



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

MSD BOARD OF DIRECTORS

MINUTES OF JULY 25, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Miller Duris
Mel Gordon
Connie McCready
Jim Robnett
Charles Becker

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Philip Ogilvie, Zoo Director
Bill Culham, SWC
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Cordell Ketterling
Jean Woodman

There was a quorum present, and the Board considered the following items of business. Councilman Becker was not present during the first portion of the meeting.

I. MINUTES

Commissioner Gordon moved to approve the minutes of July 11, 1975. Mayor Duris seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

Mayor Robnett moved to approve the Accounts Payable list Vouchers No. 188 through 194 in the total amount of \$415.49. 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 matters not listed on the meeting agenda. There was no response.

Mr. Kemper introduced the new MSD staff member, Cordell Ketterling, explaining his position as Solid Waste Engineer and his assignments.

IV. ORDINANCE NO. 30 - SECOND PUBLIC HEARING

Commissioner Schumacher opened the public hearing for second consideration of Ordinance No. 30, an ordinance establishing a code of the Metropolitan Service District of the Portland Metropolitan area and codifying existing ordinances of the Metropolitan Service District.

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

Commissioner McCready moved to have Ordinance No. 30 read by title only. Mayor Duris seconded the motion. The motion carried unanimously.

Mr. Kemper read Ordinance No. 30 by title.

Mr. Irvine reviewed the ordinance codification noting that there was an amendment on page 12.18-5. Chapters "20.22.500, or 20.22.600" is amended to read "20.10.500, or 20.10.600".

There was no Board discussion. Commissioner Schumacher asked if there was anyone in the audience that wished to make comment on Ordinance No. 30 and there was no response.

Mayor Duris moved to adopt Ordinance No. 30 as amended. Commissioner McCready seconded the motion. The motion carried unanimously.

Commissioner Schumacher closed the public hearing on Ordinance No. 30.

(Councilman Becker was present for this agenda item).
(Commissioner Gordon was not present).

V. SOLID WASTE SYSTEM PROCUREMENT

Mr. Kemper reviewed the two decisions he felt were before the Board in continuing with the Solid Waste Program and in approaching the Emergency Board in October for funding. He stated that the first decision to be made was whether to continue with the four transfer/processing stations as outlined in the plan or whether to modify the plan to two transfer/processing stations and one transfer station as proposed by the Proposal Evaluation Team. A modification of the plan would locate one transfer/processing station at the Rossman site and one at the North Portland site and a transfer station in Washington County.

Secondly, staff was requesting a decision on the legal opinion presented to the Board at the July 11, 1975 meeting regarding four options legal counsel felt were open to the Board on the RFP procedure. Staff recommendation was to proceed with option four which would reject all bids with negotiations directly with one or more of the present bidders and with non-bidders for design and operation of the system, supply of the machinery, and marketing of waste products. Further, construction of buildings would be put out for competitive bidding.

The Solid Waste Committee, at their July 21, 1975 meeting made the following recommendation: "Reject all of the bids now being evaluated and set plans for negotiating with one or more prospective contractors for the two transfer/processing and one transfer station system."

Mr. Culham addressed the Board stating that the Emergency Board would be expecting a request for funding of one transfer/processing station and one transfer station, and that it should be made clear to the Emergency Board that it is the intent of MSD to construct two transfer/processing stations and one transfer station.

Commissioner Schumacher discussed the possible modification of reducing the solid waste transfer/processing system, stating that the Board should go on record as adopting the reduced concept. There was a consensus of the Board in favor of the reduction.

Commissioner McCready moved to approve modification of the Solid Waste Plan reducing the system to two transfer/processing stations and one transfer station. Mayor Duris seconded the motion. The motion carried unanimously.

Staff will return at the August 8, 1975 Board meeting with an emergency ordinance for modification of the Solid Waste Plan.

Commissioner Schumacher requested that the Board consider Option No. Four of the Attorney's July 11, 1975 Legal Opinion. He felt that No. Four was the appropriate course of action for the Board to follow and the Board members were in agreement.

Mayor Robnett moved to approve Option No. Four of the July 11, 1975 Legal Opinion. Commissioner McCready seconded the motion. The motion carried unanimously.

Staff will notify the three bidders who responded to the Request for Proposal that their bids were rejected and that the system was open to further negotiations.

Commissioner McCready announced that an August 12, 1975 date had been set by the City of Portland for a joint meeting between the MSD Board and the City Council for consideration of the MSD/City of Portland resolution No. 20. Mr. Kemper stated that staff would not be as prepared by August 12, for the presentation as would be desired, and that staff was in the midst of attempting to tie down costs on the system. Commissioner McCready felt that the City Council should not expect to use up staff time in developing details unrelated to resource recovery when the MSD Board should be looking at time to spend on the Zoo as part of their priorities. The Board members will be present for the MSD/City Council meeting in quorum to back up the staff during the presentation.

(Commissioner Gordon was not present for this agenda item).

VI. ZOO PROGRAM REPORT

This agenda item was taken out of context with the printed agenda and considered during the beginning of the meeting. Commissioner Gordon was present for this item, however, Councilman Becker was not.

Mayor Duris reported on his meeting with members of the Zoo staff and members of the Zoological Society, and the resulting recommendation of a November 8, 1975 election date. He introduced Dr. Philip Ogilvie, Director of the Zoological Gardens, who presented the Board with his July 22, 1975 written recommendations. Dr. Ogilvie was requesting a decision by the Board under this agenda whether or not to proceed with a special election in November. He was concerned with the time limitation of only 90 days for preparation prior to election time. If a Fall election is decided upon, the Board would then have to consider the size of the tax levy, and the mechanics of the relationship between the Zoological Society, the City of Portland and the MSD Board of Directors.

The Board members discussed the cost estimate of \$100,000 for a Special Election in November and the possible advantages for reducing this amount under a May primary. There was some feeling among the Board that a November election would produce better results. There was also some discussion on the source of the \$100,000 needed for a special election, and the staff time needed for preparation of the election proposal as the MSD has no funding for expenditures on Zoo work. Commissioner McCready stated that the City would help but that they could not do so to the point of impacting their own work system. She also stated that the City would continue to subsidize the Zoo, but only if the election is successful and then only up to the time revenue is realized from the tax levy. An unsuccessful election would result in the loss of a Zoo in the Portland Metropolitan area. Several sources of funding for an election were considered; the City of Portland, the Zoological Society, and approaching the Emergency Board. Mr. Kemper indicated that MSD's funding sources were grants from the State of Oregon for work on the Solid Waste Program and any charges incurred such as legal fees and staff time could not be charged to these grant funds. He stated that staff time was primarily being utilized on the Solid Waste Program and that this was their main priority. The Board was in agreement that any work needed by staff for the Zoo could not be allowed to impact the Solid Waste Program.

The Board members were concerned at the amount of staff time preparation for an election would use in light of the pending Emergency Board presentation and the City of Portland presentation on the solid waste system. The Board was hesitant to make a decision on a November election due to the staff work necessary, however, Commissioner Schumacher felt the staff problem and the funding for the election could be considered later. The first decision before the Board was whether or not to attempt a November election.

Mayor Robnett moved to place the Zoo Tax Levy measure on the November 8, 1975 ballot if appropriate funding could be found. Mayor Duris seconded the motion. The motion carried unanimously.

VII. OTHER BUSINESS

- A. Mr. Irvine addressed the Board stating that Mr. Richard Glanz was requesting that the MSD eliminate the three cent administrative fee required by Ordinance 11 for tires processed as a result of the City of Portland's "Operation Clean-sweep." The Solid Waste Committee considered the request at their July 21, 1975 meeting and made the following recommendation: "that the Board deal with the City of Portland 'Operation Clean-sweep 1975' project as to exempt the project from the scarp tire processing three cent administrative fee." Mr. Irvine stated that staff would require satisfaction that the scrap tires were part of the "Operation Clean-sweep" if the exemption was approved by the Board.

Commissioner McCready moved to exempt the scrap tires collected during the "Operation Clean-sweep" from the three cent MSD processing administrative fee. Mayor Robnett seconded the motion. The motion carried unanimously.

- B. Commissioner Schumacher received the resignation of Merrie Buel from the Solid Waste Advisory Committee and Mrs. Buel's recommendation of Mr. Jerry Powell, of Portland Recycling Team, as her replacement.

Commissioner McCready moved to appoint Mr. Jerry Powell to the MSD Solid Waste Advisory Committee. Mayor Duris seconded the motion. The motion carried unanimously.

A letter will be written over Commissioner Schumacher's signature thanking Mrs. Buel for her service on the Advisory Committee.

- C. Nancy Hoover, representing the League of Women Voters, addressed the Board requesting that the MSD begin development of a rate ordinance on the processible sites. She was concerned that with the time needed to inform the public and set dates for hearings, the rate ordinance would not be developed prior to approach the Emergency Board for funding on the Solid Waste Program. Mr. Kemper stated that work on a rate ordinance could not move ahead until the costs had been developed to set the amount of the user fee. Mrs. Hoover was adamant that a public hearing date be set, and Mr. Kemper agreed to attempt a set date.

There being no further business to come before the Board, the meeting adjourned at 3:40 P.M.