

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO CODE ) Ordinance No. 07-1151  
SECTION 2.19.080 TO CHANGE THE COMPOSITION )  
OF THE METRO POLICY ADVISORY COMMITTEE ) Introduced by Chief Operating Officer  
("MPAC") AND TO AMEND THE MPAC BYLAWS ) Michael Jordan with the concurrence of  
AND DECLARING AN EMERGENCY ) Council President David Bragdon

WHEREAS, MPAC was created and its composition defined by the Metro Charter § 26(1) "Creation and Composition"; and

WHEREAS, the Metro Charter § 26(2) "Change of Composition" allows a change of composition of MPAC by a majority vote of the MPAC members and a majority of all Metro Councilors at any time; and

WHEREAS, the Metro Charter § 26(4) "Bylaws" requires MPAC to adopt bylaws; and

WHEREAS, the Metro Code § 2.19.080(b) defines the membership of MPAC; and

WHEREAS, the Metro Code § 2.19.080(d) authorizes a change of composition of MPAC at any time and requires that the Council action be in the form of an ordinance; and

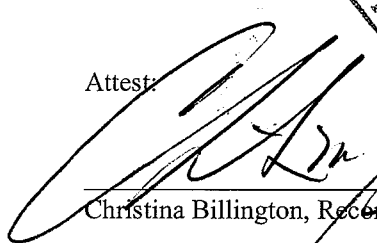
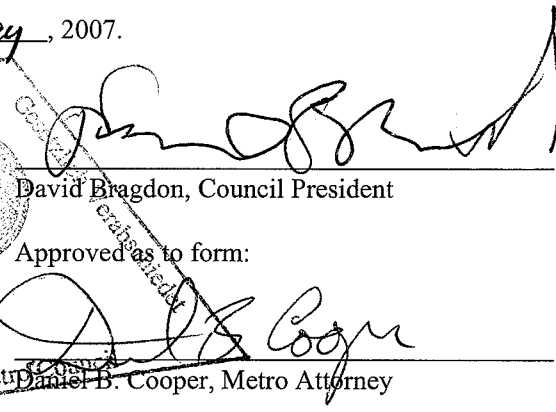
WHEREAS, on April 25, 2007 a majority of the MPAC membership voted to amend the MPAC Bylaws regarding membership.

WHEREAS, a majority of the Metro Council and a majority of the MPAC members wish to change the composition of MPAC; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

- 1. That the Metro Code § 2.19.080 is amended as set forth in Exhibit "A" that is attached and incorporated by reference to this ordinance; and
- 2. That the MPAC Bylaws have been amended consistent with Exhibit "B" that is attached and incorporated by reference to this ordinance.
- 3. This ordinance being necessary for the immediate preservation of the public health, safety, or welfare because, without this Ordinance, MPAC may not be able to achieve a quorum at meetings, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 31<sup>st</sup> day of May, 2007.

Officially Approved  
Regional Council  
METRO COUNCIL  
Attest:   
Christina Billington, Recording Secretary  
Approved as to form:  
  
Daniel B. Cooper, Metro Attorney  
David Bragdon, Council President

**Exhibit "A" to Ordinance No. 07-1151**

2.19.080 Metro Policy Advisory Committee (MPAC)

(a) Purpose. The purpose of MPAC is to advise the Metro Council and perform the duties assigned to it by the Metro Charter and to perform other duties that the Metro Council shall prescribe.

(b) Membership. The members of MPAC include:

1. Voting Members:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing body of a school district	1
<del>State Agency Growth Council</del>	<del>1</del>
<del>Clark County</del>	<del>1</del>
<del>City of Vancouver</del>	<del>1</del>
<del>Port of Portland</del>	<del>1</del>
TOTAL	<u>2521</u>

2. Non-voting members:

<u>Oregon Dept of Land Conservation and Development</u>	<u>1</u>
<u>Clark County</u>	<u>1</u>
<u>City of Vancouver</u>	<u>1</u>
<u>Port of Portland</u>	<u>1</u>
<u>City in Clackamas County outside UGB</u>	<u>1</u>
<u>City in Washington County outside UGB</u>	<u>1</u>
<u>TOTAL</u>	<u>6</u>

(c) MPAC may provide in its bylaws for the creation of a Technical Advisory Committee, which may make recommendations to MPAC.

(d) A vote of both a majority of the MPAC members and a majority of all councilors may change the composition of MPAC at any time. The Council action shall be in the form of an ordinance and shall amend this code section. The MPAC bylaws shall govern the terms of its members.

## Exhibit “B” to Ordinance No. 07-1151

### METRO POLICY ADVISORY COMMITTEE (MPAC) BY-LAWS

Approved March 13, 1996; Revised March 26, 1997; May 1998; September, 1999; October, 2000; November, 2000; June, 2001; March 12, 2003; [April 25, 2007](#)

#### ARTICLE I

This Committee shall be known as the METRO POLICY ADVISORY COMMITTEE (“MPAC”) created by Section 27 of the 1992 Metro Charter.

#### ARTICLE II MISSION AND PURPOSE

**Section 1.** The MPAC shall perform the duties assigned to it by the 1992 Metro Charter and any other duties the Metro Council prescribes.

**Section 2.** The purposes of MPAC are as follows:

- a. MPAC shall perform those duties required by the Charter, including:
  1. Providing consultation and advice to the Council on the Regional Framework Plan (Section 5 (2));
  2. Providing consultation and advice to the Council on the possible inclusion in the Regional Framework Plan of other growth management and land use planning matters, determined by the Council to be of metropolitan concern, which will benefit from regional planning, other than those specifically identified in Charter Section 5 (2) (b);
  3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Section 5 (2) (d));
  4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters;
  5. Providing advice to the Council before it adopts an ordinance authorizing provision or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)); and
  6. Providing advice to the Council on a study of the Portland Metropolitan Area Local Government Boundary Commission (Section 7 (5)).
- b. Other duties prescribed by the Council.

**ARTICLE III  
COMMITTEE MEMBERSHIP**

**Section 1. Membership**

a. The Committee will be made up of representative of the following [voting and non-voting members](#):

**1. Voting Members:**

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing Body of a School District	1
<del>State Agency Growth Council</del>	<del>1</del>
<del>Clark County</del>	<del>1</del>
<del>City of Vancouver</del>	<del>1</del>
<del>Port of Portland</del>	<del>1</del>
<b>Total</b>	<b><u>2521</u></b>

**2. Non-voting members:**

<a href="#">Oregon Dept of Land Conservation and Development</a>	<a href="#">1</a>
<a href="#">Clark County</a>	<a href="#">1</a>
<a href="#">City of Vancouver</a>	<a href="#">1</a>
<a href="#">Port of Portland</a>	<a href="#">1</a>
<a href="#">City in Clackamas County outside UGB</a>	<a href="#">1</a>
<a href="#">City in Washington County outside UGB</a>	<a href="#">1</a>
<b><u>Total</u></b>	<b><u>6</u></b>

b. Except as provided in Section 2 voting Mmembers and alternates representing jurisdictions shall be appointed from among members of the governing body. All voting jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.

c. Non-voting members or alternates may either be members of the governing body of a jurisdiction or serve as a Chief Operating Office or Planning Director or equivalent.

~~ed.~~ Alternates ~~qualified to be members~~ shall ~~be appointed to~~ serve in the absence of the regular members.

~~de.~~ Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.

~~e.~~ ~~Clark County, Washington, and City of Vancouver, Washington membership includes all duties of MPAC except approving or disapproving authorization for Metro to provide or regulate a local service, as defined in Charter section 7(2), in those cases in which Metro does not seek or secure such approval directly from the voters.~~

f. The composition of the MPAC may be changed at any time by a vote of both a majority of the MPAC members and a majority of all Metro Councilors (Metro Charter, Section 27 (2)).

## **Section 2. Appointment of Members and Alternates**

a. ~~Members and alternates will be initially appointed to serve for two years.~~ Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, and the second largest cities of Clackamas and Washington counties shall be appointed by the jurisdiction. ~~Members and alternates may be removed by the appointing jurisdiction at any time.~~

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, other than those directly entitled to membership, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

- d. Metro Council delegates will be appointed by ~~the Presiding Officer of~~ the Metro Council President and will represent each county in the region. The delegates may be removed by the ~~Presiding Officer of the Metro~~ Council President at any time.
- e. Members and alternates representing citizens will be appointed by the Metro ~~Executive Officer~~ Council President and confirmed by the Metro Council consistent with Section 27(1)(m) of the 1992 Metro Charter and will represent each county in the region. Members and alternates will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. Members and alternates may be reappointed. Terms of the members and alternates will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.
- g. Members and alternates from the ~~State Agency Growth Council~~ Land Conservation and Development Commission will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time. ~~The member and alternate will serve as non-voting members.~~
- h. Members and alternates from the Port of Portland will be appointed by the governing body of that organization. The member and alternate will serve until removed by the governing body.
- i. The member and alternate from the school boards in the Metro Region will be appointed by a caucus or organization of school boards from districts within the Metro region. If there is no caucus or organization of school boards within the region, the Executive Officer will facilitate the appointment by the school boards. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. The member and alternate will be from different school districts in the Metro Region. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.
- j. Appointments of all members and alternates shall become effective upon the appointing authority giving written notice addressed to the Chair of MPAC and filing the notice with the Clerk of the Metro Council. The determination of the relative size of cities shall be based on the official population estimates for Oregon issued by the Center for Population Research and Census, School of Urban and Public Affairs, Portland State University. If the official population estimates result in a change in the relative population of a city entitled to membership, then the term of membership of the affected city or cities shall terminate 90 days after the release of the official estimate and new member(s) shall be appointed as provided by these by-laws. Members and alternates may be removed by the appointing authority at any time.

**ARTICLE IV  
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM**

- a. A regular meeting date, time and place of MPAC shall be established by the MPAC Chair. Special or emergency meetings may be called by the Chair or a third of the members of MPAC.
- b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of MPAC, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7 (2) of the 1992 Metro Charter. In these cases a majority vote of all voting MPAC members is required.
- c. Subcommittees or advisory committees to develop recommendations for MPAC may be appointed by the Chair and ratified by MPAC. At a regularly scheduled meeting MPAC shall approve subcommittee membership and MPAC members and/or alternates and outside experts. The Chair of any citizen advisory committee shall neither be the Chair of MPAC nor be an MPAC member, except upon the agreement of a majority of the advisory committee membership. MPAC members of any citizen advisory committee of MPAC shall participate on a nonvoting basis.  
The Metro Technical Advisory Committee (“MTAC”) is an advisory committee to MPAC. Its purpose shall be to provide MPAC with technical recommendations on growth management subjects as directed by MPAC. MTAC shall have the following representation:

Each county government	1
City of Portland	1
Largest city in each county (not including Portland)	1
Second largest city in Clackamas County	1
Second largest city in Washington County	1
Other cities in each county	1
Citizen representative from each county to be represented by the respective county’s Committee for Citizen Involvement	1
Tri-Met	1
Oregon Department of Land Conservation and Development	1
Oregon Department of Transportation	1
Port of Portland	1
A commercial and industrial contractor association (“AGC”)	1
A residential contractor association (“HBA”)	1
A private economic development association	1
A public economic development association	1
A land use advocacy organization	1
An environmental organization	1
A school district	1
Water Resource Policy Advisory Committee (“WRPAC”)	1
A sanitary sewer and/or storm drainage agency (“WRPAC”)	1
An architect association (“AIA”)	1



A landscape architect association (“ASLA”)	1
Electric utilities	1
Natural gas utilities	1
Telecommunication utilities	1
Metro representative from the Planning Dept who shall serve as chair (non-voting)	1
An affordable housing advocacy organization	1
Clark County, Washington	1
Vancouver, Washington	1

Each jurisdiction or organization named shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures. If any membership category (member and alternate) is absent for three (3) consecutive MTAC meetings, the representatives shall lose their voting privilege. MTAC members who acquire non-voting status may regain their voting status after attending three (3) consecutive MTAC meetings. A quorum for MTAC meetings shall be a simple majority of voting MTAC members. MTAC shall provide MPAC with observations concerning technical, policy, legal and process issues along with implementation effects of proposed growth management issues, including differing opinions, with an emphasis on providing the broad range of views and likely positive and negative outcomes of alternative courses of action. MTAC may adopt its own bylaws provided they are consistent with MPAC bylaws and are approved by a majority vote of MTAC members.

- d. All meetings shall be conducted in accordance with ROBERT’S RULES OF ORDER, Newly Revised.
- e. MPAC may establish other rules of procedure as deemed necessary for the conduct of business.
- f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to notify the appointing body with a request for remedial action.
- g. MPAC shall make its reports and findings, including minority reports, public and shall forward them to the Metro Council.
- h. MPAC may receive information and analysis on issues before it from a variety of sources.
- i. MPAC shall provide an opportunity for the public and the Metro Committee for Citizen Involvement (“Metro CCI”) to provide comment on relevant issues at each of its regularly scheduled meetings.
- j. MPAC shall provide a minimum of seven days notice to members of any regular or special meetings.
- k. MPAC shall abide by ORS Chapter 192, which provides for public records and meetings.

**ARTICLE V  
OFFICERS AND DUTIES**

- a. A Chair, 1<sup>st</sup> Vice-Chair, and 2<sup>nd</sup> Vice-Chair shall be elected by a majority of the voting members for a one year term of office ending in January of each year. A vacancy in any of these offices shall be filled by a majority vote of MPAC, for the remainder of the unexpired term.
  - 1. Nominations shall be received at the first meeting in January for chair, first vice chair and second vice chair.
  - 2. The first Vice-Chair shall become Chair following the completion of the Chair's term.
  - 3. The second vice chair shall be a rotating position to keep balance for a) county/geographic representation; and/or b) city/county/special district representation after the previous year's first vice chair moves up to chair and the first vice chair is selected.
- b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of MPAC's business. Three members can cause a special meeting to be called with a minimum of seven days notice.
- c. In the absence of the Chair, the 1st Vice-Chair, and then the 2nd Vice-Chair shall assume the duties of the Chair.

**ARTICLE VI  
AMENDMENTS**

- a. These by-laws may be amended by a majority vote of the MPAC membership, except that Article III related to the MPAC membership may not be amended without the concurrence of the majority of the Metro Council.
- b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

## STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 07-1151, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 2.19.080 TO CHANGE THE COMPOSITION OF THE METRO POLICY ADVISORY COMMITTEE ("MPAC") AND TO AMEND THE MPAC BYLAWS AND DECLARING AN EMERGENCY

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Date: 5/2/07

Prepared by: Kim Bardes

### BACKGROUND

Because of heavy absences at the Metro Policy Advisory Committee (MPAC) during the 2005 and 2006 calendar years, there were numerous meeting at which the body could not conduct business due to lack of quorum. This led to MPAC creating a subcommittee in 2007 to review their bylaws and take a close look at procedures and quorum requirements. It was proposed by an MPAC subcommittee to reduce the number of voting members needed in order to form a quorum. New bylaws have been drawn up to reflect the changes approved by the MPAC membership. An emergency clause has been added so that the changes can be effective immediately in order to assist MPAC to achieve a quorum at meetings.

### ANALYSIS/INFORMATION

1. **Known Opposition:** There is no known opposition.
2. **Legal Antecedents:** Metro Code 2.19.080 Metro Policy Advisory Committee (MPAC)
3. **Anticipated Effects:** It is hoped that the new bylaws will allow more frequent and efficient general operation of MPAC committee business.
4. **Budget Impacts:** No budget impacts perceived.

### RECOMMENDED ACTION

MPAC recommends that the Metro Council adopt the newly proposed Metro Policy Advisory Committee bylaws.