

ORDINANCE NO. 16

An Ordinance approving the DEQ Grant Offer of up to \$274,175 for the continuation of Project No. SWP 111, commencing July 1, 1974; authorizing the Chairman to sign the Grant Offer for the MSD; and declaring an emergency.

PUBLIC HEARING

July 26, 1974 - Emergency Ordinance

ADOPTED ON JULY 26, 1974

ORDINANCE NO. 16

An Ordinance approving the DEQ Grant Offer of up to \$274,175 for the continuation of Project No. SWP 111, commencing July 1, 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 the continuation of Project No. SWP 111, beginning July 1, 1974 and ending on June 30, 1975, said grant in an amount up to \$274,175. 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.

July 26, 1974



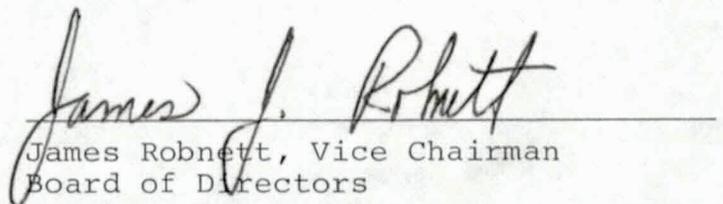
Robert Schumacher, Chairman
Board of Directors

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-170

DATE 7-26-74

BY Jean M. Wood
CLERK OF THE BOARD



James Robnett, Vice Chairman
Board of Directors

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

PLANNING GRANT OFFER AND ACCEPTANCE
(Pursuant to ORS 468.220)

Project No. (SWP 111)
Accounting Data ()

SECTION I OFFER

A. Legal Name and Address of Applicant

METROPOLITAN SERVICE DISTRICT (hereinafter called "MSD")
Robert Schumacher, Chairman
6400 S. W. Canyon Court
Portland, Oregon 97221

B. Project Financing Under Terms of This Offer

Total estimated project cost (up to \$274,175)

Revised grant offered for planning period (up to \$274,175 including
the \$81,667 previously
granted on SWP 111)

The Director, Department of Environmental Quality, (hereinafter called "DEQ") acting in behalf of the Environmental Quality Commission, pursuant to ORS 468.220 hereby offers to MSD a revised supplemental grant for the above referenced project 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 \$274,175 including \$81,667 of the original grant and the July 1, 1975 project completion date 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 revised grant be deducted from the amount of any grant authorized hereafter to MSD pursuant to ORS 468.220 (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, 1975.

For the State of Oregon, Environmental Quality Commission.

KESSLER R. CANNON
Director



Date _____



SECTION II ASSURANCES

DEFINITIONS

Director - Director of DEQ

Project - The MSD's solid waste planning and implementation project contained in MSD's amended "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 work 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 468.220.
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.

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 endorsement and agreement from Clackamas, Multnomah, and Washington counties and the City of Portland. 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 "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 submitted with the requests for grant funds advance concurrently with the payment schedule as specified in Section V herein.
6. The MSD shall assist the DEQ in any presentation(s) before the 1975 session of the State Legislature on the MSD Solid Waste Management Plan and Implementation Schedule as requested by the State Emergency Board.
7. A Final Report covering the activities and expenditures of SWP #111 shall be submitted to the Department by July 15, 1975.

SECTION IV GENERAL COVENANTS 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.

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 the 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 140,000 including prior disbursements
October 15, 1974	up to 205,000 including prior disbursements
January 15, 1974	up to 246,555 including prior disbursements
July 15, 1974	up to 274,175 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