

Proposed Process for Forming a Lane County ACT

August 31, 2009

Outcome

The formation of an up-and-running Lane County Area Commission on Transportation (ACT) with a charter approved by the ACT itself, the Lane County Board of Commissioners, and the Oregon Transportation Commission (OTC).

When

October 2009 – June 2010 (9 months)¹

Who

The formation of the Lane County ACT is to be led and facilitated by a Project Team consisting of:

1. **Independent consultant / facilitator:** Leads project, familiar with ACTs and transportation decision-making, facilitates meetings.
2. **ODOT staff:** Provides technical and other support.
3. **Lane County staff:** Oversees project, reports to Lane County Board of Commissioners.

The project will engage government officials and staff, other stakeholders, invited experts familiar with ACTs, and potentially the interested public.

How

The Lane County ACT is to be formed through a “bootstrapping” process aimed to get the right people around a table “owning” their own charter and working well together.

In more detail, the process includes the following major steps:

- I. **Identification of Preliminary List of Stakeholders:** Lane County Board of Commissioners, other jurisdictions, and other identified stakeholders, with assistance from the Project Team, develop a preliminary list of stakeholders to include in a “Pre-ACT.” [October 2009]
- II. **Formation of “Pre-ACT”:** The Lane County Board of Commissioners invites representatives from the identified stakeholders to join a Pre-ACT, a short-lived, *ad hoc* body charged with developing a proposed charter for the eventual ACT. [November 2009]
- III. **Development of Proposed Charter for Lane County ACT:**
 - **Purpose Statement:** The Pre-ACT develops a proposed purpose statement specifying the general mission and specific responsibilities of the Lane County ACT. [December 2009]
 - **Coordination:** The Pre-ACT develops proposed procedures for how the Lane County ACT coordinates with other groups, including the Lane County Board of Commissioners,

¹ SB 944 provides: “The governing body of Lane County ... shall develop, not later than **September 30, 2010**, a proposed charter for the formation of an area commission on transportation for Lane County.” SB 944 further provides: “Not later than **October 31, 2010**, the Oregon Transportation Commission shall schedule a meeting with the governing body of Lane County, other elected local officials and transportation stakeholders to discuss the proposed charter.”

the Lane County Roads Advisory Committee, the central Lane Metropolitan Planning Organization (MPO), the Lane Council of Governments Board of Directors, other nearby ACTs, etc. It is expected that coordination between the Lane County ACT and the Central Lane MPO will be of great importance. [January 2010]

- **Structure:** The Pre-ACT develops a proposed structure specifying the members, non-voting members, officers, committees and staff of the Lane County ACT. In particular, the Pre-ACT might revise the preliminary list of stakeholders in light of the proposed purpose statement. The Pre-ACT might also adjust its *own* membership to more closely match that proposed for the future Lane County ACT. [February 2010]
- **Operation:** The Pre-ACT develops proposed operating agreements for the Lane County ACT. Note that the Pre-ACT will have an opportunity to “test run” how the proposed operating agreements work. A key issue is how to make decisions, and whether to vote using a simple majority or supermajority rule, to work by consensus, or some hybrid approach. Other key issues are conflict resolution and public involvement. [March 2010]

IV. **Approval of Proposed Charter:**

- **Pre-ACT** approves the proposed charter. [April 2010]
- **Lane County Board of Commissioners** approves the proposed charter. [April 2010]

V. **Formation of Lane County ACT:**

- **Select Initial Members:** Initial members of the Lane County ACT are selected, following the provisions of the proposed charter. (Presumably, there will be procedures for filling specific seats on the ACT.) It is anticipated that some but not all members of the Pre-ACT will carry over to the Lane County ACT, and that some new members will be part of the Lane County ACT. Ideally, there will be enough continuity from the Pre-ACT to the ACT that the ACT will be able to hit the ground running. [May 2010]
- **Ratify Charter:** The Lane County ACT will ratify its own proposed charter. This step is important, if somewhat perfunctory, as the Lane County ACT will be an autonomous body and will need to accept its own charter in order to operate effectively. [May 2010]

VI. **Presentation of Proposed Charter to OTC for Final Approval** [June 2010]

Note that the Project Team will provide information on how other ACTs formed and function to the Lane County Board of Commissioners and the Pre-ACT.

Note that both the Pre-ACT and the eventual ACT should approve the proposed charter by consensus: If stakeholders couldn't even agree on who should be involved in an ACT and how they should work together, then the ACT itself would be formed crippled. (Think of the original states each ratifying the U.S. Constitution and agreeing to abide by its provisions before it took effect.)

Note that as the Pre-ACT develops a proposed charter, Lane County staff will check in with the Lane County Board of Commissioners, giving them an opportunity to follow and advise the development of a charter. In the end, the aim is for the Pre-ACT / ACT to “own” its own charter. But, as provided by SB 944, the Lane County Board of Commissioners is ultimately responsible for the development of a proposed charter.