

# BY-LAWS

## Cascades West Area Commission on Transportation

The concerns of the Cascades West Area Commission on Transportation (CWACT) shall include issues that affect the regional transportation system and its links to areas beyond the region. The Commission recognizes that developing and improving the transportation system is a long-term process. Therefore, CWACT strives to build and sustain the consensus and support for project priorities, plans and policies that benefit the region's transportation system.

### ARTICLE I PURPOSE AND RESPONSIBILITIES

The Cascades West Area Commission on Transportation (CWACT) is established by the Oregon Cascades West Council of Governments (CWCOG) and is chartered by the Oregon Transportation Commission (OTC) as an advisory body. The CWACT shall carry out the following functions in the Cascades West region, which consists of Linn, Benton and Lincoln Counties:

- A. Provide a vehicle for the OTC to communicate with the Cascades West region regarding transportation issues.
- B. Provide input, advice and recommendations to ODOT and the OTC with regard to policies and plans considered by the state.
- C. Provide an avenue for communication with state and federal legislators regarding regional transportation issues.
- D. Advise the CWCOG Board on transportation matters.
- E. Provide a forum for local governments to communicate and collaborate on local, regional and state transportation issues.
- F. Recommend State Transportation Improvement Program (STIP) priorities to the OTC and the CWCOG Board based on state and local transportation plans related to the Area.
- G. Establish and monitor benchmarks for regional transportation improvements
- H. Communicate and coordinate activities with other regions and organizations, including:
  - Corvallis Area MPO
  - Other ODOT Regions
  - Governor's Economic Revitalization Team
  - Rural Investment Board

- ODOT Advisory Committees
- I. Advocate issues to neighboring regions and outside organizations.
  - J. Establish a public process that is consistent with state and federal laws, regulations and policies.
  - K. As applicable, consider all modes and aspects of the Transportation System in formulating recommendations, taking into account the provision of elements and connections between air, marine, rail, highway, trucking, transit, bicycle and pedestrian facilities.
  - L. Provide documentation to the OTC of the public process and resulting recommendation forwarded by the ACT including alternatives for solutions and outcomes of decisions.
  - M. Provide a report to the OTC at least once every two years.

## ARTICLE II MEMBERSHIP

Representation on the CWACT shall be as follows:

- A. Each of the following entities shall be invited to nominate one representative and one alternate as voting members of the CWACT:
  1. All incorporated cities in the Cascades West region
  2. Linn, Benton and Lincoln Counties
  3. All port districts in the Cascades West region
  4. All recognized Indian tribes in the Cascades West region
- B. Representatives from the entities identified in Article II (A) shall be elected officials of that entity. Alternates need not be elected officials.
- C. Transportation districts and transit districts within the Cascades West region shall each be invited to nominate one representative and one alternate as voting members of the CWACT.
- D. The Board of Commissioners from each County shall nominate, in consultation with the other voting CWACT members in that county, two (2) private parties representing business and other transportation interests to be voting members of the CWACT.
- E. The Oregon Department of Transportation (ODOT) Area Manager shall be a voting member of the CWACT.

- F. Alternates shall be allowed to vote in the absence of the representative or if a representative declares a conflict of interest. In no instance will an entity be allowed more than one vote.
- G. Ex officio membership (non-voting) may be drawn from the following categories:
  - 1. State legislators (all legislators that represent portions of the Cascades West region)
  - 2. Representatives of other groups that represent regional transportation interests, such as the Coastal Policy Advisory Committee on Transportation and the Mid-Willamette Valley Area Commission on Transportation
  - 3. Representatives of regional groups that have an interest in transportation issues, such as housing advocates and work force quality groups
  - 4. Two representatives of alternate modes, such as bicycle or pedestrian (to be appointed by the CWCOG Board)
  - 5. The Chairs of the CWCOG Senior Services Advisory Council and the CWCOG Disabilities Services Advisory Council
  - 6. Special interest groups invited to participate as particular issues are addressed by the CWACT, such as housing advocates or law enforcement agencies
  - 7. The Executive Director of each MPO within the CWACT region
- H. The CWCOG Board, according to the CWCOG Articles of Agreement, will formally appoint the members and alternates of the CWACT. The ODOT Area Manager and the state legislators will be considered members without the necessity of formal appointment.
- I. The entire voting membership shall serve a term of two years. Approximately fifty percent of the voting members shall be (re)appointed each year.
- J. Eligible entities, as described in Article II (A), that are not members of the CWACT shall receive a biannual invitation to join.
- K. An entity that does not nominate a representative according to Article II (B) shall be notified, in writing, that it is no longer a member of CWACT. The entity will be allowed to re-join the CWACT at the beginning of the next term.
- L. Nominations for representative and alternate must be submitted by the eligible entities no later than March 31 following the beginning of those entities terms as established under Article II (H) or following an invitation to join.
- M. Terms shall begin on January 1.

### ARTICLE III OFFICERS AND STAFFING

- A. Officers shall consist of a Chair and a Chair-Elect, both of which shall be County Commissioners. The Chair and Chair-Elect shall be from different counties, and

the positions shall rotate among the Commissioners from each of the three counties.

- B. Officers shall serve one-year terms and the Chair-Elect shall assume the office of Chair upon completion of a one-year term as Chair-Elect.
- C. The Chair shall preside at all CWACT meetings and shall be an ex-officio member of all committees. The Chair may vote on any item before the CWACT; however, she/he may not vote if her/his vote would create a tie. The Chair is the official spokesperson for the CWACT unless this responsibility is specifically delegated. The CWACT Chair shall appoint chairs of all committees.
- D. In the absence of the Chair, the Chair-Elect shall execute all the functions of the Chair. In the event that the Chair cannot complete her/his full-term, the Chair-Elect shall assume the office of Chair and serve the remainder of the term and a new Chair-Elect selected.
- E. No person shall serve as Chair or Chair-Elect for a period of more than twenty-three (23) consecutive months.
- F. Terms for all officers shall begin on January 1.
- G. The CWCOG and ODOT will provide staff support for the CWACT

#### ARTICLE IV COMMITTEES

- A. Executive Committee
  - 1. An Executive Committee shall consist of one County Commissioner from each County, the ODOT Area Manager and one additional representative from each County. The Executive Committee shall include the Chair and Chair-Elect. The additional representative of each County shall be selected annually by representatives of that County at a regularly scheduled meeting of the ACT.
  - 2. A quorum for the Executive Committee shall be a majority of the members and there shall be at least one representative from each County present.
  - 3. Alternates may serve on the Executive Committee if the representative is not able to attend a meeting and if the representative so decides.
  - 4. The Executive Committee shall meet as called by the Chair to
    - (a) Act on behalf of the full CWACT between meetings.
    - (b) Take needed timely action on issues within the context of decisions or positions previously taken by the full CWACT. However, the Executive Committee shall refrain from action on items that can wait for a regular CWACT meeting, and refrain from making decisions regarding project priorities.
    - (c) Take action in situations determined by the Chair to be emergencies.
    - (d) Be responsible for routine housekeeping duties, such as determining the content of agendas.

5. Meetings of the Executive Committee shall be conducted in compliance with the Oregon Public Meetings Law as described in ORS192.610 through ORS192.690.
6. Decisions and recommendations of the Executive Committee will be communicated to the membership of the CWACT. When possible that communication shall be in writing via a memorandum.

B. Technical Committee

1. A Technical Committee shall be formed as a standing committee of the CWACT and it shall:
  - (a) Act at the direction of the CWACT and provide information, advice and recommendations to the CWACT
  - (b) Identify issues and make the CWACT aware of those issues
2. Each entity that is a voting member of the CWACT shall be invited to nominate a representative to the Technical Committee. Members of the Technical Committee need not be elected officials.
3. The Chair of the Technical Committee shall serve as an ex-officio member of the ACT.

## ARTICLE V ORGANIZATION PROCEDURES

- A. The CWACT shall meet quarterly or as necessary to fulfill its responsibilities. Meeting locations will be determined by the membership.
- B. For the purpose of conducting official business, a quorum shall exist when representatives from fifty-one (51) percent of the voting members are in attendance.
- C. Decisions shall be reached by a consensus process whenever possible. If it is not possible to obtain concurrence of all voting members present, a seventy-five (75) percent concurrence of the voting members present shall be necessary for approval.
- D. Prior to participating in the process of updating the State Transportation Improvement Program (STIP), the members shall establish a specific procedure to be used. That procedure shall *at least* describe the role of the Technical Committee, public outreach efforts, a timeline and a description of the decisionmaking process the CWACT will use to establish regional STIP priorities.
- E. Recommendations to the CWCOG Board to repeal, amend, add to or replace these bylaws may be made by a seventy-five (75) percent majority vote of the voting membership present. Such changes shall be presented at one meeting of the CWACT and acted upon at a subsequent meeting. A positive vote to change shall be forwarded to the CWCOG Board for action at their next meeting.
- F. The CWCOG Board may initiate a change in these bylaws. Such change shall be presented at one meeting of the Board. If it receives a positive, majority vote, it

shall be referred to the CWACT for comment. Subsequently, it shall be presented for adoption by the Board with the comment of the CWACT. A seventy-five percent vote of the CWCOG Board is required to adopt the proposed change.

- G. Roberts' Rules of Order Revised will serve as the parliamentary authority for the operation of the CWACT in all cases not covered by these bylaws. The CWACT may formulate additional specific standing rules and rules of order to govern the conduct of its meetings provided they do not conflict with these bylaws.
- H. The Chair may call special meetings for any purpose or purposes. Notice of time and place of any special meeting shall be given to each member, either personally or by personal mail or electronic mail, at least three days prior to such meetings. Notice shall state the purpose of the meeting. The public shall be notified of special meetings by posting a meeting notice on the CWACT worldwide web site.
- I. If a member (representative or alternate) is not in attendance (physically or electronically) during two (2) consecutive full ACT meetings, the Chair will notify, in writing, the highest elected official of the entity being represented. If the representative is one of the private sector members, the notification will be sent to the County Commission of the county from which that private sector member was appointed. The notification will state that unless either the representative or alternate are in attendance during at least one of the two next meetings, the member will be removed from membership in the CWACT for the remainder of the term that the representative was serving. The member will be allowed to re-join the CWACT at the beginning of the next term. If the discontinued member was a private sector representative, the relevant county may immediately appoint a new representative to fill out the term of the discontinued member.
- J. Only representatives or alternates that have been appointed to the CWACT according to Article II (G) shall be allowed to participate in any consensus process or voting process. All entities described under Article II (A) are entitled to attend CWACT meetings and participate in meeting discussions.
- K. Meetings of the CWACT shall be conducted in compliance with the Oregon Public Meetings Law as described in ORS192.610 through ORS192.690.
- L. The CWACT will encourage and support public involvement by implementing the methods outlined in Attachment A of the Policy on Formation and Operation of Area Commissions on Transportation, adopted by the Oregon Transportation Commission on June 18, 2003.
- M. Each CWACT member shall be given a copy of these bylaws and subsequent amendments.

Bylaws Adopted April 1, 1999  
Amended September 20, 2001  
Amended January 20, 2005

## **Attachment A Public Involvement**

ACT meetings will comply with the requirements of the Oregon Public Meetings Law, ORS 192.610 to 192.690. "Meeting" means the convening of a governing body of a public body for which a quorum is required to make a decision or deliberate toward a decision on any matter." ORS 192.610(5). Meetings include information-gathering sessions, working lunches and electronic meetings. All ACT meetings will be open to public attendance and any member of the public may attend any meeting of the ACT.

### **A. MINIMUM REQUIREMENTS FOR REGULARLY SCHEDULED MEETINGS**

The ACT will conduct all meetings in accordance with the following minimum requirements and will strive to meet the preferred standards. The regular meeting requirements will be supplemented with the methods found in Table 1 if the meeting falls into the following additional categories:

- Developing project priorities for Draft STIP using approved criteria.
- Draft STIP public hearing.
- Special meetings.
- Electronic meetings.

#### **Meeting Notice**

- Advance notice to interested persons and stakeholder groups on ACT mailing list and to news media which have requested notice.
- Notices must include time, place, agenda (principal subjects) and name of person and telephone number (including TTY number) at the public body to contact to make a request for an interpreter for the hearing impaired or for other communication aids.
- A good faith effort must be made to provide an interpreter for hearing-impaired persons on receipt of proper notice. ORS 192.630(5).

#### **Meeting Materials**

- For decision items, distribute information to everyone in attendance at the meeting.
- Provide time on the agenda for general public comment.

#### **Meeting Schedule**

- If regularly scheduled meetings are not possible, the minimum standard is to provide extra public notification by following the Preferred method of meeting notification.

#### **Meeting Location**

- Meets accessibility requirements of the Americans with Disabilities Act (ADA).
- No meeting may be held in buildings where discrimination (race, sex, age, national origin, color, creed, disability) is practiced. ORS 192.630(3).
- Generally held within the geographic boundaries of the ACT's jurisdiction. Training sessions may be held anywhere.
- Contains adequate seating and facilities to encourage attendance by the general public.

**Meeting Minutes**--Minutes shall be prepared for all ACT meetings. Minutes must include at least:

- Members present.
- All motions, proposals and resolutions proposed, and their disposition.
- Results of all votes/decisions. Secret ballots prohibited.
- Substance of all discussion.
- Reference to all documents discussed (confidentiality of records exempt from disclosure may be protected).
- After each ACT meeting the ACT shall prepare and distribute the minutes prior to the next ACT meeting.
- As appropriate to the Area, meeting minutes should be provided in languages other than English.<sup>7</sup>
- Minutes must be preserved for a reasonable time.

#### **B. PREFERRED STANDARD FOR REGULAR MEETINGS**

In addition to the minimum requirements, the preferred standard for regular meetings includes:

##### **Meeting Notice**

- One week advance notice.
- Notices posted at local public institutions (city hall, library, community center, etc.).
- Notice posted on ACT website, along with links to meeting agendas, past meeting minutes, technical materials and documentation.

##### **Meeting Materials**

- Provide an advance agenda one week prior to the meeting, either on the ACT website or through the mail.
- For decision items, provide technical materials and supporting documentation one week prior to the ACT meeting. Materials can be distributed through the ACT website and/or through the mail.
- Provide copies of all correspondence received prior to the meeting to ACT members and the public attending the meeting.

##### **Meeting Schedule**

- Regular schedule (e.g., meetings at 1:00 p.m. on the last Thursday of each month).

##### **Meeting Location**

- Easily accessible by public transportation.

##### **Meeting Minutes--**

- Post minutes from the meeting on the ACT website.

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<sup>7</sup> A Governor's task force is currently working on methodology for meeting the federal requirements for Limited English Proficiency. Public involvement at the ACTs will need to comply with the guidance developed.

### **C. EXECUTIVE SESSIONS**

The responsibilities of the ACT do not include work permitted in an executive session (ORS 192.660).

### **D. CONTROL OF MEETINGS**

- The presiding officer has inherent authority to keep order at meetings—can “reasonably” regulate the use of cameras and tape recorders.
- No smoking is permitted at any meeting of the ACT.

### **E. ROLES AND RESPONSIBILITIES**

Roles and responsibilities of parties engaged in public involvement activities on behalf of ACT will be designated in the joint agreement identified in Section V.B, Staffing and Financial support.

### **F. PUBLIC COMMENT**

The public shall be provided opportunities to speak to the merits of proposals before the ACT and to forward their own proposals. Public comment may be taken at any time during the ACT meeting. Copies of all correspondence received prior to the meeting should be available for ACT members and the public at the meeting. The ACT public involvement process shall demonstrate explicit consideration and response to public input during the planning and program development process.

Type of Meeting	Meeting Notice		Meeting Materials		Meeting Schedule		Meeting Location	
	Minimum	Preferred	Minimum	Preferred	Minimum	Preferred	Minimum	Preferred
<b>Developing Project Priorities for Draft STIP Using Approved Criteria</b>	-Same as Regular Meetings	-Same as Regular Meetings Plus -Paid Advertising	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings plus -In establishing outreach activities for specific projects or topics consider locations that would be frequented by that community (e.g., social service organizations, schools).
<b>Draft STIP Public Hearing</b>	-Same as Regular Meetings plus -Paid Advertising	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	Same as Developing Project Priorities for Draft STIP Using Approved Criteria
<b>Special Meetings</b>	-Same as Regular Meetings plus -Minimum 24 hours Notice	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings
<b>Electronic Requirements apply to all meetings by electronic means (e.g., personal computers).</b>	-Same as Minimum for meeting type listed above. All procedural and formal requirements apply (minutes, notices, etc.). ORS 192.670.	- Same as Preferred for appropriate meeting type listed above	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	-Same as Regular Meetings	Same as Regular Meetings plus -Room with "listening" device	-Same as Regular Meetings

Attachment A Table 1