

METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTORS MEETING MINUTES
NOVEMBER 5, 1971

ATTENDANCE

Eldon Hout, Chairman
Harold Ruecker
Mel Gordon
Sid Bartels
Gus Mohr
Robert Schumacher
Lloyd Anderson
Homer C. Chandler, Executive Director
Herb Hardy, Legal Counsel

There being a quorum present, the Board considered the following:

I. MINUTES OF PREVIOUS MEETINGS

Minutes of meetings October 22, September 10, August 20,
and August 26 were amended and approved as amended.

II. SOLID WASTE PLANNING REPORT

Mr. Hardy presented to the Board the following documents:

- (1) The Scope of Work for the development of a solid waste management program.
- (2) A proposed Budget to finance the solid waste study and an Action Program setting forth the steps that MSD will follow in presenting to the public a plan for the disposal of solid wastes collected from the household and commercial establishments.

Mr. Hardy stated that these documents have been developed in concert with representatives of the State Environmental Quality Commission and the consulting firm of Engineering Science, Inc. If these documents are now approved, they will be presented to the Department of Environmental Quality in the month of November and to the Oregon State Emergency Board along with the application for a loan to assist in financing the study.

Mr. Schumacher moved that the Board adopt the proposed Scope of Work; the Action Program; and the Budget as amended in the discussions concerning these documents and that they be forwarded to the Department of Environmental Quality and to the Emergency Board. Mr. Bartels seconded the motion; the motion carried with Mr. Gordon abstaining.

ESI Contract: Mr. Hardy stated that his firm has been reviewing the proposed contract between Engineering Science, Inc., and the Metropolitan Service District. It is their opinion that, at the present time, there needs to be some changes made.

Mr. Chandler stated that he feels there needs to be inserted into the proposed contract the following:

- (a) A statement to the affect that, when the expenditure on the study reaches 75% of the contract figure, the Board should review what has been done before the contractor is allowed to go further.
- (b) That, if at any time before the end of the study the Board determines the contract should be terminated, all data, information, maps, and documents developed by the contractor will become the property of MSD.

Mr. Hardy stated that these would be included in his review and that a revised document will be presented to the Board at their next meeting.

III. STORM DRAINAGE LEGAL OPINION

Mr. Hardy stated that, as requested by the Board, he has reviewed the legal opinion given by the City Attorney's Office of the City of Portland concerning MSD's responsibility in developing storm drainage and flood control programs. Mr. Hardy stated that he will put his opinion in writing and forward it to the Board, but in essence his opinion will state that MSD does have responsibility for storm waters and flood control programs if it chooses to exercise its authority. Further, MSD's responsibility and authority is not limited by local control over storm drainage programs; and that before MSD enters into a storm drainage program, it will be necessary to establish a means for financing this type of service.

Mr. Chandler asked how the MSD Board should react to the request made by the Oregon State Highway Division that MSD accept responsibility and authorize changes in the Johnson Creek channel so that it will be compatible with the design of Interstate Highway 205.

Mr. Hardy stated that it was his opinion that, inasmuch as the District has not established a financial means of accepting the responsibility, the District should not at this time become involved in the Johnson Creek Channel improvements.

In light of Mr. Hardy's legal opinion, Mr. Anderson moved that the Board request the City of Portland to accept responsibility for the straightening of the Johnson Creek in connection with the Interstate 205. Mr. Mohr seconded the motion; motion carried unanimously.

There being no further business, the meeting adjourned at 3:35 p.m.

CERTIFICATION OF MINUTES

This is a true copy of the minutes of the Metropolitan Service Board meeting of November 5, 1971.


Executive Director

AMENDMENT TO DOCUMENT ENTITLED "ACTION PROGRAM OF MSD"

By April 1, 1973, after the final report of ESI, the District hopes to have a total plan for the disposition of solid waste in the Tri-County Area which will meet the statutory requirements and the regulations of the DEQ.

The above amendment as dictated to secretary taking minutes at MSD Meeting of November 5, 1971.