



**METRO**

**REVISED AGENDA:** Agenda Item No. 8.1  
 has been added; time for consideration  
 variable.

DATE: March 24, 1994  
 MEETING: Metro Council  
 DAY: Thursday  
 TIME: 4:00 p.m.  
 PLACE: Metro Council Chamber

Approx.  
Time\*

Presented  
 By

4:00 **CALL TO ORDER/ROLL CALL**

**1. INTRODUCTIONS**

**2. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS**

4:05  
 (20 min.)

**3. EXECUTIVE OFFICER COMMUNICATIONS**

**3.1 Presentation of Metro Regional Arts Facilities and Program Funding Task Force Final Report** (Action Requested: Council Acceptance of Report)

4:25  
 (5 min.)

**4. CONSENT AGENDA** (Action Requested: Motion to Adopt the Consent Agenda)

**4.1 Council Meeting Minutes of March 10, and Council Budget Work Session Minutes of February 26, 1994**

REFERRED FROM THE PLANNING COMMITTEE

**4.2 Resolution No. 94-1917**, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

**5. ORDINANCES, SECOND READINGS**

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

4:30  
 (20 min.)

**5.1 Ordinance No. 94-523A**, For the Purpose of Revising Metro Code Chapter 2.02, Personnel Rules, for Non-Represented and Represented Employees **PUBLIC HEARING** (Action Requested: Motion to Adopt the Ordinance)

REFERRED FROM THE SOLID WASTE COMMITTEE

4:50  
 (10 min.)

**5.2 Ordinance No. 94-532**, For the Purpose of Granting a Franchise to Pemco, Inc. for the Purpose of Operating a Petroleum Contaminated Soil Processing Facility and Declaring an Emergency **PUBLIC HEARING** (Action Requested: Motion to Adopt the Ordinance)

McLain

For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 797-1804 or 797-1534.

\* Times are approximate; items may not be considered in the order listed.

**6. RESOLUTIONS**

REFERRED FROM THE PLANNING COMMITTEE

- 5:00  
(10 min.)      **6.1**      **Resolution No. 94-1902**, For the Purpose of Amending the Transportation Policy Alternatives Committee (TPAC) Bylaws (Action Requested: Motion to Adopt the Resolution)      Gardner
- 5:10  
(10 min.)      **6.2**      **Resolution No. 94-1916**, Approving the FY 1995 Unified Work Program (Action Requested: Motion to Adopt the Resolution)      Monroe

REFERRED FROM THE SOLID WASTE COMMITTEE

- 5:20  
(5 min.)      **6.3**      **Resolution No. 94-1921**, For the Purpose of Appointing John A. Hilton to Fill a Vacancy on the North Portland Rehabilitation and Enhancement Committee (Action Requested: Motion to Adopt the Resolution)      Hansen

BEFORE THE CONTRACT REVIEW BOARD

- 5:25  
(10 min.)      **6.4**      **Resolution No. 94-1926**, For the Purpose of Authorizing an Exemption from Competitive Bidding and Issuance of a Request for Proposals for the Design and Manufacture of Compost Bins and Development of a Public Education Program, and Authorizing the Executive Officer to Enter into a Multi-Year Contract (Action Requested: Motion to Adopt the Resolution)      Monroe

REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE

- 5:35  
(10 min.)      **6.5**      **Resolution No. 94-1906**, For the Purpose of Withdrawing Metro's Participation in the Forum on Cooperative Urban Services (Action Requested: Motion to Adopt the Resolution)      McLain

REFERRED FROM THE REGIONAL FACILITIES COMMITTEE

- 5:45  
(10 min.)      **6.6**      **Resolution No. 94-1925**, Confirming the Appointment of Gary Conkling to the Metropolitan Exposition Recreation Commission (Action Requested: Motion to Adopt the Resolution)      Moore

5:55  
(10 min.)      **7. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS**

**8. NON-REFERRED RESOLUTIONS**

- 6:05  
(10 min.)      **8.1**      **Resolution No. 94-1939**, To Acquire Legal Services for Opinion on Council Contracting Authority (Action Requested: Motion to Adopt the Resolution)

6:15      **ADJOURN**





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METRO COUNCIL AGENDA

March 24, 1994

Page 2

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6:05      **ADJOURN**

Meeting Date: March 24, 1994  
Agenda Item No. 4.1

**MINUTES**



**METRO**

**DATE:** March 18, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 4.1; MINUTES *PA*

The Council meeting minutes of March 10, 1994, and the Council Budget Work Session minutes of February 26, 1994, will be distributed in advance on or before Wednesday, March 23, and copies of same will be available at the Council meeting March 24.

Meeting Date: March 24, 1994  
Agenda Item No. 4.2

RESOLUTION NO. 94-1917



**METRO**

**DATE:** March 18, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 4.2; RESOLUTION NO. 94-1917

The Planning Committee report on the above-referenced resolution will be distributed in advance to Councilors and available at the Council meeting March 24, 1994.

The FY 1994-95 Unified Work Program has been published separately from this agenda packet due to its length and will be available at the March 24 Council meeting. Persons wishing to obtain a copy before that date may contact me at 797-1534.



JOINT RESOLUTION OF THE  
METRO COUNCIL  
AND OREGON STATE HIGHWAY ENGINEER

FOR THE PURPOSE OF CERTIFYING THAT THE ) RESOLUTION NO. 94-1917  
PORTLAND METROPOLITAN AREA IS IN )  
COMPLIANCE WITH FEDERAL TRANSPORTA- ) Introduced by JPACT  
TION PLANNING REQUIREMENTS. )

WHEREAS, Substantial federal funding from the Federal Transit Administration and Federal Highway Administration is available to the Portland metropolitan area; and

WHEREAS, The Federal Transit Administration and Federal Highway Administration require that the planning process for the use of these funds complies with certain requirements as a prerequisite for receipt of such funds; and

WHEREAS, Satisfaction of the various requirements is documented in Exhibit A; now, therefore,

BE IT RESOLVED,

That the transportation planning process for the Portland metropolitan area (Oregon portion) is in compliance with federal requirements as defined in Title 23 Code of Federal Regulations, Part 450, and Title 49 Code of Federal Regulations, Part 613.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

APPROVED by the Oregon Department of Transportation State Highway Engineer this \_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
State Highway Engineer

## EXHIBIT A

### Metro Self-Certification

#### 1. Metropolitan Planning Organization Designation

Metro is the MPO designated by the Governor for the urbanized areas of Clackamas, Multnomah and Washington Counties.

Metro is a regional government with 13 directly elected Councilors and an elected Executive Officer. In the November 1992 general election, the Metro Charter was passed, reducing the elected Councilors to seven, effective January 1995. Local elected officials are directly involved in the transportation planning/decision process through the Joint Policy Advisory Committee on Transportation (JPACT) (see attached membership). JPACT provides the "forum for cooperative decision-making by principal elected officials of general purpose local governments" as required by USDOT. The Charter created a new local government committee, the Metro Policy Advisory Committee, for nontransportation-related matters with the exception of adoption and amendment to the Regional Transportation Plan (RTP). JPACT remained unchanged under the Charter with the exception of a requirement to consult JPACT regarding Metro takeover of Tri-Met.

#### 2. Agreements

- a. A basic memorandum of agreement between Metro and the Regional Transportation Council (Southwest Washington RTC) which delineates areas of responsibility and necessary coordination and defines the terms of allocating Section 8 funds is in effect.
- b. An agreement between Tri-Met, Public Transit Division of the ODOT and Metro setting policies regarding special needs transportation.
- c. An intergovernmental agreement between Metro, Tri-Met and ODOT which describes the roles and responsibilities of each agency in the 3C planning process.
- d. Yearly agreements are executed between Metro and ODOT defining the terms and use of FHWA planning funds and Metro and Tri-Met for use of FTA funds.
- e. Bi-State Resolution -- Metro and RTC jointly adopted a resolution establishing a Bi-State Policy Advisory Committee.
- f. Bi-State Transportation Planning -- Metro and RTC have jointly adopted a work program description which is reflected in this UWP and a decision-making process for high-capacity transit corridor planning and priority setting.

#### 3. Geographic Scope

Transportation planning in the Metro region includes the entire area within the Federal-Aid Urban boundary.

#### **4. Transportation Plan**

The RTP was adopted on July 1, 1982. The document had one housekeeping update in 1984, a major update in 1989, and was revised in 1991. An update to incorporate new elements of the ISTEA in 1991 is scheduled for 1994. A major update to reflect the State Transportation Planning Rule (TPR) will follow in 1995. A rigorous review process is followed during updates which allows for extensive citizen and technical comment. The short-range Transit Development Plan, the detailed transit operations plan for the region, was completely revised and adopted by the Tri-Met Board in January 1988 and is currently being updated, although a completion date has not been set.

#### **5. Transportation Improvement Program**

The FY 1994 Transportation Improvement Program (TIP), adopted in September 1993, embodies a number of changes from previous year TIP's. The changes reflect fuller integration of new programming requirements mandated by ISTEA. The FY 1994 TIP features a three-year approved program of projects. The first year of projects (FY 1994) are considered the priority year projects. Should any of these be delayed for any reason, projects of equivalent dollar value may be advanced from the second and third years of the program (FY 1995 and FY 1996 projects) without processing formal TIP amendments as was required previous to ISTEA. This flexibility should reduce the need for multiple amendments throughout the year. Partly for this reason, no significant amendment of the FY 1994 TIP is anticipated. Additionally though, adoption of the FY 1995 TIP will more closely follow the state TIP adoption schedule, with finalization of the new TIP expected in July 1994. The FY 1995 TIP will see programming of major reductions in the state modernization program and final programming of anticipated FY 1995-97 CMAQ and Transportation Enhancement Program funds.

#### **6. Issues of Interstate Significance**

The Bi-State Study was completed in FY 1994. The study generated recommendations which will be further analyzed as part of the update to the RTP. Unresolved issues may require additional separate analysis or study. Metro continues to participate on bi-state transportation and air quality issues. The South/North Transit Corridor Study AA/DEIS is being conducted with the close cooperation of Clark County jurisdictions.

#### **7. Public Involvement**

Metro maintains a continuous public involvement process which provides public access to key decisions and supports early and continuing involvement. Interactive public participation methods encourages the exchange of ideas and information. This includes the establishment of Citizen Advisory Committees; community outreach efforts such as workshops, and project specific activities; the use of communication methods such as newsletters, fact sheets, meeting notices, and press releases and mailings. A full citizens involvement policy is under development and will be adopted prior to the end of FY 1994.

Major transportation projects have detailed citizen involvement plans focused specifically on the special needs of the project.

The South/North Transit Corridor Study involves 15 jurisdictions. An extensive regional public involvement plan is supported by supplemental local citizen participation efforts. These include geographical working groups, neighborhood/community stakeholder outreach, business contact programs, media education efforts, the development of differing levels of informational material and opportunities for input in addition to extensive decision-making processes for recommendations made throughout the study.

The Willamette River Bridge Crossing (Southeast Corridor - Phase II) includes a Citizen Advisory Committee comprised of neighborhoods, community and business groups. Additional public comment is and will be provided through general public meetings and through the approval process of study recommendations (Metro Council and local jurisdictions).

The Northwest Subarea Transportation Study includes a Citizen Advisory Committee comprised of neighborhoods, community and business groups. Additional public comment is and will be provided through general public meetings and through the approval process of study recommendations (Metro Council and local jurisdictions).

#### 8. Air Quality

The Oregon Legislature passed HB 2214 which directs and authorizes the Environmental Quality Commission to adopt a specific air quality maintenance plan for the Portland area, patterned after the recommendations of the State Motor Vehicle Task Force.

A key point in the bill is the substitution of regulatory measures for the proposed market-based vehicle emission fee. Most notably are the limits placed on the construction of new parking associated with employment, retail and commercial facilities. In addition, the bill provides for a more stringent employer trip reduction program than originally proposed by the State Task Force. These two regulatory programs are expected to provide reductions in vehicle miles traveled (VMT) similar to what may have been achieved by the proposed vehicle emission fee. They are also complimentary to and will help achieve the goals of the LCDC TPR 12 which includes VMT and parking space per capita reduction targets.

#### 9. Civil Rights

Metro's Title VI tri-annual report was submitted in September 1992 and is still in review. An ODOT/FHWA on-site review was held in March 1993 and certification approved. Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO) and citizen participation all have programs in place which have been FTA-certified.

#### 10. Elderly and Handicapped

The Americans with Disabilities Act Joint Complementary Transit Plan was adopted by the Tri-Met Board in December 1991 and was certified as compatible with the RTP by Metro Council in January 1992. (The 1994 Plan Update was approved by Metro as in conformance with the RTP.)

**11. Disadvantaged Business Enterprise Program**

A revised DBE program was adopted by the Metro Council in September 1989. Overall agency goals were set for DBEs and Women-Owned Business Enterprises (WBE) as well as contract goals by type. The annual goal for all DOT-assisted DBEs is 12 percent combined DBE/WBE. The DBE program is very specific about the request for proposals, bidding and contract process.

**12. Public/Private Transit Operators**

Tri-Met and C-TRAN are the major providers of transit service in the region. Other public and private services are coordinated by these operators.

Tri-Met also contracts for demand-responsive, and neighbor service with private entities such as ATC, Dave Transportation Systems, Inc., Larson Transportation Services, Inc., taxis and Buck Medical Services. Tri-Met also coordinates with those agencies using federal programs (FTA's 16(b)(2)) to acquire vehicles. Service providers in this category are coordinated by Volunteer Transportation, Inc. Special airport transit services are also provided in the region (Raz Transportation and Beaverton Airporter Services). Involvement with these services is limited to special issues.

Two areas, Molalla and Wilsonville, were allowed to withdraw from the Tri-Met District on January 1, 1989. A condition of withdrawal was that they provide service at least equal to the service previously provided by Tri-Met. Dave Transportation Systems, Inc. is providing alternative service to Molalla at approximately two-thirds the cost of Tri-Met service.

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02/15/94



JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

Metro Council . . . . . Councilor Rod Monroe  
Councilor Jon Kvistad  
Councilor Susan McLain  
Councilor Jim Gardner (alternate)

Multnomah County . . . . . Commissioner Tanya Collier  
Commissioner Dan Saltzman (alternate)

Cities in Multnomah County . . . . . Councilor Bernie Giusto (Gresham)  
Councilor Marge Schmunk (Troutdale) (alt.)

Washington County . . . . . Commissioner Roy Rogers (Washington Co.)  
Commissioner Bonnie Hays (alternate)

Cities in Washington County . . . . . Mayor Rob Drake (Beaverton)  
Councilor John Godsey (Hillsboro) (alt.)

Clackamas County . . . . . Commissioner Ed Lindquist

Cities in Clackamas County . . . . . Mayor Craig Lomnicki (Milwaukie)  
Commissioner Jim Ebert (Oreg. City) (alt.)

City of Vancouver . . . . . Mayor Bruce Hagensen  
Les White, C-TRAN (alternate)

Clark County . . . . . Commissioner David Sturdevant  
Les White, C-TRAN (alternate)

City of Portland . . . . . Commissioner Earl Blumenauer  
Commissioner Mike Lindberg (alternate)

Oregon Department of  
Transportation . . . . . Bruce Warner, Region I Engineer  
Michal Wert, Transportation Development  
Manager (alternate)

Port of Portland . . . . . Mike Thorne, Executive Director  
Dave Lohman, Director of Policy  
and Planning (alternate)

Washington State Department  
of Transportation . . . . . Gerry Smith, District Administrator  
Keith Ahola, Project Development Engineer

Tri-Met . . . . . Tom Walsh, General Manager  
Bob Post, Asst. General Manager (alternate)

Department of Environmental  
Quality . . . . . Fred Hansen, Director  
John Kowalczyk, Acting Administrator  
Air Quality Division (alternate)

TRANSPORTATION POLICY ALTERNATIVES COMMITTEE

City of Portland	Steve Dotterer Vic Rhodes (alternate) Greg Jones (alternate)
Multnomah County	Kathy Busse Larry Nicholas (alternate)
Cities of Multnomah County	Richard Ross James Galloway (alternate)
Washington County	Brent Curtis Mark Brown (alternate)
Cities of Washington County	Roy Gibson Carol Landsman (alternate)
Clackamas County	Rod Sandoz Ron Weinman (alternate)
Cities of Clackamas County	Maggie Collins Jerry Baker (alternate)
Tri-Met	G.B. Arrington Joe Walsh (alternate)
Clark County	Dean Lookingbill Bob Hart (alternate) Lynda David (alternate)
Oregon Department of Transportation	Dave Williams Robin McArthur-Phillips (alt.)
Washington State Department of Transportation	Steve Jacobson Keith Ahola (alternate)
Federal Highway Administration	Fred Patron Scott Frey (alternate)
Port of Portland	Susie Lahsene Brian Campbell
Department of Environmental Quality	Howard Harris
Citizenry:	Ronald Correnti/Roger Adams Gordon Hunter/Steve Anderson Molly O'Reilly/Ellen Vanderslice Michael Robinson/Dorothy Cofield Sterling Williams/Ray Polani Rex Burkholder/Karen Frost Mecey
Associate Members: City of Vancouver C-TRAN	Patrick Bonin

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 94-1916 FOR THE PURPOSE OF APPROVING THE FY 1995 UNIFIED WORK PROGRAM AND RESOLUTION NO. 94-1917 CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS**

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Date: February 28, 1994

Presented by: Andrew C. Cotugno

## FACTUAL BACKGROUND AND ANALYSIS

The FY 1995 Unified Work Program (UWP) describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 1994. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), Tri-Met, the Oregon Department of Transportation (ODOT), the City of Portland and local jurisdictions. Major commitments continue to the Clean Air Act, Demand Management, Urban Growth Management, the Westside Corridor project, Hillsboro FEIS, the South/North Alternatives Analysis (AA) and High Capacity Transit studies. Also of major priority are the Southeast Corridor Study, the response to Rule 12, and the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Travel-Forecasting Surveys and Research.

In the past, regional Interstate Transfer or FAU funds have been allocated toward work elements in the UWP. This practice is continued with an allocation from the region's Surface Transportation Program (STP), the replacement for FAU.

Federal transportation agencies (Federal Transit Administration (FTA)/Federal Highway Administration (FHWA)) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of UWP approval.

The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Executive Officer to the Metro Council and is subject to revision in the final Metro budget. In addition, it funds one of the "add" packages submitted by the Executive Officer. Through an allocation of \$70,000 of Regional STP funds, it restores a Travel-Forecasting position.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 1994, in accordance with established Metro priorities.

## PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program (UWP) continuing the transportation planning work program for FY 1995; 2) allocate an additional \$70,000 of Regional STP funds; 3) authorize the submittal of grant applications to the appropriate funding agencies; and 4) certify that the Portland metropolitan area is in compliance with federal transportation planning requirements.

**TPAC recommended approval of the FY 95 Unified Work Program with the following condition:**

**That further TPAC review be scheduled to discuss the implementation work program for Region 2040 and the Regional Framework Plan, maintenance of and access to RLIS, and Metro's new direction for public outreach.**

**EXECUTIVE OFFICER'S RECOMMENDATION**

**The Executive Officer recommends approval of Resolutions numbered 94-1916 and 94-1917, respectively.**

Meeting Date: March 24, 1994  
Agenda Item No. 5.1

ORDINANCE NO. 94-523A





**METRO**

**DATE:** March 18, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 5.1; ORDINANCE NO. 94-523A

Ordinance No. 94-523A has been extensively published and distributed, as was other supporting documentation. The Governmental Affairs Committee report only has been published here. The ordinance and all other documentation has been published separately from this packet as a supplemental packet and will be available at the Council meeting March 24. Persons who wish to obtain a copy before that date may contact me at 797-1534.

## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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ORDINANCE NO. 94-523A, REVISING METRO CODE CHAPTER 2.02,  
PERSONNEL RULES, FOR NON-REPRESENTED AND REPRESENTED EMPLOYEES

Date: March 17, 1994

Presented by: Councilor Van Bergen

**COMMITTEE RECOMMENDATION:** At its March 8, 1994 meeting the Governmental Affairs Committee voted 3-0 to recommend Council adoption of Ordinance No. 94-523A. Councilors Gates, Van Bergen, and Wyers voted in favor. Councilor Buchanan was absent.

**COMMITTEE DISCUSSION/ISSUES:** The Governmental Affairs Committee considered Ordinance No. 94-523 on five occasions, at its meetings of December 2 and 16, 1993; January 11, February 22, and March 8, 1994. Personnel Director Paula Paris was present at each meeting to discuss the ordinance.

At the December 2 meeting Ms. Paris described the purpose of the revision to the Personnel Code, as noted in the staff report. In a public hearing, Scott Higgins, Tim Collins, and Ann Zeltmann testified in opposition to a proposal in the ordinance that would limit transfer of leave credits from employees to an employee suffering from a long-term, catastrophic illness. The limitation would allow only vacation leave to be transferred, and not sick leave credit. Councilor Wyers asked Ms. Paris for an analysis of the potential fiscal effects of the policy; Councilor Gates requested a comparison of public and private sectors on the transfer of leave policy. Ms. Paris provided both reports prior to the next meeting.

At subsequent meetings the committee considered the comments of Council Analyst Casey Short, contained in his memo of December 2, 1993, entitled "Personnel Code Revision." Major issues discussed by the committee included the sick leave transfer; the proposal that cost of living adjustments be eliminated from the pay plan, and the timing of implementing such a change; and the applicability of the Code Chapter to represented employees.

Discussion among committee members, Ms. Paris and Mr. Short resulted in the following changes to the ordinance as originally presented:

Section 2.02.035(d) - Clarifies language on Executive Officer's authority to change classification specifications, to say that the authority is limited to making administrative changes.

Section 2.02.060(b)(3) - Establishes a maximum annual merit increase, which may not exceed 8%.

Section 2.02.060(d) - Eliminates provision permitting award of employee bonuses.

Section 2.02.065(e) - Restores language governing the policy for payroll deduction for charitable contributions. The

proposed ordinance deleted this language from the current Code.

Section 2.02.110 - Provides that permanent full-time employees shall receive insurance benefits; permanent part-time employees, budgeted at 0.5 FTE or more, shall receive pro-rated benefits, commensurate with their FTE level.

Section 2.02.145 - Allows employees to transfer accrued sick leave hours to another employee who has a "catastrophic, long-term, or chronic illness."

Section 2.02.170(e) - Defines "Administrative Leave."

Other issues that were discussed, but which did not result in amendments, included Councilor Gates' concern that the change in pay policies for non-represented employees (elimination of cost of living increases, replaced by merit increases only) become effective on July 1, 1995. He said this would give a clear message that the change would take place, and therefore give guidance in the collective bargaining process scheduled for the spring of 1995, but would not change the policy for non-represented employees prior to those contract negotiations. The committee chose to retain the proposed language.

Councilor Van Bergen questioned whether the drug and alcohol policy was legal, as it does not require pre-employment testing but does allow testing if a reasonable suspicion exists that an employee is in violation of the policy. General Counsel Dan Cooper said the policy is legal, and there is sufficient precedent for the "reasonable suspicion" policy.

Councilor Van Bergen asked if volunteers could be liable for damages arising from their work as volunteers for Metro; he cited a recent decision concerning volunteers for the Boy Scouts. Mr. Cooper said Metro volunteers are covered by Metro, and Metro's liability is limited to \$300,000 under the provisions of the Tort Claims Act. Councilor Wyers asked if Metro could exclude volunteers based on a pre-existing condition. Mr. Cooper said Metro could do so. In response to a question from Councilor Wyers, Mr. Cooper said he would provide information to the committee regarding whether Metro could require volunteers to sign a waiver of liability.

Councilor Wyers asked if it would be appropriate and legal for Metro to adopt a policy limiting employees' ability to leave Metro employment to go to work for a company having an interest in Metro issues - a so-called "revolving door" policy. Mr. Cooper said Metro's authority to do so would be limited under any circumstances, in that the agency could not prohibit employees from working for such companies outside the Metro region. He suggested that consideration of such a policy could be taken up outside the context of this ordinance, and the committee concurred.

Councilor Wyers asked whether personnel policies for Council employees should be included in the ordinance, and asked when

such policies need to be adopted. Mr. Cooper said such policies could be included in the ordinance or be adopted separately, by ordinance or resolution. Councilor Wyers directed staff to prepare a resolution governing Council Department employees for consideration at the next committee meeting.

Finally, the ordinance was broadened to include separate provisions governing represented and non-represented employees. Ms. Paris reported that she had discussed with union representatives the issues involved in having two Code sections specifically separating provisions for represented and non-represented employees, versus having one Code section governing all employees which included disclaimers in the relevant sections which stipulated that terms of collective bargaining agreements superseded the Code provisions. She said the union representatives preferred two separate sections, and subsequently agreed to language she drafted establishing sections governing represented employees.

The new sections on represented employees are contained in sections 2.02.300-.470. This addition required deletion of the numerous paragraphs in the original ordinance that referred to the rights of employees represented in bargaining units, and further required changes in the table of contents and titles. The committee amended the new section to include in Section 2.02.350 a statement calling for representatives of the Council to be involved in collective bargaining contract negotiations. The added language reads, "The Executive Officer, Personnel Director, and Labor Relations Officer will meet with designated Councilors prior to the expiration date of collective bargaining contracts to discuss fiscal direction regarding pay and benefits for negotiations with the unions."

Meeting Date: March 24, 1994  
Agenda Item No. 5.2

**ORDINANCE NO. 94-532**



**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 94-532, FOR THE PURPOSE OF GRANTING A FRANCHISE TO PEMCO, INC. FOR THE PURPOSE OF OPERATING A PETROLEUM CONTAMINATED SOIL (PCS) PROCESSING FACILITY AND DECLARING AN EMERGENCY

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Date: March 17, 1994

Presented by: Councilor McLain

**Committee Recommendation:** At the March 15 meeting, the Committee voted 5-0 to recommend Council adoption of Ordinance No. 94-532. Voting in favor: Councilors Hansen, McLain, McFarland, Monroe, and Wyers. Councilor Buchanan was absent.

**Committee Issues/Discussion:** The purpose of this ordinance is to franchise a PCS processing facility to be operated by Pemco, Inc. at a landfill site in Woodburn. Though the site is located outside of Metro's boundaries, a franchise is required because the company will be processing material from the Metro region. Pemco has an existing franchise for a potentially mobile PCS facility that initially operated in East Multnomah County.

Phil North, Solid Waste Staff, explained that Pemco has obtained the permits to operate the facility, including an arrangement with Marion County. Under this agreement the facility could receive an annual average of 50,000 tons of material for the next three years. The material would be heated to remove contaminants and a majority of the "cleaned" soil would be used at the landfill. The facility would pay no user fees and would not be subject to Metro's rate-setting authority. (Similar exemptions also apply to the other two PCS facility franchisees.). North indicated that Metro will not be requiring a surety bond from Pemco because its agreement with Marion County already provides adequate environmental and financial protection. The length of the franchise is three years, coinciding with the length of the Marion County conditional use permit.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING	)	ORDINANCE NO. 94-532
A FRANCHISE TO PEMCO, INC. FOR	)	
THE PURPOSE OF OPERATING A	)	INTRODUCED BY RENA CUSMA
PETROLEUM CONTAMINATED SOIL	)	EXECUTIVE OFFICER
PROCESSING FACILITY AND	)	
DECLARING AN EMERGENCY	)	

WHEREAS, PEMCO, Inc. intends to operate a facility that will process petroleum contaminated soil (PCS) by a thermo desorption process; and

WHEREAS, PEMCO, Inc. has applied for a non-exclusive franchise to operate the PCS processing center in Woodburn, Oregon; and

WHEREAS, PEMCO has submitted evidence of compliance with Metro Code Section 5.01.060 requirements for franchise applications and operational plans, except those relating to rate requests, as discussed in the attached Staff Report; and

WHEREAS, PEMCO has met the purpose and intent of Metro Code Section 5.01.180 and has met variance criteria (1), (2) and (3) under Metro Code Section 5.01.110(a) as set out in its request for a variance from rate regulation; and

WHEREAS, Allowing this ordinance to take effect immediately is necessary for the public health, safety and welfare of the Metro area because:

1. The franchisee will be able to commence operation sooner than 90 days and will immediately begin to benefit the regional effort to process rather than landfill petroleum contaminated soils.
2. This franchise will provide additional market competition for treatment of petroleum contaminated soils.
3. The franchisee would be unreasonably delayed in its ability to commence operation of its facility; and,

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

**THE METRO COUNCIL ORDAINS AS FOLLOWS:**

1. That the Metro Council authorizes the District to enter into the attached Franchise Agreement (Exhibit A) with PEMCO within ten (10) days of the adoption of this Ordinance.
2. The variance pertaining to Metro Code Section 5.01.180 to exempt the facility from the Metro Council establishing disposal rates is granted based on the findings contained in the Staff Report submitted with this Ordinance.
3. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

Adopted by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

---

Judy Wyers Presiding Officer

**SOLID WASTE FRANCHISE**  
Issued by  
**METRO**  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736  
(503) 797-1700

FRANCHISE NUMBER: 15

DATE ISSUED: \_\_\_\_\_

AMENDMENT DATE: N/A

EXPIRATION DATE: \_\_\_\_\_

ISSUED TO: PEMCO

NAME OF FACILITY: PEMCO Marion County Soil Recycling Facility

ADDRESS: 17827 Whitney Lane, NE

CITY, STATE, ZIP: Woodburn, OR 97071

NAME OF OPERATOR: PEMCO

PERSON IN CHARGE: Richard Wayper, P.G., Manager.  
Soil Remediation Division

ADDRESS: 437 N Columbia Blvd, PO Box 11569

CITY, STATE, ZIP: Portland, OR 97211

TELEPHONE NUMBER: (503) 283-2151

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## FRANCHISE AGREEMENT

This Franchise is issued by Metro, a municipal corporation organized under Oregon Law and the 1992 Metro Charter, to PEMCO, referred to herein as "Franchisee."

In recognition of the promises made by Franchisee as specified herein, Metro issues this Franchise, subject to the following terms and conditions:

### 1. Definitions

As used in this Franchise:

- 1.1 **"Code"** means the Code of Metro.
- 1.2 **"DEQ"** means the Department of Environmental Quality of the State of Oregon.
- 1.3 **"Executive Officer"** means the Executive Officer of Metro or the Executive Officer's designee.
- 1.4 **"Facility"** for the purposes of this franchise means that portion of the North Marion Disposal Facility (NMDP) that is leased or rented by the Franchisee for the purposes of processing Petroleum Contaminated Soil and more fully described in section 3 of this Franchise.
- 1.5 **"Petroleum Contaminated Soil (PCS)"** means soil into which hydrocarbons, including gasoline, diesel fuel, bunker oil or other petroleum products have been released. Soil that is contaminated with petroleum products but also contaminated with a hazardous waste as defined in ORS 466.005, or a radioactive waste as defined in ORS 469.300, is not included in the term.
- 1.6 **"Processing Facility"** means a place or piece of equipment where or by which solid wastes are processed. This definition does not include commercial and home garbage disposal units, which are used to process food wastes and are part of the sewage system, hospital incinerators, crematoriums, paper shredders in commercial establishments, or equipment used by a recycling drop center.

### 2. Term of Franchise

This Franchise is issued for a term of five years from the date signed by Metro and the Franchisee, following approval by the Metro Council.

**3. Location of Facility**

The Facility is that portion of the NMDP that is located at 17827 Whitney Lane N.E., Woodburn, Oregon, which real property is more particularly described as that part of:

Sec. 31, T4S, R1W, W.M., Marion County, Oregon

and bears tax lot numbers 41110-000, 41111-000, 75530-020, and 42005-000; and specifically as shown on EXHIBIT C as "Soil Storage Facility" and adjacent lands; this excerpted exhibit being shown on a topographic plan map of the North Marion County Disposal Facility dated September 1989.

**4. Operator and Owner of Facility and Property**

- 4.1 The owner/operator of the Facility and owner of the PCS processing equipment is PEMCO, Inc. Franchisee shall submit to Metro any changes in ownership of the Facility in excess of five percent of ownership, or any change in partners if a partnership, within 10 days of the change.
- 4.2 The owner of the property underlying the Facility is Marion County, Oregon. If Franchisee is not the owner of the underlying property, Franchisee warrants that owner has consented to Franchisee's use of the property as described in this Franchise. In this connection and in addition to its warranty, Franchisee has submitted to Metro correspondence from the owner of the underlying property which reflects the owner's consent. The correspondence is attached as Exhibit A and is incorporated herein by this reference.
- 4.3 Franchisee is the operator of the PCS treatment area of the Facility. Franchisee may contract with another person or entity to operate the Facility only upon ninety (90) days prior written notice to Metro and the written approval of the Executive Officer. Franchisee shall retain primary responsibility for compliance with this Franchise.

**5. Authorized and Prohibited Solid Wastes**

- 5.1 Franchisee is authorized to accept loads of 100 percent Petroleum Contaminated Soil (PCS) as specified in DEQ Solid Waste Disposal Permit No. 1169 for processing at the Facility. No other wastes shall be accepted at the Facility unless specifically authorized in writing by Metro.
- 5.2 Franchisee shall only accept loads of PCS that are tarped. Treated soils leaving the site must also be tarped.

- 5.3 All vehicles and devices transferring or transporting solid waste via public roads shall be constructed, maintained, and operated to prevent leaking, sifting, spilling, or blowing of solid waste while in transit.
- 5.4 This Franchise imposes no limitation on the amount of PCS that may be processed each year at the Facility. Franchisee may process the amount of PCS that the Facility is capable of processing consistent with applicable law and the terms of this Franchise.
- 5.5 Consistent with DEQ directives, Franchisee shall establish and follow procedures for determining what materials will be accepted at the Facility. The procedures must include a testing regimen sufficient to prevent hazardous or otherwise unacceptable materials from entering the Facility.
- 5.6 PCS processing shall be consistent with the thermo desorption method of processing. Any modification or change in the manner in which PCS is treated shall be considered a material change in the franchise and will subject the franchise to amendment or termination under Metro's Franchise Code Chapter 5.01.

## **6. Minimum Monitoring and Reporting Requirements**

- 6.1 Franchisee shall effectively monitor Facility operation and maintain accurate records of the following information:
  - (a) Amount and type of material processed at the Facility;
  - (b) Amount and type of material delivered to the Facility, along with the name of the individual or company attempting to deliver material, the reason the material was rejected and, if known, the destination of the material after leaving the Facility;
  - (c) The destination of all materials accepted at the Facility, upon leaving the Facility, by county and tax lot number, or by other description that clearly identifies the destination, if no tax lot number is available as well as well as the destination for treated and/or residual materials; and
  - (d) Descriptions of all operational irregularities, accidents, and incidents of non-compliance.
- 6.2 Records required under section 6.1 shall be reported to Metro no later than 30 days following the end of each quarter, in the format attached as Exhibit B to this Franchise, which is incorporated herein by this reference. The report shall be provided in both hard copy and in electronic form compatible with Metro's data processing equipment. The hard copy of the

report shall be signed and certified as accurate by an authorized representative of Franchisee.

- 6.3 Franchisee shall maintain complete and accurate records of all costs, revenues, rates, and other information on a form suitable to Metro. These records shall be made available to Metro on request, and summary reports shall be provided to Metro no later than 30 days following the end of each quarter.
- 6.4 Transaction records and measured weights for each load taken to the landfill on the Facility site for storage, beneficial use or daily cover must be made in the same manner as if the soil were removed from the site.
- 6.5 The Franchisee shall file an Annual Operating Report on or before each anniversary date of the Franchise, detailing the previous year operation of the Facility as outlined in this Franchise.
- 6.6 The Franchisee shall submit to Metro duplicate copies of any information submitted to the DEQ pertaining to the Facility, within 30 days of submittal to DEQ.
- 6.7 Authorized representatives of Metro shall be permitted to inspect information from which all required reports are derived during normal working hours or at other reasonable times with 24-hour notice. Metro's right to inspect shall include the right to review, at an office of Franchisee located in the Portland metropolitan area, all books, records, maps, plans, income tax returns, financial statements, and other like materials of the Franchisee that are directly related to the operation of the Franchisee.

## **7. Operational Requirements**

- 7.1 At least one sign shall be erected at the entrance to the Facility. The sign shall be easily visible, legible, and shall contain at least the following:
  - (a) Name of Facility;
  - (b) Emergency phone number;
  - (c) Operational hours during which material will be received;
  - (d) General disposal rates with information as to obtaining specific rates;
  - (e) Metro information phone number; and

- (f) List of materials accepted at the Facility.
- 7.2 A copy of this Franchise shall be displayed where it can be readily referred to by operating personnel.
- 7.3 If a breakdown of equipment, fire, or other occurrence results in a violation of any conditions of this Franchise or of the Metro Code, the Franchisee shall:
- (a) Take immediate action to correct the unauthorized condition or operation.
  - (b) Immediately notify Metro so that an investigation can be made to evaluate the impact and the corrective actions taken and determine additional action that must be taken.
- 7.4 If the Facility is to be closed permanently or for a protracted period of time during the term of this Franchise, Franchisee shall provide Metro with written notice, at least ninety (90) days prior to closure, of the proposed time schedule and closure procedures.
- 7.5 Franchisee shall establish and follow procedures designed to give reasonable notice prior to refusing service to any person. Copies of notification and procedures for such action will be retained on file for three years by Franchisee for possible review by Metro.
- 7.6 Franchisee shall not, by act or omission, unlawfully discriminate against any person, treat unequally or prefer any user of the Facility through application of fees or the operation of the Facility.
- 7.7 Franchisee shall provide a staff that is qualified to operate the Facility in compliance with this Franchise and to carry out the reporting functions required by this Franchise.

## **8. Annual Franchise Fees**

Franchisee shall pay an annual franchise fee, as established under Metro Code Section 5.03.030. The fee shall be delivered to Metro within 30 days of the effective date of this Franchise and each year thereafter.

## **9. Insurance**

- 9.1 Franchisee shall purchase and maintain the following types of insurance, covering Franchisee, its employees, and agents:
- (a) Broad form comprehensive general liability insurance covering personal injury, property damage, and personal injury with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
  - (b) Automobile bodily injury and property damage liability insurance.
- 9.2 Insurance coverage shall be a minimum of \$500,000 per occurrence, \$100,000 per person, and \$50,000 property damage. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
- 9.3 Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.
- 9.4 Franchisee, its contractors, if any, and all employers working under this Franchise are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Franchisee shall provide Metro with certification of Workers' Compensation insurance including employer's liability.

## **10. Indemnification**

Franchisee 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 Franchisee's performance under this Franchise, including patent infringement and any claims or disputes involving subcontractors.

## **11. Compliance With Law**

Franchisee shall fully comply with all federal, state, regional and local laws, rules, regulations, ordinances, orders and permits pertaining in any manner to this Franchise. All conditions imposed on the operation of the Facility by federal, state or local governments or agencies having jurisdiction over the Facility are part of this Franchise

by reference as if specifically set forth herein. Such conditions and permits include those attached as exhibits to this Franchise, as well as any existing at the time of issuance of this Franchise and not attached, and permits or conditions issued or modified during the term of this Franchise.

## **12. Metro Enforcement Authority**

- 12.1 The Executive Officer may, upon sixty (60) days prior written notice, direct solid waste away from the Franchisee or limit the type of solid waste that the Franchisee may receive. Such action, or other necessary steps, may be taken to abate a nuisance arising from operation of the Facility or to carry out other public policy objectives. Upon receiving such notice, the Franchisee shall have the right to a contested case hearing pursuant to Code Chapter 2.05. A request for a hearing shall not stay action by the Executive Officer. Prior notice shall not be required if the Executive Officer finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.
- 12.2 Authorized representatives of Metro shall be permitted access to the premises of the Facility at all reasonable times for the purpose of making inspections and carrying out other necessary functions related to this Franchise. Access to inspect is authorized:
- (a) During all working hours;
  - (b) At other reasonable times with notice; and
  - (c) At any time without notice when, in the opinion of the Metro Solid Waste Department Director, such notice would defeat the purpose of the entry.
- 12.3 The power and right to regulate, in the public interest, the exercise of the privileges granted by this Franchise shall at all times be vested in Metro. Metro reserves the right to establish or amend rules, regulations or standards regarding matters within Metro's authority, and to enforce all such legal requirements against Franchisee.

## **13. Disposal Rates and Fees**

- 13.1 In accordance with the variance granted by the Metro Council, the rates charged at this Facility shall be exempt from Metro rate setting. Metro reserves the right to exercise its authority to regulate rates pursuant to Metro Code Section 5.01.170, by amendment to this Franchise following reasonable notice to Franchisee and an opportunity for a hearing.

- 13.2 Franchisee is exempted from collecting and remitting Metro Fees on waste processed at the Facility that is processed in compliance with PEMCO's contract with Marion County and its DEQ Solid Waste Permit. Franchisee is fully responsible for paying all costs associated with disposal of residual material generated at the Facility. If Franchisee obtains authorization to dispose of residual material at a facility that has not been "designated" by Metro, Franchisee shall remit to Metro the Metro Regional User Fee on all waste disposed of at the non-designated facility.
- 13.3 Until such time as Metro may establish disposal rates at the Facility, the Franchisee shall adhere to the following conditions with regard to disposal rates charged at the Facility:
- (a) Franchisee may modify rates to be charged on a continuing basis as market demands may dictate. Metro shall be notified no later than 10 days after any rate changes.
  - (b) All rates charged at the Facility shall be posted on a sign near where fees are collected. All customers within a given disposal class shall receive equal, consistent, and nondiscriminatory treatment in the collection of fees.

#### **14. Revocation**

- 14.1 This Franchise may be revoked at any time for any violation of the conditions of this Franchise or the Metro Code. This Franchise does not relieve Franchisee from responsibility for compliance with ORS chapter 459, or other applicable federal, state or local statutes, rules, regulations, codes, ordinances, or standards.
- 14.2 This Franchise Agreement is subject to suspension, modification, revocation, or nonrenewal upon finding that:
- (a) The Franchisee has violated the terms of this Franchise, the Metro Code, ORS chapter 459, or the rules promulgated thereunder or any other applicable law or regulation; or
  - (b) The Franchisee has misrepresented material facts or information in the Franchise Application, Annual Operating Report, or other information required to be submitted to Metro; or
  - (c) The Franchisee has refused to provide adequate service at the Facility, after written notification and reasonable opportunity to do so; or



- (d) There has been a significant change in the quantity or character of solid waste received at the Facility, the method of processing solid waste at the Facility, or available methods of processing such waste.

**15. General Conditions**

- 15.1 Franchisee shall be responsible for ensuring that its contractors and agents operate in complete compliance with the terms and conditions of this Franchise.
- 15.2 The granting of this Franchise shall not vest any right or privilege in the Franchisee to receive specific quantities of solid waste during the term of the Franchise.
- 15.3 This Franchise may not be transferred or assigned without the prior written approval of Metro.
- 15.4 To be effective, a waiver of any term or condition of this Franchise must be in writing, signed by the Executive Officer. Waiver of a term or condition of this Franchise shall neither waive nor prejudice Metro's right otherwise to require performance of the same term or condition or any other term or condition.
- 15.5 This Franchise shall be construed, applied, and enforced in accordance with the laws of the State of Oregon.
- 15.6 If any provision of the Franchise shall be invalid, illegal, or unenforceable in any respect, the validity of the remaining provisions contained in this Franchise shall not be affected.

**16. Notices**

- 16.1 All notices required to be given to the Franchisee under this Franchise shall be delivered to:

\_\_\_\_\_, General Manager

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16.2 All notices required to be given to Metro under this Franchise shall be delivered to:

Solid Waste Director  
Solid Waste Department  
METRO  
600 N.E. Grand Avenue  
Portland, Oregon 97232-2736

16.3 Notices shall be in writing, effective when delivered, or if mailed, effective on the second day after mailed, postage prepaid, to the address for the party stated in this Franchise, or to such other address as a party may specify by notice to the other.

PEMCO

METRO

\_\_\_\_\_

\_\_\_\_\_

Rena Cusma, Executive Officer

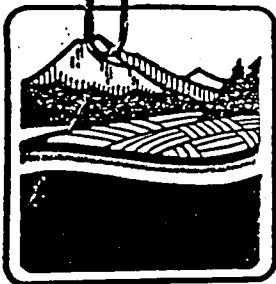
\_\_\_\_\_

Print Name and Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

CL/PN:ck  
02/25/94  
nort/franchis/pemco.frn2



# Marion County

OREGON

DEPARTMENT OF  
SOLID WASTE MANAGEMENT

April 6, 1993

DIRECTOR  
James V. Sears

(503) 588-5169

BOARD OF  
COMMISSIONERS  
Randall Franke  
Gary Heer  
Mary Pearmine

ADMINISTRATIVE  
OFFICER  
Ken Roudybush

Richard Wayper  
Manager Soil Remediation Div.  
PEMCO  
P.O. Box 11569  
Portland, OR 97211

Dear Richard:

In response to your request, I have prepared this letter.

Marion County is supportive of PEMCO operating a thermal processing facility for petroleum contaminated soils at our North Marion County Disposal Facility (NMCDF).

This concept has been brought before our Solid Waste Management Advisory Council. It held several public input meetings and approve a facility at the NMCDF.

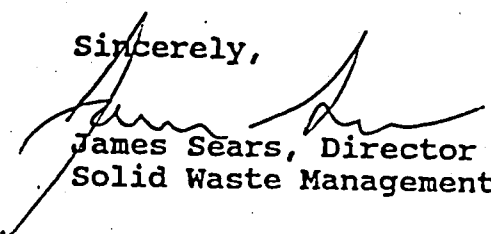
The NMCDF accepts solid waste for disposal. We operate an ash monofill and a solid waste landfill at this location. The processing of petroleum contaminated soils is a service that we have not offered our residents in the past.

We believe that petroleum contaminated soils processing is a service that should be provided and that this type of operation would be suited for the NMCDF site. It would allow us to use the processed soils on site and be compatible with the existing operations.

Marion County operates the facility under a DEQ Solid Waste Permit Number 240. My understanding is that they will want you to acquire a separate solid waste permit for the petroleum contaminate soil processing.

If you have any further questions, please phone me at 588-5056.

Sincerely,

  
James Sears, Director  
Solid Waste Management

JVS:caa  
pemco0493.JVS

## Exhibit B

### MINIMUM MONITORING AND REPORTING REQUIREMENTS

The Franchise Holder or designated Representative shall effectively monitor the processing facility operation and maintain records of the following required data. The records shall conform to the following format.

**1. Summary Sheet**

Total Tons Onsite at Beginning of Quarter	Total Tons Accepted During Quarter	Total Tons Treated During Quarter	Total Treated Tons Removed From Site During Month	Total Tons Remaining Onsite at the End of the Quarter

**2. Summary of Total Tonnage of PCS Accepted Per Site (list out-of-state after within State)**

DEQ File No.	Date(s) of First Loads Accepted	Generator Name and Address	Site of Origination	Total Tons Recel During Quarter	Type of Communication

**3. Pre-Treatment Analysis of PCS Per Site (list out-of-state after within State)**

DEQ File Number(s)	Test # (attach copies of test results)

**4. Post-Treatment Analysis of PCS**

DEQ File Number(s)	Test # (attach copies of test results)

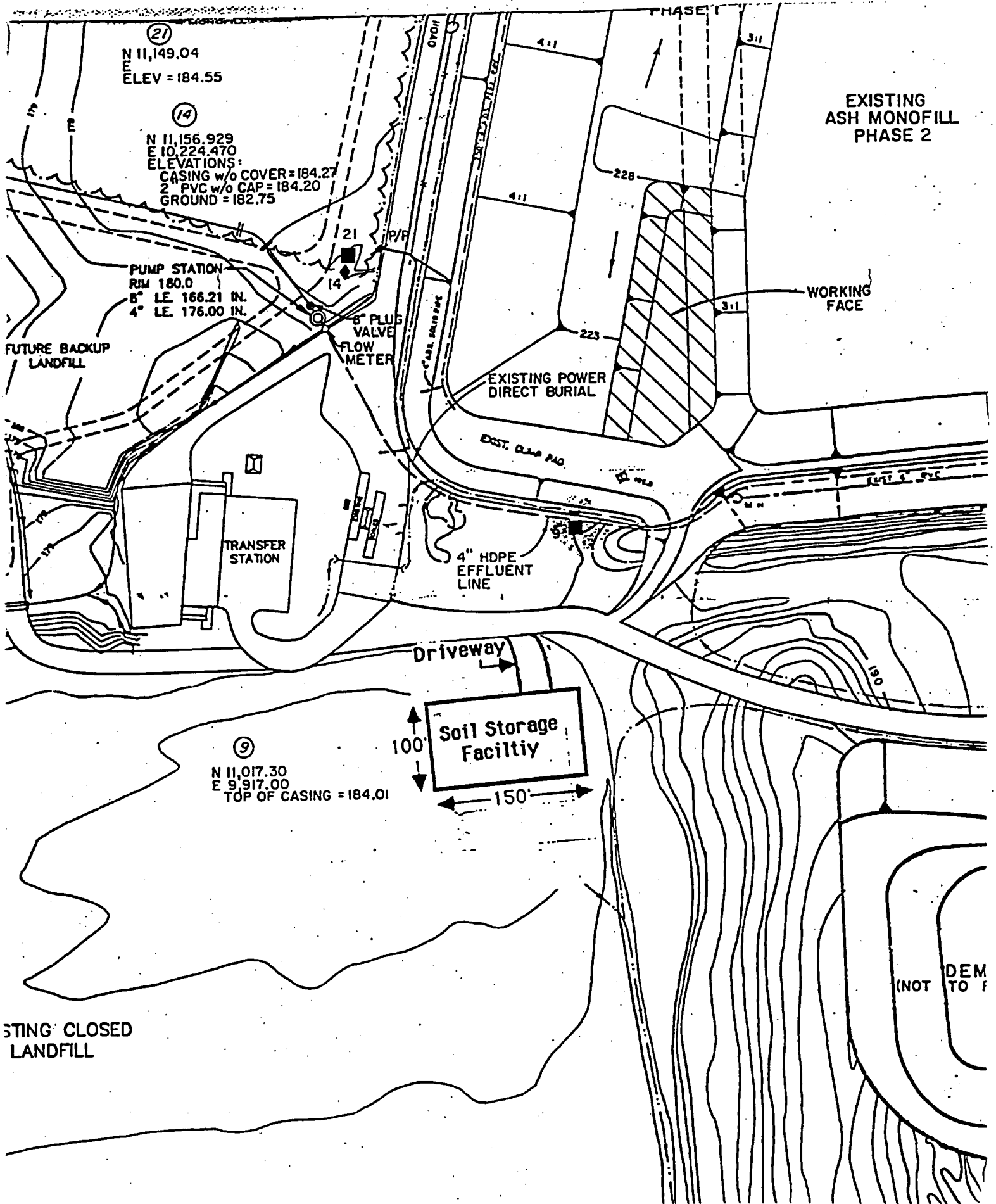
**5. Final Disposition of Treated Soils**

DEQ File Number(s)	Post-Treatment Test #	Destination of Load (County and Tax Lot #)	Date load Shipped to Destination	Total Tons Shipped to Destination During the Quarter

**6. Loads Rejected**

DEQ File Number (s)	Date of Load	Transporter Name	Weight of Load	Reason for Rejection	Destination of Rejected Load

Exhibit C



## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 94-532, FOR THE PURPOSE OF GRANTING A FRANCHISE TO PEMCO, INC., FOR PROCESSING PETROLEUM CONTAMINATED SOIL

Date: February 15, 1994

Presented By: Bob Martin  
Roosevelt Carter

#### FACTUAL BACKGROUND AND ANALYSIS

PEMCO, Inc. has applied for a Metro franchise to operate a facility that will process and treat soils contaminated by hydrocarbons (PCS) by the same "thermo desorption" process as its earlier approved franchise in 1992. The primary source of materials will be from leaking underground storage tanks containing gasoline or oil. No materials classified as hazardous by federal regulations will be permitted into the facility.

The location of the proposed processing site is at the site of the North Marion County Disposal Facility located at 17827 Whitney Lane NE, Woodburn, Oregon 97071; Tax Lots 41111000 and 41110000, Section 31, T4S R1W. Within the boundary of the landfill, the PEMCO site will be located immediately to the southwest of the existing transfer station facility. (See Attachment 1 to this staff report).

The principal difference between this facility and PEMCO's other franchise for its portable unit and the Oregon Hydrocarbon, Inc. franchise is that the proposed facility will operate on the site of an existing landfill and some of the processed soil may remain on-site to be used as daily cover for landfill operations or be stockpiled for fill as needed by the North Marion County Disposal Facility (NMCDF). The other unique feature of this franchise is that it will be the first franchise located outside the boundaries of the Metro Region.

#### Permits Required

- (1) Conditional Use Permit/Marion County
- (2) Oregon Department of Environmental Quality, Solid Waste Disposal Permit
- (3) Metro Franchise

#### Status

- (1) Marion County Conditional Use Permit issued.
- (2) Department of Environmental Quality, Solid Waste Permit No. 1169 issued.
- (3) Metro franchise pending.

The applicant is expected to process no more than 50,000 tons of soil at the proposed site per year (average) under an agreement with Marion County. The anticipated service area is the southern tier of the greater Portland metropolitan area and surrounding region. The facility will process PCS that originates both inside and outside of the Metro area. With regard to the agreement with Marion County, Marion County will provide weighing services and a location for the PCS processing and processed soil storage. PEMCO will do all billing for soils remediation. Marion County will receive a set fee per ton for soil processed (\$2.00) unless Marion County has PEMCO transport portions of the processed soil off site to a nearby location for grade filling. If PEMCO provides this service, Marion County's payment will be \$.75 per ton for soil processed and moved to the designated site.

### ISSUANCE OF A FRANCHISE

Staff has prepared a proposed franchise to be issued to the applicant following Council approval of the franchise application. Metro Code Section 5.01.070 states in part "The Executive Officer shall formulate recommendations regarding whether the applicant is qualified; whether the proposed franchise complies with the district's solid waste management plan; whether the proposed franchise is needed considering the location and number of existing and planned disposal sites, transfer stations, processing facilities, and resource recovery facilities and their remaining capacities and whether or not the applicant has complied or can comply with all other applicable regulatory requirements." The franchise application was considered complete as of January 1994.

Metro Code Section 5.02.070(e)(2) provides that a corporate surety bond is required for this type of franchise. This however, is guided by Metro Resolution No. 86-672. The pertinent portions of the Resolution, Section 1b. and c. read as follows:

- "b. If continued operation of the processing or transfer facility is not considered necessary to the solid waste disposal system because of alternative disposal sites which may be available and potential clean-up and site maintenance costs\* for the facility are estimated to be less than or equal to \$10,000, then the amount of the required surety bond is \$-0-"

\*[Footnote 4 from the resolution stated: Clean-up and Site Maintenance Cost is dependent on the size and design of the facility.]

- c. If continued operation of the processing or transfer facility is not necessary to the solid waste disposal system because of alternative disposal sites which may be available and potential clean-up and site maintenance cost for the facility are estimated to be greater than \$10,000, then the amount of the required surety bond is to be equal to the amount of the estimated clean-up and site maintenance costs for the facility. If these conditions exist and the franchisee owns the site on which the facility operates, and the value of the site exceeds the amount required for the bond, the franchisee may elect to issue a conditional lien on the property to Metro guaranteeing performance by the operator in cleaning up the site in lieu of the required bond. The lien shall be in a form satisfactory to Metro."

Using the criteria outlined in Metro Resolution No. 86-672 for determining the amount of a surety bond that may be required pursuant to a facility franchise, it is recommended that the franchisee not be required to provide a surety bond. This recommendation is based on the availability of other PCS processors and/or disposal facilities (*Oregon Hydrocarbons, Inc., Hillsboro Landfill and other designated facilities*), that would not make it necessary to continue operation of the facility. Also, clean up and site maintenance costs are estimated to be less than Ten Thousand Dollars and No/100 (\$10,000.00) since the PCS in question will be delivered to the Marion County Landfill site. Furthermore, PEMCO's contract with Marion County requires immediate removal of any untreated PCS stored at the site, "Upon conclusion or termination of the Agreement . . ." This particular provision of the agreement is reinforced by a parent company "GUARANTY ENDORSEMENT" to the agreement.

It appears therefore, that Marion County has responsibility for the processing site and has obtained financial assurances related to cleanup that it considers adequate. Furthermore, the NMCDF has a policy of not accepting any soils into the landfill that exceed TPH levels of twenty (20) ppm. According to Marion County staff, the currently used disposal cell at the NMCDF has an estimated seven years of useful life remaining and is unlined. Since the operating cell is unlined, Marion County sends its putrescible waste to Coffin Buttes Landfill when the Marion County Waste to Energy facility is not operating due to routine maintenance or other work.

Under the Metro Code, the facility would be exempt from the requirement of collecting and remitting a user fee, [*Metro Code 5.02.045(d)*]. Also, the applicant has requested a variance from Metro rate-setting. This request is based on the nature of the facility, the need to respond rapidly to marketplace requirements and the contributions being made to Metro's objective of minimizing or eliminating petroleum contaminated soils from landfills.

The Council may grant a variance in the interest of protecting the public health and welfare if the purpose and intent of the requirement (*e.g.*, setting rates) can be achieved without strict compliance and that strict compliance:

- "(1) Is inappropriate because of conditions beyond the control of the persons(s) requesting the variance; or
- (2) Will be extremely burdensome or highly impractical due to special physical conditions or causes; or
- (3) Would result in substantial curtailment or closing down of a business plant, or operation which furthers the objectives of the District."

Staff opinion is that the applicant's variance request is consistent with the spirit, intent and variance criteria (1), (2) and (3) requirements. Staff recommendation is that the following findings be incorporated into the franchise if approved by the Council:

- A. Strict compliance with Metro Code provisions regarding rate-setting (Section 5.01.180) is not necessary to protect the public interest, health or welfare with respect to processors of petroleum contaminated soils.



- B. That the applicant (franchisee) will be performing a processing and recycling function by destroying and eliminating contaminants from soil.
- C. Soils treatment and processing facilities will be operating in a highly competitive marketplace which will require the need for rapid response to market demands.
- D. Metro does not collect user fees from processors of petroleum contaminated soils because of Metro policy to promote the processing and treatment of contaminated soil.
- E. That the objectives of the District in encouraging treatment and processing of petroleum contaminated soil at a reasonable cost to the public can be met without regulation of the applicant's rate.
- F. That regulation of rates at the applicant's facility can result in curtailment or closing down of the franchised facility to the detriment of the Region's objectives to reduce or eliminate petroleum contaminated soils from landfills and to process and recycle contaminated soils.

Petroleum contaminated soil has been identified as a significant environmental and disposal problem in the District. At the present time, there is only one active franchised processor of these materials.

The interest and number of processors and competing landfills assure a competitive marketplace, and adequate processing and/or disposal capacity to meet District needs. Furthermore, the substantial capital investment and required permits to commence petroleum contaminated soil processing provides assurance of the commitment of processors to remain in the marketplace.

#### QUALIFICATIONS OF APPLICANT AND COMPLIANCE WITH THE CODE

PEMCO has been a petrochemical contractor in the Northwest since 1979, involved in remedial activities. Over the past five years, PEMCO has included soil remediation on its list of services.

The facility will be in compliance with the Regional Solid Waste Management Plan (RSWMP). Contaminated soil is classified as a "special waste" and the RSWMP calls for solutions to special waste management be developed as a component of the RSWMP. Ordinance No. 91-422B adopted by Council as an amendment to the Metro Code pertaining to contaminated soils treatment was part of the process of encouraging alternative strategies for petroleum contaminated soil. Petroleum contaminated soils are not a principal recyclable or counted in recycling levels for the metropolitan region. However, the Metro Council believed that the destruction of the contamination from petroleum contaminated soils warranted its exemption from user fees. PEMCO's franchise application to establish a soil remediation facility at Marion County would qualify for such an exemption. It's location south of the Metro region could potentially attract soils which would otherwise be disposed of or processed at another facility. Furthermore, the Council has previously approved a franchise in 1992 for a portable PCS treatment unit for PEMCO. Though this previous franchise is currently inactive, the present proposal will provide a fixed location for continuing activities for PCS treatment by PEMCO.

#### NEED FOR THE FACILITY

Additional competition with the existing franchised processor and disposal sites should keep prices competitive. Since soils will be stockpiled until sufficient quantity has been collected for processing, the environmental precautions for the storage area are important. The local jurisdiction and DEQ have addressed this in their Conditional Use Permit, Agreement with PEMCO and the DEQ Solid Waste Permit. Metro should also monitor the data from the facility to ensure that this is not a thinly disguised aeration operation even though the agreement that PEMCO has with Marion County and PEMCO's DEQ Solid Waste Permit clearly contemplate the use of PEMCO's thermo desorption unit. Doing soil aeration however, is an unlikely prospect since PEMCO's agreement with Marion County prohibits storage of untreated PCS for more than six months and PEMCO's DEQ Solid Waste Permit limits storage of untreated PCS to a period of 120 days. It is important to ensure that soil is treated and the hydrocarbons destroyed before it is used for beneficial use. The same testing and reporting requirements would apply to this site as to other franchise facilities that dispose of the treated soil off site.

Auditing and establishing partitions between soil received to be treated versus other waste and soils received at the landfill will be critical to achieving this audit ability. Metro and DEQ data requirements will necessitate such physical separation, and the physical location of the PEMCO operations site on a closed section of the landfill will assure such physical separation. Metro's data requirements parallel DEQ's data requirements. DEQ requires data for all tons of PCS received; date of receipt; origin of soil; tons of processed soil removed from the processing site and addresses to where sent; pre-treatment waste characterization and post-treatment testing results.

It will be expected that the amount of soil processed will increase somewhat with access to this new facility, however, an exact total is not possible to predict and will largely be based on the price charged to receive the soils.

With respect to the need for the facility, the present facility if approved, will be one of two active processors of PCS in the local region. The other operating PCS franchise is Oregon Hydrocarbon, Inc. located in the Rivergate industrial area. At the present time, it is not recommended that restrictions be placed on entry into the petroleum contaminated soil processing business provided that applicants can satisfy DEQ and other regulatory requirements, and further provided that Metro is otherwise satisfied with the applicant's qualifications. Market demand should be a sufficient regulator of economic entry and departure from the soils processing business. In the interim, undue limitations upon entry into the processing market are not recommended. Furthermore, no geographic operations limitations on soil processors is recommended at this time. In order for this ordinance to take effect immediately upon passage, an emergency clause has been added to the Ordinance.

### Regulatory Compliance

As noted on page 2 of this report, the applicant possesses a Department of Environmental Quality Solid Waste Permit and a conditional use permit from Marion County.

### BUDGET IMPACT

Currently, the charge to dispose of PCS at designated facilities is approximately the same as the charge to have it treated by companies such as PEMCO. For the purposes of this analysis it is

assumed that this cost differential will remain zero. This leaves proximity as the remaining factor that could result in PEMCO's request having effects on Metro's revenues. It seems that proximity will have negligible impact on Metro's revenues, given that: (a) Metro only receives revenues on PCS generated within the Metro area and disposed of at a landfill; (b) compared to the location of the Hillsboro Landfill designated facility, the PEMCO facility is located a long distance from the Metro area; and (c) since transportation costs are a function of miles driven, if landfill disposal and PCS processing are on a rough parity in terms of cost, then PEMCO is likely only to draw business from an area in relative proximity to its facility.

Marion County and DEQ have stated that receipt of PEMCO waste will not affect the ability of the Marion County Landfill to receive waste from its current users in the future.

### SUMMARY

It is the conclusion of staff that:

The applicant possesses sufficient qualifications to establish, operate and maintain the proposed facility in a manner consistent with the provisions of the Metro Code.

That the facility complies with Metro's Regional Solid Waste Management Plan.

### STAFF RECOMMENDATION

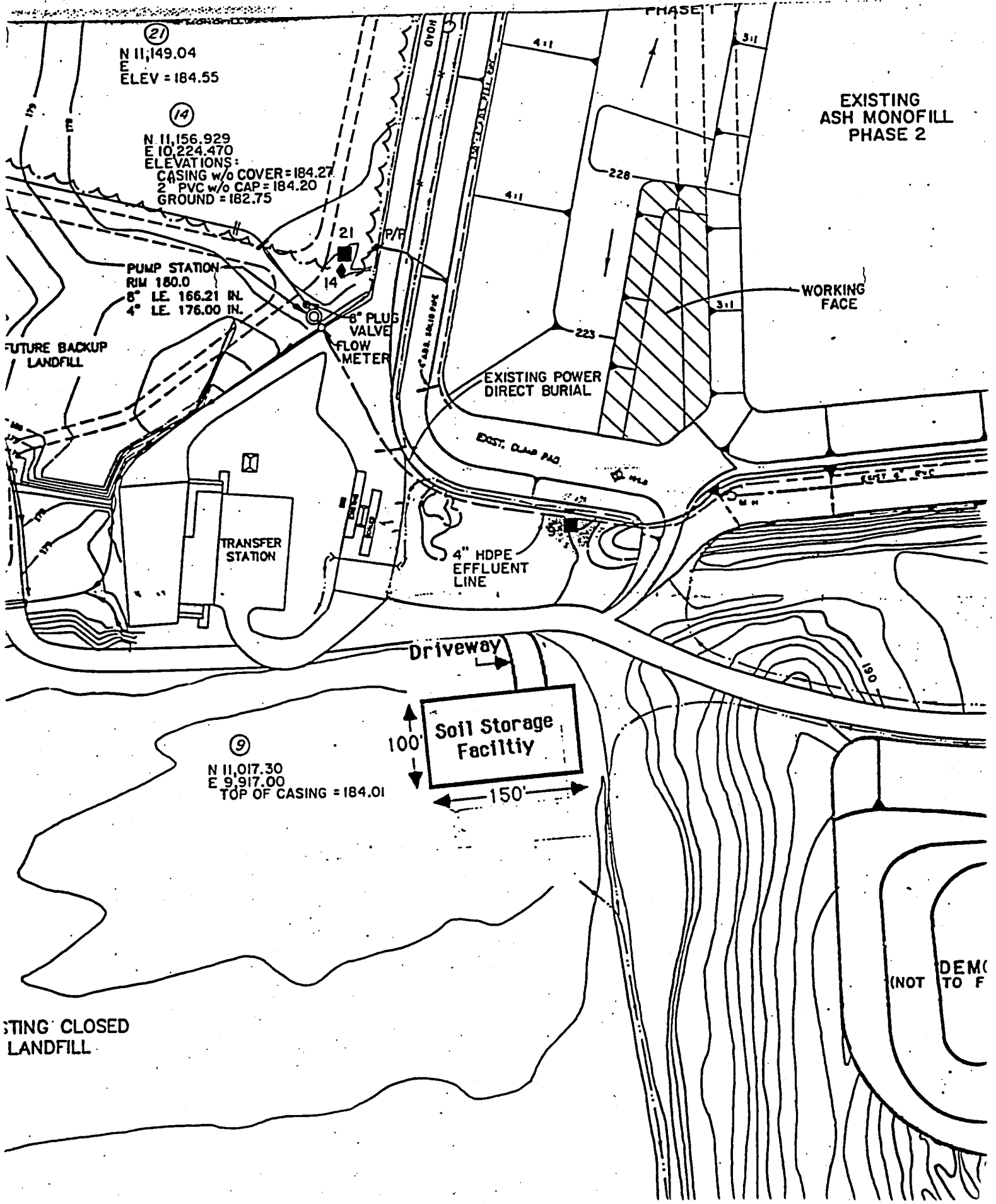
Based on the foregoing analysis it is the opinion of staff the PEMCO, INC. should be granted a non-exclusive franchise in accord with the provisions of the franchise agreement shown as Exhibit A of Ordinance No. 94-532.

### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 94-532.

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ATTACHMENT 1



Meeting Date: March 24, 1994  
Agenda Item No. 6.1

RESOLUTION NO. 94-1902



**METRO**

**DATE:** March 18, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 6.1; RESOLUTION NO. 94-1902 .

The Planning Committee report on the above-referenced resolution will be distributed in advance to Councilors and available at the Council meeting March 24, 1994.

**BEFORE THE METRO COUNCIL**

**FOR THE PURPOSE OF AMENDING THE ) RESOLUTION NO. 94-1902**  
**TRANSPORTATION POLICY )**  
**ALTERNATIVES COMMITTEE (TPAC) ) Introduced by**  
**BYLAWS ) Planning Committee**

WHEREAS, The Bylaws of the Transportation Policy Alternatives Committee (TPAC), dated January 25, 1990, are outdated and need minor housekeeping changes; and

WHEREAS, There is no longer an Intergovernmental Relations Committee, citizen representatives will be nominated by the Planning Committee; and

WHEREAS, The 1992 Charter officially changed the agency title of "Metropolitan Service District" to "Metro"; and

WHEREAS, Resolution 93-1830, approved by the Metro Council on September 9, 1993, the process for selection of citizen alternates was clarified but not inserted into the TPAC Bylaws; and

WHEREAS, Metro's representation on TPAC (non-voting) has only included staff appointed by the Metro Executive Officer; now, therefore

**BE IT RESOLVED,**

That the Metro Council amends the TPAC Bylaws as shown in Exhibit A.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

## EXHIBIT A

### TRANSPORTATION POLICY ALTERNATIVES COMMITTEE

#### BYLAWS

#### ARTICLE I

This Committee shall be known as the TRANSPORTATION POLICY ALTERNATIVES COMMITTEE (TPAC).

#### ARTICLE II

The Transportation Policy Alternatives Committee coordinates and guides the regional transportation planning program in accordance with the policy of the Metro Council.

The responsibilities of TPAC with respect to transportation planning are:

- a. Review the Unified Work Program (UWP) and Prospectus for transportation planning.
- b. Monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development.
- c. Advise on the development of the Regional Transportation Plan in accordance with the Intermodal Surface Transportation Efficiency Act (ISTEA), the L.C.D.C. Transportation Planning Rule, and the 1992 Metro Charter. [~~and Transportation Improvement Program.~~]
- d. Advise on the development of the Transportation Improvement Program in accordance with the ISTEA.
- e. Review projects and plans affecting regional transportation.
- [e-] f. Advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification.



~~[f.]~~g. Develop alternative transportation policies for consideration by JPACT and the Metro Council.

~~[g.]~~h. Review local comprehensive plans for their transportation impacts and consistency with the Regional Transportation Plan.

~~[h.]~~i. Recommend needs and opportunities for involving citizens in transportation matters.

The responsibilities of TPAC with respect to air quality planning are:

a. Review and recommend project funding for controlling mobile sources of particulates, CO, HC and NOx.

b. Review the analysis of travel, social, economic and environmental impacts of proposed transportation control measures.

c. Review and provide advice (critique) on the proposed plan for meeting particulate standards as they relate to mobile sources.

**d. Review and recommend action on transportation and parking elements necessary to meet federal and state clean air requirements.**

## ARTICLE III

### MEMBERSHIP, VOTING, MEETINGS

#### Section 1. Membership

a. The Committee will be made up of representatives from local jurisdictions, implementing agencies and citizens as follows:

City of Portland	1
Clackamas County	1
Multnomah County	1
Washington County	1
Clackamas County Cities	1
Multnomah County Cities	1
Washington County Cities	1
Oregon Department of Transportation	1

Washington State Department of Transportation	1
<del>[IRC of Clark County]</del> <b><u>Southwest Washington</u></b>	
<b><u>Regional Transportation Council</u></b>	1
Port of Portland	1
Tri-Met	1
Oregon Department of Environmental Quality	1
<del>[Metropolitan Service District]</del> <b><u>Metro</u></b> (non-voting)	2
Citizens	6
	<b>[19] 21</b>

In addition, the City of Vancouver, Clark County, C-TRAN, Federal Highway Administration, Federal Aviation Administration (FAA), Urban Mass Transportation Administration (UMTA), and Washington Department of Ecology may appoint an associate member without a vote. Additional associate members without vote may serve on the Committee at the pleasure of the Committee.

- b. Each member shall serve until removed by the appointing agency. Citizen members shall serve for two years and can be reappointed.
- c. Alternates may be appointed to serve in the absence of the regular member.
- d. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chairperson to notify the appointing agency with a request for remedial action.

**Section 2. Appointment of Members and Alternates**

- a. Representatives (and alternatives if desired) of the Counties, **and** the City of Portland ~~[and implementing agency]~~ shall be appointed by the presiding executive of their jurisdiction/agency.
- b. Representatives (and alternates if desired) of Cities within a County shall be appointed by means of a consensus of the Mayors of those cities. It shall be the responsibility of the representative to coordinate with the cities within his/her county.
- c. Citizen representatives will be nominated by the ~~[Intergovernmental Relations]~~ **Planning** Committee of the Metro Council, confirmed by the Metro Council, and appointed by the Presiding Officer of the Metro Council. ~~[Alternates for the citizen members will be selected by each citizen member choosing to have an alternate.]~~ **All citizen members shall, with the approval of the Chairperson of the Metro Council Planning Committee, appoint an alternate to serve in their absence; if a citizen**

**member fails to appoint an alternate within 30 days of appointment, the Metro Council will make the appointment.**

**d. Metro representatives (non-voting) shall be appointed one each by the Metro Executive Officer and Council Presiding Officer.**

### **Section 3. Voting Privileges**

a. Each member or alternate of the Committee, except associate members, shall be entitled to one (1) vote on all issues presented at regular and special meetings at which the member or alternate is present.

b. The Chairperson shall have no vote.

### **Section 4. Meetings**

a. Regular meetings of the Committee shall be held each month at a time and place established by the Chairperson.

b. Special meetings may be called by the Chairperson or a majority of the Committee members.

### **Section 5. Conduct of Meetings**

a. A majority of the voting members (or designated alternates) shall constitute a quorum for the conduct of business. The act of the majority of the members (or designated alternates) present at meetings at which a quorum is present shall be the act of the Committee.

b. All meetings shall be conducted in accordance with **Robert's Rules of Order, Newly Revised.**

c. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

d. An opportunity will be provided at each meeting for citizen comment on agenda and non-agenda items.

## ARTICLE IV

### OFFICERS AND DUTIES

#### Section 1. Officers

The permanent Chairperson of the Committee shall be the Metro [~~Transportation~~] **Planning Director or designee.**

#### Section 2. Duties

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

#### Section 3. Administrative Support

a. Metro shall supply staff, as necessary, to record actions of the Committee and to handle Committee correspondence and public information concerning meeting times and places.

## ARTICLE V

### SUBCOMMITTEES

One (1) permanent subcommittee of the Committee is established to oversee the major functional area in the transportation planning process where specific products are required:

a. Transportation Improvement Program Subcommittee (TIP) -- to develop and update the five-year TIP, including the Annual Element.

**b. Transportation Demand Management Subcommittee (TDM) -- to recommend measures to reduce travel demand for inclusion in the Regional Transportation Plan or funding in the Transportation Improvement Program.**

Subcommittees may be established by the Chairperson. Membership composition shall be determined according to mission and need. The Chair shall consult with the full committee on membership and charge before organization of subcommittees.

Subcommittee members can include TPAC members, alternates and/or outside experts. All such committees shall report to the Transportation Policy Alternatives Committee.

## ARTICLE VI

### REPORTING PROCEDURES

The Committee shall make its reports and findings and recommendations to the Joint Policy Advisory Committee on Transportation (JPACT). The Committee shall develop and adopt procedures which adequately notify affected jurisdictions on matters before the Committee.

## ARTICLE VII

### AMENDMENTS

The Bylaws may be amended or repealed only by the [~~Metropolitan Service District~~] Metro Council.

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 94-1902, FOR THE PURPOSE OF AMENDING THE TRANSPORTATION POLICY ALTERNATIVES (TPAC) BYLAWS

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Date: January 20, 1994

Presented by: Gail Ryder

#### FACTUAL BACKGROUND AND ANALYSIS

The Transportation Policy Alternatives Committee (TPAC) Bylaws have not been revised since 1990 and are in need of minor housekeeping updates as follows:

- There is no longer a Council Intergovernmental Relations Committee, so citizen members are now nominated by the Council Planning Committee.
- With passage of the 1992 Metro Charter, the title "Metropolitan Service District" became obsolete: the new title is "Metro".
- When the then Planning and Development Department and the Transportation Department were merged at the beginning of FY 1992-93, the "Transportation Director" became the "Planning Director". In the absence of the Planning Director, the chairperson is the designee appointed by the Planning Director.
- The IRC of Clark County has become the Southwest Washington Regional Transportation Council (RTC).

In addition, on September 9, 1993, the Metro Council approved Resolution 93-1830, which in part clarified the process for selection of citizen alternates. According to the resolution, "All citizen members shall, with the approval of the Chairperson of the Metro Council Planning Committee, appoint an alternate to serve in their absence; if a citizen member fails to appoint an alternate within 30 days of appointment, the Metro Council will make the appointment." This new language was approved but not inserted into the TPAC Bylaws.

Finally, under the current bylaws, "representatives . . . of the . . . implementing agency shall be appointed by the presiding executive of their jurisdiction/agency." This language has always been interpreted to mean the Executive Officer of Metro appoints "the implementing agency (Metro's) "non-voting" representative or representatives. Her appointee is Andy Cotugno, the Director of the Planning Department who serves as

TPAC Chair. This appointment is interpreted to include any Planning Department staff assigned by the Planning Director to cover specific agenda items. There has never been staff representation from the Metro Council on TPAC. This final amendment provides for two "non-voting" Metro representatives - one appointed by the Metro Executive Officer and one appointed by the Metro Presiding Officer. The new appointment anticipated by this change is the addition of the Senior Council Analyst to the Planning Committee to the TPAC membership.

This change is being proposed so that a Metro Council perspective as well as that of the Planning Department can be part of TPAC deliberations. TPAC decisions routinely make significant changes in the recommendation from the Metro Planning Department before issues go to the Joint Policy Advisory Committee on Transportation (JPACT).

TPAC Action: The Transportation Policy Alternatives Committee (TPAC) approved the resolution and recommended the following additional clarifications regarding TPAC responsibilities:

- Under responsibilities for transportation planning, advice on the Regional Transportation Plan (RTP) and Transportation Improvement Plan (TIP) were separated. Advice on the development of the RTP was clarified to be "in accordance with ISTEA, the LCDC Transportation Planning Rule, and the Metro Charter". Advice on the development of the TIP was clarified to be "in accordance with ISTEA."
- Under responsibilities for air quality planning, language was added to clarify responsibility to "review and recommend action on transportation and parking elements necessary meet federal and state clean air requirements."
- Under explanation of subcommittees, the Transportation Demand Management (TDM) Subcommittee was added as a permanent subcommittee.

Meeting Date: March 24, 1994  
Agenda Item No. 6.2

RESOLUTION NO. 94-1916





**METRO**

**DATE:** March 18, 1994

**TO:** Metro Council  
Executive Officer  
Agenda Recipients

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

**RE:** AGENDA ITEM NO. 6.2; RESOLUTION NO. 94-1916

The Planning Committee report on the above-referenced resolution will be distributed in advance to Councilors and available at the Council meeting March 24, 1994.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING THE  
FY 1995 UNIFIED WORK PROGRAM

) RESOLUTION NO. 94-1916  
)  
) Introduced by Councilor Rod Monroe

WHEREAS, The Unified Work Program describes all federally-funded transportation planning activities for the Portland-Vancouver metropolitan area to be conducted in FY 1995; and

WHEREAS, The FY 1995 Unified Work Program indicates federal funding sources for transportation planning activities carried out by Metro, Regional Transportation Council, Oregon Department of Transportation, Tri-Met and the local jurisdictions; and

WHEREAS, Approval of the FY 1995 Unified Work Program is required to receive federal transportation planning funds; and

WHEREAS, The FY 1995 Unified Work Program is consistent with the proposed Metro budget submitted to the Tax Supervisory and Conservation Commission; now, therefore,

BE IT RESOLVED,

That the Metro Council hereby declares:

1. That the FY 1995 Unified Work Program is approved.
2. That an additional \$70,000 of Regional STP funds is allocated.
3. That it is recognized that full funding for this work program has not been secured which could result in amendment, reduction or elimination of some work elements or funding through alternate sources. These changes will be reviewed by TPAC, JPACT and the Metro Council.
4. That the FY 1995 Unified Work Program is consistent with the continuing, cooperative and comprehensive planning process and is given positive Intergovernmental Project Review action.
5. That Metro's Executive Officer is authorized to apply for, accept and execute grants and agreements specified in the Unified Work Program.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

FY 94-95 Unified Work Program  
Grant Adjustments

<u>Grants</u>	<u>Current</u>	<u>Change</u>	<u>Proposed</u>
PL	\$687,481	-35,535	\$651,946
Sec. 8	217,000	- 8,637	208,363
STP	633,333	+95,000	728,333
E-4	0	<u>+34,052</u>	34,052
		+14,880	

<u>Tasks</u>	<u>Current</u>	<u>Change</u>	<u>Proposed</u>
Technical Assistance	\$145,800	+25,000	\$170,800
Willamette Crossing Study	221,000	-10,120	210,880
Surveys & Research	747,000	<u>+70,000</u>	\$817,000
		+84,880	

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 94-1916 FOR THE PURPOSE OF APPROVING THE FY 1995 UNIFIED WORK PROGRAM AND RESOLUTION NO. 94-1917 CERTIFYING THAT THE PORTLAND METROPOLITAN AREA IS IN COMPLIANCE WITH FEDERAL TRANSPORTATION PLANNING REQUIREMENTS**

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Date: February 28, 1994

Presented by: Andrew C. Cotugno

## FACTUAL BACKGROUND AND ANALYSIS

The FY 1995 Unified Work Program (UWP) describes the transportation planning activities to be carried out in the Portland-Vancouver metropolitan region during the fiscal year beginning July 1, 1994. Included in the document are federally-funded studies to be conducted by Metro, Regional Transportation Council (RTC), Tri-Met, the Oregon Department of Transportation (ODOT), the City of Portland and local jurisdictions. Major commitments continue to the Clean Air Act, Demand Management, Urban Growth Management, the Westside Corridor project, Hillsboro FEIS, the South/North Alternatives Analysis (AA) and High Capacity Transit studies. Also of major priority are the Southeast Corridor Study, the response to Rule 12, and the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Travel-Forecasting Surveys and Research.

In the past, regional Interstate Transfer or FAU funds have been allocated toward work elements in the UWP. This practice is continued with an allocation from the region's Surface Transportation Program (STP), the replacement for FAU.

Federal transportation agencies (Federal Transit Administration (FTA)/Federal Highway Administration (FHWA)) require a self-certification that our planning process is in compliance with certain federal requirements as a prerequisite to receiving federal funds. The self-certification documents that we have met those requirements and is considered yearly at the time of UWP approval.

The UWP matches the projects and studies reflected in the proposed Metro budget submitted by the Metro Executive Officer to the Metro Council and is subject to revision in the final Metro budget. In addition, it funds one of the "add" packages submitted by the Executive Officer. Through an allocation of \$70,000 of Regional STP funds, it restores a Travel-Forecasting position.

Approval will mean that grants can be submitted and contracts executed so work can commence on July 1, 1994, in accordance with established Metro priorities.

## PROPOSED ACTION

This resolution would: 1) approve the Unified Work Program (UWP) continuing the transportation planning work program for FY 1995; 2) allocate an additional \$70,000 of Regional STP funds; 3) authorize the submittal of grant applications to the appropriate funding agencies; and 4) certify that the Portland metropolitan area is in compliance with federal transportation planning requirements.

TPAC recommended approval of the FY 95 Unified Work Program with the following condition:

That further TPAC review be scheduled to discuss the implementation work program for Region 2040 and the Regional Framework Plan, maintenance of and access to RLIS, and Metro's new direction for public outreach.

**EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Resolutions numbered 94-1916 and 94-1917, respectively.

Meeting Date: March 24, 1994  
Agenda Item No. 6.3

RESOLUTION NO. 94-1921

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 94-1921, FOR THE PURPOSE OF APPOINTING JOHN A. HILTON TO FILL A VACANCY ON THE NORTH PORTLAND REHABILITATION AND ENHANCEMENT COMMITTEE

-----  
Date: March 17, 1994

Presented by: Councilor Hansen

**Committee Recommendation:** At the March 15 meeting, the Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1921. Voting in favor: Councilors Hansen, McFarland, McLain, Monroe and Wyers. Councilor Buchanan was absent.

**Committee Issues/Discussion:** The purpose of this resolution is to fill an unexpected vacancy on the North Portland Rehabilitation and Enhancement Committee. The vacancy was advertised to local community organizations and all prospective applicants were interviewed. Councilor Hansen and Katie Dowdall presented background information concerning John Hilton, the recommended appointee. They noted that Mr. Hilton's education and professional background and his strong involvement in community activities make him an ideal appointee to the committee.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING	)	RESOLUTION NO 94-1921
JOHN A. HILTON TO FILL A VACANCY	)	
ON THE NORTH PORTLAND REHABILITATION	)	Introduced by Rena Cusma
AND ENHANCEMENT COMMITTEE	)	Executive Officer

WHEREAS, The Metro Council adopted Resolution No. 86-682 on August 28, 1986, creating the North Portland Rehabilitation and Enhancement Committee; and

WHEREAS, The North Portland Rehabilitation and Enhancement committee consists of seven members: Metro Councilor from District 12 as chair, three neighborhood appointments and three Metro appointments; and

WHEREAS, Jeffrey Kee, a Metro appointment to the committee, moved out of the enhancement area leaving a vacancy on the committee; and

WHEREAS, The Executive Officer solicited applications from individuals residing within the rehabilitation and enhancement boundary during December 1993 and January 1994 to serve on the North Portland Rehabilitation and Enhancement Committee to fill the vacancy left by Jeffrey Kee, the term not expiring until December 1996; and

WHEREAS, The Executive Officer received 5 applications and 5 applicants were interviewed; and

WHEREAS, The Executive Officer has authority to appoint members to the committee for Council confirmation; and

WHEREAS, Upon consultation with Councilor Hansen, chair of the committee, the Executive Officer recommends to the Metro Council for confirmation John A. Hilton; now therefore,



**BE IT RESOLVED,**

1. That the Metro Council hereby confirms the appointment of John A. Hilton to the North Portland Rehabilitation and Enhancement Committee.
2. That the committee membership and term of service for this individual shall be from this date through December 1996.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

---

Judy Wyers, Presiding Officer

## STAFF REPORT

### IN CONSIDERATION OF RESOLUTION NO. 94-1921 FOR THE PURPOSE OF APPOINTING JOHN A. HILTON TO FILL A VACANCY ON THE NORTH PORTLAND REHABILITATION AND ENHANCEMENT COMMITTEE

Date: March 15, 1994

Presented by: Katie Dowdall

## FACTUAL BACK GROUND

The North Portland Rehabilitation and Enhancement Committee was created by Metro in 1986. Resolution No. 86-682 specifies that the Committee shall consist of seven (7) members as follows:

- (a) Three members of the Committee are appointed by the Metro Council from a list prepared by the Executive Officer, all of whom shall reside in the rehabilitation and enhancement program boundary.
- (b) Three members appointed by the organization designated by the City of Portland to provide neighborhood participation services to North Portland. These members shall reside within the rehabilitation and enhancement program boundary;
- (c) The Metro Councilor representing District 12, who shall be the committee chair.

Jeffrey Kee a Metro committee appointment moved out of the enhancement area thus leaving a vacancy on the enhancement committee. His term of office expires December 30, 1996.

A recruitment process was conducted to fill this vacancy. The Executive Officer solicited names from individuals residing within the rehabilitation and enhancement boundary. Public announcements were placed in the *St. Johns Review*, *Neighbors Between the Rivers*, *The Oregonian*, the *Skanner*, and the *Observer*. The Executive Officer also sent letters to each North Portland Neighborhood Association and North Portland Neighborhood Office.

Five applications were received. Councilor Sandi Hansen, Don Rocks, Executive Assistant, and Katie Dowdall, Community Enhancement Coordinator interviewed all five applicants on February 3, 1994.

After consulting with Councilor Sandi Hansen, chair of the committee, after considering Metro's and the community's need, and identifying the geographic representation of each applicant, the Executive Officer recommends the appointment of John A. Hilton to serve the vacant term on the North Portland Rehabilitation and Enhancement Committee.

**EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 94-1921, confirming appointment of John A. Hilton to the North Portland Rehabilitation and Enhancement Committee beginning this date and ending December 1996.



METRO

4:20

APPOINTMENT INTEREST FORM

Special Interests, If Any Preference:

NORTH PORTLAND ENHANCEMENT COMMITTEE

.....  
METRO OFFICE COMMENTS:  
.....

NAME: JOHN A HILTON DATE: 1-14-94

HOME ADDRESS: 9750 N LEONARD ST. PORTLAND OR 97203  
Street City State Zip

BUSINESS ADDRESS: \_\_\_\_\_  
Street City State Zip

HOME PHONE: 289 4705 BUSINESS PHONE: \_\_\_\_\_

SOCIAL SECURITY No. 541-11-7746 METRO DISTRICT No.: 12  
(i.e., the district that you live in) St Johns,

THE FOLLOWING INFORMATION IS VOLUNTARY:

SEX: MALE ETHNIC ORIGIN WHITE

(METRO STRIVES FOR ETHNIC AND MINORITY BALANCE, AS WELL AS GEOGRAPHIC REPRESENTATION, IN ITS MEMBERSHIP COMPOSITION.)

SCHOOL (INCLUDE HIGH SCHOOL)	LOCATION	MAJOR OR DEGREE
WYNDHAM HIGH SCHOOL		
EGREMONT CUMBRIA ENGLAND,		G.E.D.
WORKINGTON TECH COLLEGE.	WARKINGTON ENGLAND	CGLI 281,
P.C.C.	PORTLAND OR.	ELECTRONIC SERVICE TECHNOLOGY

LIST MAJOR EMPLOYMENT AND/OR VOLUNTEER ACTIVITIES, BEGINNING WITH MOST RECENT (INCLUDE ALL EXPERIENCES YOU BELIEVE TO BE RELEVANT)

DATE (TO/FROM)

EMPLOYER/ORGANIZATION

POSITION

PRESENT / 8-87 UNIFIED SEWERAGE AGENCY INSTRUMENT TECHNICIAN  
6-84 / 8-76 BRITISH NUCLEAR FUELS ELECTRICIAN  
PRESENT / 1-93 S.J.N.A. VICE CHAIRMAN

EXPERIENCE, SKILLS, OR QUALIFICATIONS YOU FEEL WOULD CONTRIBUTE TO A PUBLIC SERVICE APPOINTMENT:

Part of working for a Sewage treatment organization is the increased awareness of environmental concerns. North Portland is in need of this type of knowledge. I also have experience in residential construction and industrial construction.

OUTLINE YOUR REASONS AND INTERESTS IN APPLYING FOR AN APPOINTMENT:

North Portland has many challenges facing it. These include environmental problems such as Columbia Slough, and the wetlands on the peninsula. I would like to be a part of the process of rebuilding the environment of these areas.

1-14-94

Date

Applicant's Signature



**METRO**

February 9, 1994

Mr. John A. Hilton  
9750 N. Leonard Street  
Portland, OR 97203

Dear Mr. Hilton:

I am pleased to recommend your appointment to serve on the Metro North Portland Enhancement Committee. I have conferred with Metro Councilor Sandi Hansen, chair of the committee, and recognize the need to balance representation from around the enhancement area of North Portland as well as the interest of the citizens in the area. My appointment will be presented to the Metro Council Solid Waste Committee then forwarded to the full Metro Council for confirmation. Katie Dowdall, Metro's staff to the committee, will notify you of these dates when they have been scheduled.

As you know there are great challenges and opportunities ahead for this community. The committee continues to be a strong and vital link between the neighborhoods and Metro. Citizens like yourself, who give of their time and energy are critical to the function of these programs, and we appreciate your time and interest. If past history of this committee bares out, you will have your work cut out for you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Rena Cusma'. The signature is fluid and extends across the width of the text area.

Rena Cusma  
Executive Officer

RC/KD:clk

cc: Councilor Sandi Hansen, Chair North Portland Enhancement Committee  
Bob Martin, Solid Waste Director



**METRO**

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

*News release*

Dec. 8, 1993

For immediate release

For more information, call Vickie Rocker, 797-1511.

### **North Portland resident sought for Metro enhancement committee**

Metro is looking for a resident of North Portland to fill a vacancy on its North Portland Enhancement Committee.

The purpose of the seven-member committee, established in 1986, is to develop a program for administering the enhancement funds, to develop guidelines for project proposals and to select and recommend projects to be funded on an annual basis. Community grants are funded via money collected by a 50-cent per ton surcharge on disposal collected at the now-closed St. Johns Landfill. There is about \$2 million in the fund; about \$100,000 is allocated annually. The fund is to be used to create real change in the community that may improve the neighborhood as a place to live and work. Metro Councilor Sandi Hansen chairs the committee.

The position on the enhancement committee became vacant in September 1993, when Jeff Kee moved out of the enhancement area. The term will not expire until Dec. 31, 1996. This position is appointed by Rena Cusma, Metro executive officer, from the North Portland public at large and confirmed by the Metro Council. Committee members must live in the North Portland enhancement area bounded by the Willamette and Columbia rivers and Interstate 5 and Interstate 405. Neighborhoods include St. Johns, Cathedral Park, Portsmouth, University Park, Kenton, Arbor Lodge and Overlook.

Applications are available at the North Portland Neighborhood Office, 2410 N. Lombard or at Metro Regional Center, 600 NE Grand Ave. The deadline is 5 p.m. Friday, Jan. 14, 1994.

Questions should be directed to Katie Dowdall, Metro's community enhancement coordinator.

###



METRO

January 4, 1994

Ms. Sherron Bilyeu, Vice Chair  
Arbor Lodge Neighborhood Association  
7215 N Mobile  
Portland, OR 97217

Dear Ms. Bilyeu:

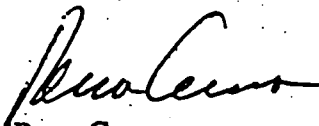
Metro is soliciting nominations to fill a vacancy on the North Portland Enhancement Committee. This position became vacant in October when Jeff Kee moved out of the enhancement area. The term will not expire until December 31, 1996. Your organization is asked to assist in getting the word out to North Portland residents.

Application forms are enclosed for your convenience. We encourage you to distribute applications to your interested members and others whom you feel may want to serve on the Committee. Committee members must live in the North Portland enhancement area bounded by the Willamette and Columbia rivers and Interstate 5 and Interstate 405. Neighborhoods include St. Johns, Friends of Cathedral Park, Portsmouth, University Park, Kenton, Arbor Lodge and Overlook.

Individuals should submit their application to the Metro offices by Friday, January 14, 1994. If you have any questions, please call Katie Dowdall, Metro's Community Enhancement Coordinator at 797-1648.

Thank you for helping.

Sincerely,



Rena Cusma  
Executive Officer

RCVKD:clk

Enclosures

cc: Councilor Sandi Hansen, District 12

cc:\dowd\rspec\0103mrg.ltr  
cc:\dowd\rspec\0103mrg.sf

Kate Dowdall



Mr. Michael Matteucci Coordinator  
North Portland Neighborhood Office  
2410 N. Lombard  
Portland, OR 97217

Ms. Sherron Bilyeu Vice Chair  
Arbor Lodge Neighborhood Association  
7215 N Mobile  
Portland, OR 97217

Mr. Ted White Chair  
Friends of Cathedral Park Neighborhood  
Association  
7400 N Willamette  
Portland, OR 97203

Ms. Pam Arden, Chair  
Kenton Neighborhood Association  
1817 N. Winchell  
Portland, OR 97217

Mr. Robert Griffen, President  
Overlook Neighborhood Association  
3022 N Ainsworth  
Portland, OR 97217

Ms. Lee Poe, Chair  
Portsmouth Neighborhood Association  
3911 N At  
Portland, OR 97217

Ms. Leora Mahoney, Chair  
St. Johns Neighborhood Association  
8638 N. Lombard, Suite 441  
Portland, OR 97203

Mr. Dick Wisner, President  
University Park Neighborhood  
Association  
520 N. Lombard  
Portland OR 97203

Meeting Date: March 24, 1994  
Agenda Item No. 6.4

RESOLUTION NO. 94-1926

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF RESOLUTION NO. 94-1926, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING AND ISSUANCE OF A REQUEST FOR PROPOSALS FOR THE DESIGN AND MANUFACTURE OF COMPOST BINS AND DEVELOPMENT OF A PUBLIC EDUCATION PROGRAM, AND AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO A MULTI-YEAR CONTRACT

-----

Date: March 17, 1994

Presented by: Councilor Monroe

**Committee Recommendation:** At the March 15 meeting, the Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1926. Voting in favor: Councilors Hansen, McLain, McFarland, Monroe and Wyers. Councilor Buchanan was absent.

**Committee Issues/Discussion:** In February, the Council authorized the expenditure of \$50,000 to fund a pilot program to provide compost bins at a discounted price in selected neighborhoods throughout the region. The purpose of this resolution is to approve the issuance of an RFP for the purchase of the bins to be used in the program.

Leigh Zimmerman, Solid Waste Market Development Supervisor, explained that the department is proposing to use an RFP process because there are many aspects to procuring the bins in addition to their price. These include the design and aesthetics of the bins and the potential that the vendor could provide promotional and followup survey assistance. These issues could not be adequately addressed through an RFB process. It is anticipated that the first bins will be distributed by late spring.

**BEFORE THE METRO CONTRACT REVIEW BOARD**

<b>FOR THE PURPOSE OF AUTHORIZING</b>	)	<b>RESOLUTION NO. 94-1926</b>
<b>AN EXEMPTION FROM COMPETITIVE</b>	)	
<b>BIDDING AND ISSUANCE OF A REQUEST</b>	)	<b>Introduced by Rena Cusma,</b>
<b>FOR PROPOSALS FOR THE DESIGN AND</b>	)	<b>Executive Officer</b>
<b>MANUFACTURE OF COMPOST BINS AND</b>	)	
<b>DEVELOPMENT OF A PUBLIC EDUCATION</b>	)	
<b>PROGRAM, AND AUTHORIZING THE</b>	)	
<b>EXECUTIVE OFFICER TO ENTER INTO A</b>	)	
<b>MULTI-YEAR CONTRACT</b>	)	

WHEREAS, Metro has budgeted \$50,000 to fund a pilot program for the design and manufacture of compost bins and development of a public education program; and

WHEREAS, This compost bin project includes professional services but is predominantly for procurement of compost bins; and

WHEREAS, The Metro Code would require that this contract be subject to competitive bidding unless an exemption is obtained from the Metro Contract Review Board; and

WHEREAS, Metro Code Section 2.04.041(c) authorizes, where appropriate, the use of alternative contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods which are consistent with the public policy of encouraging competition; and

WHEREAS, The Board finds that it is unlikely that procurement of compost bins without competitive bidding will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts because: (1) competitive proposals will be solicited; (2) a Request for Bids for a specified compost bin would limit the ability of a wide variety of firms to show that their products are superior in their convenience

of use and in their ability to compost household and yard wastes; and (3) using a Request for Proposals process will allow Metro to review a wide variety of compost bin designs; and

WHEREAS, The Board also finds that the exemption will result in substantial cost savings to Metro because: (1) a greater number of companies will be able to compete for award of the contract; (2) cost will be a factor in the selection process; (3) if the pilot program is carried into subsequent budget years, obtaining a superior product at this time will lead to cost savings throughout the life of the program; and

WHEREAS, Metro Code Section 2.04.033(a)(1) requires Council approval of a multi-year contract, and this project may not be concluded by the end of this fiscal year; now, therefore,

**BE IT RESOLVED,**

1. That the Metro Contract Review Board hereby exempts the contract for the design and manufacture of compost bins and development of a public education program from the competitive bidding requirements.

2. That the Council approves issuance of the Requests for Proposals for the Design and Manufacture of Compost Bins and Development of a Public Education Program attached to this Resolution as Exhibit A.

3. That the Council waives approval of a multi-year contract with the successful proposer and authorizes the Executive Officer to execute the contract.

ADOPTED by the Metro Contract Review Board this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Judy Wyers, Presiding Officer

ds 1158

EXHIBIT A

**REQUEST FOR PROPOSALS**

**FOR DESIGN AND MANUFACTURE OF  
COMPOST BINS AND DEVELOPMENT OF A PUBLIC  
EDUCATION PROGRAM**

(RFP #94R-7-SW)

**MARCH 1994**

**Metro  
Solid Waste Department  
600 NE Grand Avenue  
Portland, OR 97232**

*Printed on Recycled Paper*

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# REQUEST FOR PROPOSALS

## FOR DESIGN, MANUFACTURE AND EDUCATION REGARDING A HOME COMPOST BIN PROGRAM (RFP #94R-7-SW)

### I. INTRODUCTION

The Solid Waste Department of Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, is requesting proposals for a Home Compost Bin Distribution Program. Proposals will be due no later than 3 p.m., April 15, 1994 in Metro's business offices at the Solid Waste Department, 600 NE Grand Avenue, Portland, OR 97232-2736. Details concerning the project and proposal are contained in this document.

### II. BACKGROUND/HISTORY OF PROJECT

Metro is a regional government responsible for solid waste management and disposal of waste in the tri-county (Multnomah, Washington and Clackamas) Portland metropolitan area. Through waste reduction programs, Metro strives to reduce the amount of waste disposed at its facilities. Home composting has been identified as a cost-effective way to reduce waste at its source.

According to Metro's 1989/90 Waste Characterization Study, yard debris comprises 26 percent of residential waste and is 11 percent of waste disposed at Metro facilities. Food waste was found to be eight percent of residential waste and 5 percent of waste disposed at Metro facilities. Metro's 1991 Regional Yard Debris Recycling Plan directs Metro and local governments to promote source reduction of residential yard debris through regional home composting demonstration sites and by providing compost bins to homeowners. Metro's goal and that of the State of Oregon is to achieve a rate of 50% waste recovery by the year 2000. By implementing a home compost bin program, we hope to move closer to that waste reduction goal.

Metro currently operates five regional home composting demonstration sites. These demonstration sites include 13 types of active composting systems and are utilized for workshops between April 1 and October 31 each year. Since the sites are designed to be self-guided, the 1,200,000 residents (388,000 households) of the Metro region can learn about composting by visiting one of the demonstration sites.

A corps of trained volunteers works with Metro's Compost Projects Coordinator to implement workshops, conduct presentations for community groups and staff booths at trade shows on home composting each year. In addition, Metro Recycling Information, a telephone hotline, answers numerous calls about composting and mails thousands of composting brochures (see copies of brochures in appendix).



### **III. PURPOSE OF THE PROJECT**

The purpose of this project is to provide home composting bins to residents in targeted neighborhoods in the Metro area. Compost bins will be available to residents, not currently composting, at 50 percent of the wholesale cost.

The first 500 bins will be available to homeowners living in the city of Portland in the same demographic area as residents currently participating in a Can Weight Study of characteristics of residential garbage. The second 500 bins will be distributed to other jurisdictions in the Metro region. Follow-up evaluation of the garbage of those receiving compost bins will determine reduction in the amount of yard debris due to home composting.

Metro will work with a local government to implement the home compost bin distribution program. Components of the program may be provided by Metro, a local government and/or the bin manufacturer.

#### **Goal**

Expand home composting by offering low cost bins and compost training to targeted neighborhoods, as determined by local governments and Metro.

#### **Objectives**

1. Determine citizen interest and administrative time to manage program.
2. Obtain data on waste diversion and recycling from home composting and attitudes toward program and bins.
3. Promote cost-sharing and determine level of citizen interest by requiring participants to pay 50 percent of wholesale price of bin.
4. Promote the market for waste plastic by utilizing post-consumer plastic as feedstock for production of the bin.

### **IV. PROPOSED SCOPE OF WORK/SCHEDULE**

Metro is seeking proposals from qualified firms to perform the following services and to deliver the products described: Proposal must include the products described as "Required Tasks" (item IVA.). Proposer may choose to select additional items to include in the proposal from the list described as "Optional Tasks" (item IVB.)

Summary: Proposer shall propose to manufacture and deliver at least 900 compost bins to a storage location in the Portland area. Proposer may propose additional services as described in item IVB.

**A. REQUIRED TASKS Contractor must provide these tasks.**

**A1: Provide compost bins**

Contractor shall provide approximately 900 compost bins that meet the following criteria. Contractor shall describe in the proposal how the bin meets each criterion.

**Criteria for Compost Bin:**

- a. **Size:** Not less than 11.5 cubic feet and not more than 25 cubic feet
- b. **Guarantee of replacement if defective:** minimum of 5 years
- c. **Content:** Bin must be made of plastic (does not include fastenings). Plastic must contain at least 25 percent post-consumer content. Post-consumer plastic from Oregon is preferred.
- d. **Design:**
  - \* Allows turning of the debris to promote maximum aerobic decomposition. (Describe in detail and provide photos or drawings. Provide a video if available.)
  - \* Ability to compost common backyard debris like grass clippings, leaves, plant stalks, without additional shredding.
  - \* Ability to compost appropriate kitchen scraps like fruit and vegetable peelings, coffee grounds and egg shells (no meat, grease, oil or dairy products).
  - \* Ability to easily remove the finished compost from the bin.
- e. **Color:** Black or green, or another color mutually agreed upon by Contractor and Metro
- f. **Assembly:** Assembly must be accomplished easily and quickly by the homeowner with only simple, common household tools like a screwdriver or pliers. Simple instructions for assembly must be provided in English with each compost bin (see IVA3).
- g. **Lid:** To shed rain in winter, retain moisture in summer, reduce odor, reduce access by flies and pests.

## A2. Delivery and Storage

Compost bins must be delivered to storage location in Portland area within 30 days of execution of contract. Storage for the compost bins must be secured through October 31, 1994.

## A3: Brochure: Education about use of the bin

We believe that education about effective use of the bin is essential to the success of the program. Proposer shall prepare a short brochure that covers how to assemble, how to use and where to locate the bin. The brochure will also include one paragraph with information about why Metro and the City of Portland are providing discount compost bins. Contractor must secure final written approval from Metro prior to printing the materials. Additional education components suggested by Contractor will be considered.

Metro will provide the following information with each bin:

- \* "Compost at Home," a brochure that describes appropriate materials to put into the bin and a list of common problems and solutions (see appendix).
- \* A list of Metro sponsored workshops on home composting. Contractor may be asked to enclose one of each of Metro's brochures in each bin.

## A4: Reports

Contractor will provide an interim verbal report to Metro halfway between the date of execution of the contract and distribution of the bins. A final written report is due with the final invoice for payment to Metro upon project completion.

## IVB. OPTIONAL TASKS Proposer may include one or more of these tasks in the proposal.

**Summary:** The compost bins will be stored in a location in the Portland area prior to implementation of the program. Since up to five hundred bins will be delivered to homeowners in the city of Portland during spring/summer, 1994, storage needs may vary as bins are delivered to homeowners. The second half of the bins will be delivered to homeowners in fall, 1994.

Pre-selected residents will be contacted this spring/summer by an advertisement brochure prepared by and delivered to homeowners by Metro and the City of Portland. The brochure will summarize availability of the compost bin, benefits of bin to homeowner, cost, delivery option(s) and dates of Metro's educational workshops. The cost to the homeowner for the bin will be 50 percent of Metro's cost, payable by homeowner to Metro, but may be collected by Contractor or the City of Portland.

For each optional item below selected for the proposal, proposer must complete a Cost Sheet and provide a written description.

## **B1. Ordering, Distribution and Recordkeeping**

Orders for bins may be taken in advance by Contractor from pre-selected homeowners. A check payable to Metro may be mailed by homeowners to Contractor prior to delivery of the bin. Contractor may also elect to accept payment upon delivery of the bin.

A bin will be delivered to up to 1000 homeowners from June through October, 1994 via one of the following formats, or another format mutually agreed upon by Metro and the Contractor:

### **Possible distribution formats:**

- \* Homeowner attends workshop and receives a bin.
- \* Homeowner picks up bin from warehouse.
- \* Bin is delivered via United Parcel Service or equivalent to each homeowner (delivery expense is included in cost to homeowner for bin).
- \* Local contractor delivers bin to homeowner.
- \* Bin manufacturer delivers bin to homeowner.
- \* Other format mutually agreed upon by Metro, local government and Contractor.

If Proposer elects to provide delivery of bins to homeowners, Proposer shall keep accurate records regarding the following:

- a. Name, address and phone number of each household receiving a compost bin, to be provided to Metro on a computer diskette (two copies) at the end of the contract
- b. Problems and solutions regarding process for ordering bins
- c. Problems and solutions regarding delivery of the bins

## **B2. Other Optional Item Suggested by Contractor**

## **V. QUALIFICATIONS/EXPERIENCE**

### **Contractor shall identify:**

- \* years Contractor has produced compost bins
- \* municipalities selecting Contractor to provide bulk order(s) of compost bins (briefly describe program and list contact person and phone at each municipality)

## **VI. PROJECT SCHEDULE**

Metro expects to award this contract in April, 1994. Contract shall be completed by October 31, 1994. If any optional items are selected from IVB above, Proposer and Metro will agree upon a schedule for completion.

## **VII. RESOURCES AVAILABLE**

A maximum of \$50,000 has been budgeted to complete this project. Cost estimates should include expected hours and rates used to make up the estimate as well as materials and expenses. The Contractor shall be responsible for providing approximately 900 compost bins, other materials described above and any optional items chosen from item IVB.

## **VIII. PROJECT ADMINISTRATION**

Metro's project manager and contact for this project is Lauren Ettlin. Metro intends to award a contract to a single contractor and that contractor shall assume responsibility for any/all subcontractor work as well as the day-to-day direction and internal management of the project. Proposals shall identify a single person as project manager to work with Metro.

## **IX. PROPOSAL INSTRUCTIONS**

### **A. Submission of Proposals**

Six copies of the proposal shall be furnished to Metro, addressed to:

Lauren Ettlin  
Solid Waste Department  
Metro  
600 NE Grand Ave.  
Portland, OR 97232-2736

### **B. Deadline**

Proposals are due April 15, 1994, by 3:00 pm. Proposals will not be considered if submitted after the deadline. Postmarks are not acceptable.

### **C. RFP as Basis for Proposals**

This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any verbal information which is not addressed in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be addressed to

Lauren Ettlin at (503) 797-1674 or Leigh Zimmerman at (503) 797-1671. Any questions, which in the opinion of Metro, warrant a written reply or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after April 8, 1994.

**D. Information Release**

All proposers are hereby advised that Metro may solicit and secure background information based upon the information, including references, provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.

**E. Disadvantaged, Minority and Women-Owned Business Program**

In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100,200 & 300.

Copies of that document are available from the Procurement and Contracts Division of Regional Facilities, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1717.

**X. PROPOSAL CONTENTS**

The proposal should contain not more than 6 two-sided pages of written material, including the transmittal letter but excluding cost sheet(s), biographies and pre-printed brochures (which may be included in an appendix). The proposal will describe the ability of the Proposer to perform the work requested, as outlined below:

**A. Transmittal Letter**

The transmittal letter should contain a brief summary of your organization and how/why it is best qualified to complete the tasks outlined in the RFP, and a statement that the proposal will remain in effect for ninety (90) days after receipt by Metro.

**B. Approach/Proposed Work Plan:**

- \* Describe how Required Tasks in item IVA outlined in the Scope of Work will be done within the time frame and budget. Present a timeline for accomplishing the tasks in the Scope of Work and a schedule showing the delivery date for each work product. Complete a cost sheet for the Required Tasks.
- \* Identify which optional tasks (IVB), if any, have been selected by Proposer, and how the optional tasks support/promote the whole project. Complete a cost sheet

and written description for each optional task. Identify how the cost of the selected optional tasks impacts the cost per bin. If appropriate, describe the method for recording and evaluating problems and solutions concerning bin ordering and bin delivery systems.

- \* Identify the source, volume/weight and types of recycled material to be used in the manufacture of the compost bins.
- \* Proposers must provide approximately 900 compost bins. Identify how many bins you will provide and at what cost per bin.
- \* Provide designs, drawings and color photographs of your compost bin. Provide purchaser assembly instructions. If desired, provide a video concerning assembly and use of the bin.
- \* Provide a sample compost bin with your proposal. Evaluators of the proposal will field test the bin for specifications and features designated in IVA.1 . If your company is not selected, your bin will be returned if you pre-pay freight.
- \* Identify the name, title, address, and telephone number of an individual or individuals with authority to contractually bind the company during the period in which Metro is considering proposals.

**C. Staffing/Project Manager Designation and Experience**

Identify staff assigned to the project. Include prime and sub-consultants and give relevant experience for each person with particular emphasis on the following:

- \* Role and responsibility for this project and an estimate of time commitment of the individuals(s). Include a resume of each individual in the appendix.
- \* Relevant experience in similar projects, especially those dealing with municipalities providing discount compost bins to homeowners.
- \* A contact person from similar projects conducted by Contractor. For each reference, include the contact name, his/her title, role on the project and telephone number.

Metro intends to award this contract to a single firm to provide the services required. Proposals must identify a single person as project manager to work with Metro. The consultant must assure responsibility for any sub-consultant work and shall be responsible for the day-to-day direction and internal management of the consultant effort.

#### **D. Cost/Budget**

A budget not to exceed \$50,000 has been established for this project. The Proposer should summarize all expected products and services to be delivered and provide a proposed budget for the overall proposal. Budget details should be provided for the following:

- \* Delineation of personnel by level, hourly rate, person-days assumed and cost
- \* Complete a Cost Sheet for the Required Tasks and a Cost Sheet for each Optional Task (if any).
- \* Delineation of materials and other direct costs
- \* Administrative support and overhead
- \* A payment schedule for each completed task in the Scope of Work
- \* The Proposer shall state whether it is willing to offer the same goods and services covered in this contract to other local jurisdictions in the Portland area at the same prices. If the successful Proposer is willing to do so, an appropriate clause will be added to the Scope of Work in the contract.

#### **E. Exceptions and Comments**

To facilitate evaluation of proposals, Metro wishes that all responding firms adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

### **XI. GENERAL PROPOSAL/CONTRACT CONDITIONS**

- A. **Limitation and Award:** This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. **Billing Procedures:** Proposers are informed that the billing procedures of the selected firm are subject to review and prior approval of Metro before reimbursement of services can occur. Payment for manufacture/delivery of the bins will be paid following receipt of the bins and an invoice itemizing costs. Payment for all other Required Tasks will be following completion of the contract. Payment for Optional Tasks will be negotiated by Metro and Contractor.



- C. **Validity Period and Authority:** The proposal shall be considered valid for a period of at least ninety (90) days and shall contain a statement to that effect. The proposal shall contain the name, title, address, and telephone number of an individual or individuals with authority to bind any company contacted during the period in which Metro is evaluating the proposal.

## **XII. EVALUATION OF PROPOSALS**

- A. **Evaluation Procedure:** Proposals received that conform to the proposal instructions will be evaluated by a selection committee. The evaluation committee may consist of representatives from Metro, the Department of Environmental Quality (DEQ), local governments and citizen composters. The evaluation will take place using the evaluation criteria identified in the following section. The evaluation process will result in Metro developing a short list of the firms who, in its opinion, are most qualified. Interviews with these firms may be requested prior to final selection of one firm.

The selection committee will consider your written proposal and performance of your bin in a field test. Each committee member may not evaluate both the written and field test portions of the evaluation.

- B. **Evaluation Criteria:** This section provides a description of the criteria which will be used in the evaluation of the proposals submitted to accomplish the work defined in the RFP.

Project Work Plan/Approach (25%) Includes *both* Required Tasks and Optional Tasks (if any).

1. Effectiveness of proposed approach in meeting project objectives.
2. Specific tasks and method proposed to accomplish work plan elements.
3. Resources committed to project.

Type of compost bin provided (50%)

1. Adherence to design criteria described in the Scope of Work
2. Delivered by deadline set forth in Scope of Work
3. Performance of compost bin in a field test for the following parameters:
  - \* aesthetics
  - \* durability
  - \* ease of use

**Project Staffing Experience (10%)**

1. Experience successfully administering similar projects for the design, manufacture and distribution of a product.

**Budget/Cost Proposal (15%)**

1. Projected cost/benefit of proposed work plan/approach, including number of bins delivered and cost per bin. Includes clear, concise, easy-to-read Cost Sheets.
2. Compliance with budget and schedule.

**XIII. NOTICE TO ALL PROPOSERS -- STANDARD AGREEMENT**

The public contract included herein is a standard agreement approved for use by Metro's General Counsel. As such, it is included for your review prior to submitting a proposal.

Any changes in the included standard agreement must be requested and resolved as part of the proposal process or as a condition attached to the proposal.

Consider the language carefully. Conditioned proposals may be considered non-responsive. Subsequent requests for modification may not only be rejected, but interpreted as a request to modify and withdraw the original proposal.

WR\CONTRACT\RFP\BIN.3

# COST SHEET

Name of Bin Manufacturer:

<b>REQUIRED TASKS</b>		
<b>1. Manufacture Bins</b>	Maximum number of bins you can provide:  _____ bins	<b>Cost per Bin</b>  \$
<b>2. Delivery to Portland Area &amp; Storage</b>	<b>Parameters for Delivery:</b>	
	Delivered: As one load	\$
	As two loads	\$
	Each bin in an individual carton	\$
	In bulk, without individual cartons	\$
Storage	\$	
<b>3. Educational Brochure</b>	Describe brochure:	\$
<b>4. Reports</b>		\$

**NOTE:**

The total cost per bin multiplied by the number of bins (# 1 above) should not exceed \$50,000.

# COST SHEET

Name of Bin Manufacturer:

OPTIONAL TASK	
(Please use one cost sheet per optional task)	
Task:	Cost per Bin
	\$

Detailed Description of Task: (continue on reverse if necessary)

anxious to get into the untapped Portland market. The request for proposal process allows Metro greater discretion to evaluate and compare a variety of approaches, including additional services a company may be willing to provide to enter the Portland marketplace. A proposal should stimulate creative solutions and increased competition among bin manufacturers, since it allows evaluation of a program package and not strictly unit cost.

4. This is a joint project with local governments in the region. Residents of the City of Portland will receive half of the bins. The remaining bins will be available for other local governments in the region. Local governments will provide resources to implement this project and should have the opportunity to evaluate potential bin programs. Under the RFP process, local government representatives will have this opportunity. This would not be possible with a request for bids.

The RFP requests information about bin design, product guarantees and use of recycled content. Requirements for delivery of bins and preparation of educational information are also included. Proposers will be asked to submit a sample bin so that ease of turning and assembly can be tested. Cost will be an important criterion in the evaluation process. An evaluation committee will review proposals using the following criteria:

- \* Approach/Proposed Workplan
- \* Staffing/Project Manager Designation and Experience
- \* Cost/Budget

Metro's ability to consider other factors beyond price should not sacrifice cost savings because of the strong interest to enter the Portland area. Companies that design an effective bin and a strong program will have greater likelihood of developing the market for bins through future public or private sector initiatives.

Although the bin program will begin as soon as a contract is executed this spring, distribution of bins throughout the region will not be completed until summer or early fall. Therefore, Resolution No. 94-1926 authorizes Metro to enter into a multi-year contract.

#### **BUDGET IMPACT**

The 1993-94 budget has appropriated \$50,000 for this home compost bin program. \$25,000 will be returned to Metro in revenue from sale of bins.

#### **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends adoption of Resolution No. 94-1926.



METRO

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1700

Procurement Review Summary

MAR - 1 1994

To: Procurement and Contracts Division

From

Department

Division

Name

Title

Extension

Date

Subject

Bid

RFP

Contract

Other

Vendor

RFP#94-7-SW

Vendor no.

Contract no.

Purpose

Design, Manufacturing & Education for  
Home Composting Bin Program

Expense

Procurement

Personal/professional services

Services (LM)

Construction

IGA

Revenue

Contract

Grant

Other

Budget code(s)

This project is listed in the  
199\_\_-199\_\_ budget.

Yes

No

Type A

Type B

Price basis

Unit

Total

Other

Payment required

Lump sum

Progress payments

Term

Completion

Annual

Multi-year\*\*

Beginning date

Ending date

Total commitment

Original amount

\$ 50,000-

Previous amendments

\$

This transaction

\$

Total

\$ 50,000-

A. Amount of contract to be spent fiscal year 93 94

\$ 50,000-

B. Amount budgeted for contract

\$

C. Uncommitted/discretionary funds remaining as of

\$

Approvals

Division manager

Department director

Labor

Fiscal

Budget

Risk

Legal

Competitive quotes, bids or proposals:

Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____
Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____
Submitted by _____	\$Amount _____	M/W/DBE _____	Foreign or Oregon Contractor _____

Comments:

Attachments:

- Ad for bid
- Plans and specifications
- Bidders list (M/W/DBEs included)

Instructions:

1. Obtain contract number from procurement division.  
Contract number should appear on the summary form and all copies of the contract.
2. Complete summary form.
3. If contract is:
  - A. Sole source, attach memo detailing justification.
  - B. Less than \$2,500, attach memo detailing need for contract and contractor's capabilities, bids, etc.
  - C. More than \$2,500, attach quotes, evaluation form, notification of rejection, etc.
  - D. More than \$10,000 or \$15,000 attach RFP or RFB respectively.
  - E. More than \$50,000, attach agenda management summary from council packet, bids, RFP, etc.
4. Provide packet to procurement for processing.

Special program requirements:

General liability: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Liquidated damages \$ \_\_\_\_\_ day.

<input type="checkbox"/> Workers comp	<input type="checkbox"/> Prevailing wages
<input type="checkbox"/> Auto	<input type="checkbox"/> Non-standard contract
<input type="checkbox"/> Professional liability	<input type="checkbox"/> Davis/Bacon

Dates:

Ads \_\_\_\_\_ (Publication) \_\_\_\_\_

Pre-bid meeting \_\_\_\_\_ Bid opening\*\* \_\_\_\_\_

Filed with council \_\_\_\_\_ For action \_\_\_\_\_

Filed with council committee \_\_\_\_\_ For hearing \_\_\_\_\_

Project estimate: \_\_\_\_\_

Funding:

- Local/state
- Federal
- Other

Bond requirements:

\_\_\_\_\_ % Bid \$ \_\_\_\_\_

\_\_\_\_\_ % Performance \$ \_\_\_\_\_

\_\_\_\_\_ % Performance/payment\* \$ \_\_\_\_\_

\_\_\_\_\_ % LM \$ \_\_\_\_\_

\* Separate bonds required if more than \$50,000.

\*\* Minimum period: two weeks from last day advertised.

Meeting Date: March 24, 1994  
Agenda Item No. 6.5

RESOLUTION NO. 94-1906



## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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### RESOLUTION NO. 94-1906, WITHDRAWING METRO'S PARTICIPATION IN THE FORUM ON COOPERATIVE URBAN SERVICES (FOCUS)

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Date: March 17, 1994

Presented by: Councilor McLain

**COMMITTEE RECOMMENDATION:** At its March 8, 1994 meeting the Governmental Affairs Committee voted 2-1 to forward Resolution No. 94-1906 to Council with no recommendation. Councilors Gates and Wyers voted in favor, and Councilor Van Bergen voted in opposition.

**COMMITTEE DISCUSSION/ISSUES:** Council Analyst Casey Short presented the staff report. Mr. Greg Chew of McKeever/Morris testified, identifying himself as staff person for FOCUS. He discussed his letter to the committee of January 11, 1994, and reiterated his request that Metro remain a member of FOCUS. In response to a question from Councilor Gates, he said FOCUS would welcome the opportunity to hold a general membership meeting at Metro Regional Center.

Councilor Gates asked if FOCUS could coordinate its meetings on specific topics with Metro Council committee meetings that address the same topics; he cited regional parks and greenspaces, which is addressed at the Regional Facilities Committee. Mr. Chew said FOCUS tries to address a more global view of issues, and does not address the level of detail usually dealt with at Council committee meetings by people who have a greater knowledge of the issues than most FOCUS members.

Councilor Wyers asked if there is duplication in seats of FOCUS members and MPAC members. Mr. Chew said any jurisdiction in the Metro region can join FOCUS, where MPAC members represent certain jurisdictions or group of jurisdictions.

Councilor McLain said she saw FOCUS as another forum for people to discuss regional issues. She said that MPAC has many issues to discuss, and there are additional issues Metro would like them to discuss in depth. MPAC does not have the time to address all the issues. She said she thinks Metro and FOCUS could work together to address some of these issues in the FOCUS forum, and allow MPAC to concentrate on land use issues, as RPAC did. She said FOCUS is going to continue to deal with Metro issues, and Metro needs to have representatives there whenever regional issues are discussed. She said she is concerned about this resolution, because Metro can be more effective in this forum with formal representatives, including a steering committee member.

Councilor Wyers asked Councilor McLain how she sees the agenda and dialogue of FOCUS being the same or different from MPAC. Councilor McLain said they are different when FOCUS addresses

services the different jurisdictions provide. They are also different in terms of membership, and in opportunity for people to speak without the time constraints necessary elsewhere. FOCUS also provides a forum for people at various levels to discuss issues in a more informal and neutral way; she cited the FOCUS Finance Committee, which consists of staff people and which Metro Finance Director Jennifer Sims attends. MPAC cannot do all these things, because there are other Charter-mandated things they must do.

Councilor Wyers asked if the FOCUS leadership and staff is supportive or negative toward Metro. Councilor McLain said she provided a personal challenge to the FOCUS staff to be more supportive rather than antagonistic. She believes they want to have a better relationship with Metro and will take steps to do so.

Councilor Van Bergen said he didn't think that FOCUS saying it might be more supportive of Metro was enough, and he opposes continued Metro participation.

Councilor Gates said he was concerned that some small jurisdictions didn't pay Metro dues in 1993-94 because it was either that or FOCUS dues, and he thinks FOCUS fostered that feeling. He said FOCUS had engaged in Metro-bashing in the past, but that was improving. He asked that the FOCUS steering committee discuss the difference between Metro dues and FOCUS dues, pointing out the separate functions. He asked if it mattered whether Metro paid its dues. Mr. Chew said FOCUS wants Metro at the table, regardless of whether it pays dues.

Councilor Wyers said she appreciated Councilor McLain's efforts, though Metro has had tough sledding with FOCUS. She moved that the committee forward the resolution to Council without recommendation. Councilor Van Bergen voted against the motion because he supported withdrawing from FOCUS.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF WITHDRAWING ) RESOLUTION NO. 94-1906  
METRO'S PARTICIPATION IN THE )  
FORUM ON COOPERATIVE URBAN ) Introduced by Governmental  
SERVICES (FOCUS) ) Affairs Committee

WHEREAS, The Metro Council adopted Resolution No. 91-1536 on December 12, 1991, for the purpose of approving Metro's participation in the Forum on Cooperative Urban Services (FOCUS); and

WHEREAS, The Metro Council adopted Resolution No. 93-1811 on June 10, 1993, continuing Metro's participation in FOCUS; and

WHEREAS, Resolution No. 93-1811 authorized the payment of basic FOCUS dues on a quarterly basis; and

WHEREAS, Metro has paid to date a total of \$4,400 in FOCUS dues in Fiscal Year 1993-94, which represents half the amount of the dues that were assessed at the time of adoption of the FY 1993-94 Metro budget; and

WHEREAS, Resolution No. 93-1811 directed the Governmental Affairs Committee to review Metro's continued membership in FOCUS by December 31, 1993 and make a recommendation to the full Council;

WHEREAS, The Governmental Affairs Committee reviewed Metro's participation in FOCUS at its January 11, 1994 meeting and directed staff to prepare a resolution withdrawing Metro's further participation in FOCUS; now, therefore;

BE IT RESOLVED,

1. That the Metro Council withdraws Metro's participation in the Forum on Cooperative Urban Services (FOCUS);
2. That dues payments to FOCUS shall be limited to the amount paid prior to the adoption of this resolution.

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

Judy Wyers, Presiding Officer



**METRO**

February 2, 1994

Mr. Greg Chew  
McKeever/Morris, Inc.  
722 SW Second Avenue  
Suite 400  
Portland, OR 97204

Dear Mr. Chew:

This letter is to advise you that the Metro Council's Governmental Affairs Committee will consider at its February 8, 1994 meeting the attached draft resolution withdrawing Metro's participation in the Forum on Cooperative Urban Services (FOCUS).

As you know, this committee and the Council as a whole have discussed Metro's continued participation in FOCUS for over two years, including the period in late 1991 when the Council first approved Metro's participation. When Council most recently approved continued FOCUS membership, in June, 1993, it did so with instructions for Governmental Affairs to review Metro's participation by December 31, 1993. The Governmental Affairs Committee considered the increase in the 1993-94 dues assessment and the appropriateness of continued FOCUS membership at its January 11 meeting, and concluded that Metro's membership is no longer warranted.

The reasons for the committee's decision are that FOCUS does not provide services to Metro which address the regional issues our Charter directs us to address, or serves to duplicate our efforts. We can no longer justify our participation and financial support of an organization that does not serve our needs, and the resolution we will consider on Tuesday would, if later adopted by the Council, terminate our membership.

Please feel free to contact me before the meeting, or to appear and testify. That meeting is scheduled for 4:00 on Tuesday, February 11, with this resolution the first business item on the agenda.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Gates". The signature is written in a cursive, flowing style.

Councilor Mike Gates, Chair  
Governmental Affairs Committee



McKeever/Morris, Inc.  
722 S.W. Second Avenue  
Suite 400  
Portland, Oregon 97204  
fax 503 228-7365  
503 228-7352

DATE: January 11, 1994  
TO: Metro Council Government Affairs Committee  
FROM: Greg Chew, FOCUS Staff  
SUBJECT: FOCUS Dues

---

In response to Donald E. Carlson's December 17, 1993 letter, I would like to explain how the dues for Metro came out to \$9,900 instead of \$8,800.

In the FOCUS Management Plan, the dues were stated for all jurisdictions based on their population category. The dues for jurisdictions with over 150,000 residents was originally \$8,800. However, representatives from the smallest jurisdictions (those less than 5,000 residents) stated that the fees were per capita disproportionately more burdensome on them (e.g., King City representatives stated that dues were close to \$1.00 per capita for King City, as opposed to about \$.05 for a city with 150,000).

To rectify this situation, a formal change had to be made in the FOCUS Management Plan. As with any change in the FOCUS By-laws or Management, a formal vote must be taken by the General Membership. The General Membership requested the Steering Committee to recommend a suggested revised fee structure. The Steering Committee forwarded a proposed revised fee structure in which the largest jurisdictions pay an increased amount (from \$8,800 to \$9,900) and the smallest jurisdiction category have an increased population base (from 1 to 1,000 residents to 1 to 5,000 residents). The recommendation was approved by the General Membership to be formally voted on by the General Membership. This means a mail ballot (enclosed) must be sent out the General Membership and approved by a majority of the returned ballots.

Two ballots were sent to each jurisdiction that indicated interest in joining FOCUS. The ballots were sent to the chief elected official and chief staff official or their equivalents in each jurisdiction. For Metro, ballots were sent to Judy Wyers and Rena Cusma, respectively. Of the returned ballots by the September 10, 1993 due date, the fee structure change was unanimously approved by the FOCUS General Membership. The results of the ballots were announced at the September 16 FOCUS General Membership meeting and stated in the Meeting Notes for that meeting.

Of the other jurisdictions which are in the same fee category as Metro (jurisdictions with over 150,000 residents) that stated interest in joining FOCUS (Washington County, Clackamas County and Portland), all have paid or formally written intention of paying the \$9,900 dues.

Please note: This process for changes to the FOCUS by-laws or the FOCUS Management Plan is the same that created a seat on the FOCUS Steering Committee for a Metro Representative to serve on (Councilor Mike Gates made the request for Metro to have Steering Committee representation). This ballot issue was also unanimously approved by the returned ballots of the FOCUS General Membership.

Merrie Waylett and I have been trying to keep in communication on a regular basis with each other regarding activities in FOCUS. If you have any questions, please feel free to call me.

Planning  
Public Involvement  
Project Management  
Landscape Architecture

**OFFICIAL BALLOT**  
**Forum on Cooperative Urban Services (FOCUS)**

**Instructions for FOCUS**  
**By-Laws Amendments Ballots**

Enclosed are two ballots for proposed amendments to the FOCUS by-laws. Any jurisdiction that has paid dues in 1993 or has indicated that dues will be paid in 1993 is eligible to vote on these two ballots. Each city or county has two votes. The special districts in each county have four votes collectively. The ballots have been sent to:

- (1) the designated city manager, or county administrator, or equivalent staff person;
- (2) the designated FOCUS elected representative for the jurisdiction. If no one has been designated, the mayor or chief elected official for each jurisdiction has been sent this ballot; and
- (3) the designated special district representatives in each county.

It will be up to each jurisdiction to decide how it wishes to vote. However, please be sure to communicate with all of the elected officials of the governing body of your jurisdiction.

The attached includes the engrossed language for the proposed amendments to the by-laws. There are two amendments with a short summary of what the general membership had intended for each amendment. Added language is underlined; deleted language is in ~~striketrough~~. Vote by circling "approval" for approval of change or "disapprove" for disapproval for each change for each by-law amendment.

*In accordance with Oregon Public Records Law, the signature of the individual representing the jurisdiction is required to validate the authenticity of the ballot. Please sign and date the ballot and state the jurisdiction you represent.*

\_\_\_\_\_  
Sign your name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print your name

\_\_\_\_\_  
Jurisdiction

**BALLOTS MUST BE RETURNED BY SEPTEMBER 10TH, 1993 TO THE FOLLOWING ADDRESS:**

McKeever/Morris, Inc.  
Attn: Greg Chew  
722 SW 2nd Ave., Suite 400  
Portland, OR 97204

If you have any questions, please call FOCUS staff Mike McKeever or Greg Chew at 228-7352.

Proposed By-law Amendment #5

The intent of the this amendment is twofold. First, fees for the smallest (under 5,000 residents) municipal jurisdictions pay a high per capita fee for FOCUS membership and the largest (over 150,000) pay a very low per capita fee. In order to more equally distribute the fee structure the following is proposed: category 1 fees are expanded to from 1,000 to 5,000 residents, category 2 is deleted, and category 8 is moved to a category 9. Secondly, this amendment states that special districts in each county collectively pay the same fee of the county they are located.

VII. FEES

SECTION 1. All general government members jurisdictions shall be assessed a fee that apportions the annual costs of operation on the basis of each jurisdiction's population as follows:

Member Jurisdiction Population	Fee Category
1 - <u>5,000</u>	1 times base
<del>1 - 1,000</del>	<del>1 times base</del>
<del>1,001 - 5,000</del>	<del>2 times base</del>
5,001 - 15,000	3 times base
15,001 - 30,000	4 times base
30,001 - 50,000	5 times base
50,001 - 100,000	6 times base
100,001 - 150,000	7 times base
<del>150,001 and over</del>	<del>8 times base</del>
<u>150,001 and over</u>	<u>9 times base</u>

The special districts in each county shall pay a combined FOCUS annual membership fee which is identical to the fee for their county. The special districts in each county will convene to decide how much each district pays.

Do you approve or disapprove of this amendment (circle one):

APPROVE

DISAPPROVE



METRO

Date: December 17, 1993  
To: Mike McKeever, FOCUS Staff  
From: Donald E. Carlson, <sup>DE</sup> Council Administrator  
Re: FOCUS Invoice

I have received you invoice for FOCUS dues in the amount of \$9,900. During the FY 1993-94 budget deliberations the Council amended the Approved Budget to increase the dues payment from an anticipated \$2,000 to \$8,800. This amendment was based on information from FOCUS as to our potential dues as a "large" organization. Now the amount invoiced is \$9,900. What is the basis of the increase?

I have signed an expenditure request form for \$4,400 (first six months dues @ \$8,800) which should be sent to the City of Tualatin within two weeks.

Please let me know why the dues have increased over the previous estimate from the FOCUS organization. If you have any questions, please let me know.

cc: Judy Wyers, Presiding Officer  
Steve Rhodes, City of Tualatin

FOCUS Dues.memo





McKeever/Morris, Inc.  
722 S.W. Second Avenue  
Suite 400  
Portland, Oregon 97204  
fax 503 228-7365  
503 228-7352

LINDSEY -  
MAKE OUT REQUEST  
FOR \$4,400 (FIRST 6 MONTHS  
PAYMENT).  
THANKS,  
DL

**MEMORANDUM**

**DATE:** December 10, 1993  
**MEMO TO:** Don Carlson, Metro Council Administrator  
**FROM:** Mike McKeever, FOCUS Staff  
**SUBJECT:** FOCUS Invoice

This is a statement of services for Metro provided by the Forum on Cooperative Urban Services (FOCUS) for the period of July 1, 1993 to June 30, 1994.

**Amount Due: \$ 9,900.00**

Please make the check out to FOCUS/City of Tualatin and send it to:

**FOCUS  
c/o City of Tualatin  
Department of Finance  
PO Box 369  
Tualatin, OR 97062**

Thank you for your support.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONTINUING	)	RESOLUTION NO. 93-1811
METRO'S PARTICIPATION IN THE	)	
FORUM ON COOPERATIVE URBAN	)	Introduced by Governmental
SERVICES (FOCUS)	)	Affairs Committee

WHEREAS, The Metro Council adopted Resolution No. 91-1536 on December 12, 1991, for the purpose of approving Metro's participation in the Forum on Cooperative Urban Services (FOCUS); and

WHEREAS, Metro's participation in FOCUS was based on the understanding that its principal purpose was to create a long term neutral forum in the region for the discussion and sharing of information on regional issues and development of cooperative efforts; and

WHEREAS, The Metro Council is very supportive of efforts to coordinate local government services and find new and innovative ways to provide those services more efficiently; and

WHEREAS, The Metro Council continues to support the principles of efficiency and cooperation that the FOCUS organization potentially represents, and encourages the organization to concentrate on those principles; now, therefore,

BE IT RESOLVED,

1. That the Metro Council continues Metro's membership in the Forum on Cooperative Urban Services (FOCUS) for fiscal year 1993-94, including the payment of basic dues on a quarterly basis;

2. That the Council Governmental Affairs Committee will review Metro's continued membership in FOCUS by December 31, 1993 and make a recommendation to the full Council.

BE IT FURTHER RESOLVED,

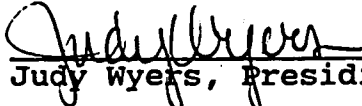
That the Metro Council encourages FOCUS to:

1. Return to its original purpose of providing a forum for the discussion and investigation of potential improvements and efficiencies in local government service provision;

2. Change its meeting times to facilitate attendance at FOCUS meetings by members of the Metro Council;

3. Amend its procedures for selecting members of its steering committee to provide greater opportunity for Metro Council representation on the steering committee.

ADOPTED by the Metro Council this 10th day of June, 1993.

  
\_\_\_\_\_  
Judy Wyers, Presiding Officer

## GOVERNMENTAL AFFAIRS COMMITTEE REPORT

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### RESOLUTION NO. 93-1811, CONTINUING METRO'S PARTICIPATION IN THE FORUM ON COOPERATIVE URBAN SERVICES (FOCUS)

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Date: June 4, 1993

Presented by: Councilor Gates

**COMMITTEE RECOMMENDATION:** At its June 3, 1993 meeting the Governmental Affairs Committee voted 3-1 to recommend Council adoption of Resolution No. 93-1811. Voting in favor were Councilors Gates, Gardner, and Wyers. Councilor Hansen was opposed. Councilor Moore was excused.

**COMMITTEE DISCUSSION/ISSUES:** Council Analyst Casey Short presented the staff report. He said the resolution was prepared following Council's decision at its May 27 meeting to return Resolution No. 93-1778C to committee. That resolution contained inconsistencies in language and dealt only with Metro's participation in FOCUS for the short time remaining in FY 1992-93; the Council discussed the need to clean up the language and address Metro's membership in FOCUS for the coming fiscal year. Resolution No. 93-1811 does that, and includes directions for Metro to request FOCUS to revise its meeting times and selection process for its steering committee to promote Metro participation. The earlier resolution will be filed with no further consideration.

Councilor Gates relayed a question from Councilor Moore, who asked whether the payment of dues should be tied to the FOCUS work plan and whether the amount of Metro's dues payment should be specifically limited in the resolution. Councilor Gates said he thought the language in the resolution inferred a limit on the amount of the dues, which he understood to be approximately \$8,000.

Councilor Hansen questioned whether Metro should continue participating in, and paying dues to, a group whose work plan Metro had not approved. She said she would not support the resolution if there remained the possibility that FOCUS would be pursuing projects and directions Metro did not support.

Councilor McLain said she had come to support Metro participation in FOCUS because many smaller jurisdictions don't support FOCUS spending money on projects that Metro is already doing, but there is support for FOCUS to do the sorts of cooperative efforts that Metro also supports. She said she supports participation in FOCUS in order for Metro to remain at the table and be able to point out where this agency is already doing work that FOCUS might otherwise do. She also said FOCUS could provide a forum for Metro officials to meet with representatives of other jurisdictions, and to provide some leadership and a regional perspective.



# METRO

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

## Memorandum

DATE: May 28, 1993  
TO: Governmental Affairs Committee  
FROM: Casey Short *CS*  
RE: Draft Resolution No. 93-1811, Regarding Metro's Continued Participation in FOCUS

Item #4 on your June 3 agenda is consideration of Draft Resolution No. 93-1811, authorizing Metro's continued participation in the Forum on Cooperative Urban Services (FOCUS) in FY 1993-94. The resolution will be drafted prior to your meeting, but has not yet been written.

The resolution is in response to Council's action at its May 27 meeting, at which it voted to return Resolution No. 93-1778C to the Governmental Affairs Committee for further consideration. That resolution would have authorized Metro's continued participation in FOCUS through the remainder of FY 1992-93. The new resolution will replace 93-1778, which has gone through several changes; 93-1778 would be left in committee and receive no further action.

When presented to you, Draft Resolution No. 93-1810 will contain the following provisions:

- Authorize Metro's participation in FOCUS in Fiscal Year 1993-94, including payment of dues on a quarterly basis.
- Encourage FOCUS to return to its original purpose of providing a forum for the discussion and investigation of potential improvements and efficiencies in local government service provision.
- Encourage FOCUS to change its meeting times, to eliminate the conflict with Governmental Affairs Committee meetings.
- Encourage FOCUS to change its procedures for selecting steering committee members to allow for Metro Councilor participation in the steering committee.

If you have any questions, please do not hesitate to contact me.

Councilor Gardner agreed there is value in Metro participating in FOCUS and working to direct it back to its original purposes, but that membership should be somewhat conditional. He proposed adding a requirement in the resolution that the Governmental Affairs Committee review Metro's participation in FOCUS by the end of 1993 and make a recommendation to the full Council. He moved to add such a condition to the resolution, which was approved on a 3-1 vote, with Councilor Hansen dissenting. (That addition is contained as #2 in the first "Be it Resolved" section.)

Councilor Wyers asked if FOCUS has reviewed its goals. Councilor Gates said they had, through a survey sent out to administrators and elected officials. That survey showed very few issues related directly to Metro, and he thinks the focus of FOCUS has narrowed to become concerned with issues of regional cooperation and information sharing rather than Metro issues.

Council Administrator Don Carlson advised the committee that the Council Department's 1993-94 budget included only \$2000 for FOCUS dues, and if the amount is to be \$8000, a budget adjustment would be required.

Staff Report

RESOLUTION NO. 94-1906, FOR THE PURPOSE OF WITHDRAWING METRO'S PARTICIPATION IN THE FORUM ON COOPERATIVE URBAN SERVICES (FOCUS)

Date: February 2, 1994

Presented by: Casey Short

Metro has been a member of the Forum on Cooperative Urban Services (FOCUS) since December, 1991, and has paid the dues assessed it since that time. In June, 1993, the Council adopted Resolution No. 93-1811, which continued Metro's participation in FOCUS. That resolution contained provisions that called for dues payments in FY 1993-94 to be made on a quarterly basis, and for the Governmental Affairs Committee to review Metro's continued membership in FOCUS by December 31, 1993 and make a recommendation to the full Council. That resolution also encouraged FOCUS to:

- "1. Return to its original purpose of providing a forum for the discussion and investigation of potential improvements and efficiencies in local government service provision;
2. Change its meeting times to facilitate attendance at FOCUS meetings by members of the Metro Council;
3. Amend its procedures for selecting members of its steering committee to provide greater opportunity for Metro Council representation on the steering committee."

In a related action, Council approved an increase in the appropriation for 1993-94 FOCUS dues. The Approved Budget contained a \$2,000 appropriation for the dues, which was increased to \$8,800 in the Adopted Budget, based on an assessment notice from FOCUS staff. On December 10, 1993, Metro received an invoice from FOCUS, advising that the 1993-94 dues had been increased to \$9,900; Metro has paid \$4,400 for six months' dues.

At its January 11, 1994 meeting, the Governmental Affairs Committee considered the issues of the increased dues assessment, the work of FOCUS, and the appropriateness of Metro's continued participation in FOCUS. The committee received information that a seat on the FOCUS Steering Committee had been created for a Metro representative, but concluded that FOCUS does not provide Metro with any services which would justify the continued payment of dues or continued Metro membership. Staff was directed to draft a resolution withdrawing Metro's participation in FOCUS and to notify FOCUS staff at McKeever/Morris, Inc. of this anticipated withdrawal.

Meeting Date: March 24, 1994  
Agenda Item No. 6.6

**ORDINANCE NO. 94-1925**



REGIONAL FACILITIES COMMITTEE REPORT

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RESOLUTION NO. 94-1925, CONFIRMING THE APPOINTMENT OF GARY  
CONKLING TO THE METROPOLITAN EXPOSITION-RECREATION COMMISSION

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Date: March 17, 1994

Presented by: Councilor Moore

**COMMITTEE RECOMMENDATION:** At its March 16, 1994 meeting the Regional Facilities Committee voted 5-0 to recommend Council adoption of Resolution No. 94-1925. All committee members were present and voted in favor.

**COMMITTEE DISCUSSION/ISSUES:** Council Analyst Casey Short introduced Gary Conkling. Mr. Conkling said he takes very seriously the responsibility to look after and find solutions for regional assets, and the MERC facilities fall under that category. He said he would bring that perspective as well as his status as a resident of a suburban community and citizen of the region to his work at MERC.

Councilor Washington asked Mr. Conkling to discuss the statement on his application that he is interested in "securing financial stability for community capital assets managed by MERC." Mr. Conkling said he served on the Public Education Subcommittee of the Regional Funding Task Force, has an interest in the theater (including some time as a thespian in the past), and is a baseball fan. With this background that is related to MERC's facilities, he is interested in finding solutions for facilities that serve a broad purpose for the entire region. He said he is willing to spend the time to help find those solutions.

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING ) RESOLUTION NO. 94-1925  
THE APPOINTMENT OF GARY CONKLING )  
TO THE METROPOLITAN EXPOSITION- ) INTRODUCED BY RENA CUSMA  
RECREATION COMMISSION ) EXECUTIVE OFFICER

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

WHEREAS, The four year term of member Richard Waker expired January 15, 1994; and

WHEREAS, Washington County, the nominating jurisdiction, has forwarded the name of replacement nominee, Gary Conkling to serve the succeeding four year term; and

WHEREAS, The Executive Officer finds the candidate fit in all respects to contribute to the regional goals and objectives inherent in Metro ER Commission operation of regional facilities; and

WHEREAS, The Executive Officer has duly appointed said nominee in conformance with applicable provisions of the Metro Code

WHEREAS, The Council finds Gary Conkling to possess the requisite knowledge, experience and interest to serve on the commission; now, therefore,

BE IT RESOLVED,

That Gary Conkling is hereby confirmed for appointment as a member of the Metropolitan Exposition-Recreation Commission for the term beginning January 16, 1994 and ending January 16, 1998.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1994.

-----  
Judy Wyers, Presiding Officer

*Pauline*

**WASHINGTON COUNTY**

*Inter-Department Correspondence*

March 1, 1994

To : Recording Division

From : Barbara Hejtmanek

Subject : MINUTE ORDER 94-58  
METROPOLITAN EXPOSITION RECREATION COMMISSION

At its regular meeting on March 1, 1994, the Board nominated Gary Conkling to the Metropolitan Exposition Recreation Commission and directed staff to notify the Commission of this selection.

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS  
MINUTE ORDER # 94-58  
DATE 3-1-94  
BY Barbara Hejtmanek  
CLERK OF THE BOARD

# APPLICATION FOR APPOINTMENT TO WASHINGTON COUNTY ADVISORY COMMITTEE

**RECEIVED**

Please type or print information. USE BLACK INK. Return form to:  
County Administrative Office, Room. 300  
155 North. First Avenue  
Hillsboro, Oregon 97124

WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

For Information Call: 648-8681

Mr.  Ms.

Name GARY L. CONKLING

Address 13730 SW LATIGO CIRCLE City BEAVERTON Zip 97005

Commissioner District you Reside in #1 (#1, #2, #3 or #4)

Occupation PUBLIC AFFAIRS EXECUTIVE Home Phone 524-6905 Work Phone 294-9120

Committee or Committees Desired Washington County representative  
on MERC

If Currently Serving on County Advisory Committee, List Name and Number of Years Served:

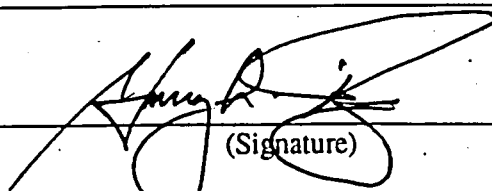
Name \_\_\_\_\_ No. of Years \_\_\_\_\_

Related Experience/Education (including volunteer work) Represented Washington County  
on TRI-Met board of directors for five years. Participated in Washington  
County's Affordable Housing Advisory Committee. Founder of Business-  
Education Compact. Member of TREC board of directors.

Reason for Applying Have an interest in securing financial stability for  
community capital assets managed by MERC.

Availability for Meetings Principal office is in downtown Portland, which  
makes attending meetings downtown convenient. MERC uses phone meetings

Additional Information (list or attach separate sheet) \_\_\_\_\_

  
(Signature)

2/15/94  
(Date)

014

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category Appointments to Boards and Commissions

Agenda Title METROPOLITAN EXPOSITION RECREATION COMMISSION

Presented By Bonnie Hays, Chairman

### SUMMARY (Attach Supporting Documents if Necessary)

On February 15, 1994 the Board of Commissioners announced that the term for the Metropolitan Exposition Recreation Commission representative appointed from Washington County had expired.

Metro Code provisions describing the appointment process to the Metro E-R Commission state, in part, that "For those positions on the Commission which are subject to nomination by a local governmental body, the Executive Officer will receive the nominations from the relevant governing body and review the nomination prior to submitting the nomination to the Metro Council for confirmation".

Attached is a letter from Richard Waker, indicating an interest in serving another term. Also attached is an application from Gary Conkling. If more applications are received prior to the March 1st meeting they will be distributed at that time.

### DEPARTMENT'S REQUESTED ACTION:

Make a nomination to the Metropolitan Exposition Recreation Commission and notify the Commission of your selection.

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

Agenda Item No. <i>na.</i> Date: Mar 1, 1994
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WASHINGTON  
COUNTY,  
OREGON

Mr. Don Rocks, Executive Assistant  
Metropolitan Service District  
600 NE Grand  
Portland Oregon, 97232

March 2, 1994

Dear Mr. Rocks,

This is formal notification of the Washington County Board of Commissioners' nomination of Gary Conkling to the Metropolitan Exposition Recreation Commission. A copy of Mr. Conkling's application and the Minute Order #94-58 dated March 1, 1994 is attached.

Sincerely,

*Pauline Stratton*

Pauline Stratton,  
Administrative Assistant

enc.

**STAFF REPORT**

**CONSIDERATION OF RESOLUTION 94-1925 FOR THE PURPOSE OF CONFIRMING  
THE APPOINTMENT OF GARY CONKLING TO THE METROPOLITAN EXPOSITION-  
RECREATION COMMISSION**

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March 8, 1994

Presented by: Don Rocks

**BACKGROUND**

Gary Conkling is the Washington County nominee who will succeed Dick Waker who served one term and whose term expired January 15 of the present year.

Mr. Conkling is a resident of Beaverton, a principal in the firm of Conkling, Fiscum and McCormick with offices in downtown Portland whose brief application is attached.

The Executive Officer has interviewed Mr. Conkling at length regarding MERC, its charge and challenges and is satisfied with caliber of his credentials, background and stated interest in the work of the the commission.

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**EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends council confirmation of the appointment of Gary Conkling.

INVOLVED, THERE HAS BEEN A CHARTER ADOPTED BY THE VOTERS  
SINCE THE LAST TIME THIS WAS REVIEWED THAT CLEARLY MAY  
BRING NEW DEFINITION TO THE SEPARATION OF POWERS ISSUE.

THIS MOTION DIRECTS THE EXPENDITURE OF FUNDS FOR A REVIEW OF  
THE DIVISION OF AUTHORITY OVER METRO CONTRACTING AUTHORITY.

MY VIEW IS THAT THIS BE DONE IMMEDIATELY. IF THE REVIEW  
ENDORSES THE PROCEDURE NOW BEING FOLLOWED - THEN NOTHING CHANGES --  
IF OTHERWISE, THEN WASTE MANAGEMENT MUST BE ADVISED THAT THE  
PRESENT EXECUTIVE ACTION IS VOID.