



# 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 27, 1978  
2:00 P.M.

## A G E N D A

78-1174

MINUTES

78-1175

PUBLIC COMMUNICATIONS

### ADMINISTRATIVE DIVISION

78-1176

CASH DISBURSEMENTS

78-1177

ORDINANCE NO. 62 - FIRST PUBLIC HEARING  
, AN ORDINANCE AMENDING BUDGET ORDINANCE  
No. 60 BY TRANSFER OF APPROPRIATIONS  
FY 1978-79 SUPPLEMENTAL BUDGET APPROVAL

78-1178

### SOLID WASTE DIVISION

78-1179

ORDINANCE NO. 61 - SECOND HEARING  
, AN ORDINANCE AMENDING THE MSD CODE  
RELATING TO DISPOSAL OF INERT MATERIALS  
AND VARIANCE PROCEDURES

78-1180

UNDERWRITER SELECTION - OREGON CITY  
RESOURCE RECOVERY PROJECT

78-1181

FINANCIAL CONSULTANT SELECTION - OREGON  
CITY RESOURCE RECOVERY PROJECT

### ZOO DIVISION

(NO AGENDA ITEMS)

### OTHER BUSINESS

### INFORMATIONAL REPORTS



# 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 27, 1978  
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## A G E N D A

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### ADMINISTRATIVE DIVISION

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AN ORDINANCE AMENDING BUDGET ORDINANCE  
No. 60 BY TRANSFER OF APPROPRIATIONS

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### SOLID WASTE DIVISION

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AN ORDINANCE AMENDING THE MSD CODE  
RELATING TO DISPOSAL OF INERT  
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RESOURCE RECOVERY PROJECT

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FINANCIAL CONSULTANT SELECTION -  
OREGON CITY RESOURCE RECOVERY PROJECT

ZOO DIVISION

(NO AGENDA ITEMS)

OTHER BUSINESS

INFORMATIONAL REPORTS

78-1174 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE OCTOBER 13, 1978, BOARD MEETING. THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

78-1175 PUBLIC COMMUNICATIONS

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



78-1176 CASH DISBURSEMENTS

THE ACCOUNTING DEPARTMENT HAS PREPARED CHECKS NUMBERED FROM 3905 TO 4030 FROM PAYMENT REQUESTS RECEIVED WHICH WERE APPROVED AS WITHIN THE MSD BUDGET.

STAFF RECOMMENDS APPROVAL OF CHECK REGISTERS DATED OCTOBER 20, 1978, IN THE TOTAL AMOUNT OF \$83,667.17; AND OCTOBER 23, 1978, IN THE TOTAL AMOUNT OF \$13,292.42.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION

NO. 78-1176 DATE 10-27-78

BARTELS  
BUCHANAN  
DUNIS  
McNEADY  
ROBNETT  
SALQUIST  
SCHUMACHER

YES	NO	ASST
/		
/		
/		
/		
/		
/		

*Jean Wood*  
Clerk of the Board

78-1177 ORDINANCE NO. 62 - FIRST PUBLIC HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE No. 60 BY TRANSFER OF APPROPRIATIONS.

ORDINANCE No. 62 IS SUBMITTED UNDER SEPARATE COVER AND PROVIDES THE PROPOSED REVISED APPROPRIATIONS FOR THE FY 78-79 BUDGET.

THE TRANSFERS ARE ALL FROM CONTINGENCY LINE ITEMS AND ARE OF TWO TYPES:

- A) TRANSFERS TO PERSONAL SERVICES CATEGORY IN THE GENERAL, SOLID WASTE, AND ZOO FUNDS FOR THE COST OF LIVING INCREASES APPROVED BY THE BOARD; AND
- B) TRANSFERS IN THE SOLID WASTE AND ZOO FUNDS TO THE GENERAL FUND TRANSFER LINE ITEMS TO COVER THE ADDED COSTS RELATED TO THE NEW EXECUTIVE DIRECTOR.

THE STAFF RECOMMENDS CONDUCTING THE FIRST PUBLIC HEARING ON ORDINANCE No. 62 AND SETTING THE SECOND HEARING DATE FOR THE NEXT BOARD MEETING.

78-1178 FY 1978-79 SUPPLEMENTAL BUDGET APPROVAL

PRESENTED FOR YOUR CONSIDERATION IS THE SUPPLEMENTAL BUDGET FOR THE PERIOD JANUARY 1, 1979, THROUGH JUNE 30, 1979, THAT WOULD INTEGRATE A PLANNING FUND AND CHANGES TO THE GENERAL FUND INTO THE MSD FY 78-79 BUDGET. THE FIGURES PRESENTED IN THIS BUDGET REPRESENT THE CONVERSION FROM THE COLUMBIA REGION ASSOCIATION OF GOVERNMENTS (CRAG) PROGRAM-ORIENTED BUDGET TO A LINE ITEM FORMAT COMPATIBLE WITH MSD AND IN COMPLIANCE WITH OREGON BUDGET LAW (SEE ATTACHMENT 1).

THE SUPPLEMENTAL BUDGET FOR THE PLANNING FUND INCORPORATES NO PROGRAM CHANGES FROM THE CRAG BUDGET ADOPTED MAY 25, 1978. THREE MAJOR CRAG POLICIES: INCOME, SHELTER, AND ENVIRONMENT, ARE THE FOCAL POINTS BY WHICH ALL SEGMENTS OF THE COMPREHENSIVE REGIONAL PLANNING PROCESS ARE EVALUATED, AND BY WHICH THE OVERALL CRAG WORK PROGRAM IS STRUCTURED. THE OVERALL CRAG WORK PROGRAM REVOLVES AROUND THE FOLLOWING PROJECTS:

<u>PROJECT</u>	<u>DESCRIPTION</u>
1	URBAN GROWTH BOUNDARIES
2	POPULATION/EMPLOYMENT FORECASTS
3	NATURAL RESOURCES AND ENVIRONMENTAL CONSTRAINTS
4	RECREATION LAND AND FACILITIES STANDARDS
5	HOUSING OPPORTUNITY PLAN AND HOUSING ELEMENT
6	DETERMINATION OF NEED FOR COMMERCIAL/INDUSTRIAL DIVERSITY AND GROWTH
7	REGIONAL TRANSPORTATION SYSTEMS IMPROVEMENT
8	CHOICE OF REGIONAL SEWERAGE SYSTEM, WATER SUPPLY SYSTEM, SOLID WASTE AND DRAINAGE FACILITIES IMPROVEMENTS

- 9 CRIMINAL JUSTICE COORDINATION, PLANNING AND RESEARCH
- 10 POLICY INTEGRATION AND PLAN COORDINATION
- 11 CITIZEN INVOLVEMENT

REFERENCE TO THE CRAG BUDGET WILL PROVIDE ADDITIONAL PROJECT DESCRIPTIONS.

ALSO, THE COST PROJECTIONS PRESENTED FOR YOUR CONSIDERATION DO NOT DEVIATE FROM THE ADOPTED CRAG BUDGET. HOWEVER, THE MERGER HAS IMPOSED CERTAIN FINANCIAL IMPACTS WHICH HAVE BEEN INCORPORATED INTO THIS BUDGET:

1. SALARY FOR THE NEW EXECUTIVE OFFICER AND SECRETARY;
2. ADDITIONAL FRINGE EXPENSE FOR READMITTANCE OF CRAG EMPLOYEES TO SOCIAL SECURITY; AND
3. A DECREASE OF LOCAL DUES (FORMERLY CRAG DUES) BECAUSE OF THE REDUCTION OF CRAG BOUNDARIES TO THE NEW MSD BOUNDARIES.

THESE ITEMS HAVE BEEN PROVIDED FOR THROUGH CONTINGENCY FUNDS AND CURRENT AND FUTURE SALARY SAVINGS.

TO COVER THE ADDITIONAL EXPENSES IN THE GENERAL FUND, THIS SUPPLEMENTAL BUDGET ALSO INCLUDES INTERFUND TRANSFERS TO PAY FOR SIX MONTHS OF THE NEW MSD EXECUTIVE OFFICER AND SECRETARY SALARIES AND FRINGES. REFER TO ATTACHMENTS II AND III FOR DETAIL AND ALLOCATION OF EXPENSE CONTRIBUTION FROM THE PLANNING, SOLID WASTE AND ZOO FUNDS. IT IS OUR UNDERSTANDING THAT ANY ADDITIONAL MATERIALS AND SERVICES AND CAPITAL EXPENSES FOR THE EXECUTIVE OFFICER WILL BE CHARGED DIRECTLY TO THE PLANNING FUND.

THE MSD BOARD WILL BE REQUIRED TO ACT ON THIS SUPPLEMENTAL BUDGET IN EARLY DECEMBER 1978, ASSUMING APPROVAL BY THE TSCC.

BASED ON THE ABOVE, AND THE ATTACHED BUDGET DETAIL, THE STAFF RECOMMENDS THAT THE PROPOSED SUPPLEMENTAL BUDGET FOR JANUARY 1, 1979, THROUGH JUNE 30, 1979, BE APPROVED FOR TRANSMITTAL TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION (TSCC) FOR PUBLIC HEARING AND APPROVAL.

METROPOLITAN SERVICE DISTRICT  
BOARD REPORT

NO. 78-1178 - 10-27-78

BARTLETS  
EDWARDS  
DURIS  
MCGIBBY  
ROBNETT  
SALQUIST  
SCHUMACHER

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*Jean M. Wood*  
Clerk of the Board

METROPOLITAN SERVICE DISTRICT  
 FISCAL YEAR 1978 - 1979 BUDGET  
 SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning DEPARTMENT: Planning

Historical Data							
Actual	Budget						
Second Preceding Year	First Preceding Year	Current Year	Acct. No.	RESOURCES SUMMARY	Proposed	Approved	Adopted
		N/A		PLANNING FUND	2,035,103		
		N/A		TOTAL RESOURCES	2,035,103		
-							
14							
-							

ATTACHMENT I





METROPOLITAN SERVICE DISTRICT  
 FISCAL YEAR 1978 - 1979 BUDGET  
 SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning DEPARTMENT: Planning

Historical Data			Acct. No.	REQUIREMENTS SUMMARY	Proposed	Approved	Adopted
Actual	Budget						
Second Preceding Year	First Preceding Year	Current Year					
				PLANNING DIVISION			
				Personal Services	749,000		
				Materials & Services	1,222,000		
				Capital Outlay	2,000		
				TOTAL PLANNING DIVISION			
				CONTINGENCY	54,000		
				TRANSFER TO GENERAL FUND	8,103		
				TOTAL PLANNING FUND	2,035,103		



METROPOLITAN SERVICE DISTRICT  
 FISCAL YEAR 1978 - 1979 BUDGET  
 SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning

DEPARTMENT: Planning

Historical Data			Acct. No.	REQUIREMENTS	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year					
				PERSONAL SERVICES			
			401	Executive Director - Planning	21,426		
			401	Director--Transportation	18,500		
			401	Director--Natural Resources	15,500		
-			401	Director--Public Facilities	15,558		
17			401	Director--Admin. & Membership	14,700		
-			401	General Council	15,500		
			401	Director--Criminal Justice	14,670		
			401	Principal Regional Planner--2	27,054		
			401	Urban Economists	12,294		
			401	Budget & Financial Officer	12,072		
			401	Director--Public Information	11,640		
			401	Senior Regional Planner--4	44,700		
			401	Research and Policy Officer	10,970		
			401	Engineer-Planner III--2	19,900		
			401	Local Government Assist. Coord.	9,450		
			401	Regional Planner III--10	99,700		
			401	Engineer-Planner II	8,574		
			401	Computer Programmer II	7,775		
			401	Local Government Assistant	7,775		

METROPOLITAN SERVICE DISTRICT  
 FISCAL YEAR 1978 - 1979 BUDGET  
 SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning

DEPARTMENT: Planning

Historical Data			Acct. No.	REQUIREMENTS Planning continued	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year					
			401	Public Involvement Prog. Coord.	9,084		
			401	Graphics Coordinator	8,712		
			401	Regional Planner II--5	37,600		
			401	Computer Programmer I	6,694		
			401	Regional Planner I--3	20,082		
			401	Executive Secretary	6,936		
			401	Accountant Technician	6,702		
			401	Office Manager	6,536		
			401	Administrative Assist.	6,038		
			401	Cartographer	6,009		
			401	Graphics Designer--2	11,625		
			401	Public Inform. Services Asst.	5,723		
			401	Administrative Aide-Secretary-4	23,142		
			401	Offset Printing Machine Operator	4,725		
			401	Word Processing Operator--3	16,020		
			401	Receptionist-Clerk	4,725		
			403	Personal Adjustment	16,000		
			404	Part-Time	27,040		
			405	Reserve Pension	11,211		
			405	Fringe Benefits	126,641		
TOTAL PERSONAL SERVICES					749,000		

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METROPOLITAN SERVICE DISTRICT

FISCAL YEAR 1978 - 1979 BUDGET

SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning

DEPARTMENT: Planning

Historical Data			Acct. No.	REQUIREMENTS	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year					
				MATERIALS AND SERVICES			
			531	Rent	60,500		
			533	Telephone	16,500		
			568	Office Equipt., Maintenance	9,000		
			571	Office Supplies	15,000		
			575	Postage	7,500		
			576	Reproduction & Printing	22,500		
			590	Training	2,500		
			591	Legal	8,000		
			592	Audit. & Acctg. Services	11,000		
			593	Management Consultant	136,000		
			593	Contractual	867,500		
			605	Dues and Subscriptions	4,500		
			606	Meetings	3,500		
			607	Auto Expense	12,000		
			608	Travel	4,500		
			610	Insurance	5,500		
			618	Equipment Rental	9,000		
			619	Data Processing	5,000		
				Recruitment	10,000		



METROPOLITAN SERVICE DISTRICT  
 FISCAL YEAR 1978 - 1979 BUDGET  
 SUPPLEMENTAL BUDGET January 1, 1979 - June 30, 1979

FUND: PLANNING

DIVISION: Planning

DEPARTMENT: Planning

Historical Data			Acct. No.	REQUIREMENTS Planning continued	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year					
				Board of Directors	12,000		
				TOTAL MATERIALS AND SERVICES	1,222,000		
				CAPITAL OUTLAY			
			750	Office Equipment	1,000		
			760	Office Furniture	1,000		
				TOTAL CAPITAL OUTLAY	2,000		
			800	CONTINGENCY	54,000		
			851	TRANSFER TO GENERAL FUND	8,103		
				TOTAL PLANNING FUND	2,035,103		

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ATTACHMENT II

MSD-Supplemental Budget  
January 1, 1979 - June 30, 1979

Additional Information

1. Computation for Allocation of Additional General Fund expense between the Solid Waste, ZOO, and Planning Funds.

	<u>Solid Waste</u>	<u>ZOO</u>	<u>Planning</u>
Personal Services	190,356	1,480,153	749,000
Materials & Services	252,565	877,331	1,354,500
Contingency	<u>72,326</u>	<u>275,728</u>	<u>54,000</u>
	515,247	2,633,212	1,157,500
Percent of Budgeted Expenditures to Total	<u>12%</u>	<u>61%</u>	<u>27%</u>

2. Schedule of change to the General Fund and transfer from other funds

a. Change to General Fund		
Personal Services		
Executive Director		\$18,600
Executive Secretary		<u>6,000</u>
		24,600
Fringe		<u>5,412</u>
Total Change		<u>\$30,012</u>
b. Transfer from:		
Solid Waste Fund @ 12%		\$ 3,601
ZOO Fund @ 61%		18,308
Planning Fund @ 27%		<u>8,103</u>
		<u>\$30,012</u>

1. This figure does not include \$867,500 of pass through contractual money.

ATTACHMENT III

EXHIBIT A

METROPOLITAN SERVICE DISTRICT

REVISED BUDGET

FOR FISCAL YEAR 1978-79

	ADOPTED BUDGET	TRANSFERS ORD #62 11/10/78	SUPPLE- MENTAL BUDGET	REVISED BUDGET
<u>General Fund</u>				
Resources:				
Net Working Capital	120			120
Miscellaneous	50			50
Transfer From Solid Waste Fund	38,292		3,601	41,893
Transfer From Zoo Fund	174,272		18,308	192,580
Transfer From Planning Fund			8,103	8,103
TOTAL RESOURCES	\$212,734	\$ 0	\$30,012	\$242,746
Requirements:				
Personal Services	85,245	6,283	30,012	121,540
Materials & Services	107,219			107,219
Capital Outlay	2,745			2,745
Contingency	17,000	(6,283)		10,717
Unappropriated Balance	525			525
TOTAL REQUIREMENTS	\$212,734	\$ 0	\$30,012	\$242,746

78-1179 ORDINANCE NO. 61 - SECOND HEARING

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

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

- 1) DISPOSAL OF INERT MATERIALS,
- 2) VARIANCE PROCEDURES, AND
- 3) DEFINITION OF TRANSFER STATION.

TODAY IS THE SECOND PUBLIC HEARING ON 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.

#### TRANSFER STATION DEFINITION (CODE SECTION 12.02.030(20))

ON FRIDAY, OCTOBER 13, 1978, THE MSD BOARD OF DIRECTORS APPROVED THE CONSTRUCTION OF THE FIRST PUBLIC TRANSFER STATION IN THE GRESHAM-TROUTDALE AREA AND AUTHORIZED THE STAFF TO PROCEED WITH SITE SELECTION.

WHILE MSD HAS EXPLICIT AUTHORITY OVER SOLID WASTE DISPOSAL, IT HAS NO AUTHORITY OVER SOLID WASTE COLLECTION. MSD HAS EXPRESSED AUTHORITY (ORS 268.317-1) TO BUILD, OPERATE AND MAINTAIN "TRANSFER FACILITIES". HOWEVER, THIS AUTHORITY MUST BE UTILIZED WITHIN THE CONTEXT OF SOLID WASTE DISPOSAL. ALTHOUGH "TRANSFER FACILITIES" IS UNDEFINED IN ORS CHAPTER 268 (MSD'S ENABLING LEGISLATION), MSD, BY ORDINANCE, HAS ADOPTED THE FOLLOWING DEFINITION:

"Transfer station means a fixed or mobile facility used as part of a solid waste collection and disposal system or resource recovery system between a collection route and processing facility or disposal site, including, but not limited to, drop boxes, made available for general public use. This definition does not include solid waste collection vehicles."

IT IS CLEAR THAT TRANSFER STATIONS OPEN TO COMMERCIAL COLLECTORS ARE INCLUDED IN THE ABOVE DEFINITION, SINCE THE TRANSFER STATION IS "BETWEEN A COLLECTION ROUTE AND A PROCESSING FACILITY OR DISPOSAL SITE." HOWEVER, THE SAME CLARITY IS NOT APPARENT REGARDING PUBLIC TRANSFER STATIONS. AS YOU WILL RECALL, THE PUBLIC TRANSFER STATIONS WERE RECOMMENDED IN ORDER TO COMMENCE PHASING OUT PUBLIC ACCESS TO LANDFILLS AND, AT THE SAME TIME, TO PROVIDE THE SAME LEVEL OF SERVICE CURRENTLY AVAILABLE TO THE GENERAL PUBLIC.

TO AVOID ANY DEFINITIONAL QUESTIONS RELATING TO PUBLIC TRANSFER STATIONS, LEGAL COUNSEL RECOMMENDS THAT THE FOLLOWING AMENDMENT BE MADE TO THE DEFINITION OF TRANSFER STATION, MSD CODE, SECTION 12.02.030(20). THOSE WORDS AND PHRASES IN PARENTHESES ARE TO BE DELETED AND THOSE WORDS AND PHRASES UNDERLINED ARE TO BE ADDED:

"Transfer (station) facility means a site or facility, fixed or mobile, (facility) at which solid wastes are concentrated, after removal from the place of generation and before processing or disposal, (used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or disposal site,) including, but not limited to, drop boxes made available for general public use. Drop boxes or other similar containers used as part of a commercial drop box business and which are not available for general public use, and solid waste collection vehicles, are exempt from this definition. (This definition does not include solid waste collection vehicles.)"

THIS AMENDED DEFINITION WILL CLEARLY DESCRIBE EITHER A COMMERCIAL TRANSFER STATION OR PUBLIC TRANSFER STATION AND MAKE CLEAR TO COMMERCIAL DROP BOX OPERATORS THAT MSD DOES NOT INTEND TO REGULATE OR ENGAGE IN DROP BOX COLLECTION BUSINESS.

THE SOLID WASTE ADVISORY COMMITTEE (SWC) DISCUSSED THIS PROPOSED AMENDMENT AND WHILE GENERALLY SUPPORTIVE THEY EXPRESSED CONCERN OF POSSIBLE ADVERSE AFFECTS, EVEN WITH THE EXISTING DEFINITION, ON CHARITABLE AND NON-PROFIT ORGANIZATIONS, CIVIC PROJECTS, I.E. NEIGHBORHOOD CLEAN-UPS, CHRISTMAS TREE DISPOSAL, ETC. SECTION

12.02.060(1)(c) REQUIRES ALL OPERATORS OF TRANSFER STATIONS TO HAVE AN AGREEMENT WITH MSD. IN THE PAST ALL AGREEMENTS HAVE BEEN APPROVED BY THE BOARD. TO FACILITATE CIVIC PROJECTS AND AT THE SAME TIME CLARIFY THE TRANSFER STATION DEFINITION TO INCLUDE BOTH COMMERCIAL AND PUBLIC THE SWC PROPOSED THE FOLLOWING AMENDED DEFINITION:

"Transfer (station) facility means a site or facility, fixed or mobile, (facility) at which solid wastes are concentrated, after removal from the place of generation and before processing or disposal, (used as part of a solid waste collection and disposal system or resource recovery system, between a collection route and a processing facility or disposal site,) including, but not limited to, drop boxes made available for general public use. Drop boxes or other similar containers used as part of a commercial drop box business, or which are used by the general public for a limited period of time under specific permit issued by MSD staff, collection vehicles, are exempt from this definition. (This definition does not include solid waste collection vehicles.)"

THE SWC SUBSTITUTED THE WORDS IN THE LAST SENTENCE "...OR WHICH ARE USED BY THE GENERAL PUBLIC FOR A LIMITED PERIOD OF TIME UNDER SPECIFIC PERMIT ISSUED BY MSD STAFF..." FOR THE WORDS "...AND WHICH ARE NOT AVAILABLE FOR GENERAL PUBLIC USE...".

MSD LEGAL COUNSEL HAS REVIEWED THE SWC PROPOSED AMENDMENT AND RECOMMENDS THAT THE BOARD ADOPT COUNSEL'S AMENDMENT. IN ADDITION, TO ADDRESS THE SWC CONCERNS REGARDING CIVIC PROJECTS HE FURTHER RECOMMENDS THE BOARD ADOPT A RESOLUTION INDICATING THE STAFF MAY ENTER INTO SPECIAL AGREEMENTS (PERMIT) FOR SPECIFIC CIVIC PROJECTS WITHOUT BOARD APPROVAL. THIS WILL SATISFY THE CONDITION THAT ALL TRANSFER STATIONS BE OPERATED UNDER AN AGREEMENT WITH MSD AND ELIMINATE THE NECESSITY OF BOARD ACTION FOR SPECIFIC CIVIC PROJECTS OF LIMITED DURATION. ALL OTHER TRANSFER STATION AGREEMENTS WILL BE PRESENTED TO THE BOARD FOR APPROVAL.

RECOMMENDATION

THE STAFF RECOMMENDS CONDUCTING THE SECOND PUBLIC HEARING ON THIS ORDINANCE AND, BECAUSE OF THE INCLUSION OF THE TRANSFER STATION DEFINITION MODIFICATION, SETTING A THIRD HEARING FOR THE NEXT BOARD MEETING.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION  
NO. 78-1179 DATE 10-27-78

	YES	NO	ABST
BARTELS	/		
BUCHANAN	/		
DURIS	/		
MCCREADY	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*[Handwritten Signature]*  
Clerk of the Board

78-1180 UNDERWRITER SELECTION - OREGON CITY RESOURCE RECOVERY PROJECT

IN ACCORDANCE WITH THE APPROACH SPECIFIED BY THE BOARD, A SELECTION COMMITTEE HAS RECOMMENDED THAT WHITE WELD MERRILL LYNCH CAPITAL GROUP BE SELECTED AS FINANCIAL UNDERWRITERS FOR THE RESOURCE RECOVERY PROJECT.

A DRAFT REPORT IS ATTACHED. THE MSD MANAGEMENT COMMITTEE HAS ALSO CONSIDERED THIS DECISION AND APPROVES OF THE RECOMMENDATION.

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE THE SELECTION OF WHITE WELD MERRILL LYNCH CAPITAL GROUP AS FINANCIAL UNDERWRITERS PAYABLE FROM BOND PROCEEDS AND DIRECT STAFF TO PREPARE AN AGREEMENT COMMENSURATE WITH THE REQUIRED SERVICES.

**METROPOLITAN SERVICE DISTRICT  
BOARD ACTION**

NO. 78-1180 DATE 10-27-78

	YES	NO	ABST
BARTELS	/		
BUCHANAN	/		
DURIS	/		
MCCREADY	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*Jean M. Wood*  
Clerk of the Board

DRAFT - 10/18/78

TO: Chuck Kemper

FROM: The Bond Underwriter Selection Committee: Stender  
Sweeney; Howard Rankin; Dean Gisvold; Roy Ruel  
and Corky Ketterling

SUBJECT: Solid Waste Energy Recovery

OBJECT: Underwriter Selection

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This memo transmits our recommendations for project underwriter in the financing of a solid waste energy recovery project. On June 9 the MSD Board authorized selection of a project underwriter in accordance with a format presented at that time. The results of this process are outlined as follows:

- (1) Five investment banking firms, consisting of Merrill Lynch Pierce Fenner and Smith, Inc.; Dillon Read and Co., Inc.; First Boston Corp.; Salomon Brothers; and Paine, Webber, Jackson & Curtis, Inc.; were identified by staff, bond counsel, MSD legal counsel and Times Mirror-Publishers Paper Company and approved by the MSD Board for their experience and expertise in similar solid waste financing.
- (2) A Selection Committee consisting of the above named senders of this memo developed a letter inviting the five investment banking firms to prepare a written

response in accordance with a specified format.

Attachment A is a copy of one of the five identical letters which were sent.

- (3) All of the firms responded with written proposals in the specified time period and were invited to attend an interview at the MSD offices.
- (4) On July 18 the Committee and yourself met to discuss the written proposals received and adopt tentative criteria for developing a decision after the interviews.
- (5) On July 19 the Committee met and interviewed each of the five firms. (Attachment B is the written proposal from each firm.)
- (6) Following the interviews, the Committee's decision deadline was extended. The reason for the extension was to provide an opportunity for the parties to establish their commitment to the financial structure of the project. The Committee believed that the commitment could have a bearing on the selection of the underwriter.

After significant deliberation and careful consideration of the investment bankers' written proposals, the interviews in terms of the criteria considered by the Selection Committee (Attachment C), and the needs of each of the project participants, we recommend the following:

- (1) That Merrill Lynch Pierce Fenner and Smith, Inc., be selected as project underwriter and that the



necessary underwriting services be paid from bond proceeds.

- (2) That MSD retain Paine Webber Jackson & Curtis as their financial consultant and that these services be paid from bond proceeds if the project goes forward. Further, if the project does not proceed, then MSD has responsibility for the costs of the financial consultant services as negotiated with Paine Webber.



ATTACHMENT A

June 22, 1978

Merrill, Lynch, Pierce, Fenner & Smith, Inc.  
One Liberty Plaza, 165 Broadway  
New York, New York 10080

Attn: Mr. Matthias Bowman, Vice President

By this letter, the Metropolitan Service District (MSD) invites you to a personal interview to be held July 19, 1978, at the MSD offices for the purpose of selecting a bond underwriter in the financing of a solid waste energy recovery project.

Attached to this letter is background information on the Metropolitan Service District and the anticipated solid waste project, including a brief description of the project itself.

The Selection Committee will be comprised of Roy Ruel, Publishers Paper Company; Sidney Bartels, MSD Board member; Howard Rankin, MSD bond counsel; Dean Gisvold, MSD legal counsel; Stender Sweeney, Times-Mirror Co.; and Corky Ketterling, MSD staff member.

Written information desired by the Selection Committee includes the following:

Statement of Qualifications and Experience

A description of the underwriter's experience directly related to solid waste project financing or projects of similar complexity and size. A description of the experience of key personnel who will be assigned to the project, and the depth and availability of all personnel or supportive staff who may be involved in the project.

Organization and Assignment of Project Responsibility:

A description of the management process for this undertaking and how specific anticipated work tasks will be accomplished through in-house staffing, and how coordination with other project participants can be assured.

Page 2

The Scope and Extent of Underwriting Services to be Provided:

A description of specific work tasks necessary for completion of the project and the assignment of responsibility for completion of these work tasks.

Fees

A statement of estimated fees and costs for underwriting this project, and the responsibility, if any, of the project participants (MSD and Publishers) for payment of the fees and costs.

The purpose of the interview will be to meet the people who will accomplish the necessary work and be involved in the project on a day to day basis throughout its duration. The interview process will also provide an opportunity to clarify any of the written information you have provided.

If you wish to participate, please submit the appropriate written information by July 12 and indicate who should be contacted regarding a specific time for the interview.

Very truly yours,

Cordell Ketterling  
Engineering and Analysis

CK:alb

1.20.B.3.21

UNDERWRITER SELECTION CRITERIA

Qualifications and Experience

Recent experience with similar undertaking

Experience with undertaking of projects of comparable size and complexity

Experience of key personnel

The depth of staff, availability and compatibility with other project participants

Management of Underwriting firm

The relationship of project personnel with management and other key personnel of underwriting firm.

The relationship reputation of underwriting firm and firms management with project participants

The relationship of this proposed project with other endeavors of the underwriting firm

Communication/coordination potential

Organization and Scope of Services to be provided

Approach to presenting and specifying services to be provided

Adaptability of underwriting services approach to this project

Perception of Problems

Identifying constraints in this project, all waste projects and financial or other corporate needs of Times Mirror/Publishers Paper Company

Additional Criteria for Underwriter Selection

Completeness of understanding of steps necessary to take project from present stage to completion of financing

Time required to familiarize with project status

Experience with negotiating solid waste contracts, construction, energy and tipping

Current understanding of key elements of contract negotiation

Understanding of economics of solid waste projects

Commitment of firm to solid waste financings, i.e., separate solid waste group or part of municipal group

Size of capital base and commitment to secondary market-making, i. e., ability to carry inventory sufficient to create swap situations in a secondary market

Sales and distribution capability - Oregon distribution capability

Personnel commitment - extent of other responsibilities while working on project

Time required to take project to completion

Continuity of management personnel involved with previous resource recovery financing

Capability to market bonds in Oregon - minimize turnover

Understanding of key elements in contractual arrangements

78-1181 FINANCIAL CONSULTANT SELECTION - OREGON CITY RESOURCE RECOVERY PROJECT

AS A RESULT OF THE UNDERWRITER SELECTION PROCESS, THE SELECTION COMMITTEE RECOMMENDED THAT MSD SELECT A FINANCIAL CONSULTANT FROM THE FIVE FIRMS CONSIDERED AS UNDERWRITER, THEIR RECOMMENDATION IS PAINE, WEBBER, JACKSON AND CURTIS (SAME REPORT AS PREVIOUS AGENDA ITEM).

THE STAFF RECOMMENDS THAT THE BOARD AUTHORIZE THE SELECTION OF PAINE, WEBBER, JACKSON AND CURTIS AS FINANCIAL CONSULTANTS TO THE MSD PAYABLE FROM BOND PROCEEDS AND DIRECT STAFF TO PREPARE AN AGREEMENT FOR THE NECESSARY SERVICES.

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION  
NO. 78-1181 DATE 10-27-78

	YES	NO	ABST.
BARTELS	/		
BUCHANAN	/		
DURIS	/		
McCREADY	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER	/		

*John M. Wood*  
Clerk of the Board

