



METRO

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

Memorandum

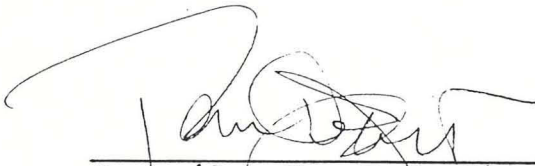
April 23, 1991


Vicki Ervin, Director of Elections
Multnomah County Elections Office
1040 S.E. Morrison Street
Portland, OR 97214

Dear Ms. Ervin,

This is to notify you that Metro Councilors Tom DeJardin (District 5) and George Van Bergen (District 6), in accordance with Section 2.(1)(f) of Senate Bill 298, hereby make the following appointment to the Metro Charter Committee:

Ms. Mimi Urbigkeit
2630 Woodsprite Court
West Linn, Oregon 97068



Councilor Tom DeJardin

Councilor George Van
Bergen



PORTLAND COUNCIL

Society of St. Vincent de Paul

3536 S.E. 26th • P.O. Box 82849 • Portland, Oregon 97282-0849 • Phone 503-235-7837

April 25, 1991

Mr. George VanBergen
METRO Councilor
2336 S.E. Washington
Milwaukie, OR 97222

Dear Councilor:

On behalf of the St. Vincent de Paul Society, as well as Goodwill Industries of the Willamette Valley and the Salvation Army Rehabilitation Center, I would like to express our gratitude for your continued support of a recycling incentive.

The \$342,000 budget line item, along with the budget note honoring your intention to fully fund the recycling incentive, is more than acceptable to our non-profit recycling rehabilitation organizations. If at times I have felt that some of the committee meetings are long, I can just imagine how you feel.

Budget passage is a tedious task. Thank you for the countless hours you give to Metro in representing your constituents.

Gratefully yours,

Timothy P. Hornbecker
Executive Director

/cl



METRO

2000 S.W. First Avenue
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Memorandum

Date: May 2, 1991

To: Councilor George Van Bergen, Chairman - Budget Committee

Through: *DE* Dick Engstrom, Deputy Executive Officer

From: Neil E. Saling, *NS* Director - Regional Facilities

Regarding: Request for Clarification - Construction Management Staffing

The following responds to Councilor Van Bergen's written request of April 23, 1991 for clarification of the need for a Construction Projects Manager apart from the Solid Waste Staff.

Background

The Metro Council authorized the position of Construction Projects Manager by Resolution No. 87-797 in late 1987. The basis for this position was the need for an individual with construction experience to act "as an advisor and consultant for all construction for all Metro departments to make sure they are in compliance with job specifications, completion schedules and the relevant provisions of the Metro Code." The justification for the position included the fact that Metro capital projects were becoming more numerous and more complex. At the time of the authorization of the position, the agency had one position recognized as construction oriented, that being the Construction Coordinator at the Zoo.

Organization

Since 1987, a Construction Coordinator position for the Oregon Convention Center has been established and subsequently abolished; a Construction Coordinator position in Solid Waste has been established and is currently filled; and the Construction Coordinator position at the Zoo will be abolished in FY 1991-92. These Construction Coordinators are typically on-site, in daily contact with the construction contractors. As such, they are to a significant degree project or project load justified. Individuals selected for these positions must have a strong background of experience in construction management with a technical degree desired.

MEMO - Councilor George Van Bergen
May 2, 1991
Page 2.

The Engineering and Analysis Division of the Solid Waste Department has five (5) positions which are titled "Engineer": An Engineering Manager, two Senior Engineers and two Associate Engineers. Organizationally, the Solid Waste Construction Coordinator (SWCC) is a part of this Division. While this group of engineers is technically well trained (and includes two Professional Engineers), it lacks project experience and has little or no construction experience. Hence, the SWCC fulfills a major training function as well as his direct involvement with specific projects.

Other engineers within the organization not specifically so identified by title include Bob Martin, Neil Saling, Jim Goddard, Glenn Taylor and Keith Lawton. Four of these five are Professional Engineers.

Analysis

The agreement over the supervision of the SWCC is that funding for FY 1991-92 will be from the Solid Waste Operating Account with supervision and support provided by the Construction Projects Manager in consultation with the SW Engineering and Analysis Manager. This is similar to the arrangement established in FY 1990-91. In practice, the SW Engineering & Analysis Manager assigns one of his staff of engineers to a specific project who is in turn supported during project construction by the SWCC and the Construction Projects Manager. An agreement also provides for the SWCC to support the Construction Projects Manager on other, high priority construction projects as required.

Key project activities in the Solid Waste Department at present include final acceptance testing of the Reidel Compost Facility, acceptance testing and punch list work at Metro Central, final construction work at Metro South for compactor capability and initial contract activities for closure of the St. Johns Landfill. The SWCC is devoting 100% of his time to these activities and the Acting Construction Projects Manager (Taylor) about 50% of his time.

Work anticipated for FY 1991-92 includes the completion of the work on the above transfer stations, construction of Household Hazardous Waste Facilities at Metro Central and Metro South and Phase 1 of the St. Johns Landfill closure which will require moving a massive amount of fill material during the Summer and Fall months. The efforts of the SWCC must continue to be augmented by support from the Construction Projects Manager to assure the construction of these projects moves forward successfully.

MEMO - Councilor George Van Bergen
May 2, 1991
Page 3.

At the same time, approximately \$2.2 million in construction remains to be accomplished on the Oregon Convention Center. Turner Construction Company, previously Metro's Construction Manager for the primary OCC construction is now Metro's General Contractor for this follow-on work. Thus, the Construction Projects Manager has assumed direct managerial control of this final work which will probably continue through the Summer.

The departure of the Construction Coordinator from the Zoo on June 1, 1991 will hopefully coincide with the completion of the African Rainforest Exhibit. No major claims have been identified to date, but it is anticipated that final punch list work will not be complete before the Construction Coordinator's departure. The follow-on responsibilities are currently being discussed between the Construction Projects Manager and the Zoo Facilities Manager. In addition, the construction of the Center for Species Survival will require some yet undetermined participation by the Construction Projects Manager. The outstanding claim by Tigard Electric from the Africa I and II project has also not been resolved which may require construction personnel resources for analysis and resolution.

Direct involvement by Metro construction personnel in a new Metro headquarters is probably not probable during FY 1991-92. However, analysis of any alternative which would involve renovation or new construction would necessarily involve the Construction Project Manager.

Anticipated in the FY 1991-92 timeframe is a key survey of the status City owned exposition and recreation facilities now managed by the Metro E-R Commission. These facilities are known to have numerous deficiencies to include impaired access for handicapped individuals. The results must be determined before these facilities pass to Metro, planned for 1992. This work must be accomplished by in-house construction personnel.

Conclusions

- The present organizational structure requires a Solid Waste Construction Coordinator assisted and directed by the Construction Projects Manager to adequately support the Solid Waste engineering staff in the implementation of their projects. This project load will decrease in FY 1991-92, but is anticipated to fully occupy the Construction Coordinator during the Summer, Fall and Spring seasons.

MEMO - Councilor George Van Bergen
May 2, 1991
Page 4.

- Oversight of and assistance with Solid Waste construction efforts to include resolution of pending claims, completion of the Oregon Convention Center follow-on contracts, oversight of completion of current Zoo construction projects as well as new anticipated projects and the survey of MERC managed facilities for Building Code deficiencies with the assistance of the Solid Waste Construction Coordinator will fully occupy the Construction Project Manager in FY 1991-92.
- The position of Solid Waste Construction Coordinator and the Metro Construction Projects Manager are complementary, not redundant. By its nature, construction work is cyclical, both in terms of projects and seasons of the year. The workload for FY 1991-92 will require the full efforts of both the Solid Waste Construction Coordinator and the Construction Projects Manager. Through the established internal working agreements, the efforts of both individuals can be beneficially applied to meet the work demands.

NES:jp

cc: Bob Martin, Director - Solid Waste
Jim Watkins, Engineering & Analysis Manager - Solid Waste
Glenn Taylor, Construction Coordinator - OCC
Pete Hillman, Solid Waste Construction Coordinator

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S E WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

May 13, 1991

David B. Frohnmayer
State Attorney General
Department of Justice
100 Justice Building
Salem, Oregon 97310

Re: Resolution 91-1444
Multi-Year Contract
for Modeling System

Dear Mr. Frohnmayer:

I am an elected councilor on the Metropolitan Service District board representing an area generally described as Milwaukie. My concern in writing this letter is with a bid for personal services that we approved on May 9, 1991 and the bid document, as well as the contract, are attached for review.

We do have a legal staff at Metro however their responsibilities are directed to reviewing contracts and giving advice to staff, as well as councilors. Their strong abilities are not in dealing with criminal matters.

My concern is the manner in which four companies did bid this job and their price for the work, when the spread was only \$21. They did know that our budget allocated \$215,000 for this effort so they knew the depth of our pocket.

On its face, there appears to be a potential act of collusion and I do refer this on to you for your review and advice.

Very truly yours,

V. G. Van Bergen

VGVB:lp

Enc.

cc: Tanya Collier
Rena Cusma
Dan Cooper
Councilors



METRO

2000 S.W. First Avenue
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Memorandum

DATE: May 14, 1991
TO: Casey Short, Council Analyst
FROM: Councilor George Van Bergen *GVB*
RE: Clackamas County Dome Study

In the initial stage of constructing the Convention Center, we purchased a study as to the feasibility of constructing a domed stadium in Clackamas County.

I do not know the date or contractor, but I do wish a copy of that study for reference purposes while considering the Blazer arena proposals.

cc: Regional Facilities Committee
Don Carlson

GVBMEM91.134



METRO

2000 S.W. First Avenue
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503/221-1646

Memorandum

DATE: May 14, 1991
TO: Regional Facilities Committee
FROM: Councilor George Van Bergen *GVB*
RE: REQUEST FOR INFORMATION

At the Committee meeting May 5, the Executive Officer stated "we will know at all times exactly where we are--no commitments."

The purpose of this memo is to call upon the Blazer organization for copies of their studies so that we can review that information prior to committing to any program that they may offer.

cc: Casey Short
Don Carlson

GVBMEM291.134



METRO

2000 S.W. First Avenue
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503/221-1646

Memorandum

Date: December 6, 1991

To: Metropolitan Exposition-Recreation Commission Members

From: Councilor George Van Bergen, Finance Committee Chair
G.V.B.

Re: FY 1990-91 Financial Audit and Letter to Management

Please find enclosed a copy of the Comprehensive Annual Financial Report for last fiscal year which includes the financial statements for the Metro ER Commission operations. KPMG Peat Marwick has issued an unqualified opinion as to the financial statements and financial position of the District as of June 30, 1991.

Also included is a copy of the Auditor's Letter to Management. The letter contains several comments regarding the financial system and practices of the Commission. The Finance Committee has scheduled a meeting to discuss the Management Letter on December 17, 1991 at 4:00 pm in the Metro Council Chamber. We invite you to attend this meeting and ask that you provide a written response to the comments in the Management Letter. The Metro Administration has been asked to provide a written response to the appropriate comments in the letter.

If you have any questions regarding this matter, please contact Don Carlson in the Council Office.

cc: Lee Fehrenkamp
Metro Council
Rena Cusma

FinAud.90-91



METRO

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

Memorandum

DATE: December 11, 1991

TO: Tanya Collier, Presiding Officer
Judy Wyers, Solid Waste Committee Chair
Don Carlson, Council Administrator
Dan Cooper, General Counsel

FROM: George Van Bergen, Finance Committee Chair

RE: Cusma Memo - Riedel Default, December 10, 1991

The significant financial problem inherent in the December 10, 1991 memo requires rapid information to this Council on an equal basis with the Executive Officer. Particularly considering that our co-attorney will soon be in discussion with Credit Suisse.

I believe that this Council should have the same direct reporting of events via Mr. Cooper as will the Executive Officer through Cooper and Martin.

I strongly suggest that John Houser also be a direct party to those discussions and that a joint reply orally and in writing be made simultaneously to the Executive Officer and those of the Council that wish to attend.

cc: Council
Executive Officer
John Houser



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION

Justice Building

Salem, Oregon 97310

Telephone: (503) 378-4620

FAX: (503) 378-3784

January 16, 1992

V.G. Van Bergen
Attorney at Law
2336 S.E. Washington Street
Milwaukie, OR 97222

Re: Resolution 91-1444; Multi-Year Contract for Modeling System
DOJ File No. 137-001-8157

Dear Mr. Van Bergen:

This responds to your letter dated May 13, 1991. I apologize for the extreme delay in getting this response to you. Heavy workloads and other matters have interfered with our response. We did, however, immediately review your letter in the Contracts Unit of the Department of Justice's Finance and Government Section.

I begin with a description of the Department's statutory framework. ORS 180.060 prohibits the Office of the Attorney General from providing the Metropolitan Service District or its officers the advice requested in your letter. That statute states in part:

(2) The Attorney General shall give opinion in writing, when requested, upon any question of law in which the State of Oregon or any public subdivision thereof may have an interest, submitted to the Attorney General by the Governor, any officer, department, agency, board or commission of the state or any member of the legislature.

(3) The Attorney General shall not render opinions or give legal advice to others than such state officers listed in subsection (2) of this section.

V.G. Van Bergen
Page 2
January 16, 1992

The statute constrains us to defer to the advice of legal counsel for the Metropolitan Service District, on which the District and its officers have the right to rely. Cf. Bear Creek v. Hopkins, 53 Or App 212, 613 P2d 808, rev denied 292 Or 108 (1981) (advice of authorized counsel provides public officer defense against personal liability).

To the extent that the lack of spread among the price proposals in the District's Request for Proposal (RFP) process may implicate criminal activity, the policy of the Department of Justice is to reserve criminal enforcement authority to the district attorneys unless either the Governor directs our involvement or the district attorney requests assistance. See ORS 180.070.

Notwithstanding these restrictions on the Department of Justice, I asked our General Counsel Division's Contracts Unit to review the documents you provided. In light of our experience with public contract solicitations and the efforts of competing contractors to obtain pricing information under the Public Records Law and from other sources, we doubt that the close spread among the price portion of the proposals, standing alone, constitutes a solid basis to sustain formal allegations that the price proposals were the product of unlawful collusion.

At this time, the Department of Justice is involved in at least three requests, made by competing vendors, for disclosure under the Public Records Law (ORS 192.410 - 192.505) of the bids and proposals that various vendors have submitted for state contracts. The Attorney General's Model Public Contract rules, OAR 137-30-135(3) require that public bid and proposal files of public agencies that adopt the Model Rules be open for public inspection, and the Public Records Law generally makes bid and proposal prices open for review by the public.

As a consequence of this and other means by which vendors lawfully obtain information about competitors' pricing structures, the state not infrequently experiences bids and proposals, even for professional services, in which either or both the hourly rates and the total prices are extremely close. Under these circumstances, we doubt that the close price spread in the proposals for the Metropolitan Service District's Modeling

V.G. Van Bergen
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January 16, 1992

System Contract, without other indications of collusion or agreement among the proposers, warrants the conclusion that the proposers engaged in wrongful conduct.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. F. Nessly, Jr.", with a stylized flourish at the end.

William F. Nessly, Jr.
Assistant Attorney General
Finance and Government Section

WFN:wfn:cfs\JGG009AC
c: Jan Stinson
General Counsel Division



METRO

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

Memorandum

DATE: December 4, 1992

TO: MERC Commissioner Ben Middleton
MERC Commissioner Ron Kawamoto
Dominic Buffetta, MERC Director of Finance and Administration
Jennifer Sims, Director of Finance and Management Information

FROM: Councilor George Van Bergen, ^{G.V.B.-}Chair, Council Finance Committee

RE: ATTACHED MEMORANDUM ON PERFORMANCE INDICATORS FOR METRO'S
FINANCIAL MANAGEMENT SYSTEM

I appreciate that enterprise departments have income/expense swings but they are cured with regular budget adjustments.

Last year the Solid Waste Department permitted this control to escape, but this year they were within 3 percent.

At the next Finance Committee meeting December 17, we shall have a report from Ms. Sims. My hope is that there will also be a MERC report.

c: Finance Committee



METRO

2000 S.W. First Avenue
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503/221-1646

Memorandum

Date: December 3, 1992

To: Finance Committee

From: Donald E. Carlson, *all* Council Administrator

Re: Performance Indicators for Metro's Financial Management System

The purpose of this memo is to address two performance indicators which give some indication of the effectiveness of Metro's financial management system. The indicators are 1) expenditures in excess of Council approved appropriations, and 2) the accuracy of budgeted fund balances as compared to actual fund balances. Based on information from the Draft Comprehensive Annual Financial Report for 1992 and the FY 1992-93 Adopted Budget the following information is provided.

EXPENDITURES IN EXCESS OF APPROPRIATIONS

The following departments or organizational units overspent their Council approved appropriations in FY 1991-92 as follows:

<u>FUND/DEPARTMENT</u>	<u>APPROPRIATION</u>	<u>ACTUAL EXP.</u>	<u>VARIANCE</u>	<u>PAGE</u>
General Fund				
Regional Facilities				
M & S	\$23,120	\$23,276	(156)	63
Zoo Oper. Fund				
Animal Management				
M & S	379,244	399,715	(20,471)	70
Visitor Services				
PS	1,170,294	1,178,815	(8,521)	71
Spectator Fac. Fund				
Memorial Coliseum				
PS	3,441,001	3,465,946	(24,945)	73
M & S	6,328,392	6,821,867	(493,475)	73
CO	132,400	186,499	(54,099)	73
Civic Stadium				
M & S	1,164,464	1,252,537	(88,073)	73
CO	11,200	11,539	(339)	73
Con. Center Op. Fund				
PS	2,139,292	2,150,119	(10,729)	92
M & S	4,173,700	4,608,194	(434,494)	92
CO	102,000	120,238	(18,238)	92

approximately three to four months before the end of the fiscal year; and 2) the activities and purposes of each fund vary. Funds dealing with expenditures for capital projects such as the General Revenue Bond Fund (Sears Bldg. project) are subject to the pace of the project so the fund balance can vary substantial based on the expenditures during the last three months of the fiscal year.

As a general rule, however, the more accurate the projections are to the reality the better the fiscal management system. Council Staff knows of no general "rule of thumb" as to how close the projections should be. We would recommend that prior to the receipt of the next Proposed Budget, the Finance Office return with "accuracy targets" for each fund. Also, the Finance Office should report at the next Finance Committee meeting whether or not the large deviation in the Planning Fund fund balance will necessitate expenditure reductions in the fund. Is the reduced fund balance real or "funny" money?

cc: Metro Council
Dick Engstrom

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659.4440

December 21, 1992

Jim Gardner
METRO
2000 SW First Avenue
Portland, OR 97201-5398

RE: Larry Shaw Memo regarding Beaverton Amicus Request

Dear Jim:

In reviewing Mr. Shaw's December 18, 1992 memo I find inadequate information upon which to give an opinion because there was not attached the Beaverton letter of December 10, 1992.

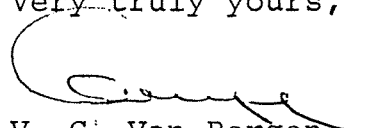
I am always cautious when dealing with Amicus Briefs and particularly so in this case when we are dealing with two of our major patrons, i.e. Beaverton and Portland.

The word "coordination" is obviously one of those unique words of art used by LUBA and defined exclusively in their minds and not the rest of us. Even Mr. Shaw has difficulty with the word and he is our in house expert.

My point in responding is that if there is to be such an Amicus brief, it should be requested by both Beaverton and Portland, and only after the Council has brought this up through the committee process and decided how the policy is to be changed as a total council policy matter. Mr. Shaw describes the need for intergovernmental agreement, mediation, or other "coordination" (?) methods.

If there is a real rush to get involved in this then I suggest this be set down for a full council meeting if that is the type of service these two cities need.

Very truly yours,


V. G. Van Bergen

VGVB/ymb

Encl.

cc: ✓ Don Carlson:

Please distribute this to all Councilors.

Larry Shaw

Andy Cotugno

Assigned Analyst for Transportation and Planning



METRO

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

Memorandum

DATE: April 8, 1993
TO: Jennifer Sims, Finance & Management Information Director
FROM: Councilor George Van Bergen *g*
RE: INVESTIGATION OF MULTNOMAH COUNTY RECREATIONAL FACILITIES

Your report last night at the Governmental Affairs Committee meeting indicated that the transfer of Multnomah County items [Exposition Center, parks, boat ramps, etc.] would be cost neutral.

I would appreciate receiving from you the numbers that you put together to develop this conclusion when I understand there is conversation that at a minimum, \$300,000 has not been met in the way of income.

Also within your report, I wish to know the proposed cost allocation for this new department, assuming that includes risk management, liability insurance, legal advice, heat, light and water, etc.

c: Deputy Executive Officer Dick Engstrom
Don Carlson, Council Administrator
Presiding Officer Judy Wyers
Councilor Mike Gates, Governmental Affairs Committee Chair



METRO

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Portland, OR 97201-5398
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Memorandum

DATE: April 8, 1993
TO: Don Carlson, Council Administrator
FROM: Councilor George Van Bergen
RE: MULTNOMAH COUNTY BUDGET/RECREATIONAL SECTION

This morning's newspaper indicated the presentation of the Multnomah County budget.

I wish to have you obtain copies of that portion that deals with the Exposition Center and that portion that deals with recreational matters, i.e., parks, cemeteries, boat ramps, etc. as to 1992-93 and 1993-94 income and expenditures.

In addition, I would like your analysis of changes between those two years, and if they project future years, what those changes would be.

c: Deputy Executive Officer Dick Engstrom
Presiding Officer Judy Wyers
Councilor Mike Gates, Governmental Affairs Committee Chair



METRO

2000 SW First Ave.
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Memorandum

DATE: April 8, 1993
TO: Dan Cooper, General Counsel
FROM: Councilor George Van Bergen
RE: POTENTIAL STATUTORY PROHIBITIONS

At the meeting last evening of the Governmental Affairs Committee, we reviewed the initial reports investigating the Multnomah County intergovernmental agreement concerning the Exposition Center and recreational facilities.

We reviewed the Shaw/Cooper memo of February 19, 1992, and were orally advised that the Charter enhanced our ability in this endeavor.

To avoid any confusion in my request for your opinion, I wish a written opinion to that effect involving potential statutory prohibition aspects of a possible merger, either by intergovernmental agreement or fee title as to all aspects of the proposal, i.e., Exposition Center, boat ramps, cemeteries, parks and contracted services for restaurants, golf courses, and open areas.

Of course underlying all of this will be our ability, under either form of responsibility, to institute income from bonds or revenue sources without the need for a vote of the people.

c: Deputy Executive Officer Dick Engstrom
Don Carlson, Council Administrator
Presiding Officer Judy Wyers
Councilor Mike Gates, Governmental Affairs Committee Chair



METRO

2000 SW First Ave.
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Memorandum

DATE: April 8, 1993
TO: Executive Officer Rena Cusma
FROM: Councilor George Van Bergen
RE: FRANCHISED WASTE AUDITS

In line with our conversation this morning, an issue came up last week, when Jennifer Sims reported to the Budget Committee that only one site audit was conducted during this last biennium. That audit was performed in Hillsboro at the time of a sale/transfer of that permit to another company. This occurred sometime in July 1992 and continued until this spring wherein an underpayment of \$300,000 was discovered.

At the time I asked why only one audit was performed for the year and I was advised that, due to other priorities in the department, personnel were withdrawn from this task.

At budget time last year when we approved additional staff for Ms. Sims, the understanding was that they would perform at least 3 audits [11 locations] each year. Rather than create the scene I did last night I let the matter ride, but I am still concerned about the following issues:

1. Upon what authority did Ms. Sims' department move from the budget direction of 3 audits a year?
2. Why did we permit the issuance of a new franchise without security for the old debt?
3. Why have we not brought action upon the appropriate parties for recovery of the money?

c: Don Carlson, Council Administrator
Dan Cooper, General Counsel
Jennifer Sims, Finance & Management Information Director
Todd Sadlo, Legal Counsel
Councilor Roger Buchanan, Solid Waste Committee Chair
Councilor Rod Monroe, Finance Committee Chair



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Memorandum

DATE: April 14, 1993
TO: Executive Officer Rena Cusma
FROM: Councilor George Van Bergen *AVB*
RE: BUDGET DECORUM

I have your return memo concerning audits and I appreciate the quick reply.

Our recent understanding was that if I had a problem with any of your staff, I would advise you of the problem, and I am taking that opportunity with this memo.

Last night, Mr. Martin referred to one recommendation of Council Analyst John Houser as "silly" and "disingenuous."

I said nothing about it at the time, when under earlier conditions, I would definitely have confronted him on the use of those words.

I will appreciate your reviewing this matter with him with the result being an apology to the Budget Committee and Mr. Houser, its representative, at the same level of public viewing as occurred last night.

c: Councilor Rod Monroe, Finance Committee Chair
Presiding Officer Judy Wyers
Don Carlson, Council Administrator



METRO

Date: April 20, 1994
To: Metro Council
From: Cheri Arthur, Council Secretary
Re: Concerns about Metro's Day Care

I have heard some disturbing stories from Metro employees about Metro's Day Care center and it's director. I feel that the Metro Council needs to be aware of these problems and concerns.

An employee's son was injured (he dislocated his arm) and the parent was not contacted by the day care center. She did not find out until she went to pick up her son that evening that he had been injured. She took him to an urgency care unit and they questioned the child about potential child abuse by the parents (this was very embarrassing for the employee).

She contacted the day care director the next day and the director refused to file a report. When the parent filled out the report and sent it to the day care director it was not put in her son's file.

I have heard from other employees that there are some major concerns about the daycare director and her attitude toward the parents. Metro could be liable if something was to happen and I feel that this is important enough that I have brought it to your attention. I have spoken with the employee directly and she will be forwarding you specific information regarding this situation.

For what we are charging for day care the parents should be getting excellence service. If you have any questions, please feel free to contact me. Thank you for your attention to this matter.

DATE: April 21, 1994

TO: Dan Cooper, General Counsel
Scott Moss, Risk Management

How do we contain risk and liability in this matter?

cc: Presiding Officer Judy Wyers
Don Carlson

YMCA Mission Statement

The YMCA of Columbia-Willamette is an association of people...men and women of all ages, ethnic origins, religious affiliations and socio-economic levels who believe in Judeo-Christian values. Our purpose is to significantly improve and positively influence conditions which affect the quality of life for our members, our families and the community. Emphasis is placed on the whole person through programs and activities that develop physical, mental, spiritual and social well-being.

Metro kids Child Development Center

The Metro kids Child Development Center is a joint project of Metro and Columbia-Willamette YMCA. The Metro kids program has a commitment to both children and parents. Our goal is to provide the highest quality developmentally appropriate child care program in Portland.

Our curriculum fosters growth and development of the whole child. To enable the child to develop emotionally, socially, intellectually and physically to function in our complex society, emphasis is placed on developing a trusting, supportive relationship with each child, ensuring that the child feels comfortable, happy and accepted at our Center

Eligibility

Metro kids Child Development Center has been established primarily to serve employees of Metro. Admission is open to all families regardless of race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status. The following priority system for enrollment has been implemented:

1. Children of employees of Metro working in the Metro Regional Center
2. Children of employees of Metro working outside of the Metro Regional Center
3. General public

Siblings of enrolled children will be given first priority status regardless of present employment status.

Metro kids has two-, three- and five-day options for enrollment. Financial assistance is available to those families who qualify. For more details, call the site director at 797-1702.

METRO KIDS Child Development Center Monthly Rates		
\$50.00 one-time registration fee		
FULL TIME		
Infant (6 weeks-12 months)		\$525.00
Toddler (12-30 months)		\$525.00
Preschool (30 months-5 years)		\$390.00
PART TIME		
Infant	2 day	\$252.00
	3 day	\$362.00
Toddler	2 day	\$252.00
	3 day	\$362.00
Preschool	2 day	\$187.00
	3 day	\$269.00
	half day	\$250.00
Babysitting for Metro meetings will cost \$4.00 per hour with a 2-hour minimum.		

Ages served

Infants	6 weeks to 12 months
Toddlers	12 months to 30 months
Preschool	30 months to 5 years

In all cases, movement between age groups will be determined by both the age and, most importantly, the developmental stage of the child.

Hours of Operation

7:00 a.m. to 6:00 p.m., Monday through Friday. The Center will observe the same public holidays as Metro Regional Center.

Civil Rights

The Child Care Food Program is a federal program of the Food and Nutrition Service, US Department of Agriculture. It is operated with USDA policy which does not permit discrimination because of race, color, national origin, handicap or age in the meal service, admissions policy, or use of any Child Care Food Programs facility. Any person who believes that he or she has been discriminated against in any USDA related activity should write immediately to the Secretary of Agriculture, Washington DC, 20250.

For more information or to enroll your child in Metro kids, call 797-1702.



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

November 22, 1982

Rick Gustafson
EXECUTIVE OFFICER

Metro Council
Cindy Banzer
PRESIDING OFFICER
DISTRICT 9

Bob Oleson
DEPUTY PRESIDING
OFFICER
DISTRICT 1

Charlie Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jack Deines
DISTRICT 5

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Bruce Etlinger
DISTRICT 10

Marge Kafoury
DISTRICT 11

Mike Burton
DISTRICT 12

Councilor-elect George Van Bergen
2336 S.E. Washington
Milwaukie, Oregon 97222

Dear George:

Thank you for taking time from your busy schedule to chat with me today.

Your attitude and perspective were delightful. What with you, Sharron, and Gary coming on board it's like a breath of fresh air. This Council is going to have some fun.

After all these years, it caught me off-guard to hear someone else talk about how important the budget and our fiscal oversight responsibilities are.

There is certainly room for you on the Coordinating Committee - even as Chairman or Vice Chairman, if you are interested.

I am enclosing a copy of a memorandum sent to Gustafson regarding the FY '83 budget. I am very proud of our efforts at working together as a Council on this and, most importantly, of our accomplishments.

Also enclosed is a memorandum listing the final Council actions on the budget. Believe it or not - this was the first year the budget had been used as a policy-making tool.

You will also find enclosed a copy of the "committee assignments" which I mentioned. It gives you an idea of the areas of responsibility for each group.

I hope your conversation with Jack Deines went/goes well. If you feel he has dissuaded you from your original inclination, I would hope that you would talk with other Council members who are very supportive, including Bob Oleson, Ernie Bonner, Mike Burton, Betty Schedeen, Bruce Etlinger, Sharron Kelley and Gary Hansen.

(next page, please)

George Van Bergen
Councilor-elect
Page 2

It should be a fun productive, exciting year! Hope to hear from you soon.

Sincerely,

Cindy Banzer
Presiding Officer

enclosures

CB:tj



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: 3 January 1983
To: George Van Bergen
From: Cindy Banzer, Presiding Officer
Regarding: Preparation for FY 1983-84 Budget

Attached is a copy of a memo regarding the upcoming budget.

Inasmuch as I hope you will be willing to take a lead role in this year's budget deliberations, this seems appropriate and necessary background information.

Your thoughts and/or reactions would be appreciated.

Thank you.



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

M E M O R A N D U M

Date: December 28, 1982

To: Rick Gustafson, Executive Officer *RG*

From: Donald E. Carlson, Deputy Executive Officer

Regarding: PREPARATION FOR FY 1983-84 BUDGET

The purpose of this memo is to set down several thoughts about our financial situation as we head into preparation of the 1983-84 budget. This past year has been very instructive for us as well as tough. We've weathered some fairly hard times but I think overall we will be better for it. The whole organization appears to be much more conscious of fiscal management than in the past. I am hopeful that this attitude will continue during the coming fiscal year.

The attitude we, as management, need to get across is that we must continue to "tighten our belts". We need to continue to look for ways to reduce our costs, yet produce good competent work. The reality of our revenue situation makes this a necessity, particularly for the General and Solid Waste Operating Funds where revenues tightly match expenditures and we are working hard to keep a 3% contingency. It is more difficult to impose fiscal constraints on the Zoo Operating Fund because of the large annual carryover which gives the impression of endless revenue. But, as you know, we are facing a tax levy election in May 1984 so it is crucial that we start a conscious process of expenditure control at the Zoo.

My thoughts on some specific fiscal topics:

Budget Structure: I propose that we keep the same basic budget structure and format as we used this current fiscal year. By this I mean we use the same basic chart of accounts, the same basic forms and the same basic philosophy of overhead and cost allocation via the use of transfer payments. By keeping it the same we will be able to use the same financial reporting system and will continue to become more proficient in its use. We are still in the mode of improving and refining our fiscal management reporting system and any great change at this point would be disruptive and counterproductive. A degree of certainty and stability in our financial system is especially critical at this time. It helps us more clearly understand our capabilities and better respond to management needs.

Rick Gustafson
December 28, 1982
Page Two

Budget Process: We propose to utilize a similar process to the one used last year with the major exception that it will be more orderly and less rushed. Jennifer has established the basic timeframes, particularly as far as the Council Coordinating Committee will be the principal review body for the Executive Officer's proposed budget. This Committee will be augmented with six citizen members. The Council will again meet as the statutory budget committee, receiving budget recommendations from the Coordinating Committee. Interest group involvement such as SWPAC and FOZ would commence with the Coordinating Committee review.

We anticipate that your proposed budget should be completed by mid-March. This gives us 2-1/2 months to send out the manual and instructions, receive proposed departmental budgets, review and adjust for inclusion in your budget. During the same period of time we propose that you meet individually with each Council member to discuss their priorities and interests, plus give them your view in general terms of our fiscal situation and your priorities. The Council review process discussed above would take place from mid-March to early May and the formal approval and TSCC review will be scheduled from mid-May to the end of June.

COLA & Merit: As you know, there has been concern expressed about how this issue was handled last year. I think we should meet early in January with the Department Heads to come to a basic agreement as to the Executive's recommendation, plus a strategy for implementation. My general feeling is that it will be as tight, if not tighter, to give a COLA next year as it was this year. We need to make a conscious effort to educate employees and keep them informed about our financial condition. This will help them understand some of the tough management decisions we face.

Labor Negotiations: I'm concerned about this issue because of its impact on all of Metro vis-a-vis employee relations plus the Zoo's financial image as we go for a tax levy vote. It seems to me we should be prepared to enter negotiations with a strong case for holding costs down. I propose we have a meeting in January with Andy Jordan, Durig, Warren, Kay, Jennifer and Dick Karnuth to discuss goals, objectives and strategies.

DEC:ef

cc: Cindy Banzer, Presiding Officer



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: 10 January 1983
To: Councilor George Van Bergen
From: Cindy Banzer, Presiding Officer
Regarding: Committee Assignments

Until the Council reaches consensus on reorganization, I am assigning new Council members to Committees on an interim basis in order that we may expedite the organization's business in an orderly manner.

I would ask you to sit on the Services Committee and the Coordinating Committee. I would further request that you serve as the Vice-Chair of the Coordinating Committee, replacing former Councilor Betty Schedeen.

Thank you for your attention to this request and your assistance

cc: Jack Deines, Chair
Coordinating Committee

CB:tj

NEWS RELEASE

METROPOLITAN SERVICE DISTRICT • 527 SW Hall Street • Portland, Oregon 97201 • (503) 221-1646



For immediate release: February 7, 1983

For more information call: Dan LaGrande or Mel Huie, 221-1646

Milwaukie Receives Assistance From Metro

Metro Councilor George Van Bergen and Milwaukie City Manager Hugh Brown announced the completion of a report which surveyed downtown shoppers. The survey will provide the city and Milwaukie USA Business Association with demographic information about shoppers and indicate the factors which encourage and discourage shopping trips to downtown. The survey will also be useful in trying to understand the shopping and travel habits of downtown customers. This information will be of assistance to the business association as it determines long-range goals and arrives at shorter term marketing strategies for downtown.

Also completed were a land use inventory and research on the current mix of businesses downtown. This information will give the business association a clearer picture of what function the downtown currently serves; such information is essential to long-range planning and goal-setting.

These tasks were carried out by Reed Ritchey, a recent graduate of Portland State University's Urban Planning Program. Ritchey was retained by Metro's Small Cities Assistance Program and the City to conduct the studies.

Metro's Small Cities Assistance Program matches students from local universities with the smaller local governments in the region to help with specific projects. The student interns gain valuable on-the-job experience while augmenting the city staffs. They are jointly supervised by Metro staff and the appropriate city personnel.

more

Milwaukie Receives Assistance From Metro

Page 2-2-2-2-2

The program is funded by the local government dues paid by cities and counties in the Metro boundaries. Past projects in addition to the Milwaukie downtown studies include the Rivergrove Comprehensive Plan; housing and population surveys for Cornelius and Fairview; a housing survey and park grant application for Durham; planning assistance to Sherwood, a downtown business survey for Hillsboro; and codification of ordinances for Happy Valley and Wilsonville.

New projects about to get underway will be a downtown business study in Troutdale and a land use inventory update in Gresham.

Metro's Small Cities Assistance Program is intended to be flexible and responsive to the needs of local governments. For more information on the program, call Mel Huie at Metro, 221-1646.

#####

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

April 5, 1983

Ray Barker
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Ray:

Attached is an article from this morning's paper relating to Parker-Rossman's Landfill, etc.

I guess what I need to know is are these management decisions or council decisions. If they are council decisions, then have they been reviewed by a committee and approved with authority to proceed without council action or will we be receiving minutes of committee meetings sometime in the future and retroactively approve what has been done?

The reason for bringing this up is that the information I receive outside of meetings, i.e. in the halls of metro, seems to be in conflict with the content of the news article. I believe the council chamber is where the action should be taken unless this is truly management action. Perhaps I have not read some reports sent to me, then in that event I am at fault.

Very truly yours,

V. G. Van Bergen

VGVB:lt
Enc.
cc: Cindy Banzer

Panel to ponder landfill agreement

By WANDA COCHRAN
of The Oregonian staff

OREGON CITY — A proposal to close Rossman's Landfill to the public next week and return \$80,000 of the franchise fee the company paid this year to Clackamas County will be considered by the county Solid Waste Commission at a special meeting Tuesday.

The proposal is part of a compromise worked out between the landfill operator and representatives of the Metropolitan Service District, said Dave Phillips, county solid waste director.

The landfill will close to the public April 11, the day the service district's transfer and recycling center is scheduled to open. The agreement spells out how much garbage can be delivered to the landfill by commercial haulers after

that date.

The \$80,000 reduction in the franchise fee Rossman's pays to Clackamas County has been proposed to offset the cost of operating the landfill with a 40 percent reduction in business, Phillips said.

The Solid Waste Commission will forward its recommendation on the plan to the Clackamas County Commission, said Richard Bloom, Solid Waste Commission chairman. The county commission will make a decision on any franchise change and will have the final say on the dumping compromise.

Jack Parker, operator of Rossman's, said the compromise will allow Rossman's to accept approximately 14,000 to

15,000 tons of garbage per month from commercial haulers.

The additional 10,000 tons of garbage per month formerly dumped at Rossman's, including 3,000 tons from the public and 7,000 tons from commercial haulers, will be delivered to the transfer center, he said.

If the agreement is approved, it means that the landfill probably will not be completed until sometime in June, Parker said. He told the Solid Waste Commission last week that it would take about 40,000 tons of garbage to complete the landfill.

Parker will have to seek approval from the Metropolitan Service District to operate the landfill past April 11.

*During
what's going
on - please advise
update!*

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

April 20, 1983

Cindy Banzer
Metropolitan Service District
527 SW Hall Street
Portland, Oregon 97201

Dear Cindy:

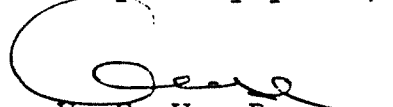
I received the agenda for the April 28 meeting today and I am concerned about Item 8.3 - implementing flow control and the proposal of initiating the ordinance and then adopting a motion to table the ordinance.

I seem to have two copies of rules, one titled Chapter 2.01 and one titled 79.65 without dates of adoption. The question I will pose at the meeting is whether the tabling activity is valid under either ordinance and also in conformance with ORS 198.550 set out in Section 7 of the 79.65 ordinance.

If the tabling process is appropriate and permitted, then that is fine, but I am fearful that once initiated, the ordinance proceeds to its conclusion and then after 7 days the executive office must enforce the rule.

Now as to the merits, I will ask how many tons have been received from April 11 to date, the forecast as to tonnage and if we are in compliance with our contract with Genstar.

Very truly yours,


V. G. Van Bergen

VGVB:lt

May 3, 1983
Page 2

Although Council action has already taken place to table the flow control ordinance, I am nonetheless enclosing a copy of Legal Counsel's written response to your inquiry.

George, please accept my apology for what must seem like a tardy response to your comments. Your inquiry was forwarded to our Legal Counsel and our Solid Waste Director for response on the same day that it was received.

One of the reasons for the delay was that it took three days to gather the information on the amount of tonnage collected at the CTRC; however, I have spoken with both the Executive Officer and Deputy Executive Officer regarding more speedy and timely responses to official Council inquiries.

Thank you for taking the time to forward your concerns to me in advance of the meeting.

Sincerely,

Cindy
Cindy Banzer

CB/srb
8474B/D1

Enclosure



METRO

METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

May 3, 1983

Cindy Banzer
COUNCILOR
DISTRICT 9

The Honorable George Van Bergen
Metropolitan Service District
527 S. W. Hall Street
Portland, Oregon 97201

Dear George:

In response to your inquiry of April 20, 1983, regarding CTRC operations, Solid Waste Director Dan Durig informs me of the following:

1. The amount of tonnage received at CTRC from April 11 through April 24 is 5,355.30 tons. This includes both commercial and public waste.
2. The Solid Waste Department estimates that we can expect about the same flow of garbage until Rossman's Landfill closes--which will be no later than June 30, 1983.

The current flow is running slightly ahead of the projected 10,000 tons per month.

3. While I realize that our contract with Genstar was effective on April 1, 1983, Alex Cross, on behalf of Genstar, has verbally acknowledged that April 11, 1983, was an acceptable starting date. Written confirmation of this agreement has been requested from Genstar. If a problem does arise with the contract, the Council will be apprised.

I believe you have received a memorandum dated April 28, 1983, regarding: Report on CTRC Operations, which should provide you with more detailed information on operations at the CTRC.



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

May 5, 1983

Rick Gustafson
Executive Officer

Metro Council

Cindy Banzer
Presiding Officer
District 9

Bob Oleson
Deputy Presiding
Officer
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Ernie Bonner
District 8

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

The Honorable George Van Bergen
Metropolitan Service District
527 S.W. Hall Street
Portland, Oregon 97201

Dear George,

At the April 28 Council meeting the haulers "complained" of contracts approved by the Contract Review Board. Two of the three members of the Board were present. Jack Deines, a member of the Board, was in the building but did not attend the meeting.

The members of this Committee are, in fact, listed on your list of Committee assignments. The Council confirmed my appointments to the Committee on February 3, 1983, at which time you were present and voted yes.

The Council in Ordinance No. 82-130 delegated to the Contract Review Board the authority to approve contracts ranging from \$10,000 to \$50,000 and delegated to the Executive Officer the authority to approve contracts under \$10,000. The Council approves contracts over \$50,000. The Council receives on a monthly basis the list of contracts reviewed by the Contract Review Board. Sue Klobertanz is the staff to that Board.

The Executive Officer and the Contract Review Board do have the authority to act on our behalf. However, I believe that you have a slight misunderstanding of their role vis-a-vis the CTRC and the John Hayes/The Oregonian article.

There is a Solid Waste Rate Review Committee, a citizens' advisory committee, which makes recommendations to the Executive Officer and to the Council on the rate structure for disposal fees. I have enclosed information establishing the Solid Waste Rate Review Committee and a list of current members.

They did address the issue of how to best pay for the CTRC and the affect on other disposal sites and recommended

527 SW Hall St.
Portland, OR
97201
503/221-1646

George Van Bergen
May 5, 1983
Page Two

a uniform rate between the St. Johns Landfill and the CTRC. Dan Durig, Doug Drennen, or Norm Wietting in the Solid Waste Department can explain in detail the recommendations of that Committee and the subsequent actions of the Council.

The \$236,000 figure was pulled from the Solid Waste Department Summary Worksheet for FY 1983-84. This was an estimate only of the fund balance on July 1, 1983 for the St. John's subprogram based upon the conservative estimate that CTRC would open in June rather than April. Thus, the figure is virtually meaningless. The statement in the Hayes article stating we have already lost \$236,000 is incorrect. The Solid Waste staff informs me that the disposal shortfall resulting from the delay in opening CTRC will largely be offset by the money collected since January 3rd through the regional transfer charge.

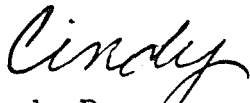
The \$1.47 regional transfer charge (RTC) was instituted by the Council last November to spread the cost of CTRC more evenly throughout the region, not as a result of less garbage going to St. John's. I have enclosed a copy of Dan Durig's letter to The Oregonian which clarifies the mistakes in the article. I have also included a staff report dated December 21, 1982 which alerted the Council to this problem. The Executive Officer's recommendation was agreed to by the Council.

Generally, the landfill rates are set according to a formula projecting revenue needs to cover anticipated costs for the next calendar year. I would suggest that, at your convenience, we meet with Dan Durig to go over the figures and the formula so that you thoroughly understand how the rates are arrived at.

I believe that at this point that removing the flow control ordinance from the table would not materially affect the revenues for the solid waste system in that Rossman's Landfill is to close on June 30, 1983.

Thank you for bringing these concerns to my attention. They reminded me of several fiscal issues in solid waste that we need to follow up on. Again, George, I appreciate your attention to these types of issues.

Sincerely,



Cindy Banzer
Presiding Officer

CB:ef

Enclosures

cc: Councilor Gary Hansen
Rick Gustafson



METROPOLITAN SERVICE DISTRICT

Providing Zoo, Transportation, Solid Waste and
other Regional Services

June 3, 1983

Rick Gustafson
Executive Officer

Metro Council

Cindy Banzer
Presiding Officer
District 9

Bob Oleson
Deputy Presiding
Officer
District 1

Richard Waker
District 2

Charlie Williamson
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Ernie Bonner
District 8

Bruce Etlinger
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

The Honorable Marge Kafoury
Metro Councilor
527 S. W. Hall Street
Portland, Oregon 97201

Dear Marge:

I received Thursday the June 6, 1983, agenda containing an item to discuss a committee work program. My view is that a review should be made of all committee functions.

With five months of experience and a review of the actual work product and results of the Council and its committees, I am convinced that the Council should act as a whole on all matters. The only exception would be those occasions when a few Council members meet with non-Council members for specific purposes such as transportation and investment.

The three basic committee interests cross over too much.

I believe we cause an excessive and unwarranted use of staff time by the current system. If we would meet at 1:00 p.m. twice a month we would reduce staff time, avoid committee work and provide a schedule that would permit second readings of ordinances within a convenient period of time.

The savings would be great.

Metro should not be a nighttime function. My agency and government experience is that daytime service is the best public service. We volunteered for this job and we are better people if we give a few good hours to Metro reserving the resting hours to ourselves and our families.

Very truly yours,

George Van Bergen
District 6

srb

527 SW Hall St.
Portland, OR
97201
503/221-1646

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

November 17, 1983

Mr. Ray Barker
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Ray:

I received the packet today for the meeting of November 22 and I would like you to inform Cindy Banzer and Rick Gustafson that I do not intend to vote favorably upon 6.6, i.e. Intergovernmental Agreement with Oregon City.

Accordingly I want the item taken from the consent agenda until such time as I change my mind about the content of the agreement. My mind could be shifted if it could be demonstrated that we have the legal capacity to make such a bargain. Of course, the rest of the council can approve the item in due course apart from the consent agenda process.

Very truly yours,



V. G. Van Bergen

VGVB:lt

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

March 13, 1984

Ernie Bonner
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Ernie:

I am very much in agreement with your "Proposal on Council Matters" recognizing that the implementation will supervise the downfall of portions of the "Metro Empire".

The plan will work even with twelve people if we accept rules or a discipline for our personal conduct. In my profession, procedural discipline is inviolate. The public is entitled to be heard and then each of us has a right to be heard. The anti-thesis is the Town Hall, cracker barrel, tennis match debate we now exercise.

I extend my support even though I have never won a Metro battle let alone a Metro war.

Very truly yours,


V. G. Van Bergen

VGVB:lt

cc: Corky Kirkpatrick
Don Carlson

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

March 23, 1984

Rick Gustafson
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

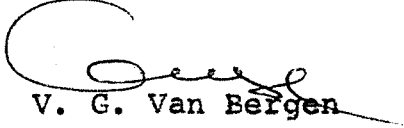
Dear Rick:

I serve on few committees which creates a situation where my questions must either be asked at the regular council meeting or asked prior to a council meeting by letter. The purpose of this letter is to avoid council time and the following are some thoughts with requested review:

1. Citizen Review of Washington County Transfer Design. In this regard, it was stated at the last meeting that citizen review was being conducted apart from hauler review. I would like to know the name of the group, the composition of members, the vitality of the group and will the group come forward with recommendations.
2. Operational Contract. My concern is do we need an operational contract or should we employ our own people for this type of non-technical work. I can see a need for a contractor if garbage transfer was something close to a science, but I see it as labor intensive only. I believe a review should be made of this at CTCRC and St. Johns prior to any contract renewal and certainly before a contract in Washington County. I do not know if the Services Committee considered this.
3. Current Contractor. Assuming that operational contracts will continue, I wish to know the written policy of Metro that this be our ongoing obligation. Further, assuming that Genstar will apply, I would like to see copies of their last two annual reports as well as any current brokers analysis of those annual reports. In addition, do these contractors comply with our required policies as to minorities, etc.

With this type of information I will feel no obligation to ask extended questions and occupy time at council meetings on this subject.

Very truly yours,


V. G. Van Bergen

VGVB:lt
cc: Corky Kirkpatrick
Gary Hansen



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: July 23, 1984
To: Metro Councilors
From: Donald E. Carlson, Deputy Executive Officer *DE*
Regarding: Financial Accounting Reports

As we prepare to begin a new fiscal year, the staff is evaluating the frequency and content of the financial accounting reports. To best serve the users, we would like to have your comments concerning the following items:

First, what reports would you like in your financial report package?

	<u>Yes</u>	<u>No</u>
Individual Councilor Expense Report	<u>X</u>	—
General Council Expense Report	<u>X</u>	—
Cash and Investments for Metro	—	<u>X</u>
Cash by Fund	—	<u>X</u>
Balance Sheets by Fund	<u>X</u>	—
Summary Revenue and Expense by Fund	—	<u>X</u>
Budget to Actual Resources and Expenses by Fund	<u>X</u>	—
Other (Please List)		

George Van Bergen

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

October 17, 1984

Mr. Don Carlson
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

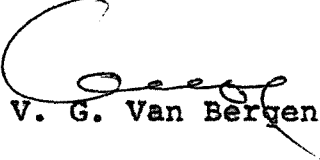
Dear Don:

Part of a conversation we had the other day was an inquiry on my part as to principal shareholders and officers of SCA, a garbage collection company in my area that requires my monthly payment to an office in California.

At a luncheon meeting I was to today, the information was given to me that someone even bigger, by the name of Waste Management, bought SCA and leaves me with the same question as to who are the principal shareholders and officers of Waste Management. Perhaps my monthly payments will now be made to someone in Chicago, Illinois.

If we do not have this privilege of inquiry then that should be the end of this except perhaps we should change our rules to be able to make inquiry where we effectively deal with someone distant from Oregon.

Very truly yours,


V. G. Van Bergen

VGVB:lt
cc: Corky Kirkpatrick

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

November 15, 1984

Corky Kirkpatrick
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201


Dear Corky:

I am interested in attending the NARC meeting in Washington, DC
February 3 - 6, 1985.

Attached is a reservation form that I hope can be submitted
through Metro office. If this cannot be done, then return it to
me and I will mail it independent of you and Rick. If too many
people plan to go then I assume you will have to pick and chose
and I will accept your judgment. I have spent less than \$40.00
of my expense money so that appears to be the right place to
withdraw funds.

As a separate item in the same letter, I have written the
attached letter to Cotugno as I am confused on how the gas tax
money split request is being made.

Very truly yours,



V. G. Van Bergen

VGVB:lt
Enc.

P.S.

In the event I am selected, I hope the staff can arrange my
air flight and you can insert the arrival time and departure
date.

George

V.G.VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

November 15, 1984

Andy Cotugno
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Andy:

I admit I am confused of what we are recommending for a split of the additional gas tax revenue.

C I do not need a long report on this but maybe you can call and in five minutes time I could understand the request of the cities, counties, Oregon Department of Transportation, etc. I appreciate this will be a negotiated item at best.

Very truly yours,

O
V. G. Van Bergen

VGVB:lt
cc: Corky Kirkpatrick

P

Y

V.G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

December 5, 1984

Corky Kirkpatrick
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Corky:

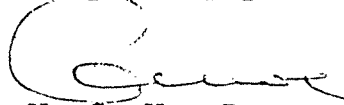
One thing in my life I wanted to do and will still do sometime is go to Washington, DC. I thought I had the opportunity with the NARC meeting in February.

The problem is I have had a visit with my accountant and 1984 was just not that good to me that I can afford to make the expenditure beyond expenses provided by Metro. Also I frankly must not take the week away from the office.

Toby has been most cooperative in scheduling this for me to take care of all of my desires and I compliment her for her efforts.

The conclusion is I cannot afford to go and I want the reservations cancelled with as little cost to everyone as possible.

Very truly yours,


V. G. Van Bergen

VGVB:lt

*Cancelled
plane reservations
at Unicorn today 12-7-84
by [unclear] acct.
Please cancel the checks
for the attached request
re NARC conf. in
Washington, DC
Feb 3-6/85
Thanks
Toby*

Group of Citizens.
State sitting authority

Chamber tabs lawyer for First Citizen award

MILWAUKIE — The North Clackamas County Chamber of Commerce on Wednesday named Milwaukie lawyer V. George Van Bergen as its First Citizen for 1984.

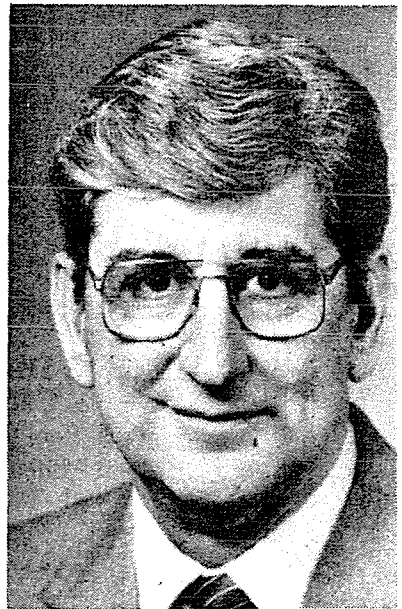
Van Bergen, who represents District 6 on the Metropolitan Service District council, received the award during a noon ceremony in the Willamette View Manor, 12705 S.E. River Road.

Chamber officials said Van Bergen was chosen as the 20th recipient of the annual award for his many years of volunteer service to Clackamas County. His volunteer activities range from working with youth organizations to volunteering his time at a local retirement home, they said.

Van Bergen, 60, is a past chairman of the Clackamas Community College Board and is on the Dwyer Community Hospital & Medical Center board of directors. He has served on the Clackamas County Juvenile Advisory Committee, the Ledding Library Board and the North Clackamas Park Association Board.

He was the Clackamas District chairman of the Boy Scouts of America, has been Milwaukie chairman of the Salvation Army and has served as a board member for Kids Incorporated and for the Portland City Baseball League.

A longtime member of the North Clackamas County Chamber of Commerce, Van Bergen has served on the chamber's board of directors for 10



V.G. VAN BERGEN

years.

He also has been a member of the Willamette View Manor board of directors and is a member of the Milwaukie Elks Club and Milwaukie Rotary Club.

Van Bergen was selected the winner of this year's award by a chamber committee made up of past First Citizen award winners. Nominations for the award were submitted to the committee by community residents during the last several weeks.

Oregonian - 12-13-84

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

January 8, 1985

Ernie Bonner
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Re: Bear Grotto and
Management Committee

Dear Ernie:

So that you are advised of my activities, I wish to report to you on the following items:

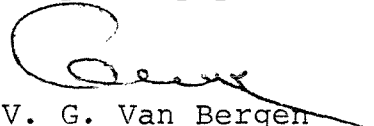
1. The Management Committee has an unscheduled meeting sometime following Thursday, January 10, at which the staff will want a recommendation by the Board as to the firm to be selected to do the audit. They have solicited for bids and five responses have been made by major accounting firms, all of whom I feel are qualified. The selection, I assume, will be because of a quoted price only.

The procedure in the past has been for the Audit Committee to interview and then choose. I see no need for a lesser group from the Management Committee and staff to go through the process of interviewing the several firms. My suggested procedure will be for the Management Committee, as a whole, to choose based on the five or six applicants. I clearly do not want to put a firm through the torture of an interview when we know their bid is the highest and there probably will be no chance for them to get the contract.

The audit is for the benefit of the Board and it is our responsibility to make the selection.

2. I did not know this was going to happen, but apparently I have been selected to assist K. Rich and the zoo staff in reviewing bids for the bear grotto. I assume the reason Mr. Rich called upon me was that you asked him to do so. I agreed to help and I will be meeting with them, Thursday, January 15, at 10:30, when I understand they anticipate bid proposals from fifteen contractors.

Very truly yours,



V. G. Van Bergen

VGVB:lt
cc: Rick Gustafson



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Solid Waste and Local Government Services

15 February 1985

527 S.W. Hall St.
Portland, Oregon
97201-5287
(503) 221-1646

Rick Gustafson
Executive Officer

Metro Council
Ernie Bonner
Presiding Officer
District 8

Richard Waker
Deputy Presiding
Officer
District 2

Bob Oleson
District 1

Jim Gardner
District 3

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharon Kelley
District 7

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

Nancy Peacock
Secretary
NARC
1700 K Street, N.W.
Washington, D.E. 20006

Dear Nancy:

Our Accounting Clerk, Syliva Smith, informs me that we have not received the \$125 check for Councilor George Van Bergen's cancelled registration of Dec. 11/84 to the Federal Briefing Conference.

As stated in the attached letter of December 11, please make out the check to: Metropolitan Service District.

I am also sending you a copy of my request for reimbursement from the Hyatt Regency Washington Hotel, where the conference was held, in the hope that you might call them as a reminder to send us a refund.

Your assistance in this matter will be greatly appreciated.

Sincerely,

Toby Janus
Council Secretary

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

March 7, 1985

Toby Janus
Don Carlson
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

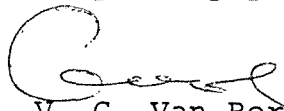
Re: GEORGE IS TRYING NOT TO OVER REACT

Dear Toby and Don:

A week or so ago, I was called by Phil Fell to encourage me to call the Clackamas County delegation in Salem in response to the Oregonian editorial at a moment when we want legislation passed. You can imagine what time it takes to attempt three telephone calls to busy legislators, two of whom I eventually got to, but before reaching any of them personally, I wrote three letters in an attempt to meet a deadline.

I am in the habit of billing for work done and rather than charge a minimum fee for letters and the time for phone calls, I merely inserted \$12.00 in my expense sheet as kind of a "senior citizens rate" to Metro. I am not going to dig into my phone bill and give you copies and really the easy way out of this whole mess is just take \$12.00 off my expense sheet and we both will feel happy that we have met the instructions to staff about how to substantiate expense sheets.

Very truly yours,



V. G. Van Bergen

VGVB:lt
Enc.

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

July 26, 1985

Ernie Bonner
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Ernie:

The current item that occupies our minds at Metro is the legislative request for our recommendation to DEQ for solid waste reduction with the deadline of January 1, 1986.

From your leadership position, you recommend that we walk down the trail of ad hoc committees and meetings where we will attempt to obtain the views of our patrons in such a manner that we can make a good recommendation within that time frame.

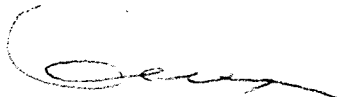
I do not agree that there is such current enlightenment in the citizens that we can go to them for such a response. Rather I believe that the information concerning waste reduction has been obtained many times before by the staff and the council. This being true, we should be able to look to the Executive Officer for a report containing the several options and then when the time comes for the council vote on those options, it would be a vote with some consideration rather than a vote under the pressure of time, which seems to be the schedule for our decision set for the middle of December.

The point is, the Executive Officer and staff have again shifted away from a position of making a recommendation when in fact they are the experts who really have the full time responsibility for study, review and fact finding.

I hope that our board will insist on such a posture being taken by the staff. I believe our study of this, as designed, is futile. I find no problem in making a decision in December as I doubt any new information will be obtained. We will continue to try to find a cheap method of waste reduction that requires no effort at the source of the waste.

The DEQ recommendation we seem to ignore is that there is no easy-inexpensive way.

Very truly yours,



V. G. Van Bergen

VGVB:lt
Richard Waker

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

October 29, 1985

Rick Gustafson
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

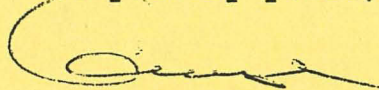
Dear Rick:

I was very pleased with our role in visiting last evening with some members of the Clackamas County Legislative Delegation concerning how we should seek future funding for the Metropolitan Service District.

The responses of the individuals probably cover the same spectrum of thought that one would anticipate and I am sure reflects voter response at the polls. The variety is that which we have discussed on many occasions, i.e. a levy for the zoo; a levy for Metro general fund and a levy for Metro and zoo. One option not suggested is another trip to the legislature without there being a voter review and voter review is expected to be a lose/lose performance in the absence of a turn in the public attitude that we have regional government under control and that the zoo is something that we operate as we do operate waste disposal.

Perhaps some of the people at the meeting will desert us if at the time of a proposed vote we become very unpopular, however the obligation is upon us to proceed for at least a general fund levy and I believe that levy should be one where the primary identity is Metro as the supervising authority of the zoo.

Very truly yours,



V. G. Van Bergen

VGVB:lt

cc: Phil Fell

Ernie Bonner, Presiding Officer

Richard Waker, Vice Presiding Officer

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

January 9, 1986

Ernie Bonner
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Ernie:

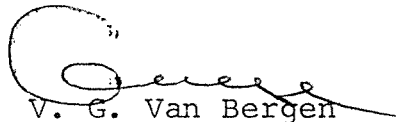
These recent three years serving with you on MSD have gone by so fast that I must have had a good time. Your thoughts and observations have always been those to which I have given great consideration. Your ability to come forward with your ideas early permits early rebuttal by others with the result being a constructive role for the board and our district.

My role has changed substantially since the early days to one where I can see a greater need for regional government. Sometimes I have the feeling that we only get the things that Cities and Counties are without courage to handle and thus our wins may be few but certainly for the benefit of the Metropolitan Service District.

I will miss you on the board but there comes a time when each of us is replaced and that may well happen to me in the near future.

I know retirement from MSD is not retirement from life for you and I expect to hear much of you and your success in the future.

Very truly yours,


V. G. Van Bergen

VGVB:lt

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

February 17, 1987

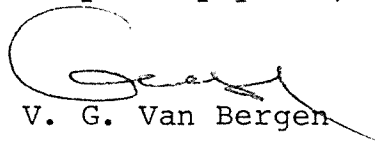
Jim Gardner
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201

Dear Jim:

I will be out of town Thursday so I cannot appear and speak to the issue of Councilor per diem and expenses. I am in full agreement with an increase in payment. I suggest that we look even farther as to example than the legislature, i.e. board members of larger state agencies.

Otherwise I am in full agreement with the proposed changes with one exception and that exception is 3(f) dealing with child care costs. I was opposed to this when it was inserted several years ago as the cost has no direct bearing on council service. If this is continued as an expense, I will speak contrary to it when it comes up for vote. The quality of argument is as valid as metro paying my clothes cleaning bill or providing me with a legal assistant when I am away from the office.

Very truly yours,


V. G. Van Bergen

VGVB:lt

V.G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659.4440

June 25, 1987

Mike Ragsdale
Grubb & Ellis Commercial Brokerage
1001 SW Fifth Avenue, Suite 700
Portland, Oregon 97204

Re: Convention Budget
Lottery Funds

Dear Mike:

Two things concern me and so that we get other people thinking about these issues I will ask that Toby send this letter on to those who are indicated as copied below.

I assume that you direct the content of the agenda for the Convention Committee and perhaps these can be discussed at our next meeting.

1. Project Budget Control. We have discussed a number of things at the committee but I do not feel that we have fully discussed the project budget.

It is my recall in the beginning a promise was made to the voters to return interest on the bond funds as a method of reducing the overall bond payment obligation. The Tuck Wilson memorandum of June 22 suggests we should retain that interest to cover unexpected building costs and of course that triggers my concern that perhaps we have already exceeded the funds available for construction.

My request then is that this become an agenda item with written information being prepared both as to history and where we are now.

2. Lottery Funds. In this weeks newspaper is an article that during all the time we were negotiating with the Legislature and Governor about \$15 million, someone had to be apprised of the fact that the Lottery Commission was entering a bargain with other states for some type of super lottery fund apart from the regular Oregon Lottery fund.

Mike Ragsdale
June 25, 1987
Page 2

My fear is that this new fund may not be obligated by the Legislature to pay us the \$15 million in a scene where the new lottery is more attractive and in effect creates a close down of public interest in the existing lottery arrangement.

My request on this issue is that it be an agenda item with a written report of the best information available being presented to us prior to the bond sale on July 9.

Very truly yours,

V. G. Van Bergen

VGVB:lt

cc: Richard Waker
Jim Gardner
Corky Kirkpatrick
David Knowles
Larry Cooper
Rena Cusma
Tuck Wilson
Richard Roberts

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

August 10, 1987

Don Carlson
Metropolitan Service District
2000 SW First Avenue
Portland, Or 97201

Re: Washington County Law Actions

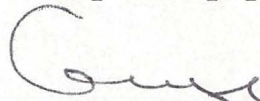
Dear Don:

I wish to have particular attention given to the remaining legal matters concerning the Washington County Waste Transfer Station decisions.

What I have in mind is that there be a reporting to me and the council of what does happen with the case in the Washington County Circuit Court and also the case that is before the Oregon Land Use Board of Appeals.

Thank you for your help in this.

Very truly yours,


V. G. Van Bergen

VGVB:gm
cc: Richard Waker

*called GVB on
8/12/87. Told him
matter scheduled for
Executive session and
consideration at 8/13/87
Council meeting.
PSL*



METRO

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

Memorandum

Date: September 16, 1988

To: Councilor George Van Bergen

From: Councilor Jim Gardner, Chair
Council Intergovernmental Relations Committee

Regarding: INTERGOVERNMENTAL RELATIONS COMMITTEE WORKSESSION ON
POSSIBLE BILLS FOR INCLUSION IN METRO'S 1989 LEGIS-
LATIVE PACKAGE -- A PROCESS FOR ADVANCING LEGISLATION

This memo is in response to your letter to the Presiding Officer regarding the Council's need to form a legislative package for the 1989 session. At the September 13 Intergovernmental Relations Committee meeting, we conducted a special worksession specifically to address this issue. The meeting produced two "products": 1) a draft list of possible bills for inclusion in Metro's legislative package; and 2) a process for advancing proposed legislation through the Council Committees for council adoption of its legislative package. Once adopted by the Council, the legislative package would be given to the Government Relations Manager for introduction via the Otto Taskforce and management through the Legislative Session. These two pieces are summarized below.

Additionally, Mr. McMurdo outlined the general timeline Metro faces for having our legislative package presented to Senator Otto's Taskforce on Metropolitan Regional Government. Following public hearings during the remainder of this month, the Taskforce will conduct full meetings in mid-October to pull together their legislative submissions. The Council should have its legislative package to the Taskforce for the mid-October meetings, or at least those portions of the package which we want the Taskforce to consider and incorporate into their legislative submission.

Possible Metro 1989 Legislation: Mr. McMurdo briefed the Committee on the following proposed legislative bills that should be coming from Metro's Departments:

- o Planning & Development
 - 1. Clarification of last session's Business License Program bill (housekeeping)
- o Solid Waste
 - 1. Authorize and direct DEQ to recognize limited purpose landfills (Solid Waste currently developing proposed standards)
 - 2. Legislation to prohibit other governments within the District from imposing surcharges or taxes on solid waste tipping fees
 - 3. A bill to cut off Bacona Road funding (the intent would be to prevent funds from being used in other DEQ areas)

4. Provide Metro with the same control over recyclables that it currently has over hazardous waste (noted that it is very important not to obstruct private recycling efforts)

Committee members identified some other possible bills -- expanding the bottle bill to include wine bottles, incorporating Portland into the Business License Tax legislation. Greg McMurdo noted that Ron Cease intends to promote expanded bottle bill legislation and that Metro should not duplicate legislation because it costs approximately \$1,400 per bill simply for printing.

Currently, the Council also has two pieces of legislation directed to the Otto Taskforce:

- 1) A bill to allow the Metro Council to reapportion itself and allow full use of the Voters' Pamphlet for District measures (Council Resolution No. 88-916);

- 2) Financing legislation with 3 separate bills regarding the Local Government dues, an excise tax on Metro's services, and authority to levy an income tax without prior voter approval subject to referendum provisions. Such authority is similar to Tri-Met's taxing authority.

Another potential bill is the measure passed unanimously by the IGR Committee on September 13 relating to changes in Metro's governance structure.

Council Legislative Process: After discussing the above legislative proposals, the Committee developed a process for the Council to pull together its final package for transmission to the Otto Taskforce. The process will be as follows:

Step 1: The Intergovernmental Relations Committee reviews all proposed bills and then directs them to the appropriate Council Committee. [Tuesday's meeting served as this first step for the bills noted above. The IGR Committee will review the written submissions for Planning & Development pieces; the Solid Waste Committee will handle its appropriate pieces.]

Step 2: The Council Committees will review the Department bills and transmit back to the Intergovernmental Relations Committee, via resolution, the pieces determined appropriate for inclusion in Metro's legislative package. The IGR Committee will conduct a special legislative worksession to develop a final draft package for Council approval. Given the time constraints, the Committee felt that an IGR worksession, instead of a full Council worksession, would work better. All Council members will be encouraged to attend this work-session, and will be provided in advance with copies of proposed legislation and supporting materials.

Step 3: The Council will receive and vote on the complete package forwarded from the IGR Committee. The resolution adopting the package will forward it directly to the Otto Taskforce.

The IGR Committee also identified the need for an ad hoc legislative committee to track the progress of Metro's legislative package during the session. This is necessary so that we can react quickly to changes in legislation or the appearance of new legislation impacting Metro.

Obviously, time is of the essence. To help the Committees in their planning for review of proposed legislation, I constructed the attached summary of regularly scheduled Council/Committee meeting dates between now and mid-October (Attachment A -- "Proposed Legislative Review Schedule"). To follow the review process, I have indicated when the Committees will need to consider their legislative pieces.

I hope that the IGR Committee's review process and the identification of the potential bills coming from the Departments responds to your concerns. It is unfortunate that the timeline is so tight between now and mid-October, but I believe that the Council can still assemble a legislative package that responds to its policy goals. Please do not hesitate to let me know if you have any outstanding concerns or suggestions.

cc: Metro Council

JG/JM a:\jggvbm

- ATTACHMENT A -

PROPOSED LEGISLATIVE REVIEW SCHEDULE
For Metro Committees & Council
September 15 - October 13

<u>Committee/Council Meeting *</u>	<u>Action</u>	<u>Result</u>
1) CC - Sept. 27	Review & Decide on bills	Forward to IGR for Worksession
2) IGR - Sept. 27	Review & Decide P & D bills	Hold for Work- session
3) Zoo - Oct. 4	Review & Decide on bills	Forward to IGR for Worksession
4) SW - Sept. 29	Review & Decide on bills	Forward to IGR for Worksession
5) Finance - Oct. 6	Review & Decide on bills (addtl)	Forward to IGR for Worksession
6) IGR - Oct. 11	WORKSESSION - Pull together final package	Forward to full Council to vote
7) Metro Council - Oct. 13	Vote on Final Legislative Package	Forward to Otto Taskforce

* CC - Convention Center Committee
PD - Planning & Development Committee (includes Transportation)
SW - Solid Waste Committee

Please Note: No time has been slotted for the Internal Affairs Committee because they are scheduled to meet September 22 (the agenda has already been distributed) and then will not meet again until October 13. If legislation is to come from this Committee, they will need to hold a special meeting.

JG/JM a:\jggvbm

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

January 19, 1989

Mike Ragsdale
Metropolitan Service District
1001 SW Fifth Avenue, Suite 700
Portland, OR 97204

Re: Committee Chairman reports

Dear Mike:

We have had the legislative committee system in effect now for a year and probably for another year. Accepting that this will be our style, I have a suggestion that I feel is in the nature of good criticism and something that could well enhance the process.

My concern is the nature of the reports by the committee chairman to the council at council sessions. My observation is that the person with the assignment to carry an item to the floor is in most cases very convinced of the recommendation being made but not prepared for making a presentation to the rest of us that have not had the benefit of the hearings. There are only a few people that I have ever met that have this rare ability to speak in detail without notes and without real preparation.

The result of this lack of preparation is received by some on occasions to be a statement by the carrier of the ordinance to "we did discuss it, we did vote in favor, trust us, it is right".

I have no problem with the carrier even reading what is a preparation summarizing all that went into the consideration and really what was intended by the committee to be the ultimate provisions of the ordinance. I think the carrier should take the time to do this type of homework if he is going to assume the responsibility. Perhaps this is a responsibility of the staff. There should be more effort put into this than just "winging it" at the last minute before the time has arrived to make the presentation.

Mike Ragsdale
January 19, 1989
Page 2

Years past whenever I sponsored a bill to the legislature and that bill was reported out of a committee to the floor, I always felt it was my responsibility to prepare a summary or even a speech for the carrier to use. Some of these people read my reports word for word and others changed the style to fit their diction and points they wanted to carry but at least it gave them the format of putting on a good show for the people who were to become the listeners and those who have the voting responsibility.

Very truly yours,



V. G. Van Bergen

VGVB:lp
Enc.
cc: Don Carlson



METRO

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

Memorandum

Date: July 5, 1989

To: Jessica Marlitt, Council Analyst

From: Daniel B. Cooper, General Counsel *DBC*

Regarding: REQUEST FROM COUNCILOR VAN BERGEN RELATED TO
BOARDMAN LANDFILL

=====

I have discovered an old memo from you to me regarding requests you have received from Councilor Van Bergen on this subject. To the extent that you and he are still interested, I have the following responses:

Question A: What escape options/clauses does Metro have in its contract with Waste Management? If we terminated our contract with Waste Management, could Metro take over direct operation of the landfill?

Answer: Metro has the right to terminate the Waste Management contract in the event of a default by Waste Management. If Waste Management is prevented from performing due to an Act of God or some similar uncontrollable circumstance, operation of the contract is suspended. If it were contemplated that such Act of God or other uncontrollable circumstance would be of extended duration, termination would be appropriate. Otherwise, Metro has no right to terminate. In the event of termination, Metro has no right to take over direct operation of the landfill. However, Metro could proceed to condemn the landfill pursuant to its statutory authority, if it so desired.

Question B: What would be the impact/liabilities on our transportation contract if we terminated the Waste Management contract?

Answer: The Jack Gray Transport, Inc. transport contract provides that Metro may terminate the transportation contract upon a termination of the agreement with Waste Management. In such event, Metro would be obligated to pay Jack Gray Transport for all additional costs incurred prior to the termination plus 10 percent or the remaining lump sums due and payable to the end of the term of the contract, whichever sum is less.

Memorandum
July 5, 1989
Page 2

Question C: Legally, what are the possibilities for Metro to use the Boardman landfill?

Answer: If Metro terminates its contract with Waste Management, pursuant to the provisions discussed above, Metro could then use the Boardman Landfill if it had a contractual relationship with the operators thereof. If the Waste Management agreement is not terminated, then Metro may only send up to 10 percent of the total solid waste it sends to a general purpose landfill to Boardman, or else be subject to payment of damages to Waste Management if it exceeds this amount. This is because Waste Management is guaranteed 90 percent of the solid waste Metro delivers to a general purpose landfill.

DBC/gl



METRO

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

Memorandum

JESSICA'S DRAFT ☺

TO: Mike Ragsdale, Presiding Officer
FROM: Steve Carpenter, Council Intern
DATE: June 30, 1989
RE: METRO'S FUTURE WATER MANAGEMENT ROLE

Dear Mike:

Pursuant to our conversation last week, I am hereby submitting this "preliminary" outline for your approval. I hope it is properly focused on your interests. Please feel free to make any comments or suggestions, especially in regards to Steps 1 & 2.

I look forward to hearing what you have to say.

OBJECTIVE: To survey certain regional water authorities and analyze their authority, organization, and policies in order to identify some potential models for Metro's role in water quality oversight.

METHOD:

STEP #1 > A. Identify potential water management problems in the Metro region: Washington, Clackamas, and Multnomah Counties.

B. Rank the problems according to their overall severity and applicability to Metro's future role.

C. Do some brief background research on the potential water problems that are selected (i.e. primary problem, sources/causes, past efforts to correct, and involved/affected jurisdictions.)

STEP #2 > A. Determine which regional water authorities will be included in the report.

B. Compile a list of questions that will be asked during



METRO

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

Memorandum

the phone interviews regarding Water Management Problems and Practices. Include:

- Political Structure
- Financing
- Functions

C. Format the list of questions (See Step #1)

STEP #3 > A. Start the interview process. Ask for follow-up information

B. Following the interviews begin synthesizing the information gathered.

C. Make routine checks with Jessica about the course of the research.

STEP #4 > A. Write a preliminary outline of report.

B. Access the outline & make follow-up phone calls for information missed on the "first go around."

C. Finalize Outline

STEP #5 > A. Meet with Mike, Don, and Jessica for outline approval.

B. Complete Draft Report

C. Meet with Jessica re: style and content

D. Make suggested corrections

E. Submit final copy



METRO

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

Memorandum

POTENTIAL WATER MANAGEMENT PROBLEMS

RE: PROTECTION OF WATER BODIES

1. Ground water
2. Water supply (regional)
3. Surface water
4. Watershed (Drinking water)
5. Wetlands

POTENTIAL EXAMPLES:

- A. Columbia River Moratorium
- B. Clackamas River
- C. Willamette River

RE: WATER QUALITY

1. Toxic materials / Household hazardous waste
2. Industrial pollution
3. Fish kills
4. Urban stormwater runoff
5. Urban point source pollutants
6. Urban non-point source pollutants
7. Rural non-point source pollutants

POTENTIAL EXAMPLES:

- A. Tualatin River Basin and Sub-basins
- B. Columbia Slough
- C. Lake Oswego



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

November 20, 1989

V. G. Van Bergen
Attorney at Law
2336 S. E. Washington St.
Milwaukie, Oregon 97222

Re: Portland Consolidation Agreement

Dear Counselor Van Bergen:

This letter is in response to your request to me of November 8, 1989 in which you raised the question as to whether the use of the word "Revenue" in ORS 268.395(2) in the listing of the powers that may not be delegated to a Metro Commission means that the Metro Council, in adopting the present provisions of Metro Code Chapter 6.01, has violated the provisions of the Oregon law by allowing the Metro ER Commission to establish the amount to be charged for use of the Convention Center by tenants or other users.

The relevant provisions of the statute read as follows:

"ORS 268.395(2) The ordinance shall describe the powers of the Commission which may include all powers of the Council of the Metropolitan Service District, except that the power to adopt ordinances and all budget, revenue and planning authority remain in the Council of the Metropolitan Service District".

The statute specifically authorizes the commission to have "powers" that can only be considered to be administrative powers, and in addition the Council may delegate to the Commission certain of the legislative powers of the Districts, except that the power to adopt ordinances and all budget, revenue and planning authority are to remain with the Council. The Council possesses the legislative powers of the District, and only certain limited administrative functions as defined in specific provisions of the statutes. The prohibition against the delegation of the power to adopt ordinances, which is how the Council

Executive Officer
Rena Cusma

Metro Council

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Presiding Officer
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Deputy Presiding
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District 12

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District 2

Jim Gardner
District 3

Richard Devlin
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Tanya Collier
District 9

Roger Buchanan
District 10

David Knowles
District 11

V. G. Van Bergen
Attorney at Law
November 20, 1989
Page 2

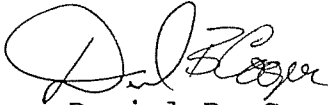
takes its general legislative authority, and all budget, revenue and planning authority, clearly indicates that the Commission is intended to be an administrative not a legislative body.

Thus the question you raise is one of whether the limited authority to establish rental fees for the Oregon Convention Center is a proper administrative power which may be possessed by the Commission, or whether that power is a legislative power to raise revenue which may not be delegated.

In Oregon, the power to establish fees for the operation of commissions is a proper power for an administrative commission to possess where the legislative body has set sufficient guidelines to control the exercise of the power so as not to have impermissibly delegated legislative authority. For example, the Environmental Quality Commission has the authority to establish fees for permits to be issued by it as long as it establishes the fee schedule by rule. (ORS 468.065).

In that the Metro Council has granted only limited authority to the Metro ER Commission to establish such fees and has established the guidelines for how those fees should be established and has retained the power to approve all additional sources of revenues, in my opinion the ordinance establishing Chapter 6.01 of the Metro Code is not impermissibly granted any legislative power held by the Council to the Metro ER Commission.

Yours very truly,



Daniel B. Cooper
General Counsel

DBC/jt

cc: Rena Cusma
Mike Ragsdale
David Knowles
Members of Metro Council



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

January 18, 1990


Daniel B. Cooper
Office of General Counsel
2000 S. W. First Avenue
Portland, OR 97201

Dear Mr. Cooper:

I was advised orally at the Solid Waste Committee meeting January 16, 1990 that there had been an amendment to the Jack Gray Transport contract relative to delivery requirements vis-a-vis Arlington and St. Johns Landfill based on the premise that since this amendment did not increase Metro's contract obligation to Jack Gray, then such amendment authority could be placed with the Executive Officer. At this point, I do disagree with your position that this is an executive officer function rather than a Council function.

It is important to me that your statutory authority for this position be put in writing rather than oral statements. I also understand, and would like you to put in writing, your authority that this amendment will not violate the 90 percent delivery requirement to Oregon Waste Systems, Inc. and create actionable penalty claims.

Sincerely,


Councilor George Van Bergen
District 6

GVB:gpwb

a:\geo.ltr

cc: Gary Hansen
Rena Cusma
Don Carlson
Ray Barker

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Gary Hansen
Deputy Presiding
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District 11

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S.E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

MEMO TO : RAY BARKER
FROM : GEORGE VAN BERGEN
DATE : January 29, 1990 h a n d d e l i v e r e d 11:22 a.
RE : Garbage hauling and related contracts

Dear Ray:

1. It is requested that I receive from our Legal staff that portion of the Arlington hauling contract that placed the duty on the contractor to: (1) provide at his expense his independent truck marshalling yard, (2) haul the total land fill designated waste accumulation of CTRC to Arlington, and (3) the date the hauling agreement was to begin.

2. It is requested that I receive copies of the correspondence and reports of negotiations for diversion of portions of CTRC waste accumulations to St. Johns rather than Arlington.

3. It is requested that I receive a copy of the contract, including date and price to grade, gravel and pave the truck staging area at CTRC.

4. It is requested that I receive a photocopy of all permits or letters of authorization issued by the City of Oregon City for revision of existing conditional use, new construction, etc. at CTRC.

5. It is requested that I receive information as to the budget source of funds used for truck storage area construction at CTRC.

6. It is requested that I receive a copy of the "Fair Market Rent" letter opinion of Palmer, Growth & Pietka, dated October 19, 1989.

7. It is requested that I receive a copy of Metro records as to value of land investment at CTRC, separate from the basic transfer station, i.e. northerly portions being used for truck storage.

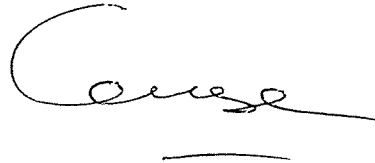
MEMO TO RAY BARKER
January 29, 1990
Page 2

8. It is requested that I receive information from the legal department as to the potential tax exposure of rental of land to contract hauler.

9. It is requested that I receive information of our Legal Department as to possible tax or debt exposure for an Urban Renewal District or a Tax Increment Financing District being created in the area of the Convention Center by PDC and the City of Portland to subsidize a Convention Hotel.

10. It is requested that a response to this memo, and my letter to Mr. Cooper of January 18, 1990, be in my hands at least two working days prior to our Council meeting of February 8, 1990.

cc: Presiding Officer Collier
Councilors
Rena Cusma
Dan Cooper
Don Carlson

A handwritten signature in dark ink, appearing to read "Ray Barker", with a horizontal line underneath.



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Van Bergen - file

June 29, 1990

Mr. Chet McRobert, Chairman
Tax Supervising & Conservation Commission
1510 Portland Building
1120 SW Fifth Ave.
Portland, OR 97204

Dear Mr. McRobert:

Enclosed are Metro's responses to the Commission's objections and recommendations raised at the annual hearing on June 14.

As you can well imagine, Metro is eager to work with the TSCC to ensure a smooth budget process and will continue to make every effort to do so. We were, however, more than a little surprised at being admonished for lack of communication with your staff and for technical problems with our budget and levy. Metro staff discussed levy issues with your staff in January, and believed that they had reached an understanding on those issues. In addition, Mr. Gutjahr made no effort to contact us or the staff to notify us of his concerns between May 15 and the June 14 hearing. As a result, we were not prepared to address these concerns at the hearing, although they are, as you will see in the enclosures, easily addressed.

Again, we are committed to working with the Commission to provide an open public budget process. If you have any questions about the enclosed materials, please address them to Jennifer Sims, Manager of Financial Services.

Sincerely,

Rena Cusma
Executive Officer

George Van Bergen
Chair, Council Finance Committee

Enclosures

cc: Tax Supervising and Conservation Commission
Metro Council

EXHIBIT A

The District is in receipt of a letter dated June 14, 1990, from the Tax Supervising and Conservation Commission to report on the results of the Commission's review of the District's approved budget. This review was performed under the provisions of Oregon Revised Statutes 294.605 through 294.705. The law provides in part that the Commission must review the District's approved budget prior to the date the District adopts its budget.

The Commission has certified the District's approved budget for Fiscal Year 1990-91 with an objection regarding the proposed property tax levy for the Convention Center Debt Service Fund. The Commission made several recommendations in its letter regarding the District's approved budget.

The District's responses to the Commission's objections and recommendations follow:

1. "We object to the estimates made of resources, requirements and the proposed property tax levy for the Convention Center Debt Service Fund. Estimates do not account for a \$278,337 fund balance on July 1, 1989, interest earnings on investments during 1989-90, a fund balance on July 1, 1990, or interest income during 1990-91. Further, estimates of tax receipts from past levies are understated and are not based on factual information regarding tax receivables. In the requirements section the budget provides \$4,815,063 for bond interest payment, however, debt service schedules on file with the Commission and the District's independent auditor identify 1990-91 interest payments as \$4,577,278.

The District proposes a debt tax levy of \$6,211,058, but recognizing the foregoing factors suggest a needed reduction of \$865,000."

Response:

See response under No. 2.

2. "The rate of estimated property taxes not to be received from the current levy must be the same for each tax levying fund. The rate used in the Zoo Fund and Debt Fund are different."

Response:

There are four issues raised in these two comments regarding the budget for the Convention Center Debt Service Fund for FY 1990-91:

- a. Amount required for interest payment
- b. Assumptions for tax receipts
- c. Interest income on tax receipts
- d. Year End/Beginning Fund Balance

a. General Obligation Bonds Interest Payment

The amount reflected as interest payments on page 184 in the Approved Budget is incorrect. The amount reflected on page A-36 is the proper amount. The revised debt service requirements for FY 1990-91:

General Obligation Bonds - Principal	\$1,110,000
General Obligation Bonds - Interest	<u>4,577,278</u>
Total	\$5,687,278

b. Assumptions for Tax Receipts

Discounts and Delinquencies: In January, Commission staff recommended using 9 percent as the rate for discounts and delinquencies for this bond issue. The Zoo uses 10 percent. The Commission has instructed that the same percentage be applied to all Metro tax levies for consistency. A 10 percent rate will be used.

Prior Year Collections: Commission staff previously advised the District to use either \$300,000 or \$395,000. Because of the cash flow problems associated with debt service payments, the more conservative number \$300,000 was used in the budget. Based on revised calculations and further research prior year collections are projected to be \$400,000.

c. Interest Income

A revised interest income amount has been projected at \$78,000 for FY 1990-91.

d. Year End/Beginning Fund Balance

The ending fund balance of \$278,337 referred to in the letter was for FY 1988-89. The anticipated ending fund balance for FY 1989-90 is \$400,000. This is included in the calculations for the revised levy amount.

Based on revised calculations the new property tax levy required for the Convention Center Debt Service Fund is \$5,348,927. This is a \$862,131 reduction from the levy in the Approved Budget.

3. "Since the budget was approved and filed with the Commission for public inspection, voters rejected a proposed capital levy for the Zoo. Certification is conditioned on adjustment of the Zoo Capital Fund by eliminating current tax revenue and rebalancing accounts."

Response:

The Zoo Capital Fund will be revised to eliminate the defeated tax levy revenue and related expenditure accounts. A review of the Zoo's Master Plan is planned for FY 1990-91. Future capital requirements and funding needs will be reassessed. Another levy request may be put on the ballot pending results of that effort.

4. "We recommend the addition of a comprehensive debt schedule to the 1990-91 budget document and inclusion of such debt schedules in all future budgets. The schedule needs to list all general obligation bonds, revenue bonds, loans, capital lease obligations and all other forms of indebtedness. The public is entitled to be apprised of all existing debt, all proposed debt and a demonstration that the budget provides for the payment of obligations as they come due."

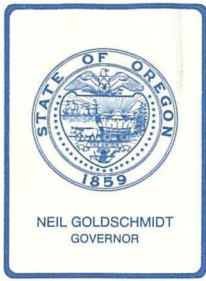
Response:

The existing debt schedules provided as a budget appendix will be expanded to include all debt of the District including capital lease obligations. At the June 14, 1990, hearing the Commission verbally noted "that the District has not followed the recommendation from 1988 and 1989 to budget capital leases in accordance with NCGA Statement No. 5. The District will comply in FY 1991-92."

5. "We recommend that Metro assume responsibility for imposition of the transient lodging tax which supports convention center activities. The tax is currently assessed by Multnomah County and is not imposed throughout the Metro district."

Response:

We acknowledge receipt of your recommendation.



Department of Environmental Quality

811 SW SIXTH AVENUE, PORTLAND, OREGON 97204-1390 PHONE (503) 229-5696

September 4, 1990

George Van Bergen
Chair, JPACT
2000 SW First Avenue
Portland, OR 97201-5398

Dear George,

This is in response to your memorandum of July 31, 1990 in which you request comments on the Metro/Tri-Met Merger Study. As you know, emissions of carbon monoxide and hydrocarbons from transportation sources represent the most significant factor affecting our ability to meet air quality standards and accommodate regional growth.

Currently the Portland AQMA is a non-attainment area for both CO and ozone. With respect to the merger issue, we are vitally interested in any transportation related measures which would improve transit services and correspondingly result in air quality attainment status and also provide for future growth. However, I have serious concerns and questions regarding the subject study and the direction to move on this issue at this time. I am concerned that action now may have adverse impacts on the November 1990 bond issue and divert attention from the top regional priority of light rail expansion. Rather than JPACT trying to answer the questionnaire in such a short time frame, particularly for such a critical issue, I would propose the following:

- Conduct the evaluation after the Legislative session;
- In the interim, have Metro define the problem that necessitates the merger;
- Identify a reasonable forum (involve JPACT) for evaluating the issue or problem;
- Direct that forum to consider a range of options/solutions and their respective impacts.

Again, I would like to emphasize the significance of this issue as it relates to air quality and future growth in the region, and my

George Van Bergen
September 4, 1990
Page 2

belief that the proposed schedule for airing this issue is not appropriate. In my opinion, this schedule could pose serious problems for the November bond measure and threaten our region's highest transportation priority. I urge you to consider my above recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fred", with a stylized flourish extending from the bottom left.

Fred Hansen
Director

FH:TRB:ka

cc: Tom Bispham, Air Quality Division
Andrew Cotugno, Metro



METRO

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

Memorandum

Councilors

FYS

DATE: September 13, 1990

TO: George Van Bergen, Councilor

FROM: *[Signature]* Bob Martin, Director of Solid Waste

RE: *[Signature]* Metro East Transfer Station and
Columbia Ridge Landfill

This memo is in response to your questions regarding Metro East Station permits, and Columbia Ridge Landfill agreements.

1. **Has a permit application been prepared and/or approved to cross the railroad tracks at Metro East Station?**

The City of Portland prepared and submitted an application to the Public Utility Commission (PUC). Discussions with PUC and the City have resulted in agreement concerning the configuration of the crossing; however, before issuing the permit the PUC is consulting with the Attorney General's Office for an interpretation of Metro's right to be a public road authority. (Please see copy of Monica Little's letter dated August 13, 1990, attached.)

2. **Has a permit application been prepared and/or approved to fill or deal with the wetlands at Metro East Transfer Station?**

Trans Industries and their consultant CH2M Hill have repeatedly informed us that a wetlands permit is not necessary in connection with the East Transfer Station project. We have however asked them to further review this issue and they are checking with the appropriate regulatory agencies, with the full understanding that Trans Industries is responsible for regulatory compliance.

3. **What agreements have been made for disposal of waste at Arlington other than Metro waste?**

The Seattle City Council recently approved an agreement with Washington Waste Systems to dispose of Seattle's solid waste at the Columbia Ridge Landfill. This application is evidently intended to start in June, 1991.

George Van Bergen, Councilor
September 12, 1990
Page 2

As you know, the City of Washougal has an agreement with Metro to dispose of solid waste at the Metro South Transfer Station. Washougal's solid waste (estimated to be about 400 tons per month) is not counted against Metro's contracted tonnage at the Columbia Ridge Landfill.

The City of Kennewick, Washington has an agreement with Oregon Waste Systems to dispose of their solid waste at the Columbia Ridge Landfill, and is presently sending about 3,000 tons per month.

I am not aware of any other agreements that have been made for disposal of waste at Arlington.

4. What effect will the delay in the Klickitat County Landfill construction have on non-Metro waste to Arlington?

I am not aware of any effect that the delay will have on non-Metro waste going to the Columbia Ridge Landfill. Rabanco was developing that landfill as an option for Seattle.

Please let me know if you have any further questions regarding Metro East Transfer Station or the Columbia Ridge Landfill.

BM:gbn

Attachment

cc: Sam Chandler
Karla Forsythe



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

Jan W.

August 13, 1990

Paul A. Graham, Assistant Attorney General
Public Utilities Section
Department of Justice
Justice Building
Salem, OR 97310

Dear Paul:

Re: Metro as Public Authority in Interest
PUC Docket No. RX 449

This is to confirm our conversation of last Friday regarding the railroad approach and crossing required for the Metro East Station. It is my understanding from Metro staff and City of Portland staff that Metro owns the land and roadway to the west of the actual crossing. The actual crossing and approximately six to seven feet of the approach to the west of the crossing are in a public right-of-way owned by the City of Portland.

As I understand it, the PUC order will require improvements to approximately 150 feet of the roadway approach to the west of the crossing. Metro owns approximately 143 feet of the crossing approach. Apparently, there has been some confusion regarding whether Metro's ownership of the roadway approach qualifies it as a public authority in interest for purposes of ORS chapter 763. Based on our conversation Friday, it is my understanding that since Metro owns all but six to seven feet of the roadway approach, it qualifies as a public authority in interest for purposes of ORS chapter 763.

Both the City of Portland and Metro are requesting that the PUC Order reflect their respective ownership interests in the roadway approach and the crossing, i.e., Metro would be assigned responsibility for the 143 feet of approach which it owns and the City of Portland would be responsible for the actual crossing and the six to seven feet of approach which it owns. We realize that this makes crafting the Order

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District 11

Mr. Paul A. Graham
August 13, 1990
Page 2

itself a bit more complicated, however, this approach more accurately reflects the jurisdictional responsibilities for the various portions of the crossing project. It is my understanding that there would be no objection to Metro and the City of Portland entering into a separate intergovernmental agreement for Metro to assume responsibility for repair and maintenance for the City's portion of the approach and the crossing.

I hope this accurately reflects the gist of our conversation. I would be happy to provide any additional information which you or PUC staff would find helpful in this matter.

Very truly yours,



Monica M. Little,
Legal Counsel

MML/gl
1137

cc: All Parties

bc: Daniel B. Cooper
Bob Martin,

Group of Citizens
State sitting authority

Chamber tabs lawyer for First Citizen award

MILWAUKIE — The North Clackamas County Chamber of Commerce on Wednesday named Milwaukie lawyer V. George Van Bergen as its First Citizen for 1984.

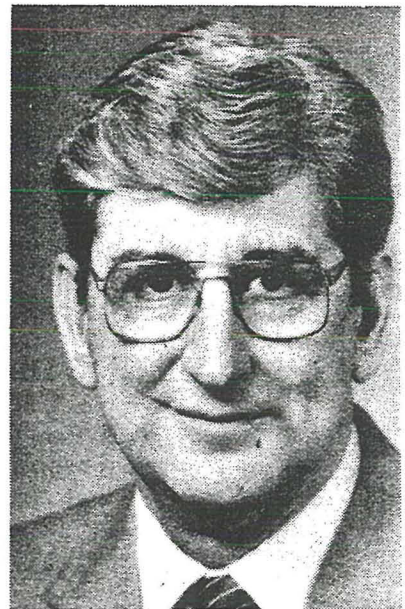
Van Bergen, who represents District 6 on the Metropolitan Service District council, received the award during a noon ceremony in the Willamette View Manor, 12705 S.E. River Road.

Chamber officials said Van Bergen was chosen as the 20th recipient of the annual award for his many years of volunteer service to Clackamas County. His volunteer activities range from working with youth organizations to volunteering his time at a local retirement home, they said.

Van Bergen, 60, is a past chairman of the Clackamas Community College Board and is on the Dwyer Community Hospital & Medical Center board of directors. He has served on the Clackamas County Juvenile Advisory Committee, the Ledding Library Board and the North Clackamas Park Association Board.

He was the Clackamas District chairman of the Boy Scouts of America, has been Milwaukie chairman of the Salvation Army and has served as a board member for Kids Incorporated and for the Portland City Baseball League.

A longtime member of the North Clackamas County Chamber of Commerce, Van Bergen has served on the chamber's board of directors for 10



V.G. VAN BERGEN

years.

He also has been a member of the Willamette View Manor board of directors and is a member of the Milwaukie Elks Club and Milwaukie Rotary Club.

Van Bergen was selected the winner of this year's award by a chamber committee made up of past First Citizen award winners. Nominations for the award were submitted to the committee by community residents during the last several weeks.

Oregonian - 12-13-84



METRO

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

Memorandum

DATE: December 27, 1990

TO: Metro Council

FROM: George Van Bergen, Chair, Finance Committee

RE: FY 1990-91 Performance Audit of the Solid Waste Department

At the December 20, 1990 meeting, the Finance Committee reviewed the Phase I report prepared by KPMG Peat Marwick, and moved to authorize the auditors to proceed with the Phase II Work Plan (Attachment A). This memorandum summarizes the presentation regarding the Phase I report, as well as comments from affected departments and Council staff.

Hal D'Ambrogia, KPMG Peat Marwick, outlined the work completed to date. He noted that his firm was asked to analyze the economy and efficiency of the solid waste function, to review compliance with Council policies and programs, and to identify areas with potential for improvement. He said that two areas appear to warrant further review: 1) the relationship between the Planning and Development Department and the Solid Waste Department with regard to solid waste activities; and 2) the information and process used to establish the solid waste rate structure. The proposed Phase II work plan will highlight these areas, with a final report anticipated by the end of February, 1991.

Rich Carson, Planning and Development Director, pointed out that the Planning and Development Department is responsible for the planning side of solid waste management planning and disposal, not the Solid Waste Department as indicated on page 4 of the Phase I report. He noted that the Regional Yard Debris Plan and Special Waste Management Plan should be included on page 5 in the description of current planning activities. He thought that comments on pages 8-9 regarding development of Washington County facilities were not clear, and that his department appropriately has been performing planning tasks while the Solid Waste Department is performing implementation and procurement tasks. He mentioned a statewide strategy group to develop markets as another planning activity. Finally, he noted that his department has 6.5 full time equivalent positions involved in solid waste planning, with the equivalent of an additional position involved in related administrative and management activities. He said that comparisons with the Solid Waste Department should be based on comparable activities, in order to make an accurate comparison of resources each department devotes to solid waste functions.

MEMORANDUM

Councilor Van Bergen

December 27, 1990

Page 2

Bob Martin, Solid Waste Director, said he thought the auditors have done a good job with a complex subject, and he agreed that the issues highlighted warrant attention. With regard to the relationship between the Planning and Development and Solid Waste Departments, he thought that the need for coordination is being fulfilled. He said the Recycling Information Center is doing an effective job, and that supervision should continue to be provided by the Public Affairs Department. He thought it would be helpful if the audit could also look at the level of coordination between Finance and Administration and the Solid Waste Departments. Finally, he encouraged an examination not only of rate incentives, but of the basic rate-setting philosophy.

Karla Forsythe, Council Analyst, presented a memorandum from Council staff (Attachment B), and listed three areas for additional focus in Phase II: 1) the allocation of functions between the Planning and Development, Solid Waste and Public Affairs Departments; what is the basis for the current allocation, is this the most efficient and effective allocation, and should these functions be integrated under one department? 2) economic incentives, with focus on the level of data gathering and ability to monitor the impact; and 3) financial management issues relating to the way in which revenue and expenditures are monitored.

Councilor Collier inquired about the time frame for implementation of internal controls on payments to facility operators based on weight. Mr. Martin replied that the controls would be in place in conjunction with scales to be installed at existing and new facilities.

Councilor Gardner wanted to make certain that the review of the allocation of departmental functions focuses on changes to improve efficiency.

Councilor Wyers expressed a concern about the extent to which proposed rate incentives can be shown to encourage recycling, and inquired if information from the performance audit will be available prior to the rate-setting process. Mr. D'Ambrogia responded that the focus will be more global and policy oriented than a specific analysis of the rate structure.

Councilor Collier said consideration might be given to placing incentives in the budget, and asked if information would be available to help the Council if this was the approach. Mr. D'Ambrogia responded that Peat Marwick would be glad to share its views regarding any available information.

MEMORANDUM

Councilor Van Bergen

December 27, 1990

Page 3

Council Administrator Don Carlson noted that Peat Marwick will review these comments and incorporate them into the Phase I report and Phase II work plan as appropriate. The report will then be returned to Council as a final document.

cc: Rena Cusma, Executive Officer
Rich Carson, Planning and Development Director
Bob Martin, Solid Waste Director
Vickie Rocker, Public Affairs Director
Hal D'Ambrogia, KPMG Peat Marwick



METRO

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

Memorandum

DATE: January 25, 1991
TO: Dan Cooper, General Counsel
FROM: Paulette Allen, Clerk of the Council *PA*
RE: INFORMATION REQUEST FROM COUNCILOR VAN BERGEN

Councilor Van Bergen instructed me to forward the attached letter to you.

If you have any questions or comments, contact me at ext. 206. Thank you.

cc: Tanya Collier
Transportation & Planning Committee
Don Carlson
Martin Winch
Don Rocks

V. G. VAN BERGEN

ATTORNEY AT LAW
2336 S. E. WASHINGTON ST.
MILWAUKIE, OREGON 97222

TELEPHONE
659-4440

January 24, 1991

Paulette Allen
Metropolitan Service District
2000 SW First Avenue
Portland, OR 97201-5398

Re: Memo to Dan Cooper, Attorney

Dear Paulette:

The following is a memo that I want directed to Dan Cooper for a written opinion as follows:

At a recent transportation and planning committee meeting, resolution number 91-1368 "Defining Metropolitan Service District Role in Emergency Management (Earthquake)" and "Programs for Homes for the Homeless" were discussed.

I wish information as to whether these items are included under Powers of the Metropolitan Service District. I find absolutely nothing in ORS 268.300 and following that is applicable to earthquakes, however homes might be included under a stretch of the word "human services" in ORS 268.312(b).

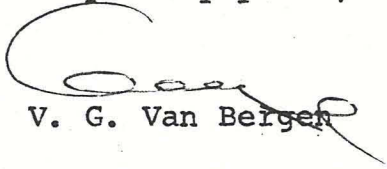
The point of this request is that while I would never attempt to deny council members the right to discuss any issue, there are limitations on the application of money or staff time to matters beyond our powers as a limited service government.

The question then is: May there be a budget item expenditure for either the two above mentioned items, except for items that we otherwise supervise, operate or own.

Paulette, we should have copies of this memo directed to Carlson, Collier, and members of the planning and transportation committee.

Thank you.

Very truly yours,


V. G. Van Bergen

VGVB:lp

From:

Paulette E. Allen

Committee Clerk

Ext. 192

RECEIVED FEB 21 1991

February 14, 1991

Councilor Van Bergen:

Attached is the memo you dictated to me. I gave the memo to Don Carlson on January 22 and received it back from him February 11. He and I both spoke to Jennifer Sims and as you can see from her note, she is not sure what document you specifically have in mind.

What I can do is to go through Finance Committee packets (was this memo distributed at Committee or Council?) for December 1989 and January and February 1991 and copy whatever memos were distributed by Mr. Phelps and send them to you and you could then ascertain if one of those memos was the one you need.

Please let me know if you would like me to do that and also if the memo was in-house, distributed at Committee (if so, definitely Finance?) or at Council. Thank you.

yes Please do

George

METRO

From:

2/11/91

Paulette E. Allen

Committee Clerk

Ext. 192

Jennifer, could you locate the
memo Council on Van Bergen
& referring to? We do not
have a copy.

Manus

Paulette

Talked to Don 2/11 cannot
recall any such document -
need dates or more specific
info.



METRO

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



METRO

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

Memorandum

DATE: January 22, 1991
TO: Donald E. Carlson, Council Administrator
FROM: Councilor George Van Bergen *AD*
RE: FINANCE & ADMINISTRATION ORGANIZATION

Today I referred you to a memo written by Ray Phelps about this time last year wherein he outlined a line of authority and responsibility in Finance & Administration/Data Processing/department oversight of Accounting, Budget review and related responsibilities.

Please call upon Ms. Sims or who else may have that report available for my review.

GVB:pa



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

February 25, 1991

The Honorable George Van Bergen
Metropolitan Service District
2000 S. W. First Avenue
Portland, OR 97201-5398

Dear Councilor Van Bergen:

Re: "Emergency Management" and "Homes for the Homeless"

You have inquired whether Metro has statutory authority to expend District resources to engage in certain functions related to emergency management and earthquake response planning, as well as a program referred to as "Homes for the Homeless."

Discussion has occurred at the Council level of a possible role for Metro in these areas. There may be recommendations for possible budget item expenditures for the two above-mentioned items.

Your inquiry is understood to be based on the fact that the Metropolitan Service District is a creature of State statute with limited governmental powers, duties, and authorities.

ORS chapter 268 defines a limited, particular set of purposes for the Metropolitan Service District. Metro is authorized to carry out functions and duties described in ORS 268.030, ORS 268.310 and 268.312, ORS 268.380 through 268.390, and other functions and duties specifically authorized by the electors of the District.

Emergency Planning (earthquake)

A staff report prepared for Council consideration at the time the Council considered and adopted Resolution No. 91-1368 in relation to emergency management suggested that Metro may have authority to engage in emergency management planning functions and coordinate local government activities within the region in this regard pursuant to Metro's land use planning authority set forth in ORS 268.390. While it may be possible to construe Metro's statutory authority over land use planning broadly enough to allow Metro to adopt emergency management plans as functional plans, I do not believe that

Executive Officer
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Metro Council
Tanya Collier
Presiding Officer
District 9

Jim Gardner
Deputy Presiding
Officer
District 3

Susan McLain
District 1

Lawrence Bauer
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District 6

Ruth McFarland
District 7

Judy Wyers
District 8

Roger Buchanan
District 10

David Knowles
District 11

Sandi Hansen
District 12

The Honorable George Van Bergen
Page 2
February 25, 1991

it is necessary to reach this conclusion in order to find that Metro may lawfully engage in limited planning for responding to emergency situations.

ORS chapter 401, in particular ORS 401.015 to 401.105, 401.260 to 401.325 and 401.355 to 401.580, were adopted by the Oregon Legislature in 1983 in order to put in place a comprehensive emergency management system for the state. See Oregon Laws 1983, ch 586, in general.

As described in ORS 401.035, the Act provided for a two-tiered system for providing emergency services within the state of Oregon. The Governor is responsible for the emergency services systems within the state of Oregon. The executive officer or governing body of each county or city is responsible for emergency services systems within that jurisdiction. The intent of the Act as set forth in ORS 401.015(2) was to provide "that preparations for emergencies and governmental responsibility for responding to emergencies be placed at the local government level" and that "the state shall prepare for emergencies, but shall not assume authority or responsibility for responding to such an event unless the appropriate response is beyond the capability of the city and county in which it occurs, the city or county fails to act, or the emergency involves two or more counties."

While this scheme sets forth a role for the state, and a role for cities and counties, it also envisioned a role for "local governments." Local government is defined by the Act as being "any governmental entity authorized by the laws of this state." ORS 401.480 and 401.490 provide that the state, counties, and cities may enter into cooperative assistance agreements with public and private agencies, and that local governments may, upon the request of the Governor, or counties and cities, cooperate with and extend such services and facilities to the state or the counties and cities as they may request in order to carry out the provisions of the Act. ORS 401.305 and 401.315 provide a clear role for cities and counties to prepare for, as well as respond to or recover from emergencies or major disaster.

In adopting these statutory provisions the Legislature has authorized all local government agencies to make their resources and services available to the emergency management planning entities (the state, cities, and counties) in order to assist them in carrying out their statutory duties for emergency management planning and response functions. To the extent the District has information, equipment, facilities, or other resources which have utility in assisting the state,

The Honorable George Van Bergen
Page 3
February 25, 1991

cities or counties in carrying out their emergency management responsibilities, it is appropriate for the District to make these resources available. Further, the District has clear authority to prepare its own facilities for responding to emergency situations so that they can continue to function in such emergencies.

To this extent it is permissible to expend District funds either on a department by department basis or on a pooled or allocated basis through the Support Services Fund for the necessary staff time to coordinate the District's response to requests from emergency planning authorities for assistance in their carrying out of their statutory functions.

Homes for the Homeless

ORS 268.312(1) provides in pertinent part "Subject to prior approval by the electors of the district, a district may:
* * * (b) Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth."

ORS 268.507 authorizing the adoption of an excise tax by the Council specifies that proceeds of the excise tax may be expended "to study the potential exercise of all the powers and functions specified in ORS 268.312." ORS 268.380 authorizes the adoption of land-use planning goals and objectives for the District, and ORS 268.390 authorizes the adoption of functional plans.

I do not have sufficient information to determine whether the "Homes for the Homeless Program" is more in the nature of the provision of a human service such as those specific human services described in ORS 268.312(1)(b) or whether it is intended to be a program designed to impact local land use requirements such as the previously adopted Metro Housing Density Goals.

However, to the extent that the proposed program Homes for the Homeless constitutes a human service, the study of its possible adoption is eligible for funding through the Metro excise tax authorized by ORS 268.507. The actual direct implementation of such a program by Metro could only occur after prior approval of the electors of the District.

To the extent that such a program would constitute a legitimate exercise of the District's land use planning powers authorized under ORS 268.380 and 268.390, the District

The Honorable George Van Bergen
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February 25, 1991

could expend District funds authorized for this function in order to carry out such a program.

The distinction between the two sources of powers is that pursuant to ORS 268.312(1)(b) Metro would be authorized upon receipt of voter approval to actually be a service provider for such direct human services. To the extent the District is carrying out the authorities and duties granted to it pursuant to ORS 268.380 and 268.390, its implementation of such a program would be through its authority over local city and county land use plans, and not as a direct service provider.

Please let me know if there are any additional questions or information that you would like me to consider in responding to your concerns. I want to emphasize that in this opinion I have not dealt with the question of whether emergency management planning can be considered a proper exercise of the District's functional planning powers pursuant to ORS 268.390. Rather, the District's authority to enter this field is that granted by the Legislature to all local government entities, including all other special districts, pursuant to the provisions of ORS ch 401.

Yours very truly,

Daniel B. Cooper,
General Counsel

gl
1331

cc: Rena Cusma
Don Rocks
Don Carlson



METRO

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

Memorandum

DATE: March 8, 1991

TO: Councilor George Van Bergen

FROM: Jennifer Sims, *JS* Manager of Financial Services

RE: Second Quarter Investment Report

You have asked me three questions regarding the Second Quarter Investment Report dated December 1990. I had intended to respond orally following the Finance Committee meeting last night, but since we did not connect on this, I have committed these answers to writing. The questions and answers are as follows:

1. **Why is Metro managing the Convention Center City LID monies?**
These funds are one of the three primary funding sources for the Convention Center project. The \$85 million basic revenue package for construction was derived from \$65 million general obligation bonds, \$15 million state lottery funds, \$5 million local improvement district, City of Portland.
2. **Why is there such a large balance in the LID monies?** Because we are able to retain the interest earnings on the LID monies, we have spent them last of all the funding sources. Therefore, the \$4.9 million balance reported at December 31, 1990, represents the entirety of funds collected under the LID. Since the Second Quarter Investment Report was issued, a portion of these funds have been expended.
3. **Why is there \$2 million in the Convention Center construction account?** This is the remaining balance of bond proceeds. It is projected that \$1.6 million of these funds will be carried over to FY 91-92. A portion of these funds will be recommended for rebate to the taxpayers. From the balance, a portion will be recommended for final improvements to the Oregon Convention Center and the rest will be retained for potential other improvements pending determination of other MERC facility funding needs.

If you have any further questions regarding the Investment Report, or find that these answers are not complete, please let me know.

JS:kc

cc: Don Carlson

Waste: Station to be county's first

■ Continued from Page C1

worked hard to win the transfer station. The company operates 37 similar transfer stations in North America. The company persuaded the Portland City Council to rezone land next to the Multnomah County Expo Center for the project and spent \$2 million for engineering and land.

The Metro Council, however, forced Oregon Waste Systems out of the running in May by reinstating a 1981 policy, that had been allowed to expire in 1988, discouraging monopolies in the garbage business. It discourages them by employing a complicated point system that penalizes bidders that control garbage collection and disposal in the Portland area.

Oregon Waste Systems testified against reinstating the rule.

Daniels said the rule caused the transfer station bidding to be "terribly frustrating" for Oregon Waste Systems. He denied Metro ever had a policy prohibiting any single company from controlling collection, transfer and disposal of trash.

"If it was a policy, it was a folklore policy, not a written policy," he said.

In its new form, the rule favors bidders for the transfer station that do not control collection or disposal. A company that owned both the transfer station and the landfill also might find it financially lucrative to dispose of materials that should be recycled, such as newsprint, Hansen said.

After withdrawing from the bidding itself, Oregon Waste Systems in June sold its \$2 million investment in the transfer station project to Schnitzer Investment Corp., which named it Rose City Resource Recovery.

Rose City Resource Recovery was incorporated precisely because Metro prevented Oregon Waste Systems from entering a bid, Daniels said. The new company is operated mostly by present and former Oregon Waste Systems employees and will rely on Oregon Waste Systems financing for construction.

Daniels said a confidential agree-



George Van Bergen

"What confidence do I have that the contract with Schnitzer isn't salable? Everything is for sale."

ment between Oregon Waste Systems and Schnitzer says Waste Management Inc. will have no involvement in the transfer station when construction is completed in 1991. However, both he and Schnitzer executives declined to make the agreement public.

Metro Councilor George Van Bergen said he fears if Rose City wins the bid it could "turn around and sell it back to Oregon Waste Systems for zip-million dollars profits. What confidence do I have that the contract with Schnitzer isn't salable? Everything is for sale."

If Metro tried to block such a sale, Metro would face "a big hairy lawsuit."

Loren "Bud" Kramer, a Schnitzer vice president and general project manager for Rose City Resource Recovery, said his company would not sell the project back to Oregon Waste Systems.

"This company doesn't have to front for anybody," Kramer said.

Hansen said he trusts Kramer's promise, but added, "Waste Management wants all business very badly."

Nevertheless, the promise isn't legally binding unless it's written into the contract with Metro. Hansen said Metro would require the promise in writing, and Kramer said his company would be willing to do that.

Merle Irvine, co-owner of Waste Inc., which collaborated with Riedel Waste Disposal System as one of four bidders on the transfer station, said everything depends on the

confidential contract.

"If there were agreements and commitments made between the two parties then, yes, there would be a concern," Irvine said.

W. Alex Cross, president of Riedel Waste Disposal Systems, said Oregon Waste Systems saw that it could not win the bid "in the open" so contracted with Schnitzer. He said Oregon Waste Systems had tried hard to win what Metro deemed a monopoly and doubted the company was willing to abandon the project.

"On the one hand, it appears to be a sale of assets from Oregon Waste Systems to Rose City," Cross said. "On the other hand, it appears questionable in that the sale takes with it senior officers of Waste Management of Oregon."

Daniels is among four Oregon Waste Systems executives sent to Rose City Resource Recovery. Daniels, a construction subcontract liaison to Rose City, remains on the Oregon Waste Systems payroll as vice president and general manager.

Other project leaders are:

- Michael Sievers, manager of the project. Sievers was a community relations manager and worked on waste issues for Waste Management subsidiaries in the Northwest until he was hired by Rose City Resource Recovery.

- Bruce McIntosh, project engineer. McIntosh will work 80 percent of his time on the project while remaining on the Oregon Waste Systems payroll as an environmental engineer.

- Brent Ditton, financial controller for construction. Ditton is capital projects controller for Oregon Waste Systems.

In addition, Rose City has retained Oregon Waste Systems' engineering consultants, URS Consultants Inc.; public relations consultants, Northwest Strategies; and legal counsel, Schwabe Williamson and Wyatt.

Metro's anti-monopoly rule also penalized any transfer station bidders that have been convicted of antitrust actions. Oregon Waste Systems, had it submitted a bid, would have been penalized. Rose City Resource Recovery, which submitted the bid instead, was not penalized.

Florida, Ohio and California courts have found Waste Management guilty of antitrust violations over the past three years.

Last December, subsidiaries of Waste Management and Browning-Ferris Industries, the two largest garbage companies in the world, were hit with a \$700,000 fine after being convicted of fixing prices in Ohio.

Browning-Ferris is a partner in Trans Industries of Seattle, the leading bidder for the Portland garbage transfer station. The antitrust violation is being counted against the Trans Industries bid, Vicki Rocker, a Metro spokeswoman said.

In March, the state of California fined a Waste Management company \$1 million for wiping out competition in Los Angeles County's trash-hauling industry. It was the largest antitrust judgment in California history.

Meanwhile, a federal grand jury is investigating further antitrust allegations against a Waste Management subsidiary in Orange County, Calif.

In 1988, the U.S. Department of Justice and the Oregon attorney general's office investigated antitrust complaints in Portland but found no evidence to file charges. The case remains open but inactive, said Jan Margosian, spokeswoman for the Oregon Department of Justice.

METRO

SECTION

C

SEPTEMBER 10, 1989

Company's tactics questioned

□ Waste Management critics worry the firm is trying to get around Metro's bidding system that aims to prevent monopolies

By PAUL KOBERSTEIN

of The Oregonian staff

Critics and competitors of Waste Management Inc. fear that the Illinois-based company is attempting to circumvent Metropolitan Service District rules to try to gain a lucrative monopoly over Portland-area garbage disposal services.

They contend that Waste Management's success in setting up a new company to bid on a garbage transfer station project in Portland may be aimed at getting around Metro's bidding system that is designed to prevent monopolies.

Oregon Waste Systems, a subsidiary of Waste Management Inc., was prevented from operating the proposed transfer station by Metro's bidding process and so sent its top executives to the new company, Rose City Resource Recovery.

The company is owned by Schnitzer Investment Corp., but critics fear that Waste Management intends to take over the new company at a future date.

"It would give them an unfair advantage over other haulers," said Gary Hansen, a member of the Metropolitan Service District council and chairman of Metro's Solid Waste Committee.

But Rick Daniels, vice president and general manager of Oregon Waste Systems, denies that his company intends to take over the new company.

"At this point, we are basically trying to cut our losses," Daniels said. He said the company invested more than \$2 million in the waste transfer bid before it withdrew and stands to recoup its investment only if

the new company, Rose City Resource Recovery, wins the bid.

A Metropolitan Service District bidding policy, adopted in May, discourages the regional agency from allowing any company from operating each of the solid waste system's three main elements: collection, transfer and landfill disposal.

Waste Management already is heavily involved in collection and disposal. It collects 4 percent of the region's trash, a greater percentage than all but one other company, and owns the new regional landfill near Arlington.

In Metro's view, a company that controlled all three elements of the region's solid waste system would have a monopoly, making it possible to fix prices or eliminate competition.

The Metro Council will decide Wednesday which of four competing companies will get a contract to build the \$18.3 million transfer station and operate it for five years, at an estimated cost of about \$2 million per year.

The bidders are Rose City Resource Recovery; Trans Industries of Seattle; Riedel/Wastech of Portland and Norcal Solid Waste Systems of San Francisco.

Metro Executive Rena Cusma ranked the Trans Industries bid as the best of the four. She ranked the Rose City Resource Recovery bid a close second, putting it in a position to get the contract if Trans Industries' bid falters.

The transfer station will be the county's first. Each bidder is offering a different site in North, Northwest or Northeast Portland.

Garbage from Multnomah County and parts of Washington County will be sorted to recover recyclable materials at the transfer station. The rest will be taken from small to large trucks and driven to the Arlington landfill — which is owned by Oregon Waste Systems.

Until spring, Oregon Waste Systems

Please turn to
WASTE, Page C7

The Oregonian

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WEDNESDAY, MAY 2, 1990

Six to guide Metro

It is a welcome sign of the maturing of the Metropolitan Service District that all six council seats on the May 15 ballot are contested, some with tough — but good — choices for the voters.

A challenge for the executive, Rena Cusma, also would have been healthy. Election of the executive, the only office chosen regionwide, is the best forum for a debate on metropolitan issues.



Lacking that, it is up to council candidates in their districts to discuss growth, transportation, parks, water, housing, spectator facilities and the other issues affecting the region. To guide the area as these matters are tackled, The Oregonian recommends the election of John Godsey, Bob Wiggin, Chuck Stoudt, Mark Williams, David Knowles and Judy Wyers.

In a Washington County district, Godsey, 45, rates a close call over Susan McLain, 40, speech coach at Glencoe High School, who would bring a thoughtful voice for conservation to the council. Godsey, a civil engineer now in private practice after serving in government for several years, has a long history of civic activities where he has demonstrated his knowledge of regional matters and his effectiveness. His record favors him.

In East Multnomah County, Ruth McFarland, 64, the fiery former legislator, has chosen to be a negative force since she was selected to fill a vacancy. She has not been effective. Wiggin, 61, a retired insurance man, has shown his conscientiousness in many civic activities, including the Boundary Commission, and ought to

make constructive contributions on the council.

A district in Clackamas County has been represented by Milwaukie attorney George Van Bergen, 64, for two terms, but too often in a negative way. Chuck Stoudt, 32, would re-energize the office, drawing upon his experience as a former assistant to Cusma and his interest in regional issues.

A strong race shapes up in North Portland. Sandi Hansen, 42, a language teacher, is the wife of the incumbent, Gary Hansen, who is leaving to run for the County Commission. She knows the territory. Robert Liberty, 36, is an attorney for 1,000 Friends of Oregon and approaches land-use issues with a zeal likely to prove too rigid on the elected council. Williams, 34, an attorney, has a long record of civic and political activity for one so young, including service on a Metro committee. He should be an effective councilor.

David Knowles, 37, a lawyer, is one of the strongest members of the council and contributes greatly to it. He ought to be re-elected in his northeast district over a challenge from Simon Stanich, 70, a retired architect who has been a civic activist.

In a southeast district, Judy Wyers, 48, wins almost by default over Patrick V. Gardella, 25, a retail clerk whose minimal campaign offers little reason to turn out an incumbent. Wyers started weakly on the council as a captive of politics, but has been growing on the job and should continue to work on judging issues on their merits.

For Metro, The Oregonian suggests that voters choose Godsey, Wiggin, Stoudt, Williams, Knowles and Wyers.