

Memorandum Date: June 7, 2010
Meeting Date: June 23, 2010

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Rob Zako, Consultant
Celia Barry, Transportation Planning & Traffic

AGENDA ITEM TITLE: PUBLIC HEARING, DISCUSSION AND ORDER/In the matter of proposing bylaws for an area commission on transportation (ACT) for Lane County

I. **MOTION**

Move approval of staff recommendation.

II. **AGENDA ITEM SUMMARY**

Staff is providing alternatives and seeking Board direction on proposing bylaws for an Area Commission on Transportation (ACT) for Lane County.

III. **BACKGROUND/IMPLICATIONS OF ACTION**

A. **Board Action and Other History**

The 2009 Oregon Legislative session enacted Senate Bill 944, requiring Lane County, in consultation with other elected local officials and with transportation stakeholders in Lane County, to develop, not later than September 30, 2010, a proposed charter for the formation of an ACT.

Since July 15, 2009, ODOT and Lane County staff held meetings on the topic with various stakeholders and made related reports to the Board of Commissioners.

On October 20, 2009, the Board hired a consultant, Rob Zako, to assist in developing the charter and forming an ACT.

On December 15, 2009, the Board adopted Board Order No. 09-12-15-16 establishing the Forum on an Area Commission on Transportation (FACT-LC) "to provide a forum for jurisdictions in (and around) Lane County and other stakeholders in Lane County's transportation system to discuss and reach broad agreement on the formation of an Area Commission on Transportation (ACT) for Lane County."

Specifically, Board Order No. 09-12-15-16 provides that "[n]ot later than April 30, 2010, the [FACT-LC] shall submit a Final Report to the Board. The Final Report shall include: (a) a proposed charter for an ACT for Lane County, (b) a description of the level of support for the

proposed charter, and (c) any minority opinions or alternative options.”

On January 6, 2010, the Board appointed Commissioner Handy, with Commissioner Stewart as an alternate, to represent the Board on the FACT-LC.

The FACT-LC met on January 13, February 10, March 10 and April 14, 2010, and reached consensus on proposed bylaws for an ACT for Lane County.

On April 27, 2010, the Board discussed a Preliminary Report from the FACT-LC. The Board also granted a request to extend the deadline for the Final Report to May 31, 2010, in order to allow time for other local jurisdictions to review the FACT-LC’s proposed bylaws for an ACT for Lane County.

On May 31, 2010, the FACT-LC completed its Final Report, successfully completing its charge from the Board.

For this meeting, staff is recommending the Board accept the FACT-LC’s proposed bylaws for an ACT and direct staff to submit these proposed bylaws to the Oregon Transportation Commission (OTC) for their final approval.

In order to assist the Board in reaching a decision, this meeting is organized into three parts: 1) take public comments, 2) hold a roundtable discussion with members of the OTC and the FACT-LC, and 3) deliberate and decide.

B. Policy Issues

SB 944 requires Lane County, in consultation with other elected local officials and with transportation stakeholders in Lane County, to develop, not later than September 30, 2010, a proposed charter for the formation of an ACT. Both the Board and the OTC have indicated a desire for Lane County to review transportation projects with a regional perspective and to speak with “one voice” on regional priorities.

C. Board Goals

The following two goals from the Strategic Plan, page 13, are relevant:

- *Provide opportunities for citizen participation in decisionmaking, voting, volunteerism and civic and community involvement.*

The Lane County Board of Commissioners met in March and again in July of 2008 to discuss the County’s priorities and set goals to guide the organization for the coming one to two years. Goals for 2008 to 2010 include:

- *Build public trust through intensive communication and engagement.*

D. Financial and/or Resource Considerations

The Board would not be making any financial commitment by acting on this matter, other than staff resources already committed to the ACT formation effort.

E. Analysis

SB 944 gives the Board the sole authority to develop a proposed charter, in compliance with the *Policy on Formation and Operation of Area Commissions on Transportation*, and to submit the charter to the OTC for approval.

But the OTC's *Policy on Formation and Operation of Area Commissions on Transportation*, provides:

"In establishing an ACT, local elected officials and staff work together with the ODOT Region Manager and the OTC member representing the Area to develop a proposal for the formation of an Area Commission on Transportation (ACT). ... The proposal is circulated among local jurisdictions for comment, revision and eventually expressions of support." (Emphasis added.)

Thus the OTC will expect the proposed charter to enjoy "expressions of support" from local jurisdictions. Moreover, for the ACT to be successful, its eventual members will need to "buy in" to the charter as approved.

The FACT-LC reached consensus on proposed bylaws for an ACT for Lane County. Subsequently, most of the relevant jurisdictions in Lane County have taken formal action to endorse the bylaws as proposed.

Oregon Department of Transportation (ODOT) staff has indicated that the proposed bylaws generally satisfy the OTC's *Policy on Formation and Operation of Area Commissions on Transportation*. ODOT staff has also indicated it is acceptable to refer to the fundamental operating agreements of ACTs as charters, bylaws, operating agreements, etc.

F. Alternatives/Options

1. Accept the FACT-LC's proposed bylaws for an ACT and direct staff to submit these proposed bylaws to the OTC for their final approval.
2. Direct staff to submit a different set of proposed bylaws to the OTC for their final approval.
3. Continue discussions with the OTC, other elected local officials, and transportation stakeholders in Lane County around forming an ACT.

IV. TIMING/IMPLEMENTATION

It is important to make continued, timely progress in this matter in order to meet the timelines spelled out in SB 944. September 30, 2010, is the required deadline to develop a proposed charter for the formation of an ACT. Moreover, establishing an ACT as soon as practical would facilitate broader input on transportation issues affecting Lane County, for example, on ConnectOregon III and the 2012-2015 Statewide Transportation Improvement Program (STIP).

SB 944 also provides:

"Not later than October 31, 2010, the governing body of Lane County shall report to the appropriate interim committees of the Legislative Assembly on: (a) The steps taken toward the formation of an area commission on transportation for Lane County; and (b) The initial membership of the area commission on transportation, if the charter has been approved by the Oregon Transportation Commission, or a plan, including remaining steps and a timeline, for obtaining approval of the area commission on transportation for Lane County."

As the FACT-LC's Final Report indicates, action by the Board in June could enable the ACT to be up and running with a full complement of members by October, in time to report success to

the Legislative Assembly.

V. **RECOMMENDATION**

Option 1.

VI. **FOLLOW-UP**

Please see Section IV above.

VII. **ATTACHMENTS**

1. Board Order and Exhibit A, proposed Bylaws
2. Letter from some members of the FACT-LC responding to Board concerns
3. Final Report from the FACT-LC