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I, Gayle V. Trotter, County Clerk for Malheur County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Gayle V. Trotter - County Clerk

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**State Transportation Improvement Fund (STIF)
Advisory Committee
of
Malheur County
BY-LAWS**

ARTICLE I-NAME and PURPOSE

The name of this committee shall be Malheur County STIF Advisory Committee. This Advisory Committee is established for the purpose of carrying out the statutory requirements established under ORS 184.758(1)(b) and ORS 184.761, and the rules establishing the procedures and requirements for administration of the Statewide Transportation Improvement Fund, as set forth under OAR Chapter 732, Division 040.

**ARTICLE 1
Definitions**

The following definitions shall apply to the terms used in these Bylaws:

“Areas of High Percentage of Low-Income Households” shall mean geographic areas within Malheur County which are determined to have a high percentage of low income households. Pursuant to OAR 732-040-0035(2)(a), it shall be the responsibility of the Advisory Committee to gather data and to seek public input, and to make a determination as to the areas of Malheur County in which there exist high percentages of low-income households, and to publish said determination in its Committee minutes and printed public materials.

“Bicycle and Pedestrian Advocates” shall be individuals representing either organizations or standing committees associated with local governments within Malheur County which advocate for and promote bicycle and pedestrian-related issues, goals, projects, or interests, or which exist to advise local government elected officials on matters related to bicycle and/or pedestrian traffic safety and enforcement, pathways and travel lanes, project planning and development, and promote public events.

“Committee” or “The Committee” shall mean the Malheur County State Transportation Improvement Fund Advisory Committee. Outside of these Bylaws, this Committee may commonly be referred to as “the STIF Committee”.

“Employer Representative” shall mean any employee, supervisor, manager, or owner of a business enterprise legally operating within the boundaries of Malheur County.

“Environmental Advocates” shall be individuals representing either organizations or standing committees associated with local governments within Malheur County which advocate for any of a wide range of environmental issues, goals, projects, or interests, or which exist to advise local government elected officials on matters related to the environment or to environmental features of public property.

“Local Government Representative” shall mean an employee of a County, municipal, or special district governmental organization formed and organized under the Oregon Revised Statutes and operating within the jurisdictional boundaries of Malheur County.

“Low Income Individuals” or “person with low income” shall mean individuals with an income at or below 200% of the current Federal Poverty Level, also known as the Federal Poverty Guideline, or within a family (household) with a household income at or 200% of the current Federal Poverty Level. The Federal Poverty Level may be found here: <https://www.federalregister.gov./documents/2018/01/18/2018-00814/annual-update-of-the-hhs-poverty-guidelines> and here: <https://aspe.hhs.gov/poverty-guidelines>

Malheur County is the poorest county in Oregon. High poverty hotspots are geographic concentration of poor residents. The U.S. Census Bureau reports 22.9% persons in poverty, in contrast to 13.3% persons in poverty in the State of Oregon. According to the May 2015 report from the Oregon DHS Office of Forecasting, Research, & Analysis, “there are three high poverty hotspots. Two are located in and around Ontario and the other in Vale. According to Census Bureau and DHS data, 44 percent of Malheur County’s population, 59 percent of its poor, and 60 percent of its SNAP clients live in those areas. Poverty hotspot: Ontario Southwest, East Ontario, and Vale.

Ontario Southwest: Location: A portion of the southwest side of the city of Ontario and extending to the southwest of the city limits.

East Ontario: Location: A portion of the eastern part of the city of Ontario

Vale: Location: Encompassing the city of Vale and extending out into unincorporated areas of Malheur County.

“Low Income Households” shall mean households within Malheur County with a total household income at or below 150% of the Federal Poverty Level for the size of family including children and dependents.

“Major Destination” shall mean a well-known and commonly recognized destination within Malheur County, which may either be at one physical location (ex. First Bank of Vale) or a group of destination locations within an industry (ex. Retail Centers: Home, Food, Automobiles, or Personal Care.) A “Representative of Major Destinations” may be an employee, manager or owner of a destination or representing a destination industry group, or a member of an organization which promotes tourism within Malheur County generally.

“Major Employers” shall mean a commonly recognized major employer in Malheur County (ex. Heinz Frozen Food Company, Snake River Correctional Institution). According to DATA USA: Malheur County, OR, “The most common industries in Malheur County by number of employees are Agriculture, Forestry, Fishing, Hunting; Healthcare and Social Assistance; and Manufacturing.”

“Non-Profit Public Transportation Service Provider Representative” shall mean a representative of a non-profit transportation service engaged in providing public transportation services within the County.

“Person(s) with Disabilities” shall mean individuals with disabilities which limit or constrain any aspect of their daily life, and may include, but is not necessarily limited to, physical, intellectual, cognitive, developmental, and/or emotional disabilities.

“Persons with Limited English Proficiency” shall be persons as defined in Malheur County’s Limited English Proficiency Plan adopted by the Malheur County Court, who did not speak English as their original language and who may have limited proficiency in either speaking or understanding written or spoken English, or both.

“Public Transportation Service Provider Representative” shall mean a representative of a publically managed transportation service engaged in providing public transportation services within the County.

A “Representative of Educational Institutions” shall mean a person who is employed by or on the Board of Directors of a K-12 public school; chartered or state-licensed private K-12 school, community college, university, private college, or trade school operating within the jurisdictional boundaries of Malheur County.

“Representative of Low Income Individuals” shall be a person representing the needs of low income transportation system users, and who is familiar through association with groups or individuals with special transportation needs of low income users.

“Representative of Persons with Disabilities” shall be someone representing the needs of disabled transportation system users, and who, through association with groups or individuals, or facilities serving persons with disabilities, is familiar with the special transportation needs of disabled users.

A “Representative of Persons with Limited English Proficiency” shall be someone representing the needs of transportation system users with limited English proficiency, and who is familiar through association with neighborhood groups, local school groups, social service or non-profit agencies, with the transportation needs of limited English proficiency users.

“Senior” or “elderly” shall mean persons sixty (60) years of age or older. A “Senior Representative” shall be someone, who may also be a senior, representing the needs of elderly transportation system users, and who is familiar through association with groups or individuals, or facilities serving seniors, with the special transportation needs of elderly users.

“Social and Human Service Provider Representative” shall mean a representative of a social services, human services, or health services agency operating within Malheur County. Said agency may be a public agency, a non-profit agency, or a not-for-profit institution such as a health center.

“Social Equity Advocates” shall be individuals representing either organizations or standing committees associated with local governments within Malheur County which advocate for equity for groups of persons who may be disadvantaged due to but not limited to ethnicity; income or other economic circumstances; limited English proficiency; homelessness; citizenship status; gender identity; sexual orientation; or which exist to advise local government elected officials on matters related to equity.

“Transit Dependent User” shall mean an individual who is dependent on public transportation for mobility due to economic reasons or due to other special transportation needs.

ARTICLE 2

Function

Section 1. Purpose: The Committee shall assist Malheur County Court in tasks and duties supporting local and regional transportation services funded through the State Transportation Improvement Fund (STIF) and allocated to Malheur County, for distribution to Public Transportation Service Providers within and adjacent to Malheur County.

Section 2. Major Tasks: The Committee shall have four major tasks. These are:

- (a) Reviewing and advising staff on the development of the local STIF Plan, consistent with the guidelines promulgated by State administering agencies;
- (b) Reviewing all projects proposed for inclusion within the STIF Plan, and prioritizing the approved projects, including the funding level for each project to be included within the STIF Plan;
- (c) Developing a process for monitoring and evaluating projects to ensure that Public Transportation Providers that have received funds are applying the funds in accordance with and for the purposes described within their project proposal;
- (d) As and if requested, and in the manner directed by directed by Malheur County Court, reviewing and advising staff on the methodology for distribution of STIF Formula Program monies allocated to Malheur County;

Section 3. STIF Plan Duties: The Committee shall perform the tasks consistent with the administrative requirements set forth under OAR Chapter 732, Division 040, as defined by Malheur County:

- (a) Hold public meetings to assist and advise staff with the development of the County's local STIF Plan, including components of the Plan developed by or for other Public Transportation Service Providers within the County;
- (b) Gather data and seek public input regarding low-income households within the County, including those within the corporate limits of municipalities within the County, and make and publish a determination of where those communities exist for purposes of guiding the STIF Plan;
- (c) Review every project proposed for inclusion in the County's STIF Plan and make a determination whether to recommend inclusion or rejection of the project for the STIF Plan;
- (d) Advise and assist staff by recommending projects to be included in the STIF Plan; the priority of each project in the Plan; and the level of project funding to be included for each project, consistent with the County's allocation process for the distribution of Formula Fund moneys;
- (e) Consider the criteria established under OAR Chapter 732, Division 040 when identifying Projects for inclusion in the STIF Plan, including but not limited to: expanded service and frequency in areas with a high percentage of low income households; improved service connections between communities; reduced fragmentation of service and closure of service gaps; maintenance of existing services; and other factors such as geographic equity;
- (f) Advise staff regarding the opportunities to coordinate STIF funded projects in the Plan with other local or regional transportation programs and services;

- (g) Recommend to Malheur County Court a STIF Plan which includes the prioritization of projects proposed for funding within the Plan;
- (h) Develop processes for review and monitoring of ongoing funded projects and local Plans, which may include reporting and site visits to local public transportation providers receiving STIF project funding;
- (i) If appropriate, propose changes to policies or practices to ensure that the Public Transportation Service Provider has applied the monies received in accordance with and for the purposes described in the STIF Plan or project proposal, and that the project does not unduly fragment the provision of public transportation services.

ARTICLE 3 Membership

Section 1. Number, Qualifications, and Selection of Members: The Committee shall consist of no less than five (5), and no more than seven (7) members, appointed directly by the Malheur County Court, as follows:

- a) To be qualified to serve on the Committee, an individual must:
 - 1. Reside or work in Malheur County and;
 - 2. Be knowledgeable about the public transportation needs of residents or employees located within or traveling to and from the County.
- c) At least one member from each of the following, who shall be a person:
 - 1. With low-income, or a person from a low-income household, as defined in Article 3, who uses transportation services in the County, or a representative of low-income persons or households who use transportation services in the County; and
 - 2. Who is a senior or elderly individual or an individual with a disability, as defined in Article 3, and uses transportation services in the County, or a representative of seniors or people with disabilities who use transportation in the County; and
 - 3. A public transportation service provider representative, as defined in Article 3.
- d) Up to four (4) additional members may be representatives from any of the following groups, as defined in Article 3:
 - 1. local governments, including land use planners
 - 2. non-profit public transportation service providers,
 - 3. neighboring public transportation service providers,
 - 4. employers,
 - 5. social and human service providers,
 - 6. transit dependent users,
 - 7. social equity advocates,
 - 8. environmental advocates,
 - 9. bicycle and pedestrian advocates,
 - 10. people with limited-English proficiency,

- 11. educational institutions,
- 12. major destinations

e) The Malheur County Court will seek to appoint Committee members who represent the diverse interests, perspectives, geography, and the demographics of the County. Consideration may also be given to individuals within these categories who are users of public transportation services provided within the County.

Section 2. Ex Officio Members: The Committee may additionally consist of any the following ex officio members, appointed by Malheur County Court as follows:

- One (1) County representative;
- Any additional representatives which Malheur County Court deems appropriate.

Section 3. Terms of Office: Terms shall be three (3) years. Any member may serve successive terms if reappointed by Malheur County Court. Terms begin on July 1 and end on June 30. Terms shall be staggered, with either two or three members' terms expiring each year.

Section 4. Member Responsibilities: All Committee members shall regularly attend meetings of the Committee and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chairman.

Section 5. Termination of Membership:

Malheur County Court may remove Committee members as follows:

- a) Failure to attend three or more consecutive regular Committee meetings. Malheur County Court may declare a member's position vacant when the member has had three (3) unexcused absences in one year or no longer meets the residency requirement;
- b) For cause following public hearing, for reasons including, but not limited to commission of a felony, corruption, intentional violation of open meetings law, failure to declare conflict of interest, or incompetence;
- c) Without cause pursuant to Malheur County Code chapter 3.035.

Section 6. Vacancies: Malheur County Court shall make appointments to fill vacancies as they occur. Such appointments shall be for the duration of the unexpired term of that position.

ARTICLE 4 Officers

The following officers shall be elected from the Committee membership during the first meeting of each calendar year:

- Chair: The Chair shall have the responsibility of conducting all meetings and hearings in an orderly manner. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called. However, in the event the Chair's vote shall create a tie, the Chair shall refrain from voting.

Vice Chair: The Vice Chair shall be responsible for conducting the meetings and hearings in the absence of the Chair.

ARTICLE 5 Subcommittees

Section 1. Creation of Subcommittees: The Committee shall have the power to create subcommittees with such responsibilities as the Committee directs.

Section 2. Naming of Subcommittees: The Chair shall appoint and charge each subcommittee with its responsibilities, shall appoint the members of the subcommittee, and shall appoint the chair of the subcommittee in the event the subcommittee consists of more than one person. The subcommittee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the subcommittee, and reporting to the Committee concerning the work of the subcommittee.

ARTICLE 6 Advisors

The Committee and the subcommittees may call on lay citizens and professionals as advisors without voting rights to provide technical assistance, expert guidance and advice, data support and analysis, provide information for and testify in deliberations, and attend meetings to the extent deemed appropriate and approved by the Committee and the Chair.

Calling of advisors by the Committee will be coordinated by the Chair or subcommittee chairs through County staff assigned to the Committee.

ARTICLE 7 Meetings

Section 1. Regular Meetings: Meetings shall be held a minimum of two times per year, as required by statute, but may be held more frequently to carry out the purposes of the Committee. These meetings shall be held in publically accessible facilities, and shall take place during transit operating hours, to facilitate attendance of interested individuals.

Section 2. Special Meetings: Special meetings may be called by the STIF Committee Chair or by Malheur County Court by giving the members and the press written or verbal notice at least 24 hours before the meeting.

Section 3. Quorum: A simple majority of the appointed, and filled, voting membership shall constitute a quorum. All business conducted with a majority vote of the quorum shall stand as the official action of the Committee.

Section 4. Voting: Each Committee member, except ex officio members, shall have one vote. In the event the Chair's vote shall create a tie vote, the Chair shall refrain from voting. A Committee member shall not vote on any funding decision in which they are an applicant for funds.

Section 5. Staff: SRT Malheur Express Administrative staff to the Committee shall be determined by Malheur County Court in consultation with the County Administrator. Staff for recording the proceedings of the Committee shall be provided by SRT Malheur Express staff.

Section 6. Agenda: The Chair, with the assistance of the County-provided staff, shall prepare the agenda of items requiring Committee action, and shall add items of business as may be requested by individual Committee members and/or Malheur County Court. Agendas of all meetings shall be posted in advance as required under existing County policy and filed with Malheur County.

Section 7. Notice: All members shall be given written notice of time, date, location, and purpose of the meetings at least three (3) days before a regular Committee meeting, and written or verbal notice one (1) day before a special meeting. In the event a member is provided with less than three (3) days written notice of a regular meeting, or less than one (1) day actual notice of a special meeting, and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting or at a special meeting called with adequate notice.

Section 8. Minutes: Minutes recording all motions and subsequent action including the number of yes or no votes on each issue shall be taken. In addition, all conflicts of interest shall be noted. Minutes of all meetings shall be posted following all meetings as required under existing County policy and filed with Malheur County Court.

ARTICLE 8

Public Records & Meeting Law and Public Engagement

Section 1. Public Records and Meeting Law: The Committee is a public body for the purposes of ORS Chapter 192, and is subject to the statutory procedures related to Oregon public records and meetings. Pursuant to OAR 732-040-035(2)(b), written copies of Committee agendas, minutes, and By-laws shall be made available to the public for a period of no less than six (6) years.

Section 1. Public Engagement: Pursuant to OAR 735-040-0035, the Committee shall strive to seek public engagement in all its deliberative processes, with particular regard to the selection of projects for inclusion and funding in the County STIF Plan. The Committee will work with County staff resources such as the County Public Notice process to publicize key meetings and hold public forums as needed to ensure maximum public access to information and public participation in priority-setting exercises.

ARTICLE 9

Parliamentary Procedure

The current edition of Robert's Rules of Order shall govern the Committee where not inconsistent with these By-laws or any special rules of order the Committee shall adopt.

ARTICLE 10

Conflict of Interest

A potential or actual conflict of interest shall be declared by any member who has or may have a conflict of interest as defined by Oregon law (ORS 244.020), prior to taking any action on the matter

causing the conflict. No member shall vote upon any motion which requires declaration of an actual conflict of interest.

ARTICLE 11
By-Laws and Amendments

Section 1. By-laws: The Committee shall maintain written By-laws pursuant to OARS 732-040-035 that that include, but are not limited to, name and purpose, committee membership criteria, appointment process, terms of office for the committee members, general procedures of the committee, member duties, meeting schedule, public noticing requirements and engagement processes, and the STIF Plan development process and general decision-making criteria.

Section 2. Review of By-laws: The Committee shall periodically review its By-laws and update them as required, but no less frequently than every three (3) years. Committee By-laws will be presented to the Malheur County Court for adoption.

Section 3. Amendments: Committee By-laws may be amended by Malheur County Court upon its own motion. Prior to an amendment, Malheur County Court may request a recommendation from the Committee which may recommend changes at any regular meeting of the Committee by a two-thirds vote of the appointed and filled membership, provided that the recommended amendment has been submitted in writing to the Committee members no later than three days before the regular meeting.

Adopted this 6 day of March, 2019.

Signed this 6 day of March, 2019.

MALHEUR COUNTY COURT

Dan P. Joyce 3-6-2019
County Judge, Dan P. Joyce date

Larry Wilson
Commissioner Larry Wilson

Don Hodge
Commissioner Don Hodge