



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Agenda

DATE: January 9, 1992
MEETING: METRO COUNCIL
DAY: Thursday
TIME: 5:30 p.m.
PLACE: Metro Council Chamber

Approx.
Time*

Presented
By

5:30
(30 min.)

ROLL CALL/CALL TO ORDER

1. ELECTION OF COUNCIL PRESIDING OFFICER
(Action Requested: Elect Presiding Officer for Calendar Year 1992)

2. NON-REFERRED RESOLUTIONS

6:05
(10 min.)

2.1 Resolution No. 92-1553, For the Purpose of Reorganizing¹⁹⁹²
Council Standing Committees, Making Appointments for 1992
and Setting Meeting Schedules (Action Requested: Motion
to Adopt the Resolution)

6:15
(10 min.)

2.2 Resolution No. 92-1541, For the Purpose of Confirming the
Reappointment of Ron Kawamoto to the Metropolitan
Exposition-Recreation Commission (Action Requested:
Motion to Adopt the Resolution)

6:25
(10 min.)

3. INTRODUCTIONS

4. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

5. EXECUTIVE OFFICER COMMUNICATIONS

6:35
(5 min.)

6. ORDINANCES, FIRST READINGS

6.1 Ordinance No. 92-446, An Ordinance Amending Ordinance No.
91-390A Revising the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Funding One Full Time FTE Lead
Accounting Clerk in the Finance and Management Information
Department for PERS Administration (Action Requested:
Refer to Finance Committee)

6.2 Ordinance No. 92-447, An Ordinance Amending Ordinance No.
91-390A Revising the FY 1991-92 Budget and Appropriations
Schedule for the Purpose of Recognizing New Grants and
Authorizing Six New Positions in the Transportation
Department (Action Requested: Refer to Finance
Committee)

URBAN GROWTH BOUNDARY ORDINANCE

6:40
(20 min.)

6.3 Ordinance No. 92-441, An Ordinance Adopting a Final Order
and Amending the Metro Urban Growth Boundary for Contested
Case No. 91-1: Dammasch (Action Requested: Motion to
Adopt the Ordinance)

* All times listed on this agenda are approximate; items may not be considered in the exact order listed.

Approx.
Time*

Presented
By

7. RESOLUTIONS

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 7:00
(10 min.) **7.1 Resolution No. 92-1543A, For the Purpose of Establishing a Procedure for Metro Service District Response to Positions on Governance Under Consideration or Endorsed by the Metropolitan Service District Charter Committee (Action Requested: Motion to Adopt the Resolution)**

REFERRED FROM THE SOLID WASTE COMMITTEE

- 7:10
(10 min.) **7.2 Resolution No. 92-1546, For the Purpose of Authorizing Issuance of a Request for Bids for the Construction of an Improved Cover System, Gas Collection System, and Stormwater Collection System on a Portion of St. Johns Landfill (Action Requested: Motion to Adopt the Resolution)**
- 7:20
(10 min.) **7.3 Resolution No. 92-1548, For the Purpose of Approving a Contract with Western Compliance Services, Inc., to Transport, Recycle, Treat, and Dispose of Wastes Collected at Metro's Permanent Household Hazardous Waste Collection Facilities (Action Requested: Motion to Adopt the Resolution)**

- 7:30
(10 min.) **8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

7:40 **ADJOURN**

Meeting Date: January 9, 1992
Agenda Item No. 2.1

RESOLUTION NO. 92-1553



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: January 2, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 2.1; RESOLUTION NO. 92-1553

Resolution 92-1553, For the Purpose of Reorganizing Council Standing Committees, Making Appointments for 1992 and Setting Meeting Schedules will be distributed to the Council in advance and available at the January 9 Council meeting.

Meeting Date: January 9, 1992
Agenda Item No. 2.2

RESOLUTION NO. 92-1541

STAFF REPORT

CONSIDERATION OF RESOLUTION 92-1541 FOR THE PURPOSE OF
CONFIRMING THE REAPPOINTMENT OF RON KAWAMOTO TO THE
METROPOLITAN EXPOSITION-RECREATION COMMISSION

Date: January , 1992

Presented by: Don Rocks

Mr. Kawamoto was nominated by Multnomah County and subsequently appointed by the Executive Officer and confirmed by the Council to fill the vacancy occasioned by the resignation of Mr. Stephen Gale.

Mr. Kawamoto has served for one year as a Metropolitan Exposition-Recreation Commissioner. Multnomah County has re-nominated Mr. Kawamoto to serve a full four year term and has been so appointed by the Executive Officer.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends confirmation

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONFIRMING)	RESOLUTION NO. 92-1541
THE REAPPOINTMENT OF RON)	
KAWAMOTO TO THE METROPOLITAN)	Introduced by Rena Cusma,
EXPOSITION-RECREATION COMM-)	Executive Officer
SSION	

WHEREAS, The Metropolitan Service District Code, Section 6.01.030, provides that the Council confirms members to the Metropolitan Exposition-Recreation Commission; and

WHEREAS, Multnomah County has nominated Ron Kawamoto for reappointment to the Metropolitan Exposition-Recreation Commission following his one year of prior service in filling a vacancy created by a resignation; and

WHEREAS, Ron Kawamoto is well qualified and able to serve and to contribute to the work of the commission; and

WHEREAS, The Executive Officer based on Multnomah County's nomination has appointed Ron Kawamoto to serve a four year term; and

WHEREAS, The Council finds that Ron Kawamoto is well qualified to carry out commission duties; now, therefore,

BE IT RESOLVED,

That Ron Kawamoto is hereby confirmed as a member of the Metropolitan Exposition-Recreation Commission for the term beginning January 15, 1992, and ending January 15, 1996.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

Meeting Date: January 9, 1992
Agenda Item No. 6.1

ORDINANCE NO. 92-446

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-446 AMENDING ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF ADDING ONE FULL TIME FTE LEAD ACCOUNTING CLERK IN THE FINANCE AND MANAGEMENT INFORMATION DEPARTMENT FOR PERS ADMINISTRATION

Date: December 27, 1991

Presented by: Jennifer Sims

FACTUAL BACKGROUND AND ANALYSIS

Metro became a PERS employer as of July 1, 1991. This program requires additional work effort on the part of Metro staff. Previously, most benefit administration work tasks have been assigned to Personnel. The Accounting Division assumed that the PERS administration tasks would be handled by Personnel. However, after surveying nine comparable jurisdictions, it was found that the Personnel function for PERS is only perfunctory and occurs during orientation and in the form of information during new employee sign up. All other duties in conjunction with the administration of PERS is a Payroll section accounting responsibility. A copy of the survey results is attached.

The Accounting Division conducted a limited survey to determine the work assignments and FTE dedicated to PERS administration in other jurisdictions. Based on this survey, it has been determined that 1.0 to 1.5 FTE is required to properly maintain PERS administration. This FTE requirement is based on the current level of approximately 2000 employees and the current proportion of part-time labor at the Zoo and MERC facilities.

MERC was a PERS employer at the time of the merger in July, 1990. Presently there is a Personnel Clerk in the MERC office who is performing the administrative functions for the MERC employees on an as needed basis. These functions were not meant to be a part of her position. This employee's time needs to be freed up to perform her designated, necessary personnel functions.

For Metro to properly administer the PERS program, it is necessary to add the equivalent of one full time Lead Accounting Clerk to the Accounting Division. This position level is below that of comparable positions at the other jurisdictions surveyed. It is felt this level would properly address Metro's requirements. The new Lead Accounting Clerk position would be responsible for the administrative functions of Metro's PERS program (including MERC) as well as oversee all payroll functions for both MERC and Metro employees.

This action requests the transfer of \$19,378 from the Support Service Fund Contingency to the following categories within the Finance & Management Information Department.

Personal Services

Lead Accounting Clerk	0.50 FTE	\$10,597
Fringe @ 31%		3,285

Materials & Services

Office Supplies:

Desk and Chair	1,926
Phone	85
Calculator	325
Bookcase	160

Computer Software	1,600
Including software for new computer and financial system hookup	

Capital Outlay

New Computer 386SX/20 Mhz	<u>1,400</u>
---------------------------	--------------

TOTAL NEW COSTS	0.50 FTE	\$19,378
-----------------	----------	----------

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 92-446, for the purpose of transferring \$19,378 from the Support Service Fund Contingency to the Finance & Management Information Department to fund one full time (0.50 FTE) Lead Accounting Clerk and supporting requirements.

kr:ord91-92:92-446:sr
December 27, 1991

Date: October 25, 1991
Prepared By: Nancy Meyer and Sarah Keele

PERS INTERNAL ADMINISTRATION SURVEY

A survey was conducted of nine local government agencies to determine the types of internal procedures they have established to administer PERS. Those agencies surveyed included: Portland Public Schools, Beaverton School District, Washington County, Portland Community College; Port of Portland, City of Portland, City of Beaverton, Multnomah County, and Clackamas County.

The following summaries address issues discussed with each agency:

GENERATION OF NEW EMPLOYEE NOTICES OF EMPLOYMENT

Typically, the payroll departments were solely responsible for generating this document once they received a personnel action form for a new hire. Of the nine local governmental agencies polled, this was true for eight. At the one agency where the payroll department did not generate this form, the hiring department did.

VERIFICATION OF ACTIVE STATUS IN PERS

This function was unanimously performed by the payroll departments of each agency. Through discussions with agency contracts, it was discovered there were various methods utilized for verification. Some payroll departments transferred new employee information by sending a computer tape to PERS or transmitted the information through a modem. PERS would then contact payroll and indicate what date contributions must begin based on the employee's eligibility. Other payroll departments would personally call PERS if the number of verifications to be performed were minimal. If there was a large number of verifications needed, they would submit (generally fax) a written list to PERS. PERS would then supply the eligibility information within five working days.

VERIFICATION OF CONTRIBUTION STARTING DATES FROM A PERS-GENERATED LIST OF NEW EMPLOYEES

The payroll departments, in every agency surveyed, would verify the information appearing on the list and return it to PERS noting any necessary corrections.

Survey Results

10-25-91

Page 2

TRACKING HOURS FOR QUALIFYING AND CONTRIBUTION PURPOSES

Again, all agencies reported the tracking process is performed through their payroll departments. When an employee became eligible, in 8 of 9 agencies, the Notice of Employment was generated by the payroll department and forwarded to PERS. In one agency, the notice of employment was filled out by the hiring department, but eligibility and hour tracking was performed through the payroll department.

NOTIFICATION TO PERS OF A NAME/ADDRESS CHANGE OR INTERRUPTION OF EMPLOYMENT

Of the nine agencies surveyed, these notifications were all generated through their payroll departments. The notification was prompted either by a notification from Personnel of an approved leave of absence or from payroll hours reports. A few agencies reported they didn't routinely notify PERS of a leave of absence unless it was long-term or of a name and address changes unless the employee was retiring or separating.

BENEFICIARY FORM COMPLETION

In eight out of the nine agencies, the beneficiary designation form was included in the new employee orientation packet. Distribution of this packet was the responsibility of either the agency's benefit or personnel departments. Only in one agency was this form made available to the employee through the payroll department and only upon specific request. This form was not included in the new employee benefit orientation packet.

DISTRIBUTION OF VARIABLE ELECTION ANNUITY FORMS AND ANNUAL MEMBER STATEMENTS:

Unanimously, the Member Annual Statements were distributed with the paychecks or mailed directly to the employee by the payroll department.

The distribution of the Variable Election Annuity Form was initiated by the benefit departments of 4 agencies surveyed. But, the forms were distributed by attaching them to paychecks. One agency did not distribute the Variable Annuity Election Forms at all. They felt that since this election was addressed in the year end issue of the PERS newsletter, Perspectives, they left it up to the employee to deal directly with PERS if they were interested.

Survey Results
10-25-91
Page 3

SALARY AND HOUR BREAKDOWN REQUESTS FROM PERS

This process was performed in the payroll departments of all nine agencies surveyed.

CONCLUSION

The Personnel and/or Benefits departments generally ensure the beneficiary designation is complete and the new full-time employee is familiar with the design and benefit structure of the PERS retirement system. The payroll departments perform all other duties in conjunction with administering this program.



New Position/Reclass/ FTE Increase Request

Fiscal Year 1991-92

December 26, 1991
Finance & Mgmt Information
Accounting
Page 1 of 2

ACTION REQUESTED:

The Accounting Section proposes to add one full-time equivalent (1.0 FTE) Accounting Lead Clerk staff position to the existing clerical staff group.

INCUMBENT:

None - this is a new position.

DUTIES AND RESPONSIBILITIES:

The individual who fills this position will perform the daily tasks necessary to monitor and track PERS (Public Employees Retirement System) information, make out the Notice of Employment forms for new employees, the Separation Forms for terminated employees, track the number of hours and/or months needed to be eligible for PERS participation. In addition, this person will also be in the lead position for all payroll activity and will oversee the two payroll clerks on payroll processing, fringe benefit payments, quarterly federal and state reports, year end processings including W-2's.

QUALIFICATIONS:

Thorough knowledge of double entry accounting principles and practices.

Thorough knowledge of governmental accounting principles and practices, including a detailed understanding of payroll.

Knowledge of basic data processing system and input methods.

Thorough knowledge and detailed understanding of Public Employee Retirement System (PERS) procedures, paperwork, hours tracking and reporting to monitor and maintain agency records.

Associate of Arts degree in accounting; or four years of general ledger experience in municipal accounting position.

Substantial skill to apply above knowledge to accounting activities. Use initiative and work in an semi-independent mode with some supervision.



New Position/Reclass/ FTE Increase Request

Fiscal Year 1991-92

December 26, 1991
Finance & Mgmt Information
Accounting
Page 2 of 2

JUSTIFICATION:

Metro became a PERS (Public Employees Retirement System) employer in July 1991. MERC was a PERS employer at the time we merged in July 1990. As a result, daily and monthly tracking of hours worked must be done for all part time or temporary employees to determine eligibility. This requires a person who is knowledgeable in PERS paperwork procedures and in payroll processing. The complexity for all fringe benefit payments for payroll has increased significantly over the past year and the time necessary to review and edit properly requires a Lead Clerk who's time can be fully dedicated to payroll and PERS issues.

BUDGET IMPACT:

Salary:	\$ 10,597
Fringe:	3,285
Overhead:	-----
TOTAL:	\$ 13,882

Desk with return and chair to supply new staff person, computer and various equipment necessary:

Desk/Chair:	\$ 1,926
Phone:	85
Calculator:	325
Bookcase:	160
D/P Moore System hookup:	600
Computer	1,400
Software for Computer	1,000
TOTAL:	\$ 5,496

LDCLRK

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.)
91-390A REVISING THE FY 1991-92)
BUDGET AND APPROPRIATIONS SCHEDULE)
FOR THE PURPOSE OF FUNDING ONE FULL)
TIME FTE LEAD ACCOUNTING CLERK IN)
THE FINANCE AND MANAGEMENT)
INFORMATION DEPARTMENT FOR PERS)
ADMINISTRATION)

ORDINANCE NO. 92-446

Introduced by Rena Cusma,
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$19,378 from the Support Service Fund Contingency to the Finance & Management Information Department to fund one full time FTE Lead Accounting Clerk and related support needs for PERS Administration.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this

_____ day of _____, 1992.

ATTEST:

_____, Presiding Officer

Clerk of the Council

EXHIBIT A
ORDINANCE NO. 92-446

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
FINANCE & MANAGEMENT INFORMATION:Accounting							
Personal Services							
511121 SALARIES-REGULAR EMPLOYEES (full time)							
	Directors	0.30	20,929		0	0.30	20,929
	Chief Accountant	1.00	57,441		0	1.00	57,441
	Assoc. Management Analyst	1.00	31,439		0	1.00	31,439
	Asst. Management Analyst	2.00	54,283		0	2.00	54,283
	Senior Accountant	3.00	116,920		0	3.00	116,920
511221 WAGES-REGULAR EMPLOYEES (full time)							
	Secretary	1.00	24,726		0	1.00	24,726
	Lead Accounting Clerk	1.00	23,548	0.50	10,597	1.50	34,145
	Accounting Clerk 2	4.00	82,358		0	4.00	82,358
	Accounting Clerk 1	3.00	54,849		0	3.00	54,849
	Office Assistant	1.00	15,956		0	1.00	15,956
511235 WAGES-TEMPORARY EMPLOYEES (part time)							
	Temporary Administrative Support	0.50	9,683		0	0.50	9,683
511400 OVERTIME							
			2,000		0		2,000
512000 FRINGE							
			167,655		3,285		170,940
Total Personal Services		17.80	661,787	0.50	13,882	18.30	675,669
Materials & Services							
521100 Office Supplies							
			15,375		2,496		17,871
521110 Computer Software							
			3,200		1,600		4,800
521310 Subscriptions							
			635		0		635
521320 Dues							
			1,405		0		1,405
524110 Accounting & Auditing Services							
			110,000		0		110,000
525640 Maintenance & Repairs Services-Equipment							
			820		0		820
526500 Travel							
			2,536		0		2,536
526800 Training, Tuition, Conferences							
			4,320		0		4,320
526900 Misc Other Purchased Services							
			15,000		0		15,000
529800 Miscellaneous							
			400		0		400
Total Materials & Services			153,691		4,096		157,787

EXHIBIT A
ORDINANCE NO. 92-446

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND							
FINANCE & MANAGEMENT INFORMATION:Accounting (continued)							
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		11,172		1,400		12,572
Total Capital Outlay			11,172		1,400		12,572
TOTAL ACCOUNTING DIVISION		17.80	826,650	0.50	19,378	18.30	846,028

EXHIBIT A
ORDINANCE NO. 92-446

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT

SUPPORT SERVICE FUND: Finance & Management Information

Personal Services

511121 SALARIES-REGULAR EMPLOYEES (full time)

Directors	1.00	69,763	0	1.00	69,763
Data Processing Administrator	1.00	53,078	0	1.00	53,078
Chief Accountant	1.00	57,441	0	1.00	57,441
Management Analyst Supervisor	1.00	46,795	0	1.00	46,795
Sr. Management Analyst	4.00	182,289	0	4.00	182,289
Assoc. Management Analyst	3.00	103,349	0	3.00	103,349
Asst. Management Analyst	2.00	54,283	0	2.00	54,283
D.P. Systems Analyst	3.00	110,219	0	3.00	110,219
D.P. Computer Programmer	1.00	31,445	0	1.00	31,445
Administrative Assistant	1.00	28,500	0	1.00	28,500
Senior Accountant	3.00	116,920	0	3.00	116,920

511221 WAGES-REGULAR EMPLOYEES (full time)

D.P. Computer Operator	1.00	28,608	0	1.00	28,608
D.P. Computer Technician	1.00	25,970	0	1.00	25,970
Administrative Secretary	1.00	21,350	0	1.00	21,350
Secretary	2.00	43,166	0	2.00	43,166
Lead Accounting Clerk	1.00	23,548	0.50	10,597	34,145
Reproduction Clerk	1.00	25,870	0	1.00	25,870
Accounting Clerk 2	4.00	82,358	0	4.00	82,358
Accounting Clerk 1	3.00	54,849	0	3.00	54,849
Office Assistant	1.00	15,956	0	1.00	15,956
Operations Utility Worker	1.00	19,268	0	1.00	19,268

511235 WAGES-TEMPORARY EMPLOYEES (part time)

Temporary Administrative Support	1.00	18,683	0	1.00	18,683
----------------------------------	------	--------	---	------	--------

511400 OVERTIME	0.00	4,074	0	0.00	4,074
-----------------	------	-------	---	------	-------

512000 FRINGE	0.00	413,364	3,285	0.00	416,649
---------------	------	---------	-------	------	---------

Total Personal Services	38.00	1,631,146	0.50	13,882	38.50	1,645,028
-------------------------	-------	-----------	------	--------	-------	-----------

Materials & Services

521100 Office Supplies	63,119	2,496	65,615
521110 Computer Software	17,090	1,600	18,690
521260 Printing Supplies	50,000	0	50,000
521291 Small Tools	840	0	840
521310 Subscriptions	3,558	0	3,558
521320 Dues	2,645	0	2,645
521540 Maintenance & Repairs Supplies-Equipment	500	0	500

EXHIBIT A
ORDINANCE NO. 92-446

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND:Finance & Management Information (continued)							
524110	Accounting & Auditing Services		110,000		0		110,000
524190	Misc. Professional Services		139,400		0		139,400
524210	Data Processing Services		18,000		0		18,000
524310	Management Consulting Services		8,000		0		8,000
525640	Maintenance & Repairs Services-Equipment		135,620		0		135,620
525710	Equipment Rental		500		0		500
526200	Ads & Legal Notices		750		0		750
526310	Printing Services		3,735		0		3,735
526410	Telephone		1,500		0		1,500
526420	Postage		80,000		0		80,000
526440	Delivery Services		850		0		850
526500	Travel		18,360		0		18,360
526700	Temporary Help Services		4,700		0		4,700
526800	Training, Tuition, Conferences		16,720		0		16,720
526900	Misc Other Purchased Services		15,150		0		15,150
529500	Meetings		450		0		450
529800	Miscellaneous		900		0		900
525740	Capital Lease Payments-Furniture & Equipment		265,033		0		265,033
Total Materials & Services			957,420		4,096		961,516
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		80,827		1,400		82,227
Total Capital Outlay			80,827		1,400		82,227
TOTAL FINANCE & MGMT. INFORMATION		38.00	2,669,393	0.50	19,378	38.50	2,688,771

EXHIBIT A
ORDINANCE NO. 92-446

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT	SERVICE FUND:General Expenses						
	Interfund Transfers						
581513	Trans. Indirect Costs to Bldg. Fund		314,646		0		314,646
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		47,177		0		47,177
581615	Trans. Indirect Costs to Insur. Fund-Workers'		54,245		0		54,245
	Total Interfund Transfers		416,068		0		416,068
	Contingency and Unapp. Balance						
599999	Contingency						
	* General		225,723		(19,378)		206,345
	* Builders License		7,848		0		7,848
	Total Contingency & Unapp. Bal.		233,571		(19,378)		214,193
	ALL OTHER FUND EXPENDITURES	40.10	2,506,173	0.00	0	40.10	2,506,173
	TOTAL SUPPORT SERVICE FUND	78.10	5,825,205	0.50	0	78.60	5,825,205

EXHIBIT B
ORDINANCE NO. 92-446
SCHEDULE OF APPROPRIATIONS

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
SUPPORT SERVICES FUND			
Finance and Management Information			
Personal Services	1,631,146	13,882	1,645,028
Materials & Services	957,420	4,096	961,516
Capital Outlay	80,827	1,400	82,227
Subtotal	2,669,393	19,378	2,688,771
Regional Facilities			
Personal Services	444,211	0	444,211
Materials & Services	317,966	0	317,966
Capital Outlay	40,500	0	40,500
Subtotal	802,677	0	802,677
Personnel			
Personal Services	433,555	0	433,555
Materials & Services	62,310	0	62,310
Capital Outlay	1,227	0	1,227
Subtotal	497,092	0	497,092
Office of General Counsel			
Personal Services	367,530	0	367,530
Materials & Services	19,544	0	19,544
Capital Outlay	2,955	0	2,955
Subtotal	390,029	0	390,029
Public Affairs			
Personal Services	672,850	0	672,850
Materials & Services	136,040	0	136,040
Capital Outlay	7,485	0	7,485
Subtotal	816,375	0	816,375
General Expenses			
Interfund Transfers	416,068	0	416,068
Contingency	233,571	(19,378)	214,193
Subtotal	649,639	(19,378)	630,261
Total Support Services Fund Requirements	5,825,205	0	5,825,205

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

Meeting Date: January 9, 1992
Agenda Item No. 6.2

ORDINANCE NO. 92-447

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 92-447 AMENDING
ORDINANCE NO. 91-390A REVISING THE FY 1991-92 BUDGET
AND APPROPRIATIONS FOR THE PURPOSE OF RECOGNIZING NEW
GRANTS AND AUTHORIZING SIX NEW POSITIONS IN THE
TRANSPORTATION DEPARTMENT

Date: December 26, 1991

Presented by: Andrew Cotugno

FACTUAL BACKGROUND AND ANALYSIS

This budget amendment would revise Personnel, Materials and Services and Capital costs for the Hillsboro, I-205/Milwaukie and I-5 Portland/Vancouver light rail studies and increase administrative support for the Department.

Light Rail Studies

This budget amendment would implement several recently adopted resolutions regarding implementation of light rail studies, as follows:

Hillsboro Alternatives Analysis - The budget is revised for this study to reflect delays which occurred during completion of the Westside DEIS and FEIS and a shift of the EIS management responsibilities from Tri-Met to Metro. EIS contractual is increased from \$150,000 to \$300,000 and intergovernmental agreements with Hillsboro and Washington County are increased from \$50,000 to \$150,300.

I-205/Milwaukie Pre-AA - This is consistent with the adopted budget, although delayed by six months to start January 1, 1992. As such, the contractual amounts are reduced from \$300,000 to \$101,000 and the amount for intergovernmental agreements with Tri-Met, ODOT, Portland, Clackamas County, Milwaukie, and the Port of Portland are reduced from \$250,000 to \$103,250.

I-5 Portland/Vancouver Pre-AA - This was not budgeted in the FY 91-92 budget but was approved in September 1991 by Resolution No. 91-1501A. The amount for contractual is budgeted at \$144,750 and for intergovernmental agreements with Portland, Tri-Met, C-TRAN, ODOT, WDOT, Vancouver and Clark County at \$220,000.

The net increase for all three studies for contractual is \$95,750 and for intergovernmental agreements is \$173,550.

LRT Staffing

Staffing in the LRT section is revised as follows:

	<u>Adopted Budget</u>	<u>Proposed FTEs</u>	<u>Budget Positions</u>
Senior Tr. Planner			
Position 1. Hillsboro AA	.25	1.00	1.00
Position 2. Hillsboro AA	0.00	.45	.60
Position 3. I-205/Milwaukie	1.00	.60	1.00
Position 4. I-5 Port./Vanc.	0.00	.65	1.00
Position 5. Regional HCT	.75	.75	1.00
Position 6. Station Area Plng.	<u>1.0</u>	<u>.25</u>	<u>1.00</u>
	3.00	3.70	5.60
Assoc. Pub. Affairs Specialist	0.00	0.50	1.00

The approved budget was predicated on 3.0 Senior Transportation Planners for the full fiscal year. This was amended to six positions but with five of those for a partial fiscal year (due to delayed hiring) for a net increase of 0.7 FTE. In addition, the one Senior Public Affairs Specialist is revised to add an Associate Public Affairs Specialist for half the fiscal year.

Administrative Support

With the added administrative burden of the light rail studies, the RLIS storefront and other transportation studies, increased staff support for the department is needed. This budget amendment reflects the addition of a Senior Management Analyst and a Secretary (each at 0.5 FTE for the remainder of the fiscal year). The Senior Management Analyst will be responsible for all department contracting, budgeting, purchasing and coordination of secretarial needs, support service needs and scheduling of services required between sections of the department. This position will supervise the secretarial pool and the Administrative Assistant.

This action also requests the addition of a full-time Secretary for the remainder of the year (0.50 FTE). The Transportation Department currently has a ratio of one secretary for every 15 professional staff. This amendment will increase that ratio to 1:18. Additional clerical support is needed to meet the demands of the department.

These positions, along with the associated costs for furniture and computers, will be funded through a transfer from Contin-gency.

Furniture and Equipment

This budget amendment adds six positions. In addition, two previously approved positions remain to be hired for which

furniture and computer budget are insufficient. Furniture and computers are reflected in this budget for eight new positions at \$2,000 each for furniture, \$4,000 each for computers plus \$2,000 for miscellaneous furniture, principally chairs.

Revenue

The increased cost of the Hillsboro and I-5 Portland/Vancouver studies are funded largely through outside sources. The full project budgets over the 18-month duration of the projects are as follows:

	<u>Grant</u>	<u>Other Local Match</u>	<u>Metro Local Match</u>	<u>Total</u>
Hillsboro	\$1,065,440	\$230,629.00	\$ 35,811.00	\$1,331,880
I-205/Milwaukie	997,050	161,287.50	14,662.50	1,173,000
I-5 Port./Vanc.	1,440,000	315,000.00	45,000.00	1,800,000

Oregon budget law allows recognition and expenditure of grants in the year they are received without a supplemental budget process.

The full list of consultant contracts and intergovernmental agreements showing both local match contribution (revenue) and project cost (expenditure) is included as Attachment A.

SUMMARY

This action requests the recognition of \$365,636 in new grants and related appropriation plus a transfer from Contingency of \$50,000. It also authorizes the following new positions:

1 Senior Management Analyst	0.50 FTE
3 Senior Transportation Planners.	2.60 FTE
1 Associate Public Affairs Specialist	0.50 FTE
1 Secretary	0.50 FTE

The Personnel Division will be reviewing the position requests related to this action for proper classification. Their recommendation will be presented at the Finance Committee meeting of January 16, 1992. If the recommendations are different from what has been requested, revised exhibits will be presented at that time.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 92-447.

ACC:lmk
92-447.ORD
12-30-91

Personnel Request

Metro Fiscal Year 1992

Date: December 31, 1991
Dept.: Transportation
Program: Management & Coordination
Page 1 of 1

ACTION REQUESTED:

New Senior Management Analyst.

INCUMBENT:

N/A.

DUTIES AND RESPONSIBILITIES:

Will develop and manage department budget. Monitor actual versus budgeted resources and ensure adequacy relative to committed costs. Oversee contract management consistent with Metro requirements and grants. Coordinate support service needs of divisions within department; ensure priorities for available resources are addressed (support services include secretarial, public affairs, data processing, etc.). Coordinate project scheduling and assignment resources between divisions of the department. Supervise Secretaries, Administrative Assistant and proposed data processing support staff.

QUALIFICATIONS:

Bachelor's degree relating to program area and three years of general administrative, governmental or contract administration experience. Knowledge of project management control systems (preferably Microsoft project).

JUSTIFICATION:

Increased budget management size and complexity.

BUDGET IMPACT:

Salary:	\$18,575
Fringe:	5,312
Overhead:	<u>8,241</u>
	\$32,128

Personnel Request

Metro Fiscal Year 1992

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 1 of 3

ACTION REQUESTED:

Addition of three Senior Transportation Planners.

INCUMBENT:

N/A.

DUTIES AND RESPONSIBILITIES:

These Senior Planners would coordinate the Hillsboro Alternatives Analysis, Hillsboro EIS work and the I-5/I-205 Portland/Vancouver Preliminary Alternatives Analysis Study. Duties would include staffing and coordinating a technical advisory committee, reporting to a project management committee, coordinating various local agencies, providing technical assistance, developing and coordinating intergovernmental agreements, preparing technical memoranda, coordinating Metro support staff, and providing overall project coordination. The Senior Planner will report to the High Capacity Transit Transportation Supervisor.

QUALIFICATIONS:

Experience in: federal environmental impact analysis requirements and state and regional land use and transportation planning requirements; transportation and/or transit planning practices and procedures; working with various agencies, coordinating and managing long-term, complex projects and working with citizen and staff advisory committees. Fixed guideway and light rail planning is highly desirable.

Knowledge of: travel demand forecasting techniques and practices.

Skill in: utilizing mainframe and/or personal computer skills, including experience with word processing, spreadsheet and database programs and graphical programs; demonstrated writing and speaking skills.

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 2 of 3

Education and Experience: Bachelor's degree in planning or related field and two years of transportation planning experience, or any combination of experience and education which provides the applicant with the desired skills, knowledge and ability required to perform the job.

JUSTIFICATION:

One of These positions will provide the technical support and project coordination for the I-5/I-205 Portland/Vancouver Preliminary Alternatives Analysis. This study was not included in the FY 1992 Metro Budget or Unified Work Program. The FY 1992 budget and UWP did include the I-205/Milwaukie Preliminary AA, which included a Senior Transportation Planner to provide the coordination for that study. In June 1991, Metro Council adopted Resolution 91-1456 which called for the implementation of both the I-205/Milwaukie and the I-5/I-205 Portland/Vancouver Preliminary AAs, to be completed on a concurrent schedule. In September 1991 Metro Council approved an amendment to the FY 1992 UWP to include the I-5/I-205 Portland/Vancouver Preliminary AA. Following adoption of the amendment, a project TAC and PMG prepared and approved a project Work Plan, and C-TRAN submitted the Work Plan with a grant application to the Washington State Department of Transportation to fund 80 percent of the project costs, which are estimated to be \$1,800,000.

This position is needed to provide much of the technical analysis that Metro is responsible for within the study. The position is also needed to coordinate the technical work provided by other agency staff and by private consultants. The position would also coordinate other Metro staff in providing technical assistance and products to the study. The position would report to the HCT Transportation Planning Supervisor, which will be the Project Manager. Existing HCT Transportation Planning staff are all committed to other projects for the duration of the I-5/I-205 Portland/Vancouver Preliminary AA and are not available to provide the level of support that would be provided by this new position.

The second two positions will provide the lead for the Hillsboro Alternatives Analysis and preparation of the

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 3 of 3

Hillsboro EIS. This was budgeted at a nominal level for FY 92 (.25 FTE) in anticipation of completion in early FY 92. Due to the Westside priority, the Hillsboro project was delayed with a current schedule to complete the EIS by December 1991, followed by public hearings and the Local Preferred Alternative selection. The increased cost is funded through the Hillsboro project budget. The EIS position is budgeted as a part-time position (@ .6 FTE).

BUDGET IMPACT:

Salary:	\$27,100
Fringe :	7,751
Overhead:	<u>12,023</u>
	\$46,874

LS:lmk
12-31-91
PERSREQ2.FM

Personnel Request

Metro Fiscal Year 1992

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 1 of 3

ACTION REQUESTED:

Addition of Associate Public Involvement Planner.

INCUMBENT:

There is no incumbent for this position.

DUTIES AND RESPONSIBILITIES:

The Associate Public Involvement Planner would provide assistance to the public involvement programs for the I-5/I-205 Portland/Vancouver Preliminary Alternatives Analysis, the I-205/Milwaukie Preliminary Alternatives Analysis, the Regional HCT Study and the Hillsboro Corridor Alternatives Analysis. Duties would include assisting in the staffing and coordinating of a citizens advisory committee, coordinating with Metro and other agency support staff, preparation of public information such as newsletters, press releases and brochures, setting up and coordinating public meetings and hearings, maintaining mailing lists, and providing minutes or notes for public meetings. The Senior Planner will report to the Senior Public Involvement Planner for the HCT Transportation Planning Section.

QUALIFICATIONS:

Experience in: public meeting management and coordination; public presentation material preparation; contact with a wide variety of citizen groups and elected officials; making public presentations, including speaking and the preparation of presentation material and graphics; writing public information pieces including press releases, brochures, and summaries, including desktop publishing with microcomputer software; working with large complex technical projects, coordinating public information and input; working with neighborhood and community groups.

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 2 of 3

Experience with public involvement within an EIS process is highly desirable.

Knowledge of: Oregon public meeting law and regulations; meeting management and coordination techniques; local transportation and planning issues and projects; Portland area neighborhood and community groups and issues; page layout and document production techniques. Knowledge of EIS public hearing and involvement requirements is highly desirable.

Skill in: working with diverse public groups on complex and controversial projects; ability to communicate accurately and effectively policy and technical issues and information to a wide variety of citizens and groups; personal computer skills, including experience with word processing, graphical programs, and desktop publishing software; demonstrated writing and speaking skills.

Education and Experience: Bachelor's degree in planning or related field and one year of public involvement planning experience, or any combination of experience and education which provides the applicant with the desired skills, knowledge and ability required to perform the job.

JUSTIFICATION:

This position will provide support and assistance to the Senior Public Involvement Planner, approved within the FY 1992 Metro Budget and UWP. When the 1992 Budget and UWP were adopted, the only studies that Metro and the Senior Public Involvement Planner would be responsible for were the I-205/Milwaukie Preliminary Alternatives Analysis and the Regional HCT Study. Since that time, the UWP was amended to include the I-5/I-205 Portland/Vancouver Preliminary Alternatives Analysis. In June 1991, Metro Council adopted Resolution 91-1456 which called for the implementation of both the I-205/Milwaukie and the I-5/I-205 Portland/Vancouver Preliminary AAs, to be completed on a concurrent schedule. In September 1991, Metro Council approved an amendment to the FY 1992 UWP to include the I-5/I-205 Portland/Vancouver Preliminary AA. Also, Metro and Tri-Met have agreed to transfer responsibility for staffing the Hillsboro Corridor AA public involvement program from Tri-Met to Metro,

Date: December 31, 1991
Dept.: Transportation
Program: Planning (High Capacity Transit)
Page 3 of 3

because Metro manages that project and its public involvement program.

This position is needed to provide assistance and meeting coordination for the four HCT studies described above. The approved Senior Public Involvement Planner will not be able to meet all of the requirements for public involvement for the four studies. Each of the studies will require staffing for CACs, preparation of newsletters, maintenance of mailing lists, preparation of public documents, and participation in a large number of day and night public meetings.

BUDGET IMPACT:

Salary:	\$17,813
Fringe:	5,094
Overhead:	<u>7,903</u>
	\$30,810

LS:lmk
12-31-91
PERSREQ2.FM

Personnel Request

Metro Fiscal Year 1992

Date: December 30, 1991
Dept.: Transportation
Program: Management & Coordination
Page 1 of 2

ACTION REQUESTED:

New secretarial position.

INCUMBENT:

N/A.

DUTIES AND RESPONSIBILITIES:

This is a responsible secretarial position providing staff support services to the Transportation Department. Demonstrated editing skills as well as experience with document publishing software, or a willingness to be trained in the use of Framemaker, will be important. Proficiency with Wordperfect Graphics, Harvard Graphics and Spreadsheet 1-2-3 is desirable. Experience in document production, page layout and fonts is preferred. Experience in working in a networked environment is also important as well as the ability to manage a heavy workload with occasional conflicting demands.

QUALIFICATIONS:

Knowledge of: general office practices and procedures; filing systems; grammar, punctuation and spelling; and office equipment.

Considerable knowledge in word processing equipment (IBM PC compatible Word Perfect 5.0 or 5.1).

Skill in rapid and accurate typing; using word processing equipment and other office machines; taking notes at meetings; developing and maintaining effective working relationships with other employees, managers and members of the general public.

Date: December 30, 1991
Dept.: Transportation
Program: Management & Coordination
Page 2 of 2

JUSTIFICATION:

Additional staff is being added to the Transportation Department to do new light rail studies. Currently, the staff to secretary ratio is 1:15; new staff will increase the ratio to 1:18. At this time, the demands for secretarial support require overtime for them to keep up. With the addition of two new studies and eight professional planners, the need for additional clerical staff is apparent.

BUDGET IMPACT:

Salary:	\$11,426
Fringe:	3,268
Overhead:	<u>5,069</u>
	\$19,763

KT:lmk
PERSREQ.FM
12-30-91

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO.	)	ORDINANCE NO. 92-447
91-390A REVISING THE FY 1991-92)	
BUDGET AND APPROPRIATIONS SCHEDULE	)	Introduced by Rena Cusma,
FOR THE PURPOSE OF RECOGNIZING NEW	)	Executive Officer
GRANTS AND AUTHORIZING SIX NEW)	
POSITIONS IN THE TRANSPORTATION)	
DEPARTMENT)	

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1991-92 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

WHEREAS, ORS 294.326(2) allows the expenditure in the year of receipt of grants received in trust for specific purposes without a supplemental budget; and

WHEREAS, Adequate funds exist for other identified needs; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

1. That Ordinance No. 91-390A, Exhibit B, FY 1991-92 Budget, Exhibit C, Schedule of Appropriations, and the Contract List in the appendix thereto are hereby amended as shown in the column titled "Revision" of Exhibits A and B and by adding the Contracts listed on Exhibit C to this Ordinance for the purpose of recognizing \$365,636 in new grants, transferring \$50,000 from the Transportation Planning Fund Contingency and authorizing six new full-time positions in the Transportation Planning Department.

2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1992.

_____, Presiding Officer

ATTEST:

Clerk of the Council

ACC:KT:bc
92-447.ORD
1-2-92

EXHIBIT A
ORDINANCE NO. 92-447

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND							
Resources							
305000	Fund Balance		184,774		0		184,774
331110	Federal Grants-Operating-Categorical-Direct						
	FY 92 UMTA Sec. 8		208,900		0		208,900
	FY 92 UMTA e4		123,500		0		123,500
	FY 91 UMTA Sec 8(OR-08-0063)		40,000		0		40,000
	FY 90 UMTA 103(e)(4)(OR-29-9017)		40,800		0		40,800
	FY 88 UMTA Sec 8 (OR-08-0051)		9,000		0		9,000
	FY 88 UMTA Sec 8 (OR-08-0054)PPTF		9,000		0		9,000
	FY 92 UMTA I-205/Milwaukie		813,450		(62,147)		751,303
331120	FEDERAL GRANTS-OPERATING-CATEGORICAL-INDIRECT						
	FY 92 PL (ODOT)		295,567		0		295,567
	FY 92 FHWA e(4) (ODOT)		151,577		0		151,577
	FY 92 FHWA (TA) (ODOT)		36,000		0		36,000
	FY 92 Sec 9 (Tri-Met)		150,000		0		150,000
	FY 92 Hillsboro PE/FEIS(Tri-Met)		39,000		0		39,000
	FY 91 FHWA HPR (ODOT)		10,000		0		10,000
	FY 91 Sec 9-Pass thru from Tri-Met		20,000		0		20,000
	FY 91 Hillsboro AA (Tri-Met)		274,400		0		274,400
	FY 90 FHWA HPR (ODOT)		35,000		0		35,000
	FY 89 Sec 9 (Tri-Met)		15,000		0		15,000
334110	State Grants-Operating-Categorical-Direct						
	FY 92 ODOT Supplemental		272,158		0		272,158
	DEQ (Demand Management)		97,200		0		97,200
	ODOT - Western Bypass		32,500		0		32,500
	Washington DOT (I-5)		0		405,000		405,000
337110	Local Grants-Operating-Categorical-Direct						
	I205/Milwaukie AA match-various jurisdictio		129,050		(10,967)		118,083
	FY92 Tri-Met match		75,000		0		75,000
	FY 90 Westside from Tri-Met		137,500		0		137,500
	I-5 Match Various Jurisdictions		0		33,750		33,750
339100	Local Government Dues Assessment		471,050		0		471,050
339200	Contract Services		84,806		0		84,806
341500	Documents & Publications		38,480		0		38,480
361100	Interest on Investments		15,733		0		15,733
379000	Other Miscellaneous Revenue		1,900		0		1,900
391010	Trans. Resources from Gen'l Fund		552,857		0		552,857
391530	Trans. Resources from S.W. Oper. Fund		649,200		0		649,200
TOTAL RESOURCES			5,013,402		365,636		5,379,038

EXHIBIT A
ORDINANCE NO. 92-447

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT

TRANSPORTATION PLANNING FUND

Personal Services

511121 SALARIES-REGULAR EMPLOYEES (full time)

Transportation Director	1.00	67,714		0	1.00	67,714
Trans. Planning Manager	1.00	58,506		0	1.00	58,506
Technical Manager	1.00	58,506		0	1.00	58,506
Regional Planning Supervisor	1.00	53,056		0	1.00	53,056
Trans. Planning Supervisor	3.00	141,790		0	3.00	141,790
Senior Regional Planner	2.00	82,855		0	2.00	82,855
Senior Management Analyst	1.00	43,711	0.50	18,575	1.50	62,286
Senior Trans. Planner	8.00	309,615	0.70	27,100	8.70	336,715
Assoc. Trans. Planner	7.00	224,742		0	7.00	224,742
Assoc. Regional Planner	3.50	108,612		0	3.50	108,612
Assoc. Public Affairs Specialist	0.00	0	0.50	17,813	0.50	17,813
Asst. Trans. Planner	3.00	83,367		0	3.00	83,367
Asst. Regional Planner	3.00	63,062		0	3.00	63,062
Administrative Assistant	1.00	29,921		0	1.00	29,921
511221 WAGES-REGULAR EMPLOYEES (full time)	0.00	0		0	0.00	0
Administrative Secretary	1.00	27,248		0	1.00	27,248
Secretary	1.00	23,023	0.50	11,426	1.50	34,449
Planning Technician	1.00	19,461		0	1.00	19,461
511231 WAGES - TEMPORARY EMPLOYEES (full time)						
Vacant	1.00	21,404		0	1.00	21,404
512000 FRINGE	0.00	481,182		21,422	0.00	502,604

Total Personal Services	39.50	1,897,775	2.20	96,336	41.70	1,994,111
-------------------------	-------	-----------	------	--------	-------	-----------

Materials & Services

521100 Office Supplies	30,244	18,000	48,244
521110 Computer Software	88,250	0	88,250
521240 Graphics/Reprographic Supplies	2,100	0	2,100
521310 Subscriptions	1,260	0	1,260
521320 Dues	1,580	0	1,580
524110 Accounting & Auditing Services	5,000	0	5,000
524190 Misc. Professional Services	1,253,484	95,750	1,349,234
525640 Maint. & Repairs Services-Equipment	66,026	0	66,026
526200 Ads & Legal Notices	6,500	0	6,500
526310 Printing Services	53,940	0	53,940
526320 Typesetting & Reprographics Services	3,750	0	3,750
526410 Telephone	9,220	0	9,220
526420 Postage	3,500	0	3,500

EXHIBIT A
ORDINANCE NO. 92-447

ACCT #	DESCRIPTION	CURRENT		REVISION		PROPOSED	
		FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
TRANSPORTATION PLANNING FUND (continued)							
526440	Delivery Services		1,000		0		1,000
526500	Travel		28,510		0		28,510
526700	Temporary Help Services		8,000		0		8,000
526800	Training, Tuition, Conferences		15,860		0		15,860
528100	License, Permits, Payments to Other Agencies		335,000		173,550		508,550
529500	Meetings		1,000		0		1,000
529800	Miscellaneous		3,000		0		3,000
531100	Capital Lease-Furniture & Equipment		152,748		0		152,748
Total Materials & Services			2,069,972		287,300		2,357,272
Capital Outlay							
571500	Purchases-Office Furniture & Equipment		61,585		32,000		93,585
Total Capital Outlay			61,585		32,000		93,585
Interfund Transfers							
581513	Trans. Indirect Costs to Bldg. Fund		142,680		0		142,680
581610	Trans. Indirect Costs to Support Svs. Fund		516,181		0		516,181
581615	Trans. Indirect Costs to Insur. Fund-Gen'l		1,821		0		1,821
581615	Trans. Indirect Costs to Insur. Fund-Workers'		27,575		0		27,575
583610	Trans. Direct Costs to Support Svs. Fund		34,455		0		34,455
Total Interfund Transfers			722,712		0		722,712
Contingency and Unapp. Balance							
599999	Contingency		223,358		(50,000)		173,358
599990	Unappropriated Fund Balance		38,000		0		38,000
Total Contingency & Unapp. Balance			261,358		(50,000)		211,358
TOTAL EXPENDITURES		39.50	5,013,402	2.20	365,636	41.70	5,379,038

EXHIBIT B
ORDINANCE NO. 92-447
SCHEDULE OF APPROPRIATIONS

TRANSPORTATION PLANNING FUND	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
Personal Services	1,897,775	96,336	1,994,111
Materials & Services	2,069,972	287,300	2,357,272
Capital Outlay	61,585	32,000	93,585
Interfund Transfers	722,712	0	722,712
Contingency	223,358	(50,000)	173,358
Unappropriated Balance	38,000	0	38,000
Total Transportation Planning Fund Requirements	5,013,402	365,636	5,379,038

ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED

EXHIBIT C

Proposed Contracts

<u>Contract No.</u>	<u>Contract Name/Description</u>	<u>Amount</u>	<u>Amt. to be spent in FY 92</u>	<u>Council Designation</u>
N/A	C-TRAN (WDOT) I-5N Study			
	140 122100 IGA/Revenue	1,620,000	405,000	B
	Expenditure	191,500	47,875	
N/A	IRC - I-5N Study			
	140 122100 IGA/Expenditure	187,000	46,750	B
N/A	Tri-Met - I-5N Study			
	140 122100 IGA/Revenue	45,000	11,250	B
	Expenditure	160,500	40,125	
N/A	Portland - I-5N Study			
	140 122100 IGA/Revenue	45,000	11,250	B
	Expenditure	87,000	21,750	
N/A	Clark Co. - I-5N Study			
	140 122100 IGA/Expenditure	56,500	14,125	B
N/A	Vancouver - I-5N Study			
	140 122100 IGA/Expenditure	38,500	9,625	B
N/A	WSDOT - I-5N Study			
	140 122100 IGA/Expenditure	88,000	22,000	B
N/A	ODOT - I-5N Study			
	140 122100 IGA/Revenue	45,000	11,250	B
	Expenditure	71,000	17,750	
N/A	Consultant - I-5N Study			
	140 122100 Pers. Services	579,000	144,750	B
	Environmental/Engr. Support			
N/A	Tri-Met - I-205/Milw. Study			
	140 122100 IGA/Revenue	87,975	21,994	B
	Expenditure	172,000	43,000	
N/A	Portland - I-205/Milw. Study			
	140 122100 IGA/Revenue	14,662.50	3,665.63	B
	Expenditure	63,000.00	15,750.00	
N/A	ODOT - I-205/Milw. Study			
	140 122100 IGA/Revenue	14,662.50	3,665.63	B
	Expenditure	56,000.00	14,000.00	

<u>Contract No.</u>	<u>Contract Name/Description</u>	<u>Amount</u>	<u>Amt. to be spent in FY 92</u>	<u>Council Designation</u>
N/A	Clackamas Co. - I-205/Milw. Study			
	140 122100 IGA/Revenue	14,662.50	3,665.63	B
	Expenditure	63,000.00	15,750.00	
N/A	Milwaukie - I-205/Milw. Study			
	140 122100 IGA/Revenue	8,412.50	2,103.13	B
	Expenditure	31,500.00	7,875.00	
N/A	Port of Portland - I-205/Milw. Study			
	140 122100 IGA/Revenue	6,250.00	1,562.50	B
	Expenditure	27,500.00	6,875.00	
N/A	Consultant - I-205/Milw. Study			
	140 122100 Pers. Services	404,000.00	101,000.00	B
	Environmental/Engr. Support			
N/A	Consultant - Hillsboro DEIS			
	140 122100 Pers. Services	300,000.00	300,000.00	B
	Environmental Support			
901268	Hillsboro - Hills. AA/DEIS			
	140 122100 IGA/Revenue	15,000.00	22,653.00	B
	Expenditure	30,000.00	72,400.00	
901267	Washington Co. - Hills. AA/ DEIS			
	140 122100 IGA/Revenue	20,000.00	38,545.00	B
	Expenditure	20,000.00	77,900.00	

ACC:lmk:bc
92-447.ORD
1-2-92

Meeting Date: January 9, 1992
Agenda Item No. 6.3

ORDINANCE NO. 92-441

STAFF REPORT

CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 91-1:DAMMASCH

Date: January 9, 1992

Presented By: Ethan Seltzer

BACKGROUND

On September 26, 1991, the Metro Council held a public hearing and approved Metro Council Resolution Number 91-1496A (attached), expressing its intent to amend the Metro Urban Growth Boundary, as requested in Contested Case 91-1, pending annexation of the subject property to the City of Wilsonville and/or the Metro District. When the Metro Council wishes to amend the Urban Growth Boundary to add property not currently within the Metro District Boundary, it states its intent to do so in the form of a resolution, with final action on an ordinance delayed until the property is brought under its territorial jurisdiction.

On November 21, 1991, the Boundary Commission approved the annexation of the subject property to the City of Wilsonville and the Metro District. Therefore, Ordinance Number 92-441 is now before the Metro Council to complete the amendment consistent with the Council's earlier statement of intent.

Contested Case No. 91-1 is a petition from the State of Oregon for a major amendment of the Urban Growth Boundary in Clackamas County. The property proposed for inclusion in the UGB comprises approximately 184 acres in two parcels. Approximately 141 acres is associated with the present and anticipated development of Dammasch State Hospital. A parcel of approximately 43 acres is associated with the former Callahan State Training Center. Both parcels have been annexed to the City of Wilsonville and the Metro District Boundary following Council action on Resolution No. 91-1496A. The state owns an additional 306 acres, not part of this application and zoned for Exclusive Farm Use. The lands affected by this proposal are shown on the map included as Exhibit A. The City of Wilsonville has gone on record in support of the amendment as has Clackamas County.

Metro Hearings Officer Larry Epstein held a hearing on this matter on June 19, 1991, in Wilsonville. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the petition meets the applicable standards and should be approved. One exception from 1000 Friends of Oregon was filed to the decision, and was included with the staff report to the resolution at the time that it was considered by the Council. Resolution No. 1496A was amended to address the concern raised by 1000 Friends. The condition of approval included in that resolution has been made part of this Ordinance.

At its meeting on the 26th of September, 1991, Council heard from parties to the

case, reviewed the record, reviewed the report and recommendation of the Hearings Officer, and approved the resolution. The petitioner was given 6 months from the date of adoption of the Resolution No. 91-1496A to complete the annexation. Petitioner has successfully completed this step, and final action by the Metro Council is now requested.

EXECUTIVE OFFICER'S RECOMMENDATION

The Metro Council should approve Ordinance No. 92-441, consistent with its intent as stated in Resolution No. 91-1496A.

ES/es
12/24/91

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER	)	ORDINANCE NO. 92-441
AND AMENDING THE METRO URBAN)	
GROWTH BOUNDARY FOR CONTESTED CASE)	
NO. 91-1: DAMMASCH)	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY
ORDAINS:

Section 1. The Council of the Metropolitan Service District adopted Resolution No.91-1496A, attached as Exhibit C of this Ordinance and incorporated by this reference, on September 26, 1991, which stated its intent to amend the Metro Urban Growth Boundary with certain conditions for Contested Case 91-1:Dammasch pending annexation of the subject property to the City of Wilsonville and/or the Metropolitan Service District within 6 months of adoption of the resolution.

Section 2. The Portland Metropolitan Area Local Government Boundary Commission acted on November 21, 1991, to annex the petitioners State of Oregon's property, the subject of Contested Case No. 91-1:Dammasch, to the City of Wilsonville and the Metropolitan Service District. The action of the Boundary Commission is attached to this Ordinance as Exhibit D, which is incorporated by this reference.

Section 3. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 91-1 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference, and conditioned by the adoption of Resolution No. 91-1496A, as noted above.

Section 4. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this

reference, provided that, to assure compliance with Statewide Planning Goal 3 per Hearings Officer finding V.C.2 and in compliance with longstanding Clackamas County Comprehensive Plan Policy 4.0 prohibiting new usable sewer facilities on agricultural lands, extension of the proposed sewer from Wilsonville Road across agricultural land to the subject property shall be installed and remain as a transmission line only with no additional connections on agricultural lands.

Section 5. Parties to Contested Case No. 91-1 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

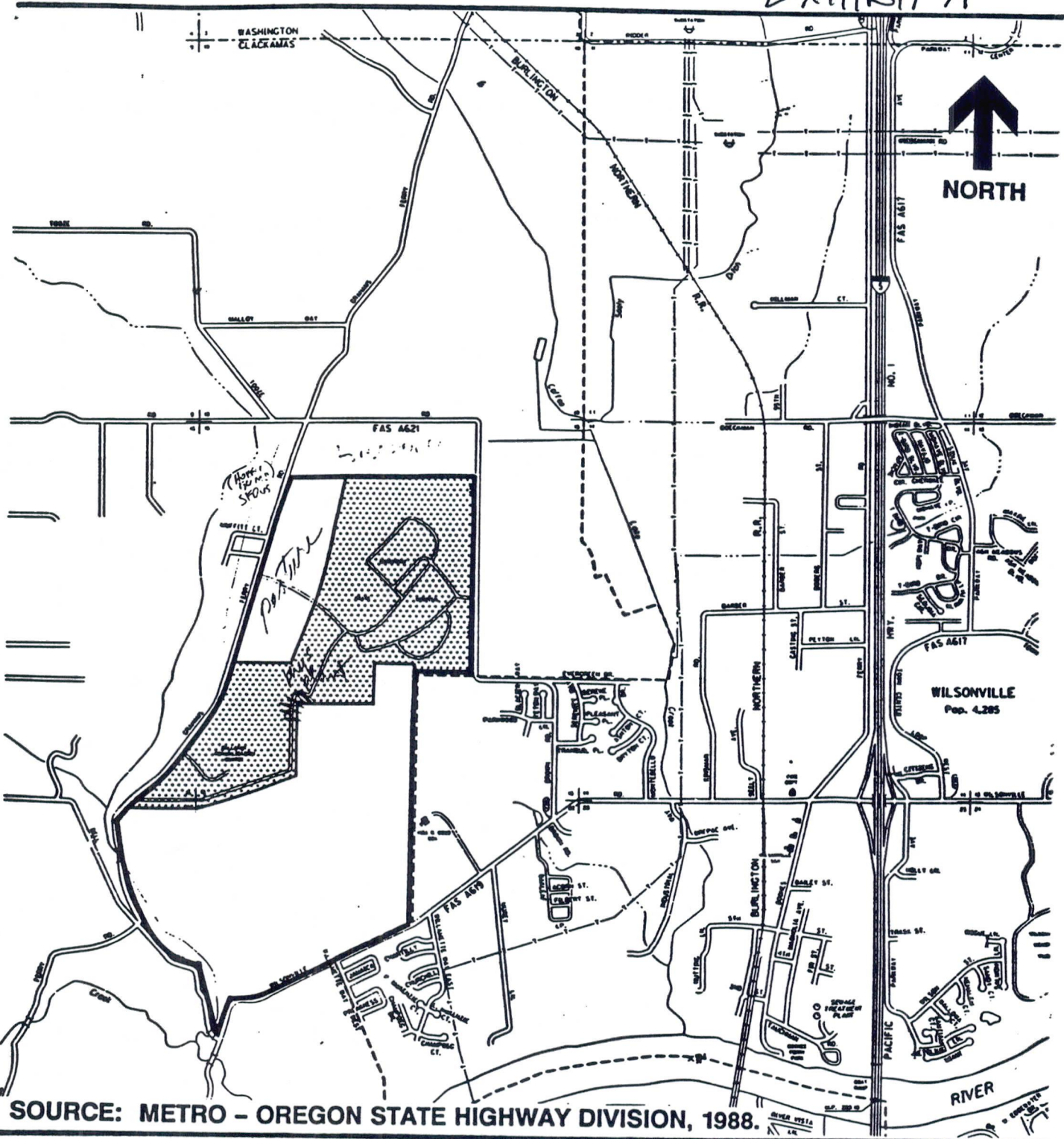
ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1992.

Presiding Officer

ATTEST:

Clerk of the Council

ES/es
12/23/91



SOURCE: METRO - OREGON STATE HIGHWAY DIVISION, 1988.

SCALE



EXHIBIT 2

LOCATION MAP
Wilsonville, OR. Clackamas County

LEGEND

-  PROPOSED UGB/ANNEXATION
-  STATE OWNERSHIP
-  CITY LIMITS - URBAN GROWTH BOUNDARY
-  CREEK

BARKER SURVEYING CO.
2035 25th STREET S.E. • SALEM, OREGON 97302

**Description for Dammasch State Hospital
March 20, 1991**

A tract of land in the Southeast quarter of Section 16 and in Section 15 in Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

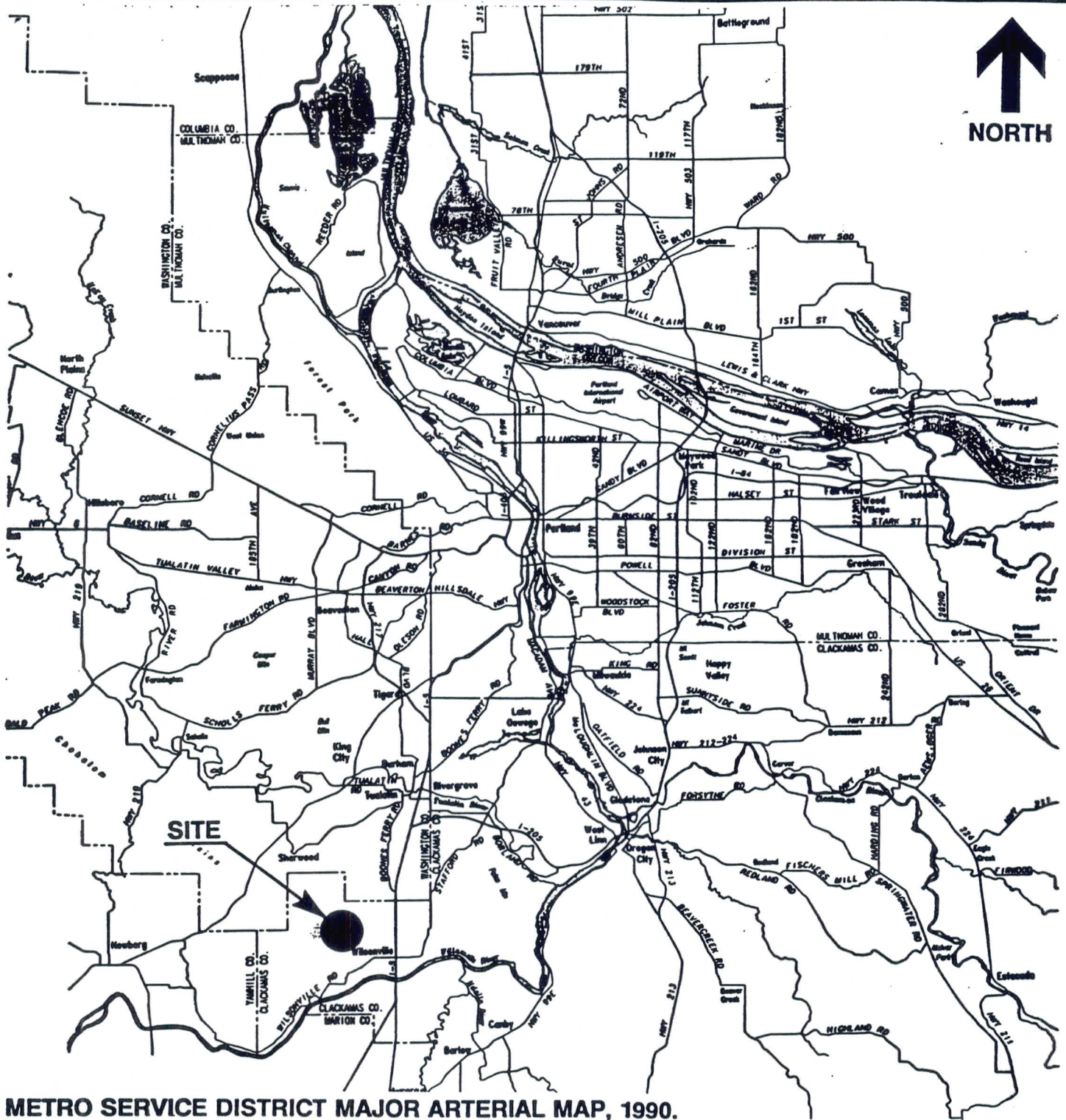
Beginning at the Southeast corner of the Samuel B. Franklin Donation Land Claim No. 50 in Section 15, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon; thence North $0^{\circ}15'$ East along the centerline of Brown Road, 2688.18 feet; thence South $89^{\circ}53'20''$ West 1688.95 feet; thence South $9^{\circ}45'25''$ West 1600.00 feet; South $21^{\circ}32'32''$ West 1329.85 feet; thence West 1035.93 feet to a point in the center of Bell Road; thence South $15^{\circ}47'40''$ West along the centerline of said road, 190.94 feet; thence southwesterly along said centerline on the arc of a 1145.92 foot radius curve to the right (the chord of which bears South $26^{\circ}11'20''$ West 413.60 feet) a distance of 415.88 feet; thence South $36^{\circ}35'20''$ West along said centerline, 678.69 feet; thence southwesterly along said centerline on the arc of a 2864.79 foot radius curve to the right (the chord of which bears South $40^{\circ}06'49''$ West 352.27 feet) a distance of 352.49 feet; thence leaving said road South $46^{\circ}47'23''$ East 286.40 feet; thence South $66^{\circ}40'15''$ East 322.66 feet; thence North $73^{\circ}40'12''$ East 969.32 feet; thence North $74^{\circ}03'51''$ East 266.67 feet; thence North $1^{\circ}09'10''$ East 743.76 feet; thence North $89^{\circ}34'40''$ East 1150.00 feet; thence North $0^{\circ}14'40''$ East 713.29 feet; thence North $89^{\circ}34'40''$ East 1479.03 feet to the point of beginning and containing 183.88 acres of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Clarence E. Barker
OREGON
JULY 10, 1994
CLARENCE E. BARKER
636

LAND SURVEYORS

SUBDIVISIONS • CONSTRUCTION STAKING • TOPOGRAPHIC MAPPING
METROPOLITAN • RURAL • PARTITIONINGS • STRUCTURAL LAYOUTS
PHONE (503) 588-8800



METRO SERVICE DISTRICT MAJOR ARTERIAL MAP, 1990.

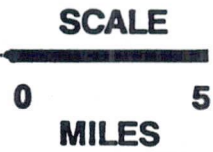


EXHIBIT 1

**VICINITY MAP
Wilsonville, OR. Clackamas County**

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of Dammasch State Hospital to amend the Urban Growth Boundary to add 183.88 acres to the urban area west of and adjacent to Wilsonville in Clackamas County)	Contested Case No. 91-01 HEARINGS OFFICER REPORT & RECOMMENDATION
---	---	--

I. Nature and Summary of the Issues

Petitioners propose to add about 184 acres (the "Subject Property") to the Urban Growth Boundary (UGB) west of and adjoining Wilsonville in Clackamas County. The Subject Property is part of a 490-acre parcel owned by the State of Oregon, the Petitioner, and is the site of Dammasch State Hospital and the Callahan Center. The remaining 306 acres of the State's parcel will remain outside of the UGB and zoned for exclusive farm use.

Petitioners propose to include the Subject Property in the UGB to solve longstanding sewage disposal problems for both facilities and to allow the existing facilities to be used for urban purposes. The Callahan Center in particular cannot be used without the UGB amendment, because the non-conforming use status of the facility has expired, and it cannot be put to a conforming use practicably in the Exclusive Farm Use zone.

The issue in this case is whether the amendment complies with the 7 factors in Statewide Planning Goal 14 (Urbanization) for locating an urban growth boundary and other applicable Goals, (particularly Goal 3 (Agriculture) and Goal 11 (Public Facilities and Services), or whether an exception to the Goals is warranted under Goal 2 (Land Use Planning). The petitioner argued the amendment does comply with applicable Goals or that a Goal Exception is warranted. Other parties with an interest in the matter generally supported the amendment, although two parties expressed concern about the basis for the amendment and about the potential impact of the amendment on the remainder of the parcel.

The Hearings Officer concludes that the proposed amendment complies with the applicable Statewide Planning Goals or that an Exception to the Goals is warranted to allow the UGB amendment, and recommends that the Council approve the petition.

II. Procedures and Record

A. History, Proceedings, and Comments from Affected Jurisdictions.

1. On or about March 29, 1991, Mary Dorman filed a petition for a UGB amendment for 184 acres of land in section 15 and 16, Township 3 South, Range 1 West, WM, Clackamas County (the "Subject Property") on behalf of its owner, the State of Oregon. A legal description for the property in question is attached to the petition. See Exhibits 1 and 27.

2. On or about May 28, 1991, Metro staff sent notices by certified mail to owners of land within 500 feet of the Subject Property that a hearing would be held June 19, 1991 regarding the petition. See Exhibits 22 through 24. A notice of the hearing also was published in *The Oregonian* on or before June 9.

3. On June 19, 1991, from 7:00 pm until about 9:00 pm, the Hearings Officer held a public hearing at the Wilsonville City Hall. Four witnesses testified in person about the petition (see Exhibit 32) in addition to Metro staff. The hearing was recorded on audio tape. Two other witnesses testified in writing. See Exhibits 14 and 15.

4. The Hearings Officer held open the public record for 10 working days after the hearing to enable the parties to introduce additional testimony and evidence. See Exhibits 18 through 21. The record closed on July 3. A list of the parties is included herein as Exhibit 33.

5. On August 1, 1991, the Hearings Officer filed with the Council this Report and Recommendation.

B. Written record. The following documents are part of the record in this matter. The Hearings Officer also takes official notice of relevant provisions of the comprehensive plans and land development ordinances of the City of Wilsonville and Clackamas County.

<u>Exhibit No.</u>	<u>Subject matter</u>
1	Petition for Locational Adjustment, dated 3/29/91
2	UGB amendment proposal by Dorman, White & Company, dated 4/1/91
3	Request for comment from Tualatin Valley Fire & Rescue, dated 4/2/91
4	Letter from Ethan Seltzer to Mary Dorman, dated 4/5/91
5	Request for comment from West Linn School District, dated 4/8/91
6	Request for comment from City of Wilsonville, dated 4/10/91
7	Comments from Clackamas County Board of Commissioners, dated 4/18/91
8	Letter from Mary Dorman to Ethan Seltzer, dated 4/22/91
9	PMALGBC Forms dated 4/22/91
10	Feasibility study by Westech Engineering
11	Letter from City of Wilsonville to Mary Dorman, dated 5/10/91
12	Memorandum from Ethan Seltzer to Hearings Officer, dated 5/14/91
13	Letter from Mary Dorman to Ethan Seltzer, dated 5/22/91
14	Letter from M.K. McCurdy (1000 Friends) to Hearings Officer, dated 6/13/91
15	Letter from FOG5 to Hearings Officer, dated 6/14/91
16	Letter from James Sitzman (OEDD) to Ethan Seltzer, dated 6/18/91
17	Letter from Gabriella Lang (OEDD) to Hearings Officer, dated 6/19/91
18	Letter from Mary Dorman to Hearings Officer, dated 6/19/91
19	Letter from Michael Kohlhoff to Bill Nickleberry, dated 6/21/91
20	Letter from Dominic Mancini (CCDOT) to Mary Dorman, dated 6/26/91
21	Letter from Mary Dorman to Hearings Officer, dated 6/28/91
22	Packet of receipts for certified letters from Metro notice (27)
23	Packet of return receipts (25)
24	Returned certified letters (2)
25	Resolution from the City of Wilsonville regarding UGB (undated)
26	List of property owners within 500 feet
27	Washington County Assessor's map for Sec. 15, T3S, R1W, WM showing Subject Property
28	Dimensional Map showing Subject Property
29	Washington County Assessor's map for Sec. 15, T3S, R1W showing Mill Creek Acres
30	Letter from Ranei Nomura (ODEQ) to Ethan Seltzer, dated 4/29/91
31	Letter from Mary Dorman to Ethan Seltzer, dated 4/11/91
32	Witness cards (4)
33	Party list

C. Responses from service providers and affected jurisdictions.

1. The Subject Property is in the Tualatin Valley Fire and Rescue District and West Linn School District 3J. Each district filed a written comment recommending approval of the petition. See Exhibits 3 and 5.

2. The Subject Property is in unincorporated Clackamas County. The County Commissioners adopted a Board Order recommending approval of the petition. See Exhibit 7.

3. The Subject Property adjoins the City of Wilsonville. The City filed a written comment recommending approval of the petition. See Exhibit 6. The City Council also adopted a resolution supporting the petition. See Exhibit 25.

III. Basic Findings About the Subject Property and the Surrounding Area

A. Location. The Subject Property is situated west of and adjacent to the boundary of the City of Wilsonville west of 110th Avenue, east of Grahams Ferry Road, and south of Tooze Road. See Exhibit 27.

B. Legal description. The legal description of the Subject Property is attached to Exhibit 1. It is incorporated herein by reference.

C. Size and shape. The Subject Property is an irregularly-shaped parcel and contains about 183.88 acres, based on the legal description in Exhibit 1.

D. Existing and proposed uses.

1. The Subject Property is the site for a psychiatric hospital (Dammasch Hospital) and the Callahan Center, a now-vacant office building. Each has numerous accessory buildings and share common support facilities, including steam, water, telephone and sewage services provided through a 1700-foot long tunnel connecting the two facilities.

a. Dammasch Hospital and its associated buildings contain about 350,000 square feet of floor space. It has a budgeted capacity of 375 beds at this time, but is recommended to be downsized to about 270 beds in the future. It cost roughly \$40 million to build. It serves the 13 counties in western Oregon. Most of the hospital was completed in 1961. It includes the hospital proper, a powerhouse, garage, maintenance buildings, several kinds of dwellings, water pumping and storage and sewer facilities, and miscellaneous small out-buildings. About 5 acres of the site is developed for roads, about 250 parking spaces, and outdoor activity areas. A total of 479 full-time equivalent staff are budgeted for the hospital for the end of the 1991 fiscal year. Assuming 375 in-patient beds, the facility has an equivalent population base of 854 people. See Exhibit 18.

b. The Callahan Center and its associated buildings were completed in 1976. They contain about 125,000 square feet of floor space and parking for 237 vehicles dispersed over roughly 10.5 acres. It represents a roughly \$5 million capital investment. The Center provided rehabilitation for injured workers, including occupational and physical therapy. Housing for 90 clients was provided in small cottages on the site, with an ultimate capacity of 200 full time residents. The main building contains three treatment areas, a medical corridor, a cafeteria and dining areas, two swimming pools, administrative offices, and classrooms. The Center site also contains a recreation center, an industrial therapy shop, and two storage buildings. It has been vacant since 1986. Parking and landscaping surround the buildings and paved areas of the Center.

c. Most of the remainder of the property on which the Dammasch Hospital and Callahan Center are situated is leased for agricultural purposes. See pages 18 through 23 of Exhibit 2.

2. The Subject Property is owned by the State of Oregon (the State). Dammasch Hospital was built there built 30 years ago, before adoption of Senate Bill 100, application of zoning, incorporation of the City of Wilsonville, or creation of the Urban Growth Boundary. Clackamas County granted a conditional use permit for the Callahan Center in 1973 pursuant to the zoning that applied at that time: RA-1 (Rural Area Single Family Use). The Subject Property was designated Agricultural and zoned EFU-20 in 1979, at which time both existing uses became nonconforming. Remaining land on the site was leased for agricultural use. The State used the Callahan Center as a worker's compensation rehabilitation facility until it was vacated in 1986. It has been vacant for several years; therefore, it has lost its status as a nonconforming use and can be used only for a purpose permitted by the EFU zone. See pages 12 through 15 of Exhibit 2 and Exhibit 20.

3. The petitioner intends to annex the Subject Property to Wilsonville (see Exhibits 1 and 9), and to apply for an urban Comprehensive Plan designation and zone appropriate for the existing buildings. If the UGB amendment, annexation, plan amendment and zone change are approved, the petitioner plans to:

a. Extend an 8-inch sewer line from the site, across the remainder of the State's parcel outside the UGB, to existing City sewer lines in Wilsonville Road and enlarge the City sewer line to which it connects;

b. Maintain use of wells on the Subject Property for a water supply for the two facilities pending completion of an agreement by whose terms the petitioner will agree to connect the Subject Property to the City water system. A future water line extension could be made to a proposed 24-inch diameter water main extending east from Boeckman Road to Westfall Road.

c. Maintain the use of Dammasch Hospital largely as it now operates; and

d. Sell or otherwise arrange for use of the Callahan Center for a productive purpose, which may include use for a film production center by Gloria Monty Productions among other possible users. Gloria Monty Productions has executed an earnest money agreement with the Department of General Services to purchase the Callahan Center for a film production studio, pending resolution of land use and infrastructure issues. The level of use and activity contemplated for the film studio is less intense than the prior rehabilitation facility use in terms of employment, traffic, and residential use of the site. See Exhibit 18.

That portion of the State's contiguous property not included in the petition will continue to be maintained outside the UGB and leased for agricultural uses. But use of that area could change whether or not the UGB amendment is granted. See the concerns raised in Exhibit 15.

E. Surrounding land uses, designations, and zoning.

Land north and west of the Subject Property is designated Rural Residential and is zoned RRFF5 by Clackamas County. Uses to the north and west include a horse farm, hobby farms, and pasture. Land further west and southwest is designated Exclusive Agricultural and is zoned EFU-20. Land east of the south portion of the Subject Property

is zoned Residential by the City of Wilsonville and is within the Urban Growth Boundary. It is used predominantly for residential development and a school. Land east of the north portion of the Subject Property and land south and southwest of the Subject Property is designated Exclusive Agricultural and is zoned EFU-20. It is used predominantly for farming and rural residential purposes.

F. Public facilities and services.

1. Sewer and water.

a. Water for the Subject Property is provided by two private wells; one for domestic use and the other for fire and irrigation. Water is stored in two 200,000 gallon steel water towers about 350 feet tall located between the two facilities. Although existing supplies and infrastructure are adequate to provide for domestic use, the water supply lines are not sufficient for fire flow requirements. See pages 32 and 33 of Exhibit 2. The Oregon Department of Water Resources considers groundwater supplies in the area of Wilsonville "sensitive" because of lowering groundwater levels. The City of Wilsonville is taking steps to provide for additional water storage facilities and supply sources for the future. See pages 28 through 29 of Exhibit 2 and Exhibit 10.

b. Wastewater from the Subject Property drains via gravity sewer pipes to a private treatment facility southwest of the Callahan Center. Treated effluent is discharged into Mill Creek, about 100 feet away, which joins Corral Creek about 1/2 mile downstream. Corral Creek flows into the Willamette River. The Subject Property's sewage effluent causes Mill Creek to violate State water quality standards, principally because the low volume of water in the creek is insufficient to adequately dilute effluents from the site. See Exhibit 30 and pages 29 through 32 of Exhibit 2. The State has investigated solutions to the water quality problem, including use of an evaporation pond or land irrigation, building a new on-site plant, and extending a pipeline directly to the Willamette River. None of the approaches is as effective or efficient at resolving the problem as connection to the City sewer system. See Exhibit 10. The City could extend the sewer to the site without the UGB amendment, but would charge the State double for that service pursuant to City policies. The City declined to waive double fees for that service. See Exhibit 19.

c. The nearest City sewer line is in Wilsonville Road southeast of the Subject Property. This line would have to be enlarged to provide sufficient capacity to handle existing and planned flows and the increased load from the Subject Property. Other sewer lines leading to the City's sewage treatment plant and the plant itself have sufficient capacity to accommodate increased flows from the Subject Property. Upgrading the pipeline in Wilsonville Road also would facilitate further development of vacant parcels in the City. Wastewater flows from the Subject Property to the City's sewage treatment plant would increase present flow by about 6%. To finance the sewer extension, the Department of General Services has submitted an application to the Department of Environmental Quality for a \$1.18 million State Revolving Fund Loan. Proceeds of the sale of the Callahan Center and/or the 260 acres identified as surplus property to Dammasch Hospital will be used to repay the loan. Therefore, it is reasonably likely that the sewer connection will be made if the UGB amendment is approved, and the Subject property is annexed to the City. See Exhibits 6, 10, 11, 18 and pages 29 through 32 of Exhibit 2.

2. Storm water drainage.

a. The Subject property slopes gradually from the northeast to the southwest. Both the Dammasch Hospital and Callahan Center sites are served by a storm water drainage system separate from the sanitary sewer system. Storm water from

developed areas of the site is discharged to a natural drainage swale in a wooded area on the southwest portion of the site. Storm water from the west portion of the site flows to a natural drainage swale on the west side of Grahams Ferry Road. Storm water from the east portion of the site goes to the Seeley Ditch lowland area. See page 24 of Exhibit 2.

b. The City submitted a drainage basin area map showing storm water drainage for the Subject Property. The City recommends continued use of the existing storm water drainage system for the Subject Property; storm water should not be directed to the public storm sewer system. See Exhibit 11.

3. Roads and transit access.

a. The west edge of the Subject Property adjoins Grahams Ferry Road. It provides access north to Boones Ferry Road and south to Wilsonville Road. Westfall Road is several hundred feet north of the Subject Property. It provides access east to 110th Avenue and west to the rural area. Wilsonville Road adjoins the southeast boundary of the Subject Property. It provides access east to the Interstate 5 corridor and City Center. SW 110th Avenue adjoins the east side of the north portion of the Subject Property. It provides access north to Westfall Road and south via Evergreen Drive and Brown Road to Wilsonville Road. Each of the roads adjoining the site has a roughly 18- to 20-foot paved section between gravel shoulders or drainage ditches, although portions of Grahams Ferry Road south of the Callahan Center is narrower and winding and portions of Wilsonville Road and Brown Road in the City have been improved or partially improved to City standards adjoining recent developments. See pages 15 through 17 of Exhibit 2.

b. There is vehicular access to the Dammasch Hospital portion of the site from separate drives to Grahams Ferry Road and 110th Avenue. Drives on the Subject Property connect these two access points, passing through parking and service areas and to and around the hospital and accessory structures.

c. There is vehicular access to the Callahan Center from Grahams Ferry Road. Land has been dedicated for a 60-foot wide right of way for Grahams Ferry Road fronting the Callahan Center.

d. The City of Wilsonville is preparing a transportation master plan. The draft plan designated Grahams Ferry Road and 110th Avenue as major collector streets and proposes realignment of 110th Avenue, Evergreen Drive, and Brown to eliminate two 90° angles in those roads. The City considered existing traffic volumes from the Dammasch Hospital in its planning process. The draft master plan reports that 110th Avenue adjoining the site carries 1980 vehicles per day and peak hour volumes of 275 vehicles (in both directions).

e. The Subject Property is not within one-quarter mile of a transit corridor designated by Metro.

G. Soil, slope and natural features.

1. The Dammasch Hospital area of the Subject Property contains predominantly Aloha Silt Loam soils on slopes of 0 to 6%, based on the SCS Soil Survey of Clackamas County. This soil has an agricultural capability class of Class II and is suited for maximum crop production if irrigated and properly drained. The Callahan Center area contains soils of both Woodburn silt loam, well suited for Douglas Fir production, and Aloha silt loams. Farther south, adjoining Mill Creek, the land slopes more steeply southwest.

2. A stand of mature mixed species trees is situated on portions of the north and west edges of the Subject Property and around the Callahan Center. Street trees have been planted adjoining roads and buildings on the Subject Property. A portion of the remainder property south of the Callahan Center is heavily wooded with conifer and deciduous trees. Most of the remainder of the State's parcel has been cleared and leased for agricultural production. See pages 24 through 26 of Exhibit 2.

H. Relevant Comprehensive and Urban Renewal plan designations, policies, & zoning.

1. The Subject Property is designated Agricultural on the Clackamas County comprehensive plan map and is zoned EFU-20 (Exclusive Farm Use). The existing uses are not permitted in the EFU-20 zone except as nonconforming uses. Nonconforming use rights expire and cannot be re-established if such a use is vacated for a period of one year or more. The Subject Property is not in an area approved as an Exception to Goal 3 (Agriculture). The County does not have an institutional or public facility designation or zone that it could apply to the Subject Property to make the existing uses conforming.

2. The Wilsonville Comprehensive Plan does not designate the Subject Property. However, if Metro approves the UGB amendment and the City annexes the Subject Property, the City will require the petitioner to apply for a comprehensive plan amendment and zone change to implement city plan and zone designations. Preliminary discussions by the petitioner's representatives with the City staff indicate that the City would be likely to apply a Public Facilities (PF) zone to Dammasch Hospital and a Planned Industrial Development (PID) zone to the Callahan Center. See pages 47 through 51 of Exhibit 2.

a. The PF zone (Public Facility) includes hospitals as a permitted use (Wilsonville Code Section 4.121), subject to Site Design Review (Wilsonville Code Sections 4.400-4.450). A Master Plan for the entire property may be required. The PF zone is intended to apply to existing public lands and facilities.

b. The PID zone (Planned Industrial Designation) allows a variety of mostly light industrial uses and certain non-industrial uses, subject to minimum acreage and industrial compatibility requirements (Wilsonville Code Section 4.133).

c. Development in the PF and PID zones is subject to site plan review. (Wilsonville Code Section 4.400) Development that could affect stream corridors or sensitive environmental features is subject to additional standards to protect those features. (Wilsonville Code Section 4.161)

3. The Hearings Office takes official notice of the Wilsonville/Clackamas County Urban Growth Management Agreement, which prohibits provision of urban services and facilities such as sewer and water outside the UGB except in the case of a health hazard. A health hazard has not been declared in this case.

IV. Applicable Approval Criteria for Major Amendment

A. Regional Urban Growth Boundary Amendments by Metro.

1. The UGB is intended to accommodate urban growth through the year 2000. It can be changed in two ways. One method involves Minor Amendments, which generally involves a change of less than 50 acres in the UGB.

2. A change the UGB involving more than 50 acres is called a Major Adjustment. Metro Ordinance No. 85-189, as amended by Ordinance No. 86-204, addresses various

procedural matters regarding a Major Adjustment but, instead of creating new substantive criteria for such an amendment, specifies that a Major Amendment must comply with the Statewide Planning Goals adopted by the Oregon Land Conservation and Development Commission.

B. Statewide Planning Goals. The Statewide Planning Goals relevant to the proposed Major Amendment are limited to the following:

1. Statewide Planning Goal 1 (Citizen Involvement).

To develop a citizen involvement program that insures that the opportunity for citizens to be involved in all phases of the planning process...

2. Statewide Planning Goal 2 (Land Use Planning), Part II.

When, during the application of the statewide goals to plans, it appears that it is not possible to apply the appropriate goal to specific properties or situations, then each proposed exception to a goal shall be set forth during the plan preparation phases and also specifically noted on the notices of public hearing. The notices of hearing shall summarize the issues in an understandable and meaningful manner.

If the exception to the goal is adopted, then the compelling reasons and facts for that conclusion shall be completely set forth in the plan and shall include: (a) why these and other uses should be provided for; (b) what alternative locations within the area could be used for the proposed uses; (c) what the long term environmental, economic, social and energy consequences to the locality, the region or the state from not applying the goal or permitting the alternative use; and (d) a finding that the proposed uses will be compatible with other adjacent uses.

OAR 660-04-010 provides that compelling reasons for the exception can be provided by complying with the seven factors in Goal 14.

3. Statewide Planning Goal 3 (Agricultural Lands).

Goal: To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215. Such minimum lot sizes as are utilized for any farm use zones shall be appropriate for the continuation of the existing commercial agricultural enterprise with the area. Conversion of rural agricultural land to urbanizable land shall be based upon consideration of the following factors: (1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) retention of Class I, II, III and IV soils in farm use. A governing body proposing to convert rural agricultural land to urbanizable land shall follow the procedures set forth in the Land Use Planning goal (Goal 2) for goal exceptions.

Implementation Guideline 3 provides: Services that need to pass through agricultural lands should not be connected with any use that is not allowed under ORS 215.203 and 215.213, should not be assessed as part of the farm unit, and should be limited in capacity to serve specific service areas and identified needs.

4. Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources).

Goal: To conserve open space and protect natural and scenic resources.

Programs shall be provided that will: (1) insure open space, (2) protect scenic and historic areas and natural resources for future generations, (3) promote healthy and visually attractive environments in harmony with the natural landscape character.

The goal goes on to list the resources that must be inventoried and considered in the preparation of plans and programs and describes how conflicts among resources and uses must be addressed.

5. Statewide Planning Goal 6 (Air, Water and Land Resources Quality).

Goal: To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards...

6. Statewide Planning Goal 9 (Economy of the State).

Goal: To diversify and improve the economy of the state.

Both state and federal economic plans and policies shall be coordinated by the state with local and regional needs. Plans and policies shall contribute to a stable and healthy economy in all regions of the state...

7. Statewide Planning Goal 11 (Public Facilities and Services).

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served...

8. Statewide Planning Goal 14 (Urbanization).

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based on the following factors.

1. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
2. Need for housing, employment opportunities, and livability;
3. Orderly and economic provision for public facilities and services;
4. Maximum efficiency of land uses within and on the fringe of the existing urban area;
5. Environmental, energy, economic and social consequences;
6. Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
7. Compatibility of the proposed urban uses with nearby agricultural activities.

The results of the above considerations shall be included in the comprehensive plan. In the case of a change of boundary, a governing body proposing such change in the boundary separating urbanizable land from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning Goal (Goal 2) for goal exceptions...

V. Findings Applying Approval Criteria to the Facts of the Case

A. Compliance with Goal 1. The proposed amendment complies with Goal 1, based on finding II.A, because:

1. Metro mailed written notice of the hearing regarding the petition to owners of property within 500 feet of the Subject Property by certified mail, return receipt requested, and published notice of the hearing regarding the petition in a newspaper with circulation in the area in question.

2. Before resolutions and orders regarding the petition were adopted by the City Council of the City of Wilsonville and the Board of Commissioners of Clackamas County, public hearings were held to consider the petition.

3. The petitioner solicited comments from affected jurisdictions.

4. Members of the general public and organizations representing public interests participated in the public hearing regarding the petition orally and in writing.

B. Compliance with Goal 2, Part II. The petition complies with Goal 2, Part II (Exceptions), because:

1. The Subject Property is physically developed to the extent that it is no longer available for uses allowed by Goal 3, based on finding III.D.1 and 2. The UGB should be amended to include the Subject Property, because:

a. The Dammasch Hospital represents a substantial public investment and provides an important public mental health service which should be allowed to be continued as a permitted use, rather than as a nonconforming use.

b. The Callahan Center represents a substantial public investment that cannot be enjoyed or recovered unless the UGB amendment is approved. The Center can be used practicably only for a relatively limited range of institutional and light industrial purposes that will be contained within its walls and grounds, so that it will not adversely affect the surrounding area. It will provide for an economic use of the facility and employment for a significant number of the residents of the area.

c. Both facilities should be served by public sewer to remedy longstanding water quality problems. Sewer can be extended to the Subject Property economically only by including it in the UGB and City of Wilsonville.

2. The state policy embodied in the Goal 3 should not apply, for the reasons stated in finding V.H.

3. Areas which do not require a new exception cannot reasonably accommodate the uses on the Subject Property, because the Subject Property already is developed with those uses. Given the value of the existing development exceeds \$45 million, it is not reasonable to expect the State to build a new hospital or a new facility like the Callahan Center inside the existing UGB and abandon the existing facilities when the existing facilities adequately serve the needs of the State for such facilities, subject to the changes allowed by including the site in the UGB.

4. The long term environmental, economic, social and energy consequences resulting from the use of the Subject Property with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same uses being located in an area requiring a goal exception other than the Subject Property, based on finding V.H.5.

5. The uses and potential uses on the Subject Property are compatible with other adjacent uses described in finding II.E or will be so rendered through measures designed to reduce adverse impacts, because:

a. The UGB amendment will not change the impact of the Dammasch Hospital or its compatibility with adjacent uses. The hospital has not had adverse impacts on adjacent uses, based on the lack of evidence of land use conflicts associated with the hospital during its 30-year existence on the Subject Property. Therefore, it is reasonable to conclude it continued use in the future will not cause such conflicts. The large open space buffers between the hospital and adjacent agricultural uses also minimizes the potential for adverse impacts on adjacent uses.

b. The UGB amendment will allow use of the Callahan Center for a variety of urban industrial, commercial, and institutional purposes, some of which theoretically could cause adverse environmental, traffic, and other effects on adjacent property. The potential for such effects being significant is reduced by the nature of the existing improvements on the site; the Center is not inherently suitable for industrial and commercial activities that could generate substantial environmental externalities or high volumes of employee or customer traffic. The potential for adverse effects also is reduced by the substantial forested open space and stream corridor between the developed portion of the Center and adjacent properties to the west and south and because of the substantial setbacks to the east. Access to the Center does not pass through adjacent properties, so traffic

impacts will be limited principally to Grahams Ferry Road. Inclusion of the Center in the UGB and use of the Center for an urban purpose does not require road improvements other than those planned or tentatively planned for the area whether or not the petition is approved.

c. If the UGB amendment is approved and the Subject Property is annexed to the City of Wilsonville, then changes to the Hospital or Center would be subject to master plan and design review procedures of the City that are designed to reduce adverse impacts on adjoining land uses and natural features, based on finding III.H. Applications for annexation, plan designation, zoning, and master plan and design review approval will be subject to public notice and review that will enable identification of specific potential adverse effects of specific uses proposed for the Callahan Center, and imposition of specific mitigation measures to reduce the potential for or significance of such effects.

C. Compliance with Goal 3 (Agriculture).

1. The petition is not consistent with Goal 3, because it does not preserve land with an Agricultural Capability of Class II for agricultural products, forest and open space, although a portion of the Subject Property is and will continue to be undeveloped open space. Conversion of the Subject Property from rural agricultural land to urbanizable land is warranted based on consideration of the factors listed in Goal 3, based on the analysis presented above for Goal 2, Part II.

2. Extension of the proposed sewer from Wilsonville Road across agricultural land to the Subject Property is consistent with Goal 3 based on Implementation Guideline 3, provided access to the line is prohibited by design or regulation for uses in the nonurban area. Temporary disruption of agricultural activities during construction of the sewer line does not violate Goal 3, because the nonurban land will be available for agricultural production after the line is constructed, and the enhancement to water quality in Mill Creek following connection of the Subject property to City sewers justifies the temporary disruption.

D. Compliance with Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources). The petition is consistent with Goal 5, because:

1. The Subject Property does not contain significant open spaces, scenic or historic areas or natural resources identified in the County or City Comprehensive Plans.

2. State-owned property contiguous to the Subject Property is being retained outside the UGB and is planned to be continued in agricultural use or in its undeveloped natural condition that preserves its open space and natural resource character.

E. Compliance with Goal 6 (Air, Water and Land Resources Quality). The UGB amendment complies with Goal 6, because:

1. It enables the site to be served economically by City sewers. In the absence of such service, the existing facilities have and are reasonably likely to continue to cause sanitary waste effluent discharges that violate or threaten to violate applicable state environmental quality statutes and rules, based on finding II.F.1.b and c.

2. Once the site is connected to public sewer, the UGB amendment is not reasonably likely to allow uses on the Subject Property that cause waste or process discharges that violate or threaten to violate environmental quality standards, based on the use and development standards in Wilsonville City Code Section 4.124, applicable solid

waste regulations of the Metropolitan Service District, and applicable air and water quality regulations of the Oregon Department of Environmental Quality and US Environmental Protection Agency.

F. Compliance with Goal 9 (Economy of the State). The UGB amendment complies with Goal 9, because:

1. It enables use of the existing substantial development on the Subject Property for permitted uses rather than nonconforming uses. By continuing to treat the existing facilities as nonconforming uses, applicable land use designations and regulations unreasonably constrain the ability to modify the Dammasch Hospital and prevent use of the Callahan Center for any economically viable purpose. This wastes valuable economic resources of the State and detracts from a stable and healthy economy. If the petition is granted and urban plan designations and zones are applied to the Subject Property, the Dammasch Hospital can continue to be used without threat of closure due to its nonconforming status, and the Callahan Center can be put to an economically viable use, increasing employment and improving the local economy.

2. If the Callahan Center is occupied by the movie production studio now being considered for the property, it will lead to secondary and tertiary economic benefits in the region and will enhance the region's role in the motion picture industry. Similar economic multipliers are reasonably likely to result, particularly in the south part of the Metro region if the Callahan Center is occupied by other uses permitted by the City of Wilsonville PDI zone.

G. Compliance with Goal 11 (Public Facilities and Services).

1. If the UGB amendment is approved, the site is annexed to the City of Wilsonville, and a sewer line is extended to the Subject Property as described in finding II.F.1.c, then that sewer line will cross land outside the UGB to reach the site. If that line is accessible to land outside the UGB, then it would provide a service that is not needed or appropriate for the nonurban area, contrary to Goal 11. However, because access to the sewer line can be limited to the Subject Property so that access to nonurban land is prohibited by design or regulation, then the line would be consistent with the Goal. Such access limitations are reasonably likely to be imposed, based on the Wilsonville/Clackamas County Urban Growth Management Agreement and applicable Clackamas County zoning for the nonurban area.

2. The proposed design for the line in Figure 7 of Exhibit 2 illustrates that gravity flow sewer service can be provided from the Dammasch Hospital to the Callahan Center by the existing sewer route. This avoids the need for the line to cross nonurban land to reach the Callahan Center and minimizes the extent to which the line crosses nonurban land and minimizes disruption of farm units, consistent with Planning Guideline 6.

H. Compliance with Goal 14 (Urbanization). The UGB amendment complies with the seven factors for a change in the regional urban growth boundary, based on the following findings.

1. There is a demonstrated need to include the Subject Property in the UGB to accommodate urban population growth requirements consistent with LCDC Goals, because:

a. With regard to Dammasch Hospital, it serves a significant public need for in-patient mental health services for 13 western Oregon counties, including the three

metropolitan area counties. Given the passage of Ballot Measure 5, community-based mental health services will be strained, and there will be greater reliance on the state institution. Given the effect of Ballot Measure 5 and the substantial population growth in the 13 western counties in general and the metropolitan counties in particular, there will be a continuing and increasing need for state hospital services. If the Hospital is to continue to operate without violating state water quality standards, then it must change its sanitary sewage service. The Hearings Officer finds that the proposed UGB amendment is necessary to facilitate economic public sewer service to the Hospital by connection to the City of Wilsonville system. Alternatives to this change are not as desirable, based on fiscal and environmental impacts. See finding V.E above.

b. With regard to the Callahan Center, the same sanitary sewer problems exist. They prevent a reasonable economic use of the substantial development at the Center, adversely affecting State fiscal resources that could be used to serve other public safety, health, and welfare needs. Inclusion of the Callahan Center in the UGB is necessary to enable it to be put to a practicable economic use and to resolve sewer service problems that preclude such use.

2. There is a need to include the Subject Property in the UGB to accommodate employment opportunities and housing for the mentally ill and to enhance liveability.

a. With regard to the Dammasch Hospital, inclusion of the Property enhances the continued viability of the Hospital, its 375 resident-patients, and the 479 existing employees who work there by enabling the State to resolve existing sanitary sewage problems and to facilitate future changes that may be necessary at the Hospital to continue to provide those services needed by the citizens of the State. The mentally ill need housing as much as the mentally well. However, there are severely limited opportunities for housing for the mentally ill. Those limitations are exacerbated by passage of Ballot Measure 5. The Hospital provides the major housing facility for those people in western Oregon. Unless the sewage problem at the Hospital is resolved, that housing resource could be reduced or eliminated to comply with federal and state water quality laws. If the Hospital capacity is reduced or it is closed, it would adversely affect the \$11.8 million budget for the Hospital that now contributes to the economic vitality of the region by reducing existing employment and secondary and tertiary economic benefits.

b. With regard to the Callahan Center, including that facility in the UGB enables it to be used for a productive purpose. Unless it is included in the UGB, it will remain a wasting State asset that serves no useful purpose; it will continue to be a drain on existing State fiscal resources, resources that could be used to enhance liveability, improve environmental quality, and accommodate health, safety and welfare needs elsewhere. If the Center is included in the UGB, it will foster employment opportunities that do not exist now. If used for Gloria Monty Productions, as now planned, it will significantly expand a relatively new industry for the region and will provide 50 jobs. If Gloria Monty does not use the Center, another economic use can be established there, probably with equal or greater employment and economic benefits.

c. Both the Hospital and the Center are subject to severe environmental constraints due to sewage problems. See finding III.F. The best way to solve the sewage problem is to include the Property in the UGB and to connect the Property to the City of Wilsonville Sewer, for the reasons cited in finding V.E. Such a solution enhances the water quality in Mill Creek, and will enable the creek to provide fish and wildlife habitat that now are adversely affected or eliminated by water pollution from the sewer treatment plant that serves the Subject Property. These beneficial effects on the creek also enhance

the liveability of people who live along the creek, who fish or walk along its banks, and who are within sight, sound, and smell of the creek.

3. Including the Subject Property in the UGB facilitates the orderly and economic provision of public water, sewer, and mental health services.

a. With regard to sewer service, the most economic way to provide sanitary sewer service to the Subject Property is to include the property in the UGB so it can be annexed to the City of Wilsonville. Such service is necessary and warranted as described above in finding III.F and V.E. It cannot be provided as long as the Property remains outside the UGB. Improvements to the City sewer mains that will serve the Property also will facilitate service to other properties already in the UGB. Service can be limited to properties in the UGB. See, in particular, the Wilsonville/Clackamas County Urban Growth Management Agreement, pages 29 through 32 and 39 of Exhibit 2, Exhibit 6, Exhibit 10, pages 6 and 7 of Exhibit 18, Exhibit 19, and Exhibit 30 for supporting facts.

b. With regard to water service, including the Subject Property in the UGB enables it to be served by public water from the City of Wilsonville in the future when capital facilities are provided to accommodate it. Such service is necessary and warranted as described above in finding III.F and V.E, because existing water service is not sufficient to provide fire flows. Until City capital facilities are improved, the existing private water system can serve the Subject Property. Public water cannot be provided as long as the Property remains outside the UGB. Improvements to the City water lines that will serve the Property also will facilitate service to other properties already in the UGB and will reduce the per capita cost of the new capital facilities for the City. Service can be limited to properties in the UGB. See, in particular, the Wilsonville/Clackamas County Urban Growth Management Agreement, pages 27 through 29 and 40 of Exhibit 2, Exhibit 6, and pages 8 and 9 of Exhibit 18 for supporting facts.

c. Including the Hospital in the UGB preserves the ability of the Hospital to continue to provide needed mental health services to the public. See finding V.H.1 and 2.

4. Including the Subject Property in the UGB promotes the maximum efficiency of land uses within and on the fringe of the existing urban area, because urban development that extends to the edge of the Subject Property now and in the near future will be served more effectively and efficiently by extension of the sewer and water lines that will serve the Subject Property. An undersized segment of the sewer line will be enlarged so it can accommodate sewage from other land already in the UGB. New water lines will be installed to serve the urban area between the Subject Property and the remainder of the City. See pages 30 and 41 of Exhibit 2. The per capita cost of such services will be spread over a larger user population, enhancing cost effectiveness.

5. The environmental, energy, economic and social consequences of including the Subject Property in the UGB include the following:

a. Adverse environmental consequences associated with the existing wastewater discharge into Mill Creek will be eliminated. See exhibits cited above in finding III.F and V.E.1 through 3.

b. Use of existing substantial development on the Subject Property for urban purposes will avoid the waste of energy and economic resources resulting from abandonment of the structures on the Subject Property that could follow from failure to include the Property in the UGB. Failure to include the Callahan Center in the UGB would result in continuing waste of an existing economic resource by the State and would deprive

jurisdictions in the region of tax revenues that will follow conversion of the Center from public to private property.

6. Including the Subject Property in the UGB will not retain land with an agricultural capability of Class II, because the Subject Property includes such land. However, that land already is substantially developed with and is irrevocably committed to urban uses. Also, the petition includes only that portion of the contiguous State-owned land necessary for the existing facilities and other land that is unsuited for agricultural use due to steep slopes and its relation to the existing facilities. By minimizing the conversion of agricultural land to urban land, the petition is consistent with this factor. See also finding V.C.

7. Including the Subject Property in the UGB will be compatible with nearby agricultural activities listed in finding III.E for the reasons stated in finding V.B.5


VI. Conclusions and Recommendation

A. **Conclusion.** The proposed UGB amendment complies with Metro Code Chapter 3.10, Metro Ordinance No. 85-189, and Metro Ordinance No. 86-204, because it complies with the applicable Statewide Planning Goals or Exceptions thereto.

B. **Recommendation.** For the foregoing reasons, the Hearings Officer recommends that the Metropolitan Service District Council grant the petition in Contested Case 91-01.

DATED this 1st day of August, 1991.

Respectfully submitted,


Larry Epstein
Hearings Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

EXHIBIT C
Certified A True Copy of the Original Thereof.
Debbie Miller
Clerk of the Council

FOR THE PURPOSE OF EXPRESSING)
COUNCIL INTENT TO AMEND METRO'S) RESOLUTION NO. 91-1496A
URBAN GROWTH BOUNDARY FOR CON-)
TESTED CASE NO. 91-1, DAMMASCH)

WHEREAS, Contested Case No. 91-1 is a petition from the State of Oregon to the Metropolitan Service District for a major amendment of the Urban Growth Boundary to include approximately 184 acres west of Wilsonville in Clackamas County as shown on Exhibit A; and

WHEREAS, A hearing on this petition was held before a Metropolitan Service District Hearings Officer on June 19, 1991, in Wilsonville; and

WHEREAS, The Hearings Officer has issued his Report and Recommendation, attached as Exhibit B, which finds that all applicable requirements have been met and recommends that the petition be approved; and

WHEREAS, The property is currently outside, but contiguous with, the boundary for the Metropolitan Service District; and

WHEREAS, The Metropolitan Service District Code Section 3.01.070(c)(i) provides that action to approve a petition including land outside the District shall be by resolution expressing intent to amend the Urban Growth Boundary after the property is annexed to the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Metropolitan Service District, based on the findings in Exhibit B, attached, and incorporated herein, and the following condition of approval expresses its intent to adopt an Ordinance amending the Urban Growth Boundary as shown in Exhibit A within 30

days of receiving notification that the property has been annexed to the Metropolitan Service District, provided such notification is received within six (6) months of the date on which this resolution is adopted.

BE IT FURTHER RESOLVED,

That, to assure compliance with Statewide Planning Goal 3 per finding V.C.2 and in compliance with longstanding Clackamas County Comprehensive Plan Agricultural Policy 4.0 prohibiting new usable sewer facilities on agricultural lands, extension of the proposed sewer from Wilsonville Road across agricultural land to the subject property shall be installed and remain as a transmission line only with no additional connections on agricultural lands.

ADOPTED by the Council of the Metropolitan Service District this
26th day of September, 1991.



Tanya Collier, Presiding Officer

ES/es
9/27/91

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1496 FOR THE PURPOSE OF EXPRESSING COUNCIL INTENT TO AMEND METRO'S URBAN GROWTH BOUNDARY FOR CONTESTED CASE NO. 91-1, DAMMASCH

Date: August 22, 1991

Presented By: Ethan Seltzer

BACKGROUND

Contested Case No. 91-1 is a petition from the State of Oregon for a major amendment of the Urban Growth Boundary in Clackamas County. The property proposed for inclusion in the UGB totals approximately 184 acres and constitutes the sites for Dammasch State Hospital and the Callahan Center, located west of Wilsonville as shown in Exhibit A to the Resolution. The City of Wilsonville and Clackamas County have both taken positions in support of the amendment.

Currently, Metro considers petitions for major amendments to the UGB according to the process and criteria described in Metro Ordinance No. 85-189, as amended by Metro Ordinance No. 86-204. Unlike Metro's process and criteria for making Locational Adjustments, contained in Chapter 3.01 of the Metro Code and acknowledged by State as being consistent with the Statewide Planning Goals, the Major Amendment process has not been either codified by Metro or acknowledged by the state. Consequently, applicants for Major Amendments are required to address all applicable Statewide Planning Goals in their petition.

Metro Hearings Officer Larry Epstein held a hearing on this matter on June 19, 1991, in Wilsonville. Testimony was received from both the petitioner and from concerned citizens. The Hearings Officer's Report and Recommendation, attached as Exhibit B to the Resolution, concludes that the petition complies with the applicable statewide planning goals and that the petition should be granted. One exception to the decision has been filed and is attached to this staff report for your review.

Following presentation of the case by the Hearings Officer, and comments by the petitioner, the parties to the case will be allowed to present their exceptions to the Council. The petitioner will be given the opportunity to respond to the exceptions posed by parties. The Hearings Officer will be available to clarify issues as they arise.

At its meeting on the 26th of September, 1991, Council can approve this Resolution or remand the findings to staff or the Hearings Officer for modification. If the Resolution is approved, petitioner will need to annex the property to Metro prior to Council action on an Ordinance formally granting the petition.

The annexation to the Metro district would occur concurrently with annexation to Wilsonville, and is an action of the Portland Metropolitan Area Local Government Boundary Commission. Should the Council approve this resolution, and if the petitioner then accomplishes the annexation of the subject property to the Metro district within 6 months of the date of Council approval, then the Council should expect to see an ordinance finally amending the UGB early in 1991.

ANALYSIS

Both the Dammasch State Hospital and the Callahan Center predate the adoption of comprehensive plans and the Metro UGB. They are part of a state ownership that total approximately 485 acres. Proposed for addition to the UGB are approximately 184 acres which comprise the area needed for future hospital development and/or are impacted by the existing facilities and their supporting infrastructure. The remaining state ownership of approximately 300 acres will remain outside the UGB and zoned for exclusive farm use.

Two issues confronting the state have motivated this application. First, Dammasch and the Callahan Center are served by a small sewage treatment plant that has been cited repeatedly for contributing to water quality violations in Mill Creek. The state has considered a variety of solutions to this problem, and has concluded that the only viable, long-term solution will be connection to the Wilsonville treatment facilities. However, if the property cannot be brought into the UGB, the state will be required to pay extraterritorial rates, which represent a significant increase in the cost of service.

Second, the Callahan Center is currently empty. Its re-use outside the UGB is complicated by the fact that it is a nonconforming use in an exclusive farm use zone. There is no appropriate zoning in the rural comprehensive plan of Clackamas County to guide the use of the facility, and limited opportunity for any use of the site without adequate sewage facilities. This amendment would allow inclusion of the Callahan Center in the City of Wilsonville, which could provide both appropriate zoning and sewage services. This would make the property significantly more marketable.

There are two primary ways to assess the "need" for this amendment. The first has to do with whether there is a need for this property inside the UGB to meet the expected growth in population and employment. Although there is clearly a need for the services of the state hospital in the region, the overall urban land supply is sufficient to meet the currently projected land needs.

The second basis for asserting the need for this addition has to do with issues affecting the livability, employment opportunity, and housing opportunities in the region. In this instance, the petitioner has asserted and the Hearings Officer has agreed that there is a need for the

Resolution 91-1496: Staff Report page 3

amendment to end the pollution of Mill Creek, to put the Callahan Center to productive use, to relieve the public from further financial obligation for the Callahan Center, and to economically and responsibly address the long-term service needs for Dammasch State Hospital.

At hearing, citizens appeared to raise concerns regarding the long-term disposition of the remainder of the state property. There is a great deal of concern regarding the continued protection of the lands zoned for exclusive farm use. The Hearings Officer has found that the proposed uses of the property to be added to the UGB will not conflict with continued farm activity.

The exception to the Hearings Officer report, filed by 1000 Friends of Oregon, agrees with the recommendation, but proposes that a condition be attached to any approval of the petition to prevent any connection outside of the UGB to new sewer lines serving Dammasch and the Callahan Center. Petitioner has indicated that they would not be opposed to such a condition. The Clackamas County comprehensive plan would similarly prohibit any such connections.

ES/es
8/23/91

1000 FRIENDS OF OREGON

August 20, 1991

Ethan Seltzer
Land Use Coordinator
METRO
2000 SW First Avenue
Portland, OR 97201-5398

Re: Exception to Report and Recommendation of Hearings Officer
in Contested Case No. 91-1: Dammasch

The State of Oregon has requested a major amendment to the urban growth boundary as a method of solving the sewage treatment problem it has at Dammasch State Hospital and the Callahan Center outside the City of Wilsonville. 1000 Friends of Oregon has one exception to the Hearings Officer's recommendation that the UGB amendment be approved. We request that a condition be imposed on the approval, prohibiting any connections to the sewer line which would serve any uses outside the UGB. We request this for several reasons.

First, the Hearings Officer recognized that for the proposed UGB amendment to comply with Goal 3, the sewer line "should not be connected with any use that is not allowed under ORS 215.203 and 215.213." See Hearings Officer's Report and Recommendation at 9; Statewide Planning Goal 3, Guideline 3. However, the Hearings Officer did not impose this prohibition as a condition. This condition should be part of the approval of the UGB amendment to comply with Goal 3; moreover, the applicant has stated it does not object to such a condition. See Application at 39.

Second, this condition is also necessary to comply with Goals 2 and 14. These Goals provide for the orderly and economic provision of urban services while retaining agricultural land and maintaining compatibility between urban and rural uses. In other words, expansion of the UGB and provision of sewer services to Dammasch should not cause the premature conversion of agricultural land in the area, particularly that land owned by the state and adjacent to Dammasch, which is now in farming.

The Hearings Officer's statement that "The UGB amendment will not change the impact of the Dammasch Hospital or its compatibility with adjacent uses" is simply wrong. Report and

Recommendation at 11. The only reason the amendment is being proposed is to extend sewer services from Wilsonville to Dammasch. The presence of those services does change the impact of Dammasch on adjacent farm land, because it brings urban services into the Exclusive Farm Use area, thereby possibly encouraging other urban development.

1000 Friends is particularly concerned about newspaper reports that the state has discussed selling the farm land surrounding Dammasch to pay for the sewer project, possibly to the City of Wilsonville. Urban development of this land has been discussed, including a golf course in particular. While a golf course is a conditionally permitted use under ORS 215.213, it is not a farm use. Washington County Farm Bureau v. Washington County, 17 Or LUBA 861 (1989). Premature urbanization of land simply to pay the state's bills does not comply with Goals 2, 3, and 14.

Therefore, this UGB amendment and extension of sewer services should not in any way encourage the premature conversion of nearby farm land to nonfarm uses. A condition prohibiting connections to the sewer line would help to alleviate the urban pressure that will inevitably come with the extension of urban services.

In conclusion, it is important to keep in mind that the Dammasch Hospital UGB amendment is a very unique situation. In this case, the UGB is not being expanded because this area is necessarily a needed and logical place for future urban expansion. Rather, an urban use has been at that location since before the land use planning laws, and it is now experiencing severe sewage treatment problems for which the UGB expansion offers a solution. Consequently, any approval to expand the UGB should be narrowly drawn, and the condition we request should be imposed.

Thank you for consideration of our comments.

Sincerely,



Mary Kyle McCurdy
Staff Attorney

EXHIBIT D

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION
320 S. W. Stark (#530) - Portland, Oregon 97204 - Tel: 229-5307

FINAL ORDER

RE: BOUNDARY CHANGE PROPOSAL NO. 2992 - Annexation of territory
to the City of Wilsonville.

Proceedings on Proposal No. 2992 commenced upon receipt by the Boundary Commission of a petition from the property owners on August 14, 1991, requesting that certain property be annexed to the City. The petition meets the requirements for initiating a proposal set forth in ORS 199.490, particularly paragraph (c) of section (1).

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on October 17, 1991. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

The Commission reviewed this proposal in light of the following statutory guidance:

"199.410 Policy. (1) The Legislative Assembly find that:

(a) A fragmented approach has developed to public services provided by local government. Fragmentation results in duplications in services, unequal tax bases and resistance to cooperation and is a barrier to planning implementation. Such an approach has limited the orderly development and growth of Oregon's urban areas to the detriment of the citizens of this state.

(b) The programs and growth of each unit of local government affect not only that particular unit but also the activities and programs of a variety of other units within each urban area.

(c) As local programs become increasingly inter-governmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

(d) Local comprehensive plans define local land uses but may not specify which units of local government are to provide public services when those services are required.

(e) Urban population densities and intensive development require a broad spectrum and high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. Community service priorities need to be established by weighing the total service needs against the total financial resources available for securing services. Those service priorities are required to reflect local circumstances, conditions and limited financial resources. A single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities.

(2) It is the intent of the Legislative Assembly that each boundary commission establish policies and exercise its powers under this chapter in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

(3) The purposes of ORS 199.410 to 199.519 are to:

(a) Provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to encourage the reorganization of overlapping governmental agencies;

(b) Assure adequate quality and quantity of public services and the financial integrity of each unit of local government;

(c) Provide an impartial forum for the resolution of local government jurisdictional questions;

(d) Provide that boundary determinations are consistent with local comprehensive plans and are in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the state-wide planning goals. The commission shall consider the timing, phasing and availability of services in making a boundary determination; and

(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies.

199.462 Standards for review of changes; territory which may not be included in certain changes. (1) In order to carry out the purposes described by ORS 199.410 when reviewing a petition for a boundary change or application under ORS 199.454, a boundary commission shall consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."

(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;

(b) Territory within a city may not be included within or annexed to another city; and

(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act.

The Commission also considered its policies adopted under Administrative Procedures Act (specifically 193-05-000 to 193-05-015), historical trends of boundary commission operations and decisions, and past direct and indirect instructions of the State Legislature in arriving at its decision.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto).

ORDER

On the basis of the Findings and Reasons For Decision listed in Exhibit "A", the Boundary Commission approved Boundary Change Proposal No. 2992 on November 14, 1991.

NOW THEREFORE IT IS ORDERED THAT the territory described in Exhibit "B" and depicted on the attached map, be annexed to the City of Wilsonville as of 45 days from this date which is December 29, 1991.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

DATE: Nov 14, 1991

BY:

Raymond Barts
Chairman

Attest:

Wanda L. Little

Exhibit A
Proposal 2992FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 184 acres, 4 single family dwellings, Dammasch State Hospital and the Callahan Center, an estimated population of 375, and is assessed at \$37,025,690.
2. The subject territory is part of a 490 acre parcel owned by the State of Oregon and is the site of Dammasch State Hospital and the Callahan Center. The State desires to obtain sanitary sewer services for the existing land uses on the territory to be annexed and to allow the existing facilities to be used for urban purposes. The Dammasch State Hospital sewage treatment plant is in violation of water quality standards. The Callahan Center cannot be used without the UGB amendment and annexation to Wilsonville because the non-conforming use status of the facility has expired, and it cannot practicably be put to a conforming use in the Exclusive Farm Use zone. If the urban growth boundary amendment and annexation are approved, the Department of General Services plans to:
 - a. Extend an 8-inch sewer line from the site, across the remainder of the State's parcel outside the UGB, to existing City sewer lines in Wilsonville Road and enlarge the City sewer line to which it connects;
 - b. Maintain use of wells on the site, for a water supply for the two facilities. A future water line extension could be made to a proposed 24-inch diameter water main extending west and then north from Boeckman Road to a proposed new reservoir.
 - c. Maintain the use of Dammasch Hospital largely as it now operates; and
 - d. Sell or otherwise arrange for use of the Callahan Center. On September 24, 1991 Gloria Monty Productions closed on a purchase agreement for the Callahan Center. On the same day, Gloria Monty Productions sold the property to Ed Freeman, owner of Sierra Development. It is not known what use Mr. Freeman proposes to make of the property.

Exhibit A
Proposal 2992

- e. The portion of the State's contiguous property not included in the petition will continue to be maintained outside the UGB and leased for agricultural uses.
3. The territory contains Dammasch Hospital and the Callahan Center. The hospital is currently budgeted for a patient capacity of 375 beds. The Callahan Center buildings are currently vacant. The facility was built and operated as a state rehabilitation center for injured workers until 1986. Ownership of the Callahan Center then reverted to the Department of General Services (DGS). Each facility has numerous accessory buildings and they share common support facilities, including steam, water, telephone and sewage services. Most of the remainder of the property on which the Dammasch Hospital and Callahan Center are situated is leased for agricultural purposes.
- Land north and west of the territory is designated Rural Residential and is zoned RRFF-5 by Clackamas County. Uses to the north and west include a horse farm, hobby farms, and pasture. Land further west and southwest is designated Exclusive Agriculture and is zoned EFU-20. Land east of the south portion of the territory is zoned Residential by Wilsonville and is within the UGB. It is used for residential development and a school. Land east of the north portion of the territory and land south and southwest of the territory is designated Exclusive Agriculture and is zoned EFU-20. It is used predominantly for farming and rural residential purposes.
4. The territory is located outside the boundary of the Metropolitan Service District and outside the acknowledged regional urban growth boundary. Metro has made the decision to amend the urban growth boundary. The Metro Council adopted a resolution of intent to amend the UGB to include the Subject Property on September 26, 1991. Metro Resolution No. 91-1496. Upon annexation to the City the land is automatically annexed to Metro under ORS 199.510(2)(c). Once the territory is within its jurisdiction Metro will formally adopt an ordinance amending the UGB.
5. Dammasch Hospital was built before adoption of the LCDC enabling Act and establishment of urban growth boundaries, before zoning, and before the incorporation of Wilsonville. Clackamas County granted a conditional use permit for the Callahan Center in 1973 pursuant to the zoning that applied at that time, RA-1. The territory was designated Agricul-

tural and zoned EFU-20 in 1979, at which time both existing uses became nonconforming. The Callahan center was vacated in 1986 and lost its status as a nonconforming use. Nonconforming use rights expire and cannot be re-established if such a use is vacated for a period of one year or more.

The Clackamas County Zoning and Development Ordinance does not include a specific "institutional" or "public facilities" zone. Thus the county does not have a zone which fits the existing uses.

Clackamas County adopted an Order supporting the inclusion of the 184 acres owned by the State and occupied by Dammasch State Hospital and the Callahan Center within the UGB.

6. Wilsonville's Comprehensive Plan is acknowledged by LCDC. The City has annexed all lands within the urban growth boundary surrounding the city. The City's comprehensive plan is for the area within the city limits and does not cover this territory. Upon annexation the City will require the petitioner to apply for a comprehensive plan amendment and zone change.

Representatives of Dammasch State Hospital and the Department of General Services have discussed with City staff the appropriate plan and zone designations for the territory. Based on these preliminary discussions, the State planned to propose a Public Facilities Designation and PID-Zone for the Dammasch Hospital site and a Planned Industrial designation and PID zone for the Callahan Center site. Now that the Callahan site has been sold it will be up to the new owner to propose the designation and zoning for this property. It is probable he too will propose the Planned Industrial Designation and PID zone.

The PF zone includes hospitals as a permitted use. The PID zone allows a variety of light industrial uses and certain non-industrial uses, subject to minimum acreage and industrial compatibility requirements. Commercial, office, and residential uses are permitted on up to 20% of a development. Redevelopment in the PF and PID zones is subject to Site Design Review. Development that could affect stream corridors or sensitive environmental features is subject to additional standards to protect those features.

The Wilsonville City Council has passed a resolution in support of the requested UGB amendment, No. 820.

Exhibit A
Proposal 2992

7. Wastewater from the Subject Property drains via gravity sewer pipes to a private treatment facility southwest of the Callahan center. Treated effluent is discharged into Mill Creek, about 100 feet away, which joins Corral Creek about 1/2 mile downstream. Corral Creek flows into the Willamette River. The territory's sewage effluent causes Mill Creek to violate State water quality standards, principally because the low volume of water in the creek is insufficient to adequately dilute effluents from the site. These problems were identified in 1983. In 1984 Dammasch State Hospital had a study done of its wastewater alternatives which concluded that service from Wilsonville was the best option. Nothing was done at that time because of the costs of the extension.

Recently, as part of the present UGB amendment and annexation the State had a Feasibility Report prepared by Westech Engineering. The wastewater solutions considered include: use of an evaporation pond or land irrigation, building a new on-site plant, and extending a pipeline directly to the Willamette River. None of the approaches is as effective or efficient at resolving the problem as connection to the City sewer system. The Feasibility Report states that the average dry weather flow at the Dammasch sewer plant is 28,000 gallons per day, compared to an average wet weather flow of 46,000 gpd. The average annual flow is 37,000 gpd.

The City had a sewer facilities report prepared by Curran-McCleod Consulting Engineers in 1990. The report indicates that the City's wastewater treatment plant capacity is a significant margin higher than existing flows, except with respect to BOD (biologic oxygen demand) loads. The existing hydraulic capacity of the Wilsonville plant is 2.25 MGD. The actual wet weather flow through the plant for 1989 was 0.725 MGD. The average wet weather flow that would be added with the connection of Dammasch and Callahan to the system is 0.046 MGD, which would increase the present flow to approximately 0.771 MGD (a six percent increase).

According to the Curran-McCleod report, the rotating biological contractors in the Wilsonville plant are not performing as designed so that the actual capacity is about half the design capacity of 4700 lbs/day Total BOD with 1650 lbs/day soluble BOD. The actual capacity is 2450 lbs/day Total BOD with 1200 lbs/day soluble BOD. Currently, the monthly average BOD loads delivered to the plant are approxi-

Exhibit A
Proposal 2992

mately 1800 lbs/day, indicating that the plant is already at almost 75% of capacity. The BOD loading from Dammasch is estimated to be 113 lbs/day. Connection of Dammasch to the city system would increase the BOD delivered to the City's plant to 1913 lbs/day, which is approximately 78% of capacity. The City has recently let a design and construction contract to upgrade the biological oxygen demand (BOD) capacity of the plant. According to the City it is capable of handling added flows generated from the developed properties of the Dammasch/Callahan Center.

The City could extend the sewer to the site without the UGB amendment, if approved by the Boundary Commission, but would charge the State double for that service. In order to discourage the extension of urban facilities outside of the city limits, Wilsonville has adopted a resolution which mandates double connection fees and double monthly service fees for extraterritorial extensions (Resolution #556). The City declined to waive double fees for the Dammasch site.

Given the magnitude of the existing facilities, an extraterritorial sewer extension would result in a significant increase in the connection fees, combined with double service fees on a monthly basis. Dammasch State Hospital operating costs are supported by Oregon taxpayers. The Department of General Services concluded that it is not in the best interest of the State of Oregon or taxpayers to pursue the extraterritorial sewer extension as a solution to the existing problem. In addition, while the extraterritorial extension alternative solves the sewer service problems of the site it does not solve the problem of land use for the Callahan site. An 8-inch sanitary sewer line is serving developed residential areas to the southeast of Dammasch State Hospital. A new sewer line will be constructed to the south of the Callahan Center to provide gravity sewer and to upgrade and connect to the existing main south of Willsonville Road. Sewer Service is immediately available with construction of the new collection lines.

A portion of the sewer collection system will need to be upgraded to provide the capacity to handle all flows from Dammasch and Callahan. The 30-inch main trunk line in Seely Ditch has sufficient capacity, but the existing 10-inch line along Wilsonville Road is already near capacity, so it will need to be replaced with a 12-inch pipe to accommodate the additional flows. Other sewer lines leading to the City's sewage treatment plant have sufficient capacity to accommo-

Exhibit A
Proposal 2992

date increased flows from the territory. Upgrading the pipeline in Wilsonville Road also would facilitate further development of vacant parcels in the City.

The City has pointed out that the proposed alignment affects an identified wetland area and that final design and construction methods will have to include the sensitivity of this area, and obtain all required permits.

An engineering feasibility study prepared by Westech Engineering identifies a public improvement cost of \$880,000 for sewer. To finance the sewer extension, the Department of General Services has submitted an application to the Department of Environmental Quality for a \$1.18 million State Revolving Fund Loan. Proceeds of the sale of the Callahan Center and/or the 260 acres identified as surplus property to Dammasch Hospital will be used to repay the loan. Therefore, it is reasonably likely that the sewer connection will be made.

The sanitary sewer line must cross lands outside the UGB to serve the Dammasch/Callahan site. Under the Boundary Commission law this extension can be made without Commission extra-territorial extension approval so long as no service is provided outside the City. Metro has included a condition in its UGB approval prohibiting sewer connections on agricultural land.

8. Water for the territory is currently provided by two private wells; one for domestic use and the other for fire and irrigation. These wells produce 400 and 780 gallons per minute respectively. Water is stored in two 200,000 gallon steel water towers about 350 feet tall located between the two facilities. The water is distributed by gravity through a system of six and eight inch water lines.

The City's existing water supply is provided by five wells capable of supplying 3.8 million gallons per day. In July of 1990 the average daily demands on the City water system were 2.41 MGD. The Oregon Department of Water Resources considers groundwater supplies in the area of Wilsonville "sensitive" because of declining groundwater levels. The Department of Water Resources has directed Wilsonville to explore alternatives to groundwater wells but the Department has authorized the City to drill one additional municipal supply well. Wilsonville is taking steps to obtain additional water supply sources for the future. The City is currently

Exhibit A
Proposal 2992

drilling an additional well and is exploring other long-term water supply options, ranging from the Willamette River to the Bull Run system.

The City will need additional storage in the future to accommodate growth. The City's 1986 Water System Plan proposes installation of a 2 to 4 million gallon reservoir about a mile northwest of Dammasch State Hospital by 1996. The new reservoir would feed the water distribution system via a 24 inch line extended to the east to connect with an existing 12 inch line that terminates at the western end of Boeckman Road. This alignment is proposed as the future water line to serve Dammasch. The existing water line at the end of Boeckman Road is the only existing line with enough capacity to deliver the appropriate flow and pressure to Dammasch during critical fire periods, which under current fire district standards amount to 2500 gallons per minute.

According to the petition, Dammasch has a maximum daily domestic demand of 95,000 gallons per day. The demand of any future use of the Callahan Center is unknown.

There are 8-inch City water lines serving developed residential areas to the southeast of Dammasch Hospital. But, as noted, these are inadequate to meet the subject territory's water requirements. Over the long term, the State prefers to connect the uses to the Wilsonville water system because it will provide higher-quality domestic water and necessary fire flows.

Connection of the existing state facilities to the City's water system will be delayed until the City's water supply system is improved. The property will continue to use the existing private water supply, storage and distribution system that is now used to serve the property.

In an April 10, 1991 letter to the petitioner the City stated that: "The City of Wilsonville cannot provide potable water to the Dammasch/Callahan Center until the City has an additional supply source. In the interim, the Dammasch/Callahan Center must obtain potable water from its present, well and water system."

The newest owner of the Callahan Center (Edward Freeman) has stated that he understands the water limitations on this site. He realizes that additional development or major changes in the current facilities at the site would trigger

Exhibit A
Proposal 2992

the necessity for fire flow improvements and that these will not be able to be accommodated until the City solves its long-term supply problem.

9. The territory slopes gradually from the northeast to the southwest. Elevations range from approximately 210 feet along the northerly parcel boundary to 190 feet at the southwest corner of the parcel.

Storm drains have been installed on both the Dammasch Hospital and Callahan Center properties to accommodate runoff from building and parking areas. The storm and sanitary sewer systems are separate. Storm water from developed areas of the site is discharged to a natural drainage swale in a wooded area on the southwest portion of the site. Storm water from the west portion of the site flows to a natural drainage swale on the west side of Grahams Ferry Road. Storm water from the east portion of the site goes to the Seeley Ditch lowland area.

The City stated in an April 10, 1991 letter to the petitioner that "The Dammasch State Hospital area, with a drainage basin area of approximately 110 acres in size was diverted to an alternate drainageway when the State hospital was constructed. It is the City's position that this diversion is the responsibility of the State and should be maintained as part of the overall storm sewer system of the Dammasch/Callahan Center and not become a part of the public storm sewer system of Wilsonville."

10. The west edge of the territory adjoins Grahams Ferry Road. It provides access north to Boones Ferry Road and south to Wilsonville Road. Westfall Road is several hundred feet north of the territory. It provides access east to 110th Avenue and west to the rural area. Wilsonville Road adjoins the southeast boundary of the territory. It provides access east to the Interstate 5 corridor and City Center. SW 110th Avenue adjoins the east side of the north portion of the territory. It provides access north to Westfall Road and south via Evergreen drive and Brown Road to Wilsonville Road. Each of the roads adjoining the site has a roughly 18- to 20-foot paved section between gravel shoulders or drainage ditches, although portions of Grahams Ferry Road south of the Callahan center are narrower and winding and portions of Wilsonville Road and Brown Road in the City have been improved or partially improved to City standards adjoining recent developments.

Exhibit A
Proposal 2992

There is vehicular access to the Dammasch Hospital portion of the site from separate drives to Grahams Ferry Road and 110th Avenue. Drives on the territory connect these two access points, passing through parking and service areas and to and around the hospital and accessory structures.

There is vehicular access to the Callahan center from Grahams Ferry Road. Land has been dedicated for a 60-foot wide right of way for Grahams Ferry Road fronting the Callahan Center.

Wilsonville is preparing a transportation master plan. The draft plan designates Grahams Ferry Road and 110th Avenue as major collector streets and proposes realignment of 110th Avenue, Evergreen Drive, and Brown to eliminate two 90 degree angles in those roads. The estimated cost for the roadway realignment (including right-of-way acquisition and construction cost) is estimated at \$823,000. The Draft Plan proposes a "major collector" classification for the realigned Brown Road and Grahams Ferry Road. The plan proposes a "minor arterial" classification for the northerly extension of Kinsman Road to the east of the Dammasch State Hospital site. Additionally, the Draft plan proposes a westerly extension of Boeckman Road to link with Westfall Road and 110th Avenue in immediate proximity to Dammasch State Hospital. The City considered existing traffic volumes from the Dammasch Hospital in its planning process. The draft master plan reports that 110th Avenue adjoining the site carries 1980 vehicles per day and peak hour volumes of 275 vehicles (in both directions).

The City stated in an April 10, 1991 letter to the petitioner that: "The impact of traffic to the City's street system for the developed properties in the Dammasch/Callahan Center appears to be no greater than the present impact.

11. The territory is currently served by the Clackamas County Sheriff from a county wide serial levy which provides patrol services at a level of approximately .6 officers per 1000 population. Wilsonville contracts with the Clackamas Co. Sheriff for additional protection at a level of 1 officer 24 hours a day 7 days a week. This added level is approximately .4 officers per 1000. Thus the total level of service within the City is approximately 1 officer per 1000 population.

Exhibit A
Proposal 2992

12. The portion of Wilsonville north of the Willamette River, including the subject territory, is within the Tualatin Valley Fire and Rescue district. Since the City is already in the District, this service will not be altered by the annexation.

The District has two fire stations located in Wilsonville; one at Elligsen Road on the north end of town and Willsonville Road on the south end of town. A third volunteer/professional station located on Kinsman Road approximately 1/4 mile to the southeast of the site is under construction.

Dammasch State Hospital and the Callahan Center were constructed to comply with the Uniform Building Code & Uniform Fire Code in effect at the time (1959 and 1973). The buildings are partially sprinklered and fire hydrants are available within 300 feet of the buildings. However, the water system is insufficient to meet the present day fire flow requirement of 2500 gallons per minute.

13. Land use Planning, Building Administration, and general governmental services are currently provided by Clackamas County. Upon annexation these services will be provided by the City.
14. Adoption of the final order on this proposal was postponed beyond the normal 90 day limit for adopting such orders. This was done in accord with the provisions of ORS 199.490(7) which allow for such a delay with agreement of "the parties appearing at a hearing."

Exhibit A
Proposal 2992

REASONS FOR DECISION

Based on the findings the Commission determined:

1. The proposal is consistent with regional, county and city planning.
2. The City generally has an adequate quantity and quality of services to serve the subject territory. The annexation would burden the City's water system if connections were made soon. However, the territory has a private water system adequate to meet domestic demands and the territory can continue to serve itself with that system. The new owner of the Callahan Center will be limited to land uses that do not exceed the Dammasch State Hospital's water supply capabilities.

LEGAL DESCRIPTION
ANNEXATION TO
City of Willsonville

A tract of land in the Southeast quarter of Section 16 and in Section 15 in Township 3 South, Range 1 West of the Willamette Meridian, Clackamas County, Oregon, described as follows:

Beginning at the Southeast corner of the Samuel B. Franklin Donation Land Claim No. 50 in Section 15, Township 3 South, Range 1 West of the Willamette Meridian in Clackamas County, Oregon; thence North $0^{\circ}15'$ East along the centerline of Brown Road, 2688.18 feet; thence South $89^{\circ}53'20''$ West 1688.95 feet; thence South $9^{\circ}45'25''$ West 1600.00 feet; South $21^{\circ}32'32''$ West 1050 feet, more or less, to a point on the easterly extension of the North line of the Callahan Center property as described in Fee No. 86-23990, Clackamas County, Records; thence West along said extension line and the North line of said Callahan Center tract, a distance of 1075 feet, more or less, to a point in the center of Bell Road; thence South $15^{\circ}47'40''$ West along the centerline of said road, 190.94 feet; thence southwesterly along said centerline on the arc of a 1145.92 foot radius curve to the right (the chord of which bears South $26^{\circ}11'20''$ West 413.60 feet) a distance of 415.88 feet; thence South $36^{\circ}35'20''$ West along said centerline, 678.69 feet; thence southwesterly along said centerline on the arc of a 2864.79 foot radius curve to the right (the chord of which bears South $40^{\circ}06'49''$ West 352.27 feet) a distance of 352.49 feet; thence leaving said road South $46^{\circ}47'23''$ East 286.40 feet; thence South $66^{\circ}40'15''$ East 322.66 feet; thence North $73^{\circ}40'12''$ East 969.32 feet; thence North $74^{\circ}03'51''$ East 266.67 feet; thence North $1^{\circ}09'10''$ East 743.76 feet; thence North $89^{\circ}34'40''$ East 1150.00 feet; thence North $0^{\circ}14'40''$ East 480 feet, more or less, to a point on the South line of said Franklin Claim; thence North $89^{\circ}34'40''$ East 1479.03 feet to the point of beginning and containing 183.88 acres of land, more or less.

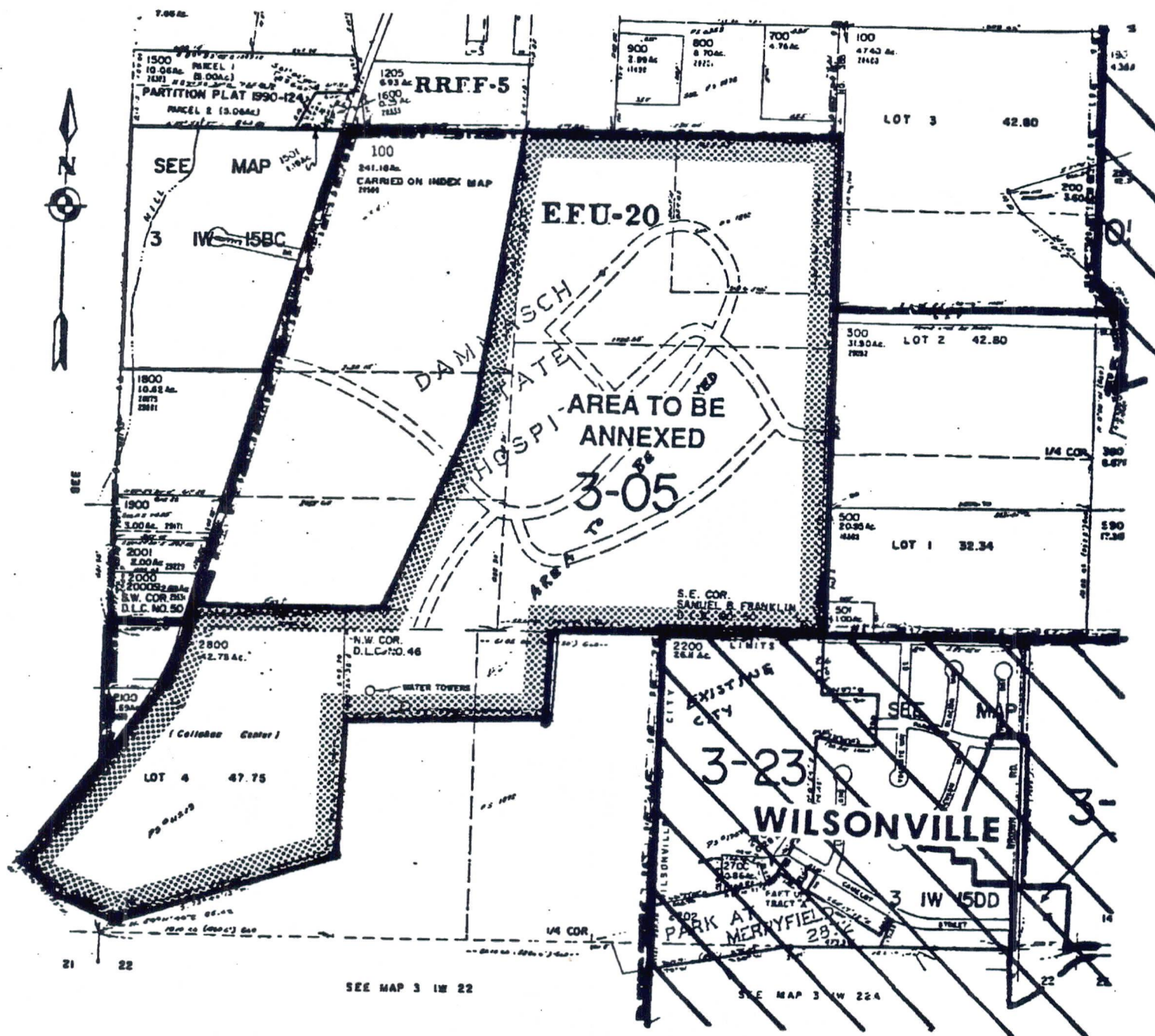
Revised 8/13/91 as per request of Pat Brost, Clackamas Assessor's Office.

PROPOSAL NO. 2992

SECTION 15 T3S R1W W.M.
Clackamas County

3 1W 15

Scale: 1" = 800'



Revised 8/27/91

PROPOSAL NO. 2992
CITY OF WILSONVILLE
ANNEXATION
FIGURE 2

Meeting Date: January 9, 1992
Agenda Item No. 7.1

RESOLUTION NO. 92-1543A



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: January 2, 1992

TO: Metro Council
Executive Officer
Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.1; RESOLUTION NO. 92-1543A

Governmental Committee reports on Resolution No. 92-1543A will be distributed in advance to Councilors and available at the January 9 Council meeting.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 92-1543A
A PROCEDURE FOR METRO SERVICE)	
DISTRICT RESPONSE TO POSITIONS	)	Introduced by Rena Cusma,
ON GOVERNANCE UNDER CONSIDERATION	)	Executive Officer
OR ENDORSED BY THE METROPOLITAN)	
SERVICE DISTRICT CHARTER COMMITTEE)	

WHEREAS, The Metro Charter Committee began meeting May 7, 1991 and conducted one meeting in each of the counties in the District for the purpose of hearing testimony from local and elected officials and interest groups; and

WHEREAS, The Committee held additional committee meetings for the purpose of receiving further testimony from invited parties; and

WHEREAS, The Committee has scheduled an additional meeting January 18, 1992 and has invited testimony from a variety of groups to obtain their particular perspectives; and

WHEREAS, The Charter Committee proceedings and the District would be served by understanding the views and positions of the Metropolitan Service District Executive Officer and Council; and

WHEREAS, The Council has referred to the Governmental Affairs Committee all issues related to the charter for discussion and debate and recommendation to the full Metro Council; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the policy statements identified as Exhibit A and more completely described in Exhibit B.

That the Presiding Officer and Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING)	RESOLUTION NO. 92-1543A
A PROCEDURE FOR METRO SERVICE)	
DISTRICT RESPONSE TO POSITIONS)	Introduced by Rena Cusma,
ON GOVERNANCE UNDER CONSIDERATION)	Executive Officer
OR ENDORSED BY THE METROPOLITAN)	
SERVICE DISTRICT CHARTER COMMITTEE)	

WHEREAS, The Metro Charter Committee began meeting May 7, 1991 and conducted one meeting in each of the counties in the District for the purpose of hearing testimony from local and elected officials and interest groups; and

WHEREAS, The Committee held additional committee meetings for the purpose of receiving further testimony from invited parties; and

WHEREAS, The Committee has scheduled an additional meeting January 18, 1992 and has invited testimony from a variety of groups to obtain their particular perspectives; and

WHEREAS, The Charter Committee proceedings and the District would be served by understanding the views and positions of the Metropolitan Service District Executive Officer and Council; and

WHEREAS, The Council has referred to the Governmental Affairs Committee all issues related to the charter for discussion and debate and recommendation to the full Metro Council; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the policy statements identified as Exhibit A and more completely described in Exhibit B.

That the Presiding Officer and Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

Presiding Officer

Principles for Charter Document
Metropolitan Service District

PURPOSE

It is the purpose of the regional government to

- o Preserve regional liveability;
- o Promote effective management of regional urban growth;
- o Protect the region's natural and human resources;
- o Prevent the proliferation of governments;
- o Provide effective, efficient and equitable delivery of regional services to the public.

Regional government will further promote cooperation, prevent duplication of service, insure cost efficiency, and will not provide local aspects of governmental services, except as specifically required by state or federal law or as requested and authorized by agreements with local governments.

The regional government shall protect and serve the citizens of the region through a governance structure of directly elected officials that is organized by a separation of powers, and hence a system of "checks and balances", between the legislative (law making) and executive (administrative) branches of government.

A directly elected council from districts and an executive elected region-wide provides the citizens of the region with a governance structure that is balanced, accountable, visible and responsive.

POWERS/FUNCTIONS

The regional government provides regional services to the citizens of the region. Regional services meet the policy objectives described above under purpose and fall within four categories:

1. Those that can only be provided regionally.
2. Those that must be provided regionally to be cost efficient, equitably financed or effective;
3. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
4. Metropolitan aspects of government functions that are not available through existing governmental agencies.

See Attachment I. for full listing.

Process for Adding Additional Functions/Services

The Council shall determine that a service or function is of metropolitan significance. In making a determination the Council shall consult with relevant local governments. The District or any local government may initiate this process.

STRUCTURE - COUNCIL/EXECUTIVE OFFICER

The governance structure of regional government shall serve and protect the citizens of the region through directly elected representatives and by a separation of powers between the legislative branch (Council) and administrative branch (Executive) of government.

Council The governing body of the district shall be a council consisting of 9 full-time or no more than 21 part-time councilors, (based on council districts of approximately 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

Responsibilities. The council is responsible for the legislative function of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which elected and shall not be an elected official of any other public body. The council may create by ordinance commissions for all powers and functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

Executive Officer The executive officer is responsible for the administration of the district and enforcement of the ordinances enacted by the council. The executive officer shall be full-time and elected on a non-partisan basis from the district at-large. The executive officer shall not be employed by any other person or governmental body or serve as a member of the council.

Responsibilities. The executive officer shall administer the district. This includes hiring and firing of any personnel to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council; contract with any person or agency for same purpose with same restrictions; prepare and submit to council an annual budget for approval; keep the council fully advise on the district financial condition; present to the council plans, studies and reports prepared for district purposes; propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers, duties or efficient administration of the district.

Attachment I.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
 - o Adopt goals and objectives;
 - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
 - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
 - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
 - o Define and apply planning process;
 - o Prepare and adopt functional plans
 - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
 - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
 - o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.
3. Solid Waste Disposal
 - o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met
 - o Assume operation of by Council action.
2. Boundary Commission
 - o Assume operation of if authorized by vote of the people.
3. Emergency Management
4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space
 - o Acquire, develop, maintain and operate a system of

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

Initiative and Referendum The electors of the district may exercise the powers of initiative and referendum with reference to the legislation of the district. (At present this is 6% of the votes cast for all candidates for governor registered in the district, for initiative; 4% of the votes cast for all candidates for governor registered in the district, for referendum.)

The council may refer any ordinance to the electors for approval or rejection at any election date prescribed in ORS 255.345 (special election dates).

Upon petition of the electors of the district filed with the district election officer, the council shall call an election for the purpose of referring legislation or submitting initiative legislation to the electors for their approval or rejection.

FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.

- parks, open space, and recreational facilities of metropolitan significance.
2. Public Transportation
 - o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.
 3. Sewage Disposal
 - o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.
 4. Liquid Waste Disposal
 - o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.
 5. Drainage
 - o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.
 6. Criminal and Juvenile Justice Planning
 - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
 7. Criminal and Juvenile Justice Facilities and Programs
 - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
 8. Water Supply
 - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
 9. Human Services Planning, Coordination and Evaluation
 - o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
 10. Library Activities
 - o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

PREAMBLE

In order to secure and preserve the quality of life through the exercise of self determination of and by its citizens, and to create those amenities which would further enhance the standard of living, we the citizens of this region shall adopt this charter for the Metropolitan Service District.

I. POLICY

It is the policy of the regional government to promote cooperation, prevent duplication of service, insure cost efficiency, but not to provide local aspects of governmental services, except as specifically required by state or federal law or as authorized by agreements with local governments.

Metropolitan Regional Government shall:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth;
- C. Protect the region's natural and human resources;
- D. Prevent the proliferation of governments;
- E. Provide effective, efficient and equitable delivery of regional services to the public.

The Metropolitan Regional Government shall be governed by a directly elected, responsive, visible, accountable regional body that is not a duplication of local governments.

II. PURPOSE

The purpose of the regional government is to:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth by adoption and maintenance of a clear regional urban growth boundary;
- C. Protect the region's natural and human resources by adoption and enforcement of appropriate functional plans;
- D. Make public services available that are not adequately available through previously authorized governmental agencies.

III. FUNCTIONS

The regional government provides regional services to the citizens of the region. These regional services are within four categories:

- A. Those that can only be provided regionally.
- B. Those that must be provided regionally to be cost efficient, equitably financed or effective;
- C. Those additional functions that are already regional or that the elected Council authorizes as matters of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
- D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
 - o Adopt goals and objectives;
 - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
 - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
 - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
 - o Define and apply planning process;
 - o Prepare and adopt functional plans
 - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
 - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
 - o Acquire, construct, alter, maintain administer and

operate major cultural, convention, exhibition, sports and entertainment facilities.

3. Solid Waste Disposal

- o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met

- o Assume operation of by Council action.

2. Boundary Commission

- o Assume operation of if authorized by vote of the people.

3. Emergency Management

4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space

- o Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of

metropolitan significance.

2. Public Transportation

- o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

3. Sewage Disposal

- o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.

4. Liquid Waste Disposal

- o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.

5. Drainage

- o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

6. Criminal and Juvenile Justice Planning
 - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
7. Criminal and Juvenile Justice Facilities and Programs
 - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
8. Water Supply
 - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
9. Human Services Planning, Coordination and Evaluation
 - o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
10. Library Activities
 - o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

IV. STRUCTURE - COUNCIL; EXECUTIVE OFFICER

Preamble The governance structure of the Metropolitan Service District shall be a separation of powers between the legislative branch (Council) and administrative branch (Executive).

A. Council The governing body of the district shall be a council consisting of 9 full-time or no more than 21 part-time councilors, (based on council districts of approximately 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

The Council is responsible for the legislative functions of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body.

Councilors must be residents of their districts for not less than one year before taking office.

The term of office shall be four years beginning on the first Monday in January of the year next following the election.

Councilors shall be divided into two classes so that one-half, as nearly as possible, shall be elected biennially.

A vacancy in office shall be filled by a majority of the remaining members of the council.

Commissions. The Council may create by ordinance commissions for all powers or functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

B. Executive Officer. The executive officer shall administer the district and enforce the ordinances enacted by the council.

The executive officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district or to the efficient administration of the affairs of the district

The executive officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

The Executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council.

The executive officer shall be elected in the same manner as councilors but the officer shall be elected from the district at large on a non-partisan basis.

The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.

The executive officer shall be a resident of the district for not less than one year before taking office.

The executive officer serves full time and shall not be employed by any other person or governmental body or serve as a member of the council.

A vacancy in office shall be filled by appointment by a majority of the council.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

V. FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: December 27, 1991

TO: Governmental Affairs Committee

FROM: Donald E. Carlson, ^{DEC/LS} Council Administrator

RE: Resolution No. 92-1543 - Metro Charter Principles

Items 1 and 2 on your January 2, 1992 agenda deal with Resolution 92-1543, "Establishing a procedure for Metro response to positions on governance under consideration or endorsed by the Charter Committee." We have included in your packet two documents for your consideration on this matter.

The first is a revised version of the document you saw at your last meeting, which incorporates the changes the committee suggested (marked Exhibit A, dated December 27). The second contains the same information cast in a different form. (This version begins with a memo to the Charter Committee from the Council and Executive, dated January 18.) It includes a cover memo to the Charter Committee which explains the purpose of the accompanying document. The document itself sets forth the basic principles of regional government, and outlines functions and a structure which conform with those principles.

Your discussion on Thursday should address the form of the document you wish to forward to the Council and then to the Charter Committee, and the specific points to be included in that document. Please note that the meeting begins at 3:00 in Room 440.

Thank you.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503.221-1646

Memorandum

Date: December 10, 1991
To: METRO Council
From: Rena Cusma, Executive Officer
Subject: Charter Committee

As all of you know the Charter Committee has been meeting since May, and with the exception of one brief appearance by your presiding officer and myself and a staff presented overview of the RUGGOs (less than 2 hours) the Committee has deliberated without Metro input about the agency and the conduct of its business.

The Committee Chair now has asked for input at a Saturday meeting on January 18th. My understanding is the Committee will be inviting input from a number of interested parties. Some members of the Charter Committee have suggested a round table discussion between ourselves, the Chamber of Commerce, Common Ground, the League of Women Voters, the RGC, TRI-MET, and the Boundary Commission. I would not presume to represent Metro in such a forum.

The Charter Committee's product thus far is an outline of proposed growth management functions and several general agreements regarding other Metro functions. None have been finalized.

Hardy Myers has indicated that he hopes to have a draft outline and perhaps some positions on structure by mid January.

Some members of the Charter Committee have indicated that they support the creation of a whole new set of governments, i.e. Commissions to administer each individual function. This approach, of course, would weaken the role of elected officials and abolish the separation of powers system under which we presently operate. Planning, the theory goes, should be separated from operations and funding in all instances.

I think these ideas are wrong headed. I think it is very unlikely that the citizens of the region will vote for more proliferation of government and more expensive solutions to the problems which face the region. I would not support such a notion and drawing from our past conversations I am sure the Council would not.

All over the world public decisions are coming more and more under the purview of democratically elected governments. Metro and the citizens of this region have been viewed and acclaimed as a governance model for metropolitan areas throughout the nation, and if my recent experience in France is any indication, the world and cannot be party to stepping backwards.

As an aside, it is interesting to note that this plan of government through commissions with planning separate from operations is very similar to one now proposed for Los Angeles. For Southern California the idea of regional planning is a bold one. Their turf problems make ours look insignificant. I wish them good luck but can't imagine that our voters want to us to emulate them.

My proposal is a straight forward one. It is time for Metro as an agency to take formal positions on the proposals being contemplated by the Charter Committee. There are a number of them on the table now, the Commission form of governance, Metro's responsibilities and authorities related to growth management, criminal justice, human services, libraries, planning versus operations and other factors. Might I suggest that the Metro Council Committee structure is extraordinarily suited to manage the process by which we as an agency discuss and debate the issues, receive public input and transmit our recommendations to the Committee for consideration.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 91-1543
A PROCEDURE FOR METRO SERVICE)	
DISTRICT RESPONSE TO POSITIONS	)	Introduced by Rena Cusma,
ON GOVERNANCE UNDER CONSIDERATION	)	Executive Officer
OR ENDORSED BY THE METROPOLITAN)	
SERVICE DISTRICT CHARTER COMMITTEE)	

WHEREAS, The Metro Charter Committee began meeting May 7, 1991 and conducted one meeting in each of the counties in the District for the purpose of hearing testimony from local and elected officials and interest groups

WHEREAS, The Committee held additional committee meetings for the purpose of receiving further testimony from invited parties; and

WHEREAS, The Committee has scheduled an additional meeting January 18, 1992 and has invited testimony from a variety of groups to obtain their particular perspectives; and

WHEREAS, The Charter committee proceedings and the District would be served by understanding the views and positions of the Metropolitan Service District Executive Officer and Council

WHEREAS, The Council has referred to the Government Affairs Committee all issues related to the charter for discussion and debate and recommendation to the full Metro Council; now, therefore

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopt the policy statement identified as Exhibit A.

That the Presiding Officer and Executive Officer be authorized to convey to the Charter Committee those positions adopted as a result of the process herein established.

Tanya Collier, Presiding Officer

D R A F T

PREAMBLE

In order to secure and preserve the quality of life through the exercise of self determination of and by its citizens, and to create those amenities which would further enhance the standard of living, we the citizens of this region shall adopt this charter for the Metropolitan Service District.

I. POLICY

It is the policy of the regional government to promote cooperation, prevent duplication of service, insure cost efficiency, but not to provide local aspects of regional services or any other governmental services, except as specifically required by state or federal law or as authorized by agreements with local governments.

Metropolitan Regional Government shall:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth;
- C. Protect the region's natural and human resources;
- D. Prevent the proliferation of regional governments;
- E. Provide effective, efficient and equitable delivery of regional services to the public.

The Metropolitan Regional Government shall be governed by a directly elected, responsive, visible, accountable regional body that is not a duplication of local governments.

II. PURPOSE

The purpose of the regional government is to:

- A. Preserve regional liveability;
- B. Promote effective management of regional urban growth by adoption and maintenance of a clear regional urban growth boundary;
- C. Protect the region's natural and human resources by adoption and enforcement of appropriate functional plans;
- D. Make public services available that are not adequately available through previously authorized governmental agencies.

III. FUNCTIONS

The regional government provides regional services to the citizens of the region. These regional services are within four categories:

- A. Those that can only be provided regionally.
- B. Those that must be provided regionally to be cost efficient, equitably financed or effective;
- C. Any additional functions that are already regional or that the elected Council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
- D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

A. Those that can only be provided regionally:

- 1. Regional Land Use Planning
 - o Adopt goals and objectives;
 - o Review local plans; recommend or require amendments

to achieve conformity with regional goals and objectives;

- o Coordinate local government land use planning activities with federal and state governments or agencies.

2. Urban Growth Management

- o Adopt and amend an urban growth boundary for the region.

3. Functional Planning

- o Define and apply planning process;
- o Prepare and adopt functional plans
- o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities

- o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

2. Convention, Trade, Spectator and Cultural Facilities and Programs

- o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.

3. Solid Waste Disposal

- o Build, construct, acquire, lease, improve, operate

and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met

- o Assume operation of by Council action.

2. Boundary Commission

- o Assume operation of if authorized by vote of the people.

3. Emergency Management

4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space

- o Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.

2. Public Transportation

- o Provide metropolitan aspects of public mass transportation, including local aspects thereof

transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.

3. Sewage Disposal

- o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.

4. Liquid Waste Disposal

- o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.

5. Drainage

- o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.

6. Criminal and Juvenile Justice Planning

- o Provide planning for metropolitan and local aspects of criminal and juvenile justice.

7. Criminal and Juvenile Justice Facilities and Programs

- o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.

8. Water Supply

- o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.

9. Human Services Planning, Coordination and Evaluation

- o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.

10. Library Activities

- o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

IV. STRUCTURE - COUNCIL; EXECUTIVE OFFICER

Preamble The governance structure of the Metropolitan Service District shall be a separation of powers between the legislative branch (Council) and administrative branch (Executive).

A. Council The governing body of the district shall be a council consisting of 9 full-time or 21 part-time councilors, (based on council districts of 50,000 population) each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

The Council is responsible for the legislative functions of the district and such other duties as the law prescribes.

Each councilor shall be a resident of the subdistrict from which the councilor is elected and shall not be an elected official of any other public body.

Councilors must be residents of their districts for not less than one year before taking office.

The term of office shall be four years beginning on the first Monday in January of the year next following the election.

Councilors shall be divided into two classes so that one-half, as nearly as possible, shall be elected biennially.

A vacancy in office shall be filled by a majority of the remaining members of the council.

Commissions. The Council may create by ordinance commissions for all powers or functions prescribed by law, except the

revenue and plan.

B. Executive Officer. The executive officer shall administer the district and enforce the ordinances enacted by the council.

The executive officer shall present to the council plans, studies and reports prepared for district purposes and may propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers and duties of the district or to the efficient administration of the affairs of the district

The executive officer shall keep the council fully advised as to its financial condition, and shall prepare and submit to the council the district's annual budget for its approval, and any other financial information the council requests.

The Executive officer may employ or dismiss any personnel and contract with any person or governmental agency to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council.

The executive officer shall be elected in the same manner as councilors but the officer shall be elected from the district

at large on a non-partisan basis.

The executive officer shall be a resident and elector of the district and shall not be an elected official of any other public body.

The executive officer shall be a resident of the district for not less than one year before taking office.

The executive officer serves full time and shall not be employed by any other person or governmental body or serve as a member of the council.

The executive officer shall not serve as a member of the council.

A vacancy in office shall be filled by appointment by a majority of the council.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

DRAFT

DATE: January 18, 1992

TO: Charter Committee

FROM: Council and Executive Officer of the Metropolitan Service District

REGARDING: Charter for Regional Government

The elected officials of the Metropolitan Service District welcome the opportunity to comment on a proposed charter for the district. However, since the committee is seeking comment on suggested, draft components of the charter at this time, we feel it is premature for us to comment directly on these early, not fully developed concepts. We anticipate the opportunity for further comment when the draft charter is complete.

Therefore at this time, the attached principles are being submitted by the Metropolitan Service District for the committee's consideration.

These principles have been discussed by the council and the executive and have been acted on by the council. (vote).

The Metro Council and Executive believe that this metropolitan urban area is a regional community, with a regional economy and regional problems or opportunities. It is a stable and effective government with a proven track record. The Metropolitan Service District has been created by this regions voters to be the regional government to meet the challenges ahead in this community. Regional government has grown in increments, adding functions, like the Zoo and Convention Center, as the regional community identified the need or desire and nominated Metro to take on the job.

The nature of Metro's development, adding functions as need developed, has created an organization with the ability to respond to changing regional conditions. The collaboration between Metro and local government on governmental issues demonstrates the region's ability to define "matters of metropolitan concern" over a broad scope of activities.

There has been broad community discussion on the population growth this region is expected to incur over the next twenty years and the role of regional government in maintaining regional liveability, yet no one can predict the exact nature or magnitude of this growth or exactly when it will occur.

Therefore, it is the position of the elected officials of this government that the existing authorities of the district should be broad enough so that Metro, in continued partnership with local government, can continue to respond to changing regional conditions.

Principles for Charter Document
Metropolitan Service District

PURPOSE

It is the purpose of the regional government to

- o Preserve regional liveability;
- o Promote effective management of regional urban growth;
- o Protect the region's natural and human resources;
- o Prevent the proliferation of regional governments;
- o Provide effective, efficient and equitable delivery of regional services to the public.

Regional government will further promote cooperation, prevent duplication of service, insure cost efficiency, and will not provide local aspects of regional services or any other governmental services, except as specifically required by state or federal law or as requested and authorized by agreements with local governments.

The regional government shall protect and serve the citizens of the region through a governance structure of directly elected officials that is organized by a separation of powers, and hence a system of "checks and balances", between the legislative (law making) and executive (administrative) branches of government.

A directly elected council from districts and an executive elected region-wide provides the citizens of the region with a governance structure that is balanced, accountable, visible and responsive.

POWERS/FUNCTIONS

The regional government provides regional services to the citizens of the region. Regional services meet the policy objectives described above under policy and fall within four categories:

1. Those that can only be provided regionally.
2. Those that must be provided regionally to be cost efficient, equitably financed or effective;
3. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.
4. Metropolitan aspects of government functions that are not available through existing governmental agencies.

See attachment I. for full listing.

Process for Adding Additional Functions/Services

The Council in making a determination that a service or function is of metropolitan significance shall consult with relevant local governments before making the decision.

STRUCTURE - COUNCIL/EXECUTIVE OFFICER

The governance structure of regional government shall serve and protect the citizens of the region through directly elected representatives and by a separation of powers between the legislative branch (Council) and administrative branch (Executive) of government.

Council The governing body of the district shall be a council consisting of 9 full-time or 23 part-time councilors, each elected on a non-partisan basis from a single subdistrict within the boundaries of the metropolitan service district.

Responsibilities. The council is responsible for the legislative function of the district including, but not limited to, adoption and amendment of annual budget, adoption of functional and other plans, levying of taxes and fees, establishment of departments and commissions and other such duties as the law prescribes. Each councilor shall be a resident of the subdistrict from which elected and shall not be an elected official of any other public body. The council may create by ordinance commissions for all powers and functions prescribed by law, except the power to adopt ordinances, the authority to budget, raise revenue and plan.

Executive Officer The executive officer is responsible for the administration of the district and enforcement of the ordinances enacted by the council. The executive officer shall be full-time and elected on a non-partisan basis from the district at-large. The executive officer shall not be employed by any other person or governmental body or serve as a member of the council.

Responsibilities. The executive officer shall administer the district. This includes hiring and firing of any personnel to assist in carrying out the duties and powers of the executive officer, subject to the personnel and contract ordinances adopted by the council; contract with any person or agency for same purpose with same restrictions; prepare and submit to council an annual budget for approval; keep the council fully advise on the district financial condition; present to the council plans, studies and reports prepared for district purposes; propose to the council for adoption such measures as deemed necessary to enforce or carry out the powers, duties or efficient administration of the district.

Veto Any legislative enactment of the council may be vetoed by the executive officer within five working days after its enactment. The veto may be overridden by an affirmative vote of two-thirds of the council not later than 30 days after the veto.

Initiative and Referendum The electors of the district may exercise the powers of initiative and referendum with reference to the legislation of the district. (6% of the votes cast for all candidates for governor registered in the district, for initiative; 4% of the votes cast for all candidates for governor registered in the district, for referendum).

The council may refer any ordinance to the electors for approval or rejection at any election date prescribed in ORS 255.345 (special election dates).

Upon petition of the electors of the district filed with the district election officer, the council shall call an election for the purpose of referring legislation or submitting initiative legislation to the electors for their approval or rejection.

FINANCE

In order to carry out the purposes of the district, the governing body should have the authority to levy taxes, fees and service charges subject to constitutional limitations including the powers of initiative and referendum.

Attachment I.

A. Those that can only be provided regionally:

1. Regional Land Use Planning
 - o Adopt goals and objectives;
 - o Review local plans; recommend or require amendments to achieve conformity with regional goals and objectives;
 - o Coordinate local government land use planning activities with federal and state governments or agencies.
2. Urban Growth Management
 - o Adopt and amend an urban growth boundary for the region.
3. Functional Planning
 - o Define and apply planning process;
 - o Prepare and adopt functional plans
 - o Review local plans, recommend or require amendments to achieve conformity with adopted functional plans.

B. Those that must be provided regionally to be cost efficient, equitably financed or effective.

1. Zoo Facilities
 - o Acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.
2. Convention, Trade, Spectator and Cultural Facilities and Programs
 - o Acquire, construct, alter, maintain administer and operate major cultural, convention, exhibition, sports and entertainment facilities.
3. Solid Waste Disposal
 - o Build, construct, acquire, lease, improve, operate and maintain landfills, transfer facilities, resource recovery facilities and other improvements, facilities or equipment necessary or desirable for the solid and liquid waste disposal system of the district.

C. Any additional functions that are already regional or that the elected council determines is a matter of metropolitan concern. Local aspects of additional functions can only be assumed through agreements with local governments.

1. Tri-Met
 - o Assume operation of by Council action.
2. Boundary Commission
 - o Assume operation of if authorized by vote of the people.
3. Emergency Management
4. Housing

D. Metropolitan aspects of government functions that are not available through existing governmental agencies.

Metropolitan aspects of:

1. Parks and Open Space
 - o Acquire, develop, maintain and operate a system of

- parks, open space, and recreational facilities of metropolitan significance.
2. **Public Transportation**
 - o Provide metropolitan aspects of public mass transportation, including local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with this chapter.
 3. **Sewage Disposal**
 - o Acquire, construct, alter, maintain and operate interceptor, trunk and outfall sewers and pumping stations and facilities for treatment and disposal of sewage as defined in ORS 468.700 and engage in local aspects of sewerage transferred to the district by agreement with other public corporations, cities or counties.
 4. **Liquid Waste Disposal**
 - o Subject to Oregon law, dispose, and provide facilities for disposal of liquid wastes.
 5. **Drainage**
 - o Control the flow, and provide for the drainage, of surface water, by means of dams, dikes, ditches, canals and other necessary improvements or by enlarging, improving, cleaning or maintaining any natural or artificial waterway or by requiring property owners to install and maintain water control or retention systems.
 6. **Criminal and Juvenile Justice Planning**
 - o Provide planning for metropolitan and local aspects of criminal and juvenile justice.
 7. **Criminal and Juvenile Justice Facilities and Programs**
 - o Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.
 8. **Water Supply**
 - o Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement.
 9. **Human Services Planning, Coordination and Evaluation**
 - o Plan, coordinate and evaluate the providing of human services, including but not limited to programs for the aging, health care, manpower, mental health and children and youth.
 10. **Library Activities**
 - o Provide metropolitan aspects of library activities including, but not limited to , book acquisition and technical assistance for local libraries.

Meeting Date: January 9, 1992
Agenda Item No. 7.2

RESOLUTION NO. 92-1546



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: January 2, 1992

TO: Metro Council
Executive Officer
Interested Persons

FROM: Paulette Allen, Clerk of the Council *PA*

RE: AGENDA ITEM NO. 7.2; RESOLUTION NO. 92-1546

The Council agenda will be printed before the Solid Waste Committee meets on January 7 to consider Resolution No. 92-1546. Solid Waste Committee reports will be distributed in advance to Councilors and available at the January 9 Council meeting.

The resolution RFB will be distributed under separate cover due to the volume of that document.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser, Council Analyst

Date: December 31, 1991

Re: Resolution No. 92-1546, For the Purpose of Authorizing the Issuance of a Request For Bids for the Construction of an Improved Cover System, Gas Collection System and Stormwater Collection System on a Portion of St. Johns Landfill

Resolution No. 92-1546 is scheduled to be considered by the Committee at the January 7 meeting.

Background

The resolution authorizes the issuance of a Request for Bids for the construction of a final cover and stormwater collection system for portions of St. Johns Landfill in 1992. The affected area is 35 acres in size, including all of subarea 1, the northern portion of the powerline corridor and the western portion of subarea 2. This area will be the first to have a final cover system installed. In future years additional areas will be covered until the entire landfill is closed.

The bid documents also will require bidders to submit a bid for the construction of a gas collection system in the affected area. This requirement will provide Metro with additional options for the construction of the collection system. Several of the firms that have submitted gas recovery proposals have offered to build a collection system. The staff report notes that a decision about construction of the collection system will be made "by the time that bids for the cover construction project are received."

Bidders that propose to use recycled products that meet certain criteria will be given a 5% bid preference.

Issues and Questions

The committee may wish to explore the following issues when considering the proposed resolution:

- 1) The bid documents require that a significant amount of sand, soil and embankment material be procured as part of cover system construction. The committee may wish to ask staff to explain the relationship between procurement of this material and the procurement of material under the existing material procurement contract with John Jersey & Son.

2) The original purpose of designating geographic subareas within the landfill was to schedule closure work within each of these areas. It appears that the initial closure work is proposed for subarea 1 and a portion of subarea 2. In addition, the proposed gas collection system would include an even larger area. The committee may wish to ask staff how the boundaries for the work area were established.

3) Several questions may be appropriate concerning the construction of a gas collection system:

a) the staff report states that "Metro will make a decision about who will construct the gas collection system by the time that bids for the cover construction project are received." If Metro has authorized the successful energy recovery proposer to build the collection system, what will happen if a less costly system is submitted by a bidder for the cover construction project.

b) have the energy recovery project proposers submitted their collection system costs in such a manner that the costs for construction in the work area proposed in Resolution No. 92-1546 can be separated and compared with other system construction proposals.

c) will the construction of the collection system be affected by the type of energy recovery that will be attempted?

4) Does staff believe the cost estimates for FY 1991-92 and subsequent fiscal years that were presented during the budget process are still valid?

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 92-1546
ISSUANCE OF A REQUEST FOR BIDS)	
FOR THE CONSTRUCTION OF AN	)	Introduced by Rena Cusma,
IMPROVED COVER SYSTEM, GAS	)	Executive Officer
COLLECTION SYSTEM, AND STORMWATER)	
COLLECTION SYSTEM ON A PORTION OF)	
ST. JOHNS LANDFILL)	

WHEREAS, It is in the public interest that the St. Johns Landfill closure process move forward in an expeditious manner; and

WHEREAS, Work associated with and including the construction of an improved multi-layered cover system, gas collection system and storm water collection system on a portion of St. Johns Landfill will carry forward the closure process; and

WHEREAS, This resolution along with the Request for Bid and contract form for the work described above were submitted to the Executive Officer for consideration and all were forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District authorizes issuance of a Request for Bids for work associated with and including the construction of an improved multi-layered cover system, gas collection system and storm water collection system on a portion of St. Johns Landfill.

ADOPTED by the Council of the Metropolitan Service District this _____ day
of _____, 1992.

Presiding Officer

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 92-1546 FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF A REQUEST FOR BIDS FOR THE CONSTRUCTION OF AN IMPROVED COVER SYSTEM, GAS COLLECTION SYSTEM, AND STORMWATER COLLECTION SYSTEM ON A PORTION OF ST. JOHNS LANDFILL

Date: December 18, 1991

Presented by: Jim Watkins
Dennis O'Neil

PROPOSED ACTION

Adopt Resolution No. 92-1546 which authorizes the issuance of a Request for Bids (RFB) for the Construction of an Improved Cover System, Gas Collection System and Stormwater Collection System in Order to Close a Portion of St. Johns Landfill.

FACTUAL BACKGROUND AND ANALYSIS

The primary method to control groundwater and surface water contamination from St. Johns Landfill is to construct a waterproof cap or roof over the solid waste. Metro is preparing to solicit bids to construct this greatly improved, multi-layered cover system and associated landfill gas and stormwater systems on one area of the landfill in 1992. This will be the beginning of the final cover construction effort. In successive years the remaining subareas will be covered with this improved cover system until the entire landfill is closed.

This RFB lists, as a required bid alternate, the construction of the gas collection system for this subarea and the drilling of gas wells in an adjacent subarea. By bidding this work as an alternative, Metro can obtain a price while leaving open the option to have another contractor construct the gas collection system. It is useful to leave this option open now because Metro staff is currently evaluating proposals from several firms interested in recovering energy from the landfill gas. Some of these firms propose to construct the gas collection system themselves. It is anticipated that Metro will make a decision about who will construct the gas collection system by the time that bids for the cover construction project are received.

This RFB gives a preference to bidders who use materials manufactured from recycled materials. Metro will subtract 5% from the bid price for a particular bid item for the purposes of comparing bids if any bidder submits a bid price for an item which: 1) meets the definition of Recycled Products under Oregon Law; 2) meets applicable standards; and 3) can be substituted for a comparable non-recycled product. The RFB contains information forms which may be submitted by a bidder who requests such a preference.

PROPOSED BUDGET

* The estimated total cost for all work (including alternate work) listed in this RFB is 4.5 million dollars. It is expected that the work will begin in May 1992 and last for approximately six months. In the FY1991-92 budget \$1,665,000 is allocated for work to be performed during May and June 1992. The remaining funds would come from the FY1992-93 budget after it is approved by the Metro Council.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 92-1546.

DO:gbc
ONE/STAFF1217.RPT

Meeting Date: January 9, 1992
Agenda Item No. 7.2

RESOLUTION NO. 92-1548



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: January 2, 1992

TO: Metro Council
Executive Officer
Interested Persons

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.2; RESOLUTION NO. 92-1546

The Council agenda will be printed before the Solid Waste Committee meets on January 7 to consider Resolution No. 92-1546. Solid Waste Committee reports will be distributed in advance to Councilors and available at the January 9 Council meeting.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

To: Solid Waste Committee Members

From: John Houser, Council Analyst

Date: December 31, 1991

Re: Resolution No. 92-1548, For the Purpose of Approving a Contract with Western Compliance Services, Inc., To Transport, Recycle, Treat and Dispose of Wastes Collected at Metro's Permanent Household Hazardous Waste Collection Facilities

Resolution No. 92-1548 has been scheduled for consideration by the Committee at the January 7 meeting.

Background

The household hazardous waste collection facility at Metro South will become operational in mid-January 1992. Construction of a similar facility at Metro Central will begin in the spring of 1992.

In July 1991, the Council authorized the issuance of an RFP for household hazardous waste transportation, recycling and disposal from collection facilities at Metro transfer stations. A total of four proposals were received and Western Compliance Services, Inc. was selected as the successful proposer. Cost was the principal evaluation criteria, though experience and the ability to respond to emergencies also were addressed.

The proposed contract will be effective on January 10, 1992 and continue through June 30, 1993. Metro will have the option of extending the contract through June 30, 1994. The total cost of the contract may not exceed \$1.2 million. A total of \$800,000 was budgeted for FY 1991-92 for hazardous waste disposal (\$400,000 each at Metro Central and Metro South) and for FY 1992-93 a total budget of \$1 million (\$500,000 at each facility) will be proposed.

Issues and Questions

The committee may wish to address the following issues and questions when it considers the resolution:

1) Proposals in response to the RFP were submitted by August 12, 1991. Staff is now requesting that the Council expedite its consideration of this resolution by requesting full Council consideration only two days after consideration by the Solid Waste Committee. This request was made because the opening of the Metro South facility is scheduled for mid-January. The committee may

wish to question why the resolution was not submitted to Council at an earlier date.

2) No data have been provided that compare the relative cost of the proposals that were submitted. The committee may wish to review such data prior to awarding the contract.

3) The contract summary notes that of the original \$800,000 appropriation for hazardous waste disposal a total of \$110,670 is remaining as of December. The committee may wish to ask staff to provide background information on where approximately \$690,000 from this appropriation was spent during the first six months of the fiscal year? In addition, if \$400,000 was budgeted for Metro South for the entire year, how will the remaining \$110,000 cover the disposal costs incurred for the last six months of the year?

4) The contract sets a maximum expenditure of \$1.2 million during the life of the contract. Should the amount of hazardous waste disposed of at the facilities exceed Metro estimates, how will the additional disposal costs be funded?

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING)	Resolution no. 92-1548
A CONTRACT WITH WESTERN)	
COMPLIANCE SERVICES, INC., TO)	Introduced by Rena Cusma,
TRANSPORT, RECYCLE, TREAT, AND)	Executive Officer
DISPOSE OF WASTES COLLECTED)	
AT METRO'S PERMANENT HOUSE-)	
HOLD HAZARDOUS WASTE)	
COLLECTION FACILITIES	

WHEREAS, On July 11, 1991, the Council of the Metropolitan Service District authorized issuance of a Request for Proposals for a hazardous waste management firm to transport, recycle, treat and dispose of wastes collected at Metro permanent household hazardous waste collection facilities; and

WHEREAS, Four firms responded to the Request for Proposals; and

WHEREAS, Based on lower price, and satisfactory qualifications and experience, and the capability to provide various supplementary services, Western Compliance Inc., is the preferred proposer; now therefore

BE IT RESOLVED,

That the Council of the Metropolitan Service District hereby approves the award of a contract to Western Compliance Services Inc. to transport, recycle, treat and dispose of wastes collected at Metro's permanent household hazardous waste collection facilities, and authorizes the Executive Officer to execute a contract substantially in the form attached as Exhibit "A", and made part of this resolution by reference.

ADOPTED by the Metropolitan Service District Contract Review Board this
_____ day of _____, 1991.

_____, Presiding Officer



METRO METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT SUMMARY

GRANT/CONTRACT NO. 902247

BUDGET CODE NO. 531 310243 526613 75970

FUND: Operating DEPARTMENT: Solid Waste

(IF MORE THAN ONE) 531 310253 526613 75970

SOURCE CODE (IF REVENUE) _____

INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
 - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
 - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
 - C. OVER \$2,500, ATTACH QUOTES, EVAL FORM, NOTIFICATION OF REJECTION, ETC.
 - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Removal of hazardous materials from MSS and MCS hazardous waste facilities

2. TYPE OF EXPENSE ☐ PERSONAL SERVICES ☒ LABOR AND MATERIALS ☐ PROCUREMENT
☐ PASS THROUGH AGREEMENT ☐ INTER-GOVERNMENTAL AGREEMENT ☐ CONSTRUCTION
☐ OTHER

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☐ CHANGE IN COST ☐ CHANGE IN WORK SCOPE
☐ CHANGE IN TIMING ☒ NEW CONTRACT

4. PARTIES Western Compliance Services, Inc., and Metropolitan Service District

5. EFFECTIVE DATE January 10, 1992 TERMINATION DATE June 30, 1993
 (THIS IS A CHANGE FROM _____)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW \$ 1,200,000.00
 PREV. AMEND _____
 THIS AMEND _____
 TOTAL \$ 1,200,000.00

7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 19891-92 \$ 400,000.00
 B. BUDGET LINE ITEM NAME haz waste disposal AMOUNT APPROPRIATED FOR CONTRACT \$ 800,000.00
 C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF December, 1991 \$ 110,670.00

8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	
SUBMITTED BY _____	\$ _____	<input type="checkbox"/> MBE
	AMOUNT	

9. NUMBER AND LOCATION OF ORIGINALS _____

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE

B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☒ NO

11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☐ YES ☒ NO

IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION _____

12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☒ YES ☐ NO

13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☐ YES ☐ NOT APPLICABLE

TYPE OF BOND _____ AMOUNTS _____

TYPE OF BOND _____ AMOUNTS _____

14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

NAME _____ SERVICE _____ ☐ MBE

15. IF THE CONTRACT IS OVER \$10,000

A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?

☒ YES ☐ NO

B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?

☐ YES DATE _____ INITIAL _____

16. COMMENTS:

Metro has the option to extend this contract from 7/1/93 to 6/30/94. Payments during such extension period shall not exceed \$1,500,000.00.

GRANT/CONTRACT APPROVAL

INTERVAL REVIEW

CONTRACT REVIEW BOARD

COUNCIL REVIEW

(IF REQUIRED) DATE _____

(IF REQUIRED)

DEPARTMENT HEAD

1. _____

DATE

2. _____

FISCAL REVIEW

3. _____

BUDGET REVIEW

COUNCILOR

LEGAL COUNSEL REVIEW AS NEEDED:

A. DEVIATION TO CONTRACT FORM _____

B. CONTRACTS OVER \$10,000 _____

C. CONTRACTS BETWEEN GOVERNMENT AGENCIES _____

PUBLIC CONTRACT

THIS Contract is entered into between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, whose address is 2000 S.W. First Avenue, Portland, Oregon 97201-5398, hereinafter referred to as "Metro," and Western Compliance Services Inc., whose address is 11330 SW Clay, Sherwood, OR 97140, hereinafter referred to as the "Contractor."

THE PARTIES AGREE AS FOLLOWS:

ARTICLE I

SCOPE OF WORK

Contractor shall perform the work and/or deliver to Metro the goods described in the Scope of Work attached hereto as Attachment A. All services and goods shall be of good quality and, otherwise, in accordance with the Scope of Work.

ARTICLE II

TERM OF CONTRACT

The term of this Contract shall be for the period commencing January 10, 1992, through and including June 30, 1993. If Metro is satisfied with Contractor's performance, Metro may extend the contract to and including June 30, 1994, by delivering a written extension notice to Contractor.

ARTICLE III
CONTRACT SUM AND TERMS OF PAYMENT

Metro shall compensate the Contractor for work performed and/or goods supplied as described in Attachment B. Metro shall not be responsible for payment of any materials, expenses or costs other than those which are specifically included in Attachment B.

ARTICLE IV
LIABILITY AND INDEMNITY

Contractor is an independent contractor and assumes full responsibility for the content of its work and performance of Contractor's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Contract, and shall indemnify and hold harmless Metro, its agents and employees, from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Contract. Contractor is solely responsible for paying Contractor's subcontractors. Nothing in this Contract shall create any contractual relationship between any subcontractor and Metro.

ARTICLE V
TERMINATION

Metro may terminate this Contract upon giving Contractor seven (7) days written notice. In the event of termination, Contractor shall be entitled to payment for work performed to the date of termination. Metro shall not be liable for indirect or consequential damages. Termination by Metro will not waive any claim or remedies it may have against Contractor.

ARTICLE VI

INSURANCE

Contractor shall maintain such insurance as will protect Contractor from claims under Workers' Compensation Acts and other employee benefits acts covering all of Contractor's employees engaged in performing the work under this Contract; and from claims for damages because of bodily injury, including death and damages to property, all with coverage limits satisfactory to Metro.

Liability insurance shall have minimum coverage limits of at least the dollar amounts listed in ORS 30.270. Additional coverage may be required in the Scope of Work attached hereto. This insurance must cover Contractor's operations under this Contract, whether such operations be by Contractor or by any subcontractor or anyone directly or indirectly employed by either of them. Contractor shall immediately increase the amounts of liability insurance required to reflect any changes in Oregon Law so that the insurance provided shall cover, at a minimum, the maximum liability limits under the Oregon Tort Claims Act.

If required in the Scope of Work attached hereto, Contractor shall provide Metro with a certificate of insurance complying with this article and naming Metro as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.

Contractor shall not be required to provide the liability insurance described in this Article if an express exclusion relieving Contractor of this requirement is contained in the Scope of Work.

ARTICLE VII

PUBLIC CONTRACTS

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon, are hereby

incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.310 to 279.320. ORS Chapter 279 states, in part, that the Contractor, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage to all their subject workers. Specifically, it is a condition of this contract that Contractor and all employers working under this Agreement are subject employers that will comply with ORS 656.017 as required by 1989 Oregon Laws chapter 684.

ARTICLE VIII

ATTORNEY'S FEES

In the event of any litigation concerning this Contract, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

ARTICLE IX

QUALITY OF GOODS AND SERVICES

Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of the highest quality.

All workers and subcontractors shall be skilled in their trades. Contractor guarantees all work against defects in material or workmanship for a period of one (1) year from the date of acceptance or final payment by Metro, whichever is later. All guarantees and warranties of goods furnished to Contractor or subcontractors by any manufacturer or supplier shall be deemed to run to the benefit of Metro.

ARTICLE X

OWNERSHIP OF DOCUMENTS

All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this agreement are the property of Metro and it is agreed by the parties hereto that such documents are works made for hire. Contractor does hereby convey, transfer and grant to Metro all rights of reproduction and the copyright to all such documents.

ARTICLE XI

SUBCONTRACTORS; DISADVANTAGED BUSINESS PROGRAM

Contractor shall contact Metro prior to negotiating any subcontracts and Contractor shall obtain approval from Metro before entering into any subcontracts for the performance of any of the services and/or supply of any of the goods covered by this Contract.

Metro reserves the right to reasonably reject any subcontractor or supplier and no increase in the Contractor's compensation shall result thereby. All subcontracts related to this Contract shall include the terms and conditions of this agreement. Contractor shall be fully responsible for all of its subcontractors as provided in Article IV.

If required in the Scope of Work, Contractor agrees to make a good faith effort, as that term is defined in Metro's Disadvantaged Business Program (Section 2.04.160 of the Metro Code) to reach the goals of subcontracting zero percent of the contract amount to Disadvantaged Business Enterprise and zero percent of the contract amount to Women-Owned Business Enterprise. Metro reserves the right, at all times during the period of this agreement, to monitor compliance with the terms of this paragraph and Metro's Disadvantaged Business Program.

ARTICLE XII

RIGHT TO WITHHOLD PAYMENTS

Metro shall have the right to withhold from payments due Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage or claim which may

result from Contractor's performance or failure to perform under this agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

If a liquidated damages provision is contained in the Scope of Work and if Contractor has, in Metro's opinion, violated that provision, Metro shall have the right to withhold from payments due Contractor such sums as shall satisfy that provision. All sums withheld by Metro under this Article shall become the property of Metro and Contractor shall have no right to such sums to the extent that Contractor has breached this Contract.

ARTICLE XIII

SAFETY

If services of any nature are to be performed pursuant to this agreement, Contractor shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XIV

INTEGRATION OF CONTRACT DOCUMENTS

All of the provisions of any bidding documents including, but not limited to, the Advertisement for Bids, General and Special Instructions to Bidders, Proposal, Scope of Work, and Specifications which were utilized in conjunction with the bidding of this Contract are hereby expressly incorporated by reference. Otherwise, this Contract represents the entire and integrated agreement between Metro and Contractor and supersedes all prior negotiations, representations or agreements, either written or oral. This Contract may be amended only by written instrument signed by both Metro and Contractor. The law of the state of Oregon shall govern the construction and interpretation of this Contract.

ARTICLE XV
ASSIGNMENT

Contractor shall not assign any rights or obligations under or arising from this Contract without prior written consent from Metro.

WESTERN COMPLIANCE SERVICES INC.

METROPOLITAN SERVICE DISTRICT

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

JQ:jc
hhw\western.cnt

ATTACHMENT A

SCOPE OF WORK

1. Metro shall receive, sort, package, label and store all wastes received at the Metro South and Metro Central Household Hazardous Waste (HHW) Collection Facilities. Sorting, packaging and labeling shall be in accordance with Schedule A, Disposal Categories and Facilities.
2. Contractor shall pick up wastes and remove them from the HHW facilities as needed. Contractor may reject wastes if they are not properly packaged, or if they are listed under Wastes not Accepted in Schedule A.
3. Contractor shall transport Accepted Wastes to Contractor's Treatment, Storage, and Disposal Facility (TSDF), located at 11330 S.W. Clay St., Sherwood, Oregon. Wastes transported to Contractor's TSDF shall be recycled, treated or disposed at Contractor's TSDF, or transported to one of the disposal facilities listed in Schedule A within the time period required under Contractor's permit.
4. For all wastes that exhibit characteristics or ingredients similar to fully regulated hazardous wastes, all disposal facilities shall be DEQ or EPA registered hazardous waste recycling facilities, or fully permitted hazardous waste treatment storage and disposal facilities (TSDF's).
5. All disposal facilities that are permitted TSDF's shall have Environmental Impairment Liability in the amount of \$1,000,000 per occurrence, \$2,000,000 aggregate, covering emissions, discharges, dispersals, disposal, releases, escapes or seepages of smoke, vapors, soot, fumes, acids, alkalis, toxic chemicals, liquids, gases, waste materials, irritants, and contaminants that spoil the land, atmosphere, or water.
6. Metro reserves the right to remove any facility from the list of approved facilities in Schedule A. Categories of waste that were designated to go to a removed facility may be sent to any other currently approved facility. When this occurs Contractor may establish new pricing for these categories. If Contractor is unable to dispose of any category of waste due to Metro's objection, contractor may reject that waste.
7. If Metro wishes to have wastes delivered to a disposal facility not currently on the list of facilities in Schedule A, Contractor shall perform Contractor's standard facility auditing procedure within a reasonable period of time. If the facility meets Contractor's standards, the facility shall be added to Schedule A. Contractor shall provide Metro with a detailed audit report. Contractor shall provide Metro with an estimate of facility audit costs. Metro shall reimburse contractor for reasonable costs associated with a facility audit, if audit is at Metro's request.

8. If Contractor wishes to ship wastes to a facility not currently listed in Schedule A, Contractor shall notify Metro thirty days in advance of its intention to ship to the unlisted facility. Metro shall inform Contractor of non-approval within thirty days of notification. If Metro does not object, the facility shall be added to Schedule A.
9. Metro shall normally notify Contractor at least two working days (working days are to be considered Monday- Friday) before wastes are to be picked up by Contractor, and shall provide profile numbers of wastes to be picked up. Contractor shall pick up all properly packaged and labeled wastes that are included in a current approved profile when requested by Metro, provided that the requested pick up time is during Contractor's regular business hours, and Metro has provided proper notice. Metro shall make all reasonable efforts to insure that the loading process takes less than one hour.
10. When an immediate pickup of waste is required by Metro, Contractor shall make all reasonable efforts to respond within two hours if the request is made during Contractor's regular business hours. If request is made after Contractor's regular business hours, Contractor shall make all reasonable efforts to respond within four hours.
11. Contractor shall assist Metro with filling out Uniform Hazardous Waste Manifests for shipping of wastes. For urgent pickup situations, Metro may be required to fill out manifests unassisted.
12. Contractor shall assist Metro with obtaining approved waste profiles. Contractor shall attempt to approve profiles for wastes not requiring representative samples prior to facility opening. Contractor shall attempt to approve profiles for wastes requiring representative samples within two weeks of receiving representative samples of those wastes.
13. Each calendar quarter, contractor shall provide Metro with a report showing summaries of the final disposition of all wastes picked up at Metro HHW facilities by Contractor. This shall include information on number of drums sent to each disposal facility, and the status of all drums pending final disposal. If this report is inconsistent with Metro data, Contractor shall assist Metro in determining the source of the inconsistency.
14. Contractor shall provide technical assistance to Metro as needed. This shall include personnel to assist with receiving, sorting and packaging of wastes at the facility if requested by Metro.
15. Metro shall identify all unknown wastes using "HazCat" or WICT (Waste Identification and Classification Test) procedures. Contractor shall handle wastes so identified in the same manner as other wastes are handled, or shall inform Metro of the reasons for the unacceptability of the identification, and of the nature of further testing requirements.
16. Contractor shall pick up non-household, RCRA regulated wastes as requested. These may be wastes generated in the course of facility operation, such as laboratory chemical wastes, wastes from conditionally exempt hazardous waste generators, if these are allowed at the facility at a future time, or other RCRA regulated wastes inadvertently

accepted at the facility. Contractor will require separate profiling and approval procedures for non-household hazardous waste.

17. Contractor shall remove water from HHW facility sumps and water storage tanks as required by Metro. Contractor shall perform analysis and disposal of contaminated water as required by Metro.
18. Contractor shall respond to emergency hazardous material spill cleanup situations when requested by Metro. If contractor does not have sufficient personnel available at the time of the emergency, contractor may subcontract with a firm with sufficient immediate emergency response capability.
19. Contractor shall purchase and maintain at contractor's expense, the following types of insurance covering the contractor, its employees and agents:
 - A. Broad form comprehensive general liability covering bodily injury, property damage, and personal injury with automatic coverage for premises/completed operations and product liability. The policy must be endorsed with contractual liability coverage.
 - B. Automobile bodily injury and property damage liability, insurance including MCS-90 endorsement.

Insurance coverage for general liability shall be a minimum of \$1,000,000. The aggregate amount for automobile liability insurance coverage shall be in the amount of \$5,000,000.

METRO, its elected officials, departments, employees and agents shall be named as an ADDITIONAL INSURED. Notice of any material change or policy cancellation shall be provided 30 days prior to the change. Contractor shall provide Metro with a certificate or certificates of insurance as specified in Article VI of the contract form.

20. Contractor shall comply with ORS 656.017 for all employees who work in the state of Oregon for more than 10 days. The contractor shall provide Metro with certification of worker's compensation including employer's liability.
21. Contractor shall perform all services in accordance with all applicable federal, state and local laws, rules, regulations and orders, including, but not limited to: the Resource Conservation and Recovery Act (RCRA), and regulations, rules and orders of the United States Environmental Protection Agency, the U. S. Department of Transportation, Oregon's Department of Environmental Quality, state and federal Occupational Health and Safety authorities, and the Oregon Public Utility Commission.
22. Contractor shall designate one individual as Metro's primary contact for all matters relating to this contract.

SCHEDULE A: DISPOSAL CATEGORIES AND FACILITIES

I. Wastes not accepted by Contractor

Radioactive materials (above minimum limits specified in Oregon law)

Explosive materials, as defined by US DOT, or materials that contractor considers to have explosion potential (some of these may be acceptable on a case-by-case basis)

Etiological agents, as defined by US DOT, or infectious wastes, as defined under Oregon law

Poison A materials, as defined by US DOT

Unidentified materials

TSCA-regulated PCB-containing materials (until such time as Contractor's permitting allows)

II. Accepted Materials:

A. FLAMMABLE MATERIALS LIQUID

Must be pourable liquids, with chlorides less than 8%, includes: Oil paints, Lacquers, Stains, Thinners and Related Materials, Gasoline, Fuels, Solvent-Contaminated Oils, Non-Halogenated Solvents, Halogenated Solvents, Adhesives, Non-Corrosive Paint Strippers, Unused Antifreeze, Polishing Oils

Packaging Requirements:	DOT 17 E, New, 55 Gallons -bulked
Marking Requirements:	"RQ" Flammable Liquid N.O.S, Flammable Liquid, UN 1993 (Specific Chemicals)
Labeling Requirements:	DOT Flammable Liquid
Disposal Facility:	Solvent Recovery Corp.
Disposal Option:	Energy Recovery

B. FLAMMABLE MATERIALS LIQUID: RECYCLABLE

Must be pourable liquids, with chlorides less than 0.5 %, includes: Oil Paints, Lacquers, Stains, Thinners and Related Materials, Non-Halogenated Solvents. (Analysis may be required to determine solvent recyclability.)

Packaging Requirements:	DOT 17 E, New, 55 Gallons -bulked
Marking Requirements:	"RQ" Flammable Liquid N.O.S, Flammable Liquid, UN 1993 (Specific Chemicals)
Labeling Requirements:	Flammable Liquid
Recycling Facility:	Sol-Pro
Disposal Option:	Recycling

C. HALOGENATED SOLVENTS - RECYCLABLE

Halogenated solvents for recycling will need to meet minimum concentration specifications that are dependent on the type of solvent to be recycled. For example, 1,1,1-trichloroethane must meet a 90-95 % solvent purity specification. Freon 113 must be 97-99 % pure with a maximum of 1000 ppm 1,1,1-trichloroethane contamination. Other chlorinated solvents have their own specifications and can be addressed as the need arises. (Analysis may be required to determine solvent recyclability.)

Packaging Requirements:	DOT 17 E, New, 55 Gallons -bulked
Marking Requirements:	To be Determined
Labeling Requirements:	To be Determined
Recycling Facility:	Sol-Pro
Disposal Option:	Recycling

D. FLAMMABLE MATERIALS SOLIDS

Non-Pumpable Liquids and Solids , Chlorides Less Than 5 % , includes: Oil paints, Lacquers, Stains, Thinners and Related Materials, Gasoline, Fuels, Solvent-Contaminated Oils, Non-Halogenated Solvents, Adhesives, Non-Corrosive Paint Strippers, Chlorinated Solvents, Unused Antifreeze, Polishing Oils, Tars (non-asbestos), Caulking (solvent-based), Roofing Compounds (non-asbestos)

Packaging Requirements:	DOT 17 H, New, 55 Gallons -bulk
Marking Requirements:	"RQ" Flammable Liquid N.O.S, Flammable Liquid, UN 1993 (Specific Chemicals)
Labeling Requirements:	Flammable Liquid
Disposal Facility:	Solvent Recovery Corp. or Sol-Pro
Disposal Option:	Energy Recovery

E. ISOCYANATE FOAMS AND EPOXIES

Epoxies, Foams need to be separated by Part A, Part B components and loose packed.

Packaging Requirements:	DOT 17 H Reconditioned, 55 Gallons
Marking Requirements:	"RQ" Flammable Liquid N.O.S, Flammable Liquid, UN 1993 (Specific Chemicals)
Labeling Requirements:	Flammable Liquid
Disposal Facility:	Solvent Recovery Corp. or EnviroSAFE services
Disposal Option:	Energy Recovery or landfill

F. ROOFING COMPOUNDS CONTAINING ASBESTOS AND ASBESTOS

Packaging Requirements:	DOT 17 H, Reconditioned, 55 Gallons
Specific Requirements:	Items Bagged and Tied, Asbestos Tars excluded, loose-packed

Marking Requirements:	"RQ" Asbestos, ORM-C
Labeling Requirements:	ORM-C
Disposal Facility:	Envirosafe Services of Idaho
Disposal Option:	Landfill

G. LATEX PAINTS, GLUES, RESINS, POLISHES, COSMETICS, MEDICINE CREAMS

Packaging Requirements:	DOT 17 H, New, 55 Gallons bulked
Marking Requirements:	Non RCRA Hazardous Waste Not Regulated by DOT(Latex Paint)
Labeling Requirements:	None
Disposal Facility:	Envirosafe Services of Idaho
Disposal Option:	Landfill - Stabilization

H. ANTIFREEZE

Packaging Requirements:	DOT 17 E, New, 55 Gallons -bulked
Marking Requirements:	Non RCRA Hazardous Waste Not Regulated by DOT(Ethylene Glycol)
Labeling Requirements:	None
Recycling Facility:	Fuel Processors
Disposal Option:	Recycling

I. HOUSEHOLD BATTERIES

Used batteries have the capability of retaining an electrical voltage potential; therefore, we recommend that the drums be lined with plastic drum liners to minimize sparking between drums.

Packaging Requirements:	DOT 17 H, Reconditioned 55 Gallons, with liner, loose-packed
-------------------------	---

Marking Requirements:	RQ Battery Dry Corrosive Material, NA 1813 (Potassium Hydroxide)
Labeling Requirements:	Corrosive
Disposal Facility:	Envirosafe Services of Idaho
Disposal Option:	Landfill

J. CLEANERS, DISINFECTANTS NON-CORROSIVE

These materials can be overpacked with glass containers packed in absorbents. We anticipate 20% absorbent to 80% liquid. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass container greater than one gallon.

Packaging Requirements:	DOT 17 H, Reconditioned, 55 Gallons lab-packed
Marking Requirements:	Non RCRA Hazardous Waste Not Regulated by DOT (Cleaners)
Labeling Requirements:	None
Disposal Facility:	Northwest EnviroService
Disposal Option:	Water Treatment

K. PHOTO CHEMICALS ACIDIC, ACIDS, CLEANERS, DISINFECTANTS - CORROSIVE

Some of these materials such as hydrochloric, nitric, sulfuric or phosphoric acid may be treatable. These materials will need to be labpacked. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass containers greater than one gallon. Packing material should consist of 60% inorganic absorbent to 40% liquid. Packing lists should reflect the volume of waste as well as the drum contents which are described on the profile. Profile master lists will be developed by Contractor that reflect compatible wastes. Metro will pack chemicals according to the profile. Materials not on the master list can be added as needed. Due to the corrosive nature of these materials, a plastic drum liner is recommended.

Packaging Requirements:	DOT 17 H, Reconditioned 55 Gallons, Plastic drum liner
-------------------------	---

Marking Requirements: 'RQ' Acid Liquid, NOS
Corrosive Material, NA 1760
(Specific Chemical)

Labeling Requirements: Corrosive

Non-Treatable

Disposal Facility: EnviroSafe Services of Idaho

Disposal Option: Landfill

Treatable

Disposal Facility: Northwest EnviroService

Disposal Option: Neutralization

**L. PHOTO CHEMICALS ALKALINE, BASES, CLEANERS, BLEACH DISINFECTANTS -
CORROSIVE**

Some of these materials such as sodium hydroxide (Drano) and ammonium hydroxide may be treatable. These materials will need to be labpacked. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass container greater than one gallon. Packing material should consist of 60% inorganic absorbent to 40% liquid. Packing lists should reflect the volume of waste as well as drum contents which are described on the profile. Profile master lists will be developed by Contractor that reflect compatible wastes. Metro will pack chemicals according to the profile. Materials not on the master list can be added as needed. Again, liners are recommended.

Packaging Requirements: DOT 17 H, Reconditioned, 55 Gallons
Plastic drum liner

Marking Requirements: 'RQ' Alkaline Liquid, N.O.S.
Corrosive Material, NA 1719
(Specific Chemical)

Labeling Requirements: Corrosive

Non-Treatable

Disposal Facility: EnviroSafe Services of Idaho

Disposal Option: Landfill

Treatable

Disposal Facility: Northwest EnviroService

Disposal Option: Neutralization

M. OXIDIZERS, BLEACH, POOL CHEMICALS - OXIDIZER

Bleach may be treatable and should be packaged separately with minimal absorbents (20%). Other materials in this category will need to be labpacked. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass container greater than one gallon. Packing material should consist of 60% inorganic absorbent to 40% liquid. Packing lists should reflect the volume of waste as well as the drum contents as described on the profile. Profile master lists will be developed by Contractor that reflect compatible wastes. Metro will pack chemicals according to the profile. Materials not on the master list can be added as needed.

Packaging Requirements: DOT 17 H, Reconditioned, 55 Gallons
Plastic drum liner

Marking Requirements: 'RQ' Oxidizer, NOS
Oxidizer, UN 1479
(Specific Chemical)

Labeling Requirements: Oxidizer

Non-Treatable

Disposal Facility: EnviroSafe Services of Idaho

Disposal Option: Landfill

Treatable

Disposal Facility: Northwest EnviroService

Disposal Option: Neutralization

N. PESTICIDES, HERBICIDES, MOTHBALLS, DIOXINS, PENTACHLOROPHENOL

These materials will need to be labpacked. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass container greater than one gallon. Packing material should consist of 60% inorganic absorbent to 40% liquid. Packing lists

should reflect the volume of waste as well as the drum contents as described on the profile. Profile master lists will be developed by Contractor that reflect compatible wastes. Metro will pack chemicals according to the profile. Materials not on the master list can be added as needed. Contractor recommends two (2) separate categories for this waste, halogenated and non-halogenated.

Packaging Requirements:	DOT 17 H, Reconditioned, 55 Gallons
Marking Requirements:	'RQ' Poison B, Liquid, NOS Poison, UN 2810 (Specific Chemical)
Labeling Requirements:	Poison
Disposal Facility:	Envirosafe Services of Idaho
Disposal Option:	Landfill

O. CHEMISTRY SETS, MISCELLANEOUS CHEMICALS

These materials will need to be labpacked. Labpacks are to contain no more than 15 gallons of liquid, by our permit, and no container greater than 5 gallons of liquid or glass container greater than one gallon. Packing material should consist of 60% inorganic absorbent to 40% liquid. Packing lists should reflect the volume of waste as well as drum contents as described on the profile. Profile master lists will be developed by Contractor that reflect compatible wastes. Metro will pack chemicals according to the profile. Materials not on the master list can be added as needed.

Due to the vast number of different chemicals available to the public, several marking and labeling scenarios exist that do not fit the above listed classifications. Contractor has extensive experience with disposal and feels confident that Metro can be provided with speedy hazard classifications for those infrequent or miscellaneous chemical types.

Packaging Requirements:	DOT 17 H, Reconditioned, 55 Gallons
Marking Requirements:	To be determined
Labeling Requirements:	To be determined
Disposal Facility:	To be determined
Disposal Option:	To be determined

P. PCB'S- CAPACITORS

Non-leaking small ballasts and capacitors are not TSCA-regulated and are not subject to TSCA landfill or record keeping requirements. Leaking small ballasts or capacitors or large capacitors and transformers are TSCA-regulated and not accepted by contractor.

Packaging Requirements:	DOT 17 C, New, 55 Gallons loose-packed
Marking Requirements:	Waste Hazardous Substance, Solid, N.O.S. ORM-E, NA 9188 (Polychlorinated Biphenyls)
Labeling Requirements:	PCB
Disposal Facility:	Envirosafe Services of Idaho
Disposal Option:	Landfill

Q. AEROSOL PAINTS & PESTICIDES

These materials can be loose packed.

Packaging Requirements:	DOT 17H, Reconditioned, 55 Gallons loose-packed
Marking Requirements:	RQ Compressed Gas, N.O.S. Flammable Gas UN1954 (Propane, Specific Chemical)
Labeling Requirements:	Flammable Gas
Disposal Facility:	Ensco
Disposal option:	Incineration

R. REACTIVES

Water reactives, pyrophorics, peroxides, alkali metals, etc. Sufficient packing material should be added to fill container to at least 90% full and to insure that inner waste containers will not break (may be standard inorganic type such as kitty litter-type, or vermiculite). A detailed labpack list is required, with one copy inside the drum, one copy affixed to the outside of the

drum, and one copy with the manifest. All reactives must be segregated into the categories listed below (some additional packing requirements also listed).

Packaging Requirements: DOT 17C or 21C fiber drums,
loose-packed

Marking and labeling requirements: To comply with DOT
requirements

Disposal Facility: Aptus, or Trade Waste Incinerator

Disposal option: Incineration

Reactives segregation categories:

Alkali metals, (must be under one inch of oil, but less than 1000 ml of oil total).

Calcium carbide

Calcium hydride

Other reactive metals, non-alkali, (must be under one inch of oil, but less than 1000 ml of oil total).

Oxidizers, reactive

Organic peroxides

Methyl Ethyl Ketone Peroxide, (must be less than 50% peroxide, less than 9% available oxygen)

Sulfides, Cyanides

S. PROPANE/LPG

30 # cylinders may be shipped separately, smaller containers to be loose-packed.

Packaging Requirements: DOT 17H 55-gallon drums,
loose-packed

Marking and labeling requirements: To comply with DOT
requirements

Disposal Facility: Tualatin Car Care

Disposal option:

Recycling

T. OTHER COMPRESSED GASES

All gases on A list below must be 3" x 12" or less. Gases on B list may be up to 4" x 24".
Valves must be operational.

Packaging Requirements:

To comply with DOT
requirements

Marking and labeling requirements:

To comply with DOT
requirements

Disposal Facility:

BDT

Disposal option:

Treatment/Incineration

A list: Acetyl fluoride, Antimony pentachloride, Antimony pentafluoride, Antimony tribromide, Antimony trichloride, Antimony trifluoride, Antimony triiodide, Boron tribromide, Boron trichloride, Boron trifluoride, Bromine chloride, Cyanogen bromide, Hydrogen sulfide, Methyl silane, Nitrous oxide, Ozone, Phosphorous pentafluoride, Phosphorous trifluoride, Silane, Silicon tetrafluoride, Sulfur oxide, Sulfur tetrafluoride, Sulfur trioxide, Silane compounds (except tetrachlorosilane), Trifluoroacetyl fluoride, Trimethylborane, Vanadium xychloride, Vanadium tetrachloride

B list: Ammonia, Argon, Bromine, Carbon dioxide, Chlorine, Deuterium compounds, Helium, Hydriodic acid, Hydrogen bromide, Hydrogen chloride, Hydrogen iodide, Krypton, Molybdenum hexafluoride, Neon, Nitrogen, Oleum, Oxygen, Silicon tetrabromide, Silicon tetrachloride, Sulfur dibromide, Sulfur dichloride, Sulfur dioxide, Sulfur monobromide, Sulfur monochloride, Sulfuric acid, Sulfuryl chloride, Tetrachlorosilane, Thionyl bromide, Thionyl chloride, Titanium tetrabromide, titanium tetrachloride, Trichloroacetyl chloride, Trichloromethane sulfonyl chloride, Tungsten bromide, Tungsten chloride, Tungsten fluoride, Tungsten hexafluoride, Xenon

III. List of facilities with addresses:

Aptus Environmental Services
P.O. Box 27448
Salt Lake City, UT 84127-0448

BDT Inc.
4255 Research Parkway
Clarence, NY 14301

Chemical Processors
625 South 32nd Street
Washougal, WA 98671

Chemical Waste Management of the Northwest
Star Route
Arlington, OR 97812

Chemical Waste Management Tradewaste Incinerator
7 Mobile Ave.
Sauget, IL, 62201

Clean Care Corporation
2244 Port of Tacoma Rd.
Tacoma, WA 98401

Continental Cement
Highway 79 South
Hannibal, MO 63401

Ensco
American Oil Road
El Dorado, AR 71730

Envirosafe Services of Idaho
10-1/2 miles NW of Grandview
Grandview, ID 83624

Fuel Processors
4150 N. Suttle Rd.
Portland, OR 97217

Northwest Enviroservice, Inc.
P.O. Box 24443
Seattle, WA 98124

Rollins Environmental Services
P.O. Box 609
Deer Park, Texas 77536

Sol-Pro, Inc.

P.O. Box 1781
Tacoma, WA 98401

Solvent Recovery Corp.
801 Mulberry
Kansas City, MO 64101

Tualatin Car Care
18870 S.W. Boones Ferry Rd.
Tualatin, OR

**ATTACHMENT B
COST SCHEDULE**

1. Total payments under this contract shall not exceed \$1,200,000 (One Million Two Hundred Thousand Dollars) for the period from January 10, 1992 until June 30, 1993. If contract is extended until June 1994, total payments shall not exceed \$1,500,000 (One Million Five Hundred Thousand Dollars) for the period of July 1, 1993 until June 30, 1994.
2. Contractor shall bill Metro on a monthly basis. Metro shall pay contractor within 30 days of receiving an approved invoice. Payment will be based on the following schedule:

Disposal Pricing

A. Flammable Materials Liquid	\$110.00/drum plus \$10.00/gallon of sludge (typically \$185.00/drum)
B. Flammable Materials Liquid: Recyclable	\$450.00/drum
C. Halogenated Solvents - Recyclable	\$450.00/drum
D. Flammable Materials Solids	\$550.00/drum
E. Isocyanate Foams and Epoxies	\$500.00/drum
F. Roofing Compounds, Asbestos	\$120.00/drum
G. Latex Paints, Glues, Resins	\$300.00/drum
H. Antifreeze	\$140.00/drum
I. Household Batteries	\$120.00/drum
J. Cleaners, Disinfectants, Non-Corrosive	\$250.00/drum
K. Photo chemicals, acid, etc.	
Treatable	\$180.00/drum
Non-Treatable	\$250.00/drum

L. Photo chemicals alkaline, etc.

Treatable	\$180.00/drum
Non-Treatable	\$250.00/drum

M. Oxidizers

Treatable	\$300.00/drum
Non-Treatable	\$250.00/drum

N. Pesticides, etc. \$250.00/drum

O. Miscellaneous Chemicals \$250.00/drum

P. PCB's - Capacitors (Non-TSCA) \$160.00/drum

Q. Aerosols \$600.00/drum

R. Reactives

Alkali metals \$125.00 per lb. or fraction

Calcium carbide \$40.00 per lb. or fraction

Calcium hydride \$450.00 per lb. or fraction

Other reactive metals, non-alkali \$125.00 per lb or fraction

Oxidizers, reactive liquids- \$125.00 per quart or fraction
solids- \$40.00 per pound or fraction

Organic peroxides \$125.00 per lb. or fraction

Methyl Ethyl Ketone Peroxide \$40.00 per 6 oz. container
\$125.00 per lb. or fraction

Sulfides, Cyanides liquids- \$125.00 per quart or fraction
solids- \$40.00 per lb. or fraction

S. Propane/LPG \$150.00 per drum
\$10.00 per 30# cylinder

T. Other compressed gases class A \$900.00
class B < 3" x 12" \$600.00
class B 3-4" x 12-24" \$900.00

Pricing for drums less than 30 gallons will be at 65 % of pricing quoted for 55 gallon drums, above. Drums of 85 gallons will be priced at 170% of 55 gallon pricing quoted above.

Contractor's pricing for non-household wastes is as follows:

Flammable Materials Liquid	\$120.00/drum plus \$10.00/gallon of sludge
----------------------------	--

Corrosives (Labpack) \$360.00/drum

Solvent Waters	\$290.00/drum
----------------	---------------

Other non-household hazardous wastes will be priced according to Contractor's current pricing policies.

Spill cleanup debris and personal protective equipment (PPE) contaminated from the management of household waste:

\$130.00/drum
\$100.00 Profile Fee

Spill cleanup debris and PPE that is RCRA-regulated is priced at:

\$500.00/drum
\$50.00 Profile Fee

If Contractor's costs for disposal of a particular category of waste increases significantly during the term of the contract, including any extensions to the term, Contractor may petition for an increase in disposal prices for the affected category. Contractor must fully demonstrate and document the need for disposal price increase to Metro's satisfaction and approval. Price increases shall be allowed only for increases in Contractor's cost of disposal at disposal facilities, and shall not be for costs which are in any way attributable to conditions, structures, operations or activities which are within contractor's control.

If Contractor's costs for disposal of a particular category of waste decreases significantly during the term of the contract, including any extensions to the term, Contractor shall document the cost decrease and pass it through to Metro.

A "significant" increase or decrease means a change of 5 % or more as compared to the last cost charged to Metro.

Transportation charges for drum pickup

\$75.00 Each waste pickup

\$135.00 Urgent pickup during regular business hours

\$210.00 Urgent pickup outside of regular hours

Profile Fees (one time)

Categories A - I, P, Q \$50.00

Category S \$75.00

Category J \$100.00

Categories K, L, M, N \$125.00

Category O \$120.00

Category R, T \$110.00

Services

Project Manager \$60.00/Hour

Chemist \$45.00/Hour

Health and Safety \$50.00/Hour

Regulatory Compliance \$40.00/Hour

Environmental Engineer \$45.00/Hour

Technician \$40.00 (\$55.00 overtime & weekends - 3 hour
minimum charge if called out after
hours/weekends)

Add to all of above services charges additional transportation charges of \$0.30/Mile for travel while performing services for Metro.

Pumping of contaminated sump waters safely into drums or tanks

\$30.00/day	Pumps and equipment
\$80.00/hour	Labor (2 Hazardous Waste Technicians)
\$90.00/day	Protective Equipment (per two-man crew)
\$50.00/hour	Truck Standby
\$200.00	Analysis Solvents (if required)
\$175.00	Analysis Metals (if required)
\$100.00	Transportation to Contractor
\$ 5.80/gallon	Disposal
\$40.00 Each	Drums 17E DOT, New

Emergency response- Contractor's current standard pricing. If contractor requires subcontractor assistance, costs shall be direct pass-through.

JQ:je

hhw\transpor.cnt

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 92-1548, FOR THE PURPOSE OF APPROVING A CONTRACT WITH WESTERN COMPLIANCE SERVICES, INC., TO TRANSPORT, RECYCLE, TREAT AND DISPOSE OF WASTES COLLECTED AT METRO'S PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES

Date: December 20, 1991

Presented by: Sam Chandler
Jim Quinn

PROPOSED ACTION

Adopt Resolution 92-1548 to approve a contract with Western Compliance Services, Inc., to transport, recycle, treat and dispose of wastes collected at Metro's permanent household hazardous waste collection facilities (Exhibit A).

FACTUAL BACKGROUND AND ANALYSIS

The construction of the household hazardous waste collection facility at Metro South is now complete, and the facility will be ready to operate by mid-January, 1992. The household hazardous waste facility at Metro Central is still in the design phase; construction is expected to begin in the spring of 1992.

Metro personnel will receive, sort, package and store all wastes collected at the household hazardous waste facilities. A hazardous waste transportation and disposal contractor will be required to remove and properly dispose of the packed wastes.

Because of the complex nature of hazardous waste transportation and disposal, and the potential cost savings and environmental benefits, a Request for Proposals process was used to select the transportation and disposal contractor, as authorized by the Metro council in Resolution 91-1466.

The RFP was released July 12, 1991 to a list of nine firms. Four firms submitted proposals. These proposals were evaluated by a committee of three members of the Solid Waste Department Operations staff, using the criteria contained in the RFP. The proposal submitted by Western Compliance Services, Inc., was rated highest by the evaluation team. The criteria included a primary emphasis on cost, and included evaluations of firm's experience and qualifications, as well as other elements of services proposed.

The contract negotiated with Western Compliance is attached as Exhibit A to the resolution. DEQ and the Oregon City Fire Department require a signed disposal contract before facility operation may commence.

BUDGET IMPACT

The 1991-1992 budget has \$400,000 budgeted for hazardous waste disposal at the Metro South household hazardous waste facility, and \$400,000 budgeted for hazardous waste disposal at the Metro Central facility. The 1992-1993 budget is anticipated to have \$500,000 budgeted at each facility for hazardous waste disposal.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive officer recommends adoption of Resolution No. 91-1548.

JQ:gbc
STAF1219.RPT

Council Presiding Officer
1992 Ballots

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

David Krenkel

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Jim Gardner
for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Gandi Hansen

BALLOT NO. 1

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Gardner
for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Geo W.B.

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Jim Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Judy Hayes

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Jim Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Daryl H.

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Tim Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Roger Buchanan

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Jim Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Ruth M. Farlan

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Z. GARDNER

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

[Signature]

BALLOT NO. _____

BALLOT FOR 1992 COUNCIL PRESIDING
OFFICER

I vote for Councilor

Gardner

for Metro Presiding Officer for
Calendar Year 1992.

Signed: Councilor

Jim Gardner