



METROPOLITAN SERVICE DISTRICT

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

(503) 248-5470

BOARD OF DIRECTORS

WASHINGTON PARK ZOO
EDUCATION BUILDING
4001 SW CANYON ROAD

OCTOBER 13, 1978
2:00 P.M.

A G E N D A

78-1160

MINUTES

78-1161

PUBLIC COMMUNICATIONS

ADMINISTRATIVE DIVISION

73-1162

CASH DISBURSEMENTS

78-1163

MSD PERSONNEL MANUAL REVISIONS

73-1164

EMPLOYEE TRI-MET PASS SUBSIDY

SOLID WASTE DIVISION

78-1165

ORDINANCE NO. 61 - FIRST PUBLIC HEARING

, AN ORDINANCE RELATING TO DISPOSAL OF
INERT MATERIALS AND VARIANCE PROCEDURES

78-1166

PUBLIC TRANSFER STATION SITING

, SERVICE AREAS

, PUBLIC/PRIVATE PARTICIPATION

78-1167

CONTRACT 78-171 - CETA VI WATER QUALITY
PROGRAM

ZOO DIVISION

78-1168

CONTRACT 78-032Z - SHELDON EGGLESTON &

SACS - PRIMATE HOUSE DESIGN

78-1169

CONTRACT 78-033Z - ROBERT MEYER & ASSOC.-

ENTRANCE PLAZA DESIGN

78-1170

CONTRACT 78-034Z - CETA FELINE REHABILI-
TATION PROJECT

78-1171

ELEPHANT MUSEUM GRANT

78-1172

TRAVEL REQUESTS

OTHER BUSINESS

INFORMATIONAL REPORTS



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78-1160 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE SEPTEMBER 22, 1978, BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

78-1161 PUBLIC COMMUNICATIONS

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

78-1162 CASH DISBURSEMENTS

THE ACCOUNTING DEPARTMENT HAS PREPARED CHECKS NUMBERED FROM 3765 TO 3904 FROM PAYMENT REQUESTS RECEIVED, WHICH WERE APPROVED AS WITHIN MSD BUDGET.

THE STAFF RECOMMENDS APPROVAL FOR PAYMENT OF CHECKS 3765 TO 3904 FOR THE FOLLOWING DATES AND AMOUNTS: SEPTEMBER 21, 1978, IN THE TOTAL AMOUNT OF \$42,172.45; SEPTEMBER 29, 1978, IN THE TOTAL AMOUNT OF \$10,340.55; AND SEPTEMBER 30, 1978, IN THE TOTAL AMOUNT OF \$30,399.03.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1162 DATE 10-13-78

	YES	NO	ABST
ORTELS			
BUCHANAN			
EDRIS			
MCNEELY			
ROBNETT			
SALQUIST			
SCHUMACHER			

[Signature]
Clerk of the Board

78-1163 MSD PERSONNEL MANUAL REVISIONS

UNDER SEPARATE COVER IS A COPY OF THE MSD PERSONNEL MANUAL, LAST AMENDED BY THE BOARD IN SEPTEMBER OF 1977, AND ALSO THE PROPOSED REVISIONS TO THIS MANUAL.

THE PROPOSED REVISIONS FROM STAFF WERE GIVEN TO EACH EMPLOYEE, LEGAL COUNSEL, AND UNION REPRESENTATIVE ON AUGUST 16, 1978, WITH 30 DAYS ALLOWED FOR INPUT FROM THESE SOURCES.

THE AMENDED REVISIONS TOGETHER WITH THE INPUT RECEIVED WERE PRESENTED TO THE MANAGEMENT COMMITTEE ON SEPTEMBER 29, 1978. THE COMMITTEE RECOMMENDED SUBMITTAL OF THE PROPOSED REVISIONS TO THE BOARD FOR APPROVAL.

THE STAFF RECOMMENDS APPROVAL OF THESE REVISIONS TO THE PERSONNEL MANUAL. FURTHER, THAT THE NEW MANUAL BE PRINTED AS AMENDED OCTOBER 6, 1978.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1163 DATE 10-13-78
YES NO ABST

DARTELS
BUCHANAN
DURIS
McCREADY
ROBNETT
SALQUIST
SCHUMACHER

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[Signature]
Clerk of the Board

METROPOLITAN SERVICE DISTRICT

PERSONNEL

MANUAL

ADOPTED DECEMBER 10, 1976

AMENDED SEPTEMBER 9, 1977

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INTRODUCTION

This document represents the comprehensive Personnel Manual for employees of the Metropolitan Service District. Effective business management and satisfactory employee relations are greatly dependent upon a clear understanding by both management and staff operating procedures. This document is designed to achieve such an understanding.

The manual will be subject to yearly updating and periodic revisions when required. In each instance, employees will be offered an opportunity to review all revisions and comment on each prior to adoption by the MSD Board of Directors.

ADMINISTRATION OF THE RULES

The MSD Administrative Director shall be responsible for:

- (a) Administering all the provisions of the personnel rules;
- (b) Preparing and recommending to the Board of Directors, personnel rules and revisions and amendments to such rules.

APPROVAL AND AMENDMENT OF THE RULES

Personnel rules contained herein shall be approved and amended by the Board of Directors. The rules shall provide means to recruit, select, develop and maintain an effective and responsible work force, and shall include policies and procedures for hiring, advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related matters which are pertinent to the maintenance and effective operation of the Metropolitan Service District.

In addition, the personnel rules shall be presented, approved, and amended in a spirit of good faith and shall be subject to review and comment by MSD employees.

UNION AGREEMENTS

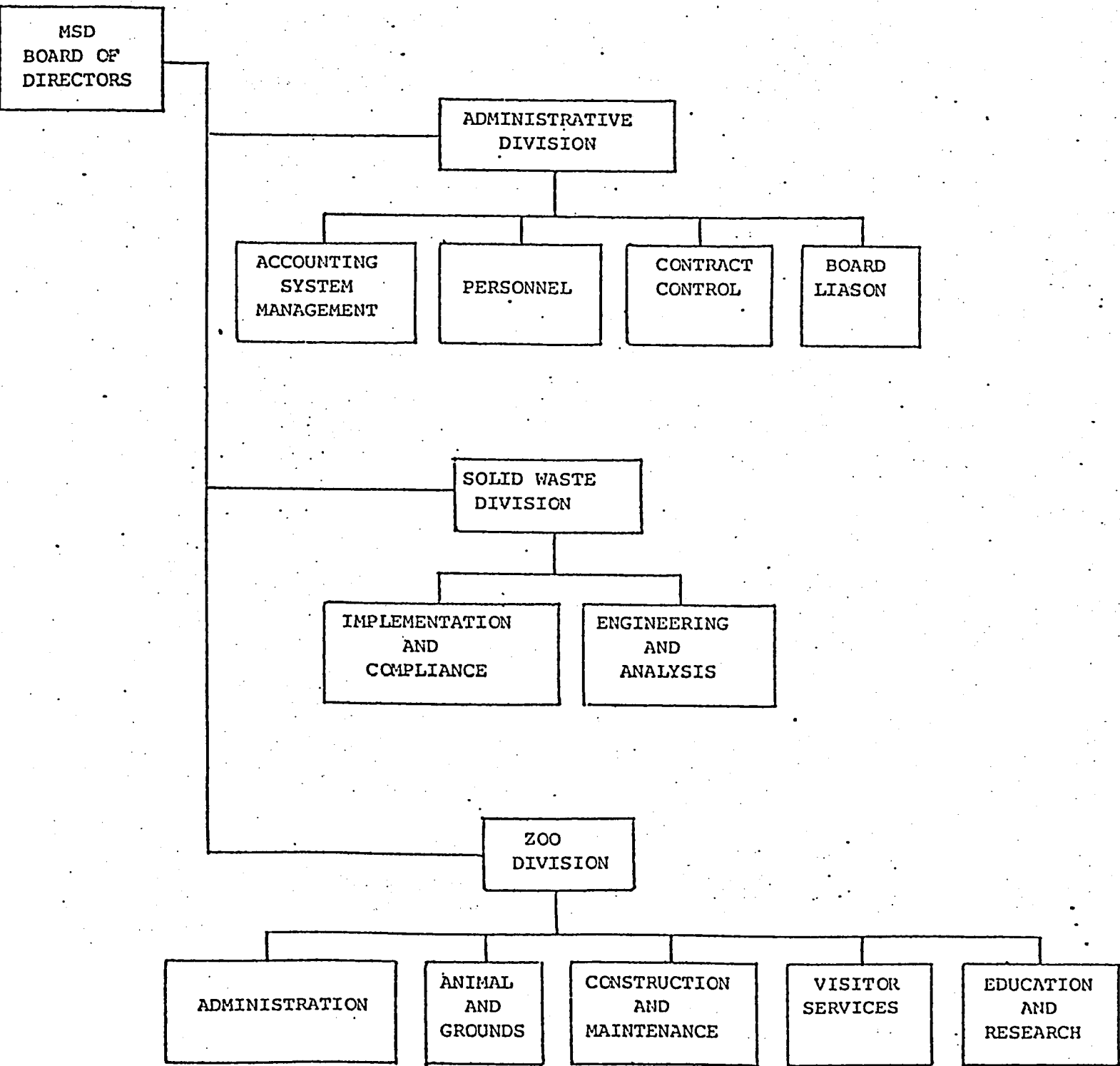
The MSD Board of Directors have entered into agreements with the Laborers International Union, Local 483 and Service Employees Union, Local 49. It is the intent that this Personnel Manual apply to all MSD employees; however, if portions of this Manual differ from specific provisions of a Union Agreement, the specific provisions of the Union Agreement will take precedence for those employees covered by said Agreement.

SEPARABILITY

If any section, subsection, sentence, clause, or phrase of these rules if for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these rules.

METROPOLITAN SERVICE DISTRICT

ORGANIZATIONAL STRUCTURE



ARTICLE 1 GENERAL

Section 1.1 PURPOSE.

- 1.1.1 The purpose of these rules is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal, and other matters affecting the status of employees of the Metropolitan Service District. Said rules and regulations are provided to maintain uniformity and equity in personnel matters and to encourage each employee to give his or her best effort to the Metropolitan Service District.

Section 1.2 VARIANCES.

- 1.2.1 The Director of Administration shall have the power to vary or modify the strict application of the provisions of these rules in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships, with the exception of Section 3.2, Grievance Procedure.

Section 1.3 DEFINITIONS.

- 1.3.1 As used in these rules, as well as in day to day personnel matters, the following terms shall have the meanings indicated.

Anniversary Date

One year from the date of employment.

Appeal

A request to the Division Director for reconsideration of a decision.

Appointing Power

The Division Director, to whom authority is vested to make the appointment to fill a vacant position.

Calendar Year

Twelve (12) month period beginning January 1, and ending December 31.

Central Personnel File

A file which contains complete personnel records of all MSD employees.

Class

A group of positions sufficiently alike in duties to require similar compensation.

Compensatory Time Off

Time off from work to compensate the employee for holiday and overtime worked.

Continuous Service

Uninterrupted employment with MSD. Reasonable absences due to military leave or other extended leaves approved in writing by the Division Director and Director of Administration do not constitute a break in continuous employment.

Department

A unit within a Division.

Disciplinary Action

Imposition of certain personnel action, i.e., reprimand, warning, demotion, suspension, discharge, as a result of conduct detrimental to MSD.

Discharge

Termination of employment with MSD for reasons attributable to the employee.

Division

A major functional unit of the MSD.

Division Director

A person directly responsible to the MSD Board for the administration of a division.

Employee

Anyone who is salaried or receives wages for employment with the MSD.

Examination

A test for the purpose of evaluating an applicant for an employment vacancy.

Fiscal Year

Twelve (12) month period beginning July 1, and ending June 30.

Grievance

An employee's oral or written expression of dissatisfaction with some aspect of his employment for the purpose of attempting to gain adjustment of said cause of dissatisfaction.

Hourly Rate

Rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year (2080).

Immediate Family

The husband, wife, son, daughter, mother, father, brother, sister, father-in-law, mother-in-law, or any relative living in the employee's household.

Layoff

A separation from employment not reflecting discredit upon the employee due to reduction in work force.

Leave of Absence

Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the Division Director and the Director of Administration.

Military Leave

Leave of absence for an employee entering reserve military training duty.

Month

One calendar month.

MSD

Metropolitan Service District

Non-Occupational Disability

Disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to performance of assigned duties.

Occupational Disability

Disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.

Overtime

Overtime shall be considered as authorized time worked in excess of the regularly scheduled workweek.

Part Time Employee

An employee who is employed to work less than a standard workweek or on a seasonal basis. Part time employees are not entitled to full fringe benefits and are paid on an hourly basis.

Permanent Employee

An employee who has been appointed to fill a specific classified position, works the normal amount of working hours for the position, and is entitled to all compensation and benefits as described in this document.

Personnel Action

Any action taken with reference to appointment, commendation, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.

Probationary Period

A working test period during which an employee is required to demonstrate fitness for the duties to which the employee is appointed by actual performance of the duties of the position.

Promotion

An advancement of an employee from one classification to a higher classification.

Reclassification

A change in classification of a position by raising it to a higher class, or reducing it to a lower class.

Transfer

A change of an employee from one position to another in the same class within the organizational structure of MSD.

Workday

The regularly scheduled workday shall be determined by the Division Director, but in no case shall the workday be less than eight (8) hours.

Workweek

The regularly scheduled workweek shall be determined by the Division Director, but in no case shall the workweek be less than 40 hours.

ARTICLE 2 PERSONNEL POLICIES AND PROCEDURES

Section 2.1 APPOINTMENT.

- 2.1.1 All original appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities shall be determined through careful and impartial evaluation of the following:
 - a) The applicant's level of training relative to the requirements of the position for which he or she has applied;
 - b) The applicant's level of education relative to the requirements of the position for which he or she has applied; and
 - c) The results of an oral interview and/or an examination, if any.
- 2.1.2 No question in any examination or in any application form or by any appointing power shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, age, sex, marital status, or political or religious affiliation, for the purpose of discriminating on employment.
- 2.1.3 All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.
- 2.1.4 Equal consideration shall be given to present employees of MSD in filling vacancies within the organization subject to Section 2.10. Employees are encouraged to apply for any open position for which they feel qualified. Applications will be considered without prejudice to their present position.

Section 2.2 PROBATIONARY PERIOD.

- 2.2.1 All original and promotional appointments shall be tentative and subject to a standard probationary period of six consecutive months service.
- 2.2.2 In cases where a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond twelve months. The employee shall be notified in writing of any extension and the reasons therefore.
- 2.2.3 During the original probationary period, the employee shall not be eligible for vacation benefits unless by permission of the Division Director, but shall commence earning vacation credit from the date of hiring.

- 2.2.4 Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position shall gain regular status, and shall be so informed.
- 2.2.5 During the original probationary period, a probationary employee may be terminated at any time upon five days notice and for any reason without appeal and without previous lesser disciplinary action.
- 2.2.6 In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period and be reinstated in the class designation from which he or she was promoted, even though this may necessitate the layoff of the employee occupying the position.

Section 2.3 ATTENDANCE.

- 2.3.1 Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves of absence.
- 2.3.2 An employee shall not absent themselves from work for any reason other than those specified in these rules authorizing sick leave without making prior arrangements with their Department Head. Unless such prior arrangements are made, an employee, who for any reason fails to report to work, shall make a sincere effort to immediately notify the Department Head of the reason for being absent.
- 2.3.3 Any unauthorized absence of an employee from duty may be deemed to be an absence without pay and may be cause for disciplinary action.

Section 2.4 PERSONNEL RECORDS.

- 2.4.1 The Director of Administration shall maintain personnel records for each employee in the service of MSD.
- 2.4.2 The personnel record shall show the employee's name title of position held, the department to which assigned, salary, change in employment status, training received, and evaluation and performance reports and such other information as may be considered pertinent.
- 2.4.3 Evaluation of an employee shall start from the first day of employment. Employees shall be given a review by his or her Department Head five and one half months after appointed to a classified position and thereafter on an annual basis. The evaluation will be signed and dated by the employee, reviewed, signed and dated by the Division Director, and filed in the employee's

personnel file.

- 2.4.4 Employee personnel records shall be considered confidential and shall be accessible only to the following:
- a) the employee concerned;
 - b) those authorized by the Director of Administration.

Section 2.5 TRANSFERS.

- 2.5.1 Requests from employees for transfers from one division or department to another shall be made in writing, and shall be directed to the employee's present Division Director and referred to the appropriate Division Director. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which he or she does not possess the minimum qualifications. Transfers are subject to the requirements of Section 2.10, Family Relations.

Section 2.6 LAYOFF.

- 2.6.1 If there are changes of duties in the organization, lack of work or lack of funds, the Division Director may layoff employees; however, the Division Director shall first make every reasonable effort to integrate those employees into another position with the Service District by transfer. When layoffs are required, the Division Director shall base the decision on relative merit, and shall give due consideration to seniority only where the employee's qualifications and ability are relatively equal. The MSD shall give all salaried employees not on probation a minimum of two weeks written notice of their termination from MSD employment.
- 2.6.2 Any employee voluntarily terminating his employment with MSD shall give a minimum of two weeks written notice of termination from MSD.

Section 2.7 TRAVEL EXPENSE.

- 2.7.1 When employees are required to travel on official business, reimbursement for expenses incurred shall be determined as follows:
- a) Travel on official business by an employee should be via public carrier or MSD-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate of \$.15 per mile. This rate includes insurance, but not storage expense of the vehicle which is an eligible expense.
 - b) When travel by MSD-owned vehicle or public carrier is practical but the employee elects to use his own vehicle, the employee shall not be reimbursed.

- c) Reimbursement for travel and subsistence on official trips by bus, train, or airplane, shall only be the amount of actual and reasonable expense incurred during the performance of official duty as a MSD employee for the benefit of MSD. MSD will pay the actual cost of travel. Actual cost of expenses over \$3.00 will be reimbursed with receipts or the employee may elect to receive a \$15.00 per diem. Said per diem shall cover meals, commuter fares, and other miscellaneous expenses. Said per diem does not include accommodations, major transportation fares and registration costs. MSD will not pay for first class air travel unless tourist class is not available. Airline tickets should be ordered by MSD. Advances for anticipated trip costs may be made upon approval of the Division Director. All travel estimated to exceed \$100.00 shall have prior approval by the MSD Board.

Section 2.8 EMPLOYEE ORGANIZATIONS AND REPRESENTATION.

- 2.8.1 Employees of MSD shall have the right to form, to join, and to participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions. Employees may form an Employee Advisory Committee to the Division Director for the purposes of employee input on matters relating to wages, fringe benefits, working hours, and working conditions.
- 2.8.2 Upon action of either MSD or the employees, the Employee Advisory Committee may serve as the Grievance Committee to adjudicate employee grievances and to advise MSD of its recommendations.

Section 2.9 POLITICAL ACTIVITY.

- 2.9.1 Nothing contained within these rules shall affect the right of the employee to hold membership in and support a political party, to vote as he or she chooses, to express his or her private opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings. An employee must exercise all due caution in such activities to prevent public misunderstanding of such actions as representing MSD.

Section 2.10 FAMILY RELATIONS.

MSD will not employ an individual if such action:

- a) Would constitute a violation of any law of the State of Oregon or of the United States, or any rule promulgated pursuant thereto, with which MSD is

- required to comply;
- b) Would constitute a violation of the conditions of eligibility for receipt by MSD of financial assistance from the State of Oregon or the United States;
- c) Would place the individual in a position of exercising supervisory, appointment or grievance adjustment authority over a member of the individual's family or in a position of being subject to such authority which a member of the individual's family exercises;
- d) Would cause MSD to disregard a bona fide occupational requirement reasonably necessary to MDS's normal operations and functions.

For the purpose of this section, member of individual's family means the wife, husband, daughter, son, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent or stepchild of the individual.

Section 2.11 MANDATORY RETIREMENT

2.11.1 There shall be mandatory retirement for any employee reaching age 65 unless granted exemption by the board. Exemption should have favorable support of department head and division director in question.

2.11.2 Board should annually review all exemptions.

ARTICLE 3 GENERAL CONDUCT, DISCIPLINE, TERMINATION AND APPEAL

Section 3.1 DISCIPLINARY ACTION

3.1.1 Disciplinary action ranges from oral or written reprimands to suspension, demotion, or discharge from employment, and depends on the severity of the offense as well as the number of the frequency of previous acts of misconduct.

3.1.2 Except as provided in §2.2.5 of this Manual, it shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of these personnel rules. No employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by these personnel rules.

3.1.3 Any of the following may constitute ground for disciplinary action:

- a) Abandonment of position;
- b) Absence from duty without leave;
- c) Abuse of leave privileges;
- d) Below-standard work performance;
- e) Discourteous treatment of the public or other employees;
- f) Intoxication during working hours;

- g) Fraud in securing appointment or promotion;
- h) Insubordination
- i) Misuse of MSD property, funds or records;
- j) Neglect of duty;
- k) Willful deceit.
- l) Action inconsistent with the well-being, health, or safety of zoo animals

3.1.4 Disciplinary action shall be imposed in the progressive manner specified below:

- a) Counseling - Disciplinary counseling is any discussion with an employee designed to help the employee remedy identified problems in skills, abilities or work performance. It shall be used before issuing an oral warning and may be used at any other time at the discretion of the Department Head or Division Director.
- b) Oral Warning - Oral warning is notice to an employee that his or her behavior or performance need improvement. It defines areas where improvement is needed, sets goals and informs the employee that failure to improve may result in more serious action. The Department Head or Division Director shall record the date and content of the oral warning and a record will be placed in the employee's personnel record. An oral warning shall be preceded by counseling.
- c) Written warning - Written warning is formal notice to the employee that his or her performance or behavior needs improvement. It contains the same elements as the oral warning, and shall be preceded by an oral warning. A copy of the written warning is placed in the employee's personnel record. When corrective action has been taken by the employee it will be so noted and placed in the employee's personnel file. A written warning will be approved by the Division Director prior to being forwarded to an employee and placed in his or her file.
- d) Suspension - Suspension is a temporary removal of the employee from his or her duties without pay. Suspension without pay shall only be used after a written warning has been issued and the Division Director has reason to believe that the suspension will bring about the needed improvement in the employee's performance or behavior. Suspensions can only be made by the Division Director.
- e) Demotion - Demotion is the transfer of an employee from his or her present position to one of lower classification and/or pay scale. Demotion shall be preceded by a written warning.
- f) Discharge - Discharge is the removal of the employee from the service of MSD. Discharge shall be preceded by at least a one day suspension.

3.1.5 The power to suspend, demote or discharge is granted to the Division Director.

- a) Notice of suspension or demotion - Except as provided in 2.2.5 of this Manual, the Division Director shall give an employee whose suspension or demotion is sought written notice of the proposed action, stating any and all reasons, specifically and in detail, for the proposed action. The notice becomes a permanent part of the employee's personnel record.
- b) Employee's answer - The employee is entitled to a reasonable time for answering the notice of proposed suspension or demotion and for furnishing affidavits in support of his or her answer. If the employee answers, the Division Director shall consider the answer in reaching a decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the Division Director shall appoint a representative or representatives available to hear his or her answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed suspension or demotion or to recommend what final decision should be made. The Division Director shall give a written decision on the answer at the earliest practicable date. The written answer and decision become a permanent part of the employee's personnel record.

3.1.7

- a) Notice of Discharge - Except as provided in 2.2.5 of this manual, the Division Director shall give an employee whose discharge is sought at least 14 days' written notice of:
 - (i) The proposed discharge;
 - (ii) Any and all reasons, specifically and in detail, for the proposed discharge; and
 - (iii) The employee's right to a contested case hearing before an impartial hearing examiner, pursuant to 3.1.i of this Manual.

The notice becomes a permanent part of the employee's personnel record.

- b) Employee's answer - The employees shall notify the Division Director within seven days of the receipt of the notice of discharge that he or she desires a contested case hearing by filing with the division director a written answer and request for hearing. The answer shall set forth the employee's reasons for contesting the proposed discharge, with such offer of proof and pertinent documents as he or she is able to submit. In the absence of a timely answer and request, discharge may be effected without further notice.

3.1.8 Conduct of contested case hearing

- a) An employee is entitled to appear at the hearing personally or through or accompanied by his or her representative. MSD is also entitled to participate in the hearing. Both parties are entitled to produce witnesses.
- b) MSD shall make its employees available as witnesses at the hearing when (i) requested by the examiner after consideration of a request by the employee or MSD, and (ii) it is administratively practical to comply with the request of the examiner. If MSD determines that it is not administratively practicable to comply with the request of the examiner, it shall submit to the examiner its written reasons for the declination. Employees of MSD shall be free from restraints, interference, coercion, discrimination or reprisal in presenting the testimony.
- c) Hearings are not open to the public or the press. Attendance at hearings is limited to persons determined by the examiner to have a direct connection with the hearing.
- d) The hearing shall be conducted by a hearing examiner who does not occupy a position which is directly or indirectly, under the jurisdiction of the Division Director. The examiner shall conduct the hearing and shall afford the parties opportunity to introduce evidence (including testimony and statements by the employee, his representative, representatives of MSD, and witnesses), and to cross-examine witnesses. Testimony is under oath or affirmation. Rules of evidence are not applied strictly, but the examiner shall exclude irrelevant or unduly repetitious testimony.
- e) The hearing shall be recorded and transcribed verbatim. All documents submitted to and accepted by the examiner at the hearing shall be made a part of the record of the hearing. If MSD submits a document that is accepted, it shall furnish a copy of the document to the employee. If the employee submits a document that is accepted, he or she shall make the document available to MSD for reproduction. The employee is entitled to be furnished upon request a transcript of the hearing at or before the time he or she is furnished a copy of the report of the examiner. The record shall be closed at the conclusion of the hearing except that the examiner has discretion to per

mit the parties to submit written argument or briefs after the record is closed. When the record is closed there is no right to submit additional evidence into the record.

- f) The examiner shall issue a proposed order, which shall contain rulings on admissibility of offered evidence, findings of fact, conclusions of law and the decision reached.

3.1.9 Proposed Orders

- a) If a majority of the officials who are to render the final order were not present at the hearing or have not reviewed and considered the record, and the order is adverse to a party (excluding the agency), a proposed order including findings of fact and conclusions of law shall be served upon the parties.
- b) The parties have fourteen (14) days from the date of mailing or personal service in which to file with the agency and serve upon the other parties a request that the agency review the proposed order.
- c) Unless a timely request for agency review is filed or unless within the same time limit the agency, upon the motion of its Chairman, or a majority of the members, decides to review it, the proposed order of the examiner shall become the final order of the agency.
- d) If the agency review is invoked, then the parties shall be given thirty days from the date of mailing or personal service of the examiner's proposed order, or such further time as the agency may allow, to file with the agency and serve upon the other parties written exceptions and arguments to the proposed order. Such exceptions and arguments shall include proposed alternative findings of fact, conclusions of law, and order and shall include specific references to those portions of the record upon which the party relies. As to any finding of fact made by the examiner, the agency may make an identical finding without any further consideration of the record.
- e) The agency may make a finding identical to that proposed by all parties other than the agency without any further consideration of the record.
- f) Following the expiration of the time allowed the parties to present exceptions and arguments, the Chairman may at his discretion schedule the matter for oral argument before the agency.

3.1.10 Final Orders

- a) Final orders on contested cases shall be in writing and include the following:

.1 Rulings on admissibility of offered evidence.

.2 Findings of fact--those matters which are either agreed as fact or which, when disputed are determined by the fact finder, on substantial evidence, to be a fact over contentions to the contrary.

.3 Conclusion(s) of law--applications of the controlling law to the facts found and the legal results arising therefrom.

.4 Order--the action taken by the agency as a result of the findings of fact and conclusions of law.

- b) Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.

Section 3.2 GRIEVANCE PROCEDURE.

- 3.2.1 The Division Director shall promptly consider and equitable adjust employee grievances relating to employment conditions and relationships; however, informal adjustment of grievances between supervisors and employees are encouraged.
- 3.2.2 The following steps shall be followed in submitting and processing a grievance:
 - a) Step 1 - The aggrieved employee or group of employees shall orally present the grievances to the immediate supervisor within five working days of its occurrence. The supervisor shall give his or her reply within five working days of the date of presentation of the grievance, not including the date of presentation.
 - b) Step 2 - If the grievance is not settled in Step 1, then it shall be put in writing, dated and signed by the aggrieved employee or group of employees and shall be presented to the Division Director within five working days after the supervisor's oral reply is given, not including the day the answer is given. The Division Director shall reply in writing to the grievance within five working days of the date of presentation of the written grievance, not including the day of its presentation.
- 3.2.3 The decision of the Division Director shall be final and binding on the employee or group of employees.
- 3.2.4 Any grievance not taken to the next Step of the Grievance Procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this Section.

- 3.2.5 If the appropriate course of action fails to meet or answer any grievance within the time limits prescribed for such action by this Section, such grievance shall automatically advance to the next Step.
- 3.2.6 The time limits prescribed in this Section for the initiation and completion of the steps of the Grievance Procedure may be extended by mutual consent. Mutual consent shall be indicated in writing and shall be signed by all parties involved.
- 3.2.7 No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the Grievance Procedure.

ARTICLE 4 CLASSIFICATION PLAN

Section 4.1 CLASSIFICATION PLAN.

- 4.1.1 A Classification Plan shall be adopted and amended by the Board of Directors annually.
- 4.1.2 The Classification Plan shall consist of both non-union and union staff positions in the MSD. The Classification Plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character or work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

Section 4.2 TITLES AND SPECIFICATIONS.

- 4.2.1 The Classification Plan shall include titles for the various classes of positions as a guide toward equal pay for equal work. Job titles shall refer to a particular position, not to the individual filling a particular position, and shall be used in all personnel, budget and financial records.
- 4.2.2 Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.
- 4.2.3 The Classification Plan shall be supplemented by a Position Specification Sheet containing a Description Title - education or training required, reporting order, and types of duties to be performed.

Section 4.3 RECLASSIFICATION.

- 4.3.1 Positions may be reclassified by the Division Director whenever the duties of the position change materially, provided the reclassification can be accomplished within the limitations of the current budget.
- 4.3.2 Reclassification of a position shall not be used as a substitute for disciplinary action or to avoid restrictions concerning compensation.

Section 4.4 NEW POSITIONS.

- 4.4.1 The Director of Administration with the assistance of Division Directors shall be responsible for keeping the Classification Plan current through periodic studies of the positions within the organizational structure and adopted budget of MSD.
- 4.4.2 No position shall carry an official title which has not been approved by the Division Director as being appropriate to the duties performed.
- 4.4.3 The Director of Administration in conjunction with Division Directors may create new positions and allocate the positions to an appropriate class.

ARTICLE 5 PAY PLAN AND COMPENSATION

Section 5.1 PAY PLAN.

- 5.1.1 The Director of Administration shall prepare a Compensation Plan which shall prescribe a minimum and a maximum rate of pay appropriate for each position.
- 5.1.2 The rate or range for each position shall equitably reflect the difference in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment within the same job market.

Section 5.2 ANALYSIS OF PAY PLAN.

- 5.2.1 At least once each fiscal year, the Director of Administration shall compare the current MSD salary rates, compensation policies and personnel developments with those of other public and private employers within the same job market. Changes in the cost of living shall also be considered. The Director of Administration shall then examine the salary range for each class of position to ascertain whether current minimum and

maximum salaries should be maintained, increased or decreased during the succeeding fiscal year; and, upon the basis of this analysis, shall submit recommendations for amending the pay plan to the Board of Directors.

Section 5.3 APPOINTEE COMPENSATION

- 5.3.1 Upon initial appointment to a position, the employee may receive the minimum salary for the position.
- 5.3.2 When the appointee is exceptionally qualified, the Division Director may make the appointment at a salary level above the minimum salary for the position.

Section 5.4 OVERTIME COMPENSATION

- 5.4.1 Department Heads shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established work day and work week. No overtime for employees shall be worked without the prior approval of the Department Head.
- 5.4.2 When employees are required to work overtime, overtime will be paid at the rate of one and one-half (1 1/2) times an employee's established hourly rate for all work performed outside of or in excess of an employee's established shift hours and on the employee's sixth and seventh day of work in any week and on holidays.
- 5.4.3 Compensatory time will no longer be given. All compensatory time accumulated must be used by July 1, 1978, and must be used at the discretion of the Department Head.
- 5.4.4 Employees in the classification 6 and above will not be reimbursed for overtime worked.

Section 5.5 SALARY ADMINISTRATION.

- 5.5.1 All MSD personnel shall be paid according to the salary plan. The salary plan shall be updated annually with consideration given to MSD's fiscal situation, to attracting and retaining highly qualified personnel, and to equity of compensation between MSD salary plan and comparable rates of pay in public and private employment within the State of Oregon.
- 5.5.2 Employees shall be paid bi-weekly. Pay periods shall commence on Thursday and end on Wednesday two weeks later
- 5.5.3 Payday shall fall bi-weekly and in no case shall more than six days' pay be held back. In the event the normal payday falls on a holiday, payday shall occur the last regular workday before the holiday.
- 5.5.4 Payroll deduction will be made for income tax withholding union dues, FICA, and workman's compensation insurance,

and employees contributions to employee benefits as approved by the Director of Administration at the request of the employee.

- 5.5.5 Bi-weekly time sheets are kept by each employee. The bi-weekly time sheet records hours worked, vacation, holidays, sick leave, and other time record information, and will be used to facilitate generating the bi-weekly payroll.

ARTICLE VI FRINGE BENEFITS

Section 6.1 HOLIDAYS.

- 6.1.1 All permanent employees of MSD shall be entitled to the holidays listed below with pay. Permanent employees shall receive regular compensation; part-time employees shall not be compensated.
- a) New Years Day
 - b) Washington's Birthday
 - c) Memorial Day
 - d) Independence Day
 - e) Labor Day
 - f) Veterans Day
 - g) Thanksgiving Day
 - h) Christmas Day
 - i) Two Floating Holidays - Employees choice with Department Heads approval.
- 6.1.2 If any holiday falls on a Sunday, the following Monday shall be given as a holiday. If any holiday falls on a Saturday, the preceding Friday shall be given as a holiday.
- 6.1.3 Additional days appointed by the Congress of the United States or by the Governor of the State of Oregon as a legal holiday shall be observed by the MSD as a holiday.
- 6.1.4 A permanent employee who is required to work on a recognized holiday as part of his or her regular workweek shall be allowed time off computed at the overtime rate. Said time off shall be scheduled by the Department Head.
- 6.1.5 Holidays which occur during vacation or sick leave shall not be charged against such leave.
- 6.1.6 Probationary employees, other than those on probation due to promotion, shall not be eligible for the floating holidays until after the probationary period.

Section 6.2 VACATION

- 6.2.1 All permanent employees shall be granted annual vacation leave with pay.
- 6.2.2 Employees shall not accumulate more than one year's earned vacation (see Section 6.3) without the specific approval of the Division Director. In no case shall vacation be accrued beyond the rate for two years.
- 6.2.3 Department Heads shall schedule vacation for their respective staff with due consideration for seniority, the desires of the staff, and the work requirements facing the department. Vacation schedules may be amended to allow the department to meet emergency situations.
- 6.2.4 Any employee who resigns, retires, or is laid off, suspended or discharged from employment with MSD, shall be entitled to an immediate lump sum payment for accrued and unused vacation at his or her existing salary rate provided that separation occurs after the initial probationary period has been served.

Section 6.3 VACATION CREDIT AND ACCRUAL RATE.

- 6.3.1 Annual vacation leave for employees shall be computed on the basis of time actually served during each calendar year. The rate that annual vacation leave accrues shall depend on the number of years of total service for the Employee, whether or not total service was broken. If in a calendar year an employee will have attained the following number of years of total service, then on January 1 of that year his annual vacation leave shall accrue at the following rates, provided, however, that for employees hired after 7/01/77 their anniversary date for the purpose of accruing annual vacation leave shall be their date of hire.

<u>Total Years of Service</u>	<u>Accrual Rate Per Month Served</u>	<u>Vacation Leave Per Year</u>
0 - 1 Entry	3-1/3 hours	40 hours
1 through 4	6-2/3 hours	80 hours
5 through 9	10 hours	120 hours
10 through 14	11-2/3 hours	140 hours
15 through 19	13-1/2 hours	160 hours
20 through 24	15 hours	180 hours
25 years or more	16-2/3 hours	200 hours

Section 6.4 SICK LEAVE

- 6.4.1 All permanent employees shall earn sick leave with full pay at a rate of four (4) hours per bi-weekly payroll period. Sick leave shall accrue from the date of employment, but shall not be accumulated in excess of 520 hours

Sick leave will be available for use as it is earned.

- 6.4.2 Employees are eligible for sick leave for the following reasons:
- a) Personal illness or physical disability;
 - b) Quarantine of an employee by a physician for non-occupationally related disability;
 - c) Illness in the immediate family requiring the employee to remain with the family member.
- 6.4.3 Sick leave shall be charged as follows:
- a) Employees shall be charged leave on the basis of actual time off work;
 - b) Not less than one (1) hour of sick leave may be charged for any portion of the workday missed due to sickness;
 - c) Sick leave shall not be taken until earned.
- 6.4.4 Abuse of the sick leave privilege shall be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in Section 6.4.2 above, shall report the reason for the absence to his or her supervisor. Sick leave with pay may not be allowed unless such report has been made. Report of sick leave taken shall be made to the Division Director.
- 6.4.5 Unused sick leave credit shall not be compensated for in any way at the time of resignation or dismissal of any employee.

Section 6.5 MATERNITY LEAVE.

- 6.5.1 Upon application, supported by a statement of the attending physician, a leave of absence will be granted without pay for a period not to exceed six months in cases of the pregnancy of a permanent employee. Any employee requesting such a leave shall file such request in writing with the Division Director and attach thereto a statement of the attending physician.
- 6.5.2 Pregnant employees upon ceasing work may use such vacation and sick leave as she may have earned, except that such vacation time must have been regularly available to her during the calendar year and the sick leave shall not exceed the amount which has been earned up to the time the leave of absence begins. The leave of absence without pay shall commence immediately upon completion of the vacation and sick leave.

Section 6.6 LEAVE OF ABSENCE WITHOUT PAY.

- 6.6.1 A permanent employee may be granted leave of absence without pay for a period not to exceed three (3) months, provided such leave can be scheduled without

adversely affecting the operations of MSD. Requests for leave of absence without pay shall be approved by the Division Director and shall contain reasonable justification.

Section 6.7 LEAVE OF ABSENCE WITH PAY.

- 6.7.1 Permanent employees may request leave of absence with pay for the purposes specified in this section. Each request shall be judged by the Division Director on its merit and on the basis of the guidelines provided in this section.
- 6.7.2 Compassionate Leave - In the event of a death in the immediate family, an employee may be granted leave of absence with pay not to exceed four working days. In the event of the death of an employee, fellow employees may be granted a reasonable time off to attend the funeral. Time not worked because of such absence shall not affect vacation or sick leave accrued.
- 6.7.3 Funeral Participation - When an employee serves as a pall bearer in a funeral ceremony, he or she may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect vacation or sick leave accrued.
- 6.7.4 Witness or Jury Duty - When a MSD employee is called for jury duty or is subpoenaed as a witness, he or she shall not suffer any loss of regular compensation during such absence. However, the amount of the compensation an employee receives for such duty shall be deducted from gross earnings and so indicated on payroll record. Time not worked because of such duty shall not affect vacation and sick leave accrued.
- 6.7.5 Military Leave - An employee who has successfully completed the probationary period and who is a member of the National Guard or a reserve component of the Armed Forces of the United States or of the United States Public Health Service shall be entitled, upon application, to a leave of absence for a period not exceeding fifteen calendar days in any one (1) calendar year. Such leave shall be granted without loss of time, and without impairment of merit ratings or other rights or benefits to which the employee is entitled. The amount of compensation a salaried employee receives for such duty shall be deducted from gross earnings and so indicated on the payroll record.

Military Leave with pay shall be granted only when an employee receives bonafied orders to temporary active training duty, and shall not be paid if the employee

does not return to his or her position immediately following the expiration of the period for which he or she was ordered to duty.

- 6.7.6 Conferences and Conventions - Decisions concerning attendance at conferences, conventions, or other meetings at MSD's expense shall be authorized by the Division Director. Permission shall be granted on the basis of an employee's participation in or the direct relation of his or her work to the subject matter of the meeting. MSD may pay for professional or trade membership for employees when deemed appropriate by the Division Director.

Section 6.8 EDUCATIONAL OPPORTUNITIES.

- 6.8.1 All MSD employees are encouraged to pursue educational opportunities which are directly related to the employee's work as well as any other opportunities which will add to the employee's education and/or skill level.
- 6.8.2 Employees who register for courses which are adjudged to be of direct and significant benefit to MSD may receive some form of compensation for expenses incurred by the employee for taking approved courses.
- 6.8.3 Approval of courses for which an employee may receive some form of compensation and the type and amount of compensation shall be made by the Division Director on an individual basis subject to budget limitations, prior to employee registration for the class.
- 6.8.4 Normally, the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If MSD purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of MSD.

Section 6.9 SOCIAL SECURITY.

- 6.9.1 MSD shall make the proper contribution to the Social Security Plan.

Section 6.10 WORKMAN'S COMPENSATION INSURANCE.

- 6.10.1 All employees are covered for medical expenses and disability benefits for injuries or illness resulting from employment. An injury or illness sustained on the job must be immediately reported. The appropriate accident report form must be completed and sent to the State Industrial Accident Fund of the State of Oregon.

- 6.10.3 The cost of Workman's Compensation Insurance is paid by MSD with the exception of the employee contributions mandated by the Workman's Compensation Law of the State of Oregon.
- 6.10.4 During an absence due to an industrial accident which has been accepted by the State Accident Insurance Fund, employees shall be entitled to receive an income supplement from the MSD in an amount equal to the difference between his or her daily base rate of pay and the amount received from the Fund per day. The employee shall receive such an income supplement for as many days as he or she had accrued sick leave on the day of the accident. The income supplement shall be charged against the employee's sick leave.

Section 6.11 INSURANCES.

- 6.11.1 All permanent employees receive health, life, disability, vision, and dental insurance and are members of MSD's retirement plan. Additional life insurance coverage may be purchased by the employee and the premium paid by the employee. Booklets describing these benefits are available.

ARTICLE 7 ORIENTATION

- Section 7.1 All new employees shall be provided with a copy of the Personnel Manual and other information about the structure, employees, and activities of this agency as may be deemed appropriate.

PROPOSED CHANGES FOR MSD PERSONNEL MANUAL - 10/6/78

Section 1.3.1 DEFINITIONS

- Page 4 "ANNIVERSARY DATE" -- First four words deleted so this read -- "DATE OF EMPLOYMENT".
- Page 5 "COMPENSATORY TIME OFF" -- Deleted in its entirety, no longer applicable.
- Page 5 "DIVISION DIRECTOR" -- The words "To the MSD Board" deleted from the definition.
- Page 6 "IMMEDIATE FAMILY" -- Add "Grandparents" to those listed
- Page 6 "LEAVE OF ABSENCE" -- The last 5 words deleted, the definition ending with "Division Director".
- Page 7 "WORKDAY" -- Changed to read-- "The regulary scheduled workday shall be eight (8) hours."
- Page 7 "WORKWEEK" -- Changed to read -- "The regularly scheduled workweek shall be forty (40) hours."

Section 2.3.2 ATTENDANCE

- Page 9 First sentence replace with -- "Employees shall not absent themselves from work for any reason other than those specified in these rules without making prior arrangements with their Department Head."

Section 2.4.3 PERSONNEL RECORDS

- Page 9 First and second sentences replaced with -- "Employees performance shall be evaluated pursuant to MSD Administrative procedures."

Section 2.7.1.(c) TRAVEL EXPENSE

- Page 11 "AND EXPENSES" -- added at the end of the second sentence.
- First part of the third sentence deleted to it now reads -- "The employee may elect to receive a \$15.00 per deim."
- "MSD Board" at the end of the last sentence replaced with "Administrative Division Director".

Section 2.8.1 EMPLOYEE ORGANIZATIONS AND REPRESENTATION.

Page 11 The words "to the Division Director" deleted from the second sentence.

Section 2.11.1 MANDATORY RETIREMENT

Page 12 "AGE 65" in the first sentence changed to "AGE 70".

Section 5.4.1 OVERTIME COMPENSATION

Page 20 "DEPARTMENT HEADS" at the beginning of the first sentence replaced with "SUPERVISORS".

The word "FOR" in the second sentence replaced with "BY".

Section 6.1.1.(i) HOLIDAYS

Page 21 "DEPARTMENT HEADS" replaced with "Supervisor".

Section 6.1.4 HOLIDAYS

Page 21 After the word "allowed" replaced with "a deferred holiday to be scheduled by the Supervisor."

Section 6.7.5 LEAVE OF ABSENCE WITH PAY

Page 24 In the first sentence between the words "fifteen" and "calendar" the word "consecutive" is inserted.

The third sentence which begins with "The amount of compensation" is deleted in its entirety.

Section 6.11.1 INSURANCES

Page 26 The rest of the first sentence after "dental insurance" is deleted

Section 6.11.2 INSURANCES (New Paragraph)

Page 26 Except for the 5 employees covered under PERS all permanent employees, after one year of service, are members of MSD's retirement plan with Bankers Life. MSD pays all of the contribution to the Defined Benefit part of the plan. The employee pays all of the defined contribution part of the plan with a mandatory minimum deduction of 3% of gross earnings; and has the option of contributing up to 10% of gross earnings to this part of the plan.

PERS Employees are subject to the Oregon State PERS rules and procedures.

Section 6.3.2 Annual vacation leave for management employees listed
(New) in Appendix A shall be computed on the basis of time actually served during each calendar year. The rate that annual vacation leave accrues shall depend on the number of years of total service for the management employee, whether or not total service was broken. Leave of absence time shall not count towards vacation or retirement.

<u>Years of MSD Service Completed During Year</u>	<u>Monthly Accrual Rate</u>	<u>Equivalent Annual Hours</u>
0 to 2 years	6.67 hrs	80 hrs
2 to 5 years	10 hrs	120 hrs
5 to 8 years	13.33 hrs	160 hrs
8 years and on	16.67 hrs	200 hrs

Section 6.11.2 After PERS add "and those employees listed in Appendix A."

Section 6.11.4 The management employees listed on Appencix A shall be deleted from Banker's Life MSD Retirement Plan and enrolled in a MSD Deferred compensation plan with ICMA Retirement Corporation.

MSD will contribute 5% of taxable gross of each management employee per pay period to the plan. (Same as prior plan contribution). The employer contributions are allocated only to the Fixed Income fund of the plan.

Each management employee has a mandatory contribution of 5% of taxable gross to the plan per pay period. Federal income taxes will not be deducted on the employee's payroll check on the amount of the individual contribution.

Each employee has the following options:

- 1) The employee can increase his/her contribution rate up to a maximum of 15%.

Section 6.11.4 Continued

- 2) The employee can designate that part or all of his/her contribution will be allocated to the variable fund of the plan. Contributions not so allocated, to the fixed income fund of the plan.

Section 6.11.3 INSURANCES (New Paragraph)

Page 26

All permanent non-union employees are members of the MSD's Standard Insurance plan which includes insurance for live, AD&D, and Long Term Disability.

Section 3.1 -- Disciplinary Action

- 3.1.1 Disciplinary action ranges from oral warning to discharge from employment and depends on the severity of the offense as well as the number and frequency of previous acts of misconduct.
- 3.1.2 It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of these personnel rules. Except as provided in Sections 2.2.5 and 2.2.6 of this manual, no employee will be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by these personnel rules.
- 3.1.3 Actions or practices that may constitute grounds for disciplinary action include, but are not limited to the following:
- a) Insubordination - refusal to obey the orders of a supervisor and/or the use of profane, obscene or abusive language to embarrass, ridicule, or degrade a supervisor;
 - b) Disobedience - failure to follow instruction procedures and policies;
 - c) Deliberate or concerted restriction of output or work activities or purposefully delaying or impeding the work of others;
 - d) Use or possession or being under the influence of alcohol or unprescribed narcotics or drugs while on the job;
 - e) Jeopardizing the health or safety of visitors, fellow employees, or the animals of the Zoo;
 - f) Forging, altering, falsifying or making unauthorized copies of any documents, authorizations or records that are to be used by or for MSD;

g) Theft, destruction or abuse of MSD property or the property or possessions of visitors or fellow employees, including the property of others in custody of MSD;

h) Abandonment of position or absence from duty without leave;

i) Engaging in unlawful conduct on MSD controlled premises; or

j) Below standard work performance.

3.1.4

The following disciplinary action may be imposed in a progressive manner or singularly, depending upon the severity of the act or practice being disciplined.

a) Oral Warning: Oral warning is notice to an employee that his or her behavior or performance needs improvement. It defines areas where improvement is needed, sets goals and informs the employee that failure to improve may result in more serious action. The supervisor shall record the date and content of the oral warning and a record of such warning should be placed in the supervisor's files.

b) Written Warning: Written warning is formal notice to the employee that his or her performance or behavior needs improvement. It contains many of the same elements as the oral warning. A copy of the written warning shall be placed in the employee's personnel record. When corrective action has been taken by the employee, it shall be noted and placed in the employee's personnel file. A written warning may be issued by the immediate supervisor but must be approved by the department head prior to being forwarded to an employee and placed in his or her file.

c) Suspension: Suspension is a temporary removal of the employee from his or her duties without pay. The nature of the offense, its severity and the circumstances shall dictate the length of the suspension. Recurrence of the same or

similar offense may result in a second suspension of longer duration than the first suspension or may result in discharge. Notice of suspension shall state the cause for the suspension, the duration and the loss of pay. A copy of such notice shall be placed in the employee's personnel file. Suspensions may be ordered by the department head only after consultation with the Division Director.

d) Discharge: Discharge is the removal of the employee from the service of MSD. Discharge shall be preceded by suspension of not less than two (2) nor more than five (5) working days. Discharge may be recommended by a department head but must be approved by the Division Director. Notice of discharge must be given in accordance with Section 3.1.5, and a copy thereof shall be placed in the employee's personnel file.

3.1.5 Notice of Discharge.

The Division Director shall give an employee written notice prior to the date of discharge, of his or her suspension and pending discharge. The notice shall include:

- i) The duration of the suspension and the proposed date of discharge.
- ii) The reasons for the proposed discharge; and
- iii) Notice of the employee's right to an informal discussion of the reasons for discharge, and the right to refute the reasons either orally or in writing, prior to the date of discharge and before a person authorized to make the final decision or to recommend what the final decision should be.
- iv) Notice of the employee's right to request a post-termination hearing in accordance with Section 3.1.6 of this Manual.

3.1.6 Request for Post - Termination Hearing.

The employee shall notify the Division Director in writing within ten (10) days after the date of discharge that he or she requests a post-termination hearing.

Such a request shall set forth, in detail, the employee's reasons for contesting the discharge. In the absence of such timely request, the discharge may be effected without further notice. The requested post-termination hearing shall be held in accordance with Sections 3.1.7, 3.1.8 and 3.1.9 of this Manual.

3.1.8 Renumber as 3.1.7

Add "post-termination" before "hearing" and "(hearing)" after "hearing" in (a).

Delete the first and fifth sentences in (e) and insert in lieu thereof:

"The hearing shall be recorded; however, the record of the hearing shall be transcribed only at the request of MSD or the employee and the cost thereof shall be paid by the requesting party."

3.1.9 Renumber as 3.1.8

3.1.10 Renumber as 3.1.9

APPENDIX A

List of Management Employees by title
covered by special personnel rules.

Administrative Division Director

Accounting System Manager

Clerk of the Board

Solid Waste Division Director

Implementation and Compliance Manager

Engineering and Analysis Manager

Zoo Division Director

Zoo Division Assistant Director

Visitor Services Manager

Building and Grounds Manager

Animal Management Department Manager

Education Department Manager

78-1164 EMPLOYEE TRI-MET PASS SUBSIDY

AFTER MERGER OF THE WASHINGTON PARK ZOO, MSD CONTINUED THE EMPLOYEE FRINGE BENEFIT OF A 20% DISCOUNT FOR TRI-MET PASSES. LAST YEAR THIS WAS AN EXPENSE OF APPROXIMATELY \$1,450.

WITH THE TRI-MET RATE INCREASE EFFECTIVE SEPTEMBER 3, 1978, THIS EXPENSE WILL INCREASE TO APPROXIMATELY \$1,825.00 FOR JUST THE PASSES THAT ARE BEING SOLD TO THE CURRENT STAFF. THE INCREASE WAS NOT BUDGETED.

THE ISSUE WAS DISCUSSED BY THE MANAGEMENT COMMITTEE, AND REFERRED TO LEGAL COUNSEL TO SEE IF ACTION COULD BE TAKEN. UPON ADVICE FROM LEGAL COUNSEL THAT THIS FRINGE BENEFIT COULD BE TERMINATED, THIS ITEM WAS PRESENTED TO THE MANAGEMENT COMMITTEE FOR RECONSIDERATION. THEY APPROVED THE FOLLOWING STAFF RECOMMENDATION.

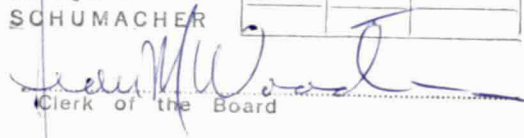
THE STAFF RECOMMENDS THAT THE TRI-MET PASS DISCOUNT EMPLOYEE FRINGE BENEFIT BE TERMINATED JANUARY 1, 1979.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1164 DATE 10-13-78
YES NO ABST

BARTELS
BUCHANAN
DURIS
McCREADY
ROBNETT
SALQUIST
SCHUMACHER

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Clerk of the Board

78-1165 ORDINANCE NO. 61 - FIRST PUBLIC HEARING

AN ORDINANCE RELATING TO DISPOSAL OF INERT MATERIALS AND VARIANCE PROCEDURES.

PROPOSED ORDINANCE No. 61 AMENDS THE MSD CODE IN TWO AREAS:

- 1) DISPOSAL OF INERT MATERIALS, AND
- 2) VARIANCE PROCEDURES.

TODAY IS THE FIRST PUBLIC HEARING OF THE ORDINANCE.

DISPOSAL OF INERT MATERIALS (CODE SECTION 12.02.070)

THE QUESTION OF CONCRETE DISPOSAL HAS RISEN ON A NUMBER OF OCCASIONS. CURRENTLY, MSD ORDINANCES PROHIBIT DISPOSING OF CONCRETE ANYWHERE OTHER THAN ONE OF THE AUTHORIZED LANDFILLS.

MSD ORDINANCES DO NOT, HOWEVER, PROHIBIT THE DISPOSAL OF ROCK, SAND, SOIL, STONE, AND OTHER CLEAN EARTH. A NUMBER OF LOCAL ADMINISTRATORS WHO ISSUE "CLEAN FILL" PERMITS AND CONTRACTORS WHO HAVE CLEAN CONCRETE TO DISPOSE OF HAVE REQUESTED THAT MSD ADD CONCRETE TO ITS LIST OF AUTHORIZED EXCEPTIONS TO THE MSD DISPOSAL RULES.

THE STAFF HAS DISCUSSED AND RESEARCHED THIS PROBLEM AND HAS MADE THE FOLLOWING CONCLUSIONS:

1. CONCRETE AND ASPHALTIC-CONCRETE ARE SIMILAR IN PROPERTIES AND FOR OUR PURPOSES SHOULD BE CONSIDERED THE SAME.
2. CONCRETE CAN PROVIDE A SIGNIFICANT AMOUNT OF CONTAMINATION IN A LIQUID OR SEMI-SOLID STATE.

3. CONCRETE IN ITS HARDENED STATE IS INERT AND FOR OUR PURPOSES HAS THE SAME PHYSICAL PROPERTIES AS ROCK, SAND, STONE AND CLEAN EARTH.
4. CONCRETE MAKES A GOOD FILL MATERIAL IF HANDLED PROPERLY.
5. "CLEAN FILLS" CAN BE SUPERVISED BY COUNTY AND CITY OFFICES THROUGH THE ISSUANCE OF CLEAN FILL PERMITS UNDER THEIR BUILDING CODE.
6. NUMEROUS SMALL SITES THROUGHOUT THE MSD AREA SUCCESSFULLY USE CONCRETE AS A FILL MATERIAL.
7. REQUIRING DISPOSAL OF ALL CONCRETE AT ONLY MSD AUTHORIZED SITES INCREASES THE COST OF EXCAVATION, GRADING AND DEMOLITION.
8. CONCRETE IS NOW, AND MAY BE MORE SO IN THE FUTURE, USEFUL IN THE CONSTRUCTION OF LANDFILLS IN GRAVEL PITS WHERE MINING HAS OCCURRED BELOW THE GROUNDWATER TABLE.
9. IF CONCRETE IS NEEDED IN THE FUTURE AT LANDFILL SITES AND CANNOT BE ATTRACTED THERE BY FREE DUMPING, THEN THE COST OF PURCHASING THE CONCRETE FOR LANDFILL USE WOULD BE A LEGITIMATE COST OF OPERATING A LANDFILL, AND MSD FORCING CONCRETE TO FLOW TO THE LANDFILLS FOR DISPOSAL WOULD MERELY TRANSFER THAT COST FROM LANDFILLING PROJECTS TO DEMOLITION, EXCAVATION OR GRADING PROJECTS, AS WELL AS CREATE MORE ENFORCEMENT PROBLEMS.
10. "CLEAN FILLS" ARE RARELY PROTECTED FROM ILLEGAL DUMPING.
11. FILLS TAKING CONCRETE ATTRACT PEOPLE DISPOSING OF OTHER WASTES, SUCH AS BRUSH, LAWN CLIPPINGS, HOUSEHOLD WASTES, OLD FURNITURE AND APPLIANCES.
12. FILLS TAKING ONLY ROCK, SAND, SOIL AND STONE ALSO ATTRACT PEOPLE DISPOSING OF OTHER WASTES.
13. MSD'S REAL CONCERN WITH THE "CLEAN FILLS" INCORPORATING CONCRETE IS THE ILLEGAL DUMPING OF OTHER WASTES, WHICH CAN BE CONTROLLED OR ENFORCED AGAINST BY ISSUING CITATIONS FOR DUMPING OR ACCEPTING THE OTHER WASTES AS EASILY AS ISSUING CITATIONS FOR DUMPING OR ACCEPTING CONCRETE.

14. MAKING INDIVIDUAL PROPERTY OWNERS WHO ACCEPT CONCRETE RESPONSIBLE FOR ALL OTHER WASTES ACCEPTED OR DUMPED ON THEIR PROPERTY SHIFTS SOME OF THE BURDEN OF ENFORCEMENT FROM THE GOVERNMENT TO THE PRIVATE LAND OWNER, THEREBY REDUCING GOVERNMENT INVOLVEMENT AND REQUIRING PUBLIC PARTICIPATION IN SOLID WASTE MANAGEMENT PROBLEMS.

BASED ON THESE CONCLUSIONS, THE STAFF BELIEVES THAT MSD SHOULD NOT GET INVOLVED IN SITUATIONS WHERE PRIVATE PARTIES ARRANGE TO HAVE CONCRETE USED IN A "CLEAN FILL", AND TO HAVE MSD GET INVOLVED ONLY AT THE TIME OTHER WASTES ARE ILLEGALLY DUMPED OR ACCEPTED BY THE LANDOWNER.

TO ACCOMPLISH THIS, THE STAFF PROPOSED ELIMINATING THE REQUIREMENT THAT ALL HARDENED CONCRETE AND ASPHALTIC-CONCRETE BE DISPOSED AT ONLY AUTHORIZED SITES BY CHANGING SECTION 12.02.070 (5).

THE ADVISORY SUB-COMMITTEE ON CONCRETE ENDORSED THIS PROPOSAL UNANIMOUSLY AND THE SOLID WASTE ADVISORY COMMITTEE VOTED 4-4 WHEN ASKED TO ENDORSE THIS PROPOSAL.

VARIANCE PROCEDURES (CODE SECTION 12.02.200)

PURSUANT TO MSD CODE, ALL PARTIES REQUESTING A CONTESTED CASE HEARING HAVE A RIGHT OF REVIEW BY THE MSD BOARD FOLLOWING ISSUANCE OF A HEARING OFFICER'S OPINION. THIS RIGHT OF REVIEW SEEMS TO BE APPROPRIATE AND AS YET HAS NOT BURDENED THE BOARD.

PURSUANT TO MSD CODE, ALL DECISIONS ON VARIANCE REQUESTS ARE MADE BY THE MSD BOARD. THIS ALSO SEEMS APPROPRIATE AND AS YET HAS NOT BURDENED THE BOARD.

CODE SECTION 12.02.200 CURRENTLY GRANTS TO ANYONE REQUESTING A VARIANCE A RIGHT TO A CONTESTED CASE HEARING SHOULD THE BOARD

TURN DOWN THE VARIANCE REQUEST. THIS PUTS THE HEARINGS OFFICER IN A POSITION OF REVIEWING A BOARD DECISION, AND IF APPEALED, PUTS THE BOARD IN A POSITION OF REVIEWING ITS OWN DECISION. TO AVOID THIS REPETITION, THE STAFF AND LEGAL COUNSEL RECOMMEND AMENDING THE CODE TO CONTINUE HAVING THE BOARD MAKE ALL DECISIONS ON VARIANCE REQUESTS BUT REMOVING THE CONTESTED CASE ROUTE FOLLOWING A BOARD DECISION. IF A PARTY REQUESTING A VARIANCE FEELS THEIR REQUEST HAS BEEN WRONGFULLY DENIED, THEIR APPEAL WOULD BE TO THE COURT SYSTEM.

PARTIES WHO ARE CITED BY MSD FOR CODE VIOLATIONS WOULD STILL HAVE THEIR RIGHT TO A CONTESTED CASE HEARING.

IN ADDITION, SOME LANGUAGE IS ADDED TO THE CODE TO STRENGTHEN THE REQUIREMENT OF FILING SUPPORTING DOCUMENTATION IN THE FORM OF MAPS, DRAWINGS AND FINANCIAL STATEMENTS.

RECOMMENDATION

THE STAFF RECOMMENDS CONDUCTING THE FIRST PUBLIC HEARING ON THIS ORDINANCE TODAY AND SETTING THE SECOND PUBLIC HEARING FOR OCTOBER 27, 1973.

ORDINANCE NO.

THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 1.

THIS ORDINANCE SHALL BE KNOWN AS "AN ORDINANCE RELATING TO (1) THE DISPOSAL OF INERT MATERIALS AND (2) VARIANCE PROCEDURES" AND SHALL BE REFERRED TO HEREIN AS "THE ORDINANCE."

SECTION 2.

THIS ORDINANCE MAY BE CODIFIED INTO THE CODE OF THE METROPOLITAN SERVICE DISTRICT.

SECTION 3. SECTION 12.01.070(5) IS HEREBY AMENDED TO READ:

- (5) OPERATORS OF SOLID WASTE DISPOSAL SITES RECEIVING ONLY CLEAN, UNCONTAMINATED EARTH, (SUCH AS) ROCK, SAND, SOIL, (AND) STONE, HARDENED CONCRETE, HARDENED ASPHALTIC-CONCRETE, BRICK AND OTHER SIMILAR MATERIALS ARE EXEMPT FROM THE REQUIREMENTS OF SUBSECTION 12.02.060(1) PROVIDED THAT SUCH CLEAN, UNCONTAMINATED (EARTH INCLUDED) MATERIALS ARE ONLY THOSE MATERIALS WHOSE PHYSICAL AND CHEMICAL PROPERTIES ARE SUCH THAT PORTIONS OF THESE MATERIALS WHEN SUBJECTED TO MODERATE CLIMATICAL FLUCTUATIONS IN HEAT, EXPOSURE TO MOISTURE OR WATER, ABRASION FROM NORMAL HANDLING BY MECHANICAL CONSTRUCTION EQUIPMENT OR PRESSURE FROM CONSOLIDATION WILL NOT PRODUCE CHEMICAL SALTS, DISSOLVED SOLUTIONS, OR GASEOUS DERIVATIVES AT A RATE SUFFICIENT TO MODIFY THE BIOLOGICAL OR CHEMICAL DRINKING WATER QUALITY PROPERTIES OF ADJACENT SURFACE OR (AND) GROUND WATERS, OR NORMAL AIR QUALITY INDICES.

SECTION 4. SECTION 12.02.200 IS HEREBY AMENDED TO READ:

- (1) 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:
 - A) IS INAPPROPRIATE BECAUSE OF CONDITIONS BEYOND THE CONTROL OF PERSON(S) REQUESTING THE VARIANCE; OR
 - B) WILL BE RENDERED EXTREMELY BURDENSOME OR HIGHLY IMPRACTICAL DUE TO SPECIAL PHYSICAL CONDITIONS OR CAUSES; OR
 - C) 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.
- (2) 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, INCLUDING REQUIRING THE FILING OF AN APPLICATION FORM ACCOMPANIED BY MAPS, DRAWINGS, PLANS, FINANCIAL STATEMENTS, AND OTHER INFORMATION THE DIRECTOR DEEMS APPROPRIATE. THE DIRECTOR (AND) SHALL GIVE NOTICE OF THE VARIANCE REQUEST (IN ACCORDANCE WITH SUBSECTION 12.02.100(2).) IN A MANNER DESIGNED TO INFORM INTERESTED PERSONS AND THE PUBLIC.

- (3) THE APPLICANT SHALL HAVE THE BURDEN OF PROOF.
IF THE BOARD DENIES A VARIANCE REQUEST, THE DIRECTOR SHALL NOTIFY THE APPLICANT IN WRITING, (IN ACCORDANCE WITH MSD CODE CHAPTER 20.04 OF THE DENIAL. IF A HEARING IS REQUESTED, THE APPLICANT SHALL HAVE THE BURDEN OF PROOF).
- (4) IF A REQUEST FOR A VARIANCE IS DENIED, NO NEW APPLICATION FOR THIS SAME OR SUBSTANTIALLY SIMILAR VARIANCE SHALL BE ACTED UPON (FILED) FOR AT LEAST SIX MONTHS FROM THE DATE OF DENIAL.

78-1166 PUBLIC TRANSFER STATION SITING

THE FOLLOWING PAGES CONTAIN A DISCUSSION AND RECOMMENDATION ON SERVICE AREAS AND PUBLIC/PRIVATE PARTICIPATION FOR PUBLIC TRANSFER STATION SITING.

IT IS THE STAFF'S AND SOLID WASTE ADVISORY COMMITTEE'S RECOMMENDATION THAT THE FIRST PUBLIC TRANSFER STATION BE CONSTRUCTED IN SERVICE AREA C, GRESHAM-TROUTDALE AREA; AND THAT THE FACILITY BE PUBLICLY OWNED WITH THE OPERATION BEING CONTRACTED TO PRIVATE INDUSTRY.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1166 P. 10-13-78
YES NO ABST.

BARTELS
BUCHANAN
DURIS
MACREADY
ROBNETT
SALQUIST
SCHUMACHER

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John M. Wood
Chairman of the Board



METROPOLITAN SERVICE DISTRICT

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

(503) 248-5470

PUBLIC TRANSFER STATIONS

On August 25, 1978, the MSD Board of Directors adopted the "Disposal Siting Alternatives" report. Among other things, this report recommended that public dumping, as currently practiced at existing landfills, be phased out through the construction of permanent unloading facilities or through the use of public transfer stations. This recommendation was based on the premise that allowing public access to landfills increases operating costs, and by prohibiting access to continue, greater efficiencies and economies in operation can be achieved. On September 8, 1978, a work scope for the implementation and operation of public transfer stations (Attachment A) was presented to the Board. The following is a discussion and recommendation pertaining to the first two work tasks.

Work Task 1 - Service Areas

The first work task included the determination of service area size and location. It is recommended that six service areas be established. The staff made the assumption that those persons currently taking their own waste to a landfill would utilize a public transfer station located in their area. During fiscal year 1977-78, there were approximately 340,000 separate usages by private vehicles (cars, pickups, trailers) at the six landfills currently open to the public. Based on the "Disposal Siting Alternatives" report, it is reasonable to assume that a public transfer station designed for 50,000 to 60,000 uses per year would be feasible (Figure 1). With six separate transfer facilities, it can be expected that each will realize an average of approximately 56,000 usages per year.

In determining the possible geographical boundaries for each service area, the waste generation zones previously established by MSD were utilized in conjunction with the estimated residential waste to be generated in 1980, as reported in Appendix E of the "Disposal Siting Alternatives" report. Although the proposed service area boundaries, as shown in Figure 2, appear to be very specific and well defined, as a result of following waste generation zone boundaries, they should be interpreted as general areas only. The estimated annual usage, based on waste generation zones for the public transfer station in each service area, can be found in Table 1.

October 3, 1978
1.20.B.2

Table 1

Estimated Usage of Public Transfer Stations

<u>Service Areas</u>	<u>Estimated Annual Usage</u>
A	57,800
B	64,600
C	54,400
D	68,000
E	57,800
F	37,400

Listed in Table 2 are those landfills currently open to the public located within each of the service areas, along with the projected life of each facility.

Table 2

Existing Disposal Facilities Within Each Service Area

<u>Service Areas</u>	<u>Disposal Facility</u>	<u>Estimated Closure Date</u>
A	St. Johns Landfill(w/o extension)	1980
A	Land Reclamation, Inc.	January 1979
B	H.G. LaVelle Landfill, Inc.	1981
C	None	--
D	Rossman's Landfill	1982
D	King Road Landfill	January 1979
E	None	--
F	Hillsboro	1981

The location of these landfills in relationship to the proposed service areas is shown in Figure 2.

The two service areas currently without a disposal facility are C and E. Until a public transfer station is constructed in Service Area E, the public will continue to transport their waste to either Rossman's Landfill or Hillsboro Landfill. The Land Reclamation, Inc. Landfill in service area A and the King Road Landfill in service area D are projected to be closed in early 1979. Last year the H. G. LaVelle Landfill, in service area B, experienced in excess of 86,800 separate public usages. It is reasonable to expect that with the closure of the Land Reclamation, Inc. Landfill and the King Road Landfill, additional pressures will be placed upon the H. G. LaVelle Landfill. Therefore, it would appear that the establishment of a public transfer station in service area C should relieve some of the pressures and operational problems, i.e., traffic, dumping face, etc. that the H. G. LaVelle Landfill will experience in the near future.

Work Task 2 - Public/Private Participation and Financing

The staff has identified three alternatives for the ownership and operation of the public transfer stations. They are:

1. MSD ownership of land and buildings with MSD operation.
2. MSD ownership of land and buildings with private operation.
3. Private ownership and operation, MSD regulates.

The following are some pros and cons regarding each of the three alternatives.

Alternative 1

MSD Ownership of Land and Building with MSD Operation

Pros

- Provides MSD with the greatest overall control.
- Provides MSD with operational flexibility.
- Eliminates enforcement problems related to the public transfer station.
- Provides assurance that the public will have a place to dispose of solid waste through public ownership.
- MSD will gain operation experience.
- MSD can provide direct service.
- Ability to determine actual operational cost.
- No need for RFP or negotiated contracts.
- This alternative can be implemented the quickest.
- Assures flow of solid waste to the resource recovery facility.

Cons

- Increases MSD personnel.
- Public capital required.
- Eliminates private industry involvement.
- Could cause possible problems with local collectors.

Alternative 2

MSD Owns Land and Buildings, Contracts for Operation

Pros

- Assurance that the public will have a place to dispose of solid waste through public ownership.
- Involves private industry.
- MSD will provide service, however not to the degree as in Alternative 1.
- Does not require additions to the MSD personnel.
- Assures flow of solid waste to the resource recovery facility.
- Provides greater competition in contracting if the operation was performed by a drop box company.
- Private operator may be able to economize by sharing equipment, i.e. drop boxes and tractors, with other ventures.
- This alternative can be implemented quickly.

Consistent with previous recommendations regarding resource recovery facility.

Cons

- Public capital required.
- Moderate operation flexibility by MSD.
- No ownership/capital supplied by the operator.

Cons (continued)

- Possibly more difficult to determine actual operating costs.
- Moderate enforcement problems as compared to Alternative 1.
- RFP and contract negotiation.
- Operating costs may be higher to allow private operator profit.
- Could cause possible problems with local collectors.

Alternative 3

Private Ownership and Operation, MSD Regulation

Pros

- Involves private industry to the greatest extent.
- No public capital required.
- Avoids any possible government/private competition.

Cons

- Enforcement problems greatest.
- Less flexibility for MSD
- Public not guaranteed of a long term disposal facility.
- RFP and contract negotiation.
- MSD may not be able to assure that the solid waste would be delivered to the resource recovery facility.
- Difficult to implement, i.e., site selection, etc.
- Could cause possible problems with local collectors.

Financing

The financing of the public transfer station is an important factor in determining the public/private participation. The following is a discussion of the possible financing mechanisms for each alternative.

Alternative 1 - MSD Ownership of Land and Building with MSD Operation

Since the public transfer station is part of the solid waste management plan, capital costs, i.e. land, construction, building improvements and equipment will be eligible under the DEQ grant/loan program. Costs of operation will be paid from revenues generated at the disposal facility.

Alternative 2 - MSD Owns Land and Buildings, Contracts for Operation

Since the public transfer station is part of the solid waste management plan, capital costs, i.e. land, buildings and improvements, will be eligible under the DEQ grant/loan program. Costs of operation, including profit to private operators, will be paid from revenues generated at the disposal facility.

Alternative 3 - Private Ownership and Operation, MSD Regulates

There are a number of financing alternatives available to the private operator. They include conventional financing, Small Business Administration (SBA) loan guarantee and SBA bond guarantee.

SBA Loan Guarantee

If an owner of a business is unable to acquire conventional bank financing, SBA guarantees loan repayment, giving the bank the security they need to make a loan. This loan guarantee may not lead to a lower interest rate to the owner. It might just make available high interest money otherwise not available. MSD would not be involved other than as a facilitator.

SBA Bond Guarantee

Under this program, MSD issues bonds which are guaranteed by SBA. The money received from the bond sale would be turned over to the private operator/owner and repaid from disposal fees generated at the facility. SBA guarantees should mean a lower interest rate on the bonds, thereby reducing owner's loan costs. MSD would not be obligated on the bonds, only the owner and SBA.

This bond program was initially established to provide low interest money to small businesses required by governmental agencies to install equipment or facilities to address environmental requirements. It is questionable whether or not this bond program can be used to construct new public transfer stations. A determination by the SBA is expected in the future.

If this bond program can be utilized for the construction of public transfer stations, we estimate that six months would be required for SBA processing time, MSD Board approval and arrangements to get the bond issue together. MSD must first prepare a request for proposal to select a private owner/operator. Once these proposals have been received, evaluated and an owner/operator selected, an application must be submitted to the SBA to determine if the company qualifies under the SBA bond program. The company must be a small business, as defined by SBA. The company must demonstrate to SBA that it can repay the loan from existing and projected earnings. The company must have been in business for a minimum of five years and must have made a profit at least in three of the last five years. If the company does not qualify for the SBA bond program, MSD must seek a new owner/operator. In selecting a company that meets SBA qualifications, other companies may be discriminated against by MSD.

Summary of Work Tasks 1 and 2

In summary, it appears that the MSD could be served adequately by six (6) service areas. The geographical location for each service area, as shown in Figure 2, are general areas only and should be viewed as such. It appears, based on levels of existing and immediate future service, projected closure of existing disposal sites and areas of solid waste generation, that Service Area C, the Gresham-Troutdale area, should be considered as the first service area where a public transfer station should be constructed.

As to the question of ownership and operation, Alternative 2, public ownership with private operator, appears to be the best overall combination. Alternative 1, while providing MSD with the maximum control over the operation of the facilities, would require additional public employees and elimination of any private industry participation. Alternative 3 provides maximum involvement of private industry, however, this alternative creates the greatest enforcement problem for MSD and places the public at the "whim" of the operator. In addition, this alternative may be the most difficult to implement from the standpoint of owner/operator selection, securing financing and site selection.

Alternative 2 allows public ownership and a guaranteed long term disposal facility. Financing is available through previously approved DEQ grant/loan programs. MSD could commence immediately with site selection, facility design and development for a "Request for Proposal" for operation. By placing the operation out for bid periodically, MSD should realize the best possible price.

Recommendation

It is the staff's recommendation that the first Public Transfer Station be constructed in Service Area C., Gresham-Troutdale area, and that the facility be publicly owned with the operation being contracted to private industry.

Future Work Tasks

Based upon the service areas shown in Figure 2, the implementation of the first public transfer station in Service Area C and the selection of Alternative 2, public ownership-private operation, the staff will commence with facility design, site selection and the development of a Request for Proposals for facility operation.

It should be stressed that the public transfer station system implementation be on a phased approach. This is a new area for MSD and there is no historical data that can be used to accurately predict service area size, location and public usage. The first facility will be monitored closely for possible future system modification.

Attachment 1

PUBLIC TRANSFER STATIONS

Implementation Work Scope

On August 25, 1978, the MSD Board of Directors adopted the "Disposal Siting Alternatives" report. Among other things, this report recommended that public dumping, as currently handled at existing landfills, be phased out through the construction of permanent unloading facilities at local landfill- or through the use of public transfer stations. This recommendation was based on the premise that allowing public access to landfills increases operational costs. Therefore, to provide for efficiencies and economies in the operation of landfills, the following workscope has been prepared that would lead to the implementation and operation of the public transfer facilities.

I. Service Areas

Establish Optimum Service Area Sizes
and Locations

Establish Service Area Implementation
Priorities

II. Public/Private Participation and Financing

Determine Degree of Public/Private
Participation and Financing

Modify DEQ Contract to Allow use of
State Grant/Loan, if Necessary

SBA Bond Financing

Other Financing

Public Transfer Stations

III. Design

Building

Equipment

Operation

Hours

Types of Material Accepted

Site

IV. Costs Estimates

Estimated Cost of Construction

Estimated Cost of Operation

V. Site Selection

Purchase

Land Use

VI. Governmental Relations

Local Jurisdictions

DEQ Permit

VII. Proposals

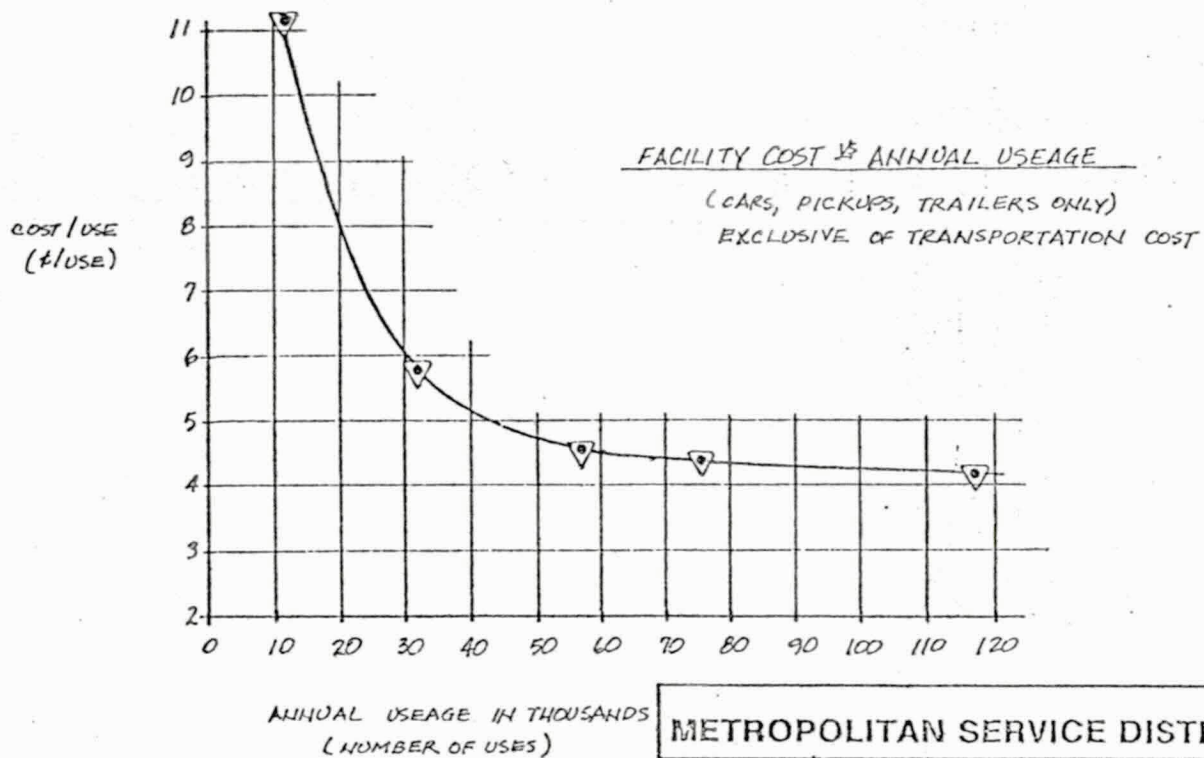
Prepare Request for Proposals

Review Proposals

Award Contract

VIII. Establish Rates

IX. Construct Facilities



SOURCE: "DISPOSAL SITING
ALTERNATIVES REPORT"
HSD, SEPT. 1978

METROPOLITAN SERVICE DISTRICT.

SCALE	REVISIONS		BY	DATE
DATA				
DRN	CAD			
AP TO				
TITLE TRANSFER STATION FACILITY COST vs ANNUAL USEAGE				NO.

FIGURE 1

- 25 -

PROPOSED SERVICE AREAS - PUBLIC TRANSFER STATIONS

METROPOLITAN SERVICE DISTRICT			
1220 S.W. MORRISON ROOM 300 (503) 248-5470			
PORTLAND, OREGON 97205			
SCALE	REVISIONS	BY	DATE
DATE: 9-29-78			
BY: HCL	CAD		
AP: ED			
TITLE	NO		

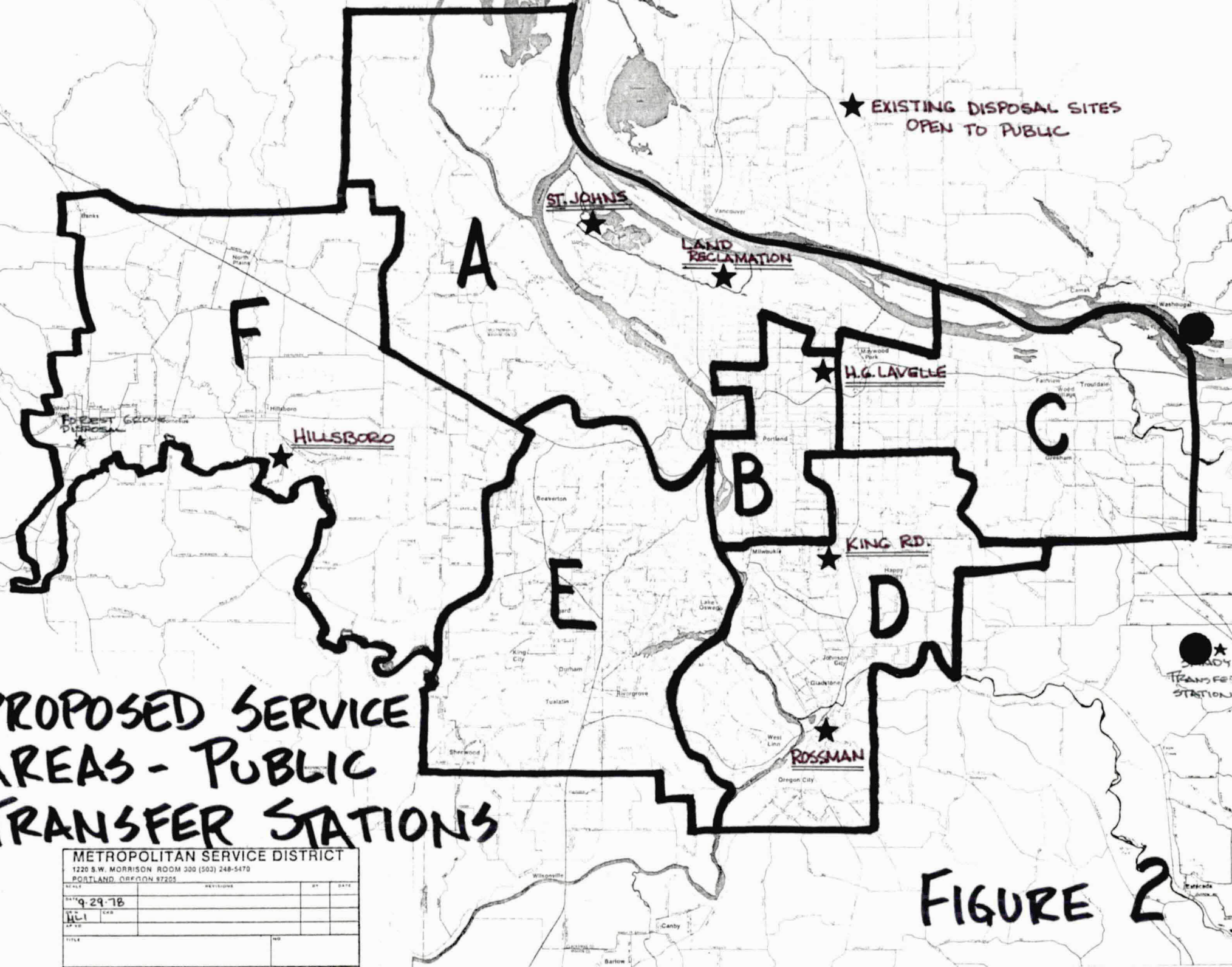


FIGURE 2

78-1167 CONTRACT 78-171 - CETA VI WATER QUALITY PROGRAM

THE PROPOSED WATER QUALITY PROGRAM IS FOCUSED ON INCREASING THE FREQUENCY OF WATER QUALITY MONITORING AT PORTLAND METROPOLITAN AREA LANDFILLS. FOR THE PAST TWO YEARS, SAMPLING AND TESTING HAVE BEEN DONE ON A SIX-MONTH BASIS. THIS PROJECT WILL INCREASE THAT TO ONCE A MONTH. IN ADDITION, TO INCREASED MONITORING AT THE EXISTING LANDFILLS, THIS PROJECT WILL ALSO START A MONITORING PROGRAM FOR SOME OF THE PROPOSED LANDFILL SITES.

WITH THE EXCEPTION OF SUPERVISORY SUPPORT, THE BUDGET ON THE PROJECT IS \$11,096, COVERING A NINE-MONTH PERIOD, AND IS 100% FUNDED BY THE CITY OF PORTLAND THROUGH THEIR CETA PROGRAM. SUPERVISORY SUPPORT WILL BE PROVIDED BY EXISTING MSD AND DEQ STAFFS.

THE STAFF RECOMMENDS APPROVAL OF CONTRACT 78-171 WITH THE CITY OF PORTLAND FOR CETA FUNDING OF THE WATER QUALITY PROGRAM.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1167 DATE 10-13-78

	YES	NO	ABST
BARTELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUNN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
M. STADY	<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"/>

[Signature]
Clerk of the Board

78-1168 CONTRACT 78-032 Z - SHELDON EGGLESTON ASSOC.
PRIMATE HOUSE DESIGN

THE BOARD SELECTED THE PRIMATE HOUSE PROJECT AS A TOP PRIORITY PROJECT IN THE WASHINGTON PARK ZOO DEVELOPMENT PLAN. THIS PROJECT IS TO PROVIDE EXPANDED AND ENRICHED DISPLAY AREAS AND INTERPRETIVE SPACE FOR A LARGE GROUP OF CHIMPS, A FAMILY GROUP OF ORANGUTANS, A TROOP OF LEMURS ON A MONKEY ISLAND AND A VARIETY OF OTHER PRIMATES IN MORE NATURAL SOCIAL GROUPINGS AND MORE REALISTIC SETTINGS.

IT IS ANTICIPATED THAT THE DESIGN PART OF THE PROJECT WILL BE COMPLETED BY THE END OF JANUARY 1979; THAT THE CONSTRUCTION AWARD MAY BE GIVEN BY THE END OF MARCH 1979, WITH CONSTRUCTION TO BEGIN APPROXIMATELY APRIL 1, 1979; AND CONSTRUCTION TO BE COMPLETED BY THE END OF 1979.

TO IMPLEMENT THIS PROJECT, REQUESTS FOR PROPOSALS WERE DISTRIBUTED. TWELVE PROPOSALS WERE RECEIVED AND REVIEWED BY A REVIEW COMMITTEE APPOINTED IN ACCORDANCE WITH MAP 7. THE REVIEW COMMITTEE SELECTED THREE FIRMS FOR ORAL INTERVIEWS. AFTER EVALUATION, THE COMMITTEE RECOMMENDED THAT THE CONTRACT FOR THIS PROJECT BE AWARDED TO SHELDON EGGLESTON ASSOCIATES. THE ZOO DIVISION DIRECTOR APPROVED THIS RECOMMENDATION.

THE STAFF RECOMMENDS THAT CONTRACT 78-032-Z BE AWARDED TO SHELDON EGGLESTON ASSOCIATES FOR THE FIXED SUM OF \$93,305.00 FOR DESIGN SERVICES AND \$28,397.00 FOR CONSTRUCTION SERVICES IF CONSTRUCTION IS AUTHORIZED TO PROCEED ON THE PROJECT. THE CONTRACT HAS BEEN REVIEWED AND APPROVED BY LEGAL COUNSEL.

NO. 78-1168 DATE 10-13-78
YES NO A-JT

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I BY
ROBNETT
SALQUIST
SCHUMACHER

John M. Wood
Clerk of the Board

78-1169 CONTRACT 78-033 Z - ROBERT MEYER & ASSOC. - ENTRANCE
PLAZA DESIGN

THE METROPOLITAN SERVICE DISTRICT INCLUDED A PROJECT FOR MODIFICATION OF THE ENTRANCE PLAZA AS PART OF THE WASHINGTON PARK ZOO DEVELOPMENT PLAN. THIS PROJECT HAS A VERY SHORT TIME LINE WITH DESIGN DEVELOPMENT TO BE COMPLETED BY THE END OF NOVEMBER 1978; CONSTRUCTION TO BEGIN IN JANUARY 1979; AND CONSTRUCTION TO BE COMPLETED BY LATE MARCH 1979.

TO IMPLEMENT THIS PROJECT, REQUESTS FOR PROPOSALS WERE DISTRIBUTED. TWELVE PROPOSALS WERE RECEIVED AND EVALUATED BY A COMMITTEE APPOINTED IN ACCORDANCE WITH MAP 7. THE COMMITTEE SELECTED THREE FIRMS FOR ORAL INTERVIEWS. AFTER EVALUATION, THE COMMITTEE RECOMMENDED THE SELECTION OF ROBERT E. MEYER CONSULTANTS FOR THE PROJECT. THE ZOO DIVISION DIRECTOR APPROVED THIS RECOMMENDATION.

THE STAFF RECOMMENDS THAT THE BOARD AWARD CONTRACT 78-033-Z FOR DESIGN AND CONSTRUCTION SUPERVISION OF THE ZOO ENTRANCE PLAZA PROJECT TO ROBERT E. MEYER CONSULTANTS AT A FIXED SUM OF \$39,800. THE CONTRACT HAS BEEN REVIEWED AND APPROVED BY LEGAL COUNSEL.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1169 D. & 10-13-78
YES NO ASST

BARTELS
BUCHANAN
DURIS
M. READY
ROBNETT
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SCHUMACHER

John M. [Signature]
Clerk of the Board

78-1170 CONTRACT 78-034 Z - CETA FELINE REHABILITATION PROJECT

LAST SPRING THE BOARD APPROVED SEEKING A CETA GRANT TO FURTHER DEVELOP THE MORE NATURALISTIC HABITATS FOR OUR FELINE EXHIBITS AND AS A LOGICAL FOLLOW-UP PROJECT TO OUR ALMOST COMPLETED NOCTURNAL FELINE EXHIBIT. THE REQUEST WAS FOR FUNDING TO CONSTRUCT VENEER ROCK WORK IN THE OUTSIDE DISPLAY AREAS OF THE FELINE HOUSE.

THE CETA GRANT HAS BEEN APPROVED BY THE CITY OF PORTLAND INCLUDING \$124,000 FOR MATERIALS AND SERVICES, OR A TOTAL OF \$146,750. COST TO MSD WILL BE APPROXIMATELY \$110,000: \$25,000 FOR PERSONAL SERVICES AND \$85,000 FOR MATERIALS AND SERVICES.

STAFF RECOMMENDS THAT THE BOARD APPROVE CONTRACT 78-034 Z WITH THE CITY OF PORTLAND AND AUTHORIZE THE CHAIRMAN'S SIGNATURE.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 78-1170 DATE 10-13-78
YES NO ABST.

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ROBNETT
SALQUIST
SCHUMACHER

[Signature]
Clerk of the Board

78-1171 ELEPHANT MUSEUM GRANT

AT A RECENT MSD BOARD MEETING, THE STAFF PROVIDED AN INFORMATION REPORT ON A PROJECT TO BEGIN DEVELOPMENT OF AN ELEPHANT MUSEUM AS A PART OF OUR EXHIBIT AND EDUCATION PROGRAM, AS WELL AS AN ADJUNCT TO OUR ELEPHANT HOUSE FACILITY.

IT IS STAFF'S INTENTION TO ACQUIRE OBJECTS, LIKE THE RECENTLY OFFERED MASTADON SKELETON FROM THE SMITHSONIAN, WHICH WILL TELL THE MANY FACETED "ELEPHANT STORY".

ONE POSSIBLE COURSE OF ACTION WILL BE TO INTEREST LOCAL FIRMS IN SUPPORTING A TRAVELING VAN TO HOUSE THE MUSEUM'S DISPLAY TO SEND IT ON A TOUR OF THE STATE. SUCH AN OUTFITTED VAN COULD THEN SERVE AS AN INTERIM MUSEUM IN FRONT OF THE ELEPHANT HOUSE AND AT WHICH CONTRICUTIONS FROM THE PUBLIC COULD BE COLLECTED TO BUILD A PERMANENT FACILITY.

THIS WORLD'S FIRST AND ONLY ELEPHANT MUSEUM COULD BE A TREMENDOUS ATTRACTION AT THE ZOO AND THE MAJOR PORTION OF THE COST OF ITS DEVELOPMENT WOULD BE THROUGH PRIVATE DONATIONS. THE MAINTENANCE COSTS FOR SUCH A FACILITY WILL BE MINIMAL AND THE POTENTIAL FOR INCREASED ADMISSION REVENUES ARE GREAT.

THE STAFF REQUESTS THAT THE MSD BOARD APPROVE EXPLORATION OF THE DEVELOPMENT OF THE ELEPHANT MUSEUM, WITH SPECIFIC PROPOSALS BEING BROUGHT TO THE BOARD AS THEY MATERIALIZE, ALONG THE LINES OUTLINED ABOVE.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1171 DATE 10-13-78
YES NO ADST

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ROBNETT			
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SCHUMACHER			

[Signature]
Clerk of the Board

78-1172 TRAVEL REQUESTS

THE FOLLOWING PAGES CONTAIN TRAVEL REQUESTS AND DESCRIPTIONS FOR JONOLYN SMITH, VICTOR STEVENS, AND MICHAEL SCHMIDT OF THE ZOO DIVISION. FUNDS FOR THESE TRAVEL REQUESTS ARE CONTAINED IN THE BUDGET.

THE STAFF RECOMMENDS APPROVAL OF THE TRAVEL REQUESTS FOR JONOLYN SMITH AT AN EXPENSE UP TO \$436.02; VICTOR STEVENS AT AN EXPENSE UP TO \$467.42; AND MICHAEL SCHMIDT AT AN EXPENSE UP TO \$150.

BARTELS
BUCHANAN
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M. CREADY
ROBNETT
SALQUIST
SCHUMACHER

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SALQUIST			
SCHUMACHER			

1. JONOLYN SMITH

Jonolyn Smith, who works as a keeper in the Zoo nursery, has requested permission to attend the Conference of the American Association of Zoo Keepers to be held in Gainesville, Florida, from October 15 to October 19, 1978. She has asked for the following expenses:

Meals	\$ 60.00
Lodging	59.52
Transportation	266.50
Registration	40.00
Miscellaneous	10.00
Total	\$436.02

Her request has been approved by her department head and the funds are in the department budget.

This conference will be in Portland next year and part of the need for her attending the conference this year is to do some pre-planning for the Portland conference.

Staff recommends approval of the travel request at an expense up to \$436.02.

BARTELS
BUCHANAN
DURIS
M. CREADY
ROBNETT
SALQUIST
SCHUMACHER

	YES	NO	ASST.
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DURIS			
M. CREADY			
ROBNETT			
SALQUIST			
SCHUMACHER			

2. VICTOR STEVENS

This is a request for Victor Stevens, Research Director, to attend a meeting of project directors for the improvement of post-secondary education programs to be held in Lake Geneva, Wisconsin, November 1 to November 3, 1978. This is a meeting sponsored by the granting agency and all directors are expected to attend. Expenses will be:

Food (3 days @ \$15/day)	\$ 45.00
Lodging	78.42
Transportation	334.00
Registration	10.00
Total	\$467.42

Funds for this request are in the grant budget and staff recommends allowing Mr. Stevens to attend the conference at a cost up to \$467.42.

3. MICHAEL SCHMIDT

Michael Schmidt, Zoo Veterinarian, will be on leave from the Zoo from October 27 to December 5, 1978. While traveling he would like to make a trip to the Hanover Zoo which is the only other zoo in the world to breed elephants as readily as the Washington Park Zoo. The visit will give him an opportunity to talk with them and see their operation. Inasmuch as this travel will be outside his planned itinerary, Dr. Schmidt has requested reimbursement for food at \$20.00 and public transportation at \$130.00 for a total of \$150.00. Because the travel and visit will be beneficial to the Zoo and because funds for such travel are in the budget, staff recommends that Dr. Schmidt be reimbursed the \$150.00 for such travel.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1172C DATE 10-13-78
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Jean M. Wood
Clerk of the Board

OTHER BUSINESS

78-1173 NOCTURNAL FELINE HOLDING AND FEEDING CAGES CONSTRUCTION BID AWARD

BID FOR INSTALLING HOLDING AND FEEDING CAGES FOR THE NOCTURNAL FELINE PROJECT WERE REQUESTED BY MSD AND THREE BIDS WERE RECEIVED. STAFF HAS REVIEWED THE BIDS AND RECOMMENDS THAT THE LOW BID BE ACCEPTED. INSTALLATION OF THE CAGES IS ESSENTIAL TO THE COMPLETION OF THE PROJECT.

STAFF RECOMMENDS THAT THE FELINE HOLDING AND FEEDING CAGES CONSTRUCTION BID BE AWARDED TO WESTERN AIR & REFRIGERATION, INC., AT A COST OF \$19,268.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 78-1173 10-13-78
YES NO

BARTELS
BUCHANAN
DURIS
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ROBNETT
SALQUIST
SCHUMACHER

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[Signature]
Clerk of the Board

ANIMAL TRANSACTIONS

October, November, December 1978

We will attempt to acquire the following animals this quarter:

1. A pair of sand cats for the nocturnal feline section have been located at the Brookfield Zoo and we are in the process of working out the details of the transaction.
2. Also for the nocturnal section we hope to acquire five spear-nosed bats.
3. Three pairs of elephant shrews, on a breeding loan from the National Zoo, should arrive this quarter. These animals will be housed in the feline building and displayed in the nocturnal section.
4. We hope to locate jerboa, a desert rodent, to exhibit near the sand cats in the feline house.
5. We have obtained a female fishing cat for the new feline area and will continue to look for a male of this species.
6. We hope to acquire three or four pairs of different species of waterfowl for the duck pond. We'd like to get them in and settled before this spring's nesting season begins.
7. A pair or two of lovebirds or small psittacines will be acquired for enclosures in the Children's Zoo.
8. A mynah bird will be sought in order to replace the bird that was stolen and not returned.
9. Though we probably will not obtain an unrelated pair of Malayan sun bears during this quarter, we will begin trying to locate this species to add to our collection.

Surplus animals that we will try to sell or trade this quarter are noted below:

1. A small (4-1/2 foot) reticulated python that we have no room for must be sold or traded.
2. A pair of zoo born European brown bears have been purchased and hopefully will be picked up this quarter.
3. A male blackbuck and a male axis deer will be surplused this quarter to avoid male-male combat and to alleviate any inbreeding potential.
4. Two female nilgai, born 11 August 1978, are on the surplus list and may be moved if the opportunity arises.
5. A young, wild born bobcat that we rescued from the southeast section of Portland will be surplused because of lack of space.
6. A male, unpaired ocelot will be surplused this quarter as we no longer plan to maintain this species in the collection.
7. Eight nene geese, a rare and endangered species that we've bred many times at the zoo, will be surplused this quarter because of lack of space and to promote out-breeding of these birds.

SCULPTURE GARDEN - INFORMATIONAL REPORT

The Zoo has established a sculpture garden of animal figures and on which children can climb and be photographed.

During the next few months, several additions to the collection will be received as donations.

The Camel, by Beniamino Bufano of San Francisco has been purchased by a local company and will be unveiled and dedicated on October 20, 1978.

Mr. Victor Bergeron of Trader Vic fame is an excellent sculptor and will soon present the Zoo with one of his pieces.

And the First National Bank has given the Zoo a cash donation to cover the commissioning of a marble mouse by local sculptor Roberta Kelly.

The acquisition of these three pieces will bring the sculpture collection to a total of seven major contributions (and two purchases) that have been received in the last two years.

