
C O U N C I L

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

Agenda

Date: February 8, 1979
Day: Thursday
Time: 7:00 p.m.
Place: Conference Room "C"

CALL TO ORDER

1. WRITTEN COMMUNICATIONS TO COUNCIL
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. CONSENT AGENDA
 - 3.1 Minutes of Meeting of January 18, 1979
 - 3.2 A-95 Reviews
4. REPORTS
 - 4.1 Report from Executive Officer
5. OLD BUSINESS
 - 5.1 Ordinance No. 79-65, providing for rules of procedure for conduct of Council meetings, transaction of Council business and repealing all prior rules of procedure (Second Reading)
 - 5.2 Ordinance No. 79-66, providing for assessment of Local Governments for operation of the Metropolitan Service District planning function for the second half of FY 1979 (Second Reading) (Resolution No. 79-18)
 - 5.3 Proposed Legislative Program for MSD (Resolution Nos. 79-13, 79-14, 79-15)

BREAK

6. NEW BUSINESS
 - 6.1 Administrative District 2, Criminal Justice System Improvement Plan (Ordinance No. 79-67, First Reading)

COUNCIL

February 8, 1979

Page 2

- 6.2 Zoo Development Program Review
- 6.3 Primate House Project - Zoo
- 6.4 Amendments to Interim Personnel Rules (Resolution 79-16)
- 6.5 Unified Work Program Submitted by Clark County Regional Planning Council (RPC) (Resolution No. 79-17)
- 6.6 Request for Executive Session for the Purpose of Discussion of Resource Recovery Negotiations

ADJOURNMENT

mec

44

Agenda

Date: February 8, 1979
Day: Thursday
Time: 7:00 p.m.
Place: Conference Room "C"

C O N S E N T A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet the Consent List Criteria established by the temporary Rules and Procedures of the Council.



Executive Officer

- 3.1 Minutes of meeting of January 18, 1979
Action Requested: Approve minutes as distributed.
- 3.2 A-95 Reviews
Action Requested: Concur in staff findings
- 3.3 Appointment of Coun. Charles Williamson to represent MSD on Portland Recycling Team Task Force
Action Requested: Confirm appointment

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

January 18, 1979

Councilors in Attendance

Coun. Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Jack Deines
Coun. Jane Rhodes
Coun. Caroline Miller
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Michael Burton
Coun. Corky Kirkpatrick
Coun. Betty Schedeen
Coun. Marge Kafoury

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Denton Kent
Mr. Andrew Jordan
Mr. James Sitzman
Mr. Robert McAbee
Mr. Wm. Ockert
Mr. Terry Waldele
Ms. Judith Bieberle
Ms. Peg Henwood
Mr. Chuck Kemper
Mr. Corky Ketterling
Mr. Merle Irvine
Ms. Caryl Waters
Mr. Kay Rick
Ms. Karen Tweten
Ms. Barbara Higbee
Ms. Sue Klobertanz
Ms. Marilyn Holstrom
Mr. Warren Iliff
Ms. Mary Carder

Others in Attendance

Mr. Bob Weil
Ms. Sharon Derderian
Dr. Ron Cease
Ms. Ethel Lee
Ms. Jeanne Thomas
Mr. Robert Thomas
Mr. Ronald Watson
Mr. Bob Sandmann
Mr. Bob Bothman
Mr. Tom Walsh
Ms. Linda Macpherson
Mr. Rog Ruel
Mr. Peter Schnell
Mr. R. C. Smelser
Mr. Ted Spence
Ms. Jeanne McCormick
Mr. John Penrod
Mr. Bill Culliam
Mr. Michael Alesko
Mr. Fred Leeson
Mr. Phil Keisling
Ms. Nancy Verkaamp
Mr. Tom Current
Mr. Jim Allison
Mr. Lloyd Gilbertson
Mr. Claude Briniger

Council Minutes
January 18, 1979

CALL TO ORDER

After declaration of a quorum, the January 18, 1979, meeting of the Council of the Metropolitan Service District (MSD) was called to order by Presiding Officer Michael Burton at 7:00 p.m. in Conference Room "C" of the MSD offices at 527 Hall Street.

1. WRITTEN COMMUNICATIONS TO THE COUNCIL

Mr. Tom Current, chairman of an East Multnomah County citizens committee, circulated a letter to the Council expressing concerns of that committee regarding the impact on the neighborhood of a proposal for a light rail project, and supporting a resolution introduced by Couns. Peterson, Schedeen and Banzer.

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

Ms. Mary Elizabeth Blunt, representing the League of Women Voters Metropolitan Committee, circulated copies of the League brochure "The Metropolitan Connection."

Chairman Burton said he had previously received a copy of the publication, and complimented the League on their fine work.

Mr. Richard Smelzer, a West Linn homebuilder, asked Council support of the new Land Market Monitoring Committee, and cited the need for more buildable land in the Clackamas County area.

Chairman Burton introduced Mr. Victor Jones, Department of Political Science at Berkeley, and said Mr. Jones was visiting MSD in connection with his work on regional issues for the National Association of Regional Councils.

3. CONSENT AGENDA

3.1 Minutes of Meeting of January 4, 1979

3.2 A-95 Reviews

3.3 Funding Authorization for Sandy Boulevard TSM Project
(Resolution No. 79-9)

3.4 Funding Authorization for Planning Activities on
Banfield Transitway (Resolution No. 79-7)

Councilor Williamson expressed concern in connection with action on A-95 grants. Chairman Burton explained that the Council was

Council Minutes
January 18, 1979

not asked to approve the projects, only to comment on them.

Coun. Williamson moved, seconded by Coun. Stuhr, that items 3.1, 3.2, 3.3 and 3.4 of the Consent Agenda be approved. The motion carried unanimously.

4. REPORTS

4.1 Reports from Executive Officer

Executive Officer Gustafson indicated to Council that their contact for the agency would be Judy Bieberle.

The Executive announced the receipt of over \$1,200,000 in LEAA funds for pass through to various local projects, and informed the Council that a report on a proposed plan for Criminal Justice System Improvement will be presented to them at their briefing on January 25.

The Executive Officer and Chief Administrative Officer met with the Attorney General in Salem regarding the Urban Growth Boundary. At that time Rep. Glenn Otto requested a joint hearing with the Council.

Mr. Chuck Kemper, former MSD Director, has been contracted to continue negotiations with Publishers Paper on the Resources Recovery Plant.

Executive Officer Gustafson explained that, after investigating all alternatives proposed for office space, it was decided that a proposal by US National Bancorp to remodel the existing building would be the best and least expensive choice to consolidate the two MSD offices.

Coun. Miller asked if available school property had been considered. Executive Officer Gustafson said he had not received a letter Coun. Miller had referred to regarding such property.

Coun. Stuhr complimented staff on the work done to locate a satisfactory facility, and the information provided Council. She moved, seconded by Coun. Schedeen, that the Council authorize the Executive Officer to seek an acceptable arrangement with the US National Bancorp for remodeling of the University Center offices, subject to expenditure of a maximum of \$205,000, and of a lease not to exceed five

years. If an agreement cannot be reached, the Executive Officer shall return to the Council with an alternative proposal.

Coun. Berkman asked if the estimated costs would be absorbed entirely by the remodeling, and if those costs would be included in the estimated rent. The Executive Officer said they were all included in the proposal, assuming that the Terminal Sales Building offices could be sublet.

In answer to Councilor Rhodes, Executive Officer Gustafson said staff, given two alternatives, had expressed a preference for remaining in the present location. Mr. Gustafson said staff would have significant input into plans for the remodeling.

Question was called on the motion. The motion carried unanimously.

4.2 Status of "208" Water Quality Management Plan

Mr. Terry Waldele reported on the status of the "208" Water Quality Management Plan ("Waste Treatment Management Component of the Public Facilities and Services Element of the Regional Plan"), giving the background of development of the plan through efforts of CRAG staff, and its use to coordinate local sewerage capital improvements in the tricounty area.

Mr. Waldele said EPA had pointed out areas where additional planning was needed and that MSD staff is currently developing a work program to address several of these items. It is expected that a federal grant in the amount of \$121,500 will be awarded in the near future.

There was no Council action requested on this matter.

5. OLD BUSINESS

5.1 Ordinance No. 79-65, Providing for Rules of Procedure for Conduct of Council Meetings, Transaction of Council Business and Repealing all Prior Rules of Procedure (First Reading)

Coun. Peterson moved, seconded by Coun. Stuhr, that the first reading of Ordinance No. 79-65 be by title only. Mr. Jordan read the ordinance by title.

Coun. Kafoury asked that staff revise the rules, deleting all references to "Chairman" or to "him."

Coun. Banzer moved, seconded by Chairman Burton, that the staff remove the gender from language of the rules.

Mr. Jim Allison, Rt. 3, Box M73, Sherwood, Oregon, said he is chairman of the Washington County Landowners Association and has a personal interest in the Rules of Procedure. He proposed amendments to the ordinance, circulating a copy of his proposal to the Council.

There was Council discussion of Mr. Allison's proposal.

The Council received written testimony from Anne Nichel, Milwaukie City Council and Michael Stoops, concerning the Rules of Procedure.

5.2 Ordinance No. 79-66, Providing for Assessment of Local Governments for Operation of the Metropolitan Service District Planning Function for the Second Half of FY 1979 (First Reading)

Coun. Peterson moved, seconded by Coun. Stuhr, that Ordinance No. 79-66 be read the first time by title only. Motion carried unanimously. Mr. Jordan read the Ordinance by title.

Mr. Kent informed the Council that the city of North Plains had been included in the list in this ordinance, and that North Plains was not subject to this action.

Executive Officer Gustafson explained that a recommendation had been made for dues of 50¢ per capita and that \$50,000 be credited to the jurisdictions, consistent with the CRAG Board recommendation.

A short break was taken.

5.3 Landfill Siting Procedures (Resolution No. 79-12)

Coun. Peterson moved, seconded by Coun. Schedeen, that Resolution No. 79-12, Adopting Procedures for Siting Sanitary Landfills, be adopted.

Coun. Berkman explained that he, Executive Officer Gustafson and a representative from Washington County had met regarding the Durham landfill site. Coun. Berkman felt MSD had an obligation to try to develop a management program to dispose of solid waste. He said there had been a great deal of comment regarding creation of a successful resource recovery

Council Minutes
January 18, 1979

program. Cities have communicated their concerns, and the EPA and DEQ have been working to try to solve the problem. This resolution had been developed to set the policy of the agency and to instruct staff and the Executive Officer to look into the total solid waste problem and implementation of landfill sites.

Executive Officer Gustafson explained that two minor amendments had been made in the resolution which merely improved the language. He said that modifications made to the siting procedure which were agreed to at the briefing session of January 11, had been incorporated into the siting procedure presented for adoption at this meeting.

Mr. Merle Irvine explained the proposed Procedure for Siting Landfill.

Coun. Peterson suggested amendment of the first paragraph to change the word "space" to "capacity."

Coun. Kafoury suggested that the procedure be amended to allow examination of more than one site at a time.

Coun. Berkman suggested that staff provide the Council with a list of potential sites.

There was further discussion of the proposed procedures.

Gerry Powell, chairman of the Solid Waste Advisory Committee pointed out that staff and the committee had been working on this proposal for over a year, and that there was a reason for looking at all sites in a variety of ways.

Mr. Ronald Watson, attorney, asked that the wording be changed to permit private industry to obtain sites.

Coun. Williamson moved, seconded by Coun. Miller, that the procedure be amended to delete, in paragraph 1, the words "from property owners." The motion carried unanimously.

Mr. Cowles Mallory, administrator of public works for the city of Portland, said the City had expressed itself on this matter through a letter to the Council, and that he would appreciate consideration of the suggestions for revision made by the City.

Question called on main motion. The motion carried unanimously.

Executive Officer Gustafson explained that a resolution had been prepared incorporating the revisions requested by the city of Portland which pertained to scheduling for siting an alternate to the St. Johns landfill. He said it would be appropriate for the Council to go on record in support of previous MSD commitments.

Coun. Berkman moved, seconded by Coun. Miller, that the amendment to Resolution No. 79-12 be adopted. The motion carried unanimously.

6. NEW BUSINESS

6.1 Resource Recovery Project - Financial Consultant Agreement

Executive Officer Gustafson explained that an agreement had been developed by the prior MSD Board and negotiated with a financial consultant for the Resource Recovery Project.

Coun. Stuhr moved, seconded by Coun. Rhodes, that the Council authorize the Executive Officer to execute an agreement with financial consultants Paine Webber Jackson & Curtis to provide financial advice in connection with the Resource Recovery Project.

Coun. Miller said she had concern about the piecemeal hiring of consultants.

Chairman Burton said the hiring of a financial consultant and an engineering advisor would put the Council in the best position for negotiation. He did not see this as a piecemeal approach, but as part of the entire picture.

Question called on the motion. The motion carried unanimously.

6.2 Resource Recovery Project - Phase II Engineering Agreement.

Mr. Corky Ketterling gave Council some background on MSD's efforts to develop a Resource Recovery Facility, and the necessity for additional engineering work prior to execution of final agreements. There has been some disagreement as to

Council Minutes
January 18, 1979

an arrangement for sharing the cost of the work.

Mr. Kettlering further explained that monies have been authorized and budgeted for Phase II engineering work, and that, if the project proceeds the monies can be defrayed by the EPA grant and a reimbursement from Publishers Paper Company of up to \$50,000.

Council discussed with the Executive Officer various facets of the Agreement, and expressed a desire that the Executive Officer consult with the Council as this matter progresses.

Chairman Burton said it appeared the Council needed time for more discussion of this matter.

Coun. Stuhr asked what the time frame was.

Mr. Gustafson explained that MSD had been attempting to reach agreement for five months, and could now proceed to gather information toward signing a final agreement.

After further discussion the Council agreed that it should act on this motion. Question called on the motion. The motion carried unanimously.

With the consent of the Council, Chairman Burton said item 6.7 would be taken out of order, since there were persons in the audience who wished to speak on this matter.

6.7 Proposed Legislative Program for the Metropolitan Service District.

Ms. Anne Kelly Feeney, legislative representative for the MSD, outlined for the Council bills proposed for introduction at the 1979 Legislature. She said there had been no substantive changes made in the proposed bills after the discussion with Council at the committee meeting.

Coun. Williamson moved that the Council adopt Bills #1 and #2, as set forth in the memorandum from the Executive Officer. He said these items had been discussed at the Committee of the Whole meeting.

Coun. Deines said he had real qualms about Section 13, of Bill #1, which permits Clark County to have a vote on the

Council Minutes
January 18, 1979

MSD Council, and he requested that it be deleted.

Coun. Deines moved, seconded by Coun. Banzer that Section 13 be deleted from Bill #1.

Coun. Kirkpatrick felt this problem should be faced head on and that the Council should demonstrate that it is trying to include Clark County in the region.

Coun. Williamson explained that there was some urgency to getting the bills before the legislature, and that sections could be deleted after it was presented.

There was Council discussion about the legislative package.

Question called on the motion. Rollcall vote. Deines and Banzer voted aye. Peterson, Kafoury, Burton, Stuhr, Williamson, Berkman, Kirkpatrick, Rhodes and Schedeen voted nay. Miller abstained. The motion failed.

Coun. Miller explained that she had been absent at the committee meeting when this material was discussed, and for that reason, she did not feel qualified to vote.

Coun. Banzer said her vote should in no way be construed as not wanting to cooperate with Clark County, but that she was concerned about the legal procedures.

Coun. Kafoury questioned the language of Section 4, Bill #2. Mr. Jordan said he would make some changes in the grammar in this section.

Question called on main motion. All Councilors present voted aye except Coun. Miller, who abstained, since she had not been present when this matter was discussed.

Regarding Bill #3, Coun. Williamson moved, seconded by Coun. Deines that the Council adopt Bill #3.

Councilor Kafoury circulated a memorandum to Councilors expressing her concerns regarding a proposed bill to permit siting of a solid waste disposal site in an exclusive farm-use zone. She asked the Council to join her in voting not to submit this request to the Legislature.

Coun. Stuhr asked if the Council would consider tabling this bill to give time to consider the material just received.

Council Minutes
January 18, 1979

There might be further material forthcoming that the Council would wish to consider.

Coun. Stuhr moved, seconded by Coun. Miller that Bill #3 of the legislative package be tabled.

Rollcall vote. Miller, Kafoury, Burton, Stuhr and Deines voted aye. Schedeen, Banzer, Peterson, Williamson, Berkman Kirkpatrick and Rhodes voted nay. The motion failed.

Coun. Williamson moved, seconded by Coun. Peterson, that this matter be postponed until the next regular Council meeting.

There was Council discussion of the effect this would have on the legislative package.

Question called on the motion. All Councilors except Kirkpatrick and Burton voted aye. The motion carried.

Coun. Berkman said he had proposed a resolution speaking to the matter of solid waste disposal siting. He felt the agency should have the tools to effectively carry out the work of waste disposal and that it appears that local jurisdictions are not willing to bear the responsibility for landfill siting. The resolution requests a change in legislative authority to give the MSD authority to make that decision.

Coun. Schedeen moved, seconded by Coun. Banzer to adopt the Resolution introduced by Coun. Berkman to seek legislation permitting MSD to determine solid waste disposal and landfill sites as part of the legislative package of proposed amendments to Ordinance No. 268.

Coun. Peterson asked if it was essential to get this into the MSD Legislative package at this time.

Coun. Deines said he was very much against this proposal. He did not want to see the MSD usurp local power.

There was Council discussion concerning the merits of the resolution.

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, to postpone this matter until the next regular meeting of the

Council Minutes
January 18, 1979

Council. Coun. Schedeen and Coun. Banzer withdrew the original motion.

There was Council discussion of the motion, and whether or not a vote was necessary. The Chair ruled that the motion had been withdrawn, which made the question moot.

Coun. Berkman said he felt some urgency for the Council to deal with the problem. He felt perhaps an ad hoc committee could be formed to get public input on the subject.

Chairman Burton said there were two other resolutions before the Council concerning light rail, one introduced by Coun. Kafoury and the other introduced by Couns. Peterson, Banzer and Schedeen. Chairman Burton said these would be discussed concurrently without a formal motion. Chairman Burton asked for public comment on the resolutions.

Mr. Martin Cramton, Director of Planning and Development for Multnomah County, said he felt the Resolutions were advisory in nature. Mr. Cramton wanted to make clear that land use decisions were not being pursued in support of light rail. Mr. Cramton was concerned that the Council, through adoption of this resolution, might be suggesting that the options available to elected officials might somehow be limited. Mr. Cramton felt the resolution was unnecessary.

Coun. Peterson said the resolution was intended to be advisory.

Chairman Burton suggested that discussion on this aspect be held at the Council work session, and considered at the next regular meeting.

Mr. O.B. Harr, Chairman of Research and Information for East County Concerned Citizens said he was concerned about poor housing and opposed to light rail. ✕

Mr. Bob Post, Program Manager for the Banfield Project for Tri-Met felt the amount stated in the management summary was in error and that it should be \$17.8 million rather than \$18.6 million.

Coun. Peterson moved, seconded by Coun. Deines, that consideration of the two resolutions pertaining to light rail be postponed. The motion carried with all councilors voting.

Council Minutes
January 18, 1979

aye except Coun. Banzer, who voted nay.

6.3 Zoo Entrance Plaza (Bid Award)

McKay Rich, Assistant Director of the Zoo, circulated a memorandum to the Council delineating bids received by the MSD on the afternoon of the meeting. Bids received were: Bart Hess Building Contractors, \$328,800; Gene H. Settergren, \$365,200; Ralph D. McDowell Corporation, \$333,500. Staff recommended the bid award to the low bidder, Bart Hess Building Contractors for \$328,800.

Coun. Deines moved, seconded by Coun. Stuhr, that the Council award the bid to Bart Hess Building Contractors and authorize the Executive Officer to sign a contract for the Zoo Entrance Plaza.

There was discussion of the original estimate and reasons for the difference in the amount.

Question called on the motion. The motion carried unanimously.

6.4 1978-1979 LCDC Planning Assistance Grant Offer (Resolution No. 79-8)

Chairman Burton said it had been requested to hold this item over to the next regular Council meeting.

6.5 Continuation of CRAG Goals, Objectives and Plans (Resolution No. 79-10)

Mr. Andrew Jordan explained that Resolution No. 78-10 would continue the CRAG Goals and Objectives, Land Use Framework Plan, "208" Water Quality Public Facilities Plans and other rules regarding implementation of the Plan.

Coun. Rhodes asked why this was coming before the Council if the Council was going to review the matter in ninety days.

Mr. Jordan explained that the Goals, Objectives and Plans continue in effect, but that passage of this resolution would reinforce the intent of Council to continue them for the time being.

Coun. Peterson asked that this be deferred to the next regular meeting of the Council.

Council Minutes
January 18, 1979

Coun. Williamson moved, seconded by Coun. Schedeen that Resolution No. 79-10 be adopted.

Mr. James Sitzman outlined the purpose of the Goals and said they were intended as guidance to local jurisdictions in their planning programs.

Coun. Rhodes felt a major revision would be necessary in the next few months to fit the designation of MSD.

Coun. Peterson did not see an urgency to this action and moved, seconded by Coun. Schedeen to postpone action on this resolution until another meeting.

Question called on the motion. All Councilors present voted aye except Coun. Stuhr. The motion carried.

6.6 Cipole Sanitary Landfill (Resolution No. 79-11)

Chairman Burton said he was going to move this item from the Agenda for later consideration.

Mr. Lloyd Gilbertson asked to speak, saying he was present at the request of the Cipole neighborhood. He congratulated the Council on adoption of the landfill siting procedures, and recommended that all sites have water and sewer facilities, and that a point system be developed for evaluation of sites. He felt private industry should have an incentive to provide suitable sites.

Mr. Claude Briniger said he "is" (the owner of the) Cipole site, and was worried about the power of MSD to condemn property. He said he had material he wished to remove from the site.

Chairman Burton said he intended to discuss the solid waste matter at a committee meeting, but felt it important to appoint a task force from the Council to receive public input toward preparing directive policy.

Coun. Schedeen moved, seconded by Coun. Rhodes that the Chairman appoint a Solid Waste Task Force, and that the Solid Waste Advisory Committee be included in that Task Force.

Coun. Kirkpatrick suggested that the Council work first through that Advisory Committee.

Coun. Stuhr supported the motion, and felt some items should be dealt with through committees.

Council Minutes
January 18, 1979

Coun. Miller was concerned with small groups holding public hearings. She agreed with Coun. Kirkpatrick that the Council could work through the existing committee.

Coun. Banzer felt members of the Council should be involved.

It was the general Council consensus that more knowledge of solid waste matters would be helpful.

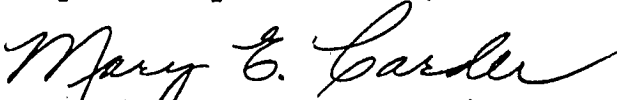
Chairman Burton said he would appoint Coun. Berkman as chairman of a Task Force with Coun. Rhodes and Deines to sit with the already acting Advisory Committee regarding solid waste matters.

Question called on motion. All Councilors present voted aye except Coun. Kirkpatrick who voted nay. The motion carried.

- 6.7 Proposed Legislative Program for the Metropolitan Service District (See page 8 of these minutes for action on this item)

The meeting was adjourned.

Respectfully submitted,



Mary E. Carder
Clerk of the Council

A-95 REVIEW SUMMARY

The project applications described below have been processed by MSD staff and recommendations have been made as indicated.

	PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
1.	<p><u>Project Title:</u> Rural Community Assistance Program <u>Applicant:</u> Rural Community Assistance Corporation <u>Project Summary:</u> The project is designed to provide assistance to rural communities in the development of community facilities (primarily sewer and water systems). The program would identify community action agencies in rural areas interested in community facility development and would organize a regional training and technical assistance center to assist community action agencies in development projects. The project would be administered out of California and would cover the states of Alaska, Arizona, Washington, California, Hawaii, Nevada, Idaho, and Oregon. <u>Staff Recommendation:</u> Disapproval (See letter attached)</p>	\$124,638 (Community Services Admin.)	-0-	-0-	-0-	\$124,638
2.	<p><u>Project Title:</u> Special Grants to Governors CETA Title III <u>Applicant:</u> State of Oregon <u>Project Summary:</u> Request for a transfer of unspent FY 1978 CETA funds amounting to \$134,775 to current FY 1979 grants. The application requests an increase in FY 1979 funding allocation to \$509,503. <u>Staff Recommendation:</u> Approval</p>	\$323,728 (Dept. of Labor)	-0-	-0-	-0-	\$323,728
3.	<p><u>Project Title:</u> CETA Title VI - Public Service Employment Program <u>Applicant:</u> Multnomah-Washington CETA Consortium <u>Project Summary:</u> Request for FY 1979 allocation for CETA Title VI program. <u>Staff Recommendation:</u> Approval</p>	\$2,554,284 (Dept. of Labor)	-0-	-0-	-0-	\$2,554,284
4.	<p><u>Project Title:</u> Construction of Composite Squadron Operations Facility <u>Applicant:</u> Military Department of Oregon <u>Project Summary:</u> Request for funds to construct a military office and operations facility at the Oregon Air National Guard Base. <u>Staff Recommendation:</u> Approval</p>	\$1,100,000 (Dept. of the Air Force)	-0-	-0-	-0-	\$1,100,000

A-95 REVIEW SUMMARY

The project applications described below have been processed by MSD staff and recommendations have been made as indicated.

PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
5. <u>Project Title:</u> CETA Title II - Public Service Employment Program <u>Applicant:</u> Multnomah-Washington CETA Consortium <u>Project Summary:</u> Request for FY 1979 allocation for CETA Title II Program <u>Staff Recommendation:</u> Approval	\$1,812,721 (Dept. of Labor)	-0-	-0-	-0-	\$1,812,721
6. <u>Project Title:</u> Special Grants to Governors - CETA Title I Program <u>Applicant:</u> State of Oregon <u>Project Summary:</u> Request for FY 1979 funds for CETA Title I Programs. <u>Staff Recommendation:</u> Approval	\$2,301,425 (Dept. of Labor)	-0-	-0-	-0-	\$2,301,425
7. <u>Project Title:</u> CETA Youth Employment and Training Program <u>Applicant:</u> Multnomah-Washington CETA Consortium <u>Project Summary:</u> Request for FY 1979 funding allocation. Funds will be used in a variety of activities to benefit eligible youth, including: work experience, vocational education, on the job training, GED preparation. <u>Staff Recommendation:</u> Approval	\$ 584,115 (Dept. of Labor)	-0-	-0-	-0-	\$ 584,115
8. <u>Project Title:</u> CETA Youth Community Conservation and Improvement Projects <u>Applicant:</u> Multnomah-Washington CETA Consortium <u>Project Summary:</u> Request for FY 1979 funding allocation. Funds will be used to operate three community improvement projects, employing 16 to 19 year old youths with severe barriers to employment. <u>Staff Recommendation:</u> Approval	\$ 201,084 (Dept. of Labor)	-0-	-0-	-0-	\$ 201,084
9. <u>Project Title:</u> CETA Title I Program <u>Applicant:</u> Multnomah-Washington CETA Consortium <u>Project Summary:</u> Request for 1979 funding allocation. <u>Staff Recommendation:</u> Approval	\$2,627,661 (Dept. of Labor)	-0-	-0-	-0-	\$2,627,661

A-95 REVIEW SUMMARY

The project applications described below have been processed by MSD staff and recommendations have been made as indicated.

PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
<p>10. <u>Project Title:</u> Statewide Comprehensive Outdoor Recreation Plan <u>Applicant:</u> State of Oregon <u>Project Summary:</u> Request for funds to conduct ongoing recreation planning program. <u>Staff Recommendation:</u> Approval</p>	<p>\$ 50,000 (Dept. of Interior)</p>	<p>\$ 142,000</p>	<p>-0-</p>	<p>-0-</p>	<p>\$ 192,000</p>
<p>11. <u>Project Title:</u> Crime Analysis Workshops <u>Applicant:</u> Oregon Law Enforcement Council <u>Project Summary:</u> Request for funding for three workshops on statistical testing, sampling, surveying and applying above methods to problem identification, workload forecasting, and long-range planning. <u>Staff Recommendation:</u> Approval</p>	<p>\$ 15,000 (Law Enforcement Admin.)</p>	<p>-0-</p>	<p>-0-</p>	<p>-0-</p>	<p>\$ 15,000</p>
<p>12. <u>Project Title:</u> Alcholism Outpatient Counseling <u>Applicant:</u> Alcholism Counseling and Recovery Program <u>Project Summary:</u> Request for funds to provide alcholism counseling to residents of Multnomah County. <u>Staff Recommendation:</u> Approval</p>	<p>\$ 65,138 (Dept. of Health, Education & Welfare)</p>	<p>-0-</p>	<p>\$ 23,949</p>	<p>-0-</p>	<p>\$ 89,087</p>
<p>13. <u>Project Title:</u> Seneca Terrace <u>Applicant:</u> Mockbee Construction <u>Project Summary:</u> Rental housing project for low income families to be financed through the State Housing Division and HUD's Section 8 Rent Subsidy Program. The proposed project location is East of the Milwaukie city limits on Price Fuller Road North of McBride Street. <u>Staff Recommendation:</u> Approval</p>	<p>\$ 108,792 (HUD-Rent Subsidy)</p>	<p>\$ 689,900</p>	<p>\$ 256,200</p>	<p>-0-</p>	<p>\$ 974,892</p>

AGENDA ITEM

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: Amendment to Interim Personnel Rules (Vacation)

BACKGROUND: Last Fall an amendment was made to the MSD Personnel Rules providing for a separate vacation schedule for management staff. Thirteen positions were included. The amendment accelerates the schedule for accruing 15 days vacation from the beginning of the fifth year to the beginning of the third year; 20 days accrue at the fifth year; 25 days at the eighth year. Regular non-union staff (other than management) vacation accrues at five days the first year, and at ten days through the fourth year; 15 days through the ninth year; 17.5 days through the fourteenth year; 20 days through the nineteenth year; 22 days through the twenty-fourth year; and 25 days thereafter.

Recognizing that the question of equity has been raised both at the Council level and staff level, the Executive Officer has temporarily withheld further implementation of the "management schedule" until Council can review the question and give direction for future policy.

BUDGET IMPLICATIONS: Implementation of the vacation schedule would impact budget primarily upon the termination of an employee who has unused but earned accrued vacation. Overall potential savings resulting from modification of vacation rate for management is \$2,370 through this fiscal year, with five persons being affected. The projected cost of seven first-year employees accruing vacation at a two-week rather than one-week rate per year is \$1,655 through June 30, 1979.

POLICY IMPLICATIONS: Should the special management vacation schedule be reduced to that of regular non-union staff, it would underscore a personnel policy of equal treatment to all staff.

ACTION REQUESTED: Adopt Resolution # 79-16, which amends the Interim Personnel Rules by deletion of that portion of Section 33 Vacation Credit and Accrual Rate pertaining to management employees, and by amending the two remaining vacation schedule titles. These amendments would automatically place management and non-union employees who were MSD employees prior to January 1, 1979, on the same vacation schedule as other MSD employees who were employed by CRAG prior to January 1, 1979. Effective date of the change would be February 8, 1979.

RRM:gh
2218A
0033A
2/8/79

ORDINANCE NO. 79-65

Providing for Rules of Procedure for Conduct
of Council Meetings, Transaction of Council Business
and Repealing all Prior Rules of Procedure

Introduced by the Council - January 4, 1979

First Reading - January 18, 1979

Second Reading - February 8, 1979

Adoption

Effective Date

Rollcall

BEFORE THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

ORDINANCE NO.

An ordinance providing for rules of procedure for conduct of Council meetings, transaction of Council business and repealing all prior rules of procedure

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS FOLLOWS:

Section 1. Officers

1.01 The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Presiding Officer for the ensuing year. Sec. 6, Ch. 665. The Council shall also elect at the same time a deputy Presiding Officer. The affirmative vote of the majority of the Council (7) is required to elect the Presiding Officer and deputy Presiding Officer.

1.02 The Presiding Officer will preside at all meetings of the Council and will preserve order and decorum. The Presiding Officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Presiding Officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Presiding Officer for the purpose of making such motion.

1.03 The deputy Presiding Officer shall be the Presiding Officer in the absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer.

1.04 In the absence or incapacity of the presiding officer and the deputy Presiding Officer, the Presiding Officer may designate a Councilor to act as the temporary Presiding Officer.

1.05 The Presiding Officer or temporary Presiding Officer may be removed by the Council upon the affirmative vote of 3/4 of the Councilors (9).

Section 2. Clerk of the Council

The Clerk of the Council, or a qualified alternate designated by the Presiding Officer, shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be electronically or stenographically recorded. ORS 192.650; 198.560(1)(b). The Clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours.

Section 3. Regular Meetings

The Council shall meet regularly on the second and fourth Thursdays of each month at a time designated by the Presiding Officer. Regular meetings shall be held at a place designated in the published agenda of the meeting. ORS 192.640. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

Section 4. Special Meetings

The Presiding Officer or a majority of the Council (7) may call a special meeting of the Council provided that at least 24 hours notice is given to the Council and the general public.

ORS 192.640; Sec. 6, Ch. 665. The agenda shall be limited to the purpose for which the meeting is called. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

Section 5. Emergency Meetings

In case of an actual emergency, the Presiding Officer or a majority of the Council may call an emergency meeting of the Council upon such notice as is appropriate to the circumstances.

ORS 192.640; Sec. 6, Ch. 665. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news releases to the media and interested persons should be made to give public notice of the agenda and time and place of the meeting.

Section 6. Notice and Agenda

6.01 An agenda that sets forth the time, date, and place of the meeting, that includes a brief description of the ordinances to be considered, and that states that copies of ordinances are available at the office of the Metropolitan Service District shall be published in a newspaper of general circulation within the District not more than ten nor less than four days before a regular

meeting of the Council. ORS 192.640; 198.540. If an executive session will be held, the notice shall state the specific provision of the law authorizing the executive session. ORS 192.640.

6.02 The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees or the Executive Officer. Each Councilor may request that items be placed upon the agenda of the next regular meeting by notifying the Clerk of the Council and specifying the subject of the agenda items. The Presiding Officer may, at his or her discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors, Council committees and the Executive Officer of such due dates.

Section 7. Ordinances

7.01 The legislative action of the Metropolitan Service District shall be by ordinance. ORS 268.360(1).

7.02 Except as provided in Section 7.07 of these rules, before an ordinance is adopted, it shall be read during two regular meetings of the Council on two different days at least six days apart. ORS 198.550. The reading shall be full and distinct unless at the meeting:

(a) A copy of the ordinance is available for each person who desires a copy; and

(b) The Council directs that the reading be by title only. ORS 198.550.

7.03 Except as provided in Section 7.07 of these rules, the affirmative vote of the majority of the members of the Council (7) is required to adopt an ordinance. ORS 198.550(2). A roll call vote shall be taken on all ordinances.

7.04 Ordinances may be placed upon the agenda by the Council, a Councilor, a committee of the Council or the Executive Officer. Sec. 5 and 8, Ch. 665.

7.05 Within seven (7) days after adoption of an ordinance, the enrolled ordinance shall be:

(a) Signed by the Presiding Officer;

(b) Attested by the person who served as recording secretary of the Council at the meeting at which the Council adopted the ordinance; and

(c) Filed in the records of the District. ORS 198.560.

7.06 If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas Counties.

7.07 Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to Sections 7.02 and 7.03 above.

Section 8. Motions and Resolutions

8.01 All matters other than legislation and rules coming before the Council and requiring Council action shall be handled by motion or resolution.

8.02 Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a motion or a resolution. Procedural matters shall be subject to Robert's Rules of Order unless these rules provide otherwise.

8.03 Motions and resolutions shall become effective upon adoption unless a later date is specified therein.

Section 9. Conduct of Meetings

9.01 A quorum of the Council is seven (7) members. If a quorum is present, the Council may proceed with the transaction of its business.

9.02 Minutes of each meeting shall be prepared by the Clerk of the Council, and shall include at least the following information:

- (a) All members of the Council present;
- (b) All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
- (c) The results of all votes, and the vote of each Councilor by name;
- (d) The substance of any discussion on any matter.

ORS 192.650.

9.03 Minutes of executive sessions may be limited consistent with ORS 192.660. ORS 192.650.

9.04 The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council. ORS 192.650.

9.05 Council members present, but not voting or not specifically abstaining shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

9.06 Except for ordinances and rules, the Presiding Officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors. If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote and at least two Councilors concur in such request, in which case a roll call vote shall be taken.

9.07 Any matter not covered by these rules shall be determined by Robert's Rules of Order, latest revised edition.

9.08 All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

Section 10. Adoption and Amendment of Rules

No standing rule of procedure of the Council shall be adopted, amended, or rescinded except upon the affirmative vote of a majority of the members of the Council (7).

Section 11. Reconsideration

11.01. When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

11.02. Notice of the intention to move for reconsideration of an ordinance or rule must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day

on which the vote to be reconsidered was taken. Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.

11.03 Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

11.04 A motion for reconsideration must receive the affirmative vote of a majority of the Council (7) in order to be adopted.

11.05 There shall be only one reconsideration of any final vote even though the action of Council reverses its previous action.

Section 12. Communications from the Public

Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council; provided, however:

(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the Presiding Officer and after stating name and address.

(b) To facilitate the orderly transaction of business, the Presiding Officer may limit the time and number of appearances.

Secton 13. Order of Business

13.01 The general order of business for the Council shall be:

- (a) Call to order.
- (b) Roll call.
- (c) Communications from the public for matters not on the agenda.
- (d) Consent calendar.
- (e) Challenges to referrals.
- (f) Reports from standing committees.
- (g) Reports from special committees.
- (h) Reports from advisory committees.
- (i) Report from the Executive Officer.
- (j) Old business.
- (k) Introduction and consideration of resolutions and ordinances.
- (l) New business.
- (m) Other business.
- (n) Adjournment.

13.02 Questions relating to the priority of business shall be decided without debate. The general order of business shall not be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

13.03 A unanimous consent calendar shall be presented for the consideration and vote of the Council only at regular meetings. Copies of the consent calendar shall be printed and distributed to the Council prior to consideration.

13.04 Before calling for the vote on the consent calendar, the Presiding Officer shall ask if any Councilor objects to any matter on the consent calendar. If any matter on the consent calendar is objected to by a member of the Council, that matter shall be removed from the consent calendar and placed upon the agenda of the Council under other business.

Section 14. Committees of the Council

14.01 The Council may establish standing committees as it deems necessary.

14.02. Members of all standing and special committees shall be appointed by the Presiding Officer subject to confirmation of the Council. The first named shall be the chair and the second named shall be the vice chair.

14.03 A majority of the members of the standing or special committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in these rules, all standing and special committees of the Council shall be governed by Robert's Rules of Order, latest revised edition.

14.04 All committees shall meet at the call of the chair or upon the request of a majority of the members of the committee.

14.05 The purposes of committees of the Council are to:

(a) Make studies of and inquiries into areas of concern and interest of the Council.

(b) Report information to the Council.

(c) Prepare and submit recommendations, proposals and ordinances to the Council.

14.06 Unless otherwise specifically provided, committees of the Council shall have the power to:

(a) Hold meetings at such times and places as the committee considers expedient.

(b) Hold public hearings and take testimony.

(c) Make findings, conclusions and recommendations.

(d) Draft and prepare motions, resolutions and ordinances for consideration by the Council.

(e) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.

14.07 Each committee member shall have one vote and the chair may vote and discuss any issue before the committee without relinquishing his or her position as the chair.

14.08 All matters and issues shall be referred to the Presiding Officer. The Presiding Officer shall refer each matter or issue to an appropriate standing committee of the Council, or to a local government advisory committee. Notice of referral shall be in writing and distributed to each Councilor. At the next regular meeting, any Councilor may object and request a different referral of any matter or issue referred since the last regular meeting.

14.09 The term for a committee member shall be one year. Except for filling vacancies, committee appointments shall be made in January of each year.

14.10 No committee will incur any indebtedness or hire any personnel without the express approval of the Council.

14.11 The chair, the vice chair or committee members may be removed from committee assignment(s) upon the affirmative vote of the majority of the Council (7).

Section 15. Local Government Advisory Committees

15.01 The Council shall appoint such advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the District as may be necessary to assist the Council in the performance of its duties. The number of members and term for each committee so appointed shall be established by the Council.

15.02 Each member shall have one vote and the chair may vote on and discuss any matter coming before the committee.

15.03 Unless otherwise specifically provided, local government advisory committees shall have a power to:

(a) Select a chair and a vice chair.

(b) Hold meetings at such times and places as the committee considers expedient.

(c) Prepare and submit proposals and recommendations to the Council.

(d) Perform other functions assigned by the Council.

15.04 A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in these rules, all committees of local government officials shall be governed by Robert's Rules of Order, latest revised edition.

15.05 All committees shall meet at the call of the chair or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings Law.

Section 16. Other Advisory Committees

The Council may appoint other advisory committees as necessary to assist the Council or committees of the Council in the performance of their duties. The purposes and powers of each advisory committee shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Council.

Section 17. Amendment and Repeal of Previous Rules

17.01 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby repealed:

(a) Chapter 1.1 (Charter Rules) of the Code of the Columbia Region Association of Governments.

(b) Chapter 2 (Procedural Rules) of the Code of the Columbia Region Association of Governments.

(c) Chapter 5 (Areas and Activities of Regional Impact) of the Code of the Columbia Region Association of Governments.

(d) Chapter 4.02 of the Code of the Metropolitan Service District.

17.02 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby amended as follows:

(a) All references in the Codes of both agencies to the "Board" or "Board of Directors" are amended by substitution of the term "Council" therefor.

ADOPTED, By the MSD Council this ____ day of _____,
1979.

Presiding Officer

ATTEST:

AJ:gh
1910A
0033A

ORDINANCE NO. 79-66

An Ordinance to Providing for Assessment of
Local Governments for Operation of the
MSD Planning Function for the Second Half
of FY 1979

Introduced by the Executive Officer - January 18, 1979

First Reading - January 18, 1979

Second Reading - February 8, 1979

Adoption

Effective Date

Rollcall

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

ORDINANCE NO. 79-66
At the request of Rick Gustafson

For the Purpose of Assessing Local Governments for Operation of the
Metropolitan Service District Planning Function for the Second Half
of FY 1979

WHEREAS, It is deemed necessary by the Council, pursuant
to Chapter 665 Oregon Laws 1977, Section 16, that the cities, coun-
ties and special districts within the MSD be charged for the conduct
of MSD planning functions during the six-month period January 1
through June 30, 1979, and

WHEREAS, Notice of assessment was given local jurisdic-
tions by CRAG at least thirty (30) days prior to the beginning of
FY 1979.

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS FOLLOWS:

1. That each city and county wholly or partially within
the boundaries of the MSD is hereby charged and assessed an amount
proportional to its population within the MSD at the annual rate of
fifty cents (\$.50) per capita for the period January 1, 1979 to
June 30, 1979, said amounts being as indicated on the "Dues Detail"
attached hereto as Attachment A and incorporated herein by this
reference.

2. That the Port of Portland and the Tri-County Metro-
politan Transportation District (Tri-Met) are hereby charged and
assessed an amount proportional to the population within each said

district and within the MSD at the annual rate of five cents (\$.05) per capita for the period January 1, 1979 through June 30, 1979, said amounts being as indicated on the "Dues Detail" attached hereto as Attachment "A" and incorporated herein by this reference.

3. That each charge and assessment made herein shall be due and payable to the MSD no later than April 1, 1979.

4. That the population figure to be applied in the assessments herein shall be as prepared by the Population Research Census Center of Portland State University in 1975 and as updated by CRAG in 1978 for use in its FY 1979 dues assessments, such figures being as indicated in Attachment "A" hereto.

ADOPTED By the Council of the Metropolitan Service District this 10th day of January, 1979.

Presiding Officer

ATTEST:

MC:gh
1960A
0033A

DUES SUMMARY

	<u>Population FY 1979</u>	<u>2nd Half FY 1979</u>
Port of Portland	878,888	\$ 21,872
Tri-Met	874,888	<u>21,872</u>
TOTAL ASSESSMENT		<u>\$262,675</u>

JG:MC:gh
1966A
0033A

262,675

5

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

Providing for a Dues Credit) Resolution No. 79-18
of \$50,000 to Local Jurisdic-) At the request of
tions and special districts) Rick Gustafson
for the period January 1)
to June 30, 1979)

WHEREAS, An audit of the Columbia Region Association of Governments effective June 30, 1978, indicated that there was a larger unallocated reserve fund than had been previously incorporated in the CRAG budget process; and

WHEREAS, The CRAG Board of Directors on December 21, 1978, indicated that, while the majority of this money would be carried over to the new MSD, they requested that member jurisdictions receive a dues credit for the last six months of the fiscal year; and

WHEREAS, Such credits have been calculated and are shown on Exhibit "A" attached hereto; now, therefore,

BE IT RESOLVED, That the Council of the Metropolitan Service District hereby authorizes the Executive Officer to institute a \$50,000 credit rebate on dues in accordance with the calculations included in the attached Exhibit "A".

ADOPTED By the Council of the Metropolitan Service District
this 8th day of February, 1979.

Presiding Officer

CRAG FY 1979 WORK PROGRAM AND BUDGET

DUES DETAIL

	<u>Population 1977</u>	<u>Population 1978</u>	<u>Dues FY 1978 @ 48¢</u>	<u>Dues FY 1979 @ 50¢</u>
CLACKAMAS COUNTY	121,770	120,865	\$ 58,449	\$ 60,433
Barlow	110	110	53	55
Canby	5,775	6,275	2,772	3,138
Estacada	1,690	1,790	811	895
Gladstone	8,300	8,985	3,984	4,493 (1)
Happy Valley	1,440	1,450	691	725
Johnson City	405	450	194	225
Lake Oswego	19,700	21,100	9,456	10,550
Milwaukie	17,300	17,715	8,304	8,858
Molalla	2,780	2,950	1,334	1,475
Oregon City	13,300	14,100	6,384	7,050
Rivergrove	320	330	154	165
Sandy	2,190	2,485	1,051	1,243 (2)
West Linn	9,300	10,355	4,464	5,178
Wilsonville	1,600	2,040	768	1,020
All Cities	84,210	90,135	40,421	45,070
TOTAL CLACKAMAS COUNTY	205,980*	211,000	98,870	105,503
CLARK COUNTY	94,001	103,557	45,120	33,138
Vancouver	46,500	46,500	22,320	14,880
All Cities	46,500	46,500	22,320	14,880
TOTAL CLARK COUNTY	140,501	150,057	67,440	48,018
CITIES OF COLUMBIA COUNTY				
Scappoose	2,840		1,363	
St. Helens	7,020	7,500	3,370	3,750
All Cities	9,860	7,500	4,733	3,750
TOTAL COLUMBIA COUNTY	9,860	7,500	4,733	3,750

(1) Paid full year
(2) owe 1/4

* Includes portions of the City of Lake Oswego not in Clackamas County

$$\begin{array}{r}
 1311 \\
 24805 \\
 17650 \\
 \hline
 6565 \\
 3 \\
 \hline
 13110
 \end{array}$$

$$\begin{array}{r}
 2 \overline{) 5975} \\
 \underline{2963}
 \end{array}$$

1856

$$\begin{array}{r}
 81942 \\
 247577 \\
 85576 \\
 \hline
 24009 \\
 1
 \end{array}
 \quad
 \begin{array}{r}
 - 86486 \\
 - 278,200 \\
 88793 \\
 \hline
 24009 \\
 1
 \end{array}$$

$$\begin{array}{r}
 38134 \\
 13110 \\
 \hline
 51544
 \end{array}$$

$$\begin{array}{r}
 51544 \\
 + 1856 - \text{Glad} \\
 2447 \text{ Tigard} \\
 976 \text{ Total} \\
 \hline
 \end{array}$$

41

$$\underline{51110}$$

Exhibit "A"

	<u>Jan 1 thru June 30 Dues Assessment</u>	<u>Credit Against Jan-June 79 Dues</u>	<u>Net Jan 1-June 30 Dues Assessment After Credit</u>
Multnomah Co.	33,144	6,010	27,134
Portland	96,125	16,770	79,355
Fairview	430	76	354
Gresham	6,500	1,135	5,365
Maywood Park	265	45	220
Troutdale	747	130	617
Wood Village	570	100	470
Washington Co.	23,077	5,165	17,912
Beaverton	5,950	1,040	4,910
Cornelius	765	135	630
Durham	63	10	53
Forest Grove	2,700	470	2,230
Hillsboro	5,500	960	4,540
King City	495	85	410
Sherwood	540	95	445
Tigard	2,962	515	2,447*
Tualatin	1,181	205	976
Clackamas Co.	18,576	5,270	13,306
Gladstone	2,246	390	1,856
Happy Valley	362	65	297
Johnson City	112	20	92
Lake Oswego	5,275	920	4,355
Milwaukie	4,429	775	3,654
Oregon City	3,525	615	2,910
Rivergrove	82	15	67
West Linn	2,589	450	2,139
Wilsonville	510	90	420
Port of Portland	21,872	4,222	17,650
Tri-Met	21,872	4,222	17,650

$$\begin{array}{r} 315 \\ 205 \\ \hline 390 \\ \hline 1110 \end{array}$$

*Paid total annual dues assessment in August, credit to be used next fiscal year.

MH:bc
2286A
0033A

543,749

844

$$\begin{array}{r} 24205 \\ 21872 \\ \hline 46077 \end{array}$$

7

DUES SUMMARY

	<u>Population FY 1979</u>	<u>2nd Half FY 1979</u>
Port of Portland	878,888	\$ 21,872
Tri-Met	874,888	<u>21,872</u>
TOTAL ASSESSMENT		<u><u>\$262,675</u></u>

JG:MC:gh
1966A
0033A

ATTACHMENT A

MSD FY 1979 DUES DETAIL

	<u>Population FY 1979</u>	<u>2nd Half FY 1979</u>
MULTNOMAH COUNTY	132,575	\$ 33,144
PORTLAND	384,500	96,125
Fairview	1,720	430
Gresham	26,000	6,500
Maywood Park	1,060	265
Troutdale	2,990	747
Wood Village	2,280	570
WASHINGTON COUNTY	92,308	23,077
Beaverton	23,800	5,950
Cornelius	3,060	765
Durham	252	63
Forest Grove	10,800	2,700
Hillsboro	22,000	5,500
King City	1,980	495
North Plains	845	211
Sherwood	2,160	540
Tigard	11,850	2,962
Tualatin	4,725	1,181
CLACKAMAS COUNTY	74,303	18,576
Gladstone	8,985	2,246
Happy Valley	1,450	362
Johnson City	450	112
Lake Oswego	21,100	5,275
Milwaukie	17,715	4,429
Oregon City	14,100	3,525
Rivergrove	330	82
West Linn	10,355	2,589
Wilsonville	2,040	510
CLARK COUNTY		0
Vancouver		0

ATTACHMENT A

MSD FY 1979 DUES COMPARISON

	<u>CRAG</u> <u>1st Half</u> <u>FY 1979</u>	<u>MSD</u> <u>2nd Half</u> <u>FY 1979</u>
MULTNOMAH COUNTY	\$ 34,463	\$ 33,144
PORTLAND	96,125	96,125
Fairview	430	430
Gresham	6,500	6,500
Maywood Park	265	265
Troutdale	748	747
Wood Village	570	570
WASHINGTON COUNTY	29,595	23,077
Banks	125	0
Beaverton	5,950	5,950
Cornelius	765	765
Durham	63	63
Forest Grove	2,700	2,700
Gaston	113	0
Hillsboro	5,500	5,500
King City	495	495
Sherwood	540	540
Tigard	2,963	2,962
Tualatin	1,182	1,181
CLACKAMAS COUNTY	30,217	18,576
Barlow	28	0
Canby	1,569	0
Estacada	448	0
Gladstone	2,247	2,246
Happy Valley	363	362
Johnson City	113	112
Lake Oswego	5,275	5,275
Milwaukie	4,426	4,429
Oregon City	3,525	3,525
Rivergrove	83	82
Sandy	622	0
West Linn	2,589	2,589
Wilsonville	510	510
CLARK COUNTY	16,569	0
Vancouver	7,440	0

DUES COMPARISON

	<u>1st Half</u> <u>FY 1979</u>	<u>2nd Half</u> <u>FY 1979</u>
Port of Portland	\$ 24,205	\$ 21,872
Tri-Met	<u>24,205</u>	<u>21,872</u>
TOTAL	<u>\$316,346</u>	<u>\$262,464</u>

JG:MC:gh
1964A
0033A

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: Proposed Legislative Program for the Metropolitan Service District

BACKGROUND: As you are aware, during the transition from CRAG and MSD to the new MSD, a formal record was kept of various legislative proposals which would correct housekeeping deficiencies as they appeared in HB 2070. Those changes, as well as items to clarify MSD's role in solid waste and in dealing with the Clark County, Vancouver, Washington membership question, have been described to you during the recent Council retreat.

Formal discussion of the proposed legislative program is scheduled for the Committee of the Whole meeting to be held on January 11, 1979. The results of Council response to that proposed program will be put in formalized resolution form to be acted upon at the next regularly scheduled official Council meeting to be held January 18, 1979.

BUDGET IMPLICATIONS: The proposed legislative program makes no financial provision nor does it have any direct impact on the financial operations of the Council. Funds to pay for legislative assistance are provided for in the approved budget.

POLICY IMPLICATIONS: The legislation program is based upon a policy position that the MSD will seek no additional power that is not specified in HB 2070, and is designed to clarify the MSD position in Solid Waste and provide housekeeping corrections to the original enabling legislation.

ACTION REQUESTED: Formal adoption of a resolution approving a legislative program to be submitted to the 1979 session of the Oregon Legislature.

*UPDATE FOR FEBRUARY 8, 1979 - At its regular meeting of January 18, 1979, Council agreed to endorse proposed bills #1 and #2 for filing. Still awaiting action are, 1) bill #3 to permit landfills in EFU zones; 2) resolutions re endorsement of legislative approval of 18.6 million in state funds for Banfield light rail project, and 3) MSD siting authority for landfill sites.

BEFORE THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

For the purpose of transmitting) Resolution No. 79-13
concerns of the Council regarding) Introduced by: Gene Peterson
the Banfield Transitway Project) Cindy Banzer and Betty Schedeen

WHEREAS, The Oregon legislature is considering the appropriation of \$17.8 million (as of February 1, 1979) to support construction of the Banfield Transitway Project, and

WHEREAS, Assurances have been given to the Metropolitan Service District Council by representatives of Tri-Met and Multnomah County that financial feasibility of the proposed transitway project does not rest on increasing housing densities in the I-205 to Gresham portion of the project, and

WHEREAS, Citizens and community planning groups in the I-205 to Gresham portion of the project are concerned about possible forced increases in residential density. They also have expressed a desire to be involved very early in the project design process and to make sure that all improvements needed to mitigate possible adverse impacts of the rail project be constructed concurrently with the rail line, with the net result being an improvement in the neighborhood environment, and

WHEREAS, The final environmental impact statement for the light rail alternative will require several months to complete,

NOW, THEREFORE, BE IT RESOLVED, That the Metropolitan Service District Council supports the Governor's request for an \$18.6 million (as of February 1, 1979) appropriation for the Banfield

Transitway Project, based upon the findings in the Draft Environmental Impact Statement (and assuming the Final Environmental Support Statement will be consistent with the draft).

BE IT FURTHER RESOLVED, That the Metropolitan Service District Council urges the responsible implementation agencies to:

1) involve the community planning groups and citizen representatives most directly impacted by the project to ensure that their concerns are considered and implemented where feasible, and

2) require no increase in residential density for the purpose of supporting or otherwise accommodating the Transitway Project.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

GP:mec
23

Amend

BEFORE THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

For the purpose of transmitting) Resolution No. 79-13
concerns of the Council regarding) Introduced by: Gene Peterson
the Banfield Transitway Project) Cindy Banzer and Betty Schedeen

WHEREAS, Citizens and community planning groups in the I-205 to Gresham portion of the Banfield Transitway Project are concerned about the effects of the project on their neighborhoods and have expressed a desire to be involved very early in the project design process and to make sure that all improvements needed to mitigate possible adverse impacts of the rail project be constructed concurrently with the rail line, with the net result being an improvement in the neighborhood environment,

WHEREAS, Assurances have been given to the Metropolitan Service District Council by representatives of Tri-met and Multnomah County that financial feasibility of the proposed transitway project does not rest on increasing housing densities in the I-205 to Gresham portion of the project,

NOW, THEREFORE, BE IT RESOLVED, That the Metropolitan Service District Council supports the efforts of the responsible implementing agencies to reach a mutually satisfactory agreement with the community planning groups and citizens most directly impacted by the project to:

- 1) insure that the citizens concerns are considered and implemented where feasible, and

Sub 2) require no increase in residential density for the purpose of supporting or otherwise accommodating the Transitway Project.

ADOPTED By the Council of the Metropolitan Service District
this 8th day of February, 1979.

Presiding Officer

GP:mec
23

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

For the purpose of requesting)
legislative support for State) Resolution No 79 - 14
general fund appropriations for)
the Banfield Transitway Project) Introduced by Marge Kafoury

WHEREAS, The proposed Banfield Transitway Project has received necessary approval from all local jurisdictions in the Portland metropolitan area and from the Oregon Department of Transportation, and

WHEREAS, The Governor of the State of Oregon has recommended a state general fund appropriation of \$17.8 million (as of February 1, 1979) the required match to the federal grant for the project, and

WHEREAS, It has been determined by Tri-Met that successful operation of light rail transit in the I-205 to Gresham portion of the corridor is not dependent upon increased population density, thus satisfying the major concern of the residents of that area,

NOW, THEREFORE, BE IT RESOLVED That the Council of the MSD hereby requests that the Legislature appropriate \$17.8 million over the period of the next three bienniums as matching funds to the federal grant for the Banfield Project.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

AJ:kk
2052A
0033A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

For the purpose of seeking)	Resolution No. 79-15
legislation permitting the)	
MSD to determine solid waste)	
disposal and landfill sites.)	Introduced by Craig Berkman

WHEREAS, There does exist a potential solid waste disposal site crisis in the district, and

WHEREAS, The inclusive authority to approve sites for such use resides with cities and counties pursuant to local planning and zoning authority, and

WHEREAS, It is deemed necessary that the MSD have sufficient authority to locate and determine such sites,

NOW, THEREFORE, BE IT RESOLVED, That the attached "Proposed Amendment to ORS Chapter 268" be added to the approved MSD legislative package for submission to the 1977 Legislature.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

Presiding Officer

AJ:gh
2077A
0033A

PROPOSED AMENDMENT TO ORS CHAPTER 268

Solid Waste Disposal Siting.

- (1) Notwithstanding the authority of cities and counties to plan and zone the use of land, a district shall have the authority, subject to statewide land use planning goals of the Land Conservation and Development Commission and regulations of the Environmental Quality Commission, to determine and locate sites for solid waste disposal and landfill if the Council of the District finds:
 - a. That there is a need for such a site within the district;
 - b. That the site selected best fulfills the determined need, and;
 - c. That other possible sites are not as well suited for solid waste disposal as the site selected.
- (2) In exercising the authority granted in subsection (1) of this section, a district council shall make all reasonable efforts to encourage and facilitate the participation of affected local citizens and units of local government in the district's disposal site selection process, and the views of such citizens and jurisdictions shall be considered prior to any site selection.
- (3) Upon selection of a disposal or landfill site by a district council, pursuant to subsections (1) and (2) of this section, such site may be utilized for disposal or landfill purposes without any permit from the affected city or county and without application of, or amendment to, a city or county comprehensive plan, zoning ordinance or other local regulation or ordinance.

AJ:gh
2078A
0033A

BILL #3
SOLID WASTE LAWS

Section 10. ORS 215.213 is amended to read:

"(1) The following nonfarm uses may be established in any area zoned for exclusive farm use:

- (a) ***
- (b) ***
- (c) ***
- (d) ***
- (e) ***
- (f) ***

(g) A site for the disposal of solid or liquid wastes approved by the council of a metropolitan service district and temporary facilities on such site necessary for operation thereof, if it is found by the Council that said site is capable of being reclaimed for farm use."

AJ:bc

2076A

0033A

BILL #3
SOLID WASTE LAWS

amended

Section 10. ORS 215.213 is amended to read:

(1) The following nonfarm uses may be established in any area zoned for exclusive farm use:

- (a) ***
- (b) ***
- (c) ***
- (d) ***
- (e) ***
- (f) ***

"(g) A site or facility for the disposal of solid or liquid wastes approved by the Council of a metropolitan service district, if it is found by the Council that said site is capable of being reclaimed for farm use.

AJ:bc
2076A
0033A

Handwritten red signature

BILL #3
SOLID WASTE LAWS

off

Section 10. ORS 215.213 is amended to read:

"(1) The following nonfarm uses may be established in any area zoned for exclusive farm use:

- (a) ***
- (b) ***
- (c) ***
- (d) ***
- (e) ***
- (f) ***

amendment defeated
non hazardous liquid wastes as defined under state statutes

(g) A site for the disposal of solid or liquid wastes approved by the council of a metropolitan service district and temporary facilities on such site necessary for operation thereof, if it is found by the Council that said site is capable of being reclaimed for farm use."

AJ:bc
2076A
0033A

SUMMARY OUTLINE

CLARK COUNTY RPC UNIFIED WORK PROGRAM

I. TRANSPORTATION PLANNING

A. POPULATION/EMPLOYMENT FORECASTS

Develop projections for several growth scenarios at the district level for use in the sketch evaluation process. Develop projections at the traffic zone level for use in the full-scale evaluation process.

B. AIR QUALITY CONSTRAINTS

Coordinate analysis of region transportation plans and programs for compatibility with the State Air Quality Plan (SIP). Refine analysis of air quality constraints of region planning programs and screen planning alternatives using air quality criteria. Recommend modification or new alternatives to fit within air quality constraints. Measure and report air quality impacts of fully-developed alternatives and of local plans and project proposals, including secondary economic, institutional and social impacts.

C. ENERGY CONSTRAINTS

Refine methodology for developing and analyzing alternatives to ensure accurate reflection of energy constraints including alternatives for transportation, land use, housing, economic development and other programs (e.g., energy conservation factors applied to sizing electrically-powered system); compare and measure energy usage of alternatives and report findings; recommend modifications or new alternatives based on findings; propose measures for conserving energy.

D. ESTIMATE IMPLICATIONS OF ALTERNATIVES

Estimate of implications of a large number of transportation/land use alternatives using sketch evaluation tools. Prepare set of full-scale evaluation tools. Recommend alternatives which should be dropped from further consideration. Recommend alternative which should be subjected to a full-scale evaluation. Estimate the implications of a select number of transportation/land use alternatives defined in the sketch evaluation process.

E. TRANSPORTATION PUBLIC INVOLVEMENT PROGRAM

Ongoing program development and implementation including planning and conducting meetings, preparing and distributing newsletters and other information items, preparing informational presentation, supervising public involvement assistants.

F. TRANSPORTATION PLAN

Prepare various documents describing technical basis of a new Transportation Plan. Prepare draft of the new Transportation Plan.

G. POLICY INTEGRATION AND PLAN COORDINATION

Policy research and analysis, policy development, policy synthesis with program, and policy coordination internally and externally.

H. TRANSPORTATION IMPROVEMENT PROGRAM

Provide analysis of transportation problems and the effectiveness of various projects for responding to problems. Document the basis of program recommendations. Finalize annual update of FY 1979 TIP. Prepare draft of annual update of FY 1980 TIP.

I. TRANSPORTATION SYSTEMS MANAGEMENT PLAN

Continue assessment of TSM options in other corridors. Assess regionwide TSM strategies aimed at reducing auto travel such as vanpooling incentives. Prepare update Transportation Systems Management Plan element which is consistent with the draft Transportation Plan.

J. PLAN REFINEMENT

Bus service planning, project development, development of a Special Transportation Plan, participation in the I-5 Transit Corridor Study.

K. CONTRACT WITH MSD

Coordinate with MSD staff to insure timely use of capability.

L. MANAGEMENT AND COMMITTEE COORDINATION

Develop work programs and manage regional transportation planning programs. Staff various committees and working groups.

II. AIR QUALITY PLANNING

A. PROGRAM MANAGEMENT

1. Consultation with participating agencies.
2. Public information and consultation.
3. Management of project activities.

B. PROBLEM IDENTIFICATION

1. Development of current emission inventory.
2. Analysis of air quality conditions.
3. Projection of attainment schedule.

C. ANALYSIS OF CONTROL STRATEGIES

1. Evaluation of alternative control measures.
2. Identification of control strategy impacts.

D. SELECTION OF PREFERRED CONTROL STRATEGIES

1. Documentation of selected control measures.
2. Formalization of framework plan.

CWO:kk
2385A
0044A

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: Rick Gustafson, Executive Officer
SUBJECT: Administrative District 2, Criminal Justice System
 Improvement Plan

BACKGROUND: The District 2 Criminal Justice Plan is the result of the work of local agencies, the Criminal Justice Advisory Committee and MSD Criminal Justice Planning staff over the last five months. The plan identifies the priority problems and proposes goals that, if achieved, should either correct or relieve the problems identified. A draft copy of the plan has been distributed to the Council.

It is important to note that the plan is not just for the purpose of obtaining federal funds, but as a method of identifying and attempting to correct regionally important criminal justice system problems. Therefore, not all of the problems require the expenditure of additional funds for resolution. However, it is anticipated that there will be about \$1,300,000 in federal funds for implementing the plan.

BUDGET IMPLICATIONS: None for MSD's budget. However, approval of the plan impacts local agency budgets by allowing them to receive federal and state funds to operate approved projects.

POLICY IMPLICATIONS: The approved plan establishes MSD policy for allocating Law Enforcement Assistance Administration (LEAA), State, and Juvenile Justice and Delinquency Prevention Act (JJDP) money to local public and private agencies. In addition, other requests from local agencies for federal money for projects that affect the criminal justice system will be reviewed for consistency with the plan for A-95 purposes.

ACTION REQUESTED: It is recommended by the Criminal Justice Advisory Committee and the MSD staff that the plan be approved through adoption of Ordinance No. 79-67.

RG:bc
2240A
0033A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

An Ordinance adopting the 1980) Ordinance No. 79-67
Criminal Justice Plan for) At the request of
District 2) Rick Gustafson

WHEREAS, MSD is the designated District 2 Regional Criminal Justice Planning Unit under contract with the State Law Enforcement Council; and

WHEREAS, The state requires MSD to prepare and adopt a Criminal Justice Plan for the area which will serve as a policy for approving project grant applications; and

WHEREAS, The MSD Criminal Justice Advisory Committee and MSD staff have developed the 1980 Plan consistent with local priorities and state requirements;

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS FOLLOWS:

Section 1. That the document entitled "District 2 1980 Criminal Justice Plan" dated December, 1978, is incorporated herein by reference and the same is hereby adopted.

Section 2. The Executive Officer is hereby authorized and directed to forward the adopted Plan to the State for approval and

to take all other action necessary to implement the Plan.

ADOPTED By the Council of the Metropolitan Service
District this ___ day of _____, 1979.

Presiding Officer

Attest:

Clerk of the Council

MC:kk
2255A
2/8/79

CRAG FY 1979 WORK PROGRAM AND BUDGET

DUES SUMMARY

	<u>Population 1977</u>	<u>Population 1978</u>	<u>Dues FY 1978 @ 48¢</u>	<u>Dues FY 1979 @ 50¢</u>
Cities of Clackamas Co.	84,210	90,135	\$ 40,421	\$ 45,070
Cities of Clark Co.	46,500	46,500	22,320	14,880*
Cities of Columbia Co.	9,860	7,500	4,733	3,750
Cities of Multnomah Co.	30,710	34,050	14,741	17,025
Cities of Washington Co.	77,325	82,422	37,116	41,212
Portland	382,000	384,500	183,360	192,250
Clackamas County	121,770	120,865 ✓	58,449	60,433 ✓
Clark County	94,001	103,557	45,120	33,138*
Multnomah County	140,960	137,850	67,661	68,925
Washington County	118,706	118,378	56,979	59,189
Port of Portland .05	(954,800)	(968,200)	45,830	24205 48,410
Tri-Met .05	(954,800)	(968,200)	45,830	24205 48,410
State of Oregon	--		5,000	
State of Washington	--		--	
	<u>1,106,042</u>	<u>1,125,757</u>	<u>\$ 627,560</u>	<u>\$ 632,692</u>

*Dues based on 32¢ assessment.

120
90
210

CRAG FY 1979 WORK PROGRAM AND BUDGET

DUES DETAIL

	<u>Population 1977</u>	<u>Population 1978</u>	<u>Dues FY 1978 @ 48</u>	<u>Dues FY 1979 @ 50</u>
MULTNOMAH COUNTY	140,960	137,850	\$ 67,661	344 \$6368,925.
PORTLAND	382,000	384,500	183,360	96125 192,250
Fairview	1,700	1,720	816	430 860
Gresham	23,000	26,000	11,040	6500 13,000
Maywood Park	1,060	1,060	509	265 530
Troutdale	2,730	2,990	1,310	1,495
Wood Village	2,220	2,280	1,066	570 1,140
All Cities*	30,710	34,050	14,741	17,025
TOTAL MULTNOMAH COUNTY	553,670**	556,400	\$ 265,762	\$ 278,200
WASHINGTON COUNTY	118,706	118,378	\$ 56,979	26595 \$ 59,189
Banks	460	500	221	250
Beaverton	23,300	23,800	11,184	11,900
Cornelius	2,730	3,060	1,310	1,530
Durham	330	252	158	63 126
Forest Grove	10,500	10,800	5,040	2700 5,400
Gaston	450	450	216	225
Hillsboro	20,100	22,000	9,648	5500.00 11,000
King City	1,980	1,980	950	495 990
North Plains	820	845	394	423
Sherwood	2,050	2,160	984	540 1,080
Tigard	11,000	11,850	5,280	5925 5,925 (1)
Tualatin	3,605	4,725	1,730	2363 2,363 (1)
All Cities	77,325	82,422	37,116	1182 41,212
TOTAL WASHINGTON COUNTY	196,031***	200,800	\$ 94,095	\$ 100,401

(1) PAID full year.

* Except Portland
 ** Includes portions of the City of Portland not in Multnomah County
 *** Includes portions of the City of Tualatin not in Washington County

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: Zoo Development Program Review

BACKGROUND: The current and adopted Zoo Development Program is the result of two years of planning in which the firm of ZOOPLAN ASSOCIATES recommended a concept and theme for the Zoo, after which the firm of Warner, Walker and Macy produced a prioritized (based on animal need, cost-benefit analysis, visitor appeal and operational costs impact) list of projects. For eleven of these, schematic programs and designs were developed, within a framework of longer-range considerations, overall improved pedestrian flow, strengthened continuity in terms of signage, street furniture, landscaping, etc., and most importantly, the provision of natural and more aesthetic settings for both the animals and the visitors. To ensure that these latter objectives are met, a series of design guidelines were developed that will be adhered to throughout the Zoo's improvement process.

Important facets of the Development Program include:

1. Long-range relocation of the Zoo's entrance and Children's Zoo to increase visitor satisfaction.
2. Development of exhibits along the train route for better utilization of this important Zoo asset.
3. Renovation of existing facilities to greatly improve the original facilities and educational value of the Zoo.
4. Addition of new exhibits to generate increased visitor appeal and revenues.

Funding of all the anticipated, development program projects (or even a revised list), will exceed the monies available from the current levy (approximately \$3,000,000) and most probably any future levy. Therefore, staff is exploring other sources of revenue that may be available. Private monies to help fund these projects have already been received and increased efforts can be made to obtain additional contributions. Federal grants may be available and some have already been used, like the current CETA renovation work now underway at the feline area. Some initial contact has been made with the Economic Development Administration for capital funding and the Heritage Conservation and Recreation Service will be asked to include parts of the Zoo's redevelopment in their new Urban Parks Grant Program.

A summary of the Zoo Development Program will be distributed for further Council study.

BUDGET IMPLICATIONS: By the end of this levy period in June, 1981, the Zoo will have spent approximately \$3,426,807 on capital improvements, thereby more than meeting the commitment made to the voters in 1976. It will have made a good start on the Development Program, but its completion will cost well over \$20 million.

By Fiscal Year 1982, operating costs will rise to approximately \$3,777,000. Generated revenues will provide about \$2,204,000 of that amount (meeting the goal set in the Development Program) requiring a subsidy of at least \$1,573,000. If the current levy was extended it would provide about \$1,780,000, leaving \$207,000 for capital purposes including any major rehabilitation required. If the Development Program is to be implemented, it is evident that increased funding will be imperative. If it is not implemented, it is highly probable that generated revenues will decline.

POLICY IMPLICATIONS: Implementation of the Zoo Development Program will provide the Portland metropolitan area with an excellent zoo that will be a strong recreational, educational and cultural resource for the community and its schools. Such a facility will also prove to be a strong tourist attraction for the area. Implementation of the Zoo Development Program will also commit the Metropolitan Service District to long term financing programs to not only develop the facility, but to keep it operational.

ACTION REQUESTED: A recommendation for Council re-evaluation of the Zoo's Development Program over the summer, including public hearings, leading towards a long-range commitment of providing a funding plan including the next levy period, a Zoo development foundation or commission, and acquisition of grants to augment the limited funds available locally for the Zoo's re-development.

MC:gh
2234A
0033A
2/8/79

WASHINGTON PARK ZOO

TO: MSD Executive Officer & Councillors DATE: Feb. 6, 1979
FROM: Warren Iliff
SUBJECT: ZOO DEVELOPMENT PROGRAM

The attached document plan summarizes the work of our consultants (ZooPlan Associates of Topeka, Kansas, and Warner, Walker & Macy of Portland, Oregon), the Zoo staff and the Zoo Advisory Committee.

Many of the development objectives are already being met and many of the findings, like the need to improve revenue generation facilities (souvenir, concessions and train), have been or are being accomplished.

The implementation schedule and budgets have been extended beyond 1981 (end of current levy period) so that the Zoo can be included in the City of Portland Park Bureau's matching grant application to the Department of the Interior's Heritage Conservation & Recreation Service under the 1979-83 Urban Park Program.

The Design Guidelines and the eleven schematic designs will serve as a framework for future work as well as for continued re-evaluation of the Zoo's long range program. It will help guide us as we develop an outstanding Zoo.

WJI:amn

Attachments

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: Primate House Project - Zoo

BACKGROUND: On October 13, 1978, the MSD Board awarded the design contract for the primate house project to Sheldon Eggleston Associates. This project surfaced as the most important area of the zoo to be improved during the formulation of the Development Plan. Improvements recommended at this time include major remodeling of the chimpanzee and orangutan exhibits, provision for outside enclosures and viewing areas for several species, and substantial upgrading of the interior viewing areas and the exterior landscape areas.

The project has gone through numerous alterations by the staff and the consultant. The design phase of the project has been completed and the architects and zoo staff are ready to make a progress presentation to the Council and receive comments.

The schedule for this project is: a) a progress report to the Council on February 8, 1979; b) preparation of Construction Document and out for bidding during April or May, 1979; and c) construction to commence in May or June, 1979, with the project to be completed by approximately one year from then.

BUDGET IMPLICATIONS: The primate house project will require expenditures of over \$1.4 million from Zoo General Improvement Fund.

POLICY IMPLICATIONS: Assuming responsive bids and award of a construction contract, the Council will be completing one of the major improvement projects specified in the Development Plan.

ACTION REQUESTED: None.

MC:gh
2233A
0033A
2/8/79

PRESENTATION FORMAT FOR PRIMATE FACILITY

1. Generalized concepts for Primate Facility.
2. Orientation to existing facility.
3. Overview of major areas on plan.

Entry Terrace

Chimpanzee Exterior Exhibit

Orangutan Enclosed Exhibit

Lemur Island Exterior Exhibit

North Side Exterior Cages

4. Indepth look at each exhibit area listed above.
5. Conceptual view of finished project.
6. Questions?

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: Amendment to Interim Personnel Rules

BACKGROUND: During the preparation of the Interim Personnel Rules and the formulation of the new MSD organization, the need for the Executive Officer to be able to directly select his direct support personnel was not considered. In providing for a selection process for the Administrative Aide and Executive Aide to the Executive Officer a pragmatic recognition of personal and working compatibility is deemed important for the successful operation of the Executive Office. Such considerations are not provided for in selection procedures in the existing Interim Personnel Rules.

BUDGET IMPLICATIONS: While it is contemplated that there would be a salary adjustment to one of the positions recommended to be placed in this new status, the adjustment of approximately \$1,000 for the remainder of the fiscal year will be within the current budgeted levels for personnel in the executive management department. In the future it is proposed that a set budget amount be established by the Council for all persons within the "exempt status" category with the Executive Officer maintaining the discretion to adjust salaries and classifications of exempt employees at his discretion, as long as the total adjustments stayed within the Council approved budget for that purpose.

POLICY IMPLICATIONS: Primary policy implication is for the Council to recognize that support people operating primarily on the Executive Officer's direct staff have a different personnel status in terms of selection process and formal classification system from the majority of MSD employees. While this specific amendment requested for the Interim Personnel Rules at this point would exempt the Administrative Aide and Executive Aide positions from the normal coverage of the rules, at some point prior to adoption of the final personnel rules the Council may wish to expand the number of employees in this category to include other positions in the executive management structure such as the Public Information Officer, the General Counsel and the Chief Administrative Officer.

ACTION REQUESTED: Modify the Interim Personnel Rules to provide that the Administrative Aide and Executive Aide to the Executive Officer will have special status which will allow the Executive Officer to adjust salaries and duties within approved budget amounts and also provide for a selection process that need not concur with procedures specified in the Personnel Rules.

DUK:mec

AGENDA ITEM

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: Amendment to Interim Personnel Rules (Vacation)

BACKGROUND: Last Fall an amendment was made to the MSD Personnel Rules providing for a separate vacation schedule for management staff. Thirteen positions were included. The amendment accelerates the schedule for accruing 15 days vacation from the beginning of the fifth year to the beginning of the third year; 20 days accrue at the fifth year; 25 days at the eighth year. Regular non-union staff (other than management) vacation accrues at five days the first year, and at ten days through the fourth year; 15 days through the ninth year; 17.5 days through the fourteenth year; 20 days through the nineteenth year; 22 days through the twenty-fourth year; and 25 days thereafter.

Recognizing that the question of equity has been raised both at the Council level and staff level, the Executive Officer has temporarily withheld further implementation of the "management schedule" until Council can review the question and give direction for future policy.

BUDGET IMPLICATIONS: Implementation of the vacation schedule would impact budget primarily upon the termination of an employee who has unused but earned accrued vacation. Overall potential savings resulting from modification of vacation rate for management is \$2,370 through this fiscal year, with five persons being affected. The projected cost of seven first-year employees accruing vacation at a two-week rather than one-week rate per year is \$1,655 through June 30, 1979.

POLICY IMPLICATIONS: Should the special management vacation schedule be reduced to that of regular non-union staff, it would underscore a personnel policy of equal treatment to all staff.

ACTION REQUESTED: Adopt Resolution # 79-16, which amends the Interim Personnel Rules by deletion of that portion of Section 33 Vacation Credit and Accrual Rate pertaining to management employees, and by amending the two remaining vacation schedule titles. These amendments would automatically place management and non-union employees who were MSD employees prior to January 1, 1979, on the same vacation schedule as other MSD employees who were employed by CRAG prior to January 1, 1979. Effective date of the change would be February 8, 1979.

RRM:gh
2218A
0033A
2/8/79

Amended

AGENDA ITEM 6.4

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: Amendment to Interim Personnel Rules (Vacation)

BACKGROUND: Last Fall an amendment was made to the MSD Personnel Rules providing for a separate vacation schedule for management staff. Twelve positions were included. The amendment accelerates the schedule for accruing 15 days vacation from the beginning of the fifth year to the beginning of the third year; 20 days accrue at the fifth year; 25 days at the eighth year. Regular staff (other than management) vacation accrues at ten days through the fourth year; 15 days through the ninth year; 17.5 days through the fourteenth year; 20 days through the nineteenth year; 22 days through the twenty-fourth year; and 25 days thereafter.

Recognizing that the question of equity has been raised both at the Council level and staff level, the Executive Officer has temporarily withheld further implementation of the "management schedule" until Council can review the question and give direction for future policy.

BUDGET IMPLICATIONS: Implementation of the vacation schedule would impact budget primarily upon the termination of an employee who has unused but earned accrued vacation.

POLICY IMPLICATIONS: Should the special management vacation schedule be reduced to that of regular staff, it would underscore a personnel policy of equal treatment to all staff. It would also, however, reduce the vacation benefit accruing to management personnel who were with MSD prior to January 1, 1979.

ACTION REQUESTED: Adopt Resolution # 79-16, which amends the Interim Personnel Rules by deletion of that portion of Section 33 Vacation Credit and Accrual Rate pertaining to management employees. This amendment would automatically place management employees who were MSD employees prior to January 1, 1979, on the same vacation schedule as other MSD employees who were employed prior to January 1, 1979. Effective date of the change would be February 8, 1979.

RRM:gh
2218A
0033A
2/8/79

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

For the purpose of amending the) Resolution No. 79-16
Interim Joint Personnel Rules for the) At the request of
Metropolitan Service District) Rick Gustafson

WHEREAS, The appropriateness of having a special vacation schedule for management employees raises potential problems of equity, and

WHEREAS, It is the desire of Council to maintain fair and equal employee fringe benefits, now, therefore,

BE IT RESOLVED, That the Interim Joint Personnel Rules, Section 33 Vacation Credit and Accrual Rate, be amended by deleting from the vacation schedule title, Current Permanent MSD Employees Employed by MSD Prior to January 1, 1979 (other than management), the words, "(other than management)," and by adding the words, "Who Are Members of a Union Recognized by MSD for Negotiating Purposes"; and

BE IT FURTHER RESOLVED, That that portion providing a separate vacation schedule for management employees be deleted; and

BE IT FURTHER RESOLVED, That the vacation schedule title, "Current Permanent MSD Employees Employed by CRAG Prior to January 1, 1979" be amended by inserting after the words, "by CRAG," the words, "or MSD"; and

BE IT FURTHER RESOLVED, That the effective date of the amendment shall be February 8, 1979.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

RRM:gh
2220A
0033A

Amended

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

For the purpose of amending the) Resolution No. 79-16
Interim Joint Personnel Rules for the) At the request of
Metropolitan Service District) Rick Gustafson

WHEREAS, The appropriateness of having a special vacation schedule for management employees raises potential problems of equity, and

WHEREAS, It is the desire of Council to maintain fair and equal employee fringe benefits, now, therefore,

BE IT RESOLVED, That the Interim Joint Personnel Rules be amended be deleting that portion of Section 33 Vacation Credit and Accrual Rate pertaining to management employees.

BE IT FURTHER RESOLVED, That the effective date of the amendment shall be February 8, 1979.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

RRM:gh
2220A
0033A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

For the purpose of amending the)
Interim Personnel Rules to provide) Resolution No.
exemptions for certain employees)

WHEREAS, the MSD Interim Personnel Rules were
adopted pursuant to Council Resolution No. 79-2, and

WHEREAS, it is deemed necessary that certain
employees not be subject to portions of said rules relating
to appointment, discipline, pay and classification; now,
therefore,

BE IT RESOLVED, That the Interim Personnel Rules,
adopted by Resolution No. 79-2, are hereby amended by the
addition thereto of the following Article VIII:

ARTICLE VIII. EXEMPTIONS

Section 41. General

Notwithstanding any rule or provision of these
rules, certain employees shall be exempt and shall not be
subject to the following portions of these rules:

1. Article II, Section 8 (Appointment),
Section 9 (Probationary Period), and
Section 13 (Layoff)
2. Article III, (General Conduct, Discipline,
Termination, and Appeal)
3. Article IV (Classification Plan)
4. Article V (Pay Plan and Compensation)

Section 42. Positions Exempt

The exemptions designated in Section 41 herein
shall apply to the following positions:

1. Executive Aide to the Executive Officer (1)
2. Administrative Aide to the Executive Officer (1)

Section 43. Conditions of Exemptions

Notwithstanding exemptions provided herein from Articles IV and V of these rules, employees in exempt positions shall receive such salaries or compensation as may be determined by the Executive Officer limited, however, to budgeted funds allocated to the Executive Management Department for personnel designated in Section 42 of these rules.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

Attest:

Clerk of the Council

AJ:bh

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: Unified Work Program Submitted by Clark County Regional
 Planning Council

BACKGROUND: On January 2, 1979, Clark County Regional Planning Council (RPC) was designated by the Governor of Washington as the Metropolitan Planning Organization (MPO) for the Washington portion of the Portland-Vancouver urbanized area. The RPC was previously designated as the lead agency responsible for developing a plan for controlling pollutant emissions generated by Washington State sources which contribute to the region's photochemical oxidant (smog) problem.

In order for RPC to receive federal funds for carrying out air quality and transportation planning responsibilities, the Urban Mass Transportation Administration (UMTA) has stated that the Metropolitan Service District must concur in the Clark County RPC's Unified Work Program. This program describes various tasks proposed to be undertaken by RPC in calendar year 1979 in transportation and air quality planning. The MSD staff has reviewed this document. Generally, the work described in the RPC document appears to be consistent with efforts underway by MSD in transportation and air quality planning. The staff therefore recommends that the document be endorsed by the MSD Council. Because a budget was not included, it is not possible to comment on budgetary matters (see Action Requested section).

Discussions are currently underway between the staff of MSD and Clark County RPC to achieve agreement on a number of coordination issues. The conclusions of these discussions are to be incorporated in Interagency Agreements between RPC and MSD. These agreements should be forwarded to the MSD Council in the next two months. Issues being discussed are:

1. The type of mechanisms to be used to ensure adequate coordination between the two MPO's at both a technical and policy level,
2. Respective responsibilities of MSD and RPC in conducting various technical tasks such as producing growth projections and travel forecasts.
3. The amount of reimbursement by RPC for MSD technical analyses and services, and
4. A formula for allocating UMTA planning funds between the two MPO's.

BUDGET IMPLICATIONS: The Clark County RPC submittal did not address budget considerations. The impact of the program cannot be determined until the above issues are resolved and Interagency Agreements are finalized.

POLICY IMPLICATIONS: Endorsement of the submitted document will mean that Clark County RPC can receive planning grants. Coordination issues have not been resolved as yet.

ACTION REQUESTED: Adoption of Resolution No. 79- 17 and endorsement of the Clark County RPC Unified Work Program by the MSD Council is recommended, contingent on receipt of and favorable staff comment on a proposed acceptable budget. This endorsement also assumes that the coordination issues described above will be adequately addressed and resolved in the Interagency Agreements.

CWO:bc
2250A
0033A

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: Unified Work Program Submitted by Clark County Regional
 Planning Council

BACKGROUND: On January 2, 1979, Clark County Regional Planning Council (RPC) was designated by the Governor of Washington as the Metropolitan Planning Organization (MPO) for the Washington portion of the Portland-Vancouver urbanized area. The RPC was previously designated as the lead agency responsible for developing a plan for controlling pollutant emissions generated by Washington State sources which contribute to the region's photochemical oxidant (smog) problem.

In order for RPC to receive federal funds for carrying out air quality and transportation planning responsibilities, the Urban Mass Transportation Administration (UMTA) has stated that the Metropolitan Service District must concur in the Clark County RPC's Unified Work Program. This program describes various tasks proposed to be undertaken by RPC in calendar year 1979 in transportation and air quality planning. The MSD staff has reviewed this document. Generally, the work described in the RPC document appears to be consistent with efforts underway by MSD in transportation and air quality planning. The staff therefore recommends that the document be endorsed by the MSD Council. Because a budget was not included, it is not possible to comment on budgetary matters (see Action Requested section).

Discussions are currently underway between the staff of MSD and Clark County RPC to achieve agreement on a number of coordination issues. The conclusions of these discussions are to be incorporated in Interagency Agreements between RPC and MSD. These agreements should be forwarded to the MSD Council in the next two months. Issues being discussed are:

1. The type of mechanisms to be used to ensure adequate coordination between the two MPO's at both a technical and policy level,
2. Respective responsibilities of MSD and RPC in conducting various technical tasks such as producing growth projections and travel forecasts.
3. The amount of reimbursement by RPC for MSD technical analyses and services, and
4. A formula for allocating UMTA planning funds between the two MPO's.

BUDGET IMPLICATIONS: The Clark County RPC submittal did not address budget considerations. The impact of the program cannot be determined until the above issues are resolved and Interagency Agreements are finalized.

POLICY IMPLICATIONS: Endorsement of the submitted document will mean that Clark County RPC can receive planning grants. Coordination issues have not been resolved as yet.

ACTION REQUESTED: Adoption of Resolution No. 79-17 and endorsement of the Clark County RPC Unified Work Program by the MSD Council is recommended, contingent on receipt of and favorable staff comment on a proposed acceptable budget. This endorsement also assumes that the coordination issues described above will be adequately addressed and resolved in the Interagency Agreements.

CWO:bc
2250A
0033A

BEFORE THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

Endorsing Clark County R.P.C.
Unified Work Program

)
) Resolution No. 79 - 17
) At the request of
) Rick Gustafson

WHEREAS, The Clark County Regional Planning Council has been designated as the Metropolitan Planning Organization (MPO) and lead agency for air quality planning for the Washington portion of the Portland/Vancouver urbanized area; and

WHEREAS, The Clark County Regional Planning Council (RPC) has requested the Metropolitan Service District (MSD) to concur in a Unified Work Program describing transportation and air quality tasks to be carried out by RPC, such document not containing a budget; and

WHEREAS, Discussions are underway between MSD and RPC staff concerning coordination issues including:

1. The type of mechanisms to be used to ensure adequate coordination between MSD and RPC at both a technical and policy level,
2. Respective responsibilities of MSD and RPC in conducting various technical tasks,
3. The amount of reimbursement of RPC for technical analyses and services provided by MSD, and
4. A formula for allocating UMTA planning funds between the two MPO's; now, therefore,

BE IT RESOLVED That the MSD Council endorses the Unified Work Program submitted by RPC in terms of work tasks but not in terms of budget; and

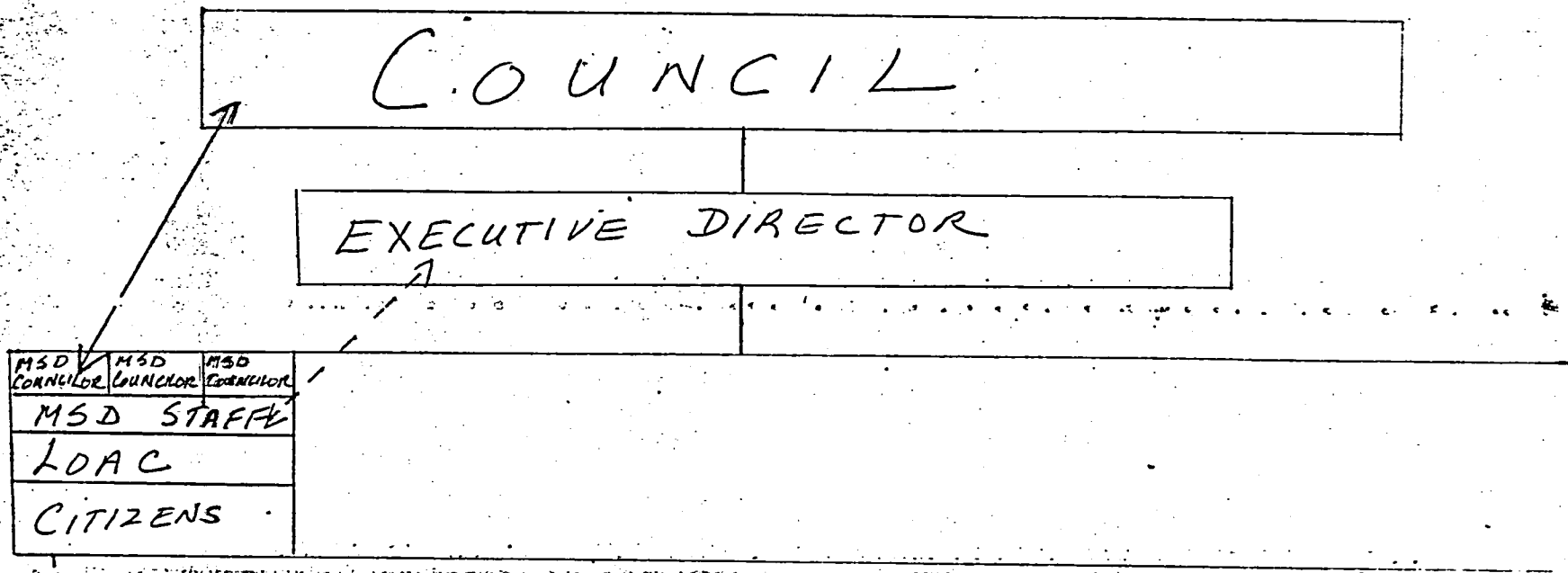
BE IT FURTHER RESOLVED, That a full MSD endorsement of the Clark County RPC Unified Work Program cannot be made until a budget is submitted to MSD and accepted, and

BE IT FURTHER RESOLVED That MSD and RPC staff continue to pursue the resolution of issues outlined above.

ADOPTED By the Council of the Metropolitan Service District this 8th day of February, 1979.

Presiding Officer

CWO:bc
2252A
0033A
2/8/79



TASK FORCE
OR
SUB COMMITTEE
(AS NEEDED)

ADVANTAGES

1. Simplicity of format makes it easier for citizens to become involved and to recognize the appropriate channels of input. Also, because we have refrained from a plethora of committees and subcommittees, time demands on MSD Councilors will be predictable. As a result, meetings could be set for regular intervals, making it easy for the public to determine when they wish to attend.
2. By bringing various interest groups together on the issues, communication will be enhanced so that the best compromises can be forwarded to the MSD Council.
3. The system does permit smaller task forces but avoids creating permanent structures which could eventually strangle rather than facilitate communication.

City of Cornelius

120 N 13th Avenue

P.O. Box 607

CORNELIUS, OREGON 97113

City Clerk 357-9112

Police Chief 357-2184

City Manager 648-1197

RECEIVED
FEB 7 1979

February 6, 1979

METRO SERVICE DISTRICT

Mr. Rick Gustafson
Executive Officer
Metropolitan Service District
527 S. W. Hall Street
Portland, Oregon 97201

Dear Rick:

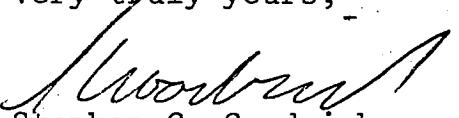
At their meeting of February 5th. 1979, the City Council voted to support the proposed MSD Ordinance which would establish a 50 cent per-capita dues level for the period January to June 1979. The Council indicated that they would like to receive separate statements for this period and for the preceding 6 month period, July to December 1978.

Your letter of January 22nd. engendered an extensive discussion. The Council was particularly concerned that MSD continue the strong land use planning effort of CRAG. Mrs. Stuhr, who was in attendance at the meeting, assured the Council that this involvement in land use matters would continue and that in particular MSD would find a way to enforce the Urban Growth Boundary. The Council felt this to be quite important.

The Council indicated that they would like to receive from you a letter which reviews the services which MSD will provide to the people of Cornelius. Of particular interest is how the proposed 50 cent per-capita dues level will relate to these services.

If you have any questions on these matters, please feel free to contact me.

Very truly yours,


Stephen C. Goodrich
City Manager

SCG/ma

Metropolitan Service District

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

Memorandum

Date: February 7, 1979
To: Denton Kent
From: Sue Klobertanz
Subject: Council Briefings - Questions and Concerns

CRAIG - OK
Betty - OK
Dene - Personnel
Charles - OK but
ACW for
HERR -

4 Councilors

minutes
GB
HERR

* Items requiring further attention either individually or at the meeting.

2-5-79
9:45 a.m.
Marge

* Only questions/problems surrounded item 6.5 and the budget of Clark County UWP. What is total budget? What specific projects are included in work program?

project list will be available

2-5-79
3:00 p.m.
Cindy Banzer

Consent Agenda: Cindy had considerable questions on the A-95 process, how it works and why we do it. (Her main agenda was discussion of the Committee on Committees.)

* Item 6.4(b): Cindy had a problem with the prior approval of Peg's position by the old MSD Board. She said she agreed "in theory" but not in practice. (Whatever that means.)

2-6-79
9:45 a.m.
Jane Rhodes

Item 6.1: Does not agree with 911 system. If Council approval of C.J. Plan constitutes signing off on idea of "911", she has difficulties. Will not hold up Plan, but will want to file minority report.

* Item 6.4(b): Wants executive appointees to be subject to Article III. - What is this

* Item 6.5: Concern centered around request to "endorse" a document they haven't seen. (I showed Jane a copy which she reviewed briefly.)

2-6-79
3:00 p.m.
Carrie Miller

- * Item 5.3 (Bill #3): Carrie has no problem placing land fill sites in EFU areas if it is not prime farm land. She will not support Mira-Monte site if it is Class I farm land.
- * Item 5.3 (Berkman Bill): Carrie is concerned that everyone (local jurisdictions) has been contacted. She wants to know the outcome of the Council Task Force on Solid Waste and what the "scope of battle" is on part three of the proposed amendments to ORS 268.
- * Item 6.3: Questions on specific problems of building a primate house and why we would request a variance to normal bid procedures. (Question was a result of my relating possible request for a variance.)
- * Item 6.4(a): Did not understand why we could not have total equity with regard to vacation schedule, i.e. why couldn't all three schedules be renegotiated into one?
- * Item 6.4(b): Had no problem with theory as long as there is a total understanding that termination of all "political appointments is parallel to Rick's appointment" i.e. if Rick goes, his staff goes.
- ** General item: Carrie "DOES NOT want to meet every Thursday night and if someone does not do something about it, she will".

Can be eventually, but only after costing, etc.

SK:pj

cc: Marilyn Holstrom

Metropolitan Service District

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

Memorandum

Date: February 8, 1979
To: Denton Kent
From: Marilyn Holstrom
Subject: Council Briefings - Questions and Concerns

2-7-79
3:30 PM
Gene Peterson

Consent Agenda: Gene had a problem with a line in the minutes of the January 18, 1979 Council meeting---page 11---that stated that Mr. O.B. Harr was opposed to light rail. He feels that statement was in error.

Item 6.4(b): Did not understand the urgency in dealing with this now. Felt it could wait until all personnel rules are studied several months from now.

2-7-79
3:30 PM
Betty Schedeen

Item 5.3: Betty was concerned that we had not included any of Jim Allison's proposals in the rules. She feels the need to be conciliatory towards him.

2-8-79
10:30 AM
Telephone
briefing
C:Williamson

Item 6.1: Wanted a copy of the Criminal Justice Plan to be sent to the local ACLU.

2-8-79
2:30 PM
Craig Berkman

Item 5.3: Craig did not remember when bills #1 and #2 were passed by the Council. He had no other concerns and mainly wanted to discuss the Solid Waste Task Force meetings.



METROPOLITAN SERVICE DISTRICT

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

RICK GUSTAFSON, Executive Officer

January 25, 1979

Mr. William French
Rural Community Assistance Corp.
1900 K Street, Suite 202
Sacramento, California 95814

RE: Areawide Clearing House Review
Rural Community Assistance Program
MSD File #7812-8

Dear Mr. French:

Circular A-95 Revised of the federal Office of Management and Budget requires areawide clearinghouse review of numerous federally assisted projects. MSD serves as the designated areawide clearinghouse for the Portland metropolitan area. The primary purpose of this review is to assure coordination of proposed projects with state, areawide and local plans and policies. This assists the federal agencies to allocate our federal tax dollars in a way that is as consistent as possible with local views.

The proposed project has been reviewed by MSD staff and the Water Resources Technical Advisory Committee as well as by interested and affected jurisdictions and agencies in the region. Copies of the staff report, jurisdictional and agency responses and minutes of the Water Resources Technical Advisory Committee are provided for your information. Several jurisdictions expressed concern about the ability of a program covering a multi-state area to respond effectively to local needs. Concern has also been expressed that the services to be provided through your program would be duplicative of services already provided by the Farmer's Home Administration.

It was the feeling of MSD's Water Resources Technical Advisory Committee that funds would be better spent in providing solutions to problems known to exist. The Committee was not confident that the limited funds available to be spread over an eight-state area would provide any answers to local needs. The Committee unanimously agreed that a negative recommendation should be submitted on the project.

Mr. William French
January 25, 1979
Page 2

Based upon responses received from local jurisdictions and the recommendation of the Water Resources Technical Advisory Committee, MSD staff recommends disapproval of the application.

Sincerely,



Denton U. Kent
Chief Administrative Officer

DUK/LB:kk
2189A

cc: Community Services Administration
Regions IX and X

HENRY KANE
ATTORNEY AT LAW
220 PARK PLAZA WEST
10700 S.W. BEAVERTON HY.
P.O. Box 518
BEAVERTON, OREGON 97005

AREA CODE 503
TELEPHONE 646-0566

February 12, 1979

Rick Gustafson, Executive Director
Metropolitan Service District
527 S.W. Hall
Portland, Oregon 97201

Mike Burton, Presiding Officer
Metropolitan Service District Council
6937 North Fiske
Portland, Oregon 97203

Re: HB 2328 - removes MSD from ORS Chapter 183, Oregon
Administrative Procedures Act

Gentlemen:

To the extent permitted by MSD rules, this private citizen and MSD resident respectfully requests the the question of continuing or withdrawing HB 2328, which removes the MSD from the provisions of ORS Chapter 183, the Oregon Administrative Procedures Act, be made an agenda item for the February 22, 1979 meeting of the MSD Council.

Enclosed for your information is a copy of a February 6, 1979 Hillsboro Argus editorial titled "Council should rescind action."

Thank you for your courtesies in this matter.

Very truly yours,


Henry Kane

encl.

cc: Charles R. Williamson, MSD Councilor
Jerry Tippens, Oregon Journal

HENRY KANE
ATTORNEY AT LAW
220 PARK PLAZA WEST
10700 S. W. BEAVERTON HY.
P. O. BOX 518
BEAVERTON, OREGON 97005

AREA CODE 503
TELEPHONE 646-0566

February 8, 1979

PREPARED STATEMENT OF HENRY KANE

Metropolitan Service District Council
527 S. W. Hall Street
Portland, Oregon

Dear Ladies and Gentlemen:

My name is Henry Kane, I am an attorney in private practice in Beaverton and I appear before you in opposition to the staff proposal to ask the 1979 Legislature to remove the MSD from ORS Chapter 183, the Administrative Procedures Act.

This statement is an adaptation of a two-page letter on the subject mailed on February 4, 1979 to Councilor Charles R. Williamson with a copy of that letter to Executive Director Rick Davis.

I may be responsible for the fact that the MSD is subject to the Administrative Procedures Act, for that was one of my recommendations apparently adopted by the House Intergovernmental Affairs Committee.

That recommendation was based on my experience as an Oregon Assistant Attorney General who provided rule-making advisory, contested administrative hearing and other legal services to State Agencies between 1963 and 1969, and the findings of the Oregon State Bar Committee on Administrative Law during the some five years I was a member, and then in 1971 and 1972, its chairman.

The 1971 Legislature enacted a comprehensive revision of the Administrative Procedures Act prepared by my bar committee.

The bar committee convinced the Legislature of the need to give persons and others dealing with State agencies the procedural and substantive protection they then lacked.

And as you may recall, the late Senator Wayne Morse once observed that procedure is substance. He meant, I believe, that a procedure for resolving a matter was a substantive right. No procedural right meant no substantive right.

It is submitted that the fact that HB 2070 contained the provision making the MSD subject to the Administrative Procedures Act was a vital factor in voter approval of HB 2070 in 1978.

To some extent, removal of the MSD from the Act would be a breaking of faith with the voters.

MSD residents have, in my opinion, a vested right to continuation of the protection afforded by the Act.

It is submitted that the MSD as a regional body is more a State agency than a mere local governmental unit. In terms of population it is much larger than any city or county and includes more area than most Oregon counties.

The MSD's size, the complexity of its duties and its broad authority makes appropriate the subjecting of the MSD and its actions to the Administrative Procedures Act.

By ordinance the MSD can provide the equivalent of the Administrative Procedures Act concerning rule-making and contested case procedure. However, it would not be able by ordinance to provide a private person with the right to subpoena

a witness to appear at a contested case hearing.

There is no reason for the MSD to undergo the time and expense of adopting a rule-making and contested hearing ordinance when statutory provisions exist in those areas.

The MSD, however, does not have authority by ordinance to govern the scope of judicial review of MSD actions, a vital part of the Administrative Procedures Act.

The MSD by ordinance lacks authority to adopt the equivalent of the following substantive procedures that protect the public and now can be used by citizens who believe they are aggrieved:

ORS 183.355, filing of rules with the Secretary of State;

ORS 183.360, publication of rules by the Secretary of State;

ORS 183.400, judicial determination of validity of a rule;

ORS 183.440, subpoenas in contested cases;

ORS 183.480, judicial review of contested cases;

ORS 183.482, judicial jurisdiction for review of orders
other than contested cases, procedure, and
legal requirement for reversal of orders;

ORS 183.485, mandate of court on review of contested case;

ORS 183.490, judicial power to compel agency to act;

ORS 183.495, award of costs and attorney fees by court, and

ORS 183.500, appeal to the Oregon Court of Appeals.

It is important to keep the MSD subject to the judicial review provisions of the Administrative Procedures Act because there is no satisfactory substitute. That was the major reason I sought to make the enhanced MSD subject to the Administrative Procedures Act.

Metropolitan Service District Council
February 8, 1979
Page Four

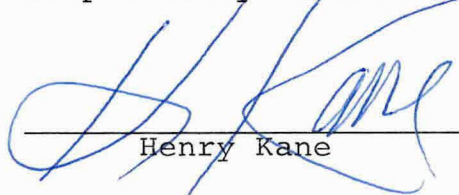
The MSD would lose its vital public support to the extent that the voters believed that the MSD could act arbitrarily because its actions no longer were subject to effective judicial review.

If the MSD staff believes that parts of the Administrative Procedures Act are unduly burdensome, the preferred course of action is to ask the 1979 Legislature to exclude the MSD from the "burdensome" provisions. None appear burdensome to me.

I respectfully request the Council to keep the MSD subject to the Administrative Procedures Act.

A copy of the Act is attached to the original of this statement filed with the Clerk of the Council.

Respectfully submitted,



Henry Kane

Chapter 183

1977 REPLACEMENT PART

Administrative Procedures and Rules of State Agencies

- | | | | |
|---------|--|---------|---|
| 183.310 | Definitions for ORS 183.310 to 183.500 | 183.418 | Interpreter for handicapped person in contested case |
| 183.315 | Application of ORS 183.310 to 183.500 to certain agencies | 183.425 | Depositions or subpoena of material witness |
| 183.317 | Exemption of Employment Division | 183.430 | Hearing on refusal to renew license; exceptions |
| 183.330 | General requirements for rulemaking agencies; service of orders | 183.440 | Subpenas in contested cases |
| 183.335 | Prerequisites to adoption of rules; emergency adoption of temporary rule; application; substantial compliance required | 183.450 | Evidence in contested cases |
| 183.341 | Model rules of procedure; establishment; compilation; publication; agencies required to adopt procedural rules | 183.460 | Examination of evidence by agency in contested cases |
| 183.355 | Filing and taking effect of rules; filing rule explanation statement; filing of executive orders; copies | 183.470 | Orders in contested cases |
| 183.360 | Publication of rules and orders; exceptions; judicial notice; citation | 183.480 | Judicial review of contested cases |
| 183.370 | Distribution of published rules | 183.482 | Jurisdiction for review of contested cases; procedure; scope of court authority |
| 183.390 | Petitions requesting adoption of rules | 183.484 | Jurisdiction for review of orders other than contested cases; procedure; requirement for reversal of orders |
| 183.400 | Judicial determination of validity of rule | 183.485 | Mandate of court on review of contested case |
| 183.410 | Agency determination of applicability of rule or statute to petitioner; effect; judicial review | 183.490 | Agency may be compelled to act |
| 183.415 | Notice, hearing and record in contested cases | 183.495 | Awarding costs and attorney fees when order reversed or remanded |
| | | 183.500 | Appeals |

CROSS REFERENCES

- | | |
|---|---|
| Administrative rules, review by legislative committee, 171.705 to 171.713 | Teachers and school personnel, certain provisions not subject to administrative procedure laws, 342.190 |
| Agriculture department code of regulations, application of ORS chapter 183 thereto, 561.192 | Work release program, ORS chapter 183 not applicable, 144.450 |
| Consolidated permit hearings, 447.800 to 447.865 | |
| Debt consolidating agency licenses, forfeiture not subject to ORS chapter 183, 697.670 | 183.310 to 183.500 |
| Military rules and regulations, issuance by Governor, 396.125 | Certain standards and guidelines of Mental Health Division to be adopted as rules, 430.357 |
| Open meeting law not applicable to state agencies conducting hearings on contested cases, 192.690 | Newsmen as witnesses at administrative proceedings, 44.510 to 44.540 |
| Public Utility Commissioner's rules, 756.400 to 756.450 | |
| Public writings of agencies to be clear and simple, 182.065 | 183.310 |
| Racing Commission, hearings pursuant to ORS 183.310 to 183.500, Ch. 462 | Workers' Compensation Law, when ORS 183.310 to 183.500 applicable, 656.704 |
| Review of state agency rules by Legislative Counsel Committee, 171.705 to 171.715 | |
| Revocation or suspension of teaching certificate not covered by ORS 183.310 to 183.500, 342.190 | 183.335 |
| Rules of State Board of Barbers and Hairdressers; approval of Health Division, 690.205 | Agency statement explaining rule required, 171.715 |
| State agency as party to action involving county administration of state program, 13.190 | |
| Tax Court, review of order or determination, 305.425 | 183.480 |
| | Appellate jurisdiction when state agency a party, 2.515 |
| | Applicability to Public Contract Review Board determinations, 279.045 |
| | Water supply systems, stay of administrative order relating thereto; criteria, testimony, 448.260 |

183.010 [Repealed by 1971 c.734 §21]

183.020 [Repealed by 1971 c.734 §21]

183.030 [Repealed by 1971 c.734 §21]

183.040 [Repealed by 1971 c.734 §21]

183.050 [Repealed by 1971 c.734 §21]

183.060 [1957 c.147 §1; repealed by 1969 c.292 §3]

183.310 Definitions for ORS 183.310 to 183.500. As used in ORS 183.310 to 183.500:

(1) "Agency" means any state board, commission, department, or division thereof, or officer authorized by law to make rules or to issue orders, except those in the legislative and judicial branches.

(2) "Contested case" means a proceeding before an agency:

(a) In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after an agency hearing at which such specific parties are entitled to appear and be heard; or

(b) Where the agency has discretion to suspend or revoke a right or privilege of a person; or

(c) For the suspension, revocation or refusal to renew or issue a license required to pursue any commercial activity, trade, occupation or profession where the licensee or applicant for a license demands such hearing; or

(d) Where the agency by rule or order provides for hearings substantially of the character required by ORS 183.415, 183.425 and 183.450 to 183.470.

(3) "License" includes the whole or part of any agency permit, certificate, approval, registration or similar form of permission required by law to pursue any commercial activity, trade, occupation or profession.

(4) "Order" means any agency action expressed verbally or in writing directed to a named person or named persons, other than employees, officers or members of an agency, but including agency action under ORS chapter 657 making determination for purposes of unemployment compensation of employees of the state and agency action under ORS chapter 240 which grants, denies, modifies, suspends or revokes any right or privilege of such person.

(5) "Party" means:

(a) Each person or agency entitled as of right to a hearing before the agency; or

(b) Each person or agency named by the agency to be a party; or

(c) Any person requesting to participate before the agency as a party which the agency determines either has an interest in the outcome of the agency's proceeding or represents a public interest in such result. The agency's determination is subject to judicial review in the manner provided by ORS 183.482 after the agency has issued its final order in the proceedings.

(6) "Person" means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency.

(7) "Rule" means any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior rule, but does not include:

(a) Internal management directives, regulations or statements between agencies, or their officers or their employees, or within an agency, between its officers or between employees, unless hearing is required by statute, or action by agencies directed to other agencies or other units of government.

(b) Declaratory rulings issued pursuant to ORS 183.410 or 305.105.

(c) Intra-agency memoranda.

(d) Executive orders of the Governor.

(e) Rules of conduct for persons committed to the physical and legal custody of the Corrections Division of the Department of Human Resources, the violation of which will not result in:

(A) Placement in segregation or isolation status in excess of seven days.

(B) Institutional transfer or other transfer to secure confinement status for disciplinary reasons.

(C) Disciplinary procedures adopted pursuant to ORS 421.180.

[1957 c.717 §1; 1965 c.285 §78a; 1967 c.419 §32; 1969 c.80 §37a; 1971 c.734 §1; 1973 c.386 §4; 1973 c.621 §1a; 1977 c.374 §1; 1977 c.798 §1]

183.315 Application of ORS 183.310 to 183.500 to certain agencies. (1) The provisions of ORS 183.341, 183.410, 183.415, 183.425, 183.440, 183.450, 183.460, 183.470 and 183.480 do not apply to the Department of Revenue, State Accident Insurance Fund, Public Utility Commissioner, Workers' Compensation Department, or State Board of Parole.

(2) Notwithstanding ORS 183.310 to 183.500, except as provided in this section, ORS 183.310 to 183.500 does not apply with respect to actions of the Governor authorized under ORS chapter 240.

(3) The provisions of ORS 183.415, 183.425, 183.440, 183.450 and 183.460 do not apply to the Employment Division, ORS 183.470 does not apply to the Public Utility Commissioner, and ORS 183.410 does not apply to the Employment Division.

(4) The provisions of ORS 183.415 to 183.500 do not apply to orders issued to persons who have been committed pursuant to ORS 137.124 to the custody of the Corrections Division.

[1971 c.734 §19; 1973 c.612 §3; 1973 c.621 §2; 1973 c.694 §1; 1975 c.759 §1; 1977 c.804 §45]

183.317 Exemption of Employment Division. Notwithstanding ORS 183.315, the Employment Division shall be exempt from the provisions of ORS 183.310 to 183.500 to the extent that a formal finding of the United States Secretary of Labor is made that such provision conflicts with the terms of the federal law, acceptance of which by the state is a condition precedent to continued certification by the United States Secretary of Labor of the state's law.
[1971 c.734 §187]

Note: 183.317 was enacted into law by the Legislative Assembly but was not added to or made a part of 183.310 to 183.500 by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

183.320 [1957 c.717 §15; repealed by 1971 c.734 §21]

183.330 General requirements for rulemaking agencies; service of orders. (1) In addition to other rulemaking requirements imposed by law, each agency shall publish a description of its organization and the methods whereby the public may obtain information or make submissions or requests.

(2) An order shall not be effective as to any person or party unless it is served upon him either personally or by mail. This subsection is not applicable in favor of any person or party who has actual knowledge of the order.
[1957 c.717 §2; 1971 c.734 §4; 1975 c.759 §3]

183.335 Prerequisites to adoption of rules; emergency adoption of temporary rule; application; substantial compliance required. (1) Prior to the adoption, amendment or repeal of any rule, the agency shall give notice of the proposed adoption, amendment or repeal:

(a) In the manner established by rule adopted by the agency which provides a rea-

sonable opportunity for interested persons to be notified of the agency's proposed action;

(b) In the bulletin referred to in ORS 183.360 at least 15 days prior to the effective date; and

(c) To persons who have requested notice pursuant to subsection (6) of this section.

(2) The notice required by subsection (1) of this section shall state the subject matter and purpose of the intended action in sufficient detail to inform a person that his interests may be affected, and the time, place and manner in which interested persons may present their views on the intended action. The notice and the statement required by subsection (7) of this section, including the full text of any material cited in the statement, shall be available for public inspection during regular business hours at the main office of the agency.

(3) When an agency proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views. Opportunity for oral hearing shall be granted upon request received from 10 persons or from an association having not less than 10 members within 15 days after agency notice. The agency shall consider fully any written or oral submission.

(4) Upon request of an interested person received within 15 days after agency notice pursuant to subsection (1) of this section, the agency shall postpone the date of its intended action no less than 10 nor more than 90 days in order to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action. Nothing in this subsection shall preclude an agency from adopting a temporary rule pursuant to subsection (5) of this section.

(5) Notwithstanding subsections (1) to (4) of this section, if an agency finds that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned, and sets forth the specific reasons for its finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt, amend or suspend a rule without notice. Such rule is temporary and may be effective upon filing with the Secretary of State pursuant to ORS 183.355 for a period of not longer than 120 days. The subsequent adoption of an identical rule under subsections (1) to (4) of this section is not precluded. Within 30 days following the date of the adoption of a temporary rule the agency shall prepare the statement required by

subsection (7) of this section. The statement, including the full text of any material cited in the statement, shall be available for public inspection during regular business hours at the main office of the agency. A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed pursuant to subsection (1) of this section.

(6) Any person may request in writing that an agency mail him copies of its notices of intended action given pursuant to subsection (1) of this section. Upon receipt of any request the agency shall acknowledge the request, establish a mailing list and maintain a record of all mailings made pursuant to the request. Agencies may establish procedures for establishing and maintaining the mailing lists current and, by rule, establish fees necessary to defray the costs of mailings and maintenance of the lists.

(7) The agency shall prepare a brief written statement on its intended action, including:

(a) The legal authority of any jurisdiction relied upon and bearing upon the promulgation of the rule;

(b) A statement of the need for the rule and a statement of how the rule is intended to meet the need; and

(c) The citation of applicable portions of the principal documents, reports or studies prepared by or relied upon by the agency in considering the need for and in preparing the rule.

(8) This section does not apply to rules establishing an effective date for a previously effective rule or establishing a period during which a provision of a previously effective rule will apply.

(9) This section does not apply to ORS 279.025 to 279.031 and 279.310 to 279.990.

(10) No rule is valid unless adopted in substantial compliance with the provisions of this section in effect on the date the rule is adopted.

(11) In addition to all other requirements with which rule adoptions must comply, no rule adopted after May 6, 1975, is valid unless adopted in substantial compliance with subsections (1) and (2) of ORS 171.707.

(12) Unless otherwise provided by statute, the adoption, amendment or repeal of a rule by an agency need not be based upon or supported by an evidentiary record.

[1971 c.734 §3; 1973 c.612 §1; 1975 c.136 §11; 1975 c.759 §4; 1977 c.161 §1; 1977 c.344 §6; 1977 c.394 §1a; 1977 c.798 §2]

183.340 [1957 c.717 §3 (3); 1971 c.734 §6; repealed by 1975 c.759 §5 (183.341 enacted in lieu of 183.340)]

183.341 Model rules of procedure; establishment; compilation; publication; agencies required to adopt procedural rules. (1) The Attorney General shall prepare model rules of procedure appropriate for use by as many agencies as possible. Any agency may adopt all or part of the model rules but such adoption shall comply with the rulemaking procedures under this chapter. Notice of such adoption shall be filed with the Secretary of State in the manner provided by ORS 183.355 for the filing of rules. The model rules may be amended from time to time by the Attorney General after notice and opportunity for hearing as required by rulemaking procedures under this chapter.

(2) All agencies shall adopt rules of procedure to be utilized in the adoption of rules and conduct of proceedings in contested cases or, if exempt from the contested case provisions of this chapter, for the conduct of proceedings.

(3) The Attorney General shall compile and the Secretary of State shall publish in the Oregon Administrative Rules:

(a) The Attorney General's model rules adopted under subsection (1) of this section;

(b) The procedural rules of all agencies that have not adopted the Attorney General's model rules; and

(c) The notice procedures required by subsection (1) of ORS 183.335.

(4) Agencies shall adopt rules of procedure which will provide a reasonable opportunity for interested persons to be notified of the agency's intention to adopt, amend or repeal a rule. Rules adopted pursuant to this subsection shall be approved by the Attorney General.

(5) No rule adopted after September 13, 1975, is valid unless adopted in substantial compliance with the rules adopted pursuant to subsection (4) of this section.

[1975 c.759 §6 (enacted in lieu of 183.340)]

183.350 [1957 c.717 §3 (1), (2); repealed by 1971 c.734 §21]

183.355 Filing and taking effect of rules; filing rule explanation statement; filing of executive orders; copies. (1) Each agency shall file in the office of the Secretary

of State a certified copy of each rule adopted by it, together with the statement required under ORS 171.715.

(2) Each rule is effective upon filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by statute or specified in the rule, the later date is the effective date.

(b) A temporary rule becomes effective upon filing with the Secretary of State, or at a designated later date prior to publication only if the agency finds the rule is necessary for the public interest or the interest of the parties concerned and the statement of the reasons therefor is filed with the rule. The agency shall take appropriate measures to make temporary rules known to the persons who may be affected by them.

(3) When a rule is amended or repealed by an agency, the agency shall file a certified copy of the amendment or notice of repeal with the Secretary of State who shall appropriately amend the compilation required by subsection (1) of ORS 183.360.

(4) A certified copy of each executive order issued, prescribed or promulgated by the Governor shall be filed in the office of the Secretary of State.

(5) No rule of which a certified copy is required to be filed shall be valid or effective against any person or party until a certified copy is filed in accordance with this section. However, if an agency, in disposing of a contested case, announces in its decision the adoption of a general policy applicable to such case and subsequent cases of like nature the agency may rely upon such decision in disposition of later cases.

(6) The Secretary of State shall, upon request, supply copies of rules, or orders or designated parts of rules or orders, making and collecting therefor fees prescribed by ORS 177.130. All receipts from the sale of copies shall be deposited in the State Treasury to the credit of the General Fund.

[1971 c.734 §5; 1973 c.612 §2; 1975 c.759 §7; 1977 c.798 §2b]

183.360 Publication of rules and orders; exceptions; judicial notice; citation.

(1) The Secretary of State shall compile, index and publish all rules adopted by each agency pursuant to ORS 183.330 and 183.341. The compilation shall be supplemented or revised as often as necessary and at least once every six months. Such compilation supersedes any other rules. The Secretary of State may make

such compilations of other material published in the bulletin as he deems desirable.

(2) The Secretary of State may, in his discretion, omit from the compilation rules the publication of which would be unduly cumbersome or expensive if the rule in printed or processed form is made available on application to the adopting agency, and if the compilation contains a notice summarizing the omitted rule and stating how a copy thereof may be obtained. In preparing the compilation the Secretary of State shall not alter the sense, meaning, effect or substance of any rule, but may renumber sections and parts of sections of the rules, change the wording of headnotes, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.

(3) The Secretary of State shall publish at least monthly intervals a bulletin which:

(a) Briefly indicates the agencies that are proposing to adopt, amend or repeal a rule, the subject matter of the rule and the name, address and telephone number of an agency officer or employe from whom information and a copy of any proposed rule may be obtained;

(b) Contains the text or a brief description of all rules filed under ORS 183.355 since the last bulletin indicating the effective date of the rule; and

(c) Contains executive orders of the Governor.

(4) Courts shall take judicial notice of rules and executive orders filed with the Secretary of State. The compilation required by subsection (1) of this section shall be titled Oregon Administrative Rules and may be cited as "O.A.R." with appropriate numerical indications.

[1957 c.717 §4 (1), (2), (3); 1961 c.464 §1; 1971 c.734 §7; 1973 c.612 §4; 1975 c.759 §7a; 1977 c.394 §2]

183.370 Distribution of published rules. The bulletins and compilations may be distributed by the Secretary of State free of charge as provided for the distribution of legislative materials referred to in ORS 171.225. Other copies of the bulletins and compilations shall be distributed by the Secretary of State at a cost determined by the Secretary of State. Any agency may compile and publish its rules or all or part of its rules for purpose of distribution outside of the agency only after it proves to the satisfaction

of the Secretary of State that agency publication is necessary.

[1957 c.717 §4 (4); 1959 c.260 §1; 1969 c.174 §4; 1975 c.759 §8; 1977 c.394 §3]

183.380 [1957 c.717 §4 (5); repealed by 1971 c.734 §21]

183.390 Petitions requesting adoption of rules. An interested person may petition an agency requesting the promulgation, amendment or repeal of a rule. The Attorney General shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. Not later than 30 days after the date of submission of a petition, the agency either shall deny the petition in writing or shall initiate rule-making proceedings in accordance with ORS 183.335.

[1957 c.717 §5; 1971 c.734 §8]

183.400 Judicial determination of validity of rule. (1) The validity of any rule may be determined upon a petition by any person to the Court of Appeals in the manner provided for review of orders in contested cases. The court shall have jurisdiction to review the validity of the rule whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question, but not when the petitioner is a party to an order or a contested case in which the validity of the rule may be determined by a court.

(2) The validity of any applicable rule may also be determined by a court, upon review of an order in any manner provided by law or pursuant to ORS 183.480 or upon enforcement of such rule or order in the manner provided by law.

(3) The court shall declare the rule invalid only if it finds that the rule: (a) Violates constitutional provisions or; (b) exceeds the statutory authority of the agency or; (c) was adopted without compliance with applicable rulemaking procedures.

(4) In the case of disputed allegations of irregularities in procedure which, if proved, would warrant reversal or remand, the Court of Appeals may refer the allegations to a Master appointed by the court to take evidence and make findings of fact. The court's review of the Master's findings of fact shall be de novo on the evidence.

[1957 c.717 §6; 1971 c.734 §9; 1975 c.759 §9]

183.410 Agency determination of applicability of rule or statute to petitioner; effect; judicial review. On petition of any interested person, any agency may in its

discretion issue a declaratory ruling with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by it. A declaratory ruling is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court. However, the agency may, where the ruling is adverse to the petitioner, review the ruling and alter it if requested by the petitioner. Binding rulings provided by this section are subject to review in the Court of Appeals in the manner provided in ORS 183.480 for the review of orders in contested cases. The Attorney General shall prescribe by rule the form for such petitions and the procedure for their submission, consideration and disposition. The petitioner shall have the right to submit briefs and present oral argument at any declaratory ruling proceeding held pursuant to this section.

[1957 c.717 §7; 1971 c.734 §10; 1973 c.612 §5]

183.415 Notice, hearing and record in contested cases. (1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice, served personally or by registered or certified mail.

(2) The notice shall include:

(a) A statement of the party's right to hearing, or a statement of the time and place of the hearing;

(b) A statement of the authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular sections of the statutes and rules involved; and

(d) A short and plain statement of the matters asserted or charged.

(3) Parties may elect to be represented by counsel and to respond and present evidence and argument on all issues involved.

(4) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default.

(5) An order adverse to a party may be issued upon default only upon prima facie case made on the record of the agency. When an order is effective only if a request for hearing is not made by the party, the record may be made at the time of issuance of the order, and if the order is based only on material included in the application or other submissions of the party, the agency may so certify and so notify the party, and such material shall constitute the evidentiary record of the proceeding if hearing is not requested.

(6) Testimony shall be taken upon oath or affirmation of the witness from whom received. The officer presiding at the hearing shall administer oaths or affirmations to witnesses.

(7) The record in a contested case shall include:

(a) All pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Stipulations.

(d) A statement of matters officially noticed.

(e) Questions and offers of proof, objections and rulings thereon.

(f) Proposed findings and exceptions.

(g) Any proposed, intermediate or final order.

(8) A verbatim oral, written or mechanical record shall be made of all motions, rulings and testimony. The record need not be transcribed unless requested for purposes of rehearing or court review. The agency may charge the party requesting transcription the cost of a copy of transcription, unless the party files an appropriate affidavit of indigency. However, upon petition, a court having jurisdiction to review under ORS 183.480 may reduce or eliminate the charge upon finding that it is equitable to do so, or that matters of general interest would be determined by review of the order of the agency. [1971 c.734 §13]

183.418 Interpreter for handicapped person in contested case. (1) When a handicapped person is a party to a contested case, he is entitled to a qualified interpreter to interpret the proceedings to the handicapped person and to interpret the testimony of the handicapped person to the agency.

(2) (a) Except as provided in paragraph (b) of this subsection, the agency shall appoint the qualified interpreter for the handicapped person; and the agency shall fix and pay the fees and expenses of the qualified interpreter if:

(A) The handicapped person makes a verified statement and provides other information in writing under oath showing his inability to obtain a qualified interpreter, and provides any other information required by the agency concerning his inability to obtain such an interpreter; and

(B) It appears to the agency that the handicapped person is without means and is unable to obtain a qualified interpreter.

(b) If the handicapped person knowingly and voluntarily files with the agency a written statement that he does not desire a qualified interpreter to be appointed for him, the agency shall not appoint such an interpreter for the handicapped person.

(3) As used in this section:

(a) "Handicapped person" means a person who cannot readily understand or communicate the English language, or cannot understand the proceedings or a charge made against him, or is incapable of presenting or assisting in the presentation of his defense, because he is deaf, or because he has a physical hearing impairment or physical speaking impairment.

(b) "Qualified interpreter" means a person who is readily able to communicate with the handicapped person, translate the proceedings for him, and accurately repeat and translate the statements of the handicapped person to the agency.

[1973 c.386 §6]

Note: (1) 183.418 was not added to and made a part of 183.310 to 183.500.

183.420 [1957 c.717 §8 (1); repealed by 1971 c.734 §21]

183.425 Depositions or subpoena of material witness. On petition of any party to a contested case, the agency may order that the testimony of any material witness may be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of his testimony, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in this state and is unwilling to appear, the agency may issue a subpoena as provided in ORS 183.440, requiring his appearance before such officer. [1971 c.734 §14; 1975 c.759 §11]

183.430 Hearing on refusal to renew license; exceptions. (1) In the case of any license which must be periodically renewed, where the licensee has made timely application for renewal in accordance with the rules of the agency, such license shall not be deemed to expire, despite any stated expiration date thereon, until the agency concerned has issued a formal order of grant or denial of such renewal. In case an agency proposes to refuse to renew such license, upon demand of the licensee, the agency must grant hearing as provided by ORS 183.310 to 183.500 before

issuance of order of refusal to renew. This subsection does not apply to any emergency or temporary permit or license.

(2) In any case where the agency finds a serious danger to the public health or safety and sets forth specific reasons for such findings, the agency may suspend or refuse to renew a license without hearing, but if the licensee demands a hearing within 90 days after the date of notice to the licensee of such suspension or refusal to renew, then a hearing must be granted to the licensee as soon as practicable after such demand, and the agency shall issue an order pursuant to such hearing as required by ORS 183.310 to 183.500 confirming, altering or revoking its earlier order. Such a hearing need not be held where the order of suspension or refusal to renew is accompanied by or is pursuant to, a citation for violation which is subject to judicial determination in any court of this state, and the order by its terms will terminate in case of final judgment in favor of the licensee.

[1957 c.717 §8 (3), (4); 1965 c.212 §1; 1971 c.734 §11]

183.440 Subpenas in contested cases.

(1) The agency shall issue subpenas to any party to a contested case upon request on good cause being shown and, to the extent required by agency rule, upon a statement or showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties or officers or employes of the agency, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

(2) If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which he may be lawfully interrogated, the judge of the circuit court of any county, on the application of the agency or of a designated representative of the agency or of the party requesting the issuance of the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

[1957 c.717 §8 (2); 1971 c.734 §12]

183.450 Evidence in contested cases.

In contested cases:

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude agency action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs

shall be admissible. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

(2) All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in subsection (4) of this section no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(3) Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence.

(4) Agencies may take notice of judicially cognizable facts, and they may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding but in any event prior to the final decision of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed. Agencies may utilize their experience, technical competence and specialized knowledge in the evaluation of the evidence presented to them.

(5) No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party, and as supported by, and in accordance with, reliable, probative and substantial evidence.

(6) Agencies may, at their discretion, be represented at hearings by the Attorney General.

[1957 c.717 §9; 1971 c.734 §15; 1975 c.759 §12; 1977 c.798 §3]

183.460 Examination of evidence by agency in contested cases. Whenever in a contested case a majority of the officials of the agency who are to render the final order have not heard the case or considered the record, the order, if adverse to a party other than the agency itself, shall not be made until a proposed order, including findings of fact and conclusions of law, has been served upon the parties and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials who are to render the decision.

[1957 c.717 §10; 1971 c.734 §16; 1975 c.759 §13]

183.470 Orders in contested cases.

Every order adverse to a party to the proceeding, rendered by an agency in a contested case, shall be in writing or stated in the record, may be accompanied by an opinion, and a final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the agency's order. Parties to the proceeding shall be notified of a final order by delivering or mailing a copy of the order or accompanying findings and conclusions to each party or, if applicable, his attorney of record.

[1957 c.717 §11; 1971 c.734 §17]

183.480 Judicial review of contested cases. (1) Any person adversely affected or aggrieved by an order or any party to an agency proceeding is entitled to judicial review of a final order, whether such order is affirmative or negative in form, under this section and ORS 183.490 and 183.500. A petition for rehearing or reconsideration need not be filed as a condition of judicial review unless specifically otherwise provided by statute or agency rule.

(2) Judicial review of final orders of agencies shall be solely as provided by ORS 183.482, 183.484, 183.490, 183.495 and 183.500.

(3) Except as provided in ORS 183.400, no action or suit shall be maintained as to the validity of any agency order except a final order as provided in this section and ORS 183.490 and 183.500 or except upon showing that the agency is proceeding without probable cause, or that the party will suffer substantial and irreparable harm if interlocutory relief is not granted.

(4) Judicial review of orders issued pursuant to ORS 482.550 shall be as provided by ORS 482.560.
[1957 c.717 §12; 1963 c.449 §1; 1971 c.734 §18; 1975 c.759 §14]

183.482 Jurisdiction for review of contested cases; procedure; scope of court authority. (1) Jurisdiction for judicial review of contested cases is conferred upon the Court of Appeals. Proceedings for review shall be instituted by filing a petition in the Court of Appeals. The petition shall be filed within 60 days only following the date the order upon which the petition is based is served unless otherwise provided by statute. If the agency does not otherwise act, a petition for rehear-

ing or reconsideration shall be deemed denied the 60th day following the date the petition was filed, and in such cases, petition for judicial review shall be filed within 60 days only following such date. Date of service shall be the date on which the agency delivered or mailed its order in accordance with ORS 183.470.

(2) The petition shall state the nature of the order the petitioner desires reviewed, and shall state whether the petitioner was a party to the administrative proceeding, was denied status as a party or is seeking judicial review as a person adversely affected or aggrieved by the agency order. In the latter case, the petitioner shall, by supporting affidavit, state the facts showing how the petitioner is adversely affected or aggrieved by the agency order. Before deciding the issues raised by the petition for review, the Court of Appeals shall decide, from facts set forth in the affidavit, whether or not the petitioner is entitled to petition as an adversely affected or an aggrieved person. Copies of the petition shall be served by registered or certified mail upon the agency, and all other parties of record in the agency proceeding.

(3) (a) The filing of the petition shall not stay enforcement of the agency order, but the agency may do so upon a showing of:

(A) Irreparable injury to the petitioner; and

(B) A colorable claim of error in the order.

(b) When a petitioner makes the showing required by paragraph (a) of this subsection, the agency shall grant the stay unless the agency determines that substantial public harm will result if the order is stayed. If the agency denies the stay, the denial shall be in writing and shall specifically state the substantial public harm that would result from the granting of the stay.

(c) When the agency grants a stay it may impose such reasonable conditions as the giving of a bond or other undertaking and that the petitioner file all documents necessary to bring the matter to issue before the Court of Appeals within specified reasonable periods of time.

(d) Agency denial of a motion for stay is subject to review by the Court of Appeals under such rules as the court may establish.

(4) Within 30 days after service of the petition, or within such further time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding

under review, but, by stipulation of all parties to the review proceeding, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record when deemed desirable. Except as specifically provided in this subsection, the cost of the record shall not be taxed to the petitioner or any intervening party. However, the court may tax such costs and the cost of agency transcription of record to a party filing a frivolous petition for review.

(5) If, on review of a contested case, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good and substantial reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and order by reason of the additional evidence and shall, within a time to be fixed by the court, file with the reviewing court, to become a part of the record, the additional evidence, together with any modifications or new findings or orders, or its certificate that it elects to stand on its original findings and order, as the case may be.

(6) At any time subsequent to the filing of the petition for review and prior to the date set for hearing the agency may withdraw its order for purposes of reconsideration. If an agency withdraws an order for purposes of reconsideration, it shall, within such time as the court may allow, affirm, modify or reverse its order. If the petitioner is dissatisfied with the agency action after withdrawal for purposes of reconsideration, he may file an amended petition for review and the review shall proceed upon the revised order.

(7) Review of a contested case shall be confined to the record, the court shall not substitute its judgment for that of the agency as to any issue of fact. In the case of disputed allegations of irregularities in procedure before the agency not shown in the record which, if proved, would warrant reversal or remand, the Court of Appeals may refer the allegations to a Master appointed by the court to take evidence and make findings of fact upon them.

(8) The court may affirm, reverse or remand the order. The court shall reverse or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal or remand unless the court shall find that substantial rights of the petitioner were prejudiced thereby; or

(b) The statute, rule or order to be unconstitutional; or

(c) The rule which the order enforces or upon which the order is based or dependent, is invalid under the provisions of subsection (3) of ORS 183.400; or

(d) The order is not supported by substantial evidence in the whole record.
[1975 c.759 §15; 1977 c.798 §4]

Note: 183.482 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 183 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

183.484 Jurisdiction for review of orders other than contested cases; procedure; requirement for reversal of orders.

(1) Jurisdiction for judicial review of orders other than contested cases is conferred upon the Circuit Court for Marion County and upon the circuit court for the county in which the petitioner resides or has his principal business office. Proceedings for review under this section shall be instituted by filing a petition in the Circuit Court for Marion County or the circuit court for the county in which the petitioner resides or has his principal business office.

(2) Petitions for review shall be filed within 60 days only following the date the order is served, or if a petition for reconsideration or rehearing has been filed, then within 60 days only following the date the order denying such petition is served. If the agency does not otherwise act, a petition for rehearing or reconsideration shall be deemed denied the 60th day following the date the petition was filed, and in such case petition for judicial review shall be filed within 60 days only following such date. Date of service shall be the date on which the agency delivered or mailed its order in accordance with ORS 183.470.

(3) The petition shall state the nature of the petitioner's interest, the facts showing how the petitioner is adversely affected or aggrieved by the agency order and the ground or grounds upon which the petitioner contends the order should be reversed or remanded. The review shall proceed and be conducted by the

court without a jury as a suit in equity, and the court shall have such powers as are conferred upon a court of equitable jurisdiction.

(4) In the case of reversal the court shall make special findings of fact based upon the evidence in the record and conclusions of law indicating clearly all aspects in which the agency's order is erroneous.
[1975 c.759 §16]

Note: 183.184 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 183 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

183.485 Mandate of court on review of contested case. (1) The court having jurisdiction for judicial review of contested cases shall direct its mandate to the agency issuing the order being reviewed and may direct its mandate to the circuit court of any county designated by the prevailing party.

(2) Upon receipt of the court's mandate, the clerk of the circuit court shall enter a judgment or decree in the journal and docket it pursuant to the direction of the court to which the appeal is made.
[1973 c.612 §7]

Note: 183.185 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 183 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

183.490 Agency may be compelled to act. The court may, upon petition as described in ORS 183.480, compel an agency to act where it has unlawfully refused to act, or unreasonably delayed action.
[1957 c.717 §13]

183.495 Awarding costs and attorney fees when order reversed or remanded. Upon judicial review of a final order of an agency when the reviewing court reverses or remands the order it may, in its discretion, award costs, including reasonable attorney fees, to the petitioner to be paid from funds appropriated to the agency.
[1975 c.759 §16a]

Note: 183.495 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 183 or any series therein by legislative action. See the Preface to Oregon Revised Statutes for further explanation.

183.500 Appeals. Any party to the proceedings before the circuit court may appeal from the decree of that court to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals from the circuit court in suits in equity.
[1957 c.717 §14; 1969 c.198 §76]

183.510 [1957 c.717 §16; repealed by 1971 c.734 §21]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
October 1, 1977.

Thomas G. Clifford
Legislative Counsel

Rules of Procedure
MSD COUNCIL
ROLL CALL ROSTER

2-8-79

AGENDA ITEM

MEETING DATE

Oct 79-65 *and*
RM

~~Oct 79-65~~

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	_____
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	_____
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
Total	_____	_____

absent

Unrecorded

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

Ord 79-66

2nd
rdy

MEETING DATE

2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	—
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	—
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	—
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	—
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	—
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	—
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	—
<u>DISTRICT 4</u> Corky Kirkpatrick	—	—
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	—
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	—
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	—
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	—

~~absent~~

absent

Carroll

Total

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Res 79-13

2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	_____
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	_____
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____

UP

ab

Total

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM
Res. 79-14

MEETING DATE
2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	_____
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	_____
<u>DISTRICT 4</u> Corky Kirkpatrick <i>ab</i>	_____	_____
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	<u>X</u>
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
Total	_____	_____

COMMITTEE MEETING TITLE MSD Council

DATE February 8, 1979

NAME

AFFILIATION

Barbara Higbee MSD

MERLE TRUIBE MSD

FREN CEGSON JOURNAL

Mark Bookin PSU Student

FRANK Angelo WASHINGTON COUNTY

Lawrence Twitney Staff

Anne Kelly Feeney MSD

GEORGE D. J. WARD CONSULTING ENGINEER

Dick Colby The Oregonian

McKay Rich MSD

Warren Cliff MSD

K. Shoemaker Interested public

"A" Peterson Mrs. Len Peterson

Marilyn Holstrom MSD

Linda Brentano MSD

SOE Klobertanz MSD

Steve Lockwood PAGMAAC

Sharon Anderson Urban Action Committee

Ruben H. Verdier Clackamas City Planning Commission

Carl Wilson Clackamas Co.

David G. Phillips Clackamas County

Cindy Walbridge Student

DICK KARNUTH MSD

COMMITTEE MEETING TITLE _____

DATE _____

NAME

AFFILIATION

Jack Baels

MSD

Joni Stawson

Crestline Police Dept.

Jennifer Lewis

MSD

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

*Landfill
Bill #3*

2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	_____	<u>X</u>
<u>DISTRICT 12</u> Mike Burton	_____	<u>X</u>
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	_____
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
Total	<u>X</u>	_____

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Res 79-19

2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	_____	<u>ab</u> _____
<u>DISTRICT 10</u> Gene Peterson	_____	<u>ab</u> _____
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	_____
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	_____	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	_____
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
Total	_____	_____

Passed

ab

ab

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Exec. Session

2-8-79

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 6</u>		
Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u>		
Betty Schedeen	<u>X</u>	_____
<u>DISTRICT 8</u>		
Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u>		
Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u>		
Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u>		
Marge Kafoury	<u>X</u>	_____
<u>DISTRICT 12</u>		
Mike Burton	<u>X</u>	_____
<u>DISTRICT 1</u>		
Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u>		
Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u>		
Craig Berkman	_____	_____
<u>DISTRICT 4</u>		
Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u>		
Jack Deines	<u>X</u>	_____
Total	_____	_____

} ab

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Roll call

2/8/78

2-15

Present

AYE

NAY

DISTRICT 11

Marge Kafoury ✓

DISTRICT 12

Mike Burton ✓

DISTRICT 1

Donna Stuhr ✓

DISTRICT 2

Charles Williamson ✓

DISTRICT 3

Craig Berkman ✓

DISTRICT 4

Corky Kirkpatrick

DISTRICT 5

Jack Deines ✓

DISTRICT 6

Jane Rhodes ✓

DISTRICT 7

Betty Schedeen ✓

DISTRICT 8

Caroline Miller ✓

DISTRICT 9

Cindy Banzer ✓

DISTRICT 10

Gene Peterson ✓

Total
