



METRO

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

Agenda

Meeting: COUNCIL MEETING
Date: October 27, 1988
Day: Thursday
Time: 5:30 p.m.
Place: Council Chamber

REVISED AGENDA
Ordinance No. 88-271
has been added to
Section 6, page 2

Approx.
Time*

Presented By

5:30 CALL TO ORDER
ROLL CALL

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

5:45 (5 min.) 5. CONSENT AGENDA (Action Requested: Motion to Approve
the Recommendations Listed Below)

5.1 Minutes of September 22, 1988
(Action Requested: Approval of the Minutes)

5.2 Resolution No. 88-992, for the Purpose of Authorizing an Amendment to the Contract with
Portland Bureau of Water Works for Relocation
of Water Lines from the Oregon Convention
Center Site (Referred from the Convention Center
Committee) (Action Requested: Adoption of Resolution)

Knowles

5.3 Resolution No. 88-1000, for the Purpose of Authorizing an Amendment to the Contract with
Zummer Gunsul Frasca Partnership for Further
Specified Design Services for the Oregon
Convention Center (Referred from the Convention
Center Committee) (Action Requested: Adoption of
the Resolution)

Knowles

5.4 Resolution No. 88-981, for the Purpose of Adopting Disadvantaged Business Program Goals
for FY 1988-89
(Referred from the Internal Affairs Committee)
(Action Requested: Adoption of the Resolution)

Kirkpatrick

(Consent Agenda Continued on Page 2)

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

Approx.
Time*

Presented By

5. CONSENT AGENDA (Continued)

- 5.5 Resolution No. 88-994, for the Purpose of
Adopting Affirmative Action Goals and Objectives
for FY 1988-89
(Referred from the Internal Affairs Committee)
(Action Requested: Adoption of the Resolution)

Ragsdale

- 5.6 Resolution No. 88-1007, for the Purpose of
Confirming the Appointment of Members to the
One Percent for Recycling Advisory Committee
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Resolution)

Hansen

5:50
(5 min.)

6. ORDINANCES, FIRST READINGS

(The action for first readings will be referred to a
Council Committee for appropriate action)

- 6.1 Consideration of Ordinance No. 88-270, for the
Purpose of Amending Ordinance No. 88-247, Revising
the Budget and Appropriations Schedule to Provide
Funding for Legislative Expensitures and Increased
National Association of Regional Council (NARC) Dues
(Referral to the Finance Committee)

- 6.2 Consideration of Ordinance No. 88-272, for the
Purpose of Amending Ordinance No. 88-247, Revising
the Budget and Appropriations Schedule to Provide
Funding for an Increase in Oregon Laborer's Trust
Health Case Premiums (Referral to the Finance Committee)

- 6.2a Consideration of Ordinance No. 88-271, for the
Purpose of Amending Metro Code Chapter 2.04 Relating
to Contracting Procedures (Referral to the Internal
Affairs Committee)

6. ORDINANCES, SECOND READINGS

5:55
(40 min.)

- 6.3 Consideration of Ordinance No. 88-268, Adopting
a Final Order and Amending the Metro Urban
Growth Boundary for Contested Case No. 87-3:
Blazer Homes
(Action Requested: Adoption of the Ordinance)

D. Cooper

6:35
(10 min.)

- 6.4 Consideration of Ordinance No. 88-261, for the
Purpose of Amending Chapter 3.01 of the Metro
Code to Clarify Standards and Procedures for
Identifying Protected Agricultural Land
(Referred from the Intergovernmental Relations
Committee)
(Action Requested: Adoption of the Ordinance)

Gardner

(continued)

Approx.
Time*

Presented By

6. ORDINANCES, SECOND READINGS (Continued)

- | | | |
|-------------------|--|---------|
| 6:45
(10 min.) | 6.5 <u>Consideration of Ordinance No. 88-266B, for the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions</u>
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Ordinance) | Hansen |
| 6:55
(5 min.) | 6.6 <u>Consideration of Ordinance No. 88-267A, for the Purpose of Revising Metro Code Section 5.04.040 Relating to the Membership of the Recycling Advisory Committee</u>
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Ordinance) | Hansen |
| 7:00
(5 min.) | 6.7 <u>Consideration of Ordinance No. 88-263, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule for the Purpose of Additional Staffing and Capital Purchases within the Transportation Department</u>
(Referred from the Finance Committee)
(Action Requested: Adoption of the Ordinance) | Collier |

7. RESOLUTIONS

- | | | |
|------------------|--|---------|
| 7:05
(5 min.) | 7.1 <u>Consideration of Resolution No. 88-991, for the Purpose of Approving a Contract with ESRI, Inc., for a Turnkey Geographic Information System (GIS)</u>
(Referred from the Intergovernmental Relations Committee)
(Action Requested: Adoption of the Resolution) | Gardner |
| 7:10
(5 min.) | 7.2 <u>Consideration of Resolution No. 88-997, for the Purpose of Confirming the Appointment of Bob Martin, P.E., to the Position of Director of Solid Waste</u>
(Referred from the Solid Waste Committee)
(Action Requested: Adoption of the Resolution) | Hansen |
| 7:15
(5 min.) | 7.3 <u>Consideration of Resolution No. 88-1005, for the Purpose of Expressing Appreciation to Sue McGrath for Services Rendered to Metro</u>
(Referred from the Finance Committee)
(Action Requested: Adoption of the Resolution) | Collier |

(continued)

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

Approx.
Time*

Presented By

7. RESOLUTIONS (Continued)

7:20 (5 min.)	7.4 <u>Consideration of Resolution No. 88-1006, for the Purpose of Confirming the Appointment of William Naito to the Investment Advisory Board (Referred from the Finance Committee) (Action Requested: Adoption of the Resolution)</u>	Collier
7:25 (10 min.)	7.5 <u>Consideration of Resolution No. 88-1001, for the Purpose of Authorizing a Request for Proposals to Prepare an Analysis for a Publicly Owned East Transfer & Recycling Center (Referred from the Solid Waste Committee) (Action Requested: Adoption of the Resolution)</u>	Hansen
7:35 (10 min.)	7.6 <u>Consideration of Resolution No. 88-996, for the Purpose of Supporting the District's 1989 Legislative Package (Referred from the Intergovernmental Relations Committee) (Action Requested: Adoption of the Resolution)</u>	Gardner
7:45 (10 min.)	7.7 <u>Consideration of Resolution No. 88-1002, for the Purpose of Supporting Proposed Solid Waste Bills and Concept for the 1989 Legislative Session (Referred from the Solid Waste Committee) (Action Requested: Adoption of the Resolution)</u>	Hansen
7:55 (5 min.)	7.8 <u>Consideration of Resolution No. 88-998, for the Purpose of Approving Amendments to the Oregon Tourism Alliance Regional Compact (Referred from the Convention Center Committee) (Action Requested: Adoption of the Resolution)</u>	Knowles
8:00 (5 min.)	7.9 <u>Resolution No. 88-999, for the Purpose of Authorizing the Finance Committee to Appoint Citizens to Metro's FY 1089-90 Budget Committee (Referred from the Finance Committee) (Action Requested: Adoption of the Resolution)</u>	Collier

8:05 8. COMMITTEE REPORTS

8:10 ADJOURN

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

Marie

AGENDA NOTES: OCTOBER 27, 1988, COUNCIL MEETING

TO: Mike Ragsdale, Presiding Officer

FROM: Marie Nelson, Clerk of the Council

MN

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS ← ITEM 7.3 HERE #88-1005
4. COUNCILOR COMMUNICATIONS

5. CONSENT AGENDA

(Action Requested: Motion to Approve the Recommendations Listed Below)

5.1 Minutes of September 22, 1988

(Action Requested: Approval of the Minutes)

5.2 Resolution No. 88-992, for the Purpose of Authorizing an Amendment to the Contract with Portland Bureau of Water Works for Relocation of Water Lines from the Oregon Convention Center Site

(Referred from the Convention Center Committee)

(Action Requested: Adoption of Resolution)

5.3 Resolution No. 88-1000, for the Purpose of Authorizing an Amendment to the Contract with Zimmer Gunsul Frasca Partnership for Further Specified Design Services for the Oregon Convention Center

(Referred from the Convention Center Committee)

(Action Requested: Adoption of the Resolution)

5.4 Resolution No. 88-981, for the Purpose of Adopting Disadvantaged Business Program Goals for FY 1988-89

(Referred from the Internal Affairs Committee)

(Action Requested: Adoption of the Resolution)

5.5 Resolution No. 88-994, for the Purpose of Adopting Affirmative Action Goals and Objectives for FY 1988-89

(Referred from the Internal Affairs Committee)

(Action Requested: Adoption of the Resolution)

5.6 Resolution No. 88-1007, for the Purpose of Confirming the Appointment of Members to the One Percent for Recycling Advisory Committee

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Resolution)

- a. Ask if anyone wishes to remove an item(s) from the Consent Agenda. If such a motion is made and approved, establish a time during this meeting when the item will be considered.
- b. Receive and vote on a motion to approve the Consent Agenda.

6. ORDINANCES, FIRST READINGS

(The action for first readings will be referred to a Council Committee for appropriate action)

6.1 Consideration of Ordinance No. 88-270, for the Purpose of Amending Ordinance No. 88-247, Revising the Budget and Appropriations Schedule to Provide Funding for Legislative Expenditures and Increased National Association of Regional Council (NARC) Dues

- a. Have the Clerk read the ordinance by title only for the first time.
- b. Announce that you have referred the ordinance to the Council Finance Committee for a public hearing and consideration.

6.2 Consideration of Ordinance No. 88-272, for the Purpose of Amending Ordinance No. 88-247, Revising the Budget and Appropriations Schedule to Provide Funding for an Increase in Oregon Laborer's Trust Health Case Premiums

- a. Have the Clerk read the ordinance by title only for the first time.
- b. Announce that you have referred the ordinance to the Council Finance Committee for a public hearing and consideration.

6.2a Consideration of Ordinance No. 88-271, for the Purpose of Amending Metro Code Chapter 2.04 Relating to Contracting Procedures

- a. Have the Clerk read the ordinance by title only for the first time.
- b. Announce that you have referred the ordinance to the Council Internal Affairs Committee for a public hearing and consideration.

ORDINANCES, SECOND READINGS

6.3 Consideration of Ordinance No. 88-268, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-3: Blazer Homes

(Action Requested: Adoption of the Ordinance)

- a. Have the Clerk read the ordinance a second time by title only.
- b. Announce that the first reading of the ordinance was conducted before the Council on October 13, 1988. No testimony was received at that meeting.
- c. Have Dan Cooper, Metro General Counsel, review the procedures for this case. (SEE THE ORANGE-COLORED LETTER)
- d. Receive testimony as appropriate.
- e. Receive a motion to adopt the ordinance (and/or other motions as appropriate).
- f. Discussion: Councilors questions and comments.
- g. Vote on the motion to adopt the ordinance (and/or other motions as appropriate).

6.4 Consideration of Ordinance No. 88-261, for the Purpose of Amending Chapter 3.01 of the Metro Code to Clarify Standards and Procedures for Identifying Protected Agricultural Land
(Referred from the Intergovernmental Relations Committee)

(Action Requested: Adoption of the Ordinance)

- a. Have the Clerk read the ordinance by title only a second time.
- b. Announce that the first reading of the ordinance was held before the Council on August 25, 1988. The ordinance was then referred to the Council Intergovernmental Relations Committee. The Committee conducted a public hearing on October 11.
- c. Have Councilor Gardner present the Committee's report and recommendation.
- d. Receive a motion to adopt Ordinance No. 88-261.
- e. Discussion: Councilor questions and comments.
- f. Vote on the motion to adopt the ordinance.

6.5 Consideration of Ordinance No. 88-266B, for the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Ordinance)

- a. Have the Clerk read the ordinance by title only a second time.
- b. Announce that the first reading of the ordinance was held before the Council on October 13, 1988. The ordinance was then referred to the Council Solid Waste Committee. The Committee conducted a public hearing on October 18.
- c. Have Councilor Hansen present the Committee's report and recommendation.
- d. Receive a motion to adopt Ordinance No. 88-266B.
- e. Discussion: Councilor questions and comments.
- f. Vote on the motion to adopt the ordinance.

6.6 Consideration of Ordinance No. 88-267B, for the Purpose of Revising Metro Code Section 5.04.040 Relating to the Membership of the Recycling Advisory Committee

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Ordinance)

- a. Have the Clerk read the ordinance by title only a second time.
- b. Announce that the first reading of the ordinance was held before the Council on October 13, 1988. The ordinance was then referred to the Council Solid Waste Committee. The Committee conducted a public hearing on October 18.
- c. Have Councilor Hansen present the Committee's report and recommendation.
- d. Receive a motion to adopt Ordinance No. 88-267B.
- e. Discussion: Councilor questions and comments.
- f. Vote on the motion to adopt the ordinance.

6.7 Consideration of Ordinance No. 88-263A, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule for the Purpose of Additional Staffing and Capital Purchases within the Transportation Department

(Referred from the Finance Committee)

(Action Requested: Adoption of the Ordinance)

- a. Have the Clerk read the ordinance by title only a second time.
- b. Announce that the first reading of the ordinance was held before the Council on October 13, 1988. The ordinance was then referred to the Council Finance Committee. The Committee conducted a public hearing on October 20.
- c. Have Councilor Hansen present the Committee's report and recommendation.
- d. Receive a motion to adopt Ordinance No. 88-263A.
- e. Discussion: Councilor questions and comments.
- f. Vote on the motion to adopt the ordinance.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-991, for the Purpose of Approving a Contract with ESRI, Inc., for a Turnkey Geographic Information System (GIS)

(Referred from the Intergovernmental Relations Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Gardner, Chair of the Intergovernmental Relations Committee, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.2 Consideration of Resolution No. 88-997, for the Purpose of
Confirming the Appointment of Bob Martin, P.E., to the Position
of Director of Solid Waste

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Hansen, Solid Waste Committee Chair, present the Committee's report and recommendation.
- b. If Executive Officer Cusma is present, she may wish to make comments.
- c. Receive a motion to adopt the resolution.
- d. Discussion: Councilor questions and comments.
- e. Vote on the motion to adopt the resolution.

7.3 Consideration of Resolution No. 88-1005, for the Purpose of
Expressing Appreciation to Sue McGrath for Services Rendered to
Metro

(Referred from the Finance Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Collier, Finance Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.
- e. The Executive Officer will present a plaque to Ms. McGrath.

7.4 Consideration of Resolution No. 88-1006, for the Purpose of
Confirming the Appointment of William Naito to the Investment
Advisory Board

(Referred from the Finance Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Collier, Finance Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.
- e. The Executive Officer may wish to comment and/or introduce the candidate (if he is present at the meeting).

7.5 Consideration of Resolution No. 88-1001, for the Purpose of Authorizing a Request for Proposals to Prepare an Analysis for a Publicly Owned East Transfer & Recycling Center

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Hansen, Solid Waste Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.6 Consideration of Resolution No. 88-996, for the Purpose of Supporting the District's 1989 Legislative Package

(Referred from the Intergovernmental Relations Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Gardner, Intergovernmental Relations Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.7 Consideration of Resolution No. 88-1002, for the Purpose of Supporting Proposed Solid Waste Bills and Concept for the 1989 Legislative Session

(Referred from the Solid Waste Committee)

(Action Requested: Adoption of the Resolution)

- a. Have Councilor Hansen, Solid Waste Committee Chair, present the Committee's report and recommendation.
(SEE THE YELLOW-COLORED UPDATES TO THE S.W. BILLS)
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.8 Consideration of Resolution No. 88-998, for the Purpose of Approving Amendments to the Oregon Tourism Alliance Regional Compact

(Referred from the Convention Center Committee
(Action Requested: Adoption of the Resolution)

- a. Have Councilor Knowles, Convention Center Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

7.9 Resolution No. 88-999, for the Purpose of Authorizing the Finance Committee to Appoint Citizens to Metro's FY 1089-90 Budget Committee

(Referred from the Finance Committee)
(Action Requested: Adoption of the Resolution)

- a. Have Councilor Collier, Finance Committee Chair, present the Committee's report and recommendation.
- b. Receive a motion to adopt the resolution.
- c. Discussion: Councilor questions and comments.
- d. Vote on the motion to adopt the resolution.

8. COMMITTEE REPORTS

ADJOURN

amn
0286D/D4-1
10/26/88

*These minutes
were corrected
see final version
w/ clerk.*

Agenda Item No. 5.1

Meeting Date Oct. 27, 1988

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 22, 1988

Councilors Present:

Mike Ragsdale (Presiding Officer), Corky Kirkpatrick (Deputy Presiding Officer), Elsa Coleman, Tanya Collier, Tom DeJardin, Jim Gardner, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent:

Larry Cooper

Others Present:

Rena Cusma, Executive Officer
Dan Coper, General Counsel

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS

Robert J. Buelow, Vice President of Industrial Acoustics Company, Inc. (IAC), addressed the Council on behalf of IAC and another company, G.V.A. He explained his purpose was to state his concerns regarding the Council's adoption of Resolution No. 88-977 on September 8, 1988, which had awarded a general construction contract for the Convention Center Project to Hoffman (Oregon) - Marmolejo, a Joint Venture. In taking that action, the Council had adopted the Convention Center Committee's recommendation to go against the Metro Advisory Committee on Design & Construction's (ACDC) advice and Executive Officer Cusma's recommendation to select IAC as the provider of operable partitions for the Convention Center. He pointed out the recommendation to go with IAC had been made after extensive, knowledgeable review. IAC was prequalified as an acceptable bidder on the project and as a result, a great deal of time and expense had been incurred could prepare pricing on the operable partitions, he explained. Mr. Buelow discussed his company's extensive reputation as a provider of partitions to other, major facilities. In conclusion, he stated the Council's decision to award the contract to Hoffman-Marmolejo and to name IAC as the provider of operable partitions per alternates 9B and 10B would save the Metro taxpayers \$36,000. Mr. Buelow submitted a written copy of his testimony for the record.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Consideration of Resolution No. 88-898, for the Purpose of Designating the Week of October 3, 1988, as United Way Campaign Week

Presiding Officer Ragsdale reported the Internal Affairs Committee had considered the resolution at its meeting earlier in the evening and had recommended Council adoption.

Executive Officer Cusma invited Jim Shoemake, Metro United Way Campaign Chair, to address the Council concerning the resolution. Mr. Shoemake discussed campaign plans with the goal of increasing the level of staff contributions to the United Way Fund.

Motion: Councilor Kirkpatrick moved to adopt the resolution and Councilor Gardner seconded the motion.

Councilor Kirkpatrick expressed her strong support for the United Way agency and commended Mr. Shoemake on his ambitious efforts. She was pleased the Council to participate in the campaign.

Vote: A vote on the motion resulted in:

Ayes: Councilors Coleman, Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Knowles and Van Bergen

Nays: Councilors Waker and Ragsdale

Absent: Councilor Cooper

The motion carried and the resolution was adopted.

4. COUNCILOR COMMUNICATIONS

Consideration of Deferring Resolution No. 88-971, a resolution Approving a Request for Bids for Waste Transport Services to the Gilliam County Landfill

The Presiding Officer announced the above resolution, Item No. 7.3 on this meeting's agenda, had been considered by the Solid Waste Committee on September 20. The Committee had recommended Council adoption. Per the Council's procedures, Councilor Kirkpatrick had announced her intent at that meeting to file a minority report with the Council. Presiding Officer Ragsdale requested the Council defer consideration of the resolution until October 13 in order to give Councilor Kirkpatrick time to prepare and file the minority report.

Motion: Councilor Waker moved to defer consideration of Resolution No. 88-971 to October 13, 1988. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried.

4.1 Report on the Status of the Performance Auditing Program

Councilor Collier, Chair of the Council Finance Committee, briefly reviewed the history of the need for performance auditing and the contractor selection process. She explained the firm of Talbot & Korvala had been selected to assist Councilors and Council staff in developing a work program and schedule for performance auditing. She then introduced Jack Talbot who explained the project in more detail.

Mr. Talbot discussed the benefits of a performance auditing program including dollar savings, efficiency and clarification of agency goals. He intended to complete his work within 90 days which would include interviews with all Councilors and key staff. He also planned to distribute bi-weekly reports on project progress to Councilors.

5. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Kirkpatrick, to approve items 5.1 and 5.2 of the Consent Agenda.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried and the following items were approved:

5.1 Minutes of August 25, 1988

5.2 Resolution No. 88-986, Approving the Tri-Met Section 9 Portion of the FY 1990 Unified Work Program

6. ORDINANCES

6.1 Consideration of Ordinance No. 88-265, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-4: Brennt Property (Public Hearing)

The Clerk read the ordinance a first time by title only. Dan Cooper, General Counsel, explained that the matter before the

Council was a major amendment to the Urban Growth Boundary (UGB) and must be decided according to state land use goals. He also reviewed a letter from himself to Presiding Officer Ragsdale, dated September 14, 1988, which outlined options and procedures for Council decisions relating to the case. He said because timelines for preparing alternative findings were substantial and because of expense and uncertainty to the parties, it could be desirable for the Council to indicate at this meeting its intentions regarding the case, even though a final vote for approval could not occur until after the second reading of the ordinance on October 13.

Hearings Officer's Report

Chris Thomas, Hearings Officer for the case, summarized the "Report and Recommendations of Hearings Officer" document which was included in the agenda packet. He explained this case was similar to the Blazer Homes case recently before the Council except that less acreage was involved. The applicant therefore had a lesser responsibility to prove the need for urbanization, he said. Mr. Thomas then discussed specific ways in which the applicant had proven that need. Water, sewer, and transportation services would all improve. No changes would result in storm water, fire and police protection services. Some overcrowding could result in schools (he pointed out the record relating to schools for this case was identical to the Blazer Homes case record). The Hearings Officer had also concluded that most of the Brennt property could be served by a gravity sewer system with the exception of a small portion which was not suitable for development. Contiguous land could also be served by a gravity system but some of the land was not suitable for development due to uneven topography, he said. Mr. Thomas concluded that an overall improvement in urban services would result by the land being included in the UGB and he recommended the Council approve the Petitioner's request.

Testimony of the Petitioner

John Shonkwiler, an attorney representing Willy and Thea Brennt, reviewed the opponents' objections to his client's application. He discussed problems with the opponents' arguments relating to the issues of road improvements, traffic, public services, sewers and schools. He thought proposed road improvements were sufficient to handle projected traffic on Riven Dell and Barton Roads. He also explained the applicant had clearly demonstrated the property would support a gravity flow sewer system. Regarding the impact of the application on nearby schools, Mr. Shonkwiler explained the development could result in the addition of as few of seven to ten students of various ages to local schools. He concluded the applicant had fully substantiated the need for the Boundary amendment and requested the Council's approval of the application.

In response to Councilor Van Bergen's question, Mr. Shonkwiler recalled the Brennt property had been recommended to be included in the UGB as originally recommended but the quantity of urban land was later cut back by about 20 percent. He said it was clear the land should be added because subsequent development in that area had been consistent with the Boundary as originally proposed.

Councilor Knowles asked Mr. Shonkwiler to explain why the Brennt petition met the "contiguous land" requirement. Mr. Shonkwiler explained that due to topographical problems, the land surrounding the Brennt property could not be developed and was not accessible by major roads.

Answering Councilor Kelley's question, Mr. Shonkwiler said the record relating to the issue of the applicant's proposal and its effect on local schools was identical to the record the Council recently reviewed by the Blazer Homes case. Councilor Kelley noted a letter from the Lake Oswego School District Superintendent was not included in the Brennt case record.

Testimony of Opponents

Bob Lyneis, 18495 Tamaway, Lake Oswego, testified that if the Brennt application were approved, Barton Road -- currently a little used, unpaved "shortcut" to I-205 -- would attract more traffic, especially from Lakeridge High School students. He was concerned Barton Road could not handle the additional traffic. He also thought the UGB should not be extended beyond Riven Dell Road and was concerned that "patchwork" development would result if the Brennt application were approved.

In response to Councilor Waker's question, Mr. Lyneis said although he did not support the Brennt's application at this time, he might support the amendment in the future if it were part of a larger, cohesive development plan for the area. He did not support piecemeal development of that area.

Ken Jensen, 18490 Tamaway Drive, Lake Oswego, was concerned about traffic that would result on Barton Road if the Brennt application were approved. Referring to a letter from James H. Schell, Assistant Superintendent of the Lake Oswego School District, he also pointed out that the area schools could not handle the additional students resulting from growth that would result if the property were developed. Mr. Jensen claimed the land surrounding the Brennt property could be developed in spite of claims to the contrary by the applicant. He requested the Council clarify its rules concerning contiguous land and piecemeal development. He urged the Council to overturn the Hearings Officer's recommendation.

Councilor Waker questioned Mr. Jensen regarding whether schools could accomodate anticipated growth if the application were approved. Mr. Jensen said the schools could probably accomodate more children but the school district would then be in the risky position of increasing the tax base and asking the voters to pay for educating additional students.

Concerning the topography of land adjacent to the Brennt property, Councilor DeJardin said it appeared the land grade was too steep to support a housing development.

Gary Buford, 415 N. State Street, Lake Oswego, a consulting engineer practicing in Lake Oswego, testified he owned two land parcels near the Brennt property which were characteristically similar to that property. He said he came to the meeting to observe the Council's procedures in case he should decide to apply for an application to amend the UGB for his land parcels. He noted, however, after attending the Blazer Homes hearing, he wanted the Council to know that the contiguous land near the Brennt property was physically similar to the Blazer Homes property. He took issue with previous testimony there was no similar, contiguous land near the Brennt property.

Concerning Mr. Buford's questions about the possibility of his two land parcels being included in the UGB, Councilor Waker explained a Council subcommittee would soon begin discussions concerning the Council's process for performing an overall review of the Boundary.

Petitioner's Rebuttal of the Opponents' Testimony

Mr. Shonkwiler objected to concerns raised that traffic on Barton Road would be a problem if the application were approved. He explained a letter from Pete Harvey, Lake Oswego City Manager, stating that Barton Road was not needed had been included in the case record. He also thought the statement by Mr. Jensen that the Lake Oswego School District Assistant Superintendent was not in support of the Boundary change was misleading. He noted the letter had actually addressed the issue of bussing which the School District had to deal with on its own. Mr. Shonkwiler also discussed specific elevations of adjacent property in support of his earlier position that contiguous property was unsuitable for development due to topological problems.

Council Questions and Deliberation

In response to Councilor Kirkpatrick's question, Mr. Thomas, the Hearings Officer, said no testimony had been submitted during the hearing relating to Lake Oswego's long-term planning. The City, however, had testified they could serve the area in question.

Councilor Waker asked if the Brennt property were included in the Lake Oswego School District. Mr. Thomas responded the property was included in the District and the record for this case concerning school issues was the same as the Blazer Homes case record.

Presiding Officer Ragsdale asked Counsel to comment on Mr. Buford's testimony. Mr. Cooper explained the Hearings Officer's findings had not relied on Mr. Buford's testimony. In response to Councilor Collier's question, Mr. Cooper said the Council could only consider Mr. Buford's testimony as it related to the record. Councilor Collier and the Presiding Officer expressed concern that a process needed to be established to monitor testimony before the Council concerning UGB contested cases.

Discussion followed on what evidence the Council could consider in determining the impact of the application on schools. Presiding Officer Ragsdale suggested that if the Council were to evaluate the Brennt case according to the Blazer Homes case record, the Council would have to adopt a motion to direct General Counsel to prepare findings to support that request. Councilor Knowles thought that action unnecessary.

There was no further discussion and the Presiding Officer announced the second reading of the ordinance was scheduled for October 13, 1988.

The Council recessed from 7:25 p.m. to 7:40 p.m.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 88-987, for the Purpose of Expressing Council Intent to Amend Metro's Urban Growth Boundary for Contested Case No. 88-1: Zurcher Property

Dan Cooper, General Counsel, explained the Zurcher Property case was a request for a major amendment to the Urban Growth Boundary (UGB). As such, the Council would determine the case based on state land use criteria. He also noted the Council would hear arguments on exceptions at this meeting.

Hearings Officer's Report and Recommendation

Chris Thomas, Hearings Officer for the case, reviewed the "Report and Recommendation of the Hearings Officer" document included in the meeting agenda packet. He reported the applicants -- the City of Forest Grove and Glenn, Theodore and Eva Zurcher -- had to determine that the amendment was needed. The applicants had successfully demonstrated the land was needed to attract business to the Forest Grove area that to correct a situation of low assessed property

value, low per capita income and high property tax rates. He had also concluded the applicant had successfully demonstrated there was no other land available within the UGB to meet the applicant's needs. In conclusion, he explained that central to the applicant's argument was the liveability of the Forest Grove area and he recommended the application be approved in order to improve liveability.

In response to Councilor Waker's and Van Bergen's questions, Mr. Thomas explained that land outside of the Forest Grove area had been determined unsuitable for the applicant's purposes. A central issue was that the amendment was needed to improve the liveability of the Forest Grove area, he said. Mr. Thomas compared the Zurcher case with the recent BenjFran application which had been denied by the Council. He said that BenjFran had been unable to demonstrate their land parcel had to be in a specific area.

Councilor Van Bergen asked if the Hearings Officer had considered whether voter approval of special measures could solve Forest Grove's problems. Mr. Thomas said he had considered that but due to low per capita income, low assessed value, and high tax rates that solution would not enhance the liveability of the area.

Councilor Kirkpatrick questioned how the Hearings Officer could isolate the Forest Grove area from the rest of the UGB. She pointed out that the City of Oregon City could make the same claim as Forest Grove concerning low per capita income, low assessed values and high tax rates.

Councilor Knowles asked if there were previous UGB cases where a need had been demonstrated for land in a specific location. Mr. Thomas said the Kaiser case had demonstrated need for a large land parcel in the Sunset Corridor. A case had also been made for land to be added for a mobile home park in Clackamas County although Mr. Thomas did not think the Clackamas County case represented a good precedent.

Councilor Van Bergen questioned how "liveability" could be used as a measurement for need.

Applicant's Testimony

Al Benkendorf, representing the Zurcher family and Forest Grove, first pointed out the Forest Grove City Council ruled against its policy of neutrality on UGB matters in recognition of the importance of this decision. He then introduced Clifford Clerk, Forest Grove Mayor.

Mayor Clark discussed the history of economic problems in the Forest Grove area that had occurred in spite of new reports about economic

growth in Washington County. He referred to the Forest Grove area as the "other Washington County." He thought it very important that Forest Grove seek economic diversification. The Zurcher property would help provide that diversity, he said, without being insensitive to the needs of the farming community. The land would also help Forest Grove help itself and give the area a chance to compete economically.

Dick Bewvrsdorff, Forest Grove Planning Director, testified that the Zurcher property was suitable for the City's needs because it was available. Other parcels had been determined unsuitable because of reluctant owners or because they were too far removed from urban service access.

Bob Alexander, Executive Director of the Forest Grove/Cornelius Economic Development Council, pointed out the Zurcher land was needed in order to break the stagnant economic cycle in the area and to help create a better tax base for small industry.

Gary Lucas, Superintendent of Schools, Forest Grove School District, pointed out the District was currently caught in the State "safety net" program because of past school levy failures. The tax rate must be lowered, he said, or else Forest Grove's children would be short changed.

Opponents' Testimony

Paul Ketchum, Senior Planner with 1000 Friends of Oregon, reviewed points raised in his letter dated September 6, 1988, to Dan Cooper, Metro General Counsel. He explained Metro's role was to administer the Urban Growth Boundary: it was not Metro's role to decide whether tax levels and assessed values were adequate. Mr. Ketchum did not think the applicant had demonstrated need for the amendment and he pointed out the Boundary could not be amended to accomodate a short-term need.

Mr. Ketchum then reviewed in detail the points discussed in his letter to Mr. Cooper: 1) expansion of the UGB for a short-term versus long-term need was not consistent with Goal 14; 2) even if the application could be approved based on short-term need, there was nothing in the record to show how liveability of Forest Grove residents would be improved by the addition of 44 acres to the UGB; 3) there were no facts in the record to indicate that the 51 acres of developable industrial land already within the UGB and owned by the Zurchers could not be served in an orderly and economic fashion; and 4) the petitioners had not supplied an industrial needs assessment describing the type of industries they were attempting to attract, the land needs of those industries, and why a 95 acre parcel was needed to accomodate those industries as opposed to the

51 acres already within the UGB. Mr. Ketchum recommended the Council deny the request.

Doug Krahmer, President of the Washington County Farm Bureau, 885 S.W. Baseline, Hillsboro, discussed his memorandum to Dan Cooper, Metro General Counsel, dated September 6, 1988. He noted the following objections to the Hearings Officer's report: 1) more urban land should not be added to the UGB because the City of Forest Grove had concluded (as part of its comprehensive plan update) it had a 45 percent surplus of industrial land and because the Zurcher property was currently prime farm land; 2) it would not be consistent with Goal 14 to incorporate prime farmland into the UGB when more urban land was not needed; 3) contrary to the Hearings Officer's conclusions, the assessed value of Forest Grove would probably increase as development moved westward from the Portland core; 4) perhaps Forest Grove residents were willing to pay higher property taxes for schools because they liked the area the way it is -- not as an industrialized urban area; and 5) additional development could have a negative impact on efforts to clean up the Tualatin River and would be counter to protecting wetland areas.

Councilor Waker asked Mr. Krahmer if there was a shortage of farm land in Oregon. Mr. Krahmer explained the Washington County Farm Bureau's goal was to protect existing Oregon farm lands.

Councilor Knowles then questioned Mr. Ketchum on the 1000 Friends of Oregon's position against the amendment. The Councilor asked Mr. Ketchum if, under state land use Goal 14 criteria, need had to be defined on an area-wide basis. Mr. Ketchum responded that need had to be based from a regional perspective but could also be site specific. He did not think the applicants had met the criteria of Goal 14 because the only argument advanced was for short-term need. He explained this case was different from the Kaiser and Riviera amendments: those amendments were granted because the applicants had successfully demonstrated the need to attract hi tech industry to a specific area. In the Forest Grove case, he said, there was no evidence land did not already exist that was suitable for the applicant's short-term needs. He added the Council had no legal basis on which to approve the Zurcher application.

Petitioners' Rebuttal

Mary Dorman, an attorney representing the applicants, pointed out the City of Forest Grove and the Zurcher family had satisfied the state land use Goal 14 requirement and had focused its application on the specific needs of Forest Grove. She also discussed the history of the UGB, saying Forest Grove had taken a conservative posture at the time the Boundary was created, believing Metro's promise the Boundary could be changed as needed. She thought the

application was responsive to state land use goals. She further explained it would be impossible to expand the UGB in any other direction because of the 100 year flood plain designation. Finally, Ms. Dorman said the applicant had not conducted a sophisticated needs analysis because its needs were simple and easy to identify.

Presiding Officer Ragsdale, after questioning Ms. Dorman and Mr. Thomas, requested he be allowed to review administrative rules to evaluate the Hearings Officer's findings relating to short-term need. Mr. Cooper, General Counsel, then advised the Presiding Officer on the options available to the Council if it chose not to adopt the Hearings Officer's findings.

Motion: Councilor Waker moved, seconded by Councilor DeJardin, to adopt Resolution No. 88-987, a resolution expressing Council intent to amend Metro's Urban Growth Boundary for Contested Case No. 88-1: Zurcher Property.

Councilor Waker said he did not think approval of the amendment would jeopardize farm land. Rather, the UGB allowed farm land an opportunity to compete at the economic table, he explained.

Councilor Kirkpatrick disagreed, stating the UGB was created to protect farm land against urban sprawl. She also thought the boundary had been created to serve the needs of the entire metropolitan region, not just the Forest Grove area. She pointed out the amendment would not resolve school funding issues and the City of Oregon City could make the same claims made by Forest Grove about high taxes and low per capita income. Councilor Kirkpatrick said she was prepared to work with the 1000 Friends of Oregon and Mr. Cooper to prepare findings to support denial of the Petitioner's request.

Councilor Hansen supported adoption of the resolution. He thought the Council should respond to help balance economic inequities throughout the region. He said in order to start an "Oregon Come-back," the State would have to evaluate the way it did business.

Councilor Gardner thought Forest Grove's argument concerning economic issues was compelling but he was also influenced by the argument that the UGB was created to protect farm land against urban sprawl. He was concerned about the potential loss of 44 acres of prime agricultural land and possibly opening a "Pandora's box" to applications based on sub-regional need. He cautioned that the Council had to be consistent in evaluating UGB cases based on environmental factors. Fair evaluation would become difficult, he explained, if the "liveability" criterion were defined in terms of tax bases and economic factors.

In response to Councilor Knowles' question, Mr. Thomas explained the applicant had demonstrated all seven factors of Goal 14 had been considered. He questioned whether the case would be upheld in a higher court if the Council determined the application should not be granted because certain factors had not been considered. Councilor Knowles said he was uncomfortable granting the application when it seemed the only need criteria that had been met was that of "live-ability."

Councilor Van Bergen supported the Hearings Officer's findings explaining that once all the tests had been met, he could interject a degree of compassion concerning the area's economic situation.

Councilor Kelley said she was convinced that Forest Grove needed the land for economic development because of its unique economic circumstances.

Councilor Knowles supported the resolution explaining the situation was unique, the community was economically isolated, the proposal had strong community support, and he did not believe the decision would diminish the integrity of the UGB.

Vote: A vote on the motion to adopt the resolution resulted in:

Ayes: Councilors DeJardin, Hansen, Kelley, Knowles, Van Bergen, Waker and Ragsdale

Nays: Councilors Coleman, Collier, Gardner and Kirkpatrick

Absent: Councilor Cooper

The motion carried and Resolution No. 88-987 was adopted.

The Presiding Officer called a recess at 10:20 p.m. and the Council reconvened at 10:35 p.m.

7.2 Consideration of Resolution No. 88-975, for the Purpose of Acting on the Executive Officer's Request for Review of Metropolitan Exposition-Recreation Commission Resolution No. 8 Concerning Personnel Policies

Motion: Councilor Waker moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

Presiding Officer Ragsdale reported that per provisions of Metro Code Section 6.01.080, Executive Officer Cusma requested a review of the Commission's Resolution No. 8 which established Personnel Rules. The Presiding Officer had appointed a task force comprised

of members of the Council Convention Center Committee to review the matter. He introduced Councilor Knowles, Task Force Chair, to present the group's report and recommendation.

Councilor Knowles explained Resolution No. 88-975 would adopt the Commission's Personnel Rules as amended. The amendments allow for Metro's Personnel Officer and functions to be used instead of the Commission creating its own Personnel Officer position and performing its own personnel functions. The Councilor also noted staff had recommended other, minor changes to the Rules to be consistent with the Task Force's recommendation. He thanked Commission representatives for their cooperation and assistance and explained that once the resolution was adopted, the rules would immediately go into effect.

Vote: A vote on the motion resulted in all eleven Councilors present voting aye. Councilor Cooper was absent.

The motion carried unanimously.

7.3 Consideration of Resolution No. 88-971, for the Purpose of Approving a Request for Bids for Waste Transport Services (to the Gilliam County Landfill)

As reported under agenda item No. 4, the Council adopted a motion to defer consideration of this item until October 13 in order to provide Councilor Kirkpatrick an opportunity to prepare and file a minority report.

7.4 Consideration of Resolution No. 88-976, for the Purpose of Granting/Amending a Franchise for Operation of the Forest Grove Transfer Station

Solid Waste Committee Chair Councilor Hansen presented the Committee's report and recommendation. He said the City of Forest Grove had reviewed the franchise request and supported the franchise after resolving of litter pickup and abatement issues. The Committee had unanimously recommended the Council adopt the resolution which would grant a franchise to the Forest Grove Transfer Station.

Councilor Kirkpatrick asked if the agreement language would allow the Council to cancel the franchise in three years. General Counsel Dan Cooper said the language would not allow that action unless the franchisee were in violation of franchise terms. The agreement was for five years, he explained.

Councilor Knowles asked how the Forest Grove Transfer Station related to Metro's region-wide transfer station system. Councilor Hansen

reported the franchise would not preclude Metro from building its own transfer station in Washington County. Per Metro's contract with Oregon Waste Management to operate the Gilliam County Landfill, 90 percent of the region's waste had to be delivered to Oregon Waste Management. That would leave 10 percent that could be delivered to Riverbend or McMinnville landfills, he said, and the Forest Grove Transfer Station was very conveniently located to deliver waste to McMinnville.

Councilor Knowles questioned whether the proposed franchise agreement would guarantee Forest Grove Transfer Station a portion of the solid waste flow. Ambrose Calcagno of FGTS explained the agreement contained no guarantees and his business would continue to compete with others in the industry. Mr. Cooper, Metro's Counsel, added that the agreement was a non-exclusive franchise, that Metro could site another transfer station in the area or could grant another franchise to a private transfer station operation.

Councilor Waker said he had supported the original franchise agreement on the basis it was a non-exclusive franchise. He supported a continued, non-exclusive agreement.

Vote: A vote on the motion to adopt Resolution No. 88-976 resulted in all ten Councilors present voting aye. Councilors Knowles and Cooper were absent.

The motion carried and the resolution was unanimously adopted.

7.5 Consideration of Resolution No. 88-980, for the Purpose of Supporting State Legislation for a 13-Member Council and an Appointed Executive Officer

Councilor Gardner, Chair of the Intergovernmental Relations Committee, reported the Committee had reviewed the resolution and supported its adoption. He summarized the Committee's written report which was included in the agenda materials. He explained that the current "separation of powers" governance structure was inefficient and had resulted in a divided agency without common policy goals. The executive and legislative government branches were currently adversarial, he said, and Resolution No. 88-980 was an attempt to remedy that problem.

Councilor Waker pointed out the resolution also provided for the Council to reapportion Metro districts. He also explained the provisions concerning an appointed Executive Officer were not a reflection on the current Executive. He recalled earlier difficulties with former Executive Officer Rick Gustafson and thought the present structure was inefficient and not appropriate for a small, local government agency.

Main Motion: Councilor Waker moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 88-980.

Councilor Knowles said he would not support the resolution because he did not favor an appointed Executive Officer. He also did not support the Council having power to reapportion Metro districts, explaining that jerrymandering could be the negative result.

Councilor Kirkpatrick supported the resolution because the current system had resulted in spending more money and less effective governance.

Councilor Gardner reported the Council staff, after a preliminary examination, had determined about \$150,000 a year could be saved if the current separation of powers type government were eliminated.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Collier, to add a third "be it resolved" paragraph to read: "The Council further requests the Legislature refer any matter dealing with the governance structure of Metro to the voters of the region."

Vote on the First Motion to Amend: A vote resulted in:

Ayes: Councilors Collier, Gardner, Kelley, Kirkpatrick, Knowles, Van Bergen and Waker

Nays: Councilors Coleman, DeJardin, Hansen and Waker

Absent: Councilor Cooper

The motion carried.

Councilor Hansen said he opposed the main motion because he believed the Executive Officer should be elected by the District at large. It was important for the voters to be able to vote leaders out of office. He did not want "bland, in-bred" Metro leadership that could result if there were no ability to elect a leader district-wide.

Councilor Waker thought the public should identify with Metro's policy makers, not its chief administrator.

Councilor Van Bergen said he had served on many boards, most of which functioned under a system where the board appointed the chief executive. He therefore supported the resolution.

Councilor Coleman said she would not support the resolution because she favored an elected Presiding Officer rather than an elected

Executive. Councilor Knowles suggested the resolution be amended to provide for an elected Presiding Officer.

Second Motion to Amend: Councilor Knowles moved to amend the resolution to provide for the Presiding Officer to be elected by the District at large. Councilor Coleman seconded the motion.

Councilor Knowles explained he agreed with Councilor Coleman that Metro needed an area-wide elected official to represent the agency and to give focus to Metro's activities.

Councilor Hansen did not think the Presiding Officer should be elected at large because an Officer at odds with the Council's objectives could paralyze the District's aims. He suggested one Councilor be elected to serve at large and the Presiding Officer continue to be appointed by all Councilors.

Councilor Gardner did not support an elected Presiding Officer. He also acknowledged that the current elected Executive Officer system gave District voters the allusion they were changing the direction of the agency when, in fact, they were not.

Councilor Van Bergen cautioned that the purpose of the resolution was to sent a general message to the Otto Committee that the Council did not want an elected Executive Officer. He explained the Committee would then debate the issue and the State Legislature would amend the law as necessary.

Vote on the Second Motion to Amend: A vote resulted in:

Ayes: Coleman and Knowles

Nays: Councilors Collier, DeJardin, Gardner, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker and Ragsdale???

Absent: Councilor Cooper

The motion failed to carry.

After discussion, Council Administrator Don Carlson explained the Council had already adopted a resolution taking the position that the Council should have the authority to reapportion Metro districts. Resolution No. 88-980 did not address the reapportionment issue, he said, and the draft legislation regarding reapportionment included in the agenda packet was not an attachment or exhibit to Resolution No. 88-980.

Vote on the Main Motion as Amended: A vote resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kelley,
Kirkpatrick, Knowles, Van Bergen, Waker and Ragsdale

Nays: Councilors Coleman, Collier and Hansen

The motion carried and Resolution No. 88-980 was adopted as amended.

7.6 Consideration of Resolution No. 88-974, for the Purpose of
Authorizing a Public Contract with Safety Specialists, Inc. to
Collect, Transport, Store, Recycle, Treat and Dispose of
Hazardous Waste from Two Collection Day Events to be Held by
Metro on October 1, 1988, and April 22, 1989

Councilor Hansen, Chair of the Solid Waste Committee, briefly summarized staff's report. He added that since the Committee had recommended approval of the resolution, staff had requested changes to the contract which would alter the contract sum.

Motion: Councilor Hansen moved, seconded by Councilor Kelley, to adopt Resolution No. 88-974 to include the three language changes recommended by staff per Bob Martin's memo to the Council dated September 15, 1988.

At Presiding Officer Ragsdale's request, Bob Martin, Solid Waste Engineering Manager, reviewed the three proposed changes to Attachment B to the resolution: 1) the cost of collecting oil based paints would be the same as for latex paints; 2) the cost to additionally insure Metro was not a fixed cost but was variable at 1 percent of the total contract amount; and 3) the contractor would be paid 10 percent of the total contract amount seven days prior to each event to cover his mobilization costs.

For all future actions, the Presiding Officer directed Metro staff to specifically refer to contracts, reports, RFPs, RFBs, and other types of attachments in the body of resolutions and ordinances as exhibits to the resolutions or ordinances. Any amendments to the attachments would require committee or Council approval.

Vote: A vote on the motion to adopt the resolution resulted in all ten Councilors present voting aye. Councilors Cooper and Kelley were absent.

The motion carried and Resolution No. 88-974 was adopted as amended.

8. COMMITTEE REPORTS

Councilors announced various upcoming meetings.

Metro Council
September 22, 1988
Page 18

There was no other business and the meeting was adjourned at
11:50 p.m.

Respectfully submitted,

A. Marie Nelson
Clerk of the Council

amn
0192D/313
10/18/88



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Agenda Item No. 5.2

Meeting Date Oct. 27, 1988

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Date: October 12, 1988

To: Metro Council

From: Councilor David Knowles, Chair
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON
OCTOBER 11, 1988, COUNCIL MEETING AGENDA ITEM
NO. 88-992, CONSIDERATION OF AMENDMENT TO THE
CONTRACT WITH PORTLAND BUREAU OF WATER WORKS
FOR RELOCATION OF WATER LINES FROM THE OREGON
CONVENTION CENTER SITE

Recommendation: At its October 11 meeting, at which Councilors Kelley, Van Bergen, Waker and myself were present, the Convention Center Committee unanimously voted to recommend Council adoption of Resolution No. 88-992 (attached).

Background & Committee Discussion: The Convention Center project staff reported on the agenda item.

Resolution No. 88-992, concerning an amendment to the contract with the Portland Bureau of Water Works for the work of relocating of water lines from the Convention Center site, would amend the contract amount from \$100,000 to \$185,000. Because \$150,000 has been previously budgeted for the work and an offset to Metro of \$16,050 against future system developments has been negotiated, the actual increased cost to Metro is \$18,950. This amount would be allocated from Owner's Contingency.

Timing of the work is critical. Delay at this point could adversely impact related street improvement work to be performed by ODOT.

Upon this report, and after much discussion, Councilor Waker moved to recommend approval of Resolution 88-992. The motion was approved by unanimous vote.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	) RESOLUTION NO. 88 - 992
AN AMENDMENT TO THE CONTRACT)
WITH PORTLAND BUREAU OF WATER WORKS	) Introduced by
FOR RELOCATION OF WATER LINES FROM	) Executive Officer Rena Cusma
THE OREGON CONVENTION CENTER SITE)

WHEREAS, On August 27, 1987 the Metro Council authorized a contract of \$100,000 with the Portland Bureau of Water Works for the design and construction work required to relocate existing water lines within the convention center site;

WHEREAS, the Bureau of Water Works completed the engineering and disconnections required by the contract;

WHEREAS, On September 20, 1988 the Bureau of Water Works received bids for the relocation of the sixteen inch water line now on Irving Street, and an adjustment in the overall contract amount is now necessary;

WHEREAS, The completion of this work in a timely manner is necessary to the construction schedule for the Oregon Convention Center; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes Amendment No. 1 (Attachment A) to the contract with the Portland Bureau of Water Works

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

Mike Ragsdale, Presiding Officer

STAFF REPORT

CONSIDERATION OF RESOLUTION 88-992, AMENDMENT TO CONTRACT WITH PORTLAND BUREAU OF WATER WORKS FOR RELOCATION OF WATER LINES FROM THE CONVENTION CENTER SITE

Date: September 23, 1988

Presented by: Neil McFarlane

BACKGROUND AND FACTUAL ANALYSIS

In August, 1987 Metro and the Portland Bureau of Water Works reached an agreement on the work required to clear the convention center site of existing water mains. Under the terms of the agreement, Metro reimburses the Water Bureau for the scope of the work, which includes design, administration and construction. A not-to-exceed limit of \$100,000 was set, the estimate at that time.

The Water Bureau completed the required engineering work. Costs for the anticipated work have escalated for two reasons:

(1). Timing: Timing of street and water line design have pushed the relocation work to the fall of 1988, necessitating keeping the current line in Irving in operation during initial site work. To accommodate this, a number of connecting mains serving the site area were capped and abandoned, work not foreseen in the original agreement; and

(2). Depth of Line: To coordinate with street design, the water line will be laid very deep (25 feet) in the vicinity of the future First and Glisan intersection, requiring more expensive construction techniques.

In accordance with the City of Portland's public contract procedures, bids were requested for relocating the sixteen inch water line now in Irving Street to Glisan Street. On September 20, three bids were received. The engineer's estimate was \$95,000. The lowest bid was \$110,136.

The current contract scope of work includes engineering services, disconnecting water service, disconnecting water mains, construction of manholes for engineering of new line, and relocating the water line. The entire scope of work will total approximately \$206,000; however, because ODOT is involved in highway construction in the area and will benefit by the relocated water line, ODOT will contribute \$21,000 toward the cost of these improvements. The current estimate for Metro's cost for all this work, including the low bid amount, is now \$185,000. A summary of all costs is included in the attached letter.

Of this total, \$16,050 will be credited to Metro as an offset against future system development charges required when the center connects to the city water system. Considering this offset, Metro's net cost will be \$168,950. The most recently updated project budget set aside \$150,000 for this agreement. The difference of \$18,950 would be allocated from owners contingency.

Proceeding with the work at this time is necessary to keep the construction of public works around the center on schedule.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of the amendment to the contract with Portland Bureau of Water Works.



CITY OF

PORTLAND, OREGON

BUREAU OF WATER WORKS

Bob Koch, Commissioner
Edward Tenny, Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204-1926

October 6, 1988

PL 7.8

Mr. Neil McFarlane
Convention Center Project
Metro
2000 SW First Avenue
Portland, OR 97201

Dear Neil:

Last week we gave you some current estimates over the phone for the costs of relocating water line facilities to accommodate construction of the Convention Center. This letter will confirm those numbers and address an issue you raised regarding system development charges.

The following is a summary of the charges to date and the anticipated expenses for our relocating water facilities around the Convention Center:

Billings through June 30, 1988	\$ 65,113
Less deduction for engineering costs	<5,172>
Subtotal	<u>\$ 59,941</u>
Water line contract	110,126
Extra paving	1,000
Connections between new pipeline and existing system	27,025
Subtotal	<u>\$198,092</u>
Less ODOT contribution	<21,029>
Subtotal	<u>\$177,063</u>
Disconnect 16-inch pipe in NE Irving Street at First Avenue and Union Avenue	4,000
Subtotal	<u>\$181,063</u>
Miscellaneous costs	3,937
Total	<u>\$185,000</u>

The extra paving charge listed above will be incurred because of the decision to keep the freeway off-ramp open longer than previously anticipated. The miscellaneous costs will cover some incidental items for the disconnection work that have not been billed to you yet, such as barricade rental, paving charges, etc. We don't expect the remaining costs to be that high, but felt it was reasonable to increase the maximum amount of the agreement to \$185,000 to avoid more adjustments.

Mr. Neil McFarlane
October 6, 1988
Page 2

One circumstance that could affect the final cost is getting the permit of entry from the railroad. If the waterline contractor's progress on the project is hindered by lack of the railroad permit, we could face delay costs from the contractor.

I'd like to reiterate that we will only charge the costs that we incur and won't be billing Metro for costs that are not directly associated with the Convention Center Project.

You mentioned that a question had been raised about whether there could be additional credits on system development charges beyond the \$16,050 we have identified so far. The SDC credit takes into account the fact that there were previously water services to the property that the Convention Center will occupy. Since the SDC is intended to assess "new" customers to the system for the expense of major capital facilities required to serve them, credit is given for the water services that supplied the property previously as these were already "members" of the system. Consequently, the SDC for the Convention Center is reduced based on the number and size of the services that were disconnected.

On the other hand, since the SDC credit is so specific in both its purpose and amount, it is not possible for us to offset the SDC for the Convention Center based on expenses that Metro has incurred as a result of the water system relocation.

We hope this information answers your questions adequately and look forward to Metro's approving this amendment to the agreement. As I mentioned on the phone the contract for construction of the new water line in NE Glisan Street is expected to be considered by City Council on October 12, 1988. However, proceeding with the execution of the contract will depend on Metro's approval of this amendment, so we will wait to hear from you before the contract is signed.

If you have questions or I can furnish more information please call.

Thank you.

Sincerely,

Dale L. Jutila

Dale L. Jutila
Deputy Chief Engineer

DLJ:dmh PLX:8810E057



GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 87-8-394C

BUDGET CODE NO. 52-00-00-8628-30600

FUND: CC* CAPITAL DEPARTMENT: CCP

(IF MORE THAN ONE) - - - -

SOURCE CODE (IF REVENUE) - - - -

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT AMENDMENT TO FUND WATER LINE RELAXATION

2. TYPE OF EXPENSE

<input type="checkbox"/> PERSONAL SERVICES	<input type="checkbox"/> LABOR AND MATERIALS	<input type="checkbox"/> PROCUREMENT
<input type="checkbox"/> PASS THROUGH AGREEMENT	<input checked="" type="checkbox"/> INTER-GOVERNMENTAL AGREEMENT	<input type="checkbox"/> CONSTRUCTION
		<input type="checkbox"/> OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION

<input checked="" type="checkbox"/> CHANGE IN COST	<input checked="" type="checkbox"/> CHANGE IN WORK SCOPE
<input checked="" type="checkbox"/> CHANGE IN TIMING	<input type="checkbox"/> NEW CONTRACT

4. PARTIES METRO & CITY OF PORTLAND BUREAU OF WATER WORKS

5. EFFECTIVE DATE AUGUST 28, 1987

TERMINATION DATE JAN 31, 1989

(THIS IS A CHANGE FROM DEC 31, 1988)

6. EXTENT OF TOTAL COMMITMENT:

ORIGINAL/NEW	\$ <u>100,000</u>
PREV. AMEND	\$ <u>0</u>
THIS AMEND	\$ <u>85,000</u>

TOTAL

\$ 185,000

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 1988-89 \$ 125,000

B. BUDGET LINE ITEM NAME CONSTR. IN. PROG. AMOUNT APPROPRIATED FOR CONTRACT \$ 150,000

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF 7/1, 1988 \$ 30,697,460

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY	\$	AMOUNT	<input type="checkbox"/> MBE
SUBMITTED BY	\$	AMOUNT	<input type="checkbox"/> MBE
SUBMITTED BY	\$	AMOUNT	<input type="checkbox"/> MBE

N/A INTER-GOVERNMENTAL AGREEMENT WATER BUREAU HAS BID WORK

9. NUMBER AND LOCATION OF ORIGINALS ① CCP offices; ② METRO F&A; ③ City Auditor; ④ Bureau of Water Works

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☒ NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☐ YES ☒ NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☐ YES ☒ NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☐ YES ☒ NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|----------------------------------|--|------------------------------|
| NAME <u>COPENHAGEN UTILITIES</u> | SERVICE <u>WATER LINE CONSTRUCTION</u> | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
☒ YES ☐ NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
☐ YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]
 DEPARTMENT HEAD

CONTRACT REVIEW BOARD (IF REQUIRED) DATE _____

1. _____
 COUNCILOR
2. _____
 COUNCILOR
3. _____
 COUNCILOR

COUNCIL REVIEW (IF REQUIRED)

DATE _____

FISCAL REVIEW

BUDGET REVIEW

LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

Attachment A

AMENDMENT NO. 1

This amends the Intergovernmental Agreement between the Bureau of Water Works for the City of Portland, Oregon (Bureau) and the Metropolitan Service District (Metro) executed August 27, 1987.

RECITALS

WHEREAS, the parties agreed to the conditions set forth in the original agreement and desire to amend the Agreement;

The following changes are made to the original agreement:

AGREEMENT

1. SCOPE OF BUREAU SERVICES

E. The Bureau shall submit a final cost accounting of the entire project cost to Metro for reimbursement of those costs. Estimated project costs are [\$100,000] **\$185,000** and shall not exceed this amount unless previously authorized by Metro, as noted in Section (20) of this agreement.

3. BILLING AND PAYMENT PROCEDURES

The maximum compensation which Metro shall be obligated to pay The Bureau pursuant to this Agreement, unless amended pursuant to the section 20 of this Agreement, shall be [\$100,000] **\$185,000.**

4. EFFECTIVE AND TERMINATION DATES

This Agreement shall be effective as of August 28, 1987, and shall terminate as of the date the Bureau accepts work performed by the contractor(s) or Metro has made final payment to the Bureau, whichever is later. Estimated final completion date is [July 1, 1988] **December 31, 1988** with final payment estimated to be made by [July 1, 1988] **January 31, 1989.**

18. NOTICE

Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the U.S. mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to Metro

[Mr. Tuck Wilson] **Mr. Neil McFarlane**

27. SCHEDULE

All construction work shall be complete on or before [June 30],
December 31, 1988.

METROPOLITAN SERVICE DISTRICT

PORTLAND BUREAU OF WATER WORKS

Rena Cusma, Executive Officer

Ed Tenny, Administrator

Date: _____

Date: _____

Approved as to form



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Agenda Item No. 5.3

Meeting Date Oct. 27, 1988

Date: October 12, 1988
To: Metro Council
From: Councilor David Knowles, Chair
Council Convention Center Committee

Regarding: CONVENTION CENTER COMMITTEE REPORT ON
OCTOBER 11, COUNCIL MEETING AGENDA ITEM NO. 88-
1000, CONSIDERATION OF AMENDMENT TO THE
CONTRACT WITH ZIMMER GUNSUL AND FRASCA
PARTNERSHIP FOR FURTHER SPECIFIED DESIGN
SERVICES FOR THE OREGON CONVENTION CENTER

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Recommendation: At its October 11 meeting, at which Councilors Kelley, Van Bergen, Waker and myself were present, the Convention Center Committee voted to recommend Council adoption of amended Resolution No. 88-1000 (attached). Councilor Van Bergen voted contrary in respect to one item of the Resolution.

Background & Committee Discussion: The Convention Center project staff reported on the agenda item.

Proposed Resolution No. 88-1000, concerning contract amendments with Zimmer Gunsul & Frasca Partnership (ZGF), would increase the contract amount by \$74,142 for additional design services. The proposed amendment was reviewed by means of four separate areas of work.

Building Size Reduction

Councilors felt that this work was incumbent on ZGF due to their responsibility to deliver a design which would be within budget. The reduction of the size of the building during the design phase was a budget mechanism necessitated by this goal. As a result, the committee felt that additional compensation for this work was unwarranted and deleted that from the contract amendment.

Response to City Requirements

Unforeseen requirements placed on ZGF by the City of Portland during design phase was noted. As a result, the committee agreed that these services were outside the original scope of the contract and therefore ZGF should be compensated.

Design Enhancements

Additional compensation is being proposed as a result of several design enhancements which were not included in the original scope. Councilors Waker, Kelley and myself felt that these enhancements were necessary and therefore ZGF should be compensated for additional work. However Councilor Van Bergen indicated his displeasure with authorizing additional design work when the ultimate cost of implementing such work was

unknown. Councilor Waker noted that the design work was the means to define costs. Van Bergen voted against the Committee's recommendation. Additional compensation was recommended 3 to 1.

Public Art Program

The additional services will facilitate the One Percent for Art Program and will be funded from this budget. The Committee recommended approval in this instance.

STAFF REPORT

CONSIDERATION OF AMENDMENT TO CONTRACT WITH ZIMMER GUNSUL FRASCA FOR SPECIFIED DESIGN SERVICES FOR OREGON CONVENTION CENTER PROJECT

Date: October 11, 1988

Presented by: Knowles

BACKGROUND AND FACTUAL ANALYSIS:

The Zimmer Gunsul Frasca Partnership (ZGF) is under contract to Metro for design of the convention center. In addition to preparing and refining the actual design of the convention center, their oversight role has included responding to city agencies, serving as an advisor to Metro, and anticipating further design requirements in order to complete the building.

This amendment contains four separate areas of work. Two have been completed. Two are anticipated. The total amount of the amendment is \$74,142, to bring the total amount of the contract to \$4,246,348. The Advisory Committee on Design and Construction (ACDC) has recommended approval of this amendment.

1. Building size reduction - \$14,974

In the late fall of 1987, the building had grown beyond 500,000 square feet. At the request of ACDC, ZGF redesigned a portion of the building, reducing the building size and the budget required to build it. At that time, ZGF offered other ways of saving money; ACDC elected to reduce the size of the building. This reduction required redrafting of drawings. A decision on this request for reimbursement was delayed until the results of bid package 3 (general contract) were known.

2. Response to City requirements - \$28,518

The area around the actual convention center site has undergone several plans and revisions since the inception of the project. ZGF has been involved in the design of streets, sidewalks, curbs, and lighting. To keep the project on schedule, ZGF and its subconsultants have responded to city requests for additional work and information beyond the scope intended in the original agreement.

3. Design enhancements - \$15,300

Several features will be incorporated into the building that were not included in the original scope of work. These include design for outfitting the Visitors Information Center, arrangements for the automatic teller machines, and design of a system for washing the inside of the skylight towers. In addition, ZGF will develop the layout and schematic design of the area under the freeway west of the center for additional parking and crate storage.

4. Public Art Program - \$15,350

Additional design work is anticipated for incorporating the selected art work into the building. This amount has been budgeted within the art budget.

EXECUTIVE OFFICER RECOMMENDATION:

The Executive Officer recommends approval of the contract amendment with Zimmer Gunsul Frasca for specified design services for the convention center project.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	) RESOLUTION NO. 88 - 1000
AMENDMENT TO CONTRACT WITH ZIMMER)
GUNSUL FRASCA PARTNERSHIP FOR FURTHER	) Introduced by
SPECIFIED DESIGN SERVICES FOR THE	) Executive Officer Rena Cusma
OREGON CONVENTION CENTER)

WHEREAS, Zimmer Gunsul Frasca Partnership (ZGF) has completed the program, schematic design, design development, construction documents and bid phases of the design for the Oregon Convention Center; and

WHEREAS, in the course of this work ZGF has performed services beyond the scope of the original contract; and

WHEREAS, these services were performed in a timely manner in order to keep the project on schedule; and

WHEREAS, Zimmer Gunsul Frasca has reviewed the further work necessary for desired design enhancements and for the placement of the public art program; and

WHEREAS, the Advisory Committee on Design and Construction has reviewed these services and the associated fees in detail and recommends amending the contract; now, therefore,

BE IT RESOLVED,

That the contract with Zimmer Gunsul Frasca Partnership be amended to include services *[to reduce the building size,]* to conform streets and lighting design to revised requirements, to design specified enhancements and to incorporate the public art program in the Oregon Convention Center.

ADOPTED by the Council of the Metropolitan Service District this 27th day of October, 1988.

Mike Ragsdale, Presiding Officer



GRANT/CONTRACT SUMMARY

METRO METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 87-2-261 CC

BUDGET CODE NO. 52-0000-8630-30200

FUND: _____ DEPARTMENT: _____

(IF MORE THAN ONE) _____

SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

- OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
- COMPLETE SUMMARY FORM.
- IF CONTRACT IS —
 - SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
 - OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
- PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT DESIGN SERVICES FOR OREGON CONVENTION CENTER

2. TYPE OF EXPENSE ☒ PERSONAL SERVICES ☐ LABOR AND MATERIALS ☐ PROCUREMENT
☐ PASS THROUGH AGREEMENT ☐ INTER-GOVERNMENTAL AGREEMENT ☐ CONSTRUCTION
☐ OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☒ CHANGE IN COST ☒ CHANGE IN WORK SCOPE
☐ CHANGE IN TIMING ☐ NEW CONTRACT

4. PARTIES METRO & ZGF

5. EFFECTIVE DATE NO CHANGE

TERMINATION DATE NO CHANGE
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW
 PREV. AMEND
 THIS AMEND

\$ 8,376,000
409,206
74,142

TOTAL

\$ 4,246,348

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT ^{AMENDMENT} TO BE SPENT IN FISCAL YEAR 1988-89

\$ 74,142

B. BUDGET LINE ITEM NAME ENGR. SVCS AMOUNT APPROPRIATED FOR CONTRACT

\$ 1,449,000

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF July 1, 1988

\$ 1,449,000

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY

\$ _____
 AMOUNT

☐ MBE

SUBMITTED BY

\$ _____
 AMOUNT

☐ MBE

SUBMITTED BY

\$ _____
 AMOUNT

☐ MBE

9. NUMBER AND LOCATION OF ORIGINALS (1) ZGF; (2) CCP offices; (3) Metro F&A

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☐ NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☐ YES ☒ NO
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____
12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☒ YES ☐ NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☐ YES ☒ NOT APPLICABLE
 TYPE OF BOND _____ AMOUNT \$ _____
 TYPE OF BOND _____ AMOUNT \$ _____
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)
- | | | |
|------------|---------------|------------------------------|
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
| NAME _____ | SERVICE _____ | <input type="checkbox"/> MBE |
15. IF THE CONTRACT IS OVER \$10,000
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?
☒ YES ☐ NO
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?
☐ YES DATE _____ INITIAL _____
16. COMMENTS:

GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

[Signature]
 DEPARTMENT HEAD

[Signature] 10/17/88
 FISCAL REVIEW

[Signature] 10/13/88
 BUDGET REVIEW

CONTRACT REVIEW BOARD

(IF REQUIRED) DATE _____

1. _____
 COUNCILOR
2. _____
 COUNCILOR
3. _____
 COUNCILOR

COUNCIL REVIEW

(IF REQUIRED)

DATE _____

LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM _____
- B. CONTRACTS OVER \$10,000 _____
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

AMENDMENT NO. 13

This amends the Agreement between the Metropolitan Service District ("Owner") and Zimmer Gunsul Frasca Partnership ("Architect") executed February 27, 1987 ("original agreement") as amended.

WHEREAS, the parties agreed to the conditions set forth in the original agreement and desire to amend the Agreement as amended;

The following changes are made to the original agreement as previously amended:

EXHIBIT C, COMPENSATION TO ARCHITECT

B. Total Cost

The total cost of the services provided under this agreement during all phases shall not exceed [4,172,206] **\$4,231,374.**

C. Architect's Basic Services Compensation

[13. For design services required to reduce building size to conform to Owner's budget requirements \$14,974]

14. For extra services required to conform streets and lighting design to revised requirements \$28,518

15. For design enhancements for the Visitors Information Center, automated teller machines, window washing for the skylight towers and schematic design of the parking and crate storage under the freeway, \$15,300

16. For design work associated with placement of the art program: pendulum, bells, plaques, ceramic tiles, ballroom doors, lobby murals and VIP lounge \$15,350

WHEREAS, all other conditions and covenants remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Addendum to be executed by their duly authorized officers.

ARCHITECT:
ZIMMER GUNSUL FRASCA PARTNERSHIP

OWNER:
METROPOLITAN SERVICE DISTRICT

BY: _____
(TITLE) _____

BY: _____
(TITLE) _____

DATE: _____

DATE: _____



METRO

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

Memorandum

Agenda Item No. 5.5

Meeting Date October 27, 1988

Date: October 18, 1988

To: Metro Council

From: Councilor Mike ^{MR}Ragsdale, Chair
Council Internal Affairs Committee

Regarding: INTERNAL AFFAIRS COMMITTEE REPORT ON OCTOBER 27, 1988
COUNCIL MEETING AGENDA ITEM NO.5.5, RESOLUTION NO. 88-994
FOR THE PURPOSE OF ADOPTING AFFIRMATIVE ACTION GOALS AND
OBJECTIVES FOR FY 1988-89

COMMITTEE RECOMMENDATION: Committee members present -- Councilors Coleman, Collier, Kirkpatrick, and myself -- voted unanimously to recommend Council adoption of Resolution No. 88-994. Councilor Knowles was absent.

COMMITTEE DISCUSSION & ISSUES: Metro's Director of Finance & Administration, Ray Phelps, presented the resolution and staff report, noting that Metro exceeded its annual goal for minority representation during FY 1987-88 (see the attached Staff Report of August 16, 1988). The Committee commended the Department for its efforts and achievements and noted that Metro should assess its goals in terms of optimums, perhaps developing a "white paper". It was noted that updating the statistical profile used to set the representation goals would be an important step.

After discussing quantitative versus qualitative measures of Metro's affirmative action program, it was suggested that the Department track and report on the retention and promotion of Metro's minority and female employees.

jpm a:\iaceeo

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING	)	RESOLUTION NO. 88-994
THE AFFIRMATIVE ACTION GOALS)	
AND OBJECTIVES FOR FISCAL YEAR	)	Introduced by Rena Cusma,
1988-89	)	Executive Officer

WHEREAS, It is the policy of Metropolitan Service District to ensure that equal employment opportunities and affirmative action practices exist for all applicants and employees without regard to their race, color, religion, national origin, sex age, marital status, Vietnam era or disabled veteran status or handicap for which reasonable accommodation can be made; and

WHEREAS, The Council of the Metropolitan Service District adopted an "Equal Employment Opportunity and Affirmative Action Program" set forth in Ordinance No. 83-166 on December 10, 1983; and

WHEREAS, Annual Affirmative Action goals are established by fund and job category for females and minorities to implement this program; now, therefore,

BE IT RESOLVED,

1. That the Affirmative Action Goals and Objectives attached in Exhibit A are established for the period of July 1, 1988, through June 30, 1989.

2. That these goals and objectives will become part of the 1988-89 Affirmative Action Plan.

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

Mike Ragsdale, Presiding Officer

EXHIBIT A

SECTION 1

METRO AFFIRMATIVE ACTION GOALS AND OBJECTIVES

FY 1988-89 Goal

To attain and maintain a Metro employee workforce profile which reflects the representation of females and minorities in the Portland Metropolitan Statistical Area by fund and by the job categories of Officials/Administrators, Professionals, Administrative Support, Service/Food, Gardeners, Keepers and Support. The goal column in Tables 1-7 show the desired representation of females and minorities for each category and fund.

Objective 1

By the end of FY 1988-89 maintain the percentages in job categories, by fund that have met or exceeded the percentage established as the goal for female and minority representation. When the June 30, 1988 status percentage in Tables 1-7 meets or exceeds the goal then the objective is listed as "maintain."

Objective 2

By the end of FY 1988-89 increase the percentages in job categories by fund that have not met the percentage established as the goal for female and minority representation. When the June 30, 1988 status percentage in Tables 1-7 is less than the goal then the objective is listed as "increase."

0021D/554

TABLE 1
FY 1988-89
OVERALL METRO GOALS AND OBJECTIVES
BY JOB CATEGORIES

<u>Job Category</u>	<u>June 30, 1988 Status</u>		<u>1988-89</u>	
	<u>No.</u>	<u>Percent</u>	<u>Goal</u>	<u>Objective</u>
<u>Females</u>				
Officials/Administrators	7 (29)	24.1	33.2	Increase
Professionals	39 (77)	50.7	47.0	Maintain
Administrative Support	88 (124)	71.0	78.7	**
Service/Food	148 (227)	65.2	63.2	Maintain
Gardeners/Keepers/ Support	19 (74)	25.7	21.2	Maintain
	<u>201</u> <u>(531)</u>	<u>56.7</u>	<u>56.9</u>	Maintain
<u>Minorities</u>				
Officials/Administrators	2 (29)	6.9	5.0	Maintain
Professionals	10 (77)	13.0	5.4	Maintain
Administrative Support	11 (124)	8.9	6.4	Maintain
Service/Food	19 (227)	8.4	10.8	Increase
Gardeners/Keepers/ Support	5 (74)	6.8	9.6	Increase
	<u>47</u> <u>(531)</u>	<u>8.9</u>	<u>6.3</u>	Maintain

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 2
FY 1988-89
GOALS AND OBJECTIVES

GENERAL FUND

<u>Job Category</u>	June 30, 1988		1988-89	
	<u>No.</u>	<u>Status</u> <u>Percent</u>	<u>Goal</u>	<u>Objective</u>
<u>Females</u>				
Officials/Administrators	4	(13) 30.8	33.2	*
Professionals	12	(19) 63.2	47.0	Maintain
Administrative Support	20	(22) 90.9	78.7	**
	<u>36</u>	<u>(54)</u> <u>66.7</u>	<u>56.9</u>	Maintain
<u>Minorities</u>				
Officials/Administrators	0	(13) 0.0	5.0	*
Professionals	2	(19) 10.5	5.4	Maintain
Administrative Support	3	(22) 13.6	6.4	Maintain
	<u>5</u>	<u>(54)</u> <u>9.3</u>	<u>6.3</u>	Maintain

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

NOTE: General Fund includes Council, Executive Management, Accounting, Management Services, Data Processing, Public Affairs and Building Management.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 3
FY 1988-89
GOALS AND OBJECTIVES

ZOO

<u>Job Category</u>	<u>June 30, 1988</u>		<u>1988-89</u>	
	<u>No.</u>	<u>Status</u>	<u>Percent</u>	<u>Goal</u> <u>Objective</u>
<u>Females</u>				
Officials/Administrators	3	(9)	33.3	33.2 Maintain
Professionals	9	(16)	56.3	47.0 Maintain
Administrative Support	44	(73)	60.3	78.7 **
Service/Food	148	(227)	65.2	63.2 Maintain
Gardeners/Keepers/ Support	19	(74)	25.7	21.2 Maintain
	<u>223</u>	<u>(399)</u>	<u>55.9*</u>	<u>56.9</u> Increase
<u>Minorities</u>				
Officials/Administrators	1	(9)	11.1	5.0 Maintain
Professionals	2	(16)	12.5	5.4 Maintain
Administrative Support	6	(73)	8.3	6.4 Maintain
Service/Food	19	(227)	8.4	10.8 Increase
Gardeners/Keepers/ Support	5	(74)	6.8	9.6 Increase
	<u>33</u>	<u>(399)</u>	<u>8.3</u>	<u>6.3</u> Maintain

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 4
FY 1988-89
GOALS AND OBJECTIVES

SOLID WASTE

<u>Job Category</u>	<u>June 30, 1988 Status</u>		<u>1988-89</u>	
	<u>No.</u>	<u>Percent</u>	<u>Goal</u>	<u>Objective</u>
	<u>Females</u>			
Officials/Administrators	0	(4) 0.0	33.2	Increase
Professionals	11	(20) 55.0	47.0	Maintain
Administrative Support	18	(22) 81.8	78.7	**
	<u>29</u>	<u>(46)</u> 63.0	<u>56.9</u>	Maintain
	<u>Minorities</u>			
Officials/Administrators	1	(4) 25.0	5.0	Maintain
Professionals	2	(20) 10.0	5.4	Maintain
Administrative Support	2	(22) 9.1	6.4	Maintain
	<u>5</u>	<u>(46)</u> 10.9	<u>6.3</u>	Maintain

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 5
FY 1988-89
GOALS AND OBJECTIVES

TRANSPORTATION

<u>Job Category</u>	June 30, 1988		1988-89	
	<u>No.</u>	<u>Status</u> <u>Percent</u>	<u>Goal</u>	<u>Objective</u>
<u>Females</u>				
Officials/Administrators	0	(2) 0.0	33.2	*
Professionals	4	(16) 25.0	47.0	Increase
Administrative Support	2	(3) 66.7	78.7	**
	<u>6</u>	<u>(21)</u> 28.6	<u>56.9</u>	Increase
<u>Minorities</u>				
Officials/Administrators	0	(2) 0.0	5.0	*
Professionals	2	(16) 12.5	5.4	Maintain
Administrative Support	0	(3) 0.0	6.4	*
	<u>2</u>	<u>(21)</u> 9.5	<u>6.3</u>	Increase

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 6
FY 1988-89
GOALS AND OBJECTIVES
RESEARCH & DEVELOPMENT

<u>Job Category</u>	<u>June 30, 1988</u>		<u>1988-89</u>		
	<u>No.</u>	<u>Status</u>	<u>Percent</u>	<u>Goal</u> <u>Objective</u>	
	<u>Females</u>				
Officials/Administrators	0	(1)	0.0	33.2	*
Professionals	1	(3)	33.3	47.0	*
Administrative Support	1	(1)	100.0	78.7	**
	<u>2</u>	<u>(5)</u>	<u>40.0</u>	<u>56.9</u>	<u>*</u>
	<u>Minorities</u>				
Officials/Administrators	0	(1)	0.0	5.0	*
Professionals	2	(3)	66.6	5.4	Maintain
Administrative Support	0	(1)	0.0	6.4	*
	<u>2</u>	<u>(5)</u>	<u>40.0</u>	<u>6.3</u>	<u>Maintain</u>

MAINTAIN = Maintain or exceed parity with workforce representation.
INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

0021D/554
09/19/88

TABLE 7

FY 1988-89
GOALS AND OBJECTIVES

CONVENTION CENTER PROJECT

<u>Job Category</u>	<u>June 30, 1988</u>		<u>1988-89</u>	
	<u>No.</u>	<u>Status</u> <u>Percent</u>	<u>Goal</u>	<u>Objective</u>
	<u>Females</u>			
Officials/Administrators	0	(0) 0.0	-	-
Professionals	2	(3) 66.6	47.0	Maintain
Administrative Support	3	(3) 100.0	78.7	**
	<u>5</u>	<u>(6)</u> <u>83.3</u>	<u>56.9</u>	Maintain
	<u>Minorities</u>			
Officials/Administrators	0	0 0	-	-
Professionals	0	3 0	5.4	*
Administrative Support	0	3 0	6.4	*
	<u>0</u>	<u>0</u> <u>0</u>	<u>6.3</u>	*

MAINTAIN = Maintain or exceed parity with workforce representation.

INCREASE = Increase representation as openings occur.

* Close enough to be legally in compliance, but affirmative efforts continuing.

** This is a female dominated job category and no objective is set.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-994, FOR THE PURPOSE OF ADOPTING AFFIRMATIVE ACTION GOALS AND OBJECTIVES FOR FISCAL YEAR 1988-89

Date: August 16, 1988

Presented by: Ray Phelps
Randy Boose

FACTUAL BACKGROUND AND ANALYSIS

The Metro Council enacted Ordinance No. 83-166 on December 20, 1983, establishing Equal Employment Opportunity and Affirmative Action employment policies for the District. An Affirmative Action Plan, prepared by the Executive Officer, implements these policies through goal-setting, by job category, for female and minority representation at Metro.

The goals for this Plan are based on an analysis of the regional workforce data for the Portland Metropolitan Statistical Area provided by the Employment Division of the State of Oregon. The goals are expressed as a percentage in order to quantify the minimum female and minority representation that Metro desires to attain for each job category for a fiscal year.

When the number of females and minorities employed at Metro for a fiscal year is above the percentage goal for a job category, the objective is to maintain and improve the representation in that job category for the next fiscal year. Alternatively, when the number of females and minorities employed at Metro for a fiscal year is below the percentage goal for a job category, the objective is to increase efforts to achieve the representation for the job category. The proposed goals and objectives for Fiscal Year 1988-89 are set forth in Exhibit A, Tables 1-7, which are part of the 1988-89 Affirmative Action Plan.

These goals and objectives of the Affirmative Action Plan are updated each year by the Executive Officer and adopted by Resolution of the Council. Additionally, the previous year's Affirmative Action efforts in achieving employment goals is assessed as part of the goals and objectives update. This information is contained in Tables 9-16 of the 1988-89 Affirmative Action Plan. The Plan is on file at the Metro offices and is available on request.

Included in the Plan is an analysis of last year's Affirmative Action efforts. Highlights include:

1. Metro exceed its annual goal for minority representation during Fiscal Year 1987-88. (Goal: 6.3 percent; June 30, 1987, status: 9.2 percent). Last year's representation was 8.8 percent. Metro has exceeded its minority representation goal for the past four consecutive years.

2. Metro's female representation reached the goal of 56.9 percent (June 30, 1988, status: 56.7 percent).

3. The three hiring priorities from last year were met. These included: a) increasing female representation in the Officials/Administrators category by almost 5 percent; 2) hiring two minorities in the Officials/Administrators category; and 3) increasing by 19.7 percent and 1.9 percent in the Transportation and Solid Waste Departments, respectively, the representation of females in the Professional category.

4. Department directors developed departmental qualitative and quantitative affirmative action goals for Fiscal Year 1987-88. This is the first time department directors have been involved in this process.

5. Metro hired employees from other affirmative action employee groups (senior workers, handicapped). Several people were hired through the Mental Health Services Transitional Employment Program and the Portland Private Industry Senior Community Service Employment Program.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 88-994.

RP/RB/srs
0021D/554
09/23/88



METRO

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

Memorandum

DATE: October 19, 1988

Agenda Item No. 5.6

TO: Metro Council

Meeting Date Oct. 27, 1988

FROM: Councilor Gary Hansen
Chair, Council Solid Waste Committee

RE: SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988, COUNCIL
AGENDA ITEM NO. 5.6

Agenda Item No. 5.6

Consideration of Resolution No. 88-1007, for
the Purpose of Confirming the Appointment of
Members of the One Percent for Recycling
Advisory Committee

Committee Recommendation

The Solid Waste Committee voted to introduce a resolution to appoint two additional citizens to the One Percent for Recycling Advisory Committee. This action taken October 18, 1988.

Discussion

On October 18, 1988, the Solid Waste Committee held a public hearing on Ordinance No. 88-267A and recommended Council adoption of the ordinance. The ordinance revises Metro Code Section 5.04.040 relating to the membership of the Recycling Advisory Committee. One of the changes to the Code is the increase in the Committee size from five to seven members.

The appointment of five members of the Recycling Committee was confirmed by Council on October 13, 1988. The proposed resolution would confirm the appointment of two additional members: Beverly Seibel of Washington County and Carolyn Tomei of Clackamas County.

The committee voted 5 to 0 to introduce a resolution confirming the appointment of the above individuals. Voting aye: Gardner, Hansen, Kelley, Kirkpatrick and Ragsdale.

GH:RB:pa
RAYB.009

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING TWO
MEMBERS TO THE ONE PERCENT FOR
RECYCLING ADVISORY COMMITTEE
AND CONFIRMING APPOINTMENTS

)
)
)
)

RESOLUTION NO. 88-1007

Introduced by the
Solid Waste Committee

WHEREAS, The Council of the Metropolitan Service District adopted Ordinance 88-250B on July 14, 1988, creating the Recycling Advisory Committee for the One Percent for Recycling Program; and

WHEREAS, The ordinance requires that the Committee be comprised of five members: one Metro Councilor, one Solid Waste staff member, and three citizens from the community with an interest or experience in promoting recycling, waste reduction or reuse; and

WHEREAS, The Executive Officer recommended for Council consideration an amendment that would remove the Solid Waste staff voting member and add an additional citizen member; and

WHEREAS, On October 4, 1988, the Council Solid Waste Committee recommended the One Percent for Recycling Advisory Committee be further expanded to add two additional citizen members in order to provide broader geographic representation; and

WHEREAS, On October 18, 1988, the Council Solid Waste Committee approved this recommendation, thereby recommending changes to Metro Code Section 5.04.040; and

WHEREAS, The Council adopted Resolution No. 88-988, confirming appointment of members to the One Percent for Recycling Advisory Committee as identified in Attachment A hereto; and

WHEREAS, The Council Solid Waste Committee recommends confirmation of two additional members to the One Percent for Recycling Advisory Committee as identified in Attachment B hereto; now, therefore,

BE IT RESOLVED,

1. That the Council of The Metropolitan Service District adds two members to the One Percent for Recycling Advisory Committee, thereby expanding the Committee to seven.

2. That the Council of the Metropolitan Service District hereby confirms appointment of the following two individuals as members of the above Committee: Beverly Seibel, Washington County and Carolyn Tomei, Clackamas County.

3. That the Committee membership and term of service shall be consistent with those set out in Resolution No. 88-988.

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

Mike Ragsdale, Presiding Officer

ATTACHMENT A

ONE PERCENT FOR RECYCLING
ADVISORY COMMITTEE
PURSUANT TO RESOLUTION 88-988

COMMITTEE
MEMBER

VITAE

Councilor Elsa Coleman

District 8

CITIZENS:

Kathy Cancilla
12807 S.E. Foster Road
Portland, OR 97236

Clackamas County

Computations Accounting
Service, Partner;
Past Board Member, Portland
Association of Sanitary
Service Operators; Past
Board Member Association
of Oregon Recyclers;
Technical Advisory
Committee, City of Portland
Recycling Program; Former
Chair,
SWPAC, Metro

Bruce Lewis
2726 N.E. 65th
Portland, OR 97213

Multnomah County

Elmer's Sanitary Service;
Vice President, Portland
Association of Sanitary
Service Operators;
President; Portland
Recycling Refuse Operators

Forrest Soth
4890 S.W. Menlo Drive
Beaverton, OR 97005

Washington County

Councilor, Beaverton
City Council; Chaired
City of Beaverton Recycling
Task Force; Member Emergency
Medical Service Policy Board,
Washington County; Chaired
Advisory Committee, Unified
Sewerage Agency; 35 years
with Texaco Oil, Retired

Margaret Templeton
23919 N.E. Poplar Court
Troutdale, OR 97060

Multnomah County

Councilor, Wood Village
City Council member;
Multnomah County Cable
Commission; part-time
instructor, Clackamas
Community College;
recycling advocate and
practitioner

ATTACHMENT B

ONE PERCENT FOR RECYCLING
ADVISORY COMMITTEE
TWO ADDITIONAL MEMBERS
PURSUANT TO RESOLUTION 88-1007

Beverly Seibel
Route 1, Box 833
Hillsboro, OR 97124

Washington County

President, Volunteers of
St. Vincent Hospital;
Director, Oregon State
Garden Club; Recycling
Advocate and Practitioner,
very active in community
events

Carolyn Tomei
11907 S.E. 19th Avenue
Milwaukie, OR 97222

Clackamas County

Chair of Milwaukie
Natural Resources Task
Force (conducted compre-
hensive plan review);
President, Friends of
Elk Rock Island; Executive
Assistant to former Multnomah
County Commissioner,
Richard Levy; Child Development
Specialist, Portland Public
Schools

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-270 AMENDING
ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND
APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR
LEGISLATIVE EXPENDITURES AND INCREASED NATIONAL
ASSOCIATION OF REGIONAL COUNCIL DUES

Date: October 14, 1988

Presented by Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The attached ordinance provides the necessary budget amendments for the following items:

1. 1989 Legislative Session Expenditures

When the FY 1988-89 budget was prepared, the Government Relations Manager position was vacant. Also, considerable information on needs for the 1989 session was not available at that time. The new incumbent of that position, Greg McMurdo, has now prepared a more specific estimate of expenses as shown in the detailed justifications of Attachment A.

This proposed action requests \$7,515 to be transferred from contingency to the Executive Management budget. The funds requested will be shown in the following budget line items.

10-20-00-7100-00000	Travel, lodging meals	\$1,920
10-20-00-7110-00000	Meetings expenses	\$2,160
10-20-00-7130-00000	Dues/subscriptions	\$2,925
10-20-00-7750-00000	Office rental	\$ 510

Total Additional Request \$7,515

2. Increase in National Association of Regional Council Dues

During the FY 1988-89 budget process, the council approved \$7,500 for the National Association of Regional Council (NARC) dues. After the adoption of the budget, the dues were increased to \$7,875. This action requests an additional \$375 to be transferred from contingency to the Executive Management to cover this increase.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-270.

ATTACHMENT A

LINE ITEM JUSTIFICATION

Account # 7100 - Travel, Meal and Lodging

Money budgeted for Legislative Session: \$ 0

Additional funds requested: \$1,920

One night lodging at an average cost of \$36 per night, plus tax. The funds requested reflect an average of two nights per week for a period of 24 weeks. Cost based on rate at Salem Grand Motel, 581-2466 (Travel Lodge)

Account # 7110 - Meetings and Conferences

Money budgeted for Legislative Session: \$ 300

Presently we have budgeted \$300 for general meetings and meal expenses during legislative period. This represents 6 months at \$50 per month.

Additional Funds Requested \$2,160

It is anticipated that more than \$50 per month for meetings and meal expenses will be needed. We are requesting funds for 2 dinners and 2 large lunch meetings per week (\$90 per week times 24 weeks) for an additional \$2160.00 (dinner meetings \$30; lunch meeting \$15). The budgeted amount of \$300 would only cover small lunches, coffees and breakfast meetings during the session and would not include the 2 days of overnight stays.

Account # 7130 - Dues and Subscriptions

Money budgeted for Legislative Session \$ 365

Additional Funds Requested \$2,925

Oregon Bar dues	200
Election Law	20
Gov. Law Section	20
American Bar Dues	180
Membership ID card for Capital Club	60

Rosters at \$5 each x 3	15
Session Law Bill Sets	2,010
3 bill sets with calendar @ 665 each	
Final calendar 1 @ 15	
Bill monitoring forms	195
Price increase 9/1/88 for Salem Journal	35
Additional Oregonian - 6 months	65
Condon Times Journal	30
Legislative Directories \$5 x 5	25
Blue Book \$5 x 5	25
1989 State of Oregon Telephone Directory	
(4 @ \$5.00 each)	20
1989 Oregon State Bar Membership Directory	10
2 Legislative form style manuals	15

Account # 7750 - Lease Payments Buildings

Money budgeted for Legislative Session	\$2,640
--	---------

Furniture Rental	760
Telephone Rental	380
Office Rental	1,500

Total	\$2640
-------	--------

Additional Funds Requested	\$ 510
----------------------------	--------

This total of \$2640 represents an office package rental of \$440 a month for six months for use by the Government Relations Manager and a part time Intern University Student.

We are asking for an additional \$85 dollars a month for a total request of \$510 to increase the monthly office set up package from \$440 a month to \$525 a month (\$85 month x 6 months equals \$510.00)

OFFICE SPACE SURVEY

League of Oregon City is unable to rent to us. However, they did quote some prices for the Salem area. The average office rent is based on \$.99 cents per square foot per month. A typical office of 12'/12' costs \$144 per month. Office space for two persons would cost \$288 per month plus an extra charge of \$70 to \$80 per month for the use of the common space. Therefore the office rental cost would run approximately \$350 per month empty.

Grandtree Office furniture rental costs approximately \$150 per month for 2 desks 2 chairs, table and book case.

General phone bill is \$51 per month

Most Office Rentals offer services for users based on a cost of usage. An example of items offered at reasonable costs is:

\$16 per month for a phone answering service by a main receptionist for the center office complex

In addition there is an average cost of \$36 per month for use of copying machine, word processing services, mail room, and general clerical support services. Cost vary of course depending on actual usage.

Average Costs:

\$300 - \$350	month office shell
150	month furniture rental
51	month phone
16	month phone answering service
36	copy work and clerical support

\$500 to \$600 average

Quotes were also obtained from Davis Business Center Portland (284-2822) and Executive Officers (228-4108)

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
88-247 REVISING THE FY 1988-89)
BUDGET AND APPROPRIATIONS SCHEDULE)
TO PROVIDE FUNDING FOR LEGISLATIVE)
EXPENDITURES AND INCREASED NATIONAL)
ASSOCIATION OF REGIONAL COUNCIL)
DUES)

ORDINANCE NO. 88-270

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has
reviewed and considered various needs to modify the FY 1988-89 Budget;
and

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

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-247, Exhibit B, FY 1988-89 Budget, and
Exhibit C, Schedule of Appropriations, are hereby amended as shown in
Exhibits A and B to this Ordinance.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

a(res1):\ord88-270

EXHIBIT A
ORDINANCE NO. 88-270

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: Executive Management							
	Total Personal Services	6.60	325,610			6.60	325,610
	Materials & Services						
7100	Travel		8,120		1,920		10,040
7110	Meetings & Conferences		5,300		2,160		7,460
7120	Training & Tuition		3,100				3,100
7130	Dues & Subscriptions		8,250		3,300		11,550
7150	Printing		150				150
7230	Telephone		380				380
7300	Postage		500				500
7360	Equipment Rental		760				760
7410	Supplies- Office		2,621				2,621
7510	Payments to Other Agencies		20,702				20,702
7750	Lease Payment-Building		1,500		510		2,010
	Total Materials & Services		51,383		7,890		59,273
	Total Capital Outlay		4,980				4,980
	TOTAL EXPENDITURES	6.60	381,973	0.00	7,890	6.60	389,863

EXHIBIT A
ORDINANCE NO. 88-270

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND: General Expenses							
	Transfers, Contingency, Unappropriated Balance						
9130	Transfer to Building Mgmt Fund		237,257				237,257
9150	Transfer to Insurance		12,579				12,579
9400	Transfer to Planning Fund		50,709				50,709
9700	Contingency		192,720		(7,890)		184,830
	Unappropriated Fund Balance		85,161				85,161
	Total Trans., Contin., Unappr. Fund Bal.		578,426		(7,890)		570,536
TOTAL EXPENDITURES		57.36	4,006,780	0.00	0	57.36	4,006,780

EXHIBIT B
ORDINANCE NO. 88-270

SCHEDULE OF APPROPRIATIONS FY 1988-89

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<hr/>			
GENERAL FUND			
<hr/>			
Council			
Personal Services	274,510	0	274,510
Materials & Services:	87,110	0	87,110
Capital Outlay:	3,000	0	3,000
	<hr/>	<hr/>	<hr/>
Subtotal	364,620	0	364,620
General Counsel			
Personal Services	221,485	0	221,485
Materials & Services	9,660	0	9,660
Capital Outlay:	6,426	0	6,426
	<hr/>	<hr/>	<hr/>
Subtotal	237,571	0	237,571
Executive Management			
Personal Services	325,610	0	325,610
Materials & Services:	51,383	7,890	59,273
Capital Outlay:	4,980	0	4,980
	<hr/>	<hr/>	<hr/>
Subtotal	381,973	7,890	389,863
Finance & Administration			
Personal Services	1,104,305	0	1,104,305
Materials & Services:	805,928	0	805,928
Capital Outlay:	25,520	0	25,520
	<hr/>	<hr/>	<hr/>
Subtotal	1,935,753	0	1,935,753
Public Affairs			
Personal Services	416,762	0	416,762
Materials & Services:	89,675	0	89,675
Capital Outlay:	2,000	0	2,000
	<hr/>	<hr/>	<hr/>
Subtotal	508,437	0	508,437
General Expense			
Contingency	192,720	(7,890)	184,830
Transfers	300,545	0	300,545
	<hr/>	<hr/>	<hr/>
Subtotal	493,265	(7,890)	485,375
Unappropriated Balance	85,161	0	85,161
Total General Fund Requirements	4,006,780	0	4,006,780

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-272 AMENDING
ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND
APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR INCREASE
IN OREGON LABORER'S TRUST HEALTH CARE PREMIUMS

Date: October 27, 1988

Presented by Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The attached ordinance provides the necessary budget amendment for the following item:

Oregon Laborer's Trust Health Care Premium Increase

Metro is required by collective bargaining to pay into the Oregon Laborers Trust Fund on behalf of each eligible union employee the required monthly premium under the Health Maintenance Medical Plan. In early October, Metro received notice from Oregon Laborer Trust to expect a 25% to 30% increase in premiums effective with the October 1988 billing. Actual premiums increased from \$202.70 to \$256.53 per employee per month; a 26.5% increase. This major increase was not anticipated during the budgeting process. There are 65 eligible union employees allocated in the FY 88-89 Zoo Operations Fund. This action would transfer \$31,590 (65 employees @ \$54/month for 9 months) from Zoo Operations contingency to fringe benefits in the following Zoo divisions:

Administration	\$ 1,458
Animal Management	15,066
Facilities Management	12,636
Education	972
Visitor Services	1,458

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-272.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
88-247 REVISING THE FY 1988-89)
BUDGET AND APPROPRIATIONS SCHEDULE)
TO PROVIDE FUNDING FOR INCREASE IN)
OREGON LABORER'S TRUST HEALTH CARE)
PREMIUMS)

ORDINANCE NO. 88-272

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has
reviewed and considered various needs to modify the FY 1988-89 Budget;
and

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

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-247, Exhibit B, FY 1988-89 Budget, and
Exhibit C, Schedule of Appropriations, are hereby amended as shown in
Exhibits A and B to this Ordinance.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

a(res1):\ord88-272

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATIONS:Administration							
	Personal Services						
6010	Director	1.00	63,854			1.00	63,854
6015	Assistant Director	1.00	49,812			1.00	49,812
6040	Sr. Management Analyst	1.00	29,267			1.00	29,267
6055	Development Officer	1.00	34,871			1.00	34,871
6060	Administrative Secretary	2.00	40,118			2.00	40,118
6120	Program Assistant 2	0.50	9,577			0.50	9,577
6180	Management Intern	0.50	6,502			0.50	6,502
6210	Clerk/Bookkeeper	2.25	39,610			2.25	39,610
6500	Overtime		1,000				1,000
6700	Fringe		84,791		1,458		86,249
	Total Personal Services	9.25	359,402	0.00	1,458	9.25	360,860
	Total Materials & Services		154,892				154,892
	Total Capital Outlay		13,224				13,224
	TOTAL EXPENDITURES	9.25	527,518	0.00	1,458	9.25	528,976

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATIONS: Animal Management							
	Personal Services						
6020	Curator	1.00	37,621			1.00	37,621
6025	Veterinarian	1.00	41,126			1.00	41,126
6050	Research Coordinator	1.00	32,891			1.00	32,891
6060	Administrative Secretary	1.00	20,898			1.00	20,898
6062	Assistant Curator	1.00	33,842			1.00	33,842
6080	Nutrition Technician	1.00	22,063			1.00	22,063
6110	Veterinarian Technician	1.00	27,878			1.00	27,878
6112	Assist. Research Coordinator	0.50	11,024			0.50	11,024
6160	Animal Hospital Attendant	0.50	5,826			0.50	5,826
6165	Office Assistant	0.50	6,505			0.50	6,505
6270	Senior Animal Keeper	7.00	179,218			7.00	179,218
6275	Animal Keeper	22.50	543,056			22.50	543,056
6300	Temporary	0.60	12,491			0.60	12,491
6500	Overtime		31,227				31,227
6700	Fringe		309,108		15,066		324,174
	Total Personal Services	38.60	1,314,773	0.00	15,066	38.60	1,329,839
	Total Materials & Services		363,675				363,675
	Total Capital Outlay		22,550				22,550
	TOTAL EXPENDITURES	38.60	1,700,998	0.00	15,066	38.60	1,716,064

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATIONS:Facilities Management							
Personal Services							
6030	Managers (B&G, Const, VS, Ed,	1.00	40,100			1.00	40,100
6060	Administrative Secretary	1.00	18,140			1.00	18,140
6068	Maintenance Supervisor	1.00	31,583			1.00	31,583
6220	Laborer	1.05	17,582			1.05	17,582
6225	Maintenance Worker 3	2.00	51,771			2.00	51,771
6230	Maintenance Worker 3-PT	1.29	30,736			1.29	30,736
6232	Maintenance Technician	1.00	23,701			1.00	23,701
6235	Maintenance Worker 2	7.00	170,933			7.00	170,933
6240	Maintenance Worker 2-PT	1.20	23,803			1.20	23,803
6245	Maintenance Worker 1	6.00	133,309			6.00	133,309
6250	Maintenance Worker 1-PT	0.85	15,781			0.85	15,781
6255	Senior Gardener	1.00	27,776			1.00	27,776
6260	Gardener 2	1.00	24,262			1.00	24,262
6265	Gardener 1	5.00	110,845			5.00	110,845
6285	Maintenance Mechanic	1.00	26,994			1.00	26,994
6290	Master Mechanic	1.00	30,080			1.00	30,080
6295	Maintenance Electrician	1.00	31,949			1.00	31,949
6300	Temporary	0.39	3,456			0.39	3,456
6500	Overtime		25,918				25,918
6700	Fringe		235,512		12,636		248,148
Total Personal Services		33.78	1,074,231	0.00	12,636	33.78	1,086,867
Total Materials & Services			1,018,771				1,018,771
Total Capital Outlay			391,160				391,160
TOTAL EXPENDITURES		33.78	2,484,162	0.00	12,636	33.78	2,496,798

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATIONS: Educational Services							
	Personal Services						
6030	Managers (B&G, Const, VS, Ed,	1.00	37,451			1.00	37,451
6060	Administrative Secretary	1.00	20,898			1.00	20,898
6070	Program Coordinator	1.00	24,183			1.00	24,183
6085	Ed. Service Specialist	1.00	29,326			1.00	29,326
6090	Volunteer Coordinator	1.00	24,308			1.00	24,308
6120	Program Assistant 2	1.00	19,046			1.00	19,046
6135	Graphics Coordinator	1.00	29,326			1.00	29,326
6140	Graphics/Exhibit Designer	2.00	45,444			2.00	45,444
6141	Graphics Technician	1.00	20,009			1.00	20,009
6155	Program Assistant 1	1.00	15,669			1.00	15,669
6170	Education Service Aide	4.75	40,428			4.75	40,428
6180	Management Intern	0.50	8,243			0.50	8,243
6275	Animal Keeper	1.00	24,211			1.00	24,211
6280	Animal Keeper-PT	0.50	14,193			0.50	14,193
6300	Temporary	0.25	4,374			0.25	4,374
6500	Overtime		1,041				1,041
6700	Fringe		98,573		972		99,545
	Total Personal Services	18.00	456,722	0.00	972	18.00	457,694
	Total Materials & Services		107,711				107,711
	Total Capital Outlay		15,430				15,430
	TOTAL EXPENDITURES	18.00	579,863	0.00	972	18.00	580,835

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOD OPERATIONS:Visitor Services							
Personal Services							
6030	Managers (B&G, Const, VS, Ed,	1.00	40,194			1.00	40,194
6035	Food Service Supervisor	1.00	32,206			1.00	32,206
6045	Retail Supervisor	1.00	27,637			1.00	27,637
6060	Administrative Secretary	1.00	20,818			1.00	20,818
6125	Safety/Security Supervisor	1.00	22,949			1.00	22,949
6128	Security 1-reg	3.24	42,779			3.24	42,779
6128	Security 1-temp	1.22	15,893			1.22	15,893
6145	Storekeeper	1.00	20,818			1.00	20,818
6150	Food Service Coordinator	3.50	69,010			3.50	69,010
6185	Visitor Service Worker 3-reg	1.00	10,816			1.00	10,816
6185	Visitor Service Worker 3-temp	1.00	7,499			1.00	7,499
6190	Visitor Service Worker 2-reg	0.50	4,680			0.50	4,680
6190	Visitor Service Worker 2-temp	3.50	31,122			3.50	31,122
6195	Visitor Service Worker 1-reg	1.50	12,792			1.50	12,792
6195	Visitor Service Worker 1-temp	25.50	219,608			25.50	219,608
6205	Typist/Receptionist-reg	3.00	44,622			3.00	44,622
6205	Typist/Receptionist-temp	1.20	12,650			1.20	12,650
6215	Stationmaster-temp	2.00	37,181			2.00	37,181
6500	Overtime		15,000				15,000
6700	Fringe		161,919		1,458		163,377
Total Personal Services		53.16	850,193	0.00	1,458	53.16	851,651
Total Materials & Services			715,689				715,689
Total Capital Outlay			34,100				34,100
TOTAL EXPENDITURES		53.16	1,599,982	0.00	1,458	53.16	1,601,440

EXHIBIT A
ORDINANCE NO. 88-272

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATIONS: General Expenses							
	Transfers, Contingency, Unappropriated Balance						
9100	Transfer to General Fund		826,849				826,849
9150	Transfer to Insurance Fund		169,684				169,684
9200	Transfer to Zoo Capital Fund		1,987,662				1,987,662
9700	Contingency		271,804		(31,590)		240,214
	Unappropriated Fund Balance		1,146,350				1,146,350
	Total Trans., Contin., Unappr. Fund Bal.		4,402,349		(31,590)		4,370,759
	TOTAL EXPENDITURES	156.64	11,594,776	0.00	0	156.64	11,594,776

EXHIBIT B
ORDINANCE NO. 88-272

SCHEDULE OF APPROPRIATIONS FY 1988-89

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<hr/>			
ZOO OPERATING FUND			
<hr/>			
Administration			
Personal Services	359,402	1,458	360,860
Materials & Services:	154,892	0	154,892
Capital Outlay:	13,224	0	13,224
	<hr/>	<hr/>	<hr/>
Subtotal	527,518	1,458	528,976
Animal Management			
Personal Services	1,314,773	15,066	1,329,839
Materials & Services:	363,675	0	363,675
Capital Outlay:	22,550	0	22,550
	<hr/>	<hr/>	<hr/>
Subtotal	1,700,998	15,066	1,716,064
Facilities Management			
Personal Services	1,074,231	12,636	1,086,867
Materials & Services:	1,018,771	0	1,018,771
Capital Outlay:	391,160	0	391,160
	<hr/>	<hr/>	<hr/>
Subtotal	2,484,162	12,636	2,496,798
Education Services			
Personal Services	456,722	972	457,694
Materials & Services:	107,711	0	107,711
Capital Outlay:	15,430	0	15,430
	<hr/>	<hr/>	<hr/>
Subtotal	579,863	972	580,835
Marketing			
Personal Services	129,862	0	129,862
Materials & Services:	164,729	0	164,729
Capital Outlay:	5,313	0	5,313
	<hr/>	<hr/>	<hr/>
Subtotal	299,904	0	299,904
Visitor Services			
Personal Services	850,193	1,458	851,651
Materials & Services:	715,689	0	715,689
Capital Outlay:	34,100	0	34,100
	<hr/>	<hr/>	<hr/>
Subtotal	1,599,982	1,458	1,601,440

EXHIBIT B
ORDINANCE NO. 88-272

SCHEDULE OF APPROPRIATIONS FY 1988-89

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
General Expenses			
Contingency	271,804	(31,590)	240,214
Transfers	2,984,195	0	2,984,195
Subtotal	3,255,999	(31,590)	3,224,409
Unappropriated Balance	1,146,350	0	1,146,350
Total Zoo Operating Fund Requirements	11,594,776	0	11,594,776

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED



METRO

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

Memorandum

Agenda Item No. 6.2a

Meeting Date Oct. 27, 1988

Date: October 20, 1988

* Amended per Finance Committee
corrections noted 10/20/88.

To: Finance Committee

From: Donald E. Carlsson, Council Administrator
Jessica Marlic, Council Analyst

Regarding: REVIEW OF DRAFT ORDINANCE NO. 88-271 INCORPORATING
CONTRACT CODE CHANGES AGREED ON AT THE OCTOBER 6 FINANCE
COMMITTEE MEETING AND INCORPORATING ADMINISTRATIVE STAFF
COMMENTS RECEIVED OCTOBER 19

This memo summarizes and briefly discusses the attached draft Ordinance No. 88-271 which amends Metro's contracting procedures under Code Chapter 2.04. Ordinance No. 88-271 provides for Code changes desired by the Finance Committee (as agreed to at the Committee's October 6 meeting) and incorporates some Administration staff suggestions which appear consistent with the Committee's intent.

Finance Committee Proposals for Amending the Contracting Procedures
Summarized below are the Finance Committee's proposed changes to the current contracting procedures agreed to at the October 6 meeting:

- 1) Require appropriate Committee review of all RFP/B's for contracts over \$10,000 prior to the release of the RFP/B for response by vendors.
- 2) Upon review of the RFP/B, Committees would have the discretion to approve the RFP/B or send it to the full Council for review and approval when the contract involves a policy issue(s) of broad concern.
- 3) After Committee review of the RFP/B, the Committee would determine whether the Council should approve the actual contract after the vendor has been selected but prior to being signed by the Executive Officer. The following contracts would automatically come to the Council for approval:
 - o any contract with a term greater than three years
 - o all sole source contracts exceeding \$10,000
 - o any contract with a total amount exceeding \$100,000
 - o any intergovernmental agreements
- 4) For any contract over \$10,000 which does not go before the Council for approval, require filing of a report with the Council at least five days prior to executing the contract.

- 5) The appropriate Committee would have to approve any contract amendment or extension (except for public improvement/construction contracts) over \$10,000; the Council would have to approve amendments or extensions over \$50,000.
- 6) For all contracts that the Council does not review, incorporate the Executive Officer's proposed contract appeal procedure outlined in Ordinance No. 88-259, but amended as a two-step process instead of the described three steps.

Staff took these proposed changes and incorporated them into the current Code provisions by drafting Ordinance No. 88-271. Staff circulated the draft ordinance to appropriate Administrative staff for review and comment. On October 19, Council staff received the two memos attached (see Attachments 1 and 2 hereto) which outline specific Administrative staff suggestions. Their major comments are summarized in the following section; technical suggestions were automatically incorporated into the ordinance.

Administrative Staff Comments on Draft Ordinance No. 88-271

- 1) Review procedures for handling purchase orders and requests are not described in same detail as contracts. Procedures for initiating contracts are inconsistent with procedures being planned by Contracts Officer for the new Contracts Tracking System.
- 2) In terms of contract approval requirements, make a single dollar level for both personal service and public contracts instead of the current \$10,000 and \$15,000 respectively.
- 3) Monthly contracts report should be limited to contracts or purchase orders over \$2,5000 -- not \$500 as currently required.
- 4) Reporting requirement for personal service contracts over \$10,000 and public contracts over \$15,000, which are not reviewed by Council, prior to contract execution is unnecessary given the RFP/B review requirements.
- 5) Committee RFP/B approval requirement with Committee discretion to require Council approval will greatly impair staff contract scheduling.
- 6) Provisions for certain contracts to go automatically to the Council are unnecessary if the committees are to have the discretion to review contracts. These provisions should serve to establish basis for Committee review decisions.
- 7) Change order provisions for public improvement contracts should be based on technical versus substantive/scope of work changes and not on straight dollar levels. The overriding concern is to keep work moving on the site and to expeditiously approve legitimate

change orders. Suggest that change order reports from Executive Officer be tied to the bi-monthly Council meetings (i.e. "at the next Council meeting") instead of a single report for each change order five days following the action. This would prevent unnecessary paperwork.

- 8) Agree with the abbreviated bid protest procedure for contracts not reviewed by the Council.

Although summarized generally here, staff comments were directed towards specific sections of the contracting ordinance.

Council staff incorporated some of the administrative staff's suggestions where they seemed consistent with the Finance Committee's policy intent. These changes are discussed below in the summary of our draft ordinance. Other administrative staff suggestions are identified at the end of this memo under "Other Policy Issues."

Summary of Ordinance No. 88-271

Ordinance No. 88-271 provides for the Finance Committee's suggested changes to the current contracting procedures and also includes some changes suggested by administrative staff. Going through Ordinance No. 88-271, the changes are summarized as follows:

- 1) Page 2 (d)(1) makes language consistent with the Code provisions.
- 2) Page 2 (g) per Finance Committee changes, provides for reporting of contracts not reviewed by the Council--consistent with current Code dollar levels--prior to contract execution, to ensure that Metro contracting provisions for selection, approval and award of the contract have been followed.
- 3) Page 3 (j) per Finance Committee changes, sets limits on Committee review discretion by requiring that certain contracts automatically go to the Council for review.
- 4) Pages 3-4 (k) per the Finance Committee changes, defines a two-step appeal process for contracts which the Council does not review.
- 5) Page 5 (c)(1) per administrative staff comments, makes language consistent with current Code provisions.
- 6) Page 6 (3) per Finance Committee changes, provides for Committee review of all public contract RFB's prior to release for response.
- 7) Page 6 (4) makes language consistent regarding advertising requirements.
- 8) Page 7 (1) per Finance Committee changes clarifies that all contracts designated by a committee for Council approval shall be

reviewed by the Council prior to execution by the Executive Officer; current dollar levels triggering Committee and/or Council review are removed.

- 9) Page 9 (3) makes technical changes to have dollar levels consistent with the public contract review provisions; current Committee approval requirements removed.
- 10) Page 10 (4) and (5) per Finance Committee changes, provides new guidelines for Committee and Council approval of contract amendments and extensions consistent with the dollar levels for contract approval generally.
- 11) Page 10 (6) per Finance Committee and administrative staff comments, these provisions for public contract amendments and extensions distinguish between technical changes needed to keep a project on track within the original scope of work and substantive changes which are outside of the project's original scope of work. After reviewing administrative staff comments, it was felt that the most efficient system to allow for technical changes, while requiring review of substantive changes would occur using the percentage as incorporated.
- 12) Page 11 (top) per Finance Committee changes and administrative staff comments, provides for reporting of change orders not reviewed by the Council. To avoid inefficient paperwork, coordinates reporting schedule with current Council meeting schedule.
- 13) Page 11 (a)(1) per Finance Committee changes, requires Committee review of personal service contract RFP's, with Committee discretion to require Council approval.
- 14) Page 12 (2) makes formal RFP announcement and advertising process consistent with current RFB provisions.
- 15) Page 13 (1) per Finance Committee changes, clarifies Council approval of personal service contracts over \$10,000 prior to execution by the Executive Officer.
- 16) Page 15 (3) and (4) per Finance Committee changes, provides for Committee and Council approval of personal services contract amendments and extensions consistent with current Code dollar levels.
- 17) Page 16 (b) per Finance Committee changes, reiterates general provision that all sole source contracts over \$10,000 automatically require Council approval.
- 18) Page 18 (2) and (3) make current provisions for food items and services contracts consistent with amended public contract procedures.

Other Policy Issues

Administrative staff comments to Ordinance No. 88-271 and to the existing Metro contracting procedures point to other policy issues for Council consideration:

o Should Metro's contracting procedures have a single dollar level triggering Committee approval for public and personal service contracts? Currently, the Code provides for Administrative approval of public contracts up to \$15,000 and personal service contracts up to \$10,000. Ordinance No. 88-271 maintains these dollar levels for triggering Committee or Council approval of contract amendments and extensions. It appears that the two dollar levels exist to reflect the differences in the public contract RFB versus the personal service RFP selection criteria; the latter being more subjective. Administrative staff noted that the two levels complicate the contract procedures, whereas a single dollar trigger would be easier to follow.

o Should the Committee's discretion to decide which contracts will need Council approval be limited by having certain contracts automatically go to the Council? Ordinance No. 88-271 provides that the Council automatically review the following contracts: all sole source contracts over \$10,000, any contract with a term greater than 3 years, any contract with a total amount exceeding \$100,000, and all intergovernmental agreements (subject to current Code exceptions for pass-through governmental funds and grant award contracts). While expressing their concerns about the Committee approval process and its potential impact on contract scheduling, Administrative staff felt that the above criteria for Council approval were unnecessary.

JPM:gpwb

Fin.20



METRO

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

Memorandum

ATTACHMENT A

Date: October 19, 1988
To: Don Carlson: Council Administrator
Thru: Ray Phelps: Director, Finance & Administration
From: Neil Salinger: Construction Projects Manager
Re: Comments on Draft Ordinance No. 88-271

Although some streamlining and simplification has taken place, the net effect of this Ordinance (vice Ordinance No. 8-249) is to further complicate the contracting process. Additionally, it preserves some of the existing shortcomings by focusing only on the Council review issue. Specific comments below are keyed to the revised paragraph numbers.

- 2.04.030(b): The procedures for handling Purchase Orders and Purchase Requests are not described in the same detail as other Contracts. Moreover, the procedures for initiating contracts are not consistent with procedures currently planned by the Contracts Officer to interface with the new Contracts Tracking System. This variance is symptomatic of a policy document which also attempts to be a Standing Operating Procedure
- 2.04.030 (d) (1): Why not change \$10,000 to \$15,000 to be consistent with other changes in dollar limits?
- 2.04.030(g): This provision is unnecessary given the review requirements contained in 2.04.044(a)(3) and 2.04.053(a); The review process by appropriate Council Committee is sufficient.
- 2.04.030 (j): This paragraph describes criteria whereby contracts are identified as containing potential policy implications. However, the criteria should not automatically establish those contracts which require Council approval. If the provisions of 2.04.044 (a) (3) and 2.04.053 (a) are retained, then the listed criteria should serve to establish grounds for Council Committee review; Council approval would depend on the Committees recommendations. I believe, however, that a procedure for Council review of the projected Contracts List at budget preparation time would eliminate the unnecessary individual review of contracts by Council Committee which clearly have no policy implications.
- 2.04.030 (k): I concur in the abbreviated bid protest procedure. I do not see any need for separate dollar triggers for public contracts and personal services contracts (\$15,000 vs. \$10,000) which I will discuss later.

- 2.04.040 (d) (2): Why not use \$15,000 instead of \$10,000 to be consistent with other changes in dollar limits?
 - 2.04.043 (c) (1): \$10,000 should read \$15,000 in the paragraph title. Further, the purchase order limit for the Zoo Director should be raised to \$15,000.
 - 2.04.044 (a) (3): This should be applicable only (1) to contracts previously identified by the Council as having policy implications, (2) to new contracts over \$15,000 not identified and reviewed at budget preparation time and (3) to contracts over \$15,000 which exceed originally budgeted amount.
 - 2.04.045 (c) (4) & (5): These approvals should be tied to contracts with previously identified policy implications, not to dollar ranges.
 - 2.04.045 (c) (6) (D): As I indicated in my previous memorandum to Tanya Collier, a simpler approach is that used by the City of Portland, i.e. authorize the Executive Officer to make technical changes up to the point that the cumulative changes equal 5% of the face value of the contract. This assumes that user requested or scope changes do receive Council review. These user changes are not a part of the 5% cost growth limit. (Note: next paragraph should be 2.4.945 (c) (6) (E).)
 - 2.04.053: There is no apparent reason why the upper dollar limit cannot be \$15,000, making this category of contracts parallel with Public Contracts.
 - 2.04.053 (a) (1): This review should be triggered by the identification by Council of those Personal Services Contracts with potential policy implications, not based on a dollar criterion.
 - 2.04.054 (b) (2): Consideration should be given to making the range \$2501 to \$15,000.
 - 2.04.054 (b) (3) & (4): These should be tied only to contracts previously identified and processed as having policy implications.
 - 2.4.060 (b): Raise \$10,000 to \$15,000 for reasons previously discussed.
- General:
- Notwithstanding its lack of provisions for Council review of policy related contracts, Ordinance 88-249 should be reviewed for some of the housekeeping changes it incorporated.
 - The Contracts Division is correctly preparing detailed flow charts on contract processing which incorporate the Council's desire for approval of policy related contracts. Some of the forgoing discussion reflects insights derived from preparing those graphics and attempting to streamline and simplify existing procedures.

CC: Neal McFarlane
Amha Hazen

Memorandum

Date October 19, 1988
To Neil Saling
From Neil McFarlane, Convention Center Project
Subject Council Staff Contracting Code Revisions

My comments on the draft ordinance follow:

1. Page 2 (e): Should be modified to mirror state law -- i.e. reference to state certified list of DBE/WBE firms -- not as maintained by F&A.
2. Page 2 (f): I suggest that the monthly contract report be limited to contracts or purchase orders over \$2500 -- not \$500. The items between \$500 and \$2500 will simply create "noise" masking the real information the Council requests.
3. Throughout -- It would be much simpler for staff to have a consistent set of thresholds for bid requirements, approvals, etc. For this reason, I suggest that the threshold for both public and personal services contracts consistently be \$15,000 -- not \$10,000 and \$15,000. The whole policy would hang together much more rationally were this the case.
4. Page 3 (j) (4): I suggest that limiting intergovernmental agreements more than other contracts is unnecessary. They should be treated similar to other contracts -- with the same approval thresholds. Work is work, no matter if PDC does it or if ZGF does it.
5. Page 6 (3): The requirement that Council Committees review and approve all RFB's and RFP's -- and then decide if they want to approve the whole contract will wreck havoc with staff's ability to meet schedules. There is no certainty in this process, so our ability to plan work would be impaired.
6. Page 6 (4): The newspaper is back to being called the Daily Journal of Commerce (not Portland Business Today).
7. Page 10 (D): Change Orders

Overriding concern here is our ability to keep work moving on the site -- and to expeditiously approve legitimate change orders to avoid "secondary" delay claims. Dollar thresholds may help, but will not cover every case. For example, we are now dealing with potential change requests likely over \$100,000 -- and we will be on the hook for the work prior to actual Council approval (i.e. they are essential to keeping

progress on the project moving). Waiting for approval will delay the project on a day for day basis.

Second -- more a detail of wording -- any change order will alter the specifications -- otherwise it would not be a change.

Putting these two thoughts together, I suggest the following:

a. A change order within the budget may be approved by the Executive or an individual she has designated in writing, if it is necessary to keep the progress of work moving in accordance with the construction schedule; and

b. Change orders for changes in the scope of the project (i.e. like those we may be executing to allow installation of a window washing system, or automatic teller machines) -- the thresholds indicated on page 10 (D) apply.

Also, I would suggest that all special reports be keyed to the bi-monthly Council meetings (i.e at next Council meeting). In the case of the convention center project, this will allow us to integrated changes order reports into our bi-monthly progress reports to the Council -- which will allow us to provide a context to the changes, and limit the barrage of paper heading toward the Council (which as we know, takes valuable staff time to produce). To illustrate, we have been under contract for one month -- and already have nine change orders pending.

8. Page 11, 2.04.053: see comment #3 above. Should thresholds be made consistent -- a contract code which is simpler to use could be crafted, organized not by type of contract but by value (i.e. \$0- \$2500, then (a) public; (b) professional ...).

I would be happy to answer any questions these thoughts may bring to mind.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 88-271
METRO CODE CHAPTER 2.04 RELATING)	
TO CONTRACTING PROCEDURES	)	Introduced by the
	)	Council Finance Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 2.04.030 is amended to read as follows:

2.04.030 Rules and Procedures Governing All Personal Services and Public Contracts:

(a) Applicability: All personal services and public contracts are subject to the applicable selection, review and approval procedures of this Chapter.

(b) Initiating a Contract: When a department initiates a contract not in the form of a purchase order, it must first notify the Department of Finance and Administration of its intention and request the issuance of a contract number which shall appear on all copies of the contract. The department must complete a Contract Summary form indicating the specifics of the contract. This form must be forwarded to the Department of Finance and Administration either with a fully executed contract (one copy) if the amount is estimated to be \$2,500 or under, or with an unexecuted contract (three copies) for review, approval and signature if the amount is over \$2,500.

(c) Documentation Required for Contract Files: The Department of Finance and Administration will maintain central files for all contracts. An original copy should be given to each contractor. All correspondence relating to a contract which alters conditions or amounts must be included in the central files as should all papers which document the process of obtaining competitive bids, quotes, or proposals. In any case where a low bid, quote, or proposal is not accepted, a detailed justification must be included with the contract file. Other documentation, if applicable, that should be included in the file includes:

- Mailing lists
- Affidavits of Publication
- Insurance endorsements and certificates
- Amendments
- Extensions
- Related Correspondence
- Quotes, Proposals, and Bids
- Bonds
- WBE/DBE information

- Contract closure form
- Personal Services Evaluation form

(d) Contract Review: Prior to approval by the appropriate person or body, contracts shall be reviewed as follows:

(1) Any contract which deviates from a standard contract form, exceeds \$10,000 for a personal services contract or \$15,000 for a public contract, or is with another public agency must be reviewed by legal counsel.

(2) Contracts involving federal or state grant funds must be reviewed by the Deputy Executive Officer.

(e) Disadvantaged Business Program: All contracting and purchasing is subject to the Metro Disadvantaged Business Enterprise Program. Metro will take affirmative action to do business with Disadvantaged Business Enterprises. The Director of Finance and Administration will maintain a directory of disadvantaged businesses as provided in Section 2.04.125 of this Chapter which shall be consulted and used in all contracting and purchasing of goods and services. If a disadvantaged business is included in the directory that appears capable of providing needed goods or services, that business should be contacted and given an opportunity to compete for Metro business. Contracts awarded subject to the program may be exempted from the competitive bidding process by resolution of the Contract Review Board.

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

(g) Special Reporting Requirements: The Executive Officer shall file a written report with the Council, via the Council Clerk, at least five (5) working days prior to the execution of a public contract over \$15,000 and a personal service contract over \$10,000 which has not already been approved by the Council. The report shall indicate the name of the contractor; the amount and length of the contract; a brief description of the goods or services to be provided; a brief description of the selection process used in making the award including the criteria used in making the selection, the persons involved in the selection and summary of the results of the evaluation; the applicability and results of the DBE/WBE program on the contract; and a signed certification by the department head that the appropriate contract Code procedures have been followed.

[(g)](h) Code of Conduct:

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

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

[(h)](i) Federal/State Agency Approval: When required by federal or state law or regulations, review and approval of Metro contracts shall include prior concurrence or approval by appropriate federal or state agencies.

(j) Council Approval: Notwithstanding any other provisions of Chapter 2.04, the following contracts, with the exception of emergency contracts, contracts for the purpose of inventory and gift items for resale at the Zoo Gift Shop and, Metro Exposition-Recreation Commission contracts, shall be approved by the Council prior to execution:

- (1) Any contract with an initial term greater than three
(3) years;
- (2) Any sole source contract which exceeds \$10,000;
- (3) Any contract which exceeds \$100,000; or
- (4) Any intergovernmental agreement, except contracts
which merely pass through funds from a state or
federal agency or grant award contracts.

(k) Bid/Request for Proposal Protest Procedure: The following procedure applies to aggrieved bidders and proposers who wish to appeal an award of a public contract above \$15,000 and a personal service contract above \$10,000 which have not been approved by the Council. The appeal process for bids is the same as for requests for proposals. In the case of requests for proposals, disagreement with the judgment exercised in scoring by evaluators is not a basis for appeal.

(1) All appeals shall be made in writing and shall be delivered to the Contracts Administrator at Metro's main office within five (5) working days of the postmarked date on the Notice of Award. The written appeal must describe the specific citation of law, rule, regulation, or procedure upon which the appeal is based.

(2) The Contracts Administrator shall forthwith notify the appropriate department head and the Executive Officer of the appeal. Within ten (10) working days of the receipt of notice of the appeal, the Executive Officer shall send a Notice of Rejection of the appeal or a Notice of Acceptance of the appeal as applicable to the appellant. The appellant may appeal the Executive Officer's decision to reject the appeal in writing to the Metro Contract Review Board within five (5) working days from the postmarked date on the Notice of Rejection.

(3) The Metro Contract Review Board will review the grounds for appeal, the record and the Executive Officer's recommendation and make a decision. The decision of the Metro Council is final.

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 8 & 10, Ordinance No. 84-176, Sec. 4, Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 2. Metro Code Section 2.04.043 is 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:

(1) Bid security not exceeding 10 percent of the amount bid for the contract is required unless the contract is for \$15,000 or less.

(2) Labor and Materials bond in an amount equal to 100 percent of the contract price is required for contracts over \$15,000.

(3) Performance bond in an amount equal to 100 percent of the contract price is required for contracts over [\$10,000] \$15,000. If the contract is under \$50,000, the performance bond and labor and material bond may be one bond; if the contract is \$50,000 or more, there shall be two bonds.

(4) Bid security, labor and material bond and performance bond may be required even though the contract is of a class not identified above, if the department head of the initiating department 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.

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-174, Sec. 16; Ordinance No. 84-176, Sec. 4; Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2, amended by Ordinance No. 87-223, Sec. 1)

Section 3. Metro Code Section 2.04.043 is amended to read as follows:

2.04.043 Public Contracts Between \$2,501 and \$15,000

(a) Selection Process: Unless completely exempt from competitive bidding under Section 2.04.041, when the amount of the contract is more than \$2,500, but less than \$15,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes. No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process:

(1) Between \$2,501 and [\$10,000] \$15,000. For contracts of more than \$2,500, either the Executive Officer or Deputy Executive Officer must sign; however, the Director or Assistant Director of the Zoo may sign purchase orders of [\$10,000] \$15,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts.

[(2) Between \$10,001 and \$15,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$10,000 but \$15,000 or less shall be approved by the Council Management Committee prior to execution by the Executive Officer or Deputy Executive Officer.]

[(3)](2) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:

- (A) Contracts which merely pass through funds from a state or federal agency.
- (B) Purchases of inventory and gift items for resale at the Zoo Gift Shop.
- (C) Emergency contracts.

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

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 10 & 16; Ordinance No. 84-176, Sec. 4; Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 4. Metro Code Section 2.04.044 is amended to read as follows:

2.04.044 Public Contracts Over \$15,000

(a) Selection Process:

Unless exempt from competitive bidding by Code section 2.04.041, the following competitive bidding procedures shall apply to all contracts:

(1) The initiating department staff will prepare or have prepared bid specifications and compile a list of potential bidders.

(2) The bid document will be reviewed by the Department of Finance and Administration and by legal counsel before bids are solicited or advertised, and shall include the contract form to be used.

(3) The bid document shall be reviewed and approved by an appropriate Council Committee or on recommendation of the Committee by the Council prior to release for response by potential contractors. At the time of consideration the Committee or Council shall determine whether such contract must be approved by the Council prior to execution by the Executive Officer.

[(3)](4) A request for bids will be advertised in at least one (1) business oriented newspaper, a local minority newspaper, and when feasible, in an appropriate trade magazine. Additional advertisement may be appropriate depending upon the nature of the contract.

[(4)](5) The initiating department will receive and open sealed bids at the time and place designated in the request for bids.

[(5)](6) The opened bids will be reviewed by the requesting department and a recommendation and contract will be submitted to the Department of Finance and Administration.

[(6)](7) After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

[(7)](8) The initiating department will notify all bidders in writing of the contract award and obtain any necessary bonds and insurance certificates.

[(8)](9) The District shall reserve the right to reject any or all quotes or bids received.

(b) Approval Process:

[(1) Between \$15,001 and \$50,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$15,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution by the Executive Officer or Deputy Executive Officer.]

[(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution by the Executive Officer or the Deputy Executive Officer.]

(1) Except as provided in subsection (2) of this section, all public contracts designated to be approved by the Council in subsection (3) of section (a) above shall be approved by the Council prior to execution by the Executive Officer.

[(3)](2) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee:

- (A) Contracts which merely pass through funds from a state or federal agency.
- (B) Purchases of inventory and gift items for resale at the Zoo Gift Shop.
- (C) Emergency contracts.

(c) Within thirty (30) days of award of a construction contract, the Department of Finance and Administration shall provide the notice required by ORS 279.363.

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

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 10 & 16; Ordinance No. 84-176, Sec. 4; Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 5. Metro Code Section 2.04.045 is amended to read as follows:

2.04.045 Public Contract Extensions and Amendments (including Change Orders, Extra Work and Contract Renewals):

(a) Selection Process: Any contract amendment for additional work including contract renewals, change orders, extra work, field orders and other changes in the original specifications which increase the original contract price may be made with the contractor without competitive bidding subject to any of the following conditions:

(1) The original contract was let by competitive bidding, unit prices or bid alternates were provided that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work. However, in the event that the increase in price results solely from extension of the termination date of the contract, the extension shall not be greater than three months; or

(2) The amount of the aggregate cost increase resulting from all amendments does not exceed 20 percent of the initial contract if the face amount is less than or equal to \$1,000,000 or 10 percent if the face amount is greater than \$1,000,000; amendments made under subsection (1) are not included in computing the aggregate amount under this section; or

(3) The increase in price is due to unexpected conditions which arise during performance of a maintenance or repair contract and the Executive Officer determines that extension of the scope of work on the current contract is the most economical method of dealing with the unexpected conditions; or

(4) The total cost of the contract, including amendments, does not exceed \$5,000 but if the amendment is for more than \$500, three (3) competitive quotes shall be obtained as described in Sections 2.04.042(a)(2) and 2.04.043(a).

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process:

(1) In applying the following rules for approval of contract amendments, when an amendment falls under two different rules, the amendment shall be approved under the rule for the higher dollar amount; e.g., an amendment of under \$2,500 (rule 2) which results in a contract price of more than \$10,000 (rule 3) shall be approved under the rule for contract prices more than \$10,000.

(2) \$2,500 and Under: All contract amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer if the following conditions are met:

- (A) A standard contract form is used;
- (B) Any deviations to the contract form are approved by the Legal Counsel;
- (C) The expenditure is authorized in the budget;
- (D) The contract does not further obligate the District beyond \$2,500;
- (E) The appropriate Scope of Work is attached to the contract; and

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

(3) Between \$2,501 and [\$10,000] \$15,000: [(A) Except as provided in (B) below, all] All contract amendments and extensions [which exceed \$2,500] between \$2,501 and \$10,000 or which result in a total contract price of [more than \$2,500 but \$10,000 or less] between \$2,501 and \$15,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions.

[(B) The Council Management Committee shall approve contract amendments when:

(1) The initial contract has been approved by the Council Management Committee or the Council; and

(2) The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000; the amount of the contract is the amount last approved by the Council Management Committee or Council.

(3) Between \$10,001 and \$50,000: Except as provided in subsection (5) of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution.

(5) Over \$50,000: Except as provided in subsection (5) of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.]

(4) Council Committee Approval: Except as provided in subsection (6) of this section, all contract amendments and extensions between \$10,001 and \$50,000 or which result in a total contract price between \$15,001 and \$100,000 shall be approved by the appropriate Council committee prior to execution.

(5) Council Approval: Except as provided in subsection (6) of this section, all contract amendments and extensions which exceed \$50,000 or result in a contract price of over \$100,000 shall be approved by the Council prior to execution.

(6) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:

- (A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.
- (B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.
- (C) Emergency contract extensions and amendments.
- (D) Individual change orders of a technical nature for public improvement contracts which do not materially add or delete from the original scope of work called for in the bid specifications of the contract within the following limits:
 - (1) Change orders approved by the Executive Officer under this section shall not exceed, on a cumulative basis, more than five (5) percent of the initial face value of the contract;
 - (2) Non-technical change orders which do materially add to or delete from the original scope of work shall be approved by the Council prior to execution. Change orders under this subsection are not a part of the five (5) percent limit of subsection (1) above.

The Executive Officer shall report to the Council, via the Clerk of the Council, on each change order approved under this subsection at the next scheduled Council meeting. The written report shall indicate the amount and purpose of each change order and its impact on the project as originally approved and the project budget.

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

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 10 & 16; Ordinance No. 84-176, Sec. 4; Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2; amended by Ordinance No. 87-223, Sec. 1)

Section 6. Metro Code Section 5.04.053 is amended to read as follows:

2.04.053 Personal Services Contracts Over \$10,000

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

(1) A request for proposals shall be prepared by the initiating department and shall be reviewed by legal counsel and the Department of Finance and Administration. [Where appropriate, the request shall be published in a newspaper of general circulation or in trade magazines. In addition, Metro shall notify in writing at least three (3) potential contractors, who, in the judgment of the Department Director are capable and qualified to perform the requested work. The initiating department will be responsible for maintaining the file and making the appropriate notification. The request for proposals shall be reviewed and approved by an appropriate Council Committee or, at the recommendation of the Committee, by the Council prior to release for response by potential contractors. At the time of consideration, the Committee or Council shall determine whether or not such contract must be approved by the Council prior to execution by the Executive Officer.

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

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

[(3)](4) Personal Services Evaluation Form: The Personal Services evaluation form shall document the reasons for the selection. Proposals shall be evaluated according to predetermined criteria. The evaluation process may include the evaluators assigning a quantifiable score on how each aspect of a proposal meets the predetermined criteria. The contract may be awarded to the firm receiving the highest average score.

~~[(4)]~~(5) After evaluation is complete, the Department Director will recommend final selection through the Department of Finance and Administration.

~~[(5)]~~(6) Notifications of selection and rejection shall be made in writing by the initiating department.

~~[(6)]~~(7) Personal Services contracts with the Scope of Work must be approved by the department head and then forwarded to the Director of Finance and Administration for internal review and execution. Legal counsel review is required.

(b) Approval Process:

[(1) Between \$10,001 and \$50,000: Except as provided in subsection (3) of this section, all initial contracts with a contract price of greater than \$10,000 but \$50,000 or less shall be approved by the Council Management Committee prior to execution.

(2) Over \$50,000: Except as provided in subsection (3) of this section, all contracts with a contract price of more than \$50,000 shall be approved by the Council prior to execution.]

(1) Except as provided in subsection (2) of this section, all personal service contracts designated to be approved by the Council in subsection (1) of section (a) above shall be approved by the Council prior to execution by the Executive Officer.

~~[(3)]~~(2) Exceptions: The following types of contracts may be approved by the Executive Officer or his/her designee.

- (A) Contracts which merely pass through funds from a state or federal agency.
- (B) Grant award contracts.
- (C) Emergency contracts.

(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."

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 11; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 7. Metro Code Section 2.04.054 is amended to read:

2.04.054 Personal Services Contract Extensions and Amendments:

(a) Selection Process:

(1) A Personal Services contract may be renewed without receiving competitive proposals if the contractor is performing a continuing activity for the agency. This applies, but is not limited to contracts for construction observation, public relations consulting, outside legal counsel and annual auditing. Except as provided in subsection (2) below, competitive proposals must be solicited for these services at least once every three (3) years and annually if the contractor proposes a price or rate increase of more than 10 percent over the previous year.

(2) Personal Services contracts may be renewed, extended or renegotiated without soliciting competitive proposals if, at the time of renewal, extension or renegotiation, there are fewer than three (3) potential contractors qualified to provide the quality and type of services required and the initiating department makes detailed findings that the quality and type of services required make it unnecessary or impractical to solicit proposals.

(b) Approval Process:

(1) \$2,500 and Under: All contract amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer if the following conditions are met:

- (A) A standard contract form is used;
- (B) Any deviations to the contract form are approved by the Legal Counsel;
- (C) The expenditure is authorized in the budget;
- (D) The contract does not further obligate Metro beyond \$2,500;
- (E) The appropriate Scope of Work is attached to the contract; and
- (F) The contract is for an entire project or purchase; not a portion of a project which, when complete, will amount to a cost not greater than \$2,500.

(2) Between \$2,501 and \$10,000:

(A) All contract amendments and extension which exceed \$2,500 or which result in a total contract price of more than \$2,500 but less than \$10,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contract amendments and extensions.

[(B) The Council Management Committee shall approve contract amendments when:

(i) The initial contract has been approved by the Council Management Committee or the Council; and

(ii) The amount of the aggregate cost increase resulting from all contract amendments exceeds 100 percent of a contract between \$10,000 and \$50,000 or 20 percent of the contract over \$100,000 based on the amount last approved by the Council Management Committee or Council.

(3) Between \$10,001 and \$50,000: Except as provided in subsection (5) of this section, all contract amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.

(4) Over \$50,000: Except as provided in subsection (5) of this section, all contract amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.]

(3) Council Committee Approval: Except as provided in subsection (5) of this section, all contract amendments and extensions between \$10,000 and \$50,000 or which result in a total contract price of more than \$10,000 shall be approved by the appropriate Council committee prior to execution.

(4) Council Approval: Except as provided in subsection (5) of this section, all contract amendments and extensions which exceed \$50,000 or result in a contract price of over \$100,000 shall be approved by the Council prior to execution.

(5) Exceptions: The following types of contract amendments and extensions may be approved by the Executive Officer or his/her designee:

- (A) Extensions and amendments to contracts which merely pass through funds from a state or federal agency.
- (B) Contract extensions and amendments for purchases of inventory and gift items for resale at the Zoo Gift Shop.
- (C) Emergency contract extensions and amendments.

(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."

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 11; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 8. Metro Code Section 2.04.060 is amended to read as follows:

2.04.060 Sole Source Contracts:

(a) Selection Process: If there is only one qualified provider of the service required, the initiating department need not solicit and document proposals. The initiating department must document that there is only one qualified provider of the service required, and the Council shall be given notice of the execution and the justification for the contract.

(b) Approval Process: The approval process for sole source contracts is the same as described for regular personal services or public contracts, depending on the nature of the work, except that all sole source contracts for \$10,000 or above shall be approved by the Council prior to execution.

(c) All contracts are subject to the rules and procedures of Code Section 2.04.050, "Rules and Procedures Governing Personal Services and Public Contracts."

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 11; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 9. Metro Code Section 2.04.090 is amended to read as follows:

2.04.090 Food Items and Food Service Contracts

(a) Selection Process: (1) All food items and food service contracts and extensions will be processed and awarded as public contracts, except as provided in sections (2)-(4) below.

(2) Competitive bids or quotes are not required when a specific food item is requested by a purchaser of the District's catering service. If the specific item is supplied by more than one source, competitive quotes shall be obtained from at least three known suppliers. The District shall keep a written record of the source and amount of the quotes received.

(3) Competitive bids or quotes are not required for food items which the Director or Assistant Director of the Zoo authorize for a market test. A market test is used to determine whether a food item should be added to the District's menu or to develop the specifications for a particular food item. The test should clearly define the period of time for the market study, not to exceed six months, and the statistical method used to determine the value of the food item as part of the regular menu. A written report shall be made. Based on this report if the Director or Assistant Director determines the item shall be added to the regular menu, he/she shall establish specifications for the item. The item shall be selected under either public contract procedures or subsection (4), below. During the time the selection process is carried out, the test market product may continue to be sold by the District.

(4) Competitive bids or quotes are not required when the Director or Assistant Director of the Zoo finds that marketing factors are likely to significantly impact sales, subject to the following conditions:

(A) Prior to the selection of the contractor the department has made reasonable efforts to inform known companies providing the item or service of the subject matter of the contract and to solicit proposals, including public advertising in at least one newspaper of general circulation in the area.

(B) The contractor is selected on the basis of the most competitive offer considering cost, quality of the product, service to be rendered and marketing advantages.

A written record of the selection process shall be made.

(b) Review Process: After selection and prior to approval, the contract must be reviewed by the Director of Finance and Administration.

(c) Approval Process:

(1) \$2,500 and Under: All contract and amendments and extensions which are \$2,500 or less or which result in a total contract price of \$2,500 or less may be approved by the Director of the initiating department or by a designee of the Director approved by the Executive Officer if the following conditions are met:

- (A) A standard contract form is used;
- (B) Any deviations to the contract form are approved by the Legal Counsel;
- (C) The expenditure is authorized in the budget;
- (D) The contract does not further obligate the District beyond \$2,500;
- (E) The appropriate Scope of Work is attached to the contract; and
- (F) The contract is for an entire project or purchase; not a portion of a project which, when complete, will amount to a cost not greater than \$2,500.

(2) Between \$2,501 and [\$10,000] \$15,000: All contracts and amendments and extensions which exceed \$2,500 [or] and which result in a total contract price of more than \$2,500 but less than [\$10,000] \$15,000 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the Director of Finance and Administration may sign contracts and amendments and extensions.

[(3) Between \$10,001 and \$50,000: Except as provided in subsection (5) of this section, all contracts and amendments and extensions which exceed \$10,000 or which result in a total contract price of more than \$10,000 but less than \$50,000 shall be approved by the Council Management Committee prior to execution.]

[(4) Over \$50,000: Except as provided in subsection (5) of this section, all contracts and amendments and extensions which exceed \$50,000 or which result in a total contract price of more than \$50,000 shall be approved by the Council prior to execution.]

(3) Except as provided in Subsections (1), (2) and (4) of this section, all contracts and amendments shall be approved as provided by Sections 2.04.044 and 2.04.045 respectively.

[[5]] (4) Exceptions: Emergency contract extensions and amendments may be approved by the Executive Officer or his/her designee.

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

(Ordinance No. 82-130, Sec. 2; amended by Ordinance No. 84-175, Sec. 10 & 16; Ordinance No. 84-176, Sec. 4; Ordinance No. 84-179, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 2)

Section 10. Notwithstanding Section (3) of Ordinance No. 88-249, the effective date of Ordinance No. 88-249 shall be July 1, 1989.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

DEC/amn
0257D/554-5
10/21/88



METRO

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

Memorandum

Agenda Item No. 6.3

Date: October 5, 1988

Meeting Date Oct. 27, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: ORDINANCE NO. 88-268, ADOPTING A FINAL ORDER
AND AMENDING THE METRO UGB FOR CONTESTED CASE
NO. 87-3: BLAZER HOMES, INC.

Exhibit B (Findings of Fact in Contested Case No. 87-3) and Exhibit C (legal description of the property) have not been included in this agenda packet. The documents have, however, been distributed to Councilors. Other parties wanting copies of the documents may contact Marie Nelson, Council Clerk, 221-1646, extension 206.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

October 27, 1988

The Honorable Mike Ragsdale
Presiding Officer
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Dear Councilor Ragsdale:

Re: **Agenda Item 6.3, Blazer Homes**

Pursuant to Metro Code Section 2.05.045(b), the Council must allow parties "an opportunity to comment orally" on this matter. This ordinance is a revision to the recommended order from the Hearings Officer that would have denied the application to amend the Urban Growth Boundary. The Council has adopted a motion requiring the Office of General Counsel to prepare findings that would support the adoption of the requested amendment to the Urban Growth Boundary. At this time the matter is in front of the Council for second reading, and possible adoption.

Giving parties the opportunity to comment on the revised order at this time allows parties to present their views to the Council on the issues of whether the order that is now in front of the Council, in fact, carries out the Council's adopted motion for approval in an accurate and appropriate fashion. Unless the Council decides otherwise the opportunity for oral comments is not intended to give parties the opportunity to re-argue the case that was previously considered by the Council. Rather, comments should be confined to the narrow questions of whether the findings and ordinance in front of the Council carryout the intent of the Council. The issue in front of the Council is are these findings the ones the Council wishes to adopt in approving the ordinance.

Yours very truly,

Daniel B. Cooper
General Counsel

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

10/27/88
6.3

October 27, 1988
4100 Colts Foot Ln.
Lake Oswego, OR 97035

Metropolitan Service District
2000 S.W. First Ave.
Portland, OR 97035

Re: Contested Case Number
87-3, Petition of Blazer
Homes to Amend the Urban
Growth Boundary

Dear Metro Council Members:

My main complaint here is with the process. There has been a clear violation of Lake Oswego's Comprehensive Plan in which the Citizen's Involvement Program states in the "Planning Bill of Rights":

1. The right of citizens' to participate in all phases of the planning process...discuss issues and establish community goals....to identify alternates.
2. The right to information...early notification of public actions.
5. The right to due process...fair hearing procedure...public hearing PRIOR to decisions on alternates.

None of these rights was honored in this decision!

In the Citizen Involvement Program our City states it will provide opportunities for citizens to be informed and to:

3. Consider, while in the early stages, any and all city, county, regional state, plans and actions which may have substantial impact on the local community.

Our City Council erred, indeed deceived its citizens when it acted without citizen input. Council does not have such power in so massive a plan changen as our urban growth boundary. Goal 1 - Citizen Involvement: was not followed in this case. 2. Where were the "mechanisms that shall be established which provide for effective communication between citizens and our elected officials" regarding this boundary change? 3, Specifically when was the opportunity for citizens to be involved in all phases of this planning process"?

It stands to reason that Metro also erred by giving weight to the flawed public process followed by our City Council. Can Metro substitute its hearing process for the Lake Oswego hearing process? I hope you will reconsider and direct this matter back to our City Council to be dealt with in an equitable manner allowing citizens to participate.

Respectfully submitted,

Wilma McNulty

6.3
10/27/88

MEMORANDUM

TO: METROPOLITAN SERVICE DISTRICT COUNCIL
FROM: ED OELTJEN, PARTY-PARTICIPANT
SUBJECT: APPLICATION OF BLAZER HOMES, INC. FOR AMENDMENT
TO URBAN GROWTH BOUNDARY, CONTESTED CASE 87-3
DATE: OCTOBER 27, 1988

The applicant has twice successfully objected to the Hearings Officer's Report and narrowed the focus of the proceedings to service and facilities considerations, instead of properly dealing with the required criteria for urban growth boundary amendments. This memorandum will focus on the proper criteria and requests that the amendment proposal be denied.

In the first place, that any amendment to an urban growth boundary must comply with state wide planning goals 2 and 14. I understand that the staff's position is that locational adjustments need not comply with the goals. I disagree.

By its terms, this is a post-acknowledgment amendment, which, under ORS 197.610 to 197.625, ORS 197.732, ORS 197.835, and Goals 2 and 14, requires compliance with the exceptions procedures and criteria of Goal 2 and ORS 197.732. The purported "acknowledgment" of ch. 3.01 of the Metro Code is ineffective to prevent the application of these statutes, their implementing rules and the goals.

Further, no notice of an exception has been given, nor have the exception criteria been addressed. Additionally, neither have factors (1) and (2) of Goal 14 been addressed. This is especially important, given the excess amount of urban land


Memorandum to Metropolitan Service District Council
October 27, 1988
Page 2

within the Metro urban growth boundary when it was acknowledged.

While the provisions of Metro Code sec. 3.021.040 (a) sometimes mimic factors (3) through (7) of Goal 14, it is apparant that the Goal 14 factors are supposed to be modified by the Metro Code. I reject that attempt and ask the Council to apply both Goals 2 and 14 and the statutes I mentioned to this application.

Finally, on their face, the applicable provisions of Metro Code sections 3.01.040 (a) and (d) are not met, nor are they supported by substantial evidence in the record before the Council.

For these reasons, my neighbors and I request that the Council reject the application and have its legal counsel draft the appropriate findings in support of denial.


18785 Westview Drive
Lake Oswego, OR 97034

To Metropolitan Service District
Contested Case No. 87-3

& Vice President,

As a member of the Stafford-Lewis Tualatin Valley CPO (Community Planning Organization), recognized by Clackamas County, we believe that it is our duty to comment in such a way as to defend the LCDC goals which apply to all citizens, not just ^{rural} ~~and~~ residents. In this case I will try to comment in such defense.

④ to preserve natural resource land.

The substitution of the Bleg, Hance land outside of the UGB for developable land within the UGB somewhere in Lake Oswego does not appear to be clearly allowable. LCDC goals were established to cause development first within UGB's so that facilities designed to serve within the UGB's would be ^{efficiently} ~~efficiently~~ used. and ④ There should have been an inventory ^{provided} of such municipal land, by location & type. None was provided. With out such an inventory, and with out an assessment of the various municipal services ^{within} the UGB to serve all municipal land

it is not possible to determine that ~~expansion~~^{expansion} of the UGB will not take up the capacity of ^{existing} internal services to the eventual detriment of ~~internal vacant~~^{internal vacant} properties. concentrate on the capacity of nearby services within the UGB to meet the needs of the proposed ^{nearby} addition. is inconsistent with preserving capacity for fully developing the municipal internal vacant areas. The decision to reverse the Hearings Officer's decision to deny seems to be a clear case of robbing Peter to pay Paul.

Comments addressed to Petitioners "exceptions" that caused the Council to reverse the Hearing Officers decision and recommendations, — 3 —
Exception 1:

As to transportation in the area, it was evident that dependance was on a study some 10 years old that should have been revised no later than 5 years ago.

And, in view of both Lake Oswego's recent growth and that of nearby West Linn and that of areas to the South and West, which attract much new travel from L.R.Os. over Stafford Rd, not anticipated by the 10 year old studies, it is apparent to local residents that approval of Blazer Home proposal would just improve efficiency of existing transportation. It will require improvements in existing main road transportation to ^{make} ~~make~~ the roads safe. In the last month or so Lake Oswego and Clackamas County have black-topped Stafford Rd. But improvements in addition of middle "turn out" lanes, hike and bike outside ^{lanes} lanes, traffic intersection or caution blinkers, improved shoulders and ditches, straightening of curves, etc. are needed. This should be done to take care of outside traffic generated by internal Lk Oswego growth, not just for a Blazer ^{Homes} ~~Home~~ addition.

Exception 2:

- 4 -

There was no statement that the proposed development of the Marlhurst area property uphill from Pacific Hwy 43 would not take up all or more of the capacity of nearby Holliman grade school. This area within Lake Oswego UGB deserves prior consideration to the Blazer Homes proposal. It should be determined if the Lake Oswego school officials were fully aware of all the demographics controlling their ^{near} ~~near~~ future. It is ^{customary} ~~customary~~ to accept statements from local officials in such matters as are now under consideration. That is probably acceptable where there is not the current concern to do a highly efficient and ^{economical} ~~commercial~~ job. People are highly concerned if public officials make decisions which cause their children to be moved from school to school, out of the neighborhood, disrupt associations, require longer periods of ^{redundant} ~~redundant~~ busing, or make it difficult for parents to be involved in their children's school activities. Lake Oswego has a good educational reputation. This council should take utmost care to help ^{preserve} ~~preserve~~ it. Often times citizens are unaware of the results of such actions.

as are caused in this case by breaking ^a ~~an~~ OGB if it is not necessary. In this case it should be more closely examined. We defend the Hearings Officer's decision. Decisions affecting the care and education of children are ^{of} much more weight than those of the ^{other} ~~other~~ exceptions. These children are our future. We cannot ~~easily repair~~ ^{repair} errors in dealing with them. We can ^{repair} those ~~errors~~ for streets, police and ^{fire departments} ~~fire departments~~, and other services. An ^{error with} ~~error~~ with a child could be for its lifetime.

Exceptions 3, 4, and 5 are minor objections to the Hearings Officer's rulings by ^{comparison} ~~comparison~~ with the above and should bear little weight in the Council reconsidering its decision to ^{reverse} ~~reverse~~ and to approve the original decision of the Hearings Officer to not approve the Blazenthorn's proposal. We think he was right, did a good job and should be applauded.

Sincerely;

Kenneth E. Fink
6250 SW Prosperity Pk Rd
Tualatin, OR 97062

Kenneth E. Fink
V.P. Staffed Tualatin Valley
CPD

MEMORANDUM

TO: METROPOLITAN SERVICE DISTRICT COUNCIL
FROM: ED OELTJEN, PARTY-PARTICIPANT
SUBJECT: APPLICATION OF BLAZER HOMES, INC. FOR AMENDMENT
TO URBAN GROWTH BOUNDARY, CONTESTED CASE 87-3
DATE: OCTOBER 27, 1988

The applicant has twice successfully objected to the Hearings Officer's Report and narrowed the focus of the proceedings to service and facilities considerations, instead of properly dealing with the required criteria for urban growth boundary amendments. This memorandum will focus on the proper criteria and requests that the amendment proposal be denied.

In the first place, that any amendment to an urban growth boundary must comply with state wide planning goals 2 and 14. I understand that the staff's position is that locational adjustments need not comply with the goals. I disagree.

By its terms, this is a post-acknowledgment amendment, which, under ORS 197.610 to 197.625, ORS 197.732, ORS 197.835, and Goals 2 and 14, requires compliance with the exceptions procedures and criteria of Goal 2 and ORS 197.732. The purported "acknowledgment" of ch. 3.01 of the Metro Code is ineffective to prevent the application of these statutes, their implementing rules and the goals.

Further, no notice of an exception has been given, nor have the exception criteria been addressed. Additionally, neither have factors (1) and (2) of Goal 14 been addressed. This is especially important, given the excess amount of urban land


Memorandum to Metropolitan Service District Council
October 27, 1988
Page 2

within the Metro urban growth boundary when it was acknowledged.

While the provisions of Metro Code sec. 3.021.040 (a) sometimes mimic factors (3) through (7) of Goal 14, it is apparant that the Goal 14 factors are supposed to be modified by the Metro Code. I reject that attempt and ask the Council to apply both Goals 2 and 14 and the statutes I mentioned to this application.

Finally, on their face, the applicable provisions of Metro Code sections 3.01.040 (a) and (d) are not met, nor are they supported by substantial evidence in the record before the Council.

For these reasons, my neighbors and I request that the Council reject the application and have its legal counsel draft the appropriate findings in support of denial.


18785 Westview Drive
Lake Oswego, OR 97034

BEFORE THE METROPOLITAN SERVICE DISTRICT

In the matter of the petition)	
of Blazer Homes, Inc., for	)	Contested Case No.
an Adjustment to the Urban	)	87-3
Growth Boundary)	

OPPONENT'S REQUEST TO SUBMIT ADDITIONAL EVIDENCE/MOTION
TO REOPEN THE RECORD

Opponents Atherton respectfully request the Presiding Officer to reopen the hearing at the Council meeting of October 27, 1988, or at a later date to admit evidence that has not been offered previously.

This motion is made pursuant to Metro Code Section 2.05.025(i) which reads as follows:

"(i) Upon conclusion of the hearing, the record shall be closed and new evidence shall not be admissible thereafter; provided, however, that upon proper showing the Presiding Officer or Hearings Officer may reopen the hearing for receipt of new evidence which could not have been introduced earlier and which is otherwise admissible under Section 2.05.030."

In the alternative, opponents request the Metro Commission to reopen the hearing to take additional evidence pursuant to Metro Code Section 2.05.035 (c). This section states generally that requests to reopen the record must be filed by the date set to file exceptions "unless circumstances regarding the evidence preclude doing so."

The new evidence is contained in a letter dated October 24, 1988, from the Assistant Superintendent of the Lake Oswego School District, Mr. James Schell, which comments on the Findings of Fact currently under consideration by the Metro Commission. It was not available previously because the letter was only recently prepared in order to comment on the proposed Findings.

The offered evidence meets the standards of Metro Code Section 2.05.030 and is likely to result in a different decision on the issue of schools in that it directly contradicts many of the key conclusions contained in the proposed Findings.

The Metro Council has previously taken an extremely lenient approach to requests to reopen the record by Blazer Homes, having reopened the hearing for the admission of large quantities of new evidence some of which Blazer Homes attorney even admitted was available at the time of the hearing officer's first hearing in this matter (See petitioner's Request to Submit Additional Evidence of May 20, 1988 at page 2).

Introduction of the offered evidence is necessary to show the true status of the school situation in the affected area.

The evidence we are offering consists of a letter from James

Schell, Assistant Superintendent of the Lake Oswego School District. The letter directly contradicts the proposed Findings in the following particulars, among others:

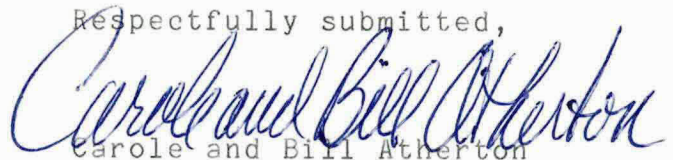
1. It points out that the statement that Hallinan Elementary school is closer to the proposed adjustment area than Westridge school is false. Hallinan, according to the letter, is 3/4 mile further from the eastern boundary of the adjustment area than is Westridge.

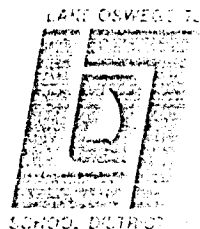
2. It points out that the School District is still in the process of studying long term options for solving its overcrowding problem and will not complete these studies until June of 1989. Whereas the proposed Findings assume the solution has already been chosen.

3. It points out that a mere adjustment of attendance boundaries between Hallinan and Westridge schools is not one of the solutions to the overcrowding problem at Westridge that the District expects to devote any detailed time to during its one year study period ending June 1989, for various reasons including competing developments in the Hallinan attendance area. On the other hand, the proposed Findings rely heavily on a simple adjustment of attendance boundaries between Hallinan and Westridge as a likely solution to the overcrowding problem (see underlined text on page 12 of the proposed Findings).

We respectfully request that the Presiding Officer or the Metro Commission reopen the record to accept this very important evidence.

Respectfully submitted,


Carole and Bill Atherton



Lake Oswego School District

Office of the Superintendent
2455 S.W. Country Club Road
P.O. Box 70
Lake Oswego, Oregon 97034-0070
(503) 636-7691

October 24, 1988

Daniel B. Cooper
General Counsel
Metro
2000 SW First Avenue
Portland, Oregon 97201-5398

Dear Mr. Cooper:

Re: Blazer Homes Application
Contested Case #87-3

In the interest of maintaining complete neutrality on the part of the school district in connection with the Blazer Homes application, I would like to offer the following comments on your proposed Findings of Fact regarding schools in Lake Oswego.

First, your proposed Findings state, "The school district has been studying this situation (on overcrowding) for a year and on May 16, 1988, adopted a set of recommendations for short and long term solutions." I would like to note that on the above date the school district commenced a year long detailed study of several options, most of which could have an impact on the district's ability and ease of absorbing at Westridge Elementary School, any enrollment resulting from an expanded urban growth boundary. The estimated completion date for this enrollment study is June 1989. Once the study is completed, the district will select a long term option.

A simple boundary change between Westridge and Hallinan attendance areas is not an option we expect to devote any detailed time to during this period. We believe boundary changes must be part of any solution, that they will affect all seven elementary schools (plus the presently closed Palisades), and that all long term options being studied would require voter approval of anticipated 1989 funding measures.

Your Findings of Fact states: "Hallinan School... is actually closer to the proposed VAB area than is Westridge..." This is not correct. Westridge School is about 3/4 mile closer to the east edge of the proposed adjustment area (measured from the intersection of Stafford and Rosemont roads) than Hallinan. (See attached map.)

I should point out that an adjustment of attendance boundaries between Hallinan and Westridge would have some problems that make it less than ideal, but we could do such an adjustment, if necessary, to accommodate new students from the Blazer Homes

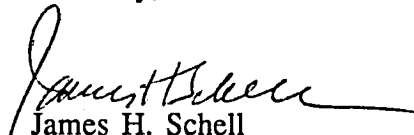
development. Some problems that might arise from such a change in attendance boundaries include the following:

1. Hallinan, as mentioned above, is further from the adjustment area than is Westridge. Walking or biking to school would be effectively precluded by the distance and the fact that the most likely route for students to take would take them for a considerable distance along Stafford/McVey Road, a major arterial. We have historically believed that it is important to support neighborhood schools and for people to feel a sense of community about their schools.
2. Hallinan may experience growth in attendance from other areas already in line for development, such as the Marylhurst area, which would compete for the capacity remaining at Hallinan.
3. The most likely configuration for an attendance boundary change to accommodate the locational adjustment would be to include the area south of Overlook and from Meadowlark east in the Hallinan attendance boundary. In doing this, however, we would allow people with existing homes in the Westridge attendance area to continue sending their children to Westridge if they desired. This would have the undesirable effect of splitting a contiguous neighborhood (made up of the existing Ridge Pointe subdivision plus the proposed adjustment area). Once again, this would not be an ideal situation in terms of its impact on neighborhood cohesiveness.

Finally, I would like to point out that in my letter of May 17, 1988 I did not intend to supercede my earlier letter of March 29, 1988, only to share additional information. If attendance boundaries should remain the same and funding is not approved for one of the long term solutions to the overcrowding at Westridge, then Westridge classes could be further overcrowded by the addition of students from the adjustment area, as described in my letter of March 29.

I hope this information will be useful to you.

Sincerely,



James H. Schell
Assistant Superintendent

JS/ph

Attachment

6.3
10/27/88

LEAGUE OF WOMEN VOTERS
WEST CLACKAMAS COUNTY

Drawing membership from:
Lake Oswego
West Linn and
Surrounding area

2855 Brookside Road
Lake Oswego, Oregon 97035
October 27, 1988

Affiliated with the
League of Women
Voters of Oregon
and the United States

TO: Metro Council

RE: Petition of Blazer Homes, Inc. for an Amendment to the Urban Growth Boundary
Contested Case No. 87-3

The League of Women Voters West Clackamas County presented testimony at both the hearings officer's sessions in Lake Oswego on this matter. Per your memorandum of August 15, 1988, we checked with your office on the time and format for the September 8th consideration of this issue. We were told that it was scheduled for a 2-hour time slot starting at 6:45 p.m. and that no testimony would be accepted.

Our representative was very surprised to see the petitioner prepared with several easels and two attorneys. She was astonished further by your counsel's statement that both sides had agreed to his proposed time schedule for commenting. The petitioner's attorneys presented rebuttal to the hearings officer's reports, including what, we think, were inappropriately derogatory comments about the job Mr. Thomas had done. It was very apparent that none of those who spoke against the change in the urban growth boundary in our area had received any notification that they should be prepared to speak and give their concerns about this large addition to the city of Lake Oswego.

We would like clarification from Metro as to what your accepted procedure is in UGB hearings. Why was the petitioner aware that his side could make a lengthy presentation in front of the Council and none of the opponents had this knowledge ?

In addition, we were disturbed that there was no public discussion by the Council about the criteria presented by the hearings office regarding making UGB changes and Metro's guidelines for these, or of the merits of the hearings officer's two reports. The Council simply voted to override the hearings officer's reports and to have staff prepare the necessary documents to allow the change. We would like to know how this decision was arrived at without discussion of the background material. For example, did your study of all the testimony, including the topographical map, really convince you that the contiguous land to the south is dissimilar from the proposed acreage ?

We would appreciate answers to these questions. Thank you.

Karen Griffin
President

cc: Bill and Carol Atherton
Rena Cusma
Stan Jewett III
Corky Kirkpatrick
Adele Newton - CRRILO
Christopher Thomas

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL) ORDINANCE NO. 88-268
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 87-3: BLAZER HOMES, INC.)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council of the Metropolitan Service District hereby adopts the Findings of Fact in Contested Case 87-3, attached as Exhibit B of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-777, is hereby amended to add the Blazer Homes, Inc. property as shown in Exhibit A of this Ordinance and described in Exhibit C, which are incorporated by this reference.

Section 3. This Ordinance is the Final Order in Contested Case 87-3.

Section 4. Parties to Contested Case 87-3 may appeal this Ordinance under Metropolitan Service District Code Section 2.05.050 and ORS chapter 197.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

JH/sm
0218D/554
10/04/88

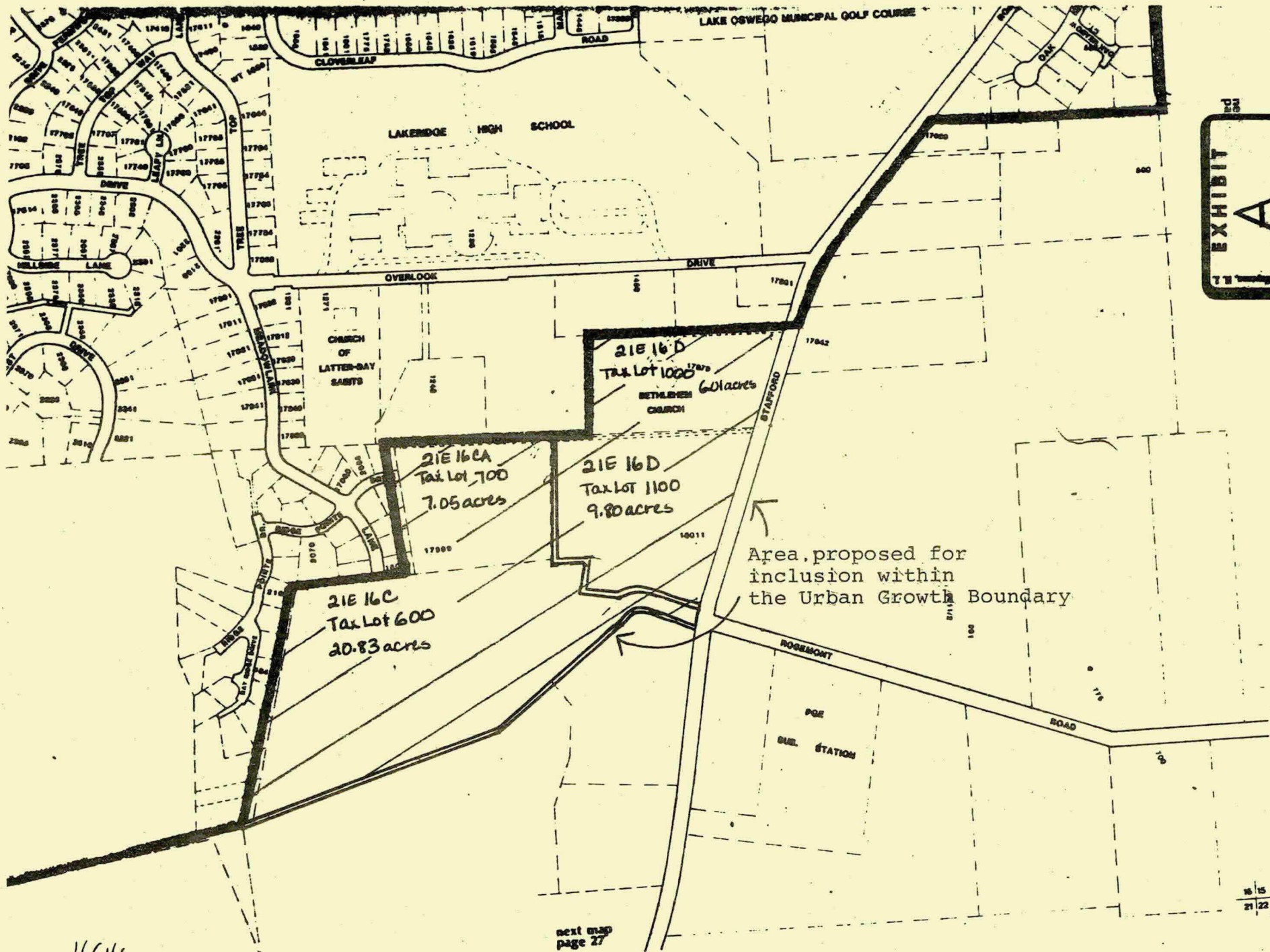


EXHIBIT
A
168

Area proposed for inclusion within the Urban Growth Boundary

next map
page 27

next map
page 28

168/16



METRO

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

Memorandum

Agenda Item No. 6.4

Meeting Date October 27, 1988

Date: October 14, 1988

To: Metro Council

From: Councilor Jim Gardner, Chair
Council Intergovernmental Relations Committee

Regarding: OCTOBER 11, 1988 INTERGOVERNMENTAL RELATIONS COMMITTEE
REPORT ON COUNCIL MEETING AGENDA ITEM NO. 6.4,
CONSIDERATION OF ORDINANCE NO. 88-261, AMENDING METRO CODE
CHAPTER 3.01 TO CLARIFY STANDARDS & PROCEDURES FOR
IDENTIFYING PROTECTED AGRICULTURAL LAND.

Committee Recommendation: At its October 11, 1988 meeting, the Intergovernmental Relations Committee unanimously voted to recommend Council adoption of Ordinance No. 88-261 attached. All Committee members were present -- Councilors Collier, DeJardin, Knowles, Waker and myself. Councilor Kirkpatrick also attended the meeting.

Issues & Committee Discussion: Rich Carson, Planning & Development Director, and Patrick Lee, Regional Planning Supervisor, presented the ordinance. The attached department staff report provides the background and rationale for this Code amendment. The State Department of Land Conservation & Development (DLCD) worked with the department on the changes; Jim Sitzman, the local DLCD representative met with Metro staff. Ordinance No. 88-261 is intended to clarify protected agricultural land provisions regarding Urban Growth Boundary locational adjustments, but is not intended to open up agricultural land to UGB development. In compliance with the DLCD notice requirement, Metro staff sent the ordinance draft to DLCD 45 days prior to this hearing. Drafts were also sent more recently to 1000 Friends and local jurisdictions' planning agencies for comment; 1000 Friends has not forwarded any comments. Staff incorporated language suggestions from Lorna Stickel, Multnomah County Planning Director. Although an announced public hearing, no citizens testified at the meeting.

Subsequent to the Committee meeting, the Committee Chair spoke with Paul Ketcham of 1000 Friends about this ordinance. Mr. Ketcham indicated he viewed the change as a reasonable solution to the dilemma of small parcels outside the UGB which would not meet the criteria for a formal exception to agricultural land protection standards, yet are already committed to non-farm uses.

jpm a:\igrrpt10.14

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-261, AMENDING CHAPTER 3.01 OF THE METROPOLITAN SERVICE DISTRICT CODE TO CLARIFY STANDARDS AND PROCEDURES FOR IDENTIFYING PROTECTED AGRICULTURAL LAND

Date: September 30, 1988

FACTUAL BACKGROUND AND ANALYSIS

Metro Code Chapter 3.01, which sets the standards and procedures for locational adjustments of the Urban Growth Boundary (UGB), includes rigorous requirements for including protected farmland within the UGB. As the code is now written, these requirements apply to any land designated for Exclusive Farm Use (EFU) in a county comprehensive plan. Petitioners who wish to avoid application of the standards for protection of farm land to EFU-designated land must request a plan amendment from the County to adopt an exception from the requirements of Goal No. 3 (Agricultural Land) for the property in question.

In most cases, this is the most appropriate procedure. The requirements for demonstrating that property is so committed to development as to make it impractical to try to protect it for agricultural use have probably been more extensively litigated than any aspect of the statewide planning goals, resulting in a highly specialized and complex body of case law in which county planners have necessarily become expert but with which Metro generally has no cause to familiarize itself. The Metro Code requirements, as now written, are designed to rely on County expertise on these matters.

In certain limited circumstances, however, these requirements may impose an unreasonable hardship. Certain types of non-farm uses such as churches and schools are permitted by State statute in EFU zones. Although land developed for these uses is no longer available for farm use, they cannot be included in an exception area because no exception is needed, since such uses are consistent with Goal 3 requirements.

Problems may also occur when a development occupies only a small portion of a larger exception area. Even though that smaller subarea may clearly meet the requirements for demonstrating commitment to non-farm use, county exception procedures may not allow for separate consideration of so small an area. Washington County, for example, generally does not consider exception requests for areas less than 40 acres.

The proposed changes would provide petitioners who have EFU land that they believe to be committed to non-farm use with a narrowly defined alternative to the county exceptions process for becoming exempt from the standard for the protection of agricultural land. An automatic exception from this standard would be available for parcels of 10 acres or less occupied by one or more permanent structures (including paved roads and paved parking lots) which are not used for rural residential, agricultural production, agricultural cultivation, or agricultural processing purposes, which were in existence prior to the imposition of EFU zoning, and which now cover at least 50 percent of the parcel on which they are located. These criteria for showing that a parcel is physically developed as an urban use despite being in an EFU zone are very narrowly drawn in order to recognize instances where effectively urbanized small parcels should meet the tests for a locational adjustment, while preventing development alone from being justification for waiving the retention of the agricultural lands standard.

Metro will be undertaking a comprehensive review and revision of all UGB code requirements as part of its periodic review of the UGB this fiscal year. This one change has been separated out from other needed revisions because one petition currently filed include property designated EFU which might be exempted from the onerous requirements of the current rules if the changes proposed were adopted.

Department of Land Conservation and Development requires 45 days notice of the final hearing on UGB code amendments. This notice has been given for October 11, 1988, for which the Council Intergovernmental Affairs Committee meeting is scheduled.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-261.

ES/sm
0005D/554
10/03/88

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 88-261
CHAPTER 3.01 OF THE METROPOLITAN)	
SERVICE DISTRICT CODE TO CLARIFY	)	Introduced by Rena Cusma,
STANDARDS AND PROCEDURES FOR	)	Executive Officer
IDENTIFYING PROTECTED AGRICULTURAL)	
LAND)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That paragraph 3.01.010(i) of the Code of the Metropolitan Service District is amended to read as follows:

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

(j)] (i) "Vacant land" means:

- (1) for lots of one acre or less with a dwelling unit, not vacant land;
- (2) for lots of one acre or less with no dwelling unit, vacant land is the entire lot;
- (3) for lots in excess of one acre, vacant land is the gross area of a lot, less one acre multiplied by the number of dwelling units on the lot, but not less than zero.

2. That paragraph 3.01.040(a)(4) of the Metro Code is amended to read as follows:

(4) Retention of Agricultural Land.

(A) When a petition includes land with Class I - IV soils [that is not irrevocably committed to non-farm use] designated in the applicable comprehensive plan for farm or forest use consistent with the requirements of LCDC Goals No. 3 or 4, the petition shall not be approved unless it is factually demonstrated that:

(i) Retention of the agricultural land would preclude urbanization of an adjacent area already inside the UGB, or

(ii) Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB, or

(iii) the property is a legal parcel or parcels 10 acres or smaller in aggregate zoned for Exclusive Farm Use under provisions of ORS chapter 215 and occupied by one or more permanent structures, including but not limited to roads and paved parking lots; and

aa the parcel(s) are not used for rural residential purposes or for agricultural production, cultivation, processing or marketing; and

bb the parcel(s) were in existence at the time Exclusive Farm Use zoning was applied to the property; and

cc all structures predate or have been built in compliance with applicable comprehensive plans and zoning regulations and now cover at least 50 percent of the aggregate parcel(s) on which they are located.

(B) Metro will issue notice to property owners within 250 feet of the boundaries of any property for which a UGB amendment is proposed consistent with the requirements of OAR 660-04-030(1).

3. Section 3.01.040(c) (1) of the Metro Code is amended to read:

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

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

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

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

(1) The requirements of paragraph
3.01.040(a)(4) of this chapter are met.

4. Section 3.01.053 of the Metro Code is established to read as follows:

Section 3.01.053 Notice of Proposed Action: For
all locational adjustments to the UGB, Metro will
issue notice to the Oregon Department of Land
Conservation and Development, consistent with the
requirements of ORS 197.610 - 197.625 and OAR
660-Division 18.

5. Section 3.01.055(C)(4) of the Metro Code is amended to read as follows:

(4) Oregon Department of Land Conservation
and Development.

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

Mike Ragsdale, Presiding Officer

ES/sm
0005D/554
10/14/88



METRO

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

Memorandum

DATE: October 19, 1988 Agenda Item No. 6.5
TO: Metro Council Meeting Date Oct. 27, 1988
FROM: Councilor Gary Hansen
Chair Council Solid Waste Committee
RE: SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988, COUNCIL
AGENDA ITEM

Agenda Item No. 6.5

Consideration of Ordinance No. 88-266B, for the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Ordinance No. 88-266B and the Regional Solid Waste Management Plan as amended. This action taken October 18, 1988.

Discussion

A public hearing was held by the Solid Waste Committee on October 18, 1988. Three individuals testified. They made the following points and/or suggestions: 1) an objective should be added: Protect environmental quality; 2) add to 1.3, Source Separation: "Material shall be returned to the marketplace in the highest form possible in order to conserve resources and minimize pollution;" 3) the process used was a good one; 4) opposed to a host fee on a case-by-case basis; prefers flat fee of 50 cents per ton; 5) opposed to vertical and horizontal integration of the solid waste system; and 6) Metro should consider more than one transfer station to serve an area.

The major issues discussed by the Committee included:

1. Rates - Uniform rates versus cost-of service.
2. Host fees - 50 cents per ton at the majority of facilities versus up to 50 cents per ton on a case-by-case basis.
3. Land use - Local governments provide appropriate zoning for solid waste facilities versus local governments provide appropriate zoning for solid waste facilities using clear and objective standards.

After considerable discussion, the Committee recommended the following amendments to the Solid Waste Management Plan:

1. Policy 16.2 - amended to add "clear and objective standards."
2. Policy 1.1 (p. 3) - delete "acceptable."
3. Policy 1.0 (p. 3) - add commas to "in an environmentally safe manner."
4. Policy 5.0 - "Background" - first paragraph, change "will" to "may." Second paragraph, add "new" before technology.
5. Chapter 5 - Metro East Transfer Station - see page IV-5-B-12 and 13. Revise first full paragraph after quote to read: "A similar policy may be utilized for determining economic feasibility of past collection material recovery proposals for the metro East Station. The increased systems cost for material recovery may be greater than 120 percent of a landfill based system." IV-5-B-13 - delete second sentence under "2." in Conclusions.
6. 12.1 - Add sentence to indicate that host fee cannot be collected on same waste twice: "Mixed waste transferred from one facility to another shall not be assessed an additional \$.50/ton."
7. Change 12.0 to read: "For any community hosting a solid waste disposal site, as defined by ORS 459.280(1) and (2), Metro shall provide a host fee fund to be used for the purposes of community enhancement."
8. 12.0 - Change note to read "The host fee paid to the host community."
9. 12.1 - Add "into the host fee fund" after "paid."
10. 12.2 - Delete "paid to a city or county."
11. 12.3 - Delete "the city or county receiving the host fee" and add/substitute "Metro." Delete (ORS 459.290) and the last sentence.
12. 12.0 - "Background" - correct \$1.00 per ton reference to St. Johns.
13. Policy 18.0 - "Background" - delete "above" from the first paragraph under Consistency.
14. Metro East Chapter - (pp. IV-5-B-1 and IV-5-B-6 through IV-5-B-9) change "transfer station service can be provided by either one or

COUNCIL SOLID WASTE COMMITTEE REPORT

October 19, 1988

Page 3

two facilities" to read "service can be provided by one or more facilities."

15. Metro East Chapter - (pp. IV-5-B-2 and IV-5-B-10 through IV-5-B-14) change "facility design and cost options of 10, 20, and 30 percent" to "facility design and cost options of 10 percent or more, 20 percent or more and 30 percent or more recovery."

The Committee moved that the Committee report should reiterate the strategy to be used to develop the rest of the plan. It should be part of legislative history for the record (Ragsdale, Kelley). The exhibit entitled Solid Waste Management Functional Plan (attached) is made a part of the record.

The Committee voted 5 to 0 to recommend Council adoption of Ordinance No. 88-266B and the Regional Solid Waste Management Plan as amended. Voting aye: Councilors Gardner, Hansen, Kelley, Kirkpatrick and Ragsdale.

GH:RB:pa
RAYB.008

Solid Waste Management Functional Plan

A. Policies Plan	Sets the region's solid waste policies for the short-term (Phase I) and the long-term (Phase II) as guidelines for planning, designing and operating the solid waste system. The plan establishes a regional management strategy and is reflected in the city and county comprehensive plans.	
	Phase I – One Year Framework Plan	Phase II – Management Plan
B. System Design Plan	<p>The interim system of facilities and measures, consistent with the Policies Plan necessary to solve existing and short-term problems.</p> <p><i>Examples: East transfer station, depot, low-grade waste solutions, waste reduction.</i></p>	<p>The integrated long-range regional solid waste system, keyed to the projected needs, facilities, capabilities and responsibilities.</p> <p>Subject to periodic updates.</p>
C. Operations Programs	<p>Coordinated implementation and operation of facilities, programs, time tables and assignments of Metro cities, counties and the private sector.</p> <p><i>Examples: Mandatory collection, variable can rates.</i></p> <p>Local plan revisions to fit with the Phase I, Interim plan.</p> <p><i>Examples: Necessary local plan changes to site interim facilities and resolve CTCRC issue.</i></p>	<p>Long-term measures for the implementation of the policies through the system design plan.</p> <p>Modifications of local plans and programs, if required.</p> <p>Ongoing implementation of plan through regional partnership.</p>



METRO

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

Memorandum

DATE: October 11, 1988

TO: Council Solid Waste Committee

FROM: *Rich* Rich Carson, Director
Planning and Development

RE: ADOPTION OF SOLID WASTE MANAGEMENT FUNCTIONAL PLAN
(ATTACHMENTS)

Attached you will find the Ordinance to adopt the Solid Waste Management Plan (SWMP) (Ordinance No. 88-266-A) and a discussion paper regarding rate policy options. The SWMP has been put in your Council box as of October 13th (Thursday).

On October 18th you will hold a public hearing to consider adoption of the Solid Waste Management Plan as a functional plan. The Plan to date includes:

- The goal, objectives and policies.
- Existing plan documents and provisions including the 1986 waste reduction program, general purpose landfill chapter, transportation system guidelines, east transfer station policies, and the 1986 hazardous waste management plan.

Functional Planning Authority - Ordinance No. 88-266-A includes findings necessary to establish the SWMP as a functional plan. Appropriate land use goal findings and CRAG land use framework goal findings are made in Attachment B of the Ordinance. Staff will be working with DLCD staff to get their comments on our land use goal findings with the intent of getting their approval of our goal findings prior to Council adoption of the SWMP. This DLCD approval will assist Metro in causing appropriate local plan changes to site solid waste facilities during the local government periodic review process.

Policies - Last month you reviewed the plan policies in detail. Your comments were forwarded to the Policy Committee for discussion. The Policy Committee incorporated all the CSWC specific recommended changes at their meeting on September 16th.

At the time of your review last month, you identified three policy areas which needed additional discussion and possibly change prior to adoption. They were:

1. Rates (policy 11.1) - this issue is regarding uniform vs. cost-of-service rates for the region (refer to attached discussion paper).
2. Host Fees (policy 12.0) - issue regarding general application of 50¢ per ton host fee for all disposal facilities.
3. Land Use (policies 16.0, 16.1, 16.2) - issue regarding the extent of local government requirement to provide zoning for solid waste facilities (i.e., are the policies strong enough to have local governments provide the right zoning?).

Staff will be prepared to further discuss these policies with you on Tuesday. Also, attached you will find a summary of the local government and public review of the policies.

Metro East Transfer Station - The SWMP includes a chapter on Metro East. This chapter was developed by the planning committees prior to their policy work. The Council has already adopted most policy provisions contained in this chapter per Resolution No. 88-835-C (Privatization). The chapter includes two additional policy issues not previously decided upon by the Council. They are as follows:

1. Waste Reduction - The SWMP requires that for all ETRC proposed projects an analysis is completed which includes facility design options and costs for recovering 10, 20 and 30 percent of the mixed waste coming into the facility.
2. Land Use - Criteria for evaluating ETRC sites are included in the chapter as guidelines for approving an ETRC project.

If you have any questions on the above information, please don't hesitate to call me prior to Tuesday. I look forward to seeing us achieve a major step in solid waste management planning for the region by adopting the SWMP.

RHC:mk

Attachments

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING) ORDINANCE NO. 88-266-[A]B
THE REGIONAL SOLID WASTE MANAGEMENT)
PLAN AND RESCINDING PRIOR SOLID) Introduced by Councilor Hansen
WASTE PLAN PROVISIONS)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. The Metropolitan Service District Regional Solid Waste Management Plan, a functional plan which includes a waste reduction program, dated 1988, copies of which are on file with the Clerk of the Council, is hereby adopted.

2. The plan is attached hereto as Attachment A.

a. The Solid Waste Management Plan contains several sections of priority for implementation. The following list of priorities in the Plan demonstrate which plan provisions take precedence over others where inconsistencies in the plan elements may arise:

- (1) Goal
- (2) Objectives
- (3) Policies
- (4) Chapters (including Waste Management, Solid Waste System Implementation, and Planning Process sections)
- (5) Annual Unified Work Programs

The appendices or background documents used to develop the Plan, Policies and Chapters are not adopted as part of this Plan.

b. Solid waste facilities, programs and implementing provisions which were established prior to this Plan will be brought into conformance with the Plan. The 1988 Solid Waste Management Plan shall supersede and take precedence over any prior ordinances and resolutions previously adopted that are inconsistent with this Plan as indicated by Attachment C of this Ordinance.

3. In support of the above Plan, the Findings attached hereto as Attachment [A] B are hereby adopted.

4. Solid Waste Management Plan Provisions attached hereto as Attachment [B] C are hereby rescinded.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

ATTACHMENT B

FINDINGS

1. Oregon Revised Statutes (ORS), Chapters 268 and 259, provide for the development of an Solid Waste Management Plan. The Metropolitan Service District is the responsible provider of the Plan and the solid waste disposal system in the Metro region. Further, Executive Order No. 78-16, Office of the Governor, State of Oregon, designates Metro as the solid waste planning and implementing agency for Clackamas, Multnomah and Washington counties.
2. The Solid Waste Management Plan (SWMP) includes a waste reduction program as required by ORS Chapter 459. This program, in part, establishes justification for locating a landfill disposal site zoned for Exclusive Farm Use (EFU) in accordance with ORS 459.055.
3. ORS 268.390 provides for Metro to develop functional plans in order to establish the relation between regional plans and local comprehensive plans. Metro Ordinance No. 86-207 established a planning procedure for identifying "areas and activities" in need of functional planning. Metro Resolution No. 87-740, then, specifically designated solid waste as such an "area and activity" appropriate for development of a functional plan.
4. The first "Metro Solid Waste Management Plan" was adopted by MSD by Ordinance No. 9 in 1974. This Plan, also known as COR-MET, was premised on a solid waste system of milling and transfer stations. Several ordinances and resolutions were adopted after 1974 to update the COR-MET plan and specifically to recognize the need to change the regional system to one based on waste reduction priorities. This 1988 Plan serves to replace COR-MET and to consolidate appropriate plan provisions adopted prior to this 1988 plan into the 1988 plan.
5. The SWMP has policies for and is developing plan components to:
 - (1) establish regulatory policies for the management of solid waste;
 - (2) define a system of solid waste facilities and programs to effectively manage solid waste in the region;
 - (3) provide the means to establish equitable rates for solid waste disposal;
 - (4) identify the means to finance facilities in the programs;
 - (5) identify appropriate land use provisions for siting solid waste facilities and implementing waste reduction, hazardous waste and low-grade waste programs; and

(6) establish a unified work program for the region which identifies respective roles and responsibilities of Metro and local government for implementing plan programs.

6. The 1988 Solid Waste Management Plan is consistent with the Statewide Land Use Planning Goals (ORS 197.005 to 197.465) as indicated by these Findings and the following Findings and Conclusions:

Goal 1 - Citizen Involvement

The SWMP Citizen Involvement Program describes the involvement of citizens and coordination with local government in the Plan development and adoption process. Metro Resolution No. 87-785A established regional committees to develop Solid Waste Management Plan (SWMP) recommendations to the Metro Council. A Policy Committee with representatives from Washington, Clackamas and Multnomah counties and two city representatives from each county and the City of Portland, and representatives from the Department of Environmental Quality and the Port of Portland addressed solid waste policy issues of regional significance.

A 25-member Technical Committee comprised of local government technicians, solid waste industry representatives, and citizens met monthly. Subcommittees of the Technical Committee met every two weeks to provide technical expertise to the Policy Committee and the Metro Council on specific solid waste facility and program issues. Every local government in the region was represented on both the Policy Committee and Technical Committee.

In addition to these committees, Metro actively solicited input from all local governments in the region on a regular basis. To initiate the solid waste planning project, Metro worked with the three counties and 24 cities in the tri-county area and obtained their formal approval in a resolution from each jurisdiction. This resolution outlined the project and comparative decision-making process with the above referenced committee structure. All jurisdictions except the city of Banks adopted this resolution of support.

Throughout the planning process, members of Policy Committee continued to solicit input on plan issues from their constituents and fellow board or commission members, as well as from their neighboring jurisdiction local government officials.

Metro designed a "Regional Solid Waste Management Report" for this planning project, which was mailed to approximately 800 individuals and groups in the region once every two months. This six-page report summarized the status of the developing plan and solicited comments on portions of the Plan as they were completed. The report was mailed to local elected officials, city managers and administrators, district neighborhood offices, Chambers of Commerce, economic development associations, solid waste planners,

recyclers and industry market representatives, local neighborhood offices, and interested citizens.

Public hearings on the completed plan prior to adoption were held before the Council Solid Waste Committee and the Metro Council with public notice published in the regionwide newspaper.

The Metro Council finds that the SWMP is consistent with State Goal 1.

Goal 2 - Land Use Planning

This SWMP is the regional plan element that reflects the region's vision for managing solid waste over the next 20 years. It addresses the issues of waste reduction, hazardous waste management, low-grade waste management, financing, rates, design of the region's solid waste system, and siting facilities. The Plan is based on a solid waste inventory and an extensive analysis including waste generation statistics, population forecasts, solid waste system measurement and financial forecast.

Together with applicable Metro Goal and Objectives, the Plan provides a policy framework in its Goals and Objectives and its completed component elements that are the basis for solid waste land use decisions. Under ORS 268.390, city and county plans and actions must be consistent with this adopted regional plan. Coordination of solid waste planning with these regional plan policies will help assure an adequate factual basis for solid waste decisions and actions.

CRAG Regional Land Use PLanning Goals and Objectives, effective September 30, 1976, were continued in force for Metro by 1977 Oregon Law, Chapter 665, Section 25. These Goals and Objectives are to be applied to local jurisdictions through regional plan elements like the SWMP. The Metro Council finds that the SWMP is consistent with State Goal 2.

Goal 3 - Agricultural Lands

The SWMP system includes an existing land disposal facility located in an EFU zone. In accordance with ORS 459.055, the Plan includes a waste reduction program which establishes justification for allowing such use and allowing a land disposal facility in an EFU zone. This facility is sited in an EFU zone based on land use decision findings by the county that the facility siting was consistent with the county's acknowledged comprehensive plan. The Department of Environmental Quality has issued the appropriate solid waste facility permit. Therefore, the Metro Council finds that this specific facility component of the SWMP is consistent with State Goal 3.

Other Plan provisions have a positive impact on preservation and maintenance of agricultural lands because: (1) SWMP reduction of the duplication of local solid waste facilities, and (2) waste

reduction programs reduce continuing demand for agricultural land to site solid waste facilities. Waste Management Policy 1.0, Low Grade Waste Policy 3.0. Other existing solid waste facilities on agricultural land under the SWMP have been sited based on land use decision findings by local government that the facility siting was consistent with the local government's acknowledged comprehensive plan. As additional site specific components of the SWMP are completed, Statewide Goal findings will be made to assure that each site incorporated into the Plan is consistent with Goal 3. Current plan provisions may allow, but do not require the use of resource agricultural land. Any decision to construct a solid waste facility under a component of this SWMP on resource lands must be consistent with the resource lands policies of the Statewide Goals including Goal 3 or an acknowledged Metro plan or local government comprehensive plans.

The Metro Council finds that the SWMP is consistent with State Goal 3.

Goal 4 - Forest Lands

This SWMP has a positive effect on the conservation of forest lands for forest uses because SWMP reduction of duplication of local solid waste facilities and waste reduction programs reduce continuing demand for forest resource lands to site solid waste facilities. Waste Management Policy 1.0 Low Grade Waste Policy 3.0.

The SWMP may allow, but does not require the use of resource forest land. As additional site specific components of the SWMP are completed, Statewide Goal findings will be made to assure that each site incorporated into the Plan is consistent with Goal 4. Plan Consistency Policy 18.0. Any decision to construct a facility must be consistent with the resource land policies of the Statewide Goals including Goal 4 or an acknowledged Metro plan or local government comprehensive plans.

Therefore, the Metro Council finds that the SWMP is consistent with State Goal 4.

Goal 5 - Open Spaces, Scenic and Historical Areas, Natural Resources

Goal 5 resources in the region have been inventoried by local governments in the region. As additional site specific components of the SWMP are completed, Statewide Goal findings will be made to assure that each site incorporated into the Plan is consistent with Goal 5. Plan Consistency Policy 18.0. Solid waste facilities established under SWMP components will recognize existing local comprehensive plan inventories which identify open spaces, scenic and historical areas. Any decision to construct a facility must be consistent with the resource policies of the Statewide Goals including Goal 5 or an acknowledged Metro plan or local government comprehensive plans.

Therefore, the Metro Council finds that the SWMP is consistent with State Goal 5.

Goal 6 - Air, Land and Water Resources Quality

As a matter of statewide concern and plan policy, solid waste control must be accomplished in an environmentally acceptable manner as regulated by the Department of Environmental Quality. DEQ has participated in the policy and technical meetings held to prepare this SWMP. DEQ has approved the Solid Waste Reduction Program element consistent with the statutory hierarchy for managing solid waste. Solid waste facilities sited under the SWMP must comply with the air, land and water quality regulations of the state Environmental Quality Commission and the federal Environmental Protection Agency.

Therefore, the Metro Council finds that there will be no significant adverse impacts on the quality of the air, water and land resources due to this SWMP. The Metro Council finds that the SWMP is consistent with State Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards

Natural disaster and hazard areas have been inventoried by local governments in the region. Solid waste facilities established under the SWMP will recognize existing local comprehensive plan inventories and federal data on natural disasters and hazards to avoid placing solid waste facilities at risk from such hazards. As additional site specific components of the SWMP are completed, Statewide Goal findings will be made to assure that each site incorporated into the Plan is consistent with Goal 7. Plan Consistency Policy 18.0.

The Metro Council finds that the SWMP is consistent with State Goal 7.

Goal 8 - Recreational Needs

This Plan is consistent with satisfying the recreational needs of the citizens of this state and visitors in that it will result in the effective management of solid waste for the region. This results in better livability for all citizens of the region and increases the desirability of the area for visitors. As additional site specific components of the SWMP are completed, Statewide Goal findings will be made to assure that each site incorporated into the Plan is consistent with Goal 8. Plan Consistency Policy 18.0. The Plan will recognize developed or planned recreational areas, facilities and resorts in the siting of solid waste facilities.

The Metro Council finds that the SWMP is consistent with State Goal 8.

Goal 9 - Economy of the State

This Plan contributes to diversification and improvement of the state's economy by enhancing the ability to manage the region's solid waste effectively and economically. Such management contributes significantly to a positive development climate and provides the facilities infrastructure needed for economic development, and thus has a significant positive impact on the development of the metropolitan area.

Further, the Plan recognizes solid waste as a resource from which valuable materials and energy can be extracted. New direct employment in waste reduction, including recycling, will be funded in part from new revenues generated from the wastestream. Diversification of employment is aided by this new class of jobs.

Construction of environmentally safe and efficiently located regional solid waste facilities generates employment throughout the metropolitan region. Local governments will benefit from the operation of these facilities by private enterprises by an increased tax base. SWMP, Goals and Objectives, Policy 13. Host fees for solid waste disposal facilities will become part of the solid waste rate structure, providing revenue to local governments. SWMP, Goals and Objectives, Policy 12.0.

Therefore, the Metro Council finds that the SWMP is consistent with State Goal 9.

Goal 10 - Housing

Effective management of solid waste is a key factor supporting residential development in the region. The SWMP addresses the need for continued and enhanced curbside collection programs for recyclables and efficient waste collection services for residential areas. The Plan will assist in accommodating increases in population densities in the urban areas of the region by the coordination of solid waste facilities and services.

The Metro Council finds that the SWMP is consistent with State Goal 10.

Goal 11 - Public Facilities and Services

The adoption of the SWMP, as both an element of Metro's regional plan and the region's functional solid waste plan, furthers the implementation of the region's functional solid waste plan authorized by ORS 268.390(2) for timely, orderly and efficient management of solid waste facilities and services. The Plan identifies disposal facilities necessary to meet the needs of the region. Further, the Plan specifies that cities and counties will be required to allow for those planned disposal facilities by providing appropriate zoning. SWMP guidance to local governments in the region enhances coordination of solid waste facilities planning in the preparation, adoption and amendment of local

governments Public Facilities Plans. Facilities Policy 5.0, Transportation Policy 7.0.

The Metro Council finds that the SWMP is consistent with State Goal 11.

Goal 12 - Transportation

The regional plan provides for a coordinated system of solid waste facilities to serve the entire region. A primary criterion for siting regional solid waste disposal facilities in the SWMP is cost-effectiveness. This regional system under the SWMP results in a more cost-effective system of transport of solid waste to strategically located facilities than development of local sites coordinated and planned by region.

The Metro Council finds that the SWMP is consistent with State Goal 12.

Goal 13 - Energy Conservation

The Plan designates a coordinated solid waste system for the region based on available data. This coordinated system will cause a more efficient and thus less energy-consuming system to be utilized for waste management in the region than use of local sites not coordinated and planned by region. The Goals and Objectives at p.1 require solid waste planning consistent with the hierarchy for waste management which includes the recovery of energy.

The Metro Council finds that the SWMP is consistent with State Goal 13.

Goal 14 - Urbanization

The Plan provides for solid waste facilities and services infrastructure for an orderly and efficient transition from rural to urban land use. It does not directly impact the establishment and change of urban growth boundaries established to identify and separate urban from rural land.

The Metro Council finds the SWMP is consistent with State Goal 14.

Goal 15 - Willamette Greenway

The SWMP does not include a solid waste facility located in the Willamette Greenway. Local governments have inventories to determine the nature and extent of the resources, uses and rights associated with the Willamette River Greenway. SWMP provisions are neutral on the conservation of the Willamette Greenway because the SWMP may allow, but does not require the use of Willamette Greenway land. Any facility under the Plan must be consistent with the Statewide Goals including Goal 15 or an acknowledged Metro plan or the Willamette Greenway policies of acknowledged

local government comprehensive plans that are consistent with Goal 15.

The Metro Council finds that the SWMP is consistent with Goal 15.

Goal 16 through 19

The Metro Council finds that these goals do not apply to the SWMP.

7. The Solid Waste Management Plan is consistent with Metro's land use planning goals and objectives adopted by CRAG and still in effect.

The Metro Council finds that the following Goals and Objectives from Metro's Regional Land Use Planning Goals and Objectives are applicable to the Solid Waste Management Plan:

"GOAL 1 - LAND DEVELOPMENT: Land uses and public facilities, utilities and services shall be planned to foster:

5. orderly development of land within the urban areas, within governmental fiscal capabilities and optimal use of existing facilities, utilities and services;"

Orderly and efficient development of land within urban areas is enhanced by the regional planning of public facilities and services. Solid waste facilities and services planning is Metro's statutory responsibility. This SWMP helps avoid duplication of local planning and coordinates with local Public Facilities plans. SWMP element seek optimal use of existing and planned facilities and services for each type of solid waste facility.

"6. orderly development of non-urban lands, within governmental fiscal capabilities and optimal use of existing facilities, utilities and services;"

Regional planning of solid waste facilities and services maximizes existing and planned sites to minimize the demand for additional rural lands for solid waste facilities by waste reduction, facilities integration, and following the state mandated hierarchy for waste management. SWMP Goals and Objectives, Waste Reduction Policy 1.0, Facilities Policy 5.0.

"GOAL II - LAND PRESERVATION OR CONSERVATION:

Land uses and public facilities, utilities and services shall be planned to:

1. preserve and maintain agricultural land for farm use;

See Statewide Goal 3 Finding above.

2. conserve forest land for forest uses;

See Statewide Goal 4 Finding above.

4. preserve or conserve open space, natural, fragile, historic and scenic areas;

See Statewide Goal 5 Finding above.

5. maintain and improve the quality of air, water and land resources;

See Statewide Goal 6 Finding above.

6. protect life and property from natural disasters and hazards."

See Statewide Goal 7 Finding above.

"GOAL III - INTEGRATION OF LAND DEVELOPMENT, PRESERVATION AND CONSERVATION:

The varied interests of development, preservation and conservation shall be integrated through (1) a citizen involvement program that provides opportunity for citizens to participate in all phases of the planning process to impart, for consideration, the public's concern;"

There was an extensive citizen involvement program through local government representatives consistent with SWMP Policy 15.0 as described in the Statewide Goal findings for Statewide Goal 1, above.

"OBJECTIVE I. CITIZEN INVOLVEMENT

See Statewide Goal 1 Finding above and SWMP Policy 15.0

"OBJECTIVE II - PLANNING PROCESSES SECTION 1, SUBSTANTIVE OBJECTIVES

A. Process and Policy. A planning process and policy framework shall be established and utilized as a basis for all regional decisions and actions related to the use of land and to assure an adequate factual basis for such decisions and actions. The regional planning process shall include consideration of local comprehensive plans in preparing the regional plan."

The SWMP is a policy framework for regional solid waste facility and service decisions and actions related to the use of land that helps assure an adequate factual basis for such decisions. See SWMP Goals and Objectives. As indicated GOAL III above, policy and technical representatives from the region's local governments participated in the development of the SWMP to assure consideration of local comprehensive plans. See Statewide Goal 2 Findings above.

"OBJECTIVE II - PLANNING PROCESSES

"SECTION 1. SUBSTANTIVE OBJECTIVES

b. Plan Documents. Plan documents shall be developed which contain: an identification of regional issues and problems; necessary inventories and other factual information for applicable regional planning elements; policy choices; necessary maps indicating planned land uses; and an evaluation of alternative courses of action, taking into consideration social, economic, energy and environmental consequences."

The SWMP contains the compilation of solid waste planning documents prepared for regional solid waste planning to date. The component elements of the SWMP identify regional issues and problems such as waste reduction, landfill siting, transfer stations, franchising, hazardous waste, and solid waste regional planning. Some elements contain the necessary inventories and factual information for regional solid waste planning policy choices. Other elements still need inventory work. All of the current elements of the SWMP are consistent with the objective of developing sufficient plan documents.

"c. Application of Goals and Objectives. The Board of Directors finds that conformity with the Goals and Objectives throughout the region is best assured by development and administration of a regional plan which clarifies and implements the Goals and Objectives and by compliance with such plan by local jurisdictions in the region. Therefore, the Goals and Objectives shall constitute requirements to which CRAG must conform its Regional Plan and local compliance with the Regional Plan and each of its elements shall constitute conformance by local jurisdictions to the Goals and Objectives."

The SWMP is the regional plan for solid waste facilities and services that is envisioned by this Objective. Policy 16.0 and Policy 18.0 of the SWMP incorporate the principles of this Objective on local compliance with the regional plan.

"d. Plan Elements. The Regional Plan shall be developed and

administered incrementally in elements and all adopted elements together shall constitute the Regional Plan. The Objectives on Citizen Involvement and Planning Processes shall apply only to CRAG and to the processes used in developing each element of the Regional Plan. All other Objectives shall be implemented through Plan elements. Each element shall implement and conform to certain Objectives designated in the element. When local plans conform to a Regional Plan element, they shall also be deemed to comply with the Objectives designated in that element. Each element of the Regional Plan shall be adopted by rule and such rules shall provide for implementation of each element as deemed necessary to assure conformity throughout the region."

The SWMP is being developed incrementally, consistent with this Objective. The body of this Ordinance outlines the order of conformance to the existing Plan elements. SWMP Policy 14.0, 16.0, 17.0 and 18.0 set out the means by which additional Plan increments and implementation will be carried out.

SECTION 2, PROCEDURAL OBJECTIVES

See Statewide Goals 1, 2 and SWMP Goals 14.0, 15.0, 16.0 and 17.0.

There was an extensive citizen involvement program through local government representatives as described in the Statewide Goal findings for Statewide Goal 1, above.

"OBJECTIVE III. - AIR, WATER AND LAND RESOURCES QUALITY"

See Statewide Goal 6 above.

"OBJECTIVE IV. - ENERGY CONSERVATION"

See Metro Goal III above.

"OBJECTIVE VII. - ECONOMIC DEVELOPMENT"

See Statewide Goal 9 above.

"OBJECTIVE VIII. - TRANSPORTATION"

See Statewide Goal 12 above and SWMP Policy 7.0 that incorporates the relevant portion of this Objective.

"OBJECTIVE IX. - PUBLIC FACILITIES AND SERVICES"

See Statewide Goal 11 above.

"OBJECTIVE X. - RECREATION, OPEN SPACE AND HISTORIC AREAS"

See Statewide Goals 5 and 8 above.

ATTACHMENT C

The following Ordinances and Resolutions are hereby rescinded:

CRAG Land Use Framework Plan	(12/22/76)
Ordinance No. 1	(Contract for Solid Waste Management Plan)
Ordinance No. 9	(Adopting COR-MET)
Ordinance No. 26	(Milling/Transfer Station System Change)
Ordinance No. 27	(Establishing Non-Processable Solid Waste Program)
Ordinance No. 31	(Milling/Transfer Station System Change)
Ordinance No. 47	(Solid Waste Operations Program)
Ordinance No. 48	(Certificate Program)
Ordinance No. 61	(Certificate Program)
Ordinance No. 88-240A	(Landfill Chapter)
Resolution No. 11	(Markets for Resource Recovery)
Resolution No. 14	(Source Separation Policy)
Resolution No. 79-12	(Landfill Siting)
Resolution No. 79-85	(Recycling Drop/Receiving Centers)
Resolution No. 79-108	(Supporting Regulated Collection)
Resolution No. 81-212	(Adopting Waste Reduction Plan)
Resolution No. 81-272	(Facility Guidelines for Waste Reduction)
Resolution No. 81-282	(S.E. Portland Curbside Collection Policy)
Resolution No. 82-372	(Pledge to Adopt Recycling Program)
Resolution No. 83-393	(Authorizing Recycling Program)
Resolution No. 83-437	(Diverting Newsprint from Facilities)
Resolution No. 84-491	(Interim Management Strategy for St. Johns)
Resolution No. 84-506	(Transfer Station Strategies)

Resolution No. 84-507 (Landfill Strategies)
Resolution No. 85-538 (Interim Waste Reduction Strategies)
Resolution No. 85-571 (Clarification of Alternative Policies to
Landfilling)
Resolution No. 86-676 (Hazardous Waste Plan)
Resolution No. 88-835C (Privatization, ETRC)



METRO

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

Memorandum

DATE: October 19, 1988

Agenda Item No. 6.6

TO: Metro Council

Meeting Date Oct. 27, 1988

FROM: Councilor Gary Hansen
Chair, Council Solid Waste Committee

RE: SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988, COUNCIL
AGENDA ITEM

Agenda Item No. 6.6

Consideration of Ordinance No. 88-267A, for
the Purpose of Revising Metro Code Section
5.04.040 Relating to the Membership of the
Recycling Advisory Committee

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Ordinance No. 88-267A. This action taken October 18, 1988.

Discussion

On October 4, 1988, the Committee recommended amendments relating to the membership of the One Percent Recycling Advisory Committee. The amendments were prepared by Council staff and included in Ordinance No. 88-267A. A first reading of that ordinance was made by Council on October 13, 1988.

On October 18, 1988, the Committee held a public hearing on Ordinance 88-267A. No testimony was given by the public.

The Solid Waste Committee voted 5 to 0 to recommend Council adoption of Ordinance No. 88-267A. Voting aye: Councilors Gardner, Hansen, Kelley, Kirkpatrick and Ragsdale.

GH:RB:pa
RAYB.007



METRO

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

Memorandum

Date: October 12, 1988

To: Solid Waste Committee

From: Marie Nelson, Clerk of the Council *AMN*

Regarding: ORDINANCE NO. 88-267, Revising Metro Code Section
5.04.040 Relating to the Membership on the
Recycling Advisory Committee

The attached Committee Report relating to Resolution No. 88-988 (confirming the appointment of members to the Recycling Advisory Committee) explains the purpose of Ordinance No. 88-267.



METRO

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

Memorandum

Date: October 5, 1988

To: Metro Council

From: Councilor Gary Hansen
Chair, Solid Waste Committee

Regarding: SOLID WASTE COMMITTEE REPORT ON OCTOBER 13, 1988 COUNCIL
MEETING AGENDA ITEM

Agenda Item 7.3 Consideration of Resolution No. 88-988, for the
Purpose of Appointing members to the One Percent
for Recycling Advisory Committee

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-988 as amended. The Committee also directed staff to make changes recommended by the Committee to Ordinance No. 88-267 and place on the October 13, 1988, Council agenda for first reading.* This action taken October 4, 1988.

Discussion

The Committee discussed the composition of the Recycling Advisory Committee. They noted that Clackamas County was not represented and should be. The Committee discussed the need for recycling advocates on the Advisory Committee and the possibility of increasing the size of the Committee from five to seven members. The Committee discussed the need to amend the Metro Code Section 5.04.040 relating to the membership of the Recycling Advisory Committee.

The Committee recommended the following changes to the Metro Code Section 5.04.040:

1. The Presiding Officer shall appoint the Council representative to the Advisory Committee.
2. The Metro Councilor shall serve as chair of the Committee.
3. The size of the Committee to be increased from five to seven members.
4. Deleted the requirement that a staff person within the Solid Waste Department be a member of the Committee.

* See Council Agenda Item 6.4

Solid Waste Committee Report
October 5, 1988
Page 2

5. To provide for geographical diversity, all three counties in the district shall be represented on the committee by at least one citizen.

The Committee recommended confirmation of the five individuals presented by the Executive Officer. Two more names will be presented for Council confirmation on October 13, 1988.

The Committee voted 4 to 0 to recommend Council adoption of Resolution No. 88-988 as amended. Voting aye: Councilors Hansen, Kelley, Kirkpatrick and Ragsdale.

REB:gpwb
SWRPT.105

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REVISING METRO	)	ORDINANCE NO. 88-267
CODE SECTION 5.04.040 RELATING TO)	
THE MEMBERSHIP ON THE RECYCLING	)	Introduced by the Council
ADVISORY COMMITTEE	)	Solid Waste Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 5.04.040 of the Code of the Metropolitan Service District is amended to read:

5.04.040 Recycling Advisory Committee: In order to implement the One Percent for Recycling Program [the Executive Officer shall appoint] there shall be created a One Percent Recycling Advisory Committee consisting of [five] seven members, one member of which shall be a Metro Councilor appointed by the Presiding Officer, [one member shall be an appropriate staff person within the Solid Waste Department,] and [three] six members appointed by the Executive Officer who shall be citizens with experience in or an interest in promoting recycling, waste reduction or reuse from the community and further representing a geographic diversity of areas within the region. The Metro Councilor shall serve as chair of the Committee. The appointments to the committee shall be subject to confirmation by the Council.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

DEC/amn/0221D/554/10/05/88



WASHINGTON
COUNTY,
OREGON

G.5
10/27/88

October 27, 1988

Metropolitan Service District
Metro Council
2000 SW First Avenue
Portland, OR 97201

At our meeting of October 25, the Washington County Board of Commissioners voted unanimously to communicate to the Metro Council our concerns regarding an amendment made by the Council Solid Waste Committee to the Draft Solid Waste Management Plan. This document was developed over a thirteen month period through dedicated cooperation between Metro staff and local jurisdictions. The spirit of cooperation that was prevalent in this effort is articulated throughout the draft document.

Policy 12, Community Enhancement, as drafted by the Regional Policy Committee, specified a certain method by which a host fee would be generated and then dispersed to the host jurisdiction to be allocated by the host jurisdiction's budget committee/legislative body on host community enhancement projects. Additionally, advice on appropriate projects would be developed by a citizens committee comprised of local citizens, one of whom would be their Metro Councilor or his/her designee. This approach represents a very workable system that assures funds generated by this fee will be allocated where the impact is greatest.

The amended Policy 12 provides for Metro to be the Fund Administrator and for Metro to be responsible for appointing a citizens committee. It is important to remember that, from the beginning, this was intended to be a host fee, not for mitigation of impacts (that will be done through the site development process: see Policy 8, System Design Considerations Policy) but to enhance the community in which the facility is sited.

With Metro administering the fund, local determination is eliminated. We are concerned with and do not support this policy change. Local community needs, which could be addressed with this fund, are most appropriately the domain of the local jurisdiction. Technical and citizen input on local needs is administered by local jurisdictions on a regular basis through local communication mechanisms, including the annual budget process.

Metropolitan Service District
October 27, 1988
Page 2

The role of Metro should be to develop a regional consensus through positive interaction with local jurisdictions and citizens -- as it has during this past year in developing the framework policies for our Regional Solid Waste Management Plan. Local governments should continue to address local issues in implementing our duties within our regional plans. Community enhancement is a local issue, it should be the local, "host", government's decision.

We strongly urge you to retain the language prepared by the Regional Policy Committee for Policy 12, Community Enhancement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Hays".

Bonnie Hays
Chairman

4148M

6.5

"Additional Language for Attachment B
of Ordinance No. 88-266B"

Goal 2 -- Land Use Planning

The plan includes analysis of alternatives considered for each component of the plan. Specifically, for example, the transportation chapter is based upon research of various transportation modes available and subsequent facility impacts of those options. The Metro East Transfer Station chapter includes analysis of transfer station options for the east watershed of the region. An extensive evaluation of waste reduction program (System Measurement Study, Appendix) options was conducted which resulted in the waste reduction programs identified for implementation in the plan. The plan also includes a methodology for evaluating the merits of private vs. public ownership of solid waste facilities. This methodology is based upon a study contained in the plan appendix, "Discussion of Issues Pertinent to the Decision Concerning Public or Private Ownership and Operation of the East Transfer and Recycling Center." The alternatives considered in developing these plan components were done so based on social, economic, energy and environmental needs in managing solid waste for the region. For example, the System Measurement Study which considered waste reduction program alternatives included a criterion methodology for evaluating one program option against another. The criterion used to select the programs were as follows:

1. Amount Recovered: Potential for accomplishing 30 percent recovery.
2. Impact on Existing System: Use of existing routes, equipment and sites.
3. Cost Per Ton Processed: Attractiveness of program cost per processed ton.
4. Strength of Markets: Markets for recovered materials are stable.
5. Ease of Implementation: Social acceptability, feasibility, proven technology.
6. Consistency with Existing Policy (including statute ORS 459.015, which states that the hierarchy of programs to reduce, recycle, recover energy and landfill shall be done to the extent they are determined to be environmentally, technically and economically feasible.

Goal 3 -- Agricultural Lands

Consistency with Goal 3 is also supported by ORS 215.283(1)(h) and 2(j) which provides for allowing solid waste facilities

outright on EFU lands when ordered by the Department of Environmental Quality (DEQ) or by permit from the governing body of a city or county and for which a permit has been issued by DEQ.

Goal 4 -- Forest Lands

Consistency with Goal 4 is also supported by ORS 527.722(2)(c) (Oregon Forest Practices Act) which does not prohibit local governments from adopting and applying comprehensive plan or land use regulations to forest land to allow landfills.

Goal 5 -- Open Spaces, Scenic and Historical Areas, Natural Resources

Consistency with Goal 5 is also supported by the SWMP goal to implement a plan which achieves a regionally balanced, cost-effective, technologically feasible, environmentally sound and publicly acceptable solid waste system. Further, the plan is premised on the state mandated hierarchy of reduce, reuse, recycle, recover energy and finally landfill (ORS 459.015(2)(a)). The hierarchy is premised by ORS 459.015(2) which states that in the interest of the public health, safety and welfare and in order to conserve energy and natural resources, it is the policy of the State of Oregon to establish a comprehensive state-wide program for solid waste management based on the hierarchy. This SWMP is a part of the state-wide solid waste management program.

Goal 6 -- Air, Land and Water Resources Quality

The waste reduction program includes a provision to evaluate the feasibility of alternative technology programs for the region. One of these pending alternative technology projects is a refuse-derived fuel facility. Extensive environmental measures are proposed for such a facility should it be determined appropriate for the region. Environmental measures for the facility are to be determined based on extensive analysis of potential environmental impacts that may be associated with such a facility including air, water and land resource quality. The plan requires an environmentally feasible determination to take place for all proposed facilities and programs contained within the plan in accordance with the plan Goal "To develop and implement a solid waste management plan which achieves a regionally balanced, cost-effective, technologically feasible, environmentally sound and publicly acceptable solid waste system."

Goal 12 -- Transportation

Specifically, chapter 7 of the plan provides for a coordinated system of transport of waste from transfer stations to the regional landfill in Arlington. This regional solid waste transportation system will result in a more cost-efficient system than what would result from each local government separately

transporting their waste to Arlington. Assessing transport options from a regional perspective allows alternative modes of transport to become available such as barge and rail. These transport modes would not be feasible alternatives for local governments transporting waste on their own.

Other (deletions)

Goal 12 -- Transportation

(delete) "development of local sites coordinated and planned by region."

(add) "would otherwise occur without a regionally coordinated plan."

Goal 15 -- Willamette Greenway

(delete) "SWMP provisions are neutral on the conservation of the Willamette Greenway because the SWMP may allow, but does not require the use of Willamette Greenway land."

(add) "The SWMP does not have an impact on the Willamette River Greenway."



METRO

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

Memorandum

Agenda Item No. 6.7

Date: October 19, 1988

Meeting Date Oct. 27, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: ORDINANCE NO. 88-263A

The Finance Committee will be meeting on Thursday, October 20, to consider the above ordinance. The Committee's report and recommendation will be distributed to Councilors prior to the Council meeting.

Note: This is a revision to Ordinance No 88-263 as presented to Council Oct. 13, 1988

REVISED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 88-263A AMENDING
ORDINANCE NO. 88-247 REVISING THE FY 1988-89 BUDGET AND
APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF ADDITIONAL
STAFFING AND CAPITAL PURCHASES WITHIN THE TRANSPORTATION
DEPARTMENT

Date: October 14, 1988

Presented By: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The attached ordinance provides the necessary budget amendments for the following items:

1. Addition of Full-Time Secretarial Position

With the transfer of the Data Section from IRC and the mapping services from Public Affairs, the size of the professional staff within the Transportation department and the scope of their work have increased while the clerical staffing has remained the same. The average agency ratio of professional to clerical staff is six to one. In FY 88-89 the ratio of professional to clerical staff in the Transportation department is twenty to one. This high ratio is prohibitive to the efficient and effective operation of the Transportation department. Many of the staff are now doing their own word processing and are being requested to help out with copying and mailings. With the dramatic increase in clerical work and the possible reorganization of word processing that would increase department word processing requirements, it has become imperative to add additional clerical support. This proposed amendment would add one full time secretarial position to the Transportation department for the remainder of the fiscal year (0.60 FTE). The budget impact of this action is \$11,510, salary and fringe, to be transferred from contingency. Carryover grant funds and dues will be used to fund this position.

In addition, the Transportation Department has prepared the attached strategic five year computer plan. This plan analyzes current and future computer needs, proposes a strategy to meet those needs and provides an explanation of the interrelationship between current and proposed systems. The goal is to provide an integrated system which, through the personal computer local area network, would provide access for the planning staff to the current travel forecasting system (EMME/2), the proposed Geographical Information System approved in the FY 1988-89 budget, and the new financial management system as well as provide the ability for independent spreadsheet analysis and word

processing.

The computer plan will be implemented over the next few years as funding sources are identified. The following budget items represent the beginning steps to implementing those pieces of the plan which do not currently exist.

2. Additional Needs for Geographical Information System

During the FY 1988-89 budget process the Council approved the development of a Geographical Information System (GIS), an integrated database of geographical information with the ability to provide a variety of time-effective, cost-efficient applications. The original budget proposal to the Council included three potential funding levels. The Council chose to specifically budget only the minimum level but agreed to place the remaining portion (\$174,085) in contingency pending identification of specific revenue sources. An analysis of resources has identified additional unbudgeted carry-over dues, data sales and capital reserve revenue. This proposed action would transfer \$41,233 from contingency to capital to allow for a more complete implementation of the envisioned GIS system.

3. Personal Computer Acquisition

Central to the Transportation department computer plan is the personal computer network. This provides the ability for the users to access the EMME/2 planning system, the GIS system and the financial management system as well as perform independent spreadsheet analysis and word processing. To fully access all these capabilities, the personal computer must be a high resolution graphics unit as opposed to alpha-numeric. Some of the terminals currently in use with the EMME/2 system are alpha-numeric instead of graphics. These terminals are able to access only a portion of the capabilities of the system. When full graphics capabilities are required the user must wait for access to a graphics terminal causing sometimes lengthy delays in productivity. This proposed budget action would transfer an additional \$2,816 from contingency to increase the previously approved budget from one personal computer to two.

Budget items number 2 and 3 will utilize the same funding sources - the newly identified carry-over dues (\$35,000), data sales (\$2,288) and capital reserve revenue (\$6,761). The Transportation department has received and evaluated proposals for the GIS system, and has identified which one best meets their needs. A contract for the Geographical Information System will be brought before the Council for their approval the same evening of the final reading of this budget amendment.

4. Pixel Software Replacement

The budget amendment also proposes to transfer \$14,495 from Materials and Services to Capital Outlay. At the time the budget

was adopted, the software components of the personal computer and GIS purchase were budgeted as Materials and Services. A further clarification from Accounting has determined that, when purchased, these items would be considered a capital outlay. This action would transfer \$14,495 from Materials & Services, Data Processing to Capital Outlay, Office Furniture and Equipment, thereby consolidating all aspects of the computer purchases under capital.

EXECUTIVE OFFICERS'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 88-263A.

a(res1):\SR263A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)	ORDINANCE NO. 88-263A
88-247 REVISING THE FY 1988-89)	
BUDGET AND APPROPRIATIONS SCHEDULE)	Introduced by Rena Cusma,
FOR THE PURPOSE OF ADDITIONAL)	Executive Officer
STAFFING AND CAPITAL PURCHASES IN)	
THE TRANSPORTATION DEPARTMENT)	

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered various needs to modify the FY 1988-89 Budget; and

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

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-247, Exhibit B, FY 1988-89 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in Exhibits A and B to this Ordinance.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

a(res1):\ORD263A

EXHIBIT A
ORDINANCE NO. 88-263A

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND:Transportation Department							
Personal Services							
6020	Transportation Director	1.00	55,259			1.00	55,259
6030	Technical Manager	1.00	50,158			1.00	50,158
6058	Administrative Secretary	1.00	20,898			1.00	20,898
6060	Secretary		0	0.60	8,786	0.60	8,786
6033	Regional Planning Supervisor	1.00	39,310			1.00	39,310
6030	Trans. Planning Manager	1.00	39,310			1.00	39,310
6035	Trans. Planning Supervisor	1.00	39,310			1.00	39,310
6075	Senior Regional Planner	1.00	32,088			1.00	32,088
6082	Senior Trans. Planner	4.00	122,847			4.00	122,847
6080	Senior Management Analyst	1.00	33,842			1.00	33,842
6090	Assoc. Trans. Planner	3.00	80,700			3.00	80,700
6095	Assoc. Regional Planner	1.00	29,175			1.00	29,175
6100	Asst. Trans. Planner	3.00	72,925			3.00	72,925
6130	Planning Technician	1.00	17,285			1.00	17,285
6180	Administrative Assistant	1.00	26,560			1.00	26,560
6300	Temporary	1.00	16,704			1.00	16,704
6700	Fringe		206,167		2,724		208,891
Total Personal Services		22.00	882,538	0.60	11,510	22.60	894,048
Materials & Services							
7100	Travel		7,500				7,500
7110	Meetings & Conferences		2,000				2,000
7120	Training & Tuition		3,500				3,500
7130	Dues & Subscriptions		1,000				1,000
7140	Ads & Legal Notices		1,200				1,200
7150	Printing		7,900				7,900
7300	Postage		500				500
7410	Supplies- Office		6,500				6,500
7440	Supplies-Graphics		3,450				3,450
7500	Misc. Professional Services		186,200				186,200
7510	Payments to Other Agencies		30,000				30,000
7520	Data Processing		15,995		(14,495)		1,500
7540	Audit Services		6,500				6,500
Total Materials & Services			272,245		(14,495)		257,750
Capital Outlay							
8570	Office Furniture & Equipment		43,208		58,544		101,752
Total Capital Outlay			43,208		58,544		101,752
TOTAL EXPENDITURES		22.00	1,197,991	0.60	55,559	22.60	1,253,550

EXHIBIT A
ORDINANCE NO. 88-263A

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND: General Expenses							
	Transfers, Contingency, Unappropriated Balan						
9100	Transfer to General Fund		675,810				675,810
9130	Transfer to Building Mgmt Fund		59,023				59,023
9150	Transfer to Insurance Fund		7,494				7,494
9700	Contingency		418,017		(55,559)		362,458
	Total Trans., Contingency, Un. B		1,160,344		(55,559)		1,104,785
	TOTAL EXPENDITURES	32.00	2,958,227	0.60	0	32.60	2,958,227

EXHIBIT A
ORDINANCE NO. 88-263A

FISCAL YEAR 1988-89		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
PLANNING FUND REVENUE							
	Resources						
4300	Fund Balance-Beginning		138,919		44,049		182,968
5010	Dues Assessment		631,218				631,218
5020	Documents & Publications		3,500				3,500
5030	UGB Fees		6,000				6,000
5040	Conference Workshops		2,000				2,000
5035	Business License Fees		100,000				100,000
	DLCD Grant (UGB)		12,500				12,500
5100	UMTA/EPA						

	FY89 Sec 8 UMTA		224,000				224,000
	FY89 103(e)(4) UMTA		150,000				150,000
	FY89 Sec 9-Pass thru from Tri-Met		150,000				150,000
	FY 88 Sec 8-Pub/Priv (OR-08-0054)		150,000				150,000
	FY88 (e)(4)		25,000				25,000
	FY87 (e)(4)		40,000				40,000
	FY88 Sec 8		0		11,510		11,510
	FY85 (e)(4) OR299010-Passthru		25,000				25,000
	Phase I-Alt Analy. OR299008-Passthru		20,000				20,000
5110	DDOT						

	FY89 P1/DDOT		235,000				235,000
	FY89 DDOT Supplemental		135,000				135,000
	FY87 FHWA (e)(4)		75,000				75,000
5120	Tri-Met						

	FY89 Tri-Met Sec 8/(e)(4)/Sec 9 match		25,000				25,000
	FY89 Westside from Tri-Met		35,000				35,000
5140	Professional Services		48,671				48,671
5600	Interest		12,000				12,000
5670	Miscellaneous		174,085		(55,559)		118,526
5810	Transfer from General Fund		50,709				50,709
5830	Transfer from S.W. Operating		489,625				489,625

	Total Resources		2,958,227		0		2,958,227

EXHIBIT B
ORDINANCE NO. 88-263A

SCHEDULE OF APPROPRIATIONS FY 1988-89

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION

PLANNING FUND			

Transportation Department			
Personal Services	882,538	11,510	894,048
Materials & Services	272,245	(14,495)	257,750
Capital Outlay	43,208	58,544	101,752
	-----	-----	-----
Subtotal	1,197,991	55,559	1,253,550
Planning & Development Department			
Personal Services	406,997		406,997
Materials & Services	125,595		125,595
Capital Outlay	67,300		67,300
	-----	-----	-----
Subtotal	599,892	0	599,892
General Expenses			
Contingency	418,017	(55,559)	362,458
Transfers	742,327		742,327
	-----	-----	-----
Subtotal	1,160,344	(55,559)	1,104,785
Unappropriated Balance	0	0	0
Total Planning Fund Requirements	2,958,227	0	2,958,227



METRO

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

Memorandum

Agenda Item No. 7.1

Date: October 20, 1988

Meeting Date Oct. 27, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: RESOLUTION NO. 88-991, Approving a Contract with
ESRI, Inc., for a Turnkey Geographic Information
System (GIS)

The above resolution will be considered by the Council
Intergovernmental Relations Committee on Tuesday,
October 25. The Committee's report and recommendation will
be distributed at the October 27 Council meeting.



METRO

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

Memorandum

Agenda Item No. 7.1

Meeting Date October 27, 1988

Date: October 26, 1988

To: Metro Council

From: Councilor Jim *AG* Gardner, Chair
Council Intergovernmental Relations Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT ON OCTOBER 27, 1988 COUNCIL MEETING AGENDA ITEM NO. 7.1, RESOLUTION NO. 88-991 FOR THE PURPOSE OF APPROVING A CONTRACT WITH ESRI, INC., FOR A TURNKEY GEOGRAPHIC INFORMATION SYSTEM (GIS)

COMMITTEE RECOMMENDATION: Committee members present -- Councilors DeJardin, Waker and myself -- voted unanimously to recommend Council approval of Resolution No. 88-991 as amended. Councilor Knowles was absent and Councilor Collier had to leave prior to the vote.

COMMITTEE DISCUSSION & ISSUES: Metro Director of Transportation, Andy Cotugno, presented the resolution and staff report and had staff present to answer any questions. Mr. Cotugno requested that Resolution No. 88-991 be amended to allow the contract to be executed for up to \$135,628 versus the \$130,628 in the resolution. The total amount budgeted by Metro to implement GIS is \$144,233 which is broken out in 2 basic pieces -- the contract funds and funds for purchasing other equipment separately. This change in the contract amount would provide Metro with more flexibility in negotiating prices on final equipment purchases which might be included under the contract. This change would not increase the budgeted funds; the \$144,233 will remain intact.

Mr. Cotugno also noted that Deltasystems, the unsuccessful proposer, may protest the contract award, but Metro General Counsel believes that Metro's position is good. Deltamap was rated negatively on 18 of 150 RFP evaluation criteria, whereas ESRI received only 1 negative rating.

In further discussion, it was noted that access to the system by non-government users -- through convenient software "downloads" from CompuServe, for example -- will be essential to Metro establishing a position as the regional data source. The possible addition of another data layer to GIS was also discussed for land parcels' "environmental status". It was pointed out that the prior uses of lots and potential ground contamination have become critical information for potential land purchasers.

jpm a:\igr991

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 88-991 FOR THE PURPOSE OF APPROVING A CONTRACT WITH ESRI, INC. FOR A GEOGRAPHIC INFORMATION SYSTEM (GIS)

Date: October 25, 1988

Presented by Andy Cotugno/Dick Bolen

FACTUAL BACKGROUND AND ANALYSIS

This procurement will initiate development of the Regional Land Information System (RLIS) at Metro. The RLIS project has emerged in response to an identified role for Metro to provide improved information services for metropolitan economic development, land use and transportation planning activities.

For the past several months Metro staff have been working with a committee of potential RLIS users from government and business. The RLIS Steering Committee has identified the essential features of the system along with the optimal hardware configuration and software requirements. In addition, they have sought member discounts for hardware and software which were included in the RFP. As a result, the selected vendor, Environmental Systems Research Institute (ESRI), has agreed to offer discounts to RLIS members ranging from 15% to 60% on hardware and software products. The attached memo to Andy Cotugno and staff evaluation of proposals for the steering committee summarize the RFP evaluation process.

An overview of the system's essential features is included in the attached flyer entitled "ANNOUNCEMENT-- REGIONAL LAND INFORMATION SYSTEM (RLIS)".

Two proposals were received as a result of the request for proposals, mailed to a list of vendors on July 18, 1988. Publication was not made in a local newspaper, as all of the potential GIS vendors are headquartered in other US and Canadian cities and received notice.

Proposals came from ESRI, Inc. of Redlands, California and Deltasystems of Fort Collins, Colorado. Evaluation of these proposals was accomplished as a two step process, driven by selection of software most nearly meeting the RFP specifications. The second step was to evaluate the hardware platforms supported by the selected software, looking to price/performance ratio as the principal criteria.

The first step resulted in selection of ESRI's ARC/INFO product and the second Hewlett Packard's graphic workstation line of computers. The attached memo to Andy Cotugno includes a cost comparison of the three computer systems proposed; Sun Microsystems, Tektronix, and Hewlett Packard.

Following is an itemization of costs:

Included in Contract with ESRI

	<u>HARDWARE</u>	<u>MAINT.</u>
File Server-- Hewlett Packard 9000/370	\$ 51,897	\$ 423
Graphic Workstation-- HP 319 C+	10,278	84
Digitizers-- two Calcomp 44 X 60	13,643	648
Map Plotter-- Calcomp	11,815	105
Graphon terminals-- two	3,800	150
Ethernet cabling	700	0
Subtotal	\$ 92,133	\$1,410
	<u>SOFTWARE</u>	<u>MAINT.</u>
ARC/INFO-- multi-user license	\$30,000	\$ 0
Network-- single workstation license	2,250	0
PC ARC/INFO-- one copy	1,750	330
TGraf-07-- PC graphic terminal emulation	1,400	0
Installation	2,600	0
Unix operating system (included)	0	1,080
Manuals	495	0
Subtotal	\$38,495	\$ 330
ESRI contract total	\$130,628	\$ 1,740

Items to be purchased separately

		<u>MAINT.</u>
Postscript laser printer	\$ 3,100	\$ 60
UNIFY database manager	5,000	500
Communications with A-4 Unisys 9-track	1,000	0
Training	2,000	0
Furniture	1,200	0
Contingency	1,800	0
Subtotal	\$ 14,100	\$ 560
Total RLIS cost	\$144,728	\$ 3,380

This purchase is separate from funding for upgrades to the Masscomp and PC purchase. The maintenance costs are covered in our transfer to the general fund for computer operations. Maintenance on the Pixel has not been renewed and is available for the system being purchased. It has been possible to realize a net savings of \$10,000 by gaining access to the 9-track tape drive on the Unisys computer in Accounting.

This purchase requires that the budget amendment to increase the Capital line item (8570) currently before Council (Ord. 88-263) be increased by \$2,288. The source of revenue for this increase is a fund balance in data sales not previously budgeted.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 88-991

BEFORE THE COUNCIL OF THE
THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING A CONTRACT) RESOLUTION NO. 88-991
WITH ESRI, INC. FOR A TURNKEY GEOGRAPHIC) Introduced by the
INFORMATION SYSTEM (GIS)) Executive Officer

WHEREAS, The Council of the Metropolitan Service District adopted a budget item for procurement of a Geographic Information System (GIS) for improved information services to support metropolitan economic development, land use and transportation planning activities; and

WHEREAS, GIS technology has matured into a proven and efficient means of maintaining large land information databases, capable of quick response to complex queries; and

WHEREAS, a thorough search and selection process for a GIS system has been directed for the past 8 months by a steering committee composed of government and business representatives interested in development of a Regional Land Information System (RLIS); and

WHEREAS, ESRI's software product, ARC/INFO, most completely fulfilled the functionality requirements of the Request For Proposals; and

WHEREAS, Hewlett Packard was presented by ESRI as offering the lowest cost hardware alternative, in spite of its superior performance; now, therefore,

BE IT RESOLVED:

1. That the Executive Officer be authorized to complete execution of the contract with ESRI for installation of a geographic information system at Metro in the amount of ~~\$130,628.~~

up to \$135,628.

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

Mike Ragsdale, Presiding Officer



METRO

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

Announcement

DEVELOPMENT OF A REGIONAL LAND INFORMATION SYSTEM

FOR THE PORTLAND METROPOLITAN AREA

Metro is proposing a dramatic improvement to the information services it currently provides business and government users. Using proven computer technology, the proposed system can draw upon and combine geographic data from multiple sources including:

assessors	utility providers
building permits	transportation agencies
comprehensive plans	U.S. Census Bureau
zoning ordinances	Oregon Employment Service
aerial photography	emergency service providers
satellite imagery	

The result will be a wealth of geographically coded information, never before available from a single source.

Assembling this information into an integrated database is only the beginning of system capability. Geographic coding allows each category of data to act as a map which can be overlaid with other "data maps" to address complex questions about current or forecasted conditions in any part of the region. Combining "data maps" in layers makes it possible to quickly produce new sets of information that may have taken days or months using existing manual techniques. As examples, the following would be routine queries of the database:

locate all land parcels in the region zoned industrial, over 20 acres in size and ready for development; or,

how many housing units are forecast for construction in area "X" over the next 10 years, locate parcels having capacity for 100 or more units and compute the build-out capacity of all vacant and developable parcels.

A map of all parcels meeting the query criteria could be produced, along with a printout of pertinent parcel data (eg. name and address of owner). This data overlay capability opens exciting possibilities for business and government applications. Some types of analysis which have been prohibitively expensive will become affordable. In other cases, significant time and cost savings over traditional methods will result.

The Regional Land Information System (pronounced "arlis") will significantly expand Metro's service capability through the integration of land based data from multiple sources. A variety of applications becomes possible on a time-effective and cost-efficient basis including:

Business Applications

- Branch and New Facility Siting
- Market Research
- Strategic Planning
- Sales/Service Area Definition
- Maintaining Current Maps

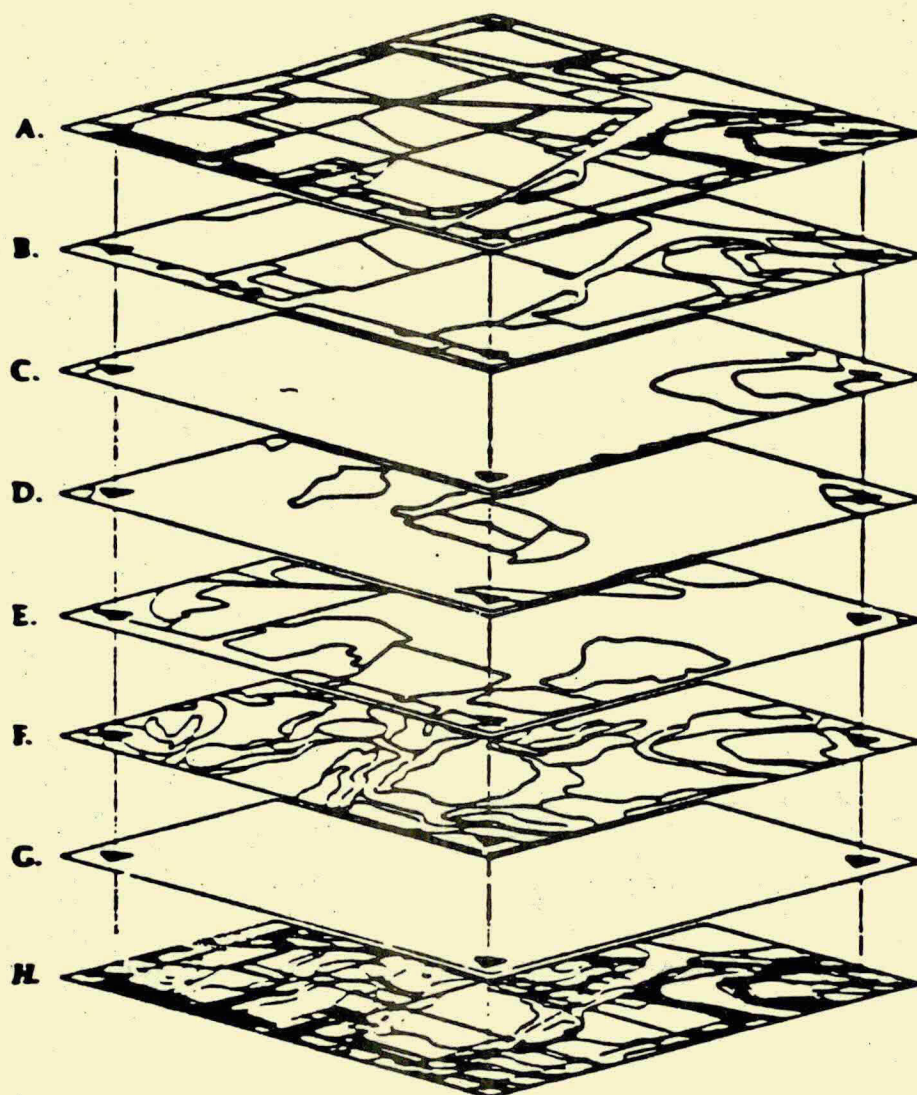
Government Applications

- Public Facility Siting and Sizing
- Service Delivery Planning
- Development Impact Assessment
- Land Use Planning and Forecasting
- Economic Development Programs
- Emergency Service Planning

gismkt.wri 5-2-88

Regional Land Information System

Map data layer	Data capture and update methodologies	Application notes
Tax Lots (property boundaries)	Obtain from PGE, they update file continually making annual updates feasible.	Provides ability to display property lines, and the basis for development of a parcel-based system.
Land Ownership	Attach tax lot numbers to PGE parcels; add ownership, value, tax data, and related items from assessors records.	Provides link to county assessors/building departments and other sources of tax lot and/or address-based data.
Vacant/Land in Use (identifies whether parcel is in use or vacant; one acre minimum)	Digitize map layer from aerial photos and use land use maps from local planners as a reference; update annually using fresh aerials and building permit records to identify in-fill development as it occurs.	Has its greatest utility when combined with other map layers, eg. zoning, comprehensive plans, sewer/water or transportation for determination of vacant land development potential.
Detailed Land Use (identifies specific use by parcel, eg. retail, office, or manufacturing)	Derive from assessor's land use codes and records such as reverse directories and business licenses to produce an inventory of activity by parcel.	Focuses on what's currently on the ground in terms of land use; providing a supply-side inventory for market research and planning.
Zoning Maps (land uses permitted by ordinance)	Digitize city and county zoning maps; updating done by jurisdictions as changes are approved.	Most useful with the vacant/land in-use layer, showing land uses permitted on parcels.
Comprehensive Plan Maps	Digitize city/county comprehensive plan maps. Updating by jurisdictions as changes are approved.	Most useful with the vacant/land in-use layer, showing maximum development potential of parcels.
Development Constraints (flood plains & extreme slopes)	Digitize from city/county zoning overlays; updating by member jurisdictions as changes result from excavation & fill permits.	Additional data for determination of vacant land development potential and suitability.
Sewer and Water	Digitize from service provider maps and update annually.	Most useful in conjunction with the vacant land layer to determine development potential and timing of vacant parcels.
Transportation	Down-load network, volume, and capacity data from regional transportation model.	Provides capability for analysis of transportation and land use relationships.
Parks & Open Space	Digitize maps obtained from regional parks study; users update as additions are made.	Identifies land not available for development and provides a community planning tool.
Boundaries (eg. cities, voter precincts)	Digitize from maps obtained from jurisdictions; users update as changes are made.	Provides relationship of bounded area to other map data layers.
Census Geography	U.S. Census data and annual updates by Metro.	Provides census data for demographic profiles, trends and analysis.
Employment at the Work Location	Annual geocoding by Metro to street address location.	Provides employment by type of industry for economic analysis.



Concept for a Regional Land Information System

Map Data Layers

- | | |
|-----------------------|---|
| A. Tax Lots | F. Comprehensive Plans |
| B. Vacant Land | G. Reference Framework
(public land survey system) |
| C. Land in Use | H. Composite Overlay |
| D. Zoning | |
| E. Parks & Open Space | |
-



METRO

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

Memorandum

TO: Andy Cotugno
FROM: Dick Bolen *DB*
SUBJECT: Recommendation for Selection of GIS Vendor
DATE: October 10, 1988

The attached line item budget lists the hardware, software and related costs for a 2-seat GIS installation with 4 database access terminals. Also attached is a copy of my staff report to the RLIS Steering Committee.

The committee concurred with the Metro staff report that ARC/INFO be selected as the GIS software. The Committee has focused their attention on the software issues, especially as they relate to a cooperative system of users. They have treated hardware selection as a decision for Metro, based on price/performance criteria.

Not surprisingly, the majority of committee concern has been regarding the availability of software and hardware discounts to RLIS members. The ESRI proposal offers 45% to 60% ARC/INFO discounts to system members on the unix workstation products and 30% to 60% on PC products. The level of discount is dependent on the quantity purchased. The hardware discounts have varied from 15% to 20%, depending on the product. These discounts will also be available to RLIS members.

The Committee has wrestled with the question of how "member" should be defined in the Metro contract with ESRI. I believe this has been satisfactorily negotiated with ESRI. The definition and means for adding new members is found in the attached contract.

The attached spreadsheet compares three computer graphic workstation products. The Hewlett Packard computer is recommended. Tektronix must be disqualified because a diskless workstation is not offered. To use their workstation with disc would add \$9900 to the system cost for a stand alone workstation ARC/INFO license. The Sun equipment is more expensive to buy and maintain and their delivery times are expected to be slow (90 days or more). The Hewlett Packard computer is a newly introduced model which takes advantage of the latest technology. Its computational speed, measured in MIPS (million instructions

per second), is more than twice that of Sun and Tektronix-- 7 MIPS vs 3 MIPS. In addition to offering superior performance, the HP file server costs less to buy and maintain. The HP diskless workstation is also an excellent buy at \$10,000 when compared to Sun.

This hardware configuration does not include a 9-track tape drive at a net savings of \$10,000 by utilizing the drive on the Accounting Department's A-4 Unisys computer. The \$1000 line item for communications software provides this capability.

In conclusion, I recommend that we proceed with GIS procurement with ESRI as the turnkey vendor and that the Hewlett Packard 9000/300 graphic workstation series be the computer platform that RLIS is developed on.

COST COMPARISON

COMPONENT	Sun Microsystems		Tektronix		Hewlett-Packard	
	Capital	Maint.	Capital	Maint.	Capital	Maint.
File Server	\$39,375	\$5,220	\$36,920	\$3,027	\$26,158	\$840
Includes 1 GIS station						
8 MB Memory						
Math Co-processor						
19" Display						
Ethernet Interface						
Hard Disc (600 MB)	inc		\$7,600	\$400	\$14,596	\$408
RS232 line support	inc.		\$2,100		\$1,935	\$24
Cartridge tape	inc.		inc.		\$1,763	\$84
Floating Pt. Proc.	\$3,675	\$540	\$3,920	\$540	\$3,198	\$48
Multiplexor	\$2,621	\$480	inc.		\$1,000	
PC Co-processor	\$1,602	\$360	inc.		\$990	
Floppy Drive (5 1/4)	\$723	\$180	inc.		\$817	\$72
System Software						
Oper. System	\$900	\$1,740	inc.		inc.	
F77 Compiler	\$750		\$1,500	\$200	\$496	\$180
X-Windows	inc.		inc.		inc.	
PC Emulation	\$421	\$600	inc.		\$944	
Manuals	\$550		\$400		\$495	
File Server Total	\$50,067	\$9,120	\$52,040	\$4,167	\$51,897	\$1,656
Workstation (Discless)	\$12,913	\$1,200	\$15,000	\$1,900	\$10,278	\$336
Second GIS station						
Digitizers (2 Calcomp)	\$13,643	\$2,592	\$13,643	\$2,592	\$13,643	\$2,592
Plotter (1 Calcomp)	\$11,815	\$420	\$11,815	\$420	\$11,815	\$420
Postscript Printer	\$3,100	\$240	\$3,100	\$240	\$3,100	\$240
Graphon Terminals	\$3,800	\$600	\$3,800	\$600	\$3,800	\$600
Peripheral Total	\$32,358	\$3,852	\$32,358	\$3,852	\$32,358	\$3,852
GIS Software						
Multi-User Lic	\$30,000	\$5,500	\$30,000	\$5,500	\$30,000	\$5,500
Network	\$2,250	\$500	\$2,250	\$500	\$2,250	\$500
Unify RDBMS	\$5,000	\$500	\$5,000	\$500	\$5,000	\$500
Communications	\$1,000		\$1,000		\$1,000	
PC ARC/INFO	\$1,750	\$1,000	\$1,750	\$1,000	\$1,750	\$1,000
TGraf-07	\$1,400		\$1,400		\$1,400	
Software Total	\$41,400		\$41,400		\$41,400	
Installation	\$2,600		\$2,600		\$2,600	
Training	\$2,000		\$2,000		\$2,000	
Furniture	\$1,200		\$1,200		\$1,200	
Contingency	\$2,500		\$2,500		\$2,500	
Total	\$145,038	\$21,672	\$149,098	\$17,419	\$144,233	\$13,344

REPORT TO THE RLIS STEERING COMMITTEE

Analysis of GIS Proposals

In Response to RFP

by Dick Bolen

September 1, 1988

Introduction

Metro's July 18th request for bids on a Geographic Information System (GIS) has resulted in responses from two vendors:

Environmental Systems Research Institute
(ESRI): headquartered in Redlands, California
with a Northwest office in Olympia, Wash-
ington; ARC/INFO the GIS software product

Deltasystems Incorporated: based in Fort
Collins, Colorado; Deltamap the GIS software
product.

The following analysis concludes that ESRI should be selected as the GIS vendor but that further study is necessary to determine the hardware configuration offering the greatest price and performance benefits.

The method applies the evaluation criteria contained in Section 7 of the RFP to each proposal, using the Standard Response Forms and additional information on software and hardware provided in each vendor's bid.

SELECTION CRITERIA

1) Number and type of computer systems software is capable of operating on.

ESRI's software has been ported to the broadest range of computer systems. Following is a listing of computer systems each vendor is currently operating on.

	ARC/INFO	DELTAMAP
Sun Microsystems	yes	yes
IBM-RT	yes	yes
IBM-CM/VMS	yes	no
IBM PC (& compatible)	yes	no
DEC/VAX	yes	yes
Silicon Graphics	no	yes
ELXSI	no	yes
Tektronix	yes	no
Apollo	yes	no

Data General	yes	no
Prime	yes	no
Hewlett Packard	yes	yes

For the Metro installation, the ability to operate in both Unix and MS DOS environments is necessary. Delta map does not meet this requirement, as it will not operate on IBM PC (& compatible) computers.

2) Current installed base

ESRI has the largest installed base by a wide margin with 350 installations world wide. Deltasystems does not state the total number of installations (it is small) but provided four as references. ESRI provided a list of 24 governments (4 in Oregon) as references. ESRI added 150 sites to its customer base in 1987 and 200 more are projected for 1988.

ARC/INFO installations in Oregon are at PSU, Oregon State Departments of Energy and Water Resources, the Central Electric Coop in Bend, and USGS in Portland. The Bonneville Power Administration is also in the process of installing ARC/INFO. This local user community will prove to be a valuable resource for obtaining compatible data files and technical guidance. For example, State Energy is in the process of transferring Intergraph maps produced by the Department of Transportation for use with ARC/INFO. These maps were completed for the Portland area in August of this year and will serve as a ready-made base map for Metro's transportation database. This will enable us to shorten the time needed to begin producing products from RLIS.

3) GIS Functionality

Of the 157 software requirements listed in Section five of the RFP, ESRI attests to meeting all but one of them and Deltasystems all but 18. ARC/INFO does not currently allow the user to control coordinate storage precision, a requirement met by Deltamap. However, ESRI states that this feature will be available in version 5.0, scheduled for release in January 1989.

The Deltamap product falls short of ARC/INFO in three areas.

a. Attribute Manipulation-- Deltamaps' internal database manager does not meet the following attribute manipulation requirements in the RFP. This is because it does not incorporate a relational database manager as specified in the RFP.

[RFP Section 5.7] Attribute Manipulation-- 1) Allow multiple files (up to 10 at a time to be related by shared key fields; treat the result as a single

collection of data which can be used with all tabular processing functions (eg., data entry, analysis and report generation). 2) Sort files by up to four key fields. 5) Create or update attribute fields by using table lookup procedures of attribute fields in related files.

b. Address Geocoding and Network Analysis-- Deltasystem states that they have a "network" product that interfaces with the Census Bureau's GBF/DIME files but that the address coding and some additional features are presently being developed at a university in Europe. Additional features include the ability to create capacity zones around a center, such as for locating fire stations or schools (RFP section 5.5,C- 5 & 6). ESRI's network package currently meets the RFP specifications.

c. MS DOS Version of GIS Software-- Deltamap does not offer a MS DOS version of the software to run on personal computers (IBM compatible). They are developing a version to operate on 386 based computers using Xenix as the operating system.

Deltamaps' report generator is also limited. They state that most report generation must be done externally, apparently in database management software. Also, Deltamap does not automatically place labels within polygon borders as specified in section 5.7,B-4.

In the optional software requirements Deltamap fails to meet the following cellular data management requirements (RFP page 37).

1.1,B-- Allow up to 50 attributes to be sorted for each grid cell in a multi-variable file format.

1.3,A-- Use codes for an existing attribute as a key to add and expand related variables (e.g., create a matrix of soils interpretive data).

1.3,B-- Shift and rescale the origin of the grid.

1.3,C-- Expand grid resolution by subdividing cells (including interpolation for contour data).

4) Data conversion from other digital formats

Both vendors meet the RFP's requirements for data conversion.

5) Support for Unify RDBMS

Both vendors have bid hardware supporting the Unify database management software currently in use at Metro. This is an important feature for integration of the current database operations with RLIS. It will place all data on one computer

system and enable us to take the current unix computer (Pixel AP 100) out of service. Maintenance support will no longer be available on the Pixel after October 1988.

6) Delivery date

Prompt delivery was stated as a high priority in the RFP in order to begin implementation of RLIS as early as possible. Only one computer system is quoted as available within the desired 30-45 day delivery time frame- Tektronix. The others said to expect 90 days (60 minimum for HP) for delivery.

7) Price of proposed system

Price comparison between the two vendors is limited to their software as they each run on the computer system having the clear price advantage-- Hewlett Packard's 9000/300 series of graphic workstations. This is documented on the attached spreadsheet. Both vendors have the same price for a multi-user license. Deltasystems price for additional CPU licenses is \$1900 less than ESRI.

Following is a comparison of software costs:

Software Cost Per CPU

	ARC/INFO	Network	DELTAMAP	Network ¹
First CPU				
multi-user	\$30,000	\$6,000	\$30,000	Included
single seat	\$18,000		no option	
Additional CPU's				
as secondary sites	\$9,900	\$1,650	\$8,000	Included

¹ network software does not meet RFP specifications

Discounts to System Members

ESRI states that system members will be eligible to buy off the Metro contract, qualifying them for hardware and software discounts.

Members will have secondary site status, qualifying them for 45% to 60% discounts on ARC/INFO for the stand-alone license and 35% for the multi-user license. A 30% discount is offered on the PC software which starts at \$2500 and goes to \$11,200 for all of the available modules. This does not require purchase of one copy at full retail before the discount applies.

Deltasystems did not respond to the RFP's request for system member discounts.

Conclusions

The ARC/INFO software appears best suited to the RLIS system design criteria. It essentially meets all of the required and optional software specifications included in the RFP and more closely adheres to the evaluation criteria included in Section seven.

Deltamap is a strong competitor but does not match the functional capabilities of ARC/INFO. In addition to the GIS functional advantages, three factors make ARC/INFO a more obvious choice.

- * The ability to operate on personal computers will make RLIS products available to the widest possible range of users.

- * An ARC/INFO user community is established and growing in the region and state, a valuable resource for Metro and its member jurisdictions.

- * The hardware and software discounts offered to RLIS members will assist in project development and is service to Metro's member jurisdictions.

It is therefore recommended that ESRI be selected as the vendor and the selection of computer hardware be the subject of further study to determine the most cost effective solution to the RLIS hardware requirements.

rfpeval3.wp

NOTE: The Contract, Scope of Work, and Requests for
Proposals documents relating to this contract have been
distributed to Councilors. Other parties wanting copies
of the document may contact Marie Nelson, Council Clerk,
221-1646, ext. 206.



METRO

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

Memorandum

Agenda Item No. 7.2

DATE: October 19, 1988

Meeting Date Oct. 27, 1988

TO: Metro Council

FROM: Councilor Gary Hansen
Chair, Council Solid Waste Committee

RE: SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988, COUNCIL
AGENDA ITEM

Agenda Item No. 7.2

Consideration of Resolution No. 88-997, for the Purpose of Confirming the Appointment of Bob Martin, P.E., to the Position of Director of Solid Waste.

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-997. This action taken October 18, 1988.

Discussion

The Committee asked the Executive Officer if a background check had been made on Mr. Martin. The Executive Officer stated that a background check had been made before his appointment to the Solid Waste Department. The results of the checks were that Mr. Martin was well respected, did excellent work, worked long hours, and his former employer, the Alaska Department of Environmental Conservation, hated to lose Mr. Martin as Deputy Director of the Division of Environmental Quality.

The Committee voted 5 to 0 to recommend Council adoption of Resolution No. 88-997. Voting aye: Gardner, Hansen, Kelley, Kirkpatrick and Ragsdale.

GH:RB:pa
RAYB.005



METRO

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

Memorandum

Date: October 6, 1988

To: Mike Ragsdale
Presiding Officer

From: Rena Cusma *Rena*
Executive Officer

Re: Confirmation of Director of Solid Waste

I am pleased to forward the appointment of Bob Martin to the Metro Council for confirmation as Director of Solid Waste. Rich Owings resigned as the Director of Solid Waste on October 3, 1988.

I am very impressed with Mr. Martin's qualifications for this most critical position. I am convinced he will be able to provide the necessary leadership required to address and resolve the complex issues facing us in solid waste.

You will find attached Mr. Martin's resume. If you desire further information, please do not hesitate to contact me.

cc: Metro Council

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 88-997
APPOINTMENT OF BOB MARTIN, P. E.)	
TO THE POSITION OF DIRECTOR OF	)	Introduced by Rena Cusma,
SOLID WASTE	)	Executive Officer

WHEREAS, The Code of the Metropolitan Service District, Section 2.02.040, requires that the Council of the Metropolitan Service District confirm the appointment of persons to "certain positions which have an independent and concurrent impact on both the Council and Executive Officer"; and

WHEREAS, Bob Martin, P. E. has been appointed Director of the Solid Waste Department; now, therefore,

BE IT RESOLVED,

That the appointment of Bob Martin, P. E. to the position of Director of the Solid Waste Department is confirmed by the Council of the Metropolitan Service District.

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

Mike Ragsdale, Presiding Officer

RE/sm
0226D/554
10/06/88

BOB MARTIN, P.E.
P.O. BOX 2081
SEQUIM, WASHINGTON 98382-2081
(206) 683-5623

PROFESSIONAL EXPERIENCE

1976-Present: ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- 1986-Present: Deputy Director, Division of Environmental Quality. Supervise the three regional offices of the division containing 102 employees. Responsible for establishing statewide field policies, preparing budgets and workplans, and evaluating progress. Responsible for the management of all enforcement, field activities, and permitting for the division. Serve on the agency's upper management team, and as the agency spokesperson in Anchorage. Develop State strategies for handling major environmental issues, work closely with local, state and federal officials to ensure State objectives are met.
- 1985: Special Assistant to the Commissioner. Assisted the Commissioner with policy formulation on a wide variety of issues. Represented the Commissioner on several task forces and boards. Served as agency spokesperson in Anchorage, often appearing before a wide variety of bodies to explain agency actions. Supervised several special projects on occasion.
- 1981 to 1985: Regional Supervisor, Southcentral Regional Office. Supervised a staff of about 40 employees responsible for permitting and enforcement of environmental quality programs in the Southcentral part of the state. Managed field activities relating oil spills, hazardous wastes, air quality, water pollution control, public water supplies, and solid waste.
- 1980: Chief, Water Quality Management Section. Supervised a staff of 14 employees involved in the statewide management of water pollution control, oil pollution control and drinking water programs. Developed regulations, established budgets, applied for federal grants and developed program objectives and procedures. Helped establish agency positions on major state water quality issues.
- 1976 to 1980: Construction Grants Engineer. Helped manage the construction grants program, which provides financial assistance to local government in Alaska for water, sewage, and solid waste facilities. Established program regulations, and inspected construction. Reviewed requests for payment, and negotiated contracts and change orders on large projects.

PROFESSIONAL EXPERIENCE - Continued

1973 to 1978: WASHINGTON DEPARTMENT OF ECOLOGY.

Section Chief, Solid Waste Construction Grants Program. Managed a \$30 million grant program for assisting local governments in the State of Washington in the construction of solid waste disposal facilities. Developed program procedures, reviewed applications, awarded grants, and assisted local officials in managing projects.

1969 to 1973: WASHINGTON STATE HIGHWAY DEPARTMENT

Highway Engineer I & II. Designed streets and highways in the Seattle area. Inspected construction, resolved utilities conflicts, helped run public hearings, analyzed drainage problems, designed drainage structures for major highways, and analyzed project costs during construction.

While attending the University of Washington under sponsorship of the department, I studied urban transportation planning. My thesis was entitled "The Operation of Reserved Freeway Lanes for Buses and Car Pools." After postgraduate work, I spent two years with the Highway Department doing traffic studies, and designing traffic control facilities.

1963 - 1967 SEASONAL EMPLOYMENT

Worked for several private logging companies as a choker setter in Oregon and Washington. Also worked for the U.S. Forest Service surveying and designing logging roads.

EDUCATION AND TRAINING

- M.S. University of Washington, 1971, in Engineering. Major area of study was traffic engineering and transportation planning. One of two state employees in Washington selected for salary plus expenses postgraduate education.
- B.S. Oregon State University, 1968 in Forest Engineering. Honor Roll and Elected to Xi Sigma Pi scholastic honorary fraternity for forestry students. I also completed course work for an MBA.
- Have maintained a commitment to life long learning and professional development through a wide variety of short courses.

AFFILIATIONS

- Vice-chairman, Anchorage Health and Human Services Commission
- Alaska Water Resources Board, Ex-Officio Agency representative
- Alaska Public Health Association
- Chena Poot Bay Society
- Potter Marsh Task Force, 1983-1985
- Staff Committee, Alaska Land Use Council, 1982-1984
- Kenai River Special Management Area Advisory Board, 1984-1985
- Susitna Hydroelectric Project Steering Committee, 1982-1984
- Placer Mining Water Use Advisory Board, 1985
- Arctic Health Policy Task Force, 1984
- Nordic Ski Club
- Society of American Foresters
- Alaska Conservation Society Taku Chapter Board of Directors, 1980

AWARDS

- Psi Sigma Pi, National Scholastic Honorary in Forestry
- Selected one of two Washington State Employees for postgraduate fellowship, 1970.
- Department of Environmental Conservation Exceptional Service Awards. 1979, 1984, and 1986.

PERSONAL DATA

Born: June 11, 1945, Aberdeen, Washington.

Height: 6' 0" Weight: 190 lbs

Married. Two children, ages 19 and 16. Excellent physical and mental health. Interests include sailing, biking, jogging, reading, chess, computers, travel, and photography.

REFERENCES

Dennis Kelso, Commissioner
Alaska Department of Environmental Conservation
P.O. Box 0
Juneau, Alaska 99811
(907) 465-2600

Al Ewing
Assistant Regional Administrator
Environmental Protection Agency
701 C Street
Anchorage, Alaska 99501
(907) 271-5083

Avery Wells
Department of Ecology
Lacey, Washington
(206) 459-6290



METRO

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

Memorandum

Agenda Item No. 7.3, 7.4

Date: **October 19, 1988**

Meeting Date Oct. 27, 1988

To: **Metro Councilors**

From: **Marie Nelson, Clerk of the Council**

Regarding: **RESOLUTION NOS. 88-1005 and 88-1006**

The above resolutions will be considered by the Finance Committee on Thursday, October 20. The Committee's reports and recommendations on these items will be delivered to Councilors prior to the October 27 Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO. 88-1005
APPRECIATION TO SUE MCGRATH FOR)	
SERVICES RENDERED TO THE	)	Introduced by Rena Cusma,
METROPOLITAN SERVICE DISTRICT	)	Executive Officer

WHEREAS, Sue McGrath has served as a citizen member of Metro's Investment Advisory Board for the period January 6, 1983 through October 31, 1988; and

WHEREAS, she has contributed her professional expertise in establishing Metro investment policies and reviewing investment practices; and

WHEREAS, her advice has been for the benefit of the public good; now, therefore,

BE IT RESOLVED,

That the Metro Council expresses its appreciation to Sue McGrath for the services she has rendered to the Metropolitan Service District.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING THE)	RESOLUTION NO. 88-1006
APPOINTMENT OF WILLIAM NAITO TO THE)	
INVESTMENT ADVISORY BOARD)	Introduced by Rena Cusma,
)	Executive Officer

WHEREAS, The Metropolitan Service District Code, Section 2.06.030, provides that the Council confirm members to the Investment Advisory Board; and

WHEREAS, The term of member Susan McGrath currently serving on the Board expires October 31, 1988; and

WHEREAS, The Investment Officer recommends William Naito for appointment; and

WHEREAS, The Council finds that William Naito is exceptionally qualified to carry out these duties; now, therefore,

BE IT RESOLVED,

That William Naito is hereby confirmed for appointment as a member of the Investment Advisory Board for the term beginning November 1, 1988, and ending October 31, 1991.

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

Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

NAME AND TITLE:

William S. Naito, President

EDUCATION:

Linfield College, LLD, 1988

University of Chicago

PhD Candidate, 1953

University of Chicago, MA 1951

Reed College, BA, 1949

Phi Beta Kappa

EXPERIENCE AND QUALIFICATIONS:

After serving with the U.S. Army in the Pacific Theater during World War II, and completing his education, Bill began his career at H. Naito Properties' parent company. He has been instrumental in each of the redevelopment projects undertaken by the company.

Bill has also been extremely active in community service work in Portland. His efforts include:

- * Trustee, Reed College, 1975 to present
- * Director, Federal Reserve Bank (Portland Branch) 1980-1986
- * Chairperson, Artquake, 1977, 1978
- * Director emeritus, Artquake, 1980
- * President, Board Member and incorporator, Association for Portland progress, 1979
- * Advisory Board, Providence Hospital, 1974
- * Chairperson, Providence Hospital Building Committee, 1979-present
- * Board Member, Portland Art Association Member
- * Mayor's Citizen Advisory Committee for the Downtown Plan, 1972-1974
- * Director, Greater Portland Convention & Visitors Association, 1980

WILLIAM S. NAITO

Portland Businessman and Developer
President, Norcrest China Company

Participation in the Arts:

Metropolitan Arts Commission, 1984
Sponsor, Wonderlights, art project for light rail
Performing Arts Committee, 1980-present
Chairman, Artquake/Festival of the Arts/sponsored by the
Metropolitan Art Commission, 1977, 1978, 1979
Award from Portland Beautification Association, for Restoration
of a Notable Interior Space, The Galleria, 1976
Merit Award, American Institute of Architects, The Galleria, 1976
American Institute of Architects Civic Enrichment Award, 1978

Participation in Historic Preservation:

Developer of Old Town, Galleria, McCormick Pier
Trustee of the National Trust for Historic Preservation, 1984
Chairman, Skidmore/Old Town Historic District Advisory Council,
1976-1978
Portland Historical Landmark Commission Award, Foresight in
Pioneering Business Appreciation in Saving Old Valuable
Building, 1979

Other Civic Contributions:

Portland Chamber of Commerce Transit Committee
Portland Street Tree Advisory Committee Chair, 1976-present
Association for Portland Progress, President, Board Member
Portland Board of Realtors First Citizen Award 1982
Providence Hospital Advisory Board
Reed College Trustee
Federal Reserve Bank of San Francisco, Director, Portland Branch
1981-1987



METRO

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

Memorandum

DATE: October 19, 1988
TO: Metro Council
FROM: Councilor Gary Hansen
Chair, Council Solid Waste Committee
RE: SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988, COUNCIL
AGENDA ITEM

Agenda Item No. 7.5
Meeting Date Oct. 27, 1988

Agenda Item No. 7.5

Consideration of Resolution No. 88-1001, for the Purpose of Authorizing a Request for Proposals to Prepare an Analysis for a Publicly Owned East Transfer and Recycling Center

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Resolution No. 88-1001. This action taken October 18, 1988.

Discussion

The Committee questioned that the consulting fees for preparing the analysis for a publicly owned East Transfer and Recycling Center could cost as much as \$100,000. The Committee asked the Solid Waste Department staff to prepare some more detailed information regarding the proposed scope of work and estimated cost ranges. This information to be presented at the November 1, 1988, Solid Waste Committee meeting.

The Committee reiterated the need to have cost estimates and other information available soon to make comparisons between public and private proposals for an East Transfer and Recycling Center. The Committee recommended Council adoption of Resolution No. 88-1001. The vote was 5 to 0. Voting aye: Councilors Gardner, Hansen, Kelley, Kirkpatrick and Ragsdale.

GH:RB:pa
RAYB.006

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING A	)	RESOLUTION NO. 88-1001
REQUEST FOR PROPOSALS TO PREPARE)	
AN ANALYSIS FOR A PUBLICLY	)	Introduced by the Council
OWNED METRO EAST TRANSFER &	)	Solid Waste Committee
RECYCLING CENTER)	

WHEREAS, the Metropolitan Service District has identified the need to have a transfer and recycling center in place in the east watershed by January, 1990, in order to transport waste to the out-of-region landfill; and

WHEREAS, the Council of the Metropolitan Service District adopted Resolution No. 88-835C on July 28, 1988, which provides that "the Metro East Transfer & Recycling Center(s) may be publicly or privately owned, depending on which option best serves the public interest;" and

WHEREAS; it is necessary to have cost estimates, conceptual design, preliminary analysis of land-use, environmental considerations transportation concepts, preliminary site evaluation and other information available to make comparisons between public and private proposals for an East Transfer & Recycling Center; and

WHEREAS, it is essential that the preparation of the above information be completed as soon as possible; now therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District requests that the Solid Waste Department staff prepare a Request for Proposal for a consultant to prepare cost estimates,

preliminary site evaluation, conceptual design, preliminary analysis of land use, environmental considerations, and transportation and waste reduction concepts for a publicly owned East Transfer & Recycling Center.

2. That the Council Solid Waste Committee is authorized to approve the Request for Proposal for submittal to qualified consultants.

3. That the consulting fees for preparing the information indicated in Resolve No. 1 above shall not exceed \$100,000.

4. That the Council staff is directed to prepare an ordinance for the purpose of revising the Budget and Appropriations Schedule to provide the necessary funding for the above consulting work.

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

Mike Ragsdale, Presiding Officer

RE/pa
Res.001
10/11/88



METRO

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

Memorandum

Agenda Item Nos. 7.6, 7.7

Meeting Date Oct. 27, 1988

Date: October 17, 1988

To: Metro Council

From: Jessica Marlitt *jpm*, Council Analyst

Regarding: OCTOBER 27, 1988 COUNCIL AGENDA ITEM NO.'s 7.6 and 7.7 --
METROPOLITAN SERVICE DISTRICT 1989 LEGISLATIVE PACKAGE, AS
FORWARDED VIA RESOLUTION NO.'s 88-996 & 88-1002

THE COUNCIL 1989 LEGISLATIVE PACKAGE

The Council's proposed legislative package for the 1989 Oregon State Legislature comes under two resolutions:

- 1) RESOLUTION NO. 88-996 transmits Council proposed legislative concepts and bills to the Interim Task Force on Regional Metropolitan Government (the "Otto Task Force"). The Council Intergovernmental Relations Committee reviewed these legislative proposals at its October 11 meeting (see attached Committee report) and determined they were appropriate for submission to the Otto Task Force.
- 2) RESOLUTION NO. 88-1002 supports Council proposed solid waste legislative concepts and bills. Representative Ron Cease has indicated that his Interim Committee on Environment and Hazardous Waste will introduce this legislation. The Council Solid Waste Committee will review these legislative proposals at its October 20 special meeting (Committee report to be distributed at the Council meeting).

At its meeting October 25, the Council Intergovernmental Relations Committee will begin addressing the Council's legislative follow-up process, in conjunction with Metro's Government Relations Manager, for the 1989 session.

jpm a:\legissum



METRO

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

Memorandum

Agenda Item No. 7.6

Meeting Date October 27, 1988

Date: October 17, 1988

To: Metro Council

From: Councilor Jim ^WGardner, Chair
Council Intergovernmental Relations Committee

Regarding: OCTOBER 11, 1988 INTERGOVERNMENTAL RELATIONS COMMITTEE
REPORT ON OCTOBER 27, 1988 COUNCIL AGENDA ITEM NO. 7.6,
RESOLUTION NO. 88-996, FOR THE PURPOSE OF TRANSMITTING
METRO COUNCIL PROPOSED LEGISLATION (CONCEPTS & BILLS) TO
THE INTERIM TASK FORCE ON REGIONAL METROPOLITAN GOVERNMENT

Committee Recommendation: At its October 11, 1988 meeting, the Intergovernmental Relations Committee voted unanimously to recommend Council adoption of Resolution No. 88-996. All Committee members were present -- Councilors Collier, DeJardin, Knowles, Waker and myself. Councilor Kirkpatrick also attended the meeting.

Issues & Committee Discussion: Attached is the October 11 staff report explaining the legislative concepts and specific bills and providing background to each. Council staff reviewed the resolution with the Committee, noting that of the seven legislative pieces proposed, five (Exhibits A through G) were previously approved by the Council through separate resolutions and the remaining two -- the Business License Program housekeeping language and the proposed amendment to clarify Council contracting authority -- were recommended by this Committee and the Finance Committee respectively. Where bills have not been drafted, the resolution's exhibits identify specific legislative concepts supported by the Council.

The Committee raised no issues regarding the two additional legislative proposals. Council staff noted that Council proposed legislation not directed to the Task Force -- specifically, Solid Waste bills -- will be compiled under a separate resolution which will be presented concurrently with Resolution No. 88-996 at the October 27 Council meeting.

jpm a:\igrlegis



METRO

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

Memorandum

Date: October 11, 1988

To: Council Intergovernmental Relations Committee

From: Jessica Marlitt, Council Analyst *JPM*

Regarding: RESOLUTION NO. 88-996 FOR THE PURPOSE OF TRANSMITTING
METRO COUNCIL PROPOSED LEGISLATION (CONCEPTS & BILLS) TO
THE INTERIM TASK FORCE ON REGIONAL METROPOLITAN GOVERNMENT

SUMMARY

Attached is Resolution No. 88-996 transmitting the Council's proposed legislation to the Interim Task Force on Regional Metropolitan Government (the Otto Task Force) to submit to the 1989 State Legislative Session.

Resolution No. 88-996 highlights the legislative concepts and bills which the Council has passed to date and which have already been approved by the Council for submission to the Otto Task Force. The resolution also adds two new bills for Council passage to the Task Force:

- o For Metro Contracting, to amend the State statutes to clarify the Council's contracting authority (unanimously recommended by the Finance Committee for Council adoption in the legislative package, October 6 meeting);
- o For the Business License Program, "housekeeping" language to make the State statute language consistent with the actual program implementation (unanimously recommended by the Intergovernmental Relations Committee for Council adoption in the legislative package, September 27 meeting).

BACKGROUND

With the exception of the two bills bulleted above, all of the bills and legislative concepts transmitted in Resolution No. 88-996 have previously been discussed and approved by the Council.

For reference purposes, each legislative proposal's Council background is summarized below according to its exhibit placement in Resolution No. 88-996.

- 1) Exhibit A: Council Resolution No. 88-980, supporting the expansion of the Metro Council to 13 elected members and an appointed Executive Officer; discussed by the Intergovernmental Relations Committee at the September 13, 1988 meeting. Councilor

Waker's August 17, 1988 memo provides the supporting rationale for the resolution.

- 2) Exhibits B - D: Council Resolution No. 88-973, supporting legislation to provide certain Metro revenue raising authority; discussed by the Intergovernmental Relations Committee at the August 23, 1988 meeting. Councilor Ragsdale's August 17, 1988 memo and the Committee's August 24, 1988 Committee report provide supporting analyses and needed discussions for the legislation.
- 3) Exhibits E - F: Council Resolution Nos. 88-943 and 88-934, supporting legislation to remove any legal impediments to the merger of Tri-Met with Metro and recommending a merger of the Boundary Commission with Metro; both resolutions were discussed by the former Planning & Development Committee at its June 15, 1988 meeting. The Committee's report to the Council for the Council's June 23, 1988 meeting provides analyses and rationales for both resolutions.
- 4) Exhibit G: Council Resolution No. 88-916, allowing the Metro Council to reapportion itself and to use fully the Voter's Pamphlet for District measures; discussed by the former Planning & Development Committee at its May 10, 1988 meeting. The Committee report for the Council May 12, 1988 meeting provides analyses and rationales for this resolution.
- 5) Exhibit H: As noted above, no formal resolution yet adopted, but unanimously recommended by the Finance Committee October 6, 1988 for inclusion in the legislative package transmitted to the Otto Task Force. Council staff reports of September 26, 1988 and October 5, 1988 provide the background analyses and rationales for this resolution.
- 6) Exhibit I: As noted above, no formal resolution yet adopted, but unanimously recommended by the Intergovernmental Relations Committee September 27, 1988 for inclusion in the legislative package to go to the Otto Task Force. The Metro Government Relations Manager's September 22, 1988 staff report summarizes the "housekeeping" language changes and clearly identifies the changes' merits.

OTHER LEGISLATION

Resolution No. 88-996 does not include all of the legislation which Metro will submit to the 1989 Legislature, only the legislative concepts and bills which are most appropriately transmitted via the Otto Task Force.

Council Intergovernmental Affairs Committee
October 11, 1988
Page 3

The Solid Waste Committee will have legislation to present for Council approval, but not until the Council's first November meeting, at the earliest. At its October 4 meeting, the Committee determined that none of the potential five draft bills should go through the Otto Task Force. Representative Cease will transmit Council approved Solid Waste Committee bills through his Interim Committee on Environment and Hazardous Waste.

JPM
IGRRPT10.11

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF TRANSMITTING)	RESOLUTION NO. 88-996
DISTRICT LEGISLATIVE PROPOSALS FOR)	
THE 1989 STATE LEGISLATIVE SESSION)	Introduced by the
TO THE INTERIM TASK FORCE ON)	Intergovernmental Relations
REGIONAL METROPOLITAN GOVERNMENT)	Committee

WHEREAS, The Interim Task Force on Regional Metropolitan Government, established in November 1987 by the State and Metropolitan Service District, is completing its charge and will present its report and legislative recommendations to the 1989 State Legislature convening January 1989; and

WHEREAS, Said Task Force has requested the Council of the Metropolitan Service District generally to develop and provide proposed legislation for the 1989 State session, and specifically to provide advice on the issue of government structure; and

WHEREAS, The Council, in previous resolutions forwarded to the Task Force, established its support for legislation for:

- 1) Amending the Metro government structure (Resolution No. 88-980),
- 2) Providing Metro revenue raising authority (Resolution No. 88-973),
- 3) Removing legal impediments to the merger of Tri-Met with the District (Resolution No. 88-943),
- 4) Recommending a merger of the Boundary Commission with Metro but providing Commission authority over staff and limited appeals to the Metro Council (Resolution No. 88-934),
- 5) Allowing the Metro Council to reapportion itself and to use fully the Voters' Pamphlet for District measures (Resolution No. 88-916),

the concepts and specific bills attached hereto as Exhibits A through G; and

WHEREAS, The Council has developed additional legislative proposals for:

- 1) Amending ORS 701.015, relating to business licenses, to provide for language consistent with the actual administration of the business license program, and
- 2) Amending ORS 268.180 to clarify the Metro Council's contracting authority

as Exhibits H and I for Task Force consideration; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District respectfully transmits the legislative concepts and bills attached hereto as Exhibits A through I to complete its proposed legislation to the Interim Task Force on Regional Metropolitan Government and requests that this legislation be introduced during the 1989 Legislative session.

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

Mike Ragsdale, Presiding Officer

jpm a:\res996

EXHIBIT A

Legislative concept: Amend the State statute to increase the size of the Metro Council to 13 elected members and to provide for a Metro Executive Officer appointed by the Council.

a:\res996

EXHIBIT B

Bracketed matter is deleted;
underscored matter is new.

LOCAL GOV'T DUES/REMOVES THE "SUNSET" CLAUSE

A BILL FOR AN ACT

Relating to metropolitan service districts; amending ORS 268.513 and
declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.513 is amended to read:

(1) The council shall consult with the advisory committee appointed under ORS 268.170 before determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita [per year] for the fiscal year 1989-1990. In subsequent years, the limit shall be adjusted by an amount equal to 100 percent plus or minus the percentage rate of increase or decrease in the Consumer Price Index as defined in ORS 327.075(4). For

EXHIBIT B,

the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) When the council determines that it is necessary to impose the service charges authorized under subsection (1) of this section for any fiscal year, each mass transit district organized under ORS chapter 267 and port located wholly or partly within the district shall also pay a service charge to the district for that fiscal year for the services and activities carried out under ORS 268.380 and 268.390. The charge for a mass transit district or port shall be the amount obtained by applying, for the population of the mass transit district or port within the boundaries of the district, a per capita charge that is 12-1/2 percent of the per capita rate established for cities and counties

EXHIBIT B,

for the same fiscal year. Subsections (2) and (3) of this section apply to charges assessed under this subsection.

[(5) This section shall not apply to a fiscal year that ends later than June 30, 1989.]

(5)

SECTION 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on July 1, 1989.

DEC:gpwb

8/11/88

Bill2.Due

EXHIBIT C

EXCISE TAX

A BILL FOR AN ACT

Relating to metropolitan service districts; amending ORS 268.515

Be It Enacted by the People of the State of Oregon:

Section 1. Section 2 of this act is added to ORS Chapter 268

Section 2. (1) To carry out the powers, functions and duties described in this chapter or to study the potential exercise of all powers and functions specified in ORS 268.312, a district may by ordinance impose excise taxes on any person using the facilities, equipment, systems, functions, services or improvements owned, operated, franchised or provided by the district.

(2) The imposition of or increase in an excise tax shall not become effective until 90 days after adoption by the District.

DEC:gpwb

8/17/88

Bill13.exc

EXHIBIT D

Bracketed matter is deleted;
underscored matter is new.

COUNCIL AUTHORITY TO LEVY INCOME TAX

A BILL FOR AN ACT

Relating to Metropolitan Service Districts; amending ORS 268.505

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 268.505 is amended to read:

(1) To carry out the purposes of this chapter, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of

EXHIBIT D,

business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section may require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(5) Any ordinance adopted by the district under subsection (1) of this section shall [receive the approval of the electors of the district before taking effect.] not become effective until 90 days after adoption by the district.

EXHIBIT E

Legislative concept: Amending State statutes to remove any legal impediments to the merger of Tri-Met with Metro.

a:\res996

EXHIBIT F

Legislative concept: Providing for legislation to be introduced to merge the Boundary Commission with Metro based on the assumptions described in Attachment A hereto.

a:\res996

ATTACHMENT A

1. The Boundary Commission contains 12 members appointed by the Metro Executive Officer from lists of nominees submitted by Metro Councilors.
2. The Commission annually submits its budget to the Metro Executive Officer for inclusion in the proposed Metro budget and for review and adoption by the Metro Council. A separate Boundary Commission fund is used to budget and account for revenue and expenditures.
3. The Commission current revenue sources would continue: local government assessments authorized by statute, but the level determined by the Metro Council in the annual budget process; and filing fees authorized by statute but set by the Metro Council through adoption of the budget or at any other appropriate time.
4. The Commission hires its staff which is included in the Metro Pay and Classification Plans. The Commission continues to be housed in its existing location until its lease terminates, at which time review of office location will be examined by the Metro Council and the Boundary Commission.
5. Commission decisions continue to be appealable to the Court of Appeals with the exception of proposals for the incorporation of cities, such proposals being appealable to the Metro Council prior to judicial review.
6. The Commission uses Metro central services including fiscal management, legal, contracting, personnel, auditing, etc. The Commission is subject to the appropriate provisions of the Metro Personnel and Contract Codes. The Commission currently gets and pays for these services from various state agencies. The assumption here is that the Commission would receive and pay for these services from Metro.
7. The Commission should assume current Metro responsibilities for administration of the Urban Growth Boundary (approving additions to or deletions from the Boundary) according to criteria adopted by the Metro Council.

EXHIBIT G

Legislative concept: Amending the State statutes to allow the Metro Council to reapportion itself and allow full use of the Voter's Pamphlet for District measures.

jpm a:\res996

EXHIBIT H

A BILL FOR AN ACT

Relating to business licenses; amending ORS 701.015.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 701.015 is amended to read:

701.015 (1) [When an office of a builder who is registered under ORS 701.055 is located in a city within the boundaries of a metropolitan service district organized under ORS chapter 268 or when the builder derives gross receipts of \$100,000 or more from business conducted within the boundaries of a city during the calendar year for which the business license tax is owed, the builder is required to pay the business license tax, if any, imposed by the city.]

Any builder must pay directly to any city within the boundaries of a metropolitan service district any business license tax imposed by such a city if:

(a) The builder's principal place of business is within the city; or

(b) The builder's office is not within the city but the builder derives gross receipts of \$100,000 or more from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed.

(2) [If a] Any builder [described in of this section], who conducts business during any year in any city [or jurisdiction] within the boundaries of the metropolitan service district other than a city to which the builder has paid a business license tax for that year, [the builder] may apply for a business license from the metropolitan service district.

(3) When a builder obtains a business license from the metropolitan service district under subsection (2) of this section, if a city within the boundaries of the metropolitan service district [and in which the builder does not have an office] other than a city to which the builder is required to directly pay any business license tax pursuant to subsection (1) of this section, demands payment of a business license tax by the builder, the city shall waive such payment upon presentation of proof by the builder that the builder has a business license issued by the metropolitan service district. Possession by the builder of a current business license issued by the metropolitan service district under subsection (2) of this section shall be proof sufficient to obtain the waiver described in this subsection.

(4) The metropolitan service district shall issue a business license to a builder [who is registered under ORS 701.055] when:

(a) The builder presents proof to the district that the builder has paid the business license tax imposed by each city within the boundaries of the district [and in which the builder has an office and] to which the builder must directly pay a business license tax pursuant to subsection (1) of this section; and

(b) The builder pays a license fee to the district. The license fee charged under this paragraph shall be twice the average business license tax charged builders [registered under ORS 701.055] by cities [and counties] located within the metropolitan service district plus an amount that is sufficient to reimburse the district for the administrative expenses of the district incurred in carrying out its duties under this section.

(5) The metropolitan service district shall distribute the business license fees collected by the district under this section, less administrative expenses, to the cities [and counties] that are located wholly or partly within the district and that collect a business license tax. In any year, each such city [and county] shall receive such share of the license fees as the dollar amount of residential building permits that it issued during the year bears to the total dollar amount of residential building permits that were issued during that year by all the cities [and counties] located wholly or partly within the district. Distribution of moneys under this subsection shall be made at least once in each year. The metropolitan service district shall shall determine the dollar amount of residential building permits issued by cities [and counties] within the district from statistics and other data published by the Department of Commerce.

(6) As used in this section:

(a) "Builder" means a builder who is registered under ORS 701.055 for residential work only.

~~[(a)]~~(b) "Business license tax" means any fee paid by a person to a city or county for any form of license that is required by the city or county in order to conduct business in that city or county. The term does not include any franchise fee or privilege tax imposed by a city upon a public utility under ORS 221.420 or 221.450 or any provision of a city charter.

~~[(b)]~~(c) "Conducting business" means to engage in any activity in pursuit of gain including activities carried on by a person through officers, agents and employees as well as activities carried on by a person on that person's own behalf.

EXHIBIT I

A BILL FOR AN ACT

Relating to metropolitan service districts; amending ORS 268.180 and declaring an emergency.

Be it Enacted by the People of the State of Oregon.

Section 1. ORS 268.180 is amended to read:

(1) District business shall be administered, and district rules and ordinances shall be enforced, by an executive officer.

(2) The executive officer shall be elected in the same manner provided under ORS 268.150, but the officer shall be elected from the district-at-large on a nonpartisan basis. The number of signatures within the district required for nomination is that required under ORS 249.072(2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply. The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body. The executive officer shall be a resident in the district for not less than one year before taking office. The term of office for an executive officer shall be four years beginning on the first Monday in January on the next year following the election. A vacancy in office shall be filled by appointment by a majority of the council. The executive officer, before taking office, shall take an oath to support the Constitution of the United States and the Constitution and laws of this state.

(3) The executive officer shall serve full time and shall not be employed by any other person or governmental body while serving the district. The executive officer shall not serve as a member of the council.

(4) The salary and employment benefits of the executive officer shall be set by the council upon the recommendation of a salary commission to be appointed by the council, but shall not be less than that of a district court judge of this state.

(5) The executive officer may employ or dismiss any personnel and contract with any

[(c)](d) "Principal place of business" means the location in this state of the central administrative office of a person conducting business in this state.

GM/srs
0064D/544-5
09/19/88

person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council. The council may by ordinance require that any contract or class of contracts be subject to prior approval by the council or a committee of the council.

Section 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

DB/gl
268.180.amd

7.6

10/27/88

Resol. 88 - 996

EXHIBIT A

Legislative concept: Amend the State statute to increase the size of the Metro Council to 13 elected members and to provide for a Metro Executive Officer appointed by the Council; and to require that such amendment be subject to district voter approval.

a:\res996

EXHIBIT B

Bracketed matter is deleted;
underscored matter is new.

LOCAL GOV'T DUES/REMOVES THE "SUNSET" CLAUSE

A BILL FOR AN ACT

Relating to metropolitan service districts; amending ORS 268.513; and
declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.513 is amended to read:

(1) The council shall consult with the advisory committee appointed under ORS 268.170 before determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita [per year] for the fiscal year 1989-1990. In subsequent years, the limit shall be adjusted by an amount equal to 100 percent plus or minus the percentage rate of increase or decrease in the Consumer Price Index. If the adjusted limit results in

a fractional amount, the limit shall be increased to the next whole cent. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) When the council determines that it is necessary to impose the service charges authorized under subsection (1) of this section for any fiscal year, each mass transit district organized under ORS chapter 267 and port located wholly or partly within the district shall also pay a service charge to the district for that fiscal year for the services and activities carried out under ORS 268.380 and 268.390. The charge for a mass transit district or port shall be the amount obtained by applying, for the population of the mass transit district or port within the boundaries of the district, a per capita charge that is 12-1/2 percent of the per capita rate established for cities and counties

for the same fiscal year. Subsections (2) and (3) of this section apply to charges assessed under this subsection.

[(5) This section shall not apply to a fiscal year that ends later than June 30, 1989.]

(5) As used in this section "Consumer Price Index" means the United States City Average for All Urban Consumers, All Items, Base Period 1982 through 1984 Equals 100, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

SECTION 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on July 1, 1989.

DEC:gpwb

8/25/88

Bill2.Due

MEASURE SUMMARY

Requires one-half of councilors of metropolitan service district to be elected biennially.

Requires that metropolitan service district council, rather than Secretary of State, reapportion subdistricts within district after decennial census.

Requires reapportionment to be done by legislative enactment operative on 250th day before date of next primary election.

Provides procedures for recall of district councilor and filling vacancy in office of district councilor after reapportionment.

A BILL FOR AN ACT

1
2 Relating to the reapportionment of a metropolitan service district;
3 amending ORS 268.150.

4 Be It Enacted by the People of the State of Oregon:

5 SECTION 1. ORS 268.150 is amended to read:

6 268.150. (1) The governing body of a district shall be a
7 council consisting of 12 part-time councilors, each elected on a
8 nonpartisan basis from a single subdistrict within the boundaries
9 of the metropolitan service district. Each councilor shall be a
10 resident and elector of the subdistrict from which the councilor is
11 elected and shall not be an elected official of any other public
12 body. Each councilor shall be a resident of the subdistrict from
13 which the councilor is elected for not less than one year before
14 taking office. The term of office for a councilor shall be four
15 years beginning on the first Monday in January of the year next
16 following the election. Councilors shall be divided into two
17 classes so that one-half, as nearly as possible, of the number of
18 councilors shall be elected biennially. A vacancy in office shall
19 be filled by a majority of the remaining members of the council.
20 The councilor, before taking office, shall take an oath to support

(

1 the Constitution of the United States, and the Constitution and
2 laws of this state. Candidates for councilor positions shall be
3 nominated and elected at the primary and general elections as
4 provided in subsection [(3)] (5) of this section.

5 (2) The [Secretary of State] council shall by legislative
6 enactment reapportion the subdistricts after the data of each
7 United States decennial census are compiled and released. The
8 reapportionment shall provide for substantially equal population in
9 each subdistrict. Area within each subdistrict shall be
10 contiguous. In apportioning subdistricts the [Secretary of State]
11 council shall give consideration to existent precincts, maintaining
12 historic and traditional communities and counties as opposed to
13 following existent city or special district boundaries or the
14 political boundaries of state representative or state senate
15 election districts except when these political boundaries coincide
16 with natural boundaries. Any councilor whose term continues
17 through the primary election following reapportionment shall be
18 specifically assigned to a subdistrict. The reapportionment shall
19 be enacted by a vote of a majority of the members of the council
20 and shall be effective upon its enactment. The reapportionment
21 shall become operative on the 250th day before the date of the next
22 primary election.

23 (3) For the purposes of section 18, Article II, Oregon
24 Constitution, a councilor whose term continues through the next
25 primary election following a reapportionment is subject to recall
26 by the electors of the subdistrict to which the councilor is
27 assigned and not by the electors of the subdistrict existing before
28 the latest reapportionment.

(

1 (4) For the purposes of filling a vacancy in office under
2 subsection (1) of this section, the vacancy shall be deemed to have
3 occurred in the subdistrict to which the councilor is assigned and
4 not the subdistrict existing before the latest reapportionment.
5 This subsection shall apply only to a vacancy in office occurring
6 after the primary election next following a reapportionment and
7 before a person has been elected and qualified to fill the vacancy.

8 ~~[(3)]~~ (5) ORS chapters 249 and 254, relating to the nomination
9 and election of nonpartisan candidates for office, apply to the
10 nomination and election of councilors except as provided in
11 subsection (1) of this section and except that a candidate shall be
12 nominated from the subdistrict in which the candidate resides. The
13 number of signatures within the subdistrict required for a
14 nomination is that required under ORS 249.072 (2), but the
15 requirement that the petition contain signatures of persons
16 residing in a number of precincts shall not apply.

MEASURE SUMMARY

Requires Secretary of State to print metropolitan service district measure and ballot title, explanatory statement and arguments relating to measure in voters' pamphlet prepared for general or special election.

Requires Secretary of State to print district measure information in same manner as county measure information is printed.

A BILL FOR AN ACT

Relating to the voters' pamphlet; amending ORS 251.285.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 251.285 is amended to read:

251.285. (1) The Secretary of State shall have printed in the voters' pamphlet prepared for a general or special election any county measure or any measure of a metropolitan service district organized under ORS chapter 268, and the ballot title, explanatory statement and arguments relating to the measure, if the requirements of this section are satisfied.

(2) The county or district measure, ballot title, explanatory statement and arguments shall not be printed in the voters' pamphlet unless:

(a) The ballot title is a concise and impartial statement of the purpose of the measure;

(b) The explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect;

(c) The county or metropolitan service district adopts and complies with an ordinance that provides a review procedure for a ballot title or explanatory statement which is contested because it does not comply with the requirements of paragraph (a) or (b) of this subsection;

(
1 (d) The county or metropolitan service district adopts and
2 complies with an ordinance that provides for acceptance of
3 typewritten arguments relating to the measure to be printed on 29.8
4 square inches of the voters' pamphlet; and

5 (e) The county or metropolitan service district does not
6 require of a person filing an argument a payment of more than \$300,
7 or a petition containing more than a number of signatures equal to
8 1,000 electors eligible to vote on the measure or 10 percent of the
9 total of such electors, whichever is less.

10 (3) Any judicial review of a determination made under the
11 review procedures adopted under paragraph (c) of subsection (2) of
12 this section shall be first and finally in the circuit court of the
13 judicial district in which the county is located or, for a district
14 measure, in the circuit court for the most populous county situated
15 within the metropolitan service district.

16 (4) If the county or metropolitan service district has adopted
17 and complied with ordinances prescribed in subsection (2) of this
18 section, the decision to include the county or district measure,
19 ballot title, explanatory statement and arguments in the voters'
20 pamphlet shall be made by:

21 (a) The county governing body with regard to any county measure
22 or the council of the metropolitan service district with regard to
23 any district measure;

24 (b) The chief petitioners of the initiative or referendum with
25 regard to a county or district measure initiated or referred by the
26 people. The chief petitioners shall indicate their decision in a
27 statement signed by all of the chief petitioners and filed with the
28 county clerk or, for a district measure, with the executive officer
29 of the metropolitan service district; or

(
1 (c) A political committee, as defined in ORS 260.005, that
2 opposes the county or district measure. The committee shall
3 indicate its decision in a statement signed by every committee
4 director, as defined in ORS 260.005, and filed with the county
5 clerk or, for a district measure, with the executive officer of the
6 metropolitan service district.

7 (5) The county or metropolitan service district shall file the
8 measure, ballot title, explanatory statement and arguments with the
9 Secretary of State not later than the 70th day before the election.
10 The county or district shall pay to the Secretary of State the cost
11 of including the county or district material in the pamphlet as
12 determined by the secretary. The Secretary of State shall not have
13 this material printed in the pamphlet unless:

14 (a) The time for filing a petition for judicial review of a
15 determination made under paragraph (c) of subsection (2) of this
16 section has passed; and

17 (b) The measure, title, statement and arguments properly filed
18 with the county or metropolitan service district, are delivered to
19 the secretary.



METRO

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

Memorandum

Agenda Item No. 7.7

Meeting Date Oct. 27, 1988

Date: October 21, 1988

To: Metro Council

From: Councilor Gary Hansen *G.H.*
Chair, Council Solid Waste Committee

Regarding: COUNCIL SOLID WASTE COMMITTEE REPORT ON OCTOBER 27, 1988,
COUNCIL MEETING AGENDA ITEM

Agenda Item 7.7 Consideration of Resolution No. 88-1002, for the
Purpose of Supporting Proposed Solid Waste Bills
and Concepts for the 1989 Legislative Session

Committee Recommendation

The Council Solid Waste Committee recommends Council adoption of Resolution No. 88-1002 as amended. This action taken October 20, 1988.

Dicussion

Estle Harlan, representing the Tri-County Council, stated that the Council supports legislation that would provide a clear date by which Metro will no longer have to fund activities related to the siting of the proposed Bacona Road Landfill.

Ms. Harlan said that the Tri-County Council supports legislation that identifies the need for limited purpose landfill capacity; that provides a definition in State Statute; and requires the Department of Environmental Quality (DEQ) to identify regulatory requirements for limited purpose landfills. The Tri-County Council recommended that a time frame be included in the legislation for standards, rules and difinitions to be established.

The Tri-County Council is opposed to enhancement and mitigation fees in general, but if they are imposed, Metro should be the agency to collect them.

The Council Solid Waste Committee made the following amendments to Resolution No. 88-1002:

Memorandum
October 21, 1988
Page 2

Exhibit B

Section 4. All fees, excises, surcharges or taxes on or measured upon solid waste generated within the boundaries of a metropolitan service district shall be collected and disbursed by the district.

Exhibit C

A date certain (July 1, 1990) to be established for adoption of standards, rules and definitions pertaining to limited purpose landfills.

The Committed voted four to zero to recommend Council adoption of Resolution No. 88-1002 as amended. Voting aye: Gardner, Hansen, Kelly and Kirkpatrick.

RB/sm
0282D/D3

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUPPORTING	)	RESOLUTION NO. 88-1002
PROPOSED SOLID WASTE BILLS AND)	
CONCEPTS FOR THE 1989 STATE	)	Introduced by the Solid
LEGISLATIVE SESSION	)	Waste Committee

WHEREAS, The Metropolitan Service District was created by legislative action and vote of the people within the District boundary for the purpose of addressing specific regional problems and consolidating regional services; and

WHEREAS, The Metropolitan Service District has identified legislative bills and concepts to support, promote and enhance the District's ability to continue to provide solid waste disposal services, as provided for in Oregon State Statutes, Chapter 268.317 et seq.; and

WHEREAS, The 1989 Oregon State Legislature will convene in January; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports the solid waste legislative concepts and bills attached hereto as Exhibits A through C for introduction and promotion at the 1989 Oregon State Legislature.

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

Mike Ragsdale, Presiding Officer

Agenda Item No. 7.7

Meeting Date Oct. 27, 1988

RESOLUTION NO. 88-1002

Revised Exhibit A

October 14, 1988

Legislative Concept

Bacona Road Funding Limit

Objective

Provide a clear date by which the Metropolitan Service District will no longer fund activities related to the siting of the proposed Bacona Road Landfill.

Discussion

With the signing of a contract with Oregon Waste Systems for the use of their landfill in Gilliam County, Oregon, the Department of Environmental Quality's (DEQ) proposed Bacona Road Landfill is no longer needed. Metro notified DEQ on April 28, 1988, that the site was no longer needed.

However, the statute which authorized DEQ to search for and site a landfill for the metropolitan area provides no clear definition of when DEQ is to cease its activities. Hence, it is unclear when Metro's responsibility to reimburse DEQ for the Bacona Road

Landfill siting process ends. There is also the possibility that the law could be used to authorize DEQ to use the assessment for other purposes than the Bacona Road project.

Proposal

1. Provide that Metro is not responsible for any costs incurred in the attempt to establish the Bacona Road Landfill after June 30, 1989. The proposal further states that Metro's responsibility is limited to the direct expenses in attempting to establish the landfill.

A BILL FOR AN ACT

Relating to metropolitan service districts; amending chapter 679

Oregon Laws 1985; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. Section 9, chapter 679, Oregon Laws 1985 is amended

to read:

Sec. 9 (1) The metropolitan service district shall apportion an amount of the service or user charges collected for solid waste disposal at each general purpose landfill within or for the district and dedicate and use the moneys obtained for rehabilitation and enhancement of the area in and around the landfill from which the fees have been collected. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be 50 cents for each ton of solid waste.

(2) The metropolitan service district, commencing on the effective date of this 1985 Act (July 13, 1985), shall apportion an amount of the service or user charges collected for solid waste disposal and shall transfer the moneys obtained to the Department of Environmental Quality. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be \$1 for each ton of solid waste. Moneys transferred to the department under this section shall be paid into the Land Disposal Mitigation Account in the General Fund of the State Treasury, which is hereby established. All moneys in the account are continuously appropriated to the department and shall be used for carrying out the department's functions and duties under this 1985 Act. The department shall keep a record of all moneys deposited in the account. The record shall indicate by cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. Apportionment of moneys under this subsection shall cease when the department is reimbursed for all costs directly incurred by it prior to June 30, 1989, for the purpose of attempting to establish the proposed Bacona Road Sanitary Landfill in Washington County to be operated by the metropolitan service district [under this 1985 Act].

(3) The metropolitan service district shall adjust the amount of the service and user charges collected by the district for solid waste disposal to reflect the loss of those duties and functions relating to solid waste disposal that are transferred to the commission and department under this 1985 Act. Moneys no longer necessary for such duties and functions shall be expended to implement the solid waste reduction program submitted under section 8 of this 1985 Act. The metropolitan service district shall submit a statement of proposed adjustments and changes in expenditures under this subsection to the department for review.

Section 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Act takes effect on its passage.

DBC/gl

0086D/544

Revised Exhibit B

October 14, 1988

Legislative Concept

Externally Imposed Tipping Fee Surcharges

Objective

Minimize any externally imposed surcharge to the solid waste tipping fees and ensure Metro's authority to collect and disburse said fees.

Discussion

Costs for the disposal of solid waste are rising dramatically to cover the expense of closing old facilities and opening new ones. The increased costs are translated into higher rates for consumers at the home and at businesses.

In addition, surcharges have been added to the tipping fee by Metro and the state legislature to create enhancement and mitigation fees for local communities and neighborhoods. Fees have also been added in the past to pay for solid waste management activities conducted by other agencies -- specifically

the Oregon Department of Environmental Quality.

However, as the elected officials at Metro are directly accountable to the ratepayers of the service district, Metro should be the entity responsible for establishing what, if any, new surcharges should be added to the tipping fee. Metro should be responsible for determining how such funds are spent, in accordance with applicable regulations. Further, Metro should ensure that fees collected on waste generated within the district are used only within the district.

Proposal

1. Prohibit counties and cities from establishing any new fees, surcharges or taxes upon the tipping fee. Allow existing enhancement and mitigation fees to continue.
2. Provide that if any department of the state is authorized to collect a fee, surcharge or tax, Metro is responsible for collecting that portion generated within the boundaries of the district.
3. Limit the purposes for which fees, surcharges or taxes may be used to activities of the district related to solid waste and related planning, administrative and overhead costs, or similar activities of counties and cities within the district.

A BILL FOR AN ACT

Relating to solid waste.

Be It Enacted by the People of the State of Oregon.

Section 1. Sections 2 through 4 of this Act are added to and made a part of ORS chapter 459.

Section 2. Except as provided in ORS 459.310, no city or county shall impose, collect, or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district.

Section 3. In the event any department of the state shall be authorized to impose, collect or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district such amounts imposed, collected or apportioned shall be collected and disbursed as provided in Section 4 of this 1989 Act.

Section 4. All fees, excises, surcharges or taxes on or measured upon solid waste generated within the boundaries of a metropolitan service district shall be collected and disbursed by the district. The amounts collected shall be expended only for purposes authorized by ORS 459.335 or similar activities of counties and cities within the district. Any state agency that imposes, collects or apportions any fee, excise, surcharge or tax on or measured upon solid waste may specify by rule how the proceeds of such fees, excises, surcharges or taxes will be distributed by a metropolitan service district for the purposes provided for in this section.

swactfee.gm

LEGISLATIVE CONCEPT

Limited Purpose Landfill/Low-Grade Waste

Objective

Achieve greater specificity concerning appropriate disposal options for low-grade waste.

Discussion

As disposal costs rise, there will exist greater incentive to identify certain components of the present waste flow that do not need to be handled in a general purpose landfill. Such wastes will have the characteristics of uniform composition, low potential for public health/environmental quality problems, relatively few and stable generators, and may require special handling. Examples might be non-hazardous industrial sludges, contaminated soil, wood waste, appliances, asbestos, demolition debris, treated sewage sludge, etc.

Present DEQ regulations would require such waste to be disposed in a general purpose sanitary landfill, which would have to be fully developed as such (groundwater monitoring, leachate collection and treatment, liner system, daily cover, etc.) unless such requirements are waived on a case-by-case basis. Presently DEQ regulations make no distinction as to what might be suitable for such a waiver and what might not be. Many of the above wastes are handled in limited purpose landfill; however, DEQ regulations recognize no such

facility.

The primary limited purpose landfill in the Metro region is Killingsworth Fast Disposal (KFD). This facility should be full by early 1989 and there currently exists no identified replacement. Killingsworth Fast Disposal handled about 180,000 tons in 1987. A good portion of this volume must go to Gilliam County landfill if a replacement facility(ies) is not found. The ability to site such a facility is significantly impaired by a paucity of regulatory guidance.

Proposal

1. Identify the need for limited purpose landfill capacity and provide a definition in State Statute.
2. Require DEQ to identify regulatory requirements for limited purpose landfills for the following specific waste types:
 - asbestos
 - contaminated soil
 - treated sludge (non-hazardous)
 - demolition debris
 - wood waste
 - others to be identified

0263D/527

10/17/88

A BILL FOR AN ACT

Relating to landfills; amending ORS 459.005 and 459.045.

Be it enacted by the people to the State of Oregon:

Section 1. ORS 459.005 is amended to read:

459.005 * * *

(8) "Disposal site" means... landfills, limited purpose landfills, sludge lagoons....

(11) "Limited purpose landfill" means any land disposal site permitted pursuant to rules adopted under this chapter for the disposal of non-hazardous waste material including asbestos, contaminated soil, demolition debris, wood, treated sludges from industrial processes, or other specific waste materials as may be identified by the commission.

[Note: the remaining subsections will need to be renumbered.]

Section 2. ORS 459.045 is amended to read:

459.045 ***

(1) (b) Location of disposal sites, giving consideration to the adaptability of each disposal site to the population served, topography and geology of the area and other characteristics as they affect protection of ground and surface waters and air pollution; minimum standards of design, management, and operation of disposal sites, including specific standards for limited purpose landfills; and open burning and salvage operations at disposal sites.

SECTION 3. The commission shall adopt rules specifying standards for limited purpose landfills not later than July 1, 1990.

EXHIBIT A

October 14, 1988

Legislative Concept

Bacona Road Funding Limit

Objective

Provide a clear date by which the Metropolitan Service District will no longer fund activities related to the siting of the proposed Bacona Road Landfill.

Discussion

With the signing of a contract with Oregon Waste Systems for the use of their landfill in Gilliam County, Oregon, the Department of Environmental Quality's (DEQ) proposed Bacona Road Landfill is no longer needed. Metro notified DEQ on April 28, 1988, that the site was no longer needed.

However, the statute which authorized DEQ to search for and site a landfill for the metropolitan area provides no clear definition of when DEQ is to cease its activities. Hence, it is unclear when Metro's responsibility to reimburse DEQ for the Bacona Road

Landfill siting process ends. There is also the possibility that the law could be used to authorize DEQ to use the assessment for other purposes than the Bacona Road project.

Proposal

1. Provide that Metro is not responsible for any costs incurred in the attempt to establish the Bacona Road Landfill after June 30, 1989. The proposal further states that Metro's responsibility is limited to the direct expenses in attempting to establish the landfill.

A BILL FOR AN ACT

Relating to metropolitan service districts; amending chapter 679

Oregon Laws 1985; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

Section 1. Section 9, chapter 679, Oregon Laws 1985 is amended to read:

Sec. 9 (1) The metropolitan service district shall apportion an amount of the service or user charges collected for solid waste disposal at each general purpose landfill within or for the district and dedicate and use the moneys obtained for rehabilitation and enhancement of the area in and around the landfill from which the fees have been collected. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be 50 cents for each ton of solid waste.

(2) The metropolitan service district, commencing on the effective date of this 1985 Act (July 13, 1985), shall apportion an amount of the service or user charges collected for solid waste disposal and shall transfer the moneys obtained to the Department of Environmental Quality. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be \$1 for each ton of solid waste. Moneys transferred to the department under this section shall be paid into the Land Disposal Mitigation Account in the General Fund of the State Treasury, which is hereby established. All moneys in the account are continuously appropriated to the department and shall be used for carrying out the department's functions and duties under this 1985 Act. The department shall keep a record of all moneys deposited in the account. The record shall indicate by cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. Apportionment of moneys under this subsection shall cease when the department is reimbursed for all costs directly incurred by it prior to June 30, 1989, for the purpose of attempting to establish the proposed Bacona Road Sanitary Landfill in Washington County to be operated by the metropolitan service district [under this 1985 Act].

(3) The metropolitan service district shall adjust the amount of the service and user charges collected by the district for solid waste disposal to reflect the loss of those duties and functions relating to solid waste disposal that are transferred to the commission and department under this 1985 Act. Moneys no longer necessary for such duties and functions shall be expended to implement the solid waste reduction program submitted under section 8 of this 1985 Act. The metropolitan service district shall submit a statement of proposed adjustments and changes in expenditures under this subsection to the department for review.

Section 2. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Act takes effect on its passage.

DBC/gl

0086D/544

the Oregon Department of Environmental Quality.

However, as the elected officials at Metro are directly accountable to the ratepayers of the service district, Metro should be the entity responsible for establishing what, if any, new surcharges should be added to the tipping fee. Metro should be responsible for determining how such funds are spent, in accordance with applicable regulations. Further, Metro should ensure that fees collected on waste generated within the district are used only within the district.

Proposal

1. Prohibit counties and cities from establishing any new fees, surcharges or taxes upon the tipping fee. Allow existing enhancement and mitigation fees to continue.
2. Provide that if any department of the state is authorized to collect a fee, surcharge or tax, Metro is responsible for collecting that portion generated within the boundaries of the district.
3. Limit the purposes for which fees, surcharges or taxes may be used to activities of the district related to solid waste and related planning, administrative and overhead costs, or similar activities of counties and cities within the district.

October 14, 1988

Legislative Concept

Externally Imposed Tipping Fee Surcharges

Objective

Minimize any externally imposed surcharge to the solid waste tipping fees and ensure Metro's authority to collect and disburse said fees.

Discussion

Costs for the disposal of solid waste are rising dramatically to cover the expense of closing old facilities and opening new ones. The increased costs are translated into higher rates for consumers at the home and at businesses.

In addition, surcharges have been added to the tipping fee by Metro and the state legislature to create enhancement and mitigation fees for local communities and neighborhoods. Fees have also been added in the past to pay for solid waste management activities conducted by other agencies -- specifically

A BILL FOR AN ACT

Relating to solid waste.

Be It Enacted by the People of the State of Oregon.

Section 1. Sections 2 through 4 of this Act are added to and made a part of ORS chapter 459.

Section 2. Except as provided in ORS 459.310, no city or county shall impose, collect, or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district.

Section 3. In the event any department of the state shall be authorized to impose, collect or apportion any fee, excise, surcharge or tax on or measured upon solid waste generated within the boundaries of a metropolitan service district such amounts imposed, collected or apportioned shall be collected and disbursed as provided in Section 4 of this 1989 Act.

Section 4. All fees, excises, surcharges or taxes on or measured upon solid waste generated within the boundaries of a metropolitan service district shall be collected by the district. The amounts collected shall be expended only for purposes authorized by ORS 459.335 or similar activities of counties and cities within the district. Any state agency that imposes, collects or apportions any fee, excise, surcharge or tax on or measured upon solid waste may specify by rule how the proceeds of such fees, excises, surcharges or taxes will be distributed by a metropolitan service district for the purposes provided for in this section.

swactfee.gm

LEGISLATIVE CONCEPT

Limited Purpose Landfill/Low-Grade Waste

Objective

Achieve greater specificity concerning appropriate disposal options for low-grade waste.

Discussion

As disposal costs rise, there will exist greater incentive to identify certain components of the present waste flow that do not need to be handled in a general purpose landfill. Such wastes will have the characteristics of uniform composition, low potential for public health/environmental quality problems, relatively few and stable generators, and may require special handling. Examples might be non-hazardous industrial sludges, contaminated soil, wood waste, appliances, asbestos, demolition debris, treated sewage sludge, etc.

Present DEQ regulations would require such waste to be disposed in a general purpose sanitary landfill, which would have to be fully developed as such (groundwater monitoring, leachate collection and treatment, liner system, daily cover, etc.) unless such requirements are waived on a case-by-case basis. Presently DEQ regulations make no distinction as to what might be suitable for such a waiver and what might not be. Many of the above wastes are handled in limited purpose landfill; however, DEQ regulations recognize no such

facility.

The primary limited purpose landfill in the Metro region is Killingsworth Fast Disposal (KFD). This facility should be full by early 1989 and there currently exists no identified replacement. Killingsworth Fast Disposal handled about 180,000 tons in 1987. A good portion of this volume must go to Gilliam County landfill if a replacement facility(ies) is not found. The ability to site such a facility is significantly impaired by a paucity of regulatory guidance.

Proposal

1. Identify the need for limited purpose landfill capacity and provide a definition in State Statute.
2. Require DEQ to identify regulatory requirements for limited purpose landfills for the following specific waste types:
 - asbestos
 - contaminated soil
 - treated sludge (non-hazardous)
 - demolition debris
 - wood waste
 - others to be identified

0263D/527

10/17/88

A BILL FOR AN ACT

Relating to landfills; amending ORS 459.005 and 459.045.

Be it enacted by the people to the State of Oregon:

Section 1. ORS 459.005 is amende to read:

459.005 * * *

(8) "Disposal site" means... landfills, limited purpose landfills, sludge lagoons....

(11) "Limited purpose landfill" means any land disposal site permitted pursuant to rules adopted under this chapter for the disposal of non-hazardous waste material including asbestos, contaminated soil, demolition debris, wood, treated sludges from industrial processes, or other specific waste materials as may be identified by the commission.

[Note: the remaining subsections will need to be renumbered.]

Section 2. ORS 459.045 is amended to read:

459.045 ***

(1) (b) Location of disposal sites, giving consideration to the adaptability of each disposal site to the population served, topography and geology of the area and other characteristics as they affect protection of ground and surface waters and air pollution; minimum standards of design, management, and operation of disposal sites, including specific standards for limited purpose landfills; and open burning and salvage operations at disposal sites.



METRO

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

Memorandum

Agenda Item No. 7.8

Date: October 19, 1988

Meeting Date Oct. 27, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: RESOLUTION NO. 88-998, APPROVING AMENDMENTS
TO THE OREGON TOURISM ALLIANCE REGIONAL COMPACT

The Council Convention Center Committee will be meeting on Tuesday, October 25, to consider the above resolution. The Committee's report and recommendation will be presented at the October 27 Council meeting.



METRO

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

Memorandum

Date: October 18, 1988

To: Council Convention Center Committee

From: Jessica Marling *gpm*, Council Analyst

Regarding: RESOLUTION NO. 88-998 APPROVING AMENDMENTS TO THE OREGON
TOURISM ALLIANCE REGIONAL COMPACT

Attached please find Resolution No. 88-998 to approve technical amendments to the Oregon Tourism Alliance (OTA) Regional Compact. Staff drafted this resolution in response to Kim Duncan's October 10, 1988 memo (Attachment A hereto) highlighting the proposed changes and requesting Council endorsement of the amended compact. As you will recall, Ms. Duncan was formerly Metro's lobbyist and provided direct staff support, as provided for by the Council, to OTA.

GENERAL BACKGROUND - On February 12, 1987, the Council unanimously voted to endorse the Regional Compact formally establishing the Oregon Tourism Alliance. As specified in the Compact, the Alliance was charged with

"... recommending and, in cooperation with affected governments and other organizations, with developing an economic strategy, based on tourism and aimed at having a significant impact throughout the northwest region of the state."

During 1987, a total of 11 governments endorsed the Compact and OTA, receiving administrative support from Metro, worked from August 1987 to July of this year on a Tourism Economic Development Plan to obtain funding. In July, Governor Goldschmidt approved the plan resulting in OTA receiving \$24.7 million in lottery funds, with an allowance to purchase OTA's own administrative services. In August, OTA awarded a contract to the Portland/Oregon Visitor's Association (POVA) to administer the Alliance's programs.

The Metro representative to the OTA Board has been Mike Ragsdale, who also chairs OTA's Marketing Committee.

SUMMARY OF REGIONAL COMPACT CHANGES - The proposed changes to OTA's Regional Compact do not alter the substance of the agreement, but amend language to reflect the Alliance's current status. Specifically, the Regional Compact changes do the following:

1. Deletes reference to non-member Hood River County; adds additional reference to the Metropolitan Service District and the Port of Portland as member jurisdictions;

October 18, 1988

OTA COMPACT

Page 2

2. Amends language to clarify that membership is not exclusive of counties, but governmental jurisdictions generally in Oregon's northwest region;
3. Moves the OTA Board appointment process from the Governor's Office to the member jurisdictions -- a change endorsed by the Governor;
4. Amends the Board terms of service from 4 to 2 years; provides guidelines for maintaining staggered terms of service;
5. Removes a listing of the OTA organizational objectives which were refined by the Alliance during the past year and appear now as part of the formal OTA program.

A copy of the Regional Compact, with the amendments formally highlighted, is attached to the resolution. If the Council ultimately approves the amended Compact by adopting the resolution, the Council Presiding Officer will sign the Compact for filing with OTA.

jpm a:\otaccrpt

ATTACHMENT A

LAW OFFICES OF
PRESTON, THORGRIMSON, ELLIS & HOLMAN
3200 U.S. BANCORP TOWER
111 SW FIFTH AVENUE
PORTLAND, OREGON 97204-3635
(503) 228-3200

MEMORANDUM

TO: Mike Ragsdale
Don Carlson ✓

FROM: Kim Duncan KR

DATE: October 10, 1988

RE: OTA Compact Revisions

At the September Oregon Tourism Alliance Meeting, the Board recommended that certain revisions be made to the intergovernmental agreement establishing the Oregon Tourism Alliance. These changes do not substantively alter the purpose of the intergovernmental agreement.

The major change moves the appointment process from the Governor's office to the member jurisdictions. That appointments change was endorsed by the Governor. Changes also delete reference to non-member Hood River County. Finally, changes delete a listing of organizational objectives; these objectives were refined by the Alliance during the grant development process and appear as part of the OTA program.

I am enclosing a copy of the recommended changes.

The OTA Board would like each member jurisdiction to endorse these recommended changes before the OTA meets again at the end of October. Therefore, this item needs to be scheduled before the Metro Council. Let me know if you need to have a staff report done or if I can be of any other assistance.

KD:et
PC4:\KD\M9005W24.MM

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING	)	RESOLUTION NO. 88-998
AMENDMENTS TO THE OREGON TOURISM)	
ALLIANCE REGIONAL COMPACT	)	Introduced by the
	)	Convention Center Committee

WHEREAS, A Regional Compact to form the Oregon Tourism Alliance was adopted by eleven (11) jurisdictions in 1987 to improve cooperation in promoting and developing regional tourism; and

WHEREAS, On February 12, 1987, the Council of the Metropolitan Service District unanimously endorsed said Regional Compact; and

WHEREAS, At the September 23 Oregon Tourism Alliance meeting, the Board recommended that certain technical revisions be made to the Regional Compact to address inconsistencies in the original compact and to incorporate the Governor's decision to delegate Board appointment authority to the member jurisdictions, which was not in the original compact; and

WHEREAS, As a member jurisdiction, the Metropolitan Service District Council finds that the proposed technical revisions do not substantively alter the purpose of the original compact; and,

WHEREAS, The Oregon Tourism Alliance Board requested that each member jurisdiction approve the amended Regional Compact no later than October 28, 1988; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District approves the amendments to the Oregon Tourism Alliance Regional Compact as identified in Exhibit A attached -- "Regional Compact to Form the

Oregon Tourism Alliance (With Amendments Recommended by the Alliance Board 9/23/88)."

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

Mike Ragsdale, Presiding Officer

jpm a:\otares

EXHIBIT A

REGIONAL COMPACT
to Form the Oregon Tourism Alliance

(With Amendments Recommended by the Alliance Board 9/23/88)

- WHEREAS, on November 4, 1986, Oregon voters elected governor Neil Goldschmidt, who pledged to lead the Oregon Comeback; and
- WHEREAS, this economic development plan focuses on improvement of Oregon's business environment, and on using Oregon's unique resources to full advantage; and
- WHEREAS, one particularly promising resource, currently under-developed, is Oregon's tourism potential; and
- WHEREAS, the tourism industry is Oregon's third largest industry, supporting many small businesses; and
- WHEREAS, recent statistics show that 40 percent of Oregon tourists come to the state via the northwest region; and
- WHEREAS, on November 4, 1986 voters of the Metropolitan Service District in the Portland area approved general obligation bonds to help build the Oregon Convention Center; and
- WHEREAS, the Oregon Convention Center will create a magnet to draw 125,000 new visitors each year into the state via the northwest region; and
- WHEREAS, it is in the economic interests of Oregon's northwest region to develop the tourist potential of this new project; and
- WHEREAS, the cooperation of public and private interests is essential in efforts to increase the contribution made by tourism to Oregon's economic comeback; and
- WHEREAS, governmental agencies in Oregon's northwest region have a mutual set of interests in developing their special resources to encourage tourism, especially the following agencies: Clackamas County, Clatsop County, Columbia County, [Hood River County,] Lincoln County, Multnomah County, Tillamook County, Washington County, and Yamhill County; the City of Portland; [and] the Metropolitan Service District and the Port of Portland; and
- WHEREAS, ORS Chapter 190 encourages cooperation among local units of government and the state of Oregon through intergovernmental agreements, such as this compact; and

WHEREAS, opportunities exist among the [nine counties] eleven jurisdictions and other major governments in Oregon's northwest region for improved cooperation in promotion and development of tourism; and

WHEREAS, a Regional Compact to form the Oregon Tourism Alliance was adopted by eleven jurisdictions in 1987; and

WHEREAS, those jurisdictions have determined that it is in the best interest of the region to amend such Compact,

NOW, THEREFORE, BE IT RESOLVED THAT:

The Compact to Form the Oregon Tourism Alliance be Amended to Read:

1. There is hereby created the Oregon Tourism Alliance, pursuant to ORS 190.010 - 110, by all units of government adopting this regional compact.
2. Upon their individual adoption of this compact, jurisdictions participating in the Oregon Tourism Alliance [as charter members] are the following counties and other agencies: Clackamas County, Clatsop County, Columbia County, [Hood River County,] Lincoln County, Multnomah County, Tillamook County, Washington County, Yamhill County, the City of Portland, the Metropolitan Service District, and the Port of Portland.
3. The Oregon Tourism Alliance shall be governed by a [council] board whose members shall be nominated and appointed in the following manner:
 - a. Each participating [agency] jurisdiction shall [nominate] appoint [two candidates,] one voting member and one alternate. One appointee shall be a public official and one appointee shall be a private citizen.
 - [b. Nominations shall be forwarded to the governor of the state of Oregon, who shall appoint, from among those nominated, a delegate and an alternate from each unit of government ratifying this compact.]
 - [c]b. [The governor will appoint a delegate at large to serve as chair of the council.] The Oregon Tourism Alliance board shall select from its members a chair, a vice-chair and a secretary/treasurer.
4. Terms of service for [council] board members shall be [four] two years. To [achieve] maintain a delegation with

staggered terms of service, [three of the initial appointments shall be for one-year terms, three shall be for two-year terms, three shall be for three-year terms, and the remaining three shall be for full four-year terms. All remaining appointments, including for the purpose of filling a seat vacated by resignation, shall be for four-year terms. The Council shall appoint from among their members a vice-chair and a secretary/treasurer.] five of the appointments shall have terms up for (re)appointment July, 1989, and six of the appointments shall have terms up for (re)appointment July, 1990. Terms of service for those appointed to fill a seat vacated by resignation shall be for the remainder of the unexpired term.

5. Upon approval by a majority of [delegates to] members of the Oregon Tourism Alliance [council] board, compliance with state law and adoption of this Compact, other jurisdictions may join the Alliance with full representation on the [council to undertake programs of mutual benefit] board.
6. The Oregon Tourism Alliance is charged with recommending and, in cooperation with affected governments and other organizations, with developing an economic strategy, based on tourism and aimed at having a significant impact throughout the northwest region of the state. [This economic strategy may consist of the following:
 - Identification of regional tourism needs and opportunities.
 - Devising of special tourism packages which would give visitors a real reason to prolong their stay.
 - Arrange for preparation of print and film materials promoting the region, with a common logo and unified impact.
 - Establishment of a regional office for tourist promotion, including a telephone information clearinghouse and booking service, available nationwide through an "800" number.
 - Define uses of state funds to promote regional tourist marketing, subject to approval by the governor.
 - Advise the governor and the legislature on special issues, such as revitalization of historic sites, state promotion of local festivals, and ways in which the state could make investments supportive of the regional strategy.

- Development of priority lists of public improvements (roads, interchanges, airline service, facilities, infrastructure) which would make Oregon a more attractive tourist destination.]

7. [The Alliance may contract with a government agency] Oregon Tourism alliance jurisdictions expressly delegate to and give the Alliance authority to contract for fiscal, professional and other services, adopt a budget, enter into contracts, [and] receive, distribute and expend funds as provided by Oregon law, and exercise those other powers reasonably necessary for the purposes of implementing the Alliance's regional strategies program adopted pursuant to ORS 284.010 - 284.055 and 284.060 (1987).
8. Any [local unit of government] member jurisdiction may terminate participation in this compact upon providing 30 days notice to all other participants.
9. [Staffing assistance for the] The Oregon Tourism Alliance may [be provided under contract to the Alliance] contract with private individuals or companies for staff assistance.
10. The Oregon Tourism Alliance shall establish bylaws governing its procedures and the conduct of its business, and may amend the same, by a majority vote of the board members. Such bylaws may provide for the creation of an executive committee, consisting of fewer than all board members, which may act as an interim board and take actions with full authority of the board where matters of urgency so require; provided, however, such executive committee may not reverse prior decisions of the full board and must report its actions at the next meeting of the board.



METRO

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

Memorandum

Agenda Item No. 7.9

Date: October 19, 1988

Meeting Date Oct. 27, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: RESOLUTION NO. 88-999, AUTHORIZING THE
FINANCE COMMITTEE TO APPOINT CITIZENS TO
THE FY 1989-90 BUDGET COMMITTEE

The Finance Committee will be meeting on Thursday, October 20, to consider the above resolution. The Committee's report and recommendation will be distributed to Councilors prior to the October 27 meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 88-999
THE FINANCE COMMITTEE TO APPOINT)	
CITIZENS TO THE METROPOLITAN	)	Introduced by the Finance
SERVICE DISTRICT'S FY 1989-90	)	Committee
BUDGET COMMITTEE)	

WHEREAS, Citizens of the District have served on the Metropolitan Service District's Budget Committee during the budget review process for each fiscal year since 1983-84, providing a valuable service to help shape budgets and make recommendations to the Council of the Metropolitan Service District; and

WHEREAS, The fiscal 1988-89 Budget Committee evaluated the budget approval process and developed suggestions for improvement (Exhibit A hereto), including the following two recommendations:

- 1) Citizen members of the Budget Committee should be selected earlier, in the Fall;
- 2) Metro should produce quarterly program evaluation reports and include citizen members of the Budget Committee in the quarterly review process, to educate them about the budget before the formal budget approval process begins; and

WHEREAS, The Finance Committee reviewed the above suggestions and has developed a quarterly program review process to be implemented in early November, including citizen members of the Budget Committee participating in the review worksessions to be conducted by Council standing committees; and

WHEREAS, In order to include citizen members of the Budget Committee in the first quarter program reviews, the Council needs to expedite the selection and appointment process of said citizen members; and

WHEREAS, The Metro Council conducted a comprehensive selection, appointment, and budget training process for its citizen members of the fiscal 1988-89 Budget Committee and reappointment of those citizens, if they accept, would serve the fiscal 1989-90 Budget Committee well and assure citizen member participation in the quarterly program review process; now, therefore,

BE IT RESOLVED,

1) That the Council of the Metropolitan Service District authorizes the Finance Committee to reappoint five (5) citizen members of the fiscal 1988-89 Budget Committee for the fiscal 1989-90 Budget Committee who will also participate in the quarterly program review process developed by the Committee to begin in early November of this year;

2) That, if five (5) citizen members of the fiscal 1988-89 Budget Committee are unable to serve on the fiscal 1989-90 committee, the Finance Committee shall select and appoint new citizen members as needed to total five (5) members, taking into account the need for balanced geographical, professional, and minority representation on the Budget Committee.

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

Mike Ragsdale, Presiding Officer

EXHIBIT A

Finance Committee
June 2, 1988
Page 2

In response to Councilor Van Bergen's question, Mr. Carlson said the initial performance audit would be limited to one or two major functional areas.

Ms. Buehner suggested staff contact the City of Portland to learn how its performance auditing system worked.

Chair Collier noted the Executive Officer had stated her support for a performance auditing program for the District.

Mr. Carlson pointed out two revisions to the Scope of Work:
1) page 2 should reflect that \$10,000 would be budgeted for the initial audit; and 2) the evaluation percentages on page 4 would be amended.

Motion: Councilor Gardner moved to approve the revised document entitled "Metropolitan Service District Request for Proposals for Performance Auditing Program Plan."

Vote: A vote on the motion resulted in all four Committee members present voting aye. Councilor Knowles was absent.

The motion carried.

It was agreed the Council would receive a report of the Committee's decision concerning the RFP and that Councilors would be involved in the selection of a project contractor.

3. Review of the FY 1988-89 Budget Process with Citizen Members of the Council Budget Committee

Chair Collier explained she had invited citizen members of the FY 1988-89 Budget Committee to join Councilors on the Finance Committee to discuss ways of improving the budget approval process for FY 1989-90. Comments would be summarized and formal recommendations made for the next fiscal year, she said. Suggestions are noted below.

- * Ms. Buehner suggested Metro produce quarterly evaluation reports of its programs. Citizen members of the Budget Committee could be selected in the fall and be involved early in the process by reviewing quarterly reports. The evaluation process would serve to educate citizens about the budget in advance of the formal budget review meeting process.

- * Ms. Buehner noted the lack of communication between the Executive Officer and Budget Committee and suggested more time be spent to reach agreement regarding the budget preparation and approval process.
- * Mr. Korten requested citizen Budget Committee members receive the following information during their orientation session: an overview of the previous year's budget; progress reports relating to the previous year's budget; an explanation of significant program or budget amount changes from the previous year's budget; and a prioritization of proposed budgeted programs.
- * Mr. Sobohemin thought committee members should be given more time to ask questions about the budget during meetings.
- * Mr. Balmer suggested the budget approval process start earlier; that the time allocated to budget overview be condensed; that more time be allocated to work sessions on the proposed budget; that Council staff be given more lead time to respond to the Committee's requests; that the Committee have more lead time to review information prepared by staff; that budget proposals be submitted in a standard format; that budget justifications focus on explaining major programs and answering the "obvious questions" to help the Committee evaluate the potential effectiveness of proposed programs (i.e., Is this a new program? If it is an existing program, why have costs increased/decreased?); and that personnel justification forms be streamlined.
- * Councilor Gardner agreed with Mr. Balmer's request for a better way to evaluate programs. The line item budget approach did not "tell a story," he explained. He also agreed with Ms. Buehner's request for quarterly program progress reports. The Council and Committee needed to know if the product was being delivered on schedule. He thought it important the Committee mandate how the reports would be organized to ensure the receipt of useful information.
- * Mr. Sobohemin suggested the Committee work to improve Committee/staff relations. A discussion followed about specific problems that had developed during the FY 1988-89 budget review process. Chair Collier explained because the Solid Waste Department had not taken the Committee's requests and budget review role seriously, she had been forced to make specific demands of the department staff. The Council was ultimately accountable to the public for spending the public's money, she said. She was confident the process would improve next fiscal year and she would give priority to communicating with the Executive Officer and staff regarding the Committee's specific requests.

- * Donald Carlson, Council Administrator, suggested the Finance Committee meet with the Executive Officer in the fall to work out a budget approval process plan. Jennifer Sims, Manager of Financial Services, suggested that meeting take place in October. Ms. Sims thought it appropriate for the Council to be specific about the information it needed from staff and to identify its goals and priorities for the new budget year. That information needed to be communicated to staff in October, she said.
- * Councilor Van Bergen agreed the Council needed to improve communications with staff regarding budget objectives and procedures. He also thought the Council committees needed to form their recommendations for Budget Committee consideration much earlier in the review process. Regarding the quarterly reporting process discussed earlier, the Councilor agreed with that approach as long as the reports were produced regularly and in an abbreviated, easily digested format.
- * Councilor Van Bergen did not think citizen participation on the Committee was the best way to educate the public about Metro's budget process or to involve citizens in the decision-making process. He thought too few citizens were involved and the relative costs of informing citizens about Metro through that process too high.
- * Ms. Buehner suggested citizens be appointed to four-year, staggered terms to ensure a better educated committee. Citizen member involvement could begin in October with review of quarterly progress reports. She explained citizens would bring to the Committee a valuable perspective not available on the Council.
- * Councilor Hansen agreed with the quarterly report concept saying the reports could be more necessary from some departments -- such as Solid Waste -- than others. He thought the Council functional committees could give more guidance on the budget to staff by way of closer review of program progress and review of proposed plans. Councilor Hansen strongly urged that more careful planning take place to avoid the Council and staff having to deal with too many critical issues at budget time. He thought the month of February should be set aside solely for budget issues.
- * Regarding citizen participation in the budget process, Councilor Hansen thought because Councilors served on a volunteer basis and came from diverse areas and backgrounds, Councilors were themselves "citizen members." Council turnover was also fairly high to ensure frequent, new perspectives. As such, the Councilor did not think additional citizen participation was necessary. As a compromise, he suggested citizens attend Council committees when budgets were being considered to make recommendations regarding policies and proposed budgets.

- * Councilor Gardner thought citizen participation on the Budget Committee essential. He did not think Councilors would have the same fresh, individual perspective citizens could provide.
- * Ms. Buehner commented that Metro was still a young government with public image problems. As the agency matured, Councilor turnover would be lower and a citizen perspective would become even more important.
- * Mr. Hohnstein observed that citizen participation during the FY 1988-89 budget review cycle was more productive than the previous year. He thought it essential to continue citizen participation along with implementing the other suggestions made earlier. He cautioned, however, that citizens terms should be limited in order to provide a fresh perspective.
- * Mr. Harloff suggested Committee members be given more time to review staff reports and budget materials. He agreed that citizen participation earlier in the budget review cycle would be beneficial. He supported continuous citizen involvement by review of quarterly program reports and observed that citizen participation would lend an impartial perspective to the Council.
- * Mr. Balmer commented that citizen involvement on the Budget Committee had worked well. Having that involvement forced staff to explain proposed programs. He cautioned against having citizens serve on Council standing committees due to potential legal problems. He also thought most citizens could not commit the time to that extensive of involvement. Mr. Balmer advocated continuing evening meeting attendance since most Councilors and citizens had day jobs that would prohibit day meetings. Finally, he thought staff should devote more time to explaining Metro's revenue sources, financial policies and cost allocation formula.
- * Ms. Buehner thought Metro should publish its budget manual in September.

At the close of the discussion, Chair Collier summarized the Committee's comments as follows:

- * The orientation for new citizen members should be provided earlier.
- * Staff and the Committee should work to avoid last minute rushes; Committee members should have more time to review materials.
- * The budget overview should be condensed and more time spend on budget program work sessions.

Finance Committee
June 2, 1988
Page 6

- * The orientation sessions should focus on program tasks rather than line items.
- * Councilors should meet with the Executive Officer at the beginning of the budget cycle to work out budget policies and process.
- * The Committee should clarify its expectations of staff well in advance of the review process.

Chair Collier noted she had not heard a clear consensus on whether citizens should continue to serve on the Budget Committee. She suggested the committee vote on the issue.

Motion: Councilor Gardner moved, seconded by Ms. Buehner, that citizens continue to serve on the Council Budget Committee and a citizen member of the Budget Committee also sit in on each Council standing committee for the purpose of reviewing quarterly program progress reports and considering annual budget programs and policies.

Vote: A vote on the motion resulted in:

Ayes: Balmer, Buehner, Collier, Gardner, Harloff, Hohnstein, Korten, Sobomehin and Collier

Nays: Hansen and Van Bergen

Absent: Knowles

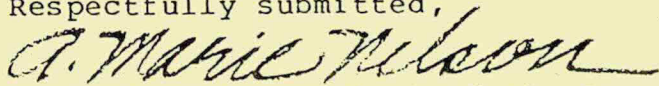
The motion carried.

Councilor Hansen said he appreciated the positive and useful contributions of citizen members of the Budget Committee. However, he explained, if the Committee continued to have citizens serve on the Budget Committee, he did not support the idea of those same citizens serving in an advisory capacity on Council standing committees on a regular basis. Their involvement should be limited observation -- not as full participants, he explained.

Chair Collier said staff would distribute a report of the Committee's recommendations concerning the annual budget review process.

There was no other business and the meeting was adjourned.

Respectfully submitted,



A. Marie Nelson, Clerk of the Council

amn
9662C/313
2/06/17/88



METRO

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

Memorandum

Agenda Item No. 7.4

Date: September 14, 1988

Meeting Date Sept. 22, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council

Regarding: RESOLUTION NO. 88-976, Granting/Amending the
Franchise for Operation of the Forest Grove
Transfer Station

The above resolution will be considered by the Council Solid Waste Committee at its meeting of September 20. The Committee's report and recommendation will be presented to the Council on September 22.

Due to the length of the documents, Exhibits 1 through 6 were not printed in this packet. The exhibits have been distributed to Councilors. Other parties wanting copies of the documents may contact Marie Nelson, Council Clerk (221-1646) to arrange for a copy.

STAFF REPORT

PRESENTED TO THE COUNCIL FOR CONSIDERATION OF RESOLUTION NO. 88-976 TO AMEND METRO SOLID WASTE FRANCHISE NO. 4 TO AUTHORIZE PUBLIC SELF-HAUL TO THE FOREST GROVE TRANSFER STATION; AMEND AND SET RATES FOR COMMERCIAL AND PUBLIC HAULERS; DENY VARIANCE REQUEST TO WAIVE METRO USER FEE (BUT DEFER ASSESSMENT UNTIL ULTIMATE DISPOSAL); AMEND THE FRANCHISE AGREEMENT TO INCREASE TONNAGE TO 225 TONS PER DAY.

Date: September 20, 1988

Presented by: Philip North
Rich Owings

FACTUAL BACKGROUND AND ANALYSIS

The following comment is added as clarification and modification of the staff report on the Franchise application for the Forest Grove Transfer Station dated August 17, 1987. These modifications are the result of comment received and testimony taken at the Council Solid Waste Committee meeting of August 30, 1988.

Comment at the 8-30-88 meeting fell generally into four categories: 1) Desire to see the draft Franchise Agreement with its specific terms as proposed for Council action; 2) Desire to encourage recycling by the public using the transfer station; 3) Desire to encourage the Franchise holder to recover recyclables from the mixed solid waste accepted at the facility; 4) Desire to limit the Franchise term to the three years remaining on the present franchise agreement.

As a result of constructive comment received it is recommended that the following changes be made to the staff report recommendations dated 8-17-88:

- 1) Modify the rate structure for the public self-haulers to encourage greater recycling efforts by providing a lower rate structure for those persons bringing in at least one-half cubic yard of recyclables, specifically:
 - a. Self-haulers with at least one-half cubic yard of recyclables will be charged at a rate of \$5.00 per cubic yard for the mixed solid waste that they deliver with the recyclables (\$5.00 minimum and a \$12.50 maximum for a three cubic yard load of mixed sold waste.

STAFF REPORT

- b. The incremental rate for mixed solid waste in excess of three cubic yards shall be \$2.00 per cubic yard.
- 2) The Metro user fee shall not be imposed upon the acceptance of mixed solid waste at the facility, but rather will be imposed at the time of ultimate disposal by the Franchise holder of those portions of the waste stream that are not recycled, thereby encouraging separation and recycling of the mixed solid waste by the Franchise holder.
- 3) Site longevity as contemplated under Section 5.01.080 of the Metro Code allows considerable discretion in determining the appropriate period of time for a franchise term or the amendment of an existing franchise. It provides that the Executive Officer may consider "...the population being served, the location of existing franchises, probable use and any other information relevant to the franchise term." (emphasis supplied)

Concerns have been expressed relative to extending the franchise an additional five years in the context of privatization issues and contemplated developments in the Metro solid waste system in the next few years. The franchise applicant in response has expressed concern as to the impact that a restricted franchise term would have upon his ability to secure appropriate financing for facility needs.

Recommendation: Provide for the franchise term to be for a period not to exceed three years, but vest authority in the Solid Waste Director to certify an extension of the term for an additional two years, with the proviso that the Solid Waste Director indicate at the time of such certification that there is no need for amendment or modification of the Franchise Agreement.

- 4) It is recommended that the maximum authorized transfer charge for commercial haulers be rounded to \$19.25 from \$19.14 to simplify accounting procedures.

EXECUTIVE OFFICER RECOMMENDATION: The Executive Officer recommends passage of Resolution No. 88-976.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF GRANTING/AMENDING)
A FRANCHISE FOR OPERATION OF THE)
FOREST GROVE TRANSFER STATION)

RESOLUTION NO. 88-976

Introduced by the
Executive Officer

WHEREAS, Section 5.01.030 of the Metropolitan Service District (Metro) Code requires a Metro Franchise for any person to establish, operate, maintain or expand a disposal site, processing facility, transfer station or resource recovery facility within the district; and

WHEREAS, Ambrose Calcagno, Jr. dba A.C. Trucking has applied for a non-exclusive franchise to modify and amend the operation of the Forest Grove Transfer Station located at 1525 "B" Street, Forest Grove, Oregon to: 1) allow public self-haulers to utilize the facility for disposal of mixed solid waste; 2) amend the rates charged to commercial haulers; 3) set rates for public self-haulers; 4) receive a variance from the obligation to pay the Metro User Fee; and 5) allow an increase in the tonnage limit from 200 tons per day to 225 tons per day as discussed in the Staff Report; and

WHEREAS, Ambrose Calcagno, Jr. dba A.C. Trucking has complied with Metro Code Section 5.01.060 requirements for franchise applications, the content of which is discussed in the Staff Report; and

WHEREAS, Ambrose Calcagno, Jr. dba A.C. Trucking has applied for a variance pursuant to Metro Code Section 5.01.110 for a waiver of the User Fee under Metro Code Section 5.01.150; and

WHEREAS, Ambrose Calcagno, Jr. dba A.C. Trucking has not met the criterion for a variance waiving the User Fee under Metro Code Sections 5.01.110 and 5.01.150; and

WHEREAS, Ambrose Calcagno, Jr.'s request to amend the franchise to allow public self-haulers to utilize the facility has met the purpose and intent of Metro Code Section 5.01.020 and 5.01.070; and

WHEREAS, amendment of rates charged to commercial haulers and setting of rates for public self-haulers has been considered by the Rate Review Committee pursuant to Metro Code Section 5.01.170 and maximum rates recommended relative to the Committee's deliberations as discussed in the Staff Report; and

WHEREAS, Ambrose Calcagno, Jr.'s request to amend the franchise to increase the daily tonnage limit to 225 tons per day from the presently authorized 200 tons per day is consistent with the purpose and intent of Metro Code Sections 5.01.020 and 5.01.070; and

WHEREAS, the rate maximums allowed are subject to Council review per the provisions of Metro Code Section 5.01.180(e) should the need arise; now, therefore,

BE IT RESOLVED,

1. The Council of the Metropolitan Service District authorizes the District to enter into the attached Franchise Agreement with Ambrose Calcagno, Jr. dba A.C. Trucking within ten (10) days of the adoption of the Resolution

2. That the requested amendments to the franchise to open the facility to public self-haulers, set a new rate maximum for commercial haulers, establish a maximum rate for public self-haulers, and allow an increase in the daily tonnage permitted through the facility; (as such are conditioned by the Franchise Agreement), are granted

3. That the request for a variance to waive the obligation to collect the Metro User Fee is denied, but assessment of the User Fee shall be deferred until ultimate disposal to encourage removal of recyclables from the waste accepted at the facility.

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

Mike Ragsdale, Presiding Officer



METRO

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

Memorandum

Agenda Item No. 7.5

Meeting Date September 22, 1988

Date: September 14, 1988

To: Metro Council

From: Councilor Jim Gardner, Chair
Council Intergovernmental Relations Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT ON SEPTEMBER 22, 1988 COUNCIL MEETING AGENDA ITEM NO. 7.5, CONSIDERATION OF RESOLUTION NO. 88-980 TO SUPPORT AN AMENDMENT TO THE STATE STATUTE TO INCREASE THE SIZE OF THE COUNCIL TO 13 MEMBERS AND TO PROVIDE FOR AN APPOINTED EXECUTIVE

Committee Recommendation: The Committee voted unanimously to recommend Council adoption of Resolution No. 88-980. All Committee members were present: Collier, DeJardin, Knowles, Waker and myself.

Committee Discussion & Issues: Councilor Waker introduced the resolution noting that under the former Planning & Development Committee the same concept had been forwarded to the Council, but the Council split 6 to 6 in its vote. Perceiving possible changes in the Council's position on Metro's structure, Councilor Waker reintroduced the resolution. He added that had Rick Gustafson been elected instead of Rena Cusma, the Council would probably still be addressing this issue.

The Committee received a copy of the Executive Officer's letter to me restating her position; that letter is attached as Exhibit A. No one from the public testified.

Citing the past changes and developments in Metro's governance structure, Councilor Kirkpatrick noted her support for the resolution; not in opposition to the Executive Officer, but as an improvement in Metro's operating structure.

Councilor DeJardin felt that the "adversarial" relationship [between the Council/legislative branch and the Executive/Administrative branch] initiated by the Executive Officer has not benefitted Metro.

Councilor Knowles recalled that he first argued strongly in favor of the separation of powers model, but over time has come to see that the model does not work for Metro and would not work for any municipal government. He added that there was a need for a system that is more predictable for people working in Metro and for those outside of Metro.

IGR Committee Report
Agenda Item 7.5
Page 2

Councilor Knowles summarized 2 points: 1) He believes that there is a need for a districtwide elected Presiding Officer. 2) Ultimately, the District voters need to decide.

The Committee acknowledged that in all likelihood Senator Otto's Committee or the State Legislature would refer this change to the voters. The Committee felt that this would be appropriate.

JG/JPM a:igrrpt3

Amended

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SUPPORTING AN	)	RESOLUTION NO. 88-980
AMENDMENT TO THE STATE STATUTE)	
TO INCREASE THE SIZE OF THE	)	Introduced by the
COUNCIL TO 13 MEMBERS AND TO	)	Intergovernmental Relations
PROVIDE FOR AN APPOINTED EXECUTIVE	)	Committee

WHEREAS, The Interim Task Force on Regional Metropolitan Government, established in November 1987 by the State and Metro, is completing its charge and, following public hearings in September and October of this year, will present its report and legislative recommendations to the 1989 State Legislature convening January 1989; and

WHEREAS, Said Task Force has requested the Council of the Metropolitan Service District generally to develop and provide proposed legislation for the 1989 State session, and specifically to provide advice on the issue of government structure; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District supports an amendment to this District's statute which provides for an increase in the size of the elected Council to 13 members after the decennial census in 1990 and a Council-appointed Executive Officer or director who would serve as the administrative head of the agency.

2. That the Council in adopting this resolution hereby respectfully requests that this amendment proposal be included in the Task Force's report and introduced during the 1989 Legislative session.

3. *kn/ck amend.*

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

Mike Ragsdale, Presiding Officer

jpm a:\strucres

DRAFT

- . Appointed Executive
- . 13 Councilors
- . Council Reapportionment

A BILL FOR AN ACT

Relating to metropolitan service districts; and amending ORS 268.020, 268.150, 268.180, 268.190 and 268.210; repealing ORS 268.215; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 268.020 is amended to read:

268.020. As used in this chapter:

(1) "Council" means the governing body of a district.

(2) "District" means a metropolitan service district established under this chapter.

~~[(3)--"Executive officer"--means the official responsible for the executive and administrative functions of the district.]~~

~~[(4)]~~ (3) "Metropolitan area" means that area which lies within the boundaries of Clackamas, Multnomah and Washington Counties.

[+5+] (4) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.

[+6+] (5) "Metropolitan significance" means having major or significant district-wide impact.

[+7+] (6) "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

SECTION 2. ORS 268.150 is amended to read:

268.150. (1) The governing body of a district shall be a council consisting of [+2] 13 part-time councilors, each elected on a nonpartisan basis from a single subdistrict within the boundaries of the metropolitan service district. Each councilor shall be a resident and elector of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body. Each councilor shall be a resident of the subdistrict from which the councilor is elected for not less than one year before taking office. The term of office for a councilor shall be four years beginning on the first Monday in January of the year next following the election. Councilors shall be divided into two classes so that one-half, as nearly as possible, of the number of councilors shall be elected

biennially. A vacancy in office shall be filled by a majority of the remaining members of the council. The councilor, before taking office, shall take an oath to support the Constitution of the United States, and the Constitution and laws of this state. Candidates for councilor positions shall be nominated and elected at the primary and general elections as provided in subsection (3) of this section.

(2) The [~~Secretary-of-State~~] council shall by legislative enactment reapportion the subdistricts after the data of each United States decennial census are compiled and released. The reapportionment shall provide for substantially equal population in each subdistrict. Area within each subdistrict shall be contiguous. In apportioning subdistricts the [~~Secretary-of-State~~] council shall give consideration to existent city or special district boundaries or the political boundaries of state representative or state senate election districts except when these political boundaries coincide with natural boundaries. Any councilor whose term continues through the primary election following reapportionment shall be specifically assigned to a subdistrict. The reapportionment shall be enacted by a vote of a majority of the members of the council and shall be effective upon its enactment. The reapportionment shall become operative on the 250th day before the date of the next primary election.

(3) For the purposes of section 18, Article II of the Oregon Constitution, a councilor whose term continues through the next primary election following a reapportionment is subject to recall by the

electors of the subdistrict to which the councilor is assigned and not by the electors of the subdistrict existing before the latest reapportionment.

(4) For the purposes of filling a vacancy in office under subsection (1) of this section, after a reapportionment of the subdistrict, the vacancy shall be deemed to have occurred in the subdistrict to which the councilor is assigned and not the subdistrict existing before the latest reapportionment. This subsection shall apply only to a vacancy in office occurring after the primary election next following the reapportionment and before a person has been elected and qualified to fill the vacancy.

[+3+] (5) ORS chapters 249 and 254, relating to the nomination and election on nonpartisan candidates for office, apply to the nomination and election of councilors except as provided in subsection (1) of this section and except that a candidate shall be nominated from the subdistrict required for a nomination is that required under ORS 249.072(2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.

SECTION 3. ORS 268.180 is amended to read:

(1) District business shall be administered, and district rules and ordinances shall be enforced, by ~~[an-executive-officer]~~ a chief administrative officer.

[(2)--The executive officer shall be elected in the same manner provided under ORS-268-150, but the officer shall be elected from the district at large on a nonpartisan basis.--The number of signatures within the district required for nomination is that required under ORS 249-072(2), but the requirement that the petition contain signatures of persons residing in a number of precincts shall not apply.--The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.--The executive officer shall be a resident in the district for not less than one year before taking office.--The term of office for an executive officer shall be four years beginning on the first Monday in January on the next year following the election.--A vacancy in office shall be filled by appointment by a majority of the council.--The executive officer, before taking office, shall take an oath to support the Constitution of the United States and the Constitution and laws of this state.

(3)--The executive officer shall serve full time and shall not be employed by any other person or governmental body while serving the district.--The executive officer shall not serve as a member of the council.

(4)--The salary and employment benefits of the executive officer shall be set by the council upon the recommendation of a salary

~~commission-to-be-appointed-by-the-council,-but-shall-not-be-less-than
that-of-a-district-court-judge-of-this-state.~~

~~(5)--The-executive-officer-may-employ-or-dismiss-any-personnel
and-contract-with-any-person-or-governmental-agency-to-assist-in
carrying-out-the-duties-and-powers-of-the-executive-officer-subject-to
the-personnel-and-contract-ordinances-adopted-by-the-council-]~~

(2) The chief administrative officer shall be appointed by the
council based on professional qualifications to carry out the
administrative duties prescribed by law and by the council. The chief
administrative officer shall serve at the pleasure of the council.

SECTION 4. ORS 268.190 is amended to read:

(1) The council is responsible for ~~[the-legislative-functions-of
the-district-and-such-other-duties-as-the-law-prescribes]~~ carrying out
the duties, functions and powers of the district except as provided in
this section.

(2) The ~~[executive]~~ chief administrative officer shall present
to the council plans, studies and reports prepared for district
purposes and may propose to the council for adoption such measures as
deemed necessary to enforce or carry out the powers and duties of the
district, or to the efficient administration of the affairs of the
district.

(3) The [executive] chief administrative officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

(4) The [executive] chief administrative officer shall administer the district and enforce the ordinances enacted by the council and perform all other duties as may be prescribed by the council. The chief administrative officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties, functions and powers of the district subject to personnel and contract ordinances adopted by the council.

~~[(5)--Any-legislative-enactment-of-the-council-may-be-vetoed-by the-executive-officer-within-five-working-days-after-its-enactment.- The-veto-may-be-overridden-by-an-affirmative-vote-of-two-thirds-of-the council-not-later-than-30-days-after-the-veto.]~~

SECTION 5. ORS 268.210 is amended to read:

The council of the district may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the [council] district, subject to the personnel and contract ordinances adopted by the council.

SECTION 6. ORS 268.215 is repealed.

SECTION 7. Section 2 of this Act takes effect on _____, 1991,
and sections 1 and 3 through 6 take effect on January 1, 1990.

DEC:gpwb

8/17/88

Billrea.2



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

EXIHIBIT A

September 13, 1988

The Honorable Jim Gardner
Chair
Council Intergovernmental
Relations Committee

Dear Chairman, Members of the Committee:

This evening you are considering Resolution No. 88-980 which would endorse the formation of a 13-member council and provide for that council to appoint an executive to administer Metro.

As you know, we have discussed and debated this issue repeatedly over the last 20 months of my tenure. I am sure you are well aware of my position, but I feel it important to restate that position during your deliberations.

I will not seek to advise you at this time on the number of councilors to comprise your council. However, I believe it is my responsibility to restate my concerns about taking from voters the region-wide elected executive office and replacing it with an appointed bureaucrat.

My primary concern remains citizen access to this government and the ability of voters to make a change in the leadership of Metro. As it stands now, citizens in the region have one shot every four years to judge the performance of this government. If the voters don't like the performance, they have a chance to change leadership by electing a new executive officer.

This opportunity would be lost to voters if the executive officer was appointed. District elections of councilors could not replace the region-wide referendum represented by an elected executive. Voters want and deserve a chance to make a change.

I am also concerned that an appointed bureaucrat would not be in a position to represent a regional point of view, nor would an appointed executive share the same respect and equal relationship with other elected heads of government in our region. Without a region-wide

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Page 2

elected executive, there would be no region-wide perspective represented on the council. This is not to say that councilors don't think regionally -- but they are elected locally and expected to act locally.

In short, eliminating the vote on the full-time executive will make it harder for citizens to make a difference in what Metro is doing and will make it more difficult for this government to create and implement a regional vision.

I urge you to not support Resolution No. 88-980. Thank you for your consideration.

Sincerely,

Rena Cusma
Executive Officer



METRO

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

Memorandum

Agenda Item No. 7.6

Meeting Date Sept. 22, 1988

Date: September 7, 1988

To: Metro Council

From: Councilor Gary Hansen ^{GH.}
Chair, Council Solid Waste Committee

Regarding: COUNCIL SOLID WASTE COMMITTEE REPORT ON SEPTEMBER 22,
1988, COUNCIL AGENDA ITEM

Agenda Item Consideration of Resolution No. 88-974, for the Purpose of Authorizing a Public Contract to Collect, Transport, Store, Recycle, Treat and Dispose of Hazardous Waste from Two Collection Day Events to be Held by Metro on October 1, 1988, and April 22, 1989

Committee Recommendation

The Council Solid Waste Committee recommends Council adoption of Resolution No. 88-974 as amended. This action taken September 6, 1988.

Discussion

Five proposals were received and four firms were interviewed. Safety Specialists, Inc. proposed the lowest cost and received the second highest evaluation score.

The proposed contract to collect, transport, store, recycle, treat and dispose of hazardous waste is similar to the contract for the regional hazardous waste collection event that was held May 14, 1988. The following changes are noted:

1. The number of collection events is increased from one to two.
2. The amount of volunteer workers assisting the contractor is reduced to avoid some of the problems experienced at the last event.
3. The contractor will collect, transport, store, recycle and dispose of all household hazardous waste. This should eliminate one of the major problems of the last

Memorandum
September 7, 1988
Page 2

event -- i.e., some individuals had to be turned away because the contractor could not accept the particular hazardous waste they had brought to the collection point.

The Committee amended the resolution to include a cap of \$277,283 on the contract costs. They also amended Attachment B to show labor, bins and additional insured as fixed costs.

The Committee voted four to zero to recommend Council adoption of Resolution No. 88-974 as amended. Voting aye: Councilors Gardner, Hansen, Kirkpatrick and Ragsdale.

RB/sm
0125D/D1

STAFF REPORT

Agenda Item No. 7.6

Meeting Date 9/22/88

CONSIDERATION OF RESOLUTION NO. 88-974, FOR THE PURPOSE OF AUTHORIZING A PUBLIC CONTRACT WITH SAFETY SPECIALISTS, INC. TO COLLECT, TRANSPORT, STORE, RECYCLE, TREAT AND DISPOSE OF HOUSEHOLD HAZARDOUS WASTE FROM TWO COLLECTION DAY EVENTS TO BE HELD BY METRO ON OCTOBER, 1988 AND APRIL 22, 1989.

Date: September 22, 1988

Presented by: Bob Martin

FACTUAL BACKGROUND AND ANALYSIS

On August 28, 1986, the Metro Council adopted a Hazardous Waste Management Plan. One element of the Plan is to provide alternative recycling and disposal options to residents of the region for their household hazardous materials. A pilot project was held on Saturday and Sunday, November 15 and 16, 1986 at two East Multnomah County locations, and a regional hazardous waste collection event was held at four sites on May 14, 1988.

To assist in implementing a household hazardous waste collection event, a licensed hazardous waste management firm is necessary. The contractor will be required to collect, transport, store, recycle, treat, and dispose of materials collected at four sites during two region-wide collection events to be sponsored by Metro on October 1, 1988 and April 22, 1989.

On July 28, 1988, the Metro Council adopted Resolution No. 88-960 that provided an exemption from the public contracting procedure for the purpose of requesting proposals from hazardous waste management firms to handle the recycling, treatment, storage, and disposal of household hazardous wastes from two Metro sponsored regional collection events.

The RFP document was available on August 8, 1988.

Announcement of the RFP was advertised the week of August 8, 1988, in the Oregonian, the Skanner, and Portland Business Today. The RFP documents were mailed to; 17 companies that had been sent RFPs for the May 14, 1988 collection event, two companies that

had called to request them during the week of August 8, 1988, and one company that had called to request them during the week of August 15, 1988.

Proposals were due on August 26, 1988. Metro Received proposals from:

Safety Specialists, Inc.
Chemical Processors, Inc.
Rollins Environmental Services
Pegasus Waste Management
Northwest Enviroservice Inc.

Four Metro staff members evaluated the proposals from August 26-30, 1988. The team consisted of:

Vickie Rocker, Director of Public Affairs
Daniel B. Cooper, General Counsel
Joan Saroka, Public Affairs Specialist
Robin Smoot, Solid Waste Engineer

A hypothetical collection event was used to get a dollar figure from each proposer for the exact same type and quantity of materials. This was done because each proposer can quote prices using a variety of methods for packaging and disposal and there would be no way to equally access their quotes. The hypothetical event does not necessarily reflect the materials that will actually be received during the actual collection event, but functions merely as a means of equally comparing proposed costs.

On August 30, 1988, the Metro team developed a short list of firms to be interviewed on September 1, 1988.

All firms proposing were asked to an interview at Metro, except Rollins Environmental Services. Rollins Environmental Services were not asked for an interview because their price for the hypothetical event was approximately twice that of the other proposals.

On September 2, 1988, the Metro team reviewed all the materials from the interview sessions and the written proposals and selected a proposer to be recommended for award of the contract.

A summary of the interview evaluations is attached as Exhibit A. The Metro team considers Safety Specialists, Inc. and Chemical Processors, Inc. the first and second choices, for contract award. Chemical Processors had the highest evaluation score (72). Safety Specialists had the lowest cost, more than \$10,000 lower than the next lowest proposer, and were evaluated only one point lower (71) than Chemical Processors.

The maximum compensation authorized by this contract shall be \$277,283. The contract may be amended in the event that the amount of barrels of waste collected when multiplied by the applicable unit prices exceeds the \$277,283 maximum.

Staff recommends that Safety Specialists, Inc. be awarded the contract for Metro's next two Household Hazardous Waste Collection Events.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Resolution No. 88-974.

RS
08/29/88

EXHIBIT A

EVALUATION SUMMARY

The Metro team evaluated the firms that were interviewed using the criteria listed below. Each firm was given a score from one (worst) to five (best) by each member of the team for each criteria. The scores of each team member were combined in each category and for each firm. The results of this scoring are tabulated below.

Evaluation Criteria

Demonstrates understanding of project objectives
Number of personnel provided at each site
Role and responsibility of site personnel
Unacceptable materials and handling of unknowns
Similar projects/Company experience

FIRM

SCORE

Chemical Processors, Inc.
Safety Specialists, Inc.
Pegasus Waste Management
Northwest Enviroservice Inc.

72
71
53
45

FIRM

COST FOR HYPOTHETICAL EVENT

Safety Specialists, Inc.
Pegasus Waste Management
Chemical Processors, Inc.
Northwest Enviroservice Inc.

\$31,340
\$41,646
\$43,429
\$43,453

Comments: Chemical Processors, Inc. may not accept all dioxin containing waste. Pegasus Waste Management and Northwest Enviroservice Inc. are considered to be under staffed.

The estimated cost of contracting with these firms for two household hazardous waste collection events is based on the types and quantities of materials that will be collected at two collection events and each proposers given unit cost. Actual project cost may be higher.

FIRM

ESTIMATED COST OF CONTRACT

Safety Specialists, Inc.
Chemical Processors, Inc.
Pegasus Waste Management
Northwest Enviroservice Inc.

\$277,283
\$336,420
\$363,562
\$374,811



METRO

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

Memorandum

Date: September 15, 1988

To: Metro Council

From: Bob Martin *BM* Solid Waste Engineering Manager

Regarding: Changes made to Attachment B of the contract for Household Hazardous Waste Services.

The Contractor has requested three changes to attachment B which are as follows:

1. The cost of collecting oil based paints will be the same as for latex paints.
2. The cost to additionally insure Metro is not a fixed cost, but is variable at 1% of the total contract amount.
3. The contractor has asked to be paid 10% of the total contract amount seven days prior to each event to cover his mobilization costs.

These changes have been made to attachment B of the contract for Household Hazardous Waste Services, however the total cost of the contract remains below the \$277,283.00 stated as the amount not to be exceeded in Resolution No. 88-974.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING A	)	RESOLUTION NO. 88-974
PUBLIC CONTRACT WITH SAFETY)	
SPECIALISTS, INC. TO COLLECT,	)	Introduced by Rena Cusma,
TRANSPORT, STORE, RECYCLE, TREAT AND)		Executive Officer
DISPOSE OF HOUSEHOLD HAZARDOUS WASTE)		
FROM TWO COLLECTION DAY EVENTS TO BE)		
HELD BY METRO ON OCTOBER 1, 1988 AND)		
APRIL 22, 1989.		

WHEREAS, The Metropolitan Service District will be sponsoring two regional Household Hazardous Waste Collection Day events, and to carry this out Metro will need to contract with a vendor to collect, transport, store, recycle, treat and dispose of the materials from both the October 1, 1988 event and the April 22, 1989 event; and

WHEREAS, A Household Hazardous Waste Collection Day involves many variables in the type, quantity, treatment and disposal options for the materials collected it was necessary to negotiate the terms of the agreement; and

WHEREAS, A complete Request for Proposals process was followed and interviews granted to four companies, the selection of the contractor is based on the company's past experience, price per drum, price per material, ability to meet Metro guidelines and deadlines, and ability to handle unknown materials, ability to be responsible for all materials collected at the event; and

WHEREAS, All proper procedures have been followed to procure the most qualified vendor at the most favorable cost for this project; and

WHEREAS, The Metro team recommends contracting with Safety Specialists, Inc to handle all materials collected at both the October 1, 1988 and the April 22, 1989 Household Hazardous Waste Collection Events; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes the Executive Officer to enter into a contract with Safety Specialists, Inc. to handle all the materials from the Collection Day Events in a form substantially similar the attached Public Contract, and for an amount not to exceed \$277,283.00.

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

Mike Ragsdale, Presiding Officer

PUBLIC CONTRACT

THIS Contract 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 SAFETY SPECIALISTS, INC., whose address is P.O. Box 4420, Santa Clara, CA 95054, hereinafter referred to as the "CONTRACTOR."

THE 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 the period commencing September 23, 1988 through and including July 10, 1989.

ARTICLE III

CONTRACT SUM AND TERMS OF PAYMENT

METRO shall compensate the CONTRACTOR for work performed and/or goods supplied as described in Attachment "B." Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment "B."

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 seven (7) days written notice. In the event of termination, CONTRACTOR shall be entitled to payment for work performed to the date of termination. METRO shall not be liable for indirect or consequential damages. Termination by METRO will not waive any claim or remedies it may have against CONTRACTOR.

ARTICLE VI

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 because of bodily injury, including death and damages to property, all with coverage limits satisfactory to METRO. Liability insurance shall have minimum coverage limits of at least the dollar amounts listed in ORS 30.270. Additional coverage may be required in the Scope of Work attached hereto. 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 shall immediately increase the amounts of liability insurance required to reflect any changes in Oregon Law so that the insurance provided shall cover, at a minimum, the maximum liability limits under the Oregon Tort Claims Act.

If required in the Scope of Work attached hereto, CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

CONTRACTOR shall not be required to provide the liability insurance described in this Article if an express exclusion relieving CONTRACTOR of this requirement is contained in the Scope of Work.

ARTICLE VII

PUBLIC CONTRACTS

CONTRACTOR shall comply with all applicable provisions of ORS Chapters 187 and 279 and all other conditions and terms

necessary to be inserted into public contracts in the state of Oregon, as if such provisions were a part of this Contract. CONTRACTOR acknowledges receipt of copies of ORS 187.010-.020 and 279.310-.430.

ARTICLE VIII

ATTORNEY'S FEES

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

ARTICLE IX

QUALITY OF GOODS AND SERVICES

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. CONTRACTOR guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by METRO, whichever is later. 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.

ARTICLE X

OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by CONTRACTOR pursuant to this agreement are the property of METRO and

it is agreed by the parties hereto that such documents are works made for hire. CONTRACTOR does hereby convey, transfer and grant to METRO all rights of reproduction and the copyright to all such documents.

ARTICLE XI

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.

If required in the Scope of Work, 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 7.0 percent of the contract amount to Disadvantaged Businesses and 5.0 percent of the contract amount to Women-Owned Businesses. 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 XII

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 or the failure of CONTRACTOR to make proper payment to any suppliers or subcontractors. If a liquidated damages provision is contained in the Scope of Work and if CONTRACTOR has, in METRO's opinion, violated that provision, METRO shall have the right to withhold from payments due CONTRACTOR such sums as shall satisfy that provision. All sums withheld by METRO under this Article shall become the property of METRO and CONTRACTOR shall have no right to such sums to the extent that CONTRACTOR has breached this Contract.

ARTICLE XIII

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 provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV

INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding 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 XV

ASSIGNMENT

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

SAFETY SPECIALISTS, INC.

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

YS/gl
7536C/515-4
07/29/87

ATTACHMENT A

SCOPE OF WORK

- A. The contractor shall perform, or cause to be performed, the following services:
- 1) Contractor shall unload waste from participant vehicles, sort, manifest, package, load, transport, treat, reuse, recycle, store, and dispose of all materials collected from two household hazardous waste collection events to be held at four sites (see to section B below) on Saturday October 1, 1988 and Saturday April 22, 1989, except those waste specifically described in section C of this Scope of Work.
 - 2) Contractor shall meet with Metro and fire department personnel as needed to coordinate the event.
 - 3) Contractor shall prepare and present, to Metro during the week before the event, a pre-event safety training session for Metro staff, and fire department personnel who will be on-site during the event.
 - 4) Contractor shall meet with Metro and fire department personnel during the week following the event to evaluate the success of the event.
 - 5) Contractor shall provide U.S. DOT approved barrels at each site on the day before the event is to occur. The number of barrels will be determined by the Contractor, and the contractor is responsible for providing any additional barrels necessary on the day of the event. The contractor will also be responsible for obtaining drop boxes to dispose of empty containers and other non-hazardous waste generated at the collection site by the contractor.
 - 6) Contractor shall supply all materials, labels, documentation, equipment and products of whatever nature to perform the services described in this contract. The Contractor will provide absorption materials at each site in case of a spill, and supply plastic ground cover and tents for the areas where materials will be packaged and/or stored.
 - 7) Contractor shall ensure that there are at least ten Contractor-supplied technicians at each of the four sites. Each site shall be managed so that the time that participants must wait in line is kept to a minimum. (Maximum wait time should not be more than 30 minutes.)

- 8) Contractor shall select the appropriate treatment, storage and disposal sites for all hazardous materials collected at the event. The site(s) shall be fully permitted, EPA and Oregon DEQ (or the appropriate state agency of another state) approved hazardous waste treatment, storage and disposal facilities. Contractor shall be responsible to provide lawful disposal of all materials collected.
- 9) Contractor shall assist in decreasing the actual number of barrels that will be disposed at a hazardous materials landfill and thereby assist in reducing costs. The Contractor shall provide bulking for compatible hazardous materials either on site or at a storage facility before final disposal options are used. The Contractor shall not labpack or landfill materials if treatment alternatives are available and the cost is not prohibitive. The Contractor shall not pack materials that can be managed as a non-hazardous waste. Non-hazardous waste will be disposed in the drop boxes provided by the contractor or will be returned to the resident for home disposal.
- 10) Contractor shall remove all materials from the sites within 48 hours after the event. The Contractor will provide storage until final disposal options are secured.
- 11) Contractor shall remove and manage the household hazardous waste that was left at the Gresham site during the November 1986 collection event. There is approximately one drum of dioxin containing waste.
- 12) No later than 75 days after the event the Contractor shall provide Metro with:
 - Copies of all manifests,
 - Written description, quantity, and U.S. DOT classification of each type of material handled,
 - Written description of mode of transportation and disposal options chosen for all materials, and
 - An itemized list of costs for the collection event.
- 13) Contractor shall maintain and keep in effect for the term of this contract, liability insurance for claims arising out of death or bodily injury and property damage from hazardous waste handling, transport, treatment, storage, and disposal, including vehicle liability and legal defense costs in the amount of \$1,000,000.00 as evidenced by a certificate of insurance for General, and Automobile/Sudden and Accidental Pollution Liability Coverage. Contractor shall also maintain and keep in effect for the term of this contract, insurance in the amount of \$1,000,000.00. Contractor shall provide Metro with certificates of insurance indicating the above-described coverage and Metro shall be listed as an

ATTACHMENT B

<u>ITEM</u>	<u>UNIT</u>	<u>\$/UNIT</u>
Lab Packed PCB Oil (100 ppm)	Drum	\$1,000.00
Lab Packed Pesticides	Drum	\$215.00
Loose Packed Varnish	Drum	\$215.00
Loose Packed Acid	Drum	\$215.00
Loose Packed Base	Drum	\$215.00
Loose Packed Aerosol Paint	Drum	\$120.00
Loose Packed Aerosol Cleaners	Drum	\$120.00
Loose Packed Aerosol Pesticides	Drum	\$120.00
Bulked Automotive Oils	Drum	\$125.00
Bulked Non-Halogenated Solvents	Drum	\$175.00
Lab Packed Halogenated Solvents	Drum	\$215.00
Bulked Antifreeze	Drum	\$175.00
Loose Packed Auto Batteries	Drum	\$150.00
Loose Packed Alkaline Batteries	Drum	\$215.00
Loose Packed Pentachlorophenol	Drum	\$215.00
Lab Packed Dioxin Containing Materials	Drum	\$215.00
Latex/Oil Paint	Gallon	\$2.50
Labor	Fixed	\$94,400.00
Bins	Fixed	\$1,200.00
Additional Insured	1% of total	\$2,773.00

TOTAL COST NOT TO EXCEED \$277,283.00

The contractor will be paid \$27,728.00 seven days before each event to cover mobilization expenses.

additional named insured on all such certificates.

- 14) The performance of the above described services shall be in full compliance with all applicable federal, state and local laws, rules, regulations and orders, including, but not limited to, the Resource Conservation and Recovery Act, and regulations, rules and orders of the United States Environmental Protection Agency, the U.S. Department of Transportation, Oregon's Department of Environmental Quality, and the Oregon Department of Transportation.

B. Site Locations

The following are the proposed sites for the Household Hazardous Waste Collection Event. Metro reserves the right to change the location of these sites. If changes are made all new locations will be within the Metropolitan Service District boundaries.

1. Gresham City Hall
1333 NW Eastman Parkway
Gresham, OR
2. Washington County Fire District 1 Training Center
3608 SW 209th
Aloha, OR
3. Clackamas Rural Fire District 71 Training Center
15990 SE 130th
Clackamas, OR
4. DEQ Testing Station
5885 N.W. St. Helens Rd.
Portland, OR

C. Unacceptable Waste

The following is a list of waste that the contractor will not accept for collection at the household hazardous waste collection events:

Radioactive waste
Explosive waste (These wastes will be handled by a local bomb squad.)
Asbestos waste