

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ARTICLE)	RESOLUTION NO. 11- 4273
III OF THE METRO POLICY ADVISORY)	
COMMITTEE (“MPAC”) BYLAWS)	Introduced by Acting Metro Chief Operating
)	Officer Dan Cooper with Concurrence by
)	Council President Tom Hughes

WHEREAS, the Metro Policy Advisory Committee (MPAC) was created by the Metro Charter Section 26, and

WHEREAS, the Metro Charter Section 26 (1) and Metro Code Section 2.19.080(b) define the membership of MPAC, and

WHEREAS, the Metro Charter Section 26 (2) “Change in Composition” and the Metro Code Section 2.19.080(d) state that a vote of both the majority of MPAC members and a majority of all Metro councilors may change the composition of MPAC at any time; and

WHEREAS, on May 11, 2011 MPAC unanimously approved and recommended to the Metro Council those changes to Article III “Committee Membership” of the MPAC by-laws attached hereto as Exhibit A and incorporated herein; now therefore

BE IT RESOLVED that the Metro Council adopts the changes to the MPAC bylaws as recommended by MPAC as set forth in Exhibit A attached hereto and incorporated herein.

ADOPTED by the Metro Council this _____ day of June 2011.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Acting Metro Attorney

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; June 24, 2009; , 2011

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 Metro Charter, including:
 1. Providing consultation and advice to the Council on the Regional Framework Plan (Metro Charter 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 Metro Charter Section 5 (2) (b);
 3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Metro Section 5 (2) (d));
 4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Metro Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters; and
 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 Metro Charter (Section 7 (3)).
- b. Other duties prescribed by the Council.

**ARTICLE III
COMMITTEE MEMBERSHIP**

Section 1. Membership

a. The Committee will be made up of ~~representative~~representatives 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
Total	21

2. Non-voting members:

Oregon Dept of Land Conservation and Development	1
Clark County	1
City of Vancouver	1
Port of Portland	1
City in Clackamas County outside UGB	1
City in Washington County outside UGB	1
Total	6

b. Except as provided in Section 2 voting members 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.

d. Alternates shall serve in the absence of the regular members.

- e. Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.
- 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 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.
- 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 ~~appointed to designated terms of a length to be determined~~ serve until either he or she leaves office or is replaced by an appointment by the ~~appointing authority, but for a period of not less than two years~~ governing bodies of those cities represented. 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~~ serve until the governing bodies of those cities represented have appointed or re-appointed representatives.
- c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed ~~by special district caucuses jointly by the governing bodies of those districts represented.~~ The member and alternate will be ~~appointed to designated terms of a length to be determined by the appointing authority, but for a period~~ from different organizations. The member and alternate will serve until either he or she leaves the district or is replaced by an appointment by the governing bodies of not less than two years ~~those district represented.~~ 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~~ serve until the governing bodies of those district represented have appointed or re-appointed a representative.
- d. Metro Council delegates will be appointed by the Metro Council President ~~and will represent each county in the region.~~ The delegates may be removed by the Council President at any time.
- e. Members and alternates representing citizens will be appointed by the Metro Council President and confirmed by the Metro Council consistent with Section ~~2726~~ 2726(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.

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- 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 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.
- 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 jointly by ~~a caucus or organization~~the governing bodies of the 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~~represented. The member and alternate will be from different districts. 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~~serve until either he or she leaves office or is replaced by an appointment by the governing bodies of those school districts represented. 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~~serve until the governing bodies of those school districts represented have appointed or reappointed representatives.
- 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, or alternative official population estimates if that source ever ceases estimating population. 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
A special district	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

Non-Voting Chair 1

Citizen Representatives (one from each county) 3

Local Jurisdictions:

Cities (one from each below) 10

- City of Portland
- Largest city in each county (not including Portland)
- Second largest city in Clackamas County
- Second largest city in Washington County

• <u>Other cities in each county</u>	
• <u>Vancouver, Washington</u>	
Counties (one from each below)	4
• <u>Multnomah</u>	
• <u>Washington</u>	
• <u>Clackamas</u>	
• <u>Clark</u>	
State Agencies: (one from each below)	2
• <u>ODOT</u>	
• <u>DLCD</u>	
Service Providers: (one from each below)	6
• <u>Water and Sewer</u>	
• <u>Parks</u>	
• <u>School Districts</u>	
• <u>Private Utilities</u>	
• <u>Port of Portland</u>	
• <u>TriMet</u>	
Private Economic Development Association	1
Public Economic Development Association	1
Other Organizations: (one from each below)	8
• <u>Land Use</u>	
• <u>Environmental</u>	
• <u>Housing Affordability</u>	
• <u>Residential</u>	
• <u>Redevelopment/Urban Design</u>	
• <u>Commercial/Industrial</u>	
• <u>Green infrastructure, design & sustainability</u>	
• <u>Public Health & Urban Form</u>	
Total	36
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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, and a minimum of three days notice for emergency meetings.
- k. MPAC shall abide by ORS Chapter 192, which provides for public records and meetings.

ARTICLE V OFFICERS AND DUTIES

- a. A Chair, 1st Vice-Chair, and 2nd 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~~may be received at the first meeting in January for ~~chair, first vice-chair~~Chair, First Vice Chair and ~~second vice-chair~~Second Vice Chair.
 - 2. The ~~first~~First Vice-~~Chair~~ shall become Chair following the completion of the Chair’s term, unless a majority of MPAC elects a different member to serve as Chair.

~~3. The second vice chair~~ 3. The Second Vice Chair shall become the first Vice Chair following the completion of the first Vice-Chair's term, unless a majority of MPAC elects a different member to serve as first Vice-Chair.

i. 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. The Chair may establish or utilize a Coordinating Committee comprised of the three officers and the Metro Council responsible for long-term planning of MPAC business and agendas. 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 RESOLUTION NO. 11-4273, FOR THE PURPOSE OF AMENDING ARTICLE III OF THE METRO POLICY ADVISORY COMMITTEE (“MPAC”) BYLAWS

Date: June 21, 2011

Prepared by: Sherry Oeser, x1721
Kelsey Newell, x1916

BACKGROUND

Over the past year Metro Policy Advisory Committee (MPAC) members and staff have identified a series of potential changes to the MPAC Bylaws. The proposed changes impact Bylaws’ Articles II, III, and IV regarding the committee’s mission and purpose, membership appointment and recruitment, and MPAC’s technical committee, the Metro Technical Advisory Committee (MTAC), membership. Exhibit A to the resolution outlines each of the proposed amendments.

On April 8, 2011, staff distributed a 30-day notice of the proposed changes to MPAC members and alternates for their review and consideration. On May 11, 2011 MPAC had a thorough discussion and unanimously approved all of the proposed amendments with a note that Metro consider diversity when appointing representatives to MPAC and other planning forums. While the committee’s action approved the proposed amendments, according to the Metro Charter 26(2) *Change in Composition* and the Metro Code Section 2.19.080(d), a majority vote by both MPAC and the Metro Council is required to make changes to Article III, *Committee Membership*. The Metro Council is not required to approve any amendments to MPAC Bylaws, Articles I, II, IV, V or VI.

Council approval of this resolution would serve as the final step in adopting Article III of the MPAC Bylaws. The proposed amendments for Council consideration are denoted in **bold** redline in Exhibit A.

ANALYSIS/INFORMATION

1. **Known Opposition** None known at this time.
2. **Legal Antecedents**
 - Metro Charter, Section 26 created MPAC;
 - Metro Charter Section 26 (1) and Metro Code Section 2.19.080(b) define the membership of MPAC; and
 - Metro Charter Section 26 (2) “Change in Composition” and the Metro Code Section 2.19.080(d) state that a vote of both the majority of MPAC members and a majority of all Metro councilors may change the composition of MPAC at any time.
3. **Anticipated Effects** The proposed amendments would be adopted and effective immediately.
4. **Budget Impacts** None.

RECOMMENDED ACTION

Recommend approval of Resolution No. 11-4273.