

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR  
MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 17

An Ordinance providing for the construction of a sewage treatment plant in the vicinity of N. E. 122d Avenue and Sandy Boulevard in conformity with the Suburban East Multnomah County Master Plan of Sewerage.

WHEREAS Multnomah County has made, completed and adopted a coordinated Master Plan for sewage service in the suburban area of East Multnomah County, all in accordance with the provisions of ORS 451.120, and has acquired a site for a sewage treatment plant in implementation of said Master Plan as prescribed in the engineering studies made under said Master Plan, and has applied for Federal and State funds for the construction of the first phase of the required sewage facilities under said Plan; and

WHEREAS the City of Portland is desirous that a sewage treatment plant be constructed as proposed by the County for the purpose of treating sewage originating within the City of Portland and other areas served by the City of Portland sewage collection system than can most practicably be treated at said plant, and it appearing to the Board that the building of said treatment plant would be in the public interest and in implementation of the said Master Plan of sewage disposal,

Multnomah County ordains as follows:

Section 1. Multnomah County shall proceed to construct said sewage treatment plant and first phase interceptors in the vicinity of N. E. 122d Avenue and Sandy Boulevard in Multnomah County, all in accordance with the plans and specifications approved by the State Sanitary Authority and receiving therefor such grants-in-aid from both the State of Oregon and the Federal government as may be authorized.

Section 2. An agreement between the City of Portland and Multnomah County shall be executed by the Chairman of the Board in accordance with the form attached hereto, marked "Exhibit A", and made a part hereof.

Section 3. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the County of Multnomah in this: In order that the allocation of Federal and State funds for aiding the cost of construction of such plant and facilities may be preserved and construction started immediately to carry out present plans; therefore, an emergency is hereby declared to exist and this Ordinance shall be in force and effect immediately after its passage.

Date of Passage April 25, 1968.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By M James Stearns  
Chairman

APPROVED AS TO FORM:

GEORGE VAN HOOMISSEN  
District Attorney for  
Multnomah County, Oregon

By Willis A. West  
Willis A. West  
Chief Civil Deputy

ORDINANCE NO. 126690

An Ordinance authorizing execution of an agreement with Multnomah County for sewage transportation and treatment in a plant to be constructed by the County near NE 122nd Avenue, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds that the County of Multnomah proposes to construct a sewage treatment plant near NE 122 Avenue outside the city and within a County Service District; that the County of Multnomah proposes to continue as owner of such plant in the future; that a portion of area within the city can appropriately be served by said plant for treatment of sewage originating within the city; that therefore an agreement between the County and City should be entered into for transportation and treatment of sewage at such plant when such construction is completed; now, therefore, the Mayor and Commissioner of Public Works hereby are authorized to execute a form of agreement substantially in accordance with the form attached hereto, marked "Exhibit A" and hereby made a part of this ordinance. The Mayor and Auditor hereby are authorized to draw and deliver warrants in payment for the services to be performed for the City by the County under such agreement from time to time in accordance with the provisions thereof, such warrants to be chargeable to the appropriation Sewage Disposal Fund.

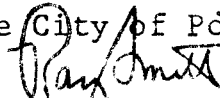
Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Portland in this: In order that appropriate plans may be formulated without delay for construction of a plant to prevent and eliminate water pollution for the protection of public health in areas of the city and areas outside the city; therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Council.

Passed by the Council APR 25 1968



Mayor of the City of Portland

Attest:



Auditor of the City of Portland

Commissioner Bowes  
MCR:jw 4/24/68

A G R E E M E N T

THIS AGREEMENT made and entered into this 25th day of April, 1968, between MULTNOMAH COUNTY, OREGON, hereinafter referred to as the "County", and the City of Portland, Oregon, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS there exists in the suburban area of east Multnomah County adjacent to the corporate limits of the city of Portland a serious sewage disposal and water pollution problem, by reason of the complete lack of sewage treatment facilities in an area where raw sewage is deposited in cesspools at the rate of approximately 8,000,000 gallons per day, thereby creating a serious threat toward the contamination of private and public underground water systems; and

WHEREAS the City did heretofore make a study related to the establishment of a sewage treatment plant in the vicinity of NE 122nd Avenue and Sandy Boulevard for the purpose of serving areas lying both within and without the boundaries of the city; and

WHEREAS Multnomah County has likewise made a similar study and has completed and adopted a coordinated master plan for sewage service in the same area, all in accordance with the provisions of ORS 451.120; and

WHEREAS Multnomah County has acquired a site for a sewage treatment plant in implementation of said master plan as prescribed in the engineering studies made under said master plan, and has applied for federal and state funds for the construction of the first phase of the required sewage facilities under said plan; and

WHEREAS Multnomah County proposes to construct said plant immediately and to continue in ownership thereof; and

WHEREAS the City of Portland is desirous that such a plant be used for treating sewage originating within the city of Portland and other areas served by the City of Portland that can most practicably be treated at said plant, and the County is desirous of securing sufficient revenues in the treatment of city sewage at said plant to assist in defraying the costs of construction; and

WHEREAS the City and County are authorized under the provisions of ORS 449.435 to enter into and perform such contracts and agreements as they may deem proper for or concerning the planning, construction, lease or other acquisition and the financing of sewerage facilities and

the maintenance and operation thereof, and it would be to the mutual benefit of both parties that said sewage treatment plant be constructed in the near future;

NOW, THEREFORE, in consideration of the covenants and agreements to be kept and performed by the parties hereto,

IT IS AGREED as follows:

1. County shall proceed at its own expense to finance and construct said treatment plant in the vicinity of NE 122nd Avenue and Sandy Boulevard in Multnomah County, all in accordance with the plans and specifications approved by the State Sanitary Authority and receiving therefor such grants in aid from both the State of Oregon and the federal government as may be authorized. The City shall not be responsible for any of the costs of construction and shall not be responsible for either the maintenance or operation of said plant.

2. When said plant is completed and in operation, the County will accept at said plant or at any trunk or interceptor serving said plant any sewage either originating from an area presently within the city or which later becomes within the boundaries of the city of Portland or which is collected or delivered by the City, and to treat and dispose of such sewage as the said plant treats other sewage under regulations of the Oregon State Sanitary Authority.

3. In event that the land area encompassing the sewage treatment plant should become annexed to the city of Portland, the City shall have the option to purchase said plant from the County at County's cost less reasonable depreciation, conditioned that the City assume the County's liability under then existing sewage treatment contracts.

4. The City shall pay the County for sewage handled on its behalf by the other party at the rate of \$130 per million gallons of sewage transported or treated in its treatment plant at the rate of \$130 per million gallons.

5. To make every diligent effort to prevent storm water from infiltrating the sewer lines that deliver sanitary sewage to the other party.

6. To pay a surcharge rate of One Hundred Thirty Dollars (\$130.00) per million gallons over and above the base rate for all sewage that exceeds a flow of four hundred sixty-five gallons per equivalent single residential connection per day. This surcharge rate shall not go into effect until the flow shall have exceeded an average of four hundred sixty-five gallons per equivalent residential

connection for a continuous period of seven days, but all flow exceeding that value through the initial seven-day period, and subsequent, consecutive days shall be subject to the surcharge rate.

7. Equivalent residential connection units shall be determined, as follows:

Single Family Dwellings	1 Unit Per Dwelling
Multi-Family Dwellings	1 Unit Per Family Unit
High Schools	10 Students Per Unit
Elementary Schools	15 Students Per Unit
Motor Courts	2 Rental Units Per Unit
Trailer Parks	2 Rental Spaces Per Unit
Restaurants and Taverns	6 Seating Spaces Per Unit
Hospitals and Institutions	2 Beds Per Unit
Industrial and Commercial Buildings	9 Employees Per Unit

8. Connection charges: At no time during the term of this agreement shall the County charge sewer users in County areas connection charges less than the then current connection charges fixed by the City of Portland for outside city sewer users under its Public Works Code and City Charter

9. The party receiving the sewage for transporting, treating and disposing shall furnish a manhole and the necessary equipment for measuring the sewage volume of flow, and that party shall take measure readings and invoice the other party each month at the rates stated in paragraphs 4 and 6 above. In instances where the number of sewer connections may be considered by the receiving party to be too few to warrant the installation of a measuring device, the charge to be made for transporting, treating and disposing of sewage shall be based on the assumed flow of four hundred and sixty-five gallons per equivalent residential connection per day at the rate per million gallons stated in paragraph 4 above. In areas where sewage is not initially measured, the party receiving the sewage may measure it at any time, and may invoice for transporting, treating and disposing of the sewage on the volume rate basis, as provided in paragraphs 4 and 6 above. It is mutually agreed that each party shall have access to the other party's sewer lines at all times for the purpose of measuring sewage flow volumes. Each party shall notify the other when they are temporarily checking the volume of sewage flow in order that the other party may observe the measurements. If the volume of flow exceeds that of the base rate, the receiving party shall notify the other in order that correction to the sewer lines may be initiated, and a period of sixty (60) days shall be allowed before the receiving party may elect to invoice

on the volume basis at the above base rate and surcharge rates set forth in paragraphs 4 and 6 above.

10. It is intended that only sanitary sewage and acceptable industrial wastes will be permitted to be delivered by each party to the other's sewer system. Each party shall establish and enforce ordinances and/or regulations to prevent discharge into its sewer system of any and all of the following:

(a) Liquid or vapor having a temperature of more than 150° F.

(b) Gasoline, motor oil, grease or sludge from service stations, or benzene, naptha, fuel oil, or other inflammable or explosive liquid or solid gas.

(c) Ashes, cinders, sand, mud, straw, shavings, glass, rags, feathers, tar, plastics, wood or any other solid or viscous substance capable of causing obstructions to the flow in the sanitary sewage disposal system or treatment facility except as to the ordinary grade of detritus material which generally is a part of sanitary sewage.

(d) Wastes from the cutting of cloth or cloth garments, or dye or other chemicals used in the manufacturing process of cloth or cloth garments.

(e) Odoriferous material or waste, such as mercaptans and any food processing plant waste solids which could be retained on a U. S. Standard 20-mesh screen.

(f) Waters or waste having pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage or hazard to structures, equipment or personnel.

(g) Water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process of the others, or constituting a hazard to persons or animals or to create any hazard in the receiving waters at said sewage treatment plant.

(h) Radioactive material; provided that, in the event of disaster or civil defense emergency, properly constituted authorities may direct the discharge of radioactive wastes into the sanitary sewage disposal system of the other; and provided further that the other may, upon the recommendation

of the proper authority of each party, specifically permit the discharge into a sewer of radioactive wastes of a short life if they determine that such waste will not constitute a hazard to personnel, sewer installations, disposal or treatment plant or receiving waters of the sewage treatment plant.

11. To adjust the surcharge rate and/or the surcharge flow volumes by mutual agreement at any time after two years from the date of this contract, subject to the provisions of paragraph 4.

12. That whenever any portion of the area served by the County is annexed to the city, the County will turn over to the City all sewer lines in said area at no charge to the City, and the City will then assume all maintenance of such facilities.

13. That the term of this agreement shall be twenty (20) years from the date hereof, and shall be binding upon the successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF, MULTNOMAH COUNTY acting by and through its Chairman of the Board of County Commissioners, pursuant to authority of Ordinance 17 passed by said Board April 25, 1968, and the CITY OF PORTLAND acting by and through its Mayor and Commissioner of Public Works, pursuant to Ordinance No. **126690** have caused these presents to be executed.

MULTNOMAH COUNTY, OREGON  
BOARD OF COUNTY COMMISSIONERS

By M James Season  
Chairman

APPROVED AS TO FORM:

GEORGE VAN HOOBISSEN  
District Attorney for  
Multnomah County, Oregon

By Willis A. West  
Chief Civil Deputy

CITY OF PORTLAND

By Tom A Schunk  
Mayor

APPROVED AS TO FORM:

Alexander H. Brown  
City Attorney

By Tom A Bowers  
Commissioner of Public Works