

NEW ADDRESS: 527 SW Hall, Portland, Oregon 97201 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF MARCH 14, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher
Burton Wilson
Miller Duris
Connie McCready
Jim Robnett
Charles Becker

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 75-324

DATE 3-28-75

BY Jean Woodman
CLERK OF THE BOARD

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bill Culham, SWC
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Jean Woodman
Rena Smith

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

I. MINUTES

Mayor Duris moved to approve the minutes of February 21, 1975 and February 28, 1975 as submitted. Commissioner Wilson seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

In considering the accounts payable listings, Commissioner Wilson questioned the Attorney fees totalling \$2,257.50. Miss Smith explained that \$1,865.50 were fees due for work on the Processible Solid Waste Program and \$392 were fees due for work on the Tire Program.

Commissioner Wilson moved to approve the Accounts Payable Voucher Numbers 98 to 103 in the total amount of \$2,479.98. Mayor Robnett seconded the motion. The motion carried unanimously.

III. PUBLIC COMMUNICATIONS

Commissioner Schumacher asked if there was anyone in the audience that wished to address the Board on matters not listed on the agenda and there was no response.

IV. NON-PROCESSIBLE SOLID WASTE PROGRAM ORDINANCE NO. 27 -
SECOND PUBLIC HEARING CONTINUED

The Board reconvened for continuation of the second public hearing on Ordinance No. 27, an ordinance establishing a nonprocessible solid waste program; establishing procedure for the issuance of certificates for the operation of waste disposal sites; providing for administration and enforcement; and providing for collection of fees.

Commissioner Schumacher asked if there was anyone in the audience that did not have a copy of the ordinance that wished one and there was no response.

Commissioner McCreedy moved to have Ordinance No. 27 read by title only. Commissioner Wilson seconded the motion. The motion carried unanimously.

Mr. Kemper read Ordinance No. 27 by title.

Mr. Kemper stated that the ordinance before the Board was amended and codified from testimony received at previous hearings. Mayor Duris indicated concern over the amended effective date of the ordinance which delayed implementation for 60 days after completion of evaluation of existing sites and rules and regulations for standards of service and evaluation criteria. Mr. Kemper stated that the increase to 60 days was suggested by the Solid Waste Committee to provide industry time to approach their franchises with a request for an increase in rates. Mr. Gisvold stated that Section 21.A.2 dealing with the rules and regulations to be developed will all be subject to public hearing and will come before the Board. He also stated that the Ordinance could be amended to allow the staff to move forward while implementing the ordinance.

Commissioner Schumacher asked for testimony from the public and the following persons addressed the Board:

1. Dale Harlan
Industry Attorney

Mr. Harlan presented Mr. Leichner's written testimony (attached) stating that Mr. Leichner was unable to attend. Mr. Leichner's recommendations dealt with Section 2, Section 4, Section 7, Section 8 and Section 10. In response to the suggestions for Section 10.A.2, Mr. Gisvold stated that the word "wilfully" was used in Section 12.D and it would be consistent to also include it in Section 10.A.2. In answer to Mr. Leichner's feeling that Section 4 rules and regulations were too broad, Mr. Gisvold stated that they will be discussed in detail when staff begins work on their development.

Mr. Harlan presented three written statements of his own dealing with "Summary of Legislative History of Senate Bill 494", "Legal Opinion of Proposed Ordinance No. 27 User Fee" and a general statement requesting that the ordinance be given further consideration (statements attached). Mr. Harlan suggested that the Board delay action on the ordinance to provide them with the time to study the statements he has submitted. He also stated that MSD's authority was only in areas where services were not adequately performed and MSD had not as yet shown evidence that the DEQ and the counties were not adequately handling the problem.

3. Commissioner Wilson stated that he was in agreement with Mr. Harlan's statement and that the user charge may well be premature. He also stated that as the representative from Washington County he wished his feelings known.

2. Dick Weitzel
Local 220

Mr. Weitzel's concern was that industry would have to take this additional charge back to their customers and lose some as a result. He was also concerned that the fee would not remain at the low initial figures. He suggested that MSD go to the vote of the people for a tax base.

3. David Miller

Mr. Miller stated that the ordinance was premature and an inappropriate method for collecting revenue. He questioned Section 14 giving the Board the power to set rates for exclusive contracts on landfills interpreting the Section to mean setting rates on holdings by local governments. He also questioned if the MSD could under Section 15 assume responsibilities now being handled by local government.

Mr. Gisvold answered that the Board could set rates on an exclusive contract and that MSD can enter into contracts with local governments for operation of local landfills.

Commissioner Burton moved to delay action on Ordinance No. 27 and continue the hearing at the March 28, 1975 Board meeting. Councilman Becker seconded the motion.

4. Fred Kahut
PASSO

Mr. Kahut addressed the Board stating that he was not concerned with the rate being proposed at this time but what the future rate will be. He also felt that contracts should be obtained to market end products.

5. Drew S. Ryan, Jr.
Washington County Haulers Association

Mr. Ryan was concerned that the Solid Waste Program was moving forward so rapidly and that MSD and industry may be making a mistake by continuing with an unproven program. He indicated instances where the MSD staff had made statements and promises and then did not carry them out. He did not site the instances he was referring to. Mayor Duris suggested that Mr. Ryan meet with staff to work out his concerns.

(Commissioner Wilson left the meeting).

6. John Knapp
Resource Recovery Byproducts

Mr. Knapp addressed the Board to discuss whether the wastes will be separated for processible and nonprocessible sites before they reach the sites. He also discussed possible fuel factions that could be derived from wastes and the Board's reaffirming their position at the February 21, 1975 Emergency Board meeting.

7. Bill Culham
Solid Waste Committee

Mr. Culham stated that the Solid Waste Committee recommended that the Board adopt the amended ordinance but that the vote was not unanimous. It was the Solid Waste Committee's feeling that the ordinance should be passed to allow the staff to continue on rules and regulations.

There being no further testimony to be received, the Board addressed the motion on the table and what might be gained or lost by postponing action on the ordinance. Commissioner McCready did not feel anything would be gained by delaying and was against postponement. Mayor Duris felt that the ordinance was merely an implementation devise to start going ahead, however, did feel that a full Board should be present.

The question was called and the motion carried with Commissioner McCready voting against.

V. SUPPLEMENTAL BUDGET APPROVAL AND PUBLIC HEARING

Commissioner Schumacher opened the public hearing for consideration of the supplemental budget. Mr. Kemper explained that the supplement consisted of \$2,000 DEQ Grant for the Recycling Management Program and \$2,935 in publication sales. Staff was recommending approval of the supplemental budget and authorization for transmittal to the Multnomah County Tax Supervision and Conservation Commission.

Commissioner Schumacher asked for public testimony and there was no response.

Councilman Becker moved to approve staff recommendation. Commissioner McCready seconded the motion. The motion carried unanimously.

The public hearing was closed.

VI. CONTRACT APPROVAL FOR KCM-WRE/YTO - JOHNSON CREEK CONSULTANT SERVICES

Held over to a later date.

VII. OTHER BUSINESS

Mr. Kemper reviewed the staff report requesting further environmental assessment work on the Merlo Road solid waste transfer/processing station site in Washington County.

Mayor Duris moved to authorize additional environmental impact work on the Merlo Road site. Mayor Robnett seconded the motion. The motion carried unanimously.

There being no further business to come before the Board, the meeting adjourned at 4:30 P.M. All testimony received during the public hearing is retained on tape in the MSD files.