

COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

BOARD OF DIRECTORS

Minutes of June 22, 1978

Members in Attendance

Chairman Corky Kirkpatrick
Vice Chairman James Larkins
Mayor Neil Goldschmidt
Comm. Dennis Buchanan
Coun. Paula Bentley
Comm. Miller Duris
Mr. Lloyd Anderson
Comm. Connie Kearney
Coun. Dick Pokornowski
Mr. Donald Jones
Mr. Richard Carroll

Staff in Attendance

Denton U. Kent
Andrew Jordan
Judy Bieberle
Jim Sitzman
Bill Ockert
Terry Waldele
Marilyn Holstrom
Robert McAbee
Jennifer Sims
John Gregory
Jack Bails
Jeff Gibbs
Sue Klobertanz
Pamela Hulse
Linda Brentano
Bob Haas
Lola Adams
Lorelle Bennett
Mary Carder

Others in Attendance

Peter MacIver
Linda Macpherson
Jovita Schweizer
Larry Epstein
Al Benkendorf
Joe Voboril
Philip Thompson
Camphill Kurtz
Jas. J. Pope
Richard Engstrom
Frank Angelo
James Young
Barbara Brown
Arthur J. Schlack
Tom Zelenka

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CALL TO ORDER

After declaration of a quorum, the June 22, 1978, meeting of the Board of Directors of the Columbia Region Association of Governments was called to order by Chairman Corky Kirkpatrick at 5:30 p.m. in Conference Room "C" of the CRAG offices.

1. WRITTEN COMMUNICATIONS TO THE BOARD OF DIRECTORS

Chairman Kirkpatrick announced that two communications had been received, one from the attorney for Oak Lodge Sanitary District, and the other from the Mayor of the city of Milwaukee in support of the position of the Oak Lodge Sanitary District. Chairman Kirkpatrick said these would be dealt with when the Board considered this item on the agenda.

2. CITIZEN COMMUNICATIONS TO BOARD ON NON-AGENDA ITEMS

There were no citizens present who wished to make a presentation to the Board at this time.

3. CONSENT AGENDA

3.1 Minutes of Meeting of May 25, 1978

3.2 A-95 Reviews

3.3 Amendments to Transportation Improvement Program

3.3.1 Noise Abatement Projects on I-205 and I-5
(Resolution BD 780601)

3.3.2 TSM Projects in and adjacent to the city of
Beaverton (Resolution BD 780602)

3.4 Annual Review: Endorsement of Updated Transportation
Systems Management (TSM) Element (Resolution 780603)

3.5 Amendment to Interim Transportation Plan, Annual
Endorsement of the ITP and Air Quality Determination
of Consistency (Resolution BD 780604)

3.6 Line Item Budget Changes

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Comm. Buchanan moved, seconded by Coun. Pokornowski, that all items on the consent agenda be approved. All Board members present voting aye, the motion carried unanimously.

4. REPORTS

4.1 Correction of Land Use Framework Element Mapping Error

There were no questions from Board members regarding this report, and no action was required.

4.2 West Hills Study Area

Andrew Jordan, CRAG Legal Counsel, reported that the case Multnomah County v. CRAG, et. al, which had been filed by the County with LCDC, had been heard by the Commission. The Commission ruled that CRAG's Urban designation of the Forest Park Estate property was in compliance with statewide goals. Regarding the smaller Pana Vista property and other unincorporated land, additional findings of need would be required before an urban designation could be upheld. The matter was remanded to CRAG for additional evidence. The Commission has not yet adopted an Order in this case, but it will be prepared for the Commission's July meeting.

4.3 Procedure for Handling Happy Valley Land Use Designation

Happy Valley is to submit a draft of a comprehensive plan by June 30, which they have requested CRAG staff to review prior to making any designation for the Happy Valley study area. Therefore, staff has recommended that Board action be scheduled for review of the Happy Valley plan in conjunction with findings on the Urban Growth Boundary which should be completed within two months.

No action was taken on this matter.

4.4 Amendments to CRAG Interim Immediate Growth Area

Mr. Sitzman reviewed action by the CRAG Board taken in February, 1978, to adopt an Interim Immediate Growth Boundary (IIGB) for the Tri-county area. Provision was made at that time for staff to consider minor amendment requests. Since adoption of the IIGB, requests for amendment had been received from the cities of Canby,

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Sandy, Tualatin, Forest Grove and Hillsboro, and from Multnomah County (for reconsideration of the designation for Tomahawk Island). Staff analyzed these requests and approved the following areas for transmittal to LCDC:

| | |
|----------------------|-------------------------------|
| City of Canby | Approve entire area requested |
| City of Sandy | Approve entire area requested |
| Multnomah County | Approve entire island |
| City of Tualatin | Approve Subareas A and B1-3 |
| City of Forest Grove | Approve Subareas 17a and 17c |
| City of Hillsboro | Approve entire area requested |

Staff suggested that any further consideration of areas not recommended for inclusion in the IIGB be handled through a joint DLCD/CRAG staff conference with the jurisdiction requesting the change.

Director Kent emphasized that any appeal to this recommendation would properly be handled through the LCDC process.

No action was taken on this item.

4.5 Abstentions in Board Voting Procedure.

Director Kent explained that this matter had been before the Board at the meeting of May 25, and that the Agenda Summary now before the Board was identical to the one included with the May packet. He explained that any proposals for change would require a public hearing and action by the General Assembly.

Comm. Kearney said she had expressed concern about this matter when she was interviewed by CRAG's Management Consultant. She had felt that there were matters Clark County should not be voting on, but she had felt uncomfortable knowing that her abstention had the effect of a no vote. However, given the change that CRAG would be experiencing, she did not see a need to pursue this matter at this time.

Coun. Bentley felt a need to "charge full speed ahead" for the next six months. She too had expressed a concern regarding voting procedures to the Consultant and had felt there should be some mechanism by which abstentions would not be accepted. Director Kent clari-

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fied that the action necessary to affect a change in procedure would be to set up public hearings to be held by the General Assembly to accomplish a change to the basic charter.

Coun. Bentley expressed concern that the Board had some major decisions to make in the next six months. She felt that the course of the region could be changed by several people not wanting to take a stand on a particular issue.

Coun. Pokornowski said he too had expressed concern with the abstention procedure, but he did not feel that, at this particular time, it would be worth the time and effort this body would have to go through to make the necessary changes. Coun. Pokornowski said he would be willing to vote on issues, rather than abstain, so that he would not impact the vote one way or the other.

It was Comm. Duris' opinion that pursuit of this matter would take a great deal of staff time.

Chairman Kirkpatrick said it appeared to be the consensus of the Board not to pursue this matter at this time.

4.6 Planning Assistance Grant Allocations by LCDC

Coun. Bentley reported on her attendance on behalf of the CRAG Board at a recent LCDC meeting held in Cannon Beach. She reminded the Board that due to a shortfall of LCDC funds, the CRAG Board, at its May meeting, had suggested that it might be possible for LCDC to go to the Emergency Board to request additional funds. After the Commission took action not to go to the Emergency Board, Coun. Bentley reiterated the fact that local jurisdictions would work with the Commission in any manner possible to assure that there would be sufficient funds through the next grant cycle.

Coun. Bentley reported that the Commission had decided to fund fully grant requests to jurisdictions having compliance dates prior to July 1, 1979, making an across the board reduction to jurisdictions having compliance dates after July 1, 1979. This would be approximately a 21 percent cut, affecting several jurisdictions in the CRAG region.

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Tim Holder, CRAG Liaison person, reported that LCDC had, at that same meeting, approved a CRAG coordination grant of \$95,000. A cut of 13.25 percent may not be required if supplementary funds are provided for the statewide coordination program. Therefore, it would be possible to maintain the level of coordination provided in the past.

Mr. Holder further reported that LCDC adopted a compliance rule which required submittal of an "Urban Area Management Agreement" as part of an acknowledgement request. The Commission left the "Management Agreement" concept undefined in rules they adopted June 9, directing that DLCD determine the definition administratively.

Board members expressed concern at the LCDC reductions. Mr. Larkins felt small cities would find it impossible to meet the LCDC requirements. Mr. Holder responded that one way to resolve that problem would be to formulate well defined work programs and work through LCDC to acquire more funds from the Legislature.

Coun. Bentley pointed out that nothing more could be done this year, but that jurisdictions should prepare to seek additional funding for planning assistance grants from the legislature during the next session.

No action was required on this matter.

5. OLD BUSINESS

5.1 Resolution of North of Wilsonville Study Area

Mr. Sitzman explained that this matter involved resolution of a study area designated in the Framework Element. Washington County and the city of Wilsonville had been unable to reach agreement regarding a small area at the northeast corner of Wilsonville. The City had proposed that the area be included in its urban growth boundary, while the County favored a "rural" designation.

Mr. Sitzman commented that the Wilsonville City Manager had called attention to an error in the Management Summary. The City still preferred an "urban" designation, but agreed that there were not adequate findings at this time to support an urban designation. Wilsonville may reinstitute a request for an "urban" designation at a later time.

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Coun. Bentley asked how much undeveloped area there was in Wilsonville.

Mr. Sitzman replied that the entire city of Wilsonville had been designated urban. He did not know for sure, but would guess that less than one-third of the City was developed.

Coun. Larkins asked if requests for change could be made in the future.

Mr. Sitzman reminded the Board that CRAG Rules provide for annual amendment to the Plan.

Chairman Kirkpatrick opened the Public Hearing on this matter.

Mr. James Pope, said he had an interest in developing property within the study area for a recreation vehicle park. He favored an urban designation of this property, saying it was adjacent to urban property.

Mr. Philip Thompson, Architect, was retained as a consultant for development of the proposed recreational vehicle park. He explained why he thought this property should be included within the urban area.

Comm. Duris commented that this issue had come before the Washington County Board of Commissioners. Comm. Duris requested that Art Schlack, Washington County Planning Department, testify regarding the position taken by Washington County.

Mr. Art Schlack explained that there was no commitment for urban services to this area at the present time. Staff did not find a need for transitional uses in the County, and the arguments made by Mr. Thompson could easily be made for other property in the area. The County had determined that the area was suited for a "rural" designation.

Comm. Duris commented that the Washington County Commission had unanimously supported the staff and voted in favor of the "rural" designation.

Mr. Tom Vanderzanden, Clackamas County planner, indicated that the Clackamas County staff felt an "urban" designation would be premature for this area. He suggested

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that designation be delayed until the Urban Growth Boundary was drawn.

Director Kent pointed out that the time schedule previously set for resolution of the urban growth boundary had been accelerated, and the target date was now sometime in August. However, the schedule for resolving Study Area schedule had been established, and staff felt consideration was due those jurisdictions requesting designation of their study areas. The purpose of adopting an "intent" to designate was to avoid a series of individual lawsuits.

In answer to Coun. Bentley, Director Kent said that Wilsonville is not willing to concede that the area should not be designated "urban," but at this point, the City cannot produce sufficient findings to that effect.

There being no further testimony, the Public Hearing was closed.

Comm. Duris moved, seconded by Vice-Chairman Larkins, to adopt Order No. 78-4, In the Matter of the Resolution of the North of Wilsonville Study Area. The Order states an intent to redesignate the study area.

Coun. Bentley and Comm. Duris noted that it appeared that a "rural" designation was in order for this study area.

All Board members present voting aye, the motion carried unanimously.

5.2 Resolution of Hillsboro Study Areas

Mr. Sitzman outlined the background of events leading to designation of the Hillsboro study area. The City of Hillsboro and Washington County differed concerning location of an open space area to reinforce Hillsboro's community identity and separation from the Beaverton-Aloha area. The study area was established because of different land use designations on the Washington County Framework Plan and the Hillsboro Comprehensive Plan. The two Plans were reevaluated through a joint city-county study on urbanization, resulting in adoption by the Hillsboro City Council of an amendment of its Comprehensive Plan. On May 23, 1978, the Washing-

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ton County Board of Commissioners adopted the recommended Hillsboro Plan, but retained the County designation for an area labeled "out." This area is located between Cornelius Pass Road and Rock Creek 100-year flood plain and is not considered a part of Hillsboro's urban service area.

From testimony at public workshops and meetings, it became apparent that by public consensus an open space buffer strip was not practical due to development pressures. Therefore, the location of an open space area was no longer an issue.

Mr. Sitzman reported that CRAG staff felt a designation of open space would provide a desirable break between areas, but, aside from this reservation, staff supported the findings of the two jurisdictions for "urban," "rural" and "natural resource" designation. Mr. Sitzman reminded the Board that Order No. 78-5 provides for an "intent" to designate the area, and that designation will occur at the time the Urban Growth Boundary is completed.

Chairman Kirkpatrick declared the Public Hearing open on this matter.

Mr. Tom Vanderzanden, Clackamas County Planner, questioned the "urban" designation, saying that the County was uncertain, at this time, exactly what designating this area "urban" might mean for the remainder of the region. He felt the decision should be considered at the time findings were made on the Urban Growth Boundary.

Mr. David Lawrence, Hillsboro Planner, reaffirmed the recommendation of the CRAG staff for an urban designation of the study area.

The public hearing was closed.

Comm. Duris said staff had worked a long time on this particular designation. He hoped this could be adopted, rather than remain in a state of limbo. Comm. Duris asked whether, once this was adopted, the jurisdictions could issue permits and proceed as they had done heretofore.

Mr. Jordan explained that the area was not now being designated, but that the Order only demonstrated intent. Therefore, permits could not be written.

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Comm. Duris requested a written statement to Washington County, so that there would be no misunderstanding of the action taken.

Comm. Duris moved, seconded by Coun. Larkins, that the Board adopt Order No. 78-5, In the Matter of Resolution of the Hillsboro Study Area, which would demonstrate an "intent" to designate the area as shown on the map, "urban," "rural" and "natural resource."

After further Board discussion of the impact of adoption of this Order, the question was called on the motion. A rollcall vote was taken. All Board members present voting aye, the motion carried unanimously.

A short break was taken.

5.3 Regional Air Quality Planning Program and Related FY 1979 Budget Amendment

Mr. Terry Waldele, Director of Public Facilities, reviewed previous Board action relating to an Air Quality designation, and direction given staff at the last Board meeting to prepare an amendment to the CRAG budget to allow planning of the air quality program in the first quarter of FY 1979. Mr. Waldele called attention of the Board to a document titled "Prospectus," which was included in the Board packet.

Mr. Waldele went through the Prospectus with the Board, explaining amendments to the Regional Air Quality Program Work Agreement, and the required amendments to the CRAG budget. He explained that provision has been made for involvement of local jurisdictions through membership on the Transportation Technical Advisory Committee at CRAG and through participation in the State Air Quality Advisory Committee which will be formed soon, and through a series of meetings called working group meetings, where matters will be discussed regarding specific work programs.

Coun. Bentley asked if each agency in the region would now be working in concert on matters relating to air quality. Mr. Waldele replied that this was the objective of the CRAG staff and the DEQ staff, and that it was hoped any duplication of effort could be eliminated through the mechanisms described.

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Director Kent emphasized that all entities would have an opportunity to be involved. He pointed out that the agreement had been characterized by DEQ as the only working agreement of its type in the United States which specifically provided an integrated program. An interagency agreement with those involved in the State of Washington is all that remains to be resolved.

Mr. Anderson moved, seconded by Comm. Groener, that Order No. 78-6, In the Matter of Amendment of the Annual Program and Budget and Transportation Unified Work Program to Reflect CRAG's Air Quality Lead Planning Agency Work Program, be adopted.

Mr. Waldele pointed out that since the Grant Agreement with DEQ had not yet been signed, the Order should be revised, making the budget amendment subject to execution of the Agreement.

Mr. Anderson and Comm. Groener agreed to amend the motion to reflect this amendment.

All Board members present voting aye, the motion carried unanimously.

5.4 Adoption of Waste Treatment Management Component of Regional Plan

The Board reviewed correspondence from Oak Lodge Sanitary District which threatened court action, if the Board adopted the Plan, and a letter from the city of Milwaukie, in support of the Oak Lodge Sanitary District position.

Director Kent outlined previous opportunities, through public meetings and a mark-up session, for interested parties to present testimony. The Board had instructed staff, at its last meeting, to revise the Component, and return the revised draft for adoption at the June 22, 1978, Board meeting. The revised draft was distributed to CRAG general Assembly members, the Water Resources Task Force and the Board several days prior to the meeting.

Staff has indicated that the Board has the option to revise the plan or to adopt it as it has been presented. Staff has recommended that the Board adopt the Plan as presented, since there was ample opportunity for testimony through the public hearings and mark-up session.

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Comm. Buchanan moved, seconded by Mr. Anderson, that Rule No. 78-4. Providing for Adoption of the Waste Treatment Management Component, as amended, be adopted.

Mr. Donald Jones, alternate Board member, proposed amendments to the Plan which would identify the role of the State Department of Water Resources.

Mr. Anderson felt that, since the proposed amendments had not been reviewed by staff, they should not be included at this time, and that consideration of the Plan should be deferred until the next meeting of the Board.

Director Kent pointed out that a delay in adoption of the Plan could delay funding of "208" projects. He indicated that the amendments were appropriate, and that staff would not object to inclusion of them in the Plan.

Mr. Anderson moved, seconded by Coun. Bentley, to amend the Plan to include the proposal presented by Mr. Jones. All Board members present voting aye, the motion carried unanimously.

A rollcall vote was taken on the main motion to adopt the Plan. All Board members present voting aye, the motion carried unanimously.

Director Kent commended Mr. Waldele and his staff for doing an excellent job on a complex matter over a period of two years. Even though this program was not as visible to the Board as several other projects have been, the previous effort deserved to be recognized formally.

Chairman Kirkpatrick commented that it appeared that staff had worked out most of the problems prior to public hearings, and that the Board appreciated their excellent work.

5.5 Criminal Justice Project Priority Recommendations

Ms. Betsy Welch, Chairman of the Criminal Justice Advisory Committee, received a letter from Chairman Kirkpatrick, thanking her for her excellent work on the committee, and congratulating her on her recent appointment as Judge of the Circuit Court.

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Ms. Welch reported on recommendations made by the Criminal Justice Committee, setting priorities for projects consistent with the programs as approved by the CRAG Board at its April meeting. She explained that all projects met criteria listed in the Criminal Justice Plan except one, which had been disapproved by the Committee. She pointed out that the recommendations had been included in the Agenda Packet.

Coun. Bentley asked if the committee felt the region was getting \$900,000 worth of benefit from these programs, and whether local jurisdictions were developing the types of programs that should be developed.

Ms. Welch said that appropriate areas were being given the opportunity to develop programs they had seen working to advantage in other communities or counties. She pointed out that the regional flavor of the Criminal Justice Committee had really improved.

Comm. Duris commented that, in going through the various projects, he did not see any from Washington County. He asked where the County had failed.

Mr. Bails replied that the only application submitted from Washington County was that of a private agency. This application was approved.

Mr. Anderson moved, seconded by Comm. Buchanan, that the recommendations of the Criminal Justice Advisory Committee be approved, and that the Executive Director be authorized to take appropriate action to implement the approved projects. All Board members present voting aye, the motion carried unanimously.

6. NEW BUSINESS

6.1 Report Regarding Formation of MSD/CRAG Transition Committee

Comm. Groener moved, seconded by Comm. Duris, that Resolution BD 780605 be adopted.

Director Kent explained that the Agenda the Board had before it was the Agenda proposed by MSD and CRAG staff for action by the MSD/CRAG Transition Committee at its last meeting. There was no action taken at that meeting

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to make it the official Agenda, or to indicate that all the items included were necessary. There was considerable difference of opinion among Committee members about what the group was and how it should be operated.

Director Kent continued that there were four items the committee had requested be taken before the Board, which ranged from listing what activities CRAG is currently engaged in, which the new MSD Board will be prohibited from undertaking; the implications of the reduced boundary; the affect that boundary will have on planning programs; how to proceed with continuation of the various Federal and State planning designations; how to give appropriate notice to jurisdictions. Since then, Director Kent had asked that two additional items be added to the agenda. One, that private volunteers who are knowledgable in areas of data processing, accounting systems, etc., be engaged to evaluate the programs used by both MSD and CRAG; second, the creation of a system whereby local government jurisdictions and special districts may be contacted so that the potential of the new MSD can be explained, and contractual or other opportunities for involvement in the agency can be explored. Director Kent said the next meeting of the committee would be June 28, at the Zoo offices.

Chairman Kirkpatrick commented on the make-up of the Transition Committee and said that she would be appointing an alternate member from the CRAG Board.

Mr. Anderson moved, seconded by Comm. Buchanan, to amend Resolution BD 780605 as follows:

1. Delete the words "or hereafter" in the third paragraph.
2. Add to the fourth paragraph, "and completing by December 1, 1979, a report outlining its recommendations to the newly elected MSD Council regarding actions to be taken" deleting the last part of the paragraph.
3. Add to the fifth paragraph, "The Executive Director of CRAG is directed to supply monthly reports to the CRAG Board concerning activities of the Transition Committee and the amount of CRAG staff time spent supporting the Committee and to establish a mechanism to enable the CRAG Board of Directors to review and comment on Transition Committee activities."

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4. Add a paragraph, "Be it further resolved that any proposed changes to the membership of the MSD/CRAG Transition Committee shall be brought to the CRAG Board for its approval by the Board of Directors."

Board members were concerned that cooperation between MSD and CRAG Boards had not been forthcoming, and suggested that a similar resolution should be passed simultaneously by the MSD Board. Comm. Buchanan commented that this suggestion had been proposed at the Committee meeting, but that he was not sure that the MSD Board intended to follow through.

Mr. Jones requested that the CRAG Board suggest that the Committee consider addition of the Director of the Oregon Department of Transportation to membership on the Committee.

Chairman Kirkpatrick asked that Mr. Jones defer this suggestion until action had been taken on the amendment proposal now before the Board.

Mayor Goldschmidt arrived at the meeting.

Mayor Goldschmidt expressed a feeling that the MSD believed it was going to "swallow the CRAG organization whole." He felt it was a good group of people, and that the objective should be to get the CRAG Director and the MSD Director to sit down and work together.

After further discussion, Mr. Anderson indicated that, if the resolution which had come before the Board was the result of Committee action, he would withdraw his suggested amendments.

Comm. Buchanan said he had supported the amendments, and that he did not feel there was a reason to withdraw them.

After discussion of the proposed amendments, the question was called. All Board members voting aye, the motion carried unanimously.

Mr. Jones reiterated his previous suggestion, saying that he felt that addition of a member of the Transportation Division would be the most effective way to relate problems to the Transportation Commission. Mr.

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Jones moved, seconded by Comm. Groener, that CRAG request addition of the Oregon State Director of Transportation to the Transition Committee.

Comm. Buchanan suggested that a member of the Transportation Committee could attend the meetings.

Coun. Bentley asked if this request would include a representative from Clark County, the Port of Portland, and Tri-Met.

After considerable discussion, it was the consensus of the Board not to request further changes in the Committee membership.

Question called on the motion to amend. Rollcall vote. Groener, Duris, Kearney and Burco voted aye. Kirkpatrick, Goldschmidt, Buchanan, Bentley, Larkins, Anderson, Pokornowski voted nay. The motion failed.

Coun. Larkins felt there might be other entities who members of the committee might feel should be involved, and that the committee might feel it should be larger.

Comm. Kearney said she shared the concern that had been expressed about representation by Washington jurisdictions. However, they considered themselves to be a part of the region, and would continue to be involved.

The vote was taken on the main motion. All Board members voting aye, the motion carried unanimously.

Mayor Goldschmidt asked that consideration of a matter regarding a third bridge across the Columbia River be placed on the agenda for discussion at the next meeting of the Board.

Mr. Carroll of the State of Washington said he would be happy for the opportunity to review this matter.

At this point the Board adjourned to an Executive Session to consider an evaluation of the Executive Director.

Following the Executive Session, the regular meeting of the CRAG Board of Directors was reconvened.

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Comm. Buchanan moved, seconded by Vice Chairman Larkins, that the Board grant a \$3,861 salary increase to the Executive Director, 6.9% across the board in line with that granted to all employees, and 3% to be considered a merit increase, which was outside the guidelines for other positions and recognized outstanding performance.

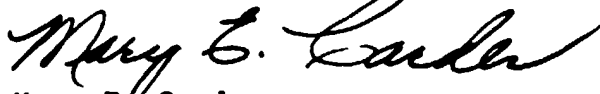
Comm. Buchanan continued that, in Executive Session, the Board had discussed Director Kent's performance and that the words were glowing in unanimous praise for the outstanding job the Director had done.

Chairman Kirkpatrick commented that it was the Board's desire that Director Kent spread this increase in any way he chose.

Question was called on the motion. All Board members present voting aye, the motion carried unanimously.

The meeting was adjourned at 10:30 p.m.

Respectfully Submitted,



Mary E. Carder
Recording Secretary