

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A) ORDINANCE NO. 83-157
CODIFICATION OF METRO ORDINANCES)
AND REPEALING ORDINANCE NO. 30)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Code Adoption: The "Code of the Metropolitan Service District," dated July 1983, is hereby adopted.

Section 2. Code Revisions: The Code may be revised and republished by the Executive Officer from time to time as necessary but not less often than annually. Such revisions shall include subsequently adopted general ordinances appropriate for codification pursuant to generally accepted standards for the codification of ordinances of Oregon municipal corporations.

Section 3. Title, Citation, Reference: This Code shall be known as the "Code of the Metropolitan Service District," and it shall be sufficient to refer to this Code as the "Code of the Metropolitan Service District" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the Metropolitan Service District." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the Metropolitan Service District," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code.

Section 4. Reference Applies to Amendments: Whenever a reference is made to this Code as the "Code of the Metropolitan Service District" or to any portion thereof, or to any ordinance of the Metropolitan Service District, the reference shall apply to all amendments, corrections and additions hereto.

Section 5. Codification Authority: This Code consists of all the general, regulatory and penal ordinances of the Metropolitan Service District as they exist on the date of this ordinance and as they may be adopted from time to time.

Section 6. Definitions: The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- (a) "Council" means the Council of the Metropolitan Service District of the Portland metropolitan area.
- (b) "District" means the Metropolitan Service District of the Portland metropolitan area and all of the land and territory included within the boundaries of the Metropolitan Service District of the Portland metropolitan area as established by ORS 268.125 and as may be amended by annexation or withdrawal.
- (c) "Metro" means the Metropolitan Service District of the Portland metropolitan area, a municipal corporation established and existing under the laws of the State of Oregon, ORS ch. 268.
- (d) "Executive Officer" means the Executive Officer of the Metropolitan Service District.
- (e) "Metropolitan Area" means the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States.
- (f) "Person" means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.
- (g) "State" means the State of Oregon.

Section 7. Grammatical Interpretation: The following grammatical rules shall apply in this Code:

- (a) Gender. Any gender includes the other gender;
- (b) Singular and Plural. The singular number includes the plural and the plural includes the singular;
- (c) Tenses. Words used in one tense include any other tense as the context may require;
- (d) Use of Words and Phrases. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

Section 8. Construction: The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice.

Section 9. Title, Chapter, Section Headings: Title, chapter and section headings contained herein shall not be deemed to govern, omit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

Section 10. Effect of Code on Past Actions and Obligations: Neither the adoption of this Code or the repeal or amendment hereby of any other code, ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such Code or ordinances, nor be construed as affecting any of the provisions of such Code or ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posed, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior Code or ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior Code or ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice.

Section 11. Repeal Shall Not Revive Any Ordinances: The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed.

Section 12. Effective Date: This Code shall be effective upon the date of adoption.

Section 13. Violations - Penalty:

(a) It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than five hundred (\$500) dollars, or by imprisonment for a period of not more than thirty (30) days in a county jail, or by both such fine and imprisonment. In addition, property shall be forfeited and permits or licenses may be suspended or revoked as provided in this Code.

(b) Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

Section 14. Severability: If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Section 15. Repealer: Ordinance No. 30 is hereby repealed and the Code adopted thereby is hereby superseded by the Code adopted herein.

ADOPTED this 26th day of July, 1983.

Cindy Banzar
Presiding Officer

ATTEST:

Emilee Hanigan
Clerk of the Council

AJ/srb
8741B/349
06/03/83

STAFF REPORT

Agenda Item No. 7.1

Meeting Date July 26, 1983

CONSIDERATION OF ORDINANCE NO. 83-157, AN ORDINANCE
ADOPTING A CODIFICATION OF METRO ORDINANCES AND
REPEALING ORDINANCE NO. 30.

Date: June 3, 1983

Presented by: Andy Jordan

FACTUAL BACKGROUND AND ANALYSIS

The original Code of the Metropolitan Service District was adopted by the old MSD Board in 1975. The Code was revised in 1980, but was never distributed. Since 1980, the Council has adopted several new general ordinances which should be codified, and Metro's statute has substantially changed rendering certain Metro Code provisions obsolete. It would be very helpful at this point for recodification to occur so that Councilors, staff and interested members of the public will know exactly what Metro ordinances presently exist.

Although Metro could simply revise its old Code rather than adopting a new one, Metro ordinances and Oregon Statutes have changed so substantially since 1975 that a new Code is the preferable approach.

This re-codification of Metro ordinances will allow the publication of all general ordinances to be disseminated to local jurisdictions and interested persons and groups.

There is no budget impact other than the cost of the codification document. The document should be sold for a pre-determined fee for the purpose of recouping much of the publication cost.

The Code itself is bulky and will be delivered at the Council Coordinating Committee meeting.

EXECUTIVE OFFICER'S RECOMMENDATION

I recommend approval of the attached Ordinance adopting a Code of the Metropolitan Service District and repealing the prior Metro Code.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On June 13, 1983, the Council Coordinating Committee unanimously recommended adoption of Ordinance No. 83-157.

AJ/srb
8741B/349
06/03/83

8.2 Consideration of Ordinance No. 83-157, adopting a codification of Metro Ordinances and repealing Ordinance No. 30. (First Reading)

Councilor Kirkpatrick reported that the Council Coordinating Committee unanimously recommended Council adoption of the ordinance.

Motion: Councilor Kirkpatrick moved adoption of Ordinance No. 83-157. Council Deines seconded the motion.

The ordinance was read a first time, by title only.

Geraldine Ball, 11515 S.W. 91st, Tigard, representing herself and D.J.B., Inc., submitted and read testimony requesting an interpretation of the Urban Growth Boundary (UGB) section of the Code and whether a trade could be affected which would remove property from the UGB and therefore lower the price of the property.

Mr. Jordan responded that the existing Metro ordinances provided that a trade may be made whereby land would come into the UGB in exchange for other land that would go out of the UGB. However, he said, it would be illegal to trade a piece out for the purpose of condemnation and a trade couldn't occur without the agreement of the property owners.

Ken Bunker, 1825 N.E. 125th Avenue, asked several questions regarding the Personnel section of the Code. He specifically questioned how long personnel had to work before they qualified for a leave, with or without pay. Mr. Jordan responded to Mr. Bunker's questions.

Councilor Kirkpatrick pointed out that the issue before the Council was the codification of existing ordinances and not specific elements of the ordinances to be codified.

Presiding Officer Banzer said it would be appropriate for the Council Coordinating Committee to review the specific concerns of Mr. Bunker regarding the Personnel section of the Code and asked Councilor Kirkpatrick to place the issue on her Committee's agenda.

The ordinance was passed to second reading on July 26, 1983.

Motion: Councilor Hansen moved adoption of the Consent Agenda. Councilor Kirkpatrick seconded the motion.

Vote: The vote on the motion to adopt the Consent Agenda resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried, Consent Agenda adopted.

7.1 Ordinance No. 83-157, adopting a codification of Metro Ordinances and repealing Ordinance No. 30. (Second Reading)

Andrew Jordan, General Counsel, stated there were three editorial changes which needed to be made to the Ordinance and Code. They were as follows:

- 1) First page of the Ordinance, Section 1, Line 2: Change June 1983 to July 1983.
- 2) Page 2 of Ordinance, paragraph B, second line from bottom of paragraph: ORS 268.____ should be filled in to read ORS 268.125.
- 3) Page I-2 of Code, Section 1.01.001, Code Adoption: June 1983 should read July 1983.

Motion to Amend: Councilor Kirkpatrick moved amendment to the ordinance to incorporate the changes cited above. Councilor Oleson seconded the motion.

Vote: The vote on the motion to amend the Ordinance carried unanimously by voice vote.

Vote: The vote on the previous motion by Councilors Kirkpatrick and Oleson to adopt the ordinance, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried, Ordinance adopted.

8.1 Consideration of further steps necessary to construct a regional sanitary landfill at the Wildwood site.

Councilor Hansen reported on the Regional Services Committee recommendation, as follows:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals.
- 2) That the Executive Officer contact Multnomah County to ascertain whether or not they intend to attempt to modify their relevant land use standards in light of the LUBA decision.

He said the Committee also passed onto the Council, without recommendation, the following motion:

- 3) Authorize the Executive Officer to urge all counties and cities of the region to establish standards for the siting of landfills in their jurisdictions and, if necessary, to amend their plans and ordinances to be consistent with these standards.

Councilor Hansen indicated that in light of County Executive Buchanan's communication a substitute recommendation for point 2 might be made. (A copy of the County Executive's communication is attached to the agenda).

Motion: Councilor Bonner moved:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals;
- 2) That the Metro Council ask Multnomah County to reaffirm its decision on permitting the Wildwood Landfill site by modifying its relevant land use standards and reissuing the conditional use permit; and, if Multnomah County requests it, that the Executive Officer be directed to assist the County in a joint review of the County's land use standards; and

CODE OF THE METROPOLITAN SERVICE DISTRICT

July 1983

METROPOLITAN SERVICE DISTRICT
*Providing Zoo, Transportation, Solid Waste and
other Regional Services*



CODE OF THE METROPOLITAN SERVICE DISTRICT

JULY 1983

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PREFACE

This Code includes all general ordinances adopted and not repealed by the Board of the Metropolitan Service District prior to January 1, 1979, and by the Council of the Metropolitan Service District from January 1, 1979 to July 7, 1983.

At the end of each section of this Code is a notation, in parentheses, of the ordinance and section of the ordinance by which the Code section was adopted and, if applicable, amended. At the conclusion of the Code is a table listing all ordinances by number and, if codified, the location of each section of each ordinance in this Code. Ordinances repealed prior to July 7, 1983, or otherwise not codified are so noted in the table.

This Code will be revised, and revisions published, on an annual basis. Revised pages are so noted at the bottom of each revised page. Original pages of the 1983 Code adoption have no such notation.

Copies of the Code and revisions may be obtained by contacting the Clerk of the Metro Council at Metro offices. A fee will be required to cover the cost of publication. In addition, persons may subscribe to annual revisions by contacting the Clerk of the Council.

TITLE I

GENERAL PROVISIONS

CHAPTERS:

1.01 Code Adoption and Application

CHAPTER 1.01

CODE ADOPTION AND APPLICATION

SECTIONS:

1.01.001	Code Adoption
1.01.003	Code Revisions
1.01.010	Title, Citation, Reference
1.01.020	Reference Applies to Amendments
1.01.030	Codification Contents
1.01.040	Definitions
1.01.050	Grammatical Interpretation
1.01.060	Construction
1.01.070	Title, Chapter and Section Headings
1.01.080	Effect of Code on Past Actions and Obligations
1.01.090	Repeal Shall Not Revive Any Ordinances
1.01.100	Effective Date
1.01.110	Violations and Penalties
1.01.120	Severability
1.01.130	Repealer

1.01.001 Code Adoption: The "Code of the Metropolitan Service District," dated July 1983, is hereby adopted. (Ordinance No. 83-157, Sec. 1)

1.01.003 Code Revisions: The Code may be revised and republished by the Executive Officer from time to time as necessary but not less often than annually. Such revisions shall include subsequently adopted general ordinances appropriate for codification pursuant to generally accepted standards for the codification of ordinances of Oregon municipal corporations. (Ordinance No. 83-157, Sec. 2)

1.01.010 Title, Citation, Reference: This Code shall be known as the "Code of the Metropolitan Service District," and it shall be sufficient to refer to this Code as the "Code of the Metropolitan Service District" in any prosecution for the violation of any provisions thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Code of the Metropolitan Service District." Further reference may be had to the titles, chapters, sections and subsections of the "Code of the Metropolitan Service District," and such reference shall apply to that numbered title, chapter, section or subsection as it appears in this Code. (Ordinance No. 83-157, Sec. 3)

1.01.020 Reference Applies to Amendments: Whenever a reference is made to this Code as the "Code of the Metropolitan Service District" or to any portion thereof, or to any ordinance of the Metropolitan Service District, the reference shall apply to all amendments, corrections and additions thereto. (Ordinance No. 83-157, Sec. 4)

1.01.030 Codification Authority: This Code consists of all the general, regulatory and penal ordinances of the Metropolitan Service District as they exist on the date of this ordinance and as they may be adopted from time to time. (Ordinance No. 83-157, Sec. 5)

1.01.040 Definitions: The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) "Council" means the Council of the Metropolitan Service District of the Portland metropolitan area.

(b) "District" means the Metropolitan Service District of the Portland metropolitan area and all of the land and territory included within the boundaries of the Metropolitan Service District of the Portland metropolitan area as established by ORS 268.125 and as may be amended by annexation or withdrawal.

(c) "Metro" means the Metropolitan Service District of the Portland metropolitan area, a municipal corporation established and existing under the laws of the State of Oregon, ORS ch. 268.

(d) "Executive Officer" means the Executive Officer of the Metropolitan Service District.

(e) "Metropolitan Area" means the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States.

(f) "Person" means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.

(g) "State" means the State of Oregon. (Ordinance No. 83-157, Sec. 6)

1.01.050 Grammatical Interpretation: The following grammatical rules shall apply in this Code:

(a) Gender. Any gender includes the other gender;

(b) Singular and Plural. The singular number includes the plural and the plural includes the singular;

(c) Tenses. Words used in one tense include any other tense as the context may require;

(d) Use of Words and Phrases. Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language. (Ordinance No. 83-157, Sec. 7)

1.01.060 Construction: The provisions of this Code and all proceedings under it are to be construed with a view to effect its objectives and to promote justice. (Ordinance No. 83-157, Sec. 8)

1.01.070 Title, Chapter, Section Headings: Title, chapter and section headings contained herein shall not be deemed to govern, omit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ordinance No. 83-157, Sec. 9)

1.01.080 Effect of Code on Past Actions and Obligations: Neither the adoption of this Code or the repeal or amendment hereby of any other code, ordinance or part or portion of any ordinance shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty due and unpaid at said effective date under such Code or ordinances, nor be construed as affecting any of the provisions of such Code or ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. When a requirement or obligation under a prior Code or ordinance superseded by this Code is continued by this Code in substantially similar terms, the requirement or obligation and any time limit fixed by the prior Code or ordinance, or by official act or notice thereunder shall continue, and time shall be computed, in accordance with the terms of the prior ordinance, act or notice. (Ordinance No. 83-157, Sec. 10)

1.01.090 Repeal Shall Not Revive Any Ordinances: The repeal of an ordinance shall not affect the repealing clause of such ordinance or revive any ordinance which has been repealed. (Ordinance No. 83-157, Sec. 11)

1.01.100 Effective Date: This Code shall be effective upon the date of adoption. (Ordinance No. 83-157, Sec. 12)

1.01.110 Violations - Penalty:

(a) It is unlawful for any person to violate any provision or to fail to comply with any requirement of this Code. Any person violating any provision or failing to comply with any requirement of this Code, unless provision is otherwise made herein, shall upon conviction thereof, be punished by a fine of not more than five hundred (\$500) dollars, or by imprisonment for a period of not more than thirty (30) days in a county jail, or by both such fine and imprisonment. In addition, property shall be forfeited and permits or licenses may be suspended or revoked as provided in this Code.

(b) Any act or omission made unlawful under this Code shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission. (Ordinance No. 32-157, Sec. 13)

1.01.120 Severability: If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. (Ordinance No. 83-157, Sec. 14)

1.01.130 Repealer: Ordinance No. 30 is hereby repealed and the Code adopted thereby is hereby superseded by the Code adopted herein. (Ordinance No. 83-157, Sec. 15)

TITLE II

ADMINISTRATION AND PROCEDURES

CHAPTERS:

- 2.01 Council Organization and Procedure
- 2.02 Personnel
- 2.03 Civil Penalties
- 2.04 Public Contract Procedures
- 2.05 Contested Case Procedures

CHAPTER 2.01

COUNCIL ORGANIZATION AND PROCEDURE

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2.01.020	Clerk of the Council
2.01.030	Regular Meetings
2.01.040	Special Meetings
2.01.050	Emergency Meetings
2.01.060	Notice and Agenda
2.01.070	Ordinances
2.01.080	Motions and Resolutions
2.01.090	Conduct of Meetings
2.01.100	Adoption and Amendment of Rules
2.01.110	Reconsideration
2.01.120	Communications from the Public
2.01.130	Order of Business
2.01.140	Committees of the Council
2.01.150	Local Government Advisory Committees
2.01.160	Other Advisory Committees

2.01.010 Officers:

(a) The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Presiding Officer for the ensuing year. The Council shall also elect at the same time a Deputy Presiding Officer. The affirmative vote of the majority of the Council (7) is required to elect the Presiding Officer and the Deputy Presiding Officer.

(b) The Presiding Officer will preside at all meetings of the Council and will preserve order and decorum. The Presiding Officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Presiding Officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Presiding Officer for the purpose of making such motion.

(c) The Deputy Presiding Officer shall be the Presiding Officer in the absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer.

(d) In the absence or incapacity of the Presiding Officer and the Deputy Presiding Officer, the Presiding Officer may designate a Councilor to act as the temporary Presiding Officer.

(e) The Presiding Officer or temporary Presiding Officer may be removed by the Council upon the affirmative vote of 3/4 of the Councilors (9). (Ordinance No. 79-65, Sec. 1)

2.01.020 Clerk of the Council: The Clerk of the Council, or a qualified alternate designated by the Presiding Officer, shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be electronically or stenographically recorded. The Clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours. (Ordinance No. 79-65, Sec. 2)

2.01.030 Regular Meetings: The Council shall meet regularly on the first and fourth Thursdays of each month at a time designated by the Presiding Officer. Regular meetings shall be held at a place designated in the published agenda of the meeting. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting. (Ordinance No. 79-65, Sec. 3; amended by Ordinance No. 80-87, Sec. 1)

2.01.040 Special Meetings: The Presiding Officer or a majority of the Council (7) may call a special meeting of the Council provided that at least 24 hours notice is given to the Council and the general public. The agenda shall be limited to the purpose for which the meeting is called. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed. (Ordinance No. 79-65, Sec. 4)

2.01.050 Emergency Meetings: In case of an actual emergency, the Presiding Officer or a majority of the Council may call an emergency meeting of the Council upon such notice as is appropriate to the circumstances. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news released to the media and interested persons should be made to give public notice of the agenda and time and place of meeting. (Ordinance No. 79-65, Sec. 5)

2.01.060 Notice and Agenda:

(a) An agenda that sets forth the time, date, and place of the meeting, that includes a brief description of the ordinances to be considered, and that states that copies of ordinances are available at the office of the Metropolitan Service District shall be published in a newspaper of general circulation within the District no more than ten (10) nor less than four (4) days before a regular meeting of the Council. If an executive session will be held, the Notice shall state the specific provision of the law authorizing the executive session.

(b) The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees or the Executive Officer. Each Councilor may request that items be placed upon the agenda of the next regular meeting by notifying the Clerk of the Council and specifying the subject of the agenda items. The Presiding Officer may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors, Council committees and the Executive Officer of such due dates. (Ordinance No. 79-65, Sec. 6)

2.01.070 Ordinances:

(a) The legislative action of the Metropolitan Service District shall be by Ordinance.

(b) Except as provided in Subsection (g) of this section, before an ordinance is adopted, it shall be read during two regular meetings of the Council on two different days at least six (6) days apart. The reading shall be full and distinct unless at the meeting:

(1) A copy of the ordinance is available for each person who desires a copy; and

(2) The Council directs that the reading be by title only.

(c) Except as provided in subsection (g) of this section, the affirmative vote of the majority of the members of the Council (7) is required to adopt an ordinance. A roll call vote shall be taken on all ordinances.

(d) Ordinances may be placed upon the agenda by the Council, a Councilor, a committee of the Council or the Executive Officer.

(e) Within seven (7) days after adoption of an ordinance, the enrolled ordinance shall be:

(1) Signed by the Presiding Officer;

(2) Attested by the person who served as Recording Secretary of the Council at the meeting at which the Council adopted the ordinance; and

(3) Filed in the records of the District.

(f) If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas Counties.

(g) Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members

of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to subsections 2.01.070(b) and (c) above. (Ordinance No. 79-65, Sec. 7)

2.01.080 Motions and Resolutions:

(a) All matters other than legislation and rules coming before the Council and requiring Council action shall be handled by motion or resolution.

(b) Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a motion or a resolution. Procedural matters shall be subject to Robert's Rules of Order, Newly Revised, unless Chapter 2.01 of this Code provides otherwise.

(c) Motions and resolutions shall become effective upon adoption unless a later date is specified therein. (Ordinance No. 79-65, Sec. 8)

2.01.090 Conduct of Meetings:

(a) A quorum of the Council is seven (7) members. If a quorum is present, the Council may proceed with the transaction of its business.

(b) Minutes of each meeting shall be prepared by the Clerk of the Council, and shall include at least the following information:

(1) All members of the Council present;

(2) All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;

(3) The results of all votes, and the vote of each Councilor by name;

(4) The substance of any discussion on any matter.

(c) Minutes of executive sessions may be limited consistent with ORS 192.660.

(d) The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council.

(e) Council members present, but not voting or not specifically abstaining shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

(f) Except for ordinances and rules, the Presiding Officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors. If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote and at least two (2) Councilors concur in such request, in which case a roll call vote shall be taken.

(g) Any matter not covered by this chapter shall be determined by Robert's Rules of Order, latest revised edition.

(h) All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law. (Ordinance No. 79-65, Sec. 9)

2.01.100 Adoption and Amendment of Rules: No standing rule of procedure of the Council shall be adopted, amended, or rescinded except upon the affirmative vote of a majority of the members of the Council (7). (Ordinance No. 79-65, Sec. 10)

2.01.110 Reconsideration:

(a) When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or rule must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken. Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.

(c) Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(d) A motion for reconsideration must receive the affirmative vote of a majority of the Council (7) in order to be adopted.

(e) There shall be only one (1) reconsideration of any final vote even though the action of Council reverses its previous action. (Ordinance No. 79-65, Sec. 11)

2.01.120 Communications from the Public: Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council; provided, however:

(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the Presiding Officer and after stating name and address.

(b) To facilitate the orderly transaction of business, the Presiding Officer may limit the time and number of appearances. (Ordinance No. 79-65, Sec. 12)

2.01.130 Order of Business:

(a) The general order of business for the Council shall be prescribed by resolution.

(b) Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

(c) A unanimous consent calendar shall be presented for the consideration and vote of the Council only at regular meetings. Copies of the consent calendar shall be printed and distributed to the Council prior to consideration.

(d) Before calling for the vote on the consent calendar, the Presiding Officer shall ask if any Councilor objects to any matter on the consent calendar. If any matter on the consent calendar is objected to by a member of the Council, that matter shall be removed from the consent calendar and placed upon the agenda of the Council under other business. (Ordinance No. 79-65, Sec. 13; amended by Ordinance No. 80-87, Sec. 2)

2.01.140 Committees of the Council:

(a) The Council may establish standing committees as it deems necessary.

(b) Members of all standing and special committees shall be appointed by the Presiding Officer subject to confirmation of the Council. The first named shall be the Chair and the second named shall be the Vice Chair.

(c) A majority of the members of the standing or special committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, all standing and special committees of the Council shall be governed by Robert's Rules of Order, latest revised edition.

(d) All committees shall meet at the call of the Chair or upon the request of a majority of the members of the Committee.

(e) The purposes of committees of the Council are to:

(1) Make studies of and inquiries into areas of concern and interest of the Council.

(2) Report information to the Council.

(3) Prepare and submit recommendations, proposals and ordinances to the Council.

(f) Unless otherwise specifically provided, Committees of the Council shall have the power to:

- (1) Hold meetings at such times and places as the committee considers expedient.
- (2) Hold public hearings and take testimony.
- (3) Make findings, conclusions and recommendations.
- (4) Draft and prepare motions, resolutions and ordinances for consideration by the Council.
- (5) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.

(g) Each committee member shall have one (1) vote and the Chair may vote and discuss any issue before the committee without relinquishing his or her position as the Chair.

(h) All matters and issues shall be referred to the Presiding Officer. The Presiding Officer shall refer each matter or issue to an appropriate standing committee of the Council, or to a local government advisory committee. Notice of referral shall be in writing and distributed to each Councilor. At the next regular meeting, any Councilor may object and request a different referral of any matter or issue referred since the last regular meeting.

(i) The term for a committee member shall be one (1) year. Except for filling vacancies, committee appointments shall be made in January of each year.

(j) No committee will incur any indebtedness or hire any personnel without the express approval of the Council.

(k) The Chair, the Vice Chair or committee members may be removed from committee assignment(s) upon the affirmative vote of the majority of the Council (7). (Ordinance No. 79-65, Sec. 14)

2.01.150 Local Government Advisory Committees:

(a) The Council shall appoint such advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the District as may be necessary to assist the Council in the performance of its duties. The number of members and term for each committee so appointed shall be established by the Council.

(b) Each member shall have one (1) vote and the chair may vote on and discuss any matter coming before the committee.

(c) Unless otherwise specifically provided, local government advisory committees shall have a power to:

- (1) Select a Chair and a Vice Chair.
- (2) Hold meetings at such times and places as the committee considers expedient.
- (3) Prepare and submit proposals and recommendations to the Council.
- (4) Perform other functions assigned by the Council.

(d) A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in this chapter, all committees of local government officials shall be governed by Robert's Rules of Order, latest revised edition.

(e) All committees shall meet at the call of the Chair or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings Law. (Ordinance No. 79-65, Sec. 15)

2.01.160 Other Advisory Committees: The Council may appoint other advisory committees as necessary to assist the Council or committees of the Council in the performance of their duties. The purposes and powers of each advisory committee shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Council. (Ordinance No. 79-65, Sec. 16)

CHAPTER 2.02
PERSONNEL RULES

SECTIONS:

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2.02.005 Purpose: The purpose of this chapter is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal and other matters affecting the status of employees of Metro. This chapter is provided to maintain uniformity and equity in personnel matters, and to encourage each employee to give his/her best service to the organization and citizens served by Metro. (Ordinance No. 81-116, Sec. 1)

2.02.010 Administration of the Rules: The Executive Officer shall be responsible for:

(a) Administering or delegating the administration of all the provisions of this chapter; and

(b) Reviewing and recommending to the Council necessary changes to this chapter.

(c) Publishing a personnel procedures manual to implement the provisions of this chapter. (Ordinance No. 81-116, Sec. 2)

2.02.015 Amendment: This chapter shall be amended solely by the Council. Administrative amendments which deal solely with correcting grammatical or typographical errors, or correcting position titles to reflect properly processed reclassifications and title changes, or correcting departmental name changes to accurately reflect current organizational structure may be approved by the Executive Officer. All proposed amendments dealing with policy and/or benefit changes will be required to be adopted by the Council. This ordinance shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for hiring and advancement, training and career development, job classification, salary administration, retirement, employee benefits, discipline, discharge and other related matters which are pertinent to the maintenance and effective operation of the Metropolitan Service District (Metro). Furthermore, this chapter shall be implemented and, if necessary, revised in a spirit of good faith, and shall be subject to review and comment by Metro employees prior to any amendment. If practical, proposed amendments shall be posted in each general work area ten (10) working days in advance of the Council meeting in which they are to be considered. Employee access to copies of the proposed amendments shall be provided by their distribution to all Directors of departments, Personnel Office and to the Chairman of the Employees Association, in addition to the posting required above. Employee responses, if any, shall be reported to Council coincidental with Council consideration of the proposed amendments. (Ordinance No. 81-116, Sec. 3)

2.02.020 Separability: If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. (Ordinance No. 81-116, Sec. 4)

2.02.025 Variances: The Executive Officer shall have the power to vary or to modify the strict application of the provisions of this chapter in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships on either the agency or employee or both. All approved variances shall be subject to Council ratification, and shall be reported to the Council in written summary form at the next regular meeting following the date of approval. The chairperson of the Employees' Advisory Committee shall receive a written summary of the variance prior to this meeting. (Ordinance No. 81-116, Sec. 5)

2.02.030 Definitions: As used in this chapter, as well as in day to day personnel matters, the following terms shall have the meanings indicated:

- (1) "Administrative Leave" means leave with pay granted by the Executive Officer for employees who work in classifications which are exempt from overtime pay.
- (2) "Appointment" includes all means of selecting or employing any person to hold any positions subject to this chapter. Appointment does not include promotion.
- (3) "Anniversary Date" means the anniversary of the date on which an employee reached the Entry Merit Rate described in the Salary Plan for the position currently held.
- (4) "Appeal" means an oral or written request to a department head or the Executive Officer for reconsideration of a decision adverse to an employee's interests.
- (5) "Appointing Power" means the Executive Officer or his/her designee.
- (6) "Central Personnel File" means a file which contains complete personnel records of all Metro employees.
- (7) "Class" means a group of positions sufficiently alike in responsibilities and authorities to require similar qualifications.
- (8) "Class Specification" means a written description of each class of positions including a class title and a statement of objectives duties, responsibilities, recruiting requirements and minimum qualifications as required by uniform selection guidelines. Positions, not individuals, are classified.
- (9) "Council" means the elected governing body of Metro.
- (10) "Continuous Service" means uninterrupted employment with Metro. Reasonable absences due to sick leave, disability, layoffs, military leave or other approved leaves as provided for in this chapter, do not constitute an

interruption in continuous service. Continuous service shall only apply to regular and regular part-time employees.

- (11) "Days" means calendar days unless specifically provided otherwise.
- (12) "Demotion" means a transfer of an employee from a position in one class to a position in another class having a lower maximum salary rate. Demotion during probation in a promotive position does not reflect discredit upon the employee.
- (13) "Department" means a major functional unit of Metro.
- (14) "Department Head" means a person responsible for the administration of a department.
- (15) "Deputy Executive Officer" means the appointed Deputy Executive Officer selected by and responsible to the Executive Officer for the administration of the Metro organization.
- (16) "Dismissal" means the termination of employment of a regular employee for cause or of a probationary employee as specified in these rules.
- (17) "Disciplinary Action" means imposition of certain personnel actions (e.g., reprimand, warning, suspension, dismissal, reduction in pay or demotion) as a result of conduct in violation of this chapter.
- (18) "Division" means a major functional unit of a department.
- (19) "Division Head" means a person responsible for the administration of a division.
- (20) "Employee" means anyone who is salaried or who receives wages for employment with Metro.
- (21) "Examination" means a test for the purpose of evaluating an applicant for an employment vacancy. "Examination" includes completion of employment application forms.
- (22) "Exempt Position" means a position exempt from mandatory overtime compensation.
- (23) "Executive Officer" means the elected Executive Officer of Metro.
- (24) "Fiscal Year" means a twelve (12) month period beginning July 1, and ending June 30.

- (25) "Full-time" means a position which has daily, weekly and monthly hours as established by the Council for full-time work.
- (26) "Flex-time" means an alternative work schedule of a full-time salaried employee other than the regular 8:00 a.m. to 5:00 p.m., Monday thru Friday, workday and workweek, but which includes the same number of total hours per pay period as other full-time positions. Approval of the supervisor is required.
- (27) "Grievance" means an oral or written expression of dissatisfaction with some condition of employment or management decision affecting such employment, submitted by an employee or group of employees for the purpose of obtaining adjustment of said cause of dissatisfaction.
- (28) "Hourly Rate" means the rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year (2,080).
- (29) "Interview" means a formal consultation to evaluate the qualifications of an employee or a prospective employee. The consultation includes the employee or prospective employee and the employer.
- (30) "Immediate Family" means the husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, grandparents or any relative living in the employee's household.
- (31) "Jobshare" means a full-time position designated by the Executive Officer which is or may be shared by two employees.
- (32) "Layoff" means a separation from employment because of organizational changes, lack of work, lack of funds or for other reasons not reflecting discredit upon the employee.
- (33) "Labor Organization" means the certified representative of employees in a recognized bargaining unit.
- (34) "Leave of Absence" means time off from work for reasons within the scope and purpose of this chapter and regulations upon prior approval of the Executive Officer.
- (35) "Merit Salary Increase" means an increase based on performance from one pay rate to a higher rate within the established merit salary range for the class or position occupied by the employee.
- (36) "Month" means one (1) calendar month.

- (37) "Nonoccupational Disability" means disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties with Metro.
- (38) "Open Competitive List" means a list of persons who have been found qualified by an open competitive recruitment and examination for the job classification for which they have applied and their level of qualification in that class.
- (39) "Occupational Disability" means disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.
- (40) "Overtime" shall be considered as time worked by an employee in excess of the scheduled workday or workweek for full-time employment (8 hours in one day or 40 hours in one week. If an employee is scheduled for a 10-hour and 4-day work week, the payment of overtime must be based on work in excess of 10 hours per day or 40 per week. (ORS 279.340)
- (41) "Part-time" means a position the daily, weekly or monthly hours of which are less than the hours established for full-time positions and which position is provided for in the annual budget.
- (42) "Pay Plan" means the compensation plan formally adopted by the Council annually as the Pay Plan for employees of Metro.
- (43) "Personnel Action" means any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal or other action affecting the status of employment.
- (44) "Permanent Employee" means an employee appointed for more than six (6) months duration as provided for in the annual budget.
- (45) "Personnel Manager" means the employee appointed by the Executive Officer to administer the provisions of this chapter.
- (46) "Position Number" means the line item number in the budget assigned to each position listed under personal services. Position number change means a change in the line item number in the budget assigned to each position listed under personal services. Such change may include a transfer from one division or department to another.
- (47) "Probationary Period" means a working test period during which an employee is required to demonstrate fitness for

the position to which the employee is appointed, or promoted by actual performance of the duties of the position.

- (48) "Personnel Procedures Manual" means a manual developed or to be developed by the Personnel Division and approved by the Executive Officer to implement the policies and provisions of this chapter.
- (49) "Promotion" means the change of an employee from a position in one classification to a position in another classification having a higher maximum salary rate.
- (50) "Probationary Employee" means any employee serving during a period of probation.
- (51) "Promotional List" means a list of persons presently in the employ of Metro who have been qualified by promotional examination for appointment to a position in a particular class.
- (52) "Provisional Appointment" means an appointment, pursuant to this chapter, to a position in the absence of an open competitive list.
- (53) "Range" means a level in the Pay Plan. Each classification is allocated to one of the ranges in the Plan. "Range change" means the action of moving a classification from one pay range to another pay range. This action requires Council approval.
- (54) "Reclassification" means a change in classification of a position by raising it to a class with a higher rate of pay, or reducing it to a class with a lower rate of pay, or changing it to another class at the same pay level. Based upon an evaluation of the duties currently assigned to an incumbent in an existing position or to be assigned for a vacant position, relative to the duties associated with other positions in the appropriate classes.
- (55) "Reemployment" means the appointment of a former employee to a position in a class where the employee held regular status.
- (56) "Reinstatement" means the return of an employee to a previous position following an approved leave of absence or when ordered by the Executive Officer or a court of competent jurisdiction.
- (57) "Regular Employee" means an employee who has successfully completed the required probationary period occupying or appointed to a full-time or part-time position which is included in the Classification and Compensation Plan for regular employees and which position is provided for in the annual Budget.

- (58) "Resignation" means voluntary separation from employment.
- (59) "Status" refers to the rank of the employee relative to the probation period.
- (60) "Separation" is the cessation of employment with Metro. This action does not reflect discredit upon the employee.
- (61) "Suspension" means the temporary separation of an employee from employment with Metro.
- (62) "Temporary Employee" means an employee appointed to perform a specific task or to participate in a series of projects for a period not to exceed 1,040 hours over a six (6) month period. This definition excludes interns, work-study students, and CETA employees, or similar federal and state employment programs.
- (63) "Termination" means the employee is relieved of the duties of a position which had a specified duration or existed for a period of need.
- (64) "Transfer" means a change of an employee from one position to another in the same class, or to a position in a comparable class within the same salary range (subject to rule on appointment) and may include a change from one department or geographic location to another.
- (65) "Underfill" refers to the affirmative action appointment of a candidate to a position in a classification for which the candidate does not possess the minimum experience qualifications for the purpose of allowing the candidate to gain the necessary experience to qualify. Underfill applies to internal promotional opportunities only.
- (66) "Voluntary Demotion" means a demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons where the action is entirely voluntary on the part of the employee.
- (67) "Workday" means the regularly scheduled 8-hour workday from 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch except where flexible hours are approved by the supervisor. "Flexible hours" in this context are those hours scheduled as an alternative to the regular 8:00 a.m. to 5:00 p.m. workday. "Workday" or "working days" as used in this chapter in relation to notice and filing requirements shall mean business days rather than days actually worked.
- (68) "Workweek" means the regularly scheduled forty (40) hour workweek from Sunday through Saturday. (Ordinance No. 81-116, Sec. 6)

2.02.035 Legal Interpretations: When it is found necessary to seek a legal opinion as to the interpretation or intent of this chapter, it shall be incumbent upon the Executive Officer to respond to said requests as soon as is practicable. (Ordinance No. 81-116, Sec. 7)

2.02.040 Appointment:

(a) All promotions and appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities shall be job-related and shall be determined through careful and impartial evaluation of the following:

- (1) The duties and responsibilities to be performed;
- (2) The applicant's level of training relative to the requirements of the position;
- (3) The applicant's level of education relative to the requirements of the position;
- (4) The applicant's level and amount of experience relative to the requirements of the position;
- (5) The results of an oral interview; and examination; and
- (6) The results of reference checks.

(b) Except for purposes of Affirmative Action, no question in any examination, in any application form, or by any Metro employee, official or department head shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sex, sexual orientation or political or religious affiliation.

(c) All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.

(d) Regular and temporary full-time employees are encouraged to apply for any vacant position for which they are qualified. Temporary full-time employees must have completed a competitive selection process and have been employed at least three (3) months to be considered for in-house promotional hiring preference. All applications will be considered without prejudice to their present positions. Regular, regular part-time and temporary full time employees will be given first consideration in filling a vacant position. If the position is not filled as a result of promotional recruitment, recruitment outside the agency will commence. Notice of promotional recruitment shall be posted not less than five (5) working days to allow for receipt of applications. Promotional applicants will be provided with a written response on the status of their application by the division or department head in whose division the vacancy exists before outside recruitment is commenced.

(e) Pursuant to the terms and intent of 1977 Or. Laws, ch. 665, sec. 7(5) and ORS 268.210, all appointments of employees shall be the sole responsibility of the Executive Officer subject to this chapter. However, because the duties associated with certain positions include an independent and concurrent policy impact on both the Council and the Executive Officer, the appointment or promotion of persons to fill the following positions must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion:

- (1) General Counsel
- (2) Legislative Liaison (lobbyist)
- (3) Director of the Public Affairs Department
- (4) Deputy Executive Officer

(f) "Provisional Appointment" means an appointment, pursuant to this chapter, to a position in the absence of a list of eligibles. Provisional appointments cannot exceed ninety (90) days. A person appointed provisionally is eligible to compete for the position when recruitment is opened during the aforementioned ninety (90) day period. (Ordinance No. 81-116, Sec. 8)

2.02.045 Probationary Period:

(a) Except as provided in subsection (b) of this section, all original appointments and promotions to regular and regular part-time positions shall be subject to a standard probationary period of six (6) consecutive months of service. Such period shall not apply to transferees who are transferred after satisfactory completion of their probationary period.

(b) In cases where a probationary employee is transferred prior to the end of the probationary period, or where a period longer than six (6) months, is necessary to demonstrate an employee's qualifications, the probationary period may be extended by the Executive Officer; however, no probationary period shall be extended beyond twelve (12) months from the date of appointment. The employee shall be notified in writing of any extension and the reasons therefore.

(c) During the probationary period the employee shall not be eligible for vacation leave but shall earn vacation credit during probation to be taken after probation.

(d) During the probationary period, the employee will be provided with a work plan and guidance from the supervisor in carrying out the plan. The employee's performance will be reviewed periodically to determine how the employee is progressing in meeting the performance standards of the particular position. Upon satisfactory completion of the probationary period, the employee shall be considered as having demonstrated qualifications for the position,

shall gain regular status and shall be so informed on a Completion of Probationary Performance Evaluation rating form.

(e) In the case of an original appointment, a probationary employee may be terminated without cause at any time without hearing or appeal and without previous, lesser disciplinary action. The employee shall be given fourteen (14) days written notice of termination pursuant to Section 2.02.105(g).

(f) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period, and be reinstated in a position in the class from which he/she was promoted, even though this may necessitate the layoff of the employee occupying the position. (Ordinance No. 81-116, Sec. 9)

2.02.050 Attendance: Hours of Work:

(a) Employees shall be in attendance at their work in accordance with the sections of this chapter regarding hours of work, holidays and leaves of absence.

(b) Employees shall not absent themselves from work for any reason, other than those specified in this chapter authorizing sick leave, without making prior arrangements with their supervisor. Supervisors may authorize employees to work a flexible schedule which does not require continuous attendance during the work day or a report on each absence, when appropriate to the nature and level of the position.

(c) Any unauthorized absence of an employee from duty may be deemed to be an absence without pay and may be cause for disciplinary action. Absence without approval in excess of three (3) workdays shall constitute abandonment of position.

(d) Meals: All employees shall be granted a nonpaid lunch period of one (1) hour during each full work shift subject to past practice. Whenever possible, such meal periods shall be scheduled in the middle of a shift.

(e) Rest Periods: A rest period of ten (10) minutes shall be permitted for all employees for each full half shift subject to the workload of the department. Such rest periods shall normally be on a scheduled basis so that activities of the department shall be staffed at all times. (Ordinance No. 81-116, Sec. 10)

2.02.055 Job Share: Any full-time position may be designated as a job-share position by the Executive Officer. Benefits for such position shall be apportioned between the position occupants in proportion to time worked by each; however, such apportioning may be altered upon written agreement of position occupants and approval by the Personnel Manager. In no event, however, shall the benefits of a job share position exceed the benefits of any other full-time position. (Ordinance No. 81-116, Sec. 11)

2.02.060 Personnel Records:

(a) The Executive Officer shall cause a personnel record to be established for each employee and maintained in the Metro Personnel Division.

(b) The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received and such other information as may be considered pertinent.

(c) A Personnel Action Notice shall be used as the single document to initiate a Personnel Action and to update personnel records. Any document filed in the employee's record relating to salary, benefits, performance or work conditions of the employee shall be duplicated and sent to the employee. Personnel Action notices are signed by the department head, Personnel Manager and, when required, the Executive Officer and Deputy Executive Officer.

(d) Employee personnel files are public records with the exception of the employment application, disciplinary actions, performance evaluations and references from prior employers. These excluded documents are considered confidential and are accessible only to the employee concerned, the employee's supervisor, the department head, the Personnel Manager, the Director of Management Services, General Counsel and the Executive Officer. An employee may be denied access to references from prior employers if the employer so stipulates. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access. Authorization by the employee shall be required before anyone other than pre-selected officials is given access to the employee's personnel file. Additional pre-selected officials may be identified by the Executive Officer and placed on file in the Personnel Office. The employee may authorize in writing his/her representative to gain access to his/her file, and such authorization shall be filed with the Personnel Office.

(e) Letters of reprimand shall not be used in any subsequent evaluation or disciplinary proceeding involving the employee after the next regularly scheduled evaluation and in the absence of a recurrence of a similar infraction, such letters shall then be removed from the employee's personnel record, at the request of the employee. (Ordinance No. 81-116, Sec. 12)

2.02.065 Transfers:

(a) All vacant positions are subject to normal recruitment procedures. Involuntary Transfer: If a transfer is without the consent of the employee, the employer must give the employee ten (10) days prior notice. Upon written request of the employee, the Personnel Manager may investigate the transfer to determine if it is being made for reasons other than the good of the service. Transfers must be completed with no more than a ten (10) day break in service.

(b) **Disability Reassignment:** As an alternative to appointment from an open competitive or promotional list, a position may be filled for the duration of an employees disability (temporarily or permanently) by the reassignment of a regular or probationary employee to another position upon request, with the consent of the Executive Officer and department heads involved and the Personnel division, if the employee is unable to perform the duties of the position because of an on-the-job accident or disability. An employee so disabled may be reassigned to a position in a different classification, if it is determined by the Personnel Manager that the employee is both capable and qualified to perform the duties of the new position. (Ordinance No. 81-116, Sec. 13)

2.02.070 Layoff:

(a) If there are changes of duties in the organization, lack of work or lack of funds, the Executive Officer may lay off employees; however, the Executive Officer shall first make every reasonable effort to retain those employees. When layoffs are required, and except as required in 2.02.045(f), the Executive Officer shall base the decision on relative merit, and shall give due consideration to seniority only where the employees' qualifications and ability are relatively equal. Regular employees not on probation shall be given a minimum of two (2) weeks written notice of their layoff from Metro employment.

(b) Laid off employees shall be placed on a layoff list and shall have rehire preference for the position within the classification from which they were laid off for one (1) year following layoff. (Ordinance No. 81-116, Sec. 14)

2.02.075 Resignation: To resign in good standing any employee voluntarily terminating employment shall give a minimum of two (2) weeks written notice of resignation, unless because of extenuating circumstances the department head agrees to permit a shorter period of notice. The resignation shall provide an effective date which shall be the last day actually worked. All compensatory time and vacation leave credit earned shall be paid. Such time and leave credit shall not be used to extend the term of employment to earn additional benefits. (Ordinance No. 81-116, Sec. 15)

2.02.080 Travel Expense:

(a) When employees are required to travel on official business, Metro will pay the actual cost of travel and the actual cost of meals or per diem as set by the Executive Officer, whichever is less. No such payment shall be made without receipts for actual expenses. Reimbursement for expenses incurred shall be determined and paid as follows:

(1) Travel on official business by a single individual should be via public carrier or Metro-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate set by Council. This

rate includes insurance, but not storage expense of the vehicle, which is an eligible expense.

(2) When travel by Metro-owned vehicle or by public carrier is practical, but the employee elects to use his/her own vehicle, the employee shall not be reimbursed.

(3) Reimbursement for travel and subsistence on official trips outside the metropolitan area by bus, train or airplane shall only be the amount of actual and reasonable expense incurred during the performance of official duty as a Metro employee for the benefit of Metro. Metro will pay the actual costs of travel and meals or per diem as set by the Executive Officer. The actual cost of conference registration fees will be paid. The actual costs of accommodations will be paid as well as taxi or bus fare. Metro will not pay for first class air travel unless tourist class is not available. Airline tickets should be ordered and paid for directly by Metro. Advances for anticipated trip costs may be made upon approval of the Executive Officer or his/her designee. (Ordinance No. 81-116, Sec. 16)

2.02.085 Employee Organizations and Representation: Employees of Metro shall have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours and working conditions in accordance with the Oregon Revised Statutes and Regulations of the State Employment Relations Board. Employees may form an Employee Advisory Committee to the Executive Officer for the purpose of providing employee input on matters relating to wages, fringe benefits, working hours and working conditions. All meetings and communications should be documented and recorded for both parties. An Advisory Committee spokesperson, designated by the Metro Employees' Association, may respond to Executive Officer requests for information and input on employee issues during working hours. (Ordinance No. 81-116, Sec. 17)

2.02.090 Political Activity:

(a) Nothing contained within this chapter shall affect the right of the employee to hold membership in and to support a political party, to vote as they choose, to privately express their opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings. An employee must exercise all due caution in such activities to prevent public misunderstanding of such actions as representing Metro, or to bring discredit to Metro, the Council, Executive Officer or his/her supervisor.

(b) No official, employee or any other person shall attempt to coerce, command or require any Metro employee to influence or give money, service or other thing of value to aid or promote any

political committee or to aid or promote the nomination or election of any person to public office.

(c) No public employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employee to express personal political views. (Ordinance No. 81-116, Sec. 18)

2.02.095 Nepotism:

(a) No appointing authority shall make, approve or continue the employment, appointment, promotion or transfer of an otherwise eligible candidate or employee to a position in which the candidate or employee would be subject to or responsible for the direct or indirect supervision or review, including personnel evaluation, salary or position changes, discipline and any other personnel action, of a person related as closely as a first cousin, whether the relationship is by blood or through marriage, and shall include husbands of sisters-in-law and wives of brothers-in-law. Any candidate or employee employed, appointed, promoted or transferred to a position in violation of this rule shall be immediately transferred or terminated from such position. These provisions shall not apply to any person appointed prior to date of adoption of this chapter.

(b) No relative shall be employed if such action would constitute a violation of any law of the state of Oregon, or of the United States, or any rule promulgated pursuant thereto with which Metro is required to comply. (Ordinance No. 81-116, Sec. 19)

2.02.100 Preamble--Conduct, Discipline, Termination and Appeal:
Nothing contained in this chapter precludes a supervisor from having private discussions with employees. In fact, discipline is often avoided by private conversations between the supervisor and employee. These discussions may be in the form of oral counseling, instruction and/or reprimand. However, these discussions are not subject to the grievance procedure unless the employee is notified at the time of the discussion that it constitutes an oral, or subsequently written, reprimand and may be used against the individual in future disciplinary actions. If the employee is so notified, the supervisor involved is to properly record the conversation and provide a copy of this record to the employee so as to provide a basis for the employee to pursue the matter through the grievance procedure. (Ordinance No. 81-116, Sec. 20)

2.02.105 Disciplinary Action:

(a) Disciplinary actions or measures shall include only the following: oral or written reprimand, suspension, demotion and dismissal from employment. Disciplinary action shall be for just cause and will be subject to the grievance procedure. Oral

reprimands will not be used as the basis for subsequent disciplinary action unless the employee is so notified at the time of reprimand, and if notified, the matter will be subject to the grievance procedure. If Metro has reason to reprimand an employee, it shall be done in a manner that is least likely to embarrass the employee before other employees or the public.

(b) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of this chapter. Except as provided in Section 2.02.045, no employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by this chapter.

(c) Any of the following may constitute grounds for disciplinary action:

- (1) Abandonment of position;
- (2) Absence from duty without leave;
- (3) Abuse of leave privileges;
- (4) Below standard work performance;
- (5) Discourteous treatment of the public or other employees;
- (6) Intoxication during working hours;
- (7) Fraud in securing appointment or promotion;
- (8) Insubordination;
- (9) Misuse of Metro property, funds or records;
- (10) Neglect of duty;
- (11) Willful deceit;
- (12) Any conviction by a court of law which would be incompatible with the work performed for Metro by the affected employee;
- (13) Violation of Metro ordinances and regulations and directives.

(d) Any of the following types of disciplinary action may be utilized. It is appropriate, though not necessary in every circumstance, that the following steps be taken progressively. Reasons for each disciplinary action should be documented before action is taken unless extenuating circumstances exist.

(1) Oral Reprimand: Oral Reprimand is notice by a supervisor to an employee that his/her behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and informs the employee that failure to improve may result in more serious action. The supervisor shall record the date and content of the oral reprimand, and such record shall be placed in the employee's personnel file. This record shall be removed when successful corrective action is completed.

(2) Written Reprimand: Written reprimand is formal notice by a supervisor to an employee that his/her performance or behavior must be improved. A written reprimand must be approved by the department head. It contains the same elements as the oral reprimand. When appropriate, it should be used in conjunction with a plan for individual improvement. A copy of the written reprimand and plan for individual improvement is placed in the employee's personnel record. This copy shall be removed when successful corrective action is completed.

(3) Suspension: Suspension without pay should be used when other disciplinary measures have failed or when it is necessary that the employee not remain on duty. Suspensions shall not require advance notice and may be effected immediately. Within two (2) working days, Metro shall send a notice to the suspended employee at his or her last known address describing the circumstances of the suspension, the reason for the suspension, the length of the suspension, the date or the circumstances under which the employee may return to work. A duplicate copy of the written notice shall be placed in the employees personnel file by the Personnel Manager. Dismissal may be the next step of disciplinary action.

(4) Demotion: Demotion, both in pay and to a lower classification may be used as a form of discipline when discharge is not warranted or when the supervisor believes that the employee has the potential for correcting conduct. Such action shall be subject to the rules governing demotions.

(5) Dismissal: Dismissal shall require advance notice as provided under Section 2.02.105(g). Where it is deemed necessary that the employee be separated immediately, the notice of dismissal may simultaneously provide for suspension under subsections (d)(3) and (f) of this section.

(e) The power to demote or dismiss is granted solely to the Executive Officer and may not be delegated except in an emergency.

(f) The Executive Officer or his/her designee shall give an employee whose suspension is sought written notice in person or by

mailing to the employee's last known address of the proposed action stating any and all reasons, specifically and in detail, for the proposed action. The notice becomes a permanent part of the employee's personnel record. Notice of suspension may be made after the suspension is effected where it is deemed necessary that the employee be separated immediately. The employee shall have three (3) working days for answering the notice of proposed suspension and for furnishing written support of his/her answer. The employee is entitled to answer the notice personally or in writing, or both. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might affect the final decision, but does not include the right to a formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the Executive Officer shall appoint a representative or representatives to hear his/her answer. The representative or representatives designated to hear the answer shall have authority to recommend what final decision should be made and the Executive Officer shall consider such recommendations. The Executive Officer shall give a written decision on the answer within two (2) workdays. The written answer and decision become a permanent part of the employee's personnel record. The above procedures shall apply even when an employee has been suspended prior to the beginning of the three (3) day answering period.

(g) Except as provided in Section 2.02.045(e), the Executive Officer shall give an employee whose dismissal is sought at least fourteen (14) days written notice in person or by mailing to the employee's last known address of:

- (1) The proposed dismissal;
- (2) Any and all reasons, specifically and in detail, for the proposed dismissal; and
- (3) The employee's right to file a grievance pursuant to Section 2.02.110 of this chapter.
- (4) The employee's right to a hearing pursuant to contested case rules.

This notice becomes a permanent part of the employee's personnel record. If the employee wishes to file a grievance, such grievance shall be submitted pursuant to Section 2.02.110. If the employee wishes to request a contested case hearing, such request shall be submitted pursuant to District rules on contested cases. If an employee requests a contested case hearing, the employee's right to file a grievance shall be deemed waived and any pending grievance for dismissal shall be terminated.

(h) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 2.02.110.

(i) Employees may, at their expense, be represented by an attorney or otherwise, in answering to a notice of suspension or dismissal. (Ordinance No. 81-116, Sec. 21)

2.02.110 Grievance Procedure:

(a) The Executive Officer shall promptly consider and equitably adjust employee grievances; however, informal adjustment of grievances between supervisors and employees is encouraged. Grievances may be submitted by any employee or group of employees. Any party in the grievance procedure may seek the advice and assistance of the Employees Association.

(b) The following steps shall be followed in submitting and processing a grievance:

Step 1: The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within fifteen (15) working days of the employee's awareness of its occurrence. The fifteen (15) day filing period may be extended upon approval of the Manager of Personnel. The supervisor shall give his/her reply within five (5) working days of the date of presentation of the grievance, not including the date of presentation.

Step 2: If the grievance is not settled in Step 1, then it shall be submitted in writing dated and signed by the aggrieved employee or group of employees to the department head within five (5) working days after the immediate supervisor's oral reply is given, not including the day the reply is given. The department head shall reply in writing to the grievance within five (5) working days of the date of the presentation of the written grievance, not including the day of its presentation. If the department head is the immediate supervisor, Step 2 should be eliminated.

Step 3: If the grievance is not settled in Step 2, it shall be submitted in writing by the aggrieved employee or group of employees to the Personnel Manager within five (5) working days after the department head's reply is given. The Personnel Manager shall reply in writing within five (5) working days of the date of presentation of the grievance, not including the day of presentation.

Step 4: If the grievance is not settled in Step 3, then it shall be submitted in writing by the aggrieved employee or group of employees to the Executive Officer within five (5) working days after the Manager of Personnel's written reply is given, not including the day such reply is given.

In lieu of submitting the grievance directly to the Executive Officer, the employee may opt to submit the grievance to a committee

of three individuals, either Metro or non-Metro employed, appointed in the following manner:

- (a) The aggrieved employee shall appoint one representative.
- (b) The Executive Officer shall appoint one representative.
- (c) The employee and the Executive Officer shall appoint one member mutually acceptable.

The Personnel Manager shall be responsible for establishing an equitable and efficient method of selecting a representative acceptable to the Executive Officer and to the employee. The committee shall meet and hear evidence and forward its findings and recommended decision to the Executive Officer and employee. After consideration of the recommendation of the Committee, the Executive Officer shall render a decision within five (5) working days after receipt of the Committee's findings and recommendation. If the employee opts to submit the grievance directly to the Executive Officer rather than to the committee, the Executive Officer shall render a decision within five (5) working days after receipt of the grievance. The decision of the Executive Officer shall be final and binding on the employee or group of employees.

(c) Any grievance not taken to the next step within the prescribed number of days after receipt of a decision shall be considered settled.

(d) If the appropriate course of action fails to meet or to answer any grievance within the time limits prescribed for such action by this section, such grievance shall automatically advance to the next Step.

(e) The time limits prescribed in this section for the initiation and completion of the Steps of the grievance procedure may be extended by mutual consent of the parties involved. Likewise, any Step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved. Time limits may be extended unilaterally one (1) time by each party in each step for five (5) days in cases of documented emergencies.

(f) No employee or group of employees shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.

(g) In cases of suspension, demotion or dismissal resulting in loss of pay or benefits, which action is subsequently reversed through the grievance procedure, said loss shall be reimbursed by Metro following the successful grievance action and notices of such suspension, demotion or dismissal shall be purged from the employee's personnel file. (Ordinance No. 81-116, Sec. 22)

2.02.115 Position Classification Plan:

(a) A Position Classification Plan covering Regular, Regular Part-Time, and Temporary Employees shall be adopted, and may be amended by the Council to provide an equitable and logical arrangement of job classifications which will facilitate the identification, compensation and filling of positions.

(b) The Classification Plan shall consist of positions in Metro defined by class specifications, and identified by the class titles. The Classification Plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

(c) Copies of the Classification Plan shall be made accessible to employees by distribution to all department directors, the Chairperson of the Employees Association and the Personnel Office. (Ordinance No. 81-116, Sec. 23)

2.02.120 Titles and Specifications:

(a) The Position Classification Plan shall include titles for the various classifications as a guide toward equal pay for equal work. Classification titles shall be used in all personnel, budget and financial records.

(b) Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.

(c) The Classification Plan shall include a Class Specification containing the class title, the class code, the principal duties, the knowledge and abilities required as minimum qualifications and the education, training and/or experience required for successful performance in the job. Classification titles and code numbers may be changed by the Executive Officer. Changes in the duties and minimum qualifications require Council approval. (Ordinance No. 81-116, Sec. 24)

2.02.125 New Positions: New positions are authorized by the Council. Any positions added to the Budget require Council approval. Procedures for processing requests for new positions shall be contained in the Personnel Procedures Manual. (Ordinance No. 81-116, Sec. 25)

2.02.130 New Classifications: New classifications are authorized by the Council. Any new classification added to the classification plan requires Council approval. Procedures for processing requests for new classifications shall be contained in the Personnel Procedures Manual. (Ordinance No. 81-116, Sec. 26)

2.02.135 Reclassifications of Existing Positions: Reclassification of an existing position from one existing classification to another existing classification may be approved by the Executive Officer provided the reclassification can be accomplished with the limitations of the current budget. Procedure for processing requests for reclassifications of existing positions shall be contained in the Personnel Procedures Manual. (Ordinance No. 81-116, Sec. 27)

2.02.140 Effect on Incumbents of Positions Being Reclassified:

(a) Should a permanent incumbent of a position that has been reclassified upward not qualify for the new class, upon continuing approval of the appointing authority, the incumbent may remain in the position.

(b) When a position is reclassified downward, upon continuing approval of the appointing authority, a permanent incumbent may remain in the position in his/her former class by overfilling for a period not to exceed six (6) months from the effective date of the reclassification. If, at the expiration of the six (6) month period, the incumbent still remains in the position, the employee, at his/her option, shall either take a voluntary demotion to the new class, or be laid off.

(c) When a group of positions in the same class are reclassified downward as a part of an agencywide class study, the rates of the incumbents in the positions shall be continued and no change in salary shall occur until the annual adjustments to the Pay Plan bring the employees' rates in the new class within the new range. At that time, incumbents will become eligible for salary adjustments. (Ordinance No. 81-116, Sec. 28)

2.02.145 Pay Plan:

(a) The Executive Officer shall prepare a Pay Plan for regular, regular part-time, and temporary employees which shall prescribe a minimum and a maximum range of pay appropriate for each class. Said Plan shall be approved by the Council. The Pay Plan shall identify the status of each position relating to overtime compensation.

(b) The rate or range for each class shall equitably reflect the difference in duties and responsibilities, and shall be related to compensation for comparable positions within the same job market.

(c) The Pay Plan shall be made accessible by the Personnel Office to employees by distribution to all department directors and the Employees Association. (Ordinance No. 81-116, Sec. 29)

2.02.150 Analysis of Pay Plan: The Executive Officer shall study Metro employee compensation at least once annually. Said study may cover such items as changes in Consumer Price Index and salaries and benefits received by employees in the labor market. The Executive Officer will report the findings of said study at least once

annually to the Council with recommended actions. (Ordinance No. 81-116, Sec. 30)

2.02.155 Administration of Pay Plan: Upon initial appointment to a position, each employee should receive a salary at the beginning step of the salary range for the class to which the position is allocated. Appointment at the beginning step should be the rule, with appointments above that level being the exception for outstanding qualifications and experience, and subject to approval of the Executive Officer. (Ordinance No. 81-116, Sec. 31)

2.02.160 Salary Administration Guidelines:

(a) The salary plan is designed to allow an employee the opportunity for growth and adjustment to a new position, and to earn salary increases on a planned basis. Except as provided in subsections(d)(4) and (d)(12) of this section, or as a result of a change pursuant to other sections of these rules, employees' current salary shall be used to calculate merit increases and cost of living adjustments shall be cumulative.

(b) All salary increase personnel actions require the supervisor's recommendation, and the approval of the department head and Personnel Manager prior to providing such increase to the employee.

(c) Payroll procedures and policies are established and maintained by the Manager of Accounting.

(d) Administrative Procedures:

(1) Employees hired or promoted at the beginning step of a salary range or between the beginning step and the entry merit rate are eligible to receive a salary increase to the entry merit rate after successful completion of six (6) continuous months of probationary service. When an employee is appointed above the entry merit rate he/she is not eligible for a salary increase for one year, unless the Executive Officer approves an extra meritorious salary increase.

(2) The First Step increase of five (5) percent to the entry merit rate is initiated by Personnel on the appropriate dates unless the department head provides Personnel with a negative performance evaluation and a request to temporarily withhold said increase. This does not absolve the appointing authority from performing an evaluation at the point the employee reaches the entry merit rate.

(3) After an employee has reached the entry merit rate, he/she is eligible for annual salary increases in one (1) percent increments up to and including the maximum salary

shown for the assigned salary range. Criteria for providing the increases are in the following subsections.

(4) The Incentive Salary Rate of one (1) percent to three (3) percent is to be administered by the Executive Officer in conjunction with the Personnel Manager and the appropriate department head. This salary rate is to be used to reward outstanding employees and/or to assist in retaining employees. Incentive salary increases require the approval of the Executive Officer.

(5) All merit increases have to be authorized and approved by the department head and reviewed by the Personnel Manager prior to implementation. A decision to withhold a salary increase will be communicated to the employee in writing by the department head.

(6) Salary increases (except as noted in subsection (d)(2) of this section) must be submitted to the Personnel Division with an employee evaluation form. Department heads shall make every effort to complete the employee's evaluation by the employee's anniversary dates. If the evaluation is not completed by that date, any merit increase assigned shall be retroactive to that date.

(7) The Merit Rate is the rate which is set annually by the Council according to agency salary policies relating to comparable and competitive rates of pay found in the labor market for similar work, and which rate reflects the impact of the cost of living for the Portland metropolitan area. When the Maximum Merit Rate is adjusted, the entire salary range must be adjusted and the individual's salary should be adjusted by the same rate. This adjustment will maintain the internal balance between salary ranges for each class and maintain the employee's salary within the assigned salary scale.

(8) It will be general practice to hire new employees at the beginning Step, but promoted employees may be assigned a salary within the appropriate range in line with Metro personnel rules and policies.

(9) Criteria to be considered in recommending and granting merit salary increases should include but not be limited to:

- Length of service
- Competency
- Growth in handling job responsibilities
- Attitude
- Specific actions toward self-improvement
- Recognition of excellence
- Productivity increases of tangible quantities and qualities

- Creative and innovative contributions
- Cost and budgetary savings realized

(10) This criteria shall apply to salary increases given in the merit range of the salary schedule. The Personnel Manager shall review the supervisor's and department head's merit salary increase actions, and shall assure that the criteria on the performance evaluation forms are followed. Employees will be considered for merit increases upon the anniversary date on which they reached the entry merit rate for the position currently held.

(11) When an employee is promoted or reclassified to a position in a classification with a higher maximum salary rate, the employee shall be placed on the beginning step of the salary range or receive an adjustment of five (5) percent, whichever is greater. Appointment at the beginning step or an adjusted five (5) percent rate should be the rule, with appointments above that level being the exception for outstanding qualifications and experience and subject to the approval of the Executive Officer. If such five (5) percent increase places the employee between the beginning step and the entry merit rate, the employee will be placed at the entry merit rate after completion of six (6) months of satisfactory service.

(12) The Executive Officer, upon request by the department head and supported with proper documentation of all relevant issues, may reduce an employee's merit salary. Such decrease shall be no more than five (5) percent the amount awarded on the last anniversary date and in no case shall go below the entry merit rate for the classification in which the employee is working. The salary decrease will occur on the employee's anniversary date in conjunction with a performance evaluation. An evaluation shall be made of the employee's performance after six (6) months with the opportunity to reinstate the merit increase if performance warrants it. All such reductions shall be subject to the Grievance Procedure.

(d) Management of Incentive Range: The Incentive Range of three (3) percent is managed exclusively by the Executive Officer. Request for incentive increases by department heads should be written and sent directly to the Executive Officer. The major use of this part of the salary plan should be for outstanding performance, retention and/or assignment of an additional project of agencywide importance. Other reasons as deemed appropriate by the Executive Officer can be applied. This increase is to be for no longer than one year. The Personnel Manager shall assist the Executive Officer with the implementation and management of this provision. (Ordinance No. 81-116, Sec. 32)

2.02.165 Payroll Procedures:

(a) Metro employees shall be paid according to the Pay Plan adopted by the Council. Adjustments to the Pay Plan may be made upon recommendation of the Executive Officer and approval by the Council.

(b) Employees shall be paid biweekly or monthly with a mid-month draw.

(c) Pay day shall occur biweekly or semimonthly. In the event the normal pay day falls on a holiday, pay day shall occur the day before the holiday. If the normal pay day falls on a Saturday or a Sunday, pay day shall be the prior Friday.

(d) Payroll deductions will be made for income tax withholding, Workers' Compensation insurance and employee contributions to employee benefits, and may be made for the United Way fund, payments to the Employee's Credit Union and other agencies as approved by the Executive Officer at the request of the employee.

(e) When the salary range for any classification is increased or decreased, individual employees salary rates shall be adjusted in proportion to the amount of increase or decrease without change in the employees established anniversary date.

(f) Bonus: A one-time award of a bonus of up to \$300 may be made by the Executive Officer, upon written recommendation of the employee's supervisor and department head supported by facts establishing reasonable justification for the award. A bonus award shall not be made in lieu of an employee's annual merit salary increase. (Ordinance No. 81-116, Sec. 33)

2.02.170 Overtime Compensation:

(a) Overtime may be allowed, and overtime compensation shall be paid, both pursuant to ORS 279.340 and 279.342, and pursuant to this section. Compensation for overtime shall be paid only to employees who are not exempted from the provision of ORS 279.340 by ORS 279.342.

(b) Except as a result of shift rotation, overtime shall be considered time worked by an employee in excess of the scheduled workday or workweek for full-time employment. Time worked beyond their regular schedules by employees on schedules of less than full-time shall be considered as additional time worked rather than overtime until such time exceeds the regular schedules for full-time employment.

(c) Department and division heads shall assign to each employee regular work duties and responsibilities which normally can be accomplished within the established workday and workweek. No overtime shall be worked by nonexempt employees without the approval of the department head or his/her designee.

(d) Exempt employees who work more than forty (40) hours in one week shall be eligible for equal time off not to exceed eight (8) hours in one week upon approval of their supervisor and provided it can be accommodated with their workload.

(e) Working during the lunch hour and during coffee breaks is not considered as overtime and no overtime payment shall be made for such time worked as defined in ORS 279.340; provided however that if a non-exempt employee is required by the supervisor to work through the lunch hour, he or she shall be entitled to leave work at the conclusion of eight (8) hours work or be eligible for overtime compensation pursuant to the provisions of this section.

(f) No person shall be discriminated against or disciplined for refusing to work overtime where in the opinion of the department head another qualified employee is available to perform the work.

(g) Designation of eligibility for overtime compensation shall be included in the pay plan for each position and revised annually based on the duties and responsibilities outlined in the class specification.

(h) For the purposes of computing overtime, hours worked shall include observed holidays, vacation leave, compensatory time, paid sick leave and time on the job.

(i) Compensation for authorized overtime shall be at the rate of time-and-one-half and may be paid either in cash if budgeted funds are available or as compensatory time off at the discretion of the department head. Compensatory time must be taken as leave within six (6) months or paid in cash within the fiscal year that it is earned. Such payment shall be at the employee's rate of pay being earned at the time of payment. When a non-exempt employee is terminated, the employee shall be given cash compensation for the overtime the employee has accrued.

(j) When cash payment for overtime is authorized, such payment shall be made no later than the next pay day following the pay period in which the overtime is worked.

(k) Overtime worked shall not be used to earn employee benefits or to serve out probation or merit increase periods. Compensatory time off in lieu of overtime pay will be counted as regular time worked in computing wages and toward earning employee benefits and to serve out probation and merit increase periods. (Ordinance No. 81-116, Sec. 34)

2.02.175 Holidays:

(a) Probationary, regular and regular part-time employees of Metro shall be entitled to the following designated holidays listed with pay:

- (1) New Years Day;
- (2) Washington's Birthday;
- (3) Memorial Day;
- (4) Independence Day;
- (5) Labor Day;
- (6) Veterans Day;
- (7) Thanksgiving Day;
- (8) Christmas Day;
- (9) Two floating holidays are allowed each fiscal year on days of each employee's choice, subject to schedule approval of the supervisor. Employees hired after January 1 of each fiscal year shall be entitled to one such holiday in that fiscal year. For purposes of this section, a floating holiday is any day chosen by the employee and approved by the supervisor which would otherwise be a regular scheduled work day. The floating holidays must be taken by the employee within the fiscal year in which they accrue. If the employee's supervisor does not schedule the holiday leave prior to the last week of the fiscal year, the employee shall be allowed to take the holiday leave within the last week of the fiscal year. The employee may determine which day of the last week he/she will be absent. Such absence will not reflect discredit on the employee.

(b) If any such holiday falls on a Sunday, the following Monday shall be given as that holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.

(c) Holidays which occur during vacation or sick leave shall not be charged against such leave.

(d) Additional days designated by the Congress of the United States as legal holidays for all citizens shall be observed by Metro. (Ordinance No. 81-116, Sec. 35)

2.02.180 Vacation:

(a) Subject to the provision on probation, all regular and regular part-time employees shall be granted annual vacation leave with pay.

(b) Regular and regular part-time employees who have been employed by Metro for more than six (6) consecutive months may be granted accrued vacation leave by approval of the department head or his/her designee. Department head vacations shall be approved by the Executive Officer. Special consideration of vacation needs of employees can be considered by the department head or the Executive Officer upon request.

(c) Employees shall not accumulate more than 200 hours of vacation leave. Additional hours may be accrued with the written approval of the Executive Officer. Such written authorization shall be filed in the Personnel Office.

(d) Any employee who is about to lose vacation credit because of accumulation limitations may, by notifying the department head five (5) days in advance, absent themselves to prevent loss of this time. Such action taken by the employee shall not constitute a basis for disciplinary action or loss of pay. Vacation leave shall not accrue during a leave of absence without pay, or educational leave with pay, the duration of which exceeds fifteen (15) calendar days. Any employee who is granted a leave of absence without pay shall first be scheduled for any vacation leave and/or compensatory time that has accrued to the employee before commencing leave without pay.

(e) Department heads or their designees shall schedule vacation for their respective staff with consideration for seniority, the desires of the staff and for the work requirements of the department. Vacation schedules may be amended to allow the department to meet emergency situations.

(f) Any regular or regular part-time employee who resigns, retires, is laid off or dismissed from employment with Metro shall be entitled to immediate lump sum payment for accrued and unused vacation at his/her existing salary rate provided, however, that such lump sum payment shall not be made if separation occurs prior to the completion of the initial probationary period including any extensions. (Ordinance No. 81-116, Sec. 36)

2.02.185 Vacation Credit and Accrual Rate: The vacation credit and accrual schedules for regular and regular part-time employees are as follows:

<u>Total Years of Continuous Service</u>	<u>Accrual Rate Per Pay Period</u>	<u>Equivalent Annual Hours for Full-Time Employees</u>
Date of Hire through completion of 3 years	3.33 hours	80 hours
4 years through completion of 9 years	5.00 hours	120 hours
9 plus years	6.66 hours	160 hours

The above schedule may vary from Metro contracts with employee unions, in which case the contract provisions shall apply to union employees. Regular part-time employees shall accrue vacation under the above schedule at a rate proportionate to the time worked per week. (Ordinance No. 81-116, Sec. 37; amended by Ordinance No. 82-139, Sec. 1)

2.02.190 Sick Leave:

(a) Regular employees shall earn sick leave with pay at a rate of 104 hours per year (.05 hours per hour worked); such sick leave shall accrue in an unlimited amount.

(b) Regular part-time employees shall earn sick leave with pay proportionate to the amount of time worked; such sick leave shall accrue in an unlimited amount.

(c) Employees are eligible to use sick leave for the following reasons:

(1) Personal illness or physical disability;

(2) Illness or physical disability in the employee's household requiring the employee to remain at home.

(3) Medical appointments and office visits.

(d) Sick leave shall be charged as follows: Employees working a regular workweek shall be charged leave on the basis of one (1) day sick leave for each duty day absent; except when such absence is the result of quarantine, in which case no charge shall be made. Not less than one (1) hour of sick leave may be charged for any portion of workday missed due to sickness.

(e) Abuse of the sick leave privilege shall be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in the above subsection of this section shall report the reason for his/her absence to his/her supervisor. Sick leave with pay may not be allowed unless such report has been made. The supervisor may require sick leave beyond three (3) days to be supported by a physician's statement attesting to the illness.

(f) Regular full-time employees who use twenty-four (24) hours or less of sick leave within one (1) fiscal year period shall accrue eight (8) additional hours of vacation leave in exchange for eight (8) hours of sick leave at the end of the fiscal year period. Regular part-time employees who use twenty-four (24) hours or less of sick leave within one fiscal year shall accrue four (4) additional hours vacation leave.

(g) Transfer of Leave Credits: Sick leave is provided as a benefit to each employee as insurance for periods of illness. Under normal circumstances benefits are not transferrable; however, upon request of an employee, the Executive Officer may authorize transfer of sick leave credits on a limited, carefully monitored basis when extenuating circumstances exist. Each request will be reviewed and approval granted on a case by case basis. (Ordinance No. 81-116, Sec. 38; amended by Ordinance No. 82-139, Sec. 2)

2.02.195 Leave of Absence Without Pay:

(a) Disability Leave: Upon application, supported by a statement of a physician, a leave of absence will be granted without pay for a period not to exceed six (6) months in cases of the physical disability of a regular or regular part-time employee. Any employee requesting such leave shall file such request in writing

with the department head and attach thereto a statement of the attending physician. Such statement must indicate that the duration of leave requested is necessary for recovery from the disability. Such disabled employee, upon ceasing work, may use such vacation and sick leave as he/she may have earned, except that such vacation must have been regularly available to him/her during the calendar year, and the sick leave shall not exceed the amount which has been earned up to the time the leave of absence begins. The leave of absence without pay shall commence immediately upon completion of the vacation and sick leave. During the first three (3) months of disability leave, Metro shall continue to provide health, dental, life insurance, accidental death and dismemberment and long-term disability benefits, to the same extent provided other employees, and shall pay all appropriate premiums. If the leave extends beyond three (3) months, the employee may elect to continue such benefits for up to six (6) months from the date the leave began and, upon such election, the gross premiums for such extended coverage shall be paid by the employee. Such extension of coverage beyond the first three (3) months shall be subject to any restrictions in each applicable benefit policy or plan.

(b) Maternity Leave: All provisions in subsection (a) of this section relating to disability leave shall apply equally to regular and regular part-time employees who are disabled for reasons of pregnancy.

(c) Peace Corp Leave: Metro shall grant leaves of absence without pay for at least two years to any full-time salaried public officer or employee who serves, and while he/she serves, as a volunteer in the Peace Corps. Upon expiration of the leave the public officer or employee shall have the right to be reinstated to the position held before the leave was granted and at the salary rates prevailing for such positions on the date of resumption of duty, without loss of seniority or other employment rights, if any. Failure of the officer or employee to report within 90 days after termination of his/her service shall be cause for dismissal.

(c) All Other Leaves Without Pay: All regular, regular part-time and probationary employees may be granted leave of absence without pay and without employee benefits for a period not to exceed six (6) months provided such leave can be scheduled without adversely affecting the operations of Metro. Such leave may be extended in writing by the Executive Officer once up to an additional six (6) months. Requests for leave of absence without pay shall be in writing, shall be directed to the department head and shall contain reasonable justification for approval. Requests of ten (10) days or more shall require the approval of the Executive Officer or his/her designee. The approved request shall be filed in the Personnel Division office. The employee may elect to continue employee benefits, and upon such election, premiums for such extended coverage shall be paid by the employee. Such coverage shall be subject to any restriction which may exist in each applicable benefit policy or plan. (Ordinance No. 81-116, Sec. 39)

2.02.200 Leave of Absence with Pay: Regular and regular part-time employees may request leave of absence with pay for the purposes specified in this section. Each request shall be approved by the Executive Officer on its merits and on the basis of the guidelines provided in this section. Approved requests shall be filed in the Personnel Division office.

(a) Compassionate Leave: In the event of a death in an employee's immediate family, the employee may be granted leave of absence with pay not to exceed three (3) working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(b) Funeral Participation: When an employee participates in a funeral ceremony, he/she may be granted one-half (1/2) day off to perform such duty. Time not worked because of such absence shall not affect accrual of vacation or sick leave.

(c) Witness or Jury Duty: When a Metro employee is called for jury duty, or is subpoenaed as a witness, he/she shall not suffer any loss of his/her regular compensation during such absence; however, the amount of compensation an employee receives for such duty shall be paid to Metro. Time not worked because of such duty shall not affect accrual of vacation and sick leave.

(d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard, or of a reserve component of the Armed Forces of the United States, or of the United States Public Health Service, shall be entitled, upon application, to a leave of absence with pay for a period not exceeding fourteen (14) calendar days in any one (1) calendar year to perform temporary active or training duty. Such leave shall be granted without loss of time, or other leave, and without impairment of merit ratings or other rights or benefits to which he/she is entitled. Military leave shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty. (Ordinance No. 81-116, Sec. 40)

2.02.205 Conferences, Membership and Conventions: Attendance at conferences, conventions or other meetings at Metro's expense shall be authorized by the Executive Officer. Permission shall be granted on the basis of an employee's participation in or the direct relation of his/her work to the subject matter of the meeting. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interests of Metro. Metro shall pay for professional or trade memberships for employees when deemed appropriate by the Executive Officer or his/her designee. (Ordinance No. 81-116, Sec. 41)

2.02.210 Education Opportunities:

(a) All regular and regular part-time employees are encouraged to pursue educational opportunities which are directly related to the employee's work and which will enhance the employee's job-related skill level.

(b) Employees who register for courses which are judged to be of direct and significant benefit to Metro may receive some reimbursement for expenses incurred by the employee while taking approved courses. Procedures for application and amount awarded are contained in the Personnel Procedures Manual.

(c) Normally the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If Metro purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of Metro. (Ordinance No. 81-116, Sec. 42)

2.02.215 Workers' Compensation Insurance:

(a) All employees shall be covered for medical expenses and disability benefits for injuries or illness resulting from employment.

(b) Payment of medical expenses and lost time disability benefits is determined by the insurance carrier, State Accident Insurance Fund, on the basis of the doctor's statement and the Workers' Compensation Insurance schedule of the State of Oregon.

(c) The cost of Workers' Compensation Insurance shall be paid by Metro with the exception of the employee contribution mandated by the Workers' Compensation Law of the State of Oregon.

(d) During an employee's absence due to an on-the-job injury or occupational illness, the employee may utilize sick leave or vacation credits to augment any benefits paid by the Workers' Compensation fund. (Ordinance No. 81-116, Sec. 43)

2.02.220 Insurance and Retirement: All probationary, regular and regular part-time employees shall receive health, life, disability, vision and dental insurance, and shall be members of one of Metro's retirement plans. Job share positions are eligible for one set of benefits which are split between the two employees sharing the position. Continuous service as defined in this chapter shall apply in determining length of service for purposes of an employee's retirement plan, except as otherwise required by each such plan. (Ordinance No. 81-116, Sec. 44)

2.02.225 Orientation: There shall be an orientation program. All new employees shall be provided with a copy of this chapter and insurance plans and Metro shall periodically provide them with orientation sessions. (Ordinance No. 81-116, Sec. 45)

2.02.230 Exemptions: Notwithstanding any provision of this chapter, certain employees shall be exempt and shall not be subject to the following portions of this chapter:

- (a) Sections 2.02.040, 2.02.045 and 2.02.070.
- (b) Sections 2.02.100 through 2.02.110.
- (c) Sections 2.02.115 through 2.02.140.
- (d) Sections 2.02.145 through 2.02.170. (Ordinance No. 81-116, Sec. 46)

2.02.235 Positions Exempt: The exemptions designated in Section 2.02.230 herein shall apply to the following positions:

- (a) Executive Aide to the Executive Officer (1)
- (b) Administrative Aide to the Executive Officer (1).
(Ordinance No. 81-116, Sec. 47)

2.02.240 Conditions of Exemptions: Notwithstanding exemptions provided in Section 2.02.230, employees in exempt positions (a) and (b) of Section 2.02.235 shall receive such salaries or compensation as may be determined by the Executive Officer, limited however, to budgeted funds allocated to the Executive Management Department for personnel designated in Section 2.02.235 of this chapter. (Ordinance No. 81-116, Sec. 48)

2.02.245 Safety Program:

(a) Council Responsibility: The Council recognizes the need for the development of safe working conditions and practices for every job, and will promote the advancement of safety in design of buildings, offices, equipment, tools and other devices. The safety program, as adopted by the Council, shall be set forth in a separate document and made available throughout Metro facilities. Employees and supervisors are required to be familiar with the provisions of these safety regulations and policies.

(b) All supervisors will consider it an essential part of their job to administer the safety program.

(c) All employees are required as a condition of their employment to follow all established safety practices. An injury or illness sustained on the job must be immediately reported. The appropriate accident report form must be completed and sent to the State Industrial Accident Fund (SAIF) of the State of Oregon. (Ordinance No. 81-116, Sec. 49)

2.02.250 Service Awards: The Executive Officer shall provide a service award program for Metro employees. (Ordinance No. 81-116, Sec. 50)

2.02.255 Gifts, Gratuities, Fees: Metro personnel shall not solicit or accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value, the acceptance of which could be considered to influence directly or indirectly the actions of said personnel or any other person in any matter of Metro business. (Ordinance No. 81-116, Sec. 51)

2.02.260 Affirmative Action Policy:

(a) Policy Statement: The Council recognizes that it has a responsibility to provide equal employment opportunities regardless of race, color, national origin, religion, physical or mental handicaps, sex or age, so as to eliminate waste in the utilization of human resources.

(b) Affirmative Action Program: The Council has adopted an affirmative action policy and program which is set forth in a separate document which is available throughout Metro facilities. All employees are encouraged to familiarize themselves with Metro's affirmative action policies. (Ordinance No. 81-116, Sec. 53)

2.02.265 Temporary Employees:

(a) Temporary employees appointed prior to the effective date of this Ordinance shall be eligible for employee benefits according to the Metro Temporary Employment Program adopted August 1979.

(b) Definition: Temporary Employee: Any employee hired to perform a specific task or to participate in a series of specific projects for a period not to exceed 1,040 hours over a six (6) month period. This definition excludes interns, CETA, and Work Study students.

(c) Status of Temporary Employees: Temporary employment will be expected to terminate upon completion of the task or project. No commitments will be made by Metro to retain the employee past the termination date of the project in question. The term of employment may not exceed six (6) months without approval of the Executive Officer who may grant up to a six (6) month extension provided, however, accrued hours shall not exceed 2,080 over a twelve (12) month period. Continuation of employment beyond one (1) year may only occur upon appointment to a regular position authorized under a currently approved budget.

(d) Benefits: Benefits required by law such as Workers' Compensation and Social Security will be paid for all temporary employees. Temporary employees are allowed vacation leave and sick leave according to the same rules as regular employees. No additional benefits will be paid to temporary employees except for designated holidays as provided for in this chapter.

(e) A newly employed temporary employee shall receive pay for an observed holiday if the employee has worked at least 30 consecutive work days prior to the occurrence of a legal holiday or if the

employee has worked all of the working days of the month in which the holiday occurs; and a temporary employee leaving Metro employment will receive a paid holiday for any legal holiday provided the employee has worked five consecutive days or more beyond the occurrence of the said legal holiday.

(f) Eligibility for Regular Employment: Temporary employees will be allowed to compete for regular positions on the same basis as applicants from outside the agency. Temporary full-time employees who have been employed at Metro three (3) consecutive months and who have gone through a competitive selection process for the current temporary full-time position will be given in-house promotional hiring preference for vacant positions for which they possess the qualifications. If appointed into a regular position, employment time spent in previous full-time temporary positions may be counted toward the accumulation of vacation and personal holiday time if there has been no break in service.

(g) All sections of this chapter not inconsistent with the terms of the section including the pay and classification procedures will apply to temporary employees. (Ordinance No. 81-116, Sec. 54)

2.02.270 Employment Contracts:

(a) Persons employed in certain positions may be employed subject to employment contracts. In that event, the terms of such contracts shall control the conditions of employment, and this ordinance shall apply to such employment to the extent not inconsistent with such contracts.

(b) Employment contracts shall be authorized only for positions designated by resolution of the Council, and compensation to be paid pursuant to such contracts shall not exceed those approved by the Council.

(c) Hiring and termination by Metro of employees employed pursuant to this section shall only be with the approval or consent of the Council. (Ordinance No. 82-139, Sec. 3)

2.02.275 Zoo Visitor Services Employees:

(a) Purpose: The purpose of this section is to establish personnel rules pertaining to the conditions of employment of seasonal Zoo Visitor Services employees.

(b) Employment Program for Zoo Visitor Services Employees:

(1) Definitions:

(A) Seasonal Visitor Services Employee: Employees who are employed on a seasonal basis in the Visitor Services Department of the Washington Park Zoo, and whose period of employment is limited to a maximum of six (6) months from date of hire unless extended pursuant to this section.

(B) Permanent Visitor Services Employee: Employees who are employed on a regular or permanent basis in the Visitor Services Department of the Washington Park Zoo.

(2) Application of Personnel Rules:

(A) This section applies to Seasonal Visitor Services employees, and does not apply to Permanent Visitor Services employees.

(B) Permanent Visitor Services employees shall be subject to the provisions of Metro Personnel Rules (Sections 2.05.005 through 2.05.065) and all other personnel regulations applicable to permanent employees generally.

(C) Seasonal Visitor Services employees shall be subject to this section and to all other personnel regulations not inconsistent with this section.

(3) Recruitment and Appointment:

(A) Notwithstanding Section 2.02.040(d) of this chapter promotional recruitment to fill Seasonal Visitor Services vacancies is not required.

(B) Recruitment to fill vacancies shall include public posting of such vacancies for at least seven (7) calendar days at the Zoo and at the Metro Personnel Office, and may include any other forms of announcement appropriate to attract qualified applicants and to comply with affirmative action goals.

(C) An open competitive list shall be established by the Zoo annually as the result of open recruitment and oral interview. Appointments during the season will be made from this list. The duration of the list will be one year, unless it is exhausted before that time. Recommendation on appointments to fill vacant positions will be made by the Director of the Zoo from the list of qualified candidates. When an emergency exists such that it would not be prudent or practical to use such list, the Zoo may recommend an appointment from another source. The Executive Officer is the appointing authority for all positions.

(4) Status of Seasonal Employees: Seasonal employment will terminate at the end of each season or sooner depending upon the needs of the Zoo. No commitments will be made by Metro to retain employees beyond the season of period for which appointment was made. The term of employment in any case may not exceed six (6) months or

1,040 hours without approval of the Executive Officer who may grant up to a six (6) month extension; provided, however, that hours worked shall not exceed 2,080 over a twelve (12) month period. Continuation of employment beyond said period may only occur upon appointment to a regular position authorized under the currently adopted budget or upon reemployment for a subsequent season.

(5) Benefits:

(A) Benefits required by law such as Workers' Compensation and Social Security will be paid for all seasonal employees. No additional benefits will be paid to seasonal employees.

(B) Section 2.02.175 (Holidays) of this chapter shall not apply to Seasonal Visitor Services employees, and designated holidays shall be considered as normal workdays.

(6) Performance Evaluation: If employment extends beyond six (6) months, a six (6) month personnel evaluation is required. The purpose of such evaluation is to assure that the seasonal status of the employee is being maintained and to evaluate the work performed. An evaluation of performance is required before any merit wage adjustment may be granted.

(7) Promotion:

(A) Eligibility for promotion to Visitor Services Worker 2 and 3 classifications shall be established by the supervisor upon determination that an applicant or employee has acquired or possess the knowledge, skill and ability required for the position and that vacant positions classified as Visitor Services Worker 2 and 3 exist.

(B) A seasonal employee working forty (40) hours per week employed for three consecutive months will be allowed to compete for regular positions on a preferred basis along with regular employees if they have gone through a competitive process for the seasonal position currently held. If hired into a regular position, time employed in a previous full-time seasonal position may be counted toward the accumulation of vacation and personal holiday time if there has been no break in service.

(8) Wage Rates:

(A) Visitor Services employees will be paid at a rate in the Pay Plan approved by the Council.

(B) Wages shall be established on the basis of individual qualifications and work assignment. It will be the general practice to appoint new seasonal employees at the beginning step of the Visitor Services Worker 1 salary range. Exceptions approved by the Executive Officer may be made allowing hiring above the beginning step. Quality of work and total hours of previous work experience with the Zoo will be considered in determining the wage rate or step for previous employees reemployment at the Zoo in subsequent seasons.

(C) Eligibility for an initial wage increase shall be based on completion of 480 hours of satisfactory service in one calendar year at the beginning step, and upon recommendation by the Director, with a performance evaluation submitted to the Personnel Division. Eligibility for additional increases requires completion of 480 hours satisfactory service at the preceding step in one calendar year and a recommendation of the Department Director with a performance evaluation submitted to the Personnel Division.

(D) Section 2.02.160 of this chapter (Salary Administration Guidelines) shall not apply to Seasonal Visitor Services employees.

(9) Reporting and Hours of Work:

(A) Because the number of Seasonal Visitor Services employees needed at a given time depends upon weather conditions, such employees may be relieved from duty prior to the end of a scheduled workday or may be directed to not report for duty on a scheduled workday. The Director of the Zoo shall establish appropriate procedures for regulating reporting during inclement weather.

(B) Work schedules will be posted, and will be subject to subsection (1) above. No employee will be called to work for less than three (3) hours in one day.

(10) Rest and Meal Period:

(A) A rest period of 15 minutes with pay will be provided during each work period of four hours.

(B) A non-paid lunch period of one-half hour (30 minutes) shall be provided. Whenever possible, such meal period shall be scheduled in the middle of the shift. (Ordinance No. 81-123, Sec. 1 and 2)

CHAPTER 2.03

CIVIL PENALTIES

SECTIONS:

2.03.010	Purposes
2.03.020	Definitions
2.03.030	Consolidation of Proceedings
2.03.040	Notice of Violation and Intent to Assess Civil Penalty
2.03.050	Mitigating and Aggravating Factors
2.03.060	Zoo Schedule of Civil Penalties
2.03.070	Solid Waste Schedule of Civil Penalties
2.03.080	Written Notice of Assessment of Civil Penalty; When Penalty Payable
2.03.090	Compromise or Settlement of Civil Penalty by Director

2.03.010 Purposes: The purpose of these rules and regulations is to prescribe the procedures and requirements for the notice, assessment, collection and enforcement of civil penalties. (Ordinance No. 50, Sec. 1)

2.03.020 Definitions: Unless otherwise required by context, as used in this subdivision:

- (a) "Director" means the Director of a department of Metro.
- (b) "Order" means (a) any action satisfying the definition given in ORS ch. 183 or (b) any other action so designated in ORS ch. 268.
- (c) "Respondent" means the person against whom a civil penalty is assessed.
- (d) "Violation" means a transgression of any provision or condition of any license and includes both acts and omissions.
- (e) "License" as used in this Code, has the meaning given that word by ORS 183.310(3) (1975 Replacement Part). (Ordinance No. 50, Sec. 2)

2.03.030 Consolidation of Proceedings: Notwithstanding that each and every violation is a separate and distinct offense, and in cases of continuing violation, each day's continuance is a separate and distinct violation, proceedings for the assessment of multiple civil penalties for multiple violations may be consolidated into a single proceeding. (Ordinance No. 50, Sec. 3)

2.03.040 Notice of Violation and Intent to Assess Civil Penalty:

- (a) Except as provided in subsection (d) of this section, prior to the assessment of any civil penalty the Director shall

serve a written notice of violation and intent to assess civil penalties upon the respondent.

(b) The notice shall be personally delivered or sent by registered or certified mail by an employee of Metro or any other competent person over the age of 18 years to:

- (1) The respondent; or
- (2) Any person designated by law as competent to receive service of a summons or notice for the respondent; or
- (3) Following appearance of counsel for the party, the party's counsel.

(c) A notice of violation shall specify the violation and state that Metro will assess a civil penalty if the violation continues or occurs after five (5) days following service of the notice.

(d) Written notice of violation and intent to assess a civil penalty shall not be required where:

- (1) The respondent has otherwise received actual notice of violation not less than five (5) days prior to the violation for which a penalty is assessed.
- (2) The violation is of a type that would normally not be in existence for five (5) days or the jurisdiction of Metro to prosecute the violation is liable to be interrupted within that time. (Ordinance No. 50, Sec. 4)

2.03.050 Mitigating and Aggravating Factors:

(a) In establishing the amount of a civil penalty to be assessed, the Director or the Council shall consider the following factors:

- (1) Whether the respondent has committed any prior violation, regardless of whether or not any administrative, civil, or criminal proceeding was commenced therefore;
- (2) The history of the respondent in taking all feasible steps or procedures necessary or appropriate to correct any violation;
- (3) The economic and financial conditions of the respondent.

(b) In establishing whether a civil penalty should be remitted or mitigated, the Director or the Council may consider the following factors:

- (1) The gravity and magnitude of the violation;
- (2) Whether the violation was repeated or continuous;
- (3) Whether a cause of the violation was an unavoidable accident, or negligence, or an intentional act of the respondent;
- (4) The opportunity and degree of difficulty to correct the violation;
- (5) The respondent's cooperativeness and efforts to correct the violation for which the penalty is to be assessed;
- (6) The cost to Metro of investigation and correction of the cited violation prior to the time Metro receives respondent's answer to the written notice of assessment of civil penalty; or
- (7) Any other relevant factor.

(c) Unless the issue is raised in respondent's answer to the written notice of assessment of civil penalty, the Council may presume that the economic and financial conditions of respondent would allow imposition of the penalty assessed by the Director. At the hearing, the burden of proof and the burden of coming forward with evidence regarding the respondent's economic and financial condition or regarding any factor urged in mitigation shall be upon the respondent. (Ordinance No. 50, Sec. 5)

2.03.060 Zoo Schedule of Civil Penalties: In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to the Zoo by service of a written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(a) Not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars for violation of an Order of Metro or its Council.

(b) Not less than Twenty-Five (\$25) Dollars nor more than Five Hundred (\$500) Dollars for any violation which causes, contributes to, or threatens the injury of any Zoo animals.

(c) Not less than Twenty-Five (\$25) Dollars nor more than Five Hundred (\$500) Dollars for any other violation. (Ordinance No. 50, Sec. 6)

2.03.070 Solid Waste Schedule of Civil Penalties: In addition to any liability, duty, or other penalty provided by law, the Director may assess a civil penalty for any violation pertaining to the transferring, processing or disposal of solid waste by service of a

written notice of assessment of civil penalty upon the respondent. The amount of such civil penalty shall be determined consistent with the following schedule:

(a) Not less than One Hundred (\$100) Dollars nor more than Five Hundred (\$500) Dollars for violation of an Order of Metro or its Council.

(b) Not less than Twenty-Five (\$25) Dollars nor more than Five Hundred (\$500) for any other violation. (Ordinance No. 50, Sec. 7)

2.03.080 Written Notice of Assessment of Civil Penalty: When Penalty Payable:

(a) A civil penalty shall be due and payable when the respondent is served a written notice of assessment of civil penalty signed by the Director. Service of the written notice of assessment of civil penalty shall be in accordance with the service provisions of Section 2.03.040.

(b) The written notice of assessment of civil penalty shall include:

(1) A reference to the particular sections of the statute, rule, regulation, standard, order, certificate or permit involved;

(2) A short and plain statement of the matters asserted or charged;

(3) A statement of the amount of the penalty or penalties imposed; and

(4) A statement of the respondent's right to request a hearing.

(c) The respondent shall have twenty (20) days from the date of mailing of the notice in which to make written application for a hearing before the Metro.

(d) All hearings shall be conducted pursuant to the Contested Case Hearing procedures in the Metro Code.

(e) Unless the amount of the penalty is paid within ten (10) days after the Order becomes final, the Order shall constitute a Judgment and may be filed in accordance with the provisions of ORS 18.320 to 18.370. Execution may be issued upon the Order in the same manner as execution upon a Judgment of a Court of Record. (Ordinance No. 50, Sec. 8)

2.03.090 Compromise or Settlement of Civil Penalty by Director: At any time subsequent to service of the written notice of assessment of civil penalty, the Director is authorized to seek to compromise or settle any unpaid civil penalty which he deems appropriate. Any

compromise or settlement executed by the Director shall not be final until approved by the Council. (Ordinance No. 50, Sec. 9)

CHAPTER 2.04

PUBLIC CONTRACT PROCEDURES

SECTIONS:

2.04.001	Public Contract Review Board: Creation
2.04.002	Powers of Board
2.04.003	Rules
2.04.005	Contract Review Board Meetings
2.04.010	Exemption of Contracts from Competitive Bidding
2.04.015	Contract Review Committee
2.04.020	Application of Contract Procedures
2.04.025	Contract Procedures Generally
2.04.030	Rules and Procedures Governing all Contracts
2.04.035	Personal Services Contracts
2.04.040	Materials and Service Contracts
2.04.045	Contracts Between Government Agencies

2.04.001 Public Contract Review Board: Creation: Pursuant to 1979 Or. Laws, ch. 804, the Council is designated and created as the Metropolitan Service District (Metro) Contract Review Board. (Ordinance No. 79-76, Sec. 1)

2.04.002 Powers of Board: The Metro Contract Review Board shall have all the powers in the award of District contracts that the Oregon State Public Contract Review Board may exercise in the state at-large under ORS ch. 279 and OAR Chapter 127, including such revisions and additions to those chapters as may later be adopted. (Ordinance No. 79-76, Sec. 2)

2.04.003 Rules: The Metro Contract Review Board may adopt rules relating to the award of District contracts. Such rules shall prevail when in conflict with the rules of the Oregon State Contract Review Board at OAR Chapter 127. Such rules of the Metro Contract Review Board shall be adopted by ordinance. (Ordinance No. 79-76, Sec. 3; amended by Ordinance No. 81-125, Sec. 4)

2.04.005 Contract Review Board Meetings:

(a) The meetings of the Metropolitan Service District Contract Review Board shall normally, but need not, be conducted at the same time as, and as a part of, the regular meetings of the Metropolitan Service District Council.

(b) The rules of procedure adopted by the Metropolitan Service District Council for its proceedings shall also govern proceedings of the Metropolitan Service District Contract Review Board unless they conflict with rules adopted by the Board.

(c) Subsections (a) and (b) of this section supersede the rules adopted by the Public Contract Board at OAR Chapter 127, Divisions 80 and 90. (Ordinance No. 81-125, Sec. 2)

2.04.010 Exemption of Contracts from Competitive Bidding:

(a) The Metro Contract Review Board finds that the exemption of certain contracts where the amount is less than \$10,000 from competitive bidding requirements may be allowed without encouraging favoritism or substantially diminishing competition for public contracts and that exemption of such contracts from competitive bidding procedures will result in substantial cost savings.

(b) The District may, in its discretion, let contracts for the purchase of goods, materials and supplies without competitive bidding if the District has determined that the awarding of the contract without competitive bidding will result in cost savings and the following conditions are complied with:

(1) The amount of the contract does not exceed \$10,000; is for a single project; and is not a component of or related to any other project.

(2) When the amount of the contract does not exceed \$500, the District should, where feasible, obtain competitive quotes.

(3) When the amount of the contract is more than \$500, but less than \$10,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

(4) No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.

(c) The District may in its discretion let public contracts, not to exceed \$25,000 for road, highway, or parking lot maintenance without competitive bidding if the District obtains a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided a written record of the effort to obtain the quotes is made.

(d) Subsections (b) and (c) above supersede the rule adopted by the Oregon Public Contract Review Board at OAR 127-101-020. (Ordinance No. 81-125, Sec. 3)

2.04.015 Contract Review Committee:

(a) There is hereby created a Contract Review Committee of the Council, which committee shall have the powers and responsibilities described in the Metro Contract Procedures adopted by this chapter.

(b) The Contract Review Committee shall be comprised of three members to be appointed annually by the Presiding Officer of the Council.

(c) The committee may establish a regular meeting schedule and may meet in special session at the call of the Deputy Presiding Officer. A majority of the committee shall constitute a quorum and the committee shall act by majority vote.

(d) In addition to the meeting provisions in subsection (c) of this section, the committee may act by individual or telephonic poll of the membership. The results of any such polling shall be included in the minutes of the next regular or special meeting of the committee. (Ordinance No. 82-130, Sec. 1; amended by Ordinance No. 83-155, Sec. 1)

2.04.020 Application of Contract Procedures:

(a) All contracts to which Metro is a party or to which Metro may become a party shall be established, processed, approved and executed pursuant to the Metro Contract Procedures adopted by this chapter.

(b) The Executive Officer may establish such other contract regulations, not inconsistent with the Metro Contract Procedures, as may be necessary and expedient. (Ordinance No. 82-130, Sec. 2)

2.04.025 Contract Procedures Generally:

(a) These procedures describe the manner in which the Metropolitan Service District (Metro) will choose its contractors and the actions that must take place before Metro binds itself to a contract. Three types of contracts are provided for; Personal Services, Materials and Services, and Contracts Between Government Agencies.

(b) Contracts for Personal Services, and Materials and Services are divided into broad categories according to the amount of money they involve. Different selection procedures are required for contracts under \$500, those between \$500 and \$10,000, and those over \$10,000. Procedures for internal review and execution of contracts differ for contracts under \$2,500 and for contracts of \$2,500 or more.

(c) Contracts for the purchase of services or materials are required to go through a process of soliciting quotes or competitive bidding. State law requires that public agencies use these methods for awarding contracts in order to ensure the lowest possible cost

and decrease the chances of favoritism. Contract administration is largely the responsibility of each Department Head or Project Manager. Utmost care should be taken in writing contract specifications and scopes of work, and in monitoring work done under contract. If care is taken, and these procedures are followed, those involved may feel secure that the law is being obeyed and that Metro is getting quality goods and services at the lowest possible price. (Ordinance No. 82-130, Sec. 2(a))

2.04.030 Rules and Procedures Governing All Contracts:

(a) **Initiating a Contract:** When a department initiates a contract it must first notify the Department of Management Services of its intention and request the issuance of a contract number which shall appear on all copies of the contract. Additionally, the department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the Department of Management Services either with a fully executed contract (three copies), if the amount is under \$2,500, or with an unexecuted contract (three copies) for review, approval and signature.

(b) **Persons Authorized to Sign Contracts:**

(1) For contracts of an amount under \$2,500 the Director of the initiating department, or a designee of the Director approved by the Executive Officer, may sign contracts if the following conditions are met:

(A) A standard contract form is used;

(B) Any deviations to the contract form are approved by the General Counsel;

(C) The expenditure is authorized in the budget;

(D) The contract does not further obligate Metro beyond \$2,500;

(E) The appropriate Scope of Work is attached to the contract; and

(F) The Contract is for an entire project or purchase; not a portion of a project or purchase which, when complete, will amount to a cost greater than \$2,500.

(2) For contracts of \$2,500 or more, and for contract amendments which exceed \$2,500 or which result in a total contract price exceeding \$2,500, either the Executive Officer or Deputy Executive Officer must sign; provided, however, that the Director or Deputy Director of the Zoo may sign purchase orders of up to \$10,000. When designated in writing to serve in the absence of the Executive Officer

or Deputy Executive Officer, the Director of Management Services may sign contracts.

(c) Approval of Contracts of \$10,000 or More:

(1) Except as provided in subsection (4) of this section, all initial contracts with a contract price of \$50,000 or more shall be approved by the Council prior to execution.

(2) Except as provided in subsection (4) of this section, all initial contracts with a contract price of \$10,000 or more but less than \$50,000 shall be approved by the Contract Review Committee of the Council prior to execution.

(3) Except as provided in subsection (4) of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of \$10,000 or more shall be approved by the Contract Review Committee prior to execution.

(4) The following types of contracts, including contract amendments and extensions to such contracts, shall be exempt from the provisions of this section.

(A) Contracts which merely pass through funds from a state or federal agency.

(B) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party.

(C) Contracts with another government agency.

(D) Initial contracts of less than \$10,000 and contract extensions and amendments which do not cause or result in a total contract price of \$10,000 or more.

(E) Grant award contracts.

(F) Contracts previously approved as part of annual work programs.

(G) Purchases of inventory and gift items for resale at the Zoo Gift Shop.

(d) Documentation Required for Contract Files: The Department of Management Services will maintain central files for all contracts. Individual departments should keep a copy of each contract which they have initiated and all subsequent extensions and amendments. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not

accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing lists
- Affidavits of Publication
- Insurance endorsements and certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- MBE contacts
- Contract closure form
- Personal Services Evaluation form

(e) Contract Review: Any contract which deviates from a standard contract form must be reviewed by the Metro General Counsel. Contracts involving federal or state grant funds must be reviewed by the Finance Officer. Contracts which are to be let after advertised competitive bids, quotes or proposals must be reviewed by the Contracts Manager.

(f) Minority Business Program: All contracting and purchasing is subject to the Metro Minority Business Enterprises Program. Metro will take affirmative action to do business with Minority Business Enterprises. The Contracts Manager will maintain a directory of minority businesses which shall be consulted and used in all contracting and purchasing of goods and services. If a minority business is available that appears capable of providing needed goods or services, that business must be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the MBE program may be exempted from the competitive bidding process.

(g) Awarding Contracts Without Competitive Bids, Quotes or Proposals:

(1) In some cases, competitive bidding may not be required. The Contracts Manager will make a determination of whether a contract must be awarded subject to competitive bidding. Examples of the contracts which may not be legally subject to competitive bidding are:

- Rare Animals
- Price Regulated Items
- Emergency Contracts
- Advertising Contracts
- Recycled Materials
- Products of the Handicapped
- Contracts between Government Agencies
- Affirmative Action Contracts
- Data Processing Contracts
- Insurance Contracts

- Contract Amendments and Extensions
- Personal Services Contracts
- Purchases Under Requirement Contracts

(2) In most cases these exempt categories must be interpreted narrowly. An emergency contract, for example, may only be executed if the emergency conditions could not have reasonably been foreseen and the only way to remedy the situation is through the execution of a contract.

(3) Personal services contracts are subject to separate procedures described in Section III.

(4) Specific exemptions from competitive bidding may be sought from the Metro Contract Review Board (See Ordinance No. 79-76 and Ordinance No. 81-125.)

(5) Any request for an exemption from competitive bidding must comply with OAR 127-10-160.

(h) Monthly Contract Report: The Executive Officer shall provide or cause to be provided a monthly report to the Council of all contracts, including extensions and amendments, which have been executed during the preceding month; provided, however, that such monthly report need not include purchase orders under \$500.

(i) Purchase Orders: For purposes of these regulations, the term "contracts" includes purchases of goods or materials by purchase order. Purchase orders may be utilized in lieu of written contracts when the purchase is for goods or materials only.

(j) Code of Conduct:

(1) No employee, officer or agent of Metro shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his/her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. No Metro officer, employee or agent shall solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

(2) Violations of this Code of Conduct shall subject an officer or employee to disciplinary action pursuant to the Metro Personnel Rules and may be grounds for other civil or criminal penalties provided by law.

(k) Federal/State Agency Approval: When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies. (Ordinance No. 82-130, Sec. 2(a))

2.04.035 Personal Services Contracts:

(a) **Definition:** Personal Services contracts are for services that are not normally performed by the Metro department staffs and will not require continuous supervision by Metro staff. Examples of services that may be obtained under Personal Services contracts are: attorneys; economic consultants; engineers; architects; special photography; legislative liaison; public relations and professional advice on retainer. Personal Services contracts shall be in compliance with OAR 127-10-092.

(b) **Distinguishing Between Employees and Independent Contractors:** It is important that employees not be hired under the guise of a Personal Services Contract. To determine whether a particular worker is to be an employee or an independent contractor, the most important factor to consider is the employer's right to control. If the employer is to retain the right to control the manner and means of accomplishing a desired result, the worker is generally considered an employee; if, however, the employer has the right to control only the results of the work, the worker is considered an independent contractor. Thus, the question usually comes down to who is to have the right to direct what shall be done and when and how it shall be done. This test of control does not require actual exercise of control, but rather the employer's right to control. A consideration of the following factors is helpful in determining a worker's status:

(1) Whether the worker is to be engaged in a distinct occupation or business. Independent contractor status is often accorded those who are engaged for their special skills. Thus, the hiring of an architect, broker, doctor, painter or attorney may indicate that an independent contractor relationship is being contemplated.

(2) Whether the employer or the worker is to supply the instrumentalities, tools and the place of work.

(3) Whether the worker or the employer is to have the power to dictate the particular manner in which the instrumentalities or tools shall be used and the way the workers shall do their work.

(4) Whether the worker employs, pays and has full power of control over assistants.

(5) Whether the work is part of the regular business of the employer.

(c) **Selection Process for Personal Services Contracts:**

(1) **Contracts Under \$2,500:** For Personal Services contracts under \$2,500, the Department Director shall state in writing the need for the contract. This statement shall include a description of the contractor's capabilities in

performing the work. Multiple proposals need not be obtained. This statement will be kept in the Department of Management Services contract file.

(2) Contracts Between \$2,500 and \$10,000: For Personal Services contracts of at least \$2,500 but less than \$10,000, the Department Director shall use the following process:

(A) Proposals shall be solicited from at least three (3) potential contractors who, in the judgment of the Department Director, are capable and qualified to perform the requested work. The Minority Business Enterprise Directory maintained by the Contract Manager shall be consulted and at least one (1) of the potential contractors notified shall be an MBE if an MBE service provider appears in the MBE Directory.

(B) The initiating Department shall document the fact that at least three (3) proposals have been solicited. Preferably, the proposals should be written but this is not required. Metro shall reserve the right to reject any or all proposals for any reason.

(C) Evaluation, as determined by the Department Director, shall include use of a contractor evaluation form and may require oral presentations. The objective is the highest quality of work for the most reasonable price. The quality of the proposal may be more important than cost.

(D) Notification of selection or rejection shall be made in writing after final review by the initiating department.

(E) If the contract is for \$2,500 or more, it shall be submitted to the contractor for signature and then to either the Executive Officer or Deputy Executive Officer for signature.

(3) Contracts of \$10,000 or More: For Personal Services contracts of \$10,000 or more, an evaluation of proposals from potential contractors shall be performed as follows:

(A) A request for proposals shall be prepared by the department. Where appropriate, the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director are capable and qualified to perform the requested work. The Department of Management Services will be responsible for maintaining the file and making the appropriate notification.

(B) Evaluations of proposals shall include use of a contract evaluation form. The use of an oral interview or an evaluation team is recommended.

(C) After evaluation is complete, the Department Director will recommend the final selection to the Executive Officer.

(D) Notifications of selection and rejection shall be made in writing by the initiating department.

(E) Such Personal Services contracts with the Scope of Work must be reviewed by the department head, General Counsel and by the Contracts Manager prior to approval and execution.

(F) Such Personal Services contracts shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.

(4) Sole Source Personal Services Contracts: If there is only one provider of the service required, the initiating department need not solicit and document three (3) proposals as required by subsections (c)(2) and (c)(3) above. The initiating department must document that there is only one provider of the service required, and the Council shall be given notice of the execution and the justification for the contract.

(5) Continuing Activities: A Personal Services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies to such contracts as those for construction observation, public relations consulting and annual auditing. Except as provided in paragraph (6) below, competitive proposals must be solicited for these services at least once every three (3) years and if the contractor proposes a price increase of more than 10% over the previous year, competitive proposals must be solicited.

(6) Limited Source Contracts: Personal Services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required. If a Personal Services contract is renewed, extended or renegotiated under this paragraph without soliciting proposals, the initiating department shall document in detail why the quality and type of services required make it unnecessary or impractical to solicit proposals.

(7) Approval of Personal Services Contracts: Personal Services contracts, amendments, renewals and extensions

shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.

(8) Personal Services Evaluation Form: Selection of Personal Services contractors shall include the use of an evaluation form documenting the reasons for the selection. (Ordinance No. 82-130, Sec. 2(a))

2.04.040 Materials and Services Contracts:

(a) Definition: This section is intended to provide guidance for contracting services other than Personal Services and is not intended to prevent the use of purchase orders. If a Department Director is in doubt as to whether a purchase should be on a purchase order or form contract, the Department Director or his/her designee should contact the Contracts Manager for a determination. Contracts for materials and services are those for specific goods or products or for the labor required to produce a specific product.

(b) Selection Process for Materials and Services Contracts:

(1) Contracts Under \$500: For purchases of materials and services costing less than \$500, the initiating department should obtain three (3) quotes. The lowest quote obtained will be accepted unless valid reason for rejecting it can be shown. After accepting a quote, the initiating department will follow up with a contract, attaching the quotes to the Department of Management Services file copy of the contract. Purchases of materials only under \$500 made by purchase order shall not require quotes and shall not be subject to the provisions of paragraph IID above.

(2) Contracts Between \$500 and \$10,000: All contracted materials and services costing between \$500 and \$10,000 will require written quotes. The initiating department will write specifications, sending them to possible contractors whom they feel can do the job. If possible, at least three (3) contractors will be contacted. After receipt of the quotes and review by the initiating department's staff, a contract will be developed. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. If it is over the amount of \$2,500 the contract will then be submitted to the contractor for signature and then to either the Executive Officer or Deputy Executive Officer for signature. The initiating department will attach all quotes received to the Department of Management Services' copy of the contract. The Minority Business Enterprise Directory maintained by the Department of Management Services shall be consulted to determine whether an MBE is available that may possibly do the work or supply the goods required by the specifications. If one is available it must be given the opportunity to make a bid or quote.

(3) Contracts Over \$10,000: Unless a general or specific exemption applies, all contracted materials and services costing over \$10,000 will be subject to a formal sealed bid process. The following procedure will be used:

(A) The initiating department staff will write bid specifications and compile a list of potential bidders.

(B) The bid document will be reviewed by the Department of Management Services and by legal counsel before bids are solicited.

(C) A request for bids will be advertised in the Daily Journal of Commerce, or when feasible, in an appropriate trade magazine.

(D) The Department of Management Services will receive and open sealed bids.

(E) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Department of Management Services.

(F) The Department of Management Services will make recommendation to the Executive Officer or Deputy Executive Officer.

(G) Materials and services contracts, amendments, renewals and extensions shall be subject to the approval requirements of Section 2.04.030(c) of this chapter.

(H) The Management Services Department will notify all bidders of the contract award, obtain signatures on the contract and obtain any necessary bonds and insurance certificates.

(I) Metro shall reserve the right to reject any or all quotes or bids received.

(4) Subsections (b)(1) and (b)(2) above shall not apply to the purchase of inventory and gift items for resale at the Zoo Gift Shop.

(c) Insurance and Bonding Requirements: All contracts which produce a possible liability to Metro must be accompanied by a certificate of liability insurance from the contractor naming Metro as a certificate holder or additional insured.

(1) Any improvements contract in excess of \$10,000 must be accompanied by a bid bond of not to exceed 10% of the amount of the contract and a performance bond of 100% of the amount of the contract.

(2) If a liability exposure to the District exists, certificates of insurance are required.

Minimum insurance requirements are:

(A) \$100,000 for personal injury to any one (1) person;

(B) \$300,000 for any number of claims resulting from one (1) accident;

(C) \$50,000 property damage for all damage claims resulting from one (1) accident. (Ordinance No. 82-130, Sec. 2(a))

2.04.045 Contracts Between Government Agencies:

(a) Contracts between government agencies may be made without competitive bids, quotes, or proposals.

(b) Each contract being initiated by a department must be reviewed by the Department Director, General Counsel and appropriate state or federal agencies. If the contract is made pursuant to federal or state grants, it must be reviewed by the Finance Officer. (Ordinance No. 82-130, Sec. 2(a))

CHAPTER 2.05

PROCEDURE FOR CONTESTED CASES

SECTIONS:

2.05.005	Contested Case Defined, Notice of Opportunity for Hearing, Service
2.05.007	Rights of Parties in Contested Cases
2.05.010	Immediate Suspension or Refusal to Renew a License or Permit, Notice of Opportunity for Hearing, Service
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2.05.025	Hearing
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2.05.035	Proposed Orders in Contested Cases Other Than Personnel Discharges
2.05.040	Proposed Orders in Contested Cases on Personnel Discharges
2.05.042	Ex Parte Communications to the Hearings Officer
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2.05.045	Final Orders in Contested Cases, Notification, Review
2.05.046	Motions
2.05.047	Service of Documents on All Parties
2.05.050	Reconsideration, Rehearing

2.05.005 Contested Case Defined, Notice of Opportunity for Hearing, Service:

(a) A contested case exists whenever:

(1) Individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after a hearing at which specific parties are entitled to appear and be heard.

(2) The District has discretion to suspend or revoke a right or privilege of a person; or

(3) There is a proceeding regarding a license, franchise or permit required to pursue any activity governed or regulated by the District; or

(4) There is a discharge of a District employee; or

(5) The District proposes to require a county, city or special district to change a plan pursuant to ORS 268.380 or 268.390; or

(6) There is a proceeding in which the District has directed by ordinance, rule or otherwise that the proceeding be conducted in accordance with contested case procedures.

(b) A contested case does not exist when a District action rests solely on the results of a test or inspection.

(c) The District shall give notice to all parties in a contested case. The notice shall include:

- (1) A statement of the party's right to request a hearing, or a statement of the time and place of the hearing;
- (2) A statement of the authority and jurisdiction under which the hearing is to be held;
- (3) A reference to the particular sections of the statutes, ordinances or rules involved;
- (4) A short and plain statement of the matters asserted, charged or proposed;
- (5) A statement that the party may be represented by counsel at the hearing;
- (6) When applicable, a statement that if the party desires a hearing, the District must be notified within a specified number of days; and

(d) Unless the Council provides otherwise, the number of days within which the District must be notified that the party desires a hearing shall be as follows:

- (1) Within thirty (30) days of the date of mailing of notice; or
- (2) Within sixty (60) days of the notification of refusal to issue a license, franchise or permit required to pursue any activity governed or regulated by the District, if the refusal is based on grounds other than the results of a test or inspection; or
- (3) Within ninety (90) days of an immediate suspension or refusal to renew a license or franchise pursuant to section 2.05.010 of these rules.
- (4) In the case of a personnel discharge, within fourteen (14) days of the employee's receipt of the Notice of Discharge.

(e) The notice shall be served personally or by registered or certified mail.

(f) The District may provide that notice in addition to that required by this section be given for specific types of contested case. (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 1)

2.05.007 Rights of Parties in Contested Cases:

(a) The following information shall be given to the parties before commencement of a contested case hearing:

- (1) If a party is not represented by an attorney, a general description of the hearing procedure.
- (2) Whether a record will be made of the proceeding and the manner of making the record and its availability to the parties.
- (3) Whether an attorney will represent the District in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.
- (4) The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the District, whether the person presiding at the hearing is or is not an employee, officer, or other representative of the District and whether that person has the authority to make a final independent determination.
- (5) Whether there exists an opportunity after the hearing and prior to the final determination or order of the agency to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.
- (6) A description of the appeal process from the determination or order of the District.

(b) The information required in subsection (a) may be given in writing or orally before the commencement of the hearing. (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 2)

2.05.010 Immediate Suspension or Refusal to Renew a License or Permit, Notice of Opportunity for Hearing, Service:

(a) If the District finds there is a serious danger to the public health or safety, it may suspend or refuse to renew a license or permit immediately.

(b) The District shall give notice to the party upon immediate suspension or refusal to renew a license or permit. The notice shall include:

- (1) A statement of the party's right to hearing.
- (2) A statement of the authority and jurisdiction under which the hearing is to be held.

(3) A reference to the particular sections of the statutes, ordinances and rules involved.

(4) A short and plain statement of the matters asserted, charged or proposed.

(5) A statement that the party may be represented by counsel at the hearing.

(6) A statement that if the party demands a hearing the District must be notified within thirty (30) days of date of the notice.

(7) A statement giving the reason or reasons for the immediate action.

(8) The effective date of the suspension or refusal to renew the license or permit.

(c) The notice shall be served personally or by registered or certified mail. (Rule No. 79-3)

2.05.015 Orders When No Hearing Requested or Failure to Appear:

(a) When a party has been given an opportunity and fails to request a hearing within the specified time or fails to appear at the specified time and place of a hearing, the District may enter an order which supports the District action or an order denying the petition upon which the hearing was to be held.

(b) The order supporting the District action shall set forth the material on which the action is based or the material shall be attached to and made a part of the order. (Rule No. 79-3)

2.05.025 Hearing:

(a) The hearing shall be conducted by, and shall be under the control of, the Council Presiding Officer or a hearings officer. Contested case hearings on amendments to the regional Urban Growth Boundary shall be before a hearings officer. The Council may from time to time approve and provide to the Executive Officer a list of prospective hearings officers from which hearings officers may be appointed by the Executive Officer. Unless the hearing is to be held before the Council, the hearings officer in a contested case shall be a member of the Oregon State Bar.

(b) In the case of a hearing on a personnel discharge, the employee shall be given the opportunity to select the hearings officer from a list of at least three (3) prospective hearings officers approved by the Council.

(c) At the discretion of the Presiding Officer or the hearings officer, the hearing shall be conducted in the following order:

- (1) Staff report, if any.
- (2) Statement and evidence by the District in support of its action, or by the petitioner in support of a petition.
- (3) Statement and evidence of affected persons disputing the District action or petition.
- (4) Rebuttal testimony.

(d) The hearings officer, a Council member, the Executive Officer or his/her designee, the General Counsel, and the affected parties shall have the right to question any witnesses. Cross-examination by parties shall be by submission of written questions to the Presiding Officer or hearings officer; provided however that cross-examination by parties may be oral, at the discretion of the Presiding Officer or hearings officer, if such questioning will not disrupt the proceedings.

(e) The hearing may be continued for a reasonable period as determined by the Presiding Officer or hearings officer.

(f) The Presiding Officer or hearings officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony.

(g) Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the District as part of the record of the proceedings.

(h) A verbatim oral, written, or mechanical record shall be made of all the proceedings. Such verbatim record need not be transcribed unless necessary for Council or judicial review.

(i) Upon conclusion of the hearing, the record shall be closed and new evidence shall not be admissible thereafter; provided, however, that upon proper showing, the Presiding Officer or hearings officer may reopen the hearing for receipt of new evidence which could not have been introduced earlier and which is otherwise admissible under Section 2.05.030. (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 4)

2.05.030 Evidentiary Rules:

(a) Evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible.

(b) Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

(c) All offered evidence, not objected to, will be received by the hearings officer subject to his/her power to exclude irrelevant, immaterial or unduly repetitious matter.

(d) Evidence objected to may be received by the hearings officer with rulings on its admissibility or exclusion to be made at the time a final order is issued.

(e) The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position. (Rule No. 79-3)

2.05.035 Proposed Orders in Contested Case Other Than Personnel Discharges:

(a) Within thirty (30) days of a hearing before a hearings officer in a contested case other than a personnel discharge, the hearings officer shall prepare and submit a proposed order together with the record compiled in the hearing, to the Council. The proposed order, including findings of fact and conclusions of law, shall be served upon the parties.

(b) The parties shall be given the opportunity to file with the Council written exceptions to the proposed order and, upon approval of the Council, present oral argument regarding the exceptions to the Council. Argument before the Council shall be limited to parties who have filed written exceptions to the proposed order pursuant to this section, and shall be limited to argument on the written exceptions and argument in rebuttal of the argument on written exceptions.

(c) A party may, in addition to filing written exceptions, file a written request to submit evidence that was not available or offered at the hearing provided for in Code Section 2.05.025. A written request to submit additional evidence must explain why the information was not provided at the hearing, and must demonstrate that such evidence meets the standards of Section 2.05.030 and would likely result in a different decision. Upon receipt of a written request to submit additional evidence, the Council shall within a reasonable time:

(1) Refuse the request; or

(2) Remand the proceeding to the hearings officer for the limited purpose of receiving the new evidence and oral argument and rebuttal argument by the parties on the new evidence; or

(3) If the nature of the new evidence to be submitted is such that remand would serve no useful purpose, proceed to hear and consider the evidence and argument and rebuttal from the parties on the evidence."

(d) If a new hearing is granted in accordance with subsection (c)(2) of this section, the hearings officer shall within seven (7) days of the hearing serve upon all of the parties and forward to the Council a new proposed order in accordance with the provisions of Code Section 2.05.035(a). (Rule No. 79-3; amended by Rule No. 82-5 and Ordinance No. 82-137, Sec. 5)

2.05.040 Proposed Orders In Contested Cases on Personnel Discharges:

(a) Within seven (7) days of a hearing on a personnel discharge, the hearings officer shall prepare and submit a proposed order together with the record compiled in the hearing to the Executive Officer. Said proposed order shall include rulings on evidence, findings of fact, conclusions of law and a proposed action.

(b) Within seven (7) days of receipt of the proposed order, the Executive Officer shall issue a final order pursuant to Section 5.02.045 of these Rules. (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 6)

2.05.042 Ex Parte Communications to the Hearings Officer: The hearings officer shall place on the record a statement of the substance of any written or oral ex parte communication on a fact in issue made to the officer during the pendency of the proceeding. Parties shall, upon request, be given a reasonable opportunity to rebut such ex parte communications. (Rule No. 81-5; amended by Ordinance No. 82-137, Sec. 7)

2.05.043 Ex Parte Communications to the Councilors: Councilors shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to a Councilor during review of a contested case. Parties shall, upon request, be given a reasonable opportunity to rebut such ex parte communications. (Rule No. 81-5; amended by Ordinance No. 82-137, Sec. 8)

2.05.045 Final Orders In Contested Cases, Notification, Review:

(a) Except as provided in subsection (c) of this section, the Council or Executive Officer decision in a contested case shall be adopted by a final order. Final orders in contested cases shall be in writing and shall include the following:

- (1) Rulings on admissibility of offered evidence.
- (2) Findings of Fact--those matters which are either agreed upon as fact or which, when disputed, are determined by the fact finder, on substantial evidence, to be fact over contentions to the contrary.
- (3) Conclusion(s) of Law--applications of the controlling law to the facts found and legal results arising therefrom.
- (4) The action taken by the District as a result of the Findings of Fact and Conclusions of Law.

(b) Upon receipt of a proposed order and consideration of exceptions, the Council shall either adopt the proposed order or remand the matter to the hearings officer with instructions to change the order or its findings or conclusions and to provide an amended order. No exceptions will be received or heard on an amended order.

(c) When the Council's decision in a contested case necessitates the adoption of an ordinance, the Council shall direct that an ordinance be prepared for Council adoption. The ordinance shall incorporate the rulings, findings and conclusions required by subsection (a) or (b) of this section. An ordinance adopted pursuant to this subsection shall, upon adoption, be considered the final order subject to judicial review.

(d) Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.

(e) The final order shall include a citation of the statute(s) under which the order may be appealed.

(f) Final orders in contested cases before the Council shall be approved by a majority of a quorum of the Council; except, however, that approval of a final order amending the regional Urban Growth Boundary shall require approval of at least six (6) members of the Council." (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 9)

2.05.046 Motions:

(a) Unless these rules or applicable statutes or ordinances provide another form of application, a request for an order or relief from the hearings officer or the Council shall be made by serving and filing a motion in writing for such order or relief.

(b) Parties shall submit all motions without oral argument unless otherwise directed by the hearings officer or the Council. The motion shall show proof of service on all opposing parties in accordance with Code Section 2.05.047. (Rule No. 81-5)

2.05.047 Service of Documents on All Parties: All documents, written correspondence or other material filed with or submitted to the hearings officer or the Council shall be served on all parties. Any document filed with or submitted to the hearings officer or the Council shall contain proof of service on all parties. (Rule No. 81-5)

2.05.050 Reconsideration, Rehearing:

(a) A party may file a petition for reconsideration or rehearing on a final order with the District within ten (10) days after the order is issued. In the case of a personnel discharge, such petition shall be submitted to the Executive Officer. Other petitions shall be referred to the Council.

(b) The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by a written argument.

(c) The District may grant a reconsideration petition if sufficient reason therefore is made to appear. If the petition is granted, an amended order shall be entered. The Council may allow oral or written argument by the parties on the reconsideration petition.

(d) The District may grant a rehearing petition if sufficient reason therefor is made to appear. The rehearing may be limited by the District to specific matters. If a rehearing is held an amended order shall be entered. Rehearings shall be held before the hearing officer who conducted the original hearing.

(e) If the District does not act on the petition within the sixtieth (60) day following the date the petition was filed, the petition shall be deemed denied. (Rule No. 79-3; amended by Rule No. 81-5 and Ordinance No. 82-137, Sec. 10.)

TITLE III

PLANNING

CHAPTERS:

- 3.01 Urban Growth Boundary Locational Adjustments
- 3.02 Waste Treatment Management Plan*
- 3.03 Housing Goals and Objectives
- 3.04 Regional Stormwater Management Plan

*Chapter 3.02 was originally adopted by the Columbia Region Association of Governments (CRAG) prior to the 1979 merger of CRAG and the Metropolitan Service District. All rules adopted by CRAG continue in effect until superseded or repealed by Metro pursuant to 1977 Or. Laws, ch. 665, sec. 25. References in the CRAG rule to "CRAG" and the CRAG "Board" have been changed to "Metro" and the Metro "Council."

CHAPTER 3.01

URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENTS

SECTIONS:

3.01.005	Purpose
3.01.010	Definitions
3.01.015	Administrative Interpretation of the UGB
3.01.020	Petitions Generally
3.01.025	Local Position on Petitions
3.01.030	Local Action to Conform to District Boundary
3.01.035	Standing to Petition for Amendment
3.01.040	Standards for Petition Approval
3.01.045	Notice of Filing Deadline
3.01.050	Filing Fee
3.01.055	Notice of UGB Adjustment Hearing
3.01.060	Hearing
3.01.065	Staff Review and Report
3.01.070	Council Action on Petitions
3.01.075	Notice District Action
3.01.080	Review of Procedures
3.01.085	LCDC Acknowledgement

3.01.005 Purpose:

(a) It is the purpose of this chapter to establish procedures to be used by the District in making minor amendments to the District Urban Growth Boundary (UGB) adopted pursuant to ORS 268.390(3) and 197.005 to 197.430. Procedures for District UGB amendments that do not meet the standards provided in this chapter will be adopted in a separate ordinance.

(b) This chapter is intended to incorporate relevant portions of Statewide Goal No. 14, and, by restricting the size and character of UGB adjustments that may be approved under this chapter, this chapter obviates the need to specifically apply the provisions of Goal No. 14 to UGB amendments approved hereunder.

(c) Procedural provisions of this chapter are to be construed as directory rather than mandatory and minor procedural deviations from this chapter shall not constitute grounds for invalidating District actions taken under this chapter. (Ordinance No. 81-105, Sec. 1)

3.01.010 Definitions:

(a) "UGB" means the District Urban Growth Boundary adopted pursuant to ORS 268.390 and 197.005 to 197.430.

(b) "District" has the same meaning as in Chapter 1.01.

(c) "Council" has the same meaning as in Chapter 1.01.

(d) "Goals" means the statewide planning Goals adopted by the Oregon Land Conservation and Development Commission at OAR 660-15-000.

(e) "Petition" means a petition to amend the UGB.

(f) "Property owner" means a person who owns a legal interest in the property.

(g) "Legal Description" means a written description which appears on the UGB map as adopted by the Council or a written description from which the adopted map was drafted or which was adopted by Metro or its predecessor CRAG to describe the mapped UGB.

(h) "Locational Adjustment" means an amendment to the District UGB which includes an addition or deletion of 50 acres or less or a combination of an addition and deletion resulting in a net change of 10 acres of vacant land or less, and which is otherwise consistent with the standards indicated in Section 3.01.040.

(i) "Irrevocably committed to non-farm use" means, in the case of a plan acknowledged by LCDC, any land for which a Goal No. 3 exception has been approved by LCDC, or in the case of a plan that has not yet been acknowledged by LCDC, land that is not possible to preserve for farm use, within the meaning of Goal No. 2, Part II.

(j) "Vacant land" means:

(1) for lots of one acre or less with a dwelling unit, no vacant land;

(2) for lots of one acre or less with no dwelling unit, vacant land is the entire lot;

(3) for lots in excess of one acre, vacant land is the gross area of a lot, less one acre multiplied by the number of dwelling units on the lot, but not less than zero. (Ordinance No. 81-105, Sec. 2; amended by Ordinance No. 82-133, Sec. 1)

3.01.015 Administrative Interpretation of the UGB:

(a) When the UGB map and the legal description of the UGB are found to be inconsistent, the Executive Officer is hereby authorized to determine and interpret whether the map or the legal description correctly establishes the UGB location as adopted and to correct the map or description if necessary. In determining where the adopted UGB is located, the Executive Officer shall review the record to determine legislative intent and shall seek a legal opinion from the District General Counsel. The map location should be preferred over the legal description in absence of clear evidence to the contrary.

(b) A city, county or special district whose municipal or planning area boundary includes the property, or a property owner who would be included or excluded from the urban area depending on whether the map or legal description controls, may request that the Executive Officer render an interpretation under this section. If the request is submitted in writing, the Executive Officer shall make the requested interpretation within 60 days after the request is submitted.

(c) Within ten days of rendering the interpretation, the Executive Officer shall provide a written notice and explanation of his decision to each city or county whose municipal or planning area boundaries include the area affected, owners of property in the area affected, and the Council.

(d) Any party eligible to request an interpretation under subsection (b) may appeal to the Council for a determination of where the UGB is located if that party disagrees with the Executive Officer's interpretation or if the Executive Officer fails to render an interpretation requested under subsection (b). Such appeal must be filed with the District within twenty (20) days of receipt of the Executive Officer's interpretation or within eighty (80) days after submission of the request for interpretation to the Executive Officer, whichever is later. (Ordinance No. 81-105, Sec. 3; amended by Ordinance No. 81-124, Sec. 3)

3.01.020 Petitions Generally:

(a) All petitions filed pursuant to this chapter for locational adjustment of the UGB must include a completed petition on a form provided by the District. Petitions which do not include the appropriate completed form provided by the District will not be considered for approval. Except as provided in subsection (b) of this section, petitions for locational adjustment shall be considered by the District at one time each year beginning July 1 and petitions filed after July 1 of each year shall not be considered until July of the next calendar year. The District will determine not later than one week after the July 1 deadline for receipt of petitions whether each petition is complete and notify the petitioner. If the petitioner is notified that the petition is not complete, the petition must be completed and refiled within two weeks of notification or by July 1, whichever is later, to be considered in that calendar year.

(b) Upon request by a Councilor or the Executive Officer, the Council may, by majority vote, waive the July 1 filing deadline for a particular petition or petitions and hear such petition or petitions at any time. Such waiver shall not waive any other requirement of this chapter.

(c) In addition, upon request by a Councilor or the Executive Officer, the Council may at any time by majority vote, initiate consideration of a locational adjustment without petition or filing fee. Such consideration shall be in accordance with all other requirements of this chapter.

(d) No petition will be accepted under this chapter if the proposed amendment to the UGB would result in an island of urban land outside the contiguous UGB or would create an island of non-urban land within the UGB.

(e) No petition to add or remove more than fifty acres of land in one location will be accepted under this chapter; provided, however, that petitions which request a combination of an addition and a deletion which would result in a net change of no more than 10 acres of vacant land may be accepted notwithstanding the total acreage involved. (Ordinance No. 81-105, Sec. 4; amended by Ordinance No. 82-133, Sec. 1)

3.01.025 Local Position on Petition:

(a) Except as provided in subsection (b) of this section, a petition shall not be accepted and shall not be considered a completed petition under Section 3.01.020 unless the petition includes a written action by the governing body of each city or county with jurisdiction over the areas included in the petition which:

- (1) recommends that Metro approve the petition; or
- (2) recommends that Metro deny the petition; or
- (3) expresses no opinion on the petition.

(b) The requirement of paragraph (a) of this section shall be waived if the applicant shows that a recommendation from the governing body was requested six months or more before the petition was filed with the District and that the governing body has not reached a decision on that request.

(c) If a city or county holds a public hearing to establish its position on a petition, the city or county should:

- (1) provide notice of such hearing to the District and to any city or county whose municipal boundaries or urban planning area boundary abuts the area affected; and
- (2) provide the District with a list of the names and addresses of parties testifying at the hearing and copies of any exhibits or written testimony submitted for the hearing. (Ordinance No. 81-105, Sec. 5)

3.01.030 Local Action to Conform to District Boundary:

(a) A city or county may, in addition to the action required in Section 3.01.025, approve a plan or zone change to implement the proposed adjustment in the area included in a petition prior to an amendment of the District UGB if:

- (1) The District is given notice of the local action,

(2) The notice of the local action states that the local action is contingent upon subsequent action by the District to amend its UGB, and

(3) The local action to amend the local plan or zoning map becomes effective only if the District amends the UGB consistent with the local action.

(b) If the city or county has not contingently amended its plan or zoning map to allow the use proposed in a petition, and if the District does approve the UGB amendment, the local plan or map change shall be changed to be consistent with the UGB amendment. That change shall be made at the next regularly scheduled plan or zoning map review or within 1 year, whichever comes first. (Ordinance No. 81-105, Sec. 6)

3.01.035 Standing to Petition for Amendment:

(a) A petition may be filed by:

(1) A county with jurisdiction over the property or a city with a planning area that includes or is contiguous to the property; or

(2) The owners of the property included in the petition or a group of more than 50 percent of the property owners who own more than 50 percent of the land area in each area included in the petition.

(b) Petitions to extend the UGB to include land outside the District shall not be accepted unless accompanied by:

(1) A copy of a petition for annexation to the District to be submitted to the Portland Metropolitan Area Local Government Boundary Commission pursuant to ORS ch. 199; and

(2) A statement of intent to file the petition for annexation within ninety (90) days of Metro action to approve the petition for UGB amendment under Section 3.01.070 of this chapter. (Ordinance No. 81-105, Sec. 7; amended by Ordinance No. 82-133, Sec. 1)

3.01.040 Standards for Petition Approval:

(a) As required by subsections (b) through (d) of this section, locational adjustments shall be consistent with the following factors:

(1) Orderly and economic provision of public facilities and services. A locational adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not limited to, water, sewerage, storm drainage, transportation, fire protection and schools in the adjoining areas within the UGB; and any

area to be added must be capable of being served in an orderly and economical fashion.

(2) Maximum efficiency of land uses. Considerations shall include existing development densities on the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land.

(3) Environmental, energy, economic and social consequences. Any impact on regional transit corridor development must be positive and any limitations imposed by the presence of hazard or resource lands must be addressed.

(4) Retention of agricultural land. When a petition includes land with Class I - IV Soils that is not irrevocably committed to non-farm use, the petition shall not be approved unless the existing location of the UGB is found to have severe negative impacts on service or land-use efficiencies in the adjacent urban area and it is found to be impractical to ameliorate those negative impacts except by means of the particular adjustment requested.

(5) Compatibility of proposed urban uses with nearby agricultural activities. When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of factors (1) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility.

(b) Petitions to remove land from the UGB may be approved under the following conditions:

(1) Consideration of the factors in subsection (a) of this section demonstrate that it is appropriate that the land be excluded from the UGB.

(2) The land is not needed to avoid short-term land shortages for the District or for the county in which the affected area is located and any long-term land shortage that may result can reasonably be expected to be alleviated through addition of land in an appropriate location elsewhere in the region.

(3) Removals should not be granted if existing or planned capacity of major facilities such as sewerage, water and arterial streets will thereby be significantly underutilized.

(4) No petition shall remove more than 50 acres of land.

(c) A petition to remove land from the UGB in one location and add land to the UGB in another location (trades) may be approved if it meets the following criteria:

(1) Petitions proposing to add any Class I to IV soils not irrevocably committed to nonfarm use shall not be approved unless:

(A) The addition is needed to remedy severe service provision or land use efficiency problems in the adjacent urban area; and

(B) There are no practical alternatives to the proposed boundary change to solve such problems.

(2) The net amount of vacant land proposed to be added may not exceed 10 acres; nor may the net amount of vacant land removed exceed 50 acres.

(3) The land proposed to be added is more suitable for urbanization than the land to be removed, based on a consideration of each of factors (1), (2), (3) and (5) of Section 3.01.040(a).

(d) Petitions to add land to the UGB may be approved under the following conditions:

(1) An addition of land to make the UGB coterminous with the nearest property lines may be approved without consideration of the other conditions in this subsection if the adjustment will add a total of two acres or less, the adjustment would not be clearly inconsistent with any of the factors in subsection (a) and the adjustment includes all contiguous lots divided by the existing UGB.

(2) For all other additions, the proposed UGB must be superior to the UGB as presently located based on a consideration of the factors in subsection (a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a).

(3) Additions shall not add more than 50 acres of land to the UGB and generally should not add more than 10 acres of vacant land to the UGB. Except as provided in subsection (4) of this subsection, the larger the proposed addition, the greater the differences shall be between the suitability of the proposed UGB and suitability of the existing UGB, based upon consideration of the factors in subsection (a) of this section.

(4) If an addition is requested in order to remedy an alleged mistake made at the time the UGB for the area affected was adopted, the addition may be approved if all

of the following conditions are met.

(A) There is clear evidence in the record of specific legislative intent to place the UGB in the particular location requested.

(B) The petition for an addition to remedy an alleged mistake is filed by July 1, 1982 or within two years from the time the UGB for the area affected was adopted, whichever is later.

(C) The addition is superior to the existing UGB, based on consideration of the factors in subsection (a) of this section and does not add more than 50 acres of land. (Ordinance No. 81-105, Sec. 8; amended by Ordinance No. 82-133, Sec. 1)

3.01.045 Notice of Filing Deadline: The District shall give notice of the July 1 deadline for acceptance of petitions for UGB amendments under this chapter not less than 90 days before the deadline and again 20 days before the deadline in a newspaper of general circulation in the District. The notice shall briefly explain the consequences of failing to file before the deadline and shall specify the District officer or employee from whom additional information may be obtained. (Ordinance No. 81-105, Sec. 9)

3.01.050 Filing Fee: Each petition submitted by a property owner or group of property owners pursuant to this chapter shall be accompanied by a filing fee in an amount to be established by resolution of the Council. Such fees shall be generally sufficient to defray the actual cost to the District of processing such petitions. (Ordinance No. 81-105, Sec. 10)

3.01.055 Notice of UGB Adjustment Hearing:

(a) The notice provisions established by this section shall be followed in UGB hearings on petitions for UGB adjustments. These notice provisions shall be in addition to the District notice provisions for contested case hearings contained in the District Code Section 2.05.005 and to the notice requirements of OAR 660-18-000.

(b) Notice of public hearing shall include:

(1) The time, date and place of the hearing.

(2) A description of the property reasonably calculated to give notice as to its actual location.

(3) A summary of the proposed action.

(4) Notice that interested persons may submit written comments at the hearing and appear and be heard.

(5) Notice that the hearing will be conducted pursuant to District rules for contested cases.

(c) Not less than 10 days before the hearing, notice shall be mailed to the following persons:

(1) The petitioner(s).

(2) All property owners of record within 250 feet of the property subject to petition. For purposes of this subsection, only those property owners of record within 250 feet of the subject property as determined from the maps and records in the county departments of taxation and assessment are entitled to notice by mail. Failure of a property owner to receive actual notice will not invalidate the action if there was a reasonable effort to notify record owners.

(3) All cities and counties in the District and affected agencies as determined by the Executive Officer.

(d) Notice shall be published in a newspaper of general circulation in the District not more than twenty (20) nor less than ten (10) days prior to the hearing.

(e) The hearing may be continued without additional notice. (Ordinance No. 81-105, Sec. 11; amended by Ordinance No. 82-133, Sec. 1)

3.01.060 Hearing:

(a) All petitions accepted under this chapter shall receive a contested case hearing. The hearing shall be conducted by a hearings officer pursuant to District procedures for contested cases contained in District Code Chapter 2.05.

(b) Proposed UGB amendments may be consolidated by the hearings officer or presiding officer for hearings where appropriate.

(c) The proponent of a proposed UGB amendment shall have the burden of proving that the proposed amendment complies with the applicable standards in this chapter. (Ordinance No. 81-105, Sec. 12)

3.01.065 Staff Review and Report: All petitions shall be reviewed by District staff and a report and recommendation submitted to the Hearings Officer or the Council not less than five (5) days before the required hearing. A copy of the staff report and recommendation shall simultaneously be sent to the petitioner(s) and others who have requested copies. (Ordinance No. 81-105, Sec. 13)

3.01.070 Council Action on Petitions:

(a) Following public hearings on all petitions for UGB changes, the Council shall act to approve or deny the petitions in

whole or in part or approve the petitions in whole or in part subject to conditions consistent with the applicable standards in Sections 3.01.040 through 3.01.050 of this chapter.

(b) Final Council action following a hearing shall be as provided in Code Section 2.05.045. Parties shall be notified of their right to review before the Land Use Board of Appeals pursuant to 1979 Or. Laws, ch. 772.

(c) When the Council acts to approve in whole or in part a petition affecting land outside the District:

(1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the District within six months of the date of adoption of the Resolution.

(2) The Council shall take final action, as provided for in paragraphs (b) and (c) of this section, within thirty (30) days of notice from the Boundary Commission that annexation to the District has been approved. (Ordinance No. 81-105, Sec. 14; amended by Ordinance No. 82-133, Sec. 1)

3.01.075 Notice of District Action: The District shall give each county and city in the District notice of each amendment of the UGB. Such notice shall include a statement of the local action that will be required to make local plans consistent with the amended UGB and the date by which that action must be taken. (Ordinance No. 81-105, Sec. 15)

3.01.080 Review of Procedures:

(a) These procedures are designed for small adjustments to the UGB which generally should not, in total, result in a net addition to or removal of more than 2,000 acres of urban land over the next twenty years.

(b) If, at any time after December 31, 1983, the total net change in the size of the urban area resulting from locational adjustments made pursuant to this chapter since its adoption is greater than an average net addition or removal of 100 acres per year, the District shall either amend this chapter to change the standards under which petitions may be approved or adopt findings demonstrating why such ordinance amendment is not necessary to ensure continued compliance with the Statewide Goals.

(c) The District action provided for in paragraph (b) of this section shall occur before any additional UGB amendments are approved. (Ordinance No. 81-105, Sec. 16)

3.01.085 LCDC Acknowledgment:

This chapter shall be submitted upon adoption to the Land Conservation and Development Commission for acknowledgement pursuant

to ORS 197.251, as an implementing measure to the District UGB.
(Ordinance No. 81-105, Sec. 17)

CHAPTER 3.02

WASTE TREATMENT MANAGEMENT PLAN

SECTIONS:

3.02.001	Authority and Purpose
3.02.002	Adoption
3.02.003	Conformity to the Public Facilities Element
3.02.004	Review of Violations of the Waste Treatment Management Component
3.02.005	Change of Waste Treatment Management Component Study Areas
3.02.006	Study Areas
3.02.007	Capital Improvement Programs and Needs List
3.02.008	Project Prioritization
3.02.009	Continuing Planning Process
3.02.010	Application of Rules
3.02.011	Severability

3.02.001 Authority and Purpose:

(a) This chapter is adopted pursuant to 268.390(1)(b) and 268.390(2) for the purpose of adopting and implementing the Regional Waste Treatment Management Plan, hereinafter referred to as the "Regional Plan." The Regional Plan shall include the Regional Waste Treatment Management Plan Text, Treatment System Service Area Map and Collection System Service Area Map.

(b) These rules shall become effective forty-five (45) days after the date of adoption. As a result of Metro's continuing "208" Water Quality Program, the Council hereby designates water quality and waste treatment management as an activity having significant impact upon the orderly and responsible development of the region. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 1)

3.02.002 Adoption: The Regional Waste Treatment Management Plan, dated October, 1980, copies of which are on file at Metro offices, is adopted and shall be implemented as required by this chapter. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 2)

3.02.003 Conformity to the Public Facilities Element:

(a) Management agencies shall not take any land use related action or any action related to development or provision of public facilities or services which are not in conformance with the Regional Plan.

(b) For purposes of this chapter "management agencies" shall mean all cities, counties and special districts involved with the treatment of liquid wastes within the Metro jurisdiction. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 3)

3.02.004 Review of Violations of the Regional Plan:

(a) Any member management agency, interested person or group may petition the Council for review of any action, referred to in 3.02.03 of this chapter, by any management agency within thirty (30) days after the date of such action.

(b) Petitions filed pursuant to this section must allege and show that the subject action is of substantial regional significance and that the action violates the Regional Plan.

(c) Upon receipt of a petition for review, the Council shall decide, without hearing, whether the petition alleges a violation of the Regional Plan and whether such violation is of substantial regional significance and, if so, shall accept the petition for review. The Council shall reach a decision about whether to accept the petition within thirty (30) days of the filing of such petition. If the Council decides not to accept the petition, it shall notify the petitioner in writing of the reasons for rejecting said petition. If the Council decides to accept the petition, it shall schedule a hearing to be held within thirty (30) days of its decision. A hearing on the petition shall be conducted in accordance with applicable procedural rules. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 4)

3.02.005 Regional Plan Amendments:

(a) Revisions in the Regional Plan shall be in accordance with procedural rules adopted by the Council pertaining to review and amendment of functional plans.

(b) Mistakes discovered in the Regional Plan may be corrected administratively without petition, notice or hearing. Such corrections may be made by order of the Council upon determination of the existence of a mistake and of the nature of the correction to be made. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 5)

3.02.006 Study Areas:

(a) Treatment System Study Areas.

(1) Certain areas are designated on the Treatment System Service Area Map as "Treatment System Study Areas." Such designations are temporary and indicate areas requiring designation of that land to which each management agency intends to provide wastewater treatment services, as identified in an acceptable Facilities Plan.

(2) Wastewater treatment facilities within Treatment System Study Areas shall be allowed only if:

(A) Required to alleviate a public health hazard or water pollution problem in an area officially designated by the appropriate state agency;

(B) Needed for parks or recreation lands which are consistent with the protection of natural resources or for housing necessary for the conduct of resource-related activities; or

(C) Facilities have received state approval of a Step 1 Facilities Plan, as defined by the U. S. Environmental Protection Agency regulations (Section 201, PL 92-500), prior to the effective date of this chapter.

(3) Facilities planning for a designated Treatment System Study Area shall include investigation of the regional alternative recommended in the support documents accepted by the Regional Plan. Such investigations shall be conducted in accordance with Article V, Section 1, (A)(2)(a)(iv) of the Regional Plan Text.

(4) No federal or state grants or loans for design or construction of any major expansion or modification of treatment facilities shall be made available to or used by agencies serving designated Treatment System Study Areas until such time as a state approved Facilities Plan has been completed.

(5) Upon completion of a Facilities Plan and acknowledgment by Metro of compliance with the Regional Plan, a Treatment System Study Area shall become a designated Treatment System Service Area and shall be eligible to apply for Step 2 and Step 3 construction grants. The Treatment System Service Area shall be incorporated by amendment into the Regional Plan and all appropriate support documents pursuant to Section 3.02.009 of this chapter.

(b) Collection System Study Areas:

(1) Certain areas are designated on the Collection System Service Area Map as 'Collection System Study Areas.' Such designations are temporary and exist only until such time as each member and special district designates that land to which it intends to provide sewage collection services. At the time of designation, Collection System Study Areas shall become designated Collection System Service Areas. The Regional Plan and the appropriate support documents shall be amended to incorporate the Collection System Service Area pursuant to Section 3.02.009 of this chapter.

(2) Designation as a Collection System Study Area shall not be construed to interfere with any grants or loans for facility planning, design or construction. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 6)

3.02.007 Capital Improvement Programs and Needs List:

(a) For the purpose of implementing Article I, Section 3(A) of the Regional Plan, all designated management agencies shall submit to Metro no later than March 30 annually a five-year Capital Improvement Program and a 20-year needs list by five-year increments.

(b) Projects to be included on the five-year Capital Improvement Program and the 20-year needs list shall meet one or more of the following criteria:

(1) Projects which are grant eligible under EPA "201" facilities planning guidelines pursuant to federal regulations 40 CFR 35.900-35.960;

(2) Projects for which a management agency intends to apply for state or federal funds; or

(3) Projects submitted for information purposes by the management agency.

(c) Projects submitted in either the five-year Capital Improvement Program or the 20-year needs list shall be accompanied by the following information:

- (1) Project description;
- (2) Estimated completion date;
- (3) Project cost and proposed funding source;
- (4) Population serviced by project; and
- (5) Waste flows projected for the project.

(d) Amendments and/or additions to the Capital Improvement Program and related 20-year needs list may be requested by the designated management agency from Metro. Such requests must be submitted in writing and include information as noted in Section 3.02.007(c). Amendments or additions may be summarily approved if in compliance with Section 3.02.007(b) of this chapter. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 7)

3.02.008 Project Prioritization: Metro shall review each publication of the DEQ grant priorities list and shall comment thereon. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 8)

3.02.009 Continuing Planning Process:

(a) For the purpose of implementing Article V, Section 1 (A)(2)(b)(i) of the Regional Plan, the continuing planning process shall follow, but not be limited to, the procedure shown below.

- (1) Evaluation of new information with respect to its impact on the Regional Plan. Regional Plan changes shall be based upon:

- (A) Changes in custody, maintenance and/or distribution of any portion of the Waste Treatment Component;
- (B) Changes in population forecasts and/or wasteload projections;
- (C) Changes in state goals or regional goals or objectives;
- (D) Changes in existing treatment requirements;
- (E) Implementation of new technology or completion of additional study efforts; development of more energy-efficient wastewater treatment facilities; or
- (F) Other circumstances which because of the impact on water quality are deemed to effect the Waste Treatment Component.

(2) Metro Council review and release of Regional Plan changes for public comment.

(3) Adequate public review and comment on the change.

(4) Adoption of Regional Plan Component change by Metro Council.

(5) Submittal of change to DEQ for approval and state certification.

(6) EPA approval of change.

(b) For the purpose of amending support documents referenced in Article I, Section 3(F) of the Regional Plan, the process shall be as shown below:

(1) Any proposed change to the support documents shall be presented to the Metro Council with the following information:

(A) Reasons for proposed action;

(B) Basis of data;

(C) Method of obtaining data;

(D) Period in which the data was obtained;

(E) Source of the data;

(F) Alternatives considered; and

(G) Advantages and disadvantages of the proposed action.

(2) Following approval by the Metro Council, amendments to the support documents shall be attached to appropriate documents with the following information:

(A) Approved change and replacement text for the document;

(B) Specific location of change within the document;

(C) Reasons for the change; and

(D) Date of Council action approving the change.
(Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 9)

3.02.010 Application of Ordinance: This chapter shall apply to all portions of Clackamas, Washington and Multnomah Counties within the jurisdiction of Metro. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 10)

3.02.011 Severability:

(a) The sections of this chapter shall be severable, and any action or judgment by any state agency or court of competent jurisdiction invalidating any section of this chapter shall not affect the validity of any other section.

(b) The sections of the Regional Plan shall also be severable and shall be subject to the provisions of subsection (a) of this section.

(c) For purposes of this section, the maps included in the Regional Plan shall be considered as severable sections, and any section or portion of the maps which may be invalidated as in subsection (a) above shall not affect the validity of any other section or portion of the maps. (Adopted by CRAG Rule; amended by Ordinance No. 80-102, Sec. 11)

CHAPTER 3.03

HOUSING GOALS AND OBJECTIVES

SECTIONS:

- 3.03.010 Authority and Purpose
- 3.03.020 Adoption
- 3.03.030 Implementation
- 3.03.040 Periodic Review

3.03.010 Authority and Purpose: This chapter is adopted pursuant to ORS 268.380 (1) and (2) for the purpose of adopting and implementing regionwide land use planning goals and objective related to housing. (Ordinance No. 80-98, Sec. 1)

3.03.020 Adoption: The document entitled "Metro Housing Goals and Objectives," September 4, 1980, attached hereto and incorporated herein, or on file at Metro offices, is hereby adopted. (Ordinance No. 80-98, Sec. 2) Note: The "Metro Housing Goals and Objectives" were amended by Ordinance No. 80-104.

3.03.030 Implementation: The Metro Housing Goals and Objectives adopted herein are considered interim and shall be implemented as provided in the Introduction and Background section of the Goals and Objectives document referred to in Section 3.03.020 of this chapter. (Ordinance No. 80-98, Sec. 3)

3.03.040 Periodic Review: The Metro Housing Goals and Objectives shall be subject to regular review, and amendment where appropriate, every four years from the date of adoption. (Ordinance No. 80-98, Sec. 4)

CHAPTER 3.04

REGIONAL STORMWATER MANAGEMENT PLAN

SECTIONS:

3.04.010	Authority and Purpose
3.04.020	Adoption
3.04.030	Regional Drainage Basin Designations
3.04.040	Policies and Guidelines
3.04.050	Drainage Management Agencies
3.04.060	Plan Amendments
3.04.070	Continuing Planning Process
3.04.080	Scope and Application

3.04.010 Authority and Purpose:

(a) This chapter is adopted pursuant to ORS 268.310(3) and 268.390(1)(b) for the purpose of adopting and implementing a Regional Stormwater Management Plan, herein after referred to as the "Plan." The Plan shall include the Plan Text, dated February 1982, the eight Regional Drainage Basin Maps, dated February 1982, and the following supporting documents:

- (1) Regional Stormwater Management Inventory, Metropolitan Service District, April 1980
- (2) Technical Supplement 13, Stormwater Management Design Manual, Metropolitan Service District, Spring 1980
- (3) Technical Report #1, Basic Data Report, Portland State University, 1981
- (4) Technical Report #2, Instream Water Quality, Portland State University, 1981
- (5) Technical Report #3, Effectiveness of Selected Management Practices, Portland State University, 1981
- (6) Technical Report #4, Regional Drainage Basins Report, Portland State University, 1981
- (7) Technical Report #5, Monitoring Report, Portland State University, 1981

(b) The Plan shall become effective ninety (90) days after the date of adoption. As a result of Metro's continuing "208" Water Quality Program, the Council hereby designates water quality and stormwater management as an activity having significant impact upon the orderly and responsible development of the region. (Ordinance No. 82-128, Sec. 1)

3.04.020 Adoption: The Regional Stormwater Management Plan, dated February 1982, copies of which are on file at Metro offices, is adopted and shall be implemented as required in this chapter. (Ordinance No. 82-128, Sec. 2)

3.04.030 Regional Drainage Basin Designations:

(a) Eight minor drainage basins in the Metro region are hereby determined to be Regional Drainage Basins for the purposes of the Plan. These basins have been selected because they:

- (1) encompass three (3) or more local jurisdictions (city or county); and
- (2) they currently have stormwater management problems or a high potential for such problems due to increased development.

(b) The Regional Drainage Basins are shown on the Regional Drainage Basin maps and are listed below:

- (1) Beaver/Kelly Creek
- (2) Fairview Creek
- (3) Kellogg/Mt. Scott Creek
- (4) Tryon Creek
- (5) Fanno Creek
- (6) Beaverton/Cedar Mill Creek
- (7) Rock Creek
- (8) Johnson Creek

(c) In addition to drainage issues within the Regional Drainage Basins, the Metro Council can choose to address other drainage and water quality issues outside of the Regional Drainage Basins if those issues involve three or more jurisdictions (city, county or state) and arise, or have the potential to arise, as the result of increased development. (Ordinance No. 82-128, Sec 3)

3.04.040 Policies and Guidelines: In order to help meet the regional objectives prescribed in ORS 268.310(3) and ORS 268.390(1)(b) the following Drainage Management Policies and Guidelines are established.

(a) Policy: To minimize on-site erosion during site preparation as part of an overall site drainage plan for all new development on slopes in excess of 12 percent.

- (1) Temporary Erosion Control Plans (TECP) should be considered as part of an overall site drainage plan for all new development on slopes in excess of 12 percent.
- (2) Chapter 70 (Excavation and Grading) of the State of Oregon Structural Specialty Code and Fire and Life Safety Code should be adopted by all local jurisdictions within the Metro region.

(3) For developments which do not require a TECP, removal of vegetation during the construction period should be minimized, with replacement and/or enhancement of vegetation upon completion of construction.

(b) Policy: To minimize streambank and channel erosion by controlling the amount and rate of stormwater runoff. To implement this policy, the following guidelines are suggested.

(1) Stormwater drainage systems should place emphasis on maximizing natural water percolation. Runoff which cannot be accommodated by soil percolation should be directed to natural drainageways so as not to degrade instream water quality or contribute to the peak flood flow.

(2) Natural drainageways should be riprapped or otherwise stabilized as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

(3) Erosion protection should be provided the full length of any channel section in which water velocity exceeds the scour velocity of the natural channel materials.

(4) Riparian vegetation that protects streambanks from eroding should be maintained and enhanced.

(5) Removal of fill material or construction within stream channels and floodways should be accomplished so that:

(A) there is not increase in suspended sediment or turbidity above background level; and

(B) there is no decrease in channel capacity.

(c) Policy: To manage the 100-year floodplain and floodway in order to protect their natural function, and minimize water quality degradation and property damage. To implement this policy, the following guidelines are suggested:

(1) Local drainage management agencies as identified in Table III-1, are encouraged to establish Regional Drainage Councils to coordinate basin-wide drainage management.

(2) Drainage plans and policies within Regional Drainage Basins should be coordinated by all local drainage management agencies within the basin.

(3) All local drainage management agencies should adopt and maintain regulations necessary to qualify for the National Flood Insurance Program.

(4) Local drainage management agencies are encouraged wherever possible to retain floodway and floodplain lands as open space used for flood storage recreation and wildlife habitat.

(d) Policy: To protect and enhance the capacity of urban streams to provide habitat for fish and other aquatic organisms. To implement this policy, the following guidelines are suggested:

(1) The removal of fill material or construction in fish spawning areas shall be in accordance with the policies of the State Department of Fish and Wildlife and the Division of State Lands.

(2) Canopy-forming riparian vegetation should be preserved or replaced along all year-round streams.

(3) Community education programs should be developed to help minimize the disposal of harmful or toxic materials in storm drains.

(4) Cooperative fish enhancement programs between civic groups, local jurisdictions and the Oregon Department of Fish and Wildlife are encouraged. (Ordinance No. 82-128, Sec. 4)

3.04.050 Drainage Management Agencies: For the purposes of this chapter the following Management Agencies have been designated:

(a) Region-wide Planning and Coordination shall be done by the Metropolitan Service District.

(b) Regional Drainage Basin Management should be coordinated within each of the following basins by the respective jurisdictions:

(1) Rock Creek Basin:

- (A) Hillsboro
- (B) Portland
- (C) Multnomah County
- (D) Washington County

(2) Beaverton/Cedar Mill Creek Basin:

- (A) Beaverton
- (B) Portland
- (C) Multnomah County
- (D) Washington County

(3) Fanno Creek Basin:

- (A) Beaverton
- (B) Durham
- (C) Lake Oswego

- (D) Portland
- (E) Tigard
- (F) Tualatin
- (G) Clackamas County
- (H) Multnomah County
- (I) Washington County

(4) Tryon Creek Basin:

- (A) Lake Oswego
- (B) Portland
- (C) Clackamas County
- (D) Multnomah County

(5) Kellogg/Mt. Scott Creek Basin:

- (A) Gladstone
- (B) Happy Valley
- (C) Milwaukie
- (D) Clackamas County
- (E) Washington County

(6) Johnson Creek Basin:

- (A) Gresham
- (B) Happy Valley
- (C) Milwaukie
- (D) Portland
- (E) Clackamas County
- (F) Multnomah County

(7) Fairview Creek Basin:

- (A) Fairview
- (B) Gresham
- (C) Troutdale
- (D) Wood Village
- (E) Multnomah County

(8) Beaver/Kelly Creeks:

- (A) Gresham
- (B) Troutdale
- (C) Multnomah County (Ordinance No. 82-128, Sec. 5)

3.04.060 Plan Amendments:

(a) Revisions in the Regional Plan shall be in accordance with procedural rules adopted by the Council pertaining to review and amendment of functional plans.

(b) Mistakes discovered in the Regional Plan Text or Maps may be corrected administratively without petition, notice or hearing. Such corrections may be made by order of the Council upon

determination of the existence of a mistake and of the nature of the correction to be made. (Ordinance No. 82-128, Sec. 6)

3.04.070 Continuing Planning Process:

(a) Goals of the Continuing Planning Process are;

(1) To provide a forum for evaluating and refining the Regional Plan.

(2) To assist Metro with the evaluation and prioritization of its Stormwater Management activities.

(b) An annual workshop is to be held on or about the date of the annual meeting of the Water Resources Policy Alternatives Committee. This workshop shall be designed to accomplish the following:

(1) Serve as a forum for evaluating Regional Plan performance and needs.

(2) Provide an annual community assessment of Metro's drainage program.

(c) The following ongoing program activities are proposed, subject to availability of financial resources, in support of the Continuing Planning Process:

(1) Regional Planning Framework - To facilitate a consistent regulatory framework for drainage management Metro will explore the formation of Regional Drainage Councils comprised of the local management agencies designated in Section 3.04.050.

(2) Regional Drainage Information Clearinghouse - Metro should establish a regional technical information service to encourage and complement regional plan implementation efforts at the local level.

(3) Community Involvement - Metro should maintain an ongoing public involvement program designed to establish a regional constituency for stormwater quality management. (Ordinance No. 82-128, Sec. 7)

3.04.080 Scope and Application: This chapter shall apply to all land development within the eight Regional Drainage Basins identified in Section 3.04.030 and illustrated on maps contained in Part IV of the Regional Plan. (Ordinance No. 82-128, Sec. 8)

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TITLE IV

WASHINGTON PARK ZOO

CHAPTERS:

4.01 Washington Park Zoo Regulations

CHAPTER 4.01

WASHINGTON PARK ZOO REGULATIONS

SECTIONS:

4.01.010	General; Definitions
4.01.020	Buildings and Grounds of the Zoo
4.01.030	Parking Lot and Sidewalk Adjacent to the Zoo
4.01.040	Zoo Railroad
4.01.050	Penalties
4.01.060	Admission Fees and Policies

4.01.010 General and Definitions:

(a) These rules and regulations apply to all buildings and grounds of the Washington Park Zoo, to sidewalks and parking lots adjacent thereto and to the Washington Park Zoo Train and tracks, and to all persons entering in or on such buildings, grounds, parking lots, sidewalks, train or tracks.

(b) As used in these Rules and Regulations, unless the context requires otherwise:

(1) "Director" or "Zoo Director" means the Director of the Washington Park Zoo.

(2) "Premises" means the property, buildings and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the administrative, commissary, haybarn and shop buildings, the employee parking lot, the Zoo vehicular storage area and the Zoo Train right-of-way from the Zoo to the Washington Park Station.

(3) "Zoo" means the Washington Park Zoo. (Ordinance No. 45, Sec. 1)

4.01.020 Buildings and Grounds of the Zoo:

(a) Recording Presence: Except as otherwise ordered, the Zoo buildings and grounds shall be closed to the public after posted visiting hours. Such buildings and grounds, or portions thereof, shall be also closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Whenever the buildings and grounds or portions thereof are closed to the public for any reason, visitors will immediately leave the premises upon being requested by an authorized individual. Admission to such premises during periods when closed to the public will be limited to those on official Zoo business who will be required to register and identify themselves when requested by security officers or other authorized individuals. Climbing or cutting the fence or other means of unauthorized entry is prohibited.

(b) Preservation of Property: It is unlawful to destroy, damage, or remove any property belonging to or a part of the Zoo. In order to remove any property from the premises, a properly completed property pass signed by the Zoo Director, or his/her designate, may be required for removal.

(c) Protection of Zoo Animals: Except for official purposes, no person shall:

- (1) Kill, injure or disturb any animal by any means except to secure personal safety;
- (2) Pet, attempt to pet, handle, move, or remove the animals except where expressly permitted;
- (3) Feed the animals where prohibited by authorized signs;
- (4) Catch, attempt to catch, trap, remove or kill any free roaming animals inhabiting the premises;
- (5) Go over, under, between, or otherwise cross any guardrail, fence, moat, wall or any other safety barrier;
- (6) Except as provided in paragraph (3), throw any object or material at any animal or into any animal enclosure or exhibit area.

(d) Conformity with Signs and Emergency Directions: Persons in or on the premises shall comply with official signs of a prohibitory or directory nature and with the directions of members of the Zoo staff or volunteers.

(e) Nuisances: The use of unreasonably loud, abusive or obscene language; the improper disposal of rubbish; climbing on buildings, trees and fences; and any other disorderly conduct as defined by ORS 166.025 is prohibited.

(f) Gambling: Participating in games for money or other personal property or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets in or on the premises is prohibited.

(g) Alcoholic Beverages and Narcotics:

- (1) Consumption of alcoholic beverages on the premises is prohibited, unless officially authorized by the Director or his/her designate. Alcoholic beverages is defined to include wine and beer of less than four (4) percent alcohol by weight.
- (2) Entering the premises under the influence of a narcotic or dangerous drug or the use of a narcotic or dangerous drug on the premises except when administered or dispensed by or under the direction of a person authorized

by law to prescribe or administer narcotic drugs and dangerous drugs to human beings is prohibited.

(h) Soliciting, Vending and the Distribution of Handbills: The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, and the disseminating of written materials and canvassing for political, charitable or religious purposes are prohibited. This rule does not apply to concessions operated by the Zoo or by a contractor for the Zoo.

(i) Animals: No animals shall be brought on the premises for other than official purposes.

(j) Photographs for News, Advertising or Commercial Purposes: No photographs for advertising or any other commercial purpose may be taken on the premises unless officially authorized by the Zoo Director or his/her designate.

(k) Weapons and Explosives: Except for official purposes, no person while on the premises shall:

(1) Carry a firearm, loaded or unloaded. "Firearm" is defined to include a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air.

(2) Carry a dangerous or deadly weapon. "Dangerous or deadly weapon" includes a firearm, metal knuckles, straight razor, weapon of the type commonly known as a nunchaku, blackjack, sap or sap glove, slingshot, bomb or bombshell, and any type of knife other than an ordinary pocketknife with a blade not longer than three and one-half (3-1/2) inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

(3) Carry, discharge or set off any fireworks or explosives of any nature. (Ordinance No. 45, Sec. 1)

4.01.030 Parking Lot and Sidewalk Adjacent to the Zoo:

(a) Vehicular and Pedestrian Traffic:

(1) Drivers of all vehicles shall drive in a careful and safe manner at all times and shall comply with the signals and directions of the police and all posted traffic signs.

(2) Blocking of entrances, driveways, walks, loading platforms, or fire hydrants is prohibited. Parking without authority, or parking in unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.

(b) Advertising, Canvassing, Soliciting and Disseminating of Written Materials for Political, Charitable or Religious Purposes. Advertising, canvassing, soliciting and disseminating of written materials for political, charitable, or religious purposes is permitted on the parking lot and sidewalks between the parking lot and the perimeter fence surrounding the Zoo. Such activities must be conducted in accordance with the following conditions:

(1) Parking lot entrances, exits and travel lanes must not be obstructed. Interference with traffic flow is prohibited.

(2) Loudspeakers and other sound devices are prohibited.

(3) Activity causing a crowd to gather is prohibited if pedestrian or vehicular traffic is obstructed or impeded.

(4) Activity conducted within twenty (20) feet of an admission gate, ticket booth, entrance or exit is prohibited.

(5) Activity shall be conducted by no more than two (2) persons in the vicinity of the entrances or exits for each cause or candidate.

(6) Obstructing Zoo visitors' line of travel or detaining a Zoo visitor or employee against his or her will is prohibited.

(7) Abusive language and actual or threatened physical harm directed against a Zoo visitor or employee is prohibited.

(8) A person conducting such activity shall identify his or her cause or candidate and shall not misrepresent his or her purpose.

(9) The dissemination of food or goods other than written materials is prohibited. (Ordinance No. 45, Sec. 1)

4.01.040 Zoo Railroad: Except for official purposes, no person shall:

(a) Enter or exit the train except when the train is stopped.

(b) Enter the train without authorization.

(c) Throw any object or material from or at the train.

(d) Smoke on the train while it is in motion.

(e) Destroy, damage or deface the train, equipment, rolling stock, tracks or switches or attempt to do the same. (Ordinance No. 45, Sec. 1)

4.01.050 Penalties:

(a) Each violation of these Rules and regulations shall be punishable by a fine of not more than \$500.

(b) In addition to prosecution under paragraph (a) above, any person violating these Rules and Regulations may be ejected from the Zoo. The decision to eject shall be made by the Zoo Director or his/her designate, a security officer, or a peace officer. (Ordinance No. 45, Sec. 1)

4.01.060 Admission Fees and Policies:

(a) Regular Fees:

(1) Definitions:

(A) "School Group" is defined as a group of five or more students of a state accredited school or licensed pre-school including one chaperone for every five students of high school age or under. Registration for a specified visit date at least one day in advance is required to qualify as a school group.

B. "Group Other Than School Group" is defined as any group, other than a school group, of 15 or more members who have purchased tickets at least one day in advance. All advance tickets shall bear an expiration date not to exceed six months from the date of issuance.

(2) Fee Schedule:

Adult (12 years and over)	\$2.00
Youth (5 years through 11 years).	\$1.00
Child (under 5 years)	free
Senior Citizen (65 years and over).	\$1.00
School Groups (per student)	\$.50
Chaperones accompanying	
school groups	free
Groups other than school groups:	
15 to 49 per group	10% discount
50 to 99 per group	15% discount
100 or more per group.	20% discount

(b) Free and Reduced Admission Passes:

(1) Free and reduced admission passes may be issued by the Director in accordance with this Ordinance.

(2) A free admission pass will entitle the holder only to enter the Zoo without paying an admission fee.

(3) A reduced admission pass will entitle the holder only to enter the Zoo by paying a reduced admission fee.

(4) The reduction granted in admission, by use of a reduced admission pass (other than free admission passes), shall not exceed twenty percent.

(5) Free or reduced admission passes may be issued to the following groups or individuals and shall be administered as follows:

(A) Metro employees shall be entitled to free admission upon presentation of a current Metro employee identification card.

(B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.

(C) Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferrable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.

(D) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Washington Park Zoo. Such passes shall bear the name of the pass holder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.

(E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the pass holder, shall be signed by the Director and shall be non-transferrable.

(c) Special Admission Days:

(1) Special admission days are days when the rates established by this Ordinance are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.

(2) Three additional special admission days may be allowed each year by the Director for designated groups. Any

additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing each Tuesday afternoon.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit corporations involving admission to the Zoo must be authorized in advance by the Executive Officer. (Ordinance No. 81-108, Sec. 2)

TITLE V

SOLID WASTE

CHAPTERS:

- 5.01 Disposal Site Franchising
- 5.02 Disposal Charges and User Fees
- 5.03 Disposal Site Franchise Fees

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS:

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Clackamas Transfer & Recycling Center
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control at St. Johns Landfill and the Clackamas Transfer & Recycling Center
5.02.040	Excess Weight Charge at St. Johns Landfill
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.055	Out-of-State Surcharge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy.

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill and the Clackamas Transfer & Recycling Center, solid waste user fees, a regional transfer charge, and an out-of-state surcharge, and to establish a credit policy at Metro disposal facilities. (Ordinance No. 82-146, Sec. 1)

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

(c) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Blvd., Portland, Oregon 97203.

(d) "Clackamas Transfer & Recycling Center" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Dr., Oregon City, Oregon, 97045. (Ordinance No. 82-146, Sec. 2)

5.02.020 Disposal Charges at St. John Landfill:

(a) A base disposal rate of \$10.33 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to fees, charges and surcharges established pursuant to Sections 5.02.040, 5.02.045 and 5.02.050 of this chapter. The minimum charge for commercial vehicles shall be for one ton of solid waste.

(b) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill:

<u>Vehicle Category</u>	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>
COMMERCIAL								
Compacted	10.33	3.05	1.68	0.43	1.47	0.38	13.48	3.88
Uncompacted	10.33	1.30	1.68	0.25	1.47	0.22	13.48	1.77

	<u>Base Rate</u>	<u>Metro User Fee</u>	<u>Regional Transfer Charge</u>	<u>Total Rate</u>
	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>
PRIVATE				
Cars ¹	\$3.36	\$0.54	\$1.60	\$5.50
Station Wagons ¹	3.36	0.54	1.60	5.50
Vans ²	4.11	0.54	1.60	6.25
Pick-ups ²	4.11	0.54	1.60	6.25
Trailers ²	4.11	0.54	1.60	6.25
Extra Yards	1.68	0.27	0.80	2.75

	<u>Base Rate</u>	<u>Metro Fee</u>	<u>Regional Transfer Charge</u>	<u>Total Rate</u>
TIRES³				
Passenger (up to 10 ply)	\$0.20			\$0.20
Passenger Tire (on rim)	\$0.90			\$0.90
Tire Tubes	\$0.55			\$0.55
Truck Tires	\$2.00			\$2.00
(20" diameter to 48" diameter on greater than 10 ply)				
Small Solids	\$2.00			\$2.00
Truck Tire (on rim)	\$7.00			\$7.00
Dual	\$7.00			\$7.00
Tractor	\$7.00			\$7.00
Grader	\$7.00			\$7.00
Duplex	\$7.00			\$7.00
Large Solids	\$7.00			\$7.00

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

5.02.025 Disposal Charges at Clackamas Transfer & Recycling Center:

(a) A base disposal rate of \$10.33 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center.

(b) A convenience charge of \$1.49 per ton of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

(c) The base disposal rate and convenience charge established by this section shall be in addition to fees, charges and surcharges established pursuant to Sections 5.02.040, 5.02.045 and 5.02.050 of this chapter. The minimum charge for commercial vehicles shall be for one ton of solid waste.

(d) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center:

<u>Vehicle Category</u>	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Convenience Charge</u>		<u>Total Rate</u>	
	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>
<u>COMMERCIAL</u>										
Compacted	10.33	3.05	1.68	0.43	1.47	0.38	1.49	0.38	14.97	4.24
Uncompacted	10.33	1.30	1.68	0.25	1.47	0.22	1.49	0.22	14.97	1.99

<u>PRIVATE</u>	<u>Base Rate</u>	<u>Metro User Fee</u>	<u>Regional Transfer Charge</u>	<u>Convenience Charge</u>	<u>Total Rate</u>
	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>
Cars ¹	\$4.86	\$0.54	\$1.60	\$0.50	\$7.50
Station Wagons ¹	4.86	0.54	1.60	0.50	7.50
Vans ²	5.61	0.54	1.60	0.50	8.25
Pickups ²	5.61	0.54	1.60	0.50	8.25
Trailers ²	5.61	0.54	1.60	0.50	8.25
Extra Yards	2.43	0.27	0.80	0.25	3.75

<u>Vehicle Category</u>	<u>Base Rate</u>	<u>Metro Fee</u>	<u>Regional Transfer Charge</u>	<u>Total Rate</u>
<u>TIRES³</u>				
Passenger (up to 10 ply)	\$0.20			\$0.20
Passenger Tire (on rim)	\$0.90			\$0.90
Tire Tubes	\$0.55			\$0.55
Truck Tires	\$2.00			\$2.00
(20" diameter to 48" diameter on greater than 10 ply)				
Small Solids	\$2.00			\$2.00
Truck Tire (on rim)	\$7.00			\$7.00
Dual	\$7.00			\$7.00
Tractor	\$7.00			\$7.00
Grader	\$7.00			\$7.00
Duplex	\$7.00			\$7.00
Large Solids	\$7.00			\$7.00

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use. (Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control at St. Johns Landfill and Clackamas Transfer & Recycling Center: All vehicles entering the St. Johns Landfill or the Clackamas Transfer & Recycling Center with loads which are both uncovered and which are susceptible to being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged. (Ordinance No. 82-146, Sec. 6)

5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the gatehouse of the landfill. (Ordinance No. 82-146, Sec. 7)

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating or collected within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) For noncompacted solid waste, 25¢ per cubic yard delivered, or \$1.68 per ton delivered.

(b) For compacted solid waste, 43¢ per cubic yard delivered; or \$1.68 per ton delivered.

(c) For all material delivered in private cars, station wagons, vans, single and two-wheel trailers, trucks with rated capacities of less than one (1) ton, 27¢ per cubic yard with a minimum charge of 54¢ per load.

(d) User fees for solid waste delivered in units of less than a whole cubic yard shall be determined and collected on a basis proportional to the fractional yardage delivered.

(e) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees. (Ordinance No. 82-146, Sec. 8)

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating or collected within Metro boundaries:

(1) For noncompacted solid waste, \$0.22 per cubic yard delivered; \$1.47 per ton delivered.

(2) For compacted solid waste, \$0.38 per cubic yard delivered; \$1.47 per ton delivered.

(3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, \$0.80 per cubic yard with a minimum charge of \$1.60 per load. (Ordinance No. 82-146, Sec. 9)

5.02.055 Out-of-State Surcharge:

(a) There is hereby established an out-of-state surcharge on all solid waste originating, generated or collected outside the State of Oregon and transported to Metro-owned or operated solid waste disposal facilities for disposal. Said surcharge shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge is to require out-of-state users of Metro disposal facilities to pay a portion of the total costs of facility operations proportionately equivalent to the financial support received from the State of Oregon.

(b) The out-of-state surcharge shall be \$0.54 per ton of solid waste delivered by commercial vehicles and \$0.20 per public vehicle, and the minimum surcharge for each commercial vehicle shall be the rate for one (1) ton of solid waste.

(c) Waivers of disposal charges pursuant to Section 5.02.030 of this chapter shall not apply to out-of-state surcharges. (Ordinance No. 82-146, Sec. 10)

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash or check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Director of Solid Waste deems necessary to secure prompt payment. Approval shall be by the Director, and approval shall be granted unless good cause is shown for denial of credit.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Director of Solid Waste, which is:

(1) Effective for one year; and

(2) Collectable if the account again becomes 60 days overdue during the period of the bond; and

(3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater. (Ordinance No. 82-146, Sec. 11)

CHAPTER 5.01

DISPOSAL SITE FRANCHISING

SECTIONS:

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5.01.200	Right to Purchase
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5.01.220	Acceptance of Tires at a Disposal Site

5.01.010 Definitions: As used in this chapter, unless the context requires otherwise:

- (a) "Certificate" means a written certificate issued by or a written agreement with the District dated prior to the effective date of this chapter.
- (b) "Code" means the Code of the Metropolitan Service District.
- (c) "Council" has the same meaning as in Code Section 1.01.040.
- (d) "DEQ" means the Department of Environmental Quality of the State of Oregon.
- (e) "Disposal Site" means the land and facilities used for the disposal of solid wastes whether or not open to the public, but does not include transfer stations or processing facilities.
- (f) "District" has the same meaning as in Code Section 1.01.040.

(g) "Exclusive Franchise" means a franchise (or franchises) which entitles the holder to the sole right to operate in a specified geographical area or in some specified manner.

(h) "Executive Officer" has the same meaning as in Code Section 1.01.040.

(i) "Franchise" means the authority given by the Council to operate a disposal site, a processing facility, a transfer station or a resource recovery facility.

(j) "Franchisee" means the person to whom a franchise is granted by the District under this chapter.

(k) "Franchise Fee" means the fee charged by the District to the franchisee for the administration of the Franchise.

(l) "Person" has the same meaning as in Code Section 1.01.040.

(m) "Process" or "Processed" means a method or system of altering the form, condition or content of solid wastes, including but not limited to composting, shredding, milling, or pulverizing, but excluding compaction.

(n) "Processing Facility" means a place or piece of equipment where or by which solid wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerations, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

(o) "Rate" means the amount approved by the District and charged by the franchisee, excluding the User Fee and Franchise Fee.

(p) "Recycling Drop Center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

(q) "Resource Recovery Facility" means an area, building, equipment, process or combination thereof where or by which useful material or energy resources are obtained from solid waste.

(r) "Solid Waste Collection Service" means the collection and transportation of solid wastes but does not include that part of a business licensed under ORS 481.345.

(s) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; provided that this definition does not include:

- (1) Hazardous wastes as defined in ORS 459.410, and
- (2) Radioactive wastes as defined in ORS 469.300, and
- (3) Materials used for fertilizer or for other productive purposes or which are salvageable as such or materials which are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, and
- (4) Explosives.

(t) "Solid Waste Management Plan" means the Metro Solid Waste Management Plan.

(u) "Transfer Station" means a fixed or mobile facilities including but not limited to drop boxes and gondola cars normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site. This definition does not include solid waste collection vehicles.

(v) "User Fee" means a user fee established by the District under ORS 268.515.

(w) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose. (Ordinance No. 81-111, Sec. 2)

5.01.020 Findings and Purpose:

(a) The Council finds that the District has limited land and resources for the disposal of solid waste. It is the responsibility of the Council to provide and protect such resources and to do so requires that the Council franchise disposal sites, transfer stations, processing facilities and resource recovery facilities.

(b) To protect the health, safety and welfare of the District's residents, the Council declares it to be the public policy of the District and the purpose of this chapter to establish an exclusive franchise system for the disposal of solid waste in the District under the authority granted to the Council by ORS ch. 268 in order to:

- (1) Provide a coordinated regional disposal program and Solid Waste Management Plan in cooperation with federal, state and local agencies to benefit all citizens of the District.

- (2) Provide standards for the location, geographical zones and total number of disposal sites, processing facilities, transfer stations and resource recovery facilities to best serve the citizens of the District.

(3) Ensure that rates are just, fair, reasonable and adequate to provide necessary public service.

(4) Prohibit rate preferences and other discriminatory practices.

(5) Ensure sufficient flow of solid waste to District's resource recovery facilities.

(6) Maximize the efficiency of the District's Solid Waste Management Plan.

(7) Provide for cooperation between cities and counties in the District with respect to regional franchising of solid waste disposal sites, processing facilities, transfer stations and resource recovery facilities.

(8) Reduce the volume of waste that would otherwise be disposed of in a landfill through source reduction, recycling, reuse and resource recovery. (Ordinance No. 81-111, Sec. 3)

5.01.030 Prohibited Activities: Except as provided in this chapter, it shall be unlawful:

(a) For any person to establish, operate, maintain or expand a disposal site, processing facility, transfer station or resource recovery facility unless such person is a franchisee or exempted by Section 5.01.040 of this chapter.

(b) For a franchisee to receive, process or dispose of any solid waste not specified in the franchise agreement.

(c) For any person to take, transport or dispose of solid waste at any place other than a disposal site, processing facility, transfer station or resource recovery facility operated by a franchisee or exempted by Section 5.01.040 of this chapter except by written authority of the Executive Officer.

(d) For a franchisee to charge any rate not established by the Council or Executive Officer under this chapter. (Ordinance No. 81-111, Sec. 4)

5.01.040 Exemptions:

(a) The following are exempt from the provisions of this chapter governing franchisees:

(1) Municipal and industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge.

(2) Disposal sites, processing facilities, transfer stations, or resource recovery facilities owned or operated by the District.

(3) Recycling drop centers.

(4) Disposal sites receiving only clean, uncontaminated earth, rock, sand, soil and stone, hardened concrete, hardened asphaltic-concrete, brick and other similar materials, provided that such clean, uncontaminated materials include only those materials whose physical and chemical properties are such that portions of these materials when subjected to moderate climatical fluctuations in heat, exposure to moisture or water, abrasion from normal handling by mechanical construction equipment or pressure from consolidation will not produce chemical salts, dissolved solutions, or gaseous derivatives at a rate sufficient to modify the biological or chemical drinking water quality properties of existing surface and ground waters or normal air quality.

(5) Persons who process, transfer or dispose of solid wastes which:

(A) are not putrescible;

(B) have been source separated;

(C) are not and will not be mixed by type with other solid wastes; and

(D) are reused or recycled.

For the purpose of this section, putrescible does not include wood, dry cardboard or paper uncontaminated by food wastes or petroleum products.

(6) Person or persons who generate and maintain residential compost piles for residential garden or landscaping purposes.

(7) Temporary transfer stations or processing centers established and operated by a local government for sixty (60) days or less to temporarily receive, store or process solid waste if the District finds an emergency situation exists.

(b) Notwithstanding Section 5.01.040(a)(2) of this chapter, the District shall comply with Section 5.01.150 (User Fees), Section 4.07.180 (Determination of Rates) subsection 5.01.070(f), and Section 4.07.130, (Administrative Procedures of Franchisees) and shall require contract operators of District owned facilities to provide a performance bond pursuant to Section 5.01.060(b)(1). (Ordinance No. 81-111, Sec. 5; amended by Ordinance No. 82-136, Sec. 1)

5.01.050 Administration: The Executive Officer shall be responsible for the administration and enforcement of this chapter. (Ordinance No. 81-111, Sec. 6)

5.01.060 Applications:

(a) Applications for a franchise or for transfer of any interest in, modification, expansion, or renewal of an existing franchise shall be filed on forms provided by the Executive Officer.

(b) In addition to the information required on the forms, applicants must submit the following to the Executive Officer:

(1) Proof that the applicant can obtain and will be covered during the term of the franchise by a corporate surety bond guaranteeing full and faithful performance by the applicant of the duties and obligations of the franchise agreement. In determining the amount of bond to be required, the Executive Officer may consider the size of the site, facility or station, the population to be served, adjacent or nearby land uses, the potential danger of failure of service, and any other factor material to the operation of the franchise.

(2) In the case of an application for a franchise transfer, a letter of proposed transfer from the existing franchisee.

(3) Proof that the applicant can obtain public liability insurance, including automotive coverage, in the amounts of not less than \$300,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property and, \$100,000 to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State law for public contracts.

(4) If the applicant is not an individual, a list of stockholders holding more than five (5%) percent of a corporation or similar entity, or of the partners of a partnership. Any subsequent changes in excess of five (5%) percent of ownership thereof must be reported within ten (10) days of such changes of ownership to the Executive Officer.

(5) A duplicate copy of the DEQ disposal site permit application and any other information required by or submitted to DEQ pursuant to ORS ch. 459.

(6) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.190(e) of this chapter if the franchise is revoked or franchise renewal is refused.

(7) Proof that the applicant has received proper land use approval.

(8) Such other information as the Executive Officer deems necessary to determine an applicant's qualifications.

(c) Disposal sites, transfer stations, and processing facilities which are operating on the effective date of this chapter under a District Certificate or Agreement may continue service under the conditions of their District Certificate or Agreement until their franchise application is granted or denied provided, however, an abbreviated application form provided by the Executive Officer has been submitted to the District within thirty (30) days after receipt of such application. Applications filed pursuant to this section shall not be unreasonably denied.

(d) An incomplete or insufficient application shall not be accepted for filing. (Ordinance No. 81-111, Sec. 7; amended by Ordinance No. 82-136, Sec. 2)

5.01.070 Issuance of Franchise:

(a) Applications filed in accordance with Section 5.01.060 shall be reviewed by the Executive Officer. The Executive Officer or his/her designated representative may make such investigation as the Executive Officer deems appropriate, and shall have the right of entry onto the applicant's proposed franchise site with or without notice before or after the franchise is granted to assure compliance with this chapter, the Code, DEQ permit and franchise agreement.

(b) Upon the basis of the application, evidence submitted and results of any investigation, the Executive Officer shall formulate recommendations regarding whether the applicant is qualified, whether the proposed franchise complies with the District's Solid Waste Management Plan, whether the proposed franchise is needed considering the location and number of existing and planned disposal sites, transfer stations, processing facilities and resource recovery facilities and their remaining capacities, and whether or not the applicant has complied or can comply with all other applicable regulatory requirements.

(c) The Executive Officer shall recommend to the Council whether the application should be granted, denied, or modified. If the Executive Officer recommends that the application be granted, the Executive Officer shall recommend to the Council specific conditions of the Franchise Agreement and whether or not the franchise should be exclusive. Following the recommendation of the Executive Officer, the Council shall issue an order granting, denying or modifying the application. The Council may attach conditions to the order, limit the number of franchises granted, and grant exclusive franchises. If the Council issues an order to deny the franchise, such order shall be effective immediately. An exclusive franchise may be granted if the Council determines that an exclusive franchise is necessary to further the objectives of the

Solid Waste Management Plan. In determining whether an exclusive franchise should be granted, the Council shall consider the following:

- (1) The proximity of existing and planned solid waste disposal facilities to the proposed site.
- (2) The type and quantity of waste that existing facilities receive and the type and quantity of waste that planned facilities will receive.
- (3) The capacity of existing and planned solid waste disposal facilities.
- (4) The type of vehicles that existing facilities receive and the type of vehicles that planned facilities will receive.
- (5) The hauling time to the proposed facility from waste generation zones established by the District.

(d) If the Council does not act to grant, or deny, a franchise application within one hundred twenty (120) days after the filing of a complete application, a Temporary Franchise shall be deemed granted for the site requested in the application unless the Executive Officer notifies the applicant that more time is needed to review and process the application and advises the applicant how much time will be needed to complete the review. The one hundred twenty (120) days will not begin until the Executive Officer has accepted the application as complete and ready for processing.

(e) Within ten (10) days after receipt of an order granting a franchise, the applicant shall:

- (1) Enter into a written franchise agreement with the District,
- (2) Obtain a corporate surety bond guaranteeing full and faithful performance during the term of the franchise of the duties and obligations of the franchisee under the franchise agreement, and
- (3) Proof that the applicant can obtain public liability insurance, including automotive coverage, in the amounts of not less than \$300,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property and, \$100,000 to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State law for public contracts.
- (4) Name the District as an additional insured in the insurance policy required by Section 5.01.060(b)(3).

(f) The granting of a franchise shall not vest any right or privilege in the franchisee to receive specific types or quantities of solid waste during the term of the franchise.

(1) To ensure a sufficient flow of solid waste to the District's resource recovery facilities, the Council may, upon thirty (30) days prior written notice, without hearing at any time during the term of the franchise, direct solid waste away from the franchisee. Whenever possible the District shall divert an equitable amount of waste from each franchised facility to the resource recovery facility. In such case, the Council shall make every reasonable effort to provide notice of such direction to affected haulers of solid waste.

(2) In emergency situations, to ensure a sufficient flow of solid waste to the District's resource recovery facilities, the Council or the Executive Officer may, without hearing, issue a sixty (60) day temporary order directing solid wastes away from the franchisee. In such situations, the Council or Executive Officer shall give the franchisee as much advance notice as is reasonably possible under the circumstances, and shall make a reasonable effort to provide notice of such direction to affected haulers of solid waste. A temporary order issued by the Executive Officer under this subsection shall be subject to modification or revocation by the Council.

(g) In addition to the authority contained in Section 5.01.070(f)(1), for the purposes of this chapter, the Council may, upon sixty (60) days prior written notice, direct solid waste away from the franchisee, direct additional solid waste to the franchisee, or limit the type of solid wastes which the franchisee may receive. Sixty (60) days prior notice shall not be required if the Council finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay. The direction of the solid waste away from a franchisee or limitation of the types of solid wastes a franchisee may receive under this subsection shall not be considered a modification of the franchise, but a franchisee shall have the right to request a contested case hearing pursuant to Code Chapter 2.05. However, a request for a contested case hearing shall not stay action under this subsection. (Ordinance No. 81-111, Sec. 8; amended by Ordinance No. 82-136, Sec. 3)

5.01.080 Term of Franchise:

(a) The term for a new or renewed franchise shall be the site longevity or five (5) years, whichever is less. In recommending site longevity, the Executive Officer shall consider the population to be served, the location of existing franchises, probable use and any other information relevant to the franchise term. The Executive Officer shall recommend the term of the franchise to the Council. The Council shall establish the term of the franchise.

(b) Franchises shall be renewed unless the Council determines that the proposed renewal does not meet the criteria of Section 5.01.070(b), provided that the franchisee files an application for renewal not less than one hundred twenty (120) days prior to the expiration of the franchise term, together with a statement of material changes in its initial application for the franchise and any other information required by the Executive Officer. The Council, upon recommendation from the Executive Officer, may attach conditions or limitations to the renewed franchise. (Ordinance No. 81-111, Sec. 9)

5.01.090 Transfer of Franchises:

(a) A franchisee may not lease, assign, mortgage, sell or otherwise transfer, either in whole or in part, its franchise to another person unless an application therefor has been filed in accordance with Section 5.01.060 and has been granted. The proposed transferee must meet the requirements of this chapter.

(b) The Council shall not unreasonably deny an application for transfer of a franchise. If the Council does not act on the application for transfer within ninety (90) days after filing of a complete application, the application shall be deemed granted.

(c) The term for any transferred franchise shall be for the remainder of the original term unless the Council establishes a different term based on the facts and circumstances at the time of transfer. (Ordinance No. 81-111, Sec. 10)

5.01.100 Appeals: Any applicant or franchisee is entitled to a contested case hearing pursuant to Code Chapter 2.05 upon the Council's suspension modification or revocation or refusal to issue, renew or transfer a franchise or to grant a variance, as follows:

(a) Except as provided in subsection (c) of this section, the Council's refusal to renew a franchise shall not become effective until the franchisee has been afforded an opportunity to request a contested case hearing and an opportunity for a contested case hearing if one is requested.

(b) The Council's refusal to grant a variance, or to issue or transfer a franchise shall be effective immediately. The franchisee or applicant may request a hearing on such refusal within sixty (60) days of notice of such refusal.

(c) Upon a finding of serious danger to the public health or safety, the Executive Officer may suspend a franchise or the Council may refuse to renew a franchise and such action shall be effective immediately. If a franchise renewal is refused effective immediately, the franchisee shall have ninety (90) days from the date of such action to request a contested case hearing. (Ordinance No. 81-111, Sec. 11)

5.01.110 Variances:

(a) The Council, upon recommendation of the Executive Officer, may grant specific variances from particular requirements of this chapter to such specific persons or class of persons upon such conditions as the Council may deem necessary to protect public health, safety and welfare, if the Council finds that the purpose and intent of the particular requirement can be achieved without strict compliance and that strict compliance:

(1) Is inappropriate because of conditions beyond the control of person(s) requesting the variance; or

(2) Will be rendered extremely burdensome or highly impractical due to special physical conditions or causes; or

(3) Would result in substantial curtailment or closing down of a business, plant, or operation which furthers the objectives of the District.

(b) A variance must be requested in writing and state in a concise manner facts to show cause why such variance should be granted. The Executive Officer may make such investigation as he/she deems necessary and shall make a recommendation to the Council within sixty (60) days after receipt of the variance request.

(c) If the Council denies a variance request, the Executive Officer shall notify the person requesting the variance of the right to a contested case hearing pursuant to Code Chapter 2.05.

(d) If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six (6) months from the date of denial. (Ordinance 81-111, Sec. 12)

5.01.120 Responsibilities of Franchisees: A franchisee:

(a) Shall provide adequate and reliable service to the citizens of the District.

(b) May discontinue service only upon ninety (90) days prior written notice to the District and the written approval of the Executive Officer. This section shall not apply to any order for closure or restriction of use by any public agency, public body or court having jurisdiction.

(c) May contract with another person to operate the disposal site, processing or resource recovery facility or transfer station only upon ninety (90) days prior written notice to the District and the written approval of the Executive Officer. If approved, the franchisee shall remain responsible for compliance with this chapter and the terms and conditions of the franchise.

(d) Shall establish and follow procedures designed to give reasonable notice prior to refusing service to any person. Copies of notification and procedures for such action will be retained on file for three (3) years by each franchisee for possible review by the Executive Officer.

(e) Shall maintain during the term of the franchise public liability insurance in the amounts set forth in Section 5.01.070(e) or such other amounts as may be required by State law for public contracts and shall give thirty (30) days written notice to the Executive Officer of any lapse or proposed cancellation of insurance coverage or performance bond.

(f) Shall file an annual operating report on forms provided by the Executive Officer on or before March 1 of each year for the preceding year.

(g) Shall comply with all provisions of this chapter, the Code, ORS ch. 459, DEQ permit and franchise agreement.

(h) Shall submit duplicate copies to the Executive Officer of all correspondence, exhibits or documents submitted to the DEQ relating to the terms or conditions of the DEQ solid waste permit or disposal franchise during the term of the franchise. Such correspondence, exhibits or documents shall be forwarded to the District within two working days of their submission to DEQ.

(i) Shall indemnify the District, the Council, the Executive Officer, the Director and any of their employees or agents and save them harmless from any and all loss, damage, claim, expense or liability related to or arising out of the franchisee's performance of or failure to perform any of its obligations under the franchise or this chapter.

(j) Shall have no recourse whatsoever against the District or its officials, agents or employees for any loss, costs, expense or damage arising out of any provision or requirement of the franchise or because of the enforcement of the franchise or in the event the franchise or any part thereof is determined to be invalid.

(k) Shall, if the franchisee accepts solid waste from the general public and from commercial haulers other than the franchisee, implement a program based on District guidelines approved by the Council for reducing the amount of solid waste entering disposal sites, processing facilities, or transfer stations.

(l) Shall not, either in whole or in part, own, operate, maintain, have a proprietary interest in, be financially associated with or subcontract the operation of the site to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse within the District. A transfer station or processing center franchisee who only receives waste collected by the franchisee shall be exempt from this subsection. (Ordinance No. 81-111, Sec. 13)

5.01.130 Administrative Procedures for Franchisees:

(a) Unless otherwise specified by the Executive Officer, the following accounting procedure shall be used for charging, collecting and recording fees and charges:

(1) Fees and charges shall be charged on the basis of tons of waste received where weighing is practicable or on the basis of estimated cubic yards of waste received where weighing is not practicable. Either a mechanical or automatic scale approved by the National Bureau of Standards and State of Oregon may be used for weighing waste.

(2) Fees and charges collected in cash shall be separately recorded on a multi-total cash register. The franchisee shall total the fees and charges separately at the end of each business day as recorded on the cash register and reconcile that total with the actual cash in the register drawer. Cash receipts shall be deposited daily in a bank account. The franchisee shall reconcile the bank account each month.

(3) Cash receipts of payments on accounts receivable shall be recorded as mail is opened and reconciled to the daily bank deposit.

(4) Where a fee or charge is levied and collected on an accounts receivable basis, prenumbered tickets shall be used in numerical sequence. The numbers of the tickets shall be accounted for daily and any voided or cancelled tickets shall be retained.

(b) Each month at the time of payment, the franchisee must file with the Executive Officer, a statement including without limitation the following information:

(1) Name and address of the franchisee.

(2) District registration number.

(3) Month and year of each report.

(4) Number of truckloads received daily.

(5) Daily number of cars, pickups, trailers, and other small hauling vehicles.

(6) Total number of cubic yards/tons of solid wastes received daily during the month, classified among compacted, noncompacted, minimum loads and special loads.

(7) Detailed explanation of any adjustments made to the amount of fees paid pursuant to Section 5.01.150(e).

(8) Signature and title of the franchisee or its agent. Misrepresentation of any information required above shall be grounds for suspension, modification, revocation or refusal to renew a franchise or penalties as provided in Section 5.01.210.

(c) Every franchisee shall keep such records, receipts or other pertinent papers and information in such form as the District may require. The Executive Officer, or his authorized agent in writing, may examine during reasonable business hours the books, papers, records and equipment of any operator and may make such investigations as may be necessary to verify the accuracy of any return made, or if no return is made by the franchisee, to ascertain and determine the amount required to be paid.

(d) Fees and charges owing to the District from the franchisee which are not paid when due shall bear a late charge equal to one and one-half percent (1-1/2%) of the amount unpaid for each month or portion thereof such fees or charges remain unpaid. (Ordinance No. 81-111, Sec. 14)

5.01.140 Franchise Fee:

(a) The Council shall establish an annual franchise fee which it may revise at any time upon thirty (30) days written notice to each franchisee and an opportunity to be heard.

(b) The franchise fee shall be in addition to any other fee, tax or charge imposed upon a franchisee.

(c) The franchisee shall pay the franchise fee in the manner and at the time required by the District. (Ordinance No. 81-111, Sec. 15)

5.01.150 User Fees:

(a) Notwithstanding Section 5.01.040(a)(2) of this chapter, the Council will set User Fees annually, and more frequently if necessary, which fees shall apply to processing facilities, transfer stations, resource recovery facilities or disposal sites which are owned, operated, or franchised by the District or which are liable for payment of User Fees pursuant to a special agreement with the District.

(b) User Fees shall be in addition to any other fee, tax or charge imposed upon a processing facility, transfer station, resource recovery facility or disposal site.

(c) User Fees shall be separately stated upon records of the processing facility, transfer station, resource recovery facility or disposal site.

(d) User Fees shall be paid to the District on or before the 20th day of each month following each preceding month of operation.

(e) There is no liability for User Fees on charge accounts that are worthless and charged off as uncollectable provided that an affidavit is filed with the District stating the name and amount of each uncollectable charge account. If the fees have previously been paid a deduction may be taken from the next payment due to the District for the amount found worthless and charged off. If any such account thereafter, in whole or in part, is collected, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

(f) All User Fees shall be paid in the form of a remittance payable to the District. All User Fees received by the District shall be deposited in the Solid Waste Operating Fund and used only for the administration, implementation, operation and enforcement of the Solid Waste Management Plan. (Ordinance No. 81-111, Sec. 16)

5.01.160 Reports from Collection Services: Upon request of the Executive Officer, a solid waste collection service shall file periodic reports with the District, containing information required by the Executive Officer. (Ordinance No. 81-111, Sec. 17)

5.01.170 Rate Review Committee:

(a) The Council shall appoint a five-member Rate Review Committee to gather information and provide recommendations for the establishment of rates.

(b) Initially, three members shall serve two-year terms and two members shall serve one-year terms, in order to provide continuity in Rate Review Committee membership. Thereafter, Rate Review Committee members shall serve two-year staggered terms.

(c) The members of the Rate Review Committee shall be as follows:

(1) One Certified Public Accountant with expertise in cost accounting and program auditing.

(2) One Certified Public Accountant with expertise in the solid waste industry or public utility regulation.

(3) One local government administrator with expertise in governmental financing, agency budgeting and/or rate regulation.

(4) Two members of the public.

(d) No representative or affiliate of the solid waste industry and no employee of the District shall serve on the Rate Review Committee. (Ordinance No. 81-111, Sec. 18)

5.01.180 Determination of Rates:

(a) No franchisee or operator of a site operating under a District Certificate or Agreement upon the effective date of this

chapter shall charge a rate which is not established by the Council or, pending establishment of a rate by the Council, an interim rate established by the Executive Officer.

(b) At the time the Council grants a franchise, or after the Council grants a franchise it shall establish the rate(s) to be charged by the franchisee. The Council may establish uniform rates for all franchisees or varying rates based on the factors specified in this section.

(c) Effective January 1, 1982, before the Council establishes or adjusts any rate, the Rate Review Committee shall investigate the proposed rates and submit a recommendaton to the Executive Officer. The Executive Officer shall forward the Committee's recommendaton along with his/her recommendation to the Council, after which the Council shall hold a public hearing. The Council shall then set forth its findings and decision.

(d) In determination of rates, the Rate Review Committee, Executive Officer and Council shall give due consideration to the following:

- (1) Operating and nonoperating revenues.
- (2) Direct and indirect operating and nonoperating expenses including franchise fees.
- (3) Nonfranchise profits.
- (4) Reasonable return on investment exclusive of any capital investment in the franchise or any sum paid for the value of the franchise or any other intangible value.
- (5) Any other factors deemed relevant by the Council.

(e) The rate(s) shall be reviewed and, if necessary, adjusted in the manner set forth in Section 5.01.180(c):

- (1) At any time by the Council after giving ten (10) days written notice to the franchisee of the intent to review; or
- (2) Upon written request by the franchisee on forms provided by the Executive Officer, which request may be made not more than once every six months; or
- (3) In the event the District exercises its right to control the flow of solid waste as provided in Section 5.01.070(f) or 5.01.070(g). (Ordinance No. 81-111, Sec. 19; amended by Ordinance No. 82-136, Sec. 4)

5.01.190 Enforcement of Franchise Provisions; Appeal:

(a) The Executive Officer may, at any time, make an investigation to determine if there is sufficient reason and cause

to suspend, modify or revoke, a franchise as provided in this section. If, in the opinion of the Executive Officer, there is sufficient evidence to suspend, modify, or to revoke a franchise, the Executive Officer shall notify the franchisee in writing of the alleged violation, and the steps necessary to be taken to cure the violation. Upon a finding that violation exists and that the franchisee is unable to or refuses to cure the violation within a reasonable time after receiving written notice thereof, the Executive Officer may make a recommendation to the Council that the franchise be suspended, modified or revoked.

(b) The Council may direct the Executive Officer to give the franchisee notice that the franchise is, or on a specified date shall be, suspended, modified or revoked. The notice authorized by this subsection shall be based upon the Council's finding that the franchisee has:

- (1) Violated this chapter, the Code, ORS ch. 459 or the rules promulgated thereunder or any other applicable law or regulation; or
- (2) Misrepresented material facts or information in the franchise application, annual operating report, or other information required to be submitted to the District;
- (3) Refused to provide adequate service at the franchised site, facility or station, after written notification and reasonable opportunity to do so;
- (4) Misrepresented the gross receipts from the operation of the franchised site, facility or station;
- (5) Failed to pay when due the fees required to be paid under this chapter; or
- (6) Been found to be in violation of a city or county solid waste management ordinance if such ordinances require licensees or franchisees to comply with the Metro Disposal Franchise Ordinance.

(c) Except as provided in subsection (d) of this section, the Council's revocation, modification or suspension of a franchise shall not become effective until the franchisee has been afforded an opportunity to request a contested case hearing and an opportunity for a contested case hearing if one is requested.

(d) Upon a finding of serious danger to the public health or safety as a result of the actions or inactions of a franchisee under this chapter, the Executive Officer may in accordance with Code Chapter 2.05 immediately suspend the franchise and may take whatever steps may be necessary to abate the danger. In addition, the Executive Officer may authorize another franchisee or another person to provide service or to use and operate the site, station, facilities and equipment of the affected franchisee for reasonable

compensation in order to provide service or abate the danger for so long as the danger continues. If a franchise is immediately suspended, the franchisee shall have ninety (90) days from the date of such action to request a contested case hearing in accordance with Code Chapter 2.05.

(e) Upon revocation or refusal to renew the franchise:

(1) All rights of the franchisee in the franchise shall immediately be divested. If the franchise is awarded to a new franchisee, the District may require the owner or prior franchisee to sell to the new franchisee the owner's or prior franchisee's interest or a leasehold interest in the real property relating to the operation of the prior franchisee. In such a case the new franchisee shall pay an amount equal to the fair market value of the ownership or leasehold interest in the real property as soon as that amount can be determined. In any event, the prior franchisee immediately upon revocation or expiration of the franchise shall vacate the property, and the new franchisee shall have the right to occupy and use the real property so as to allow continuity of service. In addition, at the option of the new franchisee, the prior franchisee shall, upon sale or lease of the real property, convey any or all personal property relating to the operation for the fair market value of such property.

(2) If the prior franchisee whose franchise is revoked or refused renewal under this section is not the owner of the property, the owner may only be required under this section to transfer the same property interest that the owner disclosed in the consent form submitted pursuant to Section 5.01.060(b)(6) of this chapter. (Ordinance No. 81-111, Sec. 20; amended by Ordinance No. 82-136, Sec. 5)

5.01.200 Right to Purchase: The District may purchase or condemn any real or personal property or any interest therein of the franchisee. If such purchase or condemnation occurs upon revocation or termination of the franchise, valuation of the real and personal property purchased or condemned shall not include any sum for the value of the franchise or any other intangible value. (Ordinance No. 81-111, Sec. 21)

5.01.210 Penalties:

(a) Each violation of this chapter shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day a violation continues constitutes a separate violation. Separate offenses may be joined in one indictment or complaint or information in several counts.

(b) In addition to subsection (a) of this section, any violation of this chapter may be enjoined by the District upon suit

in a court of competent jurisdiction and shall also be subject to a civil penalty not to exceed Five Hundred Dollars (\$500.00) per day for each day of violation. (Ordinance No. 81-111, Sec. 22)

5.01.220 Acceptance of Tires at a Disposal Site:

(a) No Disposal Site may accept whole tires for burial, except that whole tires greater than 48 inches in diameter may be accepted if the Disposal Site's Franchise Agreement allows such acceptance.

(b) Processed scrap tires accepted for burial at a Disposal Site must be capable of meeting the following criteria: the volume of 100 unprocessed, randomly selected tires shall have been reduced in volume to less than 35 percent of the original volume with no single void space greater than 125 cubic inches remaining in the processed tires.

(c) The test shall be as follows:

(1) Unprocessed tire volume shall be calculated by multiplying the circular area, with a diameter equal to the outside diameter of the tire, by the maximum perpendicular width of the tire. The total test volume shall be the sum of the individual, unprocessed tire volumes; and

(2) Processed tire volume shall be determined by randomly placing the processed tire test quantity in a rectangular container and leveling the surface. It shall be calculated by multiplying the depth of processed tires by the bottom area of the container. (Ordinance No. 81-111, Sec. 25)

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS:

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Clackamas Transfer & Recycling Center
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control at St. Johns Landfill and the Clackamas Transfer & Recycling Center
5.02.040	Excess Weight Charge at St. Johns Landfill
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.055	Out-of-State Surcharge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy.

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill and the Clackamas Transfer & Recycling Center, solid waste user fees, a regional transfer charge, and an out-of-state surcharge, and to establish a credit policy at Metro disposal facilities. (Ordinance No. 82-146, Sec. 1)

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

(c) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Blvd., Portland, Oregon 97203.

(d) "Clackamas Transfer & Recycling Center" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Dr., Oregon City, Oregon, 97045. (Ordinance No. 82-146, Sec. 2)

5.02.020 Disposal Charges at St. John Landfill:

(a) A base disposal rate of \$9.80 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance.

(b) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

(c) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill: (Ordinance No. 83-163, Sec. 1)

ST. JOHNS LANDFILL

<u>Vehicle Category</u>	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>
<u>COMMERCIAL</u>								
Compacted	\$9.80	\$2.90	\$1.68	\$0.43	\$2.00	\$0.52	\$13.48	\$3.85
Uncompacted	9.80	1.23	1.68	0.25	2.00	0.30	13.48	1.78

<u>PRIVATE</u>	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>	<u>Per Trip</u>
Cars ¹	\$4.62		\$0.54		\$1.34		\$6.50	
Station Wagons ¹	4.62		0.54		1.34		6.50	
Vans ²	5.37		0.54		1.34		7.25	
Pickups ²	5.37		0.54		1.34		7.25	
Trailers ²	5.37		0.54		1.34		7.25	
Extra Yards	2.30		0.27		0.68		3.25	

<u>TIRES³</u>	<u>Base Rate</u>		<u>Metro Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
Passenger (up to 10 ply)	\$0.25						\$0.25	
Passenger Tire (on rim)	1.00						1.00	
Tire Tubes	0.25						0.25	
Truck Tires (20" diameter to 48" diameter on greater than 10 ply)	2.75						2.75	
Small Solids	2.75						2.75	
Truck Tire (on rim)	7.75						7.75	
Dual	7.75						7.75	
Tractor	7.75						7.75	
Grader	7.75						7.75	
Duplex	7.75						7.75	
Large Solids	7.75						7.75	

¹Based on a minimum load of two cubic yards.

²Based on a minimum load of two and one-half cubic yards.

³Cost per tire is listed.

5.02.025 Disposal Charges at Clackamas Transfer & Recycling Center:

(a) A base disposal rate of \$9.80 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center.

(b) A convenience charge of \$2.25 per ton of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

(c) The base disposal rate and convenience charge established by this section shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance.

(d) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

(e) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center: (Ordinance No. 83-163; Sec. 2)

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
COMMERCIAL										
Compacted	\$9.80	\$2.90	\$1.68	0.43	\$2.00	\$0.52	\$2.25	\$0.57	\$15.73	\$4.42
Uncompacted	9.80	1.23	1.68	0.25	2.00	0.30	2.25	0.33	15.73	2.11

PRIVATE	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip	Per Trip
Cars ¹	\$4.62		\$0.54		\$1.34		\$0.75		\$7.25	
Station Wagons ¹	4.62		0.54		1.34		0.75		7.25	
Vans ²	5.37		0.54		1.34		0.75		8.00	
Pickups ²	5.37		0.54		1.34		0.75		8.00	
Trailers ²	5.37		0.54		1.34		0.75		8.00	
Extra Yards	2.31		0.27		0.68		0.35		3.60	

TIRES ³	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
Passenger (up to 10 ply)	\$0.50						\$0.50	
Passenger Tire (on rim)	1.25						1.25	
Tire Tubes	0.25						0.25	
Truck Tires (20" diameter to 48" diameter on greater than 10 ply)	3.75						3.75	
Small Solids	3.75						3.75	
Truck Tire (on rim)	8.75						8.75	
Dual	8.75						8.75	
Tractor	8.75						8.75	
Grader	8.75						8.75	
Duplex	8.75						8.75	
Large Solids	8.75						8.75	

Based on a minimum load of two cubic yards.
Based on a minimum load of two and one-half cubic yards.
Cost per tire is listed.
900B/324-D

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use. (Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control at St. Johns Landfill and Clackamas Transfer & Recycling Center: All vehicles entering the St. Johns Landfill or the Clackamas Transfer & Recycling Center with loads which are both uncovered and which are susceptible to being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged. (Ordinance No. 82-146, Sec. 6)

5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the gatehouse of the landfill. (Ordinance No. 82-146, Sec. 7)

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating or collected within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) For noncompacted solid waste, 25¢ per cubic yard delivered, or \$1.68 per ton delivered.

(b) For compacted solid waste, 43¢ per cubic yard delivered; or \$1.68 per ton delivered.

(c) For all material delivered in private cars, station wagons, vans, single and two-wheel trailers, trucks with rated capacities of less than one (1) ton, 27¢ per cubic yard with a minimum charge of 54¢ per load.

(d) User fees for solid waste delivered in units of less than a whole cubic yard shall be determined and collected on a basis proportional to the fractional yardage delivered.

(e) Inert material, including but not limited to earth, sand, stone, crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees. (Ordinance No. 82-146, Sec. 8)

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating or collected within Metro boundaries:

(1) For noncompacted solid waste, \$0.30 per cubic yard delivered; \$2.00 per ton delivered.

(2) For compacted solid waste, \$0.52 per cubic yard delivered; \$2.00 per ton delivered.

(3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, \$0.68 per cubic yard with a minimum charge of \$1.34 per load. (Ordinance No. 83-163, Sec. 3)

5.02.055 Out-of-State Surcharge:

(a) There is hereby established an out-of-state surcharge on all solid waste originating, generated or collected outside the State of Oregon and transported to Metro-owned or operated solid waste disposal facilities for disposal. Said surcharge shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge is to require out-of-state users of Metro disposal facilities to pay a portion of the total costs of facility operations proportionately equivalent to the financial support received from the State of Oregon.

(b) The out-of-state surcharge shall be \$0.54 per ton of solid waste delivered by commercial vehicles and \$0.20 per public vehicle, and the minimum surcharge for each commercial vehicle shall be the rate for one (1) ton of solid waste.

(c) Waivers of disposal charges pursuant to Section 5.02.030 of this chapter shall not apply to out-of-state surcharges. (Ordinance No. 82-146, Sec. 10)

5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash or check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Director of Solid Waste deems necessary to secure prompt payment. Approval shall be by the Director, and approval shall be granted unless good cause is shown for denial of credit.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be added to the oldest months charges past due.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Director of Solid Waste, which is:

(1) Effective for one year; and

(2) Collectable if the account again becomes 60 days overdue during the period of the bond; and

(3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater. (Ordinance No. 82-146, Sec. 11)

CHAPTER 5.03

DISPOSAL SITE FRANCHISE FEES

SECTIONS:

5.03.010	Purpose and Authority
5.03.020	Franchise Application Fees
5.03.030	Annual Franchise Fees
5.03.040	Non-Payment of Franchise Fee
5.03.050	Transfer and Renewal

5.03.010 Purpose and Authority: It is the purpose of this chapter to establish solid waste disposal franchise fees pursuant to Code Section 5.01.140. (Ordinance No. 81-112, Sec. 1)

5.03.020 Franchise Application Fees: Each application for issuance of a solid waste disposal franchise shall include and be accompanied by a franchise application fee in the amount of Two Hundred (\$200.00) Dollars. Such fee shall defray the District's costs of processing each application and shall be nonrefundable. No application for issuance of a solid waste disposal franchise shall be considered without payment of said application fee. Facilities operating pursuant to Code Section 5.01.060(c) are exempt from this section. (Ordinance No. 81-112, Sec. 2)

5.03.030 Annual Franchise Fees:

(a) Franchisees, issued a solid waste disposal franchise, shall pay to the District an annual franchise fee. Such fee shall be paid on or before January 1 of each year for that calendar year.

(b) Annual solid waste disposal franchise fees shall be THREE HUNDRED AND NO/100THS (\$300) DOLLARS per site; provided, however, that said fee shall be One Hundred (\$100) Dollars per site for each franchised site that only receives waste from the franchisee or a company, partnership or corporation in which the franchisee has a financial interest.

(c) Franchisees who are issued franchises during a calendar year shall pay a fee computed on a pro-rated quarterly basis such that one quarter of the annual fee shall be charged for any quarter or portion of a quarter that the franchise is in effect. The franchisee shall thereafter pay the fee annually as required by subsection (a) of this section. Franchise fees shall not for any reason be refundable in whole or in part. Annual franchise fees shall be in addition to franchise application fees. (Ordinance No. 81-112, Sec. 3)

5.03.040 Non-Payment of Franchise Fee:

(a) The issuance of any franchise shall not be effective unless and until the annual franchise fee has been paid for the calendar year for which the franchise is issued.

(b) Annual franchise fees are due and payable on January 1 of each year. Failure to remit said fee by said date shall constitute a violation of the Metro Code and of the franchise and shall subject the franchisee to enforcement pursuant to Code Section 5.01.190 in addition to any other civil or criminal remedies the District may have. (Ordinance No. 81-112, Sec. 4)

5.03.050 Transfer and Renewal: For purposes of this chapter, issuance of a franchise shall include renewal and transfer of a franchise; provided, however, that no additional annual franchise fee shall be paid upon transfer or renewal when the annual franchise fee for the franchise being renewed or transferred has been paid for the calendar year in which the transfer or renewal becomes effective. (Ordinance No. 81-112, Sec. 5)

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CHAPTER 5.03

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79-79	1			
79-80	Not Adopted			
80-81	1			
80-81	2			
80-81	3			
80-81	4			
80-82	1	80-101		
80-83	Not Adopted			
80-84	Not Adopted			
80-85	Not Adopted			
80-86	1			
80-86	2			
80-86	3			
80-86	4	80-88		
80-86	5	"		
80-86	6			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
80-87	1			2.01.030
80-87	2			2.01.130
80-88	1			
80-88	2			
80-88	3			
80-89	1			
80-89	2			
80-89	3			
80-90	1			
80-91	1		81-114	
80-91	2		"	
80-91	3		"	
80-91	4		"	
80-91	5		"	
80-91	6		"	
80-91	7		"	
80-91	8		"	
80-91	9		"	
80-92	Not Adopted			
80-93	1		82-141	
80-93	2		"	
80-93	3		"	
80-93	4		"	
80-93	5		"	
80-93	6		"	
80-93	7		"	
80-93	8		"	
80-93	9		"	
80-94	1			
80-95	1			
80-95	2			
80-95	3			
80-95	4			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
80-95	5			
80-95	6			
80-95	7			
80-95	8			
80-96	1	81-107, 81-115	82-146	
80-96	2	80-100, 81-106, 81-122	"	
80-96	3		"	
80-96	4	80-100, 81-107, 81-115	"	
80-96	5		"	
80-96	6		"	
80-97	1			
80-97	2			
80-97	3			
80-97	4			
80-97	5	81-110		
80-97	6			
80-98	1			3.03.010
80-98	2	80-104		3.03.020
80-98	3			3.03.030
80-98	4			3.03.040
80-99	1			
80-99	2			
80-99	3			
80-99	4			
80-99	5			
80-100	1		82-146	
80-100	2		"	
80-100	3	81-106	"	
80-100	4		"	
80-100	5		"	
80-100	6		"	
80-101	1			
80-102	1			3.02.001
80-102	2			3.02.002

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
80-102	3			3.02.003
80-102	4			3.02.004
80-102	5			3.02.005
80-102	6			3.02.006
80-102	7			3.02.007
80-102	8			3.02.008
80-102	9			3.02.009
80-102	10			3.02.010
80-102	11			3.02.011
80-102	12			
80-103	1		82-130	
80-103	2		"	
80-103	3		"	
80-103	4		"	
80-104	1			3.03.020
80-104	2			3.03.020
81-105	1			3.01.005
81-105	2			3.01.010
81-105	3	81-124		3.01.015
81-105	4	82-133		3.01.020
81-105	5			3.01.025
81-105	6			3.01.030
81-105	7	82-133		3.01.035
81-105	8	"		3.01.040
81-105	9			3.01.045
81-105	10			3.01.050
81-105	11	82-133		3.01.055
81-105	12			3.01.060
81-105	13			3.01.065
81-105	14	82-133		3.01.070
81-105	15			3.01.075
81-105	16			3.01.080
81-105	17			3.01.085
81-106	1		82-146	
81-106	2	81-122	"	
81-106	3		"	
81-106	4		"	
81-107	1			
81-107	2			
81-107	3			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
81-108	1			
81-108	2			4.01.060
81-109	1			
81-109	2			
81-109	3	81-132, 82-138		
81-109	4			
81-109	5			
81-109	6	81-131, 82-138		
81-110	1			
81-111	1			
81-111	2			5.01.010
81-111	3			5.01.020
81-111	4			5.01.030
81-111	5	82-136		5.02.040
81-111	6			5.02.050
81-111	7	82-136		5.02.060
81-111	8	"		5.02.070
81-111	9			5.02.080
81-111	10			5.02.090
81-111	11			5.02.100
81-111	12			5.02.110
81-111	13			5.02.120
81-111	14			5.02.130
81-111	15			5.02.140
81-111	16			5.02.150
81-111	17			5.02.160
81-111	18			5.02.170
81-111	19	82-136		5.02.180
81-111	20	"		5.02.190
81-111	21			5.02.200
81-111	22			5.02.210
81-111	23			
81-111	24			
81-111	25			5.02.220
81-111	26			
81-112	1			5.03.010
81-112	2			5.03.020
81-113	3			5.03.030
81-113	4			5.03.040
81-114	5			5.03.050

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
81-115	Not Adopted			
81-114	1			
81-115	1			
81-115	2			
81-115	3		Terminated	
81-116	1			2.02.005
81-116	2			2.02.010
81-116	3			2.02.015
81-116	4			2.02.020
81-116	5			2.02.025
81-116	6			2.02.030
81-116	7			2.02.035
81-116	8			2.02.040
81-116	9			2.02.045
81-116	10			2.02.050
81-116	11			2.02.055
81-116	12			2.02.060
81-116	13			2.02.065
81-116	14			2.02.070
81-116	15			2.02.075
81-116	16			2.02.080
81-116	17			2.02.085
81-116	18			2.02.090
81-116	19			2.02.095
81-116	20			2.02.100
81-116	21			2.02.105
81-116	22			2.02.110
81-116	23			2.02.115
81-116	24			2.02.120
81-116	25			2.02.125
81-116	26			2.02.130
81-116	27			2.02.135
81-116	28			2.02.140
81-116	29			2.02.145
81-116	30			2.02.150
81-116	31			2.02.155
81-116	32			2.02.160
81-116	33			2.02.165
81-116	34			2.02.170
81-116	35			2.02.175
81-116	36			2.02.180
81-116	37	82-139		2.02.185
81-116	38	"		2.02.190

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
81-116	39			2.02.195
81-116	40			2.02.200
81-116	41			2.02.205
81-116	42			2.02.210
81-116	43			2.02.215
81-116	44			2.02.220
81-116	45			2.02.225
81-116	46			2.02.230
81-116	47			2.02.235
81-116	48			2.02.240
81-116	49			2.02.245
81-116	50			2.02.250
81-116	51			2.02.255
81-116	52	(Omitted)		
81-116	53			2.02.260
81-116	54			2.02.265
81-116	55			
81-116	56	(added by 82-139)		2.02.270
81-117	1			
81-117	2			
81-117	3			
81-117	4			
81-117	5			
81-118	1			
81-118	2			
81-118	3			
81-118	4			
81-118	5			
81-119	1			
81-119	2			
81-119	3			
81-119	4			
81-119	5			
81-120	1			
81-120	2			
81-120	3			
81-120	4			
81-121	1			
81-121	2			
81-121	3			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
81-122	1		82-146	
81-122	2		"	
81-122	3		"	
81-123	1			2.02.275
81-123	2			2.02.275
81-124	1			
81-124	2			
81-124	3			3.01.015
81-125	1			2.04.005
81-125	2			2.04.010
81-125	3			2.04.003
81-125	4			
81-125	5			
81-126	Not Adopted			
81-127	Not Adopted			
81-128	1			3.04.010
81-128	2			3.04.020
81-128	3			3.04.030
81-128	4			3.04.040
81-128	5			3.04.050
81-128	6			3.04.060
81-128	7			3.04.070
81-128	8			3.04.080
81-128	9			
81-128	10	(Omitted)		
81-128	11	(Omitted)		
81-128	12			
81-129	1			
81-129	2			
81-129	3			
81-129	4			
81-129	5			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
82-130	1	82-155		2.04.015
82-130	2a			2.04.025-
				2.04.045
82-130	2b			2.04.020
82-130	2c			2.04.020
82-130	3			
82-131	1			
82-131	2			
82-132	1	82-140, 82-150, 83-154		
82-132	2			
82-132	3			
82-132	4			
82-133	1			3.01.010
	"			3.01.020
	"			3.01.035
	"			3.01.040
	"			3.01.055
	"			3.01.070
82-133	2			
82-134	1			
82-134	2			
82-134	3			
82-134	4			
82-135	1			
82-135	2			
82-136	1			5.01.040
82-136	2			5.01.060
82-136	3			5.01.070
82-136	4			5.01.180
82-136	5			5.01.190
82-137	1			2.05.005
82-137	2			2.05.007
82-137	3			
82-137	4			2.05.025
82-137	5			2.05.035

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
82-137	6			2.05.040
82-137	7			2.05.042
82-137	8			2.05.043
82-137	9			2.05.045
82-137	10			2.05.050
82-138	1			
82-138	2			
82-139	1			2.02.185
82-139	2			2.02.190
82-139	3			2.02.270
82-139	4			
82-140	1			
82-141	1			
82-142	Not Adopted			
82-143	Not Adopted			
82-144	Not Adopted			
82-145	1			
82-145	2			
82-145	3			
82-145	4			
82-145	5			
82-146	1			5.02.010
82-146	2			5.02.015
82-146	3			5.02.020
82-146	4			5.02.025
82-146	5			5.02.030
82-146	6			5.02.035
82-146	7			5.02.040
82-146	8			5.02.045
82-146	9			5.02.050
82-146	10			5.02.055
82-146	11			5.02.060
82-146	12			
82-146	13			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
82-147	1			
82-147	2			
82-147	3			
82-147	4			
82-147	5			
82-148	1			
82-148	2			
82-148	3			
82-148	4			
82-148	5			
82-149	1			
82-149	2			
82-149	3			
82-149	4			
82-149	5			
82-150	1			
82-150	2			
82-150	3			
82-150	4			
82-150	5			
83-151	1			
83-151	2			
83-151	3			
83-151	4			
83-151	5			
83-152	Not Adopted			
83-153	1			
83-153	2			
83-153	3			
83-153	4			
83-153	5			
83-154	1			
83-155	1			

<u>Ordinance No.</u>	<u>Section</u>	<u>Amended By Ordinance No.</u>	<u>Repealed By Ordinance No.</u>	<u>Codification</u>
83-156	1			
83-157	1			1.01.001
83-157	2			1.01.003
83-157	3			1.01.010
83-157	4			1.01.020
83-157	5			1.01.030
83-157	6			1.01.040
83-157	7			1.01.050
83-157	8			1.01.060
83-157	9			1.01.070
83-157	10			1.01.080
83-157	11			1.01.090
83-157	12			1.01.100
83-157	13			1.01.110
83-157	14			1.01.120
83-157	15			1.01.130
83-158	1			
83-158	2			
83-158	3			
83-158	4			

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79-2			Ord. 79-65	
79-3		Metro Rule 81-5		2.05.005- 2.05.050
79-4			Ord. 79-65	
81-5		82-137		2.05.005- 2.05.050

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77-1A				
77-1B				
77-2				
77-3				
78-1				
78-2				
78-3	Not Adopted			
78-4		80-102, 81-121		3.02.001- 3.02.011
78-5				
78-6				
78-7				
78-8	Not Adopted			
78-9				
78-10	Not Adopted			
78-11				
78-12				
78-13	Not Adopted			
78-14				
78-15				
78-16				
78-17				
78-18				
78-19				

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METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

July 28, 1983

Rick Gustafson
Executive Officer

Metro Council

Cindy Banzer
Presiding Officer
District 9

Bob Oleson
Deputy Presiding
Officer
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Ernie Bonner
District 8

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

County Administrator
Washington County
150 N. First Avenue
Hillsboro, Oregon 97123

Ms. Juanita Orr
County Clerk
Clackamas County
Courthouse
8th and Main
Oregon City, Oregon 97045

Ms. Jane McGarvin
Clerk of the Board
Multnomah County
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Enclosed is a true copy of the following ordinance adopted by the
Council of the Metropolitan Service District on July 26, 1983:

Ordinance No. 83-157, An Ordinance adopting a codification
of Metro Ordinances and repealing Ordinance No. 30.

Please file this ordinance in the Metro ordinance files maintained
by your County.

Sincerely,


Everlee Flanigan
Clerk of the Council

527 SW Hall St.
Portland, OR
97201
503/221-1646

EF
Enclosure