

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH AVE.
AUDITORIUM

JUNE 13, 1975
2:00 P.M.

A G E N D A

- I. MINUTES
- II. ACCOUNTS PAYABLE
 . BUDGET SUMMARY REVIEW - MARCH/APRIL
- III. PUBLIC COMMUNICATION
- IV. ORDINANCE NO. 28 - SECOND PUBLIC HEARING
 AN ORDINANCE AMENDING ORDINANCE No. 3, 11, AND 12,
 REPEALING ORDINANCE No. 17, AND PROVIDING FOR THE REVIEW
 AND ISSUANCE OF PERMITS
- V. ORDINANCE NO. 29 - EMERGENCY ORDINANCE
 AN ORDINANCE ADOPTING THE FY 75-76 MSD BUDGET
- VI. ADMINISTRATIVE
 - A. MSD/CRAG SERVICES AGREEMENT EXTENSION TO JUNE 30, 1976
 - B. MSD/CRAG LEASE EXTENSION TO JUNE 30, 1976
 - C. PERSONNEL MANUAL APPROVAL
 - D. REGISTERED AGENT APPROVAL - DEAN P. GISVOLD
 - E. FY 1973-74 BUDGET RESOLUTION TO EXPEND CARRYOVER
 - F. FY 1974-75 BUDGET AUDIT CONTRACT APPROVAL
 - G. AMERICAN PUBLIC WORKS ASSOCIATION CONFERENCE ATTENDANCE -
 APPROVAL FOR CHARLES KEMPER
- VII. OTHER BUSINESS

JUNE 6, 1975

TO: MSD BOARD OF DIRECTORS
FROM: MSD STAFF
SUBJECT: STAFF REPORT FOR THE JUNE 13, 1975 BOARD MEETING

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

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- 1 I. MINUTES
Action - Approve the minutes of the
May 23, 1975
- 13 II. ACCOUNTS PAYABLE
Action - Approve the Accounts Payable in the
total amount of \$1,611.41
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Action - Receive comments from the public on
items not specified on the agenda

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- 16 IV. ORDINANCE NO. 28 - SECOND PUBLIC HEARING
AN ORDINANCE AMENDING ORDINANCE No. 3, 11,
AND 12, REPEALING ORDINANCE No. 17, AND
PROVIDING FOR THE REVIEW AND ISSUANCE OF
PERMITS
Action - Hold public hearing and adopt
Ordinance No. 28
- 30 V. EMERGENCY ORDINANCE NO. 29
AN ORDINANCE ADOPTING THE FY 75-76 MSD BUDGET
Action - Conduct public hearing and adopt
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- 33 VI. ADMINISTRATIVE
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TO JUNE 30, 1976
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- 34 B. MSD/CRAG LEASE EXTENSION TO JUNE 30, 1976
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- 35 C. PERSONNEL MANUAL APPROVAL
Action - Approve the Personnel Manual
- 36 D. REGISTERED AGENT APPROVAL
Action - Designate Dean Gisvold as MSD's
agent

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- 37 E. FY 1973-74 BUDGET RESOLUTION TO EXPEND
CARRYOVER
Action - Approve the expenditure for
the FY 73-74 budget carryover
- 38 F. FY 1974-75 BUDGET AUDIT CONTRACT APPROVAL
Action - Approve the audit contract and
authorize Chairman to sign the
contract
- 41 G. AMERICAN PUBLIC WORKS ASSOCIATION CONFERENCE
ATTENDANCE
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C. Kemper
- 42 VII. OTHER BUSINESS

I. MINUTES

THE FOLLOWING PAGES CONTAIN MINUTES FOR THE MSD BOARD MEETING OF MAY 23, 1975.

THE STAFF RECOMMENDS APPROVAL OF THE MINUTES.

MSD Board
COMMITTEE

DATE 6-13-75

NAME

AFFILIATION

Margaret Hoard
Wayne Thompson
Jennifer Wilcox
Michael Downs
Ed BURKE
Robert Brown
Kerry Burgess

EMCO/WV & The Gresham Outlook
Portland Oregonian
City of Portland
Multnomah County
Ous. GRAC
DEQ
Oregon Recycle

June 10, 1975
File No. MSD20A/8.3

TO: MSD Board
FROM: MSD Staff
SUBJECT: WORK TASKS TO BE PERFORMED PRIOR TO EMERGENCY BOARD
SUBMITTAL

In order to submit budget request information to the State Emergency Board at the earliest possible date, the following work tasks must be performed:

1. Receive and approve local jurisdiction resolutions 17, 18, 19 and 20.
2. Approve changes in the solid waste system to construct initially (first 4 years) two transfer/processing stations and one transfer station to be located in North Portland, Oregon City, and Washington County respectively.
3. Approve commencing with negotiations between Parker Northwest and the MSD to design, construct, and operate solid waste facilities.
4. Receive and evaluate legal opinion concerning ability of MSD to continue with a private proposer for design, construct, and operate after a change in the number of facilities.
5. Initiate and complete a technical feasibility study of several potential regional landfill sites with cost

- estimates to prepare the sites for operation.
6. Prepare and summarize the resource recovered materials markets.
 7. Receive and evaluate a legal opinion concerning the ownership of garbage after it is removed from the home.
 8. Develop engineering cost estimates for the capital and operations of the revised system.
 9. Develop a financial package including outline for a step rate ordinance.
 10. Approve a rate ordinance for a future effective date.
 11. Approve a flow control ordinance for all mixed solid waste disposed in the area.
 12. Prepare and approve an Emergency Board submittal report.

II. ACCOUNTS PAYABLE

THE FOLLOWING PAGE CONTAINS A LIST OF ACCOUNTS PAYABLE ITEMS FOR PAYMENT FOR THE PERIOD MAY 16, 1975 THROUGH JUNE 4, 1975, VOUCHER NUMBERS 157 THROUGH 170, IN THE TOTAL AMOUNT OF \$1,611.41.

THE STAFF RECOMMENDS APPROVAL OF THE ACCOUNTS PAYABLE.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS
ACTION NO. 25-357
DATE 6-13-75
BY Jean M. Wood
CLERK OF THE BOARD

ACCOUNTS PAYABLE
May 16, 1975 - June 4, 1975

Voucher No.	Check No.	Payable To	Purpose	Amount	Program	Code
157	157	Boise Cascade	Rotary File	\$ 86.99	Q203	350
158	158	Brewed Hot Coffee	Coffee for Board meetings	26.29		
				\$15.48	Q300	305
				10.81	Q201	305
159	159	CFI Memories	Disk cartridge	83.55	Q203	350
161	161	Coopers & Lybrand	Budget review and preparation	175.00	Q201	331
162	162	Cornell's Woodland Park Lumber Co.	Building materials	256.94	Q201	350
163	163	Daily Journal of Commerce	Public notices	55.68	Q201	318
164	164	Fred S. James	Insurance Tort & Liability	175.00	Q201	316
165	165	Rena Smith	Travel and Supplies	18.15		
				\$15.00	Q201	308
				3.15	Q300	305
166	166	Merle Irvine	Travel and education	58.87		
				\$50.80	Q201	305
				8.07	Q300	305
167	167	Charles C. Kemper	Travel	5.25	Q201	305
168	168	Litton	Calculator lease purchase	46.74	Q201	350
169	169	McCraw Hill Book Co.	Publication	12.95	Q201	318
170	170	Modern Tire Dealer	Publication	10.00	Q203	318

TOTAL

\$1,611.41

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III. PUBLIC COMMUNICATION

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

IV. ORDINANCE NO. 28 - SECOND PUBLIC HEARING

THE FOLLOWING PAGES CONTAIN A COPY OF ORDINANCE No. 28 WHICH PERTAINS TO THE MSD SCRAP TIRE PROGRAM.

THE SOLID WASTE COMMITTEE AND THE STAFF RECOMMENDS THAT THE MSD BOARD RECEIVE PUBLIC TESTIMONY AND ADOPT ORDINANCE No. 28.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-359

DATE 6-13-75

BY Jean M. Wood
CLERK OF THE BOARD

Revised May 19, 1975

PRELIMINARY

O R D I N A N C E NO. 28

An ordinance amending Ordinance No. 3, Ordinance No. 11, and Ordinance No. 12, in order to limit the storage period of scrap tires, account for retreadable tires transported outside of the Metropolitan Service District, modify the penal bond sections, increase the number of tires delivered in one load to the processing facility by anyone other than a tire carrier, and require general scrap tire collection receipts and general processing center receipts to be submitted by the tenth of the month following the collection or disposal of tires; repealing Ordinance No. 17; establishing procedures and standards for evaluating applications for tire carrier permits and processing center authorizations, and procedures for denying or withdrawing a permit.

NOTE: *Matter underlined is being added. Matter in parenthesis is being deleted.*

ORDINANCE NO. 28

THE METROPOLITAN SERVICE DISTRICT ORDAINS:

SECTION I: Section III of Ordinance No. 3 is amended to read:

"SECTION III. Permit Exclusion

1. Except as provided in subsection 2, no permit is required of a tire carrier who transports fewer than (10) 30 scrap tires at any one time in any one vehicle and who also transports no more than 300 scrap tires a calendar year. This exclusion does not apply to any-one hauling tires 48 inches in outside diameter or larger.
2. No permit is required of a refuse collector operating under a license or franchise from the MSD or from any city or county in the Metropolitan Service District who transports fewer than (4) 10 scrap tires at any one time in any one vehicle and who also transports no more than 100 scrap tires in any calendar year per vehicle.
3. No permit is required of:
 - a) (same)
 - b) (same)
 - c) Tire carriers engaged in the business of re-treading tires and who are carrying tires to be retreaded(.) to a retreading facility within the boundaries of the Metropolitan Service District."

SECTION II: Section V of Ordinance No. 3 is amended to read:

"SECTION V. Duties of a Tire Carrier

1. (same)
 - a) (same)
 - b) (same)
 - c) (same)

2. Tire Carriers shall obtain written authorization from MSD for the removal of scrap tires for salvage outside of the MSD boundaries.

3. Tire Carriers shall not store any scrap tires for more than 30 days from the date of collection.

4. Tire Carriers shall not store more than 1500 scrap tires at any time within the boundaries of the MSD.

5. Tire Carriers shall obtain written authorization from MSD to transport tires out of the MSD for the purpose of retreading. Those tires intended for re-treading but rejected by a retreading facility shall be disposed of in accordance with subsection 1. above."

SECTION III: Section XII of Ordinance No. 3 is amended to read:

"SECTION XII. Acceptance of Tires by Disposal Site
All disposal sites which accept or hold themselves out as accepting refuse from the general public shall accept all tires brought to them by any person other than a tire carrier operating under a permit granted pursuant to this Ordinance, so long as such person does not deliver more than (10) 30 tires to the disposal site in any one day. The operator of a disposal site may levy a unit charge per tire sufficient to cover the cost of storage and transportation to a disposal site or processing center authorized under this Ordinance to accept such tires in their then present form for on-site disposal or processing, plus any subsequent processing and disposal costs. At regular intervals, tires shall be moved to an approved processing center or be processed."

SECTION IV: Section XVII of Ordinance No. 3 is amended to read:

"SECTION XVII. Penal Bond

Every applicant for a permit under Section II shall (execute a bond in the penal sum of \$1,000.00 in favor of the Metropolitan Service District. Said bond shall be executed by the applicant as principal and by a surety company authorized to transact surety business within the State of Oregon. Such bond shall be filed with the Board in accordance with the following conditions: In the carrying out of the business of tire carriers, the principal shall comply with all the provisions of this Ordinance and such regulations issued hereunder, and that any person injured by a failure to so comply may have a right of action on said bond in his own name; provided that such action be commenced within one year after the injury; but the surety on such bond shall not be liable thereunder to any person in an amount in excess of \$1,000.00.) deliver to MSD a permit or license bond in the sum of \$1,000.00 in favor of MSD and in a satisfactory form. The bond shall be executed by the applicant as principal and by a corporate surety authorized to transact business in Oregon."

SECTION V: Section IV of Ordinance No. 11 is amended to read:

"SECTION IV. Penal Bond for Special Project Processing Center

1. Every applicant for authorization to operate a special project processing center or a tire salvage center shall (execute a bond in the penal sum of \$1,000.00 in favor the Metropolitan Service District. Said bond shall be executed by the applicant as principal and by a surety company authorized to transact surety business within the State of Oregon. Such bond shall be filed with the Board in accordance with the following conditions: In the carrying out of the business of special project processing center or tire salvage center, as the case may be, the principal shall comply with all the provisions of this ordinance, Ordinance No. 3 as amended, Ordinance No. 4 and Ordinance

No. 12, as amended and any person injured by a failure so to comply may have a right of action on said bond in his own name; provided that such action be commenced within one year after the injury; but the surety on such bond shall not be liable thereunder to any person in an amount in excess of \$1,000.00.) deliver to MSD a permit or license bond in the sum of \$1,000.00 in favor of MSD and in a satisfactory form. The bond shall be executed by the applicant as principal and by a corporate surety authorized to transact business in Oregon."

SECTION VI: Section 1.0.0 of Exhibit A of Ordinance No. 12 is amended as follows:

1.0.0 SCRAP TIRE CARRIER PERMITS

1.1 General Scrap Tire Carrier Permits

"1.1.5 Records

The general scrap tire carrier will be issued a receipt book which will contain tickets bound in triplicate and sequentially numbered. When the general scrap tire carrier collects tires from a scrap tire generator, tire retailer or authorized public tire storage centers, a receipt ticket will be completed, reproduced in triplicate. One copy will be retained by the customer, one copy retained by the general scrap tire carrier for two years and one copy submitted to MSD (at) by the (end) tenth of (each) the month(.) following the collection. All receipts must be accounted for. At the processing center, the general scrap tire carrier will be given a receipt by the processor for the tires disposed. This receipt must be retained by the general scrap tire carrier for two years. All records pertaining to carrying scrap tires shall be made available for inspection by MSD at reasonable hours in accordance with Section XIV, Records Required, of MSD Ordinance No. 3.

1.1.6 Retreading

Scrap tire carriers may remove only those tires

from MSD which are capable of being retreaded and are being transported to a retreading facility(.) after obtaining written authorization from the MSD. Before any authorization is given, a general scrap tire carrier must advise MSD of the expected number of tires to be transported, the name, address and telephone number of the person transporting the tires, if other than the tire carrier, and the name, address and telephone number of the retreading facility expected to take the tires. Those scrap tires rejected by the retreading facility shall be disposed of in accordance with Section V. Ordinance No. 3, as amended. By the end of the month during which any written authorization is obtained, general scrap tire carrier shall provide MSD with satisfactory evidence that the tires were delivered and accepted by a retreading facility, including without limitation, the number of tires accepted, the number of tires rejected, and the name, address and telephone number of the retreading facility actually receiving the tires, if different than the facility noted in the authorization."

1.2 Individual Scrap Tire Carrier Permits

"1.2.5 Retreading

Scrap tire carriers may remove only those scrap tires from the MSD which are capable of being retreaded and are being transported to a retreading facility(.) after obtaining written authorization from the MSD. Before any authorization is given, an individual scrap tire carrier must advise MSD of the expected number of tires to be transported, the name, address and telephone number of the person transporting the tires if other than the tire carrier, and the name, address and telephone number of the retreading facility expected to take the tires. Those scrap tires rejected by the retreading facility shall be disposed of in accordance

with Section V, Ordinance No. 3, as amended. By the end of the month during which any written authorization is obtained, individual scrap tire carrier shall provide MSD with satisfactory evidence that the tires were delivered and accepted by a retreading facility, including without limitation, the number of tires accepted, the number of tires rejected, and the name, address and telephone number of the retreading facility actually receiving the tires, if different than the facility noted in the authorization."

SECTION VII: Section 2.0.0 of Exhibit A of Ordinance No. 12 is amended as follows:

2.0.0 SCRAP TIRE PROCESSING CENTERS

2.1 General Processing Centers

"2.1.5 Records

MSD shall provide to all authorized General Processing Centers receipt books of tickets bound in triplicate and sequentially numbered. The General Processing Center shall complete a receipt in triplicate for each delivery and provide one copy to the customer, retain one copy and submit one copy to MSD (at) by the (end) tenth of (each) month(.) following the receipt of tires for disposal. All receipts must be accounted for and retained by the General Processing Center for two years. The General Processing Center shall provide, on a monthly basis, an accounting by yards or tons all processed tires disposed. All records pertaining to the processing and disposal of scrap tires shall be made available for inspection at reasonable hours in accordance with Section XIV, Records Required, of MSD Ordinance No. 3.

2.1.10 Retreading and Salvage

Tires delivered to a General Processing Center that are capable of being retreaded or salvaged may be removed from the General Processing Center and transported to (a) (retreading) the proper facility.

- a. All tires transported to a retreading facility must be accounted for within the monthly summary.
- b. All tires removed for the purpose of salvage must be accounted for within the monthly summary.

2.4 Tire Salvage Centers

2.4.8 Disposal of Tire Not Salvaged

The Tire Salvage Center shall deliver all tires

(inadvertently) accepted by it and not (salvageable) salvaged to a permitted general scrap tire processing center(.) within 30 days."

SECTION VIII: Ordinance 17 is repealed in it's entirety.

SECTION IX: Applications for Permits

1. Applications for a permit to act as a tire processing center, tire salvage center, or a tire carrier shall be made on forms supplied by the MSD. Applications must be complete. Incomplete applications will be returned to the applicant.
2. If the MSD does not act to grant or deny a tire carrier permit within ninety (90) days of acceptance of a complete application, the permit shall be deemed granted for the service area set out in the application unless the MSD notifies the applicant that more time is needed to review and process the application and advises the applicant how much time will be needed to complete the review. The 90 days will not begin to run until the MSD has accepted the application as complete and ready for processing. A separate application shall be filed for each individual or corporate tire carrier engaged in the business of carrying scrap tires.
3. A separate application shall be filed for each processing center or tire salvage center although one application may be filed where two or more processing machines for salvage operations are in the same location.

SECTION X: Notice of Application

1. The manager shall give notice of the receipt of an application to all cities and counties within the MSD boundaries and interested parties who have requested such notice and shall publish the notice in a newspaper having a general circulation in the district greater than 50,000. The notice shall state the name of the applicant, the type of permit requested and that the recipient of the notice and the public have thirty (30) days from the date thereof to

to file written comments pertinent to the application.

2. For tire carrier applications, the notice shall also contain the number of trucks applied for and the service areas applied for.

3. For processing or salvage center applications, the manager shall notify all other persons holding current and existing processing or salvage permits. The notice for such applications shall also contain the number of machines or salvage operations involved and the service area applied for.

SECTION XI:

Grant or Denial of Permit

1. The manager shall, after the time for comment has expired, review the applications and any comments filed thereon. He may make investigation of the applicant, the applicant's facilities or equipment. The manager may deny the permit if he has reasonable grounds to believe any of the following to be true:

a. The applicant's penal bond is not in the proper amount or is legally inadequate.

b. That the applicant has not complied with all applicable laws, regulations or ordinances and permits and franchise agreements to which he is a party respecting the collection, transportation and disposal of scrap tires.

c. That the applicant has materially misrepresented the statements in the application for a permit or in any testimony or documentary evidence given to the manager or to the board.

d. 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.

- e. 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.
 - f. That the applicant cannot meet the requirement of a tire carrier, processing or salvage center as the case may be.
2. If in the manager's judgment the applicant cannot adequately meet the requirements of all of the service areas for which the application is made, the manager may restrict the permit to those service areas in which applicant has demonstrated that the requirements can be met.
 3. In the case of an application for a processing center, the manager may deny the permit in addition to the ground set forth in paragraph 1 above if he has reasonable ground to believe that the proposed tire processing center would jeopardize the operation and validity of any other tire processing center currently authorized by the MSD.
 4. The applicant shall be advised in writing of the action of the board or manager on his application and that the applicant has the right to a contested case hearing under the provisions of ORS Ch. 183.
 5. If the board makes a final order rejecting all or part of an application for a permit, the applicant may not submit another application for a period of six (6) months unless the board finds that the public interest requires reconsideration within a shorter period of time.

SECTION XII: Public Hearing

If the manager finds that a permit application has caused or might cause, if granted, public controversy or raise question of public policy, he may refer the application to the board for public hearing at their next regular or special meeting. The applicant and all those filing timely

written comments on the application shall be given no less than four (4) days nor more than ten (10) days written notice by mail of the time and place of the hearing. At the hearing, any member of the public may appear and be heard on the application.

SECTION XIII: Suspension, Modification, Revocation, or Refusal to Renew a Permit

1. The board may suspend, modify, revoke or refuse to renew a permit if it has reasonable grounds to believe that a permit holder has done any of the following:
 - a. Wilfully violated any of the conditions and requirements of the scrap tire program or ORS 459 or the rules and regulations respectively promulgated thereunder, or his permit and any conditions attached thereto.
 - b. Wilfully misrepresented the statement in the application for his permit or in any testimony or documentary evidence given to the manager or to the board.
 - c. Wilfully refused to provide adequate service to the public after written notification and a reasonable opportunity to do so.
2. In lieu of suspension, modification, revocation, or refusal to renew a permit, the board may order compliance and make suspension, modification, revocation or renewal contingent upon compliance with the order within a time stated within the order.
3. The procedures for suspension, modification, revocation or refusal to renew a permit shall be those specified for a contested case in ORS Ch. 183.

SECTION XIV: Penalties

1. Violation of any ordinance comprising the scrap tire program or a permit issued thereunder is punishable by

fine of not more than \$500.00.

2. Each day a violation referred to by subsection 1 of this section continues constitutes a separate offense. Such separate offenses may be joined in one indictment or complaint or information on several counts.

SECTION XV:

Abatement

The carrying, processing, disposing of or salvaging of scrap tires by any person in the district in violation of the ordinances comprising the scrap tire program or the rules and regulations promulgated thereunder is deemed a nuisance and the board may, in addition to other remedies provided by law, institute injunction, mandamus, 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 XVI:

Review of Board Action

All decisions of the board under this ordinance except those decisions with a 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 under the provisions of ORS Ch. 34.010-34.100 which shall be the sole and exclusive remedy for this review.

June 13, 1975

Robert Schumacher, Chairman
Metropolitan Service District

Miller Duris, Vice Chairman
Metropolitan Service District

V. ORDINANCE NO. 29 - EMERGENCY ORDINANCE

THE TAX SUPERVISING AND CONSERVATION COMMISSION HELD A PUBLIC HEARING ON JUNE 3, 1975, ON THE MSD FY 75-76 BUDGET.

THE STAFF RECOMMENDS THE BOARD HOLD A PUBLIC HEARING AND ADOPT EMERGENCY ORDINANCE No. 29 BY UNANIMOUS VOTE.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-360
DATE 6-13-75
BY Jean M. Wood
CLERK OF THE BOARD

ORDINANCE NO. 29.

An Ordinance adopting the annual budget of the Metropolitan Service District for the fiscal year beginning July 1, 1975, making appropriations from the funds of the District in accordance with said annual budget, authorizing the drawing of warrants, limiting expenditures for salaries and wages to the positions listed in the detailed approved budget, and declaring an emergency so that the budget may be adopted for the fiscal year beginning July 1, 1975, and so that the fiscal obligations of the District may be met.

THE METROPOLITAN SERVICE DISTRICT ORDAINS:

Section 1. The Board of Directors of the Metropolitan Service District finds that the Multnomah County Tax Supervising and Conservation Commission held its public hearing June 3, 1975, on the annual budget of the Metropolitan Service District for the fiscal year beginning July 1, 1975, and ending June 30, 1976 as filed with said Commission on May 12, 1975, that the Metropolitan Service District has been informed by said Commission that it has voted to certify the budget of the Metropolitan Service District with no objections and with no recommendations.

The budget should now be adopted so that there will be no further delay in establishing the budget authority for conducting the business of the District; now, therefore, the 1975-76 budget of the Metropolitan Service District as presented at the hearing of the Multnomah County Tax Supervising and Conservation Commission on June 3, 1975, is hereby adopted.

Section 2. To authorize expenditures in accordance with the annual budget adopted by Section 1 of this ordinance, amounts are hereby appropriated for the fiscal year beginning July 1, 1975 from the funds and for the purposes listed in the attached budget document.

Section 3. The immediate adoption of this ordinance being necessary in order that the attached budget will be in effect by the beginning of the fiscal year of July 1, 1975, an emergency is declared to exist, and this ordinance takes effect upon passage.

June 13, 1975

Robert Schumacher, Chairman
Metropolitan Service District

Miller Duris, Vice Chairman
Metropolitan Service District

VI. ADMINISTRATION

A. MSD/CRAG SERVICES AGREEMENT EXTENSION TO JUNE 30, 1976

THE ATTACHED CONTRACT ALLOWS CONTINUED PURCHASES OF SPECIFIC SERVICES FROM CRAG AND IS UNCHANGED FROM LAST YEAR.

THE STAFF RECOMMENDS THE BOARD APPROVE THE CONTRACT FOR SPECIFIC SERVICES BETWEEN MSD AND CRAG FOR THE NEXT FISCAL YEAR. IN ADDITION IT IS RECOMMENDED THE BOARD AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT DOCUMENT.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-361

DATE 6-13-75

BY Jean M. Woodruff

CLERK OF THE BOARD

SERVICE AGREEMENT

I. PARTIES

THIS AGREEMENT is made and entered into as of the 1st day of July, 1975, by and between the Metropolitan Service District (MSD), an Oregon municipal corporation, and the Columbia Region Association of Governments (CRAG), an Oregon municipal corporation.

II. RECITALS

WHEREAS, MSD desires to purchase from CRAG and CRAG desires to provide to MSD, certain services listed herein for a period of time necessary for MSD to become self-sufficient, now therefore, the parties agree as follows:

III. PROVISIONS

1. MSD may purchase, and CRAG shall provide the following goods and services at the prices listed:

- (a) Postage - at cost to CRAG
- (b) Duplicating services - at cost to CRAG
- (c) Automobile transportation - 15 cents per mile, otherwise at cost to CRAG.
- (d) Employee fringe benefit package - at cost to CRAG.
- (e) Payroll accounting - at cost to CRAG.
- (f) General accounting - at cost to CRAG.

2. Pertaining to 1(f) above, CRAG shall maintain separate books of accounts for MSD of a form and content that shall satisfy the needs and requirements of MSD, CRAG, the State of Oregon, and the Multnomah County Tax Supervising

and Conservation Commission. MSD funds shall be kept separate from and not co-mingled with CRAG funds. All checks written on the MSD account must be signed by the MSD Manager. The accounting department of CRAG shall prepare a monthly status report on the MSD budget and cash flow, which shall be forwarded to the Executive Director of CRAG and the Program Manager of MSD. MSD shall reimburse CRAG monthly for costs incurred which were not paid from the MSD account.

3. For accounting services provided under 1(d), 1(e), and 1(f) and 2 above, CRAG may include in its statement of actual costs to the MSD an amount reasonably calculated to cover administrative overhead.

4. During the term of this agreement, the MSD will review the possibility of establishing its own payroll accounting and general accounting systems. MSD may during the term of this agreement establish its own payroll accounting and general accounting systems and terminate the rights and obligations of both parties to this agreement under 1(e), 1(f), and 2 above by giving at least 30 days notice of termination to CRAG.

5. CRAG may purchase supplies and equipment for use by the MSD upon concurrence of the MSD Program Manager or his designated representative.

6. In the event any administrative or managerial dispute arises under this agreement that cannot be resolved to the satisfaction of CRAG or the MSD, the Executive Director of CRAG

and the Program Manager of the MSD shall each appoint one person to serve as an arbitrator of the dispute. The two persons so chosen shall choose a third arbitrator. The three arbitrators so chosen shall meet and by vote of at least two arbitrators make recommendations to the parties, which recommendations shall be binding on the parties.

7. The employee fringe benefit package referred to in 1(d) above shall contain all those fringe benefits of the same kind and extent received by CRAG employees, to the extent such benefits legally can be made available to MSD employees. Upon termination of provision by CRAG to any MSD employee of that employee's fringe benefit package, whether under this agreement or after termination of that employee's employment or otherwise, the pension plan carrier shall pay that employee the same termination benefits he would have received as if he had terminated his employment with CRAG. For purposes of this agreement, as MSD employee is considered to have earned rights to CRAG termination benefits from the date of his employment with CRAG or the MSD, whichever occurs first.

8. This agreement shall continue in force and effect until June 30, 1976, and may be terminated in whole or in part by MSD at any time during the period of the agreement. The agreement shall continue in force and effect after June 30, 1976 unless and until terminated by either party upon thirty (30) days notice of intent to terminate.

IN WITNESS WHEREOF, the parties have caused these presents to be executed in their respective names and on their behalf by their duly authorized representatives as of the date herein above first written.

DATE: _____

DATE: _____

METROPOLITAN SERVICE DISTRICT

COLUMBIA REGION ASSOCIATION
OF GOVERNMENTS

BY: _____

Robert Schumacher
Chairman

BY: _____

Larry Rice
Executive Director

B. MSD/CRAG LEASE EXTENSION TO JUNE 30, 1976

THE ATTACHED CONTRACT IS AN EXTENSION OF THE EXISTING LEASE AGREEMENT BETWEEN MSD AND CRAG. NO ADDITIONAL SPACE HAS BEEN ACQUIRED AND A LIMIT FOR THIS ANNUAL LEASE IS \$8,000.

THE STAFF RECOMMENDS APPROVAL OF THE LEASE AGREEMENT FOR FY 1975-76.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-361

DATE 6-13-75

BY Jean M. Wood
CLERK OF THE BOARD

SUBLEASE AGREEMENT

I. PARTIES

THIS SUBLEASE AGREEMENT is made and entered into as of July 1, 1975 by and between Metropolitan Service District (MSD), hereinafter referred to as "Sublessee" and the Columbia Region Association of Governments (CRAG), hereinafter referred to as "Sublessor."

II. PROVISIONS

1. Sublessor hereby leases and lets to Sublessee, and Sublessee hereby accepts said lease, of that certain 1,710 square feet of office space shown on Exhibit B hereto located on the third floor of the University Center Building, 527 SW Hall St. (Block 160, Portland Addition), Portland, Oregon, which space Sublessor presently leases, and intends to lease throughout the period of this sublease, from U.S. Bancorp Realty and Mortgage Trust, an Oregon business trust, under the provision of a lease agreement between Sublessor and said trust dated August 12, 1974, which lease is attached hereto as Exhibit "A" and incorporated herein by this reference.

2. Sublessee and Sublessor agree to abide, during the term of this sublease, by all applicable terms and conditions set forth in Exhibit "A" hereto.

3. The sublease herein shall be for a period beginning July 1, 1975 and ending June 30, 1976, unless said sublease

is terminated sooner by written agreement of both parties, or unless the lease in Exhibit "A" hereto is terminated during the period of this lease for any reason, in which cases this sublease shall terminate upon the occurrence of either condition.

4. Sublessee agrees to pay an annual rental of eight thousand dollars (\$8,000), payment to be made monthly, in advance, each payment to be in the amount of \$666.66 except for the final payment which shall be in the amount of \$666.74.

5. This lease may be renewed by Sublessee, for an additional twelve (12) month period, at any time after May 1, 1976 and prior to June 30, 1976, unless the lease in Exhibit "A" hereto has been terminated prior to the time of renewal of this sublease.

IN WITNESS WHEREOF, the duly authorized representatives of the parties hereto have executed this sublease as of the date first written above.

Date: METROPOLITAN SERVICE DISTRICT

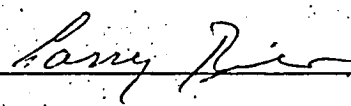
APPROVED AS TO FORM

By _____

COLUMBIA REGION ASSN. OF GOVERNMENTS



LEGAL COUNSEL, CRAG

Date: June 12, 1975 By 

C. PERSONNEL MANUAL APPROVAL

THE PROPOSED METROPOLITAN SERVICE DISTRICT PERSONNEL MANUAL WAS PRESENTED TO THE MSD BOARD ON MARCH 28, 1975. AT THAT TIME THE STAFF REQUESTED BOARD REVIEW IN ORDER TO RECEIVE APPROVAL PRIOR TO JULY 1, 1975.

THE STAFF HAS PROVIDED THE REVISED VERSION UNDER SEPARATE COVER. IT IS RECOMMENDED THAT THE BOARD APPROVE THE PERSONNEL MANUAL FOR IMMEDIATE USE.

AMENDMENT TO STAFF REPORT:

MOTION TO ESTABLISH A PER DIEM DOLLAR AMOUNT NOT TO EXCEED \$20 PER DAY FOR TRAVEL EXPENSES AND AUTHORIZE USE OF CREDIT CARDS BY STAFF.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75 - 361

DATE 6-13-75

BY Jean M. Woodruff
CLERK OF THE BOARD

D. REGISTERED AGENT APPROVAL - DEAN P. GISVOLD

THE FY 73-74 AUDIT REPORT RECOMMENDED THAT MSD DESIGNATE A REGISTERED AGENT AND ADDRESS.

THE STAFF RECOMMENDS THAT MSD LEGAL COUNSEL, DEAN GISVOLD, BE DESIGNATED AS THE MSD AGENT AND 1408 STANDARD PLAZA AS THE REGISTERED ADDRESS.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-361

DATE 6-13-75

BY Jean M. Wood

CLERK OF THE BOARD

E. FY 1973-74 BUDGET RESOLUTION TO EXPEND CARRYOVER

THE FY 73-74 BUDGET INCLUDED A CARRYOVER OF \$49,979.68 AS VERIFIED BY THE CURRENT AUDIT. TO COMPLY WITH OREGON BUDGET LAW THE BOARD MUST APPROVE APPROPRIATION OF THESE FUNDS.

THE STAFF RECOMMENDS APPROVAL FOR EXPENDITURE OF THIS FY 73-74 BUDGET CARRYOVER OF \$49,979.68.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-361

DATE 6-13-75

BY Jean M. Wood
CLERK OF THE BOARD

F. FY 2974-75 BUDGET AUDIT CONTRACT APPROVAL

THE FOLLOWING IS A PROPOSED AUDIT CONTRACT WITH COOPERS AND LYBRAND. THIS FIRM PERFORMED THE CURRENT AUDIT FOR MSD. THE BUDGET LIMIT ON THE CONTRACT IS \$4,000 AND MUST BE RENEWED YEARLY.

THE STAFF RECOMMENDS THE BOARD APPROVE THIS CONTRACT AND AUTHORIZE THE CHAIRMAN TO SIGN APPROPRIATE DOCUMENTS.

AMENDMENT TO STAFF REPORT:

MOTION TO AMEND ITEM No. 8 OF THE AUDIT CONTRACT.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 25-361

DATE 6-13-75

BY Jean M. Wood
CLERK OF THE BOARD

CONTRACT FOR AUDIT
OF OREGON MUNICIPAL CORPORATION
May 1, 1975

PARTIES:

Metropolitan Service District, a municipal corporation (MSD)
Coopers & Lybrand, a partnership (C & L)

RECITALS:

1. MSD is a municipal corporation subject to the municipal audit law (ORS 297.610 - 740).

2. C & L are accountants authorized by the State of Oregon to conduct municipal audits.

IT IS AGREED:

3. C & L shall conduct an audit of the accounts and fiscal affairs of the MSD for the fiscal year beginning July 1, 1974 and ending June 30, 1975.

4. If unusual conditions arise or are encountered during the course of the audit whereby the services of C & L are necessarily beyond the extent of the work contemplated, written notification of such unusual conditions shall be delivered to MSD together with the expected costs of performing the additional services. C & L shall not proceed with the additional services until receiving written approval from the MSD.

5. The audit shall be started as soon after this contract is executed as is agreeable to the parties and shall be completed on or before September 30, 1975. If for any reason the completion date cannot be attained, written notification of the circumstances shall be delivered to MSD, and with both parties in agreement, the deadline may be extended. A written report shall be rendered within a reasonable time after the close of the audit with 30 copies given to MSD. The form and content of the report shall be in accordance with and not less than that outlined in the minimum standards of audit reports, certificates and procedures.

6. The cost of the audit shall not exceed \$4,000 per year for performing the services required by this contract. Payment shall be made with a 1/3 retainer and be held until the final report is received.

7. This contract may be terminated by either party after giving the other party 30 days written notice of their intent to terminate. MSD shall be responsible for services performed to the date of termination.

8. In consideration of the faithful performance of the conditions, covenants, and undertakings herein set forth, the Party of the Second Part hereby agrees to pay the Party of the First Part a reasonable fee and the Party of the Second Part hereby affirms that proper provision for the payment of such fee has been or will be duly made and that funds for the payment thereof are or will be made legally available.

Date: _____

COOPERS & LYBRAND
Party of the First Part

By _____
James L. Savage, Partner

Date: _____

METROPOLITAN SERVICE DISTRICT
Party of the Second Part

By _____
Robert Schumacher, Chairman

^G
F.

AMERICAN PUBLIC WORKS ASSOCIATION CONFERENCE ATTENDANCE -
APPROVAL FOR CHARLES KEMPER

STARTING SEPTEMBER 20, 1975 THE ANNUAL APWA CONFERENCE
WILL BE HELD IN NEW ORLEANS. ONE OF THE MAJOR PROGRAMS
PRESENTED WILL BE SOLID WASTE RESOURCE RECOVERY SYSTEMS.

THE STAFF RECOMMENDS ATTENDANCE APPROVAL FOR CHARLES
KEMPER AT AN APPROXIMATE COST OF \$600.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-361

DATE 6-13-75

BY Jean M. Wood

CLERK OF THE BOARD

VII. OTHER BUSINESS