



**METRO**

# Agenda

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

**Meeting: METRO COUNCIL**  
**Date: March 22, 1990**  
**Day: Thursday**  
**Time: 5:30 p.m.**  
**Place: Council Chamber**

Approx.  
Time\*

Presented  
By

- 5:30 p.m.      **CALL TO ORDER/ROLL CALL**
1.    **INTRODUCTIONS**
  2.    **CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS**
  3.    **EXECUTIVE OFFICER COMMUNICATIONS**
- 5:40  
(5 min.)      4.    **CONSENT AGENDA** (Action Requested: Motion to Adopt the Recommendations Listed Below)
- 4.1    **Minutes** of October 26, 1989 and January 11, 1990  
(Action Requested: Motion to Approve the Minutes)
  - 4.2    **Resolution No. 90-1225**, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals and Execution of a Contract for the Second Compaction System at Metro South Station (Action Requested: Motion to Adopt the Resolution)
  - 4.3    **Resolution No. 90-1227**, For the Purpose of Expressing Appreciation to Transportation Policy Alternative Committee (TPAC) Citizen Members Jon Egge, Nancy Ponzi, David Evans and Ron Roberts (Action Requested: Motion to Adopt the Resolution)
5.    **ORDINANCES, FIRST READINGS**
- 5:45  
(5 min.)      5.1    **Ordinance No. 90-342**, Amending Chapter 2.04 Metro Contract Procedures of the Metro Code in Order to Move Items that are Exempted from Competitive Bidding to Metro Code 2.04.041, Requirement of Competitive Bidding, Exemptions and Other Minor Non-Policy Changes (Referred to Finance Committee)

(continued)

\* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

5. ORDINANCES, FIRST READINGS

- 5.2 Ordinance No. 90-343, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for Increased Zoo Operations (Referred to Zoo Committee with subsequent referral to Finance Committee)

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE SOLID WASTE COMMITTEE

- 5:50 (30 min.) 6.1 Ordinance No. 90-337, For the Purpose of Amending Metro Code Chapter 5.02 Establishing Solid Waste Disposal Rates for FY 1990-91 (PUBLIC HEARING) (Action Requested: Motion to Adopt the Ordinance) Hansen

7. RESOLUTIONS

REFERRED FROM THE INTERGOVERNMENTAL RELATIONS COMMITTEE

- 6:20 (10 min.) 7.1 Resolution No. 90-1189, Providing for the Adoption of Bylaws for the Joint Policy Advisory Committee on Transportation (JPACT) (Action Requested: Motion to Adopt the Resolution) Devlin

REFERRED FROM THE SOLID WASTE COMMITTEE

- 6:30 (5 min.) 7.2 Resolution No. 90-1229, For the Purpose of Authorizing an Intergovernmental Agreement with the Department of Environmental Quality for Shared Funding of the Waste Tire Technical Assistance Project Adopted by the Contract Review Board February 20, 1990 (Action Requested: Motion to Adopt the Resolution) Hansen
- 6:35 (30 min.) 7.3 Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream (Action Requested: Motion to Adopt the Resolution) Hansen

(continued)

\* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

- 7:05      8.    COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS
- 8.1 Progress Report on Committee Discussion of Department  
              Priorities and Objectives
- Convention and Visitor Facilities  
              --Finance  
              --Solid Waste  
              --Zoo
- 7:20      9.    ADJOURN

COUNCIL MEETING CONSENT AGENDA

Meeting: COUNCIL  
Date: March 22, 1990  
Day: Thursday  
Time: 5:30  
Place: Council Chamber

The following business items have been reviewed by the Presiding Officer of the Council. These items meet the Consent Agenda Criteria established by the Council. The Council is requested to approve the recommendations presented for the following items:

- 4.1 Minutes of October 26, 1989 and January 11, 1990 (Action Requested: Motion to Approve the Minutes)
- 4.2 Resolution No. 90-1225, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals and Execution of a Contract for the Second Compaction System at Metro South Station (Action Requested: Motion to Adopt the Resolution)
- 4.3 Resolution No. 90-1227, For the Purpose of Expressing Appreciation to Transportation Policy Alternative Committee (TPAC) Citizen Members Jon Egge, Nancy Ponzi, David Evans and Ron Roberts (Action Requested: Motion to Adopt the Resolution)

*Deven Ware-Barrett for*

Donald E. Carlson, Council Administrator



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Date: March 26, 1990

To: Metro Council  
Executive Officer  
Interested Parties

From: Gwen Ware-Barrett, Clerk of the Council *gwb*

Regarding: ACTIONS OF THE COUNCIL OF THE MARCH 22, 1990

COUNCILORS PRESENT: Tanya Collier (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Richard Devlin, Tom DeJardin, Jim Gardner, David Knowles, Ruth McFarland, George Van Bergen and Judy Wyers

Agenda Item

Action Taken

- |  |  |
|--|--|
| 1. INTRODUCTIONS   | Doris Bjorn, Sales and Marketing Manager, Oregon Waste Systems.  |
| 2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS | Jeanne Roy requested that the Solid Waste Committee schedule review of a study mandated by DEQ regarding the effectiveness of present rate incentives on reducing waste. Solid Waste Committee Chair Hansen will place the item on the next Committee meeting agenda.                                  |
| 3. EXECUTIVE OFFICER COMMUNICATION                       | Plaque is to be presented to Solid Waste Department staff Maurice Neyman for successfully compiling data and creating model to solve problem with attaining proper load weight with compactor at Metro South.<br><br>Regional Solid Waste Management Plan received APA Professional Achievement Award. |
| 4. CONSENT AGENDA  | Items 4.1 and 4.3 adopted (DeJardin/Buchanan; 10-0 vote).  |
| 4.1 Minutes of October 26, 1989 and January 11, 1990     |  |

(more)

- 4.2 Resolution No. 90-1225, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals and Execution of a Contract for the Second Compaction System at Metro South Station  
Re-referred to Solid Waste Committee.
- 4.3 Resolution No. 90-1227, For the Purpose of Expressing Appreciation to Transportation Policy Alternative Committee (TPAC) Citizen Members Jon Egge, Nancy Ponzi, David Evans and Ron Roberts
- 5. ORDINANCES, FIRST READINGS
  - 5.1 Ordinance No. 90-342, Amending Chapter 2.04 Metro Contract Procedures of the Metro Code in Order to Move Items that are Exempted from Competitive Bidding to Metro Code 2.04.041, Requirement of Competitive Bidding, Exemptions and Other Minor Non-Policy Changes  
First reading; referred to Finance Committee.
  - 5.2 Ordinance No. 90-343, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for Increased Zoo Operations  
First reading referred to Zoo Committee with subsequent referral to Finance Committee.
- 6. ORDINANCES, SECOND READINGS
  - 6.1 Ordinance No. 90-337, For the Purpose of Amending Metro Code Chapter 5.02 Establishing Solid Waste Disposal Rates for FY 1990-91  
Public hearing held; one person testified in favor of recycling incentives. Motion to amend to include recycling incentives carried (Wyers/Hansen; 11-0 vote). Motion to adopt ordinance as amended carried (Hansen/DeJardin; 11-0 vote).

7. RESOLUTIONS

- 7.1 Resolution No. 90-1189, Providing for the Adoption of Bylaws for the Joint Policy Advisory Committee on Transportation (JPACT) Re-referred to Intergovernmental Relations Committee.
- 7.2 Resolution No. 90-1229, For the Purpose of Authorizing an Intergovernmental Agreement with the Department of Environmental Quality for Shared Funding of the Waste Tire Technical Assistance Project Adopted by the Contract Review Board February 20, 1990 Adopted (Wyers/Devlin; 11-0 vote).
- 7.3 Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream Re-referred to Solid Waste Committee.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

- 8.1 Progress Report on Committee Discussion of Department Priorities and Objectives

--Convention and Visitor Facilities, Finance, Solid Waste and Zoo

No action requested. Beginning March 26, all Budget Committee meetings to be public hearings. Committees to submit recommendations to Finance Committee in report form. Individual councilor recommendations to be submitted to Finance Committee in memo form.

Convention and Visitor Facilities Committee meeting of March 26 cancelled and rescheduled for April 4, 4:00 p.m.

Councilors should respond immediately regarding dates for retreat.

Agenda Item No. 4.1  
Meeting Date: March 22, 1990

MINUTES



MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

January 11, 1990  
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tanya Collier, Tom DeJardin, Richard Devlin, Jim Gardner, David Knowles, Ruth McFarland, George Van Bergen and Judy Wyers

Presiding Officer Mike Ragsdale called the meeting to order at 5:30 p.m.

1. ELECTION OF COUNCIL PRESIDING OFFICER

Presiding Officer Ragsdale explained that the procedure for electing the Presiding Officer would be in accordance with Metro Code Section 2.01.010 as follows:

1) Nominations would be received for Presiding Officer; 2) voting would be done by secret ballot; 3) a nominee would have to receive seven votes in order to be elected; 4) the clerk would tally the votes and if seven votes were not cast for one candidate, another ballot would be distributed, and voting would continue until one nominee had received seven votes.

Councilor Knowles nominated Collier for Presiding Officer.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to declare a unanimous ballot for Councilor Collier.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

Councilor Ragsdale thanked the Councilors and Council staff for their efforts during his tenure as Presiding Officer, congratulated Councilor Collier on her election and turned the gavel over to her. Presiding Officer Collier assumed the chair and thanked Councilor Ragsdale for his accomplishments as Presiding Officer. She particularly noted the successful organization of the Council into the committee system, adoption of the Solid Waste Management Plan and the merger of City Exposition-Recreation facilities with Metro. Presiding Officer Collier then announced that Councilor Hansen would be the Deputy Presiding Officer.

2. COMMITTEE REORGANIZATION

2.1 Resolution No. 90-1207, For the Purpose of Reorganizing Council Standing Committees and Making Appointments for 1990

Motion: Councilor Ragsdale moved, seconded by Councilor Buchanan to suspend the Council's rules requiring non-referred resolutions introduced at the Council level to be referred by the Presiding Officer to a Committee so that the Council as a whole could consider Resolution No. 90-1207.

Vote: All twelve councilors voted in favor of the motion.

The motion carried.

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner to adopt Resolution No. 90-1207.

Motion to amend: Councilor Gardner moved, seconded by Councilor Knowles to amend Exhibit B to Resolution No. 90-1207 to change the meeting time of the Convention and Visitor Facilities Committee to 4:00 p.m. and the Intergovernmental Relations Committee meeting time to 6:00 p.m.

Vote on amendment: All twelve councilors voted in favor of the amendment.

The motion carried.

Councilor Ragsdale noted that Resolution No. 90-1207, if adopted, would divide the Convention, Zoo and Visitor Facilities Committee into two separate committees. He said that reasons for the separation were the need to develop long-range strategies for the Zoo, the intent of the Council to seek a tax base, and the increased committee work load associated with facilities consolidation and the Convention Center opening. Councilor Ragsdale said that the separation would represent a more balanced committee workload. He also noted that the Internal Affairs Committee had been abolished because it had served its function which was to provide a committee that could assist in the transition between the Council operating as a committee of the whole and within a legislative committee structure.

Vote on main motion: All twelve councilors voted in favor of the amendment.

The motion carried.

### 3. INTRODUCTIONS

None.

### 4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. Teace Adams, Columbia Region Inter-League Organization, complimented Planning & Development staff on a recently held urban growth conference.

### 5. EXECUTIVE OFFICER COMMUNICATIONS

#### 5.1 Summary of State of the Region Address

Executive Officer Rena Cusma said that copies of the State of the Region Address which she had delivered to the Portland-Oregon Visitors Association (POVA) earlier in the day had been distributed to councilors.

Ms. Cusma said that the address had been well received by POVA and encouraged councilors to forward to her any comments they may have.

The Presiding Officer announced that the following items were on the Consent Agenda:

6.1 Minutes of July 27 and August 24, 1989

REFERRED FROM FINANCE COMMITTEE

6.2 Resolution No. 90-1174, Approving Contract Documents for Insurance Broker of Record

REFERRED FROM FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEES

6.3 Resolution No. 90-1182, Approving an Agreement with the Intergovernmental Resource Center for Bi-State Policy Advisory Committee Staff

REFERRED FROM INTERGOVERNMENTAL RELATIONS COMMITTEE

6.4 Resolution No. 90-1183, Approving Bi-State Policy Advisory Committee Bylaws

REFERRED FROM SOLID WASTE COMMITTEE

6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station

6.6 Resolution No. 90-1191, For the Purpose of Authorizing Issuance of a Request for Proposals for Inspection Services at St. Johns Landfill

Councilor Van Bergen asked that agenda item no. 6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station, be removed from the Consent Agenda. The Presiding Officer announced the item would be added to the agenda after agenda item no. 9.3.

7. ORDINANCES, FIRST READINGS

7.1 Ordinance No. 90-330, For the Purpose of Adopting a Procedure to Include the Ballot Title, Explanatory Statement and Arguments Relating to Certain District Measures in the State Voters' Pamphlet

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Finance Committee.

7.2 Ordinance No. 90-331, An Ordinance Adding Chapter 5.06 to the Metro Code to Provide for a Composter Community Enhancement Program and Creating a Composter Community Enhancement Committee

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Solid Waste Committee.

7.3 Ordinance No. 90-326, For the Purpose of Amending the Metro Code Section 4.01.060 Revising Admission Fees and Policies at the Metro Washington Park Zoo

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Zoo Committee with subsequent referral to the Finance Committee.

8. ORDINANCES, SECOND READINGS

8.1 Ordinance No. 90-311, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Moving Appropriations from Capital Outlay to Materials & Services in Various Funds and Amending Public Affairs Capital Outlay Appropriations

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that Ordinance No. 90-311 was first read before the Council on December 14, 1989 and referred to the Finance Committee. The Committee held a public hearing on December 21 and recommended the Council adopt the ordinance as amended. Councilor Wyers summarized the Finance Committee's report and recommendations. She said that adoption of the ordinance would correct how expenditures are recorded in various funds based on accepted accounting definitions and transfer \$4,530 from the General Fund contingency to the Public Affairs Capital Outlay fund to finance computer purchases approved and budgeted in fiscal year 1988-89 but received and paid for in fiscal year 1989-90. Councilor Wyers said that the Finance Committee unanimously recommended Council adoption of the ordinance.

Motion: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

8.2 Ordinance No. 90-327, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Recognizing New Transportation Planning Grants and Expenditures, Adding Four Positions to the Transportation Department and Increased Capital Computer Needs within the Transportation and Planning and Development Departments

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-327 was first read before the Council on December 14, 1989 and referred to the Finance Committee. The Intergovernmental Relations Committee considered the ordinance on December 19 and recommended the Council adopt the ordinance. The Finance Committee held a public hearing on December 21 and recommended the Council adopt the ordinance.

Councilor Devlin reported that the Finance Committee had unanimously recommended the Council adopt the ordinance and that Councilor Van Bergen had requested that the Transportation Department during the FY 1990-91 budget process present a summary of staffing increases since FY 1984-85. Councilor Devlin said that a similar request would be made of all Metro departments.

Councilor Devlin said that the Intergovernmental Relations Committee had also unanimously recommended the Council approve the ordinance and that during their consideration questions were raised regarding the light rail transit community relations staff being assigned to the Transportation Department rather than the Public Affairs Department. He said that the Committee accepted the explanation offered and was assured that the community relations staff would coordinate efforts with the Public Affairs Department, City of Portland and other concerned parties.

Motion: Councilor Devlin moved, seconded by Councilor Bauer to adopt Ordinance No. 90-327.

Councilor Ragsdale announced that the Intergovernmental Relations Committee would be receiving a comprehensive review of the RLIS program on January 23 and invited interested councilors who were not members of the Committee to attend the meeting.

Vote: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

8.3 Ordinance No. 90-323, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purpose of Providing Staff Services to the Bi-State Policy Advisory Committee

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-323 was first read before the Council on November 9, 1989 and referred to the Finance Committee. The Finance Committee considered the ordinance on December 7; on December 19, the Intergovernmental Relations Committee considered the ordinance and recommended Council adoption. The Finance Committee held a public hearing on December 21 and also recommended the Council adopt the ordinance.

Councilor Devlin said that the Finance Committee in its initial review of the ordinance had noted some computational errors which had been corrected to the Committee's satisfaction. Councilor Bauer said that funding would be accomplished through a contractual agreement with Clark County's Intergovernmental Resource Center. Councilor Bauer said that he felt it was a prudent expenditure, and while this funding was only an interim measure. He said that the Bi-State Committee would be exploring long-term staffing and that during Metro's budget process the issue would again be raised.

Motion: Councilor Bauer moved, seconded by Councilor Devlin that the Council adopt Ordinance No. 90-323.

Vote: A roll call vote was taken resulting in all twelve councilors voting aye.

The motion carried.

Presiding Officer Collier congratulated Councilor Bauer on his efforts to make the Bi-State Committee more active than it had previously been. Councilor DeJardin shared positive comments that had been made to him regarding a need to strengthen ties between the Metro region and Clark County.

## 9. RESOLUTIONS

### 9.1 Resolution No. 90-1192, Adopting the FY 1989-90 Pay Plan for Zoo Visitor Services Workers

Councilor Wyers said that adoption of Resolution No. 90-1192 would bring the Zoo pay plan in compliance with the State's minimum wage requirement of \$4.25 per hour. She said that the Finance Committee had unanimously recommended adoption of the resolution.

Motion: Councilor Wyers moved, seconded by Councilor Devlin to adopt Resolution No. 90-1192.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

### 9.2 Resolution No. 90-1188, Consideration of Confirming the Reappointment of Bonnie Kraft to the Investment Advisory Board

Councilor Van Bergen said that the Investment Advisory Board was charged with advising Metro on how to invest its funds that were "in float." He said that largely due to the qualifications of the people who had served on the Board, the District had been well served.

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin to adopt Resolution No. 90-1188.

Councilor Gardner noted that the expiration date of Ms. Kraft's term should be December 31, 1992, rather than October 31, 1992.

Motion to amend: Councilor Gardner moved, seconded by Councilor Van Bergen to amend the resolution to correct the term expiration date to be December 31, 1992.

Vote on amendment: All twelve councilors voted aye.

The motion carried.

Vote on main motion: All twelve councilors voted aye.

The motion carried, and the resolution was adopted.

9.3 Resolution No. 90-1196, Endorsing a Contract with Portland General Electric for Exchange of Digital Information

Councilor Gardner said that adoption of Resolution No. 90-1196 would approve a sole source contract with Portland General Electric for exchange of digital data. He said PGE land parcel data would be used as the foundation for Metro's Regional Land Information System (RLIS); Metro would then add other layers of data to that base. Councilor Gardner said that the agreement provided for PGE to receive \$25,000 in royalties in exchange for the data. Councilor Gardner said that Metro would receive revenue through sale of RLIS data, and in turn pay PGE. If at the end of four years, Metro had received less than \$25,000 through sales, PGE would receive a credit for the balance Metro owed to them which PGE would use against future charges for acquisition of data from Metro. Councilor Gardner said that after the Committee had recommended the Council enter into the agreement, PGE legal staff made some minor revisions to the user agreement. He said that Metro legal staff had reviewed the changes and had deemed them non-substantive.

Motion: Councilor Gardner moved, seconded by Councilor Devlin to adopt Resolution No. 90-1196.

Councilor Bauer said that he supported the resolution and anticipated significant demand for the data from the private sector. He also said that he felt that the \$25,000 royalty was fair and equitable to both parties.

Councilor Ragsdale said that he was concerned about use restrictions on Metro's sale of the data to third parties and asked for clarification. Transportation Director Andy Cotugno explained that the licensing agreement that Metro would sign with purchasers of the information restricted the purchaser from electronically duplicating the data for any purpose other than backup. Councilor Ragsdale said that he wanted to assure that Metro was not restricted in choosing end users, determining the methodology for distribution to end users and that the end user had flexibility in using the data with the exception of duplication for further distribution.

Councilor Ragsdale asked if Metro were restricted in any way in selling data to a third party. Mr. Cotugno replied that the agreement restricted Metro from selling the data in digital form to any non-member government or individual without PGE's approval.

Motion to refer: Councilor Knowles moved, seconded by Councilor Gardner to refer Resolution No. 90-1196 back to the Intergovernmental Relations Committee.

Vote on referral: A roll call vote was taken resulting in Councilors Bauer, Devlin, Gardner, Knowles and Ragsdale voting aye. Councilors Buchanan, DeJardin, Hansen, McFarland, Van Bergen and Collier voted nay. Councilor Wyers was absent.

The motion failed to carry.

Mr. Cotugno said that staff would get a letter from PGE clarifying the terms of the third party sale.

Vote on main motion: The eleven councilors present voted aye. Councilor Wyers was absent.

The motion carried, and the resolution was adopted.

6.5 Resolution No. 90-1190, For the Purpose of Authorizing the Issuance of a Request for Proposals for an Additional Environmental Risk Investigation for the Metro East Transfer Station

Councilor Van Bergen said that he thought the proposal's scope of work was too narrow. He questioned why only lead and chromium contamination was being evaluated and why the test area was limited to six inches below the surface and only in the northwest portion of the property. Councilor Hansen said that the purpose of the request for proposal was to answer some questions that were raised during an earlier study performed by Dames and Moore. Councilor Hansen said that lead and chromium levels were being measured because the earlier Dames and Moore report had indicated that those were the two contaminants with which Metro should be most concerned. Councilor Hansen said that due to the construction schedule he would encourage the Council to approve the resolution and if there were other concerns, councilors submit those to the Solid Waste Committee and amendments to the scope of work could be made. Mr. Martin said that the intent of the proposal was to develop a more clear understanding of data that already existed.

Motion: Councilor DeJardin moved, seconded by Councilor Hansen to adopt Resolution No. 90-1190.

Vote: Nine councilors voted aye. Councilors McFarland and Van Bergen voted nay. Councilor Wyers was absent.

The motion carried.

10. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Gardner reported that the Space Planning Task Force appointed by the Council had met with the Director of Finance and Administration and had recommended relocating the Presiding Officer's office to the office formerly occupied by Finance and Administration Director. He said the Task Force also recommended the Presiding Officer appoint a task force to look at long-term space needs. Councilors Ragsdale and Van Bergen said that they supported investigating another building with a better



geographic location and physical layout conducive to this form of government.

Councilor Devlin reported that the recently held Urban Growth Forum had been successful and well attended.

Councilor Hansen said that he had attended the opening of the Arlington Landfill on January 2, and that Metro had been well received by the Arlington community.

The Presiding Officer announced that since adoption of Resolution No. 90-1207 created a Zoo Committee and eliminated the Internal Affairs Committee, she was referring the two items that were in the Convention, Zoo and Visitor Facilities Committee pertaining to the Zoo (Ordinance No. 90-329, Submitting a Metropolitan Service District Tax Base Measure for the Metro Washington Park Zoo, and Resolution No. 90-1194, Approving the Zoo Five-Year Financial Plan and Submitting a Metropolitan Service District Zoo Capital Serial Levy to District Voters) to the Zoo Committee and that she was referring the one item pending in the Internal Affairs Committee, Ordinance No. 90-322, For the Purpose of Amending Metro Code Chapter 2.01 Relating to an Appointment to Fill a Vacancy on the Council, to the Intergovernmental Relations Committee.

There was no other business, and the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

*Gwen Ware-Barrett*

Gwen Ware-Barrett  
Clerk of the Council

gpwb  
cn0111.min

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

October 26, 1989  
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tanya Collier, Tom DeJardin, Richard Devlin, Jim Gardner, Gary Hansen, David Knowles, George Van Bergen and Judy Wyers

All present.

Presiding Officer Ragsdale called the meeting to order at 5:35 p.m. and announced that Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program, had been removed from the Consent Agenda. He said that with the concurrence of the Council, he would defer the resolution to the next Council meeting or a future Intergovernmental Relations Committee meeting, however, persons who wished to testify on the resolution could under Agenda Item No. 2 "Citizen Communication to Council on Non-Agenda Items."

Motion: Councilor Bauer moved, seconded by Councilor Devlin to remove Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program, from the Consent Agenda and defer consideration until the next Council meeting or to a future Intergovernmental Relations Committee meeting.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Ms. Teace Adams, on behalf of the Columbia Region Inter-League Organization invited councilors to a reception sponsored by the League scheduled for November 9, 1989, 4:30 - 5:30 p.m. at Metro.

Ms. T. R. Factor testified that during a recently-held Solid Waste Committee hearing, she felt that Solid Waste Committee Chair Hansen had acted inappropriately while responding to comments she made before the Committee. Ms. Factor said that she had requested a copy of the transcript of the meeting and information regarding the Jack Gray Transport contract for solid waste delivery to Arlington Landfill. She said that she had not received that requested information. The Presiding Officer advised Ms. Factor that she would receive the transcript and asked her to advise the Clerk of the additional information she had requested.

The following individuals commented regarding Resolution No. 89-1134, Establishing the Region's Priority Highway Project Improvements for Inclusion in the 1991-1996 ODOT Six-Year Highway Program.

Dan Hoyt, Newberg, Oregon, questioned whether the Western Bypass Study would be objective if the project were already included as an ODOT Six-Year Highway Improvement Program priority.

Meeky Blizzard, Beaverton, Oregon, President, Sensible Transportation Options for People, (STOP) read into the record a letter dated October 26, 1989, signed by Keith A. Bartholomew, Staff Attorney, 1000 Friends of Oregon, urging the Council to delete recommendations for funding Western Bypass construction, engineering and right-of-way acquisition from the resolution. The letter has been filed with the meeting record and is incorporated in these minutes by reference.

Sheila Crum, Portland, Oregon, said that she would like to see the Portland area grow in a manner that would avoid urban sprawl.

Molly O'Reilly, Portland, Oregon, asked the Council to consider urban form as part of their decision and noted that transportation contributed greatly to determining urban form.

Nancy Rosenlund, Portland, Oregon, said that she felt that the Regional Transportation Plan was short-sighted and the Western Bypass was an economic and environmental drain on the region.

David A. Mazza, Portland, Oregon, said that he represented the Columbia Group of the Sierra Club and that the Group was opposed to construction of the Western Bypass, but was in favor of studying the alternatives.

Rod Munro, Portland, Oregon, said he was a member of the Izaak Walton League of America, Inc., and introduced into the record a League resolution opposing funding for the Western Bypass. The resolution has been filed with the meeting record and is incorporated in these minutes by reference.

Kathy Clair, Sherwood, Oregon, testified that the Bypass project was outside the Metro boundary, and she was not represented on the Council because she lived outside the District boundary. She asked that the Council eliminate the Western Bypass endorsement from the resolution and encouraged alternate land uses for the area.

Robert Liberty, Portland, Oregon, Attorney, 1000 Friends of Oregon, said that land use planning goals analysis should be applied before transportation planning. He cited a Land Use Board of Appeals (LUBA) decision which had been rendered earlier in the day advising Metro that the Regional Transportation Plan was not consistent with

Land Use Goals 11 and 14. Mr. Liberty said that 1000 Friends of Oregon supported the LUBA decision.

Dave Stewart, Hillsboro, Oregon, said that questions regarding land use, preservation of natural areas, transit versus freeway mode and urban form were topics for public involvement and urged the Council to delay consideration of Resolution No. 89-1134 until the public involvement process had been completed.

Brent Baxter, Hillsboro, Oregon, Chair, Tualatin Plains Coalition, said that his group was concerned about the effect a freeway would have on the agricultural lands in the Western Bypass study area. He said that his group supported the position of 1000 Friends of Oregon.

Richard Buono, Portland, Oregon, said that he was a member of the Sunset Corridor Association and that the Association supported acquisition of right-of-way and preliminary engineering for the Western Bypass proposal. He said transportation in Washington County was important to economic development and he felt Washington County had traffic problems that needed to be resolved.

Susan Peter, Beaverton, Oregon, said that she was a member of STOP and said that the Council should discuss transportation options for the Western Bypass area before endorsing it as a Six-Year Plan priority.

Michael Wert, Oregon Department of Transportation, said that the Southwest Corridor Study adopted by Metro in 1987 recommended construction of a Western Bypass and Metro had requested that ODOT put that project in its Six-Year Highway Improvement Program. She said that ODOT had accepted those recommendations and hired a consultant for the project who was to develop a detailed scope of work including public involvement. She said that during the course of the consultant's work, the project had changed considerably including a larger corridor and an additional environmental impact statement. Ms. Wert said ODOT had, therefore, issued a request for proposals on the new statement of work, and that a proposer should be selected early in 1990. She said that the consultant would examine, among other things, land use compatibility with statewide planning goals. Ms. Wert said over 1.5 million dollars had been committed by ODOT to accomplish the study and the study would include 1) establishing the public involvement program, 2) performing technical analysis by updating the Southwest Corridor Study using the most current population and employment figures and projecting to the year 2010, 3) data collection and constraint mapping, and 4) draft environmental impact statement. Ms. Wert said public hearings would be held on the draft environmental impact statement and a citizens advisory committee would be formed.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma announced that October 28 would be Hazardous Household Waste Collection Day. She also announced that Metro had set up sites for collection of phone books for recycling.

The Executive Officer requested an executive session to discuss pending litigation. The Presiding Officer announced that the Council was recessed to Conference Room 240 for an Executive Session held under the authority of ORS 192.660 (1)(h). The Executive Session was convened at 6:55 p.m., attending were Councilors DeJardin, Van Bergen, Buchanan, Collier, McFarland, Gardner, Ragsdale, Knowles, Devlin, Wyers, Hansen and Bauer; Executive Officer Cusma, General Counsel Dan Cooper, Council Administrator Don Carlson, Council Analyst Ray Barker, Government Relations Manager Greg McMurdo and the Clerk of the Council. The topic of the session was discussion of the ballot title for Senate Joint Resolution 2 -- Metro Home Rule.

The Council meeting was reconvened in the Chamber at 7:10 p.m.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to authorize the Executive Officer and Presiding Officer to direct General Counsel to file a petition with the Supreme Court challenging the Attorney General's ballot title for Senate Joint Resolution 2.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

#### 4. CONSENT AGENDA

The Presiding Officer announced that the following items and actions were for consideration on the Consent Agenda:

- 4.1 Minutes of June 8, 1989 (Action Requested: Motion to Approve the Minutes)
- 4.2 Resolution No. 89-1158, Authorizing an Intergovernmental Agreement with the City of Portland and Tri-Met to Fund Transit and Roadway Improvements Adjacent to the Oregon Convention Center (Action Requested: Motion to Adopt the Resolution)
- 4.3 Resolution No. 89-1157, Approving a Request for Proposals Document for Trustee Services for the Metropolitan Service District (Action Requested: Motion to Adopt the Resolution)
- 4.4 Resolution No. 89-1159, Approving a Request for Proposal Document for Insurance Broker of Record (Action Requested: Motion to Adopt the Resolution)

- 4.5 Resolution No. 89-1108, Adopting the Southeast Corridor Study Findings, Recommendations and the Southeast Corridor Transportation Improvement Plan (Action Requested: Motion to Adopt the Resolution)

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt the Consent Agenda.

Vote: All twelve councilors voted aye.

The motion carried unanimously.

Motion: Councilor Gardner moved to suspend the Council rules in order to place Resolution No. 89-1160 for the purposes of consideration on the Council meeting agenda immediately following Agenda Item No. 7.2. Councilor Bauer seconded the motion.

Vote: All twelve councilors voted in favor of the motion.

The motion carried.

## 5. ORDINANCES, FIRST READINGS

### 5.1 Ordinance No. 89-318, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 88-3: St. Francis

The Clerk read the ordinance by title only for a first time. The Presiding Officer announced that a public hearing on the ordinance would be scheduled at a subsequent Council meeting based upon meeting notice requirements for contested cases.

## 6. ORDINANCES, SECOND READINGS

### 6.1 Ordinance No. 89-309, For the Purpose of Amending Code Sections 2.04.040 and 2.04.090 Providing for the Purchase of Food for Resale

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that the ordinance was first read before the Council on September 14 and referred to the Convention, Zoo and Visitor Facilities Committee. The Committee held public hearings on September 26 and October 10 and recommended the Council adopt the ordinance as amended in Committee.

Councilor Knowles, Convention, Zoo and Visitor Facilities Committee Chair to presented the Committee's report and recommendations. He said that the Zoo had increased activity in the area of concessions and had encountered difficulty in timely acquisition of food products due to competitive bid requirements in the Metro Code. Councilor Knowles said that the ordinance would enable the Zoo to purchase food in a more timely manner. Councilor Knowles said that

the Convention, Zoo and Visitor Facilities Committee had unanimously recommended the Council adopt the ordinance and did not feel that its adoption would in any way undermine the intent of the Code to provide for competitive bidding process when appropriate.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to adopt Ordinance No. 89-309.

Vote: A roll call vote was taken with eleven councilors voting aye. Councilor Bauer was absent.

7.1 Resolution 89-1154, Approving the Regional Tourism Strategy Request Proposed by the Oregon Tourism Alliance

Councilor Knowles, Convention, Zoo and Visitor Facilities Chair, said that Metro, along with ten other governments, was a member of the Oregon Tourism Alliance, and the Alliance's budget was being forwarded to each member for endorsement before being forwarded to the State for funding. Councilor Knowles introduced El Sheldon, Director of Tourism for the Portland-Oregon Visitors Association, who explained the Alliance's strategies, program and budget. Ms. Sheldon said that the funding request included a \$7.5 million appropriation for the Oregon Convention Center.

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to adopt the resolution.

Vote: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

7.2 Resolution No. 89-1088A, Continuing and Changing the Membership of the Bi-State Policy Advisory Committee

Councilor Bauer, Metro's Bi-State Policy Advisory Committee member, presented the Intergovernmental Relations Committee's report and recommendations. He said that the Policy Advisory Committee (PAC) had identified a list of issues that they had mutually agreed were important to the Committee for the next fiscal year. He said that in order to accomplish the activities within a set time frame, the PAC had recommended hiring a part-time staff person, who was to be housed in and under the supervision of the Bi-State PAC member Clark County Intergovernmental Resource Center.

Motion: Councilor Bauer moved, seconded by Councilor Devlin to adopt Resolution No. 89-1088A.

Councilor Devlin clarified that his second to the motion was not an endorsement of the proposed budget or staffing. Councilor Bauer stated the budget would go through appropriate Committee review. Councilor Bauer said that the Bi-State Committee had reached consensus that their role should not compete with JPACT. Councilor

Councilor Devlin suggested that the Bi-State PAC have a role in advancing land use planning goals compatible to both sides of the river.

Vote: Eleven councilors voted in favor of the motion.  
Councilor Knowles was absent.

The motion carried unanimously.

Resolution No. 89-1160A, For the Purpose of Supporting the  
Nomination of the Columbia River into the National Estuary Program

By special action of the Council earlier in the meeting, this item was added to the Council agenda. Councilor Gardner introduced the resolution and said that amendments to the Clean Water Act had created opportunities to nominate estuaries of national significance for participation in the National Estuary Program. Councilor Gardner said that the Program was federally-funded and studied water quality in order to develop management plans to address water quality problems. Councilor Gardner said the governors of Washington and Oregon must decide by November 1 whether or not to nominate the Columbia River for participation in the program. He said that port authorities had concern about impacts the designation might have on future commercial operations. Councilor Gardner said that Resolution No. 89-1160 was supported by Metro staff, the Executive Officer, Bi-State PAC and Clark County's IRC.

Motion: Councilor Gardner moved, seconded by Councilor Bauer to adopt resolution No. 89-1160A.

Councilor McFarland said that she supported the resolution and the Estuary Program's focus on environmental issues.

The Presiding Officer opened the public hearing.

Alan Willis, Port of Portland, said that he represented a coalition of ports on the lower Columbia River, and the coalition opposed the designation. He said that a number of international trade groups, local governments and chambers of commerce on the lower Columbia on both the Oregon and Washington side also opposed the National Estuaries designation.

Mr. Willis said that the Port endorsed another study proposal for the Columbia River. He said that the Port of Portland, through permit processes, had studied the river more than any other entity and to date, no significant problems that had been identified. Mr. Willis said that the Port proposal included a Port contribution of \$100,000 plus additional state and industry contribution to do testing and analyzing samples. He said that a local program would be more responsible to this particular river and could incorporate work already done by Corps of Engineers. Mr. Willis assured the Council that ports were committed to a study program and funding



for it. He urged the Council to table Resolution No. 89-1160 and support the Port's alternative proposal.

Councilor Knowles asked what were Ports concerns about the Estuary Program. Mr. Willis said that the ports were concerned about the Program review procedures, implementation requirements and that the Program sunseted at the end of 1991. He also said that the Estuaries Program prescribed that a management program be developed when it had not been determined that it was necessary. He said that an additional regulatory layer may not be necessary could hinder or delay a project if the project had been deemed inconsistent with the estuaries regulatory program.

Councilor Bauer said that he thought the Estuaries Program had tremendous potential for preventive planning, was not a threat to commerce, and was an opportunity to receive federal funding to develop a base inventory of information. He said that he strongly supported Resolution No. 89-1160.

George Ward, said that he supported the resolution because it would preserve wetlands. He said that port dredging had destroyed wetlands and the Estuary Program could develop management plans to accomplish no net loss of wetlands due to dredging.

Presiding Officer Ragsdale closed the public hearing.

Councilor Devlin said that he supported the resolution and that it represented one of few instances where Congress had advanced a program and allocated the funding as well.

Vote: Van Bergen and Ragsdale voted nay; the ten other councilors voted aye.

Councilor Wyers asked if other interested groups had been notified that it was anticipated that the Council would consider Resolution No. 89-1160 at this meeting. She was informed that other groups and individuals had not been notified, and she requested that in the future other interested parties be informed by telephone.

7.3 Resolution No. 89-1153, For the Purpose of Approving the Submission of a Revised Closure and Financial Assurance Plan for St. Johns Landfill to the Oregon Department of Environmental Quality

Councilor Hansen, Solid Waste Committee Chair, presented the Committee's report and recommendations. He said that the report laid out a technical plan and methodology for closure and identified areas for study and experimentation. He said that the Committee had held public hearings at which citizens raised concerns about the impact of closure on Smith and Bybee Lakes.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1153.

Councilor McFarland asked if the Plan closed the door to reclaiming methane gas. Solid Waste Director Bob Martin assured Councilor McFarland that the Plan did not close the door, however, he said that under Metro's lease agreement with the City of Portland, the methane gas would belong to the City. He said that he was in favor of doing a new study on the feasibility of reclaiming methane gas.

Vote: The nine councilors present voted aye. Councilors Bauer, Gardner and Wyers voted nay.

The motion carried unanimously.

7.4 Resolution No. 89-1156, For the Purpose of Establishing Minimum Standards and Process for Considering Local Government Solutions for the Regional Solid Waste Management Plan

Councilor Hansen, Solid Waste Committee Chair, said that the Regional Solid Waste Management Plan contained provisions for local governments to develop solutions for local solid waste management and that Washington County was interested in exercising the local option. Councilor Hansen said that Resolution No. 89-1156 would establish minimum standards to evaluate the solutions and prescribe a timeline for completion.

Motion: Councilor Hansen moved, seconded by Councilor Bauer to adopt Resolution No. 89-1156.

Councilors Bauer and Devlin advised the Council that they were both members of the Washington County task force that would be formulating the solutions. Councilor Devlin emphasized the need to keep the Council informed of the deliberations on the plan. Councilor Van Bergen requested that the full Council, not just the Solid Waste Committee, be informed of the progress.

Vote: The twelve councilors present voted in favor of the motion.

The motion carried unanimously.

7.5 Resolution No. 89-1161, For the Purpose of Authorizing Issuance of a Request for Bids for Metro South Station Operations

Councilor Hansen, Solid Waste Committee Chair, presented the Committee's report and recommendations. He said that it was important that the operating contract be executed to coincide with the opening of the the Arlington Landfill. In order to expedite the contract, the Solid Waste Committee had originally recommended approval of the resolution with a provision that the Council authorize the Solid Waste Committee to approve a contract for operations. Subsequently, however, General Counsel had advised that the operations contract should be reviewed and acted upon by

the full Council. Therefore, Councilor Hansen said that he would propose an amendment.

Motion: Councilor Hansen moved, seconded by Councilor Buchanan to adopt Resolution No. 89-1161.

Motion to amend: Councilor Hansen moved, seconded by Councilor Buchanan to amend Resolution No. 89-1161 in the "BE IT RESOLVED" section as follows: 3. [~~That the Council of the Metropolitan Service District authorizes the Council Solid Waste Committee to approve a contract for responsive bidder as determined by the bid process~~] That the contract be placed on the next Council meeting agenda following the opening of the bids. (brackets indicate deleted material, underlines indicate added material).

Vote on amendment: All twelve councilors voted in favor of the motion.

The motion carried unanimously.

Vote on main motion: All twelve councilors voted in favor of the motion.

The motion carried, and the resolution was adopted.

## 8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

### 9.1 Report from Public Financial Management Incorporated Consolidation Financial Analysis Study

Councilor Knowles reported that due to the lateness of the hour, the report from Public Financial Management Incorporated would be scheduled for a future Council meeting. Councilor Knowles also said that he had been informed by General Counsel that the City of Portland and Metro had reached agreement on a Phase I facilities consolidation and that the Agreement would be forwarded to the Convention, Zoo and Visitor Facilities Committee for recommendation to Council.

Councilor Buchanan reported that he had visited the Greater London Council of Governments and a composting plant in England recently and he had found both interesting.

Councilor Hansen announced that a special meeting of the Solid Waste Committee had been scheduled for Tuesday, October 31, and a special joint meeting with the Finance Committee had been scheduled for November 2 to consider bonds for the composting facility. He also announced that a report prepared by Dames & Moore regarding

environmental issues regarding the Metro East Transfer Station was soon to be released, and he anticipated receiving a staff report on that study at one of the upcoming Committee meetings. Councilor Hansen also announced that negotiations with Trans Industries were due to be completed November 7, and the results to be presented to the Solid Waste Committee November 14.

Councilor Hansen said in regard to comments that he had made during a Solid Waste Committee meeting to Ms. T. R. Factor, the meeting transcript was available, and he would stand by those comments.

Councilor Wyers requested that the Solid Waste Committee chair place on the agenda an update on the waste transport contract with Jack Gray. She said that she felt it was time to consider alternatives. She also requested that General Counsel provide the Council with a copy of the LUBA ruling in regard to the Western Bypass. General Counsel Cooper said that councilors would receive a copy of the opinion and an analysis.

Councilor Collier requested that councilors submit the names of persons from their districts that they would recommend for membership on the Budget Committee. She also said that each functional committee had been requested to develop a list of policies that fall within the purview of their committee for discussion at the Council retreat.

There was no other business, and the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

*Gwen Ware-Barrett*

Gwen Ware-Barrett  
Clerk of the Council

gpwb  
cn1026.min

Agenda Item No. 4.2  
Meeting Date: March 22, 1990

RESOLUTION NO. 90-1225

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 90-1225, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING, AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS, AND EXECUTION OF A CONTRACT FOR A SECOND COMPACTION SYSTEM AT METRO SOUTH STATION

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Date: March 13, 1990

Presented by: Councilor  
Gary Hansen

Committee Recommendation: The Solid Waste Committee voted unanimously to recommend Council adoption of Resolution No. 90-1225. Voting: Councilors Hansen, Bauer, Buchanan, DeJardin and Wyers. This action was taken March 12, 1990.

Committee Discussion/Issues: The Solid Waste staff stated that a request for proposal process was used for acquisition of the first compactor system at Metro South Transfer Station and that the proposal process is recommended for the second compaction system. The evaluation criteria proposed for the second system has been revised to increase emphasis on cost and a criteria has been added to evaluate the compatibility of a compaction system with the proposed station modifications and the method of waste transport .

The resolution requests authorization for the Executive Officer to enter into a contract with the highest ranked proposer. The station currently relies on a single compaction system. Any extended failure of this system will result in closure of the facility. It is prudent to have a backup system as soon as possible.

The Solid Waste Committee asked if the expected costs of the second compactor were similar to the existing unit. Staff indicated that the costs should be similar.

The Committee requested that the Solid Waste staff bring back before the Committee any major addendums to the RFP.

There were no further questions or issues.

GH:RB:pa

A:\RB.158

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN ) RESOLUTION NO. 90-1225  
EXEMPTION TO THE REQUIREMENT OF )  
COMPETITIVE BIDDING, AUTHORIZING ) Introduced by Rena Cusma,  
ISSUANCE OF A REQUEST FOR PROPOSALS, ) Executive Officer  
AND EXECUTION OF A CONTRACT FOR THE )  
SECOND COMPACTION SYSTEM AT METRO )  
SOUTH STATION )

WHEREAS, Operation of the Metro South Station requires use of  
a compaction system; and

WHEREAS, One compaction system has been acquired for and is in  
operation at the Metro South Station; and

WHEREAS, A second compaction system is needed for operational  
efficiency and to provide a back-up system in the event of a break-  
down of the primary compaction system; and

WHEREAS, ORS 279.015 authorizes the exemption of certain  
contracts from the competitive bidding requirement; and

WHEREAS, Metro Code Section 2.04.010, as amended, requires an  
exemption for contracts obtained through a Request For Proposals (RFP)  
process;

WHEREAS, Metro Code Section 2.04.041(c) authorizes, where  
appropriate, the use of alternative contracting and purchasing  
practices that take account of market realities and modern innovative  
contracting and purchasing methods which are consistent with the  
public policy of encouraging competition; and

WHEREAS, The RFP solicitation process described in the Staff  
Report is in accordance with Metro Code 2.04.041(c) such that the

compaction system will be selected on the basis of the most competitive offer considering quality and cost where the term "cost" refers to costs related to quality as well as the product price; and,

WHEREAS, It is in the best interest of Metro to execute these modifications as soon as possible to minimize risk to Metro of operational disruptions due to break-down of the compaction system at the Metro South Station; and

WHEREAS, Pursuant to Code Section 2.04.033(a)(1) Council approval is required because the contract would commit the District to expend sums from next fiscal year's budget, and

WHEREAS, Pursuant to Section 2.04.033(b) of the Metro Code, the Metro Council may, at the time it approves a Request for Proposals, waive the requirement of Council approval of a contract prior to execution of the contract by the Executive Officer; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District finds that:

- a) It is unlikely that exempting the solicitation of a compacting system for the Metro South Station will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and



- b) The contract, if awarded pursuant to the exemption, will result in substantial cost savings to the Metropolitan Service District.

2. That based on these findings, the Council of the Metropolitan Service District directs that the contract for the procurement of the second compaction system at the Metro South Station be exempted from the competitive bid process and that staff is authorized to use a Request For Proposals solicitation process.

3. That the Council of the Metropolitan Service District, pursuant to Section 2.04.033 (b) of the Metro Code, waives the requirement of Council approval of the contract resulting from the bid process, and authorizes the Executive Officer to execute a contract for acquisition of a second compaction system at the Metro South Station with the highest ranked proposer as determined by the evaluation criteria set out in the RFP.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_ day of \_\_\_\_\_, 1990.

Tanya Collier, Presiding Officer

**METRO SOUTH STATION COMPACTION SYSTEM  
REQUEST FOR PROPOSAL**

**\*\*\*\***

**March 1990**

**METRO SOUTH STATION COMPACTION SYSTEM  
REQUEST FOR PROPOSAL**

The Solid Waste Department of the Metropolitan Service District is requesting proposals for design, manufacture, installation and warranty of a compaction system at the Metro South Station. Proposals will be due at 4:00 p.m. PST, Friday, April 20, 1990 in Metro's Solid Waste Department, 3rd floor, 2000 S. W. First Avenue, Portland, OR 97201 to the attention of Chuck Geyer. Proposals will not be considered if received after this time. Details concerning the project are contained in this document.

This Request For Proposals (RFP) represents the most definitive statement Metro will make concerning information upon which proposals are to be based. Any verbal information which is not contained in this RFP will not be considered by Metro in evaluating the proposal. All questions or comments relating to the RFP, or the project must be submitted in writing to Chuck Geyer at the address above. Any questions which in the opinion of Metro warrant a written reply or RFP amendment will be furnished to all parties receiving a copy of this RFP. Metro will not respond to questions received after 5:00 p.m., PST, April 4, 1990.

Proposals must identify a single person as project manager to work with Metro. The successful Contractor must assure responsibility for any subcontractor work and shall be responsible for the day-to-day direction and internal management of the project. The prime contractor shall have, or be capable of obtaining insurance in the amount and of the type as specified herein. Metro shall be named as an additional insured.

The successful Proposer shall execute and deliver to Metro a Performance Bond and a Labor and Materials Bond, on a form acceptable to Metro. The Performance and Labor and Materials Bonds shall each be in the amount of 100% of the amount of the Contract, and shall be delivered to Metro with three copies of the signed Contract within 10 days of Notice of Conditional Award.

The Surety furnishing these Bonds shall have a rating of at least "A" and be of the appropriate class for the relevant bond amount according to Best's Key Rating System and shall otherwise have a sound financial standing and a record of service satisfactory to Metro and shall be authorized to do business in the state of Oregon. The Attorney-in-Fact (Resident Agent) who executes these Bonds on behalf of the Surety must attach a notarized copy of his/her Power of Attorney as evidence of his/her authority to bind the Surety on the date of execution of each Bond. The successful Contractor may substitute cash, a cashier's check or certified check in lieu of bonds.

**DISADVANTAGED BUSINESS PROGRAM**

Metro's Disadvantaged Business Program contains subcontracting goals for Disadvantaged Business Enterprise (DBE) and Women-Owned Business Enterprise (WBE) participation in that portion of the work which is subcontracted. A subcontractor is any person (who is not an employee of the prime) or firm proposed to work for the prime contractor on this project. The successful Proposer will be required to meet Metro's Disadvantaged Business Program goals or clearly demonstrate that good faith efforts, per Metro Code Chapter 2.04., have been made to meet the goals. The goals for this Contract are: Disadvantaged Business Enterprises (DBEs) -- seven (7) percent, and Women-Owned Business Enterprises (WBEs) -- five (5) percent of total contract amount. Metro does not wish any DBE/WBE subcontractor be placed under exclusive contract prior to contract award.

Typical actions which constitute good faith efforts are set forth in Metro's Disadvantaged Business Program. Relevant sections of the Metro Code concerning the Disadvantaged Business Program are attached and by this reference incorporated herein. Special attention is called to sections 2.04.155, 2.04.160, and 2.04.175.

A directory of certified DBE/WBE firms is issued by the State of Oregon Executive Department, 155 Cottage St., N.E., Salem, OR 97310, (503) 378-5651. Copies of the directory are available for inspection at Metro. Contact Amha Hazen, Contracts Specialist, for more information concerning this requirement (503-221-1646).

**BACKGROUND**

"Metro" is the Metropolitan Service District, organized and existing under the laws of the state of Oregon, formed as a governing body consisting of 12 directly elected Councilors and a directly elected Executive Officer. It is responsible for the disposal of solid waste in the metropolitan Portland area.

Metro owns the Metro South Station located at 2001 Washington St. in Oregon City, Oregon, and contracts its operation. The facility includes a push pit where both public and commercial waste is dumped.

On January 1, 1990, Metro began transporting waste from the Metro South Station to the Gilliam Co. Landfill, a distance of approximately 150 miles. To achieve maximum payloads and be more cost-effective, waste to be landfilled is first compacted at the transfer station and then loaded into transport vehicles for shipment to Gilliam Co., Oregon.

Metro is currently modifying the facility to accommodate both the compaction system solicited herein, as well as relocation of the facility's current Amfab Transpak 500 compaction system.

Detailed drawings of these modifications are available as part of this RFP.

## SCOPE OF WORK

1.0 GENERAL. Metro is seeking proposals from qualified firms to perform the following services and to deliver the products described. The work consists of the design, manufacture, installation, shakedown, and warranty for a compaction system for the Metro South Station. The system will be located at the Northeast end of the pit floor, and be compatible with the proposed design (see drawings for more detail), proposed method of operation (i.e. a pit-type operation with conveyor loading system) and current mode of waste transport. The work included under this RFP is seen by Metro as occurring in the following parts.

1.1 Technical Specifications. Contractor will be responsible for the design and manufacture of the compaction system. The system shall consist of a programmable compactor, an associated loading hopper system to receive waste from a conveyor that bridges the two compactor loading chambers, trailer securing device and a system to transmit the weight and corresponding length of a load to a computer located in the compactor control room. The compaction system shall meet or exceed the following specifications:

- A. Capable of being loaded by a conveyor which will be located at the Northeast end of the current pit, as well as direct loading by the CAT/loader in the event of conveyor failure;
- B. Compact and load into transfer vehicles 100 tons per hour (1200 tons per day in a 12 hour period);
- C. Achieve a road legal average payload of 30 tons, and a maximum payload of 32 tons in the transfer vehicles, without damaging the transfer vehicles;
- D. Produce a load (of either one or more bales) which is compatible with designated transport equipment (see drawing in appendix), and place it inside the transfer vehicle such that no compaction (such as sidewall/ceiling or front and rear wall damage) will occur within trailers, and such that overloading will not occur. Contractor will be responsible for costs incurred due to improper loading or overloading and damage until final acceptance by Metro;
- E. Ability to extrude the load any distance in the range of zero to seven feet into the trailer.

F. Payloads shall be achieved using waste received at the facility and the transfer vehicles currently under contract with Metro; Proposers are responsible for determining the pertinent waste and transfer vehicle characteristics (additional information is provided in the Appendix);

G. Compactor should have the ability to automatically compact waste to maximum payloads (at least 30 tons) through a programmed series of compaction and clear strokes which occur as waste is loaded into the system, as well as determining/displaying and executing the optimum extrusion distance into the trailer. When in the automatic mode, optimum extrusion distance should be the limit during extrusion. The automatic pattern should be programmable.

Proposers shall include in their proposals a per hour cost for reprogramming of the automatic pattern after successful completion of acceptance testing. Contractor is responsible for programming costs necessary to complete acceptance testing, and shall include such costs in the total proposal costs.

In addition, the compactor should have the ability to vary the compaction/clear stroke pattern, pressure of compaction strokes in the manual mode from the 3 control points described in item H. Extrusion distance should be able to be varied from control room and dozer ramp control points, with extrusion displays which monitor distance during extrusion.

H. Capable of operation by the CAT operator in the pit as well as by an operator located in the compactor control room, with an additional control panel located under the dozer ramp indicated on the drawings.

I. Provide visual display of length and weight of bale during compaction at all three control points. A display board(s) visible to the CAT operator is required as one of the three visual displays. Transmission of weight and length data to computer system located in control room. Weight data should include separate information for front and rear load cells, as well as transmission of a total net weight for each load. If multiple bales are produced, individual bale information must be transmitted as above, as well as a total net weight for the combined bales.

Metro will provide an IBM compatible PC and software for conversion of the data for manifesting and data storage purposes (software/hardware specifications are contained in the Appendix).

- J. Front and rear load cells which produce weights certifiable by the State of Oregon as legal for trade (level of accuracy plus or minus 0.1%) and NTEP approved.
- K. A hydraulic hitch which connects directly from the compactor to the transfer vehicle, capable of operation from the control panel located under the dozer ramp. The hitch shall be secured directly to the compactor, and be compatible with the transfer vehicle (see drawings).
- L. Accept the wide variety of material contained in the waste stream delivered to the facility, while minimizing jamming or breakdown. Proposer should indicate materials requiring special treatment.
- M. Minimize dust, odor, litter/spillage through the loading design;
- N. Conform with all applicable federal, state and local laws.
- O. Capable of being installed and operated as per the above specifications, in the space and in the general configuration as shown in the drawings.

2.0 Installation. Contractor is responsible for the installation of the system and all associated costs. Contractor shall obtain from Metro a Notice to Proceed prior to installation of the system. Contractor shall not be entitled to any reimbursement for standby costs incurred between the completion of manufacture and Metro's issuance of the Notice to Proceed with installation. The installation must be accomplished to minimize disruptions to the facility operations. Ideally the installation should be accomplished during a weekend. Installation shall not exceed 5 calendar days. Installation is complete once the system has successfully prepared at least one load. Contractor is responsible for obtaining necessary permits/regulatory approvals.

Installation must be completed within 120 calendar days after signing of a contract. Metro reserves the right to withhold payments (as well as other remedies as determined in the final contract) for failure to complete the work in a

timely manner. Metro reserves the right to extend the time limits stated above, and will do so if Metro determines such an extension is in Metro's best interest and/or an extension is required due to a delay caused by Metro.

3.0 Shakedown. After installation, the Contractor shall conduct a shakedown of the system. Shakedown procedures shall be presented to Metro for approval, prior to the start of shakedown. Shakedown procedures shall include, but not be limited to, scheduling and testing procedures for interfacing with the onsite computer manifesting and data storage procedures. The shakedown period is the Contractor's opportunity to test the system and correct any deficiencies found, prior to performance of the acceptance test. The Contractor shall be responsible for operation of the system during this period, and shall minimize interference in the daily operations. The transfer station operator will be responsible for loading waste into the system under the Contractor's direction with approval from Metro. The transport contractor will be responsible for providing transport vehicles for receiving loads under the Contractor's direction with approval from Metro. Contractor shall pay for any extraordinary costs incurred by the transfer station operator or transport contractor incurred due to the shakedown period. Contractor shall be responsible for all maintenance and repairs during this period.

4.0 Acceptance Testing

Contractor shall indicate in writing to Metro that the shakedown is complete and that the system is ready for acceptance testing. All permanent system components must be in place before requesting the acceptance test, including successful shakedown of the computerized manifesting/data retrieval system. Any exceptions to this requirement are contingent upon the prior approval of Metro. Metro shall conduct the acceptance test of the system to determine whether it meets the specifications contained herein. Contractor shall be responsible for providing the equipment operators for the test, with the exception of the CAT/loader operator and shuttle drivers. It is the responsibility of the Contractor to provide adequate training to the CAT/loader operator and shuttle drivers. Metro reserves the right to determine the specific date and time of the test in order to ensure sufficient waste, equipment and personnel. Specifically, the test parameters for acceptance are as follows:

- A. Compact and load into transfer vehicles an average of 100 tons per hour over a continuous 6 hour period. Metro shall ensure that a transfer trailer is in position to receive a load once



ready for extrusion. Any delay in the provision of a trailer shall act as an extension of the six hour time period.

- B. The average payload during this period shall be 30 tons.
- C. Overloads shall not be counted for either item A or B, nor will an extension of time be granted to compensate for overloads. Both A and B shall be determined at the onsite scale.
- D. The bail must maintain its integrity and not abrade or bulge against the sides or the top of the trailer during or after extrusion into the trailer, without excessive sloughing out the rear of the trailer. Compliance with this standard will be determined by a visual inspection by the onsite Metro representative.
- E. Achieve the parameters in items A through D while producing road legal weights for the transfer vehicle.
- F. Metro shall conduct a visual inspection of the system prior to, and at the conclusion of the testing with the Contractor, noting any obvious leaks, equipment failure/damage or abnormal wear and tear, as determined at the sole discretion of Metro. Contractor shall repair such leaks, damage or wear as a precondition to both the acceptance test and final payment if test parameters in items A through E are successfully accomplished. If Metro concludes that such leaks, equipment failure/damage or wear are of a reoccurring nature, Metro, in its sole discretion, may declare that system has failed the acceptance test.

In the event that Metro declares that the equipment has failed to pass the acceptance test, Contractor shall remove the compaction system within 7 calendar days of notification of such failure, and refund to Metro all payments made to date, less reasonable costs for installation and removal, and facility modification costs if applicable. Only these costs (installation/removal/modification) shall qualify for purposes of payments by Metro to Contractor under Article V of the Contract. Metro reserves the right to allow the Contractor to retake the acceptance test at a later date, or to waive any minor irregularity which occurs during the test. Metro will not unreasonably deny the Contractor's request for a second acceptance test. Metro also reserves the right, in its sole discretion, to exercise the remedies set forth in Article 13 of the Contract.

- 5.0 Demonstrated reliability. The proposer shall describe the reliability of the compaction method proposed. To establish reliability, the proposer shall indicate the number of hours of operation and downtime. The basis for this breakdown of hours shall be an existing reference site with a minimum of one year's operating experience with a compaction system. The quantity of waste being received at the reference site should be comparable to the situation at the Metro South Station (approximately 250,000 tons per year) and a full year's worth of data must be available. Proposers should supply a contact name, phone number and address for each reference site. Metro will verify the information submitted, and evaluate this criteria as it relates to the technical specifications contained herein.
- 6.0 Warranty. Proposers shall propose a warranty for all major components, and a general warranty for the system. Proposers shall list those parts which cannot be obtained within 8 hours and shall propose inventory costs for these items. Evaluation of the proposed warranty will be based on consideration of the following factors, and/or additional factors proposed:
- warranty of nonconsumables vs consumables (wear items)
  - length
  - parts and/or labor
  - onsite response time/shipment requirements
  - Contractor manufactured parts vs third party
  - indemnity for damage to transfer vehicles/facility
  - provision of maintenance as part of the warranty
  - assessment of liquidated damages/partial refund for failure to achieve maximum payloads and/or delay of transfer station and transport contractors due to equipment malfunction
  - compliance with warranty conditions of Article X of the Contract
- 7.0 Operational Compatibility. Metro will relocate its existing compaction system and construct a space for the compaction system acquired through this RFP. Metro will evaluate the proposed system for compatibility with facility operations and the existing compaction system. Proposers should describe the operational compatibility of their proposed system (i.e. similar loading, compaction and extrusion procedures and controls in relation to the existing compaction system).
- 8.0 Maintenance. Contractor shall be responsible for all maintenance and repair costs to the system prior to acceptance by Metro. Proposers shall describe routine, periodic, and annual maintenance requirements for the system

in number of hours per year, as well as associated costs for each level of service if provided by Proposer. Contractor shall supply a schedule for maintenance. Contractor shall provide 5 sets of maintenance manuals. Contractor shall thoroughly train transfer station personnel in routine and periodic maintenance procedures to the satisfaction of Metro.

Proposer shall propose an emergency service agreement for a 2 hour response time, 24 hours a day, 7 days a week. Metro shall decide which level of service agreement (if any) to purchase from the successful Proposer, based on the information submitted.

- 9.0 Training, Manuals, Drawings. Contractor shall provide training to the transfer station operator in the operation and maintenance of the system and general training to Metro personnel prior to final payment, including 5 sets of training and maintenance manuals. Contractor shall provide 2 sets of as-built drawings of the equipment in sufficient detail to identify all components of the system.
- 10.0 Bonds/Insurance. Contractor shall provide Performance and Labor and Materials Bonds on the enclosed forms, or substitutes acceptable to Metro, in amounts equal to 100% of the contract amount. Said bonds shall be submitted with an executed Contract and have a term of one year. Before commencing the work, Contractor shall provide certificates of insurance as described in Article VII of the Contract.

#### PROPOSAL FORMAT

To facilitate evaluation of proposals, Metro requires that all responding proposers adhere to the format below.

Six copies of each submittal shall include:

1. Transmittal letter. Include one or more paragraphs which summarize the approach and methods to be used. Indicate that the proposal will be valid for 90 days. State the ability of the proposer to complete the project within the budget and to comply with the deadlines.
2. Detailed description of methods (work plan) to accomplish each task of the Scope of Work. The work plan shall also include (but not be limited to):
  - A. Description of equipment and service to be provided in each task
  - B. Schedule showing date of installation or provision of equipment or service for each task

- C. Description of subcontractors roles by task
3. The following cost information:
    - A. Total project cost
    - B. Subcontracting cost
    - C. Costs for each level of service described in Item #8 of the Scope of Work
    - D. A separate maximum total cost for building permits and any other required regulatory approvals.
    - E. A per hour programming cost for the automatic compaction pattern (Metro may include up to \$5,000 in the final contract for this service provided after final acceptance of the system)
    - F. Metro reserves the right to require additional, detailed cost information.
  4. Project team's and firm's experience.
    - A. Staffing/Project Manager Designation -- Identify specific personnel assigned to major project tasks, their experience in similar projects, their roles in relation to the work required, and percent of their time on the project. Also identify subcontractor roles.
    - B. Statement of firm's experience with similar projects.
  5. Describe in detail how information will be transmitted to computer system and control panels. Provide separate costs for transmission system and control panels.
  6. Completely filled out Disadvantaged Business Program Compliance Form and Disadvantaged/Women-Owned Business Enterprise Utilization Forms.
  7. Statement of insurance coverage which includes summary of coverage, coverage limit, and deductibles for business automobile, and workers compensation insurance.
  8. Exceptions and comments, if any. Firms wishing to take exception to, or comment on, any specific part of this RFP shall document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized; should reference the specific part in question and propose alternative language.

### Selection Process

An evaluation committee will:

- Review the proposals submitted by organizations
- Conduct an interview with each organization which submits a proposal
- Rank the proposals for recommendation to the Executive Officer according to the criteria below.

### Proposal Evaluation Criteria

- Compliance with Technical Specifications (noncompliance will result in rejection of the proposal)
- Reliability 20%
- Warranty 20%
- Operational Compatibility 15%
- Project team experience 5%
- Cost 40%
- Compliance with Disadvantaged Business Program (noncompliance will result in rejection of the proposal)

### GENERAL PROPOSAL/CONTRACT CONDITIONS

1. Limitations and Award -- This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to accept or reject, to negotiate with all qualified sources, or to cancel all or part of this RFP. Metro also reserves the right to terminate negotiations with any sources if it is determined inadequate progress is being made.
2. Contract type -- Metro intends to award a labor and materials contract with the selected firm for this project. A copy of the contract which the successful proposer will be required to execute is attached. The final shall incorporate this RFP by reference.
3. Billing Procedures -- Proposers are informed that the

billing procedures of the selected firm are subject to the review and prior approval of Metro before reimbursement of services can occur. Payments will be made to the successful Contractor on the following basis:

- 30% upon contract signing
- 20% upon certification the compactor is ready for delivery
- 25% upon completion of installation
- 25% upon acceptance by Metro

Payments made prior to final acceptance shall not be interpreted as an acceptance by Metro of any part of the work. Contractor shall be required to refund any amount deemed appropriate by Metro paid prior to final acceptance.

4. **Validity Period and Authority --** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind the Proposer during the period in which Metro is evaluating the proposal.
5. If requested by the Proposer, information submitted in the Proposal may be treated as confidential, as permitted under Oregon Public Records laws (ORS Chapter 192). If you wish to have information in your proposal treated as confidential, please so indicate in the Transmittal Letter of your proposal. Please specify the portions of your proposal which you believe should not be subject to public disclosure and the reasons these portions should be exempt from disclosure.

#### **OTHER INFORMATION**

The following information is attached or available under separate cover:

- Metro Labor and Materials Agreement
- Metro Disadvantaged Business Program
- Metro Disadvantaged Business Program Compliance Form
- Metro Disadvantaged Business Utilization Form
- Metro Women's Business Utilization Form
- Performance and Labor & Materials Bond Forms
- Drawing of Transporter's vehicle configuration.

- Waste Characterization Study section of the "Solid Waste Management Plan Inventory"
- Drawings labelled "Metro South Station Modifications"
- Software/Hardware specifications for Manifest System

**PROJECT MANAGER AND CONTACT**

Chuck Geyer, Senior Analyst  
Metropolitan Service District  
2000 S. W. First Avenue  
Portland, Oregon 97201  
(503) 221-1646  
(503) 241-7417 (FAX)

**APPENDICES**  
**Consisting of:**

- Metro Labor and Materials Agreement
- Metro Disadvantaged Business Program
- Metro Disadvantaged Business Program Compliance Form
- Metro Disadvantaged Business Utilization Form
- Metro Women's Business Utilization Form
- Performance and Labor & Materials Bond Forms
- Drawing of Transporter's vehicle configuration.
- Waste Characterization Study section of the "Solid Waste Management Plan Inventory"
- Drawings labelled "Metro South Station Modifications"
- Software/Hardware specifications for Manifest System



**Metro Labor and Materials Agreement  
(Public Contract)**

Contract No. \_\_\_\_\_

**PUBLIC CONTRACT**

THIS CONTRACT dated this \_\_\_\_\_ day of \_\_\_\_\_, 1990, is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "METRO," and \_\_\_\_\_, whose address is \_\_\_\_\_, hereinafter referred to as the "CONTRACTOR."

BOTH PARTIES AGREE AS FOLLOWS:

**ARTICLE I**

**SCOPE OF WORK**

CONTRACTOR shall perform the work and/or deliver to METRO the goods described in the Scope of Work attached hereto as Attachment "A." All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

**ARTICLE II**

**TERM OF CONTRACT**

The term of this Contract shall be for a period commencing \_\_\_\_\_ through and including \_\_\_\_\_.

**ARTICLE III**

**CONTRACT SUM AND TERMS OF PAYMENT**

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in Attachment "A." METRO shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment "A," or additional work authorized pursuant to Article VI, CHANGES.

**ARTICLE IV**

**LIABILITY AND INDEMNITY**

CONTRACTOR is an independent contractor and assumes full responsibility for the content of its work and performance of CONTRACTOR's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify and hold harmless METRO, its agents and employees, from

any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. CONTRACTOR is solely responsible for paying CONTRACTOR's subcontractors. Nothing in this Contract shall create any contractual relationship between any subcontractor and METRO.

## ARTICLE V

### TERMINATION

METRO may terminate this Contract upon giving CONTRACTOR fourteen (14) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for all actual and reasonable costs for work performed to the date of termination including direct labor (direct labor cost reimbursement shall be limited to a rate of \$35.00/hr. for skilled labor, \$50.00/hr. for engineering, and \$27.50/hr for drafting services), materials and expenses, plus fifteen (15) percent. A claim shall be presented by the CONTRACTOR within fifteen (15) days of the date of termination, and shall include all documentation to justify the claimed costs. Subject to its right to withhold payments pursuant to Article XIII, METRO shall make payment to CONTRACTOR within thirty (30) days from receipt of such claim, provided that all costs are justified and verified. METRO shall not be liable for indirect or consequential damages resulting from termination of the Contract. Termination by METRO shall not waive any claim or remedies it may have against the CONTRACTOR.

## ARTICLE VI

### CHANGES

A. METRO Change Orders. METRO may, at any time, without notice to the CONTRACTOR'S surety, by written order designated or indicated to be a change order, make any change in the work within the general scope of the Contract

B. Payment or Credit for Additional Work. All requests for payment for additional work shall be made only under the conditions and procedures set forth in this Article. For purposes of this Article, the term "additional work" means work which is in addition to the work required to be performed under the original Contract or any amendments thereof, but does not include any work required to comply with any changes in law, statutes, rules, regulations, ordinances, permit(s) or permit conditions.

C. Request for Proposal for Additional Work.

1. In the event METRO issues a written change order requesting additional work, it shall

also send the CONTRACTOR a Request for Proposal (RFP). Within fourteen (14) calendar days after receipt of an RFP for additional work from METRO, the CONTRACTOR shall submit to METRO an itemized proposal stating the actual and reasonable costs to the CONTRACTOR for performing such additional work, a schedule for performing such work, and the effect, if any, on the CONTRACTOR'S performance of the existing Contract work by reason of the additional work. The CONTRACTOR'S proposal shall be based on the least costly method for performing the additional work in accordance with all provisions of the Contract. The parties hereby agree that the profit margin on all work performed pursuant to this section of Article VI shall be deemed to be ten percent (10%) of the actual cost of performing the work.

2. No request for proposals by METRO shall be construed as authorization for the CONTRACTOR to perform the additional work covered by such RFP. To obtain authorization to perform any additional work, the CONTRACTOR must be notified in writing by METRO that the CONTRACTOR is ordered to proceed with the relevant additional work. In any such written notification METRO shall indicate whether it accepts or rejects the CONTRACTOR'S proposal. If Metro rejects the CONTRACTOR'S proposal but orders the additional work to be performed, the CONTRACTOR shall perform the additional work as force account work as provided in Section D of this Article. If Metro does not order the CONTRACTOR to perform the relevant work, the CONTRACTOR shall not be entitled to any reimbursement for the work in the CONTRACTOR'S proposal or the costs of developing the proposal.

D. Force Account Work. If the amount of payment cannot be agreed upon prior to the beginning of the work, Metro may issue a written Notice to Proceed pursuant to Section C of this Article directing that the work be done on a force account basis. If this occurs, the CONTRACTOR shall furnish labor, equipment, and materials necessary to complete the work in a satisfactory manner and within a reasonable period of time. For the work performed, payment will be made for the documented actual cost of the following:

1. Labor, including forepersons who are directly assigned to the force account work (actual payroll cost, including wages, customary fringe benefits, labor insurance, and labor taxes as established by law). No other fixed labor burdens will be considered, unless approved in writing by METRO in advance of performance of the force account work.
2. Material delivered and used on the designated work, including sales tax, if paid for by the CONTRACTOR or its subcontractor.
3. Rental, or equivalent rental cost of equipment, including necessary transportation for items having a value in excess of \$100.
4. Additional bonds, as required and approved by METRO.
5. Additional insurance (other than labor insurance, as required and approved by METRO).

To the costs above there shall be added a fixed fee of ten percent (10%) of the cost of Items 1, 2, and 3 and a fixed fee of five percent (5%) to the cost of Items 4 and 5. An additional fixed fee of ten percent (10%) shall be allowed the CONTRACTOR for the administrative handling of portions of the work that are required to be performed by an approved subcontractor. No additional fixed fee will be allowed for the administrative handling of work performed by a subcontractor of a subcontractor. The added fixed fees shall be considered to be full compensation, covering the cost of general supervision, overhead, profit, and any other general expense. For equipment under Item 3 above, rental or equivalent rental cost will be allowed for only those days or hours during which the equipment is in actual use. Rental and transportation allowances shall not exceed the current rental rates prevailing in the locality. The rentals allowed for equipment will, in all cases, be understood to cover all fuel, supplies, repairs, and renewals, and no further allowances will be made for those items.

E. METRO Furnished Materials and Equipment. METRO reserves the right to furnish such materials and equipment as it deems expedient for work undertaken pursuant to this Article, and the CONTRACTOR shall have no claims for profit or added fees on the cost of such materials and equipment.

F. CONTRACTOR Records.

1. The CONTRACTOR shall maintain its records in such a manner as to provide a clear distinction between the direct costs of work paid for on a force account basis and the costs of other operations. The CONTRACTOR shall furnish METRO with report sheets in duplicate of each day's force account work no later than the working day following the performance of said work. The daily report sheets shall itemize the materials used, and shall cover the direct cost of labor and the charges for equipment rental, whether furnished by the CONTRACTOR, sub-contractor, or other forces. The daily report sheets shall provide names or identifications and classifications of workers, the hourly rate of pay and hours worked, and also the size, type and identification number of equipment and hours operated.
2. Material charges shall be substantiated by valid copies of vendors' invoices. Such invoices shall be submitted with the daily report sheets, or, if not available, they shall be submitted with subsequent daily report sheets. Said daily report sheets shall be signed by the CONTRACTOR or its authorized agent.
3. To receive partial payments and final payment for force account work, the CONTRACTOR shall submit in a manner approved by METRO, detailed and completed documented verification of the CONTRACTOR'S and any of its subcontractors' actual current costs involved in the force account work pursuant to the issuance of an approved Change Order. Such costs shall be submitted within thirty (30) days after said work has been performed.
4. No payment will be made for work billed and submitted to METRO after the 30-day period has expired. No extra or additional work shall be performed by the CONTRACTOR, except in an emergency endangering life or property, unless in pursuance of a written Change Order and Notice to Proceed as described in this Article.

G. Deductions from Payments for Deleted Work. All deductions from payment for deleted work shall be made under the conditions and procedures of this Article. For purposes of this Article, the term "deleted work" means work which is deleted from the work required to be performed under the original Contract, but does not include any work which need not be performed due to any changes in law, statutes, rules, regulations, ordinances, permit(s), permit conditions, or regulatory policies.

H. Request for Proposal for Deleted Work.

1. In the event METRO issues a written change order deleting work, it shall also send the CONTRACTOR a Request for Proposal (RFP). Within fourteen (14) calendar days after receipt of an RFP for deleted work, the CONTRACTOR shall submit an itemized proposal stating the actual and reasonable costs which would be avoided by deleting work called for in the Contract, a schedule for deleting the relevant work, and the effect, if any, on the CONTRACTOR'S performance of the remaining Contract work by reason of the deleted work. The CONTRACTOR'S proposal shall be based on all current and future avoided costs to the CONTRACTOR for deleting the work and any profit margins or markups which the CONTRACTOR'S proposal includes for such work.
2. No Request for Proposals by METRO shall be construed as authorization for the CONTRACTOR to delete the work covered by an RFP for deleted work. The CONTRACTOR shall not delete any work unless and until an order from METRO authorizing such deletion is served upon the CONTRACTOR. In any such written notification METRO shall indicate whether it accepts or rejects the CONTRACTOR'S proposal.
3. If METRO rejects the CONTRACTOR'S proposal but orders the work to be deleted, the CONTRACTOR shall delete the work. METRO may make all appropriate deductions from payments, according to the formula below, if METRO has ordered the CONTRACTOR to delete work, regardless of whether the CONTRACTOR has complied with such order.

I. Amount of Deductions for Deleted Work. The amount of any deductions from payments for deleted work shall be equal to all current and future avoided costs resulting from the

deleted work plus any profit margin or markups which the CONTRACTOR'S proposal includes for such work. If the latter profit margin or markup figures are unavailable, the parties hereby agree that the CONTRACTOR'S profit margin on all work shall be deemed to be ten percent (10%) of the actual cost of performing the work. The CONTRACTOR shall submit complete records of materials and labor usage to METRO for review.

## ARTICLE VII

### INSURANCE

CONTRACTOR shall maintain such insurance as will protect CONTRACTOR from claims under Workers' Compensation Acts and other employee benefits acts covering all of CONTRACTOR'S employees engaged in performing the work under this Contract; and from claims for damages due to bodily injury, including death and damages to property, all with coverage limits as specified within this Article. This insurance must cover CONTRACTOR'S operations under this Contract, whether such operations be by CONTRACTOR or by any subcontractor or anyone directly or indirectly employed by either of them. CONTRACTOR is expressly and wholly responsible for insuring damage to any equipment during execution of this Contract.

Before commencing work on this Contract, CONTRACTOR shall provide METRO with a copy of the insurance endorsement(s) showing METRO as an additional insured. CONTRACTOR shall also furnish METRO with certificate(s) of insurance specified herein naming METRO as an additional insured and showing the type, amount, class of operations covered, effective dates and date of expiration of policies, and containing substantially the following statements:

A. This/These policy(ies) shall be considered as primary insurance and exclusive of any insurance carried by METRO and the insurance endorsed by this certificate shall be exhausted first, notwithstanding the fact that METRO may have other valid and collectible insurance covering the same risk.

B. This/These policy(ies) shall not be cancelled, reduced in coverage, nor materially altered until after sixty (60) days' written notice of such cancellation, reduction or alteration in coverage shall have been received by METRO.

C. No act on the part of the insured shall affect the coverage afforded to METRO under the insurance covered by this/these certificate(s).

D. This/These policy(ies) consist only of insurance on an occurrence basis, not on a claims made basis.



DESIGNATED INSURANCE REQUIREMENTS

Maintenance of insurance by CONTRACTOR as specified in this Article shall constitute the minimum coverage required.

<u>Designated Insurance Requirements</u>	<u>Limits</u>
(1) (a) Workers' Compensation covering all employees who are engaged in any work under the Contract (including subcontractors' employees).  The Contractor shall require its Workers' Compensation carrier to provide Metro with an endorsement for waiver of subrogation.	Statutory (State/Federal)
(b) Employers' Liability including bodily injury caused by disease. Not less than	\$1,000,000
(2) Comprehensive General Liability, and Protection and Indemnity.  Contractors' Public Liability and Contractual Liability Coverage:	
(i) Bodily injury (inc. death) and Personal Injury	
(ii) Broad Form Property Damage and Broad Form Property Damage including Completed Operations, and shall include coverage for Explosion, Collapse and Underground.	
(i and ii coverage)	\$1,000,000 per occurrence/ \$1,000,000 aggregate bodily injury and property damage
(3) Comprehensive Automobile Liability including Owned, Nonowned and Hired Vehicles:	
(i) Bodily injury (inc. death)	
(ii) Property damage	

(i and ii coverage)

\$1,000,000 per  
occurrence/aggregate  
combined single  
limit bodily injury  
and property damage

(4) Umbrella Coverage

to achieve a total  
coverage of  
\$3,000,000 per  
occurrence/  
\$3,000,000 aggregate

(i) Bodily injury (inc. death)  
and Personal Injury

(ii) Broad Form Property Damage  
and Broad Form Property  
Damage including Completed  
Operations, and shall  
include coverage for  
Explosion, Collapse and  
Underground.

(i and ii coverage)

\$1,000,000 per  
occurrence/  
\$1,000,000 aggregate  
bodily injury and  
property damage

A. When activities of the CONTRACTOR are to be accomplished within a public or private right-of-way requiring special insurance coverage, the CONTRACTOR shall conform to the particular requirements and provide the required insurance.

The CONTRACTOR shall include in its liability policy all endorsements that the said authority may require for the protection of the authority, its officers, agents, and employees. Insurance coverage for special conditions, when required, shall be provided by the CONTRACTOR at its own expense at no additional cost to METRO.

B. The CONTRACTOR shall maintain the above insurance at all times until completion of the Contract or until the termination date of the Contract, whichever is later.

C. Maintenance of insurance by the CONTRACTOR as specified in this Article shall constitute the minimum coverage required and shall in no way lessen or limit the liability or responsibility of CONTRACTOR under this Contract and the CONTRACTOR may carry, at its own expense, such additional insurance as it deems necessary.

D. METRO shall have the right, at its sole option, to require the CONTRACTOR to place all of the aforementioned insurance coverages through such Master Policy as METRO may obtain if such would reduce the premiums for such coverages. The CONTRACTOR agrees that METRO may deduct from the Contract Sum the amount of the premiums payable on any policy obtained through a Master Policy, or, at METRO'S discretion, pay the same directly to the insurance carrier. The CONTRACTOR further agrees to comply with such regulations as METRO may issue from time to time to improve the administration of the Master Policy.

#### ARTICLE VIII

##### PUBLIC CONTRACTS

The provisions set out in Oregon Revised Statutes, Chapters 187 and 279, as amended or superseded, including the latest additions and revisions, and Chapter 2.04 of the Metro Code, are incorporated by reference as part of these Contract Documents.

#### ARTICLE IX

##### ATTORNEYS' FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorneys' fees and court costs, including fees and costs on appeal to any appellate courts.

#### ARTICLE X

##### QUALITY OF GOODS

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality. All workers and subcontractors shall be skilled in their trades. All guarantees and warranties of goods furnished to CONTRACTOR or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of METRO. CONTRACTOR shall provide warranties as attached hereto as Attachment "B."

#### ARTICLE XI

##### OWNERSHIP OF DOCUMENTS

All documents produced by CONTRACTOR pursuant to this agreement are the property of METRO and it is agreed by the parties hereto that such documents are work made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction to all such documents.

## ARTICLE XII

### SUBCONTRACTORS; DISADVANTAGED BUSINESS PROGRAM

CONTRACTOR shall contact METRO prior to negotiating any subcontracts and CONTRACTOR shall obtain approval from METRO before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract. METRO reserves the right to reasonably reject any subcontractor or supplier and no increase in the CONTRACTOR'S compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. CONTRACTOR shall be fully responsible for all of its subcontractors as provided in Article IV.

CONTRACTOR agrees to make a good faith effort, as that term is defined in METRO'S Disadvantaged Business Program (Section 2.04.160 of the Metro Code) to reach the goals of subcontracting seven (7) percent of that portion of the work that is subcontracted to Disadvantaged Business Enterprise and five (5) percent of that portion of the work that is subcontracted to Women-Owned Business Enterprise. METRO reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and METRO'S Disadvantaged Business Program.

## ARTICLE XIII

### RIGHT TO WITHHOLD PAYMENTS

METRO shall have the right to withhold from payments due CONTRACTOR such sums as necessary, in METRO'S sole opinion, to protect METRO against any loss, damage or claim which may result from CONTRACTOR'S performance or failure to perform under this agreement. Upon completion of the Scope of Work the Parties shall cause the compaction system to be tested according to the procedures set out in the Scope of Work to determine their conformance to this contract. METRO shall make the payments due CONTRACTOR in association therewith, as contemplated by this contract if the following conditions are met: (i) the compaction system perform substantially as required and (ii) if CONTRACTOR has otherwise performed the work required of in hereunder. If the foregoing conditions are not met, METRO shall at its option either (i) accept and make full payment for the compaction system without waiver of any claims for damages or other remedies it may have against the CONTRACTOR, (ii) accept and make payment based on the percentage of the actual throughput as it relates to the specifications, (iii) immediately notify CONTRACTOR thereof and CONTRACTOR shall promptly cause such conditions to be met, at which time the compaction system shall be retested, or (iv) notify CONTRACTOR that the compaction system is being rejected. If METRO accepts the compaction system pursuant to (i) or (ii),

such acceptance shall not constitute a waiver of METRO'S rights under any warranty provided for in this Contract. In the event METRO rejects the compaction system pursuant to (iv), CONTRACTOR shall remove the compaction system as specified in Item 4 of Attachment "A" -- Scope of Work. Prior to acceptance METRO may make use of the compaction system, and will make the compaction system fully available to CONTRACTOR to perform any necessary remedial work.

#### ARTICLE XIV

##### SAFETY

If services of any nature are to be performed pursuant to this agreement, CONTRACTOR shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provision of federal, state and local safety laws and building codes, including the acquisition of any required permits.

#### ARTICLE XV

##### INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any Proposal Documents including, but not limited to, the Advertisement for Proposals, General and Special Instructions to Proposers, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the negotiating of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between METRO and CONTRACTOR and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both METRO and CONTRACTOR. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

#### ARTICLE XVI

##### PRECEDENCE OF CONTRACT DOCUMENTS

All determination of the precedence of or discrepancy in the Contract Documents shall be made by METRO, but in general, precedence will be in accordance with the following list with the highest precedence item at the top:

1. Specifications and Drawings
2. Signed Public Contract (including Attachments)
3. Requests For Proposals
4. Proposals

Addenda, Clarifications and all Change Orders to the Contract Documents take the same order of precedence as the specific sections that they are amending.

ARTICLE XVII

ASSIGNMENT

CONTRACTOR shall not assign any rights or obligations under or arising from this Contract without prior written consent from METRO.

ARTICLE XVIII

METRO'S REMEDIES IN THE EVENT OF CONTRACTOR INSOLVENCY, DISSOLUTION, BANKRUPTCY OR GENERAL ASSIGNMENT FOR CREDITORS

The parties agree that if the CONTRACTOR becomes insolvent, is dissolved, files for Bankruptcy, is adjudged bankrupt, or makes a general assignment for the benefit of creditors, or if a receiver is appointed for the benefit of its creditors, or if a receiver is appointed on account of its insolvency, such events could impair or frustrate the CONTRACTOR'S performance of this Agreement. Accordingly, it is agreed that upon the occurrence of any such event, METRO shall be entitled to request of the CONTRACTOR or its successor in interest, adequate assurance of future performance in accordance with the terms and conditions hereof. Failure of the CONTRACTOR and Surety to comply with such request within ten (10) calendar days of service upon both the CONTRACTOR and Surety of a written request from METRO for such assurances shall entitle METRO to terminate the CONTRACTOR right to perform Contract pursuant to Article V. METRO shall not be bound to the Contract by an insolvent CONTRACTOR'S trustee or receiver.

\_\_\_\_\_ METROPOLITAN SERVICE DISTRICT

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1225 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING, AUTHORIZING ISSUANCE OF A REQUEST FOR PROPOSALS AND EXECUTION OF A CONTRACT FOR THE SECOND COMPACTION SYSTEM AT METRO SOUTH STATION

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Date: February 23, 1990

Presented by: Jim Watkins  
Chuck Geyer

FACTUAL BACKGROUND AND ANALYSIS

For the reasons summarized below, the Solid Waste Department wishes to use a request for proposals (RFP) solicitation process to procure a second compaction system for the Metro South Station, and to authorize the Executive Officer to enter in a contract with the highest ranked proposer.

On January 1, 1990, Metro began transporting waste from the Metro South Station to the Gilliam County Sanitary Landfill, approximately 150 miles away. To achieve maximum payloads and be more cost-effective, waste to be landfilled is first compacted at the Metro South Station, then loaded into containers and transported to Gilliam County. Compaction is achieved through the use of a compactor, acquired during phase one of the compaction project described in the staff report of April 11, 1989. This compaction system was installed in November of 1989.

Phase two of the compaction project calls for the installation of a second compaction system at the Metro South Station. A second system is required since failure of the existing system would close the facility. The second system will be located at the Northeast end of the facility which will be modified to accommodate the system during the Summer of 1990.

During acquisition of the first compaction system, Metro utilized a request for proposal process rather than a bid process due to concern over the reliability of the system. Staff again wishes to utilize the proposal process for acquisition of the second system, based on the fact that systems proposed during phase one varied in both capability and operational experience. The evaluation criteria proposed in the phase two RFP has been changed to increase emphasis on cost and has added a criteria to evaluate the compatibility of a compaction system with the proposed modifications and method of transport.

The Metro Code requires use of the bid process for the procurement of equipment, unless an exemption is granted. Resolution No. 90-1225 exempts the procurement of the compaction system from the competitive bidding requirement.

The resolution also requests authorization for the Executive Officer to enter into a contract with the highest ranked proposer. This request is made for two reasons. First, as stated above, the Metro South Station currently relies on a single compaction system. Any extended failure of this system will result in closure of the facility. Therefore, it is imperative that Metro acquire a backup system as soon as the facility has been modified to receive the system. Secondly, the current demand for compaction systems is likely to increase the lead time for acquisition of the second system. Waiver of the requirement of Council approval of the contract provides the flexibility to coordinate acquisition and installation of the system with facility modifications and provide the lead time desired to ensure multiple proposals. Attachment #1 illustrates the impact of the waiver on the project schedule.

#### BUDGET IMPACTS

Adequate funds exist in the FY 1989-90 budget for initial payments. \$700,000 will be budgeted in FY1990-91.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution 90-1225 which authorizes the issuance of an RFP for solicitation of a compaction system at the Metro South Station, and execution of the resulting contract.



Attachment #1

SECOND COMPACTOR ACQUISITION SCHEDULE  
for Metro South Station

<u>Task</u>	<u>Date</u>
1. CSWC approval to release RFP	March 6, 1990
2. Council approval to release RFP	March 22, 1990
3. Release second compact RFP	March 23, 1990
4. Proposals received	April 23, 1990
5. Evaluation Complete	May 3, 1990
6. Negotiate final contract/award	May 10, 1990
7. Compactor fabrication completed	September 7, 1990
8. Begin installation at Metro South'	September 10, 1990

Changes to the above schedule if Council approval is required

6. Negotiate contract/recommend award	May 10, 1990
7. CSWC recommends final contract award	June 5, 1990
8. Council awards compactor contract	June 28, 1990
9. Compactor fabrication completed	October 26, 1990
10. Begin installation at Metro South	October 27, 1990

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'The current construction schedule for modifications project's completion of compactor bay during the first half of September.

Agenda Item No. 4.3  
Meeting Date: March 22, 1990

RESOLUTION NO. 90-1227

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1227, FOR THE PURPOSE OF EXPRESSING  
APPRECIATION TO TRANSPORTATION POLICY ALTERNATIVE COMMITTEE  
(TPAC) CITIZEN MEMBERS JON EGGE, NANCY PONZI, DAVID EVANS AND  
RON ROBERTS

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Date: March 14, 1990

Presented By: Councilor Devlin

COMMITTEE RECOMMENDATION: At the March 13, 1990 Intergovernmental Relations Committee meeting, Councilors Bauer, Gardner, McFarland and myself were present and voted unanimously to recommend Council adopt Resolution No. 90-1227. Councilor Ragsdale was excused.

COMMITTEE DISCUSSION/ISSUES: Transportation Department Director Andy Cotugno presented the resolution which recognizes the contributions of retiring TPAC citizen members Jon Egge, Nancy Ponzi, David Evans and Ron Roberts. Mr. Cotugno said the resolution's purpose was to demonstrate Metro's appreciation for the time, effort and dedication demonstrated by the TPAC citizen members.

Committee members did not raise any questions or issues.

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**BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT**

FOR THE PURPOSE OF EXPRESSING  
APPRECIATION TO TPAC CITIZEN  
MEMBERS JON EGGE, NANCY PONZI,  
DAVID EVANS AND RON ROBERTS

) RESOLUTION NO. 90-1227 .  
) Introduced by  
) Rena Cusma,  
) Executive Officer

*WHEREAS, Jon Egge has served two terms on TPAC; Nancy Ponzi,  
David Evans and Ron Roberts have served one term; and*

*WHEREAS, They have served their terms without the benefit of  
alternates to relieve them; and*

*WHEREAS, They have dutifully brought the citizens' view to the  
regional table; and*

*WHEREAS, John Godsey has volunteered and been selected to serve  
another term; and,*

*WHEREAS, The Transportation Policy Alternatives Committee  
recommends adoption of this resolution; now, therefore,*

*BE IT RESOLVED:*

*That the Metropolitan Service District wishes to express its  
appreciation to Jon Egge, Nancy Ponzi, David Evans and Ron Roberts for their time  
and service.*

*ADOPTED by the Council of the Metropolitan Service District this  
\_\_\_\_\_ day of \_\_\_\_\_, 1990.*

\_\_\_\_\_  
*Tanya Collier, Presiding Officer*

Agenda Item No. 5.1  
Meeting Date: March 22, 1990

ORDINANCE NO. 90-342

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING CHAPTER 2.04 )  
METRO CONTRACT PROCEDURES OF THE )  
METRO CODE IN ORDER TO MOVE ITEMS )  
THAT ARE EXEMPTED FROM COMPETITIVE )  
BIDDING TO METRO CODE 2.04.041, )  
REQUIREMENT OF COMPETITIVE )  
BIDDING, EXEMPTIONS, AND OTHER )  
MINOR NON-POLICY CHANGES )

ORDINANCE NO. 90-342  
Introduced by Rena Cusma,  
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Council finds:

- (a) Items exempted from competitive bidding are not listed under items exempted for competitive bidding by Board Rule.
- (b) Certain portions of Chapter 2.04 need rewording for clarification purposes.

Section 2. The following sections of Chapter 2.04, Metro Contract Procedures of the Metro Code, are amended to read as follows:

2.04.040 Public Contracts, General Provisions:

- (a) Competitive Bidding: Unless exempt from competitive bidding, all public contracts shall be awarded to the lowest responsive, responsible bidder.
- (b) Oregon Preference: In all public contracts, the District shall prefer goods or services that have been manufactured or produced in Oregon if price, fitness, availability and quality are otherwise equal. Where a contract in excess of \$10,000 is awarded to a contractor not domiciled or registered to do business in Oregon, the initiating Department shall assure compliance with the provisions of ORS 279.021.
- (c) Rejection of Bids: The Executive Officer or the Deputy Executive Officer may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may, for good cause, reject any or all bids upon a finding that it is in the public interest to do so, for example, when all bids exceed the budget or estimate for that project.
- (d) Bonds: Unless the Board shall otherwise provide, bonds and bid security requirements are as follows:

- (1) Bid security not exceeding 10 percent of the amount bid for [the contract is required unless the] a contract [is for] over \$15,000 [or less].
- (2) For public improvements, a Labor and Materials bond in an amount equal to 100 percent of the contract price is required for contracts over \$15,000.
- (3) For public improvements, a [P]performance bond in an amount equal to 100 percent of the contract price is required for contracts over \$10,000. If the contract price is under \$50,000, the performance bond and the labor and material bond may be one bond; if the contract price is \$50,000 or more, [there shall be two bonds] the successful contractor shall provide separately a performance bond and a labor and material bond.
- (4) [Bid security, labor] Labor and material bond and performance bond may be required [even though the contract is of a class not identified above,] for labor and materials contracts and contracts for the purchase of goods if the Executive Officer determines it is in the public interest.
- (5) Bid security and bonds may be provided in the form of a surety bond, cash, cashier's check or certified check.

**2.04.041 Requirement of Competitive Bidding, Exemptions:**

(a) **State Law:** The following contracts are exempt from the competitive bidding selection process pursuant to State Statute:

- (1) Contracts with other public agencies or the federal government.
- (2) Contracts made with qualified nonprofit agencies providing employment opportunities for the handicapped.
- (3) Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.
- (4) Contracts for supplies [estimated to be] if the value of the contract is less than \$500.

(b) **Board Rule:** The following classes of public contracts are exempt from the competitive bidding process based on the findings by the Contract Review Board that the exemption will not encourage favoritism or substantially diminish competition for

public contracts and that such exemptions will result in substantial cost savings:

- (1) Purchase and sale of Zoo animals.
- (2) Purchase and sale of Zoo gift shop retail inventory and resale items.
- (3) All contracts estimated to be less than \$15,000, provided that the selection process described in the appropriate Code sections is followed.
- (4) Contracts estimated not to exceed \$25,000 for road, highway or parking lot maintenance provided that at least three (3) competitive quotes are obtained, if available, and a record of said quotes and efforts to obtain them are maintained.
- (5) Emergency contracts when the Executive Officer makes written findings that an emergency exists and that the emergency consists of circumstances that could not have been reasonably foreseen and requires prompt execution of a contract to remedy that condition. An emergency contract must be awarded within sixty (60) days of the declaration of the emergency unless the Board grants an extension.
- (6) Purchase of food items pursuant to Section 2.04.090.
- (7) Contracts for warranties in which the supplier of the goods or services covered by the warranty has designated a sole provider for the warranty service.
- (8) Contracts for computer hardware and software. Selection procedures for these contracts, however, must follow the RFP process outlined in Section 2.04.050, "Personal Services Contracts."
- (9) Contracts under which Metro is to provide a service only and incurs no financial obligation to another party.
- (10) Contracts for the lease or use of the Oregon Convention Center or other facilities operated by the Metropolitan Exposition-Recreation Commission.



- (11) For the purchases by the Metropolitan Exposition-Recreation Commission, all contracts estimated to be less than \$31,000 provided that any rules adopted by the Commission which provide for substitute selection procedures are followed.
- (12) For purchases by the Metropolitan Exposition-Recreation Commission, emergency contracts when the General Manager makes written findings that:
  - 1) immediate procurement is essential to prevent a delay in work or extra expense to the Commission in circumstances which could not have been foreseen and avoided;
  - 2) there is a threat of immediate damage to Commission property;
  - or 3) there is an immediate danger to citizens or employees.The General Manager shall report to the Commission at its next regularly scheduled meeting of any contracts entered into pursuant to this section.
- (13) For purchases by the Metropolitan Exposition-Recreation Commission, contracts for equipment repair or overhaul, but only when the service and/or parts required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.
- (14) Contracts for services if the value of the contract is less than \$500.
- (15) When the value of a public contract is greater than \$500, but less than \$2,500, the district may accept less than three (3) quotes if at least three (3) quotes are sought. In this case, the district will prepare a written record to show the effort to obtain at least three (3) quotes.

(c) Bonds: The following contracts are exempt from bid security and bond requirements:

- (1) Bid security for contracts priced at \$15,000 or less, unless the Executive Officer determines it is in the public interest to require bid security.
- (2) Labor and material bond for contracts priced at \$15,000 or less, unless the Executive Officer determines it is in the public interest to require labor and material bond.
- (3) Performance bond for contracts priced at \$10,000 or less, unless the Executive Officer determines it is in the public interest to require performance bond.

(d) [(c)] Board Resolution: Specific contracts, not within the classes exempted in subsection (b) above, may be exempted by the Board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5). The Board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition.

(e) [(d)] Limitation: The exemptions in subsections (a)-(c), above, are exemptions to the competitive bid process only; all other procedures, including review and approval, apply to these contracts.

2.04.042 Public Contracts [Under] Between \$500 and \$2,500:

(a) Selection Process: When the amount of the contract is \$500 or more, but less than \$2,500, 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.

[(1) Under \$500: Unless completely exempt from competitive bidding under Section 2.04.041, competitive bids are not required for public contracts less than \$500. The District should, where feasible, obtain competitive quotes.]

[(2) Between \$500 and \$2,500: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is \$500 or more, but less than \$2,500, 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.]

(b) Approval Process: For public contracts of an amount of less than \$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:

- (1) A standard contract form is used;
- (2) Any deviations to the contract form are approved by the General Counsel;
- (3) The expenditure is authorized in the budget;
- (4) The contract does not further obligate the District for \$2,500 or more;

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

(6) 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 of \$2,500 or more; and

(7) No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.030, "Rules and Procedures Governing Personal Services and Public Contracts."

(d) Prior to the award of a contract to any bidder other than the apparent low bidder the Executive Officer shall obtain the prior approval of the Contract Review Board.

ADOPTED by the Council of the Metropolitan Service

District this \_\_\_\_\_ day of \_\_\_\_\_, 1990

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-342, FOR THE PURPOSE OF AMENDING CHAPTER 2.04 CONTRACT PROCEDURES OF THE METRO CODE IN ORDER TO MOVE ITEMS THAT ARE EXEMPTED FROM COMPETITIVE BIDDING TO 2.04.041, REQUIREMENT OF COMPETITIVE BIDDING, EXEMPTIONS AND OTHER MINOR NON-POLICY CHANGES

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Date: March 9, 1990

Presented By: Ray Phelps

PROPOSED ACTION

Amend the Metro Code in order to move certain provisions of 2.04.041(a)(1) and 2.04.042(a)(2), exemption from the three quote requirement, to 2.04.041, Requirement of Competitive Bidding, Exemptions. Other minor changes for clarification purposes that do not alter the existing policy of the Contract Review Board are also recommended.

FACTUAL BACKGROUND AND ANALYSIS

A review of the contract provisions of the Metro Code during the drafting of operating procedures revealed that certain items exempted from competitive bidding were not appropriately stated under 2.04.04, Exemptions. The review also indicated the need for minor revisions.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 90-342.

Agenda Item No. 5.2  
Meeting Date: March 22, 1990

ORDINANCE NO. 90-343

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. )  
89-294A REVISING THE FY 1989-90 )  
BUDGET AND APPROPRIATIONS SCHEDULE )  
FOR INCREASED ZOO OPERATIONS )

ORDINANCE NO. 90-343

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to modify the FY 1989-90 Budget; and

WHEREAS, The need for a modified budget plan has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 89-294A, Exhibit B, FY 1989-90 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance for the purposes of increased Zoo Operations.

ADOPTED by the Council of the Metropolitan Service District this

\_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

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EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING:Administration</b>							
Personal Services							
-----							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Director	1.00	70,142		976	1.00	71,118
	Assistant Director	1.00	56,449		1,833	1.00	58,282
	Sr. Management Analyst	1.00	32,299		1,422	1.00	33,721
	Development Officer	1.00	38,476			1.00	38,476
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	2.00	44,970		1,801	2.00	46,771
	Program Assistant 2	1.00	20,819		453	1.00	21,272
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Management Intern	0.50	8,561			0.50	8,561
511325	REPRESENTED 483-REGULAR EMPLOYEES (part time)						
	Cashroom Clerk	1.50	29,517			1.50	29,517
511335	REPRESENTED 483-TEMPORARY EMPLOYEES (part time)						
	Cashroom Clerk	0.75	14,759			0.75	14,759
511400	OVERTIME		1,177				1,177
512000	FRINGE		89,519		1,816		91,335
Total Personal Services		9.75	406,688	0.00	8,301	9.75	414,989
Materials & Services							
-----							
521100	Office Supplies		16,000				16,000
521110	Computer Supplies		500		1,000		1,500
521260	Printing Supplies		4,090		2,310		6,400
521290	Other Supplies		700		4,800		5,500
521310	Subscriptions & Publications		1,664				1,664
521320	Dues		7,280				7,280
524120	Legal Fees		4,000				4,000
524190	Misc. Professional Services		2,500		9,500		12,000
524300	Management Consultant Services		10,000				10,000
525640	M&R-Equipment(Contract/Agreement)		15,478				15,478
526200	Ads & Legal Notices		9,382				9,382
526310	Printing Services		11,120				11,120
526320	Typesetting & Reprographics Services		200		600		800
526420	Postage		19,280		8,720		28,000
526440	Delivery Service		500				500
526500	Travel		10,252				10,252
526700	Temporary Help Services		400		2,600		3,000
526800	Training, Tuition, Conferences		4,278				4,278
528200	Election Expense		55,000				55,000
529500	Meetings		4,500				4,500
529800	Miscellaneous		1,000				1,000
Total Materials & Services			178,124		29,530		207,654

EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING:Administration (cont'd)							
	Capital Outlay						
571500	Purchases-Office Furniture & Equipment		3,737				3,737
	Total Capital Outlay		3,737		0		3,737
	TOTAL EXPENDITURES	9.75	588,549	0.00	37,831	9.75	626,380



EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING: Animal Management</b>							
<b>Personal Services</b>							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Curator	1.00	40,908		2,500	1.00	43,408
	Veterinarian	1.00	46,283		8,500	1.00	54,783
	Research Coordinator	1.00	38,087		2,000	1.00	40,087
	Assistant Curator	1.00	38,087		2,000	1.00	40,087
511125	SALARIES-REGULAR EMPLOYEES (part time)						
	Assist. Research Coordinator	0.50	12,087			0.50	12,087
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	23,519			1.00	23,519
	Veterinary/Research Assistant	1.00	31,204			1.00	31,204
	Records Specialist	1.00	21,769			1.00	21,769
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Animal Hospital Attendant	0.70	11,424			0.70	11,424
511235	WAGES-TEMPORARY EMPLOYEES (Part Time)						
	Staff Assistant	0.50	5,846			0.50	5,846
511321	REPRESENTED 483-REGULAR EMPLOYEES (full time)						
	Nutrition Technician	1.00	25,442			1.00	25,442
	Senior Animal Keeper	7.00	188,225			7.00	188,225
	Animal Keeper	22.00	563,449			22.00	563,449
511325	REPRESENTED 483-REGULAR EMPLOYEES (part time)						
	Animal Keeper-PT	0.50	12,721			0.50	12,721
511335	REPRESENTED 483-TEMPORARY EMPLOYEES (part time)						
	Temporary Keeper/Support	0.72	15,729	0.28	10,000	1.00	25,729
511400	OVERTIME		44,117				44,117
512000	FRINGE		400,272		5,400		405,672
	<b>Total Personal Services</b>	<b>39.92</b>	<b>1,519,169</b>	<b>0.28</b>	<b>30,400</b>	<b>40.20</b>	<b>1,549,569</b>
<b>Materials &amp; Services</b>							
521100	Office Supplies		624				624
521110	Computer Supplies		1,400				1,400
521230	Vet & Medical Supplies		28,600				28,600
521270	Animal Food		114,620				114,620
521290	Other Supplies		42,200				42,200
521310	Subscriptions & Publications		2,020				2,020
521320	Dues		580				580
521590	Maintenance & Repairs Supplies-Other		6,000				6,000
524210	Data Processing Services		10,502				10,502
525640	M&R-Equipment(Contract/Agreement)		2,000				2,000
526500	Travel		12,660				12,660
526800	Training, Tuition, Conferences		2,945				2,945
526910	Uniform Supply & Cleaning		13,000				13,000
528100	License, Permits, Payments to Other Agencies		1,500				1,500
529700	Animal Purchases		75,000		(25,000)		50,000
	<b>Total Materials &amp; Services</b>		<b>313,651</b>		<b>(25,000)</b>		<b>288,651</b>

EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING: Animal Management (cont'd)							
Capital Outlay							
571400	Purchases-Equipment & Vehicles		18,150				18,150
571500	Purchases-Office Furniture & Equipment		6,925				6,925
Total Capital Outlay			25,075		0		25,075
TOTAL EXPENDITURES		39.92	1,857,895	0.28	5,400	40.20	1,863,295

EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING:Visitor Services</b>							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Managers (B&G, Const, VS, Ed, PR)	1.00	44,244			1.00	44,244
	Food Service Supervisor	1.00	39,463		(2,963)	1.00	36,500
	Retail Supervisor	1.00	34,404		(4,604)	1.00	29,800
	Safety/Security Supervisor	1.00	26,566			1.00	26,566
	Food Service Coordinator	3.75	81,993	0.25	4,907	4.00	86,900
	Retail Coordinator	1.00	21,866		(11,666)	1.00	10,200
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	24,515		(2,515)	1.00	22,000
	Storekeeper	1.00	21,866		(666)	1.00	21,200
	Security 2	1.00	17,984		(8,984)	1.00	9,000
511225	WAGES-REGULAR EMPLOYEES (part time)						
	Security 1-reg	2.75	42,766		11,234	2.75	54,000
	Office Assistant	0.50	10,571			0.50	10,571
	Visitor Service Worker 3-reg	5.50	72,005		(53,735)	5.50	18,270
	Visitor Service Worker 2-reg	0.35	4,073		(2,873)	0.35	1,200
	Visitor Service Worker 1-reg	1.30	15,126		(4,626)	1.30	10,500
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Security 1-temp	1.35	20,981	0.15	1,019	1.50	22,000
511241	WAGES-SEASONAL EMPLOYEES						
	Visitor Service Worker 3-temp	0.50	6,546		2,454	0.50	9,000
	Visitor Service Worker 2-temp	4.00	42,929			4.00	42,929
	Visitor Service Worker 1-temp	23.35	214,025	4.90	105,975	28.25	320,000
511321	REPRESENTED 483-REGULAR EMPLOYEES (full time)						
	Typist/Receptionist-reg	1.00	16,933		1,458	1.00	18,391
511325	REPRESENTED 483-REGULAR EMPLOYEES (part time)						
	Typist/Receptionist Reg. (part time)	2.25	38,100		3,146	2.25	41,246
511335	REPRESENTED 483-TEMPORARY EMPLOYEES (part time)						
	Typist/Receptionist-temp	1.50	22,395		4,104	1.50	26,499
	Stationmaster-temp	2.00	40,660			2.00	40,660
511400	OVERTIME		14,706		4,240		18,946
512000	FRINGE		236,968		12,394		249,362
	<b>Total Personal Services</b>	<b>58.10</b>	<b>1,111,685</b>	<b>5.30</b>	<b>58,299</b>	<b>63.40</b>	<b>1,169,984</b>
Materials & Services							
521100	Office Supplies		600		2,200		2,800
521110	Computer Supplies		1,095		5		1,100
521250	Tableware Supplies		91,660				91,660
521290	Other Supplies		55,960		8,040		64,000
521310	Subscriptions/Publications		250				250
521320	Dues		555				555
523100	Merchandise for Resale-Food		451,438		58,562		510,000
523200	Merchandise for Resale-Retail		251,940		28,060		280,000

EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING:Visitor Services (cont'd)</b>							
524190	Misc. Professional Services		10,700				10,700
524300	Management Consultant Services		2,200				2,200
525640	M&R-Equipment(Contract/Agreement)		30,000		(2,000)		28,000
525710	Equipment Rental		600		3,200		3,800
526310	Printing Services		24,000		4,000		28,000
526500	Travel		3,900		300		4,200
526800	Training, Tuition, Conferences		3,283		(483)		2,800
526910	Uniform Supply & Cleaning		7,200		800		8,000
528100	License, Permits, Payments to Other Agencies		12,000				12,000
529500	Meetings		200				200
	<b>Total Materials &amp; Services</b>		<b>947,581</b>		<b>102,684</b>		<b>1,050,265</b>
	<b>Capital Outlay</b>						
571400	Purchases-Equipment & Vehicles		10,000				10,000
571500	Purchases-Office Furniture & Equipment		40,995				40,995
	<b>Total Capital Outlay</b>		<b>50,995</b>		<b>0</b>		<b>50,995</b>
	<b>TOTAL EXPENDITURES</b>	<b>58.10</b>	<b>2,110,261</b>	<b>5.30</b>	<b>160,983</b>	<b>63.40</b>	<b>2,271,244</b>

EXHIBIT A  
ORDINANCE NO. 90-343

FISCAL YEAR 1989-90		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING:General Expenses							
Interfund Transfers							
581010	Trans. Indirect Costs to Gen'l Fund		699,927				699,927
581615	Trans. Indirect Cost to Insur. Fund		174,748				174,748
582325	Trans. Resources to Zoo Cap. Fund		1,809,794				1,809,794
	<b>Total Interfund Transfers</b>		<b>2,684,469</b>		<b>0</b>		<b>2,684,469</b>
Contingency and Unappropriated Balance							
599999	Contingency		328,252		(204,214)		124,038
999999	Unappropriated Balance		957,268				957,268
	<b>Total Contingency and Unappropriated Balance</b>		<b>1,285,520</b>		<b>(204,214)</b>		<b>1,081,306</b>
	<b>TOTAL EXPENDITURES</b>	<b>166.72</b>	<b>12,598,051</b>	<b>0.25</b>	<b>0</b>	<b>166.72</b>	<b>12,598,051</b>

EXHIBIT B  
 ORDINANCE NO. 90-343  
 SCHEDULE OF APPROPRIATIONS FY 1989-90

	CURRENT APPROPRIATION	REVISION	REVISED APPROPRIATION
<b>ZOO OPERATING FUND</b>			
<b>Administration</b>			
Personal Services	406,688	8,301	414,989
Materials & Services:	178,124	29,530	207,654
Capital Outlay:	3,737	0	3,737
Subtotal	588,549	37,831	626,380
<b>Animal Management</b>			
Personal Services	1,519,169	30,400	1,549,569
Materials & Services:	313,651	(25,000)	288,651
Capital Outlay:	25,075	0	25,075
Subtotal	1,857,895	5,400	1,863,295
<b>Facilities Management</b>			
Personal Services	1,289,466	0	1,289,466
Materials & Services:	1,222,869	0	1,222,869
Capital Outlay:	425,828	0	425,828
Subtotal	2,938,163	0	2,938,163
<b>Education Services</b>			
Personal Services	543,113	0	543,113
Materials & Services:	221,403	0	221,403
Capital Outlay:	13,904	0	13,904
Subtotal	778,420	0	778,420
<b>Marketing</b>			
Personal Services	145,192	0	145,192
Materials & Services:	205,967	0	205,967
Capital Outlay:	3,615	0	3,615
Subtotal	354,774	0	354,774
<b>Visitor Services</b>			
Personal Services	1,111,685	58,299	1,169,984
Materials & Services:	947,581	102,684	1,050,265
Capital Outlay:	50,995	0	50,995
Subtotal	2,110,261	160,983	2,271,244

EXHIBIT B  
ORDINANCE NO. 90-343  
SCHEDULE OF APPROPRIATIONS FY 1989-90

	CURRENT APPROPRIATION	REVISION	REVISED APPROPRIATION
General Expenses			
Contingency	328,252	(204,214)	124,038
Transfers	2,684,469	0	2,684,469
Subtotal	3,012,721	(204,214)	2,808,507
Unappropriated Balance	957,268	0	957,268
Total Zoo Operating Fund Requirements	12,598,051	0	12,598,051

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

STAFF REPORT

Agenda Item No. \_\_\_\_\_

Meeting Date \_\_\_\_\_

CONSIDERATION OF ORDINANCE NO. 90-343 AMENDING ORDINANCE NO.  
89-294A REVISING THE FY 1989-90 BUDGET AND APPROPRIATIONS  
SCHEDULE FOR INCREASED ZOO OPERATIONS

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Date: March 12, 1990

Presented by: McKay Rich

FACTUAL BACKGROUND AND ANALYSIS

Several situations have occurred within the Zoo Operating Fund that require budget changes. Substantial increases have been experienced in Admissions, Food Service and Retail Services directly attributable to an increase in attendance of about twenty percent above projections. In addition changes in the non-represented pay plan and the minimum wage structure have resulted in unanticipated increases in personal services for retro pay and higher pay rates. Finally, the Administration and the Animal Management divisions have experienced an increased demand for the use of temporary help because of extended illnesses and a high ratio of jury duty service. The requested increases in Administration and Visitor Services will be more than offset by increases in enterprise earnings. Savings in the Animal Purchase line item will be used to fund the requested increase in the Animal Management Division. The Animals originally planned to be purchased will instead be received on loan.

The FY 1989-90 adopted budget approved a .75 FTE Food Service Coordinator position to provide catering services for special events. The frequency and popularity of these events is necessitating the increase of this position to 1.0 FTE. The additional cost of this position will be more than offset by the earnings received from the events.

This amendment requests the transfer of \$204,214 from the Zoo Operating Contingency to various operating categories for the net increase in Zoo Operations.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 90-343.

kr:ord89-90:zoo:sr  
3/13/90



Agenda Item No. 6.1  
Meeting Date: March 22, 1990

ORDINANCE NO. '90-387

SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 90-337, FOR THE PURPOSE OF AMENDING METRO CODE  
CHAPTER 5.02, ESTABLISHING SOLID WASTE DISPOSAL RATES FOR FY  
1990-91

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Date: March 13, 1990

Presented by: Councilor  
Gary Hansen

Committee Recommendations: The Solid Waste Committee voted unanimously to recommend Council adoption of Ordinance No. 90-337. Voting: Councilors Hansen, Bauer, Buchanan, DeJardin and Wyers. This action was taken March 12, 1990.

Committee Discussion/Issues: Prior to conducting a public hearing on the proposed ordinance establishing solid waste rates, the Solid Waste Committee had the Solid Waste staff highlight the major policies and changes to the disposal charges and user fees. Staff stated that the rate ordinance provides for a disposal rate of \$47.00 per ton at the Metro South Station, and \$54.00 at the Metro South Station, the new Metro East Station and the new Metro/Riedel Compost facility. These figures do not include \$0.50 for enhancement fees, \$0.50 for the Orphan Site account or \$0.50 for Department of Environmental Quality (DEQ) programs.

The rate increase reflects the new transport contract costs, disposal costs at the new landfill in Gilliam County and the projected debt service and operating expense of the Metro East Transfer Station and the Metro/Riedel Compost facility.

Prior to the public hearing, Councilor Wyers moved Ordinance No. 90-337 with an amendment that removes the requirement that franchised processing centers pay the User Fee on all their incoming waste.

At the public hearing held March 12, 1990, the Committee heard testimony from representatives of DEQ, Oregon Processing and Recovery Center (OPRC), Recycling Advocates, Grimm's Fuel, the Tri-County Council and McFarlane's Bark.

The DEQ was concerned with the lack of recycling incentives in the earlier draft of the rate ordinance, but was satisfied with the ordinance as amended.

Merle Irvine of OPRC stated his opposition to a user fee on franchised processing centers for incoming waste. He said such a policy would put OPRC out of business. He submitted written testimony.

Estle Harlan submitted a letter indicating that the Tri-County Council supported most of the policies reflected in the rate ordinance, but they were concerned about the amount of the rate increase.

SOLID WASTE COMMITTEE REPORT

Ordinance No. 90-337

March 13, 1990

Page 2

Jeanne Roy of Recycling Advocates stated she was pleased to see more incentives for recycling in the ordinance and supports the ordinance.

Representatives of Grimm's Fuel and McFarlane's Bark expressed their concern about the flat rate for self-haulers. They said it was too low and would result in more people taking yard debris to the landfill and transfer stations and less to their facilities. They recommend weighing all vehicles going to Metro's facilities.

The Solid Waste staff pointed out that equipment will be installed to weigh the waste of self-haulers. Until that occurs, a flat rate will be in effect.

Regarding the user fee on in-coming waste to processing centers, the Solid Waste Director stated that the fee was recommended earlier by the Solid Waste Rate Review Committee but now they do not support the policy. Mr. Martin said he recommended the policy because it reflects the benefits received from Metro programs. He pointed out that if the user fee for processing centers was removed from the ordinance, the proposed rate would be about \$0.30 per ton too low.

The Committee asked staff what was the proposed definition of "self-haul." Staff said "self-haul" means loads of mixed waste transported inside a passenger car, a pick-up truck of up to a three-quarter ton capacity, or a passenger car with a one-axle trailer, and disposed at authorized disposal rates on transfer stations by the generator of that waste. Loads in any other vehicle configuration should not be considered self-haul.

The Committee noted that the proposed rates include the impact of the Metro Excise Tax.

The major issue, discussed at this meeting and at a previous Solid Waste Committee meeting on solid waste rates, was the issue of a user fee on in-coming waste at processing centers. None of the Committee members support the fee. With this issue resolved by an amendment to the rate ordinance, the Committee voted 5 to 0 to recommend Council adoption of the ordinance.

GH:RB:pa

A:\RB.159

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO ) ORDINANCE NO. 90-337  
CODE CHAPTER 5.02, ESTABLISHING )  
SOLID WASTE DISPOSAL RATES FOR ) Introduced by Rena Cusma,  
FY 1990-91 ) Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

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 Metro South Station, Metro  
East Station and Metro/Riedel Compost Facility  
5.02.030 Waiver of Disposal Charges at St. Johns Landfill  
5.02.035 Litter Control at ~~St. Johns Landfill and the Metro  
South Station~~  
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  
5.02.065 Special Waste Surcharge and Special Waste Permit  
Application Fees  
5.02.070 Source Separated Yard Debris Disposal Charge  
5.02.075 Certification Non-Compliance Fee  
5.02.080 Post-Collection Recycling Incentive

Section 1. Metro Code Section 5.02.010, Purpose, is amended as follows:

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 Metro South Station, Metro East Station, and the Metro/Riedel Compost Facility, solid waste user fees, a regional transfer charge, an out-of-state surcharge, and an Oregon City enhancement fees, and to establish a credit policy at Metro disposal facilities."

Section 2. Metro Code Section 5.02.015, Definitions, is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

~~(g)~~ (a) "Commercial" means those persons who dispose of waste and who:

- (1) pay for disposal of wastes on the basis of weight at St. Johns Landfill, ~~or the Metro South Station, Metro East Station, and Metro/Riedel Compost Facility,~~ or

- (2) pay for disposal of wastes through a charge account at St. Johns, ~~or the Metro South Station, Metro East Station or Metro/Riedel Compost Facility,~~ or
- (3) dispose of wastes as an activity of their business, or
- (4) any disposer whose load does not qualify as Residential Self-Haul as defined in Metro Code Section 5.02.015(i).

~~(f)~~(b) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045.

(c) "Metro East Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97201.

(d) "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232.

~~(j)~~(e) "Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; and Ordinance No. 89-269, Sec. 2)

~~(a)~~(f) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~(h)~~(g) "Private" means those persons who dispose of waste and who:

- (1) do not pay for disposal of wastes on the basis of weight at the St. Johns Landfill or the Metro South Station, and
- (2) do not pay for disposal of wastes through a charge account at the St. Johns Landfill or the Metro South Station, and
- (3) do not dispose of wastes as an activity of their business.

~~(e)~~(h) "St. Johns Landfill" is that landfill owned by the City of Portland, Oregon, operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.

(i) "Self-Haul" means loads of mixed waste transported inside a passenger car, or in a pickup truck of up to a three-quarter ton capacity, ~~or transported by a passenger car or pick up truck with a one axle trailer,~~ and disposed at authorized disposal sites or transfer stations by the generator of that waste. Loads in any other vehicle configuration shall not be considered Residential Self-Haul.

~~(b)(1)~~ "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.

~~(d)(k)~~ "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard



debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

(e)(1) "Special Waste" means: 1) Solid waste which is any unusual component of municipal solid waste; 2) solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency; or 3) solid waste which requires extraordinary management. Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

(m) "Tier One User Fee" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

(n) "Tier Two User Fee" means that fee collected at St. Johns Landfill, Metro South Station, Metro East Station, and Metro/Riedel Compost Facility which consists of fixed expenses particular to those facilities.

Section 3. Metro Code Section 5.02.020, Disposal Charges at the St. Johns Landfill, is amended as follows:

(a) A commercial base disposal rate ~~fee~~ of \$30.75 ~~\$26.00~~ per ton of solid waste delivered is established for disposal at the St. Johns Landfill. ~~A Self-Haul base disposal rate of \$10.50 per trip is established for disposal at the St. Johns Landfill.~~ Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate ~~fee~~ for Residential Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables ~~(except Source Separated Yard Debris)~~. This rate shall be in addition to other fees and charges established pursuant to this Chapter.

(c) The following tables summarize the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for commercial vehicles shall be ~~\$13.50~~ \$15.00."

ST. JOHNS LANDFILL

Tonnage Vehicle Category	Fee Component	Rate \$/Ton
<u>Commercial</u>		
	Base Rate	\$30.75
	Disposal Fee	\$26.00
	Regional Tier One User Fee	7.00
	Metro Tier Two User Fee 4.25	14.00
	Regional Transfer Charge	6.25
	Total Rate	\$41.25
		\$47.00*

Vehicle Category	Fee Component	Trip Rate
<u>Residential Self-Haul</u>		
	Flat Fee	\$15.00
	Base Rate	0.50

Tires	Type of Tire	Per Unit
	Car tires off rim	.85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

\*Total Rate does not include state imposed fees which are currently for commercial, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Metro Code or State law.

Section 4. Metro Code Section 5.02.025, Disposal Charges at Metro South Station is amended as follows:

"Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station, and the Metro/Riedel Compost Facility.

(a) A commercial base disposal rate ~~fee~~ of ~~\$30.75~~ ~~\$26.00~~ per ton of solid waste delivered is established for disposal at Metro South Station, Metro East Station, and the Metro/Riedel Compost Facility. ~~A residential Self Haul base disposal rate is \$10.50 per trip is established for disposal at the Metro South Station.~~

(b) ~~A convenience charge of \$3.00 per commercial ton and \$1.25 per Residential Self Haul trip delivered is established to be added to the base disposal rates at Metro South Station. An Oregon City enhancement fee of \$.50 per commercial ton and \$.25 per Residential Self Haul trip is established to be charged at the Metro South Station, Metro East Station, and the Metro/Riedel Compost Facility.~~

(c) Notwithstanding the provisions of 5.02.025(a) and (b), the following charges apply for Residential Self-Haul trips of two and one-half cubic yards or less of garbage if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables. The base disposal rate ~~fee~~ shall be \$3.50

per cubic yard; ~~the convenience charge shall be \$.40 per cubic yard; and the Oregon City enhancement fee shall be \$.10 per cubic yard.~~

(d) The base disposal rate ~~fee, convenience charge and~~ enhancement fee established by this section shall be in addition to other fees and charges established pursuant to this Chapter.

(e) The following tables summarize the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at Metro South Station, ~~Metro East Station, and the Metro/Riedel Compost Facility.~~ The minimum charge for commercial vehicles shall be \$15.00."

METRO SOUTH STATION  
METRO EAST STATION  
METRO/RIEDEL COMPOST FACILITY

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
<u>Commercial</u>		
	Base Rate	\$30.75
	Disposal Fee	\$26.00
	Regional Tier One User Fee	7.00
	Metro Tier Two User Fee	4.25 14.00
	Regional Transfer Charge	6.25 7.00
	Convenience Charge	3.00
	Oregon City Enhancement Fee	.50
	<b>Total Rate</b>	<b>\$44.75 \$54.00*</b>

\*Total Rate does not include state imposed fees which are currently for commercial, \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees established pursuant to Section 5.02.025 (b).

Vehicle Category	Fee Component	Trip Rate
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Residential Self-Haul  
 (does not apply to Metro/  
 Riedel Compost Facility)

Flat Fee	\$15.00
Base Rate	\$10.50

Tires	Type of Tire	Per Unit
	Car tires off rim	\$ .85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

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)

Section 5. Metro Code Section 5.02.035 is amended as follows:

5.02.035 Litter Control at St. Johns Landfill and Metro South Station: ~~All vehicles entering the St. Johns Landfill or the Metro South Station 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) amended by Ordinance No. 89-269, Sec. 2)~~

All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

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)

Section 6. Metro Code Section 5.02.045, User Fees is amended as follows:

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, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) Tier One User Fee

(1) For noncompacted commercial solid waste, \$.50 ~~\$0.75~~ per cubic yard delivered, or ~~\$4.25~~ ~~\$7.00~~ per ton delivered

(2) For compacted commercial solid waste, ~~\$1.25~~ ~~\$2.25~~ per cubic yard delivered; or ~~\$4.25~~ ~~\$7.00~~ per ton delivered.

(b) Tier Two User Fee

(1) ~~\$14.00 per ton for all commercial solid waste delivered.~~

~~(f)~~ (c) 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.

~~(a) For noncompacted commercial solid waste, \$.50 per cubic yard delivered, or \$4.25 per ton delivered.~~

~~(b) For compacted commercial solid waste, \$1.25 per cubic yard delivered, or \$4.25 per ton delivered.~~

~~(c) For Self Haul, \$1.75 per trip at the St. Johns Landfill and the Metro South Station and \$.50 per cubic yard at franchised facilities that are not otherwise exempt from such charge.~~

~~(d) Notwithstanding the provisions of 5.02.045(c), the User Fee at the St. Johns Landfill and Metro South Station, for Self Haul trips of two and one half cubic yards or less of garbage shall be \$.50 per cubic yard if the disposer has separated and included in his/her load at least one half cubic yard of recyclables.~~

~~(e) User fees for solid waste delivered to franchised facilities in units of less than a whole cubic yard shall be determined and collected on a basis proportional to the fractional yardage delivered.~~

(g) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

~~(h) Notwithstanding the above, User Fees shall not apply to loads of wastes received at the Metro South Station which are verified by an authorized Metropolitan Service District representative to be at least 90 percent cardboard.~~

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; and Ordinance No. 89-269, Sec. 2)

Section 7. Metro Code Section 5.02.050, Regional Transfer Charge is amended as follows:

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the operators ~~users~~ of solid waste disposal facilities ~~Metro South Station, Metro East Station and Metro/Riedel Compost Facility.~~ ~~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 ~~in addition~~ 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 ~~users~~ of ~~Metro South Station, Metro East Station, and the Metro/Riedel Compost Facility~~ ~~solid waste disposal facilities, whether within or without the boundaries of Metro,~~ for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries:

~~(1) For noncompacted commercial solid waste, \$.75 per cubic yard delivered; \$6.25 per ton delivered. For all commercial solid waste \$7.00 per ton delivered.~~

~~(2) For compacted commercial solid waste, \$1.75 per cubic yard delivered; \$6.25 per ton delivered.~~

~~(3) For Self Haul, \$1.25 per trip at the St. Johns Landfill and the Metro South Station or \$.50 per cubic yard at franchised facilities that are not otherwise exempt from such charge.~~

~~(c) Notwithstanding the provisions of 5.02.050(b)(3), the Regional Transfer Charge at the St. Johns Landfill and Metro South Station, for Self Haul trips of two and one-half cubic yards or less of garbage shall be \$.50 per cubic yard if the~~

~~disposer has separated and included in his/her load at least one half cubic yard of recyclables.~~

~~(d) Regional transfer charges shall not be collected on wastes disposed at limited use landfills by commercial disposers. The purpose of this exemption is to encourage the disposal of non-food wastes at limited use sites and thus prolong the capacity of general purpose landfills.~~

~~(e) The Solid Waste Director is hereby authorized to exempt those wastes which are disposed at transfer stations or other solid waste facilities not operated by Metro from the collection of Regional Transfer Charges if the following conditions are met:~~

~~(1) The RTC exemption benefits the entire waste management system and is needed to provide economic incentives for diverting wastes away from a Metro facility; and~~

~~(2) The RTC exemption is for a reasonable time not to exceed the completion of construction of the West Transfer & Recycling Center; and~~

~~(3) The RTC exemption will apply only to the quantity of waste which does not adversely affect the finances of the entire waste management system; and~~

~~(4) The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept; and~~

~~(5) The facility continues to collect other Metro fees as required; and~~

~~(6) The RTC exemption is granted to a facility through a written agreement.~~

~~(f) Regional Transfer Charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.~~

~~(g) Notwithstanding the provisions of (a) through (f) above, the Regional Transfer Charge shall not apply to loads of wastes received at the Metro South Station which are verified by an authorized Metropolitan Service District representative, to be at least 90 percent cardboard.~~

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; and Ordinance No. 89-269, Sec. 2)

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)

Section 8. Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fees is amended as follows:

5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:

(a) There are hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes ~~and asbestos~~ disposed at the St. Johns Landfill and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee

established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste, ~~including asbestos,~~ to pay the cost of those services which are provided at the St. Johns Landfill and by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected at the St. Johns Landfill shall be \$4.00 per ton of special waste ~~(excluding asbestos)~~ delivered. ~~The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.~~

(c) The minimum charge collected through all fees for each special waste ~~(excluding asbestos)~~ disposal trip shall be \$15.00. ~~The minimum charge for each asbestos trip shall be \$100.00.~~

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; and Ordinance No. 88-257, Sec. 9)

Section 9. Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge is amended as follows:

5.02.070 Source Separated Yard Debris Disposal Charge:

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris which shall be collected on all source separated yard debris disposed at the St. Johns Landfill, Metro South Station, or Metro East Station by Commercial and Self-Haul disposers. Said disposal charge is in lieu of other Base Disposal charges Fees, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, State Landfill Siting Fees and Certification Non-Compliance Fees which may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046,

5.02.050 and 5.02.075 of this chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at St. Johns ~~Landfill or the Gilliam County Landfill~~ and is made available for reuse.

(b) The amount of the Source Separated Yard Debris Charge to be collected at the St. Johns Landfill, ~~Metro South Station, and Metro East Station~~ shall be \$25.00 per ton for Source Separated Yard Debris delivered by Commercial disposers; and \$10.00 per trip for Source Separated Yard Debris delivered by Self-Haul disposers.

(c) The minimum charge for Commercial vehicles delivering Source Separated Yard Debris shall be ~~\$10.00~~ \$25.00. The minimum charge for delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; and Ordinance No. 88-278, Sec. 6)

5.02.075 Certification Non-Compliance Fee: There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified commercial disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:

(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or commercial waste disposers as either certified or non-certified for the purpose of collecting this fee; and

(b) The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.

(Ordinance No. 86-214, Sec. 8)

5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper. (Ordinance No. 88-257, Sec. 11)

Section 10. Ordinance No. 89-300 which dedicated the St. Johns Reserve Fund for the purposes established by OAR 340-61-034 is amended as follows:

Exhibit A shall be replaced by "Amended Exhibit A".

Section 11. Rate Structure of the 1988 Regional Solid Waste Management Plan (RSWMP) adopted by Ordinance No. 88-266B is hereby amended as follows:

## CHAPTER 11 - RATE STRUCTURE

### POLICIES

11.0 The solid waste system shall be developed to achieve stable, equitable and predictable solid waste system costs and rates.

11.1 While the base rate will remain uniform throughout the region, local solid waste management options may affect rates.

11.2 Metro shall provide financial support for source separation programs, to produce high-grade select loads and to carry out other waste reduction programs.

11.3 In establishing financial support for waste reduction programs, Metro shall consider cost effectiveness, legal, technical and economic feasibility.

~~The Rate Study for fiscal year 1988-89 is hereby adopted as the Rate Structure Chapter of the Solid Waste Management Plan.~~

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

\_\_\_\_\_  
Clerk of the Council

PEN:sg  
SW90337.ORD  
March 14, 1990



## AMENDED EXHIBIT A LANDFILL CLOSURE ACCOUNT

Contribution Analysis

05-Mar-90

**Methodology:**

Using actual tonnage going into the landfill, and the estimated cost provided by Emoon to close the landfill, a rate per ton may be derived that will guide the level of Solid Waste Operating Account contributions (transfers). Actual tonnage used are to be waste figures over the life of the landfill since Metro acquired it in Oct. 1980. The latest estimate, \$30.0 to \$32.0 million, is from a May 1989 consulting report titled St. Johns Landfill, Water Quality Impact Investigation and Environmental Management Options.

Actual tonnage into the St. Johns Landfill (by Fiscal Year, Includes Commercial, Public, and Transfer tons):	Annual Dollar Contribution	YTD Dollar Contribution	Interest	YTD Interest	Total Annual Contribution	Total YTD Contribution	Drawdown	Net YTD Contribution	Total Annual Contribution @ \$5.02/ton	Total YTD Contribution @ \$5.02/ton
Oct - June 1981	193,771	\$0	\$0	\$0	\$0	\$0		\$0	\$973,659	\$973,659
July - June 1982	216,247	0	0	0	0	0		0	1,086,506	2,060,255
July - June 1983	356,619	0	0	0	0	0		0	1,791,937	3,852,192
July - June 1984	553,055	0	0	0	0	0		0	2,779,987	6,631,179
July - June 1985	561,077	548,955	29,501	29,501	578,456	578,456		578,456	2,819,295	9,450,474
July - June 1986	687,561	536,445	1,085,400	59,640	596,085	1,174,541		1,174,541	3,454,851	12,905,326
July - June 1987	654,950	374,042	1,459,442	87,700	176,921	1,636,363		1,636,363	3,290,989	16,196,314
July - June 1988	666,318	392,012	1,941,454	132,617	309,536	514,629		2,150,992	3,348,110	19,544,423
July - June 1989	668,833	10,429,010	12,270,464	469,234	778,772	10,998,244		13,049,236	3,360,747	22,905,170
July - June 1990	604,364	12,000,000	24,270,464	1,333,447	2,112,219	13,333,447		26,382,683	3,038,804	25,941,974
July - June 1991	254,387	1,000,000	25,270,464	1,430,936 **	3,563,157	2,450,936	(6,155,000)	22,678,821	1,328,490	27,270,464
July - June 1992	0	1,000,000	26,270,464	1,209,284 **	4,772,440	2,209,284	(5,903,141)	18,775,480	0	27,270,464
July - June 1993	0	1,000,000	27,270,464	893,607 **	5,666,047	1,893,607	(4,509,669)	12,265,811	0	27,270,464
	5,427,182	\$27,270,464	\$5,666,047		\$32,936,511	(\$16,567,810)		\$27,270,464		

\$5.02 per ton      \*\* Interest is figured at 7% on balances after drawdown

### Annual effect of contributions vs. defined goal (EXCLUSIVE OF EARNED INTEREST):

At end of FY 1988-89:    \$22,905,170    Contribution that should already be in Landfill Closure Account  
                                   (12,270,464)    Less estimated FY 1988-89 YTD Contribution  
                                   -----  
                                   (\$10,634,706)    Shortfall in YTD Contributions from 1980 to 1989

At end of FY 1989-90:    \$25,941,974    Contribution that should already be in Landfill Closure Account  
                                   (24,270,464)    Less estimated FY 1989-90 YTD Contribution  
                                   -----  
                                   (\$1,671,510)    Shortfall in YTD Contributions from 1980 to 1990

At end of FY 1990-91:    \$27,270,464    Contribution that should already be in Landfill Closure Account  
                                   (25,270,464)    Less estimated FY 1990-91 YTD Contribution

At end of FY 1991-92:    \$27,270,464    Contribution that should already be in Landfill Closure Account  
                                   (26,270,464)    Less estimated FY 1991-92 YTD Contribution  
                                   -----  
                                   (\$1,000,000)    Shortfall in YTD Contributions from 1980 to 1992

At end of FY 1992-93:    \$27,270,464    Contribution that should already be in Landfill Closure Account  
                                   (27,270,464)    Less estimated FY 1992-93 YTD Contribution  
                                   -----  
                                   (\$0)            Shortfall in YTD Contributions from 1980 to 1993

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 90-337, FOR THE PURPOSE  
OF AMENDING METRO CODE CHAPTER 5.02, ESTABLISHING SOLID  
WASTE DISPOSAL RATES FOR FY 1990-91

Date: March 12, 1990

Presented by: Bob Martin  
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Metro's Solid Waste Disposal rates were last-increased on November 1, 1988. Ordinance No. 90-337 will increase the overall Commercial Solid Waste Disposal Rate by \$6.25 per ton at the St. Johns Landfill and by \$9.75 per ton at Metro South Station on July 1, 1990. This action will raise the overall per ton disposal rate to \$47.00 per ton at St. Johns Landfill and \$54.00 at Metro South Station, the new Metro East Station and the new Metro/Riedel Compost Facility.

This rate increase reflects the Jack Gray transport contract costs, costs of disposal at the landfill in Gilliam County and projected debt service and operating expense of the Metro East Transfer Station and the Metro/Riedel Compost facility.

The following major policy issues are proposed in this ordinance:

1. That the rate setting cycle be normalized to change on a fiscal year basis, establishing clear correlation between waste management programs and their effect on disposal rates thus lending fiscal stability to Metro's Solid Waste System.
2. That all costs be logically aligned such that the Regional Transfer Charge and Disposal Fee programs reflect a "one to one" ratio of "revenue per ton equals expenses per ton." (The self-haul rate will remain at \$15.00 per trip until such time as the District begins weighing all waste at all Metro owned facilities in February 1991).
3. That Metro abolish the Regional Transfer Charge at the St. Johns Landfill since users of this facility do not use Metro's transfer system and thus should not bear these costs which is consistent with the above item.
4. That Metro address the "fixed costs" requirements of the regional waste disposal system through a "two-tier" User Fee program that requires all system users pay in a logical and fair manner for the benefits received.
5. That franchised processing centers reflect the benefits received from Metro programs by paying the User Fee (tier 1) on all their incoming mixed waste.

6. That Metro abolish the Convenience Charge since closure of the St. Johns Landfill is imminent and there will be no disproportionate benefit in taking waste to one transfer station over another.
7. That the landfill closure account be amended to provide for \$3 million dollars to be contributed evenly in \$1 million dollar increments over FY 1991, 1992 and 1993 rather than \$3 million dollars to be contributed in FY 1991.
8. That asbestos disposal fees be increased to \$100.00 per ton with a minimum charge of \$100.00 per trip to correctly reflect the cost of disposal.

Based on the above recommendations, rates will be revised as follows:

	<u>Current Rate</u>	<u>Recommended Rate</u>
St. Johns Landfill		
Commercial(per ton)	\$41.25	\$47.00
Self-Haul(per trip)	15.00	15.00
Metro South Station		
Commercial(per ton)	44.75	54.00
Self-Haul(per trip)	15.00	15.00
Metro East Station		
Commercial(per ton)		54.00
Metro/Riedel Compost Facility		54.00

In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and transfer stations will also be added.

Included within the above rates is the impact of the Metro Excise Tax.

## FEE DEFINITIONS

Disposal Fee - pays for the costs of transportation and disposal of landfilled waste. Major cost components are: the Jack Gray Transport Contract and the Oregon Waste System disposal contract.

User Fee (Tier One) - pays for costs associated with administration, financial and engineering services and waste reduction activities of the waste disposal system. Contingency fees on all costs and general transfers to solid waste funds and other departments are included in this fee.

User Fee (Tier Two) - pays for fixed costs related to the St. Johns Landfill, Metro South, Metro East and the Metro/Riedel Composter. This fee is collected at all Metro facilities. Fixed costs of the Oregon Waste Systems disposal contract, the Jack Gray transport contract, debt service for Metro East and certain capital items (Capital Account) directly related to the facilities are paid through this fee.

Regional Transfer Charge - pays the operating costs of the Metro transfer stations. These costs are strictly tonnage sensitive, thus expenses and revenues fluxuate together.

Enhancement Fee - are collected and used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and transfer stations.

RC:sg  
RATE0306.AMD  
March 12, 1990



**METRO**

# Memorandum

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

DATE: March 20, 1990

TO: Metro Council *DE*

FROM: Donald E. Carlson  
Council Administrator

RE: PROPOSED AMENDMENT TO ORDINANCE NO. 90-337 -- SOLID WASTE RATE  
ORDINANCE

Councilor Wyers asked me to prepare an amendment for consideration at the March 12, 1990, Solid Waste Committee meeting which would exempt the imposition of user charges on waste received at franchised processing centers that accomplish materials recovery and recycling as a primary purpose.

That amendment approved by the Committee did only half the job. The attached amendment is proposed to complete the intent of the policy recommended by the Committee. It would restore to the Code the current policy of not applying the Regional Transfer Charge to waste received at franchised processing centers that accomplish materials recovery and recycling as primary purposes.

My apologies for this oversight and any inconvenience it may cause.

~~(4) The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept, and~~

~~(5) The facility continues to collect other Metro fees as required, and~~

~~(6) The RTC exemption is granted to a facility through a written agreement.~~

~~(f) Regional Transfer Charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.~~

~~(g) Notwithstanding the provisions of (a) through (f) above, the Regional Transfer Charge shall not apply to loads of wastes received at the Metro South Station which are verified by an authorized Metropolitan Service District representative, to be at least 90 percent cardboard.~~

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; and Ordinance No. 89-269, Sec. 2)

Agenda Item No. 7.1  
Meeting Date: March 22, 1990

RESOLUTION NO. 90-1189

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

RESOLUTION NO. 90-1189, ADOPTING BYLAWS FOR THE JOINT POLICY  
ADVISORY COMMITTEE ON TRANSPORTATION (JPACT)

Date: March 14, 1990

Presented By: Councilor Devlin

COMMITTEE RECOMMENDATION: At the March 13, 1990, Intergovernmental Relations Committee meeting, Councilors Bauer, Gardner, McFarland and myself voted unanimously to forward Resolution No. 90-1189 as amended to the Council without a recommendation. Councilor Ragsdale was excused.

The amendment incorporated in the resolution provides for a telephone vote on emergency items in the event a quorum is lacking at a regular JPACT meeting. The resolution was forwarded without recommendation because, while the Committee generally supports and approves the bylaws, there was concern they do not ensure JPACT representation for the City of Gresham.

COMMITTEE DISCUSSION/ISSUES: As you recall, the Metro Council, at its March 8 meeting, voted unanimously to refer Resolution No. 90-1189 back to the Intergovernmental Relations (IGR) Committee to consider an amendment proposed that morning by the Joint Policy Advisory Committee on Transportation (JPACT). On March 8, JPACT considered two bylaws amendments: 1) provisions for telephone votes on emergency items when a quorum at the regular meeting is lacking; 2) requiring the city of largest population (after Portland) in each Oregon county to be represented as either a member or alternate on JPACT.

JPACT approved the telephone vote amendment but did not pass the largest city amendment, which the IGR Committee had requested JPACT to consider (see attached February 14 IGR Committee Report). The Committee discussed the telephone vote amendment, which Transportation Department Director Andy Cotugno explained would require public notice and recording of minutes of the vote, consistent with public meetings laws requirements. The Committee voted unanimously to approve the telephone vote amendment as recommended by JPACT.

At the March 8 JPACT meeting, the Chair determined, under the bylaws provisions, JPACT would have to approve any amendment by a two-thirds vote. The reasoning was, although the Metro Council has yet to adopt the bylaws, JPACT did adopt the bylaws January 18, 1990 and the bylaws require any amendments be approved by a two-thirds favorable JPACT vote and a majority Council vote. The vote on the largest city amendment was 9 in favor, 6 opposed, just missing the two-thirds required.

jpmfour  
b:\9011892.cr



## INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

### RESOLUTION NO. 90-1189, PROVIDING FOR THE ADOPTION OF BYLAWS FOR THE JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

Date: February 14, 1990

Presented By: Councilor Mike Ragsdale

COMMITTEE RECOMMENDATION: At the February 13, 1990, Intergovernmental Relations Committee meeting, Councilors Devlin, Gardner, McFarland and myself were present and voted 4 to 1 (Councilor McFarland dissenting) to recommend Council adoption of Resolution No. 90-1189. Councilor Bauer was excused. It was agreed to have the Committee Chair ask the Presiding Officer not to schedule the resolution for Council consideration until the March 8 meeting, allowing JPACT to forward any final bylaws changes from its March 8 morning meeting.

COMMITTEE DISCUSSION/ISSUES: Resolution No. 90-1189 presents bylaws for the Joint Policy Advisory Committee on Transportation (JPACT) which largely codify JPACT's current, informal organization structure and meeting procedures. Metro Transportation Department Director Andy Cotugno reviewed with the Committee an updated Staff Report which describes JPACT's most recent February 8 amendments to the bylaws (pages 4 and 5 of the Staff Report). JPACT voted to recommend three amendments to do the following: 1) clarify the State of Washington's member appointment process; 2) reduce the required Council vote to amend the bylaws from two-thirds of the Council to a majority; and 3) Require written notice to all members and alternates at least 30 days prior to any proposal to amend or repeal the bylaws. JPACT rejected 4 other proposed amendments regarding the addition of the City of Gresham to the Committee, the addition of members for Oregon cities with population in excess of 60,000, requiring 5 working days' notice for any special meeting, and stipulating a majority of any subcommittee must be JPACT members.

The IGR Committee discussed the status of Gresham and its participation on JPACT. It was noted JPACT rejected bylaws amendments which went beyond the status quo membership structure. Councilor McFarland expressed her disappointment in Gresham, as the largest city in Multnomah County, not having a vote on JPACT. Councilor Gardner noted JPACT did not consider his proposed amendment ("Proposed Amendment #2" attached to this Committee Report) which would require the city of largest population (after Portland) in each Oregon county to be represented as either a member or alternate on JPACT. Councilor McFarland moved to send the resolution, with Councilor Gardner's amendment, back to JPACT for reconsideration. After sharing my resistance to the motion and providing assurance, as JPACT Chair, that JPACT will consider Councilor Gardner's amendment at its March 8 meeting, Councilor McFarland revised the motion. The revised motion was to recommend Council adopt Resolution No. 90-1189, with the understanding JPACT will formally consider Councilor Gardner's "Proposed Amendment #2" at its March 8 meeting. It was agreed, as noted above, to request the Council Presiding Officer not schedule Resolution No. 90-1189 until the March 8 Council meeting.

JPACT BYLAWS

- PROPOSED AMENDMENT #2 -  
(in lieu of Amendment #1)

Article IV - Committee Membership

Section 2. Appointment of Members and Alternates

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the represented cities and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population (after the City of Portland). The member and alternate will serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE )  
JOINT POLICY ADVISORY COMMITTEE )  
ON TRANSPORTATION (JPACT) BYLAWS )

RESOLUTION NO. 90-1189  
Introduced by  
Councilor Mike Ragsdale

WHEREAS, Title 23 of the Code of Federal Regulations, Part 450, and Title 45, Part 613, require establishment of a Metropolitan Planning Organization (MPO) in each urbanized area; and

WHEREAS, These regulations require that principal elected officials of general purpose local governments be represented on the Metropolitan Planning Organization to the extent agreed to among the units of local government and the governor; and

WHEREAS, The Governor of the State of Oregon, on November 6, 1979, designated the Metropolitan Service District as the Metropolitan Planning Organization for the Oregon portion of the Portland urbanized area; and

WHEREAS, The Governor of the State of Washington, on January 1, 1979, designated the Intergovernmental Resource Center of Clark County as the Metropolitan Planning Organization for the Washington portion of the Portland-Vancouver urbanized area; and

WHEREAS, ORS 268 requires the Metropolitan Service District to prepare and adopt a functional plan for transportation; and

WHEREAS, The involvement of local elected officials and representatives from transportation operating agencies is essential for the successful execution of these responsibilities; now, therefore

BE IT RESOLVED:

That the Joint Policy Advisory Committee on Transportation and the Council of the Metropolitan Service District adopt the JPACT Bylaws as shown in Exhibit A.

ADOPTED by the Joint Policy Advisory Committee on Transportation this \_\_\_\_ day of \_\_\_\_\_, 1990.

Mike Ragsdale, JPACT Chair

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of \_\_\_\_\_, 1990.

Tanya Collier, Presiding Officer

EXHIBIT A

JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION  
(JPACT)

BYLAWS

ARTICLE I

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

ARTICLE II  
MISSION

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

ARTICLE III  
PURPOSE

Section 1. The purpose of JPACT is as follows:

a. To provide the forum of general purpose local governments and transportation agencies required for designation of the Metropolitan Service District as the metropolitan planning organization for the Oregon urbanized portion of the Portland metropolitan area and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.

b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.

c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

d. (Pending establishment of an Urban Arterial Fund) To establish the program of projects for disbursement from the Urban Arterial Fund.

Section 2. In accordance with these purposes, the principal duties of JPACT are as follows:

a. To approve and submit to the Metro Council for adoption the Regional Transportation Plan (RTP) and periodic amendments.

b. To approve and submit to the Metro Council for adoption short and long-range growth forecasts and periodic amendments upon which the RTP and other Metro functional plans will be based.

c. To approve and submit to the Metro Council for adoption the Unified Work Program (UWP) and periodic amendments for the Oregon and Washington portions of the metropolitan area. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

d. To approve and submit to the Metro Council for adoption the Transportation Improvement Program (TIP) and periodic amendments. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

e. To approve and submit to the Metro Council for adoption the transportation portion of the State Implementation Plan for Air Quality Attainment for submission to the Oregon Department of Environmental Quality. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

f. To periodically adopt positions that represent the consensus agreement of the governments throughout the region on transportation policy matters, including adoption of regional priorities on federal funding, the Surface Transportation Act, the Six-Year Highway Improvement Program priorities and regional priorities for LRT funding. The Metro Council will adopt the recommended action or refer it back to JPACT with a recommendation for amendment.

g. To review and comment on the RTP and TIP for the Clark County portion of the metropolitan area and include in the RTP and TIP for the Oregon urbanized portion of the metropolitan area a description of issues of bi-state significance and how they are being addressed.

h. To review and comment, as needed, on the regional components of local comprehensive plans, public facility plans and transportation plans and programs of ODOT, Tri-Met and the local jurisdictions.

#### ARTICLE IV COMMITTEE MEMBERSHIP

##### Section 1. Membership

a. The Committee will be made up of representatives of the following jurisdictions and agencies:

City of Portland . . . . .	1
Multnomah County . . . . .	1
Washington County. . . . .	1
Clackamas County . . . . .	1
Cities of Multnomah County . . . . .	1
Cities of Washington County. . . . .	1
Cities of Clackamas County . . . . .	1
Oregon Department of Transportation. . . . .	1
Tri-Met. . . . .	1
Port of Portland . . . . .	1
Department of Environmental Quality. . . . .	1
Metropolitan Service District (Metro). . . . .	3
State of Washington. . . . .	3

TOTAL 17

b. Alternates may be appointed to serve in the absence of the regular members.

c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the represented cities and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions. The member and alternate will serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area.

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (Tri-Met and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency.

e. Members and alternate from the Metropolitan Service District will be elected officials and will be appointed by the Presiding Officer of the Metro Council in consultation with the Metro Executive Officer and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Presiding Officer of the Metro Council.

f. Members and alternate from the State of Washington will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington County members will be selected by the IRC Transportation Policy Committee.

#### ARTICLE V MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full Committee shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.



e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to one (1) vote. The chairperson shall vote only in case of a tie.

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

#### ARTICLE VI OFFICERS AND DUTIES

a. The chairperson and vice-chairperson of the Committee shall be designated by the Metro Presiding Officer.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

#### ARTICLE VII RECOGNITION OF TPAC

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

#### ARTICLE VIII AMENDMENTS

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 90-1189 FOR THE PURPOSE OF ADOPTING THE JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT) BYLAWS

Date: February 13, 1990

Presented by: Andrew C. Cotugno

#### PROPOSED ACTION

Adoption of this resolution by JPACT and the Metro Council would establish bylaws for JPACT defining roles, responsibilities, membership and other operating procedures. These bylaws, as proposed, largely codify existing practices.

#### FACTUAL BACKGROUND AND ANALYSIS

On January 10, 1989, the Clark County Intergovernmental Resource Center requested the addition of C-TRAN as a member of JPACT to represent the transit interests in Clark County. Subsequently, on March 10, 1989, the City of Gresham requested a seat on JPACT independent of the "Cities of Multnomah County" to represent the majority of population in the East Multnomah County area. In order to consider these requests and to review the overall role and responsibilities of JPACT, a JPACT Membership Committee was formed at the May 11, 1989 JPACT meeting consisting of the following individuals:

Mike Ragsdale, Committee Chair, Metro  
Earl Blumenauer, Portland  
Pauline Anderson, Multnomah County  
Clifford Clark, Cities of Washington County  
Scott Collier, Vancouver  
Bob Bothman, ODOT  
Gary Demich, WDOT

The Committee met on a number of occasions to review the current JPACT operations, consider possible changes in organizational structure and develop an overall recommendation for consideration. Since JPACT bylaws have never been adopted, it was the general consensus of the Committee that recommendations regarding committee roles, responsibilities and membership be established through adoption of a set of bylaws. Major issues discussed by the Committee included:

- a. Whether there should be one Metropolitan Planning Organization (MPO) for the Portland-Vancouver area, or two, as there is now.

- b. With two MPO's, whether representation from Washington on JPACT should be restricted to one member or expanded to four with the addition of C-TRAN.
- c. If Gresham is added, whether additional "city" representatives should be added from other parts of the region -- either through a population threshold of 30-40,000 or simply by adding an additional "city" representative from each county.
- d. Whether the Metro Council needs to approve JPACT actions, how the MPO designation has been made, and whether a Council change to a JPACT action would affect the MPO designation.
- e. Concern over the current inequity in representation with the ability of voting members with little or no direct transportation operating responsibility being able to out-vote those members with the majority of operating responsibility.
- f. Whether to change to a weighted vote to more accurately reflect population.
- g. Concern over the size of the Committee, the need for a smaller working group, and the need to reduce the demands on individuals resulting from numerous subcommittees.
- h. Whether to form an Executive Committee to handle routine JPACT business.
- i. Whether to make future changes in the bylaws difficult through a two-thirds vote requirement.
- j. Whether to include an automatic sunset clause to ensure the issue is revisited if a major change in structure is adopted.
- k. Whether JPACT membership should be restricted to elected officials and board members or open to staff representatives from designated agencies.

In addition, background material was provided to the full JPACT on statutory authority (state and federal), population shares for each voting member, current appointment procedures for "city" representatives, current TPAC bylaws and current membership for the Clark County Intergovernmental Resource Center, Washington County Transportation Coordinating Committee, East Multnomah County Transportation Committee and Clackamas County Transportation Committee.

At the September 14, 1989 JPACT meeting, a "draft" set of bylaws were reviewed and a series of options to the status quo were discussed:

Option 1: To reduce JPACT membership;

Option 2: To increase JPACT membership; and

Option 3: To create an Executive Committee with expanded membership on the full JPACT and reduced membership on the Executive Committee.

Based upon discussion at the JPACT meeting and a subsequent Membership Committee meeting, a recommended set of bylaws were presented to the November 9, 1989 JPACT meeting. The key components of the recommendation were as follows:

- a. The bylaws identified existing roles and provided for eventual inclusion of an Arterial Fund when it is established.
- b. Actions requiring Council approval were identified to include Council approval; the remainder were identified on a JPACT-only action.
- c. Membership was recommended to be expanded to include C-TRAN and one additional "city" representative from each county.
- d. An Executive Committee was recommended with 9-11 members to serve in an advisory capacity on all action items scheduled for the full JPACT.
- e. Membership from Tri-Met and the Port of Portland was recommended to be restricted to board members only.
- f. Amendment to the bylaws was recommended to require a two-thirds vote of the full JPACT and a two-thirds vote of the Metro Council.

There was, however, general disagreement by many JPACT members that many of these changes should be adopted. There was particular disagreement to increases in membership and formation of an Executive Committee. At the instruction of the Chair, a bylaws proposal was recommended for consideration at the December 14, 1989 meeting that largely institutionalizes status quo. As such, the bylaws recommended for adoption by this resolution include the following key components:

- a. Existing roles and responsibilities are identified.
- b. All JPACT actions are forwarded to the Metro Council for adoption; the Council will adopt or refer the item back to JPACT with specific recommendations on all actions except the Regional Transportation Plan; final adoption of the Regional Transportation Plan as a regional functional plan rests with the Metro Council.

- c. Membership is retained at the status quo, with the exception that the three State of Washington seats can be filled by Vancouver, Clark County, WDOT or C-TRAN.
- d. Members from agencies can be board members or principal staff.
- e. An Executive Committee is not recommended.

During the process, letters were received from Clark County IRC, Washington County, Tri-Met, Gresham and Lake Oswego (attached).

At the February 8 JPACT meeting, the Committee voted to recommend approval of Resolution No. 90-1189 with the following amendments to the Bylaws (which are reflected in Exhibit A):

- . Article IV - Committee Membership (Section 2. Appointment of Members and Alternates)

f. Members and alternate from the State of Washington will be either elected officials or principal staff representatives from Clark County, ~~the cities of Clark County, the City of Vancouver,~~ the Washington Department of Transportation ~~ex and~~ C-TRAN. The members will be ~~appointed~~ nominated by the ~~Clark County Intergovernmental Resource Center Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN~~ and will serve until removed by the ~~appointing~~ nominating agency. The three Washington members will be selected by the IRC Transportation Policy Committee.

- . Article VIII - Amendments

a. These bylaws may be amended or repealed only by a two-thirds vote of the Committee and a ~~two-thirds~~ majority vote of the Metro Council.

- . Article VIII - Amendments

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.

In addition, JPACT considered but rejected the following proposed amendments:

- . Article IV - Committee Membership

Section 1. Membership (addition of City of Gresham to Committee)

Section 2. Appointment of Members and Alternates

c. Member(s) and alternate(s) from all Oregon cities with population in excess of 60,000 will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member(s) and alternate(s) will serve until removed by the appointing jurisdiction.

. Article V - Meetings, Conduct of Meetings, Quorum

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special meetings may be called by the chairperson or a majority of the membership. No special meeting may be held without five working days' notice to members and alternates.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside members. JPACT members shall hold a majority of the seats on any subcommittee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 90-1189.

90-1189.RES  
2-9-90

STAFF REPORT

CONSIDERATION OF AN AMENDMENT TO RESOLUTION NO. 90-1189 FOR  
THE PURPOSE OF AMENDING THE BYLAWS OF THE JOINT POLICY  
ADVISORY COMMITTEE ON TRANSPORTATION (JPACT)

Date: March 8, 1990

Presented by: Andrew C. Cotugno

PROPOSED ACTION

Adoption of this proposed amendment to Resolution No. 90-1189 would provide for a telephone vote on emergency items in the event of lack of a quorum.

FACTUAL BACKGROUND AND ANALYSIS

The Bylaws for JPACT were recommended for adoption at the JPACT meeting of January 18, 1990. At that time, interest was expressed in providing the ability to conduct a telephone vote on agenda items that the chair determines must be acted on expeditiously in the event a quorum is lacking at the regular meeting. Although this circumstance is unlikely, it was felt that provision should be allowed. Exhibit A, proposed amendment to the JPACT Bylaws, was approved by JPACT at its March 8 meeting and provides for this telephone vote. In addition, the memo from legal counsel provides the guidelines under which public notice should be provided.

After the January 18 JPACT meeting, the Metro Council Intergovernmental Relations Committee considered adoption of the Bylaws. They recommended adoption of the Bylaws for consideration by the Metro Council at their March 8, 1990 meeting, but also requested that an amendment dealing with representation from the Cities of Multnomah, Washington, and Clackamas Counties be referred back to JPACT for consideration. This amendment, however, failed to pass at the March 8 JPACT meeting.

ACC:lmk  
Attachments  
90-1189A  
3-8-90

EXHIBIT A

PROPOSED AMENDMENT NO. 1

Article V -- Meetings, Conduct of Meetings, Quorum

- a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the Chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting the chairperson may call a special or emergency meeting, including membership participation and vote by telephone for deliberation and action on any matters requiring consideration prior to the next regular meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.





**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503 221-1646

# Memorandum

Date: March 6, 1990  
To: Andy Cotugno, Transportation Director  
From: Larry Shaw, Legal Counsel  
Re: JPACT TELEPHONE VOTE

## Summary

Members may participate and vote by telephone in JPACT public meetings. Exhibit A is drafted to reflect Resolution No. 90-1228 intent to use telephone votes only when subsequent expedited action is required due to lack of a quorum. The amendment authorizes the chairperson to call a subsequent expedited meeting with telephone participation. Notice, minutes, public attendance and public opportunity to listen to telephone meetings are required by Public Meetings Law.

## Telephone Meetings Authorized by Law

ORS 192.670(1) specifically authorizes convening members of a public body by telephone, so long as Public Meeting Law requirements are met. An additional requirement for such meetings is in ORS 192.670(2): "...the governing body...shall make available to the public at least one place where the public can listen to the communication at the time it occurs by means of speakers or other devices. The place provided may be a place where no member of the governing body of the public body is present."

## Special and Emergency Meeting Requirements

Use of special and emergency meetings in the proposed JPACT Bylaws amendment is taken from Public Meeting Law. Special meetings are any meeting not regularly scheduled with more than 24 hours notice to members and the news media.

An emergency meeting may be held, including telephone participation on less than 24 hours notice so long as the emergency justifying the emergency meeting is described in the emergency meeting minutes. ORS 192.640(3). However, courts are strict in their analysis of an "actual emergency" and work schedules of Committee members is not independent justification

Memorandum  
March 6, 1990  
Page 2

for an emergency meeting. ORS. Assoc. Classified Employees v. Salem-Keizer, 95 Or App 28, 34, 767 P2d 1365, 1368 (1989). Therefore, the recommended course is to call special meetings with telephone votes authorized, giving at least 24 hours notice.

Public notice including a list of anticipated principal subjects, written minutes recording all motions and votes are required for special meetings, like regular meetings. Emergency meetings require minutes and "such notice as is appropriate to the circumstances" which is notice "reasonably calculated to give actual notice to interested persons." ORS 192.640(1).

LS/gl  
1028

Agenda Item No. 7.2  
Meeting Date: March 22, 1990

RESOLUTION NO. 90-1229

The Solid Waste Committee will consider Resolution No. 90-1229 at their meeting on March 20, 1990. The Committee's report and recommendation will be distributed at the Council meeting.

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 90-1229
INTERGOVERNMENTAL AGREEMENT WITH	)	
THE DEPARTMENT OF ENVIRONMENTAL	)	Introduced by Rena Cusma,
QUALITY FOR SHARED FUNDING OF THE	)	Executive Officer
WASTE TIRE TECHNICAL ASSISTANCE	)	
PROJECT ADOPTED BY THE CONTRACT	)	
REVIEW BOARD FEBRUARY 20, 1990	)	

WHEREAS, The Council of the Metropolitan Service District established the Institutional Purchasing Program of the Waste Reduction Plan to stimulate market development and procurement of recycled waste products;

WHEREAS, On February 20, 1990, pursuant to Metro Code Section 2.04.033, the Contract Review Board approved a Contract with TAK Associates Engineering Consultants for a Waste Tire Technical Assistance Project, to develop road construction specifications for application of rubber modified asphaltic concrete materials in road construction projects. Such approval committed the District to expenditure of appropriations in Fiscal Year 1990-91;

WHEREAS, an Intergovernmental agreement with the Oregon Department of Environmental Quality ("Exhibit A" attached hereto) provides funding support for approximately half the Waste Tire Technical Assistance Project; and

WHEREAS, This resolution was submitted to the Executive Officer for consideration and is hereby forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

The Council of the Metropolitan Service District approves the Intergovernmental Agreement with the Oregon Department of Environmental Quality, wherein the Oregon Department of Environmental Quality agrees to provide revenue to Metro in co-sponsorship of the Waste Tire Technical Assistance Project.

ADOPTED by the Council of the Metropolitan Service District  
this        day of        , 1990.

Tanya Collier, Presiding Officer

HSS:sg  
DEQIG.res  
March 20, 1990

INTERGOVERNMENTAL COOPERATIVE AGREEMENT

This contract is between the State of Oregon acting by and through its Department of Environmental Quality hereafter called Department, and The Metropolitan Service District hereafter called Contractor.

1. Statement of Work

- a. Contractor agrees to accomplish the following work under this contract:

The statement of work is contained in Exhibit A attached hereto and by this reference made a part hereof.

- b. Contractor agrees to the following delivery schedule for the work mentioned in (1)(a):

Begin: Upon effective date of Agreement

Partial: Task I: June 1, 1990 (or 90 days after effective date of Agreement, whichever is later)  
Task II: Outline of audio study: April 15, 1990  
Outline of slide show: May 15, 1990  
Slide show complete: July 1, 1990  
Task III: a & b: Seminars to be completed by August 1, 1990

End: December 1, 1990.

2. Consideration

- a. Department agrees to pay Contractor not to exceed the sum of \$14,838 for accomplishment of the work (if one demonstration project is pursued in Task IIIc), or \$17,523 (if two demonstration projects are pursued in Task IIIc).

The budget for this agreement is contained in Exhibit B attached hereto and by this reference made a part hereof.

- b. Interim payments shall be made to Contractor. Interim payments that are included as part of this contract shall be made according to the following schedule:

At completion of Tasks I, II (July 1, 1990), and IIIb.

- c. Final payment will be made after final acceptance of all work.
- d. All requests for payment must include a breakdown of expenditures by budget category (per Exhibit B) and by any required reports as per section I, Statement of Work.

3. Travel

Travel expenses based upon appropriate state rates shall be reimbursed to the Contractor by the Department and are included in the amount of consideration listed in 3 above. Travel expenses are estimated in the amount of \$150. (Travel expense rates should not exceed state rates.)

4. Publicity

Any publicity or advertising regarding the work performed under this agreement must be approved by the Project Officer and must acknowledge the support of the Department.

5. Subcontracts

Contractor shall not enter into any subcontracts for any of the work scheduled under this contract without obtaining prior written approval from the Department. The Department approves a subcontract between Contractor and TAK Associates, Engineering Consultants, to provide the work outlined in the Statement of Work.

6. Dual Payment

Contractor shall not be compensated for work performed under this contract from any other Department of the State of Oregon.

7. Funds Available and Authorized

Department certifies at the time the contract is written that sufficient funds are available and authorized for expenditure to finance costs of this contract within the Department's current appropriation or limitation.

8. Amendments

The terms of this agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written instrument signed by the parties.

9. Termination

This contract may be terminated by mutual consent of both parties, or by either party upon 30 days notice, in writing and delivered by certified mail or in person.

The Department may terminate this contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the Department, under any of the following conditions:

- a. If Department funding from federal, state, or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. The contract may be modified to accommodate a reduction in funds.
- b. If federal or state laws, rules, regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this contract or are no longer eligible for the funding proposed for payments authorized by this contract.
- c. If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this contract is for any reason denied, revoked, or not renewed.

Any such termination of this contract shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

The Department by written notice of default (including breach of contract) to the Contractor may terminate the whole or any part of this agreement:

- a. If the Contractor fails to provide services called for by this contract within the time specified herein or any extension thereof; or



- b. If the Contractor fails to perform any of the other provisions of this contract, or so fails to pursue the work as to endanger performance of this contract in accordance with its terms, and after receipt of written notice from the Department, fails to correct such failures within 10 days or such longer period as the Department may authorize.

The rights and remedies of the Department provided in the above clause related to defaults (including breach of contract) by the Contractor shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

10. Captions

The captions or headings in this agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this agreement.

11. Access to Records

The Department, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Contractor which are directly pertinent to the specific contract for the purpose of making audit, examination, excerpts, and transcripts.

12. State Workers' Compensation Act

The contractor, its subcontractors, if any, and all employers working under this Contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

13. State Tort Claims Act

Contractor is not an officer, employe, or agent of the State as those terms are used in ORS 30.265.

14. Execution and Counterparts

This agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

15. Compliance with Applicable Law

The Contractor shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement.

16. Compliance Covenant

Contractor, on behalf of itself and any subcontractor, covenants and agrees not to attempt to infringe upon, or infringe upon any patent, trademark or copyright of any third party while performing work under this agreement. Contractor, on behalf of itself and any subcontractor covenants and agrees to obtain such licenses and authorization which may be necessary and appropriate to prevent any infringement upon or potential infringement upon any patent, trademark and copyright of any third party.

17. Indemnity

- a. The Contractor shall defend, save, and hold harmless the State of Oregon and the Department, the Environmental Quality Commission, its officers, agents, employes, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the Contractor or his/her subcontractors, agents, or employes under this agreement, including but not limited to any loss, damage, expense or liability resulting from any infringement or claim of infringement of any patent, trademark or copyright.
- b. Contractor will provide certificates of insurance evidencing Contractor's existing insurance coverage for the benefit of the State and the Department.

18. Ownership of Work Product

All work products of the Contractor which result from tasks under this contract which are entirely paid for by the Department are the exclusive property of the Department. All work products of the Contractor which result from these tasks under this contract which are jointly paid for by the Department and by Contractor shall be the joint property of the Department and the Contractor.

All work products shall state that the work was partially funded by the Oregon Department of Environmental Quality, but the DEQ does not necessarily agree with the conclusions or recommendations of the materials, nor does it make any warrantee express or implied, or assume any legal liability

or responsibility for the accuracy of the information, or represent that its use would not infringe privately held rights.

19. Nondiscrimination

Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations.

20. Successors in Interest

The provisions of this agreement shall be binding upon and shall insure to the benefit of the parties hereto, and their respective successors and assigns.

21. Force Majeure

Contractor shall not be held responsible for delay or default caused by fire, riot, acts of God and war which was beyond the Contractor's reasonable control.

22. Severability

If any provision of this agreement shall be held invalid or unenforceable by any court or competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

The parties agree that if any term or provision of this contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

23. Waiver

The failure of the State to enforce any provision of this contract shall not constitute a waiver by the State of that or any other provision.

24. Merger Clause

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN

THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. CONTRACTOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

25. Department Data

Department of Environmental Quality  
811 S.W. Sixth Avenue  
Portland, OR 97204-1390

Project Officer: Deanna Mueller-Crispin

Phone: 229-5808

26. Contractor Data

Metropolitan Service District  
NAME

2000 SW First Avenue, Portland, OR 97201-5398  
ADDRESS

221-1646  
PHONE

SOCIAL SECURITY NO. (Individual only) \_\_\_\_\_

CONTRACTOR CODE Y9995 \_\_\_\_\_

CONTRACTOR'S FEDERAL I.D. NO. 093-0636-311

CONTRACTOR'S STATE I.D. NO. 192062631141

27. Signatures

CONTRACTOR

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

STATE OF OREGON by and through its DEPARTMENT OF ENVIRONMENTAL QUALITY

By \_\_\_\_\_  
Division Administrator

Date \_\_\_\_\_

By \_\_\_\_\_  
(Director or Delegate)

Date \_\_\_\_\_

Stat. Auth.: ORS Ch. 184, 279, 291, and ORS 656.017  
Hist.: BMD 2-1982, f. 6-23-82, ef. 7-1-82

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1229 FOR THE PURPOSE OF APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY FOR A WASTE TIRE RECYCLING TECHNICAL ASSISTANCE PROJECT

Date: March 20, 1990

Presented by: Debbie Gorham  
Heidi Sieberts

PROPOSED ACTION

To endorse a grant from the Department of Environmental Quality which will provide co-sponsorship funding of the Waste Tire Technical Assistance Project.

FACTUAL BACKGROUND AND ANALYSIS

On February 20, 1990 the Metro Contract Review Board approved a contract for a Waste Tire Recycling Technical Assistance Project with TAK Associates Engineering Consultants in the amount of \$33,060, committing Metro to expenditure of appropriations for Fiscal Year 1990-1991. The services to be provided by the consultant include development of road construction specifications for application of rubber modified asphaltic concrete materials in road construction projects, and will include at least one demonstration project; this project is budgeted at \$33,060. Resolution 90-1229 approves receipt of revenues from the Oregon Department of Environmental Quality to cover approximately half the project costs (\$14,838 including one demonstration project and \$17,523 in the event of two demonstration projects) through an intergovernmental agreement ("Exhibit A" attached).

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 90-1229.

Agenda Item No. 7.3  
Meeting Date: March 22, 1990

RESOLUTION NO. 90-1232

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 90-1232, FOR THE PURPOSE OF REDUCING THE  
AMOUNT OF DISPOSABLE DIAPERS IN THE SOLID WASTE STREAM

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Date: March 13, 1990

Presented by: Councilor  
Gary Hansen

Committee Recommendation: The Solid Waste Committee voted 4 to 1 to recommend Council adoption of Resolution No. 90-1232. Voting aye: Councilors Hansen, Bauer, Buchanan and Wyers. Voting nay: Councilor DeJardin. This action was taken March 12, 1990.

Committee Discussion/Issues: Councilor Hansen introduced Resolution No. 90-1232 which he had written. He stated that the resolution was not intended to be a ban on disposable diapers but an effort to reduce a possible health hazard and a way to reduce landfill costs and preserve landfill space. He said that efforts should be made now to reduce the amount of disposable diapers in the waste stream before Metro's new solid waste facilities go on-line.

Nine individuals testified at the public hearing on March 12, 1990.

The majority of those testifying were opposed to the resolution. Included in those opposing the resolution were representatives of the disposable diaper industry who stated that there were no health hazards with disposable diapers; that they could be recycled; and that they are "good for the composter." Individuals said disposable diapers are more convenient than cloth diapers, there is less leakage with them than with cloth diapers and fewer skin problems. Some individuals stated that they wanted to be able to choose between cloth and disposable diapers.

Those individuals speaking in favor of the resolution stated that the cost was less for cloth diapers, that cloth diapers were better for the environment, that cloth diapers did not leak if used with the proper reusable plastic covering.

The Committee pointed out that the composter is not the answer to disposable diapers. It will only handle 185,000 tons of solid waste per year--a small amount of the region's total waste stream. The Committee emphasized that the resolution did not create a ban on disposable diapers. Its purpose was to reduce the amount of disposable diapers going to the landfill.

The Committee received and noted letters of support for the resolution from City Commissioner Earl Blumenauer, Senator Dick Springer and County Commissioner Pauline Anderson.



SOLID WASTE COMMITTEE REPORT

Resolution No. 90-1232

March 13, 1990

Page 2

Chairman Hansen pointed out that many thought that having the landfill in Gilliam County would mean out of sight, out of mind, for solid waste and that recycling efforts would suffer. This resolution is another indication that Metro is serious about recycling and reducing the amount of waste going to the landfill.

The Committee noted that the City of Seattle has an ordinance prohibiting the disposal of disposable diapers containing human feces.

Councilor DeJardin stated that he felt the resolution should be considered again before it goes to the Metro Council.

GH:RB:pa

A:\RB.157

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REDUCING ) Resolution No. 90-1232  
THE AMOUNT OF DISPOSABLE )  
DIAPERS IN THE SOLID WASTE ) Introduced by Councilor  
STREAM ) Gary Hansen

WHEREAS, Metro is committed to reducing the volume of waste landfilled and to promoting alternatives to disposable products; and

WHEREAS, Disposable, or single-use, diapers comprise about one percent of the region's solid waste stream (11,600 tons per year) and next to newspapers and beverage containers, are the single consumer product that contributes the most to the regional solid waste stream; and

WHEREAS, Nation-wide, approximately 90 percent of all diaper changes involve the use of single-use diapers; and

WHEREAS, The average baby requires 3,120 diaper changes a year and which results in over 1,000 pounds of waste per child; and

WHEREAS, An estimated 90 percent of single-use diapers end up in the solid waste stream and about one-third of all diapers disposed contain fecal matter; and

WHEREAS, The feces of babies can contain more than 100 different enteric viruses, including the polio and hepatitis; and

WHEREAS, As the Metro composting facility and other materials processing facilities come on line, a health hazard may exist by facility workers coming into contact with contaminated human feces; and

WHEREAS, Cloth diapers can be re-used from 50 to 200 times and cost less per use than disposable diapers, and are more likely to be disposed of properly; now, therefore,

BE IT RESOLVED:

1. That the Metropolitan Service District shall take steps to reduce both the health hazards accompanying disposable diapers and the unwarranted waste of disposal space in Metro landfills.

2. That Metro shall declare disposable diapers are incompatible with the region's solid waste system.

3. That Metro shall actively encourage the use of environmentally sound alternatives to disposable diapers.

4. That Metro will actively work with local solid waste collection authorities to eliminate casual disposal of disposable diapers into the solid waste stream.

5. That Metro shall develop an aggressive public information program to encourage residents of the region to use alternatives to disposable diapers.

6. That Metro shall advise and assist institutions such as nursing homes, day care centers, and housing authorities, in the transition to alternative diapers.

7. [That the goal of elimination of all] That the goal of reduction of disposable diapers in the solid waste stream shall be incorporated in all relevant policies and legislative agendas of Metro.

8. That Metro does not recognize recycling of single use diapers as practical, environmentally sound or meeting the goals of this resolution.

9. That the Executive Officer shall incorporate specific disposable diaper abatement programs in the FY 1990-1991 Metro budget.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

Tanya Collier, Presiding Officer

GH:RB:pa  
A:\90-1232.RES

JANE HARDY CEASE  
MULTNOMAH COUNTY  
DISTRICT 10

REPLY TO ADDRESS INDICATED:

- Senate Chamber  
Salem, OR 97310  
 2625 NE Hancock  
Portland, OR 97212



OREGON STATE SENATE  
SALEM, OREGON  
97310

COMMITTEES  
Chairperson:  
Revenue & School Finance  
Vice-Chairperson:  
Government Operations &  
Elections  
Member:  
Transportation  
Water Policy  
Rules  
Legislative Administration

March 9, 1990

Councillor Gary Hansen, Chair  
Councillors Bauer, Buchanan, DeJardin and Wyers  
Metro Solid Waste Committee  
2000 SW First Ave.  
Portland, OR 97201

Dear Councillor Hansen and Committee Members:

Thank you for considering Resolution Number 9-1232. I urge you to support it and to consider making it even stronger.


I believe that Metro's policy should be to refuse to landfill garbage containing disposable diapers contaminated with urine and fecal matter. The current wording of the resolution does not appear to me to achieve that.

Many years ago I chaired the Citizens Advisory Committee which developed the original regional solid waste management plan for the metropolitan service district. I continue to have a strong interest in the issue and have supported most of Metro's efforts to solve the garbage problem.

I am glad to see you take such steps as this resolution. Those of us in positions of elected office must lead the public on these issues. You are to be commended for your environmental and fiscal responsibility.

Thank you for your time.

Sincerely,

  
Jane Hardy Cease  
State Senator

AGENDA NOTES FOR COUNCIL MEETING MARCH 22, 1990

CALL TO ORDER/ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. CONSENT AGENDA

A. Announce that the following items are on the Consent Agenda for consideration:

4.1 Minutes of October 26, 1989 and January 11, 1990

- \*\* 4.2 Resolution No. 90-1225, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding, Authorizing Issuance of a Request for Proposals and Execution of a Contract for the Second Compaction System at Metro South

\*\*Councilor Van Bergen plans to remove this item from the Consent Agenda.

4.3 Resolution No. 90-1227, For the Purpose of Expressing Appreciation to Transportation Policy Alternative Committee (TPAC) Citizen Members Jon Egge, Nancy Ponzi, David Evans and Ron Roberts

- B. (Note that Councilor Van Bergen has requested that 4.2, Resolution No. 90-1225, be removed from the Consent Agenda.) (Guess I lost the bet, huh!) Ask if any other Councilor wishes to remove an item from the consent agenda.
- C. Announce when Item No. 4.2, Resolution No. 90-1225 will be considered on tonight's agenda. (After Item No. 7.3?)
- D. Receive a motion to adopt the consent agenda.
- E. Vote on the motion.
- F. Announce the result of the vote.

---

\*\*ANNOUNCE -- If there is anyone in the audience who would like to testify on an item on tonight's agenda, please fill out one of the testimony cards on the table by the entry and hand it to the Clerk. Remember to indicate which item you'd like to speak on, and your name will be called when we reach that item on the agenda.

**5. ORDINANCES, FIRST READINGS**

(Read only the "Item No.," and "Ordinance No." Then ask "Will the Clerk read the ordinance by title only for a first time?")

5.1 Ordinance No. 90-342, Amending Chapter 2.04 Metro Contract Procedures of the Metro Code in Order to Move Items that are Exempted from Competitive Bidding to Metro Code 2.04.041, Requirement of Competitive Bidding, Exemptions and Other Minor Non-Policy Changes

- A. Have the Clerk read the ordinance for a first time by title only.
- B. Announce that the ordinance has been referred to the Finance Committee for public hearing.

5.2 Ordinance No. 90-343, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for Increased Zoo Operations

- A. Have the Clerk read the ordinance for a first time by title only.
- B. Announce that the ordinance has been referred to the Zoo Committee with subsequent referral to the Finance Committee

**6. ORDINANCES, SECOND READINGS**

(Read only the "Referred from," "Item No.," and "Ordinance No."  
Then ask "Will the Clerk read the ordinance by title only for a  
second time?")

**REFERRED FROM THE SOLID WASTE COMMITTEE**

- 6.1 Ordinance No. 90-337, For the Purpose of Amending Metro Code Chapter 5.02 Establishing Solid Waste Disposal Rates for FY 1990-91 (PUBLIC HEARING)**
- A. Have the Clerk read the ordinance by title only for a second time.**
  - B. Announce that Ordinance No. 90-337 was first read before the Council on February 22 and referred to the Solid Waste Committee. The Solid Waste Committee considered the ordinance on March 6 and March 7, and after a public hearing on March 12, recommended that the Council adopt the ordinance as amended.**
  - C. Remind the audience that this will be a public hearing, so if they want to testify on the ordinance, and haven't done so already, fill out a testimony card and give it to the Clerk.**
  - D. Advise the Council that before Councilor Hansen presents the Solid Waste Committee's report and recommendations, you'd like to call their attention to two additional communications regarding the ordinance which are contained in their notebooks. The first is the amended Committee Report printed on yellow paper. The second is an amendment proposed by Council staff printed on blue paper.**
  - E. Have Councilor Hansen present the Committee's report and recommendations.**
  - F. Receive a motion to adopt the Ordinance No. 90-337A.**
  - G. Open the public hearing.**
  - H. Close the public hearing.**
  - I. Councilor comments and discussion.**
  - J. Take a roll call vote on the ordinance.**
  - K. Announce the results of the vote.**



**7. RESOLUTIONS**

(Read the "referred from, item no., resolution no. and complete title.)

**REFERRED FROM THE INTERGOVERNMENTAL RELATIONS COMMITTEE**

**7.1 Resolution No. 90-1189, Providing for the Adoption of Bylaws for the Joint Policy Advisory Committee on Transportation (JPACT)**

- A. Have Councilor Devlin, Intergovernmental Relations Committee member present the Committee's report and recommendations.
- B. Receive a motion for Council to adopt the resolution.
- C. Discussion: Councilor questions and comments.
- D. Vote on the motion to adopt the resolution.
- E. Announce the results of the vote.

**REFERRED FROM THE SOLID WASTE COMMITTEE**

**7.2 Resolution No. 90-1229, For the Purpose of Authorizing an Intergovernmental Agreement with the Department of Environmental Quality for Shared Funding of the Waste Tire Technical Assistance Project Adopted by the Contract Review Board February 20, 1990**

- A. Advise the Council that the Solid Waste Committee's report and recommendation is in their notebooks under Agenda Item No. 7.2.
- B. Have Councilor Hansen present the Solid Waste Committee's report and recommendations.
- C. Receive a motion for Council to adopt the resolution.
- D. Discussion: Councilor questions and comments.
- E. Vote on the motion to adopt the resolution.
- F. Announce the results of the vote.

**7. RESOLUTIONS**

**7.3 Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream**

- A. Have Councilor Hansen present the Solid Waste Committee's report and recommendations.
- B. Receive a motion for Council to adopt the resolution.
- C. Discussion: Councilor questions and comments.
- D. Vote on the motion to adopt the resolution.
- E. Announce the results of the vote.

**8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS**

**8.1 Progress Report on Committee Discussion of Department Priorities and Objectives**

- A. Recognize Councilor Van Bergen who will give a brief summary of the Budget Committee process and progress.
- B. Have Councilor Knowles give the update for the Convention and Visitor Facilities Committee.
- C. Have Councilor Hansen give the update for the Solid Waste Committee.
- D. Have Councilor Gardner present the update for the Zoo Committee.

--Ask if any other Councilor has communications or further committee reports.

- 9. ADJOURN the meeting.



METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

DATE: March 20, 1990

TO: Metro Council *DE*

FROM: Donald E. Carlson  
Council Administrator

RE: PROPOSED AMENDMENT TO ORDINANCE NO. 90-337 -- SOLID WASTE RATE  
ORDINANCE

Councilor Wyers asked me to prepare an amendment for consideration at the March 12, 1990, Solid Waste Committee meeting which would exempt the imposition of user charges on waste received at franchised processing centers that accomplish materials recovery and recycling as a primary purpose.

That amendment approved by the Committee did only half the job. The attached amendment is proposed to complete the intent of the policy recommended by the Committee. It would restore to the Code the current policy of not applying the Regional Transfer Charge to waste received at franchised processing centers that accomplish materials recovery and recycling as primary purposes.

My apologies for this oversight and any inconvenience it may cause.

~~(4) The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept, and~~

~~(5) The facility continues to collect other Metro fees as required, and~~

~~(6) The RTC exemption is granted to a facility through a written agreement.~~

~~(f) Regional Transfer Charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.~~

~~(g) Notwithstanding the provisions of (a) through (f) above, the Regional Transfer Charge shall not apply to loads of wastes received at the Metro South Station which are verified by an authorized Metropolitan Service District representative, to be at least 90 percent cardboard.~~

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; and Ordinance No. 89-269, Sec. 2)

NEIL GOLDSCHMIDT  
GOVERNOR

## Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

February 5, 1990

Rena Cusma, Executive Officer  
Metro  
2000 SW First Avenue  
Portland, OR 97201-5398

Dear Ms. <sup>Rena</sup> Cusma:

The recently submitted report titled "Implementation of the Metropolitan Service District's Waste Reduction Program" demonstrates that Metro has taken significant steps to reduce waste and increase recycling. Department staff are completing an evaluation of this report and will be forwarding our response shortly.

There is one issue, however, that deserves immediate attention as it is the subject of new directions in policy now being debated at Metro. This is the issue of rate structure and rate incentives for recycling and materials recovery.

I have always believed that providing rate incentives is one of the best ways to encourage recycling, and that it is one of the few things, in addition to education and promotion, which Metro can do without having to rely on local governments.

Environmental Quality Commission Order SW-WR-89-01 paragraph 4M(a) requires that, by January 1, 1990, Metro shall "conduct a study of the effectiveness of present rate incentives at reducing waste, and possible modifications to the rate structure that would further encourage the recovery of paper products, yard debris, metals, lumber, other salvageable building materials, asphalt, and other materials". The report submitted by Metro looked only at recycling rates under existing rate incentives, and described payments to be made to contractors at the Metro East Transfer Station and the composting plant for material recovered. The report did not look at any modifications to the rate structure. Some examples of rate incentives that should have been examined include decreased (or increased) rates for high-grade loads of waste delivered to material processing facilities, increased (or decreased) payments for specific material recovered (related to the \$2/ton payment for high grade paper recovery), special rates for loads high in lumber or other salvageable building material

Rena Cusma, Executive Officer  
Metro  
Page 2

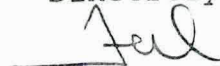
delivered to a lumber recovery facility, or rate incentives to encourage compliance with Metro standards.

I understand that Metro proposes to drop a current rate incentive by having material processing centers pay Metro a user fee on the material they recycle in addition to the material they landfill. No analysis was included in the Metro report on the potential effects of this change on recycling rates. Dropping this rate incentive will reduce the incentive that haulers and generators have to keep high-grade loads of waste separate for material recovery, thus reducing recycling. This change does not seem appropriate, especially at a time when market prices for the lower recyclable paper grades is the lowest it has been in the past decade.

The study required by paragraph 4M(a) of the EQC Order cannot be considered complete until Metro conducts the analysis needed of as yet untried approaches to setting rates. Please complete this study and submit the results to the Department no later than April 15, 1990 or the date Metro Staff formally presents the proposed rate structure amendments to the Solid Waste Committee of Metro Council for action, whichever is earlier.

In closing, let me reiterate that the recently submitted report demonstrates that Metro is taking great strides in implementing waste reduction measures, and that the concerns expressed above about the rate incentives issue in no way lessens our enthusiasm for the progress made by Metro on other aspects of the waste reduction program.

Sincerely,



Fred Hansen  
Director

cc: Metro Council  
Bob Martin  
Debbie Gorham  
William Hutchison, Chair, EQC  
Emery N. Castle, EQC  
Genevieve Pisarski Sage, EQC  
William Wessinger, EQC  
Henry Lorenzen, EQC



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

# Memorandum

Date: March 22, 1990  
To: Metro Council  
From: Councilor Van Bergen, Budget Committee Chair *E.V.B.*  
Regarding: BUDGET COMMITTEE PROCESS

Please be advised of the following:

- 1) March 26 begins Phase II of the Budget Committee meetings this and all future Budget Committee meetings will be public hearings.
- 2) In order to streamline the Budget Committee's deliberations, the functional committees should submit their recommendations to the Budget Committee in report form. If any individual Councilor has an individual budget request or proposed amendment, they should submit it in memo form to the Budget Committee at the appropriate meeting. The Budget Committee will then submit their report and recommendations to the full Council. The Council may then propose any amendments to Ordinance No. 90-340 it deems necessary.

gpwb  
gvb.322



**DIAPER  
COMPOST  
PROJECT**

**Procter & Gamble  
Recomp, Inc.  
Super Cycle**

**Interim Report  
January 1990**



## INTERIM PROGRESS REPORT

### A STUDY OF MUNICIPAL SOLID WASTE COMPOSTING AND THE IMPACT OF DISPOSABLE DIAPERS

Lawrence W. King  
The Procter & Gamble Company

#### Background

In order to scientifically study the compostability of current disposable diapers, Procter & Gamble researched the existing municipal solid waste (MSW) compost facilities operating in the United States with the intention of conducting a study of disposable diapers. The Recomp Process in St. Cloud, Minnesota was identified as the best candidate for research because of its:

- Intake of only residential municipal solid waste,
- Avoidance of shredding the solid waste,
- Pre-sorting of the recyclables,
- Screening process which would retrieve non-compostable materials and improve the value of the compost,
- In-vessel process which would reduce the odors and could be operated in an urban area.

#### Objectives

The overall objective of the composting project was to illustrate the viability of composting municipal solid waste (MSW). The objectives of adding more diapers to the MSW composters were:

- to determine effect of disposable diapers upon the operation of the in-vessel composter (mechanical operation, temperature, carbon dioxide, oxygen, pH, etc.)
- to qualitatively and quantitatively determine the compostability of disposable diapers.
- to determine potential benefits of disposable diapers upon the compost process operation (with respect to sources of nitrogen and carbon)
- to examine the quality of the resulting compost (C, N, K, P content, water retention capability, etc.)

-2-

#### Experimental

The study involved increasing the quantity of disposable diapers entering the composter from normal solid waste levels (approx. 2%) to 7.6% and then monitoring the process parameters and compost quality. The additional disposable diapers were collected curbside from volunteer participants in St. Paul, Minnesota and then were transported to the St. Cloud composting facility.

The study was conducted in three phases:

- Control period - no additional disposable diapers - (10/9/89 - 10/21/89)
- Diaper addition phase - (10/23/89 - 11/22/89)
- Control phase of normal operation - (11/23/89 - 12/21/89)

During the control and diaper addition phases, the weight and volume of diapers in the solid waste stream were measured. In addition, the screened rejects were quantified. The vessel conditions were monitored daily for oxygen, carbon dioxide, pH, moisture, ammonia, and temperature. Samples of primary compost were taken for pH, % extractable, carbon, nitrogen, ammonia and nitrate analysis. Final compost (after 120 days of curing) will be analysed for the same constituents mentioned above plus phosphorus, potassium, metals, and pathogen analysis. In addition, the final compost will be evaluated for seed germination, plant growth effects and moisture retention in soils.

#### Results and Discussion

The results to date show that the increase from 2% to 7.6% disposable diapers had no effect on the operation of the in-vessel composter. The temperature, oxygen, carbon dioxide, moisture, and pH remained unchanged. The number of plastic backsheets collected in the final screen increased as expected. These backsheets have been collected for recycle evaluation.

Visibly, the disposable diapers composted very well. The plastic and cellulose components were completely separated during the three day digestion period and the backsheets were easily retrievable via the 1 1/2 inch post-screen. The cellulose component of the disposable diaper was indistinguishable from the other soil-like primary compost.

The analytical data of the primary compost are still being acquired. The compost from the active phase is still being cured after which time more analytical data will be generated and the agricultural studies will begin. The curing phase should end in April of 1990 and the final data on the project are expected by June or July 1990.

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March 19, 1990

Mr. George Van Bergen  
2336 SE Washington Street  
Milwaukie, OR 97222

Re: Metro Resolution 90-1232/Disposable Diapers

Dear Councilor Van Bergen:

The American Paper Institute, Diapers Manufacturers Group opposes Metro Resolution 90-1232 on a number of grounds. First, the Resolution states concerns about health issues that are inconsistent with the position of Oregon and national public health authorities, including the Oregon State Health Division, Environmental Protection Agency, and Centers for Disease Control. Recognizing this, the Oregon Legislature excluded diapers (disposable or cloth) from its comprehensive infectious waste legislation adopted in 1989, on the recommendation of an inter-agency task force that had studied these issues and drafted the legislation. The task force included representatives of the Oregon State Health Division, Department of Environmental Quality, Metro, Oregon Medical Association, Oregon Hospital Association, and the Oregon Sanitary Service Institute.

Second, the American Paper Institute, Diaper Manufacturers Group has supported the development of alternative solid waste disposal methodologies, like recycling and composting, which comprehensively address solid waste, including disposable diapers. Disposable diapers in compost systems have a long track record elsewhere in the United States and in Europe, and the new Riedel composter will be no exception. I enclose a copy of the interim report of the Procter & Gamble/Recomp disposable diaper composting project in St. Cloud, Minnesota. That report shows that even when the percentage of disposable diapers in the solid waste stream was increased by nearly 400 percent, the composter (very similar to the Dano system being built in Portland by Riedel) had no problem in converting disposable diapers to humus that has a number of useful markets. Our concern is that this resolution declares disposable diapers as "incompatible" with the region's solid waste system, and

LINDSAY, HART, NEIL & WEIGLER

Mr. George Van Bergen  
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declares that recycling is not practical or environmentally sound. The evidence in favor of recycling and composting disposable diapers supports the opposite conclusion.

I would be happy to answer any questions you may have regarding these issues, either before or during the Council meeting on March 22, 1990.

Very truly yours,

A handwritten signature in blue ink that reads "Paul S. Cosgrove". The signature is written in a cursive style with a large initial 'P'.

Paul S. Cosgrove

Enclosure

cc: Councilor Van Bergen (at Metro Center)  
American Paper Institute

# Association of Oregon Recyclers

TESTIMONY OF:  
THE ASSOCIATION OF OREGON RECYCLERS

PRESENTED TO:  
THE METRO COUNCIL

March 22, 1990

**Chair**  
Bruce Walker, Recycling Program Manager  
City of Portland  
1120 S.W. Fifth, Room 400  
Portland, Oregon 97204  
(503) 796-7772

**Secretary**  
Delyn Kies, Senior Associate  
Northwest Strategies, Inc.  
621 S.W. Morrison, Suite 1200  
Portland, Oregon 97205  
(503) 241-8383

**Treasurer**  
Darrell Lyons  
Eugene Recycle  
P.O. Box 5422  
Eugene, Oregon 97405  
(503) 461-2278

**Markets**  
Rick Paul  
Independent Paper Stock  
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**Legislation**  
Judy Roumpf, Publisher  
Resource Recycling, Inc.  
P.O. Box 10540  
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(503) 227-1319

**Education**  
Suzanne Johannsen  
Bend Recycling Team  
P.O. Box 849  
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(503) 388-3638

**Special Projects**  
Bill Webber  
Valley Landfills, Inc.  
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Corvallis, Oregon 97339  
(503) 757-9067

**Business Office**  
Kathy or Cheryl  
Computations  
9747 S.E. Powell Boulevard  
Portland, Oregon 97266  
(503) 761-8075

RE: PROPOSED DISPOSAL RATES FOR FY 1990-91

The Association of Oregon Recyclers is the statewide trade organization representing all aspects of the recycling industry -- collectors, processors and end use markets as well as government officials, citizens and recycling service businesses.

The Association of Oregon Recyclers' interest in the recommended disposal rates focuses on incentives in the rate structure to encourage recycling. We support the amendment to the rate ordinance adopted by the Council Solid Waste Committee on March 12 which maintains the user fee exemption on waste received at franchised processing centers whose primary function is material recovery and recycling operations.

We also strongly urge you to complete a rate incentives analysis that determines the effectiveness of a variety of rate incentives so that when the rate structure is modified, either with or without differentials, there is a basis for the change in term of impact on recycling and recovery rates.

In our testimony before the Council Solid Waste Committee on March 12, we responded to a rate ordinance that eliminated virtually all positive uses of rate incentives by Metro. Of the five incentives reported by Metro to DEQ in a January 1990 report evaluating Metro's current rate incentives for recycling, two incentives were eliminated from the rate ordinance, two were revised with questionable impacts on recycling and the fifth incentive was simply not addressed.

P.O. Box 66241, Portland, OR 97266  
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A subsequent version of the rate ordinance released that evening did reinstitute the existing reduced rates for self-haulers with source separated recyclables and for source separated yard debris. The user fee exemption on incoming waste at franchised processing centers was reinstated by committee amendment. The two dollar per ton payment on office paper in high-grade loads delivered to processing centers was left intact although there has been no discussion of its effectiveness. The user fee exemption on loads of 90 percent clean cardboard is still eliminated. Cardboard loads are currently being dumped in the pit at Metro South Station due, we were told, to removal of the cardboard compactor and a lack of space.

The future actions Metro indicated in the report to DEQ for recycling incentives were:

1. Payment to Trans-Industries of Metro's avoided transportation and disposal costs of \$35 per ton on recyclables they pull from the waste stream at Metro East Station.
2. Payment of a recovered materials credit and a compost product revenues credit to Reidel for operations at the compost facility.

While these are incentives to the operators of these facilities to pull recyclables from mixed waste, they do not provide any incentives to generators to source separate recyclables, to other private recyclers, or to collectors to route for high-grade loads or to use source separated or high-grade load facilities.

The original rate recommendations were in direct conflict with the rate structure policy in Chapter 11 of the Regional Solid Waste Management Plan adopted by the Metro Council in October, 1988.

Policy 11.2 provides that "Metro shall provide financial support for source separation programs, to produce high-grade select loads and to carry out other waste reduction programs." It further explains that "in providing financial incentives for those who recycle, the cost of final disposal will increase. To the extent feasible, this increased cost should be paid by those who are not participating in recycling."

In addition, Metro's waste reduction program, the EQC waste reduction order and a February 5 letter from Fred Hansen to Rena Cusma, all called for a thorough identification and evaluation of rate incentives prior to adoption of rates for FY 90-91.

Eliminating or reducing rate incentives without analysis or alternatives says that while rate incentives make good policy, they are not being carried over into action or operations.

We would urge you to direct solid waste staff to complete a rate incentives analysis in time to make modifications in February, 1991 when rates are proposed to be revised again to institute fees by weight on self-hauled loads.

The Association of Oregon Recyclers would be happy to assist Metro staff in such an analysis. Many of our members have either designed rate incentives or have operated programs with rate incentives. If their experiences would be helpful, we would be willing to share the information.

One frustration we and others have had in this rate-setting process has been the minimal opportunity for formal public comment. Rate structure policy changes were first discussed in early December, 1989 and the first public hearing on proposed rates was March 12. In the future, a process which allows comment on policy changes prior to formal rate recommendations would make it easier and more encouraging for individuals and interested groups to prepare knowledgeable and helpful comments.

We continue to ask you for reasonable time frames and opportunities to work with you and your staff for improvements in recycling that benefit both the agency and those it serves.

Thank you.

NEIL GOLDSCHMIDT  
GOVERNOR

## Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

February 5, 1990

Rena Cusma, Executive Officer  
Metro  
2000 SW First Avenue  
Portland, OR 97201-5398

Rena  
Dear Ms. Cusma:

The recently submitted report titled "Implementation of the Metropolitan Service District's Waste Reduction Program" demonstrates that Metro has taken significant steps to reduce waste and increase recycling. Department staff are completing an evaluation of this report and will be forwarding our response shortly.

There is one issue, however, that deserves immediate attention as it is the subject of new directions in policy now being debated at Metro. This is the issue of rate structure and rate incentives for recycling and materials recovery.

I have always believed that providing rate incentives is one of the best ways to encourage recycling, and that it is one of the few things, in addition to education and promotion, which Metro can do without having to rely on local governments.

Environmental Quality Commission Order SW-WR-89-01 paragraph 4M(a) requires that, by January 1, 1990, Metro shall "conduct a study of the effectiveness of present rate incentives at reducing waste, and possible modifications to the rate structure that would further encourage the recovery of paper products, yard debris, metals, lumber, other salvageable building materials, asphalt, and other materials". The report submitted by Metro looked only at recycling rates under existing rate incentives, and described payments to be made to contractors at the Metro East Transfer Station and the composting plant for material recovered. The report did not look at any modifications to the rate structure. Some examples of rate incentives that should have been examined include decreased (or increased) rates for high-grade loads of waste delivered to material processing facilities, increased (or decreased) payments for specific material recovered (related to the \$2/ton payment for high grade paper recovery), special rates for loads high in lumber or other salvageable building material

Rena Cusma, Executive Officer  
Metro  
Page 2

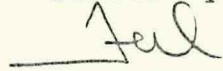
delivered to a lumber recovery facility, or rate incentives to encourage compliance with Metro standards.

I understand that Metro proposes to drop a current rate incentive by having material processing centers pay Metro a user fee on the material they recycle in addition to the material they landfill. No analysis was included in the Metro report on the potential effects of this change on recycling rates. Dropping this rate incentive will reduce the incentive that haulers and generators have to keep high-grade loads of waste separate for material recovery, thus reducing recycling. This change does not seem appropriate, especially at a time when market prices for the lower recyclable paper grades is the lowest it has been in the past decade.

The study required by paragraph 4M(a) of the EQC Order cannot be considered complete until Metro conducts the analysis needed of as yet untried approaches to setting rates. Please complete this study and submit the results to the Department no later than April 15, 1990 or the date Metro Staff formally presents the proposed rate structure amendments to the Solid Waste Committee of Metro Council for action, whichever is earlier.

In closing, let me reiterate that the recently submitted report demonstrates that Metro is taking great strides in implementing waste reduction measures, and that the concerns expressed above about the rate incentives issue in no way lessens our enthusiasm for the progress made by Metro on other aspects of the waste reduction program.

Sincerely,

  
Fred Hansen  
Director

cc: Metro Council  
Bob Martin  
Debbie Gorham  
William Hutchison, Chair, EQC  
Emery N. Castle, EQC  
Genevieve Pisarski Sage, EQC  
William Wessinger, EQC  
Henry Lorenzen, EQC



## PROPOSED AMENDMENT

### Article IV - Committee Membership

#### Section 2. Appointment of Members and Alternates

b. Members and alternates from the cities of Multnomah, Washington, and Clackamas Counties will be elected officials from the represented cities of each county (except Portland) and will be appointed through the use of a mail ballot of all represented cities based on a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population is more than twice the population of the next largest city in that county. The member and alternate will serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their areas.