

REGION 1 AREA COMMISSION ON TRANSPORTATION

Minutes of Formation Committee Meeting

May 7, 2015 Portland, Oregon

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Attendees: Craig Dirksen (Metro), Neil McFarlane (TriMet), Steve Novick (City of Portland), Ron Rivers (Hood River County), Roy Rogers (Washington County), Paul Savas (Clackamas County), Rian Windsheimer (ODOT)

Absent: Bill Wyatt (Port of Portland), Diane McKeel (Multnomah County)

Introductions and welcome by Rian Windsheimer.

Kelly Brooks discussed the nomination process and task force proposal to create an ACT that led to a provisional charter from the Oregon Transportation Commission. She outlined that this group is expected to formalize the appointments for the rest of the ACT members, with the exception of the at-large freight and active transportation stakeholders, who will be selected from recommendations forwarded by the Oregon Freight Advisory Committee and Oregon Bicycle and Pedestrian Advisory Committee, respectively, at the June meeting of the ACT.

Andrew Plambeck outlined the ODOT staff proposal to set a schedule for staggering the four-year terms of service for ACT members. To prevent the entire ACT membership from turning over at once, roughly half the members would be appointed to a two-year, renewable term initially. After that two-year term, any of them may be reappointed to a full four-year term. This will maintain continuity and preserve institutional knowledge.

- ✓ The group agreed by consensus to the proposal to stagger terms of service.

Rian Windsheimer opened a discussion of the processes nominating entities went through to reach decisions on their nominations. The counties and City of Portland members outlined their coordinating processes to nominate ACT members.

Kelly Brooks outlined the list of nominees to be appointed by the Formation Committee.

Councilor Craig Dirksen expressed the hope that people representing cities understand they represent all cities, not just their particular city, and likewise for business members representing the whole business community as opposed to just their business.

Neil McFarlane said this is just the start of the process, and that while the group gets some experience under its feet members should be aware of any lacking perspectives that can be fixed, and prioritized to be fixed, in the next round of appointments.

Rian Windsheimer asked that they apply the same logic to the bylaws, understanding that tweaks can be made as the group reviews them in the future.

Commissioner Paul Savas said he hopes the Formation Committee members can have that conversation with the first meeting of the full ACT, stating that it would be valuable to orient the new members to understand their role as representing the whole system.

Rian Windsheimer responded that the Oregon Transportation Commission gave clear direction to engage other ACTs and share knowledge and best practices. That first meeting might be a good opportunity to hear from another ACT about how they emphasize that principle.

The group then discussed the requirement for an environmental justice perspective.

Kelly Brooks relayed a conversation she had with Joseph Santos-Lyons of APANO about the fact that he had marked on his nomination form that APANO does not do environmental justice work. She asked if he, as a person not representing just one organization, can represent that perspective as he has experience as a co-founder and current board member of OPAL, an environmental justice organization. He replied that he is concerned about the time commitment of the ACT in general, but seems comfortable representing an environmental justice perspective.

Commissioner Paul Savas commented that for the first meeting of the full ACT it would be beneficial to clearly define terms like social justice and environmental justice so ACT members have a good understanding of what those terms mean.

Commissioner Steve Novick said he would like to call the director of OPAL and some other environmental justice organizations to ask if they are comfortable with Mr. Santos-Lyons representing their perspectives on the ACT. He proposed that Mr. Santos-Lyons be appointed with the caveat that if he isn't the right person to represent that perspective, someone else from the ACT should be asked to step down so a nominating entity can appoint someone representing an environmental justice perspective.

Councilor Craig Dirksen agreed that he should be included in the full list of appointments, and if adjustments are needed later there's a legitimate reason to revisit that list.

- ✓ The group agreed by consensus to find someone else to represent environmental justice if Mr. Santos-Lyons is not the right person.
- ✓ Roy Rogers moved and Steve Novick seconded adoption of the list of nominees. The nominees were adopted by consensus.

Kelly Brooks described the elements of the bylaws that came directly from the ACT formation proposal decided upon in the task force process, and then described the pieces ODOT staff filled in to bring a complete draft to the Formation Committee.

She first described the proposal for alternates, considering who can come and who they answer to. The original draft said alternates should be selected in the same manner as primary members, which struck some staff as overly burdensome, so ODOT staff proposed changing it to having primary members simply appoint their alternates with the blessing of their respective nominating

entity. The initial draft also said stakeholders would not have alternates, but this was changed to specify that all elected officials would have alternates.

Commissioner Roy Rogers suggested that at the very least public agencies, even if not elected officials, should have alternates.

Commissioner Paul Savas expressed concerns with a change, citing the very specific nominees Clackamas County appointed, and wanted to know which stakeholders would be affected.

Kelly Brooks explained that the change represented concerns from multiple counties' staffs that they would need to duplicate the original nomination process, so the change would simply allow primary members to appoint their own alternates with the respective coordinating committee's blessing.

Commissioner Paul Savas asked whether a city member would need to choose an alternate from their own city or if they could potentially pick a representative of another city. That distinction could create friction for a nominee that feels ownership of that ACT seat as representing a particular city rather than all cities.

Commissioner Roy Rogers mentioned that he could guarantee all mayors in Washington County would pick a member of their own city councils. He expressed the opinion that the rest of the alternates need some vetting by ACT members. He also brought up that since Washington County's stakeholders are almost all elected officials, they would have alternates while Multnomah County's stakeholders would not.

Commissioner Steve Novick expressed concern that if an alternate for an elected official needed to also be an elected official, his alternate would need to be the mayor of Portland, and that if he were unable to make a meeting it would be likely that the mayor would be likewise unavailable. He proposed that the fairest process would be for everyone to appoint an alternate and for the ACT to approve those appointments.

Neil McFarlane asked whether it would make sense to just have one per Formation Committee member. This might allow someone to represent all stakeholders of a county instead of just one member. Also mentioned that there should be some pressure for nominees to attend meetings.

Commissioner Roy Rogers asked to clarify whether this would mean one alternate for each Formation Committee member but also an additional at-large stakeholder alternate.

Commissioner Steve Novick responded that the idea of a free-floating alternate would be problematic if all of the stakeholders couldn't agree on one alternate. He suggested that the Formation Committee members alone have alternates.

- ✓ The group agreed by consensus to alter the draft bylaws to reflect that the nine Formation Committee members have alternates, and all other members do not.

Kelly Brooks moved on to ongoing appointments, which will go through the same nominating process. She explained the change to clarify that 18 votes is considered a majority if consensus cannot be reached.

Commissioner Roy Rogers asked about voting by phone.

Kelly Brooks explained that the bylaws are currently silent on that issue but it's worth discussing.

Kelly Brooks then discussed the terms of service and a change to reflect that if a Formation Committee member leaves their official role at their nominating entity, that entity must immediately appoint a replacement.

Kelly Brooks then explained the executive committee as currently stated would be a small, administratively-focused group including the chair, vice chair and ODOT representative.

Commissioner Paul Savas asked to clarify that 18 members means "voted on by the ACT."

Commissioner Roy Rogers responded that in his recollection they had discussed a simple majority, and it had been raised to require more than a majority.

Commissioner Paul Savas clarified that he was thinking of consensus as rough percentages rather than number of votes, and that somewhere around 75% in agreement would mean consensus.

Kelly Brooks noted that ODOT staff will make changes in the language around voting to state "voted on by the ACT."

Councilor Craig Dirksen suggested a change to require that the chair of JPACT is always either the chair or vice chair of the ACT.

Commissioner Roy Rogers responded that he has had some conversations in Washington County about the distinction between the MPO and the ACT, and that he's hearing that these two bodies are different and should maintain some separation.

Commissioner Paul Savas agreed that there should be some separation, citing rural areas of Clackamas County that aren't represented by Metro and JPACT. The whole point of the ACT was to have some attention drawn to the entire region rather than a Metro jurisdictional boundary to ensure a more holistic point of view. Having a specific seat on the executive committee held by Metro would defeat that purpose.

Commissioner Steve Novick clarified that this would not prohibit the JPACT chair from serving as either chair or vice chair of the ACT.

Councilor Craig Dirksen also proposed including the JPACT chair as a member of the executive committee.

Commissioner Roy Rogers concurred that it may be beneficial to expand the executive committee to include that person.

Rian Windsheimer explained that internal discussion led to keeping the executive committee small to make sure that if some substantive task or issue came up, the ACT can form a subcommittee to address it. The executive committee would be specifically for administrative functions such as scheduling and creating meeting agendas. If there were a larger number of executive committee members, it would require these very busy people to come to yet another meeting. This can always be adjusted in the future, but the idea was to have more substantive issues tackled by subcommittees.

Kelly Brooks confirmed that the draft bylaws allow for the creation of ad hoc or standing subcommittees.

Commissioner Paul Savas suggested that if the executive committee is just for setting the agenda, it could potentially be simply representatives of each of the counties—with Multnomah County and the City of Portland deciding between themselves who would represent Multnomah County. This would allow the whole region to be represented on the executive committee.

Neil McFarlane suggested that if this is indeed just about scheduling and setting agendas, then broader representation probably isn't necessary. He considers those things the work of the chair, so having the chair, vice chair and ODOT representative should suffice. The more important work will be in setting up subcommittee to tackle some of the larger issues.

Commissioner Paul Savas pointed out that it can be about perception, citing that when the Clackamas County Coordinating Committee started in 2001 there was an executive committee that wasn't very active and the perception became that Clackamas County staff were simply driving the agenda. When he became chair of the committee he insisted that the group would drive the agenda rather than county staff, and that members thereafter became much more engaged and empowered. It would prevent distrust that whoever is the current ACT chair might be setting the agenda based on their own jurisdiction's interests rather than the region as a whole. He moved to have a representative from each county on the executive committee.

Commissioner Roy Rogers pointed out that the City of Portland, Port of Portland and TriMet would not be represented.

Commissioner Paul Savas clarified that the county could appoint any of their nominees to serve on the executive committee.

Kelly Brooks explained that there isn't a process for adding executive committee members, so that would need to be discussed.

Commissioner Steve Novick asked for more thought and discussion about what specifically the executive committee would do before deciding who serves on it.

Rian Windsheimer explained that the group does not need to make a final decision on this today, and that it can be decided upon at the next meeting.

Kelly Brooks then discussed the attendance requirements, which states that ACT members are expected to participate or send an alternate. If a member fails to attend three consecutive meetings, the nominating entity will be notified to reappoint that member or appoint a different representative.

Kelly Brooks explained that all ACT nominees were notified about this meeting, informed that they would be formally appointed and provided with the meeting materials. She discussed scheduling the next meeting and setting a regular schedule. Several conflicts were noted in addition to what ODOT staff had previously noted. ODOT staff committed to working with ACT members to find an ideal time.

It was generally agreed that either early morning or evening works best, particularly for those running businesses or volunteering their time as elected officials serving on the ACT.

Kelly Brooks then discussed the July meeting, which will be a joint meeting with the Oregon Transportation Commission in Hillsboro, followed by a reception and dinner with the commissioners. She then presented a draft agenda for the June meeting, for which the goals are to adopt bylaws, appoint officers and appoint the at-large stakeholder members. There is also an intent to have some informational agenda items to discuss the Statewide Transportation Improvement Program and Fix-It list for the region.

Rian Windsheimer thanked the group and adjourned the meeting.