RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS
AUTHORIZING THE FORMATION OF A STATEWIDE TRANSPORTATION IMPROVEMENT FUND ADVISORY COMMITTEE

WHEREAS, the Cow Creek Band of Umpqua Tribe of Indians (the “Tribe”) is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the provisions of the Cow Creek Band of Umpqua Tribe of Indians Recognition Act of December 29, 1982 (P.L. 97-391), as amended by the Cow Creek Band of Umpqua Tribe of Indians Distribution of Judgment Funds Act of October 26, 1987 (P.L. 100-139), and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally supervised constitutional ballot, on July 8, 1991; and,

WHEREAS, pursuant to Article III, Section 1 of the Tribe’s Constitution, the Cow Creek Tribal Board of Directors (the “Board”) is the governing body of the Tribe; and,

WHEREAS, pursuant to Article VII, Section 1 (b) of the Tribe’s Constitution the Board has the power to “represent the Tribe before Federal, state and local governments and their departments and agencies”; and

WHEREAS, pursuant to Article VII, Section 1 (d) of the Tribe’s Constitution the Board has the power to “administer the affairs and assets of the Tribe”; and

WHEREAS, pursuant to Article VII, Section 1 (g) of the Tribe’s Constitution the Board has the power to “manage all economic affairs and enterprises of the Tribe or to assign such responsibility to such persons, committees or companies (including tribally chartered corporations) as it designates”; and,

WHEREAS, pursuant to Article VII, Section 1 (t) of the Tribe’s Constitution the Board has the power to “have such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe”; and,

WHEREAS, the Board believes that it is in the best interests of the Tribe and its members to form a Statewide Transportation Improvement Fund Advisory Committee pursuant to the provisions provided by the Oregon Department of Transportation as attached hereto as Exhibit “1”.

NOW, THEREFORE, BE IT RESOLVED that the Tribe, by and through the Board, hereby authorizes formation of a Statewide Transportation Improvement Fund Advisory Committee effective as of the date this resolution is signed.
BE IT FURTHER RESOLVED, that any and all actions heretofore or hereafter taken by any Tribal officers, employees or agents regarding the foregoing resolution be, and hereby are, ratified and confirmed as the act and deed of the Tribe taken or made by them within the scope of their duties to the Tribe; and,

BE IT FURTHER RESOLVED, that neither this resolution nor any document or representation related herewith or therewith shall constitute a waiver of the sovereign immunity of the Tribe, or its officers acting in their official capacity within the scope of their authority; and,

BE IT FURTHER RESOLVED, that the actions authorized and taken by this Resolution are intended to advance the sovereign self-governance of the Tribe, and to protect the political integrity, economic security and health and welfare of the Tribe and its members; and,

BE IT FURTHER RESOLVED, any prior Tribal regulations, resolutions, orders, motions, legislation, codes or other Tribal law which are materially inconsistent with this Resolution are hereby repealed, but only to the extent of any such inconsistency and as applied to the specific matter in which any such inconsistency arises.

CERTIFICATION

It is hereby certified that the Cow Creek Tribal Board of Directors, governing body of the Cow Creek Band of Umpqua Tribe of Indians, composed of eleven (11) members of whom 9, constituting a quorum, were present at a meeting duly held on the 12-day of December, 2018, adopted the foregoing RESOLUTION OF THE COW CREEK BAND OF UMPQUA TRIBE OF INDIANS BOARD OF DIRECTORS AUTHORIZING THE FORMATION OF A STATEWIDE TRANSPORTATION IMPROVEMENT FUND ADVISORY COMMITTEE by the affirmative vote of 9 for and 0 against.

Daniel Courtney
Tribal Chairperson

Yvonne McCafferty
Attest: Tribal Secretary

AUTHORIZING THE FORMATION OF A STATE WIDE TRANSPORTATION IMPROVEMENT FUND ADVISORY COMMITTEE

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Advisory Committee Requirements

The Qualified Entity’s Advisory Committee is a very important part of the STIF Plan development process to ensure transparency and accountability at the local level. Qualified Entities should thoroughly review OARs 732-040-0030, 732-040-0035 and 732-040-0040 in Appendix A to ensure all the Advisory Committee requirements are met. The key Advisory Committee requirements are discussed below.

ADVISORY COMMITTEE COMPOSITION

An Advisory Committee should be appointed by the Qualified Entity at the beginning of the STIF Plan development process. A Qualified Entity may use an existing advisory committee, combine committees, or join with another Qualified Entity to appoint a joint Advisory Committee as long the committee meets the STIF Advisory Committee requirements established in rule. See OAR 732-040-0030 for details.

The Qualified Entity is required to appoint an Advisory Committee composed of members that are knowledgeable about the public transportation needs of residents or employees located within or traveling to and or from the Transportation District, Mass Transit District, or county. Members must represent diverse interests, perspectives, geography, and the population demographics of the area. Advisory Committee composition requirements vary depending on the type of Qualified Entity. See OAR 732-040-0035 for details.

ADVISORY COMMITTEE BYLAWS

The Qualified Entity shall ensure that the Advisory Committee is guided by written bylaws that include:

- The Advisory Committee’s name and purpose
- The number of Advisory Committee members
- Advisory Committee membership criteria
- The appointment process for members
- The terms of office for members
- The Advisory Committee’s meeting schedule
- Advisory Committee procedures and member duties, including procedures to provide public notice of meetings to foster public engagement and to comply with Oregon public meeting and public records laws
- The Advisory Committee’s process to review Public Transportation Service Provider proposals and the decision-making criteria
• A definition of "high percentage of Low-Income Households" for the Advisory Committee's use in evaluating proposed Projects

The Qualified Entity is required to prepare the written bylaws and set the terms of office for the Advisory Committee members. The Qualified Entity may seek input on the bylaws from the Advisory Committee. Copies of Advisory Committee bylaws, meeting minutes, and meeting notices must be published by the Qualified Entity and made available for public review in a reasonable and timely manner. These minutes and notices must be retained for six years.

The Agency must be notified of changes in the Advisory Committee membership when the Qualified Entity submits its STIF Plan.

**ADVISORY COMMITTEE PROJECT REVIEW**

Advisory Committees are required to review and prioritize Projects proposed by Public Transportation Service Providers (including Qualified Entities). Project proposals must include the contents described in OAR 732-042-0015(3).

The Advisory Committee shall consider the following criteria when reviewing STIF Formula Fund Projects:

- Whether the Project would:
  - increase the frequency of bus service to communities with a high percentage of Low-Income Households;
  - expand bus routes and bus services to serve communities with a high percentage of Low-Income Households;
  - reduce fares for public transportation in communities with a high percentage of Low-Income Households;
  - result in procurement of buses that are powered by natural gas or electricity for use in areas with a population of 200,000 or more;
  - improve the frequency and reliability of service connections between communities inside and outside of the Qualified Entity’s service area;
  - increase the coordination between Public Transportation Service Providers to reduce fragmentation in the provision of public transportation service; or
  - expand student transit services for students in grades 9 through 12.

- Whether the Project would maintain an existing, productive service;
- The extent to which the Project goals meet public transportation needs and are a responsible use of public funds; and
- Other factors to be determined by the Qualified Entity or Advisory Committee (for example, geographic equity).
A Governing Body may accept the Advisory Committee’s recommendation to approve or reject a Project proposal and consider the Advisory Committee’s recommended prioritized list of Projects, may return it to the Advisory Committee for modifications, or may modify it prior to inclusion in the STIF Plan for submittal to the Agency. If the Governing Body modifies the Advisory Committee’s recommendation, it shall inform any affected Public Transportation Service Provider of all modifications and the explanation for such changes.

Per OAR 732-040-0030 in addition to any other duties, the Advisory Committee may also propose any changes to the policies or practices of the Governing Body of the Qualified Entity that the Advisory Committee considers necessary to ensure that a Public Transportation Service Provider that has received STIF funds has applied the moneys received in accordance with and for the purposes described in the Project proposal; and a Project proposal submitted by a Public Transportation Service Provider does not fragment the provision of public transportation services.

STIF Plan Contents

A Qualified Entity shall adopt a written STIF Plan to establish a list of Projects for public transportation located within the Qualified Entity’s area of responsibility. STIF Plan requirements are listed in OAR 732-042-0015. A few key elements are highlighted below.

STIF PLAN AND FUNDING PERIODS

A STIF Plan must cover at least a biennium, but it may include up to two biennia subject to Commission approval, except during this first funding cycle, which requires STIF Plans to end June 30, 2021. A new STIF Plan can be submitted next biennium that takes into account lessons learned from the first biennium.

The STIF Plan period is the effective date specified in a Commission-approved STIF Plan through the end of the Qualified Entity’s plan period. Qualified Entities may, entirely at their own risk, begin expending STIF funds prior to a STIF Plan approval, but no earlier than the July 1, 2018, operative date set in statute.

- STIF Plans submitted by November 1, 2018, for the first round are anticipated to receive Commission decision in April 2019.
- STIF Plans submitted by May 1, 2019, for the second round are anticipated to receive Commission decision in October 2019.

A STIF Plan must address the transportation needs of people residing in or traveling into and out of the Qualified Entity’s area of responsibility. This may be