MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU 1800 SW 6TH AVE. AUDITORIUM

Остовек 28, 1977 2:00 Р.М.

AGENDA

77-941

MINUTES

77-942

PUBLIC COMMUNICATIONS

. CITIZEN REQUEST - ZOO DIVISION BEHAVIORAL ENGINEERING PROGRAM

ADMINISTRATIVE DIVISION

77-943

CASH DISBURSEMENTS

SOLID WASTE PROGRAM

77-944

ORDINANCE NO. 54 - FIRST PUBLIC HEARING

AN ORDINANCE AMENDING THE SCRAP TIRE

PROGRAM

77-945 77-946 MSD ISSUANCE OF REVENUE BONDS

SOLID WASTE COMMITTEE MEMBERSHIP

ZOO DIVISION

77-947

MANDATORY RETIREMENT EXEMPTIONS

OTHER BUSINESS



MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU 1800 SW 6TH AVE.
AUDITORIUM

Остовек 28, 1977 2:00 Р.М.

ACTION AGENDA

Page	Action Record Number	
1	77-941	MINUTES Action - Approve minutes of October 14, 1977
9	77-942	PUBLIC COMMUNICATIONS CITIZEN REQUEST - ZOO DIVISION BEHAVIORAL ENGINEERING PROGRAM Action - Receive comments from Mr. Forbes on the Zoo Division Behavioral Engineering Program, and take appropriate action. Also, receive comments from other persons on matters not listed on the meeting agenda
11	77-943	CASH DISBURSEMENTS Action - Approve staff recommendation

Page	Action Record Number	
12	77-944	ORDINANCE NO. 54 - FIRST PUBLIC HEARING AN ORDINANCE MODIFYING THE MSD CODE TO ALLOW THE ESTABLISHMENT OF TIRE TRANSFER STATIONS AND TO ABOLISH TIRE CARRIER SERVICE AREAS
		Action - <u>Conduct</u> first public hearing, and <u>schedule</u> the second hearing date for November 18, 1977
15	77-945	MSD ISSUANCE OF REVENUE BONDS Action - <u>Approve</u> staff recommendation
27	77-946	SOLID WASTE COMMITTEE MEMBERSHIP Action - Approve staff recommendation
28	77-947	MANDATORY RETIREMENT EXEMPTIONS Action - Approve staff recommendation

77-941 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE OCTOBER 14, 1977, BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

77-942 PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS THE BOARD TO RECEIVE COMMENTS FROM THE PUBLIC. THE FOLLOWING PAGE CONTAINS A LETTER FROM MR. RICHARD FORBES REQUESTING CONSIDERATION FOR A STUDY OF THE ZOO DIVISION'S BEHAVIORAL RESEARCH PROGRAM.

COMMENTS MADE BY MR. RICHARD FORBES, IN SUPPORT OF THE ZOO DIVISION'S RESEARCH PROGRAM

MSD BOARD OF DIRECTORS MEETING OF OCTOBER 28, 1977

My name is Richard Forbes, 11965 NW Maple Hill Lane, Portland, and I want to speak in support of the Research Program at the Washington Park Zoo and particularly the program of behavioral I want to state for the record that although engineering. I am a member of the Zoological Society, my appearance here today is not representative of the Society. In addition, I want to support research programs, I have not conducted any research for the Zoo and I do not have any plans to do so. am simply here as a Zoologist and a concerned citizen. most of us will agree that the test as to whether any programs at the Zoo should begin or continue is whether the program benefits the animals, the visitors and the general community. hope to pursuade you that behavioral engineering and other research programs do benefit all three of those constituencies in a uniquely valuable way.

First, I contend that behavioral engineering programs and other research activities open an important new window on the health of zoo animals. More than 20 years ago, Dr. Edward Hindle of the Zoological Society of London, and Prof. Hediger of the Zoological Gardens of Zurich, called attention to the necessity of providing activities for captive animals in order to avoid obesity and other health and behavioral diorders in these creatures that are essentially condemned to inactivity. Behavioral engineering exhibits and related projects, by listing quantifiable behavior regularly and frequently, has proven to be valuable tools for the improvement of physical conditions in some animals and for diagnosing deseases in others. For example, in the mid-1960s, Dr. Squires, of Reed College, trained some of the elephants to perform a simple operation using lights as cues. Eight years later when the animals were retested, the failure of

two of them to perform at expected levels led to diagnosis of eye disorders that might have otherwise gone unnoticed. More recently, installment of behavioral apparatus in the polar bear grotto was followed by healthfull gain in weight and general condition of the male polar bear. Last month keepers reported that the male orangutan had lost interest in the tic-tac-toe game installed in his cage. Investigation revealed that he was suffering from an intestinal disorder that was then treated successfully. The local chapter of the American Association of Zoo Animals and the Portland Veterinary Medical Association have recently written to you in support of the behavioral engineering programs and their value in maintaining animal health and facilitating care of zoo animals. From the standpoint of animal health alone, the development of the behavioral engineering program seems justified.

Secondly, how do zoo visitors react to behavioral zoo exhibits. Casual inspection of the numbers of visitors at different cages suggests that in general the cages in which behavioral engineering apparatus is installed and operating draw the largest numbers of visitors and these visitors remain longer at these exhibits than at others. The study, conducted by Michael Zawel and Cyrus Tavakoli, of Reed College, confirmed that this was so and concluded that, "behavioral engineering exhibits are very popular with zoo visitors." In effect, zoo visitors were voting in favor of behavioral engineering in the interest they showed in these exhibits. Moreover, the zoo has tremendous potential for education. Zoo workers have observed exhibits involving behavioral engineering stimulate more questions from visitors than do other comparable displays. Behavioral engineering ellicits activity patterns that might rarely or never ever be seen in a zoo. Without these projects visitors could never learn the different sounds polar bears make or be reasonably confident in seeing the bears swim. Nor could we see how bright and quick the Mandrill is or watch the White-handed Gibbon's feats as often as we have with the stimulous provided by their behavioral engineering aparatus. The capacity of behavioral engineering to ellicit feats and other activities has been

described by Hindle and Hediger as "healthy, expedient, and good". It certainly provides visitors, researchers, and animal care personnel with a vital window on animal behavior.

Thirdly, we should ask whether behavioral engineering in particular is respectable in the sense of attracting favorable attention from outside the zoo in the community. seems irrefutably that it is. Facets of behavioral engineering projects have been recorded in national and international press, for example, the Smithsonian magazine and others. All three national television networks have run feature stories of aspects of the program. State and local media have found the program to be of great interest and to the best of my knowledge, the media found the behavioral engineering program to be fascinating, beneficial to the animals and enjoyable to the visitor. Another important test is whether behavioral engineering programs find acceptance among behavioral scientists and other zoo personnel. That is, how professional peers view the program. The zoo in Hilo has emmulated the Washington Park Zoo's behavioral engineering program with the help of Dr. Markowitz. The Brookfield Zoo in Chicago, has an extensive effort in this area. Behavioral engineering programs have been initiated at zoos in Oklahoma City and San Francisco. New zoos in Boston and Minneapolis are building a variety of research programs into their institutions. Scientific papers written by Drs. Markowitz, Schmidt, Squires and Stevens based on behavioral engineering studies have been published in referee journals, Behavioral Science, and Veterinary Medicine. Dr. Markowitz has frequently been invited to present papers on his work. Dr. Stevens' grant from the Department of Health, Education and Welfare, testifies to the interest that agency has in the research and education of zoos, even at a time of intense competition of limited grant funds. One can safely conclude that behavioral engineering programs at the zoo have passed the test of peer review.

Given the benefits that I have mentioned, one wonders why the research program, particularly in behavioral engineering, is being quashed. Projects recently terminated include the gibbons and polar bear projects. Further, plans for the servil and orangutan projects have been stopped. One objection to the behavioral engineering projects has been that they are somehow unnatural. As if such things as veterinary care, regular feeding and captivity itself are somehow natural. Yet Dr. Markowitz's proposals for more natural exhibits, probes that conceal sensores for the gibbons and new otter exhibits have either not been approved or in some instances not been acknowledged.

Moreover, budgetary support for the zoo has been progressively limited. The 1977 budget for research separated from education is about \$59,000, of which \$44,000 came from the MSD and \$15,000 came from Dr. Stevens' grant. It is difficult to derive a comparison, but in 1976, the budget for research and education was in excess of \$110,000, and in 1975, \$217,252, was allocated for research, education and veterinary services. Even by conservative standards it seems clear that budgetary support of research efforts is being erroded.

To conclude, I want to make two requests hoping that one or the other might be acceptable to you. First, I hope that I have pursuaded you to endorse research, behavioral engineering in particular, at the Washington Park Zoo, and to support and encourage those activities financially and otherwise. Secondly, if you have doubts about the propriety of those programs at the zoo, I would suggest another course of action. Perhaps I am wrong about the educational knowledge of the program. Perhaps the keepers and the Veterinary Medical Association are mistaken about the value of the program to animal care and health. Perhaps the zoo visitors really are just getting a cheap thrill as the Oregonian stated yesterday. Perhaps Mr. Iliff, who is a highly skilled public relations man with experience in zoos and Dr. Montatna, who is an international authority in the biology

of the skin, are better judges of these programs than Dr. Markowitz and his professional peers in animal behavior. If you think these things are so, then I hope you will see fit to commission a study of the matter. I would like to suggest that such a study be conducted by a committee to be constituted from among behavioral scientists, health care professionals, including keepers and veterinarians, and the general public within the Metropolitan Service District. The committee should be free to call upon whomsoever it wishes and hear from whoever wishes to address it. Then perhaps the true value, the proper place and the nature and problems of research and behavioral engineering at the Washington Park Zoo can be resolved to our mutual satisfaction.

Thank you.

18 October 1977

Richard Farlies

TO: Metropolitan Service District Board

FROM: Richard Forbes

11965 NW Maple Hill Lane Portland, Oregon 97229

As a biologist and a concerned citizen, I request permission to address the MSD Board, at its 28 October meeting, to discuss the program in behavioral engineering at Washington Park Zoo.

Under the direction of Dr. Hal Markowitz, the behavioral engineering program has had demonstrably beneficial effects on the health of zoo animals, has engendered much favorable attention for the Zoo, elicits considerable visitor interest, and elicits behavior which zoo visitors might otherwise never be able to observe. Despite these benefits, the behavioral engineering program is being seriously eroded by progressive budgetary constraints and by an apparent lack of administrative support.

I request that the Board give serious consideration to a study of the behavioral engineering program, and that the study be undertaken by a group consisting of behavioral scientists, animal health professionals, and interested citizens. I believe that such a study will convince you of the value of the program and of the necessity of giving it your full support and encouragement.

77-943 CASH DISBURSEMENTS

CHECK Nos. 4510 THROUGH 4654 TO BE RELEASED OCTOBER 28, 1977:

\$131,805.46

ITEMS OF INTEREST:

Oregon Laborers & Trust Funds	\$6,980.00
ROY BURNETT CHRYSLER PLYMOUTH	4,134.10
PUBLISHERS PAPER	21,513.00
Bureau of Water Works	2,331.00
State Accident Insurance Fund	14,290.48
PUBLISHERS PAPER COMPANY	36,000.00
G.A.F. CORP.	1,557.68
GLASER BROTHERS	1,604.99
Fred S. James & Co.	3,382.00
PORTLAND STATE ELECTRIC Co.	1,707.00
HILLS DIVISION RIVIANA FOODS	2,108.85
SKILCRAFT CONSTRUCTION	1,675.00
STANLEY SMITH SECURITY, INC.	2,043.25
HARDY McEwen Weiss Newman	2,868.86

THE STAFF RECOMMENDS <u>APPROVAL</u> FOR PAYMENT OF CHECKS No. 4510 THROUGH 4654 IN THE TOTAL AMOUNT OF \$131,805.46.

METROPOLITAN SOALS	SERVICE DISTRICT
NO 27-943	10-28-77
BARTELS	10 AJU
GORDON	
MCCREADY ROBNETT	The state of the s
SALQUIST	
MILLER, CHAIRMAN	
Clerk of the Bo	ard Santantonian annum

77-944 ORDINANCE NO. 54 - FIRST PUBLIC HEARING

AN ORDINANCE MODIFYING THE MSD CODE TO ALLOW THE ESTABLISHMENT OF TIRE TRANSFER STATIONS AND TO ABOLISH TIRE CARRIER SERVICE AREAS.

THE FOLLOWING PAGES CONTAIN A STAFF REPORT DISCUSSING THE PROPOSED AMENDMENTS TO THE MSD TIRE PROGRAM. ORDINANCE No. 54 IS UNDER SEPARATE COVER.

THE STAFF RECOMMENDS <u>CONDUCTING</u> THE FIRST PUBLIC HEARING ON ORDINANCE No. 54, AND <u>SETTING</u> THE SECOND HEARING DATE FOR NOVEMBER 18, 1977.

MEMO

TO: MSD Board of Directors

FROM: MSD Staff Members: Paul Norr and Merle Irvine

DATE: October 20, 1977

SUBJECT: Proposed Ordinance No. 54 allowing the establishment of

tire transfer stations and abolishing tire carrier

service areas

1. Allowing the Establishment of Tire Transfer Stations

At this time there are two authorized scrap tire processing centers, both of which are owned and operated by the Metropolitan Disposal Corporation (MDC). One of these centers is located in Oregon City; the other is located in North Portland. The processing machine at the Oregon City location is broken and is undergoing repairs and modifications. As a temporary measure, and with MSD staff approval, MDC is receiving tires at Oregon City and transferring them to North Portland for processing. This system of transferring the tires has worked to our satisfaction for about two months.

MDC, having evaluated their own labor and machinery costs, has indicated to the staff that MDC would like to continue the current arrangement on a permanent basis. The present structure of the scrap tire program, however, does not provide for such an arrangement.

The staff is of the opinion that funneling scrap tires into a controlled waste stream is the primary objective of the tire program. Thus, maintaining or increasing the number of controlled locations where the general public and tire carriers can deposit their tires is to our advantage. To facilitate the establishment of transfer stations of the type suggested by MDC, the staff proposed Ordinance No. 54.

The proposed ordinance does not restrict transfer stations to the domain of MDC. Any processor, salvager, carrier, or other enterprising individual or company could obtain a permit to operate a transfer station by meeting the appropriate requirements. The requirements proposed are similar to the existing requirements for salvage and processing centers. It should be noted, however, that at this time it appears to the staff that it is unlikely that anyone other than a salvage or processing center would open such a transfer station.

The staff also points out that the proposed ordinance does not increase the maximum charges which can be levied by processing and salvage centers. Further, the proposal should not adversely affect the amount of user fees provided to MSD.

The tire transfer station proposed was discussed with the Solid Waste Advisory Committee on October 10, 1977, and the committee supported the idea.

2. Abolishing the Tire Carrier Service Areas

The staff has concluded that the service area designations are causing an inordinate amount of confusion and unnecessary enforcement problems. Currently, MSD is sub-divided into four service areas:

Area #1 - Washington County

Area #2 - Multnomah County west of S.E. 42nd Avenue

Area #3 - Multnomah County east of S.E. 42nd Avenue

Area #4 - Clackamas County

When we issue a permit restricting a carrier to one or two service areas, we assume, in addition to the already existing responsibility of enforcing the overall tire program, the added responsibility of policing the artificial intra-district boundaries of the service areas.

Further, carriers are only refused entry to a particular service area at the request of one of the cities or counties (whose jurisdiction is smaller than a whole service area) who wish to keep a non-franchised or sub-contract carrier out of their jurisdiction. Unfortunately, by refusing to issue a permit for that entire service area, we exclude the carrier from locals which are not concerned with keeping the carrier out. This has the effect of restricting a carrier's business opportunities in locations where the carrier might otherwise be welcome.

The proposal to abolish the service areas was discussed with the Solid Waste Advisory Committee on October 10,1977. Two members of the committee expressed serious concern that non-franchised carriers might misunderstand and begin entering the franchised jurisdictions. Subsequently, the staff conferred with both committee members and, by modifying the language on the permit, has gained the approval of the objecting committee members.

3. Summary

The staff concludes that: 1) allowing the establishment of tire transfer stations and 2) abolishing tire carrier service areas will improve the scrap tire program and recommends the adoption of proposed Ordinance No. 54.

METROPOLITAN SERVICE DISTRICT ORDINANCE NO. 54

An ordinance modifying the MSD Code, amending or adding Sections 12.16.010(16), 12.16.050(1), 12.16.060(1), 12.16.120, 12.16.130, 12.16.140, 12.16.165, 12.16.190, 12.18.010(1) and (3), 12.18.020(2) and (3), 12.18.070, 12.18.100(2), 20.10.030, 20.10.040, 20.10.050, 20.10.120, 20.10.130, 20.10.700, 20.10.710, 20.10.720, 20.10.740, 20.10.750, and 20.10.760.

SHORT TITLE: An ordinance Amending the Scrap Tire Program to Establish Tire Transfer Stations and Abolish Scrap Tire Carrier Service Areas.

NOTE: The language in brackets will be deleted and the language underlined will be added.

ORDINANCE NO. 54

THE METROPOLITAN SERVICE DISTRICT ORDAINS THE FOLLOWING:

SECTION I:

Section 12.16.010(16) of the Code of MSD (Code) is added to read as follows:

(16) "Tire Transfer Station" means a place open to the public where scrap tires are received and stored for shipment directly to a general tire processing center, tire salvage center, or a tire retreading facility.

SECTION II:

Section 12.16.050(1) of the Code is amended to read:
Section 12.16.050 DUTIES OF TIRE CARRIER

- (1) Tire Carriers subject to the permit requirements of this ordinance must deliver all those scrap tires picked up or transported by them for the purposes of disposal only to:
- (a) A disposal site authorized by the Metropolitan Service District to accept tires in the form they are delivered;
- (b) A processing center authorized by the Metropolitan Service District; (or)
- (c) A tire salvage center authorized by the Metropolitan Service District; or
- (d) <u>A tire transfer station authorized by the Metropolitan Service District.</u>

SECTION III:

Section 12.16.060(1) of the Code is amended to read:

Section 12.16.060 DUTIES OF A TIRE RETAILED AND SCRAP
TIRE GENERATOR

(1) A tire retailer or scrap tire generator shall dispose of scrap tires only in the following manner:

- (a) By giving up said tire to a tire carrier operating under a permit granted pursuant to this code;
- (b) By himself transporting said tire to a disposal site, a tire processing center, (or) a tire salvage center, or a tire transfer station authorized under this Code; or (c) By returning the scrap tire to the owner.

SECTION IV:

Section 12.16.120 of the Code is amended to read:

Section 12.16.120 ACCEPTANCE OF TIRES BY DISPOSAL

SITE

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

SECTION V:

Section 12.16.130 of the Code is amended to read:
Section 12.16.130 EXCLUSIVE CONTRACTS

The Board may by resolution limit the number of permits granted pursuant to this Code and award exclusive contracts for tire carriers, tire salvage centers, (or) tire processing centers, or tire transfer stations in defined areas and set fees for such contracts.

SECTION VI: Section 12.16.140 of the Code is amended to read: Section 12.16.140 RECORDS REQUIRED Every tire carrier, tire retailer, scrap tire generator, (or) owner of a disposal site, (or) processing center, (or) tire salvage center, or tire transfer station shall keep such records or other pertinent papers in such form as the Board may require and shall deliver such records or papers to the Board when requested. The Board or their designated agent may at any reasonable time enter onto the business premises of any carrier, retailer, disposal site, salvage center, (or) processing center, or tire transfer station, for the purpose of inspecting such records or papers. SECTION VII: Section 12.16.165 of the Code is added to read: Section 12.16.165 TRANSFER STATIONS Only those tire transfer stations authorized and permitted by the MSD to accept tires for direct transfer to a general tire processing center, salvage center, or retreader may operate as a transfer station. The MSD shall issue forms on which applications for such authorization can be made. Permits shall be issued for a period of up to one (1) year. SECTION VIII: Section 12.16.190 of the Code is amended to read: Section 12.16.190 MAXIMUM FEES FOR GENERAL TIRE PROCESSING CENTERS, SALVAGE CENTERS, AND TIRE TRANSFER STATIONS (1) The Board of the Metropolitan Service District authorizes and approves a maximum fee that may be charged by an operator of a general tire processing center, (or) tire salvage center, or tire transfer station. The maximum fee that may be charged for processing, (or) salvaging, or accepting at a transfer station motor vehicle tires with a minimum bead diameter of 20 inches and up to and - 3 -

including 10 ply shall be 25 cents for each tire, which shall include the administrative fee that may be charged for processing, (or) salvaging, or accepting at a transfer station.

(or) salvaging, or accepting at a transfer station motor vehicle tires with a minimum bead diameter of 20 inches and up to and including a tire having an outside diameter of 48 inches or a ply rating of 12 ply or greater, shall be 85 cents for each tire, which shall include the administrative fee approved in Section 12.16.180.

SECTION IX:

- Section 12.18.010(1) and (3) of the Code are amended to read:

 Section 12.18.010 APPLICATIONS FOR PERMITS
- (1) Applications for a permit to act as a tire processing center, tire salvage center, tire transfer station or a tire carrier shall be made on forms supplied by the MSD. Applications must be complete. Incomplete applications will be returned to the applicant.
- (3) A separate application shall be filed for each processing center, (or) tire salvage center, or tire transfer station although one application may be filed where two or more processing machines for salvage operations are in the same location.

SECTION X:

- Section 12.18.020 (2) and (3) of the Code are amended to read:

 Section 12.18.010 NOTICE OF APPLICATION
- (2) For tire carrier applications, the notice shall also contain the number of trucks applied for (and the service areas applied for).
- (3) For processing or salvage center applications and for transfer station applications, the manager shall notify all other persons holding current and existing processing, (or) salvage, or transfer permits. The notice for such applications shall also contain the number of machines or salvage operations involved (and the service area applied for).

SECTION XI: Section 12.18.070 of the Code is amended to read: Section 12.18.070 ABATEMENT The carrying, storing, transferring, processing, disposing of or salvaging of scrap tires by any person in the district in violation of any provision of Chapters 12.16 or 20.10, is deemed a nuisance and the Board may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such disposal. The provisions of this section are in addition to and not in lieu of any criminal prosecution or penalties as provided by the Code of MSD or State Law. SECTION XII: Section 12.18.100(2) of the Code is amended to read: Section 12.18.100 BONDS Every applicant for a permit or a renewal of a permit under Chapter 12.16.110 or 12.16.165 shall deliver to MSD a permit or license bond in the sum of \$10,000 in favor of MSD and in a satisfactory form. SECTION XIII: Section 20.10.030 of the Code is deleted in its entirety. Section 20.10.030 SERVICE AREAS (The MSD has been divided into service areas according to the map set forth on page 20.10-5 of this Code. These areas will be reviewed and modified if conditions warrant. Each service area will be served by at least two scrap tire carriers. It will be the responsibility of the general scrap tire carriers to serve all scrap tire generators, tire retailers, and authorized public tire storage centers within the specific service In the event that a customer cannot obtain service from the general scrap tire carriers assigned to his area, MSD will designate one of the general scrap tire carriers to provide service as at the minimum service charge as specified by the carrier permits.

This designation will be based on a rotating basis between all general scrap tire carriers assigned to the area.)

SECTION XIV:

Section 20.10.040 of the Code is amended to read:

Section 20.10.040 (FREQUENCY OF) SERVICE

(General scrap tire carriers can make arrangements to service customers on a regular basis or provide service at the customer's request. If tires are to be collected on a request basis, the general scrap tire carrier shall make arrangements to service the customer within two weeks of the request. If, at the request of MSD, a general scrap tire carrier is designated to service a customer as outlined in Section 20.10.030, the response time for pickup shall be two weeks.)

In the event that a customer cannot obtain service from a general scrap tire carrier, MSD may designate one of the permitted tire carriers to provide service at the minimum rate charged by the carrier for that type of service. This designation will be on a rotating basis among all permitted tire carriers. If a tire carrier is designated to service a customer, the carrier shall arrange for service within two weeks of the designation.

SECTION XV:

Section 20.10.050 of the Code is amended to read:
Section 20.10.050 RECORDS

The general scrap tire carrier will be issued a receipt book which will contain tickets bound in triplicate and sequentially numbered. When the general scrap tire carrier collects tires from a scrap tire generator, tire retailer or authorized public tire storage centers, a receipt ticket will be completed (reproduced in triplicate). One copy will be retained by the customer, one copy retained by the general scrap tire carrier for two years and one copy submitted to MSD by the tenth of the month following the collection. All receipts must be accounted for. At the processing center or transfer station, the general scrap tire carrier will be given a receipt (by the pro-

cessor) for the thes disposed. This receipt out be retained by the general scrap tire carrier for two years. All records pertaining to carrying scrap tires shall be made available for inspection by MSD at reasonable hours in accordance with Section 12.16.140, Records Required, of the Code of MSD.

SECTION XVI:

Section 20.10.120 of the Code is amended to read:

Section 20.10.120 (SERVICE AREA) ACCEPTANCE OF TIRES

Permitted individual scrap tire carriers shall not
accept scrap tires from any other person for the purpose of
transporting the tires (to processing centers). Only scrap
tires generated as a normal part of his business can be transported by the individual scrap tire carrier.

SECTION 'XVII:

Section 20.10.130 of the Code is amended to read:
Section 20.10.130 RECORDS

An accounting of all scrap tires transported to the processing center or tire transfer station shall be submitted to MSD at the end of each month. At the processing center or tire transfer station, the individual scrap tire carrier will be given a receipt for the tires disposed. All records must be retained for two years and be made available for inspection by MSD at reasonable hours in accordance with Section 12.16.140, Records Required, of the Code of MSD.

SECTION XVIII:

Section 20.10.700 of the Code is added to read:

Section 20.10.700 APPLICATIONS

Persons wishing to be permitted as a tire transfer station shall complete an application furnished by MSD.

Section 20.10.710

Section

The tra

Section 20.10.710 of the Code is added to read:

Section 20.10.710 TRANSFER FEE

The transfer station may not charge or collect any fees in excess of those authorized by Section 12.16.190.

SECTION XX:

Section 20.10.720 of the Code is added to read:

Section 20.10.720 ACCEPTANCE OF TIRES

MSD shall provide to all authorized transfer stations receipt books of tickets bound in triplicate and sequentially numbered. The transfer station shall complete a receipt in triplicate for each delivery and provide one copy to the customer, retain one copy and submit one copy to MSD by the tenth of the month following the receipt of tires for disposal. All receipts must be accounted for and retained by the transfer station for two years. The transfer station shall provide, on a monthly basis, an accounting of the number of tires collected and the number of tires transferred to a processing center, salvage center, or retreader.

SECTION XXI:

Section 20.10.740 of the Code is added to read:

Section 20.10.740 SITE OPERATION

All transfer stations shall be open to the public. The transfer stations' minimum hours open shall be 8:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 noon Saturday. A sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules. The site shall be fenced by a sight-obscuring fence approved by MSD and all gates shall be locked when the transfer station is closed to the public. All off-site and on-site access roads shall have an all-weather surface so that traffic will not be interrupted during periods of bad weather.

The transfer station shall not unnecessarily stockpile

tires. Stockpiles shall not exceed 2,000 tires unless special permission is granted. The site shall also be free of all litter and debris.

An attendant shall be on duty all hours the transfer station is in operation.

SECTION XXII:

Section 20.10.750 of the Code is added to read:

Section 20.10.750 TRANSFER OF SCRAP TIRES

The transfer station shall transfer all tires received at the transfer station directly to a general processing center, salvage center or a retreading facility.

SECTION XXIII:

Section 20.10.760 of the Code is added to read:

Section 20.10.760 VARIANCES

The Metropolitan Service District may grant a variance of these administrative rules on a temporary basis if unplanned events occur and upon written request from the transfer station.

DATE:	
	Raymond L. Miller, Chairman

ADDENDUM TO ORDINANCE NO. 54

The following Section was omitted from the Ordinance and will be incorporated prior to the second hearing:

SECTION XXIV:

Section 12.18.050(1) of the Code is amended to read:

Section 12.18.050 SUSPENSION, MODIFICATION, REVOCATION, OR REFUSAL TO RENEW A PERMIT

- (1) The Manager may suspend, modify, revoke or refuse a permit if (it has reasonable grounds to believe that) a permit holder has (done any of the following):
- (a) (Wilfully) Violated any of the provisions of Chapters 12.16, 12.18, or 20.10 or ORS 459, or rules promulgated thereunder, or his permit and any conditions attached thereto; or
- (b) (Wilfully misrepresented the statement)

 Made a material misrepresentation or misstatement in the application for his permit or in any testimony of documentary evidence given to the Manager (or), to the Board, or to the MSD staff; or
- (c) (Wilfully) Refused to provide adequate service to the public after written notification and a reasonable opportunity to do so.

NOTE: The language in brackets will be deleted and the language underlined will be added

77-945 MSD ISSUANCE OF REVENUE BONDS

THE FOLLOWING PAGES CONTAIN A STAFF DISCUSSION OF ALTERNATIVE FINANCING AVAILABLE FOR THE SOLID WASTE PROCESSING FACILITY, AND DISCUSSING SPECIFICALLY THE QUESTION OF WHETHER OR NOT MSD SHOULD BECOME THE ISSUING AGENCY FOR INDUSTRIAL REVENUE BONDS.

The staff recommends that the Board <u>Become</u> the issuing authority for any Industrial Revenue Bonds used to finance portions of the Oregon City processing facility, providing the results of the Phase I Engineering indicate the project is in the public's Best interest.

METROPOLITAN	SERVICE DISTRICT
DV2.5.0.0	5.C 1 (2) (4)
NO. 77-945	DATE 10 - 28-77 YES NO ABST.
BARTELS GORDON McCREADY	
ROBNETT	
SCHUMACHER MILLER, CHAIRMAN	Deck .
Cick of the B	oard

STAFF REPORT MSD ISSUANCE OF INDUSTRIAL REVENUE BONDS for SOLID WASTE PROCESSING FACILITY The Issue

The purpose of this agenda item is to provide an opportunity for the Board to review the financing circumstances of this project and decide whether to become the issuing agency or authority for industrial revenue bonds.

Background

In 1973, Bartle Wells prepared a financing plan for construction of solid waste processing facilities utilizing State pollution control bond funding, based on the 1973 authority of the District. In 1974, the MSD Board modified Bartle Wells financing concept to include a public/private partnership for capital funding.

In 1975, MSD developed a contract with a private contractor to design, construct and operate the solid waste facility. tation of the agreement depended upon the private contractor and MSD securing funding for the project. The inability of the contractor, as well as MSD, to secure public and private capital funds resulted from ambiguities in MSD's enabling legislation and other legal issues.

To clarify these ambiguities, legal action was undertaken in This legal action was subsequently interrupted in 1977 by State legislative action. This legislative action clearly authorized MSD to use the pollution control bond funds and also authorized MSD to issue revenue bonds without an election of the people.

On October 4, 1977, a meeting was held at Publishers Paper Company to discuss financing of the Oregon City solid waste processing facility. Meeting participants included officials from Publishers Paper Company, the Times-Mirror Company (Publishers'

parent company), White Weld, Inc., The Bechtel Corporation, and MSD staff, including Dean Gisvold.

After a cursory review of alternatives, Publishers indicated their preferred financial plan consists of utilizing State Pollution Control Bond funding and the issuance of Industrial Revenue Bonds. A description of typical Industrial Revenue Bond financing is provided as Attachment #1. Attachment #2 further explains Industrial Revenue Bonds.

Statement of Issues

The Industrial Revenue Bond financing concept proposed by Publishers Paper Company requires a number of MSD commitments. However, the only commitment presently before the Board is whether MSD should become the issuing authority for the Industrial Revenue Bonds. There are three alternatives for the Board to consider. The advantages and disadvantages are discussed below are summarized on Table #1 following the discussion.

Alternatives

1.1.1

- 1. MSD will become the issuing agency or authority for these revenue bonds.
- 2. Request the Port of Portland or City of Portland to become the issuing agency for this project. Presently there are only two other agencies besides MSD having authority to issue Industrial Revenue Bonds without a vote. These two agencies are the Port of Portland and the City of Portland, both of which have exercised this authority on several occasions.
- 3. Request that other financing mechanisms be explored.

Discussion: Advantages of Alternative #1

- 1. This alternative generates the least political complexity. It is unlikely that either the City of Portland or the Port of Portland would agree to become the issuing athority unless they had substantial control over the development of the project. This control is certain to complicate future decisions which may be required.
- 2. MSD is the legally responsible solid waste planning agency for this area. 1977 legislation greatly clarified MSD's role in the implementation of solid waste disposal facilities. As a result of

federal legislation, the State of Oregon has preliminarily designated MSD the planning and implementing authority for this area. Although present federal implementation funds are limited, if such funds do become available, it is likely they would be directed through MSD.

- 3. MSD will be asked to finance other metropolitan functions over the years and should have as much experience with Industrial Revenue Bonds as possible.
- 4. Assuming the role of an issuing agency is consistent with the Board's previous decisions on the solid waste program and MSD's efforts at the Oregon Legislature.

Discussion: Disadvantages of Alternative #1

MSD's lack of experience causes concern. Discussions with the Port of Portland and financial advisors indicate that the issuing agency or authority is not a role to be taken lightly. Even if the anticipated financing strategy is followed and MSD assumes no liability for the repayment of the bonds, the integrity of MSD would be impaired by a bond default. Thus, it is essential that the project be sound and that the financial and contractual structure of the project provide adequate assurance of bond repayment.

<u>Discussion: Advantages and Disadvantages of Alternative #2</u>

The Port of Portland and City of Portland issuing agency advantages and disadvantages are the opposite of the advantages and disadvantages of Alternative #1.

Discussion: Advantages of Alternative #3

If additional funding sources were available, MSD would not have to assume the obligations and responsibilities of issuing the revenue bonds.

Discussion: Disadvantages of Alternative #3

MSD staff has actively researched funding sources for this project since its inception. The opinions of numerous consultants, private investors, and others indicates that other realistic funding sources are not available. Ballot Measure 2 or federal funding represent future potential but definately cannot be counted on.

TABLE #1
ISSUING AGENCY ALTERNATIVES

ALTERNATIVES	ADVANTAGES	DISADVANTAGES
I. MSD issues bond	 Less political complexity MSD's project Satisfaction of long-range needs enhanced through experience gained on this project Consistant with development of project to date 	1. Lack of experience
II. Port of Portland, City of Portland issues bond	More experience in issuing bonds	 Another agency will become involved in decision making and management process, increasing complexity of project. It is not likely that City or Port would take risk, knowing that MSD has the authority
III. Request other financing mech- anisms be explored	1. Would eliminate risk of becoming issuing authority	l. It is unlikely that there are other realistic funding mechanisms available since MSD, Publishers, and their advisors have not been able to identify them so far.

ATTACHMENT #1

DESCRIPTION OF TYPICAL INDUSTRIAL REVENUE BOND FINANCING ARRANGEMENTS

Under this financing concept, approximately 80% of the total capital cost needs of the project, not including the Pollution Control Bond contribution, but including the capital costs of steam generating equipment, is raised through the sale of tax exempt Revenue Bonds. The remaining 20% of the capital funds necessary are supplied by an equity investment of a private company. The processing facility, including the steam generating equipment, is owned by the equity investor who receives the associated tax benefits to be derived from the investment tax credits and depreciation. The tax benefits make this type of financing attractive to the equity investor and allow for the rapid amortization of equity investment.

If properly executed, the bond issue does not become a liability of the issuer of the bonds, the equity investor, or the operator of the facility. The bond holder makes his investment on the reliability of certain contracts and guarantees which include the following:

- A contract over the life of the bonds with a major and substantial corporation for use of the fuel from the processing facility;
- 2. A committment by MSD to guarantee the delivery of a minimum amount of solid waste;
- 3. A dump fee or tipping fee over the life of the bonds to be paid by MSD;
- Guarantees by substantial companies to design, construct, operate and maintain the facility;
- 5. A study by an independent consultant confirming technical feasibility.

This financing concept has been successfully used in other solid waste disposal projects, such as Saugaus in Massachusetts.

FEATURES OF FUNDING ARRANGEMENTS

SOURCES OF CAPITAL FUNDS	OWNERSHIP OF FACILITY	GUARANTEES TO BONDHOLDER FOR INDUSTRIAL REVENUE BONDS
 State pollution control funds (up to 8.9 million dollars) Equity investment of private entity Solid Waste Revenue Bonds 	Ownership benefits are constructed to fulfill state pollution Control Fund requirements and to minimize real costs of project through tax credits and accelerated depreciation	 An established, substantial fuel and materials user and revenues A guaranteed flow of solid waste A dump fee over the life of the bonds
		4. Established and substantial companies to design, construct, operate and maintain the facility
		5. Assurance by an independent consoltant of technical feasibility

22

ATTACHMENT #2

INDUSTRIAL REVENUE BONDS SOME QUESTIONS AND ANSWERS

1. What are Industrial Revenue Bonds?

An Industrial Revenue Bond is a bond issued by a municipal corporation under its name. The support for this bond normally is a commitment by a lessee(s). In other words, it is the lessee's credit which is involved even though the municipality's name is used on the bonds. The bond rating agencies, therefore, rate each Industrial Revenue Bond issue solely on the basis of the lessee's demonstrated credit.

2. Why are Industrial Revenue Bonds used?

Under current federal laws, if certain conditions are met, the interest paid on these bonds is not subject to income tax on the part of the recipient. This is also true in the State of Oregon and certain other states. As a result, the holder of the bonds in essence has tax-free interest income. The interest rates on these bonds, consequently, is substantially less than normal financing. For example, if the current mortgage rate is 9%, the rate on tax-free municipal bonds would approximate 7%. This is a substantial savings in interest cost over the period during which the facility is financed or the life of the bonds.

3. How are Industrial Revenue Bonds used?

The normal procedure is to issue Revenue Bonds adequate to finance a single project. The proceeds from the bond issue are used to acquire the land, if required, and to construct the facility. The facility is leased to a tenant(s), called lessee, at a rent adequate to pay principal and interest on the Industrial Revenue Bonds. In some cases, after the Industrial Revenue Bonds have been repaid, the lessee acquires or purchases the facility from the issuing body at a nominal cost. This is not the only way. With some bond issues, the facility or equipment is sold on contract at the time the bonds are issued. Installment payments are made instead of rent payments. The installment payments are adequate to pay principal and interest on the bonds. The term purchaser is then used in place of lessee.

4. Are there limitations on Industrial Revenue Bonds issued?

There are three broad categories of limitations: Internal Revenue Service regulations, cost to issue the Industrial Revenue Bonds, and finally, practical limitations. Each are more fully discussed below:

- A. Internal Revenue Service limitations. The IRS limitations are most specific. They may be briefly summarized as follows:
 - A municipal body, if authorized, can issue up to one million dollars of industrial revenue bonds for almost any valid purpose.
 - A municipal body can issue up to five million dollars of Industrial Revenue Bonds but within limitations. The five million dollars is limited to total capital expenditures by the lessee or purchaser within the territorial boundaries of the municipal body issuing the bonds for a period of three years before the date of the bonds and three years after. Please note that the key figure here is "total capital expenditures," regardless of how financed. For example, a municipality cannot issue five million dollars worth of Industrial Revenue Bonds and the lessee or purchaser use an additional one million of its own funds to buy the land for the project. Since this would involve a total capital expenditure of six million, the Industrial Revenue Bonds would lose their tax-free interest status.
 - 3. Some special facilities, for example airports and grain elevators, are not subject to either the one million dollar or the five million dollars limitation. In this case, however, it is essential that the facility constructed from the proceeds of the bonds is public. In other words, it cannot be a facility which is used exclusively by the lessee or purchaser. Normally a municipality, the lessee, or the purchaser establishes the public use nature by the publishing of a tariff for all users.
 - 4. At the present time, pollution control equipment is not subject to a dollar limitation. The definition of pollution control equipment, however, is spelled out in the IRS regulations. As a result, the complete project must be analyzed to determine what portion, if any, of the pollution control equipment qualifies.
- B. The costs to issue revenue bonds may be significant. These costs are incurred by both the issuing body and the lessee or purchaser. Some of these are outlined below:
 - 1. The lessee's or purchaser's business disclosure requirements are substantial. These requirements have materially increased in recent years because there have been serious defaults in other section of the U.S. Since the bonds are liquidated exclusively from payments received from the lessee or purchaser, the bond buyers and/or investment bankers make certain

that from an ongoing business viewpoint, the project and the organization backing the bonds are viable.

- 2. The legal cost to prepare the required documentation depends on the complexity of the issue. In addition, since these bonds are a security usually offered for resale, it is essential that no state or federal law governing the sale of securities is violated.
- 3. All documentation is normally summarized in what is known as the official statement. This official statement often runs 50 or more pages. It is normally printed, and the cost of printing is an additional expense.
 - 4. The lessee's or purchaser's financial statements are included in the official statement. As a result, an audited statement for five years by a certified public accountant is usually necessary. The use of these audited financial statement and any summaries thereof must be carefully checked and approved by the certified public accountant or accountants who rendered an opinion.
 - 5. Preliminary engineering work must be completed. In some cases, a feasibility study is also required, especially where a completely new project is being financed. In others, a construction contract may be required.
 - 6. Subsequent administration required of an Industrial Revenue Bond is more complicated than the making of a monthly or yearly mortgage payment. As the result, a trustee, normally a local bank, is necessary.

The above costs should be estimated prior to initiating an issue of Industrial Revenue Bonds. If more than one series of bonds are to be issued, the cost of the second issue is usually less than the initial issue. The difference, however, is not substantial. Further, costs do not vary proportionately with the size of the bond issue.

The above costs start with the preparation of the Letter of Intent and an initial resolution authorizing the issuance of the bonds. They gradually increase as the documentation for the bond issue is prepared. Unfortunately, the municipality and lessee or purchaser never know whether the Industrial Revenue Bond issue will be finalized until the sale is made and closed. Stated otherwise, the commitment of both time and money could be significant and largely on speculation.

- C. There are also certain practical limitations. These are as follows:
 - 1. On small issues of Industrial Revenue Bonds, the costs incurred do not offset the potential interest savings.
 - 2. While the preparation of the required documentation can be both cumbersome and costly, the ultimate test of an Industrial Revenue Bond issue is will the bonds sell and at what interest rate? No issuer can guarantee neither the salability of the bonds nor the interest rate which the bonds will command.
 - 3. Industrial Revenue Bonds place restrictions on the lessee or purchaser for the life of the bond issue. Often these restrictions may be more cumbersome than conventional mortgage financing.

77-946 SOLID WASTE COMMITTEE MEMBERSHIP

THE MSD STAFF WITH THE CONCURRENCE OF THE SOLID WASTE ADVISORY COMMITTEE, FEELS THAT MEMBERSHIP OF THE COMMITTEE SHOULD BE EXTENDED TO REPRESENT THE CONSTRUCTION INDUSTRY. STAFF HAS CONSIDERED POSSIBILITIES FOR FILLING THIS POSITION, AND SUGGESTS MR. W. W. BRASSFIELD. MR. BRASSFIELD IS A MEMBER OF THE ASSOCIATION OF GENERAL CONTRACTORS, AND HAS BEEN THE RESPONSIBLE MEMBER REVIEWING THE MSD SOLID WASTE PROGRAM.

THE STAFF RECOMMENDS <u>APPOINTING</u> MR. BRASSFIELD TO THE MSD SOLID WASTE ADVISORY COMMITTEE AS REPRESENTATIVE FOR THE CONSTRUCTION INDUSTRY. MR. BRASSFIELD HAS BEEN CONTACTED AND HAS AGREED TO SERVE.

	SERVICE DIS	
10 77 - 946	DATE 10-	ABST.
BARTELS GORDON McCREADY	/	
ROBNETT SALQUIST SCHUMACHER	/_	A
MILLER, CHAIRMAN	Doard	THE CHARLEST AND AND ADDRESS OF THE
Didik		

77-947 MANDATORY RETIREMENT EXEMPTIONS

THE ZOO DIVISION DIRECTOR AND VISITOR'S SERVICES MANAGER REQUESTS MANDATORY RETIREMENT EXEMPTIONS FOR THE FOLLOWING PEOPLE FOR THE REASONS STATED:

- 1. IRENE MILTON, AGE 72, CONCESSION EMPLOYEE
 - A) SHE HAS PROVEN TO BE VERY DEPENDABLE, COMPETENT AND PERSONABLE.
 - B) SHE LIVES IN CLOSE PROXIMITY TO THE ZOO AND HAS GREAT FLEXIBILITY IN SCHEDULING THAT MAKES HER VERY VALUABLE AS A PART-TIME WORKER. IT WOULD BE DIFFICULT TO REPLACE HER BECAUSE OF HER WILLINGNESS TO WORK UNPREDICTABLE HOURS IN OUR OFF SEASON MONTHS.
 - c) SHE INDICATES SHE IS IN EXCELLENT HEALTH AND ABLE TO DO THE WORK AND WILL PROVIDE A STATEMENT TO THAT EFFECT.
- 2. Molly Ford, age 64 BIRTHDAY NOVEMBER 29, GIFT SHOP CLERK.
 - A) SHE HAS PROVEN TO BE DEPENDABLE AND COMPETENT WORKING IN THE GIFT SHOP.
 - B) SHE IS WILLING TO WORK FULL OR PART-TIME AS REQUIRED AND IS VERY FLEXIBLE FOR SCHEDULING.
 - C) SHE INDICATES SHE IS IN EXCELLENT HEALTH AND ABLE TO
 DO THE WORK AND WILL PROVIDE A STATEMENT TO THAT EFFECT.
- 3. ELLEN JOHNSON, AGE 65, CONCESSION EMPLOYEE
 - A) SHE IS VERY DEPENDABLE AND HARD WORKING.
 - B) SHE IS WILLING TO ACCEPT VERY FLEXIBLE PART-TIME SCHED-ULING DURING THE OFF SEASON PERIOD AND WOULD BE HARD TO REPLACE.
 - C) SHE INDICATES SHE IS IN EXCELLENT HEALTH AND ABLE TO DO THE WORK AND HAS PROVIDED A STATEMENT TO THAT EFFECT.

THE STAFF RECOMMENDS <u>APPROVAL</u> FOR EXEMPTION OF IRENE MILTON, MOLLY FORD, AND ELLEN JOHNSON FROM MSD'S MANDATORY RETIREMENT POLICY.

METROPOLITAN SERVICE DISTRICT
ECARD ACTION
77-947 10-28-1
NO ABST.
DARTELS
GORDON
MCCREADY
ROBNETT
SMLQUIST
SCHUMACHER
MILLER, CHAIRMAN
Jean III Jooch
Clerk of the Boate

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: 10-28-77	_
Name	REPRESENTATION
Robert Brown	DEQ
Sam Thom 45	166W-JV
Jack Pergent	Oregon Townal
Jan Galdsherry	Interested spectator
mary Byine	200 Volunteer
B. E. Lyppet	Biologist - Pathon State Univ.
Nay Haight	Atydent, interested party
Brey Dinns	Student
Nanoy King	P.S. U. Strolent 300 volunteer
anne M. Schmidt	animal health WPZ
FAURY Chorpenning	Volunteer
Elayne Linther	Volunteer
Ann Parker hittlewood	200 Keeper
Ded Tiller	interested rejection.
Kil merel DVB	Velen association Portla floring
Michael J. Schmidt D.V.M.	Wash. Park 200 - Animal Health Dopt
Rasa C. S. H.	W.P.Z ANTWAL KERPER
unolyn a intern	animal Keeper W.P.Z.
Dr. Deborah Authild	Biologist - interested citizen.
PANC PAQUET - bislogist	

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: 70 20 .	1 1		
Name		REPRESENTATION	
Reflaid to Brown			
Kun A. Agrunson	3 3 7		
Philip Thompso Dr. Robert Sizin	И	interested zoo person	
	M	interested 300 person Zoology SociETY -	
Naucy Billiam	·	200 volunteer	
Reggy Manning	B	Zoo Volunteer?	
000			
		* 100 V V V V	
	1 1		
	1		
	-		