

MSD COUNCIL
BRIEFING SESSION AGENDA
CONFERENCE ROOM "C"

January 25, 1979

5:30 p.m.

Message from the Presiding Officer: As per Council discussion at the last regular meeting, our interim briefing sessions will be designed to obtain information on broad subject matters and/or pending problems, rather than to deal with a specific discussion of items which are either held over or contemplated for the ensuing official meeting.

Please note that I have also taken the liberty to establish time frames within which discussion on these items will be conducted so that we can be sure to cover all items on our agenda.

Please bear with me while we test this process to see if it will better serve our collective purposes.

5:30 to 6:30

Briefing on proposed Johnson Creek Drainage Program

6:30 to 7:00

What it means to be a Metropolitan Planning Organization (MPO) for Transportation

7:00 to 7:30

BREAK

7:30 to 8:30

Review of Transportation Planning Process Regarding I-505 Withdrawal Funds

8:45 to 9:45

Review of Proposed Plan for Criminal Justice System Improvement

9:45 to 10:30

General Discussion

10:30

ADJOURNMENT

A G E N D A M A N A G E M E N T S U M M A R Y

TO: MSD Council
FROM: Executive Officer
SUBJECT: Status Report on Petition for Designation of Johnson Creek
 Basin as an Area of "Significant Impact"

BACKGROUND: On December 18, 1978, CRAG received a petition from the City of Portland to designate the Johnson Creek Basin as an area of regional concern (note: MSD enabling legislation, ORS 665, refers to such areas as "areas . . . having significant impact upon the orderly and responsible development of the metropolitan area . . . "). The petition outlined the history of flooding in the basin, the magnitude of the problem and the investigations of various solutions that have been conducted in the past.

The City of Portland's petition for designation had two components, as follows:

1. The petition proposed that CRAG/MSD develop and implement a drainage management plan for controlling stormwater runoff in the basin, and
2. The petition proposed that CRAG/MSD impose interim development guidelines throughout the basin until the final management plan is adopted.

The City of Portland staff held a number of coordination meetings with representatives of other affected local jurisdictions (Milwaukie, Clackamas County, Multnomah County, Gresham and Happy Valley) and solicited their support of the designation petition. Their responses were very positive toward the designation.

On December 21, the CRAG Board adopted a resolution endorsing the designation of the basin, referred the City of Portland's petition, including the interim guidelines, to the newly-elected MSD Council, and urged the Council to "move as expeditiously as possible to alleviate the flooding problems in the basin."

The City's petition is currently under review by the MSD staff, MSD Water Resources Task Force and local jurisdictions. In early January, the Water Resources Task Force advised MSD staff to request technical assistance from the Corps of Engineers' Urban Studies Team on the review of the interim guidelines. On January 16, the MSD Chief Administrative Officer sent a formal request to Col. Lou Arnold, District Engineer, for technical assistance in developing the interim guidelines and evaluating them for their consistency with the Metro Water Resources Study. MSD staff have also solicited written comments on the interim guidelines from Task Force members and affected jurisdictions.

Letters of support have been received from some of the local jurisdictions and MSD staff have polled city and county staffs to determine the financial resources they might bring to bear on the problem, with varied results. City of Portland staff have indicated the City will contribute its fair share toward financing the drainage management plan. Multnomah County staff have indicated they will support financial participation by the County if tangible results are assured. Gresham and Milwaukie staff have indicated their support of the project, but could not commit to any financial participation. Clackamas County staff indicated their support of the program and suggested the county might contribute funds toward an election to authorize project funding.

A meeting of elected officials representing the cities and counties in the basin was held Wednesday, January 24 to discuss alternative courses of action available to MSD and the local jurisdictions. Representatives of Clackamas County, Gresham and Milwaukie attended. They expressed their support of a program approach that would (1) address both flooding and pollution in the creek and (2) stress the implementation phase.

BUDGET IMPLICATIONS: The budget implications are unclear at this time. The cost of the drainage management plan for the basin was put at \$250,000 in an early estimate prepared from consultants estimates of the cost of the work, but a more detailed work plan should be developed before a precise estimate is prepared. Also, the distribution of costs among MSD and other participating units of government is unknown at this point, and will have to be established in the early stages of the program.

POLICY IMPLICATIONS: The policy implications of the City of Portland's proposal cannot be determined precisely at this point. An analysis of potential roles that are available to MSD in solving the problem is being conducted by MSD's Research and Policy Development Officer. The analysis will be conducted according to a process designed to test alternative roles and policy areas for MSD against established criteria for "metropolitan significance." This analysis will be one of the technical foundation stones of staff recommendations to the Council.

At present, the following issues appear to be most important from a metropolitan-wide standpoint:

1. How will preparation of the drainage management plan be financed; how will pollution of the creek be addressed; who will prepare the plan; how will costs be apportioned among participants; and how will the program be coordinated with the Metro Water Resources Study drainage management planning now underway?
2. How will MSD coordinate, monitor, encourage or enforce implementation of the drainage management plan?

3. How will the "natural state" runoff discharge rate be determined in each jurisdiction to guide developers' preparation of drainage plans as suggested in the interim guidelines?
4. What will be the role of the housing industry and how will the cost and availability of new housing in the basin be affected?
5. How will public road improvements and other public facilities be treated in the interim guidelines?
6. What will be the benefits and costs of the proposed interim guidelines for affected jurisdictions (e.g., what are the costs of building and maintaining detention ponds and who will be responsible)?

Although the policy implications listed above need further clarification, it is clear that an areawide coordinated approach among the several jurisdictions through which Johnson Creek passes is the only realistic solution available for the flooding and pollution problems. Such an approach is within the legal prerogatives of the new MSD and, based on current information, MSD staff feel designation should be pursued.

ACTION REQUESTED: None. This is an informational item.

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Metropolitan Service District

527 SW Hall Portland, Oregon 97201 503/221-1646

Memorandum

Date: January 25, 1979
To: Councilors
From: Chairman *MB*
Subject: Financial Disclosure Statement

I have been informed by the staff of the Ethics Commission that MSD Councilors are not, under current legislation, required to submit a financial disclosure statement as an elected official. The reason for this is that the present law addresses only cities, individual counties and the public bodies of those types of jurisdictions and does not pertain to a multi-county government.

While I personally feel this is a fine line, the fact remains that we are exempt. However, given that we hold the same degree of responsibility to the public as other elected officials and since one of the primary purposes for creating MSD was to make it more accountable to the public, I would urge each of you to voluntarily file a financial disclosure statement with the State Ethics Commission.

I have asked Judy Bieberle to make the forms available to each of you.

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Metropolitan Service District

527 SW Hall Portland, Oregon 97201 503/221-1646

Memorandum

Date: January 25, 1979
To: MSD Council
From: Mike Burton, Chairman *MB*
Subject: Procedure for Councilor's to Propose Agenda Items

I am proposing that a more formal procedure be followed in connection with agenda item deadlines to provide some certainty to the Council that all members will have an opportunity to review and discuss all items which come before them at a regularly scheduled meeting prior to being asked to vote on the issue. This procedure is prompted by the experience of the meeting of January 18, at which Council was presented "de novo" resolutions and amendments which resulted in a great deal of confusion and consternation in the procedural process. Therefore, the following is presented by the Presiding Officer as an operating guide for the Council under authority granted the chair in Section 6.02 Rules of Procedure for Conduct of Council Business.

As provided for in Section 6.02 of the Rules:

"Each Councilor may request that items be placed upon the Agenda of the next regular meeting of the Council by notifying the Clerk of the Council and specifying the subject of the agenda items. The Presiding Officer may, at his discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda...."

The current procedure is to publish an agenda for a regularly scheduled meeting so that the Councilors receive the agenda seven days prior to the meeting (see attachment). In order to produce the agenda within this time frame the following procedure should be observed:

- 14 days prior to regular meeting - Councilors contact Clerk of Council requesting that an item which requires a management summary be placed on the agenda
- 10 days prior to regular meeting - last day for final staff work, including management summaries for agenda to be submitted to Clerk of Council
- 8 days prior to regular meeting - last day on which an ordinance or resolution not requiring a management summary or staff analysis to be submitted for inclusion in the published agenda

2 days prior to regular meeting - last day on which ordinances or resolutions can be requested by Councilors for inclusion in agenda supplement. Such a supplement will be presented to the Council as a separate agenda at the regular meeting, being distinguished by a unique color or other identifying marking to indicate that it was not a part of the normal agenda preparation process.

If a Councilor submits a request for inclusion of an agenda item less than eight days prior to a regularly scheduled meeting, it will be considered supplemental to the final agenda.

At the meeting where such a supplement is introduced, the chair shall rule as to whether the requested action is either a substantive change to an item properly published in the agenda under consideration or if the introduction is a new substantive issue for Council decision. If the Chair concludes that the issue is substantive, the item shall automatically carry forward for action at the next regularly scheduled meeting.

If the supplemental item is not substantive in nature, the Chair may consider a change to a published agenda item immediately upon the concurrence of the Council member who originally introduced the item which is proposed to be changed. If the requested supplemental item is brought to the Council for decision for the first time and is not ruled by the Chair to be a substantive action, the Chair may call for a formal vote to decide disposition of the issue.

This proposed procedure should not interfere with any other provision of the Rules that may call for separate actions for reconsideration.

Staff is preparing an outline format to assist the Council in the framing of ordinances and resolutions which they wish to propose for the agenda.

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