

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTOR'S MEETING

MARCH 6, 1972

ATTENDANCE

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

There being a quorum present, the Board considered the following items of business:

I. SOLID WASTE STUDY

Chairman Hout indicated that the principal item on the agenda was to determine what the Metropolitan Service Board wished to do with the proposed \$65,000 grant from the State Emergency Board to the District.

Mr. Hout stated that he wished to read into the record a statement concerning this matter. (See attached.)

Mr. Gordon stated that he too has some serious reservations about the Emergency Board's proposition, but that he thinks with some changes in the wording of their

motion that the Metropolitan Service District Board could take advantage of the proposed grant. Mr. Gordon submitted a paper outlining the revisions that he thinks would be necessary (see attachment).

Mr. Thomas R. Myles, representing the Consulting Engineers Council of Oregon, requested permission to enter into the record a statement from the Engineering Council in support of the Metropolitan Service District's proposed solid waste program (see attachment).

Following discussion of the Emergency Board's offer, Mr. Anderson moved that the Metropolitan Service District reject the Emergency Board's \$65,000 grant and that this should be rejected on the basis that it would in no way accomplish that which the Metropolitan Service District set out as its goal. Mr. Bartels seconded the motion; the motion was unanimously approved, but with Mr. Gordon stating that his vote for approval was qualified by the condition that the Board must find an alternative.

Mr. Anderson stated that he supports the suggestion made in Mr. Hout's statement that the solid waste planning study should be made by the Environmental Quality Commission of the State of Oregon. However, Mr. Anderson stated that he believes that before the Board should endorse this policy, they should negotiate the terms and conditions on which the State agency would conduct the study. The principal condition that Mr. Anderson stated should be insisted on would be that the Metropolitan Service District Board would have the right and power to approve the scope of the study.

Mr. Gordon stated that he could support this approach with the understanding that one additional condition would be that the State agency would involve the Metropolitan Service District's Citizens Advisory Committee and that the study should be made so that it could have state-wide application. Mr. Gordon also stated that it should be emphasized in this approach that the State would look to the cities, counties, and the Metropolitan Service District Board for the implementation of the solid waste plan.

Mr. Ruecker suggested that, perhaps now is the time, for the Metropolitan Service District to go back to the

people with a request for funding this operation. He stated that the issue here is whether or not local government is going to be able to carry on its proper functions or are those functions going to be turned over to a Board or Commission that is appointed by the Governor and is not responsive to the citizens.

Mr. Anderson stated that he feels it is extremely difficult to present to the people a funding program to accomplish something that is as intangible as a study would be. He would prefer to hold off going to the people until a very positive program is ready for presentation.

Mr. Anderson moved that a meeting be arranged with the State Environmental Quality Commission for the purpose of negotiating with said Commission an agreement in which the Commission would undertake a solid waste study that should have state-wide application, or at least area-wide application for the Portland Metropolitan Area and that would also include the MSD Citizens Committee. Mr. Gordon seconded the motion; the motion was approved unanimously.

II. SOLID WASTE ADVISORY COMMITTEE

Mr. Hout stated that the subcommittee appointed to recommend membership on the Citizens Advisory Committee would like to submit the following names for consideration:

(1) Public Representation

Tom Meek, Portland State University Student

(2) League of Women Voters

Jane Cease

(3) Sludge and Septic Tank Operators

Bud Piccar

Mr. Ruecker moved that these three be appointed to the Citizens Committee and that further that the subcommittee should make a recommendation in the next meeting as to how large the committee should be and any other appointments that should be made. Mr. Anderson seconded the motion; the motion carried unanimously.

Mr. Mohr, Chairman of the Subcommittee, indicated that, if the Board members had any additional suggestions for appointments, they should notify him.

Mr. Gordon suggested that the Board consider appointing Mr. Richard Aherns of the Hyster Equipment Company as a member of the Advisory Committee.

Mr. Hout stated that before moving on to the next subject on the agenda that he would entertain any thoughts or statements from the public in attendance concerning the solid waste matter. No comments were made from citizens or by representatives of groups such as the League of Women Voters and the Association of Oregon Industries who were present.

III. STORM DRAINAGE

Mr. Jerry Bell submitted a letter in which he requests the Board to take action regarding some funds that are available to assist in financing the Johnson Creek Drainage Program (see attached letter).

Mr. Hout stated that the Board would consider the contents of the letter and would take action after they had had an opportunity to discuss it.

Mr. Bartels asked the Executive Director as to what progress had been made concerning the overall storm drainage program. Mr. Chandler stated that, in light of the action of the Board concerning the solid waste study, he would submit to the CRAG Executive Board in their next regular meeting a proposal that will make some money available to help finance the storm drainage study requested by the MSD Board.

There being no further business, the meeting adjourned at 2:35 p.m.

Metropolitan Service District Board
Eldon Hout, Chairman
Columbia Regional Association of Government
6400 S.W. Canyon Ct.
Portland, Oregon

Dear Mr. Hout and Metropolitan
Service District Board Members:


You may be aware of the fact that both Multnomah and Clackamas Counties have a special fund in their treasurers' offices which was a remaining balance when the old Johnson Creek Water Control District terminated in 1966.

According to the most recent information available to me, there is currently \$7,628.14 in the Multnomah County Treasury and \$4,107.69 in the Clackamas Treasury. It is my understanding that these funds can be used only for Johnson Creek improvement; however, there have been some instances in the past in which these funds have been discussed for use in other programs and services.

On behalf of a number of citizens who have been working for the improvement of the Johnson Creek area, I am making a formal request to you to use your authority to take this money from both the Multnomah County and Clackamas County treasurers and place it under the Metropolitan Service District jurisdiction in one fund which will be earmarked only for Johnson Creek improvement programs. This money should be placed in an interest bearing account.

Your attention to this matter will be appreciated, and the citizens who have been working so diligently for so many years on the Johnson Creek problem will be interested in your decision.

Very truly yours,


Jerry J. Bell (Chairman)
Johnson Creek Citizens Committee
6101 S.E. 122 Ave
Portland Oregon 97236

P.S. We respectfully request a copy of any and all dispositions of this money.

STATEMENT MADE BY COMMISSIONER HOUT
AT METROPOLITAN SERVICE DISTRICT
MEETING OF MARCH 6, 1972

I believe it is necessary to make the following statement to set the record straight. During the last legislative session, the Ways and Means Committee assured us that this study would be funded. Many members of this Committee are on the Emergency Board. Based on those assurances, the MSD promptly went ahead, and with assistance from the engineering departments of the three metropolitan counties, put together specifications for the study. A consulting firm was selected shortly after the legislative session ended.

MSD promptly prepared an application to the Department of Environmental Quality to fund the study and planning effort, and was prepared to present its application to the Emergency Board at its September or October meeting. About this time, L. B. Day was appointed as the new Director for the Department of Environmental Quality and requested a two-month delay to review our proposal. We cooperated with him in reviewing our proposal and amending it to his satisfaction. The DEQ approved the proposal and by late November DEQ and MSD were prepared to appear before the Emergency Board. However, we were advised that the Emergency Board wanted to wait until the cigarette tax election had been held and decided. We finally appeared before the Emergency Board in late January. Prior to and during the Emergency Board consideration of our proposal, substantial opposition came from the recently formed Western Environmental Trade Association, (WETA), which, according to the Governor, has as its members some of the major polluters in the State of Oregon, and the Association of Oregon Industries, (AOI). Basically, these two groups wanted

to delay any study of the solid waste problem until the next legislative session, and they were successful.

The MSD however, I am sure, feels that solid waste is a major problem in the Metropolitan Area that must be dealt with now. I for one would like to commend very highly the editorial that appeared in Thursday's Oregon Journal, March 2, 1972, "While the Waste Piles Up." The editorial rightfully states that there is a solid waste problem and that the Emergency Board "has strayed from meeting specific emergencies that crop up between sessions and toward assuming the responsibility of the full legislature..." Further, the editorial points out that the Emergency Board's preoccupation with the alleged lack of confidence in MSD was misplaced. The people approved the formation of the District but failed to approve a tax base because of the concern with property taxes rather than any lack of confidence in the MSD.

The Emergency Board has no authority to grant funds with conditions attached to it and is in effect acting as a mini-legislature when it does this. Unfortunately, the Emergency Board has placed these restrictive conditions on the use of the funds which has as their effect usurption and circumvention of the functions and duties of the governing board of MSD. As the editorial points out, "the thrust of the compromise is to give the MSD a limited staff, to deny funds for planning and development of a solid waste disposal system and to concentrate on a citizen's advisory committee, not the local elected officials who comprise the MSD Board, to study the problem and file a report in nine months." The result of that is delay and further inefficiency by multiplying the layers of government that need to act on the problem. This is just what WETA and AOI want.

Other conditions imposed by the Emergency Board would severely restrict the delegated authority of MSD by prohibiting the implementation of any plan for assessment of any user charges without prior approval of DEQ and the Emergency Board. This is a clear interference with the delegated authorities of the MSD.

For these reasons, the MSD should advise the Emergency Board that it will not accept the funds and the conditions attached thereto. For as the Journal points out, "The Emergency (of solid waste) grows incessantly worse. Yet where was the Emergency Board?" Therefore, I recommend the MSD refuse to accept the \$65,000 granted by the Emergency Board and the conditions attached thereto.

I further recommend that the MSD support the DEQ in trying to obtain adequate funds to begin immediately a comprehensive study of methods adequate to provide a long-range solution of the solid waste problem.

I for one, feel that the Department has done an admirable job under the direction of L. B. Day and his predecessors in attacking the environmental problems the State faces and feel confident that the MSD can work with Mr. Day and his Department in finding solutions and means to solve this rapidly mounting problem of solid waste. The time is running out and, notwithstanding the pressures of WETA and AOI, now is the time to solve the problem.

Recommended Changes in Guidelines

1. Same.
2.
 - a. Strike "studies on pyrolysis and incineration as" and substitute "all available studies on."
 - b. Same.
 - c. Same.
 - d. Same.
3. Strike entire paragraph. Procedures for implementation are already established.
4. Strike "Department of Environmental Quality" and substitute "MSD Board."
5. Strike "Emergency Board" and substitute "MSD Board."
6. Same.

Revised Guidelines

The Department of Environmental Quality shall allocate funds on a quarterly basis to the MSD in accordance with the following directions:

1. Establishing an advisory committee with broad citizen participation should be the first order of business for the District.
2. The advisory committee shall:
 - a. Evaluate all the area's solid waste studies presently completed, including the CRAG Phase I Study. Included in evaluation should be an appraisal of all available studies on alternate disposal means.
 - b. Make recommendations based on the above evaluation of existing studies and, if indicated, the need for possible further studies.
 - c. Make recommendations on the most effective form of administration to provide effective solid waste program.
 - d. Make recommendations as to the method and level of funding that may be required.
3. The MSD Board shall report back to the Emergency Board quarterly commencing with the May 1972 Emergency Board meeting on the program of the District.
4. Citizens Advisory Committee shall present a report to the MSD Board within nine months from this date.
5. Pay no debts incurred prior to April 1, 1972.

Consulting Engineers Council of Oregon

P.O. Box 25082
(4844 S.W. Scholls Ferry Road)
Portland, Oregon 97225
Phone 292-6808

Please Reply to

MEMBER OF



MARCH 6, 1972

METROPOLITAN SERVICE DISTRICT
c/o COLUMBIA REGION ASSOCIATION OF GOVERNMENTS
429 S. W. 4TH AVENUE, SUITE 500
PORTLAND, OREGON 97207

ATTENTION: MR. HOMER C. CHANDLER, EXECUTIVE DIRECTOR

GENTLEMEN:

THE CONSULTING ENGINEERS COUNCIL OF OREGON IS DEEPLY CONCERNED ABOUT THE RECENT ACTIONS OF THE EMERGENCY BOARD IN NOT ADEQUATELY FUNDING THE DISTRICT'S PROPOSED STAFFING AND ENGINEERING STUDY PLANS.

WE FULLY APPRECIATE THE MAGNITUDE OF THE PROJECT AND THE DISTRICT'S SOLID WASTE RESPONSIBILITIES TO ITS NEARLY ONE MILLION CONSTITUENTS AND THE IMMINENT NEED TO INITIATE PRODUCTIVE ACTION.

THE SUM ORIGINALLY REQUESTED BY THE DISTRICT FOR BOTH STAFF AND STUDY IS COMMENSURATE WITH THE WORK TO BE ACCOMPLISHED. THE ALLOTTED \$65,000 IS BARELY ADEQUATE FOR A MINIMAL STAFF AND SERVES ONLY TO DELAY DEFINITIVE ACTION FOR AT LEAST ONE AND A HALF YEARS.

MANY OF US HAVE SERVED ON BOARDS AND COMMISSIONS AS WELL AS BEING RETAINED AS PROFESSIONAL EXPERTS IN OUR FIELDS IN ALL OF THE STATES AS WELL AS OTHER COUNTRIES, BY BOARDS AND PUBLIC AGENCIES. WE KNOW FROM EXPERIENCE THAT A PUBLIC BOARD MUST HAVE AT LEAST A MODEST STAFF TO CONDUCT IT'S DAILY AFFAIRS AND TO IMPLEMENT THE TECHNOLOGICAL AND EXPERT ADVICE PROVIDED BY IT'S CONSULTANTS. THIS ALSO APPLIES TO CONTACTS WITH THE PUBLIC, INDUSTRY AND OTHER AGENCIES. WE ARE ALSO COGNIZANT OF THE PRODUCTIVE LIMITATIONS OF SUCH A STAFF WORKING ALONE ON A PROJECT OF THIS NATURE AND COMPLEXITY.

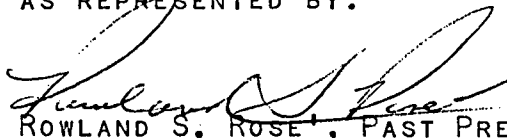
TO DATE WE HAVE BEEN HEARTENED BY THE SINCERE AND PRODUCTIVE COOPERATION BETWEEN THE DISTRICT AND OTHER AGENCIES, THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN PARTICULAR. DEQ RESULTS ARE ALREADY EVIDENT IN THE EFFECTIVE STATE-WIDE CORRECTIVE MEASURES BEING UNDERTAKEN IN CLEANING OUR AIR, WATER AND RIVERS. THE DEQ HAS HAD THE COOPERATION OF SEVERAL LOCAL AGENCIES. INDUSTRIES AND GROUPS IN EFFECTING THESE. THE METROPOLITAN SERVICE DISTRICT, BY CONCENTRATING ON SOLID WASTE, CAN COMPLEMENT DEQ'S STATE-WIDE EFFORTS AND PROVIDE ACTIVE EXPERIENCE FOR OTHER AREAS. THESE STUDIES, PLANNING AND ADMINISTRATIVE PREPARATION MUST BE DONE SOONER OR LATER, REGARDLESS OF THE ADMINISTERING AGENCY, AND IN THE PUBLIC INTEREST WE RECOMMEND PROMPT AUTHORIZATION.

AS CITIZENS WE WISH TO SEE RESULTS IN SOLID WASTE MANAGEMENT AS SOON AS PRACTICABLE AND ARE DISTURBED BY THE EMERGENCY BOARD'S SUMMARY ACTION IN WITHHOLDING AUTHORIZED IMPLEMENTATION FUNDS AS REQUESTED BY TWO COMPETENT STATE AGENCIES, AFTER CAREFUL STUDY AND IN THE DISCHARGE OF THEIR DUTIES AS SET FORTH BY THE LEGISLATURE.

AS A COUNCIL OF CONSULTING ENGINEERS, SOME NINETY OREGON FIRMS, REGISTERED TO PRACTICE IN THIS AND OTHER STATES, WE OFFER OUR ASSISTANCE TOWARD THESE GOALS: POSITIVE ACTION BY QUALIFIED PEOPLE, PREFERABLY FULLY UTILIZING THE CONSIDERABLE EXPERIENCE AND EXPERTISE OF RESIDENT FIRMS, WITH ADEQUATE FUNDING TO PERFORM THE TASKS OF EARLY SOLUTIONS TO THE WASTE MANAGEMENT PROBLEMS - NOT EXCLUDING THE CONSIDERATION OF WASTE AVOIDANCE AND PREVENTION CONCEPTS - TO MAINTAIN OREGON IN ITS USUAL LEADERSHIP POSITION IN THE NATION.

DATED MARCH 4, 1972

BY ACTION OF THE BOARD OF THE
CONSULTING ENGINEERS COUNCIL OF OREGON
AS REPRESENTED BY:



ROWLAND S. ROSE, PAST PRESIDENT



THOMAS R. MILES, PAST PRESIDENT



file - MSD Min. file
RECEIVED
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DEPARTMENT OF
ENVIRONMENTAL QUALITY

COLUMBIA REGION ASSN.
OF GOVERNMENTS

TERMINAL SALES BLDG. • 1234 S.W. MORRISON ST. • PORTLAND, OREGON 97205

TOM MACCALL
GOVERNOR

February 29, 1972

L. B. DAY
Director

ENVIRONMENTAL QUALITY
COMMISSION

B. A. McPHILIPS
Chairman, McMinnville

EDWARD C. HARRIS, JR.
Springfield

STORRS S. WATERMAN
Portland

GEORGE A. McMAHON
Portland

ARNOLD M. COGAN
Portland

Metropolitan Service District
§ Washington County Courthouse
Second and Main Streets
Hillsboro, Oregon 97123

Attention: Mr. Eldon Hout, Chairman

Gentlemen:

At its meeting on February 25, 1972, the Emergency Board took action to fund a limited amount of staffing for the MSD to implement a Citizens Advisory Board.

State bonding monies were authorized in the amount of \$65,000 to cover planning expenses over the next 15 months. The allocation of funds is to be made through the DEQ subject to strict adherence to guidelines established by the Emergency Board.

The money is to be used for the following purposes:

Director (Professional Engineer)	\$25,000
Secretary	8,000
Other Payroll Costs	5,000
Other Expenses (Office Space, etc. Citizens participation, contingencies etc.)	27,000

The Emergency Board also directed this Department to grant these funds and allocate them on a quarterly basis to the MSD in accordance with the following directions:

1. Establishing an advisory committee with broad citizen participation should be the first order of business for the District.
2. The advisory committee shall:
 - a. Evaluate all the area's solid waste studies presently completed including the CMG Phase 1 Study (considering the advisability of

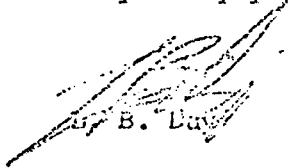
Metropolitan Service District
Attention: Mr. Eldon Hout
February 29, 1972
Page 2

proceeding to Phase 2.) Included in evaluation should be an appraisal of studies on pyrolysis and incineration as alternative disposal means.

- b. Make recommendations based on the above evaluation of existing studies and, if indicated, the need for possible further studies.
 - c. Make recommendations on the most effective form of administration to provide effective solid waste program.
 - d. Make recommendations as to the method and level of funding that may be required.
3. No implementation of any plan nor the assessing of any user should be made without prior Department of Environmental Quality and Emergency Board review and approval.
 4. The Department of Environmental Quality shall report back to the Emergency Board quarterly commencing with the May 1972 Emergency Board meeting on the program of the District.
 5. Citizens Advisory Committee shall present a report to the Emergency Board within nine months from this date.
 6. Pay no debts incurred prior to April 1, 1972.

Please let us know at your earliest convenience whether or not you intend to accept the Emergency Board's funding proposal. If you decide to accept, I will need your agreement in writing to fully comply with the specified guidelines and conditions.

Very truly yours,



B. Day

EJW:mmm

cc: Mel Gordon
cc: Robert Schumacher
cc: Harold Ruecker
cc: Lloyd Anderson
cc: Sidney Bartels
cc: Gus Mohr
cc: Homer C. Chandler
cc: Herbert C. Hardy