

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:

June 13, 1985

Day:

Thursday

Time:

5:30 p.m.

Place: Council Chamber

Approx. Time *

Presented By

5:30

CALL TO ORDER ROLL CALL

- 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
 ROADANAY CONSTRUCTOR'S APPEAL TO PREGUAL, PROCESS

6:00

CONSENT AGENDA

6.1 Approval of Minutes of the Meeting of May 9, 1985

Management Committee Recommendation:

6.2 Consideration of Resolution No. 85-573, for the Síms Purpose of Amending the Classification and Pay Plans for the Metropolitan Service District (Personnel Officer, Data Processing Manager and Information Systems Analyst)

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

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Approx. Time		Presented By
	7. ORDINANCES	
6:05	7.1 Consideration of Ordinance No. 85-186, for the Purpose of Amending the FY 1984-85 Budget and Appropriations Schedule (Second Reading and Public Hearing)	Sims
	8. RESOLUTIONS	
6:20	8.1 Consideration of Resolution No. 85-575, for the Purpose of Appointing a Citizen Member to the Transportation Policy Alternatives Committee (TPAC)	Henwood
	9. OTHER BUSINESS	
6:30	9.1 Discussion of the Scope and Authority of the Solid Waste Management Plan	Drennen/ Rifer
7:30	EXECUTIVE SESSION Held under the authority of ORS 192.660(1)(h)	Baxenda1e
7:55	10. COMMITTEE REPORTS	***********
8:00	ADJOURN	



HICK GUSTAFSON, Executive Officer
METROPOLITAN SERVICE DISTRICT 527 SW Hall St., Portland, OR 97201-5287 503 221-1646

June 13 1985

1985 Legislature

HB 2275 - Excise Tax: Passed the House with significant changes in the number of signatures required for petitions affecting Metro. The bill passed the Senate Committee unchanged from the House version. This bill goes to the floor Friday, June 14.

HB 2037 - Dues: HB 2036 - Zoo Uncoupling: Both bills were passed by the House and the Senate. The Governor did not sign the dues bill (2037), but it became law on June 12.

HB 2276 - Cigarette Tax: HB 2276 (18¢ cigarette tax) is dead, however, HB 2183 (Governor's cigarette tax bill) was amended by the Senate Revenue Committee to give cities/counties 1-1/2 cents. Those cities and counties within the District would pay a total of \$200,000 of these revenues to Metro. This measure will now go to a House/Senate Conference Committee for further discussion and possible additional amendments.

SB 662 - Landfill Siting: The bill passed the Senate. It was substantially revised and passed out of the House Environment & Energy Committee on June 12. Emergency siting concept has been retained though other particulars are changed. Particular provisions of proposed bill revisions to be discussed with Council at June 13 meeting.

HB 2308 - State Commission on Intergovernmental Relations: HB 2308 is still in the House Ways and Means Committee, no action anticipated.

HB 2558 - Giving Metro Authority to Create Commissions: Passed the House and the Senate with no major opposition.

HB 2266 - 2¢ Gas Tax Increase: This bill has passed both the House and Senate, and signed by the Governor June 11.

SB 509 - Regulation of Exotic Animals: All amendments have been approved and the bill has passed both the House and Senate. The bill is back in the Senate for concurrence and expected to be approved by the Governor the week of 6/17.

1985 Legislature (continued)

SB 808 - which requires the State Corrections
Division to pay cost of jailing convicted A & B
felons, has not been scheduled for a hearing in
the Ways and Means Committee.

HB 2053 - Extension of Tax Credits for Energy Recovery Facilities and Recycling: Bill is in the House Revenue Committee. It appears that support for energy tax credits will continue for recycling, but the sentiment is less strong for continuing for energy recovery facilities.

SB 871 - Tax Credits for Recycling Plastics: Passed Senate Energy & Natural Resources Committee--is currently in Senate Revenue Committee.

<u>SB 872</u> - which imposes a surcharge on pesticide manufacturers passed the House and is currently in the Joint Ways and Means Committee.

The FY 1984-85 Supplemental Budget was heard by TSCC on May 22. TSCC certified the budget with some objections and recommendations. These items will be discussed June 13 prior to adoption.

The FY 1985-86 Budget will be heard before the TSCC June 14 with Council adoption on June 27. We expect several revisions to the approved budget, primarily relating to the new building, but also in refining fund balance estimates.

Sublease - The sublease with attorney Chris Thomas, which represents 1,500 sq. ft. of space, is in final stages of negotiation. Two very potential clients are looking into subleasing - 1,600 sq. ft. on the 3rd floor for an attorney's office, and 8,000 sq. ft. on the 1st floor for a computer software office. We are still in touch with Columbia Research Center, but it appears we will not be able to meet their requirements.

Space Plan & Improvements: The space plan is done and cost estimates received. The costs are projected to come in at \$250,000 compared to the previously planned expenditures of \$165,000. The Council Building Committee which met June 6 concurred with the higher projected figures. The necessary budget amendments will be presented on June 27 to the Council.

Move Date: Anticipated move date is now early fall. We took possession May 3 and have already signed several maintenance agreements.

Budget

Building Update

Bicycle Funding

The Bicycle Funding Committee assisted Metro staff in developing priority recommendations to submit to ODOT regarding allocation of the next three years of bikepath funding. Funds are available for the construction of independent bikepaths along or parallel to state highways. A total of 12 projects were prioritized.

National Highway Needs Assessment The Federal Hwy. Admin. has approached Metro to be one of 10 nationwide case studies to assist in improving their methodology for establishing national highway needs for Congress. In particular, their interest is to improve the data on highway needs in growing urban fringe areas.

Air Quality

Metro and DEQ have updated estimates for Ozone pollution levels for 1987 and find that our region will be in attainment sooner than previously expected. As such, DEQ will be recalling the Air Quality Committee to assist in deciding whether or not to use the expected growth cushion to permit new industrial development as well as the question of whether or not to pursue additional pollution control to expand the growth cushion.

WTRC

Update: Staff and the Advisory Group have identified six areas to be considered for potential sites for the transfer station. Informational meetings have been scheduled in each of the areas prior to a county-wide public meeting on July 16. The six areas are located at: Allen Blvd. & Western Ave.; Denny Rd. & Hwy. 217; Millikan Rd. & TV Hwy.; Jenkins Rd. & 158th; and TV Hwy. & 229th Ave.

"Art of Composting"

104 participants attended three workshops on "The Art of Composting." The workshops focused on the yard debris problem in relation to overall solid waste management and how composting could contribute to the solution. A by-product of the workshops is the "Art of Composting" handbook currently being offered by the Solid Waste Dept. Over 700 requests have been received.

Ladybug Theater Update After the expression of concern for safety of theatre patrons at the last Council meetings, Gene Leo contacted the City of Portland Building Bureau to request an inspection and assessment of our plans for the use of the building. This inspection was held on June 5 and we are currently awaiting the City's recommendation.

Freeway Entrance and Parking Update

Director John Blackwell of the Western Forestry Center, Dean Ivy Acting Director of OSMI, and

Gene Leo have jointly hired Guthrie/Slusarenko/ Leeb on a contractural basis to assist them in defining an effective management plan to this summer's potential traffic problems. By controlling parking lot access from Canyon Road and Fairview Boulevard on peak days, we will be able to redirect visitors to the three satelite lots in the Sylvan area when our lots are full. Visitors will then be shuttled back by bus.

Giant Pandas

We have been in contact over the past few months with Seattle's Woodland Park Zoo Director David Towne to discuss the potential for exhibiting Giant Pandas in a travelling exhibit during the summer of 1987. Mayor Bud Clark and I have forwarded letters of support to Seattle Mayor Charles Royer and the City Council for this cooperative effort. We expect to receive a small delegation of Chinese zoo/government officials in latter July for a continuation of negotiations. The talks necessary to make the exhibit a reality will be continued over the next year.

Metro v. Robles

Defendants (bond company) have filed a motion to strike the portion of Metro's second amended complaint which claims \$231,430 for "faulty and unworkman like work." Defendants believe this claim is unsupported by the change orders. Metro, represented by Andy Jordan, is preparing a response.

Visits/Conferences

The Zoo Director, General Curator, and Project Architect for the Africa Bush Exhibit visited nine East Coast facilities in six days and collected a great deal of valuable information on African exhibits. This information is being shared with the Zoo staff and volunteers to provide ideas on general Zoo improvements.

Solid Waste Director Dan Durig and Operations Manager Norm Wietting attended the National Solid Waste Management Assoc. Conference in Washington, D.C. They visited the waste to energy facilities at Baltimore and Westchester County (N.Y.) and had the opportunity to see a computer weighing system for a gatehouse. Very worthwhile trip for making contacts for solicitation of bids on the St. Johns' operations contract.

New Employees IRC Solid Waste

May 1985
Dan Seeman, Analyst 3
Debbie Gorham, Analyst 2

g1/3514C/D3-1 06/13/85

Bill gives DEQ job of finding dump site

By JEFF MAPES of The Oregonian staff

6-13-85

SALEM — Trying to solve the Portland area's mounting garbage-disposal problems, legislative leaders reached agreement Wednesday on a bill that would give the state Department of Environmental Quality the job of finding an alternative to the overburdened St. Johns landfill in North Portland.

The House Environment and Energy Committee, acting after a series of private negotiations among legislators and state officials, approved a bill that would order the DEQ to find an alter-

native by Jan. 1, 1987.

Supporters, who included House Speaker Vera Katz, D-Portland, and several legislators from the tri-county metropolitan area, said they hoped the legislation would finally force a solution to the longstanding problem of finding a new garbage dump.

"I think this will finally get the job done," said Rep. Mike Burton, a Democrat who represents the North Portland district that includes the St. Johns

landfill.

Burton had sponsored a Senatepassed measure that would have created an intergovernmental council to find a new landfill site with the aid of the staff of the Metropolitan Service District, which operates the St. Johns : landfill.

But Katz and Sen. Nancy Ryles, R-Portland, both said they were concerned that bill would lead to the selection of the controversial Wildwood site in northwest Multnomah County. The service district had recommended Wildwood for a new landfill, although the Multnomah County Commission later refused to allow that site.

Katz sponsor

Katz was the sponsor of negotiations leading to a major rewrite of Senate Bill 669, culminating in Wednesday's passage of a new bill to turn the job over to the state environmental agency. Both Katz and Ryles said they thought the state could do a more objective job.

The House committee did turn back a request from Wildwood opponents to specifically exclude that site from being chosen by the DEQ. Katz said the failure to specifically exempt Wildwood might affect her support of the bill, but she said that she would not hold up the bill's expected passage.

DEQ Director Fred Hansen argued that no exemptions should be granted, allowing his agency to objectively study sites in all three metropolitan

DEQ could pick Wildwood

"We say you have to wipe the slate clean, open up the process and take what comes," Hansen said. "In a theoretical sense," he added, "it is possible" that the DEQ could settle on Wildwood.

The new version of SB669 also would require Metro to develop by Jan. 1, 1986, a plan for reducing the amount of solid waste in the Portland area or have the DEQ take over all disposal

operations in the region.

Some Metro officials complained about the short amount of time for finishing such a study, but they said they were happy to let state officials take a crack at solving the garbage-disposal problem.

"I don't have any problem with that in light of the difficulties that have been encountered to date in resolving the issue of a new site," said House Speaker Hardy Myers, who is now a Metro councilor.

An alphabet soup of public agencies have struggled for years to find an alternative to the St. Johns landfill, which has long been the target of complaints from North Portland residents and is scheduled under current restrictions to run out of space by the fall of

1989.

The bill calls for the DEO's study to be financed by a \$1-per-ton fee on garbage entering the St. Johns landfill. Hansen said that would generate as much as \$700,000 a year.

Handauts - Stem 5

STOEL, RIVES, BOLEY, FRASER & WYSE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
(DAVIES, BIGGS, STRAYER, STOEL AND BOLEY)
(RIVES, BONYHADI & SMITH)

LAW OFFICES

900 S W FIFTH AVENUE, SUITE 2300 PORTLAND, OREGON 97204-1268 DISTRICT OF COLUMBIA OFFICE 1730 M STREET, NW, SUITE 900 WASHINGTON, D C 20036-4505 (202) 955-4555

WASHINGTON COUNTY OFFICE ONE LINCOLN CENTER, SUITE 400 10300 S W GREENBURG ROAD TIGARD, OREGON 97223-5407 (503) 220-1441

June 13, 1985

HAND DELIVERY

TELEPHONE

(503) 224-3380

TELECOPIER

(503) 220-2480

TELEX 703455

CABLE LAWPORT

Council Members Metropolitan Service District 527 SW Hall Street Portland, OR 97201

> Re: Roadway Constructors Corp. Qualification to Bid on St. Johns Landfill Operations Contract

We are the attorneys for Roadway Constructors Corp. of Portland, Oregon in connection with the dispute arising out of its attempts to bid on the Operations Contract for Metro's St. Johns Landfill.

On June 6, 1985, the Council had before it, as a Non-agenda Item, consideration of a request by Roadway to amend Resolution No. 85-564 to extend the time for filing a Prequalification Statement. This request was prompted by Roadway's late filing of its Prequalification Application, which was due to the illness of the Roadway employee who had been handling the prequalifications matters. The request, and the presentation and discussion which followed at the June 6, 1985 meeting, did not result in a motion and the Council took no action. Following the June 6, 1985 meeting, we were asked to research the legality of the procedure in question.

In our opinion, the prequalification procedure prescribed by Metro in this instance violates state law and is invalid. The procedure contradicts specific state law in at least two respects. In addition, the result of the Board's refusal to permit Roadway to submit a bid is contrary to the clear public policy stated by the Legislature.

First, ORS 279.039(1) requires that all public agencies utilize the "standard form" for prequalification prescribed by the Director of the Department of General Services. The form distributed to prospective bidders in this case is not the GSA "standard form."

Second, by virtue of ORS 279.037(1)(a), a bidder cannot be compelled to disclose financial information as a prerequisite to being permitted to submit a bid. That statute

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provides that evidence of the ability to post the required performance bond is sufficient evidence of the bidder's financial capacity to perform the contract. Metro has made furnishing of information regarding the bidder's relationship with its banks, suppliers and sureties a requirement for bidding on the St. Johns contract.

The statutory requirements mandated by the Legislature may not be either ignored or modified by a public agency, notwithstanding that such agency has constituted itself a public contract review board. ORS 279.055(4).

In addition to violating the specific terms of the above statutes, the Board's action is contrary to the Legislature's stated policy regarding prequalification procedures and public contracts generally.

State legislative policy strongly favors competition in public contracting. Denial of the opportunity to compete ib account of a mere technicality contravenes this legislative policy.

By statute, Roadway is presumed to be qualified by virtue of its prequalification with the Department of Transportation. (ORS 279.047.) A copy of Roadway's prequalification statement with that agency is enclosed herewith pursuant to the statute in lieu of Metro's prequalification process.

It is clear that the Board has legal authority to waive the irregularity of Roadway's late submittal of its prequalification package. Matter of Star Electric Company, B-181042, 74-2 CPD ¶ 1 (August 2, 1974.) If it elects to waive the technical irregularity, other bidders will have no legal basis for action against the Board. Hanson v. Mosser, 247 Or 1, 427 P2d 97 (1967). On the other hand, if it does not waive the technical defect, the Board will be subject to legal action on the ground that its procedures and actions violate both the letter and the intent of state law.

We strongly recommend that the Board recognize that its prescribed prequalification procedure is not legal and nullify it by formal action. The Board should then proceed

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to receive bids as scheduled on July 12, 1985, from any firm otherwise properly responding to the Invitation to Bid.

A memorandum discussing these issues and providing additional legal authorities is attached.

Very truly yours,

Richard A. Franzke

RAF: jd Enclosure

Handout item 5

List of Firms Submitting PreQualification Applications

Neil Wise BFI 55 Almaden Boulevard 4th Floor San Jose, CA 95114

Nels Johnson Rabanco, Inc. 9 S. Massachusettes St. Seattle, WA 98134

Peter Huff Waste Management, Inc. 715 Comstock St. Santa Clara, CA 95054

Jack Isola Oakland Scavengers 2601 Peralta St. Oakland, CA 94607

Sheryl Smith John Sexton Contractors 1815 S. Wolf Rd. Hillside, IL 60162

Alex Cross Genstar Waste Technology Group 8305 SE Monterey Suite 204 Portland, OR 97266

Robert Becker Laidlaw 15 Spinning Wheel Road Suite 210 Hinsdale, Illinois 60521

James T. Masters Herzog Contractors Corp. 6920 Miramar Rd., Suite 207 San Diego, CA 92121

Edward Johnson Kedon Services LTD 4619 - 6A Street NE Calgary, Alberta Canada TZE 4BA

MINUTES OF THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

May 9, 1985

Councilors Present: Councilors Cooper, DeJardin, Gardner, Hansen,

Kirkpatrick, Kafoury, Kelley, Myers, Oleson,

Van Bergen, Waker and Bonner

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Doug Drennen,

Dennis Mulvihill, Randi Wexler, Chuck Geyer, Gene Leo, Kay Rich, Vickie Rocker, Leigh

Zimmerman, Peg Henwood, Andy Cotugno, Jennifer

Sims, Ray Barker

Presiding Officer Bonner called the regular meeting of the Council to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Councilor Van Bergen reported he had received an unsolicited book in the mail and was returning it to staff.

3. EXECUTIVE OFFICER COMMUNICATIONS

Washington County Transfer & Recycling Center (WTRC) Siting Process. At Executive Officer Gustafson's invitation, Doug Drennen reported that staff, as a result of input received from local special interest groups, had just completed work with the WTRC Advisory Committee to revise and define the siting criteria. Staff would now review the recommended sites, including the 54 sites initially identified, plus about 25 new sites. Mr. Drennen said all parties involved had commented the process was fair and the facility was needed. The perceived potential for traffic and sanitation problems, however, was a concern of many individuals. Therefore, he said, the revised criteria placed more emphasis on transportation and compatibility of the facility with its surroundings.

Mr. Drennen explained staff would make its recommendations to the Advisory Committee by the end of May. The Committee would then select final sites and public meetings would be held to receive additional input on those sites. The Committee would have a final recommendation for Council consideration in June, he said.

Hawthorne Bridge Repair Project. Executive Officer Gustafson reported he and Andy Cotugno had received a letter from Jeff Larkins thanking Metro for its efforts in helping the City of Portland determine how traffic should be rerouted due to the bridge closure. Presiding Officer Bonner also thanked staff for their fine work on the project.

Recycling Legislation. The Executive Officer asked Dennis Mulvihill to brief the Council on the status of state recycling legislation as detailed in Mr. Mulvihill's memo to the Executive Officer dated May 9, 1985. Mr. Mulvihill first reviewed bottle recycling legislation and explained the Willamette Week article circulated to Councilors was an accurate report of activities in Salem on this issue. Regarding plastics recycling legislation, Mr. Mulvill thought SB 871, a bill that would offer tax credit for recycling plastic materials, had a good chance of being adopted. Finally, he reported SB 872 would require a surcharge on pesticide manufacturers. Proceeds of the surcharge would be used for a statewide education campaign on appropriate uses and disposal of pesticides and for a Metro administered, pilot collection project for hazardous waste materials.

Legislative Update. Executive Officer Gustafson reviewed the status of various legislation of concern to the agency. Regarding SB 662, modifying state landfill siting authority, the Executive Officer reported the bill continued to be amended but Committee support was very strong. The latest draft provided for no appeals of the Environmental Quality Commission decision, he said. The status of other legislation was explained in the Executive Officer Report and was distributed to Councilors.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Judy Dehen, 2965 N.W. Verde Vista, Portland, Oregon, representing the Columbia Group Sierra Club, addressed the Council regarding SB 662 which would modify state landfill siting authority. She said if the bill were adopted, the counties would be looking to Metro for technical assistance on solid waste alternative technology. Therefore, she urged the Council to step up its schedule for adopting the Alternative Technology chapter of the Solid Waste Management Plan. Executive Officer Gustafson agreed with Ms. Dehen and said a draft of the Alternative Technology chapter would be completed and made available to Councilors the following Monday.

6. APPROVAL OF MINUTES

Motion: Councilor Kirkpatrick moved to approve the minutes of

the April 11, 1985, Council meeting. Councilor

DeJardin seconded the motion.

<u>Vote</u>: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Kirkpatrick,

Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and

Bonner

Absent: Councilor Hansen

The motion carried and the minutes were approved.

7. RESOLUTIONS

- 7.1 Consideration of Resolution No. 85-562, for the Purpose of Adopting the Annual Budget of the Metropolitan Service
 District for FY 1985-86, Making Appropriations from Funds of the District in Accordance with Said Annual Budget,
 Creating a St. Johns Methane Recovery Fund and a Building Management Fund, and Levying Ad Valorem Taxes
- 7.2 Consideration of Resolution No. 85-563, for the Purpose of Approving the FY 1985-86 Budget and Transmitting the Approved Budget to the Tax Supervising and Conservation Commission (TSCC)

Presiding Officer Bonner announced Resolution No. 85-563 would be considered for adoption at this meeting. After the budget was reviewed and certified by the TSCC, the Council would consider adopting Resolution No. 85-562 at the meeting of June 27, 1985. He then opened the public hearing on the FY 1985-86 budget. There being no testimony, he closed the public hearing and announced another hearing would take place on June 27.

Executive Officer Gustafson reported he supported the budget as recommended by the Metro Budget Committee and would address specific questions of the Council as each budget fund was reviewed.

Zoo Department. Presiding Officer Bonner explained the Budget Committee recommended the Zoo staff include an element in the FY 1985-86 work program to address the Zoo parking situation. Councilor Oleson asked staff to explain measures that would be taken to resolve the problem. Gene Leo reported staff were meeting with OMSI and Western Forestry Center directors and had requested the

state to add a westbound freeway access ramp to Canyon Road. He also explained the City has been requested to consider accommodating extra traffic on the Sylvan interchange if the state did not satisfactorily address the freeway problem. In addition, some short-term solutions for this summer's traffic had been developed.

The Presiding Officer asked staff to respond to the Budget Committee's request that as part of the FY 1986-87 budget process, staff would develop specific measures to consolidate activities of Zoo and central Public Affairs functions in order to reduce program costs and increase efficiency. Mr. Leo said he and Ms. Rocker were meeting the following week to begin this work. The Presiding Officer stressed the importance of this matter and asked staff to report on specific actions that would be taken as soon as they were developed. Councilor Kirkpatrick added she had recently seen a bus poster for the Alaska Tundra Exhibit that had not identified Metro in the advertisement. Mr. Leo said he would investigate the matter.

Solid Waste Department. Councilor Hansen, Chairman of the Budget Committee, reported the Committee had discussed the need for flexibility in the Solid Waste Budget if priorities were to change. The major change recommended by the Committee was requesting the Waste Reduction promotional program plan be brought back to the Council for review before implementation funds were spent.

The Presiding Officer asked staff to explain the recommended budget note that would require providing funds to investigate the three siting options (1) performing engineering work on the Wildwood Landfill site if a permit were obtained; 2) additional appeals work if Metro were still involved in court proceedings; or 3) funding work to evaluate new landfill sites) simultaneously if it became necessary. After discussion, it was determined the three options should be better explained in the budget note. Councilor Cooper thought the Budget Overview document thoroughly explained the three options. Councilor Myers requested the budget note language be changed to refer to siting processes rather than siting locations.

Motion:

Councilor Myers moved the budget note for the Solid Waste Landfill Siting Program be changed to read:

"In implementing the landfill siting program, provide funds for investigating the three siting processes simultaneously if it becomes necessary." Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

The motion carried.

Councilor Van Bergen asked if funds were budgeted to inventory where hazardous wastes were buried in the landfill. He thought this was especially important due to future gas mining activities. Mr. Drennen explained staff conducted a special waste program to identify hazardous wastes. These wastes were also marked on landfill maps by the landfill operator and were periodically audited by staff. He said this procedure had been followed since Metro assumed responsibility for operating the St. Johns Landfill.

Presiding Officer Bonner asked staff to report on the proposed schedule for adopting the Solid Waste Management Plan. Mr. Drennen said staff were working to complete all technical work by July 1985. The draft Alternative Technology chapter would be available next Monday. Technical documents and policy issues regarding the Plan would then be reviewed by the public, based on a process adopted by the Council, and the Plan would be considered for adoption by the Council in April 1986, he said.

Intergovernmental Resource Center (IRC). Executive Officer Gustafson requested the Council amend the IRC budget by adding \$300,000 to Contractual Services, pending receipt of funds from local jurisdictions to fund a study on the regional convention center. He explained when the budget was prepared, it was unknown whether Metro would coordinate the receipt and disbursal of these funds. The Executive Officer also recommended transferring \$10,000 from Contingency to finance Metro's contribution to the study. He explained he would provide the Council with a revised budget for this transfer after the approved budget was returned by the TSCC.

Motion: Councilor Kafoury moved to accept the Executive Officer's recommendation to amend the IRC Contractual Services Revenue line item to \$437,760 and the Miscellaneous Revenue line item to \$85,087. Councilor Kirkpatrick seconded the motion.

<u>Vote:</u> A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

The motion carried and the IRC budget was amended.

Councilors Hansen and Kelley explained a budget note recommended by the Budget Committee requested the Council consider making appropriate funds available to support cooperative regional park and telecommunicasions studies if funding commitments were made by other jurisdictions for either of those programs.

General Fund. Councilor Hansen reported the Budget Committee recommended adding \$2,300 to the Public Affairs advertising budget to finance more prominent meeting ads in newspapers. The Committee also requested staff actively pursue ways to consolidate Zoo and central office Public Affairs functions in order to improve efficiency and save money for the FY 1986-87 budget.

Jennifer Sims circulated proposed revisions to the Council budget. The budget totals were not changed, she said, but a more detailed classification of Travel, Meetings and Conferences and Contractual Services line items were provided. She said the Budget Committee had recommended approval of the changes.

Councilor Van Bergen requested staff review, for the FY 1986-87 budget, the possibility of increasing Councilors' per diem amounts and eliminating reimbursements for expenses without increasing the total amounts budgeted for both items. The Executive Officer thought this would be appropriate to review for the current budget year. Presiding Officer Bonner asked Ray Barker to review the per diem and expense procedures for other jurisdictions and to report findings back to the Presiding Officer.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-563 and Councilor Van Bergen seconded the

motion.

<u>Vote:</u> A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,

Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and

Bonner

Absent: Councilor Cooper

The motion carried and FY 1985-86 Budget was approved for transmittal to the TSCC. The Resolution was worded to include all amendments to the budget made by the Budget Committee and approved by the Council.

Councilor DeJardin commended the Budget Committee for their fine work in reviewing the budget.

7.3 Consideration of Resolution No. 85-558, for the Purpose of Approving the FY 1986 Unified Work Program (UWP) and Consideration of Resolution No. 85-559, for the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

Mr. Cotugno explained the two resolutions were budget-related in that a portion of the Transportation Budget dealth with the use of various federal transportation grants and would implement all of the budgeted transportation programs. The first resolution would authorize staff to apply to the Federal Transportation and Highway Administrations for the receipt of grant funds, he said. The second resolution certified the region was in compliance with federal requirements and would allow Metro to continue receiving grant funds. Mr. Cotugno reported one requirement was to maintain an updated five-year transit development program. Because this plan was currently out of date, he said the federal government could question future requests for transit funds.

Councilor Gardner asked if the failure to meet current Disadvantaged Business Enterprise (DBE) program goals could cause problems in receiving grant funding. Mr. Cotugno said he did not expect any problems because Metro could document good faith efforts in meeting DBE goals.

Councilor Kirkpatrick moved to adopt Resolution Motion:

No. 85-558. Councilor Kafoury seconded the motion.

A vote on the motion resulted in: Vote:

Councilors Cooper, DeJardin, Gardner, Kirkpatrick,

Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and

Bonner

Absent: Councilor Hansen

The motion carried and Resolution No. 85-558 was adopted.

Councilor Kirkpatrick moved to adopt Resolution

No. 85-559. Councilor Kafoury seconded the motion.

A vote on the motion resulted in: Vote:

Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Ayes:

Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and

Bonner

Absent: Councilor Hansen

The motion carried and Resolution No. 85-559 was adopted.

Consideration of Resolution No. 85-564, for the Purpose of Requiring Mandatory Prequalification for the Contract for Operating the St. Johns Landfill

Presiding Officer Bonner explained this item had been considered at the meeting of April 25. The Council requested staff return to the Council with a list of members who would serve on the prequalification application evaluation committee and the specific criteria the committee would use in evaluating applications. Doug Drennen reported the material requested by the Council was included in the agenda materials. He then introduced Chuck Geyer, manager for the project. Mr. Geyer explained the materials in the agenda packet and reported that Ron Sonnerberg, Principal Engineer with the Bureau of Environmental Services, City of Portland, should be added to the list of evaluation committee members. The Presiding Officer said if the Resolution were adopted, he would appoint Councilor Cooper to the committee.

After Mr. Geyer explained the criteria for evaluation and the qualifications of the evaluation committee, Councilor Waker asked about the requirement that applicants must have the equipment available to perform the work. Mr. Geyer responded the appropriate equipment could be owned or rented but the applicant must demonstrate the equipment would be available. Councilor Waker requested the application be reworded to indicate equipment could be either owned or rented.

The Presiding Officer asked how staff would evaluate the solvency of bonding companies used by the successful bidder. Eleanore Baxendale said the prequalification form requested information about bonding companies applicants had used in the past. This would provide some indication of each applicants' experience and of how bonding companies assessed the quality of the applicants' work products, she said. The successful bidder would be given the opportunity to secure a bond but the contractor could be disqualified if that bond did not provide the kind of protection required by law. She said staff would have access to a list of state-rated bonding companies by which to evaluate these companies.

Councilor Waker asked if Metro were obligated to disqualify applicants who did not meet all the established prequalification criteria. Ms. Baxendale explained a company could technically be allowed to bid that did not meet all the criteria. However, she did not think this would happen because it would not be in Metro's best interests to allow unqualified companies to bid on the project.

Councilor Hansen, referring to Criteria "D," asked if a company could be rejected for one breech of a previous contract.

Ms. Baxendale replied that although the criteria seemed to imply several breeches must exist, an Attorney General's opinion interpreted this criteria to means that one breach of contract could disqualify an applicant. She said the evaluation committee could excercise judgment to determine how serious a contractor's past actions had been.

Motion: Councilor Kirkpatrick moved to adopt Resolution

No. 85-564. Councilor Kelley seconded the motion.

Councilor Van Bergen asked how many applications staff expected to receive. Mr. Geyer said 14 prequalification applications would be distributed by staff and an advertisement for the project had been placed in a national publication. Staff estimated about six applicants would be qualified to bid on the project.

<u>Vote</u>: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen,

Kirkpatrick, Kafoury, Kelley, Myers, Oleson, Waker

and Bonner

Nay: Councilor Van Bergen

The motion carried and Resolution No. 85-564 was adopted.

8. ORDINANCES

8.1 Consideration of Ordinance No. 85-188, Relating to Public Contracting Procedures and Amending Code Section 2.04.030(i)

Presiding Officer Bonner announced he was removing this item from the adenda and that it might be considered at a later date.

9. OTHER BUSINESS

9.1 Consideration of Resolution No. 85-571, Stating Policies
Relating to Alternative Methods of Solid Waste Disposal and
Siting of a General Purpose Landfill

The Executive Officer explained the Resolution reiterated past policies adopted by the Council including: 1) the Council would continue its investigation of the Solid Waste Management Planning process of alternative disposal methods; 2) the Council would develop ways as part of that process to receive full public review and would cooperatively respond to and, if feasible, implement those waste disposal proposals; and 3) the Council had recognized the need for a long-term general purpose landfill site as an integral component in any comprehensive waste disposal system. He said the reiteration of policy would be useful in working with Legislators for the passage of SB 662.

Motion: Councilor DeJardin moved Resolution No. 85-571 be adopted. Councilor Kirkpatrick seconded the motion.

Councilor Gardner agreed with the Executive Officer's recommendation, stating the Resolution could help remove any mistrust that might exist about Metro's intentions for supporting SB 662. He found it difficult to perceive, however, that Metro's support of the bill could be interpreted as a device for siting a landfill at

A vote on the motion resulted in: Vote:

Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Ayes:

Kafoury, Kelley, Myers, Oleson, Van Bergen, Waker and

Bonner

Absent: Councilor Cooper

The motion carried and Resolution No. 85-571 was adopted.

10. COMMITTEE REPORTS

Multnomah County Solid Waste Task Force. Councilor Gardner reported the Task Force was currently reviewing proposals for alternative waste disposal methods. The Task Force would then prepare recommendations for landfill siting criteria, the siting process and alternative technologies. He also reported the Task Force was unable to take a consensus position on SB 662.

Committee for Accessible Transportation. Councilor Kelley distributed an interim report prepared by the Committee. She said Metro's transportation role would be stronger in the new fiscal year and the need for someone to provide a plan for accessible transportation would be very important. She urged Councilors to read the report with this in mind.

Convention Center Task Force. Presiding Officer Bonner said the Task Force had established an ambitious schedule for meetings leading up a decision about the type of facility that should be funded. That decision would be made in July and the public would be asked to vote on funding the facility in May or November of 1986, he said.

There being no further business, Presiding Officer Bonner adjourned the meeting at 7:30 p.m.

Respectfully submitted, . Murre Melann

A. Marie Nelson

Clerk of the Council

amn

3602C/313-2 05/23/85

Meeting Dates <u>Jan. 24, 1985</u> <u>March 14, 1985</u> <u>June 13, 1985</u>

CONSIDERATION OF ORDINANCE NO. 85-186 FOR THE PURPOSE OF AMENDING THE FY 1984-85 BUDGET AND APPROPRIATIONS SCHEDULE

Date: May 31, 1985

Presented by: Jennifer Sims

The attached ordinance and supporting detail comprise the proposed supplemental budget for FY 1984-85. Approval of the proposed ordinance would amend both the Budget and the Appropriations Schedule. This item was first scheduled for Council consideration on January 24, 1985. Pending results from current lease negotiations, additional changes were presented on March 14, 1985. At that time the Council approved the resolution forwarding the budget to the Tax Supervising and Conservation Commission (TSCC).

The TSCC held a public hearing on May 22, 1985, and certified the proposed supplemental budget amendments with one exception. As indicated in the attached letter dated May 28, 1985, the TSCC objected to the proposed recognition of the Solid Waste fund balance because that action does not meet any one of the five conditions specified in ORS 294.480.

Since that date, seven additional budget adjustments are needed as follows:

- 1. A new line item should be established in the Materials and Services category in the Budget and Administrative Services Division budget (General Fund) to reflect payment of taxes for the 2000 S. W. 1st Avenue building in the amount of \$27,400. This payment is a requirement of the lease agreement between Metro and the building owner.
- 2. The transfers to the General Fund from the Zoo Operating Fund and the Solid Waste Operating Fund should be increased by \$4,839 and \$11,946 respectively. These amounts reflect those funds' proportionate share of the tax payment indicated above. The funds are proposed to come from the contingency category in each budget.
- 3. The Data Processing Division budget (General Fund) needs to be adjusted by transferring \$6,000 from materials and services to personal services to reflect

higher than anticipated personnel charges in that division. As you recall, two staff people in Data Processing split their time between the IRC Fund and General Fund.

- 4. The Criminal Justice Technical Assistance Fund needs to be adjusted by \$9,000 to reflect higher than anticipated grant "pass through" activity.
- 5. The Council budget (General Fund) needs to be adjusted by transferring \$250 from the contractual services line item in the materials and services category to the personal services category. The funds are to be used to provide temporary employment for the existing high school aide until June 30, 1985. Metro has provided work experience for special education students on a volunteer basis for the past two years. The current student has graduated and is looking for employment.
- 6. The Zoo Operating Fund needs to be adjusted by transferring \$38,656 from contingency to the temporary line item in the personal services category in the Visitor Services Division budget. These funds are needed to cover projected expenditures resulting from increased attendance at the Zoo.
- 7. Final costs are now available for the proposed IRC computer purchase. The original estimate was \$60,000. The final figure is \$63,800. The additional amount (\$3,800) shown in the revised figures will be covered with funds on hand from past Transportation Department data sales.

A description, rationale and dollar impact for all of the proposed budget adjustments for each fund follow.

Zoo Operating Fund

1. Personal Services costs are increased to reflect the cost of living adjustment (COLA) awarded to both union and non-union employees retroactive to July 1, 1984 (\$71,420) and to reflect increased costs in Visitor Services Division (\$38,656).

2. Materials and Services expenses are increased \$76,000 in the Buildings & Grounds Division.

Increased utilities due to rate increases and \$42,000 new exhibits.

Unplanned vehicle, building and railroad repairs. \$17,500

supplies due to higher attendance a	nd \$5,500		
ectual Services to support increase	d \$10,000		
Tuition and payments to other	\$1,000		
lay costs are increased to buy new or the Director.	\$2,347		
an elephant ear cart was budgeted year but not paid until this fisca	\$8,236 1		
's proportionate share of the COLA	\$42,176		
ent costs (\$14,227) and construction exes on the 1st Avenue building These change have been allocated o	o n		
ency is reduced to cover the cost These changes reduce the Continger	(\$238,835) acy		
Zoo Capital Fund			
Amend project amounts to reflect actual and projected progress. Alaskan Tundra expenses			
are up by \$877,593 due to the default and the Bear Grotto will have less work than planned. Additional work is anticipated on the Elephant			
Museum this year.			
fer charges and convenience	\$900,000		
budget due to higher waste flow.	\$401,000		
e are requested. Details of the fication and interface with other and data processing needs were to the Council Management Committee	\$10,000		
	ctual Services to support increases Guition and payments to other Lay costs are increased to buy new or the Director. an elephant ear cart was budgeted year but not paid until this fisca General Fund is increased to pay supportionate share of the COLA Fund employees (+\$2,454), the ent costs (\$14,227) and construction axes on the 1st Avenue building These change have been allocated of the existing cost allocation plane ency is reduced to cover the cost These changes reduce the Contingent of the cost and the cost of the cost of the default and the lass work than planned. In anticipated on the Elephant		

- 4. The transfer to the General Fund is increased \$106,209 to pay for Solid Waste's proportionate share of the COLA for General Fund employees (+\$3,620), increased rent costs (\$39,645) and taxes and construction costs at the 1st Avenue building (\$62,944). These changes have been allocated on the basis of the existing cost allocation plan.
- 5. The balance of funds have been placed in Contingency.

\$382,791

St. Johns Improvement Fund

The Appropriations Schedule is amended to reflect an Unappropriated Balance which was originally budgeted but not shown on this schedule. \$545,300

Intergovernmental Resource Center

1. Resources are increased to recognize actual grant awards and match amounts. The additional General Fund transfer is for required match for a computer purchase (+\$3,000) plus match and direct costs for the COLA (+\$3,448).

\$44,144

2. Personal Services costs have been adjusted to reflect a reorganization of tasks among divisions and two reclasses. Expenses for the Criminal Justice Director are transferred to Contractual Services in accordance with the work program. This results in a net decrease in Personal Services in this fund.

(\$7,700)

3. Purchase of a computer is planned this year for a total cost of \$63,800. Except for \$3,000 match, costs will be covered by grants and match contributed by Tri-Met.

\$63,800

4. The transfer to the General Fund is reduced for two reasons. First, monies which were to be transferred and reserved for a future purchase will instead be spent from the IRC fund. Second the net reduction in Personal Services also reduces overhead. Overhead calculations are based on the provisional rate set in July 1984.

(\$27,986)

General Fund

 Resources are increased to recognize the beginning fund balance and additional projected interest income. Transfers from the Zoo and Solid Waste Operating Funds are increased to cover unanticipated COLA and \$362,794

rent, taxes and construction costs plus costs associated with the planned office relocation. The transfers are based on the cost allocation plan.

- Personal Services costs are increased for the 2 percent COLA awarded effective January 1, 1985. Also, a new position of Support Services Supervisor is proposed to handle the planned office relocation and new building management responsibilities. Costs for this can be covered with existing appropriations.
- The proposed budget includes a 2 percent COLA effective January 1, 1985, for the Executive Officer. ORS 268.180(4) provides that the Executive Officer's compensation shall be set by the Council upon the recommendation of a salary commission to be appointed by the Council. It shall not be less than that of a District Court Judge. It is recommended that the Council approve the increase without appointing a commission as the size and nature of the change do not warrant such an effort.
- The Materials and Services costs are increased primarily due to three changes which affect the Finance and Administration Department. First is the \$27,400 for property taxes discussed above. Second, the current office space lease provides for a rent increase based on the CPI over the last five years. This was not included in the Adopted Budget. When combined with higher operating costs which are passed through to Metro, we have a total increase of \$86,664 this fiscal year. Third, start up costs related to the new office space account for the remaining (net \$27,950).
- The transfer to IRC is increased for computer purchase match and COLA costs.
- The Contingency is increased using the higher beginning fund balance.

All Other Funds

There are no changes in any other funds.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 85-186.

JS/q1-2719C/257-9 06/06/85

\$13,554

\$493

\$142,014

\$8,406

\$113,327

Memo

Meeting Date June 13, 1985

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

Date:

May 20, 1985

To:

Rick Gustafson, Executive Officer

Dan Durig, Director, Solid Waste Department Douglas Drennen, Engineering/Analysis Manager

From:

Dennis Mulvihill, Waste Reduction Manager

Wayne Rifer, Analyst

Regarding:

POLICY ANALYSIS OF METRO'S SOLID WASTE PLANNING

AUTHORITY

EXECUTIVE SUMMARY

The attached policy analysis has been prepared at the direction of the Executive Officer to clarify our assumptions about the basis for Metro's solid waste management planning. The discussion which generated this directive concerned what questions we wish to raise with the public in discussing Source Reduction and Recycling policy options; will we consider all aspects of the recycling system, or only those over which Metro has direct operational authority?

The fundamental question we must first answer is:

WHY ARE WE DEVELOPING A SOLID WASTE PLAN?

We perceive several assumptions upon which our current efforts to update the SWMP are based:

- alternative disposal methods are growing more competitive due to the increased costs of new landfills and technological advancements;
- there is a growing public awareness of solid waste issues and options in the region;
- recent changes in Oregon's Solid Waste Management Laws (SB 405, SB 925) and the Federal Resource Conservation and Recycling Act (RCRA) provide an enhanced legal basis for solid waste management;
- there exist distinct inconsistencies between our present actions and the adopted SWMP; and

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5. there are increasing difficulties nationwide and locally in siting landfills and other major disposal facilities; Metro has a need to promote new public perceptions of our motives and decision-making process if we are to gain success in siting major facilities.

THE HEART OF THIS MEMO IS AN EXAMINATION OF METRO'S LEGAL BASIS FOR SOLID WASTE PLANNING. FOUR MAJOR PLANNING AUTHORITIES WILL BE DISCUSSED. THEIR CHIEF CHARACTERISTICS ARE:

A Metro Solid Waste System's Plan

- subject area scope is Metro's operational authority which includes the regulation, licensing, franchising and certification of disposal, transfer and resource recovery facilities and flow control (ORS 268)
- geographic boundaries are those for which Metro has solid waste operations authority (Metro boundaries only)
- Metro would presumably have sole authority for adoption and approval of the plan

Solid Waste Management Plan -- A Regional Plan (SWMP)

- legal authority is RCRA, a Governor's Executive Order, and ORS 459
- includes all aspects of solid waste management
- geographic boundaries are the three-county area
- region-wide process for policy setting necessary
- must be approved by DEQ, however, there exist few standards
- local government solid waste actions must be consistent with SWMP
- local collection franchise authority derives from SWMP
- the existing COR-MET Plan satisfies state requirements for a SWMP, but lacks guidance for local solid waste decisions
- required for federal loans (Pollution Control Bonds) and DEQ assistance.

Waste Reduction Program (WRP)

- is part of SWMP
- siting of landfill in an exclusive farm use zone (EFU) requires one
- local jurisdictions have implied sign-off for issues under their operational authority
- must be used by local jurisdictions in establishing collection service areas
- must be approved by DEQ according to specific standards

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- the existing plan satisfies state requirement to have a waste reduction program but does not contain guidance for local governments to use in establishing collection service areas
- the Waste Reduction Program and the wasteshed recycling reports required by SB 405 are separate, but contain considerable coincidence of subject matter.

Functional Plan

- Metro "shall" adopt functional plans (ORS 268.390), preceded by an overview planning process to identify areas and activities which require one
- strictly an option for solid waste planning

- authority applies within Metro boundaries only

- optional LCDC review for compliance with statewide goals

- local government plans and actions must comply with it, i.e., a Metro functional plan addressing disposal facility siting could be used to require consistency of local plans.

COUNCIL DECISIONS ARE REQUIRED BEFORE PROCEEDING INTO THE PUBLIC ARENA: Specifically, are we going to develop a regional plan or a Metro system's plan?

- Are we developing a plan for all aspects of solid waste management (including collection), or simply Metro's operations?
- Will we address issues for the full three-county area and what level of involvement will those other jurisdictions and publics have?
- Which planning authorities are appropriate to our goals?
 Is it appropriate to exercise the full force of our planning authority?

In addition, at some point we must decide if we intend to utilize our functional planning authorities.

With these questions we can consider Metro's strategic options for the SWMP, and the implications of those options on the planning process and the end result.

THIS MEMO MAKES SEVERAL RECOMMENDATIONS:

- Metro should develop, agree upon, and clearly articulate a comprehensive solid waste management planning strategy.
- Our best strategy is to develop a regional SWMP.
- If Metro choses to develop a regional solid waste plan, that planning process should (a) develop regional goals and policies for solid waste management, (b) directly plan for

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> systems which are within Metro's operational authority, and (c) delegate planning responsibilities to local jurisdictions for systems which are under their authority, and (d) define and oversee a planning process with which jurisdictions can identify their issues and address collection problems for the good of the region.

Metro should consider using its functional planning authority to secure cooperation of local land use planning

efforts in disposal facility siting.

WR/srs 3281C/412-4

POLICY ANALYSIS OF METRO'S SOLID WASTE PLANNING AUTHORITY

MEMO CONTENTS

1. The Legal Context

- A. RCRA -- Regional Solid Waste Management Planning (SWMP)
- B. Assignment of Responsibility to Metro
- C. Scope of Metro Solid Waste Planning Authority
 - 1. Geographic Region
 - 2. Subject Areas
 - 3. The Existing SWMP (COR-MET & 1981 Waste Reduction Plan)
 - 4. Waste Reduction Program (WRP)
 - 5. Approval of the SWMP and WRP
 - 6. Authority of the SWMP and WRP
- D. Functional Planning Authority
 - 1. Functional Plan Compliance with Statewide Goals
 - Example -- Disposal Facility Siting
 - 3. Issue: Should Metro adopt the SWMP as a functional plan?
- II. Regional SWMP vs. Metro's System Plan -- A Comparison
 - A. The Differences
 - 1. Content Differences
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 - B. Analysis
 - 1. Alternatives for Action
 - 2. A Metro System's Plan
 - Recommendation -- A Strategic Plan to Develop a Regional SWMP
 - C. In Conclusion

I. THE LEGAL CONTEXT

A. RCRA--REGIONAL SOLID WASTE PLANNING

Subtitle D of RCRA requires that states develop solid waste management plans in order to be eligible for receipt of federal technical and financial assistance. States are also required to:

- designate regions for regional solid waste management plans;
- identify state and regional solid waste functions;

identify the regional solid waste authority; and

 identify a means for coordinating regional planning and implementation with the state plan.

The objectives of state and regional planning are to:

- develop methods of solid waste disposal which are environmentally sound;
- maximize the utilization of valuable resources; and
- encourage resource conservation.

More specific requirements apply to the state plan. The state plan has been written and adopted by DEQ. Its intent is to satisfy federal funding requirements. The regional plans, as defined in RCRA, are viewed by DEQ as addressing the real issues of solid waste management.

B. ASSIGNMENT OF RESPONSIBILITY TO METRO

ORS 459 assigns primary responsibility for developing a SWMP to local government (including Metro). The law clearly encourages the development of such a plan (ORS 459.017(1)(b)). However, a plan is only required in order to receive state assistance for landfill siting (ORS 459.017(c), 459.035, 459.047) and for receipt of Federal Pollution Control Bond monies (ORS 468.220(6)).

In response to the RCRA requirements, Governor Straub issued Executive Orders in November 1977 and May 1978 which designated MSD as the solid waste planning and implementing authority for the three-county area. This Executive Order was informally reaffirmed by Governor Atiyeh. No subsequent action has been taken to alter that order. When legal responsibilities passed from MSD to Metro, Metro received the regional solid waste planning authority.

It is important to remember that an Executive Order can be rescinded unilaterally by action of the Governor.

C. SCOPE OF METRO SOLID WASTE PLANNING AUTHORITY

1. Geographic Region

As noted above, <u>Metro was assigned planning authority</u> for the entire three-county region.

2. Subject Areas

ORS 459 does not define the subject areas for a SWMP, but it does define solid waste management.

"'Solid waste management' means prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; and facilities necessary or convenient to such activities." (ORS 459.005)

Solid waste management includes collection activities, which are outside of Metro's operational authority. These are intended to be included in a SWMP.

NOTE: The responsibility of the plan to address issues related to collection is reinforced by ORS 459.200. That statute states that local government franchise authority is granted for the purpose of carrying out state law and the state SWMP. The state plan is, in turn, "a compilation of documents and referenced items (e.g., local plan)" (OR Solid Waste Management Plan Status Report 1979, DEQ, p. 42).

A plan which is restricted in scope to Metro's operational system (i.e., disposal and processing facilities) would not serve as a basis for local franchise authority. It would be necessary to include some aspect of collection for the plan to meet the intent of this statute.

This statute is a strong tool which is available to Metro. It could be used to establish broad policies regarding the regulation of collection. However, Metro cannot directly regulate collection. The boundary between the establishment of policy and direct regulation is a matter requiring careful political reflection and clear articulation.

3. The Existing SWMP (COR-MET & 1981 Waste Reduction Plan)

The current planning process is an <u>update of the 1974</u>
<u>Metropolitan Service District Solid Waste Management</u>
<u>Action Plan</u>, the COR-MET Plan (prepared by CH₂M HILL and Metcalf & Eddy for MSD), and of the 1981 Waste Reduction Plan. Those plans satisfy the legal requirements for a SWMP and a Waste Reduction Program.

The COR-MET plan covered the full three-county area plus Columbia County. Columbia County was dealt with separately from the rest of the region due to its rural character.

The COR-MET plan dealt with all aspects of solid waste management except that, for reasons of limitations of funds, collection was "considered only insofar as it interfaced with and had impact on transfer, transport, processing, and disposal." (p. 1-3) The existing plans, therefore, provide no basis for carrying out collection franchise authority.

The COR-MET Plan proposed a system of solid waste disposal facilities which is different in several ways from the current system and from that which Metro subsequently proposed to build (i.e., COR-MET proposed materials and RDF recovery while MSD and Metro proposed to build a mass burner; COR-MET proposed three small landfills in gravel quarries while Metro proposed a regional landfill).

Subsequent Council actions altered these policies. The Waste Reduction Plan adopted in January 1981 set the goal of reducing waste through resource recovery. Though the technique was not specified, mass burning was selected as the method to be used.

As Metro proceeded to search for several landfill sites, DEQ set a new State policy which prohibited the use of gravel quarries. This led Metro to seek a single, regional landfill through the siting process. Further updates were made recently to the Solid Waste Management Plan to bring it into closer conformity with Metro actions. Most notably, in 1984 the first chapters of a comprehensive update of the Plan were completed in draft form and interim policies were adopted by the Council. In September, for example, the Council stated the need for a single, general purpose landfill (Resolution No. 84-506).

4. The Waste Reduction Program

ORS 459.055 requires that a waste reduction program (WRP) be developed by a local government before a landfill can be approved for siting in an EFU zone. ORS 459.005 requires such a program before the issuance of Pollution Control Bond monies to a local government. This program shall provide for:

- a commitment to reduce waste;
- a timetable for implementation;
- energy efficient and cost-effective waste reduction approaches;
- procedures commensurate with the types of waste; and
- legal, technical and economic feasibility. (see
 ORS 459.055 and OAR 340-61-110)

The legal status of the waste reduction program is enhanced by ORS 459.200 which identifies it as a basis which local governments must utilize in establishing collection service areas. However, since the current plan does not address collection, it does not contain guidance for establishing service areas.

The Waste Reduction Program is logically a component of the SWMP, though it should be separately identified because of its distinct authorities and requirements.

It is nowhere directly stated that Metro has authority to develop a waste reduction program for the full three-county area. However, since waste reduction is inherent in solid waste management by law, and since EQC rules establish an interrelationship between the two (OAR 340-61-110(1)(a)), we assume the Waste Reduction Program to be coterminous with the SWMP.

In addition to, and separate from, the Waste Reduction Program, ORS 459.180 requires the development of recycling reports by each wasteshed in the State as defined by EQC. The three country area includes four wastesheds. No direct reference is made to the Waste Reduction Program in this section of ORS 459. However, the subject matter and intent of the recycling report contains major implications for the Program.

The recycling report is to be developed by all affected persons (haulers, recyclers, public regulators (including Metro, etc.) to be coordinated by the cities and counties. DEQ must accept or disapprove the report. If it disapproves, a process can be initiated which could result in an EQC mandated recycling program.

In consideration of the distinct geographic areas, powers, and implications of the recycling report, we recommend that the Waste Reduction Program be kept separate from the recycling reports. However, the process by the wasteshed committees (including Metro) in developing the report could be used as a basis for reaching an understanding or consensus on elements which will be incorporated in the Waste Reduction Program.

5. Approval of the SWMP and WRP

The first step in the formal adoption of the SWMP is its approval by Metro. However, before any of the specific authorities of the plan can be exercised, it must be approved by the DEQ. DEQ has not defined standards for approval of a SWMP. The waste reduction program must meet standards defined in EQC Rules (OAR 340-61-100 to 110). A detailed set of submittals are required.

In addition, the Rules appear to require that all local jurisdictions within an area covered by the WRP shall sign-off on the commitments made in the program for any areas over which they have implementation authority. (OAR 340-61-110(1)(c)). The language here is ambiguous, stating, "Where more than one local government unit has jurisdiction, the statement shall include all such jurisdictions."

Our interpretation would commit us to gaining approval by local jurisdictions for only those statements in the plan which directly effect their operational authority. Depending on how detailed the plan is in its policies, this may or may not be an issue.

6. Authority of the SWMP and WRP

Once approved by the DEQ, a SWMP carries significant authority over all aspects of solid waste management. No ordinance, order, regulation or contract adopted by a local government affecting solid waste management shall conflict with the plan. (ORS 459.095)

As previously noted, the plan and the waste reduction program provide, along with state law, the legal basis for local government franchise authority. The WRP must also be considered in the establishment of service areas for collection. (ORS 459.200)

The Legislature stopped just short of requiring all jurisdictions to have a SWMP, but it was clearly intended that a plan should provide the basis for all local solid waste management activity.

D. FUNCTIONAL PLANNING AUTHORITY

ORS 268.390 requires a metropolitan service district to prepare and adopt functional plans. This is a unique planning authority which is separate from solid waste planning and land use planning. We present it here for consideration as an option for an additional authority within which solid waste planning could be cloaked. Metro has used its functional planning powers in the past for transportation planning, the waste water plan and the Johnson Creek plan.

Functional planning is intended for any defined areas and activities which have an impact on 1) orderly and responsible development of the area, 2) air quality, 3) water quality, 4) transportation, and 5) other areas selected by the Council.

Solid waste planning seems to meet all criteria. Handling the solid waste of the region is part and parcel of orderly

development. Disposal facilities directly effect air and water quality as well as transportation.

Subsequent to developing functional plans, the Metro Council may require local governments to make changes to their comprehensive land use plans, and actions taken under them, so that they conform with the functional plan. (ORS 268.390(4))

1. Functional Plan Compliance with Statewide Goals

Neither ORS chapter 197 (Land Use Planning) nor chapter 268 require Metro functional plans to comply with the Statewide Land Use Planning Goals and Guidelines, nor to be submitted to LCDC for acknowledgement (chapter 197.250 requires compliance only for comprehensive plans).

Presumably then, Metro can prepare and adopt functional plans without submitting them to LCDC for acknowledgement or review for compliance. The functional plan is not strictly a land use plan. A solid waste plan would involve many other types of activities. Requiring compliance with land use goals could be problematic for those parts of the plan not related to land use.

We conclude that if Metro chooses to adopt the SWMP as a functional plan, it should attempt to comply with the statewide goals and guidelines for those aspects of the plan related to land use. Submission of the entire plan for acknowledgement is not required.

2. Example -- Disposal Facility Siting

As noted, a functional plan's primary authority is over local land use issues. The primary solid waste issue effecting land use is disposal facility siting. A functional plan for disposal facility siting could establish the criteria and standards for evaluating and selecting a site. Metro could then enforce local government plans to conform with those criteria.

3. Issue: Should Metro Adopt the SWMP as a Functional Plan

The intent of chapter 268 is clearly that Metro use the functional planning authority. The language of the law is that a metropolitan service district "shall" develop functional plans.

The intent of the law is that a regional government first conduct an overview planning process which identifies all areas or activities which require a functional plan because they have a significant impact on the orderly and responsible development of the

metropolitan area, on air quality, water quality, or transportation, or on other aspects of metropolitan area development. Solid waste management would likely meet that test.

Are there advantages to developing a regional functional plan for solid waste?

Solid waste responsibilities and authorities are dispersed throughout the various governments in the region.

A functional plan for solid waste management, or specifically for disposal facility siting, could bring consistency into the planning context for solid waste by requiring that local comprehensive plans be consistent with the solid waste functional plan.

On the other hand, Metro only has functional planning authority for the territory within Metro boundaries, whereas the solid waste management authority covers the entire three-county area. This may impose certain limitations if the counties chose to challenge the authority.

The adoption of at least a portion of the SWMP as a functional plan would add weight to any requirements which were placed by that plan on local governments. If Metro decides to play an assertive role in aspects of solid waste management which are under the operational authorities of other governments, then the functional planning tool may be valuable.

II. METRO'S SYSTEM PLAN OR A REGIONAL SWMP -- A COMPARISON

A. THE DIFFERENCES

Is Metro developing the SWMP for the three-county regional and for all aspects of solid waste management as mandated by state law--which is here called a regional plan,

Or is Metro developing a plan strictly for the construction of the facilities, programs and policies over which Metro has direct authority—that is, a Metro System's Plan?

Solid waste operations authority is divided between many jurisdictions in the three-county area. Metro is solely assigned the planning authority.

The current draft of the plan is titled the SWMP and asserts that it will address all the regional issues. However, this is not evident in the existing chapters. The Source Reduction and Recycling chapter, as well as the forthcoming public involvement program, require clarity on

just what the geographic and policy boundaries of the plan will be.

What are the differences between these two plans?

NOTE: The distinctions drawn below are not intended to be rigid. The solution of choice may involve aspects of each.

1. Content Differences

A regional plan must deal with solid waste issues for the entire three-county area.

A regional plan must address all aspects of solid waste management as defined in the law. Most significantly, this includes the collection of solid waste which is not now included in the plan.

In addition, there are other programs and policies effecting waste management, most especially in waste reduction and recycling, which are not within Metro's authority. As an example, the promotion and education programs for implementation of SB 405 will involve activities by state, regional and local governments, private haulers and recyclers. A regional plan would address, in some manner, the full extent of these programs, whereas, a Metro plan will address the Metro programs.

A regional plan would address regional policy issues, as does the Regional Transportation Plan, which involve values and trade-offs between various components of the full system. A Metro plan would deal only with the specific methods for the implementation of a system.

For example, a regional plan would address regionwide goals and methods for utilization of the various components of the waste stream. The design of the system as a whole, including reuse, recycling, resource recovery, and landfilling would be addressed. Examples of region-wide issues are how much the public is willing to pay to achieve the system goals; problems of siting solid waste facilities, including the sizing of alternative technology facilities and landfills; and environmental and social costs and benefits of different strategies.

2. Process Differences

A regional plan would involve a <u>sign off by local</u> <u>jurisdictions for those issues directly effecting that jurisdiction's operational authority.</u> This is suggested though somewhat ambiguously by state regulation. (OAR 340-61-110(1)(c))

A regional plan would require a <u>public involvement</u> <u>program which reaches out to all three counties</u>, either conducted by Metro or by the local jurisdictions. A Metro plan would involve only a public process within Metro's boundaries, conducted by Metro.

The public involvement activities would be more extensive for a regional plan, due to the need to make system-wide trade-offs and value judgments. The adoption of region-wide policies and goals would require a public process organized for value clarification (e.g., public forums) and hierarchical decision-making (e.g., a structure of committees). Presumably, a Metro plan could be adopted with a straightforward public notice and hearing process.

3. An Example -- Yard Debris Waste Reduction

A solution to the yard debris problem, to which urgency has been lent by the burning ban, will involve actions addressing collection, processing and marketing. Metro is directly addressing the latter two (i.e., loan programs for capital investment and material purchasing for final cover). Collection is the weak link and must be addressed by local governments.

Collection and processing are closely interrelated. For example, the decision to provide curbside collection of yard debris as a recyclable material will impact the decision to build drop-off centers for generators throughout the region.

The overall solution could be developed within a planning context in which Metro articulates policy for the entire effort, develops plans for processing and marketing assistance, and establishes standards and makes recommendations for collection. The total solution would be an integrated system of regional and local planning including actions by both public and private entities.

B. ANALYSIS

A regional plan would provide a solid basis upon which Metro could build and site facilities. It is a highly relevant question for us as to whether this solid basis currently exists.

On the other hand, a regional plan would require a greater investment of staff resources within our current planning process.

A plan strictly for Metro facilities, if presented as the region's SWMP, would be assailable that it is not what it

purports to be, and on grounds that it does not provide the regional or public context for making Metro system decisions.

The existing SWMP chapters are the logical first components, as written, of a regional plan. We are now at a decision point concerning the plan since future work requires clarity on this issue. The waste reduction issues involve activities from all sectors of the region. In addition, a regional plan requires a chapter on collection and an overview chapter which provides the framework for resolution of the regional issues.

1. Alternatives for Action

- a. Continue development of the Metro System's Plan for our solid waste facilities and programs. This alternative is discussed in Section 2. below.
- b. Ask the region what role it wants Metro and local jurisdictions to play in planning for solid waste management.

c. Develop a regional plan which consists of:

- a. a direct system's plan for Metro's responsibilities;
- b. the definition of a process for all jurisdictions in the region to engage in planning for their local issues; and
- c. a Metro-directed process for regional issue planning. (This alternative is discussed in section 3. below.)
- d. Develop a regional plan through which Metro directly plans for all regional issues and responsibilities. This alternative is not recommended, nor expanded on here, due to a distinct reluctance for Metro to take a direct involvement in collection issues.

2. A Metro System's Plan

Herein is described Alternative a.

Metro's solid waste operational authority derives primarily from ORS 268.317 and 268.318 and includes:

- construction and operation of disposal facilities;
- regulation and franchise of private disposal facilities; and
- flow control.

A System's Plan would address the many issues involved with the disposal of solid waste. The chapters of the plan which are currently in process address these issues. The landfill, alternative technology, transfer station, and finance chapters are largely limited to issues over which Metro has operational authority. The Source Reduction and Recycling Chapter, however, presents the dilemma of whether we should address ourselves to problems which are partially or wholely outside of our authority.

To what degree can Metro's existing solid waste operational authority provide the basis for addressing some of the regional issues?

Metro is granted considerable operational authority which can be used to effect the entire solid waste system, including collection. Specifically, flow control authority allows Metro to direct solid waste to specific facilities such as transfer stations or resource recovery plants.

An important question is to what degree this authority can be used to control the composition or characteristics of the material which is delivered to a disposal facility. With this authority, Metro would be able to achieve some of the same results as a regional planning process. Using the example above, could Metro require commercial collection of source separated yard debris?

This is being looked at by General Counsel, however, it appears that flow control authority (ORS 268.317(3) & (4)) refers only to requiring generators and haulers to "make use of" specific facilities. It does not appear to provide the means to control the composition of the material delivered.

 Recommendation -- A Strategic Plan to Develop a Regional SWMP

This memo recommends adoption of alternative C.

Developing such a regional plan would include the current work being done for the Metro plan and, in addition, the following activities:

- <u>A regional solid waste policy-setting and decision-making process</u>.
- A process for addressing <u>additional subject areas</u>, for example:
 - -- collection;
 - -- non-Metro waste reduction activities; and/or
 - -- a regional hazardous waste strategy.

- A more extensive public process, involving the full three-county area.
- The active participation and approval of the local governments.

All the existing chapters are essential units of this regional plan. The in-house and technical review of those documents would proceed as planned.

Addressing the collection of solid waste is a particularly problematic area due to the sensitivity of any Metro involvement. We use it here as an example to demonstrate the style which Metro could potentially use in establishing a regional planning process.

Metro should <u>not</u> attempt to directly regulate the collection system. <u>Nor should we</u> attempt to force particular regulations upon local governments. Any involvement by Metro in planning for collection within the SWMP, other than a simple description of the existing system, should be developed through discussion with the local jurisdictions.

A valid role for Metro may be to define and oversee a planning process by which local governments could identify their issues and address collection problems.

The SWMP would include the Metro portions and would define goals, procedures and standards for the local planning process to address questions such as rate setting, planning for franchising or licensing, franchisee selection, and implementing SB 405 collection systems.

It would be consistent with our planning authority to require local governments to prepare and adopt plans for solid waste collection which provide for regulations and actions which protect the public interest, maximize efficiencies, and provide for effective waste reduction activities.

The Regional SWMP would, in final form, consist of the Metro portions and the plans developed by the local jurisdictions.

C. IN CONCLUSION

This recommended action would initiate a several year cooperative process which enfranchises local jurisdictions in solid waste planning.

It responsibly addresses the intent and wording of Metro's solid waste planning authority.

It would provide a public context for Metro to make decisions concerning major additions to the solid waste management system.

It provides a forum for the public airing of such issues as franchising, rate setting, and collection of recyclables.

It establishes a process parallel to that which is successfully employed by Metro in transportation planning.

It would stimulate considerable public involvement in solid waste problem-solving, and would take advantage of current public interest in the area.

We conclude that there is considerable merit to establishing a regional solid waste planning process.

WR/srs 3281C/412-4 05/07/85 Handant 9.1

Legislative Counsel SB 662A-14 (LC 1363) 6/12/85 (1b)

- 1 PROPOSED AMENDMENTS TO A-ENGROSSED SENATE BILL 662
- On page 1 of the printed A-engrossed bill, line 2, delete "and"
- 3 and insert "appropriating money; and".
- 4 Delete lines 4 through 16 and pages 2 through 5 and insert:
- 5 "SECTION 1. Sections 2 to 9 of this Act are added to and made
- 6 a part of ORS 459.005 to 459.285.
- 7 <u>"SECTION 2.</u> (1) The Legislative Assembly finds that the siting
- 8 and establishment of a disposal site for the disposal of solid
- 9 waste within or for Clackamas, Multnomah and Washington Counties is
- 10 necessary to protect the health, safety and welfare of the
- 11 residents of those counties.
- "(2) It is the intent of the Legislative Assembly that the
- 13 Environmental Quality Commission and Department of Environmental
- 14 Quality, in locating and establishing a disposal site within
- 15 Clackamas, Multnomah and Washington Counties give due consideration
- 16 to:
- "(a) Except as provided in subsections (3) and (4) of section 5
- 18 of this 1985 Act, the state-wide planning goals adopted under ORS
- 19 197.005 to 197.430 and the acknowledged comprehensive plans and
- 20 land use regulations of affected counties.
- 21 "(b) Information received during consultation with local
- 22 governments.
- "(c) Information received from public comment and hearings.
- "(d) Any other factors the commission or department considers
- 25 relevant.
- 26 "SECTION 3. (1) The Department of Environmental Quality shall
- 27 conduct a study, including a survey of possible and appropriate

- 1 sites, to determine the preferred and appropriate disposal sites
- 2 for disposal of solid waste within or for Clackamas, Multnomah and
- 3 Washington Counties.
- 4 "(2) The study required under this section shall be completed
- 5 not later than July 1, 1986. Upon completion of the study, the
- 6 department shall recommend to the commission preferred locations
- 7 for disposal sites within or for Clackamas, Multnomah and
- 8 Washington Counties. The department may recommend a location for a
- 9 disposal site that is outside those three counties, but only if the
- 10 city or county that has jurisdiction over the site approves the
- 11 site and the method of solid waste disposal recommended for the
- 12 site. The recommendation of preferred locations for disposal sites
- 13 under this subsection shall be made not later than January 1, 1987.
- "SECTION 4. (1) Subject to subsections (3) and (4) of section
- 15 5 of this 1985 Act, the Environmental Quality Commission may
- 16 locate and order the establishment of a disposal site under this
- 17 1985 Act in any area, including an area of forest land designated
- 18 for protection under the state-wide planning goals, in which the
- 19 commission finds that the following conditions exist:
- "(a) The disposal site will comply with applicable state
- 21 statutes, rules of the commission and applicable federal
- 22 regulations;
- "(b) The size of the disposal site is sufficiently large to
- 24 allow buffering for mitigation of any adverse effects by natural or
- 25 artificial barriers; Significantly Contibute To
- "(c) Projected traffic will not create dangerous intersections
- 27 or traffic congestion, considering road design capacities, existing

- 1 and projected traffic counts, speed limits and number of turning
- 2 points;
- 3 "(d) Facilities necessary to serve the disposal site can be
- 4 available or planned for the area; and
- 5 "(e) The proposed disposal site is designed and operated to the
- 6 extent practicable so as to mitigate conflicts with surrounding
- 7 uses. Such conflicts with surrounding uses may include, but are
- 8 not limited to:
- 9 "(A) Visual appearance, including lighting and surrounding
- 10 property.
- "(B) Site screening.
- 12 "(C) Odors.
- "(D) Safety and security risks.
- "(E) Noise levels.
- "(F) Dust and other air pollution.
- 16 "(G) Bird and vector problems.
- 17 "(H) Damage to fish and wildlife habitats.
- "(2) When appropriate, the conditions listed in this section
- 19 may be satisfied by a written agreement between the Department of
- 20 Environmental Quality and the appropriate government agency under
- 21 which the agency agrees to provide facilities as necessary to
- 22 prevent impermissible conflict with surrounding uses. If such an
- 23 agreement is relied on to satisfy any approval criteria, a
- 24 condition shall be imposed to guarantee the performance of the
- 25 actions specified.
- 26 "SECTION 5. (1) The commission, not later than July 1, 1987,
- 27 shall issue an order directing the Department of Environmental
- 28 Quality to establish a disposal site under this 1985 Act within

- 1 Clackamas, Multnomah or Washington County or, subject to subsection
- 2 (2) of section 3 of this 1985 Act, within another county.
- 3 "(2) In selecting a disposal site under this section, the
- 4 commission shall review the study conducted under section 3 of this
- 5 1985 Act and the locations for disposal sites recommended by the
- 6 department under section 3 of this 1985 Act.
- 7 "(3) When findings are issued by the department under
- 8 subsection (4) of this section, the commission in selecting a
- 9 disposal site under this 1985 Act must comply with the state-wide
- 10 planning goals adopted under ORS 197.005 to 197.430 and with the
- 11 acknowledged comprehensive plan and land use regulations of the
- 12 local government unit with jurisdiction over the area in which the
- 13 disposal site is located. However, when findings are not issued
- 14 under subsection (4) of this section, the standards established by
- 15 section 4 of this 1985 Act take precedence over provisions in the
- 16 comprehensive plan or land use regulations of the affected local
- 17 government unit, and the commission may select a disposal site in
- 18 accordance with those standards instead of, and without regard to,
- 19 any provisions for locating and establishing disposal sites that
- 20 are contained in the comprehensive plan or land use regulations of
- 21 the affected local government unit. Any provision in a
- 22 comprehensive plan or land use regulation that prevents the
- 23 location and establishment of a disposal site that can be located
- 24 and established under the standards set forth in section 4 of this
- 25 1985 Act shall not apply to the selection of a disposal site under
- 26 this 1985 Act.
- "(4) The department, not later than July 1, 1986, may determine
- 28 whether the acknowledged comprehensive plans and land use

- ·1 regulations of the counties in which possible disposal sites being
- 2 considered by the department are situated contain standards for
- 3 determining the location of land disposal sites that are identical
- 4 to or consistent with the standards specified in section 4 of this
- igstar 5 1985 Act. If the standards contained in the comprehensive plan and
 - 6 land use regulations of a county are identical to or consistent
 - 7 with the standards specified in section 4 of this 1985 Act, the
 - 8 department shall issue written findings to that effect and shall
 - 9 submit the findings to the commission.
 - "(5) When selecting a disposal site under this 1985 Act, the
 - 11 commission may attach limitations or conditions to the development,
 - 12 operation or maintenance of the disposal site, including but not
 - 13 limited to, setbacks, screening and landscaping, off-street parking
 - 14 and loading, access, performance bonds, noise or illumination
 - 15 controls, structure height and location limits, construction
 - 16 standards and periods of operation.
 - "(6) If the Environmental Quality Commission directs the
 - 18 Department of Environmental Quality to establish or complete the
 - 19 establishment of a disposal site under this section, the department
 - 20 shall establish the site subject only to the approval of the
- 21 commission. Notwithstanding any city, county or other local
- 22 government charter or ordinance to the contrary, the Department of
- 23 Environmental Quality may establish a disposal site under this
- 24 section without obtaining any license, permit, franchise or other
- 25 form of approval from a local government unit.
- 26 "(7) The department shall identify conflicts with surrounding
- 27 uses for any disposal site established under this 1985 and, to the

- 1 extent practicable, shall mitigate or require the operator of the
 2 site to mitigate those conflicts.
- 3 <u>"SECTION 6.</u> (1) Notwithstanding ORS 183.400, 183.482 and
- 4 183.484, exclusive jurisdiction for review of any rules adopted or
- 5 decision made by the Environmental Quality Commission under this
- 6 section relating to the establishment or siting of a disposal site,
- 7 any order to the Department of Environmental Quality to establish
- 8 or complete such a site or any findings made by the department
- 9 under section 5 of this 1985 Act is conferred upon the Supreme
- 10 Court.
- "(2) Proceedings for review shall be instituted when any person
- 12 adversely affected or aggrieved by the order of the commission
- 13 files a petition with the Supreme Court. The petition shall be
- 14 filed within 30 days following the date on which the order upon
- 15 which the petition is based is served. The petition shall state
- 16 the nature of the order or decision the petitioner desires reviewed
- 17 and shall, by supporting affidavit, state the facts showing how the
- 18 petitioner is adversely affected or aggrieved. Copies of the
- 19 petition shall be served by registered or certified mail upon the
- 20 commission. Within 30 days after service of the petition, the
- 21 commission shall transmit to the Supreme Court the original or a
- 22 certified copy of the entire record of the proceeding under review.
- 23 Review under this section shall be confined to the record, and the
- 24 court shall not substitute its judgment for that of the commission
- 25 as to any issue of fact or agency discretion. Upon review, the
- 26 Supreme Court may affirm, reverse or remand the order of the
- 27 commission if the court finds that the order is not supported by
- 28 substantial evidence in the record or is unconstitutional.

- .1 Proceedings for review under this section shall be given priority
- 2 over all other matters before the Supreme Court.
- 3 "(3) Notwithstanding ORS 197.850, jurisdiction for judicial
- 4 review of a final order of the Land Use Board of Appeals issued in
- 5 any proceeding arising under this 1985 Act is conferred upon the
- 6 Supreme Court. The procedure for judicial review of a final order
- 7 under this subsection shall be as provided in subsection (2) of
- 8 this section.
- 9 "SECTION 7. (1) Subject to policy direction by the commission
- 10 in carrying out sections 3 and 5 of this 1985 Act, the department
- 11 may:
- "(a) By mutual agreement, return all or part of the
- 13 responsibility for development of the site to a local government
- 14 unit, or contract with a local government unit to establish the
- 15 site.
- 16 "(b) To the extent necessary, acquire by purchase, gift, grant
- 17 or exercise of the power of eminent domain, real and personal
- 18 property or any interest therein, including the property of public
- 19 corporations or local government.
- "(c) Lease and dispose of real or personal property.
- 21 "(d) At reasonable times and after reasonable notice, enter
- 22 upon land to perform necessary surveys or tests.
- "(e) Acquire, modify, expand or build landfill or resource
- 24 recovery site facilities.
- "(f) Subject to any limitations in ORS 468.195 to 468.260, use
- 26 money from the Pollution Control Fund created in ORS 468.215 for
- 27 the purposes of carrying out section 5 of this 1985 Act.

- 1 "(g) Enter into contracts or other agreements with any local
- 2 government unit or private person for the purposes stated in ORS
- 3 459.065 (1).
- 4 "(h) Accept gifts, donations or contributions from any source
- 5 to carry out the provisions of sections 3 and 5 of this 1985 Act.
- 6 "(i) Establish a system of fees or user charges to reimburse
- 7 the department for costs incurred under this 1985 Act and to allow
- 8 repayment of moneys borrowed from the Pollution Control Fund.
- 9 "(2) The metropolitan service district shall have the
- 10 responsibility for the operation of the disposal sites established
- 11 under this 1985 Act.
- 12 "SECTION 8. (1) The metropolitan service district organized
- 13 under ORS chapter 268 shall prepare a solid waste reduction
- 14 program. Such program shall provide for:
- "(a) A commitment by the district to substantially reduce the
- 16 volume of solid waste that would otherwise be disposed of in land
- 17 disposal sites through techniques including, but not limited to,
- 18 rate structures, source reduction, recycling, reuse and resource
- 19 recovery;
- "(b) A timetable for implementing each portion of the solid
- 21 waste reduction program;
- "(c) Energy efficient, cost-effective approaches for solid
- 23 waste reduction that are legally, technically and economically
- 24 feasible and that carry out the public policy described in ORS
- 25 459.015 (2); and
- "(d) Procedures commensurate with the type and volume of solid
- 27 waste generated within the district.

- 1 "(2) Not later than January 1, 1986, the metropolitan service
- 2 district shall submit its solid waste reduction program to the
- 3 Environmental Quality Commission for review and approval. The
- 4 commission shall approve the program if the commission finds that:
- 5 "(a) The proposed program presents effective and appropriate
- 6 methods for reducing dependence on land disposal sites for disposal
- 7 of solid wastes;
- 8 "(b) The proposed program will substantially reduce the amount
- 9 of solid waste that must be disposed of in land disposal sites;
- "(c) At least a part of the proposed program can be implemented
- 11 immediately; and
- "(d) The proposed program is legally, technically and
- 13 economically feasible under current conditions.
- "(3) After review of the solid waste reduction program, if the
- 15 commission does not approve the program as submitted, the
- 16 commission shall allow the metropolitan service district not more
- 17 than 90 days in which to modify the program to meet the
- 18 commission's objections.
- "(4) Notwithstanding ORS 268.310 (2) and 268.317, if the
- 20 commission does not approve the solid waste reduction program
- 21 submitted by the metropolitan service district after any period
- 22 allowed for modification under subsection (3) of this section, all
- 23 the duties, functions and powers of the metropolitan service
- 24 district relating to solid waste disposal are imposed upon,
- 25 transferred to and vested in the Department of Environmental
- 26 Quality and no part of such duties, functions and powers shall
- 27 remain in the metropolitan service district. The transfer of
- 88 duties, functions and powers to the department under this section

- 1 shall take effect on July 1, 1986. Notwithstanding such transfer
- 2 of duties, functions and powers, the lawfully adopted ordinances
- 3 and other rules of the district in effect on July 1, 1986, shall
- 4 continue in effect until lawfully superseded or repealed by rules
- 5 of the commission.
- 6 "(5) If the solid waste reduction program is approved by the
- 7 commission, a copy of the program shall be submitted to the Sixty-
- 8 fourth Legislative Assembly not later than February 1, 1987.
- 9 "SECTION 9. (1) The metropolitan service district shall
- 10 apportion an amount of the service or user charges collected for
- 11 solid waste disposal at each general purpose landfill within or for
- 12 the district and dedicate and use the moneys obtained for
- 13 rehabilitation and enhancement of the area in and around the from which The fee is collected
- 14 landfill That portion of the service and user charges set aside
- 15 by the district for the purposes of this subsection shall be 50
- 16 cents for each ton of solid waste.
- "(2) The metropolitan service district, commencing on the
- 18 effective date of this 1985 Act, shall apportion an amount of the
- 19 service or user charges collected for solid waste disposal and
- 20 shall transfer the moneys obtained to the Department of
- 21 Environmental Quality. That portion of the service and user
- 22 charges set aside by the district for the purposes of this
- 23 subsection shall be \$1 for each ton of solid waste. Moneys
- 24 transferred to the department under this section shall be paid into
- 25 the Land Disposal Mitigation Account in the General Fund of the
- 26 State Treasury, which is hereby established. All moneys in the
- 27 account are continuously appropriated to the department and shall
- 28 be used for carrying out the department's functions and duties

- 1 under this 1985 Act. The department shall keep a record of all
- 2 moneys deposited in the account. The record shall indicate by
 - 3 cumulative accounts the source from which the moneys are derived
 - 4 and the individual activity or program against which each
 - 5 withdrawal is charged. Apportionment of moneys under this
 - 6 subsection shall cease when the department is reimbursed for all
 - 7 costs incurred by it under this 1985 Act.
- 8 "(3) The metropolitan service district shall adjust the amount
- 9 of the service and user charges collected by the district for solid
- 10 waste disposal to reflect the loss of those duties and functions
- 11 relating to solid waste disposal that are transferred to the
- 12 commission and department under this 1985 Act. Moneys no longer
- 13 necessary for such duties and functions shall be expended to
- 14 implement the solid waste reduction program submitted under section
- 5 8 of this 1985 Act. The metropolitan service district shall submit
- 16 a statement of proposed adjustments and changes in expenditures
- 17 under this subsection to the department for review.
- 18 "SECTION 10. ORS 459.049 does not apply to a disposal site
- 19 established under this Act.
- 20 "SECTION 11. This Act being necessary for the immediate
- 21 preservation of the public peace, health and safety, an emergency
- 22 is declared to exist, and this Act takes effect on its passage.".

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SOLID WASTE MANAGEMENT (General Provisions)

459.005 Definitions for ORS 459.005 to 459.285. As used in ORS 459.005 to 459.285, unless the context requires otherwise:

- (1) "Affected person" means a person or entity involved in the solid waste collection service process including but not limited to a recycling collection service, disposal site permittee or owner, city, county and metropolitan service district.
- (2) "Area of the state" means any city or county or combination or portion thereof or other geographical area of the state as may be designated by the commission.
- (3) "Board of county commissioners" or "board" includes county court.
- (4) "Collection franchise" means a franchise, certificate, contract or license issued by a city or county authorizing a person to provide collection service.
- (5) "Collection service" means a service that provides for collection of solid waste or recyclable material or both.
- (6) "Commission" means the Environmental Quality Commission.
- (7) "Department" means the Department of Environmental Quality.
- (8) "Disposal site" means land and facilities used for the disposal, handling or transfer of or resource recovery from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, transfer stations, resource recovery facilities, incinerators for solid waste delivered by the public or by a solid waste collection service, composting plants and land and facilities previously used for solid waste disposal at a land disposal site; but the term does not include a facility subject to the permit requirements of ORS 468.740; a landfill site which is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar nondecomposable material, unless the site is used by the public either directly or through a solid waste collection service; or a site licensed pursuant to ORS 481.345.
- (9) "Land disposal site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, pit, pond or lagoon.
- (10) "Land reclamation" means the restoration of land to a better or more useful state.

- (11) "Local government unit" means a city, county, metropolitan service district formed under ORS chapter 268, sanitary district or sanitary authority formed under ORS chapter 450, county service district formed under ORS chapter 451, regional air quality control authority formed under ORS 468.500 to 468.530 and 468.540 to 468.575 or any other local government unit responsible for solid waste management.
- (12) "Metropolitan service district" means a district organized under ORS chapter 268 and exercising solid waste authority granted to such district under ORS chapters 268 and 459.
- (13) "Permit" includes, but is not limited to, a conditional permit.
- (14) "Person" means the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.
- (15) "Recyclable material" means any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.
- (16) "Resource recovery" means the process of obtaining useful material or energy resources from solid waste and includes:
- (a) "Energy recovery," which means recovery in which all or a part of the solid waste materials are processed to utilize the heat content, or other forms of energy, of or from the material.
- (b) "Material recovery," which means any process of obtaining from solid waste, by presegregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.
- (c) "Recycling," which means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.
- (d) "Reuse," which means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.
- (17) "Solid waste collection service" or "service" means the collection, transportation or disposal of or resource recovery from solid wastes but does not include that part of a business licensed under ORS 481.345.
- (18) "Solid waste" means all putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes;

discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals and other wastes; but the term does not include:

- (a) Hazardous wastes as defined in ORS 459.410.
- (b) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.
- (19) "Solid waste management" means prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to such activities.
- (20) "Source separate" means that the person who last uses recyclable material separates the recyclable material from solid waste.
- (21) "Transfer station" means a fixed or mobile facility normally used, as an adjunct of a solid waste collection and disposal system or resource recovery system, between a collection route and a disposal site, including but not limited to a large hopper, railroad gondola or barge.
- (22) "Waste" means useless or discarded materials.
- (23) "Wasteshed" means an area of the state having a common solid waste disposal system or designated by the commission as an appropriate area of the state within which to develop a common recycling program. [1971 c.648 §2; 1973 c.811 §1; 1973 c.835 §135; 1975 c.239 §1; 1977 c.867 §21; 1983 c.729 §14; 1983 c.766 §5]

459.010 [1967 c.428 \$2; 1969 c.593 \$42; repealed by 1971 c.648 \$33]

- **459.015 Policy.** (1) The Legislative Assembly finds and declares that:
- (a) The planning, development and operation of recycling programs is a matter of statewide concern.
- (b) The opportunity to recycle should be provided to every person in Oregon.
- (c) There is a shortage of appropriate sites for landfills in Oregon.
- (d) It is in the best interests of the people of Oregon to extend the useful life of existing solid waste disposal sites by encouraging recycling and reuse of materials whenever recycling is economically feasible.

- (2) In the interest of the public health, safety and welfare and in order to conserve energy and natural resources, it is the policy of the State of Oregon to establish a comprehensive state-wide program for solid waste management which will:
- (a) After consideration of technical and economic feasibility, establish priority in methods of managing solid waste in Oregon as follows:
- (A) First, to reduce the amount of solid waste generated;
- (B) Second, to reuse material for the purpose for which it was originally intended;
- (C) Third, to recycle material that cannot be reused;
- (D) Fourth, to recover energy from solid waste that cannot be reused or recycled, so long as the energy recovery facility preserves the quality of air, water and land resources; and
- (E) Fifth, to dispose of solid waste that cannot be reused, recycled or from which energy cannot be recovered by landfilling or other method approved by the department.
- (b) Clearly express the Legislative Assembly's previous delegation of authority to cities and counties for collection service franchising and regulation and the extension of that authority under the provisions of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995.
- (c) Retain primary responsibility for management of adequate solid waste management programs with local government units, reserving to the state those functions necessary to assure effective programs, cooperation among local government units and coordination of solid waste management programs throughout the state.
- (d) Promote research, surveys and demonstration projects to encourage resource recovery.
- (e) Promote research, surveys and demonstration projects to aid in developing more sanitary, efficient and economical methods of solid waste management.
- (f) Provide advisory technical assistance and planning assistance to local government units and other affected persons in the planning, development and implementation of solid waste management programs.
- (g) Develop, in coordination with federal, state and local agencies and other affected persons, long-range plans including regional approaches to promote reuse, to provide land reclamation in sparsely populated areas, and in urban areas necessary disposal facilities for resource recovery.

- (h) Provide for the adoption and enforcement of minimum performance standards necessary for safe, economic and proper solid waste management.
- (i) Provide authority for counties to establish a coordinated program for solid waste management, to regulate solid waste management and to license or franchise the providing of service in the field of solid waste management.
- (j) Encourage utilization of the capabilities and expertise of private industry in accomplishing the purposes of ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285.
- (k) Promote means of preventing or reducing at the source, materials which otherwise would constitute solid waste.
- (L) Promote application of resource recovery systems which preserve and enhance the quality of air, water and land resources. [1971 c.648 \$1; 1975 c.239 \$2; 1983 c.729 \$15]
- 459.017 Relationship of state to local governments in solid waste management.
 (1) The Legislative Assembly finds and declares that:
- (a) The planning, location, acquisition, development and operation of landfill disposal sites is a matter of state-wide concern.
- (b) Local government has the primary responsibility for planning for solid waste management.
- (c) Where the solid waste management plan of a local government unit has identified a need for a landfill disposal site, the state has a responsibility to assist local government and private persons in establishing such a site.
- (2) It is the intent of the Legislative Assembly that any action taken by the Environmental Quality Commission to establish a landfill disposal site under ORS 459.049 be recognized as an extraordinary measure that should be exercised only in the closest cooperation with local government units that have jurisdiction over the area affected by the proposed establishment of a landfill disposal site. [1979 c.773 §2]

459.020 [1967 c.248 §1; repealed by 1971 c.648 §33]

(State Administration)

- 459.025 General powers and duties of department. Subject to policy direction by the commission, the department:
- (1) Shall promote and coordinate research, studies and demonstration projects on improved methods and techniques in all phases of solid waste management.

- (2) May apply to and receive funds from the Federal Government and from public and private agencies to carry out studies, research and demonstration projects in the field of solid waste management.
- (3) May enter into agreements with the Federal Government, state agencies, local government units and private persons to carry out ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285. [1971 c.648 \$4; 1973 c.835 \$136]

459.030 [1967 c.428 \$3; 1969 c.593 \$43; repealed by 1971 c.648 \$33]

459.035 Assistance in development and implementation of solid waste management plans and practices and recycling programs. Consistent with ORS 459.015 (2)(c), the department shall provide to state agencies, local government units and persons providing solid waste collection service, advisory technical and planning assistance in development and implementation of effective solid waste management plans and practices, implementation of recycling programs under ORS 459.165 to 459.200 and 459.250, and assistance in training of personnel in solid waste management. The department shall report to the Legislative Assembly from time to time on further assistance that will be needed to develop. implement and administer effective solid waste management programs or recycling programs. The department shall assist in surveys to locate potential disposal sites. The department may request the assistance of other state agencies. [1971 c.648 \$3; 1983 c.729 \$16]

459.040 [1967 c.428 §4; 1969 c.593 §44; repealed by 1971 c.648 §33]

- 459.045 Rules. (1) The commission shall adopt reasonable and necessary solid waste management rules governing the:
- (a) Accumulation, storage, collection, transportation and disposal of solid wastes to prevent vector production and sustenance, transmission of diseases to humans or animals, air pollution, pollution of surface or ground waters, and hazards to service or disposal workers or to the public.
- (b) Location of disposal sites, giving consideration to the adaptability of each disposal site to the population served, topography and geology of the area and other characteristics as they affect protection of ground and surface waters and air pollution; minimum standards of design, management and operation of disposal sites; and open burning and salvage operations at disposal sites.

- (c) Construction, loading and operation of vehicles used in performing solid waste collection service to prevent the contents thereof from dropping, sifting, leaking or escaping onto public highways.
- (d) Definition of other "wastes" subject to regulation pursuant to ORS 459.005 to 459.105, 459.205 to 459.245, 459.255 to 459.285 and 459.992 (1), (2) and (3).
- (e) Closure and post-closure maintenance of land disposal sites.
 - (2) The commission may by rule:
- (a) Exempt a class of land disposal sites from the requirement to provide financial assurance under ORS 459.270; or
- (b) Establish criteria which an individual land disposal site must meet to be exempted from the requirement to provide financial assurance under ORS 459.270.
- (3) The commission shall adopt rules on other subjects as necessary to carry out ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285.
- (4) The commission shall adopt rules which have modified or limited application in different geographic areas of the state when special conditions prevail in specified geographic areas. Special conditions that shall be considered include, but are not limited to, climatic conditions, zone classification of the area, population characteristics, methods and costs of solid waste management, solid waste management plans and other conditions in the area. Modifications or limitations shall not be unreasonable, arbitrary or inimical to the policy and purposes of ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285.
- (5) All rules adopted under this section shall be adopted after public hearing and in accordance with ORS 183.310 to 183.550.
- (6) Unless a rule adopted under this section is adopted pursuant to the authority granted by ORS 183.335 (2), the commission shall mail copies of the proposed rules to all persons who have requested such copies. The copies shall be mailed at least 30 days prior to the hearing required by subsection (5) of this section. [1971 c.648 §5; 1973 c.835 §137; 1981 c.709 §2; 1983 c.766 §6]

459.047 Landfill assistance from department; landfill disposal site certificate; effect of issuance. Upon request by a city or county responsible for implementing a department approved solid waste management plan which identifies a need for a landfill disposal site, and subject to policy direction by the com-

- mission, the Department of Enviro Quality shall:
- (1) Assist the local government uni establishment of the landfill including a in planning, location, acquisition, deve and operation of the site.
- (2) Site and issue a solid waste permit pursuant to ORS 459.205 to 459.255 and 459.265 for a landfill disp within the boundaries of the requesti government unit. Subject to the condit forth therein, any permit for a landfill site authorized by the Environmental Commission under this subsection shall state and all counties and cities and subdivisions in this state as to the app the site and the construction and oper the proposed facility. Affected state counties, cities and political subdivisio issue the appropriate permits, licenses tificates necessary to construction and of the landfill disposal site, subject only tion of the site certificate. Each state government agency that issues a permit or certificate shall continue to exercise ment authority over such permit, li certificate. [1979 c.773 §3]
- 459.049 Mandated sites in counties; establishment by state. (its own motion or upon the recommen the department, the Environmental Commission may determine that a lan posal site within the counties of Mari Clackamas, Washington or Multnomah established in order to protect the healt and welfare of the residents of an area f a local government solid waste manage has identified the need for a landfill dis In making its determination on the n landfill disposal site or, where applicabl location of a landfill disposal site, the sion shall give due consideration to:
- (a) The legislative policy and fin pressed in ORS 459.015, 459.017 and and particularly the policy that actiunder this section be exercised in cowith local government;
- (b) The provisions of the solid wa agement plan or plans for the affected
- (c) Applicable local government on rules, regulations and plans other than waste management;
- (d) The state-wide planning goals under ORS 197.005 to 197.430;
 - (e) The need for a landfill disposal s



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- (f) The availability and capacity of alternative disposal sites or resource recovery systems and facilities;
- (g) The time required to establish a landfill disposal site;
- (h) Information received from public comment and hearings; and
- (i) Any other factors the commission considers relevant.
- (2) If the commission makes a determination under subsection (1) of this section that there is a need for a landfill disposal site within a plan area, the commission may adopt an order directing the local government unit responsible for implementing the plan to establish a landfill disposal site within a specified period of time. The order may specify a time schedule for the completion of the major elements required to establish the site. A local government unit directed to establish a landfill disposal site under this section may request assistance from the department or request that the department establish the disposal site as provided in ORS 459.047.
- (3) If the commission determines that the establishment of a landfill disposal site ordered by the commission under subsection (2) of this section is not being accomplished or that the completion of major elements has fallen behind the time schedule specified in the order, the commission may direct the department to establish the disposal site or complete the establishment of the disposal site undertaken by the local government unit. The commission may direct the department to establish or complete the establishment of a landfill under this section only if the commission finds that:
- (a) The action is consistent with the statewide planning goals relating to solid waste management adopted under ORS 197.005 to 197.430 and any applicable provisions of a comprehensive plan or plans; and
- (b) The responsible local government unit is unable to establish the landfill disposal site ordered by the commission under subsection (2) of this section.
- (4) If the commission directs the department to establish or complete the establishment of a landfill disposal site under subsection (3) of this section, the department may establish the site subject only to the approval of the commission and the provisions of the solid waste management plan adopted for the area and in consultation with all affected local government units. Notwithstanding any city, county or other local government charter or ordinance to the con-

trary, the department may establish a landfill disposal site under this subsection without obtaining any license, permit, franchise or other form of approval from a local government unit. [1979 c.773 §4; 1983 c.827 §54]

459.050 [1967 c.428 \$5; 1969 c.593 \$45; repealed by 1971 c.648 \$33]

- 459.051 Procedural rules. In accordance with the requirements of ORS 183.310 to 183.550 and after public hearing, the commission shall adopt rules:
- (1) To establish a procedure for local government units to request assistance from the department in the establishment of landfill disposal sites under ORS 459.047, and to give notice of such requests.
- (2) To establish a procedure for obtaining public comment on determinations of need for landfill sites made by the commission under ORS 459.049.
- (3) To provide for public hearings in the area affected by a proposed landfill disposal site to be established by the department under ORS 459.049. [1979 c.773 §5]
- 459.053 Powers of department regarding landfill disposal sites. Subject to policy direction by the commission in carrying out ORS 215.213, 215.214, 215.283, 459.017, 459.047 to 459.065, 459.245 and 468.220, the department may:
- (1) By mutual agreement, return all or part of the responsibility for development or operation of the site to the local government unit within whose jurisdiction the site is to be established, or contract with the local government unit to establish the site.
- (2) To the extent necessary, acquire by purchase, gift, grant or exercise of the power of eminent domain, real and personal property or any interest therein, including the property of public corporations or local government.
- (3) Lease and dispose of real or personal property.
- (4) At reasonable times and after reasonable notice, enter upon land to perform necessary surveys or tests.
- (5) Acquire, modify, expand or build landfill disposal site facilities.
- (6) Subject to any limitations in ORS 468.195 to 468.260, use money from the Pollution Control Fund created in ORS 468.215 for the purposes of carrying out ORS 459.047 and 459.049.

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- (7) Enter into contracts or other agreements with any local government unit or private person for the purposes stated in ORS 459.065 (1).
- (8) Accept gifts, donations or contributions from any source to carry out the provisions of ORS 459.047 and 459.049.
- (9) Establish a system of fees or user charges to fund the operation and maintenance of a department owned landfill disposal site and to repay department costs. [1979 c.773 \$6; 1983 c.826 \$22]
- 459.055 Landfills in farm use areas; waste reduction programs. (1) Before issuing a permit for a landfill disposal site to be established after October 3, 1979, in any area zoned for exclusive farm use, the department shall determine that the site can and will be reclaimed for uses permissible in the exclusive farm use zone. A permit issued for a disposal site in such an area shall contain requirements that:
- (a) Assure rehabilitation of the site to a condition comparable to its original use at the termination of the use for solid waste disposal;
- (b) Protect the public health and safety and the environment;
- (c) Minimize the impact of the facility on adjacent property;
 - (d) Minimize traffic; and
- (e) Minimize rodent and vector production and sustenance.
- (2) Before issuing a permit for a landfill disposal site established under ORS 459.047 or 459.049, or for a disposal site established as a conditional use in an area zoned for exclusive farm use, the department shall require the local government unit responsible for solid waste disposal pursuant to statute or agreement between governmental units to prepare a waste reduction program and shall review that program in the manner provided in subsection (5) of this section. Such program shall provide for:
- (a) A commitment by the local government unit to reduce the volume of waste that would otherwise be disposed of in a landfill through techniques such as source reduction, recycling, reuse and resource recovery;
- (b) A timetable for implementing each portion of the waste reduction program;
- (c) Energy efficient, cost-effective approaches for waste reduction;
- (d) Procedures commensurate with the type and volume of solid waste generated in the area;

- (e) Legal, technical and economical feasibility.
- (3) If a local government unit has failed to implement the waste reduction program required pursuant to this section, the commission may, by order, direct such implementation.
- (4) The department shall report to each Legislative Assembly on the use made of this section, the level of compliance with waste reduction programs and recommendations for further legislation.
- (5) A waste reduction program prepared under subsection (2) of this section shall be reviewed by the department and shall be accepted by the department if it meets the criteria prescribed therein.
- (6) Notwithstanding ORS 459.245 (1), if the department fails to act on an application subject to the requirements of this section within 60 days, the application shall not be considered granted. [1979 c.773 §8a]
- 459.057 Department to limit wastes allowed in landfills in certain counties. (1) Before issuing a permit for a landfill disposal site to be established under ORS 459.047 or 459.049 or for a disposal site established as a conditional use in an area zoned for exclusive farm use within the boundaries of Clackamas, Marion, Multnomah, Polk or Washington County, the department shall require that, to the extent legally, technically and economically feasible only solid waste from transfer stations or solid waste residues from resource recovery facilities will be deposited in the landfill. As used in this section. "transfer station" means a site established for the collection and temporary storage of solid waste pending shipment in a compact and orderly manner to a landfill disposal site.
- (2) Nothing in this section shall be construed to prohibit the department from allowing other solid waste to be deposited in the landfill in order to protect the public health and safety or the waters of this state during a temporary emergency condition. [1979 c.773 §86]

459.060 [1967 c.428 \$6; 1969 c.593 \$46; repealed by 1971 c.648 \$33]

(Local Administration)

459.065 State preemption; intergovernmental agreements authorized. (1) The Legislative Assembly finds that solid waste disposal is a matter of state-wide concern. The Legislative Assembly finds that carrying out the provisions of ORS 459.005 to 459.105, 459.205 to

459.245 and 459.255 to 459.285 by cities, counties and metropolitan service districts is a matter of state-wide concern. In carrying out the provisions of ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285, a county or a city, or a metropolitan service district for one of its authorized functions, may enter into any agreement which the county, city or metropolitan service district determines is desirable, for any period of time, with the department, any local government unit or other person:

- (a) For joint or regional franchising of service or the franchising or licensing of disposal sites.
- (b) For joint preparation or implementation of a solid waste management plan.
- (c) For establishment of a regional solid waste management system.
- (d) For cooperative establishment, maintenance, operation or use of regional disposal sites, including but not limited to resource recovery facilities.
- (e) For the employment of persons to operate a site owned or leased by the county, city or metropolitan service district.
- (f) For promotion and development of markets for energy and materials from resource recovery.
- (g) For the establishment of landfill disposal sites including site planning, location, acquisition, development and placing into operation.
- (2) Authority granted by ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285 to local government units is specific and is in no way intended to restrict the general authority granted under ORS 190.010 to 190.030, 190.110, 203.010 to 203.065, 203.111, 203.145 to 203.810 and ORS chapter 268, and is in addition to and not in lieu of such authority. [1971 c.648 §14; 1973 c.835 §138; 1975 c.239 §3; 1977 c.95 §6; 1979 c.773 §7]

459.070 [1967 c.428 §7; 1969 c.593 §47; repealed by 1971 c.648 §33]

459.075 Acquisition of property for disposal sites by cities and counties. Subject to the requirements of ORS 459.005 to 459.105, 459.205 to 459.245 and 459.255 to 459.285, a county or a city may acquire real or personal property by lease, purchase, exercise of the power of eminent domain or otherwise for the purpose of operating and maintaining disposal sites. With the consent of the city involved, a county may acquire property for a site within the limits of a city. With the consent of the county having jurisdiction, a city may acquire property for a site outside the limits of the

city. [1971 c.648 §15]

459.080 [1967 c.428 §8; repealed by 1971 c.648 §33]

- 459.085 County authority outside cities; effect of annexation; interagency agreements. (1) With respect to areas outside of cities, a board of county commissioners may, by ordinance or by regulation or order adopted pursuant thereto:
- (a) Prescribe the quality and character of and rates for solid waste collection service, and the minimum requirements to guarantee maintenance of service.
- (b) Divide the unincorporated area into service areas, grant franchises to persons for solid waste collection service within service areas, and establish and collect fees from persons holding franchises.
- (c) Prescribe a procedure for issuance, renewal or denial of a franchise to a person providing or proposing to provide solid waste collection service.
- (d) Establish an agency to be responsible for investigation or inspection of solid waste collection service proposed or provided under a franchise or proposed franchise, such agency to have authority to order modifications, additions or extensions to the physical equipment, facilities, plan or service as shall be reasonable and necessary in the public interest.
 - (e) Regulate solid waste management.
- (2) With respect to areas outside of cities, a board of county commissioners may adopt ordinances to provide for:
- (a) The licensing of disposal sites as an alternative to franchising of service.
- (b) The regulation, licensing or franchising of salvage businesses or the operation of salvage sites where such action is found necessary to implement any part of a solid waste management plan applicable in the county; however, such an ordinance shall grant the same authority and prescribe the same procedures as provided for other franchises or licenses under this section.
- (3)(a) Where a city annexes all or a portion of a service area previously franchised by a county, the city, county and affected persons or local government units providing solid waste collection service shall attempt to reach an agreement to protect the extent and quality of service in areas remaining outside the city, to protect the quality of service within the city and to protect the rights of affected persons or local government units.
- (b) A city and county may, with permission of the city collector, provide by prior agreement

that an area, or portion of an area, annexed by the city but previously franchised by the county shall continue to be served by the county franchisee or shall be transferred to the city collector with compensation from the city collector to the county franchisee.

- (c) A city with permission of the city collector, or a city-regulated collector with permission of the city, may provide by prior agreement that an area, or portion of an area, annexed by the city but previously served by a collector located in an unfranchised area of the county shall continue to be served by the county collector or shall be transferred to the city collector with compensation from the city collector to the county collector.
- (d) Where no agreement has been reached under paragraph (a), (b) or (c) of this subsection, upon annexation of territory to a city the county-franchised collector may continue to serve the annexed area until:
- (A) The county collector is compensated by the city collector for the collection service in the annexed area, which compensation shall be the sum of the fair market value of the service at the time of the annexation and applicable severance damages; or
- (B) The expiration of the longer of the county franchise term or the term of the current city license, contract or franchise regulating solid waste collection; provided that term does not include any renewals or extensions made after the effective date of the annexation and that the total term does not exceed 10 years from the effective date of the annexation.
- (e) Nothing in this subsection shall restrict the right of a county to franchise, license or regulate solid waste management or any portion thereof as otherwise provided in subsections (1), (2) and (4) of this section.
- (4) If a county under the authority of ORS 670.210 to 670.240 (1969 Replacement Part) enacted an ordinance providing for the licensing of garbage dumps prior to July 1, 1971, the ordinance or that portion of the ordinance dealing specifically with garbage dumps shall be continued in full force and effect, and licenses issued pursuant thereto shall be in full force and effect until action is taken by the board of county commissioners under this section to amend or repeal the ordinance or to suspend or revoke the license. [1971 c.648 §16; 1977 c.639 §1]

459.095 Restrictions on authority of local government units. (1) No ordinance, order, regulation or contract affecting solid or liquid waste disposal, resource recovery or solid

waste management shall be adopted by a local government unit if such ordinance, order, regulation or contract conflicts with regulations adopted by the commission pursuant to ORS 459.045 or with a solid waste management plan or program adopted by a metropolitan service district and approved by the department or any ordinances or regulations adopted pursuant to such plan or program.

(2) Solid waste management regulations adopted by a sanitary district or sanitary authority shall be limited to regulations supplemental to the rules adopted by the commission pursuant to ORS 459.045 and necessary to meet special local conditions. [1971 c.648 §17; 1973 c.835 §139; 1977 c.95 §7]

459.105 Regulations on use of disposal sites. A local government unit may adopt regulations for patrons using each disposal site owned or operated by the local government unit, governing the volume or type of solid wastes that will be received at the site and the particular class or classes of person that may use the site. [1971 c.648 §18]

459.110 [1969 c.509 §1; repealed by 1971 c.648 §33]

459.120 [1969 c.509 \$2; 1971 c.648 \$29; repealed by 1981 c.81 \$3]

(Marion County Authority)

- 459.125 Authority of Marion County over products or by-products of county sites. (1) Subject to ORS 459.145 and the requirements of ORS 459.005 to 459.285, the board of county commissioners of Marion County may:
- (a) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the disposal sites of the county.
- (b) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the county or disposal, transfer or resource recovery sites or facilities designated by the county.
- (c) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the county or disposal, transfer or resource recovery sites or facilities designated by the county.
- (d) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recov-

ery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the county. Licenses or franchises granted by the board may be exclusive.

- (e) Cause solid wastes received and accepted at the disposal sites of the county to be processed, recycled or reused.
- (2) Contracts and other agreements authorized under subsection (1) of this section may be for terms not longer than 20 years. [1981 c.386 §2]

459.130 [1969 c.509 §3; 1971 c.330 §1; 1971 c.648 §30; 1979 c.190 §421; repealed by 1981 c.81 §3]

- 459.135 Marion County authority over private facility in county. Subject to ORS 459.145 and the requirements of ORS 459.005 to 459.285, a public or private disposal, transfer or resource recovery site or facility shall not be established, modified or extended in Marion County without the prior approval of the board of county commissioners. The board may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the county has either:
- (1) Entered into contracts obligating the county to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or
- (2) Adopted a franchise system for the disposal of solid or liquid wastes. [1981 c.386 §3]

459.140 [1969 c.509 §4; 1975 c.239 §5; repealed by 1981 c.81 §3]

- 459.145 Limits on Marion County authority. ORS 459.125 and 459.135 do not apply to, or grant to Marion County any authority over:
- (1) Material kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste and which is handled separately from waste material.
- (2) Resource recovery involving the collection, storage, processing or use of materials kept separate from waste material for the purpose of recycling or reuse by persons who generate solid waste. [1981 c.386 §4]

459.150. [1969 c.509 §5; 1975 c.239 §6; repealed by 1981 c.81 §3]

459.153 Intent not to discourage recycling. It is not the intent of the Legislative Assembly that Marion County, under ORS 459.125 and 459.135, take any action that would hinder or discourage recycling activities in the county. [1981 c.386 §5]

459.155. [1975 c.239 §8; 1979 c.772 §23; repealed by 1981 c.81 §3]

459.160 [1969 c.509 §7; repealed by 1971 c.648 §33]

- 459.165 Definitions for ORS 459.165 to 459.200 and 459.250. (1) As used in ORS 459.015, 459.165 to 459.200 and 459.250, the "opportunity to recycle" means at least:
- (a) A place for collecting source separated recyclable material located either at a disposal site or at another location more convenient to the population being served and, if a city has a population of 4,000 or more, collection at least once a month of source separated recyclable material from collection service customers within the city's urban growth boundary or, where applicable, within the urban growth boundary established by a metropolitan service district; or
- (b) An alternative method which complies with rules of the commission.
- (2) The "opportunity to recycle" defined in subsection (1) of this section also includes a public education and promotion program that:
- (a) Gives notice to each person of the opportunity to recycle; and
- (b) Encourages source separation of recyclable material. [1983 c.729 §2]
- 459.168 Commission duties. The commission shall:
- (1) Amend the state solid waste management plan to conform to the requirements of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995.
- (2) Review department reports on compliance with and implementation of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995.
- (3) Submit a report to each regular session of the Legislative Assembly regarding compliance with and implementation of the provisions of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995. [1983 c.729 §9]
- 459.170 Commission to adopt rules regarding waste disposal and recycling.
 (1) By January 1, 1985, and according to the requirements of ORS 183.310 to 183.550, the commission shall adopt rules and guidelines necessary to carry out the provisions of ORS

- 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995, including but not limited to:
- (a) Acceptable alternative methods for providing the opportunity to recycle;
- (b) Education, promotion and notice requirements, which requirements may be different for disposal sites and collection systems;
- (c) Identification of the wastesheds within the state;
- (d) Identification of the principal recyclable material in each wasteshed;
- (e) Guidelines for local governments and other persons responsible for implementing the provisions of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995;
- (f) Standards for the joint submission of the recycling report required under ORS 459.180 (1); and
- (g) Subject to prior approval of the appropriate legislative agency, the amount of an annual or permit fee or both under ORS 459.235, 459.245 and 468.065 necessary to carry out the provisions of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995.
- (2) In adopting rules or guidelines under this section, the commission shall consider:
- (a) The purposes and policy stated in ORS 459.015.
- (b) Systems and techniques available for recycling, including but not limited to existing recycling programs.
- (c) Availability of markets for recyclable material.
- (d) Costs of collecting, storing, transporting and marketing recyclable material.
 - (e) Avoided costs of disposal.
- (f) Density and characteristics of the population to be served.
- (g) Composition and quantity of solid waste generated and potential recyclable material found in each wasteshed. [1983 c.729 §3]
- 459.175 Notice to affected person in wasteshed; appeal; request for modification or variance. (1) After the commission identifies a wasteshed, the department shall notify each affected person to the extent such affected persons are known to the department, of the following:
- (a) That the affected person is within the wasteshed; and

- (b) The recyclable material for which affected persons within the wasteshed must provide the opportunity to recycle in all or part of that wasteshed.
 - (2) Any affected person may:
- (a) Appeal to the commission the inclusion of all or part of a city, county or local government unit in a wasteshed;
- (b) Request the commission to modify the recyclable material for which the commission determines the opportunity to recycle must be provided; or
- (c) Request a variance under ORS 459.185 (8). [1983 c.729 §5]
- 459.180 Recycling report; implementation of opportunity to recycle. (1) Upon final determination of the wasteshed and identification of recyclable material and any variance, the cities and counties within the wasteshed shall coordinate with all other affected persons in the wasteshed to jointly develop a recycling report to submit to the department. The report to the department shall explain how the affected persons within the wasteshed are implementing the opportunity to recycle.
- (2) Unless extended by the commission upon application under ORS 459.185 after the affected persons show good cause for an extension, the affected persons within the wasteshed shall implement the opportunity to recycle and submit the recycling report to the department not later than July 1, 1986. [1983 c.729 §6]
- 459.185 Approval, disapproval of recycling report; effect of disapproval. (1) The department shall review a recycling report submitted under ORS 459.180 to determine whether the opportunity to recycle is being provided within all of the affected portion of the wasteshed.
- (2) The department shall notify the affected persons who participated in preparing the report of acceptance or disapproval of the recycling report based on written findings.
- (3) If the department disapproves a recycling report:
 - (a) An affected person may:
- (A) Request a meeting with the department to review the department's findings, which meeting may include all or some of the affected persons who prepared the report; or
- (B) Correct the deficiencies that the department found in the report.

- (b) The department may grant a reasonable extension of time for the affected persons to correct deficiencies in the recycling report.
- (c) The affected persons submitting the report shall notify the department of any action taken to correct a cited deficiency.
- (4) In the event of disapproval and after a reasonable extension of time to correct deficiencies in the opportunity to recycle, the director of the department shall notify the commission that the affected persons within a wasteshed have failed to implement the opportunity or submit a recycling report.
- (5) Upon notification under subsection (4) of this section, the commission shall hold a public hearing within the affected area of the wasteshed.
- (6) If, after the public hearing and based on the department's findings on review of the recycling report and the hearing record, the commission determines that all or part of the opportunity to recycle is not being provided, the commission shall by order require the opportunity to recycle to be provided. The commission order may include, but need not be limited to:
 - (a) The materials which are recyclable;
- (b) The manner in which recyclable material is to be collected;
- (c) The responsibility of each person in the solid waste collection and disposal process for providing the opportunity to recycle;
- (d) A timetable for development or implementation of the opportunity to recycle;
- (e) Methods for providing the public education and promotion program;
- (f) A requirement that as part of the recycling program a city or county franchise to provide for collection service; and
- (g) Minimum standards for the mandatory franchising.
- (7) If a recycling program is ordered under this section, the department shall work with affected persons and designate the responsibilities of each of them.
- (8)(a) Upon written application by an affected person, the commission may, to accommodate special conditions in the wasteshed or a portion thereof, grant a variance from specific requirements of the rules or guidelines adopted under ORS 459.170 or a recycling program ordered by the commission under subsection (6) of this section.
- (b) The commission may grant all or part of a variance under this section.

- (c) Upon granting a variance, the commission may attach any condition the commission considers necessary to carry out the provisions of ORS 459.015, 459.165 to 459.200 and 459.250.
- (d) In granting a variance, the commission must find that:
- (A) Conditions exist that are beyond the control of the applicant;
- (B) Special conditons exist that render compliance unreasonable or impractical; or
- (C) Compliance may result in a reduction in recycling.
- (9) An affected person may apply to the commission to extend the time permitted under ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995 for providing for all or a part of the opportunity to recycle or submitting a recycling report to the department. The commission may:
- (a) Grant an extension upon a showing of good cause;
- (b) Impose any necessary conditions on the extension; or
- (c) Deny the application in whole or in part. [1983 c.729 §7]
- 459.188 Mandatory participation in recycling. (1) Upon findings made under subsection (3) of this section, the commission may require one or more classes of solid waste generators within all or part of a wasteshed to source separate identified recyclable material from other solid waste and make the material available for recycling.
- (2) In determining which materials are recyclable for purposes of mandatory participation, the cost of recycling from commercial or industrial sources shall include the generator's cost of source separating and making the material available for recycling or reuse.
- (3) Before requiring solid waste generators to participate in recycling under this section, the commission must find, after a public hearing, that:
- (a) The opportunity to recycle has been provided for a reasonable period of time and the level of participation by generators does not fulfill the purposes of ORS 459.015;
- (b) The mandatory participation program is economically feasible within the affected wasteshed or portion of the wasteshed; and
- (c) The mandatory participation program is the only practical alternative to carry out the purposes of ORS 459.015.

- (4) After a mandatory participation program is established for a class of generators of solid waste, no person within the identified class of generators shall put solid waste out to be collected nor dispose of solid waste at a disposal site unless the person has separated the identified recyclable material according to the requirements of the mandatory participation program and made the recyclable material available for recycling. [1983 c.729 §8]
- 459.190 Limitation on amount charged person who source separates recyclable material. A collection service or disposal site may charge a person who source separates recyclable material and makes it available for reuse or recycling less, but not more, for collection and disposal of solid waste and collection of recyclable material than the collection service charges a person who does not source separate recyclable material. [1983 c.729 §11]
- **459.192 Exemptions.** Nothing in ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995 applies to recyclable material which is:
 - (1) Source separated by the generator; and
- (2) Purchased from or exchanged by the generator for fair market value for recycling or reuse. [1983 c.729 §12]
- 459.195 Prohibitions against removing or mixing recyclable material. A person may not:
- (1) Without the permission of the owner or generator of recyclable material, take recyclable material set out to be collected by a person authorized by a city or county to provide collection service for that recyclable material.
- (2) Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable material without permission of the owner of the receptacle.
- (3) Mix source separated recyclable material with solid waste in any vehicle, box, container or receptacle used in solid waste collection or disposal. [1983 c.729 §13]
- 459.200 City, county authority to issue collection service franchises; opportunity to recycle; rates. (1) The Legislative Assembly finds that providing for collection service including but not limited to the collection of recyclable material as part of the opportunity to recycle is a matter of state-wide concern.

- (2) The exercise of the authority granted by this section is subject to ORS 221.735 and 459.085 (3).
- (3) It is the intent of the Legislative Assembly that a city or county may displace competition with a system of regulated collection service by issuing franchises which may be exclusive if service areas are allocated. The city or county may recognize an existing collection service. A city or county may award or renew a franchise for collection service with or without bids or requests for proposals.
- (4) In carrying out the authority granted by this section, a city or county acts for and on behalf of the State of Oregon to carry out:
 - (a) The purposes of ORS 459.015;
- (b) The requirements of ORS 459.005, 459.015, 459.035, 459.165 to 459.200, 459.250, 459.992 and 459.995;
 - (c) Waste reduction programs; and
 - (d) The state solid waste management plan.
- (5) After October 15, 1983, a city or a county may continue, extend or renew an existing franchise or grant a new franchise for collection service. If a city or county, in furtherance of ORS 459.005 to 459.285, has granted a collection service franchise before October 15, 1983, it may treat the franchise as if adopted under this section.
- (6)(a) If a collection service franchise is continued, extended, renewed or granted on or after October 15, 1983, the opportunity to recycle shall be provided to a franchise holder's customers no later than July 1, 1986. This subsection does not apply to that portion of the opportunity to recycle provided at or in connection with a disposal site under ORS 459.250.
- (b) The opportunity to recycle may be provided by:
 - (A) The person holding the franchise:
- (B) Another person who provides the opportunity to recycle to the franchise holder's customers; or
- (C) A person who is granted a separate franchise from the city or county solely for the purpose of providing the opportunity to recycle.
- (c) In determining who shall provide the opportunity to recycle, a city or county shall first give due consideration to any person lawfully providing recycling or collection service on June 1, 1983, if the person continues to provide the service until the date the determination is made and the person has not discontinued the service for a period of 90 days or more between June 1,

1983, and the date the city or county makes the determination.

- (7) In granting a collection service franchise, the city or county may:
- (a) Prescribe the quality and character of and rates for collection service and the minimum requirements to guarantee maintenance of service, determine level of service, select persons to provide collection service and establish a system to pay for collection service.
- (b) Divide the regulated area into service areas, grant franchises to persons for collection service within the service areas and collect fees from persons holding such franchises.
- (8) The rates established under this section shall be just and reasonable and adequate to provide necessary collection service. The rates established by the city or county shall allow the person holding the franchise to recover any additional costs of providing the opportunity to recycle at the minimum level required by this 1983 Act or at a higher level of recycling required by or permitted by the city or county. The rates shall also allow the person to recover the costs of education, promotion and notice of the opportunity to recycle provided by a person holding a franchise.
- (9) Instead of providing funding for the opportunity to recycle through rates established pursuant to subsection (8) of this section, a city or county may provide an alternative method of funding all or part of the opportunity to recycle.
- (10) In establishing service areas, the city or county shall consider:
 - (a) The policies contained in ORS 459.015;
- (b) The requirements of ORS 459.165 to 459.200 and 459.250:
- (c) Any applicable local or regional solid waste management plan approved by the department;
- (d) Any applicable waste reduction plan approved by the department; and
- (e) The need to conserve energy, increase efficiency, provide the opportunity to recycle, reduce truck traffic and improve safety.
- (11) A city or county may further restrict competition by permitting one or more collection service franchise holders to cooperate to provide the opportunity to recycle if the city or county finds that such cooperation will:
 - (a) Improve collection service efficiency;
- (b) Guarantee an adequate volume of material to improve the feasibility and effectiveness of recycling;

- (c) Increase the stability of recycling markets; or
- (d) Fancourage joint marketing of materials or joint education and promotion efforts.
- (12) The provisions of this section are in addition to and not in lieu of any other authority granted to a city or county. A city or county's exercise of authority under this section is not intended to create any presumption regarding an activity of the local government unit not addressed in this section. This section shall not be construed to mean that it is the policy of Oregon that other local government activities may not be exercised in a manner that supplants or limits economic competition. [1983 c.729 §10]

(Disposal Sites)

- 459.205 Permit required. (1) Except as provided by ORS 459.215, a disposal site shall not be established, operated, maintained or substantially altered, expanded or improved, and a change shall not be made in the method or type of disposal at a disposal site, until the person owning or controlling the disposal site obtains a permit therefor from the department as provided in ORS 459.235.
- (2) The person who holds or last held the permit issued under subsection (1) of this section, or, if that person fails to comply, then the person owning or controlling a land disposal site that is closed and no longer receiving solid waste after January 1, 1980, must continue or renew the permit required under subsection (1) of this section after the site is closed for the duration of the period in which the department continues to actively supervise the site, even though solid waste is no longer received at the site. [1971 c.648 §6; 1983 c.766 §7]

459.210 [1969 c.90 §2; repealed by 1971 c.648 §33]

459.215 Exclusion of certain sites from permit requirement. (1) By rule and after public hearing, the commission may prescribe criteria and conditions for excluding classes of disposal sites from the permit requirements of ORS 459.205. Disposal sites so excluded shall be limited to those which, because of the nature or volume of solid waste handled, are not likely to create a public nuisance, health hazard, air or water pollution, or other serious problem. Facilities operated under a permit issued under ORS 468.740 are not required to obtain a permit from the department pursuant to ORS 459.205. However, exclusion from the permit requirements of ORS 459.205 does not relieve any person from compliance with other requirements of

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(4) Assurance of employment to persons employed by the mass transportation system acquired and priority of reemployment to persons previously employed. [1969 c.700 §29a]

POWERS

268.300 Existence, status and general powers of district; where vested. (1) A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall have full power to carry out the objectives of its formation and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

- (2) For purposes of its authorized functions, a district may contract with the United States or with any county, city, state or public body, or any of their departments or agencies.
- (3) Except as this chapter provides to the contrary, the powers of the district shall be vested in the governing body of the district. [1969 c.700 §§8, 26; 1977 c.95 §1]

268.310 Powers of district. A district may, to carry out the purposes of this chapter:

- (1) Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties in accordance with this chapter.
- (2) Subject to the requirements of ORS 459.005 to 459.045, 459.065 to 459.105, 459.205 to 459.245, 459.255 to 459.285 and 459.992 (1) to (3), dispose, and provide facilities for disposal, of solid and liquid wastes.
- (3) Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.
- (4) Provide public transportation and terminal facilities for public transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.
- (5) Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

- (6) Subject to specific approval by the electors of the district of the financing of such activities, acquire, construct, alter, maintain, administer and operate major cultural, convention, exhibition, sports and entertainment facilities.
- (7) Notwithstanding ORS 268.312, provide planning for metropolitan and local aspects of criminal and juvenile justice. Funds derived from municipal corporations under ORS 268.513 may be used as matching funds to obtain federal or state grants for those planning purposes. [1969 c.700 §10; 1971 c.648 §22; 1975 c.510 §2; 1977 c.95 §17; 1977 c.665 §10; 1977 c.782 §5; 1979 c.804 §4]

268.312 Additional powers of district; preconditions. If either a tax base or income tax has been authorized the district by its electors under ORS 268.315 or 268.505 a district may also:

- (1) Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement in accordance with this chapter.
- (2) Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth.
- (3) Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.
- (4) Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
- (5) Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries. [1977 c.665 §10a (enacted in lieu of 268.200); 1977 c.782 §6]

268.315 Authority of district to levy ad valorem tax. For the purpose of performing the functions set forth in subsection (5) of ORS 268.310, the district, when authorized at any properly called election held for such purpose, shall have the power to levy an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half of one percent (.005) of the true cash value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. [1975 c.510 §3]

Note: 268.315 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 268 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

268.317 Solid and liquid waste disposal powers. For purposes of solid and liquid waste disposal, a district may:

- (1) Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district. Leases authorized by this section include lease-purchase agreements whereunder the district may acquire ownership of the leased property at a nominal price. Such leases and lease-purchase agreements may be for a term of up to 30 years.
- (2) Sell, enter into short or long-term contracts, solicit bids, enter into direct negotiations, deal with brokers or use other methods of sale or disposal for the products or by-products of the district's facilities.
- (3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.
- (4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the district or disposal, transfer or resource recovery sites or facilities designated by the district.
- (5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all public or private disposal, transfer and resource recovery sites or facilities located within the district. Licenses or franchises granted by the district may be exclusive. Existing landfills authorized to accept food wastes which, on March 1, 1979, are either franchised by a county or owned by a city are exempt from the district's franchising and rate regulation.
- (6) Prescribe a procedure for the issuance, administration, renewal or denial of contracts, licenses or franchises granted under subsection (5) of this section.
- (7) Regulate the service or services provided by contract, license or franchise and order modifications, additions or extensions to the equip-

ment, facilities, plan or services as shall be in the public interest.

(8) Receive, accept, process, recycle, reuse and transport solid and liquid wastes. [1977 c.95 §3; 1979 c.531 §4]

268.318 Council approval required for disposal, transfer or resource recovery site or facility; criteria. (1) No public or private disposal, transfer or resource recovery site or facility in the district shall be established, modified or extended without the prior approval of the council. The council may deny an application for the establishment, modification or extension of a site or facility if pursuant to its solid waste management plan the district has either:

- (a) Entered into contracts obligating the district to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that those sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of those sites or facilities; or
- (b) Adopted a franchise system for the disposal of solid or liquid wastes.
- (2) In considering an application for the establishment, modification or extension of a site or facility, the council may take into account the location and number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the district's solid waste management plan and whether the applicant has complied with all other applicable regulatory requirements. [1979 c.531 §2]

268.320 Elector approval of district actions; assumption of local aspects of functions. (1) The electors of a district may, from time to time, and in exercise of their power of the initiative, or by approving a proposition referred to them by the governing body of the district, authorize the district to assume additional functions and determine the number, qualifications and manner of selecting members of the governing body of the district.

- (2) Local aspects of the functions authorized by subsection (1) of this section may be assumed only on the basis of agreements between the district and other public corporations, cities or counties.
- (3) The electors of a district may, in exercise of their power of initiative, or by approving a proposition referred to them by the governing body of the district, authorize a transfer of all the duties, functions and powers of the boundary commission formed within the metropolitan area

under ORS 199.410 to 199.519 to the district. [1969 c.700 §11; 1977 c.95 §18; 1977 c.665 §11]

268.330 Powers when providing local aspects of service; powers for public transportation; tax refunds. (1) To provide a local aspect of a public service the district may take over facilities and functions of another public corporation, city or county, and may exercise powers of the corporation, city or county, in accordance with the agreement by which the district assumes the functions of the other corporation, city or county.

- (2) For purposes of public transportation, a district may:
- (a) Contract with the United States or with any county, city or state, or any of their departments or agencies, for the construction, preservation, improvement, operation or maintenance of any mass transit system.
- (b) Build, construct, purchase, improve, operate and maintain, subject to other applicable provisions of law, all improvements, facilities or equipment necessary or desirable for the mass transit system of the district.
- (c) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.
- (d) Fix and collect charges for the use of the transit system and other district facilities.
- (e) Construct, acquire, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with the mass transit system within or outside the district.
- (f) Use a public thoroughfare in a manner mutually agreed to by the governing bodies of the district and of the thoroughfare or, if they cannot so agree upon how the district may use the thoroughfare, in a manner determined by an arbitrator appointed by the Governor.
- (g) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by this chapter.
- (3) A district shall be entitled to tax refunds under ORS 319.831, as if the district were a city. [1969 c.700 §12; 1979 c.344 §3; 1983 c.740 §69]

268.335 Authority to establish service districts. (1) A metropolitan service district may establish service districts as provided by ORS chapter 451 and this chapter. For the purposes of ORS chapter 451, a metropolitan service district shall be considered a county and the district council created by ORS 268.150 shall be considered a county court.

(2) Notwithstanding those districts authorized under ORS 451.010, a metropolitan service district may create service districts only for purposes authorized by this chapter. [1977 c.665 §21]

268.340 Acquisition of property; condemnation procedure; authority to lease and dispose of property; right of entry to survey lands. (1) To the extent necessary to provide a metropolitan aspect of a public service, a district may acquire by purchase, condemnation, devise, gift or grant real and personal property or any interest therein within and without the district, including property of other public corporations. In so doing the district may proceed under ORS chapter 35.

- (2) A district may lease and dispose of property in accordance with ORS 271.300 to 271.370.
- (3) For purposes of surveys necessary for its proper functioning, a district may enter upon land, after giving the owner thereof reasonable advance notice of the entry. [1969 c.700 §§13, 14, 15; 1979 c.804 §5]

268.342 Acquisition of water rights.
(1) A district may appropriate and acquire water and water rights within and without the district for the purpose of providing metropolitan aspects of water supply and distribution.

(2) Subsection (1) of this section is not to be construed to affect or impair the vested rights of any person, public corporation, city or county to the use of water or rights in the use of water. [1977 c.665 §23]

268.345 Limitation on condemnation power for certain facilities. Notwithstanding any power of condemnation, the district shall not acquire existent major cultural, convention, exhibition, sports or entertainment facilities owned by a public or municipal corporation without the consent of the governing body of that corporation. [1977 c.782 §2]

268.350 Contracts of district. A district may contract with any public or private agency for the agency to operate any facility or perform any function that the district is authorized to operate or perform. By contract the district may assume any function of any public corporation, city or county in the district that the district has power to assume under this chapter. [1969 c.700 §23]

268.355 Limited participation by local government in Washington in council deliberations; contract. (1) Notwithstanding any other law, a district council may contract

with any local government outside this state which shares a common boundary with the district for the participation of that local government in the council's deliberations.

- (2) No contract under subsection (1) of this section shall allow a local government jurisdiction outside the State of Oregon a vote on a district council. A contract may grant the participating local government the limited right to object to a measure before a council insofar as that measure directly affects the participating local government. The contract may provide that when an objection is made by the participating local government to a measure the measure shall not apply to the participating local government unless it receives a not less than two-thirds affirmative vote of the members of the council.
- (3) A contract under subsection (1) of this section may require a participating local government to pay assessments in the manner provided under ORS 268.513. [1979 c.804 §3]

268.360 Authority to exercise police power; ordinances; enforcement. (1) For purposes of its authorized functions a district may exercise police power and in so doing adopt such ordinances as a majority of the members of its governing body considers necessary for the proper functioning of the district. All legislative acts shall be by ordinance and all such ordinances shall be adopted in the manner provided in ORS chapter 198, except where in conflict with this section.

- (2) Unless otherwise specified by the governing body in the ordinance, an ordinance shall become effective upon its adoption. If the council refers an ordinance to the electors or if a proper referral petition containing the appropriate number of valid signatures is filed, except ordinances making appropriations or effecting an annual tax levy, the ordinance shall become inoperative and the effective date shall be suspended. An ordinance referred by the council or by action of the electors shall become effective when approved by a majority of the electors voting on the question.
- (3) In addition to the provisions of ORS 268.990, violation of the district's ordinances may be enjoined by the district upon suit in a court of competent jurisdiction.
- (4) In addition to any other penalty provided by law, any person who violates any ordinances or order of the district pertaining to one or more of its authorized functions shall incur a civil penalty not to exceed \$500 a day for each day of violation.

- (5) The civil penalty authorized by subsection (4) of this section shall be established, imposed and collected in the same manner as civil penalties are established, imposed and collected under ORS chapter 468. [1969 c.700 §24; 1977 c.95 §4; 1977 c.665 §12; 1981 c.173 §41; 1981 c.353 §4; 1983 c.350 §132]
- 268.370 Authority to take over transit system of mass transit district; effect of transfer order. When a metropolitan service district organized under this chapter functions in a mass transit district organized under ORS 267.010 to 267.390, the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district, whereupon:
- (1) The governing body of the transit district shall transfer title to, and possession of, the transit system and of all books, records, files, documents, and other property of the district to the metropolitan district.
- (2) The metropolitan district shall be responsible for all the liabilities and obligations imposed upon or assumed by the transit district.
- (3) For purposes of mass transit the metropolitan district shall have all the rights, powers, privileges, and immunities, and be subject to all the duties and obligations, of a mass transit district under ORS 267.010 to 267.390, insofar as those rights, powers, privileges, immunities, duties, and obligations are consistent with this chapter.
- (4) The boundaries of the metropolitan district shall, for purposes of mass transit, be extended to encompass all the territory of the transit district.
- (5) The transit district shall be dissolved and the offices of its directors terminated. [1969 c.700 §32]
- 268.380 Land-use planning goals and activities; coordination; review of local plans. A district council shall:
- (1) Adopt land-use planning goals and objectives for the district consistent with goals adopted under ORS 197.005 to 197.430;
- (2) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan conforms to the district's metropolitan area goals and objectives and the state-wide goals;

- (3) Coordinate the land-use planning activities of that portion of the cities and counties within the district; and
- (4) Coordinate its activities and the related activities of the cities and counties within the district with the land-use planning development activities of the Federal Government, other local governmental bodies situated within this state or within any other state and any agency of this state or another state. [1977 c.665 §17: 1979 c.804 §11]
- 268.385 District as regional planning coordinator. (1) For the purposes of ORS 197.190, the district formed under this chapter shall exercise within the district the review, advisory and coordinative functions assigned under ORS 197.190 (1) to each county and city that is within the district.
- (2) ORS 197.190 (3) and (4) shall not apply to a district formed under this chapter. [1977 c.665 §19]
- 268.390 Planning for activities and areas with metropolitan impact; review of local plans; urban growth boundary. A district council shall:
- (1) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:
 - (a) Air quality;

 $m{ imes}$

- (b) Water quality; and
- (c) Transportation.
- (2) Prepare and adopt <u>functional plans</u> for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the council may identify.
- (3) Adopt an urban growth boundary for the district in compliance with applicable goals adopted under ORS 197.005 to 197.430.
- (4) Review the comprehensive plans in effect on January 1, 1979, or subsequently adopted by the cities and counties within the district which affect areas designated by the council under subsection (1) of this section or the urban growth boundary adopted under subsection (3) of this section and recommend or require cities and counties, as it considers necessary, to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans adopted under subsection (2) of this section and its urban growth boundary adopted under subsection (3) of this section. [1977 c.665 §18; 1979 c.402 §1; 1983 c.827 §53]

SPECIAL ASSESSMENT DISTRICTS

- 268.460 Notice of intent to establish special assessment district; contents. (1) Before construction or acquisition of a facility or the furnishing of a service which the district is authorized to furnish and for which facility or service the district intends to establish a special assessment district, the governing body of the district shall adopt an ordinance that:
- (a) Describes the facility to be constructed or acquired or the service to be furnished and the part of the work to be undertaken immediately:
- (b) Contains a preliminary estimate of the probable cost of the facility or service;
- (c) Determines the manner of financing the construction or acquisition of the facility or the furnishing of the service. The governing body may provide that the cost of such construction, acquisition or service shall be paid in part by assessments against the property directly benefited or property contributing to the problem that the construction, acquisition or service is designed to correct and in part out of general funds, ad valorem tax levies, the proceeds of the sale of bonds, service charges or any combination of such sources. The determination of the governing body as to the proportion of cost allocation shall be based on its sound discretion;
- (d) Describes one or more assessment districts containing the properties against which the cost of the facility or service will be assessed; and
- (e) Contains provision for notices to be mailed to affected property owners announcing the intention of the governing body of the district to construct or acquire the facility or to furnish the service and to assess benefited property or property contributing to the problem that the construction, acquisition or service is designed to correct for a part or all of the cost.
 - (2) The ordinance may also:
- (a) Provide that notices mailed under this subsection shall be sent with response cards so that the affected property owners can indicate approval of, or opposition to, the proposed facility or service;
- (b) Provide for a hearing not sooner than 20 days after the mailing of the notices described in paragraph (e) of subsection (1) of this section at which affected property owners may appear to support or object to the implementation of the proposed facility or service and return their response cards; and

Handont 9.1

ALTERNATIVE TECHNOLOGY SYMPOSIUM

PURPOSE OF SYMPOSIUM:

The symposium shall gather, before an impartial panel, general technical information (not vendor-specific) pertinent to system operation and reliability of resource recovery technologies. This technical information will be employed to objectively assess the relative viability of the technologies, as merits of each method are examined by the panel.

PANEL FOR SYMPOSIUM:

a nine member panel; composition as follows:

- * two Metro Council members, appointed by the presiding officer
- * a DEQ staff member with technical experience, appointed by the director of DEQ
- * six members, appointed by the Executive Officer:
 - two engineers with expertise in materials processing, chemistry and energy generation
 - an individual technically knowledgable in "appropriate technologies"
 - an individual with expertise in venture financing
 - two citizen members.

The charge of the panel is to ascertain technical viability of alternative technologies. Criteria upon which to base these assessments will be developed before the date of the symposium.

The panel shall be asked to provide to staff and to the Council the following:

- 1) Recommendations of which technologies are suitable for further consideration, and which are the most promising
- 2) Recommendations of additional research which should be conducted to fully evaluate the desirability of implementing each technology.

INVITATION FOR PRESENTATIONS:

Those in receipt of the draft chapter "Alternate Technologies" of the Solid Waste Management Plan will be invited to submit brief papers describing the technology they wish to promote. Technical information about technologies, and not proposals for implementation, will be accepted. Staff will review the papers and make recomendations to the panel concerning presentors. The panel shall select presentors to be invited to the symposium based upon the ability of the proposed technology to address the solid waste problem, and the need to obtain additional information to assess its feasibility.

PROPOSED TIMETABLE:

The proposed date for the symposium is Friday, July 26 and, if needed, Saturday July 27, 1985. Presentations will commence at 1:00 PM, lasting no longer than 45 minutes each. Question and answer periods at the pleasure of the panel will follow.

Invitations will be mailed before June 21, 1985, with papers to be submitted no later than July 5, 1985. Selections will be made, and presenters notified of the specific time for the delivery of their paper no later than July 12, 1985. The panel will report to the Council on August 22.



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

Date: June 13, 1985

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 Agenda Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.

- 6.1 Approval of Minutes of the Meeting of May 9, 1985
- 6.2 Consideration of Resolution No. 85-573, for the Purpose of Amending the Classification and Pay Plans for the Metropolitan Service District (Personnel Officer, Data Processing Manager and Information Systems Analyst)

Rick Gustafson Executive Officer

RG: amn

Handout - Stem 5

METRO PREQUALIFICATION FORM SUMMARY

Our Form	GS Form	Other Source
ı	3	
2	4	
3	5	
4	6	
5		Portland regarding equipment availability -
6		statutory
7	8	
8	9	
9		General information regarding 7 and 8 similar to GS 13
10	7	
11	10	
12		Portland 2 regarding personnel experience - statutory
13	11	
14	12	
15	13	
16	14	
17	15	
18	10	C&D Portland 12; E Attorney General's opinion allows - all statutory
19	17	

Omitted State Questions

- Irrelevent types of work; we limited to sanitary landfills which the state does not list.
- 2. Related to equipment and personnel availability; we covered in other ways, plus bond.
- 3. Minority business information; not necessary due to our DBE requirements.

STOEL, RIVES, BOLEY, FRASER & WYSE

LAW OFFICES

900 SW Fifth Avenue PORTLAND, OREGON 97204 (503) 224-3380

To Metro Council

Date June 13, 1985

From Mr. John F. Bradac

Subject Metro Prequalification Procedure - St. Johns Landfill

We have reviewed the prequalification process used by Metro in connectin with the contract for operation of the St. Johns Landfill. This memorandum summarizes our research and observations regarding the validity of the process and Metro's ability to allow Roadway to bid, despite the late submittal of Roadway's Prequalification Application.

1. Metro's Prequalification Process May Be Invalid.

Competition is an important factor in evaluating the ability of Metro's prequalification process to withstand a legal challenge. In Manson Construction and Engineering Company v. State of Washington, 24 Wash App 185, 600 P2d 643 (1979), the court invalidated a State Department of Transportation prequalification process which exceeded the bases for prequalification mandated by Washington statute. The following excerpt from the court's discussion has some application here as well:

"We begin our analysis of this appeal by reasserting this jurisdiction's strong public policy that, except as permitted by legislation, public contracts shall be let only after competitive bidding procedures have been complied with. Miller v. State, 73 Wash.2d 790, 440 P.2d 840 (1968); Savage v. State, 75 Wash.2d 618, 453 P.2d 613 (1969). Prequalification standards, as authorized by RCW 47.28.070, tend to limit the extent of competitive bidding. It is the function of the legislature, not the judiciary or an administrative agency, to circumscribe competitive bidding. When, as in the case at bench, the legislature has already defined those limits, courts will be wary of interpreting the legislatively mandated standards so as to further circumscribe the competitive bidding policy. Accordingly, we are not inclined to view favorably an administrative agency's attempt to extend its authority by asserting prequalification standards in excess of those specifically provided by statute." (Emphasis added.)

Metro Council June 13, 1985 Page Two

We are confident that a similar approach would be applied by an Oregon court reviewing the expansive inquiry embodied in Metro's Prequalification Application form. This seems all the more likely in light of the requirement of ORS 279.039(1) that the prequalification application be "in writing on a standard form prescribed by the director." Metro's Resolution No. 85-564 seeks to circumvent this requirement by referencing ORS 279.037(2), which allows the public contracting agency to make such inquiry as is necessary to determine whether a person is qualified. This subsection does not allow Metro to override the stated requirement for a standard form of application prescribed by the Director of the State's Department of General Services. If this had been the Legislature's intent, it certainly could have so provided. In fact, the determination of the standard prequalification application form is one of the few functions specifically excepted from the authority of a local contract review board (such as the Metro Council) by ORS 279.055(4).

While the Metro prequalification form states that disqualification will be based on the statutory criteria set forth in ORS 279.037, the form itself requires a wide range of information on financial resources, commercial relationships and solid waste landfill experience, which are not required by the standard Department of General Services form. ORS 279.037(1)(a) presumes financial ability to perform based solely on the ability to bond. Metro's inquiry should not have exceeded the scope of the statute.

While Metro has taken great pains to state that disqualification criteria are limited to those stated in ORS 279.037, we find in the April 25, 1985 Council minutes a troublesome reference to a statement by Mr. Wietting. Mr. Wietting apparently reported that, while the prequalification criteria published in the request for bids would be in the language of the statute, "[t]he evaluation committee would use a more specialized set of criteria also based on state law." This procedure is objectionable on two grounds. First, bidders have no notice of the criteria upon which their submittals will be judged and, second, more specialized criteria necessarily exceed the permissible scope of prequalification under the Manson case, supra, and adversely affect competition for the contract.

The short time frame for qualification may also operate to invalidate the process, since it necessarily reduced competition for this contract. Who knows how many firms chose not to seek prequalification, because they could not get their information together in time to meet Metro's submittal deadline? Metro's own June 6, 1985 staff report recognizes that prospective bidders

Metro Council June 13, 1985 Page Three

were having difficulty meeting the deadline. Metro staff denied two bidders' requests to extend the deadline on May 29, 1985. There is real reason to question whether this administrative inflexibility is consistent with the competitive bid system and the Legislature's stated policy favoring competition. An analogous situation was held to violate the New Jersey competitive bidding statute in Waste Disposal v. Mayor & Council of Roselle Park, 145 NJ Super 217, 367 A2d 449 (1976).

Any reduction of competition very probably will result in a higher cost to local taxpayers, including Roadway and related companies. Metro, as a custodian of public money, is held to a strict standard of care in the application of those moneys.

Secretary of State v. Hanover Insurance Company, 240 Or 541, 547, 411 P2d 89 (1966). The restrictions imposed on competition by Metro's prequalification process arguably do not meet that standard.

 Strong State Policies Favoring Competition and Local Businesses Support Allowing Roadway to Bid.

The Oregon Legislature has stated a strong policy favoring competition in public contracting. ORS 279.065 requires that public contracts be based upon competitive bids, except in very limited circumstances, none of which apply here. The Legislature has also stated, as affirmative policy, that public improvements shall be obtained at the "least cost to the public agency," in ORS 279.023. The legislative preference for competition to protect the public interests is also evidenced in many other sections of the Oregon Revised Statutes, including, the provisions of ORS 261.335, 273.201, 274.530, 275,340, 275,294 and 381.270. This fundamental policy will be substantially undercut if Roadway is not allowed to bid on the operation of the St. Johns Landfill. Roadway, as a well-qualified local contractor, is positioned to be a strong competitor for this work. Its involvement should have a salutary effect on the bids of other bidders.

It is also important to note that in ORS 279.021(1), the Legislature has stated a strong preference for local companies:

"*** In all public contracts, the public contracting agency shall prefer goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal."

Unless Roadway is allowed to bid on this work, either by virture of ORS 279.047 presumption or based on Metro's waiver

Metro Council June 13, 1985 Page Four

of its late prequalification submission, this policy will be completely defeated. Roadway is the only prospective local bidder. Our review of several of the other prequalification statements filed with Metro indicates that at least some bidders intend to manage many aspects of this operation from home offices in other states.

3. Roadway Enjoys a Statutory Presumption of Qualification.

ORS 279.047 provides as follows:

"***If a person is prequalified with
the Department of Transportation to perform
contracts, or with the Department of General
Services to perform contracts, that person
is rebuttably presumed qualified with any
other public contracting agency for the same
kind of work. When qualifying for the same
kind of work with another public contracting
agency, that person may submit proof of such
prequalification in lieu of a prequalification
application as required by ORS 279.039(1) or
as a request for prequalification under
ORS 279.041(1)." (Emphasis added.)

On Roadway's behalf, we are tendering Roadway's current State of Oregon Department of Transportation prequalification in lieu of the Metro prequalification requirement. Roadway's prequalification with the State amply demonstrates that Roadway has the financial ability, equipment and experienced personnel to perform this contract. The highway, earthwork and drainage experience indicated by the statement qualify Roadway for the work it will face if it is awarded this contract.

ORS 279.047 rebuttably presumes Roadway's qualification, unless it is proved to be disqualified. The grounds for disqualification are limited to those stated in ORS 279.037. Roadway clearly qualifies under these criteria.

It is important to note that Roadway's experience, particularly in landfill operation, is well known to Metro. KFP, Inc., Roadway's wholly owned subsidiary, currently operates a landfill in Northeast Portland under a franchise with Metro. That franchise application provides, in Metro's own files, much of the information which Metro seeks in the present prequalification process. Recognition of the statutory presumption of qualification is all the more appropriate in this context.

4. Metro May Waive Roadway's Late Submittal.

The Board should distinguish the present situation from the bidding phase, where it is critical that all bids be timely submitted to avoid any bidder enjoying an unfair advantage. Here, allowing Roadway to qualify to bid does not unfairly impair any other bidder's ability to submit its most competitive bid. It does enhance competition on this procurement to the taxpayer's benefit, by adding an additional and local competitor.

The nature of the inquiry in the prequalification phase is bidder responsibility. As such, it is clear that irregularities in prequalification submittals may be waived by Metro. There is no Oregon law directly on point, but it is clear from federal procurement cases that waiver of the late submittal of prequalification information is appropriate. The Comptroller General of the United States reviewed a similar situation on a General Services Administration contract, in Matter of Star Electric Company, B-181042, 74-2 CPD ¶ 1 (August 2, 1974). In Star Electric, the invitation for bids required submittal of substantial prequalification information nearly a month before bid opening and provided that failure to submit the information might result in the rejection of the bidder's bid. The Comptroller General allowed award to a bidder who did not submit the prequalification information until it submitted its bid, stating:

"We have consistently held that where the requirement for the submission of data is for the purpose of determining the capacity or responsibility of a bidder rather than whether the property or services offered conform to the Government's needs as stated in the solicitation, the failure of the bidder to submit data in accordance with the solicitation's data submission requirements, is not fatal to the consideration of its bid, inasmuch as a bidder's capacity or responsibility may be determined on the basis of information submitted after the bid opening. 39 Comp. Gen. 247 (1959); <u>id</u>. 881 (1960); 41 Comp. Gen. 106 (1961); id. 555 (1962); 48 Comp. Gen. 158 (1968); 49 Comp. Gen. 553 (1970); B-176391, December 4, 1972. Such failure to submit data concerning bidder responsibility may be waived even where the solicitation warns that the failure to conform may result in bid rejection. 39 Comp. Gen. 881; 41 Comp. Gen. 106. In the present case, it is clear that all of the requested 'prequalification information' concerns

Metro Council June 13, 1985 Page Six

"bidder capacity or responsibility. Therefore, we believe GSA acted properly in awarding the contract to Watson. Accordingly, Starr's protest is denied." (Emphasis added.) 74-2 CPD at 3.

Waiver in the present circumstance is also justified by the short time period allowed for submittal of the prequalification information by Metro's Request for Qualifications. This process was, according to the Metro staff report, advertised locally, nationally and regionally. Roadway's copy of the Prequalification form was received on May 11, 1985, two days after the Council approved the use of a prequalification process in Resolution No. The closing date and time indicated in the Request for Qualifications package and in Resolution No. 85-564 was 5 p.m., May 29, 1985. This left only 12 business days for preparation and submittal of a fairly detailed presentation by Roadway and all other bidders. The equipment requirements for the project could not be fully assessed until the on-site inspection, scheduled by Metro for May 23, 1985, three business days before the final dead-This short time frame, coupled with the unforeseen illness of the Roadway employee responsible for this submittal, resulted in Roadway's failure to meet the published deadline.

5. Summary.

Metro should dispense with the prequalification process on this contract given the likelihood that it would be held invalid if challenged. In any event, it is clear that Metro has the authority to allow Roadway to bid on this procurement. In addition, given the Legislature's stated policies favoring competition and local business and Metro's obligations to its taxpayers, Metro should exercise its authority by accepting the rebutable presumption of Roadway's qualification based on ORS 279.047, waiving the late filing as a matter of bidder responsibility or, preferably, both. If Metro takes any of these actions, the taxpayers will benefit by a more competitive process and presumably a lower contract amount for operation of this landfill.

JFB:jd

March 25, 1985

Roadway Constructors Corp. 3500 SW Bond AVenue Portland, OR 97201

CON 4

Gentlemen or Ladies:

You are hereby notified that your prequalification application to bid on various classes of work dated harch 12, 1985, has been approved, subject to the conditions set forth below.

This prequalification pertains only to the submission of bid proposals and does not cover your financial ability. For any proposal to be considered responsive for any particular contract, the proposal must be accompanied with a bid security in the form set forth in ORS 279.027(3) as evidence of your ability to obtain a surety bond for the faithful performance of the contract.

This office must be promptly notified of any substantial change of conditions or circumstances which would make any statement in your application untrue or no longer applicable.

This filing expires on March 1, 1986.

If you wish to appeal any of the conditions of this prequalification, you must notify this office in writing in accordance with OAR 127-40.090 within three business days after receipt of this notice. This office will notify the Director of the Department of General Services of your appeal and the Director will notify you of the time and place of the hearing.

You will receive all notices and announcements furnished to contractors and prospective bidders.

CONDITIONS VARYING FROM APPLICATION: MODE

Sincerely,

Robert W. Gormsen, Manager, Commission Services Department of Transportation, Highway Division 121 Transportation Building Salem, OR 97310

STATE OF OREGON DEPARTMENT OF GENERAL SERVICES Salem, Oregon 97310



CONTRACTOR'S PREQUALIFICATION APPLICATION

80447

DEPARTMENT OF TRANSPORTATION

Equipment and Experience Questionnaire
ADOPTED BY THE DEPARTMENT OF GENERAL SERVICES

To

DEPARTMENT OF TRANSPORTATION
121 Transportation Building
Salem, Or. 97310 Phone 378-6526
(Name and Address of Public Contracting Agency)

<u></u>		1
Application ofRo	oadway Constructors Corp.	
••	(Name of Applicant)	
An Individual	☐ A Co-Partnership ☐ A Corporation \(\mathbb{Q} \)	•
Joint Ve	enture	
	ve., Portland, OR 97201 (503) Il applicant's correspondence is to be mailed) Telephon	222-3103 e No.
Date Application Prepar	red <u>March 12, 1985</u>	
This Prequelification An		_
	oplication is submitted for the following purpose: (Check of fication application This is a prequalification application ap	
for such period of tim	ne as designated by tion for the	piica -
the mandatory pred		
adopted by the P	Public Contracting (Name of Project)	
Agency.	DECE Schooling bid drong EG	
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DEPARTMENT OF TRANSPORTS Have

INSTRUCTIONS

Introductory Statement:

In accordance with the statutes of the State of Oregon, every public contracting agency contemplating receiving bids for and awarding any contract for a public improvement may require any prospective bidder to submit a full and complete statement concerning his equipment and experience in constructing public improvements.

The application and questionnaire forms which are bound herewith comply with the requirements of Oregon Department of General Services rules and must be used in determining the qualifications of prospective bidders and in assigning limits as to the size and kinds of projects for which the prospective bidder may submit bids.

The applicant should use care and integrity in preparing this information. The public contracting agency may make independent inquiries concerning the contractor's past performance and/or capabilities.

Manner of Preparing and Filling in Forms:

This application shall include equipment and experience information for only the specific single business organization or entity which is applying for prequalification and which would be the signator on a contract with the public contracting agency.

All answers and other entries on the forms, except signatures, should be filled in on a typewriter or printed. To make this possible, the forms may be taken apart by removing the staples by which they are bound. It shall be the responsibility of the applicant to return all pages whether applicable or not. Failure to do so may be grounds for rejection.

All answers and entries shall be specific and complete in detail.

The prequalification application shall be signed by the applicant and sworn to as the form indicates. The signatory of the statement guarantees the truth and accuracy of all statements and of all answers to questions.

Use of Attachments:

Schedules, reports and other forms of prequalification statement may be used as attachments to the prescribed form, provided that the information contained therein specifically includes the information required by this form.

Place of Submission:

Prequalification applications shall be submitted to the designated officer of the public contracting agency.

Time of Submission:

Each Public Contracting Agency may have specific time requirements for filing applications. The applicant should check with the designated officer of the applicable agency for submission time.

(Instructions continued inside back cover)



For Each Class of Work:

A - Enter the maximum dollar amount of work you are capable of performing.

B - Enter the maximum dollar amount of work you are qualified to undertake in other states.

C. Enter the state(s) where qualified for the amount shown in column 'B'.

D. Enter the number of years of experience in this class of work.

If more space is required, use page 10 of this application or additional sheets.

(Highway, Roads, Streets, Airports)

Class	A - Max. Dollar Amount	B - Qual. Dollar Amount	C - State(s)	D - Years Exp.
Land Clearing - Highways, Roads, Streets and Airports	100 mil.	100 mil.	AK, AZ, CA, CO, ID, MT, NE, NV, NM. OR, SD, TX,	
Earthwork and Drainage - Highways, Roads, Streets, and Airport Runways	100 mil.	100 mil.	UT, WA Same as above	30
Aggregate Crushing	_100_mil	100 mil.	<u> </u>	30
Aggregate Bases - Highways, Roads, Streets and Airport Runways	100 mil.	100 mil.		30
Asphalt Concrete Pavement and Oiling - Highways, Roads, Streets and Airport Runways	100 mil.			30
Portland Cement Pavement - Highways, Roads, Streets and Airport Runways	100 mil.	100 mil.	11	30
Reinforced Concrete, and Structural Steel Bridges and Grade Separation Structures	100 mil.	100 mil.		30
Painting Steel Bridges and Grade Separation Structures				
Miscellaneous Highway Appurtenances (Guardrails, Median Barriers, Curbs, Retaining Walls, Walks, Fences, Riprap)	10 mil.	10 mil.	n	30
Signing - Temporary and/or permanent for Highways, Streets and Roads				
Illumination - Highways, Streets, Roads, Airports, Parks and Rest Areas				•
Traffic Signals - Highways, Streets and Roads				
Landscaping - Highways, Streets, Roads, Parks and Rest Areas (Roadside seeding, lawns, shrubs, trees, irrigation systems)				
Buildings - Highways, Rest Areas, Parks (Toilets, Bathhouses, Maintenance, Sand Sheds)				





Continued

For Each Class of Work:

A - Enter the maximum dollar amount of work you are capable of performing.

B - Enter the maximum dollar amount of work you are qualified to undertake in other states.

C - Enter the state(s) where qualified for the amount shown in column 'B'.

D - Enter the number of years of experience in this class of work.

(Other Public Improvements)

Class	A - Max. Dollar Amount	B - Qual. Dollar Amount	C - State(s)	D - Years Exp.
Sewer Construction	50 mil.	50 mil.	AR, AZ, CA, ID, MT, NE,	CO, NV, 30
Sewage Treatment Plants			NM, OR, SD,	TX, UT, WA
Sewage Pumping Stations				
Water Lines	20 mil.	20 mil.	***	30
Water Reservoirs	<u>100 mil.</u>	<u>100 mil.</u>		30
Water Tanks - Steel, Concrete, Wooden				
Electrical Wiring	·	· · · · · · · · · · · · · · · · · · ·		
Building Construction				
Building Alteration and Repair	 			
Demolition and Related Excavation and Clearing				
Painting and Decorating				
Plumbing		-		
Heating				
Air Conditioning				
Roofing				
Sheet Metal Work				
Drainage	100 mil.	100 mil.		30
Well Drilling				
Municipal Street Construction	100 mil.	100 mil.		30
Other (Railroad/Transit)	_100_mil.	100 mil.		30

2 Indicate the total amobile of work, express	ed in dollars, which the applicant believes it is capable of
	<u>\$ 500,000,000</u>
3 BID AND PERFORMANCE SURETY BONDS	V
If the contracts for which this prequalification is state the name of the agent and name, address as to provide the bonds.	sought require bid and performance bonds, the applicant shall nd telephone number of the surety company applicant expects
Corroon & Black of Oregon	
1600 S.W. Fourth	
Portland, OR 96207	
(503) 224-4155 - Mr. Jim Dar	by
4 If an Oregon corporation, answer this:	5 If a co-partnership, answer this:
When Incorporated 1984	Date of organization
President Robert Westermann, Sr.	If a foreign co-partnership or persons engaging in business
1st Vice President Robert Pyritz	domiciled within this state, state whether or not such part-
Secretary Robert Westermann, Sr.	be required in compliance with Chapter 648, Oregon Revised
Treasurer Gregg Richmond	Statutes. Name and Address of Partners
What officers are authorized to	
execute contracts Robert Westermann,	5r
Robert Pyritz	
6 If a foreign corporation, answer this:	Name and address of registered agent in Oregon:
When incorporated	
In what state	
Date of authorization to transact business in the State of Oregon	
Has applicant filed with the Department of Reforms required by ORS 279,021?	evenue
Yes 🗆 No 🗆	
President	
1st Vice President	
Secretary	
What officers are authorized to execute contracts	





BIDDER'S EQUIPMENT QUESTIONNAIRE

7 Plants and equipment owned by the applicant: List only major items. Lump together small equipment and tools.

Quantity, Description and Capacity of Items	Age in Years	Condition
Please see attached equipment list		
		ļ
		
		
		
		
·		
		<u> </u>
otal market value of equipment	***************************************	
oes applicant intend to rent equipment? so, provide a general description We rent equipment on an "a	as needed" ba	asis
so, provide a general description		
for each project and its individual needs.		
		·····
here available?		
	· · · · · · · · · · · · · · · · · · ·	





BIDDER'S EXPERIENCE QUESTIONNAIRE

list major projects applicant has undertaken in last five years.

(List most recent projects first)

	Name and Add of Owner	lress	Name of Project	Class of Work	Contract Amount
1 P1	ease see	attached	work history.		
2					
3					
4					
5					
6					
7					
8					
9				•.	
10					
11					
12			·		
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					





BIDDER'S EXPERIENCE QUESTIONNAIRE - Continued

List the following additional information for projects listed under item 8.

(Use same line No. as in opposite page)

Date of Completion (if completed)		Location of Wor	k	•	Surety Company if Project Bonded	Architects or ** Engineering Firms
Please	see	attached	work	his	ory.	
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[•] Indicate whether: (P) Prime Contractor, (JV) Joint Venture, (Sub) Subcontractor

^{**} Indicate name, address and phone number including area code.

10	Α.	How	many	years	has	applicant	been is	business	under	present	name?	One	-
	В.	How	many	years	exp	erience in	constru	ction wor	k has	applicant	had:		
		(a) A	s a pr	ime c	ontra	ctor?3	0	(b) As a	subcont	ractor?	30		

What is the construction experience of all owners, officers, partners and principal individuals in applicant's organization? Also list any other individual or organization who, in any way and to any extent, controls or influences the bidding.

Individual's Name	Present Position or Office	Years of Const. Exp.	Magnitude and Type of Work	In What Capacity
Bob Westermann	President	30	Earthwork Structures	Engineering & Proj. Mgmt.
Bob Pyritz	Exec. VP	15	Earthwork & Paving to 50mil	Engineering & Proj. Mgmt.
Greag Richmond	Treasurer	10	Financial Management	Controller
Pat Tate	Operations Mgr.	10	Sewer, pipeline Pav., Grdg.to l	s, Eng. & Pro 5mil Mgmt.
Gordon Mathern	Manager	7	Grading & Pav- ing to 10 mil.	Engineering & Proj. Mgmt.
Dave Jones	Project Engr.	18	Earthwork & Structures to 6	Omil.
Bill Hobart	General Supt.	25	RR & Transit Const. to 10mil	Proj. Mgr. Gen. Supt.
Dave Peal	Project Mgr.	35	Asphalt, Concr. Earthwork to 15	mil.

None	12	Indicate	type	of	all	contractors	licenses	held	2.5	required	bу	Oregon	statutes.	(e.g.	Landscape	Contractor)	
		None															

prequalification	space may be statements: (Also e than the applicant,	explain here any	experience clai	med which is	that of a i	to the foregoi business organizati
~				· · · · · · · · · · · · · · · · · · ·		





Does applicant want the material submitted herein deemed to be a trade secret pursuant to paragraphs (b) and (e) of subsection (1) of ORS 192.500?

(Check one) Yes

No

16				
15 Ownership and Control			. •	
(a) List any organization, owner the firm, or in which the apstate.	ed or controlled by the applican plicant was or is an officer, din	t, its officers, directors, ector or partner, doing b	partners and anyone ownit pusiness in Oregon under a	ng at least 10% interest i nother name. If none, s
Cobb Rock, Inc	. (100%); KFD, 1	Inc. (100%);	AFAB, Inc. (50%),
Sea Coast Towi	ng (50%)	· · · · · · · · · · · · · · · · · · ·		
(h) List those individuals, com	panies or corporations owning	2 10% or more of analy	icent's firm	
	es, Inc. (100%)	s roze or more or appr	cant s mm.	
niedel Resoulci	55, Inc. (100%)			
				
(c) List all other personnel in a prequalified to bid in this of Individual's Name	applicant's organization who hor another state. Present Position or Office	Other Firm or Firms	Position in Other Firm(s)	partners in another fin State of Other Firm
NONE				
				1
				
				

16 Check the app	propriate block or blocks identifying	applicant.
	☐ Woman	☐ American Indian
	☐ Black	☐ Alaskan Native (Eskimo or Aleut)
	☐ H ispanic	Non Minority
	Asian American	





Have you ever been denied prequalification in this or any other state? If yes, explain.

No

Have you ever been deharred from bidding on contracts in this or any other state under any State Law or Federal Law? If yes, explain.

No

18 AFFIDAVIT:

STATE OF OREGON)	
County of Multnomah) ss.	
I. Bob Pyritz	being first sworn, state that I am
Executive Vice President	of the applicant herein and that the statements made in
Title .	•
result in the denial of prequalification; that should there any project for which applicant desires to submit a bid a	se, deceptive or fraudulent statements on the application or at a hearing will be any subsequent material reduction in applicant's ability to carry out applicant will give written notice of such change to the designated officer to be to the bid opening; and that it is understood that such notice may change

Notary Public

My commission expires 4-15-95

9





INSTRUCTIONS-Continued

Appeal Due to Denial or Revocation of Prequalification:

In case a contractor's application for prequalification is denied or in case an existing prequalification is revoked, the contractor may appeal the denial or revocation in accordance with the rules adopted by the Department of General Services.

Notification of Action Taken:

The applicant will be notified, in writing, of the action on his application. He will then be allowed to bid on such projects as are within the limits of size and kind of work for which he has been declared qualified.

Period During Which a Qualified Bidder Remains Qualified:

A prospective bidder who has been notified of prequalification for projects of a given size and kind will usually remain qualified until the date specified in the notification. The public contracting agency may limit prequalification approval to individual public improvement projects. Unless such bidder is otherwise notified by the public body he will be permitted to submit bids for any and all projects of said kind and size for which bids are to be received. The public body may from time to time require new or revised prequalification applications and have them approved prior to allowing a bid.

Requirement of Continuing Prequalification:

Prospective bidders who have once been qualified with an agency requiring prequalification and who desire to maintain an uninterrupted prequalification standing are required to submit a new application periodically as required by such agency. Uninterrupted prequalification is contingent upon favorable action on the application. A prequalification may be revoked under the provisions of ORS 279.039.

Changes:

Requests for revision of the prequalification standing of any prospective bidder will be considered whenever the bidder can make a showing of materially improved ability, but not more often than once in three months. Each such request must be accompanied by a new prequalification application.

With or without a request from the prequalified bidder, the prequalification limitation on class of work or size of project may be reviewed and increased or decreased as found appropriate. The prequalified prospective bidder will be notified in writing of any such revision.

Confidential Information:

The information furnished in the prequalification application will be treated as confidential information if so requested by the applicant. If so requested in item 14 of the application, contents of the application will not be disclosed to the public except upon the written order of the person or persons furnishing the same or upon an appropriate order of a court of competent jurisdiction.

Joint Venture:

A public contracting agency may adopt special requirements concerning joint ventures. Before submitting a joint venture application, a prospective bidder should ascertain if special instructions are applicable and obtain them from the designated public officer.



ROADWAY CONSTRUCTORS CORPORATION RECENT MAJOR PROJECTS

January, 1985 Page [1]

	PROJECT NAME OWNER & LOCATION	WORK PERFORMED AND VALUE SCOPE	COMP. DATE	
	California Dept. of Transportation From 1.0 mi. E. of Strobridge Ave. UC near Castro Valley to 0.1 mi. E. of 167th Ave. UC near San Leandro	Construct freeway and interchange 15 structures with associated grading paving, utilities, sound walls, etc.	1989	JV
	San Leandro, California	Value: \$44,000,000		
	Oregon State Highway Division S. Tigard Interchange to Willamette Section of I-5	Reconstruct & rehabilitate portions of 8 miles of freeway and structuresR	1985 iver Br.,	JV
	Washington & Clackamas Counties, OR Engr: ODOT	Value: \$1,000,000		
	Oregon State Highway Division Beaverton/Tigard Highway Interchange Beaverton, Oregon Engr: 000T	Reconstruct freeway and interchange 3 structures w/associated grading, paving, utilities, sound walls, etc.	1986	JV
)	Walt Bartel	Value: \$6,200,000		
	Civil Const & Trackwork Inst. Line Section 2B Tri-Met, Portland, Oregon Engr: Bechtel Civil & Minerals, Inc. Const. Mgr: Tri-Met John R. Post	31,000 T.F. CWR transit construction in city streets w/3 turnouts, 3 cross overs, 15 road crossings and complete reconstruction of city streets, sidewalks and utilities.		JV
	(503) 239-6466	Value: \$9,200,000		
	Civil Const. & Trackwork Inst. Line Section 4B Tri-Met, Portland, Oregon Engr: Bechtel Civil & Minerals, Inc. Const. Mgr: Tri-Met John R. Post	12,000 T.F. highly specialized elastomeric transit construction in city streets w/2 crossovers & complete reconstruction of city streets, sidewalks and utilities.	1985	JV
	(503) 239-6466	Value: \$21,000,000		

ROADWAY CONSTRUCTORS CORPORATION RECENT MAJOR PROJECTS

January, 1985 Page [2]

PROJECT NAME OWNER & LOCATION	WORK PERFORMED AND VALUE	SCOPE	COMP. DATE	
Civil Const. & Trackwork Inst. LS-4A Holladay St. Segment Tri-Met, Portland, Oregon Engr: Bechtel Civil & Minerals, Inc. Const. Mgr.: Tri-Met John R. Post (503) 239-6466	LRT at grade transit work, complete street reconstruction trackwork in concrete and elastomeric envelope; 7100 T. 9 turnouts, 1 crossing Value: \$ 5,600,000		1985	. 3V
Oregon State Highway Division N.W. Nicolai Street, Portland, Ore. Prime: Copenhagen Utilities & Construction, Inc. Bob Heibert (503) 654-3104	Remove & reconstruct 2,000 T. 7 turnouts & 1 crossing in cistreets, with 1,050 T.F. rubb road crossings including crossing turnout & diamond crossing	ty er sing		
	Value: \$ 1,000,000		1984	Sub
Star Lake Project SFCC Coal Spur Engr: Santa Fe Railroad Prime: Gilbert Western Corp. Dick Hall (801) 264-8592	New Coal Spur into Lee Ranch Mine, 47mi. 119# CWR w/5-#14 & 2-#20 Turnouts Value: \$13,700,000	47 mi.	1984	Sub
Naval Weapons Station Seal Beach, Ca. Engr: Moffat & Nichol ROICC: Bob Sherrill (213) 594-7500	Remove & Reconstruct 13 mi. & 93 No. 8 Turnouts Value: \$ 4,500,000	13 mi.	1984	Sub
Civil Construction & Trackwork Installation Line Section 1 Tri-Met, Portland, Oregon Engr: Bechtel Civil & Minerals, Inc. Const. Mgr.: Tri-Met John R. Post (503) 239-6466	New transit trackwork and new transit yard tracks (26,000 T.F. & 33 turnouts) bridges, station platforms, weld 6,300 N.T. 115 RE into CWR stockpile. Value: \$ 4,900,000	5 mi.	1984	Prime





ROADWAY CONSTRUCTORS CORPORATION RECENT MAJOR PROJECTS

January, 1985 Page [3]

PROJECT NAME OWNER & LOCATION	WORK PERFORMED AND VALUE	SCOPE	COMP. DATE	
Rehab of Cable Car Trackway MR-829 City & County of San Francisco, Ca. Public Utilities Commission Engr: O'Brien, Kreitzberg & Assoc. San Francisco, Ca. Clay Baldwin (415) 552-1690	Rehab. of Cable Car system on Washington/Jackson/Hyde streets Value: \$5,300,000		1984	JV
Rehab of Cable Car Trackway MR-831 City & County of San Francisco Public Utilities Commission Engr: O'Brien, Kreitzberg & Assoc. San Francisco, Ca. Clay Baldwin (415) 552-1690	Rehab. of Cable Car system on Mason/Columbus/Taylor Sts. Value: \$5,800,000		1984	ЭV
R.R. Trackwork-Mini Marshalling Yd. Leaf River Forest Products New Augusta, Ms. Engr: Brown & Root New Augusta, Ms. Ed Icenogle (713) 679-3403	Construct Mini Yard Value: \$ 230,000	7 mi.	1983	Prime
Ruby Junction Maintenance Fac. Tri-Met Portland, Or. Prime: Marion Construction Salem, Or. Dale Petersen (503) 581-1920	Construct Maint. Fac. track Remove 1,400 ft., install 2,350 ft. track Value: \$ 220,000	.5 mi.	1983	Sub
Pacific Coal Project Riedel International Portland, Or. Prime: Riedel International J.H. Dastur (503) 285-9111	Construct 2,000 ft. Stacker/Reclaimer track Value: \$ 240,000	.5 mi.	1983	Sub



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ROADWAY CONSTRUCTORS CORPORATION RECENT MAJOR PROJECTS

January, 1985 Page [4]

PROJECT NAME OWNER & LOCATION	WORK PERFORMED AND VALUE	SCOPE	COMP. DATE	
Massey Coal Terminal Massey Coal Company Newport News, Va. Engr: Dravo Engineers Pittsburgh, Pa. W. F. Alimena (412) 777-5108	New unloading loop trackage for coal trans shipping facility w/9 turnouts. Value \$1,600,000	6 mi.	1982	Prim.
Navajo Mine Area II Utah International Fruitland, NM. Engr: L.K. Comstock Engrg. Co. Pleasant Hill, Ca. John Ziebarth (415) 827-5588	Track installation with 6 turnouts Value: \$ 650,000	8 mi.	1982	Prime
TW-8/WHATA Washington Metro Transit Auth. Washington, D.C. Engr: Bechtel Systems Bethesda, Md. Rich Lynt (301) 656-2000	Heavy Rail Transit, 3rd Rail Direct Fixation Tunnel Work Value: \$3,930,000	8 mi.	1982	Prime
Idaho National Energy Lab. Idaho Falls, Idaho Engr: Jelcom Salt Lake City, Ut. H.L. Bauman (801) 537-8444	4,000 feet of track Value: \$ 150,000		1982	Sub
Independence Steam Electric Station Arkansas Power & Light Newark, Arkansas Engr: C. T. Main Mgr.: Arkansas Power & Light Jerry Brown (501) 799-8601	Construct new unloading loop trackage for power station w/10 turnouts. Value: \$1,700,000	6 mi.	1981	Pri me

January, 1985 Page [5]

PROJECT NAME OWNER & LOCATION	WORK PERFORMED AND VALUE	SCOPE	COMP. DATE	
Special Trackwork Installat Chicago Transit Authority Chicago, Illinois Engr: Chicago Transit Auth Mike Wisbrod (312) 664-7200	of crossovers under traffic with live 3rd rail		1981	Prime
Track Removal Milwaukee Railroad Marcellus, Washington Engr: Milwaukee Road R.R. H.E. Hurst (206) 627-6854	Track removal-Warden to Marcellus, Washington Value: \$1,000,000	45 mi.	1980	Prime
Fort Polk Rail Rehabilitati U.S. Army Corps of Engineer Fort Polk, La. Engr: Army Corps of Engine Col. D. Palladino (817) 334-2363	s and bridge work	7.8 mi.	1979	Prime
Lamoille Valley R.R. Rehabi Vermont Dept. of Transporta Morrisville, Vt. Engr: St. of Vermont Robert Merchant (802) 828-2363		100 mi.	1979	ΟV
"M" Line Project San Francisco MUNI San Francisco, Ca. Engr: San Francisco MUNI Rino Bei (415) 558-2801	Reconstruct "M" Line 19th AveJunipero Serra Blvd. to St. Francis Circle Value: \$1,200,000	3 mi.	1978	Prime
Boardman Coal Fired Plant Portland General Electric Boardman, Or. Engr: Bechtel Power Group Hank Danies (509) 377-2828	Construct new 11 mile spur into Power Plant Value: \$1,000,000	11 mi.	1977	Prime

ROADWAY CONSTRUCTORS CORP.

EQUIPMENT LIST

PERIOD ENDING 09/01/84

CATAGORY I.D.	DESCRIPTION	SERIAL NUMBER
100-105 100-107 100-108 100-109 100-110 100-111 100-112 100-114 100-116 100-117 100-119	1980 Volvo 4dr, Wine 1981 Volvo 4dr, Silver 1981 Chev Citation 1981 Chev Malibu 1981 Chev Malibu 1981 Chev Citation, Blue 1982 Volvo Station Wagon 1982 Chev Celebrity 1981 Chev Citation, Lt. Blue 1981 Chev Citation, Maroon 1984 Chev Caprice	VC24445A1-501020 YV1BX4544B1112475 1G1AX68X1B6189996 1G1AT69K58K462198 1G1AT69J280438288 1G1AX68X886301533 GLT 5A4 1G1AW19X1CG135646 1G1AX6851BT202391 1G1AX6857BT201813 2G1AN6999E9214811
110-100	1980 Chev Luv Pickup	CLW14A8263262
110-101	1981 Chev Luv Pickup	J8ZBL14N3B8205661
110-102	1981 Chev Luv Pickup	J8ZCL14N4B8225597
110-103	1982 GMC 1/2 Ton	1GTBS14A1C8512321
110-104	1984 Chev S10 Blazer	1G8CT18BXE8153262
120-162 120-163 120-165 120-166 120-167 120-168 120-169 120-170 120-172 120-173 120-174 120-175 120-176 120-177	1980 3/4 Ton Chev Pickup 1981 1/2 Ton Pickup 1981 Chev Diesel Pickup 1981 1/2 Ton GMC Pickup 1981 1/2 Ton GMC Pickup 1981 1/2 Ton Chev Pickup 1981 3/4 Ton Chev Pickup 1981 1/2 Ton Chev Pickup 1981 Chev Pickup 1984 Chev S10 Pickup 1984 Chev S10 Pickup	CCM24A1143055 CCM24A1143107 CCM24A1143072 CCM24A1143123 1GCEC14HIBZ120651 2GCDC14Z6B1166781 1GTCC14G0BU512422 1GTCC14G9BJ512189 1GCGC24M3BJ167089 1GCOC14D3BJ163881 1GCDC14G4BF392308 1GCCS14BXE8172277 1GCCS14BXE8172597 1GCCS14BXE8172604
122-127	1977 1 Ton Chev Flatbed Truck	CCL337Z103770
122-128	1977 1 Ton Chev Flatbed Truck	CCL337Z155315
122-129	1981 2 Ton Ford Flatbed w/Hoist	1FDPN70H5BVJ04030
124-124	2 Ton Fuel & Lube Truck	10672DHA49389
124-126	3/4 Ton Mechanics Truck	CCL336Z119430
150-131	Tractor w/Pitman Crane	76052P
150-132	Tractor w/Pitman Crane	77355P
150-133	Tractor w/Pitman Crane	83963P



ROADWAY CONSTRUCTORS CORP. EQUIPMENT LIST PERIOD ENDING 09/01/84 PAGE 2

CATAGORY I.D.	DESCRIPTION	SERIAL NUMBER
160-117 160-118 160-119 160-120	35 Ft. Flatbed Trailer 40 Ft. Flatbed Trailer 40 Ft. Flatbed Trailer Lowboy w/removable gooseneck	\$691519C \$744825 \$737989 1756
162-106	30 Ft. Tool Van Trailer	U-5936
162-107	40 Ft. Tool Van Trailer	U-5638
162-109	1981 Tool Van Model #PS-1	04044
162-110	1979 Trailco 8 x 10 Office Trailer	OM820S
164-110	10 x 55 Office Trailer	1136898
210-402	2 CY Front End Loader	2907
210-403	2 CY Front End Loader	2884
210-404	Case Loader Backhoe	8950820
210-405	Case Loader Backhoe	9868609
220-100	HED Hydraulic Breaker	0391
220-101	HED Hydraulic Compactor	1059
310-220	1968 Pettibone Speedswing	3302725
310-222	1973 Pettibone Speedswing	1876
310-223	1974 Pettibone Speedswing	1996
320-400	1976 Kershaw Tie Crane	12-367
340-224	1967 8 Ton Clark Forklift	63649265
340-226	1948 1.5 Ton Townotor Forklift	F162-11273
410-234	10 CY Ballast Spreader	HB-804
410-236	1981 Luttig Lo Railer	101817
420-232	1974 Fairmont Ballast Regulator	50347201
420-239	1972 Fairmont Ballast Regulator	235830
420-240	1976 Tamper Ballast Regulator	1772826
420-241	1979 Canron Ballast Regulator	1773719
430-215	1975 JRA-JD Electromatic Tamper	674935
430-217	1974 Electromatic Tamper	2776049
430-218	1979 Canron Tamper	477559
430-219	1981 Tamper	5380061
430-220	1980 Plasser Roadmaster Special	1457
430-236	1974 Jackson 2300 Tamper	123203
440-642	1966 Fairmont Ballast Cribber	1870
515-244	1974 Fairmont Track Liner	23 8567
515-245	1975 Fairmont Track Liner	23 9707



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ROADWAY CONSTRUCTORS CORP. EQUIPMENT LIST PERIOD ENDING 09/01/84 PAGE 3

CATAGORY I.D.	DESCRIPTION	SERIAL NUMBER
520-610 520-614 520-620 520-621	1976 Safetran Bolt Machine Safetran Bolt Machine 1981 Stumac Power Torque Wrench 1981 Stumac Power Torque Wrench	7104-7 4463 21037 21038
525-614 525-615 525-616 525-617	1975 Racor Dual Spiker 1975 Racor Dual Spiker 1969 Racor Dual Spiker 1969 Racor Dual Spiker	4463 4462 4250 4245
530-643	1974 Nordberg Tie Adzer	3849
540-665 540-666	1971 Racine Anchor Applicator 1971 Racine Anchor Applicator	•
545-667	Woolery Rail Heater	
550-690 550-692 550-693 550-694 550-695	1975 Nordberg Rail Grinder 1974 Nordberg Rail Grinder 1974 Nordberg Rail Grinder Stumec Rail Grinder Stumec Rail Grinder	733 716 740 3529 3976
560-708	Fairmont Motor Car	
610-301 610-306 610-307		488716 UL88R-S125
620-302 620-305	150 CFM Lindsay Air Compressor 175 CFM Compressor	32384
630-303		RC18972
650-100	1981 Jumbo Drill	1
655-100	1981 Target Groover	14GR0000-817B
710-711 710-712 710-713 710-714	1974 225 AMP Lincoln Welder 1977 225 AMP Lincoln Welder 200 AMP Miller Welder 1981 Lincoln Welder	A754550 A818798 HJ154473 SA-250
720-730 720-735	Electro-Magnet w/generator Electro-Magnet w/generator	12708 78E23
725-100 725-101	6ST-SE Gilson Mixer Hydraulic Power Pack	1110J1-588 78E23



ROADWAY CONSTRUCTORS CORP. EQUIPMENT LIST PERIOD ENDING 09/01/84 PAGE 4

CATAGORY I.D.	DESCRIPTION	SERIAL NUMBER
730-100	Fairmont Push Cars (10)	_
730-110	1981 Nolan Foldup Cart	TS-1
730-111	1981 Nolan Foldup Cart	TS-1
730-112	1981 Nolan Foldup Cart	TS-1
730-113	1981 Nolan Foldup Cart	TS-1
730-120	1981 Nolan Push Cart, 10,000#	PC-105
730-121	1981 Nolan Push Cark, 10,000#	PC-105
730-600	Geismar Rail Heater	114710
730-700	1969 Jackson Hand Tamper Set	114712
730-702	1981 Jackson Hand Tamper Set	138734
730-703	1981 Jackson Hand Tamper Set	138737
730-706	1975 Water Tank Push Car	WT2501/Scrap
730-70 8	1975 Front End Push Car	FE3250
730-740	1978 Rail Cropper, Rail Mounted	HC4 601
730-741	Mechanics Push Car	046016
730-750	1979 Fairmont Rail Lifter .	246216
730-751	Nordberg Power Jack	02-03-81
730-760	Rail Tearup Sled	73 0760
730-761	Rail Tearup Sled	73 0761
740-010	Fairmont Push Car	
740-011	Fairmont Push Car	
740-012	Fairmont Push Car	
740-0 20	Welding Jig	
740-021	Welding Jig	
740-030	Rail Stretcher	
740-031	Rail Stretcher	
740-032	Simplex Rail Puller	1070
740-039	Stumec Rail Drill	1072
740-040	Nordberg Rail Drill	4279
740-041	Nordberg Rail Drill	5551A 4923
740-042	Nordberg Rail Drill	1567
740-043	Racine Rail Drill	2039
740-044	Racine Rail Drill	1566
740-045	Racine Rail Drill	1500
740-046	Stumec Rail Drill	18 81
740-047	Stumec Rail Drill	8768
740-048	Stumec Rail Drill	8185
740-049	Stumec Rail Drill	7521
740-051	Racine Rail Saw	63 57
740-052	Racine Rail Saw	679 3
740-053	Racine Rail Saw	68 58
740-054	Racine Rail Saw	43 5
740-055	Racine Rail Saw	12-1 8345
740-056	McCullock Abrasion Saw	9620185
740-057	Stumec Abrasion Saw	275 1
740-058	Stumec Abrasion Saw	ATH-37
740-059	Bosch Hammer	T50399617
740-0 60	PB6 Hammer	13032201/



CATAGORY I.D.	DESCRIPTION	SERIAL NUMBER	
740-061	BR40S Hammer	TP604552	
740-062	CP123 Hammer	6182	
740-063	BR40S Breaker	TP621711	
740-064	BR40S Hammer	TP603573	
740-065	BR40S Hammer	TP603572	
740-066	CP124 Breaker	5072	
740-067	Breaker Hammer	ATH-29	
740-068	Bosch Hammer	ATH-20	
740-069	Bosch Hammer	ATH-36	
740-070	Air Drill	3 5240	
740-071	Air Drill	A 4450	
740-072	Air Drill	367056	
740-081	Rail Bender	•	
740-0 89	1981 Geismar Tie Borer	5059	
740-09 0	Stumec Ptls Tie Boring Machine	3711	
740-091	Stumec Ptls Tie Boring Machine	3712	
740-100	1981 Geismar Abrasive Saw	6172	
740-101	1981 Geismar Abrasive Saw	6170	
740-102	Stumac Abrasive Rail Saw		
740-110	Racine Rail Saw	9387	
740-120	1981 Racine Rail Saw	RD6266	
740-121	Racine Air Drill	6355	
740-160	BR40S Hammer		
740-161	BR4OS Hammer		
740-162	Bosch Hammer	144033	
740-163	Bosch Hammer	ATH-30	
740-164	Bosch Hammer	ATH-31	
740-165	Bosch Hammer	ATH-32	
740-200	Concrete Bucket		

AFAB EQUIPTERS 03/05/85

	COMPANY NUMBER	}				
		Year	MAKE/MANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER
-	10-118	85	Ford	Station Wagon	Car	1FABP4033FG186337
	11-121	82	Chevy	Diesel	Pickup	1GCFC24C3CF346403
- - ««	11-122	83	Chevy	Diesel	Pickup	2GCGC24J5D1137532
	11-123	79	Ford	F-350	Pickup	F35JREA7527
	11-124	80	Ford	F-150	Pickup	F15FRGA2471
:	11-125	79	Ford	F-250	Pickup	F25HREG5949
-	11-126	79	Ford	F-150	Pickup	F15GREE7747
_	11-127	56	Ford		Pickup-3/4 Ton	S070EVV09868
_	11-128	84	Chevy	Diesel	Pickup	2GCGC24J2E1127350
	11-130	82-	Chev	Diesel	Pickup - 3/4 Ton	2GCGC24J1C1154620
	11-131	82	Chev	Diesel	Pickup - 3/4 Ton	2GCFC24C1D1122040
	11-132	82	Chev	Diesel	Pickup - 3/4 Ton	IGCFC24C3CF346398
	11-133	83	Chev	Diesel	Pickup - 3/4 Ton	2GCFC24C001144207
	11-134	83	Chev	Diesel	Pickup - 3/4 Ton	2GCF24C9D1143346
	11-135	83	Chev	Diesel	Pickup - 3/4 Ton	2GFC24C4D1145893
	11-150	77	Chev		Suburban	CCL267F227147
	11-151	84	Chev		Van	2GCEG2549E135202
	11-152	77	Chev		Van	CQ5)67F124905

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AFAB EQUIPMENT 03/05/85

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COMPANY NUMBER	Year	MAKE/MANUFACTURER	MODEL	TYPE OF ITEM	SERIAL NUMBER
12-120	79	Ford		Truck - 1 Ton	F37SRDE3375
12-132	75	Peterbilt		Tractor w/Pittman	77355P
12-138	78	Ford	F-600	Flatbed (Fuel Truck)	N61DVAJ55421
12-139	76	Ford	F-350	Flatbed	F35JRC33292
12-140	79	Ford	F-350	Service Truck	F37SPE37598
12-141	80	Mack	RL686LST	Dump Truck	RS686LST51119
12-142	68	Hack -		Water Truck	DH60754685
12-143	75.	Ford	C-700	Tack Truck	C70EVY09868
12-144		Cat	769	Off Hwy. Truck	99F1233
12-145		Cat	769	Off Hwy. Truck	99F1236
12-146	79	CHC		Boom Truck	T17089V624608
12-147	78	K V		Water Truck - 4m Gal.	1587685
12-148	74	KW	C500	Water Truck - 4m Gal.	1457985
12-149		KW		Service Truck	134377
12-150	84	Chev		Service Truck - 1 Ton	1GBJC34J3EV125430
12-151	80	International		Sign Truck	AA185KHA12088

COMPANY		DE			
NUMBER	Year	MAKE/MANUFACTURER	MODEL	TYPE OF ITEM	SERIAL NUMBER
16-118	74	Brown		40' Flat Bed Trailer	S744825
16-121		Utility		40° Van	6U9272000 2
16-122		Gen. Eng.	21TA	Tilt Deck Trailer	21TA7810-5
16-123		MacMillion		Trailer	TRL61355
16-124		Utility		40° Van	21355
16-125		Trailmobile		40' Van	229320330
16-126	66	Freuhauf .		40' Van	FWF408905
16-127	66	Freuhauf		40° Van	FWF466010
16-128	77	Seibert		Lowboy- 50 Ton	SIE771019
18-101	79	Custom Craft	12'x60'	Office Trailer	CW 20126
18-102	80	Custom Craft .	12'x60'	Office Trailer	2461
*					
			-		
·					

03/05/85

			DE	•		
	OMPANY IUMBER	Year	HAKE/HANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER
	20-101		Cat	6138	Scraper	38 W 632 8
	20-109	174	Flat-Allis	460C	Scraper	13005757
	20-110	174	n n	460C		13005717
	20-111	174	a 4	460C	M	13005564
	20-112	174		460C	•	13005563
2 -2	20-112	174		460C	•	T460C5105
	20-188	174	8 11	460C		T460C5107
	20-189	174		460C	N	821105016
	20-189	174		460C	Scraper	82M05017
	20-190	174		460C	•	82H05013
_	21-406	+-	Clark	175	Rubber Tired Loader	4270203
_		-	Cat	988	N N N	87A7866
_	21-407	-	Int	560	и и и	1282
era.			Case	580C		89831483194
89 /	21-409	-	Cat	955	Crawler Loader	13X1708
_	21-410	81		510	Backhoe	364302
_		_	John Deere	510	Backhoe	323826
_	21-412		Cat	966D	Rubber Tired Loader	99Y1872

AFAB EQUIPMENT 03/05/85

COMPANY		DE	·			
NUMBER	Year	HAKE/HANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER	
22-004	79	Dynapac	CC42A	Roller	42CL376	
22-005	79	Dynapac	CC10	Roller	549	
22-006	O6 Hyster		330A	Roller	A158C16814	
22-007		Ingersoll Rand	DA40	Roller	5203-S	
22-008		Hyster	610	Roller	2254	
0wned by H	atch	Hyster	530A	Roller	A903593E	
22-110				5x5 Dble. Drum Sheeps Foot Roller		
22-111		Rex	SP-848	Vibratory Roller	85HX713	
22-112		Rex	SP-848	Vibratory Roller	85HX718	
23-001	78	Caterpillar	12G	Motor Grader ·	61H6313	
23-002		Cat	140C	Hotor Grader	72V5350	
24-002		International ,	TD-8E	Crawler Dozer	4007925	
24-003		International	TD-8E	Crawler Dozer	4007407	
24-104	74	Cat	D6C	Crawler Dozer	10K10576	
24-105		Cat	D7G	Crawler Dozer	92V10689	
24-901		Cat	D9G	W/U Dozer&2 BBL Ripper	66A6724	
24-902		Cat	D9H	W/C Dozer & Ripper	90V5144	

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COLDAIN		DI	•		
COMPANY NUMBER	Year	MAKE/MANUFACTURER	MODEL	TYPE OF ITEM	SERIAL NUMBER
25-001		Insley	1500	Excavator	H7837-C
25-101	82	Cat	225	Excv. 36" Bkt.	5104692
25-201			235	Excv. w/Thumb 54" Bkt.	32K3134
25-202			235	Excv.	32K2155
,	-				
26-102		Allied	88	Hydro Hammer	2919
26-103		Allied	87008	Ho-Pac	3928
26-104		Allied	87008	Но-Рас	
27-101		Drott	5550	Rough Ter. Crane 35T	6243002
27-102		Drott .	2000	Rough Ter. Crane 20T	6232325
27-103		Drott	2000	Rough Ter. Crane 20T	6231947
27-104	78	Clark Lima	990	Truck Crane 90T	751A15 4
27-105		P&H	650	Truck Crane 60T	41197
27-106		Bucyrus-Erie		Truck Crane 60T	131838
35-101			Diesel	Storage Tank-10m Gal.	·

AFAB EQUIPMENT 03/05/85

	COMPANY		Di				
	NUMBER	Year	HAKE/HANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER	
_	61-308		Ingersoll Rand	P100WW	Air Compressor	112-228	
	62-009		Air Sweep	AS	Power Broom	569	
_	62-110		Broce		Broom	1607	
_	62-111		Hobil	HDL-2	Sweeper - 3 Wheel		
	71-721		Lincoln	LN-7 Wire Feed		75092 JD699347	
Ś	71-720		Miller		Wire Feed		
_	71-715		Miller	400 AMP	Welder/Diesel	S-TA-50202	
	71-716		Miller	AEAD200LE	Welder/Diesel		
	71-717		Lincoln	R3S 325	Welder/Electric	AC 51124	
	71-718		Miller		Welder/Gas	HK 241628	
	71-719		Hiller	400 AHP	Welder/Electric	U504239 ·	
	74-301		Racine .	VPC160K	Plate Compactor	CP 1834	
-	74-302		Kohler	K91T	Plate Compactor	325881	
	74-303		V acker		Plate Compactor	236805546	
_	74-304		Makita	2414	Cutoff Saw	28610E	
-	76-010		Gradeline		Laser	29634	
	76-011		K & E Level W/Tripod			54513	

	COMPANY		DE				
	NUMBER	Year	MAKE/MANUFACTURER	MODEL	TYPE OF ITEM	SERIAL NUMBER	
_	85-001		Pioneer	28x54	Jaw Crusher	2854-109	
_	85-002		Pioneer	10x36	Jaw Crusher	CC-3756	
	85-003		Pioneer	40x30	Rolls Crusher	4030-RT-1265	
-	85-004		Spokane	82	Spokane Crusher	82DG139	
	85-005		Pioneer		Wet Screen	516-232-BG-664	
3	85-006		Pioneer	1	Reject Screen	516-232-BG-896	
_	85-007		Pioneer		No. 2 Screen	- 516-232-BG-895	
	85-008		El-Jay		Finish Screen	34E 1578	
	85-009		Highway Trlr. Ind.		Switch Van	698275-84	
_	85-010		Pioneer	50"x20"	Vib. Plate Feeder	50-V5-346	
_	85-011		Eriez		Electromagnet		
	85-012		Torgenson .		Sand Screw	8393	
_	85-013			EMPCO	Control House		
32	85-014		3 Each 99 Feet		24" Conveyors		
_	85-015		19 Each 755 Feet		30" Conveyors		
`	85-016	3 Each 77 Feet			36" Conveyors		
	85-017		1 Each 35 Feet		40" Conveyors		
			Water Pump	6"x8"			

COMPANY		DE		·		
NUMBER	Year	HAKE/HANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER	
		Hydraulic Pump	Feeder			
		Feed Hopper		_		
			•			
		·				
·····		•				
				_		
		•		•		
				-		





		DE				
COMPANY NUMBER	Year	MAKE/HANUFACTURER	HODEL	TYPE OF ITEM	SERIAL NUMBER	
87-001		Fab. Inc.		Feed Hopper	80-03	
87-002	 	Fab. Inc.		Pugmill	80-01	
87-003				Load Out Bunker		
87-004		Fab. Inc.		Cement Silo	80-02	
87-005	1		·	Conveyors		
87-006		Ransey		Belt Scales 2 Each		
87-007				Compressor		
87-008				Blend Hopper		
87-009				Water Heter		
88-001	-	CHE	PR-425	Cold Feed	134	
84-00	2	COL	RB-125	Recycle Bin	107	
84-00	,	CHE	PC-2447 PC-2455	Incline Conveyor	170 161	
84-00	•	Off	PO-125	Drag Conveyor	168	
94-00	2	CME	UVM 1200	Drum Hixer	105	
64-00	*	CNE	P-1023	5110		
99-00	,	COUL	DF-TM	Asphalt Tank	175	





Agenda Item No. 6.2

Meeting Date June 13, 1985

CONSIDERATION OF RESOLUTION NO. 85-573 AMENDING THE CLASSIFICATION AND PAY PLANS

Date: May 29, 1985

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

It has been proposed that improvements be made to the Finance and Administration Department in the areas of Personnel and Data Processing. Specifically, the proposal is to create and fill positions for three new classifications: Personnel Officer, Data Processing Manager, and Information Systems Analyst. A report detailing the needs and rationale is attached. This was first presented to the Council Management Committee at its February 21, 1985, meeting. It was decided then that the recommended changes should be considered in the FY 1985-86 budget process. The Budget Review Committee supported the proposal and the Council included the necessary funding in the Approved Budget.

Under the Personnel Rules, the Council must approve new classifications. Therefore, a supportive recommendation is sought on Resolution No. 85-573 establishing these three new classifications and amending the Pay Plan to include them.

EXECUTIVE OFFICER'S RECOMMENDATION

Recommend approval of Resolution No. 85-573 to the Council.

COUNCIL MANAGEMENT COMMITTEE'S RECOMMENDATION

The Council Management Committee recommended adoption of Resolution No. 85-573 at their meeting of May 23, 1985.

JS/gl 3619C/411-3 05/29/85

COMPARATIVE SALARIES FOR PERSONNEL OFFICER

Metro Proposal

Personnel Officer (\$29,307-\$36,712) Supervises 2 people, up to 300 employees.

Gresham

Personnel Director (\$36,276-\$46,296) Supervises 2.5 people, 200 employees.

Lake Oswego

Assistant City Manager/Finance & Administration Manager (\$33,204-\$42,972)

Has Personnel department supervisory responsibility along with other functional areas of responsibility. Not totally comparable to Metro's Personnel Officer position, 350 employees.

Beaverton

Personnel Director (\$31,404-\$40,080)
Supervises 4 people. Also has other functional areas of responsibility such as municipal court and clerical workers, 250 employees.

City of Portland

Personnel Analyst 2 (\$27,914-\$30,389)
Professional level with duties in recruitment, selection, classification, Affirmative Action, training and safety. No supervisory responsibilities.

Assistant Personnel Director (\$36,920-\$40,394)
Deputy Director for the City's Personnel Office.

JS/srs 3619C/411-2 05/21/85

COMPARATIVE SALARIES FOR DATA PROCESSING MANAGER

Metro Proposal

Data Processing Manager - (\$32,302-\$41,434) Supervises 1.75 people.

Gresham

Data Processing Manager - (\$34,560-\$44,088) Supervises 3.5 people.

City of Portland

Systems and Programming Manager - (\$34,320-\$39,395)

Coordinates systems with bureaus, plans and directs the design, programming, operation and maintenance of a major system or systems. Supervises programmers and clerical staff.

Computer Services Director (\$46,300 flat rate)
Head of the City's Bureau of Computer Services.

Port of Portland

Systems Development Manager (\$28,900-\$47,400)
Systems Operation Manager
Under Data Processing Manager, responsible for computer systems planning, design and/or operation. Some supervisory responsibilities.

JS/srs 3619C/411-2 05/21/85

BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 85-573
CLASSIFICATION AND PAY PLANS FOR)
THE METROPOLITAN SERVICE DISTRICT	•
) Executive Officer

WHEREAS, Ordinance No. 81-116 adopted Personnel Rules of the Metropolitan Service District (Metro) which requires the establishment and maintenance of a Classification Plan and Pay Plan; and

WHEREAS, The need has been established for the new classification and positions of Personnel Officer, Data Processing Manager, and Information Systems Analyst; now, therefore,

BE IT RESOLVED,

- 1. That pursuant to Sections 24 & 26 of the Personnel Rules, the Classification Plan is amended effective June 1, 1985, to include the classification specifications attached hereto as Attachment "B."
- 2. That Table A of the Pay Plan is amended to include the classifications of Personnel Officer at salary range 12.5; Data Processing Manager at salary range 13.5; and Information Systems Analyst at salary range 9.0.
- 3. That positions in these classifications shall be exempt for purposes of overtime compensation pursuant to ORS 279.340 and 279.342.

•	 2	ADOPTED	by	the	Council	of	the	Metropol	itan	Service	District
								7 · · · · · · · · · · · · · · · · · · ·			
this		_ day of	E				·	1985.	٠.		

Metro Classification No.: 091 Established: Revised: EEO:

AA: Official/Manager

DATA PROCESSING MANAGER

MISSION STATEMENT

Under general direction to plan, organize and direct the activities of the automated information systems for use by and between departments of Metro. To provide oversight for the maintenance of existing systems and for improvements as needed and as appropriate; to provide needs assessment services and recommendations for the implementation of new information systems based on state of the art hardware and software technology.

DISTINGUISHING CHARACTERISTICS

This is an administrative and professional position directing the activities of a division. An employee in this class has direct responsibility for recommending courses of action for existing and new systems, establishing strategies to put data processing techniques to better use for the organization and conducting special studies as needed. The primary responsibility is systems development, including work plan preparation and directing a staff in performing problem definition, systems analysis and design, documentation, forms design, preparing program specifications, and design innovations to improve or extend the capabilities of existing data systems. Direction is received from Metro's Deputy Executive Officer.

PRINCIPAL FUNCTIONS

Duties include but are not limited to:

1. System Planning and Development

Typical Activities:

Evaluates new technologies and develops strategies to take advantage of their corresponding benefits.

Defines scope of system to be developed, delineates tasks,

and subsystem breakdowns.

Coordinates and monitors all aspects of soliciting, reviewing, selecting, hiring and monitoring performance of vendors providing automated program or equipment services.

Initiates, directs and monitors division efforts in problem definition, system analysis and design, documentation, forms

design, and preparation of program specifications.

Work Direction

Typical Activities:

Exercises direct supervision over information processing technical, programming and development staff.

Conducts regularly scheduled and issue-centered staff meetings relative to existing or developing automated program improvements.

Initiates and directs performance appraisals.

Directs the organization, coordination and implementation of hiring, promoting and assigning subordinate staff in accordance with Metro adopted EEO and personnel policies.

Consultation and Evaluation

Typical Activities:

Consults with department heads and supervisors regarding

information processing needs.

Develops training and information services to appropriate management staff to assist in decision-making, implementation and operations of computerized functions.

Advises appropriate staff on the impact of information processing applications on organizational structure and on

individual positions.

May negotiate contracts for, and does direct activities of, equipment acquisition and installation, scheduling, testing and facility suitability.

Evaluates the feasibility of developing systems, determines priorities for application and correllates decisions with Metro capabilities.

Administration

Typical Activities:

Prepares and submits budget, and monitors expenditures relative to performance indicators.

Maintains direct control of system and data processing activities involving a significant risk of operational or financial difficulties.

Responsibility and accountability in developing staff work plans, program logic, coding, testing and debugging, documentation and implementation of the system of programs.

Identifies costs for work performed by staff and use of equipment, and provides monthly rate/expenditure/budgeting reports accordingly.

Establishes and applies policies, standards and rationale for users and Executive Management and provides report as required.

REQUIRED KNOWLEDGE AND SKILLS

Substantial Knowledge Of:

Management practices and principles as applied to direction of a data processing staff; financial management and analysis and project management techniques.

Considerable Knowledge Of:

Software applications to operating systems; data base systems; data communications systems; system utilities and components; language systems; report and graphic writers.

Skill To:

Develop structured methodologies, backup/recovery procedures, data security measures, and interactive system operation; analyse organizational needs and develop operational and strategic planning improvements; communicate effectively both orally and in writing to a variety of people representing various levels of understanding and responsibility; prepare and present entity diagrams, dataflow diagrams, program specifications and applicable short— and long-range associated costs.

Ability To:

Become familiar with Metro staff, procedures, policies and existing automated data systems; review technical, organization and economic aspects of data systems and effectively relate to and interpret for user management the status and potential improvements of systems; establish and maintain effective working relationships with subordinates.

WORKING CONDITIONS

Duties are performed primarily indoors and are of a sedentary nature.

DK/srs 2944C/377-3 05/21/85 Metro Classification No.: 070

Established:
Revised:
EEO:
AA: Professional

PERSONNEL OFFICER

MISSION STATEMENT

Under general direction to develop and conduct various human resources and personnel administration programs and services; to perform and present complex studies, surveys, and special projects; to provide work direction to assistants; and to do other work as required.

DISTINGUISHING CHARACTERISTICS

The Personnel Officer classification is a seasoned professional class that is responsible for providing the full range of personnel/human resources services to Metro. Functions include: recruitment, Affirmative Action, classification/job evaluation, compensation administration, benefits administration, and employee/labor relations. This class differs from the lower level Personnel Analyst which requires more supervision and direction, and has more limited, narrower work assignments requiring less experience.

PRINCIPAL FUNCTIONS

Duties include but are not limited to:

1. RECRUITING

Typical Activities:

- Confers with managers to determine staffing needs and recruiting strategies; develops selection criteria and issues job announcements, conforming to agency guidelines, Affirmative Action policies, etc.
 - Reviews and screens applicants according to selection guidelines, pertinent laws, and agency policies.
- Formally notifies all candidates of recruitment results; serves as initial contact for complaints regarding recruiting problems, issues, etc.; serves as the agency's official contact regarding formal Affirmative Action or alleged discrimination complaints.

2. CLASSIFICATION/JOB EVALUATION

Typical Activities:

- Conducts classification studies; gathers and analyzes pertinent supporting documentation.
- Evaluates, writes new/revised jobs according to internal value and equity criteria; recommends salary ranges based upon the job evaluation methodology.
- Oversees, coordinates any appeals based upon perceived classification errors, misunderstanding; notifies affected employees of final decisions, salary implications, etc.
- Conducts salary surveys to assure competitiveness and alignment with Metro's compensation philosophy and overall mission, administers Metro's pay plan.

3. AFFIRMATIVE ACTION

Typical Activities:

- Serves as Metro's Affirmative Action Officer.
- Develops Metro's Affirmative Action Plan, goals and policies; monitors, reports on agency's progress and efforts; recommends changes in strategy regarding EEO/AA efforts and results.

4. ADMINISTRATIVE FUNCTIONS

Typical Activities:

- Oversees and coordinates benefits contracts and programs, including Workers' Compensation.
- Provides work direction and training to other staff in technical personnel/human resources assignments and projects.
- Monitors and prepares budget information for the personnel unit as needed.
- Analyzes and recommends changes to personnel policies as needed or requested.
- Oversees official personnel records; reviews and processes transactions.
- Supervises and evaluates employees of the Personnel Office.
- Coordinates agency safety program, assists in compliance activities.

5. EMPLOYEE/LABOR RELATIONS

Typical Activities:

- Reviews, interprets the intent of labor contracts personnel rules, and human resources policies.
- May provide short-term counseling to troubled employees; refers serious matters to trained professionals.
- Collects, prepares wage and salary data studies, benefits studies as needed or requested.
- Participates in labor negotiations and contract analysis.

REQUIRED KNOWLEDGE AND SKILLS

Working knowledge of:

Principles of public personnel administration and contemporary human resources issues, practices; principles, concepts, and practices relating to merit system policy with respect to employment issues (recruiting, promotion, training, etc.); principles, practices and laws pertaining to collective bargaining; research and analysis techniques, methodologies; principles and concepts of job evaluation systems, salary administration practices, and related issues; effective employee relations practices. Current laws and regulations pertaining to Workers' Compensation, Affirmative Action, employee benefits and personnel administration.

Skill To:

Collect, organize and analyze data, and formulate/develop recommendations based upon findings and analysis; communicate effectively in writing, verbally, and through formal presentations; conduct investigations, research problems, etc. to resolve or prevent formal complaints, litigation, appeals, etc.; act as a strategic resource to both management and employees in improving Metro's personnel services; establish, maintain effective working relationships with a variety of people, including the public.

WORKING CONDITIONS

The majority of duties are performed indoors and are of a sedentary nature.

JS/srs 3591C/377-3 05/21/85 Metro Classification No.: 634

Established:
Revised:
EEO:
AA: Admin. Support

INFORMATION SYSTEMS ANALYST

MISSION STATEMENT

Under direction exercises skilled work in developing, coding and testing computer programs in a variety of fields, such as management, personnel, budget and other agency information systems.

DISTINGUISHING CHARACTERISTICS

The analyst is primarily focused on assisting program analysts or a program manager in establishing job requirements, processing specifications and other data inputting for construction of standard programs for processing data of chart results. This position differs from an entry-level training position in that, due to experience, close supervision is not required.

PRINCIPAL FUNCTIONS

Duties include but are not limited to:

1. Program Development

Typical Activities:

- Prepares and analyzes detailed flow charts for programs representing each logical step in the solution of a problem.
- Translates detailed flow charts into computer programs.
- Prepares and codes instructions using one of several program languages.
- Documents programs for use by others by developing such items as charts, written listings, and formats for input and output.
- Presents proposed system to user departments.

2. Program Operation

Typical Activities:

- Assists in analysis of job execution problems.
- Recommends scheduling or program changes and equipment upgrade.

- Assists in monitoring production work flow and job execution for teleprocessing and batch activities.
- Maintains adequate supply inventory.
- Instructs agency personnel on operational procedures.
- Coordinates with appropriate manufacturers the resolution of operation problems.
- Assists in writing procedures for implementation and use of system programs.
- Receives continued training in programming to remain current in the field.
- Assists with computer capacity analysis.

REQUIRED KNOWLEDGE AND SKILLS

Working Knowledge Of:

Computer programming techniques, languages and basic equipment; block diagramming, flow charting and card and form design.
Knowledge of: documentation, scheduling, teleprocessing, and the operations and capabilities of modern data processing equipment.

Skill To:

Interpret and follow complex oral and written instructions and guidelines; analyze and interpret operational and scheduling problems in data processing.

Ability to: establish and maintain effective working relationships with data processing users, employees and other technicians in the field; write clear reports and logs on computer operations and productivity; quickly learn procedures and requirements of the organization.

WORKING CONDITIONS

Duties are performed primarily indoors and are of a sedentary nature.

DK/srs 3570C/377-3 05/21/85

REVISED JANUARY 31, 1985

TABLE A

NON-UNION SALARY RANGE TABLE (Metro Downtown, Gatehouse Sites)

Balary	Begin		Ent			imum	Maximum Incentive Rate**		
Range		Rate	Merit			Rate			
lumber	<u>Annual</u>	<u>Hourly</u>	Annual	<u>Hourly</u>	Annual	Hourly	<u>Annual</u>	Hourly	
10.0	7,529	3.62	7,883	3.79	9,152	4.40	9,443	4.54	
0.5	9,090	4.37	9,547	4.59	11,211	5.39	11,565	5.56	
1.0	9,672	4.65	10,150	4.88	11,690	5.62	12,022	5.78	
1.5	10,130	4.87	10,629	5.11	12,251	5.89	12,626	6.07	
2.0	10,566	5.08	11,066	5.32	12,813	6.16	13,187		
2.5	11,107	5.34	11,794		13,437	6.46	13,853	6.66	
3.0	11,690	5.62	12,272	5.90	14,040	6.75	14,477	6.96	
	12,251	5.89	12,854	6.18	14,830	7.13	15,267	7.34	
4.0	12,813	6.16	13,458	6.47	15,558	7.48	16,037	7.71	
4.5	13,437	6.46	14,102	6.78	16,349	7.46	16,890	8.12	
5.0	•			7.09	17,181	8.26	17,701	8.51	
5.5	14,040 14,830	6.75 7.13	14,747 15,558	7.48	18,054		18,616	8.95	
6.0	15,558	7.48	16,328	7.85	18,949	9.11	19,490	9.37	
6.5	16,349	7.86	17,180	8.26	19,864	9.55	20,467	9.84	
7.0	17,180	8.26	18,054	8.68	20,654	9.93	21,320	10.25	
7.5	18,054	8.68	18,970	9.12	21,819	10.49	22,464	10.80	
8.0	18,949	9.11	19,885	9.56	22,922	11.02	23,629	11.36	
8.5	19,864	9.55	20,862	10.03	24,128	11.60	24,835	11.94	
9.0	20,550	9.88	21,590	10.38	25,314	12.17	26,083	12.54	
9.5	21,819	10.49	22,901	11.01	26,562	12.77	27,352	13.15	
10.0	22,922	11.02	24,066	11.57	27,810	13.37	28,642	13.77	
10.5	24,128	11.60	25,334	12.18	29,307	14.09	30,181	14.51	
11.0	25,293	12.16	26,562	12.77	30,784	14.80	31,740	15.26	
11.5	26,562	12.77	27,872	13.40	32,302	15.53	33,280	16.00	
2.0	27,810	13.37	29,203	14.04	33,800	16.25	34,819	16.74	
.2.5	29,307	14.09	30,763	14.79	35,630	17.13	36,712	17.65	
.3.0	30,784	14.80	32,323	15.54	37,440	18.00	38,563	18.54	
.3.5	32,302	15.53	33,925	16.31	40,227	19.34	41,434	19.92	
.4.0	33,800	16.25	35,485	17.06	41,184	19.80	42,411	20.39	
l4.5	35,422	17.03	37,190	17.88	43,202	20.77	44,491	21.39	
.5.0	37,170	17.87	39,042	18.77	45,427	21.84	46,779	22.49	
5.5	39,562	19.02	41,517	19.96	47,923	23.04	49,400	23.75	
6.0	41,538	19.97	43,618	20.97	54,080	26.00	55,702	26.78	
	,555		10,010		34,000	20.00	33,702	20.70	

Range 0.0 is adjusted annually in January with other ranges assigned to seasonal position classifications.

Cost of living adjustments for employees in the incentive range are computed on maximum merit rate.

TABLE A

METRO PAY PLAN

Salary Range Number		Classification	Beginning Salary	Entry Merit Rate	Maximum Merit Rate	Maximum Incentive Rate
8.5	030	Support Services Supervisor	19,864	20,862	24,128	24,835
0.0	069		9.55	10.03	11.60	11.94
		Development Analyst			•	
		Analyst 2				
	362	_	Section 1		· · · · · · · · · · · · · · · · · · ·	
9.0	307	Engineer Planner 2	20,550	21,590	25,314	26,083
	634	Information Systems Analyst	9.88	10.38	12.17	12.54
		•	••			2, 3, 4
10.0	039	Senior Accountant	22,922	24,066	27,810	28,642
	076		11.02	11.57	13.37	13.77
	335	Analyst 3				
10.5	308	Engineer Planner 3	24,128	25,334	29,307	30,181
	635	Data Processing Oper. Analyst	11.60	12.18	14.09	14.51
	٠٠,		• • • • • •			
11.0	07.3	Management Analyst	25,293	26,562	30,784	31,740
	636	Data Processing Systems Analyst	12.16	12.77	14.80	15.26
	1,					22 222
11.5		Council Assistant	26,562	27,872	32,302	33,280
•		Legal Counsel	12.77	13.40	15.53	16.00
		Waste Reduction Manager	•			•
	336	Senior Analyst				
10.5			20 207	20 762	25 620	36,712
12.5		Engineer/Analysis Manager	29,307	30,763	35,630 17.13	17.65
	070	Personnel Officer	14.09	14.79	17.13	1,.05
12.0	002	Director of Criminal Justice	30,784	32,323	37,440	38,563
13.0	002	Planning	14.80	15.54	18.00	18.54
		2 20:0:2119	24400	23.00		
13.5	092	Director of Legislative Services	32,302	33,925	40,227	41,434
10.0		Pata Processing Manager	15.53	16.31	19.34	19.92
	071	para mocessing manager				
14.0	071	Manager of Accounting	33,800	35,485	41,184	42,411
	090		16.25	17.06	19.80	20.39
3 1 4 4		Solid Waste Operations Manager	•	•		
14.5	081	Public Affairs Director	35,422	37,190	43,202	44,491
	083	Director of Budget and	17.03	17.88	20.77	21.39
an el	•	Administrative Services				
	085	Director of Development Services	3			
	105	General Counsel				
15.0	079		37,170	39,042	45,427	46,779
	089	· · · · · · · · · · · · · · · · · · ·	17.87	18.77	21.84	22.49
	1 _ : _	Planning				
	095	Deputy Executive Officer			•	
				the second secon		and the second s

Table 1
BUDGET & ADMINISTRATIVE SERVICES DIVISION
PERSONAL SERVICES BUDGET
CURRENT 1984-85 & PROPOSED 1985-86

	CU	RRENT BUI	GET 1984-	.85 1	CURRENT	BUDGET-I		ROPOSAL	PR	OPOSED 19	985-86 BUD	GET 2
	DIVI	SION	PERS	ONNEL	DIVI	SION	PERS	ONNEL	DIVI	SION	PERS	ONNEL .
PERSONAL SERVICES	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE
Deputy Exec. Off.	7,646	.17			7,646	.17			8,121	.17		
Manager, B&AS	39,410	1.00	9,853	.25	39,410	1.00	9,853	.25	40,607	1.00	8,121	.20
Analyst 3	23,954	1.00			23,954	1.00			24,065	1.00		
Personnel Analyst	21,302	1.00	21,302	1.00	15,977		15,977					
Personnel Officer		• • .			7,540	1.00	7,540	1.00	31,387	1.00	31,387	1.00
Support Svc. Supr.	7,945	1.00			7,945	1.00			20,259	1.00		
Print Operator	18,126	1.00			18,126	1.00			18,480	1.00		,
Lead Word Proc.Opr.	18,403	1.00			18,403	1.00			19,344	1.00		
Word Proc. Oper.	15,714	1.00			15,714	1.00			8,089	.50		
Admin. Asst.	19,915	1.00	11,623	1.00	19,915	1.00	11,623	1.00	20,509	1.00	20,509	1.00
Secretary	6,986	.50	6,986	50	6,986	-50	6,986	.50	18,633	1.25	14,384	1.00
Maintenance Aide	6,432	.50			6,432	50		• • •	6,510	.50		
Temporary	2,633				2,633		•		•	•		
Overtime	200				200				200		•	•
Merit	112	•			112			٠.	8,640	* .	2,976	
Fringe	56,373		15,096	· ·	58,162		16,077		69,702		23,987	<u> </u>
Total	245,151	9.17	64,860	2.75	249,155	9.17	68,056	2.75	294,506	9.42	101,364	3.20

¹ As proposed in mid-year budget adjustments

 $^{^2}$ Includes 2% Pay Plan catch up and 1% increase in fringe costs

Table 2

DATA PROCESSING DIVISION

PERSONAL SERVICES BUDGET

CURRENT 1984-85 & PROPOSED 1984-86

	CURRENT 1984	BUDGET 1 -85	CURRENT (PHASE I	BUDGET (4/1/85)	PROPOSED 1985-	BUDGET ² 86
PERSONAL SERVICES	AMOUNT	FTE	AMOUNT	FTE	AMOUNT	FTE
Deputy Exec. Officer	7,197	.16	7,197	. 16	7,634	.16
Tech. Services Mgr.	12,504	. 30	9.378			
Manager - Data Proc.			8,252	1.00	33,000	1.00
Systems Analyst	14,338	.50	14,338	.50		
Operations Analyst	28,740	1.00	28,740	1.00	30,783	1.00
Programmer					10,400	.50
Secretary	3,493	.25	3,493	.25	3,760	.25
Merit	2,752		2,752		3,423	
Fringe	20,675		22,213		27,590	
Total	89,699	2.21	96,363	2.91	116,590	2.91

As proposed in mid-year budget adjustments

² Includes 2% Pay Plan catch up and 1% increase in fringe costs

DEPARTMENT OF FINANCE & ADMINISTRATION CURRENT STRUCTURE & STAFF 18.8 FTE

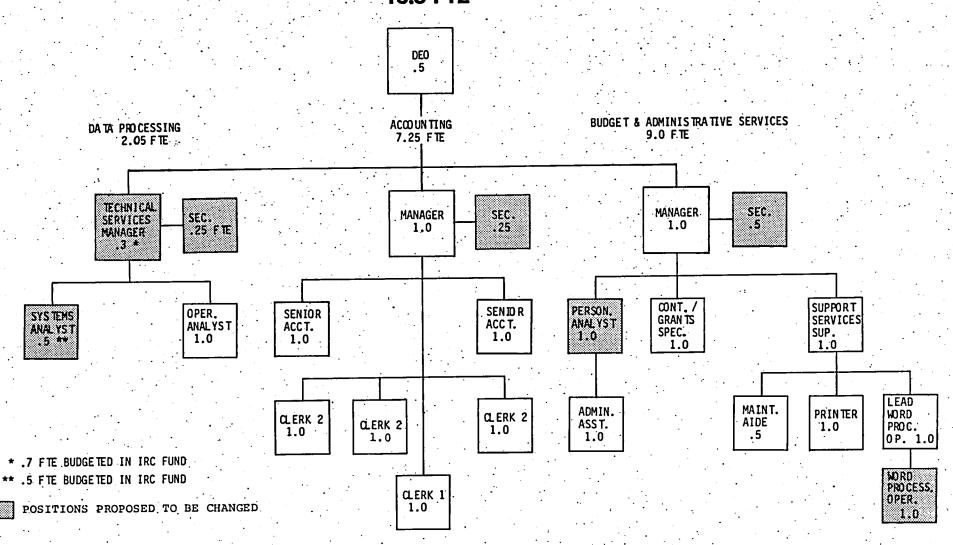
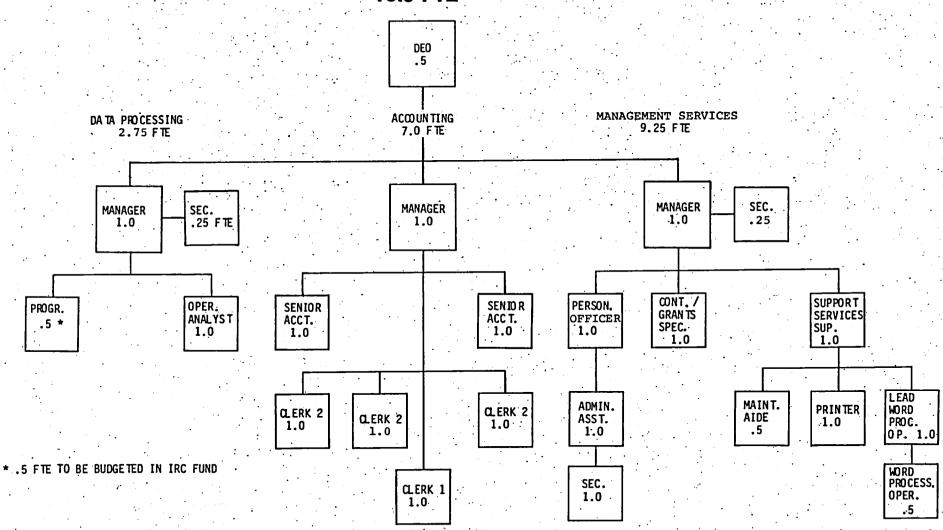


Figure 2

DEPARTMENT OF FINANCE & ADMINISTRATION PROPOSED STRUCTURE & STAFF 19.5 FTE



TAX SUPERVISING & CONSERVATION COMMISSION

Multnomah County, Oregon

1510 Portland Building

1120 S.W. Fifth Avenue

Portland, Oregon 97204-1950

503/248-3054

May 28, 1985

Board of Directors
Metropolitan Service District
527 S.W. Hall
Portland, Oregon 97201

Dear Council Members:

The Tax Supervising and Conservation Commission has reviewed, given careful consideration to and on May 22, 1985 met to discuss and conduct a public hearing on a Supplemental Budget for 1984-85. The budget is hereby certified with the objections and recommendations as noted and is based on the following estimates.

General Fund		\$ 346,009
(revised 1984-85 budget \$2,871,594)	:	
Intergovernmental Resource Center Fund		\$ 44,144
(revised 1984-85 budget \$1,765,209)		• • • • • • • • • • • • • • • • • • • •
Solid Waste Operating Fund		\$ 900,000
(revised 1984-85 budget \$10.745.680)	•	

An objection is filed with regard to the proposed \$737,876 fund balance increase in the Solid Waste Fund because the proposed action does not meet any one of the five conditions specified in ORS 294.480 for which supplemental budgets may be made.

The other actions included in this submittal for adjustments to the Zoo Operating Fund, Zoo Capital Fund and St. Johns Improvement Fund do not require certification and may be accomplished as directed by Board resolution.

May 28, 1985 Page 2

We recommend that beginning with 1985-86 all activities related to operation and maintenance of building space be accounted for in an Enterprise Fund.

Please file a copy of the resolution adopting this supplemental action.

Yours very truly,

TAX SUPERVISING & CONSERVATION COMMISSION

Thomas K. Hatfield, Chair

Cynthia L. Barrett, Commissioner

Oliver I. Norville, Commissioner

Chet McRobert, Jr., Commissioner

GJG:pj

BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 85-186 ORDINANCE NO. 84-172 AMENDING)
APPROPRIATIONS AND ADOPTING A) Introduced by the SUPPLEMENTAL BUDGET) Executive Officer
WHEREAS, The need exists to appropriate funds not
anticipated in the FY 1984-85 budget as adopted on June 28, 1984; and
WHEREAS, Conditions which were not ascertained at the time
of the preparation of the current year budget require a change in
financial planning; and
WHEREAS, Such action requires a supplemental budget,
pursuant to Oregon law; now, therefore,
THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:
Section 1. That the Supplemental Budget to the Fiscal Year
1984-85 Budget, attached hereto as Exhibit A, is hereby adopted.
Section 2. That the Schedule of Appropriations attached hereto
as Exhibit B is hereby adopted.
ADOPTED by the Council of the Metropolitan Service District
this day of, 1985.
Presiding Officer
ATTEST:
Clerk of the Council
JS/srs 2761C/257-3

EXHIBIT A FY 1984-85 SUPPLEMENTAL BUDGET

Fund: Zoo
Department: Operating

Division/Program:

Account Number	Description			Current Budget	Supplemental Revised Budget Budget
					1
	Resources		The second second second		the control of the state of the
	All Accounts		2	8,459,147	0 8,459,147
	Total Resources	5		8,459,147	0 8,459,147

Fund: Zoo
Department: Operating
Division/Program: Administration

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
Trumb CI	Debot p d d d			
	Personal Services			
6010	Director	50,196	(16,157)	34,039
6020	Assistant Director	43,546	1,665	45,211
6040	Secretary	36,110	704	36,814
6050	Development Analyst	20,234	405	20,639
6300	Temporary	5,720	115	5,835
6700	Fringe	47,880	(6,079)	41,801
	All Other Accounts	1,603	0	1,603
	Total Personal Services	205,289	(19,347)	185,942
	Materials & Services			
7100	Travel	9,600	(3,000)	6,600
7140	Ads, Legal Notices	750	1,500	2,250
7410	Supplies	9,000	2,000	11,000
7530	Insurance	75,000	(3,500)	71,500
7900	Miscellaneous	3,200	3,000	6,200
•	All Other Accounts	132,015	0	132,015
•	Total Materials & Services	229,565	0	229,565
	Capital Outlay			
8750 .	Office Furniture/Equipment	4.871	2.347	7,218
	Total Capital Outlay	4,871	$\frac{2,347}{2,347}$	7,218
	Total Divison	439,725	(17,000)	422,725

Fund: Zoo
Department: Operating
ivision/Program: Animal Management

6020 Senior Animal Keeper 11 6030 Curator 6040 Secretary 6050 Animal Keeper Foreman 6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 7100 Total Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services	rent Supplemental dget Budget	Revised Budget
Animal Keeper		
6020 Senior Animal Keeper 6030 Curator 6040 Secretary 6050 Animal Keeper Foreman 6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 7101 Total Materials & Services 7480 Animal Purchases All Other Accounts Total Materials & Services	20 000	445 006
6030 Curator 6040 Secretary 6050 Animal Keeper Foreman 6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2 All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 7101 Total Materials & Services 7102 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services	29,808 15,288 30,290 4,368	445,096 134,658
6040 Secretary 6050 Animal Keeper Foreman 6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay		
6050 Animal Keeper Foreman 6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 22 All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 11 Total Materials & Services 22 Capital Outlay	36,712 734 18,034 361	37,446 18,395
6060 Veterinarian 6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	27,602 552	28,154
6070 Veterinary Technician 6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	35,464 709	36,173
6080 Nutrition Technician 6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	23,718 474	24,192
6090 Research Coordinator 6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 1,0: Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	15,769 315	16,084
6100 Program Assistant 2 6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 1,0: Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	24,502 490	24,992
6110 Hospital Attendant 6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 1,0: Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	7,935	8,094
6300 Temporary 6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 1,0: Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	4,628 93	4,721
6500 Overtime/Holiday Pay 6700 Fringes 2: All Other Accounts Total Personal Services 1,03 Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services 2 Capital Outlay	5,136 190	5,326
All Other Accounts Total Personal Services Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	22,500 833	23,333
All Other Accounts Total Personal Services Materials & Services Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	36,125 8,439	244,564
Materials & Services 7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	8,549 0	8,549
Materials & Services Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	26,772 33,005	1,059,777
7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	20,772 33,003	2,005,111
7100 Travel 7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay		
7110 Meetings/Conferences 7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	2,530 5,000	7,530
7120 Training & Tuition 7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	2,640 (1,500)	1,140
7310 Maintenance & Repair 7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	800 (400)	400
7450 Supplies - Other 7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	2,600 (1,000)	1,600
7480 Animal Purchases All Other Accounts Total Materials & Services Capital Outlay	38,500 (1,100)	37,400
All Other Accounts 12 Total Materials & Services 2 Capital Outlay	17,000 (1,000)	16,000
Total Materials & Services 2 Capital Outlay	46,600 0	146,600
Capital Outlay	10,670 0	210,670
		1.3
	21,000 0	21,000
	$\frac{21,000}{21,000}$ $\frac{0}{0}$	21,000
Total Divison 1,2	58,442 33,005	1,291,447

Fund: Zoo
Department: Operating
Division/Program: Buildings & Grounds

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
		,		40.36
	Personal Services	•		
6010	Buildings & Grounds Manager	31,340	(895)	30,445
6020	Master Mechanic	25,626	(6,272)	19,354
6030	Maintenance Electrician	27,248	(3,272)	23,976
6040	Maintenance Mechanic	22,922	728	23,650
6050	Maintenance Worker 3	53,054	1,762	54,816
6060	. Maintenance Worker 3 - Part-Time	5,481	7,682	13,163
6070	Maintenance Worker 2	83,032	2,912	85,944
6080	Maintenance Worker 1	98,639	3,895	102,534
6090	Maintenance Worker 1 - Part-Time	15,966	4,192	20,158
6100	Secretary	16,557	331	16,888
6110	Senior Gardener	23,608	728	24,336
6120	Gardener 2	20,758	(4,272)	16,486
6130	Gardener 1	74,712	2,912	77,624
6140	Laborer	11,633	5,575	17,208
6150	Maintenance Foreman	24,523	483	25,006
6500	Overtime	21,270	14,812	36,082
6560	Merit	1,185	0	1,185
6700	Fringe	159,847	5,394	165,241
	Total Personal Services	717,401	36,695	754,096
	Materials & Services			
7120	Training & Tuition	1,065	700	1,765
7200	Utilities - Electricity	75,000	35 , 000	110,000
7210	Utilities - Water	184,000	2,000	186,000
7220	Utilities - Other	110,000	5,000	115,000
7310	Maintenance & Repairs - Buildings	. 7		
7320		35,500	5,000	40,500
7340	Maintenance & Repairs - Vehicles	6,290	2,500	8,790
	Maintenance & Repairs - Railroads	0	10,000	10,000
7410 7430	Supplies - Office	.0	300	300
7450 7450	Supplies - Custodial	12,374	5,000	17,374
7450 7500	Supplies - Other	1,272	200	1,472
	Contractual Services	54,000	10,000	64,000
7510	Pay to Other Agencies	390	300	690
	All Other Accounts	69,974	0	69,974
	Total Materials & Services	549,865	76,000	625,865
	Capital Outlay			• • • • • • • • • • • • • • • • • • • •
8510	Buildings	172,229	(22,000)	150,229
8530	Improvements	0	2,000	2,000
8550	Vehicles & Equipment	75,600	20,000	95,600
8570	Office Furniture & Equipment	4,000	20,000	4,000
•	Total Capital Outlay	251,829	0	251,829
	Total Division	1,519,095	112,695	1,631,790
			•	100

JS/srs 2691C/257-4 06/06/85

Fund: Zoo
Department: Operating
ivision/Program: Education

Account		Current Budget	Supplemental Budget	Revised Budget
Number	Description	Budget	Dadget	
	Personal Services	· · · · · · · · · · · · · · · · · · ·		
6010	Education Services Manager	31,366	627	31,993
6020	Education Services Specialist	49,130	983	50,113
6030	Graphics Coordinator	24,565	. 491	25,056
6040	Graphics Designer	33,548	671	34,219
6050	Secretary	17,742	355	18,097
6060	Program Assistant 2	16,411	328	16,739
6070	Animal Keeper	20,467	728	21,195
6080	Animal Keeper - Part-Time	10,234	364	10,598
6300 .	Temporary	1,682	.70	1,752
6500	Overtime	500	18	518
6700	Fringe	65,592	1,312	66,904
	All Other Accounts	47,687	. 0	47,687
$x = t_{n-1}$	Total Personal Services	318,924	5,947	324,871
	Materials & Services			
7100	Travel	1,430	(200)	1,230
7150	Printing	5,500	2,000	7,500
7160	Typesetting & Reproduction	5,500	4,100	9,600
7330	Maintenance & Repairs	925	200	1,125
7360	Equipment Rental	300	(100)	200
7440	Supplies - Graphics	14,000	(4,000)	10,000
7500	Contractual Services	24,648	(2,000)	22,648
	All Other Accounts	12,165	0	12,165
	Total Materials & Services	64,468	0	64,468
	, 10001 1.00011010 0 50111005			
•	Capital Outlay			
8570	Office Furniture & Equipment	2,100	0	2,100
00.0	Total Capital Outlay	$\frac{2,100}{2,100}$	Ō	2,100
•	Total capital outlay			
	Total Division	385,492	5,947	391,439
	TOTAL DIVISION	505,452	0,51,	

Fund: Zoo
Department: Operating
Division/Program: Public Relations

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Personal Services			```\`` <u>\`\</u>
6010	Public Information Manager	28,995	580	29,575
6020	Program Assistant 2	18,948	379	19,327
6040	Public Information Specialist	16,699	334	17,033
6030	Educational Services Specialist	1,104	22	1,126
6560	Merit	1,793	0	1,793
6700	Fringe	19,242	<u> 385</u>	19,627
	Total Personal Services	86,781	1,700	88,481
	Materials & Services			
7410	Office Supplies	3,900	(850)	3,050
7110	Meetings	100	100	200
7330	Maintenance & Repairs	180	150	330
7450	Other Supplies	6,180	4,100	10,280
7150	Printing	36,875	(3,500)	33,375
7130	All Other Accounts	65,781	0	65,781
	Total Materials & Services	113,016	0	113,016
	Capital Outlay			
8570	Office Furniture & Equipment	2,110	0	2,110
	Total Capital Outlay	$\frac{2,110}{2,110}$	<u>0</u>	2,110
	Total Division	201,907	1,700	203,607

Fund: Zoo

Department: Operating

vision/Program: Visitor Services

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
Mumoer	Descripcion			
	Personal Services			
6010	Visitor Services Manager	32,258	645	32,903
6020	Food Service Manager	24,089	482	24,571
6030	Retail Manager	19,634	393	20,027
6040	Secretary	17,790	356	18,146
6050	Storekeeper	14,317	286	14,603
6060	Assistant Food Service Manager	25,262	505	25,767
6070	Clerk (Cashroom)	27,822	1,456	29,278
6080	Typist/Receptionist	41,360	2,548	43,908
6090	Stationmaster	25,992	1,165	27,157
6100	Visitor Services Workers - Food	150,738	1,511	152,249
6110	Visitor Services Workers - Retail	27,581	259	27,840
6120	Safety Coordinator	17,638	39,009	56,647
6300	Temporary	3,276	1,880	5,156
6500	Overtime	4,600	. 278	4,878
6560	Merit	4,884	98	4,982
6700	Fringe	86,075	1,205	87,280
0700	Total Personal Services	523,316	52,076	575,392
	Materials & Services			
110	Meetings	0	225	225
7120	Training & Tuition	500	(225)	275
7390	Merchandise for Resale - Food	212,000	(0)000)	206,000
7400	Merchandise for Resale - Gifts	135,000	(2,300)	132,700
7500	Contractual Services	36,400	5,300	41,700
7900	Miscellaneous Expenses	0	3,000	3,000
•	All Other Accounts	67,150	0	67,150
•	Total Materials & Services	451,050	0	451,050
	Capital Outlay			
8550	Equipment & Vehicles	0	4,118	4,118
8570	Office Furniture/Equipment	23,738	4,118	27,850
	Total Capital Outlay	23,738	8,236	31,974
	Total Division	998,104	60,312	1,058,416

Fund: Zoo
Department: Operating
Division/Program:

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Transfers & Contingency			
9100	Transfer to General Fund	452,047	42,176	494,223
9200	Transfer to Capital Fund	1,964,000	0	1,964,000
9700	Contingency	239,335	(238,835)	500
	Total Transfers & Contingency	2,655,382	(196,659)	2,458,723
9800	Unappropriated Balance	1,001,000	0	1,001,000
	Total Department	8,459,147	0	8,459,147

Fund: Zoo

Department: Capital Division/Program:

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Resources			
•	All Accounts	6,923,483	0	6,923,483
	Total Resources	6,923,483	<u> </u>	6,923,483
•	Requirements			
7750	Alaskan Tundra	263,483	877,593	1,141,076
8880	West Bear Grotto	2,077,300	(977,593)	1,099,707
8770	Elephant Museum	94,000	100,000	194,000
	All Other Accounts	4,488,700	0_	4,488,700
	Total Requirements	6,923,483	. 0	6,923,483

Fund: Solid Waste
Department: Operating
vision/Program: Resources

Account Number	Description	Current Budget	. Su	pplemental Budget	Revised Budget
	B		•		
5500	Resources Disposal Fees - Commercial	4,674,600		677,000	5,351,600
5520	User Fees - Commercial	1,201,400		40,000	1,241,400
5540	Regional Transfer Charge - Commercial	1,430,200		48,000	1,478,200
5560	Convenience Charge - Commercial	433,200		135,000	568,200
	All Other Accounts	2,106,280	•	0	2,106,280
	Motal Decourage	9.845.680	•	900-000	10,745,680

Fund: Solid Waste Department: Operating

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
				$\hat{\mathbf{v}} = \{v_1, \dots, v_{k+1}, \dots, v_{k+1}\}$
	Personal Services			40.040
6020	Operations Manager	40,648	1,600	42,248
6030	Manager/Engineer	35,669	360	36,029
6560	Merit	23,516	(1,960)	21,556
	All Other Accounts	695,034	O	695,034
	Total Personal Services	794,867	0	794,867
	Materials & Services		ja od ostania od objektiva od o	
7500	Contractual Services	5,406,733	401,000	5,807,733
750.0	All Other Accounts	610,750	101,000	610,750
	Total Materials & Services	6,017,483	401,000	6,418,483
	G., 11.3 G.13			
0550	Capital Outlay	00 400	70.000	20 400
8570	Office Furniture & Equipment	20,400	10,000	30,400
	All Other Accounts	19,000		19,000
	Total Capital Outlay	39,400	10,000	49,400
in a second	Transfers & Contingency			
9100	Transfer to General Fund	691,337	106,209	797,546
9700	Contingency	643,263	382,791	1,026,054
	All Other Accounts	1,659,330	0	1,659,330
	Total Transfers & Contingencies	2,993,930	489,000	3,482,930
	Total Department	9,845,680	900,000	10,745,680

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
vision/Program:

Account Number Description	Curren Budge		lemental udget	Revised Budget
		•		
Resources	•			
5100 UMTA Section 9		0	24,000	24,000
5100 83 Section 8		0	2,076	2,076
5100 EPA 105	7	,500	2,925	10,425
5120 Tri-Met Match		0	3,000	3,000
5110 FY 84 PL/ODOT		0	5,232	5,232
		ñ	4,661	4,661
5110 Rideshare	F07	210	8,406	595,625
5810 Transfer from General Fund		,219		38,844
5100 UMTA Discretionary Funds	,	,000	(6,156)	
All Other Accounts	1,081	<u>,346</u>	0	1,081,346
Total Resources	1,721	.065	44,144	1,765,209

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
Division/Program:

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Personal Services	•		
6010	Administrator	41,808	418	42,226
6020	Transportation Director	41,753	410	42,163
6030	Data Services Director	28,887	(828)	28,059
6040	Administrative Assistant	21,423	278	21,701
6050	System Analyst	14,258	(309)	13,949
6060	Secretary	32,533	(1,379)	31,154
6070	Senior Analyst	94,322	31,123	125,445
6080	Analyst 3	181,680	(26,558)	155,122
6090	Analyst 2	66,103	20,919	87,022
6100	Analyst 1	53,492	(17,820)	35,672
6110	Engineer 3	27,538	275	27,813
6140	Criminal Justice Director	14,310	(11,901)	2,409
6300	Temporary	27,300	1,964	29,264
6560	Merit	24,684	(2,530)	22,154
6700	Fringe	195,567	(1,832)	193,735
	Total Personal Services	865,658	(7,770)	857,888
	Materials & Services			
7110	Meetings & Conferences	4,125	100	4,225
7500	Contractual Services	202,289	16,100	218,389
	All Other Accounts	50,050	0	50,050
	Total Materials & Services	256,464	16,200	272,664
	Capital Outlay			1.5
8570	Office Furniture & Equipment	1,000	63,800	64,800
	Total Capital Outlay	1,000	63,800	64,800
	Total capital cattay	2,000	00,000	
	Transfers			
9100	Transfer to General Fund	597,943	(27,986)	569,957
7200	Total Transfers	597,943	$\frac{(27,986)}{(27,986)}$	569,957
	Total Ilanorero	32773	(217500)	1.10
	Total Fund	1,721,065	44,244	1,765,309
	TOGAT LAMA	T. 121,000	77/27	x,,00,,000

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
ivision/Program: Administration

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
4 4 4 4	Personal Services			
6010	Administrator	25,085	251	25,336
6060	Secretary	7,597	(1,629)	5,968
6070	Senior Analyst	3,001	(24)	2,977
6090	Analyst 2	0	4,920	4,920
6080	Analyst 3	19,531	(19,531)	0
6300	Temporary	0	1,688	1,688
6560	Merit	2,209	(515)	1,694
6700	Fringe	<u>17,227</u>	<u>(4,210)</u>	<u>13,017</u>
	Total Personal Services	74,650	(19,050)	55,600
	Materials & Services			
7150	Printing	5,500	(2,000)	3,500
7500	Contractual	18,000	(8,000)	10,000
	All Other Accounts	20,900	0	20,900
	Total Materials & Services	44,400	(10,000)	34,400
•	Capital Outlay			
8570	Office Furniture	1,000	0	1,000
	Total Capital Outlay	1,000	<u>0</u>	1,000
-	Transfers			
9100	Transfers to General Fund	164,026	(9,552)	154,474
	Total Division	284,076	(38,602)	245,474

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
Division/Program: Data Services

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
-	Personal Services			
6030	Data Services Director	16,507	(473)	16,034
	Senior Analyst	39,684	740	40,424
6080	Analyst 3	25,022	250	25,272
6050	Systems Analyst	5,678	(99)	5,579
6090	Analyst 2	8,178	7,859	16,037
6100	Analyst 1	7,272	(7,272)	0
6300	Temporary	16,380	164	16,544
6060	Secretary	3,468	35	3,503
6560	Merit	4,232	57	4,289
6700	Fringe	34,650	347	34,997
	Total Personal Services	161,071	1,608	162,679
• • •				
	Materials & Services			
	All Materials & Services	14,500	. 0	14,500
	Transfers			
	Transfer to General Fund	91,305	<u> </u>	91,305
	Total Transfers	91,305	. 0	91,305
	Total Division	266,876	1,608	268,484

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
ivision/Program: Transportation

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
		•		•
	Personal Services			10 FF9
6010	Administrator	10,452	105	10,557
6020	Transportation Director	41,753	410	42,163
6040	Administrative Assistant	21,423	278	21,701
6030	Data Services Director	12,380	(355)	12,025
6050	Secretary	16,018	160	16,178
6070	Senior Analyst	51,637	30,407	82,044
6080	Analyst 3	83,443	(27,540)	55,903
6090	Analyst 2	57,925	8,140	66,065
6100	Analyst 1	46,220	(10,548)	35,672
6050	Systems Analyst	7,160	(185)	6,975
6300	Temporary	5,460	55	5,515
6110	Engineer 3	27,538	275	27,813
6560	Merit	14,998	(2,356)	12,642
6700	Fringe	<u>117,830</u>	<u>(357)</u>	117,473
	Total Personal Services	514,237	(1,511)	512,726
	Materials & Services			
7110	Meetings & Conferences	0	100	100
7550	Contractual Services	163,789	(3,800)	159,989
	All Other Accounts	21,000	<u> </u>	21,000
	Total Materials & Services	184,789	(3,700)	181,089
	Capital Outlay			1
8570	Office Equipment	0	63,800	63,800
	Total Capital Outlay	<u>0</u>	63,800	63,800
•				
	Transfers			
9100	To General Fund	284,364	(23,319)	261,045
	Total Transfers	284,364	(23,319)	261,045
				11. 11. <u>\$</u> 15.
	Total Division	983,390	35,270	1,018,660

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
Division/Program: Development Services

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
•	P			
	Personal Services	C 271	62	6,333
6010	Administrator	6,271	the state of the s	
6050	Systems Analyst	1,420	(25)	1,395
6060	Secretary	5,450	55	5,505
6080	Analyst 3	53,684	20,263	73,947
6300	Temporary	5,460	55	5,515
6560	Merit	2,673	854	3,527
6700	Fringe	21,395	6,134	27,529
0,00		96,353	27,398	123,751
	Total Personal Accounts	30,333	2,7556	
	Materials & Services		0.000	2 000
7150	Printing	0	2,000	2,000
7500	Contractual Services	12,000	<u>8,000</u>	20,000
• • • • • • • • • • • • • • • • • • • •	Total Materials & Services	12,000	10,000	22,000
				A Company
	Transfers			
	To General Fund	48,842	12,764	61,606
	Total Transfers	48,842	$\frac{12,764}{1}$	61,606
	TOTAL TRANSPERS	40,042		
	Total Division	157,195	50,162	207,357

Fund: Intergovernmental Resource Center
Department: Intergovernmental Resource Center
ivision/Program: Criminal Justice

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Personal Services			
	Criminal Justice Director	14,310	(11,901)	2,409
6560	Merit	572	(572)	0
6700	Fringe	4,465	(3,742)	723
• • •	Total Personal Services	19,347	(16,215)	3,132
	Materials & Services	•		
7500	Contractual Services	0	19,900	19,900
	All Other Accounts	675	0	675
	Total Materials & Services	675 675	19,900	20,575
	Transfers	0.00		
	To General Fund	9,406	<u>(7,879)</u>	1,527
•	Total Transfers	9,406	(7,879)	1,527
	Total Division	29,428	(4,194)	25,234

Fund: General
Department:
Pivision/Program:

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Resources			
4300	Beginning Fund Balance	75,000	192,395	267,395
5600	Interest	75,000	50,000	125,000
5820	Transfer from Zoo Operating	452,047	42,176	494,223
5830	Transfer from Solid Waste Operation	691,337	106,209	797,546
5850	Transfer from IRC	597,943	(27,986)	569,957
	All Other Accounts	634,258	0	634,258
• • •	Total Resources	2,525,585	362,794	2,888,379

Fund: General Department: Council

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
·				
	Personal Services			
6010	Council Secretary	16,099	486	16,585
6020	Council Assistant	32,490	1,056	33,546
6300	Temporary	0	250	250
6560	Merit	1,944	(1,056)	888
6700	Fringe	15,160	152	15,312
0,00	Total Personal Services	65,693	888	66,581
	Materials & Services			
7500	Contractual Services	3,000	(250)	2,750
7500	All Other Accounts	55,120	`	55,120
	Total Materials & Services	58,120	(250)	57,870
	Total Department	123,813	638	124,451

Fund: General

Department: Executive Management

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
e de la companya de l	Personal Services			
6010	Executive Officer	49,327	493	49,820
6020	Deputy Executive Officer	22,277	223	22,500
6030	Administrative Assistant	22,090	221	22,311
6040	Executive Management Aide	16,008	160	16,168
6050 ·	General Counsel	40,000	400	40,400
6060	Clerk of the Council	19,510	195	19,705
6500	Overtime	700	0	700
6560	Merit	6,757	68	6,825
6700	Fringe	52,711	527	53,238
• • •	Total Personal Services	229,380	2,287	231,667
	Materials & Services			•
	Total Materials & Services	33,845	0	33,845
	Total Department	263,225	2,287	265,512

Fund: General
Department: Finance and Administration
Division/Program: Budget and Administrative Services

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
Maliner	Description	Duaget	Dadget	
	Personal Services			
6020	Deputy Executive Officer	7,570	76	7,646
6030	Director, Budget & Admin. Services	37,918	1,492	39,410
0030	Management Analyst	30,954	(30,954)	0
6040	Analyst 3	0	23,954	23,954
6050	Personnel Analyst	20,092	1,210	21,302
6060	Print Operator	17,826	300	18,126
6070	Secretary	6,916	70	6,986
6080	Lead Word Processing Operator	17,888	515	18,403
6090	Word Processing Operator	15,103	611	15,714
6100	Maintenance Aide	6,432	0	6,432
6110	Administrative Assistant	18,585	1,330	19,915
6120	Support Services Supervisor	0	7,945	7,945
:	Overtime	0	200	200
6300	Temporary	2,633	0	2,633
6500	Merit	7,095	(6,983)	112
6700	Fringe	56,139	234	56,373
	Total Personal Services	245,151	0	245,151
	Materials & Services			
7200	Utilities-Electricity	0	3,000	3,000
7210	Utilities-Water	0	100	100
7220	Utilities-Other	0	1,500	1,500
7310	Maintenance & Repairs-Building	0	1,450	1,450
7500	Contractual Services	5,600	27,150	32,750
7530	Insurance	16,500	1,000	17,500
7750	Lease - Building	286,228	86,664	372,892
	Taxes	0	27,400	27,400
	All Other Accounts	200,203	0	200,203
	Total Materials & Services	508,531	148,264	656,795
	Capital Outlay			
8600	Leasehold Improvements	n	85,000	85,000
3000	All Other Accounts	8,500	05,000	8,500
	Total Capital Outlay	8,500	85,000	93,500
	Total Division	762,182	233,264	995,446

Fund: General

Department: Finance & Administration vision/Program: Accounting

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
		• • • • • • • • • • • • • • • • • • • •		
	Personal Services			
6020	Deputy Executive Officer	7,571	76	7,647
6030	Accounting Manager	36,629	2,216	38,845
6040	Senior Accountant	51,584	2,033	53,617
6050	Accounting Clerk 2	43,369	1,884	45,253
6060	Accounting Clerk 1	13,166	132	13,298
6070	Secretary	3,458	35	3,493
6300	Temporary	3,292	0	3,292
6560	Merit	6,363	(4,769)	1,594
6700	Fringe	48,932	147	49,079
	Total Personal Services	214,364	1,754	216,118
	Materials & Services		• • • • • • • • • • • • • • • • • • • •	
				en e
	Total Materials & Services	37,488	0	37,488
				252 606
	Total Division	251,852	1,754	253,606

Fund: General
Department: Finance and Administration
Division/Program: Data Processing

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
Matimer	Descripcion			
•	Personal Services			
6020	Deputy Executive Officer	7,125	1,572	8,697
6030	Director of Data Services	12,380	876	13,256
6040	Operations Analyst	28,455	785	29,240
6050	Systems Analyst	14,196	6,142	20,338
6070	Secretary	3,458	35	3,493
6560	Merit	2,625	(2,625)	0
6700	Fringe	20,470	205	20,675
	Total Personal Services	88,709	6,990	95,699
	TO COLL T CE DOLLAR DOL			
	Materials & Services			
7100	Travel	1,000	(1,000)	0
7110	Meeting & Conferences	1,500	(1,500)	0
7330	Maintenance & Repairs	26,836	1,500	28,336
7410	Supplies	6,000	2,500	8,500
7130	Dues & Subscriptions	300	100	400
7500	Contractual Services	4,000	(4,000)	0
7700	Lease - Equipment	35,810	(3,500)	32,310
7900	Miscellaneous	2,000	(100)	1,900
7500	All Other Accounts	3,000	0	3,000
	Total Materials & Services	80,446	(6,000)	74,446
• • • • • • • • • • • • • • • • • • • •				
	Capital Outlay	•		
	Total Capital Outlay	16,055	0	16,055
	Total Division	185,210	990	186,200
•	Total Finance and Administration	1,199,244	236,008	1,435,252

Fund: General
Department: Public Affairs

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
	Personal Services	20.000	/F 000\	22 022
6010	Public Affairs Director	39,823	(5,890)	33,933
6020	Analyst 3	27,920	221	28,141
6040	Graphics Coordinator	24,356	572	24,928
6050	Secretary	13,769	(1,637)	12,132
6060	Graphics Designer	17,142	389	17,531
6070	Public Information Specialist	10,237	1,748	11,985
6080	Receptionist	12,560	125	12,685
6090	Analyst 1	15,808	724	16,532
6300	Temporary	2,486	7,014	9,500
6500	Overtime	0	200	200
6560	Merit	2,781	(1,833)	948
6700	Fringe	49,568	495	50,063
0,00	Total Personal Services	216,450	2,128	218,578
	Materials & Services	•		:
7150	Printing	18,350	(3,000)	15,350
7410	Supplies - Office	350	500	850
7440	Supplies - Graphics	3,750	2,500	6,250
7440	All Other Accounts	18,500	-,	18,500
	Total Materials & Services	40,950	0	40,950
	TOTAL MATERIALS & SELVICES	40/330		
	Conital Outlay			3.00
	Capital Outlay			
	Makal Camibal Cublan	1,750	n	1,750
•	Total Capital Outlay	1,120	U	1,750
	Total Department	259,150	2,128	261,278

Fund: General Department: Transfers

Account Number	Description	Current Budget	Supplemental Budget	Revised Budget
9400 9700	Transfers and Contingency Transfer to IRC Contingency Total Transfers and Contingency	587,219 69,896 657,115	8,406 113,327 121,733	595,625 183,223 778,848
	Unappropriated Balance	23,038	0	23,038
•	Total General Fund	2,525,585	362,794	2,888,379

Description	Current Budget	Supplemental Budget	Revised Budget
		•	
Transportation Technical Assistance Fund All Accounts	130,000	0	130,000
Sewer Assistance Fund All Accounts	2,800,000	0	2,800,000
Solid Waste Capital Fund All Accounts	10,346,000	0	10,346,000
Solid Waste Debt Service Fund All Accounts	887,531	0	887,531
St. Johns Reserve Fund	563,700	0	563,700
St. Johns Final Improvement Fund	1,665,000	0	1,665,000

Fund: Criminal Justice Technical Assistance Department:

Account Number	Description		Current Budget	Supplemental Budget	Revised Budget
5100	Resources Federal Grants Total Resources		23,000 23,000	9,000 9,000	32,000 32,000
7510	Requirements Payments to Other A Total Requirements	gencies	23,000 23,000	9,000 9,000	32,000 32,000

EXHIBIT B

APPROPRIATIONS SCHEDULE

FY 1984-85

	Current Appropriation	Amendment	Revised Appropriation
GENERAL FUND			
Council			
Personal Services	65,693	888	66,581
Materials & Services	58,120	(250)	57,870
Capital Outlay	0	0	0
Subtotal	123,813	638	124,451
Executive Management	•		
Personal Services	229,380	2,287	231,667
Materials & Services	33,845	0	33,845
Capital Outlay	.0	0	0
Subtotal	263,225	2,287	265,512
Public Affairs			
Personal Services	216,450	2,128	218,578
Materials & Services	40,950	2,120	40,950
Capital Outlay	1,750	Õ	1,750
Subtotal	259,150	2,128	261,278
Finance & Administration	540 004	0 744	FFC 0C0
Personal Services	548,224	8,744	556,968
Materials & Services	626,465	142,264	768,729
Capital Outlay	24,555	<u>85,000</u>	109,555
Subtotal	1,199,244	236,008	1,435,252
General Expense			
Contingency	69,896	113,327	183,223
Transfers	587,219	8,406	595,625
Subtotal	657,115	121,733	778,848
Unappropriated Balance	23,038	0	23,038
Total General Fund	2 525 505	362,794	2,888,379
Requirements	2,525,585	362,794	2,000,319
INTERGOVERNMENTAL RESOURCE CENTE	<u>ER</u>		
Danasa 2 Canal	865,658	17 7701	857,888
Personal Services	256,464	(7,770) 16,200	272,664
Materials & Services	1,000	63,800	64,800
Capital Outlay		(27, 986)	569,957
Transfers	597,943	(21, 300)	
Total IRC Fund Requirements	1,721,065	44,244	1,765,309

	Current Appropriation	Amendment	Revised Appropriation
TRANSPORTATION TECHNICAL ASSISTA	NCE FUND		
Materials & Services	130,000	<u>0</u>	130,000
Total Transportation Technical Assistance Fund Requirements	130,000	0	130,000
CRIMINAL JUSTICE ASSISTANCE FUND	<u> </u>	•	
Materials & Services	23,000	9,000	32,000
Total Criminal Justice Assistance Fund Requirements	e 23,000	9,000	32,000
SEWER ASSISTANCE FUND			
Materials & Services	2,800,000	<u>o</u>	2,800,000
Total Sewer Assistance Fund Requirements	2,800,000	0	2,800,000
ZOO OPERATING FUND			
Personal Services Materials & Services Capital Outlay Transfers Contingency	2,878,483 1,618,634 305,648 2,416,047 239,335	110,076 76,000 10,583 42,176 (238,835)	2,988,559 1,694,634 316,231 2,458,223 500
Unappropriated Balance	1,001,000	0	1,001,000
Total Zoo Operating Fund Requirements	8,459,147	0	8,459,147
ZOO CAPITAL FUND			
Capital Projects	3,695,783	0	3,695,783
Unappropriated Balance	3,227,700	0	3,227,700
Total Zoo Capital Fund Requirements	6,923,483	0	6,923,483
SOLID WASTE OPERATING FUND			
Personal Services Materials & Services Capital Outlay Transfers Contingency	794,867 6,017,483 39,400 2,350,667 643,263	0 401,000 10,000 106,209 382,791	794,867 6,418,483 49,400 2,456,876 1,026,054
Total Solid Waste Operating Fund Requirements	9,845,680	900,000	10,745,680

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	Current Appropriation Ar	nendment	Revised Appropriation
SOLID WASTE CAPITAL FUND			
Capital Projects Transfers	9,235,000 1,111,000	<u>0</u>	9,235,000 1,111,000
Total Solid Waste Capital Fund	10,346,000	0	10,346,000
SOLID WASTE DEBT SERVICE FUND			
Materials & Services	887,531	<u>o</u>	887,531
Total Solid Waste Debt Service Fund Requirements	887,531	0	887,531
ST. JOHNS RESERVE FUND		•	
Unappropriated Balance	563,700	<u>o</u>	563,700
Total St. Johns Reserve Fund	563,700	0	563,700
ST. JOHNS FINAL IMPROVEMENTS FUN	<u>ID</u>	:	
Capital Projects Unappropriated Balance Total St. Johns Final	1,119,700 0	0 545,300	1,119,700 545,300
Improvements Fund Requirements	1,119,700	545,300	1,665,000

JS/srs 2724C/257 06/05/85

COMPUTER PURCHASE ACCOUNT CODES

Program Codes	Budget Avail.	Items		Funding Sources			
						Source Code	
40-30-00-75000	\$ 9,990	EMME-2		Section 9 Tri-Met Match Metro Match	\$ 7,992 999 999	40018	
40-30-00-76000	44,770	MASSCOMP		FY 85 PL/ODOT FY 86 PL/ODOT Section 9 Tri-Met Match Metro Match	24,768 5,232 11,816 1,477 1,477	02000	
40-30-00-77000	9,040	3 VT100 Terminals Surge Protector Printer 3 Graphic Terminals	\$ 2,250 600 1,500 8,250 \$12,600	Section 9 Tri-Met Match Metro Match Trans. Sales	4,192 524 524 3,800	40018 90700	
10-38-00-20300	\$13,459			Metro Discret.	4,419	90100	1/101
(10-38-00-01300	5,250	DEC Cache Memory 3 Terminals	3,000 2,250	Metro Discret.	5,250	90100	Moun
TOTAL	\$73,469						

Distribution: Ed Stuhr, Keith Lawton, Jeff Booth, Karen Thackston, and Andy Cotugno.

ACC:1mk 6-3-85 hut =

Agenda Item No. 8.1

Meeting Date June 13, 1985

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 85-575 FOR THE PURPOSE OF APPOINTING A CITIZEN MEMBER TO THE TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC)

Date: May 31, 1985

Presented by: Peg Henwood

FACTUAL BACKGROUND AND ANALYSIS

There are six citizen members serving two-year terms on the TPAC. Bruce Clark, from the Tigard area, who was appointed in October 1984, resigned April 2, 1985. Staff has actively recruited to fill the vacant citizen position. The Council and local jurisdictions were asked for recommendations for a citizen member to serve on TPAC.

Two people were recommended by local jurisdictions. The two nominees were interviewed by Andy Cotugno and Peg Henwood. Milton F. Fyre most closely met the criteria for a citizen member.

Mr. Fyre is an engineer at Bonneville Power Administration and serves on the Planning Commission and the Transportation Committee for the city of Tigard.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 85-575 appointing Milton F. Fyre to TPAC.

PH/gl 2166C/392-7 05/31/85

BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

	POSE OF APPOINTING A BER TO THE TRANSPORTA-	-)	RESOLUTION NO. 85-	575
	ALTERNATIVES COMMITTE		Introduced by the Executive Officer	
(
МН	EREAS, There are six o	citizen	members serving two	-year
terms on TP	AC; and			
WH	EREAS, One citizen mer	mber has	resigned on April	2, 1985;
and				
WH	EREAS, Members of the	public	were actively recru	ited to
fill the po	sition to serve the u	nexpired	term on TPAC; now,	
therefore,				
BE	IT RESOLVED,			
Th	nat Milton F. Fyre is	appointe	d to serve the rema	inder of
the two-yea	er term ending October	1986 as	a citizen member o	f TPAC.
			_	
AI	OOPTED by the Council	of the M	Metropolitan Service	District
this		985.		
		Ernie	Bonner, Presiding	Officer

PH/gl 2166C/392-7 05/31/85