

BOARD OF DIRECTORS

WASHINGTON PARK ZOO
EDUCATION BUILDING
4001 SW CANYON ROAD

DECEMBER 8, 1978
2:00 P.M.

A G E N D A

78-1192 MINUTES

78-1193 PUBLIC COMMUNICATIONS

ADMINISTRATIVE DIVISION

78-1194 CASH DISBURSEMENTS
78-1195 ORDINANCE NO. 63 - FIRST PUBLIC HEARING
, AN ORDINANCE AMENDING BUDGET ORDINANCE
60 FOR FISCAL YEAR 78-79 BY SUPPLE-
MENTAL BUDGET AND DECLARING AN
EMERGENCY

SOLID WASTE PROGRAM

78-1196 CONTRACT 78-206 - PAINE WEBBER JACKSON &
CURTIS - FINANCIAL CONSULTANTS
78-1197 CONTRACT 78-207 - WHITE WELD MERRILL
LYNCH CAPITAL INVESTMENT GROUP -
UNDERWRITER CONSULTANT
78-1198 ORDINANCE NO. 61 - FOURTH HEARING
, AN ORDINANCE AMENDING CERTAIN PROVISIONS
OF THE MSD CODE RELATING TO THE DISPOSAL
OF INERT MATERIALS, VARIANCE PROCEDURES,
AND THE DEFINITION OF TRANSFER FACILITY

ZOO DIVISION

78-1199

LIPMAN'S GRANT PROPOSAL

78-1200

PROGRESS REPORT ENTRANCE DESIGN

OTHER BUSINESS

INFORMATIONAL REPORTS

BOARD OF DIRECTORS

WASHINGTON PARK ZOO
EDUCATION BUILDING
4001 SW CANYON ROAD

DECEMBER 8, 1978
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PAGE ACTION RECORD
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78-1192 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE NOVEMBER 17,
1978, BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

78-1193 PUBLIC COMMUNICATIONS

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

78-1194 CASH DISBURSEMENTS

THE ACCOUNTING DEPARTMENT HAS PREPARED CHECKS NUMBERED FROM 4267 TO 4422 FROM PAYMENT REQUESTS RECEIVED WHICH WERE APPROVED AS WITHIN THE MSD BUDGET.

THE STAFF RECOMMENDS APPROVAL OF CHECK REGISTER DATED NOVEMBER 29, 1978, IN THE TOTAL AMOUNT OF \$26,163.22; AND NOVEMBER 30, 1978, IN THE TOTAL AMOUNT OF \$80,179.38.

FURTHER, DUE TO THE CANCELLATION OF THE SECOND REGULARLY SCHEDULED MEETING FOR DECEMBER, THE STAFF REQUESTS APPROVAL TO PROCESS AND PAY ALL APPROVED PAYMENT REQUESTS FOR THE MONTH OF DECEMBER 1978.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1194 12-8-78
YESTERDAY TODAY

BARTELS
BUCHANAN
DURIS
McCREADY
ROBNETT
SALQUIST
SCHUMACHER

YESTERDAY	TODAY
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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Jean M. [Signature]
Clerk of the Board

78-1195 ORDINANCE NO. 63 - FIRST PUBLIC HEARING

AN ORDINANCE AMENDING BUDGET ORDINANCE No. 60 FOR FISCAL YEAR 78-79 BY SUPPLEMENTAL BUDGET, AND DECLARING AN EMERGENCY.

ORDINANCE No. 63 IS SUBMITTED UNDER SEPARATE COVER AND PROVIDES THE SUPPLEMENTAL BUDGET CORRECTIONS FOR THE FY 78-79 BUDGET. THE FOLLOWING PAGES ARE DETAIL SUMMARY SHEETS FOR THIS SUPPLEMENT WHICH THE BOARD APPROVED ON OCTOBER 27, 1978, AND SUBMITTED TO THE MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION (TSCC) FOR PUBLIC HEARING AND APPROVAL. THIS HEARING WAS HELD DECEMBER 5, 1978.

THE STAFF RECOMMENDS CONDUCTING THE FIRST PUBLIC HEARING ON ORDINANCE No. 63 AND ~~SETTING THE SECOND HEARING DATE FOR THE NEXT BOARD MEETING.~~

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 78-1195 DATE 12-8-78

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

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			Acct. No.	REQUIREMENTS SUMMARY	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year					
				PLANNING DIVISION			
				Personal Services	733,000		
				Materials & Services	1,222,000		
				Capital Outlay	2,000		
				TOTAL PLANNING DIVISION			
				CONTINGENCY	70,000		
				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						
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 Facilites	15,558		
			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 Governemnt 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	Proposed	Approved	Adopted
Actual	Budget	Current Year					
Second Preceding Year	First Preceding Year	Current Year		Planning continued			
			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		
			404	Part-Time	27,040		
			405	Reserve Pension	11,211		
			405	Fringe Benefits	126,641		
				TOTAL PERSONAL SERVICES	733,000		

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	Proposed	Approved	Adopted
Actual	Budget						
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		

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.

1-0000

TAX SUPERVISING & CONSERVATION COMMISSION MULTNOMAH COUNTY

1429 Lloyd Building 700 N.E. Multnomah Street Portland, Oregon 97232 (503) 248-3054

December 6, 1978

RECEIVED
DEC 8 1978

METRO SERVICE DISTRICT

Board of Directors
Metropolitan Service District
1220 S. W. Morrison Suite 300
Portland, Oregon 97205

Gentlemen:

The Tax Supervising and Conservation Commission has reviewed, given careful consideration to and on December 5, 1978 conducted a meeting and public hearing on Supplemental Budget No. 1, 1978-79, effective January 1, 1979. The Supplemental Budget is hereby certified with the following objections and recommendations:

1. An objection is noted with regard to account 403 - Personnel Adjustment, \$16,000. This account, intended for step, merit or cost of living adjustments, should be allocated to position salary estimates where the cost can be foreseen and to fund contingency if the cost cannot be anticipated. This requirement is outlined in ORS 294.351 (4) and (8).
2. The schedule of revenue accounts should be classified in greater detail as suggested in ORS 294.361.
3. It is recommended for this fiscal year that accounting for expense in the Planning Fund be maintained by Program in addition to the primary object classification. For fiscal year 1979-80 the Planning Fund must be classified by (1) organizational unit or activity and (2) object of expense. Also, we recommend a division of cost by program, as a secondary classification, with an appropriate cross-walk between the two groupings.

This certification, made in accordance with ORS 294.645 is based upon the following estimates as shown in the supplemental budget.

Budget Estimates:

General Fund - additional appropriation	\$	30,012
Planning Fund - new appropriation		2,035,103

Tax Levies:

None

Board of Directors
Metropolitan Service District

December 6, 1978
Page 2

The Supplemental Budget may now be adopted and appropriations made by the Metropolitan Service District Board. The resolution adopting the budget must recite the action taken on each objection and recommendation in this certification. Please send us a copy of the resolution when it becomes available.

The Commission also commends the Metropolitan Service District Board and administrative staff for the timely preparation of a Supplemental Budget which facilitates assumption of CRAG activities and organization of the new Metropolitan Service District Board, effective January 1, 1979.

Yours very truly,

TAX SUPERVISING & CONSERVATION COMMISSION



G. J. Gutjahr
Administrative Officer

GJG:sg

METROPOLITAN SERVICE DISTRICT

ORDINANCE NO. 63

An ordinance amending Budget Ordinance No. 60, to include a supplemental budget and declaring an emergency.

The Metropolitan Service District ordains as follows:

Section 1.

The supplemental budget for fiscal year 1978-79 of the Metropolitan Service District, which is attached as Exhibit A and incorporated by reference, is adopted.

Section 2.

Section 4, Ordinance No. 60 is amended to read:

To authorized expenditures in accordance with the annual budget adopted by Section 2 of Ordinance 60, as amended by Ordinance 62, and as revised and supplemented by the supplemental budget adopted in this ordinance, amounts are hereby appropriated for fiscal year 1978-79, beginning July 1, 1978, from the funds and for the purposes listed in the schedule of appropriation attached as Exhibit A to Ordinance 60, as amended by Ordinance 62, and as revised and supplemented by the supplemental budget attached as Exhibit A to this ordinance.

Section 3.

In order for this Supplemental Budget to take effect by January 1, 1979 and facilitate the expenditure of funds, an emergency is declared to exist and this ordinance shall take effect upon its passage.

Date: 12/8/78

METROPOLITAN SERVICE DISTRICT



Robert Schumacher, Chairman

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
<u>Planning Fund</u>				
Resources:				
Net Working Capital			100,000	100,000
Grants - Federal			317,000	317,000
Grants - State			433,333	433,333
Grants - Subcontractee			867,500	867,500
Dues			262,675	262,675
Miscellaneous			54,595	54,595
TOTAL RESOURCES	\$ 0	\$ 0	\$2,035,103	\$2,035,103
Requirements:				
Personal Services			749,000	749,000
Materials & Services			1,222,000	1,222,000
Capital Outlay			2,000	2,000
Contingency			54,000	54,000
Transfer To General Fund			8,103	8,103
TOTAL REQUIREMENTS	\$ 0	\$ 0	\$2,305,103	\$2,035,103

78-1196 CONTRACT 78-206 - PAINE WEBBER JACKSON & CURTIS -
FINANCIAL CONSULTANTS

(REMOVED FROM THE AGENDA)

78-1197 CONTRACT 78-207 - WHITE WELD MERRILL LYNCH CAPITAL
INVESTMENT GROUP - UNDERWRITER CONSULTANT

(REMOVED FROM THE AGENDA)

78-1198 ORDINANCE NO. 61 - FOURTH HEARING

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE MSD CODE RELATING TO THE DISPOSAL OF INERT MATERIALS, VARIANCE PROCEDURES, AND THE DEFINITION OF TRANSFER FACILITY.

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

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

TODAY IS THE FOURTH 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.

AT THE LAST PUBLIC HEARING, TESTIMONY WAS GIVEN TO THE EFFECT THAT MSD NOT ADOPT PORTIONS OF ORDINANCE 61 RELATING TO CONCRETE BUT SHOULD CONTINUE TO REGULATE CONCRETE DISPOSAL AND FURTHER TO REQUIRE THAT ALL CONCRETE AND ASPHALTIC CONCRETE BE DIRECTED TO FACILITIES WHERE IT CAN BE PROCESSED FOR USE AS AGGREGATE. THE STAFF IS OPPOSED TO THIS PROPOSAL.

THE CONCEPT OF NON-REGULATION OF CERTAIN INERT MATERIAL IS NOT NEW. THE STAFF ORIGINALLY PROPOSED THAT CONCRETE, ASPHALTIC CONCRETE AND BRICKS BE INCLUDED WITH OTHER INERT MATERIAL ALLOWED TO BE DISPOSED IN "CLEAN FILLS". HOWEVER, AT THE URGING OF OTHERS WHO WERE CONCERNED THAT FILLS ACCEPTING THIS TYPE OF INERT MATERIAL WOULD ATTRACT OTHER WASTES, THE BOARD, IN ADOPTING THE CODE REQUIRED THAT CONCRETE, ASPHALTIC CONCRETE AND BRICKS BE DISPOSED AT ONLY AUTHORIZED SITES. SINCE 1977 THE STAFF HAS HAD THE OPPORTUNITY TO MONITOR "CLEAN FILLS" ACCEPTING ONLY DIRT, ROCK, SAND AND STONE AND HAVE DETERMINED THAT THESE SITES OR "CLEAN FILLS", WITH OR WITHOUT CONCRETE, MAY ATTRACT OTHER WASTES.

AS CAN BE SEEN IN ATTACHMENT A, PAGE 28 THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA, INC., (AGC) OREGON-COLUMBIA CHAPTER, SUPPORTS THE STAFF'S PROPOSAL OF ALLOWING CERTAIN INERT MATERIALS TO BE DISPOSED IN "CLEAN FILLS". THE AGC POINTS OUT THAT, IN THEIR OPINION, TECHNOLOGY DOES NOT CURRENTLY EXIST TO ECONOMICALLY REQUIRE ALL CONCRETE AND ASPHALTIC CONCRETE TO BE RECYCLED IN THE FORM OF AGGREGATE. THEY ALSO FEEL THAT NOT ENOUGH MATERIAL IS AVAILABLE, SINCE THE LARGEST CON-

TRIBUTORS OF "USED" ASPHALTIC CONCRETE AND PORTLAND CEMENT CONCRETE, MULTNOMAH COUNTY, PORT OF PORTLAND AND THE OREGON STATE HIGHWAY DEPARTMENT, ARE ALREADY MOVING TOWARDS RECYCLING THE MATERIAL. ACCORDING TO THE PUBLIC WORKS DEPARTMENT, THE CITY OF PORTLAND GENERATES BETWEEN 4,000 AND 5,000 CUBIC YARDS OF "USED" CONCRETE PER YEAR. THIS CONCRETE IS USUALLY MIXED WITH DIRT AND IS DISPOSED AT THE CITY'S WILLAMETTE DUMP SITE. THE MSD STAFF ESTIMATES THAT APPROXIMATELY 250,000 CUBIC YARDS OF WASTE IS GENERATED ANNUALLY FROM THE DESTRUCTION OF BUILDINGS AND OTHER STRUCTURES AND IS COMPRISED OF WOOD, METALS, CONCRETE, BRICKS AND OTHER MATERIAL. IT IS DIFFICULT TO ESTIMATE THE PERCENT OF CONCRETE AVAILABLE OR THE COST OF SEPARATION.

THE MECHANISMS CURRENTLY EXIST IN THE CODE THAT WILL ALLOW FOR CERTAIN MATERIAL INCLUDING CONCRETE TO BE REUSED OR RECYCLED AND NOT COME UNDER MSD REGULATIONS (I.E., GLASS, METALS, PAPER, ETC.). REQUIRING ALL CONCRETE BE PROCESSED FOR USE AS AGGREGATE MAY HELP KEEP THE COST OF AGGREGATE DOWN, BUT AT THE SAME TIME MAY INCREASE THE COST OF EXCAVATION AND DEMOLITION PROJECTS. THE STAFF IS OF THE OPINION THAT SOURCE SEPARATION AND RECYCLING BE BASED ON ECONOMICS AND SHOULD NOT BE FORCED THROUGH GOVERNMENTAL REGULATION.

BASED ON THE ABOVE, 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.

RECOMMENDATION

THE STAFF RECOMMENDS CONDUCTING THE FOURTH PUBLIC HEARING, AND ADOPTING ORDINANCE No. 61.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 75-1198 DATE 12-8-78

	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"/>
DURIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCCREADY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SALQUIST	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHUMACHER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Jean M. [Signature]
Clerk of the Board

THE ASSOCIATED GENERAL CONTRACTORS of America, Inc.

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Kenneth W. Twedt, *Manager*

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NOV 30 1978

MEMO SERVICE DISTRICT

November 30, 1978

Merle Irvine, Manager
Implementation & Compliance
M S D
1220 S. W. Morrision, Room 300
Portland, Oregon 97205

Mr. Irvine,

At a November 30 meeting of the AGC Environment Committee, we reviewed your request for information on Ordinance 61 in regard to the disposal of concrete, asphaltic concrete and bricks.

The Committee as a whole, supports changes in current MSD ordinances to allow the disposal of said materials on private sites. At this time, technology does not exist which would allow the economical processing of all concrete, asphaltic concrete and bricks. However, the largest contributors of "used" asphaltic concrete and Portland cement concrete - Multnomah County, Port of Portland and the Oregon State Highway Department are already moving towards recycling the materials by stockpiling them at sites of their choosing.

The following are direct responses to the questions you posed:

(1) How much material such as concrete, asphaltic concrete and brick could be processed for use as aggregate?

A. Aside from that derived from private jobs, such material is already regulated and utilized by governmental agency.
(see above also)

(2) Should MSD require all concrete, asphaltic concrete and bricks be recycled in the form of aggregate?

Merle Irvine
November 30, 1978
Page 2

A. No. Technology does not currently exist to economically achieve this. There is not enough material available; adequate crushing facilities do not exist; storage sites are realitively non-existent.

(3) Should MSD eliminate the requirement that all concrete, asphaltic concrete and bricks be disposed at only authorized sites?

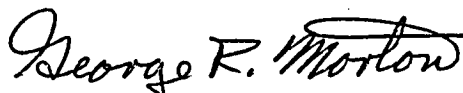
A. Yes, emphatically.

(4) What economic impact, if any, would result in MSD's requiring all concrete, asphaltic concrete and bricks be processed for aggregate instead of being disposed in a "clean fill?"

A. Please note that "bricks" are generally recyclable only as "used bricks". Clay and cinder bricks are not aggregates and concrete brick made of 1/4 inch aggregate is not suitable for crushing. When questioning the economic impact of recycling concrete and asphaltic concrete, transportation and crushing costs have a major impact. At this time, as we've stated before, technology does not exist to economically process these materials for aggregate. What asphalt is available is being used for base materials.

If we can provide further information please contact either myself or Normandie Hand at the AGC office.

Sincerely,



George R. Morton
Chairman, Environment Committee
222-6421

GEM:ms

cc: Normandie Hand
Dave Ford

ORDINANCE NO. 61

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE MSD CODE
RELATING TO THE DISPOSAL OF INERT MATERIALS, VARIANCE PROCEDURES,
AND THE DEFINITION OF TRANSFER FACILITY.

NOTE: THE UNDERLINED MATERIAL IS TO BE ADDED; THE (BRACKETED)
MATERIAL IS TO BE DELETED.

ORDINANCE NO. 61

THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

SECTION 1. SECTION 12.02.070(5) OF THE MSD CODE 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 INCLUDES) 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 EXISTING SURFACE OR (AND) GROUND WATERS, OR NORMAL AIR QUALITY INDICES.

SECTION 2. SECTION 12.02.200 OF THE MSD CODE 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.

SECTION 3. SECTION 12.02.030(29) OF THE MSD CODE IS AMENDED
TO READ:

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 PROCES-
SING 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 AVAILA-
BLE FOR GENERAL PUBLIC USE, AND SOLID WASTE COLLECTION
VEHICLES, ARE EXEMPT FROM THIS DEFINITION. (THIS DEFINI-
TION DOES NOT INCLUDE SOLID WASTE COLLECTION VEHICLES.)

SECTION 4. THIS ORDINANCE MAY BE CODIFIED INTO THE CODE OF
THE METROPOLITAN SERVICE DISTRICT.

DATE: _____

ROBERT SCHUMACHER, CHAIRMAN

78-1199 LIPMAN'S GRANT PROPOSAL

THERE IS AN AREA IN THE CHILDREN'S ZOO (BETWEEN ITS ENTRANCE AND THE TOTEM POLE) WHICH THE STAFF WOULD LIKE TO DEVELOP AS AN INDIAN WALK. IT WOULD INVOLVE CASTING ROCKS WITH REPRODUCED COLUMBIA GORGE PETROGLYPHS THAT WILL DEPICT NATIVE ANIMALS. THESE WORKS OF ART WILL HAVE ACCOMPANYING GRAPHICS THAT WILL EXPLAIN THE RELATIONSHIPS, THROUGH LEGEND AND LORE, BETWEEN INDIAN CULTURES AND WILDLIFE. THEY WILL BE USED BY VISITING SCHOOL GROUPS NOT ONLY AS A PART OF AN EDUCATIONAL PROGRAM BUT ALSO AS OBJECTS ON WHICH RUBBINGS CAN BE TAKEN AS A SOUVENIR OF THEIR ZOO VISIT.

TO ACCOMPLISH THE FABRICATION OF FIVE TO SEVEN OF THESE EXHIBITS AND GRAPHICS, THE STAFF WILL REQUEST THAT LIPMAN'S (AND THEIR FOUNDATION, DAYTON-HUDSON) UNDERWRITE THE HIRING OF THREE STUDENTS FOR THE SUMMER AND PAY FOR THE NECESSARY MATERIALS. THE TOTAL COST OF THE PROJECT IS \$12,000.

THE STAFF RECOMMENDS THAT THE BOARD APPROVE THE APPLICATION TO LIPMAN'S FOR A GRANT OF \$12,000 FOR THE ABOVE DESCRIBED PURPOSES.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 78-1199 DATE 12-8-78

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

Jean M. [Signature]
Clerk of the Board

78-1200 PROGRESS REPORT ON ENTRANCE DESIGN

PURSUANT TO OCTOBER 13, 1978, THE MSD BOARD APPROVAL OF THE DESIGN CONTRACT FOR THE ZOO ENTRANCE PLAZA RENOVATION PROJECT, THE FIRM OF ROBERT E. MEYER CONSULTANTS, IN CONJUNCTION WITH THE ZOO STAFF, HAS MADE THE FOLLOWING PROGRESS:

1. PRELIMINARY DESIGN HAS BEEN COMPLETED AND PRESENTED TO THE MSD DESIGN REVIEW COMMITTEE.
2. FIVE LONG-LEAD ITEM BID DOCUMENTS HAVE BEEN PREPARED AND INVITATIONS TO BID HAVE BEEN SENT OUT.
3. STAFF RECOMMENDATIONS FOR BID AWARDS WILL BE PRESENTED TO THE BOARD ON DECEMBER 15, 1978.
4. OTHER CONTRACT DOCUMENTS ARE 90% COMPLETE AND HAVE BEEN PRESENTED TO THE MSD DESIGN REVIEW COMMITTEE.

THESE AND OTHER ITEMS WILL BE REVIEWED FOR THE BOARD ON DECEMBER 8, 1978, BY DON FLATELY, ZOO STAFF PROJECT LEADER, AND REPRESENTATIVES OF ROBERT E. MEYER CONSULTANTS.

NO ACTION IS REQUIRED.

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: 12-8-78

NAME	REPRESENTATION
Jed Zolden	Robert E Meyer
Dick Deeb F. DENNIS POLLMANN	ROBERT E MEYER DENNIS DESIGNS
Jack Pement	OREGON JOURNAL
John M. Wight	City of Portland
Bob Brown	DEQ
John GREGORY	CRAG
Ronald Nelson Attorney	Land Reclamation Inc.
Normande A. Hand	AOC
Gene Rhodes	MSD Council - Elect
Gene Peterson	MSD Council #10
Jack Deines	MSD Council Elect - Dist 5
Dean Jewell	Legal Counsel
Donna Stuber	MSD Council #1
Bob McChes	CRAG
JIM LARKINS	CRAG
Chuck Ester	MSD
John Hanke	Mult. Co.
McKenzie	MSD
Richard Brown	ROBT. MEYER CONSULTANTS