



## BYLAWS FOR CITY ADVISORY BODIES

### Transportation Network Company (TNC) Drivers Advisory Committee

#### I. **Body created on** March 1, 2019, **by**

Bureau of Transportation; by Commissioner Eudaly (No Code/Document to refer)

##### A. **Purpose**

The purpose of the Drivers Advisory Committee is to focus on issues impacting transportation network company (TNC) drivers and serve as a forum where drivers can express issues, concerns, and suggestions about this evolving industry. This Committee will have the support of a neutral and independent Drivers Ombudsperson acting as a liaison between TNC drivers and the companies. The Drivers Ombudsperson will advise the Committee on driver complaint trends and assist the Committee in developing recommendations to the Bureau Director and TNC representatives. The Committee may focus on a range of issues including, but not limited to, transparent collection and use of data, accessibility, wages, public safety, driver safety, driver injury, issues related to insurance, safety and reliability for passengers, equalizing standards across the for-hire sector and dispute resolution.

**B. Sponsor Bureau:** Portland Bureau of Transportation

**C. Staff/Bureau liaison title:** Mark Williams

**D. Advise to:** Bureau Director

#### II. **City Role**

The Bureau will provide a staff person to assist with technical support, subject matter expertise, logistical assistance, administrative assistance, and advice to the Committee. The Bureau will also provide public notice of all meetings, post materials to a webpage, and prepare meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement was not reached.

The Bureau will administer the contract with the neutral and independent Ombudsperson acting as a liaison between TNC drivers, TNC companies, the Committee, and PBOT. The

Ombudsperson will provide the Committee with both their written and verbal recommendations for additional actions, including policy changes that the Committee may advocate for.

### III. Frequency of Meetings

The Committee shall meet at least four times each calendar year and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with the operating procedures specified herein.

### IV. Membership and Term

Members of advisory bodies are public officials. They must become familiar with rules and responsibilities described at the “Oregon Government Ethics Law - A Guide for Public Officials” (Oregon Government Ethics Commission).

#### A. Total membership will total nine seats.

- Three TNC seats for two years;
- Three TNC seats for three years;
- One at-large member of the public seat for three years;
- Two at-large members of the public seats for two years.

#### B. Terms are staggered

#### C. Term Limits

1. Member terms can be renewed. Members may serve any number of terms not to exceed **eight years of total consecutive service**.
2. At the completion of each term, regardless of term length, incumbents are required to complete notice of intent to continue to serve and discuss with the designated bureau staff liaison the mutual benefits of continuing on the Committee.

Members interested in continuing service beyond eight years must sit out for two years before reapplying to serve on the same advisory body.

Members may not have alternates. All serving members are selected and appointed to full terms. Whether a seat is filled for the remainder of the vacated term or a new one will be determined by the appointing entity. If there are vacancies, including if a position becomes vacated during a term, normal recruitment processes will follow. The process includes recruitment applications, vetting and selecting members, and appointment by the Commissioner-in-Charge.

The Committee does not require a quorum when advising the Bureau Director. However, the opinion stated by each member will be taken into consideration.

When a Chair or Vice Chair position needs to be filled or replaced, the remaining committee members may nominate other committee members, or themselves to fill one or both of the positions. Then, all nominated positions will be placed on a ballot for a Committee vote. Each committee member may cast two votes. Votes can be used to elect two members for either position or use both votes to elect one member to a single position. The Bureau Director may appoint any member of the Committee to serve as an officer, or they may appoint a member the Committee has elected.

#### V. Technical Advisory Panel

1. The Technical Advisory Panel is a non-voting panel and shall be made up of stakeholders to include representatives from the following organizations:
  - One TNC Management Member
  - Port of Portland
  - Metro
  - The Moda Center
  - Providence Park or Representative that manages activities at the Stadium owned by the City of Portland
2. The Committee will recognize these technical experts when they have valuable information or input to add to the conversation. Additionally, as technical experts, they can provide written materials to the Committee via the committee facilitator, assisting them in their deliberations as they formulate recommendations for the Director's consideration.
3. The intention of this approach is to afford industry partners, the opportunity to provide meaningful advisory and technical support, and memorialize this role, to the members of the TNC Drivers Advisory Committee.
- 4.

#### VI. General Operating Procedures

- A. Disclosure of Conflicts of Interest [or other connection]
  1. A public official is required to make an announcement of the nature of a conflict of interest each time the issue giving rise to the conflict of interest is discussed or acted upon.
  2. The announcement needs to be made on each occasion when the public official is met with the conflict of interest, and the public official must disclose the nature of the conflict of interest. For example, an elected member of the City Council would have to make the public announcement one time when met with the conflict of interest, but only one time in each meeting of the City Council. If the matter giving rise to the conflict of interest is raised at another meeting, the disclosure must be made again at that meeting.
  3. Bureau liaison, the facilitator and/or staff are obligated to record and keep all conflicts of interest that are announced during each meeting.
  4. If it is found that a member did not disclose a conflict of interest, staff must alert the Bureau Director of the instance as soon as the incidence is known.

5. Any potential or actual conflict of interest noted by staff will be included in the recommendation report provided to City Council or other final decision-making body.

**B. Meeting Process**

1. The Committee Chair reserves the right to select the policy topics or suggestions to be considered by the Committee. The City liaison may also introduce topics to be considered by the Committee.
2. Once a Topic is introduced by the Chair or the City liaison, it will be heard at two committee meetings prior to the Chair requesting for or making a motion for a policy recommendation to the Director for consideration.
3. At some time during one of the two meetings, the Chair must hear comment from the Technical Advisory Panel and the general public. Comments should be no more than three minutes.
4. Should a Technical Advisory Panel member or a member of the public not get the the opportunity to testify due to time limitations, they may submit their testimony in writing up to 48 hours after the meeting.
5. The Chair at their discretion may invite any member of the committee or general public for invited testimony.
6. Should any member of the public or the Technical Advisory Committee elect to send any documentation or testimony to the Committee in advance, they may do so at least one week in advance of the scheduled meeting using the following process:
  - a) All documentation or written testimony shall be sent to the facilitator referencing the meeting date the material is associated with.
  - b) The facilitator will first send a copy of the documentation to the City liaison and the Committee Chair for review.
  - c) Upon approval by the Committee Chair, the documents will be forwarded to the remaining committee members, by the facilitator, and entered into public record.
  - d) As a general rule, the Committee Chair must approve all materials published or otherwise distributed for a committee meeting.

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- C. Meetings will be conducted to foster collaborative decision-making.

**VII. Removal of Members and Resignations**

- A. All members serve at the pleasure of the Bureau Director and may be asked to resign or be removed at the Director's discretion at any time unless authority exists requiring a different process.

- B. Any member who does not give notice that they intend to be absent from a

scheduled meeting for more than 25 percent of the meetings in any 12 months of the service will be removed by the Bureau Director.

**C. Process for removal**

- For unexcused absences: Bureau liaison or designee keeps attendance and informs Bureau Director of absences, who, in turn, informs the member in writing that they have been removed as a member of the Body.

**D. Resignation process**

- Members are expected to make a good faith effort to complete their term. In cases where this is not possible, members are expected to provide notice to the City staff liaison in writing (preferred) or verbally. Members are encouraged to complete the Resignation Form and submit to City staff liaison.

**VIII. Officers and Subcommittees**

The presiding officers of the Body may consist of positions in sequential presiding order.

1. Chair – Public member at large or driver
2. Vice Chair – Public member at large or driver and will act as designated leadership appointed by: Commissioner-in-Charge, or Bureau Director.

The Chair, with assistance of the facilitator, shall be responsible for conducting the meetings. In the absence of the Chair, the Vice Chair shall be responsible for conducting the meetings. A presiding officer will be designated at all times.

The Chair, facilitator, and staff liaison will encourage full and safe participation by representatives in all aspects of the process, assist in the process of building consensus, and ensure all participants abide by the Body’s operating procedures. The Chair may also serve as liaison between the members of the Body and the City. In consultation with the facilitator (if there is one) and staff liaison, the designated leadership will develop meeting agendas, establish subcommittees if needed, and ensure an efficient advisory process.

The Body may divide its members into subcommittees authorized to act on behalf of the full Body for an assigned purpose. While subcommittees may engage non-members, only members may vote to approve reports and recommendations to be forwarded to the full Body. When voting, the quorum for subcommittee members is the simple majority of the subcommittee (50% plus 1 or greater number of seats).

**IX. Facilitator Role**

The City may contract with a professional facilitator whose role is to assist the Chair with facilitating the meetings, and in collaboration with the City staff liason and the Committee Chair, help develop recommendations, and produce approved reports. The facilitator will not act as an advocate on any issue, any interest group, or any member of the Body.

Specific facilitators' responsibilities are determined by the needs of the Bureau and advisory Committee, but may include:

- Ensuring a welcoming meeting environment where all members can participate.
- Ensuring a safe environment for minority opinions.
- Conducting meetings in a manner to foster collaborative decision-making and consensus-building.

## **X. Communications**

Members agree that transparency is essential to all deliberations. In that regard:

- Advisory body members are required to notify City staff liaison of verbal communications with interest groups and all communications with media. Members are required to copy the City staff liaison and, when appropriate, the Facilitator on all written communications from/to interest groups (other than a group specifically represented by a member) commenting on the Body's deliberations. These communications will be included in the public record as detailed below and copied to the Chair and/or full Body as appropriate.

## **XI. Public Meetings and Records**

Meetings of the full body and subcommittee meetings are open to the public and will be conducted under the provisions of Oregon Public Meetings Law (ORS 192.610-690). The Bureau liaison will provide notice to the public regarding the dates, times, and locations of all meetings:

- Regular meetings: at least one-week notice,
- Special meetings: at least one-week notice.

Per ORS 192.670(1), advisory body members can participate through telephonic conference calls. Requests for any other electronic communication means require approval from the Bureau liaison with City Attorney consultation. All records of the Body, including formal documents, discussion drafts, meeting summaries, and exhibits are public records. Communications among members related to the subject matter of this Body should not be treated as confidential and may be subject to public records requests. "Communications" refers to all statements and votes made during meetings, memoranda, work projects, records, documents, text messages, pictures, or materials developed to fulfill the charge, including electronic mail correspondence by and among the members. The personal notes of individual members taken at public meetings might be considered to be public record to the extent they "relate to the conduct of the public's business," (ORS 192.410(4)). Members are not allowed to deliberate towards a decision over email, as public participation needs to be guaranteed through that process.

## **XII. Amendment of Bylaws**

The Body may vote to recommend to the Bureau Director, to amendment or repeal of these Bylaws. The Bureau Director must sign off on original bylaws and any amendments to the

bylaws. Members have no authority to amend bylaws without approval.

Original Bylaws Created by: Mark Williams, Regulatory Division Manager, on \_\_\_\_\_.  
(name/title) (date)

Approved by: \_\_\_\_\_, on \_\_\_\_\_.  
(Elected/Bureau Director) (date approved)

Amended: \_\_\_\_\_, on \_\_\_\_\_.  
(name, title) (date amended)

Approved by: \_\_\_\_\_, on \_\_\_\_\_.  
(Elected/Bureau Director) (date approved)

Amended: \_\_\_\_\_, on \_\_\_\_\_.  
(name, title) (date amended)

Approved by: \_\_\_\_\_, on \_\_\_\_\_.  
(Elected/Bureau Director) (date approved)