

***CHARTER***  
***2013-2015***  
**SOUTHEAST**  
**AREA COMMISSION**  
**ON TRANSPORTATION**  
**(SEACT)**

**GRANT, HARNEY AND MALHEUR**  
**COUNTIES**

# CHARTER OF THE SOUTHEAST AREA COMMISSION ON TRANSPORTATION (SEACT)

## I. MISSION

- A. To provide a forum for local government agencies and the private sector to discuss, understand and coordinate long range transportation issues affecting the southeast Oregon region
- B. To review the process for determining transportation infrastructure, capital investments and project prioritization in the southeast Oregon region
- C. To recommend priorities for state transportation infrastructure and capital investments through the development of an implementation strategy based on state and local transportation plans related to the southeast Oregon region
- D. To communicate southeast Oregon regional transportation issues to the public, neighboring regions, area legislators and other interested organizations
- E. To advise the Oregon Transportation Commission (OTC) on state and regional policies affecting the southeast Oregon region's transportation system

## II. ROLES AND RESPONSIBILITIES

### A. The SEACT shall:

1. Provide a forum to advance the public's awareness and understanding among transportation stakeholders of transportation issues
2. Establish a public process that is consistent with state and federal laws, regulations and policies
3. Provide recommendations to the OTC regarding program funding allocations for the Statewide Transportation Improvement Program (STIP), balancing local, Regional and statewide perspectives
4. Prioritize Area Modernization project recommendations for the Development STIP and Construction STIP based on state and local transportation plans related to the southeast Oregon area
5. Review and prioritize *ConnectOregon* applications within ODOT Region 5
6. Make recommendations to the Oregon Department of Transportation (ODOT) regarding special funding opportunities and programs
7. Provide advice or review, as requested or desired, of activities such as:
  - a. ODOT corridor plans or local Transportation System Plans (TSPs) that contain projects of Regional significance
  - b. Projects and policies for other STIP funding programs and categories that have advisory committees or processes in place; advise ODOT on any special circumstances or opportunities that apply; these programs include Preservation, Safety, Bridge, Operations, Public Transportation, Freight,

Rail, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways, Federal Lands Highways and Fish Culverts

- c. The OTC State and Regional policies affecting the Area's Transportation System, including proposed ODOT policies and their implementation
  - d. Prioritization of long-range planning projects in the ODOT Region planning work programs
  - e. Establishment and monitoring of Benchmarks for Regional transportation improvements
  - f. Other transportation related policy or funding issues relevant to the SEACT that would benefit from the coordinated committee discussion afforded by the SEACT structure
8. Communicate and coordinate Regional priorities with other organizations, including:
    - a. Other ODOT Regions and ACTs
    - b. Governor's Regional Solutions Team
    - c. Regional Partnerships
    - d. ODOT advisory committees
  9. As applicable, consider all modes and aspects of the Transportation System in formulating recommendations, taking into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bicycle and pedestrian facilities
  10. Provide documentation to the OTC of the public process and resulting recommendations forwarded by the SEACT including alternatives for solutions and outcomes of decisions
  11. Provide a report to the Oregon Transportation Commission at least once every two years.

*B. As stated in the Policy on Formation and Operation of Area Commissions on Transportation approved June 18, 2003, the OTC shall:*

1. Designate one OTC member as the liaison to the ACT
2. Encourage the OTC liaison to attend ACT meetings
3. Provide financial support in an amount sufficient to meet OTC expectations
4. Facilitate communication between the OTC and the ODOT representative to the ACT
5. Describe expectations and provide adequate lead time when requesting input from the ACT
6. Provide training opportunities for the ACTs to enhance understanding of statewide programs and issues

7. Give significant weight to recommendations from ACTs that follow procedures and requirements described in this Charter and the *Policy on Formation and Operation of Area Commissions on Transportation*
  8. Provide feedback to the ACTs regarding decisions that were made based on the ACT recommendations
  9. Conduct a biennial review of the ACT Charter and Operating Agreements
- C. The Oregon Department of Transportation (ODOT) shall:
1. Assign the ODOT Region Five, District 14, Assistant District Manager as its voting representative to the ACT
  2. The ODOT representative shall:
    - a. Serve as a communication liaison between the SEACT, ODOT Region, and ODOT Director's Office
    - b. Bring a statewide perspective to discussions of local transportation issues
    - c. Coordinate timely preparation of agenda items for action by the ACT
    - d. Provide technical and policy information in a timely manner to assist the ACT in carrying out its roles and responsibilities
    - e. Provide information on project status
    - f. Coordinate presentations and education regarding state and federal programs and priorities
    - g. Advise the SEACT of ODOT views during program and project discussions
    - h. Advise on technical or policy issues relating to transportation safety, bicycle and pedestrian facilities, passenger rail and freight, trucking, public transportation, scenic byways, motor carriers and state/local government relationships
  3. Provide staff support to the SEACT or enter into a contract with a designated regional entity for administrative services

### III. AUTHORITY

- A. The OTC, under ORS 184.610 to 184.666, is authorized to establish the policies for the operation of the Oregon Department of Transportation and for the administration of programs related to transportation
- B. The OTC may charter an ACT as an advisory body
- C. The OTC may charter an ACT when it demonstrates, and as long as it maintains, a structure consistent with the requirements contained in the Policy on Formation and Operation of Area Commissions on Transportation approved June 18, 2003, or as amended
- D. The OTC retains oversight and final decision making authority to assure efficient management of the state Transportation System

- E. The SEACT is a voluntary association of government and non-government transportation stakeholders and shall have no legal regulatory, policy or administrative authority
- F. The SEACT process and resulting recommendations shall comply with relevant laws, regulations and policies
- G. The SEACT meets the definition of a “Governing Body” and falls under the requirements of the Public Meetings Law, ORS 192.610 to 192.690
- H. The SEACT members shall comply with the requirements of Oregon Government Standards and Practices laws concerning conflict of interest
- I. The SEACT should apply a statewide perspective to address the Transportation System with primary focus on the state Transportation System
- J. ACTs should also consider Regional and local transportation issues
- K. The SEACT should collaborate with other ACTs to facilitate consideration of issues that have a broader geographic scope

**IV. SEACT STRUCTURE AND MEMBERSHIP**

A. Geographic Coverage

- 1. Grant, Harney and Malheur Counties, in a Memorandum of Understanding approved on October 6, 1999, formed the Southeast Regional Alliance (SRA) to address common community and economic development issues.
- 2. Grant, Harney and Malheur Counties have established uniform regional boundaries for other state programs
- 3. A Memorandum of Understanding was signed on April 24, 2000, to create a Regional Partnership between the SRA and six state agencies including the Department of Transportation
- 4. At public meetings throughout the region, transportation has consistently been identified as one of the top regional issues
- 5. The SRA was given provisional approval to serve as the SEACT on October 11, 2000 and has functioned in that role since that date

B. Membership

- 1. The three County Courts shall each appoint five members from their respective counties to serve on the SRA/SEACT Board; alternates may be appointed, if desired, to serve in the absence of a Board member. It is the responsibility of the County Courts to monitor its appointed members and determine changes, where needed

Interested parties for the bicycle/pedestrian and transit representatives will submit applications to the appropriate County Commissioners for consideration. Each County Court Commission will review applications and make recommendations for the bicycle/pedestrian and transit representatives to SEACT for final approval. The Bicycle/Pedestrian and Transit representatives will apply to their prospective County Court during the month

of September every odd year. The County Court will then make their recommendation to the SEACT during the November meeting. The SEACT will vote on each member during their November meeting. The two-year term for these positions will start in January

Three-year term limits for Court-appointed members. The County Courts may appoint members for consecutive or multiple terms

2. Due to the large geographic area, the small population and cities that have all volunteer elected officials, the SEACT may include less than 50% elected officials as voting members; to meet the intent of the policy guidelines, membership, at a minimum, shall include:
  - a. One member of the Grant County Court
  - b. One member of the Harney County Court
  - c. One member of the Malheur County Court
  - d. One member representing the cities of Grant County
  - e. One member representing the cities of Harney County
  - f. One member representing the cities of Malheur County
  - g. Three at-large representatives from Grant County
  - h. Two at-large representatives from Harney County
  - i. One representative for the Burns Paiute Tribe of Harney County
  - j. Three at-large representatives from Malheur County
  - k. ODOT Region 5, District 14 Assistant District Manager
  - l. One at-large representative for Bicycle/Pedestrian
  - m. One at-large representative for Transit
  
3. Every effort shall be made to assure that there will be broad representation from interested stakeholders including, but not limited to:
  - a. Various modes of transportation
  - b. Business
  - c. Natural resource industries
  - d. Public lands
  - e. Education
  - f. Land use
  - g. Public safety providers
  - h. Non-profit organizations
  - i. Local citizens

4. Ex-Officio (Non-Voting) membership may include:
  - a. The Oregon Transportation Commission Liaison to the ACT
  - b. A representative of the Oregon Department of Aviation
  - c. The Eastern Regional Coordinator for the Governor's office
  - d. Members of the Governor's Regional Solutions Team
  - e. State legislators representing districts in the region
  - f. Representatives of each county road department or road district
  - g. Representatives of regional groups that have an interest in transportation issues (e.g., housing advocates, law enforcement agencies, etc.)
  
5. Technical Advisory Committee
  - a. A Technical Advisory Committee may be established on an ad-hoc basis, as determined by the SEACT Board

## **VI. OPERATIONS OF THE SEACT**

### **A. Operating Agreements**

1. Operating agreements may be negotiated as necessary among and between ODOT, SEACT and the OTC
2. The operating agreement shall provide for a wide solicitation for non-elected membership and specify the solicitation process used
3. The operating agreement shall specify how meetings shall be conducted, officers and terms of office and whether or not alternates will be allowed
4. The operating agreement shall specify the number of members required to constitute a quorum and the decision making process (e.g., consensus or majority vote)
5. The operating agreement shall specify whether the SEACT will have an executive/steering committee and if so describe the committee's authority and how it meets the requirements of the *Policy on Formation and Operation of the ACTs*
6. The operating agreement shall articulate how the executive/steering committee shall communicate with the full ACT
7. The operating agreement shall clarify that the ACT is an advisory body that makes recommendations to the Oregon Transportation Commission

### **B. Staffing and Financial Support**

1. ODOT may provide administrative services or contract with a regional organization for such services

2. Administrative staff shall coordinate with the ODOT Region 5, District 14, Assistant District Manager to assure that roles and responsibilities of all parties are met
3. ODOT shall provide financial support for administration of the SEACT in an amount sufficient to meet OTC expectations

C. Public Involvement

1. The SEACT shall comply with the requirements of Oregon Public Meetings law, ORS 192.610 to 192.690 and all relevant federal laws, regulations and policies for public involvement
2. To the maximum extent practicable, the SEACT shall involve the public and stakeholders in all decision making processes
3. The SEACT shall make specific efforts to assure that the Burns Paiute Tribe is involved in all transportation decision making processes
4. The SEACT shall make specific efforts to assure that minority and low income populations are involved in all transportation decision making processes
5. Specific guidelines for public involvement are delineated in Attachment A

**VI. BASIS FOR DECISION MAKING**

- A. The SEACT shall function as an advisory body to the OTC, which has final decision authority
- B. The SEACT processes and resulting recommendations shall comply with relevant laws, regulations, policies and OTC standards
- C. The STIP decision making process:
  1. When considering recommendations relative to the STIP, recommendations shall be based on local, state, and federal adopted transportation plans, policies and procedures including, but not limited to:
    - Oregon Transportation Plan and supporting mode plans (e.g., Oregon Highway Plan and Oregon Public Transportation Plan)
    - Oregon Public Meetings Law, ORS 192.610 to 192.690 (See State of Oregon, Department of Justice, *Attorney General's Public Records and Meetings Manual*)
    - State corridor and facility plans
    - Transportation Planning Rule, OAR 660-012
    - Transportation system plans
    - Federal transportation planning regulations
    - Local government plans, regulations, and ordinances

- Project selection criteria and prioritization factors approved by the OTC, including Oregon Transportation Management System data
  - State Agency Coordination Program, OAR 731-15
  - Additional criteria established by the OTC
  - Oregon Government Standards and Practices, ORS Chapter 244  
(See *Oregon Government Standards and Practices Laws, a Guide for Public Officials*, by the Oregon Government Standards and Practices Commission)
2. The SEACT may use additional criteria to select and rank projects provided the criteria do not conflict with any criteria established by the OTC
  3. If additional criteria are used, the SEACT must inform those developing project proposals about the criteria
  4. The SEACT shall apply Regional and statewide perspectives to their considerations
  5. Recommendations to the OTC shall be documented and forwarded to the OTC with the factors used to develop the recommendation, including any additional criteria used by the SEACT in forming its recommendations
  6. Documentation developed by a member whose recommendations were not incorporated into the final SEACT recommendations shall be forwarded to the OTC with other materials documenting SEACT recommendations
  7. Recommendations to the OTC shall be made in accordance with the approved STIP Development Timeline
- D. Identification, prioritization and development of bridge replacement/rehabilitation and pavement preservation projects:
1. The SEACT may choose to review Bridge or Preservation projects based on OTC approved criteria
  2. The SEACT may review the recommended lists of projects and provide information to ODOT regarding any special circumstances within the Area that may apply to the prioritized list
  3. Due to the highly technical nature of the bridge project selection, prioritization is primarily the responsibility of the technical staff utilizing the Bridge Management System
  4. The SEACT may review the list of preservation projects from the Pavement Management System to convey knowledge/information that helps meet state and local objectives (e.g., leverage funding sources, bundle with other projects, coordinate with local projects)

## **VII. COORDINATION**

- A. Coordination is a primary obligation in the development of recommendations by the SEACT; coordination should include, but not be limited to, the following groups:

1. Oregon Transportation Commission
  - a. The SEACT shall provide a report to the OTC at least every two years
  - b. The SEACT shall forward appropriate recommendations and supporting information to the OTC for consideration
2. Other ACTs within and across ODOT Regions
  - a. The SEACT shall coordinate with other ACTs for recommendation that may have a Regional impact
  - b. Adjacent ACTs should be included on the ACT mailing lists and be invited to SEACT meetings
  - c. Meeting agendas and minutes should be provided to adjacent ACTs
3. ODOT Advisory Committees (e.g., Local Officials Advisory Committee, Rail, Freight, Public Transportation, Bicycle/Pedestrian, Transportation Enhancement, Scenic Byways and the Tri-Agency Committee for the Forest Highway Program)
  - a. Committees should be kept informed on major policies and programs under consideration
  - b. Committee comment should be sought when appropriate
  - c. Representatives should be included on the ACT mailing lists and invited to all ACT meetings
  - d. The committees have a mutual obligation to provide information to the SEACT regarding processes, technical data, and recommendations specific to the program
4. Governor's Regional Solutions Team
  - a. The following members of the GRST shall be included on the SEACT mailing lists and invited to all SEACT meetings
    - (1) Eastern Regional Coordinator for the Governor's Office
    - (2) Oregon Department of Transportation
    - (3) Oregon Housing and Community Services
    - (4) Oregon Business Development Department
    - (5) Department of Land Conservation and Development
    - (6) Department of Environmental Quality
  - b. Comments shall be solicited from the GRST in the project review process to raise and resolve issues as appropriate
  - c. The GRST may help identify opportunities to leverage funds
5. Regional Partnerships
  - a. The Southeast Regional Alliance board serves as the board for the Regional Partnership as well as the SEACT

- b. The SEACT meetings shall generally be held in conjunction with Southeast Regional Alliance meetings
- 6. Tribal Governments
  - a. SEACT recommendations shall consider the needs of the Burns Paiute Tribal Government
  - b. SEACT recommendations shall coordinate with the tribal Transportation Improvement Program (TIP) and other tribal projects under development
- 7. Local Governments, Transit and Port Districts
  - a. SEACT recommendations shall be coordinated with other local and Regional community development activities
- 8. Stakeholder groups (e.g., environmental, business, state and federal agencies with land holdings within the SEACT boundary)
  - a. The SEACT shall make an effort to consider the concerns and recommendations of all interested stakeholders
  - b. The SEACT shall provide access, as far as is practicable, to technical materials and supporting documentation considered during the SEACT decision making process
  - c. The SEACT shall respond to public input received during the planning and program development process
  - d. Voting members serve as representatives of their respective constituencies and thus would be responsible for communication with them regarding SEACT activities and decisions
  
- B. All recommendations shall be reviewed for local, regional and statewide issues and perspectives
  
- C. SEACT representatives are responsible for providing regular updates to their respective organizations on actions and recommendations being considered by the SEACT

## **Attachment A**

### **Operating Guidelines**

#### **Meeting Notice**

- A minimum of one week advance notice shall be given to interested persons and stakeholder groups on the SEACT mailing list and to area news media
- Notices shall include time, place, principal agenda items and the name of a person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids. For additional information, please contact administrative staff
- A good faith effort shall be made to honor requests for special accommodation under the Americans with Disabilities Act
- A good faith effort must be made to provide an interpreter for hearing-impaired person on receipt of proper notice. ORS 192.630(5)

#### **Officers**

Officers shall consist of a Chair and a Vice or Co-Chair selected by the voting membership.

Officers (Chair and Vice Chair or Co-Chair) shall serve a three-year term and the Vice or Co-Chair shall assume the office of Chair upon completion of a three-year term as Vice or Co-Chair. If the Chair cannot fill the position for the entire 3 years, the Vice or Co-Chair will assume the duties in the interim. At the end of the Vice or Co-Chair's three years, he/she will assume the Chair position and a new Vice or Co-Chair will be elected

The Chair shall preside at all SEACT meetings and shall be an ex-officio member of all committees. Chair is the official spokesperson for the SEACT unless this responsibility is specifically delegated

In the absence of the Chair, the Vice or Co Chair shall execute all the functions of the Chair. In the event that the Chair cannot complete her/his full-term, the Vice or Co Chair will fulfill this function

#### **QUORUM**

- At least 50% of voting members constitutes a quorum

#### **MEETING MATERIALS**

- An advance agenda shall be provided one week prior to the meeting, either by e-mail, on a SEACT website or through the mail
- For decision items, information shall be distributed to everyone in attendance at the meeting

- If practicable, technical materials and supporting documentation for decision items shall be provided one week prior to the SEACT meeting
- Time for public comment shall be included on the agenda

### **MEETING SCHEDULE**

- Regularly scheduled meetings shall be held in conjunction with the Southeast Regional Alliance
- Meetings shall be held on the fourth Monday of alternate months except December
- Meetings shall be held at 10:00 AM (Pacific Time) or 11:00 (Mountain Time)

### **MEETING LOCATION**

- Regular meeting locations shall rotate among the three SEACT counties
- Meeting locations shall meet accessibility requirements of the Americans with Disabilities Act
- No meeting may be held in buildings where discrimination (race, sex, age, national origin, color, creed, disability) is practiced (ORS 192.630(3))
- There shall be adequate seating and facilities to encourage attendance by the general public

### **Meeting Minutes**

- Minutes shall be prepared for all SEACT meetings
- Minutes, at a minimum, shall include:
  - ◆ Members and guests present
  - ◆ All motions and resolutions proposed, and their disposition
  - ◆ Results of all votes/decisions; secret ballots are prohibited
  - ◆ Substance of all discussion
  - ◆ Reference to all documents discussed (confidentiality of records exempt from disclosure may be protected)
- Minutes of each SEACT meeting shall be prepared and distributed prior to the following SEACT meeting
- Minutes shall be posted on the ODOT website
- Minutes shall be preserved for a reasonable time
- As appropriate, meeting minutes should be provided in languages other than English.

### **Special Meetings**

- Special meetings may be called by the chair or a minimum of three SEACT Board members
- A minimum of 24 hours advance notice must be given to all appropriate parties

## **Electronic Meetings**

- Meetings may be held by electronic means including video-conferencing, telephone conferencing or personal computer
- All regular meeting requirements apply to electronic meetings
- A room with a “listening device” shall be made available for the public
- Actions taken at an electronic meeting shall be ratified at the next regular meeting

## **Draft STIP Public Meetings/Hearings**

- All Meeting Guidelines shall apply to public meetings for *Developing Project Priorities for Draft STIP Using Approved Criteria* and for *Draft STIP Public Hearings*
- Efforts shall be made to establish outreach activities for specific projects or topics
- Paid advertising may be used for *Draft STIP Public Hearings*
- Paid advertising may be used for *Developing Project Priorities for Draft STIP Using Approved Criteria*

## **Executive Sessions**

- The responsibilities of the SEACT do not include work permitted in an executive session (ORS 192.660)

## **Public Involvement**

- SEACT meetings shall comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690; meetings include information-gathering sessions, working lunches and electronic meetings
- All SEACT meetings shall be open to public attendance and any member of the public may attend any meeting of the SEACT
- Roberts Rules of Order (a.k.a. parliamentary procedure) will serve as the authority for the operation of the SEACT in all cases not covered by these guidelines. The SEACT may formulate additional specific standing rules and rules of order to govern the conduct of tis meetings provided they do not conflict with these bylaws

## **Public Comment**

- The public shall be provided opportunities to speak to the merits of proposals before the SEACT and to forward their own proposals
- Public comment may be taken at any time during the SEACT meeting
- Copies of all correspondence received prior to the meeting should be available for SEACT members and the public at the meeting or upon request
- The SEACT public involvement process shall demonstrate explicit consideration and response to public input during the planning and program development process

**Attachment B**  
**Glossary of Acronyms**

ACT	Area Commission on Transportation
ADA	Americans with Disabilities Act
GEODC	Greater Eastern Oregon Development Corporation
GRST	Governor’s Regional Solutions Team
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
OBDD	Oregon Business Development Department
ORS	Oregon Revised Statutes
OTC	Oregon Transportation Commission
SEACT	Southeast Area Commission on Transportation
SRA	Southeast Regional Alliance
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Plan
TSP	Transportation System Plan