

METROPOLITAN SERVICE DISTRICT
BOARD OF DIRECTORS
MINUTES OF APRIL 12, 1974 MEETING

BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Rod Roth
James Robnett
Miller Duris
Mel Gordon

Mildred Schwab, substituting
for Neil Goldschmidt

ADVISORS IN ATTENDANCE

Herb Hardy, Attorney
Les Wierson, COR-MET
Mike Kennedy, COR-MET
Fred Cope, Bartle-Wells
Gary Grimes, DEQ
Bob Brown, DEQ
Bill Culham, TAC
Jane Cease, CAC

STAFF IN ATTENDANCE

Charles C. Kemper
Merle Irvine
Jean Woodman

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

I. MINUTES

Commissioner Roth moved to approve the minutes of March 22, 1974 as submitted. Mayor Duris seconded the motion. The motion carried unanimously.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-110.1

DATE 4-26-74

BY Jean Woodman
CLERK OF THE BOARD

II. FIRST PUBLIC HEARING - SOLID WASTE MANAGEMENT PLAN

Commissioner Schumacher opened the Public Hearing to receive formal testimony on Ordinance No. 9 adopting the Solid Waste Management Plan. He stated that there were copies of the ordinance available for anyone in the audience who wished one. Mr. Kemper read Ordinance No. 9 in its entirety. Commissioner Schumacher asked if anyone in the audience wished to testify and there was no response.

Public informational meetings will be held in Clackamas, Columbia, Multnomah and Washington Counties during the week of April 15, 1974.

The Public Hearing was called to a close.

III. ATTORNEY REPORT REGARDING BOARD MEMBER ALTERNATES

Mr. Hardy, MSD Attorney, reported on the legality of Board member alternates stating ORS 268.200 sub-section 1 makes it clear that Board members must be elected officials of a governing body. This section does not make it clear if alternates were to be allowed, however, the Attorney's research indicates that none of the state governing bodies have alternates. Mr. Hardy felt that a declaratory judgement from the courts might well state that alternates are not allowed. It was the Attorney's recommendation that the Board either limit Board membership to principal elected members or ask for a declaratory judgement before allowing alternates.

Commissioner Roth moved to request a judicial determination on the question of Board alternates. Mayor Duris seconded the motion. The motion carried unanimously.

IV. JOHNSON CREEK DRAINAGE MANAGEMENT PLAN ACTION

Mr. Kemper stated that the staff's proposed Drainage Management Plan for Johnson Creek had been reviewed by the local jurisdictions and by the MSD Technical Advisory Committee. He presented a 1970 Resolution passed by the MSD Board assuring sponsorship to the Corps of Engineers on their channelization study. It was Mr. Kemper's feeling that the Corps study did not address the entire problems along the creek and that this was MSD's area of responsibility.

The Technical Advisory Committee made the following recommendation to the Board:

1. Utilizing a portion of the existing Johnson Creek Water Control District funds to set up and implement a coordinating effort among various jurisdictions to develop land use control ordinances for building within the flood plain; and direct staff to analyze the Corps' proposal and determine definitely, the Corps's current position as to their participation and what is expected from the local jurisdictions.
2. That a portion of the funds, with various jurisdictional staff and material support be provided to obtain recommended capital and operation and maintenance costs to be levied against property in the Johnson Creek Basin.
3. That the MSD Board support Phase I of the study of Johnson Creek Drainage Basin at an estimated cost of \$25,000 and that these funds be provided by involved jurisdictions or through the availability of state and federal grant monies.

The staff requested that the Board approve the Technical Advisory Committee's recommendations and establish an MSD Drainage Commission to provide recommendations to the Board on issues concerning urban flood control and drainage management. Mr. Kemper stated that MSD's proposed budget for next year includes Phase I through a portion of Phase III of the Drainage Management Program for the Johnson Creek Basin monies to be obtained from the involved jurisdictions on a loan basis.

Commissioner Roth moved to approve the first two Technical Advisory Committee recommendations. Commissioner Gordon seconded the motion. The motion carried unanimously.

Commissioner Gordon moved to direct staff to submit a formal request to the Department of Environmental Quality for funds for their portion of the Johnson Creek Drainage Management Program. Commissioner Roth seconded the motion. The motion carried unanimously.

Mr. Jerry Bell addressed the Board and submitted a resolution for the Board's consideration of a building moratorium on property located at SE Powell Blvd., to the Multnomah County line and the area in Clackamas County that lies in the Johnson Creek flood plain and from SE 82nd Avenue east to include the proposed reservoir site near Orient.

Mrs. Martha Boetcher addressed the Board presenting her views on lending the creek property toward parks and recreational use and open space.

V. OTHER BUSINESS

The Board considered staff's Administrative Procedure regarding legal counsel which sets out that the Program Manager is authorized to engage counsel for services requiring less than five man-hours work and thereafter the Board Chairman will authorize use of legal counsel.

Commissioner Schumacher directed that the Procedure be amended to allow staff to obtain counsel's opinion when necessary and that other requests for legal opinion be authorized by the Board Chairman.

The Board meeting adjourned at 4:15 P.M. and the Board members viewed the MSD Solid Waste Slide Show No. 3.