



M E T R O

To: Planning Committee
Interested Parties

From: Gail Ryder, Senior Council Analyst

Date: September 14, 1993

Re: JPACT Bylaws Requirements

Metro, as the region's designated metropolitan planning organization (MPO)¹, has the primary responsibility for transportation planning in the region. These regulations require that principal elected officials of general purpose local governments be represented on the MPO to the extent agreed to among the units of local government and the governor. The Joint Policy Advisory Committee on Transportation (JPACT) was created to fulfill this requirement.

On July 12, 1990 in Resolution 90-1189, the Council approved Bylaws for JPACT (attached). Among the principal duties of JPACT is "to approve and submit to the Metro Council for adoption" the following:

- a) the Regional Transportation Plan (RTP) and periodic amendments;
- b) short and long-range growth forecasts and periodic amendments upon which the RTP and other Metro functional plans will be based;
- c) the Unified Work Program (UWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area;
- d) the Transportation Improvement Program (TIP) and periodic amendments; and
- e) the transportation portion of the State Implementation Plan for Air

¹Title 23, Code of Federal Regulations, Part 450, and Title 45, Part 613.

Quality Attainment for submission to the Oregon Department of Environmental Quality.

In addition to responsibility for "review and comment" on a number of items, JPACT is also directed. . .

- f) to periodically adopt positions that represent the consensus agreement of the governments throughout the region on transportation policy matters, including adoption of regional priorities on federal funding, the Surface Transportation Act, the Six-Year Highway Improvement Program priorities and regional priorities for LRT funding (emphasis added).

On final decisions regarding items c), d), e), and f) above, the Metro Council is required under the Bylaws to "adopt the recommended action or refer it back to JPACT with a recommendation for amendment." The Bylaws are silent regarding the nature of any recommendation for amendment. They are also silent on the question of severing a portion of a decision and forwarding the remaining portion of the recommendation to Council for approval.

On the advice of the Metro Planning Director, who also acts as staff to JPACT, on August 24 the Planning Committee severed a portion of the recommendation from JPACT and recommended and received Council approval of an amended version of Resolution 93-1829, the endorsement of the region's priority FY 95-97 Congestion Mitigation/Air Quality (CMAQ) Program projects. The amendment to the resolution removed Project 032 from Exhibit A for further review by the Council Planning Committee.

The purpose of agenda item 8 for tonight's Planning Committee meeting is for further discussion regarding of Project 032 - Cedar Hills Boulevard, and several others (e.g., Barbur Boulevard; Hillsdale Highway) and to consider recommending the inclusion of additional projects on the contingency list, Exhibit B.

I have discussed the August 24 action of the committee with Larry Shaw, Senior Assistant Counsel. We both agree that a recommendation for amendment to JPACT is necessary under f) of the JPACT Bylaws. We further agree that the decision on the part of the committee, following advise from JPACT staff, to sever a portion of a JPACT recommendation is not without precedence. Department staff agrees that the precedent was set by an earlier decision and is checking to determine the exact decision.

Attachment

EXHIBIT A

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
(JPACT)

BYLAWS

ARTICLE I

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

ARTICLE II
MISSION

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

ARTICLE III
PURPOSE

Section 1. The purpose of JPACT is as follows:

a. To provide the forum of general purpose local governments and transportation agencies required for designation of the Metropolitan Service District as the metropolitan planning organization for the Oregon urbanized portion of the Portland metropolitan area and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.

b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.

c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

d. (Pending establishment of an Urban Arterial Fund) To establish the program of projects for disbursement from the Urban Arterial Fund.

Section 2. In accordance with these purposes, the principal duties of JPACT are as follows:

a. To approve and submit to the Metro Council for adoption the Regional Transportation Plan (RTP) and periodic amendments.

b. To approve and submit to the Metro Council for adoption short and long-range growth forecasts and periodic amendments upon which the RTP and other Metro functional plans will be based.

c. To approve and submit to the Metro Council for adoption the Unified Work Program (UWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

d. To approve and submit to the Metro Council for adoption the Transportation Improvement Program (TIP) and periodic amendments. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

e. To approve and submit to the Metro Council for adoption the transportation portion of the State Implementation Plan for Air Quality Attainment for submission to the Oregon Department of Environmental Quality. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

f. To periodically adopt positions that represent the consensus agreement of the governments throughout the region on transportation policy matters, including adoption of regional priorities on federal funding, the Surface Transportation Act, the Six-Year Highway Improvement Program priorities and regional priorities for LRT funding. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

g. To review and comment on the RTP and TIP for the Clark County portion of the metropolitan area and include in the RTP and TIP for the Oregon urbanized portion of the metropolitan area a description of issues of bi-state significance and how they are being addressed.

h. To review and comment, as needed, on the regional components of local comprehensive plans, public facility plans and transportation plans and programs of ODOT, Tri-Met and the local jurisdictions.

ARTICLE IV
COMMITTEE MEMBERSHIP

Section 1. Membership

a. The Committee will be made up of representatives of the following jurisdictions and agencies:

City of Portland	1
Multnomah County	1
Washington County	1
Clackamas County	1
Cities of Multnomah County	1
Cities of Washington County	1
Cities of Clackamas County	1
Oregon Department of Transportation	1
Tri-Met	1
Port of Portland	1
Department of Environmental Quality	1
Metropolitan Service District (Metro)	3
State of Washington	<u>3</u>

TOTAL 17

b. Alternates may be appointed to serve in the absence of the regular members.

c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the represented cities of each county (except Portland) and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population constitutes the majority of the population of all the cities represented for that county. The member and alternate will serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The

member and alternate will periodically consult with the appropriate transportation coordinating committees for their area.

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (Tri-Met and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency.

e. Members and alternate from the Metropolitan Service District will be elected officials and will be appointed by the Presiding Officer of the Metro Council in consultation with the Metro Executive Officer and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Presiding Officer of the Metro Council.

f. Members and alternate from the State of Washington will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington County members will be selected by the IRC Transportation Policy Committee.

ARTICLE V MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full Committee shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to one (1) vote. The chairperson shall vote only in case of a tie.

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

ARTICLE VI OFFICERS AND DUTIES

a. The chairperson and vice-chairperson of the Committee shall be designated by the Metro Presiding Officer.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

ARTICLE VII RECOGNITION OF TPAC

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

ARTICLE VIII
AMENDMENTS

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote 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 or repeal Bylaws.