

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH AVE.
AUDITORIUM

MARCH 28, 1975
2:00 P.M.

A G E N D A

- I. MINUTES
- II. ACCOUNTS PAYABLE
- III. PUBLIC COMMUNICATION
- IV. ORDINANCE NO. 27 - PUBLIC HEARING (CONTINUED)
AN ORDINANCE ESTABLISHING A NONPROCESSABLE SOLID
WASTE PROGRAM; ESTABLISHING PROCEDURE FOR THE
ISSUANCE OF CERTIFICATES FOR THE OPERATION OF
WASTE DISPOSAL SITES; PROVIDING FOR ADMINISTRATION
AND ENFORCEMENT; AND PROVIDING FOR COLLECTION OF
FEES
- V. STATUS OF JOINT RESOLUTION NO. 17 BETWEEN MSD AND
LOCAL GOVERNMENTS
- VI. PROPOSED MSD PERSONNEL MANUAL
- VII. OTHER BUSINESS

msd METROPOLITAN SERVICE DISTRICT

NEW ADDRESS: 527 SW Hall, Portland, Oregon 97201 222-3671

MARCH 19, 1975

TO: MSD BOARD OF DIRECTORS

FROM: MSD STAFF

SUBJECT: STAFF REPORT FOR MARCH 28, 1975

PRESENTED TO THE BOARD FOR TRANSMITTAL AND RECOMMENDED ACTION
ARE THE FOLLOWING ITEMS:

PAGE

- 1 I. MINUTES
Action - Approve the minutes of March 14, 1975.
- 17 II. ACCOUNTS PAYABLE
Action - Approve the Accounts Payable in the
amount of \$ 993.21.
- 19 III. PUBLIC COMMUNICATIONS
Action - Receive comments from the public on
items not specified on the agenda.
- 20 IV. NON-PROCESSABLE SOLID WASTE PROGRAM ORDINANCE
NO. 27 - SECOND PUBLIC HEARING - CONTINUED
AN ORDINANCE ESTABLISHING A NONPROCESSABLE SOLID
WASTE PROGRAM; ESTABLISHING PROCEDURE FOR THE
ISSUANCE OF CERTIFICATES FOR THE OPERATION OF
WASTE DISPOSAL SITES; PROVIDING FOR ADMINISTRATION
AND ENFORCEMENT; AND PROVIDING FOR COLLECTION OF FEES

PAGE

Action - Continue Second Public Hearing, receive
further testimony and adopt Ordinance
No. 27

36 V. STATUS OF JOINT RESOLUTION NO. 17 BETWEEN MSD
AND LOCAL GOVERNMENTS

Action - Discussion

41 VI. PROPOSED MSD PERSONNEL MANUAL

Action - Discussion

42 VII. OTHER BUSINESS

COMMITTEE

DATE

Boord 3-28-75

NAME

AFFILIATION

Bob Brown

DECO

Larry Burroughs

Oregon Recycling

Jack Schwab

C.C.R.D.A.

Walom Harlan

Attorney

Joe Walker

Washington County

Dennis Dyer

Oregon Industries Co. Inc.

H. H. H. H.

Resource Recovery Products

Glen Miller

Albion Salvage Inc.

Robert Miller

Albion Salvage Inc.

David L Phillips

Clackamas County Solid Waste

THE CITY OF
PORTLAND



OREGON

NEIGHBORHOOD
ENVIRONMENT

2040 S.E. POWELL BLVD.
PORTLAND, OR. 97202
503/248-4465

March 28, 1975

Mr. Chuck Kemper, Manager
Metropolitan Service District
527 S. W. Hall
Portland, Oregon 97201

Dear Mr. Kemper:

Following my reading of the minutes of the January 10th, 24th and February 14th meetings of the M.S.D. Board and Ordinance #27, I felt that I should make comments for amendments to Section 4. Rules and Regulations, Section 15. Agreements for Administration, and Section 16. Abatement.

The responsibility of M.S.D. for solid waste abatement may be a duplication of the activities provided by the City of Portland under Section 14.16.050 Weeds and Debris. If both carry out abatement activities this Bureau and M.S.D. may come into conflict since both agencies may have different administrative rules under which the ordinances are handled. I would like to suggest an amendment to that section to encourage the type of cooperation that I feel may be quite helpful to each agency.

Section 4. Rules and Regulations - I would like to suggest a C. be added which states: "Procedures for abatement of processable and non-processable wastes".

Section 15. Agreements for Administration - Let me say, in general, that I am in favor, where feasible, of governments working together on mutual problems. By this I mean, when city or county agencies have prescribed responsibilities that will be affected by agencies covering larger geographical areas, I would hope that lines of responsibility can be worked out clearly. Personally I would be in favor of having M.S.D. contract with the City of Portland to carry out abatement of the solid waste problems. The reason that I am in favor of this activity is that I believe that the city is already taking steps to provide abatement of the solid wastes outlined in Section 1-10. Since I am unaware of the intention of M.S.D. to establish contracts rather than do it itself, I feel that some further questions should be answered about the intention before finalizing Section 15.


Mr. Chuck Kemper, Manager
Metropolitan Service District

Page 2

Section 16. Abatement - Add a new sentence: "Abatement, when initiated by the M.S.D., will be carried out in cooperation with city or county agencies which presently have authority to abate processable and non-processable wastes.

Let me say finally, that I believe that Multnomah County and perhaps other municipalities may want to be contacted about these sections prior to finalizing them. Thank you for consideration of these statements.

Sincerely,

A handwritten signature in cursive script that reads "Wayne R. Potter".

Wayne R. Potter
Coordinator

WRP:cl

cc: Office of the Mayor, City of Portland

I. MINUTES

THE FOLLOWING PAGES CONTAIN MINUTES FOR THE MSD BOARD MEETING OF MARCH 14, 1975.

THE STAFF RECOMMENDS APPROVAL OF THE MINUTES.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS
ACTION NO. 75-324
DATE 3-28-75
BY Jean M. Wood
CLERK OF THE BOARD

II. ACCOUNTS PAYABLE

THE FOLLOWING PAGE CONTAINS A LIST OF ACCOUNTS PAYABLE ITEMS FOR PAYMENT FOR THE PERIOD MARCH 6, 1975 TO MARCH 19, 1975, VOUCHER No. 103 TO 115, IN THE TOTAL AMOUNT OF \$993.21.

THE STAFF RECOMMENDS APPROVAL OF THE ACCOUNTS PAYABLE.

A C C O U N T S P A Y A B L E

March 6, 1975 - March 19, 1975

Voucher No.	Payable To	Purpose	Amount
104	Bicycle Boy Sandwich	Solid Waste Com. Meeting Lunch	\$29.20
105	Sandra Bauer	Travel	9.45
106	Brewed Hot Coffeee	Coffee for Board meeting	4.88
107	Boise Cascade	Office Supplies	22.63
108	Daily Journal of Commerce	Public Notices	27.20
109	Hardy Buttler McEwen	Attorney Fees	367.85
110	IBM	Typewriter Elements	18.00
111	Charles Kemper	Travel	7.50
112	Litton Industries	Calculator	140.22
113	Pacific NW Bell	Telephone Service	187.97
114	Yaden Associates	Consultants	112.50
115	State of Oregon	Employment Insurance	65.81
		TOTAL	\$993.21

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-325

DATE 8-28-75

BY *James Wood*
CLERK OF THE BOARD

III. PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS FOR THE MSD BOARD TO HEAR COMMENTS FROM THE PUBLIC ON ITEMS NOT CONTAINED ON THIS AGENDA.

IV. NON-PROCESSABLE SOLID WASTE PROGRAM ORDINANCE NO. 27
SECOND PUBLIC HEARING CONTINUED

AN ORDINANCE ESTABLISHING A NONPROCESSABLE SOLID WASTE PROGRAM; ESTABLISHING PROCEDURE FOR THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF WASTE DISPOSAL SITES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; AND PROVIDING FOR COLLECTION OF FEES.

THE FOLLOWING PAGES CONTAIN A BRIEF STAFF REPORT REGARDING ORDINANCE NO. 27. COPIES OF THIS ORDINANCE WILL BE AVAILABLE AT THE BOARD MEETING UNDER SEPARATE COVER. THIS VERSION WAS CODIFIED FROM TESTIMONY AT THE FEBRUARY 28, 1975 BOARD MEETING.

THE STAFF RECOMMENDS CONTINUING THE SECOND PUBLIC HEARING, RECEIVING PUBLIC TESTIMONY, AND ADOPTING ORDINANCE NO. 27.

AMENDMENT TO STAFF REPORT

Ordinance No. 27 adopted, after amendments per March 28, 1975 Board Minutes.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-327

DATE 3-28-75

BY Jan M. Wood
CLERK OF THE BOARD

MARCH 25, 1975

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

S T A F F R E P O R T

ORDINANCE NO. 27
AMENDMENTS

ACTION NO. 75-327

DATE 3-28-75

BY John M. Wood
CLERK OF THE BOARD

- A. Section 1 Paragraph 11 defines a "Waste Disposal Site" to mean a disposal site whether or not open to the public permitted by DEQ to accept and dispose of solid wastes. This wording would include those sites permitted by DEQ as "Industrial Waste Solid Waste Sites." This type of disposal permit is granted to industries to allow disposal of waste generated as a normal course of business on their own property. At the present time, DEQ has permitted or authorized five such sites within the MSD including: Columbia Steel, Essco, Malarkey Roofing, Pacific Carbide, and Pennwalt Corp. It is not the intent of Ordinance No. 27 to include these facilities within the scope of the Nonprocessable Program. Therefore, the staff recommends that the following phrase be added to Section 1, Paragraph 11, Waste Disposal Site: ...except those sites permitted as "industrial waste solid waste sites" by DEQ.
- B. At the March 14, 1975 Board meeting, Mr. C. W. Leichner submitted recommended amendments to Ordinance No. 27. Based on his proposed amendments, it is our legal counsel's recommendation that the word "wilfully" be placed before the word "materially" in Section 10.A.2.

March 4, 1975

METROPOLITAN SERVICE DISTRICT

O R D I N A N C E N O. 27

An ordinance establishing a nonprocessable solid waste program; establishing procedure for the issuance of certificates for the operation of waste disposal sites; providing for administration and enforcement; and providing for collection of fees.

O R D I N A N C E N O. 27

The Metropolitan Service District hereby ordains:

SECTION 1. Definitions

As used in this ordinance, unless the context requires otherwise:

1. BOARD. Board means the Board of Directors of the Metropolitan Service District.
2. DISTRICT. District means the Metropolitan Service District and all of the land and territory included within the boundaries of the Metropolitan Service District as established by the electorate.
3. MSD. MSD means the Metropolitan Service District, a municipal corporation established and existing under the laws of the State of Oregon, ORS Chapter 268.
4. MANAGER. Manager means the chief administrative officer of the MSD.
5. NONPROCESSABLE WASTE. Nonprocessable waste means any solid waste which cannot be processed for reclamation before final disposal.
6. OPERATOR. Operator means a person who has obtained and holds a waste disposal certificate issued by the MSD pursuant to this ordinance.
7. PERSON. Person means any individual, public or private corporation, industry, partnership, association, firm, trust, estate, city, county, special district or local governmental unit and any other legal entity.
8. PROCESSABLE WASTE. Processable waste means any solid waste which may be processed for reclamation before final disposal.

SECTION 4. Rules and Regulations

The Board shall promulgate reasonable rules and regulations pertaining to the administration of this ordinance and for the disposal of nonprocessable solid wastes, including without limitation the following:

- A. Standards of service to be provided to the public.
- B. Evaluation criteria to determine:
 - 1) Need for and location of nonprocessable disposal sites.
 - 2) Number and priority of nonprocessable disposal sites required in the District.
 - 3) Orderly flow of nonprocessable solid wastes and processable solid wastes.
 - 4) Use of nonprocessable disposal sites as a backup system in the event of a breakdown or overloading of the processable system.

SECTION 5. Activities and Practices Regulated

- A. Except as otherwise provided in this ordinance, it shall be unlawful:
 - 1) For any person to operate a waste disposal site within the District without a certificate from the MSD.
 - 2) For an operator holding a certificate to operate a processable solid waste disposal site to receive, accept and dispose of any nonprocessable wastes.
 - 3) For an operator holding a certificate to operate a non-processable site to receive, accept and dispose of any processable wastes.
- B. In case of an emergency or the breakdown or overloading of the processable system, the Manager may provide to any operator a written waiver from section 5.A.(2) or 5.A.(3).

9. REASONABLE DISPOSAL SITE CHARGE. Reasonable disposal site charge means the average charge imposed by waste and disposal sites within the District to accept and dispose of solid wastes. The charge shall be based on fees for uncompacted material.
10. SOLID WASTE. Solid waste means all putrescible and nonputrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard, commercial, industrial, demolition and construction wastes, discarded home and industrial appliances, provided that this definition does not include:
 - a. Environmentally hazardous wastes as defined in ORS 459.410, or
 - b. Materials used for fertilizer or for other productive purposes 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.
11. WASTE DISPOSAL SITE. Waste disposal site means a disposal site, whether or not open to the public, permitted by the Department of Environmental Quality to accept and dispose of solid wastes.

SECTION 2. Policy

To protect the health, safety and welfare of the people of the District, the Board has determined the necessity of providing a coordinated District-wide program for the safe, economical and efficient disposal of nonprocessable solid wastes, and to insure an adequate number of disposal sites for nonprocessable solid waste, criteria for the need, location and operation of such sites, and the flow of all processable solid wastes into the processable waste stream, and this ordinance shall be liberally construed for the accomplishment of these purposes.

SECTION 3. Administration and Enforcement

The Manager shall be responsible for the administration and enforcement of this ordinance and any rules or regulations promulgated hereunder.

SECTION 6. Application for Certificates

- A. Applications for Certificates shall be on forms acceptable to the Manager. The Manager may accept applications on forms provided by other city, county, state or federal agencies.
- B. Applicants for Certificates shall state:
- 1) The kind of disposal site to be operated.
 - 2) The rates to be charged.
 - 3) The location of and area occupied by or to be occupied by the disposal site.
 - 4) The estimated amount of material needed and the time required to fill the disposal site.
 - 5) The possible land uses to which the site can be put after it is filled.
 - 6) The present land use of the area to be used as a disposal site.
 - 7) An operational plan, including information covering hours of operation, material handling procedures, on-site traffic flow, emergency procedures and cover material.
 - 8) Other information required by the form or the Manager.

SECTION 7. Requirements for Certificates

The applicant must:

- 1) Have available land, equipment, facilities and personnel to meet the requirements of this ordinance and ORS Chapter 459 (Solid Waste Management) and the rules and regulations promulgated pursuant to this ordinance and ORS Chapter 459.
- 2) Have had the site and operation thereof designed by a registered professional civil, agricultural or logging engineer. This subsection shall not apply to waste disposal sites existing on the effective date of this ordinance.

- 3) Have in force public liability insurance in the amount of not less than \$250,000 per person and \$500,000 per occurrence for bodily injury or death and property damage insurance in the amount of not less than \$100,000 per occurrence which shall be evidenced by a certificate of insurance.
- 4) Submit with his application a corporate surety bond or a firm commitment therefore in an amount established by the Board, guaranteeing full and faithful performance by the applicant of the duties and obligations of a certificate under the provisions of this ordinance. A bond already issued or to be issued to city, county, state or federal agency may be acceptable so long as the bond meets the requirements of this ordinance and the MSD is a direct beneficiary thereof.

SECTION 8. Board Decision on Applications for Certificates

- A. Persons who are operating a waste disposal site on the effective date of this ordinance must make application for the required certificate within 30 days after the effective date of this ordinance and upon filing an application for said certificate, may continue to operate until a final decision is made upon said application by the Board.
- B. Applications for certificates shall be reviewed by the Manager who shall make such investigation as he deems necessary and appropriate. Written notice shall be given by the Manager to any person who holds a certificate and to other interested persons and notice of application shall be published in a newspaper having a general circulation within the District greater than 50,000. The notice shall state the name of the applicant, the type of certificate requested, the location and size of the proposed site, and that the recipient of the notice and the public shall have thirty (30) days from

the date thereof to file written comments pertinent to the application and other information the manager deems appropriate.

C. The Board may refuse to issue a Certificate to any applicant if it has reasonable grounds to believe any of the following to be true:

- 1) That the applicant has not met the requirements of this ordinance or the rules and regulations promulgated thereunder or Chapter 459. (Solid Waste Management) or the rules and regulations promulgated thereunder.
- 2) That the applicant has materially misrepresented the statements in the application for a certificate or in any testimony or documentary evidence given to the Manager or to the Board.
- 3) That the applicant has been convicted of a Class A or B misdemeanor or its equivalent or of a felony, or if the applicant is a firm or corporation that the principal partners or officers have been convicted of a Class A or B misdemeanor or its equivalent or of a felony.
- 4) That the applicant has failed to disclose all information in the applicant's possession deemed relevant to a decision on the application after written notification and a reasonable opportunity to do so.

D. In addition to sub-paragraph 8(C) and in the case of an applicant who is not operating a waste disposal site, the Board may refuse to issue a certificate if it has reasonable grounds to believe that there are sufficient waste disposal sites already certified and operating within the District and the applicant's disposal site and the location thereof will not substantially benefit the Nonprocessable Solid Waste Program.

E. The applicant shall be advised of the Board's action on his application in writing and shall be advised that the applicant has the right to a contested case hearing under the provisions of ORS 183.

- F. If the Board makes a final order rejecting all or part of an application for a Certificate, the applicant may not submit another application for the same or a portion of the same site for a period of 6 months unless the Board finds that the public interest requires reconsideration within a shorter period of time.
- G. The term of the Certificate shall be determined by the Board on the basis of site longevity, population to be served, probable land use and amount of investment by the applicant.

SECTION 9. Transfer of Certificates

An operator may transfer his certificate to another person only after written notice to and approval by the Board. The Board shall approve the transfer unless it has reasonable grounds to believe that the operator-transferor is in violation of any of the requirements of this ordinance or the rules and regulations promulgated thereunder or that the transferee does not meet the requirements of this ordinance or the rules and regulations promulgated thereunder. The Board may attach conditions to an approval under this section.

SECTION 10. Suspension, Modification, Revocation or Refusal to Renew a Certificate

- A. The Board may suspend, modify, revoke or refuse to renew a certificate if it has reasonable grounds to believe that an operator has:
 - 1) Willfully violated this ordinance or ORS Chapter 459 or the rules and regulations respectively promulgated thereunder; or his Certificate and any conditions attached thereto; or
 - 2) Materially misrepresented the statements in the application for his certificate or in any testimony or documentary evidence given to the Manager or to the Board; or

- 3) Willfully refused to provide adequate service to the public after written notification and a reasonable opportunity to do so.
- B. In lieu of suspension, modification, revocation or refusal to renew a certificate, the Board may order compliance and make suspension, modification, revocation or renewal contingent upon compliance with the order within a time stated in said order.
- C. The procedures for suspension, modification, revocation or refusal to renew a certificate shall be those specified for a contested case in ORS Chapter 183.

SECTION 11. Fees

- A. The Board shall collect, in the manner and at the time provided in Section 12, from each operator, except as provided in Subsection 11.B, an annual fee equal to 2.15% of his gross cash receipts.
- B. The Board shall collect, in the manner and at the time provided in Section 12, from operators of waste disposal sites not charging fees for the use of the site or being used by the operator for disposal of solid waste generated solely by him, an annual fee equal to 2.15% of the product established by multiplying the number of cubic yards of solid waste received and disposed of by the operator times the reasonable disposal site charge.
- C. The fees imposed by this section shall be in addition to any other fees or charges the operator is required to pay.

SECTION 12. Collection of Fees

- A. The fees imposed by this ordinance shall be separately stated upon the operator's records and any receipt rendered by the operator.

- B. The operator shall pay MSD the fees imposed by Section 11 on or before the 20th day of each month following each preceding month of operation. At the time of payment, the operator must file with the Manager, a statement including without limitation the following information:
- 1) Name and address of the facility.
 - 2) The operator's MSD registration number.
 - 3) The month and year of each report.
 - 4) The number of truckloads received daily.
 - 5) The number of cars, pickups, trailers, and other small hauling vehicles.
 - 6) Total number of cubic yards of solid wastes received during the month, broken down and divided between compacted and noncompacted.
 - 7) Detailed explanation of any adjustments made to the amount of fees paid in reliance on Subsection 12.C.
 - 8) Amount of gross cash receipts.
 - 9) Signature and title of the operator or his agent.
- Willful misrepresentation of any information required above shall constitute reasonable grounds for suspension, modification, revocation or refusal to renew a certificate pursuant to Section 10 of this ordinance.
- C. An operator is released from liability for fees on accounts that have been found to be worthless and charged off for income tax purposes. If an operator has previously paid the fees, he may take a deduction from his next due payment to the MSD the amount found worthless and charged off for income tax purposes. If any such account thereafter, in whole or in part, is collected by the operator, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

- D. Every operator shall keep such records, receipts or other pertinent papers and information in such form as the Manager may require. The Manager or his authorized agent in writing may examine during reasonable business hours the books, papers, records and equipment of any operator and may investigate the character of the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.
- E. All fees imposed by and collected by this ordinance shall be paid in the form of a remittance payable to the Metropolitan Service District. All money received by the MSD under this ordinance shall be deposited in the Nonprocessable Solid Waste Program Account and will be used only for the Nonprocessable Solid Waste Program and the administration, operation and enforcement of this ordinance and any rules and regulations promulgated thereunder.

SECTION 13. Penalties

- A. Violation of this ordinance or a certificate issued hereunder is punishable by fine of not more than Five Hundred Dollars (\$500.00).
- B. Each day a violation referred to by Subsection A of this section continues constitutes a separate offense. Such separate offenses may be joined in one indictment or complaint or information in several counts.

SECTION 14. Exclusive Contracts

Upon recommendation of the Manager, the Board may by resolution limit the number of certificates granted pursuant to this ordinance and award exclusive contracts for waste disposal sites in defined areas and set fees for such exclusive contracts. The

Board may establish rates to be charged by holders of exclusive contracts.

SECTION 15. Agreements for Administration, Operation and Enforcement

By contract, MSD may assume and perform any function of any municipal corporation, city or county, in the District or any function of the State of Oregon or any agency thereof performed or to be performed in the District which are related to the duties and functions of the District under this ordinance. The Board may contract with any city or county in the District or with the state or regional association of governments for the administration or enforcement of any of the provisions of this ordinance or of the rules or regulations adopted pursuant hereto.

SECTION 16. Abatement

The disposal of solid waste by any person in the District in violation of this ordinance or rules and regulations promulgated thereunder is deemed a nuisance and the Board may, in addition to other remedies provided by law, institute injunction, mandamas, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such disposal. The provisions of this section are in addition to and not in lieu of any criminal prosecution or penalties as provided by this ordinance or state law.

SECTION 17. Conformance with State Law

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with any and all state laws, rules and regulations which are now, or may in the future be in effect and which relate to the public health or to the operation of any

operator. This ordinance is in addition to said state laws, rules and regulations.

SECTION 18. Savings Clause

In the event any provision or section of this ordinance is declared invalid, such declaration shall not affect the validity of any other provision or section herein, which sections and provisions shall remain in full force and effect.

SECTION 19. Waiver for Local Jurisdiction

The Board may waive some or all of the requirements of this ordinance and rules and regulations promulgated thereunder where an applicant, operator or certificate holder is a city, county, special district or local governmental unit.

SECTION 20. Review of Board Action

All decisions of the Board under this ordinance, except those decisions where the right to a contested case hearing is involved, shall be reviewable by the Circuit Court of the County in which the Board has its principal office or of the county in which the waste disposal site in question is located under the provisions of ORS Chapter 34.010 - 34.100 which shall be the sole and exclusive remedy for review.

SECTION 21. Effective Date

A. This ordinance shall take effect 60 days subsequent to the completion and Board approval of the following items:

- 1) Evaluation of existing sites.
- 2) Rules and regulations governing the:
 - a) Standards of service to be provided to the public.

b) Evaluation criteria to determine:

- (1) need for and location of nonprocessable disposal sites required in the District;
- (2) number and priority of nonprocessable disposal sites required in the District;
- (3) orderly flow of processable and nonprocessable solid waste;
- (4) use of nonprocessable disposal sites as a back-up system in the event of a breakdown or overload of the processable system; and

c) The administration of this ordinance.

- B. The Board shall notify all local jurisdictions when the ordinance will take effect and when the imposition of the fees provided herein will begin.

Date of Adoption:

Robert Schumacher, Chairman

Miller Duris, Vice Chairman

V. STATUS OF JOINT RESOLUTION NO. 17 BETWEEN MSD AND LOCAL GOVERNMENTS

ON JANUARY 24, 1975, THE MSD BOARD APPROVED THE DISTRIBUTION OF JOINT RESOLUTIONS BETWEEN CLACKAMAS, MULTNOMAH AND WASHINGTON COUNTIES AND THE CITY OF PORTLAND AND THE METROPOLITAN SERVICE DISTRICT. THEY WERE SENT TO THE RESPECTIVE LOCAL JURISDICTIONS THE FOLLOWING WEEK FOR REVIEW AND APPROVAL.

AS OF MARCH 21, 1975, ONLY ONE RESOLUTION HAS BEEN RETURNED TO THE MSD OFFICE. THE FOLLOWING PAGES CONTAIN JOINT RESOLUTION No. 17 APPROVED BY CLACKAMAS COUNTY.

THE STAFF WOULD REQUEST SOME ACTION ON THIS ITEM EITHER THROUGH THE BOARD REPRESENTATIVES OR FROM A FOLLOW UP REQUEST FROM THE MSD.

MSD - Clackamas County

J O I N T R E S O L U T I O N

No. 17

A resolution approving the Solid Waste Management Plan and delineating the respective areas of responsibility between the Metropolitan Service District and Clackamas County for implementation of the plan.

RECITALS

1. The Metropolitan Service District (MSD) is a municipal corporation organized and existing under the provisions of ORS Chapter 268. The area served by MSD includes the metropolitan portions of Clackamas County.
2. The MSD is authorized to dispose and provide facilities for disposal of solid wastes.
3. Clackamas County adopted a Waste and Solid Waste Ordinance on June 10, 1970 which franchises collection and disposal.
4. Clackamas County has a public nuisance abatement program which is financed by Franchise Fees.
5. Clackamas County presently regulates one landfill open to the public accepting putrescible solid wastes.
6. The development of new putrescible landfills in the MSD area is substantially limited by the goals and regulations of the Department of Environmental Quality (DEQ) of the State of Oregon.
7. The MSD has prepared and completed a Solid Waste Management Plan (Plan) to maximize resource recovery and to provide for disposal of all solid wastes generated in the MSD area.
8. The Plan was adopted by the Board of Directors of MSD on May 10, 1974.
9. The Plan was approved by the DEQ on May 24, 1974.
10. The concept and implementation of the Plan was approved by Clackamas County on June 10, 1974.
11. The Plan includes a Solid Waste Energy Resource Recovery Program (Program) that will meet the DEQ goals of 90% material

- recovery and reuse by 1982.
12. At the 1975 legislature session, MSD will request pollution control bond funds from the State of Oregon for implementation of the Plan.
 13. The MSD Board of Directors has adopted a policy statement indicating that the Plan will be implemented with the cooperation and participation of private industry.
 14. The MSD has asked for and is processing bids from private industry to implement the private industry participation in the Plan.
 15. In order to protect the health, safety and welfare of the people of Clackamas County, to provide for the continued disposal of solid waste generated within Clackamas County, and to maximize resource recovery, Clackamas County and the MSD hereby make the following resolutions:

RESOLUTIONS

16. RESOLVED: Clackamas County will:
 - a. Approve, support and seek legislative support for the Plan and the funding for implementation of the Plan.
 - b. Maintain authority for the collection of solid wastes generated within Clackamas County, including the regulation and control of collection rates.
 - c. Within the inherent limitations of being the land use governing and regulatory authority within this jurisdiction, assist the MSD with site selection of processing/transfer and disposal facilities located within the County's jurisdiction.
 - d. Assist the MSD in controlling the flow of solid wastes to MSD facilities or facilities designated by MSD.
 - e. By contract with MSD, Clackamas County will provide the local aspects of a solid waste nuisance abatement program subject to the adoption of a MSD solid waste disposal rate ordinance.

17. RESOLVED: The MSD will:

- a. Provide the design, construction and operation of solid waste processing/transfer facilities to handle solid wastes generated within the county.
- b. Regulate and control the disposal of all solid wastes generated within the county.
- c. In compliance with Clackamas County land use regulations, develop a nonprocessable (demolition) solid waste program that will include landfill regulations, quality of service criteria, site selection criteria, program management, enforcement, and a time schedule for activation of non-processable landfills.
- d. Provide assistance, if requested, to the county and the solid waste industry in the determination of collection rates.
- e. MSD will contract with Clackamas County to provide the local aspects of a solid waste nuisance abatement program subject to the adoption of a MSD solid waste disposal rate ordinance.

18. RESOLVED: Both Parties:

- a. Pledge their mutual good faith cooperation to achieve the purposes of this Resolution.
- b. Agree that should MSD be unable to meet its time table for development or should Clackamas County have a need for services before MSD is capable of providing same or in excess of same, Clackamas County may, after showing just cause and with MSD approval, seek alternative or supplemental facilities.
- c. This Joint Resolution shall remain in full force and effect until modified by consent of both parties or notice of termination given by written notice 180 days in advance of date of termination.

DATED: _____

3/5/75

CLACKAMAS COUNTY

by

Thomas D. Telford
Chairman

[Signature]
Commissioner

Commissioner

[Signature]
Commissioner

DATED: _____

METROPOLITAN SERVICE DISTRICT

by _____

VI. PROPOSED MSD PERSONNEL MANUAL

UNDER SEPARATE COVER THE STAFF HAS PREPARED A DRAFT PERSONNEL MANUAL FOR THE MSD BOARD REVIEW. THIS DOCUMENT IS IMPORTANT IN THAT IT WILL ESTABLISH PERSONNEL POLICIES FOR THE MSD. SUGGESTIONS FROM THE MSD BOARD ARE SOLICITED AND HOPEFULLY A FINAL DRAFT CAN BE REVIEWED WITHIN THE NEXT SIX WEEKS.

NO ACTION IS REQUIRED.

VII. OTHER BUSINESS