide transportation issues, it will provide public information and involves the public in its deliberations. To comply with federal environmental justice requirements, the public involvement process will include a strategy for engaging minority and low-income populations in transportation decision-making.

LACT will look for opportunities to engage representatives of key interests as voting members, non-voting members, or invited guests, as appropriate.

VI. COORDINATION

LACT will communicate and coordinate with others that may have transportation related knowledge or interest in the Area. Working with a broad representation of stakeholder groups will help provide a balance between local/regional priorities and statewide priorities.

LACT will jointly develop Coordination Protocols with CLMPO.

LACT will provide regular notice to nearby ACTs, and look for opportunities to coordinate. LACT supports a joint annual meeting of all ACTs within ODOT Region 2.

As part of its regular Report, LACT shall review how it coordinates with other bodies and interests.

VII. AMENDMENTS

LACT defines its manner of conducting business through agreed upon Bylaws. Recommendations to repeal, amend, add to or replace these Bylaws may be made by consensus—or by an 80% supermajority—of all voting members. Such changes shall be presented at one LACT meeting, acted upon at the subsequent meeting, and effective the following meeting.

VIII. GLOSSARY