



METRO

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

Agenda

Meeting: COUNCIL

Date: January 26, 1989

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

REVISED AGENDA:

Item 8.3 has been added
to the Agenda

Approx.
Time*

Presented By

5:30

CALL TO ORDER
ROLL CALL

1. Introductions
2. Citizen Communications to Council on Non-Agenda Items
3. Councilor Communications
4. Executive Officer Communications

6:00
(5 min.)

5. CONSENT AGENDA
(Action Requested: Motion to Approve the Recommendation
Listed Below)

- 5.1 Resolution No. 89-1044, for the Purpose of
Reappointing Pamela Arden and Steven Roso and
Appointing Michael Vernon to the North Portland
Rehabilitation and Enhancement Committee
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Resolution)

Hansen ✓

6. ORDINANCE, SECOND READING

6:05
(5 min.)

- 6.1 Consideration of Ordinance No. 89-269, for the
Purpose of Amending Chapters 2.02, 4.01 and
5.02 of the Metro Code Relating to the Names
of Metro Facilities (Referred from the Internal
Affairs Committee)
(Action Requested: Motion to Adopt the Ordinance)

Ragsdale ✓

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

(continued)

Approx.
Time*

Presented By

7. ORDINANCE, FIRST READING

- 6:10
(1 hour)
- 7.1 Consideration of Ordinance No. 89-284, for the Purpose of Amending Metro's Urban Growth Boundary for Contested Case No. 88-1: Zurcher Property (Public Hearing)
(Action Requested: Conduct public hearing; the Council will vote on the issue at the Second Reading tentatively scheduled for February 9, 1989)

Cooper ✓

8. RESOLUTIONS

- 7:10
(15 min.)
- 8.1 Consideration of Resolution No. 89-1030, for the Purpose of Accepting Talbot & Korvola, Certified Public Accountants, "Report on Performance Auditing Plan for the Metropolitan Service District Council" (Referred from the Finance Committee)
(Action Requested: Motion to Adopt the Resolution)
- 7:25
(15 min.)
- 8.2 Consideration of Resolution No. 89-1031, for the Purpose of Supporting Certain Recommendations of the Interim Task Force of Metropolitan Regional Government (Referred from the Legislative Task Force)
(Action Requested: Motion to Adopt the Resolution)
- 7:40
(15 min.)
- 8.3 Consideration of Resolution No. 89-1046, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.01.010 et seq. for the Extension of the Metro South Station Contract (Referred from the Solid Waste Committee)
(Action Requested: Motion to Adopt the Resolution)

Collier ✓

Gardner ✓

Gardner ✓

~~Hansen~~
Buchanan

7:55
(10 min.)

9. COMMITTEE REPORTS

- 9.1 Report from the Contracting Task Force

Ragsdale

8:05 ADJOURN

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



METRO

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

Agenda

COUNCIL MEETING

Date: January 26, 1989

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

CONSENT AGENDA

The following business item has been reviewed by the Presiding Officer of the Council. This item meets the Consent Agenda Criteria established by the Council. The Council is requested to approve the recommendation presented on this item.

- 5.1 Resolution No. 89-1044, for the Purpose of
Reappointing Pamela Arden and Steven Roso and
Appointing Michael Vernon to the North Portland
Rehabilitation and Enhancement Committee

Donald E. Carlson
Council Administrator

amn
0471D/D3
01/19/89

COMMITTEE REPORT

Consideration of Resolution No. 89-1044, for the Purpose of Reappointing Pamela and Steven Roso and Appointing Michael Vernon to the North Portland Enhancement Rehabilitation and Enhancement Committee

Date: January 18, 1989 Presented by: Councilor Gary Hansen,
Chair, Solid Waste
Committee

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 89-1044.

Discussion/Issues

Committee appointments are for four-year terms. Initially, three appointments were for two years to establish staggered terms. Two members, Pamela Arden and Steven Roso, have served the two years and are recommended for reappointment. Councilor Hansen, Chair of the North Portland Rehabilitation and Enhancement Committee, stated that they have performed well and will be valuable to the Committee as they continue working on the Oregon Film studio project. He stated that Michael Vernon, a new appointment, is well qualified and would help give geographical balance to the Committee.

Vote

The Committee voted 5 to 0 to recommend Council adoption of the resolution. This action taken January 17, 1989.

GH:RB:pa
BARKER.2

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REAPPOINTING	)	RESOLUTION NO. 89-1044
PAMELA ARDEN AND STEVEN ROSO AND)	
APPOINTING MICHAEL VERNON TO THE	)	Introduced by Rena Cusma
NORTH PORTLAND REHABILITATION AND	)	Executive Officer
ENHANCEMENT COMMITTEE)	

WHEREAS, The Council of the Metropolitan Service District adopted Resolution No. 86-682 on August 28, 1986, creating the North Portland rehabilitation and Enhancement Committee; and

WHEREAS, The North Portland Rehabilitation and Enhancement Committee consists of seven members, three of whose terms of appointment expired December 31, 1988; and

WHEREAS, The Executive Officer solicited names from individuals residing within the rehabilitation and enhancement boundary during November and December, 1988; and

WHEREAS, The Executive Officer has prepared a list of names, in consultation with Councilor Gary Hansen, Chair of the Committee, the Executive Officer recommends the following names to the Metro Council for reappointment and for appointment to the committee respectively: Pamela Arden, Steven Roso, reappointment; Michael Vernon, appointment; now, therefore,

BE IT RESOLVED,

1. The Council of the Metropolitan Service District hereby appoints the following persons to the North Portland Rehabilitation and Enhancement Committee: Pamela Arden, Steven Roso, and Michael Vernon.

2. That the Committee membership and terms of office for the three individuals shall be from January 1, 1989 to December 31, 1992.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 89-1044, FOR THE PURPOSE OF REAPPOINTING PAMELA ARDEN AND STEVEN ROSO AND APPOINTING MICHAEL VERNON TO THE NORTH PORTLAND REHABILITATION AND ENHANCEMENT COMMITTEE.

Date: January 12, 1989

Presented by: Judith Mandt

FACTUAL BACKGROUND AND ANALYSIS

The North Portland Rehabilitation and Enhancement Committee was created by Metro in 1986. Resolution No. 86-682 specifies that the Committee shall consist of seven (7) members as follows:

a. Three members of the Committee are appointed by the Metro Council from a list prepared by the Executive Officer, all of whom shall reside in the rehabilitation and enhancement program boundary, b. Three members appointed by the organization designated by the City of Portland to provide neighborhood participation services to North Portland. These members shall reside within the rehabilitation and enhancement program boundary, and c. The Metro Councilor representing District 12, who shall be the Committee Chair. (Councilor Hansen)

All Committee appointments are for a four year term, excluding the chair, except that in order to establish staggered terms to avoid complete membership turnover every four years, the three Metro appointments were for two year terms for the first term of service. These three members are eligible to be reappointed to serve a full term; the remaining positions and in future all positions except the chair are for a term of four years.

A recruitment process for the Committee to fill the upcoming terms was conducted during November and December, 1988. Seventeen applications were received, of which one was withdrawn and two were submitted by Committee members wishing to be considered for reappointment. The geographic locations of the applicants were identified to determine a broad geographic representation. The following list of individuals is presented by the Executive Officer for appointment by the Metro Council:

Pamela Arden
1817 N. Winchell Street
Portland, Oregon 97217
Kenton Neighborhood Association

Reappointment

Steven Roso
10148 N. Allegheny
Portland, Oregon 97203
St. Johns Community

Reappointment

Michael Vernon
4103 N. Juneau
Portland, Oregon 97203
Portsmouth Neighborhood Association

New

The remaining members of the Committee, excepting the Metro Councilor, whose terms expire in December 1990, are:

John Fisher
Brian Jeanotte
Linda Krugel

EXECUTIVE OFFICER'S RECOMMENDATION: Reappointment of Pamela Arden and Steven Roso to the Committee to serve a consecutive four year term from January, 1989 to December, 1992, and appointment of Michael Vernon to the Committee to serve a four year term from January, 1989 to December 1992.

COMMITTEE REPORT

Agenda Item No. 6.1

Meeting Date January 26, 1989

CONSIDERATION OF ORDINANCE NO. 88-269 FOR THE PURPOSE OF
AMENDING CHAPTERS 2.02, 4.01 and 5.02 OF THE METRO CODE
RELATING TO THE NAMES OF METRO FACILITIES

Date: January 18, 1989

Presented by: Councilor David Knowles

COMMITTEE RECOMMENDATION

Committee members present-- Councilors Ragsdale (Chair), Coleman, Collier, Kirkpatrick and me--voted unanimously to recommend adoption of the ordinance as introduced by the Executive Officer.

COMMITTEE DISCUSSION

The committee discussion on this matter was brief with the general conclusion by all members that action to identify the Zoo and Transfer Station owned and operated by Metro is long overdue.

DEC:gpwb
CR88277.ORD

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 88-269
CHAPTERS 2.02, 4.01 AND 5.02)	
OF THE METRO CODE RELATING TO	)	Introduced by Rena Cusma,
THE NAMES OF METRO FACILITIES	)	Executive Officer

WHEREAS, The Washington Park Zoo is now referred to as Metro Washington Park Zoo and the Clackamas Transfer & Recycling Center (CTRC) is now referred to as Metro South Station, the Metro Code shall be amended to reflect these name changes.

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. That all references to the name "Washington Park Zoo" in Sections 2.02.275, 4.01.010, 4.01.020, and 4.01.060 of the Metro Code be changed to read "Metro Washington Park Zoo" as noted in Exhibit A attached hereto as part of this ordinance.

Section 2. That all references to the name "Clackamas Transfer & Recycling Center (CTRC)" in Sections 5.02.010, 5.02.015, 5.02.025, 5.02.035, 5.02.045 and 5.02.050 of the Metro Code be changed to read "Metro South Station" as noted in Exhibit A attached hereto as part of this ordinance.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

amn/0304D/554/10/31/88

CODE OF THE METROPOLITAN SERVICE DISTRICT

JANUARY 1988

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

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

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

2.02.270 Employment Contracts:

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

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

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

2.02.275 Zoo Visitor Services Employees:

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

(b) Definitions:

(1) The Visitor Services Worker classification is divided into two definitions:

(A) Seasonal Visitor Services Worker Employee:
Employees who are employed on a year-round basis. They will be scheduled regularly during the peak seasons and scheduled as needed and as

available during the remainder of the year. The period of employment is indefinite unless the employee is terminated according to section (i) of this section or the employee resigns. Section 2.02.045 Probationary Period of the Metro Code does not apply.

- (B) Regular Visitor Services Worker Employee:
Employees who are employed on a year-round basis in the Visitor Services Division of the Metro Washington Park Zoo and regularly scheduled to work 80 or more hours each month, as provided by the current adopted budget.

- (2) Director means Director of the Metro Washington Park Zoo.

(c) Application of Personnel Rules:

All Visitor Services Worker Employees shall be subject to this section and to all other personnel regulations not inconsistent with this section.

(d) Recruitment and Appointment for Seasonal Visitor Services Worker Employees:

- (1) In-house recruitment to fill Seasonal Visitor Services vacancies is not required.

- (2) Recruitment to fill vacancies shall include appropriate forms of announcements to attract qualified applicants and to comply with Affirmative Action goals.

- (3) At the beginning of each year there will be a general recruitment. A list of qualified applicants will be developed from which Visitor Services Workers will be appointed. The Executive Officer will preauthorize this qualified list on an annual basis pursuant to these Visitor Services Worker Rules. Applicants will be appointed from this list on an as-needed basis only. The duration of this list will be one year, unless it is exhausted before that time, in which case other recruitments will be held. If the list is not exhausted, those not hired but remaining on the list must go through the next year's selection process to be considered for hiring. When an emergency exists and no one on the preauthorized, qualified list is available to work that period, the Zoo may recommend an appointment from another source. Appointments made in an emergency situation will be treated the same as other appointments. These Visitor Services Worker Rules will apply to employees appointed during an emergency situation. Emergencies will be determined and documented by the Visitor Services Manager

TITLE IV

METRO WASHINGTON PARK ZOO

CHAPTERS:

4.01 Metro Washington Park Zoo Regulations

CHAPTER 4.01

METRO WASHINGTON PARK ZOO REGULATIONS

SECTIONS:

4.01.010	General; Definitions
4.01.020	Buildings and Grounds of the Zoo
4.01.030	Parking Lot and Sidewalk Adjacent to the Zoo
4.01.040	Zoo Railroad
4.01.050	Penalties
4.01.060	Admission Fees and Policies

4.01.010 General and Definitions:

(a) These rules and regulations apply to all buildings and grounds of the Metro Washington Park Zoo, to sidewalks and parking lots adjacent thereto and to the Metro Washington Park Zoo Train and tracks, and to all persons entering in or on such buildings, grounds, parking lots, sidewalks, train or tracks.

(b) As used in these Rules and Regulations, unless the context requires otherwise:

(1) "Director" or "Zoo Director" means the Director of the Metro Washington Park Zoo.

(2) "Premises" means the property, buildings and grounds within the perimeter fence surrounding the Zoo, the admission and exit gates, the administrative, commissary, haybarn and shop buildings, the employee parking lot, the Zoo vehicular storage area and the Zoo Train right-of-way from the Zoo to the Metro Washington Park Station.

(3) "Zoo" means the Metro Washington Park Zoo.
(Ordinance No. No. 45, Sec. 1)

4.01.020 Buildings and Grounds of the Zoo:

(a) Recording Presence: Except as otherwise ordered, the Zoo buildings and grounds shall be closed to the public to after posted visiting hours. Such buildings and grounds, or portions thereof, shall be also closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Whenever the buildings and grounds or portions thereof are closed to the public for any reasons, visitors will immediately leave the premises upon being requested by an authorized individual. Admission to such premises during periods when closed to the public will be limited to those on official Zoo business who will be required to register and identify themselves when requested by

direction contained on any sign, signal or marking now installed or hereafter installed upon any street, avenue, parking lot or other public way within the boundaries of the Metro Washington Park Zoo or the surrounding area leased by the City of Portland to Metro for public access or for public parking at the Zoo. Drivers of all vehicles shall drive in a careful and safe manner at all times and shall comply with the signals and directions of the police or security officers and all posted traffic signs.

(2) Blocking of entrances, driveways, walks, loading platforms, or fire hydrants is prohibited. Parking without authority, or parking in unauthorized locations or in locations reserved for other persons or contrary to the directions of posted signs, is prohibited.

(b) Security personnel designated by the Executive Officer of Metro as serving as a Zoo Parking Patrol shall have the authority and duty to issue parking citations in accordance with subsection (c) of this section for a violation specified by subsection (a) of this section. The Zoo parking patrol shall have no other police authority or duty. Persons appointed as Zoo parking patrol shall be special police officers of the Metropolitan Service District. As special police officers the Zoo parking patrol personnel and the Zoo parking patrol supervisor shall have authority to issue citations for violations of parking or non-moving traffic violations occurring on Zoo property or property adjacent to the Zoo leased from the City of Portland by the Metropolitan Service District for Zoo parking purposes, and particularly they shall have authority to issue citations as provided for in Section 4.01.030 of the Metro Code. To the extent of the power and authority granted in this section, such personnel and their supervisor shall exercise full police power and authority.

(c) Parking Citations:

(1) Form of citations. All parking citations forms used by the Zoo parking patrol shall be in a form approved by the General Counsel of Metro and as issued by the District Court for the State of Oregon for Multnomah County. Such parking citations shall, at a minimum, clearly state:

- (A) the date, place and nature of the charge;
- (B) time and place for the defendant's appearance in court;
- (C) name of the issuing officer;
- (D) license number of the vehicle.

- (B) Metro Councilors and the Metro Executive Officer shall be entitled to free admission.
- (C) Free admission passes in the form of volunteer identification cards may, at the Director's discretion, be issued to persons who perform volunteer work at the Zoo. Cards shall bear the name of the volunteer, shall be signed by the Director, shall be non-transferrable, and shall terminate at the end of each calendar year or upon termination of volunteer duty, whichever date occurs first. New identification cards may be issued at the beginning of each new calendar year for active Zoo volunteers.
- (D) Reduced admission passes may be issued to members of any organization approved by the Council, the main purpose of which is to support the Metro Washington Park Zoo. Such passes shall bear the name of the pass holder, shall be signed by an authorized representative of the organization, shall be non-transferrable, and shall terminate not more than one year from the date of issuance.
- (E) Other free or reduced admission passes may, with the approval of the Director, be issued to other individuals who are working on educational projects or projects valuable to the Zoo. Such passes shall bear an expiration date not to exceed three months from the date of issuance, shall bear the name of the pass holder, shall be signed by the Director and shall be non-transferrable.

(c) Special Admission Days:

(1) Special admission days are days when the rate established by this Ordinance are reduced or eliminated for a designated group or groups. Six special admission days may be allowed, at the discretion of the Director, during each calendar year.

(2) Three additional special admission days may be allowed each year by the Director for designated groups. Any additional special admission days designated under this subsection must be approved by the Executive Officer.

(d) Special Free Hours: Admission to the Zoo shall be free for all persons from 3:00 p.m. until closing each Tuesday afternoon.

(e) Commercial Ventures: Proposed commercial or fund-raising ventures with private profit or nonprofit corporations involving admission to the Zoo must be authorized in advance by the Executive

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS:

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at [Clackamas Transfer & Recycling Center] <u>Metro South Station</u>
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control at St. Johns Landfill and the [Clackamas Transfer & Recycling Center] <u>Metro South Station</u>
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

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill and the [Clackamas Transfer & Recycling Center]Metro South Station, solid waste user fees, a regional transfer charge, an out-of-state surcharge and an Oregon City enhancement fee, and to establish a credit policy at Metro disposal facilities. (Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1)

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

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

(b) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, paper and cardboard; vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction waste; home and industrial appliances; and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill.

(c) "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, sludges and dusts from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludges; tannery wastes, empty pesticide containers, dead animals or by-products; and wastes containing asbestos.

(d) "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) "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.

(f) "[Clackamas Transfer & Recycling Center] 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.

(g) "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 [CTRC] the Metro South Station, or
- (2) pay for disposal of wastes through a charge account at St. Johns or [CTRC] the Metro South Station, 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).

(h) "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 [CTRC] the Metro South Station, and
- (2) do not pay for disposal of wastes through a charge account at the St. Johns Landfill or [CTRC] the Metro South Station, and
- (3) do not dispose of wastes as an activity of their business.

5.02.025 Disposal Charges at [Clackamas Transfer & Recycling Center]
Metro South Station:

(a) A commercial base disposal rate of \$31.75 per ton of solid waste delivered is established for disposal at the [Clackamas Transfer & Recycling Center] Metro South Station. A Residential Self-Haul base disposal rate of \$11.00 per trip is established at the Clackamas Transfer & Recycling Center.

(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 rate at the [Clackamas Transfer & Recycling Center] 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 [Clackamas Transfer & Recycling Center] Metro South Station.

(c) Notwithstanding the provisions of Sections 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 shall be \$3.75 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, convenience charge and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the [Clackamas Transfer & Recycling Center] Metro South Station. The minimum charge for commercial vehicles shall be \$15.50. (Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; and Ordinance No. 88-257, Sec. 4)

[CLACKAMAS TRANSFER & RECYCLING CENTER] METRO SOUTH STATION

Vehicle Category	Fee Component	Tonnage Rate \$/Ton
<u>Commercial</u>		
	Base Rate	\$31.75
	Metro User Fee	4.25
	Regional Transfer Charge	6.25
	Oregon City Enhancement Fee	.50
	Convenience Charge	<u>3.00</u>
	Total Rate	\$45.75

Vehicle Category	Fee Component	Trip Rate
<u>Residential Self-Haul</u>		
	Base Rate	\$11.00
	Metro User Fee	1.75
	Regional Transfer Charge	1.25
	Oregon City Enhancement Fee	.25
	Convenience Charge	<u>1.25</u>
	Total Rate	\$15.50

	<u>Type of Tire</u>	<u>Disposal Rate Per Unit</u>
<u>Tires</u>		
	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

6900B/557

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use. (Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control at St. Johns Landfill and [Clackamas Transfer & Recycling Center] Metro South Station: All vehicles entering the St. Johns Landfill or the [Clackamas Transfer & Recycling Center] 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)

5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the gatehouse of the landfill. (Ordinance No. 82-146, Sec. 7)

5.02.045 User Fees: The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(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 Residential Self-Haul, \$1.75 per trip at the St. Johns Landfill and the [Clackamas Transfer & Recycling Center] 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 [Clackamas Transfer & Recycling Center] Metro South Station, for Residential 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.

(f) 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.

(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 [Clackamas Transfer & Recycling Center] 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; and Ordinance No. 88-257, Sec. 6)

5.02.050 Regional Transfer Charge:

(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries:

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

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

(3) For Residential Self-Haul, \$1.25 per trip at the St. Johns Landfill and the [Clackamas Transfer & Recycling Center] 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 [Clackamas Transfer & Recycling Center] Metro South Station, for Residential 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:

- i 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
- ii The RTC exemption is for a reasonable time not to exceed the completion of construction of the West Transfer & Recycling Center; and
- iii 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
- iv The facility agrees to accept the entire quantity of waste from the region that it can legally and operationally accept; and
- v The facility continues to collect other Metro fees as required; and
- vi 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 [Clackamas Transfer & Recycling Center] 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; and Ordinance No. 88-257, Sec. 8)

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

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-269, FOR THE PURPOSE OF AMENDING SECTIONS 2.02, 4.01 AND 5.02 RELATING TO THE NAMES OF METRO FACILITIES.

Date: October 27, 1988

Presented by: Vickie Rocker

FACTUAL BACKGROUND AND ANALYSIS

To clearly identify that the zoo and the transfer station are owned and operated by Metro, the names of those facilities has been changed.

This ordinance is a housekeeping action to amend sections of the Metro Code to read Metro Washington Park Zoo rather than Washington Park Zoo and replace Clackamas Transfer and Recycling Center and CTTC with the name Metro South Station. This action will bring the code up to date.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-269.

STAFF REPORTCONSIDERATION OF ORDINANCE NO. 89-284, FOR THE PURPOSE
OF AMENDING METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED
CASE NO. 88-1: ZURCHER PROPERTY

Date: January 9, 1989

Presented by: Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 88-1 is a petition from Glenn, Theodore and Ava Zurcher and the City of Forest Grove for a major amendment of the Urban Growth Boundary (UGB) in Washington County. The property proposed for inclusion within the UGB is a 46-acre parcel located south of Forest Grove, as shown on Exhibit A. Washington County has taken a position in support of the proposed amendment.

Metro Hearings Officer Christopher Thomas held a meeting on this matter on May 25, 1988. Testimony was received both in support and in opposition to the petition. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Ordinance, concludes that the petition meets all applicable standards and should be approved. Exceptions to this report have been received from 1000 Friends of Oregon and the Washington County Farm Bureau, and are attached.

On September 22, 1988 the Council of the Metropolitan Service District heard this case and after discussing the issues passed Resolution No. 88-987 which expressed the Council's intent to amend the UGB for the petition, attached as Exhibit C to the Ordinance. At that time the subject property was located outside of the Metro Boundary; prior to acting by ordinance on such a matter, the property must be included within Metro's jurisdictional boundary. Petitioners then successfully annexed their property to Metro, with final action by the Boundary Commission occurring in mid-December.

Due to the relatively large number of new Metro Council members taking their seats as this petition comes before the Council a second time, petitioners have elected to present their case again in order to allow participation from the entire Council. Consequently, both petitioners and opponents have been notified of this hearing, and of the opportunity to repeat oral arguments on the exceptions. Following oral argument, the Council may consider any motions to remand the findings to the Hearings Officer or to staff for revisions as requested by exceptions or as otherwise specified. In no such motions are approved, the Council may allow Ordinance No. 89-284 to proceed to a second reading with the findings as proposed in the Hearings Officer's report.

EPS/es

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL	)	ORDINANCE NO. 89-284
ORDER AND AMENDING THE METRO URBAN)	
GROWTH BOUNDARY FOR CONTESTED)	
CASE NO. 88-1: ZURCHER PROPERTY)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. The Council of the Metropolitan Service District expressed its intent to amend Metro's Urban Growth Boundary (UGB) through the passage of Resolution No. 88-987 (as shown in Exhibit C of this Ordinance), pending annexation of the property to Metro.

Section 2. Now that the property has been successfully annexed to Metro, the Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 88-1 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 3. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 4. Parties to Contested Case No. 88-1 may appeal this Ordinance under Metro Code Section 2.05.050 and ORS Chapter 197.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1989

Mike Ragsdale, Presiding Officer

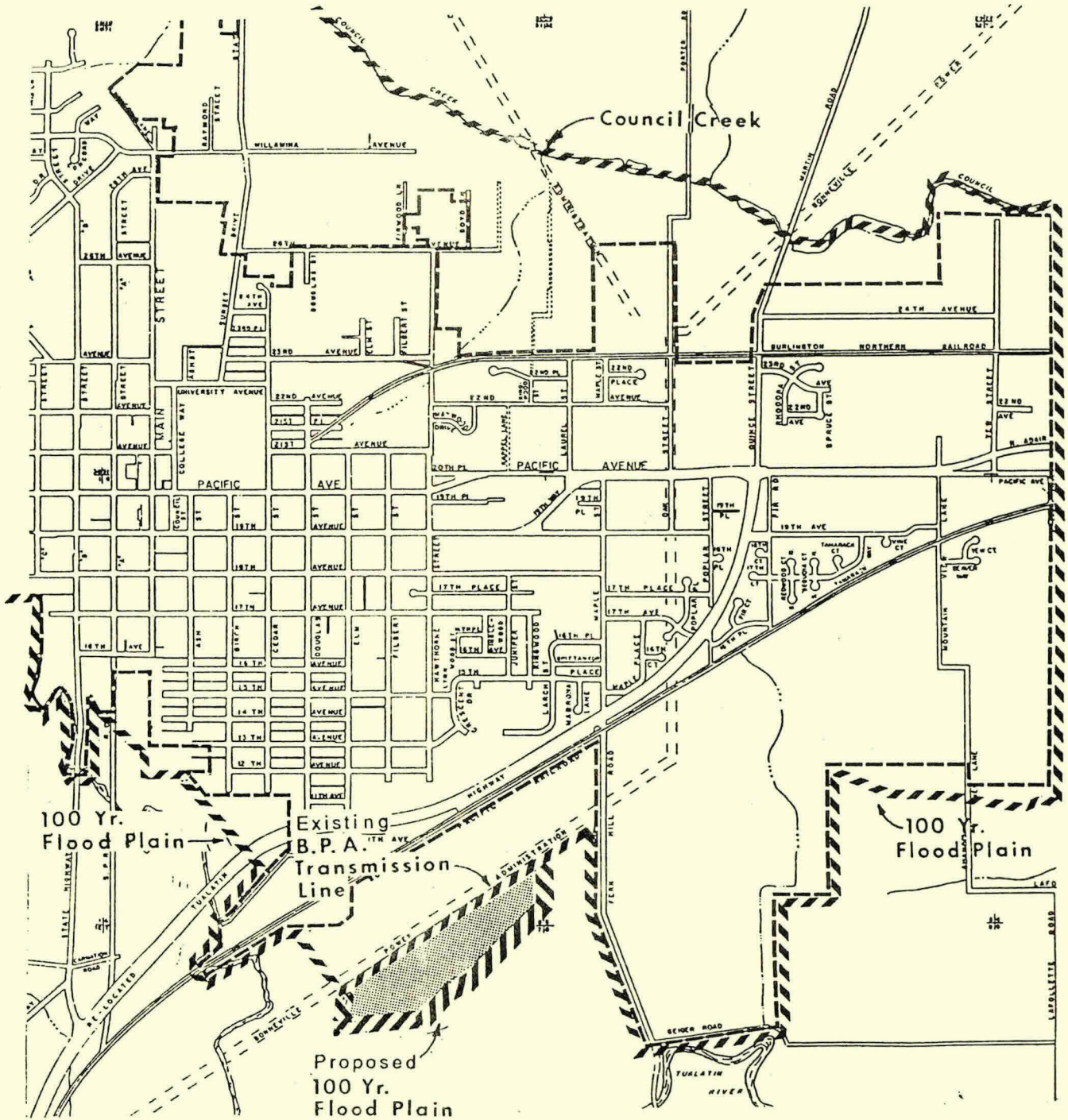
ATTEST:

Clerk of the Council

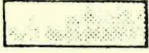



EPS/es
1/9/89

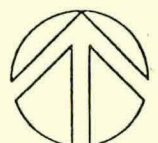
Urban Growth Boundary

Exhibit A



Legend

-  Site Location
-  Existing Urban Growth Boundary
-  Proposed Urban Growth Boundary
-  City Limit of Forest Grove



NORTH

0 500 1000 1500 2000
Scale in Feet

Due to the length of the documents, the following materials have not been printed in this agenda packet:

Report and Recommendation of the Hearings Officer

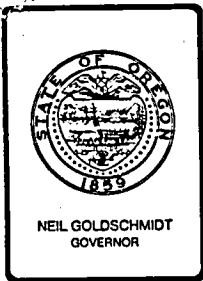
Staff Report to Resolution No. 88-987

Letters from interested parties to Metro Counsel regarding Resolution No. 88-987

"Major Urban Growth Boundary Amendment, Forest Grove-Zurcher Property," prepared by the Benkendorf Associates Corporation, dated April 1, 1988

Appendices to the "Major Urban Growth Boundary Amendment" document

The above materials have been distributed to Councilors. Other parties wanting copies of these documents may contact Marie Nelson, Council Clerk, 221-1646, ext. 206.



*Mem 7.1
1/26/89*

Department of Land Conservation and Development

Portland Field Office:

320 SW STARK, RM 530, PORTLAND, OR 97204-2684

PHONE (503) 229-6068

Main Office:

1175 COURT STREET NE
SALEM, OREGON 97310-0590

PHONE (503) 373-0050

January 11, 1989

Mr. Ethan Seltzer
Metro
2000 S.W. First Ave.
Portland, Oregon 97201

Dear Ethan:

Please note the May 10, 1988 letter from the Department of Land Conservation and Development in your hearing of January 26, 1989 regarding an UGB amendment adding 46 acres in the vicinity of Forest Grove (the Zurcher property). And add these comments expanding on the May 10 letter.

The findings supporting Metro's intent to amend the UGB reason that Forest Grove is disadvantaged by poor "livability" conditions, specifically low per capita assessed property value, low per capita income, high tax rate and only average per student school expenditures. This low livability constitutes a Goal 14 need for an expanded urban growth boundary, in particular to provide more industrial land for development. Furthermore, the need for more industrial land is a short term condition brought about by a shortage of suitable and available land for industrial development within the current UGB.

We believe there are at least three deficiencies in the data, reasons and conclusions in these findings.

First, livability is a broader topic than the analysis presented. For example, data on total tax rates, not just combined school and city rates, and comparison with areas in addition to comparably sized cities would be appropriate. (At least one nearby city has comparable assessed property value per capita but a \$4 per thousand lower school tax rate. What are the reasons for Forest Grove's high rate?) Information on comparative environmental and social conditions, and other cost of living factors affecting livability, should be provided.

Evidence and reasons should be provided to show that non-availability of land is a key reason for poor livability and slow growth. Likewise, documentation that additional land will actually stimulate improved livability should be cited. Data and reasons presented on this point are inconclusive, stating that "...development of the Site should have a significant positive impact".

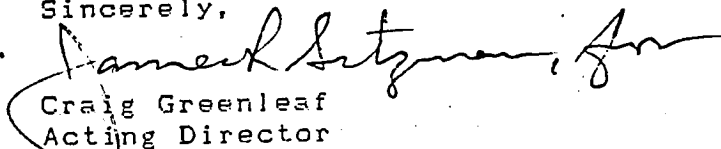
Second, it is at least implied that the Zurcher site is the only opportunity for industrial development in Forest Grove. Considering Oregon's rating as the nation's largest small business state, why are the many smaller parcels in the city not considered equally or more suitable? There is very little evidence, for example, supporting the assertion that 200 acres of 20+, 10+ and smaller acreage parcels in the northeast can not be serviced for development. Given these parcel sizes, "fragmentation" is not an issue for small business development and the absence of a "timetable" for providing sewer and transportation facilities begs the question.

The rationale for concluding that the 95 acre Zurcher site will develop more quickly than smaller sites already in the boundary is not provided. No economic development evaluation and strategy supporting this idea is presented. Forest Grove is identified in the record as oriented to the southerly, westerly and northerly rural areas, not the easterly urban area, which suggests greater opportunity for smaller scale industrial development. The difficulty in extending needed public facilities within the current UGB may be part of the answer, but the findings do not include substantial evidence to support this conclusion.

Third, basing an amendment on short-term need for land in an urban growth boundary which includes a long-term supply requires substantial justification. Considerations like those raised above must receive thorough answers to warrant justification of an amendment based on short-term need. A more complete answer to what can and cannot be done to use the existing urban land; a more complete commercial and industrial development analysis and policy base; and more discerning evaluation of how the addition of more land will solve the livability problem are needed.

The Metro Council is urged to reverse its earlier decision stating an intent to approve this UGB amendment.

Sincerely,


Craig Greenleaf
Acting Director

cc.: Mary Dorman
Dick Bewersdorf
Craig Greenleaf
Greg Wolf
Dale Blanton
DLCD Files (002-88)

SCHOOL DISTRICT 15 Gary Lucas/Superintendent
1343 Pacific Avenue Forest Grove Oregon 97116
Phone 503/357-6171

Item # 7.1
1/26/89

Serving: Cornelius Forest Grove Gales Creek Dilley

January 26, 1989

Board of Directors
Metro Service District
2000 SW First Avenue
Portland, OR 97201

Dear Board Members:

I am sorry that I am not able to be in attendance at the hearing this evening to present the concerns of Washington County School District #15 concerning the modification of the urban growth boundary to include the parcel of land known as the Zurcher property. I would hope that the council would refer to the remarks I made at the previous hearing.

Tim Schaueremann, a representative from the community and past member of the task force on tax payer equity of the Governor's Commission on School Funding, is very capable to present the position of the school district on this issue.

Sincerely,



Gary R. Lucas
Superintendent

GRL/rv

Testimony
Mayor Clifford Clark
City of Forest Grove

Ord. #89-284
Item #7.1
1/26/89

Before METRO Council, January 26, 1989
Urban Growth Boundary Amendment, Zurcher Property
Contested Case No. 88-1

Mr. Chairman, Members of the Council:

Forest Grove is an island of economic erosion in a sea of progress and plenty, and its people labor under a crushing load of property taxes.

Time and again, we hear the "good news" about Washington County. The story goes something like this: Washington County is the fastest growing county in the state. Washington County has created so many thousands of jobs in the past 5 years, or 10 years.

And of course, all those things are true. The population and the industrial base of the county have grown tremendously in recent times. Businesses are well-acquainted with the advantages of locating or expanding there. Success stories abound.

But I didn't come here this evening to bring you the good news, most of which you've already heard. I came here to tell you about the other Washington County. The one Forest Grove is in.

That other Washington County lies to the west of the red line I have placed on the map. It coincides roughly with the western boundary of Hillsboro. From time to time, we comment among ourselves that that line also marks the edge of the known world. But it is "gallows humor", because we know the seriousness of the issue. To the east lies progress and prosperity; to the west, in the cities, stagnation and economic decline.

The Tualatin Valley was once the hub of agriculture for much of northern Oregon. Though to a lesser extent, that tradition continues.

Where once we had 23 mills cutting and shipping lumber for the country and the world, now there are only three. But of course they are still very important to us. Many of our people work in the remaining mills, and still more work in supporting industries.

Our heritage, then, is very much tied to the land. We're proud of our history. You can sense it when you listen to people talk about the past. Sometimes, it seems you can almost touch it. But as much as we'd like to live on it --- or in it --- we cannot. We must come to grips with both the present, and prepare for the future. To do that, we must work to diversify our local economy.

The future is upon us. We must overcome our economic short-comings. Every city in Oregon is looking to attract new business, and we are no exception. But we are at a distinct disadvantage. We are geographically isolated. Our outdated highway system works against us. Our lack of safe and convenient access to the Sunset Highway is a barrier to even keeping the business we have. Right now, our lack of usable industrial land takes us out of the running even before the race begins. Our City Council, and the communities' business leaders know these things, which is why we are actively pushing ahead with efforts to make our city more attractive to appropriate industry. We know full well the need for spreading what is now a crushing load of property taxes.

And, we know what it will take to do it. We have gained toll-free telephone access to Portland, which has helped our businesses. We are actively seeking better access to the Sunset Highway. We seek out funding sources to leverage local money in improving our infrastructure. Last fall, we applied for designation as a state-approved Enterprise Zone.

That Enterprise Zone effort is worth noting. Only two census tracts

in all of Washington County qualified. Both of them are in Forest Grove. The essence of the qualifying criteria was simple: the community must suffer economic disadvantage relative the rest of the state. That places us at the same level of economic hardship as Coos Bay, Tillamook, Baker, and Hermiston. Unusual company indeed, for the 5th largest city in the fastest-growing county in the state.

Which returns me to my original premise: Forest Grove is an island of economic stagnation in a sea of prosperity. Look again at that map. AND that red line. It is real. And it is a barrier to responsible growth. That is all we want. We are not insensitive to the needs and concerns of the farming community. Far from it. They continue to be a vital and important part of the area economy. The jobs created by the local food processing industry are all the proof we need of that truth.

Mr. Chairman, members of the Council, I want each of you to imagine, for a moment, that you are an elected official of Forest Grove, and you see where the city falls on the list of per capita assessed valuation. You've done your level best to reign-in the cost of local government, and still, it isn't enough. You know your constituents are largely working-class people who have struggled in recent years, even while people elsewhere enjoyed prosperity. Further, you know that the proverbial \$60,000 home will cost them \$1831.00 in total taxes this year. And as you are preparing your testimony for a hearing on this very matter before you tonight, you see a man walk by your house, and he has a very bright yellow T-shirt on with large black letters. And you go to the window to get a better look, and to your dismay, you see what this walking billboard says: FOREST GROVE, TAX TOWN.

As I was, you would be angry. And later, when you realized that in

some ways, this outrageous message was not far from the mark, you would be, as I was, a little bit sick to your stomach. and finally, you would probably find that this little episode had merely strengthened your resolve to do something about it, just as it has for me. For those of you who are wondering if this story is really true, I assure^{you}/it is. It happened to me, as I was preparing testimony on this case on September 22nd of last year. And just telling you about it brings back all the emotions I felt back then.

Mr. Chairman, members of the Council, as elected officials, we are stewards of the future, and none of us takes that responsibility lightly. The decision you make in this case will be an important one. I ask that you support our proposal, which comes to you at what we hope is the end of a very long process. I believe that what you have before you is a reasonable request by a community that is demonstrably disadvantaged. This modest extension of the Urban Growth Boundary would help us lift ourselves up by our own bootstraps, by giving us a chance to compete with our neighbors to the east. A chance to compete: it's all we ask.

No, that isn't exactly true. We ask also that as you deliberate, you remember the red line, and the yellow T-shirt.

Thank you for your time and attention.

COMMITTEE REPORT

Agenda Item No. 8.1

Meeting Date January 26, 1989

CONSIDERATION OF RESOLUTION NO. 88-1030, ACCEPTING TALBOT & KORVOLA'S "REPORT ON PERFORMANCE AUDITING PLAN FOR THE METROPOLITAN SERVICE DISTRICT COUNCIL"

Date: January 6, 1989

Presented by: Councilor Tanya Collier
Chair, Finance Committee

COMMITTEE RECOMMENDATION

Committee members present at the January 5 meeting -- Councilors DeJardin, Gardner, Van Bergen, Wyers and myself -- voted unanimously to recommend Council adoption of Resolution No. 89-1030. No Committee members were absent.

COMMITTEE DISCUSSION & ISSUES

Carl Meeuswen and Jack Talbot of Talbot & Korvola presented the final report and reviewed its executive summary with the Committee, noting the final report is very similar to the draft which the Committee received for review December 15. Talbot & Korvola did not receive any comments or recommendations from the Committee or Metro Administration for substantive changes; the report does incorporate some technical changes and language amendments.

Overall, Talbot & Korvola does not see any real impediments to implementing performance auditing at Metro. During the first year of the program, the process of conducting the performance audit and implementing its results will be very important towards establishing a solid, viable review program. Talbot & Korvola recommends Metro schedule first year performance audits of at least two of four areas -- Contracting, General Fund/Cost Allocations, Metro Policies and Procedures, Solid Waste Revenues -- and strongly urges Metro Policies and Procedures be one of the two areas. It was noted the recommended funding of \$80,000 to \$100,000 for each of the first two years was developed after comparing City of Portland and Multnomah County funding and staff resources devoted to their performance audit programs.

jpm a:\rpt1030

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ACCEPTING	)	RESOLUTION NO. 89-1030
TALBOT & KORVOLA, CERTIFIED PUBLIC)	
ACCOUNTANTS, "REPORT ON	)	Introduced by the
PERFORMANCE AUDITING PLAN FOR THE	)	Finance Committee
METROPOLITAN SERVICE DISTRICT)	
COUNCIL")	

WHEREAS, the Metropolitan Service District Council appropriated \$12,000 for FY1988-89 to have a Performance Audit Program Plan developed for the District; and

WHEREAS, the Council Department, in compliance with adopted District purchasing procedures, contracted with the firm of Talbot & Korvola, Certified Public Accountants, to develop a performance audit program plan; and

WHEREAS, Talbot & Korvola has completed the contracted scope of work within the budget and time allotted and prepared the required final report, with recommendations for program implementation, and performance audit program guidelines; and

WHEREAS, the Finance Committee has reviewed and considered the final report, program recommendations, and audit guidelines presented by Talbot & Korvola, January 5, 1989; and

WHEREAS, the Finance Committee recommends accepting these reports; now therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby accepts Talbot & Korvola's "Report on Performance Auditing Plan for the Metropolitan Service District Council" and its accompanying Audit

Guidelines and supports implementing a performance audit program for the District beginning in FY1989-90.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

jpm a:\TKRES

MEETING DATE JANUARY 26, 1989

REGARDING: RESOLUTION NO. 89-1031, SUPPORTING CERTAIN
RECOMMENDATIONS OF THE INTERIM TASK FORCE ON
REGIONAL METROPOLITAN GOVERNMENT

DATE: January 18, 1989

Presented by: Jessica Marlitt,
Council Analyst

Background

At its first meeting December 20, 1988, the Council Legislative Task Force (with all members present -- Councilors Gardner, Collier, Knowles, Ragsdale and Executive Officer Cusma) reviewed the Interim Task Force on Regional Government (Otto Task Force) legislative proposals and compared them with the Metro Council's legislative package. Summarized below are the agreements/recommendations reached regarding positions for Metro on the Otto Task Force proposals. In addition, Metro's 3 Solid Waste legislative proposals, which were submitted to the Joint Interim Committee on Environment and Hazardous Materials, are summarized with recommended actions. At its January 5 meeting, the Task Force concluded discussion of the Otto Task Force proposals (except Contracting Authority) and developed final recommendations for Metro Council consideration.

Resolution No. 89-1031

Attached is draft Resolution No. 89-1031 to forward the Task Force's recommendations to the Council. Resolution No. 89-1031 restates Council support for 2 Otto Task Force proposals with amendments:

- o SB 258 - Regarding Metro Governance - Amendments proposed to increase council size from 12 to 13 members; continue the current councilor election schedule and remove the requirement for full council re-election in 1992; and maintain the council per diem payment system.
- o SB 207 - Clarifies Process for Tri-Met Merger with Metro - Amendment proposed to remove requirement that Metro appoint a commission to operate transit system if merger occurs.

The Task Force will meet Thursday January 19 to take final action on the resolution.

- Summary -

Worksession on Otto Task Force Legislative Proposals

1. LC 596-1/SB 258 - Regarding Metro Governance - would decrease Council size from 12 to 11, effective upon reapportionment after the 1990 census; all 11 members would be elected in 1992 and take office in 1993; maintains elected executive officer; provides a

\$6,000 councilor annual salary (\$9,000 for the presiding officer) to replace the current per diem system.

Recommendation - Deferred discussion and decision until next meeting. Agreed opposed re-election of all 11 councilors in 1992.

2. LC 597/SJR 2 - Regarding Home Rule Charter for Metro
Recommendation - Agreed to defer action and not take a position until the actual bill is available.
3. LC 598-B/SB 209 - Regarding Metro Full Access to Voters' Pamphlet
Recommendation - The Otto Task Force adopted the Council's legislative proposal; the Council does not need to reratify.
4. LC 599/SB 257 - Regarding Metro District Reapportionment
Recommendation - Recommended to support bill as amended allowing challenges to reapportionment to go directly to the State Supreme Court; the Council does not need to reconsider.
5. LC 1302/SB 210 - Regarding Boundary Commission Technical Amendments
Recommendation - Metro has not taken a position to date; other special districts may oppose this bill; agreed Metro should not take a position but should track this legislation.
6. LC 1465/SB 207 - Clarifies Process for Tri-Met Merger with Metro
Recommendation - Agreed should support the bill with an amendment to remove the mandated Commission structure to operate the transit system; Greg McMurdo will check with General Counsel regarding existing authority and ability for merger without this legislation. Council should reconsider formally.
7. LC 1546/SB 211 - Establishes Metro Council Contracting Authority
Recommendation - The Otto Task Force adopted the Council's proposed legislation; agreed to defer discussion and recommendation until the outcome of Metro contracting ordinance revisions.
8. LC 1547/SB 212 - Regarding Metro's Business License "Passport" Legislation
Recommendation - The Otto Task Force adopted the Council's proposed legislation, therefore Council does not need to restate position.
9. LC 1548 - To Remove Mandatory Voter Referral for Income Tax - The Otto Task Force did not support this proposed legislation
Recommendation - It was noted Senator Otto and Representative Cease will support this legislation during session; it was agreed Metro should pursue its own bill; Greg McMurdo recommended introducing the bill in the Senate. Council does not need to restate position.
10. LC 1549/SB 213 - Provides Metro with Excise Tax Authority
Recommendation - It was noted the Otto Task Force and the City of Portland unanimously supported this legislation; Councilor

Ragsdale requested Metro staff prepare a financial impact study of various excise tax amounts levied from various Metro service areas; it was agreed Metro should consider a voluntary phase-out of local jurisdiction dues if the excise tax would provide adequate revenue; no Council action recommended for now -- Council would need to restate position if a dues phase-out considered.

11. LC 1550/SB 259 - Regarding Local Jurisdiction Dues to Metro
Recommendation - Agreed should support Otto Task Force bill which does not remove the sunset provision but provides another 4 year sunset clause; noted technical change from proposed "All Cities" CPI to the Portland CPI; bill achieves Council's primary goal of continuing dues, therefore Council does not need to restate position.
12. LC 1650 - Local Government Advisory Committee for Metro - The Otto Task Force did not support this proposed legislation; however, if bill introduced separately, agreed should be opposed.
13. LC 1719/SB 260 - Reduces Voter Initiative and Referendum Signature Requirements for Metro, Tri-Met and the Port of Portland
Recommendation - Agreed no action/position should be taken until Tri-Met and the Port of Portland state positions.
14. LC 1720/SB 214 - Regarding PERS and Public Agency's Ability to Operate More Than One Retirement System
Recommendation - Greg McMurdo to check with General Counsel regarding Metro's ability to support this legislation in light of current union contract negotiations; if no conflict, agreed to recommend Council take formal position of support for this bill.

Solid Waste Legislation

(Submitted to the Joint Interim Committee
on Environment & Hazardous Materials, co-chaired by
Representative Ron Cease and Senator Bradbury)

15. LC 1416-1 - Eliminates Metro Bacona Road Funding After June 30, 1989
Recommendation - Supported by the Interim Committee; Council does not need to restate position.
16. LC 1416-2 - Requires DEQ to Define "Limited Purpose Landfill"
Recommendation - Supported by the Interim Committee; LC Draft contains exact Metro language; Council does not need to restate position.
17. LC 1416-3 - Regarding Tipping Fee Surcharges
Recommendation - The Interim Committee did not support Metro's proposed legislation; all agreed Metro should support bill if introduced separately; Council does not need to restate position.

DRAFT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUPPORTING
CERTAIN RECOMMENDATIONS OF THE
INTERIM TASK FORCE ON REGIONAL
METROPOLITAN GOVERNMENT

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RESOLUTION NO. 89-1031

Introduced by
Councilor Jim Gardner for
the Council Legislative
Task Force

WHEREAS, The Interim Task Force on Regional Metropolitan Government, established November 1987 by the State and Metropolitan Service District, completed its charge and developed its final report, including 12 legislative recommendations and 6 resolutions, to present to the 1989 State Legislature convening January 9, 1989; and

WHEREAS, On October 27, 1988 the Council of the Metropolitan Service District transmitted proposed legislation under Resolution No. 88-996 to said Task Force for introduction during the 1989 Legislature; and

WHEREAS, The Council of the Metropolitan Service District finds that certain Task Force recommendations differ from the Council's proposed legislation but embody legislative concepts supported by the Council; and

WHEREAS, The Council supports Task Force proposals SB 258 and SB 207 with amendments as outlined in Exhibits A and B attached; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports SB 258 and SB 207 of the Interim Task Force on Regional Metropolitan Government as amended in Exhibits A and B hereto and seeks State adoption of the legislation as amended.

ADOPTED by the Council of the Metropolitan Service District
this 26th day of January, 1989.

Mike Ragsdale, Presiding Officer

jpm a:\res1031

EXHIBIT A

SB 258

(*) DESCRIPTION: Would decrease the size of the Metro Council from 12 to 11. This change would become effective upon the reapportionment of these districts after the 1990 census. All members of the new eleven-member council would be elected in 1992 and would take office in January 1993. Those elected in 1992 would serve staggered terms, with six serving four-year terms and five serving two-year terms. Determination of the length of each councilor's term of office would be made by drawing lots. The bill also provides for councilors to receive an annual salary of \$6,000 and the presiding officer of the council an annual salary of \$9,000, effective in January 1993. The council could change these salaries, and would be authorized to use a salary commission to examine such proposed revisions.

PROPOSED AMENDMENTS: Increase the size of the Metro Council from 12 to 13; maintain current election schedule with 13th member elected to a four-year term; maintain councilor per diem payment system contingent upon system improvements developed by Metro for implementation in fiscal 1989-1990.

EXPLANATION OF AMENDMENTS: Metro concurs with the Task Force that the number of councilors should be changed to an odd-number to avoid the periodic problems resulting from tie votes on the council. However, the Council finds the committee system which it uses to review, debate and prepare recommendations and actions for full council consideration will be best served by increasing the council size. An additional

Metro councilor will also reduce the size of each councilor's district, aiding in councilor communication and contact with constituents. The Council strongly opposes having all council seats up for re-election in 1992. The potential turnover of more than half the council would threaten all consistency and continuity in Metro policies and programs, providing little, if any, benefit to the public. The Council supports maintaining the per diem system which provides "payment for effort" versus a salary system which does not distinguish councilors' individual work levels. The Council recognizes the need to define per diem requirements as tightly as possible and will implement system improvements for fiscal 1989-1990.

(*) Description per the 1987-88 Interim Task Force on Metropolitan Regional Government Final Report, December 1988, page 24, "Explanation"

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EXHIBIT B

SB 207

(*) DESCRIPTION: Would replace the existing statutory provision under which Metro could takeover Tri-Met by order of the Metro Council with a clearer process designed to address issues and omissions not fully dealt with in the prior statute. The bill would do the following:

- 1) Clarify that Tri-Met ordinances would continue until superceded or repealed by Metro,
- 2) Allow Metro to continue to collect the same taxes and other charges collected by Tri-Met,
- 3) Allow Metro to issue refunding bonds to retire outstanding Tri-Met bonded indebtedness,
- 4) Allow Metro to use revenue raised through sources dedicated to mass transit for policy and administrative expenses related to mass transit,
- 5) Require that boundary changes affecting the mass transit boundaries of the district be reviewed by the boundary commission, and
- 6) Require that, in the event of a takeover, Metro would appoint a commission to operate the transit system.

PROPOSED AMENDMENT: Remove the requirement that Metro appoint a commission to operate the transit system in the event of a takeover.

EXPLANATION OF AMENDMENT: If Metro is to exist as a viable government and service provider for its constituents, it should be left to determine the best systems for managing and providing district services. The State should not legislate the operating structure for Metro to manage transit if a merger with Tri-Met occurs. Metro and Tri-Met should determine the most efficient, effective, and accountable management options from which a commission structure may or may not be implemented. If the State codifies Metro management systems, district voters lose the ability to affect Metro changes directly.

(*). Description per the 1987-88 Interim Task Force on Metropolitan Regional Government Final Report, December 1988, page 30, "Explanation"

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COMMITTEE REPORT

Agenda Item No. 8.3

Meeting Date Jan. 26, 1989

CONSIDERATION OF RESOLUTION NO. 89-1046, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING, PURSUANT TO METRO CODE SECTION 2.04.041, AND AUTHORIZING A NINE-MONTH EXTENSION OF THE METRO SOUTH STATION OPERATIONS CONTRACT

Date: January 26, 1989

Presented by: Councilor Roger Buchanan, Solid Waste Committee

COMMITTEE RECOMMENDATION

The Solid Waste Committee recommends Council adoption of Resolution No. 89-1046.

DISCUSSION/ISSUES

On January 12, 1989, the Council adopted Resolution No. 89-1026A authorizing the Executive Officer to negotiate a proposed draft extension contract for the operation of the Metro South Station. Negotiations with Wastech were completed on January 20, 1989. The proposed contract extension increases the unit prices by the Portland Consumer Price Index, and pays the contractor a lump sum in monthly installments for either existing or new services. The increase for new services is estimated to be approximately a 2 percent increase over current payments.

The Solid Waste Department staff presented information to the Committee which indicates that cost savings will accrue from a nine-month extension of the Metro South Station contract.

The Solid Waste Committee received public testimony from Warren Razore, President of Rabanco, Seattle, Washington. He recommended an extension of the Metro South Station contract to avoid a short-term, nine-month contract for transportation services.

The Committee asked what new items were included in the proposed contract extension. Staff indicated that the following items were new: operation of the compactor, operation of the vehicle wash rack, and implementation of the testing program required by the Industrial Waste Water Discharge Permit.

The Solid Waste staff stated that if the proposed contract extension was not approved by Council, they were authorized and *and* prepared to solicit competitive bids.

VOTE

The Committee voted 4 to 0 to recommend Council adoption of Resolution No. 89-1046. Voting: Councilors Buchanan, Hansen, Kelley and Wyers. Absent: Councilor Ragsdale. This action taken at the special meeting of January 24, 1989.

RB:amn
0493D/D4
01/26/89

STAFF REPORT

CONSIDERATION OF RESOLUTION 89-1046, EXTENDING THE OPERATIONS CONTRACT WITH WASTECH INC. FOR THE METRO SOUTH STATION FOR A PERIOD OF 9 MONTHS, APRIL 1, 1989 THROUGH DECEMBER 31, 1989.

Date: January 23, 1989

Presented by: Jim Watkins

FACTUAL BACKGROUND AND ANALYSIS

On January 19, 1989 the Council of the Metropolitan Service District adopted Resolution No. 89-1026A, which authorized the Executive Officer to negotiate a proposed draft extension contract for the operation of Metro South Station (attached). The resolution further stated that the Metro Council would either accept the proposed draft extension, or authorize the Director of the Solid Waste Department to solicit competitive bids for Metro South Station operations through the contract documents approved by the Metro Council.

Also attached is Resolution 89-1046 which exempts the extension from the bidding requirements of the Metro Code and adopts the extension. Attachment A of the resolution presents an analysis of the potential cost savings which would accrue to Metro if the extension is accepted. It should be noted that the estimate does not reflect the costs associated with amortizing transport equipment costs over the 9 month period for which transport services will be required. These costs were not included in the savings because such costs would be prohibitive and therefore firms needing to purchase this equipment would refrain from submitting a bid.

The proposed draft Amendment No. 4 increases the unit prices by the Portland Consumer Price Index, and pays the contractor a lump sum in monthly installments for either existing or new services. The increase for new services is estimated to be approximately a 2% increase over current payments.

EXHIBIT A

Estimate of Savings for Metro South Station Contract Extension

Method #1.

To estimate the savings which would result from an extension of the current Metro South Station contract over a rebid, the next lowest bid received on the original contract was used for comparison. The reasons this method was chosen are: 1) the bid process was a true competitive situation with a total of five bids received; 2) startup costs and capital costs were amortized over a 4.5 year period and therefore are representative; 3) it is difficult to estimate bid prices in a competitive environment given the variability in capital and opportunity costs.

In the original contract, tonnage ranges were used to solicit a per ton price. The firm submitting the next lowest bid was Browning Ferris Industries (BFI). Their bid for the highest tonnage range was adjusted to reflect the change in the price adjustments which took place over the contract period and to reflect the change in tonnage ranges. The adjusted price was then multiplied times the number of tons which we estimate will be handled through Metro South Station (MSS) over the 9 month extension or contract period. This total was then compared to the price we would receive under an extension. The result of this method is shown under the category "SAVINGS" for Method #1.

Method #2.

A second way to estimate potential savings is to assume that the original bid price was a competitive price, and then to inflate that price by the annual adjustment formula proposed for the next bid process. The inflated price is then compared to the estimated unit price which will be charged during the extension for the estimated tonnage. The result of this method is shown under the category "SAVINGS" for Method #2.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 89-1046
AN EXEMPTION TO THE REQUIREMENT OF)	
COMPETITIVE BIDDING PURSUANT TO	)	Introduced by Council
METRO CODE 2.04.041, AND AUTHORIZING	)	Solid Waste Committee
A NINE-MONTH EXTENSION OF THE METRO)	
SOUTH STATION OPERATIONS CONTRACT)	

WHEREAS, The existing contract for operation of and transportation services at the Metro South Station will expire on March 31, 1989; and

WHEREAS, A long-term contract for transportation from the Metro South Station to Gilliam County will begin on January 1, 1990; and

WHEREAS, Coordination of the long-term transportation contract with the contract for operation of the Metro South Station would require a short-term, nine-month contract for transportation services for the period of April 1, 1989 through December 31, 1989; and

WHEREAS, The equipment requirements for the nine-month portion of a new contract would limit the number of vendors who could participate in the bid process; and

WHEREAS, After the nine-month extension period, the transportation portion of the work will no longer be necessary and additional vendors will be able to participate in the bidding process for operation of the Metro South Station; and

WHEREAS, The Metro Solid Waste Division has calculated the estimated cost savings which will accrue from a nine-month extension of the existing Metro South Station contract due to the fact that 1) transport equipment will not be amortized over a nine-month period, and 2) a nine-month extension will produce savings over a comparable period in the bidding of a five-year agreement; and

WHEREAS, Metro Code Section 2.04.045 exempts contract extensions from competitive bidding only if they are limited in size and term; and

WHEREAS, Metro Code Section 2.04.041 authorizes the Metro Contract Review Board to exempt public contracts from competitive bidding if it finds that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such exemption will result in substantial cost savings; now, therefore,

BE IT RESOLVED,

1. That the Metropolitan Service District Contract Review Board finds that:
 - a) It is unlikely that exempting a nine month extension of the Metro South Station contract will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
 - b) The contract, if extended pursuant to the exemption, will result in substantial cost savings to the Metropolitan Service District;
2. That based on these findings, the Metropolitan Service District Contract Review Board authorizes the execution of Amendment No. 4, as set out in the attachment to the Staff Report, to the Metro South Station contract.

ADOPTED by the Metropolitan Service District Contract Review Board this _____ day of _____, 1989.

Mike Ragsdale, Presiding Officer

MML/gl

AMENDMENT NO. 4
TO THE
CONTRACT DOCUMENTS FOR THE OPERATION OF THE
METRO SOUTH STATION,
METROPOLITAN SERVICE DISTRICT,
PORTLAND, OREGON

METRO and CONTRACTOR hereby amend the above described Contract Documents. Except as amended, the Contract remains in full force and effect.

1. TERM-- The term of the Contract shall be extended until 11:59 p.m., December 31, 1989.

2. Unit prices shall be adjusted upwards or downwards, effective April 1, 1989, by the percent change in the BLS publication "CONSUMER PRICE INDEXES PACIFIC CITIES AND U.S. CITY AVERAGE", the Portland index, category "PERCENT CHANGE TO 2ND HALF 1988 FROM: 2ND HALF 1987".

3. DELETE from AMENDMENT NO. 2, third paragraph the following:

"or the Riverbend Landfill at McMinnville, Oregon,"

4. DELETE section 4(d) from AMENDMENT NO. 2, and section 9(d) from AMENDMENT NO. 3.

5. Metro anticipates the installation of a compactor unit to load transfer vehicles in the Fall of 1989. Contractor shall provide Metro consulting services in the purchase, installation and testing procedures involved in this process at no additional charge to Metro.

Contractor shall not be entitled to any reimbursement for closure of the facility due to compactor installation, provided that Metro notifies the Contractor 30 (thirty) days in advance of such closure. Metro shall install the compactor within seven (7) days from the date stated in the closure notification to the Contractor. The Contractor may perform any routine maintenance during such time with prior approval from Metro. If Metro fails to provide notice or exceed the installation period stated above, the Contractor shall be entitled to the remedies provided in section 6 below.

After installing the compactor, a three (3) week shakedown and testing period will follow to determine whether the compactor meets specifications. During this period the Contractor shall operate Metro South Station as required by Metro. The Contractor shall only be entitled to payment for waste processed. If Metro South Station is not fully operational at the end of the three week testing period, the Contractor shall be entitled to adjustments as provided in section 6 below, plus any payments for waste processed.

Metro will indicate in writing to the Contractor the end of the

EXHIBIT A (continued)

Calculations for estimating potential savings

Method #1.

	Wastech	BFI
Per ton price (1983 bid price)	\$6.40 (-8.6%)	\$6.90 (-8.6%)
Price Adjustment from Index	\$6.57 (+2.6%)	\$7.08 (+2.6%)
Estimated Price for Extension	\$6.83 (+4%) ¹	\$7.36 (+4%)

¹NOTE: Per ton price less than original BFI bid price

CALCULATION OF EXTENSION SAVINGS

Estimate 9 mo. tonnage for MSS	244,416	244,416
Times the price per ton	\$6.83	\$7.36
=	\$1,669,361.28	\$1,798,901.76

SAVINGS = \$129,540

Method #2

Estimated Price for Extension= \$6.83

Estimated Rebid Price Assuming Original Bid Price Inflated by CPI=
\$6.40 x 1.16 = \$7.49 (\$6.40 increased at a rate of 3.2% per year)

SAVINGS = (Extension tons x CPI price)-(Extension tons x extension price) = \$1,830,675.84 - \$1,669,361.28= **\$161,314**

installation and shakedown periods.

6. Suspension of Work Due to Compactor Breakdown

- A. In the event the Contractor is precluded from processing or transporting waste due to a breakdown of the compactor, Metro may suspend the Contractor's obligation to perform the work, or any separate part thereof, called for in the Contract. The Contractor shall immediately notify Metro's scalehouse supervisor if a breakdown of the compactor precludes it from processing or transporting waste. The Contractor's notification will be logged in the scalehouse transaction log. If the compactor breakdown occurs after closure of the scalehouse, the Contractor shall notify Metro's St. Johns Landfill supervisor or other designated Metro personnel. Verbal notice by the Contractor of a compactor breakdown which impedes the Contractor's ability to perform its obligations under the Contract shall be confirmed in writing by the Contractor within twenty-four (24) hours of the initial verbal notification.
- B. During work suspensions due to compactor breakdowns as described in this Article, the Contractor will be responsible for making any and all adjustments to its workforce to minimize standby costs. The Contractor shall not be entitled to reimbursement for any standby costs or other costs other than as provided in section C of this Article.
- C. During work suspensions due to compactor breakdowns due to manufacturing/design defects, or other events specified in section 5 above, the Contractor shall not be entitled to recover any costs for the first eight hours of work suspension(s) which occur(s) during any given month due to any force majeure event. Any one suspension of work or a combination of suspensions during a month which exceeds the initial eight hours of work suspension shall entitle the Contractor to an equitable adjustment equal to one hundred forty percent (140%) of the average hourly payroll for non-supervisory, non-administrative employees assigned to the Contract payroll during the previous month. The adjustment shall be limited to no more than sixteen (16) hours per day and shall not include the initial eight (8) hours of suspensions accrued each month.

7. Contractor shall be receive a total of \$54,567, in monthly payments, for the services described below in this section. Monthly payments will be made by dividing \$54,567 by nine (9) which resulting amount shall represent monthly payments.

- a) After installation of the compactor, all transfer trailers shall be tarped or other appropriate covering used as approved by Metro. Tarps must securely cover the load to prevent any waste from blowing out, or hanging down sides of vehicles

while in transit.

b) The following services will be provided a minimum of four days per week, for the conference room, main and small scalehouse, unless otherwise indicated:

- Vacuum mats and carpets;
- Dust desks, chairs, cabinets, etc.;
- Spot clean fingerprints from walls and doors;
- Empty trash, replace liners as needed;
- Dust off counters, desks and tables;
- Dust-mop any tile floors and stairwells;
- Wet-mop any tile floors and stairwells;
- Spot clean fingerprints from bathroom cabinets;
- Clean bathroom sinks, toilets and counters;
- Replace toilet tissue, paper towels as needed;
- Strip and Wax floors once a month;
- Clean all windows weekly;
- Buff floors weekly;
- Carpets shall be scrubbed bimonthly.
- Provide doormats at each entry to the scalehouses, replace with clean mats weekly
- Provide all janitorial and cleaning supplies as needed

c) Contractor shall operate and maintain daily the existing commercial and industrial vehicle wash rack. Use of the wash rack will be restricted to commercial and industrial collectors by the Contractor.

Daily maintenance will include the inspection of the truck wash sump, and cleaning as needed or at least weekly; and daily general cleanup of the area. Weekly removal of all accumulated solids from catch basins. Hoses must be maintained in operable condition and nozzles must be attached to hoses at all times. The operating pressure shall be such that commercial collection vehicles which use the facility can be cleaned adequately. The Contractor will be responsible for maintaining the sewerlines from the wash rack, and for maintaining and replacing all other parts of the wash rack as well.

d) DELETE landscaping requirements for Areas 1 and 3 as specified in ATTACHMENT #2 of AMENDMENT NO. 3.

e) Contractor is responsible for 24-hour site security. Site security means the presence of either Contractor personnel or a security guard hired by the Contractor.

f) It is the responsibility of the Contractor to implement the testing program required by the Industrial Wastewater Discharge Permit. The permit requires:

1. Continuous recording (from hourly pump records) of flow.

2. Daily grab samples of pH and temperature.
3. Monthly composite samples of: total oil and grease, BOD, COD, total suspended solids, arsenic, cadmium, copper, cyanide, lead, mercury, nickel, silver, total chromium, zinc, and phenolic compounds.

Metro installed equipment will be available for determining flow, daily pH and temperature, and hourly sampling to make up the composites. The Contractor is responsible to monitor pH and temperature daily and record results, take monthly samples and transport as needed, employ a Metro-approved laboratory for monthly analysis of composites, and provide the Periodic Compliance Report to the Tri-City Service District by June 15 and December 15 each year as required in the permit. All results of monitoring or testing shall be regularly included in the Contractor's monthly report to Metro and copies of the Periodic Compliance Report to the Tri-City Service District shall also be provided to Metro.

Lab costs for the analysis of the samples shall be the responsibility of Metro as a pass-through. The Contractor will be responsible for cooperating with further conditions, as required, to remain in compliance with the discharge permit. If additional sampling or pretreatment of effluent is required in the future, changes will be negotiated according to the change order section.

g) Retrofit transfer vehicles to accommodate compactor-generated loads of waste.

h) Provide an incentive bonus to transfer vehicle drivers to ensure the quality of transport personnel throughout the period of this extension.

8. AMENDMENT NO. 3, section 4, DELETE the following:

At the end of this extension, if Contractor is not the successor contractor, Owner shall have the option to assume the lease or to purchase the equipment at 40% of its costs (including installation charges), and reimburse the Contractor for 40% of installation costs associated with structural modifications, earthwork, and landscaping (not to exceed \$5,300). Contractor shall keep adequate records of its costs to enable this calculation to be made at the end of this extension.

And SUBSTITUTE the following:

Upon expiration or termination of this agreement, Metro, at

its sole discretion, shall have the option to purchase the compactor for \$4,800. If in the event Metro does not exercise its option to purchase the compactor, Contractor shall, at its own expense, remove the compactor from the facility.

WASTECH INC.

METROPOLITAN SERVICE DISTRICT

Date

Date

Title

Title

Signature

Signature

Name

Name