



BYLAW TEMPLATE FOR CITY ADVISORY BODIES

PBOT BUREAU AND BUDGET ADVISORY COMMITTEE

I. **Body created in 2012, by**

- Portland City Code _____
- Council Resolution** 36960
- Council Ordinance _____
- Bureau _____; by whom _____
- Other _____

A. **Purpose**

The Bureau and Budget Advisory Committee (BBAC) provides advice and support to the Director of the Portland Bureau of Transportation (PBOT). The BBAC's role is to:

- o inform PBOT's annual transportation budget.
- o review program priorities, spending, and any necessary and capital project lists.
- o provide input on the strategy for incorporating equity into PBOT's work and direction on the inclusion of communities that have been traditionally underserved by PBOT.
- o think critically and strategically about the complete transportation system and provide input that champions the success of both the whole transportation system and the City of Portland and its diverse residents.
- o track operational programs and activities of the bureau and provide input on desired service levels and performance outcomes of bureau activities.
- o monitor the creation of the budget and track overall revenues, expenditures, and larger bureau program/project implementation.

B. Sponsor Bureau: Portland Bureau of Transportation (PBOT)

C. Bureau liaison/title: Intergovernmental Affairs Research & Legislative Assistant

D. **Advise to**

- City Council
- Elected-in-Charge¹
- Bureau Director**
- Designated bureau staff (title) _____

¹ The term Elected-in-Charge refers to any of the five elected Commissioners (including the Mayor) plus the City Auditor

II. City Role

The Bureau will provide a staff person to assist with technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the Body. 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.

III. Frequency of Meetings

The Body shall meet at least ten 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 should 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 **24** seats
24 seats for **six** years;

Per guideline provided by resolution 36960, PBOT must establish a minimum of 50% community representation (non-City employees) on its Budget Advisory Committee. A minimum of two BAC members shall be City employees, one a labor represented City employee and a non-represented, non-management employee. At the discretion of labor represented employees, union representatives may represent respective bureau employees.

PBOT modal committees (Pedestrian Committee, Bike Committee, and Freight Committee) may have a representative to serve on the Budget and Bureau Advisory Committee (BBAC). Modal committee representatives shall follow terms and term limits respectively.

- B. Terms

- Staggered** - As position opens on the committee.
- All terms begin/end at the same time

- C. Term Limits

1. Members will serve a two-year term with the opportunity to renew their membership. Renewal is subject to the Director's approval.
2. Members may serve any number of terms not to exceed **six years of total consecutive service**. Completion of an unexpired term does not apply toward the six-year cumulative.
3. At the completion of each term, regardless of term length, incumbents are required to complete notice of intent to continue to serve or exit interview and discuss mutual benefits of continuing on the body with the designated bureau staff.
4. Members interested in continuing service beyond six years must sit out for:

Two years (if the body does not have set terms)

One Term (six years)

Before reapplying to serve on the same advisory body.

Members may not have alternates and all serving members are selected and appointed to full terms. Whether a seat is filled for the remainder of the vacated term or anew will be determined by the Bureau Director. If there are vacancies, including if a position becomes vacated during a term, normal recruitment processes should follow. The process includes recruitment applications, vetting and selecting members, and appointment by the Bureau Director.

Member Responsibilities

Members of the BBAC agree to fulfill responsibilities through attending and participating in meetings, studying available information and providing input and suggestions to the PBOT Director. Members agree to participate in good faith and to act in the best interests of the group and its charge. *To this end, members agree to place the interests of the City above any political, professional, organizational affiliations or other interests.*

Members are expected to consider a range of issues and options, discuss the pros and cons of the issues/options presented, and seek to develop recommendations reflecting the "sense of the group."

Members acknowledge that BBAC is an advisory body to the Director of the Portland Bureau of Transportation and that its role is to provide advice and frame policy choices, but that decision ultimately rest with the Director.

Member responsibilities include:

- Review background materials and information to understand issues and topics to be discussed and addressed at committee meetings.
- Identify and discuss emerging transportation issues that have budgetary impact.
- Consider and integrate public input into recommendations as appropriate.
- Work collaboratively with one another, and staff, to explore issues and develop recommendations.
- If requested, attend public meetings and events to hear directly from the public.
- Develop understanding of PBOT's revenue and expenditure as a foundation for participating in budget discussions.
- Fulfill membership requirement by participating in mandatory volunteer trainings.

D. Quorum

Simple majority: **50% plus 1 or greater number of seats**

A specific number _____, per the authority of _____ [other law]

The Bureau and Budget Advisory Committee advises the PBOT Bureau Director. As such, the body is not required to have a quorum to deliberate. The committee may use alternative means to arrive at recommendations.

E. Voting

- Majority of seats per ORS 174.130
- Majority of quorum present per the authority of [other law]

A quorum shall be necessary of voting members to make decisions that represent the position of the Body and to fulfill any other responsibilities. Proxy/absentee voting is not allowed.

BBAC advises the PBOT Bureau Director. As such, the body is not required to administer a formal vote to make recommendations.

V. General Operating Procedures

A. Disclosure of Conflicts of Interest [or other connection]

- 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.
- 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.
- Bureau liaison and/or staff are obligated to record and keep all conflicts of interest that are announced during each meeting.
- 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.
- 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.

VI. 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 (for instance, Code, statute, etc.) 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. Generally, the committee takes a break from July through August.
- C.** Process for removal
 - For unexcused absences: Bureau liaison 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.

- By Elected-in-Charge: Elected 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.

VII. Officers and Subcommittees (optional)

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

- Chairperson (Chair)**
- Vice-chairperson(s) (Vice-Chair)**
- coordinating committee (or similar)

and will act as designated leadership appointed by:

- Elected-in-Charge.
- Bureau Director.**
- Majority vote of members or consensus decision-making.

The designated leadership shall be responsible for conducting committee meetings. A presiding officer will be designated at all times. The designated leadership may look to the Bureau Director and/or Bureau liaison to facilitate meetings. BBAC Co-chairs will serve as leaders for a period not to exceed two years.

The designated leadership 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 and the Bureau staff liaison**
- Bureau staff liaison**
- Other _____

will also serve as liaison between the members of the Body and the City. In consultation with the Facilitator (if there is one) and Bureau 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.

Subcommittee meetings are also subject to Oregon Public Meetings Law and must abide by quorum requirements when voting. 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).

VIII. Facilitator Role (optional)

The City may contract with an independent and neutral third party whose role is to facilitate meetings, 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 board, but may include:

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

IX. 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.
- On rare occasions, some advisory bodies may ask or be asked to write position letters to external groups or governments in support or opposition of policy issues that are relevant to the purpose and scope of the Body. This is accomplished by first proposing the position to the Staff Liaison to the advisory body. The Staff Liaison and/or bureau leadership must work with PBOT's liaison to the Office of Government Relations if the external communication is with a regional, state, federal or tribal government according to PBOT procedures. This process is required in accordance with Administrative Rule 3.01, which establishes the Office of Government Relations as the central coordinating body for this external intergovernmental outreach.

X. 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 (OR RS 192.610-690). The Bureau liaison will provide notice to the public regarding the dates, times, and locations of all meetings:

- Regular meetings:
 - Best practices: at least one week,
 - Minimum requirement: at least 48 hours,
- Special meetings: at least 24 hours.

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 e-mail, as public participation needs to be guaranteed through that process.

I. Amendment of Bylaws

The Body may vote to recommend to the Bureau Director amendment or repeal of these Bylaws. The Bureau may also recommend changes to the Bureau Director. 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 Abiodun/Constituent Services Coordinator on May 13, 2019.

Approved by: Chris Warner, on: 2/24/2020.
(Chris Warner, Bureau Director) (date approved)

Amended by: Chris Warner, on: 8/10/2022.
(Chris Warner, Bureau Director) (date approved)