

# Agenda



## BMPO Policy Board

October 18, 2024

Hybrid Meeting

### Location

ODOT Region 4, Building M, Baney Conference Room  
63055 N Highway 97, Bend, Oregon

### Zoom webinar link

Webinar ID: 874 5721 4706  
Passcode: bmpo  
Phone: 1-888-788-0099

### YouTube livestream

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## 12:00 p.m. Policy Board Meeting

Start Time	Item	Information	Presenters
12:00	<b>1. Call to Order &amp; Introductions</b>		Chair Campbell
12:05	<b>2. Hybrid Meeting Guidelines</b>		MPO Staff
12:07	<b>3. Public Comment</b>		Chair Campbell
12:10	<b>4. Meeting Minutes</b>	<b>Attachments</b> Attachment A: September 20, 2024, Policy Board draft meeting minutes.  <b>Action Requested</b> Review and approve the September 20, 2024, Policy Board meeting minutes.	Chair Campbell

		Recommended Language for motion: <i>I move approval of the September 20, 2024, Policy Board draft meeting minutes as presented.</i>	
12:12	<b>5. City Procurement Procedures – Resolution</b>	<p><b>Background</b> The MPO and City of Bend entered into an intergovernmental agreement (IGA) to designate the City as the administrative and fiscal agent for the BMPO. The IGA is silent on procurement procedures. Using the City’s procurement procedures will allow the MPO to meet its planning responsibilities.</p> <p><b>Attachments</b> Attachment B: Resolution 2024-06.</p> <p><b>Action Requested</b> Consider adoption of Resolution 2024-06 to allow the MPO to use the City’s procurement procedures.</p> <p>Recommended language for motion: <i>I move to adopt Resolution 2024-06 authorizing the MPO to use the City of Bend’s procurement policies and procedures.</i></p>	MPO Staff
12:25	<b>6. MPO Bylaws &amp; Establishment IGA</b>	<p><b>Background</b> The Board requested a review of the MPO establishment IGA and bylaws. Staff will provide an overview of possible updates.</p> <p><b>Attachments</b> Attachment C: MPO establishment IGA Attachment D: MPO Bylaws</p> <p><b>Action Requested</b> Provide input and direction to staff on possible updates to the IGA and Bylaws.</p>	MPO Staff
12:45	<b>7. Bend Pedestrian Network Implementation Plan (PNIP)</b>	<p><b>Background</b> The PNIP, completed in 2023, identified areas of greatest need for pedestrian infrastructure, inventoried those areas to identify missing or incomplete infrastructure, and prioritized areas for infill and/or improvement projects needed to create a complete pedestrian network. Staff will provide an overview of the plan.</p>	Janet Hruby, City of Bend

		<p><b>Attachments</b> None. The plan is available here: <a href="https://www.bendoregon.gov/government/departments/transportation-mobility/traffic-engineering/pedestrian-network-plan">https://www.bendoregon.gov/government/departments/transportation-mobility/traffic-engineering/pedestrian-network-plan</a></p> <p><b>Action Requested</b> None. Informational item.</p>	
1:05	<b>8. Think Bike Workshop by Dutch Cycling Embassy – Outcomes &amp; Next Steps</b>	<p><b>Background</b> In July 2023, the City of Bend hosted a 2-day bicycle workshop to identify ways to build bicycle facilities that allow more residents to comfortably and safely bike. The MPO was a major funding contributor. Staff will provide an overview of the workshop and discuss next steps.</p> <p><b>Attachments</b> None.</p> <p><b>Action Requested</b> None. Informational item.</p>	Janet Hruby, City of Bend
1:20	<b>9. MPO Work Schedule, Strategic Plan &amp; Goals</b>	<p><b>Background</b> Staff will review the 5-year work program and discuss possible development of a strategic plan and goals.</p> <p><b>Attachments</b> None. Information will be shared at the meeting.</p> <p><b>Action Requested</b> Review 5-year work program, discuss possible next steps and provide direction to staff.</p>	MPO Staff
1:28	<b>10. Other Business</b>	<p>Time for Policy Board members to provide updates on current projects and planning efforts and request future meeting topics.</p> <ul style="list-style-type: none"> <li>• Subcommittee for reviewing Budget Committee applications (3 positions)</li> <li>• FHWA follow-up (OMPOC meeting)</li> <li>• The next meeting of the BMPO Policy Board is scheduled for November 15, 2024, at 12:00 p.m.</li> </ul>	Chair Campbell & Staff

1:32	<b>11. Public Comment</b>		Chair Campbell
1:35	<b>12. Adjourn</b>		Chair Campbell



**Accommodation Information for People with Disabilities**

This meeting/event location is accessible. Sign language interpreter service, assistive listening devices, materials in alternate format such as Braille, large print, electronic formats, or any other accommodations are available upon advance request. Please contact Kelli Kennedy at [kkennedy@bendoregon.gov](mailto:kkennedy@bendoregon.gov) or 541-693-2122; Relay Users Dial 7-1-1. Providing at least 3 days’ notice prior to the event will help ensure availability.



**BMPO** Bend Metropolitan  
Planning Organization

# Meeting Minutes

## BMPO Policy Board

**Location:** Council Chambers, Bend City Hall  
710 NW Wall, Bend, Oregon

**Date:** September 20, 2024

**Time:** 12:00 p.m.

**Prepared by:** ABC Transcription Services, LLC.

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### In Attendance

#### Policy Board Members

- Chair Barb Campbell, Bend City Councilor
- Ariel “Ari” Mendez, Bend City Councilor
- David Amiton, Oregon Department of Transportation (ODOT) Region 4 Interim Board Member

#### Member Alternates

- Chris Doty, Deschutes County

#### BMPO Staff and Other Attendees

- Tyler Deke, BMPO Manager
- Andrea Napoli, BMPO Senior Planner
- Kelli Kennedy, BMPO Staff
- Tory Carr, City of Bend
- Aaron Berger, DKS Associates
- Greg Bryant, BMPO Technical Advisory Committee (TAC)
- David Abbas, City of Bend
- Bob Townsend, Cascades East Transit (CET)
- Royce Kallerud, Connect Bend
- Brent Stinski, Connect Bend
- Lisa Donahue, City of Bend

### Agenda Items

#### 1. Call to Order and Introductions

Chair Campbell called the regular meeting to order at 12:06 p.m., with a quorum established.

#### 2. Hybrid Meeting Guidelines

Manager Deke reviewed the meeting guidelines.

### 3. Public Comment

Royce Kallerud, Connect Bend, supported the South UGB footbridge project proposed in the Metropolitan Transportation Plan and expressed concern about opposition to the project due to claims made without evidence by Oregon Wild.

### 4. Meeting Minutes

Materials referenced: August 16, 2024, Policy Board draft meeting minutes (Attachment A in agenda packet)

**Motion 1:** Ariel Mendez moved approval of the August 16, 2024 Policy Board draft meeting minutes as presented. Chris Doty seconded the motion which passed unanimously.

### 5. 2045 Metropolitan Transportation Plan (MTP) Adoption

Materials referenced: Resolution 2024-04 (Attachment B in the agenda packet), Public Agency comments and responses (Attachment C in the agenda packet), and the draft 2045 MTP is available at <https://bendoregon.gov/mtp>.

Manager Deke, Aaron Berger, DKS, and Senior Planner Napoli reviewed the progress made in the MTP process and presented a summary of public and agency comments received, recent editorial changes made to the draft 2045 MTP document, and next steps.

Questions and comments from the Board were addressed regarding focusing on solutions apart from capital projects to address congestion, a potential transit component update in 2025 or 2026, increased Transportation Demand Management (TDM) due to climate-friendly rules, the possibility of planning for light rail rights-of-way, the MTP document's ability to be updated and amended to include new projects, and confirming that the maps in the MTP did not reflect a project that had been approved by the Policy Board on the eastern side of US 97.

**Motion 2:** Ariel Mendez moved to adopt the 2045 Metropolitan Transportation Plan. Chris Doty seconded the motion which passed unanimously.

### 6. Fiscal Year 2024 – 2025 (FY25) Budget Adjustment

Materials referenced: Issue Summary and Resolution 2024 – 05 to adopt the FY25 budget adjustment. The Budget and UPWP are posted on the BMPO website. <http://www.bendoregon.gov/mpobudget>. (Attachment D in the agenda packet)

Manager Deke explained the small increase in the FY25 Budget to reflect the total amount of federal funding received.

**Motion 3:** Ariel Mendez moved to adopt the FY25 Budget Adjustment. Chris Doty seconded the motion which passed unanimously.

## 7. Metropolitan Transportation Improvement Program (MTIP) Amendments

Materials referenced: Public notice including a summary of the proposed amendments (Attachment E in the agenda packet), Public comment record as of Sept 13, 2024 (Attachment F in the agenda packet)

Kelli Kennedy presented the four proposed amendments to projects in the 2024 – 2027 MTIP and reviewed the public comment received. Clarification was provided on fluctuations in project funding and the inability to move forward with projects if the Board was opposed. There was discussion on transportation funding that captured the intensity of use, using a Federal Lands Access Program (FLAP) grant to maintain pavement on US 97, the need for a sustainable funding source for US 97 that was not grant-based, and the challenges of seeking alternative funding for necessary road maintenance.

**Motion 4:** Ariel Mendez moved to approve the proposed amendments to the 2024 – 2027 MTIP as presented. Chris Doty seconded the motion which passed unanimously.

## 8. 2025 Oregon Legislative Session – BMPO Opportunities to Engage

Materials referenced: BMPO comment letter – Oregon Joint Transportation Committee (Attachment G in the agenda packet)

Manager Deke stated the Oregon State Legislature would convene in January 2025 and a transportation funding package was expected to be developed during the session.

There was discussion regarding outcomes of the Joint Transportation Committee bus tour and roundtable held in Bend on September 12, 2024, the emphasis on funding safety, maintenance, and commitments to House Bill 2017, uncompleted projects in the Portland metro area, sources of funding, targeted increases for metro area residents to fund metro area projects, the split in funding for state, county, and city projects, the disparity between urban and rural funding opportunities, and the impacts of choosing to fund new projects over maintenance.

The Policy Board and Staff discussed upcoming engagement opportunities including submitting letters of support or testimony. The challenge would be identifying policies to support and continuing to track activities of other entities like the League of Oregon Cities (LOC) and the lobbying efforts for the City of Bend to look for opportunities to engage. State representatives could potentially be invited to upcoming Policy Board meetings. The benefits of tolling to support the cost of infrastructure were noted.

Manager Deke shared an estimated timeline for transportation funding package engagement opportunities and the remaining schedule for the Joint Transportation Committee bus tour.

## 9. Other Business

Manager Deke spoke about the Policy Board support letter sent on behalf of the City of Bend's grant application to partially fund engineering for the Reed Market railroad overcrossing through the Railroad Crossing Elimination Program, and another grant to fund construction to supplement the GO Bond, which would complete funding for the \$46 million project.

Policy Board member agenda item requests: Ari Mendez requested a discussion on State highway funding allocated by the MPO to City of Bend pavement preservation in order to identify sustainable funding opportunities and alternatives.

There was discussion on availability to attend the Policy Board meeting on December 20, 2024, phasing in the new Transportation Utility Fee, using various funding tools to improve the transportation system, and possibly funding the Neighborhood Safe Streets program.

Chair Campbell announced upcoming topics and provided a reminder that members could ask questions or request agenda items by reaching out to her or Staff.

The next scheduled meeting of the Policy Board would be October 18, 2024, at 12:00 p.m. at ODOT Region 4 Headquarters.

## 10. Public Comment

None.

## 11. Adjournment

Chair Campbell adjourned the meeting at 1:33 p.m.



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**Resolution Number 2024-06**  
**Bend Metropolitan Planning Organization Policy Board**

**For the Purpose of Adopting the City of Bend's Procurement Procedures**

WHEREAS, the Bend Metropolitan Planning Organization (BMPO) is a public body established by the Oregon Governor on December 18, 2022, to conduct the federally required Metropolitan Transportation Planning Process; and

WHEREAS, the BMPO is governed by a Policy Board that includes representatives from the Oregon Department of Transportation (ODOT), Deschutes County and the City of Bend; and

WHEREAS, the BMPO is subject to Oregon's public contracting laws; and

WHEREAS, the BMPO entered into an intergovernmental agreement with the City of Bend (City) to designate the City as the administrative and fiscal agent for the BMPO; and

WHEREAS, the City of Bend is subject to and follows the public contracting model rules adopted by the Oregon Attorney General and contained in Oregon Administrative Rules (OAR) chapter 137, divisions 46, 47, 48, and 49, and as modified by ordinance in Bend Municipal Code Section 1.55 (Public Contracting); and

WHEREAS, the BMPO desires to adopt and follow the City's public contracting code, as may be amended, as well as any and all implementing policies and procedures for procuring the goods and services for conducting the Metropolitan Transportation Planning Process.

NOW, THEREFORE, BE IT RESOLVED, that the BMPO Policy Board resolves to follow the model rules as required by ORS 279A.065, and as modified by Bend Municipal Code Section 1.55 (Public Contracting), as may be amended, as well as any and all implementing policies and procedures adopted by the City of Bend for procuring the goods and services for carrying out the Metropolitan Transportation Planning Process.

Adopted by the BMPO Policy Board the 18<sup>th</sup> of October 2024

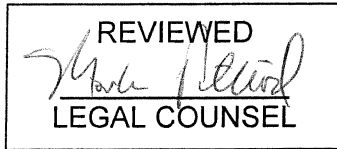
Yes: \_\_\_ No: \_\_\_ Abstain: \_\_\_

Authenticated by the Chair this 18<sup>th</sup> day of October 2024

\_\_\_\_\_  
Barb Campbell, Chair

Attest:

\_\_\_\_\_  
Tyler Deke, BMPO Manager



For Recording Stamp Only

**AMENDMENT TO INTERGOVERNMENTAL COOPERATIVE AGREEMENT  
ESTABLISHING THE BEND METROPOLITAN PLANNING ORGANIZATION**

That certain agreement, INTERGOVERNMENTAL COOPERATIVE AGREEMENT ESTABLISHING THE BEND METROPOLITAN PLANNING ORGANIZATION made and entered into as of December 16, 2002 by and between the City of Bend ("City"), Deschutes County ("County"), and the State of Oregon, acting by and through its Department of Transportation ("ODOT"), is hereby amended, effective upon signing by all parties.

The above listed agreement is amended, and replaced in its entirety with the following:

1. Introduction

Based on the results of the US 2000 Census, the Bend Urbanized Area has exceeded 50,000 in population. Federal regulations (23CFR part 450) requires that an MPO be designated for the area to conduct a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals. 23CFR part 450 also allows ODOT to be a voting member of any policy boards created under the rules of 23CFR part 450. The plans and programs shall lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and freight.

ORS 190.110 and 283.110, allow state agencies to enter into cooperative agreements with units of local government or other state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

ORS 190.010 allows units of local government to join together to form intergovernmental entities, and enter into cooperative agreements for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

Pursuant to these statutes and regulations, an intergovernmental entity is hereby created by City and County by way of this agreement, to be called the Bend

Metropolitan Planning Organization (“BMPO”) located at 710 NW Wall Street, Bend, Oregon 97701. This agreement shall be governed and construed in accordance with the laws of the State of Oregon.

## 2. Purpose

2.1 The purpose of the BMPO is to carry out planning, coordination and integration of activities necessary to maintain a comprehensive, cooperative, and continuing multi-agency transportation planning program; and further, as specified by the Policy Board of the BMPO, carry out other related specific tasks including implementation thereof.

2.2 The BMPO will establish a setting in which to undertake effective decision-making processes regarding transportation in the metropolitan area of Bend; evaluate transportation alternatives that are realistic and scaled to address the needs of the metropolitan area; develop and maintain a long range transportation plan for the metropolitan area which covers a 20 year planning horizon; and develop a Transportation Improvement Program (“TIP”) to establish how transportation funding will be used for regional transportation purposes to address the modernization, operation and maintenance of transportation facilities and services needs within the BMPO

2.3 The BMPO shall promote public participation in the decision making process through public meetings. The BMPO shall exercise leadership and initiative in planning and assisting development of efficient, integrated transportation system facilities and services in the Bend metropolitan area.

2.4 The area within the BMPO includes the urban area as defined by the 2000 U.S. census plus all area within the Urban Growth Boundary (UGB) and other additional areas that may be annexed to accommodate expected growth and anticipated development for the next twenty years. The areas included outside of the Urban Growth Boundary can be described as Deschutes River Woods to the South, the Woodside Ranch area, and areas East and North of the UGB as indicated in Appendix A (map). Based upon the 2000 census count, this area qualifies as a U.S. Census designated Urban Area.

## 3. Governing Body of BMPO

3.1 The BMPO Policy Board shall be the governing body of BMPO and shall consist of representatives appointed by each governing body of each party to this Intergovernmental Agreement as required by 23USC135

3.2 The Policy Board shall adopt bylaws to govern the Policy Board membership, terms of office, and other operating details of the BMPO.

3.2.1 The adopted bylaws shall be attached to this Agreement. Prior to any amendment or repeal of the bylaws, the Policy Board shall give

a 30 day written notice to all parties to this Agreement with a copy of the draft amendments.

- 3.2.2 If any party to this Agreement objects in writing to the proposed amendments within the 30 day notice period, the amendments will not become effective. Rather, the Policy Board will consider the objections and propose revised bylaw amendments utilizing the procedure outlined in Paragraph 3.2.1.
- 3.2.3 If no party to this Agreement objects to the proposed bylaw amendments pursuant to Paragraph 3.2.2, the Policy Board may adopt the amended bylaws by a unanimous vote.
- 3.2.4 Amended bylaws will be attached to this Agreement for reference.

#### 4. Powers and Responsibilities of BMPO

- 4.1 The BMPO Policy Board is responsible for all actions, agreements, and functions to be carried out by the Bend Metropolitan Planning Organization. To this end, the BMPO may:
  - 4.1.1 Serve in a review capacity to insure that all federal and state assisted development projects are consistent with integrated regional transportation plans and programs;
  - 4.1.2 Accept contributions and grants-in-aid;
  - 4.1.3 Contract with the Federal Government for planning assistance and other transportation-related planning projects, products, and services;
  - 4.1.4 Contract for the provision and receipt of planning or associated products or services;
  - 4.1.5 Administer grants, Planning Funds (Federal Highway Administration "FHWA" funds) and Federal Transit Administration "FTA" funds;
  - 4.1.6 Own property, facilities and equipment;
  - 4.1.7 Incur debt, subject to Oregon Constitution Article II, Sections 9 and 10;
  - 4.1.8 Issue bonds;
  - 4.1.9 Maintain financial records, supporting documentation for financial records and records relating to procurement and management of contracts for implementation of its work plan shall be kept in compliance with applicable state and federal requirements;

- 4.1.10 Take such other and further actions as are reasonably necessary to carry out its responsibilities.
  - 4.2 The BMPO is responsible for development of the following essential products:
    - 4.2.1 Regional Transportation Plan;
    - 4.2.2 Unified Planning Work Program (“UPWP”) and Annual Budget;
    - 4.2.3 Transportation Improvement Program (“TIP”) the program that establishes a blueprint for the use of transportation resources to meet the capital and operating needs of the BMPO;
    - 4.2.4 Annual audit of BMPO activities; and
    - 4.2.5 Other products deemed essential may be authorized by the Policy Board as specified in the UPWP.
- 5. BMPO Finances
  - 5.1 The fiscal year for the BMPO shall commence on July 1 of each year. BMPO shall comply with ORS 294.900-294.930
  - 5.2 The BMPO shall have the power to receive funds from any public or private source including, but not limited to, the federal, state and local governments, voluntary associations, non-profit corporations, firms, partnerships, or person or any combination thereof, bequests, donations, devices, grants and gifts of all kinds of property.
  - 5.3 The BMPO Policy Board Chair shall call for an annual audit of the financial affairs of the BMPO to be made by a certified public accountant selected by the members of the BMPO Policy Board at the end of each federal fiscal year. The audit is a public record, and shall be made available to all BMPO Parties.
- 6. BMPO Staff
  - 6.1 The BMPO will remain a separate entity from the City and County, and any Party, with a separate budget, its own governing board and separate operating principles as outlined in this IGA.
  - 6.2 The BMPO may contract for support staff or hire staff as necessary, including legal counsel. The BMPO staff consists of a Manager and supporting staff personnel. The Manager of the BMPO shall report directly to and take direction from the BMPO Policy Board. Supporting staff personnel shall report directly to and take direction from the Manager.

- 6.3 The BMPO Policy Board will be responsible for maintaining an agreement with a local entity for staffing of the MPO. The agreement must include a description of how autonomy will be retained, including descriptions of where the agency will be housed, who will staff the agency, and whether there will be any overlap with Parties regarding employee responsibilities.
- 6.4 BMPO member units may donate personnel to serve as staff to the BMPO, subject to the provisions of Section 8.

7. No Joint and Several Liability

- 7.1 Parties are *not* jointly and severally liable with other parties for any tort (as defined by ORS 30.260(8)) committed by an elected or appointed official, employee or agent of such party acting in connection with this agreement, nor in connection with the BMPO.
- 7.2 Nothing in this agreement shall be construed to increase tort liability that Party would otherwise have under Oregon Law.
- 7.3 Obligations of BMPO arising from contract or quasi contract shall be the obligations of BMPO alone, and parties are *not* jointly and severally liable for such obligations, unless one or more of the parties agree, in writing, to individually guarantee performance of a specific obligation.

8. Employment Liabilities.

Each Party shall be responsible for any and all claims arising from its respective employer/employee relationships with respect to any donated employee of the Party during any time that the employee of the Party is working on BMPO matters. For the purpose of this agreement, elected and appointed public officials are included in the employer/employee relationship. Examples of the employer/employee relationship include selection, termination, discipline, benefits and equal employment opportunity issues. Each Party shall provide its own Workers' Compensation coverage as provided by law with respect to any employee of the Party during any time that the employee of the Party is working on BMPO matters.

9. Effectiveness, Duration, Termination and Withdrawal

- 9.1 This agreement and the formation of BMPO shall be effective upon signature of this agreement by the City and County, and upon approval of the agreement by the Oregon Transportation Commission for ODOT, and upon designation of the BMPO by the Governor of Oregon.
- 9.2 This agreement shall be perpetual unless terminated by agreement of all Parties hereto.

On November 14, 2002, the Oregon Transportation Commission approved this agreement. At that time, the Commission authorized the Deputy Director, Transportation Development Division to execute this agreement.

**IN WITNESS WHEREOF**, the Parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

Dated: 11/10/09

**CITY OF BEND**  
By: Kathie Eckman  
Title: Kathie Eckman, Mayor

Dated this 28th of October, 2009

**BOARD OF COUNTY COMMISSIONERS**

Tammy Baney  
TAMMY BANEY, CHAIR

Dennis R. Luke  
DENNIS R. LUKE, VICE-CHAIR

Alan Unger  
ALAN UNGER, COMMISSIONER

ATTEST:

Bonnie Baker  
Recording Secretary

**For Recommended Approval:**

By: Robert Bryant 11-20-09  
Title: Robert Bryant, ODOT Region 4

**STATE OF OREGON,**  
**By and through its Department of Transportation**

Jurich Bohard 12/2/09  
Title: Deputy Director, Transportation Development

**Approved for ODOT for Legal Sufficiency**

By: John K. Wanner  
Assistant Attorney General

## **Bend Metropolitan Planning Organization Policy Board Bylaws**

### **Article I Name**

The governing body of the Bend Metropolitan Planning Organization, established pursuant to the Governor's Metropolitan Planning Organization designation letter, dated December 11, 2002, shall be known as the BMPO Policy Board.

### **Article II Purpose**

The purpose of the BMPO Policy Board is as follows:

A. To carry out planning, coordination and integration of activities necessary to maintain a comprehensive, cooperative, and continuing multi-agency transportation planning program; and further, as specified by the BMPO Policy Board, carry out other related specific tasks including implementation thereof.

B. Establish a setting in which to undertake effective decision-making processes regarding transportation in the Bend MPO metropolitan area; evaluate transportation alternatives that address the needs of the metropolitan area; develop and maintain a long range transportation plan for the metropolitan area which covers a 20 year planning horizon; and develop a Transportation Improvement Program ("TIP") to establish how transportation funding will be used for regional transportation purposes to address the modernization, operation and maintenance of transportation facilities and services needs within the BMPO.

C. Promote public participation in the decision making process through public meetings. The BMPO shall exercise leadership and initiative in planning and assisting development of efficient, integrated transportation system facilities and services in the Bend metropolitan area.

D. The area within the BMPO includes the urban area as defined by the 2000 U.S. census plus all area within the City of Bend Urban Growth Boundary (UGB) and other additional areas that may be annexed to accommodate expected growth and anticipated development for the next twenty years. The areas included outside of the Urban Growth Boundary can be described as Deschutes River Woods area to the South, the Woodside Ranch area, and areas to the East and North as indicated in the BMPO Boundary Map (Attachment A). Based upon the 2000 census count, this area qualifies as a U.S. Census designated Urban Area.



### Article III

#### Membership, Terms of Office, Officers and Voting

A. The BMPO Policy Board shall consist of representatives appointed by the governing body of each party to this Intergovernmental Agreement.

B. The Policy Board shall consist of the following members:

	Members	Votes
City of Bend	3	1
Deschutes County	1	1
Oregon Department of Transportation	1	1
Total	5	3

C. Approval by a simple majority of the voting members will constitute passage of any action; except for amendment of the Bylaws, which is governed by the process in Article IX.

D. The City of Bend representatives shall be members of the City Council.

E. The Deschutes County representative shall be a member of the County Commission.

F. The Oregon Department of Transportation Region 4 Manager or designee shall serve as the ODOT representative.

G. The BMPO Policy Board may appoint nonvoting members that represent alternate travel modes, the business community, freight community, or other interests deemed appropriate. Nonvoting members can participate in all discussions and deliberations of the Policy Board. Nonvoting members shall have no vote and shall not make or second motions.

H. As future major transportation providers form, such as a Transit District, they shall be added to the Policy Board by way of amendment to IGA No. 20395 and these bylaws, and become a party hereto.

I. Member entities may appoint alternates to serve in the absence of the appointed Policy Board members. Alternate members will have the voting privileges of members when serving in the absence of the appointed Policy Board member. City and County Alternates will be appointed by their governing bodies. The alternates may be an elected official or a staff person. ODOT alternates will be appointed by the ODOT Region 4 Manager

J. A vacancy on the BMPO Policy Board shall be filled by the party that appointed the member who created the vacancy.

- K. Terms for all members and alternates listed above commence on January 1 of each year.
- L. Each voting member of the Policy Board shall hold office until the party he or she represents appoints a successor.
- M. Officers
  - a. The Policy Board shall elect the following officers at its second meeting of the calendar year to serve for that year: Chair and Vice Chair.
  - b. The Chair shall preside at all meetings, public forums, and public hearings of the Policy Board.
  - c. The Chair shall sign, on behalf of the MPO, contracts and other legal instruments
  - d. In the absence of the Chair, or upon her/his inability to act or serve, the Vice Chair shall have the powers of the Chair.
  - e. The Chair and Vice Chair will serve without compensation and shall serve for a period of one year, renewable.
  - f. In the absence of the Chair and Vice-Chair, an acting Chair shall be selected by the members present for the meeting.
- N. The Policy Board shall be responsible for the management, supervision, policy and direction of all programs, functions and activities established and operated by the BMPO.
- O. Any conflict of interest of a Policy Board member must be stated prior to discussion of that particular agenda item.

#### **Article IV**

##### **Meetings, Conduct of Meetings, Quorum**

- A. Regular meetings of the BMPO Policy Board will be held monthly at a time and place established by the chair.
- B. Special or emergency meetings may be called by the chair or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chair may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.
- C. BMPO business may not be conducted without a quorum of the voting members. A quorum consists of the representatives from the Oregon Department of Transportation, Deschutes County, and two of the three City of Bend representatives.

- D. All meetings shall be conducted in accordance with the most current version of Robert's Rules of Order and the Public Meeting Laws of Oregon.
- E. Any of the Committees described below may establish other rules of procedure as deemed necessary for the conduct of business.
- F. The BMPO Manager shall account for the financial matters of BMPO and handle other necessary administrative functions, unless otherwise designated by the BMPO Policy Board. The BMPO Manager shall provide regular financial updates to the Policy Board and provide an annual financial report for the previous fiscal year. The financial update shall include a list of expenditures, and the balance of all depository accounts.
- G. Joint Meetings  
Joint meetings may be held with other agencies, committees, or commissions on items of mutual interest.
- H. Meeting Agendas  
Meeting agendas shall be prepared by the BMPO Manager in consultation with the Chair and Vice Chair. Items for the agenda, accompanying information, and written communications intended for consideration as part of an agenda item should be received by the BMPO Manager no later than five (5) calendar days prior to the scheduled meeting. Written communications received after this deadline will be reported and provided to the Policy Board at the meeting.  
  
Agendas and accompanying information packets will be provided to Policy Board members and posted on the Bend MPO website no later than five (5) days in advance of regularly scheduled meetings.
- I. Minutes  
Minutes will be prepared for each Policy Board meeting. Minutes will be submitted to the Policy Board for approval.
- J. Reports  
The Policy Board may ask for reports and recommendations, if any, from staff and the Technical Advisory Committee on any matters before it.
- K. Public participation  
Opportunity for public comment will be provided during all regular or special meetings and such opportunity will be marked on each meeting agenda as "Public Comment".

**Article V**  
**Public Hearings**

The board shall schedule and hold public hearings on all items required by law (e.g., annual budget) and may hold public hearings on other matters.

A. Public Notice

Public notice shall be provided as required by applicable laws. Reasonable effort will be made to notify affected local units of government and the general public of hearings through posting of notices, through the news media, and other means.

B. Conduct and Record of Hearing

At the beginning of the hearing, the Chair shall briefly identify the subject(s) under consideration and instruct the public on how the hearing will proceed. Staff may give a presentation on the subject, if deemed appropriate. Board members may then ask questions or pose questions during the presentation. Public comments will then be allowed. A record of the names of those appearing will be made.

Members of the Board may question a speaker on her/his statements. These rules may be suspended or modified, or a speaker allowed more time, with approval by a majority vote of the board.

## **Article VI**

### **Technical Advisory Committee**

- A. The BMPO identifies the need to create a standing committee to be known as the BMPO Technical Advisory Committee (TAC). Membership of the TAC includes governmental entities within the BMPO that are impacted by the decisions and that have significant contributions to the BMPO. The TAC is composed of technical and/or managerial staff representatives employed by each of the participating governmental entities. In addition, there may be one or more ex officio nonvoting representatives from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and other agencies. Each ex officio nonvoting member must be approved by the agency he/she represents.
- B. As future major transportation providers form, such as a transportation or transit district, they shall be added to the TAC. In addition, a representative from any technical subcommittee or advisory group that is formed shall have a seat on the TAC. Policy Board directive may also add additional positions (as members or as nonvoting members) to the TAC, such as a business representative, or a freight stakeholder.
- C. The TAC has authority and primary responsibility to conduct technical reviews and analyses regarding all work activities of the UPWP and any related issues as specified by the BMPO Policy Board and to so advise the BMPO Policy Board on appropriate actions to be taken. The TAC works closely with the BMPO staff, providing guidance and direction for development of the annual UPWP and work activities defined therein.

- D. TAC Membership shall be as listed in the TAC Bylaws.
- E. Organization and management of the TAC shall be according to bylaws adopted by the TAC and approved by the BMPO Policy Board.
- F. The BMPO Policy Board will take into consideration the alternatives and recommendations of the TAC in the conduct of its business.
- G. The meetings of the TAC shall be open to the public and shall comply with the Public Meetings Law.

**Article VII  
Budget Committee**

- A. The BMPO is required to form a Budget Committee. Membership of the Budget Committee shall include the voting members of the Policy Board plus an equal number of appointed residents.
- B. Appointed residents
  - 1. The Bend MPO Policy Board shall seek resident members through an application process.
  - 2. A subcommittee of the Policy Board shall review the applications and make a recommendation to the full Policy Board for consideration and approval.
  - 3. Resident members shall serve staggered 3 year terms and may serve more than 1 term.
  - 4. Resident members shall reside within the Bend MPO boundary.
- C. The Budget Committee shall meet at least once each year to review the proposed budget and make a recommendation to the Policy Board to adopt the budget as is or with modifications.
- D. The meetings of the Budget Committee shall be open to the public and shall comply with the Public Meetings Law.
- E. All applicable Oregon state statutes regarding public financial administration (ORS 290.900 thru 290.930) shall be adhered to.

**Article VIII  
Formation of Special Committees**

- A. The BMPO Policy Board, as deemed necessary, may create special committees. A special committee may be either an ad hoc committee for a specific work task or a standing committee for one or more work tasks. Subcommittee members can include BMPO Policy Board members, BMPO Policy Board alternates and/or outside experts. Any such special committee will be responsible to the BMPO Policy Board.
- B. At the direction of the Bend MPO Manager and the Chair of the Policy Board, subcommittees may be formed to investigate a particular work task or issues relevant to the BMPO.

- B. At the direction of the Bend MPO Manager and the Chair of the Policy Board, subcommittees may be formed to investigate a particular work task or issues relevant to the BMPO.
- C. The BMPO Policy Board shall define the duties, and authorize the power of all special committees. Special committees shall comply with the Public Meeting Laws of Oregon.
- D. The BMPO Policy Board shall determine membership on a special committee appointed by the BMPO Policy Board.
- E. The TAC shall determine membership on a special committee appointed by the TAC.

**Article IX  
Amendments**

- A. These bylaws may be amended or repealed only upon 30 day notice to all parties of IGA No. 20395 (“IGA”) and;
  - 1. Prior to any amendment or repeal of these bylaws, the Policy Board shall give a 30 day written notice to all parties to the IGA with a copy of the draft amendments.
  - 2. If any party to the IGA objects in writing to the proposed amendments within the 30 day notice period, the amendments will not become effective. Rather, the Policy Board will consider the objections and propose revised bylaw amendments utilizing the procedure outlined above in Paragraph 1.
  - 3. If no party to the IGA objects to the proposed bylaw amendments pursuant to Paragraph 2 above, the Policy Board may adopt the amended bylaws by a unanimous vote. A copy of the amended bylaws will be provided to the parties to the IGA and will be attached to the IGA for reference.

These Bylaws have been reviewed and approved by the Bend Metropolitan Planning Organization Policy Board on October 15, 2019.



Chair



BMPO Manager