

**Salem Area Mass Transit District  
Special Transportation Fund Advisory Committee  
Tuesday, April 2, 2019  
Courthouse Square – Senator Hearing Room  
555 Court St NE, Salem, Oregon 97301**

**A. CALL TO ORDER & NOTE OF ATTENDANCE:**

Ron Harding called the meeting to order at 3:01 p.m. with a quorum present.

**MEMBERS PRESENT:**

Ron Harding, Chair; John Hammill, Vice Chair; Emily Broussard; Bryant Baird; Beth Jackson; Jean Sherbeck; Sherena Meagher-Osteen; Victor Reppeto [by phone at 3:42 p.m.]

**MEMBERS ABSENT:** Marja Byers

**STAFF:**

Ted Stonecliffe, Transit Planner II; Chris French, Senior Planner; Steve Dickey, Director of Transportation Development; SueAnn Coffin, Contracted Services Manager; Jolynn Franke, Administrative Assistant, Transportation Development

**SAMTD BOARD LIAISON:**

Jerry Thompson, SAMTD Board of Directors; Colleen Busch, SAMTD Board of Directors

**PROVIDERS:**

Kathleen McClaskey, Woodburn Transit; Tim Williams, MV Transportation; Goran Petrovic, MV Transportation

**GUESTS:**

Arla Miller, ODOT Rail and Public Transit Division; Mary Sarabia, Cherriots Citizens Advisory Committee Sub-district 5

**B. PUBLIC COMMENT [Ron Harding]:** None

**C. APPROVAL OF MEETING MINUTES – March 12, 2019 [Ron Harding]:**

**Jean Sherbeck motioned for the March 12, 2019 Special Transportation Fund Advisory Committee (STFAC) minutes be accepted by the STFAC as written. Sherena Meagher-Osteen seconded the motion. The motion passed unanimously among voting members.**

## **D. ANNOUNCEMENTS:**

### **1. Result of March 28, 2019 Board meeting [Ron Harding] -**

Ron announced that the Cherriots Board of Directors (the board) accepted the recommendation formed by the STFAC at their March 12 meeting for 2019 – 21 biennium STF and Section 5310(ODOT) funding awards. John Hammill added that it was clear at the board meeting that everyone thought the Falls City Direct Connect project was worthy, but because of the decrease in STF funds and the restrictive guidelines the STFAC must follow, it just couldn't be funded. Director Jerry Thompson expressed appreciation on behalf of the board for the STFAC member's time and effort put into making a difficult decision.

## **E. ACTION ITEMS:** None

## **F. DISCUSSION ITEMS:**

### **1. Presentation by Cherriots attorney Ben Fetherston re: advisory committee ethics [Ben Fetherston] -**

Ben Fetherston presented on the Oregon ethics laws (ORS Ch. 244) that the STFAC must comply with as stated in Article I, Section 3 of the committee bylaws. Ben also reviewed the public meetings law and public records law as found in ORS Chapter 192. Covered in the presentation were the following topics:

- Definition of "public official" as found in ORS 174.109. Members of the STFAC are public officials under the Oregon ethics laws.
- Rules and definitions for gifts and honoraria; use of position; and conflict of interest as found in ORS Chapter 244. For example:
  - Gifts and honoraria rules apply to anything not also offered the general public.
  - STFAC members may not use their position on the committee for financial gain or to avoid financial detriment.
  - Any conflict of interest for a committee member must be announced to the committee before any action is taken.
  - A committee member would be allowed to support a given project as long as the benefit or detriment to that committee member would not differ from what the general public would experience, or as long as the committee member, or relative of

the committee member, would not receive financial gain or avoid financial detriment by doing so.

- Definitions of a “public body” and a “governing body” as used in ORS 192.610 to 192.690. The STFAC is a public body and a governing body under the public meetings law.
- Rules and definitions for public meetings and public records as found in ORS Chapter 192. For example:
  - All meetings of a governing body must be open to the public and a quorum of committee members may not meet in private to deliberate towards a decision.
  - Discussion or deliberation of public business may not occur in emails or conference calls with a quorum of committee members.
  - A gathering of less than a quorum of committee members is not considered a public meeting, but it can give the appearance of impropriety and should be avoided.
  - The exception to the public meeting requirements would be an executive session. An executive session would only be allowed where there is a statutory provision that permits it. STFAC members are advised to contact legal counsel before calling an executive session.
  - A public record is any writing that contains information relating to the conduct of the public’s business that is prepared, owned, or used and retained by a public body. The STFAC is a public body under the public records law.
  - There are a large number of exemptions and exceptions to the definition of a public record, such as personal matters or trade secrets. Any exempt information would need to be redacted from a public record before it could be released. STFAC members are advised to contact legal counsel regarding exceptions.
  - The most commonly requested records of a committee are emails.

## **2. First review of revised Coordinated Plan and Section 5310 Program Management Plan documents [Ted Stonecliffe] –**

Cherriots staff are currently making some minor updates to the Coordinated Public Transit – Human Services Transportation Plan (Coordinated Plan) and the Section 5310 Program Management Plan (PMP). The staff memo provided in the agenda packet for this meeting outlines the changes. Draft documents of the Coordinated Plan and PMP have been provided as well, in electronic and hard copy. Updates to the Coordinated Plan include:

- Updating brand names (i.e. “CARTS” to “Cherriots Regional”).
- Updating formatting to follow Cherriots’ current style guide.
- Updating maps and demographics with current U.S. census data.
- Updates to descriptions of existing public transportation service providers.
- Adding a description of the grant solicitation and application processes.

Things that will not be in the updated Coordinated Plan include:

- The list of transportation needs, priorities, and strategies as this will require a more in-depth public process.
- Any changes in response to ODOT’s newest version of the State Management Plan as it has not yet been finalized.

Updates to the PMP include:

- Updating brand names (i.e. “CARTS” to “Cherriots Regional”).
- Updating formatting to follow Cherriots’ current style guide.
- Updating web links.

Not being updated in the PMP is the list of transportation needs, priorities, and strategies as this will require a more in-depth public process.

The current State Management Plan calls for these plans to be reviewed every three years and updated within every five years. Cherriots staff is hoping that funding will be available from ODOT next year in order to conduct the public process required to make changes to the list of needs, priorities, and strategies.

Ted asked the STFAC members to review and comment on the electronic copy of the draft documents provided. Comments from STFAC members are due to Cherriots staff by April 19 so that staff can compile them to be reviewed at the May 7 STFAC meeting.

### 3. Provider Updates:

- Kathy McClaskey of Woodburn Transit thanked the STFAC members for their funding recommendation. Kathy recognized the difficulty of the decision the committee had to make and, while the City of Woodburn is still facing a \$27,000.00 deficit in funding, they are very thankful for what they will receive.

### 4. Round Table Topics:

- John Hammill mentioned that in the Governor's proposed budget for fiscal year 2021 – 2023 excludes the approximately \$10 million historically provided by the State for the STF grant. This equates to about a 40 percent decrease in the fund. STFAC members would like to know how they can communicate to the Legislature on this subject without violating Oregon ethics laws. Cherriots staff will consult legal counsel and provide the STFAC members with that information. Director Busch added that Cherriots does have a lobbyist through CFM Strategic Communications working on their behalf and that the board is able to lobby as well. Director Busch also noted that Cherriots will have a presence at Transit Day at the Capitol on April 9.

Victor Reppeto felt the best way for the STFAC to speak up about this subject would be to form a recommendation to the board as they are an advisory committee to the board. **Victor motioned for the proposed \$10 million cut to the STF grant by the State in FY21-23 to be brought to the attention of the Cherriots Board of Directors in order that they would lobby against this proposed budget cut. John Hammill seconded the motion. The motion passed with seven votes in favor and one abstention among voting members.**

- Victor shared an idea he brought before the board at their March 28 meeting regarding seating arrangements on the buses that would allow more room for bicycles and mobility devices. Ted advised Victor to direct these comments to the Citizens Advisory Committee as they are off topic for the STFAC.

**G. ADJOURN:** The meeting adjourned at 4:27 p.m.

**Recorded by:** Jolynn Franke, Administrative Assistant, Transportation  
Development Division

**NEXT MEETING:**

**Tuesday, May 7, 2019; 3:00 - 4:30 PM** Courthouse  
Square Building, Senator Hearing Room 555 Court  
St NE, Salem, OR 97301