**METRO** 

Agenda

2000 S.W. Fir**PhEASE NOTE: Revised Agenda; Agenda Item No. 7.5 has been added** Portland, OR 97201-5398 503/221-1646

DATE:	February 11, 1993
MEETING:	METRO COUNCIL
DAY:	Thursday
TIME:	4:00 p.m.
PLACE:	Metro Council Chamber

Approx. Time\* Presented <u>By</u>

4:00 ROLL CALL/CALL TO ORDER (5 min.)

1. INTRODUCTIONS

- 2. <u>CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS</u> 3. <u>EXECUTIVE OFFICER COMMUNICATIONS</u>
- <u>4.</u> <u>CONSENT AGENDA</u> (Action Requested: Motion to Adopt the Consent Agenda)
- 4.1 Minutes

REFERRED FROM THE FINANCE COMMITTEE

4.2 Resolution No. 93-1478, For the Purpose of Confirming the Appointment of William E. Peressini to the Investment Advisory Board

#### 4:05 <u>5.</u> ORDINANCES, FIRST READINGS

(5 min.)

5.1 Ordinance No. 93-483, For the Purpose of Amending Metro Code Section 5.05.030 to Modify the Designated Facility Status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for Purposes of Flow Control, to Add Roosevelt Regional Landfill and Finley Buttes Landfill to the List of Designated Facilities, and Declaring an Emergency (Action Requested: Referral to the Solid Waste Committee)

6. ORDINANCES, SECOND READINGS

REFERRED FROM THE SOLID WASTE COMMITTEE

4:10 (10 min.)

6.1 Ordinance No. 93-482, For the Purpose of Amending Metro McLain
 .) Code Chapter 5.02, Metro Solid Waste Disposal Charges and User Fees at Metro Facilities <u>PUBLIC HEARING</u> (Action Requested: Motion to Adopt the Ordinance)

#### 7. RESOLUTIONS

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

4:20 (10 min.) 7.1 Resolution No. 93-1742<u>A</u>, For the Purpose of Confirming Hansen Citizen Member Appointees to the Metro Policy Advisory Committee (MPAC) (Action Requested: Motion to Adopt the Resolution)

For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 273-5577 or 221-1646, ext. 206.

#### (Continued)

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

METRO COUNCIL AGENDA February 11, 1993 Page 2

#### **RESOLUTIONS** (Continued) 7.

#### REFERRED FROM THE SOLID WASTE COMMITTEE

4:30 7.2 Resolution No. 93-1479A, For the Purpose of Establishing McFarland (10 min.) a New Metro Solid Waste Advisory Committee (Action Requested: Motion to Adopt the Resolution)

#### BEFORE THE CONTRACT REVIEW BOARD

4:40 7.3 Resolution No. 93-1750, For the Purpose of Authorizing an (10 min.) Exemption to Metro Code Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon and Vandalism (SOLV) for Sponsorship of the Annual "SOLV-IT" Cleanup Event on Saturday, April 17, 1993 (Action Requested: Motion to Adopt the Resolution)

#### BEFORE THE CONTRACT REVIEW BOARD

4:50 7.4 Resolution No. 93-1752, For the Purpose of Authorizing an (10 min.) Exemption to Metro Code Chapter 2.04.060 Personal Services Contracts Selection Process, and Authorizing a Sole Source Contract with the Portland Art Museum for Sponsorship of a One-Day Event to Emphasize Waste Reduction and Recycling in the Museum Family Sunday Series, Sunday, March 14, 1993 (Action Requested: Motion to Adopt the Resolution)

#### REFERRED FROM THE PLANNING COMMITTEE

5:00 (10 min.) 7.5 Resolution No. 93-1756, For the Purpose of Amending the FY Moore 93 Unified Work Program and Endorsing the Use of Surface Transportation Program Funds for Regional Transportation Planning (Action Requested: Motion to Adopt the Resolution)

#### 5:10 8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

(10 min.) 5:20

ADJOURN

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

Gates

McLain

# METRO

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

OPN

\*PLEASE NOTE: NEW STARTING TIME

DATE: February 11, 1993 MEETING: METRO COUNCIL DAY: Thursday TIME: 4:00 p.m.\* PLACE: Metro Council Chamber

Approx. <u>Time</u>\* Presented By

4:00 ROLL CALL/CALL TO ORDER

(5 min.)

- 1. INTRODUCTIONS
- 2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS 3. EXECUTIVE OFFICER COMMUNICATIONS
- <u>4.</u> <u>CONSENT AGENDA</u> (Action Requested: Motion to Adopt the Consent Agenda)
- 4.1 Minutes of January 4 and 14, 1993

REFERRED FROM THE FINANCE COMMITTEE

4.2 Resolution No. 93-1478, For the Purpose of Confirming the Appointment of William E. Peressini to the Investment Advisory Board

#### 4:05 <u>5.</u> ORDINANCES, FIRST READINGS

5.1 Ordinance No. 93-483, For the Purpose of Amending Metro Code Section 5.05.030 to Modify the Designated Facility Status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for Purposes of Flow Control, to Add Roosevelt Regional Landfill and Finley Buttes Landfill to the List of Designated Facilities, and Declaring an Emergency (Action Requested: Referral to the Solid Waste Committee)

#### 6. ORDINANCES, SECOND READINGS

REFERRED FROM THE SOLID WASTE COMMITTEE

4:10 (10 min.)

6.1 Ordinance No. 93-482, For the Purpose of Amending Metro Code Chapter 5.02, Metro Solid Waste Disposal Charges and User Fees at Metro Facilities <u>PUBLIC HEARING</u> (Action Requested: Motion to Adopt the Ordinance)

#### 7. RESOLUTIONS

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

4:20 (10 min.) Citizen Member Appointees to the Metro Policy Advisory Committee (MPAC) (Action Requested: Motion to Adopt the Resolution)

For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 273-5577 or 221-1646, ext. 206.

#### (Continued)

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

(5 min.)

McLain

Hansen

METRO COUNCIL AGENDA February 11, 1993 Page 2

#### 7. **RESOLUTIONS** (Continued)

REFERRED FROM THE SOLID WASTE COMMITTEE

4:30 7.2 Resolution No. 93-1479<u>A</u>, For the Purpose of Establishing a (10 min.) New Metro Solid Waste Advisory Committee (Action Requested: Motion to Adopt the Resolution)

#### BEFORE THE CONTRACT REVIEW BOARD

4:40 (10 min.) **7.3 Resolution No. 93-1750,** For the Purpose of Authorizing an Gates Exemption to Metro Code Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon and Vandalism (SOLV) for Sponsorship of the Annual "SOLV-IT" Cleanup Event on Saturday, April 17, 1993 (Action Requested: Motion to Adopt the Resolution)

#### BEFORE THE CONTRACT REVIEW BOARD

4:50 (10 min.) 7.4 Resolution No. 93-1752, For the Purpose of Authorizing an Exemption to Metro Code Chapter 2.04.060 Personal Services Contracts Selection Process, and Authorizing a Sole Source Contract with the Portland Art Museum for Sponsorship of a One-Day Event to Emphasize Waste Reduction and Recycling in the Museum Family Sunday Series, Sunday, March 14, 1993 (Action Requested: Motion to Adopt the Resolution)

#### 5:00 8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

(10 min.)

5:10 ADJOURN

McLain

# Meeting Date: February 11, 1993 Agenda Item No. 4.1

## MINUTES

### MINUTES OF THE METRO COUNCIL

#### January 4, 1993

#### Council Chamber

Councilors Present:

Presiding Officer Jim Gardner, Deputy Presiding Officer Judy Wyers, Roger Buchanan, Richard Devlin, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: None

Presiding Officer Gardner called the special meeting to order at 6:15 p.m.

Councilor Moore asked to consider Agenda Item Nos. 1 and 2 in reverse order. She said if the resolutions were reversed, committee assignments would not be a factor in selecting the Presiding Officer for calendar year 1993.

Councilor Van Bergen saw no reason to depart from the agenda as written. He said the primary reason for this meeting was to elect the Presiding Officer.

Dan Cooper, General Counsel, noted the Metro Code stated standing committee appointments would be made by the Presiding Officer and the Presiding Officer election should come first.

Councilor Moore said since the resolutions were referred from the Governmental Affairs Committee, she had believed they could be reversed.

#### <u>1.</u> <u>Resolution No. 93-1740, For the Purpose of Electing the</u> <u>Presiding Officer for 1993</u>

Presiding Officer Gardner said this was the first occasion the Council had used a resolution to elect a Presiding Officer. He said previously there had been a nomination process, speeches by nominees, and ballots cast by the Council to elect. He said even though General Counsel had advised using a resolution to elect, he believed ballots could still be used in any case. He said the Governmental Affairs Committee discussed these issues earlier, but decided to forward Resolution No. 93-1740 to the full Council for consideration.

<u>Main Motion</u>: Councilor McFarland moved, seconded by Councilor Buchanan, for adoption of Resolution No. 93-1740.

Councilor McFarland gave the Governmental Affairs Committee's report and recommendations. She noted most of the Council was in attendance at that meeting and discussed the issues extensively then, and said the Committee received public testimony on committee meeting times as proposed. She said the Committee voted 3 to 2 to forward the resolution to the full Council for consideration.

<u>Motion to Amend</u>: Councilor McLain moved, seconded by Councilor Devlin, to amend Resolution No. 93-1740 as follows (additions underlined, deletions bracketed): "The Council [elects] nominates Councilor Judy Wyers and Councilor Jim Gardner as its candidates for Presiding Officer for calendar year 1993."

Councilor McLain said her amendment would reinstate the process used by the Council in the past and ensure a fair process was used.

<u>Vote on Motion to Amend</u>: Councilors Devlin, Hansen, McLain, Moore, Van Bergen, Washington and Gardner voted aye. Councilors Buchanan, Gates, Kvistad, McFarland, Monroe and Wyers voted nay. The vote was 7 to 6 in favor of the amendment and the motion to amend passed.

Presiding Officer Gardner noted Resolution No. 93-1740 was now before the Council as amended. He said the Council should vote on the amended resolution and then cast ballots.

<u>Vote on Main Motion as Amended</u>: Councilors Buchanan, Devlin, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington, Wyers and Gardner voted aye. The vote was unanimous and Resolution No. 93-1740 was adopted as amended.

The Council then voted via ballot for the two nominees.

The Clerk announced the results of the ballots cast: Councilor Wyers received votes from Councilors Buchanan, Gates, Kvistad, McFarland, Monroe, Van Bergen and Wyers; Presiding Officer Gardner received votes from Councilors Devlin, Gardner, Hansen, McLain, Moore and Washington. Councilor Wyers received seven votes and Presiding Officer Gardner received six votes for Presiding Officer for calendar year 1993. Councilor Gardner turned the gavel over to Presiding Officer Wyers.

#### 2. <u>Resolution No. 93-1741, For the Purpose of Reorganizing</u> <u>Council Standing Appointments and Setting Meeting Schedules</u>

<u>Main Motion</u>: Councilor McFarland moved, seconded by Councilor Gates, for adoption of Resolution No. 93-1741.

Councilor McFarland gave the Governmental Affairs Committee's report and recommendations. She explained amendments made at committee to the draft resolution: 1) On page 1 - "1992" was corrected to read "1993"; 2) On page 3 - "Planning Committee (3)... The Regional Citizens Involvement Coordinating Committee (RCICC) " was corrected to read "Metro Committee for Citizen Involvement;" and 3) on page 7 - a Councilor appointment was removed from a committee which technically had no Council members. She said the Committee amended page 7, Exhibit C, further to appoint Councilor Moore to the Bi-State Policy Advisory Committee rather than the Water Resources Policy Advisory Committee; to appoint Councilor Washington to the Water Resources Policy Advisory Committee rather than the Bi-State Policy Advisory Committee; to appoint Councilor Devlin chair of the Metropolitan Greenspaces Policy Advisory Committee and Councilor Gardner as a member; and to appoint Councilor Gardner as chair of the Regional Policy Advisory Committee and Councilor Devlin as a member.

Presiding Officer Wyers opened a public hearing.

<u>Sidney Bass</u>, Metro Committee for Citizen Involvement (CCI) member, said the CCI was concerned that the decision to change Council and Council committee meeting times from 5:30 p.m. to 2:00 p.m. did not receive adequate public notice or due process. He said the biggest problem facing citizens with regard to government was the lack of time to respond to government proposals. He was bothered that the CCI had not been contacted for its input about the proposed meeting time change. He advised the Council not to make any changes in existing meeting times until the Council received further input from the public.

<u>Robert Liberty</u>, attorney, 2433 NW Quimby, Portland, said he concurred with Mr. Bass' testimony on meeting times. He said he disagreed with some Councilors who had stated it was not an issue of policy differences with respect to Council committee appointments. He said policy differences were an appropriate basis to use to make committee appointments. He stated for the record that voting for the committee appointments as written was a pro-Western Bypass vote and represented an anti-strong regional growth management policy. He noted Councilor Kvistad had an established, public position on the Western Bypass and said it

was silly to say Councilors were value-neutral. He said when he ran for the position of Metro Councilor, he was not valueneutral. He said those Councilors who did not like the Western Bypass option should vote nay on the committee appointments as written.

<u>Peqqy Lynch</u>, CCI bylaws author, said it was important to the Council that the CCI be involved in the process and not become an adversarial body to the Council on issues. She said the purpose of the CCI was to offer their expert advice regarding citizen involvement, and said the question of meeting times represented the Council's first opportunity to receive CCI input. She asked the Council to remove Exhibit D from the resolution and refer the issue to the Metro CCI for discussion. She noted previous discussion on which committee the CCI would report to. She said she understood the CCI, per the Metro Charter, would be an advisory body to the Council as a whole, and not to any one subcommittee.

Councilor McFarland said Council standing committees were not considered or called subcommittees.

Councilor Van Bergen agreed the CCI should report to the Council as a whole because he had always disagreed with the committee/ legislative structure and believed the Council should act as a committee of the whole.

<u>Molly O'Reilly</u>, citizen, 1414 SW 53rd Drive, Portland, said she felt a sense of dismay over 2:00 meeting times as proposed. She said 1993 was an important year for Metro because of the mandate contained in the Charter and because of the formation of the new CCI. She said the Council would make important decisions this year and was sorry to see the Council was divided on critical issues. She asked the Council to take more time before it decided permanently on an earlier meeting time.

<u>Teresa DeLorenzo</u>, citizen, 10907 NW Copeland St., Portland, concurred with previous testimony and asked the Council to regroup and think again about 2:00 meeting times. She said no process was improved by using undue speed.

Received and filed with the record of this meeting was a letter from Jenny Martin, citizen, 2765 NW Raleigh, Portland, stating it would be difficult to attend Metro meetings at 2:00 p.m. in light of her work schedule and community commitments. Also, Dan Small, CCI member, telephoned the Council Department earlier the date of this meeting to state that most CCI members worked during the day and would not be able to attend meetings at 2:00 p.m. and it was crucial for them to be able to do so.

Presiding Officer Wyers asked if anyone else present wished to testify. No other persons appeared to testify and the public hearing was closed.

The Council asked Mr. Cooper about the Council's rules with regard to the rules of debate. Mr. Cooper said Resolution No. 91-1467A did not state Councilors could speak a second time on the same issue. Councilor Devlin noted a Councilor could speak further if others yielded their time.

<u>First Motion to Amend</u>: Councilor Gates moved, seconded by Councilor Monroe, to amend Resolution No. 93-1741, Be It Resolved Section 5, by adding additional language at the end: <u>This meeting schedule will be reviewed by</u> <u>the Council at its first meeting in April, 1993, to</u> <u>consider advice and recommendation from Metro CCI on</u> <u>Metro Council meeting schedules.</u>

Councilor Gates said he was encouraged by the Metro CCI's quick response to the issues and said there had been good intent behind setting earlier meeting times. He said Councilors believed earlier meetings would give them more opportunities to attend meetings in their own districts. He said he had attended all Council and committee meetings since November 4, 1992, and had seen less than five citizens in attendance in that period of time. He said the Council's intent was to get out to the citizenry in the evenings themselves. He said during the threemonth period, Councilors could determine how many meetings in their districts they were able to attend.

Councilor Monroe agreed with Councilor Gates' proposal to start meetings at 2:00 p.m. for a three-month trial period and wait for the Metro CCI's input on those times in April.

Councilor McLain asked what would happen after the three-month trial period. Councilor Gates said his proposal was that 2:00 meeting times be tried for three months and if that did not work, the Council could go back to 5:30 p.m meeting times.

Councilor Devlin said he could agree to a 2:00 three-month trial period, but said once a government took something away, it was unlikely to give it back and therefore could not support the amendment.

Councilor Hansen said this meeting's audience was comprised of people who had worked with citizens over the years more extensively than most of the Councilors. She said testimony given categorically opposed 2:00 meeting times. She said Councilors visiting their districts on an individual basis was

not the same thing as being accessible to the citizens. She asked if she did so herself, if that would mean she would was representing Metro as a whole, or herself alone. She said the motion to amend made an assumption that the Council had not had the opportunity to discuss. She expressed concern about the inconsistency of meeting times. She said if committee chairs exercised their prerogative to change meeting times, those changing meeting times would confuse the public.

Councilor McLain thanked Councilor Gates for his motion to amend, but said she could not vote for it because if the Council asked the CCI to review whether meeting times were workable or not, CCI members had to be able to get to the meeting. She said the CCI had already stated what meeting times were best for them. She said she also could not vote for the amendment because of citizen access. She said when she ran for Metro Council, she made sure she could attend the meetings she would need to attend. She said 2:00 meeting times meant three or four Councilors could not attend meetings covering how to implement the Metro Charter and that those Councilors would not be able to effectively represent their districts.

Councilor Moore noted the testimony given at this meeting and said the Council was wrong not to ask the CCI first about changing meeting times. She said an acceptable alternative should have been found before meeting times were changed. She concurred with Councilor McLain on accountability to citizens. She concurred with Councilor Hansen on consistency of meeting times and said she had to book her schedule for months in advance to meet the rest of her district obligations.

Councilor Gardner said he also had difficulties with the amendment because of consistency of meeting times. He said it would be confusing to citizens to change the times for three months and then change them again. He said he and several other Councilors would have extreme difficulty in attending 2:00 meetings. He said it was not impossible for individual Councilors to visit their districts on a regular basis given Council and committee commitments. He said approximately 6 meetings per month left approximately 16 week nights that the Council could visit their districts if they wished to do so. He said the motion to amend would likely pass, but found it disturbing because it would pass without regard to testimony given at this meeting representing citizen concerns.

Councilor Washington said he could not support the motion to amend either. He said if the Council was going to change meeting times, it should so when the Council went to seven members in 1995.

Presiding Officer Wyers said proposing change was always difficult and that the new meeting times had been proposed for very good reasons. She said Metro now had to follow the Charter's mandate and Councilors had to justify receipt of their new salaries. She said the Council could be moving too quickly, but that the Metro CCI should review the issues. She supported the motion to amend and said the Council would revisit the issues at its first meeting in April.

Councilor McLain said she could not support three Councilors including herself not being able to attend Council and committee meetings.

Presiding Officer Wyers said all five committee chairs had indicated willingness to adjust meeting times to accommodate individual Council schedules.

<u>Vote on First Motion to Amend</u>: Councilors Buchanan, Gates, Kvistad, McFarland, Monroe, Van Bergen and Wyers voted aye. Councilors Devlin, Hansen, McLain, Moore, Washington and Gardner voted nay. The vote was 7 to 6 in favor and the motion to amend passed.

<u>Second Motion to Amend</u>: Councilor McLain moved, seconded by Councilor Devlin, to replace all 2:00 p.m. meeting times in Exhibit D with 4:00 p.m.

Councilor McLain said in light of the Metro actions necessary to be implemented due to the Metro Charter, it was even more important for all Councilors to be able to attend meetings not only to fulfill their own committee assignments, but to attend other committees on an as-needed basis to be fully informed. She said if the five committee chairs were willing to accommodate individual Councilor schedules, setting all meeting times at 4:00 p.m. would also assist the public because all meeting times would be consistent.

Councilor Gardner said Councilor McLain's amendment was a workable compromise. He said the committee chairs were not obligated to vary meeting times, and that this compromise would be less confusing to the public. He said agreement on this compromise would assist the Council to work together as a group after a difficult election process.

Councilor Devlin concurred with Councilors McLain and Gardner. He said most committee and many Council meetings took approximately two hours. He said if most meetings adjourned at approximately 6:00 p.m., Councilors would have ample time to

practice Councilor outreach and participation in individual districts and their activities.

<u>Vote on Second Motion to Amend</u>: Councilors Devlin, Gates, Hansen, McLain, Moore, Washington and Gardner voted aye. Councilors Buchanan, Kvistad, McFarland, Monroe, Van Bergen and Wyers voted nay. The vote was 7 to 6 in favor and the motion to amend passed.

Councilor McLain thanked Councilor Gates for voting aye on her motion to amend and said she could now support the resolution as amended.

Councilor Kvistad expressed concern about some statements made at this meeting, but said he looked forward to a prosperous and productive year working with the Council.

Councilor Hansen expressed concern about the election process for Presiding Officer and felt that all Councilors' feelings had not been taken into account on all of the issues. She said little regard had been paid to the public process or to informing the public.

Vote on Main Motion as Amended: Councilors Buchanan, Gates, Kvistad, McFarland, McLain, Monroe, Van Bergen, Washington and Wyers voted aye. Councilors Devlin, Hansen, Moore and Gardner voted nay. The vote was 9 to 4 in favor and Resolution No. 93-1741 was adopted as amended.

Presiding Officer Wyers announced per Metro Code Section 2.01.010, she had appointed Councilor Buchanan as Deputy Presiding Officer for calendar year 1993.

Councilor Moore said she voted nay on the resolution because she believed when she ran for office she was joining a non-partisan body of 13 Councilors. She said Metro would be handling extremely important regional planning issues. She hoped the Council could work together as a group and pledged to do her best to achieve that. She asked the Council to work on the issues rather than work on getting elected to the seven Council positions effective 1995.

Councilor McFarland said she had no difficulty with 4:00 p.m. meeting times, but noted previously, meeting times had varied or meetings had been canceled. She said it was not necessary for the Council to be in "lock step" to get things accomplished. She expressed surprise at the debate spent on meeting times at this

meeting and the Governmental Affairs Committee meeting held earlier this date at 3:00 p.m.

Councilor Washington said the Council should work together as a group and said the beginning of 1993 meant the Council could begin again to address the issues in a positive manner.

Councilor Gardner concurred with Councilor Washington. He said the Council would disagree on different policies, but said it would not always be the same Councilors. He urged the Council to work collectively to lay the groundwork for the Council beginning in 1995.

Councilor Devlin concurred with Councilor Gardner and said the Council should re-evaluate the process to select Presiding Officer for calendar year 1994.

Councilor Van Bergen said coalitions were generally formed to address a specific issue, but that coalitions usually dispersed after the issue was resolved.

Presiding Officer Wyers said all of the Council had fully participated in the process, thanked citizens present for their attendance and testimony, and said the 4:00 meeting time was a great compromise. She said she would do everything in her power to help the Council function as a team and said the Council would act in the best interest of the region's citizens.

All business having been attended to, Presiding Officer Wyers adjourned the special meeting at 8:45 p.m.

Respectfully submitted,

VIC Y

Paulette Allen Clerk of the Council

### MINUTES OF THE METRO COUNCIL

January 14, 1993

Council Chamber

Councilors Present:

Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington

Councilors Absent: None

Presiding Officer Wyers called the regular meeting to order at 4:00 p.m.

1. INTRODUCTIONS

None.

2. <u>CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS</u> None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Minutes of December 10, 1992

REFERRED FROM THE SOLID WASTE COMMITTEE

<u>4.2</u> <u>Resolution No. 93-1675, For the Purpose of Appointing</u> <u>Jeffrey Kee, Jim Michels and Larry Scruggs to Fill Three</u> <u>Expiring Terms on the North Portland Rehabilitation and</u> <u>Enhancement Committee</u>

<u>Motion</u>: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of the Consent Agenda.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and the Consent Agenda was adopted.

#### 5. ORDINANCES, SECOND READINGS

5.1 Ordinance No. 93-479A, An Ordinance Creating the Office of Citizen Involvement; Establishing a Citizen's Involvement Committee and a Citizen Involvement Process; and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-479 was first read December 22 and referred to the Governmental Affairs Committee for consideration. The Governmental Affairs Committee considered the ordinance on January 7 and recommended Ordinance No. 93-479<u>A</u> to the full Council for adoption.

<u>Motion</u>: Councilor Moore moved, seconded by Councilor Devlin, for adoption of Ordinance No. 93-479<u>A</u>.

Councilor Moore gave the Governmental Affairs Committee's report and recommendations. She explained the ordinance would establish the Office of Citizen Involvement, which bylaws had already been written and adopted. She said after extensive committee discussion, several amendments were adopted. She said the Committee discussed which Council committee should oversee the Office's functions and it was decided that the Office should report to the Council as a whole.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Councilor Gates noted a typographical error on page 3. He noted "balance" should be spelled "balanced."

Councilor McLain noted seven Councilors attended the first Metro Committee for Citizen Involvement (CCI) meeting. She agreed with Councilor Van Bergen that communications between the Council and CCI should be in writing for at least the first year. She said the Council should be as supportive in the CCI's first formative months as the CCI would be of the Council. She said Councilors should try to make their schedules as available to the CCI as possible and other citizen groups as well. She said it was important for the CCI to obtain whatever information they required from Council staff.

Councilor Devlin concurred with Councilors McLain's and Van Bergen's comments. He said communications in writing would be beneficial, but that a CCI representative(s) should present those comments in person to the Council. He said CCI should be allowed adequate time to report to the Council.

Councilor Devlin requested the Council be provided with a copy of the Council's rules as stated in Resolution No. 91-1467A.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-479A was adopted.

5.2 Ordinance No. 93-480A, An Ordinance Amending Ordinance No. 92-449B Revising the FY 1992-93 Budget and Appropriations Schedule for the Purpose of Funding Councilor Salaries and Benefits and a Citizen Involvement Program; and Declaring an Emergency (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-480 was first read on December 22 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 7 and recommended Ordinance No. 93-480<u>A</u> to the full Council for adoption.

<u>Motion</u>: Councilor Devlin moved, seconded by Councilor Gardner, for adoption of Ordinance No. 93-480<u>A</u>.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance would provide sufficient funding to cover Councilor salaries and benefits as approved by voters via adoption of the Metro Charter and approve funding to increase the Associate Management Analyst for CCI and Councilor outreach from a 5. to 1.0 FTE.

Councilor Devlin noted the ordinance also approved the transfer of \$25,000 from the Election Expense line item to the Personal Services category because staff estimated that amount was not required for election expenses this year.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

Councilor Gates noted the ordinance also reduced the allocation of per diem funds for the rest of the fiscal year.

<u>Vote</u>:

Councilors Buchanan, Devlin, Gardner, Gates, Hansen, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. Councilor Kvistad voted nay. The vote was 12 to 1 in favor and Ordinance No. 93-480A was adopted.

5.3 Ordinance No. 93-481, An Ordinance Amending Metro Code Section 2.01.170 to Repeal Councilor Per Diem Procedures; Establish Councilor Salary Procedures; and Declaring an Emergency

The Clerk read the ordinance for a second time by title only.

Presiding Officer Wyers announced Ordinance No. 93-481 was first read on December 22 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on January 7 and recommended it to the full Council for adoption.

<u>Motion</u>: Councilor Devlin moved, seconded by Councilor Washington, for adoption of Ordinance No. 93-481.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained the ordinance was companion legislation to Ordinance No. 93-480A, amending the budget to provide Councilor salaries. He said the ordinance would: 1) Repeal Metro Code procedures regarding Councilor per diem payments; 2) Provide for Councilors to receive salary payments in 24 equal payments to match Metro's current payroll system; 3) provide a procedure for a waiver of all or part of a Councilor salary including a requirement to sign a release form; and 4) provide for the receipt of full benefits for Councilors regardless of salary waiver and provide that the computation of benefits would be based on a full salary.

Presiding Officer Wyers opened the public hearing. No persons present appeared to testify and the public hearing was closed.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Ordinance No. 93-481 was adopted.

#### 6. RESOLUTIONS

<u>6.1</u> <u>Resolution No. 93-1724, For the Purpose of Establishing</u> <u>Appointing Authorities for the Metro Apportionment</u> <u>Commission</u>

<u>Motion</u>: Councilor Devlin moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1724.

Councilor Devlin gave the Governmental Affairs Committee's report and recommendations. He explained the Presiding Officer would be

required to make an appointment either from Clackamas or Washington County dependent upon who the Councilors from Districts 2 and 4 appointed. He said the Council had to meet a February 1, 1993 deadline, or appointments would be made by the Executive Officer. He stated for the record that the Governmental Affairs Committee made every effort to make it possible for any citizen in the region to serve on the Apportionment Commission. He said because of logistical considerations, approximately 4,800 persons in his district in Multnomah County were not eligible to serve. He said the Committee agreed that the pairing of districts for the purpose of making appointments to the Apportionment Commission did not imply those districts should be paired on a permanent basis in the future.

Councilor Moore expressed concern that Councilors would not wait until the last moment to make their appointments. Presiding Officer Wyers concurred.

Casey Short, Council Analyst, distributed appointment forms to the Council.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1724 was adopted.

6.2 <u>Resolution No. 93-1726, For the Purpose of Authorizing the</u> <u>Metro Washington Park Zoo to Solicit Bids and the Executive</u> <u>to Execute a Contract for the Multi-Year Lease/Purchase of</u> <u>Staff Pagers</u>

#### <u>Motion</u>: Councilor McFarland moved, seconded by Councilor McLain, for adoption of Resolution No. 93-1726.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. She explained the Zoo previously had rented approximately 50 beepers. She said Zoo staff discussed whether or not to purchase them outright, but found they could purchase them on a lease/buy option for three years. She said the lease/buy option was considered better than outright ownership because the beepers could be returned during that period of time for any reason.

> <u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1726 was adopted.

6.3 <u>Resolution No. 93-1729, For the Purpose of Authorizing the</u> <u>Execution of the Energy Service Contract with Pacific, Power</u> <u>and Light Company</u>

<u>Motion</u>: Councilor Washington moved, seconded by Councilor Hansen, for adoption of Resolution No. 93-1729.

Councilor Washington gave the Regional Facilities Committee's report and recommendations. He explained the energy savings received would result in enough cost savings to pay back the loan. He said work asked for would include wall insulation, glazing, skylights, occupancy sensors, efficient energy signs, and other related items to save over 1 million kilowatts for an energy savings of 33 percent energy savings.

Councilor Hansen asked why such items were not asked for earlier. She said it would have been cheaper if Pacific, Power and Light (PPL) had looked at plans earlier in the process.

Berit Stevenson, Project Manager, explained some energy saving measures had been included in the Request for Proposals. She said staff was receiving funds from PPL because those items were planned for in advance. She said other changes were not implemented because staff had tried to keep costs down. She said no current construction would be torn out to implement these changes. She said PPL contacted Metro staff before Metro contracted with Hoffman on the design/build contract.

Councilor McFarland asked if construction was set and changes would be made at strategic points. She asked if this change order would increase costs overall. Ms. Stevenson said Metro consulted an engineering firm when writing the RFP and told the engineer what energy savings devices were wanted before a contractor was acquired. She said three proposers responded to the RFP and Hoffman was selected. She said at the same time, PPL offered to work with Hoffman on energy saving measures. She said some of the items were included in the RFP for a dollar value and some were not. She said not all items were included because they were not considered cost-effective. She said this change order would be funded by a financier program.

Councilor McLain said the same issues were discussed by the Regional Facilities Committee. She said PPL was offering a

special program that Metro was taking advantage of. She said this resolution did not represent a typical change order and involved a unique set of circumstances.

Councilor Van Bergen asked General Counsel Dan Cooper if the financier plan could be considered as a lien or a second mortgage on the building.

Mr. Cooper said \$293,000 had to be paid back by whatever entity paid the utility bill on the Sears Building. He said it was not considered a lien on the property or any other type of debt. He said such an arrangement was specifically authorized by statutory language which covered Public Utility Commission (PUC) acts. He said Metro's electric bill would be that much less because the improvements would save electricity. He said in the event Metro did not realize anticipated energy savings, give or take 10 percent, Metro would not have to repay the loan.

Councilor McLain said the contract was a good deal for Metro and a very positive item which should be communicated to the public. Ms. Stevenson said staff planned a press release.

<u>Vote</u> :	Councilors Buchanan, Devlin, Gardner, Gates,
	Hansen, Kvistad, McFarland, McLain, Monroe, Moore,
	Van Bergen, Washington and Wyers voted aye. The
	vote was unanimous and Resolution No. 93-1729 was
•	adopted.

- 6.4 Resolution No. 93-1732, For the Purpose of Authorizing Issuance of a Request for Bids for the Construction of an Improved Cover System, Gas Collection System, Motor Blower Flare Facility, and Stormwater Collection System on a Portion of St. Johns Landfill
  - <u>Motion</u>: Councilor Washington moved, seconded by Councilor Washington, for adoption of Resolution No. 93-1732.

Councilor Washington gave the Solid Waste Committee's report and recommendations. He explained the work to be done and that the total estimated cost of the contract would be \$11 million with \$2 million to be expended this fiscal year. He said Metro would require the contractor to perform at least 30 percent of the work with its own employees.

Jim Watkins, Engineering and Analysis Manager, displayed an aerial photograph of the landfill and showed what section would be closed this year and the area scheduled for closure in 1994. He said Subarea 4 would be closed after that. He said Subarea 1

would be closed this year and discussed cover materials to be used. He said what knowledge was gained from closure of Subarea 1 would affect closure of the next subarea. He said staff had learned extensive cover materials were required, so staff had reduced the grades down to 5 percent to save money and had requested the Department of Environmental Quality (DEQ) to allow that reduction. He said the engineers believed the area had settled enough to do so. He said staff wanted more data on grading to apply to another closure area. He said staff was evaluating vegetation, and removing a geo net, or water net, from the top slopes to allow more water for vegetation and said DEQ had allowed that in top slope areas.

Councilor Hansen asked if vegetation was being planted in stages or all at once. Mr. Watkins said vegetation would be planted in stages. He explained the motor blower flare facility and said Subareas 1, 2 and 4 had been drilled and were being naturally vented. He said only Subarea 1 was being tapped at this time and piped to a motor blower facility where gas was burned off. He said Metro would attempt to sell gas in summer 1993.

Councilor Van Bergen asked if the process created odor. Mr. Watkins said there was odor from the garbage at this time. He said odor would be mitigated as covers were installed. Councilor Van Bergen asked if the gas presented a danger. Mr. Watkins said gas disposal had to be properly administered and noted the next agenda item was pertinent to that issue.

Councilor Washington asked what steps were being taken to prevent leachate into the Slough. Councilor McFarland said the only way to prevent more leachate was to cover the top properly because St. Johns was an old landfill and operational before proper environmental protections were established.

The Council briefly discussed leachate considerations further.

Bob Martin, Director of Solid Waste, said there was no evidence of any leachate or contamination. He said there had been minor seepage into adjacent sloughs; non-secondary contaminants that could be detected in adjacent aquafirs. He said Metro, DEQ and consultants did not believe those contaminants represented any harm to the public and said they were monitored on an ongoing basis. He said Councilor McFarland was correct in that there was no way to reverse 50 years of the landfill's history.

Councilor McFarland noted Metro did have a contract in place with the Graduate Institute for modelling on plume movements.

> <u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1732 was adopted.

Presiding Officer Wyers recessed the Metro Council and convened the Metro Contract Review Board to consider Agenda Item No. 6.5.

- 6.5 <u>Resolution No. 93-1733</u>, For the Purpose of Authorizing an <u>Exemption to the Competitive Procurement Procedures of Metro</u> <u>Code Chapter 2.04.053</u>, and Authorizing a Change Order to the <u>Design Services Agreement with Parametrix, Inc.</u>
  - <u>Motion</u>: Councilor Buchanan moved, seconded by Councilor McFarland, for adoption of Resolution No. 93-1733.

Councilor Buchanan gave the Solid Waste Committee's report and recommendations. He explained the resolution would adopt a change order to the existing design services agreement with Parametrix for services related to closure of SJL. He said since the gas collection and flaring system in Subarea 1 recently became operational, staff explored options for managing that system. He said Parametrix had offered to fully manage the system for \$109,000. He said after training, Metro staff could provide most of the gas system management work. He said the change order would allow Metro to call on Parametrix to handle questions or problems about the system that Metro staff could not resolve. He said the change order covered calendar year 1993. He said maximum expenditure under the change order would be \$46,700. He said a total of \$30,000 was budgeted for this fiscal year and then \$16,700 for the first half of fiscal year 1993-94.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Gates, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers voted aye. The vote was unanimous and Resolution No. 93-1732 was adopted.

Presiding Officer Wyers adjourned the Metro Contract Review Board and reconvened the Metro Council.

6.6 <u>Resolution No. 93-1743A, Endorsing the Region's Proposal to</u> <u>Participate in the FHWA Congestion Pricing Pilot Program</u>

<u>Motion</u>: Councilor Moore moved, seconded by Councilor McLain, for adoption of Resolution No. 93-1743<u>A</u>.

Councilor Moore gave the Planning Committee's report and She explained the Joint Policy Advisory recommendations. Committee on Transportation (JPACT) approved the "A" version the date of this meeting. She said there was a great deal of discussion on the resolution pertaining to congestion pricing, how it related to the Western Bypass study, how it could be implemented in the region, what part of the region, and whether or not it was an effective way to address looming traffic congestion problems. She said Metro was pursuing a grant from the Federal Highway Administration (FHWA) which had a January 23, 1993, deadline. She said the Planning Committee voted 4 to 1 to recommend adoption by the full Council. She said funds received would fund a pilot project to evaluate the feasibility of doing such a project. She said once feasibility was evaluated, Metro could implement a congestion pricing pilot project somewhere in the region. She said Councilor Gates voted against the resolution in committee and asked him to address his areas of concern. She explained the Committee amended Be It Resolved Section No. 4 to replace "pursue" with "evaluate the feasibility of" and then potentially implement a congestion pricing pilot project. She said it was important that Metro qo forward with the project. She said JPACT and the Transportation Policy Alternatives Committee (TPAC) discussed the issues and there was consensus that this project was a good way to evaluate congestion pricing.

Councilor Gates said he voted nay at committee because the intent of the study was to find out if toll roads and toll booths would work in the metropolitan area. He asked what their purpose would be. He said previously, toll roads and toll bridges paid for specific items such as bridges and roads. He said it was not right to institute tolls simply to control traffic. He said the public had not really been told what they would be for. He asked who would receive the funds raised and what they would be used for.

Councilor McLain said Councilor Gates' comments supported why the pilot project should be pursued. She said funds were already included in the Intermodal Surface Transportation Efficiency Act (ISTEA) and that the federal government was supportive of the project because it was very interested in the results. She said they wanted reasonable projects. She said a basic concern was that feasible congestion pricing would be in the political arena. She said the pilot project would enable staff to answer questions on whether there should a toll booth or toll road or some kind of network in the region. She said JPACT discussion this date was interesting because all of its members voted aye because they were interested in the information that would be provided from such a study. She asked the rest of the Council to view the

project with an open mind. She noted similar projects had been successful in California, Idaho, Hawaii and other states.

Councilor Devlin said major social implications were connected to congestion pricing. He said the resolution language contained so much cautionary language that he wondered if Metro would actually qualify for the funding. He said the Oregon Transportation Commission (OTC) had referenced the need for congestion pricing. He said if Metro pursued the demonstration project, it should remain a demonstration project and should not be pursued if proven not to work. He said Metro had no identifiable significant source of funding to replace the Sellwood Bridge. He said there had to be a funding source for a light rail crossing on I-5. He said Metro had to communicate to constituents that change had to happen in some way at some point.

Councilor Monroe said he attended JPACT this date also and that JPACT did not have high hopes of Metro obtaining the funding because the metro region had no toll bridges and toll roads in place any more and would be competing against other jurisdictions that did. He asked if the Council would have the opportunity to review the specific pilot project before it was implemented.

Councilor Moore said it was clearly understood that the Council would have another opportunity to review the project before implementation. Councilor Monroe said he would support the resolution although he did not agree with toll roads and bridges.

Councilor Gardner said the funding represented the chance to demonstrate if the technology would work and if congestion pricing was acceptable to the public. He said it was not the pilot project's primary purpose to raise money, but to try to determine peak hours of demand on roads and ascertain traffic behaviors. If he said just 10 percent of peak hour demand could be diverted, a great deal of money would be saved. He said debate would come later on whether there should be a full congestion pricing program in place and on how to spend those funds. He agreed it was unlikely Metro would get the funding because other jurisdictions were pursuing the project much more aggressively.

Councilor Hansen asked if Metro would perform the study if the federal funding was not available.

Andy Cotugno, Director of Planning, said that would have been a policy question for the Council to decide if the project had sufficient merit. He said Metro would likely have done it anyway, only on a more incremental basis. He said in December, JPACT voted unanimously to not attach the study to the Western

Bypass and to do a regional evaluation of congestion pricing which he said ODOT had indicated they would pay for. He said ODOT would contribute \$50,000 to outline parameters of congestion pricing and lay some initial groundwork regardless of whether federal funding came through or not.

Councilor Hansen said it did the public a disservice to presume what they would and would not like. She said the vote at this meeting did not mean the Council committed itself further than this project.

Councilor Van Bergen said citizens took roads very seriously. He said if Metro could find a reasonable study that people could accept, it was more likely to be successful.

Councilor McFarland commended the Planning Committee on its amendment to the resolution which made it clear that Metro supported a study only at this time and that otherwise she could not have supported the resolution.

The Council briefly discussed the issues further.

<u>Vote</u>: Councilors Buchanan, Devlin, Gardner, Hansen, Kvistad, McFarland, McLain, Monroe, Moore, Van Bergen, Washington and Wyers. Councilor Gates voted nay. The vote was 12 to 1 in favor and Resolution No. 93-1743A was adopted.

#### 7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Presiding Officer Wyers reminded Councilors of the Council work session scheduled for January 23, 1993.

Councilor Gates asked Councilors to locate their nearest fax machines for future use, discussed his memo on equipment inventory, said he was working on having Public Cable Access film Governmental Affairs Committee meetings with volunteer labor and borrowed equipment, said he would like to discuss emergency preparedness at the January 28 Council meeting, said the resolution forming the legislative committee needed to be updated to stipulate generic membership of committee chairs, said the Government Affairs Committee would revisit Metro Committee for Citizens Involvement (CCI) bylaws on Councilor appointment and review, and discussed his memo on a lap top computer trial period to create a "paperless" office.

Presiding Officer Wyers said the Legislative Committee would meet January 28 and would discuss legislation on plastics recycling

and development and land use laws per the Regional Urban Growth Goals and Objectives (RUGGOS).

General Counsel Dan Cooper said House Bill 2240, filed this date, was an omnibus bill to clarify elections law and would correct the difficulties encountered by Councilor Washington because of his original appointment to, and subsequent primary and general election races for, District 11.

Councilor Devlin asked Mr. Cooper to research whether a county should pay for expenses related to errors if those errors were made by the county.

Councilors Hansen and McLain discussed agenda items for the January 23 Council work session including committee work plans, the Presiding Officer job description, and the Presiding Officer selection process.

Presiding Officer Wyers noted she would respond via letter to <u>The</u> <u>Oregonian</u> regarding its editorial on 4:00 p.m. Council and committee meeting times.

All business having been attended to, Presiding Officer Wyers adjourned the meeting at 6:05 p.m.

Respectfully submitted,

Saucinellic

Paulette Allen Clerk of the Council

Meeting Date: February 11, 1993 Agenda Item No. 4.2

## RESOLUTION NO. 93-1478

# METRO



PA

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

DATE: February 5, 1993

TO: Metro Council Executive Officer Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 4.2; RESOLUTION NO. 93-1748

The Finance Committee report for Resolution No. 93-1748 will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

#### STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1748 CONFIRMING THE APPOINTMENT OF WILLIAM E. PERESSINI TO THE INVESTMENT ADVISORY BOARD.

### Date: January 15, 1993 Presented by: Howard Hansen

#### FACTUAL BACKGROUND AND ANALYSIS

Metro Code, Section 2.06.030, includes the creation of the District's Investment Advisory Board. One provision of this Code requires the District's Investment Officer to recommend to the Council for confirmation those persons who shall serve as a forum for discussion and act in an advisory capacity for investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures for the investment operation.

On November 1, 1991, William J. Glasgow was appointed to the Investment Advisory Board, however, due to the demands of additional job responsibilities, found it necessary to resign November 16, 1992.

The Executive Officer, acting as the Investment Officer, recommends confirmation of appointment for William E. Peressini to serve the remaining term for Mr. Glasgow, which will end October 31, 1994.

William E. Peressini is Executive Vice President of PacifiCorp Financial Services, having served in that role since January, 1992. Mr. Peressini has been with PacificCorp Financial Services, its predecessor, or affiliates, since March, 1984. His direct responsibilities include information systems, credit and portfolio management, tax, accounting, legal, human resources and administration.

His Bachelor of Science (Finance) degree is from University of Illinois, and his Masters of Business Administration (Finance) is from DePaul University.

His educational background and professional experience leave him well qualified to assist in the efforts of the Investment Advisory Board.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1748.

#### BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE APPOINTMENT OF WILLIAM E. PERESSINI TO THE INVESTMENT ADVISORY BOARD ) RESOLUTION NO. 93-1748

) Introduced by Rena Cusma ) Executive Officer

WHEREAS, The Metro Code, Section 2.06.030, provides that the Council confirms members to the Investment Advisory Board; and,

WHEREAS, William J. Glasgow has been serving as a member of the Investment Advisory Board since November 1991; and,

WHEREAS, demands of additional job responsibilities force his resignation from the Board; and,

WHEREAS, The Investment Officer recommends William E. Peressini to serve the remaining term of William J. Glasgow; and,

WHEREAS, The Council finds that William E. Peressini is exceptionally qualified to carry out these duties, now, therefore,

BE IT RESOLVED,

That William E. Peressini is hereby confirmed for reappointment as a member of the Investment Advisory Board for the term ending October 31, 1994.

ADOPTED by the Metro Council this \_\_\_\_\_ day of , 1993.

Judy Wyers, Presiding Officer

Meeting Date: February 11, 1993 Agenda Item No. 5.1

# ORDINANCE NO. 93-483

# METRO



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

DATE:January 26, 1993TO:Metro Council

Re:

FROM

**Designated Facilities** 

The attached Ordinance No. 93-483, will amend the Metro Code to modify the designated facility status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for purposes of flow control and will add the Roosevelt Regional Landfill and Finley Buttes Landfill to the list of designated facilities.

The staff report accompanying the ordinance concludes that:

Bob Martin, Solid Waste Director

- Given the proposed restrictions on the type of waste that will be allowed to go to designated facilities and the proposed enforcement procedures, there is not likely to be any negative impact on the region's recycling.
- In a "worst case" scenario, the proposed facilities are expected to have a neutral impact on Metro's revenues and rates.
- If new facilities are able to capture "new" waste through better disposal service and more aggressive marketing there could be major benefits in terms of reducing illegal disposal and increasing Metro revenues. Because of competition, designated facilities will need to aggressively market their facilities and track and report to Metro when they lose business due to illegal disposal activities. This will help supplement Metro's enforcement efforts and may result in significant quantities of waste now escaping the system being recaptured.
- While disposal capacity at existing landfills is currently adequate, there is a need for additional capacity in terms of: (1) encouraging price competition among landfills to the benefit of the region's rate payers, (2) improving Metro's ability to enforce flow control by entering into formal agreements with out-of-region landfills, and (3) providing alternative disposal options in case of unexpected loss of capacity at existing landfills.
- Local governments that assess fees at in-region landfills could lose revenue when waste shifts to new out-of-region landfills. However, local governments are also "generators" of special waste and would benefit from lower cost disposal caused by greater competition among landfills.

• All of the proposed facilities are in compliance with environmental and regulatory requirements.

Based on these conclusions, <u>I recommend that Metro enter into designated facility</u> agreements with the following landfills: Columbia Ridge Landfill, <u>Hillsboro Landfill</u>, <u>Lakeside Landfill</u>, <u>Roosevelt Landfill</u>, and <u>Finley Buttes Landfill</u>. Draft agreements with these facilities are attached to Resolution No. 93-1754 which will be presented for hearing along with Ordinance No. 93-483.

Draft agreements with these facilities are also attached. Key components of these agreements are:

- The Metro Council may modify, suspend or terminate the agreement upon passage of a resolution specifying the action taken and the effective date.
- The facility shall maintain complete and accurate records regarding all solid waste transported, treated, disposed of, or otherwise processed and shall make such records available to Metro. Further, each facility is required at Metro's option to have an independent audit conducted by a firm acceptable to Metro once each year at the facility's expense.
- The facility may accept only certain types of wastes generated within Metro boundaries to include residue from the processing of construction, demolition, and land clearing waste received from a Metro franchised facility and/or other wastes not suitable for going through a regular transfer station.

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#### BEFORE THE METRO COUNCIL

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FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.05.030 TO MODIFY THE DESIGNATED FACILITY STATUS OF COLUMBIA RIDGE LANDFILL, HILLSBORO LANDFILL AND LAKESIDE RECLAMATION FOR PURPOSES OF FLOW CONTROL, TO ADD ROOSEVELT REGIONAL LANDFILL AND FINLEY BUTTES LANDFILL TO THE LIST OF DESIGNATED FACILITIES, AND DECLARING AN EMERGENCY ORDINANCE NO. 93-483

Introduced by Rena Cusma, Executive Officer

WHEREAS, Columbia Ridge Landfill is a "designated facility" for purposes of Metro solid waste flow control; and

WHEREAS, Columbia Ridge is currently allowed to accept solid waste as specified in its existing contract with Metro, and pursuant to duly issued non-system licenses; and

WHEREAS, Oregon Waste Systems (OWS), the owner of Columbia Ridge, was issued a non-system license on May 23, 1991, allowing it to accept special waste from the Metro area under certain conditions; and

WHEREAS, It is more appropriate, under the solid waste flow control chapter of the Metro Code, to "designate" facilities located outside of the District that are appropriate to receive waste from the Metro service area; and

WHEREAS, Hillsboro Landfill is a "designated facility" for purposes of Metro solid waste flow control; and

WHEREAS, Hillsboro Landfill is now owned and operated by Sanifill, Inc., with its home office located at 1225 N. Loop West, Suite 550, Houston, Texas 77008; and

WHEREAS, Hillsboro Landfill is currently allowed to accept solid waste generated within Metro boundaries as specified in its existing agreement with Metro; and

WHEREAS, increased complexity of the solid waste disposal and recycling system

has resulted in the need for a comprehensive revision of the existing agreement with Hillsboro Landfill; and

WHEREAS, revision of the agreement with Hillsboro Landfill requires amendment of the designated facility status of Hillsboro Landfill under the Metro Code, because the existing code language references the earlier agreement; and

WHEREAS, Lakeside Reclamation, owned and operated by Grabhorn, Inc., with its home office address of Route 1, Box 849, Beaverton, Oregon 97005, is a "designated facility" for purposes of Metro solid waste flow control; and

WHEREAS, Lakeside Reclamation is currently allowed to accept solid waste as specified in its existing agreement with Metro; and

WHEREAS, increased complexity of the solid waste disposal and recycling system has resulted in the need for a comprehensive revision of the existing agreement with Lakeside Reclamation; and

WHEREAS, revision of the agreement for Lakeside Reclamation requires amendment of the designated facility status of Lakeside Reclamation under the Metro Code, because the existing code language references the earlier agreement; and

WHEREAS, Regional Disposal Company (RDC), a Washington joint venture, with its home office at 4730 32nd Avenue South, Seattle, Washington 98118, owns and operates the Roosevelt Regional Landfill located in Klickitat County, Washington; and

WHEREAS, Columbia Resource Company (CRC), whose parent company is Tidewater Barge Lines, Inc., with its home office at 6 S. E. Beach Drive, Vancouver, Washington 98661, owns and operates Finley Buttes Landfill located in Morrow County, Oregon; and

WHEREAS, OWS, RDC and CRC have requested from Metro authority to accept special waste generated within the Metro service area; and WHEREAS, Sanifill Inc. and Grabhorn Inc. have requested continued designated facility status for Hillsboro Landfill and Lakeside Reclamation respectively, and are willing to enter into a new agreement with Metro; and

WHEREAS, Based on information contained in the staff report accompanying this Ordinance and additional information provided during the hearing on this Ordinance, the Council has determined that it is appropriate to designate the Columbia Ridge Landfill, Roosevelt Regional Landfill and Finley Buttes Landfill for receipt of special waste from the District; and

WHEREAS, Based on information contained in the staff report accompanying this Ordinance and additional information provided during the hearing on this Ordinance, the Council has determined that it is appropriate to continue the designated facility status of Hillsboro Landfill and Lakeside Reclamation as amended to reference new agreements; and

WHEREAS, OWS, RDC and CRC are willing to enter into agreements with Metro establishing the terms under which each of their named facilities may receive special waste from the Metro region, and Sanifill Inc. and Grabhorn Inc. are willing to enter into new agreements establishing the terms under which each of their named facilities may receive solid waste from the District, now, therefore,

#### THE METRO COUNCIL ORDAINS AS FOLLOWS:

Section 1. Metro Code Section 5.05.030 is amended to read:

5.05.030 Use of Designated Facilities:

(a) <u>Designated Facilities</u>. The following described facilities shall constitute the designated facilities to which Metro may direct solid waste pursuant to a Required Use Order:

- Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.
- MSW (Municipal Solid Waste) Compost Facility. The MSW Compost Facility located at 5611 N.E. Columbia Boulevard, Portland, Oregon 97217.
- (3) Metro Central Station. The Metro Central Station located at 6161 N.W. 61st Avenue, Portland, Oregon 97210.
- (4) St. Johns Landfill. The St. Johns Landfill located at 9363N. Columbia Boulevard, Portland, Oregon 97203.
- (5) Franchise Facilities. All disposal sites, transfer stations, processing facilities and resource recovery facilities within the District which operate pursuant to a Metro franchise under Chapter 5.01 of the Metro Code.
- (6) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of the agreement in existence on November 14, 1989 authorizing the receipt of solid waste generated within the service area. subject to the terms of an agreement between Metro and Grabhorn, Inc. authorizing receipt of solid waste generated within the service area.
- (7) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of the agreement in existence on November 14, 1989 authorizing the receipt of solid waste generated within the service area. <u>subject to the terms of an</u> agreement between Metro and Sanifill, Inc. authorizing

receipt of solid waste generated within the service area. Columbia Ridge Landfill. The Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989 between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc.; provided that except as otherwise provided pursuant to a duly issued nonsystem license, no waste hauler or other person (other than Jack Gray Transport, Inc. as provided in the aforementioned agreement) shall be permitted to transport solid waste generated within the service area directly to, or to otherwise dispose of such solid waste at, said Columbia Ridge Landfill unless such solid waste has first been processed at another designated facility. In addition, Columbia Ridge Landfill may accept special waste generated within the service area:

(A) As specified in an agreement entered into
 between Metro and Oregon Waste Systems
 authorizing receipt of such waste; or
 (B) Subject to a non-system license issued to a
 person transporting to the facility special waste not
 specified in the agreement.

(9) Roosevelt Regional Landfill. The Roosevelt Regional Landfill, owned and operated by Regional Disposal Company of Seattle and located in Klickitat County, Washington. Roosevelt Regional Landfill may accept special waste generated within the service area only as follows:

(8)

(A) As specified in an agreement entered into
between Metro and Regional Disposal Company
authorizing receipt of such waste; or
(B) Subject to a non-system license issued to a
person transporting to the facility special waste not
specified in the agreement.

(10) Finley Buttes Landfill . The Finley Buttes Landfill owned and operated by Columbia Resource Company of Vancouver, Washington and located in Morrow County, Oregon. Finley Buttes Landfill may accept special waste generated within the service area only as follows:

> (A) As specified in an agreement entered into between Metro and Columbia Resource Company authorizing receipt of such waste; or

(B) Subject to a non-system license issued to a person transporting to the facility special waste not specified in the agreement.

(b)

Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of initial designated facilities any one or more of the facilities described in Metro Code Section 5.05.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to or delete a facility from the list of designated facilities. In deciding whether to designate an additional facility, or amend or delete an existing designation, the Council shall consider:

- (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination;
- (2) The record of regulatory compliance of the facility's owner and operator with federal, state, and local requirements;
- (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement;
- (4) The adequacy of operational practices and management controls at the facility;
- (5) The expected impact on the region's recycling and waste reduction efforts;

(6) The expected impact on Metro's revenue;

- (7) The consistency of the designation with Metro's existing contractual arrangements;
- (8) The need for additional disposal capacity and the effect on existing designated facilities; and
- (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility, or amending or deleting an existing designation.
- (c) An agreement, or amendment to an agreement between Metro and a designated facility, shall be subject to approval by the Metro Council prior to execution by the Executive Officer.
- (d) An agreement between Metro and a designated facility shall specify the types of wastes from within Metro boundaries that may be delivered to, or accepted at, the facility.

(e) Use of Non-System Facilities Prohibited. Except to the extent that solid waste generated within the service area is transported, disposed of or otherwise processed in accordance with the terms and conditions of a non-system license issued pursuant to Metro Code Section 5.05.035, no waste hauler or other person shall transport solid waste generated within the service area to, or utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the service area, any non-system facility.

<u>Section 2</u>. 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. Immediate action is waranted in this instance to offset long delays in establishing appropriate regulatory arrangements for receipt of waste from within Metro boundaries by the facilities named herein.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Judy Wyers, Presiding Officer

ATTEST:

Clerk of the Council PN:clk (cart\franch\desigfac.ord) (1/26/93)

#### STAFF REPORT

#### CONSIDERATION OF ORDINANCE NO. 93-483, FOR THE PURPOSE OF AMENDING THE METRO CODE TO MODIFY THE DESIGNATED FACILITY STATUS OF COLUMBIA RIDGE LANDFILL, LAKESIDE RECLAMATION LANDFILL AND HILLSBORO LANDFILL; AND TO ADD ROOSEVELT REGIONAL LANDFILL AND FINLEY BUTTES LANDFILL TO THE LIST OF DESIGNATED FACILITIES, AND DECLARING AN EMERGENCY

Date: January 26, 1993

Presented by: Roosevelt Carter Terry Petersen

#### **FACTUAL BACKGROUND AND ANALYSIS**

#### **Comment on format**

This staff report is comprised of six distinct sections, the first of which is an overview of the Metro "system". Following that will be five separate subsections which will address the following specific facilities:

1. Columbia Ridge Landfill;

2. Roosevelt Regional Landfill;

3. Finley Buttes Landfill;

4. Hillsboro Landfill; and,

5. Lakeside Reclamation Landfill.

Each subsection describes the facility, provides a history and examines the nine criteria as required by Ordinance 92-471C. This ordinance amended Metro Code Section 5.05.030 regarding the addition of facilities to the list of "Designated Facilities" under Metro's flow control ordinance.

With respect to Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation Landfill, the reports address modification of their existing facility designation status. With respect to

Roosevelt Regional Landfill and Finley Buttes Landfill, the focus is upon designation of these facilities as new additions to the list of designated facilities.

The agreements proposed for each facility are attached to Resolution 93-1754, which will be presented for hearing along with Ordinance 93-483.

#### System Overview

The Metro system is the collection of disposal and processing facilities, that provide opportunities for recycling, processing and disposal. These facilities serve the residents of the greater Portland metropolitan region, and rural Multnomah, Clackamas and Washington counties. Included in the system are other facilities that are neither Metro owned nor franchised such as recycling drop centers, yard debris processors and source separated recyclable processors.

The focus of this report is the facilities owned or franchised by Metro, or which Metro has otherwise designated to receive waste from within Metro boundaries. Excluded from discussion are non-franchised facilities, inactive franchises, reload facilities, recycling drop centers, source separated recyclable processors and buyback centers.

For ease of reference, a map of <u>the current system facilities</u> (as defined above) accompanies this report as <u>ATTACHMENT No. 1</u> <u>ATTACHMENT No. 2</u> is the system of facilities <u>as it will exist</u> if all amended facility designations and the two proposed new designated facilities are added.

### <u>METRO SYSTEM FACILITIES</u> (franchised or otherwise designated)

#### Columbia Ridge Landfill

Columbia Ridge Landfill is currently listed as a designated facility under Metro's flow control ordinance. The ordinance pending before the Council will amend this facility's designation. Details of this proposal will be addressed in the subsection on Columbia Ridge following the System Overview.

This is a modern landfill located near the City of Arlington, Oregon. Encompassing an area of 2000 acres (700 acres of active landfill), it is owned by Waste Management Disposal Services of Oregon, Inc. dba Oregon Waste Systems, Inc., (OWS). OWS has a twenty year contract with Metro. Waste shipments commenced in January, 1990. This contract calls for Metro to deliver to the Columbia Ridge Landfill, "ninety percent (90%) of the total tons of Acceptable Waste (other than ash) which Metro delivers to any general purpose landfill(s) during that calendar year." (Acceptable Waste as defined in the contract with OWS.)

In 1992 this facility received 661,011 tons of solid waste from Metro's transfer stations and 6,000 tons of direct haul waste under a Non-system license. The direct haul waste was primarily petroleum contaminated soil, asbestos and industrial process waste.

#### Metro Central Station

Metro Central Station is currently listed as a designated facility under Metro's flow control ordinance.

Located on a 10.5 acre site at 6161 NW 61st Avenue in Portland, Metro Central is the largest and newest of the two transfer stations owned by Metro. Encompassing a 170,000 square foot shell structure, the facility opened for business in 1991. The facility is operated by Trans Industries under an operations contract with Metro. This contract will be in effect until October 1994 with Metro having the option of rebidding the contract at that time or retaining the present contractor for an additional two years.

Metro Central has the capacity to transfer/process in excess of 500,000 tons per year. The facility handled approximately 325,000 tons in 1992. This is one of Metro's two transshipment points for solid waste being transported to the Columbia Ridge Landfill at Arlington, Oregon.

#### Metro South Station

Metro South Station is currently listed as a designated facility under Metro's flow control ordinance.

This transfer station, the older of two transfer stations owned by Metro, began operations in 1983. Located at 2001 Washington Street in Oregon City, Oregon this facility is on an 11.5 acres site adjacent to the old Rossman's Landfill. It is operated under a contract from Metro by Waste Management of Oregon (WMO), a subsidiary of Waste Management of North America, Inc. This contract, which commenced January 1, 1990 will be in effect until December 31, 1994. This facility received 357,451 tons of solid waste in 1992.

This facility was originally built as a transshipment point for commercial haulers and the public. The solid waste was dumped into a pit, then loaded into transfer trailers for transport to St. Johns Landfill for disposal. With the closure of St. Johns Landfill and the beginning of transport of Metro's solid waste to Columbia Ridge Landfill, modifications were necessary at Metro South. The principal changes were the addition of two waste compactors to create efficient loads for transfer trailers and a staging yard for the transfer trailers.

In conjunction with Metro South Station, Metro has established a state-of-the-art household hazardous waste facility located on the station grounds. This heavily patronized facility has been successful in diverting substantial volumes of harmful material from the landfill.

#### Hillsboro Landfill

Hillsboro Landfill is an existing designated facility under Metro's flow control ordinance. The pending ordinance before the Council will amend the facility designation for this facility. Details regarding this proposal will be found in the subsection on Hillsboro Landfill that follows the System Overview.

This limited-purpose landfill is privately owned and operated by Sanifill, Inc. Previously owned and operated by Mr. Gary Clapshaw, the facility was acquired by Sanifill as of December 31, 1992. The facility is located at 3205 SE Minter Bridge Road south of the City of Hillsboro.

Located just outside of the Metro boundary, this facility received over 200,000 tons of solid waste in 1992. This waste received by Hillsboro Landfill is direct hauled by commercial and private parties. The waste accepted by the facility is comprised of construction and demolition debris, yard debris, stumps and land clearing debris and miscellaneous non-hazardous, non-putrescible household waste. The facility also is permitted by DEQ to receive some special wastes such as asbestos and petroleum contaminated soil.

#### Lakeside Reclamation Landfill

Lakeside Reclamation landfill is currently listed as a designated facility under Metro's flow control ordinance. The pending ordinance before the Council will amend this facility's designation. Details on this amendment are in the subsection for this facility following the System Overview.

Lakeside Reclamation Landfill, often referred to as the Grabhorn Landfill, is a long-standing construction debris and demolition landfill which also does recycling. Owned by Howard and Debbie Grabhorn, the facility is located at 15000 Vandermost Road a few miles southwest of the City of Beaverton.

This facility received 76,398 tons of solid waste in 1992. It accepts mostly construction and demolition debris as well as land clearing debris. An unlined facility, it is more restricted than the Hillsboro Landfill as to the types of materials that it is authorized by the DEQ to receive. For example, Lakeside reclamation may not accept any special wastes such as asbestos and petroleum contaminated soils that are permitted to be taken to Hillsboro Landfill.

#### Forest Grove Transfer Station

Forest Grove Transfer Station (FGTS) is currently listed as a designated facility under Metro's flow control ordinance. Privately owned and operated by Mr. Ambrose Calcagno under the corporate name of A. C. Trucking, this facility is located at 1525 B Street in the City of Forest Grove, Oregon.

This transfer station accepts mixed solid waste. It is open both to commercial haulers and the general public. The facility is authorized under its franchise to accept up to 70,000 tons per year of putrescible and non-putrescible waste. The facility services generally the cities of Forest Grove, Cornelius and surrounding area, with small amounts of solid waste being received from areas outside the Metro boundaries.

FGTS has historically disposed of its waste at the Riverbend Landfill in Yamhill County and currently does so under a Non-system license. No amendment to FGTS's facility designation is

being proposed at this time. However, please note that a separately pending resolution and facility agreement is being proposed for the Riverbend Landfill.

#### <u>Wastech</u>

Wastech, Inc. is a presently designated facility under Metro's flow control ordinance. No current modification is proposed to the existing franchise which Wastech has with Metro.

This facility, privately owned and operated by Columbia Resource Company, does waste processing of "high grade waste" for materials recovery. It is located at 701 Hunt St. (just East of I-5 and just North of Columbia Blvd.) in the City of Portland. Wastech's Metro franchise was amended in 1989 to authorize the facility to expand to a capacity of 100,000 tons per year. Facility expansion has not yet occurred.

In 1992 this facility processed 5,804 tons of material, primarily recyclable paper products. Recycling is done by a combination of mechanical and manual methods. Residue is disposed off premises pursuant to a Non-System License under Metro's flow control ordinance.

#### East County Recycling

Located at 1209 NE San Rafael St. at 122 Avenue in the City of Portland, East County Recycling (ECR) is a privately owned and operated materials processing facility. The owner, Mr. Ralph Gilbert, holds a Metro franchise. ECR is presently a designated facility under Metro's flow control ordinance. No current amendment to its facility designation is under consideration.

ECR is authorized to accept various types of mixed waste for processing. The materials accepted are primarily mixed commercial waste, demolition debris, yard debris and other mixed nonputrescible solid waste. Under a 1991 amendment to its franchise, ECR was authorized to accept up to 60,000 tons per year of solid waste, provided that the residue generated for disposal does not exceed 25,000 tons per year. This facility received 38,467 tons of waste in 1992, and generated 22,179 tons of residue.

Processing at ECR relies heavily upon hand picking for the first sort of materials. Corrugated cardboard is compacted, appliances and metal are hand sorted and/or disassembled. Scrap aluminum is melted into ingots in a "sweat furnace". Yard debris and wood are processed in a high volume heavy duty chipper which produces chipped wood for hog fuel. Residue is disposed off premises at the Northern Wasco County Landfill near The Dalles, pursuant to a Non-System license issued under the flow control ordinance.

ECR is operated on the site of a former gravel pit. The facility also accepts inert materials which remain on the site. Disposal of inert materials are not regulated by Metro.

#### Marine Dropbox

Marine Dropbox is a privately owned and operated materials processor and recycling company which holds a Metro Franchise. It is a designated facility under the franchise section of Metro's flow control ordinance. The owner-operator is Paul Pietrzyk. No amendments to its franchise are recommended at the present time.

This facility services marine accounts and recovers material; primarily wood and metals from the shipping business. Examples are pallets, wood packing material, metal banding and other metals. Its recovery rate is high as there is little non-recoverable content in the material it receives. Its recovery rates are in the range of 95-97%. Material processing is primarily a hand picking operation with some assist with small power equipment. In the second quarter of 1992 Marine Dropbox recovered 5,960 tons of material for a 97% recovery rate.

#### K. B. Recycling

K. B. Recycling is a designated facility under the franchise section of the flow control ordinance which collectively designates Metro franchises. No amendment to its franchise or facility designation is presently under consideration.

This Metro franchised recycling drop and buy back center is privately owned and operated by Mr. Fred Kahut. This facility is located at 8277 SE Deer Creek Lane in the City of Milwaukie, Oregon near the junction of Highways 224 and I-205.

While not presently engaged in processing activities under its franchise, this facility is authorized to process limited amounts of mixed high grade waste (primarily paper and corrugated). While markets have not been sufficient to justify the operation of this element of the facility capacity, the authorized limit is 18,000 tons per year.

#### Marion County Energy Recovery Facility

The Marion County Energy Facility is a waste-to-energy facility owned and operated by the Ogden Martin Corporation. Ogden Martin has a contract with Marion County for disposal of solid waste for the county.

This facility is not a designated facility under Metro's ordinance nor is it under consideration for such designation. It is noted in the context of our System facilities because Metro has an agreement with Marion County wherein Metro has agreed to supply solid waste to this facility on an as needed basis up to 40,000 tons per fiscal year. By mutual agreement, this amount can be exceeded, however, historically this facility has taken less than 20,000 tons per year from Metro. Tonnage which is sent to alternative technology facilities such as this are exempt from Metro's disposal contract with Oregon Waste Systems.

This facility also receives small amounts of direct haul tonnage from hauling routes on the southern boundary of Metro which mix waste from in and out of the district. Marion County accounts for and remits user fees and excise taxes on this tonnage. The 1992 tonnage for direct haul was 6,371 tons.

#### Oregon Hydrocarbon, Inc.

This facility is a Metro franchise devoted solely to the processing of petroleum contaminated soils (PCS). The processing method is by thermodestruction (high heat with no flames). Essentially, soil is sterilized by the process and then may be recycled for non-food chain uses. As a franchise it is a designated facility under Metro's flow control ordinance. No amendment to the facility franchise is under consideration at this time.

Oregon Hydrocarbon, Inc. is located at 9333 North Harborgate Street in Portland, Oregon. This is in the Rivergate industrial area of North Portland. It is owned and operated by TPST Soil Recyclers of Oregon, Inc. This is a subsidiary of TPS Technologies, which is in turn owned by Thermo Electron Corporation of Boston, Massachusetts, a Fortune 500 firm. This is a recent acquisition by Thermo Electron and franchise transition is in process.

No specific processing limit has been placed on the operating capacity of this facility. Metro has sought to encourage processing of PCS as preferable to landfilling. No Metro user fees are presently assessed for PCS processors. User fees are assessed for landfilled PCS. Equipment limitations are in the 100,000 tons + category. In operation since Spring 1992, this facility has processed approximately 41,000 tons of PCS to date.

#### PEMCO Inc.

Like Oregon Hydrocarbon, Inc., this Metro franchise is solely devoted to processing of PCS. Like Oregon Hydrocarbon, it too, sterilizes soil by thermodestruction. It too, is a designated facility under Metro's flow control ordinance. There is no consideration at present to amend or modify its designated facility status.

Owned and operated by PEMCO, Inc., the company business address is 437 N. Columbia Blvd. in the City of Portland. The principal difference between PEMCO and Oregon Hydrocarbon is that PEMCO utilizes a mobile unit. Its franchise is not subject to a preset limit on volumes of soil that it may process. The capacity of its mobile unit is approximately 15-20 tons per hour. The exemption from user fees from soil processing applies to PEMCO. PEMCO processed a total of 19,450 tons of PCS in 1992.

#### EVALUATION OF CRITERIA

The following section will address Ordinance 92-471C, criteria numbers: 5, 6, 7, 8 and 9. The analysis of these criteria are considered common to all of the facilities under consideration for new designated facility status or for amended designated facility status.

#### REVIEW OF DESIGNATED FACILITY CRITERIA NUMBERS 5, 6, 7, 8, AND 9 FOR:

Columbia Ridge Landfill;

Roosevelt Regional Landfill;

Finley Buttes Landfill;

Hillsboro Landfill; and,

Lakeside Reclamation Landfill.

Staff analysis has indicated that with respect to these criteria relating primarily to waste reduction and revenue issues that they should be treated in the same fashion for all of the following facilities: Columbia Ridge Landfill, Roosevelt Regional Landfill, Finley Buttes Landfill, Hillsboro Landfill and, Lakeside Reclamation Landfill. In order to avoid replication of information, please refer to the following criteria analyses for each facility. Criteria No's 1, 2, 3 and 4 will be referred to and analyzed in each facility subsection. Criteria No. 7 relates to an Office of General Counsel Memorandum regarding consistency of the designation with Metro's existing contractual arrangements. This memorandum is included as <u>Attachment No. 3</u> following review of Criterion No. 9.

#### Criteria No. 5. The expected impact on the region's recycling and waste reduction efforts

Staff has concluded that if, through a designated facility agreement, certain restrictions are placed on the types of waste transported to the new designated facilities, the potential impacts on the region's recycling will be minimal.

The following table summarizes expected changes in tonnages currently recovered at existing facilities (including Petroleum Contaminated Soils (PCS) facilities) if: (1) <u>no</u> restrictions are placed on construction and demolition debris and post-industrial waste allowed to go to the new facilities, and (2) construction and demolition debris is restricted to residue from recovery facilities and industrial waste is restricted to loads without significant quantities of recoverable material (as described below in the proposed definitions of acceptable waste).

	- Current Recovery (tons/year)	Change In Current Recovery	
·		No Restrictions	Restrictions
Metro Facilities	10,900	(2,900)	0
Non-Metro Facilities	2,200	(600)	0
Existing PCS Processors	68,000	(27,200)	(27,200)
Total	81,100	(30,700)	(27,200)

The restrictions on acceptable waste and reporting requirements described below are intended to eliminate negative impact on waste reduction. However, not every load will be inspected by Metro to determine waste composition. Therefore, even with these procedures in place, some waste with high recovery potential may eventually be transported to the designated facilities. The tons listed in the above table with and without restrictions should be viewed as upper and lower bounds on the potential negative impacts of new designated facilities on the region's waste recovery efforts.

The upper bound would occur if restrictions on acceptable waste were totally ineffective and the new designated facilities were an option for all construction and demolition debris and industrial waste regardless of recovery potential. The lower bound of no impact (excluding PCS) would occur if restrictions were exactly enforced and diversion from existing recovery facilities was not an option open to generators and haulers of mixed waste currently going to recovery facilities.

Currently, about 600,000 tons of material (<u>excluding PCS</u>) are recycled each year by the Metro region and 1,000,000 tons are disposed. A maximum loss of 3,500 tons, therefore, would represent a decline of 0.2% in the regional recycling rate of 38%.

Staff proposals concerning the type of waste that may be accepted at new designated facilities are:

- 1. Residue from the processing of construction, demolition, and land clearing waste received from a Metro franchised facility.
- 2. Non-hazardous industrial dust.
- 3. Asbestos (special requirements for packaging and unloading would apply).
- 4. Contaminated soil and other non-putrescible debris from cleanup of petroleum or other non-hazardous chemical spills.

- 5. Special waste as defined in section 5.02.01(s) of the Metro Code.
- 6. Outdated or defective non-putrescible commercial or industrial raw materials not suited for market conditions or consumer use.
- 7. Other waste as described in any future addendum to this agreement or as authorized by Metro in a non-system license.

The list of waste types in Metro agreements with each facility will be consistent with the types of wastes authorized by the DEQ Solid Waste Disposal Permits issued (where applicable) to each facility and existing Metro disposal contracts.

To ensure that acceptable waste standards are enforced, designated facility agreements should contain adequate requirements for record keeping, auditing, and reports. Proposed wording for such requirements is as follows:

- 1. Company shall maintain complete and accurate records regarding all solid waste transported, treated, disposed of, or otherwise processed pursuant to this Agreement, and shall make such records available to, or send copies to, the Metro Solid Waste Department or its duly designated agents for inspection, auditing and copying upon not less than seven days written notice from Metro. Pre-numbered tickets shall be used for all transactions, in numerical sequence, and voided or canceled tickets shall be retained.
- 2. At Metro's option, Company shall have an independent audit conducted by a firm acceptable to Metro, no more than once each year, at Company's expense. The audit report provided to Metro following an independent audit shall address matters reasonably related to this Agreement, as specified in an audit program approved by Metro and provided to Company prior to the audit.
- 3. Company shall report in writing to the Metro Solid Waste Department no later than the 10th day of each month, for the duration of this Agreement, the number of tons of solid waste transported, disposed of or otherwise processed pursuant to this Agreement during the preceding month. The reports shall provide sufficient detail to adequately identify the waste profile of the various materials transported, treated, and disposed of, and include the names of persons or entities generating and delivering waste to the Facility, and the types and quantities of waste generated or delivered by such persons or entities. To the extent such information is available in electronic form, Company shall make such information available to Metro on computer disk. Metro shall maintain the confidentiality of all records submitted by Company to the extent public disclosure is not required by ORS Chapter 192, and otherwise in conformance with section 12 of this Agreement.

- 4. Company shall complete a cumulative status review of the waste types and profiles covering each six months of operations under this Agreement and shall provide such report to Metro within 45 days of the expiration of the six-month period covered by the report. The first report shall cover the period of operations from the date of execution of this Agreement through December 31, 1993.
- 5. Company shall provide to Metro copies of all permits covering the Facility or operations at the Facility. Copies of revisions to existing permits and newly issued permits shall be provided to Metro within seven business days of receipt. Company shall also provide, within ten business days, a copy of any official enforcement action regarding the Facility or its operation, including but not limited to, a notice of violation or non-compliance with a statute, regulation, or permit condition.

While most of the "waste reduction" impact is likely to be petroleum-contaminated soils (PCS), it should be noted that PCS is not considered as a "recyclable" in regional or state recycling and waste reduction goals. Also, Metro does not currently place any restrictions on the ability of Hillsboro Landfill or other existing designated facilities to compete with PCS processors by offering lower disposal fees if they choose to do so.

Higher disposal costs encourage investment in new recycling technology. If Metro policies concerning designated facilities result in lower disposal costs, the incentive to develop innovative recycling options for waste listed as "acceptable" in the agreements would be reduced. However, total disposal costs (including transport and user fees) at new designated facilities are not expected to be significantly lower than existing in-region disposal options at other designated facilities. Therefore, the risk of future "lost opportunities" concerning new recycling would appear to be minimal.

#### Criteria No. 6. The expected impact on Metro's revenue

Given the current Metro rate structure, Metro staff estimates the *net* impact of these tonnage shifts would be approximately revenue neutral. There would be a slight increase in revenue collected through the Tier 1 User Fee at non-Metro facilities and a slight decrease in revenue collected at Metro facilities.

One way to evaluate revenue impacts is to compare what the current fees would be with and without the new designated facilities given the current revenue levels. Such a comparison is estimated as follows:

	Current Rates	With New Facilities
Regional User Fee (Tier 1)	\$19.00	\$18.53
Total Metro Fee	\$75.00	\$75.06
Average Disposal Cost for "acceptable" waste	\$64.28	\$60.72

As described below, the Tier 1 User Fee would be collected on more tons while the full \$75.00 would be collected on more tons at Metro facilities. Given the current spending levels and rate structure, this would result in a decrease in the Tier 1 fee and a negligible increase (\$0.06) in the fee charged at Metro facilities.

As suggested above, adding the new facilities to the existing system is expected to have a combination of neutral, positive, and negative impacts on Metro's revenue. The expected revenue impacts can be summarized as follows:

Tonnage shifts that will have neutral revenue impacts. Acceptable waste could shift from existing non-Metro facilities that pay the Metro Tier 1 User Fee (currently \$19.00) to designated facilities that would also pay the same Metro fee. This represents a neutral impact on Metro revenues. Among existing designated facilities, Hillsboro Landfill will likely experience the greatest diversion of waste. Large industrial users of Hillsboro Landfill may be able to negotiate lower disposal costs with new designated facilities. Metro staff estimate that a maximum of 6,600 tons of special waste, 4,800 tons of PCS, 9,700 tons of industrial waste, and 7,300 tons of construction/demolition debris could eventually shift from Hillsboro Landfill to the designated facilities. Lakeside Landfill and other facilities are receiving much smaller quantities of waste that would be acceptable at new designated facilities. Tomage shifts that will have negative revenue impacts. Metro's current rate structure is not "revenue neutral". Waste that shifts from Metro facilities that pay all Metro fees to non-Metro facilities that pay only the Metro Tier 1 User Fee represent a loss in revenue that is not entirely balanced by avoided costs. Given the proposed restrictions on the types of waste the facilities will be allowed to accept, Metro staff estimate that 26,000 tons of waste currently being delivered to Metro transfer stations could eventually shift to designated facilities. We emphasize that these are wastes that can currently be disposed of at the Hillsboro landfill.

Tonnage shifts that will have positive revenue impacts. By offering lower disposal costs or other desirable services, designated facilities could potentially capture waste from four sources that are not currently paying Metro fees: (1) illegal dumping, (2) illegal disposal, (3) industrial "mono-fills", and (4) PCS diverted from existing processing facilities. It is difficult to estimate what the total available tonnage might be from these sources. Because staff wanted to estimate the "worst case" revenue impacts, the analysis described in this report did not assume that any new revenue would be obtained from the first three sources.

Staff concludes that no single facility considered for designation under Ordinance 93-483, nor all of the facilities together, will impact the gross revenues generated by the Metro System in a manner that would impede Metro's ability to meet its bond financing obligations under the Solid Waste Master Ordinance. The anticipated impact on Metro revenue is not significant.

### Criteria No. 7: The consistency of the designation with Metro's existing contractual arrangements.

Office of General Counsel Memorandum dated January 26, 1993, is shown as <u>Attachment No. 3</u>. In order to present the waste reduction commentary for criteria no's 5, 6, 8 and 9, as a contiguous piece, the Office of General Counsel Memorandum will be found immediately following commentary for Criteria No. 9.

#### Criteria No. 8. <u>The need for additional disposal capacity and the effect on existing</u> <u>designated facilities</u>

Most of the special waste under discussion is currently either being disposed of at Hillsboro Landfill, Lakeside Landfill, processed by franchised PCS facilities, or illegally transported outside Metro's system. Hillsboro Landfill and PCS facilities have the capacity to handle the current quantities of special waste being generated in the region.

Hillsboro Landfill has been issued a DEQ solid waste disposal permit that expires October 31, 1994. While Metro is assuming that Hillsboro Landfill will continue operation past this date, it is dependent on obtaining proper permits. If Hillsboro Landfill was required to close or significantly reduce tonnages, it would be necessary for the region to develop alternative disposal options. The need for additional disposal capacity should consider the value to the region of

having alternative disposal options for the kinds of waste being considered for new designated facilities, even if capacity is not currently needed. New designated facilities included in the proposed agreements would help ensure that the region has adequate disposal capacity for the types of waste proposed above.

The expected effects of the proposed agreements in terms of tonnages are summarized below. <u>These tonnages are only the types of waste listed above as being acceptable for new designated</u> <u>facilities.</u> They do not include all waste delivered to a facility. Two key assumptions were made in these estimates: (1) total disposal cost (transport plus tipping fee) will be \$50 per ton at new designated facilities, and (2) tonnage will shift to lower cost options at the rate of 0.8% for every 1.0% difference in cost. This response is consistent with historical data in the Metro region. The exact disposal cost that new facilities might negotiate with waste generators is unknown. If they offer disposal at more than \$50 per ton, less waste would be expected to shift from existing facilities.

Lower disposal costs at designated facilities could encourage new recovery operations that could eventually compete with existing facilities. Metro would need to evaluate these potential impacts at the time applications are made for any new recovery facilities.

	Current Quantity of Special Waste (tons/year)	Expected Change Due To New Designated Facilities (tons/year)
Forest Grove Transfer Station	7,400	(2,000)
Hillsboro Landfill (excludes Tualatin Valley Recovery Co.)	121,000	(28,400)
Lakeside Reclamation Landfill (Grabhorn)	51,100	(5,400)
East County Recycling	4,800	(1,300)
Wastech (OPRC)	700	(100)
Metro Central	54,700	(14,600)
Metro South	41,700	(11,200)
Columbia Ridge Landfill	11,200	0
PCS Processors	68,000	(27,200)
TOTAL	360,600	(90,200)

#### Criteria No. 9. <u>Other benefits or detriments accruing to residents of the region from</u> <u>Council action in designating a facility</u>

Other potential benefits include:

- 1. There are significant potential benefits to certain groups of rate payers within the region. Industries, local governments, and others that generate special waste are currently restricted to relatively few disposal options. Existing facilities negotiate disposal rates with these generators with minimal competition. Several public and private generators of large quantities of non-recyclable special waste have stated that they expect competition among new and existing designated facilities to lower their disposal costs. Metro staff have estimated that the average disposal cost for <u>acceptable</u> waste (including PCS) would decrease from \$64.28 to \$60.72 per ton. This represents a significant economic benefit to certain residents of the region.
- 2. The analysis in this report did not assume that designated facilities would capture any "new" waste that is not currently part of the fee-paying system. If new facilities are able to capture waste through better disposal service and more aggressive marketing, as they have stated, there could be benefits in terms of reducing illegal disposal and increasing Metro revenues.

Other potential detriments include:

- 1. Some local governments assess fees on waste delivered to facilities within their boundaries. For example, Washington County's solid waste program is supported by fees assessed at Hillsboro Landfill. Given this fee collection system, new designated facilities that divert waste from local facilities would cause a loss in revenue for some local government programs.
- 2. The analysis in this report assumed that existing non-Metro facilities would not increase rates as a result of new designated facilities. If rates are increased as a consequence of reduced tonnage, there could be negative economic impacts on those users who must continue to deliver waste to the existing facilities.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 93-483.

### COLUMBIA RIDGE LANDFILL

Designated Facility Criteria Review (Criteria Numbers 1, 2, 3 and 4)

#### COLUMBIA RIDGE LANDFILL

A Non-System License (since expired) was previously issued to the Columbia Ridge Landfill under Metro's Flow Control Ordinance, Chapter 5.05 of the Metro Code. This license authorized various special wastes to be transported and disposed at the facility. This request for Designated Facility status for the Columbia Ridge Landfill is being processed given the determination that it is more appropriate that Non-System Licenses be issued only to waste generators or haulers and that a landfill desiring authority to receive certain types of waste be established as a designated facility under the Flow Control Ordinance. Columbia Ridge has already been designated to receive waste under its contract with Metro. Modification of the designation will allow the facility to continue to receive the same materials that the facility was allowed to receive under the Non-System License.

In deciding whether to amend the designated facility status of Columbia Ridge Landfill to accept special waste from private generators and haulers in the region, the Council should consider the following:

(1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination.

Metro has on file copies of the following permits and/or evaluations pertaining to the Columbia Ridge Landfill:

- < Oregon Department of Environmental Quality <u>Permit Evaluation Report</u> dated January 21, 1988.
- < Conditional Use Permit, Order Nos. 87-1 and 87-2, dated June 8, 1987 by Gilliam County, Oregon.
- < Oregon Department of Environmental Quality <u>Solid Waste Disposal Facility Permit</u> dated May 18, 1988.

The above <u>Solid Waste Disposal Facility Permit</u> specifies the types of waste that may be received at the facility and the conditions under which they may be received. The Columbia Ridge Landfill's Conditional Use Agreement with Gilliam County requires a weight control system that "... ensure(s) that there is proper accounting for all waste disposed of at the landfill." Further, the agreement requires the landfill to "... keep daily records, including video taped records of the weight and volume of the waste received at the landfill and the number and type of vehicles transporting waste to the landfill." The County also maintains the right to inspect the landfill records insofar as they pertain to the weight and volume of the waste received at the landfill or vehicles transporting waste to the landfill. Conditions contained in the landfill's Solid Waste Disposal Facility Permit along with the above positive controls outlined in the Conditional Use Permit minimize Metro's risks in allowing the District's Special Wastes to be deposited in this landfill.

## (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements.

Metro has received no notice/s of violations of any regulatory requirements. Regulatory compliance by the facility has been characterized as excellent by the Gilliam County Planning Department and by the Eastern Region office of the DEQ. Metro has not had any compliance problems with CRL with respect to Metro ordinance enforcement or with other regulatory requirements of Metro.

## (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement.

Under separate agreement, Metro has shipped 90 percent of the region's general purpose waste to the Columbia Ridge Landfill via Jack Gray Trucking since January 1990. To date, Oregon Waste Systems has fully complied with all Metro ordinances and agreements and provided assistance as requested.

#### (4) The adequacy of operational practices and management controls at the facility.

Staff has visited the facility on numerous occasions and inspected its operational and management practices. Given Metro's contractual relationship with the landfill, reports are reviewed on a routine basis. To date all aspects of the landfill's operational practices and management controls are satisfactory.

(5) The expected impact on the region's recycling and waste reduction efforts.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual background.

(6) The expected impact on Metro's revenue.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (7) The consistency of the designation with Metro's existing contractual arrangements.

This item has been researched by the Office of General Counsel and the analysis is contained in a separate memorandum as noted on page 13 of the Staff Report. OWS believes that it is already entitled to receive 90% of all special waste generated in the region that is disposed of in a general purpose landfill, without entering into a designated facility agreement.

### (8) The need for additional disposal capacity and the effect on existing designated facilities.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

## (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

### ROOSEVELT REGIONAL LANDFILL

Designated Facility Criteria Review (Criteria Numbers 1, 2, 3 and 4)

#### ROOSEVELT REGIONAL LANDFILL

Metro has also received a request from the Regional Disposal Company with its home office at 4730 32nd Avenue South, Seattle, Washington that it be permitted to receive certain types of special waste from the District to be disposed at its Roosevelt Regional Landfill located in Klickitat County, Washington.

Criteria to be reviewed pursuant to Council requirements are:

(1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination.

Regional Disposal Company (RDC) has submitted copies of the following permits and certifications as a part of it's application for designated facility status:

- Conditional Use Permit No. CU-89-13, dated January 22, 1990 from the Klickitat County, Washington Board of Adjustment and subsequent Conditional Use Permit No. CU-92-14, dated September 8, 1992 for modification and expansion of the landfill.
- < Solid Waste Handling Facility (Operating) Permit No. 20-001, issued by the Southwest Washington Health District, Division of Environmental Health dated June 1, 1990 with annual renewals through March 1, 1993.
- < ORDER No. DE 90-C153 (Air Quality Permit) from the Washington State Department of Ecology dated April 5, 1990.
- RDC has also submitted a copy of its Final Supplemental Environmental Impact Statement containing the landfill's Operations Plan which sets out general operating procedures dated August 1992.

Additionally, Solid Waste staff visited the Roosevelt Regional Landfill on August 25, 1992 to view firsthand its control and operational practices.

The degree to which prior users of the facility and waste types accepted at the facility are known is very high given the short operating history of the landfill and the positive control procedures contained in the landfill's operations plan. The facility design criteria contained in the aforementioned permits, particularly regarding either meeting or exceeding Subtitle D federal regulations minimizes Metro's risk of allowing waste from the District to be deposited in the Roosevelt Regional Landfill.

## (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements.

RDC has submitted its certification (dated November 24, 1992) that the Roosevelt Regional Landfill is a fully permitted facility which meets all State of Washington Minimal Functional Standards and Federal Subtitle D requirements and that there have been no regulatory enforcement actions and none are pending.

## (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement.

The Roosevelt Regional Landfill does not have a formal relationship with Metro given its short operating history and the fact that it is located outside Metro's jurisdictional boundaries. RDC has reported to Metro that the landfill received petroleum contaminated soils(PCS) from the Metro District as a result of its contracts with national petroleum marketing companies and prior to its knowledge of Metro's flow control requirements. RDC has submitted payment of applicable Metro fees on this material and has stated, in writing, that it will submit any future payments should its audits reveal further receipt of material from the Metro District. Other payments considered due by Metro will be billed appropriately.

Metro is undertaking a separate review of DEQ permits for excavation and disposal of PCS from the District to verify RDC's reported figures.

#### (4) The adequacy of operational practices and management controls at the facility.

The Roosevelt Regional Landfill's operations plan provides for positive monitoring and control of wastes being deposited. The plan provides for weighing and recording of the weight, waste type and waste source. The plan also provides for special handling of materials such as; asbestos, excavated soils, dredge spoils, construction and demolition debris and sewage sludges. The plan further provides for screening and management of unacceptable wastes.

(5) The expected impact on the region's recycling and waste reduction efforts.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (6) The expected impact on Metro's revenue.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (7) The consistency of the designation with Metro's existing contractual arrangements.

This item has been researched by the Office of General Counsel and the analysis is contained in a separate memorandum as noted on page 13 of the Staff Report. OWS believes that it is already entitled to receive 90% of all special waste generated in the region that is disposed of in a general purpose landfill, without entering into a designated facility agreement.

## (8) The need for additional disposal capacity and the effect on existing designated facilities.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

## (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

### FINLEY BUTTES LANDFILL

Designated Facility Criteria Review (Criteria Numbers 1, 2, 3 and 4)

#### FINLEY BUTTES LANDFILL

Finley Buttes Landfill requested that it be granted Designated Facility status under Metro's flow control ordinance. Finley Buttes Landfill (FBL) is a subsidiary of Columbia Resource Company. Columbia Resource Company, an affiliate of Tidewater Barge Company, owns and operates Wastech as well as FBL. FBL received Permit Number 394 from the Oregon DEQ in February 1989. FBL is located off Bombing Range Road, approximately 10 miles south of the Port of Morrow in Morrow County, Oregon. The facility is approximately 180 miles East of Portland.

(1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination.

FBL began receiving waste November 1, 1990. The facility design meets or exceeds all Federal Subtitle D requirements. Complete records have been maintained since the opening of the facility. Standard operating procedure is that all materials received are logged in by customer, origin and material type. Additionally, the daily fill area is logged to provide location information if there should be future questions as to the location of material.

## (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements.

FBL received Notice of Non-Compliance from the DEQ in early 1990, 1991 and early 1992. These notices involved an on-site sewage disposal system permit, failure to collect groundwater and failure to submit detailed engineering plans prior to construction activities, leachate monitoring, the fill plan, O & M manual and other conditions.

Contact with DEQ officials and documentation provided by DEQ confirmed that FBL also received a Notices of Violation and Intent to Assess Civil Penalty relative to the groundwater monitoring notice referred to above. A subsequent comprehensive compliance inspection was conducted in November 1992 and FBL was found to be in full compliance with its operating permit at that time according to DEQ.

### (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement.

There is no record of noncompliance by FBL with Metro's ordinances and agreements. FBL has been cooperative in providing information and has responded in a timely manner to any requests that Metro has submitted for information or for opportunities to visit and inspect its facility.

FBL's owner/operator, Columbia Resources Company, runs a transfer station in Orchards, Washington that was used illegally by waste haulers from the Metro area in 1991. Metro eventually collected past due user fees, penalties and interest from one such hauler in the amount of \$75,572.00. In October of 1991, the Office of General Counsel wrote to Gail Mathers of CRC and requested detailed assistance from Mr. Mathers in identifying persons who might be violating the Metro Code by using the Orchards facility, and the letter was ignored. CRC subsequently answered questions by phone regarding use of the facility by one other commercial hauler from Oregon, but chose not to identify the hauler, and still did not agree to provide any of the assistance requested in the earlier letter. The Office of General Counsel considers the assistance provided by CRC in enforcing the Metro Code in this stated incident to have been wholly inadequate. Reasonable assistance by CRC may have confirmed significant lost district revenue due to numerous individuals hauling waste from the district, to the Orchards facility.

### (4) The adequacy of operational practices and management controls at the facility.

A personal inspection and tour of the FBL facility was conducted by Metro staff in September 1992. Physical inspection revealed a well run operation with no evidence of inappropriate waste handling or operation. Photos were taken and are part of the facility file. Further, FBL has subsequently provided Metro with a copy of its <u>OPERATION AND MAINTENANCE</u> <u>MANUAL, VOL. 1 AND II.</u> The manuals provide detailed information on facility procedures to ensure safe and efficient operation of the facility and to ensure the physical integrity of the landfill, its equipment and buildings.

### (5) The expected impact on the region's recycling and waste reduction efforts.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (6) The expected impact on Metro's revenue.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

### (7) The consistency of the designation with Metro's existing contractual arrangements.

This item has been researched by the Office of General Counsel and the analysis is contained in a separate memorandum as noted on page 13 of the Staff Report. OWS believes that Metro cannot allow significant quantities of special waste to be delivered to FBL by private individuals because it is a general purpose landfill.

## (8) The need for additional disposal capacity and the effect on existing designated facilities.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

# (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

### HILLSBORO LANDFILL

Designated Facility Criteria Review (Criteria Numbers 1, 2, 3 and 4)

#### HILLSBORO LANDFILL

Hillsboro Landfill (HL) is a long-standing limited purpose landfill located in south central Washington County, Oregon off Minterbridge Road, south of the City of Hillsboro. It is an existing designated facility under Metro's flow control ordinance. This facility has recently changed ownership, having been purchased by Sanifill, Inc. as of December 31, 1992. Prior to this transfer Metro has been in the process of revising its agreement with this facility. The existing 1984 agreement is inadequate to address the current relationship between Metro and HL in the context of the waste disposal/recycling system now in existence.

(1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination.

This facility was originally established in the 1960's as a "demolition waste landfill" and was issued its first DEQ solid waste permit in 1972. The prior owner, (until 12-31-92), Mr. Gary Clapshaw, acquired the facility in 1983. For the eleven years prior to Mr. Clapshaw's ownership the facility was operated as a "modified landfill for demolition and construction debris, rubbish and similar nonputrescible waste" (DEQ Permit and conceptual Plan Review Report, 8-22-89). The current HL Solid Waste Disposal Permit Number 112 was issued October 19, 1989. The expiration date is October 31, 1994. No comprehensive record of materials disposed nor comprehensive list of prior users is known for this facility. However, with respect to the operational practices of the last ten years, the DEQ has rated the facilities environmental compliance as "good" (see #2 below) and the DEQ had issued a series of short term disposal permits to the prior owner from 1972 through 1982. Nevertheless, Metro does have exposure to future risk of environmental contamination, though there is no way to quantify the degree of risk.

### (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements.

Under its permit, HL is permitted to receive "...only landclearing debris (tree stumps, branches and brush), building construction and demolition debris (concrete rubble, asphaltic concrete, asphalt shingles, tar paper, bricks, plaster, linoleum, carpeting, glass, ceramic tile, timbers, lumber, gypsum board, piping, plumbing fixtures, electrical wiring, and similar building material) and inert material (soil, rocks and gravel)."

HL is prohibited under its permit from accepting "... food wastes, garbage, dead animals, sewage sludges, septic tank pumpings, chemical or vault toilet pumpings and other putrescible wastes, automobile bodies, infectious wastes, oil, chemicals, bulk quantities of liquid wastes, explosives and soils contaminated by hazardous materials." Exceptions must be "approved in writing by the Department prior to acceptance of the wastes by the permittee."

DEQ's Plan Review Report indicated that Mr. Clapshaw's environmental compliance record from 1983 to 8-22-89 ( the date of the report) had been "good". Also, Permit Number 112 required the installation of leachate collection, groundwater monitoring and other environmental compliance requirements. Contact with a representative of the new owner, Sanifill, Inc., confirms that leachate collection is in place for the new cell and that "toe drains were installed for the original cell(s)". All leachate is pumped to the United Sewage Agency facility for treatment. Metro has documentation that in the past three years, there have been three Notices of Noncompliance issued to Hillsboro Landfill; January 1990, June 1990 and December 1991. These notices were in regard to a compliance schedule for submission of a groundwater monitoring plan and engineering plan; acceptance of tires; and failure to remit the DEQ \$.50 cent-per-ton surcharge on solid wastes in a timely manner. Records indicate that these matters appear to have been resolved satisfactorily.

## (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement.

There have been two compliance audits of the HL facility since 1989, the most recent having been completed in the latter half of 1992. Both audits revealed areas of Metro concern over proper reporting of categories of materials that are received by the facility. The issues raised have not been as to the acceptability of the waste at the facility, but rather as to whether certain materials should have been subject to Metro User Fees and excise taxes. Underlying these issues are issues of appropriate internal controls to ensure the accuracy of the data being used to generate the User Fee and excise tax reports.

The financial issues from the 1989 audit and a subsequent issue over the inauguration of scale weights being used for charge calculations relative to petroleum contaminated soils have been satisfactorily addressed. The financial issues from the 1992 audit have not yet been resolved. The new owner, Sanifill, Inc. was aware of the pending financial issues during its acquisition process and has pledged full cooperation in bringing the matter to a mutually satisfactory conclusion.

The financial concerns that recurred with HL underscored the need to replace the existing HL agreement with a more comprehensive agreement for that landfill. This coupled with the increased complexity of the waste disposal/recycling system over the past several years made it imperative that an up to date agreement be put in place. The new agreement will establish the new relationship between Metro and the new owner in proper context with other regional facilities.

#### (4) The adequacy of operational practices and management controls at the facility.

This criteria was to some degree addressed in the discussion of Criterion Number 3. There have been various issues raised by Metro as to internal control practices at HL related to proper characterization of materials being received at the facility. The issues have not been environmental (see discussion of Criterion 1), but rather, financial. The new owner, Sanifill Inc., is also the owner of Riverbend Landfill and Northern Wasco County Landfill. Metro has had an acceptable relationship with Sanifill in the past and fully expects to receive the same level of cooperation in inaugurating the new agreement with Hillsboro Landfill under Sanifill's ownership.

#### (5) The expected impact on the region's recycling and waste reduction efforts.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (6) The expected impact on Metro's revenue.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (7) The consistency of the designation with Metro's existing contractual arrangements.

This item has been researched by the Office of General Counsel and the analysis is contained in a separate memorandum as noted on page 13 of the Staff Report. Because it is a limited purpose landfill, there has never been a claim that disposal of waste at the Hillsboro Landfill conflicts with existing contractual arrangements.

## (8) The need for additional disposal capacity and the effect on existing designated facilities.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

## (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

### LAKESIDE RECLAMATION

Designated Facility Criteria Review (Criteria Numbers 1, 2, 3 and 4)

#### LAKESIDE RECLAMATION

Lakeside Reclamation (LR) is a limited purpose landfill located Southwest of the City of Beaverton off Beef Bend Road, North of and adjacent to the Tualatin River to the South. This landfill has been in operation for over thirty years and is owned and operated by Howard and Debbie Grabhorn. It operates under DEQ Solid Waste Disposal Permit Number 214 issued July 8, 1982 with an expiration date of 2-28-92. Though past the expiration date, an application for renewal was filed prior to expiration. Under DEQ rules, the old permit continues to operate during the review period for the new application.

LR's Solid Waste Disposal Permit authorizes the permittee to accept "...only building and construction debris, rubbish, land clearing debris, wood products, metals, chipped tires; and similar nonputrescible material. No other wastes shall be accepted unless specifically authorized in writing by the Department supplementary to this permit." Further, the permittee is prohibited "... from allowing use of the facility by individual, private citizens delivering their own household wastes." LR is prohibited also from accepting any hazardous wastes.

# (1) The degree to which prior users of the facility and waste types accepted at the facility are known and the degree to which such wastes pose a future risk of environmental contamination.

This facility is open only to commercial accounts only. The public may not use this facility in the fashion that is authorized for Hillsboro Landfill. This has been the operational standard for many years. To this extent, the customers of the facility are known, however, a detailed listing of the specific waste delivered by the customers is unknown. This facility presents some unique considerations since it is not a lined facility. The risk, therefore, of contamination in the event of inappropriate disposal of materials at this facility is greater that at those facilities incorporating advanced landfill technology including liners and leachate collection systems. At the present time, there is no quantifiable risk of future contamination by the wastes accepted at the facility to-date is unacceptable. DEQ has indicated that LR's permit review is continuing and did not indicate substantial risk of non-renewal. Metro would nonetheless have some risk of exposure.

# (2) The record of regulatory compliance of the facility's owner and operator with federal, state and local requirements.

Metro has documentation that Lakeside Reclamation has one outstanding Notice of Noncompliance issued by the DEQ in November 1992. This notice is related to acceptance of prohibited materials, (household materials) surface water run-off, and proper cover over closed areas. This matter is currently under review and will be addressed during the permit renewal process. Since the facility is unlined, DEQ has taken the position that a more restrictive view as to acceptable materials for the facility must be considered. It should be stressed that this is a pending matter and that issuance of a Notice of Noncompliance is not conclusive as to the matters raised in the notice.

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# (3) The record of the facility regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement.

To date, Metro has made no determination that LR has ever been out of compliance with Metro ordinances or agreements. The facility has always made timely submission of its User Fee and excise tax reports and payments. Further, LR representatives have always cooperated in any requests that Metro has made for information or for opportunities to visit and inspect the facility.

#### (4) The adequacy of operational practices and management controls at the facility.

To the extent that the DEQ issues related to its Notice of Noncompliance are indicative of concerns over operational practices and management controls at the landfill, there is some concern as to the need to address modifications in these practices and controls. In general, however, the owners have a reputation for innovative waste recycling and recovery techniques, including the design and construction of specialized equipment designed to enhance and expand the facility's ability to recycle materials, notably large stumps and wood materials. Also, experiments with vegetation that draw large volumes of groundwater have been put into place to assist in environmental impact mitigation.

In the same fashion that concerns over the suitability of the Hillsboro agreement arose, so did concerns arise over the existing LR agreement. These are being addressed in the proposed new agreement that has been prepared for this facility. In like fashion with the new Hillsboro agreement, the new LR agreement should go a significant distance in providing a background for sound operational practices and management controls during the facilities future relationship with Metro.

#### (5) The expected impact on the region's recycling and waste reduction efforts.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

(6) The expected impact on Metro's revenue.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

#### (7) The consistency of the designation with Metro's existing contractual arrangements.

This item has been researched by the Office of General Counsel and the analysis is contained in a separate memorandum as noted on page 13 of the Staff Report. Because it is a limited purpose landfill, there has never been a claim that disposal of waste at the Lakeside Reclamation Landfill conflicts with existing contractual arrangements.

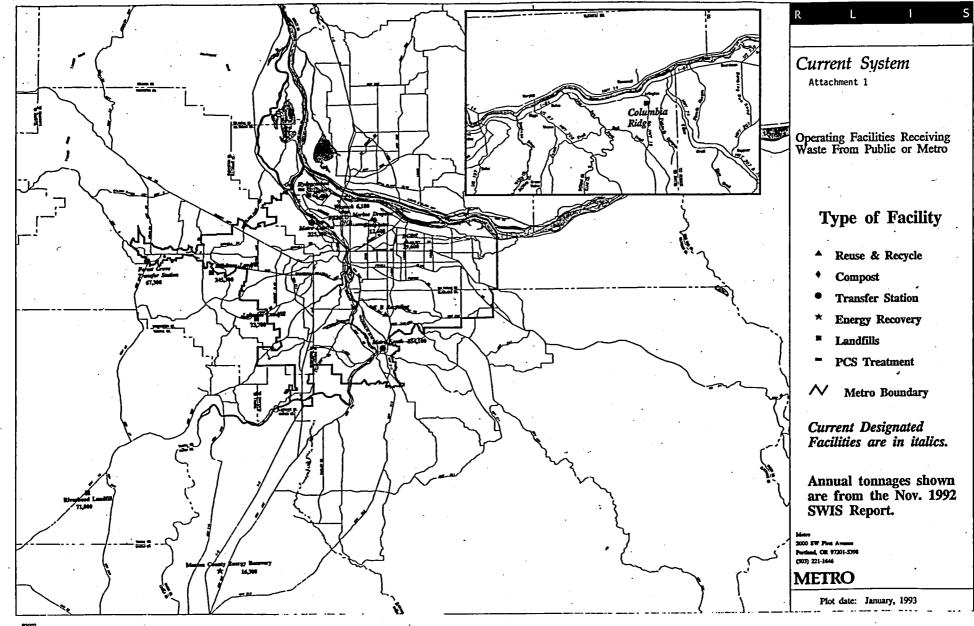
# (8) The need for additional disposal capacity and the effect on existing designated facilities.

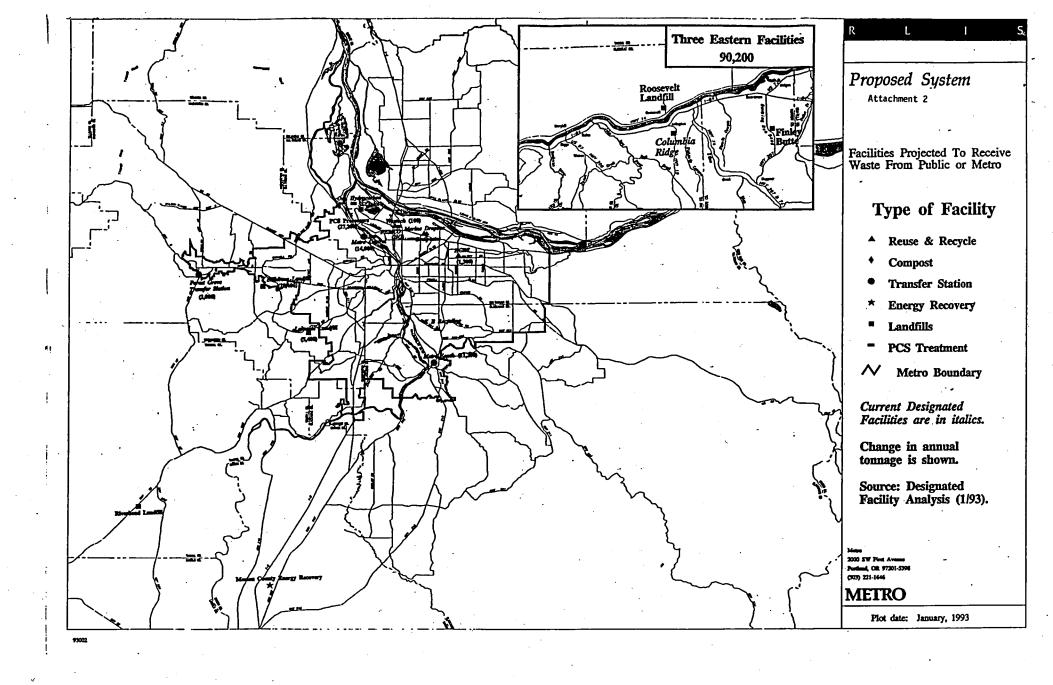
This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

# (9) Other benefits or detriments accruing to residents of the region from Council action in designating a facility.

This item has been researched by Metro staff and is included in the material in the system overview immediately preceding the factual subsection.

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**METRO** 

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

		Attachment 3	3
Date:	January 26, 1993		
То:	Metro Councilors		•
From:	Todd Sadlo, Senior Assistant Counsel		
Regarding:	ANNUAL WASTE DELIVERY GUARANTEE, OREGON WASTE SYSTEMS CONTRACT Our file: 9.§4.D		· .

Oregon Waste Systems (OWS) has claimed that designation of general purpose landfills for receipt of "Special Wastes" from the service area may violate the Annual Waste Delivery Guarantee in Metro's contract with OWS. This memo discusses the issues raised by OWS and the contract provisions upon which they are based.

#### **Conclusion**

It is the conclusion of this Office that the Metro/OWS contract requires that Metro deliver to OWS 90 percent of the "Acceptable Waste" (generally mixed municipal solid waste) that Metro delivers to any general purpose landfill. Waste delivered from the Metro franchised transfer station in Forest Grove to Riverbend Landfill is included in this calculation, but no waste delivered by any other private entity, whether franchised or not, is included.

The 90 percent clause was intended to give OWS reasonable assurances that Metro would not procure capacity in another general purpose landfill for mixed, municipal solid waste received by Metro at its transfer stations. Neither the clause nor the contract as a whole can be interpreted to limit Metro's options for regulation of waste that does not enter Metro facilities. Metro retains the authority to establish a program of regulatory control over "special" and other "limited purpose" waste that does not include delivery of the waste to a Metro facility and subsequent delivery to OWS.

#### **Contract Analysis**

The OWS contract was entered into on April 11, 1988, based on a bid received on December 21, 1987. It is an agreement to purchase landfill capacity for 16,923,000 tons of mixed (residential, commercial, and industrial) solid waste.<sup>1</sup> The contract terminates once

<sup>1</sup>Bid Schedule, p. 1; Invitation to Bid, p. 1; Spec., Section 1.

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the stated capacity is reached, or on December 31, 2009, if the capacity is not reached. Metro can extend the term for an additional five-year period if the capacity has not been reached by 2009.<sup>2</sup> Section 1 of the Contract Specifications includes the following guarantee:

"Metro makes the following guarantee...: each calendar year Metro agrees to deliver to the Contractor's Disposal Site a minimum of ninety percent (90%) of the total tons of Acceptable Waste (other than ash) which Metro delivers to any general purpose landfill(s) during that calendar year."

This clause contains the following clauses that should be analyzed separately:

- "total tons of Acceptable Waste"
- "which Metro delivers"
- "to any general purpose landfill"

The issue of whether Metro would be 'delivering' waste to a general purpose landfill if it allows private individuals or franchisees to deliver such waste is the predominant issue, and will be discussed first. Each conclusion is numbered, underlined, and followed by a detailed explanation.

1. The Annual Guarantee only covers waste accepted at Metro facilities and delivered to a disposal facility by Metro. It does not cover waste delivered to a disposal facility by private individuals or franchisees even if Metro allows such deliveries through a grant of regulatory authority.

The Annual Guarantee requires Metro to deliver 90 percent of all Acceptable Waste "which Metro delivers" to any general purpose landfill. This portion of the 90 percent guarantee clause is, on its face, unambiguous.<sup>3</sup> OWS has nevertheless indicated that the phrase "Metro delivers" has an exceedingly broad meaning, and should be interpreted as applying to "all Acceptable Waste generated in the Metro region and disposed in a general purpose landfill."<sup>4</sup> This interpretation cannot be sustained.

<sup>2</sup>Bid submittal form, p. 2.

<sup>3</sup>See letter from J. Laurence Cable, Schwabe, Williamson, Wyatt, Moore & Roberts to Daniel B. Cooper, August 31, 1989, p. 1: "'Delivery' is not an ambiguous term. It will be given its plain meaning in the context in which it is employed." <u>See also</u>, memo from James S. Kincaid to Laurence Cable, September 5, 1989, p. 3, also stating that the clause is unambiguous.

<sup>4</sup>Memo from James S. Kincaid, supra, p. 12.

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In normal usage, the term "deliver" means "to take and hand over or leave for another."<sup>5</sup> In the view of this Office, the term means just that; of all the waste that Metro takes physical possession of and delivers to a general purpose landfill, 90 percent shall be delivered to OWS. If Metro provides a regulatory framework in which private companies, even if they hold a regulatory franchise from Metro, are allowed to deliver waste to a general purpose landfill and <u>not</u> deliver it to Metro in the first place, the clause is not violated.

This position is supported by other language in the agreement suggesting that the only waste that would be "delivered" to the disposal site would be waste received at Metro's transfer stations. Article 1 E. of the General Conditions defines "disposal site" as a landfill "to which 'Acceptable Waste' is <u>transferred</u> and disposed." Payment is said to be based on the quantity of waste "actually <u>transferred</u> and disposed of."<sup>6</sup> Coordination under the Specifications is oriented to coordination with "transfer vehicle operators."<sup>7</sup> Under the Specifications, payment "will be made based on weighing tickets issued at Metro facilities," which shall "accompany each transfer vehicle."<sup>8</sup> Indeed, if there is a payment discrepancy, OWS may request "recalibration of Metro scales," which is hardly a remedy if the waste was delivered by a franchised operator or private party. "Metro" is a defined term in the agreement, and does not include Metro franchisees or private generators in the Metro region. Furthermore, the only requirement for operating hours is that they "allow transfer vehicles to properly unload."<sup>9</sup> The contractor is only required to coordinate the unloading of "transfer vehicles."<sup>10</sup>

In addition, the Specification for "Type of Wastes Accepted" states pointedly that "The Contractor shall accept and dispose of all Acceptable Waste which is <u>delivered by Metro's</u> <u>Contractors</u> to the disposal site."<sup>11</sup> This provision emphasizes exactly what is meant by

#### <sup>5</sup>Webster's Ninth New Collegiate Dictionary, 1990.

<sup>6</sup>Gen. Cond., Article 19A., paragraph 2. (Emphasis added.)

<sup>7</sup>Spec., Section 3.

<sup>8</sup>Spec., Section 5.

<sup>9</sup>Spec., Section 12.

<sup>10</sup>Spec., Section 13.

<sup>11</sup>Spec., Section 14. (Emphasis added.)

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"Metro delivers" in the 90 percent guarantee clause. Metro's contractors can hardly be expected to deliver something that Metro never takes possession of in the first place.

Finally, the "Unacceptable Waste" and "Special Waste" provisions in the contract<sup>12</sup>, refer to Metro contracts for "transfer and transport" of waste. OWS was aware at the time of the bid that Metro does not make transport arrangements for privately-owned facilities operating under Metro franchise, or any other private entity.

The contract as a whole is designed to arrange for disposal of mixed municipal solid waste received by Metro at its transfer stations and delivered from there to the disposal site by Metro contractors. OWS has no reasonable expectation from reading the contract that it would be entitled to 90 percent of all waste, even if it is not mixed municipal waste, that is delivered by any entity in the region to a general purpose landfill.

This position is strongly supported by the history of adoption of the 90 percent guarantee. In late 1987, when Metro solicited bids for landfill capacity, it was in the process of configuring a system for disposing of the region's solid waste. St. Johns Landfill was scheduled to close no later than early 1991, and Metro South was receiving mixed municipal solid waste for transfer to St. Johns or its replacement.

The original bid documents contained no guarantees to the successful bidder that Metro would deliver any quantity of waste to the facility. Addendum No. 1 added a limited guarantee against waste flow fluctuations, but OWS was still concerned that it was unprotected. In a letter dated November 30, 1987, Jim Benedict, attorney for OWS, demanded that Metro provide a "meaningful guarantee of exclusiveness and a counterpart minimum flow," or OWS would not bid on the contract. Addendum No. 4 contained the 90 percent guarantee, which was as much of a guarantee as Metro was willing to provide. On its face it is clearly not a guarantee of exclusivity. It does not, as OWS would now have it, state that OWS is entitled to 90 percent of all waste generated in the region that is disposed of in a general purpose landfill.<sup>13</sup> It is nevertheless a substantial guarantee that Metro will

<sup>12</sup>Spec., Section 14; detailed discussion below.

<sup>13</sup>James S. Kincaid memo, <u>supra</u>, p. 5. The contract does not expressly require Metro to impose flow control. If the intent of the parties was that Metro prevent private parties from delivering waste to other general purpose landfills, the absence of a mechanism to carry out such a requirement is conspicuous. Metro did not adopt flow control until 1989, as part of a pledge made for bonding purposes (Ord. No. 89-319). Metro Councilors Page 5 January 26, 1993

not contract for delivery of waste from its own facilities to other general purpose landfills.<sup>14</sup> By providing the guarantee, Metro established a commitment to deliver waste to the landfill, not to prevent other general purpose landfills from accepting waste from the Metro region.

OWS puts a great deal of emphasis on evidence in the record that the 10 percent "reserve" in the 90 percent guarantee includes waste being "delivered" to Riverbend Landfill from the A.C. Trucking Transfer Station in Forest Grove, a Metro franchised facility.<sup>15</sup> OWS then infers that, under the contract, any waste that is delivered by <u>any</u> Metro franchised facility (or anyone else) has been "delivered" by Metro. From here OWS jumps to its ultimate conclusion that because Metro has regulatory authority over all waste in the region, any waste generated in the Metro region that ends up anywhere was "delivered" there by Metro.<sup>16</sup>

The record supports a conclusion that waste delivered from the region to Riverbend through the A.C. Trucking Transfer Station is part of the 10 percent reserve. Metro's relationship with both Riverbend and Forest Grove has historically been very close. The A.C. Trucking facility is currently Metro's only franchised facility accepting mixed municipal solid waste. Metro has had arrangements with Yamhill County to allow waste deliveries to extend the life

<sup>14</sup>Indeed, a statement by Richard Owings, Metro Solid Waste Director, that OWS claims supports its position makes clear that the annual waste guarantee is directed solely at <u>procurement contracts</u> entered into by <u>Metro</u>. "The vendors are also concerned that if they step up and bid and let the world know what they are willing to do this for, they don't think its fair for other private vendors to come in at a later date and say I'll provide it for \$2.00 less. Seems to be a fair argument. So what we've said is if Metro is going to contract for a general purpose landfill, it will be through this bid...." Statement to Metro Council, Dec. 11, 1987.

<sup>15</sup>Memo to Solid Waste Planning Technical Committee from Rich Owings, Solid Waste Director, November 13, 1987. Mr. Owings made clear in this memo and elsewhere that Riverbend was viewed at the time of the bid as an important part of Metro's mixed municipal waste disposal system. <u>See also</u> letter from Rich Owings to James E. Benedict, Dec. 3, 1987.

<sup>16</sup>James S. Kincaid memo, <u>supra</u>. <u>See also</u>, Draft Memo, James E. Benedict to Metro Council Solid Waste Committee, January 22, 1993. Although subject to modification prior to delivery to the Metro Solid Waste Committee, the referenced draft conspicuously ignores the presence of the word "delivers" in the 90-10 clause, and changes it to "disposes" in most references. Even as modified by OWS, the clause does not include the actions of private haulers choosing alternative facilities for wastes that Metro has not traditionally accepted for delivery at its facilities. Metro Councilors Page 6 January 26, 1993

of St. Johns, and has been negotiating with Riverbend Landfill to establish a direct contractual relationship for delivery of waste from the Metro region.<sup>17</sup>

These facts do not support the very broad interpretation of "Metro delivers" suggested by OWS. To the contrary, this evidence shows only that the A.C. Trucking "deliveries" of mixed municipal waste to Riverbend are included in the 10 percent reserve due to an historical anomaly in existence at the time Metro entered into the contract with OWS. Metro's agreement that the mixed municipal solid waste transferred through the Forest Grove facility to Riverbend <u>would</u> be included in the 10 percent reserve limited the value of the reservation to Metro and is clearly to OWS's benefit. The clause cannot, however, be stretched to include all waste generated in the region that ends up in a general purpose landfill. There is nothing in the record to support a flow control commitment of this scope, no mechanism described in the agreement to carry out, and no pledge by the Metro Council to encumber its future legislative authority in such a manner.

2. The contract definition of "Acceptable Waste" specifically excludes many "Special Wastes." OWS is not entitled to any of the listed special wastes as part of the 90 percent guarantee.

If OWS were to prevail in its claim of entitlement to 90 percent of all Acceptable Waste generated in the region and delivered by anyone to a general purpose landfill, it faces a second hurdle in the contract definition of "Acceptable Waste." This second hurdle is important because the general purpose landfills requesting designated facility status are not requesting authority to receive all wastes, but only "special wastes" and other "limited purpose" wastes. Most of the wastes now being sought by such landfills are "special wastes" under the OWS contract, with the most notable exception being the residue from construction/demolition debris processing facilities, which is sometimes referred to as "limited purpose" waste, because it can be disposed of in a "limited purpose" landfill.

"Acceptable Waste" is defined in the contract as "any and all waste that is solid waste, as the latter term is defined in ORS 459.005(18) except Unacceptable Waste, as defined below." "Unacceptable Waste" is defined as "any and all waste that is...(3) special waste without an approved special waste permit." "Special Waste" is defined as:

"any waste, (even though it may be part of a delivered load of waste), which is:

<sup>17</sup>The agreement contemplated is for procurement of landfill capacity.

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(a) containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in (c)-(h) of this definition, below; or

(b) waste transported in a bulk tanker; or

(c) liquid waste; or

(d) sludge waste; or

(e) waste from an industrial process; or

(f) waste from a pollution control process; or

(g) residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in (a)-(f) or (h) of this definition; or

(h) soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in (a)-(g) of this definition; or

(i) residential wastes listed in (a)-(h) of this definition only if a change in law, statute, regulation, rule, code, ordinance, permit, or permit condition occurs after December 21, 1987, that requires special or additional management that differs from the requirements applicable on December 21, 1987.<sup>18</sup>

The contract also states that:

"Metro shall include, in all contracts by contract (sic) for the transfer or transport of waste for disposal to the disposal site a requirement that such transfer and transport contractors use all reasonable measures to prevent Unacceptable Waste from being delivered to the disposal site."<sup>19</sup>

In the next clause, the contract states:

"Metro shall include in all contracts for the transfer and transport of waste for disposal to the disposal site a requirement that such transfer and transport contractors use all reasonable measures necessary to exclude special waste from being delivered to the disposal site, unless Metro has issued a special

<sup>19</sup><u>Id</u>.

<sup>&</sup>lt;sup>18</sup>Spec., Section 14.

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waste permit. Metro will consult with Contractor in developing a special waste permit program."<sup>20</sup>

Read together, these clauses provide that the listed special wastes are not considered to be Acceptable Waste, and thus part of the 90 percent guarantee, unless they are approved by Metro under a special waste permit. Metro no longer has a special waste permit program, nor is it required to have such a program under the contract.<sup>21</sup> Metro is required to consult with OWS regarding the development of a special waste permit program, but the consultation requirement cannot logically be interpreted to require Metro to accept special waste at its facilities for shipment to OWS in Jack Gray vehicles. Metro is entitled to do so, just as it is entitled to establish a policy for private disposal options at Metro-approved facilities. OWS therefore has no contractual claim to the wastes listed as special wastes in the contract.

Recently, OWS claimed that the definition of "Special Waste Permit" is ambiguous and should be construed against Metro.<sup>22</sup> This argument appears in essence to be that "Special Waste Permit" should be construed to mean "Designated Facility Agreement" because Metro will permit such facilities to receive special waste under the agreements.

The designated facility agreements contemplated do not resemble the special waste permit program that Metro operated at St. Johns, nor the program advanced by OWS prior to bidding on the contract. The purpose of a special waste permit is, generally, to impose a testing and pre-approval regimen on the party delivering the waste, to ensure that the waste is not hazardous and to make arrangements for special handling. The designated facility agreements simply arrange for the collection of Metro fees on waste that Metro has never accepted at its transfer stations. Testing and pre-approval are not even discussed in the agreements, because Metro will play no role in deciding whether a particular waste may be landfilled, or the cost of disposal. There is no evidence that "Special Waste Permit" as used in the agreement was intended to refer to anything other than a program of the type Metro had in effect, or that OWS proposed, at the time of the bid. Again, "consultation" cannot be construed to require that Metro accept a program for receipt of special wastes at its facilities, imposed by OWS.

Because the definition of "Acceptable Waste" in the 90 percent clause is also unambiguous, it is unlikely that evidence regarding the intent of the parties in developing it would be relevant

<sup>20</sup><u>Id</u>.

<sup>21</sup>Metro's policy has never been to accept special wastes at its transfer stations. When Metro operated a permit program, it accepted such waste only at the St. Johns Landfill.

<sup>22</sup>Draft Memo from James E. Benedict, <u>supra</u>, note 16.

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to the decision of an arbitrator or judge as to whether Metro must provide 90 percent of such wastes to OWS. It is interesting to note, however, that provisions for exclusion of special wastes from the materials being shipped to the landfill were proposed by OWS prior to the bid date, in a letter from Jim Benedict, attorney for OWS, to Dennis O'Neil dated November 6, 1987. In that letter, OWS stated:

"A landfill operator needs assurances that hazardous and <u>special wastes have</u> <u>been excluded</u> from material that will arrive at the gate of the remote landfill. The remote landfill is not the place to attempt <u>to exclude</u> such wastes. These wastes are most effectively <u>excluded</u> at the source and at the transfer stations. Such wastes are difficult to detect or <u>exclude</u> at the landfill. To the extent they are detected at the landfill the costs of managing them at that point increases substantially."<sup>23</sup>

An enclosure to the same letter also states that: "Waste Management will be willing to undertake (significant liabilities inherent in owning and operating a landfill) only if it is assured that unacceptable, hazardous <u>and special wastes are excluded</u> at the source."<sup>24</sup>

During the bid process, OWS submitted a document entitled "Summary of Hazardous and Special Waste Program."<sup>25</sup> The document describes a detailed system for handling special wastes at Metro facilities that Metro has chosen not to implement. The list of special wastes in the contract was apparently taken from this document, and much larger portions of the document were not included. The document states that: "In general, the terms (sic) 'special waste' refers to wastes which may be hazardous wastes or having characteristics that could

<sup>23</sup>Pp. 3-4. (Emphasis added.)

<sup>24</sup>Enclosure "Waste Management's Comments and Requests for Clarification, Metro-Waste Disposal Services Contract Documents, November 6, 1986 (sic)," p. 3. (Emphasis added.) The enclosure also states: "Metro must provide assurances that Metro will implement a satisfactory waste hazardous (sic) and <u>special waste exclusion program</u>," and states that the contract should include a provision to the effect that "Metro warrants that it will implement for all waste sent to the landfill at the receiving stations for such waste a hazardous and <u>special waste exclusion program</u> that is acceptable to contractor. Metro will indemnify contractor for any damages attributable to Metro's failure to properly implement and perform the agreed upon <u>exclusion program</u>." Id. (Emphasis added.)

<sup>25</sup>"Oregon Waste Systems' first supplemental comments and Request for Clarification of Metro Waste Disposal Services Contract Documents," November 30, 1987, Attachment A and Appendix 1. Metro Councilors Page 10 January 26, 1993

create hazards to human health or the environment, if the waste is mismanaged."<sup>26</sup> It is reasonable to interpret the list of special wastes in the contract consistent with this definition, and thus to include only waste that requires special handling and additional testing prior to disposal at a Metro facility or at a landfill. Generally, such materials are not now delivered to Metro facilities.

At the request of OWS, Metro promised to implement a program for excluding "special wastes" from shipments to the disposal facility. Metro may still ship such wastes, if necessary, under a special waste permit program developed in consultation with OWS. "Special Wastes" are nevertheless excluded from the definition of "Acceptable Waste" for all purposes in the contract, including the Annual Guarantee. After demanding that such waste be excluded from delivery to its disposal facility, OWS cannot now demand that Metro somehow deliver to that facility 90 percent of such waste destined for a general purpose landfill.

3. Because the Annual Guarantee relates only to waste delivered "to any general purpose landfill(s)," OWS's interpretation of the clause does not provide any assurance that any "Special Waste" or "limited purpose" waste will be delivered to Columbia Ridge Landfill.

Metro and OWS appear to be in agreement that a general purpose landfill is one capable of accepting mixed municipal waste and other putrescible waste, along with a wide variety of special wastes. A limited purpose landfill is one that is constrained with regard to the types of wastes that it is allowed to accept. Even though a portion of Hillsboro Landfill is currently lined and has a leachate collection system, it is not allowed to receive putrescibles or other mixed municipal solid waste, and is therefore a "limited purpose landfill."

OWS claims that Metro cannot allow more than 10 percent of the region's "special wastes" and "limited purpose" wastes (construction/demolition debris) from going to general purpose landfills. OWS is apparently not concerned that Hillsboro Landfill (and perhaps other limited purpose facilities) can accept many types of wastes included in these categories. Furthermore, a general purpose landfill could conceivably establish a limited purpose cell on the site of its general purpose landfill and thereby be a limited purpose landfill for the purpose of this clause.

This demonstrates the absurdity of the approach being taken by OWS. The purpose of the clause was clearly to give OWS reasonable assurances that Metro would not <u>purchase</u> capacity in another general purpose landfill for more than 10 percent of the mixed municipal waste that <u>Metro</u> delivers to general purpose landfills. The designated facility proposal

<sup>26</sup><u>Id</u>., p. 1.

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currently under consideration conforms to that basic purpose, and allows OWS to compete for the "special" waste in question. Even if OWS prevailed in asserting its interpretation of the contract, Metro could direct that all the wastes in question will be disposed of at Hillsboro Landfill or other "limited purpose" facilities.

4. The contract as a whole does not support OWS's claim that Metro promised to deliver to OWS 90 percent of all waste generated in the region that anyone delivers to a general purpose landfill.

In an earlier dispute, OWS simplified its argument as follows: Metro requested bids for a replacement for the St. Johns Landfill and based its flow estimates on St. Johns flow. The St. Johns Landfill was, other than Riverbend, the region's only general purpose landfill. Metro therefore promised not to allow any waste to go from the Metro region to any general purpose landfill other than Riverbend, and would only allow 10 percent to go there.<sup>27</sup>

Fortunately for Metro, the contract does not say that, nor does the record. The contract says that Metro has reserved space in a general purpose landfill for 16,923,000 tons of mixed municipal solid waste, and that it may deliver that waste over a 25-year period. The record shows that Metro intended to retain maximum flexibility to establish sound, economical solid waste disposal policy for the region, and provided a set of limited waste delivery guarantees upon a request by OWS for an exclusive arrangement. The 90 percent clause, and the contract as a whole, function very well to ensure that Metro will not begin delivering waste from its facilities to a competing landfill to the detriment of OWS.

The contract also allows Metro to establish alternative management programs for wastes that Metro does not want delivered to its facilities. Metro South, the only Metro facility in operation at the time of the bid, was never suited to receive many of the special wastes being discussed, and did not traditionally receive such wastes. There are sound public policy reasons for excluding materials that require special handling, from transfer stations designed for mixed, municipal solid waste. Such materials often require testing and special handling, and cannot simply be tipped onto the floor and compacted into transport trailers designed to carry mixed municipal waste.

<sup>27</sup>See James S. Kincaid memo, cited in footnote 3. The memo heavily emphasizes waste flow projections contained in the agreement that were based on waste deliveries to St. Johns Landfill. Section 1 of the Specifications states that the purpose of the projections is "...to aid the Contractor in scheduling. <u>The flows are estimates only, and Metro reserves the right to vary the quantities without limit.</u>" (Emphasis added.)

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OWS cannot now rewrite the disposal services contract to apply to all waste generated in the region and disposed of in a general purpose landfill. Neither the contract language, the history of its adoption, nor the contract as a whole supports the broad interpretation now proffered by OWS.

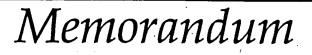
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cc: Daniel B. Cooper Bob Martin John Houser

Meeting Date: February 11, 1993 Agenda Item No. 6.1

ORDINANCE NO. 93-482

### **METRO**



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

DATE: February 5, 1993

TO: Metro Council Executive Officer Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 6.1; ORDINANCE NO. 93-482

The Solid Waste Committee report on Ordinance No. 93-482 will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

### METRO



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

To: Solid Waste Committee Members

From: John Houser, Council Analyst

Date: January 25, 1993

Re: Ordinance No. 93-482, For the Purpose of Amending Metro Code Chapter 5.02, Disposal Charges and User Fees at Metro Facilities

Memorandum

Ordinance No. 93-482 is scheduled to be considered by the committee at the February 2 meeting.

#### Background

During recent committee discussions of the operation of Metro's household hazardous waste (HHW) facilities, several councilors have expressed interest in the development of revenue sources to offset the increases in projected operating costs. This ordinance would establish a small fee for users of these facilities.

Most users would pay a \$5 fee, while those with larger loads or wastes that require special handling would pay a \$10 fee. Estimated annual revenue from the fees would be \$110,000. (Total program costs are \$2.4 million.) The staff report indicates that the fees are set at a level that will hopefully not reduce facility usage. But, the report suggests that the fees are "experimental" and subject to adjustement.

The Rate Review Committee has reviewed and recommends approval of the ordinance.

#### Issues and Questions

The committee may wish to address the following issues and questions related to the proposed ordinance:

1) If the Council adopts the ordinance at its February 11 meeting, will the fees be in place when the HHW facility at Metro Central opens?

2) The definition of special loads indicates that the \$10 fee would be applied to "acutely hazardous" wastes. These wastes are defined in related federal and state law. To avoid possible enforcementrelated confusion, the committee may wish to amend the ordinance to add the phrase "as defined by law" to the definition of "special loads."

#### **BEFORE THE METRO COUNCIL**

FOR THE PURPOSE OF AMENDING)METRO CODE CHAPTER 5.02,)METRO SOLID WASTE DISPOSAL)CHARGES AND USER FEES AT METRO )FACILITIES)

#### ORDINANCE NO. 93-482

Introduced by Rena Cusma, Executive Officer

WHEREAS, The projected number of participants expected to use the Metro household hazardous waste facilities in 1993 is 20,000; and

WHEREAS, The total cost of processing household hazardous waste is about \$95 per participant; and

WHEREAS, No fee is currently charged for the processing of household hazardous waste; and

WHEREAS, The Metro Council has reviewed and considered the need to establish a fee to offset the cost of processing household hazardous waste and have found that such a fee is justified;

WHEREAS, The ordinance was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS:

Section 1. Metro Code Section 5.02.015 Definitions: is amended as follows:

5.02.015 Definitions: As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

(b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro Central Station, or the MSW Compost Facility.

(c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro Central Station, or the MSW Compost Facility.

(d) "Disposal Fee" means those fees which pay the direct unit costs of transportation and disposal of general purpose solid waste. Major cost components are: The long haul transport contract and the Oregon Waste Systems, Inc. disposal contract.

(e) "Enhancement Fees" means those fees collected in addition to general disposal rates that are used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

(f) "Household hazardous waste" means any discarded, useless or unwanted chemical, material, substance or product that is or may be hazardous or toxic to the public or the environment and is commonly used in or around households which may include, but is not limited to, some cleaners, solvents, pesticides, and automotive and paint products.

(g) "Limited Purpose Solid Waste" means construction, demolition, process residue, land clearing waste and non-hazardous industrial dust.

(h) "Metro Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97210.

(i) "Metro Disposal System" means Metro South Station, Metro Central Station, MSW Compost Facility, Columbia Ridge Landfill and such other facilities, or contracts for service with Metro which transfer or cause solid waste to be disposed at the Columbia Ridge Landfill or other disposal facility.

(j) "MSW Compost Facility" is that solid waste mass compost facility located at 5611 N.E. Columbia Boulevard, Portland, Oregon, 97232.

(k) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 2001 Washington, Oregon City, Oregon 97045.

(1) "Metro User Fee (Tier Two)" means those fees which pay for fixed costs of the Metro Disposal System. This fee is imposed upon all solid waste delivered to any Metro Disposal System facility which delivery will affect Metro's reserved space capacity at the Columbia Ridge Landfill. Fixed costs of the Oregon Waste Systems disposal contract, the long haul transport contract, debt service and capital items directly related to the facilities are paid through this fee.

(m) "Metro Waste Management System" means all associated Metro solid waste services related to management of the whole recycling, processing and disposal system, including administrative, planning, financial, engineering and waste reduction activities.

(n) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

(o) "Regional Transfer Charge" means those fees which pay the direct unit operating costs of the Metro transfer stations and compost facility. This fee is imposed upon all solid waste delivered to Metro Disposal System facilities.

(p) "Regional User Fee (Tier One)" means those fees which pay for fixed costs associated with administrative, financial and engineering services and waste reduction activities of the Metro Waste Management System. Contingency fees on all costs and general transfers of solid waste funds to other Metro departments for direct services are included in this fee. This fee is collected on all solid waste originating or disposed within the region.

(q) "Special Loads" mean all loads of Household Hazardous Waste that are 35 gallons or more in the aggregate or loads that contain any acutely hazardous waste.

(r) "St. Johns Landfill" is that landfill owned and managed by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, which is closed to all commercial activities and is now undergoing active closure.

(s) "Solid Waste" means all putrescible and nonputrescible wastes, including garbage, rubbish, refuse, paper and cardboard, commercial, industrial, demolition and construction waste, home and industrial appliances.

(t) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

(u) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- (1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 through 9 and 11 of this definition below; or
- (2) Waste transported in a bulk tanker; or
- (3) Liquid waste including outdated, off spec liquid food waste or liquids of any type when the quantity and the load would fail the paint filter liquid (Method 9095, SW-846) test or is 25 gallons of free liquid per load, whichever is more restrictive.

(4) Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

- (A) All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating.
- (B) The ends have been removed (for containers in excess of 25 gallons); and
- (C) No more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner; or
- (D) No more than 1% by weight of the total capacity of the container remains in the container (for containers up to 110 gallons); or
- (E) No more than 0.3% by weight of the total capacity of the container remains in the container for containers larger than 110 gallons.

Containers which once held acutely hazardous wastes must be triple rinsed with an appropriate solvent or cleaned by an equivalent alternative method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed with an appropriate solvent or cleaned by an equivalent method. Plastic containers larger than five (5) gallons that hold any regulated waste must be cut in half or punctured, dry and free of contamination to be accepted as refuse; or

- (5) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or
- (6) Waste from an industrial process; or
- (7) Waste from a pollution control process; or
- (8) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in 1 through 7 or 9 of this definition; or
- (9) Soil, water, residue, debris, or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 through 8 of this definition; or

- (10) Chemical containing equipment removed from service (for example filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or
- (11) Waste in waste containers that are marked with a National Fire Protection Association identification label that has a hazard rating of 2, 3, or 4 but not empty containers so marked; or
- (12) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products.

- (v) "Total Fees" means the total per transaction of all tip and special fees.
- (w) "Unacceptable Waste" means any and all waste that is either:
  - (1) Waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or
  - (2) A hazardous waste; or
  - (3) Special waste without an approved special waste permit; or
  - (4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1; Ordinance No. 91-

Section 2 - Metro Code Section 5.02.025 Disposal Charges at Metro South Station,

Metro Central Station and the MSW Compost Facility is amended to read as follows:

### 5.02.025 Disposal Charges at Metro South Station, Metro Central Station, the MSW

#### Compost Facility and the Metro Household Hazardous Waste Facilities.

(a) Total fees for disposal shall be \$75.00 (Seventy-five dollars) per ton of solid waste delivered for disposal at the Metro South Station, Metro Central Station and the MSW Compost Facility.

An enhancement fee of \$.50 per ton is established to be charged at the Metro **(b)** South Station, Metro Central Station and the MSW Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons using Metro South Station, other than Credit Account Customers, who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck not greater than a 3/4 ton capacity. The foregoing recyclable material credit shall not apply at Metro Central Station or the MSW Compost Facility.

The disposal fee and enhancement fee established by this section shall be in (d) addition to other fees, charges and surcharges established pursuant to this chapter.

The following table summarizes the disposal charges to be collected by the (e) Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro Central Station and the MSW Compost Facility. The minimum charge for all vehicles shall be \$19.00.

Total fees assessed at Metro facilities shall be rounded to the nearest whole dollar (f) amount (a \$.50 charge shall be rounded up) for all cash account customers.

(g) A fee of \$5.00 is established to be charged at the Metro Household Hazardous Waste

facilities for each load of Household Hazardous Waste.

(h) A fee of \$10.00 is established at the Metro Household Hazardous Waste facilities for

ADOPTED by the Metro Council this day of

. 1993

Judy Wyers, Presiding Officer

RB:clk January 20, 1993 RESOLUTI\SW93482.ORD

Special Loads.

#### STAFF REPORT

#### IN CONSIDERATION OF ORDINANCE NO. 93-482 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.02, DISPOSAL CHARGES AND USER FEES AT METRO FACILITIES.

Date: December 20, 1993

Presented By: Sam Chandler

#### PROPOSED ACTION

Adoption of Ordinance No. 93-482 establishing a fee for processing household hazardous waste.

#### BACKGROUND AND ANALYSIS

The projected number of participants expected to visit Metro household hazardous waste facilities in 1993 is 20,000. The current cost for processing household hazardous waste is about \$95.00 per participant. In response to the Metro Council's request that the solid waste staff consider new sources of revenue for funding processing and disposal costs, it is recommended that a small fee be charged to offset a portion of the cost of processing household hazardous waste at Metro's facilities.

Approximately 90% of the incoming household hazardous waste loads are manageable with standard operating procedures but the remaining 10% require additional attention due to quantity or type of materials. For the 90% of what may be characterized as typical loads, a \$5.00 charge is recommended for FY 1993-94. For the remaining 10%, a \$10.00 charge is recommended.

It should be pointed out that the recommended charge for a typical load was set at \$5.00 with the understanding that a higher charge would probably discourage participation and that the program receives most of its funding through the tip fee. The new fee is considered "experimental" and may need to be adjusted.

#### BUDGET IMPACT

Over the course of a year, the estimated total revenue is \$110,000 as follows:

Typical loads	$18,000 \times 5 = 90,000$
Special loads	$2,000 \times 10 = 20,000$
Total (average \$ per participant)	$20,000 \times $ $5.50 = $ $110,000$

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 93-482

s/bark/staffipf/staff482.rpt (RB:cik)

Meeting Date: February 11, 1993 Agenda Item No. 7.1

RESOLUTION NO. 93-1742

### **METRO**



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

# Memorandum

DATE: February 5, 1993

TO: Metro Council Executive Officer Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.1; RESOLUTION NO. 93-1742A

The Governmental Affairs Committee report on Resolution No. 93-1472<u>A</u> will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

#### BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING CITIZEN MEMBER APPOINTEES TO THE METRO POLICY ADVISORY COMMITTEE (MPAC) ) RESOLUTION NO. 93-1742A

) Introduced by Rena Cusma ) Executive Officer

WHEREAS, The voters of the District approved a Metro Charter in the General Election of November 3, 1992 which document establishes a Metro Policy Advisory Committee (MPAC), and;

WHEREAS, The Metro Charter, and Metro Code Section 6.01.030, provides that three citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Executive Officer and confirmed by the council, and;

WHEREAS, Such members shall reside within the District boundaries but may not be an elected officer of or employed by Metro, the state, or a city, county or special district, and;

WHEREAS, It is necessary for the conduct of Metro Policy Advisory Committee (MPAC) business that citizen members representing Metro be named and seated; now, therefore,

BE IT RESOLVED

1. That James Zehren[ $\tau$ ] and Arnold Polk [and Sandra Suran], citizens of the [District] Metro area, be confirmed as members of the Metro Policy Advisory Committee (MPAC).

2. That citizen members representing Metro shall serve indefinite terms until such time as they may be replaced by subsequent appointment or appointments of the Executive Officer and confirmed by the Metro Council.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

#### Judy Wyers, Presiding Officer

02-01-93 12:14

971 PØ2

### Arnold S. Polk

4340 S.W. 110th BEAVERTON, OR 97005 (503) 626-7700 FAX (503) 627-0963

ATTORNEY AT LAW

CERTIFIED PUBLIC ACCOUNTANT

#### RESUME

#### OCCUPATION:

Attorney at law, private practice since 1981. Certified Public Accountant, private practice since 1969.

**EDUCATION:** 

Juris Doctor, University of Oregon, 1980. BBA, University of Wisconsin, 1969.

**PUBLIC SECTOR:** 

Metro's 1% for Recycling Committee, 1992–93. Curry County Planning Commission, 1975–76.

PROFESSIONAL ORGANIZATIONS: Oregon State, Multnomah County, and Washington County Bar Associations. Oregon Society of CPAs.

Co-Chair of OSCPA Ethics Committee, 1983-84.

#### **OTHER EXPERIENCE:**

Oregon State University, Instructor of Auditing, 1980–81. CPA Exam Review, Instructor of Business Law, 1979–83. Portland Community College, Instructor of Accounting, 1982.

Southwestern Oregon Community College, Instructor of Accounting, 1977.

STOEL RIVES BOLEY IONES & GREY



#### JAMES A. ZEHREN

#### Law Practice:

Mr. Zehren's practice is concentrated in construction and design law, including dispute resolution, preventive law, and business transactions. His practice emphasizes construction lien and public bond claim law as well as preparation of construction and design contract documents. Admitted to Oregon State Bar, 1985.

#### Education:

Northwestern School of Law of Lewis and Clark College, J.D., magna cum laude, 1985; University of Minnesota, M.A., anthropology, 1976; University of Minnesota, Hubert H. Humphrey School of Public Affairs, M.A., public affairs, 1975; North Dakota State University, B.S., industrial engineering, 1970; Little Falls Senior High School, Little Falls, Minnesota, 1966.

#### Publications:

Co-Author, "Indemnity and Contribution," Torts § 9 (Oregon CLE 1987 Supp).

#### Government and Community Activities:

Board of Governors and Řesearch Board, City Club of Portland, 1992-93; Board of Directors and Executive Committee, Oregon Downtown Development Association, 1991-93; Managing Growth Implementation Committee, Portland Future Focus, City of Portland, 1992-93; Regional Policy Advisory Committee, Metropolitan Service District, 1992; Treasurer, First Unitarian Church, Portland, 1992; Board of Trustees, First Unitarian Church, 1991-92; Board of Directors, West Portland Park Neighborhood Association, 1991-92; on-loan, part-time policy staff, Oregon Progress Board, State of Oregon, 1990-92; Portland Future Focus Strategic Plan Final Adoption Retreat, 1991; Ad Hoc Financial Planning Committee, First Unitarian Church, 1990-91; Diversity Working Group, Portland Future Focus, 1991; Chair, Social Associations/Citizen Participation Subcommittee, Study of Racial and Ethical Relations, City Club, 1989-91; Government and Taxation Standing Committee, City Club, 1987-89; Economic Strategy for Oregon Committee, City Club, 1987; Tourism Task Force, City Club, 1986-87; Oregon Comeback Project, Neil Goldschmidt for Governor, 1986; various local, state, and federal office political campaigns, Oregon and Minnesota; neighborhood association board of directors, Minneapolis.

#### Pre-Law Background:

Research and Development Analyst, Exposition-Recreation Commission, City of Portland, 1981-82; Research Associate, Citizens League, Minneapolis, Minnesota, 1979-80; Staff Assistant to Congressman Martin Sabo, Minneapolis, 1979; Legislative Aide to Speaker, Minnesota House of Representatives, 1976-79; Research Analyst, Majority Caucus Research, Minnesota House of Representatives, 1975-76; Administrative Aide to Mayor of Minneapolis, 1974-75; Graduate Teaching Assistant (anthropology), University of Minnesota, 1972-73; Assistant City Appraiser, Moorhead, Minnesota, 1971-72; Assistant to Dean of Students, North Dakota State University, 1970-71. Born October 29, 1948, Breckenridge, Minnesota.

#### BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING CITIZEN	) RESOLUTION NO. 93-1742
MEMBER APPOINTEES TO THE METRO POLICY	
ADVISORY COMMITTEE (MPAC)	)Introduced by Rena Cusma
	)Executive Officer

WHEREAS, the voters of the District approved a Metro Charter in the General Election of November 3, 1992 which document establishes a Metro Policy Advisory Committee (MPAC), and;

WHEREAS, the Metro Charter, and Metro Code Section 6.01.030, provides that three citizen members of the Metro Policy Advisory Committee (MPAC) shall be appointed by the Executive Officer and confirmed by the council, and;

WHEREAS, such members shall reside within the District boundaries but may not be an elected officer of or employed by Metro, the state, or a city, county or special district, and;

WHEREAS, it is necessary for the conduct of Metro Policy Advisory Committee (MPAC) business that citizen members representing Metro be named and seated; now, therefore,

BE IT RESOLVED

1. That James Zehren, Arnold Polk and Susan Suran, citizens of the District, be confirmed as members of the Metro Policy Advisory Committee (MPAC):

2. That citizen members representing Metro shall serve indefinite terms until such time as they may be replaced by subsequent appointment or appointments of the Executive Officer and confirmed by the Metro Council.

ADOPTED by the Metro Council this \_\_\_\_\_ day of , 1993.

Judy Wyers, Presiding Officer

#### STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1742 FOR THE PURPOSE OF CONFIRMING CITIZEN MEMBER APPOINTEES TO THE METRO POLICY ADVISORY COMMITTEE (MPAC).

Date: January 27, 1993

Presented by Don Rocks

#### **PROPOSED ACTION:**

To adopt a resolution naming James Zehren, Susan Suran and Arnold Polk to serve as citizen members of MPAC representing Metro. Council approval constitutes confirmation as required by the Metro Charter and Metro Code Section 6.01.030.

#### BACKGROUND AND ANALYSIS:

The three Metro citizen representatives appointed by the Executive Officer have been interviewed, understand the commitment they are making and the importance of the MPAC responsibility. Each of the appointees has a history of involvement in public affairs and policy.

The appointees understand that MPAC's first job is one of organizing to conduct business. The Executive Officer has confidence in their ability to make a contribution to this initial phase.

Appointees also understand that they have not been appointed for a specific term and may at an unspecified future time be replaced even as the thrust of MPAC's work or the issues under consideration may benefit from specific or additional expertise.

Appointees have been selected with an eye to geographic distribution and balance, but are not and will not be named on a formula basis that would lock-in a requirement that a representative be named from each of the three counties.

Attachments to this staff report (Resume) will be provided as soon as received.

Meeting Date: February 11, 1993 Agenda Item No. 7.2

### RESOLUTION NO. 93-1749A

## **METRO**

# Memorandum

1A



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

DATE: February 5, 1993

TO: Metro Council Executive Officer Interested Parties

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.2; RESOLUTION NO. 93-1749A

The Solid Waste Committee report on Resolution No. 93-1749<u>A</u> will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

### BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING )RESOLUTION NO. 93-1749AA NEW METRO SOLID WASTE ))ADVISORY COMMITTEE ))Introduced by Rena Cusma)Executive Officer

WHEREAS, Resolution No. 87-785-A established a Solid Waste Policy Committee and a Solid Waste Technical Committee to advise the Council on solid waste policy issues; and

WHEREAS, Many of the significant issues related to facility siting and consistency with local government plans have now been addressed by the Council and the Policy and Technical Committees; and

WHEREAS, There is a continuing need for a Metro solid waste advisory committee to review implementation of existing plans and evaluate new policies; and

WHEREAS, The Solid Waste Technical and Policy Committees have recommended that the solid waste advisory function can better be performed by a single advisory committee; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED, That the Metro Council

 That a Metro Solid Waste Advisory Committee be established. Once the new Committee is established by this Resolution, the Solid Waste Policy and Technical Committees shall no longer exist.

- 2. That the members of the Metro Solid Waste Advisory Committee be appointed as described in Exhibit A.
- 3. That the Metro Solid Waste Advisory Committee shall adopt by-laws that include elements described in Exhibit A concerning Committee responsibilities, membership, officers, and subcommittees.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1993.

Judy Wyers, Presiding Officer

### EXHIBIT A

### ELEMENTS TO BE INCLUDED IN BY-LAWS OF THE METRO SOLID WASTE ADVISORY COMMITTEE

### Committee Responsibilities

- 1. Evaluate policy options and present policy recommendations to the Metro Council and Executive Officer regarding regional solid waste management and planning.
- 2. Advise Metro on the implementation of existing solid waste plans and policies.
- 3. <u>Review\_reports from the Solid Waste Rate Review Committee.</u>
- [3]4. Provide recommendations concerning the solid waste planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors.
- [4]5. Provide recommendations on the compliance of regional solid waste management and planning with applicable state requirements.
- [5]6. Provide recommendations on alternative solid waste policies and practices developed by subcommittees of the Solid Waste Advisory Committee.
- [6]7. Recommend needs and opportunities for involving citizens in solid waste issues.
- [7]8. Recommend measures to build regional consensus for the management of solid waste.

#### Membership

Voting members:

```
Metro Council (1)
Clackamas County (1)
Multnomah County (1)
Washington County (1)
Clackamas County Cities (1)
Multnomah County Cities (1)
Washington County Cities (1)
City of Portland (1)
Solid Waste Hauling Industry (4)
Recycling Industry (1)
Solid Waste Facilities (3)
Citizens (3)
```

### Non-Voting Associate Members:

Metro Solid Waste Department Director (1) Department of Environmental Quality (1) Port of Portland (1) Clark County (1) Marion County (1) Yamhill County (1)

Additional associate members without a vote may serve on the Committee at the pleasure of the Committee.

### Appointment of Members

- 1. Representatives from the Counties shall be appointed by the Chairperson of the County Board.
- 2. The representative from the City of Portland shall be appointed by the Mayor of Portland.
- 3. Representatives of Cities within a County shall be appointed by consensus of those Cities.
- 4. A pool of candidates for the citizen representatives shall be nominated by the participating jurisdictions and the Metro Executive Officer shall appoint one citizen member for each County.
- 5. Industry candidates shall be solicited from the industry and appointed by the Metro Executive Officer. Solid waste hauling industry representatives shall include one from each of the three Counties.

### **Officers**

- 1. The permanent Chairperson of the Committee shall be the Metro Council Solid Waste Committee Chairperson.
- 2. In the absence of the Chairperson, the Committee shall be chaired by the Metro Council Solid Waste Committee Vice-Chairperson.

### Subcommittees

Working groups may be established by the Chairperson as necessary upon request of the Committee. Membership composition shall be determined according to mission and may include individuals who are not members of the Committee. All such sub-committees shall report to the Committee.

mgs\SWC\93-1749.AMD

### STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 93-1749 FOR THE PURPOSE OF ESTABLISHING A NEW METRO SOLID WASTE ADVISORY COMMITTEE

### Date: January 15, 1993

Presented by: Terry Petersen

### **PROPOSED ACTION**

Create a new Metro Solid Waste Advisory Committee that performs the functions of the existing Solid Waste Policy and Technical Committees. The Policy and Technical Committees would cease to exist after adoption of this resolution.

### <u>BACKGROUND</u>

In 1987 the Council established the Solid Waste Policy and Technical Committees. The Committees have played an important role in evaluating solid waste policy and technical issues and in developing the Regional Solid Waste Management Plan.

There is an ongoing need for the Metro Council, Executive Officer, and Solid Waste Department Staff to receive advice on solid waste planning and management. Because of the changing nature of issues being addressed, however, the Committees recently reviewed opportunities for reorganization that would make their work more effective.

At a joint meeting of the Committees on January 14, 1993, a unanimous recommendation was adopted that the Policy and Technical Committees be combined into a single Metro Solid Waste Advisory Committee. Key elements concerning membership, appointment process, officers, and subcommittees are included as Exhibit A of the Resolution.

The new Metro Solid Waste Advisory Committee would:

- 1. Evaluate policy options and present policy recommendations to the Metro Council and Executive Officer regarding regional solid waste management and planning.
- 2. Advise Metro on the implementation of existing solid waste plans and policies.
- 3. Provide recommendations concerning the solid waste planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors.
- 4. Provide recommendations on the compliance of regional solid waste management and planning with applicable state requirements.

- 5. Provide recommendations on alternative solid waste policies and practices developed by subcommittees of the Solid Waste Advisory Committee.
- 6. Recommend needs and opportunities for involving citizens in solid waste issues.
- 7. Recommend measures to build regional consensus for the management of solid waste.

### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1749.

TP:clk SHARE/PETE/COMM/STAF0115.RPT

Meeting Date: February 11, 1993 / Agenda Item No. 7.3

### RESOLUTION NO. 93-1750

### **METRO**



1:A



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

DATE: February 5, 1993

TO: Metro Council Executive Officer Interested Parties

**FROM:** Paulette Allen, Clerk of the Council<sup> $\forall$ </sup>

RE: AGENDA ITEM NO. 7.3; RESOLUTION NO. 93-1750

The Solid Waste Committee report on Resolution No. 93-1750 will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

### BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH STOP OREGON LITTER AND VANDALISM (SOLV) FOR SPONSORSHIP OF THE ANNUAL "SOLV-IT" CLEANUP EVENT ON SATURDAY, APRIL 17, 1993

### RESOLUTION NO. 93-1750

INTRODUCED BY RENA CUSMA, EXECUTIVE OFFICER

WHEREAS, Metro supports cleanup events to rid the region of illegal dump sites and to assist local governments with clean-up of chronic problem sites; and

WHEREAS, Metro has provided technical and financial support for the past three "SOLV-IT" events; and

WHEREAS, the 1992 "SOLV-IT" event succeeded in collecting more than

63 tons of mixed solid waste, nearly 30 tons of recyclable scrap metal, more than 45 tons of wood waste and yard debris, and 6,841 waste tires; and

WHEREAS, the annual event is coordinated by Stop Oregon Litter and Vandalism (SOLV) and KINK Radio, and includes the three other major sponsors: Metro, Safeway, Inc., Bank of America; and

WHEREAS, the coordinating agencies are the only organizations qualified to perform the services as outlined in the contractual Scope of Work; and

WHEREAS, the Executive Officer has reviewed the contract with SOLV and hereby recommends Council approval; now, therefore,

### BE IT RESOLVED, THAT

The Metro Contract Review Board hereby exempts the attached contract (Exhibit "A" hereto) with SOLV from the competitive proposal requirement pursuant to Metro Code Chapter 2.04.060. because the Board finds SOLV and KINK Radio the sole providers of the required services.

ADOPTED by the Metro Contract Review Board this \_\_\_\_\_day of \_\_\_\_\_\_day of \_\_\_\_\_\_\_

Judy Wyers, Presiding Officer

JM:clk 01/21/93 SW931750.RES

### PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, referred to herein as "Metro," located at 2000 S.W. First Avenue, Portland, OR 97201-5398, and STOP OREGON LITTER AND VANDALISM (SOLV), referred to herein as "Contractor," located at P.O. Box 1235, Hillsboro, Oregon 97123.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. <u>Duration</u>. This personal services agreement shall be effective February 15, 1993 1993, and shall remain in effect until and including June 15, 1993, unless terminated or extended as provided in this Agreement.

2. <u>Scope of Work</u>. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. <u>Payment</u>. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed THIRTY THOUSAND AND 00/100THS DOLLARS (\$30,000).

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

c. <u>Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL</u> <u>INSUREDS</u>. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.

PAGE 1 of 4 -- PERSONAL SERVICES AGREEMENT -- METRO CONTRACT NO. 902882

d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. <u>Indemnification</u>. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless 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 Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. <u>Maintenance of Records</u>. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. <u>Ownership of Documents</u>. 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 that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. <u>Project Information</u>. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. <u>Right to Withhold Payments</u>. Metro shall have the right to withhold from payments due to 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.

11. <u>State and Federal Law Constraints</u>. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. <u>Situs</u>. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. <u>Assignment</u>. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. <u>Termination</u>. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. <u>No Waiver of Claims</u>. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. <u>Modification</u>. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

STOP OREGON LITTER AND VANDALISM (SOLV)

METRO

Ву:	By:
Print name and title	Print name and title
Date:	Date:
• •	

PAGE 4 of 4 -- PERSONAL SERVICES AGREEMENT -- METRO CONTRACT NO. 902882

### METRO CONTRACT NO. 902882

### EXHIBIT A

### **SCOPE OF WORK**

Project: Coordination of Annual "SOLV-IT" Event

Contractor: Stop Oregon Litter and Vandalism (SOLV)

Project Term: February 15, 1993 through June 15, 1993

### **CONTRACTOR'S RESPONSIBILITIES:**

Contractor shall be responsible for the following cleanup program, to be coordinated Saturday, April 17, 1993 at local sites and up to 12 illegal dump sites in the metro region :

- 1. Cleanup Events at Chronic County/City Sites:
  - Community-based cleanup events will include collection of separated recyclabes and/or reusables such as scrap metal, tires, etc. conducted at chronic local sites. The number of events will be determined by April 17, 1993.
- 2. <u>Cleanup of Illegal Dump Sites on Public Land</u>:
  - a. Activities and/or events must be distinctly different from normal maintenance responsibilities of local governments (such as public works road crews or parks department cleanups).
  - b. Installation of prevention devices such as barricades or plantings for sites as appropriate.

<u>Reporting</u>: The Contractor's Project Manager will provide Metro with information pertaining to events as follows:

- 1. A short report related to the County/City cleanups to include:
  - a. Total amount collected for each type of material and where material was disposed or recycled;
  - b. Number of participants in the event and number of volunteers contributing to the cleanup and recycling activities.
- 2. A summary report of all illegal dump site cleanups, including event highlights.

### METRO'S RESPONSIBILITIES:

The Metro Project Manager will provide assistance as necessary to develop and evaluate the project, including coordination between the Contractor and Metro's Public Affairs Department staff.

### PAYMENT AND EVENT REVENUE:

Metro will expedite the lump sum payment of \$30,000 to the Contractor immediately following contract approval. Any expenses which exceed Metro's total cash contribution of \$30,000 are the responsibility of the Contractor. The majority of the event revenue is contributed by the following major sponsors: Metro, KINK, Bank of America and Safeway, Inc. Additional revenue is generated from donations of \$10,000 and \$5,000 packages from other local businesses, to be used in covering costs of staging the SOLV-IT event.

JM:clk January 22, 1993 s:\mandt\contract\SOLV-IT.93

Procurement Review Summary



**METRO** 

2000 SW First Ave. Portland, OR 97201-5398 (503) 221-1646

To: Procurement an	d Contracts Division			Vendor	
From		Date January 22,	1993	Stop Oregor	h Litter and Vandalism
Department Solid		Subject		P.O. Box 1 H <del>illsboro,</del>	
Indit	istration ————————————————————————————————————	Bid D	X Contract		
NameOut in HandtTitleAdministrative Manage		RFP Other	Contract no. 902882		
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Expense	X Personal/profession	al services 🗌 Service	es (L/M)	Construction	IGA
Revenue Contract Grant Other	Budget code(s)         531-310       320-528	the	Price basis Unit Unit Total Other Payment required Lump sum Progress paym	ents	Term Completion Annual Multi-year** 2/15/93 Beginning date 6/15/93 Ending date
Total commitment	B. Amount budgeted for	to be spent fiscal year <u>19</u> or contract <u>Misc. Prof</u> ntionary funds remaining a	<u>essional Ser</u> v.	\$ 30,000 \$ -0- \$ 30,000 \$ 30,000 \$ 30,000 \$ 30,000 \$ 59,000 \$ 59,000	
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Submitted by	\$Amo	unt I	W/W/DBE	Foreign or Oregon Cor	ntracto
Submitted by	\$Amo		WW/DBE	Foreign or Oregon Cor	•
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Attachments:	Ad for bid				
	Plans and specifications	• .			
	Bidders list (M/W/DBEs included)				
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<ol> <li>Obtain contract num Contract number sl</li> </ol>	mber from procurement division. hould appear on the summary form	and all copies of the copi	irant		
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B. Less th	an \$2,500, attach memo detailing	need for contract and cont	ractor's caoabi	lities, bids, etc.	· ·
· C. More tr	ian \$2,500, attach quotes, evaluat	ion form, notification of reid	ection, etc.		
D. More tr	nan \$10,000 or \$15,000 attach RF nan \$50,000, attach agenda manag	P or RFB respectively.			
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\*\* Minimum period: two weeks from last day advertised.

92250

## METRO



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

DATE: January 21, 1993

TO: Contracts Management

FROM:

Judith Mandt, Administration Manager

RE:

Sole Source Justification for Solid Waste Contract No. 902882 Stop Oregon Litter and Vandalism (SOLV) \$30,000; 2/15/1993 - 6/15/1993

This contract is a sole source contract with Stop Oregon Litter and Vandalism (SOLV), a state-wide organization whose purpose is to work with local businesses, organizations, governments, and individuals to prevent littering and blight throughout the state. They stage annual events to clean up river shores and the ocean beaches, correct and prevent community vandalism, and clean up areas subjected to illegal dumping. SOLV is the only organization of its kind in Oregon and is the only entity that stages events of this type in the Metro region, thus necessitating exemption to competitive bidding procedures and initiation of a sole source contract for services.

JM:clk

### STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 93-1750 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH STOP OREGON LITTER AND VANDALISM (SOLV) FOR THE SPONSORSHIP OF THE ANNUAL "SOLV-IT" CLEANUP EVENT ON SATURDAY, APRIL 17, 1993.

Date: January 22, 1993

Presented by: Judith Mandt

### PROPOSED ACTION

Adoption of Resolution No. 93-1750 would authorize an exemption to competitive contract procedures and authorize the execution of the attached personal services contract (Attachment A) with Stop Oregon Litter and Vandalism (SOLV). The contract will provide services in coordinating the fourth annual "SOLVIT" Cleanup event scheduled for Saturday, April 17. SOLV is the only agency of its kind proposing to coordinate an event of this scale. SOLV will target up to 12 illegal disposal sites in the Metro region, and local chronic problem sites currently being identified by cities and counties will also be cleaned up (the total will be finalized in late March or April).

### FACTUAL BACKGROUND

Metro has supported this annual one-day event with a contribution of \$20,000 for the past three years. The Council approved a budget increase to \$30,000 last year, recognizing that costs for the event have gone up and that SOLV needed increased financial support.

Metro will participate as a primary event sponsor with three other primary sponsors: KINK Radio, Bank of America, and Safeway, Inc. The estimated direct cost of the event is \$100,000. In-kind and donated services from organizations and other businesses in the community are solicited as indirect contributions. Each primary event sponsor has agreed to provide in-kind services as part of their participation. In addition to the direct cash contribution, Metro will provide printing of posters and brochures and will assist with call-ins at the RIC and Solid Waste reception area.

The Scope of Work calls for SOLV to perform the following work:

- <u>Cleanup Events at Chronic County/City Sites:</u> Community-based cleanup events will include collection of separated recyclables and/or reusables such as scrap metal, tires, etc. conducted at chronic local sites. The number of events will be determined by date of event.
- 2. <u>Cleanup of Illegal Dump Sites on Public Land:</u>
  - a. Activities and/or events must be distinctly different from normal maintenance responsibilities of local governments.
  - b. Installation of prevention devices such as barricades or plantings for sites as appropriate.

- 3. Provide Metro with a summary report of all illegal dump site cleanups and event highlights.
- 4. Develop and procure all print and electronic media advertisements, recognizing Metro as a primary sponsor along with other sponsors

Additionally SOLV is responsible for over-all event coordination, including working directly with KINK Radio and other primary sponsors to publicize the event, solicit donations from other businesses and organizations; and recruit and organize volunteers to clean up, drive trucks, unload and transfer debris, and transport to disposal and recycling facilities.

These events have been extremely successful in ridding targeted areas of blight and harmful discarded debris. In 1992, over 63 tons of mixed solid waste, nearly 30 tons of scrap metal, more than 45 tons of wood waste and yard debris, and 6,841 waste tires were collected. The wood waste, yard debris, scrap metal and tires were recycled when possible, But this waste should really be viewed in, pounds, since each piece of debris, television set, couch, mattress, dirty diaper, and old food must be individually picked up, stuffed into litter bags and carted from the ravines and creeks to waiting drop boxes and trucks. Even measured in tons an appalling 325 tons of material--that is 650,000 pounds and over 13,000 old tires illegally dumped by violators have been retrieved through this event over the past three years -- from hillsides, forests, and ditches, much of it in or dangerously close to waters used by swimmers, fishers, and as migratory stops and riparian habitat.

We will again field a team of Metro volunteers to help with clean up. Last year more than 50 Metro employees and their families volunteered their Saturday to help with the clean-up at the site of their choice. Anyone reading this staff report is welcome and needed to participate in this event.

### **BUDGET IMPACT**

The FY 1992-93 Waste Reduction budget includes an allocations of \$59,000 for Cleanups in the region. The SOLV-IT event meets the program objectives developed for these funds, therefore the requested \$30,000 is set aside for the event. Remaining funds are available for local government match, based upon a per capita funding allocation.

In-kind contributions from the Solid Waste Department and Public Affairs Department include assistance from the Recycling Information Center in answering cleanup inquiry calls from the public, and designing, printing and mailing of event brochures, compilation of mailing list for SOLV organization, and operations assistance from Metro disposal facilities.

### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1750.

JM:ay January 22, 1993 STAF022.RPT

Meeting Date: February 11, 1993 Agenda Item No. 7.4

### RESOLUTION NO. 93-1752

### **METRO**



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

# Memorandum

DATE: February 5, 1993

TO: Metro Council

FROM: Paulette Allen, Clerk of the Council

RE: AGENDA ITEM NO. 7.4; RESOLUTION NO. 93-1752

The Solid Waste Committee report on Resolution No. 93-1752 will be distributed in advance to Councilors and available at the Council meeting February 11, 1993.

### BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.060 PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE SOURCE CONTRACT WITH THE PORTLAND ART MUSEUM FOR SPONSORSHIP OF A ONE-DAY EVENT TO EMPHASIZE WASTE REDUCTION AND RECYCLING IN THE MUSEUM FAMILY SUNDAY SERIES, SUNDAY, MARCH 14, 1993 RESOLUTION NO. 93-1752

INTRODUCED BY RENA CUSMA, EXECUTIVE OFFICER

WHEREAS, Metro supports promotional events that provide educational activities to the public concerning waste reduction and recycling; and

WHEREAS, the Portland Art Museum has introduced the series Museum Family Sundays to provide fun work and play activities for children and their families; and

WHEREAS, the Portland Art Museum will stage a Sunday event to focus on recycling that includes art making from recycled and "found" materials, creation of sculptures from recycled materials, and performances about recycling and the environment; and

WHEREAS, the Museum Family Sunday events have attracted up to 2,500 participants per event, and children's audiences are a high priority for furthering the waste reduction and recycling objective; and WHEREAS, the Portland Art Museum has requested that Metro be a sponsor of this event, providing a direct contribution of \$5,000 financial assistance for program costs and technical assistance for event planning and development; and

WHEREAS, Portland Art Museum is the only organization appropriate to perform the services as outlined in the contractual Scope of Work; and

WHEREAS, the Executive Officer has reviewed the contract with the Portland Art Museum for the Museum Family Sunday event on Sunday, March 14, 1993, and hereby recommends Council approval; now, therefore,

### BE IT RESOLVED, THAT

The Metro Contract Review Board hereby exempts the attached contract (Exhibit "A" hereto) with the Portland Art Museum from the competitive proposal requirement pursuant to Metro Code Chapter 2.04.060 because the Board finds that the Portland Art Museum the sole provider of the required service.

ADOPTED by the Metro Contract Review Board this \_\_\_\_\_ day of \_\_\_\_\_\_ 1993.

Judy Wyers, Presiding Officer

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Procurement Review Summary



a instructions on reverse

2000 SW First Ave.

2000 SW First Ave. Portland, OR 97201-5398 (503) 221-1646

To: Procurement and	d Contracts Division			Vendor	••
From		Date 1/22/93		Portland	Art Museum
	d Waste	Subject			. Park Avenue , OR 97205
Name Judith Mandt		Bid X Contract	Vendor no.		
Title Admi	nistrative Manag	Jer RFP	Other	Contract no.	902883
Extension 23	35		recycling education series,		t as part of Museum
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	C. Uncommitted/discre	tionary funds remaining	as of <u>1/22/93</u>	\$ 500,000	) + •••
Approvals Afront - Bivision manager	u Mar	Bald Ma Department director	pli	Labor	
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Legal					

Competitive quotes, bids or proposals:

		\$Amount	M/W	/DBE	Foreign or Oregon Contractor
Submitted by		\$Amount	MW	/DBE	Foreign or Oregon Contractor
Submitted by	· · · · · · · · · · · · · · · · · · ·	\$Amount	M/W	ØBE	Foreign or Oregon Contractor
Comments:					• • • • • • • •
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Attachments:	Ad for bid				
	Plans and spec	fications		·	
	Bidders list (M/	V/DBEs included)	•		
Instructions:					
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## METRO



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

# Memorandum

DATE: January 22, 1993

TO:

Contracts Management

FROM:

Judith Mandt, Administration Manager

SUBJECT:

Sole Source Justification for Solid Waste Contract No. 902883 Portland Art Museum, \$5,000; 2/15/1993 - 4/15/1993

This contract is a sole source contract with the Portland Art Museum, a non-profit organization which provides cultural, artistic, and educational services to residents of the entire Metro region and state. The Museum is the only organization of its kind in Oregon and the only entity that stages the *Museum Family Sunday* events in the Metro region, thus necessitating exemption to competitive bidding procedures and initiation of a sole source contract for services.

JM:clk

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### **STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 93-1752 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH PORTLAND ART MUSEUM FOR SPONSORSHIP OF A ONE-DAY EVENT TO EMPHASIZE WASTE REDUCTION AND RECYCLING IN *THE MUSEUM FAMILY SUNDAYS* SERIES SCHEDULED FOR SUNDAY, MARCH 14, 1993.

Date: January 22, 1993

Presented by: Judith Mandt

### **PROPOSED ACTION**

Adoption of Resolution No. 93-1752 would authorize an exemption to competitive contract procedures and authorize the execution of the attached personal services contract (Attachment A) with the Portland Art Museum. The contract will provide services in developing and staging a special Sunday activity emphasizing the art of recycling as part of the *Museum Family Sundays* series to be conducted this year. On Sunday, March 14, the Museum will host a day focusing on recycling by offering such activities as creation of a giant sculpture from recycled products, artmaking with recycled goods, performances about recycling, etc.

### FACTUAL BACKGROUND

The Portland Art Museum began the *Museum Family Sundays* as a series of special Sunday activities that brings families to the museum for planned events that offer children and their families a festival day to work and play together. Hands-on artmaking with materials and movies, guided tours and mixtures of entertainment combine to create a lively day for family members. Events have attracted up to 2,500 people and are offered five Sundays a year.

The Metro Solid Waste Department was asked by Art Museum event planners to participate as sponsors in this event because of this particular Sunday's emphasis on recycling related activities. This Family Sunday was chosen to coincide with the Museum's exhibition "Portland Collects" (running March 5 through April 18), an exhibition that assembles art work from private collections throughout the region, emphasizing art durable, and encouraging people to collect and maintain lasting art.

Event design includes instruction to participants in take-home art projects made from recyclable and recycled or "found" materials, participatory exhibits and booths, and entertainment staged in the Swan Auditorium by local performing arts groups whose performances carry the reduce, reuse, recycle message. Performing groups are yet to be scheduled, however, there are imaginative productions focusing on this written and performed by talented local groups. Metro's recycling puppet show designed by the Oregon Puppet Theater as a 1% For Recycling Program grant will be included in the day's activities. Event invitations will encourage attendees to bring their own materials for art projects, however they will also be provided with materials assembled for the event by the Museum.

Metro was asked to help sponsor the event with a contribution of \$5,000 to help cover the cost of purchasing materials to assemble participants' art projects, payment of honoraria for performing artists, and payment to student art teachers. Additionally, we are asked to provide technical assistance on recycling and environmental matters. As a sponsor, Metro will be named in up to seven print ads in the Oregonian and in 75 radio spots on K103 FM leading up to the event, and on flyers and printed materials; loan of one piece of art for a lobby or conference room for six months from the Rental/Sales Gallery; and the opportunity to host one reception at the Museum, fee-waived.

This type of activity is consistent with Metro's long-term objectives. It is an excellent opportunity for Metro to gain increased exposure for the agency and to deliver the Waste Reduction message to a high priority audience -- children and their families -- while also supporting the arts. The Museum has indicated a desire to continue these events in future years and reflective of that interest, the event is included in the proposed FY 1993-94 Solid Waste Department budget.

Exemption from the competitive bidding procedures and authorization of a sole source contract is requested because the Portland Art Museum is the only organization of its type offering or capable of performing this service.

### **BUDGET IMPACT**

The Solid Waste FY 1992-93 budget did not include this item in its miscellaneous professional services budget. It is a new program in which we were only recently asked to participate. The \$5,000 cost of this contract can be covered through cost savings from other contracts in the Waste Reduction Division materials and services category.

### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1752.

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### PERSONAL SERVICES AGREEMENT

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, referred to herein as "Metro," located at 2000 S.W. First Avenue, Portland, OR 97201-5398, and Portland Art Museum, referred to herein as "Contractor," located at 1219 S.W. Park Avenue, Portland, Oregon 97205-2486.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. <u>Duration</u>. This personal services agreement shall be effective February 15, 1993, and shall remain in effect until and including April 15, 1993, unless terminated or extended as provided in this Agreement.

2. <u>Scope of Work</u>. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.

3. <u>Payment</u>. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000).

4. Insurance.

a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

c. <u>Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL</u> <u>INSUREDS</u>. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation. d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. <u>Indemnification</u>. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless 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 Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. <u>Maintenance of Records</u>. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. <u>Ownership of Documents</u>. 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 that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. <u>Project Information</u>. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. <u>Independent Contractor Status</u>. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all

PAGE 2 of 3 -- PERSONAL SERVICES AGREEMENT -- METRO CONTRACT NO. 902883

other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

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10. <u>Right to Withhold Payments</u>. Metro shall have the right to withhold from payments due to 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.

11. <u>State and Federal Law Constraints</u>. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. <u>Situs</u>. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. <u>Assignment</u>. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. <u>Termination</u>. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. <u>No Waiver of Claims</u>. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. <u>Modification</u>. Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

PORTLAND ART MUSEUM	METRO
By:	By:
Print name and title	Print name and title
Date:	Date:

PAGE 3 of 3 -- PERSONAL SERVICES AGREEMENT -- METRO CONTRACT NO. 902883

### **ATTACHMENT A**

### **PROJECT TITLE:**

### MUSEUM FAMILY SUNDAY

**CONTRACTOR:** 

Portland Art Museum 1219 S.W. Park Avenue Portland, OR 97205

### **PROJECT CONTACTS:**

Craig A. Vincent-Jones, Director of Development Judy Schultz, Associate Curator of Education

**CONTRACT TERM:** 

February 15, 1993 through April 15, 1993

CONTRACT AMOUNT: \$5,000

### SCOPE OF WORK

The Contractor will schedule, plan, and stage a public event to emphasize waste reduction and recycling to be offered as part of the *Museum Family Sunday* series at the Portland Art Museum on Sunday, March 14, 1993. The event will consist of art instruction, entertainment, and education pertaining to the subject of recycling for participants attending the event.

### The Contractor shall be responsible for the following:

- 1. Work with Metro representatives to plan event, develop agenda, and identify potential performing artists for the event.
- 2. Contract with and plan work program of art instructors and performing and visual artists to perform services in conducting the event. Examples of services to be included are activities such as creation of a giant sculpture from recycled products, artmaking with recycled goods, and performance of productions related to waste reduction and recycling. Contractor shall be responsible to pay those performing services.
- 3. Work with Metro representatives to select and purchase art media and materials for art projects featured at event.
- 4. Develop and mail invitations, work with print and electronic media to publicize event, produce flyers and brochures, lobby signs and other event related materials. Metro will be identified as a sponsor on all such materials and media contacts for event as identified in Scope of Work Attachment A.1.
- 5. Provide a written summary of the event, to include number and description of participants, and activities of event staff and volunteers; selections of advertising materials and promotional activities; general assessment of success of event and participants' response to theme; possible suggestions for emphasis of future event.

Page 1 of 2 - Scope of Work -- Metro Contract No. 902883

Metro will be responsible for working with Contractor to provide technical assistance as needed and help with identifying performing groups for event's activities.

**Payment:** Payment shall be made in a lump sum payment of \$5,000 upon execution on contract and receipt of invoice from Contractor. Contractor shall provide Metro with expense summary sheet following event.

JM:clk share/mand/contract/artsow.doc

#### ATTACHMENT A.1.

January 7, 1993

1219 Southwest Park Avenue Bortland, Orego n #72 (5-2456) 303 126 2811 14X 5 (3 226 4842) PORTLAND ART MUSEUM

RECEIVED

Ms. Judith Mandt Assistant Solid Waste Director METRO 2000 SW First Avenue Portland, OR 97201-5398

Dear Ms. Mandt:

Oftentimes the complexities of our society keep us from maintaining quality interaction with those we hold dearest. Families are burdened with increasing challenges and children are sometimes forgotten. Yesteryear's unique opportunities for families to play and work together seem too rare in today's busy world.

MUSEUM FAMILY SUNDAYS is a series of special Sunday activities targeting area children and their families and offers an exciting festival of fun by combining hands-on artmaking with movies, guided exhibition tours and lively mixtures of entertainment. Anywhere between 1,000 and 2,500 children and their family members attend each *Museum Family Sunday*.

We are in hopes that Metro will join the Museum on one such day. On Sunday, March 14, the Museum will host a day focusing on recycling. While planning has only just begun, some ideas for activities include the creation of a giant sculpture from recycled products, art-making with recycled goods, a performance about recycling and encouraging the participants to bring their own recycled goods to use on the day.

The Museum is choosing this special emphasis on recycling in order to coincide with the exhibition *Portland Collects* (running March 5 through April 18, 1993), an exhibition which will assemble art work from private collections throughout the region. It is an exhibition which encourages people to collect, and that is an idea which naturally extends to recycling.

We would like Metro to consider sponsoring the March *Museum Family Sunday* for \$5,000. That amount is required to cover the costs of materials, performance artists, student art teachers and a variety of other, smaller necessities.

With a speedy response, Metro could also participate in the initial planning of the day-it is involvement which we would truly appreciate. The agency's expertise on recycling and environmental matters would add immeasurably to the formula.

Given Metro's increasing involvement with the arts, we made the assumption that your partial sponsorship of *MUSEUM FAMILY SUNDAYS* would coincide well with the agency's long-term goals. In addition, the children's audience is a high priority for both the Museum and Metro. Sponsorship of the March *Museum Family Sunday* would also generate extensive visibility for Metro: as a sponsor Metro would be included in 4-7 <u>Oregonian</u> print ads preceeding the day, on up to 75 radio spots on K-

#### Ms. Judith Mandt/Metro Page 2

103 FM and on flyers and materials distributed that day. Metro would also receive Corporate Medici benefits for their donation (outlined in the accompanying brochure).

The possibility of a partnership between the Portland Art Museum and Metro is an exciting one. It is hopefully a relationship that we could pursue annually in similar activities. We look forward to talking to you about this further. In the meantime, if you have any questions, please do not hesitate to call either of us at (503) 226-2811. Thank you, once again, for your time and consideration.

Sincerely,

1 ala

Craig A: Vincent-Jones Director of Development

Judy Sehultz

Associate Curator of Education

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CAVJ:JS:st

Encl.

Meeting Date: February 11, 1993 Agenda Item No. 7.5

## RESOLUTION NO. 93-1756

#### PLANNING COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 93-1756, FOR THE PURPOSE OF AMENDING THE FY 93 UNIFIED WORK PROGRAM AND ENDORSING THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR REGIONAL TRANSPORTATION PLANNING

Date: February 10, 1993 Presented by: Councilor Moore

Committee Recommendation: At the February 9 meeting, the Planning Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1756. Voting in favor: Councilors Van Bergen, Kvistad, Monroe, Excused: Councilors Devlin and Gates. Also in and Moore. attendance: Councilors McLain and McFarland.

<u>Committee Issues/Discussion:</u> Richard Brandman, Transportation Planning Manager, and Mike Hoglund, Regional Planning Section Manager, presented the staff report. This resolution calls for the allocation of \$1.75 million of the \$59 million discretionary funds available to the region from federal STP funds. These funds are for a six year time period. \$585,000 of the allocation has been approved by this committee and JPACT previously. He reviewed the various components of the STP funding package from FY 1992 - 1997 as identified in the staff report. There will still be a significant balance of STP funds remaining after the Council approves this allotment. The Department suggests that the remaining funds be considered following adjournment of the 1993 Legislature.

Councilor Van Bergen asked for clarification of Metro's responsibility in this process. Brandman explained that Metro approves the Unified Work Program (UWP), which is amended by this resolution. Without the UWP, we could not receive these funds or conduct these activities.

Councilor Van Bergen then asked why the item was before this committee before it came before JPACT? Brandman explained that timing made it necessary so that certain projects (e.g. Phase II of Region 2040 and the travel survey) could get underway. The item will be before JPACT this Thursday and has been previously approved by the Transportation Improvement Program (TIP) Subcommittee and by the Transportation Policy Alternatives Committee. As a general rule, action items will go to JPACT prior to the Planning Committee.

Councilor McLain commented that there are two types of issues that come before the committee through the JPACT process: 1) singular approvals impacting only Metro; and 2) plural approvals impacting Metro and other local jurisdictions. She asked for clarification about the "bridge management system" in 9.E. Hoglund clarified that this is a status and condition report that identifies performance evaluation criteria.

Councilor Moore asked about the program criteria for transition planning for projects falling between the former Federal Aid-Urban (FAU) funding and the new Intermodal Surface Transportation Efficiency Act (ISTEA) funding. She voiced concern that some of these older projects may not meet the needs of current law (e.g. air quality) and should be re-evaluated. Brandman explained that all projects that expand capacity must be within the Congestion Management Plan, which is evaluated for air quality standards. Also all projects within the TIP are modeled annually to show that the total package of projects improved air quality in comparison with a "no build" option. Individual projects might be considered to worsen air quality, but as a package they must improve it.

In response to Councilor Moore's continued concern about the reevaluation of projects, Brandman explained that this issue is of concern to the transportation planning community. Some of these projects have been in the pipeline for many years. The process is often lengthy. To stop progress of all older projects for reevaluation would effectively paralyze the system each time there is a change in law. The informal agreement has been that for the two years immediately following implementation of ISTEA, we will not stop projects that are ready to go, until a new Regional Transportation Plan is in place.

Councilor Kvistad voiced his support that the projects move forward. Metro is the agent to make that happen and should not be a hinderance by requiring a re-evaluation of each project.

#### BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING ) THE FY 93 UNIFIED WORK PROGRAM ) AND ENDORSING THE USE OF SURFACE) TRANSPORTATION PROGRAM FUNDS FOR) REGIONAL TRANSPORTATION PLANNING) RESOLUTION NO. 93-1756

Introduced by Councilor Van Bergen

WHEREAS, The Unified Work Program (UWP) describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 1993; and

WHEREAS, The FY 1993 Unified Work Program indicates federal funding sources for transportation planning activities carried out by Metro, the Southwest Washington Regional Transportation Council, the Oregon Department of Transportation, Tri-Met and the local jurisdictions; and

WHEREAS, The FY 1993 Unified Work Program Resolution No. 92-1575 was adopted by the Metro Council in March 1992;

WHEREAS, The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and the State Transportation Planning Rule 12 both require substantial multi-modal and coordinated transportation and land use activities; and

WHEREAS, Amending the FY 93 UWP will allow Metro, ODOT, the Port of Portland, Tri-Met and regional jurisdictions to address the ISTEA and Transportation Planning Rule 12 requirements; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the regional transportation planning activities as

outlined in Exhibit A are endorsed.

2. That use of Regional Surface Transportation Program funds in the amount of \$1,752,449 is endorsed to accomplish the necessary planning activities identified on Exhibit A.

3. That the FY 93 UWP is amended to reflect revisions to the Metro planning tasks as reflected in Exhibit B.

ADOPTED by the Metro Council this \_\_\_\_\_ day of February, 1993.

Judy Wyers, Presiding Officer

MH:lmk 93-1756.RES 2-1-93

## Metropolitan Service District RTP/Region 2040/ISTEA Planning Requirements

## Exhibit A

Rev	ised	1/2	29/	93
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	Task	Proposed	Region STP	ODOT	Tri-Met	Comments
		Budget	Contribution	Contribution	Contribution	
1.	FY 93 UWP		\$235,000		\$187,500	Approved
1.a.	FY 93 UWP			\$187,500		Not Approved
2.	FY 94 UWP		235,000	\$187,500	187,500	On-going
	(proposed)					·
3.	Region 2040- Ph. I	300,000		62,500	62,500	Already Approved
4.	Region 2040- Ph.II	150,000				
	(Current Program)		1			
	a. FY 93 ŪWP		. 000	37,500	37,500	
						Not Approved ODOT
	b. FY 94 UWP		000	37,500	37,500	
5.	Region 2040- Ph.II	<b>493,75</b> 0	375,000	118,750		New
	(Expansion)		· .			
6.	Region 2040-Local	220,000	220,000	000	000	
	Support	-				Portland, 3 counties;
						\$20,000 to Port of Portland
7.	Region Arterial	350,000	350,000	000	000	Approved
	Fund				•	
8.	Data Collection	·	L		•	
	a. Travel Behav.	500,000	250,000	250,000	. 000	New (Staff/Consultant)
	Survey		<u></u>		·	•
ł	b. On-Board	200,000	66,666	66,666	66,666	New
	Survey			·	<u> </u>	
	c. SpdDelay	50,000	25,000	25,000	000	New
	Survey			•	•	
	d. Traffic Counts	ODOT/local		ODOT in-kind		Local jurisdiciton in-kind
	- <u></u>	in-kind		·		
	e. External	ODOT/local		ODOT in-kind		Local jurisdiciton in-kind;
	Truck Survey	in-kind				Not Approved by ODOT
						(Continued on next mage)

(Continued on next page)

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## Metropolitan Service District RTP/Region 2040/ISTEA Planning Requirements

#### Exhibit A

	· · · · ,	Task	Proposed	Region STP	ODOT	Tri-Met	Comments
			Budget	Contribution	Contribution	Contribution	
9.	Mana	agement Systems		· · · · · · · · · · · · · · · · · · ·		•••	
-	a.	Intermodal	300,000	150,000	125,000	000	New (Port/Consultant); Budget includes \$25,000 uncommitted
	b.	Public Transit	50,000	25,000	000	25,000	New (Tri-Met)
	c.	Congestion	100,000	50,000	50,000	.000	New (Metro/Consultant)
	d.	Pavement	ODOT in-kind	000	ODOT in-kind	000	New
	e.	Bridge	10,000	10,000	000	000	IGA transfer to ODOT
	f.	Safety	ODOT in-kind	000	ODOT in-kind	000	New
10.	RTP	Financial Analysis	25,000	12,500	12,500	000	New .
11.	Statio	on Area Planning	1,000,000	5 333,333	333,333	333,334	New
	Tota	Approved		\$585,000	\$62,500	\$287,500	
	Tota	lNew		\$1,752,449	\$1,431,249	\$650,000	

#### Notes:

- Task No. 8 items regarding data collection in part provide a basis for the management systems identified in Task No. 9.
- Figures listed in Task No. 8 are based on an assumption that ODOT will hire a consultant to work with all the MPOs to identify and coordinate the data needs statewide.
- ODOT and Tri-Met have committed to their funding shares with the exception of the \$333,333 ODOT contribution for Station Area Planning. Scope of work activities for the Intermodal Management Plan may result in an additional ODOT contribution to that effort. Any such contribution would be dependent upon discussions between the region and ODOT.
- ODOT committment to 8.e., External Truck Survey, is pending further discussion.

MH Metro

## Exhibit B

## PROPOSED FY 93 UNIFIED WORKPROGRAM NARRATIVES

1. Region 2040 Phase II

2. Data Collection

3. Management System

- a. Intermodal
- b. Public Transit
- c. Congestion

4. RTP Financial Analysis

Note: Narratives for other activities on Exhibit A are already included in the UWP.

#### REGION 2040 PHASE II

#### PROGRAM\_DESCRIPTION

Region 2040's objective is to better understand the relationship of the transportation system to the urban form of the region and to present the public and decision-makers with accessible information from which to make informed growth management \_ Utilizing qualitative and quantitative measures, we decisions. will analyze and describe the trades-offs associated with different transportation systems and urban forms and land use patterns. We will also present the public with general information regarding the growth concept benefits, costs, and The public and decision-makers will be asked to consequences. choose from among the urban forms defined by urban growth boundary policies, and a transportation philosophy for serving that urban form.

#### RELATION TO PREVIOUS WORK

The Region 2040 project was begun in 1992 (mid-year FY 1991-1992). Region 2040 was intended to develop and explore alternative ways to accomplish RUGGO. In addition, it was to include a substantial effort in evaluating the costs and consequences of growth alternatives and a well-organized public involvement effort.

#### Work Program prior to FY 93-94.

Phase I included, a public involvement effort that included: 5 public workshops, a 400 person random telephone survey, interviews with 52 stakeholders, an Annual Conference with over 700 participants, a local government exercise, and workshops with local governments. This information, as well as the public responses documented from round 1, were used to shape several draft growth concepts. A 12 page full-color tabloid was developed to describe the Region 2040 process and the growth concepts. This document was distributed to over 20,000 people. Also, over 70 public meetings were held with the cities and counties of the region, neighborhood and community organizations, business and environmental organizations. In addition, meetings with Metro advisory committees (RTAC, TPAC, RPAC and JPACT) were held, discussing what a reasonable range of growth concepts could be.On December 22, 1992, the Metro Council adopted 3 regional growth concepts as a reasonable range.

#### OBJECTIVES

Work Program for FY 93-94

With the completion of Phase II, Metro will adopt a document that will both help to guide the development of the region, and provide a stepping stone to development of a Regional Framework

#### Plan. It will contain the following elements:

- 1. The public involvement program (including how it was conducted, what was learned from the public and specifically what the region, as a whole, values;
- 2. Population and employment forecasts for the year 2045 (representing mid-low and a mid-high growth scenarios, as well as a description of the forecast assumptions and decreasing rate of reliability.);
- 3. A choice of an urban form concept;
- A decision on the type of urban growth policy, as it relates to the urban growth boundary;
- 5. A set of implementation policies to achieve the above, including a general description of land use changes and development patterns that will need to changed to support the decision;
- 6. A map, showing the urban growth boundary, a sketch level of the transportation facilities necessary, basic land use densities and patterns and greenspaces to be

Project Summary:

FTE:	•	9.749
Personnel	Costs:	\$770 <b>,</b> 585
Materials	& Services:	\$545,316

#### Total Expenses: \$1,315,651

#### Revenue:

Dues	\$79,750
Excise Tax	\$286,902
93 P1/ ODOT	\$60,000
93 Section 8	\$25,000
93 STP Hwy	\$13,000
93 Tri-Met	\$75,000
93 ODOT	\$75,000
STP (New)	\$375,000
ODOT (New)	\$118,750
FHWA	\$50,000
· · ·	
Private Donations	\$50,000
FY 94 UWP	\$107,500

#### Total Revenue:

\$1,315,651

\$79]

#### TRANSPORTATION SURVEYS

#### **PROGRAM DESCRIPTION**

This is the design and fielding of surveys necessary to the development of new models for transport policy analysis and travel demand forecasting. Current models have not been designed to answer well many of the policy questions now being asked, such as the real impact of proposed Transportation Control Measures, Travel Demand Management, Transport System Management (TCMs, TDM and TSM), the introduction of variables responsive to the environment of the traveller (land use arrangement, urban design, density, and heterogeneity of use), and the full consideration of the substitutability of non-vehicular modes of travel. Model improvements based on previous surveys are limited by the content of those surveys. The network model needs to be improved for air quality analysis, with a more accurate depiction of truck and bus effects on speed, and a carefully calibrated speed/congestion component.

#### **RELATION TO PREVIOUS WORK**

These surveys are designed to develop models to replace those based on the household surveys of 1977 (CRAG), and 1985 and 1988 (Tri-Met).

#### **OBJECTIVES**

#### Work Program for 92-93

1. Use a paid expert panel of transport modelers, one of whom must be an expert in transport surveys, to work with Metro staff in the development of the modeling objectives. There are two time frames: a) To develop what can be accomplished within existing software frameworks for use over the next 3 years, and b) to explore the likely migration of the modeling paradigm over the next 8 years for the possible

inclusion of other elements in the surveys. Determine the number and interrelationships of the survey instruments. (Nov. 1992)

2. Use a subset of the above group to design the survey instruments, with particular attention to the household travel behavior and transit on-board surveys.

3. Prepare RFPs for each survey and let contracts for fielding, field the surveys, edit, clean, geocode (where necessary), and document the resulting data sets.

It is currently expected that there will be four surveys or analyses:

A. A <u>HOUSEHOLD DAILY ACTIVITY SURVEY</u> in which the activities of all family members will be recorded, together with their travel behavior. (an expected 4,000 to 5,000 households).

B. An <u>ON-BOARD TRANSIT SURVEY</u>, which will be used to profile the trip purpose, transfer, mode of arrival and origin-destination patterns of riders, as well as to identify transit using households for enrichment of the household daily activity survey for the development of transit use models. It will also be used, in conjunction with the transit agencies' monthly, quarterly and annual count information in the calibration step of model development.

C. A <u>HIGHWAY SPEED AND DELAY SURVEY</u>, which will be used to calibrate the volume-delay functions in the modeling process.

D. A <u>FREIGHT/TRUCK SURVEY</u> which will concentrate on the major freight movements into and within the region to develop a new truck model in the system. This will likely consist of an external cordon survey combined with a survey of major trucking companies within the region.

The first three surveys will need to be carried out in March, April, May of 1993. The last can be carried out then or up to 6 months later.

1

## ODOT ISTEA/RULE 12 FUNDS FYs 93 and 94 Travel Surveys

\$632,000

\$632,000

\$293,000

\$293,000

## EXPENDITURE ALLOCATION:

	FY 93	FY <b>94</b>
Personal Services	\$	
Materials and Services	\$	
Capital Outlay	\$	
•		

#### TOTAL

.

## **RESOURCE ALLOCATION:**

	FY 93	FY 94
Resource 1 ODOT	\$316,000	\$000
Resource 2 Tri-Met	\$66,000	\$000 ·
Resource 3 Metro STP	\$250,000	\$000
Resource 4 Other Metro	\$000	\$293,000

TOTAL

MH Metro 1/7/93

#### TRAVEL FORECASTING SURVEYS & RESEARCH

#### PROGRAM DESCRIPTION

This is a new program closely related to the Travel Model Refinement program. Its purpose is to develop new models for transportation policy and investment analysis, mainly in response to the needs of ISTEA, EPA and various environmental interests. Questions relating to such things as the secondary (land use) impacts of transportation investments, behavioral response to increase in road pricing, fuel pricing, congestion pricing and pollution pricing - in both the short and longer term effects cannot be answered adequately with existing models. Current models may show response to some of these variables, but the response is usually limited to mode shifts and is probably wrong. The thrust of this model development will be to clearly analyze the travel time-activity time-cost trade-offs over the day (not on an unlinked trip basis), to bring in effects of exogenous factors such as life style and life cycle of the household, and to include both intermediate (household vehicle transactions) and longer term (household location decisions) effects of these policy changes. This will be a multi-year program with most of the first phase taking about two years. The first phase will consist of the development of the core of the new models, with applications being possible that, while not answering all our questions, will be fundamentally better than the current tripbased four-step process. The intention is to create the basis for ongoing model improvements over the next 5 to 10 years. This process will be heuristic, model structure will be developed through the learning during the data analysis. The objective always being to answer the questions that are now being asked.

#### RELATION TO PREVIOUS WORK

#### Work Program For FY 93-94

This program will start with the design and fielding of the first household activity and travel behavior survey, transit on-board and other surveys in the spring of 1993. These surveys specifically designed to provide the data needed for this model building program.

#### OBJECTIVES

#### Work Program for FY 93-94

- Complete geocoding of the household travel behavior survey activity. A combination of Metro staff and contract work.
- Attach alternative travel mode impedances to the trip legs.

Assemble the travel pattern into trip chains.

- Develop a household life cycle and income classification, based on a specification search for behavioral differences.
- Carry out an in-depth analysis of time budget versus cost versus money budget analysis aimed at elucidating regularities/irregularities in activity and travel time budgets. A combination of Metro and consultant staff.
- Develop a modeling paradigm to exploit whatever trade-off information is available to address the travel and activity space trade-offs. A combination of Metro and consultant staff.
- Specify and estimate a disaggregate household location model. Metro/consultant.
- Develop an activity-mobility model that predicts the probability of complex chaining, and the probability of activities in the chain. Metro/consultant.
- Specify the individual models needed with this modeling paradigm. Metro.
- . Design and field the second (and, possibly third) wave(s) of the household panel survey. Metro and contractor.
- . To design and field stated preference surveys as needed for policy analysis, including congestion and other pricing strategies. Consultant/contract.
- . To design and field a highway speed and delay survey.
- . To design and field transit specific surveys in cooperation with Tri-Met. This is likely to include targeted stated preferance surveys. Consultant/contract.
- . Design and field the truck movement survey in cooperation with ODOT. Staff/contract.
- . Prepare RFPs for each survey and let contracts for fielding,
- . Continue regional vmt counting porogram.

#### EXPENDITURE

#### REVENUES

Personal Services:	\$209,774	FY 94 PL/ODOT:	\$134,550
(FTE 3.21)		FY 94 STP:	\$ 56,351
Materials & Svcs.:	\$445 <b>,</b> 000	FY 93 STP:	\$183 <b>,</b> 333
Computer (M&S):	\$ 26,092	FY 93 ODOT Supp.:	\$183,333
Capital Outlay:	•\$ 0 ·	FY 94 Tri-Met:	\$ 40,200
Transfers:	\$ 55,182	FY 93 Tri-Met:	\$ 33,334
Contingency:	<u>\$ 7,952</u>	Metro:	<u>\$112,899</u>
TOTAL	\$744,000	TOTAL:	\$744,000

#### INTERMODAL MANAGEMENT SYSTEM

#### PROGRAM DESCRIPTION

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires the development of six management system plans: Congestion, Public Transit, Intermodal, Safetv, Pavement, and Bridge. The Intermodal Management System (IMS) will provide the basis for a multi-modal, interconnected transportation system. The purpose of the system is to reduce energy consumption and improve air quality while promoting economic development. This program develops and begins implementation of an IMS by the ISTEA deadline of October 1994.

A completed IMS will include: 1) an inventory of intermodal facilities and systems; 2) incorporation of IMS strategies and actions into the Oregon Transportation Plan, the RTP, and the TIP; and 3) a fully integrated implementation plan.

All work activities will be coordinated with and through ODOT as specified in an intergovernmental agreement. The Port of Portland will be the lead agency. Tri-Met, Metro, ODOT and local jurisdictions will participate in the development of the IMS. Metro will oversee survey and data collection activities.

#### RELATION TO PREVIOUS WORK

Activity prior to FY 92-93 was limited to overview and discussion relating to the development of Federal rules and guidelines regarding the IMS.

#### Work Program For FY 93-94

The focus of the year's activities is to develop a scope of work based on the final Federal Rule on management systems. The scope of work will be used to:

- Develop an inter-governmental agreement and detailed Scope of Work with ODOT and the Port of Portland.
- Develop consultant scope of services and contract; develop RFP; review proposals; and hire consultant.
- Inventory intermodal facilities and systems.
- Develop public outreach activities, including formation of intermodal and goods movement Task Force.

#### **OBJECTIVES**

#### Work Program for FY 93-94

The majority of work will take place in FY 1993-1994.

- Identify efficiency measures and performance standards.
- Collect data and establish a monitoring system.
- Develop strategies and actions for improving intermodal efficiencies.
- Develop implementation plan for services, and adoption by all affected parties including the USDOT.

The following dates have been identified for key products in FY 93-94:

 Establish efficiency measures and Performance Standards:

• Collect data and establish monitoring system:

November 1993

September 1993

Develop strategies and actions:

January 1994 March 1994

Develop draft plan and circulate for review: March 1994
 Prepare and begin implementation of final IMS: June 1994

Study products will be reviewed by the intermodal/goods movement Task Force and a study technical advisory group which will report to TPAC. Final recommendations will require JPACT/Metro Council adoption.

#### EXPENDITURE

#### REVENUES

Personal Services:	\$ 20,938
(FTE .311)	
Materials & Svcs.:	\$161,000
Computer (M&S): -	<b>⊳\$ 0</b>
Capital Outlay:	\$ O
Transfers:	\$ 5,507
Contingency:	<u>\$ 2,555</u>
	\$190.000

FY 94 PL/ODOT:	\$ 29,000
FY 93 STP:	\$ 80,500
FY 93 ODOT Supp.	\$ 80,500
Metro:	<u>\$0</u>
TOTA	L: \$190,000

#### PUBLIC TRANSIT MANAGEMENT PLAN

#### PROGRAM DESCRIPTION

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 required the development of six management plans: Congestion; Public Transit; Intermodal; Safety; Pavement; and Bridge. The purpose of the Public Transit Management System (PTMS) is to provide a basis for maintaining and improving transit operations and performance. This will require an examination of the efficiency and performance of the existing system. It will also require development and implementation of a plan to respond to existing and projected deficiencies. This program develops and begins implementation of an PTMS by the ISTEA deadline of October 1994.

The PTMS will be developed by Tri-Met as specified in an intergovernmental agreement. The process and products will be incorporated into the Regional Transportation Plan, Tri-Met Strategic Plan and supporting documents, the Oregon Transportation Plan and the Transportation Improvement Program.

#### RELATION TO PREVIOUS WORK

Activity prior to FY 92-93 was limited to overview and discussion relating to the development of Federal rules and guidelines regarding the PTMS.

#### Work Program For FY 93-94

The focus of the year's activities is to develop a scope of work based on the final Federal Rule on management systems. The scope of work will be used to:

- Develop an inter-governmental agreement and detailed Scope of Work with Tri-Met and ODOT.
- Develop consultant scope of services and contract; develop RFP; review proposals; and hire consultant.
- Inventory Public Transit facilities and systems.

#### **OBJECTIVES**

#### Work Program for FY 93-94

The majority of work will take place in FY 1993-1994.

 Develop criteria for evaluating the efficiency of the transit system (e.g., vehicle hours of delay or miles per employee, roadcalls per vehicle mile, maintenance cost per mile, etc.) as well as for evaluating performance of system as it relates to users (e.g., passengers per vehicle mile or hour, transit travel time as a percentage of auto time, crowding levels during peak periods, etc.).

- Collect data and develop a monitoring system.
- Develop strategies and identify actions to improve transit system.
- Develop implementation plan for services, and adoption by all affected parties including the USDOT.

The following dates have been identified for key products in FY 93-94:

	Develop criteria and evaluation system: Collect and analyze data:	July 1993 September
0	1993 Develop improvement strategies and actions: 1994	December
0	Develop draft plan and circulate for review:	February
o	Prepare and begin implementation of final PTMS:	May 1994

Study products will be reviewed by a study technical advisory group which will report to TPAC. Final recommendations will require JPACT/Metro Council adoption.

#### EXPENDITURE

#### REVENUES

Personal Services: (FTE .15)	\$10,908
Materials & Svcs.:	\$23,500
Computer (M&S):	\$ 0
Capital Outlay:	\$ 0
Transfers:	\$ 2,870
Contingency:	<u>\$ 1,222</u>
TOTAL	\$38,500

FY 94 PL/ODOT:	\$ 8,000
FY 93 STP:	\$22,500
FY 93 HPR:	\$ 8,000
Metro:	<u>\$0</u>
TOTAL:	\$38,500

#### CONGESTION MANAGEMENT SYSTEM

#### PROGRAM DESCRIPTION

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 requires that a series of six management systems be developed statewide and for metropolitan areas, including one for congestion. This program develops and begins implementation of that system by the ISTEA deadline of October 1994. The primary purpose of the systems are to improve the efficiency of, and protect the investment in, the Nation's existing and future transportation infrastructure. Management systems, while not the end product, will be considered by the Oregon Department of Transportation (ODOT), Metro, and local jurisdictions in the development and prioritization of transportation needs. The Congestion Management System (CMS) will be designed to monitor and analyze the magnitude of congestion on the multimodal transportation system and to plan and implement actions that reduce congestion, improve air quality, and enhance the performance of the transportation system to the level desired. ISTEA further directs that federal funds may not be programmed for projects which significantly increase single occupant vehicle capacity unless the project is from an approved CMS.

All work activities will be coordinated with and through ODOT as specified in an inter-governmental agreement. Local jurisdictions and Tri-Met will also participate in development of the CMS.

#### RELATION TO PREVIOUS WORK

Activity prior to FY 92-93 was limited to overview and discussion relating to the development of Federal rules and guidelines regarding the CMS.

Work Program For FY 93-94

The focus of the year's activities is to develop a detailed scope of work based on the final Federal Rule on management systems. The scope of work will be used to:

- Develop an inter-governmental agreement and Scope of Work with ODOT.
- Develop consultant scope of services and contract; develop RFP; review proposals; and hire consultant.
- Designate System Area. The congestion management system will cover the entire metropolitan area. Specific focus was placed on identifying those heavily congested areas and corridors.

#### **OBJECTIVES**

#### Work Program for FY 93-94

The majority of work will take place in FY 1993-1994.

- Develop congestion performance measures for identified modes.
- Collect and analyze appropriate traffic and congestion related data.
- Identify appropriate congestion management strategies and an evaluation methodology for congested corridors or areas.
- Develop draft CMS for review and adoption; submittal of final to USDOT. Include CMS implementation plan.

The following dates have been identified for key products:

- Performance Measures -
- Data Collection -
- Draft Strategies -
- Draft CMS -
- Final CMS -

July 1993 September 1993 December 1993 March 1993 August 1993

Study products will be reviewed by a study technical advisory group which will report to TPAC. Final recommendations will require JPACT/Metro Council adoption.

#### EXPENDITURE

#### REVENUES

Personal Services: (FTE .507)	\$ 31,860
Materials & Svcs.:	\$ 54,600
Computer (M&S):	\$ 10,437
Capital Outlay:	\$0
Transfers:	\$ 8,381
Contingency:	<u>\$ 1,722</u>
TOTAL	\$107,000

FY 94 PL/ODOT:	\$ 52,400
FY 93 STP:	\$ 27,300
FY 93 ODOT Supp.:	\$ 27,300
Metro:	<u>\$</u> 0
TOTAL:	\$107,000

#### RTP FINANCIAL ANALYSIS PLAN

#### PROGRAM DESCRIPTION

This program will use consultant resources to develop a flexible computerized system of analysis of RTP Financial demands and resources. The system must be able to satisfy new "Long Range Plan" accountability requirements of the federal ISTEA which mandates a 20-year planning horizon and requires that identified projects be fiscally feasible. The new system will allow for easy insertion/deletion of programs and projects and easy amendment of key variables such as revenue sources and growth rates and interest and inflation rate assumptions. It will also embody an annual "real time" recovery mechanism which corrects projections for appropriation and/or costs that are higher or lower than base case assumptions and which highlights resulting deficits and windfalls.

The need for the development of the program is new and was identified during FY 92-93 as a result of ISTEA. Presently, the RTP accounts for 20-year plan costs and revenues. The ISTEA mandates significant enhancement of this feature of the RTP, particularly with respect to plan elements critical to demonstration of attainment or maintenance of federal air quality standards. Additionally, the increased flexibility of program expenditures permitted by ISTEA adds to the need for more sophisticated and flexible financial analysis techniques than those currently used in the RTP. The system would also benefit analysis of the annual TIP.

#### RELATION TO PREVIOUS WORK

The program is new. No activity occurred prior to FY 92-93.

Work Program Prior to FY 93-94

The year's activities will focus on development of a detailed scope of work based on Federal guidelines. The scope of work will be used to:

- Develop a Scope of Work.
- Develop consultant scope of services and contract; develop RFP; review proposals; and hire consultant.
- Oversee program development and implementation.

#### OBJECTIVES

#### Work Program for FY 93-94

• Implement financial analysis of the 1993 ISTEA update to the RTP, with particular attention to the air quality component as it is developed through the Air Quality Maintenance Plan in

response to the Clean Air Act and to the fiscal feasibility of the entire plan.

• Refine in-house financial analysis capabilities and expand use to additional applications, including the TIP, as necessary.

#### Major Products:

- Development of a "turn-key" software package suitable for ongoing operation and maintenance by Metro staff - July 1993.
- Fiscal analysis of the ISTEA RTP Update which complies with ISTEA and Clean Air Act October 1993.

#### EXPENDITURE

#### REVENUES

Personal Services:	\$11,704	FY 94 PL/ODOT:	\$10,000
(FTE .177)		FY 93 STP:	\$7,500
Materials & Svcs.:	\$9,250	FY 93 ODOT Supp.:	\$7,500
Computer (M&S):	\$0	Metro:	\$0
Capital Outlay: Transfers:	\$0 \$3,079	TOTAL:	\$25,000
Contingency: TOTAL	<u>\$ 967</u> <b>\$25,000</b>		

#### STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 93-1756 FOR THE PURPOSE OF AMENDING THE FY 93 UNIFIED WORK PROGRAM AND ENDORSING THE USE OF SURFACE TRANSPORTATION PROGRAM FUNDS FOR REGIONAL PLANNING ACTIVITIES

Date: January 28, 1993 Presented by: Andrew Cotugno

#### PROPOSED ACTION

This resolution would amend the FY 93 Unified Work Program (UWP) to provide for the allocation of an additional amount of \$1.75 million of the Portland area's regional Surface Transportation Program (STP) funds for regional planning activities primarily in response to State Transportation Planning Rule 12 and the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. The action also acts to endorse the program of activities.

TPAC has reviewed this UWP amendment and recommends approval of Resolution No. 93-1756.

#### FACTUAL BACKGROUND AND ANALYSIS

On Thursday, January 21, 1993, the TPAC Transportation Improvement Program (TIP) Subcommittee recommended initiating a process seeking regional approval for allocating an additional amount of \$1.75 million of regional STP funds for regional planning activities. The planning activities respond to requirements contained within State Transportation Planning Rule 12 and ISTEA. The \$1.75 million is from a total six-year regional STP program of approximately \$59 million. This resolution only programs the \$1.75 million. \$585,000 of the funds have previously been endorsed for the FY 93 UWP and for the Regional Arterial Program; and \$22.02 million of the funds have been allocated to Westside Action on a proposal for the use of remaining regional STP LRT. funds beyond the planning and Westside funding is scheduled for February or March following further TIP Subcommittee discussion.

#### Regional STP Funds

ISTEA provides that a state's STP allocation be redistributed to areas over 200,000 within that state. The exact amount is a percentage based on the state's total allocation and the actual population of the qualifying urban area. Portland is currently the only area within Oregon qualifying for regional STP funds. The Eugene and Salem areas are likely to qualify within a few years.

Attachment 1 shows the estimated STP allocations for the Portland area over the life of ISTEA. The concept in the Table was endorsed by the TIP Subcommittee. The concept provides the following:

- 1. \$8.25 million to maintain the "old" FAU program through the end of FY 94. Programming of these funds is scheduled for TPAC review in February. The status of maintaining this fund will be re-evaluated based on the outcome of the proposed Regional Arterial Program and transportation funding actions resulting from the 1993 Oregon Legislature.
- 2. \$22.02 million for Westside LRT funding (already endorsed through JPACT/Council resolution). As shown, the Table programs the money evenly over six years. Actual year of obligation will vary by need of the project, but will not exceed the \$22.02 million.
- 3. A reserve account established for FY 94 through FY 97. Again, use of the reserve will be re-evaluated following results of the Regional Arterial Program and the 1993 Legislature.
- 4. A "discretionary" account. This is the \$1.75 million which will be dedicated to regional planning activities (Exhibit 1 to the resolution). An additional \$585,000 of this fund has already been endorsed and allocated to the Regional Arterial Program and to the FY 93 UWP.

#### <u>Regional Planning Activities</u>

Exhibit A to the resolution summarizes regional planning activities and itemizes funding proposals to projects. The activities are proposed to be funded using the regional STP funds and matched with ODOT and Tri-Met contributions. Tri-Met has committed to their funding, while ODOT has committed to their amount with the exception of the \$333,333 for Station Area Planning. Further discussions between the region, Tri-Met, and ODOT are necessary to secure the remaining \$333,333. In addition, ODOT and the Port of Portland will be reviewing ODOT's contribution for the Intermodal Management System following development of a scope of work that ties to statewide intermodal planning. Scope of work and funding commitments for the external truck survey also require further region/ODOT discussion.

The Exhibit A table includes the following activities:

- 1. Annual ongoing funding for various planning activities contained within the FY 93 UWP (already endorsed).
- 2. Same as 1 above, except for FY 94.
- 3. Region 2040 Phase I. Approved funding for activities now being completed.
- 4. Region 2040 Phase II. Generally approved funding for the original Phase II activities.
- 5. Region 2040 Phase II (expansion). Funding for the expanded

2040 program to include additional time for modeling, public outreach (consensus building), evaluation, and decisions.

- 6. Region 2040 Local Support. This includes \$50,000 for the City of Portland and Washington, Clackamas, and Multnomah Counties, and \$20,000 to the Port for local 2040 assistance. The Port's assistance will focus on regional economic impact evaluation.
- 7. Regional Arterial Fund (already endorsed). This \$350,000 has been approved to develop and implement the arterial program. Activities are now beginning.
- 8. Data Collection. Funding is intended for a number of updated or new surveys to refine the regional travelforecasting model. Current information is either woefully out-of-date or non-existent. Work scope and funding commitments for the external truck survey are pending further discussion.
- 9. Management Systems. This includes funds to do the Intermodal, Public Transit, and Congestion plans, as required by ISTEA, as regional pieces to the state plans. Additional discussions will be necessary with ODOT on the scope of the Intermodal Plan and the need for an additional \$25,000 of ODOT funds. Pavement, Bridge, and Safety plans will be done by the State with assistance from local jurisdictions.
- 10. RTP Financial Plan. This is for purchasing, installment, and training for financial analysis software for evaluating the RTP and TIP. Also required under ISTEA.
- 11. Station Area Planning. Funding for that program. ODOT contribution is not committed.

Exhibit B to the resolution includes the narratives for inclusion in the UWP.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 93-1756.

## ATTACHMENT #1 (1/21/93 Revision)

## Proposed Allocation of STP Funds FY 92-97 (million) Reflecting Known FY 92 and 93 Appropriations

Program Fund	FY	'92	FY '93	FY '94	FY '95	FY '96	FY '97	TOTAL
STP/FAU Replacement <sup>1</sup> (FY '91 Allocation)		3.80	4.45					8.25
Westside <sup>2</sup>		3.67	3.67	3.67	3.67	3.67	3.67	22.02 <sup>3</sup>
Discretionary/Competition Account	1.17 <u>-1.17</u> 0.00	(Obligated <sup>4</sup> )	.58 <u>58</u> 0.00			· , ·		0.00
Reserve		. <b></b>		7.33	7.33	5.69	6.79	27.14
TOTAL		7.47	8.12	10.45	10.45	10.46	10.46	57.41

<sup>1</sup> Does not include FAU funds. A regional reserve of \$178,685 has not yet been allocated.

<sup>2</sup> Assumes even-year distribution of \$22 million allocated to Tri-Met (MSD Res. #92-1598A) programmed by Tri-Met @ \$11 million in both FY '94 and FY '95.

<sup>3</sup> Exceeds \$22 million due to rounding.

<sup>4</sup> \$1.17 million of FY '92 STP funds obligated and \$580 K of FY 93 funds. Includes \$235K to the FY '93 Unified Work Program and \$350K for Regional Arterial Fund (both are JPACT approved). Pending JPACT approval: \$1.42 million for Metro planning tasks, \$333 K for Station Area Planning (contingent on equal shares from ODOT and Tri-Met).

> WHIS0121.ATT Revised 8/24/92

Metro Council February 11, 1993 Agenda Item No. 4.2

#### FINANCE COMMITTEE REPORT

RESOLUTION NO. 93-1478 CONFIRMING THE APPOINTMENT OF WILLIAM E. PERESSINI TO THE INVESTMENT ADVISORY BOARD

#### Date: February 8, 1993 Presented By: Councilor Monroe

<u>COMMITTEE RECOMMENDATION</u>: At it's January 27, 1993 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1478. Present and voting were Councilors Buchanan, Kvistad, Monroe and Van Bergen. Councilor Devlin was excused and other Councilors in attendance were Gates and McLain.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Howard Hansen, Associate Management Analyst, presented the Staff Report. He indicated that the Council has adopted investment policies as part of the Metro Code. The policies guide the Metro staff in the investment of District cash reserves. The Metro Code includes a provision creating a three person Investment Advisory Board made up of people who are expert in financial matters. There is a vacancy on the current Board and Mr. Peressini had been recommended to the Executive Officer for appointment by the prior member, Mr. William Glasgow.

There were no questions or issues raised by the Committee regarding this confirmation.

# **Tri-County Council**

Reply to: 2202 SE Lake Rd., Milwaukie, OR 97222 654-9533 FAX 654-8414

February 11, 1993

- TO: METRO COUNCIL FAX 273-5589
- Re: Ordinance No. 93-483 Amending Metro Code to Modify Designated Facility Status

As a member of the METRO Technical Committee, it was my understanding at the last meeting of the joint Technical and Policy Committees that this Ordinance would not be brought to the Council for any action, including a first reading of the Ordinance, until it had come back to the Joint Committee for further explanation and possible revisions.

You have on your agenda tonight an Ordinance that refers to an Agreement that includes wording which has been disputed by members of the Committee. The reason for the concern is that we want to be assured that the cost of the current disposal system is not adversely impacted by these Agreements and this Ordinance. We also want assurances that the collection system will not be jeopardized by definitions in the Agreements. Neither of those concerns have been met, and they were to be the matter of further discussion at the Joint Committee Meeting on February 17.

Until that meeting occurs we believe it would show bad faith on the part of the Council to consider even a first reading of this Ordinance at tonight's Council Meeting. I cannot be present in person for the meeting because I have to meet with the Tillamook County Solid Waste Advisory Committee this evening. By this faxed letter, I am asking that this item be pulled from your agenda.

> Respectfully submitted, \ TRI-COUNTY COUNCIL

By ESTLE HARLAN

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#### Representing:

Clackamas County Refuse Disposal Association Multnomah County Refuse Disposal Association Oregon Sanitary Service Institute Portland Association of Sanitary Service Operators Teamsters Loca<del>281</del> 305 Washington County Solid Waste Collectors Association





February 11, 1993

- TO: Judy Wyers, Presiding Officer Roger Buchanan, Council Solid Waste Committee Chair All Metro Councilors
- FROM: Delyn Kies DK Solid Waste Management Coordinator

RE: Designated Facility Ordinance (No. 93-1478)

An ordinance to modify the designated facility status of various disposal facilities is scheduled on your agenda for first reading tonight. This issue has been the subject of much recent debate and discussion at the last two joint meetings of the Solid Waste Policy and Technical Committees. In fact, our last meeting on January 28 was held for the express purpose of further discussing the designated facility issue following an initial review on January 14.

Because the staff report for the January 28 meeting was not available until the day prior to the meeting, Councilor Buchanan, after Committee discussion, suggested that another meeting be scheduled on February 17. At this time members could hear information from affected facilities and make specific comments on the draft ordinance.

As a member of the Technical Committee, I would ask you to consider removing this ordinance from your agenda tonight and rescheduling first reading until after your advisory committee meets next Wednesday. The document you have does not include suggestions made at the meeting on January 28 and clearly does not include any input members may have next week. If the advisory committee process is to work, it would seem appropriate that their work be completed prior to review by the Council. And, in fact, the understanding we had was the ordinance would not be filed by staff with the Council until after the next meeting.

Thank you for your consideration.

C: Bob Martin Terry Peterson John Houser

Department of Health & Human Services 155 North First Avenue Hillsboro, Oregon 97124

WIC Nutrition Plan: (503) 640-3555 Health Services: (503) 648-8881

Administration & Planning: (503) 693-4402 FAX: Clinic 693-4522 / Administration 693-4490 TDD: Environmental Health: (503) 648-8722

(503) 648-8601

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2/11/93

# Council **Tri-County Council**

Reply to: 2202 SE Lake Rd., Milwaukie, OR 97222 654-9533 FAX 654-8414

February 11, 1993

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You have on your agenda tonight an Ordinance that refers to an Agreement that includes wording which has been disputed by members of the Committee. The reason for the concern is that we want to be assured that the cost of the current disposal system is not adversely impacted by these Agreements and this Ordinance. We also want assurances that the collection system will not be jeopardized by definitions in the Agreements. Neither of those concerns have been met, and they were to be the matter of further discussion at the Joint Committee Meeting on February 17.

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> Respectfully submitted, TRI-COUNTY COUNCIL

le tota BY ESTLE HARLAN

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TRI-COUNTY COUNCIL C: OSSI

#### **Representing:**

Clackamas County Refuse Disposal Association Multhomah County Refuse Disposal Association Portland Association of Sanitary Service Operators Teamsters Local=281 305

Metro Council February 11, 1993 Agenda Item No. 6.1

#### SOLID WASTE COMMITTEE REPORT

ORDINANCE NO. 93-482 AMENDING METRO CODE CHAPTER 5.02, METRO SOLID WASTE DISPOSAL CHARGES AND USER FEES AT METRO FACILITIES

Date: February 8, 1993 Presented By: Councilor McLain

<u>COMMITTEE RECOMMENDATION</u>: At it's February 2, 1993 meeting the Committee voted unanimously to recommend Council adoption of Ordinance Nol 93-482. Present and voting were Councilors McFarland, McLain and Wyers. Councilors Buchanan and Washington were excused and Councilor Gates was also in attendance.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Sam Chandler, Solid Waste Facilities Manager, presented the Staff Report. Mr. Chandler pointed out that the ordinance establishes a new fee to help defray the costs of the Household Hazardous Waste Program at Metro facilities. The ordinance has been initiated at the request of several councilors. He pointed out that for the typical user would pay \$5.00 per load and those with special loads would pay \$10.00 per load. "Special Loads" are defined by size (35 gallons or more) or those that contain "acutely hazardous waste". Mr. Chandler indicated that based on current experience approximately 90% of the loads will be of the typical variety and 10% will be special loads. He estimated that the fees would generate approximately \$110,000 is additional revenue over the period of one year.

There was no public testimony on the proposed ordinance.

METRO COUNCIL February 11, 1993 Agenda Item No. 7.1

### GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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RESOLUTION NO. 93-1742A, CONFIRMING CITIZEN MEMBER APPOINTEES TO THE METRO POLICY ADVISORY COMMITTEE (MPAC).

Date: February 8, 1993 Presented by: Councilor Hansen

<u>COMMITTEE RECOMMENDATION</u>: At its February 4, 1993 meeting the Governmental Affairs Committee voted 4-0 to recommend Council adoption of Resolution No. 93-1742A. Voting were Councilors Gates, Gardner, Hansen, and Moore. Councilor Wyers was absent.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Executive Assistant Don Rocks gave a brief introduction to the resolution, and said that Sandra Suran was unable to be at the committee meeting. He added that the resolution contained an error, listing Ms. Suran's name as Susan instead of Sandra. Chair Gates recommended that the committee delete reference to Ms. Suran in the resolution and defer action on her confirmation until she was able to meet with the committee.

Arnold Polk appeared to answer questions from the committee. Chair Gates began by asking Mr. Polk if he has ever been convicted of a felony. He has not. Chair Gates asked Mr. Polk how he would characterize the functions of MPAC. Mr. Polk said he understood MPAC was to advise Metro on a range of issues, to undertake whatever tasks the Council assigned to it, and to consider Metro's taking on of any new functions. Chair Gates asked Mr. Polk who his constituency was as a Metro appointee to MPAC. Mr. Polk said he is not beholden to anyone. His job would be to find out from the Council what tasks they're assigning to MPAC, and make recommendations back to the Council after discussion.

Councilor Moore asked Mr. Polk why he wanted to be a member of MPAC. Mr. Polk said he worked on planning issues on the Curry County Planning Commission, and he has time now that his children Councilor Gardner asked Mr. Polk whom he would be are grown. representing, citing several different possible constituencies. Mr. Polk said he would represent the citizens of the region, adding that MPAC members needed to have a broad perspective on regional issues. Councilor Moore asked how he would gather the views of the citizens in order to represent them. Mr. Polk said he would rely on day-to-day contact with people, on reading, and discussions with Councilors and others to find out what people are interested in. Chair Gates asked Mr. Polk what he would consider his biggest success. Mr. Polk said it was running for judge last year. He didn't win election, but he found the process of running to be very rewarding.

Jim Zehren appeared to answer committee questions. He responded to Chair Gates' opening question by saying he has never been convicted of a felony. Chair Gates then asked Mr. Zehren how he would characterize the functions of MPAC. Mr. Zehren said his view is consistent with Mr. Polk's, and that MPAC plays a critical role in putting the charter in place. It's a compromise approach to addressing the tough issues of the metropolitan area, with the Council retaining ultimate authority. He sees the citizen members as providing a more general, grassroots view of issues than officials from specific jurisdictions.

Councilor Gardner asked Mr. Zehren his view of the constituency he would represent on MPAC and how he would go about accomplishing that representation. Mr. Zehren said MPAC is different from RPAC, on which he serves, and that his purpose on MPAC is to represent the citizens of the region. He will not be there to represent any specific geographic area. He said he will maintain contact with media, and with urban and suburban the neighbors, with jurisdictions. Councilor Gardner discussed the differences between Zehren what he thought the RPAC and MPAC, and asked Mr. relationship ought to be between MPAC and Metro, citing the issue Mr. Zehren said he was not of staffing as one to consider. familiar with discussions that may have taken place concerning the potential of MPAC having independent staff. He said he supported merging the functions of MPAC and RPAC, rather than having parallel functions. He did not support MPAC hiring its own independent staff, citing scarcity of funds and the ability of elected officials to make their viewpoints known under existing structures.

Under committee discussion, Councilor Hansen expressed her concern that the people being considered for MPAC appointment are from the same pool of people who generally serve in such functions, and that their backgrounds are limited to law and accounting. She would like to broaden the pool, and take more initiative to solicit people of more diverse backgrounds. There was some discussion of how many people applied for appointment and how many were interviewed. Mr. Rocks said he thought some 15-20 people applied, and eight or ten were interviewed.

The committee approved forwarding the nominations of Mr. Polk and Mr. Zehren to the full Council for confirmation. Ms. Suran will be interviewed in the future, and her nomination considered at that time.

Metro Council February 11, 1993 Agenda Item No. 7.2

#### SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 93-1749A ESTABLISHING A NEW METRO SOLID WASTE ADVISORY COMMITTEE

Date: February 8, 1993 Presented By: Councilor McFarland

<u>COMMITTEE RECOMMENDATION</u>: At it's February 2, 1993 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1749 as amended. Present and voting were Councilors McFarland, McLain and Wyers. Councilors Buchanan and Washington were excused. Councilor Gates was also in attendance.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Terry Peterson, Planning Services Manager, presented the Staff Report. Mr. Peterson indicated that the purpose of this resolution is to combine the Solid Waste Policy Advisory Committee (SWPAC) and the Solid Waste Technical Advisory Committee (SWTAC) into a single committee called the Solid Waste Advisory Committee. This action is being recommended by both the SWPAC and SWTAC. The reorganization is recommended because of the changing nature of issues being brought before the Solid Waste Committee and Council. For the past several years facility siting issues were at the forefront of Metro's solid waste management agenda. Those matters required a lot of technical expertise which is not needed at this point.

Councilor McLain inquired about the relationship of the Rate Review Committee to the new SW Advisory Committee. Councilor McFarland pointed out that the Rate Review Committee is a specialized body to advise the Council on determination of the proper rates for the solid waste system. The new advisory committee is to provide advise on broader policy issues regarding the Metro solid waste Councilor McLain stated that the Advisory Committee function. should be aware of the work of the Rate Review Committee and offered an amendment which would authorize the Advisory Committee to receive reports from the Rate Review Committee. In the discussion which accompanied action on the amendment it was made clear that the Advisory Committee did not have the responsibility to approve or reject recommendations of the Rate Review Committee.

METRO COUNCIL February 11, 1993 Agenda Item No. 7.3

#### SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 93-1750 AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH STOP OREGON VANDALISM (SOLV) FOR SPONSORSHIP OF THE ANNUAL "SOLV-IT" CLEANUP EVENT ON SATURDAY, APRIL 17, 1993

### Date: February 8, 1993 Presented By: Councilor Gates

<u>COMMITTEE RECOMMENDATION</u>: At it's February 2, 1993 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1750. Present and voting were Councilors McFarland, McLain and Wyers. Councilors Buchanan and Washington were excused and Councilor Gates also was in attendance.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Judith Mandt, SW Administrative Manager, and Jack McGowan, Executive Director of SOLV, presented the Staff Report. Ms. Mandt pointed out that the purpose of the resolution is to authorize a sole-source contract with SOLV to coordinate the fourth annual "SOLV-IT" Cleanup event scheduled for Saturday April 17. She indicated this will be the fourth year Metro has been a primary sponsor of the event. In the past three years Metro has contributed \$20,000 each year and this year the Council budgeted a \$30,000 contribution to reflect increasing costs of the event.

Ms. Mandt distributed information detailing the amount of materials collected from the past three events (see Attachment 1 to this report). The events have been extremely successful from the point of view of the amounts of material picked up (444,630 lbs. of solid waste; 112,900 lbs. of scrap metal; 13,637 tires; and 90,000 lbs. of yard debris/wood waste) and the participation of over 15,000 volunteers. She indicated that this year out of the Metro funds allocated to Neighborhood Clean-ups jurisdictions can use funds to install barriers to inhibit dumping at chronic illegal dump sights.

Mr. McGowan pointed out that SOLV was created by the late Governor with business and civic Tom McCall along leaders as а public/private partnership to help keep Oregon a desirable place to visit and live. He distributed promotional information about SOLV and played a short video which SOLV uses to recruit new sponsors. Councilor McLain suggested that he take the video out to various city and local governments to recruit other public sponsors and to show how Metro is cooperating with others to improve the quality of life in the region. Mr. McGowan said he would do what he can to He thanked the committee for it's implement the suggestion. support in the past and invited everyone to participate in the "SOLV-IT" Cleanup event on April 17.

A representative from KINK Radio presented thanked the Committee for it's support and presented members present with a "SOLV-IT" tee shirt. (SW Committee Report/Res. 93-1750)

YEAR	SOLID WASTE	SCRAP METAL	TIRES	Yard Debris Wood Waste
1990	70,000 Ibs.	6,400 lbs.	2,500	<b>2,000 cu</b> yds
1991	248,000 lbs.*	49,500 lbs.	4,300	2,500 cu yds
1992	126,630 Ibs.	57,000 lbs.	6,837	90,000 lbs*
Total	444,630 lbs.	112,900 lbs.	13,637	4,500 cu yds 90,000 lbs.
				•

### SOLVIT CLEAN-UP EVENT Materials collected in 1990, 1991, 1992

\* Amounts of waste retrieved dropped from 1991 to 1992 because wood waste was separated for recycling, thus changing the measurement method for that category from cubic yards to lbs., and because illegal dump site clean-ups focused on sites where the refuse, though less condensed, was spread over larger areas than in previous years.

Solid waste is disposed at Metro transfer stations.

Scrap Metal is recycled at Schnitzer Steel

Tires are recycled at Waste Recovery Partners, Ltd.

Yard debris is recycled at Grimm's Fuel and McFarlane's Bark

Wood waste is recycled at local wood waste processors

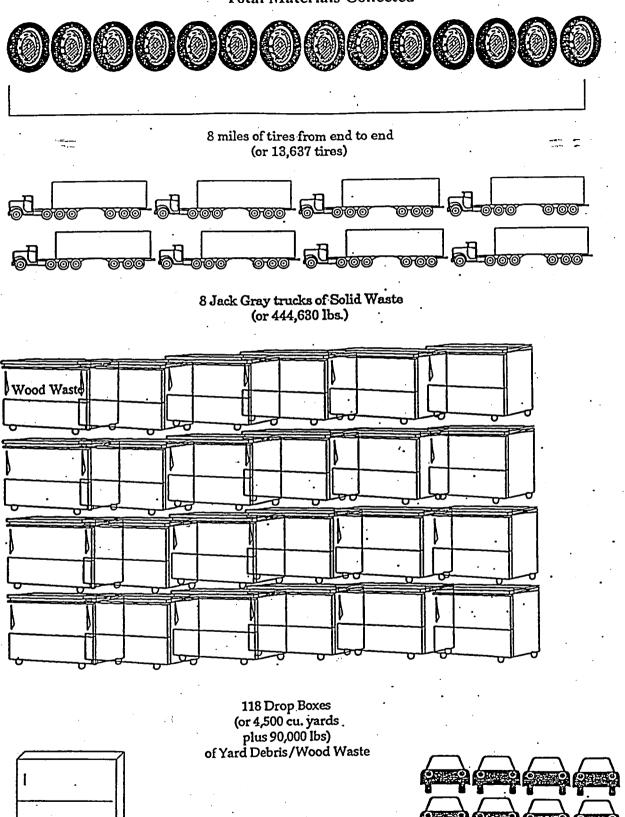
Volunteers: 15,000 + Totals for events have ranged from 3,500 to 6,000.

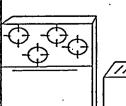
#### **Event Sponsors:**

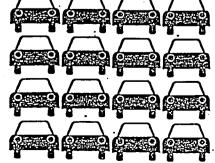
KATU 2, KINK Radio, Metro, NW Natural Gas,			
Safeway, Inc.			
Association of General Contractors, KINK Radio, Metro			
Safeway, Inc.			
Bank of America, KINK Radio, Metro, Safeway, Inc.			

# ONE DAY SOLV-IT CLEAN-UP EVENTS 1990, 1991, 1992

**Total Materials Collected** 

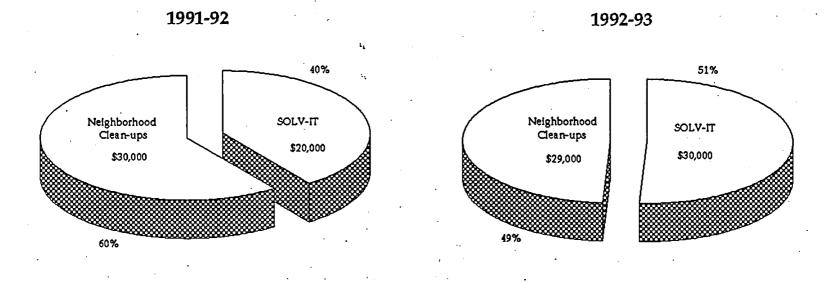






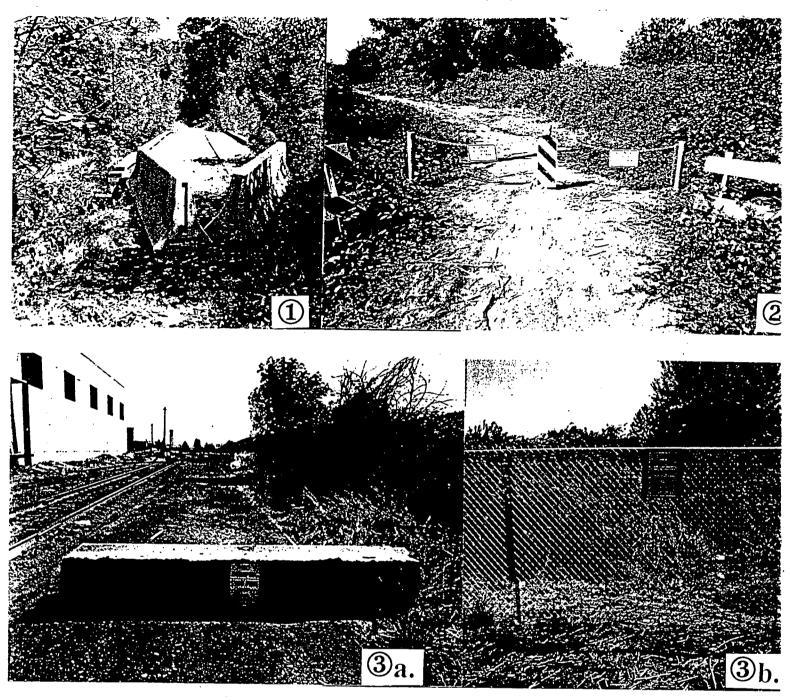
112,900 lbs. of scrap metal (or 45 cars)

# Metro's Clean-up Funds Budgeted for Waste Reduction



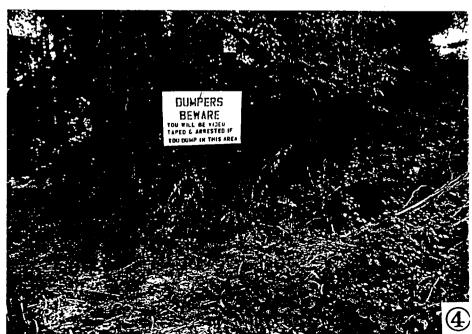
## NOTES:

- 1. \$59,000 is budgeted for the total clean-up program for FY 1992-93.
- 2. \$30,000 is budgeted for SOLV-IT this year (increased from \$20,000 in previous years). In addition to the large regional illegal dump sites, this year SOLV-IT plans to emphasize local chronic problem sites identified by cities and counties, rather than centralized drop-offs organized by neighborhood coalitions.
- 3. \$29,000 is budgeted for Neighborhood Clean-ups. The Portland curbside yard debris collection program came on -line in 1992, therefore, local clean-up dollars were reduced to reflect the expected lower neighborhood volumes. Requested funds will be distributed as matched funds for neighborhood clean-ups on a per capita basis. This year jurisdictions may also use their clean-up funds for barrier installations, however, those funds are not required to be matched.



Examples of prevention devices installed at chronic illegal dumping sites at various locations in N. Portland - 1992

- 1. Burlington Bottoms BPA installation
- 2. Smith & Bybee Lakes area PDX Maintenance Bureau installation
- 3a., Near St. Johns Bridgeb. Port of Portland installation
- 4. Edgewater (off Willamette Blvd.) installed by Condominium owners



METRO COUNCIL February 11, 1993 Agenda Item No. 7.4

# SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 93-1752 AUTHORIZING AN EXEMPTION TO THE METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH THE PORTLAND ART MUSEUM FOR SPONSORSHIP OF A ONE-DAY EVENT TO EMPHASIZE WASTE REDUCTION AND RECYCLING IN THE MUSEUM FAMILY SUNDAYS SERIES SCHEDULED FOR SUNDAY MARCH\_14, 1993

Date: February 8, 1993 Presented By: Councilor McLain

<u>COMMITTEE RECOMMENDATION</u>: At it's February 2, 1993 meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 93-1752. Present and voting were Councilors McFarland, Mclain and Wyers. Councilors Buchanan and Washington were excused. Also in attendance was Councilor Gates.

<u>COMMITTEE DISCUSSION/ISSUES</u>: Judith Mandt, SW Administrative Manager and Judy Schultz, Art Museum Assistant Education Curator, presented the Staff Report. Ms. Mandt stated that the resolution would authorize a sole-source contract with the Portland Art Museum to assist in the development and staging of a special Sunday activity emphasizing the art of recycling. The Art Museum is conducting a Museum Family series of five Sunday events during the year. The March 14 Day will focus on recycling. Ms. Mandt pointed out that the money for this event was not budgeted but sufficient funds are available in the Waste Reduction Program materials and services category.

In response to a question from Councilor McLain, Ms. Schultz pointed out that participation in the Museum Family Sunday series according to their survey information comes from throughout the whole metropolitan area. It is not just a City of Portland event. Ms. Schultz pointed out that a major the point of the event is to educate people about the need to reduce the waste produced and to recycle material already produced.

# **METRO**



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

### Date: February 11, 1993

To:

Metro Council

From: Judy Wyers, Presiding Officer

Re: Creation of Council Greenspaces Task Force

Pursuant to Metro Code Section 2.01.160 I am creating a Council Green Spaces Task Force consisting of Councilors Devlin, McFarland, Monroe, Moore and Wyers. I will serve as chairperson.

Memorandum

aunch

The purpose of the Task Force is to review the status of the Greenspaces program and the recently defeated ballot measure for general obligation bonds and bring a recommendation to the Council regarding future direction of the program and a new general obligation bond issue measure. The Task Force will have 60 days in which to complete this task.

Don Carlson will provide staff assistance to the task force. Direct any questions regarding meeting schedules and agendas to either Don Carlson or me.

cc: Rena Cusma Dick Engstrom Pat Lee Mike Houck Rich Carson

Greenspaces Task Force.memo

# NPEC

Metro's North Portland Enhancement Committee administers a fund generated by a 50-cent-per-ton surcharge collected on mixed solid waste deposited at the now-closed St. Johns Landfill.

Currently there is approximately \$2 million in the fund. Interest earned is used annually for projects that enhance the North Portland area.

Committee members:

- Metro Councilor Sandi Hansen, chair
- Laurel Butman
- Jeffrey Kee
- Jim Michels
- Beverly Scott
- Larry Scruggs
- Mark Williams

## Past Members:

- Pamela Arden
- Linda Crum
- Steve Roso

# What is the NPEC Home Loan Grant Program?

A pilot home loan grant for \$15,000 has been funded this year by the North Portland Enhancement Committee. This grant will help low and moderate income home buyers purchase their first homes within the North Portland Enhancement Area boundary. Grant money will be made available for the cost of the down payment and/or closing costs. The grant will be in the form of a certificate with a minimum value of \$350 or a maximum value of one percent the of sale price. Value of the certificate will be awarded after all other possible lending programs have been explored.

# Where is the Targeted Area?

The North Portland Enhancement area boundary is between the Willamette River and the Columbia Channel and I-5 to I-405. The area is commonly called the Peninsula. Neighborhoods include Arbor Lodge, Cathedral Park, Kenton, Overlook, Portsmouth, St. Johns and University Park.



# Who Can Qualify?

- 1. Applicant must be an Oregon resident.
- 2. Applicant must agree to occupy the home being purchased as principal residence.
- Property being purchased must be a freestanding single-family residence and must be located within the North Portland Enhancement Committee boundaries.
- 4. Applicant must be a first-time home buyer or not have owned and occupied a primary residence at any time during the three-year period ending on the date note and mortgages are signed as defined by the Oregon Housing and Community Services Department.
- 5. Applicant must have signed and entered into an earnest money agreement for property located within enhancement area.
- 6. Maximum purchase price is \$65,000.
- 7. Applicant's income must comply with the current Oregon Housing and Community Services applicable income limits for the City of Portland.
- Applicant must provide a minimum of two percent of sale price for down payment.
- Prior to closing, applicant must attend the Portland Housing Center's series of seminars on home purchasing.

For more information or help, just call Metro Councilor Sandi Hansen, chair at 287-3910 or Katie Dowdall, Metro community enhancement coordinator at 221-1646

# Where To Apply?

The following lending institutions shall in targeting the NPEC area try to tie this grant in with those other sources to add to the available money for low and moderate income potential home buyers. When lenders encounters an appropriate buyer, and after lender has successfully or unsuccessfully solicited funds from all appropriate grant sources other than Metro, lender will request a NPEC grant certificate in a minimum dollar amount of \$350 up to a maximum dollar amount of one percent of sale price. Grant money will be awarded on a first come first serve basis.

# Why?

The committee feels that the entire community benefits from home ownership. Increased home ownership upgrades and increases the market value of the community's housing stock. Vacant and abandoned houses reduce property values, increase the incidence of vandalism and create neighborhood eyesores. Home ownership stabilizes neighborhoods because owners usually take pride in their homes and become involved in their neighborhoods.

It's never too early to start planning to own a home. Add this grant to the other available loans to maximize the opportunity to make home buying a reality.



North Portland Enhancement Committee

# NPEC



Home Loan Grant

1992-1993



Printed on Recycled Paper

# Lenders

Bank America/Security Pacific Key Bank First Interstate Bank of Oregon U.S. National Bank of Oregon

# **METRO**



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

# Memorandum

4

February 16, 1993 DATE:

Metro Council TO: Executive Officer Interested Staff

Paulette Allen, Clerk of the Counci. FROM:

METRO COUNCIL ACTIONS OF FEBRUARY 11, 1993 (REGULAR MEETING) RE:

COUNCILORS PRESENT: Presiding Officer Judy Wyers, Deputy Presiding Officer Roger Buchanan, Richard Devlin, Jim Gardner, Mike Gates, Sandi Hansen, Jon Kvistad, Ruth McFarland, Susan McLain, Rod Monroe, Terry Moore, George Van Bergen and Ed Washington. COUNCILORS ABSENT: None.

### AGENDA ITEM

- INTRODUCTIONS 1.
- CITIZEN COMMUNICATIONS TO THE COUNCIL ON None. 2. NON-AGENDA ITEMS
- EXECUTIVE OFFICER COMMUNICATIONS 3.

#### CONSENT AGENDA 4.

- Minutes of January 4 and 14, 1993 4.1
- Resolution No. 93-1478, For the Purpose of (Kvistad/Washington; 11-0 4.2 Confirming the Appointment of William E. Peressini to the Investment Advisory Board Hansen were absent).

#### ORDINANCES, FIRST READINGS 5.

Ordinance No. 93-483, For the Purpose of 5.1 Amending Metro Code Section 5.05.030 to Modify the Designated Facility Status of Columbia Ridge Landfill, Hillsboro Landfill and Lakeside Reclamation for Purposes of Flow Control, to Add Roosevelt Regional Landfill and Finley Buttes Landfill to the List of Designated Facilities, and Declaring an Emergency

#### ORDINANCES, SECOND READINGS 6.

Ordinance No. 93-482, For the Purpose of 6.1 Amending Metro Code Chapter 5.02, Metro Solid Waste Disposal Charges and User Fees at Metro Facilities

(Continued)

None.

None.

ACTION TAKEN

January 14, 1993 minutes corrected (Devlin/ Buchanan; 11-0 vote); Consent Agenda adopted vote; Councilors Gates and

Referred to the Solid Waste Committee for consideration.

Adopted (McLain/Hansen; 13-0 vote).

METRO COUNCIL ACTIONS OF February 11, 1993 Page 2

#### 7. RESOLUTIONS

- Resolution No. 93-1742A, For the Purpose 7.1 of Confirming Citizen Member Appointees to 13-0 vote). the Metro Policy Advisory Committee (MPAC)
- 7.2 Resolution No. 93-1479A, For the Purpose of Establishing a New Metro Solid Waste Advisory Committee
- Resolution No. 93-1750, For the Purpose of 7.3 Authorizing an Exemption to Metro Code Chapter 2.04.060, Personal Services Contracts Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for Sponsorship of the Annual "SOLV-IT" Cleanup Event on Saturday, April 17, 1993
- 7.4 Resolution No. 93-1752, For the Purpose of Adopted (McLain/Hansen; Authorizing an Exemption to Metro Code Chapter 2.04.060 Personal Services Contracts Selection Process, and Authorizing a Sole Source Contract with the Portland Art Museum for Sponsorship of a One-Day Event to Emphasize Waste Reduction and Recycling in the Museum Family Sunday Series, Sunday, March 14, 1993
- 7.5 Resolution No. 93-1756, For the Purpose of Adopted (Moore/Devlin; Amending the FY 93 Unified Work Program 13-0 vote). and Endorsing the Use of Surface Transportation Program Funds for Regional Transportation Planning

#### 8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

1) Councilor Hansen noted an article printed in the "Metro" section of The Oregonian on housing goals and a housing project that the North Portland Enhancement Committee was sponsoring. She displayed a brochure for that project and noted since the article was printed, staff had logged over 200 calls from the public. 2) The Council discussed the pending Global Warming conference. 3) Councilor Moore noted she had been asked to present testimony to the City of Portland Planning Commission on east buttes and upland areas. 4) Councilor Washington noted when individual Councilors spoke in another Councilor's district, it would be a courtesy to let the District Councilor know in advance. 5) The Council discussed Multnomah County's proposal to transfer its parks and cemeteries to Metro. Presiding Officer Wyers noted her memo appointing a Greenspaces Task Force comprised

Adopted (Hansen/Gardner;

Adopted (McFarland/Devlin; 12-0 vote; Councilor Gardner was absent).

Adopted (Gates/McFarland; 12-0 vote; Councilor Van Bergen was absent).

12-0 vote; Councilor Gates was absent).

METRO COUNCIL ACTIONS OF February 11, 1993 Page 3

# 8. <u>COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS</u> (Continued)

of Councilors Devlin, McFarland, Monroe, Moore, and herself. She said the Task Force would work on Multnomah County and other parks issues. 6) Councilor McLain said the Council as a whole should discuss designated facilities issues they were voted upon. 7) Councilor Monroe distributed the Budget Committee schedule and discussed same. 8) Councilor Monroe said the task force on Councilor benefits would require at least two meetings before it developed recommendations for Governmental Affairs Committee consideration. 9) Councilor Gardner noted discussion at the joint Regional Policy Advisory Committee/Metro Policy Advisory Committee (MPAC) meeting February 10 on governmental dues and the Council discussed the same. 10) Councilor Gates said he attended a special districts meeting held in Washington County and said Metro was asked to take a leadership role in providing a forum for emergency management services. 11) Councilor McLain asked about the legal ramifications of MPAC becoming an employer and employing staff outside of regular Metro staff. 12) The Council as a whole discussed the possibility of having a Councilor conference room in the tower of the new Metro Regional Center. 13) Presiding Officer Wyers asked the Council for consensus on a slide show on Metro for community presentations. The Council agreed the slide show could be produced inhouse rather than being contracted out. Presiding Officer Wyers referred discussion on the slide show to the Governmental Affairs Committee for consideration. 14) Presiding Officer Wyers noted she had asked the Public Affairs Department to begin coordinated efforts to use Councilors when Metro received requests for speakers in the community. 15) Presiding Officer Wyers said she would issue weekly memos to the Council to let them know the status of Public Affairs Department projects and her activities.