

ORDINANCE NO. 6

An Ordinance approving DEQ's Grant Offer and Acceptance for funds in the amount of \$81,667 to continue the Solid Waste Implementation Program to July 1974.

EMERGENCY ORDINANCE (One Hearing)

ADOPTED JANUARY 11, 1974

ORDINANCE NO. 6

An Ordinance approving the DEQ Grant Offer of up to \$81,667 for Project No. SWP 111, commencing January 15, 1974; authorizing the Chairman to sign the Grant Offer for the MSD; and declaring an emergency.

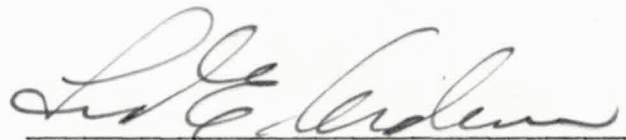
THE METROPOLITAN SERVICE DISTRICT ORDAINS:

Section 1. The Board approves the Planning Grant Offer to the MSD from the Department of Environmental Quality for the State of Oregon for Project No. SWP 111, beginning January 15, 1974, and ending on July 1, 1974, said grant in an amount up to \$81,667. A copy of the Grant Offer is attached and made a part of this Ordinance.

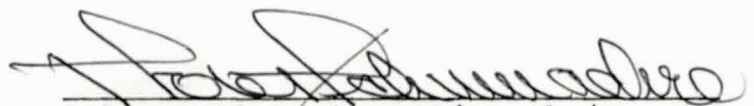
Section 2. The Board authorizes the Chairman to sign after review by Legal Counsel the acceptance of the Planning Grant Offer described in Section 1 and any other documents necessary for the timely commencement of the Project.

Section 3. For the Project described in Section 1 to begin on schedule, the immediate passage of this Ordinance is necessary, and an emergency is declared to exist. This Ordinance takes effect upon passage.

JANUARY 11, 1974



Lloyd E. Anderson, Chairman  
Metropolitan Service District



Robert Schumacher, Vice Chairman  
Metropolitan Service District



## DEPARTMENT OF ENVIRONMENTAL QUALITY

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229- 5353

TOM McCALL  
GOVERNOR

January 9, 1974

DIARMUID F. O'SCANNLAIN  
Director

Honorable Lloyd E. Anderson  
Chairman, MSD Board  
6400 SW Canyon Court  
Portland, Oregon 97221

Re: SWP - Metropolitan Service District  
SWP Project #111

Dear Mr. Anderson:

Enclosed please find the solid waste management planning Grant Offer and Acceptance Agreement from the Department of Environmental Quality (DEQ) to the Metropolitan Service District (MSD) in the amount of up to \$81,667. This offer is based upon and constitutes approval of the MSD grant application of October 26, 1973 to DEQ, as amended, to conform with the spending limitation of up to \$81,667 and for a time period of January 15, 1974 to July 1, 1974.

The grant payment request forms enclosed are for the first quarterly period of the planning project. They may be completed and returned with the signed Acceptance or subsequently, in accordance with your needs. Please submit three copies with an original signature on each. Page one of the Grant Offer is for your files.

If you have questions, please do not hesitate to contact this office at 229-5353. We look forward to working with you in the further development of your regional solid waste management plan.

Sincerely,

DIARMUID F. O'SCANNLAIN  
Director

  
Ron L. Myles  
Deputy Director

GLG:sm  
Encs. (2)  
cc: Northwest Region Office

DEPARTMENT OF ENVIRONMENTAL QUALITY  
1234 S. W. Morrison Street  
Portland, Oregon 97205

PLANNING GRANT OFFER AND ACCEPTANCE  
(Pursuant to ORS 449.685)

Project No. ( SWP 111 )  
Accounting Data ( )

SECTION I OFFER

A. Legal Name and Address of Applicant

METROPOLITAN SERVICE DISTRICT  
Lloyd Anderson, Chairman  
6400 SW Canyon Court  
Portland, Oregon 97221

B. Project Financing Under Terms of This Offer

Total estimated project cost..... ( up to \$81,667 )

Grant offered for full planning period..... ( up to \$81,667 )

The Director, Department of Environmental Quality, (hereinafter called "DEQ") acting in behalf of the Environmental Quality Commission, pursuant to ORS 449.685, hereby offers to MSD a supplemental grant to further assist DEQ in the preparation of the Statewide Solid Waste Management Implementation Plan as described in MSD's "Phase II" application to DEQ dated October 26, 1973, and as amended to conform with the amount of up to \$81,667 of this offer; provided the Director receives from MSD the assurances in Section II hereof and the completed Section VI hereof; and provided the acceptance is made within 14 days of receipt of this offer; and subject to the conditions and covenants in Section I, Section III, Section IV and Section V hereof. It is a condition of this grant offer that the amount of this grant be deducted from the amount of any grant authorized hereafter to MSD pursuant to ORS 449.685 (1)(d). (To be included in the total project cost and 30 percent grant limit.) If MSD shall fail to comply with any of the requirements hereof, DEQ may, in its sole discretion and without incurring any liability therefor, refuse to further perform under this Planning Grant Offer and Acceptance, except that DEQ shall nevertheless make further disbursement to MSD necessary to pay for services accrued but not paid prior to the date of such refusal and, in case of such refusal, MSD, upon demand by DEQ, shall promptly repay to DEQ any unobligated grant funds previously disbursed to MSD by DEQ.

The commencement date of the project shall be January 15, 1974.

The completion date of the project shall be July 1, 1974.

For the State of Oregon, Environmental Quality Commission.

DIARMUID F. O'SCANNLAIN  
Director

*January 19, 1974*  
Date

*Paul L. Myers*  
Deputy Director



SECTION II                      ASSURANCES

DEFINITIONS

Director - Director of DEQ

Project - The MSD's solid waste planning and implementation project contained in MSD's "Phase II" application for State Solid Waste Management Grant Planning funds as approved by the Director.

1. That the total funds granted hereby shall be expended only for carrying out directly MSD's planning project as approved by the Director. That the supported works shall be over and above MSD's normal responsibility and operating program.
2. That the plan will be consistent with any applicable solid waste management standards established pursuant to current law and will recommend means for their maintenance and improvement.
3. That MSD will make such reports, in such form and containing such information, as the Director may reasonably require, including mid-project reports of progress and expenditures.
4. That the offer and acceptance of this grant is conditioned by all provisions of DEQ program requirements, the applicant's approved application, applicable statutes and rules and ORS 449.685.
5. That adequate accounting and fiscal records will be maintained which fully disclose the amount, receipt, and disposition of the grant assistance provided, the total cost of the project in connection with which the grant has been offered, and the amount and identification of that portion of the costs of the project supplied from other sources.
6. That approval of DEQ shall be obtained by MSD for MSD's third party agreements for services in order for payments for such services to be a part or all of the eligible costs of this planning project.
7. That MSD agrees to include in all of MSD's subcontracts hereunder a provision to the effect that the subcontractor agrees that the Attorney General of the State of Oregon and the Director or any of their duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any direct pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontractor" as used in this clause excludes a public utility providing services at rates established for uniform applicability to the general public.

*gkg*

SECTION III                      SPECIAL CONDITIONS

The following Special Conditions represent those tasks, not necessarily contained in the MSD Grant Application, that DEQ requests be integrated into MSD's project. MSD shall perform the following tasks by the time(s) indicated, unless modification of task(s) and/or performance date(s) is requested in writing by MSD with reasons stated, and such requests are approved in writing by the Director.

1. MSD shall seek resolutions of Solid Waste Management Planning agreement from Clackamas, Multnomah, and Washington Counties for those portions of the Counties being planned for by MSD that are contiguous to, but outside the MSD boundary. Those resolutions obtained shall accompany the Final Report on Project SWP #111.
2. Concurrently with Project SWP #111 planning, MSD shall seek approval of the Final Plan Report on Project SWP #110 from the major local governmental units involved with the Final Plan and proceed with formal adoption procedures after such approval is obtained.
3. This Offer and the "Phase II" project discussed herein shall be considered a continuation of Project SWP #110, but all communications, accounting records, and reports shall be separated under the heading of Project SWP #111.
4. Investigative work on any proposed disposal sites shall be done following Department concurrence on a site-by-site basis of the need for, type of, and methods to be utilized in such work.
5. The MSD shall submit to the Department interim project status reports. Such reports shall include the accomplishments of the report period, the financial standing of the project at the end of the report period, and a projection of needed accomplishments for the ensuing period. Reports shall be due on or about the 15th day of March and May 1974.
6. A Final Report covering the activities and expenditures of SWP #111 shall be submitted to the Department by July 1, 1974. Such report shall also contain an accounting of accomplishments concerning adoption of the Final Plan Report developed under SWP #110.

SECTION IV                      GENERAL CONVENANTS AND CONDITIONS

1. Should litigation develop between the parties, the prevailing party shall be entitled attorney's fees and costs from the other party.
2. It is agreed that time is of the essence in this agreement.

*AA*

SECTION V GRANT DISBURSEMENT SCHEDULE

MSD shall submit to DEQ an itemized Task Expenditure Report and Payment Request prior to each of the following scheduled grant disbursement dates and DEQ shall make grant disbursements according to such schedule while MSD is in compliance with this Planning Grant Offer and Acceptance:

January 30, 1974	\$40,000
April 1, 1974	up to \$73,000 including prior disbursements
August 1, 1974	up to \$81,667 including prior disbursements

SECTION VI ACCEPTANCE

On behalf of MSD, I the undersigned, being duly authorized to take such action, do hereby accept this offer and make the assurances and accept the conditions contained in Sections I through V of this Grant Offer and Acceptance.

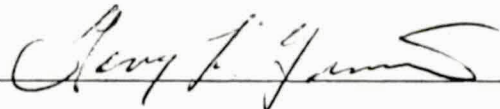
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

This certifies that Pages 2, 3, and 4 of the Grant Offer and Acceptance is a true copy of the original furnished to the Department of Environmental Quality on this 11th day of January 1974.

DEPARTMENT OF ENVIRONMENTAL QUALITY

by



Planning Grant Offer and Acceptance -

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SECTION V GRANT DISBURSEMENT SCHEDULE

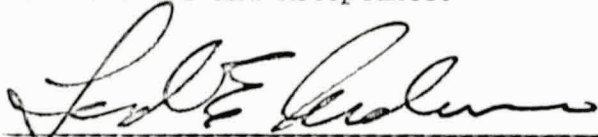
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January 11, 1974  
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Date

  
\_\_\_\_\_  
Signature