



August 2, 2006

To: Metropolitan Policy Committee
From: Byron Vanderpool
Subject: Item 5.e: Alternate MPO Dispute Resolution Mechanisms

Action Recommended: Direction to Staff.

Status Report

At its July 2006 meeting, the MPC discussed several alternative dispute resolution mechanisms for use in its MPO deliberations. It should be remembered that changes only need to address the MPC's MPO duties. Staff requests the MPC provide it direction to develop one or more draft MPC bylaws changes.

Changes to the MPC bylaws require a simple majority of the voting members – in this context likely 2 members from Eugene, 2 from Springfield, 2 from Lane County, 2 from LTD, 1 from Coburg and 1 from ODOT. At least one affirmative vote is required from each of Eugene, Springfield and Lane County. In addition, notice of proposed bylaw changes needs to be given to the MPC members and “councils and Board of Commissioners” at least 30 days in advance of action. Also, “any Council or Board objections to the proposed amendments shall be forwarded to MPC within 30 days of receipt.”

Alternative Dispute Resolution Mechanisms discussed by the MPC at its July meeting:

- Compulsory binding arbitration facilitated by a person acceptable to all parties.
- Eliminate veto power for projects with regional implications.
- Include both a regular vote and a per capita vote.
- Formalize a process that would initiate dispute resolution when it appears that a jurisdiction might use its veto to try to avoid a lengthy impasse.

Common mechanisms from other bodies and jurisdictions:

- Simple majority with the ability for any member to call for a super-majority (usually $\frac{3}{4}$ or $\frac{2}{3}$ of the membership) on any issue. This is often combined with the ability to issue a quorum call to ensure quorum is met.
- Refer issues which remain at impasse for a certain length of time (usually 2-3 votes or meetings) to another body for resolution. In this case, that might be the LCOG Board.

- Request a mediator for issues which remain at impasse for a certain length of time.
- Note the MPC should also address its quorum requirements to ensure issues cannot be prevented from being decided through an attendance boycott.

What do Other Oregon MPO's Do?

- Metro – Simple majority.
- Salem/Keizer – for RTP/MTIP unanimous vote required. If unanimous vote not received, issue referred to the councils/boards of Salem, Keizer, Cherriots (Salem/Keizer Transit), and Marion and Polk counties for their unanimous approval. If not received, issue returned to MPO to develop acceptable alternative. (This mechanism has never been used.)
- Corvallis – strive for consensus. If not achieved, a vote can be called. Vote is population weighted except that no party shall have a number of votes that unilaterally controls decisions (Corvallis has 3 votes, others each have 1.)
- Bend – “Consensus”, except that “consensus of all three parties will constitute passage of any action item.” 5 votes total – 3 from Bend, 1 Deschutes County, 1 from ODOT, so if 2 Bend members and the Deschutes County and ODOT reps support an action, the action passes.
- RVCOG – Simple majority. Any party may call for a supermajority (2/3) vote on any item.

Current MPC/MPO Voting and Quorum Requirements:

Voting Members: 2 Each from Eugene, Springfield, Lane County, LTD; 1 Each from Coburg and ODOT.

Quorum: 5 Voting Members, Including at Least 1 Each from Eugene, Springfield, Lane County and LTD.

To Pass a Motion: Simple Majority, Including at Least 1 ‘Yes’ Vote Each from Eugene, Springfield and Lane County.