



Agenda

--- 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: August 23, 1984

Day: Thursday

Time: 5:30 p.m.

Place: COUNCIL CHAMBER

Approx.
Time

Presented By

5:30

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

5:50

6. CONSENT AGENDA

- 6.1 Minutes of the meetings of July 5 and July 26, 1984
- 6.2 Consideration of contracts for workers' compensation and employee health benefits
- 6.3 Consideration of Resolution No. 84-485, for the purpose of amending the TIP to include two new Tri-Met projects - special marketing materials for non-English speaking riders and special needs transportation dispatch center assessment

7. ORDINANCES

5:55

- 7.1 Consideration of Ordinance No. 84-177, for the purpose of amending Ordinance No. 84-172, transferring appropriations from General Fund contingency to the Finance and Administration Department (Second Reading)

Sims

<u>Approx. Time</u>		<u>Presented By</u>
	8. RESOLUTIONS	
6:00	8.1 <u>Consideration of Resolution No. 84-483, for the purpose of adopting Solid Waste Disposal Rate policies</u>	Durig
6:10	8.2 <u>Consideration of Resolution No. 84-491, for the purpose of establishing an interim management strategy for the St. Johns Landfill, the region's only general purpose sanitary landfill</u>	Durig
6:20	8.3 <u>Consideration of Resolution No. 84-486, for the purpose of amending the FY 83 Unified Work Program and approving in concept the development of the Oregon City Transit Center</u>	Kafoury/ Cotugno
6:30	8.4 <u>Consideration of Resolution No. 84-489, for the purpose of recommending a continuance of Happy Valley's request for acknowledgement of compliance with LCDC goals</u>	Kafoury/ Cotugno <i>HINCKLEY</i>
6:40	8.5 <u>Consideration of Resolution No. 84-492, for the purpose of adopting the goals and objectives of the Affirmative Action Plan as the approved goals for fiscal year 1984-85</u>	Karnuth/
6:50	8.6 <u>Consideration of Resolution No. 84-493, for the purpose of adding E. Andrew Jordan to the approved list of hearings officers</u>	Hinckley
7:00	9. EXECUTIVE SESSION regarding the Alaskan Tundra Project (Held under the authority of ORS 192.660(1)(h))	Gustafson <i>JORDAN</i>
7:30	10. COMMITTEE REPORTS	
7:40	ADJOURN	



Memo

CONFIDENTIAL

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

Date: August 15, 1984
To: Metro Council
From: ^{Rick} Rick Gustafson, Executive Officer
Regarding: POSSIBLE ALASKA TUNDRA LITIGATION

Please find attached two memos which provide background information on the status of the Alaska Tundra Exhibit and a recommendation to start litigation against the surety companies for payment as provided by the performance bond for the project. Exhibit A is a memo from Kay Rich which summarizes the history of the project and details the total costs chargeable to the sureties. These costs amount to \$1,030,575.

Exhibit B is a memo from Andy Jordan which reviews the legal requirements of the surety companies under the performance bond and a recommendation that Metro commence litigation to force the surety companies to commence payments as required by the bond.

Please review this information and bring it with you to the Council Executive Session to be held on August 23, 1984.

RG: amn

WASHINGTON PARK ZOO

TO: Don Carlson
FROM: McKay Rich *AK*
DATE: August 14, 1984
SUBJECT: STATUS REPORT ON ALASKA TUNDRA EXHIBIT

As you know, the Alaska Tundra project was advertised for bid on January 5, 1983. Twelve bids were received on February 9, 1983, with The Project, Inc., a joint venture, bidding the low bid of \$1,482,352.70.

After resolving questions relating to the MBE policy, the Council approved awarding of the contract to The Project, Inc. on February 24, 1983. There was a short delay in processing the signing of the contract as the members of the joint venture made arrangements for their Performance and Labor and Materials bonds. These bonds were procured through the Bond Experts in Portland. A meeting was held on March 7, 1983, at which time the contractor verbally provided assurance of his ability and intention to complete the project to the satisfaction of the owner and architects.

Work proceeded about the 13th of April. From the beginning, payments on the Alaska Tundra Project were made to the Bond Experts and The Project, Inc. jointly because of a joint control agreement between these parties.

Near the middle of June, RP&I, one of the joint venture firms which was also the prime contractor on the Penguinarium, went into default on the Penguinarium Project. The sureties assumed responsibility for the completion of that project. Meanwhile, The Project, Inc. continued work on the Alaska Tundra Exhibit.

As a result of RP&I's default on the Penguinarium (RP&I was the major company in the joint venture), meetings were held at the Metro office on July 13 and 14, 1983, to assess the status of the Alaska Tundra Project. Attending were representatives of the sureties, The Project, Inc., the architect, and Metro. After considerable discussion, it was determined that future progress payments would be processed through a three-person committee consisting of Charles Kidwell, representing the architect, who, in turn, represented the owner; Jim Apperson, representing the contractor; and Ray Van Beek, representing the sureties. This process was followed until October 17, 1983, when Randy Franken of The Project, Inc. announced he could no longer meet his payroll and tendered his contract. A lengthy meeting was held at the office of Bittner and Barker, who represented the sureties, on October 19, 1983, at which time all agreed that The Project, Inc. was unable to proceed

Memo to Don Carlson
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August 14, 1984

with the exhibit and was in default. Metro formally defaulted The Project, Inc. and demanded that the sureties meet their responsibility by letter dated October 20, 1983.

With the weather turning bad and the work having been left unprotected, it was determined in consultation with the sureties to let an interim contract to mitigate losses on the project while a process to complete the exhibit was arranged. After competitive bidding, the interim contract was let to Bishop Contractors, Inc. on November 3, 1983, and extended by approval of the Council Contract Review Committee on December 1, 1983. During this interim, representatives of the sureties met with the architect, Andy Jordan, and Zoo staff to arrange for a bid to complete the exhibit. The sureties' representatives called for the bids for completion of the project, reviewed them and decided to negotiate with the low bidder, Bishop Contractors, Inc. That contract, in the amount of \$1,349,622 (almost totally arranged by representatives of the sureties), was approved by the Council for award to Bishop Contractors, Inc. on January 5, 1984.

During the rebid process it had been the intent to re-employ previous subcontractors for at least the gunite, the mechanical, the interpretive and the electrical work. However, after the completion contract was awarded, Bishop Contractors became concerned that the mechanical contractor (WIB) was not qualified to proceed with the work. Questions began to be raised about the quality of the mechanical work already in place, i.e., water and sewer lines. To assess this situation, an independent contractor hired by the architect tested certain aspects of the system. These tests proved negative and it became evident that a substantial amount of corrective work would be required in the mechanical systems. The corrective work involved improperly installed water and sewer systems and related work and will cost around \$200,000 to repair.

On March 20, 1984, Andy Jordan received a letter from the representative of the sureties stating they would not claim exoneration but would honor the bond. I had been told by Andy Jordan that as progress payment requests are presented by Bishop Contractors for funds that exceed the original bid amount as amended by change orders enlarging the original scope of work, the bond company is required to make the money available to Metro. This occurred during June. It should be noted the sureties may argue that they are not responsible for some of the added costs. It is our position that all costs above the original bid which do not include changes to the scope of work are the responsibility of the sureties. It is possible that litigation may be needed to recover the full amount.

The sureties are aware of corrective work needed. Andy Hahs, a representative of the sureties, attended a meeting held on April 6,

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1984, for purposes of discussing this work to the mechanical system. He requested documents showing exactly what had to be corrected and a narrative explaining why. Our architect provided this information to the sureties and Metro. Mr. Hahs was then to contact the sureties and inform Metro regarding the sureties' intent on this issue.

Because it was essential to have the mechanical systems in satisfactory condition before proceeding with other aspects of the project, it was necessary to process change orders within fairly short time periods to avoid undue delays in completion of the project. Change orders, as needed, have been presented to the Contract Review Committee as required by the Metro Contract Ordinance No. 82-130.

In summary, the key events regarding this project are as follows:

- * Contract awarded by Council to The Project, Inc. on February 9, 1983.
- * Conference with Contractor regarding ability to do work, March 7, 1983.
- * Construction started April 13, 1983.
- * The Project, Inc. defaulted on project on October 17, 1983.
- * Interim contract awarded by Contract Review Committee to Bishop Contractors, Inc. on December 1, 1983.
- * Completion contract with Bishop Contractors awarded by Council on January 5, 1984.
- * Anticipated date for sureties to begin making payments on project: July, 1984.

Following is a financial summary which shows the estimated amount of the project to be the obligation of the sureties:

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Amount paid to The Project, Inc. up to time of default (10/17/83)	\$ 714,665.14
Amount paid on Interim Contract to keep project going and mitigate damages	219,124.43
Bishop Contractors' contract to complete the project including change orders 1 through 19	1,532,559.00
TOTAL OF ABOVE	\$2,466,348.57
Less original authorized to The Project, Inc., including change orders 1 through 9	(1,521,280.40)
BALANCE	\$ 945,068.17
Deduct change orders to the Bishop contract that increased the scope of work	(17,033.70)
BALANCE PAYABLE BY THE SURETIES	\$ 928,034.47
Estimated additional construction costs attributable to default	57,300.00
Estimated legal costs payable under the bond	9,200.00
Architectural/Engineering services payable under the bond	36,041.00
TOTAL ESTIMATED COST CHARGEABLE TO THE SURETIES	\$1,030,575.47

AMR/djb

**BOLLIGER
HAMPTON
& TARLOW**

Date: August 3, 1984
To: Metropolitan Service District Council
From: E. Andrew Jordan
Re: Surety Responsibility on the Alaskan Tundra Exhibit

RALPH BOLLIGER
LEWIS B. HAMPTON
ARTHUR L. TARLOW
KEITH W. GRIFFEN
JOHN S. CAVANAGH
BRUCE L. SCHAFER
E. ANDREW JORDAN
KATHERINE M. ZELKO
MILTON E. BERNHARD

BILL MOSHOFSKY
OF COUNSEL

The purpose of this memorandum is to advise the Council regarding the current status of the Alaskan Tundra Exhibit, and of the current positions of Metro and the three sureties on the project with respect to their obligations to pay the cost of completing the project in excess of the original contract price.

As you are aware, the original contract price on the contract price was approximately \$1.5 million. We obtained from the original contractor a performance bond, executed by three surety companies, in approximately the above amount. The original contractor, The Project, Inc., defaulted on the project in October 1983 and Bishop Contractors, Inc. was engaged to complete the project. It is estimated at this point that the cost of completing the project will exceed the original contract price by approximately \$1 million.

The terms of the performance bond provide that, upon default, the sureties will either obtain a new contractor and complete the project or allow Metro to complete the project and make sufficient funds available, over and above the original contract price, to finance the completion. In this case, the sureties chose the latter option and Metro has proceeded with the project. Recently the cost of the project began to exceed the original contract price and Metro has now billed the sureties for three progress payments pursuant to the terms of the bond. In addition, this office has independently demanded of the sureties immediate payment of each progress billing. To date

1600 S.W. CEDAR HILLS BLVD.
SUITE 102
PORTLAND, OREGON 97225
TELEPHONE (503) 641-7171
TELEX: 360401 INTERPULSE PTL
TELECOPIER: (503) 226-0271

the sureties have provided no funds for progress payments and I am informed by the attorney for the sureties, and by a representative of Allied Fidelity Insurance Company, the lead surety on the bond, that no progress payments will be forthcoming. In addition, Surety Insurance Company of California, one of the three sureties, has recently become insolvent and has been placed in receivership.

There are two reasons given by the sureties for not making progress payments at this time. First, the bond provides for the following limits of liability for each of the three sureties: Allied Fidelity, \$1 million; Surety Insurance of California, \$400,000; American Centennial, \$82,000. Allied Fidelity and American Centennial contend that Surety Insurance of California is responsible for the first \$400,000 and that they have no financial responsibility unless the cost of the completion of the project exceeds \$400,000. Second, the sureties maintain that Metro should have defaulted the original contractor earlier in the project -- which according to sureties would have resulted in a substantially lower completion cost.

With the respect to the sureties' first contention, it is our position that at least Surety Insurance of California and Allied Fidelity are co-sureties for the first \$1,400,000 of completion costs and that Allied Fidelity cannot avoid responsibility for the first \$400,000 by claiming that only Surety Insurance of California is responsible for that amount. With respect to the second contention, it is our position that Metro had no reason, or any knowledge of any reason, to default the contractor at an earlier stage. Indeed, the sureties were in joint control of the project with The Project, Inc. and cannot now claim that The Project, Inc. should have been defaulted at an earlier stage.

In any event, it appears that Surety Insurance of California will make no progress payments because of its insolvency and that Allied Fidelity and American Centennial will provide no funds to cover the costs of the first \$400,000 of completion costs. Since the sureties dispute their liability, it appears necessary that litigation be commenced against them to resolve the dispute.

The proposed litigation would likely include a suit for breach of contract for failure to pay the progress payments to date and a claim for declaratory judgment

adjudicating the responsibility of each of the sureties on the total amount of the bond. The suit would be filed in Multnomah County Circuit Court.

Under the bond, suit can be filed against the sureties any time within two years of completion of the project. However, it is my recommendation that suit be filed now for the following reasons:

First, the longer Metro waits to sue the more likely it is that witnesses memories will fade and that documentary evidence will be misplaced.

Second, Metro is presently expending its own funds on completion of the project, funds which could be used for other purposes.

Third, I see no reason to believe that the position of the sureties will change over time.

Based on the above, I suggest that litigation against the sureties be commenced immediately to obtain overdue progress payments and to obtain a declaratory judgment on the entire liability of the sureties.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF NAMING THE ZOO)
SCULPTURE GARDEN IN HONOR OF) RESOLUTION NO.
WARREN ILIFF FOR HIS CONTRIBUTIONS)
TO THE ZOO AND THE REGION)

WHEREAS, during his nine years as Director, Warren Iliff has made many permanent, lasting contributions to the Washington Park Zoo;

WHEREAS, his leadership has transformed the Zoo into a major educational and cultural resource featuring some of the best zoo exhibits in the country;

WHEREAS, his vision and constant ^{striving} ~~strife~~ for excellence served as an inspiration not only to the staff of the Zoo, but also to the entire community;

WHEREAS, the Metro Council and Zoo staff would like to commemorate in a permanent and visible manner his contributions to the Zoo and his impact on the community; now therefore,

BE IT RESOLVED,

1. That the sculpture court at the Washington Park Zoo be named the "Warren Iliff Sculpture Court".
2. That a plaque be placed at the entrance of the Court setting forth the name.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer



Memo

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

CONFIDENTIAL

Date: August 23, 1984

To: Metro Council
Rick Gustafson, Executive Officer

From: Eleanore S. Baxendale, General Counsel

Regarding: Metro Suit Against Black & Veatch

This case originated from a claim Metro paid to Coast Marine Construction for delays and changes in construction of the CTRC, some of which were caused by Black & Veatch in its design and supervision of the work. B&V refused to accept any responsibility for contributing in the payment of the claim, even for a negotiated settlement of \$30,000. This suit was filed to recover from B&V their share of the amount paid to Coast Marine.

Since the suit has been filed, B&V has continued to reject settlement discussions. On July 26, 1984, Multnomah County Circuit Court dismissed Metro's claim for indemnification, but allowed Metro to replead the case on a different basis if it wishes.

The firm of Bolliger, Hampton & Tarlow believes Metro's claim is valid, although they also believe that B&V has a credible defense. After reviewing the case with the firm, I recommend Metro voluntarily dismiss the suit for economic and strategic reasons, even though this will require payment to B&V for their attorney's fees. There is no way to avoid paying attorney's fees short of winning the case.

1. Because of the nature of the issues, this case is difficult to win, and our lawyers cannot give us an estimate of our chances for success. We have already lost our original claim for indemnity.
2. It will cost Metro more to take the case to trial than we originally were willing to settle for: costs to date about \$5,500; estimated expenses through trial \$30,000.
3. The case has no potential for a negotiated settlement.

4. Our claim does have potential to settle a \$17,000 claim which B&V will file against Metro for retainage, as discussed below.
5. Continuing this case and losing will cost us not only \$35,000 in our own attorney's fees, but also a similar amount for B&V's attorney's fees.

Given the cost and the risk of the case and the lack of settlement opportunities, the case should be voluntarily dismissed. Metro will pay B&V about \$10,000 for their attorney's fees, according to a memorandum prepared by our law firm. If B&V files its retainage claim for \$17,000, Metro can counter claim for \$180,000 on the contract for the damages from the poor design and supervision, and possibly raise the indemnity issue again. At a minimum, we can also use as an affirmative defense our negligence claim to prevent recoupment of the \$17,000 for retainage. Then B&V will be forced to decide whether to incur \$30,000 in attorney's fees to recover \$17,000. There is settlement potential in this situation because in deciding whether to collect retainage B&V may not need to save face with the same intensity as it needs to save face in a client originated law suit which tarnishes their reputation.

EB/gl
1861C/D4-3

PASSO

PO BOX 66193
760-8944

PORTLAND, OREGON
97266

TO THE METRO COUNCILORS:

RESOLUTIONS

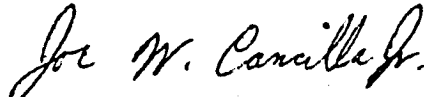
8.2 Consideration of Resolution No. 84-491, for the purpose of establishing an interim management strategy for the St Johns Landfill, the region's only general purpose sanitary landfill.

The Portland Association of Sanitary Service Operators ask that you consider these suggestions for interim management strategies:

1. Expand St. Johns vertically 15 feet and possibly horizontally by three to five hundred acres.
2. Heavily encourage recycling participation from the citizens of the tri-county area.
3. Arrange to have transfer loads from CTRC directed to outlying landfills, such as Mc Minnville or Woodburn.
4. Extend operation hours at area dry fills and have the private land fills reduce dump cost on drop box "fluff loads"
5. EQC and DEQ should work cooperatively in an effort to site additional dry fills in the tri-county area.

Thank you for your considerations.

Sincerely,



Joe W Cancilla Jr
President





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: August 23, 1984

To: Metro Council

From: Councilor Gary Hansen

Regarding: Proposed Amendment to Resolution No. 84-491,
for the Purpose of Establishing an Interim
Management Strategy for St. Johns Landfill

I proposed to amend Article 3 of the proposed Resolution
as follows:

3. Metro will ~~pursue-further-evaluation-and-review~~ consult
with the City of Portland, the Department of Environmental
Quality and the residents of north Portland ~~the-potential~~
~~to-increase-the-final-contours-of-St.-Johns-Landfill~~
~~to-10-feet-using-a-phased-approach-beginning-with-the~~
~~expansion-area-and-then-into-the-already-completed~~
~~subareas-of-the-landfill~~ to develop a process of assessing
future development of the St. Johns Landfill to corres-
pond with the opening of the next general purpose
regional landfill.

GH:amn

cc: Rick Gustafson
Dan Durig



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: August 20, 1984

To: Marie Nelson

From: Bonnie Langford

Regarding: Resolution 84-491 presented to Solid Waste Policy
Alternatives Committee (SWPAC)

Dave Phillips moved that SWPAC endorse Numbers 2 and 3 of Resolution 84-491; number 2 to also encourage recycling among the customers and haulers of the area. The Resolution is recommended to the Council for the purpose of establishing an interim management strategy for extending the projected life of St. Johns Landfill.

Motion Seconded by Robert Harris

Motion passed

Ayes 7

Nays 1

Abstain 1



CITY OF

PORTLAND, OREGON

BUREAU OF ENVIRONMENTAL SERVICES

Mike Lindberg, Commissioner
John Lang, Administrator
1120 S.W. 5th Ave.
Portland, Oregon 97204-1972
(503) 796-7169

August 23, 1984

TESTIMONY TO THE METRO COUNCIL RE: CONSIDERATION OF RESOLUTION NO. 84-491 FOR THE PURPOSE OF ESTABLISHING AN INTERIM MANAGEMENT STRATEGY FOR THE ST. JOHNS LANDFILL.

Based on review of the resolution, the draft Landfills Chapter of the Solid Waste Management Plan-Update 1984, and discussions with Metro Solid Waste staff, the Bureau's Citizens Advisory Committee, members of the community and the solid waste industry, the Bureau of Environmental Services of the City of Portland recommends adoption of the resolution as a preliminary step to developing an interim landfill management strategy with the following considerations:

- ✓ 1. Rate Incentive to Encourage Diversion of Non-Putrescible Drop Box Loads to Limited Use Landfills.

Discussions with several area haulers indicate that a substantial portion of heavy drop box loads are currently going to limited use landfills because rates are based on cubic yardage rather than tonnage and are, therefore, already cheaper. Further reduction of commercial rates will have the effect of shifting the economic burden of disposal from commercial waste generators to residential waste generators who make up a smaller portion of the total waste stream. The trade-offs between site life gained and financial impact to the St. Johns Landfill unit cost are also unclear at this time. For further diversion of drop box loads without the economic impact to Metro or to customers, we recommend a proposal to limited use landfill operators to extend their hours of operation to accept more loads that are only going to St. Johns Landfill because other fills are closed. It would also be beneficial to investigate the conditions for siting new limited use landfills in the region as existing fills have limited remaining capacity.

2. Increased Recycling At Current Short-Term Goals Of An Additional Two Percent Per Year.

Although increased recycling is mentioned in the staff report, it is not a part of the resolution. According to the draft Landfills Chapter, meeting Metro's short-term goals would gain an estimated three months site life - the same gain as estimated for diversion of drop box loads. We encourage Metro to continue its stated commitment to recycling by including it as an integral part of the resolution.

3. Permission From Other Authorized General Purpose Landfills To Accept Solid Waste In The Future.

This option should be pursued rapidly at all possible sites. It offers the best flexibility in terms of diverting waste in the future as time and volumes dictate depending on the progress of siting a new landfill at Wildwood and the success of other diversion options to extend St. Johns Landfill site life.

4. Evaluation of Ten Foot Vertical Expansion At St. Johns Landfill.

The potential need for a significant extension of St. Johns Landfill site life to coincide with the siting of a new regional landfill at Wildwood is clear based on the information provided in the draft Landfills Chapter and Metro's commitment to Wildwood as the best site for long-term disposal of the region's solid waste. However, there are significant issues which need to be discussed in terms of the impact on the neighborhood, legal and operational requirements, methane gas recovery and end use of the site, for example.

The City is willing to work with Metro to review this option but it is imperative that other diversion options are pursued fully to minimize the need for site expansion and that a substantial and meaningful public education and involvement process is undertaken by Metro with the City's cooperation prior to a request to the Portland City Council for expansion.

Submitted By: Delyn Kies
Solid Waste Director
Bureau of Environmental Services

cc: Commissioner Lindberg
John Lang, Administrator
Citizens Advisory Committee Members

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

SPECIAL MEETING

July 5, 1984

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

Councilors Absent: Councilors Banzer and Oleson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Eleanore Baxendale, Dan LaGrande, Dan Durig, Dennis Mulvihill, Ed Stuhr, Patty Kubala, Everlee Flanigan and Ray Barker.

A special meeting of the Council of the Metropolitan Service District was called to order at 5:35 p.m. by Presiding Officer Kirkpatrick for the purpose of informally discussing: 1) Landfill and Transfer Chapters of Solid Waste Management Plan Update, and 2) General Fund Financing.

Landfill and Transfer Chapters of Solid Waste Management Plan Update

Patty Kubala, Solid Waste Staff, in continuing her presentation from the Council meeting of June 28, reviewed the Draft Report: Solid Waste Management Plan Update 84 and distributed copies of the Landfill and Transfer Sections. She stated that the Plan is divided into 5 chapters and tonight she will go over the major points/highlights of the first 2 completed chapters as the staff is still working on the last 3 chapters.

Rick Gustafson, Executive Officer, asked Councilors how they wish to plan a strategy for the eventual transitioning of St. John's Landfill to the Wildwood Landfill, or its alternative, if necessary. Metro's present position before beginning Phase II is to take no action until the Wildwood Landfill permit is in hand. However, based on the fact that the Court of Appeals did not reverse its opinion on LUBA - we will not have a new landfill available when St. Johns is filled.

Councilor Williamson asked if Metro can possibly get some legislation passed next session that would shorten up the time concerning the appeals.

Discussion followed as to what options be considered, i.e. closure of St. Johns, time it takes to get a permit for Wildwood Landfill, diversion, or possibly a new option.

Councilor Bonner requested that we get a decision on all options available to us and the consequence of those decisions. The target date ought to be by September 1984.

Mr. Gustafson recommended that one of the options be extending the life of St. John's Landfill, another would be State legislation, that is to get the State directly involved in our regional problems and figure out a way to finally get our landfill sited. Also:

- get some change in the siting process so that Wildwood can be sited
- look for a new site but figure out some way to change the legislation
- keep St. John's forever

Councilor Waker said that we don't necessarily need to do any of those things if we can get a Wildwood decision.

Mr. Gustafson responded, your point is valid, however my conclusion is that even if we reapply for the permit from Multnomah County as soon as it's issued, it won't be soon enough. In the meantime we ought to extend St. John's on a temporary basis.

Councilor Waker stated that we ought to get the people, who slow down the process of garbage removal, to pay the cost of delaying.

Councilor Deines commented that I am all for getting out of the landfill business if the State laws don't allow us to site landfills. We have already spent millions of dollars unsuccessfully. We ought not spend millions more unless the investment is assured of success.

Ms. Kubala summarized her report listing some alternatives for siting a long-term disposal site other than the Wildwood Landfill, should we not be able to receive a permit for it. The report also lists some alternative locations and the extension of St. John's, its hurdles for action, i.e. appeal State's statues, EPA approval and land use approval from the City of Portland.

She stated that the Transfer Section is a summary of past studies and much of its policies on transfer stations has been established by practice or formalized by agreements with other jurisdictions.

She reviewed the Service Level Charts and said the summary gave a good indication of where we are now.

Presiding Officer Kirkpatrick asked when can the Council expect to have the rest of the chapters completed?

Ms. Kubala answered that an in-house draft will be available before I leave and there still is some technical work to be done by the Solid Waste staff.

Presiding Officer Kirkpatrick asked whether the in-house draft on Waste Reduction is near completion?

Dan Durig, Solid Waste Director, replied that it is in very rough form, it should be noted that we have lost both of our staff members who have been working on this report.

Councilor Bonner pointed out that he objected to the last sentence: "Continued validity of adopted policies." in II Scope and Direction, A. Policies Already Adopted. He said that the sentence is incorrect and although the policy may have been adopted, it is not valid.

Presiding Officer Kirkpatrick thanked the Council for being here tonight and said that the Landfill is the biggest and most important issue before us and it is most important for us to be successful in this matter.

Mr. Gustafson asked the Council how they wish to proceed, 1) shall staff return with a recommendation on policies or 2) form a task force, ask Services Committee or the entire Council to make a recommendation on policies?

Councilor Deines commented that he preferred not to get his policies from the staff since the Council is a policy-making body.

Presiding Officer Kirkpatrick commented that she can reach a decision more easily if she has an overview of all the chapters rather than just pieces of it. She would like a list of alternatives with the expertise drawn from staff, those working with people from the cities, working with Genstar and working with SWPAC.

Mr. Gustafson asked, shall we consider the landfill issue separately or in the whole Plan?

Presiding Officer Kirkpatrick stated that if it's going to take us another year to get the whole Plan, I don't want to wait. I would hope that it is not going to be the case.

Councilor Waker said if we were to single out the landfill and ask you to come back in a month with all the alternatives and some analysis of the alternatives to the Council as a whole, would that be a realistic time-frame?

Mr. Gustafson said yes.

Councilor Kafoury said my preference is to have a list of options and their analysis so that we can focus on a decision.

Councilor Waker said he would prefer to find a shortcut to the legal process in pursuing a Wildwood permit rather than spending

\$3.8 million on a diversion program to buy two years time. I don't particularly like the options available. Our policy is to get the Wildwood Landfill open on time, we ought to make that our best effort.

Councilor Williamson said it seems to me that the Legislature could hold the key - perhaps we could make some effort to take the Plan to them and tell them what we want.

Councilor Bonner said that I would like to start analyzing some of the options soon to see what we can do.

Presiding Officer Kirkpatrick asked the Executive Officer if he has enough direction.

Mr. Gustafson answered, based on the conversation we are having, I ask that you allow me to work with you to structure the next set of reports. There seems to be an interest in diversion strategy and what we can do. Also, we need to pick up about four possible legislative actions and then outline the one we ought to use.

General Fund Financing

Executive Officer Gustafson distributed a report entitled "Revenue Proposal for General Government." He outlined this draft as to where we are in our financial strategy and our goal to identify potential sources of revenue. We have listed several options so that we can discuss them with the Council, who in turn may wish to hold their own public discussions and then participate with us in subsequent discussions.

He said that although there isn't a need at this time, Councilors may want to seek a revenue source that would replace the need to collect dues from local governments. Currently \$400,000-\$600,000 is being paid by dues. Although this amount is not listed and is not a need at this time, the Council may want to factor it in for future planning.

He asked Councilors to consider the merits of an additional state-wide cigarette tax to help finance Metro's costs.

Councilor Bonner felt that since cigarette taxing is diminishing, in addition to this source we ought to be looking for revenues which will grow over the years and provide capital funding to this region.

Councilor Hansen suggested that Metro may want to take a position on a lottery for seeking potential funding. He asked whether sales taxing has been explored?

Council Minutes
Special Meeting
July 5, 1984
Page 5

Mr. Gustafson answered yes, our bordering states Washington and California have given local governments the option to have a local sales tax added to the state-wide sales tax.

Councilor Waker stated that someday he would like to have a discussion on how we might fund capital projects by borrowing money from the public who use it and then then repaying those who leave the area, i.e. property transfer taxes.

Councilor Van Bergen commented that this revenue proposal is not imaginative for the long pull. We need to take a more aggressive role with an income, property or sales tax.

Councilor Kelley added that we need to seek revenue for the services we can render, I don't think we can ask for a state-wide tax for a non-specific purpose.

Mr. Gustafson stated that this proposal may not be the answer to Metro's funding, however the law requires us to perform certain tasks without the money to do it. I don't believe we are at a point where the voters are prepared to approve an income tax for services that are already provided and will have to be provided.

He proposed that from now to September we conduct a series of meetings with people who are interested in Metro to discuss this proposal and look at other possible options to expand our list. Then we need to submit our proposed legislation for financing this organization to the Legislative Committee on September 28th.

The special meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Toby Janus
Toby Janus
Council Secretary

Meeting Date August 23, 1984

CONSIDERATION OF RESOLUTION NO. 84-483 FOR THE
PURPOSE OF ADOPTING SOLID WASTE RATE POLICIES

Date: August 15, 1984

Presented by: Dan Durig

FACTUAL BACKGROUND AND ANALYSIS

This report is a supplement to the one dated June 20, 1984. The rate policy Resolution was considered at the August 9 Council meeting. At that meeting, three Councilors expressed the desire to make changes to the Resolution, and it was the consensus of the Council to delay further consideration until the details of the changes had been worked out with staff.

Councilor Deines proposed a change to policy number 5 which would more specifically define the basis for calculation of the convenience charge. This can be done by a sentence added to policy 5: It is calculated to reflect the value of the extra convenience to customers provided by transfer and recycling centers versus landfills. This wording would effectively eliminate the use of the convenience charge as a flow control device. That constitutes a change from current practice and so from what staff perceives to be the Council's current policy.

Councilor Kelley proposed a seventh policy which would provide for periodic review of the rate policies. Proposed wording: These policies will be reviewed annually by June 30, prior to the beginning of the rate-setting process.

Councilor Hansen also expressed the desire to provide for review and/or alteration of the rate policies. The meeting between Councilor Hansen and staff on his proposals was scheduled to take place after this report was written, so no specific changes are available. Copies of the Resolution with proposed changes will be distributed at the August 23 Council meeting.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution 84-483 as originally proposed, with the provision that the rate policies shall be reviewed before the start of the rate-setting process for 1986.

ES

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 84-483 FOR THE
PURPOSE OF ADOPTING SOLID WASTE RATE POLICIES

Date: June 20, 1984

Presented by: Dan Durig

FACTUAL BACKGROUND AND ANALYSIS

The current solid waste disposal rates were calculated using policies which were first articulated during the fall 1982 rate-setting process. The primary policy issue addressed at that time was whether rates should be uniform at all facilities or if they should reflect the cost of providing service at each facility.

The Rate Review Committee recommended that rates gradually be adjusted to reflect cost of service, which it proposed would lead to a more efficient system as users chose their least-cost alternative.

The Solid Waste Policy Alternatives Committee (SWPAC) and others argued that the disposal system is regional and that equality of rates throughout the system was a desirable goal.

Both the Rate Review Committee and SWPAC agreed that sudden large changes in rates could disrupt the collection system and should be avoided.

The uniform rate concept was adopted upon recommendation of the staff, SWPAC and the Executive Officer. At the same time, the Regional Transfer Charge and convenience charges were adopted to meet revenue requirements for the Clackamas Transfer & Recycling Center (CTRC) (except the debt service assigned to public users, which is paid by the public base rate).

The convenience charge was created to recognize that transfer stations can reduce haulers' operating costs and so could result in a competitive advantage unless offset in some way. From Metro's point of view, it provided a way to influence haulers who operate in the marginal area between Metro facilities to minimize costly backhauling.

The current rate structure consists of four elements: base disposal rates, regional transfer charges, convenience charges and user fees. During the rate-setting process, revenue requirements are identified for each element and adjustments are made, if necessary.

Revenue needs were analyzed and rates were set for 1984, using the same policies which emerged from the previous year's process, although the policies were not formally adopted by the Council.

The purpose of the proposed resolution is to gain formal adoption of rate policies which can then be used as a basis for future rate-setting processes.

The Resolution was considered at the August 9 Council meeting. At that meeting, Councilor Deines proposed a change to policy number 5 to the effect that the policy would more specifically define the basis for calculation of the convenience charge. This wording will effectively eliminate the use of the convenience charge as flow control device. That constitutes a change from current practice and so from what staff perceives to be the Council's current policy.

Councilor Kelley proposed a seventh policy which would provide for periodic review of the rate policies before the ratesetting process each year.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No.

COMMITTEE CONSIDERATION AND RECOMMENDATION

This Resolution was not considered by the Regional Services Committee.

ES/srb
1444C/382
08/15/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING SOLID WASTE DISPOSAL RATE POLICIES) RESOLUTION NO. 84-483
)
) Introduced by the
) Executive Officer

WHEREAS, The Metropolitan Service District (Metro) is empowered to collect funds to pay costs incident to solid waste disposal in the region; and

WHEREAS, Uniform administration of rates from year to year is desirable for the maintenance of equity among users of the disposal system; and

WHEREAS, Four discrete disposal rate elements (base disposal rate, Regional Transfer Charge, convenience charge, user fee) have been established; now, therefore,

BE IT RESOLVED,

That the following rate policies are hereby adopted by the Metropolitan Service District:

1. Users of the disposal system are divided into two groups, commercial and public, and rates for each shall reflect the relative cost of providing service to each.

2. The commercial base disposal rate is used to pay the cost of disposal at the Metro-operated landfill. It is collected at Metro facilities and is applied uniformly at all Metro facilities. The public base disposal rate also pays the cost of disposal and transfer and recycling center capital costs. It is administered in the same way as the commercial rate.

3. The Regional Transfer Charge is used (in conjunction with the convenience charge) to pay for the cost of operating the Metro transfer system, including transfer and recycling centers and transfer of waste to a disposal facility. It is applied to all waste generated in the Metro region, whether it is disposed at a Metro facility or at any other.

4. The public Regional Transfer Charge will only include operating costs of Metro-owned transfer and recycling centers.

5. The convenience charge is used (in conjunction with the Regional Transfer Charge) to pay for the cost of operating the Metro transfer system. It is applied only to waste which is disposed at transfer and recycling centers. It is calculated to reflect the value of the extra convenience to customers provided by transfer and recycling centers versus landfills.

6. User fees are used to pay for solid waste programs (administration, waste reduction, systems planning and development) and activities not directly related to operation of the transfer and disposal system. They are applied to all waste generated in the region.

7. These policies will be reviewed annually by June 30 prior to the beginning of the ratesetting process.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

ES/srb
1444C/382
08/15/84

CONSIDERATION OF RESOLUTION NO. 84-491 FOR THE
PURPOSE OF ESTABLISHING AN INTERIM MANAGEMENT
STRATEGY FOR THE ST. JOHNS LANDFILL, THE REGION'S
ONLY GENERAL PURPOSE SANITARY LANDFILL.

Date: August 6, 1984

Presented by: Daniel F. Durig

FACTUAL BACKGROUND AND ANALYSIS

In March 1984 the first chapter of the Solid Waste Management Plan-Update 84 was completed by the Metro Solid Waste Department. The "Landfill Chapter" discussed the existing solid waste disposal system in which the St. Johns Landfill is the cornerstone. The report also discusses the need for a replacement site and the time frame required to gain the necessary permits for the Wildwood site.

The report shows that the time frame to receive final permits and complete construction of the Wildwood site may be longer than the current projected life of the St. Johns Landfill. Because that situation is unacceptable, the report outlines several alternatives to extend the life of the St. Johns Landfill. The alternatives discussed are:

- I. Diverting certain materials from the St. Johns Landfill.
 - A. Diverting non-putrescible waste to limited-use landfills
 1. By voluntary diversion
 2. By using Metro's flow control authority
 3. By using the fee structure
 - B. Diverting through increased recycling
- II. Diverting mixed waste to other general purpose landfills.
 - A. Diverting waste directly from Metro facilities
 - B. Diverting haulers from the periphery of the region
 1. By voluntary diversion
 2. By using Metro's flow control authority
 3. By using the fee structure

III. Increasing the capacity of the St. Johns Landfill.

A. Vertical expansion

1. 10-foot vertical expansion
2. More than 10-foot vertical expansion

B. Lateral Expansion

1. Two-year lateral expansion
2. Five-year lateral expansion
3. Dike realignment (four acres)

IV. Change in technology.

In order to clearly and concisely review the various interim strategy alternatives, the attached matrix summarizes the text of the landfill chapter and serves as the basis for the following analysis.

In analyzing the alternatives available to extend the landfill and recognizing that conditions and time frames change over time and that the cost of diversion may be high, the following scenario seems to be an appropriate course of action.

- I. Efforts should be made to remove material from the St. Johns Landfill waste stream that can be sent to limited-use landfills. Of the three options to achieve this it is recommended that the rate structure be modified to encourage drop box haulers to use limited-use sites whenever possible. While the exact effect of a rate change cannot be predicted it is reasonable to assume that most haulers will deliver materials to the site that is most economical considering haul distance and disposal cost.

The two other alternatives for diverting waste to limited use landfills should not be used at this time. Depending on voluntary diversion will probably not achieve any meaningful results and may disrupt an already competitive collection system. Enforcement problems along with the potential for increasing putrescible waste at the limited-use sites make the flow control alternative one that should not be used at this time.

- II. As discussed in the report, recycling an additional 2 percent per year (current short-term goals) would result in an increased life of three months for the St. Johns Landfill. This is a moderate benefit but because of the instability of secondary material markets it is less predictable than other alternatives. The

existing waste reduction programs should be continued and encouraged and any future programs and Metro's future role for increasing recycling will be discussed in the chapter of the Solid Waste Management Plan entitled Waste Reduction.

- III. The two major problems with diverting mixed waste to other landfills is the cost to transport it and finding a site and local jurisdiction who are willing to take the required quantities. Two options exist to accomplish this alternative. Waste could be diverted in relatively small quantities over long periods or relatively large quantities over shorter periods. As the impact would be the same for either option it is appropriate that the decision to divert be delayed. In order to have the option for this alternative in the future Metro should begin to secure permission from another site to take waste in the future if and when it becomes necessary.

If and when it becomes necessary to transport waste out of the region the transfer station system should be used as it is much more efficient than transporting in individual refuse trucks. They can also be managed directly by contract rather than using other less effective techniques.

- IV. Metro should pursue further evaluation and review with the City of Portland, Department of Environmental Quality and the residents of north Portland the potential for a phased increase in elevation of 10 feet as allowed by the Portland Planning Commission. As Subareas 1, 2 and 3 are either completed or will be soon and have received final cover, the first phase to receive the 10 extra feet of waste would be the 55-acre expansion area. Filling has just begun and there is adequate time to have a new grading plan approved before final grades are reached and final cover required. After the expansion area is finished if more space is required we would remove the final cover one subarea at a time and refill 10 feet. The final cover would then be replaced.

By sequencing the proposed increase in height Subareas 1, 2 and 3 would not be raised unless a replacement site is not available. Increasing the height by 10' would increase the amount of side slopes on the finished landfill and decrease the usable top surface from 170 acres to approximately 155 acres.

In addition to having minimal visual impact on the area, filling with an additional 10-foot lift is also the most efficient and cost-effective alternative. Technically the increase in height is not difficult to achieve, the City of Portland would receive lease payments longer, more methane gas revenues could be received

by the City of Portland and Metro, and as a back-up alternative the region would have time to adequately prepare a new site.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer's recommends adoption of Resolution No. 84-491 which sets out a strategy to manage the remaining capacity of the St. Johns Landfill.

NW/srb
1747C/392-4
08/14/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING AN)
INTERIM MANAGEMENT STRATEGY FOR)
THE ST. JOHNS LANDFILL)

RESOLUTION NO. 84-491

) Introduced by the
) Executive Officer

WHEREAS, ORS 268 designates the Metropolitan Service District (Metro) to be the provider of solid waste disposal facilities in the Portland metropolitan area; and

WHEREAS, The Council of the Metropolitan Service District has identified the site known as "Wildwood" to be the next general purpose sanitary landfill when the St. Johns Sanitary Landfill is filled to its design capacity; and

WHEREAS, Due to delays encountered in receiving final approval for the use of Wildwood as the region's next general purpose landfill, it now appears that Wildwood will not be available upon the anticipated closure of the St. Johns Landfill; and

WHEREAS, The Metro Council recognizes the need to ensure uninterrupted access to an environmentally sound and conveniently located general purpose sanitary landfill as a manner of acceptable public health practices; now, therefore,

BE IT RESOLVED,

That the following interim management policies and strategies for the St. Johns Landfill are adopted for the purpose of extending the useful life of this limited resource in order to

provide Metro additional time to secure final approval from appropriate governmental bodies for the Wildwood Sanitary Landfill site.

1. During preparation of the 1985 Metro Disposal Rate Study, the Executive Officer will incorporate modifications to the existing rate structure which will encourage drop box haulers to use existing limited-use landfills rather than the St. Johns Sanitary Landfill. Following past practice and upon adoption by the Metro Council, these rates will be effective on January 1, 1985.
2. Metro will begin to explore and secure permission from other authorized sites accessible to the Metro region for the disposal of municipal solid waste. The Executive Officer will report to the Metro Council on the progress of these discussions at the Council's first regularly scheduled meeting in February of 1985.
3. Metro will pursue further evaluation and review with the City of Portland, the Department of Environmental Quality and the residents of north Portland the potential to increase the final contours of St. Johns

Landfill to 10 feet using a phased approach beginning with the expansion area and then into the already completed subareas of the landfill.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

NW/srb
1747C/392-4
08/14/84

CONSIDERATION OF RESOLUTION NO. 84-486 FOR THE
PURPOSE OF AMENDING FY 1983 UNIFIED WORK PROGRAM
AND APPROVING IN CONCEPT THE DEVELOPMENT OF THE
OREGON CITY TRANSIT CENTER

Date: July 17, 1984

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

Clackamas County, the city of Oregon City and Tri-Met are currently undertaking a joint planning program to site a parking garage, transit center, and county offices in the downtown Oregon City area. To support the overall redevelopment effort, an urban renewal district has been established.

Total development of this major downtown improvement program has been planned as a concurrent undertaking in order to fully integrate the three major elements. Local match for the transit center will be provided as part of the urban renewal district funding program.

To resolve this and other problems associated with the downtown improvement, the participants have developed a plan of action consisting of the following:

1. Clackamas County is to be the lead agency in overall project development of the downtown improvement. Oregon City and Tri-Met will participate in a support capacity.
2. Preliminary planning and site facility analysis of the transit center will be coordinated by Tri-Met using Section 9 funds programmed under the FY 1983 Unified Work Program (UWP) funds (Resolution No. 84-461).
3. Feasibility analysis, environmental documentation, design, right-of-way and construction of the transit center are to utilize Section 3 "Trade" funds, with the urban renewal district providing the local match.
4. If funding is required for the transit center over and above the currently granted Section 3 "Trade" amount of \$840,140, it will be drawn from the McLoughlin Corridor Transit Improvements Reserve (currently \$1.5 million).

5. Tri-Met is to continue as grant applicant and recipient of UMTA funds for transit center development.

The immediate need addressed by this Resolution is to increase the budget for the Transit Center and TSM Development task in the UWP. This increase is necessary to cover costs for preliminary planning and site selection of the Oregon City Transit Center and changes the UWP task budget (federal) from \$15,392 to \$37,392. This revision, accomplished without changing the UWP total budget, is offset by reductions of other task budgets within the UWP.

Secondary considerations addressed by the Resolution are the endorsement of: 1) the principle of development of the Oregon City Transit Station as a joint development project in conjunction with other elements of the Oregon City urban renewal district, 2) increased funding for project implementation, and 3) use of the McLoughlin Corridor Transit Improvements Reserve (Section 3 "Trade") for the transit center if required.

TPAC and JPACT have reviewed this project and unanimously recommend approval of Resolution No. 84-486.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 84-486.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On August 6, 1984, the Regional Development Committee voted to forward this Resolution to the Metro Council without a recommendation. Concerns were expressed about the specific details of the downtown Oregon City urban renewal plan and the Committee requested the attendance of a local representative to respond to questions at the Council meeting.

BP/srb
1653C/382
08/09/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)	RESOLUTION NO. 84-486
FY 1983 UNIFIED WORK PROGRAM AND)	
APPROVING IN CONCEPT THE DEVELOP-)	Introduced by the Joint
MENT OF THE OREGON CITY TRANSIT)	Policy Advisory Committee
CENTER)	on Transportation

WHEREAS, The FY 1983 Unified Work Program (UWP) was amended in April 1984 by Resolution No. 84-461; and

WHEREAS, The UWP as an ongoing planning instrument must, from time to time, be revised to reflect changing task priorities and funding availability; and

WHEREAS, Funding for the preliminary planning of the Oregon City Transit Center needs to be increased to allow development as a joint development project in conjunction with the Oregon City urban renewal district; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District (Metro) endorses the principle of developing the Oregon City transit station in conjunction with the urban renewal plan and recognizes that increased UMTA Section 3 funds from the McLoughlin Transit Improvement Reserve will be necessary.

2. That the Metro Council approves the amendment to increase the FY 1983 UWP task budget (federal) for the Transit Center and TSM Development from \$15,392 to \$37,392.

3. That these actions are consistent with the continuing

cooperative and comprehensive planning process and are hereby given
Affirmative Intergovernmental Project Review Approval.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

BP/srb
1653C/382
08/09/84

REDMAN, CARSKADDON & KNAUSS

ATTORNEYS AT LAW
10565 S. E. 23RD AVENUE
MILWAUKIE, OREGON 97222

JAMES E. REDMAN
JAMES R. CARSKADDON, JR.
ARTHUR B. KNAUSS

TELEPHONE
659-5335
AREA CODE 503

August 21, 1984

Metropolitan Service District
527 S.W. Hall Street
Portland, Oregon 97201

Attn: Jill Hinckley

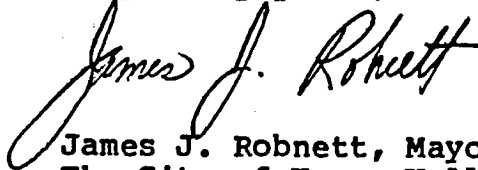
Re: Agreement to Resolution of Impasse

Dear Ms. Hinckley:

Our City Attorney reviewed with our City Council at its meeting on Wednesday, August 15, 1984 and I have been authorized to advise you and the MSD Board that the City of Happy Valley is pleased to cooperate with METRO and DLCD in a resolution of our Goal 10 differences. Any services that METRO or its staff can give in resolving this impasse between the City and DLCD is invited and appreciated.

A review of the Agreement appears to be a viable method of reaching this end and the City will cooperate fully with your staff in fulfilling the spirit as well as the terms of the Agreement

Very truly yours,



James J. Robnett, Mayor
The City of Happy Valley

JJR:cf

AGREEMENT BY CITY OF HAPPY VALLEY
AND
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
TO
NEGOTIATE RESOLUTION OF IMPASSE ON HOUSING DENSITY

Purpose: Agreement on a proposal to be presented to LCDC at the City's acknowledgment hearing, which DLCD will recommend be found adequate for compliance with Goal 10 density requirements (or for an exception to those requirements) and which City staff will recommend the City adopt if LCDC accepts DLCD's recommendation.

Scope: The proposal will include a description of: 1) certain amendments to the City's plan text and development code; 2) how the overall net density allowed by the City's plan, with these changes, shall be calculated for the purposes of assessing compliance with Goal 10 density requirements; and 3) the contents of an exception statement for Goal 10 density requirements to be adopted by the City if judged necessary.

The report prepared by City staff on "Alternatives for Increasing Development Densities" will be used as the starting point for development of this proposal. Amendments affecting other elements of the City's plan or code, such as those discussed in Metro's Staff Report on Happy Valley's second acknowledgment request, may be included as needed to provide for resolution of the housing density issue.

Work Program:

1. Metro staff prepares: (a) a list of issues and agenda for their resolution; and (b) proposed ground rules for the negotiation process.
2. City staff and DLCD review and agree to the agenda and ground rules with changes as needed.
3. Metro organizes two to three meetings of approximately two hours each to assist the City staff and DLCD in negotiating agreements on resolution of the issues identified.
4. At the conclusion of these meetings, Metro drafts a list of areas of agreement for the City staff and DLCD to review, revise as needed, and sign.
5. City staff drafts specific plan text and code amendments to consistent with this agreement which it will recommend for City Council adoption.
6. DLCD reviews the City's draft amendments consistent with this agreement and indicates in its report which "in order to comply" statements will be met if the City adopts its draft amendments..

6a. Interested parties informed of this report.

02

involved

7. Metro reviews the City's draft and DLCD's review to determine whether the agreement has been fulfilled by both parties and schedules an additional meeting, if necessary, to resolve any problems identified.
8. City staff, Metro and DLCD appear together before LCDC to support LCDC endorsement of the agreements reached through this process.

JH/srb
1826C/391-3
08/16/84



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: August 23, 1984

Day: Thursday

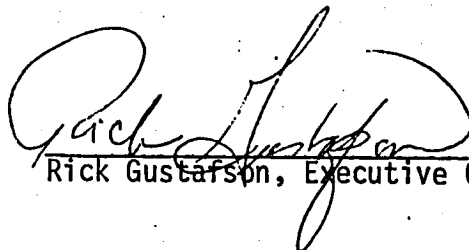
Time: 5:30 p.m.

Place: COUNCIL CHAMBER

CONSENT AGENDA

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 July 5 and July 26, 1984
- 6.2 Consideration of contracts for workers' compensation and employee health benefits
- 6.3 Resolution No. 84-485, for the purpose of amending the TIP to include two new Tri-Met projects - special marketing materials for non-English speaking riders and special needs transportation dispatch center assessment


Rick Gustafson, Executive Officer

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING
July 5, 1981

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

Councilors Absent: Councilors Banzer and Oleson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Eleanore Baxendale, Dan LaGrande, Dan Durig, Dennis Mulvihill, Jennifer Sims, Ed Stuhr, Everlee Flanigan and Ray Barker.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:40 p.m. by Presiding Officer Kirkpatrick.

1. Introductions

There were no introductions.

2. Councilor Communications

None.

3. Written Communications

None.

4. Citizen Communications

Carol Kelsey, Director of Regional Services Project and Adam Davis, Chair of the Columbia Willamette Futures Forum (CWFF) Steering Committee, distributed the CWFF Newsletter, the Regional Services Overview Report, its update and budget.

Ms. Kelsey said that the Newsletter will serve as a major communication to describe their activities to the public over the next four months. It will also publicize their upcoming "Critical Choices II Conference on November 17. The focus will be on Transportation, Parks and Libraries.

The Overview report describes their activities, the update tells what has been undertaken and the budget shows their funding needs.

Ms. Kelsey, after reiterating on some of the material, told Councilors that the CWF will be reaching their consensus of service delivery from a "user-recipient" point of view rather than the provider point of view.

Mr. Davis said that CWF is working very closely with Metropolitan Citizen's League, League of Women Voters, Glen Otto's Task Force and Doug Strain's Oregon Futures Commission.

Councilor Kafoury asked when will funding become critical to this project?

Ms. Kelsey answered, September 1 is when they will need additional funds to continue to Phase II of the project. She added that July 19 is the target date for the subcommittees to begin operating and there will be two meetings of the full committee. A memo will advise the Council of all these upcoming meetings.

Presiding Officer Kirkpatrick asked that Councilors be placed on the Newsletter mailing list.

5. Executive Officer Communications.

Mr. Gustafson distributed his monthly report, Planning Commission Staff report on Comprehensive Plan Change, and copies of the Court of Appeals Decision on Wildwood. He said that based on an analysis of the Comprehensive Plan Change recommended by the Planning Commission that Metro can meet all the criteria for the Wildwood Landfill.

With the Council's permission, he said that he would like to appear before the County Commission on July 31 indicating that Metro has support for the new siting criteria.

Presiding Officer Kirkpatrick asked Councilors to look at the report and if they have any concerns or objections to call Mr. Gustafson. Otherwise, the Council will proceed on his recommendation.

Councilor Hansen asked whether the criteria will have much impact on the overall cost of Wildwood.

Mr. Gustafson answered, not on the operational cost. It will have impact on the cost of the preparation for the conditional use permit application. For a land use approval, the burden of proof is on the applicant. The preparation cost will be substantially higher than we have anticipated.

Washington County Transfer Station Update--Dan Durig, Director of Solid Waste, stated that meetings have been held with a variety of groups in Washington County to bring them up to date on the transfer station. He indicated that the reaction has been positive. Also, that a nine-person advisory group has been appointed and the first meeting has already been held.

Councilor Waker asked when will the landfill decision be coming before the Council? Mr. Durig responded later this summer or early fall as proposed by the advisory group.

Mr. Gustafson directed the Council's attention to an overhead slide describing Metro's new fiscal year's priorities. He briefly described Zoo admissions, solid waste volumes, minority hiring policies and future funding. He told of the work either already begun or to begin to fulfill the Council's priorities and objectives. In the future, he will use the priorities as the mechanism for reporting on progress by way of an updated quarterly report to keep Councilors posted.

6.1 Resolution No. 84-478, for the purpose of restructuring Council meetings and reorganizing Committees of the Metropolitan Service District.

Councilor Bonner reviewed past consideration of this resolution at the June 28 meeting, referred to the Presiding Officer's memo today and recommended Council adoption.

Motion: Councilor Bonner moved adoption of Resolution No. 84-478. Councilor Waker seconded the motion.

Councilor Hansen expressed concern that all the business of the Council could not be conducted in two regular Council meetings a month. He asked why the optional meeting was dropped from the Coordinating Committee recommendation?

Presiding Officer Kirkpatrick responded that it was not dropped and that an optional meeting did not need to be formally adopted. She emphasized that the first Thursday of the month would be left open for an extra Council meeting if necessary.

Vote: The vote on the motion resulted in:

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

Nays: Councilors Deines and Hansen.

Absent: Councilors Banzer and Oleson

Motion carried.

7.1 Ordinance No. 84-174, amending Section 3.01.040 of the Code of the Metropolitan Service District. (Clarifying the Code relating to Urban Growth Boundary Locational Adjustment Standards) (Second Reading).

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

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-174, made by Councilors Kafoury and Bonner on June 28, 1984, resulted in:

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

Nays: None.

Absent: Banzer and Oleson.

Motional carried, Ordinance adopted.

7.2 Ordinance No. 84-175, relating to Public Contract Procedures and amending Code 2.04.001, 002, 003, 005, 010, 015, 020, 030, 035, 040, and 045. (Second Reading).

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

There was no public testimony.

Vote: The vote on the motion to adopt Ordinance No. 84-175, made by Councilors Bonner and Kelley on June 28, 1984, resulted in:

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

Nays: None.

Absent: Banzer and Oleson.

Motion carried, Ordinance adopted.

8.1 Consideration of the Waiver of Personnel Rules, Section 32(d)(1): "Employees Hired or Promoted at the Beginning Step of a Salary Range or Between the Beginning Step and the Entry Merit Rate are Eligible to Receive a Salary Increase to the Entry Merit Rate After Successful Completion of Six (6) Months of Probationary Service."

Jennifer Sims, Budget & Administrative Services Director, presented the staff report as contained in the agenda of the meeting.

Motion: Councilor Waker moved ratification of the waiver of the Personnel Rules. Councilor Kelley seconded the motion.

Councilor Deines questioned the reasoning of making rules if those rules were not applied.

Councilor Bonner asked who made the decision on this merit raise?

Ms. Sims responded Dan Durig, Director of Solid Waste.

Vote: The vote on the motion resulted in:

Ayes: Councilors Cooper, Hansen, Kelley, Kirkpatrick, Van Bergen, Waker and Williamson.

Nays: Councilors Bonner and Deines.

Absent: Councilors Banzer, Kafoury and Oleson.

Motion carried, ratification adopted.

9. Committee Reports

Councilor Williamson announced that the next JPACT meeting will be on Thursday, July 12 at 7:30 a.m.

Councilor Bonner stated that the Coordinating Committee Meeting of July 16 has been cancelled.

Councilor Hansen said that the Services Committee of July 10 has also been cancelled. He reported that he and several other Councilors visited the Vancouver, B.C. transfer station on June 30. He commented on the fact that the transfer station was housed in an abandoned sawmill. He also noted that the community of Delta has the principal landfill for the greater Vancouver area and receives a royalty for that service.

Councilor Kirkpatrick reported that she attended the FOZ meeting on July 2 and that the Zoo attendances reached new highs in both May and June.

Councilor Van Bergen requested that in the future, he would appreciate receiving the Executive Officer's report in advance of the Council Meetings.

Mr. Gustafson said he will endeavor to get his reports to Council earlier.

10. Wildwood - Appeal of Court of Appeals Decision

Motion: Councilor Williamson moved that the Council authorize the Executive Officer to proceed with and Appeal of the Court of Appeals Decision. Councilor Cooper seconded the motion.

Motion to Amend: Councilor Bonner moved to amend the main motion to request the County Executive's approval to proceed with an appeal.

The motion died for lack of a second.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kirkpatrick, Van Bergen, Waker, and Williamson.

Nays: None

Abstention: Councilor Kelley

Absent: Councilors Banzer, Deines, Kafoury and Oleson.

The motion carried to authorize the Executive Officer to proceed with an appeal to the Supreme Court.

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Toby Janus
Toby Janus
Council Secretary

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

REGULAR MEETING
July 26, 1984

Councilors Present: Councilors Banzer, Deines, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen

Councilors Absent: Councilors Bonner, Cooper, Kafoury, Waker, and Williamson

Also Present: Rick Gustafson, Executive Officer; Jim Gardner, Councilor-elect

Staff Present: Eleanore Baxendale, Ray Barker, Andy Cotugno, Richard Brandman, Dan LaGrande, Peg Henwood, and Sonnie Russill

An Executive Session of the Council was called to order by Presiding Officer Kirkpatrick at 7:00 PM for informational purposes only. Present were Councilors Banzer, Hansen, Kirkpatrick, Van Bergen, Deines, and Kelley. A brief recess was called at 7:20 PM.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:30 PM by Presiding Officer Kirkpatrick. Noting that no quorum was present, the Presiding Officer announced that the meeting would begin with informational items only. She then introduced the Acting Clerk and announced that the new Clerk to the Council would be Marie Nelson, currently an employee at the Zoo.

1. Introductions

There were no introductions.

2. Councilor Communications

There were no Councilor Communications.

3. Executive Officer Communications

Mr. Gustafson called attention to a memo regarding long-range financing for the zoo operations which was distributed to Councilors' boxes in the afternoon. Financing options discussed in the memo are 1) establishment of a tax base under current statute; or 2) creation of a zoo service district. Mr. Gustafson reminded the Council of the history of this issue and asked for some discussion of their current thinking so potential legislation could be prepared.

Councilor Oleson arrived; a quorum of the Council was subsequently present.

Councilor Deines asked whether a tax base should be large enough to cover some capital improvements as well as operations, noting a tendency for tax-base financed facilities to deteriorate through lack of capital improvement funds.

Mr. Gustafson pointed out that the close contact with public sentiment that was provided through periodically placing zoo measures on the ballot was very desirable.

It was decided that discussion of this matter would be postponed to give Councilors an opportunity to read the material to which they were being asked to respond.

Mr. Gustafson then presented a summary of the fourth quarter program progress reports. He reminded the Council that in preparing the 1983-84 budget submittal he suggested five priorities: 1) financial management system; 2) finding adequate financial resources for the zoo planning and general government functions; 3) development of a solid waste system plan; 4) development of a regional infrastructure; and 5) continuation of assistance provided local governments. He then summarized the accomplishments in each area. Presiding Officer Kirkpatrick asked that copies of the charts illustrating Mr. Gustafson's presentation be distributed to the Council.

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. Approval of Minutes

Motion: Councilor Banzer moved that the minutes of the meetings of June 7 and June 28, 1984, be approved as submitted. The motion was seconded by Councilor Hansen.

Vote: The vote on the motion resulted in:

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

Nays: None

Abs.: Councilors Bonner, Cooper, Kafoury, Waker and Williamson

7. Consideration of Ordinance No. 84-176, relating to Council organization and procedure, amending Code Sections 2.01.030, 2.01.060, 2.04.030, and repealing Code Section 2.04.015. (First Reading)

The ordinance was read the first time by title only.

Motion: Councilor Kelley moved adoption of Ordinance No. 84-176. Councilor Van Bergen seconded the motion.

Councilor Deines requested that the second reading of the Ordinance be postponed from the August 2 meeting since many Councilors would be unable to attend. It was decided that Presiding Officer Kirkpatrick

have the remaining Councilors polled regarding their attendance at the upcoming meeting so a decision could be made whether to postpone the second reading or possibly the entire meeting.

Councilor Hansen expressed concern that without committee meetings, provision be made during regular Council meetings for an opportunity to question department heads, whether or not they had items on the agenda. Presiding Officer Kirkpatrick suggested that if the Presiding Officer and staff were notified of questions prior to meetings, they could be included in the introductory segment of the meeting. She added that she intended to schedule information items on a fairly frequent basis.

Councilor Deines suggested that since the Ordinance would not be taking effect immediately, Committee meetings be scheduled for August.

8.1 Consideration of Resolution No. 84-480, for the purpose of endorsing the recommendations of the Diesel Exhaust Study Task Force

Richard Brandman summarized the staff report as contained in the agenda, explaining the basis for the task force recommendations and DEQ's strong support of the Resolution. He called particular attention to Attachment A, which outlines the recommendations of the task force, TPAC and JPACT.

Bill Braaten, 6635 SW Canyon Drive, called attention to an article entitled "Hot Car" which appeared in the August 1984 issue of Scientific American; copies of the article were distributed to the Council. The article discusses the technology of ceramic engine parts and possible future applications in the automotive industry. Mr. Braaten urged that any report to Congress should call attention to the rapid technological advancement in this field.

Glenn Gregg, 10415 SW Terwilliger Place, a citizen member of the Diesel Exhaust Study Task Force, read into the record a letter to the Council urging adoption of the Resolution.

Councilor Oleson asked for Mr. Gregg's reaction to the previous testimony, that the problems would eventually be solved by tomorrow's technology. Mr. Gregg responded that new technology could be a mitigating factor, but that even if cleaner diesel engines are developed, the increase in numbers would have an impact. He agreed with Councilor Oleson that the philosophy behind the task force was to make an educated guess about the future and then try to balance economic development needs with environmental needs.

In response to questions from Councilor Deines, Messrs. Gregg and Brandman estimated that 30% of all trucks travelling in the region are registered here, as are almost all buses.

Howard Harris of DEQ's air quality division, 522 SW 5th Avenue, testified that EPA has designated Portland as a nonattainment area, as measured against standards that are identical with state standards. He described the work of the DEQ on particulates and pointed out that new or expanding industries are currently faced with the necessity of seeking emission offsets and/or installing very expensive control technology. He testified that the DEQ supported the recommendations of

the task force, TPAC and JPACT, and urged adoption of the Resolution.

Responding to questions from Councilor Van Bergen, Mr. Harris estimated that home oil heating accounted for a pollution background level of about 0.5% and agreed that there were a lot of small pollution sources. He added that on the worst winter day last year auto exhaust accounted for 12%.

John Charles, 2637 SW Water Ave., Executive Director of the Oregon Environmental Council, reported that in 1980 Portland was the 14th dirtiest air shed of any major city in the country and that the situation has not improved. He cited the following as evidence of the need to regulate diesel vehicles: 1) a 1979 EPA study revealed that diesel autos emitted 30-70 times more particulates than gas cars; 2) diesel emissions contain 9,000 to 12,000 separate chemical compounds, many of which have not been identified (those that have been are similar to cigarette smoke); 3) diesel exhaust contains mutagenic compounds and biologically active substances that may be released from inhaled particulates; 4) diesel exhaust contains carcinogenic materials; 5) a single high level exposure (as on the bus mall) can produce acute pulmonary toxic effects. He then discussed the work of two Washington University chemists as reported in The Oregonian recently, and quoted from the Federal Register of March 5, 1980, concerning emission standards for light duty diesel vehicles. He urged the Council to adopt the proposed resolution, calling it very mild compared to what needs to be done.

Councilor Deines asked where the line should be drawn in regulating small groups. Mr. Charles replied that it was an exercise in deciding how much we should regulate ourselves in the interests of some other policy objective. He felt that since Congress had already decided for us that mobile sources should be regulated, loopholes should be closed to make the policy consistent.

Motion: Councilor Kelley moved that Res. No. 84-480 be adopted.
Councilor Hansen seconded the motion.

Councilor Hansen expressed support for the motion, saying that it was necessary to maintain jobs and air quality in the region.

Councilor Kelley felt that the public could be misled if Metro took a position exempting diesel vehicles from regulation.

Councilor Van Bergen expressed his opposition to the motion but urged that attention be paid to technological advances such as ceramic parts.

Vote: The vote on the motion resulted in:

Ayes: Councilors Banzer, Hansen, Kelley, Kirkpatrick
and Oleson

Nays: Councilors Deines and Van Bergen

Abs.: Councilors Bonner, Cooper, Kafoury, Waker, and
Williamson

Motion carried.

8.2 Consideration of Resolution No. 84-481, for the purpose of extending the deadline for petitions for Locational Adjustment to the Urban Growth Boundary received prior to July 1, 1984.

Ms. Eleanore Baxendale summarized the staff report as presented in the agenda, pointing out that failure to adopt the resolution would result in no UGB adjustments being made this year, thus placing a hardship on the development community.

Motion: Councilor Hansen moved that Res. No. 84-481 be adopted. The motion was seconded by Councilor Kelley.

Vote: The vote on the motion resulted in:

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

Nays: Councilor Deines

Abs.: Councilors Bonner, Cooper, Kafoury, Waker and Williamson.

Motion carried.

9. Committee Reports


There were no committee reports.

There was a discussion of how to handle items scheduled for the following week's meeting in the event of postponement or lack of a quorum.

Ms. Baxendale reported that she and Mr. Barker had been discussing visiting Vancouver, B.C. to analyze their park system from the management side, and invited interested Councilors to participate. She was asked to keep the Council informed of plans.

There being no further business, the meeting was adjourned at 9:10 PM.

Respectfully submitted,


Cynthia Wichmann
Acting Clerk of the Council

CONSIDERATION OF CONTRACTS FOR WORKERS'
COMPENSATION AND EMPLOYEE HEALTH BENEFITS

Date: August 10, 1984

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

Metro provides a fringe benefit package to permanent employees in addition to wages and salaries paid. These are listed and described briefly in Attachment A. As an employer, Metro must provide Social Security, Workers' Compensation and unemployment benefits. The organization has elected to also provide a health plan (including medical, dental, vision and prescription coverage), life insurance, a disability plan and a retirement plan. The benefits are administered by the Finance & Administration Department under applicable federal and state laws and carrier contracts. Except as described below, all contracts are ongoing and do not require renewal. The following contracts are negotiated on an annual basis and are presented for approval.

Non-Union Health Plans

Great-West -- Metro's broker, Alexander & Alexander, invited bids on Metro's coverage. Of 21 invitations, one did not respond, 14 declined to bid, and three submitted partial package bids. Only Blue Cross, Great-West, Occidental and Washington National submitted complete coverage bids. These bidders provided options for rate reductions. Only Great-West will provide the in-force plan, but at a 24 percent rate increase. Substantial plan modifications and coverage reductions are required to gain significant savings.

Based on reference checks, consultation with our broker and the coverage offered, Great-West was determined the best bidder. A cost containment option was added to the Great-West plan which will be beneficial in decreasing experience for FY 1984-85. This option will include the following cost containment benefits payable at 100 percent: outpatient surgery, birthing centers, pre-admission testing and second option surgery.

Kaiser -- Metro also offers a health plan with this health maintenance organization. While Kaiser rates have also increased dramatically (26.7 percent), total costs remain much below the other carrier.

Workers' Compensation -- Metro provides Workers' Compensation coverage as required by ORS Chapter 656. There are two basic approaches for determining premiums. One is to pay a set standard premium which is based on the size of payroll and risk level. This amount is fixed regardless of actual losses. The second approach is called a retrospective plan. Under this plan, the premium is determined through periodic evaluation of losses. The premium may be reduced or increased to set minimums and maximums depending on the level of risk assumed by the employer. This provides an incentive to employers to implement a safety program.

The cost increases under each of these contracts were anticipated and are covered in the current adopted budget.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends continuation of the current coverage provided by Great-West and Kaiser. Fringe costs will be very closely monitored for rate and conformance to the budget. The Executive Officer also recommends continuation with SAIF under the retro plan approach for Workers' Compensation.

JS/CJV/srb
1807C/392-2
08/13/84

ATTACHMENT A

METRO

SUMMARY OF BENEFITS FOR NON-UNION EMPLOYEES

AUGUST 1984

1. Health Coverage

Metro offers a choice of two plans: a Health Maintenance Organization (Kaiser) and a private carrier (Great-West Life). Both provide comprehensive coverage including vision and prescriptions, and premiums are fully paid by Metro for regular employees and dependents. The Great-West Life plan pays 90 percent of actual costs to the doctor or hospital of the employee's choice; the Kaiser plan is restricted to Kaiser facilities and costs the employee a flat fee of \$2.00 per visit.

2. Dental Coverage

Metro's dental plan is offered through Great-West Life: there is a \$50 lifetime deductible per family member -- after the deductible is fulfilled, coverage is 100 percent for routine work and 50 percent for major work. Premiums for employees and dependents are fully paid by Metro.

Employees with health coverage under Kaiser are covered by Great-West's dental plan.

3. Life Insurance, Accidental Death and Dismemberment, Long-Term Disability

Life insurance is 1-1/2 times an employee's annual salary; accidental death and dismemberment is paid at 1-1/2 times an employee's annual salary, or a fraction thereof; long-term disability pays 66 percent of an employee's salary at the time of disablement. Premiums are fully paid by Metro.

4. Optional Insurance

Optional life and cancer insurance is available for employees and spouses at reasonable rates paid by the employee through payroll deduction.

5. Retirement

Metro's retirement plan is a two-part Defined Contribution Plan to which Metro contributes an amount equal to 5 percent of an employee's salary through Banker's Life. The vesting schedule for Metro's contribution is as follows:

After 2 years of employment: 40%
After 3 years of employment: 60%
After 4 years of employment: 80%
After 5 years of employment: 100%

The second part of the plan is a Defined Contribution Plan through Western Retirement Trust to which Metro contributes an amount equal to 6 percent of an employee's salary on behalf of the employee. The employee is 100 percent vested in this program at all times.

6. Sick Leave, Vacation, Holidays

Sick Leave accumulates at the rate of four hours per pay period (13 days per year).

Vacation leave is earned according to the following schedule:

Date of hire to	3 years	= 10 days
- 4 to 9 years		= 15 days
- 9+ years		= 20 days

Metro observes eight regular holidays, plus two floating holidays of the employee's choice.

7. Education Benefits

Tuition is reimbursed for approved courses beneficial to Metro and the employee subject to budgetary constraints.

JS/CJV/srb
1807C/392-2
08/13/84

Detail of Great-West Benefits

Base Benefits

Hospital Room & Board	90%
Hospital Extras	90%
Surgical Expenses	90%
Supp. Accident	\$500
Routine Physical/Well Baby	yes ¹
Deductible	\$100 ²
Family Deductible	\$100
Co-Insurance	90%
Stop-Loss	\$5,000
Psychiatric Maximum Benefit	
Out Patient	\$1,000
Maximum Benefit	\$500,000
Pre-Existing Clause	30 days
Carry Over Stop-Loss	yes

Dental

Deductible	\$50/Lifetime
Preventative Treatment	100%
Routine Treatment	100%
Major Treatment	50%
Orthodontic	50%

Maximum Benefits

Routine/Major - Annual	\$1,000
Orthodontic - Lifetime	\$1,000

¹Once a year benefit.

²Deductible waived for almost everything.

JS/CJV/srb
1807C/392-2
08/13/84

CONSIDERATION OF RESOLUTION NO. 84-485 FOR THE
PURPOSE OF AMENDING THE TRANSPORTATION
IMPROVEMENT PROGRAM TO INCLUDE TWO NEW TRI-MET
PROJECTS--SPECIAL MARKETING MATERIALS FOR
NON-ENGLISH SPEAKING RIDERS AND SPECIAL NEEDS
TRANSPORTATION DISPATCH CENTER ASSESSMENT

Date: July 18, 1983

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

Proposed Action

Approve the Resolution to add two new projects utilizing Urban Mass Transportation Administration (UMTA) Section 4(i) funds. The projects proposed for inclusion are:

Special Marketing Materials for Non-English Speaking Riders - The major activity of this project would be the development of phonetic and pictographic brochures through the services of a consultant skilled in phonetics. The brochures would cover fare structure and payment, reading of bus stop signs and schedules, boarding, deboarding and riding rules, and use of Transportation Guide and map.

Federal	\$14,250
Tri-Met	4,750
Total	<u>\$19,000</u>

Special Needs Transportation (SNT) Dispatch Center Assessment - This project would 1) assess the need for a dispatch center which would use a computer to assist in the scheduling of taxis, para-transit vehicles and other transportation services, 2) determine hardware and software available and appropriate to serve the need, 3) determine the most effective operating structure, and 4) develop a budget for creation and operation of the recommended center.

Federal	\$12,750
Tri-Met	4,250
Total	<u>\$17,000</u>

Background

Tri-Met is requesting that new projects be added to the

Transportation Improvement Program (TIP) utilizing UMTA Section 4(i) funds. Section 4(i) is a discretionary funding category for demonstration projects for "Innovative Techniques and Methods in the Operation and Management of Transit."

TPAC and JPACT have reviewed this project and unanimously recommend approval of Resolution No. 84-485.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 84-485.

COMMITTEE CONSIDERATION AND RECOMMENDATION

On August 6, 1984, the Regional Development Committee unanimously recommended Council adoption of Resolution No. 84-485.

BP/srb
1654C/382
08/09/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE)	RESOLUTION NO. 84-485
TRANSPORTATION IMPROVEMENT PROGRAM)	
TO INCLUDE TWO NEW TRI-MET)	Introduced by the Joint
PROJECTS--SPECIAL MARKETING)	Policy Advisory Committee
MATERIALS FOR NON-ENGLISH SPEAK-)	on Transportation
ING RIDERS AND SPECIAL NEEDS)	
TRANSPORTATION DISPATCH CENTER)	
ASSESSMENT)	

WHEREAS, Through Resolution No. 83-430, the Council of the Metropolitan Service District (Metro) adopted the Transportation Improvement Program (TIP) and its FY 1984 Annual Element; and

WHEREAS, Tri-Met has initiated an amendment to the TIP to include an Urban Mass Transportation Administration (UMTA) grant application for two new projects; and

WHEREAS, The projects will aid in Tri-Met's continuing commitment to address the transit disadvantaged; and

WHEREAS, The noted projects will use UMTA Section 4(i) funds; now, therefore,

BE IT RESOLVED,

1. That the TIP and its Annual Element be amended to include the following projects:

Special Marketing Materials for non-English Speaking Riders

Federal	\$14,250
Tri-Met	4,750
Total	<u>\$19,000</u>

Special Needs Transportation (SNT) Dispatch Center Assessment

Federal	\$12,750
Tri-Met	4,250
Total	<u>\$17,000</u>

2. That the Metro Council finds the projects in accordance with the region's continuing cooperative, comprehensive planning process and, thereby, gives Affirmative Intergovernmental Project Review approval.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

BP/srb
1654C/382
08/09/84

STAFF REPORT

Agenda Item No. 7.1

Meeting Date August 23, 1984

CONSIDERATION OF ORDINANCE NO. 84-177 FOR THE
PURPOSE OF TRANSFERRING \$2,500 FROM CONTINGENCY
TO BUDGET AND ADMINISTRATIVE SERVICES CAPITAL
OUTLAY, LINE ITEM 8400

Date: July 12, 1984

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

The work station for the Metro Receptionist is inadequate given the demand to handle an average of 2,000 telephone calls and respond to 500 visitors per week, plus receive and sort inter-office mail, prepare bulk mailings, schedule motor pool vehicles and assist Personnel with employment applicants.

A new work station is proposed to permit the Receptionist to function more efficiently, accommodate the new telephone switchboard system and improve the appearance of the lobby area.

The cost to build a work station to match the Council furniture exceeds \$5,000. A more economical option, recommended in this report, is to have a work station built of plywood and laminated with a wood textured formica.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 84-177.

DL/srb
1825C/392
08/14/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 84-177
ORDINANCE NO. 84-172, TRANSFERRING)
APPROPRIATIONS FROM GENERAL FUND) Introduced by the
CONTINGENCY TO THE FINANCE AND) Executive Officer
ADMINISTRATION DEPARTMENT)

WHEREAS, The need and benefits of a new receptionist work station have been demonstrated and justified; and

WHEREAS, An additional Capital Outlay appropriation is needed for this expense; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

The amendments to the FY 1984-85 Budget of the Metropolitan Service District (Metro) attached hereto as Exhibit "A" and amendments to the FY 1984-85 Appropriations attached hereto as Exhibit "B" to this Ordinance are hereby adopted.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

ATTEST:

Clerk of the Council

JS/srb
1647C/382
08/14/84

EXHIBIT "A"
FY 1984-85 BUDGET

General Fund
Finance and Administration Department
Budget and Administrative Services Division

	<u>Current Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
<u>Capital Outlay</u>			
8400 Office Furniture & Equipment	\$ 6,000	\$2,500	\$ 8,500
<u>Transfers & Contingency</u>			
9700 Contingency	77,396	(2,500)	74,896
Total General Fund	\$2,525,585	\$ 0	\$2,525,585

ALL OTHER ACCOUNTS ARE UNCHANGED

JS/srb
1647C/382-2

EXHIBIT "B"

SCHEDULE OF APPROPRIATIONS

<u>GENERAL FUND*</u>	<u>Current Appropriation FY 1984-85</u>	<u>Revision</u>	<u>Revised Appropriation</u>
Council			
Personal Services	\$ 65,693	-0-	\$ 65,693
Material & Services	58,120	-0-	58,120
Capital Outlay	-0-	-0-	-0-
Subtotal	<u>\$123,813</u>	<u>-0-</u>	<u>\$123,813</u>
Executive Management			
Personal Services	\$229,380	-0-	\$229,380
Material & Services	28,845	-0-	28,845
Capital Outlay	-0-	-0-	-0-
Subtotal	<u>\$258,225</u>	<u>-0-</u>	<u>\$258,225</u>
Finance & Administration			
Personal Services	\$ 548,224	\$ -0-	\$ 548,224
Material & Services	626,465	-0-	626,465
Capital Outlay	22,055	2,500	24,555
Subtotal	<u>\$1,196,744</u>	<u>\$2,500</u>	<u>\$1,199,244</u>
Public Affairs			
Personal Services	\$216,450	-0-	\$216,450
Material & Services	40,950	-0-	40,950
Capital Outlay	1,750	-0-	1,750
Subtotal	<u>\$259,150</u>	<u>-0-</u>	<u>\$259,150</u>
General Expense			
Contingency	\$ 77,396	\$ (2,500)	\$ 74,896
Transfers	587,219	-0-	587,216
Subtotal	<u>\$665,870</u>	<u>\$ (2,500)</u>	<u>\$662,115</u>
Unappropriated Balance	\$23,038	-0-	\$23,038
Total General Fund Requirements	\$2,525,585	-0-	\$2,525,585

*NOTE: All other funds remain unchanged.

JS/srb
1647C/382-3

CONSIDERATION OF RESOLUTION NO. 84-489 FOR THE
PURPOSE OF RECOMMENDING A CONTINUANCE OF HAPPY
VALLEY'S REQUEST FOR ACKNOWLEDGMENT OF COMPLIANCE
WITH LCDC GOALS

Date: August 10, 1984

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Metro conducted its first acknowledgment review of Happy Valley's plan in December 1980 and found that the City's plan did not satisfactorily address regional concerns relating to Goals 2, 5, 7, 10, 11 and 12. LCDC issued a denial of the City's acknowledgment request in April 1982. In April 1984, LCDC amended this denial order in response to a remand from the Court of Appeals. In June, the City resubmitted its plan for acknowledgment.

The Metro staff report on this submittal is attached as Exhibit "A." Although the City has taken some significant steps forward, the main issues remain: (1) the City's responsibility to meet regional housing needs, as established by LCDC's Housing Rule for the Metro area; and (2) the provision of adequate urban services for the amount and density of housing that must be planned for. Overall, staff finds that the City has satisfactorily addressed certain regional concerns affecting Goals 5, 7, 10 and 11; has not satisfactorily addressed the remaining concerns identified in Metro's last review; and has deleted certain language necessary to address other regional concerns affecting Goals 2, 11 and 14.

As explained under the discussion of the Committee's Consideration, below, the City has indicated that it would like Council review and comment on certain proposed changes to its plan at the Council's August 23 meeting. Staff did not have an opportunity to review any such changes before this agenda was published. Accordingly, staff recommends that Council act only on materials received in time for staff review. Under LCDC's "expedited review" procedures, the Metro Council may subsequently withdraw or modify its objection to acknowledgment if it finds changes to the City's plan adequate to address its concerns.

EXECUTIVE OFFICER'S RECOMMENDATION

Based on materials available for review to date, the Executive Officer recommends a continuance of Happy Valley's acknowledgment request to address regional concerns affecting compliance with Goals 2, 10, 11, 12 and 14.

COMMITTEE CONSIDERATION AND RECOMMENDATION

At the August 6 meeting of the Regional Development Committee, planning consultant Bob Price and City Attorney Jim Carskadon testified on the City's behalf. They testified that: (1) the City was considering changes to its plan to address the Goal 10 (Housing) issue regarding density (p. 5 in the Staff Report); (2) that they hoped to obtain Metro Council support of these changes at the Council's August 23 meeting; and (3) that because of these anticipated changes, they had no objections to the Staff Report but requested an amendment to the Resolution to direct Metro staff to assume a "leadership position" in resolving the impasse over housing density.

Attorney Terry Morgan, representing certain Happy Valley landowners, presented oral and written testimony objecting to the City's plan and requesting that the Staff Report be modified to: (1) add stronger language to the discussion of density on p. 5; and (2) delete certain language from the discussion.

The Committee voted to reject the first of clear and objective standards, relating to the City's options for compliance and accept the second of Mr. Morgan's proposed changes, to amend Resolution No. 84-489 to insert a new "resolve" statement as "resolve" #2, as shown on the attached copy of this resolution, and to recommend Council adoption of the resolution as amended.

JH/srb
1711C/382
08/10/84

Attachments

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING A) RESOLUTION NO. 84-489
CONTINUANCE OF HAPPY VALLEY'S)
REQUEST FOR ACKNOWLEDGMENT OF) Introduced by the Regional
COMPLIANCE WITH LCDC GOALS) Development Committee

WHEREAS, The Metropolitan Service District (Metro) is the designated planning coordination body under ORS 260.385; and

WHEREAS, Under ORS 197.255 the Metropolitan Service District Council is required to advise LCDC and local jurisdictions preparing Comprehensive Plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, The city of Happy Valley is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal 2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Happy Valley's Comprehensive Plan has been evaluated for compliance with LCDC Goals and regional plans adopted by CRAG or Metro prior to July 1984 in accordance with the criteria and procedures contained in the "Metro Plan Review Manual," as summarized in the Staff Report attached as Exhibit "A"; and

WHEREAS, Metro finds that Happy Valley's Comprehensive Plan does not comply with LCDC Goals 2, 10, 11, 12 and 14; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Happy Valley's request for compliance acknowledgment be continued to

correct deficiencies under Goals 2, 10, 11, 12 and 14 as identified in Exhibit "A."

2. That Metro's Executive Officer and staff assist wherever possible in resolving the impasse between the city of Happy Valley and LCDC. Metro will play a leadership role in resolving this impasse if requested by both the city of Happy Valley and LCDC.

[2.] 3. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibit "A" to LCDC, the city of Happy Valley and to the appropriate agencies.

[3.] 4. That, subsequent to adoption by the Council of any goals and objectives or functional plans after July 1984, the Council will again review Happy Valley's plan for consistency with regional plans and notify Happy Valley of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

JH/srb
1711C/382
08/10/84

HAPPY VALLEY: SECOND ACKNOWLEDGMENT REVIEW

INTRODUCTION

Happy Valley's plan was first submitted for acknowledgment in December 1980. On December 18, 1980, the Metropolitan Service District Council adopted Resolution No. 80-10, recommending that the City's request for acknowledgment be continued to address regional concerns affecting compliance with Goals 2, 5, 7, 10, 11 and 12. LCDC initially approved a continuance, then changed its order to a denial when the City failed to submit revisions within the required time.

On April 25, 1984, DLCD issued an amendment to its denial order to respond to the Court of Appeals' review of that order. The City resubmitted its plan for acknowledgment in June. LCDC has asked for comment by August 30.

The City has adopted a number of plan and Code amendments that effectively respond to many of the regional concerns identified in Metro's first review, including some that bring the City closer than previously to meeting the applicable density standard. Since the plan does not yet achieve this standard, however, and since the City has not yet applied for an exception to it, Goal 10 density requirements remain the major issue of regional concern. In addition, other regional concerns remain that affect compliance with Goals 2, 10, 11, 12 and 14.

GOAL NO. 1 -- CITIZEN INVOLVEMENT

ISSUES:

None.

GOAL NO. 2 -- LAND USE PLANNING

ISSUE:

Our first review concluded that the City's plan did not satisfy regional Goal 2 concerns. Our concern was to ensure that once the City had adopted land use designations consistent with LCDC requirements, it would review other sections of the plan and revise them as needed to reflect the increase in population that could be accommodated by higher densities.

RESPONSE:

As discussed under Goal 10, the City's plan designations do not meet the applicable density standard and so may need to be revised. Accordingly, Metro cannot yet be assured that plan provisions for public facilities, transportation and other goal-related subjects

will be adequate for the population allowed once appropriate designations are adopted.

CONCLUSION: Metro's regional Goal 2 concerns remain unchanged from our first review: in order to satisfy regional Goal 2 concerns, "the City must assure that its plan provisions for population-related policies are consistent with any revisions it makes to its housing policies."

GOAL NO. 3 -- AGRICULTURAL LANDS

ISSUE:

None.

GOAL NO. 4 -- FOREST LANDS

ISSUE:

None.

GOAL NO. 5 -- NATURAL RESOURCES

ISSUE:

Metro's first review found that in order to address regional Goal 5 concerns Happy Valley should: "(a) analyze the economic, social, environmental and energy consequences of its development prohibition and dedication requirements; and (b) adopt compensation mechanisms that will deal with the adverse impacts which are identified in this analysis of its development prohibition and dedication requirements."

RESPONSE:

Metro's concern with the Code provisions cited is that they jeopardize the City's ability to provide needed housing. Modifications in these provisions that eliminate the conflict with the provision of needed housing eliminate the need for a Goal 5 analysis and justification. The City's modifications to the provisions at issue here are discussed under Goal 10, as is further work still needed in these areas to eliminate Metro's Goal 10 concerns. The additional work needed to satisfy Goal 10 concerns regarding these provisions would also satisfy Metro's Goal 5 concerns. If this work is not undertaken, the Goal 5 requirements identified in our first review would still be applicable.

CONCLUSION: The regional concerns regarding Goal 5 compliance will be satisfied if the City's density transfer and dedication requirements are modified, as discussed at Goal 10 (requirements 4 and 5).

Goal No. 6 -- Air, Water and Land Quality

ISSUE:

None.

Goal No. 7 -- Natural Hazards

ISSUE:

Our first review concluded that Happy Valley should adopt its draft drainage ordinance in order to satisfy regional Goal 7 concerns.

RESPONSE:

LCDC found that the City was not required to adopt its drainage ordinance in order to comply with Goal 7, but encouraged them to do so. The City has adopted its drainage ordinance as Section 6.18 of its Code.

CONCLUSION: There are no remaining Goal 7 issues of regional concern.

Goal No. 8 -- Recreation

ISSUE:

None.

Goal No. 9 -- Economy

ISSUE:

None.

Goal No. 10 -- Housing

Metro required the City make the following changes to address Goal 10 issues of regional concern:

- Establish residential densities of approximately six units per net acre and provide the opportunity for a 50:50 single family/multi-family housing mix;
- Provide clear and objective approval standards for needed housing types;
- Recognize its responsibility to help meet regional housing needs;

- Eliminate provisions of its development ordinance allowing the City to arbitrarily increase minimum lot sizes;
- Analyze the impacts of its dedication and fee requirements and assure that these requirements do not inordinately raise housing costs; and
- Adopt a new sewer plan and/or definitive sewer extension policies which support the housing densities described...above.

LCDC included the first five requirements in its "in order to comply" statements for Goal 10. The last requirement, regarding sewers, was addressed in LCDC's report under Goal 11, and is discussed there in this report.

Happy Valley appealed LCDC's Goal 10 requirements regarding regional housing responsibilities. The Court of Appeals found that the requirement for a 50:50 single family, multi-family split for new housing construction was not properly applied and remanded the case to LCDC. In April of this year, LCDC issued a revised denial order. The new order deleted the "50:50 split" requirement and replaced it with a more general goal requirement relating to provision of a range of housing types at appropriate price ranges and rent levels. The order concludes: "as the City chooses to restrict housing types through land use regulations, it must demonstrate that adequate numbers of housing units are allowed, including housing types which meet housing needs at various price ranges and rent levels." The order did not change any other aspects of LCDC's original denial order.

Metro's responsibility is to apply LCDC's adopted standards and requirements to issues of regional concern. For this review, LCDC's amended denial order defines those standards and requirements. The City may still apply for an exception to the six UNA standard. Metro's application of the six UNA standard at this time does not mean that it believes that a valid exception is not possible. This review simply reflects the fact that unless the City applies for and is granted an exception, LCDC's amended denial order defines current requirements.

Each of Metro's requirements included in that order is discussed below.

Housing Density and Mix

ISSUE:

Our first review required the City to "Establish (a) residential densities of approximately six UNA, and (b) provide the opportunity for a 50:50 single family:multi-family housing mix."

RESPONSE:

Density

The City has revised its buildable land inventory so that all lands with slopes over 20 percent are now classed as unbuildable, as compared with 25 percent previously. This change, though it reduces the City's identified supply of buildable lands by some 200 acres, is consistent with Clackamas County's approach.

On the remaining 478 net acres identified as buildable, the City has reduced the amount of land zoned for 6 UNA, increased land zoned for 4 UNA, increased land zoned for 2 UNA, decreased land zoned for 1 UNA, and entirely eliminated zoning at 1 unit on five acres. The City has also eliminated restrictions on density transfers which would prevent actual development from achieving the densities allowed by plan designations.

The result of these changes is to increase the density allowed on buildable land from a maximum of 2.18 UNA to 3.2 UNA -- an increase of more than 30 percent, but still significantly below the required level of 6 UNA.

Housing Mix

Under LCDC's revised denial order, the City is no longer required to provide for a 50:50 mix of single family: multi-family construction. Instead, it "must demonstrate that adequate numbers of housing units are allowed, including housing types which meet housing needs at various price ranges and rent levels."

The City's provisions for lower cost housing types remain basically unchanged. Attached housing is allowed in any zone in a planned unit development (PUD); mobile homes are allowed outright in all but the highest density zone; and modular housing is allowed outright in all zones.

Changes in density transfer provisions allow each housing type to be provided in certain circumstances at somewhat higher densities than previously. However, because of overall density limitations to which all housing is still subject, none of these housing types currently address lower cost housing needs. In addition, because of the vague and discretionary standards governing the approval of virtually all housing types (the next issue discussed below), there is currently no assurance that any attached, mobile or modular housing will ever be allowed.

If the City revises its plan designations to provide for an overall density of six UNA, the densities allowed outright in the higher density zone and the maximum densities allowed through density transfers would provide sufficient opportunity

for lower cost attached, mobile and modular housing. If the City revises its Code provisions to allow all housing to be approved subject to clear and objective approval standards that do not excessively increase housing costs, then this opportunity can be effectively realized. These changes are necessary to meet other Goal 10 requirements, as discussed elsewhere in this section. City action to satisfy these other requirements would thus be adequate to satisfy regional concerns for the provision of lower cost housing.

Clear and Objective Standards

ISSUE:

Both Metro and LCDC found that the City must adopt clear and objective approval standards for needed housing. In general, standards are judged "clear and objective" when any two disinterested parties would reach the same conclusion when evaluating the same evidence against the same standards.

Metro identified three sections of the Code where vague and discretionary standards gave the City too much latitude to deny needed housing. The three sets of standards in question were those for: (a) review of impacts statements for subdivision approval; (b) PUD approval; and (c) site plan approval. Changes to each section are evaluated in turn below.

RESPONSE:

Impact Statements: The City requires an impact assessment as part of its subdivision approval process. The code language directing the planning commission to deny subdivisions if "the demerits of the proposal [as identified in the impact statement] outweigh the merits" was cited by both Metro and LCDC as an example of the excessive discretion afforded in subdivision approval. The City has removed this language. In its place, the City has added criteria which attempt to indicate more specifically how the impact statement will be used. These considerations are:

- "1. The significance of the impact as stated or determined by the City Engineer and affected agencies responding;
- "2. The proposed measures which will mitigate any significant impacts; and
- "3. Compliance of the proposed mitigating measures with City standards." (Section 5.033 C, 1-3, p. 52 of the Code).

Although staff recognizes and appreciates the City's efforts in this regard, the new criteria remain too vague to provide

developers certainty regarding the conditions under which a proposed development will or will not be approved.

Neighborhood Compatibility Requirements and Other PUD Standards

In general, because PUDs are designed to provide more flexibility in site design than conventional subdivisions, PUD approval standards have traditionally been expressed in general terms, with substantial discretion given the governing body on approval. This approach remains appropriate if planned unit developments are an optional process to be initiated solely at the developers choice. This is not the case in Happy Valley. The PUD process must be followed for (1) any development where density transfers are utilized to maintain the underlying density of the district when hazards or resources are present; and (2) all attached or multi-family housing. In addition, the City may require any other development to follow the PUD process at its discretion.

Thus, most housing of any type and virtually all higher density housing is subject to PUD standards. As a result, these standards must be sufficiently clear and objective to allow development at planned densities, with a variety of housing types, without being subject to conditions that unreasonably increase housing costs.

The PUD standards as originally adopted contained such provisions as a requirement that PUDs "be consistent and assure compatibility with [the] neighborhood and comprehensive plan. Metro found such standards too vague.

The City has deleted the reference to neighborhood compatibility but retained a standard for consistency with the comprehensive plan (Section 5.041 D(2) (b), p. 74, of the Code).

Previous Metro and LCDC reviews have found such a standard excessively vague. The role of the comprehensive plan is to establish the general policies to be used for developing or amending specific code provisions. The role of the code is to translate these general policies into specific, objective approval standards "consistent with and adequate to carry out the plan" (Goal 2, emphasis added).

Happy Valley's plan in particular contains a wide variety of general policies whose application in the PUD approval process would afford the City almost unlimited discretion. The City is encouraged to review plan policies that relate to development design and to establish specific design criteria in the Code to implement these policies.

In addition, the introductory "objectives" for PUDs (p. 54 of the Code), which the code requires be "considered in reviewing any application" for a PUD, appear to allow the City unlimited discretion to deny or impose conditions on any PUD. These

objectives could be retained in the code as an explanation for the basis for more specific criteria and/or as guidance to developers. But the language introducing them should be revised to make it clear that they are not to be applied in actual approval process.

Site Plan Approval

All development is subject to site plan approval. Metro found these approval standards too vague and cited, as an example, the standard that "the design of land development [must not be] detrimental to the public health, safety, general welfare or to adjacent properties." Happy Valley has deleted this standard but has revised another standard in this section to require that "the size, site and building design, operating characteristics and conditions of the proposed development are reasonably compatible with surrounding development and land uses and the character of the City, and any negative impacts have been minimized to the greatest extent possible." (Section 9.04(E), p. 142, in the Code.) This standard applies to all but single family detached units. This standard is too vague to assure provision of any attached or multi-family units.

In summary, the City has made changes in all sections cited by Metro as vague and discretionary, but these changes are not sufficient to establish clear and objective standards for development approval. The impact statement assessment and site plan approval standards affect virtually all developments. As currently written, they impair the City's ability to ensure that any housing, of any type or density, will be built. PUD standards also currently affect a large proportion of the City's new development, but could be retained if other code provisions were revised so that needed housing was not required to follow a PUD process.

Where discretionary standards are intended to be applied only to project design and not as the basis for approval or denial, adoption of "Tualatin language" clarifying how such standards will be used would allow the City to retain some flexibility in the development review process.

Recognition of Housing Needs

ISSUE:

Metro's first review found that the City's plan policies and supporting background information should recognize the City's regional housing responsibilities. After acknowledgment, the plan is the controlling document that defines how the City will meet its share of regional housing needs. Elsewhere in the state, jurisdictions are required to prepare a housing needs projection which is used to assess Goal 10 compliance at the time of acknowledgment and to guide land use decisions post-acknowledgment. In the Metro area, housing needs are defined by LCDC's housing rule (OAR 660 Div. 7) rather than through housing needs projections. Whether the City

revises its plan to accommodate six UNA or successfully applies for an exception to that standard, the plan must contain the identification of housing needs that will be used to evaluate its future land use actions.

RESPONSE:

The City has not revised either its housing policies (Plan, p. 56) or the supporting background information (pp. 50-52) to recognize its regional housing responsibilities. This material does not now accurately reflect the City's responsibility to accommodate six UNA. If the City is granted an exception to this requirement, it will still need to revise its analysis of housing needs to establish some more specific guidelines for evaluating future development decisions.

Lot Sizes

ISSUE:

To address regional concerns the City must "eliminate provisions of its development ordinance allowing the City to arbitrarily increase minimum lot sizes."

RESPONSE:

The City's plan identifies certain hazards (relating to slope, geology, etc.) that make land "unbuildable" for the purposes of accommodating needed housing. In addition, the plan identifies a number of other factors (affecting drainage, etc.) that affect development suitability on buildable lands.

Previously, the Code allowed the City to increase lot sizes as it considered necessary to address any hazards present. The City's new approach is more specific, more appropriate, and provides significantly more protection for needed housing. Current provisions are as follows:

1. Development on "unbuildable" lands is allowed at one unit per net acre subject to special development standards;
2. 100 percent of the development allowed on unbuildable lands may be transferred except in certain specified cases of extreme hazard;
3. A 100 percent density transfer is also available whenever the City requires an increase in lot size to protect resources or hazards on buildable lands;
4. Lands from which densities are transferred may be used to meet the development's open space dedication requirements.

These new provisions mean that:

- by increasing opportunities for density transfers, the City has increased opportunities for provision of lower cost housing on lots smaller than 7,000 square feet (i.e., at a density higher than six UNA) within a given development;
- in concept, resource and hazard protection measures applicable on buildable lands no longer conflict with the development of those lands to the maximum density allowed by plan designation;
- density transfers from unbuildable lands will allow overall development on buildable lands at a density above the maximum density allowed by plan designation for those buildable lands alone.

Subject to changes in the PUD standards needed to ensure that density transfers can be approved under clear and objective standards, as discussed above, the City's new approach is now adequate whenever the minimum lot size of the underlying zone and/or the overall size of the subdivision is large enough to ensure that lot size increases in hazard areas can be fully compensated for by lot size decreases elsewhere, so that the overall density of the development will be maintained. Where, however, only a few lots in one of the higher density zones are proposed for development, or wherever the hazard or resource areas are a relatively large proportion of the buildable lands on a site, full density transfer may be impossible to achieve.

Code language is not specific with respect to which natural features necessitate some density transfer. Nor does the plan contain site-specific maps of any of the natural features identified as relevant to the development suitability of buildable lands. As a result, it is impossible to assess whether current provisions for hazard and resource protection may still conflict with the provision of needed housing.

More detailed information from the City evaluating the overall impact of density transfer provisions might be sufficient to eliminate this concern. The City does not appear to have included a calculation of the units that may be transferred from unbuildable lands in its estimate of projected densities on buildable lands. The City may wish to add these units into its calculations while, at the same time, subtracting from its calculations a realistic estimate of the number of units that will be "lost" where full density transfer is not feasible. If calculations of this type demonstrate that, on balance, density transfer provisions will not result in development of buildable lands at a lower density than allowed by the plan designation, this concern would be eliminated. It might be noted in passing that, if density transfers from unbuildable lands are included, such a calculation might indicate that the density allowed on buildable lands is actually higher than the City has currently estimated.

Dedication and Fee Requirements

ISSUE:

Metro required that the City "analyze the impacts of its dedication and fee requirements and assure that these requirements do not inordinately raise housing costs."

RESPONSE:

The City has added an analysis of open space and recreational needs (plan pp. 67-71) and revised Section 5.035(h) of the Code, Public Use Area Dedications, (p. 66), to: (1) require that one acre of land be dedicated for every 20 acres of development (previously 5) or portion thereof; (2) replace provisions for a \$5,000 payment in lieu of land dedication with a more general statement allowing the City to accept an unspecified amount in lieu of dedication; and (3) reduce the park maintenance fee from \$1,000 to \$100 per dwelling unit.

The \$100 per unit fee is sufficiently small to have no significant impact on housing costs and need not be further justified. A dedication of one acre of open space for every 20 acres of development is also not excessive, particularly since the land can still be "counted" for density transfers when hazards are present. At full development, this requirement would result in just under 25 acres of dedicated open space. Although this amount is more than double what the City has estimated its open space needs to be, it is nonetheless not so heavy an exaction as to require further justification.

The problem is that the current language requires that one acre be dedicated for every 20 acres or fraction thereof. This means that a one-acre dedication could be exacted on a one-and-a-half acre development. Such open space dedications of up to 100 percent of the site would raise housing costs inordinately and without adequate justification. Deletion of the qualifying "or fraction thereof" would satisfy Metro's concern here.

The City should also establish a specific sum, or schedule for arriving at one, for payments in lieu of dedication. But if the dedication requirements themselves are reasonable, this further change, though encouraged, need not be required.

CONCLUSION: Although the City has made significant improvements to its housing provisions, it must still make the following changes to address regional Goal 10 concerns:

1. Provide for an overall density for new development on buildable lands at 6 UNA (or justify lower densities consistent with the Goal 2 requirements for a taking an exception to this standard);

2. Establish clear and objective standards for approval of all needed housing by revising Code sections governing: (a) impact statements; (b) the approval of attached housing and density transfers through the PUD or other process; and (c) site plan approval;
3. Revise plan policies and supporting information to establish an appropriate basis for future land use decisions consistent with the City's regional housing responsibilities;
4. Demonstrate that density transfers for protection of resource and hazard land do not threaten to reduce development densities on buildable lands below the maximum allowed under each designation (or undertake other appropriate action to address the potential conflict with needed housing); and
5. Revise open space dedication requirements to limit the amount of land which must be dedicated to an amount consistent with its open space needs analysis.

GOAL NO. 11 -- PUBLIC FACILITIES AND SERVICES

Sewers

ISSUE:

Metro identified a regional concern to see that the City "prepare and adopt a sewage treatment plan and/or definitive sewerage policies for the City."

RESPONSE:

The City's sewer system should be designed to serve the density and population level that can be accommodated by its land use plan. Thus, until the City can be assured that further changes in its land use plan are not needed for acknowledgment, it cannot implement its work program for the construction of sewers. The City must identify when and how sewers will be provided before its plan can be acknowledged.

Drainage

ISSUE:

Metro felt that adoption of the City's stormwater drainage plan was an acknowledgment issue of regional concern.

RESPONSE:

Although LCDC did not require the City to adopt its drainage plan in order to comply with Goal 11, the City has done so.

Coordination Language

UNANTICIPATED REVISION:

At the time of its first review, Metro's regional concern regarding coordination with regional solid waste and wastewater treatment plans were satisfied by adoption by the City of Metro's "sample language" on the subjects in the City's "Comprehensive Plan Addendum." The City's current plan document has not incorporated these previously adopted amendments. Adoption of Metro's sample language, or other appropriate policies, for coordination with regional solid waste and wastewater treatment plans is a Goal 11 issue of regional concern.

CONCLUSION: The City has satisfied regional concerns regarding drainage. In order to satisfy other regional Goal 11 concerns the City must:

- (1) Prepare and adopt a sewerage treatment plan and/or definitive sewers policies for the City; and
- (2) Adopt Metro sample language on regional coordination with Metro's solid waste and wastewater treatment plans or a satisfactory equivalent.

GOAL NO. 12 -- TRANSPORTATION

Accommodating Appropriate Densities

ISSUE:

Our first review found that to meet regional Goal 12 concerns, "The City must clarify its transportation study and relation of road capacity to ultimate development in the City."

RESPONSE:

Essentially, Metro concern here is that the transportation element was based upon assumptions about density and population that may need to be revised to address Goal 10 concerns.

All elements of the City's plan will have to be revised for consistency with the City's final plan designations once established, as required under Goal 2. Other than this general requirement, the plan itself raises no transportation-specific problems of regional concern.

RTP Consistency

ISSUE:

Since Happy Valley's plan was first reviewed prior to adoption of the RTP, Metro did not require consistency at that time. We did note, however, that "Metro's transportation department has identified Happy Valley road designations which are inconsistent with those adopted by the City of Portland and Clackamas County. Metro expects that these discrepancies can be resolved in the Regional Transportation Plan (RTP) process." The RTP was adopted in July 1982. Consistency with the RTP was required by December 31, 1983. Jurisdictions have been asked to achieve consistency as their plans are revised for acknowledgment or for plan updates.

RESPONSE:

Happy Valley's plan is consistent with the RTP with one known and one possible exception. The first problem is that the City's plan does not identify streets appropriate for future transit use. The City has not yet adopted its traffic study, nor submitted it as part of its acknowledgment request. This study may identify streets appropriate for transit use. Streets appropriate for transit use should be included in the plan's transportation element.

In addition, if any jurisdictions identify any inconsistencies in functional classifications, the City should either: (a) resolve these inconsistencies prior to acknowledgment, or (b) identify the inconsistencies in the plan and adopt specific plan policy committing to work with Metro and the affected jurisdiction(s) to resolve them.

CONCLUSION: Consistency with the RTP is a Goal 12 issue of regional concern. To address this concern, the City must (1) identify streets appropriate for future transit use; and (2) if needed, amend its plan to address any inconsistencies in functional classification identified by adjacent jurisdictions in the acknowledgment process.

GOAL NO. 13 -- ENERGY CONSERVATION

ISSUE:

None.

GOAL NO. 14 -- URBANIZATION

UNANTICIPATED REVISION:

In response to our draft review, Happy Valley adopted language recognizing Metro's role in the UGB amendment process as an addendum

to the comprehensive plan. This language has not been included in the current plan.

CONCLUSION: To address regional Goal 14 concerns, the City must include the language from its Comprehensive Plan Addendum, or an appropriate substitute, recognizing Metro's role in the UGB amendment process.

JH/srb
1674C/391-5
08/10/84

REVIEW OF THE OUTCOME OF THE FY 1983-84
AFFIRMATIVE ACTION GOALS AND OBJECTIVES
ESTABLISHED BY RESOLUTION NO. 83-436, AND
APPROVING RESOLUTION NO. 84-492 FOR ADOPTING
AFFIRMATIVE ACTION GOALS AND OBJECTIVES FOR
FY 1984-85

Date: August 6, 1984

Presented by: Dick Karnuth and
Art Andrews

FACTUAL BACKGROUND AND ANALYSIS

Adoption in December 1983 of Ordinance No. 83-166 committed Metro to an annual review of Affirmative Action Goals and Objectives. Resolution No. 83-436 established the Goals and Objectives for FY 1983-84 and Resolution No. 84-492 fulfills the requirement for FY 1984-84.

This Staff Report reviews FY 1983-84 and describes the proposed Goals and Objectives for FY 1984-85. Together with Resolution No. 84-492 it will form the basis for our annual affirmative action review which will be submitted to the Urban Mass Transportation Administration (UMTA), our cognizant agency.

Review of FY 1983-84

1. Our Affirmative Action Plan was approved by UMTA with a note that the, "Metropolitan Service District has provided an excellent Affirmative Action Plan...."

2. Vigorous Affirmative Action efforts in recruiting, mandated by Council and implemented by the Executive Officer, led to a marked increase in qualified applicants by members of protected classes.

3. Attrition was, however, high among members of protected classes. This left Metro with a small numerical decrease in some categories.

4. An additional analysis including tables displaying outcomes in comparison to the Goals and Objectives are available in a separate report.

FY 1984-85 Goals and Objectives

Background

A new data base from the State (based for the first time directly on the 1980 Census) altered both job categories and goals.

- Job categories in the new census required new classifications for many employees.
- Percentages of participation in the work force by protected classes was up significantly in many categories compared to last year's figures. For example, in the Officials/Managers (now Officials/Administrators), female percentages rose from 20.1 to 33.2, and minorities increased from 2.9 percent to 5.0 percent.

Goals and Objectives

Current status with comparison to the workforce participation are displayed in Exhibit A of Resolution No. 84-492. The numerical goals have been raised in some categories as the result of the new data, but the underlying goal remains to achieve or exceed parity with the region's workforce.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the adoption of Resolution No. 84-492 which will establish Affirmative Action Goals and Objectives for FY 1984-85.

AA/srb
1775C/392-4
08/14/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING THE) RESOLUTION NO. 84-492
GOALS AND OBJECTIVES IN THE)
AFFIRMATIVE ACTION PLAN AS THE) Introduced by the
APPROVED GOALS FOR FISCAL YEAR) Executive Officer
1984-85)

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 and will become an addendum to the document titled "Plan Narrative and Support Documentation," 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, 1984, through June 30, 1985, the Affirmative Action Goals and Objectives attached in Exhibit A.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

AA/srb
1775C/392-4
08/14/83

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, administrative support, service/food, gardeners, keepers and support by the end of FY 1988.

FY 1983-84 Annual Goal

To attain a Metro employee work force profile which is reflective of the 1980 reported representation of women and minorities within the work force of the PMSA.

Action Objective 1

By the end of FY 1984-85 maintain parity in job categories and funds which have met or exceeded the goal percentage of women and minorities.

Action Objective 2

By the end of FY 1984-85 increase the percentage of women and minority employees in the job categories and funds in which the goal has not been achieved.

EXHIBIT A

Overall Metro Status, Goals & Objectives by Job Category

	No. of Pos.	07/01/84 Status (#)	07/01/84 Status (%)	Goal (%)	TOTAL METRO	
					Stat. Goal	This Year's Objective
<u>PROTECTED CLASS -- MINORITIES</u>						
Officials/ Administrators	21	0	0	5.0	1.1	Increase
Professionals	73	1	1.4	5.4	3.9	Increase
Administrative Support	49	7	14.3	6.4	3.1	Maintain
Service/Food	121	8	6.6	10.8	13.1	Increase
Gardeners, Keepers and Support	66	4	6.1	9.6	6.3	Increase

	No. of Pos.	07/01/84 Status (#)	07/01/84 Status (%)	Goal (%)	TOTAL METRO	
					Stat. Goal	This Year's Objective
<u>PROTECTED CLASS -- FEMALE</u>						
Officials/ Administrators	21	3	14.3	33.2	7.0	Increase
Professionals	73	40	54.8	47.0	34.3	Maintain
Administrative Support	49	44	89.8	78.7	38.6	Maintain
Service/Food	121	70	57.0	63.2	76.5	Increase
Gardeners, Keepers and Support	66	20	30.3	21.2	14.0	Maintain

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

STAFF REPORT

Agenda Item No. 8.6

Meeting Date August 23, 1984

CONSIDERATION OF RESOLUTION NO. 84-493 FOR
THE PURPOSE OF ADDING E. ANDREW JORDAN TO THE
APPROVED LIST OF HEARINGS OFFICERS

Date: August 3, 1984

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Metro maintains a list of hearings officers, approved by the Council, from which hearings officers are selected on a case-by-case basis. Presently, the list includes Frank Josselson, Paul Norr, Dale Hermann, Mike Holstun and Larry Derr.

Staff recommends approval of Resolution No. 84-493, adding E. Andrew Jordan, previously General Counsel to Metro, to the list of authorized hearings officers. Because of his previous work for Metro, he is particularly well qualified to conduct hearings on land use, personnel and solid waste, following the applicable standards and procedures established in the Metro Code. Staff is requesting that his name be added to the list at this time so that he may be eligible to serve as Hearings Officer for one or more of the petitions for locational adjustment received by July 1, 1984, for which hearings will begin this fall.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 84-493.

COMMITTEE CONSIDERATION AND RECOMMENDATION

Review by the Development Committee at their August 6, 1984, meeting was not timely. Under Ordinance No. 84-176, no further meetings of the Development Committee will be held.

JH/srb
1741C/392-3
08/10/84

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADDING) RESOLUTION NO. 84-493
E. ANDREW JORDAN TO APPROVED LIST)
OF HEARINGS OFFICERS) Introduced by the
)

WHEREAS, Section 2.05.025(a) of the Code of the Metropolitan Service District provides that the Metropolitan Service District Council may approve a list of hearings officers from which the Executive Officer may select a hearings officer for a particular case or cases, provided the names on such a list are members of the Oregon State Bar; and

WHEREAS, The Council has previously approved a list of such hearings officers; and

WHEREAS, E. Andrew Jordan is a member of the Oregon State Bar, has served as General Counsel to Metro, and is qualified to conduct contested case hearings on matters relating to land use, personnel and solid waste; now, therefore,

BE IT RESOLVED,

that E. Andrew Jordan shall be added to list of approved hearings officers pursuant to Section 2.05.025 of the Code of the Metropolitan Service District.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1984.

Presiding Officer

JH/srb
1741C/392
08/10/84