



METROPOLITAN SERVICE DISTRICT

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

MSD BOARD OF DIRECTORS

MINUTES OF JUNE 14, 1974 MEETING

BOARD MEMBERS IN ATTENDANCE

James Robnett, Vice Chairman
Miller Duris
Connie McCready
Mel Gordon
Charles Becker

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Mike Kennedy, COR-MET
Gary Grimes, DEQ
Bob Brown, DEQ
Bill Culham, SWC

ACTION NO. 74-153
DATE 7-12-74
BY *Jean M. Wood*
CLERK OF THE BOARD

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 McCready moved to approve the Minutes of the May 24, 1974 Board meeting. Mayor Duris seconded the motion. The motion carried unanimously.

II. FINAL PUBLIC HEARING ORDINANCE NO. 12

Mayor Robnett opened the public hearing to receive testimony on MSD Ordinance No. 12, Scrap Tire Processing and Disposal Program Standards of Service. The first public hearing on Ordinance No. 12 was held on May 24, 1974.

Mayor Robnett asked if there was anyone in the audience that wished a copy of the ordinance, and one person was given a copy. Mayor Robnett asked again if everyone in the audience had a copy of the ordinance and there was no response. Mr. Kemper reviewed staff's report on amendments to the Standards of Service which were incorporated as a result of the first public hearing.

Commissioner McCreedy moved to have Ordinance No. 12 read by title only. Mayor Duris seconded the motion. The motion carried unanimously.

Mr. Kemper read Ordinance No. 12 by title, and the following testimony was received.

A. Dale Harlan

Attorney representing Tri-County Solid Waste Management Council and other solid waste groups.

Testimony attached.

Mr. Harlan was requesting an amendment to sections 1.1.1 and 1.2.1 and 2.1.2 and 2.2.2 clarifying the scrap tire carriers compliance with local, state and federal regulations. Mr. Gisvold, MSD attorney, submitted a possible amendment to these sections which reads as follows:

"(A general) (An individual) scrap tire carrier shall comply with all applicable laws, regulations, ordinances, and permits and franchise agreements to which the carrier is a party respecting the collection, transportation, and disposal of scrap tires."

Mr. Harlan's proposed amendment would read as follows:

"Scrap Tire Carriers shall comply with this Metropolitan Service District Ordinance, all city and county ordinances, state and federal statutes, and any regulations pertaining to said Ordinances and Statutes."

Mr. Gisvold felt that Mr. Harlan's amendment might lead the MSD into a dispute between the counties and franchised and non-franchised carriers. Commissioner Gordon questioned whether the ordinance conflicted with the cities and counties authority for collection of the tires. Mr. Gisvold stated that he was not aware of a conflict and that it was his opinion that the ordinance as it stands now is authorized by MSD's legislation.

B. John Knapp
Resource Recovery

Testimony attached.

Mr. Knapp questioned whether tires were considered part of the refuse removal industry and if so whether MSD had the authority to establish the collection system for tire disposal. Commissioner McCready answered that this was not the question under discussion, but rather the definition of "collection" and "carrier". Mr. Kemper stated that MSD incorporated the permit system for the tire carriers in order to control the disposal system and determine the quantity of scrap tires in the area.

C. Larry Burrright
Oregon Recycling

Mr. Burrright felt that the carriers and collectors were close to working out a sub-contract agreement allowing the tire carriers to pick up tires under the county solid waste franchises. He felt that this was a preferable solution to the tire carriers requesting franchise agreements with the counties.

Mayor Robnett asked if there was anyone else who wished to testify to the proposed amendment to Sections 1.1.1, 1.2.1, 2.1.2, and 2.2.2 of Ordinance No. 12, and there was no response.

Commissioner McCready moved to amend Ordinance No. 12 Sections 1.1.1, 1.2.1, 2.1.2, and 2.2.2 appropriately to read:
"(A general) (An individual) scrap tire (carrier) (processor) shall comply with all applicable laws, regulations, ordinance, and permits and franchise agreements to which the carrier is a party respecting the collection, transportation, and disposal of scrap tires."

Councilman Becker seconded the motion. The motion carried unanimously. Commissioner Gordon qualified his approval by the attorney's opinion that the amendment is appropriate.

Mr. Harlan stated that the Tri-County Solid Waste Management Council and other various solid waste groups that he represented had no objection to the above amendment to Ordinance No. 12.

Further testimony on Ordinance No. 12:

D. Eldridge George
Rt. 2, Box 449
Mollala, Oregon
Tire Disposal, Inc.

Mr. George referred to section 1.1.3 and questioned what conditions would warrant modification of assigned service areas. Mr. Irvine stated that the service zones were set basically because of the two franchise counties and to try to maintain a certain number of tires in each area. He also stated that if problems were found with these zones, modifications would be made. Overlapping of the service areas was one concern, and adjustments made to coincide with the city and county franchises.

As there was no further testimony to be taken on Ordinance No. 12, the Vice-Chairman called the public hearing to a close.

The Board members discussed the testimony received at this hearing and the testimony received at the May 24, 1974 public hearing on Ordinance No. 12 and found no adverse comments to adoption of the ordinance.

Commissioner Gordon moved to adopt Ordinance No. 12, scrap tire processing and disposal program standards of service as amended. Mayor Duris seconded the motion. The motion carried unanimously.

III. SCRAP TIRE PROGRAM APPROVAL

Mr. Kemper reviewed the staff report recommending approval of the Scrap Tire Program and approval of the following 12 items required by Ordinance No. 3:

1. Prepare and present an application for funds to DEQ for program implementation.
2. Receive implementation funding.
3. Prepare administrative procedures related to the Tire ordinance.
4. Identify and develop minimum standards of service for tire carriers and processors.
5. Identify tire carriers service areas.
6. Advertise for applications for tire carrier and processing authorization.
7. Develop tire carrier permit system.
8. Develop tire processing franchise or permit system.
9. Establish enforcement record keeping system.
10. Develop a system for the detection and pursuit of roadside dumpers.
11. Coordinate enactment of MSD Ordinances in county and other areas outside MSD.
12. Coordinate and conduct public meetings on the completed administrative procedures.

All twelve of the above listed requirements have been fulfilled and it is in order for the Board to approve the Tire Program.

Mayor Duris moved to accept staff recommendation for approval of the 12 items listed on pages 35 and 36 of the June 14, 1974 staff report and approval of the MSD Scrap Tire Program. Commissioner Gordon seconded the motion. The motion carried unanimously.

IV. EMERGENCY ORDINANCE NO. 13 - ADOPTING 1974-75 BUDGET

Mr. Kemper reviewed Ordinance No. 13 adopting the MSD 1974-75 Budget. As an emergency ordinance, it will only receive one hearing. The budget was approved by the MSD Board on April 26, 1974 and received Tax Supervision and Conservation Commission certification on May 30, 1974. Mayor Robnett asked if anyone in the audience wished a copy of the ordinance and there was no response.

Mr. Kemper read Ordinance No. 13 in its entirety. Mayor Robnett asked if there was anyone in the audience who wished to testify and there was no response.

Commissioner Gordon moved to adopt Ordinance No. 13 approving the MSD 1974-75 Budget. Commissioner McCready seconded the motion. The motion carried unanimously.

V. EMERGENCY ORDINANCE NO. 14 - ESTABLISHING BUDGET FUNDS

Mr. Kemper reviewed Emergency Ordinance No. 14 establishing the following special budget funds: Solid Waste Fund; Solid Waste Obligation #1 Fund; and Johnson Creek Fund.

Mayor Robnett asked if anyone in the audience wished a copy of ordinance that did not have one. There was no response.

Commissioner Gordon moved to read Ordinance No. 14 by title. Mayor Duris seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title and upon request, also read it in its entirety.

Mayor Robnett asked if anyone in the audience wished to testify on Ordinance No. 14 and there was no response.

Commissioner Gordon moved to adopt Ordinance No. 14 establishing special funds and providing for an emergency. Mayor Duris seconded the motion. The motion carried unanimously.

VI. FIRST PUBLIC HEARING - ORDINANCE NO. 15 ESTABLISHING PROCEDURES TO BE FOLLOWED BY THE MSD IN HOLDING MEETINGS AND ACTING ON ORDINANCES

Mr. Gisvold gave a brief history on the rules of procedures, guidelines and policy statement originally adopted by the MSD Board of Directors. Since that time, however, there have been two legislative sessions which passed such laws as Open Meeting Law, Public Records Law and Special Districts Act, and Mr. Gisvold felt that the present procedures should be redrafted to comply

with the new laws. Mr. Gisvold stated that this ordinance will not cover the Fasano procedure, and his office is drafting a second ordinance for that purpose.

The public hearing was formally opened. Mayor Robnett asked if anyone in the audience wished a copy of the ordinance that did not have one, and there was no response.

Commissioner Gordon moved to have Ordinance No. 15 read by title only. Mayor Duris seconded the motion. The motion carried unanimously.

Mr. Kemper read the ordinance by title. Mayor Robnett asked if anyone in the audience wished to testify and there was no response.

Commissioner Gordon felt that further consideration of Ordinance No. 15 should wait for the outcome of the Direction Committee report and moved to hold Ordinance No. 15 to a date set by the Chairman.

Mayor Duris seconded the motion. The motion carried unanimously.

The public hearing was called to a close.

VII. STATUS REPORT CONCERNING TRANSFER CENTERS/SOLID WASTE
PROCESSING SITE SELECTION

Mr. Kennedy, of COR-MET, gave a brief presentation on the progress of site selection on the following transfer station locations: East Washington County Station; North Portland Road Station; 205-North Station; and Rossman Station. The City of Portland has recommended site No. 2 as their preference for the North Portland Road Station, Multnomah County Department of Environmental Services is reviewing the North Portland Road and 205-North Stations, and Clackamas County is reviewing the Rossman site.

Mr. Kemper stated that Environmental Impact Assessments will be developed on the sites recommended by the jurisdictions, and public hearings held in each of the areas.

VIII. REPORT CONCERNING RECOMMENDED POLICY DECISIONS BY MSD BOARD PRIOR TO RFP DEVELOPMENT

The consultant is developing a report on policy decisions to be made by the Board prior to "Request for Proposal" document development. This report will be sent to the Board members for their review and comments.

IX. OTHER BUSINESS

- A. The Board meeting scheduled for June 28, 1974 has been cancelled.
- B. Mr. Kemper reminded the Board members that the Emergency Board will consider MSD's funding application for implementation of the Solid Waste Program on June 27, 1974.
- C. Commissioner McCready moved to authorize payment of \$3,582.15 for legal fees associated with solid waste management program since January 1974. Commissioner Gordon seconded the motion. The motion carried unanimously.

Commissioner McCready moved to authorize FY 73-74 budget transfer of \$1,000 from public information to legal services. Commissioner Gordon seconded the motion. The motion carried unanimously.

- D. Commissioner Gordon moved to authorize Charles C. Kemper to endorse checks up to \$500 for deposit only in MSD account in the CRAG accounting system. Mayor Duris seconded the motion. The motion carried unanimously.
- E. Commissioner Gordon moved to authorize MSD staff to negotiate with CRAG for space in the proposed facilities. Mayor Duris seconded the motion. The motion carried with Commissioner McCready abstaining.

- F. Mayor Duris moved to authorize MSD staff to transmit to DEQ the following recommendation made by the MSD Solid Waste Committee on the Resource Recovery Byproducts, Inc., request for transfer station permit:

"The MSD Board request a 60-day extension period from DEQ on Resource Recovery's application for permit to allow time for the applicant to provide the committee with their specific intent and to allow time for the committee to review the application and to provide the Board with a firm recommendation."

Commissioner Gordon seconded the motion. The motion carried unanimously.

- G. Mr. George Ward, Engineering Consultant, addressed the Board with a request for a meeting with the MSD staff to consider a joint effort for a grant study on the disposal of sludge. Commissioner Gordon requested that Mr. Ward submit his proposal in writing for staff review and Board consideration.

There being no further business to come before the Board, the meeting adjourned at 4:30 P.M.