

Metro | Agenda

Meeting: Smith and Bybee Wetlands Advisory Committee (SBAC)
Date: Tuesday, July 22, 2014
Time: 5:30 p.m. – 7:30 p.m.
Place: Metro Regional Center – Room 270
600 NE Grand Ave, Portland Oregon 97232

5:30 p.m.	Welcome and introductions	All
5:35 p.m.	Approve SBAC April 22, 2014 meeting minutes	Troy Clark
5:40 p.m.	Finalize SBAC Bylaws	Patt Opdyke
7:15 p.m.	General updates	All
7:30 p.m.	Adjourn	

Upcoming SBAC meetings:

Tuesday, September 23, 2014 at the Metro Regional Center
Tuesday, November 25, 2014 at the Metro Regional Center

For agenda/schedule information, contact Ally Gregg-Zellars at 503.797.1545 or ally.gregg-zellars@oregonmetro.gov

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Smith and Bybee Wetlands Advisory Committee

July 22, 2014

Committee members in attendance

Sara Henderson*St. Johns Neighborhood Association
Dan Moeller*Metro, Sustainability Center
Patt Opdyke *North Portland Neighbors
Troy Clark*Audubon Society of Portland (Chair)
Carrie Butler*Port of Portland (Vice Chair)
Pam Arden*40 Mile Loop Trust
Eric Tonsager *Oregon Bass and Panfish Club
Dale Svart*Friends of Smith & Bybee Lakes
Dave Helzer*City of Portland, Bureau of Environmental Services
Lynn Barlow*City of Portland, Parks and Recreation

Others in attendance

Ally Gregg-ZellarsMetro, Sustainability Center

Committee members not in attendance

Susan Barnes*Oregon Department of Fish and Wildlife
Bill Briggs*ORRCO
Jane Van Dyke*Columbia Slough Watershed Council

*Denotes voting Smith and Bybee Wetlands Advisory Committee member.

Welcome

Introductions were made, as Ally Gregg-Zellars replaced Carrie Belding as the administrative support for the Committee. The group briefly reviewed the minutes from the April meeting. Dale Svart noted he was listed as present for the last meeting, when he was actually not in attendance – this will be corrected.

With the exception of Dale’s change, the minutes from the April meeting were approved as written.

Committee Bylaws

The group reviewed, discussed and made final changes to the draft Committee Bylaws that had been sent out by Patt Opdyke following the previous meeting. The version they edited during the meeting is included as **Attachment 1**.

Patt shared suggested changes that were provided by Metro attorney, Hope Whitney. The group discussed the changes and accepted most of them. A few of the changes require further clarification.

- Article I, Section 2 of the Bylaws refers to the “Smith and Bybee Wetlands Fund” – Dan Moeller will confirm with Metro financing that this is the name on file for the fund.
- Several members shared concern around the suggested changes for Article VI, Section 1. This section is taken directly from an appendix of the Comprehensive Natural Resource Plan (CNRP) and the group feels the language should be consistent. Dan will share this concern with Hope. Carrie Butler suggested that if Hope is uncomfortable with this, the group may want to add an addendum to the Bylaws.

After a lively discussion on Article 2, Section 2, the group agreed that voting member status will be held to the two un-notified absences rule identified in the *Absences and Revoking of Voting Status* paragraph, and the *Temporary Loss of Right to Vote* paragraph is to be completely removed.

An announcement will be sent out to all Committee members and organizations with the approved set of Bylaws and include a fair notice about the absences and voting status changes.

Dale motioned to vote on approving the Bylaws; Pam seconded the motion. All were in favor of passing the Bylaws.

Updates

Lynn Barlow shared that Portland Parks and Recreation (Parks) is removing itself from the Committee. Parks owns one tax lot at the site, which is managed by Metro, and the trail will be passed off to Metro for future management as well. Parks feels that participation in the Committee is no longer necessary, as it has no management responsibilities, an intergovernmental agreement (IGA) with Metro, and a strong working relationship with Metro. Parks agreed that it will attend future meetings for technical advisory when requested. Lynn will remain on the minutes list to remain knowledgeable of Committee happenings.

Lynn will send a formal letter of resignation to Troy.

Dave Helzer asked for an update on Elaine Stewart's work related to channel connectivity and the draining of Smith Lake – Dan will ask Elaine to provide a status update on this and it will be sent out to the group with the meeting minutes.

Troy and Dale shared concerns around herbicide treatments and the presence of young chorus frogs. Dan offered to check on this and send a response to the group after connecting with Elaine.

Troy requested to hear more about the invasive species spraying strategy at the next meeting. Dan suggests having Elaine provide a summary on this topic for the next Committee meeting.

Next meeting: September 23, 2014

The meeting adjourned at 7:36 p.m.

Minutes recorded by Ally Gregg-Zellars.

BYLAWS OF SMITH AND BYBEE WETLANDS ADVISORY COMMITTEE

ARTICLE I — NAME AND PURPOSE

Section 1: Name

The name of the Committee shall be Smith and Bybee Wetlands Advisory Committee (the Committee), a standing advisory committee to the Metro Council on matters relating to the Smith and Bybee Wetlands Natural Area.

Section 2: Purpose

The purpose of the Committee is to keep the vision established by the 1993 Natural Resource Management Plan and updated by the 2011 Comprehensive Natural Resource Management Plan (CNRP). The Committee shall advise on the implementation of the CNRP and provide guidance, partnership, and assistance on implementing the plan. The Committee's responsibilities include, but are not limited to:

1. Provide leadership and response to area land use actions that may have an effect on the Smith and Bybee Wetlands Natural Area;
2. Support the financial strategy by developing partnerships, advocating for grants and otherwise leveraging the Smith and Bybee Wetlands Fund (the Fund);
3. Communicate and serve as a liaison to adjacent property owners and stakeholders to strengthen community investment in the Smith and Bybee Wetlands Natural Area;
4. Review projects, monitor results, and correlate to stated CNRP objectives;
5. Recommend and/or review properties to be added to the Smith and Bybee Wetlands Natural Area based on their environmental, educational, or recreational value;
6. Support educational and community outreach events promoting Smith and Bybee Wetlands Natural Area as a unique community resource;
7. Review, discuss and advise Metro on the annual budget for the Fund, the annual work plan and work plan budget; and
8. Serve as a sounding board for management actions that are outside the annual work plan and have an impact on either conservation goals or visitor experience.
9. Participate in the update process for the CNRP every 10 years as the chief sponsor and liaison for projects slated to occur in the Smith and Bybee Wetlands Natural Area in the new period.

ARTICLE II — MEMBERSHIP

Section 1 - Membership

The Committee shall include, but not be limited to, representatives of the following organizations:

1. City of Portland, Portland Parks and Recreation (resigned July 22,2014)

2. City of Portland, Bureau of Environmental Services
3. Port of Portland
4. Oregon Department of Fish and Wildlife
5. Metro
6. Friends of Smith and Bybee Lakes
7. 40-Mile Loop Land Trust
8. Audubon Society of Portland
9. North Portland Neighborhood Services
10. St. Johns Neighborhood Association
11. Columbia Slough Watershed Council
12. A representative of recreational interests
13. A representative of industries adjacent to the CNRP boundary
14. A representative of private landowners within the CNRP boundary

Section 2 - Membership Rights and Voting Status

1. *Appointment of Representative and Voting Status* - Each stakeholder organization shall be responsible for appointing one voting member to represent the organization's interests and to vote in all Committee decisions.
2. *Appointment of Alternate* - Each stakeholder organization is urged to appoint an alternate representative who may, at his/her discretion, attend Committee meetings but may not vote if the primary voting member is present.
3. *Absences and Revoking of Voting Status* - If an organization's representative or alternate to the Committee has more than two un-notified absences in a twelve month period, the Committee may notify within 14 days in writing the stakeholder organization represented by the member that voting status shall be revoked, effective within 30 days.
4. *Request for Reconsideration* - The stakeholder organization may request reconsideration of the decision to revoke voting status, indicating extenuating circumstances and forwarding the name of a person to serve as a new voting member representing the interests of the stakeholder organization. The written request shall be addressed to the Committee Chair and must be received within 30 days of the letter advising of revocation of voting status. The Committee shall review the circumstances resulting in the loss of voting status. The decision to revoke can be either confirmed or rescinded at the next regularly scheduled meeting of the Committee.
5. *Balance of Stakeholder Representation* - In the event that either a stakeholder organization requests to relinquish voting status or the Committee revokes the voting status of a stakeholder organization, the Committee shall decide whether to approach other potential stakeholders to ensure a balanced representation of interests.

Section 3 – Resignation of Stakeholder Organization

Any stakeholder organization established under Article II, Section 1 of the Bylaws may resign from the Committee by filing a written resignation with the Chair.

Notwithstanding the stakeholder organizations identified in the CNRP and set out under Article II Section 1, organizations may be removed from the membership list of these Bylaws, thereby reducing quorum requirements.

Section 4 - Conflict of Interest

In the interest of transparency, voting members shall disclose to the Committee if the representative's organization or the voting member, personally, may derive benefit from an action taken by the Committee. The stakeholder organization's representative retains the right to vote on the issue before the Committee.

Section 5 – Public Representation of Committee Decisions

Public testimony and/or written representation of Committee recommendations and decisions on behalf of the Committee shall be undertaken by the Chair or voting member(s) designated by the Chair and/or the Committee.

ARTICLE III — MEETINGS

Section 1 - Regular Meeting

Regular meetings of the members shall be held quarterly, at a time and place designated by the Chair. Meetings may occur more frequently as needed.

Section 2 - Oregon Public Meetings Law

The Committee shall be guided by the Oregon Public Meetings Law. To maximize opportunity for involvement of interested parties and members of the public, discussion of issues resulting in a motion and decision by the Committee shall only occur during a Committee meeting at which a quorum is present, except as set out in Article III, Section 8.

Section 3 - Notice of Meetings

1. Printed notice of each meeting shall be given to each voting member and organizations, agencies or individuals who have requested prior notice, by mail or email, not less than two weeks prior to the meeting.
2. Metro shall post notice of Committee meetings in compliance with Oregon Public Meetings Law.

Section 4 – Quorum

A quorum shall be constituted as one half plus one of the voting members and must be present for motions to pass and Committee transactions to take place.

Section 5 – Voting

The Committee shall strive for consensus. However, failing that, all issues to be voted on shall be decided by a simple majority of those present at the meeting in which the vote takes place, provided a quorum of voting members is in attendance. If the vote is tied, a second vote can be asked for. If a tie remains after a second vote, the issue under consideration may carry over to the next regular meeting or a Special Meeting may be requested if the issue requires timely attention.

Section 6 - Minutes of Meeting

A record of all decisions and discussions by the Committee shall be kept by Metro, including a record of votes taken. Minutes shall be distributed to Committee members within two weeks of the meeting for review and correction, if needed.

Section 7 - Non-voting Participation

The Committee shall encourage participation by citizens, technical advisors and interested parties desiring to contribute to discussion on issues before the Committee. Discussion participants do not have voting rights.

Section 8 – Time-Sensitive Decisions and Electronic Polling

1. In the event an issue arises which requires a decision by the Committee prior to the next regularly scheduled meeting and a Special Meeting is not deemed necessary, the Chair shall distribute information by email to voting members. Information shall include
 - a) A brief description of the issue and the time-sensitive necessity for a Committee decision;
 - b) Detailed information of the issue and where additional information may be found;
 - c) A description of the range of actions that may be considered, including that no action be taken; and
 - d) A deadline for Committee members to respond to the Chair with their preferred action; Committee members shall have a minimum of one week to submit their preferred action.
2. The Chair or a Committee member designated by the Chair shall advise Committee members of the results of the electronic polling and proceed to carry out the preferred action with the proviso that the decision shall be ratified by a motion at the next Committee meeting at which a quorum is present.
3. *Exception*: If the Committee delegates to the Chair and/or a designated voting member to take action on an issue on behalf of the Committee, the Chair and/or designate may present recommendations, opinions and/or positions without referral to electronic polling set out above.

Section 9 - Electronic Meetings, Email Discussions and Committee Decisions

1. *Electronic Meetings* - Electronic meetings are not permitted since current technology does not permit the interested parties and other members of the public to easily access and actively participate in electronic meetings.
2. *Email Discussions* - Except as provided for in *Article III, Section 8*, email discussions between meetings shall be for the purpose of sharing information and raising issues only.

ARTICLE IV — ELECTION PROCEDURES FOR OFFICERS

Section 1 – Terms

The Chair and Vice-Chair shall serve two-year terms and are eligible for re-election for up to two consecutive terms. A representative may serve again as Chair or Vice-Chair after an interim of two years out of office. Each term shall start in the third quarter of an even-numbered year.

Section 2 - Officer Elections

Officers shall be elected by a simple majority of the Committee present at the second quarterly meeting of the year.

Section 3 - Election Procedures

Nominations of officers shall be made from the floor by any voting member of standing at the second quarterly meeting of the year.

Section 4 - Officers and Duties

There shall be two officers of the Committee, consisting of a Chair and Vice-Chair. Their duties are as follows:

1. The Chair shall convene regularly scheduled Committee meetings, shall preside or arrange for other members of the Committee to preside at each meeting in the following order: (a) Vice-Chair, (b) other voting members of standing; and
2. The Vice-Chair shall provide support to Special Committees created by the Committee to address matters set out in Article V, Section 1.

Section 5 – Vacancies

When an officer vacates his/her position, the Committee shall receive nominations for the position from the floor followed by an election by simple majority of the Committee members present. Vacancies shall be filled to the end of the vacating officer’s term.

Section 6 – Release from Office

An officer shall be released from office if there are more than two un-notified absences from Committee meetings in a year. The remainder of the officer’s term shall be filled by procedures set out in Article IV Section 5.

Section 7 - Special Meetings

Special Meetings of the Committee shall be called upon the request of the Chair or one-third of the Committee voting members. Notices of Special Meetings shall be sent out by email at least two weeks in advance of the meeting by the Chair to each voting member, other interested parties or individuals who have requested prior notice and in compliance with the Oregon Public Meetings Law.

ARTICLE V — SPECIAL COMMITTEES

Section 1 - Special Committee Formation

The Committee may create Special Committees as needed to address specific issues such as fundraising, community outreach, trails, enhancement projects, research and data collection, etc. Special Committees shall choose their conveners. The Special Committee shall report to the

Committee regularly, summarizing findings and presenting recommendations for the Committee's review and decision.

Section 2 – Dissolution of Special Committee

Special Committees shall dissolve upon completion of the assigned task.

**ARTICLE VI- ADMINISTRATIVE INTERACTIONS
BETWEEN COMMITTEE AND METRO**

Section 1 – Cooperative Relationship between Metro and Committee

The Committee is a valuable asset to Metro's management of the Smith and Bybee Wetlands Natural Area. Metro shall utilize the Committee as a sounding board for management actions which are outside the annual work plan and which have an impact on conservation goals and/or the visitor experience. The Metro Land Manager will represent Metro on the Committee and bring forth all information to the Committee as indicated in the Smith and Bybee Advisory Committee Communications Plan. The Metro Land Manager shall work with the Chair to determine if permit requests or other projects outside of the annual work plan have impacts to conservation goals and/or visitor experience and require review by the Committee. When time permits, such proposals shall be presented at a Committee meeting for discussion and comment.

If management actions that are outside of annual work plan or have impacts to conservation goals and/or visitor experience need to be resolved before the next Committee meeting, the Metro Land Manager shall collaborate with the Committee Chair to determine a course of action and present that action to the Committee at the next meeting.

Section 2 – Actions Requiring Committee Review

Actions that shall require Committee review include, but are not limited to, the following:

1. Changes to trail routes;
2. Changes to the bird blinds or view points;
3. Special-use permit requests that would substantively alter vegetation or the landscape;
4. Special-use permit requests that might draw visitor attention, such as setting up highly visible research plots, exhibits, etc.; and
5. Special-use permit requests for large events, such as paddle tours of the wetlands, running races, a fishing derby, kite festivals and similar activities/events.

Section 3 – Actions Not Requiring Committee Review

Actions that shall not need Committee review include, but are not limited to, those listed below. However, Metro staff may present information about actions, policies and/or proposals voluntarily for the Committee's review.

1. General maintenance or restoration actions identified in the CNRP;
2. Special-use permits for education, research or tours that would not have substantial impact to the resource or would not be unusually visible;
3. Replacement of infrastructure that is a safety concern;

4. Addition of barriers to protect the resource, such as stopping vehicles from illegally accessing the property;
5. Maintaining the water control structure;
6. Adding rule signage or posting information at entry points; and
7. Volunteer work parties.

Section 4- Standing Reports to Committee

The Committee shall receive and discuss reports and information with Metro staff responsible for managing Smith and Bybee Wetlands Natural Area based on priorities established by the CNRP. Information provided shall, at minimum, include:

1. First Quarter Meeting
 - a) Discussion of results of yearly retreat held in the fourth quarter of a calendar year;
 - b) Presentation and discussion of Committee's finalized project priorities and funding strategies for the coming year. In the event that the timing for filing of the grant proposals does not coincide with the first quarter Committee meeting, discussion will be deferred to a subsequent Committee meeting;
 - c) Update on Metro staffing, organizational chart changes, and staff contact list; and
 - d) Update, discussion and comments on proposed projects, permit requests or other changes that may affect the wetlands.
2. Second Quarter Meeting
 - a) Presentation, discussion and comments on the work plan for the coming field season by the Metro scientist responsible for Smith and Bybee Wetlands Natural Area;
 - b) Presentation of the current year's programming plan by the Metro Naturalist assigned to Smith and Bybee Wetlands Natural Area; and
 - c) Update, discussion and comments on proposed projects, permits or other changes that may affect the wetlands.
3. Third Quarter Meeting
 - a) Presentation by the Metro Scientist for Smith and Bybee Wetlands Natural Area on the work completed during the spring and summer field season and a "State of the Wetlands" report;
 - b) Presentation, discussion, and comment on draft work plan for next year's restoration actions including what grant funding will be pursued; and
 - c) Update, discussion and comments on proposed projects, permits or other changes that may affect the wetlands.
4. Fourth Quarter Meeting
 - a) Conduct a half-day retreat to plan the Committee's project and funding priorities for the coming year;
 - b) Discuss other matters including, but not limited to, initiatives and/or outstanding issues the Committee agrees to pursue; and
 - c) Identify and assign tasks and responsibilities to achieve goals.

ARTICLE VII – AMENDMENTS

Section 1- Bylaw Review

Bylaws shall be reviewed by the Committee every three years beginning in 2017.

Section 2 - Amendments to the Bylaws

Proposed amendments shall be submitted to the Chair to be sent out with regular Committee announcements.

Section 3 – Approval of Amendments

Bylaws shall be amended by consensus of the Committee. If consensus cannot be achieved, amendments to the Bylaws shall be decided by a two-thirds majority of those present at the meeting in which the vote takes place, providing a quorum of voting members is in attendance.

These Bylaws were approved at a meeting of the Committee by a two-thirds majority vote on (date)_____.

Troy Clark, Chair
Smith and Bybee Wetlands Advisory Committee

Date