



# Agenda

--- REGULAR COUNCIL MEETING

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: NOVEMBER 22, 1983

Day: TUESDAY

Time: 7:30 P.M.

Place: COUNCIL CHAMBER

Approx.  
Time

Presented By

7:30

CALL TO ORDER

ROLL CALL

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

7:45

6. CONSENT AGENDA

6.1 Minutes of the meetings of September 29 (regular), October 6 (special), October 6 (regular), and October 27 (regular).

6.2 Intergovernmental Project Review Report.

Huie

6.3 Resolution No. 83-434, for the purpose of amending the Transportation Improvement Program (TIP) to incorporate a series of projects sponsored by the Oregon Department of Transportation.

Williamson/  
Cotugno

6.4 Resolution No. 83-438, confirming nominations to the Tri-Met Special Needs Transportation Committee and approving Special Needs Planning Requirements.

Kafoury/  
Cotugno

6.5 Resolution No. 83-431, adopting guidelines for the expenditure of Council per diem, expense and general materials and services accounts.

Kirkpatrick/  
Kafoury

6.6 Intergovernmental Agreement with Oregon City regarding Clackamas Transfer and Recycling Center (CTRC).

Hansen/Durig

6.7 Request for assistance in funding East Washington County Urban Services Study.

Kirkpatrick/  
Carlson

Approx.  
Time

Presented By

7. ORDINANCES AND RESOLUTIONS

7:50	7.1	<u>Consideration of Ordinance No. 83-165, for the purpose of adopting a Disadvantaged Business Program; and Resolution No. 83-435, for the purpose of approving FY 1983-84 Goals for Utilization of Disadvantaged and Women Owned Businesses. (First Reading)</u>	Kirkpatrick/ Carlson
8:20	7.2	<u>Consideration of Ordinance No. 83-166, for the purpose of establishing the Metro Equal Employment Opportunity and Affirmative Action Policies; and Resolution No. 83-436, for the purpose of adopting the Goals and Objectives in the Affirmative Action Plan as the approved goals for FY 1983-84. (First Reading)</u>	Kirkpatrick/ Sims
8:40	7.3	<u>Consideration of Ordinance No. 83-163, relating to Solid Waste Disposal Charges and User Fees; amending Metro Code Sections 5.02.040, 5.02.050 and 5.01.050; and declaring an emergency. (Read Twice)</u>	Hansen/Durig
9:00	7.4	<u>Consideration of Ordinance No. 83-167, relating to the Solid Waste Rate Review Committee structure, amending Metro Code Section 5.01.170. (First Reading).</u>	Hansen/Banzer
9:20	7.5	<u>Consideration of Resolution No. 83-437, for the purpose of diverting newsprint from Metro Solid Waste Facilities.</u>	Hansen/Etlinger

8. OTHER BUSINESS

9:40	8.1	<u>Consideration of Solid Waste Rate Review Committee appointments.</u>	Hansen/Stuhr
9:50	8.2	<u>Consideration of Yard Debris Demonstration Grant Report.</u>	Mulvihill

10:10 9. COMMITTEE REPORTS

10:15 ADJOURN



**Columbia River Region Inter-League Organization  
of the  
LEAGUE OF WOMEN VOTERS**

45210 S.E. Coalman Rd., Sandy, OR 97055 (503) 668-4314

November 2, 1983

The Columbia River Region Inter-League Organization of the League of Women Voters (CRRILO) believes that a sense of regional community is vital in dealing with regional issues. We support efforts aimed at developing and expanding this sense of regional community among all residents of the Portland metropolitan region. We feel that coordination, cooperation and the delivery of certain services, on a regional basis, will further enhance regional community spirit. Through the workings of a multi-purpose special district, such as METRO, it is our hope that the "regionalization" of these certain services could be accomplished and the regional community well served.

It is for all these previously stated reasons, which place emphasis on the "promotion and nurturing" of a "regional community" that we call the METRO Councils attention to the following views and observations of some of the CRRILO board members who have attended various Council meetings in the recent past. The meetings attended by our members included those budget meetings held last spring and summer, as well as Solid Waste and TRI-MET related subjects addressed this summer and continuing now in the fall.

1) Advance notice of METRO Council meetings needs to be made in a more timely fashion, with emphasis placed on those agenda topics perceived to be of greatest interest to the public (i.e. budget, solid waste, TRI-MET acquisition). Preparatory materials should be sent out well in advance to those public groups and parties who have shown an interest to "address" such agenda topics in the past.

2) Agendas should be as brief as possible and have continuity from topic to topic (esp. regarding budget subjects). Original agendas, as published, should be adhered to. Agenda should be constructed to accommodate input from the public at an appropriate interval following Council discussion of each agenda item (The Port of Portland follows this procedure with good results).

3) General public hearing/testimony segments "should be requested early on in the meeting. If testimony on specific agenda items is restricted to a certain amount of time -- then, this ruling should be evenly applied to all those testifying -- with no exceptions! Meeting procedures set by the presiding Chairperson should be clearly stated, with strict adherence to their compliance. If Robert's Rules of Order (Revised) are to govern the proceedings, this fact should be stated before the meeting begins.

4) The presiding Chairperson should refrain from involving his or her "editorial comment" on an issue without first relinquishing the "chair" position. In all cases, the Chairperson should be receptive to public criticism -- never trying to thwart it through personal displeasure or bias, or feelings. Inappropriate behavior by a member of the public should be dealt with through an appropriate Council meeting procedure -- again, announced in advance of the meeting.

5) Careful observance to quorum requirements is an absolute necessity for full Council hearings, executive sessions, and sub-committee meetings where Council business is being officially adopted. Also, the transacting of business (esp. of a fiscal nature) at a particular meeting of a "sub-group" or executive session where the public may not be present or unaware of such a meeting agenda should be avoided.

In our view, METRO's credibility and accountability as a publicly-financed regional government entity will be greatly enhanced if it would improve its relationship with the public on those matters stated above. It is our intention, with this letter, to encourage the Council and staff to "take a look introspectively" and strive to improve its public image.

Respectfully,

Mary-Elizabeth Blunt

Mary Elizabeth Blunt, President  
Columbia River Region Inter-League  
Organization (CRRILO)  
League of Women Voters





# Agenda

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: NOVEMBER 22, 1983

Day: TUESDAY

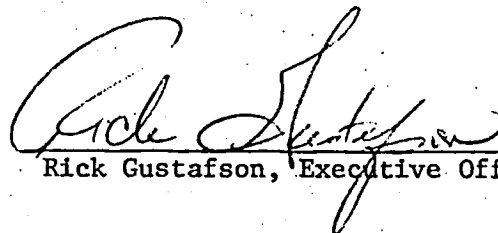
Time: 7:30 P.M.

Place: COUNCIL CHAMBER

## C O N S E N T   A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet with the Consent List Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.

- 6.1 Minutes of the meetings of September 29 (regular), October 6 (special), October 6 (regular), and October 27 (regular).
- 6.2 Intergovernmental Project Review Report.
- 6.3 Resolution No. 83-434, for the purpose of amending the Transportation Improvement Program (TIP) to incorporate a series of projects sponsored by the Oregon Department of Transportation.
- 6.4 Resolution No. 83-438, confirming nominations to the Tri-Met Special Needs Transportation Committee and approving Special Needs Planning Requirements.
- 6.5 Resolution No. 83-431, adopting guidelines for the expenditure of Council per diem, expense and general materials and services accounts.
- 6.6 Intergovernmental Agreement with Oregon City regarding Clackamas Transfer and Recycling Center (CTRC).
- 6.7 Request for assistance in funding East Washington County Urban Services Study.



Rick Gustafson, Executive Officer

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meetings of May 5, May 26, June 23, and August 25, 1983.
- 6.2 Consideration of Resolution No. 83-430, for the purpose of adopting the FY 1984 to Post-1987 Transportation Improvement Program and the FY 1984 Annual Element.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Kafoury, Kirkpatrick, Oleson, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Deines, Kelley, and Williamson.

Motion carried.

7.1 Consideration of Ordinance No. 83-163, relating to Solid Waste Disposal Charges and User Fees, amending Metro Code Sections 5.02.020, 5.02.025 and 5.02.050, and declaring an emergency. (First Reading)

Councilor Hansen reported that the Regional Services Committee was bringing the ordinance to the Council with no recommendation. He asked Mr. Durig to discuss the issues raised during the Services Committee consideration.

Dan Durig, Solid Waste Director, distributed a packet of materials regarding the Solid Waste Disposal Rates (a copy of the packet is attached to the agenda of the meeting). He reviewed the background for establishing the rates and the questions raised by the Services Committee. He noted that within the proposed ordinance was language which would allow a waiver of the minimum disposal charge to the public provided that at least 1/2 cubic yard of recyclables was brought in with other material to be disposed.

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING  
SEPTEMBER 29, 1983

Councilors Present: Councilors Banzer, Bonner, Deines,  
Etlinger, Hansen, Kafoury, Kirkpatrick,  
Oleson, Van Bergen, Waker, and Williamson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Andrew Jordan, Donald Carlson, Ray Barker,  
Andy Cotugno, Dan Durig, Norm Wietting,  
Doug Drennen, Warren Iliff, Ed Stuhr,  
Steven Siegel and Mark Brown.

Testifiers: George Hubel, Brian Lockhart, Robert Stacey  
and DeMar Batchelor.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:50 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Presiding Officer Banzer noted that a number of letters had been received regarding the Tri-Met issue and indicated she would have copies distributed to members of the Council.

3. Executive Officer Communications.

There were no Executive Officer communications.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

Norm Wietting, Solid Waste Department, reviewed the materials within the packet, which included: a comparison of the proposed and current rates; a haul cost analysis; a map of the disposal service area; a history of commercially hauled solid waste at St. Johns and Rossman's landfills; and an analysis of CTRC cost behavior at differing volumes of waste flow.

Mr. Durig said one of the issues raised by the Services Committee was the use of a "convenience charge" to control flow at CTRC. He said that if too much flow goes to CTRC, it would have a negative financial impact. He said if flow wasn't controlled by the convenience charge, other options would be to either adopt a flow control ordinance, or to close the doors to certain customer classes or at certain times after a given limit was reached.

Councilor Etlinger expressed concern that the proposed language waiving the minimum disposal charge had not been reviewed or discussed with the Services Committee or Recycling Subcommittee.

Councilor Kirkpatrick said that, philosophically, if Metro was to have a regional system, the cost should be the same region-wide. She said she did not support a convenience charge and that flow control should be used.

Councilor Deines commented that the hauling industry had testified there was no economic justification for the \$1.49 convenience charge but had agreed it was a fair charge for the convenience of using CTRC.

Councilor Bonner said the flow of solid waste to CTRC had to be controlled because of the tonnage limit placed on it by Oregon City and because it cost more to run the transfer system if more waste goes through it. He said it was unclear from the data whether or not a price increase would have an affect on flow at CTRC. He asked if a sliding scale convenience charge was possible when flow needed to be controlled. Mr. Durig responded that the Solid Waste Policy Advisory Committee and the Rate Review Committee did not like the idea of a sliding scale convenience charge but that the Executive Officer was recommending that that alternative be looked at.

Motion: Councilor Hansen moved adoption of Ordinance No. 83-163. Councilor Williamson seconded the motion.

The ordinance was then read a first time, by title only.

Mr. Jordan explained the reason for the emergency clause was to allow the ordinance to go into effect before the statutorily required waiting period of 65 working days before a rate ordinance could be effective.

Presiding Officer Banzer then opened the meeting to public testimony.

Mr. George Hubel, Chair, Solid Waste Rate Review Committee, testified that the Committee recommended that the rates be adopted with the proviso that there be a cap on the convenience charge at \$2.25. He said they believed that price could control the flow of waste.

Councilor Etlinger asked if the Committee had recommended that a pilot project be conducted on differential rates. Mr. Hubel responded that they had but that there was no anticipation on their part that a differential rate study should be incorporated in the rate study because they were two different things.

Mr. Brian Lockhart, 2416 N.E. 43rd Avenue, Portland, testified that in 1982 after the decision was made not to proceed with an energy recovery facility, the Council had stated its priorities as 1) increased recycling, 2) the transfer station, and 3) Wildwood. He said that, in fact, the priorities had been reversed with Wildwood, the transfer station, and then recycling becoming the priorities. He said Metro needed to re-examine its philosophy and priorities in Solid Waste.

Motion to amend: Councilor Deines moved to amend Ordinance No. 83-163 to delete the following language from Section 1 (b) and Section 2 (d): "The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate".

Councilor Etlinger seconded the motion.

Councilor Deines said the language should be deleted until the Services Committee and Recycling Subcommittee had had an opportunity to review the language and make a recommendation to the Council.

Councilor Hansen said he was supportive of the language, but agreed that the Services Committee should have a chance to comment on it.



Councilor Waker asked that information be provided on what the lost revenue would be if the new language were adopted. Mr. Durig said he would return with an estimate, although he believed it would have a minimal impact.

The ordinance was passed to second reading on October 27, 1983.

7.2 Consideration of Ordinance No. 83-162, amending the Urban Growth Boundary (UGB) in Clackamas County for Contested Case No. 81-2. (First Reading)

Councilor Kafoury reviewed the history of the case. She noted that the condition that annexation to the Metropolitan Service District occur before the UGB was amended had been satisfied.

Motion: Councilor Kafoury moved adoption of Ordinance No. 83-162. Councilor Williamson seconded the motion.

The ordinance was then read the first time, by title only.

There was no public testimony or Council discussion.

The ordinance was passed to second reading on October 6, 1983.

7.3 Consideration of Ordinance No. 83-161, for the purpose of updating the Adopted Metropolitan Service District Regional Transportation Plan. (First Reading)

Councilor Williamson reported that TPAC and JPACT had recommended approval as well as the Regional Development Committee.

Motion: Councilor Williamson moved adoption of Ordinance No. 83-162. Councilor Kirkpatrick seconded the motion.

The ordinance was then read the first time, by title only.

There was no public testimony.

Councilor Bonner commented that the RTP included the Bike Plan and a good agreement on the light rail corridor. He said it was a noteworthy document in those areas and complimented the people who had been involved.

The ordinance was passed to second reading on October 6, 1983.

8.1 An Order and Resolution of Intent, No. 83-428, to approve a petition by Corner Terrace Partnership for a locational adjustment to the Urban Growth Boundary (UGB) upon compliance with conditions.

Councilor Kafoury reported that in December 1982 the Council had adopted an ordinance adding the Corner Terrace property to the UGB. However, she said, the decision was appealed to LUBA and procedural problems were found with the Findings of Fact and Conclusions of Law. She said the resolution before them would formally adopt the Findings. She said the Regional Development Committee had received testimony on September 12th and as a result the Resolution was before the Council without a recommendation. She said some of the Committee members had questioned whether or not the Findings should be forwarded.

Councilor Williamson pointed out that a lot of time had been spent on the case already and a decision had been made. He said the issue before them was to formally adopt the Findings which had not been included previously and was merely a procedural problem being corrected.

Motion: Councilor Kafoury moved adoption of Resolution No. 83-428. Councilor Bonner seconded.

Mr. Bob Stacey, attorney representing Michael McPherson and Gary Sundquist, 519 S.W. 3rd Avenue, Portland, testified in opposition to the locational adjustment. He said Metro's standards precluded agricultural land from being included in the UGB, even as part of a trade, unless there were severe negative impacts on service or land use efficiency within the adjacent urban area resulting from the existing location of the boundary which would be solved by making the change. He said the severe negative impacts had not been proven and urged the Council not to adopt the Resolution.

Mr. DeMar Batchelor, attorney representing the Corner Terrace Partnership, 139 E. Lincoln, Hillsboro, testified in support of the Resolution. He said because of an oversight the order did not have the Findings attached. He said the Council had already made the policy decision to approve the petition and should not be reconsidering the merits at this point. He pointed out that the case had not yet been heard by LUBA. He then reviewed the Findings which indicated that the criteria regarding severe negative impacts had been met.

Councilor Etlinger said he would vote the same way he did before because he did not see the flexibility in the Metro standards to allow the inclusion of the property in the UGB.

Vote: The vote on the motion to adopt Resolution No. 83-428 resulted in:

Ayes: Councilors Banzer, Bonner, Kirkpatrick, Oleson, Waker, and Williamson.

Nays: Councilors Etlinger and Kafoury.

Absent: Councilors Deines, Kelley, and Van Bergen.

Abstention: Councilor Hansen.

Motion carried, Resolution adopted.

At this time, the Council recessed for ten minutes.

#### 9.1 Future Funding -- Zoo Projections.

Warren Iliff, Zoo Director, presented a memorandum entitled, "Preliminary Five-Year Projections for Zoo Operating Fund" (a copy of the memo is attached to the agenda of the meeting). He said a more detailed report would be coming to the Council with a further analysis of the projections and recommendations dealing with funding the Zoo's operations.

Councilor Bonner asked when the Master Plan would be forthcoming. Mr. Iliff responded the Plan should be before the Council in November. Mr. Gustafson commented that the Council may wanted to consider a combination capital and operating tax proposal which would be limited to the amount requested from the voters in the previous election. That amount, he said, should be kept in mind when determining what capital projects should be requested along with the required operating funds.

Councilor Kafoury asked if admission fees were high or low when compared with other zoos. Mr. Iliff responded that the zoo's fees were below average in terms of comparable zoos.

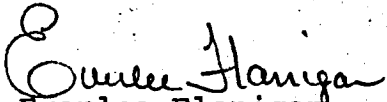
Mr. Gustafson said an analysis of the ballot measure options and the results of a voter attitude study would be presented at the next meeting on Future Funding.

Councilor Bonner asked if the intent was to present a Zoo financing measure separate from a Metro general funding measure. Mr. Gustafson said the Council had not yet made that determination. Councilors Bonner, Etlinger and Kafoury indicated they preferred that a zoo measure be separate from a Metro general funding measure. Councilor Kirkpatrick said she wanted to see what the survey results were before making an indication of preference. She said it was important they win in whatever they decided.

Mr. Gustafson said the first decision which needed to be made by the Council was whether the zoo funding and Metro general funding would be separate or joint measures before the voters. Then a decision on whether the measure should be a tax base or serial levy, and then finally, what the dollar amount of the measure would be.

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

SPECIAL MEETING  
OCTOBER 6, 1983

Councilors Present: Councilors Banzer, Bonner, Deines,  
Etlinger, Hansen, Kafoury, Kelley,  
Kirkpatrick, Oleson, Van Bergen, Waker,  
and Williamson.

Staff Present: Andrew Jordan and Ray Barker.

A special meeting of the Council of the Metropolitan Service District was called to order at 5:45 p.m. by Presiding Officer Banzer for the purpose of continuing discussion on Council Guidelines for Expenditure of the Per Diem, Expense and General Materials & Services Accounts.

GENERAL PROVISIONS

Proposed Guidelines:

1. A Councilor may receive per diem, plus mileage to the meeting, and/or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committees or Council task force meetings.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor.

Councilor Kirkpatrick said the issue raised with the proposed guideline in Section 1 was whether Councilors should receive per diem and expenses for attendance at meetings or whether they should receive per diem or expense reimbursement.

Councilor Waker said that in Section 2 "official business" should be defined as whatever each Councilor decided was in the best interest of their district.

Councilor Williamson said that in number one reimbursement should be for per diem or actual expenses but not both.

Motion: Councilor Kirkpatrick moved adoption of Sections 1 and 2, with deletion of the word "and" from Section 1. Sections 1 and 2 would read as follows:



1. A Councilor may receive per diem, plus mileage to the meeting, or reimbursement for actual authorized increases incurred, for attendance at Council, Council committees or Council task force meetings.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor.

Councilor Kafoury seconded the motion.

Motion  
to  
amend:

Councilor Oleson moved to amend the main motion to add the words "and child care costs", with Section 1 reading as follows:

1. A Councilor may receive per diem, plus mileage and child care costs to the meeting or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committees or Council task force meetings.

Councilor Hansen seconded the motion.

Councilor Kafoury said she was opposed to the motion to amend because per diem was intended to cover expenses that may occur in attending a meeting.

Councilor Kelley said she was uncomfortable with the addition of child care reimbursement to Section 1.

Councilor Etlinger said it was possible to expend more than \$30 in per diem, after taxes, to cover expenses such as mileage and meals. He said he favored receipt of both per diem and expense reimbursement.

Presiding Officer Banzer cited ORS Chapter 292.495 which allows per diem and expenses for members of state boards and commissions. She said she preferred to continue the status quo of receiving both per diem and actual expenses.

Vote

The vote on the amendment to add the words "and child care costs" resulted in:

Ayes:

Councilors Banzer, Bonner, Etlinger,  
Hansen, Oleson, and Waker.

Nays: Councilors Kafoury, Kelley,  
Kirkpatrick, Van Bergen, and  
Williamson.

Abstention: Councilor Deines.

Motion carried.

Mr. Jordan, Legal Counsel, noted that the language in Section 1 of General Provisions, and Section 3, Councilor Per Diem, should be made consistent.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Deines, Kafoury, and Kirkpatrick.

Nays: Councilors Banzer, Bonner, Etlinger,  
Hansen, Kelley, Oleson, Van Bergen, and  
Waker.

Motion failed.

Motion: Councilor Kelley moved reconsideration of Section 3 under Councilor Per Diem, to delete the second sentence of the section: "Per diem may also be collected for attendance at a task force or function approved by the Presiding Officer". Councilor Deines seconded the motion.

Councilor Kelley said she moved for reconsideration because of a concern by the Legal Counsel that the state statute required that per diem be authorized only for Metro Council, committee and task force meetings in the building. Mr. Jordan clarified that his concern was that per diem should be limited to Council, Committee or task force meetings and not necessarily that they be held in the Metro offices. He said he was primarily concerned about the word "function" in that section. He advised that it should either be deleted or interpreted to mean "meetings".

Councilor Waker said he could not support the amendment because it would be too limiting. He said they should have the latitude to determine what meetings to receive per diem for. Councilor Hansen agreed with Councilor Waker's comments.

Councilor Deines said they should not expect to receive per diem for every meeting they attended and should only receive it for official Metro Council or Committee meetings.

Councilor Kelley said it was appropriate to stay within the guidelines of the state, given the limited amount of funding available for per diem.

Councilor Kafoury reiterated that the Accounting Department needed to know what was appropriate to be paid and what wasn't and clear guidelines were the only way they would know.

Councilor Etlinger suggested that the word "function" be replaced by the words "other meetings" and that "chair of the committee" be added to clear up the ambiguity.

Vote: The vote on the motion to delete sentence two from Section 2 under Councilor Per Diem resulted in:

Ayes: Councilors Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Oleson, and Waker.

Motion failed.

Motion: Councilor Hansen moved to amend sentence two of Section 3 under Councilor Per Diem to delete the word "function" and insert the words "other meetings". Sentence two would read as follows:

Per diem may also be collected for attendance at a task force meeting or other meetings approved by the Presiding Officer.

Councilor Etlinger seconded the motion.

Councilor Hansen said the amendment would provide the latitude some of the Councilors were seeking and still stay within the context of the word "meeting". He said he would interpret "other meetings" to mean meetings with staff, meetings with legislators, or meetings with constituents within the district.

Motion to amend: Councilor Williamson moved to amend the motion to delete the words "task force meetings or" from the second sentence of Section 3 under Councilor Per Diem, with the second sentence reading as follows:

Per diem may also be collected for attendance at other meetings approved by the Presiding Officer.

Councilor Kirkpatrick seconded the motion.

Councilor Williamson said the amendment would clear up the redundancy of task force meetings being authorized for per diem in both sentences one and two.

Vote: The vote on the motion to amend the main motion to delete the words "task force meetings or", resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Waker, and Williamson.

Nays: Councilor Van Bergen.

Motion carried.

Motion to amend: Councilor Kafoury moved to amend the main motion to add the words "or chair of a committee" to the second sentence of Section 3 under Per Diem, to read as follows:

Per Diem may also be collected for attendance at other meetings approved by the Presiding Officer or chair of a committee.

Councilor Kirkpatrick seconded the motion.

Councilor Van Bergen said he would continue to vote against amendments to the Section because he believed that per diem should only be authorized for regularly called meetings of the body and not for miscellaneous meetings.

Vote: The vote on the motion to amend the main motion to add the words "or chair of a committee", resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, and Waker.

Nays: Councilors Van Bergen and Williamson.

Motion carried.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Oleson, and Waker.

Nays: Councilor Deines, Kafoury, Kelley,  
Kirkpatrick, Van Bergen, and Williamson.

Motion failed. Section 3 remains as adopted on  
September 29, 1983.

GENERAL PROVISIONS (CONTD)

Motion: Councilor Deines moved that Section 1 be amended to  
add the following language "or other meetings ap-  
proved by the Presiding Officer or chair of a  
committee". Section 1 would then read as follows:

1. A Councilor may receive per diem plus mileage to  
the meeting, and/or reimbursement for actual  
authorized expenses incurred, for attendance at  
Council, Council committees, Council task force  
meetings or other meetings approved by the  
Presiding Officer or chair of a committee.

Councilor Etlinger seconded.

Councilor Kirkpatrick said that as a member of the Tri-County Local  
Government Commission it had been the intent that reimbursement for  
expenses should occur but that per diem and expenses for the same  
meeting should not.

Councilor Deines said the intent of the original twelve Councilors  
was that a Councilor either received per diem or expenses but not  
both.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines,  
Etlinger, Hansen, Kelley, Oleson, and Waker.

Nays: Councilor Kafoury, Kirkpatrick, Van Bergen,  
and Williamson.

Motion carried.

Motion: Councilor Kirkpatrick moved adoption of Section 2  
under General Provisions, as written. Councilor  
Bonner seconded.

Councilor Oleson asked if Section 2 applied to out-of-town travel  
only. Presiding Officer Banzer indicated that was the intent.



Vote: The vote on the motion to adopt Section 2 resulted in:

Ayes: Councilors Banzer, Bonner, Deines,  
Etlinger, Hansen, Kafoury, Kelley,  
Kirkpatrick, Oleson, Van Bergen, Waker, and  
Williamson.

Nays: None.

Motion carried.

#### TRANSFERS

##### Proposed Guideline:

Notwithstanding the limits on per diem and expenses indicated above, the Council Coordinating Committee may, upon advance request by a Councilor, authorize the fiscal officer to transfer funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expense accounts and another Councilor's per diem and/or expense accounts must be authorized by the presiding officer are not authorized.

Councilor Kirkpatrick said the issue was whether transfers between individual Councilor's accounts should be allowed. She said the proposed language would not allow such transfers.

Motion: Councilor Kirkpatrick moved adoption of the Transfer section, to read as follows:

Notwithstanding the limits on per diem and expenses indicated above, the Council Coordinating Committee may, upon advance request by a Councilor, authorize the fiscal officer to transfer funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expense accounts and other Councilor's per diem and/or expense accounts are not authorized.

Councilor Kafoury seconded the motion.

Councilor Oleson said he couldn't vote for the motion because he had wanted to see what provisions were made for the Presiding Officer in

the General Account Section before he could vote on whether or not to allow transfers.

Councilor Etlinger argued in behalf of allowing transfers to allow a Councilor the flexibility to provide sufficient funds for a particular project, such as an information sheet to mid-county residents. He also said, for example, that he served on many committees and went to many meetings and the flexibility should be allowed for the transfer of funds for additional per diem for attendance at those meetings.

Councilor Kafoury responded that if a Councilor wanted to do a project as Councilor Etlinger suggested, that funds could come from the Council's General Account upon request.

Vote: The vote on the motion to adopt the Transfers section resulted in:

Ayes: Councilors Bonner, Deines, Etlinger, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Hansen, and Oleson.

Motion carried.

#### COUNCIL GENERAL ACCOUNT

##### Proposed Guidelines:

1. The purpose of the Council General account is to provide support for the General Council, Councilor committees and Council task forces.
2. Authorized expenses which may be charged to appropriate Materials and Services categories in the Council General account include:
  - a. Meals for regular and special Council, Council committee and Council task force meetings;
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
  - d. Receptions for guests of the Council, Council committees or Council task forces;

- e. Honoraria;
- f. Expenses for official visitors;
- g. General Council, Council committee or Council task force information, publications, promotional materials or supplies.
- h. Remembrances from the Council, Council committee or Council task force;
- i. Professional services for the Council, Council committee or Council task force;
- j. Outside consultants to the Council, Council committee or Council task force; and
- k. Authorized travel on behalf of the Council, Council committee or Council task force.

Motion: Councilor Kirkpatrick moved adoption of Sections 1 and 2 as written. Councilor Bonner seconded the motion.

Vote: The vote on the motion to adopt Sections 1 and 2 resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen, Waker, and Williamson.

Nays: None.

Motion carried.

Proposed Guideline:

- 3. Expenses to the Council General account shall not be authorized for the following:
  - a. Alcoholic beverages;
  - b. Contributions to political campaigns of any kind;
  - c. Contributions to fund-raising efforts of any kind; or
  - d. Social functions including birthday and retirement parties, and holiday observances.

Motion: Councilor Kirkpatrick moved adoption of Section 3, as written. Councilor Kafoury seconded the motion.

Presiding Officer Banzer argued on behalf of deleting (d) from unauthorized expenses. She said it was appropriate to honor Councilors when they left the Council or to provide plaques or certificates as remembrances, and that the subsection was unnecessarily limiting.

Councilor Kirkpatrick said she believed it was inappropriate to spend public funds on social functions. She said the subsection did not preclude the purchase of a plaque for someone leaving.

Councilor Kelley urged support for the motion. She said the limited amount of funds in the General account should be used for Metro business.

Vote: The vote on the motion to adopt Section 3 resulted in:

Ayes: Councilors Bonner, Etlinger, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Hansen, and Oleson.

Absent: Councilor Deines.

Motion carried.

Proposed Guideline:

4. Within the Council General account up to \$0,/\$500,/\$1,500 per year shall be reserved for expenses in meetings incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.

Councilor Kirkpatrick said the original language included a \$500 amount, but the proposed language included a zero amount and a \$1,500 amount to provide the Council with a choice. She said the \$500 amount was based on other jurisdictions' allocation for their Mayor or Presiding Officer.

Motion: Councilor Kirkpatrick moved adoption of Section 4 with the \$500 amount. Councilor Williamson seconded.

Motion to substitute: Councilor Kafoury moved to substitute the main motion to delete Section 4. Councilor Van Bergen seconded the motion.

Councilor Etlinger said the Presiding Officer played a key role at Metro and there should be a reward or compensation for strong leadership and that the amount should be \$1,500.

Councilor Kafoury said there had been three presiding officers before the current one and they had not received any General Account funds. She said while Councilor Etlinger might argue there had been no leadership during previous presiding officers' terms, she did not feel impeded in carrying out her presiding officership by not having those funds.

Vote: The vote on the substitute motion to delete Section 4 resulted in:

Ayes: Councilor Deines, Kafoury, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, Oleson, and Waker.

Motion to substitute failed.

Motion: Councilor Williamson moved the previous question and end debate. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: Councilors Banzer, Etlinger, Hansen, and Oleson.

Motion carried.

Vote: The vote on the main motion to adopt Section 4 with a \$500 amount, resulted in:

Ayes: Councilors Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Nays: Councilors Banzer, Bonner, Etlinger, Hansen, Oleson, and Waker.

Motion failed.



Motion: Councilor Oleson moved adoption of Section 4 with a \$1,500 amount. Councilor Bonner seconded.

Presiding Officer Banzer said that although previous presiding officers had not used General Account funds, the Executive Officer had often paid those expenses for them. She said when Metro's financial problems occurred, the Executive Officer ceased that practice and it had become incumbent on the Council to pay for expenses. She said it was appropriate that the Presiding Officer have funds set aside for their use and that \$1,500 was an appropriate amount.

Councilor Hansen said with all the meetings the Presiding Officer attended, they should be able to get per diem for them.

Councilor Kirkpatrick said the intent of the set aside for the presiding officer was not for per diem. Councilor Williamson stated that the \$1,500 would double the Presiding Officer's allocation for expenses.

Motion to amend: Councilor Etlinger moved to amend the main motion to read as follows:

Within the Council General Account up to \$1,500 per year shall be reserved for expenses and/or per diem incurred by the Presiding Officer of the Council in carrying out official duties associated with that office".

Motion died for lack of a second.

Motion: Councilor Kirkpatrick moved the previous question and end debate. Councilor Kafoury seconded.

Vote: A voice vote on the motion carried unanimously.

Vote: The vote on the main motion to adopt Section 4 with the \$1,500 amount resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Oleson, and Waker.

Nays: Councilors Deines, Kafoury, Kelley, Kirkpatrick, Van Bergen, and Williamson.

Motion failed.

Councilor Van Bergen asked that an interpretation of ORS Chapter 268.160 be obtained. He said he was not sure the statute provided for additional funds for the Presiding Officer thus making it an elite position. He asked that the Chair write a letter requesting an opinion. Presiding Officer Banzer said she would request an opinion.

Motion: Councilor Etlinger moved adoption of Section 4 to read as follows:

Within the Council General account up to \$1,200 per year shall be reserved for expenses incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.

Councilor Bonner seconded the motion.

Motion: Councilor Kafoury moved to table the discussion until the November 3, 1983 Council meeting. Councilor Williamson seconded the motion.

Councilor Kafoury said that since several Councilor had left the meeting and it was almost the scheduled time for the regular meeting, that the discussion should be continued until November 3rd.

Vote: The vote on the motion to table discussion resulted in:

Ayes: Councilors Bonner, Kafoury, Kelley, Van Bergen, Waker, and Williamson.

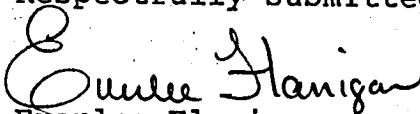
Nays: Councilors Banzer, Etlinger, Hansen, and Oleson.

Absent: Councilors Deines and Kirkpatrick.

Motion carried.

The special meeting was adjourned at 7:30 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING  
OCTOBER 6, 1983

Councilors Present: Councilors Banzer, Bonner, Deines,  
Etlinger, Hansen, Kelley, Oleson,  
Van Bergen, Waker, and Williamson.

Councilors Absent: Councilors Kafoury and Kirkpatrick.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Donald Carlson, Andrew Jordan, Ray Barker,  
Tom O'Connor, Mark Brown, Doug Drennen, and  
Andy Cotugno.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:52 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

There were no Councilor communications.

3. Executive Officer Communications.

Rick Gustafson, Executive Officer, indicated that he had several items to report to the Council:

- 1) He asked Tom O'Connor, Legislative Liaison, to report on the Special Session of the Legislature.

Mr. O'Connor presented a memo entitled "Special Session Tax Relief Plan" (attached to the agenda of the meeting). He summarized the Tax Relief Plan and explained how the Plan affected Metro:

Zoo: The A/B ballot was abolished. He said if a tax base for the Zoo in May was approved by the voters, the rate under the property tax freeze legislation (S.B. 792) would be established by that measure. He said the Zoo was

clearly defined as an "enterprise activity" and not subject to the expenditure limitation legislation (H.B. 3026). He also indicated that serial levies were exempt from the rate freeze.

Solid Waste: He said Solid Waste was an "enterprise activity" and would not be subject to the expenditure limitation legislation.

Mr. Gustafson said that Metro would notify local jurisdictions of the Tax Relief Plan and would conduct a workshop to help them understand its impacts.

- 2) Mr. Gustafson said the Metro office move was completed. He reported that the move costs to date were \$2,300; and that Columbia Research Center had moved into the subleased space and would begin rent payments February 1.
- 3) Mr. Gustafson stated that the Oregon City Commission removed the tonnage limitation and in lieu established a 800 ton 30 day average limitation. He said they also defeated a measure to charge a 25¢ a ton fee on the transfer station but did ask that Metro enter into an intergovernmental agreement for payment of extraordinary costs to the City due to transfer station activities. He said he would bring the agreement to the Services and Coordinating Committees for review.
- 4) He reported that the City of Portland had reviewed the St. Johns Landfill operation and had agreed to continue Metro's contract to run the landfill.
- 5) Mr. Gustafson presented a memo regarding "Legal Services" (attached to the agenda of the meeting). He said with the departure of Andy Jordan as Metro's Legal Counsel, it was recommended that Mr. Jordan be contracted with until a long range decision on the type of legal services Metro needed was determined during the 1984-85 budget deliberations.

Councilor Van Bergen said he agreed with the Executive Officer's proposal and that the decision on legal services was an Executive Officer function and not a Council function.

Councilor Williamson said he had problems with the contract, noting that the contract allowed anyone at the firm of Bollinger, Hampton and Tarlow to work on Metro business.

He said a comparison of other jurisdiction's legal service hourly rates should be conducted. He said he believed they could get more for their money with an in-house counsel.

Motion: Councilor Hansen moved to refer the issue of legal services to the Council Coordinating Committee for final disposition.

Councilor Williamson seconded the motion.

Councilor Hansen said the reason he was making the motion was that he was concerned that they were faced with a decision that evening with no prior written material on the matter. He said he preferred to have time to reflect on the decision.

Motion to amend: Councilor Williamson moved to amend the main motion to refer the issue of legal services to the Council Coordinating Committee for consideration and recommendation to the Council.

Councilor Hansen accepted the suggestion as a friendly amendment to the main motion.

Presiding Officer Banzer said the Chair would rule that the Executive Officer's recommendation would stand until such time that a different direction was provided by the Council and in the interim she, Councilors Williamson and Van Bergen, and the Executive Officer would analyze the needs for on-going legal services and report to the Council Coordinating Committee.

Mr. Gustafson then expressed his appreciation for Mr. Jordan's achievements and contributions during his years with CRAG and Metro and presented him with a plaque.

4. Written Communications to Council on Non-Agenda Items.

There were no written communications to Council on non-agenda items.

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

6.1 Consideration of Resolution No. 83-429, for the purpose of establishing a Study Commission to make recommendations on metropolitan governance in the greater Portland area.

Councilor Etlinger said the purpose of the resolution was to establish a study commission to help define the future of regional government and Metro's purpose. He requested that the resolution be amended to change the name "Futures Group" to "Columbia-Willamette Futures Forum".

Motion: Councilor Etlinger moved adoption of Resolution No. 83-429, with the amendment to change the name "Futures Group" to "Columbia-Willamette Futures Forum". Councilor Bonner seconded the motion.

Councilor Waker commented that any study group should include those people who made decisions about giving up services they provided.

Councilor Etlinger responded that groups to be involved were listed in the resolution and that regional and local jurisdictions were included. He said the intent was to determine what was achievable in the next legislative session. He said he hoped Metro would financially support a portion of the study.

Councilor Bonner commented that he supported the resolution because he believed they needed to take a look at themselves and understand what others expected of Metro.

Councilor Williamson said he thought the functions already performed by Metro were not unsubstantial and should be given more credit.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Etlinger, Hansen, Kelley, Oleson, and Williamson.

Nays: Councilors Deines and Waker.

Absent: Councilors Kafoury, Kirkpatrick, and Van Bergen.

Motion carried.

Presiding Officer Banzer requested that Councilor Etlinger be the liaison between the Council and the Executive Officer in implementing the resolution.

7.1 Consideration of Ordinance No. 83-162, amending the Urban Growth Boundary (UGB) in Clackamas County for Contested Case No. 81-2. (Second Reading)

The ordinance was read a second time, by title only.

Mark Brown, Regional Services Planner, stated no new information had been received since the first reading of the ordinance.

There was no Council discussion or public testimony.

Vote: The vote on the motion to adopt Ordinance No. 83-162, made by Councilors Kafoury and Williamson on September 29, 1983, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Oleson, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury, Kirkpatrick, and Van Bergen.

7.2 Consideration of Ordinance No. 83-161, for the purpose of updating the adopted Metropolitan Service District Regional Transportation Plan. (Second Reading)

Councilor Etlinger asked which document, the Regional Transportation Plan (RTP) or the Transit Development Program (TDP), had the most significance as far as transit policy. Andy Cotugno, Transportation Director, responded that the Regional Transportation Plan was a broad view of what the overall transit system should do and the Transit Development Program followed the policies in the RTP but was more detailed with short-term transit system improvements as opposed to long term ones.

Councilor Etlinger then asked when it was appropriate to amend the RTP to incorporate additional long range transit policies. Councilor Williamson responded that the RTP could be amended at any time as long as it followed a reasonable procedure for amendment.

Councilor Bonner said he thought what Councilor Etlinger was aiming for was a process which allowed review of the more specific transit development policies to determine whether they were or were not in compliance with the RTP.

Councilor Etlinger said transit governance and joint development were not addressed in the RTP and that a discussion of the two issues could occur with the local jurisdictions and Metro during the annual RTP update process.

Motion: Councilor Bonner moved that in the process of reviewing, amending and adopting the RTP during the coming year that a public review be conducted of the Transit Development Program to determine if it was consistent with the transit policies of the RTP.

Councilor Bonner said it had been unclear in the past that there was the opportunity to openly review the TDP in a public forum to determine if the program was in compliance with Metro's RTP and that his motion would allow that opportunity.

Councilor Williamson stated that it was JPACT's intent to conduct such a review for the next RTP update.

Councilor Bonner withdrew his motion and in lieu requested that the Presiding Officer send a communication to JPACT requesting that JPACT review the process that Tri-Met will follow in updating their Transit Development Program, with recommendations to the Metro Council on how the Council might review the Program for consistency with the Regional Transportation Policy.

Vote: The vote on the motion to adopt Ordinance No. 83-161, made by Councilors Williamson and Kirkpatrick on September 29, 1983, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Oleson, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury, Kirkpatrick, and Van Bergen.

Motion carried.

8.1 Consideration of awarding contracts to construct a Truck Wash Facility and Roof Cover to service commercial haulers at the Clackamas Transfer & Recycling Center (CTRC).

Councilor Hansen reported that the Services Committee had discussed the issue but made no recommendation to the Council.



He said the Coordinating Committee recommended that the Executive Officer be directed to rebid the contract for the wash facility. He said, in addition, the Council Coordinating Committee had requested staff to seek MBE participation from the original low bidder and present the results at the October 6 Council meeting. He then asked staff to respond to the request.

Doug Drennen, Solid Waste Department, responded that the original low bidder had been contacted and had indicated they would not be able to meet the MBE requirements.

Motion: Councilor Hansen moved that the Council Coordinating Committee's recommendation be adopted--that the Executive Officer be instructed to rebid the contract for the truck wash facility, with the exception of the roof structure portion. Councilor Deines seconded the motion.

Councilor Hansen said the Council Coordinating Committee believed that the Council's adopted MBE policy should be adhered to and that he could see no way that the Council could reverse itself and award a bid to a contractor who had not met the MBE requirements. He said none of the bidders had met the requirements and, in addition, the low bid was several thousand dollars higher than the engineer's estimated cost for the project.

Councilor Waker asked if they were on firm ground by rejecting the bids. Mr. Jordan responded they could reject the bids for any reason.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Oleson, Waker, and Williamson.

Nays: None.

Absent: Councilors Kafoury, Kelley, Kirkpatrick, and Van Bergen.

Motion carried.

At this time, the Council recessed for five minutes.

8.2 Status Report on Review of Metro/Tri-Met Relationship.

Presiding Officer Banzer noted for the record that the Council had received communications from the following individuals: Richard J. Brownstein, Mayor Frank Ivancie, Mayor Joy Burgess, William S. Naito, Ernest Bonyhadi, County Executive Dennis Buchanan, Mayor Margaret Weil, City Commissioner Mike Lindberg, and Douglas Goodman (copies of the letters are attached to the agenda of the meeting).

Mr. Gustafson said that Mr. Jordan had completed his analysis of the law as it related to the Metro Council's authority to order a transfer of Tri-Met to Metro, as requested by the Council. (A copy of the analysis is attached to the agenda of the meeting.)

Mr. Jordan said the conclusion of his analysis was that it would be difficult, if not impossible, to affect a merger at this time under current state law. He said there were two major problems:

- 1) There was no clause in the legislation which provided specifically that ordinances of Tri-Met would survive a merger; that is, they would have to be readopted upon merger. He said that Metro, upon merger, would have to readopt the Payroll Tax, which would be subject to referendum, and therefore suspension and potential loss at the polls. He said a suspension and loss would severely affect Metro's ability to operate the transit system or issue bonds to repay outstanding bonded indebtedness.
- 2) The other problem was H.B. 2228 which required approval of a financial plan by the state prior to a merger. He said it was unlikely that a financial plan could be approved if there was the potential that the payroll tax would be lost to pay the bonded indebtedness.

Mr. Jordan said the legislature needed to clarify or correct the legislation before a merger could take place.

Councilor Bonner indicated that specific legislation needed to be developed to 1) address the survivability of the Tri-Met ordinances, 2) clarify the ability of Metro to appoint the Tri-Met Board, and 3) clarify H.B. 2228. He said they should decide now to start work on that legislation for the 1985 session.

Motion: Councilor Oleson moved that the Council direct the Presiding Officer to appoint a Council task force to work with the Metro staff to consider possible Tri-Met merger issues and to develop specific proposals in preparation for the 1985 legislative session. Councilor Bonner seconded the motion.

Councilor Williamson said the Council had passed a resolution regarding the issue which called for public input to the decision and asked if the motion would supersede that resolution. Councilor Oleson responded that the work of a task force was a separate issue; that there had been quite a bit of public input already and they would continue to get public input through the study commission established by Resolution No. 83-429.

Councilor Waker said through a task force they could provide a full range of options for a course of action for the legislature. He said those options could range from severing the marriage clause to a takeover scenario. He said he would like to see options and not necessarily have the task force pick only one option and work on that.

Councilor Hansen said he supported the motion and felt a task force of Councilors was the logical way to address the issue.

Councilor Bonner said a majority of the public opinion thus far had supported a merger, eventually. He said they had good, solid backing for keeping the option open.

Councilor Etlinger said they needed to decide what they wanted in the next six months and work to get a political consensus to go to Salem with in 1985. The other alternative, he said, would be to work out an agreement with Tri-Met and take that to Salem. He said a political consensus could not be addressed by an internal task force but only by a public process of getting people involved in a transit discussion.

Councilor Williamson said they could try to work cooperatively with Tri-Met on issues or they could have a war with Tri-Met, which he thought they would have if they continued to move in the direction they were going. He said there was the potential of a bitter fight in the legislature.

Councilor Kelley said they had begun a process of learning more about their relationship with Tri-Met and that she supported further education of the issues involved.

Mr. Gustafson commented that Councilor Oleson's motion was not a positive step toward learning more. He said it was threatening to state they wanted to develop legislation to take over Tri-Met. He suggested that the process of learning more should be an open public discussion among local jurisdictions, interest groups and citizens.

Councilor Oleson said the intent of the motion was to get the discussion out of the Chamber and with those who wanted to learn more.

Councilor Bonner asked what product was expected from the task force. Councilor Oleson said the answer to that wouldn't be known until they started work on it. He said the main objective was to consider all alternatives.

Presiding Officer Banzer said they needed to give the legislature a message of what Metro wanted, to sever or to merger. She said if the issue was dropped, a negative public perception may occur about Metro raising the issue and then dropping it. If they continued, she said, they would probably exacerbate the problems with Tri-Met. She said they seemed to be between a rock and a hard place and it was a no win situation.

Motion to  
amend:

Councilor Hansen moved to amend the main motion to read as follows:

That the Council direct the Presiding Officer to appoint a task force to work with the Metro staff to consider possible Tri-Met relationship issues and to develop specific proposals in preparation for the 1985 legislative session.

Councilor Oleson accepted the suggestion as a friendly amendment to his motion.

Councilor Kelley asked if one of the products of the task force would be to identify issues and develop a process for how they would look at those issues. Presiding Officer Banzer said the motion could be interpreted that that was one of the products.

Mr. Gustafson said if the Council formed a task force it would be perceived as closing themselves off from the public, and he would be opposed. He said they needed to get public input and discuss it openly. He said he supported the original resolution which called for a public discussion of the issue and did not make any decisions about a takeover. He said he had been supportive of the Council's stated intent to look at all the

options and provide public input, but if that was not the intent he would be opposed to any further action by the Council to close itself off from looking at all the options and providing public discussion.

Councilor Oleson said the motion simply called for an informal extension of the Council to look at the issue.

Councilor Bonner asked what the Executive Officer would do in lieu of a task force. Mr. Gustafson responded that the Council members needed to work individually with their constituents to foster greater public input; and that they should support other groups work on Metro, such as the City Club Committee. He said it wasn't necessary to have a task force to draft legislation.

Councilor Kelley suggested the task force should only develop a process for considering the issues involved. She said they needed more technical information before they drafted legislation.

Councilor Bonner proposed that they continue the discussion until the next meeting.

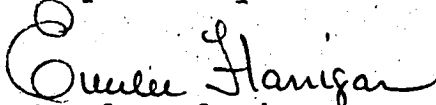
Presiding Officer Banzer continued discussion of the issue to the November 3, 1983 Council meeting.

9. Committee Reports.

There were no Committee Reports.

There being no further business, the meeting adjourned at 10:50 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council

0302C/313  
11/10/83

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING  
OCTOBER 27, 1983

Councilors Present: Councilors Banzer, Deines, Etlinger,  
Hansen, Kelley, Kirkpatrick, Van Bergen,  
Waker, and Williamson.

Councilors Absent: Councilors Bonner, Kafoury, and Oleson.

Staff Present: Donald Carlson, Ray Barker, Dan LaGrande,  
Marion Hemphill, Norm Wietting, Dan Durig,  
Dennis Mulvihill, Phil Fell, and Doug  
Drennen,

Testifiers: John Spencer and Gary Newbore.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:35 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Councilor Waker said he had received a letter from Gary Conkling of Tektronix expressing concern about erroneous statements being made by Washington County about the Westside Light Rail Transit Project. He requested that a communication be sent to Washington County explaining the Council's position (a copy of the letter and an excerpt from a Washington County background document are attached to the agenda of the meeting).

3. Executive Officer Communications.

Donald Carlson, Deputy Executive Officer, presented a memo from the Executive Officer entitled "Report on Resolution No. 83-429, Establishing a Study Commission on Metropolitan Governance in the Greater Portland Area" (attached to the agenda of the meeting). He said that the Executive Officer had contacted the City Club, the Metropolitan Citizens League and the Columbia-Willamette Futures Forum. In addition, he said, an effort was underway to establish a Legislative Task Force on Metropolitan Governance. Mr. Carlson said the Executive Officer was recommending that Metro encourage any interested group to study

regional government structure, functions and financing, and that any such efforts be focused toward the Legislative Task Force on Metropolitan Governance.

Councilor Etlinger expressed disappointment at the level of effort made by the Executive Officer. He said he had talked to several organizations regarding the Study Commission and believed that one organization in the region needed to take the lead.

Mr. Carlson said it was his understanding the Representative Otto was going to try to pull together the leadership of those organizations interested into a coalition group that might function prior to his legislative committee meetings.

4. Written Communications to Council on Non-Agenda Items.

Presiding Officer Banzer said a letter had been received regarding Carlton Springs and that legal counsel was assisting in responding to it.

She also noted that Mrs. Geraldine Ball, 11515 S.W. 91st Avenue, Tigard, 97223, had brought to her attention that the agenda should be corrected to reflect that the minutes of the September 29 meeting should be noted as those of the Special Meeting and not the Regular Council meeting.

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

6. Consent Agenda.

The Consent Agenda consisted of the following items:

6.1 Minutes of the meetings of July 7, September 8, and the special meeting of September 29, 1983.

6.2 Resolution No. 83-432, for the purpose of submitting the Areawide Water Management Plan for recertification.

Motion: Councilor Kirkpatrick moved adoption of the Consent Agenda. Councilor Hansen seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Deines, Etlinger,  
Hansen, Kelley, Kirkpatrick, Van Bergen,  
and Waker.

Nays: None.

Absent: Councilors Bonner, Kafoury, Oleson, and  
Williamson.

Motion carried.

7.1 Consideration of Ordinance No. 83-163 relating to Solid Waste  
Disposal Charges and User Fees, amending Metro Code Sections  
5.02.020, 5.02.025 and 5.02.050, and declaring an emergency.  
(Second Reading)

The ordinance was read a second time, by title only.

Councilor Hansen reported that the Services Committee had met on October 12 to consider proposed language in the rate ordinance which would waive minimum charges for those bringing in recyclables to CTRC and St. Johns. He said the Committee recommended that the Council include the waiver for the public in the 1984 rate ordinance, provided that one-half cubic yard of acceptable material is recycled. He said the ordinance also proposed to reduce the base disposal rate from \$10.33 to \$9.70 per ton which included the increase for the wash rack at CTRC.

Dan Durig, Solid Waste Director, distributed copies of an amended ordinance reflecting the Services Committee recommendations (attached to the agenda of the meeting).

Councilor Etlinger asked if the waiver could apply to the franchised sites also. Mr. Durig responded that during rate review of the franchised sites, the policy could be instituted.

Councilor Deines said Metro operated sites would probably lose money or have to spread the cost of instituting the waiver and that they may not want to impose such a waiver on privately operated sites.

Councilor Hansen said if it was successful at Metro operated landfills, the private operators might be willing to take a look at it.

Councilor Van Bergen asked if there were many private landfills franchised by Metro. Mr. Durig responded that most were out of



Metro's boundaries and not franchised, and that Killingsworth Fast Disposal was the primary landfill franchised by Metro.

Presiding Officer Banzer noted that there were two motions on the floor: 1) to adopt the ordinance, and 2) to amend the ordinance by deleting the following language from Section 1(b) and Section 2(d): The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

Motion to  
substitute:

Councilor Hansen moved to substitute the motion to amend with the following:

- 1) That the last two sentences of Section 1(b) and Section 2(d) be amended to read as follows:

The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

- 2) To change the base disposal rate from \$10.33 to \$9.70.

Councilor Kirkpatrick seconded the motion.

Presiding Officer Banzer then opened the meeting to public testimony.

Gary Newbore and John Spencer, Killingsworth Fast Disposal, P.O. Box 3320, Portland, 97206, testified in opposition to the proposed rates. Mr. Newbore said they felt the rates were inequitable. He said by lowering the base fee at CTRC and St. Johns and raising the transfer fee, the effect would be to raise their price while lowering the price at St. Johns. He said St. Johns was in direct competition with them and the proposed rate structure would cause the diversion of flow from their landfill to St. Johns. He said if Metro wanted to prolong the life of St. Johns, they should be encouraging less flow to St. Johns. They asked that a vote on the ordinance be delayed until they had had a chance to work with the staff and the Executive Officer on alternatives.

Councilor Deines agreed that it was important to prolong the life of St. Johns and that the rates needed to be studied further as to their impact on Killingsworth Fast Disposal.

Councilor Etlinger asked if Killingsworth had been notified of the changes through SWPAC or the Rate Review Committee. Mr. Durig responded that the rates were reviewed by SWPAC and that Mr. Newbore was a member of the committee.

Mr. Newbore noted that SWPAC did not make a recommendation on the ordinance because of a tie vote. Mr. Newbore added that the impact of the ordinance was to discourage additional private money into limited use landfills.

Councilor Kirkpatrick asked what the impact would be on delaying a decision. Mr. Durig responded that they wanted to institute the rates in January of 1984 and because the ordinance was an emergency ordinance, they could make a decision any time before January 1 and meet the effective date goal. He said if they were to restudy the rate structure, a major issue which needed to be addressed was the established policy of spreading the solid waste disposal costs regionwide.

Councilor Waker said he needed to know more about how Killingsworth functioned with Metro before he could agree to any changes. Mr. Newbore responded that they set their own rates with the added transfer and user fees imposed by Metro, and that they charged on a yardage basis as opposed to a tonnage basis. He said the Rate Review Committee reviewed their rates and that they had met the guidelines set by that committee.

Mr. Spencer said if they were able to maintain their same volume under the new rates, they would have to charge \$80,000 more to the haulers. He said they believed their volume would go down if their rates increased.

Motion: Councilor Deines moved to table the discussion on the ordinance until November 22, 1983. Councilor Waker seconded the motion.

Councilor Kelley suggested that members of the Council who did not sit on the Services Committee be briefed on the background of the rate policies.

Vote: The vote on the motion to table discussion until November 22, 1983 resulted in:

Ayes: Councilors Banzer, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Kafoury, Oleson, and Williamson.

Motion carried.

7.2 Consideration of Ordinance No. 83-164, for the purpose of amending the FY 1983-84 Budget and Appropriations Schedule, and amending Ordinance No. 83-153. (First Reading).

Councilor Kirkpatrick reported that the Council Coordinating Committee recommended adoption of the ordinance.

Motion: Councilor Kirkpatrick moved adoption of Ordinance No. 83-164. Councilor Deines seconded the motion.

The ordinance was a first time, by title only.

There was no Council discussion or public testimony.

The ordinance was passed to second reading on November 3, 1983.

8.1 Consideration of Contract for the Design, Production, and Installation of Exhibit Modules for the Zoo's Elephant Museum.

Councilor Kirkpatrick reported that the Council Coordinating Committee recommended approval of the contract.

Motion: Councilor Kirkpatrick moved approval of a contract to All West Display in the amount of \$102,500 to design, produce and install exhibit modules for the Zoo's Elephant Museum. Councilor Deines seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Deines, Hansen, Kelley, Kirkpatrick, Van Bergen, and Waker.

Nays: None.

Absent: Councilors Bonner, Etlinger, Kafoury, Oleson, and Williamson.

Motion carried.

8.2 Status Report on Disadvantaged Business Program.

Councilor Hansen reported that the MBE Subcommittee had completed its work and staff was preparing a report for the Council Coordinating Committee meeting on November 14. He said first reading of the ordinance would occur on November 22 with adoption scheduled for December 22.

8.3 Status Report on Affirmative Action Policy.

Councilor Kirkpatrick reported that the Affirmative Action Policy would be presented to the Council Coordinating Committee on November 14, with first reading on November 22 and adoption scheduled for December 22.

8.3 Status Report on Recycling.

Councilor Etlinger reported on activities of the Recycling Subcommittee and said that by the end of the year they hoped to present the Council with three options on Recycling.

9. Committee Reports.

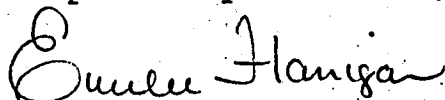
Councilor Kirkpatrick reported on the Council Coordinating Committee's Metro role and mission discussion.

Councilor Hansen reported on the Special Services Committee meeting held to discuss the Washington County Transfer Station. He said the Committee would probably hold another special meeting to continue discussion of the transfer station.

Councilor Kelley noted that the Project Initiatives Program Drainage Report would be reviewed at the November 7 Development Committee meeting.

There being no further business, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

  
Everlee Flanigan  
Clerk of the Council



METROPOLITAN SERVICE DISTRICT  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

## MEMORANDUM

Date: November 22, 1983  
To: Metro Council  
From: Executive Officer  
Regarding: Intergovernmental Project Review Report  
(formerly A-95)

The following is a summary of staff responses regarding grant applications for federal assistance.

1. Project Title: Home Health Care (#837-1)  
Applicant: Tuality Community Hospital, Inc.  
Project Summary: Funds will be used to train 45-50 certified home health aides to serve Oregon's elderly and chronically limited population. Home Health Aides perform similar tasks as nursing assistants.  
Federal Funds Requested: \$28,940 Department of Health and Human Services (HHS)  
Staff Response: Favorable action.
2. Project Title: State Refugee Program (#837-2)  
Applicant: State of Oregon  
Project Summary: Funds will be used to reduce refugee dependency on public assistance and to increase refugee self-sufficiency. This will be accomplished through projects such as job development and placement, and on-the-job training to increase refugee employment potential.  
Federal Funds Requested: \$1,407,418 Office of Refugee Resettlement  
Staff Response: Favorable action.
3. Project Title: Recreation for Physically Disabled (#837-4)  
Applicant: Tri-County Independent Living Program, Inc.  
Project Summary: Funds will provide 374 physically disabled adults in the metropolitan area with recreational activities such as adaptive physical fitness, individualized rehabilitation and therapeutic programs, competitive and non-competitive sports, arts and crafts, cooking and leisure planning.  
Federal Funds Requested: \$69,930 Department of Education  
Staff Response: Favorable action.

4. Project Title: Fiscal Management System (#837-5)  
Applicant: Albertina Kerr Centers for Children  
Project Summary: Funds will be used to design, implement and test a comprehensive computerized financial system for Albertina Kerr Centers.  
Federal Funds Requested: \$47,024 HHS  
Staff Response: Favorable action.
5. Project Title: Summerlake Park (#838-1)  
Applicant: City of Tigard  
Project Summary: Funds will pay for landscaping, pedestrian paths, baseball fields, restroom facilities and installing a sprinkler system at Summerlake Park in Tigard.  
Federal Funds Requested: \$120,972 Department of Interior  
Staff Response: Favorable action.
6. Project Title: Minority Business Enterprise (#838-2)  
Applicant: Tri-Met  
Project Summary: Funds will be used to operate a technical assistance program for minority businesses. Areas to be covered in the program include financing options, bonding and insurance marketing, cost estimates, accounting, general management, and evaluation of bids. The program objective is to make minority businesses competitive in the bidding process for Tri-Met contracts and subcontracts.  
Federal Funds Requested: \$124,998 Department of Transportation  
Staff Response: Favorable action.
7. Project Title: Nicol Road and Laurelwood Drive (#838-3)  
Applicant: State of Oregon Department of Transportation  
Project Summary: Funds will be used to construct median left-turn lanes on Scholls Highway and to add a right-turn lane on Nicol Road to increase sight distance and safety at the intersection.  
Federal Funds Requested: \$36,000 Department of Transportation  
Staff Response: Favorable action.
8. Project Title: UMTA Section 8 Technical Studies (#838-4)  
Applicant: State of Oregon Department of Transportation  
Project Summary: Funds will be used to continue operating the technical assistance program for small cities which provide public transit in rural areas. Technical assistance includes service design planning, transit development programming, operations, marketing, general management, budget and financing, and energy conservation.  
Federal Funds Requested: \$66,000 Department of Transportation  
Staff Response: Favorable action.

9. Project Title: Clackamas County Head Start (#838-5)  
Applicant: Clackamas County Children's Commission  
Project Summary: Funds will be used to operate a Head Start Program for 161 low-income and handicapped preschoolers in Clackamas County for one year. The program includes classroom instruction, home visits, health examinations and parent involvement programs dealing with social services and nutrition.  
Federal Funds Requested: \$418,932 HHS  
Staff Response: Favorable action.
10. Project Title: Transmission Facilities (#839-2)  
Applicant: Bonneville Power Administration (BPA)  
Project Summary: The proposed program would manage vegetation on some 84,000 acres of rights-of-way and at 357 substations and other facilities throughout BPA's seven state service area. On rights-of-way tall growing vegetation would be prevented from growing onto transmission lines and from blocking access roads. At substations and microwave yards, all vegetation would be removed to prevent fire and safety hazards. Where appropriate, noxious weeds would be controlled in cooperation with local landowners. The proposed program would use manual, spot chemical, broadcast chemical, and biological methods to manage vegetation. Selection of treatments to be used in specific management situations would be based on consideration of social, ecological and economic consequences of using the various methods. The environmental impact statement examines potential impacts on public health, workers' safety, water quality and fisheries, land uses, plants and animals, soils, and cultural and historical resources.  
Federal Funds Requested: NA  
Staff Response: Favorable action.
11. Project Title: Residential Weatherization (#839-3)  
Applicant: Bonneville Power Administration (BPA)  
Project Summary: BPA proposes to expand its present residential weatherization program. The present BPA program excludes certain types of residences from receiving air infiltration reducing (tightening) measures. These tightening measures are storm windows and doors, weather stripping, caulking, and electrical switchplate and outlet gaskets. Under the proposed expanded program, all presently excluded residences would be eligible to receive tightening measures. The proposed program would meet the intent of the Pacific Northwest Electric Power Planning and Conservation Act (regional act) and would aid in ensuring an adequate, reliable, economical and efficient electrical energy system for the region. The Environmental Impact Statement

evaluates the effects of three alternative actions for the BPA weatherization program: no action; proposed action; delayed action. The major effects examined include air quality (indoor and outdoor), public health, energy, socio-economic and institutional.

Federal Funds Requested: NA  
Staff Response: Favorable action.

12. Project Title: Head Start  
Applicant: Washington County Community Action Agency  
Project Summary: Funds will provide comprehensive preschool services to 37 low-income families. Services to be provided include education, health, nutrition and mental health delivery to children the year prior to entering public schools. Parent involvement opportunities and social services are to be provided to the families of enrolled children.  
Federal Funds Requested: \$92,500 HHS  
Staff Response: Favorable action.
13. Project Title: Parent Child Center (#8310-2)  
Applicant: Parent Child Services, Inc.  
Project Summary: Funds will be used to provide counselling and educational services to 15 children and their families during the transition from foster care to their natural parents.  
Federal Funds Requested: \$36,000 HHS  
Staff Response: Favorable action.

MCH/gl  
0285C/D2



CONSIDERATION OF RESOLUTION NO. 83-434 FOR  
THE PURPOSE OF AMENDING THE TRANSPORTATION  
IMPROVEMENT PROGRAM (TIP) TO INCORPORATE A  
SERIES OF PROJECTS SPONSORED BY THE OREGON  
DEPARTMENT OF TRANSPORTATION (ODOT)

---

Date: October 17, 1983

Presented by: Andy Cotugno

FACTUAL BACKGROUND AND ANALYSIS

Exhibit "A" to Resolution No. 83-434 is a list of projects that Metro has been requested to have identified in the FY 1984 TIP. The request originated with ODOT in order to initiate preliminary work in early FY 1984. The projects are identified in ODOT's Preliminary Six-Year Program.

The Oregon Transportation Commission (OTC) will not formally adopt the Six-Year Program until January 1984. Because of this, timely project development may be jeopardized. So as to accelerate implementation, the OTC has indicated that ODOT may proceed in project development in advance of formal adoption of the Six-Year Program.

TPAC recommended adoption of the resolution. On November 10, 1983, JPACT members were polled by phone and approval was given to recommend adoption of the attached Resolution.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adopting the attached resolution.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 7, 1983, the Regional Development Committee unanimously recommended Council adoption of Resolution No. 83-434.

BP/gl  
0159C/366  
11/14/83

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE )  
TRANSPORTATION IMPROVEMENT PROGRAM )  
(TIP) TO INCORPORATE A SERIES OF )  
PROJECTS SPONSORED BY THE OREGON )  
DEPARTMENT OF TRANSPORTATION )

RESOLUTION NO. 83-434

Introduced by the Joint  
Policy Advisory Committee  
on Transportation

WHEREAS, Through Resolution No. 83-430, the Metro Council adopted the TIP and its FY 1984 Annual Element; and

WHEREAS, The Oregon Department of Transportation (ODOT) has requested that a series of restoration projects be added to the TIP; and

WHEREAS, Preliminary Engineering for these projects, and in some cases construction, will be initiated in FY 1984; and

WHEREAS, The projects are identified in ODOT's Preliminary Six-Year Program; and

WHEREAS, The Oregon Transportation Commission (OTC) has indicated that ODOT staff can proceed on project implementation in advance of formal OTC adoption of the Six-Year Program; and

WHEREAS, It is necessary that projects utilizing federal funds be included in the TIP in order to be federally obligated; now, therefore,

BE IT RESOLVED,

1. That the Metro Council endorses the projects in Exhibit 'A' and their use of the noted federal funding sources.
2. That the TIP and its Annual Element be amended to reflect these authorizations.
3. That the Metro Council finds the projects in

accordance with the region's continuing cooperative, comprehensive planning process including the State Implementation Plan to meet air quality standards and, thereby, gives affirmative intergovernmental project review approval.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

BP/gl  
0159C/366  
11/14/83

# EXHIBIT "A"

## RESTORATION PROJECTS TO BE ADDED TO THE FY 1984 TIP (Federal \$)

### Projects Using Federal Aid Interstate 4R Funds<sup>1</sup>

1. I-5 - Marquam Bridge to N. Tigard Interchange--Overlay and Illumination	PE Const.	\$ 184,000 5,342,440 5,526,440
2. I-5 - Southbound Connection to Banfield--Widen and Add Lane	PE Const.	\$ 8,280 121,440 129,720
3. I-5 - Lombard Street to Portland Blvd.--Grading and Paving	PE Const.	\$ 59,800 943,000 1,002,800
4. I-5 - Iowa Street Viaduct (8197)--Deck Restoration	PE Const. <sup>2</sup>	\$ 27,600 727,720 755,320
5. I-5 - Delta Park to Marquam Bridge--Base Shoulder Overlay	PE Const. <sup>2</sup>	\$ 230,000 7,367,360 7,597,360
6. I-5 - Morrison Bridge Ramps--Deck Restoration/Joint Repair	PE Const. <sup>2</sup>	\$ 46,000 1,571,360 1,617,360
7. I-5 - Overcrossing Hassalo/Holiday (8583)--Deck Restoration	PE Const. <sup>2</sup>	\$ 26,970 641,870 668,840
8. I-5 - Northbound Connection to Southbound I-405--Deck Restoration	PE Const. <sup>2</sup>	\$ 36,800 875,840 912,640
9. I-5 - Overcrossing Columbia Blvd./Union Pacific Railroad (8882)--Deck Restoration	PE Const. <sup>2</sup>	\$ 36,800 811,440 848,240
10. I-5 - Overcrossing Columbia Slough (8883)--Deck Restoration	PE Const. <sup>2</sup>	\$ 36,800 1,294,440 1,331,240
11. I-405-Fremont Bridge Structural Repairs	Const.	\$ 552,000
Total 4R Funds		\$20,941,960

### Projects Using Federal Aid Primary Funds

Highway 217 - Sunset Highway to I-5--Overlay	PE Const.	\$ 176,000 2,757,040 2,933,040
Total FAP Funds		\$ 2,933,040

- <sup>1</sup> Interstate restoration, rehabilitation, resurfacing and reconstruction.  
<sup>2</sup> FY 1985

BP/gl  
0159C/366  
10/29/83

CONSIDERATION OF RESOLUTION NO. 83-438  
CONFIRMING NOMINATIONS TO THE TRI-MET SPECIAL  
NEEDS TRANSPORTATION COMMITTEE AND APPROVING  
SPECIAL NEEDS PLANNING REQUIREMENTS

Date: November 10, 1983

Presented by: A. Cotugno

FACTUAL BACKGROUND AND ANALYSIS

On October 31, 1983, the Tri-Met Board passed a resolution forming a "Special Needs Transportation Advisory Committee" to develop recommendations on the provision of transit services to the elderly and disabled community. They have since requested Metro to submit nominations for membership by November 30, 1983.

It is important for Metro to be represented on this Committee to work closely with Tri-Met in developing their plan because:

- Metro must adopt an elderly and disabled transit element of the Regional Transportation Plan (RTP);
- Metro must approve future federal capital grant requests for elderly and disabled transit equipment consistent with this element of the RTP; and
- Metro must ensure certain federal urban planning requirements are met to ensure the region remains "certified" to receive federal transportation funds.

In addition, it is important to distinguish between the major policy directions of the plan that are needed for inclusion in Metro's RTP vs. the detailed operating plan that is adopted by Tri-Met. The attached resolution confirms the Presiding Officer's nominations to the Committee and approves the Special Needs Transportation planning requirement for transmittal to Tri-Met.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of the Special Needs Transportation planning requirements.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Development Committee recommended nomination of Councilors Kelley and Etlinger with one serving as a member and the other an alternate and recommends approval of the Special Needs Transportation planning requirements.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING	)	RESOLUTION NO. 83-438
NOMINATIONS TO THE TRI-MET	)	
SPECIAL NEEDS TRANSPORTATION	)	Introduced by the Regional
COMMITTEE AND APPROVING SPECIAL	)	Development Committee
NEEDS PLANNING REQUIREMENTS	)	

WHEREAS, The Tri-Met Board has called for the formation of a "Special Needs Transportation Committee" to address the needs of the elderly and disabled community; and

WHEREAS, Metro has been requested to submit nominees to the Committee; and

WHEREAS, Metro must adopt an elderly and disabled transit element of the Regional Transportation Plan (RTP) upon completion by Tri-Met and approve federal funding capital grant requests consistent with the RTP; now, therefore,

BE IT RESOLVED,

1. That the Metro Council confirms the nomination of Councilor Etlinger as a member and Councilor Kelley as an alternate to Tri-Met's Special Needs Transportation Committee.

2. That the Metro Council approves transmittal of the Special Needs Transportation planning requirements defined in Attachment "A" to Tri-Met.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

0301C/366  
11/15/83

RESOLUTION NO. 83-438



ATTACHMENT "A"

ELDERLY AND DISABLED TRANSIT SERVICE  
PLANNING REQUIREMENTS

- I. Amend the RTP to incorporate an Elderly and Disabled Transit Service Plan, including:
  - A. Generalized Service Concept
    - . Service area
    - . Service days and hours
    - . Fare
    - . Capacity
  - B. Target Population and Projected Ridership
    - . Expected demand
    - . Portion of demand to be served
    - . Trip purposes to be served
  - C. Policies Regarding Administration of UMTA Section 16(b)(2) Funds Available to Private, Non-profit Corporations for Disabled Equipment
- II. Amend the TIP to incorporate capital program needed to implement plan.
- III. Ensure urban planning process requirements of UMTA are satisfied, including:
  - . Involvement of appropriate public and private transportation operators
  - . Demonstration that "special efforts" are being made to plan facilities and services for the elderly and disabled.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING	)	RESOLUTION NO. 83-431
GUIDELINES FOR THE EXPENDITURE	)	
OF COUNCIL PER DIEM, EXPENSE AND	)	Introduced by Councilors
GENERAL MATERIALS AND SERVICES	)	Kafoury and Kirkpatrick
ACCOUNTS	)	

WHEREAS, The adopted budget of the Metropolitan Service District appropriates funds to Council Per Diem and Council Expense accounts to be equally distributed to each Councilor at the beginning of the fiscal year; and

WHEREAS, The adopted budget of the Metropolitan Service District appropriates funds to a Council General account for Materials and Services expenses for general Council support; and

WHEREAS, ORS 268.160 declares that, "notwithstanding the provisions of ORS 198.195, Councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the Council"; and

WHEREAS, The Council has never defined and adopted guidelines for the expenditure of:

- Individual Councilor per diem appropriations;
- Individual Councilor expense appropriations; and
- Council General account Materials and Services appropriations; now, therefore,

BE IT RESOLVED,

1. That guidelines for the expenditure of Council Per Diem, Expense, and General Council Materials and Services accounts, attached hereto as Exhibit "A," are hereby adopted by the Council of the Metropolitan Service District.



2. That the Metropolitan Service District shall publish and distribute to each Councilor a monthly report documenting all per diem and expense charges and all Council General account Materials and Services charges authorized for the previous month.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

gl  
0015C/353  
9/19/83

## EXHIBIT "A"

### GUIDELINES FOR THE EXPENDITURE OF COUNCIL PER DIEM, EXPENSE AND GENERAL MATERIALS AND SERVICES ACCOUNTS

#### COUNCILOR PER DIEM

1. Each Councilor is authorized to receive up to \$2,160 (36 meetings per half year, i.e., July-December/January-June) each fiscal year in per diem from the Council Per Diem account.
2. Per diem shall be paid at a rate of \$30 per meeting.
3. Per diem shall be authorized for attendance at regular and special Council meetings, and regular and special Council committee and task force meetings. Per diem may also be collected for attendance at a task force meeting or function approved by the Presiding Officer.
4. Payments within these limits shall be authorized by the fiscal officer of the Metropolitan Service District.

#### COUNCILOR EXPENSES

1. Each Councilor is authorized to receive up to \$1,500 each fiscal year as reimbursement for authorized expenses incurred for necessary Council-related activities.
2. Each request for reimbursement must be accompanied by supporting documentation which shall include the nature and purpose of the activity, the names and titles of all persons for whom the expense was incurred and receipts justifying the expense as required by the Internal Revenue Service. No reimbursement shall be authorized for any expense submitted without the above-required documentation.
3. In addition to necessary Council-related travel, meals and lodging expenses, expenses may include:
  - a. Advance reimbursement for specific expenses, provided that any advance reimbursement in excess of actual expenses incurred shall be returned or shall be deducted from subsequent expense reimbursement requests:
  - b. Up to \$200 per year for memberships in non-partisan community organizations;

Guidelines for Council Expenditures  
Page 2

- c. Expenses to publish and distribute a Council-related district newsletter may not be mailed within 120 days of an election in which a Councilor is a candidate;
  - d. Council business-related books, publications and subscriptions;
  - e. Meeting or conference registration fees; and
  - f. Child care costs for necessary Metro business with documentation as outlined in No. 2 of this section, including duration of the activity.
4. Reimbursement shall not be authorized for the following:
- a. Alcoholic beverages;
  - b. Laundry or dry cleaning costs;
  - c. Contributions to political campaigns of any kind;
  - d. Parking tickets or citations for traffic violations;
  - e. Contributions to fund-raising efforts of any kind;
  - f. Entertaining or other social functions; or
  - g. Any other costs or purchases considered to be of a personal nature, such as supplies for personal use.
5. Payments within these limits shall be authorized by the fiscal officer of the Metropolitan Service District. Other requests for Metro-related business must be approved by the Council Coordinating Committee.

TRANSFERS

Notwithstanding the limits on per diem and expenses indicated above, the Council Coordinating Committee may, upon advance request by a Councilor, authorize the fiscal officer to transfer funds between a Councilor's per diem and expense accounts. Such transfers may be made only to the extent that the combined total of each Councilor's authorized per diem and expense accounts is not exceeded. Transfers between one Councilor's per diem and/or expense accounts and another Councilor's per diem and/or expense accounts are not authorized.

GENERAL PROVISIONS

1. A Councilor may receive per diem, plus mileage to the meeting, and/or reimbursement for actual authorized expenses incurred, for attendance at Council, Council committee, Council task force meetings or other meetings approved by the Presiding Officer or chair of a committee.
2. Reimbursement for travel and subsistence on official business shall only be for the amount of actual and reasonable expenses incurred during the performance of official duty as a Metro Councilor.

COUNCIL GENERAL ACCOUNT

1. The purpose of the Council General account is to provide support for the General Council, Council committees and Council task forces.
2. Authorized expenses which may be charged to appropriate Materials and Services categories in the Council General account include:
  - a. Meals for regular and special Council, Council committee and Council task force meetings.
  - b. Facilities rentals for public meetings;
  - c. Meeting equipment such as audio-visual aids, public address systems, tape recorders, etc., for public meetings;
  - d. Receptions for guests of the Council, Council committees or Council task forces;
  - e. Honoraria;
  - f. Expenses for official visitors;
  - g. General Council, Council committee or Council task force information, publications, promotional materials or supplies;
  - h. Remembrances from the Council, Council committee or Council task force;
  - i. Professional services for the Council, Council committee or Council task force.

Guidelines for Council Expenditures  
Page 4

- j. Outside consultants to the Council, Council committee or Council task force; and
  - k. Authorized travel on behalf of the Council, Council committee or Council task force.
3. Expenses to the Council General account shall not be authorized for the following:
- a. Alcoholic beverages;
  - b. Contributions to political campaigns of any kind;
  - c. Contributions to fund-raising efforts of any kind; or
  - d. Social functions including birthday and retirement parties, and holiday observances.
4. Within the Council General account up to \$1,200 per year shall be reserved for expenses incurred by the Presiding Officer of the Council in carrying out official duties associated with that office.
5. An individual Councilor may request reimbursement from the Council General account for expenses incurred for general Council business.
6. All requests for reimbursement or expenditure from the Council General account must be approved by the Presiding Officer. The Presiding Officer shall submit a budget for the General Account to the Council Coordinating Committee. The Presiding Officer can authorize expenditures within the limits approved by the Council Coordinating Committee. The Fiscal Officer shall provide monthly reports to the Council Coordinating Committee. Each request must be accompanied by supporting documentation which shall include the nature and purpose of the expense, the names and titles of all persons for whom the expense was or will be incurred and receipts justifying the expense.

0105C/313  
11/10/836

CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT  
WITH OREGON CITY REGARDING CLACKAMAS TRANSFER &  
RECYCLING CENTER (CTRC)

---

Date: October 27, 1983

Presented by: Dan Durig/  
Norm Wietting

FACTUAL BACKGROUND AND ANALYSIS

On November 4, 1981, the Oregon City Planning Commission approved the site plan and design of the CTRC, with 12 conditions, including the following:

- (3) The facility will be sized for a maximum of 400 tons/day.

On February 24, 1983, the Planning Commission approved a revision to the above Condition #3, as follows:

To grant an increase in tonnage at the CTRC not to exceed 800 tons per day, until the hearing provided in Condition (1), with the following conditions:

- (1) The Planning Commission will conduct a review at its January 1984 meeting. That review is to include the general parameters of the 1985 review as recommended by staff, but focus primarily on traffic impacts as related to the 800 tons/day limit.
- (2) In the event that serious traffic problems arise before the end of the calendar year 1983--as determined by the Oregon Department of Transportation, the City Engineer, and the Police Chief--the City shall give thirty (30) days notice to Metro of immediate review by the Planning Commission.
- (3) If Planning Commission review at either (1) or (2) above determines that traffic mitigation measures are needed, the tonnage may be reduced to 400 tons/day until such measures are completed.
- (4) Metro agrees to monitor tonnage to assure a maximum 800 tons/day. Additional tonnage generated from Multnomah or Washington County is to be diverted to other disposal sites.



- (5) The Planning Commission recognizes that minor "start-up" problems are probably unavoidable and directs staff to monitor long-term and major impacts.
- (6) The Planning Commission specifically reiterates its intent that the CTRC not be the only long-term regional facility, but is an element in a regional solid waste disposal system of transfer stations and landfills. Operation of the facility in excess of 400 tons/day beyond March of 1985 is contingent upon a second transfer station being sited and construction started.

The CTRC became the sole disposal site in the area with the closure of Rossman's Landfill in mid-June. The 800 tons/day limit was exceeded four out of five weekdays of operation.

Metro came before the Planning Commission in June to determine if the 800 tons/day limit is interpreted as a maximum tonnage per day or as an average over time. The Planning Commission concluded that the condition is meant to be a maximum of 800 tons/day and not an average.

The Planning Commission instructed Metro to apply for a change in the limit if this interpretation needed to be changed. Metro applied to change this condition and at its July meeting the Planning Commission recommended that the City Commission adopt an Ordinance to levy the following charges:

A tonnage surcharge of \$1.00 per ton for each ton over the maximum of 800 tons per day shall be paid to the city of Oregon City on a monthly basis. A fine of \$100.00 per ton for each ton over 1,000 tons per day shall be paid to the city of Oregon City. This recommendation should be passed on to the City Commission for final decision and determination of use of the funds.

The City Commission considered this motion and also a surcharge of 25¢ per ton on all solid waste that is received by a transfer station operated by a governmental agency on real property exempt from taxation. Metro advised Oregon City that this 25¢ per ton charge was probably illegal.

Following discussions with Metro staff, the Oregon City staff recommended an intergovernmental agreement by which Metro would pay the City directly for extraordinary costs the City might incur as a result of the transfer station. Attached is an agreement which would allow that, while at the same time protect Metro from any unreasonable demands by Oregon City. This agreement was approved by the Oregon City Commission on October 5, 1983.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the Council by motion approve the agreement. This approach is a reasonable and workable

solution for both Metro and Oregon City. It recognizes our responsibility, yet avoids a substantial add-on to the cost of disposal.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Services Committee recommends to Council that the Intergovernmental Agreement with Oregon City regarding the Clackamas Transfer & Recycling Center (CTRC) be accepted.

NW/gl  
0218C/366  
11/09/83



## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is entered into this 5th day of October, 1983, between the METROPOLITAN SERVICE DISTRICT (METRO), and the CITY OF OREGON CITY, OREGON.

WHEREAS, Metro is a regional government with statutory responsibility for solid waste disposal in portions of Clackamas, Washington and Multnomah Counties, including Oregon City; and

WHEREAS, Metro owns and operates a solid waste transfer facility known as the Clackamas Transfer & Recycling Center (CTRC) at 16101 S. E. 82nd Street in Oregon City, Oregon; and

WHEREAS, Metro as a public agency is exempt from property taxation on the above-mentioned transfer facility; and

WHEREAS, Metro or its agents pay directly for most city services to the transfer facility, e.g., sanitary sewers, water, drainage, security, litter clean up, building permits, inspection fees, etc.; and

WHEREAS, Metro has agreed to install a traffic signal device at the intersection of the CTRC entrance and sidewalks if either become necessary in the future; and

WHEREAS, The Oregon City residents currently receive the benefits of lower waste disposal rates through direct use of the CTRC and/or through local collection rates; and

WHEREAS, Metro does not wish to cause an economic hardship on the City of Oregon City resulting from the location of the CTRC within the City's boundaries; and

WHEREAS, The facility itself has been constructed and is

being operated in a manner to protect the residents of the City of Oregon City from adverse impacts resulting from the disposal of solid waste; now, therefore,

IT IS HEREBY AGREED AS FOLLOWS:

1. Metro agrees to reimburse the City of Oregon City for any extraordinary costs incurred by the City as a direct result of the operation and location of the CTRC. Such costs are not to include costs of normal city services which are generally provided to the residents and businesses of the City; rather they are intended to include unanticipated and extraordinary expenses incurred by the City for the benefit of the facility.

2. The extraordinary costs referred to in paragraph "1" include but are not limited to the following:

- a. clean up of spilled debris from garbage trucks within one-half mile of the facility;
- b. fire fighting efforts at the facility requiring City forces not normally on duty;
- c. civil disturbances such as labor disputes which would require extra police service patrolling in the vicinity of the CTRC;
- d. extraordinary remedial action by the City to required to prevent environmental damage resulting directly from the operation of the facility;
- e. attorney's fees incurred by the City in defense of any suit or action against the City directly resulting from tortious acts of Metro or its

agents at the facility. Except for attorney fee's this Agreement is not intended to provide for any respective rights of indemnity by one party against the other which rights shall be determined by general legal principles.

3. It is recognized that most or all of the situations indicated in paragraph "2" may be handled and resolved by Metro or its agents. Therefore, reimbursement as provided in paragraph "1" shall be available only in the above situations in which Metro cannot or will not handle or resolve the situation or in which Metro requests the service indicated in paragraph "2." Except in emergency situations, the City will notify Metro of a situation needing remedial action and Metro shall have a reasonable time within which to resolve such situation.

4. This Agreement shall remain in effect for an indefinite period and may be terminated by either party upon ninety (90) days written notice.

WHEREFORE this Agreement has been executed as of the date first above written.

CITY OF OREGON CITY

METROPOLITAN SERVICE DISTRICT

By: 

MAYOR

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

CONSIDERATION OF A REQUEST FOR ASSISTANCE  
IN FUNDING EAST WASHINGTON COUNTY URBAN  
SERVICES STUDY

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Date: November 6, 1983

Presented by: D. Carlson

FACTUAL BACKGROUND AND ANALYSIS

Metro has been requested to assist in the funding of an urban services study in Washington County. As indicated in the attached letters from Beaverton Mayor Jack Nelson and Tigard Administrator Bob Jean the study is being conducted in two phases. Phase I which is almost complete examines the cost and existing service levels provided by urban service governments in the County. Phase II for which funding is now being solicited will examine the equity of existing funding relationships to determine whether or not urban subsidies exist among the various local units. As indicated in the attached letters the study will not suggest organizational changes, but will provide a body of knowledge which can be used if so desired by governmental units to explore ways and means to lower governmental costs.

Also as indicated in the attachments this study effort has achieved broad based support from public agencies in Washington County as well as some of the private utilities in the County.

This request for assistance falls within the spirit of Metro's local assistance program. During the past three years Metro has spent or budgeted a total of \$7,302 on its Small City Technical Assistance Programs involving 12 city and county agencies. Most of these funds have been used as match grants for local units to hire student interns to conduct a specific work task identified by the unit with Metro's assistance. In addition in the Small City Technical Assistance Programs, Metro staff has provided direct assistance on nine local projects involving nine separate local units during this same three-year period.

Other local assistance provided by Metro included a contract between Multnomah County and Metro in September 1979 to:

"Research and staff support to Multnomah County in assisting the Mid-County Future Alternatives Committee (MCFAC), the general public and other public groups in developing and studying options (incorporation, consolidation, annexation, status quo, etc.) for the area east



of Portland and Maywood Park, and west of the incorporated cities of the East County."

Under terms to the agreement the County paid Metro \$10,000 and Metro provided staff support to assure that research and staff support was provided including study design, sending out requests for proposals and selection and monitoring of consultant contract to complete the project. In a related informal agreement, Metro agreed to pay \$400 towards an advertisement notifying the public of a large public meeting at which organizational options for mid-Multnomah County were presented and discussed.

Approval of Metro's involvement in this study through modest funding support would be consistent with these many past efforts. In addition to providing local government assistance, the focus of the study is relevant to Metro's interest in urban service financing and economic development.

Since this request is not budgeted, it requires the transfer of funds from contingency to a department budget for disbursement. As outlined in the attached memo from Dan LaGrande, a transfer of \$1,500 from contingency to the Contractual Services line item in the Department of Public Affairs' would provide the requested funding level. The attached analysis of the General Fund ending fund balance, as of September 30, 1983, indicates sufficient funds to support this project.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of this request and the transfer of \$1,500 from the General Fund Contingency to the Contractual Services line item in the Department of Public Affairs to implement the study. An ordinance amending the budget and appropriations schedule for this item and several others will be presented to the Council Coordinating Committee in December for action.

#### COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 14, 1983, the Council Coordinating Committee recommended Council approval of the request and the transfer of \$1,500 from the General Fund Contingency to the Contractual Services line item in the Department of Public Affairs to implement the study.

BEAVERTON

August 29, 1983

Jack Nelson  
Mayor

Councilor Bob Oleson, District #1  
Metropolitan Service District  
527 S.W. Hall Street  
Portland, Oregon 97201

Dear Councilor Oleson:

I am writing to bring you up to date on a major cooperative study being conducted by the cities, county, special districts, and public utilities in Washington County and to ask for assistance on the part of Metropolitan Service District.

I have long witnessed local governments as they struggle with the questions of urban service provision. We hear much discussion of cross subsidization, tax inequities, urban subsidies, and overlapping governmental services.

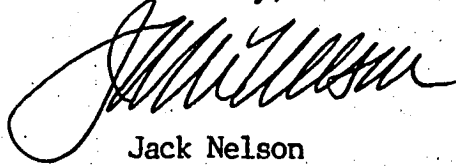
In this era of property tax limitations and increased concern of all citizens about the cost of governmental services, it is incumbent upon local government to seek ways to deliver needed services in the most cost efficient way possible. The factors which effect the efficient delivery of urban services in a rapid growth area like Washington County prompted the cities, county and special districts to enter into a cooperative intergovernmental agreement to finance and conduct a two phase study. The two phases will document the costs of service delivery and analyze the extent to which cross subsidization exists. The study will not address changes in structure but will provide a neutral analysis for developing baseline data to use in cooperative efforts to lower governmental costs.

The cost of the first phase of the study, conducted by Dr. Sheldon Edner of Portland State University's Center For Urban Affairs, is \$30,750 raised through participation by Beaverton, Hillsboro, Tigard, Tualatin, Wolf Creek Water District, Washington County Fire District #1 and General Telephone, N.W. Natural Gas and Portland General Electric (in lieu of Durham, Sherwood, Cornelius and Wilsonville's contribution). The Phase II Service Equity Study (\$31,250) has committed financial support from Washington County, Unified Sewerage Agency, Forest Grove, Hillsboro and another special districts. Additional financial support is needed to insure the study's completion and success.

We believe that the product we are seeking will both help refine our service delivery techniques and serve as a prototype for other areas of the State seeking resolution of similar service delivery dilemmas.

I would request, for all of the local governments involved in this effort, your support for this Phase II project. The Metropolitan Service District's participation through a \$2,000 grant would complete the funding package for the study. I will follow this letter with a telephone call to discuss your participation and support and to set up an appointment to provide further information to you to make a final decision.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Nelson", with a large, sweeping initial "J".

Jack Nelson



September 7, 1983

MR. RICK GUSTAFSON,  
EXECUTIVE OFFICER  
METRO  
527 S.W. HALL STREET  
PORTLAND, OREGON 97201

SUBJECT: URBAN SERVICES STUDY, PHASE II FUNDING

Dear Mr. Gustafson:

As you know from the recent contacts by Mayor Nelson of Beaverton, Phase I (Service Levels) of the Urban Services Study by Portland State University for local governments in Washington County is about complete. We now need to complete our funding commitments for Phase II (Funding Equity/"Double Taxation") by September 26, 1983.

It is the study committee's understanding that your agency would be interested in participating financially in Phase II. On behalf of the committee, we request \$2,000 as the needed share from your agency.

Attached is a listing of the contributors by agency needed to complete the study. Your prompt reply and, as always, your consideration, is appreciated.

Yours truly,

CITY OF TIGARD

  
Robert W. Jean,  
City Administrator

P.S. - Checks should be made out to: Urban Services Study/City of Beaverton, and mailed to Mr. David Chen, Finance Director, Beaverton City Hall.

RWJ : dkr  
CC : Mayor Jack Nelson, Beaverton  
Fund Raising Sub-Committee

Attachment



URBAN SERVICES STUDY  
WASHINGTON COUNTY, OREGON

	<u>RECEIVED TO DATE</u>	<u>PHASE II SHARE</u>	<u>TOTAL FUNDING</u>
CITY OF BEAVERTON	\$ 9,000		\$ 9,000
CITY OF HILLSBORO	6,250	\$ 1,250	7,500
CITY OF TIGARD	5,000		5,000
CITY OF TUALATIN	2,500		2,500
CITY OF CORNELIUS	*	1,000	1,000
CITY OF SHERWOOD	*	500	500
CITY OF DURHAM	*	500	500
CITY OF WILSONVILLE	*	500	500
CITY OF FOREST GROVE		2,500	2,500
GENERAL TELEPHONE (*)	1,000		1,000
NORTHWEST NATURAL GAS (*)	1,000		1,000
PORTLAND GENERAL ELECTRIC (*)	1,000		1,000
WASHINGTON COUNTY FIRE DISTRICT #1	2,500		2,500
TUALATIN RURAL FIRE DISTRICT		2,500	2,500
WOLF CREEK WATER DISTRICT	2,500		2,500
UNIFIED SEWERAGE AGENCY	5,000		5,000
WASHINGTON COUNTY	5,000	5,000	10,000
METRO		2,000	2,000
OREGON DEPARTMENT OF TRANSPORTATION		2,000	2,000
OREGON INTERGOVERNMENTAL RELATIONS DIVISION		2,000	2,000
HOMEBUILDER'S ASSN. OF METROPOLITAN PORTLAND		1,500	
<u>TOTAL STUDY CONTRIBUTIONS:</u>	<u>\$40,750</u>	<u>\$21,250</u>	<u>\$62,000</u>
 URBAN SERVICES STUDY REQUIREMENTS:			
PHASE I (SERVICE LEVELS)	\$30,500		\$30,500
PHASE II (FUNDING EQUITY)		31,500	31,500
<u>TOTAL STUDY REQUIREMENTS:</u>	<u>\$30,500</u>	<u>\$31,500</u>	<u>\$62,000</u>

\* Towards Small Cities' Shares...



METROPOLITAN SERVICE DISTRICT  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

## MEMORANDUM

Date: September 15, 1983

To: Don Carlson, Deputy Executive Officer

From: Dan LaGrande, <sup>102</sup>Public Affairs Director

Regarding: Grant Request

The request from Beaverton Mayor Jack Nelson for a \$2,000 grant relates directly to our Local Government Assistance Program.

The issue to be resolved is the size of the grant. Our normal grant award under the Small City Assistance Program is \$500. Local governments are required to match that amount.

There are two options if we make the \$2,000 award:

- a) Curtail the Small Cities Assistance Program for the balance of the fiscal year. Of the \$5,000 budgeted, \$1,500 has been obligated to date. Another \$1,500 is earmarked for three cities next quarter. The balance will be awarded by July 1st.
- b) Seek Council authorization to transfer \$1,500 from contingency to the Small Cities Assistance fund, take \$500 from the current budget and award the \$2,000 grant to Mayor Nelson's Cooperative Study.

I recommend option b. This would provide \$500 from the existing budget and \$1,500 from contingency to continue the Small Cities Program at the level authorized by the Council for this fiscal year.

Attachment

cc: Ray Barker, Council Assistant



**METROPOLITAN SERVICE DISTRICT**  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

## MEMORANDUM

Date: November 10, 1983  
To: Donald E. Carlson, Deputy Executive Officer  
From: Jennifer Sims, Mgr., Budget & Admin. Services  
Regarding: General Fund Projected Ending Fund Balance

Table A attached provide the summary data for a budget basis projected ending fund balance.

Reading left to right, Table A Resources displays the budgeted resources to the fund, projected net changes and, finally, the estimated total resources to be received for the year. The projected net change is the difference between unbudgeted windfall revenue (extra fund balance, higher interest earnings and rent) and budgeted overhead that may not be realized. A net increase of \$81,531 in resources is projected.

Table A, Planned Expenditures, shows the amount budgeted for spending (does not include contingency), projected net changes in expenses and total estimated expenses for the year. A net increase of \$85,353 in expenses is projected. This assumes that all budgeted costs will be expended.

The difference between projected total resources and expenditures equals the projected Ending Fund Balance on a budget basis (\$85,862). It continues to be our management policy to maintain a contingency/ending fund balance of at least three percent of the fund's budgeted resources. Under this policy the target amount is \$67,677. This leaves a net difference between the minimum desired and projected ending fund balance of \$18,185.

JS/gl  
0292C/D2

Attachments

TABLE A

GENERAL FUND PROJECTED ENDING FUND BALANCE  
(Budget Basis)

	Budget	Projected Net Changes	Projected Year End Totals
Resources	\$2,255,896	+\$81,531	\$2,337,427
Planned Expenditures	\$2,166,212	+\$85,353	\$2,251,565
Projected Difference Resources/Expenditures			\$85,862
Projected Ending Fund Balance FY 1983-84			\$85,862
Minimum Target Ending Fund Balance @ 3%			\$67,677
Difference Between Projected & Target Ending Final Balance			\$18,185

JS/gl  
0279C/361

CONSIDERATION OF ORDINANCE NO. 83-165 FOR  
THE PURPOSE OF ADOPTING A DISADVANTAGED  
BUSINESS PROGRAM, AND RESOLUTION NO. 83-435  
FOR THE PURPOSE OF APPROVING FY 1983-84  
GOALS FOR UTILIZATION OF DISADVANTAGED AND  
WOMEN OWNED BUSINESSES.

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Date: November 2, 1983

Presented by: Donald E. Carlson and  
Sue Klobertanz

FACTUAL BACKGROUND AND ANALYSIS

In March 1983 the Metro Council expressed a need to review existing minority business enterprise policies and created the MBE Policy Review Committee, an ad hoc committee, to review Metro's existing MBE policies (Committee make up shown in Attachment A). Subsequent to that time, Metro also received revised federal regulations dealing with utilization of disadvantaged businesses.

The ad hoc MBE Committee met for five consecutive weeks in May and June, reviewing Metro's current MBE Program, potential problem areas and recommending a general method for resolution.

From the Committee recommendation and revised federal regulations, Metro staff drafted a proposed Disadvantaged Business Program which was reviewed and further changed per Committee recommendation in October 1983. The attached draft Ordinance (DB Program) and draft Resolution (FY 1983-84 DBP Goals) were released on October 28, 1983, for review with a first reading and public hearing scheduled for November 22, 1983.

The essential features of this Ordinance are as follows:

1. The DB Program applies to all Metro contracts.  
(Intergovernmental Agreements, revenue producing contracts and agreements for receipt of pass-through funds are not included in the definition of contracts for purposes of this program.)
2. The Council is required each June to establish overall program goals for each type of contract (i.e., construction, DOT assisted, procurement, personal service and labor and materials) for the ensuing fiscal year.
3. For each construction contract over \$50,000 the annual goal shall be the contract goal (i.e., if the annual goal



is 10 percent, the contract goal is 10 percent). Contract goals for such contracts must be met through subcontracting work only or through the best effort clause. The best effort clause is essentially the same as now exists except the publication deadline requirement in a minority newspaper is reduced from 20 days to 10 days and language has been revised to be more specific.

4. For all other applicable contracts (construction contracts under \$50,000, DOT assisted contracts, labor and materials contracts, personal services contracts and procurement contracts), there are no contract goals unless so stated in writing by the Liaison Officer prior to the solicitation of bids. If a goal is set for such a contract, it must be complied with through either the main contractor, subcontractors or a best faith effort made.
5. A Liaison Officer must be designated by the Executive Officer to carry out the objectives of this program. The Liaison Officer is required to report directly to the Executive Officer periodically on the administration of this program. The Liaison Officer has the responsibility to assist Department Heads and project managers in the implementation of the program.

The proposed Program has been developed to be clear, concise and easy to administer. It is anticipated to be administered with existing staff (no additional staff is proposed).

A listing of major issues and a comparison of Committee recommendations with the draft Ordinance is included as Attachment B.

The attached Resolution No. 83-435 establishes the DBP goals for FY 1983-84. Because of the timing of the program revision, Metro did not set new goals in June 1983. Instead, this Resolution would, in fact, set goals retroactively to July 1, 1983.

Attachment A to the Resolution restates the goals and provides the methodology for setting the goals.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Ordinance and Resolution.

#### COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 14, 1983, the Council Coordinating Committee unanimously recommended Council adoption of Ordinance No. 83-165 and Resolution No. 83-435.

ATTACHMENT A

MBE POLICY REVIEW COMMITTEE  
(as appointed)

Mr. Charles Crews  
National Business League  
6939 N.E. Grand Avenue, Suite 4  
Portland, OR 97211

Ms. Grace Gallegos  
IMPACT  
8959 S.W. Barbur Blvd.  
Portland, OR 97219

Mr. Ron Anderson  
Associated General Contractors  
9450 S.W. Commerce Circle  
Wilsonville, OR 97070

Mr. Don Matsuda  
Small Business Administration  
1220 S.W. 3rd Avenue  
Portland, OR 97204

Mr. Harold Vaughan  
City of Portland  
1220 S.W. 5th Avenue  
Portland, OR 97204

Mr. Kay Rich  
Metro's Washington Park Zoo  
4001 S.W. Canyon Road  
Portland, OR 97221

(also participating)

Mr. Jim Cason  
CA-SUN Solar Mechanical  
5036 N.E. Holman Street  
Portland, OR 97218

## ATTACHMENT B

COMPARISON OF COMMITTEE RECOMMENDATION  
TO DRAFT DISADVANTAGED BUSINESS PROGRAM

MBE Questions	Committee Recommendation	Draft Program
1. Should the MBE Program apply to all program areas or just those areas required by federal law (USDOT and EPA assisted contracts)?	All Areas	Same
2. Should the Program apply to all types of contracts (construction, consulting, procurement)?	All Types	Same
3. Should certain types of contracts be exempt (e.g., retention of legal counsel, retention bonding consultants, procurement of materials under \$_____, contracts which can or should be performed only by a single person)?	All Types	Same
4. Should subcontracting be required or can a prime MBE contractor meet the goal without subcontracting? Should certain types of contracts be exempt from subcontracting?	Must subcontract on all construction contracts over \$10,000.	Must subcontract on all construction contracts over \$50,000.
5. Should Metro perform certification or continue to use Portland's certification process?	Use Portland	Use Portland and other DOT approved programs.
6. Should "good faith effort" be allowed? If so, should "good faith effort" be the equivalent of goal compliance?	Use good faith; Equivalent	Same
7. Should MBE goal information be provided by the bidders with their bids, or at some later time? If at some later time, should all bidders be required to submit the information or only the apparent low bidder?	5 day delay	Same
8. What should be the process and timing of overall goal-setting? Annually? Biennially?	Annual	Same
9. Should Metro establish overall goals by project or only by year?	Annual by type	Same
10. Contract goals need be established only where a given contract has "subcontracting possibilities." Who decides whether such possibilities exist and how?	Liaison Officer	Same



MBE Questions	Committee Recommendation	Draft Program
11. Alternatives to "good faith efforts" are allowed in lieu of a good faith effort requirement if the alternative is equally or more effective. What alternatives exist? Would they be as effective?	No alternatives	Same
12. Should Metro establish an MBE "set aside" program? For what kinds of projects?	No	Same
13. Which types of efforts should be required? How many of the efforts listed in the DOT regulations must be proven to be eligible?	Use Portland List	Same
14. Who should decide whether a minority women-owned firm should be counted against the MBE goal or the WBE goal?	Liaison Officer/ Contractor	Same
15. Is the existing MBE affirmative action program adequate? If not, how should it be revised?	NA	NA
16. Should Metro be able to grant time extensions to contractors to show MBE compliance or good faith efforts (but not later than the time for contract execution)?	Yes, 5-day time flexible.	Same
17. How and where should Metro locate "plan centers"?	Existing centers and as requested.	Issue addressed by administrative procedures.
18. Must joint ventures of two or more already certified MBEs be recertified as a joint venture?	No	Same
19. Can certification occur after bid opening?	No	Same
20. Should the Council allow the Executive Officer to adopt additional regulations?	No	Same
21. What is required for proof of subcontracting? When is proof submitted?	Signed letter of agreement required within five days.	Same

8400B/305  
11/03/83

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ESTABLISHING A                    )  
DISADVANTAGED BUSINESS PROGRAM                )     ORDINANCE NO. 83-165

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. 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.

(b) This ordinance is adopted pursuant to 49 CFR 23 and is intended to comply with all relevant federal regulations.

(c) This ordinance shall be known and may be cited as the "Metro Disadvantaged Business Program," hereinafter referred to as the "Program."

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

Section 2. Policy Statement

(a) Through this Program, Metro:

- (1) expresses its strong commitment to using 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, 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, employees, subrecipients and contractors.
- (2) to initiate and maintain efforts to increase program participation by disadvantaged 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 agreements with subrecipients and in all DOT assisted contracts between Metro or subrecipients and any contractor.

### Section 3. Definitions

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

- (1) APPLICANT -- one who submits an application, request or plan to be approved by a DOT official or by Metro as a condition to eligibility for Department of Transportation (DOT) financial assistance; and "application" means such an application, request or plan.
- (2) 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.
- (3) 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.
- (4) CONTRACTOR -- means the one who participates, through a contract or subcontract, in the Program and includes lessees.
- (5) DEPARTMENT or "DOT" -- means the United States Department of Transportation, including its operating elements.
- (6) DOT 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 DOT financial assistance or any contract or modification of a contract between Metro and a lessee.
- (7) DOT FINANCIAL ASSISTANCE -- means financial aid provided by DOT 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.

- (8) **DISADVANTAGED BUSINESS** -- means a small business concern:  
(a) 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  
(b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. Unless the language or context of this ordinance provide otherwise, "disadvantaged business" includes Women-Owned Business Enterprises (WBE).
- (9) **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.
- (10) **LABOR AND MATERIALS CONTRACT** -- is a contract including a combination of personal service and provision of materials other than construction contracts. Examples may include plumbing repair, computer maintenance or electrical repair, etc.
- (11) **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.
- (12) **PERSONAL SERVICES CONTRACT** -- means a contract for services of a personal or professional nature.
- (13) **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.
- (14) **RECIPIENT** -- means any entity, public or private, to whom DOT financial assistance is extended, directly or through another recipient for any program.
- (15) **SMALL BUSINESS CONCERN** -- means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.
- (16) **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:

- (a) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- (b) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- (c) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- (d) "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
- (e) "Asian-Indian Americans," which includes persons whose origins are from India, Pakistan, and Bangladesh.

- (17) 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. "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.

#### Section 4. Notice to Contractors, Subcontractors and Subrecipients

Contractors, subcontractors and subrecipients of Metro accepting contracts or grants under the Program 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.

## Section 5. 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 disadvantaged businesses 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.

(c) The position description of the Liaison Officer is attached to this ordinance as Appendix "A," and may be altered from time to time by the Executive Officer consistent with the requirements of this section.

## Section 6. Directory

A directory of certified disadvantaged businesses and certified women-owned businesses shall be maintained by the Liaison Officer to facilitate identifying disadvantaged and women-owned 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.

## Section 7. Minority-Owned Banks

Metro will seek to identify minority-owned banks and make the greatest feasible use of their services. In addition, Metro will encourage prime contractors, subcontractors and consultants to utilize such services.

## Section 8. Affirmative Action and Equal Opportunity Procedures

Metro shall use affirmative action techniques to facilitate disadvantaged and women-owned business 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 disadvantaged and women-owned businesses.

(b) Providing assistance to disadvantaged and women-owned businesses in overcoming barriers such as the inability to obtain bonding, financing or technical assistance.

(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.

## Section 9. Certification of Disadvantaged Business Eligibility

(a) To participate in the Program as a disadvantaged or women-owned business, contractors, subcontractors and joint ventures must have been certified pursuant to 49 CFR §23.51 through §23.55.

(b) Metro will not perform certification or recertification of businesses or consider challenges to socially and economically disadvantaged status. Rather, pursuant to 49 CFR §23.45(f) and 49 CFR §23.51(c)(2) and (3), Metro will rely upon the certification and recertification processes of the City of Portland, Oregon, the State of Oregon (ODOT), the metropolitan area transit district (Tri-Met), and the Small Business Administration (SBA) and will utilize the certification lists of said agencies in determining whether a prospective contractor or subcontractor is certified as a disadvantaged business. A prospective contractor or subcontractor must be certified as a disadvantaged or women-owned business by any one of the above agencies, and appear on the respective certification list of said agency, prior to the award of a contract in order to be considered by Metro to be an eligible disadvantaged or women-owned business and be counted toward meeting goals.

(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 49 CFR §23.55 and applicable agency regulations. However, such appeal shall not cause a delay in any contract award by Metro.

(d) Challenges to certification or to any presumption of social or economic disadvantage, 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.

## Section 10. Annual Disadvantaged Business Goals

(a) The Metro Council shall, by resolution each June, establish annual disadvantaged business goals, and 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 DOT 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 disadvantaged businesses likely to be available to compete for the contracts;
- (3) past results of Metro's efforts under the Program; and

- (4) existing goals of other local DOT recipients and their experience in meeting these goals.

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

(d) Metro will publish notice that the overall goals are available for inspection when they are submitted to DOT 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.

#### Section 11. Contract Goals

(a) The annual goals established for construction contracts over \$50,000 shall apply as individual contract goals and shall be met pursuant to Section 11(b) of this ordinance.

(b) Contract goals for construction contracts over \$50,000 may be complied with by prime contractors only by subcontracting a percentage of the contract work, equal to or exceeding the contract goal, to one or more disadvantaged business subcontractors or by showing of good faith efforts to comply pursuant to Section 13 of this ordinance.

(c) The Liaison Officer may set a contract goal for any contract other than construction contracts over \$50,000. 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 to the annual goal for such contract type. Contract goals for such contracts may be complied with pursuant to Section 16(a)(2) or Section 13 of this ordinance.

#### Section 12. Contract Award Criteria

(a) Efforts will be made to assure that prime contracts are awarded to competitors that meet applicable disadvantaged business goals. In order to be eligible for award of contracts containing a disadvantaged business goal, prime contractors must either meet or exceed the specific goal for disadvantaged businesses, or prove that they have made good faith efforts to meet the goal.

(b) All solicitations 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. To document the intent to meet the goals, all bidders shall complete and endorse a Disadvantaged Business Utilization form and include said form with bid documents. The form shall be provided by Metro with bid solicitations.

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



(d) Apparent low bidders who indicate compliance with the goal shall, within five (5) working days of bid opening (or bid submission date when no public opening is had), submit to Metro signed Letters of Agreement between the bidder and disadvantaged business subcontractor and suppliers to be utilized in performance of the contract. A form Letter of Agreement will be provided by Metro.

(e) An apparent low bidder who states in its bid that the goal will be met but who fails to meet the goal or fails to provide Letters of Agreement with disadvantaged businesses in a timely manner, may, in lieu thereof, submit evidence of good faith efforts to meet the goal as provided in paragraph (f) of this section.

(f) Apparent low bidders who will not meet the goal but who state in their bid that they have made good faith efforts to meet the goal shall within five (5) working days of bid opening (or bid submission date when no public opening is had) submit to Metro evidence of such good faith efforts. Evidence of good faith efforts, and Metro's determination of the sufficiency of such efforts, shall be in accordance with Section 13 of this ordinance.

(g) In very limited situations the Liaison Officer may in writing, at his/her discretion, extend the five (5) working day deadline noted in paragraphs (d) and (f) above to allow for additional positive efforts to utilize certified disadvantaged or women-owned businesses prior to contract award. Such extensions shall not exceed a total of ten (10) additional working days.

(h) Except as provided in paragraph (i) of this section, apparent low bidders who state in their bids 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 (f) of this section, shall have their bids rejected and shall forfeit any required bid security or bid bond. In that event, the next lowest bidder shall, within five days of notice of such ineligibility of the law, submit evidence of goal compliance or good faith effort as provided above. This process shall be repeated until a bidder 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.

(i) The Liaison Officer, at his or her discretion, may waive minor irregularities in a bidder's compliance with the requirements of this section.

### Section 13. Determination of Good Faith Efforts

(a) Pursuant to Section 12 of this ordinance, bidders on contracts to which disadvantaged business goals apply must, to be eligible for contract award, comply with the applicable goal or show that good faith efforts have been made to comply with the goal.

(b) A showing of good faith efforts must include written evidence of at least the following:

- (1) Advertisement in a trade association newsletter or general circulation newspaper and through a minority-owned newspaper at least 10 days before bids or proposals are due.
- (2) Written notification to no less than three (3) disadvantaged businesses 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 minority-owned firms in order to provide reasonable subcontracting opportunities. Each bidder should send solicitation letters inviting quotes or proposals from disadvantaged businesses, 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 minority 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 disadvantaged firms sufficient opportunity to develop quotes or proposals for the work described.
- (3) Evidence of follow-up to initial solicitations of interest, including the following:
  - A. the names, addresses, telephone numbers of all disadvantaged businesses contacted;
  - B. a description of the information provided to disadvantaged businesses regarding the plans and specifications for portions of the work to be performed; and
  - C. a statement of the reasons for non-utilization of disadvantaged businesses, if needed to meet the goal.

#### Section 14. Replacement of Disadvantaged Business Subcontractors

Prime contractors shall not replace a disadvantaged business subcontractor with another subcontractor, either before contract award or during contract performance, without prior Metro approval. Prime contractors who replace a disadvantaged business subcontractor shall replace such disadvantaged business subcontractor with another certified disadvantaged business subcontractor or make good faith efforts to do so.

## Section 15. Records and Reports

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

- (1) Awards to disadvantaged or women-owned businesses 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 disadvantaged business records will be separately maintained. Required disadvantaged business information will be provided to federal agencies and administrators on request.

(c) The Liaison Officer shall prepare semi-annual reports on disadvantaged business 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 disadvantaged businesses in the reporting period; and
- (5) the extent to which goals have been met or exceeded.

## Section 16. Counting Disadvantaged Business Participation Toward Meeting Goals

(a) Disadvantaged business participation shall be counted toward meeting the goals on each contract as follows:

- (1) On construction contracts of \$50,000 or more, the total dollar value of a contract subcontracted to disadvantaged businesses is counted toward the applicable goal. On such contracts, the dollar amount to be performed by a disadvantaged business or joint venture which is also the prime contractor will not be counted toward the applicable goal for contract award purpose, but will be counted for purposes of Metro compliance with annual goals.
- (2) On contracts other than those indicated in paragraph (1) above, and except as provided below, the total dollar value of a contract to be performed by

disadvantaged businesses is counted toward the applicable goal for contract award purposes as well as annual goal compliance purposes.

- (3) 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.
- (4) 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 business partner in the joint venture.
- (5) Metro shall count toward its goals only expenditures to disadvantaged businesses that perform a commercially useful function in the work of a contract. A disadvantaged business 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 disadvantaged business is performing a commercially useful function, Metro shall evaluate the amount of work subcontracted, industry practices and other relevant factors.
- (6) Consistent with normal industry practices, a disadvantaged business may enter into subcontracts. If a disadvantaged business contractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the disadvantaged business shall be presumed not to be performing a commercially useful function. The disadvantaged business may present evidence to Metro to rebut this presumption. Metro's decision on the rebuttal of this presumption is subject to review by DOT for DOT-assisted contracts.
- (7) A disadvantaged business which provides both labor and materials may count toward its disadvantaged business goals expenditures for materials and supplies obtained from other disadvantaged business.

suppliers and manufacturers, provided that the disadvantaged business contractor assumes the actual and contractual responsibility for the provision of the materials and supplies.

- (8) Metro shall count its entire expenditure to a disadvantaged business manufacturer (i.e., a supplier that produces goods from raw materials or substantially alters them before resale).
- (9) Metro shall count against the goals 20 percent of its expenditures to disadvantaged business suppliers that are not manufacturers, provided that the disadvantaged business supplier performs a commercially useful function in the supply process.

(b) Disadvantaged or women-owned business 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 disadvantaged or women-owned businesses is counted toward meeting annual goals.
- (2) The provisions of paragraphs (a)(3) through (a)(8) of this section, pertaining to contract goals, shall apply equally to annual goals.

#### Section 17. 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 ordinance and the contract and with any representation made by a contractor prior to contract award pertaining to disadvantaged business participation in the contract.

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

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

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11/14/83

Page 12 - ORDINANCE NO. 83-165

## APPENDIX "A"

### POSITION DESCRIPTION DISADVANTAGED BUSINESS LIAISON OFFICER

#### I. Principal Duties and Responsibilities

The Liaison Officer is responsible for developing, managing and implementing the Disadvantaged Business Program; for carrying out technical assistance activities and for dissemination of information on available business opportunities to ensure that disadvantaged business enterprises are provided an equal opportunity to bid or make quotes on Metro projects. He/She is the primary person responsible for implementing Federal requirements for federally assisted projects under 49 CFR 23.

#### II. Reporting Relationship

The Liaison Officer will report to the Executive Officer on Program matters, and will work closely with contracting personnel and others who are responsible for making management decisions on procurement and contracting.

#### III. Specific Responsibilities

- A. Analyzes available planning tools to project priority areas for disadvantaged business efforts.
- B. Develops, monitors and services the disadvantaged business affirmative action program.
- C. Proposes annual overall goals for Council adoption and publishes public notice announcing them. Determines contract goals designed to achieve annual goals.
- D. Maintains a directory of minority businesses.
- E. Publicizes business opportunities to disadvantaged businesses.
- F. Provides disadvantaged businesses with information in sufficient time to prepare bids and quotations.
- G. Attends pre-bid and pre-construction conferences to explain disadvantaged business requirements and responds to questions.
- H. Participates on bid and proposal review panels.
- I. Maintains accurate and up-to-date records demonstrating disadvantaged business efforts and accomplishments.
- J. Monitors contractors' and subcontractors' compliance with disadvantaged business requirements and commitments.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 83-435
FISCAL YEAR 1983-84 GOALS FOR USE	)	
OF DISADVANTAGED AND WOMEN-OWNED	)	Introduced by the Council
BUSINESSES	)	Coordinating Committee

WHEREAS, The Metropolitan Service District has adopted Ordinance No. 83-165 which establishes a program to encourage the utilization by Metro of disadvantaged and women-owned businesses; and

WHEREAS, The Metro Disadvantaged Business Program requires establishment of annual disadvantaged business goals and separate women-owned business goals; and

WHEREAS, An analysis of the number and type of contracting opportunities has been completed as shown in Attachment A; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District shall use for the period July 1, 1983, through June 30, 1984, the following annual goals by contract type:

DISADVANTAGED BUSINESS ENTERPRISE

<u>Contract Type</u>	<u>Annual Goal</u>
Construction	10%
Labor and Materials	5%
Personal Service	3%
Procurement	5%
DOT Assisted (All Types)	10%
 Overall Annual Goal	 6.12%

WOMEN-OWNED BUSINESS

<u>Contract Type</u>	<u>Annual Goal</u>
Labor and Materials	5%
Personal Service	3%
Procurement	5%
DOT Assisted (All Types)	3%
Overall Annual Goal	3.25%

ADOPTED by the Council of the Metropolitan Service District

this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

SK/gl  
0196C/355  
11/07/83



# ATTACHMENT A

## METROPOLITAN SERVICE DISTRICT DISADVANTAGED BUSINESS PROGRAM

### FISCAL YEAR 1983-84 GOALS AND METHODOLOGY

#### I. FY 1983-84 Annual Goals by Contract Type

##### A. Disadvantaged Business Enterprise

<u>Contract Type</u>	<u>Goal</u>
Construction	10%
Labor and Materials	5%
Personal Service	3%
Procurement	5%
DOT Assisted (All Types)	10%
Overall Annual Goal	6.12%

##### B. Women-Owned Business

<u>Contract Type</u>	<u>Goal</u>
Labor and Materials	5%
Personal Service	3%
Procurement	5%
DOT Assisted (All Types)	3%
Overall Annual Goal	3.25%

#### II. Methodology

##### A. Projection of Number and Type of Contracts to be Executed during FY 1983-84

Based primarily on data for FY 1982-83 and the first quarter of FY 1983-84 the estimated number and dollar value of contracts to be executed July 1, 1983 through June 30, 1984 is as follows:

Type	Estimated Total Dollar Value	Estimated Number of Contracts
Construction	\$2,000,000	5
Labor and Materials	1,000,000	105
Personal Service	1,500,000	100
Procurement	3,000,000	275
DOT Assisted	358,000	15
Total	\$7,858,000	500

## B. Comparison with Previous Years

Past efforts indicate that some contract types executed by Metro afford more opportunities for contracting with disadvantaged or women-owned businesses than others. For example, the large dollar amounts spent in the area of procurement are items for sale at the Zoo stores and concession stands. These items--things such as stuffed animals or soda pop--are usually acquired from large national firms which specialize in such items. Conversely, almost all large construction contracts have met the 10 percent goal because of the availability of disadvantaged businesses doing such work.

The actual goal attained for FY 1982-83 is shown in comparison with the FY 1983-84 goals below.

Contract Type	Actual Goal Attained FY 1982-83		FY 1983-84 Goal	
Construction	MBE	30.0%	DBE	10.0%
	WBE	0%	WBE	0%
Labor & Materials		-a	DBE	5.0%
		-a	WBE	5.0%
Personal Service	MBE	1.4%	DBE	3.0%
	WBE	2.5%	WBE	3.0%
Procurement	MBE	6.9%	DBE	5.0%
	WBE	15.1%	WBE	5.0%
DOT Assisted	MBE	-a	DBE	10.0%
	WBE	-a	WBE	3.0%

The major differences between the goals attained in FY 1982-83 and those set for FY 1983-84 are two--a) the DBE goal for construction contracts; and b) the WBE goal for procurement. The reduction in goals for construction contracts is due to an estimated reduction in the number and size of construction contracts to be executed, therefore, reducing the number of subcontracting opportunities; and unusual circumstances in FY 1982-83 where a joint venture of two certified minority business was awarded one large contract, thus affecting year end goal attainment results.

<sup>a</sup> These contract types were not tracked separately. Dollar values and goal achieved has been included in the appropriate previous category of construction, personal service or procurement.

The large WBE goal attained in FY 1983 for procurement contracts was due to the execution of one large, long-term service contract. It is not anticipated that any such opportunity would be available in FY 1983-84.

### III. Comparison with Other Agencies

In setting the FY 1983-84 overall goals, goals of other agencies within the metropolitan area were reviewed. Other agencies have set goals as follows:

	<u>City of Portland</u>	<u>Tri- Met</u>	<u>Port of Portland</u>	<u>State of Oregon</u>
DBE - Overall	<u>8.28%</u>	<u>10%</u>	<u>10%</u>	
Construction	10%	-	-	10%
Labor & Materials	20%	-	-	
Personal Services	9%	-	-	
Procurement	1%	-	-	
DOT Assisted	-	-	-	
WBE - Overall	<u>2.65</u>	<u>1%</u>	<u>3%</u>	
Construction	2.5%	-	-	1%
Labor & Materials	2.5%	-	-	
Personal Services	9%	-	-	
Procurement	1.5%	-	-	
DOT Assisted	-	-	-	

It appears, given Metro's geographic position in the metropolitan area, the large number of Zoo-related procurement contracts and the lack of labor intensive service related contracts, that the FY 1983-84 goals appear consistent with other agencies.

SK/srb  
0196C/366  
11/07/83

STAFF REPORT

Agenda Item No. 7.2

Meeting Date Nov. 22, 1983

CONSIDERATION OF AN ORDINANCE NO. 83-166 FOR  
THE PURPOSE OF ESTABLISHING THE METRO EQUAL  
EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION  
POLICIES, AND APPROVING RESOLUTION NO. 83-436  
FOR ADOPTING AFFIRMATIVE ACTION GOALS AND  
OBJECTIVES

Date: October 25, 1983

Presented by: Jennifer Sims and  
Dick Karnuth

FACTUAL BACKGROUND AND ANALYSIS

The proposed Ordinance will establish Metro policies on Equal Employment Opportunity and Affirmative Action and set the policy framework for a program. The Ordinance requires designation of an Affirmative Action Officer. The Executive Officer is directed to establish staff responsibilities and a complaint procedure. Finally, contractors, subcontractors, and subrecipients are required to comply with the policies.

The proposed resolution will establish a long-term goal and annual goals and objectives for the current year. As provided in the Ordinance, annual goal setting will occur in June each year beginning in 1984. The proposed goals are detailed separately for minorities and women by job category and operating fund. In short, the objectives are to maintain the current status where the goals have been achieved and to reach the goals where they have not been met.

A separate document titled "The Affirmative Action Plan Narrative and Support Documentation" provides the plan documentation. It includes a work force utilization analysis as the basis for goal setting and an assessment of employment practices

The proposed policies and goals and objectives combined with the technical report conform with federal requirements. Metro's "cognizant federal agency" for civil rights purposes is the Urban Mass Transportation Administration (UMTA). As such, UMTA has issued Circular 1155.1 which stipulates the general contents and requirements of an Equal Opportunity Opportunity (EEO) and Affirmative Action program.

On July 2, 1982, Metro was informed that UMTA had previously inappropriately exempted Metro from the need to submit an Affirmative Action Program consistent with the Circular. With

technical assistance from UMTA's Civil Rights Officer sections of an Affirmative Action Plan were drafted and submitted to UMTA on October 7, 1982 and October 28, 1982. Conditional approval, including suggested revisions, was received on March 31, 1982. This put the organization in compliance with UMTA requirements and allowed Metro to continue development and finalization of the Plan. Final approval will be sought from UMTA when the Council adopts the policies and goals.

Daily and ongoing personnel functions have and continue to include attention to equal employment opportunity through affirmative actions. Based upon the assessment of employment practices conducted in plan preparation, it was determined that recruitment and selection should receive more attention and emphasis. As a result, community outreach has been stepped up, with personal contacts being made, informational brochures developed and distributed, follow up agency contacts made and a career day ad placed in a local minority newspaper. Recent internal actions include development and implementation of recruitment procedures, monthly status reports from the Personnel staff, redesign of the employment application form, and monitoring of the screening and interviewing process.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of the Ordinance No. 83-166 and Resolution No. 83-436.

#### COMMITTEE CONSIDERATION AND RECOMMENDATION

On November 14, 1983, the Council Coordinating Committee unanimously recommended Council adoption of Ordinance No. 83-166 and Resolution Resolution No. 83-436.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ESTABLISHING AN  
EQUAL EMPLOYMENT OPPORTUNITY  
AND AFFIRMATIVE ACTION POLICY  
STATEMENTS

) ORDINANCE NO. 83-166  
)  
)  
)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Purpose and Authority

(a) It is the purpose of this ordinance to establish policies to encourage, enhance and provide equal employment opportunities and to prevent discrimination in employment and personnel practices.

(b) This ordinance is adopted pursuant to 28 CFR, Part 42, Dept. of Justice and 49 CFR Part 21 Circular C1155.1, U.S. Department of Transportation, Urban Mass Transportation Administration (UMTA), and, is intended to comply with all relevant federal and state laws.

(c) This ordinance shall be known and may be cited as the "Equal Employment Opportunity and Affirmative Action Program," hereinafter referred to as the "Program."

Section 2. Policy Statement

(a) Through this program, Metro:

- (1) expresses its strong commitment to provide equal employment opportunities and to take affirmative action to insure nondiscrimination in employment practices;
- (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 shall be the policy of Metro to ensure that Equal Employment Opportunities and practices exist for all applicants and employees without regard to their race, color, religion, national origin, sex or handicap. Equal opportunities and considerations will be afforded in recruiting, selecting, hiring, transferring, promoting, compensating and terminating employees.

(c) It shall be the policy of Metro to implement and maintain a plan of Affirmative Action to overcome the effects of discrimination in all areas and activities of employment. Plan

goals will be developed, updated each fiscal year, monitored and assessed to obtain and place qualified women and minorities in positions which reflect a realistic parity with the comparable existing regional labor force and, to provide a uniform and equal application of established employment procedures and practices for all employees. All managers and supervisors shall be responsible for acting in accordance with the affirmative action plan in the processing and treatment of employees.

(d) The policies, practices and procedures established by this ordinance shall apply to all Metro departments and project areas.

(e) The objectives of the program shall be:

- (1) to assure that provisions of this ordinance are adhered to by all Metro departments, employees, employment agencies, subrecipients, contractors and subcontractors of Metro.
- (2) to initiate and maintain efforts to insure equal employment opportunities to all applicants and employees.

(f) Metro accepts and agrees to the statements of 28 CFR and 49 CFR, and, to the Civil Rights Act of 1964 et seq. and Oregon Anti-Discrimination Law ORS chapter 659.

### Section 3. Definitions

For purposes of this ordinance, the following definitions shall apply:

(a) "Affirmative Action" - a positive program to eliminate discrimination and noncompliance and to ensure nondiscriminatory practices and compliance in the future.

(b) "Equal Employment Opportunity" means employment activities conducted on an equal opportunity basis without discrimination as to race, sex, religion, national origin, marital status or mental/physical handicap not shown to prevent performance of work available.

(c) "Minority" or "Minority-Groups" means:

- (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 Spanish culture or origin, regardless of race;
- (3) "American Indians" or "Alaskan Natives," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and

- (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.

(d) "Protected groups" or "class status" means women, handicapped persons, those persons cited in #3 above.

(e) "Discrimination" means that act or failure to act, intentional or unintentional, the effect of which is that a person, because of race, color, or national origin, has been excluded from participation in, denied the benefits of, or has been otherwise subjected to unequal treatment.

#### Section 4. Notice to Subrecipients, Contractors and Subcontractors

Subrecipients, contractors and subcontractors of Metro accepting contracts or grants under the Program shall be advised that failure to carry out the requirements set forth in this ordinance 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.

#### Section 5. Affirmative Action Officer

The Executive Officer shall by Executive Order, designate an Affirmative Action Officer and, if necessary, other staff adequate to administer the Program. The Affirmative Action Officer shall report directly to the Executive Officer on matters pertaining to the Program and consistent with this ordinance.

#### Section 6. Affirmative Action Goals

(a) The Metro Council shall, by resolution each June, establish Affirmative Action Goals to ensure equal employment opportunities. Such annual goals shall be established separately by fund and job category for minorities and women.

(b) Annual goals will be established taking into consideration a work force study and analysis.

#### Section 7. Responsibilities and Procedures

The Executive Officer shall, by Executive Order, assign responsibilities for the administration and implementation of the Program. He shall establish measures to ensure compliance and record progress toward meeting the goals and objectives. The



Executive Officer shall establish a procedure for receiving and responding to complaints against Metro and its subrecipients, contractors and subcontractors for violations of this Ordinance.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

0235C/366  
11/07/83

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE	)	RESOLUTION NO. 83-436
GOALS AND OBJECTIVES IN THE	)	
AFFIRMATIVE ACTION PLAN AS THE	)	Introduced by the
APPROVED GOALS FOR FISCAL YEAR	)	Executive Officer
1983-84	)	

WHEREAS, The Metro Equal Employment Opportunity Ordinance No. 83-166 and Affirmative Action Policy Statements have been adopted in Ordinance No. 83-166; and

WHEREAS, An analysis of the region's work force and comparison to the Metro work force has been completed as contained in the document titled "Affirmative Action Plan Technical Report," and that analysis has provided the basis for establishing goals; and

WHEREAS, The goals are an integral part of the Affirmative Action Plan to ensure Equal Employment Opportunities; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District shall use for the period July 1, 1983, through June 30, 1984, the Affirmative Action Goals and Objectives attached in Exhibit A.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

DK/srb  
0235C/366  
11/07/83

## EXHIBIT A

### METRO AFFIRMATIVE ACTION GOALS

#### Long-Term Goal

To attain and maintain a Metro employee work force profile which reflects the representation of women and minorities in the Portland Metropolitan Statistical Area (PSMA) by the job categories of officials/managers, professional, technician, office clerical, and service/maintenance by the end of FY 1986-87.

#### FY 1983-84 Annual Goal<sup>a</sup>

To attain a Metro employee work force profile which is reflective of the 1982 reported representation of women and minorities within the work force of the PMSA.

#### Action Objective 1

By the end of FY 1983-84 maintain the percentage of women and minority employees in the job categories and funds in which the goal has been achieved or exceeded.

#### Action Objective 2

By the end of FY 1983-84 increase the percentage of women and minority employees in the job categories and funds in which the goal has not been achieved.

#### Overall Metro Status, Goals & Objectives by Job Category

<u>Job Category</u>	<u>Percent Women</u>			<u>Percent Minorities</u>		
	<u>Status</u>	<u>Goal</u>	<u>Objective<sup>b</sup></u>	<u>Status</u>	<u>Goal</u>	<u>Objective<sup>b</sup></u>
Officials/Managers	13.6	20.1	Incr.	0	2.9	Incr.
Professional	36.2	31.6	Maint.	2.1	4.2	Incr.
Technician	52.4	15.7	Maint.	6.3	4.4	Maint.
Office/Clerical	89.1	80.5	Maint.	15.2	4.3	Maint.
Service/Maintenance	46.4	66.9	Incr.	6.5	8.7	Incr.
Total	50.0	58.0	Incr.	6.6	5.1	Maint.

<sup>a</sup>Goals are promulgated as if there were no limitations on job availability. Measurement of objectives will reflect the actual vacancies.

<sup>b</sup> Maint. = Maintain  
Incr. = Increase

0235C/366  
11/07/83

METRO AFFIRMATIVE ACTION STATUS,  
GOALS AND OBJECTIVES BY FUND AND JOB CATEGORY FOR WOMEN

<u>Job Category</u>	<u>General Fund</u>			<u>Planning Fund</u>		
	<u>Status</u>	<u>Goal</u>	<u>Objective</u>	<u>Status</u>	<u>Goal</u>	<u>Objective</u>
	<u>(Percent Women)</u>			<u>(Percent Women)</u>		
Officials/Managers	28.6	20.1	Maint.	0	20.1	Incr.
Professional	8.2	31.6	Incr.	21.4	31.6	Incr.
Technician	33.3	15.7	Maint.	0	15.7	Incr.
Office/Clerical	93.3	80.5	Maint.	100.0	80.5	Maint.
Service/Maintenance	0	66.9	Incr.	N/A	N/A	N/A
Total	51.2	58.0	Incr.	38.1	58.0	Incr.

<u>Job Category</u>	<u>Solid Waste Fund</u>			<u>Zoo Fund</u>		
	<u>Status</u>	<u>Goal</u>	<u>Objective</u>	<u>Status</u>	<u>Goal</u>	<u>Objective</u>
	<u>(Percent Women)</u>			<u>(Percent Women)</u>		
Officials/Managers	0	20.1	Incr.	14.3	20.1	Incr.
Professional	57.1	31.6	Maint.	72.7	31.6	Maint.
Technician	100.0	15.7	Maint.	50.0	15.7	Maint.
Office/Clerical	76.9	80.5	Incr.	92.3	80.5	Maint.
Service/Maintenance	N/A	N/A	N/A	87.7	66.9	Maint.
Total	55.5	50.0	Maint.	50.4	58.0	Maint.

DK/srb  
0235C/366-8  
11/07/83

METRO AFFIRMATIVE ACTION STATUS,  
GOALS AND OBJECTIVES BY FUND AND JOB CATEGORY FOR MINORITIES

<u>Job Category</u>	<u>General Fund</u>			<u>Planning Fund</u>		
	<u>Status</u> (Percent Minorities)	<u>Goal</u>	<u>Objective</u>	<u>Status</u> (Percent Minorities)	<u>Goal</u>	<u>Objective</u>
Officials/Managers	0	2.9	Incr.	0	2.9	Incr.
Professional	6.6	4.2	Maint.	0	4.2	Incr.
Technician	0	4.4	Incr.	0	4.4	Incr.
Office/Clerical	13.3	4.3	Maint.	0	4.3	Incr.
Service/Maintenance	0	8.7	Incr.	N/A	N/A	N/A
Total	7.3	5.1	Maint.	0	5.1	Incr.

<u>Job Category</u>	<u>Solid Waste Fund</u>			<u>Zoo Fund</u>		
	<u>Status</u> (Percent Minorities)	<u>Goal</u>	<u>Objective</u>	<u>Status</u> (Percent Minorities)	<u>Goal</u>	<u>Objective</u>
Officials/Managers	0	2.9	Incr.	0	2.9	Incr.
Professional	0	4.2	Incr.	0	4.2	Incr.
Technician	0	4.4	Incr.	6.9	4.4	Maint.
Office/Clerical	30.8	4.3	Maint.	7.6	4.3	Maint.
Service/Maintenance	N/A	N/A	N/A	6.6	8.7	Incr.
Total	14.8	5.1	Maint.	6.2	5.1	Maint.

DK/srb  
0235C/366-9  
11/07/83

Meeting Date: Nov. 22, 1983

CONSIDERATION AND RECOMMENDATION OF THE DISPOSAL RATE  
STRUCTURE TO BE CHARGED AT THE ST. JOHNS LANDFILL AND  
THE CLACKAMAS TRANSFER AND RECYCLING CENTER

---

Date: September 1, 1983

Presented by: Ed Stuhr

FACTUAL BACKGROUND AND ANALYSIS

The 1984 rate study for solid waste transfer and disposal has examined the cost of operating the St. Johns Landfill and the Clackamas Transfer and Recycling Center (CTRC). A rate schedule was calculated in accordance with Metro rate policy set last year. Under that policy, base rates are the same at both facilities. The cost of operating CTRC is borne by all users in the region by means of a regional transfer charge, and by CTRC users by means of a convenience charge which is added to CTRC base rates. In addition to the new rate schedule, the study recommended that the convenience charge be changed as needed to accomplish flow control, independent of the yearly rate revision process.

The study and schedule were presented to the Rate Review Committee for a recommendation. The committee recommended that the rate study be accepted with the provision that the convenience charge not be allowed to increase during the year.

The rate study and the recommended rate schedule were presented to the Metro Solid Waste Policy Alternatives Committee. Upon consideration of the rate schedule, some members of the committee expressed dissatisfaction with the regional transfer charge approach to funding CTRC. Upon this basis, a motion was made to reject the 1984 rate study. The motion was defeated on a tie vote, and the committee adjourned without making either a formal recommendation or specific plans for further consideration of the matter.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that the rate structure be adopted as proposed in the 1984 Rate Study. Additionally, it is recommended that RSC authorize the executive officer to analyze the rates for considering adjusting the convenience charge to monitor flow.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Services Committee made no formal recommendation on the proposal. Staff was directed to develop alternatives to the proposal:

- (1) Effects on rates if commercial regional transfer charge was not changed.
- (2) Effects on rates if commercial convenience charge was not changed.
- (3) Effect on CTRC revenue requirements at tonnage rates from 650 to 800 tons per day, in 50 ton steps.

STAFF REPORT

The Regional Services Committee met again on October 11 to consider proposed language in the rate ordinance which would waive minimum charges for those bringing in recyclables to CTRC and St. Johns. The committee recommended to the council that the waiver be included for the public in the 1984 rate ordinance, provided that one-half cubic yard of acceptable material is recycled. As recommended, the paragraph would read:

The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.





# Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: November 14, 1983  
To: Metro Council  
From: Everlee Flanigan, Clerk of the Council  
Regarding: ORDINANCE NO. 83-163--SOLID WASTE RATES

Included in the Agenda Packet for the meeting of November 22, 1983 are two Ordinances relating to Solid Waste Rates. Exhibit A is the originally proposed Solid Waste Rate ordinance. During Council discussion on September 29, the following motions were made regarding the ordinance:

Motion 1: To adopt Ordinance No. 83-163 (Hansen/Williamson)

Motion 2: To amend the main motion to delete the last two sentences from Section 1(b) and Section 2(d).  
(Deines and Etlinger)

On October 27, 1983, Exhibit B was introduced as the revised Ordinance No. 83-163. The changes reflected in the ordinance are as follows:

--As proposed by staff, the base rate is changed from the originally proposed \$9.64 to \$9.70 to reflect the costs of the CTRC Truck Wash Facility. This change would occur in Sections 1(a) and 2(a).

--The Services Committee recommendation to amend the last two sentences in Section 1(b) and Section 2(d) from the originally proposed language in Exhibit A to the following:  
"The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of waste delivered at the extra yardage rate."

Motion 3: To substitute the motion made by Councilors Deines and Etlinger on October 6, 1983 with the Services Committee recommendation and the change in the base rate charge. (Hansen/Kirkpatrick)

None of the motions have been acted upon. If Motion 3 carries, then Motion 2 has been substituted. If motion 3 fails, the Council will have before it Motion 2.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO SOLID ) ORDINANCE NO. 83-163  
WASTE DISPOSAL CHARGES AND USER )  
FEES; AMENDING METRO CODE SECTIONS )  
5.02.020, 5.02.025 AND 5.02.050; )  
AND DECLARING AN EMERGENCY )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.020 is Amended to Read as

Follows:

"(a) A base disposal rate of [~~\$10.33~~] \$9.64 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance. [The minimum charge for commercial vehicles shall be for one ton of solid waste.]

"(b) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

[(b)] (c) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill:

Vehicle Category	[Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
<u>COMMERCIAL</u>								
Compacted	\$10.33	\$3.05	\$1.68	\$0.43	\$1.47	\$0.38	\$13.48	\$3.88
Uncompacted	10.33	1.30	1.68	0.25	1.47	0.22	13.48	1.77

	Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate	
	Per Trip		Per Trip		Per Trip		Per Trip	
<u>PRIVATE</u>								
Cars <sup>1</sup>	\$3.36		\$0.54		\$1.60		\$5.50	
Station Wagons <sup>1</sup>	3.36		0.54		1.60		5.50	
Vans <sup>2</sup>	4.11		0.54		1.60		6.25	
Pick-ups <sup>2</sup>	4.11		0.54		1.60		6.25	
Trailers <sup>2</sup>	4.11		0.54		1.60		6.25	
Extra Yards	1.68		0.27		0.80		2.75	

	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
<u>TIRES<sup>3</sup></u>								
Passenger (up to 10 ply)	\$0.20						\$0.20	
Passenger Tire (on rim)	\$0.90						\$0.90	
Tire Tubes	\$0.55						\$0.55	
Truck Tires	\$2.00						\$2.00	
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids	\$2.00						\$2.00	
Truck Tire (on rim)	\$7.00						\$7.00	
Dual	\$7.00						\$7.00	
Tractor	\$7.00						\$7.00	
Grader	\$7.00						\$7.00	
Duplex	\$7.00						\$7.00	
Large Solids	\$7.00						\$7.00	

<sup>1</sup>Based on a minimum load of two cubic yards.

<sup>2</sup>Based on a minimum load of two and one-half cubic yards.

<sup>3</sup>Cost per tire is listed.]

0014C/353-A

## ST. JOHN'S LANDFILL

<u>Vehicle Category</u>	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>	<u>\$/ton</u>	<u>\$/cy</u>
<u>COMMERCIAL</u>								
Compacted	\$9.64	\$2.85	\$1.68	\$0.43	\$2.00	\$0.52	\$13.32	\$3.80
Uncompacted	9.64	1.21	1.68	0.25	2.00	0.30	13.32	1.76

	<u>Base Rate</u>		<u>Metro User Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
	<u>Per Trip</u>		<u>Per Trip</u>		<u>Per Trip</u>		<u>Per Trip</u>	
<u>PRIVATE</u>								
Cars <sup>1</sup>	\$4.62		\$0.54		\$1.34		\$6.50	
Station Wagons <sup>1</sup>	4.62		0.54		1.34		6.50	
Vans <sup>2</sup>	5.37		0.54		1.34		7.25	
Pickups <sup>2</sup>	5.37		0.54		1.34		7.25	
Trailers <sup>2</sup>	5.37		0.54		1.34		7.25	
Extra Yards	2.30		0.27		0.68		3.25	

	<u>Base Rate</u>		<u>Metro Fee</u>		<u>Regional Transfer Charge</u>		<u>Total Rate</u>	
<u>TIRES<sup>3</sup></u>								
Passenger (up to 10 ply)	\$0.25						\$0.25	
Passenger Tire (on rim)	1.00						1.00	
Tire Tubes	0.25						0.25	
Truck Tires	2.75						2.75	
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids	2.75						2.75	
Truck Tire (on rim)	7.75						7.75	
Dual	7.75						7.75	
Tractor	7.75						7.75	
Grader	7.75						7.75	
Duplex	7.75						7.75	
Large Solids	7.75						7.75	

<sup>1</sup>Based on a minimum load of two cubic yards.

<sup>2</sup>Based on a minimum load of two and one-half cubic yards.

<sup>3</sup>Cost per tire is listed.

0014C/353-C

Section 2. Metro Code Section 5.02.025 is Amended to Read as Follows:

"(a) A base disposal rate of [\$10.33] \$9.64 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center.

(b) A convenience charge of [\$1.49] \$2.25 per ton of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

(c) The base disposal rate and convenience charge established by this section shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance. [The minimum charge for commercial vehicles shall be for one ton of solid waste.]

"(d) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum volume shall be waived for any person delivering one-half cubic yard or more of recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

[(d)] (e) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center:

CHART DELETED

Vehicle Category	[Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
<u>COMMERCIAL</u>										
Compacted	\$10.33	\$3.05	\$1.68	0.43	\$1.47	\$0.38	\$1.49	\$0.38	\$14.97	\$4.24
Uncompacted	10.33	1.30	1.68	0.25	1.47	0.22	1.49	0.22	14.97	1.99
PRIVATE	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	Per Trip		Per Trip		Per Trip		Per Trip		Per Trip	
Cars <sup>1</sup>	\$4.86		\$0.54		\$1.60		\$0.50		\$7.50	
Station Wagons <sup>1</sup>	4.86		0.54		1.60		0.50		7.50	
Vans <sup>2</sup>	5.61		0.54		1.60		0.50		8.25	
Pickups <sup>2</sup>	5.61		0.54		1.60		0.50		8.25	
Trailers <sup>2</sup>	5.61		0.54		1.60		0.50		8.25	
Extra Yards	2.43		0.27		0.80		0.25		3.75	
TIRES <sup>3</sup>	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate			
Passenger (up to 10 ply)	\$0.20						\$0.20			
Passenger Tire (on rim)	0.90						0.90			
Tire Tubes	0.55						0.55			
Truck Tires	2.00						2.00			
(20" diameter to 48" diameter on greater than 10 ply)										
Small Solids	2.00						2.00			
Truck Tire (on rim)	7.00						7.00			
Dual	7.00						7.00			
Tractor	7.00						7.00			
Grader	7.00						7.00			
Duplex	7.00						7.00			
Large Solids	7.00						7.00			

<sup>1</sup>Based on a minimum load of two cubic yards.

<sup>2</sup>Based on a minimum load of two and one-half cubic yards.

<sup>3</sup>Cost per tire is listed.]

0014C/353-B

## CHART ADDED

CTRC

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
<u>COMMERCIAL</u>										
Compacted	\$9.64	\$2.85	\$1.68	0.43	\$2.00	\$0.52	\$2.25	\$0.57	\$15.57	\$4.37
Uncompacted	9.64	1.21	1.68	0.25	2.00	0.30	2.25	0.33	15.57	2.09
	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	Per Trip		Per Trip		Per Trip		Per Trip		Per Trip	
<u>PRIVATE</u>										
Cars <sup>1</sup>	\$4.62		\$0.54		\$1.34		\$0.75		\$7.25	
Station Wagons <sup>1</sup>	4.62		0.54		1.34		0.75		7.25	
Vans <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Pickups <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Trailers <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Extra Yards	2.31		0.27		0.68		0.35		3.60	
	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate			
<u>TIRES<sup>3</sup></u>										
Passenger (up to 10 ply)	\$0.50						\$0.50			
Passenger Tire (on rim)	1.25						1.25			
Tire Tubes	0.25						0.25			
Truck Tires	3.75						3.75			
(20" diameter to										
48" diameter on										
greater than 10 ply)										
Small Solids	3.75						3.75			
Truck Tire (on rim)	8.75						8.75			
Dual	8.75						8.75			
Tractor	8.75						8.75			
Grader	8.75						8.75			
Duplex	8.75						8.75			
Large Solids	8.75						8.75			

<sup>1</sup>Based on a minimum load of two cubic yards.<sup>2</sup>Based on a minimum load of two and one-half cubic yards.<sup>3</sup>Cost per tire is listed.

0014C/353-D

Section 3. Metro Code Section 5.02.050 is Amended to Read as Follows:

"(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 8 of this ordinance.

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

- (1) For noncompacted solid waste, [~~\$0.22~~] \$0.30 per cubic yard delivered; [~~\$1.47~~] \$2.00 per ton delivered.
- (2) For compacted solid waste, [~~\$0.38~~] \$0.52 per cubic yard delivered; [~~\$1.47~~] \$2.00 per ton delivered.
- (3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, [~~\$0.80~~] \$0.68 per cubic yard with a minimum charge of [~~\$1.60~~] \$1.34 per load."

Section 4: The Council finds that, in order to recoup sufficient revenue to operate disposal facilities and programs for FY 1984, it is necessary that the rates established herein be effective by January of 1984. Therefore, an emergency is hereby declared to exist pursuant to ORS 268.515(7), and the rates, fees and charges established by this ordinance shall be effective on and after January 1, 1984.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

AJ/gl  
0014C/353

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO SOLID	)	ORDINANCE NO. 83-163
WASTE DISPOSAL CHARGES AND USER	)	
FEES; AMENDING METRO CODE SECTIONS	)	
5.02.020, 5.02.025 AND 5.02.050;	)	
AND DECLARING AN EMERGENCY	)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.020 is Amended to Read as  
Follows:

"(a) A base disposal rate of [~~\$10.33~~] \$9.70 per ton of solid waste delivered is established for disposal at the St. Johns Landfill. Said rate shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance. [The minimum charge for commercial vehicles shall be for one ton of solid waste.]

"(b) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

[(b)] (c) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill:



## ST. JOHNS LANDFILL

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
<b>COMMERCIAL</b>								
Compacted	\$9.70	\$2.87	\$1.68	\$0.43	\$2.00	\$0.52	\$13.38	\$3.82
Uncompacted	9.70	1.22	1.68	0.25	2.00	0.30	13.38	1.77

	Base Rate		Metro User Fee		Regional Transfer Charge		Total Rate	
	Per Trip		Per Trip		Per Trip		Per Trip	
<b>PRIVATE</b>								
Cars <sup>1</sup>	\$4.62		\$0.54		\$1.34		\$6.50	
Station Wagons <sup>1</sup>	4.62		0.54		1.34		6.50	
Vans <sup>2</sup>	5.37		0.54		1.34		7.25	
Pickups <sup>2</sup>	5.37		0.54		1.34		7.25	
Trailers <sup>2</sup>	5.37		0.54		1.34		7.25	
Extra Yards	2.30		0.27		0.68		3.25	

	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
<b>TIRES<sup>3</sup></b>								
Passenger (up to 10 ply)	\$0.25						\$0.25	
Passenger Tire (on rim)	1.00						1.00	
Tire Tubes	0.25						0.25	
Truck Tires	2.75						2.75	
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids	2.75						2.75	
Truck Tire (on rim)	7.75						7.75	
Dual	7.75						7.75	
Tractor	7.75						7.75	
Grader	7.75						7.75	
Duplex	7.75						7.75	
Large Solids	7.75						7.75	

<sup>1</sup>Based on a minimum load of two cubic yards.

<sup>2</sup>Based on a minimum load of two and one-half cubic yards.

<sup>3</sup>Cost per tire is listed.

0014C/C-C

Section 2. Metro Code Section 5.02.025 is Amended to Read as Follows:

"(a) A base disposal rate of [\$10.33] \$9.70 per ton of solid waste delivered is established for solid waste disposal at the Clackamas Transfer & Recycling Center.

(b) A convenience charge of [\$1.49] \$2.25 per ton of solid waste delivered is established to be added to the base disposal rate at Clackamas Transfer & Recycling Center.

(c) The base disposal rate and convenience charge established by this section shall be in addition to fees, charges and surcharges established pursuant to Sections 8, 9 and 10 of this ordinance. [The minimum charge for commercial vehicles shall be for one ton of solid waste.]

"(d) The minimum charge for commercial vehicles shall be for one ton of solid waste. The minimum charge for private trips shall be two and one-half cubic yards for pickup trucks, vans and trailers and two cubic yards for cars. The minimum charge for private trips shall be waived for any person delivering one-half cubic yard or more of acceptable recyclable materials. Such persons shall be charged for the actual amount of waste delivered at the extra yardage rate.

[(d)] (e) The following disposal charges shall be collected by the Metropolitan Service District from all persons disposing of solid waste at the Clackamas Transfer & Recycling Center:

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy	\$/ton	\$/cy
<b>COMMERCIAL</b>										
Compacted	\$9.70	\$2.87	\$1.68	0.43	\$2.00	\$0.52	\$2.25	\$0.57	\$15.63	\$4.39
Uncompacted	9.70	1.22	1.68	0.25	2.00	0.30	2.25	0.33	15.63	2.10

Vehicle Category	Base Rate		Metro User Fee		Regional Transfer Charge		Convenience Charge		Total Rate	
	Per Trip		Per Trip		Per Trip		Per Trip		Per Trip	
<b>PRIVATE</b>										
Cars <sup>1</sup>	\$4.62		\$0.54		\$1.34		\$0.75		\$7.25	
Station Wagons <sup>1</sup>	4.62		0.54		1.34		0.75		7.25	
Vans <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Pickups <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Trailers <sup>2</sup>	5.37		0.54		1.34		0.75		8.00	
Extra Yards	2.31		0.27		0.68		0.35		3.60	

Vehicle Category	Base Rate		Metro Fee		Regional Transfer Charge		Total Rate	
<b>TIRES<sup>3</sup></b>								
Passenger (up to 10 ply)	\$0.50						\$0.50	
Passenger Tire (on rim)	1.25						1.25	
Tire Tubes	0.25						0.25	
Truck Tires	3.75						3.75	
(20" diameter to 48" diameter on greater than 10 ply)								
Small Solids	3.75						3.75	
Truck Tire (on rim)	8.75						8.75	
Dual	8.75						8.75	
Tractor	8.75						8.75	
Grader	8.75						8.75	
Duplex	8.75						8.75	
Large Solids	8.75						8.75	

<sup>1</sup>Based on a minimum load of two cubic yards.

<sup>2</sup>Based on a minimum load of two and one-half cubic yards.

<sup>3</sup>Cost per tire is listed.

Section 3. Metro Code Section 5.02.050 is Amended to Read as Follows:

"(a) There is hereby established a regional transfer charge which shall be a charge to the operators of solid waste disposal facilities for services rendered by Metro in administering and operating solid waste transfer facilities owned, operated or franchised by Metro. Such charge shall be collected and paid in the form of an add-on to user fees established by Section 8 of this ordinance.

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

- (1) For noncompacted solid waste, [~~\$0.22~~] \$0.30 per cubic yard delivered; [~~\$1.47~~] \$2.00 per ton delivered.
- (2) For compacted solid waste, [~~\$0.38~~] \$0.52 per cubic yard delivered; [~~\$1.47~~] \$2.00 per ton delivered.
- (3) For all material delivered in private cars, station wagons, vans, single and two wheel trailers, trucks with rated capacities of less than one (1) ton, [~~\$0.80~~] \$0.68 per cubic yard with a minimum charge of [~~\$1.60~~] \$1.34 per load."

Section 4: The Council finds that, in order to recoup sufficient revenue to operate disposal facilities and programs for FY 1984, it is necessary that the rates established herein be effective by January of 1984. Therefore, an emergency is hereby declared to exist pursuant to ORS 268.515(7), and the rates, fees and charges established by this ordinance shall be effective on and after January 1, 1984.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

AJ/gl  
0014C/353

# 1984 RATE STUDY

For Solid Waste Transfer and Disposal  
August, 1983

Prepared by the  
DEPARTMENT OF SOLID WASTE

Project Manager Ed Stuhr

## ACKNOWLEDGEMENTS

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## COMMITTEES

Rate Review Committee  
Solid Waste Policy Alternative  
Committee

George Hubel, Chair  
John Trout, Chair

Section: 1

INTRODUCTION

PURPOSE

This study has been conducted to determine the solid waste disposal rates which will yield sufficient 1984 revenue to operate the St. Johns Landfill and the Clackamas Transfer & Recycling Center (CTRC). These facilities are operated by the Metropolitan Service District (Metro). The disposal rates are reviewed and adjusted annually to reflect changes in operating costs in accordance with established budgeting principles.

METHODOLOGY

Rate adjustments are determined by the following process:

1. Determine historic solid waste quantities for the period from July 1982 through June 1983.
2. Project solid waste quantities for calendar year 1984.
3. Estimate costs related to each facility.
4. Allocate costs to commercial and public users of the solid waste system.
5. Calculate disposal rates for commercial wastes, public wastes and vehicle tires.

The balance of this study is arranged in this order.

## TABLE OF CONTENTS

	PAGE
1. Introduction. . . . .	2
2. Quantities of Solid Waste . . . . .	3
3. Expenditures and Other Cost Factors . . . . .	10
4. Cost Allocation . . . . .	22
5. Rate Computations . . . . .	29
6. Recommended Rates . . . . .	33
7. Financial Analysis. . . . .	34

Section: 2

QUANTITIES OF SOLID WASTE

Metro assumed operation of the St. Johns Landfill in North Portland from the City of Portland in June 1980. Since the closure of Rossman's Landfill in Oregon City in June 1983, St. Johns is the only general purpose landfill in the Portland Metropolitan area. About 72 percent of the solid waste generated in the Metro area is disposed of at the St. Johns Landfill.

The CTRC was opened by Metro in April 1983 to make up part of the loss of disposal capacity resulting from the closure of Rossman's Landfill. The CTRC receives solid waste from the southern portion of the region. Waste is loaded into large trailers for transport to the St. Johns Landfill. The CTRC's operating capacity has been limited by the Oregon City Planning Commission to 800 tons per day.

HISTORIC QUANTITIES

St. Johns Landfill

The monthly quantities of solid waste delivered to St. Johns Landfill from July 1982 through June 1983 are shown in Table 2-1 (p. 5). The total amount of solid waste landfilled during that period was 356,619 tons, which includes 49,317 tons of sludge. These tonnage figures were determined from actual net weights of commercial vehicles and public transfer station drop boxes, as calculated and recorded by an automated computer-weighing system. For convenience, the public is charged on a volume basis, rather than their vehicles being weighed in and out as are commercial vehicles. The public dumps into drop boxes at a transfer station. Filled boxes are hauled to the working area via the scale, which records the weight for the purpose of the operations contract payment. This allows for an accurate conversion from volume to weight. The sludge quantities were entirely comprised of treated wastewater sludge from the City of Portland's Columbia Boulevard Sewage Treatment Plant. The last sludge deliveries were in April 1983.

Clackamas Transfer & Recycling Center and Rossman's Landfill

Rossman's Landfill, which disposed of about 50 percent of the region's waste, closed on June 10, 1983. During the period after CTRC opened on April 11 until June 10, waste that normally went to Rossman's was divided between the two facilities. Local commercial haulers and the public used CTRC and haulers from other parts of the region continued to use Rossman's. This enabled the landfill to be completed according to approved plans. Waste delivered to CTRC was transferred to the St. Johns Landfill. The amount of waste going to these two sites during the last 12 months is presented in Table 2-2 (p. 6).



This data will assist in projecting future waste flows, expected to be delivered to the CTRC. The quantities of waste delivered to Rossman's by the public are estimated from the number of trips based on an average load of 500 lbs./trip. The public quantities at CTRC during the three months operation are based on the difference between tonnage transfered and measured commercial tonnage.

TABLE 2-1  
ST. JOHNS LANDFILL  
HISTORIC SOLID WASTE QUANTITIES

	<u>Commercial Tons</u>	<u>Transfer Tons from CTRC</u>	<u>Public Tons</u>	<u>Sludge Tons</u>	<u>Total Tons</u>
July 1982	20,655	0	1,717	3,925	26,297
August	25,349	0	1,620	4,463	31,432
September	22,250	0	1,671	4,753	28,674
October	20,774	0	1,434	4,939	27,147
November	20,381	0	1,079	5,120	26,580
December	25,874	0	1,091	7,304	34,269
January 1983	18,602	0	1,505	5,916	26,023
February	17,206	0	1,439	5,170	23,815
March	20,279	0	2,100	5,790	28,169
April	18,923	7,389	2,177	1,937	30,426
May	19,518	9,234	2,544	0	31,296
June 1983	<u>23,076</u>	<u>17,165</u>	<u>2,250</u>	<u>0</u>	<u>42,491</u>
Total Tons	252,887	33,788	20,627	49,317	356,619
Total Trips	61,753		49,744		

TABLE 2-2  
CLACKAMAS TRANSFER & RECYCLING CENTER<sup>1</sup>  
AND  
ROSSMAN'S LANDFILL<sup>2</sup>

HISTORIC SOLID WASTE QUANTITIES

	<u>COMMERCIAL</u>			<u>PUBLIC</u>		
	<u>Rossman's</u>	<u>CTRC</u>	<u>Trips<sup>3</sup></u>	<u>Rossman's</u>	<u>CTRC</u>	<u>Trips<sup>3</sup></u>
July	20,531	0	4,303	3,414	0	12,715
August	21,121	0	4,282	3,182	0	12,000
September	21,128	0	4,086	2,701	0	10,037
October	18,917	0	3,809	2,353	0	8,908
November	19,393	0	3,860	1,848	0	6,991
December	20,214	0	4,070	1,834	0	6,866
January	18,586	0	3,779	2,129	0	7,607
February	17,344	0	3,571	1,922	0	6,922
March	21,269	0	4,177	2,665	0	9,518
April	15,318	5,274	4,030	860	2,115	8,282
May	15,404	6,501	4,220	0	2,733	7,174
June	<u>4,999</u>	<u>14,357</u>	<u>3,914</u>	<u>0</u>	<u>2,808</u>	<u>7,824</u>
Total	214,224 (tons)	26,132 (tons)	48,101	22,908 (tons)	7,656 (tons)	104,844

1 CTRC began operating on April 11, 1983.

2 Rossman's Landfill closed on June 10, 1983. Total waste landfilled during the previous 12 months was 237,132.

3 Total trips at both sites.

## PROJECTED QUANTITIES

The total amount of waste generated in the Metro region during FY 1982-83 was about 745,000 tons. Based on an analysis of recent regional flows, it is reasonable to expect that the improving economy will increase the waste flow to 755,000 tons. It is estimated, based on historic records, that of the total waste to be disposed of at landfills, 86% or 649,300 tons will be delivered by commercial haulers. The remaining 14% or 105,700 tons will be brought in by the public.

The amount of waste disposed of at St. Johns Landfill will increase substantially because of the Rossman's closure. Projected quantities are shown in Table 2-3 (p. 8). Of importance is the amount of waste that is directly hauled to St. Johns by haulers rather than by transfer trailers via CTRC. Direct haul is assumed to increase by almost 52,000 tons. This waste was previously going to Rossman's.

Projected quantities for CTRC are presented in Table 2-4 (p. 9). A total of 216,600 tons are projected to be delivered and processed at CTRC. The amount brought in by commercial haulers is 182,400 which is less than went to Rossman's and CTRC last year. (See Table 2-2, p. 6.) The public quantities are based on the actual weight data at CTRC, projected for one year.

TABLE 2-3

## ST. JOHNS LANDFILL

## PROJECTED SOLID WASTE QUANTITIES

<u>1984</u>	<u>Commercial Tons</u>	<u>Transfer Tons from CTRC</u>	<u>Public Tons</u>	<u>Total Tons</u>
January	23,870	16,940	1,520	42,330
February	23,430	16,630	1,500	41,560
March	26,360	18,700	1,680	46,740
April	25,430	18,050	1,620	45,100
May	25,760	18,280	1,640	45,680
June	26,410	18,740	1,690	46,840
July	27,420	19,450	1,750	48,620
August	26,250	18,640	1,680	46,570
September	26,530	18,840	1,690	47,060
October	25,320	17,970	1,620	44,910
November	23,270	16,520	1,490	41,280
December	<u>25,140</u>	<u>17,840</u>	<u>1,600</u>	<u>44,580</u>
Total Tons	305,190	216,600	19,480	541,270
Total Trips	61,340		54,290	

TABLE 2-4  
CLACKAMAS TRANSFER & RECYCLING CENTER  
PROJECTED SOLID WASTE QUANTITIES

<u>1984</u>	<u>Commercial Tons</u>	<u>Public Tons</u>	<u>Total Transfer Tons</u>
January	14,260	2,680	16,940
February	14,000	2,630	16,630
March	15,750	2,950	18,700
April	15,200	2,850	18,050
May	15,400	2,880	18,280
June	15,780	2,960	18,740
July	16,390	3,060	19,450
August	15,700	2,940	18,640
September	15,860	2,980	18,840
October	15,130	2,840	17,970
November	13,910	2,610	16,520
December	<u>15,020</u>	<u>2,820</u>	<u>17,840</u>
Total Tons	182,400	34,200	216,600
Total Trips	36,660	95,316	131,976
Total Transfer Trips (at 24 tons per trip)			9,025

## Section 3

### EXPENDITURES AND OTHER COST FACTORS

#### ST. JOHNS LANDFILL EXPENDITURES

The expenditures relating to the St. Johns Landfill are summarized in Table 3-3 (p. 15). The following paragraphs discuss each type of expenditure.

#### 1. Operation Contract

##### Disposal Expense

Genstar Conservation Systems, Inc., through a bid process, was awarded a five-year contract to operate the St. Johns Landfill by Metro in June 1980. Genstar performs most of the refuse handling tasks, including the operation of the public transfer station and the commercial dumping area. The determination of payment to Genstar is based on a variable scale of per ton disposal rates. As the volume of waste handled increases, the cost per ton generally decreases. Conversely, lower disposal volumes entail higher disposal rates.

The Genstar Conservation Systems, Inc. operations contract disposal cost for 1984 is projected to be \$3,457,320 (see Table 3-1, p. 11). The operations contract is adjusted annually on October 1 to reflect inflationary effects. Based on trends of the index used, adjustments of 8% in October 1983 and 8% in October 1984 have been projected.

TABLE 3-1  
ST. JOHNS LANDFILL  
OPERATIONS CONTRACT  
PROJECTED DISPOSAL COSTS

<u>1984</u>	<u>Total Tons Disposal</u>	<u>Disposal Rate Per Ton</u>	<u>Disposal Cost</u>
January	42,330	6.47	273,875
February	41,560	6.56	272,634
March	46,740	6.16	287,918
April	45,100	6.23	280,973
May	45,680	6.23	284,586
June	46,840	6.16	288,534
July	48,620	6.03	293,178
August	46,570	6.16	286,871
September	47,060	6.10	287,066
October	44,910	6.81*	305,835
November	41,280	7.08	292,262
December	<u>44,580</u>	<u>6.81*</u>	<u>303,590</u>
	541,270		3,457,320

\* Includes projected 8% increase in operations contract



## Final Improvements

It is expected that by January 1, 1984, the final cover will be completed in subarea 2 and approximately 14 acres of subarea 3. During the period covered by this rate study, the balance of subarea 3, representing 40 acres will receive final cover, seeding and final road improvements. Based on the contract prices to perform this work the total expenditures will be \$1,050,000. The fund balance at end of 1983 is estimated to be \$530,000 which includes \$190,000 obtained from the City of Portland. Therefore, the balance of \$520,500 needs to be recovered through rates in 1984.

Total Expenditures (1984)	\$1,050,500
Final Cover Fund Balance	<u>530,000</u>

Total Revenue Requirements	\$ 520,500
----------------------------	------------

## 2. Other Expenses

### a. Land Lease

Metro leases the land for the St. Johns Landfill from the City of Portland. Currently Metro and the City are revising the lease payment as per our agreement. For the purpose of establishing the rates the lease payments for 1984 are estimated to total \$227,400. This represents an increase of 15%.

### b. Environmental Control Sinking Funds

Two sinking funds have been established to accumulate reserve funds during the remaining operating life of the landfill. Their purpose is to finance post-closure expenditures at the landfill site. The Annual Maintenance fund will be used for grading, compacting and reseeding portions of the landfill after its anticipated closure in 1988. The Perpetual Maintenance fund will be used for the operation and maintenance of leachate pretreatment equipment and for the transportation of leachate effluent to the City of Portland wastewater treatment plant.

The sinking fund contributions are calculated to provide sufficient resources over the period that the maintenance will be required, and are unchanged from last year. The Annual Maintenance fund payment of \$51,800 will ensure that enough will be available to meet costs over the life of the activity (1987-1992). The costs are expected to rise from \$51,000 in 1987 to \$81,000 in 1992. The Perpetual Maintenance fund payment of \$120,000 will provide enough resources to support expenditures rising from \$32,000 in 1989 to \$163,000 in the year 2004.

c. Debt Service

Metro has a long-term loan/grant agreement with the State of Oregon Department of Environmental Quality for St. Johns capital improvements. The terms of the loan contract require two payments in 1984, one on April 1 and one on October 1. The total 1984 payment is \$209,940. The proceeds from this loan were used to offset the cost of constructing the landfill expansion area, gatehouse, public vehicle transfer station, and related engineering fees. Until the expansion area comes into use in approximately May 1984, its portion of the debt service will be paid by user fees. The amount to be recovered by rates, therefore, is \$198,480.

d. General Fund Transfer

This expenditure is to cover Metro and Solid Waste Department expenses which support operations at the St. Johns Landfill. Overhead services include personnel time and materials provided by other divisions or departments, including accounting, personnel, printing, word processing and general administration. The cost of these services in 1984 is estimated to be \$97,520.

f. Contractual Services

Professional services are expected to require \$42,400 in 1984. These include such services as site life update, periodic landfill inspection reports, perimeter design study, engineering services, land appraisals, legal services, bridge inspections and other miscellaneous consulting services.

g. Metro Operating Costs

The St. Johns Landfill gatehouse is operated by Metro employees 24 hours a day. They issue commercial and public transaction receipts and perform commercial accounts receivable billing. In addition to gatehouse operations, some staff activities can be assigned directly to St. Johns. These include administration of the operations contract and the land lease contract with the City of Portland, water quality monitoring and operation of the recycling center.

Metro operating costs assigned to St. Johns include \$220,000 for personnel expenses, \$27,000 for equipment maintenance and repair, \$87,100 for materials and services and \$7,500 for capital acquisition. The personnel expenses include funds for three full-time and three part-time gatehouse attendants, and partial funding of the facilities supervisor, operations manager and other engineering, technical and administrative support. The

maintenance and repair funds will be applied to the landfill access bridge, the weighing system, water monitoring boat, the expansion area, janitorial services and gatehouse equipment. Materials and services expenses include printing of transaction invoices, automobile expenses, permits, utilities, telephone costs, office supplies, data processing and insurance. The capital funds will be applied to weighing and billing system improvements.

In addition, DEQ will be establishing a fee to be paid by St. Johns as a result of this past legislative session. The fees will cover monitoring and inspection cost. Fees are estimated to be \$5,000 for six months. This fee schedule will not be levied until July 1, 1984.

h. Contingency

In order to protect the level of service at the St. Johns Landfill from unforeseeable changes in its operating environment, an amount equal to 6% of revenue needs is set aside. Risks which this is intended to protect against include possible changes in compliance regulations that would require substantial improvements or modifications to the site, damage to the site or facilities or a reduction in waste volumes which would increase the unit cost of the solid waste disposal contract.

## TABLE 3-3

## ST. JOHNS LANDFILL

## PROJECTED 1984 EXPENDITURES

## Operations Contract

Disposal Expense	\$3,457,320
Final Improvements	<u>520,500</u>

Subtotal	\$3,977,820
----------	-------------

Land Lease	227,400
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Environmental Control  
Sinking Funds

Annual Maintenance	\$51,800
Perpetual Maintenance	<u>120,000</u>

Subtotal	171,800
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Debt Service	198,480
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General Fund Transfer (S.W. Overhead)	97,520
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Recycling	3,730
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Contractual Services	42,400
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## Metro Operating Cost

Personnel	220,000
Maintenance & Repair	27,000
Materials & Services	87,100
DEQ Fees	5,000
Capital Outlay	<u>7,500</u>

Subtotal	<u>346,600</u>
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Contingency	300,000
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Total Expenditures	\$5,365,750
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## CLACKAMAS TRANSFER & RECYCLING CENTER EXPENDITURES

The expenditures relating to the CTRC are summarized in Table 3-5, p. 20. The following paragraphs discuss each type of expenditure.

### 1. Operating Contract

Genstar Conservation Systems, Inc. was awarded the CTRC operations contract by Metro in July 1982. Genstar operates the transfer station and transfers the collected waste to the St. Johns Landfill, and operates the CTRC. The determination of payment to Genstar is based on a variable scale of per ton transfer rates. As the volume of waste increases, the cost per ton decreases. Conversely, lower transfer volumes entail higher transfer rates.

The Genstar Conservation Systems, Inc. operations contract cost for CTRC is projected to be \$1,671,850 in 1984 (see Table 3-4, p. 17). The operations contract is adjusted annually on April 1 to reflect inflationary effects. Based on trends of the index used, an adjustment of 8% in 1984 has been projected.

TABLE 3-4

## Clackamas Transfer &amp; Recycling Center

## Operating Contract

## Transfer costs

<u>1984</u>	<u>Total Transfer Tons</u>	<u>Transfer Rate Per Ton</u>	<u>Transfer Cost</u>
January	16,940	7.96	134,842
February	16,630	7.96	132,375
March	18,700	7.56	141,372
April	18,050	7.56	136,457
May	18,280	7.56	138,196
June	18,740	7.56	141,674
July	19,450	7.56	147,042
August	18,640	7.56	140,917
September	18,840	7.56	142,430
October	17,970	7.96	143,041
November	16,520	7.96	131,498
December	<u>17,840</u>	<u>7.96</u>	<u>142,006</u>
	216,600		\$1,671,850

## 2. Other Expenses

### a. Debt Service

Metro has a long-term loan/grant agreement with the State of Oregon Department of Environmental Quality for preparation of the CTRC and Energy Recovery Facility site, and for construction of the CTRC facility. The terms of the loan contract require two payments in 1984, one on February 1 and one on August 1. The total 1984 payment is \$403,139. The portion related to CTRC site development and construction (\$258,000) will be recovered by rates. The remainder will be recovered through user fees. Site development costs were assessed on a per-acre basis: CTRC is developed on 3.2 acres of the 10.12-acre site.

### b. General Fund Transfer

This expenditure is to cover Metro and Solid Waste Department expenses which support operations at CTRC. Overhead services include personnel time and materials provided by other divisions or departments, including accounting, personnel, printing, word processing and general administration. The cost of these services in 1984 is estimated to be \$97,560.

### c. Metro Operating Costs

The CTRC gatehouse is operated by Metro employees 12 hours a day. In addition to gatehouse operations, some staff activities can be assigned directly to CTRC. These include administration of the operations contract, and operation of the recycling center.

Metro operating costs assigned to CTRC include \$112,580 for personnel expenses, \$25,140 for equipment maintenance and repair, \$41,070 for materials and services and \$4,000 for capital acquisition. The personnel expenses include funds for one full-time and two part-time gatehouse attendants, and partial funding of the facilities supervisor, operations manager, and other engineering, technical and administrative support.

DEQ fees will also be levied against the CTRC operation. However, because it is not a landfill, the fees are expected to be substantially less: \$1,000 for the six-month period.

### d. Contingency

In order to protect the level of service at CTRC from unforeseeable changes in its operating environment, an amount equal to 4.5% of revenue needs is set aside. Risks which this is intended to protect against include possible

changes in compliance regulations that would require substantial improvements or modifications to the facility, damage to the facility or an increase in waste flow that would result in higher cost to transport to St. Johns.



TABLE 3-5

## CLACKAMAS TRANSFER &amp; RECYCLING CENTER

## PROJECTED 1984 EXPENDITURES

Operations Contract		\$1,671,850
Debt Service		258,000
General Fund Transfer (S.W. Overhead)		97,560
Recycling		3,500
Metro Operating Costs		
Personnel	\$112,580	
Maintenance & Repairs	25,140	
Materials & Services	41,070	
DEQ Fees	1,000	
Capital Outlay	<u>4,000</u>	
Subtotal		183,790
Contingency		<u>100,000</u>
Total Expenditures		\$2,314,660

## OTHER COST FACTORS

The preceeding sections described the expenditures which are covered by disposal fees. In addition to these fees, Metro imposes a region-wide user fee. A region-wide Regional Transfer Charge is also collected to pay most of the cost of the CTRC. Users of the CTRC pay an additional "convenience charge", and out-of-state users of Metro solid waste facilities pay a surcharge.

### User Fee

The user fee is collected at all solid waste facilities in the Metro region. Proceeds from the user fee are applied to debt service and to fund solid waste programs at Metro. No new debt has been incurred this year.

### Out-of-State Surcharge

The State of Oregon has provided support for Metro's solid waste activities through the State Pollution Control Fund. The State generates revenue for the Pollution Control Fund through the sale of general obligation bonds. The money from this fund has been distributed to Metro in the form of a 70% loan/30% grant package. The loan portions are repaid, with interest, to the State. The grant money, of which Metro has received \$2,506,530 to date, is not repaid to the State. Therefore, the State funds the grant portions. It does this through income tax collections.

Metro received \$583,230 in grant money from the fund for expansion at St. Johns, for the development of the Energy Recovery Facility and CTRC site and for the construction of CTRC. If the State had not granted these funds Metro would need to pay \$280,000 every year through 1987 to generate an equivalent amount of capital. From 1988 to 2001, the annual amount would drop to about \$190,000. These estimates assume the same retirement schedules and interest rates as the two loan agreements. When the \$280,000 annual amount is allocated to the total volume to be received at Metro facilities during 1984, it can be determined that the State subsidizes each ton by \$0.54. This means that Oregon residents are actually paying less through rates at Metro facilities than what it actually costs to dispose of the solid waste. The State's grant money is subsidizing them. Therefore, users who transport out-of-state waste to Metro facilities are charged \$.54 per ton as an out-of-state surcharge.

## Section 4

### COST ALLOCATIONS

In order to calculate solid waste disposal rates, it is necessary to allocate the costs incurred by Metro to specific user classes (commercial and public), in a manner by which each user pays for as much and only as much as is required to serve that user class.

Costs that are incurred as a function of volume of waste handled (such as the disposal cost at the landfill) are allocated according to the volume contributed by each user class. Other costs are related to the number of vehicles handled. They are allocated according to the number of vehicle trips by each user class. Another group of costs can be identified specifically to a single user and are allocated accordingly.

In the following section, costs to be met by rate revenue are described for each of the Metro facilities. The results are summarized in terms of total dollars in Tables 4-2 and 4-5 (p. 24 and p. 27) and in terms of dollars per ton in Tables 4-3 and 4-6 (p. 25 and p. 28).

### ST. JOHNS LANDFILL COST ALLOCATIONS

All of the projected expenses for St. Johns Landfill are allocated on the basis of tons received from each user class, with the exception of a few costs which can be isolated and directly allocated to a single user class. The results are summarized in Table 4-2, p. 24.

Of the 541,270 tons expected at St. Johns Landfill, commercial wastes comprise about 96 percent and public waste about 4 percent. The expenses not directly allocated are apportioned by these percentages.

Metro operates a public receiving area where all waste is dumped into drop boxes and hauled to the working face of the dumping area. This receiving area is necessary both for safety and for efficiency. The cost of the public receiving area is projected to be \$115,590, and is allocated exclusively to public users, as is \$8,285 in debt service for this facility.

The weighing system costs of \$44,840 are allocated entirely to commercial users.

Recycling expenses are allocated directly to the public. Costs related to hauling the glass, tin, newspaper and other paper boxes are recovered by marketing the recycled material. The tire box hauling costs are allocated according to the number and size of tires (see Table 4-1, p. 23). The larger truck and heavy equipment tires displace about the same volume in the tire box as four passenger vehicle tires, so the hauling costs are allocated

accordingly. Rims inside tires do not displace any more volume than a tire off-rim, so hauling costs are not allocated to mounted rims. Disposal costs are allocated according to the tire disposal fees charged by the processing facility.

TABLE 4-1

ST. JOHNS LANDFILL  
TIRE COST ALLOCATION

	<u>Car Tires</u>	<u>Car Rims</u>	<u>Truck Tires</u>	<u>Truck Rims</u>	<u>Total</u>
Hauling Costs	\$849	\$0	\$111	\$0	\$960
Disposal Costs	0	375	210	150	735
Amounts to be Recovered by Rates	849	375	321	150	1,695
Quantity	3,670	500	120	30	4,320
Unit Cost	0.24	0.75	2.68	5.00	
Unit Rate	0.25	0.75	2.75	5.00	

TABLE 4-2

## ST. JOHNS LANDFILL

## COST ALLOCATIONS IN DOLLARS

	<u>Commercial &amp; Transfer</u>	<u>Public</u>	<u>Total</u>	<u>Basis</u>
Operations Contract	\$3,707,741	\$270,079	\$3,977,820	3
Land Lease	218,304	9,096	227,400	1
Sinking Funds	164,928	6,872	171,800	1
Debt Service	182,587	15,893	198,480	4
Genl. Fund Transfer	93,619	3,901	97,520	1
Recycling	-	3,730	3,730	2
Contract. Services	40,704	1,696	42,400	1
Metro Operating Costs	334,532	12,068	346,600	5
Contingency	<u>288,000</u>	<u>12,000</u>	<u>300,000</u>	1
Total	\$5,030,415	\$335,335	\$5,365,750	
Projected Tonnage	521,790	19,480	541,270	

## Bases:

1. Tonnage: 96% Commercial & Transfer, 4% Public
2. Identified to a single user all related to cost to public
3. \$115,590 to public for transfer station expenses, remainder by tonnage
4. \$8,285 to public for transfer station debt service, remainder by tonnage
5. \$44,890 to commercial & transfer for weighing system costs, remainder by tonnage

TABLE 4-3

## ST. JOHNS LANDFILL

## COST ALLOCATION IN DOLLARS PER TON

	<u>Commercial &amp; Transfer</u>	<u>Public</u>
Operations Contract	\$7.10	\$13.86
Land Lease	0.42	0.47
Sinking Funds	0.32	0.35
Debt Service	0.35	0.82
Genl. Fund Transfer	0.18	0.20
Recycling	-	0.19
Contract Service	0.08	0.09
Metro Operating Costs	0.64	0.62
Contingency	<u>0.55</u>	<u>0.62</u>
Total Cost per Ton	\$9.64	\$17.21 <sup>1</sup>

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1 The cost of service fee for the public is converted to a rate per trip.

### CTRC COST ALLOCATIONS

The projected expenses at CTRC are allocated in a variety of ways. The results are summarized in Table 4-5, p. 27. The operations contract and General fund transfer expenses are allocated according to the relative tonnage of commercial and public wastes. The operations contract was bid on a per-ton basis, and it is allocated accordingly.

The recycling expenses include hauling and disposal of vehicle tires, and are recovered by tire disposal rates (see Table 4-4).

TABLE 4-4

#### CLACKAMAS TRANSFER & RECYCLING CENTER TIRE COST ALLOCATION

	<u>Car Tires</u>	<u>Car Rims</u>	<u>Truck Tires</u>	<u>Truck Rims</u>	<u>Total</u>
Hauling Costs	\$5,412	\$0	\$708	\$0	\$6,120
Disposal Costs	0	1,125	630	450	2,205
Amounts to be Recovered by Rates	5,412	1,125	1,338	450	8,325
Quantity	11,010	1,500	360	90	12,960
Unit Cost	0.50	0.75	3.72	5.00	
Unit Rate	0.50	0.75	3.75	5.00	

Since this facility is designed to accommodate a large number of vehicles at 21 dumping stalls, the Debt Service for construction is allocated based on the number of trips by each user class. The Metro operating costs are also allocated by number of trips because the cost of the service provided (e.g., the gatehouse operation) is more closely related to transactions than to tons. Because the public is expected to make 95,316 of the 131,976 trips (Table 2-4, p. 9) made in 1984, they are allocated a higher share of the costs.

The commercial weighing system cost of \$18,760 is directly allocated to commercial users.

TABLE 4-5

## CLACKAMAS TRANSFER &amp; RECYCLING CENTER

## COST ALLOCATION IN DOLLARS

	<u>Commercial</u>	<u>Public</u>	<u>Total<sup>1</sup></u>	<u>Basis</u>
Operations Contract	\$1,404,354	\$267,496	\$1,671,850	1
Debt Service	72,240	185,760 *	258,000	2
Genl. Fund Transfer	81,917	15,603	97,520	1
Recycling	-	3,500	3,500	3
Metro Operating Costs	64,968	118,822	183,790	4
Contingency	<u>84,000</u>	<u>16,000</u>	<u>100,000</u>	
Total	<u>\$1,707,479</u>	<u>\$607,181</u>	<u>\$2,314,660</u>	
Projected Tonnage	182,400	34,200	216,600	
Projected Trips	36,660	95,316	131,976	

## Bases:

1. Tonnage: 84% commercial, 16% public
2. Trips: 28% commercial, 72% public
3. Identified to a single user
4. \$18,760 to commercial for weighing system costs, remainder by trips

\* this number will be used in CTRC public rate calculation only - not in regional transfer charge calculation.



TABLE 4-6

CLACKAMAS TRANSFER & RECYCLING CENTER  
COST ALLOCATION IN DOLLARS PER TON

	<u>Commercial</u>	<u>Public</u>
Operations Contract	\$7.69	7.82
Debt Service	0.40	5.43
Genl. Fund Transfer	0.45	0.45
Recycling	-	0.10
Metro Operating Costs	0.36	3.47
Contingency	<u>0.46</u>	<u>0.47</u>
Total Cost per Ton	\$9.36	\$17.75

These are the cost of service rates at CTRC.

## Section 5

### RATE COMPUTATIONS

Solid waste disposal rates for Metro facilities are determined in a series of steps designed to charge users in as equitable a manner as possible. The calculations which follow express the Metro policy that base rates at Metro facilities should be uniform, and that the operational cost of CTRC should be paid by all users in the region. Discussions will be presented in the following order for each rate element: commercial rates, convenience charge, Regional Transfer Charge and public rates.

#### 1. Commercial Rates

The commercial rate at both facilities is calculated by dividing the costs allocated to commercial users of the St. Johns facility (Table 4-2, p. 24) by the projected commercial and transfer tonnage (Table 2-3, p. 8, first two columns):

	<u>Commercial</u>
Net Revenue Requirement	\$5,030,415
Projected Waste Flow (tons)	<u>521,790</u>
Uniform Rate	\$9.64

It has been recommended that the construction and operation of the truck wash rack at CTRC be charged to all Metro facility commercial users. These costs, estimated at \$15,000 for operation and \$15,000 for debt service (for each of five years), would result in an increase to the commercial rate of \$0.06 per ton (\$9.70 per ton total).

#### 2. Convenience Charge

Users of the CTRC facility are charged an extra fee in recognition of the cost savings they realize by not being required to transport their waste to St. Johns. For the initial year of operation at CTRC, the convenience charge was \$1.49 per ton. In spite of the cost difference that was created between CTRC and St. Johns, commercial flows to CTRC have been substantially higher than predicted. This has increased the overall cost of disposing of the area's solid waste and so has placed upward pressure on disposal rates and on the Regional Transfer Charge for commercial users. It is recommended that the convenience charge at CTRC be raised to \$2.25 per ton to adjust the flow patterns between the Metro facilities to a more efficient balance. It is also recommended that it be made possible to raise or lower the convenience charge at times independent of the yearly rate adjustment so that it can be effectively used as a flow control device as needed to provide the lowest cost overall service.

3. Regional Transfer Charge (see Table 5-1, p. 32)

The Regional Transfer Charge is the means by which all waste disposal facility users in the Metro region are charged to pay equally for the operation of the CTRC. The debt service for the public portion of the CTRC is not included in the costs to be recovered through the Regional Transfer Charge, nor is the convenience charge (described on the preceding page).

Net CTRC expenses identified to commercial and public users are divided by the expected tonnage of waste to be generated by each user class.

Because of flow restrictions anticipated last year, commercial flow was limited in the rate study. These restrictions have been lifted, and an additional 80,000 tons of commercial waste is expected at CTRC as a result. Therefore, the Regional Transfer Charge for commercial users is higher than last year, and the Regional Transfer Charge for public users is lower than last year.

4. Public Rates

The public base rate at both Metro facilities is equal to the net expenses assigned to the public at both Metro facilities, divided by the number of public trips made to those facilities.

Calculation of the public base rate is described as follows. The net expenses assigned to the public are those which remain after the amounts covered by the public Regional Transfer Charge and the public convenience charge are taken out. The public convenience charge is then added to the base rate to arrive at the CTRC public rate. While all rate calculations are done using tonnage as the base units for the sake of consistency, rates for the public are administered in terms of trips. The translation from tons to trips has historically been based on the assumption that it took four average trips for the public to deliver one ton of waste. More recent data indicate a trend toward heavier loads, and so fewer trips per ton. A multiple of three trips per ton is now a more correct measure.

Calculation of the public rates in accordance with the above discussion follows.

The net CTRC operating cost is calculated thus:

Total CTRC Cost	\$607,181
Less: Regional Transfer Charge (1.34 x 261,000 trips)	(349,740)
Less: Convenience Charge (0.75 x 95,316 trips)	<u>(71,487)</u>
Net CTRC Operating Costs	\$185,954

The net CRTC cost is then combined with the cost of disposal and divided by total public trips to derive the Metro public rate:

St. Johns Public Disposal	\$335,335
CTRC Public Disposal	329,688
Net CTRC Operating Costs	<u>185,954</u>

Total Public Cost	\$850,977
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Divide by Public Trips	<u>149,606</u>
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Metro Public Rate (average)	\$5.68
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The last step in the process is to recognize the revenue which will come from charges for extra yards. The result is a recommended public rate of \$4.62 for cars and \$5.37 for trucks.

This is accomplished by reducing the revenue to be generated through public rates by the amount anticipated to come from extra yard charges (\$57,730), and then reducing the average public rate to meet the lower revenue needs. Actual rates to be charged to the public are then set, recognizing that about 90 percent of public trips are by pickup or similar vehicle.

TABLE 5-1

## REGIONAL TRANSFER CHARGE

	<u>Commercial</u>	<u>Public</u>
CTRC Expenses	\$1,707,479	\$607,181
Less: Public Debt Service		(185,760)
Less: Convenience Charge @ 2.25/ton	(410,400)	(71,500)
Net CTRC Expenses	1,297,079	349,921
Divide by: Regional Tonnage/Trips	<u>649,300</u>	<u>261,000</u>
Regional Transfer Charge	\$2.00 per ton	\$1.34 per trip

Section: 6

RECOMMENDED RATES (commercial per ton, public per trip)

	<u>Base Rate</u>	<u>User Fee</u>	<u>Regional Transfer Charge</u>	<u>Convenience Charge</u>	<u>Total Rate</u>
<u>St. Johns Landfill</u>					
Commercial	\$9.64	\$1.68	\$2.00	-	\$13.32
Public:					
Cars (2 cu yds)	4.62	0.54	1.34	-	6.50
Trucks, etc. (2-1/2 cu yds)	5.37	0.54	1.34	-	7.25
Extra Yards	2.31	0.27	0.67	-	3.25
<u>CTRC</u>					
Commercial	\$9.64	\$1.68	\$2.00	\$2.25	\$15.57
Public:					
Cars	4.62	0.54	1.34	0.75	7.25
Trucks, etc.	5.37	0.54	1.34	0.75	8.00
Extra Yards	2.31	0.27	0.67	0.35	3.60

User fees in the above recommendation are unchanged from 1983. The following are the recommended tire disposal rates:

	<u>St. Johns</u>	<u>CTRC</u>
Car Tires	\$0.25	\$0.50
Car Rims	0.75	0.75
Truck Tires	2.75	3.75
Truck Rims	5.00	5.00

Section: 7

FINANCIAL ANALYSIS

The purpose of this section is to demonstrate that, given the proposed rate structure and projected solid waste flows, enough revenue will be generated to satisfy the requirements created by Metro facilities. Rate-derived revenues are generated by three major mechanisms: disposal charges, regional transfer charges and convenience charges. Some revenue can also be predicted from charges for additional yards of solid waste brought in by the public. Within each category, waste flows (in tons or trips as appropriate) are multiplied by proposed rates for the category to derive revenues. Total revenues are then compared with total requirements. As can be seen in the following chart, revenues and requirements closely match.

	<u>Units</u>	<u>Rate</u>	<u>Revenue</u>
<u>Disposal</u>			
Commercial (tons)	487,590	\$9.64	\$4,700,368
Public (trips)	149,606		
Cars	14,961	4.62	69,120
Pickups, etc.	134,645	5.37	723,045
<u>Regional Transfer Charge</u>			
Commercial (tons)	649,300	2.00	1,298,600
Public (trips)	261,000	1.34	349,740
<u>Convenience Charge</u>			
Commercial (tons)	182,400	2.25	410,400
Public (trips)	95,316	.75	71,487
<u>Additional Yards</u>			
Public	25,100	2.30	57,730
Total Revenue			\$7,680,490
Total Requirements			<u>\$7,680,410</u>
			\$80

ES/gl  
9107B/357  
8/16/83

CONSIDERATION OF AN ORDINANCE RELATING TO  
THE SOLID WASTE RATE REVIEW COMMITTEE  
STRUCTURE: AMENDING METRO CODE SECTION  
5.01.170

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Date: November 14, 1983

Presented by: Cindy Banzer

FACTUAL BACKGROUND AND ANALYSIS

This Ordinance has been prepared in accordance with a motion passed by the Regional Services Committee at its November 8, 1983 meeting. The motion was to recommend increasing the membership of the Solid Waste Rate Review Committee by one member from the public. The Committee would then have six members: three from the public and three from professions relevant to the Committee's activities. This change requires an amendment to the Metro Code.

Should this Ordinance pass, amendments to the Bylaws of the Rate Review Committee will also be necessary. These amendments must be made by the Metro Council.

EXECUTIVE OFFICER'S RECOMMENDATION ON SOLID WASTE RATE REVIEW  
COMMITTEE STRUCTURE ORDINANCE

The Executive Officer recommends against this Ordinance. The issue of changing the structure of the Rate Review Committee should be carefully reviewed on the basis of a desired objective or some criteria. To change the structure of the Committee for the apparent purpose of accommodating an additional appointment does not appear to be good public policy. Also, the change as suggested would make the Committee an even number which could impede its ability to make decisions and recommendations.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Services Committee recommends that Council amend Metro Code Section 5.01.170 to allow three public members on the Rate Review Committee.

The Committee also recommends that Rosalie Williams be nominated to fill the third public member position if the Code is amended.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO THE	)	ORDINANCE NO. 83-167
SOLID WASTE RATE REVIEW COMMITTEE	)	
STRUCTURE; AMENDING METRO CODE	)	Introduced by the Regional
SECTION 5.01.170	)	Services Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.01.170 is amended to read as follows:

"(a) The Council shall appoint a [five member] six member Rate Review Committee to gather information and provide recommendations for the establishment of rates.

"(b) Initially, three members shall serve two-year terms and [two] three members shall serve one-year terms, in order to provide continuity in Rate Review Committee membership. Thereafter, Rate Review Committee members shall serve two-year staggered terms.

"(c) The members of the Rate Review Committee shall be as follows:

"(1) One Certified Public Accountant with expertise in cost accounting and program auditing.

"(2) One Certified Public Accountant with expertise in the solid waste industry or public utility regulation.

"(3) One local government administrator with expertise in governmental financing, agency budgeting and/or rate regulation.

"(4) [Two] Three members of the public.

"(d) No representative or affiliate of the solid waste industry and no employee of the District shall serve on the Rate

Review Committee. (Ordinance No. 81-111, Sec. 18)"

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

ES/gl  
0304C/366

STAFF REPORT

Agenda Item No. 7.5

Meeting Date Nov. 22, 1983

CONSIDERATION OF RESOLUTION NO. 83-437 FOR  
THE PURPOSE OF DIVERTING NEWSPRINT FROM METRO  
SOLID WASTE FACILITIES

Date: November 14, 1983

Presented by: Councilor Etlinger

FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 83-437 was introduced by Councilor Etlinger at the Regional Services Committee meeting on November 8, 1983. The resolution declares a regional disposal policy of discouraging the disposal of unseparated newsprint at all Metro operated and franchised solid waste facilities.

The resolution calls for the following actions:

- Metro's Solid Waste Department to commence a waste reduction report to tabulate the quantities and types of materials recycled by haulers using Metro facilities.
- Metro's Public Affairs Department to expand the encouragement of newsprint recycling.
- The Executive Officer shall prepare an evaluation of this voluntary program six months after adoption of the resolution.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer does not support this resolution. While the spirit of the resolution is laudable, the method of presenting such a resolution which requires additional staff work not presently budgeted or included within the Department's work program is not good. The staff is not clear at this point how much time and effort is necessary to meet the reporting requirements of this resolution. The Executive Officer recommends that this resolution or the intent thereof be considered for inclusion in the waste reduction component of the Solid Waste Systems Plan.

COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Services Committee recommends Council adoption of Resolution No. 83-437.

RB/gl  
0265C/366  
11/14/83

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DIVERTING	)	RESOLUTION NO. 83-437
NEWSPRINT FROM METRO SOLID WASTE	)	
FACILITIES	)	Introduced by
	)	Councilor Etlinger

WHEREAS, Newsprint recycling is readily accessible for tri-county residents using regular haulers, depots or civic group collection drives; and

WHEREAS, SB 405 requires that by 1986 all materials more economically feasible to reuse than collect and dispose be collected at all households in the region; and

WHEREAS, Oregon is currently a national leader in the newsprint recycling industry, with major private investments continuing to increase the value of recycling our fiber resources; and

WHEREAS, New landfill space, as well as additional disposal facilities, will require significantly increased tipping fees; and

WHEREAS, It is clearly in the public interest to conserve and reuse newsprint while discouraging unwarranted use of scarce landfill capacity; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby declares a regional disposal policy of discouraging the disposal of unseparated newsprint at all Metro operated and franchised solid waste facilities.

2. That the Solid Waste Department shall commence a waste reduction report to voluntarily tabulate the quantities and types of materials recycled by haulers using Metro operated and franchised facilities. This report shall be included with monthly disposal bills and commence no later than January 1, 1984.

3. The Metro Public Affairs Department shall expand the encouragement of newsprint recycling in concert with Metro's Recycling Information Center, public education program and public service announcements.

4. The Executive Officer shall prepare an evaluation of this voluntary program, including suggested strategies for improvement, six months after adoption of this Resolution.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Presiding Officer

BE/gl  
0265C/366  
11/3/83



CONSIDERATION OF SOLID WASTE RATE REVIEW COMMITTEE  
MEMBER APPOINTMENTS

Date: October 17, 1983

Presented by: Ed Stuhr

FACTUAL BACKGROUND AND ANALYSIS

The Solid Waste Rate Review Committee was established under subsection 18(1) of the Disposal Franchise Ordinance to advise the Council on solid waste disposal rates. Three of the five positions on the Committee have become vacant, and the term of a fourth member is expiring.

The terms of Mark Gardiner and Robert Wynhausen expire October 22, and they have elected not to seek reappointment. James Dilworth has resigned due to ill health. George Hubel's term also expires October 22, and he has expressed a desire to be reappointed for a second term. The fifth member, Edward Gronke, is now half-way through his two-year term.

To obtain candidates for the selection process, nominations were solicited in August from Metro Councilors, local jurisdictions, CPA societies and former Committee members. All those who were nominated were then contacted and invited to send a resume or qualification summary form as an indication of willingness to serve. A total of 17 people responded positively: six local government administrators, seven CPAs for the two CPA positions, and four members of the public (in addition to George Hubel). A complete list is attached. To select the best candidate for each position, staff evaluated each person's qualifications from the material submitted in terms of the position requirements (e.g., the local government administrator should have experience in government finance, budgeting and/or rate regulation). The results appear as follows:

- staff recommends that George Hubel be appointed for a second term as one of the two public members--his enthusiasm for the Committee's activities and his performance as its current chairman combine with his technical credentials to produce an unqualified recommendation.
- for local government administrator: David T. Chen.
- for CPA (solid waste, public utility experience): L. Parry Ankersen.
- for CPA (cost accounting, program auditing): Alexis Dow.

Mr. Chen is Finance Director for the city of Beaverton. He has substantial experience in government finance and budgeting, and has handled municipal utility rates for 15 years.

Mr. Ankersen is Assistant Controller for the Grantree Corporation in Portland. He was previously an audit manager with Coopers & Lybrand in Portland, with multiple clients in the governmental area (including Metro for the year ended June 30, 1982).

Ms. Dow is a Senior Audit Manager for Price Waterhouse in Portland. She has several years experience in municipal auditing including nonprofit, local governments and CETA programs.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends reappointment of George Hubel to the public position, appointment of David T. Chen to the government administrator position, appointment of L. Parry Ankersen to the CPA (solid waste) position, and appointment of Alexis Dow to the CPA (program auditing) position.

#### COMMITTEE CONSIDERATION AND RECOMMENDATION

The Regional Services Committee recommended that the candidates be appointed, with the exception that Douglas K. Plambeck be appointed instead of L. Parry Ankersen.

ES/gl  
0224C/366  
11/10/83

RATE REVIEW COMMITTEE CANDIDATE LIST

October 17, 1983

LOCAL GOVERNMENT ADMINISTRATOR

- |    |                   |   |
|----|-------------------|---|
| 1. | Thomas M. Feely   | Multnomah County                          |
| 2. | James P. Wilcox   | Multnomah County                          |
| 3. | Richard Dieterich | City of Forest Grove                      |
| 4. | David T. Chen     | City of Beaverton                         |
| 5. | Robert W. Rieck   | City of Portland                          |
| 6. | Neal Winters      | Tualatin Hills Park & Recreation District |

CPA (Solid Waste, Utility)

- |    |                     |                      |
|----|---------------------|----------------------|
| 1. | L. Parry Ankersen   | Grantree Corporation |
| 2. | John C. Kelly       | BPA                  |
| 3. | Arlie P. Hutchens   | Laventhol & Horwath  |
| 4. | Douglas K. Plambeck | PGE                  |

CPA (Cost, Audit)

- |    |                     |                      |
|----|---------------------|----------------------|
| 1. | William L. Lockyear | Moss Adams           |
| 2. | Alexis Dow          | Price Waterhouse     |
| 3. | Susan K. Sause      | Susan K. Sause, P.C. |

PUBLIC MEMBER

- |    |                   |
|----|-------------------|
| 1. | George Hubel      |
| 2. | David M. Hudson   |
| 3. | Rosalie Williams  |
| 4. | Raymond L. Miller |
| 5. | Alan Goetz        |



CONSIDERATION OF YARD DEBRIS DEMONSTRATION  
GRANT REPORT

Date: November 14, 1983

Presented by: Dennis G. Mulvihill

FACTUAL BACKGROUND AND ANALYSIS

The problem is yard debris--limbs, brush, vines, leaves and grass--and how the 600,000 cubic yards which is generated each year in the metropolitan area is disposed of. As can be seen in Figure 1 (see Executive Summary, Yard Debris Demonstration Project Report, p. 2), most people either compost, give it to the garbage collector or self-haul it to the landfill. But some people burn it.

Burning is a problem because the Portland metropolitan area is designated a non-attainment area for National Ambient Air Quality Standards for total suspended particulates and the Department of Environmental Quality (DEQ) has identified open burning of yard debris as a significant controllable source of particulate air pollution.

To address this the Environmental Quality Commission (EQC) adopted a ban on backyard burning of yard debris in December 1980. Faced with possible legislative action, they lifted the ban in March 1981. The Legislature concluded that local governments did not have a reasonable means to dispose of the additional yard debris to be generated by the ban and adopted SB 327. The Bill prevented the EQC from re-instituting the ban until June 30, 1982. Thereafter, EQC could only impose a ban if such prohibition was necessary to meet air quality standards and alternative disposal methods were reasonably available to a substantial majority of the population.

Subsequent to this action, Metro was awarded a \$265,000 grant from the Environmental Protection Agency (EPA) in January of 1981. The purpose was to "provide funding for the demonstration of usable alternative uses of yard debris to prevent the resumption of backyard burning and the loss of air quality benefits." "The demonstration program would be managed and evaluated by a regional coordinator and a Project Steering Committee made up of DEQ, Metro, City of Portland and other pertinent jurisdictions."

In May 1983 the Steering Committee issued a report on the Demonstration Program. "The purpose of this report is to evaluate the Yard Debris Demonstration project and outline collection, processing and market options which could be pursued in the

future."<sup>1</sup> Following this a public forum was held asking local jurisdictions, the hauling industry and citizens to evaluate the appropriateness of the report's findings and recommendations. (See attachments.)

The purposes of this staff report are to assess whether the goals and objectives of the grant project were achieved and to discuss future actions by Metro.

The project goals established by the grant were to "demonstrate publicly acceptable and feasible alternatives for the recovery of yard debris in the Portland metropolitan area. Based on the final evaluation of the project, to recommend an implementable regional yard debris recovery program."

To meet this goal the grant established the following objectives which needed to be achieved:

1. "Demonstrate that a total ban on backyard burning in the Portland metropolitan area can be implemented without placing an additional burden on the area's scarce landfill capacity."
2. "Demonstrate that special processing techniques can convert the yard debris waste stream into a valuable usable resource."
3. "Provide a better information base to implement a viable alternative program on a permanent basis."

Based on information found in the report and the results of the public forum, it has been determined that the demonstration of the goals and objectives was not totally achieved.

The information used to arrive at this conclusion is developed below. It includes a discussion of what needed to be demonstrated, what was demonstrated, economic factors to consider, and public forum results and concludes with policy options.

A regional yard debris recovery program is composed of three elements: collection, processing and markets/reclamation. The information base created by the grant contains adequate information on only two-thirds of the equation, collection and processing.

"According to the grant request work scope, the strategy was to process the material into several possible products. Once the products were established, markets would be developed and (hopefully) the private sector would take over the operation with

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<sup>1</sup>A Demonstration Project for Recycling Yard Debris, March 1983, p. 3.



Metro supplying the waste material."<sup>2</sup> Some buyers were developed in the fuel, soil additive and ornament markets, but they were either very limited in volume needs or a cheaper product became available.

The processors involved in the Demonstration project have suggested that the problem is one of volume, and claim that "sufficient markets can be developed to move all the finished product."<sup>3</sup> Supply and demand factors control this development.

The supply/volume of the material is dependent on public participation, seasonal fluctuation, storage space and processing time. The demand for the material relates directly to the dependability of a specific supply, uniform content and the price of competing products. Processors feel that if public participation and a dependable supply are delivered by government, they can handle the remaining factors and develop the markets. It was not demonstrated by the yard debris project that diversion efforts or other methods instituted by government could deliver an adequate supply or that the effort would create a stable market.

The lack of developed markets limited achievement of the project's objectives; consequently, the goals could not be achieved.

- Because the processors are not able to guarantee accepting yard debris material for an indefinite length of time, a burning ban's impact on the landfill could not be assessed (objective 1). It is worthy of note that if the 13 percent (84,784 yd<sup>3</sup>) burned each year was diverted to St. Johns its closure would be hastened by 25 days over the next five years.
- Conversion of yard debris into a "valuable usable resource" was partially accomplished. The converted material is usable as a soil additive compost and fuel, but it is not valuable enough to justify processing it on a large scale; there is a limited demand for the product at the price needed for processing (objective 2).
- The flow of yard debris that can be expected using different collection systems does "provide a better information base" (objective 3). It would provide some of the information necessary to recommend an "implementable regional yard debris recovery program."

The grants goals, objectives and work scope directed that a supply of yard debris be created first then develop a market. This strategy is at odds with information contained in Metro's Waste Reduction Plan. The Waste Reduction Task Force in developing their recommendations (which subsequently became Metro's Waste Reduction

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<sup>2</sup>A Demonstration Project For Recycling Yard Debris, March 1983, pg. 2-20.

<sup>3</sup>Mark Hope, Waste By-Products, Memo, August 11, 1983.



Plan) found from their studies "that the marketing of the material (yard debris) defined the other system components of collection, storage and processing."

This theme was repeated in the California Waste Management Board's "Municipal Composting Handbook." "To ensure a successful composting program it is essential to perform an end use survey in the initial planning stage. The survey should identify how much compost can be marketed and used by the community, the product quality required for each designated end use and a realistic market value for the product. The market survey will help define the size, the processing requirements and the economic feasibility of the operation."

Discussion and testimony at the public forum focused on the issue of "publicly acceptable and feasible alternatives." There was general agreement that yard debris should not be burned if there are collection or other alternatives available. However, it was made clear that "publicly acceptable and feasible alternatives" (see grant goals) for the recovery of yard debris are, to a significant degree, determined by cost, not just by the availability of a collection system as suggested by the number 1 finding in the Report (see Executive Summary, p. 4). As one county administrator observed, "If our analysis (of the Report) is correct, the demand for service is only generated by a free program with easy access (see attachment). Those 'free' programs represent a significant cost to the sponsoring public agency which is ultimately borne by the taxpayer. Given the current economic health of most governments in the Metro region, we doubt that yard debris will receive serious consideration in any local government budget. You must ask yourself whether or not the findings of the report suggest that there is a public demand. We would suggest that it will be very difficult to justify, based on the data gathered by the Steering Committee."<sup>4</sup>

Two other messages came out of the public forum:

- Collection and processing alternatives need to be more adequately developed and priced before a required program is designed and implemented.
- More promotion and public education of the yard debris problem and solutions is needed.

A successful regional yard debris program must include the cooperation of the local jurisdictions, so, the concern over the adequacy of the information on collection and processing alternatives issued at the public forum needs to be addressed. The Yard Debris Steering Committee's Report's recommendations placed the

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<sup>4</sup>Clackamas County testimony at public forum on results of curbside collection demonstration portion of Report. This statement was corroborated by several local jurisdictions' and public testimony.



development of additional information and action on the local jurisdictions. Given current fiscal pressures, Senate Bill 405 and undeveloped markets for processed yard debris, their reluctance to spend any money experimenting is understandable.

Three elements may change this attitude.

- A market contract that is contingent upon the delivery of a certain supply for a certain price.
- The experience of having developed their own recycling plan as required by Senate Bill 405.
- The March 1984 election on a sales tax.

This concludes the assessment of the grant, but a broader discussion of yard debris is also necessary. Metro's responsibility for yard debris is not limited to this grant. The Waste Reduction plan states that the long-term goals will be met by "assuring the handling, processing and reclamation of all separated yard debris." In essence, the goals of the plan and of the grant are the same (see attachment).

The information generated by the yard debris project was incomplete for purposes of demonstrating achievement of the grants goals and objectives. The results do suggest that a regional yard debris recovery system is feasible and identified missing elements/role options for Metro beyond promotion, education and conducting the demonstration project.

The key policy question that has evolved out of the yard debris demonstration project is whether Metro should proceed immediately with the development and implementation of methods to increase the supply of yard debris (diversion ordinance, franchise ordinance, rate incentives, technical assistance, support funds, promotion and education) or conduct a feasibility study of the markets potential. (How much might be marketed and used for what purpose and what the prices of competing products are.)

Arguments for each option are developed below.

Immediate:

- The material can be processed into another usable form and because the raw material is abundant, the markets will develop if there is confidence in the supply. Even if the markets fail, the material can be landfilled or the unsold processed yard debris could be bought and used as final cover.
- The fact that processors have spent over \$100,000 for equipment, is a demonstration of their belief in the future of the product and intent to receive and process yard debris and wood waste in the future.



### Feasibility Study:

- The combined costs of collection, processing and marketing will determine whether the material can be recycled on a large scale. It determines the public's participation level, resulting volumes and whether processed yard debris will be purchased instead of a competing product. This information is not available.
- Effective alternatives are available to increase the supply, but the most significant question for all involved is whether the market will be there in time also. A feasibility study would remove as much of the risk as possible.

An additional element to consider in either method described above is found in SB 405, Oregon's 1983 Recycling Opportunity Act; specifically, the definition of recyclable material. According to the bill, recyclable material means:

"any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material."

A prospective market's interest in large volumes of processed yard debris is, in addition to cost, based on their confidence in the supply system; can a constant supply of yard debris be expected for a reasonable length of time? Inclusion of yard debris as a recyclable material, under the rules for implementing SB 405, would be one method of generating confidence. A market's interest should be easier to develop and maintain because the price that has to be met in order to receive a constant supply of yard debris is known. DEQ has just begun their work on the necessary rules that must be adopted by January 1, 1985.

There is a broader policy question that must be addressed before concluding the yard debris question: If a limited amount of money is going to be spent on increasing recycling, where is it most effectively used? The Systems Planning effort will produce information that allows a comparison of roles, costs and gains. If the results of that process shows yard debris to be a high priority, then the policy question developed by the preceeding analysis becomes relevant. In the interim, there is a need to protect the investment made in the present yard debris recovery system and Metro's promotion and education efforts should be continued.

### EXECUTIVE OFFICER'S RECOMMENDATION

The results of this project will be useful to those agencies responsible for air quality.

The information and supportive data produced by this project is excellent for use in Metro's System Plan development. It will help determine how to address the yard debris issue.

- The burning ban is not the key issue for Metro. Yard debris has a substantial impact on landfills. Landfill life could be extended approximately 20 days per year if all the material currently being buried were diverted. If all the material being burned were diverted to the landfill because of a burning ban, approximately five days of landfill life would be lost each year.
- The collection/separation system and markets needed for a diversion are not sufficiently developed.
- The project demonstrated effective promotion and education methods of use. The FY 1983-84 yard debris budget is aggressively applying this knowledge to support the existing system and protect the investment made in this issue.

All activities by Metro are consistent with the FY 1983-84 budget and the Waste Reduction Plan. No action is required.

COMMITTEE CONSIDERATION AND RECOMMENDATION

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EXECUTIVE SUMMARY



## INTRODUCTION

The problem is yard debris--limbs, brush, vines, leaves and grass--and how to dispose of over 600,000 cubic yards (cu yd) which is generated each year in the metropolitan area. As can be seen in Figure 1, some people burn their yard debris and some illegally dump it on the side of the road. Most people either compost, give their yard debris to the garbage collector with the rest of the garbage, or haul it themselves to a landfill.

The Portland metropolitan area is designated a non-attainment area for National Ambient Air Quality Standards for total suspended particulates (TSP). The Department of Environmental Quality (DEQ) has identified open burning of yard debris as a significant controllable source of particulate air pollution in the Portland metropolitan area. Thus, a need has been identified to develop alternatives to open burning. Landfilling is not an acceptable alternative since capacity is strained at present.

In December 1980, the Environmental Quality Commission (EQC) adopted a ban on backyard burning of yard debris. Metro received an Air Pollution Control Program Grant in February 1981 to develop acceptable ways to dispose of yard debris which would have been generated by the ban. The EQC lifted the ban in March 1981 because the Commission was faced with possible action by the Oregon Legislature to lift the ban. The Legislature was concluding that local governments did not have a reasonable means to dispose of additional yard debris. The Legislature then adopted Senate Bill 327 which prevented the EQC from re-instituting the ban until June 30, 1982. Thereafter, EQC could only impose a ban if such prohibition was necessary to meet air quality standards and alternative disposal methods were reasonably available to a substantial majority of the population.

## PROJECT SCOPE

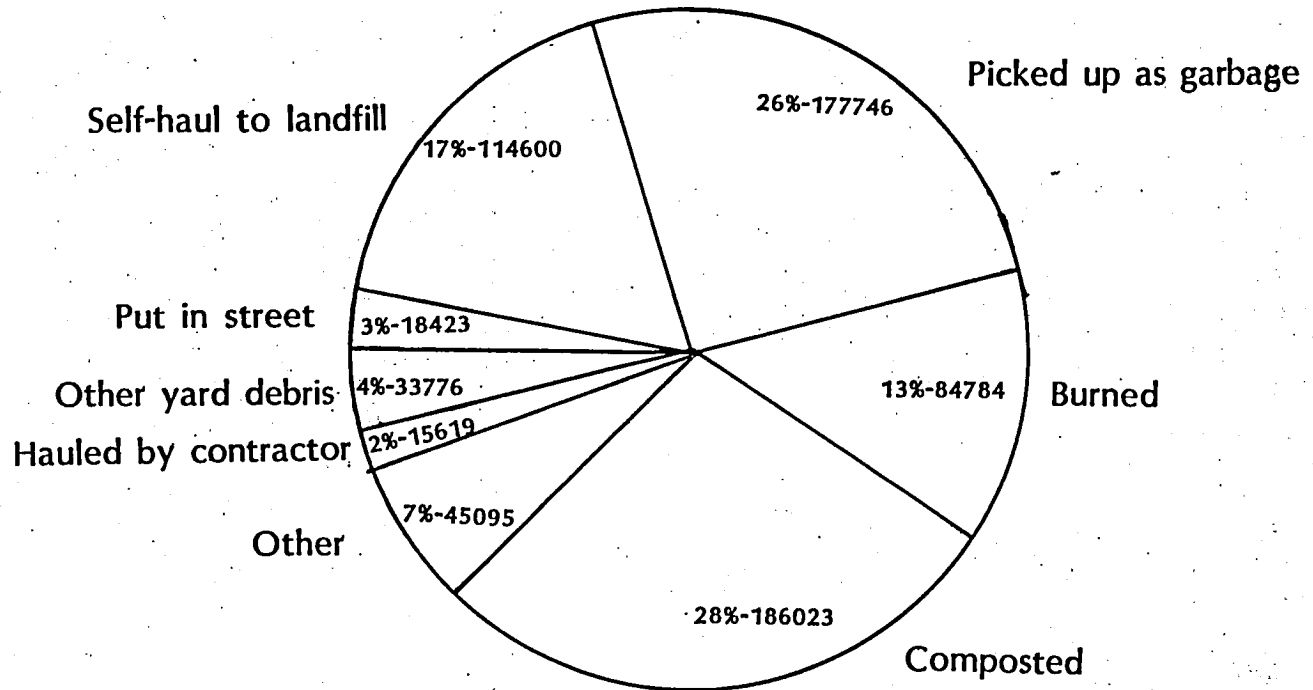
The objectives of this project were: 1) to demonstrate that a total ban on backyard burning in the Portland metropolitan area can be implemented without placing any additional burden on the area's scarce landfill capacity; 2) to demonstrate that special processing techniques can convert the yard debris waste stream into a valuable, usable resource; and 3) to provide a better information base to implement a viable alternative program on a permanent basis.

The project goal was:

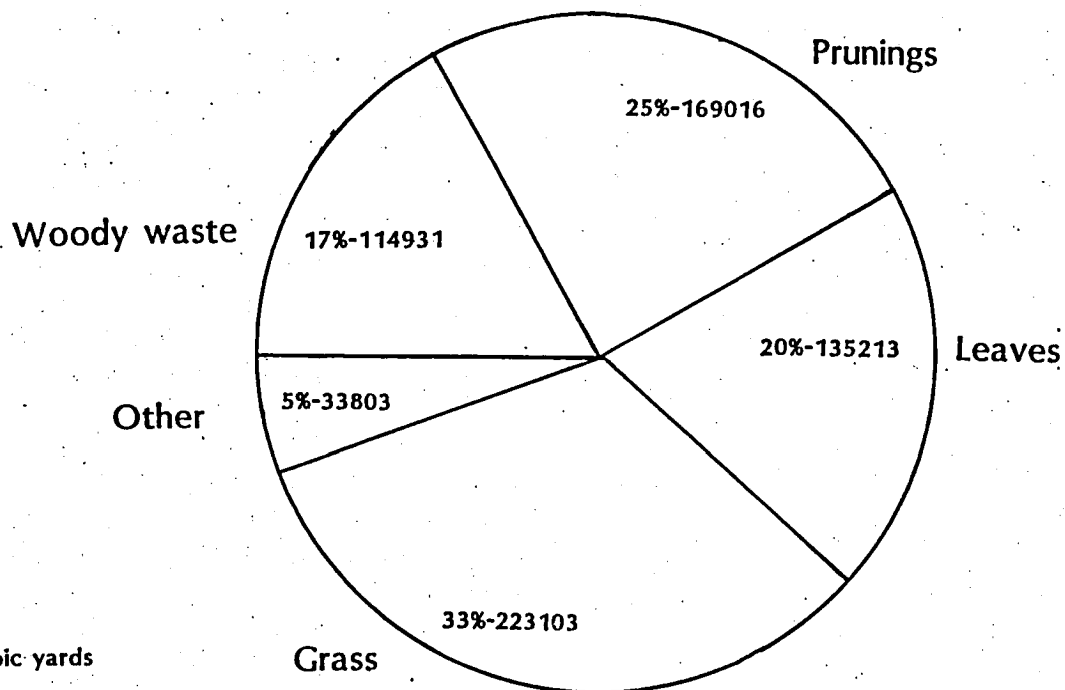
To demonstrate publicly acceptable and feasible alternatives for the recovery of yard debris in the Portland metropolitan area and to recommend an implementable regional yard debris recovery program.

The work plan was based on the following assumptions:

## What happens to yard debris?



## What is yard debris?



Values in cubic yards

Source: DEQ Survey, 1979



**YARD DEBRIS QUANTITIES**

**FIG. 1**

1. There is an immediate need for a cost-effective system to adequately handle increasing amounts of yard debris due to a possible yard debris burning ban by DEQ.
2. Pressures on existing landfills discourage the continued disposal of increased volumes of material.
3. A workable solution must be based on proven examples of yard debris recovery programs, either locally or in other parts of the U.S.
4. There is a need to determine the volume and composition of yard debris as part of developing a comprehensive long-range program and market.
5. If there is an educational campaign, there will be an increase in the level of participation by the general public to do their own composting. Given either a homeowner's inability or unwillingness to compost/mulch green waste, a comprehensive program may have to address both green waste and wood waste (twigs, branches and tree limbs).
6. According to DEQ, open burning contributes to the particulate non-attainment status for the Portland Air Quality Maintenance Area (AQMA). According to the EQC and the DEQ, if viable alternatives to open burning are not available, a burning ban would be difficult to initiate and administer.

With a Coordinating and a Steering Committee of local officials, the Yard Debris Demonstration Project was conducted from May 1981 to September 1982. Metro was the coordinating agency for the project. Collection and processing alternatives were demonstrated to recover, process yard debris into marketable products. The demonstration project was conducted in several phases and an evaluation was completed for each. The purpose of the Phase Evaluations was to present the data on the collection and processing alternatives. The Phase Evaluations are in Part 2 of this report. The discussion and analysis of the alternatives are presented in Part 1.

#### PROJECT DESCRIPTION

The purpose of this report is to evaluate the Yard Debris Demonstration Project and outline collection, processing and market options which could be pursued in the future. The Demonstration of recovery processes and collection systems occurred in several phases over a 1-1/2 year period. The initial phase in May 1981 sought to recover only woody yard debris in a region-wide clean-up week. Shredding Systems, Inc., a processing service, demonstrated that with minor modifications, a mobile shredder could produce a marketable fuel product. In Phases II, III and IV, Waste By-Products, Inc., a waste recovery firm, showed that a Medallion 910 Grinder could process all types of yard waste into

salable fuel. McFarlane's Bark, Inc., a bark and wood products firm, improved their existing receiving site and purchased a hammermill as part of their composting demonstration. Toward the end of the project, Grimm's Fuel Co., a bark and wood products firm, started receiving yard debris and began producing a compost material. The processing alternatives demonstrated are outlined below and summarized in Table 1.

Shredding Systems, Inc.: Mobile shredding to "hog" fuel (correct usage is "hogged" fuel, but common usage is "hog" fuel).

Waste By-Products, Inc.: Mobile grinding to hog fuel. Pre-grinding, screening and magnetic separation, grinding to hog fuel and compost.

McFarlane's Bark, Inc.: Hammermilling, screening and composting in large stockpiles to compost products.

Grimm's Fuel Co.: Hammermilling, screening and composting in windrows to mulch/compost or hog fuel products (proposed).

Six collection alternatives were demonstrated in Phases II, III and IV. On-call and on-route curbside collection by private haulers and municipal crews were conducted. Two clean-ups were also held. A summary of collection alternatives demonstrated are in Table 1.

Case Study 1: Oregon City - On-route curbside collection by city crews.

Case Study 2: Lake Oswego - On-call curbside collection by franchised hauler.

Case Study 3: West Linn - On-call curbside collection by city crews.

Case Study 6: City of Portland - Neighborhood clean-ups.

Case Study 7: City of Beaverton - City-wide clean-up by city crews and franchised haulers.

Case Study 8: Southeast Portland - On-route curbside collection by non-franchised hauler.

## FINDINGS

This section summarizes the results of the analysis of the Yard Debris Demonstration Project.

### General

1. It has been demonstrated that with an adequate collection system, recycling of yard debris into hog fuel, mulch and compost is a publicly acceptable and feasible alternative for the recovery of yard debris in the Portland metropolitan area. Although an area-wide collection is not now in place, it has been demonstrated that feasible collection alternatives are available, or can be made available.

2. It has been demonstrated that it is less expensive to process and recover yard debris than landfill the material.

Total costs for processing yard debris, exclusive of revenues from fees or marketed product, is \$1.48-\$3.45 cu yd. The cost to landfill is about \$3.00 per cu yd.

3. As a result of the demonstration project, three processing centers were established as a viable alternative to burning or landfilling of yard debris. The alternatives are available to citizens, commercial landscapers and collectors who want to dispose of source separated yard debris and/or wood waste.

The processing demonstration project was a success. Most of the project effort was made in the processing alternatives and as a result, Waste By-Products in North Portland, McFarlane's Bark, Inc. in Clackamas and Grimm's Fuel Co. in Sherwood have set-up sites to receive and process yard debris and wood waste.

4. It has been demonstrated that mixed yard debris can be processed into marketable products.

It has been demonstrated that mixed yard debris can be processed and sold as hog fuel for use in industrial boilers. It has been demonstrated that mixed yard debris can be processed into a compost product. The two processors who will market the product expect to sell all the compost produced from their operations. Two hog fuel markets were identified in the project--Weyerhaeuser Corp. in Longview, Washington, and Willamette Industries in Albany, Oregon. They have paid for hog fuel produced in the project. Although McFarlane's and Grimm's market compost material at their sites, not enough information has been generated to determine the levels of demand for the product. McFarlane's and Grimm's are currently developing products from the yard debris processed during the demonstration.

5. The three processing centers conveniently serve a majority of the region when convenience is defined as a condition where a user is within a 20-minute one way trip of a processing center.

Three current processing sites are conveniently located in the region. They are located on or near major highways and are

Author's Note: At the time of publication, a fourth site started receiving yard debris. The Wood Yard, Inc., a bark and wood products company in Aloha, will contract with a processor to produce hog fuel. The Wood Yard will deliver hog fuel to the supplier of their unprocessed bark. They say they could receive 10,000 cu yd of yard debris each month. This site would serve the Aloha, Beaverton, Hillsboro, Cornelius, Forest Grove area in Washington County.

generally accessible to a majority of residents in the region. However, according to traffic analyses, areas of Washington County and East Multnomah County are lacking convenient processing sites.

6. It was found that the four processors were willing to take substantial risks (costs of equipment, site development, etc.) to participate in the demonstration project.

All processors who participated in the project purchased equipment and/or developed processing sites. All have spent well over \$100,000 for equipment with the intent of receiving yard debris and wood waste in the future. In addition, processors with sites committed labor and material from other parts of their operations, and risked having to dispose of stockpiled material if products could not be marketed. Some reasons risks were taken:

- Processors were encouraged by EPA funding and DEQ support
- Environmentally conscious
- Processors were in wood or waste processing business

7. In 1983, the three established processing centers will be capable of receiving and processing all the yard debris generated in the region.

On the basis of on-site storage, unloading spaces, site access and safety, the three processing sites could receive well over 600,000 cu yd of yard debris this year. Because of their small site, Waste By-Products must continue to sell and remove their material. McFarlane's and Grimm's, however, could accept and process over 400,000 cu yd of yard debris and store over 20,000 cu yd of compost.

8. To cover costs, Grimm's Fuel Co. must receive and process 5,350 cu yd per month of yard debris (64,200 cu yd per year); Waste By-Products needs 6,000 cu yd per month (72,000 cu yd per year); and McFarlane's needs about 5,000 cu yd per month (60,000 cu yd per year) for a total of 196,200 cu yd annually.

9. 196,200 cu yd of material could be generated annually, if the following occurred:

- divert all yard debris currently self-hauled by the public to landfills (100,000-115,000 cu yd);
- divert all yard debris currently hauled by landscapers (14,000-16,000 cu yd); and
- divert all yard debris currently being burned (76,000-85,000 cu yd).

From the data and interviews, the three processors need substantial yard debris and wood waste to continue operating. Waste By-Products, who produces a hog fuel product, needs more than just yard debris to sustain operations. They need wood

waste from commercial sources to improve the fuel value of the (sometimes very wet) yard debris.

10. Of the six collection alternatives demonstrated, on-route curbside collection by the private hauler was most effective in terms of economics, efficiency and public convenience.

Costs for a one-time pick-up of yard debris by a private hauler including disposal varied from \$4.50 - \$5.25 per loose cu yd and \$2.50 - \$8.00 per participant. The range of costs was large because of the difference in collection methods, housing density and yard debris generation per household of the collection alternatives. City sponsored clean-ups with voluntary labor and donated equipment were the least costly collection alternatives demonstrated. Low resident voluntary participation and small quantities of yard debris recovered were generally experienced when demonstrating collection alternatives.

11. Yard debris was received uniformly from March through November.

With a few exceptions, flows of yard debris were generally consistent except in the winter months (December, January, February) when flows fell off. Quantities of yard debris in Phase II (October-February) averaged over 1,000 cu yd per week and in Phases III and IV (March-September), average quantities increased to 1,400 and 1,700 cu yd per week (in first nine weeks) respectively. High flows were experienced in July and August when backyard burning was prohibited. The current rate is about 6,000 cu yd per month.

12. There were problems with contamination of yard debris during the demonstration project and it was found that the best way to prevent contamination of the compost and hog fuel products was to thoroughly inspect unloading of yard debris.
13. As a result of recovering over 65,000 cu yd of yard debris during the demonstration project (10 months), over 8,000 cu yd of landfill space was saved.

This savings is equivalent to increasing the St. Johns Landfill life over four days. Over \$36,000 in disposal costs would have been spent if the demonstration project had not been conducted.

#### Promotion

1. Promotion/public information efforts significantly increased calls to the Recycling Switchboard.
2. Highest interest (demonstrated by calls to the Switchboard) was generated when posters/brochures/flyers were widely distributed during an intense campaign. Mass media by itself resulted in lower level of interest.

3. According to a questionnaire survey, more participants learned of the program by radio ads than by newspaper ads.
4. The number of calls to the Recycling Switchboard increased just after new television spots were aired.
5. The number of calls to Switchboard increased during spring and fall, and decreased during winter and summer months.
6. Frequent news releases leading to news stories produced an increase in calls and a decrease of calls was experienced during periods when no news releases were issued.

### RECOMMENDATIONS

#### Citizens (generators, transporters, disposers)

All citizens in the region should use available recovery alternatives to recycle yard debris.

1. Citizens who generate yard debris should compost yard debris on their property rather than disposing of the material.
2. Citizens who generate yard debris, and who do not have separate collection alternatives available, should try to keep yard debris separate from garbage and consider either contracting with a hauler to collect separated material or self-hauling the material to a processing center.
3. Citizens who need ground cover or soil additives for their gardens should purchase mulch or compost from the processing centers producing this material from yard debris.
4. Citizens who do not have separate collection of yard debris should encourage their local jurisdictions to provide service.
5. Citizens who do not have separate collection of yard debris should consider conducting small neighborhood projects and contracting with a hauler to collect material and take it to a processing center.

#### Local Jurisdictions (generators, transporters, collection authorities, disposal and fire districts)

All local jurisdictions should identify options for the collection of source separated yard debris and provide for those options if feasible.

1. Local jurisdictions should thoroughly investigate all collection alternatives to determine which would be most effective for their local situation. Local jurisdictions who start collecting yard debris should conduct the service on a trial basis to get information on costs within their system.



2. Local jurisdictions which generate and transport yard debris should keep the yard debris separate from garbage and take it to processing centers.
3. Local jurisdictions which are currently collecting separated yard debris using city crews should consider continuing this service.
4. Local jurisdictions which have collection franchise authority should consider having their hauler collect separated yard debris by sponsoring neighborhood clean-ups, or by conducting on-route or on-call collection projects.
5. Local jurisdictions with disposal authority should consider diverting separated yard debris from solid waste facilities.
6. Local jurisdictions with disposal authority should enforce scavenger dumping of yard debris and open burning regulations.
7. Local jurisdictions without franchises should consider organizing neighborhood clean-ups and/or contracting with private hauler(s) to conduct on-route or on-call collection projects.
8. Local jurisdictions which need ground cover or soil additives for public areas should consider purchasing mulch or compost from the processing centers producing this material from yard debris.
9. Local jurisdictions located far from processing centers should consider establishing temporary sites for receiving yard debris during times of high generation. Stockpiled yard debris could then be processed by mobile processing equipment and transported to processing centers or to markets.
10. Local jurisdictions should support regional and state public awareness efforts by assisting with the distribution of promotion and education materials.

Regional (disposal authority)

Metro should take appropriate measures to keep existing processing operations viable.

1. Metro should divert separated yard debris from their solid waste facilities.
2. Metro should enhance public awareness of composting, yard debris collection projects and the processing centers by conducting a comprehensive promotion program. Metro should consider promoting the use of yard debris garden products.
3. Metro should consider including yard debris as a material to be recovered in residential recycling programs proposed by Metro.

4. Metro should assist local jurisdictions in locating and siting temporary yard debris receiving/processing sites if requested by local jurisdictions.

#### State (disposal authority)

DEQ should take appropriate measures to keep existing processing operations viable.

1. DEQ should take steps to divert separated yard debris to processing facilities.
2. DEQ should enhance public awareness of composting, yard debris collection projects and the processing centers by assisting Metro in its promotion and education efforts. DEQ should consider promoting the use of yard debris garden products.
3. DEQ should periodically inspect processing centers to determine whether they are safe and environmentally sound.
4. DEQ should provide financial incentives (tax credits, etc.) to assist processing centers.

#### Commercial Haulers (transporters)

Commercial haulers should participate in the efforts of citizens and governments to recycle yard debris.

1. Commercial haulers with or without collection franchises should work with local jurisdictions to organize separate collection of yard debris.
2. Commercial haulers who offer drop box service should inform customers that they could save money on the disposal charge if only yard debris or wood waste was disposed.
3. Commercial haulers should determine which regular customers produce contamination-free loads of yard debris and wood waste.
4. Uncontaminated loads of yard debris should be taken to processing centers rather than disposed at landfills.

#### Processors (disposers)

Processors should continue to process and sell yard debris brought to their sites and they should continue to develop and sell the yard debris garden/fuel products.

1. Processors with sites should consider contracting with commercial haulers to receive loads of pure yard debris or wood waste.
2. Processors with sites should work closely with Metro, DEQ and local jurisdictions to inform them of project needs.

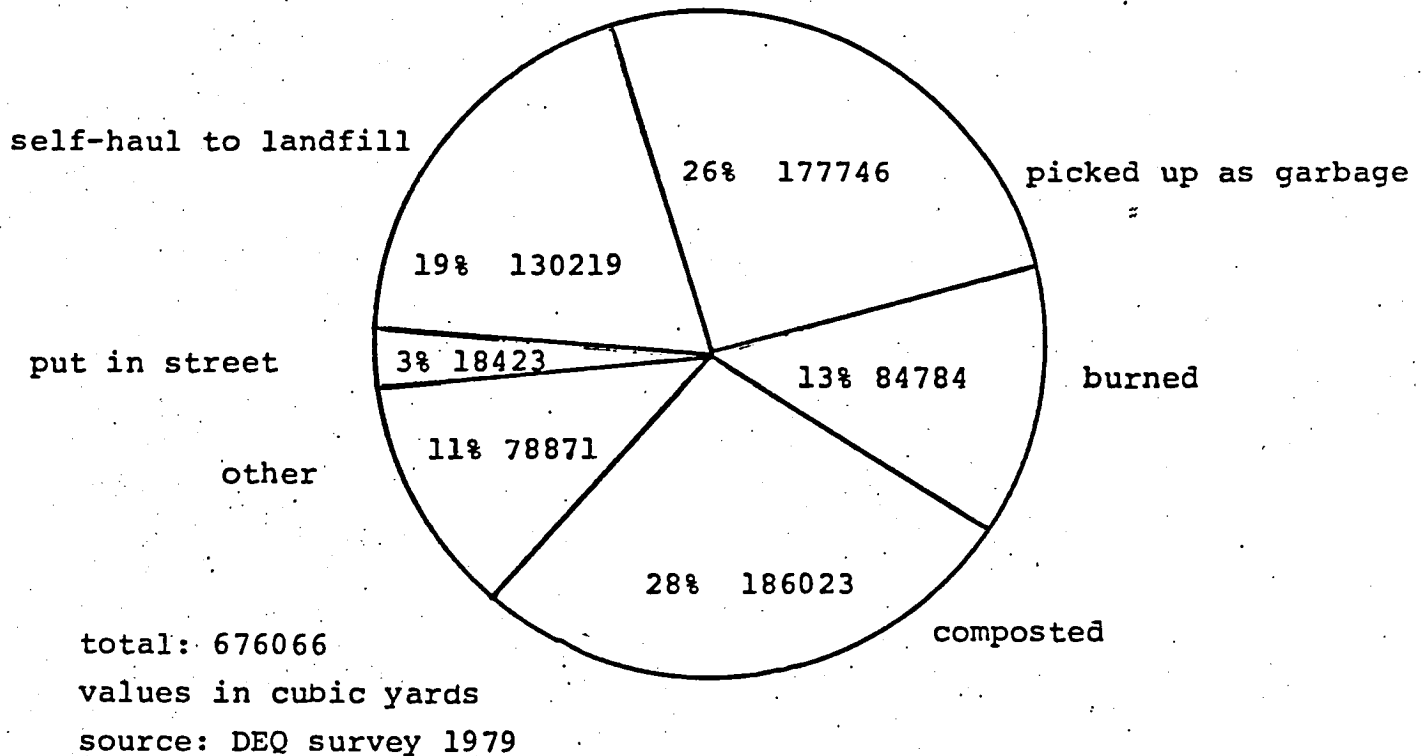
TABLE 1  
Program Summary

<u>Phases</u>	<u>Dates</u>	<u>Collection Alternatives</u>	<u>Processing Locations</u>	<u>Yard Debris Quantities</u>	<u>Level of Participation</u>	<u>Promotion</u>
I (woody waste only)	May 16-24 1981  (1 week)	West Linn - Rossman's Sanitary Service  Troutdale - Edwin O. Ege Sanitary Service  City of Portland - Clean-ups	St. Johns Landfill Rossman's Landfill Obrist Pit	1,613 cy. yds.	610	News Releases Flyers Brochures PSA TV PSA Radio Newspaper Ads
II	October 23- February 28 1982  (19 weeks)	Case Study 1 - Oregon City Case Study 2 - Lake Oswego (2 collections) Case Study 3 - West Linn	St. Johns Landfill (Case Study 4) McFarlane's Bark (Case Study 5)	20,743 cu. yds.	5,657	Radio Spots Brochures Newspaper Ads PSA Tags News Releases
III	March 1- June 30 1982  (17 weeks)	Case Study 6 - City of Portland Clean-ups Case Study 7 - Beaverton Clean-up Case Study 8 - Waste-Go Services (S.E. Portland)	St. Johns Landfill McFarlane's Bark	24,141 cu. yds.	16,758	Radio Spots News Releases Brochures Presentations
IV	July 1- September 30 1982  (13 weeks)	-	St. Johns Landfill Waste By-Products McFarlane's Bark Grimm's Fuel	18,336 cu. yds.	6,608	Presentations

WC:bb  
12/9/82

3. Processors with sites should ensure that their operations are safe and environmentally sound and are in accordance with local regulations.
4. Before making significant supply commitments, processors who produce compost or mulch products should be certain about the compost process; product consistency (quality); and production rate.
5. Processors with sites should consider joint marketing of products.

## YARD DEBRIS FACTS

LANDFILL IMPACTS<sup>1</sup>

If all yard debris currently landfilled were diverted from the landfill, the landfill life would be extended by 20 days per year.

If the 84,784 yds<sup>3</sup> of yard debris currently being burned were diverted to the landfill due to a ban on backyard burning approximately 5 days of landfill life would be lost each year.

<sup>1</sup> 15000 yds<sup>3</sup> of yard debris is the equivalent of one days refuse received at St. Johns landfill.

### WASTE REDUCTION GOAL

The Metro waste reduction goal is to decrease solid waste volumes by reducing the amount of solid waste generated by reclaiming materials instead of disposing of them.

Long-term Goal -- Reduce the amount of solid waste disposed by 83 percent:

- . by assuring the handling, processing and reclamation of all separated yard debris;
- . by reducing the residential and commercial solid waste by 30 percent through the recovery of all available recyclable materials; and
- . by reducing the remaining residential and commercial processible solid waste by 75 percent through resource recovery.

Short-term Goal -- Reduce the amount of solid waste disposed by 56 percent (in 1985):

- . by assuring the handling, processing and reclamation of 40 percent of all separated yard debris;
- . by reducing the residential and commercial solid waste 2 percent per year by recovering one-third of all available recyclable materials (approximately doubling the amount of recyclable materials currently being recovered);
- . by reducing the remaining residential and commercial processible solid waste by 66 percent through resource recovery.

### YARD DEBRIS RECOVERY PROJECT

The Task Force recognized that Metro involvement in a yard debris recovery project was justified due to the potential impact of a ban on backyard burning on the regional solid waste disposal system. Several options are available in developing a project; however, the Task Force realized that the marketing of the material defined the other system components of collection, storage, and processing. Recommendations by the Task Force assigned responsibility and operation to the private sector and held the waste generator accountable for system costs.

Metro should be active in the following project elements:

- . develop an educational program for citizens in home composting of yard vegetation;
- . promote collection by existing private hauling systems;
- . develop convenient centralized facilities for material storage, possibly offering a location at area disposal sites for storage and processing;
- . promote processing through composting and chipping in the following priorities: 1) utilization at the residence; 2) neighborhood utilization projects; 3) central processing facilities; and 4) disposal of processed material;
- . assist in seeking markets for the collected and processed material, possibly providing coordination for a regional effort.

In order to utilize the material at the source, the Task Force stressed the need to first undertake a household compost education project. The key to the use of the remaining material is Metro's assistance in securing markets for the processed material. In addition, Metro should develop convenient storage facilities at area disposal sites.

PUBLIC FORUMS

PUBLIC FORUMS FOR REVIEW OF THE STEERING COMMITTEES RECOMMENDATIONS  
WERE HELD AS FOLLOWS:

DATE: August 18, 1983

TIME: 3:00 p.m. - 5:00 p.m. and 7:00 p.m. - 10:00 p.m.

PLACE: Metro Council Chambers

NOTICES MAILED: 400 throughout region

INDIVIDUAL CONTACTS BY STAFF - 18 cities and counties administrators

SPECIAL INTERESTS CONTACTED - waste collectors materials processors

MEDIA RELEASES - 3 releases to 50 media sources each time

WRITTEN RESPONSES RECEIVED: FOUR FROM LOCAL JURISDICTIONS  
NINE FROM PRIVATE CITIZENS

ATTENDANCE: APPROXIMATELY 80