

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

MSD BOARD OF DIRECTORS

MINUTES OF MARCH 28, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Burton Wilson
Miller Duris
James Robnett
Charles Becker
Connie McCready
Mel Gordon

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

ACTION NO. 75-330

DATE 4-25-75

BY Jean Woodman
CLERK OF THE BOARD

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Rena Smith
Jean Woodman

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

I. MINUTES

Mayor Robnett moved to approve the minutes of March 14, 1975 as submitted. Commissioner Wilson seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

Commissioner Wilson moved to approve the Accounts Payable Voucher Numbers 104 through 115 in the total amount of \$993.21. Mayor Duris 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 business that was not included in the meeting agenda. There was no response.

IV. ORDINANCE NO. 27 - CONTINUED SECOND PUBLIC HEARING

An ordinance establishing a nonprocessable 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 Wilson moved to read Ordinance No. 27 by title. Commissioner McCready seconded the motion. The motion carried unanimously.

Mr. Kemper read Ordinance No. 27 by title.

Commissioner McCready moved to include the following staff recommendations in Ordinance No. 27: Section 1, Paragraph 11, Waste Disposal Site include "...except those sites permitted as 'industrial waste solid waste sites' by DEQ" at the end of the sentence; and the word "willfully" be included in lieu of the word "materially" in Section 10.A.2. Mayor Duris seconded the motion. The motion carried unanimously.

Mr. Wayne Potter, of the Neighborhood Environment Department, City of Portland, addressed the Board with concerns regarding Sections 4, Section 15 and Section 16. He felt that in the area of solid waste abatement, MSD may come into conflict with the City of Portland's administrative procedures and that agreements with the appropriate jurisdictions should be worked out and included in Ordinance No. 27 to eliminate possible duplicating of efforts.

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The Board members assured Mr. Potter that it was not the Board's intention to become involved in nuisance abatement, and such cooperation with the local jurisdictions was being handled through intergovernmental agreements as provided in the Ordinance.

Mayor Robnett requested the MSD Attorney's opinion of Mr. Harlan's Legal Opinion of March 14, 1975, which indicated the illegality of imposing a tax on the collectors. Mr. Gisvold stated that the user fee was not a tax, but a fee under police power and providing a service to be used for a particular purpose.

Commissioner McCready moved to adopt Ordinance No. 27.
Mayor Robnett seconded the motion. Discussion followed.

Commissioner Gordon stated that he was in support of Ordinance No. 27 however, he felt that the user fee should be recognized by the cities and counties and passed onto the waste generator. Commissioner Schumacher suggested that the motion for adoption be amended to table implementation of the ordinance. Mr. Kemper stated that staff could continue with planning until the funds are depleted and would not proceed until the Board directs staff to implement the ordinance; however, he felt that the ordinance should not be passed if it is not to be implemented. Mr. Gisvold indicated that staff work on rules and regulations would delay implementation of the ordinance for three to six months and substantial public hearings would be held for consideration of the rules and regulations. He felt that Section 21 as written gave the Board every opportunity to hold the effective date if they chose. Commissioner Gordon was in favor of amending Section 21. A. to include language directing staff to contact the local jurisdictions with respect to obtaining letters of intent to pass on the user fee to the public. Commissioner McCready stated that she would be in favor of requesting the letters of intent, however, as this reflected a cost of doing business, any profits realized should be credited to the public as well.

Commissioner Gordon moved to amend the motion to adopt Ordinance No. 27 to include under Section 21 that MSD shall request that local jurisdictions submit letters of intent to pass on the user fee. Mayor Duris seconded the motion. The motion carried with Commissioner Wilson voting against.

The MSD attorney will draft the exact language to be used under Section 21., of Ordinance No. 27.

The question was called on the motion to adopt the amended Ordinance No. 27, and the motion carried with Commissioner Wilson voting against adoption.

V. STATUS OF JOINT RESOLUTIONS BETWEEN MSD AND LOCAL GOVERNMENTS

Mr. Kemper reviewed the purpose of the joint resolutions outlining MSD and local jurisdictional responsibility in the solid waste program. The resolutions were mailed to Multnomah, Clackamas and Washington Counties and the City of Portland for review and approval. Thus far Resolution No. 17 for Clackamas County is the only one to be approved and returned to the MSD Offices. Mr. Kemper requested that follow-up action be taken on the delinquent resolutions from Washington and Multnomah Counties and the City of Portland.

Commissioners Gordon, McCreedy and Wilson will follow-up on the resolutions in their appropriate jurisdictions.

VI. PROPOSED MSD PERSONNEL MANUAL

The Board members received the preliminary proposed MSD Personnel Manuals for review. Staff requested that action be taken on the manual prior to July 1, 1975.

VII. OTHER BUSINESS

There was no further business to come before the Board, and the meeting adjourned at 3:00 P.M. All testimony and discussion considered at this meeting is retained on tapes at the MSD Offices.