



# METRO

# Agenda

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

DATE: October 10, 1991  
MEETING: METRO COUNCIL  
DAY: Thursday  
TIME: 5:30 p.m.  
PLACE: Metro Council Chamber

**REVISED AGENDA**  
Agenda Item No. 5.2  
has been added

Approx.  
Time\*

Presented  
By

5:30  
(5 min.)

CALL TO ORDER/ROLL CALL

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

5:35  
(20 min.)

3.1 Presentation of Metro's Sixth Annual Recycling Recognition Awards to Celebrate Recycling Awareness Week (Reception for Award Recipients Held in Executive Management from 4:30 to 5:30 p.m.)

5:55  
(20 min.)

3.2 Presentation on End of the Oregon Trail Project

6:15  
(5 min.)

4. CONSENT AGENDA

4.1 Minutes of September 12, 1991

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-411, For the Purpose of Amending Chapter 2.09, Builder's Business License Program of the Metro Code (Action Requested: Refer to the Finance Committee)

A NON-REFERRED ORDINANCE TO MEET AN EMERGENCY

6:20  
(20 min.)

5.2 Ordinance No. 91-430, For the Purpose of Amending Metro Chapter Code 2.04 Relating to Disadvantaged Business Enterprises, Women-Owned Business Enterprises and Emerging Small Business Enterprises, Establishing an Effective Date and Declaring an Emergency Public Hearing (Action Requested: Motion to Adopt the Ordinance)

(Continued)

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

Approx.  
Time\*

Presented  
By

**6. ORDINANCES, SECOND READINGS**

REFERRED FROM THE FINANCE COMMITTEE

6:40 (10 min.) 6.1 Ordinance No. 91-427, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Special District Association Dues for FY 1991-92 Public Hearing (Action Requested: Motion to Adopt the Ordinance) Devlin

6:50 (15 min.) 6.2 Ordinance No. 91-428, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Entry into PERS Public Hearing (Action Requested: Motion to Adopt the Ordinance) Wyers

REFERRED FROM THE SOLID WASTE COMMITTEE

7:05 (10 min.) 6.3 Ordinance No. 91-429B, For the Purpose of Amending Metro Code Chapter 5.06 to Allow for Committee Member Reappointment, Staggered Terms, and Establishing Committee Membership Date Effective as of Confirmation Public Hearing (Action Requested: Motion to Adopt the Ordinance) McFarland

7:15 (10 min.) 6.4 Ordinance No. 91-422, For the Purpose of Amending the Metro Code to Clarify and Supplement Existing Provisions Related to the Management of Petroleum Contaminated Soils, and Declaring an Emergency Public Hearing (Action Requested: Motion to Adopt the Ordinance) Wyers

7:25 (15 min.) 6.5 Ordinance No. 91-406A, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Incorporate the Illegal Dumping Chapter Public Hearing (Action Requested: Motion to Adopt the Ordinance) Wyers

7:40 (15 min.) 6.6 Ordinance No. 91-416, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Incorporate the Metro West Transfer and Material Recovery System Chapter Public Hearing (Action Requested: Motion to Adopt the Ordinance) DeJardin

(Continued)



METRO COUNCIL AGENDA

October 10, 1991

Page 3

Approx.  
Time\*

Presented  
By

**7. RESOLUTIONS**

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

- |                   |  |           |
|-------------------|--|-----------|
| 7:55<br>(10 min.) | 7.1 Resolution No. 91-1494B, For the Purpose of Authorizing the Execution of a Sale Agreement for the Acquisition of the Sears Facility (Action Requested: Motion to Adopt the Resolution)                         | Knowles   |
| 8:05<br>(10 min.) | 7.2 Resolution No. 91-1505B, For the Purpose of Authorizing the Issuance of Metro Headquarters Project Design/Build RFP and Ratifying the Previously Issued RFQ (Action Requested: Motion to Adopt the Resolution) | McFarland |

BEFORE THE CONTRACT REVIEW BOARD

- |                   |   |          |
|-------------------|---|----------|
| 8:15<br>(10 min.) | 7.3 Resolution No. 91-1507, For the Purpose of Exempting the Headquarters RFQ/RFP Process from Competitive Bidding Process Pursuant to Metro Code 2.04.041 (Action Requested: Motion to Adopt the Resolution) | Buchanan |
|-------------------|---|----------|

REFERRED FROM THE SOLID WASTE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD

- |                   |   |          |
|-------------------|---|----------|
| 8:25<br>(10 min.) | 7.4 Resolution No. 91-1512, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding for Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County (Action Requested: Motion to Adopt the Resolution) | DeJardin |
|-------------------|---|----------|

BEFORE THE CONTRACT REVIEW BOARD

- |                   |  |         |
|-------------------|--|---------|
| 8:35<br>(10 min.) | 7.5 Resolution No. 91-1510, For the Purpose of Authorizing an Exemption to the Competitive Procurement Procedures of Metro Code Chapter 2.04.053, and Authorizing a Change Order to the Design Services Agreement with Parametrix, Inc. (Action Requested: Motion to Adopt the Resolution) | Gardner |
|-------------------|--|---------|

(Continued)

METRO COUNCIL AGENDA

October 10, 1991

Page 4

Approx.  
Time\*

Presented  
By

REFERRED FROM THE FINANCE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD

8:45  
(10 min.)      **7.6 Resolution No. 91-1514, For the Purpose of**      Hansen  
                  Authorizing an Exemption to Metro Code Chapter  
                  2.04.041(c), Competitive Bidding Procedures, and  
                  Authorizing a Sole-Source Contract with Office  
                  Interiors for Purchase of Panels for the  
                  Transportation Department (Action Requested:  
                  Motion to Adopt the Resolution)

REFERRED FROM THE SOLID WASTE COMMITTEE

8:55  
(10 min.)      **7.7 Resolution No. 91-1499, For the Purpose of**      McFarland  
                  Confirming the Appointment of Persons to the  
                  Composter Community Enhancement Committee  
                  (Action Requested: Motion to Adopt the  
                  Resolution)

9:05  
(10 min.)      **7.8 Resolution No. 91-1513, For the Purpose of**      DeJardin  
                  Authorizing Issuance of a Request for Franchise  
                  Applications for the Provision of Transfer and  
                  Material Recovery Services for Western Washington  
                  County (Action Requested: Motion to Adopt the  
                  Resolution)

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

9:15  
(10 min.)      **7.9 Resolution No. 91-1467A, For the Purpose of**      Devlin  
                  Adopting Rules Establishing Procedures Relating  
                  to the Conduct of Council Business (Action  
                  Requested: Motion to Adopt the Resolution)

REFERRED FROM THE FINANCE COMMITTEE

9:25  
(10 min.)      **7.10 Resolution No. 91-1515, For the Purpose of**      Van Bergen  
                  Establishing a Schedule and Process for Council  
                  Consideration of the FY 1992-93 Proposed Budget  
                  (Action Requested: Motion to Adopt the  
                  Resolution)

9:35      **8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS**

(10 min.)      **8.1 Arena Task Force Status Report**      Knowles

9:45      **ADJOURN**





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3. EXECUTIVE OFFICER COMMUNICATIONS

5:35 (20 min.) 3.1 Presentation of Metro's Sixth Annual Recycling Recognition Awards to Celebrate Recycling Awareness Week (Reception for Award Recipients Held in Executive Management from 4:30 to 5:30 p.m.)

5:55 (20 min.) 3.2 Presentation on End of the Oregon Trail Project

6:15 (5 min.) 4. CONSENT AGENDA

4.1 Minutes of September 12, 1991

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-411, For the Purpose of Amending Chapter 2.09, Builder's Business License Program of the Metro Code (Action Requested: Refer to the Finance Committee)

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE FINANCE COMMITTEE

6:20 (10 min.) 6.1 Ordinance No. 91-427, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding Special District Association Dues for FY 1991-92 Public Hearing (Action Requested: Motion to Adopt the Ordinance)

Devlin

(Continued)

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Page 2

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Wyers

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McFarland

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Wyers

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Wyers

7:20 (15 min.) 6.6 Ordinance No. 91-416, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Incorporate the Metro West Transfer and Material Recover System Chapter Public Hearing (Action Requested: Motion to Adopt the Ordinance)

DeJardin

7. RESOLUTIONS

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

7:35 (10 min.) 7.1 Resolution No. 91-1494B, For the Purpose of Authorizing the Execution of a Sale Agreement for the Acquisition of the Sears Facility (Action Requested: Motion to Adopt the Resolution)

Knowles

(Continued)



METRO COUNCIL AGENDA

October 10, 1991

Page 3

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Presented  
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7:45  
(10 min.)

7.2 Resolution No. 91-1505B, For the Purpose of Authorizing the Issuance of Metro Headquarters Project Design/Build RFP and Ratifying the Previously Issued RFQ (Action Requested: Motion to Adopt the Resolution)

Knowles

**BEFORE THE CONTRACT REVIEW BOARD**

7:55  
(10 min.)

7.3 Resolution No. 91-1507, For the Purpose of Exempting the Headquarters RFQ/RFP Process from Competitive Bidding Process Pursuant to Metro Code 2.04.041 (Action Requested: Motion to Adopt the Resolution)

Knowles

**REFERRED FROM THE SOLID WASTE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD**

8:05  
(10 min.)

7.4 Resolution No. 91-1512, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding for Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County (Action Requested: Motion to Adopt the Resolution)

DeJardin

**BEFORE THE CONTRACT REVIEW BOARD**

8:15  
(10 min.)

7.5 Resolution No. 91-1510, For the Purpose of Authorizing an Exemption to the Competitive Procurement Procedures of Metro Code Chapter 2.04.053, and Authorizing a Change Order to the Design Services Agreement with Parametrix, Inc. (Action Requested: Motion to Adopt the Resolution)

Gardner

**REFERRED FROM THE FINANCE COMMITTEE  
BEFORE THE CONTRACT REVIEW BOARD**

8:25  
10 min.)

7.6 Resolution No. 91-1514, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.041(c), Competitive Bidding Procedures, and Authorizing a Sole-Source Contract with Office Interiors for Purchase of Panels for the Transportation Department (Action Requested: Motion to Adopt the Resolution)

Hansen

(Continued)

METRO COUNCIL AGENDA

October 10, 1991

Page 4

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REFERRED FROM THE SOLID WASTE COMMITTEE

8:35  
(10 min.)      **7.7 Resolution No. 91-1499, For the Purpose of**  
Confirming the Appointment of Persons to the  
Composter Community Enhancement Committee  
(Action Requested: Motion to Adopt the  
Resolution)      **McFarland**

8:45  
(10 min.)      **7.8 Resolution No. 91-1513, For the Purpose of**  
Authorizing Issuance of a Request for Franchise  
Applications for the Provision of Transfer and  
Material Recovery Services for Western Washington  
County (Action Requested: Motion to Adopt the  
Resolution)      **DeJardin**

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

8:55  
(10 min.)      **7.9 Resolution No. 91-1467A, For the Purpose of**  
Adopting Rules Establishing Procedures Relating  
to the Conduct of Council Business (Action  
Requested: Motion to Adopt the Resolution)      **Devlin**

REFERRED FROM THE FINANCE COMMITTEE

9:05  
(10 min.)      **7.10 Resolution No. 91-1515, For the Purpose of**  
Establishing a Schedule and Process for Council  
Consideration of the FY 1992-93 Proposed Budget  
(Action Requested: Motion to Adopt the  
Resolution)      **Van Bergen**

9:25  
(10 min.)      **8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS**

**8.1 Arena Task Force Status Report**      **Knowles**

**8.2 WBE/MBE Update**

9:35      **ADJOURN**



Meeting Date: October 10, 1991  
Agenda Item No. 4.1

**MINUTES**

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

September 12, 1991

Council Chamber

Councilors Present: Presiding Officer Tanya Collier, Deputy  
Presiding Officer Jim Gardner, Roger  
Buchanan, Richard Devlin, Tom DeJardin,  
Jim Gardner, Sandi Hansen, David  
Knowles, Ruth McFarland, Susan McLain,  
George Van Bergen and Judy Wyers

Councilors Absent: Larry Bauer

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at  
5:32 p.m.

Presiding Officer Collier announced that Agenda Item No. 7.11,  
Resolution No. 91-1507, For the Purpose of Exempting the  
Headquarters RFP/RFQ Process from Competitive Bidding Pursuant to  
Metro Code 2.04.041 had been added to the agenda and would be  
considered after Agenda Item No. 7.3.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Neil Christman, 11773 S. Highway 211, Molalla, said recycling was  
difficult for residents in Molalla because there was no central  
location to drop off recyclables and said residents had to travel  
20 miles to recycle clean paper, 15 miles to recycle glass and  
did not know of a location available to recycle plastics. He  
said their only alternative was to haul to the dump which was  
expensive and did not contribute to recycling efforts.

Councilors Van Bergen and DeJardin suggested Mr. Christman  
contact his hauler directly to ascertain what recycling services  
were available. They said if his hauler was unable to help him,  
he could contact Clackamas County's Solid Waste Department and  
could also contact the John Inskeep Environmental Learning Center  
for assistance.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.



4. CONSENT AGENDA

4.1 Minutes of June 27, July 11 and July 25, 1991

Councilor Gardner submitted a correction for minutes of June 27, 1991. He said page 9, fourth paragraph down, fifth sentence, should state "parking" and not "park-and-ride." He said such language would lead to the impression that Metro intended to have a park-and-ride facility at the Zoo.

Motion: Councilor Devlin moved, seconded by Councilor Buchanan, for adoption of the Consent Agenda as corrected.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and the Consent Agenda was adopted as corrected.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-424, For the Purpose of Approving the Revision of Metro Code Section 4.01.060 Revising Admission Fees at the Metro Washington Park Zoo

The Clerk read the ordinance for a first time by title only.

Presiding Officer Collier announced Ordinance No. 91-424 had been referred to the Finance and Regional Facilities Committees for consideration.

5.2 Ordinance No. 91-422, For the Purpose of Amending the Metro Code to Clarify and Supplement Existing Provisions Related to the Management of Petroleum Contaminated Soils, and Declaring an Emergency

The Clerk read the ordinance for a first time by title only.

Presiding Officer Collier announced Ordinance No. 91-422 had been referred to the Solid Waste Committee for consideration.

5.3 Ordinance No. 91-426, For the Purpose of Approving the Revision of Metro Code Sections 2.02.180, 2.02.185, 2.02.200, and Adopting the Management Compensation Plan

The Clerk read the ordinance for a first time by title only.

Presiding Officer Collier announced Ordinance No. 91-426 had been referred to the Finance Committee for consideration.

5.4 Ordinance No. 91-425, An Ordinance Amending Ordinance No. 91-390A Revising the FY 1991-92 Budget and Appropriations Schedule for the Purpose of Funding an Amendment to the R.W. Beck Contract

The Clerk read the ordinance for a first time by title only.

Presiding Officer Collier announced Ordinance No. 91-425 had been referred to the Finance Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-419, Amending Ordinance No. 91-390A, Adopting the FY 1991-92 Budget and Levying Ad Valorem Taxes, for the Purpose of Revising the Timeframe Upon which Taxes are Levied on the Properties Within the District (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Collier announced Ordinance No. 91-419 was first read on August 8 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on August 15 and recommended it to the full Council for adoption.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 91-419.

Councilor Hansen gave the Finance Committee's report and recommendations. She explained the ordinance would correct a typographical error made in the budget ordinance. She said Ordinance No. 91-390A listed the date upon which property taxes would be levied as January 1, 1990, rather than January 1, 1991, and that Finance Management Information staff had been advised by the Oregon Department of Revenue to use the language: "for the 1991-1992 tax year." She said the tax assessors for Multnomah, Washington and Clackamas Counties had been notified of the change and staff stated no problem would result because of the typographical error made in the original ordinance.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.



Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, Van Bergen and Wyers voted aye. Councilors Bauer, McLain and Wyers were absent. The vote was unanimous and Ordinance No. 91-419 was adopted.

6.2 Ordinance No. 91-415B, Reapportioning Council Subdistricts (Public Hearing)

The Clerk read the ordinance by title only for a second time.

Presiding Officer Collier announced Ordinance No. 91-415 was first read before the Council on July 25 and referred to the Governmental Affairs Committee for consideration. The Governmental Affairs Committee considered the ordinance on August 1, August 15, and on September 15 recommended Ordinance No. 91-415C to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 91-415C.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. Councilor Devlin said at the August 15 meeting, the committee considered four changes to the Rock Creek and Cully neighborhood areas. He said two of the changes were made. He said at the September 5 meeting, the Committee considered a slight modification asked for by Washington County Elections involving 11 residents which was made. He said revised legal descriptions were reviewed and approved. He said letters were received requesting modification including one from the Mayor of Beaverton because reapportionment as proposed would have split one city with 30,000 residents between three different Council subdistricts. He said Oregon Revised Statutes required Metro to complete redistricting by September 12.

Councilor Devlin thanked Council staff Casey Short and Susan Lee, and Data Resources staff Mark Bosworth for their assistance throughout the process and the Council. He thanked citizens who testified on reapportionment issues before the Committee. He discussed reapportionment expectations and said the Committee had made every effort to accommodate most requests but noted it had been impossible to incorporate all requests. He said the ordinance was extensively reviewed but could still contain some errors. He said future Councilors would probably question some reapportionment decisions made by the current Council, but believed there was a much better reapportionment of the 13 districts than there was of the current 12 districts, and said the process made it possible to develop lists of 300 or 400

citizens active in local government and associations for future contact and information sharing.

Councilor Devlin said Vicki Ervin, Multnomah County's Elections Officer, requested further amendment at this meeting including moving 35 citizens from Councilor Hansen's to Councilor Gardner's district. He noted a new Exhibit A with revised legal descriptions had been distributed incorporating Ms. Ervin's recommended amendments.

Motion to Amend: Councilor Devlin moved, seconded by Councilor DeJardin, to amend Ordinance No. 91-415C with changes to the legal descriptions as submitted by Ms. Ervin.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Presiding Officer Collier thanked Councilor Devlin for his work on the ordinance.

Vote on Motion to Amend: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and the motion to amend passed.

Vote on the Main Motion as Amended: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and Ordinance No. 91-415D was adopted.

## 7. RESOLUTIONS

### 7.1 Resolution No. 91-1483A, For the Purpose of Authorizing Issuance of a Request for Proposals to Select Consultant Services for Phase I of Region 2040, A Coordinated Transportation and Land Use Study

Motion: Councilor Gardner moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1483A.

Councilor Gardner gave the Transportation & Planning Department's report and recommendations. He said the resolution would authorize an RFP from consultants to define a set of goals and objectives for the region to deal with anticipated urban growth. He said the study would continue work begun by Regional Urban Growth Goals and Objectives (RUGGO) when they were adopted. He

said the RFP would initiate review of concepts of land use and transportation planning and develop a range of development alternatives starting with a base case that included current policy and comprehensive plans to project what type of development would occur in the region and ascertain various land use and transportation scenarios and how they would appear in various contexts. He said the successful proposer would develop strategy to involve the public in discussion on the scenarios. He said other jurisdictions called similar tasks a "visioning process." He said the process would assess the public's attitude and values and work with the public and focus groups to project various development alternatives for the region. He said the project represented Phase I of a two phase process; that Phase I would provide descriptions of development alternatives; would produce a tabloid to communicate those alternatives to the public; and would present a strategy to the public for them to choose among six potential projects.

Councilor Gardner said the Transportation Department's current budget and work plan contained a work element originally called Transportation Land Use Coordination. He said that element had developed into this RFP. He said the resolution required no budget adjustment and issued the RFP only. He said the Committee discussed whether or not the Council should review the final contract and decided not to waive Council approval because the project itself would be so crucial to Metro in the future.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and Knowles were absent. The vote was unanimous and Resolution No. 91-1483A was adopted.

7.2 Resolution No. 91-1494B, For the Purpose of Authorizing the Execution of a Sale Agreement for the Acquisition of the Sears Facility

7.3. Resolution No. 91-1505B, For the Purpose of Authorizing the Issuance of Metro Headquarters Project Design/Build RFQ/RFP

Councilor Knowles said Resolution Nos. 91-1494B and 91-1505B should be referred back to the Regional Facilities Committee because the sale agreement document was not ready and requested an Executive Session be held.

UNSCHEDULED AGENDA ITEM

EXECUTIVE SESSION Held Under the Authority of ORS 192.660(i)(e) to Discuss Acquisition of Property



The Executive Session began at 6:02 p.m. Present: Presiding Officer Collier, Deputy Presiding Officer Gardner, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Wyers; Executive Officer Cusma. Staff present: Neil Saling, Director of Regional Facilities; Paula Paris, Personnel Manager; Jennifer Sims, Director of Finance & Management Information; Casey Short and John Houser, Council Analysts; Don Carlson, Council Administrator; and Dan Cooper, General Counsel. Also present: Jim Mayer, The Oregonian. The Executive Session ended at 6:16 p.m.

Motion to Refer: Councilor Knowles moved, seconded by Councilor Buchanan, to refer Resolution No. 91-1494B and Resolution No. 91-1505B back to the Regional Facilities Committee for further consideration.

Vote on Motion to Refer: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and the motion passed.

Presiding Officer recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District.

7.11 Resolution No. 91-1507, For the Purpose of Exempting the Headquarters RFQ/RFP Process from Competitive Bidding Process Pursuant to Metro Code 2.04.041

Motion to Refer: Councilor Knowles moved, seconded by Councilor Gardner, to refer Resolution No. 91-1507 back to the Regional Facilities Committee for further consideration.

Vote on Motion to Refer: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen and Collier voted aye. Councilors Bauer and Wyers were absent. The vote was unanimous and the motion passed.

7.4 Resolution No. 91-1495, For the Purpose of Amending a Contract with KPMG Peat Marwick for the FY 1991-92 Performance Audit Services

Motion: Councilor DeJardin moved, seconded by Councilor Gardner, for adoption of Resolution No. 91-1495.

Councilor DeJardin gave the Governmental Affairs Committee's report and recommendations. He said Metro had had a contract with KPMG Peat Marwick for the past three years and noted in July 1990 Metro had assumed responsibility for the Metropolitan Exposition-Recreation Commission (MERC). He said KPMG Peat Marwick would assess MERC's operations since the partnership agreement began and determine whether Metro's and MERC's record keeping functions had been effectively synchronized. Councilor DeJardin said MERC officials had indicated they did not believe this was the best time for an audit, but stated his belief the audit would be effective at this time. He said KPMG Peat Marwick staff recognized pressures on MERC officials and staff.

Councilor Knowles said he spoke with MERC representatives who had expressed concern they would have no input during the audit process, but said they recognized the audit would provide them with a good management tool.

Vote: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilor Bauer was absent. The vote was unanimous and Resolution No. 91-1495 was adopted.

7.8 Resolution No. 91-1493, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Proposals for Development of Landfill Gas at the St. Johns Landfill

Motion: Councilor DeJardin moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1493.

Councilor DeJardin gave the Solid Waste Committee's report and recommendations. He said staff originally thought this contract would be put out to bid, but said technology had improved to the extent that Metro could expect to receive a variety of proposals rather than bids and had therefore developed an RFP. He said Metro could construct a gas collection and flaring system and the proposer could process gas either on or off site with the proposer being responsible for developing and constructing the gas processing system and providing transportation. He said Metro's revenue would come from a gas sales agreement made with the proposer under that scenario. He said another option could be that the proposer could construct and build all or part of the gas collection and flaring system and collect and transport the gas. He said under that scenario, Metro would receive property lease agreement and gas rights funds. He said the committee discussed how much a flaring system would cost. He said staff estimated the cost would be approximately \$3.1 million.

He said there were five potential bidders all with different systems in mind and that staff had indicated there might be more than those five bidders.

The Council discussed flaring and other regulatory requirements. Councilor Van Bergen noted discussion and work on methane gas collection done by Metro 7 to 8 years ago. He said Metro had signed a contract with Northwest Natural Gas (NWNG) at that time to sell them to sell them gas and asked if that contract could still be valid. He said staff efforts were pulled from the methane gas project and diverted to Bacona Road and other projects. He asked if competition with NWNG was still in question.

Councilor DeJardin noted gas prices during that time were very low and said it was not likely the contract with NWNG would still be valid. He said different customers were interested in the gas and said that interest should not present a threat to NWNG.

Presiding Officer Collier asked Bob Martin, Director of Solid Waste, if previous methane gas studies and work had been reviewed for the process related to this contract. Mr. Martin said staff had reviewed previous work and said further work had to be done related to this process because of variables which included how much gas could be collected from the landfill and the methods of collection which could be used.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen and Wyers voted aye. Councilors Bauer and Knowles voted aye. The vote was unanimous and Resolution No. 91-1493 was adopted.

Presiding Officer Collier recessed the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.5 Resolution No. 91-1491A, Approving an Intergovernmental Agreement with the Special Districts Association (SDAO) to Provide Legislative Services to the Metropolitan Service District

Motion: Councilor DeJardin moved, seconded by Councilor Gardner, for adoption of Resolution No. 91-1491A.

Councilor DeJardin gave the Governmental Affairs Committee's report and recommendations. He said adoption of the resolution would continue Metro's contract with Western Advocates through an intergovernmental agreement (IGA) with SDAO. He said Metro began the contract with Western Advocates after Metro's Governmental

Relations Manager resigned. He said although the State Legislature had recessed for 1991, legislative work continued via six interim committees. He said the four of most interest to Metro were the Joint Committees on Revenue, Land Use, Ways and Means and the Task Force on Government Mandates. He said there was also some administrative agency activity specific to administrative rules that impacted Metro. He said those rules related to the Land Conservation and Development Commission (LCDC) and the Department of Environmental Quality (DEQ). He said LCDC had rules with regard to specific land use issues, areas of urban fringe and noted also of interest to Metro was the task force on urban development and infrastructure finance. He said DEQ work related to House Bill 2175, air quality legislation, and Senate Bill 66, solid waste legislation. He said a special session of the legislature would be held to deal with the effects of Ballot Measure No. 5. He said Metro also needed to maintain ongoing relationships with legislators.

Councilor DeJardin said meetings would be held on a monthly basis with Western Advocates, Council representatives and the Executive Officer. Burton Weast, Western Advocates, explained the annual contract cost was for \$60,000. Councilor Wyers asked if the contract was cost-effective compared to using a Metro employee as had been done in the past. Mr. Weast said previously budgeted amounts ranged from \$90,000 to \$100,000 for Metro's previous in-house and legislative services. He noted the job description had changed also so that services provided were now not directly comparable. Councilor Wyers said services provided by Western Advocates had been satisfactory. The Council briefly discussed the resolution further.

Councilor Devlin clarified for the record the committee set up to meet with Western Advocates would meet on specific issues and that the Governmental Affairs Committee would still supervise the contract. He discussed the special session and said the State Legislature's decisions on funding would affect Metro also. Councilor Hansen endorsed the contract with Western Advocates and noted they had reported on issues to Councilors in a timely manner in the past.

Councilor Knowles expressed concern that Western Advocates would not get legislative attention because they were not direct Metro representatives. He encouraged Mr. Weast to be aggressive on Metro's behalf.



Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilor Bauer was absent. The vote was unanimous and Resolution No. 91-1491A was adopted.

7.6 Resolution No. 91-1500, For the Purpose of Ratifying the Amended 1991-1995 Collective Bargaining Agreement with the Laborers International Union, Local 483

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1500.

Councilor Hansen gave the Governmental Affairs Committee's report and recommendations. She said the resolution represented amendments to the original LIU contract adopted via Resolution No. 91-1487 on August 8, 1991. Councilor Hansen listed the amendments given in Exhibit A. Councilor Hansen expressed support for the resolution and said the contract appeared to be a good one. Councilor Buchanan concurred with Councilor Hansen.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and DeJardin were absent. The vote was unanimous and Resolution No. 91-1500 was adopted.

7.7 Resolution No. 91-1476, For the Purpose of Authorizing the Conditional Award of a Contract to John L. Jersey & Son, Inc., for Work Associated With, and Including, Procurement, Transport and Stockpiling of Subgrade Embankment Material and Sand on the St. Johns Landfill

Motion: Councilor McLain moved, seconded by Councilor McFarland, for adoption of Resolution No. 91-1476.

Councilor McLain gave the Solid Waste Committee's report and recommendations. She said the contract would be funded via the Landfill Closure Account and said a two-year contract option resulted in an extension of the bid deadline until August 9, 1991. She said seven bids were received. She said the lowest bid was \$875,000 less than the second lowest bid. She said the contract award was conditional based on the completion pending compliance with performance bond, insurance requirements, and Public Utility Commission (PUC) certification of the contractor and subcontractor.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and DeJardin were absent. The vote was unanimous and Resolution No. 91-1476 was adopted.

7.9 Resolution No. 91-1482, For the Purpose of Authorizing the Executive Officer to Execute a Contract with McFarland's Bark, Inc., for Hauling and Processing Yard Debris from the Metro South Station

Motion: Councilor Wyers moved, seconded by Councilor McFarland, for adoption of Resolution No. 91-1482.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She said the contract amount was for \$52,500 to process and haul away yard debris received at Metro South Station. She said McFarland's planned to turn the material into compost.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and DeJardin were absent. The vote was unanimous and Resolution No. 91-1482 was adopted.

7.10 Resolution No. 91-1485, For the Purpose of Naming a Task Force to Examine Issues Related to the Solid Waste Disposal Rate Process

Motion: Councilor Wyers moved, seconded by Councilor McFarland, for adoption of Resolution No. 91-1485.

Councilor Wyers gave the Solid Waste Committee's report and recommendations. She said the resolution established a task force to review the responsibilities of the Rate Review Committee (RRC). She said the performance auditors recommended the task force be formed and the Solid Waste and Rate Review Committees had both concurred. She said a budget noted directed the task force be formed, but believed Council staff should be directly involved in the process. Councilor Wyers distributed Exhibit A which listed the appointees to the Rate Review Task Force. Councilor Wyers said the Metro Code stated the RRC reviewed the rates, but that language was not clear whether the RRC reviewed solid waste rates or just the franchise rates. She said the task force's first meeting would be held September 17 after the regular Solid Waste Committee meeting.

Vote: Councilors Buchanan, Devlin, Gardner, Hansen, Knowles, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and DeJardin were absent. The vote was unanimous and Resolution No. 91-1485 was adopted.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

8.1 Finance & Management Information Department, Risk Management Division Report; Review of FY 1990-91 Worker's Compensation Program Results and Savings

Don Carlson, Councilor Administrator, noted the information printed in the agenda packet was presented to the Finance Committee which recommended the full Council review that information also. He said the information showed that Metro's switching Worker's Compensation Programs had saved approximately \$500,000 from what would have been paid under the old program. He said if Metro had stayed with the old program, funding would have been \$100,000 over-budget. Councilor Gardner asked if the funds saved would go into a reserve fund or become part of the fund balance. Mr. Carlson said unless the funds were budgeted for a reserve fund, they would become part of the fund balance.

Councilor Knowles reported that the Arena Task Force received the first part of the Blazers proposal. He said the financial portion of their proposal would be presented by September 24. He said the major issue thus far was that the Blazers proposed they manage both the Coliseum and the proposed arena. He said that would involve significant policy decisions for both Metro and the City of Portland.

Councilor Devlin discussed Charter Committee activities and noted they had had public hearings and held presentations before various groups. He said the Council should formally request the Charter Committee to meet with the Council.

Presiding Officer Collier noted various organizations had set up various groups to discuss and interact with the Charter Committee. She noted she spoke before one Chamber of Commerce group about Metro. Councilor McLain noted she had been asked to speak before the League of Women Voters. Councilor Devlin noted he had been asked to speak before the League of Women Voters also with two Charter Committee members. He noted the City of Sherwood's Resolution No. 91-511 which asked the Metro Council to defer adoption of RUGGO until the Metro Charter was voted upon by the electorate. He expressed concern that such statements were not as constructive as commenting directly on RUGGO would be.



Councilor Gardner said there were misconceptions on RUGGO. He said the resolution's first paragraph stated: "Whereas, the City of Sherwood finds that the Regional Urban Growth Goals and Objectives (RUGGO'S) redefine METRO's role, expanding it to become the focal point in the provision and expansion of all types of governmental services in the region, and" Councilor Gardner said such perceptions were not accurate. He said the Transportation & Planning Committee had held two public hearings on Ordinance No. 91-418 and heard from constituents on RUGGO, primarily from citizens, and said the testimony heard at both hearings was overwhelmingly in favor of Metro moving ahead with RUGGO. He said the criticism heard most often were statements that RUGGO did not go far enough and did not establish a clear regional authority to manage difficult growth issues. He said the Committee did not hear from jurisdictions with similar concerns to those expressed by the City of Sherwood in their resolution.

Presiding Officer Collier said she would send a letter to the City of Sherwood and other jurisdictions with similar concerns to clarify what RUGGO would do and what Metro's intentions were with regard to RUGGO.

Councilor Wyers said Councilors should speak to the various groups organized to discuss the Charter Committee. Presiding Officer Collier said when she spoke before the Charter Committee, she told them to coordinate their communications with the Governmental Affairs Committee and said perhaps she should have made it clear that the Charter Committee could communicate with the full Council at any time. Councilor Devlin said it would be of benefit for the Charter Committee to meet with all 12 Councilors so that they could see how diverse the Council was.

All business having been attended to, Presiding Officer Collier adjourned the meeting at 7:31 p.m.

Respectfully submitted,



Paulette Allen  
Clerk of the Council

Meeting Date: October 10, 1991  
Agenda Item No. 5.1

ORDINANCE NO. 91-411

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-411 AMENDING  
CHAPTER 2.09, BUILDERS BUSINESS LICENSE PROGRAM OF THE  
METRO CODE

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Date: July 19, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

Since the inception of The Metropolitan Service District's Builder's Business License program on July 1, 1988, Legislative changes had been enacted that significantly altered the program. These changes have not been reflected in Chapter 2.09 of the Metro Code.

The first change altered the original formula for distribution of business license fees to participating cities: the second Legislative change to the program expanded coverage to Landscape Contractor's: the third Legislative change will be reflected in ORS Chapter 701 which henceforth will refer to Builder's as Contractor's.

This resolution will reflect the Law changes that have occurred to this program, and will also eliminate one section requiring a duplicate license fee for replacing a lost license.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-411.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING )  
CHAPTER 2.09, BUILDER'S )  
BUSINESS LICENSE PROGRAM OF )  
THE METRO CODE )

ORDINANCE NO. 91-411  
Introduced by Rena Cusma,  
Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Chapter 2.09 of the Metro Code is hereby amended  
as follows:

CHAPTER 2.09

~~BUILDER'S~~ ~~CONTRACTOR'S~~ BUSINESS LICENSE PROGRAM

SECTIONS:

2.08-09.010	Purpose and Authority
2.09.020	Definitions
2.09.030	Eligibility and License Issuance
2.09.040	Denial of Issuance
2.09.050	Exemptions
2.09.060	License Applicability
2.09.070	Application for License
2.09.080	Application Contents
2.09.090	Validity of the License
2.09.100	Fee
2.09.110	License
<del>2.09.120</del>	<del>Replacement License</del>
2.09.130 120	Renewal
2.09.140 130	Revocation
2.09.150 140	Appeal of a Revoked License or Denied Application
2.09.160 150	Penalty
2.09.170 160	Distribution of Fees
2.09.180 170	Regulations
2.09.190 180	Operative Date
<del>2.09.200</del>	<del>Effective Date</del>

Section 2. Section 2.08-09.010 is hereby amended as  
follows:

"2.08-09.010 Purpose and Authority:

(a) The purpose of this Ordinance is to provide a procedure for the District to issue ~~Builder's~~ a ~~Contractor's~~ Business License, establish a fee for the license, and distribute to participating jurisdictions the fees collected by the District.

(b) The authority for the Metropolitan Service District to issue ~~Builder's~~ a ~~Contractor's~~ Business License, establish requirements for the issuance of the license, charge a fee for the license, receive reimbursement for administrative expenses incurred in carrying out this program, determine the dollar amount of residential building permits issued within the District and distribute the fees to participating jurisdictions is granted by Oregon Revised Statutes 701.015.

Section 3. Section 2.09.20 is hereby amended as follows:

2.09.020 Definitions:

(a) ~~"Builder"~~ ~~"Contractor"~~ or ~~"Landscape Contractor"~~ has the meaning given under ORS ~~701.055,~~ ~~701.005,~~ and ORS ~~701.015(5)(d),~~ respectively.

(b) ~~"Builder's~~ ~~"Contractor"~~ Business License" means a document issued by the District to a ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ that permits the ~~builder~~ ~~contractor~~ or ~~landscape contractor~~ to conduct business in participating jurisdictions.

(c) ~~"Builder's~~ ~~"Contractor's~~ Business License Fee" means any fee paid to the District for the issuance of a ~~Builder's~~ ~~Contractor's~~ Business License.

(d) "Business License Tax" means any fee paid by a builder contractor or landscape contractor to a city or county for any form of license that is required by the city or county to conduct business in that jurisdiction. The term does not include any franchise fee or privilege tax imposed by a participating jurisdiction upon a public utility under ORS 221.420 or 221.450 or any provision of a city charter.

(e) "Conducting Business" means to engage in any activity in pursuit of gain including activities carried on by a builder contractor or landscape contractor through officers, agents and employees as well as activities carried on by a builder contractor or landscape contractor on that builder's contractor's or landscape contractor's own behalf.

(f) "Participating Jurisdiction" means any city or county located wholly or partly within the boundaries of the District that has a requirement for a builder contractor or landscape contractor to obtain a business license to conduct business in that jurisdiction, and the fee for this license is not based on or measured by adjusted net income.

(g) "Principal Place of Business" means the location of the central administrative office in this state of a builder contractor or landscape contractor conducting business in this District.

(h) "Residential Building Permit" means any permit issued for the construction or alteration of a residential structure issued by a governing body authorized under ORS 455.150."



Section 4. Section 2.09.030 is hereby amended as follows:

"2.09.030 Eligibility and License Issuance: Any builder contractor or landscape contractor wishing to conduct business in any participating jurisdiction shall be issued a Builder's Contractor's Business License if subsections (a) and (b) are met by the builder contractor or landscape contractor:

~~(a) (1) Presents proof to the district that the builder has paid the business license tax imposed by each participating jurisdiction in which the builder has an office, or~~

(a) Presents proof to the District that the contractor or landscape contractor has paid the business license tax imposed by the city when:

(1) The principal place of business of the contractor or landscape contractor is within the city; or

~~(2) Presents proof that the builder has an office only outside the boundaries of a participating jurisdiction, and~~

(2) Presents proof that contractor or landscape contractor has paid the business tax imposed by city because the contractor or landscape contractor derives gross receipts of \$125,000 or more from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed.

- (b) (1) Presents proof that builder contractor or landscape contractor is currently registered with the State of Oregon Builder's Construction Contractor's Board, or the State of Oregon Landscape Contractor's Board.
- (2) Completes an application as required by Section 2.09.070 of this chapter;
- (3) Pays the Builder's Contractor's Business License fee established in Section 2.09.100 of this chapter; and
- (4) Meets all other license requirements provided under this chapter."

Section 5. Section 2.09.040 is hereby amended as follows:

"2.09.040 Denial of Issuance:

(a) The District shall refuse to issue a license for any one of the following reasons:

- (1) Fraud, misrepresentation or false statement made in the applications at the time of application.
- (2) Failure to present proof at the time of application that the applicant has met all other license requirements provided under this chapter.
- (3) Failure to pay the Builder's Contractor's Business License fee established under Section 2.09.100 of this chapter.

(b) Notice of denial of a application shall be given in writing to the applicant setting forth the grounds of the denial.

Such notice shall be mailed to the applicant at the address that appears on the application for the license. This action of denial may be appealed as provided in Section 2.09.150 140 of this chapter."

Section 6. Section 2.09.050 is hereby amended as follows:

"2.09.050 Exemptions: ~~A builder that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Builder's Business License in lieu of that jurisdiction's business license tax or business license.~~

(a) ~~A contractor or landscape contractor that is required to be licensed by a city within the boundaries of the District that imposes a business license tax based on or measured by adjusted net income earned by conducting business within the city may not obtain and possess a Contractor's Business License in lieu of that jurisdiction's business license tax or business license.~~

(b) ~~Certain persons furnishing materials, improving personal property, owner builders, or persons otherwise licensed may be exempt from registration under this chapter under ORS 701.010."~~

Section 7. Section 2.09.060 is hereby amended as follows:

"2.09.060 License Applicability:

(a) ~~If a builder contractor or landscape contractor has~~ paid any business license tax imposed by participating

jurisdictions in which the builder contractor or landscape contractor has an office the builder contractor or landscape contractor may apply for a Builder's Contractor's Business License from the District.

(b) If a builder contractor or landscape contractor has been issued a Builder's Contractor's Business License by the District, the builder contractor or landscape contractor may conduct business without any other business license in participating jurisdictions in which the builder:

- (1) Has no office;
- (2) Has not derived gross receipts of \$100,000 \$125,000 or more from business conducted within the boundary of the participating jurisdiction during the calendar year for which the business license is owed."

Section 8. Section 2.09.070 is hereby amended as follows:

"2.09.070 Application for License: To obtain a Builder's Contractor's Business License, a builder contractor or landscape contractor must make application in person or by mail to the District upon forms provided and prescribed by the District. The completed application shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a builder contractor or landscape contractor is issued a Builder's Contractor's Business License."

Section 9. Section 2.09.080 is hereby amended as follows:

"2.09.080 Application Contents: Each application for a ~~Builder's~~ Contractor's Business License received by the District shall contain:

- (a) The name of the business making application.
- (b) The name of a contact person in the business.
- (c) The address of the principal place of business.
- (d) The telephone number of the business.

(e) State of Oregon ~~Builder's~~ Construction Contractor's Board registration number, or State Landscape Contractor's Board.

(f) Date of application.

(g) The signature of the ~~builder~~ contractor or landscape contractor making the application.

(h) Such other information as the District shall determine."

Section 10. Section 2.09.090 is hereby amended as follows:

"2.09.090 Validity of the License:

(a) The license shall be valid from the date of issuance to the ~~day immediately preceding the date of issuance in the following year,~~ first day of the month in the following year; if issued after the middle of any month, the license shall be valid to the first day of the of the following month of that year. The license shall not be issued for a portion of a year.

(b) Before the expiration of the ~~Builder's~~ Contractor's Business License, the District shall notify the ~~builder~~



~~contractor or landscape contractor~~ to whom the license was issued of the approaching expiration. Within 90 days prior to the expiration date, the notice shall be mailed to the ~~builder contractor or landscape contractor~~ to whom the license was issued at the address shown on the original application for the license maintained by the District.

(c) The District is not required to notify the ~~builder contractor or landscape contractor~~ of an approaching expiration if the ~~builder's contractor's or landscape contractor's~~ license has been revoked under Section 2.09.140 130 of this chapter, or if the ~~builder contractor or landscape contractor~~ has failed to notify the District of a change of address."

Section 11. Section 2.09.100 is hereby amended as follows:  
"2.09.100 Fee: The fee to be paid by any ~~builder contractor or landscape contractor~~ for a ~~Builder's Contractor's~~ Business License is \$110 and is non-refundable."

Section 12. Section 2.09.110 is hereby amended as follows:  
"2.09.110 License: Each ~~Builder's Contractor's~~ Business License issued under this chapter shall state upon its face the following:

- (a) The name of the licensee.
- (b) The address of the licensee.
- (c) A unique license number established by the District.
- (d) The date of issuance.
- (e) The date of expiration.

(f) Such other information as the District shall determine."

Section 13. Section 2.09.120 is hereby deleted:

~~"2.09.120 Replacement License:~~

~~(a) A replacement Builder's Business License shall be issued upon receipt by the District of a completed application for a replacement license and payment of a \$20 fee to replace any otherwise valid license previously issued which has been lost, destroyed or mutilated. The expiration date for the replacement license shall be the same date as provided on the original license issued to the builder.~~

~~(b) Each application for a replacement shall contain:~~

- ~~(1) The name of the business making application.~~
- ~~(2) The name of a contact person in the business.~~
- ~~(3) The address of the principal place of business.~~
- ~~(4) The telephone number of the business.~~
- ~~(5) State of Oregon Builder's Board registration number.~~
- ~~(6) Date of application.~~
- ~~(7) Such other information as the District shall determine.~~

~~(Ordinance No. 88-248, Sec. 1)~~

Section 14. Section 2.09.130 ~~120~~ is hereby amended as follows:

"2.09.130 120 Renewal: Each builder contractor or landscape contractor requesting renewal of a license must make application, as described in Section 2.09.070 of this chapter, to the District upon forms provided and prescribed by the District. The completed application for renewal of the Builder's Contractor's Business License shall be filed with the fee described in Section 2.09.100 of this chapter with the District before a renewal license is issued."

Section 15. Section 2.09.140 is hereby amended as follows:

"2.09.140 130 Revocation:

(a) A license issued under this chapter may be revoked by the District, after notice, for any of the following reasons:

- (1) Fraud, misrepresentation or false statement contained in the application for the license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying out the licensed activity.
- (3) Conducting the licensed activity in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.
- (4) Failure to comply with the ordinances and resolutions of a jurisdiction within the boundaries of the District in which the license holder is conducting business authorized by this license.

(b) Notice of revocation of a license shall be given in writing to the licensee setting forth the grounds of the complaint. Such notice shall be mailed by certified mail at least ten (10) working days before the date of revocation to the licensee at the address that appears on the application for the license being revoked. Revocation shall be effective ten (10) working days after notice of revocation."

Section 16. Section 2.09.150 ~~140~~ is hereby amended as follows:

"2.09.150 ~~140~~ Appeal of a Revoked License or Denied Application: Any ~~builder contractor or landscape contractor~~ aggrieved by the action of the District in denying an application for or revocation of a ~~Builder's Contractor's~~ Business License is entitled to appeal action under the provisions of Metro Code Chapter 2.05."

Section 17. Section 2.09.160 ~~150~~ is hereby amended as follows:

"2.09.160 ~~150~~ Penalty: Any ~~builder contractor or landscape contractor~~ who fails to comply with or violates any provision of this Chapter is subject to penalties under Section 1.01.110 of this Code. In the event that a provision of this Chapter is violated by a firm or corporation, the officer or ~~builder contractor or landscape contractor~~ responsible for the violation shall be subject to the penalty provided in Section 1.01.110 of this Code."

Section 18. Section 2.09.170 160 is hereby amended as follows:

"2.09.170 160 Distribution of Fees: The District shall distribute the ~~Builder's~~ Contractor's Business License fees collected by the District under this chapter to participating jurisdictions after the District has received reimbursement for administrative expenses incurred in carrying out the provisions of this chapter. At least once a year, each participating jurisdiction shall receive a share of the ~~Builder's~~ Contractor's Business License fees collected by the District based on a ratio of the ~~total of the dollar amount~~ number of residential building permits issued by ~~all~~ each participating jurisdictions to the total ~~dollar amount~~ number of residential building permits issued during that year by ~~each~~ all participating jurisdictions."

Section 19. Section 2.09.180 170 is hereby amended as follows:

"2.09.180 170 Regulations: The Executive Officer may establish such other ~~Builder's~~ Contractor's Business License regulations, not inconsistent with this chapter, as may be necessary and expedient."

Section 20. Section 2.09.190 180 is hereby amended as follows:

"2.09.190 180 Operative Date: For the purpose of administering this program, entering into intergovernmental agreements with participating jurisdictions, collecting fees and issuing licenses, this ordinance is operative immediately upon passage."



Section 21. Section 2.09.200 is hereby deleted:

~~"2.09.200 Effective Date: No Builder's Business License shall be effective before July 1, 1988."~~

~~{Ordinance No. 88-248, Sec. 1}~~

Adopted by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

STAFF REPORT

CONSIDERATION OF ORDINANCE 91-430 FOR THE PURPOSE  
OF AMENDING METRO CODE CHAPTER 2.04 RELATING TO  
DISADVANTAGED BUSINESS ENTERPRISES, WOMEN-OWNED  
BUSINESS ENTERPRISES, AND EMERGING SMALL BUSINESS  
ENTERPRISES, ESTABLISHING AN EFFECTIVE DATE AND  
DECLARING AN EMERGENCY.

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DATE: October 9, 1991

PRESENTED BY: Neil Saling

Factual Background & Analysis

The current Disadvantaged Business Program (Program) which has been developed and followed for the past ten years, consists of two separate programs: the DBE Program, required for application to contracts which utilize federal funds and an MBE/WBE Program which is applicable to locally funded projects. In his October 2, 1991 opinion, General Counsel Dan Cooper concluded that the provisions of the Metro Code relating to participation by minority-owned businesses in locally funded contracts are unconstitutional.

This emergency Ordinance makes changes to the Metro Code to modify or remove those provisions determined to be constitutionally unacceptable.

The Oregon State Legislature has created a race and gender neutral class of enterprises called Emerging Small Businesses (ESB). An ESB is defined as follows:

- (1) A business with its principal place of business located in the state of Oregon;
- (2) A business with average annual gross receipts over the last three years not exceeding \$2 million for construction or \$700,000 for nonconstruction;
- (3) A business which has fewer than 20 employees;
- (4) An independent business; and
- (5) A business properly licensed and legally registered in the state of Oregon.

Guidance provided by the Regional Facilities Committee suggests that the present Code provisions relating to MBE/WBE participation in locally funded projects be converted directly to ESB provisions.

STAFF REPORT  
PAGE 2 OF 2

Based upon the above guidance, the existing Program has been divided into two distinct new programs: the "Disadvantaged Business Program for Federally Funded Contracts" and the "Emerging Small Business Program." The Disadvantaged Business Program remains virtually unchanged from the present Code; the new ESB Program replicates the provisions of the current MBE/WBE program.

Incorporated into the proposed Ordinance are goals for the ESB Program. The participation percentages, which are derived from the dollar value of contracts, are the sum of the previous MBE and WBE goals.

The action on the emergency Ordinance constitutes Phase 1 of a two-phase modification of the Code. The second phase will provide for public involvement in expanding and modifying the scope of the ESB Program to take full advantage of all aspects of this special contracting program. Implementation of the second phase will take place after the Executive Officer makes a recommendation to the Council prior to January 1, 1992.

Recommendation

The Council Regional Facilities Committee recommends approval of emergency Ordinance No. 91-430.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO )  
CODE CHAPTER 2.04 RELATING TO )  
DISADVANTAGED BUSINESS ENTERPRISES,) )  
WOMEN-OWNED BUSINESS ENTERPRISES, )  
AND EMERGING SMALL BUSINESS ENTER- )  
PRISES, ESTABLISHING AN EFFECTIVE )  
DATE AND DECLARING AN EMERGENCY )

ORDINANCE NO. 91-430

Introduced by Council  
Regional Facilities  
Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Code Amendments. The provisions of Metro Code Sections 2.04.100 to 2.04.180 are amended, and new Sections 2.04.200 to 2.04.280 are added, as set forth in the attached Exhibit A.

Section 2. Annual Goals. Until further revised by the Council, the goals for Emerging Small Business participation for locally funded contracts shall be:

Construction Contracts	13 percent
Labor & Materials Contracts	10 percent
Personal Services Contracts	3.75 percent
Procurement Contracts	12 percent

Section 3. Further Action. The Council directs that the Executive Officer consult with affected members of the business community, as well as others, and return recommended changes in the Metro Code regarding participation in Metro contracts by Emerging Small Businesses to the Council before January 1, 1992.

Section 4. Emergency Clause. The Council finds that pursuant to ORS 198.550(3) this Ordinance should be introduced, read once, and put to a final vote all in one meeting without being described in a published agenda because an emergency exists. In order to realize considerable public savings by the utilization of an Request for Proposals process for securing a design/build team contract to remodel the Sears Building facility in time to meet the Council's need to close the purchase of the Sears Building by December 16, 1991, the Council must approve issuance of an RFP by October 10, 1991. The Council has been advised on October 2, 1991, that the present provisions of Metro Code Chapter 2.04 that will be amended by this Ordinance are unconstitutional based on a recent decision of the United States Court of Appeals for the 9th Circuit. Failure to immediately amend the Metro Code to resolve the constitutional defect will jeopardize the contracting process to be utilized to remodel the Sears Building as well as jeopardize the validity of all contracts Metro currently is in the process of procuring. Therefore, an emergency is found to exist and this Ordinance

may be adopted by the Council by the unanimous approval of all members of the Council present at the meeting at which it is considered, a quorum being required.

Section 5. Effective Date. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

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Tanya Collier, Presiding Officer

ATTEST:

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Clerk of the Council

DBC/gl  
1056



## EXHIBIT A

### 2.04.100 Disadvantaged Business Program for Federally Funded Contracts, Purpose and Authority:

(a) It is the purpose of this ordinance to establish and implement a program to encourage the utilization by Metro of disadvantaged and women-owned businesses by creating for such businesses the maximum possible opportunity to compete for and participate in Metro contracting activities which are funded in whole or in part by federal funds.

(b) ~~The portions of this ordinance which relate to federally funded contracts are~~ is adopted pursuant to 49 CFR 23 and are is intended to comply with all relevant federal regulations. Federal regulation 49 CFR 23 and its amendments implement section (105)(f) of the Surface Transportation Assistance Act of 1982 relating to the participation by Minority Business Enterprises in Department of Transportation programs.

(c) This ordinance shall be known and may be cited as the "Metro Disadvantaged Business Program for Federally Funded Contracts," hereinafter referred to in Metro Code Sections 2.04.100 to 2.04.180 as the "DBE Program," "Program" or "This Ordinance."

(d) This ordinance supersedes the Metro "Minority Business Enterprise (MBE) Program" dated October 1980 and amended December 1982.

(Ordinance No. 83-165, Sec. 1; amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

### 2.04.105 Policy Statement:

(a) Through this Program, Metro:

- (1) Expresses its strong commitment to provide maximum opportunity to disadvantaged and women-owned businesses in contracting;
- (2) Informs all employees, governmental agencies and the general public of its intent to implement this policy statement; and
- (3) Assures conformity with applicable federal regulations as they exist or may be amended.

(b) It is the policy of Metro to provide equal opportunity to all persons to access and participate in the projects, programs and services of Metro. Metro and Metro contractors will not discriminate against any person or firm on the basis of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(c) The policies, practices and procedures established by this ordinance shall apply to all Metro departments and project areas except as expressly provided in this ordinance.

(d) The objectives of the program shall be:

- (1) To assure that provisions of this ordinance are adhered to by all Metro departments, contractors, employees and USDOT subrecipients and contractors.
- (2) To initiate and maintain efforts to increase program participation by disadvantaged ~~and~~ women businesses.

(e) Metro accepts and agrees to the statements of 49 CFR §23.43(a)(1) and (2), and said statements shall be included in all USDOT agreements with USDOT subrecipients and in all USDOT assisted contracts between Metro or USDOT subrecipients and any contractor.

(Ordinance No. 83-165, Sec. 2; amended by Ordinance No. 84-181, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.110 Definitions: For purposes of this Ordinance, the following definitions shall apply:

(a) "Applicant" means one who submits an application, request or plan to be approved by a USDOT official or by Metro as a condition to eligibility for Department of Transportation (USDOT) financial assistance; and "application" means such an application, request or plan.

(b) "Construction Contract" means a contract for construction of buildings or other facilities, and includes reconstruction, remodeling and all activities which are appropriately associated with a construction project.

(c) "Contract" means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this ordinance a lease or a purchase order of \$500.00 or more is a contract.

(d) "Contractor" means the one who participates, through a contract or subcontract, in the Program and includes lessees.

(e) "Department or USDOT" means the United States Department of Transportation, including its operating elements.

(f) "Disadvantage Business Enterprise or DBE" means a small business concern which is certified by an authorized agency and:

- (1) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly-owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
- (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

For purposes of ~~USDOT-assisted contracts~~ **the DBE Program**, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(g) "Executive Department" means the State of Oregon's Executive Department.

(h) "Joint Venture" is defined as an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge. In a joint venture between a DBE/WBE and non-DBE/WBE, the DBE/WBE must be responsible for a clearly defined portion of the work to be performed and must share in the ownership, control, management responsibilities, risks and profits of the joint venture. A joint venture of a DBE/WBE and a non-DBE/WBE must receive Metro approval prior to contract award to be counted toward any DBE/WBE contract goals.

(i) "Labor and Materials Contract" is a contract including a combination of service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.

(j) "Lessee" means a business or person that leases, or is negotiating to lease, property from a recipient or the Department on the recipient's or Department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.

(k) "Oregon Department of Transportation or ODOT" means the State of Oregon's Department of Transportation.

(l) "Personal Services Contract" means a contract for services of a personal or professional nature.

(m) "Procurement Contract" means a contract for the purchase or sale of supplies, materials, equipment, furnishings or other goods not associated with a construction or other contract.

(n) "Recipient" means any entity, public or private, to whom USDOT financial assistance is extended, directly or through another recipient for any program.

(o) "Small Business Concern" means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.

(p) "Socially and Economically Disadvantaged Individuals or Disadvantaged Individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act. Certifying recipients shall make a rebuttable presumption that individuals in the following groups are socially and economically disadvantaged. Certifying recipients also may determine, on a case-by-case basis, that individuals who are not a member of one of the following groups are socially and economically disadvantaged:

- (1) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (2) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Portuguese-American, Spanish culture or origin, regardless of race;
- (3) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (4) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; and

(5) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

(q) "USDOT Assisted Contract" means any contract or modification of a contract between Metro and a contractor which is paid for in whole or in part with USDOT financial assistance.

(r) "USDOT Financial Assistance" means financial aid provided by USDOT or the United States Railroad Association to a recipient, but does not include a direct contract. The financial aid may be provided directly in the form of actual money, or indirectly in the form of guarantees authorized by statute as financial assistance services of Federal personnel, title or other interest in real or personal property transferred for less than fair market value, or any other arrangement through which the recipient benefits financially, including licenses for the construction or operation of a Deep Water Port.

(s) "Women-Owned Business Enterprise or WBE" means a small business concern, as defined pursuant to section 3 of the Small Business Act and implementing regulations which is owned and controlled by one or more women and which is certified by an authorized agency. "Owned and controlled" means a business which is at least 51 percent owned by one or more women or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and whose management and daily business operations are controlled by one or more women. For purposes of ~~USDOT-assisted contracts~~ the DBE Program, the term Disadvantaged Business Enterprise shall be deemed to include Women-Owned Business Enterprises.

(Ordinance No. 165, Sec. 3; amended by Ordinance No. 84-181, Sec. 2; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.115 Notice to Contractors, Subcontractors and Subrecipients: Contractors, subcontractors and subrecipients of Metro accepting contracts or grants under the Program which are USDOT-assisted shall be advised that failure to carry out the requirements set forth in 49 CFR 23.43(a) shall constitute a breach of contract and, after notification by Metro, may result in termination of the agreement or contract by Metro or such remedy as Metro deems appropriate. ~~Likewise, contractors of Metro accepting locally funded contracts under the Program shall be advised that failure to carry out the applicable provisions of the Program shall constitute a breach of contract and, after notification by Metro, may result in termination or such other remedy as Metro deems appropriate.~~



(Ordinance No. 83-165, Sec. 4; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.120 Liaison Officer:

(a) The Executive Officer shall by executive order, designate a Disadvantaged Business Liaison Officer and, if necessary, other staff adequate to administer the Program. The Liaison Officer shall report directly to the Executive Officer on matters pertaining to the Program.

(b) The Liaison Officer shall be responsible for developing, managing and implementing the program, and for disseminating information on available business opportunities so that DBEs and ~~WBEs~~ are provided an equitable opportunity to bid on Metro contracts. In addition to the responsibilities of the Liaison Officer, all department heads and program managers shall have responsibility to assure implementation of the Program.

(Ordinance No. 83-165, Sec. 5; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.125 Directory: A directory of DBEs and ~~WBEs~~ certified by ODOT or the Executive Department, as applicable shall be maintained by the Liaison Officer to facilitate identifying such businesses with capabilities relevant to general contracting requirements and particular solicitations. The directory shall be available to contract bidders and proposers in their efforts to meet Program requirements.

(Ordinance No. 83-165, Sec. 6; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.130 Minority~~DBE~~-Owned Banks: Metro will seek to identify ~~minority-owned DBE~~ banks within the policies adopted by the Metro Council and make the greatest feasible use of their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services by sending them brochures and service information on certified DBE/~~WBE~~ banks.

(Ordinance No. 83-165, Sec. 7; amended by Ordinance No. 84-181, Sec. 3; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.135 Affirmative Action and Equal Opportunity Procedures: Metro shall use affirmative action techniques to facilitate DBE and WBE participation in contracting activities. These techniques include:

- (a) Arranging solicitations, time for the presentation of bids, quantities specifications, and delivery schedules so as to facilitate the participation of DBEs ~~and WBEs~~.
- (b) Referring DBEs ~~and WBEs~~ in need of management assistance to established agencies that provide direct management assistance to such businesses.
- (c) Carrying out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.
- (d) Distribution of copies of the program to organizations and individuals concerned with DBE/WBE programs.
- (e) Periodic reviews with department heads to insure that they are aware of the program goals and desired activities on their parts to facilitate reaching the goals. Additionally, departmental efforts toward and success in meeting DBE/WBE goals for department contracts shall be factors considered during annual performance evaluations of the department heads.
- (f) Monitor and insure that Disadvantaged ~~and Women~~ Business Enterprise planning centers and likely DBE/WBE contractors are receiving requests for bids, proposals and quotes.
- (g) Study the feasibility of certain USDOT-assisted contracts and procurements being set aside for DBE/WBE participation.
- (h) Distribution of lists to potential DBE/WBE contractors of the types of goods and services which Metro regularly purchases.
- (i) Advising potential DBE/WBE vendors that Metro does not certify DBE/WBEs, and directing them to ODOT until December 31, 1987, and, thereafter, to the Executive Department.
- (j) Specifying purchases by generic title rather than specific brand name whenever feasible.
- (k) Establishing an interdepartmental contract management committee which will meet regularly to monitor and discuss, among other issues, potential DBE ~~and WBE~~ participation in contracts. In an effort to become more knowledgeable regarding DBE ~~and WBE~~ resources, the committee shall also invite potential DBE ~~and WBE~~ contractors to attend selected meetings.

(1) Requiring that at least one DBE ~~or WBE~~ vendor or contractor be contacted for all contract awards which are not exempt from Metro's contract selection procedures and which are 1) for more than \$500 but not more than \$15,001 in the case of non-personal services contracts; and 2) for more than \$2,500 but not more than \$10,001 for personal services contracts. The Liaison Officer may waive this requirement if he/she determines that there are no DBEs ~~or WBEs~~ on the certification list capable of providing the service or item. For contracts over the dollar amounts indicated in this section, all known DBEs ~~and WBEs~~ in the business of providing the service or item(s) required shall be mailed bid or proposal information.

(m) The Executive Officer or his/her designee, may establish and implement additional affirmative action techniques which are designed to facilitate participation of DBEs ~~and WBEs~~ in Metro contracting activities.

(Ordinance No. 83-165, Sec. 8; amended by Ordinance No. 84-181, Sec. 4; Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.140 Certification of Disadvantaged Business Eligibility:

(a) To participate in the Program as a DBE or WBE, contractors, subcontractors and joint ventures must have been certified by an authorized certifying agency as described in subsection (b) of this section.

(b) Metro will not perform certification or recertification of businesses or consider challenges to socially and economically disadvantaged status. Rather Metro will rely upon the certification and recertification processes of ODOT and will utilize ODOT's certification list until December 31, 1987, and, thereafter, the Executive Department's list in determining whether a prospective contractor or subcontractor is certified as a DBE ~~or WBE~~. A prospective contractor or subcontractor must be certified as a DBE ~~or WBE~~ by one of the above agencies, as applicable, and appear on the respective certification list of said agency, prior to the pertinent bid opening or proposal submission date to be considered by Metro to be an eligible DBE ~~or WBE~~ and be counted toward meeting goals. Metro will adhere to the Recertification Rulings resulting from 105(f) or state law, as applicable.

(c) Prospective contractors or subcontractors which have been denied certification by one of the above agencies may appeal such denial to the certifying agency pursuant to applicable law. However, such appeal shall not cause a delay in any contract award by Metro. Decertification procedures for USDOT-assisted

contractor or potential contractors will comply with the requirements of Appendix A "Section by Section Analysis" of the July 21, 1983, Federal Register, Vol. 45, No. 130, p. 45287, and will be administered by the agency which granted certification.

(d) Challenges to certification or to any presumption of social or economic disadvantage with regard to the USDOT-assisted portion of this Program, as provided for in 49 CFR 23.69, shall conform to and be processed under the procedures prescribed by each agency indicated in paragraph (b) of this section. That challenge procedure provides that:

- (1) Any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) presumed to be socially and economically disadvantaged if that individual is an owner of a firm certified by or seeking certification from the certifying agency as a disadvantaged business. The challenge shall be made in writing to the recipient.
- (2) With its letter, the challenging party shall include all information available to it relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.
- (3) The recipient shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe that the challenged party is in fact not socially and economically disadvantaged.
  - (i) if the recipient determines that there is not reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall so inform the challenging party in writing. This terminates the proceeding.
  - (ii) if the recipient determines that there is reason to believe that the challenged party is not socially and economically disadvantaged, the recipient shall begin a proceeding as provided in paragraphs (b), (4), (5) and (6) of this paragraph.
- (4) The recipient shall notify the challenged party in writing that his or her status as a socially and

economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide to the recipient, within a reasonable time, information sufficient to permit the recipient to evaluate his or her status as a socially and economically disadvantaged individual.

- (5) The recipient shall evaluate the information available to it and make a proposed determination of the social and economic disadvantage of the challenged party. The recipient shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. The recipient shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.
- (6) Following the informal hearing, the recipient shall make a final determination. The recipient shall inform the parties in writing of the final determination, setting forth the reasons for its decision.
- (7) In making the determinations called for in paragraphs (b)(3)(5) and (6) of this paragraph, the recipient shall use the standards set forth in Appendix C of this subpart.
- (8) During the pendency of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect." 49 CFR 23.69.

(Ordinance No. 83-165, Sec. 9; amended by Ordinance No. 84-181, Sec. 5; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.145 Annual Disadvantaged Business Goals:

(a) The Metro Council shall, by resolution each June, establish annual DBE goals ~~and for locally funded contracts, separate WBE goals for~~ the ensuing fiscal year. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts, procurement contracts, and USDOT assisted contracts regardless of type.

(b) Annual goals will be established taking into consideration the following factors:

- (1) Projection of the number and types of contracts to be awarded by Metro;
- (2) Projection of the number, expertise and types of DBEs and WBEs likely to be available to compete for the contracts;
- (3) Past results of Metro's efforts under the Program; and
- (4) For USDOT-assisted contract goals, existing goals of other local USDOT recipients and their experience in meeting these goals; and
- ~~(5) For locally-funded contract goals, existing goals of other Portland metropolitan area contracting agencies, and their experience in meeting these goals.~~

(c) Annual goals for USDOT-assisted contracts must be approved by the United States Department of Transportation. 49 CFR §23.45(g)(3).

(d) Metro will publish notice that the USDOT-assisted contract goals are available for inspection when they are submitted to USDOT or other federal agencies. They will be made available for 30 days following publication of notice. Public comment will be accepted for 45 days following publication of the notice.

~~(e) Metro will publish notice regarding proposed locally-funded contract goals not later than ten (10) days prior to adoption of the goals.~~

(Ordinance No. 83-165, Sec. 10; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

#### 2.04.150 Contract Goals:

(a) The annual goals established for construction contracts shall apply as individual contract goals for construction contracts over \$50,000.

(b) The Liaison Officer may set a contract goal for any contract other than construction contracts over \$25,000. The setting of such contract goal shall be made in writing prior to

the solicitation of bids for such contract. Contract goals for contracts other than construction contracts over \$50,000 shall be set at the discretion of the Liaison Officer and shall not be tied, necessarily, to the annual goal for such contract type.

(c) Even though no DBE/~~WBE~~ goals are established at the time that bid/proposal documents are drafted, the Liaison Officer may direct the inclusion of a clause in any RFP or bid documents for any contract described in this section which requires that the prime contractor, prior to entering into any subcontracts, make good faith efforts, as that term is defined in Section 2.04.160, to achieve DBE/~~WBE~~ participation in the same goal amount as the current annual goal for that contract type.

(d) Contract goals may be complied with pursuant to Section 2.04.160 and/or 2.04.175. The extent to which DBE/~~WBE~~ participation will be counted toward contract goals is governed by the latter section.

(Ordinance No. 83-165, Sec. 11; repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.155 Contract Award Criteria:

(a) To be eligible for award of contracts containing a DBE/~~WBE~~ goal, prime contractors must either meet or exceed the specific goal for DBE-~~and~~-WBE participation, or prove that they have made good faith efforts to meet the goal prior to the time bids are opened or proposal are due. Bidders/Proposers are required to utilize the most current list of DBEs-~~and~~-WBEs certified by ODOT until December 31, 1987, and, thereafter, by the Executive Department, in all of the bidders'/proposers' good faith efforts solicitations. The address where certified lists may be obtained shall be included in all applicable bid/proposal documents.

(b) All invitations to bid or request for proposals on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal or that they have made good faith efforts as defined in Section 2.04.160 to do so. To document the intent to meet the goals, all bidders and proposers shall complete and endorse a Disadvantaged Business Program Compliance form and include said form with bid or proposal documents. The form shall be provided by Metro with bid/proposal solicitations.

(c) Agreements between a bidder/proposer and a DBE/~~WBE~~ in which the DBE/~~WBE~~ promises not to provide subcontracting quotations to other bidders/proposers are prohibited.



(d) Apparent low bidders/proposers shall, by the close of the next working day following bid opening (or proposal submission date when no public opening is had), submit to Metro detailed DBE ~~and WBE~~ Utilization Forms listing names of DBEs ~~and WBEs~~ who will be utilized and the nature and dollar amount of their participation. This form will be binding upon the bidder/proposer. Within five working days of bid opening or proposal submission date, such bidders/proposers shall submit to Metro signed Letters of Agreement between the bidder/proposer and DBE/WBE subcontractors and suppliers to be utilized in performance of the contract. A sample Letter of Agreement will be provided by Metro. The DBE ~~and WBE~~ Utilization Forms shall be provided by Metro with bid/proposal documents.

(e) An apparent low bidder/proposer who states in its bid/proposal that the DBE/WBE goals were not met but that good faith efforts were performed shall submit written evidence of such good faith efforts within two working days of bid opening or proposal submission in accordance with Section 2.04.160. Metro reserves the right to determine the sufficiency of such efforts.

(f) Except as provided in paragraph (g) of this section, apparent low bidders or apparent successful proposers who state in their bids/proposals that they will meet the goals or will show good faith efforts to meet the goals, but who fail to comply with paragraph (d) or (e) of this section, shall have their bids or proposals rejected and shall forfeit any required bid security or bid bond. In that event the next lowest bidder or, for personal services contracts, the firm which scores second highest shall, within two days of notice of such ineligibility of the low bidder, submit evidence of goal compliance or good faith effort as provided above. This process shall be repeated until a bidder or proposer is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(g) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's or proposer's compliance with the requirements of this section provided, however, that the bid or proposal substantially complies with public bidding requirements as required by applicable law.

(Ordinance No. 83-165, Sec. 12; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

**2.04.160 Determination of Good Faith Efforts:**

(a) Bidders or Proposers on federally funded contracts including USDOT-assisted contracts to which DBE goals apply must, to be eligible for contract award, comply with the applicable

contract goal or show that good faith efforts have been made to comply with the goal. Good faith efforts should include at least the following standards established in the amendment to 49 CFR §23.45(h), Appendix A, dated Monday, April 27, 1981. A showing of good faith efforts must include written evidence of at least the following:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform disadvantaged and women business enterprises of contracting and subcontracting or material supply opportunities available on the project;
- (2) Advertisement in trade association, general circulation, minority and trade-oriented, women-focus publications, if any and through a minority-owned newspaper or minority-owned trade publication concerning the sub-contracting or material supply opportunities at least 10 days before bids or proposals are due.
- (3) Written notification to a reasonable number but no less than five (5) DBE firms that their interest in the contract is solicited. Such efforts should include the segmenting of work to be subcontracted to the extent consistent with the size and capability of DBE firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from DBE firms, segmenting portions of the work and specifically describing, as accurately as possible, the portions of the work for which quotes or proposals are solicited from DBE firms and encouraging inquiries for further details. Letters that are general and do not describe specifically the portions of work for which quotes or proposals are desired are discouraged, as such letters generally do not bring responses. It is expected that such letters will be sent in a timely manner so as to allow DBE sufficient opportunity to develop quotes or proposals for the work described.
- (4) Evidence of follow-up to initial solicitations of interest, including the following:
  - (A) The names, addresses, telephone numbers of all DBE contacted;
  - (B) A description of the information provided to DBE firms regarding the plans and

specifications for portions of the work to be performed; and

- (C) A statement of the reasons for non-utilization of DBE firms, if needed to meet the goal.
- (5) Negotiation in good faith with DBE firms. The bidder shall not, without justifiable reason, reject as unsatisfactory bids prepared by any DBE firms;
  - (6) Where applicable, the bidder must provide advice and assistance to interested DBE firms in obtaining bonding, lines of credit or insurance required by Metro or the bidder;
  - (7) Overall, the bidder's efforts to obtain DBE participation must be reasonably expected to produce a level of participation sufficient to meet Metro's goals; and
  - (8) The bidder must use the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs.

~~(b) Bidders or proposers on locally-funded contracts to which DBE/WBE goals apply shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the goals. Good faith efforts shall include written documentation of at least the following actions by bidders:~~

- ~~(1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform DBEs and WBEs of contracting and subcontracting or material supply opportunities available on the project;~~

~~Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.~~

- ~~(2) Identifying and selecting specific economically feasible units of the project to be performed by DBEs or WBEs to increase the likelihood of participation by such enterprises;~~

~~Minimum documentation required: At least the documentation required under subsection (4) below.~~

- ~~(3) Advertising in, at a minimum, a newspaper of general circulation, and trade association, minority and trade oriented, women focused publications, if any, concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due.~~

~~Documentation required: copies of ads published.~~

- ~~(4) Providing written notice soliciting sub-bids/proposals to not less than five (5) DBEs or WBEs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.~~

~~If there are less than five certified DBEs/WBEs listed for that work or supply specialty then the solicitation must be mailed to at least the number of DBEs/WBEs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.~~

~~Documentation required: Copies of all solicitation letters sent to DBE/WBE along with a written statement from the bidder/proposer that all the letters were sent by regular or certified mail not less than 10 days before bids/proposals were due.~~

- ~~(5) Making, not later than five days before bids/proposals are due, follow-up phone calls to all DBEs/WBEs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.~~

~~Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each DBE/WBE to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where DBE/WBE bids were rejected, the dollar amount of the bid rejected from the DBE/WBE must be indicated along with the reason for~~

~~rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.~~

- ~~(6) Using the services of minority community organizations, minority contractor groups, local, state and federal minority business assistance offices and other organizations identified by the Executive Department's Advocate for Minority and Women Business that provide assistance in the recruitment and placement of DBEs and WBEs, where applicable, advising and assisting DBEs and WBEs in obtaining lines of credit or insurance required by Metro or the bidder/proposer, and, otherwise, making efforts to encourage participation by DBEs and WBEs which could reasonably be expected to produce a level of participation sufficient to meet the goals.~~

~~Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of contract goals, the dates such actions were taken and results realized.~~

- ~~(7) Notwithstanding any other provision of this section, bidders and proposers on locally funded contracts to which DBE/WBE goals apply need not accept the bid of a DBE or WBE on any particular subcontract or material supply item if the bidder/proposer demonstrates that none of the DBEs or WBEs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.~~

~~Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goals if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.~~

(Ordinance No. 83-165, Sec. 13; amended by Ordinance No. 84-181, Sec. 6 and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.165 Replacement of DBE or WBE Subcontractors: Prime contractors shall not replace a DBE/WBE subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a DBE or WBE subcontractor shall replace such DBE/WBE subcontractor with another certified DBE/WBE subcontractor or make good faith efforts as described in the preceding section to do so.

(Ordinance No. 83-165, Sec. 14; amended by Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.170 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess DBE and WBE contract awards, prime contractors' progress in achieving goals and affirmative action efforts. Specifically, the following records will be maintained:

- (1) Awards to DBEs and WBEs by number, percentage and dollar amount.
- (2) A description of the types of contracts awarded.
- (3) The extent to which goals were exceeded or not met and reasons therefor.

(b) All DBE and WBE records will be separately maintained. Required DBE and WBE information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare reports, at least semiannually, on DBE and WBE participation to include the following:

- (1) The number of contracts awarded;
- (2) Categories of contracts awarded;
- (3) Dollar value of contracts awarded;
- (4) Percentage of the dollar value of all contracts awarded to DBE/WBE firms in the reporting period; and

- (5) The extent to which goals have been met or exceeded.

(Ordinance No. 83-165, Sec. 15; amended by Ordinance No. 84-181, Sec. 7, and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

2.04.175 Counting Disadvantaged Business Participation Toward Meeting Goals:

(a) DBE/WBE participation shall be counted toward meeting the goals on each contract as follows:

- (1) Subject to the limitations indicated in paragraphs (2) through (8) below, the total dollar value of a prime contract or subcontract to be performed by ~~DBEs or WBEs~~ is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.

~~(2) The total dollar value of a contract to a disadvantaged business owned and controlled by both disadvantaged males and non-disadvantaged females is counted toward the goals for disadvantaged businesses and women, respectively, in proportion to the percentage of ownership and control of each group in the business.~~

The total dollar value of a contract with a disadvantaged business owned and controlled by disadvantaged women is counted toward either the disadvantaged business goal or the goal for women, but not to both. Metro shall choose the goal to which the contract value is applied.

- ~~(3)~~ (2) Metro shall count toward its goals a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of the ownership and control of the disadvantaged ~~or female~~ business partner in the joint venture.

- ~~(4)~~ (3) Metro shall count toward its goals only expenditures to DBEs ~~and WBEs~~ that perform a commercially useful function in the work of a contract. A DBE ~~or WBE~~ is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually



performing, managing and supervising the work involved. To determine whether a ~~DBE or WBE~~ is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.

- (5) (4) Consistent with normal industry practices, a ~~DBE or WBE~~ may enter into subcontracts. If a ~~DBE or WBE~~ contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the ~~DBE or WBE~~ shall be presumed not to be performing a commercially useful function. The ~~DBE or WBE~~ may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by USDOT for USDOT-assisted contracts.
- (6) (5) A ~~DBE or WBE~~ which provides both labor and materials may count toward its disadvantaged business goals expenditures for materials and supplies obtained from other than ~~DBE or WBE~~ suppliers and manufacturers, provided that the ~~DBE or WBE~~ contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.
- (7) (6) Metro shall count its entire expenditure to a ~~DBE or WBE~~ manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).
- (8) (7) Metro shall count against the goals 60 percent of its expenditures to ~~DBE or WBE~~ suppliers that are not manufacturers, provided that the ~~DBE or WBE~~ supplier performs a commercially useful function in the supply process.
- (9) (8) When USDOT funds are passed-through by Metro to other agencies, any contracts made with those funds and any DBE participation in those contracts shall only be counted toward Metro's goals. Likewise, any USDOT funds passed-through to Metro from other agencies and then used for contracting shall count only toward that agency's goals. Project managers responsible for administration of

pass-through agreements shall include the following language in those agreements:

- (a) Policy. It is the policy of the Department of Transportation that minority business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this agreement. Consequently, the ~~MBE DBE~~ requirements of 49 CFR Part 23 apply to this agreement.
- (b) ~~MBE DBE~~ Obligation. The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of USDOT-assisted contracts."

(b) ~~DBE or WBE~~ participation shall be counted toward meeting annual goals as follows:

- (1) Except as otherwise provided below, the total dollar value of any contract which is to be performed by a ~~DBE or WBE~~ is counted toward meeting annual goals.
- (2) The provisions of paragraphs (a)(2) through (a)(8) of this section, pertaining to contract goals, shall apply equally to annual goals.

(Ordinance No. 83-165, Sec. 16; amended by Ordinance No. 84-181, Sec. 8; and Ordinance No. 86-197, Sec. 1; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1; and Ordinance No. 88-252, Sec. 1)

2.04.180 Compliance and Enforcement:

(a) Metro shall reserve the right, at all times during the period of any contract, to monitor compliance with the terms of this chapter and the contract and with any representation made by a contractor prior to contract award pertaining to ~~DBE and WBE~~ participation in the contract.

(b) The Liaison Officer may require, at any stage of contract completion, documented proof from the contractor of actual ~~DBE and WBE~~ participation.

(Ordinance No. 83-165, Sec. 17; all previous Ordinances repealed by Ordinance No. 87-216, Sec. 1; amended by Ordinance No. 87-231, Sec. 1)

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2.04.200 Emerging Small Business Program, Purpose and Authority:

(a) It is the purpose of the Metro Code Sections 2.04.200 through 2.04.280 to establish and implement programs to encourage the utilization by Metro of emerging small businesses by creating for such businesses the maximum possible opportunity to compete for and participate in Metro's locally funded contracting activities.

(b) Metro Code Sections 2.04.200 to 2.04.280 shall be known and may be cited as the "Metro Emerging Small Business Program," hereinafter referred to as the "ESB Program" or "Program."

2.04.205 Policy Statement:

(a) Through this Program, Metro:

- (1) Expresses its strong commitment to provide maximum contracting opportunity to emerging small businesses; and
- (2) Informs all employees, governmental agencies and the general public of its intent to implement this policy statement.

(b) The policies, practices and procedures established by this chapter shall apply to all Metro departments and project areas except as expressly provided in this chapter.

2.04.210 Definitions: For purposes of this Program, the following definitions shall apply:

(a) "Construction Contract" means a contract for construction of buildings or other facilities, and includes reconstruction, remodeling and all activities which are appropriately associated with a construction project.

(b) "Contract" means a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and the buyer to pay for them. For purposes of this Program a lease or a purchase order of \$500 or more is a contract.

(c) "Contractor" means the one who participates, through a contract or subcontract, in the Program and includes lessees.

(d) Emerging Small Business or ESB means:

- (1) A business with its principal place of business located in the state of Oregon;

- (2) A business with average annual gross receipts over the last three years not exceeding \$2 million for construction or \$700,000 for nonconstruction;
- (3) A business which has fewer than 20 employees;
- (4) An independent business; and
- (5) A business properly licensed and legally registered in the state of Oregon.

(e) "Executive Department" means the State of Oregon's Executive Department.

(f) "Joint Venture" means an association of two or more businesses to carry out a single business enterprise for profit for which purpose they combine their property, capital, efforts, skills and knowledge. In a joint venture between an ESB and non-ESB, the ESB must be responsible for a clearly defined portion of the work to be performed and must share in the ownership, control, management responsibilities, risks and profits of the joint venture. A joint venture between an ESB and a non-ESB must receive Metro approval prior to contract award in order for the ESB share of the joint venture to count toward meeting the goal.

(g) "Labor and Materials Contract" means contract including a combination of service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.

(h) "Personal Services Contract" means a contract for services of a personal or professional nature.

(i) "Procurement Contract" means a contract for the purchase or sale of supplies, materials, equipment, furnishings or other goods not associated with a construction or other contract.

#### 2.04.220 Liaison Officer:

(a) The Executive Officer shall by Executive Order designate a Liaison Officer and, if necessary, other staff adequate to administer the Program. The Liaison Officer shall report directly to the Executive Officer on matters pertaining to the Program.

(b) The Liaison Officer shall be responsible for developing, managing and implementing the Program, and for disseminating information on available business opportunities so that ESBs are provided an equitable opportunity to bid on Metro contracts. In addition to the specific responsibilities of the Liaison Officer, all department heads and program managers shall have responsibility to assure implementation of the Program.

(c) The Liaison Officer may waive certain provisions in implementing the Program in so far as they do not materially deviate from the intent of the Program and are beneficial to the District.

2.04.225 Directory: A directory of ESBs certified by the Executive Department, shall be maintained by the Liaison Officer to facilitate identifying such businesses with capabilities relevant to general contracting requirements and particular solicitations. The directory shall be available to contract bidders and proposers in their efforts to meet Program requirements.

2.04.235 Affirmative Action and Procedures: Metro shall use affirmative action techniques to facilitate ESB participation in contracting activities. These techniques include:

(a) Arrange solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of ESBs.

(b) Refer ESBs in need of management assistance to established agencies that provide direct management assistance to such businesses.

(c) Carry out information and communications programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

(d) Distribute copies of the Program to organizations and individuals concerned with the Program.

(e) Review the Program periodically with department heads to ensure that they are aware of the Program goals and desired activities on their parts to facilitate reaching the goals. Additionally, departmental efforts toward and success in meeting ESB goals for department contracts shall be factors considered during annual performance evaluations of the department heads.

(f) Monitor and assure that planning centers and likely ESB contractors are receiving Request for Bids, proposals and quotes.

(g) Distribute to potential ESB contractors lists of the types of goods and services which Metro regularly purchases.

(h) Establish an interdepartmental Contract Management Committee which will meet regularly to monitor and discuss, among other issues, potential ESB participation in contracts. In an effort to become more knowledgeable regarding ESB resources, the Committee shall also invite potential ESB contractors to attend selected meetings.

(i) Require that at least one ESB vendor or contractor be contacted for all contract awards which are not exempt from Metro's contract selection procedures and which are 1) for more than \$500 but not more than \$25,000 in the case of non-personal services contracts; and 2) for more than \$2,500 but not more than \$25,000 for personal services contracts. The Liaison Officer may waive this requirement if he/she determines that there are no ESBs on the certification list capable of providing the service or item. For contracts over the dollar amounts indicated in this section, all known ESBs in the business of providing the service or item(s) required shall be mailed bid or proposal information.

(j) The Executive Officer or his/her designee may establish and implement additional affirmative action techniques which are designed to facilitate participation of ESBs in Metro contracting activities.

2.04.240 Certification:

(a) To participate in the Program as ESB contractors and subcontractors must have been certified by the State of Oregon Executive Department as being qualified and meeting the criteria to be designated as ESB.

(b) Prospective contractors or subcontractors which have been denied certification by the Executive Department may appeal such denial pursuant to applicable law. However, such appeal shall not cause a delay in any contract award by Metro.

(c) Challenges to certification shall be made directly to the Executive Department in conformance to applicable law and regulations.

2.04.245 Annual Participation Goals:

(a) The Metro Council shall, by resolution each June, establish annual ESB Goals. Such annual goals shall be established separately for construction contracts, labor and materials contracts, personal services contracts and procurement contracts.

(b) Annual goals will be established taking into consideration the following factors:

- (1) Projection of the number and types of contracts to be awarded by Metro;
- (2) Projection of the number, expertise and types of ESBs likely to be available to compete for the contracts;
- (3) Past results of Metro's efforts under the Program; and



- (5) Existing goals of other Portland metropolitan area contracting agencies, and their experience in meeting these goals.

(d) Metro will publish notice regarding proposed contract goals not later than ten (10) days prior to adoption of the goals.

2.04.250 Contract Goals:

(a) The annual goals established for construction contracts shall apply as individual contract goals for construction contracts over \$50,000.

(b) The Liaison Officer may set a contract goal for any contract other than construction contracts over \$25,000. The setting of such contract goal shall be made in writing prior to the solicitation of bids for such contract. Contract goals for contracts other than construction contracts over \$50,000 shall be set at the discretion of the Liaison Officer and shall not be tied, necessarily, to the annual goal for such contract type.

(c) Even though no ESB goals are established at the time that bid/proposal documents are drafted, the Liaison Officer may direct the inclusion of a clause in any RFP or bid documents for any contract described in this section which requires that the prime contractor, prior to entering into any subcontracts, make good faith efforts, as that term is defined in Section 2.04.260, to achieve ESB participation in the same goal amount as the current annual goal for that contract type.

(d) Contract goals may be complied with pursuant to Section(s) 2.04.260 and/or 2.04.275. The extent to which ESB participation will be counted toward contract goals is governed by the latter section.

2.04.255 Contract Award Criteria:

(a) To be eligible for award of contracts containing ESB goals, prime contractors must either meet or exceed the specific goal for ESB participation, or prove that they have made good faith efforts to meet the goal prior to the time bids are opened or proposals are due. Bidders/Proposers are required to utilize the most current list of ESBs certified by the Executive Department in existence at the time of bid opening in all of the bidders'/proposers' good faith efforts solicitations. The address where certified lists may be obtained shall be included in all applicable bid/proposal documents.

(b) All Invitation to Bid or Request for Proposals on contracts for which goals have been established shall require all bidders/proposers to submit with their bids and proposals a statement indicating that they will comply with the contract goal

or that they have made good faith efforts as defined in Section 2.04.260 to do so. To document the intent to meet the goals, all bidders and proposers shall complete and endorse a Program Compliance form and include said form with bid or proposal documents. The form shall be provided by Metro with bid/proposal solicitations.

(c) Agreements between a bidder/proposer and an ESB in which the ESB promises not to provide subcontracting quotations to other bidders/proposers are prohibited.

(d) Apparent low bidders/proposers shall, by the close of the next working day following bid opening (or proposal submission date when no public opening is conducted), submit to Metro detailed ESB Utilization Forms listing names of ESBs who will be utilized and the nature and dollar amount of their participation. This form will be binding upon the bidder/proposer. Within five working days of bid opening or proposal submission date, such bidders/proposers shall submit to Metro signed Letters of Agreement between the bidder/proposer and ESB subcontractors and suppliers to be utilized in performance of the contract. A sample Letter of Agreement will be provided by Metro. The ESB Utilization Forms shall be provided by Metro with bid/proposal documents.

(e) An apparent low bidder/proposer who states in its bid/proposal that the ESB goal was not met but that good faith efforts were performed shall submit written evidence of such good faith efforts within two working days of bid opening or proposal submission in accordance with Section 2.04.260. Metro reserves the right to determine the sufficiency of such efforts.

(f) Except as provided in paragraph (g) of this section, apparent low bidders or apparent successful proposers who state in their bids/proposals that they will meet the goal or will show good faith efforts to meet the goal, but who fail to comply with paragraph (d) or (e) of this section, shall have their bids or proposals rejected. In that event the next lowest bidder or, for personal services contracts, the firm which scores second highest shall, within two days of notice of such ineligibility of the low bidder/proposer, submit evidence of goal compliance or good faith effort as provided above. This process shall be repeated until a bidder or proposer is determined to meet the provisions of this section or until Metro determines that the remaining bids are not acceptable because of amount of bid or otherwise.

(g) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's or proposer's compliance with the requirements of this section provided, however, that the bid or proposal substantially complies with public bidding requirements as required by applicable law.

2.04.260 Good Faith Efforts Determination:

(a) Bidders or proposers shall achieve the applicable contract goal or demonstrate that they have made good faith efforts to achieve the goal. Good faith efforts shall include written documentation of at least the following actions by bidders:

- (1) Attendance at any presolicitation or prebid meetings that were scheduled by Metro to inform ESBs of contracting and subcontracting or material supply opportunities available on the project;

Documentation required: Signature of representative of bidder or proposer on prebid meeting attendance sheet.

- (2) Identifying and selecting specific economically feasible units of the project to be performed by ESBs to increase the likelihood of participation by such enterprises;

Minimum documentation required: At least the documentation required under subsection (4) below.

- (3) Advertising in, at a minimum, a newspaper of general circulation, a trade-oriented publication and minority-oriented or women-focused publication concerning the subcontracting or material supply opportunities on the project at least ten (10) days before bids or proposals are due;

Documentation required: copies of ads published.

- (4) Providing written notice soliciting subbids/proposals to not less than five (5) ESBs for each subcontracting or material supply work item selected pursuant to (2) above not less than ten (10) days before bids/proposals are due.

If there are less than five certified ESBs listed for that work or supply specialty then the solicitation must be mailed to at least the number of ESBs listed for that specialty. The solicitation shall include a description of the work for which subcontract bids/proposals are requested and complete information on bid/proposal deadlines along with details regarding where project specifications may be reviewed.

Documentation required: Copies of all solicitation letters sent to ESB along with a written statement from the bidder/proposer that all the letters were

sent by regular or certified mail not less than ten (10) days before bids/proposals were due.

- (5) Making, not later than five (5) days before bids/proposals are due, follow-up phone calls to all ESBs who have not responded to the solicitation letters to determine if they would be submitting bids and/or to encourage them to do so.

Minimum documentation required: Log showing a) dates and times of follow-up calls along with names of individuals contacted and individuals placing the calls; and b) results attained from each ESB to whom a solicitation letter was sent (e.g., bid submitted, declined, no response). In instances where ESB bids were rejected, the dollar amount of the bid rejected from the ESB must be indicated along with the reason for rejection and the dollar amount of the bid which was accepted for that subcontract or material supply item.

- (6) Contacting and requesting assistance of community organizations, contractor groups, local, state and federal business assistance offices and other organizations identified by the Executive Department's Advocate for Minority, Women and Emerging Small Business that provide assistance in the recruitment and placement of ESBs; where applicable, advising and assisting ESBs in obtaining lines of credit or insurance required by Metro or the bidder/proposer; and, otherwise, making efforts to encourage participation by ESBs which could reasonably be expected to produce a level of participation sufficient to meet the goal.

Minimum documentation required: Letter from bidder/proposer indicating all special efforts made to facilitate attainment of the goal, the dates such actions were taken and results realized.

- (7) Notwithstanding any other provision of this section, bidders and proposers on locally-funded contracts to which ESB goals apply need not accept the bid of an ESB on any particular subcontract or material supply item if the bidder/ proposer demonstrates that none of the ESBs submitting bids were the lowest responsible, responsive and qualified bidders/proposers on that particular subcontract item and that the subcontract item was awarded to the lowest responsible, responsive bidder/proposer.

Metro reserves the right to require additional written documentation of good faith efforts and bidders and proposers shall comply with all such requirements by Metro. It shall be a rebuttable presumption that a bidder or proposer has made a good faith effort to comply with the contract goal if the bidder has performed and submits written documentation of all of the above actions. It shall be a rebuttable presumption that the bidder has not made a good faith effort if the bidder has not performed or has not submitted documentation of all of the above actions.

(b) Replacement of ESB Subcontractors: Prime contractors shall not replace an ESB subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace an ESB subcontractor shall replace such ESB subcontractor with another certified ESB subcontractor or make good faith efforts as described in the preceding section to do so.

2.04.275 Counting ESB Participation Toward Meeting the Contract Goal: ESB participation shall be counted toward meeting the goal on each locally funded contract as follows:

(a) The total dollar value of a prime contract or subcontract to be performed by an ESB is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.

(b) Metro shall count toward the goal a portion of the total dollar value of a contract with an eligible joint venture equal to the percentage of the ownership and control of the ESB business partner in the joint venture.

(c) Metro shall count toward the goal only expenditures by ESBs that perform a commercially useful function in the work of a contract. An ESB is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. To determine whether an ESB is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.

(d) Consistent with normal industry practices, an ESB may enter into subcontracts. If an ESB contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the ESB shall be presumed not to be performing a commercially useful function. The ESB may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by the State Executive Department.

(e) An ESB which provides both labor and materials may count toward its emerging small business or the ESB goal expenditures for materials and supplies obtained from other than ESB suppliers and manufacturers, provided that the ESB contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.

(f) Metro shall count its entire expenditure to an ESB manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).

(g) Metro shall count against the goal 60 percent of its expenditures to ESB suppliers that are not manufacturers, provided that the ESB supplier performs a commercially useful function in the supply process.

2.04.278 Records and Reports:

(a) Metro shall develop and maintain a recordkeeping system to identify and assess ESB participation in contract awards, prime contractors' progress in achieving goals and Affirmative Action efforts. Specifically, the following records will be maintained:

- (1) Awards to ESBs by number, percentage and dollar amount;
- (2) A description of the types of contracts awarded; and
- (3) The extent to which specified goals were exceeded or not met and reasons therefor.

(b) All ESB records will be separately maintained. Required ESB information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare reports, at least semiannually, on ESB participation to include the following:

- (1) The number of contracts awarded;
- (2) Categories of contracts awarded;
- (3) Dollar value of contracts awarded;
- (4) Percentage of the dollar value of all contracts awarded to ESB firms in the reporting period; and
- (5) The extent to which annual goals have been met or exceeded.

2.04.280 Compliance and Enforcement:

(a) Metro shall reserve the right, at all times during the period of any contract, to monitor compliance with the terms of this Chapter and the contract and with any representation made by a contractor prior to contract award pertaining to ESB participation in the contract.

(b) The Liaison Officer may require, at any stage of contract completion, documented proof from the contractor of actual ESB participation.

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Meeting Date: October 10, 1991  
Agenda Item No. 6.1

ORDINANCE NO. 91-427



**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 6.1; ORDINANCE NO. 91-427

The Council agenda will be printed before the Finance Committee meets to consider Ordinance No. 91-427. Committee reports will be distributed in advance to Councilors and available at the meeting October 10, 1991.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-427 AMENDING ORDINANCE NO.  
91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS  
SCHEDULE FOR THE PURPOSE OF FUNDING SPECIAL DISTRICTS  
ASSOCIATION DUES FOR FY 1991-92

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Date: September 16, 1991

Presented by: Kathy Rutkowski

FACTUAL BACKGROUND AND ANALYSIS

Metro has been a member of the Special Districts Association (SDAO) since 1985. Historically, the primary purpose for the membership was to enable the District to purchase insurance from the SDAO excess pool. As a result, the dues were always funded out of the Insurance Fund. As of January, 1991, Metro no longer purchases its insurance through the Special Districts. In FY 1990-91, the Executive Officer executed a contract with Western Advocates through the Special Districts Association for lobbyist services. This contract has extended into FY 1991-92.

During the FY 1991-92 budget process, the SDAO dues were deleted from the Insurance Fund. They were to be transferred to the Office of Governmental Relations. However, they were inadvertently left out of that division's budget.

This action requests the transfer of \$1,600 from the General Fund Contingency to Materials & Services in the Office of Governmental Relations to fund the Special District Association dues for FY 1991-92.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the adoption of Ordinance No. 91-427, transferring \$1,600 from the General Fund Contingency to fund Special District Association dues for FY 1991-92.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. )  
91-390A REVISING THE FY 1991-92 )  
BUDGET AND APPROPRIATIONS SCHEDULE )  
FOR THE PURPOSE OF FUNDING SPECIAL )  
DISTRICT ASSOCIATION DUES FOR FY )  
1991-92 )

ORDINANCE NO. 91-427  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$1,600 from the General Fund Contingency to fund the Special District Association dues for FY 1991-92
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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

**EXHIBIT A  
ORDINANCE NO. 91-427**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL FUND</b>							
<b>Office of Governmental Relations</b>							
<b>Total Personal Services</b>		<b>1.50</b>	<b>81,005</b>	<b>0.00</b>	<b>0</b>	<b>1.50</b>	<b>81,005</b>
<b>Materials &amp; Services</b>							
521100	Office Supplies		3,080		0		3,080
521310	Subscriptions		300		0		300
521320	Dues		0		1,600		1,600
524190	Misc. Professional Services		160,000		0		160,000
526500	Travel		200		0		200
526800	Training, Tuition, Conferences		200		0		200
529500	Meetings		540		0		540
<b>Total Materials &amp; Services</b>			<b>164,320</b>		<b>1,600</b>		<b>165,920</b>
<b>Total Capital Outlay</b>			<b>4,000</b>		<b>0</b>		<b>4,000</b>
<b>TOTAL EXPENDITURES</b>		<b>1.50</b>	<b>249,325</b>	<b>0.00</b>	<b>1,600</b>	<b>1.50</b>	<b>250,925</b>

**EXHIBIT A  
ORDINANCE NO. 91-427**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL FUND</b>							
<b>General Expenses</b>							
	<b>Total Interfund Transfers</b>		2,989,170		0		2,989,170
	<b>Contingency and Unappropriated Balance</b>						
599999	Contingency		401,558		(1,600)		399,958
	<b>Total Contingency and Unappropriated Balance</b>		401,558		(1,600)		399,958
	<b>TOTAL EXPENDITURES</b>	18.75	5,016,718	0.00	0	18.75	5,016,718

**EXHIBIT B**  
**ORDINANCE NO. 91-427**  
**SCHEDULE OF APPROPRIATIONS**

GENERAL FUND	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Council</b>			
Personal Services	403,577	0	403,577
Materials & Services	372,828	0	372,828
Capital Outlay	8,000	0	8,000
<b>Subtotal</b>	<b>784,405</b>	<b>0</b>	<b>784,405</b>
<b>Executive Management</b>			
Personal Services	348,071	0	348,071
Materials & Services	60,963	0	60,963
Capital Outlay	6,000	0	6,000
<b>Subtotal</b>	<b>415,034</b>	<b>0</b>	<b>415,034</b>
<b>Office of Governmental Relations</b>			
Personal Services	81,005	0	81,005
Materials & Services	164,320	1,600	165,920
Capital Outlay	4,000	0	4,000
<b>Subtotal</b>	<b>249,325</b>	<b>1,600</b>	<b>250,925</b>
<b>Regional Facilities</b>			
Personal Services	154,106	0	154,106
Materials & Services	23,120	0	23,120
Capital Outlay	0	0	0
<b>Subtotal</b>	<b>177,226</b>	<b>0</b>	<b>177,226</b>
<b>General Expenses</b>			
Interfund Transfers	2,989,170	0	2,989,170
Contingency	401,558	(1,600)	399,958
<b>Subtotal</b>	<b>3,390,728</b>	<b>(1,600)</b>	<b>3,389,128</b>
<b>Total General Fund Requirements</b>	<b>5,016,718</b>	<b>0</b>	<b>5,016,718</b>

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY APPROVED

Meeting Date: October 10, 1991  
Agenda Item No. 6.2

ORDINANCE NO. 91-428





**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 6.2; ORDINANCE NO. 91-428

The Council agenda will be printed before the Finance Committee meets to consider Ordinance No. 91-428. Committee reports will be distributed in advance to Councilors and available at the meeting October 10, 1991.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-428 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING ENTRY INTO PERS

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Date: September 16, 1991

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

During the FY 1991-92 budget process, the AFSCME and LIU Local 483 bargaining agreements were set to expire on June 30, 1991. The make up of the benefit packages for these groups was unknown at the time of budget preparation. In addition, proposals for a non-represented benefit package were being formulated. As a result, department budgets were prepared utilizing the fringe rates for the previous fiscal year. Funds were placed in Contingency pending settlement of the bargaining agreements and final development a management benefit package.

Subsequent to the adoption of the FY 1991-92 budget, both bargaining units have approved contracts accepting entry to PERS. In addition, the management package has been approved offering PERS to those employees hired before July 1, 1991. All non-represented employees hired after July 1, 1991, are automatically members of PERS.

The average cost impact of entry to PERS for this first year is three percent of regular salaries. The total cost impact is summarized by fund below:

Zoo Operating Fund	\$112,868
Solid Waste Revenue Fund	70,943
Planning & Development Fund	28,352
Transportation Planning Fund	41,310
General Fund	22,337
Support Service Fund	78,220
Building Fund	2,871
Insurance Fund	2,885
Convention Center Capital Fund	<u>2,112</u>
<b>TOTAL COST IMPACT</b>	<b>\$361,898</b>

This action requests the transfer of funds from Contingency to Personal Services to fund the additional cost impact of entry into PERS.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-428, transferring funds from Contingency to fund the addition cost impact of entry into PERS.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. )  
91-390A REVISING THE FY 1991-92 )  
BUDGET AND APPROPRIATIONS SCHEDULE )  
FOR THE PURPOSE OF FUNDING ENTRY )  
INTO PERS )

ORDINANCE NO. 91-428  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring funds from Contingency to fund the additional cost impact of entry into PERS dues for FY 1991-92
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL FUND</b>							
<b>Executive Management</b>							
<b>Personal Services</b>							
511110	ELECTED OFFICIALS						
	Executive Officer	1.00	73,080		0	1.00	73,080
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Deputy Executive Officer	1.00	62,747		0	1.00	62,747
	Sr. Management Analyst	1.00	48,146		0	1.00	48,146
	Sr. Public Info. Specialist	0.50	22,113		0	0.50	22,113
	Administrative Assistant	1.00	31,044		0	1.00	31,044
511221	WAGES-REGULAR EMPLOYEES (full time)						
	Administrative Secretary	1.00	24,073		0	1.00	24,073
511235	WAGES-TEMPORARY EMPLOYEES (part time)						
	Temporary Intern	0.25	4,500		0	0.25	4,500
512000	FRINGE		82,368		7,836		90,204
<b>Total Personal Services</b>		<b>5.75</b>	<b>348,071</b>	<b>0.00</b>	<b>7,836</b>	<b>5.75</b>	<b>355,907</b>
<b>Total Materials &amp; Services</b>			<b>60,963</b>		<b>0</b>		<b>60,963</b>
<b>Total Capital Outlay</b>			<b>6,000</b>		<b>0</b>		<b>6,000</b>
<b>TOTAL EXPENDITURES</b>		<b>5.75</b>	<b>415,034</b>	<b>0.00</b>	<b>7,836</b>	<b>5.75</b>	<b>422,870</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND							
Office of Governmental Relations							
Personal Services							
511121	SALARIES-REGULAR EMPLOYEES (full time)						
	Sr. Management Analyst	1.50	61,836		0	1.50	61,836
512000	FRINGE		19,169		1,855		21,024
Total Personal Services		1.50	81,005	0.00	1,855	1.50	82,860
Total Materials & Services			165,920		0		165,920
Total Capital Outlay			4,000		0		4,000
TOTAL EXPENDITURES		1.50	250,925	0.00	1,855	1.50	252,780

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL FUND</b>							
<b>Regional Facilities</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Directors	0.10	6,772		0	0.10	6,772
	Managers (Finan., Const.)	1.00	61,431		0	1.00	61,431
	Sr. Management Analyst	0.80	33,710		0	0.80	33,710
	Asst. Management Analyst	0.30	10,392		0	0.30	10,392
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	0.25	5,333		0	0.25	5,333
<b>512000 FRINGE</b>							
			36,468		3,529		39,997
<b>Total Personal Services</b>		<b>2.45</b>	<b>154,106</b>	<b>0.00</b>	<b>3,529</b>	<b>2.45</b>	<b>157,635</b>
<b>Total Materials &amp; Services</b>			<b>23,120</b>		<b>0</b>		<b>23,120</b>
<b>Total Capital Outlay</b>			<b>0</b>		<b>0</b>		<b>0</b>
<b>TOTAL EXPENDITURES</b>		<b>2.45</b>	<b>177,226</b>	<b>0.00</b>	<b>3,529</b>	<b>2.45</b>	<b>180,755</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
GENERAL FUND							
Council							
Personal Services							
511221 SALARIES-REGULAR EMPLOYEES (full time)							
	Council Administrator	1.00	66,276		0	1.00	66,276
	Sr. Management Analyst	3.00	124,243		0	3.00	124,243
	Clerk of the Council	1.00	27,405		0	1.00	27,405
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Administrative Secretary	3.00	72,142		0	3.00	72,142
	Secretary	0.75	13,832		0	0.75	13,832
511235 WAGES-TEMPORARY EMPLOYEES (part time)							
	Temporary Administrative Support	0.30	4,176		0	0.30	4,176
512000 FRINGE							
			95,503		9,117		104,620
<b>Total Personal Services</b>		<b>9.05</b>	<b>403,577</b>	<b>0.00</b>	<b>9,117</b>	<b>9.05</b>	<b>412,694</b>
<b>Total Materials &amp; Services</b>			<b>372,828</b>		<b>0</b>		<b>372,828</b>
<b>Total Capital Outlay</b>			<b>8,000</b>		<b>0</b>		<b>8,000</b>
<b>TOTAL EXPENDITURES</b>		<b>9.05</b>	<b>784,405</b>	<b>0.00</b>	<b>9,117</b>	<b>9.05</b>	<b>793,522</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>GENERAL FUND</b>							
<b>General Expenses</b>							
	<b>Total Interfund Transfers</b>		2,989,170		0		2,989,170
	<b>Contingency and Unappropriated Balance</b>						
599999	Contingency		399,958		(22,337)		377,621
	<b>Total Contingency and Unappropriated Balance</b>		399,958		(22,337)		377,621
	<b>TOTAL EXPENDITURES</b>	18.75	5,016,718	0.00	0	18.75	5,016,718



EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
Finance and Management Information							
Personal Services							
511221 SALARIES-REGULAR EMPLOYEES (full time)							
	Directors	1.00	69,763		0	1.00	69,763
	Data Processing Administrator	1.00	53,078		0	1.00	53,078
	Chief Accountant	1.00	57,441		0	1.00	57,441
	Management Analyst Supervisor	1.00	46,795		0	1.00	46,795
	Sr. Management Analyst	4.00	182,289		0	4.00	182,289
	Assoc. Management Analyst	3.00	103,349		0	3.00	103,349
	Asst. Management Analyst	2.00	54,283		0	2.00	54,283
	D.P. Systems Analyst	3.00	110,219		0	3.00	110,219
	D.P. Computer Programmer	1.00	31,445		0	1.00	31,445
	Administrative Assistant	1.00	28,500		0	1.00	28,500
	Senior Accountant	3.00	116,920		0	3.00	116,920
511221 WAGES-REGULAR EMPLOYEES (full time)							
	D.P. Computer Operator	1.00	28,608		0	1.00	28,608
	D.P. Computer Technician	1.00	25,970		0	1.00	25,970
	Administrative Secretary	1.00	21,350		0	1.00	21,350
	Secretary	2.00	43,166		0	2.00	43,166
	Lead Accounting Clerk	1.00	23,548		0	1.00	23,548
	Reproduction Clerk	1.00	25,870		0	1.00	25,870
	Accounting Clerk 2	4.00	82,358		0	4.00	82,358
	Accounting Clerk 1	3.00	54,849		0	3.00	54,849
	Office Assistant	1.00	15,956		0	1.00	15,956
	Operations Utility Worker	1.00	19,268		0	1.00	19,268
511235 WAGES-TEMPORARY EMPLOYEES (part time)							
	Temporary Administrative Support	1.00	18,683		0	1.00	18,683
511400 OVERTIME							
			4,074		0		4,074
512000 FRINGE							
			377,513		35,851		413,364
Total Personal Services		38.00	1,595,295	0.00	35,851	38.00	1,631,146
Total Materials & Services			957,420		0		957,420
Total Capital Outlay			54,770		0		54,770
TOTAL EXPENDITURES		38.00	2,607,485	0.00	35,851	38.00	2,643,336

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
Regional Facilities							
Personal Services							
51121 SALARIES-REGULAR EMPLOYEES (full time)							
	Directors	0.70	47,406		0	0.70	47,406
	Managers (Finan., Const.)	0.70	40,193		0	0.70	40,193
	Procurement Officer	1.00	52,507		0	1.00	52,507
	Sr. Management Analyst	1.00	40,099		0	1.00	40,099
	Assoc. Management Analyst	1.00	34,645		0	1.00	34,645
	Asst. Management Analyst	0.20	6,928		0	0.20	6,928
	Support Services Supervisor	0.50	23,228		0	0.50	23,228
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Administrative Secretary	1.25	28,882		0	1.25	28,882
	Secretary	0.75	14,526		0	0.75	14,526
	Accounting Clerk 1	1.00	18,676		0	1.00	18,676
	Building Operations Worker	0.50	11,213		0	0.50	11,213
511235 WAGES-TEMPORARY EMPLOYEES (part time)							
	Temporary Professional Support	0.50	9,000		0	0.50	9,000
	Temporary Administrative Support	0.25	4,500		0	0.25	4,500
512000 FRINGE							
			102,859		9,549		112,408
Total Personal Services		9.35	434,662	0.00	9,549	9.35	444,211
Total Materials & Services			317,966		0		317,966
Total Capital Outlay			40,500		0		40,500
TOTAL EXPENDITURES		9.35	793,128	0.00	9,549	9.35	802,677

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND</b>							
<b>Personnel</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Personnel Manager	1.00	52,853		0	1.00	52,853
	Sr. Management Analyst	3.00	125,582		0	3.00	125,582
	Assoc. Management Analyst	1.00	32,995		0	1.00	32,995
	Asst. Management Analyst	1.00	27,038		0	1.00	27,038
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	27,035		0	1.00	27,035
	Secretary	1.00	18,442		0	1.00	18,442
	Receptionist	1.00	17,562		0	1.00	17,562
	Accounting Clerk 1	1.00	17,562		0	1.00	17,562
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary Administrative Support	0.25	4,182		0	0.25	4,182
<b>511400 OVERTIME</b>							
			400		0		400
<b>512000 FRINGE</b>							
			100,332		9,572		109,904
<b>Total Personal Services</b>		<b>10.25</b>	<b>423,983</b>	<b>0.00</b>	<b>9,572</b>	<b>10.25</b>	<b>433,555</b>
<b>Total Materials &amp; Services</b>			<b>62,310</b>		<b>0</b>		<b>62,310</b>
<b>Total Capital Outlay</b>			<b>1,227</b>		<b>0</b>		<b>1,227</b>
<b>TOTAL EXPENDITURES</b>		<b>10.25</b>	<b>487,520</b>	<b>0.00</b>	<b>9,572</b>	<b>10.25</b>	<b>497,092</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SUPPORT SERVICE FUND</b>							
<b>Office of General Counsel</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	General Counsel	1.00	67,464			1.00	67,464
	Senior Assistant Counsel	3.00	155,265			3.00	155,265
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Legal Secretary	1.00	30,910			1.00	30,910
	Secretary	1.00	19,171			1.00	19,171
	511400 OVERTIME		1,500				1,500
	512000 FRINGE		85,036		8,184		93,220
<b>Total Personal Services</b>		<b>6.00</b>	<b>359,346</b>	<b>0.00</b>	<b>8,184</b>	<b>6.00</b>	<b>367,530</b>
<b>Total Materials &amp; Services</b>			<b>19,544</b>		<b>0</b>		<b>19,544</b>
<b>Total Capital Outlay</b>			<b>2,955</b>		<b>0</b>		<b>2,955</b>
<b>TOTAL EXPENDITURES</b>		<b>6.00</b>	<b>381,845</b>	<b>0.00</b>	<b>8,184</b>	<b>6.00</b>	<b>390,029</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
Public Affairs							
Personal Services							
51121 SALARIES-REGULAR EMPLOYEES (full time)							
	Directors	1.00	69,059			1.00	69,059
	Public Information Supervisor	1.00	38,047			1.00	38,047
	Sr. Public Info. Specialist	2.50	100,296			2.50	100,296
	Assoc. Public Info. Specialist	4.00	145,787			4.00	145,787
	Asst. Public Info. Specialist	1.00	29,925			1.00	29,925
	Graphics/Exhibit Designer	3.00	77,254			3.00	77,254
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Administrative Secretary	1.00	23,457			1.00	23,457
	Secretary	1.00	18,302			1.00	18,302
512000 FRINGE							
			155,659		15,064		170,723
<b>Total Personal Services</b>		<b>14.50</b>	<b>657,786</b>	<b>0.00</b>	<b>15,064</b>	<b>14.50</b>	<b>672,850</b>
<b>Total Materials &amp; Services</b>			<b>136,040</b>		<b>0</b>		<b>136,040</b>
<b>Total Capital Outlay</b>			<b>7,485</b>		<b>0</b>		<b>7,485</b>
<b>TOTAL EXPENDITURES</b>		<b>14.50</b>	<b>801,311</b>	<b>0.00</b>	<b>15,064</b>	<b>14.50</b>	<b>816,375</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
General Expenses							
	Total Interfund Transfers		416,068		0		416,068
	Contingency and Unappropriated Balance						
599999	Contingency						
	* General		330,000		(78,220)		251,780
	* Builders License		7,848		0		7,848
	Total Contingency and Unappropriated Balance		337,848		(78,220)		259,628
	TOTAL EXPENDITURES	78.10	5,825,205	0.00	0	78.10	5,825,205

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>BUILDING MANAGEMENT FUND</b>							
<b>Metro Center Account</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Director	0.10	6,772		0	0.10	6,772
	Support Services Supervisor	0.50	23,228		0	0.50	23,228
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	0.25	5,333		0	0.25	5,333
	Secretary	0.25	4,842		0	0.25	4,842
	Building Operation Worker	0.50	11,213		0	0.50	11,213
	Security Officer	1.00	17,502		0	1.00	17,502
	<b>512000 FRINGE</b>		<b>27,757</b>		<b>2,067</b>		<b>29,824</b>
	<b>Total Personal Services</b>	<b>2.60</b>	<b>96,647</b>	<b>0.00</b>	<b>2,067</b>	<b>2.60</b>	<b>98,714</b>
	<b>Total Materials &amp; Services</b>		<b>639,118</b>		<b>0</b>		<b>639,118</b>
	<b>Total Capital Outlay</b>		<b>50,000</b>		<b>0</b>		<b>50,000</b>
	<b>TOTAL EXPENDITURES</b>	<b>2.60</b>	<b>785,765</b>	<b>0.00</b>	<b>2,067</b>	<b>2.60</b>	<b>787,832</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>BUILDING MANAGEMENT FUND</b>							
<b>Metro Headquarters Project</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Construction Manager	0.10	5,742		0	0.10	5,742
	Senior Management Analyst	0.50	21,069		0	0.50	21,069
	512000 FRINGE		8,311		804		9,115
<b>Total Personal Services</b>		<b>0.60</b>	<b>35,122</b>	<b>0.00</b>	<b>804</b>	<b>0.60</b>	<b>35,926</b>
<b>Total Materials &amp; Services</b>			<b>899,628</b>		<b>0</b>		<b>899,628</b>
<b>Total Capital Outlay</b>			<b>16,115,386</b>		<b>0</b>		<b>16,115,386</b>
<b>TOTAL EXPENDITURES</b>		<b>0.60</b>	<b>17,050,136</b>	<b>0.00</b>	<b>804</b>	<b>0.60</b>	<b>17,050,940</b>



**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>BUILDING MANAGEMENT FUND</b>							
<b>General Expenses</b>							
	<b>Total Interfund Transfers</b>		12,250,000		0		12,250,000
	<b>Contingency and Unappropriated Balance</b>						
599999	<b>Contingency</b>						
	Metro Center Account		50,000		(2,067)		47,933
	Metro Headquarters Project		50,000		(804)		49,196
599990	<b>Unappropriated Balance</b>						
	Metro Center Account		25,000		0		25,000
	<b>Total Contingency and Unappropriated Balance</b>		125,000		(2,871)		122,129
	<b>TOTAL EXPENDITURES</b>	3.20	30,210,901	0.00	0	3.20	30,210,901

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
INSURANCE FUND							
Personal Services							
511121 SALARIES-REGULAR EMPLOYEES (full-time)							
	Risk Manager	1.00	45,000		0	1.00	45,000
	Assoc. Management Analyst	1.00	31,725		0	1.00	31,725
511221 WAGES-REGULAR EMPLOYEES (full-time)							
	Administrative Secretary	1.00	19,400		0	1.00	19,400
	512000 FRINGE		29,798		2,884		32,682
Total Personal Services		3.00	125,923	0.00	2,884	3.00	128,807
Total Materials & Services			947,290		0		947,290
Total Capital Outlay			16,220		0		16,220
Contingency & Unappropriated Balance							
599999	Contingency		483,284		(2,884)		480,400
599990	Unappropriated Balance		4,026,941		0		4,026,941
Total Contingency & Unapp. Balance			4,510,225		(2,884)		4,507,341
TOTAL EXPENDITURES		3.00	5,599,658	0.00	0	3.00	5,599,658

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>Administration</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Director	1.00	78,400		0	1.00	78,400
	Assistant Director	1.00	64,500		0	1.00	64,500
	Sr. Management Analyst	1.00	39,046		0	1.00	39,046
	Development Officer	1.00	45,190		0	1.00	45,190
	Safety/Security Supervisor	1.00	31,422		0	1.00	31,422
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	2.00	53,689		0	2.00	53,689
	Program Assistant 2	1.00	24,642		0	1.00	24,642
	Security 1	3.00	53,568		0	3.00	53,568
	Security 2	1.00	19,367		0	1.00	19,367
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Security 1-reg	0.50	8,366		0	0.50	8,366
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Security 1-temp	1.40	22,338		0	1.40	22,338
<b>511325 REPRESENTED 483-REGULAR EMPLOYEES (part time)</b>							
	Cashroom Clerk	1.50	30,968		0	1.50	30,968
<b>511335 REPRESENTED 483-TEMPORARY EMPLOYEES (part time)</b>							
	Cashroom Clerk	1.00	18,172		0	1.00	18,172
<b>511400 OVERTIME</b>							
			10,902		0		10,902
<b>512000 FRINGE</b>							
			145,165		18,334		163,499
<b>Total Personal Services</b>		<b>16.40</b>	<b>645,735</b>	<b>0.00</b>	<b>18,334</b>	<b>16.40</b>	<b>664,069</b>
<b>Total Materials &amp; Services</b>			<b>265,846</b>		<b>0</b>		<b>265,846</b>
<b>Total Capital Outlay</b>			<b>3,000</b>		<b>0</b>		<b>3,000</b>
<b>TOTAL EXPENDITURES</b>		<b>16.40</b>	<b>914,581</b>	<b>0.00</b>	<b>18,334</b>	<b>16.40</b>	<b>932,915</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>Animal Management</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Curator	1.00	48,043		0	1.00	48,043
	Veterinarian	1.00	50,363		0	1.00	50,363
	Research Coordinator	1.00	45,640		0	1.00	45,640
	Assistant Curator	1.00	46,920		0	1.00	46,920
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	21,348		0	1.00	21,348
	Veterinary/Research Assistant	1.00	34,070		0	1.00	34,070
	Records Specialist	1.00	31,539		0	1.00	31,539
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Animal Hospital Attendant	0.70	13,026		0	0.70	13,026
	Program Assistant 1	0.50	9,221		0	0.50	9,221
<b>511231 WAGES-TEMPORARY EMPLOYEES (Full Time)</b>							
	Management Intern	1.50	31,626		0	1.50	31,626
<b>511235 WAGES-TEMPORARY EMPLOYEES (Part Time)</b>							
	Management Intern	0.20	4,200		0	0.20	4,200
<b>511321 REPRESENTED 483-REGULAR EMPLOYEES (full time)</b>							
	Nutrition Technician	1.00	26,808		0	1.00	26,808
	Senior Animal Keeper	7.00	198,219		0	7.00	198,219
	Animal Keeper	24.00	649,892		0	24.00	649,892
<b>511325 REPRESENTED 483-REGULAR EMPLOYEES (part time)</b>							
	Animal Keeper-PT	2.00	53,616		0	2.00	53,616
<b>511335 REPRESENTED 483-TEMPORARY EMPLOYEES (part time)</b>							
	Animal Keeper	0.72	16,570		0	0.72	16,570
<b>511400 OVERTIME</b>							
			55,300		0		55,300
<b>512000 FRINGE</b>							
			481,122		36,861		517,983
<b>Total Personal Services</b>		<b>44.62</b>	<b>1,817,523</b>	<b>0.00</b>	<b>36,861</b>	<b>44.62</b>	<b>1,854,384</b>
<b>Total Materials &amp; Services</b>			<b>359,244</b>		<b>0</b>		<b>359,244</b>
<b>Total Capital Outlay</b>			<b>114,900</b>		<b>0</b>		<b>114,900</b>
<b>TOTAL EXPENDITURES</b>		<b>44.62</b>	<b>2,291,667</b>	<b>0.00</b>	<b>36,861</b>	<b>44.62</b>	<b>2,328,528</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>Facilities Management</b>							
<b>Personal Services</b>							
<b>511221 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Managers (B&G, Const, VS, Ed, PR)	1.00	42,182	0	0	1.00	42,182
	Maintenance Supervisor	1.00	32,995	0	0	1.00	32,995
	Fac. Mgmt. Project Coordinator	1.00	32,995	0	0	1.00	32,995
	Fac. Mgmt. Work Center Coordinator	1.00	29,926	0	0	1.00	29,926
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	24,737	0	0	1.00	24,737
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Secretary	0.77	14,201	0	0	0.77	14,201
<b>511321 REPRESENTED 483-REGULAR EMPLOYEES (full time)</b>							
	Maintenance Worker 3	3.10	88,822	0	0	3.10	88,822
	Maintenance Technician	1.00	28,652	0	0	1.00	28,652
	Maintenance Worker 2	6.50	176,567	0	0	6.50	176,567
	Maintenance Worker 1	8.25	202,489	0	0	8.25	202,489
	Senior Gardener	1.00	30,748	0	0	1.00	30,748
	Gardener 2	1.00	27,164	0	0	1.00	27,164
	Gardener 1	6.00	147,265	0	0	6.00	147,265
	Maintenance Mechanic	1.00	29,889	0	0	1.00	29,889
	Master Mechanic	1.00	33,305	0	0	1.00	33,305
	Maintenance Electrician	1.00	36,512	0	0	1.00	36,512
<b>511331 REPRESENTED 483-TEMPORARY EMPLOYEES(Full Time)</b>							
	Laborer	0.68	13,269	0	0	0.68	13,269
	Maintenance Worker 3-FT Seasonal	0.69	17,702	0	0	0.69	17,702
	Maintenance Worker 2 FT Seasonal	0.50	12,062	0	0	0.50	12,062
	Maintenance Worker 1-FT Seasonal	0.40	8,527	0	0	0.40	8,527
<b>511335 REPRESENTED 483-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary Keeper/Support	0.68	13,269	0	0	0.68	13,269
	Maintenance Worker 1	0.17	3,766	0	0	0.17	3,766
			27,005		0		27,005
			386,658		29,353		416,011
<b>Total Personal Services</b>		<b>38.74</b>	<b>1,460,707</b>	<b>0.00</b>	<b>29,353</b>	<b>38.74</b>	<b>1,490,060</b>
<b>Total Materials &amp; Services</b>			<b>1,408,190</b>		<b>0</b>		<b>1,408,190</b>
<b>Total Capital Outlay</b>			<b>379,550</b>		<b>0</b>		<b>379,550</b>
<b>TOTAL EXPENDITURES</b>		<b>38.74</b>	<b>3,248,447</b>	<b>0.00</b>	<b>29,353</b>	<b>38.74</b>	<b>3,277,800</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>Education Services</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Managers (B&G, Const, VS, Ed, PR)	1.00	44,243	0	0	1.00	44,243
	Program Coordinator	2.00	56,038	0	0	2.00	56,038
	Ed. Service Specialist	1.00	39,112	0	0	1.00	39,112
	Volunteer Coordinator	1.00	31,417	0	0	1.00	31,417
	Graphics Coordinator	1.00	39,967	0	0	1.00	39,967
	Graphics/Exhibit Designer	1.00	28,501	0	0	1.00	28,501
<b>511125 SALARIES-REGULAR EMPLOYEES (part time)</b>							
	Graphics/Exhibit Designer	1.00	28,501	0	0	1.00	28,501
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	27,267	0	0	1.00	27,267
	Program Assistant 2	1.00	24,737	0	0	1.00	24,737
	Graphics Technician	1.00	24,715	0	0	1.00	24,715
	Program Assistant 1	2.00	40,715	0	0	2.00	40,715
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Education Service Aide I	5.29	83,724	0	0	5.29	83,724
	Education Services Aide II	0.61	11,493	0	0	0.61	11,493
<b>511400 OVERTIME</b>							
			8,193	0	0		8,193
<b>512000 FRINGE</b>							
			151,473	11,556	0		163,029
<b>Total Personal Services</b>		<b>18.90</b>	<b>640,096</b>	<b>0.00</b>	<b>11,556</b>	<b>18.90</b>	<b>651,652</b>
<b>Total Materials &amp; Services</b>			<b>263,574</b>		<b>0</b>		<b>263,574</b>
<b>Total Capital Outlay</b>			<b>10,200</b>		<b>0</b>		<b>10,200</b>
<b>TOTAL EXPENDITURES</b>		<b>18.90</b>	<b>913,870</b>	<b>0.00</b>	<b>11,556</b>	<b>18.90</b>	<b>925,426</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
ZOO OPERATING FUND							
Marketing							
Personal Services.							
511121 SALARIES-REGULAR EMPLOYEES (full time)							
	Managers (B&G, Const, VS, Ed, PR)	1.00	48,715		0	1.00	48,715
	Assoc. Pub. Affairs Specialist	1.00	34,662		0	1.00	34,662
	Asst. Pub. Affairs Specialist	1.00	31,417		0	1.00	31,417
511225 WAGES-REGULAR EMPLOYEES (part time)							
	Program Assistant I/Photographer	0.50	11,213		0	0.50	11,213
	Educational Service Aide	0.75	12,561		0	0.75	12,561
	512000 FRINGE		42,956		4,460		47,416
Total Personal Services		4.25	181,524	0.00	4,460	4.25	185,984
Total Materials & Services			358,919		0		358,919
Total Capital Outlay			4,000		0		4,000
TOTAL EXPENDITURES		4.25	544,443	0.00	4,460	4.25	548,903

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>Visitor Services</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Managers (B&G, Const, VS, Ed, PR)	1.00	42,000		0	1.00	42,000
	Food Service Supervisor	1.00	41,941		0	1.00	41,941
	Retail Supervisor	1.00	34,344		0	1.00	34,344
	Food Service Coordinator	4.00	97,608		0	4.00	97,608
	Retail Coordinator	1.00	23,459		0	1.00	23,459
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	21,348		0	1.00	21,348
	Storekeeper	1.00	23,549		0	1.00	23,549
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Office Assistant	0.50	10,168		0	0.50	10,168
	Visitor Service Worker 3-reg	3.00	47,010		0	3.00	47,010
	Visitor Service Worker 1-reg	1.00	11,291		0	1.00	11,291
<b>511241 WAGES-SEASONAL EMPLOYEES</b>							
	Visitor Service Worker 2-temp	6.00	75,079		0	6.00	75,079
	Visitor Service Worker 1-temp	29.00	312,866		0	29.00	312,866
<b>511321 REPRESENTED 483-REGULAR EMPLOYEES (full time)</b>							
	Typist/Receptionist-reg	1.00	17,670		0	1.00	17,670
<b>511325 REPRESENTED 483-REGULAR EMPLOYEES (part time)</b>							
	Typist/Receptionist Reg. (part time)	2.25	39,756		0	2.25	39,756
<b>511335 REPRESENTED 483-TEMPORARY EMPLOYEES (part time)</b>							
	Typist/Receptionist-temp	1.50	23,612		0	1.50	23,612
	Stationmaster-temp	2.20	47,127		0	2.20	47,127
	<b>511400 OVERTIME</b>		15,500		0		15,500
	<b>512000 FRINGE</b>		247,612		12,304		259,916
<b>Total Personal Services</b>		<b>56.45</b>	<b>1,131,940</b>	<b>0.00</b>	<b>12,304</b>	<b>56.45</b>	<b>1,144,244</b>
<b>Total Materials &amp; Services</b>			<b>1,176,198</b>		<b>0</b>		<b>1,176,198</b>
<b>Total Capital Outlay</b>			<b>43,650</b>		<b>0</b>		<b>43,650</b>
<b>TOTAL EXPENDITURES</b>		<b>56.45</b>	<b>2,351,788</b>	<b>0.00</b>	<b>12,304</b>	<b>56.45</b>	<b>2,364,092</b>



**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>ZOO OPERATING FUND</b>							
<b>General Expenses</b>							
	<b>Total Interfund Transfers</b>		<b>1,000,931</b>		<b>0</b>		<b>1,000,931</b>
	<b>Contingency and Unappropriated Balance</b>						
599999	Contingency		824,073		(112,868)		711,205
599990	Unappropriated Balance		2,393,612		0		2,393,612
	<b>Total Contingency and Unappropriated Balance</b>		<b>3,217,685</b>		<b>(112,868)</b>		<b>3,104,817</b>
	<b>TOTAL EXPENDITURES</b>	<b>179.36</b>	<b>14,483,412</b>	<b>0.00</b>	<b>0</b>	<b>179.36</b>	<b>14,483,412</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
OPERATING ACCOUNT:Administration							
Personal Services							
511121 SALARIES-REGULAR EMPLOYEES (full time)							
	Dir. of Solid Waste Planning	1.00	72,064		0	1.00	72,064
	Sr. Management Analyst	1.00	40,121		0	1.00	40,121
	Assoc. Management Analyst	1.00	28,501		0	1.00	28,501
	Administrative Assistant	2.00	48,074		0	2.00	48,074
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Administrative Secretary	1.00	20,335		0	1.00	20,335
	Secretary	1.00	18,399		0	1.00	18,399
	Office Assistant	1.00	15,125		0	1.00	15,125
511225 WAGES-REGULAR EMPLOYEES (part time)							
	Office Assistant	1.00	17,940		0	1.00	17,940
511400 OVERTIME							
			2,837		0		2,837
512000 FRINGE							
			84,287		7,817		92,104
Total Personal Services		9.00	347,683	0.00	7,817	9.00	355,500
Total Materials & Services			75,673		0		75,673
TOTAL EXPENDITURES		9.00	423,356	0.00	7,817	9.00	431,173

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
OPERATING ACCOUNT: Budget & Finance							
Personal Services							
511121 SALARIES-REGULAR EMPLOYEES (full time)							
	Budget and Finance Manager	1.00	55,729		0	1.00	55,729
	Sr. Solid Waste Planner	1.00	40,121		0	1.00	40,121
	Assoc. Solid Waste Planner	1.00	36,289		0	1.00	36,289
	Sr. Management Analyst	3.00	114,246		0	3.00	114,246
	Management Technician	1.00	30,057		0	1.00	30,057
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Program Assistant 2	1.00	21,348		0	1.00	21,348
512000 FRINGE							
			95,293		8,934		104,227
Total Personal Services		8.00	393,083	0.00	8,934	8.00	402,017
Total Materials & Services			179,720		0		179,720
TOTAL EXPENDITURES		8.00	572,803	0.00	8,934	8.00	581,737

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SOLID WASTE REVENUE FUND</b>							
<b>OPERATING ACCOUNT:Operations</b>							
<b>Personal Services</b>							
<b>511221 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Facilities Superintendent	1.00	46,109		0	1.00	46,109
	Sr. Solid Waste Planner	1.00	44,243		0	1.00	44,243
	Assoc. Management Analyst	1.00	28,610		0	1.00	28,610
	Hazardous Waste Specialist	3.00	89,826		0	3.00	89,826
	Site Manager II	1.00	31,351		0	1.00	31,351
	Site Manager I	3.00	59,377		0	3.00	59,377
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Hazardous Waste Technician	9.00	215,561		0	9.00	215,561
	Scalehouse Technician	19.00	290,796		0	19.00	290,796
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Scalehouse Technician	3.65	61,315		0	3.65	61,315
<b>511400 OVERTIME</b>							
			38,973		0		38,973
<b>512000 FRINGE</b>							
			289,972		26,016		315,988
<b>Total Personal Services</b>		<b>41.65</b>	<b>1,196,133</b>	<b>0.00</b>	<b>26,016</b>	<b>41.65</b>	<b>1,222,149</b>
<b>Total Materials &amp; Services</b>			<b>43,878,534</b>		<b>0</b>		<b>43,878,534</b>
<b>TOTAL EXPENDITURES</b>		<b>41.65</b>	<b>45,074,667</b>	<b>0.00</b>	<b>26,016</b>	<b>41.65</b>	<b>45,100,683</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>SOLID WASTE REVENUE FUND</b>							
<b>OPERATING ACCOUNT:Engineering &amp; Analysis</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Engineering Manager	1.00	53,653		0	1.00	53,653
	Sr. Engineer	2.00	80,131		0	2.00	80,131
	Assoc. Engineer	2.00	72,276		0	2.00	72,276
	Sr. Solid Waste Planner	2.00	92,894		0	2.00	92,894
	Construction Coordinator	1.00	48,847		0	1.00	48,847
	Assoc. Solid Waste Planner	1.00	36,138		0	1.00	36,138
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Program Assistant 1	1.00	22,426		0	1.00	22,426
<b>512000 FRINGE</b>							
			130,037		12,191		142,228
<b>Total Personal Services</b>		<b>10.00</b>	<b>536,402</b>	<b>0.00</b>	<b>12,191</b>	<b>10.00</b>	<b>548,593</b>
<b>Total Materials &amp; Services</b>			<b>257,125</b>		<b>0</b>		<b>257,125</b>
<b>TOTAL EXPENDITURES</b>		<b>10.00</b>	<b>793,527</b>	<b>0.00</b>	<b>12,191</b>	<b>10.00</b>	<b>805,718</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
OPERATING ACCOUNT:Waste Reduction							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Solid Waste Planning Supervisor	2.00	80,317		0	2.00	80,317
	Sr. Solid Waste Planner	2.00	74,498		0	2.00	74,498
	Assoc. Solid Waste Planner	4.00	133,683		0	4.00	133,683
	Asst. Solid Waste Planner	1.00	28,434		0	1.00	28,434
	Assoc. Public Affairs Spec.	1.00	32,919		0	1.00	32,919
	Waste Reduction Manager	1.00	52,220		0	1.00	52,220
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Program Assistant 1	4.00	72,891		0	4.00	72,891
<b>511225 WAGES-REGULAR EMPLOYEES (part time)</b>							
	Program Assistant	0.50	9,151		0	0.50	9,151
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary	0.15	2,754		0	0.15	2,754
<b>511400 OVERTIME</b>							
			5,292		0		5,292
<b>512000 FRINGE</b>							
			157,491		15,985		173,476
<b>Total Personal Services</b>		<b>15.65</b>	<b>649,650</b>	<b>0.00</b>	<b>15,985</b>	<b>15.65</b>	<b>665,635</b>
<b>Total Materials &amp; Services</b>			<b>3,154,796</b>		<b>0</b>		<b>3,154,796</b>
<b>TOTAL EXPENDITURES</b>		<b>15.65</b>	<b>3,804,446</b>	<b>0.00</b>	<b>15,985</b>	<b>15.65</b>	<b>3,820,431</b>

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SOLID WASTE REVENUE FUND							
General Expenses							
	Total Interfund Transfers		17,742,748				17,742,748
	Contingency and Unappropriated Balance						
	599999 Contingency		2,465,797		(70,943)		2,394,854
	599990 Unappropriated Fund Balance		21,460,391		0		21,460,391
	Total Contingency and Unappropriated Balance		23,926,188		(70,943)		23,855,245
	TOTAL REVENUE FUND EXPENDITURES	84.30	115,180,228	0.00	0	84.30	115,180,228

EXHIBIT A  
ORDINANCE NO. 91-428

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>TRANSPORTATION PLANNING FUND</b>							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Transportation Director	1.00	67,714		0	1.00	67,714
	Trans. Planning Manager	1.00	58,506		0	1.00	58,506
	Technical Manager	1.00	58,506		0	1.00	58,506
	Regional Planning Supervisor	1.00	53,056		0	1.00	53,056
	Trans. Planning Supervisor	3.00	141,790		0	3.00	141,790
	Senior Regional Planner	2.00	82,855		0	2.00	82,855
	Senior Management Analyst	1.00	43,711		0	1.00	43,711
	Senior Trans. Planner	8.00	309,615		0	8.00	309,615
	Assoc. Trans. Planner	7.00	224,742		0	7.00	224,742
	Assoc. Regional Planner	3.00	90,415		0	3.00	90,415
	Asst. Trans. Planner	3.00	83,367		0	3.00	83,367
	Asst. Regional Planner	3.00	63,062		0	3.00	63,062
	Administrative Assistant	1.00	29,921		0	1.00	29,921
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	1.00	27,248		0	1.00	27,248
	Secretary	1.00	23,023		0	1.00	23,023
	Planning Technician	1.00	19,461		0	1.00	19,461
<b>511231 WAGES - TEMPORARY EMPLOYEES (full time)</b>							
	Temporary	1.00	21,404		0	1.00	21,404
<b>512000 FRINGE</b>							
			433,503		41,310		474,813
<b>Total Personal Services</b>		<b>39.00</b>	<b>1,831,899</b>	<b>0.00</b>	<b>41,310</b>	<b>39.00</b>	<b>1,873,209</b>
<b>Total Materials &amp; Services</b>			<b>2,094,538</b>		<b>0</b>		<b>2,094,538</b>
<b>Total Capital Outlay</b>			<b>61,585</b>		<b>0</b>		<b>61,585</b>
<b>Total Interfund Transfers</b>			<b>722,712</b>		<b>0</b>		<b>722,712</b>
<b>Contingency and Unappropriated Balance</b>							
599999	Contingency		264,668		(41,310)		223,358
599990	Unappropriated Fund Balance		38,000		0		38,000
<b>Total Contingency and Unappropriated Balance</b>			<b>302,668</b>		<b>(41,310)</b>		<b>261,358</b>
<b>TOTAL EXPENDITURES</b>		<b>39.00</b>	<b>5,013,402</b>	<b>0.00</b>	<b>0</b>	<b>39.00</b>	<b>5,013,402</b>



**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING &amp; DEVELOPMENT FUND</b>							
<b>Land Use Division</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Director of Planning & Develop	0.30	20,577		0	0.30	20,577
	Regional Planning Supervisor	1.00	48,781		0	1.00	48,781
	Senior Regional Planner	3.50	131,951		0	3.50	131,951
	Senior Management Analyst	0.50	19,107		0	0.50	19,107
	Management Technician	0.30	9,427		0	0.30	9,427
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	0.50	12,358		0	0.50	12,358
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary Administrative Help	0.25	2,500		0	0.25	2,500
<b>512000 FRINGE</b>							
			75,857		7,266		83,123
<b>Total Personal Services</b>		<b>6.35</b>	<b>320,558</b>	<b>0.00</b>	<b>7,266</b>	<b>6.35</b>	<b>327,824</b>
<b>Total Materials &amp; Services</b>			<b>476,772</b>		<b>0</b>		<b>476,772</b>
<b>Total Capital Outlay</b>			<b>10,700</b>		<b>0</b>		<b>10,700</b>
<b>TOTAL EXPENDITURES</b>		<b>6.35</b>	<b>808,030</b>	<b>0.00</b>	<b>7,266</b>	<b>6.35</b>	<b>815,296</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING &amp; DEVELOPMENT FUND</b>							
<b>Environmental Planning Division</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Director of Planning & Develop	0.30	20,577		0	0.30	20,577
	Regional Planning Supervisor	1.00	50,579		0	1.00	50,579
	Senior Regional Planner	3.00	119,125		0	3.00	119,125
	Senior Management Analyst	1.00	42,138		0	1.00	42,138
	Assoc. Regional Planner	1.00	31,424		0	1.00	31,424
	Management Technician	0.30	9,428		0	0.30	9,428
	Assoc. Management Analyst	1.00	32,990		0	1.00	32,990
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	0.50	12,357		0	0.50	12,357
	Program Assistant 1	1.00	17,565		0	1.00	17,565
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary Administrative Help	0.50	5,000		0	0.50	5,000
<b>512000 FRINGE</b>							
			105,767		10,085		115,852
<b>Total Personal Services</b>		<b>9.60</b>	<b>446,950</b>	<b>0.00</b>	<b>10,085</b>	<b>9.60</b>	<b>457,035</b>
<b>Total Materials &amp; Services</b>			<b>911,255</b>		<b>0</b>		<b>911,255</b>
<b>Total Capital Outlay</b>			<b>7,640</b>		<b>0</b>		<b>7,640</b>
<b>TOTAL EXPENDITURES</b>		<b>9.60</b>	<b>1,365,845</b>	<b>0.00</b>	<b>10,085</b>	<b>9.60</b>	<b>1,375,930</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING &amp; DEVELOPMENT FUND</b>							
<b>Urban Services Division</b>							
<b>Personal Services</b>							
<b>51121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Director of Planning & Develop	0.40	27,436		0	0.40	27,436
	Regional Planning Supervisor	1.00	48,781		0	1.00	48,781
	Senior Solid Waste Planner	1.00	34,640		0	1.00	34,640
	Assoc. Solid Waste Planner	2.00	67,636		0	2.00	67,636
	Senior Regional Planner	0.50	21,069		0	0.50	21,069
	Senior Management Analyst	3.50	135,207		0	3.50	135,207
	Management Technician	0.40	12,570		0	0.40	12,570
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Secretary	1.00	19,367		0	1.00	19,367
<b>511235 WAGES-TEMPORARY EMPLOYEES (part time)</b>							
	Temporary Administrative Help	0.25	2,500		0	0.25	2,500
<b>512000 FRINGE</b>							
			114,454		11,001		125,455
<b>Total Personal Services</b>		<b>10.05</b>	<b>483,660</b>	<b>0.00</b>	<b>11,001</b>	<b>10.05</b>	<b>494,661</b>
<b>Total Materials &amp; Services</b>			<b>386,712</b>		<b>0</b>		<b>386,712</b>
<b>Total Capital Outlay</b>			<b>12,581</b>		<b>0</b>		<b>12,581</b>
<b>TOTAL EXPENDITURES</b>		<b>10.05</b>	<b>882,953</b>	<b>0.00</b>	<b>11,001</b>	<b>10.05</b>	<b>893,954</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>PLANNING &amp; DEVELOPMENT FUND</b>							
<b>General Expenses</b>							
	Total Interfund Transfers		525,190		0		525,190
	Contingency and Unappropriated Balance						
599999	Contingency		114,353		(28,352)		86,001
	Total Contingency and Unappropriated Balance		114,353		(28,352)		86,001
	<b>TOTAL EXPENDITURES</b>	<b>26.00</b>	<b>3,696,371</b>	<b>0.00</b>	<b>0</b>	<b>26.00</b>	<b>3,696,371</b>

**EXHIBIT A**  
**ORDINANCE NO. 91-428**

ACCT #	DESCRIPTION	CURRENT BUDGET		REVISION		PROPOSED BUDGET	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
CONVENTION CENTER PROJECT CAPITAL FUND							
<b>Personal Services</b>							
<b>511121 SALARIES-REGULAR EMPLOYEES (full time)</b>							
	Regional Facilities Director	0.10	6,772		0	0.10	6,772
	Construction Manager	0.20	11,484		0	0.20	11,484
	Senior Management Analyst	0.70	29,497		0	0.70	29,497
	Assistant Management Analyst	0.50	17,320		0	0.50	17,320
<b>511221 WAGES-REGULAR EMPLOYEES (full time)</b>							
	Administrative Secretary	0.25	5,333		0	0.25	5,333
<b>512000 FRINGES</b>							
			21,826		2,122		23,948
<b>Total Personal Services</b>		<b>1.75</b>	<b>92,232</b>	<b>0.00</b>	<b>2,122</b>	<b>1.75</b>	<b>94,354</b>
<b>Total Materials &amp; Services</b>			<b>23,950</b>		<b>0</b>		<b>23,950</b>
<b>Total Capital Outlay</b>			<b>1,351,779</b>		<b>0</b>		<b>1,351,779</b>
<b>Total Interfund Transfers</b>			<b>98,904</b>		<b>0</b>		<b>98,904</b>
<b>Contingency and Unappropriated Balance</b>							
<b>599999</b>	<b>Contingency</b>		<b>266,028</b>		<b>(2,122)</b>		<b>263,906</b>
<b>Total Contingency and Unappropriated Balance</b>			<b>266,028</b>		<b>(2,122)</b>		<b>263,906</b>
<b>TOTAL EXPENDITURES</b>		<b>1.75</b>	<b>1,832,893</b>	<b>0.00</b>	<b>0</b>	<b>1.75</b>	<b>1,832,893</b>

EXHIBIT B  
ORDINANCE NO. 91-428  
SCHEDULE OF APPROPRIATIONS

GENERAL FUND	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Council</b>			
Personal Services	403,577	9,117	412,694
Materials & Services	372,828	0	372,828
Capital Outlay	8,000	0	8,000
<b>Subtotal</b>	<b>784,405</b>	<b>9,117</b>	<b>793,522</b>
<b>Executive Management</b>			
Personal Services	348,071	7,836	355,907
Materials & Services	60,963	0	60,963
Capital Outlay	6,000	0	6,000
<b>Subtotal</b>	<b>415,034</b>	<b>7,836</b>	<b>422,870</b>
<b>Office of Governmental Relations</b>			
Personal Services	81,005	1,855	82,860
Materials & Services	165,920	0	165,920
Capital Outlay	4,000	0	4,000
<b>Subtotal</b>	<b>250,925</b>	<b>1,855</b>	<b>252,780</b>
<b>Regional Facilities</b>			
Personal Services	154,106	3,529	157,635
Materials & Services	23,120	0	23,120
Capital Outlay	0	0	0
<b>Subtotal</b>	<b>177,226</b>	<b>3,529</b>	<b>180,755</b>
<b>General Expense</b>			
Interfund Transfers	2,989,170	0	2,989,170
Contingency	399,958	(22,337)	377,621
<b>Subtotal</b>	<b>3,389,128</b>	<b>(22,337)</b>	<b>3,366,791</b>
<b>Total General Fund Requirements</b>	<b>5,016,718</b>	<b>0</b>	<b>5,016,718</b>
<b>SUPPORT SERVICES FUND</b>			
<b>Finance &amp; Administration</b>			
Personal Services	1,595,295	35,851	1,631,146
Materials & Services	957,420	0	957,420
Capital Outlay	54,770	0	54,770
<b>Subtotal</b>	<b>2,607,485</b>	<b>35,851</b>	<b>2,643,336</b>

EXHIBIT B  
ORDINANCE NO. 91-428  
SCHEDULE OF APPROPRIATIONS

SUPPORT SERVICES FUND (continued)	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Regional Facilities</b>			
Personal Services	434,662	9,549	444,211
Materials & Services	317,966	0	317,966
Capital Outlay	40,500	0	40,500
<b>Subtotal</b>	<b>793,128</b>	<b>9,549</b>	<b>802,677</b>
<b>Personnel</b>			
Personal Services	423,983	9,572	433,555
Materials & Services	62,310	0	62,310
Capital Outlay	1,227	0	1,227
<b>Subtotal</b>	<b>487,520</b>	<b>9,572</b>	<b>497,092</b>
<b>Office of General Counsel</b>			
Personal Services	359,346	8,184	367,530
Materials & Services	19,544	0	19,544
Capital Outlay	2,955	0	2,955
<b>Subtotal</b>	<b>381,845</b>	<b>8,184</b>	<b>390,029</b>
<b>Public Affairs</b>			
Personal Services	657,786	15,064	672,850
Materials & Services	136,040	0	136,040
Capital Outlay	7,485	0	7,485
<b>Subtotal</b>	<b>801,311</b>	<b>15,064</b>	<b>816,375</b>
<b>General Expense</b>			
Interfund Transfers	416,068	0	416,068
Contingency	337,848	(78,220)	259,628
<b>Subtotal</b>	<b>753,916</b>	<b>(78,220)</b>	<b>675,696</b>
<b>Total Support Services Fund Requirements</b>	<b>5,825,205</b>	<b>0</b>	<b>5,825,205</b>
<b>BUILDING MANAGEMENT FUND</b>			
<b>Metro Center Management Account</b>			
Personal Services	96,647	2,067	98,714
Materials & Services	639,118	0	639,118
Capital Outlay	50,000	0	50,000
<b>Subtotal</b>	<b>785,765</b>	<b>2,067</b>	<b>787,832</b>

**EXHIBIT B**  
**ORDINANCE NO. 91-428**  
**SCHEDULE OF APPROPRIATIONS**

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>BUILDING MANAGEMENT FUND (continued)</b>			
<b>Metro Headquarters Project</b>			
Personal Services	35,122	804	35,926
Materials & Services	899,628	0	899,628
Capital Outlay	16,115,386	0	16,115,386
<b>Subtotal</b>	<b>17,050,136</b>	<b>804</b>	<b>17,050,940</b>
<b>General Expenses</b>			
Contingency	100,000	(2,871)	97,129
Interfund Transfers	12,250,000	0	12,250,000
<b>Subtotal</b>	<b>12,350,000</b>	<b>(2,871)</b>	<b>12,347,129</b>
Unappropriated Balance	25,000	0	25,000
<b>Total Building Management Fund Requirements</b>	<b>30,210,901</b>	<b>0</b>	<b>30,210,901</b>
<b>INSURANCE FUND</b>			
Personal Services	125,923	2,884	128,807
Materials & Services	947,290	0	947,290
Capital Outlay	16,220	0	16,220
Contingency	483,284	(2,884)	480,400
Unappropriated Balance	4,026,941	0	4,026,941
<b>Total Insurance Fund Requirements</b>	<b>5,599,658</b>	<b>0</b>	<b>5,599,658</b>
<b>ZOO OPERATING FUND</b>			
<b>Administration</b>			
Personal Services	645,735	18,334	664,069
Materials & Services	265,846	0	265,846
Capital Outlay	3,000	0	3,000
<b>Subtotal</b>	<b>914,581</b>	<b>18,334</b>	<b>932,915</b>
<b>Animal Management</b>			
Personal Services	1,817,523	36,861	1,854,384
Materials & Services	359,244	0	359,244
Capital Outlay	114,900	0	114,900
<b>Subtotal</b>	<b>2,291,667</b>	<b>36,861</b>	<b>2,328,528</b>



**EXHIBIT B**  
**ORDINANCE NO. 91-428**  
**SCHEDULE OF APPROPRIATIONS**

ZOO OPERATING FUND (continued)	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Facilities Management</b>			
Personal Services	1,460,707	29,353	1,490,060
Materials & Services	1,408,190	0	1,408,190
Capital Outlay	379,550	0	379,550
<b>Subtotal</b>	<b>3,248,447</b>	<b>29,353</b>	<b>3,277,800</b>
<b>Education</b>			
Personal Services	640,096	11,556	651,652
Materials & Services	263,574	0	263,574
Capital Outlay	10,200	0	10,200
<b>Subtotal</b>	<b>913,870</b>	<b>11,556</b>	<b>925,426</b>
<b>Marketing</b>			
Personal Services	181,524	4,460	185,984
Materials & Services	358,919	0	358,919
Capital Outlay	4,000	0	4,000
<b>Subtotal</b>	<b>544,443</b>	<b>4,460</b>	<b>548,903</b>
<b>Visitor Services</b>			
Personal Services	1,131,940	12,304	1,144,244
Materials & Services	1,176,198	0	1,176,198
Capital Outlay	43,650	0	43,650
<b>Subtotal</b>	<b>2,351,788</b>	<b>12,304</b>	<b>2,364,092</b>
<b>General Expenses</b>			
Interfund Transfers	1,000,931	0	1,000,931
Contingency	824,073	(112,868)	711,205
<b>Subtotal</b>	<b>1,825,004</b>	<b>(112,868)</b>	<b>1,712,136</b>
<b>Unappropriated Balance</b>	<b>2,393,612</b>	<b>0</b>	<b>2,393,612</b>
<b>Total Zoo Operating Fund Requirements</b>	<b>14,483,412</b>	<b>0</b>	<b>14,483,412</b>
<b>SOLID WASTE REVENUE FUND</b>			
<b>Administration</b>			
Personal Services	347,683	7,817	355,500
Materials & Services	75,673	0	75,673
<b>Subtotal</b>	<b>423,356</b>	<b>7,817</b>	<b>431,173</b>

EXHIBIT B  
ORDINANCE NO. 91-428  
SCHEDULE OF APPROPRIATIONS

SOLID WASTE REVENUE FUND (continued)

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Budget &amp; Finance</b>			
Personal Services	393,083	8,934	402,017
Materials & Services	179,720	0	179,720
<b>Subtotal</b>	<b>572,803</b>	<b>8,934</b>	<b>581,737</b>
<b>Operations</b>			
Personal Services	1,196,133	26,016	1,222,149
Materials & Services	43,878,534	0	43,878,534
<b>Subtotal</b>	<b>45,074,667</b>	<b>26,016</b>	<b>45,100,683</b>
<b>Engineering and Analysis</b>			
Personal Services	536,402	12,191	548,593
Materials & Services	257,125	0	257,125
<b>Subtotal</b>	<b>793,527</b>	<b>12,191</b>	<b>805,718</b>
<b>Waste Reduction</b>			
Personal Services	649,650	15,985	665,635
Materials & Services	3,154,796	0	3,154,796
<b>Subtotal</b>	<b>3,804,446</b>	<b>15,985</b>	<b>3,820,431</b>
<b>Debt Service Account</b>			
Debt Services	2,191,328	0	2,191,328
<b>Subtotal</b>	<b>2,191,328</b>	<b>0</b>	<b>2,191,328</b>
<b>Landfill Closure Account</b>			
Materials & Services	10,016,200	0	10,016,200
<b>Subtotal</b>	<b>10,016,200</b>	<b>0</b>	<b>10,016,200</b>
<b>Construction Account</b>			
Capital Outlay	3,525,000	0	3,525,000
<b>Subtotal</b>	<b>3,525,000</b>	<b>0</b>	<b>3,525,000</b>
<b>Renewal &amp; Replacement Account</b>			
Capital Outlay	732,000	0	732,000
<b>Subtotal</b>	<b>732,000</b>	<b>0</b>	<b>732,000</b>

**EXHIBIT B**  
**ORDINANCE NO. 91-428**  
**SCHEDULE OF APPROPRIATIONS**

SOLID WASTE REVENUE FUND (continued)	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>General Account</b>			
Materials & Services	193,550	0	193,550
Capital Outlay	3,151,330	0	3,151,330
<b>Subtotal</b>	<b>3,344,880</b>	<b>0</b>	<b>3,344,880</b>
<b>Master Project Account</b>			
Debt Service	3,033,085	0	3,033,085
<b>Subtotal</b>	<b>3,033,085</b>	<b>0</b>	<b>3,033,085</b>
<b>General Expenses</b>			
Interfund Transfers	17,742,748	0	17,742,748
Contingency	2,465,797	(70,943)	2,394,854
<b>Subtotal</b>	<b>20,208,545</b>	<b>(70,943)</b>	<b>20,137,602</b>
<b>Unappropriated Balance</b>	<b>21,460,391</b>	<b>0</b>	<b>21,460,391</b>
<b>Total Solid Waste Revenue Fund Requirements</b>	<b>115,180,228</b>	<b>0</b>	<b>115,180,228</b>
<b>TRANSPORTATION PLANNING FUND</b>			
Personal Services	1,831,899	41,310	1,873,209
Materials & Services	2,094,538	0	2,094,538
Capital Outlay	61,585	0	61,585
Interfund Transfers	722,712	0	722,712
Contingency	264,668	(41,310)	223,358
Unappropriated Balance	38,000	0	38,000
<b>Total Transportation Planning Fund Requirements</b>	<b>5,013,402</b>	<b>0</b>	<b>5,013,402</b>
<b>PLANNING &amp; DEVELOPMENT FUND</b>			
<b>Land Use Planning</b>			
Personal Services	320,558	7,266	327,824
Materials & Services	476,772	0	476,772
Capital Outlay	10,700	0	10,700
<b>Subtotal</b>	<b>808,030</b>	<b>7,266</b>	<b>815,296</b>

EXHIBIT B  
ORDINANCE NO. 91-428  
SCHEDULE OF APPROPRIATIONS

PLANNING & DEVELOPMENT FUND (continued)	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>Environmental Planning</b>			
Personal Services	446,950	10,085	457,035
Materials & Services	911,255	0	911,255
Capital Outlay	7,640	0	7,640
<b>Subtotal</b>	<b>1,365,845</b>	<b>10,085</b>	<b>1,375,930</b>
<b>Urban Services</b>			
Personal Services	483,660	11,001	494,661
Materials & Services	386,712	0	386,712
Capital Outlay	12,581	0	12,581
<b>Subtotal</b>	<b>882,953</b>	<b>11,001</b>	<b>893,954</b>
<b>General Expenses</b>			
Interfund Transfer	525,190	0	525,190
Contingency	114,353	(28,352)	86,001
<b>Subtotal</b>	<b>639,543</b>	<b>(28,352)</b>	<b>611,191</b>
<b>Total Planning &amp; Development Fund Requirements</b>	<b>3,696,371</b>	<b>0</b>	<b>3,696,371</b>
<b>CONVENTION CENTER PROJECT CAPITAL FUND</b>			
Personal Services	92,232	2,122	94,354
Materials & Services	23,950	0	23,950
Capital Outlay	1,351,779	0	1,351,779
Interfund Transfers	98,904	0	98,904
Contingency	266,028	(2,122)	263,906
<b>Total Convention Center Project Capital Fund Requirements</b>	<b>1,832,893</b>	<b>0</b>	<b>1,832,893</b>

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Meeting Date: October 10, 1991  
Agenda Item No. 6.3

ORDINANCE NO. 91-429A

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-429A, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.06 TO ALLOW FOR COMMITTEE MEMBER REAPPOINTMENT, STAGGERED TERMS, AND ESTABLISHING COMMITTEE MEMBERSHIP DATE EFFECTIVE AS OF CONFIRMATION

-----  
Date: October 3, 1991

Presented by: Councilor McFarland

Committee Recommendation: At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Ordinance 91-429A. Voting in favor: Councilors DeJardin, Gardner, McFarland and Wyers.

Committee Issues/Discussion: The Riedel Composter enhancement committee was established by ordinance in November 1990. The Solid Waste Department is recommending three changes to the ordinance. These changes are: 1) providing that the term of office for the initial committee members will begin on the date of Council confirmation (the original ordinance provided that the effective date would be the date the facility opened, April 8, 1991), 2) staggering the length of the terms of the initial committee members, and 3) specifically authorizing reappointment of committee members.

Delays have been encountered in naming the initial members of the committee (see Resolution No. 91-1499, on tonight's agenda), therefore it is appropriate that the terms of office do not begin until the members are confirmed by the Council. (Note: an emergency clause was added to the original ordinance to insure that this provision will be in effect when the initial members are confirmed).

The original ordinance proposed that one-half of the initial appointees would serve one-year terms and one-half would serve two-year terms, as determined by lot. The committee received testimony from one of the initial appointees, Mr. Si Stanich, who suggested that few people would be willing to serve for only one year. He suggested that the committee provide for initial staggered terms of two and three years. The committee accepted this suggestion and included it in the A version of the ordinance.

Mr. Stanich urged the committee to move forward in establishing the permanent enhancement committee, noting that he did not believe that it would be the role of the committee to get involved in the ongoing discussions relating to odor problems at the facility.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.06 TO )  
ALLOW FOR COMMITTEE MEMBER )  
REAPPOINTMENT, STAGGERED TERMS, )  
AND ESTABLISHING COMMITTEE )  
MEMBERSHIP DATE EFFECTIVE AS OF )  
CONFIRMATION )

ORDINANCE NO. 91-429A  
Introduced by Executive  
Officer Rena Cusma

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.06.040, Composter Community Enhancement Committee, subsection (c), is amended to read as follows:

"(c) The effective date for all appointments of all members except the Metro Councilors shall be date of membership confirmation by the Metro Council. The initial terms of service for the eight non-Council members shall be four members for ~~one~~ three years and four members for two years designation to be determined by lot. Committee members may be reappointed for consecutive terms not to exceed two full terms."

~~[(c) All members except Metro Councilors shall be appointed for two year terms effective the date the facility opens. Appointments to fill vacancies shall be for the remainder of the vacant term.]~~

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING )  
METRO CODE CHAPTER 5.06 TO ALLOW )  
FOR COMMITTEE MEMBER REAPPOINTMENT, )  
STAGGERED TERMS, AND ESTABLISHING )  
COMMITTEE MEMBERSHIP DATE EFFECTIVE )  
AS OF CONFIRMATION )

ORDINANCE NO. 91-429  
Introduced By  
Executive Officer  
Rena Cusma

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.06.040, Composter Community Enhancement Committee, subsection (c), is amended to read as follows:

"(c) The effective date for all appointments of all members except the Metro Councilors shall be date of membership confirmation by the Metro Council. The initial terms of service for the eight non-Council members shall be four members for one year and four members for two years, designation to be determined by lot. Committee members may be reappointed for consecutive terms not to exceed two full terms."

~~[(c) All members except Metro Councilors shall be appointed for two year terms effective the date the facility opens. Appointments to fill vacancies shall be for the remainder of the vacant term.]~~

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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



## EXECUTIVE SUMMARY

ORDINANCE NO. 91-429, FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.06 TO ALLOW FOR COMMITTEE MEMBER REAPPOINTMENT, STAGGERED TERMS, AND ESTABLISHING COMMITTEE MEMBERSHIP DATE EFFECTIVE AS OF CONFIRMATION

Date: September 17, 1991

Presented by: Don Rocks

In November, 1990, the Metro Council adopted Ordinance No. 90-331A creating the Composter Community Enhancement Program and Committee. The Ordinance established the geographic boundaries for the area, funding criteria for the program, and specified membership composition of a 10-member committee.

When it was adopted, the ordinance did not address the issue of committee member reappointment and it did not provide for staggered terms of office for members. Additionally, the appointments became effective the date the composter facility opened. The Executive Officer recommends amendments to the Metro Code to establish member appointment procedures for this committee consistent with those of other Metro citizen committees:

1. Member reappointment: It is customary for members of Metro committees who have served well in a volunteer capacity to be eligible for one or more reappointments. Ordinance No. 91-429 would amend the Code to provide for reappointment of members for one consecutive term or to serve on the committee for two full terms.
2. Staggering of terms: There is no provision for staggering of terms, whereby a portion of the members remain on the committee, while the terms of a portion expire. Ordinance No. 91-429 would amend the Code to permit staggering of terms to be determined by lot, to provide continuity and a portion of the members having recent experience with previous actions of the committee.
3. Effective date of appointment: The effective date of committee member appointment is the date the facility opened. The facility began receiving waste April 8. The member solicitation process began in March. Due to delays in organizations responding to the request, we have only recently received nominations from all groups. Ordinance No. 91-429 would amend the Code to provide the date of confirmation as the effective date of committee membership.

Meeting Date: October 10, 1991  
Agenda Item No. 6.4

ORDINANCE NO. 91-422B



**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 6.4; ORDINANCE NO. 91-422B

Ordinance No. 91-422B and the Solid Waste Committee report only have been printed in the Council agenda packet. Those and all other materials related to the ordinance have been published in a supplemental packet and will be distributed to Councilors in advance and available at the meeting. Those who wish to obtain a copy of the supplemental packet may contact the Clerk at ext. 206.

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-422B, FOR THE PURPOSE OF AMENDING THE METRO CODE TO CLARIFY AND SUPPLEMENT EXISTING PROVISIONS RELATED TO THE MANAGEMENT OF PETROLEUM CONTAMINATED SOILS, AND DECLARING AN EMERGENCY

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Date: October 3, 1991

Presented by: Councilor Wyers

Committee Recommendation: At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Ordinance No. 91-422B. Voting in favor: Councilors Gardner, McFarland, and Wyers.

Committee Issues/Discussion: Petroleum contaminated soils (PCS) are soils into which gasoline, diesel fuel, bunker oil or other petroleum products have been introduced. The most common source of PCS is found when leaking underground storage tanks are removed. New federal requirements for the inspection and removal of such tanks has significantly increased the number of sites and the amount of PCS that is generated. The number of sites in the Metro region increased from 131 in 1988 to 529 in 1990, with a similar or even higher number expected in 1991. It is anticipated that the amount of generated PCS will continue to increase through 1993, when initial inspections of all underground tanks must be completed.

Currently there are two commonly used methods for disposing of PCS, landfilling and ventilation or aeration. Landfilling occurs at the Hillsboro Landfill under permission of the state Department of Environmental Quality. In 1990, a total of 60,000 tons of PCS were disposed of at Hillsboro, and the amount is expected to double in 1991.

Ventilation or aeration involves spreading out the PCS and allowing the contaminants to evaporate. This process can take place either at the original site of the PCS or the PCS is removed to another site. Concern has been expressed that these activities may result in new soil contamination because Oregon's high rainfall levels may carry the contaminants into the soil before they can evaporate. In addition, others have noted that harmful substances contained in the petroleum products, such as benzene, may be released into the atmosphere.

### New Disposal Technologies

New processing technologies that destroy or contain and reuse PCS contaminants are now being introduced in the Metro region. These technologies allow the contaminated soil to be reused and eliminate the potential of harmful air emissions. These processes generally use heat to burn off the contaminants.

Three companies, RMAC, Oregon Hydrocarbons and the Sonas Companies are in the process of obtaining sites and various regulatory permits to build processing facilities using these new technologies. It is anticipated that all of these facilities will be in operation by March 1992. RMAC will be located near Troutdale and Oregon Hydrocarbons and Sonas in North Portland. The facilities will have a total annual capacity of 200,000 tons of PCS.

The Regional Solid Waste Management Plan (RSWMP) identifies PCS as a special waste and calls upon Metro to provide adequate disposal capacity. In addition, Metro solid waste staff has been working with DEQ in the development of new state guidelines and procedures. It is anticipated that these procedures will establish processing the preferred method of PCS disposal, followed by ventilation and then landfilling.

The solid waste staff contends that the proposed ordinance will establish the processing of PCS as the preferred disposal method within the Metro region and provide for regulation of those developing facilities that will use new processing technologies. The department notes that the ordinance meets the RSWMP criteria, provides for environmentally sound disposal and preserves increasingly scarce landfill space.

#### Ordinance Provisions

The proposed ordinance addressing the following areas: 1) defining when PCS becomes solid waste and thus subject to Metro regulation, 2) timelines for the use of various disposal and processing alternatives, 3) a regulatory scheme for facilities using new processing technologies, 4) conforming and technical amendments to the franchise chapter of the Metro Code and 5) an exemption from Metro user fees for PCS processing facilities.

The ordinance provides that PCS will be considered solid waste and subject to Metro regulation when it leaves its site of origin. If PCS is processed or ventilated at the site of origin and returned to the same location it would not be regulated by Metro, but would be subject to various types of regulation by DEQ.

The ordinance would permit PCS to be ventilated at off-site locations until December 31, 1991. Beginning January 1, 1992, PCS removed from the site of origin would have to be disposed of at a landfill with a geomembrane liner (Hillsboro) or a Metro-licensed processing facility. In addition, the ordinance would provide that, effective on a date of adoption, PCS generated within Metro boundaries could not be disposed of in a non-designated facility without a non-system license from Metro.

The ordinance provides that off-site PCS processing facilities must obtain a Metro license. According to the staff report, the license would "subject the processor to minimal Metro regulation." A license application would be reviewed and approved or denied by the Executive Officer or their designee. The application must be

approved within 120 days, or it would be considered denied. License denials would be subject to appeal to the Metro Council.

Applicants would be subject to the following licensing criteria:

- 1) whether the proposed facility is consistent with RSWMP,
- 2) whether the proposed facility is needed, based on the types of existing facilities and considering the hierarchy of preferred processing methods established by state law and RSWMP,
- 3) whether the applicant has obtained necessary land use authority and permits for operation of the facility,
- 4) whether the applicant can obtain the required insurance coverages, and
- 5) whether the applicant is willing to comply with all license conditions.

Conditions to which a licensee would be subject include:

- 1) providing adequate and reliable service to persons using the facility,
- 2) providing immediate notice of any change in ownership; any receivership, conservatorship or bankruptcy proceeding affecting the facility; or the temporary or permanent cessation of operations,
- 3) establishing procedures to insure that hazardous or otherwise unacceptable material does not enter the facility,
- 4) regularly reporting certain information to Metro, including the amount and type of material entering the facility, amount and type of material rejected, and the destination of processed material leaving the facility,
- 5) maintaining required liability insurance coverage,
- 6) complying with applicable governmental laws and regulations relating to operation of the facility,
- 7) holding Metro harmless relating to the licensee's performance or failure to perform under the license issued,
- 8) paying all Metro fees and charges,
- 9) complying with other conditions specified in the license to protect the public health, safety and welfare.

The licensing requirements and conditions would be added to the franchise chapter of the Metro Code, necessitating a large number

of technical and conforming amendments. In addition, the general counsel's office proposed two changes to conform the franchise chapter with other Metro Code provisions. These include, on page 3, the definition of solid waste would be amended to include manure, vegetable or animal solid or semi-solid wastes, dead animals, and infectious waste as defined in ORS 459.387. On page 7 the minimum requirement for public liability coverage insurance for all franchisees and licensees would be increased to \$500,000.

The ordinance also provides that Metro would not assess user fees at the licensed PCS processing facilities, but would continue to assess such fees when PCS is disposed of at a landfill. The intent would be to provide an economic incentive to use a processing facility.

### Alternative Ordinances

Ordinance No 91-422 provides a "licensing" regulatory scheme for petroleum contaminated soil (PCS) processing facilities under the Metro Franchise Code (Section 5.01). The Office of General Counsel prepared two alternative versions of Ordinance No. 91-422 for committee consideration. The first alternative (Ordinance No. 91-422A) would provide for Council approval of the licenses issued under the proposed ordinance. As originally proposed, the licenses would have been issued by the Executive Officer without Council review.

The following specific changes in the original ordinance were made to accomplish this purpose:

Page 11, Section 9 (a), the last sentence -- as amended, provides that the Executive Officer make recommendations to the Council concerning suspending, modifying, or revoking an existing license. The council would take action on the recommendation. This is the same process used for franchisees.

Page 12, Section 9 (b), --makes necessary changes to reflect that the Council would be responsible for taking action to suspend, modify or suspend a license.

Page 14, Section 10 (b), --amended to provide for initial Council approval of licenses.

Page 16, Section 10 (f), --amended to provide that Council action to approve a license must be completed within 120 days after a completed license application is received.

The second alternative (Ordinance No. 91-422B) requires that PCS facilities obtain a franchise under the franchise code. Applicants would be subject to all of the provisions of the franchise code and those specific conditions and requirements outlined in the original licensing proposal.

### Committee Recommendation

The committee considered the proposed ordinance at two separate meetings. Extensive discussion centered on the two principal policy issues concerning the proposed ordinance: 1) the role of the Council in regulating these facilities, and 2) whether regulation should be through a franchise or through the licensing system proposed in the ordinance. The committee concluded that it was appropriate to regulate PCS facilities under the franchise code which would include Council approval of any franchise agreement. Therefore, the committee recommends that the Council adopt Resolution No. 91-422B.

### Council Approval

The committee concluded that Council approval of PCS facilities is appropriate for the following reasons:

-- State law governing Metro and the Metro code clearly authorize the Council to regulate a broad spectrum of solid waste facilities, including processing facilities

-- Both the current franchise code and the proposed licensing process provide for discretion in issuing the franchise or license. Because such discretion is involved, review by a governing body would appear warranted and appropriate

-- Approval by a governing body would provide an additional safeguard that the all applicants have been fairly considered and that approved facilities have met all regulatory requirements, and

-- Review by the Council would permit discussion of several issues relating to regulation of PCS facilities, including acceptance of out-of-region material, potential loss of user fees, and the relationship between PCS facility regulation and overall regulation of the solid waste disposal.

### Franchising/Licensing

The question of whether PCS facilities should be franchised or licensed is complex. The committee concluded that at this time PCS should be regulated under the existing franchise code based on the following reasons:

-- The franchise code currently provides that the Council franchise a broad spectrum of solid waste facilities, including processing facilities

-- Similar-sized facilities are currently franchised

-- Franchise agreements could be structured to provide a reduced level of regulation as provided in the licensing ordinance



-- The licensing proposal provides no criteria or standards to justify why PCS facilities should be treated differently than other facilities that are franchised

-- The franchise code is scheduled to be rewritten during the current fiscal year. Procedures for licensing, contracting and other forms of regulation of solid waste facilities may be developed as part of the revision process. The committee believes that it would be unwise to institute a new form of regulation prior to this review which may result in the development of a more comprehensive approach to regulate all types of solid waste disposal facilities in the Metro region. The committee has directed staff to explore how it can expedite its review of the franchise code.



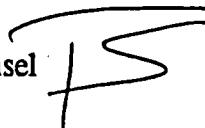
**METRO**

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

# Memorandum

Date: September 23, 1991

To: John Houser, Council Analyst

From: Todd Sadlo, Senior Assistant Counsel 

Regarding: SECOND ALTERNATE VERSION OF PROPOSED  
ORDINANCE NO. 91-422

---

Attached is a second alternate version of proposed Ordinance No. 91-422, labeled No. 91-422 B. Your memo of September 18, 1991, requested that I develop a revised draft "that would place PCS processing facilities directly under the franchise code." The attached draft provides that the owner or operator of a PCS processing facility must obtain a franchise, under the existing franchise Code.

You also requested that the revised draft apply the licensing provisions proposed for petroleum contaminated soils to "any franchised facility," and that the provisions of Section 10 be applied to "any franchise applicant." This was not done, because the majority of the provisions in question are variations of existing provisions in the franchise Code. To follow the approach suggested in your memo is to begin a major overhaul of the franchise Code. The Code needs an overhaul, but it cannot be done properly in the time frame given. Instead, I have deleted all PCS license provisions that duplicate or are variations of existing franchise provisions.

As requested, Section 16 of the original draft has been retained, and is now Section 6.

Please let me know if you have further questions regarding this matter or would like additional or different modifications.

1040

Attachment

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE )  
METRO CODE TO CLARIFY AND SUPPLE- )  
MENT EXISTING PROVISIONS RELATED )  
TO THE MANAGEMENT OF PETROLEUM )  
CONTAMINATED SOILS, AND DECLARING )  
AN EMERGENCY )

ORDINANCE NO. 91-422 B  
Introduced by  
Councilor Wyers

WHEREAS, Petroleum contaminated soil removed from its site of origin is a solid waste subject to Metropolitan Service District regulatory authority under ORS 268.317; and

WHEREAS, The Regional Solid Waste Management Plan classifies contaminated soil as a "special waste," and states, in part, that "Solutions to special waste management shall be developed as a component of the Solid Waste Management Plan"; and

WHEREAS, It is necessary to amend the Metro Code to more clearly describe Metro's role in regulating disposal and processing of petroleum contaminated soils; and

WHEREAS, The Metro Code amendments described in this Ordinance are necessary to further the health, safety and welfare of District residents; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.01.010 is amended to read:

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

(a) "Certificate" means a written certificate issued by or a written agreement with the District dated prior to the effective date of this chapter.

(b) "Code" means the Code of the Metropolitan Service District.

(c) "Council" has the same meaning as in Code Section 1.01.040.

(d) "DEQ" means the Department of Environmental Quality of the State of Oregon.

(e) "Disposal Site" means the land and facilities used for the disposal of solid wastes whether or not open to the public, but does not include transfer stations or processing facilities.

(f) "District" has the same meaning as in Code Section 1.01.040.

(g) "Exclusive Franchise" means a franchise (or franchises) which entitles the holder to the sole right to operate in a specified geographical area or in some specified manner.

(h) "Executive Officer" ~~has the same meaning as in Code Section 1.01.040~~ means the Executive Officer of the Metropolitan Service District or the Executive Officer's designee.

(i) "Franchise" means the authority given by the Council to operate a disposal site, a processing facility, a transfer station or a resource recovery facility.

(j) "Franchisee" means the person to whom a franchise is granted by the District under this chapter.

(k) "Franchise Fee" means the fee charged by the District to the franchisee for the administration of the Franchise.

(l) "Person" has the same meaning as in Code Section 1.01.040.

(m) "Petroleum Contaminated Soil" means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300 is not included in the term.

~~(m)~~ (n) "Process" or "Processed" means a method or system of altering the form, condition or content of solid wastes, including but not limited to composting, shredding, milling, or pulverizing, but excluding compaction.

~~(n)~~ (o) "Processing Facility" means a place or piece of equipment where or by which solid wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerations, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

~~(o)~~ (p) "Rate" means the amount approved by the District and charged by the franchisee, excluding the User Fee and Franchise Fee.

~~(p)~~ (q) "Recycling Drop Center" means a facility that receives and temporarily stores multiple source separated recyclable materials, including but not limited to glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil, which materials will be transported or sold to third parties for reuse or resale.

~~(g)~~ (r) "Resource Recovery Facility" means an area, building, equipment, process or combination thereof where or by which useful material or energy resources are obtained from solid waste.

~~(r)~~ (s) "Solid Waste Collection Service" means the collection and transportation of solid wastes but does not include that part of a business licensed under ORS 481.345.

~~(s)~~ (t) "Solid Waste" means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cess-pool pumpings or other sludge; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-solid wastes, dead animals, infectious waste as defined in ORS 459.387, petroleum contaminated soils and other wastes; ~~provided that this definition but the term does not include:~~

- (1) Hazardous wastes as defined in ORS 466.005 ~~466.005~~; and
- (2) Radioactive wastes as defined in ORS 469.300; and
- (3) Materials used for fertilizer or for other productive purposes or which are salvageable as such or materials which are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals; ~~and or~~
- (4) Explosives.

~~(t)~~ (u) "Solid Waste Management Plan" means the Metro ~~Regional~~ Solid Waste Management Plan.

~~(u)~~ (v) "Transfer Station" means a fixed or mobile facilities including but not limited to drop boxes and gondola cars normally used as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or a disposal site. This definition does not include solid waste collection vehicles.

~~(v)~~ (w) "User Fee" means a user fee established by the District under ORS 268.515.

~~(w)~~ (x) "Waste" means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose."

Section 2. Metro Code Section 5.01.040 is amended to read:

"5.01.040 Exemptions:

(a) The following are exempt from the provisions of this chapter governing franchisees:

- (1) Municipal and industrial sewage treatment plants accepting sewage, sludge, septic tank and cesspool pumpings or other sludge.
- (2) Disposal sites, processing facilities, transfer stations, or resource recovery facilities owned or operated by the District.
- (3) Recycling drop centers.
- (4) Disposal sites receiving only clean, uncontaminated earth, rock, sand, soil and stone, hardened concrete, hardened asphaltic-concrete, brick and other similar materials, provided that such clean, uncontaminated materials include only those materials whose physical and chemical properties are such that portions of these materials when subjected to moderate climatical fluctuations in heat, exposure to moisture or water, abrasion from normal handling by mechanical construction equipment or pressure from consolidation will not produce chemical salts, dissolved solutions, or gaseous derivations at a rate sufficient to modify the biological or chemical drinking water quality properties of existing surface and ground waters or normal air quality.
- (5) Persons who process, transfer or dispose of solid wastes which:
  - (A) Are not putrescible, which, for the purpose of this section includes wood, dry cardboard and paper uncontaminated by food waste or petroleum products;
  - (B) Have been source separated;
  - (C) Are not and will not be mixed by type with other solid wastes; and
  - (D) Are reused or recycled.

~~For the purpose of this section, putrescible does not include wood, dry cardboard or paper~~

~~uncontaminated by food wastes or petroleum products.~~

- (6) Person or persons who generate and maintain residential compost piles for residential garden or landscaping purposes.
- (7) Temporary transfer stations or processing centers established and operated by local government for sixty (60) days or less to temporarily receive, store or process solid waste if the District finds an emergency situation exists.

(b) Notwithstanding Section 5.01.040(a)(2) of this chapter, the District shall comply with Section 5.01.150 (User Fees), Section 5.01.180, (Determination of Rates) subsection 5.01.070(f), and Section 5.01.130, (Administrative Procedures of Franchisees) and shall require contract operators of District-owned facilities to provide a performance bond pursuant to Section 5.01.060(b)(1)."

Section 3. Metro Code Section 5.01.060 is amended to read:

"5.01.060 Applications:

(a) Applications for a franchise, or for transfer of any interest in, modification, expansion, or renewal of an existing franchise, shall be filed on forms provided by the Executive Officer.

(b) In addition to the information required on the forms, applicants must submit the following to the Executive Officer:

- (1) Proof that the applicant can obtain and will be covered during the term of the franchise by a corporate surety bond guaranteeing full and faithful performance by the applicant of the duties and obligations of the franchise agreement. In determining the amount of bond to be required, the Executive Officer may consider the size of the site, facility or station, the population to be served, adjacent or nearby land uses, the potential danger of failure of service, and any other factor material to the operation of the franchise.
- (2) In the case of an application for a franchise transfer, a letter of proposed transfer from the existing franchisee.
- (3) Proof that the applicant can obtain public liability insurance, including automotive coverage,

in the amounts of not less than ~~\$300,000~~ \$500,000 for any number of claims arising out of a single accident or occurrence, \$50,000 to any claimant for any number of claims for damage to or destruction of property and, \$100,000 to any claimant for all other claims arising out of a single accident or occurrence or such other amounts as may be required by State law ~~for public contracts.~~

- (4) If the applicant is not an individual, a list of stockholders holding more than five (5%) percent of a corporation or similar entity, or of the partners of a partnership. Any subsequent changes in excess of five (5%) percent of ownership thereof must be reported within ten (10) days of such changes of ownership to the Executive Officer.
- (5) A duplicate copy of the ~~DEQ disposal site permit application~~ all applications for necessary DEQ permits and any other information required by or submitted to DEQ pursuant to ~~ORS Chapter 459.~~
- (6) Signed consent by the owner(s) of the property to the proposed use of the property. The consent shall disclose the property interest held by the franchisee, the duration of that interest and shall include a statement that the property owner(s) have read and agree to be bound by the provisions of Section 5.01.190(e) of this chapter if the franchise is revoked or franchise renewal is refused.
- (7) Proof that the applicant has received proper land use approval, and
- (8) Such other information as the Executive Officer deems necessary to determine an applicant's qualifications.

(c) Disposal sites, transfer stations, and processing facilities which are operating on the effective date of this chapter under a District Certificate or Agreement may continue service under the conditions of their District Certificate or Agreement until their franchise application is granted or denied provided, however, if an abbreviated application form provided by the Executive Officer has been submitted to the District within thirty (30) days after receipt of such application. Applications filed pursuant to this section shall not be unreasonably denied.

(d) An incomplete or insufficient application shall not be accepted for filing."



Section 4. Metro Code Section 5.01.150 is amended to read:

"5.01.150 User Fees:

(a) Notwithstanding Section 5.01.040(a)(2) of this chapter, the Council will set User Fees annually, and more frequently if necessary, which fees shall apply to processing facilities, transfer stations, resource recovery facilities or disposal sites which are owned, operated, or franchised by the District or which are liable for payment of User Fees pursuant to a special agreement with the District. User Fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation. User fees shall not apply to wastes received at franchised facilities that treat petroleum contaminated soil to applicable DEQ standards. Notwithstanding any other provision of this Code, user fees shall apply to petroleum contaminated soils disposed of by landfilling.

(b) User Fees shall be in addition to any other fee, tax or charge imposed upon a processing facility, transfer station, resource recovery facility or disposal site.

(c) User Fees shall be separately stated upon records of the processing facility, transfer station, resource recovery facility or disposal site.

(d) User Fees shall be paid to the District on or before the 20th day of each month following each preceding month of operation.

(e) There is no liability for User Fees on charge accounts that are worthless and charged off as uncollectible provided that an affidavit is filed with the District stating the name and amount of each uncollectible charge account. If the fees have previously been paid a deduction may be taken from the next payment due to the District for the amount found worthless and charged off. If any such account is thereafter collected, in whole or in part, ~~is collected~~, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

(f) All User Fees shall be paid in the form of a remittance payable to the District. All User Fees received by the District shall be deposited in the Solid Waste Operating Fund and used only for the administration, implementation, operation and enforcement of the Solid Waste Management Plan."

Section 5. The following Section 5.01.230 is added to and made a part of Metro Code Chapter 5.01:

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/////

"5.01.230 Additional Provisions Relating to Issuance of a Franchise for a Facility Processing Petroleum Contaminated Soil:

(a) The requirements of this Chapter shall apply to the processing of Petroleum Contaminated Soil as follows:

- (1) No person shall own or operate a facility for processing petroleum contaminated soil by thermal destruction, distillation, bioremediation, or any method or combination of methods that removes petroleum contamination from the soil and either destroys or contains it, without first obtaining a franchise under this Chapter. As used in this section, "bioremediation" means a process using specially cultured microorganisms to decontaminate soil under controlled conditions.
- (2) An owner or operator of a mobile facility that processes petroleum contaminated soil at the site of origin and returns the treated soil to its location of origin shall not be required to obtain a franchise under this Chapter, and shall not be required to remit user fees to the District for soil so treated.
- (3) A person who treats or disposes of petroleum contaminated soil by ventilation or aeration shall not be required to obtain a franchise under this Chapter. However, Code Section 5.05.038 imposes restrictions on treatment of petroleum contaminated soil by ventilation or aeration beginning January 1, 1992.

(b) In addition to any other conditions imposed under this Chapter, a franchisee of a petroleum contaminated soil facility shall be subject to the following conditions:

- (1) The franchisee shall establish and follow procedures for determining what materials will be accepted at the facility. The procedures must include a testing regimen sufficient to prevent hazardous or otherwise unacceptable materials from entering the facility;
- (2) In addition to the information required to be submitted under Metro Code Section 5.01.130, the franchisee shall keep accurate records containing the following information, and shall provide such information to the District on at least a quarterly basis in a form or format specified by the District:

- (A) Amount and type of material processed at the facility;
- (B) Amount and type of material delivered to, but not accepted for processing at the facility, along with the name of the individual or company attempting to deliver the material, the reason the material was rejected and, if known, the destination of the material after leaving the facility;
- (C) The destination of all materials accepted at the facility, upon leaving the facility, by county and tax lot number, or by other description that clearly identifies the destination, if no tax lot number is available.

Section 6. The following Section 5.05.038 is added to and made a part of Metro Code Chapter 5.05:

"5.05.038 Limitations on Treatment or Disposal of Petroleum Contaminated Soil:

Effective January 1, 1992:

(a) No person shall treat, process or dispose of petroleum contaminated soil generated within the District at any location other than a facility franchised by Metro under Code Chapter 5.01 or a landfill that is constructed with a geomembrane liner and otherwise designed to contain petroleum products and by-products. Aeration, ventilation or other processing of petroleum contaminated soil at its site of origin shall continue to be allowed under permit from DEQ. A person wishing to dispose of petroleum contaminated soil at a landfill that meets the description of this section but is not a "designated facility" under Code Section 5.03.030, may only do so subject to a non-system license under Code Section 5.03.035.

(b) No person shall treat, process or dispose of petroleum contaminated soil generated outside of the District at any location within the District other than a facility franchised by Metro under Code Chapter 5.01."

Section 7. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an

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/////

emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

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

TSS  
1051-B

Meeting Date: October 10, 1991  
Agenda Item No. 6.5

ORDINANCE NO. 91-406A

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE 91-406A, FOR THE PURPOSE OF AMENDING ORDINANCE NO. 88-266B ADOPTING THE REGIONAL SOLID WASTE MANAGEMENT PLAN TO INCORPORATE THE ILLEGAL DUMPING CHAPTER

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Date: October 2, 1991

Presented by: Councilor Wyers

Committee Recommendation: At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Ordinance No. 91-406A. Voting in favor: Councilors Gardner, McFarland, and Wyers.

Committee Issues/Discussion: The proposed Illegal Dumping Chapter was initially considered by the Solid Waste Committee at its July 2, 1991 meeting. Committee members and Council staff requested that the Solid Waste Planning staff revise the chapter to address several issues. These included: 1) changing the proposed language in Policy 4.0 in the Regional Solid Waste Management Plan (RSWMP) to indicate that there is no clear correlation between increased tip fees and increased illegal dumping, 2) updating language concerning new Metro policies related to uncovered loads, 3) including a discussion of new applicable state legislation, 4) proposing a work plan including how the proposed regional administrative hearings officer approach would work, 5) discussing the costs of illegal dumping, and 6) streamlining the organization of the chapter.

Representatives of Clackamas and Multnomah Counties appeared in support of the proposed chapter and letters of support from the city of Portland and the Port of Portland were submitted.

In a joint memo from Council and Planning staff it was noted that the issues raised earlier by the committee had been addressed in the revised chapter. In addition, it was noted that the chapter should be viewed as a "living document" capable of being amended as the region learns more about how to effectively combat illegal dumping.

The committee concurred that its earlier concerns had been addressed. Councilor Wyers noted that she will work to seek funding for anti-illegal dumping education programs in the next fiscal year budget.

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**METRO****Memorandum**

Planning and Development  
2000 S.W. First Avenue  
Portland, OR 97201-5398  
(503) 221-1646

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DATE: September 20, 1991

TO: Council Solid Waste Committee Members

FROM: *Becky Crockett*  
Becky Crockett, Urban Services Supervisor  
*John Houser*  
John Houser, Council Analyst

SUB: ORDINANCE NO. 91-406, ILLEGAL DUMPING CHAPTER TO THE  
REGIONAL SOLID WASTE MANAGEMENT PLAN

Attached you will find two copies of the Illegal Dumping Chapter to the Regional Solid Waste Management Plan (RSWMP). The first copy shows the changes that have been made as a result of the Metro Council Solid Waste Committee (CSWC) comments after review by the Illegal Dumping Subcommittee, the Technical Committee and the Policy Committee.

The second copy is a "clean" and more readable version of the chapter. None of the changes are noted in this document.

**Background**

The draft chapter went before CSWC on July 2, 1991. With the help of Council staff, the Committee reviewed the draft chapter thoroughly. The CSWC requested several changes to the text including the following:

- Revision to Policy 4.0  
  
Council staff proposed a change to the wording of Policy 4.0 that would reflect the spirit of the statement that there is no clear correlation of increases in tip fees and an increase in illegal dumping incidents.
- Update of the language describing Metro's policy on uncovered loads at Metro facilities.

The draft chapter contained language that was written prior to the adoption of the current policy on uncovered loads at Metro facilities. The CSWC requested that this be changed to reflect the present policy on surcharges for uncovered loads.

- House Bill 3361

Council staff also requested that the chapter be updated to reference the recently passed illegal dumping legislation. HB 3361 includes provisions for increased penalties for illegal dumping, the option for civil rather than criminal remedies, and the option for use of a hearings officer. The language in the draft chapter was written before passage of the legislation and was less definite as to programs that could be a result of passage of the bill.

- Increased Enforcement

Council staff requested that there be a discussion of the extent to which increased enforcement reduces illegal dumping and why jurisdictionally inconsistent penalties are a problem. This information was already in the draft chapter, but could be reinforced.

- Regional Hearings Officer

An explanation of how the regional hearings officer approach would be implemented and funded was requested.

- Costs

The CSWC requested that the chapter contain a discussion of costs of illegal dumping, including the costs of cleaning dump sites, the potential costs associated with increases in the disposal rate, and the costs of implementing proposed options for solutions. Also requested was a discussion of the potential effectiveness of the proposed solutions.

- Shortening the Text of the Chapter

Councilor McFarland questioned the need for examining the behavioral motivations behind illegal dumping. Councilors Gardner and McLain independently suggested that the draft chapter would be improved by removing portions of the background section and all of the analysis section. The discussion led to a critique of the structure of plan chapters in general and the CSWC had several suggestions as to how the format may be improved.



- Work Program

- The CSWC requested that an implementation program with timelines be attached to the chapter.

Each of the issues raised by the CSWC and Council staff were addressed in the revised draft of the chapter.

### Key Issues

Several important issues were discussed by the planning committees as the CSWC concerns were addressed. The following summarizes the conclusions made on key issues that were incorporated into the Chapter as a result of those discussions.

1. The Chapter needs to be recognized as a "living document." It represents programs to address illegal dumping based on what is known today. Illegal dumping is a dynamic issue and, therefore, the programs identified in the Chapter will likely change over time as the region learns more about how to effectively address this problem.
2. Increased solid waste system cost is a major contributor to increased illegal dumping in the region. While this cannot be documented with data, it is recognized in several pieces of literature from across the country. Local governments believe strongly that this correlation does exist.
3. Local governments share the responsibility of contributing to the problems of illegal dumping through cost increases to local solid waste programs.
4. There is a need for a strong coordinated regional promotion and education program to address illegal dumping issues including education of the problems associated with illegal disposal, enforcement programs and options available for proper disposal and recycling.
5. There is an identified need for Metro to complete a model enforcement code for the region expeditiously. Multnomah County has already drafted a model which can be used to move this work forward in the next three months.

BC/srs

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Attachments

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING )  
ORDINANCE NO. 88-266B ADOPTING )  
THE REGIONAL SOLID WASTE )  
MANAGEMENT PLAN TO INCORPORATE )  
THE ILLEGAL DUMPING CHAPTER )

ORDINANCE NO. 91-406A (Proposed)  
Introduced by:  
Rena Cusma, Executive Officer

WHEREAS, Metropolitan Service District Ordinance No. 88-266B adopted the Regional Solid Waste Management Plan as a functional plan; and

WHEREAS, Chapter 4 of the Regional Solid Waste Management Plan [~~has been expanded to fulfill the purpose of providing solutions to illegal dumping;~~] provides recommendations for promoting proper solid waste disposal and for preventing illegal dumping;

NOW THEREFORE,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That the Regional Solid Waste Management Plan is amended to [~~include the expanded~~] add Chapter 4, Illegal Dumping, shown as Exhibit A to this ordinance.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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

Exhibit A

CHAPTER 4 - ILLEGAL DUMPING

**POLICY**

4.0 ~~Solutions to the problems of illegal dumping and to other adverse impacts caused by changes in the waste management system shall be developed cooperatively by DEQ, Metro and cities and counties.~~

Metro, in its capacity as manager of the region's solid waste disposal system, will work cooperatively with DEQ, cities and counties to promote proper disposal of solid waste and to reduce illegal disposal.

\* \* \* \* \*

**PURPOSE**

**DISCUSSION**

This Chapter represents a program to address illegal dumping based on what is known today. This is a dynamic issue and, therefore, the programs identified in the Chapter will likely change over time as the region learns more about how to effectively address this problem.

The Illegal Dumping Chapter addresses the problems associated with illegal disposal of solid waste in the Portland metropolitan area. ~~The Chapter was developed in response to concerns that as the costs of waste disposal services increase, incidence of illegal disposal appears to increase commensurately. While it has not been determined empirically that this is the case, Metro recognizes the potential for such a situation.~~ Analysis for the Chapter establishes that illegal dumping occurs in the Metro area as a result of several factors including:

- continuing increases in per capita waste generation;
- confusion about disposal options available upon closure of the St. Johns Landfill;
- lack of public awareness about viable recovery and disposal options available for items such as waste tires and refrigerators;
- continuing increases in the costs of solid waste collection, transport, recycling, processing and disposal; and
- having a collection system in which participation is voluntary not mandatory.

The literature indicates that in a solid waste system where the costs of providing collection service are recovered through a type of user

fees and participation in collection service is not mandatory, the incidences of improper disposal increases with rising costs.<sup>1</sup>

Policy 4.0 points out Metro's responsibility, as manager of the region's solid waste disposal system, to work cooperatively with DEQ, cities and counties to promote proper disposal of solid waste and to reduce illegal disposal.

The Chapter has been developed with the input of state and local government as well as non-profit citizen organizations, and recognizes the roles of all affected parties. The Illegal Dumping Chapter addresses the issue by identifying establishing causes, characterizing various facets of the problem and recommending solutions for appropriate individuals and agencies.

The objective of the Illegal Dumping Chapter is to reduce the incidence of illegal disposal of solid waste in the Portland metropolitan region in order to:

- mitigate an unsightly and potentially health-threatening problem;
- ease the financial burden of abatement on local governments and property owners;
- remove illegal dumping as an obstacle for meeting waste reduction goals; and
- capture disposal revenue that is otherwise lost.

~~The Chapter was developed through methodical identification of the types of materials dumped, establishment of sites where dumping occurs and acknowledgment of affected parties. The issues were prioritized and those receiving a higher priority were subjected to in-depth research and analysis.~~

Background information was compiled from interviews with local government solid waste and nuisance control staff in the metropolitan area. Recommendations to mitigate illegal dumping in the Portland metropolitan area are presented in the final section of the chapter and are tailored to appropriate agencies and individuals.

There are some issues the chapter does not address due to regulatory constraints, overlapping of authorities and a need to keep the scope of analysis focused on issues of regional significance. These issues include the following:

- ~~Hazardous and medical~~ waste disposal is regulated by federal and state laws that impose criminal penalties for violations. In terms of regional coordination of penalties, illegal

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<sup>1</sup>Said Atri and Thomas Schellbert, "A Market-based Approach to Solid Waste Management," *American City and County*, July 1991, p. 56.

dumping of hazardous wastes should remain a criminal violation, rather than a civil violation, to effectively deter incidence.

- ~~Medical waste disposal is addressed in the Special Waste Chapter of the RSWMP. Collection is regulated by local governments and disposal is regulated by Metro under state law. Hazardous waste disposal is not addressed because Metro does not have authority in this area.~~
- *Roadside litter*, except that which is found in solid waste facility impact areas, is an issue that was separated from roadside illegal dumping. Although specific volume or quantity guidelines were not developed, it is relatively easy to delineate litter from dump sites.
- *Private industrial dump sites*. Some local industries may store or dispose of specific materials on their property. Metro does not have the ability to regulate this practice as the material may be a source-separated recyclable material and may not be considered a waste until an attempt is made to dispose at a Metro facility. Regulation of this practice must be through local industrial zoning codes.

## BACKGROUND

~~Illegal dumping is defined as improper disposal of solid waste in violation of state or local waste management laws. Illegal dumping of solid waste is unsightly and unsanitary in addition to creating potential environmental problems. Nationwide, incidence of illegal dumping of solid and hazardous waste has increased along with the cost of environmentally responsible solid waste management. It is believed that incidence of illegal dumping rises with increased disposal fees.~~

### National Context

State governments in Massachusetts, Vermont and New Jersey are approaching the problem by establishing rewards and increasing fines. In Georgia, property owners are liable for illegal dumping violations, a situation which results in an incentive for property owners to apply both preventive measures and immediate cleanup. Local governments in Collin County, Texas and Alachua County, Florida focus on community awareness and siting roadside refuse and recycling containers as a tool for reducing the problem.<sup>2</sup>

In New York City, sanitation police are authorized to impound the cars of violators caught illegally dumping. As many as 314 vehicles were

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<sup>2</sup> Shirley Hawk, "Making War on Illegal Dumping," *Waste Age*, November 1989, p. 108.

impounded during a two month period in 1990. Fines range from \$600 to \$12,500 may be levied against drivers and owners of vehicles, who must post a bond, pay an impoundment fee and a daily storage fee to reclaim their vehicle.<sup>3</sup>

Memphis, Tennessee approaches illegal dumping through establishment of an Environmental Court to handle municipal code violations related to health, fire, housing, building and zoning codes. Prior to establishing the environmental court, the morale of enforcement personnel was low because judges dismissed the cases of illegal dumping that were brought forward. Establishing the environmental court this has resulted in increased enforcement, overall enhanced code compliance and reduced incidence of illegal dumping.<sup>4</sup>

Nationwide, individuals and agencies involved in illegal dumping issues agree that consequences, costs and environmental effects of illegal dumping must be understood by the population at large so that needed legislation and funding can be developed to address the problem.

#### Local Issues

Illegal dumping in the Portland metropolitan area occurs on in a wide-range of sites, includes a variety of materials and affects broad segments of the population. Initial Research identified the following local problems associated with illegal disposal:-

- Enforcement of illegal dumping regulations is difficult because, under the status of criminal violations, illegal dumping cases do not receive priority in the criminal justice system. One reason is because
- Various local government agencies have are assigned this enforcement responsibility and neither enforcement mechanisms nor penalties are consistent from jurisdiction to jurisdiction. It is believed that consistency in enforcement procedures would lead to a greater level of enforcement. For example, if local government road maintenance personnel, law and code enforcement personnel, and legal personnel all have an understanding of the procedures for reporting violations, issuing citations and hearing cases, the result would be an increased probability that such violations would lead to effective enforcement.

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<sup>3</sup> "Police Nab Illegal Dumpers," *World Wastes*, August 1990, p. 10.

<sup>4</sup> Shirley Hawk, "Making War on Illegal Dumping," *Waste Age*, November 1989, p. 108.

- Illegal use of dumpsters at retail, commercial and industrial sites is increasing. This has been identified as a particular problem along commercial strips in Clackamas County.
- Non-profit charitable organizations also report that illegal dumping at their facilities and drop-off centers has increased over the past few years as ~~the region's costs of disposal have increased~~. A large majority of this material is so contaminated it can not be sorted and must be immediately disposed. The cost of disposing of this waste has had an especially hard impact on these agencies serving lower-income clients.
- ~~Illegal~~ dumping is occurring at vacant lots in low-income residential areas of the region. Illegal disposal is a common occurrence in a wide range of residential areas but it appears that there is a higher incidence in neighborhoods that appear less affluent. Unlicensed "handyman" haulers may be profiting from a situation in which residents who are unable to afford regular garbage service pay such unlicensed haulers to have their refuse disposed. The hauler then illegally dumps the refuse. It is ~~thought~~ ~~speculated~~ that this is occurring as a result of increasing tip fees, unregulated collection by unlicensed haulers and the proximity of vacant lots in low-income areas.
- Incidence of illegal disposal has been increasing along the Sandy River Highway, and Clackamas County roadsides. A traditional method of rural waste management has been disposal of waste on one's own property or self-haul to a disposal site. Due to the lack of conveniently located facilities for self-haulers, the cost and time associated with hauling to regional disposal sites, and the relative abundance of lightly traveled roads, illegal disposal is a problem in many rural areas of the region. The cost of clean-up can be expensive when material is disposed of in steep ravines or gullies.
- Portland parks (Forest Park), Rivergate industrial park, Troutdale Airport, Portland International Airport, and the Hillsboro Airport all experience problems with illegal disposal. Large tracts of park and recreational space are also subject to illegal disposal activity. Illegal disposal sites create a marketing problem for industrial sites and damage wildlife habitat within parks.
- ~~Incidence of~~ Illegal disposal of bulky materials such as white goods, tires, and car bodies ~~has been increasing~~ ~~is a problem~~. Bulky items require unique collection practices. Pick up service for these items is not readily available in many parts of the region. Unregulated haulers may provide inexpensive pickup only to later dispose of the items inappropriately.

- Illegal disposal of construction/demolition debris and land-clearing debris as inert fill presents ~~may be~~ a widespread problem throughout the region because inert fill sites are unprotected and unsupervised. Use of inert fills as disposal sites for mixed waste poses significant risk to the environment.

### Metro Region Context

In June 1988, Metro completed a survey of sites where illegal dumping of waste was known to occur. The survey was conducted to establish a baseline of information to determine if illegal dumping would increase with rising tip fees. Metro updated its information base on illegal dumping in 1989 in an effort to:

- measure the effect, if any, of subsequent rate increases on the number of illegal dumping incidents;
- establish the location of sites within the Metro area where illegal dumping is a chronic problem; and
- assemble background information to assist in defining the scope of the problem Metro's role.

The initial survey was intended to identify sites and drew no conclusions. The 1989 follow-up survey concluded that illegal dumping was a pervasive problem in the region, but it was difficult to demonstrate that rate increases directly contribute to illegal dumping of refuse by a greater number of individuals.

Further analysis of illegal dumping issues in the metropolitan area was conducted and is contained in the appendix to this chapter. The appendix includes a map of identified dump sites, an analysis of local government illegal dumping programs as they exist in 1991, an analysis of costs of illegal dumping to local governments, and an identification and analysis of some of the causes of illegal dumping.

The map in the appendix appended to this chapter is a compilation of known illegal dump sites in the Metro region from the initial survey in 1988 to 1991. The map indicates patterns of illegal dumping in both densely populated urban areas and more secluded rural areas of the region. Many of the sites indicated are sites where dumping is a chronic problem, justifying the three-year accumulative identification. The map is illustrative of some known illegal dump sites and demonstrates the severity of the issue for the Metro region but it is not an exhaustive identification of all illegal dump sites.

The analysis of local government illegal dumping programs as they exist in 1991 identifies how each county and the city of Portland have approached the problem in the past. Included is a discussion of enforcement procedures and penalties.



The analysis of costs of illegal dumping to local governments explores costs associated with cleaning up illegal dump sites, enforcing laws prohibiting illegal dumping, costs of prosecution, and includes a discussion of fines recovered through prosecution.

The analysis of the causes of illegal dumping establishes the causes and the effects of illegal dumping as they relate to identified sites, materials and affected parties.

## **SUMMARY CONCLUSIONS**

Throughout the country, illegal dumping is an issue that appears to be growing in significance. It is generally agreed that there is a need to educate the public as to the consequences, costs and environmental effects of illegal dumping so that necessary enforcement and funding mechanisms can be developed to address the issue.

Illegal dumping also continues to be a problem in the Metro area. If rising disposal fees do indeed affect the incidence of illegal dumping, then it may be assumed that the problem will continue to increase in proportion. An analysis of collection options would be a meaningful exercise in addressing potential solutions to illegal dumping in the metropolitan area.

The analysis conducted in developing this chapter identified materials, affected parties and locations in the Metro area where illegal dumping is a chronic problem, and demonstrated that the largest issues are enforcement, lack of effective penalties, lack of knowledge of appropriate disposal options, dumping in vacant lots in residential areas, public and private open spaces, waste tires and litter at solid waste facility impact areas. Reasons for illegal dumping fall into three major categories: economic, convenience and behavioral. Problems associated with lack of education and consistent enforcement represent a major obstacle to reducing incidence of illegal dumping.

## **RECOMMENDATIONS: Regional Illegal Dumping Work Program**

### **REGIONAL ILLEGAL DUMPING PROGRAMS**

This section identifies management includes recommendations for solutions to illegal dumping, outlines the Regional Illegal Dumping Work Program and addresses implementation roles and responsibilities. Each issue was analyzed according to three factors: economic, convenience, and behavioral. Where recommendations involve enforcement mechanisms, that recommendation is outlined in the enforcement section.

The following general recommendations were identified as potential solutions to illegal dumping in the Portland metropolitan area as a result of analysis of causes.

## Enforcement

There is a need for both increased enforcement of existing laws and consistency coordination of enforcement penalties. Currently, the state agencies and each local jurisdiction handles illegal dumping through different divisions, a situation which may result in less effective interagency coordination on illegal dumping issues that are inter-jurisdictional. If all local governments approach illegal dumping with a similar enforcement process, more cases would be successfully prosecuted. This would be a significant deterrence factor to those contemplating acts of illegal disposal. Another facet of the issue is that Local budget constraints result in placement of illegal dumping enforcement as a lower priority. This situation is exacerbated by the fact that, under the criminal penalty system, it is difficult to get a conviction for illegal dumping violations without eyewitness identification. Passage of HB 3361 addresses this issue by enhancing local governments' ability to prosecute illegal dumping as a civil violation rather than a criminal violation. An additional enforcement consideration is that, as responses to illegal dumping violations increase, illegal dumpers may travel farther from the urban area resulting in a higher level of illegal dumping on both public and private forest lands outside of the Metro boundary. The following recommendations address enforcement:-

- Develop or amend local nuisance codes to enhance the ability of local jurisdictions to enforce against illegal disposal. Currently, nuisance codes in most jurisdictions are not easily enforced. An exception is Clackamas County, which has the ability to threaten confiscation of confiscate vehicles to cover the cost of clean-up of an illegal dump site.
- Consistent penalties. There is a need for development of a model illegal disposal ordinance with provisions for consistent and effective penalties has been a major focus of the Illegal Dumping Task Force/Subcommittee. Such an ordinance would serve to assist local governments support implement the provisions of House Bill 3361 (1991), which is legislation aimed at increasing penalties for illegal dumping and enhancing the option of prosecution of illegal dumping as a civil violation rather than a criminal violation. The model ordinance will as well as help local governments clarify local authorities and thus enhance their enforcement efforts eliminate the problem of lower fines administered by the state taking precedence over higher fines that are administered locally.

## Education/Promotion

One of the most effective means of addressing illegal disposal issues that have been identified as having behavioral causes is to educate the public as to costs and consequences of their actions and promote

~~behavior in addition to promotion of the appropriate recycling and disposal practices.~~

- Public education. Greater awareness of the environmental and economic consequences of illegal dumping could result in fewer incidents. Many individuals who dispose of yard debris in ravines do not consider their actions to qualify as illegal dumping. A public campaign to inform the public of the location of transfer stations and other disposal sites would also result in a decrease in illegal dumping. Educational programs should target potential illegal dumpers. For instance, young persons with an interest in working on automobiles should gain an understanding of appropriate junk car and waste tire disposal practices. Individuals and businesses that do yard maintenance work and landscaping should be targeted with materials describing appropriate yard waste recycling and composting options. The public at large needs to be better informed of options for recycling and disposal of bulky materials including furniture and appliances.
- Hotline for reporting illegal dumping. More incidents of illegal dumping would probably be reported if an easily remembered public hotline were made available. The hotline number could be directly referred to nuisance abatement enforcement personnel.
- Region-wide annual clean-up events. Currently, localized clean-up events are sponsored by neighborhood and non-profit organizations, such as scout troops in cooperation with haulers. More coordinated cleanup events are sponsored by Stop Oregon Litter and Vandalism (SOLV). Regular semi-annual cleanup events that are coordinated on a region-wide basis would offer an opportunity for a greater number of individuals, businesses and organizations to have an effect on existing dump sites and increase public awareness of the problem. Metro, local governments and haulers could combine forces to promote cleanup events similar to household hazardous waste collection events.

### *Preventive Measures*

Illegal dumping has been reduced in some cases through installation of barricades. This is a costly solution initially but may result in lower long-run cleanup costs.

- Barricades and improved lighting at known sites of illegal dumping activity have demonstrably reduced the number of dumping incidents. Barricades may either be temporary or permanent. If permanent barricades such as concrete highway dividers or guard-rails are installed, factors such as liability, aesthetics and maintenance must be considered.
- Increased signage may deter potential dumpers. Warning signs in areas that are known illegal dump sites have been used to discourage dumping in the recent past in Portland and Multnomah

County. Clackamas and Washington Counties have also placed warning signs at problem sites. There is a deterrence factor associated with having a sign stating that the activity is illegal. Signs should reflect the severity of potential penalties and potential for rewards.

### *Improvement of Service*

Convenience has been identified as a factor major causing cause some of illegal dumping. If service can be improved to the point that it is as convenient to recycle and dispose of refuse, the option of illegal dumping will be less attractive. Improvement of service may include instituting more efficient refuse and recycling collection systems, an issue that has been identified as needing further analysis.

- ~~Region wide annual clean-up events. Currently, localized clean-up events are sponsored by neighborhood organizations. More coordinated cleanup events are sponsored by Stop Oregon Litter and Vandalism (SOLV). More frequent cleanup events that are coordinated on a region wide basis would offer an opportunity for a greater number of individuals, businesses and organizations to have an effect on existing dump sites and increase public awareness of the problem. Metro, local governments and haulers could combine forces to promote cleanup events similar to household hazardous waste collection events. [Moved to Education/Promotion section, page 9.]~~
- ~~Enhanced recycling incentives. If it was more convenient and economically viable for waste generators to recycle, fewer individuals would be prone to dispose of recyclable items illegally. Deposits on items such as tires and appliances may fall in this category. This would provide a strong incentive to recycle the item.~~
- Conveniently located disposal and recycling facilities. Distance from site of generation to disposal and recycling facilities may act as a disincentive to responsible disposal practices. Recycling and disposal containers may be located in areas where there is a high incidence of illegal dumping. Such containers have proven to be effective in deterring illegal dumping along highways in rural Bulloch County, Georgia. The County maintains the containers under the premise that it is more cost-effective than cleaning up illegal dump sites.

This management alternative would probably not be as effective in the Metro region for several reasons. In Oregon, solid waste collection is not a mandatory service. This practice results in several homeowners hauling their own refuse to disposal. Placement of disposal containers throughout the region as a deterrent to illegal disposal would probably result in increased incidents of self-haulers utilizing these free disposal containers

rather than paying to take their solid waste to an appropriate facility.

If a local government desired this type of program as a means to manage illegal disposal it would be prudent to have these sites staffed and maintained on a continuous full-time basis. The benefits possibly derived from conveniently locating these facilities may be outweighed by the cost of maintenance and disposal of solid waste collected at the sites. Therefore, local governments would have to weigh the cost of providing and maintaining containers with the cost of remediating illegal dump sites.

~~For the Metro area, such an arrangement would constitute a change from current practice: local governments would have to weigh the cost of providing and maintaining containers with the cost of remediating rural illegal dump sites. An option is to levy an established percentage of the cost to a special benefit district of property owners who would rather maintain dumpsters than continually clean up illegally dumped refuse from their property.~~

### *Funding/Incentives*

For those problems that have been identified as economic in nature, means of providing funding and/or economic incentives to appropriate parties is addressed.

- Enhanced recycling incentives. If it was more convenient and economically viable for waste generators to recycle bulky items, fewer individuals would be prone to dispose of recyclable items illegally. Incentives to recycle yard debris exist through lower rates at processing and disposal facilities by Metro, local governments and recyclers. There are deposits on lead-acid batteries that results in a higher level of recycling and diverts them from the landfill. Future deposits on items such as tires, bulky furniture and appliances may fall in this category. This would provide a strong incentive to recycle the item. The public utility in British Columbia has undertaken a program to buy back and recycle old refrigerators for \$50 with the purpose of improving energy conservation programs. Such a program also has the added advantage of removing problem items from the illegal dumping wastestream.
- Subsidies for low-income households. Some illegal dumping may occur because of economic hardship. If required collection service is instituted, the financial burden will increase. This issue would require extensive policy analysis.
- Metro should continue to assist in funding local community cleanup events. Metro includes funds in its annual budget to support community cleanup efforts.

## ~~Specific Recommendations~~

~~The following recommendations target specific issues identified and analyzed in this chapter.~~

- ~~• Untarped loads at solid waste facilities.~~

### ~~Untarped Loads at Solid Waste Facilities~~

Uncovered loads arriving at transfer and recycling facilities result in a significant amount of litter that is blown off the open vehicles. This is a problem with both commercial waste haulers and individual who choose to self-haul. Metro is currently proposing ~~has instituted~~ an approach to discourage litter at facilities by levying a \$25 surcharge for cash customers and a \$100 surcharge for credit account customers with ~~untarped loads that are not fully covered and contained.~~

The approach of levying a surcharge may be more effective than other measures. If untarped loads were refused altogether, loads that would otherwise have been disposed properly may be subject to illegal disposal by frustrated individuals. ~~It is recommended that the practice of levying fines for uncovered loads be used.~~

- ~~• Bulky materials (furniture, appliances, autos)~~

### ~~Bulky Materials (Furniture, Appliances, Autos)~~

~~Improvement of Service.~~ Pick up service for bulky materials should be enhanced, especially in areas outside of the City of Portland. ~~Currently,~~ Individuals who live in Portland and wish to recycle or dispose of an appliance may have it picked up for a nominal charge by one of several light-haulers, waste haulers or recyclers ~~two~~ ~~recyclers.~~ However, Portland's proposed residential franchise system, scheduled for implementation February 1992, requires that the franchised hauler provide on-call service for removal of bulky materials. Alternatives include free drop off at Metro transfer stations or drop off at one of two scrap recyclers. Individuals outside of the city of Portland may have their bulky materials picked up on call by franchised haulers for an additional fee, but there should be some uniformity of factors such as making known the availability of the service through publicity and establishing, through franchise agreements, reasonable fees for the service. There is a need for the fee for pick up of bulky materials to be reasonable so that it does not act as a disincentive for the public to use the service. ~~Individuals outside of the immediate Portland area are currently not as well served.~~

~~Education/Promotion.~~ Education of recycling/disposal options and consequences of illegal disposal of these items should be a priority. Metro's Recycling Information Center currently receives numerous 2-3 calls per week ~~day~~ requesting information on recycling/disposal



options for appliances alone. This indicates a need for better promotional efforts.

*Funding/Incentives.* Incentives for haulers to establish improved on-call service for pick up would result in less illegal dumping, particularly in areas outside of the City of Portland. Currently, there are only two recyclers registered with the Recycling Information Center providing pick up service for appliances in Portland. There should be an effort to register additional haulers with the Recycling Information Center since registration will offer a greater certainty that persons offering pick up service for bulky materials will not dispose of the materials improperly.

● ~~Construction and demolition debris (C&D)~~

Construction and Demolition Debris (C&D)<sup>5</sup>

Programs for enhanced recycling of C&D debris are currently being implemented in the region. The following recommendations for C&D debris could be in the form of programs developed and implemented by Metro as part of the Special Waste Plan and also could be incorporated into annual local government waste reduction programs.

*Enforcement.* To stem illegal disposal of C&D materials, it is necessary to target construction and demolition permitting practices. Applications for building and demolition permits could include a statement of how a contractor is disposing any C&D materials. Proof of disposal, such as a landfill or C&D processor's receipt could be made a requirement that local governments could include in the permit process.

*Improvement of Service.* Haulers and recyclers who specialize in serving construction and demolition sites may have a need to operate in a franchised collection area, resulting in a potential violation of a collection franchise agreement. This situation must be addressed in such a way as to both stem incidence of illegal dumping and to enhance recycling of C&D materials. A process to allow C&D recyclers to subcontract with franchised haulers should be more clearly defined, possibly in renewals of franchise agreements.

● ~~Waste tires~~

Waste Tires

In 1987 the Oregon Legislature passed House Bill 2022 to address the problem of waste tires, setting up the Waste Tire Program. The Program was amended by 1991 HB 2246. Through the Program, DEQ

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<sup>5</sup> Roles, responsibilities, recycling practices and regulatory recommendations for C&D materials are addressed in Chapter 3, Special Waste.

requires a permit for storage and transport of more than 100 tires, and a permit for persons in the business of transporting waste tires. Exceptions to the hauling permit requirements include government carriers, persons hauling to retreaders, and persons hauling fewer than five tires. House Bill 2246 (1991) changed the exemptions to include one-day cleanup events and also to allow refuse haulers to carry more tires without a permit. ~~Refuse haulers are required to obtain a permit if they carry more than nine tires at one time. Exceptions to the storage permit requirements include persons with fewer than 100 tires, retail tire dealers with fewer than 1,500 tires and retreaders with fewer than 3,000 tires stored outdoors.~~

Activities of the program are mainly concentrated on cleanup of large tire piles, which constitute a significant health and fire hazard. Cleanups have occurred in several parts of the state. Currently, DEQ has ~~not~~ participated in community cleanup efforts in an advisory capacity. A point system for prioritizing abatement efforts and allocating necessary funds has been developed by DEQ. The point system takes into account a number of criteria including pile size, characteristics of the site and size of the nearest affected community. ~~The point system gives a higher priority to cleanup of large piles.~~

Metro entered into an intergovernmental agreement with DEQ in March 1990 for shared funding of a waste tire recycling project. The project entails development of road construction specifications for the application of rubber-modified concrete in highway construction.

While DEQ's Waste Tire Program has been is effective in controlling larger tire piles throughout the state, it has not been used on sites with less than 1,000 tires there is no indication that it has an effect on small scale, isolated incidents of illegal dumping. Further analysis of how the Waste Tire Program affects illegal dumping in the Portland metropolitan area reveals that the following:

1. ♦ DEQ's Waste Tire Program is currently more focused on cleaning up large tire piles than with assisting in community cleanup efforts that may produce small quantities of waste tires. The department may get more involved in projects that involve smaller quantities in the future after larger tire piles are remediated.
2. ♦ DEQ may be able to assist local governments with funding for waste tire cleanup efforts. The particulars of this sort of arrangement need to be investigated. There is a need for government agencies affected by illegal dumping of tires to express the nature and severity of the problem to DEQ.
3. ♦ There should be an easier means of disposing or recycling waste tires available for people in the Metro area. Getting tires out of the hands of potential dumpers would involve



tightening the trade-in arrangements for people buying new tires.

Based on the above information, the following options should be followed to reduce the incidence of illegally dumped waste tires:

- DEQ's Waste Tire Program should ~~shift its focus to~~ include community cleanups. ~~This often involves small scale, isolated incidents of illegal dumping of tires but cumulatively, this translates into a significant problem in the Metro region. Another consideration is that,~~ Since most tires in the state are purchased in the Portland metropolitan area, most of the funding for the Waste Tire Program is derived from residents of the region. ~~It follows that the greatest number of illegal dumping incidents involving waste tires occurs in or near the Metro region.~~ Therefore, the Waste Tire Program should make cleanup of illegal disposed tires in the Metro region a **higher** priority.
- ~~A potential solution to the problem of illegally dumped waste tires is to institute~~ A program should be initiated whereby tires dealers accept one waste tire for every new tire they sell and mount. This policy would not have a significant impact in terms of administrative responsibility on the part of tire dealers, who are currently required by statute to keep records of tires sold for the purpose of administering the surcharge on new tires that pays for the DEQ Waste Tire Program. Tire dealers could pass their cost of **proper recycling or disposal** through to customers.
- A waste tire collection event could be sponsored jointly by DEQ, Metro and local governments. Waste tire collection events have been successfully conducted in Olympia, Washington and Baltimore, Maryland, where the waste tire collection events have been conducted by Boy Scout troops for fund-raising. Locally, the collection event could be modeled after prior successful events such as Metro's household hazardous waste events or DEQ's pesticide collection event. Such an event would offer an option to individuals who may have tires stored in their garage and are not able to have them picked up by their hauler, thus reducing the potential improper disposal.

### ~~Roles and Responsibilities~~

#### **REGIONAL ILLEGAL DUMPING WORK PROGRAM**

~~To successfully reduce illegal dumping in the Portland metropolitan area, the work program must identify roles and responsibilities of each entity that does or may affect the issue.~~ The following section describes the roles for that Metro, local governments, DEQ, citizen

groups and waste haulers to successfully reduce illegal dumping in the metropolitan area: should take.

■ Metro

Through the solid waste planning process, Metro has taken steps to identify the issues associated with illegal dumping by providing coordination and a forum for state and local agencies and concerned citizens to discuss the issues and develop broad solutions. Enforcement of illegal dumping regulations and nuisance codes is a function of local governments, therefore, Metro can best only assist in this area if enforcement and penalties are coordinated throughout the region.

~~Metro's direct roles are to:~~

- Mitigate litter problems at solid waste facilities. Metro currently has contractual provisions to minimize litter in solid waste facility impact areas for Metro facilities. Metro will continue this emphasis at Metro-owned facilities as well as through enhancing language in franchise agreements with non-Metro facilities to assure that litter is minimized at all solid waste facility impact areas in the region are addressed.

Timeline: Ongoing

- Continue to provide education and promotion of proper solid waste reduction, disposal and recycling practices.

Timeline: Ongoing

- Continue to assist with funding local government and citizen group community cleanup efforts. Metro budgets for assistance with cleanup of illegal dump sites each fiscal year. Metro should continue to respond to illegal dumping through this mode.

Timeline: Ongoing

- Support local governments in the legislative process on issues that will result in increased effectiveness in mitigating illegal dumping activities legislative actions to increase penalties and provide for civil penalties for certain violations.

Timeline: Ongoing

~~Metro's potential roles are to:~~

**Enforcement**

Work with local governments to establish a process for a regional hearings officer, based on provisions of House Bill 3361 ~~if all local governments agree to a coordinated enforcement standard.~~ A regional hearings officer Metro can effectively reduce the work load of local justice systems by ~~providing a regional hearings officer to handling~~ handle illegal dumping violations. This would require local governments to establish similar enforcement standards throughout the region to ensure efficiency. Metro will provide local governments with a model enforcement code to initiate the development of regionally consistent enforcement standards.

Establishing the regional hearings officer process would clarify and reinforce the substantial discretion of local government code enforcement officers. Either through routine inspection or acting on citizen complaints, the enforcement officer has authority to cite an individual for illegal dumping based on eyewitness evidence or based on identification of names on envelopes or other printed items found in the dumped materials. The code enforcer would have the discretion to request that the individual clean up the dumped materials and the discretion to levy all or part of the penalties as provided by the adopted model ordinance. If evidence is sufficient, the code enforcer may pursue a criminal penalty through his or her local justice system. This is the desired approach if a penalty of community service is the object, as the regional hearings officer would not have clear authority to levy a penalty of community service. The regional hearings officer process would be engaged if the person alleged to have dumped the material contests the code enforcement officer's determination and the local decision is made to use the hearings officer service rather than pursue a criminal penalty.

### Process

The specific guidelines that describe how a regional hearings officer proceeding is initiated will be developed in the model ordinance. Generally, the citation brought before the hearings officer will include the name and address of the respondent, address or location of the alleged violation, nature of the violation with proper code citation, type of relief sought, and identification of the entity initiating the procedure. The hearings officer would have the authority to administer oaths, take the testimony of witnesses and issue subpoenas in accordance with the Oregon Rules of Civil Procedure. The person alleged to have committed the violation has the right to submit evidence and cross-examine witnesses.

The hearings officer would schedule the hearing and make a determination after consideration of the evidence and arguments. If the violation has not been established, an order dismissing the complaint is entered into the record. If the violation has been established, the hearings officer enters into the record an appropriate order, a copy of which is delivered to the person found guilty. The person found guilty may file an appeal within an established timeframe.

## Fines

All participating jurisdictions should adopt the same fine schedule. When the hearings officer makes a determination of a violation, a fine will be imposed. The intent of the fine is punitive. The primary intent of collecting costs is to recover the costs of cleaning up the specific site(s) named in the complaint, recovering the administrative costs of conducting hearings and recovering costs associated with local code enforcement measures. The schedule of fines and costs will be established through development of the model ordinance. The model ordinance should contain a provision requiring a hearings officer to levy a minimum fine if the person is found guilty of the charge. This would assure the deterrence factor of having the hearings process in place.

## Options for Implementing

- Establish regional hearings officer function as an adjunct to Metro's Office of General Counsel.
- Establish regional hearings officer as an independent contract to Metro and local governments to process cases.
- Establish regional hearings officer as a non-attorney. A hearings officer does not necessarily have to be an attorney. The Department of Environmental Quality (DEQ) authorizes their staff to act as hearings officers. Hearing illegal dumping cases could be a rotating responsibility of local government, Metro staff or an independent contracted party.
- Establish regional hearings officer program through the Young Lawyers Division/Multnomah Bar Association. For a small fee for each case, the Young Lawyers Division offers the services of young attorneys in who want to gain experience in administrative cases. Members of the Division have successfully provided services to the Housing Authority of Portland and currently provide services to Multnomah County for animal control cases for \$15 per case.

## Funding Options

- Local governments could be billed on a per-case basis for hearings. If the Young Lawyers Division attorneys were used, the per-case cost would be in the neighborhood of \$15 per case.
- The costs of the hearings officer process could be recovered through assessment of fines and costs. Costs would include additional administrative and maintenance costs that extend beyond each individual case.
- Participating jurisdictions could pay into a pool of funds that would cover the maintenance and administrative costs. Unexpended funds could be returned to local governments.

**Timeline:** Subject to local government action on establishing consistent local enforcement provisions.

#### **Model Enforcement Code**

- Develop a model regional enforcement code for use by local governments, based on provisions of House Bill 3361. Local governments presently address illegal dumping violations through a variety of means. The City of Portland works through its bureau of buildings, Washington County through its Health Department, and Clackamas County through a solid waste department. If regulations concerning illegal dumping were developed in a consistent format in a handbook that also describes new provisions of HB 3361, it follows that enforcement would be more consistent and effective. Metro has had success in developing model ordinances for issues of regional concern. Developing a model illegal dumping enforcement code would be an appropriate role for Metro.

**Timeline:** December 1992

#### **Promotion/Education**

- Work with local governments in developing a regional promotion and education program to address illegal dumping issues including education of the problems associated with illegal dumping, enforcement programs and options available for proper disposal and recycling.

#### **Collection Options Analysis**

- Analyze the various refuse collection options, their cost, efficiency, impact on illegal dumping and potential for recovering lost system revenues. Alteration of solid waste collection service is a potential solution to mitigate illegal dumping. Mandatory collection may offer a broad solution to the problem. Since mandatory collection would be a significant shift from present practices, the issue must be thoroughly analyzed and the input of all affected parties must be obtained. State law ORS gives authority to cities and counties for establishing the level and character of collection service. Metro could perform this analysis in order to provide cities and counties with a factual basis from which they may consider adjustments to their collection services.

**Timeline:** December 1992



### Tire Trade-in

- Initiate a program whereby tire dealers within the Metro boundary will accept one waste tire for every new tire sold and mounted. Traction tires would be excepted from the requirement. This measure would help reduce the number of waste tires that are illegally dumped by channeling a greater number of waste tires to tire dealers who are better able to recycle or dispose of them properly. The one-for-one trade in requirement would not be an additional administrative burden since, currently, tire dealers are required by statute to keep accurate records of tires sold.

Timeline: June 1992

### Future Legislation

- Monitor illegal dumping programs throughout the development and implementation of this chapter in order to plan for additional legislation, if needed.

Timeline: Fall 1992

### Waste Reduction Annual Work Program

- Work with local governments to initiate a local program of requiring building/demolition contractors to specify on local permits where their waste will be managed. This required statement of waste recycling and/or disposal by contractors should be identified as a task for local governments in the 1992/1993 waste reduction annual work program.

Timeline: 1992/1993

### ■ *Local Government*

Local governments are directly affected by illegal dumping. They respond to complaints, identify sites, provide crews to clean sites and pay or recover the costs. Recommended Local government roles are to:

- Support Metro's efforts by working cooperatively through the planning process to establish an illegal dumping enforcement process that is consistent regionwide as well as adopting and implementing any resulting ordinances. This includes local adoption of consistent enforcement mechanisms based on the regional model enforcement code to be developed by Metro in cooperation with local governments.
- ~~Support and adopt a regional illegal dumping ordinance with enhanced enforcement standards and consistent penalties.~~

- Support legislation regional illegal dumping program efforts by implementing provisions of House Bill 3361, which allows local governments to increase penalties for illegal dumping and impose civil penalties for certain illegal dumping violations.
- Continue to enforce illegal dumping through local nuisance codes. Until a model enforcement code is developed by Metro to assist local governments in changing their local codes and adopted and implemented by local governments, cities and counties should continue to identify dump sites and prosecute violators with existing remedies.
- Continue to provide waste reduction and recycling educational and promotional information outlined in local government waste reduction programs. Increased recycling and waste reduction programs should reduce the overall amount of illegal dumping. Continued education and promotion will help to achieve these goals.
- Initiate further mitigation efforts and approve new waste reduction programs aimed at both enhancing waste reduction and eliminating illegal dumping. As part of the waste reduction programs for local governments, cities and counties are providing some portion of an FTE to focus on solid waste and recycling issues. The person in this position could provide a valuable link between nuisance abatement and waste reduction efforts through coordinated information and facilities.
- Enhance efforts to license or regulate "handyman" haulers. It has been demonstrated through investigations by the Port of Portland that part-time "handyman" haulers contribute significantly to illegal dumping. Local governments should have available regulation through business licenses or itinerant<sup>6</sup> merchant ordinances. Regulation would ensure that such haulers will use appropriate means of disposal. The City of Portland intends to address this problem through current development of franchise agreements. Their method of addressing the problem of "handyman" haulers may serve as a model for the rest of the region.
- As a task in the 1992/1993 waste reduction annual work program, require local building/demolition contractors to specify on local permits where their waste will be managed.
- Work with haulers, recyclers and solid waste industry to develop a promotion and education program which addresses

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<sup>6</sup>An itinerant merchant is typically an unlicensed travelling salesperson. Handyman haulers would be classified as itinerant merchants.

illegal dumping issues including enforcement programs and options available for proper disposal and recycling.

- Work with neighborhood associations, citizen groups, haulers and recyclers in carrying out local community clean up events if demonstrated to be a viable local option by local governments in addressing illegal dumping problems.

■ DEQ

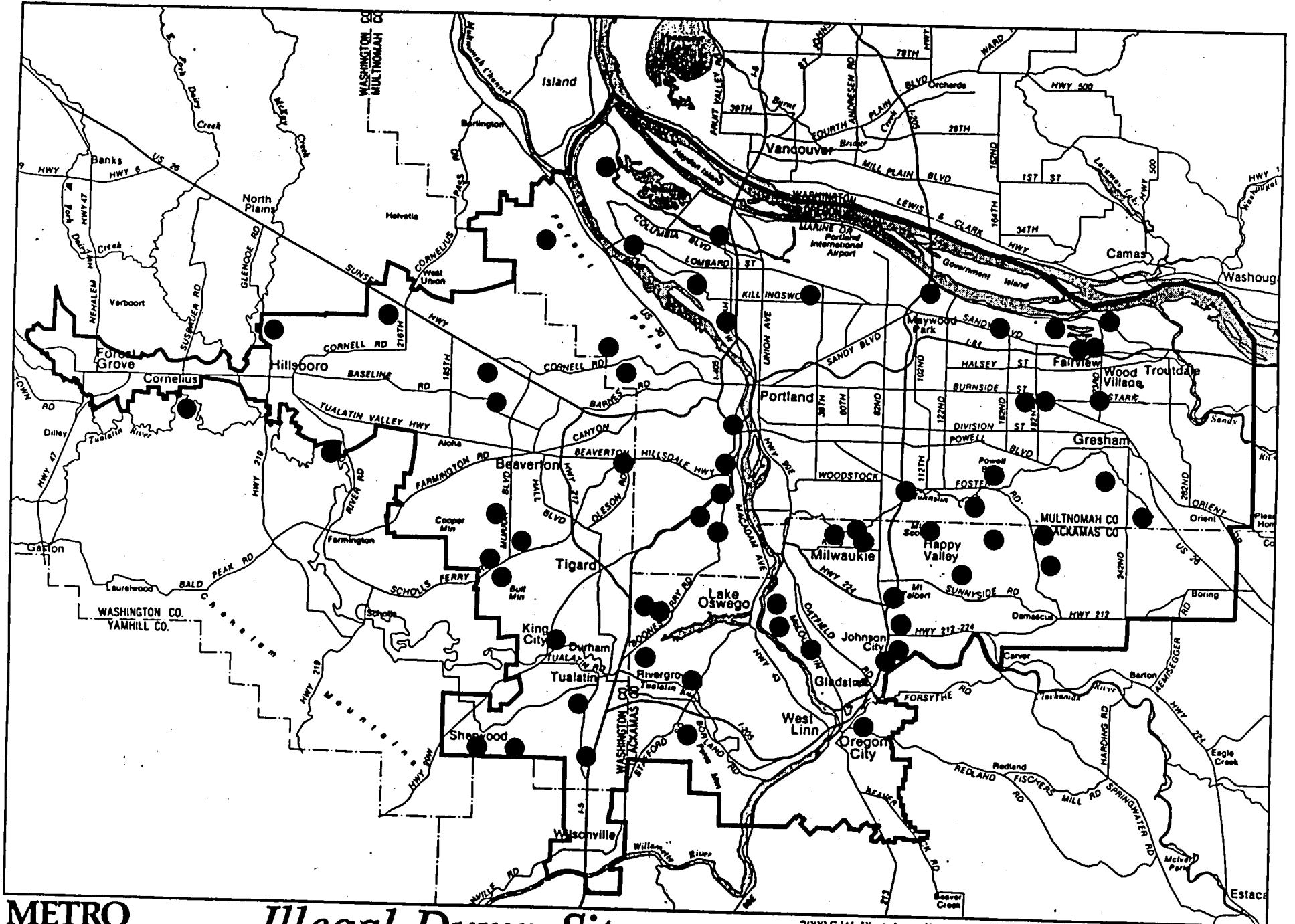
DEQ can affect illegal dumping through existing programs, such as the Waste Tire Program, ~~which is up for reauthorization in 1990-91 legislative session.~~ This program can be expanded to provide funding and assistance with community cleanup efforts for a what constitutes a major factor of the illegal dumping issue. DEQ will continue to develop legislative measures to deal with tires and illegal dumping issues.



ILLEGAL DUMPING APPENDIX  
TO THE  
REGIONAL SOLID WASTE MANAGEMENT PLAN

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September 1991



METRO

*Illegal Dump Sites*  
 1988 - 1991

2000 S.W. First Ave., Portland, OR 97201-5398, (503) 221-1646, 1" = 4 mi., 7-87-01

## **B: LOCAL GOVERNMENT PROGRAMS (1991)**

### **Illegal Dumping in the Metro Area: 1991 Current Approaches to the Issue**

Incidents of illegal dumping are currently handled by a variety of state and local government agencies. The Oregon Department of Transportation is responsible for dump sites that occur on roadsides under its jurisdiction. The Port of Portland is responsible for sites that occur appear on industrial land owned by the agency. All local governments in the region may prosecute illegal dumpers under ORS 164.785 or 164.805. Below is a description of the problem as it affects major divisions of local government in the Portland metropolitan area.

#### *Clackamas County*

Clackamas County has an ongoing program to control illegal dumping. County Solid Waste staff report that most illegal dumping occurs on roadsides and dead-end streets. Improved, but not heavily travelled roads in the County's urban area have shown the highest incidence of illegal dumping.

Illegal dumping in the form of unauthorized use of commercial dumpsters at shopping malls has also become evident, primarily on McLoughlin Boulevard.

Clackamas County provides a cleanup crew for dumping which occurs on county-owned property. Enforcement mechanisms are not typically available unless the perpetrator is either caught in the act or identified by an eyewitness. Clackamas County, like other local governments in the region, may choose to prosecute offenders under ORS 164.805 or 164.785 (Placing offensive substances in waters, on highways or other property). Violations under ORS 164.785 constitute a Class A misdemeanor: the convicted illegal dumper may be levied a penalty of up to \$2,500 and one year in jail.

A specific enforcement tool available to Clackamas County is to threaten impoundment of vehicles of persons identified as illegal dumpers. The vehicle would be held to cover the cost of cleanup.

#### *Washington County*

Washington County staff report that they have not seen an increase in illegal dumping on public lands although problems continue to exist at specific sites around the County. Disposal costs for the fraction of illegally dumped refuse requiring disposal in a general purpose landfill were an estimated \$6,500 in 1990. A particular problem is seen with individuals who use their own property to illegally dispose their garbage.

The County Health Department enforces a nuisance code which holds property owners responsible for removal of accumulations of refuse or debris. This is the case even if the property owner was not the perpetrator. If a property owner does not clean up an identified site, a citation is issued. A maximum penalty of \$500 per day of violation can be levied against the property owner. If there has been a prior conviction of a violation of the nuisance code within two years, the penalty increases to a maximum of \$1000 per day of the current violation. Failure to appear at a court hearing or falsifying information related to the violation is cause for additional fines or imprisonment.

Persons caught illegally dumping can be prosecuted under ORS 164.785. Violations, when reported, are typically referred to the County Sheriff's Department. Presently, most violations are unreported and cleanup is left to the property owner.

#### *Multnomah County*

There has been a chronic problem with illegal dumping at access turnouts along the Sandy River Highway, at the eastern edge of the Metro boundary. In March 1989, an accumulated six tons of illegally disposed refuse which included household garbage, white goods and animal carcasses cost Multnomah County approximately \$8000 to clean up. The County has had some degree of success in containing the problem by installing barricades at the sites.

If an illegal dumper is apprehended and convicted in Multnomah County, they are subject to a \$500 fine for offensive littering under ORS 164.805, as well as a \$500 civil fine for illegal accumulation of solid waste.

County nuisance control staff suggested that additional reports of illegal dumping incidents in the Columbia Gorge National Scenic Area are possibly being channeled to the Forest Service or to Mt. Hood National Forest. In 1990, enforcement personnel at Mt. Hood National Forest reported more than 775 incidents of illegal dumping in the ranger districts on the urban fringe. The majority of incidents occur on the Larch Mountain road, the Columbia River Scenic Highway and in the Bull Run vicinity. Illegal use of Park dumpsters for household refuse was also reported. In addition, personnel at the National Forest reported the existence of two major illegal tire piles, one with 3,000 and one with 10,000 tires. The National Forest has litter and sanitation regulations that enable them to require the convicted perpetrator to clean the site or pay the cost of cleaning the site.

#### *City of Portland*

Illegal dumping in the City of Portland appears to occur most frequently on vacant property in low-income areas. Portland nuisance control staff report that there has been a marked increase in dumping near abandoned buildings in residential areas.

The City holds property owners responsible for cleanup of illegally dumped refuse. If property owners do not comply with a cleanup order within 15 days, the City contracts for cleanup and levies a fine of \$200 in addition to the cost of cleanup plus 26 percent overhead. The City levies additional penalties for repeat complaints.

**Metro Region Context: Summary**

Illegal dumping issues in the Metro region affect area local governments in two major respects: 1) cost and personnel required to enforce existing regulations, and 2) cost and personnel required to clean up illegal dump sites. Added to these factors is the administrative cost of processing notices and prosecuting identified violators. ~~While no effort was made to estimate the total fiscal impact on the region as a whole, it may be assumed to be significant.~~

## C: ANALYSIS OF COST OF ILLEGAL DUMPING

### Background Data on Illegal Dumping Costs

The following is background information on costs incurred by local governments for responding to problems associated with illegal dumping. The information and data address the following four issues related to illegal dumping:

- Costs associated with cleaning up illegal dump sites;
- Costs associated with enforcing laws and ordinances prohibiting illegal dumping;
- The number of illegal dumping cases prosecuted and the costs associated with prosecution; and
- The number of illegal dumping cases successfully prosecuted and the fines recovered through prosecution.

Data and information was gathered from Multnomah County, Washington County, Clackamas County, the City of Portland Bureaus of Buildings, Environmental Services and Parks, the Port of Portland, the Oregon Department of Transportation (ODOT) and Stop Oregon Litter and Vandalism (SOLV), a non-profit organization. With the exception of SOLV, no jurisdiction or agency contacted had detailed specific data about their illegal dumping cleanup and enforcement programs. However, in most cases they were able to provide cost estimates for their activities related to illegal dumping.

In summary, the numerical data and information regarding enforcement that was made available demonstrates that known costs associated with illegal dumping are not significantly great, though they are high in relation to the actual volume of material collected. Costs associated with enforcement are minimal because enforcement actions are also minimal, and there is therefore virtually no history of prosecution.

Reasons for this limited amount of activity include the following:

- Individuals and departments responsible for managing illegal dumping within each jurisdiction, from collection to enforcement and prosecution, also have other responsibilities that require larger percentages of their time and budgets. These other responsibilities include building inspections and code enforcement, road maintenance and construction and basic law enforcement.
- Illegal dumping has historically been a criminal offense in Oregon and, for this reason, rules of evidence apply. Illegal dumping cases require an eyewitness to the actual event, which is nearly impossible to obtain. Therefore, successful prosecution of offenders has not occurred.

- Illegal dumping cases are not considered a priority by the court system due to the difficulty in obtaining evidence and the comparative minor damage caused in relation to other types of crimes being tried.

**Costs Associated with Illegal Dump-Site Cleanup**

Generally, the cost associated with the cleanup of illegal dump sites is small when compared to budgets for other activities. However, the cost is high in relation to the actual volume of material recovered. Costs are incurred for labor, equipment to pick up and haul away collected materials and disposal. Agencies and jurisdictions contacted stated that only a small percentage of the total illegal dump sites in their jurisdictions had been identified and were being cleaned up. It was uniformly stated that resources were not available to undertake such a task.

**County Programs**

Due to the high cost of cleanup and the resources available, the three counties in the region clean up sites on county property or rights of way only. The costs and responsibility for the cleanup of illegal dump sites on private property within the three counties rest with the property owner. Jurisdictions and agencies administer different types cleanup programs depending upon the problems they face and the resources available to them. The following examples illustrate this point.

Clackamas County, who had the most detailed information available, operates a cleanup program targeted specifically at illegal dump sites on County property and rights of way. The program is complaint-driven. Labor consists mostly of County road crews and, when possible, they are assisted by County corrections crews. The annual costs of cleanup, including disposal, for Clackamas County are:

Fiscal Year	Annual Cleanup Cost	Sites	Tires	Total Tons
1988	\$14,091	101	N/A	N/A
1989	\$13,681	152	224	26.49
1990	\$10,739	102	375	20.71
1991 (to date)	\$12,000	85	301	17.88

Washington County also operates a program geared specifically to cleaning up illegal dump sites. However, costs are significantly lower compared to Clackamas County because the program relies heavily on the use of community corrections crews for labor. Costs for the program have remained steady over the last four years. Program

administration is approximately \$3,000 annually and additional annual disposal costs range from \$3,000 to \$5,000. No accurate figures related to volumes collected were available, however, it is estimated to be between 50 and 75 tons annually, based on average tip-fees and haul costs.

Fiscal Year	Annual Cleanup Cost	Total Tons
1990	\$2,000 to 5,000	50 to 75
1991 (to date)	2,000 to 5,000	50 to 75

Multnomah County operates a litter cleanup program which includes the cleanup of illegal dump sites. Cleanup activities are part of the annual work program of the road department. Illegal dump sites and litter are cleaned as they are discovered and as time allows. The County does not have a separate accounting system for costs associated with litter cleanup and illegal dump site cleanup. The costs associated with program administration and actual cleanup and disposal are also not easily separated. Total program costs are as follows:

Fiscal Year	Annual Cleanup Cost
1988	\$28,000
1989	44,678
1990	47,511
1991 (to date)	N/A

#### ■ City of Portland

Within the City of Portland, illegal dumping is a violation of the City's nuisance ordinance. Therefore, cleanup of illegal dump sites is the responsibility of the nuisance abatement department of the Bureau of Buildings. The City contracts with a private vendor to clean up dump sites on private and public property throughout the City. ~~The vendor is responsible for removing trees, hedges or vegetation that impede rights of way, overgrown vegetation that becomes a nuisance on vacant property, fire hazards, and the removal of illegally dumped waste.~~

~~Cost data related to the contractors services as well as an estimate of what percentage of the costs are attributed to cleaning up illegal dump sites were requested from the City but were not yet available to be included in this report. The following are the City's actual~~



clean-up costs of illegal dump sites for fiscal years 1988-89 through 1990-91. The costs include the contractor's labor, operational and disposal costs.

Fiscal Year	Dollar Amount	Number of Sites
1988-89	\$82,836	525
1989-90	\$136,267	755
1990-91	\$155,954	731

The Bureau of Buildings is also responsible for inspection and enforcement of the City's nuisance law. With regard to illegal dumping, enforcement takes the form of trying to get those responsible for dumping material to clean up and properly dispose of illegally dumped material. For fiscal year 1991-92 the Bureau is budgeted to expend \$450,000 for inspection and enforcement of the illegal dumping portion of the City's nuisance ordinance. The expenditure is the equivalent of 7.5 full-time enforcement officers.

#### Portland Parks Bureau

The Portland Parks Bureau also experiences a high level of illegal dumping on its property including illegal use of dumpsters and other trash containers. Bureau has responsibility for several heavily wooded parks, such as Forest Park, which are targets for illegal dumping. The costs of illegal dumping to the Parks Bureau were approximately \$61,000 for 1990.

#### ■ Port of Portland

The Port owns large tracts of industrial park land throughout the region, including the Rivergate industrial area. Due to the isolated location of many of the Port's holdings, a problem with illegal dumping developed. The Port feels that the problem was exacerbated by the close proximity of the Rivergate industrial area to the St. Johns Landfill. By 1988, the cost to the Port for cleanup was approximately \$12,500 per year. Since 1989, costs have dropped sharply to approximately \$3,000 annually as the result of an aggressive program to identify those responsible for illegally dumping solid waste on Port property and encourage them to clean it up. The Port reports that it is experiencing up to 90 percent compliance with their program.

#### ■ Oregon Department of Transportation (ODOT)

As a part of their regular highway maintenance responsibilities within the region, ODOT must remove litter and illegally dumped material

along highways. It is estimated that 15 percent the annual cleanup budget goes to clean up illegal dump sites. The Department's largest problem with illegal dumping is caused by transient camps under highway bridges and overpasses. The total annual costs are summarized below:

Fiscal Year	Annual Cleanup Cost
1988	\$63,085
1989	58,659
1990	46,087
1991 (to date)	N/A

■ Stop Oregon Litter and Vandalism (SOLV)

SOLV was responsible for organizing the April 1991 half-day cleanup event in the metro area that included the cleanup of nine illegal dump sites. At the half-day event, 124 tons of mixed waste and 4,300 waste tires were collected and disposed. The total cost for this effort was \$59,000. These costs included approximately \$10,000 for disposal costs in addition to administrative and promotional costs for the cleanup event. All labor was donated by citizen and waste management industry volunteer efforts. Local haulers also volunteered time and equipment. Without the assistance of volunteers, costs would have been much hire.

The inaugural cleanup event was in 1990. Costs for the event were similar to the 1991 event but the amount of waste collected was lower: 36 tons of mixed waste and 2,500 waste tires. The reason for the higher costs in relation to volume of waste collected was attributed to the fact that it was the first attempt at organizing an event of this scale. Additional promotion was needed and organizational and administrative costs were also higher.

Costs Associated with Code Enforcement:

Different departments within local jurisdictions are responsible for enforcement of illegal dumping laws. Therefore, the methods and costs associated with enforcement vary significantly. Generally, costs associated with enforcement are low because other responsibilities demand the time and resources of the enforcing department. The following is a summary of the methods and associated costs of enforcement within the region.

■ County Programs

Clackamas County addresses illegal dumping through its solid waste ordinance and enforces illegal dumping cases through the Department of

Transportation and Development. The enforcement procedure involves notifying those suspected of being responsible for illegally dumping waste that they should remove the waste they dumped. Identification is through evidence found in illegally dumped waste, usually address labels. Enforcement actions and prosecution are not common due to the difficulty in eyewitness identification of responsible parties. Total annual enforcement costs average approximately \$2,500.

~~Due to the difficulty in identifying responsible parties, Washington County does not have an active enforcement program. The Sheriff's Department has the ability to enforce nuisance codes, but would only do so if there were eyewitnesses to an actual incidence. Such an enforcement occurrence has not arisen in a number of years.~~

In Washington County code enforcement is shared by the Sheriff's Department and the Department of Health and Human Services. Illegal dumping enforcement within the Sheriff's Department is limited to acts of illegal dumping or littering actually witnessed by an individual or officer. In 1990 and 1991 only forty-one total arrests or citations were issued. Of these, twenty-one were for littering. Of the twenty illegal dumping cases, nineteen were misdemeanors where a citation was issued. A single case was prosecuted as a felony case. However, this was a unique case where several other charges were involved.

The Health and Human Service Department is responsible for enforcing the County's nuisance ordinance which addresses illegal dumping on private property. The ordinance makes property owners responsible for clean up regardless of whether or not they were responsible for the act of illegal dumping. Enforcement is complaint driven and written complaints are required. Over the last year, the County has received approximately ninety nuisance complaints. Of these, approximately thirty have been for illegal dumping. Enforcement procedures within the Department include a notice and order to property owners to clean up a site. If the site is not properly cleaned up a citation is written. Most of the sites are cleaned up by the property owner without the need for a citation. The Department estimates it spends approximately \$6,000 annually in personnel costs to investigate illegal dumping cases.

Multnomah County relies on their Sheriff's Department to enforce illegal dumping ordinances. Due to more urgent law enforcement responsibilities, illegal dumping is not a priority in the department. This is exhibited by the fact that only two citations were issued for illegal dumping over the last four years in the County. Another fourteen cases included littering or illegal dumping as an offense in the accompanying arrest reports. However, littering or illegal dumping was not the primary infraction that resulted in the arrest. The costs associated with enforcing illegal dumping ordinances in the County were so small that they could not be estimated.

## ■ City of Portland

The City runs a full service nuisance abatement program that includes addressing illegal dumping as one of their tasks. They have eleven full-time enforcement officers within the Bureau of Buildings that enforce the nuisance ordinance. Annual budget figures for these personnel along with an assessment of how much of their time is spent on illegal dumping cases was requested from the City but is not yet available.

### Information Related to the Prosecution of Cases

Illegal dumping may be a criminal violation of ORS 164.785 or 164.805, or a violation of local nuisance codes. Rules of evidence for illegal dumping require an eyewitness account of the actual event. This type of evidence is extremely difficult to get. Therefore, none of the jurisdictions contacted could cite any cases that were actually prosecuted. In the case of Multnomah County where sixteen arrests or citations over the last four years included charges for littering or illegal dumping, the charges were dropped in all but one case. In the single case that was pursued, it was done so through traffic court. No fine was levied or collected because it was determined illegal dumping was not a traffic violation.

### Summary

The costs of illegal dumping are difficult to estimate, since most agencies have not made a concerted effort to isolate and monitor those costs previous to this analysis. It may be assumed that the costs represented in the analysis are only a fraction of the total costs. Representatives from state and local agencies contacted uniformly agreed on three points:

1. it appears that dumping increases commensurately with increases in the cost of disposal;
2. if the costs were tracked more carefully, and if there were more active patrols and more violations reported, the true reported costs of providing enforcement, cleaning up sites, and prosecuting violations would be much higher than those represented in this analysis; and
3. under the existing system, illegal dumping is not a priority because of limited resources.

## **D: PROGRAM ANALYSIS**

### **Analysis of regional issues**

Analysis of illegal dumping issues in the Portland metropolitan area yielded a list of specific types of sites where illegal dumping occurs, types of materials dumped, and affected parties. Where appropriate, analysis includes discussion that addresses probable causes, which are identified as economic, convenience, and behavioral.

#### **■ Enforcement**

Enforcement of state and local regulations that address illegal dumping has been is difficult at best due to three factors: stringent evidentiary requirements for criminal violations, inadequate allocation of enforcement personnel due to local budgetary constraints, and overburdened courts resulting in a low number of illegal dumping cases actually heard.

For violations that are classified as criminal, judges typically require eyewitness evidence for conviction in criminal cases. Civil violations do not require the same level of proof. Given that most illegal dumping occurs in remote areas, eyewitness evidence is unlikely. Designation of enforcement personnel and their level of empowerment may vary from jurisdiction to jurisdiction. Since most courts are overburdened with cases involving more serious crimes, it is not surprising that most judges consider illegal dumping violations to be a trivial offense and therefore a very low priority; penalties often reflect this attitude.

Notifying perpetrators Mere notification of illegal dumping violations appears to be an effective enforcement mechanism. The Oregon Department of Transportation, Port of Portland, and Clackamas County all use form letters that are delivered to persons whose names are found on items within illegally dumped materials. When suspected violators are notified and informed of potential penalties if convicted, they may be easily persuaded to clean up the illegally dumped waste.

Provisions of House Bill 3361 will allow for enhanced enforcement of illegal dumping by using the option of civil penalties rather than criminal penalties.

#### **■ Vacant lots (Residential)**

Illegal disposal in low-income residential areas and other vacant properties in urban, suburban and rural areas is a major issue. This issue was identified as a high priority, requiring an in-depth analysis in order to make recommendations to the appropriate individuals and agencies.



~~Economic.~~ Dumping in vacant residential lots appears to be a problem primarily in three areas: low-income residential areas with a large number of vacant houses, mixed urban residential areas with large wooded lots and sparsely populated areas on the urban fringe. Primary motivation for illegal disposal in these areas is the inability or unwillingness to pay the cost of disposal.

~~Convenience.~~ Availability of solid waste collection service, and the opportunity to recycle, are required by Oregon Revised Statutes (ORS). The statutes allow local governments to establish the character and frequency of service. If adequate collection and recycling service is not available on a regular basis, or if availability and time of pickup is not well understood, generators of solid waste may not be inclined to use conventional services. The alternative is to save waste until there is a sufficient quantity to haul to a disposal facility --- or to dispose illegally. If collection services are not used (use of collection service is voluntary, not mandatory), it is important that self-haul options are well understood.

~~Behavioral.~~ Reasons for illegal dumps in low income areas may be traced to individuals who do not have a fundamental understanding of the environmental and economic consequences of their actions. When an area appears to be unkempt due to litter and illegal dumping it invites further activity. ~~It must be stressed that these~~ individuals who dump in low-income areas are not necessarily residents of low-income neighborhoods, but they may be unlicensed "handyman" haulers or people from other areas who see low-income neighborhoods as an opportunity to dump illegally. Lack of education and a general sense of disenfranchisement from public agencies may play a role.

## ■ Open Areas (Public)

This category includes illegal disposal in parks, playgrounds and natural areas. ~~Analysis and subsequent recommendations are focused on areas within the Metro boundary, but information regarding illegal disposal in open areas outside the boundary was not excluded.~~

~~Economic.~~ Open public areas offer ample opportunity to dispose bulky wastes for both visitors and persons who live near these areas. ~~It may be surmised that motivations to illegally dispose of waste in public open areas are largely based on economic considerations. The cost of disposing bulky materials by persons who live in rural areas that are adjacent to open areas may influence the illegal disposer to make the wrong choice.~~

~~Convenience.~~ Convenient collection service may be limited to persons who live near or adjacent to public open areas, but this

~~is unlikely. This could possibly lead to use of less visible public open areas as dumps.~~

~~—Behavioral.~~ Persons living adjacent to open areas have traditionally enjoyed the freedom to accumulate refuse on their property. It is known that when a refuse pile is visible it invites further dumping in the vicinity. ~~Users of open areas may not understand the implications of their behavior when they carelessly dispose of solid waste, or they may willfully dump refuse knowing that the act is illegal. This may be due to the lack of a sense of "ownership" with public areas, or a general sense of disenfranchisement from public agencies who manage open areas.~~

## ■ Roadsides

Illegal disposal on roadsides includes: (1) refuse on roadsides as a result of solid waste and recycling activities; and (2) litter and other illegally disposed refuse found on roadsides.

~~—Economic.~~ Economic motivations that may be associated with illegal disposal on roadsides may be similar to those described above. Additionally, Citizens who self-haul solid waste or any other type of load may not own be able to afford adequate equipment for the purpose. Transient camps in highway rights-of-way present an additional problem with an economic cause.

~~—Convenience.~~ If a load is inadvertently scattered or lost, it may be both inconvenient and hazardous to retrieve. Also, individuals may illegally dispose of litter in small or large quantities unless disposal containers are conveniently located at highway turnouts.

~~—Behavioral.~~ Dumping and/or scattering of loads by both private and commercial vehicles is usually the result of carelessness or lack of understanding of consequences. The Oregon Department of Transportation (ODOT) reports that isolated incidents of deliberate scattering frequently occur.

## ■ Open Areas (Commercial and Industrial)

This category includes illegal disposal in open areas that are located in or near sites of industrial or commercial activity. Analysis was mainly focused on commercial and industrial areas that are in the vicinity of solid waste and recycling facilities.

~~—Economic.~~ Like the issues of dumping in vacant lots of residential areas and public open spaces, Deliberate illegal disposal in commercial and industrial open areas may be the result of inability to pay the cost of conventional disposal.

~~—Convenience.~~ Convenient collection service may be limited to persons who live near or adjacent to commercial or non-waste disposal industrial open areas. This could possibly lead to use of less visible open areas as dumps.

~~—Behavioral.~~ Some commercial or industrial open areas may not be well kept. This may invite illegal dumpers to add seemingly insignificant amounts to what appears to be an existing dump.

## ■ Bulky Materials (Furniture, Appliances, Autos)

Furniture, appliances, tires and other large bulky items that are abandoned or otherwise illegally disposed comprise this category. These items constitute a significant amount of illegal dumping in the Portland metropolitan area.

~~—Economic.~~ These materials can be costly to dispose, especially if special pick up is required. ~~Though it is obviously wrong,~~ The alternative of casting off bulky materials at illegal dump in the sites identified may seem an inexpensive solution to illegal disposers.

~~—Convenience.~~ In addition to cost, as discussed above, Disposing of bulky materials may occur if adequate garbage service is not available. This may be especially true in rural areas.

~~—Behavioral.~~ Some illegal disposers may travel great distances and expend much effort to dispose of bulky items that could possibly be recycled or sold. This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.

## ■ Construction and Demolition Debris (C&D)

Included in this category is debris from construction, demolition and land clearing that is illegally disposed. This aspect of illegal dumping was analyzed in the context of management practices identified in Chapter 3, Special Waste.

~~—Economic.~~ Illegal disposal of C&D materials is usually perpetrated by private individuals and disreputable contractors who do not wish to incur the costs of disposing unusable or unwanted materials from small construction and/or demolition projects.

~~—Convenience.~~ Disposal of C&D material is in not always convenient. Material must either be hauled or picked up from the site by a haulers or recyclers. Currently, there are haulers and recyclers who specialize in serving construction and demolition sites. A problem lies in the fact that the sites may be within a franchised collection area, resulting in potential violation of a collection franchise agreement. Franchised garbage collectors are



granted the exclusive right by cities or counties to haul waste within defined collection areas. Allowing non-franchised haulers to haul C&D debris within a franchised collection area may result in a violation of the collection franchise agreement.

~~—Behavioral.~~ Illegal disposal of C&D materials is perpetrated by individuals involved in home improvement projects as well as construction and demolition contractors. ~~In either case it is difficult to justify that it is a convenient alternative in view of the fact that some illegal disposers travel great distances and expend much effort to dispose of material that may be recycled or sold. This indicates a lack of understanding of value of recyclable material, cost of disposal, environmental consequences and social responsibilities.~~

### ■ Mixed Solid Waste in Inert Fills

This category includes municipal solid waste mixed with material designated as clean fill and deposited at inert fill sites.

~~—Economic.~~ In addition to major disposal sites like Lakeside Reclamation Landfill, there are many small, effectively unregulated inert fills in the metropolitan area that accept material for no charge. When putrescible solid waste is mixed with desired material (dirt, rocks, concrete) odor and leaching problems arise. ~~Some disposers may consider mixing solid waste with inert fill an economical means of disposal.~~

~~—Convenience.~~ As indicated above, mixing in quantities of solid waste may serve as a convenient means of disposal for those using the inert fill legitimately. Another side of the problem is that inert fills are widely distributed throughout the region and offer ample opportunities for illegal disposers of household, commercial or industrial wastes.

~~—Behavioral.~~ Mixing putrescible waste with fill material may be the result of unintentional contamination or a deliberate act to conveniently dispose waste that is not approved for inert fills. ~~This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.~~

### ■ Non-Profit Charitable Organizations

Illegal disposal of refuse and abandonment of useless articles at charity recyclers creates an economic burden for non-profit benevolent organizations. Although this issue was identified as significant, it was not subjected to analysis for the development of the Illegal Dumping Chapter. Instead, Metro has undertaken an effort to provide recycling credits towards the cost of disposal, an approach that recognizes the amount of material these organizations reuse and recycle in comparison to the amount of material that cannot be processed.

## ■ Illegal Use of Dumpsters

Illegal use of dumpsters in parks and at commercial and industrial areas places an economic burden on those responsible for maintenance. In effect, the operators of these sites subsidize the portion of the population choosing to dispose of their garbage ~~illegally illegal disposal over responsible behavior.~~

~~—Economic.~~ Many individuals dispose household waste in dumpsters located in shopping malls and other commercial districts. Illegal disposers of this sort typically do not choose to have residential collection service.

~~—Convenience.~~ Convenient collection service may be limited or unavailable to persons who illegally use dumpsters.

~~—Behavioral.~~ Illegal use of dumpsters is difficult to justify in view of the fact that some illegal disposers travel great distances and expend much effort to dispose of items that may even possibly be recycled or sold. This indicates a fundamental lack of understanding of cost of disposal, environmental consequences and social responsibilities.

## ■ Waste Tires

Waste tires represent a significant solid waste problem. Approximately two million tires are discarded in Oregon each year. A significant portion of discarded waste tires is currently being reclaimed, mostly for fuel. Many of those that are not reclaimed are illegally disposed.

~~—Economic.~~ In 1991, cost of pickup for waste tires currently ranged from \$3 to \$5 each. If an individual chooses to self-haul to a transfer or disposal facility, the cost is \$1 per tire or \$3 per tire on the rim. Truck tires are more costly to dispose. In the absence of a tire deposit or other incentive to recycle waste tires, individuals may choose to stockpile tires.

~~—Convenience.~~ Disposing waste tires is currently inconvenient. Refuse collectors are reluctant to pick them up ~~waste tires~~ since they are legally restricted to carrying fewer than nine tires without obtaining a permit.

~~—Behavioral.~~ When individuals purchase new tires, there is an inclination to keep their old tires rather than giving them to a tire dealer. Waste tires may also be illegally disposed by irresponsible individuals who derive pleasure in casting rolling objects from a moving vehicle. It is necessary to target the segment of the population prone to such activities with an educational campaign.

■ **Untarped Loads at Solid Waste Facilities**

Uncovered loads arriving at transfer and recycling facilities result in a significant amount of litter that is blown off the open vehicles. This is a problem with both commercial waste haulers and individual who choose to self-haul. Metro is currently developing a policy to assess penalties for untarped loads. In 1991, Metro adapted its policy to address untarped loads. Both commercial and public users of Metro facilities are levied a surcharge in addition to the regular tip fee if loads are not appropriately covered.

Using this method, non-enforcement recommendations were developed according to the following scheme:

<del>Cause</del>	<del>Solution</del>
<del>Economic</del>	Funding / incentives
Convenience	Improvement of service
Behavioral	Education / promotion

Meeting Date: October 10, 1991  
Agenda Item No. 6.6

ORDINANCE NO. 91-416

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-416, FOR THE PURPOSE OF AMENDING ORDINANCE NO. 88-266B ADOPTING THE REGIONAL SOLID WASTE MANAGEMENT PLAN TO INCORPORATE THE METRO WEST TRANSFER AND MATERIAL RECOVERY SYSTEM CHAPTER

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Date: October 2, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Ordinance 91-416. Voting in favor: Councilors DeJardin, Gardner, McFarland, and Wyers.

Committee Issues/Discussion: The purpose of the proposed ordinance is to adopt the Metro West Transfer and Material Recovery System Chapter of the Regional Solid Waste Management Plan (RSWMP).

Rich Carson and Becky Crockett, Planning and Development Department discussed the staff report and briefly reviewed the history of the development of the proposed chapter. The chapter represents the combination of the local government solution plan developed by Washington County local government officials and Resolution No. 91-1437B setting Council direction for the development of the Chapter. The chapter addresses several issues relating to the expansion of the solid waste disposal system in Washington County. These include: transfer facility configurations, sizes, functions, ownership and financing; and the process for procuring the two proposed transfer stations.

Crockett noted that the chapter had been revised to address several issues raised by Committee members and Council staff. She then reviewed two issues raised in the Council staff analysis relating to self-haulers and development of material recovery rates for the transfer facilities. She noted that the cost of providing self-haul services was weighed against the additional cost of providing these services. Based on this analysis, it was recommended that self-hauling be limited to weekends. She also noted that the Hillsboro Landfill would be available to self-haulers on weekdays. Crockett explained that the process used to determine material recovery rates at Metro Central could be used for the Washington County facilities because it involved assessing a broad spectrum of factors including markets, feasibility, and cost avoidance.

Councilor Wyers questioned about what will happen to the facilities at the end of the initial franchise period and whether this issue should be addressed in either the RSWMP chapter or the procurement documents. Councilor McFarland noted that it is likely that the facilities will be built using revenue from bonds issued by Metro and therefore the public has an interest in the facilities. Councilor

Gardner contended that the issue must be addressed in a concrete manner. Following additional discussion, it was agreed that the issue should be addressed as part of the process for approving the franchise agreement with the successful vendor.

Delyn Kies, representing the Washington County Steering Committee testified that the committee had reviewed the proposed chapter and supported it's adoption.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 91-416
ORDINANCE NO. 88-266B ADOPTING THE	)	
REGIONAL SOLID WASTE MANAGEMENT	)	Introduced by Rena Cusma,
PLAN TO INCORPORATE THE METRO	)	Executive Officer
WEST TRANSFER AND MATERIAL	)	
RECOVERY SYSTEM CHAPTER	)	

WHEREAS, Ordinance No. 88-266B adopted the Regional Solid Waste Management Plan as a functional plan; and,

WHEREAS, The Regional Solid Waste Management Plan, Policy 16.0, gives priority to local government solid waste management solutions; and

WHEREAS, Resolution No. 89-1156 identifying a process, timeline and minimum standards for development of the Washington County Solid Waste System as a local government solution, was adopted in October 1989; and,

WHEREAS, Washington County and the cities therein developed a local government solution in accordance with Resolution No. 89-1156 for Metro Council consideration; and,

WHEREAS, Resolution No. 90-1358B recognizing and giving priority to Washington County's local government solution provided it is determined to be consistent with all Regional Solid Waste Management Plan provisions, was adopted in December 1990; and,

WHEREAS, Resolution No. 91-1437B establishing policy for the development Metro West Transfer and Material Recovery System Chapter, was adopted in June 1990; now therefore,

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////

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That the Regional Solid Waste Management Plan is amended as shown in Exhibit "A" to this Ordinance.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

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

srs  
a:\waco.ord  
09/19/91



CHAPTER 5 (FACILITIES)  
REGIONAL SOLID WASTE MANAGEMENT PLAN

Metro West Transfer and Material Recovery System

EXHIBIT "A"  
to Ordinance No. 91-416

September 19, 1991  
Planning and Development Department

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## METRO WEST TRANSFER AND MATERIAL RECOVERY SYSTEM

### Purpose:

The purpose of this chapter is to identify a facility configuration to expand the waste transferring and post-collection material recovery capacity of the general purpose waste stream for the western portion of the region.

### Background:

The west watershed encompasses incorporated and unincorporated Washington County. The watershed needs expanded transfer and post-collection material recovery capacity so that waste generated in the watershed that is destined for disposal at the Columbia Ridge or the Riverbend Landfills can be processed locally within the watershed prior to transfer. Transfer facilities developed to serve the watershed will also need to be sized to manage some waste generated in the south watershed in order to reduce the flow of waste to the Metro South Transfer Station.

This Plan chapter is based on a system plan developed by local governments in Washington County and the "Policy and Technical Analysis for The Washington County System Plan", completed in April of 1991. The Policy and Technical Analysis is an Appendix to the Regional Solid Waste Management Plan (RSWMP). It contains the detailed evaluation of issues related to the Metro west transfer and material recovery system. The process used to develop this chapter is consistent with Policy 16.0 (Local Government Solution) of the RSWMP.

**Summary:**

The following is a summary of the issues addressed for the west wasteshed transfer and material recovery system. A more detailed analysis follows the summary.

**1. System Configuration and Tonnage Projections**

The planning area for the west wasteshed and corresponding waste tonnage projections is based on the Washington County boundary delineation with minor adjustments to account for established hauler activities. Facility site proposals located in the eastern portion of the wasteshed will include some waste tonnages from the southwestern portion of the south wasteshed. The regional system will allow for flexibility by initially constructing facilities for the west wasteshed based on 10-year tonnage projections (2003).

**2. Number of Transfer/Material Recovery Facilities**

The wasteshed will be served by two transfer/material recovery facilities. The facility serving the eastern portion of the wasteshed plus the southwestern portion of the south wasteshed will have a capacity of approximately 196,000 tons per-year and the facility serving the western portion of the wasteshed will have a capacity of approximately 120,000 tons per-year (based on the 2003 tonnage projection for the wasteshed).

**3. Transfer/Material Recovery Facility Service Areas**

Two facility service areas for the west wasteshed will be established during the procurement process in order to provide certainty about the allocation of general-purpose waste to transfer stations. The service areas designated will have tonnage capacities that are consistent with the facility configuration and tonnage projections contained in this chapter. The actual assignment of franchised haulers to service areas will be completed in accordance with Metro Code Chapter 5.05 (Flow Control).

**4. Transfer/Material Recovery Facility Level of Service**

Transfer facilities in the west wasteshed shall meet minimum operational standards related to: equipment redundancy, accommodation of "self-haul" waste, incidental hazardous waste management and source-separated recyclables collection. The minimum standards are based on operational standards in place at other regional transfer facilities.

**5. Post Collection Material Recovery**

Transfer facilities in the west wasteshed will include post-collection material recovery capacity based on a combination of economic incentives, market factors, facility design requirements and analysis of impacts on existing programs and facilities. The requirements for the material recovery rate will be established by Metro and vendors through the procurement process. The expected material recovery rate at transfer facilities is an estimated average of 16-percent. A specific term and condition of the franchise shall be that the facility operator(s) shall adjust to changing circumstances which may require capital improvements, new methods of operation or similar factors in order to ensure continued compliance with the RSWMP as it may be amended.

**6. High Grade Processing**

A high grade facility will be procured as a component of the solid waste system for the west wasteshed. Facility ownership, financing and operation will be private. The decision as to whether or not the high grade function should take place at a separate facility or at a transfer station will be made during the procurement process. The procurement process will be initiated either as a result of private sector initiative in submitting a franchise application or after procurement of transfer facilities begins, whichever occurs first. This should be completed within two years of the completion of the procurement process for transfer facilities in the wasteshed.

**7. Transfer/Material Recovery Facility Financing**

Transfer facilities in the west wasteshed will most likely be financed through a public/private arrangement. The most favorable means of financing will likely have Metro as the sponsor of project private activity bonds with a limited Metro pledge of system revenues to pay debt service.

**8. Rates**

Costs associated with the local government solution for the west wasteshed should not obligate citizens within the wasteshed to pay more for solid waste disposal than citizens in other parts of the region.

**9. Transfer/Material Recovery Facility Ownership**

Transfer facilities in the west wasteshed will be privately owned if a private ownership proposal that meets criteria established through the procurement process is received.

Public assistance for bond allocation is necessary to decrease financing costs.

The transfer facilities shall be classified as major disposal system components and franchised as such in accordance with section 5.01.085 of the Metro Code. A specific term and condition of the franchise shall be that the facility operator(s) shall adjust to changing circumstances which may require capital improvements, new methods of operation or similar factors in order to ensure continued compliance with the RSWMP as it may be amended.

**10. Vertical Integration**

Vertical integration will be allowed within the west watershed, with the requirement that Metro operate the transfer station gate-houses.

**11. Transfer Material/Recovery Facility Procurement**

The procurement of transfer facilities in the west watershed will be through a competitive long-term franchise process. A separate request for franchise will be circulated for the appropriately sized facility for each service area. The procurement criteria shall include a cost which is no greater than the cost of a publicly financed facility using the assumptions and methodology in the technical analysis. If the private sector is unable to obtain facility financing and meet other criteria established for the franchise, Metro has the option to circulate a Request for Proposals (RFP).

**12. Land Use Siting**

Potential sites for solid waste facilities in the west watershed will be identified by private facility vendors. Facility vendors must have the local land use permit in hand prior to the procurement process. This does not include site design review or the mitigation agreement, which will be subject to the procurement process.

**13. Flow Control**

Waste destined for a transfer/material recovery facility or a general purpose landfill will be allocated to the transfer/material recovery facility within a designated service area. Until each facility reaches its designed capacity, Metro may allow or direct additional flows of waste to the facility to promote overall system efficiency consistent with Metro Code Chapter 5.05. Notwithstanding; the designation of service areas, Metro may reserve the right to direct flow away from a facility to prevent it from exceeding its designed capacity.

## 1. SYSTEM CONFIGURATION AND TONNAGE PROJECTIONS

### Background:

The first step in developing a system plan for the west wasteshed is to determine the appropriate planning area and the corresponding projected waste tonnages that comprise the wasteshed's system. In order to accomplish this task, four questions were analyzed and answered:

1. What is the total amount of waste from the west wasteshed that is expected to enter the regional solid waste system?
2. Should Metro Central, Metro South and/or the Riedel Composter handle some portions of the waste generated in the west wasteshed long-term?
3. Should transfer stations in the west wasteshed handle some portions of east or south wasteshed's waste long-term?
4. Given the potential for variation in waste projection data, for what projected capacity should transfer facilities in the west wasteshed be constructed?

### Analysis:

A 20-year waste disposal projection for the west wasteshed was calculated through 2013. The major variables that affect this projection are regional population growth and growth in the annual per capita waste disposal rate (pounds-per-person per-day). In order to determine the volume of waste that would be expected to flow to transfer stations in the wasteshed, diversions that result from the implementation of alternative management practices for the yard debris, special waste, household hazardous waste and high grade waste streams were calculated and excluded from the projection for waste delivered to transfer facilities.

Of primary importance in allocating projected tonnages to new planned facilities in the west wasteshed, is assessing potential tonnage allocation impacts on existing facilities in the regional system. Waste disposal projections need to be analyzed in the context of capacity needs and limitations of existing facilities as well as logical hauler transport routes to existing and planned facilities.

An analysis was conducted to determine if waste from the west wasteshed is needed to efficiently run other facilities within the system, specifically, Metro Central, Metro South and the Composter. The analysis shows that the system capacity contained in these

three facilities would be utilized by the wastes originating in the east and south waste sheds. The analysis also focused on the potential traffic safety impacts of directing collection vehicles from the west wasteshed to Metro Central. Such a practice would conflict with adopted City of Portland Transportation Policies because loaded collection vehicles would in most cases have to use traffic routes that are not designated truck routes, or, would have to travel congested roads with high accident ratios on a daily basis.

While waste projections for the east and south waste sheds indicate there are sufficient tons generated in those areas to efficiently operate the Composter and Metro Central, Metro South is in need of serious tonnage reductions to achieve efficient operations. Evaluation of capacity issues for Metro South indicate that the facility is operating over-capacity and lacks adequate material recovery capabilities. Therefore, reducing the flow of waste to Metro South through expansion of the west wasteshed transfer system is a priority.

Another important element of the tonnage projection analysis was to survey haulers who have collection routes near or across wasteshed boundaries. Ordinance No. 91-388 (Flow Control) states that waste haulers should be allowed to utilize designated facilities of their choice, to the extent they are consistent with Metro contract obligations and the efficient use of Metro facilities. The survey indicated that haulers operating on or near the south wasteshed boundary are collecting very small amounts of waste from that area and probably would utilize new transfer stations in the west wasteshed. These tons have been included in the waste projections used to design facility alternatives for the west wasteshed transfer/material recovery system.

The procurement of new and expanded transfer facilities in the west wasteshed represents the last major component of the region's solid waste system. Therefore, there is merit to a conservative approach in allocating projected tons to facilities in the west wasteshed. This conservative approach will take the form of planning for facilities based on a 10-year tonnage projection (1993-2003) with a contingency for additional or alternative types of facility capacity if necessary in the west wasteshed after 10 years.

### Conclusions:

1. Based on the system configuration analysis, the projected tonnage available from the west wasteshed for new transfer/material recovery facilities is as follows:



**Annual Waste to be Handled at  
Transfer/Material Recovery Facilities  
(From the West Wasteshed)**

Year	Residential Tons	Non- Residential Tons	TOTAL TONS
1993	82,149	143,599	225,748
2003	101,852	194,943	296,794
2013	134,299	258,328	392,538

2. Of the haulers surveyed in the south wasteshed, two indicated they would like to use a new transfer station in the west wasteshed, if it were located in southeast Washington County. The corresponding tons that have been added to the projections for the west wasteshed from these haulers are as follows:

**Annual Waste That Could Be Handled at  
Transfer/Material Recovery Facilities  
(From the South Wasteshed)**

Year	Residential Tons	Non- Residential Tons	TOTAL TONS
1993	4,087	10,029	14,116
2003	5,565	14,927	20,492
2013	7,425	18,926	26,351

3. The design and operational capacities of other major facilities in the region (Metro South, Metro Central and the Riedel Mixed-Waste Composter), are not adequate to provide long-term transfer service to the west wasteshed. Continuation of this practice would result in operational inefficiencies in the form of over-capacity at Metro South and potential traffic safety impacts associated with directing loaded collection vehicles to Metro Central or the Riedel Composter.
4. Transfer facilities in the wasteshed should be designed to meet the projected 10-year (2003) tonnage projection in order to maintain the flexibility to respond to changes in waste management technology.

## 2. NUMBER OF TRANSFER/MATERIAL RECOVERY FACILITIES

### Background:

In order to meet the region's objective of maintaining a cost-effective, regionally balanced solid waste system that supports a uniform level of service, an analysis was conducted to determine how many transfer/material recovery facilities the west wasteshed should have. The analysis also focussed on determining the individual capacity of facilities and whether or not the procurement of these facilities should be phased. A single transfer/material recovery system was not evaluated.

### Analysis:

An analysis was conducted to determine the cost-effectiveness of a system of 2 vs. 3 transfer/material recovery facilities. The analysis focussed on:

- the capital costs of facilities for the two different systems;
- the on-site operation & maintenance costs;
- the impact of haul costs from the collection route to the facility;
- the impact of transport costs from the facility to final disposal; and,
- the impact of facility location on cost.

The analysis showed that a system of two transfer/material recovery facilities is a more cost-effective system than a three-facility system. Both the capital and operational costs for a three facility system are higher than the capital and operational costs for a two-facility system. While the cost increases of a three facility system are partially offset by decreased haul-costs from the collection routes to facilities, the cost savings are small compared to the savings gained by having two larger facilities.

An analysis was also conducted on varying sizes of two-facility systems. A system of two unequally sized transfer/material recovery facilities, where the relatively smaller facility was located in the western portion of the wasteshed and the relatively larger facility was located in the eastern portion of the wasteshed, was more cost-effective than a configuration of two equally sized facilities designed to handle the same volume of waste. Locating the smaller of the two facilities in the western portion of the wasteshed and the larger of the two facilities in

the east reduces the transport to disposal costs for wastes destined for disposal at both the Riverbend Landfill and the Columbia Ridge Landfill because travel times and distances are decreased.

The cost per-ton savings for the unequally sized system is approximately \$2.00 per ton or \$600,000 per year when compared to a system of two equally sized facilities where the facilities are centrally located within the wasteshed.

It should be noted that haul costs to the transfer facilities have an incidental impact on overall system costs, while transport costs to disposal are more significant. The reason for this is that cost savings from short hauls to transfer facilities only affect a few franchise areas at the margins of service areas while transport cost savings affect all waste that is transported from the transfer system to disposal.

#### Conclusions:

1. A two-transfer station system is less expensive to build and operate than a system of three or more transfer stations. Therefore, the wasteshed will be served by two transfer/material recovery facilities.
2. Due to both capital and operational cost savings, a system of two unequally sized facilities, where the smaller of the two facilities is located in the west and the larger of the two in the eastern portion of the wasteshed, is the most cost-effective configuration evaluated.
3. The facility that serves the western portion of the wasteshed will have a capacity of 120,000 tons per year; and, the facility that serves the eastern portion of the wasteshed will have a capacity of 196,000 tons per year.
4. Due to the capacities of the two transfer stations, neither facility alone would be large enough to handle all of the wasteshed's general purpose waste. Therefore, the phasing of facility procurement in order to avoid constructing facilities before they are needed is not warranted.

### 3. TRANSFER/MATERIAL RECOVERY FACILITY SERVICE AREAS

#### Background:

In order to ensure that facilities within a multiple transfer/material recovery system will actually receive waste volumes in proportion to their capacities, it is necessary to develop a mechanism for managing the flow of waste to the two facilities. Such a mechanism will ensure that both facilities operate efficiently.

#### Analysis:

Metro could use its "Flow Control" authority to direct waste to facilities. However in practice, the Metro Council has not guaranteed a tonnage volume (flow of waste) to any part of the disposal system. This position of not guaranteeing waste volumes to disposal facilities has been taken to ensure that Metro maintains its ability to respond to innovations in operating procedures or advances in technology that can lead to increased waste reduction. Therefore, guarantees of actual volumes of waste have been reserved only for facilities where the primary purpose is waste reduction/recovery, such as the Riedel Mixed Waste Composter.

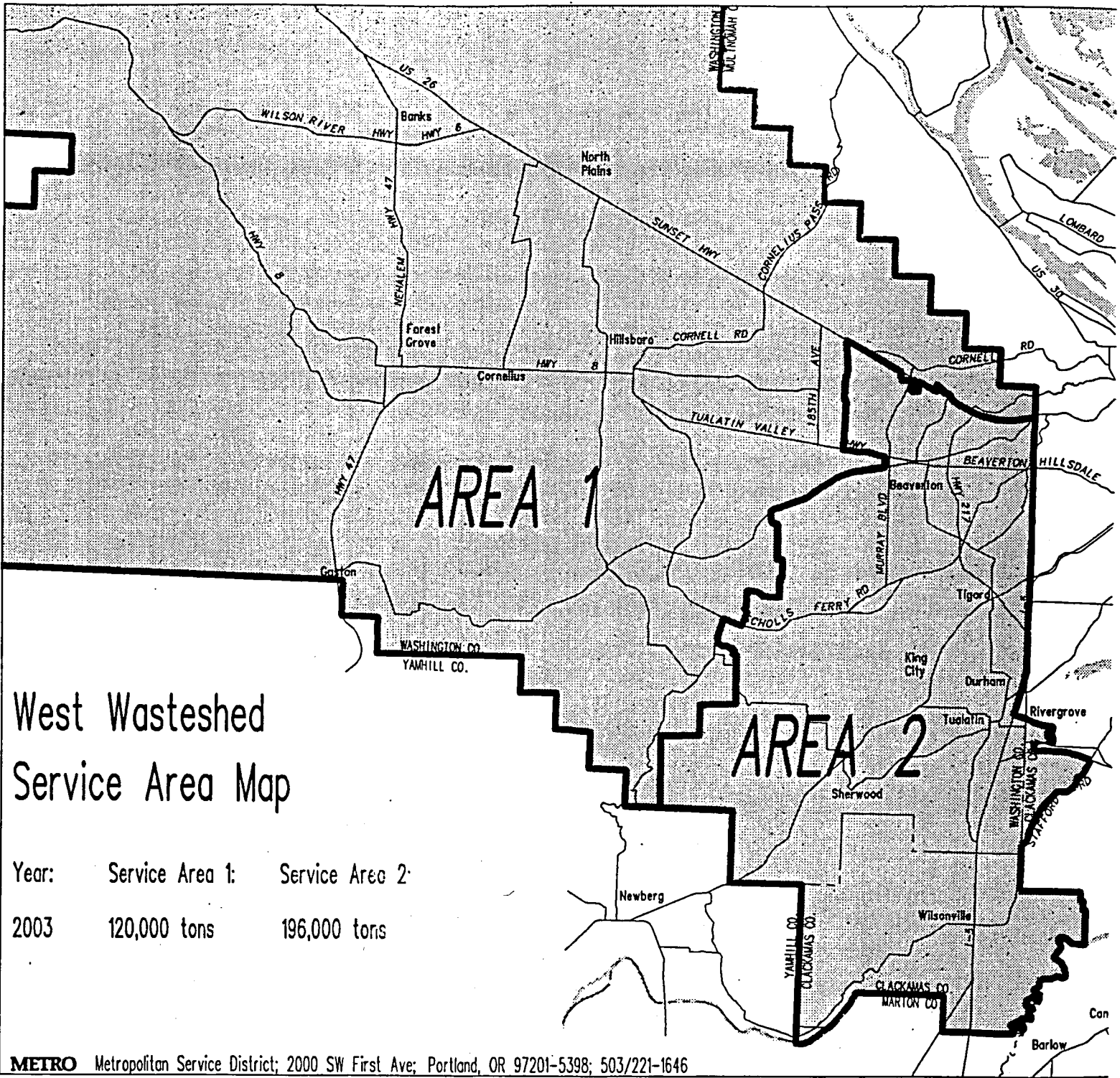
Given this practice, the concept of "facility service areas" was developed for the wasteshed. The Policy and Technical Analysis assumed service areas based on collections of hauler franchise areas; thus service area boundaries follow franchise boundaries. Hauler franchise operators will be required to deliver the waste they collect that is destined for disposal at a general purpose landfill to the transfer facility located within the service area that the hauler is assigned to. Therefore, the transfer facility operator is guaranteed a service territory and all of the general purpose waste destined for disposal at a general purpose landfill within that territory. However, if a method is identified for managing a portion of the general purpose waste stream at a higher level on the state's hierarchy (reduce, reuse, recycle, recover and landfill), then Metro is free to either allow or direct that portion of the general purpose waste stream to flow to a new facility or expanded existing facility. Additionally, source reduction programs can also be implemented without conflicting with tonnage guarantees for transfer facilities.

This Plan chapter does not specify exact service areas for the two transfer facilities for the wasteshed. However, it was necessary to test the feasibility of the service area concept. Therefore, theoretical service areas were developed for the wasteshed in the following manner.

The geographic size of the two service areas was based on the facility capacity for each of the two transfer material recovery facilities. Each service area was made just large enough to contain the amount of waste projected to be delivered to each of the two transfer stations in 2003. The actual service area boundaries were based on an analysis of transportation data. The premise used in defining specific boundaries was to minimize the haul time and distance from the collection route to the facilities; and, from the facility to either the Riverbend or Columbia Ridge Landfills. The results of the service area analysis are illustrated by the Service Area Map on page 12. The example provided is only one of several methods of designating service areas for the wasteshed. The actual service area assignments will be made after consulting with the local waste haulers; and, consistent with the provisions of Metro Code Chapter 5.05 (Flow Control) as well as the facility configuration and tonnage projections contained in this chapter.

**Conclusion:**

1. Two facility service areas (one for each facility) for the west wasteshed will be established during the procurement process in order to provide certainty about the allocation of general-purpose waste to transfer stations.
2. The service areas designated will have tonnage capacities that are consistent with the facility configuration and tonnage projections contained in this chapter. The 2003 tonnage projections for the two transfer facilities are 120,000 projected tons per year for the western portion of the wasteshed and 196,000 projected tons per year for the eastern portion of the wasteshed.
3. The actual assignment of franchised haulers to service areas will be completed in accordance with Metro Code Chapter 5.05 (Flow Control). The service area boundaries will establish which haulers, whose franchise areas are determined by local government, will be directed to which facility.



# West Wasteshed Service Area Map

Year:	Service Area 1:	Service Area 2:
2003	120,000 tons	196,000 tons

**METRO** Metropolitan Service District; 2000 SW First Ave; Portland, OR 97201-5398; 503/221-1646

#### 4. TRANSFER/MATERIAL RECOVERY FACILITY LEVEL OF SERVICE

##### Background:

The design and operation of transfer facilities within the west watershed must comply with standards related to equipment redundancy, accommodation of "self-haul" waste, hazardous waste management, source-separated recyclables collection and other operational standards already in place at other transfer facilities within the region. This is necessary in order to provide a uniform level of service to the users of the system; and, to ensure that new facilities comply with the operational standards established by the region's long term waste transfer and landfilling contracts with Jack Gray Trucking and Oregon Waste Management Systems.

##### Analysis:

The region's transfer system requires compaction equipment in order to load waste transfer trucks destined for the Columbia Ridge Landfill in Arlington. Each transfer facility within the system must be able to process the waste it receives on any given day of operation prior to the start of operations the following day. The standard was developed in order to ensure that waste would not be stored at transfer facility sites.

Like any other equipment, compaction equipment is subject to mechanical breakdowns. Therefore, it is necessary to have adequate equipment redundancy at each transfer facility in order to ensure that a facility can process the waste it receives in a given day, even when equipment is temporarily off-line. Metro's experience with the type of compaction equipment being used within the region indicates that most compactor breakdowns can be repaired in a twelve-hour period, or one day's waste acceptance period. Therefore, the standard for equipment redundancy for the region, and new transfer facilities in the west watershed, is that each transfer facility must have the capability to store an entire peak day's amount of waste on its tip-floor. After the compaction equipment returns to service, the compaction equipment must have the capacity to compact and prepare the peak day's waste for transfer prior to the start of operations the following day.

In order to provide a uniform level of service throughout the region, it is necessary for the west watershed transfer system to provide service to self-haulers, as defined in the Metro Code, at a level consistent with the rest of the region. The facilities that provide major self haul service to the east and south watersheds are the Metro Central and Metro South transfer stations. Both putrescible and non-putrescible wastes are accepted at these two facilities. Self-haul service in the west watershed is provided largely by the Hillsboro Landfill, which accepts only non-

putrescible wastes. The existing Forest Grove transfer station also provides self-haul service for both putrescible and non-putrescible wastes seven days a week.

The provision of self-haul service at transfer stations for all days of operation causes many of the problems associated with congestion, traffic and littering. As a result, capital and O&M costs at these facilities are higher in order to provide some separation between self-haul and commercial collection vehicles. This is typically accomplished through the installation of additional scale houses and queuing areas.

An analysis of commercial and self-haul patronage at regional facilities has found that the vast majority of commercial traffic occurs on weekdays while the majority of self-haul traffic occurs on weekends. An example of this condition is contained in the bidding documents for the Metro East (now Metro Central) transfer station. The weekday traffic requirements indicate that the peak arrival rate for commercial haulers is 90 vehicles per hour and 29 vehicles per hour for self haulers on weekdays. On weekends, the peak arrival rate for commercial haulers is three. For self haulers, the peak is 121. In total, the number of self haul vehicles and commercial haulers expected to use the transfer facility is approximately equal. However, the example illustrates that the bulk of the self-haul trips occur on weekends while the bulk of commercial-haul trips will occur on weekdays.

Transfer facilities that serve self-haul customers on weekends only, require less queuing space, fewer stall spaces, half as many scale houses and less personnel but are still able to serve self-haulers in the wasteshed. The Technical Analysis found that the capital cost savings for facilities designed to manage self-haulers on weekends only would be approximately \$2,400,000. The annual operational cost savings would be approximately \$150,000. Therefore, a cost effective method to serve self-haulers at transfer facilities in the west wasteshed would be to limit self-haul service to weekends and holidays.

The Hillsboro Landfill would continue its practice of accepting self-hauled waste on weekdays and weekends. This alternative would reduce traffic congestion at transfer facilities and avoid the need for additional capital and operational costs to separate commercial and self haul vehicles.

Other regional transfer facilities provide space and receptacles for receiving source separated principal recyclables, including yard debris. They also contain storage areas for incidental hazardous materials that are recovered from mixed solid waste delivered to the facilities. Transfer facilities in the west wasteshed must also provide these services in order to provide a uniform level of service at all facilities within the regional transfer system. Specific design standards for these features will



be dependent upon the expected waste volume at each facility and the specific characteristics of each proposed site.

**Conclusions:**

1. Transfer facilities in the west watershed shall have adequate equipment redundancy to manage the 2003 projected peak day of waste for each facility.
2. Transfer facilities in the west watershed shall at a minimum, provide self-haul service on weekends and holidays.
3. Transfer facilities shall include adequate space for the storage of incidental hazardous materials recovered at the site; and, source-separated principal recyclables delivered to the site.
4. Specific design requirements to meet these functional standards shall be determined during the procurement process.

## 5. POST-COLLECTION MATERIAL RECOVERY

### Background:

The region has an established waste reduction goal of 50 percent by 2000. The practice, in support of the waste reduction goal related to facility development, is to procure facilities that offer the maximum feasible material recovery rates based on the use of Best Available Technology (BAT)<sup>1</sup>. Past analyses conducted for the Metro Central transfer station have shown that this strategy augments existing recovery programs, such as curbside collection, by providing additional opportunities for materials recovery within the region.

In order to continue progress toward the region's waste reduction goal, it is necessary for transfer/material recovery facilities in the west watershed to have post-collection material recovery processing capacity.

### Analysis:

The determination of what material recovery rate would be feasible at transfer facilities in the watershed is dependent on several factors:

1. What current or proposed material recovery activities would be a part of the material recovery system in the watershed?
2. Given the presence of other means of material recovery in the watershed, what would be the projected composition of the general purpose waste stream entering transfer facilities?
3. Given the projected composition of the waste stream entering transfer facilities in the watershed, what would be the economically feasible level of material recovery at the facilities?

An analysis was conducted to address these factors. Briefly, the results of the analysis are as follows.

A waste composition analysis of the waste stream projected to enter transfer facilities within the watershed was conducted. This analysis excluded high grade wastes, recyclables collected via

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<sup>1</sup> Best Available Technology (BAT) as applied to mixed waste material recovery facilities is defined as the most economically feasible combination of proven equipment or process technologies which will result in the highest overall recyclable material recovery rate. This includes material recovery processing technologies or equipment such as manually sorted linear or circular material processing and recovery lines, air classifiers, ballistic classifiers, density or buoyancy classifiers, size classifiers and optical classifiers. Other types of equipment or processing technology may also comply. Because mixed waste material recovery reduces both the volume and weight of material which must be delivered for landfilling, the concept of avoided cost should be applied in the economic analysis.

curbside collection, recoverable yard debris, special waste and household hazardous waste. The waste composition analysis indicates that recoverable levels of recyclables such as paper products, glass, and plastics are available for recovery at transfer facilities. The estimated recovery rate is between 3 percent and 23 percent of the waste they receive over the twenty year planning horizon.

The determination of the expected average level of material recovery at transfer facilities was based on the results of the waste composition analysis plus an analysis of the capital and operational & maintenance cost of material recovery equipment and a review of the impact of market prices of recovered materials and the avoided cost of transport and landfilling (approximately \$35/ton) on recovery rates. Based on the results of these analyses, the expected average rate of material recovery for transfer facilities serving the westwashed is projected to be 16 percent.

A similar analysis was conducted prior to procurement of the Metro Central transfer station, which now services the east wasteshed. The results of that material recovery analysis were not used to mandate a specified level of material recovery. Rather, the material recovery requirements were established through a combination of economic incentives, market factors and facility design requirements. There are no circumstances unique to the west wasteshed or additional information obtained through experiences elsewhere in the region that would warrant a change in how material recovery levels should be established for transfer facilities in the west wasteshed.

#### Conclusions:

1. Transfer facilities in the west wasteshed will include post-collection material recovery capacity.
2. Transfer facilities in the west wasteshed will include post-collection material recovery capacity based on a combination of economic incentives, market factors, facility design requirements and analysis of impacts on existing programs and facilities. The requirements for the material recovery rate will be established by Metro and vendors through the procurement process. The expected material recovery rate at transfer facilities is an estimated average of 16-percent. A specific term and condition of the franchise shall be that the facility operator(s) shall adjust to changing circumstances which may require capital improvements, new methods of operation or similar factors in order to ensure continued compliance with the RSWMP as it may be amended.

## 6. HIGH GRADE PROCESSING

### Background:

High-grade waste is defined as substantially uncontaminated loads of dry mixed waste which contain recyclable materials that could be recovered economically. Based on this definition, it is estimated that high grade facilities will accept loads which contain, on average, at least 70 percent recyclable materials.

The recoverable material expected to be processed at a high-grade facility consists largely of paper products, including corrugated cardboard, mixed office paper, newspaper and magazine stock. Some plastics, glass and metals are also recovered in small amounts. High-grade waste is derived almost exclusively from non-residential generators that have large percentages of the materials described above in proportion to the rest of the wastes they generate.

High grade processing capacity is provided by privately owned and operated facilities in the region. These types of facilities gain a niche in the marketplace when they are able to charge lower tip-fees than transfer stations or other disposal facilities for substantially uncontaminated loads of recyclable materials, recover the materials, then sell them for reuse. High grade facilities are also not eligible for the avoided cost of disposal rebate paid to transfer facilities that process mixed waste.

### Analysis

Operationally, it is desirable to manage high grade waste separate from the rest of the general purpose waste stream. Separate high grade facilities recover more materials efficiently because recoverable materials are less contaminated, thus more marketable. They also provide an economic incentive to waste generators, in the form of lower disposal costs, to recycle more of the wastes generated. As a result, the volume of waste that goes to transfer facilities and landfills is reduced.

An analysis was conducted to determine if there is a sufficient volume of high grade waste within the west watershed to support a high grade processing facility.

Briefly, the determination of the economic feasibility of a high grade facility in the west watershed was based on the estimated high grade waste volumes that would be directed to a high grade facility, market prices for recyclables and the projected tip-fee revenues at a high grade facility.

The estimated volume of high grade waste that would be managed at a high grade facility is as follows:

**Projected High-Grade Waste Volumes**  
(From the West Wasteshed)

<b>Year</b>	<b>Total Recoverable High Grade Waste</b>	<b>Total Residual High Grade Waste</b>	<b>Total Projected High Grade Waste</b>
1993	25,663	10,986	36,619
2003	35,271	15,116	50,386
2013	46,472	19,917	66,389

The projection is based on the volume of recyclables within the waste stream and an estimate of the percentage of those materials that could be captured in high grade loads (capture rate). The capture rate is dependent upon assumptions about the market prices for recovered materials and the expected average tip-fee at the high grade facility. The market price estimates used in the analysis are conservative.

The tip-fee is an important factor in determining the economic feasibility of a high grade facility because it represents the major revenue stream for the facility, and, because it must contain an adequate cost differential between the high grade facility and a transfer/material recovery facility in order to induce haulers to work with their customer base to create high grade loads. Tip-fees at high grade facilities typically are on a sliding scale, the higher the recyclable content - the lower the tip fee. For the analysis, an average tip-fee for the high grade facility that reflected the effect of a sliding scale tip-fee was calculated. Supported by information obtained from local haulers and high-grade facility operators, the average high grade tip-fee for a given year is 75 percent of the projected transfer/material recovery facility tip-fee for the same year.

Based on the projected high grade waste volumes for the west wasteshed, and assumptions about the facility revenue stream from tip-fees and the sale of recovered materials, the analysis found that a high grade processing facility would be economically feasible in the west wasteshed. Revenues were clearly greater than the capital and operational costs of a high grade facility large enough to manage the wasteshed's expected high grade waste volume.

The analysis related to facility costs modelled both the cost of constructing and operating a high grade facility on its own independent site and as a separate component of a transfer/material recovery facility. The results of the analysis showed that there

were potential cost savings from co-locating at a transfer facility. However, these savings could be eliminated if co-location made the combined facility size too difficult to site. The feasibility of co-location will most appropriately be decided during the procurement process due to the site-specific nature of the potential positive and negative impacts of this type of facility configuration.

The high-grade facilities that serve other portions of the region are privately owned, financed and operated facilities. A Metro franchise is required before operation of a facility is authorized. The procurement process for a high-grade facility to serve the west watershed must result in a similar ownership, financing and operational arrangement. The use of public funds or public financing options for a high grade facility in the watershed would give that facility an unfair competitive advantage over other high grade facilities in the region.

The procurement process for the high-grade facility will be initiated either as a result of private sector initiative in submitting a franchise application or after procurement of transfer facilities begins, whichever occurs first. In order to ensure that there is efficient management of the waste stream, procurement of the high-grade facility will be completed within two years of the completion of the procurement process for transfer facilities in the watershed.

**Conclusions:**

1. A high grade facility will be procured as a component of the solid waste system for the west watershed.
2. The decision as to whether or not the high-grade function should take place at a separate facility or at a transfer station will be made during the procurement process. The procurement process will be initiated either as a result of private sector initiative in submitting a franchise application or after procurement of transfer facilities begins, whichever occurs first. This should be completed within two years of the completion of the procurement process for transfer facilities in the watershed.
3. Facility ownership, financing and operation will be private. A Metro franchise shall be required prior to commencement of facility construction and operation. The length of the franchise shall be negotiated through the procurement process.

## 7. TRANSFER/MATERIAL RECOVERY FACILITY FINANCING

### Background:

Transfer/material recovery facilities in the west waste shed will be major components of the regional solid waste system. Other existing major solid waste facilities in the region have been financed publicly (Metro Central and Metro South) or jointly between the public through flow guarantees and private sector backing (Riedel Composter) in accordance with Metro's Master Bond Ordinance.

These arrangements are indicative of the need to raise significant amounts of capital to pay for the types of technologies that are conducive to efficient solid waste management. New facilities need to focus on material recovery, be environmentally safe, operationally efficient and fit into the regional solid waste system (i.e., need for compactors and staging areas for long-haul transport).

The major questions related to facility financing for the west wasteshed are:

1. What is the cost differential between public, private or joint public/private methods of financing?
2. Which method of financing best serves the needs of the wasteshed and the rest of the region?

### Analysis:

Metro's Master Bond Ordinance provides Metro with the ability to use the system's net revenues for issuing senior lien debt for system bonds or to incur subordinated lien debt through the issuance of private activity bonds in order to provide a funding mechanism for specific projects. Ownership of facilities financed through either method could be public or private. However, it is Metro's practice to issue senior lien debt for publicly owned facilities and subordinated lien debt for privately owned facilities. Facilities could also potentially be financed through private means, or with the assistance of public entities other than Metro.

A detailed analysis of the costs and benefits of different methods of facility financing was conducted to determine what the best method of financing transfer facilities would be for the wasteshed. The methods described above were all included in the analysis.

One of the first conclusions was that private financing was probably not feasible. It was found that it would be extremely

difficult for small privately held firms to obtain financing for a completely private facility without a pledge from Metro to pay for debt service. A private financing structure would very likely require a firm with a substantial balance sheet that would be willing and able to guarantee the debt and make a substantial equity commitment. Reliance on such a financing method by Metro would limit the type and number of potential vendors during the procurement process.

The remaining viable financing options for transfer facilities in the wasteshed were either a public or a public/private arrangement.

A public financing arrangement would follow past practice where Metro issues system bonds to finance procurement and is the owner of the facilities. This option requires Metro to make a pledge of all system net revenues to bondholders, both current and future, or what has been referred to in this analysis as senior lien debt.

In determining the "type" of public/private financing method that would be most viable for the wasteshed, issues related to providing bondholders' security for private activity bonds and their potential affect on both the financial and operational portion of the system were examined. There are two likely means of public/private financing; private activity bonds issued by an entity other than Metro, and, private activity bonds where Metro is the issuer. The results of the analysis are as follows:

#### Private Activity Bonds (Metro is not the Issuer)

If Metro is not the issuer of the private activity bonds, the rating agencies will rely on the credit of the transfer station owner/operator to establish its rating. In order to secure an investment grade rating (BBB or better) on the bonds and an ensuing favorable interest rate, it will be necessary for the owner/operator to secure a very favorable service agreement with Metro whereby Metro would likely have to guarantee operation and maintenance costs, debt service, and debt service coverage as part of its payment for processing the solid waste delivered to the station. This type of long-term obligation would not be in Metro's best interest. Such an arrangement may require Metro to guarantee sufficient tonnages to cover costs, which is inconsistent with Metro practice because it would limit Metro's flexibility to respond to future changes in technology that may afford an opportunity for significant waste reduction. Alternatively, the owner/operator may need to negotiate a franchise territory sufficiently large enough to guarantee that operating and debt service costs would be met. It is likely that rating agencies would require assurances that the franchise territory could provide waste in sufficient amounts to produce net revenue at least equal to 130 percent of the actual costs of the transfer station. These types of financing conditions make it impossible to develop a two-transfer station system in the wasteshed because the service areas



for a two-facility system would overlap, which would make the system non-functional.

#### Private Activity Bonds (Metro as Issuer)

If Metro is the issuer of the private activity bonds, the rating agencies would rely on Metro's credit worthiness as the primary security for the bonds. Metro's system revenue bonds have an "A" rating from Moody's, and an A- rating from Standard and Poor's. Although, as a subordinate issue, Metro's private activity bonds are unlikely to attain such high ratings, though it can be assumed that an investment grade rating would be possible.

Metro's issuance of the bonds would allow debt service coverage to be calculated on a system-wide basis, relieving Metro of the necessity of paying coverage to the station owner and, thus, reducing system costs. It would also allow the granting of franchise territories to be on a more rational and flexible basis.

The discussion above illustrates that the two most viable choices for Metro to secure financing for solid waste facilities are; public financing with a pledge of senior lien debt or public/private financing with a limited pledge of subordinated lien debt. The next step in determining an appropriate finance structure for the facilities was to assess cost differences between the likely public finance option and the likely public/private finance option.

The cost differences between the public and public/private finance options, using an interest rate of 7.9 percent for senior lien debt (market rate plus a 1 percent contingency at the time of analysis), equates to \$ .46 per ton in 1993 when averaged over the total tonnage projected to enter the west wasteshed. If averaged over the total waste tonnage managed by the regional transfer system, the cost difference equates to \$ .11 per ton in 1993.

The analysis did find that while Metro's senior lien debt, because of the broad pledge offered to bondholders, will generally receive higher credit ratings and thus lower interest costs than subordinated lien debt issued by Metro, the cost difference is small. This is particularly true when interest cost differences between bond rating grades are small, as they are in today's credit markets. Furthermore, use of the senior debt option consumes a portion of the available senior lien debt capacity for future projects, capacity that is largely determined by the Metro Council's willingness to raise the tip-fee rate.

In comparison, use of Metro's subordinated lien debt capability makes good sense for project oriented financing. In fact, issuance of subordinate lien debt actually enhances the credit strength of Metro's senior lien debt because net revenues first available to the senior lien bondholders are increased. By effectively

utilizing subordinate lien debt to finance elements of the solid waste disposal system, Metro can improve senior lien debt financial performance, minimize impacts on rates and charges by more closely equating revenue requirements to cash requirements, and, maintain senior lien debt capacity for projects providing system-wide services and benefits. All of these factors should combine to reduce overall long-term borrowing costs, thus reducing Metro's solid waste program costs.

The analysis above is not intended to exclude any forms of private or public/private facility financing from consideration during procurement. It is intended only to identify the means of facility financing that appeared most feasible, given the market conditions at the time of the analysis.

**Conclusions:**

1. Metro should not rely on private financing for transfer facilities because it would limit potential vendors to only a few large companies. The costs associated with private financing are also likely to be much higher than public or public/private alternatives.
2. Transfer facilities in the west watershed will most likely be financed through a public/private arrangement because the cost differential between this method and the least-cost public method is small and other benefits are realized.
3. The most favorable means of financing will likely have Metro as the issuer of project private activity bonds with a limited pledge for subordinated lien debt.

## 8. RATES

### Background:

Metro's rate setting practice is to allocate the costs of management and operation of the system to the users of various parts of that system. This results in a rate structure comprised of four separate fee components:

The regional user fee (covers cost of planning, waste reduction and administration);

The Metro user fee (covers cost of debt service and fixed contractual costs);

The regional transfer charge (covers cost of transfer station operating contracts); and,

The disposal fee (covers variable costs of transport and disposal contracts and landfill closure).

All four of these fee components will be charged on waste that enters transfer/material recovery facilities in the wasteshed.

Policy 11.1 of the RSWMP states that:

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

The locally preferred method of facility ownership within the wasteshed is private ownership which in some cases depending on financing arrangements, can be more expensive than public ownership. Given this finding and the direction given by the RSWMP, a major policy issue is; should the rate payers that use the transfer facilities in the wasteshed pay different rates for solid waste management than rate payers in other parts of the region in order to accommodate the local government solution preferences?

### Analysis:

The cost components significant for comparative purposes are the cost of operations and maintenance (O&M) and the cost of financing.

The analysis evaluated the local government solution as a two-transfer station system, privately owned with public assistance for bond allocation. The financing mechanism, described in the discussion of facility financing, is tax-exempt, private activity bonds with a limited Metro pledge (limit on payment obligations by

Metro, subordinated debt or service fee payment) with a bond rating of Baa/BBB and an interest rate of 8.5 percent.

To assess the rate differential, the local government solution described above was compared to a two-transfer station system with public ownership and public financing. The public financing mechanism is tax-exempt bonds with a Metro system pledge, bond rating of A/A- and an interest rate of 7.9 percent.

It was concluded that O&M costs would be the same (with the exception of the payment of property taxes) as that which would be expected if transfer facilities would be publicly owned. Actual O&M costs cannot be determined accurately until procurement, as they are unique to the operational practices of individual companies. The cost per-ton of paying property taxes was estimated to be \$.51 in fiscal year 1993/94, the projected first full year of operation.

The differences in the cost of financing between public financing and private financing with a limited Metro pledge would be \$.11 per-ton, given the assumptions about interest rates discussed above.

The table below summarizes the projected impact to the regional tip-fee of the private ownership option (the preferred local government option) and the public ownership option for fiscal year 1993/94, the projected first full year of operation.

FY 93/94 Metro System Rate

	Regional User Fee	Metro System User Fee	Regional Transfer Charge	Disposal Fee	TOTAL RATE
Public Ownership	\$13.11	\$9.76	\$12.16	\$36.40	\$71.44
Private Ownership	\$13.11	\$9.87	\$12.67	\$36.40	\$72.06

The spread between financing and O&M costs for publicly owned facilities and privately owned facilities (the preferred local government solution option) would be \$0.62/ton in FY 93/94, or less than 1 percent of the total tip-fee. The total cost differential between financing and O&M costs for the year was calculated to be \$613,103. While this total cost differential would remain constant over time, the annual per-ton cost will actually decline due to projected annual increases in the amount of tons the transfer system will manage.

Conclusions:

1. Rate payers within the west watershed are subsidizing rate payers in both the east and south watersheds through taxes paid for the Riedel Composter and Metro South. Along with the rest of the region, they are also subsidizing the payment of taxes for the Columbia Ridge Landfill.
2. The inclusion of property tax payments for transfer facilities that serve the west watershed within the regional rate is consistent with tax payment practices for other facilities in the regional system. The projected costs will have a minimal impact on the regional tip-fee.
3. The cost differential between the local government solution and a public ownership option is not great enough to warrant additional fees needing to be collected from citizens in the west watershed to pay for the locally desired system.

## 9. TRANSFER/MATERIAL RECOVERY FACILITY OWNERSHIP

### Background:

The regional solid waste system contains a mix of ownership arrangements for major facilities.

- Metro South was publicly sited and is publicly owned.
- Metro Central was privately sited, but is publicly financed and owned.
- The Riedel mixed-waste composter was privately sited, privately financed with Metro flow guarantees, and will continue in private ownership with a 20-year contract with Metro.
- The Columbia Ridge Landfill was privately sited, is privately financed in part by a Metro allocation of waste destined for a general purpose landfill and is privately owned with a 20-year contract with Metro.
- The Forest Grove transfer station was privately sited, is financed and owned by a private company and operates under a Metro franchise.

Policy 13.0 of the RSWMP states:

"Solid waste facilities may be publicly or privately owned depending on which best serves the public interest. A decision shall be made by Metro, case-by-case, and based upon established criteria."

### Analysis:

The criteria used for determining what form of facility ownership best serves the public interest are contained in Chapter 13 of the RSWMP.

Public ownership of a solid waste facility typically implies that responsibility for and control over siting, permitting, design, financing, and construction management would rest directly with Metro. Private ownership, on the other hand, implies that the development tasks which include siting, permitting, design, construction and financing would rest with the private sector. In-between these two ownership options, there exists options which are a mix of responsibilities and development tasks.

The Facility Financing portion of this chapter concludes that establishing facilities in the west watershed should be a joint

public/private venture. The facilities can be privately owned, with a long-term franchise agreement, but financing will require some form of public assistance.

In applying all of the ownership criteria contained in Chapter 13 of the RSWMP, the primary issues of importance were cost, the ability to adjust to changing circumstances which may require improvements to transfer facilities over time and the adherence to the "local government solution" policy in the RSWMP. It was determined that all the other criteria could effectively be managed or mitigated under either a public or private ownership situation through appropriate regulatory controls.

In conducting an evaluation of ownership costs, the cost of financing facility capital and the payment of local property taxes were the significant determinants in assessing potential cost differentials between ownership options. It was concluded that the cost differential between public and private ownership would not have a significant impact on the total overall budget and rate structure of Metro. Depending on the accuracy of the analysis, the impact could be less than a 1 percent increase on the regional rate. It was further concluded that Metro should consider the non-financing differences between the ownership structure in order to assess the overall advantages and disadvantages of public versus private ownership.

For example, the local government solution developed for the west watershed strongly favors a private ownership structure. Substantial savings of time and money may be realized if the ownership decision can be used to streamline and facilitate siting, and that this could offset any financing structure savings. A significant portion of the cost differential between public and private ownership can also be eliminated if Metro obtains project private activity bond allocation for the total amount of the two facility bond issues.

Transfer facilities within the regional system, including the west watershed, must be able to adjust to changes in technology or management practices in order to continue to provide efficient service to the region. This is especially true with regard to enhancing the waste recovery capabilities of transfer facilities. An analysis was conducted to determine if facility ownership would impact the ability of transfer facilities to adjust to changing circumstances. It was found that ownership has no impact. The transfer facilities in the watershed will be classified as major system components and franchised as such in accordance with section 5.01.085 of the Metro Code. The Code section allows the Metro Council to require appropriate substantive terms and agreements to be included in the franchise agreement between Metro and the facility operator. A specific term and condition of the franchise agreement should include language that addresses the RSWMP

ownership criteria related to the ability to adjust to changing circumstances.

The analysis above illustrates that the preferred form of facility ownership of transfer facilities in the west watershed is private. However, if the private sector is unable to meet criteria established during the procurement process, public ownership of the facilities is an option.

**Conclusions:**

1. Private ownership and operation of transfer facilities in the west watershed best serves the public interest because it is consistent with the local government solution developed for the watershed, the capital and operational cost differential is small and facility siting will be more efficient, which will likely offset any cost differential between public and private ownership.
2. Metro will assist with the bond allocation.
3. A specific term and condition of the franchise shall be that the facility operator(s) shall adjust to changing circumstances which may require capital improvements, new methods of operation, or similar factors in order to ensure continued compliance with the RSWMP as it may be amended.
4. The local government solution recognizes that public ownership is an alternative if private ownership proposals do not meet the criteria established in the procurement process. If no private ownership proposal is received that meets the procurement criteria, public ownership is an alternative.



## 10. VERTICAL INTEGRATION

### Background:

Vertical integration or monopoly within the solid waste system is an issue of concern because of the potential negative impacts caused by a monopoly, including the ability to control access to facilities, control rates and limit competition and innovation within the solid waste industry.

Methods and procedures have been developed for mitigating the potential negative impacts of vertical integration within the regional solid waste system, including Metro operation of facility gatehouses. These methods and procedures have been employed in recent planning and procurement processes for new facilities.

The two main questions related to vertical integration in the west watershed are:

- To what extent is vertical integration problematic?; and,
- How can potential vertical integration impacts in the west watershed be mitigated?.

### Analysis:

A detailed analysis of how vertical integration is managed within the regional system, and, how it can be managed within the west watershed's portion of the regional system found that there are four categories of vertical integration in the Metro waste disposal system: collection, transfer/processing, hauling and landfill. Rates are regulated at each stage.

The Metro Solid Waste System offers at least two examples of vertical integration if the owner/operator of the transfer site is operating at some level within the existing structure. There is downstream vertical integration if a collector or a group of collectors is chosen to own or operate a transfer facility. There is upstream vertical integration if a landfill operator is selected. The key question is, could either type of vertical integration have an adverse anti-competitive effect on the performance of the waste disposal system?

The analysis supports the conclusion that neither downstream nor upstream vertical integration would present adverse effects. In order for a firm to profit from vertical integration (monopoly) it must be able to control either the price it charges or the amount of service it provides; and, control the entry of possible rivals. Within the solid waste system, existing franchise authority for facilities by Metro and for haulers by the local governments in

Washington County greatly restricts the ability of firms to either control the prices they charge or limit the service they provide. Further, Metro's ability to control the gate-house and therefore regulate access and fee collection at the facility eliminates the potential for unfair practice or pricing differences between haulers using the facility.

It should be noted that upstream vertical integration (landfill operator selected) might increase Metro's dependency on the landfill operator to such an extent that Metro's bargaining position with respect to that operator would be reduced. In this instance it is the potentially adverse effects on the bargaining relationship rather than adverse effects of a monopoly that are of concern.

**Conclusions:**

1. Vertical integration within the regional solid waste system is not a significant concern as long as Metro and local government continue to regulate rates and service quality at facilities; and, within the hauling industry.
2. Vertical integration will be allowed within the west watershed's portion of the regional system, with the requirement that Metro operate transfer station gate-houses.

## 11. TRANSFER/MATERIAL RECOVERY FACILITY PROCUREMENT

### Background:

The preceding portions of this chapter support the procurement of two transfer/material recovery facilities to serve two service areas within the west wasteshed. The recommended capacities of the two facilities are 120,000 tons per year and 196,000 tons per year respectively; with capacity to be reached in 2003. The recommended form of facility ownership and financing is private ownership with Metro as the issuer of private activity bonds along with a limited pledge from Metro to pay debt service.

### Analysis:

"Procurement," as used in this chapter includes any process that results in Metro entering into a commitment to build and operate transfer facilities in the west wasteshed.

Three basic procurement options were considered as potential method of facility procurement for the west wasteshed; the competitive RFP process, the short-term (five-year) franchise and the long-term (up to 20-years) franchise.

**Competitive RFP process.** The competitive RFP process is an alternative to the franchise procedures contained in the Metro Code. The process was used to procure the Metro Central transfer facility. It was a useful method for obtaining a facility for the east waste shed because it aided in the identification of suitable sites where a solid waste facility would be a permitted land use.

**Short-term franchise.** This franchise is for five years or for the facility's longevity, whichever is less. This type of procurement process is not practical for major solid waste facilities, such as the transfer facilities for the west wasteshed, because of the short duration of the franchise agreement. Under these conditions, it is not possible for private sector vendors to obtain facility financing.

**Long-term franchise.** This franchise process is contained in Section 5.01.085 of the Metro Code. It was developed so the Metro Council could enter into long-term (up to 20-years) franchise agreements for major solid waste system components, such as transfer facilities. The long-term franchise process allows the Metro Council to identify needed major system components and develop the specific procedures for receiving franchise applications. It is the most efficient means of facility procurement for the west wasteshed because it allows Metro to identify the needed facilities and specific functional standards, then allows vendors with permitted sites to apply for a franchise

to procure a facility that meets the standards established by Metro. It is likely that significant changes or advancements in methods of waste management will be made during the length of the franchise agreement. Therefore, as has been previously concluded, a specific term and condition of the franchise shall be that the facility operator(s) shall adjust to changing circumstances which may require capital improvements, new methods of operation, or similar factors in order to ensure continued compliance with the RSWMP as it may be amended.

### Conclusions:

The procurement process for transfer/material recovery facilities to serve the west watershed is based on the Metro Code and the Policy and Technical Analysis, which supports the chapter conclusions.

1. The preferred method of facility procurement for transfer facilities in the west watershed will be through the issuance of a request for long-term franchises. A separate request for franchise will be circulated for the appropriately sized facility for each service area.
2. The recommended form of facility ownership is private. Therefore, applications for long-term franchises will be for privately owned facilities only.
3. The most likely form of facility financing is a public/private partnership where Metro is the issuer of project private activity bonds and pledges payment of debt service only.
4. Metro will seek proposals for privately owned facilities that meet the procurement standards and criteria established for each service area. The procurement criteria shall include a cost which is no greater than the cost of a publicly financed facility using the assumptions and methodology in the technical analysis. If the private sector is unable to obtain facility financing and/or no franchise applications are received that meet the procurement standards and criteria established for each service area, then a competitive RFP with the option for public ownership through a turn-key arrangement will be circulated for each proposed facility service area.
5. Other specific procurement criteria and standards related to the procurement schedule, facility design, operational standards, material recovery rates, compatibility with the regional transfer system and other issues will be developed separately and contained in the procurement documents circulated for each transfer facility.

## 12. LAND USE SITING

### Background:

For past facility siting exercises, Metro has developed and utilized land use siting criteria to guide the selection of sites for solid waste facilities. In order to guide the site selection process for transfer facilities in the west watershed, it is necessary to develop land use siting criteria so that transfer facilities can be procured in a timely manner; and, with a minimum impact to communities within the watershed.

An additional issue related to facility siting is; who should take the lead in identifying potential sites - the public or private sector.

The following analysis establishes land use siting criteria for evaluating potential sites in the west watershed; and, identifies the appropriate roles of the public and private sectors in the siting process.

### Analysis:

Throughout the planning process for the west watershed an analysis was conducted to determine the appropriate land use siting criteria for transfer facilities in the watershed. At the completion of the analysis it was concluded that the criteria developed for the east watershed, and used for the Metro Central siting process are appropriate for the west watershed. The land use siting criteria are as follows:

Fatal Flaw - In order to be considered, potential transfer station projects must have local land use approval.

Rationale: Sites requiring lengthy land use approvals (e.g., zone changes) may not meet time requirements for design and construction and therefore should not be considered.

On-site Characteristics - Characteristics of the site make it well suited for the use. The site plan does not create on-site conflicts with wetlands, 100-year flood plain, geotechnical conditions, or other physical characteristics of the site. Mitigation measures which are shown to effectively reduce or eliminate any potential on-site conflicts will be credited.

Rationale: The criterion encourages sites and site plans which do not affect hazardous environmental conditions or sensitive resources.

Utilities - Utilities needed by the transfer stations (sewer, water, power) are available and of adequate capacity.

Rationale: Utilities requiring major improvements to serve the site are not encouraged.

Traffic Capacity of Primary Access Routes - Primary access routes to the site have adequate built or planned capacity for the traffic type and load. Planned capacity will be credited when programmed and fully funded. The determination of adequate capacity will be made by local governments.

Rationale: Traffic is a major impact of transfer and recycling centers. Such facilities should be encouraged where road capacity is adequate or financial commitments are in place to make necessary improvements.

Transportation Access for Collection Vehicles and Self-Haulers - Access to the site allows commercial haulers and the public to travel primarily on interstate highways and arterials.

Rationale: Proximity and accessibility provides convenience, reduces travel time and cost, and minimizes impacts to land uses adjacent to the route.

Land Use Impacts along Access Routes - Adverse land use impacts are minimal along the primary access route(s) between the closest interstate highway and the site. Other primary access routes which do not directly connect to an interstate highway will be considered.

Rationale: Truck traffic is the most commonly cited and most visible impact of transfer and recycling centers.

The land use siting criteria listed above are not intended to be rigid standards for judging potential sites. Rather, they are to be used as guidelines to assist in the evaluation of potential sites during the procurement process. Past experience with other facility siting processes has illustrated that it is important to focus on identifying the most feasible or workable site, both from a technical and political perspective.

During the development of the west watershed plan, an analysis was also conducted to determine who is best suited to identify potential sites for facilities; the public or private sector. The analysis consisted largely of a review of past siting experiences within the region. The results are as follows.

The public sector experience in siting solid waste facilities has been difficult within the region. The private sector has had much better results in obtaining land use approvals. Some siting examples include:

- Landfill: Private sector siting after Metro and DEQ could not.
- Metro South: Metro sited;
- Metro Central: Metro negotiated mitigation agreements for outright use status consistent with the RSWMP policy; private sector met mitigation requirements to obtain land use permit. Metro required land use permits for vendors to enter procurement process;
- Composter: Private sector siting.

Given these past experiences, reliance on the private sector to identify sites for transfer facilities is the most efficient method for siting transfer facilities in the west watershed.

#### **Conclusions:**

1. The land use siting criteria established for the east watershed are appropriate for guiding the site selection process within the west watershed.
2. Potential sites for solid waste facilities in the west watershed will be identified by potential vendors.
3. Facility vendors must have the local land use permit in hand prior to the procurement process. This does not include site design review or the mitigation agreement which will be subject to the procurement process.

### 13. FLOW CONTROL

#### Background/Analysis:

Transfer/material recovery facilities are a part of the "disposal" component of the regional solid waste system. They are classified as such because even with post-collection material recovery processing, the majority of waste that enters the facility is ultimately landfilled and the waste entering the facility is mixed solid waste.

Policy 10.1 of the RSWMP states that:

"Metro may assist in the financing of solid waste facilities in part by allocating waste volumes to various facilities."

However, in practice, guarantees of actual volumes of waste have been reserved only for facilities where their primary purpose is waste reduction/recovery, such as the Riedel mixed waste composter.

Short of guaranteeing tonnages, Metro does assist in financing disposal facilities. Metro Central is guaranteed revenue if certain tonnage volumes are not met and the Columbia Ridge Landfill is guaranteed 90 percent of the region's waste requiring disposal at a general purpose landfill. Assisting in the financial viability of transfer facilities to serve the west watershed would be consistent with Metro practice.

As was described earlier in the chapter, the method of managing waste flows and therefore the flow of revenue to a system of multiple facilities in the west watershed is to designate exclusive service areas for commercial haulers for both facilities. Within each service area, all of the waste collected by haulers and destined for disposal at a general purpose landfill will be allocated to a transfer facility. Service areas will provide a predictable flow of waste to a transfer facility without guaranteeing actual waste tonnages to transfer facilities. They can also serve to increase system efficiency by allocating waste to facilities in proportion to their capacities, and reduce cross-hauls in collection and disposal.

#### Conclusions:

1. Transfer facility service areas will be established for the watershed as the means of managing waste flows to facilities. Each service area will be served by a single transfer facility.



2. Waste collected by haulers destined for a transfer/material recovery facility or a general purpose landfill will be allocated to the transfer/material recovery facility within a designated service area.
3. Metro may use flow control pursuant to Metro Code Chapter 5.05 consistent with the service area concept to augment system efficiencies and to protect facilities from overuse. In exercising flow control, an important factor will be to follow existing route patterns of collection vehicles and territories served by haulers consistent with the criteria in Metro Code Chapter 5.05.

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-416 FOR THE PURPOSE OF  
AMENDING ORDINANCE NO. 88-266B ADOPTING THE REGIONAL SOLID  
WASTE MANAGEMENT PLAN TO INCORPORATE THE METRO WEST TRANSFER  
AND MATERIAL RECOVERY SYSTEM CHAPTER

Date: September 19, 1991

Presented by: Richard Carson  
Becky Crockett  
Mark Buscher

PROPOSED ACTION

Ordinance No. 91-416 amends the Regional Solid Waste Management Plan to incorporate the Metro West Transfer and Material Recovery System Chapter. The Chapter provides the direction necessary to expand the regional transfer and material recovery system to serve the west watershed.

FACTUAL BACKGROUND AND ANALYSIS

The west watershed encompasses incorporated and unincorporated Washington County. The Metro West Transfer and Material Recovery System Chapter provides the necessary direction for fulfilling the need for expanded transfer and material recovery capabilities in the west watershed. Currently, the watershed is served by the Metro South transfer station, located in Clackamas County, and the Forest Grove transfer station. Neither have material recovery processing capacity, and, the Metro South Station is operating over capacity.

The Metro West Chapter was developed as a local government solution. It's development is consistent with Policy 16.0 of the Regional Solid Waste Management Plan, which states:

"The implementation of the Solid Waste Management Plan shall give priority to solutions developed at the local level that are consistent with all plan policies."

The Chapter is also consistent with the planning process and minimum standards for the local government solution established by the Metro Council.

Using these guidelines, local governments in Washington County worked collectively to develop their local government solution plan. The local plan contained recommendations on eleven issues including; facility configurations and sizes, facility functions, ownership and procurement. Consistent, with the planning process established by Council, the local government solution was submitted to Metro so that a detailed policy and technical analysis of the local plan could be conducted. The policy and technical analysis determined that the local government solution was consistent with the goal and policies of

the Regional Solid Waste Management Plan and the standards for local government solutions developed by the Council.

Based on the findings of the policy and technical analysis, the Council established policy for the development of the Metro West Transfer and Material Recovery System Chapter. Staff has followed these policies and the findings of the Technical Analysis in developing the Chapter.

The Chapter provides direction on the following issues:

- System Configuration and Tonnage Projections - The planning area for the west watershed and corresponding waste tonnage projections is based on the Washington County boundary delineation with minor adjustments to account for established hauler activities.
- Number of Transfer/Material Recovery Facilities - The watershed will be served by two transfer/material recovery facilities.
- Transfer/Material Recovery Facility Service Areas - Two facility service areas for the west watershed will be established during the procurement process in order to provide certainty about the allocation of general-purpose waste to transfer stations.
- Transfer/Material Recovery Facility Level of Service - Transfer facilities in the west watershed must meet minimum operational standards in place elsewhere in the region.
- Post Collection Material Recovery - Transfer facilities in the west watershed will include post-collection material recovery capacity.
- High Grade Processing - A high grade facility will be procured as a component of the solid waste system for the west watershed.
- Transfer/Material Recovery Facility Financing - Transfer facilities in the west watershed will most likely be financed through a public/private arrangement.
- Rates - Costs associated with the local government solution for the west watershed should not obligate citizens within the watershed to pay more for solid waste disposal than citizens in other parts of the region.
- Transfer/Material Recovery Facility Ownership - Transfer facilities in the west watershed will be privately owned if a

private ownership proposal that meets criteria established through the procurement process is received.

- Vertical Integration - Vertical integration will be allowed within the west watershed's portion of the regional system, with the requirement that Metro operate the transfer station gate-houses.
- Transfer Material/Recovery Facility Procurement - The primary method for the procurement of transfer facilities in the west watershed will be through a competitive long-term franchise process.
- Land Use Siting - Potential sites for solid waste facilities in the west watershed will be identified by private facility vendors.
- Flow Control - Waste destined for a transfer/material recovery facility or a general purpose landfill will be allocated to the transfer/material recovery facility within a designated service area.

#### DECISION PROCESS

The draft Metro West Chapter has been reviewed and approved by the Technical and Policy Committees of the Regional Solid Waste Management Plan project and the Washington County Solid Waste Steering Committee. The Committees recommended no amendments. However, amendments were made by Metro staff during the committee review process. These amendments did not result in substantive changes to the draft Chapter reviewed by the committees.

#### SUPPORTING DOCUMENT

Accompanying the Metro West Material Recovery System Chapter is the Policy and Technical Analysis for the Washington County System, completed in April of 1991. The Analysis contains the results of specific studies that support the recommendations in the Chapter. The Metro West Transfer and Material Recovery System Chapter takes precedence over the supporting document.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 91-416 adopting the Metro West Transfer and Material Recovery System Chapter of the Regional Solid Waste Management Plan.

Meeting Date: October 10, 1991  
Agenda Item No. 7.1

RESOLUTION NO. 91-1494C



**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 7.1; RESOLUTION NO. 91-1494C

Resolution Nos. 91-1494C, 91-1494B and Regional Facilities Committee reports only have been printed in this agenda packet. A supplemental packet containing those and all other materials related to the resolution will be distributed to Councilors in advance and available at the Council meeting October 10, 1991. Please note staff has submitted revised materials from those published in previous committee and Council agenda packets.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTION OF A SALE )  
AGREEMENT FOR THE ACQUISITION OF )  
THE SEARS FACILITY [AND EXEMPTING )  
THE HEADQUARTERS RFQ/RFP PROCESS )  
FROM COMPETITIVE BIDDING PROCESS )  
PURSUANT TO METRO CODE 2.04.041] )

RESOLUTION NO. 91-1494 - C  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, in October 1990 the Council of the Metropolitan Service District approved Resolution No. 90-1338 which authorized the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and authorized an alternative procurement process for selected contracts; and

WHEREAS, Resolution No.90 - 1338 provided for a due diligence period which conditioned the closing of the sale agreement by a determination by Metro of the suitability of the Sears facility as the Metro headquarters facility; and

WHEREAS, upon completion of the extended due diligence efforts, Metro's Relocation Task Force informed the owners of the Sears facility that the study had shown that the Sears facility, including the adjacent garage, was not economically suitable and allowed the initial sale agreement to lapse; and

WHEREAS, an unsolicited proposal indicated the possibility of renovation of the Sears building, excluding the adjacent parking garage, as the new Metro Headquarters Building within an economically acceptable budget; and

WHEREAS, the Executive Officer and the Relocation Task Force have reviewed the proposal and recommend the execution of a sale agreement, attached as Exhibit A, [~~which provides for the closing of the sale of the Sears facility upon the satisfactory receipt and acceptance by Metro of a proposal to renovate the Sears building into Metro headquarters and for an independent series of options to purchase the adjacent garage facility;~~] and

WHEREAS, the Sears Garage Option to Purchase Agreement (Exhibit B) provides for a no-cost option between the execution of the Building Sale Agreement and December 15, 1991.

WHEREAS, Metro staff has conducted a Financial Analysis of the adjacent parking garage and determined that the acquisition of the garage is beneficial to Metro; NOW THEREFORE

~~[WHEREAS, Metro staff, at the direction of the Relocation Task Force, commenced the preparation of a two-step design/build procurement (RFQ/RFP) process for the renovation of the Sears building; and]~~

~~[WHEREAS, the RFQ phase of such procurement process has been completed with the selection of three highly qualified design/build teams who would compete at the proposed RFP phase of the design/build procurement process; and]~~

~~[WHEREAS, the alternative design/build RFQ/RFP process will enable Metro to procure a renovated Headquarters building of high quality at reduced costs and will not encourage favoritism or substantially diminish competition; and]~~

~~[WHEREAS, the design/build procurement method has been employed successfully by other governments and is recognized as a modern and innovative contracting method;]~~

~~[WHEREAS, adequate time for a full "lowest bid" bid process is not available prior to the Sears facility Owners' stated deadline for the closing of the Sale Agreement.]~~

~~[WHEREAS, Resolution No. 91-1505 acts simultaneous with this Resolution to authorized the issuance of the design/build RFP and to ratify the previous issuance of the design/build RFQ and the selection of three highly qualified teams to continue in the design/build competition.]~~

BE IT RESOLVED,

1. That the Council renews its selection of the Sears facility as the site for Metro's new Headquarters Building.
2. That the Council hereby authorizes the Executive Officer to execute the the attached Sale Agreement and Promissory Note, Exhibit A, for the acquisition of the Sears facility.
3. That prior approval of the Council shall be required before the Executive Officer proceeds to closing of the Sale Agreement.
4. ~~[That the Council hereby directs the Executive Officer to undertake a financial analysis of the adjacent parking garage as a basis for a Council decision on the acquisition of that facility].~~ That prior approval of the Council shall be required before the Executive Officer executes an Option Agreement for the adjacent parking garage which would be applicable for any Option period subsequent to December 16, 1991.
5. That prior approval of the Council shall be required before the Executive



~~[BE IT FURTHER RESOLVED,~~

~~1. That the Council, acting as the Contract Review Board of the Metropolitan Service District, adopts the finds attached as Exhibit B.~~

~~2. That the Contract Review Board hereby exempts the Headquarters project design/build RFQ/RFP from competitive bidding process pursuant to Metro Code 2.04.041.]~~

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of October, 1991.

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

STAFF REPORT - AMENDED

CONSIDERATION OF RESOLUTION 91-1494 - C FOR THE PURPOSES OF AUTHORIZING EXECUTION OF A SALE AGREEMENT FOR THE ACQUISITION OF THE SEARS FACILITY. [~~AND EXEMPTING THE HEADQUARTERS RFQ/RFP PROCESS FROM THE COMPETITIVE BIDDING PROCESS PURSUANT TO METRO CODE 2.04.041~~]

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Date: October 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its October 11, 1990 meeting, the Metro Council approved Resolution No. 90-1338 authorizing the Executive Officer to execute a sale agreement for the Sears facility and the adjacent parking structure. The sale agreement provided for a due diligence period during which Metro employed various consultants to study the suitability of the Sears facility as the new Metro headquarters location. Upon the conclusion of the initial 67 day due diligence period, three areas of potential risk were identified. These were: (1) excess space to be leased at the renovated Sears facility and the present Metro Center, (2) uncertain financing climate, and (3) higher than anticipated project costs. Staff recommended extending the due diligence period.

By Resolution No. 90-1357, the Council authorized the amendment of the sale agreement by extending the due diligence period until April 30, 1991. The purpose of the extension was to allow time to more fully review the potential risks and to allow a more informed decision. A final report, made to the Relocation Task Force on March 22, 1991, indicated that progress were made in two of three areas of concern. Specifically, significant advances had been made in regards to the pre-leasing activity at both the renovated Sears facility and at Metro Center and the financial market had become more stable. However, project costs had not been lowered significantly.

The Relocation Task Force determined that the estimated project costs were too great to justify continuing with the proposed development scheme and allowed the April 30, 1991 deadline of the sale agreement to lapse.

An unsolicited proposal from Bill Naito identified a development scheme which has the potential to reduce the Metro headquarters project costs significantly. The modified development scheme would reconfigure the lower two levels of the Sears facility for parking and would make acquisition of the adjacent garage an

independent purchase option. This scheme allows for adequate parking capacity (approximately 220 spaces) for Metro's needs within the Sears facility itself without relying on parking availability in the adjacent garage. The upper two levels of the facility, which cover approximately 76,000 square feet, would be renovated for Metro's office requirements, allowing for approximately 5,000 square feet of future expansion space on those floors. In the event long range future expansion required more than the immediately available 5,000 square feet, Grand Avenue level parking could be displaced to accommodate the added office space requirements. It is anticipated that this displacement of Grand Avenue parking could be done in two blocks of 30,000 square feet each as needed. A commitment by the Owner to replace this Grand Avenue parking with parking in the adjacent garage ~~[would be negotiated with the property owner should Metro choose to forego acquisition of the parking garage]~~ is a part of the Sale Agreement.

Staff has estimated the Metro headquarters project costs, including FF&E and financing costs, of the modified development scheme (excluding the garage) to approximate \$18.4 million. See attached Exhibits 1 and 2 of the attached Financial Analysis of Headquarters Purchase and Renovation. These project costs equate to an initial square foot rates (excluding FF&E costs) which range between \$16.50 and \$21.88 depending on financing method employed. These rates, although higher than the approximate \$15 per square foot current rate occasioned at Metro Center, are significantly reduced from the projected \$23 to \$28 per square foot rates under the initial Sears facility development scenario.

Based on significantly reduced project costs, project staff has negotiated a sale agreement with the owner, Pacific Development, Inc. (PDI). The primary distinctions from the initial sale agreement are (1) the deposit requirement, (2) the hazardous waste remediation funding [cap] algorithm, and (3) the garage purchase option. The sale agreement is structured to allow for the receipt by Metro of a design/build proposals including a detailed cost estimate for the renovation of the building prior to the scheduled closing on or before December 16, 1991.

The deposit requirement would necessitate the payment of \$250,000 by Metro upon execution of the sale agreement which would be non-refundable, except if PDI terminates the agreement. In the event the sale is closed, the \$250,000 deposit would be applied to the purchase price of \$2,550,000. The previous sale agreement did not require a non-refundable deposit of this magnitude.

The Sale Agreement provides for PDI remediation of hazardous materials at the facility. Upon completion of a comprehensive report by a mutually selected consultant, Metro and PDI will agree on the necessary level of abatement activities. ~~[This provision differs from the original agreement in that PDI had proposed to remove all hazardous waste from the facility at their own expense. The firm of Dames & Moore estimates the cost of total removal of all hazardous materials (underground storage tanks and asbestos) to approximate \$350,000.]~~ In general,

PDI will fund all remediation costs for asbestos containing materials (ACM) and other hazardous wastes while Metro will fund the corresponding demolition costs which would be a part of the renovation process. PDI has placed a limit on its post-closing remediation liabilities by a repurchase clause which may be exercised in the face of extreme remediation costs.

The Relocation Task Force has recommended the renegotiation of a suitable purchase option with PDI which includes an independent element for the garage facility and the simultaneous preparation by Metro staff of a RFQ/RFP for the design/build renovation services. The RFQ/RFP procurement method for design/build services is a innovative procurement method which has been used successfully by several local governments in recent years. The design/build competition is a two-step process which results in a team approach to design and construction.

The first step is the advertised RFQ [~~in which~~] whereby Metro [~~would solicit~~] has solicited statements of qualifications from [~~any~~] interested design/build teams. The design/build team will include members from the fields of architectural design, construction and construction management. From the responses, Metro [~~will~~] has selected three qualified teams to continue participating in the RFP stage of the competition. These teams are Hoffman Construction and TVA/Cole, BOOR/A and Anderson Construction , and H. Naito, SERA and P & C Construction.

The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

Metro Code section 2.04.041 allows the Contract Review Board to exempt the headquarters design/build RFQ/RFP from competitive bidding process if it finds this alternative approach is unlikely to encourage favoritism or substantially diminishes competition and that it is likely to result in substantial cost savings to the agency. This exemption is the subject of proposed Resolution No. 91-1507.

The three selected design/build teams will submit proposals which will be judged against the identified Metro budget for the work. Price will be a significant evaluation criteria and it is expected that each proposer will aggressively solicit and receive sub-bids from the local contracting community, thereby maintaining the usual degree of competition at the subcontractor level. In addition, the RFP includes an allowance for the tenant improvements (roughly 26% of the work). This allowance will require the successful design/build team to solicit and receive at least three bids for all elements of the tenant improvement work; to conduct all bid openings with a Metro representative present; and to award subcontracts to the bidder whose bid reflects the best value at the lowest cost, thus maintaining the usual level of competition for the tenant improvement work.

The design/build process is a "fast track" method which compresses the typical project schedule by simultaneously selecting design and construction services and by allowing the design/build contractor to commence initial elements of the project (demolition, ordering/fabrication of long-lead items) while the design process of other items is underway. The construction cost savings associated with a "fast track" project equate to approximately 5% per year. The design/build process also reduces costs with fewer change orders because the responsibility of faulty design is shifted to the design/build contractor.

The garage purchase element provides for six 6-month options beginning in December 1991 at an option price of \$50,000 per option plus a no-cost option on or before December 16, 1991. The purchase price of the garage begins at \$2,600,000 and escalates at 5% per six-month period after December 16, 1991. The sum of the initial garage purchase price (\$2.6 million excluding option price of \$50,000) and the Sears building (\$2.55 million) purchase price are equal to the previous sale agreement combined purchase price of \$5,150,000.

While acquisition of the parking garage is not a requirement for the functioning of the new Metro headquarters in the renovated Sears facility, purchase of the garage [may] has been determined by staff to be highly beneficial to Metro from (1) long term parking revenues, and (2) parking asset in support of the Convention Center and other MERC facilities. The Sale Agreement contains provisions for Metro's acquisition of the parking garage at a subsequent date. Staff [is not] has prepared [at this time to present] an analysis to support a purchase decision. (See Exhibit B) [~~However, such an analysis should be prepared and an early decision~~

~~reached on the purchase of the parking garage.]~~ The Executive Officer proposes to notify PDI upon signing of the Sale Agreement that Metro wishes to execute the first no-cost option. Renewal of the option or purchase of the adjacent garage will be subject to Council approval.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1494 - C by the Metro Council [~~and the Contract Review Board~~].

## REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 91-1494B, AUTHORIZING THE EXECUTION OF A SALE AGREEMENT FOR THE ACQUISITION OF THE SEARS FACILITY

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Date: September 12, 1991

Presented by: Councilor Knowles

**COMMITTEE RECOMMENDATION:** At its September 10, 1991 meeting the Regional Facilities Committee voted 4-1 to recommend Council approval of Resolution No. 91-1494B. Voting aye were Councilors Knowles, Bauer, Buchanan, and McFarland. Councilor Gardner voted no.

**COMMITTEE DISCUSSION/ISSUES:** Chair Knowles explained that Resolution No. 91-1494B was substantially the same as the version of the resolution the committee had approved earlier, with the deletion of the exemption of the design/build RFQ/RFP process from competitive bidding requirements.

Councilor Buchanan asked for clarification of the contents of Resolution No. 91-1494B. Committee staff Casey Short explained that the committee had approved the "A" version of Resolution No. 91-1494 at its August 27 meeting. That earlier version authorized the Executive Officer to execute a sale agreement for purchase of the Sears facility, and exempted the RFQ/RFP process from competitive bidding requirements. Subsequent to that approval, counsel had recommended the two parts of the resolution be separated. Just prior to consideration of 91-1494B, the committee approved Resolution No. 91-1507, which authorized the exemption. The amended, "B" version of 91-1494 now contains only the authorization to execute the sale agreement, as well as other provisions relating to Council approval of the sale closing and analysis of the parking garage option.

Councilor Gardner announced his intention to vote no on the resolution because of his doubts regarding the basic sale itself, which he had discussed at the August 27 meeting.

## REGIONAL FACILITIES COMMITTEE REPORT

**RESOLUTION NO. 91-1494, AUTHORIZING EXECUTION OF A SALE AGREEMENT FOR THE ACQUISITION OF THE SEARS FACILITY AND EXEMPTING THE HEADQUARTERS RFQ/RFP PROCESS FROM THE COMPETITIVE BIDDING PROCESS PURSUANT TO METRO CODE 2.04.041.**

**Date:** September 4, 1991

**Presented by:** Councilor Knowles

**COMMITTEE RECOMMENDATION:** At its August 27 meeting, the Regional Facilities Committee voted 2-1 to recommend Council adoption of Resolution No. 91-1494. Councilors Knowles and McFarland voted aye, and Councilor Gardner voted no. Councilors Bauer and Buchanan were excused.

**COMMITTEE DISCUSSION/ISSUES:** The Regional Facilities Committee has considered resolutions authorizing the purchase of the Sears facility three times since June, and scheduled two other hearings on the issue which were not held because there was no sale agreement to consider. The current resolution (91-1494) replaces Resolution 91-1478, which was the earlier vehicle for the Sears purchase. Resolution No. 91-1494 differs from the earlier resolution in directing that a design/build process be undertaken following issuance of a Request for Qualifications and subsequent Request for Proposals. The new resolution also clearly states that prior approval of the Council shall be required before the Executive Officer proceeds to closing of the Sale Agreement, and it directs the Executive Officer to undertake a financial analysis of the parking garage as a basis for a Council decision on the acquisition of that facility.

At the August 27 committee meeting, Regional Facilities Director Neil Saling presented the staff report. He stated that the purpose of his report was to provide the committee with an update on the status of the process and negotiations with Pacific Development; he did not intend to summarize the entire proposal, as he had done that at a prior committee meeting.

Chair Knowles stated his opinion that the committee should move the resolution to the full Council regardless of committee members' individual views on the matter because this is an issue for the full Council to decide.

Mr. Saling reported that staff activities since the last committee meeting on August 13 had focused on preparing Request for Qualifications (RFQ) and Request for Proposals (RFP) documents, negotiating with Pacific Development (PDI), and verifying cost estimates for potential alternatives to Sears acquisition and renovation. The RFQ was available to the public, with responses due August 30. Staff would then review the responses and pick three teams to prepare proposals. The RFP is due for release on September 16.



The Sale Agreement is now in two separate pieces: a purchase agreement for the main building and an appendix providing for Metro lease of parking spaces in the parking garage should the garage remain under PDI's ownership. The issue before the committee is the purchase of the main building; consideration of the parking garage will be a separate issue.

Two issues remain on the sale agreement. The first concerns remediation of environmental hazards, i.e., asbestos removal. The second concerns payment of interest accruing between the time of the earnest money payment in mid-September and final closing in December. (Those matters were discussed in Executive Session.)

The final issue for committee discussion concerned alternative proposals for providing Metro a headquarters facility. Staff has attempted to get prices for as many buildings as possible which are available for sale or lease. They have also compared costs of new construction with the costs of Sears purchase and renovation, and staff has concluded the Sears building is the best option.

Chair Knowles convened an Executive Session to discuss the real estate transaction. Following the Executive Session, Chair Knowles moved the resolution, with the conditions that the entire cost of hazardous materials remediation be borne by the seller and not by Metro, and that Metro rejects the proposal that Metro pay interest on the sale price between September 15 and closing.

Councilor Gardner asked Mr. Saling to report on action taken since the last meeting to find out how the total cost of this proposal would compare with new construction, and to report on discussions with those who had notified the committee that they believed they could provide a headquarters facility at lesser cost. Mr. Saling discussed the letter from Mr. Bob Gerding, who thought he could develop a building at \$1.5 to \$2 million less than the Sears estimate. He met with Mr. Gerding, and agreed to provide him information on cost estimates of new construction. Mr. Saling reported that Sears renovation compared very favorably with new construction. He reported on discussions with Ron Kawamoto of the Metro E-R Commission, who thought there might be options in the Lloyd District at less cost. A specific proposal Mr. Kawamoto suggested would be too large for Metro's needs, and would cost some \$26 million. Leasing costs in the downtown commercial area for Class A office space run from \$18-\$23 per square foot, compared with first year costs at Sears of some \$16.50 per square foot. Mr. Saling concluded that there is no "better mousetrap" and Sears had other benefits in helping to revitalize the area and recycling a vacant building.

Councilor McFarland asked that we have very firm ideas of what the costs would be in the RFP responses, adding that she might not support spending \$250,000 in earnest money if we don't know what the bids were going to be. Chair Knowles pointed out that

the bids will not be available at the time Council considers this resolution; he asked that staff provide the available cost estimates to the Council prior to their consideration of the resolution.

Councilor Van Bergen asked Mr. Short to write a memo to Mr. Saling asking for elaboration on any of his earlier questions that he felt were inadequately answered. He also asked whether any loss by PDI would be reflected in the rates of Pacific Power & Light, as both are subsidiaries of the same parent company, Pacificorp.

Councilor Gardner said he still had serious questions, including the costs of renovation, whether the seller would accept Metro's terms on hazardous materials remediation and interest payments, and the relative cost of this renovation versus new construction or purchase of another building. For those reasons, he was unwilling to support the resolution at this point.

Committee staff Casey Short pointed out the committee would need to review the RFP, and Council would have to approve it at its next meeting, if we are to meet the timeline we have been following. He further added that Council would be involved in the Sears purchase with its consideration of Resolution 91-1494, with its approval of the RFP, with the award of the construction contract, and with approval of issuance of the bonds to pay for the project. To the last point, Council should be briefed prior to approval of the bond issuance on the alternatives for the structure of the debt service. He and Regional Facilities staff Berit Stevenson added that approval of this resolution would commit Metro to expenditure of \$250,000 in non-refundable earnest money, plus \$25,000 honoraria to each of the three bidders.

The committee then voted on the resolution, and subsequently tabled Resolution 91-1478.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )  
THE EXECUTION OF A SALE )  
AGREEMENT FOR THE ACQUISITION OF )  
THE SEARS FACILITY [AND EXEMPTING )  
THE HEADQUARTERS RFQ/RFP PROCESS )  
FROM COMPETITIVE BIDDING PROCESS )  
PURSUANT TO METRO CODE 2.04.041 ]

RESOLUTION NO. 91-1494 - B  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, in October 1990 the Council of the Metropolitan Service District approved Resolution No. 90-1338 which authorized the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and authorized an alternative procurement process for selected contracts; and

WHEREAS, Resolution No.90 - 1338 provided for a due diligence period which conditioned the closing of the sale agreement by a determination by Metro of the suitability of the Sears facility as the Metro headquarters facility; and

WHEREAS, upon completion of the extended due diligence efforts, Metro's Relocation Task Force informed the owners of the Sears facility that the study had shown that the Sears facility, including the adjacent garage, was not economically suitable and allowed the initial sale agreement to lapse; and

WHEREAS, an unsolicited proposal indicated the possibility of renovation of the Sears building, excluding the adjacent parking garage, as the new Metro Headquarters Building within an economically acceptable budget; and

WHEREAS, the Executive Officer and the Relocation Task Force have reviewed the proposal and recommend the execution of a sale agreement, attached as Exhibit A, which provides for the closing of the sale of the Sears facility upon the satisfactory receipt and acceptance by Metro of a proposal to renovate the Sears building into Metro headquarters and for an independent series of options to purchase the adjacent garage facility; and

~~[WHEREAS, Metro staff, at the direction of the Relocation Task Force, commenced the preparation of a two-step design/build procurement (RFQ/RFP) process for the renovation of the Sears building; and]~~

~~[WHEREAS, the RFQ phase of such procurement process has been completed with the selection of three highly qualified design/build teams who would compete at the proposed RFP phase of the design/build procurement process; and]~~

~~[WHEREAS, the alternative design/build RFQ/RFP process will enable Metro to procure a renovated Headquarters building of high quality at reduced costs and will not encourage favoritism or substantially diminish competition; and]~~

~~[WHEREAS, the design/build procurement method has been employed successfully by other governments and is recognized as a modern and innovative contracting method;]~~

~~[WHEREAS, adequate time for a full "lowest bid" bid process is not available prior to the Sears facility Owners' stated deadline for the closing of the Sale Agreement.]~~

~~[WHEREAS, Resolution No. 91-1505 acts simultaneous with this Resolution to authorized the issuance of the design/build RFP and to ratify the previous issuance of the design/build RFO and the selection of three highly qualified teams to continue in the design/build competition.]~~

BE IT RESOLVED,

1. That the Council renews its selection of the Sears facility as the site for Metro's new Headquarters Building.
2. That the Council hereby authorizes the Executive Officer to execute the the attached sale agreement and promissory note, Exhibit A, for the acquisition of the Sears facility.
3. That prior approval of the Council shall be required before the Executive Officer proceeds to closing of the Sale Agreement.
4. That the Council hereby directs the Executive Officer to undertake a financial analysis of the adjacent parking garage as a basis for a Council decision on the acquisition of that facility.

~~[BE IT FURTHER RESOLVED,~~

- ~~1. That the Council, acting as the Contract Review Board of the Metropolitan Service District, adopts the finds attached as Exhibit B.~~
- ~~2. That the Contract Review Board hereby exempts the Headquarters project design/build RFQ/RFP from competitive bidding process pursuant to Metro Code 2.04.041.]~~

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of September, 1991.

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Tanya Collier  
Presiding Officer

**COMMERCIAL - INDUSTRIAL  
SALE AGREEMENT AND RECEIPT FOR EARNST MONEY**  
THIS IS A LEGALLY BINDING CONTRACT. IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE.



Portland, Oregon, July, 1991

A. Received of METROPOLITAN SERVICE DISTRICT  
hereinafter called "purchaser," in the form of ~~XXXXXX~~ note \$ 250,000 as earnest money and part payment for the purchase of the following  
described real estate situated in the City of Portland, County of Multnomah and State of Oregon, to-wit:  
See the attached Exhibit A

together with the following described personal property:  
  
which we have this day sold to the said purchaser, subject to the approval of the seller, 10

for the sum of See attached Addendum Dollars (\$      )  
on the following terms, to-wit: The sum, hereinabove recited for, of \_\_\_\_\_ Dollars (\$      )  
~~XX~~  
on Owner's acceptance \_\_\_\_\_ Dollars (\$      )  
Upon acceptance of title and delivery of deed or contract, the sum of \_\_\_\_\_ Dollars (\$      )  
The balance XX  
payable as follows: See the attached Addendum, incorporated herein by this reference

**SPECIAL CONDITIONS:**

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS 20  
AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. BEFORE SIGNING OR ACCEPTING THIS INSTRU- 21  
MENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES 22  
AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

In addition to purchase price, Purchaser to pay any required assumption fees and reimburse seller for sums held in reserve accounts on any indebtedness assumed in this transaction. 24  
Parties acknowledge that property may be subject to City, County or State Smoke Detector requirements. 25  
Unless otherwise herein provided, the property is to be conveyed by warranty deed free and clear of all liens and encumbrances except zoning ordinances, building and use 27  
restrictions, reservations in Federal patents, utility easements of record which benefit the property or area in which the property is located, and the permitted  
exceptions shown on the attached Exhibit A and any other exceptions approved in writing\* 28

Seller shall furnish to Purchaser a title insurance policy in the amount of the purchase price for the real property from a title insurance company showing good and marketable title. Prior 29  
to closing the transaction seller, upon request, will furnish to purchaser a preliminary title report made by a title insurance company showing the condition of the title to the property. 30  
If seller does not approve the sale, or cannot furnish marketable title within thirty days after notice containing a written statement of defects is delivered to seller, or, having 32  
approved the sale, fails to consummate it, the earnest money herein recited for shall be refunded; but the acceptance by purchaser of the refund does not constitute a waiver 33  
of other remedies available to him; but, if seller approves the sale and title is marketable and purchaser fails to complete the purchase as herein provided the earnest money 34  
herein recited for and any additional earnest money paid or agreed to be paid shall be paid to seller and this contract thereupon shall be of no further binding effect, it being the 35  
intention of the parties that if purchaser fails to complete the purchase purchaser shall pay the earnest money and be free of any further obligations under this agreement. 36  
All built-in appliances, wall-to-wall carpeting, drapery and curtain rods, window and door screens, storm doors and windows, irrigation, plumbing, ventilating, cooling and 37  
heating fixtures and equipment (including stoker and all tanks but including detached fireplace equipment), water heaters, attached electric light and bathroom fixtures, light 38  
bulbs, fluorescent lamps, venetian blinds, awnings, attached floor covering, attached television antennae, all planted shrubs, plants, and trees and all fixtures are to be left upon the 39  
premises as part of the property purchased ~~XXXXXX~~

\*by Purchaser prior to closing

The following fixtures are not owned by seller and are not being sold: N/A  
Seller represents: That the building on the property is connected to  A public sewer system.  A cesspool or septic tank; that he knows of no material structural defects; that 43  
all electrical wiring, heating, cooling and plumbing systems will be in good working order and that the balance of the property including yard will be in substantially its present 44  
condition, at the time purchaser is entitled to possession; that he has no notice of any liens to be assessed against the property; that he has no notice from any governmental 46  
agency of any violation of law relating to the property; except no exceptions

THE SALE  WILL  WILL NOT BE CLOSED IN ESCROW. If closed in escrow, the costs of escrow shall be shared equally between seller and purchaser. ~~XXXXXXXXXXXXXXXXXXXX~~ 48  
Transfer tax, if any, shall be shared equally by purchaser and seller. 49  
Pro-rates for rents, taxes, interest on assumed obligations, insurance premiums (if purchaser assumes existing policy) and other prepaid expenses attributable to the property 51

shall be made as of (check one only)  Date purchaser is entitled to possession;  \_\_\_\_\_ days after delivery of above mentioned deed or contract; 52  
 On Closing Date \_\_\_\_\_ 19\_\_\_\_. Seller to pay all utility bills accrued to date purchaser is entitled to possession. On date purchase is entitled to possession 53  
purchaser to pay seller for heating fuel then on premises, payment to be handled between purchaser and seller. ~~XX~~ 54

~~XX~~ 55  
Closing Date \_\_\_\_\_ 19\_\_\_\_ Time is of the essence hereof. This contract is binding upon 56  
the heirs, executors, administrators, successors and assigns of buyer and seller. However, ~~XX~~ the buyer's rights herein are 58  
not assignable without written consent of seller. 59

**XXXXX ACKNOWLEDGMENT**

B. The undersigned ~~XXXXX~~ acknowledges receipt of earnest money from purchaser in the sum of \$ 250,000 evidenced by  cash,  check 60  
 promissory note payable on or before July 31, 1991 and agrees to sell the Property to Purchaser 62  
~~XXXXX~~ Address: 825 NE Multnomah, Suite 1275 PACIFIC DEVELOPMENT (PROPERTY), INC. ~~XXXXX~~ 64  
~~XXXXX~~ Phone: 233-4048 ~~XXXXXXXXXXXX~~ By: \_\_\_\_\_ ~~XXXXX~~ 66  
~~XXXXXXXXXXXX~~ Attn: William C. Scott 68

**AGREEMENT TO PURCHASE**

C. PURCHASER (Print) Metropolitan Service District HEREBY ACKNOWLEDGES RECEIPT OF A COMPLETELY 67  
FILLED IN COPY HEREOF WHICH PURCHASER HAS FULLY READ AND UNDERSTANDS AND ACKNOWLEDGES THAT HE HAS NOT RECEIVED OR RELIED UPON ANY STATEMENTS MADE 68  
BY SELLER OR ANY REAL ESTATE AGENT WHICH ARE NOT HEREIN EXPRESSED. DEED OR CONTRACT TO BE PREPARED IN THE NAME OF Metropolitan 69  
Service District 70  
This offer shall automatically expire \_\_\_\_\_ days after time of purchaser's signature, if not accepted within that time. 71  
Address \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_ 72  
Phone: XXX \_\_\_\_\_ Zip \_\_\_\_\_ METROPOLITAN SERVICE DISTRICT Purchaser 72  
By: \_\_\_\_\_ ~~XXXXX~~ 73

**AGREEMENT TO SELL**

D.  Seller hereby rejects the foregoing offer and  makes the attached counter offer. 74  
 Seller hereby accepts the foregoing offer of purchaser on the terms and conditions specified above. Seller agrees to pay above-named Realtor, or, if this is a co-op transaction, 75  
the listing broker, the sum of \$ \_\_\_\_\_ for services rendered in this transaction. Seller authorizes Realtor or listing broker to order title insurance at Seller's 76  
expense and further authorizes them and escrow to pay out of the cash proceeds of sale the expenses of furnishing title insurance, seller's recording fees, seller's closing costs and 77  
any encumbrances on the property payable by seller on or before closing. SELLER HEREBY ACKNOWLEDGES RECEIPT OF A COMPLETELY FILLED IN COPY OF THIS AGREEMENT 78  
WHICH SELLER HAS FULLY READ AND UNDERSTANDS. In the event purchaser fails to complete the sale as herein provided, forfeited earnest money shall be distributed as follows: E  
after deduction of any title insurance or escrow cancellation charges:  To Realtor, or if this is a co-op transaction, to the listing broker, to the extent of the agreed commission E  
just as if the transaction had been consummated, with residue to seller;  \_\_\_\_\_ E  
Address \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_ A.M. \_\_\_\_\_ P.M. E  
Phone: \_\_\_\_\_ Zip \_\_\_\_\_ Seller E  
Phone: \_\_\_\_\_ Bus. Hr. \_\_\_\_\_ Ms. \_\_\_\_\_ Seller E

**PURCHASER'S ACKNOWLEDGMENT**

E. Date of this offer by seller, \_\_\_\_\_ 19\_\_\_\_ A.M. \_\_\_\_\_ P.M. Purchaser hereby acknowledges receipt of a copy of above agreement bearing acceptance 82  
\_\_\_\_\_ Purchaser 84

F. Co-op transaction between above named Realtor and \_\_\_\_\_ on basis \_\_\_\_\_ 86

Order No. E59300 / 12-12200

EXHIBIT A

PARCEL 60 SOUTH OF LLOYD CENTER

Legal Description:

A tract of land in the City of Portland, County of Multnomah and State of Oregon, being all that portion of the following described property lying Northwesterly and Westerly of the Northwesterly and Westerly right of way line of the parcel conveyed to the City of Portland for street purposes by instrument recorded October 13, 1959 in Deed Book 1978, Page 698, Records of Multnomah County, Oregon to-wit:

Fractional Block 7, HEIPLE ADDITION TO EAST PORTLAND; Blocks 7 and 8, WHEELER'S ADDITION TO EAST PORTLAND; Blocks 85 and 86, HOLLADAY'S ADDITION TO EAST PORTLAND; together with those portions of vacated N.E. Hoyt Street, N.E. 6th Avenue and N.E. Lloyd Boulevard inuring to the above mentioned parcels by City of Portland vacation Ordinances No. 55844 and No. 110439; EXCEPTING THEREFROM the West 10 feet of the above described property lying within the limits of S.E. Grand Avenue (formerly East 5th Street).

Order No. E59300 / 12-12200

PARCEL 60 SPECIAL EXCEPTIONS:

7. Easement for existing public utilities in vacated street area and the conditions imposed thereby,  
Reserved by Ordinance No. 55844  
Entered: JANUARY 18, 1929
8. Easement for existing public utilities in vacated street area and the conditions imposed thereby,  
Reserved by Ordinance No. 110439.  
Entered: JULY 23, 1959
9. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion or national origin, as contained in Ordinance No. 110439  
Recorded: JULY 23, 1959

Meeting Date: October 10, 1991  
Agenda Item No. 7.2

RESOLUTION NO. 91-1505C



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. <u>91-1505-C</u>
THE ISSUANCE OF METRO	)	
HEADQUARTERS PROJECT	)	
DESIGN/BUILD RFP AND RATIFYING	)	Introduced by Rena Cusma,
THE PREVIOUSLY ISSUED RFQ	)	Executive Officer

WHEREAS, simultaneous with this Resolution, the Council of the Metropolitan Service District is expected to approve Resolution No. 91-1494-B which would authorize the execution of a Sale Agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and Resolution 91-1507 to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposals, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFP and have selected three qualified teams to continue participating in the design/build competition; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494 - C, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP, ratifies the previously issued Metro Headquarters Project Design/Build RFP, and authorizes the Executive Officer to [make final selection of] issue the Design/Build RFP to the three qualified design/build teams which have been selected [as eligible] to respond to the RFP.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of October, 1991.

Tanya Collier, Presiding Officer

BS/jp

STAFF REPORT - Amended

CONSIDERATION OF RESOLUTION 91-1505-C FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFP AND TO RATIFY THE PREVIOUSLY ISSUED RFO

Date: October 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its October 10, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 - C authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1507, being simultaneous introduced, acts to exempt the Metro Headquarters Project Design/Build RFO/RFP from the competitive bidding process. This Resolution No. 91-1505 - C is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP and to ratify the previously issued Metro Headquarters Design/Build RFO.

The Headquarters Project staff, at the direction of the Metro Relocation Task Force and the Executive Officer, have prepared and issued a Request for Qualifications (RFO) for design/build teams for the proposed new Headquarters building. Staff [have] received nine responses to the RFO and [intended to] interviewed six of the responding teams on September 10, 11 and 12. The evaluation team has selected [will select] the final three participating design/build teams [by Friday, September 13, 1991.] These three teams are Hoffman & TVA/Cole, BOOR/A & Anderson, and Naito, SERA & P & C Construction.

The RFP, which would be given to the three participating teams, has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

The issuance of the RFO prior to review and approval by the Metro Council of either the RFO or the Sears Sale Agreement was necessary to accommodate the time schedule requested by Pacific Development, Inc., the sellers of the property. Staff's intention was to expedite the process by making team selections in a timely manner such that the three teams would be ready to immediately commence the RFP stage of the competition once Metro Council acted to authorize proceeding with the Sears acquisition and the issuance of the RFP.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505- C by the Metro Council.

## REGIONAL FACILITIES COMMITTEE REPORT

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### RESOLUTION NO. 91-1505B, AUTHORIZING THE ISSUANCE OF METRO HEADQUARTERS PROJECT DESIGN/BUILD RFP

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Date: September 12, 1991

Presented by: Councilor Knowles

**COMMITTEE RECOMMENDATION:** At its September 10, 1991 meeting the Regional Facilities Committee voted 5-0 to recommend Council approval of Resolution No. 91-1505B.

**COMMITTEE DISCUSSION/ISSUES:** Neil Saling and Berit Stevenson presented the staff report. Mr. Saling reviewed the RFQ/RFP process for the Sears project, saying that 9 design/build teams had responded to the RFQ and six of those are being interviewed. Three teams will be selected to receive and respond to the RFP. He pointed out that the space program, which is part of the RFP, will be somewhat modified, and the team selected to do the work will prepare a final space program.

Ms. Stevenson gave an overview of the RFP, part of which was prepared by BOOR/A and the rest by staff. Each of the three selected teams will receive a \$25,000 honorarium to help defray the costs of preparing their response to the RFP. She discussed the project schedule, which calls for completion of the project by December 11, 1992; that's a tight schedule, but all the teams agree it can be done. The RFP also includes instructions to bidders, description of existing conditions, general conditions, and elements of the program specific to the design/build program. The RFP asks for a price estimate for the base building, with the opportunity to suggest alternatives. Proposals will be evaluated by a technical team and then by a jury, which will make a final recommendation to the Executive Officer and the Council. The composition of the jury is not final, though it could include representatives of the Council, the Metro E-R Commission, the Executive Officer, and the Regional Facilities Department. Following selection of the winning team, the contract will be negotiated to determine final obligations, including cost.

Mr. Saling said that the design/build process has numerous advantages, including a savings of time to allow completion of the project by next December. Councilor McFarland said she was not willing to lose ground on other fronts - such as cost - simply to save time.

Councilor Gardner asked how final is the building program, and whether there will be opportunity later to modify it. Ms. Stevenson said there will be a two to three month period following the contract award for Metro to work with the team to develop a final building program. Councilor Gardner said there were a couple of details in the building program he would like the Council to have the opportunity to work on, specifically dealing with Council's space.

Councilor Knowles asked if the RFP included removal of the building facade, and if it included the addition of windows. Ms. Stevenson said it did include windows, but the disposition of the facade would be up to the proposers.

Committee staff Casey Short asked whether the resolution would need to include the entire RFP. General Counsel Dan Cooper said that technical addenda could be included after Council's approval. Chair Knowles said he would interpret the motion to recommend approval of the resolution to include the fact that Council has the complete RFP document.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )  
THE ISSUANCE OF METRO )  
HEADQUARTERS PROJECT )  
DESIGN/BUILD RFP AND RATIFYING )  
THE PREVIOUSLY ISSUED RFO )

RESOLUTION NO. 91-1505 -B  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFO/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFO and have selected three qualified teams to continue participating in the design/build competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP, ratifies the previously issued Metro Headquarters Project Design/Build RFO and authorizes the Executive Officer to make final selection of three qualified design/build teams as eligible to respond to the RFP.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_ day of September, 1991.

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

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. <u>91-1505 -A</u>
THE ISSUANCE OF METRO	)	Introduced by Rena Cusma,
HEADQUARTERS PROJECT	)	Executive Officer
DESIGN/BUILD RFP <u>AND TO RATIFY</u>	)	
<u>THE PREVIOUSLY ISSUED RFO</u>	)	

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFO/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

WHEREAS, Metro staff, in order to maintain the project schedule, have issued the Headquarters Project Design/Build RFO and have selected three qualified teams to continue participating in the design/build competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFP and ratifies the previously issued Metro Headquarters Project Design/Build RFO.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of September, 1991.

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

STAFF REPORT - Amended

CONSIDERATION OF RESOLUTION 91-1505-A FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFP AND TO RATIFY THE PREVIOUSLY ISSUED RFO

Date: September 3, 1991

Presented by: Neil Saling

FACTUAL BACKGROUND AND ANALYSIS

At its September 12, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1494 also acts to exempt the Metro Headquarters Project Design/Build RFO/RFP from the competitive bidding process. This Resolution No. 91-1505 is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP and to ratify the previously issued Metro Headquarters Design/Build RFO.

The Headquarters Project staff, at the direction of the Metro Relocation Task Force and the Executive Officer, have prepared and issued a Request for Qualifications (RFO) for design/build teams for the proposed new Headquarters building. Staff have received nine responses to the RFO and intended to interview six of the responding teams on September 10, 11 and 12. The evaluation team will select the final three participating design/build team by Friday, September 13, 1991.

The RFP, which would be given to the three participating teams, has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium.



For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

The issuance of the RFO prior to review and approval by the Metro Council of either the RFO or the Sears Sale Agreement was necessary to accommodate the time schedule requested by Pacific Development, Inc., the sellers of the property. Staff's intention was to expedite the process by making team selections in a timely manner such that the three teams would be ready to immediately commence the RFP stage of the competition once Metro Council acted to authorize proceeding with the Sears acquisition and the issuance of the RFP.

RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505- A by the Metro Council.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )  
THE ISSUANCE OF METRO )  
HEADQUARTERS PROJECT )  
DESIGN/BUILD RFQ/RFP )

RESOLUTION NO. 91-1505  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, simultaneous with this Resolution, the Metro Council is expected to approve Resolution No. 91-1494 which would authorize the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and to exempt the Metro Headquarters Design/Build RFQ/RFP from the competitive bidding process; and

WHEREAS, Metro Code at Section 2.04.033 requires the approval of the Metro Council prior to the issuance of Request for Proposal, attached as Exhibit A.

BE IT RESOLVED, that the Council of the Metropolitan Service District, simultaneous with their approval of Resolution No. 91-1494, hereby authorizes the issuance of the Metro Headquarters Project Design/Build RFQ/RFP.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of September, 1991.

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

## STAFF REPORT

### CONSIDERATION OF RESOLUTION 91-1505 FOR THE PURPOSES OF AUTHORIZING THE ISSUANCE OF THE METRO HEADQUARTERS PROJECT DESIGN/BUILD RFQ/RFP

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Date: September 3, 1991

Presented by: Neil Saling

#### FACTUAL BACKGROUND AND ANALYSIS

At its September 12, 1991 meeting, the Metro Council is expected to approve Resolution No. 91-1494 authorizing the Executive Officer to execute a sale agreement for the Sears Building without the adjacent parking structure. Resolution No. 91-1494 also acts to exempt the Metro Headquarters Project Design/Build RFQ/RFP from the competitive bidding process. This Resolution No. 91-1505 is related and would act to authorize the issuance of the Metro Headquarters Project Design/Build RFP.

The RFP has been prepared by Metro staff and is designed to define Metro's minimum program requirements while allowing, at the same time, significant design latitude to the design/build teams. The RFP will include a basic space concept for the new Metro headquarters building and performance specifications for the mechanical, electrical and systems of the building. In addition, the RFP will identify the maximum funds available for the design and renovation of the building. The three teams are given one month to prepare their proposals. They are required to submit a base proposal based on the stated space concept and performance specifications; the teams may also submit additive or deductive alternates for any element of the building.

The analyses of the proposals by Metro will include a technical evaluation along with design review. Upon completion of this analysis, the jury will select the most appropriate proposal for contract award. Each of the three design/build teams which submit a proposal in accordance with the RFP will receive a \$25,000 honorarium. For the two unsuccessful teams, the honorarium is intended to assist in covering the costs of preparing their proposal and for the successful team the honorarium is deemed an initial progress payment. Honorariums are typical in this type of design competition and is intended to result in a higher degree of design skill.

#### RECOMMENDATION:

The Executive Officer and the Relocation Task Force recommend approval of Resolution No. 91-1505 by the Metro Council.

Meeting Date: October 10, 1991  
Agenda Item No. 7.3

RESOLUTION NO. 91-1507

## REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 91-1507, EXEMPTING THE HEADQUARTERS RFQ/RFP PROCESS FROM COMPETITIVE BIDDING PROCESS PURSUANT TO METRO CODE 2.04.041

Date: September 12, 1991

Presented by: Councilor Knowles

**COMMITTEE RECOMMENDATION:** At its September 10, 1991 meeting the Regional Facilities Committee voted 5-0 to recommend Contract Review Board approval of Resolution No. 91-1507.

**COMMITTEE DISCUSSION/ISSUES:** General Counsel Dan Cooper summarized the purpose of this resolution. State law and the Metro Code provide that all public contracts be let through competitive bidding unless the Contract Review Board makes findings that an exemption to this process does not encourage favoritism or diminish competition, and that it will result in substantial cost savings. Those findings are contained in Exhibit B to the resolution. The findings and exemption were originally included in Resolution No. 91-1494, but Mr. Cooper recommends the exemption be separated from the authorization to execute the sale agreement, and Resolution 91-1507 be considered by the Contract Review Board.

Neil Saling addressed the advantages of the design/build process proposed for the Sears project. Building renovation generally requires a large contingency, in the range of 25% - 35% of project costs. Design/build helps alleviate that problem because the architect and contractor are part of the same team and work out issues among themselves. Changes requiring change orders are matters of scope rather than technical changes. Design/build allows for a fast-track project because the contractor is brought in at the start of the design phase. It also guarantees a maximum price. He added that there will be competition at the subcontractor level, with consideration of DBE participation.

Councilor Buchanan asked for specifics on time and money savings. Mr. Saling said this process would save 4-6 months; he could not quantify the dollar savings. Councilor Buchanan asked when we could expect completion of the project. Mr. Saling said we could expect completion around the first of December 1992; actual construction should begin next spring. Councilor Buchanan then asked, for clarification, whether a bid process would require another 4-6 months. Mr. Saling said that was correct because the competitive bid process would require issuance of an RFP for design followed by preparation of the design, then issuance of an RFP for a contractor and mobilization of the contractor at the site. Design/build compresses the two bid phases into one; demolition and construction can begin before the design is 100% complete.

Mr. Cooper said he may revise the findings to include more detailed analysis of potential cost savings, which he would ask Council to adopt on Thursday. Councilor Gardner said that while cost savings are important, we shouldn't discount the importance of the competition/favoritism issue. He said he was comfortable with the design/build process, and said it was similar to the process used to build the Metro Central Transfer Station.

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF [AUTHORIZING )  
THE EXECUTION OF A SALE )  
AGREEMENT FOR THE ACQUISITION OF )  
THE SEARS FACILITY AND] EXEMPTING )  
THE HEADQUARTERS RFQ/RFP PROCESS )  
FROM COMPETITIVE BIDDING PROCESS )  
PURSUANT TO METRO CODE 2.04.041 )

RESOLUTION NO. 91-1507  
Introduced by Rena Cusma,  
Executive Officer

WHEREAS, in October 1990 the Council of the Metropolitan Service District approved Resolution No. 90-1338 which authorized the execution of a sale agreement for the acquisition of the Sears facility as the site for Metro's administrative offices and authorized an alternative procurement process for selected contracts; and

WHEREAS, Resolution No.90 - 1338 provided for a due diligence period which conditioned the closing of the sale agreement by a determination by Metro of the suitability of the Sears facility as the Metro headquarters facility; and

WHEREAS, upon completion of the extended due diligence efforts, Metro's Relocation Task Force informed the owners of the Sears facility that the study had shown that the Sears facility, including the adjacent garage, was not economically suitable and allowed the initial sale agreement to lapse; and

WHEREAS, an unsolicited proposal indicated the possibility of renovation of the Sears building, excluding the adjacent parking garage, as the new Metro Headquarters Building within an economically acceptable budget; and

WHEREAS, the Executive Officer and the Relocation Task Force have reviewed the proposal and recommend the execution of a sale agreement, [~~attached as Exhibit A~~], which provides for the closing of the sale of the Sears facility upon the satisfactory receipt and acceptance by Metro of a proposal to renovate the Sears building into Metro headquarters [~~and for an independent series of options to purchase the adjacent garage facility~~]; and

WHEREAS, Metro staff, at the direction of the Relocation Task Force, commenced the preparation of a two step design/build procurement (RFQ/RFP) process for the renovation of the Sears building; and

WHEREAS, the RFQ phase of such procurement process has been completed with the selection of three highly qualified design/build teams who would compete at the proposed RFP phase of the design/build procurement process; and

WHEREAS, the alternative design/build RFQ/RFP process will enable Metro to procure a renovated Headquarters building of high quality at reduced costs and will not encourage favoritism or substantially diminish competition; and

WHEREAS, the design/build procurement method has been employed successfully by other governments and is recognized as a modern and innovative contracting method;

WHEREAS, adequate time for a full "lowest bid" bid process is not available prior to the Sears facility Owners' stated deadline for the closing of the Sale Agreement.

WHEREAS, Resolution No. 91-1505 acts simultaneous with this Resolution to authorized the issuance of the design/build RFP and to ratify the previous issuance of the design/build RFO and the selection of three highly qualified teams to continue in the design/build competition.

BE IT RESOLVED,

~~1. That the Council renews its selection of the Sears facility as the site for Metro's new Headquarters Building.~~

~~2. That the Council hereby authorizes the Executive Officer to execute the the attached sale agreement and promissory note, Exhibit A, for the acquisition of the Sears facility.~~

~~3. That prior approval of the Council shall be required before the Executive Officer proceeds to closing of the Sale Agreement.~~

~~4. That the Council hereby directs the Executive Officer to undertake a financial analysis of the adjacent parking garage as a basis for a Council decision on the acquisition of that facility.~~



~~BE IT FURTHER RESOLVED~~],

1. That the [~~Council, acting as the~~] Contract Review Board of the Metropolitan Service District, adopts the finds attached as Exhibit B.
  
2. That the Contract Review Board hereby exempts the Headquarters project design/build contract [RFO/RFP] from competitive bidding process pursuant to Metro Code 2.04.041, subject to the requirement that the Executive Officer utilize the RFO/RFP process authorized by the Council by Resolution 91-1505 - B.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of September, 1991.

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Tanya Collier  
Presiding Officer

## **EXHIBIT B**

### **FINDINGS**

#### **METRO HEADQUARTERS DESIGN/BUILD RFQ/RFP PROCESS**

As required by ORS 279.015(2)(a), the Metropolitan Service District Contract Review Board finds that exempting the Metro Headquarters Project Design/Build RFQ/RFP process from the competitive bidding process is unlikely to encourage favoritism or substantially diminish competition because:

1. The RFQ process initiated by the Metro Executive Officer has resulted in the receipt of proposals from nine different teams wishing to participate in the competition. This level of competition is relatively large for a project of this size. The criteria utilized for the selection of three finalists from the nine initial competitors as set forth on page 9 of the RFQ, paragraph V, are objective performance-based criteria. The process utilized to make a selection of three finalists will include an evaluation of the written proposals made by the design/build teams and interviews conducted by Metro professional engineering and contracting staff. The final decisions will be based on the objective criteria cited above and will not result in favoritism. Therefore the process being utilized is unlikely to encourage favoritism or substantially diminish competition.
2. After the RFQ stage is completed, the three selected design/build teams who will submit proposals to Metro will be evaluated pursuant to the criteria contained in Article 5 of the RFP process. These criteria are objective and performance based. The jury that will review and make the final selection will be a neutral, balanced jury consisting of representatives of the Metro Council, the Metro Executive Officer, the Metropolitan Exposition-Recreation Commission, and professionals in the field. The use of the jury and the performance-based criteria which will take into account cost will result in a selection process based on the public interests and is a process that is unlikely to encourage favoritism.
3. The payment of an honorarium in the amount of \$25,000.00 to the three selected design/build teams participating in the RFP process will result in competition that would otherwise not occur by ensuring that competitors receive some reimbursement for their costs of putting together completed

proposals for Metro to consider, thus, encouraging competition consistent with Metro's need for a fast track process in order to result in the substantial cost savings as set forth below. Because of the payment of the honorarium Metro will benefit from an enhanced effort by the competitors. This will result in greater likelihood of competitive proposals because three competitive proposals will definitely be received. The process being utilized will not result in diminished competition.

4. The utilization of the RFQ/RFP process has resulted in nine teams expressing interest in being qualified. The RFP will result in a final round of competition by three finalists. This will be highly competitive for a project of this size and this nature where the public agency has a limited budget and the risks of participation in the renovation of an old building could result in diminished competition due to factors related to the risks of renovating an old building leading to a reluctance on the part of construction teams to bid otherwise. Thus, the process utilized will enhance not diminish competition.
5. The RFP will require the successful design/build team to solicit and receive at least three bids for all elements of the tenant improvement work; to conduct all bid openings with a Metro representative present; to award subcontracts to the bidder whose bid reflects the best value at the lowest cost, thus, maintaining the usual level of competition for the tenant improvement work. In that price will be a significant evaluation criteria, it is expected that each proposer will aggressively solicit and receive subbids from the local contracting community, thereby, maintaining the usual degree of competition at the subcontractor level for other than the tenant improvement work. This will result in enhanced not diminished competition at each level including the competition between the competing teams.

As required by ORS 279.015(2)(a), the Metropolitan Service District Contract Review Board finds that exempting the Metro Headquarters Project Design/Build RFQ/RFP process from the competitive bidding process will result in substantial cost savings because:

1. The design/build process is a "fast track method" which will compress the project schedule for the renovation of the Sears Building by simultaneously selecting design and construction services and by allowing the design/build contractor to commence initial elements of the project (demolition, ordering, fabrication of long-lead items) while the design process of other items is underway. Metro does not currently have a design/architect under contract to prepare the bid specifications for a traditional sealed bid

process for the demolition and renovation work. If Metro were to utilize its normal processes for first obtaining an architect to prepare design specifications and then after the bid specifications were prepared seeking competitive bids for contractors the time line for estimated completion of the Sears Building renovation project would be extended by up to one year. This is because it would take Metro approximately three to four months to enter into a contract with an architect including initial preparation of a Request for Proposals for an architect, Council approval of the Request for Proposals, solicitation of proposals, receipt of proposals, evaluation and selection of an architect, and Council award of the contract for an architect. An architect would then need approximately three to four months to prepare the specifications for bidding purposes. After bid documents were prepared during this time period, it would take another three- to four-month period for the formal process to be completed involving Council approval of bid documents, receive bids back from contractors, and proceed through the process of having Council approval of award of the contract and issuance of a notice to proceed. Construction costs are currently escalating, and have been escalating, at approximately five percent per year. The delay in bidding and awarding this project caused by not utilizing the RFQ/RFP process would result in construction costs increase of an least \$500,000. A minimum of \$500,000 can be saved by using the fast track method. This will result in substantial cost savings to the public agency.

2. The Sears Building Metro Headquarters Project is for the renovation of an existing building. The use of a design/build team for a renovation project will result in substantial cost savings in that the architect and contractor who would be adversaries in a traditional design/bid process will be on the same team. Therefore, the architect and contractor must cooperate as they seek creative solutions to the difficulties normally expected in renovation projects because the contract agreement with Metro will limit their amount of payment to the budgeted amount, therefore, resulting in a disincentive for the architect and contractor to impose extra costs on each other which ultimately would be borne by the public agency as they complete their work dealing with unexpected items typically found in an renovation project. While difficult to quantify prior to actual completion of the project, it is estimated by staff that these savings could amount to as much as \$250,000 on this project. Thus the use of the design/build process will result in substantial cost savings from this area as well.
3. The use of the fast track method will result in manpower cost savings to Metro in that Metro staff time will not need to be expended to supervise and manage a construction project at the same level that would be

required if the standard design/bid process were utilized. Metro staff will not be needed to supervise the project for the additional year that the longer time period method would take. This will result in savings to Metro of at least \$100,000 in staff time. During the project, the use of the design/build team will result in a lesser level of Metro supervision being used than would otherwise be required in that Metro will only need to have contact with one contracting entity and not need to interact with an architect as well as a contractor. In addition the design/build team will be responsible for all permits and necessary governmental approvals resulting in a lessening of Metro staff time. This will also result in an additional savings of approximately \$100,000 to the Metropolitan Service District. As a result of the savings in Metro manpower, substantial cost savings in the amount of \$200,000 will also be realized.

4. Shortening the time frame for the renovation project by the use of a design/build team will also result in substantial cost savings to the Metropolitan Service District in that it will shorten the time period that Metro is obligated to pay debt service for the capitalized interest necessary to maintain a bond issue for the purchase and renovation of the Sears project at the same time that it is paying rent at its existing facility. The savings of one-year's rent on the existing Metro facility will result in savings to the Metropolitan Service District of \$370,000, thus the use of the design/build process will result in substantial cost savings in this amount to the Metropolitan Service District as well.
5. The result of all the separate possible cost savings to the Metropolitan Service District as set forth above by the use of the design/build process in lieu of a standard design/bid process is in cost savings of approximately \$1,220,000. Therefore, the alternative process utilized will result in substantial cost savings to Metro.

DBC/gl  
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Meeting Date: October 10, 1991  
Agenda Item No. 7.4

RESOLUTION NO. 91-1512

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 91-1512, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING FOR ISSUANCE OF A REQUEST FOR FRANCHISE APPLICATIONS FOR THE PROVISION OF TRANSFER AND MATERIAL RECOVERY FACILITIES AND SERVICES FOR WESTERN WASHINGTON COUNTY

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Date: October 2, 1991

Presented by: Councilor DeJardin

**Committee Recommendation:** At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Resolution No. 91-1512. Voting in favor: Councilors DeJardin, Gardner, McFarland and Wyers.

**Committee Issues/Discussion:** Jim Watkins and Chuck Geyer, Solid Waste Department discussed the resolution in conjunction with committee consideration of Resolution No. 91-1513, authorizing issuance of Request for Franchise (RFF) documents for the first of two Washington County transfer facilities. Resolution No. 91-1512 authorizes an exemption from the Metro Code requirements relating to competitive bidding to allow the use of the RFF process.

Documents related to the proposed Washington County transfer facilities have generally concluded that the facilities should be awarded as long-term franchises (See the Washington County System Plan, Resolution No. 91-1437B and the proposed Metro West Transfer and Material Recovery System Chapter for the Regional Solid Waste Management Plan). The committee concurred that this resolution is needed to proceed with the preferred procurement process for these transfer facilities.

BEFORE THE CONTRACT REVIEW BOARD  
OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN )	RESOLUTION NO. 91-1512
EXEMPTION TO THE REQUIREMENT OF )	
COMPETITIVE BIDDING FOR ISSUANCE )	Introduced by Rena Cusma,
OF A REQUEST FOR FRANCHISE )	Executive Officer
APPLICATIONS FOR THE PROVISION OF )	
TRANSFER AND MATERIAL RECOVERY )	
FACILITIES AND SERVICES FOR )	
WESTERN WASHINGTON COUNTY )	

WHEREAS, in June 1990 the Council of the Metropolitan Service District ("Council") adopted Resolution No. 91-1437B establishing policy for development of the "Metro West Transfer and Material Recovery System" as a chapter of the Regional Solid Waste Management Plan; and

WHEREAS, Ordinance No. 91-416, supported by the "Policy and Technical Analysis for the Washington County System Plan," (April 1991) amends the Regional Solid Waste Management Plan to include the chapter referenced above, and provides a firm policy basis for this Resolution; and

WHEREAS, Ordinance No. 91-416 states that "The primary method of facility procurement for transfer facilities in the west watershed will be through the issuance of a request for long-term franchises"; and

WHEREAS, because a public franchise may be viewed as a public contract subject to the provisions of ORS Chapter 279, an exemption from competitive bid requirements is being sought for issuance of a Request for Franchise Applications (RFF) for procurement of transfer and material recovery services in western Washington County; and

WHEREAS, under Metro Code Section 2.04.041(c) and ORS 279.015(2), the Board may, by resolution, exempt certain contracts from competitive bid requirements, if it finds as follows:

- (a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- (b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such finding, the director or board may consider the type, cost, amount of the contract, number of



persons available to bid and such other factors as may be deemed appropriate.

WHEREAS, ORS 279.015(5) states that in granting an exemption, the Board shall:

- (a) Where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods, which are also consistent with the public policy of encouraging competition.
- (b) Require and approve or disapprove written findings by the public contracting agency that support the awarding of a particular public contract or a class of public contracts, without competitive bidding. The findings must show that the exemption of a contract or class of contracts complies with the requirements of paragraphs (a) and (b) of subsection (2) of this section; now, therefore,

BE IT RESOLVED,

1. That the Board makes the following findings in support of an exemption from public bidding requirements for issuance of a franchise for transfer and material recovery facilities and services for western Washington County:

- (a) It is not likely that the exemption will encourage favoritism or substantially diminish competition for public contracts. Metro's decision to issue this RFF for solid waste transfer and material recovery services in western Washington County is the result of extensive study and discussion. The policy behind this RFF was established as the local government solution to development of solid waste facilities in Washington County, and has been subjected to considerable public scrutiny and debate. The driving force behind the RFF is not favoritism, but important public policy concerns. Further, the process of requesting franchise applications is itself competitive, allowing all parties potentially capable of providing Metro with a specified level of service the opportunity to submit proposals. The proposed RFF establishes a competitive framework for submittal of applications, and objective criteria for judging those proposals.
- (b) Awarding of a franchise in accordance with the RFF will result in substantial cost savings for the

agency. First, the services needed cannot readily be obtained through a request for bids. Because the envisioned franchise is for a major component of Metro's solid waste system, it is important that Metro retain control over the design and proposed operation of the selected facility. The franchise relationship is more appropriately established in a process of negotiation, following a request for applications. Second, cost will be an important consideration in award of the franchise. The procurement criteria for this project include a requirement that the cost must be no greater than the cost of a publicly financed facility, using the assumptions and methodology in the technical analysis.

2. That based on these findings, the Board hereby exempts from competitive bidding the major system component franchise to be requested in an RFF entitled "Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County."

ADOPTED by the Metropolitan Service District Contract Review Board this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NOS. 91-1512 AND 91-1513 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZING ISSUANCE OF A REQUEST FOR FRANCHISE APPLICATIONS FOR THE PROVISION OF TRANSFER AND MATERIAL RECOVERY FACILITIES AND SERVICES FOR WESTERN WASHINGTON COUNTY

Date: September 20, 1991

Presented by: Jim Watkins  
Chuck Geyer

PROPOSED ACTION

Approve Resolution Nos. 91-1512 and 91-1513 for the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County.

FACTUAL BACKGROUND AND ANALYSIS

The attached Request for Franchise Applications (RFF) is being issued in conformance with Resolution No. 91-1437B which established policy for development of the Washington County solid waste system chapter to the regional solid waste management plan and Ordinance No. 91-416 which amends the Regional Solid Waste Management Plan to incorporate the Metro West Transfer and Material Recovery System Chapter.

The Plan Chapter for the Metro West Transfer and Material Recovery System recommends that long-term franchises be issued for transfer and material recovery facilities established in Washington County. This is consistent with the application process and award of a Major Disposal System Component franchise under Section 5.01.085 of the Metro Code. Section 5.01.085(d) of the Code requires that the Council establish application procedures, the review process for applications and the criteria to be utilized in determining which, if any, applications should be approved prior to authorizing a franchise agreement.

The RFF meets the requirements of Metro Code Section 5.01.085 with respect to submitting applications for major disposal system components franchises.

The purpose of the RFF is to acquire a long-term, privately owned transfer and material recovery facility for western Washington County. Washington County has been divided into two service areas serving western and eastern Washington County which are referred to as Service Areas #1 and #2, respectively (Please see map included in RFF).

## BASIC FACILITY REQUIREMENTS

The services requested must be performed in a facility that meets basic requirements. These requirements, which are discussed in more detail in the RFF, are that the facility:

1. Process all waste received each day.
2. Limit public self-haul waste disposal to weekends.
3. Provide for public drop-off of source-separated recyclables prior to weighing.
4. Provide post collection material recovery of waste received utilizing proven technology and methods.
5. Remove unacceptable waste.

## FINANCING

Metro has identified as an option for financing the acquisition, construction and installation of the facility and equipment, issuance of tax exempt limited obligation revenue bonds. Metro would issue the bonds and enter into a loan agreement with the franchisee. The franchisee would secure repayment of the loan through a mortgage and any credit enhancement needed to maintain Metro's current bond rating. Metro would in turn make a guaranteed monthly payment to the franchisee equal to the principal and interest due on the bond, provided the facility is operating. Alternative financial approaches will also be considered.

## FRANCHISE EVALUATION CRITERIA

Each application will be evaluated by a selection committee based upon the information submitted regarding the following evaluation criteria:

1. The experience/qualifications of the applicant and project team.
2. Technical strength of both the proposed design and operations plan.
3. Cost - Applicants will be ranked according to acceptability of their financial structure and the resulting rate from capital and operating costs. The rate will be compared to the rate resulting from a publicly owned facility utilizing the methodology contained in the technical analysis.
4. Applicants will only be evaluated if appropriate land use approvals are submitted.

## 5. Compliance with Franchise Code.

### FUTURE FINANCING

It is expected that over the life of the Franchise Agreement changes will occur in material recovery technology. The RFF provides a vehicle for future financing of required capital investments and permits delay of compactor procurement if deemed appropriate.

### TIMELINE

Metro is scheduled to issue the RFF in October 1991, receive applications in mid-December and award a franchise in early 1992. Construction should be complete by the end of 1993. Metro will begin the procurement for eastern Washington County in early 1992 using a similar request for franchise process.

### JUSTIFICATION FOR USING RFF PROCESS

Metro Code Section 2.04.041(c) allows the Contract Review Board to exempt specific contracts from the competitive bidding selection process by resolution subject to the requirements of ORS 279.015 (2) and (5). The Board, where appropriate, can direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition. Resolution Nos. 91-1512, before the Contract Review Board, would exempt this selection process from the competitive bidding process. Under Resolution No. 91-1513, the Metro Council would authorize staff to issue a Request for Franchise Applications.

### BUDGET IMPACTS

There are no immediate impacts on the FY 1991-92 Budget as any costs for financial consultants and bond counsel will be reimbursed from bond proceeds if Metro issues the bonds.

Long term impacts will not be known until the negotiations are complete and a rate established based on both capital and operating expenses. The Washington County Technical Analysis estimated the capital and operating costs for a transfer and material recovery facility located in the western service area. The medium range capital cost estimate (including site acquisition costs) is approximately \$10.3 million. Operating costs, representative of costs expected in the year 2003 when the facility is running at full capacity, is estimated to be \$1.7 million per year.

These costs were used to develop a rate for evaluating rate differences between a publicly owned and privately operated facility, and a privately owned and privately operated facility.

The table summarizes the projected impact on the regional tip fee of the private ownership option (the preferred local government option) and the public ownership option for FY 1993-94, the projected first full year of operation.

**FY 1993-94 Metro System Rate**

	REGIONAL USER FEE	METRO SYSTEM USER FEE	REGIONAL TRANSFER CHARGE	DISPOSAL FEE	TOTAL RATE
Public Ownership	\$13.11	\$9.76	\$12.16	\$36.40	\$71.44
Private Ownership	\$13.11	\$9.87	\$12.67	\$36.40	\$72.06

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends Contract Review Board approval of Resolution Nos. 91-1512 and 91-1513

Meeting Date: October 10, 1991  
Agenda Item No. 7.5

RESOLUTION NO. 91-1510

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1510, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE PROCUREMENT PROCEDURES OF METRO CODE CHAPTER 2.04.053 AND AUTHORIZING A CHANGE ORDER TO THE DESIGN SERVICES AGREEMENT WITH PARAMETRIX, INC.

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Date: October 3, 1991

Presented by: Councilor Gardner

Committee Recommendation: At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Resolution 91-1510. Voting in favor: Councilors Gardner, McFarland, and Wyers.

Committee Issues/Discussion: Metro originally determined that all construction related to closing the St. Johns Landfill would be handled by a single construction contractor over a period of several years. In May 1990, Metro signed a \$2.3 million contract with Parametrix, Inc. to provide engineering, design, and bidding and construction document assistance related to the closure.

Parametrix, in conjunction with Metro and DEQ staff, prepared a single set of plans, designs, and specifications relating to closing St. Johns. Metro then determined that it would divide up the closure project into annual increments with an open competitive bidding process for each year's work. Such a division of the work would allow Metro to learn from prior year's work and allow for smaller contracts which would encourage more potential bidders.

Metro staff will shortly be preparing Request for Bid documents for closure improvements in Sub Area 1 of the landfill. This work is scheduled to bid and awarded by early 1992 and performed during the 1992 construction season. Because closure work is now being performed in annual increments, Parametrix will be required to revise its original plans, designs, and specifications each year to address the specific work to be accomplished and issues resulting from the completion of prior year's work.

Resolution No. 91-1510 would make a change in the original design services agreement to allow an additional payment to Parametrix for necessary redesign of the original closure plan and document preparation assistance related to the proposed 1992 closure work. The total cost of these services will be \$57,000. A total of \$9,800 of this amount was previously authorized in the original agreement for bidding services. Thus, the resolution would change the agreement to permit an additional payment of \$47,200. The Solid Waste Department anticipated the need for an additional payment and this amount is included in the \$643,000 appropriated for closure work during the current fiscal year.

The resolution also would provide for an exemption from the Metro Code requirement that requires that a contract amendment over



\$10,000 not be approved unless the Contract Review Board exempts the amendment from the competitive procurement process. Staff contends that an exemption is warranted because the proposed work is part of the ongoing closure program for which Parametrix will provide engineering services until 1996. Hiring a new consultant for a small portion of this work would not be effective.

It would appear that annual changes in the Parametrix agreement will be needed to address design changes and contract document development for each year's closure work at St. Johns.

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 91-1510
AN EXEMPTION TO THE COMPETITIVE	)	
PROCUREMENT PROCEDURES OF METRO	)	Introduced by Rena Cusma,
CODE CHAPTER 2.04.053, AND	)	Executive Officer
AUTHORIZING A CHANGE ORDER TO	)	
THE DESIGN SERVICES AGREEMENT	)	
WITH PARAMETRIX, INC.	)	

WHEREAS, It is in the public interest that the St. Johns Landfill closure process move forward in an expeditious manner; and

WHEREAS, The closure process can be expedited through the use of the existing engineering contractor to perform tasks described in Change Order No. 6; and

WHEREAS, The project requires additional design services that could not have been anticipated at the time of Contract award; and

WHEREAS, It is impractical to solicit proposals for the work described in Change Order No. 6; and

WHEREAS, Change Order No. 6 cannot be approved unless an exemption to the Competitive Procurement Process pursuant to Metro Code 2.04.054 is granted by the Metro Contract Review Board; and

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

BE IT RESOLVED,

That the Metropolitan Service District Contract Review Board exempts Change Order No. 6 to the Design Services Agreement with Parametrix, Inc. from the Competitive Procurement Procedures of Metro Code 2.04.053 and authorizes execution of Change Order No. 6.

ADOPTED by the Contract Review Board of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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Tanya Collier, Presiding Officer

**Parametrix, Inc.**

*Consultants in Engineering and Environmental Services*

6130 N.E. 78th Court, Suite C-7 Portland, OR 97218  
503-256-5444 • 206-694-5020 • Fax: 503-256-4221



**RATE SCHEDULE**

**1992 CLOSURE DOCUMENTS [SA-1 & Nly. PLC]**

***BIDDING TASKS***

**LABOR**

<u>Staff</u>	<u>Hourly Rate</u>
Project Manager	\$106
Sr. Project Engineer	\$ 87
Project Engineer	\$ 66
Design Engineer	\$ 59
Gas Task Manager	\$ 70
Gas Technician	\$ 58
CAD Technician	\$ 47
Quality Assurance Manager	\$ 87
Clerical	\$ 37

**EXPENSES**

Outside Services	Cost + 10%
Travel	\$0.28 / mile

Rates shown are estimates of 1992 labor and expense. Parametrix will amend schedule to reflect labor and expense rates effective January 1, 1992.

September 20, 1991



# CHANGE ORDER SUMMARY

PROJECT: ST. JOHNS LANDFILL CLOSURE

CONTRACTOR: PARAMETRIX, INC.

CONTRACT NO.: 901-270

BUDGET NO. 531-319320-526900-75960

DEPARTMENT: Solid Waste

FUND NAME ST. JOHNS CLOSURE

THIS REQUEST IS FOR APPROVAL OF CHANGE NUMBER: 6

1. The original contract sum was	<u>\$2,301,692.00</u>	
2. Net change by previously authorized change order	<u>\$ 155,435.00</u>	6.75%
3. The contract sum prior to this request was	<u>\$2,457,127.00</u>	
4. Total amount of this change order request	<u>\$ 47,200.00</u>	8.8%
5. The new contract sum, including this change order	<u>\$2,504,327.00</u>	
6. The contract sum paid in FY 91-92	<u>\$ 0.00</u>	
7. Fiscal Year appropriation for FY 91-92	<u>\$ 643,000.00</u>	

Line item name: OTHER PURCHASED SERVICES

Estimated appropriation remaining  
as of September 20, 1991 \$643,000.00

8. Start Date: October, 1991 Expire Date: April 30, 1996

## REVIEW AND APPROVAL:

Jim Watkins  
Division Manager, Solid Waste Department

9/20/91  
Date

Donald R. Cook 9/23/91  
Fiscal Review Date

\_\_\_\_\_  
Director, Solid Waste Department

\_\_\_\_\_  
Date

Jennifer Ann 9/23/91  
Budget Review Date

\_\_\_\_\_  
Director, Regional Facilities

\_\_\_\_\_  
Date

Bob S. L... 9/23/91  
Legal Review Date

Comments:

**CHANGE ORDER NO. 6  
TO THE CONTRACT BETWEEN PARAMETRIX, INC. AND  
THE METROPOLITAN SERVICE DISTRICT ENTITLED,  
"DESIGN SERVICES AGREEMENT" (Contract No. 901-270)**

Provide Technical Assistance to Produce the RFB and  
Provide Assistance During the Bidding Process  
Associated with the Closure of Subarea 1 on the  
St. Johns Landfill During 1991-92

The Scope of Work and Schedule of the "Design Services Agreement" entered into June, 1990, is hereby modified to incorporate the changes described below:

1. The following addition is made to the Scope of Work "2.3 Component Design Tasks" as "2.3.2.(e) Additional Design Tasks for Final Cover on SA-1":
  - a. Develop construction specifications and Quality Assurance/Quality Control (QA/QC) procedures for reapplying the low-permeability cover that is currently part of the intermediate cover.
  
2. The following addition is made to the Scope of Work "3. CONSTRUCTION DOCUMENTS SERVICES (TASK 9)" as "3.9 ADDITIONAL CONSTRUCTION DOCUMENTS SERVICES FOR SUBAREA 1":
  - a. Prepare final (100% completion) drawings, technical specifications and QA/QC plan to include all elements necessary for closure of Sub-area 1.
    - i. Three sets of draft project specifications, drawings and QA/QC plan shall be submitted at 90% completion by Contractor.
    - ii. One digital copy of the final project specifications and one set of final vellum reproducible drawings shall be submitted at 100% completion. The digital copy of the specifications shall be in an MS DOS compatible format, WordPerfect 5.1, on a 5 1/4" high density disk.
  - b. Submit a construction cost estimate and draft work schedule for Sub-area 1.
  - c. Submit a bid schedule after meeting once with Metro staff to discuss its structure.
  - d. Review final draft of entire RFB project document.
  - e. Attend up to three, 2-hour meetings with Metro staff to discuss the performance of the above tasks.
  
3. On page 27-28 of the Scope of Work, delete all of the language in Section 4 following "Bidding (TASK 10)", and replace it with the following:
  - a. Summarize the RFB technical documents and otherwise prepare for one pre-bid conference for Subarea 1.

- b. Prepare responses to questions and contract language change requests for addenda when requested by Metro staff. Respond in writing within three days of a written request.

4. SCHEDULE

- a. Contractor shall submit 90% project completion documents for Metro review within 14 calendar days from authorization to proceed.
- b. Metro shall review 90% project completion documents and return comments to Contractor within 8 full working days from Contractor's submittal of review documents.
- c. Contractor shall submit 100% project completion documents for Metro review 33 calendar days from authorization to proceed. The project bid schedule shall be included with the submittal.
- d. Review of the entire RFB project documents shall be completed and comments submitted by Contractor to Metro by 2 p.m., November 18, 1991.
- e. Bidding assistance tasks shall be completed by May 1, 1992.

4. COST

- a. Contractor shall receive compensation on a time and material basis for performance of the Bidding Tasks. Currently, the \$33,775 provided in the original contract for Bidding (TASK 10) is unexpended and available to fund bidding assistance for Subarea 1, as specified in this change order, and for future Bidding Tasks associated with other subareas on a time and material basis. Rates for time and materials are shown on the attached Exhibit A.
- b. Contractor shall receive an amount not to exceed \$47,200 for performance of the Design Tasks specified in this Change Order.
- c. The net additional amount authorized by Change Order No. 6 shall not exceed \$47,200.

All other terms and conditions of the original agreement and previous agreements shall remain in full force and effect.

PARAMETRIX, INC.

METROPOLITAN SERVICE DISTRICT

BY: \_\_\_\_\_  
(Print Name and Title)

BY: \_\_\_\_\_  
(Print Name and Title)

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

I:\dennis\paradsgn.cob

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 91-1510 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE COMPETITIVE PROCUREMENT PROCEDURES OF METRO CODE CHAPTER 2.04.053 AND AUTHORIZING A CHANGE ORDER TO THE DESIGN SERVICES AGREEMENT WITH PARAMETRIX, INC.

Date: September 16, 1991

Presented by: Jim Watkins  
Dennis O'Neil

### PROPOSED ACTION

Adopt Resolution No. 91-1510, which grants exemption from the competitive procurement process and authorizes execution of Change Order No. 6 to the Design Services Agreement with Parametrix, Inc. for engineering services related to the St. Johns Landfill Closure.

### FACTUAL BACKGROUND AND ANALYSIS

In June 1990, Metro entered into a Design Services Agreement with Parametrix, Inc. for engineering services related to the St. Johns Landfill Closure. Under this Agreement Parametrix has ongoing responsibility for designing closure improvements, developing construction documents, rendering bidding assistance and performing construction management services for the closure of the landfill.

Metro is planning to install final cover and other closure improvements on one portion of the landfill, Subarea 1, during the construction season of 1992. Metro staff plans to develop a Request for Bids document (RFB) for this work during the fall of 1991, request Metro Council approval, and solicit bids in early 1992. Parametrix, Inc. would provide technical assistance to Metro staff to produce the RFB and during the bidding process. Change Order No. 6 would delete Section 4, Bidding (Task 10) of the Design Services Agreement, and would provide for bidding assistance and preparation of construction documents specific to the Subarea 1 RFB. The cost of these services is \$57,000. \$33,775 has already been authorized in the original agreement for bidding assistance and would be used to offset the Bidding tasks specifically for Subarea 1 RFB on a time and materials basis. Preparation of Construction Documents shall not exceed \$47,200.

Metro Code Chapter 2.04.054 states that a contract amendment exceeding \$10,000 shall not be approved unless the Contract Review Board exempts the amendment from the competitive procurement process of Section 2.04.053.

An exemption is clearly justified in this instance. As detailed above, the work contemplated is most logically viewed as part of the ongoing work of Parametrix, Inc. Parametrix, Inc. has an up to date and intimate knowledge of St. Johns Landfill and its closure and will continue to perform engineering services related to landfill closure until 1996. Metros' planning for landfill closure was never intended to be piece meal and fragmented between consultants. It would be inefficient to now hire an additional engineering consultant to carry out this relatively small component of landfill closure engineering.

#### BUDGET IMPACT

The current fiscal year budget for St. Johns Landfill closure is \$643,000 for work under the design services agreement with Parametrix, Inc. Change Order No. 6 is not expected to exceed this budget.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1510.



Meeting Date: October 10, 1991  
Agenda Item No. 7.6

RESOLUTION NO. 91-1514



**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council

**RE:** AGENDA ITEM NO. 7.6; RESOLUTION NO. 91-1514 *PA*

The Council agenda will be printed before the Finance Committee meets to consider Resolution No. 91-1514. Committee reports will be distributed to Councilors in advance and available at the meeting October 10, 1991.

BEFORE THE CONTRACT REVIEW BOARD  
OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING )	RESOLUTION NO. 91-1514
AN EXEMPTION TO METRO CODE )	
CHAPTER 2.04.041(c), COMPETITIVE )	INTRODUCED BY RENA CUSMA,
BIDDING PROCEDURES, AND )	EXECUTIVE OFFICER
AUTHORIZING A SOLE-SOURCE )	
CONTRACT WITH OFFICE INTERIORS )	
FOR PURCHASE OF PANELS FOR )	
TRANSPORTATION DEPARTMENT )	

WHEREAS, there is no other company on the west coast other than Office Interiors that can order the panels from Cory Hebert; and

WHEREAS, the panels are needed to complete an office plan using Cory Hebert panels previously purchased, and are therefore an integral part of a component system; and

WHEREAS, Cory Hebert is not actively seeking west coast sales and has only sold through Office Interiors. Other vendors have been contacted and cannot supply same. Matching panels are required in order to utilize existing furnishings, and complete replacement of all furnishings would cost considerably more and is not advisable at this time.

WHEREAS, the Transportation Department requires these panels and components in their new location and as a functional alternative to private offices.

WHEREAS, the Executive Officer has reviewed the purchase order for Office Interiors to provide panels and hereby forwards the purchase order to the Council for approval; now, therefore,

BE IT RESOLVED

The Contract Review Board hereby exempts the attached purchase order (Exhibit "A" hereto) to Office Interiors from the competitive bidding requirement pursuant to Metro Code Chapter 2.04.060.

ADOPTED by the Contract Review Board of the  
Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_,  
1991.

Tanya Collier, Presiding Officer



**METRO**

Billing address.  
 2000 SW First Ave.  
 Portland, OR 97201-5398  
 (503)221-1646

*Purchase Order*

PLEASE PRESS FIRMLY

To:

Office Interiors  
 P. O. Box 2279  
 Portland, OR 97208

Date of order Purchase order number

September 26, 1991 7324

Purchase order number *must* appear on all bills of lading, packing slips, invoices and correspondence.

Ship to:

- Metro Washington Park Zoo  
4001 SW Canyon Rd. Portland, OR 97221
- Metro Center  
2000 SW First Ave., Portland, OR 97201-5398
- Metro ERC  
777 Martin Luther King Jr. Blvd. Portland, OR 97232
- Other Facility \_\_\_\_\_
- Attention/ Dept. \_\_\_\_\_

- Confirming
- Non-confirming
- Delivery required
- DBE/WBE unavailable
- DBE certified
- WBE certified

**Important notice**

By acceptance of this purchase order, vendor acknowledges that he/she has read and agrees to the conditions printed on the reverse side of this document.

Please submit invoices in duplicate to the Metro Accounting Division, 2000 SW First Ave., Portland, OR 97201-5398.

Do not back order without our approval.

Enclose an itemized packing list showing purchase order number with each shipment.

If shipped prepaid and freight added to invoice you must mail us the receipted freight bill to support freight charges. We must have this before we can pay your invoices.

QUANTITY ORDERED	QUANTITY RECEIVED	DESCRIPTION	UNIT PRICE	TOTAL	ACCOUNT NUMBER				
					Fund	Cost Center	Object	Project	Sub Code
		See Attached Panel		2500.00	140	121100	571500	42590	
		List For Transportation		5800.00	140	122200	571500	45810	
				26057.20	610	041400	571500	00000	



# OFFICE INTERIORS, INC.

RECEIVED

SEP 25 1991

METRO FINANCE & MANAGEMENT  
INFORMATION DEPARTMENT

September 23, 1991

Revised 9/27/91

TRANSPORTATION		EACH	EXTENDED
(1) ea.	WW12040-OP 20 x 40 Non-Powered Panel	\$154.20	\$154.20
(1) ea.	W1020-TCO.20" Top Cover		
(5) ea.	WW13240-OP 32 x 40 Non-Powered Panels	\$212.40	\$1,062.00
(5) ea.	W1032TCO 32" Top Cover		
(1) ea.	WW13840-OP 38 x 40 Non-Powered Panel		250.20
(1) ea.	W1038TCO 38" Top Cover		
(4) ea.	W10001-OP40 40" Connector	21.60	86.40
(2) ea.	W1000L-OP40 40" 2-Way Connector	21.60	43.20
(1) ea.	W1HL4T-OP-40" Hi/Lo		54.60
(3) ea.	WW13246-OP 32 x 46 Non-Powered Panels	219.60	658.80
(3) ea.	W1032TCO 32" Top Covers		
(1) ea.	W10001-OP46 46" Connector		21.60
(1) ea.	W1000L-OP46 46" 2-Way Connector		21.60
(1) ea.	W1HL4T-OP46 46" Hi/Lo		54.60
(28) ea.	WW2060-OP 20 x 60 Non-Powered Panels	208.80	5,846.40
(28) ea.	W1020TCO 20" Top Covers		
(5) ea.	W12660-OP 26 x 60 Non-Powered Panels	229.20	1,146.00
(5) ea.	W1026TCO 26" Top Covers		

PHONE (503) 226-3399  
FAX (503) 226-2619

210 N.W. BROADWAY • 97209-2279  
P.O. BOX 2279 • 97208-2279  
PORTLAND, OREGON

Page Two  
Metro, Continued  
September 23, 1991

		<u>EACH</u>	<u>EXTENDED</u>
(56) ea.	WW13260-OP 32 x 60 Non-Powered Panels	\$267.00	\$14,952.00
(56) ea.	W1032TCO 32" Top Covers		
(14) ea.	WW13860-OP 38 x 60 Non-Powered Panels	304.20	4,258.80
(14) ea.	W1038TCO 38" Top Covers		
(10) ea.	WW14460-OP 44 x 60 Non-Powered Panels	341.40	3,414.00
(10) ea.	W1044TCO 44" Top Covers		
(72) ea.	W10001-OP60 60" Connectors	21.60	1,555.20
(21) ea.	W1000L-OP60 60" 2-Way Connectors	21.60	453.60
(10) ea.	W1000T-OP60 60" 3-Way Connectors	21.60	216.00
(3) ea.	W1000X-OP 60" 4-Way Connectors	36.00	108.00
			-----
			\$ 34,357.20

## STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1514 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.041(c), COMPETITIVE BIDDING PROCEDURES, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH OFFICE INTERIORS FOR PURCHASE OF PANELS FOR TRANSPORTATION DEPARTMENT.

Date: September 26, 1991

Presented by: Jennifer Sims

### PROPOSED ACTION

Adoption of Resolution No. 91-1514, authorizing an exemption to competitive bidding procedures and authorizing the execution of a purchase order for the purchase of panels for the Transportation Department.

### FACTUAL BACKGROUND AND ANALYSIS

With the growth in employees authorized for the current 1991-92 fiscal year, space in the building at 2000 SW First Avenue has become overcrowded. To alleviate this, a number of shifts in office space have occurred. One of these is the move of the Transportation Department to a nearby building at 1881 SW Front Avenue. This move will give Transportation the needed growth space for their additional employees. The office space vacated by Transportation will be utilized by Regional Facilities to consolidate their operations currently in separate locations, and allows Solid Waste to expand.

To reduce costs involved in setting up individual offices for Transportation, fewer enclosed offices are being constructed in the new office space. Enclosed spaces for existing and new employees are being created through the use of moveable panels. The existing panels in Transportation were originally purchased from Cory Hebert through a local company, Office Interiors. This additional panel purchase is intended to maintain the existing standard of panels already in use in many office areas of the building.

### Sole-Source Justification

The proposed panel purchase is considered a sole-source purchase because there is no other company on the west coast other than Office Interiors that can order the panels from Cory Hebert, and the panels are needed to complete an office plan using Cory Hebert panels previously purchased and are therefore an integral part of a component system.



Budget Impact

A total of \$34,357.20 is needed for the purchase of new panels for Transportation. The capital budget for Transportation contains \$8,300.00 approved for the new employee work stations in the fiscal year 1991-92 budget. The balance of \$26,057.20 will be funded from the Support Services budget. The proposed purchase costs are summarized below:

-	Total cost of proposed panel purchase	\$34,357.20
-	Budgeted amount from Transportation	\$8,300.00
-	Support Services funds	<u>\$26,057.20</u>
	Total	\$34,357.20

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 91-1514.

Meeting Date: October 10, 1991  
Agenda Item No. 7.7

RESOLUTION NO. 91-1499A

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 91-1499A, FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF PERSONS TO THE COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE

-----  
Date: October 3, 1991

Presented by: Councilor McFarland

**Committee Recommendation:** At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Resolution No. 91-1499A. Voting in favor: Councilors DeJardin, Gardner, McFarland and Wyers.

**Committee Issues/Discussion:** The purpose of the resolution is to provide for Council confirmation of the initial members of the Composter enhancement committee. (Note: Ordinance 91-429A, also on tonight's agenda makes minor changes in the ordinance establishing the committee.)

Judith Mandt, Solid Waste Department, presented the resolution and noted that delays had been encountered in obtaining the names of nominees from some of the neighborhood associations that were responsible for submitting names to the Executive Officer for her consideration. Committee members had reviewed the applications of the proposed appointees and approved the nominations.

The committee amended the resolution to include a recommendation from Si Stanich, one of the appointees, to provide that the initial staggered terms will be for two and three years instead of the original language that provided for one and two-year terms. Mr. Stanich noted that few people would be willing to serve for only one year.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING )	Resolution No. 91-1499A
THE APPOINTMENT OF PERSONS TO )	
THE COMPOSTER COMMUNITY )	Introduced by
ENHANCEMENT COMMITTEE )	Rena Cusma, Executive Officer

WHEREAS, the Council of the Metropolitan Service District adopted Ordinance No. 90-331-A creating the Composter Community Enhancement Program and Committee for the Metro/Riedel Composter Facility; and

WHEREAS, the Executive Officer has authority to appoint members to the committee for Council confirmation; and

WHEREAS, the Executive Officer solicited nominations from the designated neighborhood and community associations and business organizations as specified in the Ordinance; and

WHEREAS, said organizations submitted the names of individuals to serve on the committee; and

WHEREAS, the Executive Officer has reviewed the nominations and recommends the following individuals for appointment to the committee: E. John Rumpakis, representing business associations, 1 nominee; Si Kornbrodt, Beaumont/Wilshire Neighborhood Association, 1 nominee; Garland Smith, Concordia Neighborhood Association, 1 nominee; Simon Stanich, Gordon Hunter, and Christina Dwyer, Cully Association of Neighbors, 3 nominees; Juanita Chereck, Madison North Neighborhood Association, 1 nominee; and Paul Eisenberg, Rose City Park Neighborhood Association, 1 nominee; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District hereby confirm the appointment of the following persons to the Composter Community Enhancement Committee:  
E. John Rumpakis representing the area business association; Si Kornbrodt representing the

Beaumont/Wilshire Neighborhood Association; Garland Smith, representing the Concordia Neighborhood Association; Simon Stanich, Gordon Hunter, and Christina Dwyer representing the Cully Association of Neighbors; Juanita Chereck, representing the Madison North Neighborhood Association, and Paul Eisenberg representing the Rose City Park Neighborhood Association.

2. That the committee membership and term of service shall be for a period of [~~one~~] three years or two years, to be determined by lot with potential for reappointment for one additional term.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

APPLICATION FORM FOR APPOINTMENT TO:  
METRO-COMPSTER NEIGHBORHOOD ENHANCEMENT COMMITTEE (CULLY AREA)

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: E. John Rumpakis DATE: April 26th, 1991

HOME ADDRESS: 3524 N.E. 42 Avenue Portland, Oregon. 97213  
Street City State Zip

BUSINESS ADDRESS: 3440 N.E. 41 Avenue Portland, Oregon 97212  
Street City State Zip

HOME PHONE: 281-8141 BUSINESS PHONE: 281-1261

DATE OF BIRTH: 1932 SOCIAL SECURITY #: N/A  
not

METRO DISTRICT #: known (i.e. the district that you live in)

Affirmative Action Information:  
Sex M Racial/Ethnic Background Native Oregonian; European Ancestry  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no x

Have you been arrested for any crime violation, or major traffic offense? yes \_\_\_\_\_ no x

School (Include High School)	Location	Dates	Major/Degree
IRVINGTON GRADE SCHOOCL	PDX	8 YRS	DIPLOMA
U.S. GRANT HIGH SCHOOCL	PDX	3.5 YRS	DIPLOMA
UNIVERSITY of PORTLAND	PDX	4 YRS	B.A.
PORTLAND STATE UNIVERSITY	PDX	YEAR	POST GRADUATE SECONDARY ED CERT
INDUSTRIAL WAR COLLEGE	WASH D.C. PDX	60's	CERTIFICATE
FOREIGN LANGUAGE SCHOOCL	PDX	6 YRS	-----

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from) Employer/Organization & Position Held Address

PLEASE SEE ATTACHED INFORMATION

PLEASE NOTE: Information was prepared by a committee for another matter last year and recently given to me.... for the sake of expediency today, I have made a copy which can be used as a reference on background.

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION:

PLEASE SEE ATTACHED INFORMATION

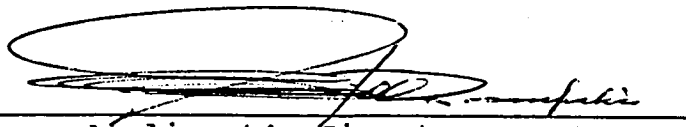
IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION:

A WORTHWHILE ENDEAVOR BENEFITING THE COMMUNITY, ESPECIALLY THE ENVIORNMENTAL ASPECTS.

NOMINATED BY: Fred Wallace, President  
Beaumont Business Association; and  
Dan Ivancie, President  
Beaumont Wilshire Neighborhood Association;..

I certify that the information provided on this form is true to the best of my knowledge.

APRIL 26th, 1991  
Date

  
Applicant's Signature  
E. John Rumpakis

(To provide additional information or references, please attach a separate sheet/resume)

INFORMATION ATTACHED

April 26th, 1991

Rena Cusma  
Executive Officer  
METROPOLITAN SERVICE DISTRICT  
Bob Martin, Director  
SOLID WASTE  
2000 S.W. First Avenue  
Portland, Oregon 97201-5403

RE: Metro-Composter Neighborhood Enhancement Committee  
North East Portland, Cully Area  
Committee Appointment

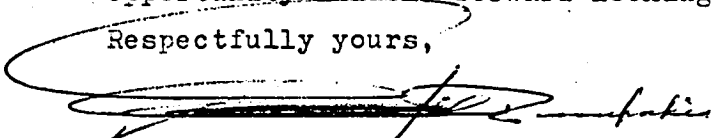
Dear Mrs. Cusma and Mr. Martin:

After having been contacted from persons in Cully, Beaumont Business Association, CNN and most recently by leadership in the Beaumont-Wilshire Neighborhood Association I have decided today to make the decision for consideration as a committee member.

The projected program has realistic goals and indeed timely as to its importance for earth conservation. Hopefully, revenue benefits will be directed wisely for the area's enhancement, - particularly in a manner harmonious in process.

As citizens of this area we are pleased for the opportunity and the forward looking endeavor.

Respectfully yours,



E. John Rumpakis  
3440 N.E. 41st Avenue  
Portland, Oregon 97212

EJR:r

ENC: Application



METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

APPLICATION FORM FOR APPOINTMENT TO:

Composter Enhancement Fee Committee

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: Sy Kornbrodt DATE: 042691

HOME  
ADDRESS: 3810 NE Fremont, St., Portland Or, 97212  
Street City State zip

BUSINESS  
ADDRESS: 1120 SW 3rd Ave., Rm. 358 Portland, Or, 97204  
Street City state zip

HOME PHONE: 28708463 BUSINESS PHONE: 229-5004

DATE OF BIRTH: 12-8-26 SOCIAL SECURITY #: 064-20-8283

METRO DISTRICT #: 11 (i.e. the district that you live in)

Affirmative Action Information:

Sex M Racial/Ethnic Background White  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no x

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no y

School (Include High School)	Location	Dates	Major/Degree
<u>Fieldston School</u>	<u>New York, N.Y.</u>	<u>'41-45</u>	<u>H.S.</u>
<u>Columbia Univ.</u>	<u>New York, N.Y.</u>	<u>'46-50</u>	<u>BA</u>
<u>U. W. Los Angeles School of Law</u>	<u>Culver City, Ca.</u>	<u>'68-71</u>	<u>LLB</u>

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from)	Employer/Organization & Position Held	Address
5/80 to Present	Or. Dept. of Corrections-Hearing Officer	1120 SW 3rd, rm358 PDX, 97204
7/88 to Present	Port. Metro Boundary Commission***	
1/81 to 1/88	Federation of Or. Parole & Prob. Officer- President	
4/85 to Pres.	Beaumont Wilshire Neighborhood Assoc. - Board Member	
	(see Resume attached)	

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION:

Because of my training, experience and occupation I am able to review and evaluate proposals and make choices of those with the greatest impact for the good of all of the neighborhoods in the impacted area.

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION: I was involved as a Beaumont Wilshire Board member in the proposal and the compromise, that was eventually adopted regarding this committee makeup. I have had an interest in neighborhood affairs and have worked to make North East Portland the best possible place to live in.

I certify that the information provided on this form is true to the best of my knowledge.

042691

Date

Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

\*\*\* I have checked with the Boundary Commission Counsel, Assistant Attorney General Michael Huston, and he assured me that this committee does not conflict with my position on the Boundary Commission, as there are no areas of decision or advise that would come before the Boundary Comm.

**COMMUNITY ACTIVITY  
and  
CRIMINAL JUSTICE  
BACKGROUND  
of**

**SY KORNBRODT  
3810 NE Fremont St.  
Portland, Oregon 97212  
(503)287-8463**

**RELEVANT EDUCATION:**

**LLB-Cum Laude-1971-University of West Los Angeles, School of Law  
Culver City, Ca.**

**RELEVANT EMPLOYMENT EXPERIENCE:**

**Hearings Officer-Oregon Department of Corrections  
Community Services Division, Northwest Region  
Portland, Or.  
December '89 to Present**

**Adult Parole & Probation Officer-Oregon Department of Corrections,  
Field Services, Portland, Or.  
May '80 to Dec. '89**

**President-Federation of Oregon Parole & Probation Officers,  
Portland, Or.  
Jan. '81 to Jan. '88**

**Attorney at Law-Private Practice-Criminal Defense,  
Los Angeles, Ca.  
Jan. '73 to Mar. '80**

**Special Agent- U.S. Treasury Dept., IRS Intelligence Division  
(now Criminal Investigation Division)  
Los Angeles, Ca.  
Sept. '71 to Jan. '73**

**Parole Agent I-California Department of Corrections (CDC), Parole &  
Community Service Division, Felon & Civil Addict  
(Heroin) Programs, Los Angeles, Ca.  
Sept. '64 to Sept. '71**

**Correctional Program Supervisor I-CDC, California Conservation  
Center, Susanville, Ca.  
Mar. '64 to Sept. '64**

**Correctional Officer-CDC, California Medical Facility,  
Vacaville, Ca.  
Mar. '62 to Mar. '64**

**BOARDS & COMMISSIONS-CRIMINAL JUSTICE:**

Governors Special Commission Against Violent Crime-1982-83

Citizens Advisory Board-Multnomah County Probation Development  
Project 1983-88

Multnomah County Criminal Justice Coordinating Council,  
Task Force on Probation 1985-86

American Probation & Parole Association-Board of  
Directors 1985 to 1988

Oregon Department of Corrections Policy Committee on  
Training 1986-87

Oregon Department of Corrections - Disincarceration Study -  
Executive Committee 1986-87

Oregon Department of Corrections - NW Region -Probation Study  
(New Beginnings) 1984-85

**COMMUNITY & POLITICAL ACTIVITIES:**

Portland Metropolitan Area Local Government Boundary  
Commission - Commissioner 1988 to Present

Beaumont-Wilshire Neighborhood Association - Executive Board  
1987 to Present

City of Portland - Civic Index Project- Regional Cooperation  
Component 1989 to 1990

Multnomah County Democratic Central Committee - Precinct Committee  
Person 1980 to Present

Have also served as Chair of Legislative and Platform Committee

Democratic Party of Oregon - Have served on Central Committee, Executive  
Committee, as Chair of Campaign Committee  
1982-86

Oregon Delegate - Democratic National Convention, San Francisco - 1984

~~Registered-Lobbyist~~ Representing-Federation of Oregon Parole & Probation  
Officers 1981 to 1989

Portland Football Officials Association - Member 1980 to Present

Portland Softball Umpires Association - Member 1984 to Present

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

APPLICATION FORM FOR APPOINTMENT TO:

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: GARLAND GILBERT SMITH DATE: 9/3/91

HOME ADDRESS: 3525 N.E. AINSWORTH PORTLAND OR 97211  
Street City State Zip

BUSINESS ADDRESS: N/A  
Street City State Zip

HOME PHONE: 281-2380 BUSINESS PHONE: N/A

DATE OF BIRTH: 7/28/32 SOCIAL SECURITY #: 243-90-8757

METRO DISTRICT #: CONCORDIA (i.e. the district that you live in)

Affirmative Action Information:

Sex M Racial/Ethnic Background BLACK  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no ✓

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no ✓

School (Include High School) Location Dates Major/Degree

LEE HIGH SCHOOL SANFORD N.C. 5/54

UNIVERSITY OF WASHINGTON SEATTLE WA 19/55/1956  
BREMERTON WA.

PUGET SOUND NAVAL SHIPYARD APPRENTICE SHIP 1961/1965

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from)	Employer/Organization & Position Held	Address
1961-1973	PUGET SOUND NAVAL SHIPYARD	APPRENTICE, SHIPFITTER LOFTSMAN, SHOP PLANNER
1973-1989	SUPERVISOR OF SHIPBUILDING & REPAIR	INSPECTOR SURVEYOR
1955/1961	U.S. POST OFFICE	MAIL CARRIER

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION: ESTIMATED TIME, MATERIAL AND LABOR COST TO ACCOMPLISH REPAIR OF NAVY SHIPS. CERTIFIED THAT THE CONTRACTOR WAS COMPLYING WITH OSHA REQUIREMENTS DURING REPAIR OF NAVY VESSELS

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION: I CAN HELP DIRECT AVAILABLE FUNDS IN AREAS OF THE GREATER NEEDS THAT ~~ARE AVAILABLE~~ I NOW KNOW EXIST AND IT WILL AFFORD ME AN OPPORTUNITY TO GET TO KNOW THE NEEDS OF THE COMMUNITY AND DIRECT HELP TO THOSE AREAS.

I certify that the information provided on this form is true to the best of my knowledge.

SEPTEMBER 3, 1991  
Date

Harold D. Smith  
Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

CUBBY  
ASSOCIATION OF  
NEIGHBORS (CAN)

APPLICATION FORM FOR APPOINTMENT TO:

COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: SIMON G. STANICH DATE: 1 APRIL '91

HOME ADDRESS: 5437 NE JESSUP ST. PORTLAND, OREGON 97218  
Street City State Zip

BUSINESS ADDRESS: N.A.  
Street City State Zip

HOME PHONE: 287-3010 BUSINESS PHONE: N.A.

DATE OF BIRTH: 31 JAN 91 SOCIAL SECURITY #: 544-03-0234

METRO DISTRICT #: # 11 (i.e. the district that you live in)

Affirmative Action Information:

Sex MALE Racial/Ethnic Background ACTUALLY CACCAUSIAN (AMERICAN - SERBIAN)

(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no X

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no X

School (Include High School)	Location	Dates	Major/Degree
<u>Benson High School</u>	<u>Portland</u>	<u>1934-38</u>	<u>GRAD.</u>
<u>Lewis &amp; Clark Coll.</u>	<u>Portland</u>	<u>1946-47</u>	<u>—</u>
<u>UNIVERSITY OF OREGON</u>	<u>EUGENE</u>	<u>1947-52</u>	<u>BACH. OF ARCHITECTURE</u> <u>(5YR SCHOOL)</u>

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from) Employer/Organization & Position Held Address

- 1979-'86 PORTLAND SCHOOL DIST #1 - ARCH & CONST. INSP. PORTLAND -
- 1973-'79 RALPH BRADDER ARCHITECTS JOBS CAPT/ARCH. PORTLAND.
- 1971-'73 SELF EMPLOYED - ARCHITECT - A.I.A. PORTLAND -
- 1968-'71 NORMAN & STANICH ARCHITECTS - A.I.A. PORTLAND.
- 1964-'68 FRANKS & NORMAN ARCHITECTS A.I.A. - JOBS CAPT. - PORTLAND.
- 1962-'64 U.S. FOREST SERVICE - AS JOBS CAPT & ARCHITECT. - PORTLAND
- 1958-'62 JOHN STOKES, ARCHITECT, JOBS CAPT. & ARCHITECT - PORTLAND.
- 1957-'58 HENRY PHILLIPS ARCHITECT - JOBS CAPT. - ARCHITECT - PORTLAND.

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION: CITIZENS ADVISORY COMM. (MAYOR'S)

- FOR CITY BUDGET - CAPITAL IMPROVEMENTS PROGRAM, COMM.
- ROBERTSON OF PORTLAND - PORTLAND BUREAU OF BLOOD BUDGET
- COMM. - SWAN ISLAND TASK FORCE, TRAFFIC & REDEVELOPMENT
- PROGRAM - MBE MARINE TERMINALS MASTER PLAN COMM., PORT OF
- PORTLAND - CHAIR PERSON & ORGANIZER OF TWO NEIGHBORHOODS -

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION: I HAVE ALWAYS BEEN A NEIGHBORHOOD

ACTIVIST (NOT DEROGATORY) ABOUT 25-30 YEARS - HAVE HELPED  
DEVELOPED & ORGANIZED TWO NEIGHBORHOODS (NEWMARK & CUMY)  
HAVE WORKED EXTENSIVELY IN MODEL CITIES, CITY COMMITTEES,  
& NEIGHBORHOOD COMMIS. IN MY OWN NEIGHBORHOOD & NORTH  
PORTLAND. I AM VERY CONCERNED ABOUT MY NEIGHBORHOOD  
& BEING ON THIS COMMITTEE IS VERY VERY IMPORTANT TO OUR  
NEIGHBORHOOD & THIS POSITION WILL ENABLE ME TO HELP PROMOTE

I certify that the information provided on this form is true to the best of my knowledge. & IMPROVE OUR NEIGHBORHOOD

1 April 91  
Date

Simon J. Daniel  
Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)



SI STANICH (CONT) CAN.

COMPOSTER COMMUNITY ENHANCEMENT COMMISSION

LIST EXPERIENCE ETC: (CONT)

HAVE WORKED EXTENSIVELY IN THE NORTH PORTLAND NEIGHBORHOOD, ON BYLAWS, STREET IMPROVEMENT PROGRAMS, REHABILITATION SEMINARS & SMITH & KYBEL-VALE PROGRAMS & STUDIES.

ON SWAN ISLAND TASK FORCE I WAS A COORDINATOR WORKING W/ EX MAYOR SCHUBERT & EX COMM. CONNOR HACKETT. THE TASK FORCE DEALT WITH TRAFFIC & REDEVELOPMENT PROGRAMS - THE LAST PORTION WAS THE TRIP TO THE SOUTH TO I-5 AND COST ABOUT 10 MILLION DOLLARS, THE SWAN ISLAND TASK FORCE PUT ME IN TOUCH WITH CITY & STATE OFFICIALS AS WELL AS FEDERAL TRANSPORTATION OFFICIALS -

STATE YOUR VISION & PURPOSES FOR APPLYING - W:

I AND OTHERS IN OUR NEIGHBORHOOD HAVE WORKED HARD & LONG IN PURSUIT OF THE FUNDS TO BE DERIVED FROM THE ASSESSMENTS ON DUMPING. ALTHO THE FUNDS ARE RELATIVELY SMALL I <sup>AM</sup> VERY CONCERNED THAT THEY BE USED IN A BENEFICIAL MANNER FOR THE NEIGHBORHOOD & NOT FOR CORRUPTION TO SOME BODY'S NAME. SINCE WE ARE THE IMPROVED AREA (COM) I WANT TO CONTINUE TO WORK HARD TO ASSURE ~~THAT~~ THAT ANY FUNDS ARE DISPOSED TO BE USED IN THE MOST BENEFICIAL MANNER TO OUR NEIGHBORHOODS!

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

APPLICATION FORM FOR APPOINTMENT TO:

COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: Gordon Hunter DATE: April 1, 1991

HOME ADDRESS: 5260 NE 74th Avenue Portland, OR 97218-3706  
Street City State Zip

BUSINESS ADDRESS: 1234 SW Stark St., Portland, OR 97205  
Street City State Zip

HOME PHONE: 252-9581 BUSINESS PHONE: 223-8098

DATE OF BIRTH: June 10, 1937 SOCIAL SECURITY #: 542-40-3078

METRO DISTRICT #: 10 (i.e. the district that you live in)

Affirmative Action Information:

Sex Male Racial/Ethnic Background White-Scottish

(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no XX

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no XX

School (Include High School)	Location	Dates	Major/Degree
<u>Grant High school</u>	<u>Portland, OR</u>	<u>1951-55</u>	
<u>Portland State College</u>	<u>Portland, OR</u>	<u>1955-59</u>	<u>B.S. Social Science</u>
<u>University of Utah</u>	<u>Salt Lake City, Utah</u>	<u>1961-2</u>	<u>M.S. Political Science</u>
<u>Washington State University</u>	<u>Pullman, Wash.</u>	<u>1964-5</u>	<u>Political Science</u>

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from)	Employer/Organization & Position Held	Address
1982 to date	Great NW Bookstore, Ass't. Manager,	1234 SW Stark Portland, OR 97205
1970's	Real estate companies including NEWS, Gibson Bowles,	Portland
1966-70	Lewis-Clark State College, Lewiston, Idaho - Assistant Professor of Political Science	
1987 to 1991	Chair person, board member, Cully Association of Neighbors	
1986 to date	Chair, Multnomah County, Non-departmental Budget Advisory Committee	

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION: \_\_\_\_\_

Helping my neighbors in the Cully area since 1982.

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION: \_\_\_\_\_

As the founding chair person of the Cully Association of  
Neighbors, the serious needs of NE Portland, especially,  
as has been demonstrated, the Cully area, has been  
made apparent. This fund presents the opportunity to  
improve the area.

I certify that the information provided on this form is true to the best of my knowledge.

April 1, 1991  
Date

Gordon Hunter  
Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

CULLY  
ASSOCIATION OF  
NEIGHBORES

APPLICATION FORM FOR APPOINTMENT TO:

COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: CHRISTINA A DWYER DATE: 4-4-91

HOME ADDRESS: 7010 NE WIGANT PORTLAND OR 97218  
Street City State Zip

BUSINESS ADDRESS: 10610 SE WASHINGTON 97216  
Street City State Zip

HOME PHONE: 287-5484 BUSINESS PHONE: 252-9723

DATE OF BIRTH: 4-1-52 SOCIAL SECURITY #: 154-46-8637

METRO DISTRICT #: 10 (i.e. the district that you live in)

Affirmative Action Information:

Sex F Racial/Ethnic Background CAUCASIAN  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no /

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no /

School (Include High School)	Location	Dates	Major/Degree
<u>SARAS LAWRENCE COLLEGE</u>	<u>NY</u>	<u>5/79</u>	<u>MASTER'S DEGREE</u>
<u>WASSON COLLEGE</u>	<u>MI</u>	<u>5/74</u>	<u>BACHELOR'S DEGREE</u>
<u>DEARBORNFIELD H.S.</u>	<u>MI</u>	<u>1970</u>	

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from) Employer/Organization & Position Held Address

5/84-~~11/84~~ SELF EMPLOYED REALTOR <sup>GIBSON ADULES</sup> 10610 SE WASHINGTON

~~5/84~~ CAN BOARD MEMBER

1/81-5/81 GENETICS COUNSELOR OHSU

1/81-5/81 HEMOPHILIA FOUNDATION - GENERAL MEMBER

1/79-9/81 GENETICS COUNSELOR - MARY BRIDGE CHILDRENS CENTER TACOMA

1/79-9/81 PARENT-TO-PARENT CO-FOUNDER (VOLUNTEER)

70-1974 PROJECT AIDS - VOLUNTEER

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION: HAVE A GREAT DEAL OF "PEOPLE"

EXPERIENCE, AM AN EXCELLENT NEGOTIATOR, HAVE THE ABILITY TO SEE THE "WHOLE" PICTURE, AM EMPATHETIC, BELIEVE STRONGLY IN FAIRNESS, HONESTY & THE TRUTH, STRONG SENSE OF COMMITMENT, AM DEDICATED TO THE CAUSES I AM INVOLVED IN.

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION: AS A HOMEOWNER & REALTOR I AM VERY

CONCERNED ABOUT MAINTAINING A QUALITY OF LIFE IN THE GENERAL N.E. AREA. I KNOW THE AREA WELL, CARE ABOUT IT & THE PEOPLE WHO LIVE HERE AND WANT TO BE AN INTRICATE PART OF A PROCESS THAT HAS THE POTENTIAL TO MAKE IT A BETTER, IF NOT THE BEST PLACE TO LIVE.

I certify that the information provided on this form is true to the best of my knowledge.

4-4-91  
Date

Christina A. Dwyer  
Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

*modison north*

APPLICATION FORM FOR APPOINTMENT TO:

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*  
NAME: Juanita Chereck DATE: 5-9-91

HOME ADDRESS: 3317 N.E. 67 PORTLAND OR. 97213  
Street City State Zip

BUSINESS ADDRESS: 900 SW. 5<sup>th</sup> Ave. PORTLAND OR 97204  
Street City State Zip

HOME PHONE: 284-5156 BUSINESS PHONE: 248-7343

DATE OF BIRTH: 8/19/46 SOCIAL SECURITY #: 542-44-1135

METRO DISTRICT #: \_\_\_\_\_ (i.e. the district that you live in)

Affirmative Action Information:

Sex F Racial/Ethnic Background white  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no X

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no X

School (Include High School)	Location	Dates	Major/Degree
<u>Boise Grade School</u>	<u>Pld</u>		
<u>Ockley Green Grade</u>	<u>Pld</u>	<u>-60</u>	
<u>Jefferson High School</u>	<u>Pld</u>	<u>1960-64</u>	

List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from) Employer/Organization & Position Held Address

12/79 to Present Georgia Pacific Corp.

Customer service Asst Manager

and accounting - 900 S.W. 5th Ave. Pkld.

3/78 - 12/79 ICN Med. Labs.

PNB: 1964-1966

worked with Campfire as leader - Secretary @ Gregory Heights School PTA.

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION:

I am highly interested and concerned with my neighborhood and the people here and the environment we live in. I would like to be involved in planning & implementing ~~then~~ programs that will help us all.

IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION:

Neighbor assoc has requested need and I would like to be actively involved in any way possible. This is my city & my community. I want to share in what happens here

I certify that the information provided on this form is true to the best of my knowledge.

5/9/91

Date

Janita Church

Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

METROPOLITAN SERVICE DISTRICT  
2000 S.W. First Avenue  
Portland, OR 97201-5403  
(503) 221-1646

APPLICATION FORM FOR APPOINTMENT TO:

COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE.

\*\*\*\*\*  
Metro office comments:

\*\*\*\*\*

NAME: Paul Eisenberg DATE: 4/23/91

HOME ADDRESS: 3015 NE 59th Ave, Portland, Ore 97213  
Street City State Zip

BUSINESS ADDRESS: \_\_\_\_\_  
Street City State Zip

HOME PHONE: 289-9400 BUSINESS PHONE: mobile 789-6406

DATE OF BIRTH: 1/25/49 SOCIAL SECURITY #: 526-94-0042

METRO DISTRICT #: 11 (i.e. the district that you live in)

Affirmative Action Information:  
Sex Male Racial/Ethnic Background Caucasian  
(To assist in the program, you are asked to provide information which is necessary for statistical reporting purposes. Under State and Federal law, this information may not be used to discriminate against you)

Have you ever been a defendant in a civil action or filed for bankruptcy? yes \_\_\_\_\_ no

Have you been arrested for any crime, violation, or major traffic offense? yes \_\_\_\_\_ no

School (Include High School)	Location	Dates	Major/Degree
<u>Amphitheater</u>	<u>Tucson, AZ</u>	<u>1967</u>	<u>High School</u>
<u>For College see attached</u>			



List major paid employment (include significant volunteer activities). List chronologically beginning with most recent experiences and include all experiences you believe are relevant.

Date (to/from) Employer/Organization & Position Held Address  
*see attached*

LIST EXPERIENCE, SKILLS OR QUALIFICATIONS WHICH YOU FEEL WOULD QUALIFY YOU FOR THE POSITION:

*I have served, and presently serve on several public service committees and boards. For details see attached*

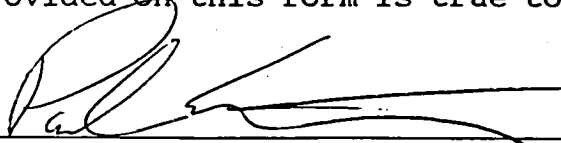
IN THE SPACE PROVIDED, STATE YOUR REASONS AND PURPOSES FOR APPLYING FOR THE POSITION:

*Requested to serve by George Walker, Chairman of Rose City Park Neighborhood Assoc. I believe strongly in giving back to the community through public service*

I certify that the information provided on this form is true to the best of my knowledge.

*4/23/91*

Date



Applicant's Signature

(To provide additional information or references, please attach a separate sheet/resume)

**EDUCATION:**

**DEGREES:**

- Bachelor of Science, Social Science, Portland State University, 1973
- Urban Studies Certificate, Portland State University, 1973

**UNIVERSITIES ATTENDED:**

- University of Arizona, 1967-68, Engineering.
- University of Colorado, Social Science, VISTA training, Community Action.
- Portland State University, Social Science, Urban Studies.

**SIGNIFICANT CONTINUING EDUCATION COURSES:**

**INTERNATIONAL COUNCIL OF SHOPPING CENTERS:**

- ICSC Management I Institute, March, 1977
- ICSS Management II Institute, March, 1978
- ICSS University, January, 1979
- ICSC Idea Exchange, Portland, 1981
- ICSC Idea Exchange, Portland, 1983
- ICSC University, September, 1987

**CLAREMONT MEN'S COLLEGE:**

- Leasing, Negotiation, Finance, Tax Aspect of Real Estate, and Legal Remedies, October, 1978

**AMERICAN COUNCIL OF LIFE INSURANCE COMPANIES:**

- Life Officers Investment Seminar, June, 1978
- Life Officers Investment Seminar, June, 1980

**EXECUTIVE SEMINARS:**

- Locating Retail Outlets, November, 1978
- Negotiating the Commercial Lease, April, 1979
- Apartment Development, May, 1986

**LICENSES AND DESIGNATIONS:**

- Certified Shopping Center Manager (CSM-ICSC)
- Oregon Real Property Manager
- State of Oregon Electrical License (Limited)
- Pilot: Aircraft, Single Engine, Land and Sea
- Oregon Notary Public

**PUBLIC SERVICE:**

- Land Use Study Group Steering Committee, 1980
- METRO Citizen League, 1981 Land Use Task Force, 1981 Public Safety Task Force
- Association of Oregon Industries, 1980-81, Land Use Committee, Post Acknowledgement Committee
- Urban Land Institute 1981, Portland Local Arrangements Committee
- Beaverton Chamber of Commerce 1980-81, Economic Development Committee
- Participant on Columbia Research Round table on Energy Conservation Incentives for Bonneville Power Administration
- Multnomah County DGS Citizen's Budget Advisory Committee, 1985-90, Chair '88, Co-Chair '89 & '90
- Multnomah County Strategic Planning Committee 1989-90
- Global Vision Foundations, Board of Directors
- Common Ground Founding Member, Issues Committee, Membership Committee, 1990
- Home Builders of Metro Portland PAC (CBBO), 1990 Candidates and Issues committee.
- Portland Retail Task Force co-founding member 1990
- Advisory Board HBAMP/1000 Friends Housing Study Group, 1990
- Oregon Museum of Science and Industry "Air Force", 1987-90, Aircraft Operations Coordinator 1990 flyout.
- Joint City/County Citizens' Government Consolidation Committee (1991)



**Metro/Riedel Composter  
Community Enhancement Boundaries**

**Composter**  
5600 NE Columbia Blvd  
Portland, OR 97217

WASHINGTON  
OREGON

COLUMBIA

LOWER POINT

AIRPORT

INTERNATIONAL

PORTLAND

ST. JOHN

COLUMBIA

5600 NE Columbia Blvd  
Portland, OR 97217

PORTLAND  
POP. 415,810

PORTLAND  
POP. 415,810

MONTGOMERY ST

COLUMBIA

ROCKY MOUNTAIN

STAFF REPORT

RESOLUTION NO. 91-1499, FOR THE PURPOSE OF CONFIRMING THE  
APPOINTMENT OF PERSONS TO THE COMPOSTER COMMUNITY  
ENHANCEMENT COMMITTEE

---

Date: September 18, 1991

Presented By: Don Rocks  
Judith Mandt

In November, 1990, the Metro Council adopted Ordinance No. 90-331A creating the Composter Community Enhancement Program and Committee. The ordinance established the geographic boundaries for the area and the funding criteria, and specified membership composition of the committee that recommends projects for funding. The 10-member committee will be comprised of 2 Metro Council members, 1 member from the business community, 3 members from Cully Association of Neighbors, and 1 member each from Beaumont/Wilshire, Concordia, Madison North, and Rose City Neighborhood Associations.

The Executive Officer has solicited nominations from each of the neighborhood groups and the business community. Appointees are listed in Resolution No. 91-1499 as follows (applications of individuals are attached):

GROUP

Business associations (1)  
Beaumont/Wilshire Neighborhood (1)  
Concordia Neighborhood (1)  
Cully Association of Neighbors (3)

Madison North Neighborhood (1)  
Rose City Park Neighborhood (1)

INDIVIDUAL

John Rumpakis  
Si Kornbrodt  
Garland Smith  
Simon Stanich  
Gordon Hunter  
Christina Dwyer  
Juanita Chereck  
Paul Eisenberg

Among other things, Ordinance No. 90-331A provided for terms of membership and an effective date for committee appointment. While preparing this phase of the enhancement program, it has become apparent that the Ordinance may need amending considering the following:

- 1) Member reappointment: The ordinance provides for two-year terms for all members with no provision for reappointment. It is customary for members of Metro committees who have served well in a volunteer capacity to be eligible for one or more reappointments.
- 2) Staggering of terms: There is no provision for staggering of terms, whereby a portion of the members remain on the committee, while the terms of a portion of members expire. Staggering of terms would provide for continuity, since at least a portion of the members would have personal recent experience with previous actions of the committee.

- 3) Effective date of appointment: The ordinance specifies that terms will be effective the date the facility opens. The facility began receiving waste April 8, 1991. The Executive Officer began soliciting nominations for committee appointment in March. There was considerable delay in all organizations responding to requests; such that we have only recently received nominations from all groups. And, in a practical mode, there was not a need for the committee to exist when the facility opened, due to the operational period required for the funds to accumulate. Given this, it would be more appropriate for membership terms to be effective from the date of appointment confirmation.

Appointments to committees are accomplished by resolution. Creation of this committee was accomplished by ordinance. To provide for the changes specified above will require adoption of Ordinance No. 91-429, amending Metro Code Chapter 5.06.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends confirmation of appointment of members to the Composter Enhancement Committee as specified in Resolution No. 91-1499, and recommends that the Council adopt Ordinance No. 91-429, amending Metro Code Chapter 5.06 to allow potential for committee reappointment, to provide for staggered terms of membership, and to establish the effective date of terms from date of confirmation.

Meeting Date: October 10, 1991  
Agenda Item No. 7.8

RESOLUTION NO. 91-1513



**METRO**

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

# Memorandum

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 7.8; RESOLUTION NO. 91-1513

Resolution No. 91-1513 Exhibit A, Request for Franchise Applications (RFF) for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County has been printed separately and will be distributed to Councilors in advance and available at the meeting October 10, 1991.



## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1513, FOR THE PURPOSE OF AUTHORIZING ISSUANCE OF A REQUEST FOR FRANCHISE APPLICATIONS FOR THE PROVISION OF TRANSFER AND MATERIAL RECOVERY SERVICES FOR WESTERN WASHINGTON COUNTY

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Date: October 2, 1991

Presented by: Councilor DeJardin

**Committee Recommendation:** At the October 1 meeting, the committee voted unanimously to recommend Council adoption of Resolution No. 91-1513. Voting in favor: Councilors DeJardin, Gardner, McFarland and Wyers.

**Committee Issues/Discussion:** The purpose of the resolution is to permit the release of a Request For Franchise (RFF) procurement document to solicit applications for a transfer station to serve the westernmost waste disposal service area in Washington County.

Jim Watkins and Chuck Geyer, Solid Waste Department, summarized the staff report and the provisions of the RFF. They noted that the proposed facility is being procured as a major system component under applicable franchise code provisions. Watkins explained that self-hauling would be limited to weekends at the proposed facility, a drop-off area would be provided for recyclables and that material recovery systems will use proven technologies.

Watkins explained that the facility would most likely be financed by proceeds from Metro's sale of Tax-Exempt Limited Obligation Bonds. The owner of the facility would be required to provide a mortgage and any other credit enhancement documents needed to insure repayment of the bonds and maintenance of Metro's current bond rating. As long as the facility is in operation in compliance with the franchise agreement, Metro would be obligated to pay the necessary debt service, including fees related to any credit enhancement documents. The RFF also provides that Metro will provide "a vehicle" for future financings of required capital investments to the facility.

Watkins reviewed the selection criteria that will be used to screen applicants. These will include: 1) experience and qualifications, 2) technical strength of the proposal, 3) cost (particularly as compared with the cost of a publicly-owned facility), 4) land use permits, and 5) compliance with the franchise code.

Watkins indicated that it is the department's intent to release the RFF in October, receive applications through mid-December, award the franchise in early 1992 and have construction completed by the end of 1993. Procurement for the easternmost transfer facility would begin in early 1992 using similar procurement documents.

McFarland questioned what was meant by a "long-term franchise"? Geyer noted that in this case, the department would attempt to make the length of the initial franchise correspond with the payment period bonds that will be issued, probably 20 years. Gardner expressed concern that the technical analysis had been based on 10-year tonnage projections, but Geyer noted that 20-year data were included in the analysis.

Bob Martin, Solid Waste Department, described the proposed service areas for the two transfer facilities. He noted that the boundaries correspond to the current dividing line between those haulers using the Forest Grove Transfer Station and those using Metro South. He noted that these boundaries could be revised in the future depending on the actual tonnage being sent to each facility. He said that such adjustments would most likely be needed to avoid exceeding the limits on facility capacity set in the Washington County RSWMP Chapter.

Wyers asked how the department intends to determine if the proposed facility provides sufficient flexibility for future changes in operations that may be required by Metro. Watkins noted that they will review the type of equipment proposed for usage in the facility and the amount of floor space provided to accommodate changes in operations.

Geyer presented an errata page of changes to the RFF being proposed by the department. He noted that the changes were generally designed to correct typographical and grammatical errors and clarify certain language. Committee members had reviewed the changes and accepted them.

The committee approved the resolution with the understanding that the errata corrections will be made in the RFF document.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING ) RESOLUTION NO. 91-1513  
ISSUANCE OF A REQUEST FOR FRANCHISE )  
APPLICATIONS FOR THE PROVISION OF ) Introduced by Rena Cusma,  
TRANSFER AND MATERIAL RECOVERY ) Executive Officer  
SERVICES FOR WESTERN WASHINGTON )  
COUNTY )

WHEREAS, in June 1990 the Council of the Metropolitan Service District ("Council") adopted Resolution No. 91-1437B establishing policy for development of the "Metro West Transfer and Material Recovery System" as a chapter of the Regional Solid Waste Management Plan; and

WHEREAS, Ordinance No. 91-416 amends the Regional Solid Waste Management Plan to include the chapter referenced above; and

WHEREAS, Ordinance No. 91-416 states that "The primary method of facility procurement for transfer facilities in the west watershed will be through the issuance of a request for long-term franchises"; and

WHEREAS, the franchise envisioned by the plan is for a major component of Metro's solid waste disposal system, and is subject to Metro Code Section 5.01.085; and

WHEREAS, the attached document entitled "Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County," made part of this resolution by reference, contains all terms and conditions deemed necessary by the Council, and procedures to be followed in authorizing the franchise agreement, in conformance with Metro Code Section 5.01.085; now, therefore,

BE IT RESOLVED,

That the Council hereby approves issuance of the attached document entitled "Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County."

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NOS. 91-1512 AND 91-1513 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING AND AUTHORIZING ISSUANCE OF A REQUEST FOR FRANCHISE APPLICATIONS FOR THE PROVISION OF TRANSFER AND MATERIAL RECOVERY FACILITIES AND SERVICES FOR WESTERN WASHINGTON COUNTY

Date: September 20, 1991

Presented by: Jim Watkins  
Chuck Geyer

### PROPOSED ACTION

Approve Resolution Nos. 91-1512 and 91-1513 for the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding and Authorizing Issuance of a Request for Franchise Applications for the Provision of Transfer and Material Recovery Facilities and Services for Western Washington County.

### FACTUAL BACKGROUND AND ANALYSIS

The attached Request for Franchise Applications (RFF) is being issued in conformance with Resolution No. 91-1437B which established policy for development of the Washington County solid waste system chapter to the regional solid waste management plan and Ordinance No. 91-416 which amends the Regional Solid Waste Management Plan to incorporate the Metro West Transfer and Material Recovery System Chapter.

The Plan Chapter for the Metro West Transfer and Material Recovery System recommends that long-term franchises be issued for transfer and material recovery facilities established in Washington County. This is consistent with the application process and award of a Major Disposal System Component franchise under Section 5.01.085 of the Metro Code. Section 5.01.085(d) of the Code requires that the Council establish application procedures, the review process for applications and the criteria to be utilized in determining which, if any, applications should be approved prior to authorizing a franchise agreement.

The RFF meets the requirements of Metro Code Section 5.01.085 with respect to submitting applications for major disposal system components franchises.

The purpose of the RFF is to acquire a long-term, privately owned transfer and material recovery facility for western Washington County. Washington County has been divided into two service areas serving western and eastern Washington County which are referred to as Service Areas #1 and #2, respectively (Please see map included in RFF).

## BASIC FACILITY REQUIREMENTS

The services requested must be performed in a facility that meets basic requirements. These requirements, which are discussed in more detail in the RFF, are that the facility:

1. Process all waste received each day.
2. Limit public self-haul waste disposal to weekends.
3. Provide for public drop-off of source-separated recyclables prior to weighing.
4. Provide post collection material recovery of waste received utilizing proven technology and methods.
5. Remove unacceptable waste.

## FINANCING

Metro has identified as an option for financing the acquisition, construction and installation of the facility and equipment, issuance of tax exempt limited obligation revenue bonds. Metro would issue the bonds and enter into a loan agreement with the franchisee. The franchisee would secure repayment of the loan through a mortgage and any credit enhancement needed to maintain Metro's current bond rating. Metro would in turn make a guaranteed monthly payment to the franchisee equal to the principal and interest due on the bond, provided the facility is operating. Alternative financial approaches will also be considered.

## FRANCHISE EVALUATION CRITERIA

Each application will be evaluated by a selection committee based upon the information submitted regarding the following evaluation criteria:

1. The experience/qualifications of the applicant and project team.
2. Technical strength of both the proposed design and operations plan.
3. Cost - Applicants will be ranked according to acceptability of their financial structure and the resulting rate from capital and operating costs. The rate will be compared to the rate resulting from a publicly owned facility utilizing the methodology contained in the technical analysis.
4. Applicants will only be evaluated if appropriate land use approvals are submitted.

## 5. Compliance with Franchise Code.

### FUTURE FINANCING

It is expected that over the life of the Franchise Agreement changes will occur in material recovery technology. The RFF provides a vehicle for future financing of required capital investments and permits delay of compactor procurement if deemed appropriate.

### TIMELINE

Metro is scheduled to issue the RFF in October 1991, receive applications in mid-December and award a franchise in early 1992. Construction should be complete by the end of 1993. Metro will begin the procurement for eastern Washington County in early 1992 using a similar request for franchise process.

### JUSTIFICATION FOR USING RFF PROCESS

Metro Code Section 2.04.041(c) allows the Contract Review Board to exempt specific contracts from the competitive bidding selection process by resolution subject to the requirements of ORS 279.015 (2) and (5). The Board, where appropriate, can direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition. Resolution Nos. 91-1512, before the Contract Review Board, would exempt this selection process from the competitive bidding process. Under Resolution No. 91-1513, the Metro Council would authorize staff to issue a Request for Franchise Applications.

### BUDGET IMPACTS

There are no immediate impacts on the FY 1991-92 Budget as any costs for financial consultants and bond counsel will be reimbursed from bond proceeds if Metro issues the bonds.

Long term impacts will not be known until the negotiations are complete and a rate established based on both capital and operating expenses. The Washington County Technical Analysis estimated the capital and operating costs for a transfer and material recovery facility located in the western service area. The medium range capital cost estimate (including site acquisition costs) is approximately \$10.3 million. Operating costs, representative of costs expected in the year 2003 when the facility is running at full capacity, is estimated to be \$1.7 million per year.

These costs were used to develop a rate for evaluating rate differences between a publicly owned and privately operated facility, and a privately owned and privately operated facility.

The table summarizes the projected impact on the regional tip fee of the private ownership option (the preferred local government option) and the public ownership option for FY 1993-94, the projected first full year of operation.

**FY 1993-94 Metro System Rate**

	REGIONAL USER FEE	METRO SYSTEM USER FEE	REGIONAL TRANSFER CHARGE	DISPOSAL FEE	TOTAL RATE
Public Ownership	\$13.11	\$9.76	\$12.16	\$36.40	\$71.44
Private Ownership	\$13.11	\$9.87	\$12.67	\$36.40	\$72.06

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends Contract Review Board approval of Resolution Nos. 91-1512 and 91-1513

Meeting Date: October 10, 1991  
Agenda Item No. 7.9

RESOLUTION NO. 91-1467A



## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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### RESOLUTION NO. 91-1467A, ADOPTING RULES ESTABLISHING PROCEDURES RELATING TO THE CONDUCT OF COUNCIL BUSINESS

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Date: September 20, 1991

Presented by: Councilor Devlin

**COMMITTEE RECOMMENDATION:** At its September 19, 1991 meeting the Governmental Affairs Committee voted 3-0 to recommend Council approval of Resolution No. 91-1467A. Voting were Councilors Devlin, DeJardin, and Hansen. Councilors Collier and Knowles were excused.

**COMMITTEE DISCUSSION/ISSUES:** The Council at its February 1991 retreat directed the Governmental Affairs Committee to review a set of Council procedures to be developed by Councilors McFarland and McLain. The Committee has conducted three work sessions on the resulting resolution. Councilor McFarland and Council Administrator Don Carlson discussed the background to Resolution 91-1467.

Councilor Knowles raised three issues. He referred to Exhibit A, and expressed his concern that the rules of procedure provide for Councilors' ability to discuss items that did not require a motion. He also expressed his opposition to the limitation on Councilors speaking more than once on an issue. His third point was that the procedures on communications from the public (Exhibit B) should not apply to contested cases. Mr. Carlson said he was proposing an amendment to exclude contested cases from the public communications procedures in Exhibit B.

Chair Devlin then moved to a discussion of proposed amendments. Committee staff Casey Short went through a series of amendments he prepared at Councilor Devlin's request, whose purpose was to make the tone of the resolution less negative. The Committee approved those amendments. Councilor Devlin also moved to delete the provision in Section 2 of Exhibit A which called for the Presiding Officer to direct any Councilor to discontinue speaking if he or she resorts to persistent irrelevance or repetition. Mr. Carlson explained that the purpose of the provision was to clarify the Presiding Officer's authority and responsibility. He suggested replacing the sentence with an addition to the prior sentence which would direct Councilors to avoid repetition and irrelevant comment. The Committee agreed to that change. Councilor Devlin also proposed an amendment to delete reference to irrelevant testimony from the public.

The Committee approved the amendments discussed above, and added a provision to the resolution which provides for the appropriate Council committee to review the new procedures in six months.



**METRO**

# Memorandum

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

**DATE:** September 11, 1991

**TO:** Government Affairs Committee

**FROM:** Donald E. Carlson, <sup>DE</sup> Council Administrator

**RE:** Proposed Amendments to Resolution No. 1467 Pertaining to Rules of Procedure for the Conduct of Council Business

Please find attached proposed amendments to Exhibit B of Resolution No. 1467. As you recall this resolution contains various procedures for the Council to follow as it conducts its business. Exhibit B deals specifically with rules of procedure relating to communications from the public.

The first proposed amendment exempts contested case matters from the proposed procedures. The most frequent contested case matters before the Council are UGB amendments. Contested cases are quasi-judicial matters which lend themselves to different procedures than regular matters before the Council.

The second proposed amendment provides the ability for a member of the public to address the Council more than once on a single matter before the Council. The limitation on this authorization would be that the Council must unanimously agree or another speaker must relinquish his or her time to speak.

**cc:** Councilor McFarland  
Councilor McLain

Res 1467.exB

EXHIBIT B

(9/11/91)

RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business the following procedures shall apply for matters other than contested cases:

1. At the beginning of each Council meeting and periodically during the meeting, the Presiding Officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Clerk of the Council. The sign up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than three (3) minutes [~~only~~] with unanimous consent of the Council or if a member of the public who has also signed up to speak yields his or her time and opportunity to speak.

3. On matters before the Council on which a decision is to be made the Presiding Officer shall alternate the testimony between those speaking in favor of the matter and those speaking in opposition to the matter, starting with a person in favor of the matter. If there are no persons remaining to alternate, the Presiding Officer shall call the remaining persons to testify in which ever order he or she determines is best. The Presiding Officer shall request members of the public to avoid providing repetitive or irrelevant testimony.
  
4. A person addressing the Council shall do so from the rostrum or table upon first gaining recognition of the Presiding Officer and after stating his or her name and address for the record.

am:ex2.225



**METRO**

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503.221-1646

# Memorandum

DATE: July 11, 1991

TO: Governmental Affairs Committee

FROM: Donald E. Carlson, *DE* Council Administrator

RE: Explanation of Resolution No. 91-1467 -- Adopting Rules of Procedure Relating to the Conduct of Council Business

Resolution No. 91-1467 is the implementing mechanism for Ordinance No. 91-407 which was adopted by the Council on June 27, 1991. That ordinance amended Chapter 2.01 of the Metro Code to require the Council to do the following:

- A. Adopt rules of procedure governing the conduct of debate on matters considered by the Council;
- B. Adopt rules of procedure relating to the receipt of communications from the public at Council meetings;
- C. Adopt rules of procedure for the introduction and consideration of ordinances and resolutions;
- D. Adopt the general order of business for Council meetings; and
- E. Adopt a rule establishing criteria for a Consent Agenda at Council meetings.

Resolution No. 91-1467 contains five exhibits which pertain to the matters listed above. Exhibits A and B establish new rules of procedure for rules of debate and receipt of communications from the public respectively. Exhibits C, D and E revise existing rules of procedure for ordinances and resolutions, the general order of business and the consent agenda respectively.

EXHIBIT A provides new rules of procedure governing debate on matters before the Council. Section 1. provides that debate cannot start until there is a question before the Council therefore on matters requiring a decision of the Council the first order of business is to have a motion and a second made. On matters referred to from a committee the person presenting the committee report shall be recognized first for a motion and presentation of the committee report. If a minority report is to be given then the person presenting it will be recognized immediately after the presentation of the committee report.

There is no time limit stated for the presentation of the committee or minority reports.

Section 2. requires that councilors speak to the matter before them and authorizes the Presiding Officer to terminate the debate of councilors who provide persistently irrelevant or repetitious comments.

Section 3. limits the frequency and time a councilor may speak on each motion (only once and no more than 5 minutes); provides the Council or and individual councilor may give a councilor more time to speak on a motion; and, enables a councilor to "have the floor" when asking questions of persons appearing before the Council.

Section 4. provides for the councilor moving and presenting the committee or minority report to close the debate and limits the time to 3 minutes.

Exhibit B provides new rules of procedure relating to the receipt of communications from the public. Section 1. provides for the Presiding Officer to obtain sign up cards from persons wishing to appear before the council. Section 2. limits a person appearing to once on each matter before the council and to 3 minutes of testimony exclusive of questions from councilors. Section 3. provides for the Presiding Officer to alternate testimony both for and against on matters before the council. Section 4. requires the public to use the table or rostrum when appearing before the council.

Exhibit C provides a revised set of procedures for the processing of ordinances and resolutions. The major changes from the prior procedures are 1) the consolidation of two separate procedures into one document; and 2) the addition of language in Section 5. which states the kinds of action a committee can take on an ordinance or resolution. This latter change is consistent with language included in Ordinance No. 91-407.

Exhibit D revises the general order of business for council meetings. The order of business is consistent with current practice while the old order of business was not.

Exhibit E revises the rules of procedure and criteria for the consent agenda. This set of rules and criteria conform to the current practice and terminology while the old rules did not.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 91-1467A  
RULES ESTABLISHING PROCEDURES )  
RELATING TO THE CONDUCT OF ) Introduced by Councilors  
COUNCIL BUSINESS ) McFarland and McLain and  
 ) Presiding Officer Collier

WHEREAS, Ordinance No. 91-407 amends Metro Code Section 2.01.090 to require the Council to adopt rules establishing procedures governing the conduct of debate on matters considered by the Council;

WHEREAS, Ordinance No. 91-407 amends Metro Code Section 2.01.120 to require the Council to adopt rules establishing procedures relating to the receipt of communications from the public at Council meetings;

WHEREAS, Metro Code Sections 2.01.070 and 2.01.080 require the Council by resolution to adopt a rule establishing procedures for the introduction and consideration of ordinances and resolutions respectively which current procedures have been adopted by the Council through Resolution No. 88-874;

WHEREAS, Metro Code Section 2.01.130 requires the Council by resolution to adopt the general order of business which current general order of business has been adopted through Resolution No. 88-898; and

WHEREAS, Ordinance No. 91-407 requires the Council by resolution to adopt a rule establishing criteria for the presentation of a consent agenda for consideration and vote at a regular Council meeting which current criteria have been adopted by the Council through Resolution No. 84-499; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby rescinds and adopts the following rules establishing criteria and/or procedures:

1. Adopts the rules of procedure governing debate on matters before the Council as shown in Exhibit A attached hereto;

2. Adopts the rules of procedure relating to receipt of communications from the public at Council meetings as shown in Exhibit B attached hereto;

3. Rescinds the procedures for the introduction and consideration of ordinances and resolutions set forth in Resolution No. 88-874 and adopts the rules of procedure for ordinances and resolutions as shown in Exhibit C attached hereto;

4. Rescinds the general order of business for Council meetings set forth in Resolution No. 88-898 and adopts the rules establishing the general order of business for Council meetings as shown in Exhibit D attached hereto; and

5. Rescinds the consent agenda criteria set forth in Resolution No. 84-499 and adopts the rule establishing consent agenda criteria and procedures as shown in Exhibit E attached hereto.

6. The Council may by a positive vote of eight members authorize the suspension of any rule adopted herein.

BE IT FURTHER RESOLVED,

That the appropriate standing Committee of the Council shall review the Council procedures contained in this Resolution six months from its adoption, and report its findings and recommendations to the Council.



ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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Tanya Collier, Presiding Officer

am/res.225

EXHIBIT A

RULES OF PROCEDURE GOVERNING DEBATE ON MATTERS BEFORE THE COUNCIL

To conduct Council business in an orderly and expeditious manner the following rules of procedure are established:

1. All Councilors have a right to debate each matter brought before the Council. There shall be ~~[no debate on any matter unless there is]~~ a question before the Council prior to debate on any matter. On each matter brought before the Council for a decision, the Presiding Officer shall ask for a motion on the matter which must be seconded for it to be a proper question. For matters referred to the Council from a standing committee the Presiding Officer shall first recognize the Councilor designated to present the committee report for a motion and presentation of the committee report. If there is a minority report on any matter referred from a standing committee, the Presiding Officer shall recognize the Councilor presenting the minority report for a motion and presentation of the minority report immediately after the presentation of the committee report.
2. A Councilor speaking on a motion ~~[must]~~ shall confine his or her remarks to the matter under consideration by the Council and shall avoid repetition and irrelevant comment. ~~[The Presiding Officer may direct any Councilor to discontinue~~

~~speaking if he or she resorts to persistent irrelevance or to persistent repetition.]~~

3. A Councilor may speak [~~only~~] once for [~~not more than~~] up to five (5) minutes on each main motion and substantive amendment to a main motion before the Council. A Councilor may speak more than the allotted time with unanimous consent of the Council or if another Councilor yields his or her right to speak and time on the question at hand. A member may be permitted to speak a second time to clear up a matter of fact, to explain a point misunderstood, or to clear up a question that has arisen in the debate. A Councilor may be recognized by the Presiding Officer to question any person appearing before the Council. When a Councilor has been recognized he or she is considered to have the floor and need not be recognized for each subsequent question until he or she is finished with the questioning.
  
4. The Councilor who moves and presents the committee or minority report on a matter before the Council is entitled to close the debate after other Councilors wishing to speak have spoken. The closing comments shall be limited to [~~no more than~~] three minutes unless extended by unanimous consent of the Council.

## EXHIBIT B

### RULES OF PROCEDURE RELATING TO COMMUNICATIONS FROM THE PUBLIC

The Council shall encourage the appearance of members of the public both for matters on the agenda and not on the agenda. To facilitate the orderly transaction of business the following procedures shall apply for matters other than contested cases:

1. At the beginning of each Council meeting and periodically during the meeting, the Presiding Officer shall announce that public testimony is allowed on matters before the Council and shall instruct members of the public to fill out sign-up cards and submit them to the Clerk of the Council. The sign up card shall indicate the name and address of the person to testify, the agenda item on which the person wishes to speak and whether the person is speaking in favor or against the matter before the Council.
2. A member of the public may appear only once on each separate matter before the Council and shall be limited to three (3) minutes of testimony, exclusive of answers to questions from Councilors. A member of the public may speak more than once and longer than three (3) minutes [~~only~~] with unanimous consent of the Council or if a member of the public who has also signed up to speak yields his or her time and opportunity to speak.

3. On matters before the Council on which a decision is to be made the Presiding Officer shall alternate the testimony between those speaking in favor of the matter and those speaking in opposition to the matter, starting with a person in favor of the matter. If there are no persons remaining to alternate, the Presiding Officer shall call the remaining persons to testify in which ever order he or she determines is best. The Presiding Officer shall request members of the public to avoid providing repetitive [~~or irrelevant~~] testimony.
  
4. A person addressing the Council shall do so from the rostrum or table upon first gaining recognition of the Presiding Officer and after stating his or her name and address for the record.

am:ex2.225

EXHIBIT C

RULES OF PROCEDURE AND CONSIDERATION

OF ORDINANCES AND RESOLUTIONS

1. Introduction: An ordinance or resolution may be introduced by the Council, a Councilor or Councilors, a Council standing committee, or the Executive Officer. Each ordinance or resolution shall designate the person, persons, or committee introducing the ordinance or resolution.
  
2. Filing: The Clerk of the Council (Council Clerk) shall assign numbers and approve [~~titles~~] titles for all proposed ordinances or resolutions. The Council Administrator may establish requirements for filing supporting materials with ordinances and resolutions to assist the Council and its committees in deliberating on matters brought before it. A proposed ordinance shall be filed with the Council Clerk at least eight (8) days prior to the next regular Council meeting for which it is requested to be considered for first reading. A proposed resolution shall be filed with the Council Clerk at least eight (8) days prior to consideration by a Council standing committee.
  
3. Disposition and Referral: An ordinance or resolution timely filed with the Council Clerk and in proper form (including all required supporting materials) shall be 1) in the case of an ordinance placed on the next available Council agenda

for first reading and referral by the Presiding Officer to one or more standing committee(s); or, 2) in the case of a resolution referred to one or more standing committee(s) by the Presiding Officer except for a resolution introduced and recommended by a standing committee. A resolution introduced and recommended by a standing committee shall be filed with the Council Clerk and shall be placed on a Council agenda at the discretion of the Presiding Officer. If the Presiding Officer refers an ordinance or resolution to more than one standing committee, the standing committees shall consider and act upon the ordinance or resolution in the order specified by the Presiding Officer at the time of referral. The Council Clerk shall notify Councilors and the Executive Officer on a weekly basis of the referral status of ordinances and resolutions.

4. Items Considered by the Council as a Whole: The following items [~~shall not be referred to committee by the Presiding Officer but~~] shall be considered and acted upon the Council as a whole, rather than referred to a committee by the Presiding Officer:

- a. Any ordinance placed on a Council agenda as provided in Section 2.01.070(1) of the Metro Code for which one reading only is required;

- b. Any ordinance, order or resolution proposed for Council action as a result of a contested case proceeding as provided in Chapter 2.05 of the Metro Code;
  - c. Any item placed on the agenda for any emergency meeting of the Council as provided in Section 2.01.050 of the Metro Code; and
  - d. Any action of the Metropolitan Exposition Recreation Commission placed on the Council agenda as provided by Section 6.01.080 of the Metro Code.
5. Committee Consideration: An ordinance or resolution referred to a standing committee shall be scheduled for public hearing and committee consideration at the discretion of the chair of the committee. The committee may refer an ordinance or resolution to the Council or another standing committee to which it was referred by the Presiding Officer either as originally submitted or as amended with a recommendation for approval or with no recommendation, table an ordinance or resolution or continue and ordinance or resolution to another meeting. Any ordinance or resolution which remains in a standing committee over six (6) months from the date it was initially considered by the committee shall be considered to be defeated and shall be filed with the Council Clerk and receive no further consideration.



The Presiding Officer or the Council by a majority vote of a quorum [~~or the Presiding Officer~~] may remove any ordinance or resolution from a committee for re-referral by the Presiding Officer or consideration by the Council at a subsequent meeting. Announcement of or Council consideration of such removal shall take place under the "Councilor Communication and Committee Reports" agenda item at Council meetings.

6. Committee Report: An ordinance or resolution referred to the Council with or without a favorable committee recommendation shall be placed on a Council agenda at the discretion of the Presiding Officer for second reading and/or Council consideration. There shall be a committee report for each ordinance or resolution referred to the Council. The Committee chair shall assign a member of the committee to present the report to the Council. The report shall state the committee recommendation, a record of the vote, the major issues discussed by the committee and any other pertinent information of use to the Council.
  
7. Minority Report: A minority report on any ordinance or resolution recommended by the committee may be submitted for Council consideration at the same Council meeting that the committee report is considered. Any committee member present at the committee meeting at which an ordinance or

resolution was considered and voting against the prevailing side may serve notice at that committee meeting of his or her intent to file a minority report for Council consideration. Upon such notice and in order for the minority report to be considered by the Council the Councilor who had served notice shall prepare a written minority report which shall be submitted to the Clerk of the Council prior to the Council meeting at which the ordinance or resolution is scheduled for a second reading and/or consideration. The Council shall hear and consider the minority report immediately after the presentation of the committee report.

am:exc.225

EXHIBIT D

A RULE ESTABLISHING THE GENERAL ORDER  
OF BUSINESS FOR COUNCIL MEETINGS

1. The general order of business for regular council meetings shall be as follows:
  - o Call to order
  - o Introductions
  - o Citizen Communications to the Council on Non-Agenda  
Items
  - o Executive Officer Communications
  - o Consent Agenda
  - o Ordinances
    - First Readings and Referrals
    - Second Readings
  - o Orders
  - o Resolutions
  - o Other Business
  - o Councilor Communications and Committee Reports
  - o Adjourn
  
2. The Presiding Officer shall follow the above general order of business in preparing regular Council meeting agendas and shall include approximate times for the consideration of each item on the agenda.

3. The Presiding Officer may change the order of business in preparing a regular Council meeting to meet special circumstances and shall notify the Council of such change in the general order of business at the beginning of the Council meeting.

am:exd.225

EXHIBIT E

RULES OF PROCEDURE AND CRITERIA FOR THE CONSENT AGENDA

The following criteria and procedures shall apply to the consent agenda:

1. Agenda items may be placed on the consent agenda if they conform to the following criteria:
  - a. The agenda item has received a unanimous favorable recommendation from a Council standing committee or committees if it has been considered by more than one standing committee;
  - b. The standing committee chairperson(s) request that the item be placed on the Council consent agenda, and
  - c. No public hearing is required by law or Metro ordinance before the Council.
2. Ordinances may not be included on the consent agenda.
3. A consent agenda may only be presented at a regular Council meeting and shall be included as part of the regular meeting agenda.
4. The Presiding Officer shall have final approval of which items shall be placed on the consent agenda and the Council Administrator shall certify that consent agenda items meet the criteria listed in Section 1 above.
5. If a Councilor objects to any item on the consent agenda, that item shall be removed from the consent agenda and placed on the regular agenda of the Council at a time or place to be determined by the Presiding Officer.

Meeting Date: October 10, 1991  
Agenda Item No. 7.10

RESOLUTION NO. 91-1515



**METRO**

# Memorandum

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

**DATE:** October 3, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** AGENDA ITEM NO. 7.10; RESOLUTION NO. 91-1515

The Council agenda will be printed before the Finance Committee meets to consider Resolution No. 91-1515. Committee reports will be distributed to Councilors in advance and available at the meeting October 10, 1991.

DRAFT

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING )  
A SCHEDULE AND PROCESS FOR )  
COUNCIL CONSIDERATION OF THE FY )  
1992-93 PROPOSED BUDGET )

RESOLUTION NO. 91-1515

INTRODUCED BY THE  
FINANCE COMMITTEE

WHEREAS, The Finance Committee has reviewed the schedule and process used by the Metro Council for adoption of the FY 1991-92 Budget;

WHEREAS, The Finance Committee has determined additional time is needed by the Metro Council to adequately review and consider the FY 1992-93 Proposed Budget; now, therefore,

BE IT RESOLVED,

1. That the Metro Council approves the schedule for Council receipt and consideration of the FY 1992-93 Proposed Budget as shown on Exhibit A, attached hereto.

2. That the Metro Council approves the process for considering and disposing of the FY 1992-93 Proposed Budget as described in Exhibit B, attached hereto.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer



EXHIBIT A

GENERAL SCHEDULE FOR COUNCIL CONSIDERATION  
OF FY 1992-93 PROPOSED BUDGET

<u>DATE</u>	<u>EVENT</u>
February 1-28, 1992	Council Standing Committees discuss and identify program priorities for FY 1992-93 Budget
March 2, 1992	Executive Officer submits FY 1992-93 Proposed Budget and Supporting Materials to Council
March 9 - April 28, 1992	Budget Committee deliberations on FY 1992-93 Proposed Budget.
April 30, 1992	Budget Committee recommendations released to Metro Council
May 7, 1992	Council consideration and approval of FY 1992-93 Budget (Special Council Meeting)
May 15, 1992	Filing of FY 1992-93 Approved Budget with Tax Supervising and Conservation Commission
June 25, 1992	Council adoption of FY 1992-93 Budget

EXHIBIT B

GENERAL PROCESS FOR COUNCIL CONSIDERATION  
OF THE FY 1992-93 PROPOSED BUDGET

1. The Finance Committee shall be convened as the Budget Committee to deliberate on the FY 1992-93 Proposed Budget. The Budget Committee shall solicit public input and conduct public meetings on the Proposed Budget and make recommendations on the Proposed Budget for Council consideration.

2. Standing Committees and individual Councilors are encouraged to make recommendations to the Budget Committee on the FY 1992-93 Proposed Budget. Standing Committees will meet during February 1992 to discuss and identify program priorities for recommendation to the Budget Committee.

3. The Budget Committee will take the following steps in deliberating on the Budget:

Phase I - Each department will present its budget request at a joint meeting of the Budget Committee and the appropriate Council Standing Committee. Council staff will present its analysis and questions on the department budget request.

Phase II - The Budget Committee will hear department responses to questions and issues raised on budget requests in Phase I. Members of the public will be given an opportunity to comment on the department budget requests. Councilors or Council Committees may comment on the Proposed Budget.

Phase III - The Budget Committee will receive recommendations from Council staff, the Executive Officer, Councilors or Council Committees on the budget requests and adopt recommendations for presentation to the Council.

4. Except in an emergency, the Council will not consider for approval any budget request at its May 7, 1992 meeting that has not been initially presented at the Budget Committee during its deliberations on the budget.