

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH AVE.
AUDITORIUM

MAY 27, 1977
2:00 P.M.

A G E N D A

77-819

MINUTES

77-820

PUBLIC COMMUNICATIONS

ADMINISTRATION

77-821

CASH DISBURSEMENTS

77-822

ORDINANCE NO. 50 - SECOND HEARING

AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS FOR THE NOTICE, ASSESS-
MENT, COLLECTION AND ENFORCEMENT OF
CIVIL PENALTIES AND ESTABLISHING
SCHEDULES OF CIVIL PENALTIES

77-823

ORDINANCE NO. 51 - FIRST PUBLIC HEARING

AN ORDINANCE ESTABLISHING PROCEDURES
FOR A BOARD MANAGEMENT SUB-COMMITTEE

77-824

ORDINANCE NO. 52 - PUBLIC HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE
No. 40, REVISING APPROPRIATIONS FOR
THE ZOO FUND, AND DECLARING AN EMER-
GENCY

SOLID WASTE PROGRAM

77-825

ORDINANCE NO. 47 - SECOND HEARING

AN ORDINANCE ESTABLISHING AN AREAWIDE

SOLID WASTE MANAGEMENT AND OPERATION PROGRAM; ESTABLISHING PROCEDURES FOR THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF SOLID WASTE DISPOSAL SITES; PROVIDING FOR ORDERLY AND BENEFICIAL FLOW OF SOLID WASTES; PROVIDING FOR PENALTIES AND ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR COLLECTION OF USER FEES; REPEALING PRIOR ORDINANCES; PRESCRIBING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY

77-826

ORDINANCE NO. 48 - SECOND HEARING

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE MSD SOLID WASTE MANAGEMENT PROGRAM CONCERNING APPLICATION, ISSUANCE, SUSPENSION, MODIFICATION AND TERMINATION OF SOLID WASTE DISPOSAL SITE CERTIFICATES; ESTABLISHING MINIMUM REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND OPERATION OF SOLID WASTE DISPOSAL SITES; PRESCRIBING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY

77-827

ORDINANCE NO. 49 - SECOND HEARING

AN ORDINANCE ESTABLISHING USER FEES FOR PHASE I OF THE MSD SOLID WASTE MANAGEMENT PROGRAM, REPEALING PRIOR ORDINANCES, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE

77-828

WEIGHING AND COMPOSITION OF SOLID
WASTE PROGRAM CONSULTANT SELECTION

77-829

OREGON CITY SOLID WASTE PROCESSING
SITE PURCHASE

77-830

PARTICIPATION OF MSD IN THE PURCHASE
OF CASH REGISTERS AND PRINTING OF
RECEIPTS USED BY WASTE DISPOSAL SITE
OPERATORS

77-831

BID AWARD FOR SCALES AND TRAILER

77-832

CONTRACT 77-064 - ANGUS MAC PHEE
(NEWBERG LANDFILL)

77-833

CONTRACT 77-073 - RESOURCE RECOVERY
BYPRODUCTS

77-834

CONTRACT 77-074 - METROPOLITAN DISPOSAL
CORPORATION

77-835

TRIP REQUEST FOR CORDELL KETTERLING

77-836

SOLID WASTE COMMITTEE MEMBERSHIP
REPLACEMENT SELECTION

ZOO PROGRAM

77-837

CONTRACT 76-032 - ZOOLOGICAL SOCIETY

77-838

TIMOTHY HAY BID AWARD

77-839

BEQUEST OF \$1,000 DEDICATED FUNDS

OTHER BUSINESS



METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) 222-3671

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH AVE.
AUDITORIUM

MAY 27, 1977
2:00 P.M.

ACTION AGENDA

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>
-------------	---------------------------------

1	77-819
---	--------

MINUTES

Action - Approve minutes of the
May 6, 1977 and May 13,
1977 meetings

18	77-820
----	--------

PUBLIC COMMUNICATIONS

Action - Receive comments from the
public on matters not listed
on the meeting agenda

19	77-821
----	--------

CASH DISBURSEMENTS

Action - Approve staff recommendation

20	77-822
----	--------

ORDINANCE NO. 50 - SECOND HEARING
AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS FOR THE NOTICE, ASSESS-
MENT, COLLECTION AND ENFORCEMENT OF
CIVIL PENALTIES AND ESTABLISHING
SCHEDULES OF CIVIL PENALTIES

Action - Conduct second hearing and
adopt Ordinance No. 50

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>
-------------	---------------------------------

21	77-823
----	--------

ORDINANCE NO. 51 - FIRST PUBLIC HEARING
AN ORDINANCE ESTABLISHING PROCEDURES
FOR A BOARD MANAGEMENT SUB-COMMITTEE
Action - Conduct first public hearing
and set the second hearing
date for June 10, 1977

22	77-824
----	--------

ORDINANCE NO. 52 - FIRST HEARING
AN ORDINANCE AMENDING BUDGET ORDINANCE
No. 40, REVISING APPROPRIATIONS FOR
THE ZOO FUND, AND DECLARING AN EMER-
GENCY
Action - Conduct public hearing and
set June 10, 1977, as the
second hearing date

27	77-825
----	--------

ORDINANCE NO. 47 - SECOND HEARING
AN ORDINANCE ESTABLISHING AN AREAWIDE
SOLID WASTE MANAGEMENT AND OPERATION
PROGRAM; ESTABLISHING PROCEDURES FOR
THE ISSUANCE OF CERTIFICATES FOR THE
OPERATION OF SOLID WASTE DISPOSAL
SITES; PROVIDING FOR ORDERLY AND
BENEFICIAL FLOW OF SOLID WASTES;
PROVIDING FOR PENALTIES AND ADMINIS-
TRATION AND ENFORCEMENT; PROVIDING
FOR COLLECTION OF USER FEES; REPEAL-
ING PRIOR ORDINANCES; PRESCRIBING AN
EFFECTIVE DATE AND DECLARING AN
EMERGENCY
Action - Conduct second hearing and
adopt Ordinance No. 47

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>
-------------	---------------------------------

38	77-826
----	--------

ORDINANCE NO. 48 - SECOND HEARING
AN ORDINANCE ESTABLISHING RULES AND
REGULATIONS FOR THE MSD SOLID WASTE
MANAGEMENT PROGRAM CONCERNING APPLI-
CATION, ISSUANCE, SUSPENSION, MODIFI-
CATION AND TERMINATION OF SOLID WASTE
DISPOSAL SITE CERTIFICATES; ESTABLISH-
ING MINIMUM REQUIREMENTS FOR THE
DESIGN, CONSTRUCTION AND OPERATION
OF SOLID WASTE DISPOSAL SITES; PRE-
SCRIBING AN EFFECTIVE DATE AND
DECLARING AN EMERGENCY

Action - Conduct public hearing and
adopt Ordinance No. 48

46	77-827
----	--------

ORDINANCE NO. 49 - SECOND HEARING
AN ORDINANCE ESTABLISHING USER FEES
FOR PHASE I OF THE MSD SOLID WASTE
MANAGEMENT PROGRAM, REPEALING PRIOR
ORDINANCES, DECLARING AN EMERGENCY
AND PRESCRIBING AN EFFECTIVE DATE

Action - Conduct public hearing and
adopt Ordinance No. 49

48	77-828
----	--------

WEIGHING AND COMPOSITION OF SOLID
WASTE PROGRAM CONSULTANT SELECTION

Action - Approve staff recommendation

52	77-829
----	--------

OREGON CITY SOLID WASTE PROCESSING
SITE PURCHASE

Action - Authorize purchase of the pro-
perty in accordance with the
option agreement

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>	
58	77-830	PARTICIPATION OF MSD IN THE PURCHASE OF CASH REGISTERS AND PRINTING OF RECEIPTS USED BY WASTE DISPOSAL SITE OPERATORS Action - <u>Approve</u> staff recommendation
61	77-831	BID AWARD FOR SCALES AND TRAILER Action - <u>Approve</u> staff recommendation
62	77-832	CONTRACT 77-064 - ANGUS MAC PHEE (NEWBERG LANDFILL) Action - <u>Approve</u> Contract 77-064
66	77-833	CONTRACT 77-073 - RESOURCE RECOVERY BYPRODUCTS Action - <u>Approve</u> temporary agreement
67	77-834	CONTRACT 77-074 - METROPOLITAN DISPOSAL CORPORATION Action - <u>No action</u> required
68	77-835	TRIP REQUEST FOR CORDELL KETTERLING Action - <u>Approve</u> trip request at an expenditure not to exceed \$925.00
69	77-836	SOLID WASTE COMMITTEE MEMBERSHIP REPLACEMENT SELECTION Action - <u>Select</u> one committee member replacement
70	77-837	CONTRACT 76-032 - ZOOLOGICAL SOCIETY Action - <u>Approve</u> Contract 76-032

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>
-------------	---------------------------------

71	77-838
----	--------

TIMOTHY HAY BID AWARD

Action - Approve staff recommendation

77	77-839
----	--------

BEQUEST OF \$1,000 DEDICATED FUNDS

Action - Accept bequest for purpose
designated

OTHER BUSINESS

78	77-840
----	--------

SOLID WASTE PROGRAM TRUCK BID AWARD

79	77-841
----	--------

SALE OF ZOO STAFF CAR

77-819 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES FOR MAY 6, 1977, SPECIAL MEETING AND THE MAY 13, 1977, REGULAR MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

77-820 PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS THE BOARD TO RECEIVE COMMENTS FROM THE PUBLIC ON MATTERS NOT LISTED ON THE MEETING AGENDA.

77-821 CASH DISBURSEMENTS

CHECKS ISSUED BETWEEN STAFF REPORTS:

CHECKS No. 3307 THROUGH 3314 \$2,390.42

CHECKS TO BE ISSUED MAY 27, 1977:

CHECKS No. 3315 THROUGH 3408 32,222.22

ITEMS OF INTEREST INCLUDE:

HARDY BUTLER McEWEN WEISS	\$4,819.11
HILLS RIVIANA (ANIMAL FOOD)	2,155.99
INTERSTATE FEED (HAY)	2,220.75
J. J. PERKO (STROLLERS)	1,075.00
PORTLAND GENERAL ELECTRIC	1,909.28
PACIFIC NW BELL	1,718.28
PORTLAND STATE (SUMMER WORK STUDY STUDENTS)	2,250.00
	<hr/>
	\$34,612.64

ALL CHECKS LISTED ABOVE ARE WITHIN THE FY 76-77 BUDGET.

THE STAFF RECOMMENDS APPROVAL FOR PAYMENT OF CHECKS No. 3307 THROUGH 3408 IN THE TOTAL AMOUNT OF \$34,612.64.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-821 DATE 5-27-77
YES NO ABST.

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

cau Miller
Clerk of the Board

77-822 ORDINANCE NO. 50 - SECOND PUBLIC HEARING

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE NOTICE, ASSESSMENT, COLLECTION AND ENFORCEMENT OF CIVIL PENALTIES AND ESTABLISHING SCHEDULES OF CIVIL PENALTIES.

SECTION 4 OF HB 2683 WHICH WAS SIGNED INTO LAW ON APRIL 18, 1977, ALLOWS THE MSD TO ASSESS CIVIL PENALTIES AGAINST THOSE PERSONS VIOLATING MSD ORDINANCES, RULES, LICENSES, PERMITS, OR COMPLIANCE SCHEDULES. ORDINANCE NO. 50 ESTABLISHES THE ADMINISTRATIVE RULES AND REGULATIONS GOVERNING MSD'S USE OF CIVIL PENALTIES. THESE RULES AND REGULATIONS ARE MODELED AFTER SIMILAR PROVISIONS GOVERNING DEQ'S ACTION.

THE FIRST PUBLIC HEARING WAS HELD ON MAY 13, 1977.

TO CLARIFY THE INTENT OF SECTION 8(A) OF THE ORDINANCE, THE FOLLOWING AMENDMENT IS PROPOSED:

AMEND SECTION 8(A) TO READ AS FOLLOWS:

"A CIVIL PENALTY SHALL BE DUE AND PAYABLE WHEN THE RESPONDENT IS SERVED A WRITTEN NOTICE OF ASSESSMENT OF CIVIL PENALTY SIGNED BY THE DIRECTOR. SERVICE OF THE WRITTEN NOTICE OF ASSESSMENT OF CIVIL PENALTY SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE SERVICE PROVISIONS OF SECTION 4.:

NOTE: THE WORDS UNDERLINED ARE ADDITION

THE STAFF RECOMMENDS CONDUCTING THE SECOND PUBLIC HEARING, RECEIVING TESTIMONY, AND ADOPTING ORDINANCE NO. 50 WITH THE PROPOSED AMENDMENT.

*with further
amendments.*

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-822 DATE 5-27-77
YES NO ABST.

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

YES	NO	ABST.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Signature]
Clerk of the Board

77-823 ORDINANCE NO. 51 - FIRST PUBLIC HEARING

AN ORDINANCE ESTABLISHING PROCEDURES FOR A BOARD MANAGEMENT SUB-COMMITTEE.

PURSUANT TO MSD BOARD DIRECTION ON MARCH 25, 1977, THE STAFF HAS PREPARED AN ORDINANCE FOR FIRST HEARING CONCERNING THE MSD MANAGEMENT COMMITTEE. THE PURPOSE OF THIS ORDINANCE IS TO IDENTIFY AREAS OF RESPONSIBILITY AND REVIEW FOR THE MSD MANAGEMENT COMMITTEE. THE INTENT IS NOT TO DISPLACE EXISTING BOARD AUTHORITY BUT TO STREAMLINE ADMINISTRATIVE FUNCTIONS TO ALLOW OPERATIONAL DIVISIONS TO ACHIEVE OBJECTIVES IN A TIMELY FASHION.

THE STAFF RECOMMENDS THE BOARD CONDUCT THE FIRST HEARING ON ORDINANCE No. 51 AND SET THE SECOND HEARING DATE FOR JUNE 10, 1977.

77-824 ORDINANCE NO. 52 - PUBLIC HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE No. 40, REVISING APPROPRIATIONS FOR THE ZOO FUND, AND DECLARING AN EMERGENCY.

CERTAIN EXPENDITURES WITHIN THE ZOO FUND HAVE EXCEEDED THE ADOPTED APPROPRIATIONS. THIS SITUATION IS A RESULT OF A NUMBER OF FACTORS INCLUDING INCREASED ATTENDANCE RESULTING IN GREATER DEMANDS FOR SERVICES, INCREASED PROMOTIONAL AND EDUCATIONAL ACTIVITY AT THE ZOO, AND THE LACK OF PROPER DAILY CONTROL OF THE LINE ITEM BUDGET, DELAYS IN PRODUCING MONTHLY BUDGET SUMMARIES, AND PERSONNEL CHANGES.

ATTACHMENT 1 SETS FORTH THE CURRENT ADOPTED APPROPRIATIONS AND THE PROPOSED REVISED APPROPRIATIONS FOR THE ZOO FUND. THE ADMINISTRATIVE AND VISITOR SERVICES DEPARTMENTS REFLECT THE GREATEST INCREASE. THIS IS PRIMARILY DUE TO HIGHER UTILITY COSTS AND THE DEMAND FOR INCREASED GOODS AND SERVICES AS A RESULT OF THE INFLUX OF VISITORS TO THE ZOO. IN ADDITION, \$26,000 HAS BEEN INCLUDED IN THE CAPITAL OUTLAY SECTION TO REPAIR THE FIRE DAMAGED LADY BUG THEATER. THIS EXPENDITURE WAS NOT ANTICIPATED AT THE BEGINNING OF THE FISCAL YEAR. THE EDUCATION DEPARTMENT ALSO SHOWS A SUBSTANTIAL INCREASE IN THE MATERIALS AND SERVICES SECTION WHICH IS A RESULT OF AN EXPANDED PROMOTIONAL PROGRAM AND A PROJECTED \$12,000 OVERAGE IN EXHIBIT DESIGN AND MATERIAL. THE INCREASE IN THE MAINTENANCE DEPARTMENT, MATERIALS & SERVICES, IS A RESULT OF HIGHER FUEL COST AND GREATER DEMANDS FOR MAINTENANCE SUPPLIES. THE ADDITIONAL TRAVEL AS APPROVED BY THE BOARD, AND ANIMAL PURCHASE REQUIREMENTS HAVE RESULTED IN THE INCREASE OF THE ANIMAL AND GROUNDS DEPARTMENT.

ADDITIONAL REVENUES BEYOND THOSE BUDGETED ARE ANTICIPATED TO OFFSET THE MAJORITY OF THESE INCREASED EXPENDITURES. HOWEVER, TO RECOGNIZE THESE ADDITIONAL REVENUES WOULD REQUIRE A SUPPLEMENTAL BUDGET AND SUBMITTAL TO THE MULTNOMAH COUNTY TAX SUPERVISION AND CONSERVATION COMMISSION AND PROBABLY WOULD NOT BE ADOPTED PRIOR TO THE END OF THIS FISCAL YEAR. THEREFORE, THE STAFF IS PROPOSING

THAT \$56,934 BE TRANSFERRED FROM THE ZOO FUND CONTINGENCY LINE ITEM AND \$96,299 BE TRANSFERRED FROM THE GENERAL CAPITAL IMPROVEMENTS DEPARTMENT INTO THE OTHER DEPARTMENTS REQUIRING ADDITIONAL FUNDS. THIS PROCEDURE CAN BE ACCOMPLISHED WITH THE ADOPTION OF ORDINANCE No. 52.

EVEN THOUGH TWO PUBLIC HEARINGS WILL BE HELD, ORDINANCE 52 CARRIES AN EMERGENCY CLAUSE. THIS IS NECESSARY FOR THE ORDINANCE TO TAKE EFFECT PRIOR TO JUNE 30, 1977, THE END OF THE CURRENT FISCAL YEAR.

AS INDICATED ABOVE, OTHER REASONS RESULTING IN THE OVER-EXPENDITURES OF CERTAIN ITEMS WITHIN THE ZOO FUND CAN BE ATTRIBUTED TO THE LACK OF DIVISIONAL BUDGET CONTROL AND PURCHASING PROCEDURES AT THE ZOO. THE ADMINISTRATIVE DIVISION HAS DEVELOPED THE NECESSARY PROCEDURES TO BE FOLLOWED WHEN PURCHASING GOODS OR SERVICES. HOWEVER, DIFFICULTY IN FOLLOWING THESE PROCEDURES HAS BEEN EXPERIENCED WITH SOME PERSONS RESPONSIBLE FOR PURCHASING AT THE ZOO. IN ADDITION, THE ADMINISTRATIVE DIVISION PREPARES A MONTHLY SUMMARY OF THE BUDGET STATUS ON A LINE ITEM BASIS. THIS MONTHLY BUDGET STATUS REPORT ALTHOUGH ONE MONTH BEHIND, IS MADE AVAILABLE TO ALL DIVISION DIRECTORS FOR THE PURPOSE OF MONITORING THEIR RESPECTIVE BUDGETS AND TO ASSIST THEM IN MANAGING THEIR OPERATIONS. PERSONNEL ARRANGEMENTS BETWEEN THE ADMINISTRATIVE DIVISION ACCOUNTING DEPARTMENT AND THE ZOO DIVISION HAS ALSO AFFECTED BUDGET CONTROL. IT SHOULD BE NOTED, HOWEVER, THAT THE PROBLEMS EXPERIENCED DURING THIS PAST YEAR WILL BE ADDRESSED WITH THE RE-ORGANIZATION OF THE ZOO DIVISION AS ADOPTED BY THE MSD BOARD.

IT IS THE STAFF'S RECOMMENDATION THAT THE BOARD CONDUCT THE FIRST PUBLIC HEARING ON ORDINANCE No. 52 AND SET JUNE 10, 1977, FOR THE SECOND HEARING DATE.

A T T A C H M E N T 1

METROPOLITAN SERVICE DISTRICT REVISED SCHEDULE OF APPROPRIATIONS FOR THE ZOO FUND For Fiscal Year 1976 to 1977 Beginning July 1, 1976

	<u>Current Appropriation</u>	<u>Proposed Revised Appropriation</u>
ZOO FUND		
Administrative & Visitor Services Department		
Personal Services	\$221,934	\$226,500
Materials & Services	366,585	380,000
Capital Outlay	<u>5,425</u>	<u>46,220</u>
Total Administrative & Visitor Services Department	\$593,944	\$692,720
Educational Department		
Personal Services	\$165,198	\$167,198
Materials & Services	49,252	68,000
Capital Outlay	<u>1,625</u>	<u>3,125</u>
Total Educational Department	\$216,075	\$238,320
Research Department		
Personal Services	\$ 85,749	\$ 85,749
Materials & Services	6,115	8,115
Capital Outlay	<u>18,310</u>	<u>18,310</u>
Total Research Department	\$110,174	\$112,174

	<u>Current Appropriation</u>	<u>Proposed Revised Appropriation</u>
Maintenance Department		
Personal Services	\$245,199	\$245,199
Materials & Services	81,150	102,050
Capital Outlay	<u>5,095</u>	<u>5,095</u>
	\$331,444	\$352,344
Animal and Grounds Department		
Personal Services	\$386,183	\$386,183
Materials & Services	60,191	69,500
Capital Outlay	<u>1,300</u>	<u>1,300</u>
Total Animal and Grounds Department	\$447,674	\$456,983
Animal Health Department		
Personal Services	\$ 55,999	\$ 55,999
Materials & Services	92,775	92,775
Capital Outlay	<u>3,250</u>	<u>3,250</u>
	\$152,024	\$152,024
General Capital Improvements Dept.		
Capital Outlay	<u>\$667,200</u>	<u>\$570,901</u>
Total General Capital Improve. Dept.	\$667,200	\$570,901
Grants Department		
Personal Services	\$ 47,280	\$ 47,280
Materials & Services	4,085	4,085
Capital Outlay	<u>15,205</u>	<u>15,205</u>
Total Grants Department	\$ 66,570	\$ 66,570
Contingency	\$ 56,934	\$ -0-
Transfer to General Fund - Service Payment	\$ 54,440	\$ 54,440
Unappropriated Balance	\$ 25,000	\$ 25,000
TOTAL ZOO FUND	\$2,721,479	\$2,721,479

ZOO FUND SUMMARY

	<u>Current Appropriation</u>	<u>Proposed Revised Appropriation</u>
Personal Services	\$1,207,542	\$1,254,180
Materials & Services	660,153	724,525
Capital Outlay	717,410	663,406
Contingency	56,934	-0-
Transfer to General Fund	54,440	54,440
Unappropriated Balance	25,000	25,000
	<hr/>	<hr/>
TOTAL ZOO FUND	\$2,721,479	\$2,721,479

77-825 ORDINANCE NO. 47 - SECOND PUBLIC HEARING

AN ORDINANCE ESTABLISHING AN AREA-WIDE SOLID WASTE MANAGEMENT AND OPERATION PROGRAM; ESTABLISHING PROCEDURES FOR THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF SOLID WASTE DISPOSAL SITES; PROVIDING FOR ORDERLY AND BENEFICIAL FLOW OF SOLID WASTES; PROVIDING FOR PENALTIES AND ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR COLLECTION OF USER FEES; REPEALING PRIOR ORDINANCES; PRESCRIBING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

ON OCTOBER 24, 1975, ORDINANCE NO. 32 WAS ADOPTED. THIS ORDINANCE ESTABLISHED AN AREA-WIDE SOLID WASTE MANAGEMENT AND OPERATION PROGRAM. ORDINANCE 39 WAS ADOPTED ON JULY 23, 1976, WHICH SET FORTH THE TYPES OF MATERIAL LANDFILLS COULD ACCEPT DURING THE THREE PHASES OF THE MSD PROGRAM. BOTH ORDINANCES HAVE BEEN AMENDED TWICE TO PROVIDE FOR DIFFERENT EFFECTIVE DATES.

ORDINANCE NO. 47 COMBINES THE AMENDED ORDINANCES 32 AND 39 INTO A SINGLE DOCUMENT WITH THE MINOR CHANGES AS DISCUSSED DURING THE FIRST PUBLIC HEARING AND SUMMARIZED BELOW:

1. SECTION 4.A.5 IS NEW.
2. SECTION 5.K, 5.L, AND 5.M - DEFINITION OF THE THREE PHASES HAVE BEEN MODIFIED ELIMINATING THE REFERENCE TO THE WASHINGTON COUNTY TRANSFER STATION.
3. SECTION 5.O - ADDITION OF THE WORD "COMPOST" TO THE DEFINITION OF "PROCESSED".
4. SECTION 5.X - THE DEFINITION OF "TRANSFER STATION" HAS BEEN MODIFIED TO INCLUDE DROP BOXES MADE AVAILABLE FOR PUBLIC USE.
5. SECTION 8.A.2 - THE REFERENCE TO PROCESSIBLE SITES AND NON-PROCESSIBLE SITES HAS BEEN ELIMINATED. ALL SITES WILL BE CLASSIFIED AS WASTE DISPOSAL SITES.

6. SECTION 8.A.3 - THE WORDS "BY AGREEMENT WITH THE MSD" HAVE BEEN ADDED.
7. SECTION 8.B.5 - THE EXEMPTION IN ORDINANCE 32 REQUIRED THAT FACILITIES PROCESSING SOURCE SEPARATED WASTE SUCH AS STEEL, TIN, PAPER AND WOOD AND SOLD TO ANOTHER PARTY NEEDED AN AGREEMENT WITH MSD TO CONTINUE THEIR OPERATION. IT WAS THE INTENT IN ORDINANCE 32 THAT THOSE FACILITIES PROCESSING SOURCE SEPARATED NON-PUTRESCIBLE WASTE AND SOURCE SEPARATED PAPER AND WOOD FOR USE OTHER THAN AS A FUEL AND USED BY ANOTHER PARTY WOULD BE EXEMPT FROM THE AGREEMENT REQUIREMENTS. HOWEVER, IT HAS BEEN BROUGHT TO OUR ATTENTION THAT THE EXEMPTION AS CURRENTLY INCORPORATED IN ORDINANCE 32 MUST BE REVISED TO BE IN KEEPING WITH THE ORIGINAL INTENT. SECTION 8.B.5 OF ORDINANCE 47 CLARIFIES THIS CONFUSION.
8. SECTION 9.E - THIS IS A NEW SECTION WHICH ALLOWS FOR "CLEAR EARTH" FILLS TO OPERATE WITHOUT A CERTIFICATE FROM MSD.
9. SECTION 17.B.5 - THE WORD "DAILY" HAS BEEN ADDED.
10. SECTION 17.B.6 - THE REFERENCE TO DAILY ACCOUNTING OF CUBIC YARDS/TONS IS ADDED AS WELL AS ACCOUNTING FOR MINIMUM LOADS AND SPECIAL WASTE.
11. SECTION 17.B - THE REFERENCE TO MONTHLY ACCOUNTING OF GROSS RECEIPTS BY THE LANDFILL OPERATORS AS REQUIRED BY ORDINANCE 32 HAS BEEN OMITTED FROM ORDINANCE No. 47.
12. SECTION 18.B - THIS SECTION IS NEW AND ALLOWS VIOLATIONS TO BE ENJOINED BY THE DISTRICT UPON SUIT IN A COURT OF COMPETENT JURISDICTION.
13. SECTION 18.C - THIS PROVIDES FOR THE IMPOSITION OF CIVIL PENALTIES.
14. SECTION 25 - THIS SECTION IS NEW AND ALLOWS FOR MSD TO INSPECT ANY WASTE DISPOSAL SITE.
15. ORDINANCE No. 32, SECTION 18, WHICH ALLOWS FOR MSD TO ENTER INTO AGREEMENTS WITH OTHER PUBLIC ENTITIES HAS BEEN ELIMINATED FROM ORDINANCE No. 47.

AN EMERGENCY CLAUSE HAS BEEN ADDED SO THAT ORDINANCE No. 47
WILL BECOME EFFECTIVE ON JUNE 1, 1977.

AFTER REVIEWING TESTIMONY PRESENTED DURING THE FIRST PUBLIC HEARING
AND OTHER COMMENTS RECEIVED, THE STAFF PROPOSES TO ADD THE AMEND-
MENTS CONTAINED IN ATTACHMENT 1 AND SUMMARIZED BELOW:

AMENDMENT No.

- 1 CLARIFIES THE DEFINITIONS OF SOURCE SEPARATION
BY TYPES.
- 2 ADDS A DEFINITION FOR SOLID WASTE COLLECTION SERVICE.
THIS IS IN RESPONSE TO THE ADOPTION OF THE MSD USER
FEE ACCOUNTING PROCEDURES AT THE MAY 13 MEETING
AND THE BOARD'S DIRECTION TO INCORPORATE THE PRO-
CEDURE INTO ORDINANCE No. 47 AND 48.
- 3 & 4 CLARIFIES MSD'S INTENT TO ALLOW SOURCE SEPARATED
SOLID WASTE TO BE DELIVERED TO A FACILITY OTHER THAN
AN MSD AUTHORIZED DISPOSAL SITE OR PROCESSING
STATION IF CERTAIN CONDITIONS ARE MET.
- 5 EXEMPTS TRAFFIC VIOLATIONS AS A BASIS FOR DENYING
A CERTIFICATE FOR A SOLID WASTE DISPOSAL SITE.
- 6 CLARIFIED THE PROCEDURE AN OPERATOR OF A SOLID
WASTE DISPOSAL SITE MUST FOLLOW TO BE EXEMPT FROM
THE MSD USER FEES FOR UNCOLLECTIBLE ACCOUNTS.
- 7 PROVIDES THAT A SOLID WASTE COLLECTION SERVICE
MUST FILE QUARTERLY REPORTS REGARDING SOLID WASTE
DISPOSED. THIS AMENDMENT IS A REQUIREMENT OF THE
ADOPTED MSD USER FEE ACCOUNTING PROCEDURES.
- 8 CLARIFIES THE PROCEDURES FOR GRANTING VARIANCES.
- 9 STIPULATES THAT ALL DECISIONS OF THE DIRECTOR MUST
BE REVIEWED BY THE BOARD BEFORE THE DECISIONS ARE
APPEALED TO THE COURTS.
- 10 ALLOWS MSD TO INSPECT SOLID WASTE DISPOSAL SITES.

THE STAFF HAS RECEIVED WRITTEN COMMENTS FROM MR. R. V. WHEELWRIGHT (ATTACHMENT 2) AND MR. RONALD WATSON, ATTORNEY FOR LAND RECLAMATION, (ATTACHMENT 3) REGARDING ORDINANCE 47. MR. WHEELWRIGHT'S CONCERN HAS BEEN ADDRESSED IN SECTIONS 1, 3 AND 4 OF THE STAFF'S PROPOSED AMENDMENTS CONTAINED IN ATTACHMENT 1, WHILE MR. WATSON'S SECOND AND THIRD REQUESTS HAVE BEEN REFLECTED IN SECTION 5 AND 6 OF ATTACHMENT 1. AS TO THE FIRST REQUEST OF MR. WATSON REGARDING THE INTENT OF BOTH ORDINANCE 47 AND 48, MSD'S LEGAL COUNSEL FEELS THAT IT WOULD BE BEST HANDLED AS AN ADOPTED STATEMENT OF INTENT RATHER THAN AS AN INCLUSION IN THE ORDINANCES. THE STAFF RECOMMENDS THAT THE FOLLOWING STATEMENT BE ADOPTED BY THE BOARD INDICATING THE INTENT FOR ORDINANCES 47 AND 48:

"IT IS THE INTENT OF THESE ORDINANCES THAT EXISTING SOLID WASTE DISPOSAL SITES CONTINUE OPERATION UNTIL FILLED OR THE MSD PROCESSING FACILITY IS OPERATIONAL WHICH EVER OCCURS FIRST SO LONG AS THE OPERATION COMPLIES WITH ALL DEQ AND MSD STATUTES, RULES, REGULATIONS, PERMITS AND CERTIFICATES. EVEN AFTER MSD'S PROCESSING FACILITY IS OPERATIONAL THERE WILL BE A NEED FOR AN AREAWIDE SOLID WASTE DISPOSAL SITE OR SITES."

THE SOLID WASTE COMMITTEE HAS REVIEWED THIS ORDINANCE AND THE PROPOSED AMENDMENTS (ATTACHMENT 1) AND RECOMMENDS THAT ORDINANCE No. 47 BE ADOPTED AS AMENDED.

THE STAFF RECOMMENDS THAT THE BOARD CONDUCT THE SECOND PUBLIC HEARING, AND ADOPT ORDINANCE No. 47 WITH THE PROPOSED AMENDMENTS CONTAINED IN ATTACHMENT 1.

*Further Amended +
including statement
of intent.*

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 22-825 DATE 5-22-77

YES NO ABST.

BARTELS			
GORDON			
MCCREADY			
ROBNETT			
SALQUIST			
SCHUMACHER			
MILLER, CHAIRMAN			

John Miller
Clerk of the Board

ATTACHMENT 1

By MSD STAFF

PROPOSED AMENDMENTS TO MSD ORDINANCE 47

1. Amend Section 5 V to read as follows:

V. SOURCE SEPARATION OR SEPARATED. Source separation or separated means the separation of solid wastes by type, such as wood, paper and glass, for reuse or recycling by the person who last used the separated material.

2. Add to Section 5 the following definition:

CC. SOLID WASTE COLLECTION SERVICE. Solid waste collection service means a person engaged in the business of collecting and transporting solid wastes from the source to a transfer station, processing facility, or solid waste disposal site.

3. Amend Section 8 B to read as follows:

B. A person is exempt from the operation of Subsection 8 A(3), (4), (5) and (6) if the solid waste being transferred, processed or deposited:

4. Amend Section 8 B 3 to read as follows:

3. are not and will not be mixed by type with other solid wastes, and

5. Amend Section 12 D 3 to read as follows:

3. 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, provided, however, that this paragraph does not apply to traffic law violations and convictions, or

6. Amend Section 17 C to read as follows:

C. An operator is released from liability for USER fees on charge accounts that are (have found to be) worthless and charged off as uncollectible (for income tax purposes) provided that the operator files with MSD an affidavit stating the name and the amount of each uncollectible charge account. 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.

7. Add a new Section 17 F.

F. Every Solid Waste Collection Service must file quarterly reports with the Director, including without limitation the following information:

1. Name and address of the solid waste collection service.
2. The quarter and year of each report.
3. For each month, the name and address of each processing facility or solid waste disposal site in the MSD area to which the solid waste collection service has delivered solid wastes, and the amount of the solid wastes measured by tons or cubic yards, delivered to each such facility or site.
4. Signature and title of the solid waste collection service or its authorized agent.

8. Delete present Section 23 and insert the following:

SECTION 23 VARIANCES.

- A. The Board upon recommendation of the Director may grant specific variances from particular requirements of any rule, regulation or ordinance to such specific persons or class of persons upon such conditions as it may deem necessary to protect public health, safety and welfare, if it finds that the purpose and intent of the particular requirement can be achieved without strict compliance and that strict compliance:
1. Is inappropriate because of conditions beyond the control of person(s) requesting the variance; or
 2. Will be rendered extremely burdensome or highly impractical due to special physical conditions or causes; or
 3. Would result in substantial curtailment or closing down of a business, plant, or operation which furthers the objectives of MSD or of MSD's Plan.
- B. Any person requesting a variance shall make his request in writing and shall state in a concise manner facts to show cause why such variance should be granted. The Director may make such investigation as he deems necessary and shall give notice of the variance request in accordance with Section 12 B.
- C. If the Board denies a variance request, the Director shall notify the applicant in accordance with MSD Code Chapter 20.04 of the denial. If a hearing is requested, the applicant shall have the burden of proof.
- D. If a request for a variance is denied, no new application for this same or substantially similar variance shall be filed for at least six months from the date of denial.

9. Amend Section 24 to read as follows:

SECTION 24. Review of Board Action.

All decisions of the Board under this ordinance and the regulations adopted hereunder (except those decisions where the right to contested case hearings 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 solid 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. All decisions of the Director must be reviewed and affirmed, modified or rescinded by the Board before such decisions may be appealed to the courts.

10. Delete present Section 25 and insert new Section 25:

SECTION 25. INSPECTIONS.

In order to carry out the purposes of Ordinance 47, and the regulations adopted thereunder, the Director, or his authorized agent, is authorized to enter any solid waste disposal site during working hours and at other reasonable times with notice. Notice shall not be necessary where in the discretion of the Director such notice would defeat the purpose of the entry.

ATTACHMENT 2

RECOMMENDED ADDITION TO ORDINANCE 47

PAGE 7 - SECTION 8 - ITEM D

D - A PERSON OR FIRM IS EXEMPT FROM THE OPERATION OF SUBSECTIONS 8A(3)(4) AND (5) IF THAT PERSON OR FIRM IS A PAPERSTOCK DEALER, SCRAP DEALER, RECYCLING CENTER, OR IF THE MATERIAL IS IN THE POSSESSION OR CONTROL OF THE OWNER,

PLEASE PUT ME ON YOUR MAILING LIST FOR INFORMATION AND ORDINANCES OTHER THAN THOSE PROVIDED TO THE WASHINGTON COUNTY SOLID WASTE ADVISORY COMMITTEE.

R.V. WHEELWRIGHT

14150 SW 144TH

TIGARD, OREGON 97223

639-0889

RONALD A. WATSON
ATTORNEY AT LAW

Jackson Tower, 806 S. W. Broadway, Portland, Oregon 97205
(503) 228-8531

May 23, 1977

Metropolitan Service District
Solid Waste Division
1234 S. W. Morrison Street
Portland, Oregon 97205

Attention: Mr. Merle Irvine

Dear Mr. Irvine:

Pursuant to our meeting of this morning, this letter will confirm that we have requested the following amendments:

1. To ordinances Nos. 47 and 48 that the following paragraph be inserted in each ordinance:

"It is the intent of this ordinance that the rules and regulations of the DEQ permits under which landfills are now operating shall be allowed to continue until Phase I is completed or the said landfill sites are completed in accordance with their existing DEQ permits and to the extent that they are in conflict then the existing DEQ permit provisions will prevail."

2. That ordinance No. 47, item D.3 on page 10 have the following sentence included after the word "felony" and before the word "or" on the last line:

"for the purposes of this paragraph, it shall not apply to violation of traffic lanes and convictions thereunder."

3. That the proposed amendments to ordinance No. 47, item 3, which relates to amending Section 17.C, shall have the following language added after the word "claimed" on line 5:

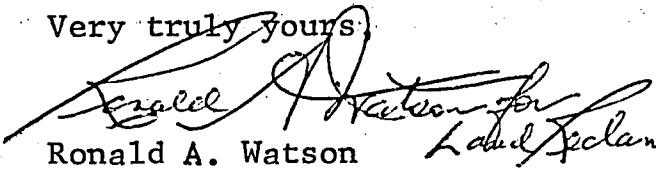
"or a statement from the operator's CPA or Public Accountant that a said amount has been written off as uncollectible in their income tax returns."

Metropolitan Service District
May 23, 1977
Page 2

It is the writer's understanding that the above requests will be forwarded to the MSD Board in compliance with their desire that any requested changes be submitted in writing so that they would have an opportunity to review them before the meeting on Friday.

Thank you for your courtesies in the above matter.

Very truly yours,


Ronald A. Watson

Land Reclamation, Inc.

RAW:dp

cc: Gene Plew
Bill Plew

P.S.

As discussed, it would be appreciated if MSD put out a notice to the private collectors that the users' fees shall be paid to the landfill operators on or before the 15th day of each month.

RAW

GEORGE D. WARD & ASSOCIATES

821 N. W. Flanders, Portland, Oregon 97209
222-4333

ENVIRONMENTAL CONSULTING ENGINEERS

May 24, 1977

Department of Environmental Quality
Solid Waste Division
1234 SW Morrison
Portland, Oregon 97205

Re: Herbert Malarkey Roofing Co.
Industrial Waste Disposal
Permit #1041 (Multnomah County)

Gentlemen:

On Monday, May 23, the M.S.D. Solid Waste Advisory Committee met for the purpose of discussing proposed M.S.D. Ordinance 47 and 48 pertaining to the recycling of and disposal of various forms of approved solid waste. Also discussed were several proposed amendments. As amended, both Ordinance 47 and 48 are to be presented for approval at the Friday, May 27, meeting of the M.S.D. Board of Directors.

Since a quorum was not present at the time the amendments were discussed, no final drafts of the ordinances in their amended form were developed in time for public review at the Solid Waste Advisory Committee meeting. Consequently, the next opportunity for public review will not be until Friday, May 27, the same day the ordinances are to be presented to the M.S.D. board for adoption into law.

Although there appears to be no conflict; we nevertheless ask the following which was also requested verbally at the May 23, committee meeting.

"It is specifically requested that the existing Malarkey D.E.Q. Industrial Waste Disposal Permit #1041 be allowed to continue unchanged until the remaining unfilled portion of the property is filled to the areas and grades authorized by the existing D.E.Q. permit regardless of the final wording of applicable ordinances to be presented for approval on May 27. It is also requested that The Herbert Malarkey Roofing Co. be permitted to continue purchasing various grades of either waste or recycled cardboard and paper on the open market without being required to pay the proposed, but as yet not fully defined, M.S.D. User Fee."

These requests are being made in order to permit the Herbert Malarkey Roofing Co. to continue the manufacture of roofing products from salvaged or recycled raw materials without the need to increase either operating costs or purchase costs of finished products as a result of the proposed M.S.D. user fee.

Your written response to these two requests would be appreciated.

Cordially yours,


George D. Ward, PE

GDW/cn

cc Metropolitan Service District, & Herbert Malarkey Roofing Co.

LAW OFFICES OF
BLYTH, PORCELLI & MOOMAW

10700 S.W. BEAVERTON HIGHWAY
220 PARK PLAZA WEST
BEAVERTON, OREGON 97005

(503) 646-0566

PETER R. BLYTH
FRANK PORCELLI, JR.
LARRY D. MOOMAW

ROBERT J. MILLER, SR.

MAILING ADDRESS
P.O. BOX 518

May 27, 1977

Board of Directors
Metropolitan Service District
Portland, Oregon

Gentlemen:

The Internal Revenue Service, the Oregon Department of Revenue and other governmental agencies require only that adequate accounting records be maintained. These agencies do not require the purchasing of special equipment, such as a multitotal cash register, the employment of a minimum of three people to handle the company books, the establishment of set accounting procedures, and the power to impose surprise audits (as is permissible under Section 25 of Ordinance 47).

It is not feasible for all businesses to utilize a standard system of accounting, as every business has its own requirements and functional problems, even where engaged in the same industry. It is, therefore, not feasible nor desirable for a governmental agency to dictate the accounting requirements to a group of private business enterprises that have varying operational features.

The requirements set out in Section 17 of Ordinance 47 and in Section 12 C of Ordinance 48 could be substantially satisfied by the information presently provided to the Department of Environmental Quality. The User Fees could simply be calculated on the basis of the DEQ monthly reports, which would accomplish the ends desired by the Board.

If the above proposal were adopted:

- a. A multitotal cash register would not be required;
- b. The minimum requisite of three employees for book-keeping purposes would not be necessitated;
- c. Daily reconciliation would be unnecessary;

Board of Directors
Page 2
May 27, 1977

d. There is not and would not be a need for the receipts to separately state the User Fee, in that it would serve no purpose for either party; and

e. Prenumbered tickets for charge accounts could also be eliminated.

These changes would serve to eliminate an unnecessary cost burden from being imposed upon the Operators because of additional accounting procedures.

Finally, it would appear to be more equitable for payment by the Operators to MSD of the User Fees to be made on or before the 10th day of the month following collection. This would at least alleviate part of the problem of the Operators being required to pay the tax prior to collection.

The above proposals coupled with the internal accounting systems of the Operators would provide sufficient checks upon the truth and veracity of the Operators, without the internal operation of their business subject to government control. Your review of our opinions on these matters are appreciated.

Very truly yours,

BLYTH, PORCELLI & MOOMAW

Larry D. Moomaw

LDM:jb

GENERAL OFFICES
650 SEVENTH STREET
SAN FRANCISCO 94103
TELEPHONE 621-6100

Independent Paper Stock Co.

PAPER STOCK DEALERS

66 SOUTH HANFORD STREET
SEATTLE, WASHINGTON 98134
TELEPHONE 623-3228 227-2811

BRANCHES
OAKLAND
SACRAMENTO
STOCKTON
FRESNO
SAN JOSE
MOUNTAIN VIEW
SEATTLE
PORTLAND
TACOMA
LOS ANGELES
LONG BEACH

May 24, 1977

RECEIVED
MAY 25 1977

METRO SERVICE DISTRICT

Jerry Powell
Portland Recycling Team
18th & Irving
Portland, Oregon

Dear Jerry,

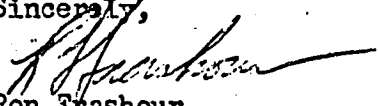
As per your letter of May 23, 1977 I am sending you an outline of the changes I feel are necessary in MSD proposed Ordinance No. 47.

1. The addition of a fifth exclusion in section 5 item U, SOLID WASTE, This exclusion should be:
5. Source Separated Materials
2. Change the definition of SOURCE SEPARATION OF SEPARATED Section 5 item V to read: Source separation of separated means the separation of solid wastes by type, by the person who last used the material, for reuse of recycling.

Jerry, I feel that these changes will go a long way in protecting the recycling industry from possible misinterpretation of the MSD ordinance. In particular, the exclusion of source separated materials from the definition of Solid Wastes is a must.

I would appreciate any help you might be able to give concerning the above.

Sincerely,


Ron Frashour

THE CITY OF
PORTLAND



OREGON

DEPARTMENT OF
FINANCE AND
ADMINISTRATION

NEIL GOLDSCHMIDT
MAYOR

BUREAU OF
BUILDINGS
JAMES E. GRIFFITH
DIRECTOR

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503/248-4230

January 1977

TO ALL EXCAVATING CONTRACTORS:

In order to continue our attempts to maintain our communication ties within the construction industry, and to better inform contractors as to code revisions and Bureau of Buildings policies, I would like to inform your firm of certain code enforcement procedures that have recently been evolved that would have effect on your industry.

The City of Portland has the responsibility to enforce grading and filling regulations as outlined within Chapter 70 of the Uniform Building Code Appendix which was adopted in 1972 by Ordinance of the Council of the City of Portland. I have enclosed for your information a copy of this chapter of the Code, and a copy of our inspection information sheet.

It would seem, based upon the large number of fills that have been placed without benefit of the required permits, that contractors and owners perhaps are not aware of the code requirements covering this type of activity.

It is our intent to inform you, the excavation contractors, of these requirements in the hope that you in turn will inform the owners of potential fills and excavation sites of these requirements. It is our desire to facilitate the grading and filling of these sites within the city in the manner that serves the public need and is least disruptive to your successful operation.

If we can be of any service to you, or if you would like further information, please contact me at telephone 248-4245.

Yours very truly,

J. F. Dunnigan

JOHN F. DUNNIGAN
BUILDING PERMIT SUPERVISOR

Enc.

REQUIREMENTS FOR GRADING PERMIT

(Grading is any excavation or filling or combination of the two)

1. Make application for grading permit at Room 111 - City Hall
 - (a) Inquire at receptionist's desk for fee or call 248-4245
 - (b) Note quantity (in yards) of total grading on application.
2. Grading 5,000 cu. yds. or less - classified as "regular grading" per Sec. 7014 unless geologic factors indicate more stringent requirements are necessary. When approved by the Bureau of Buildings "regular grading" fills may be placed per attached Sec. 7010 with inspection and testing performed by an approved testing agency.
3. Grading in excess of 5,000 cu. yds. - classified as "engineered grading" per Sec. 7014. See Sec. 7014 (c) for "engineered grading" requirements which primarily include:
 - (a) Grading plans and specifications prepared and stamped by a civil engineer. (See attached Sec. 7006 (d) for information required on grading plan)
 - (b) Soils engineering and engineering geology reports per Sec. 7006(e) and (f).
 - (c) Inspection and certification of all work by the soils and/or civil engineer. (Certification shall mean a written engineering or geological opinion concerning the progress and completion of the work).
4. Existing grading performed without required grading permit ((a), (b), and (c) below all require grading permit).
 - (a) Restore grade to original condition.
 - (b) Verify by appropriate testing and certification that requirements for "regular" or "engineered" grading noted in 2 and 3 above have been met.
 - (c) If neither 4(a) or 4(b) above can be accomplished, the building official may require the applicant to provide an engineer's certification that the existing grading does not present a hazard to subject property or adjacent property. If hazard exists appropriate remedial work will be required to eliminate hazard.

NOTE: #1 Grading 1,000 yards or over require a "conditional use" approval through Planning Commission.

NOTE: #2 Work performed prior to permit is subject to penalty assessment.

INSPECTORS COMMENTS

(APPLICANT TO SUBMIT THIS FORM WHEN APPLYING FOR GRADING PERMIT)

DATE:

ADDRESS:

DESCRIBE GRADING WORK, PROBLEMS, ETC.:

Affect Drainage Course ☐

Hazard To Adjacent Property ☐

Hazard to Existing Property ☐

Fill without Permit ☐

Cut without Permit ☐

Other ☐

Approximate Quantity _____ yd.

INSPECTORS:

NAME:

77-826 ORDINANCE NO. 48 - SECOND PUBLIC HEARING

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE MSD SOLID WASTE MANAGEMENT PROGRAM CONCERNING APPLICATION, ISSUANCE, SUSPENSION, MODIFICATION AND TERMINATION OF SOLID WASTE DISPOSAL SITE CERTIFICATES; ESTABLISHING MINIMUM REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND OPERATION OF SOLID WASTE DISPOSAL SITES; PRESCRIBING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

THESE RULES AND REGULATIONS FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE MSD SOLID WASTE MANAGEMENT PROGRAM ARE REQUIRED BY SECTION 7 OF ORDINANCE No. 47. THE ORDINANCE INCLUDES REQUIREMENTS FOR AN APPLICATION FOR A SOLID WASTE DISPOSAL CERTIFICATE, PROCEDURES FOR ISSUANCE OR DENIAL OF A CERTIFICATE, MINIMUM DESIGN CRITERIA, SITE OPERATIONAL STANDARDS, AND A MONITORING (UNSPECIFIED) PROGRAM. THESE REQUIREMENTS FOLLOW CLOSELY THOSE ADOPTED BY DEQ.

PROPOSED AMENDMENTS TO ORDINANCE 48 CAN BE FOUND IN ATTACHMENT 1. BASICALLY, AMENDMENTS 1 THROUGH 5 DELINEATE THE RESPONSIBILITY FOR FURNISHING BURDEN OF PROOF FOR A PARTICULAR ACTION. AMENDMENT 6 INCORPORATES INTO ORDINANCE 48 THE ACCOUNTING PROCEDURE FOR THE COLLECTION OF THE MSD USER FEES BY THE SOLID WASTE DISPOSAL SITE OPERATORS AS APPROVED BY THE BOARD AT THEIR MAY 13, 1977, MEETING. FINALLY, AMENDMENT 8 ADDS A SAVINGS CLAUSE.

MR. RON WATSON, ATTORNEY FOR LAND RECLAMATION, INC., HAS REQUESTED THAT THE FOLLOWING STATEMENT BE ADDED TO ORDINANCE 48:

"IT IS THE INTENT OF THIS ORDINANCE THAT THE RULES AND REGULATIONS OF THE DEQ PERMITS UNDER WHICH LANDFILLS ARE NOW OPERATING SHALL BE ALLOWED TO CONTINUE UNTIL PHASE I IS COMPLETED OR THE SAID LANDFILL SITES ARE COMPLETED IN ACCORDANCE WITH THEIR EXISTING DEQ PERMITS AND TO THE EXTENT THAT THEY ARE IN CONFLICT THEN THE EXISTING DEQ PERMIT PROVISIONS WILL PREVAIL."

MSD'S LEGAL COUNSEL HAS REVIEWED THIS STATEMENT AND HAS RECOMMENDED THAT THE CONCEPT BE HANDLED IN A "STATEMENT OF INTENT FOR ADOPTION OF ORDINANCE No. 47 AND ORDINANCE No. 48" AS DISCUSSED IN THE STAFF REPORT FOR ORDINANCE No. 47.

IN ORDER FOR THIS ORDINANCE TO BECOME EFFECTIVE ON JUNE 1, 1977, AN EMERGENCY CLAUSE HAS ALSO BEEN INCLUDED. COPIES OF THIS ORDINANCE WERE SENT TO ALL DISPOSAL SITE OPERATORS FOR COMMENT ON APRIL 26, 1977. THE SOLID WASTE COMMITTEE HAS REVIEWED ORDINANCE No. 48 AND THE ATTACHED AMENDMENTS AND RECOMMENDS ITS ADOPTION.

IT IS THE STAFF'S RECOMMENDATION THAT THE BOARD CONDUCT THE SECOND PUBLIC HEARING ON MAY 27, 1977, AND ADOPT ORDINANCE No. 48 WITH THE ATTACHED AMENDMENTS.

Further amended.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-826 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>		
GORDON	<input checked="" type="checkbox"/>		
McCREADY	<input checked="" type="checkbox"/>		
ROBNETT	<input checked="" type="checkbox"/>		
SALQUIST	<input checked="" type="checkbox"/>		
SCHUMACHER	<input checked="" type="checkbox"/>		
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>		

[Signature]
Clerk of the Board

ATTACHMENT 1

PROPOSED AMENDMENTS TO MSD ORDINANCE 48

1. Amend Section 5 E to read as follows:

E. If the applicant is dissatisfied with the conditions or limitations of any certificate issued by the Director, he may request a contested case hearing in accordance with MSD Code Chapter 20.04. (before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director within 20 days of the date of mailing of the notification of issuance of the certificate. Any hearing held shall be conducted pursuant to the regulations of MSD.) If a hearing is requested, the burden of proof shall be determined in accordance with Section 7 of this Ordinance.

2. Amend Section 6 to read as follows:

SECTION 6. Renewal of a Certificate.

The procedure for issuance of a certificate shall apply to renewal of a certificate. If a completed application for renewal of a certificate is filed with the Director in a timely manner prior to the expiration date of the certificate, the certificate shall not be deemed to expire until final action has been taken on the renewal application. If the Director refuses to renew a certificate, he shall notify the applicant in accordance with MSD Code Chapter 20.04, (by certified mail) of the intent to refuse to renew. (and the reasons for such action. The refusal shall become effective 60 days from the date of mailing of such notice unless within that time the applicant requests a hearing before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of MSD.) If a hearing is requested, MSD shall have the burden of proof.

3. Amend Section 7 to read as follows:

SECTION 7. Denial of a Certificate, Authority to Dispose of Special Wastes or Transfer of a Certificate.

If the Director proposes to deny issuance of a certificate, the authority to dispose of special wastes or the transfer of a disposal site certificate, he shall notify the applicant in accordance with MSD Code Chapter 20.04, (by certified mail) of the intent to deny. (and the reasons for such action. The denial shall become effective 60 days from the date of mailing of such notice unless within that time the applicant requests a hearing before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of MSD.) If a hearing is requested where the Director proposes to deny a certificate to an applicant who is operating a solid waste disposal site on the effective date of this ordinance, MSD shall have the burden of proof. In all other cases under this section, if a hearing is requested, the applicant or the Certificate holder, as the case may be, shall have the burden of proof.

4. Amend Section 8 to read as follows:

SECTION 8. Modification of a Certificate.

If the Director determines to modify a certificate, the Director shall notify the certificate holder in accordance with MSD Code Chapter 20.04 (by certified mail) of his intent to modify the certificate. (Such notification shall include the proposed modification and the reasons for modification. The modification shall become effective 20 days from the date of mailing of such notice unless within that time the certificate holder requests a hearing before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of the MSD.) If a hearing is requested, the burden of proof shall be on the party requesting the modification. A copy of the modified certificate shall be forwarded to the certificate holder as soon as the modification becomes effective. The existing certificate shall remain in effect until the modified certificate is issued.

5. Amend Section 9 to read as follows:

SECTION 9. Suspension or Revocation of a Certificate.

A. If the Director determines to suspend or revoke a certificate, the Director shall notify the certificate holder, in accordance with MSD Code Chapter 20.04, (by certified mail) of his intent to suspend or revoke the permit. (Such notification shall include the reasons for the suspension or revocation. The suspension or revocation shall become effective 20 days from the date of mailing of such notice unless within that time the certificate holder requests a hearing before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director and shall state the grounds for the request. Any hearing held shall be conducted pursuant to the regulations of the MSD.) If a hearing is requested, MSD shall have the burden of proof.

B. If the Director finds that there is a serious danger to the public health or safety, he may (pursuant to applicable statutes) suspend, revoke or refuse to renew a certificate effective immediately. (Notice of such suspension or revocation must state the reasons for such action and advise the certificate holder that he may request a hearing before the Board or its authorized representative. Such a request for hearing shall be made in writing to the Director within 90 days of the date of mailing and shall state the grounds for the request. Any hearing shall be conducted pursuant to the regulations of the MSD.) If the Director takes such action, he shall notify the certificate holder as soon as possible in accordance with MSD Code 20.04. If a hearing is requested, MSD shall have the burden of proof.

6. Delete Section 12B9, change the numbering of Section 12B10 to Section 12B9 and add a new Section 12C.

C. Disposal Site Administrative Procedures.

1. User fees. The MSD shall require the following accounting procedure for charging, collecting and recording user fees:

a. User fees shall be charged on the basis of tons of waste received where weighing is practicable or on the basis of estimated cubic yards of waste received where weighing is not practicable. Either a mechanical or automatic scale may be used for weighing waste.

b. A user fee collected in cash at the disposal site shall be separately recorded on a multi-total cash register. A person other than the person operating the cash register shall total the user fees and other fees separately at the end of each business day as recorded on the cash register and reconcile that total with the actual cash in the register drawer. Cash receipts shall be deposited daily in a bank account. A person other than the person who makes daily bank deposits shall reconcile the bank account each month.

c. Cash receipts of payments on accounts receivable shall be recorded as mail is opened and reconciled to the daily bank deposit.

d. Where a user fee is charged and collected on an account receivable basis, prenumbered tickets shall be used in numerical sequence. The numbers

of the tickets shall be accounted for daily and any voided or cancelled tickets shall be retained.

2. Records. The MSD shall require such other records and reports as it considers are reasonably necessary to insure compliance with conditions of a permit, its ordinances or of these regulations.

7. Ordinance No. 48 in places refers to a landfill rather than to a solid waste disposal site. For the sake of consistency, any references to landfill should be changed to solid waste disposal site. This amendment is needed in the following sections:

§12.A

§12.A.3

§12.A.5

§12.A.8

§12.A.9

§12.A.10

§12.B

§12.B.1

§12.B.3

§12.B.4

§12.B.5

§12.B.10

8. Add a new Section 16.

SECTION 16. 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.

77-827 ORDINANCE NO. 49 - SECOND PUBLIC HEARING

AN ORDINANCE ESTABLISHING USER FEES FOR PHASE I OF THE MSD SOLID WASTE MANAGEMENT PROGRAM, REPEALING PRIOR ORDINANCES, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE.

ORDINANCE No. 33 ESTABLISHED THE SCHEDULE OF USER FEES FOR PHASE I OF THE MSD SOLID WASTE MANAGEMENT PROGRAM AND WAS ADOPTED ON NOVEMBER 28, 1975. THIS ORDINANCE WAS AMENDED BY ORDINANCE No. 36 AND No. 46 TO REFLECT NEW EFFECTIVE DATES AND BY ORDINANCE No. 37 MODIFYING THE SCHEDULE OF USER FEES IMPOSED DURING PHASE I. USER FEES WILL BE USED TO MEET STAFFING REQUIREMENTS AND REPAYMENT OF THE DEBT SERVICE OBLIGATION.

ORDINANCE No. 49 REPEALS ORDINANCES 33, 36, 37 AND 46 AND COMBINES THESE ORDINANCES INTO A SINGLE DOCUMENT. IT SHOULD BE NOTED THAT THE USER FEE FOR NON-COMPACTED SOLID WASTE IS PROPOSED TO BE LOWERED FROM 17¢ PER CUBIC YARD, AS CURRENTLY SET BY ORDINANCE 37, TO 16¢ PER CUBIC YARD. THIS REDUCED FEE IS BASED ON MSD'S STAFF REQUIREMENTS, DEBT SERVICE AND ESTIMATED VOLUME OF WASTE DISPOSED AND HAS BEEN ESTABLISHED WITH ASSISTANCE FROM REPRESENTATIVES OF THE COLLECTION INDUSTRIES. MSD IS CURRENTLY FUNDED BY THE STATE OF OREGON. THIS FUNDING CEASES AS OF JUNE 30, 1977. ORDINANCE No. 49 REQUIRES THAT THE OPERATOR OF A DISPOSAL SITE SUBMIT THE USER FEE TO MSD BY THE 20TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE SOLID WASTE WAS DISPOSED. THEREFORE, TO RECEIVE THE USER FEES IN JULY, ORDINANCE No. 49 MUST BECOME EFFECTIVE BY JUNE 1, 1977.

IN ORDER FOR THIS ORDINANCE TO BECOME EFFECTIVE ON JUNE 1, 1977, AN EMERGENCY CLAUSE HAS BEEN ADDED, HOWEVER, TWO PUBLIC HEARINGS ARE SCHEDULED. IN ADDITION, THE STAFF HAS NOTIFIED ALL LOCAL JURISDICTIONS AND THE COLLECTION INDUSTRY IN APRIL, AND NOTICES HAVE BEEN PREPARED FOR DISTRIBUTION AT THE LANDFILLS OF THE JUNE 1 EFFECTIVE DATE.

THE SOLID WASTE COMMITTEE RECOMMENDS ADOPTION OF ORDINANCE No. 49.

THE FIRST PUBLIC HEARING ON ORDINANCE No. 49 WAS HELD ON MAY 13, 1977. NO COMMENTS HAVE BEEN RECEIVED.

THE STAFF RECOMMENDS THAT THE BOARD CONDUCT THE SECOND PUBLIC HEARING ON MAY 27, 1977, RECEIVE TESTIMONY AND ADOPT ORDINANCE No. 49.

Further amended.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-827 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>		
GORDON	<input checked="" type="checkbox"/>		
MCCREADY	<input checked="" type="checkbox"/>		
ROBNETT	<input checked="" type="checkbox"/>		
SALQUIST	<input checked="" type="checkbox"/>		
SCHUMACHER	<input checked="" type="checkbox"/>		
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>		

Frank Miller
Clerk of the Board

77-828 WEIGHING AND COMPOSITION OF SOLID WASTE PROGRAM
CONSULTANT SELECTION

THE PURPOSE OF THIS AGENDA ITEM IS TO OBTAIN AUTHORIZATION FROM THE BOARD FOR STAFF TO SELECT A CONSULTANT AND EXECUTE A PERSONAL SERVICES AGREEMENT PRIOR TO THE NEXT REGULARLY SCHEDULED BOARD MEETING.

A NECESSARY PART OF THE DATA TO BE FURNISHED THE DESIGNERS OF THE OREGON CITY SOLID WASTE PROCESSING FACILITY ARE ACCURATE ESTIMATES OF THE WEIGHT AND COMPOSITION OF SOLID WASTE IN THE MSD AREA AND ESPECIALLY DAILY, MONTHLY, AND SEASONAL FLUCTUATIONS.

AS PART OF THE DEVELOPMENT OF THE SOLID WASTE PLAN, COR-MET CONDUCTED A SAMPLE WEIGHING AND COMPOSITION PROGRAM. IT IS EXTREMELY IMPORTANT THAT AN UPDATE AND VERIFICATION OF THIS DATA OCCUR PRIOR TO MAKING PARTICULAR DESIGN COMMITMENTS.

THE CONSULTANT TEAM HAS DETERMINED THAT FOR THE PROJECT WITH PUBLISHER'S TO PROCEED ACCORDING TO SCHEDULE, DEFINITIVE WEIGHT, COMPOSITION, AND PERIODIC FLUCTUATION DATA MUST BE FURNISHED THE PROJECT DESIGNERS BY THE 3RD WEEK IN JUNE. THIS TIME CONSTRAINT NECESSITATES THAT AN INITIAL VERIFICATION OF DATA DEVELOPED TO DATE COMMENCE AS SOON AS POSSIBLE. IN ORDER TO ACCOMPLISH THIS VERIFICATION WITHIN THE ALLOWED TIME PERIOD AVAILABLE, IT WILL BE NECESSARY TO SEEK OUTSIDE ASSISTANCE FOR DATA GATHERING PERSONNEL AND COORDINATION OF INITIAL WORK. A SECOND "ON-GOING" PHASE OF THE WEIGHING AND COMPOSITION PROGRAM WOULD BE HANDLED WITHIN MSD STAFF.

IT IS ESTIMATED THAT THE COST OF THE INITIAL PHASE OF THE WEIGHING AND COMPOSITION PROGRAM WILL BE \$20,000.

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE THE DIVISION DIRECTOR TO SELECT A CONSULTANT FOR THE INITIAL PHASE OF THE WEIGHING AND COMPOSITION PROGRAM UNDER THE GUIDELINES OF THE ATTACHED CONSULTANT SELECTION PROCEDURE AND EXECUTE A PERSONAL SERVICES AGREEMENT SUBJECT TO LEGAL COUNSELS REVIEW PROVIDED MSD'S FINANCIAL OBLIGATIONS IN THE AGREEMENT ARE EQUAL OR LESS THAN THE ESTIMATE IN THE STAFF REPORT.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-828 DATE 5-27-77
YES NO ABST.

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Signature]
Clerk of the Board

CONSULTANT SELECTION PROCEDURES
FOR INITIAL PHASE OF
SOLID WASTE WEIGHING AND COMPOSITION ANALYSIS

1. FIRMS AND ORGANIZATIONS KNOWN TO BE CAPABLE OF PERFORMING THE REQUIRED WORK WILL BE NOTIFIED BY STAFF AND FURNISHED A DESCRIPTION OF THE WORK TO BE PERFORMED AND SCHEDULE. IF INTERESTED AND AVAILABLE, THEY WILL BE ASKED TO SUBMIT A DETAILED PROPOSAL DEFINING HOW THEY WOULD INTEND TO PERFORM THE WORK, THE ESTIMATED COST OF THIS WORK TO MSD, RESUMES OF KEY PROJECT PERSONNEL AND AMOUNT OF TIME EACH KEY PERSON WILL BE INVOLVED WITH PROJECT, LIST OF OUTSIDE SUBCONSULTANTS NORMALLY USED, LIST OF SIMILAR COMPLETED OR CURRENT PROJECTS, AND A STATEMENT OF AVAILABILITY AND COMMITMENT TO PROJECT SCHEDULE.
2. A BRIEF DESCRIPTION OF THE WORK TO BE PERFORMED, SCHEDULE, AND AN INVITATION TO SUBMIT PROPOSALS WILL ALSO BE PUBLISHED IN THE DAILY JOURNAL OF COMMERCE.
3. THE STAFF WILL STUDY PROPOSALS RECEIVED AND RANK THEM UTILIZING THE FOLLOWING CRITERIA:
 - . BACKGROUND OF THE FIRM IN THE TYPE OF WORK INVOLVED;
 - . BACKGROUND AND EXPERIENCE OF FIRM STAFF MEMBERS ASSIGNED TO JOB;
 - . SIZE OF JOB IN RELATION TO FIRM SIZE;
 - . AVAILABILITY FOR PROJECT; AND FUTURE ACCESSABILITY FOR QUESTIONS EVOLVING FROM WORK UNDERTAKEN;
 - . ABILITY OF CONSULTANT TO ASSURE THAT WORK WILL BE PERFORMED IN ACCORDANCE WITH PROPOSAL (ESTIMATE OF RISK TO MSD)
 - . ANY AVAILABLE HISTORY OF BUDGETARY AND SCHEDULE SUCCESSES OF THE FIRM INVOLVED;

- . HISTORY OF SUCCESSFUL WORK COMPLETED PREVIOUSLY FOR MSD AND/OR ABILITY TO FURNISH RECOMMENDATIONS OF SATISFIED CLIENTS;
 - . ABILITY TO UNDERTAKE WORK WITHIN CONSTRAINTS OF PROJECT BUDGET.
4. THE DIVISION DIRECTOR WILL NEGOTIATE AND EXECUTE A PERSONAL SERVICES CONTRACT WITH TOP RANKING FIRM. IF NEGOTIATIONS FAIL THEN SECOND RANK FIRM WILL BE NOTIFIED, ETC.
5. IF DEVIATIONS FROM THIS PROCESS OR IRREGULARITIES IN THE SELECTION AND NEGOTIATION DEVELOP, THEN EXECUTION OF PERSONAL SERVICES AGREEMENT WILL NECESSARILY BE BROUGHT TO THE MSD BOARD FOR REVIEW.

77-829 OREGON CITY SOLID WASTE PROCESSING SITE PURCHASE

BASED ON A PURCHASE OPTION NEGOTIATED PURSUANT TO BOARD ACTION 75-424, OF NOVEMBER 14, 1975, (ATTACHED) AND THE AVAILABILITY OF POLLUTION CONTROL FUNDS, THE METROPOLITAN SERVICE DISTRICT NOW HAS THE OPPORTUNITY TO PURCHASE LAND FOR THE OREGON CITY PROCESSING STATION. ACCORDING TO THE PURCHASE OPTION AGREEMENT, THE PRICE ESCALATES MONTHLY AND EXPIRES JULY 1, 1977. IT IS IN THE BEST INTEREST OF MSD TO EXERCISE THAT OPTION AS SOON AS POSSIBLE. THE PURCHASE PRICE IS BASED ON APPRAISALS PERFORMED PRIOR TO NEGOTIATION OF THE PURCHASE OPTION AGREEMENT BY JOHN COOPER OF COATES FIELD SERVICE. IF EXERCISED JUNE 1, 1977, THE PURCHASE PRICE WILL BE \$161,000.

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE PURCHASE OF THE LAND IN ACCORDANCE WITH THE OPTION AGREEMENT AND AUTHORIZE THE CHAIRMAN TO SIGN THE NECESSARY DOCUMENTS.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-829 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jean M. Wood
Clerk of the Board.

OPTION AGREEMENT

PARTIES: Jack W. Parker (Parker)

DATE: November 1, 1976

RECITALS:

1. Jack Parker is the owner of the real property described in Exhibit A, which is attached hereto and incorporated by reference (the Rossman property).

2. MSD is an Oregon municipal corporation organized under the authority of Chapter 268 of the Oregon Revised Statutes.

3. MSD has the authority to enter into contracts and to acquire by purchase, condemnation or gift real and personal property.

In consideration of the following mutual promises and covenants, the parties agree:

4. Parker grants to MSD an option to purchase the Rossman property.

5. Parker acknowledges receipt from MSD of \$250 as part of the consideration for this agreement.

6. The month in which the option is exercised will determine the purchase price. The purchase price for the Rossman property will be \$154,000 payable in cash at the time of closing plus \$1,000 per month additional for each elapsed month after November 1, 1976. (Example: If the option is exercised on January 1, 1976, the purchase price will be \$156,000.)

7. The Rossman property will be conveyed by Parker to MSD by a Warranty Deed free and clear of all encumbrances except the usual printed exceptions in a policy of title insurance, those exceptions approved by MSD in writing and:

(a) Sewer and water line easement granted by Parker and Fuhrman, a partnership to Oregon City, a municipal corporation of Clackamas County, Oregon, recorded August 7, 1968 as Recorder's Fee No. 68-16355, Film Records of Clackamas County, Oregon; and

(b) Limited access as set forth in paragraph II of Judgment Order filed December 21, 1970 in Suit No. 68930 in the Circuit Court of the State of Oregon for the County of Clackamas; and

(c) Permanent easement for drainage facilities, constructing or maintaining or repairing slopes, cuts or fills as set forth in paragraph IV of Judgment Order filed December 21, 1970 in Suit No. 68930 in the Circuit Court of the State of Oregon for the County of Clackamas.

8. MSD will secure title insurance and pay all escrow and recording fees and title insurance premiums.

9. Parker will secure satisfactions or releases of all mortgages now on the Rossman property and have recorded the satisfactions or releases or have the documents for recording at the time of closing.

10. Parker agrees that the title insurance company will have authority to deduct and pay from the purchase price any amount necessary to satisfy any delinquent taxes, together with penalties and interest for delinquent taxes and to deduct and pay delinquent assessments against the Rossman property. The taxes for the current fiscal year will be prorated between the parties as of the date of closing.

11. If MSD exercises this option, MSD will when installing utilities to the Rossman property, install oversized utilities to service Parker's property to the East only if there is no delay to MSD and if all increased costs and expenses associated with the oversized utility are paid by Parker. Parker will specify the sizes of utilities sufficient to service his property to the East and in the event it is not sufficient, Parker will be solely responsible and will have no claim and hereby waives any claim or cause of action or suit against MSD for insufficient utility service.

12. If MSD exercises this option and if MSD installs a storm drainage line on the southeast portion of the Rossman property, such installation will be accomplished in a manner compatible with the downstream improvements and the State of Oregon, Department of Transportation, Highway Division, Road Approach Permit No. 21749, as amended by the letter of amendment dated August 22, 1975.

13. This option agreement has been entered into under the threat of condemnation by MSD under ORS 268.340.

14. This option agreement must be exercised by MSD on or before 5:00 PM on Friday, the 1st day of July, 1977, and, if so

exercised, the sale and purchase will be closed within 30 days thereafter. The option will be considered exercised when MSD deposits in the United States Mail a notice to exercise the option in writing in an envelope addressed to Jack W. Parker at P.O. Box 149, Oregon City, Oregon 97045 with postage prepaid. Parker need not actually have received this notice in order for the option to be validly exercised under this agreement.

15. Parker represents and warrants to MSD that he is the sole and exclusive owner of the Rossman property and has the free and unlimited right to sell and convey said property.

16. Parker will have the right to retain possession of the Rossman property up to and including the date of closing.

17. MSD will have the right during normal business hours to go upon the Rossman property for the purposes of surveying, conducting soil analyses and tests and any other purpose associated with the design and construction of the South Processing Station.

18. Parker will have the right to continue to fill the Rossman property with gravel, concrete or other solid fill material that would be compatible with the use and construction of the property for the South Processing Station. Fill made by Parker, or at his direction, will be done at his expense and without reimbursement to him by MSD.

19. This agreement sets forth the entire agreement between the parties and there are no other oral or written understandings with respect to the purchase of the Rossman property.

20. If MSD exercises its option and acquires title to the Rossman property and if MSD does not use this property as

part of its Solid Waste Management Program, then in the event MSD desires to dispose of the property, it shall first offer the property to Parker at the purchase price plus closing costs, taxes, cost of filling or other improvements, and any other out of pocket costs related to the property and 8% appreciation. Parker will have 45 days to repurchase the property. If not repurchased, MSD may sell the property to anyone at any price.

METROPOLITAN SERVICE DISTRICT

By:

Ray Miller 10/13/76
Ray Miller, Chairman

Jack W. Parker 10/14/76
Jack W. Parker

77-830 PARTICIPATION OF MSD IN THE PURCHASE OF CASH REGISTERS AND PRINTING OF RECEIPTS USED BY WASTE DISPOSAL SITE OPERATORS

AS A RESULT OF TESTIMONY PRESENTED AT THE MAY 13 MEETING, REQUIRING LANDFILL OPERATORS TO UTILIZE CERTAIN MINIMUM ACCOUNTING PROCEDURES IN THE COLLECTION OF USER FEES, THE BOARD INDICATED A DESIRE TO FINANCIALLY ASSIST THE OPERATORS IN CERTAIN MSD USER FEE RELATED COSTS.

CASH REGISTERS

THE SPECIFIC ACCOUNTING PROCEDURES DEVELOPED BY COOPERS & LYBRAND AND APPROVED BY THE BOARD AS WELL AS THE PROVISIONS OF ORDINANCE No. 47 REQUIRES THAT A CERTIFIED DISPOSAL SITE UTILIZE A MULTI-TOTAL CASH REGISTER UPON WHICH THE MSD USER FEE IS SHOWN SEPARATELY. SEVERAL OF THE AREA LANDFILLS CURRENTLY UTILIZE CASH REGISTERS WHICH SATISFY THE MSD REQUIREMENT.

PRENUMBERED TICKETS AND PROVISIONS FOR SHOWING USER FEE

ALSO AS A RESULT OF IMPOSING SPECIFIC ACCOUNTING PROCEDURES, SEVERAL OF THE AREA'S LANDFILLS WILL NEED TO PURCHASE PRENUMBERED RECEIPTS OR ALTER THE FORM OF RECEIPTS CURRENTLY USED.

RECOMMENDED PROPOSAL FOR REIMBURSEMENT

- I. LANDFILL OPERATORS MUST JUSTIFY THE NEED FOR A NEW CASH REGISTER OR PURCHASE AND/OR MODIFICATION OF NEW RECEIPTS TO SATISFACTION OF MSD DIVISION DIRECTOR.
 - A) EXISTING CASH REGISTER, AND/OR RECEIPTS MUST BE SHOWN TO LACK SUFFICIENT CAPACITY OR ADEQUACY AS A RESULT OF MSD ORDINANCES OR ADMINISTRATIVE RULES.
 - B) IN MAKING HIS DETERMINATION, THE DIRECTOR SHALL CONSIDER WHETHER THE CASH REGISTER LACKS CAPACITY BECAUSE OF CURRENT STATE OF REPAIR OR SIMPLY BECAUSE OF DESIGNED CAPACITY.

- c) WHERE EXISTING RECEIPTS HAVE BEEN DEEMED INADEQUATE, DIRECTOR SHALL DETERMINE THE COST NECESSARY TO RENDER THE RECEIPT USABLE. WHEN IT RESULTS IN THE LEAST COST, EXISTING RECEIPTS SHALL BE MODIFIED RATHER THAN PURCHASE OF NEW RECEIPTS.

- II. LANDFILL OPERATORS SHALL BE ALLOWED TO DEDUCT FROM THE PAYMENT OF USER FEES TO MSD ONE-EIGHTH OF THE PURCHASE PRICE OF A NEW OR USED CASH REGISTER AND/OR THE COST OF ANY CHARGE RECEIPTS ORDERED PRIOR TO MAY 15, 1977, WHICH HAVE BEEN RENDERED OBSOLETE BY MSD IMPOSED RESTRICTIONS, AND/OR THE COST OF ALTERING SUCH RECEIPTS TO MAKE THEM USABLE EACH MONTH FOR AN EIGHT MONTH PERIOD PROVIDING THE FOLLOWING CONDITIONS HAVE BEEN MET:
 - a) THE NEED FOR A NEW CASH REGISTER AND/OR PURCHASE OR MODIFICATION OF RECEIPTS HAS BEEN APPROVED IN WRITING BY THE DIVISION DIRECTOR.
 - b) THE NEW CASH REGISTER MEETS THE REQUIREMENTS IMPOSED BY MSD IN THE APPLICABLE ORDINANCES AND ADMINISTRATIVE RULES.
 - c) THE TOTAL CREDIT ALLOWED FOR EACH LANDFILL OPERATION DOES NOT EXCEED THE LESSER OF \$1,200 OR THE MINIMUM AMOUNT FOR WHICH A MULTI-TOTAL NEW OR USED CASH REGISTER COULD BE OBTAINED WHICH IS EQUAL IN QUALITY, STATE OF REPAIR, AND SERVICEABILITY TO THE CASH REGISTER IN OPERATION LESS ANY TRADE IN ALLOWANCE FOR THE OBSOLETE CASH REGISTER PRIOR TO THE IMPOSITION OF THE MSD ORDINANCE, AND THE COST OF ANY CHARGE RECEIPTS RENDERED OBSOLETE BY MSD ORDINANCES, AND/OR THE COST OF ALTERING THE UNUSABLE RECEIPTS SO THEY ARE USABLE.

STAFF RECOMMENDATION

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE FINANCIAL ASSISTANCE TO LANDFILLS LOCATED WITHIN MSD IN ACCORDANCE WITH THE PROPOSAL CONTAINED WITHIN THE STAFF REPORT.

using four-part tickets and allowing purchase or lease of machines by either operators or MSD.

METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 77-830 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>		
GORDON	<input checked="" type="checkbox"/>		
McCREADY	<input checked="" type="checkbox"/>		
ROBNETT	<input checked="" type="checkbox"/>		
SALQUIST	<input checked="" type="checkbox"/>		
SCHUMACHER	<input checked="" type="checkbox"/>		
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>		

Frank Miller
Clerk of the Board

77-831 BID AWARD FOR SCALES AND TRAILER

AS PART OF THE WORK NECESSARY TO COMPLETE PHASE I ENGINEERING AS WELL AS DEVELOP AND MAINTAIN THE KIND OF DATA REQUIRED TO IMPLEMENT THE SOLID WASTE PROGRAM, IT IS NECESSARY TO COLLECT WEIGHT DATA FROM THE AREA'S LANDFILLS.

THE STAFF HAS DEVELOPED SPECIFICATIONS AND SOLICITED BIDS FOR THE PURCHASE OF PORTABLE SCALES TO FACILITATE THIS NEED. TWO BIDS WERE OBTAINED, ONLY ONE OF WHICH WAS TECHNICALLY RESPONSIVE. THE SATISFACTORY BID IS WITHIN THE RANGE OF ESTIMATES OBTAINED PRIOR TO THE BIDDING PROCESS.

THE STAFF RECOMMENDS THAT THE CONTRACT FOR PURCHASE OF SCALES BE AWARDED TO MORRIS SCALE COMPANY IN ACCORDANCE WITH THEIR BID.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-831 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Frank M. Miller
Clerk of the Board

77-832 CONTRACT 77-064 - ANGUS MAC PHEE (NEWBERG LANDFILL)

ORDINANCE No. 47 MAKES IT UNLAWFUL "FOR ANY PERSON TO TAKE, TRANSPORT OR DISPOSE OF SOLID WASTES OUT OF THE DISTRICT, EXCEPT BY WRITTEN AUTHORITY OF THE DIRECTOR; AND FOR ANY PERSON TO DISPOSE OF SOLID WASTES AT ANY PLACE OTHER THAN A WASTE DISPOSAL SITE CERTIFIED BY MSD."

CURRENTLY A PORTION OF THE WASTE GENERATED WITHIN MSD IS BEING TRANSPORTED TO THE NEWBERG LANDFILL OPERATED BY ANGUS MACPHEE. PROVIDED THAT THE USER FEE IS COLLECTED FOR WASTE GENERATED WITHIN THE MSD, THE STAFF BELIEVES THIS CURRENT PRACTICE CAN CONTINUE.

TO ALLOW FOR THIS PRACTICE UNDER THE TERMS OF ORDINANCE 47 IT IS NECESSARY FOR THE DIRECTOR TO GIVE WRITTEN AUTHORIZATION TO COLLECTORS DESIRING TO HAUL OUT OF THE DISTRICT AND DEVELOP AN AGREEMENT WITH LANDFILLS DESIRING TO ACCEPT SOLID WASTE FROM THE DISTRICT.

THE AUTHORIZATION FORMS HAVE BEEN DISTRIBUTED TO COLLECTION SERVICE COMPANIES CURRENTLY HAULING WASTES OUT OF THE DISTRICT AND THE PROPOSED AGREEMENT WITH THE NEWBERG LANDFILL IS ATTACHED TO THIS STAFF REPORT. TENTATIVE APPROVAL OF THE AGREEMENT HAS BEEN OBTAINED FROM ANGUS MACPHEE.

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT SUBJECT TO LEGAL COUNSEL APPROVAL.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO 77-832 DATE 5-27-77

	YES	NO	ABST.
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

John Miller
Clerk of the Board

AGREEMENT

PARTIES:

METROPOLITAN SERVICE DISTRICT OF PORTLAND, OREGON,
a municipal corporation organized and existing under the
laws of the State of Oregon (MSD).

ANGUS G. MAC PHEE, doing business as the Newberg
Landfill, 104 S. River Road, Newberg, Oregon, 97132 (MacPhee).

DATE: June 1, 1977

RECITALS:

1. MacPhee owns and operates the Newberg Landfill located in Newberg, Oregon (Yamhill County) which is outside the MSD boundaries. The Newberg Landfill accepts solid wastes generated within the MSD boundaries and delivered by collectors and individuals.
2. MSD is implementing, effective June 1, 1977, its Solid Waste Management Program, which includes the certification of all landfills in the District.
3. MacPhee desires to continue accepting solid wastes from the MSD area after the MSD Program begins.
4. MSD's Solid Waste Ordinances provide that solid wastes must be taken to a landfill certified or approved by MSD.

AGREEMENT:

5. MacPhee may accept solid wastes generated within the MSD boundaries provided that the operation of the Newberg

Landfill conforms to the requirements of DEQ Permit No. and all other applicable local, state, and federal laws.

6. The Newberg Landfill is an approved landfill for the purpose of receiving solid waste generated within the MSD area.

7. MacPhee will collect the MSD user fees set forth in the attached Schedule A for all solid wastes generated within the MSD and accepted by MacPhee at the Newberg Landfill. Payment of the user fees will be in addition to any other charges levied by MacPhee.

8. MacPhee will pay the user fees and file reports to the District in accordance with Section 17 of Ordinance 47, a copy of which is attached. The report must also contain a) the names of collectors, b) quantities, and c) other necessary information of solid wastes generated and delivered in the MSD area.

9. MSD may, in accordance with Section 17, inspect MacPhee's books, records relative to collection and payment of MSD's user fees.

10. Any notices required to be given under this agreement shall be given to MacPhee at the address shown above and to MSD, c/o Director, Solid Waste Division, Room 300, 1220 SW Morrison, Portland, Oregon.

11. MacPhee understands that when MSD's first processing facility becomes operational, it will be necessary for solid waste generated in at least the southern half of the MSD area to be directed exclusively to the first processing facility

in order to meet the tonnage demands. MacPhee understands that this agreement does not vest any right or privilege in MacPhee to continue to receive solid waste generated within the MSD boundaries. MacPhee understands that any improvements or capital expenses made at the Newberg Landfill are made at his risk and not with any guarantee, commitment, or agreement by MSD that solid wastes from the MSD area will continue to come to the Newberg Landfill.

11(a). This agreement may be terminated by MSD immediately for any violation of this Agreement.

(b). Except as provided in paragraph (a), this agreement may be terminated by MSD upon giving thirty days written notice to MacPhee.

12. This agreement will continue until it is terminated or the date MSD's first processing facility begins normal operation, whichever occurs first.

METROPOLITAN SERVICE DISTRICT

Angus G. MacPhee

D.P. Gisvold

77-833 CONTRACT 77-073 - RESOURCE RECOVERY BYPRODUCTS

UNDER THE PROVISIONS OF ORDINANCE 47 IT IS UNLAWFUL FOR ANY PERSON TO OPERATE A TRANSFER STATION OR PROCESSING FACILITY EXCEPT BY AGREEMENT WITH MSD. A DRAFT AGREEMENT HAS BEEN SUBMITTED TO RRB AND IT APPEARS THAT IT WILL BE DIFFICULT TO EXECUTE THE AGREEMENT DUE TO SEVERAL UNRESOLVED ITEMS.

THE STAFF FEELS THAT IT IS VERY IMPORTANT THAT UNTIL SUCH TIME AS A MORE PERMANENT AGREEMENT CAN BE DEVELOPED, THERE NEEDS TO BE AT LEAST A TEMPORARY AGREEMENT STARTING JUNE 1, 1977, WITH RRB. AS A MINIMUM, THE PROVISIONS OF THIS TEMPORARY AGREEMENT NEED TO INCLUDE THE COLLECTION OF THE MSD USER FEE WITHIN THE SCOPE OF THEIR PRESENT OPERATION.

A TEMPORARY DRAFT AGREEMENT WILL BE PRESENTED AT THE BOARD MEETING.

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE THE CHAIRMAN TO EXECUTE THE 30-DAY TEMPORARY AGREEMENT PRESENTED AT THE BOARD MEETING SUBJECT TO LEGAL COUNSEL APPROVAL. *Include collection of user fee by RRB.*

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 77-833 DATE 5-27-77
YES NO ADST.

BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GORDON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
McCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, CHAIRMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

John M. Miller
Clerk of the Board

77-834 CONTRACT 77-074 - METROPOLITAN DISPOSAL CORPORATION

CURRENTLY METROPOLITAN DISPOSAL CORPORATION (MDC) OPERATES A TRANSFER STATION IN NORTH PORTLAND. THE SAME PROVISION OF ORDINANCE 47 REFERRED TO IN THE PREVIOUS AGENDA ITEM REQUIRES THAT MDC OPERATE THAT TRANSFER STATION BY AGREEMENT WITH MSD.

IT ALSO HAS BEEN CALLED TO OUR ATTENTION THAT A TRANSFER STATION IS CURRENTLY BEING OPERATED IN FOREST GROVE WHICH ALSO WILL NEED TO COME UNDER AN AGREEMENT WITH MSD, DUE TO THE PROVISIONS OF ORDINANCE 47.

THE STAFF IS CURRENTLY WORKING ON THE DEVELOPMENT OF THESE TWO AGREEMENTS. DUE TO THE NATURE OF THESE OPERATIONS THERE IS NO NEED TO PROVIDE FOR THE COLLECTION OF THE USER FEE AND THE NECESSARY AGREEMENT WILL BE DEVELOPED AS SOON AS POSSIBLE.

NO ACTION REQUIRED.

77-835 TRIP REQUEST FOR CORDELL KETTERLING

AS PART OF THE WORK ENVISIONED BY THE AGREEMENT WITH PUBLISHERS PAPER, A PORTION OF THE PROJECT ADVISORY COMMITTEE (PAC) WILL BE OBSERVING OTHER SOLID WASTE FACILITIES CURRENTLY OPERATING THROUGHOUT THE UNITED STATES. AS ONE OF MSD'S REPRESENTATIVES ON THE PAC, THE STAFF IS SEEKING BOARD AUTHORIZATION FOR TRAVEL EXPENSES INCURRED IN THIS TOUR OF FACILITIES.

THE STAFF RECOMMENDS THE BOARD AUTHORIZE EXPENSES OF UP TO \$925.00 FOR TRAVEL COSTS INCURRED UNDER THIS PHASE OF THE SOLID WASTE PROGRAM.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO 77-835 DATE 5-27-77
YES NO ABST

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Clerk of the Board

77-836 SOLID WASTE COMMITTEE MEMBERSHIP REPLACEMENT SELECTION

ON APRIL 27, 1977, MSD STAFF RECEIVED RESIGNATION OF MR. GENE PLEW TO THE MSD SOLID WASTE ADVISORY COMMITTEE. HIS THREE-YEAR TERM BEGAN ON JANUARY 19, 1977. FOUR NAMES ARE PRESENTED FOR YOUR REVIEW AS POTENTIAL APPOINTMENTS. THEY ARE:

MS. JULIE KELLER
MR. DON HAMBURG
MR. WALLY BRASSFIELD
MR. HOWARD GRABHORN

THE STAFF RECOMMENDS THE BOARD APPOINT A MEMBER TO THE SOLID WASTE ADVISORY COMMITTEE TO FILL A TERM UNTIL JANUARY 1980.

*Julie Keller appointed with
Grabhorn as second choice.*

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-836 DATE 5-27-77

BARTELS
GORDON
MC CREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

YES	NO	ABST.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

James M. Ouel
Clerk of the Board

77-837 CONTRACT 76-032 - ZOOLOGICAL SOCIETY

(REMOVED FROM THE AGENDA)

77-838 TIMOTHY HAY BID AWARD

PURSUANT TO THE OREGON STATE PURCHASING REQUIREMENTS THE ZOO DIVISION'S NEED FOR 140 TONS OF TIMOTHY HAY FOR ANIMAL FEED WAS SUBMITTED TO THE PUBLIC BIDDING PROCESS. ADVERTISEMENTS WERE PLACED IN THE DAILY JOURNAL OF COMMERCE AND THE EAST OREGONIAN IN PENDLETON, AND NOTICES SENT TO SIX INTERESTED PARTIES. THE FOLLOWING THREE BIDS WERE RECEIVED:

. INTERSTATE FEED COMPANY	\$14,560.00
. ANDERSON'S HAY & GRAIN	15,260.00
. JOHN BRUKETTA, INC.	16,800.00

THE STAFF RECOMMENDS AWARDING THE TIMOTHY HAY BID TO INTERSTATE FEED COMPANY AS LOW BIDDER, AND APPROVING THE ATTACHED CONTRACT 77-075 FOR DELIVERY OF THE HAY SUBJECT TO LEGAL COUNSEL REVIEW. *also direction to research other types of hay for feed.*

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-838 DATE 5-27-72

YES NO ABST.

BARTELS
GORDON
MCCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Frank Miller
Clerk of the Board

CONTRACT FOR THE PURCHASE AND DELIVERY
OF TIMOTHY HAY

This Agreement is between the Metropolitan Service District of Portland, Oregon, an Oregon municipal corporation (MSD) and Interstate Feed Company, P.O.Box 11467, Portland, Oregon 97211 (Interstate) and is dated May 27, 1977.

RECITALS

1. In accordance with the Oregon Public Contracting Law, MSD solicited and received bids for the purchase of Timothy Hay.
2. The most responsive bid was submitted by Interstate.

AGREEMENT

3. During the term of this Agreement, Interstate will furnish 140 tons of Timothy Hay in accordance with the Call for Bids, Specification and Conditions for the purchasing and delivery of Timothy Hay, marked Appendix B, which is attached hereto and made a part of this Agreement as if fully set forth herein.
4. MSD will pay Interstate the sum of \$14,560.00 for the services rendered under this Agreement. The amount will be paid within 20 days from the day of acceptance of the final delivery of Timothy Hay.
5. Interstate is performing this Agreement as an independent contractor. Interstate assumes full responsibility for the safety of the work and for all liability for bodily injury or physical damage to person or property related to Interstate's performance of this Agreement. Interstate shall indemnify and save MSD harmless from all claims, demands, actions and expenses related to Interstate's performance.

6. The parties agree that the attached Appendix A (General Conditions for Public Contracts) is incorporated herein by reference as if fully set forth and the parties will comply with said conditions in all respects.

Date: _____

METROPOLITAN SERVICE DISTRICT

Raymond L. Miller, Chairman

Date: _____

INTERSTATE FEED COMPANY

J. M. Vance, Manager

Approved as to form:

Dean P. Gisvold, MSD Attorney

C A L L F O R B I D S

SPECIFICATIONS AND CONDITIONS
FOR THE
PURCHASING AND DELIVERY OF TIMOTHY HAY

GENERAL

THE METROPOLITAN SERVICE DISTRICT (MSD) IS SOLICITING SEALED BIDS FOR 140 TONS OF TIMOTHY HAY. THIS HAY WILL BE USED AS ANIMAL FEED AT THE MSD ZOO DURING THE NEXT 12 MONTHS. SEALED BIDS MUST BE SUBMITTED TO THE METROPOLITAN SERVICE DISTRICT, ROOM 300, 1220 SW MORRISON ST., PORTLAND, OREGON 97205, TO THE ATTENTION OF MERLE IRVINE, NO LATER THAN 3:00 P.M., P.D.S.T., MAY 17, 1977, AT WHICH TIME THE SEALED BIDS WILL BE PUBLICLY OPENED.

RECOMMENDATIONS FOR AWARDING THE CONTRACT WILL BE PRESENTED TO THE MSD BOARD OF DIRECTORS AT THEIR REGULAR MEETING SCHEDULED FOR FRIDAY, MAY 27, 1977. THE BOARD, IN THEIR SOLE DISCRETION, RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS.

SPECIFICATIONS

THE TIMOTHY HAY SHALL BE EQUAL TO TIMOTHY HAY AS GROWN IN "EASTERN" OREGON AND WASHINGTON AND SHALL MEET THE FOLLOWING MINIMUM SPECIFICATIONS:

CRUDE PROTEIN	6.3% BY WEIGHT
NITROGEN FREE EXTRACT	40.0% BY WEIGHT
ETHER EXTRACT	1.5% BY WEIGHT
CRUDE FIBER	30.0% BY WEIGHT
ENERGY 1.72 McALS METABOLIZABLE ENERGY	

THE MAXIMUM ALLOWABLE PLANT WASTE SHALL BE 10% BY WEIGHT.

ALL HAY WILL BE SUBJECT TO INSPECTION, TESTING AND APPROVAL BY THE ZOO VETERINARIAN PRIOR TO ACCEPTANCE. THE MSD RETAINS THE RIGHT TO REJECT ANY AND ALL LOADS OF HAY NOT MEETING THE SPECIFICATIONS SET FORTH ABOVE.

DELIVERY

DELIVERY OF THE TIMOTHY HAY SHALL BE TO THE MSD Zoo, 4001 SW CANYON ROAD, PORTLAND, OREGON 97221. DELIVERIES SHALL COMMENCE WITHIN SEVEN (7) CALENDAR DAYS AND SHALL BE COMPLETED WITHIN THIRTY (30) CALENDAR DAYS FROM THE NOTICE OF AWARD OF CONTRACT BY THE MSD BOARD OF DIRECTORS. SPECIFIC DELIVERY TIME SHALL BE ARRANGED AFTER AWARD OF CONTRACT.

TERMS

THE BID PRICE QUOTED SHALL BE F.O.B. MSD Zoo, 4001 SW CANYON ROAD., PORTLAND, OREGON 97221. PAYMENT SHALL BE MADE WITHIN 20 DAYS FROM THE DAY OF ACCEPTANCE OF THE FINAL DELIVERY OF HAY.



METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) 222-3671

A M E N D M E N T

CALL FOR BIDS SPECIFICATIONS AND CONDITIONS FOR THE PURCHASING AND DELIVERY OF TIMOTHY HAY

DELIVERY

THIS SECTION IS AMENDED TO READ AS FOLLOWS:

"DELIVERY OF THE TIMOTHY HAY SHALL BE TO THE MSD Zoo, 4001 SW CANYON ROAD, PORTLAND, OREGON 97221. DELIVERIES SHALL COMMENCE WITHIN THIRTY-FIVE (35) CALENDAR DAYS AND SHALL BE COMPLETED WITHIN SIXTY-FIVE (65) CALENDAR DAYS FROM THE NOTICE OF AWARD OF CONTRACT BY THE MSD BOARD OF DIRECTORS. SPECIFIC DELIVERY TIME SHALL BE ARRANGED AFTER AWARD OF CONTRACT."

77-839 BEQUEST OF \$1,000 DEDICATED FUNDS

THE ZOO HAS BEEN NAMED AS A BENEFICIARY OF THE ESTATE OF LOUISE H. FOLEY IN THE AMOUNT OF \$1,000. ACCORDING TO HER WILL, THE AMOUNT MUST BE "USED FOR THE CARE AND MAINTENANCE OF ELEPHANTS OR TOWARDS THE PURCHASE OF ELEPHANTS FOR THE ZOO." THESE FUNDS WOULD ENABLE US TO MAKE SOME IMPROVEMENTS IN THE AREA OF ELEPHANT CARE AND THE RESTRICTION IS A MODEST ONE AND WOULD BE EASILY MET.

THE STAFF RECOMMENDS THAT THE BOARD APPROVE THE ACCEPTANCE OF THIS BEQUEST IN THE AMOUNT OF \$1,000 FOR THE PURPOSE DESIGNATED IN THE WILL OF LOUISE H. FOLEY.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

No 77-839 DATE 5-27-77

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

YES	NO	ABST.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[Signature]
Clerk of the Board

OTHER BUSINESS

77-840 SOLID WASTE PROGRAM TRUCK BID AWARD

(REMOVED FROM THE AGENDA)

OTHER BUSINESS

77-841 SALE OF ZOO STAFF CAR

THE ZOO STAFF CAR, A 1969 FORD STATION WAGON, WAS INVOLVED IN AN ACCIDENT ON APRIL 5, 1977, AND SUSTAINED DAMAGES IN AN AMOUNT THAT IS GREATER THAN THE MARKET VALUE OF THE VEHICLE. THE INSURANCE CARRIER FOR THE PARTY WHO WAS AT FAULT IN THE ACCIDENT HAS OFFERED TO PURCHASE THE WRECKED WAGON FOR \$500. OUR INSURANCE COMPANY HAS OFFERED TO PAY US \$900 FOR THE VEHICLE LESS THE \$100 DEDUCTABLE FOR A NET CLAIM OF \$800. AT THIS TIME THE ZOO DOES NOT HAVE A STAFF CAR TO USE FOR OFFICIAL BUSINESS. IN ORDER TO REPLACE THIS VEHICLE, FUNDS FROM THE SALE OF THE VEHICLE ARE NEEDED AS PART OF THE PURCHASE PRICE OF A REPLACEMENT VEHICLE.

THE STAFF RECOMMENDS THAT THE BOARD ACCEPT THE OFFER FROM OUR INSURANCE CARRIER, THE ST. PAUL PROPERTY & LIABILITY INSURANCE COMPANY, IN THE AMOUNT OF \$800 AND AUTHORIZE THE TRANSFER OF THE VEHICLE TITLE TO THAT FIRM.

METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 77-841 DATE 5-22-77
YES NO ABST.

BARTELS
GORDON
MCUREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

YES	NO	ABST.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

John Miller
Clerk of the Board

77-842 Travel Request. This report covers requested and recommended travel by two zoo staff members. Each are scheduled speakers at the annual meeting of the Animal Behavior Society and will be presenting information on our grant funded research education program. Funds will be drawn from underspent line items within the materials and services category of the grant budget.

The zoo staff recommends approval of the trips as outlined below with total expenditures not to exceed \$1,026.00.

Travel Requests

1. Education Grant (Dr. Victor Stevens)
Annual Meeting of the Animal Behavior Society
June 5-10
Pennsylvania State University, University Park, PA
Total cost - \$513.00
Scheduled Speaker
2. Education Grant (Jill Mellen)
Annual Meeting of the Animal Behavior Society
June 5-10
Pennsylvania State University, University Park, PA
Total cost - \$513.00
Scheduled Speaker

approved total cost of
\$ 513 ⁰⁰ only for one person's
travel.

CHAPTER 70

EXCAVATION AND GRADING

1973

UNIFORM BUILDING CODE

A-7004—A-7005

the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the Building Official shall within the period specified therein repair or eliminate such excavation or embankment so as to eliminate the hazard and be in conformance with the requirements of this Code.

Definitions

Sec. 7005. For the purposes of this Chapter the definitions listed hereunder shall be construed as specified in this Section.

AS-GRADED is the surface conditions extent on completion of grading.

BEDROCK is in-place solid rock.

BENCH is a relatively level step excavated into earth material on which fill is to be placed.

BORROW is earth material acquired from an off-site location for use in grading on a site.

CERTIFICATION shall mean a written engineering or geological opinion concerning the progress and completion of the work.

CIVIL ENGINEER shall mean a professional engineer registered in the state to practice in the field of civil works.

CIVIL ENGINEERING shall mean the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

COMPACTION is the densification of a fill by mechanical means.

EARTH MATERIAL is any rock, natural soil or fill and/or any combination thereof.

ENGINEERING GEOLOGIST shall mean a geologist experienced and knowledgeable in engineering geology.

ENGINEERING GEOLOGY shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

EROSION is the wearing away of the ground surface as a result of the movement of wind, water and/or ice.

EXCAVATION is the mechanical removal of earth material.

FILL is a deposit of earth material placed by artificial means.

GRADE shall mean the vertical location of the ground surface.

EXISTING GRADE is the grade prior to grading.

ROUGH GRADE is the stage at which the grade approximately conforms to the approved plan.

FINISH GRADE is the final grade of the site which conforms to the approved plan.

GRADING is any excavating or filling or combination thereof.

KEY is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

Chapter 70**EXCAVATION AND GRADING****Purpose**

Sec. 7001. The purpose of this Chapter is to safeguard life, limb, property and the public welfare by regulating grading on private property.

Scope

Sec. 7002. This Chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

Permits Required

Sec. 7003. No person shall do any grading without first having obtained a grading permit from the Building Official except for the following:

1. Grading in an isolated, self contained area if there is no danger apparent to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells or tunnels or utilities.
6. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
7. Exploratory excavations under the direction of soil engineers or engineering geologists.
8. An excavation which (a) is less than 2 feet in depth, or (b) which does not create a cut slope greater than 5 feet in height and steeper than one and one-half horizontal to one vertical.
9. A fill less than 1 foot in depth, and placed on natural terrain with a slope flatter than five horizontal to one vertical, or less than 3 feet in depth, not intended to support structures, which does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course.

Hazards

Sec. 7004. Whenever the Building Official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects

5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet of the property or which may be affected by the proposed grading operations.

Specifications shall contain information covering construction and material requirements.

(e) **Soil Engineering Report.** The soil engineering report required by Subsection (c) shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

(f) **Engineering Geology Report.** The engineering geology report required by Subsection (c) shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the Building Official shall be incorporated in the grading plans or specifications.

(g) **Issuance.** The provisions of Section 302 are applicable to grading permits. The Building Official may require that grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued.

Fees

Sec. 7007. (a) Plan-checking Fee. For excavation and fill on the same site, the fee shall be based on the volume of the excavation or fill, whichever is greater. Before accepting a set of plans and specifications for checking, the Building Official shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures as indicated elsewhere in this Code. There shall be no separate charge for standard terrace drains and similar facilities. The amount of the plan-checking fee for grading plans shall be as set forth in Table No. 70-A.

The plan checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

(b) **Grading Permit Fees.** A fee for each grading permit shall be paid to the Building Official as set forth in Table No. 70-B.

The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for

SITE is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SOIL is naturally occurring surficial deposits overlying bed rock.

SOIL ENGINEER shall mean a civil engineer experienced and knowledgeable in the practice of soil engineering

SOIL ENGINEERING shall mean the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

TERRACE is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

Grading Permit Requirements

Sec. 7006. (a) **Permits Required.** Except as exempted in Section 7003 of this Code, no person shall do any grading without first obtaining a grading permit from the Building Official. A separate permit shall be required for each site, and may cover both excavations and fills.

(b) **Application.** The provisions of Section 301 (b) are applicable to grading and in addition the application shall state the estimated quantities of work involved.

(c) **Plans and Specifications.** When required by the Building Official, each application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soil engineering report and engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer when required by the Building Official.

(d) **Information on Plans and in Specifications.** Plans shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.

Fills

Sec. 7010. (a) General. Unless otherwise recommended in the approved soil engineering report fills shall conform to the provisions of this Section.

In the absence of an approved soil engineering report these provisions may be waived for minor fills not intended to support structures.

(b) Fill Location. Fill slopes shall not be constructed on natural slopes steeper than two to one or where the fill slope toes out within 12 feet horizontally of the top of existing or planned cut slopes.

(c) Preparation of Ground. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials as determined by the soil engineer, and, where the slopes are five to one or steeper, by benching into sound bedrock or other competent material.

(d) Fill Material. Earth materials which have no more than minor amounts of organic substances and have no rock or similar irreducible material with a maximum dimension greater than 8 inches shall be used.

(e) Compaction. All fills shall be compacted to a minimum of 90 percent of maximum density as determined by U.B.C. Standard No. 70-1. Field density shall be determined in accordance with U.B.C. Standard No. 70-2 or equivalent as approved by the Building Official.

(f) Slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.

(g) Drainage and Terracing. Drainage and terracing shall be provided and the area above fill slopes and the surfaces of terraces shall be graded and paved as required by Section 7012.

Setbacks

Sec. 7011. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Unless otherwise recommended in the approved soil engineering and/or engineering geology report and shown on the approved grading plan, setbacks shall be no less than shown in Table No. 70-C.

Drainage and Terracing

Sec. 7012. (a) General. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provision of this Section.

(b) Terrace. Terraces at least 6 feet in width shall be established at

TABLE NO. 70-A — PLAN-CHECKING FEES

50 cubic yards or less	No Fee
51 to 100 cubic yards	\$10.00
101 to 1000 cubic yards	15.00
1001 to 10,000 cubic yards	20.00
10,001 to 100,000 cubic yards — \$20.00 for the first 10,000 cubic yards plus \$10.00 for each additional 10,000 cubic yards or fraction thereof.	
100,001 to 200,000 cubic yards — \$110.00 for the first 100,000 cubic yards plus \$6.00 for each additional 10,000 cubic yards or fraction thereof.	
200,001 cubic yards or more — \$170.00 for the first 200,000 cubic yards, plus \$3.00 for each additional 10,000 cubic yards or fraction thereof.	

TABLE NO. 70-B — GRADING PERMIT FEES

50 cubic yards or less	\$10.00
51 to 100 cubic yards	15.00
101 to 1000 cubic yards — \$15.00 for the first 100 cubic yards, plus \$7.00 for each additional 100 cubic yards or fraction thereof.	
1001 to 10,000 cubic yards — \$78.00 for the first 1000 cubic yards, plus \$6.00 for each additional 1000 cubic yards or fraction thereof.	
10,001 to 100,000 cubic yards — \$132.00 for the first 10,000 cubic yards, plus \$27.00 for each additional 10,000 cubic yards or fraction thereof.	
100,001 cubic yards or more — \$375.00 for the first 100,000 cubic yards, plus \$15.00 for each additional 10,000 cubic yards or fraction thereof.	

the original permit and the fee shown for the entire project.

Bonds

Sec. 7008. **Bonds.** The Building Official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the Building Official in an amount equal to that which would be required in the surety bond.

Cuts

Sec. 7009. (a) **General.** Unless otherwise recommended in the approved soil engineering and/or engineering geology report cuts shall conform to the provisions of this Section.

(b) **Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical.

(c) **Drainage and Terracing.** Drainage and terracing shall be provided as required by Section 7012.

cent where building construction and erosion control will be completed before hazardous conditions can occur.

Erosion Control

Sec. 7013. (a) Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

(b) Other Devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

Grading Inspection

Sec. 7014. (a) General. All grading operations for which a permit is required shall be subject to inspection by the Building Official. When required by the Building Official, special inspection of grading operations and special testing shall be performed in accordance with the provisions of Section 305 and Subsection 7014 (c).

(b) Grading Designation. All grading in excess of 5000 cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5000 cubic yards shall be designated "regular grading" unless the permittee, with the approval of the Building Official chooses to have the grading performed as "engineered grading."

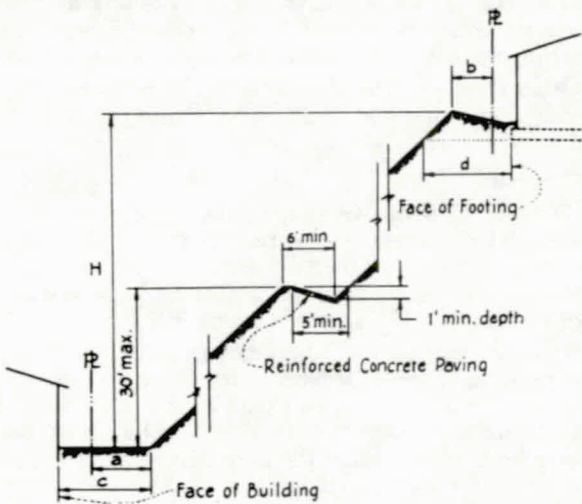
(c) Engineered Grading Requirements. For engineered grading it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within his area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the Building Official. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work.

Soil engineering and engineering geology reports shall be required as specified in Section 7006. During grading all necessary reports, compaction data and soil engineering and engineering geology recommendations shall be submitted to the civil engineer and the Building Official by the soil engineer and the engineering geologist.

The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where

TABLE NO. 70-C — SETBACKS

H IN FEET	a	b	c	d
0 — 10	3'	2'	3'	5'
11 — 30	(H/2)'	3'	(H/2)'	7'
31 and Over	15'	3'	15'	10'



not more than 30-foot vertical intervals to control surface drainage and debris. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot and a minimum paved width of 5 feet.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into a down drain.

(c) **Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

(d) **Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the Building Official and/or other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge onto natural ground, riprap may be required.

At least two percent gradient toward approved drainage facilities from building pads will be required unless waived by the Building Official for nonhilly terrain.

EXCEPTION: The gradient from the building pad may be one per-

A-7015

made in the soil engineering investigation report. He shall provide certification as to the adequacy of the site for the intended use.

3. A Geologic Grading Report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He shall provide certification as to the adequacy of the site for the intended use as affected by geologic factors.

(b) **Notification of Completion.** The permittee or his agent shall notify the Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other ground water drainage devices. He shall report his findings to the soil engineer and the civil engineer for engineering analysis.

The Building Official shall inspect the project at the various stages of the work requiring certification and at any more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.

(d) **Regular Grading Requirements.** The Building Official may require inspection and testing by an approved testing agency.

The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.

When the Building Official has cause to believe that geologic factors may be involved the grading operation will be required to conform to "engineered grading" requirements.

(e) **Notification of Noncompliance.** If, in the course of fulfilling their responsibility under this Chapter, the civil engineer, the soil engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Building Official. Recommendations for corrective measures, if necessary, shall be submitted.

(f) **Transfer of Responsibility for Certification.** If the civil engineer, the soil engineer, the engineering geologist or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for certification upon completion of the work.

Completion of Work

Sec. 7015. (a) Final Reports. Upon completion of the rough grading work and at the final completion of the work the Building Official may require the following reports and drawings and supplements thereto:

1. An As-Graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He shall provide certification that the work was done in accordance with the final approved grading plan.

2. A Soil Grading Report prepared by the soil engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: May 27, 1977

NAME	REPRESENTATION
Bob Brown	DEQ
Dave Phillips	Clackamas County PWP
Robert Pugh	Clarkston
John C. Hanker	M/H Co.
Eric Eggert	Schmitzer Industries
Ronald Watson	Land Reclamation, Inc.
Ene Glen	Land Reclamation Inc.
GEORGE WARD	CONSULTING, ENG'G.
Larry Lee	Land Rec
James K. Lee	J. Lee Excavating
D. A. McElroy	H. Whoo Inc.
Harold G. LaVelle	H. G. LAVELLE, INC. LANDFILL
J. J. Cozzetto	M.D.C.
Harold	RRB