

Memo



Metro

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To: Joint Policy Advisory Committee on Transportation (JPACT) and interested parties

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CC: Councilor Shirley Craddick, JPACT Chair

Subject: JPACT Member and Alternate Appointment Process

Purpose

To provide guidance to cities and counties in the Portland Metro area about appointments to the Joint Policy Advisory Committee on Transportation (JPACT) based on the JPACT bylaws, written and adopted by JPACT and the Metro Council in 1990 and amended in 2008.

Background

Metro is the federally mandated metropolitan planning organization (MPO) designated by the governor to develop an overall transportation plan and to program federal funds. Comprised of transportation representatives from across the region, JPACT recommends priorities and develops plans for the region. Before adopting transportation policies, the Metro Council must consider JPACT's recommendations. Federal law, MAP-21, requires that MPOs representing areas with populations over 200,000 (known as Transportation Management Areas, or TMAs) have a decision-making structure that incorporates input from local elected officials, transit agencies, and appropriate state officials. Across the country, MPO boards vary in size. Federal regulations further define the role of the "policy advisory committee" in terms provide oversight and guidance to the MPO on transportation planning and funding. Metro's Code and the JPACT Bylaws describe the makeup of JPACT membership, and the JPACT Bylaws explain the process for appointment. As explained below, the FHWA and FTA have approved the bylaws, and Metro must demonstrate ongoing compliance.

JPACT Bylaws

In 1990, JPACT and the Metro Council adopted bylaws for JPACT.¹ In or about 2004, the Federal Highway Administration and the Federal Transit Administration recommended reviewing JPACT bylaws and membership to reflect the dramatic changes to the region's area and population.² In response to this recommendation, JPACT prepared and endorsed revisions, which the Metro Council adopted in 2008.

JPACT Membership

Per the JPACT bylaws, JPACT is comprised of 17 members.³ Each jurisdiction or agency has one vote, except both Metro and the State of Washington have 3 votes each. Members are either elected officials or representatives of agencies across the region. A member jurisdiction or agency may also appoint an alternate to serve when the member is absent. The length of term varies by membership and is discussed in

¹ Metro Resolution No. 90-1189A, For the Purpose of Adopting the Joint Policy Advisory Committee on Transportation (JPACT) Bylaws.

² Metro Resolution No. 08-3901, For the Purpose of Amending the Joint Policy Advisory Committee on Transportation (JPACT) Bylaws, staff report.

³ A current version of the Bylaws is attached to this memo.

each section below. The length of term varies by type of membership; terms begin January 1 of each year. Generally speaking, members and alternates represent the policy interests of their jurisdiction. However, for Clackamas County and the Cities of Clackamas County seats there are additional requirements to represent the transit service within the area.

JPACT Member Appointment Process

Article IV of the JPACT Bylaws governs committee membership. Section 1 identifies the specific voting jurisdictions and agencies that are members of JPACT, and the number of votes per jurisdiction/agency.

Section 2 includes the process of appointing members and alternates:

- (a) members and alternates from the **City of Portland and Multnomah, Washington, and Clackamas Counties**
 - Must be elected officials from those jurisdictions;
 - Must be appointed by the chief elected official of the jurisdiction; and
 - Will serve until removed by the appointing jurisdiction.
- (b) members and alternates from the **Cities of Multnomah, Washington, and Clackamas Counties**
 - Must be elected officials from the cities represented by the position;
 - Must be appointed through use of a ballot⁴ submitted by all represented cities based on a consensus field of candidates developed through a forum convened by the largest city represented (the coordinating committees can serve as the “forum”);
 - Must be from different jurisdictions, and either the member or the alternate must be from the city of largest population only if that city’s population constitutes the majority of the population of all the cities represented for that county⁵; and
 - Will serve for two-year terms.⁶
 - If a member resigns or the position is otherwise vacated, the alternate becomes the member and serves for the remainder of the term.
- (c) members and alternates from **Oregon Department of Environmental Quality and Oregon Department of Transportation**
 - Must be a principal staff representative of the agency;
 - Must be appointed by the director of the agency; and
 - Will serve until removed by appointing agency.
- (d) members and alternates from **TriMet and the Port of Portland**
 - Must be appointed by the chief board member of the agency; and
 - Will serve until removed by the appointing agency.
- (e) members and alternates from **the Metro Council**
 - Must be elected officials;
 - Will be appointed by the Metro Council President and confirmed by the Metro Council; and
 - Will serve until removed by the Metro Council President.
- (f) members and alternates from **the State of Washington**
 - Must be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation, the Southwest Washington Regional Transportation Council, and C-Tran;

⁴ The bylaws state “mail ballot.” Given current practices regarding the use of email, Metro interprets “mail ballot” to include a selection made in writing, either within or attached to an email. This vote can be made at or during a county coordinating committee meeting, provided all cities are given the opportunity to vote and it is in writing.

⁵ Based on PSU population estimates, Metro identified Gresham as a city the majority of the population of all the cities represented for Multnomah County. Note that the bylaws exclude the City of Portland from this category; accordingly its population is not counted.

⁶ The member and alternate must be reappointed to serve subsequent terms.

- Will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation, and C-Tran;
- Will be selected by the Southwest Washington Regional Transportation Council, and
- Will serve until removed by the nominating agency.

Communicating Appointments to JPACT

The Bylaws do not specify the how appointments are communicated, though traditionally such appointments have been communicated by letter, increasingly sent by email. Metro's preference is to continue that practice, which notification sent to the JPACT Chair, and a copy to the Metro President, to be shared with JPACT as a whole. Resignations and removals should be similarly communicated.

**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 Metro as the metropolitan planning organization for the Oregon portion of the Portland metropolitan area, defined as the Metro jurisdictional boundary or the Metro urban growth boundary whichever is greater, 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.

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 will be based.
- c. To approve and submit to the Metro Council for adoption the Unified Planning Work Program (UPWP) 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 region's consensus on transportation policy matters, including adoption of regional priorities on federal funding, federal transportation reauthorizations and appropriations, the State Transportation Improvement Program priorities and regional priorities for Light Rail Transit (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 voting jurisdictions and agencies:

	<u>Members</u>	<u>Votes</u>
Multnomah County.....	1	1
Washington County.....	1	1
Clackamas County.....	1	1
City of Portland.....	1	1
Cities of Multnomah County.....	1	1
Cities of Washington County.....	1	1
Cities of Clackamas County.....	1	1
Oregon Department of Transportation...	1	1
TriMet.....	1	1
Port of Portland.....	1	1
Department of Environmental Quality....	1	1
Metro.....	3	3
State of Washington.....	3	3
 TOTAL	 17	 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. The Clackamas County seat shall represent the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the cities represented by these positions 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. The Cities of Clackamas County seat represents the City of Wilsonville, which as the governing body represents South Metro Area Rapid Transit (SMART).

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 (TriMet 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. As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit (SMART).

e. Members and alternates from the Metro Council will be elected officials and will be appointed by the Metro Council President and confirmed by the Metro Council and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Metro Council President.

f. Members and alternates 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, the Southwest Washington Regional Transportation Council 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 State members will be selected by the Southwest Washington Regional Transportation Council.

h. Terms for all members and alternates listed above commence on January 1 of each year.

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 (9 of 17 members) 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 vote.

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 appointed by the Metro Council President and confirmed by the Metro Council.

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. The chairperson shall vote only in the case of a tie.

d. 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.