

msd METROPOLITAN SERVICE DISTRICT

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

MSD BOARD OF DIRECTORS

MINUTES OF SEPTEMBER 12, 1975 MEETING

MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman
Burton Wilson
Charles Becker
Mel Gordon
Connie McCready

ADVISORS IN ATTENDANCE

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

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles C. Kemper
Merle Irvine
Cordell Ketterling
Jean Woodman

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

I. MINUTES

398 Commissioner Wilson moved to approve the minutes of August 8, 1975. Commissioner Gordon seconded the motion. The motion carried unanimously.

II. ACCOUNTS PAYABLE

399
Mr. Irvine stated that due to the fact that the Board did not meet for their August 22, 1975, meeting, staff found it necessary to cash an unapproved petty cash check in the amount of \$43.55.

Commissioner McCready moved to approve the Accounts Payable list, Vouchers Number 212 through 236 in the total amount of \$27,411.95. Councilman Becker seconded the motion. The motion carried unanimously.

III. PUBLIC COMMUNICATIONS

400
Commissioner Schumacher asked if there was anyone in the audience that wished to approach the Board on matters not listed on the meeting agenda. There was no response.

IV. SOLID WASTE MANAGEMENT PROGRAM ORDINANCE NO. 32 -
FIRST PUBLIC HEARING

401
Commissioner Schumacher opened the public hearing for consideration of Ordinance No. 32, establishing an areawide solid waste management and operation program; establishing procedures for the issuance of certificates for the operation of waste disposal sites; providing for orderly and beneficial flow of solid wastes; providing for penalties and administration and enforcement; providing for collection of fees; repealing a prior ordinance and prescribing an effective date.

Commissioner Schumacher asked if there was anyone in the audience that did not have a copy of Ordinance No. 32 and wished one. There was no response.

Councilman Becker moved to read Ordinance No. 32 by title only. Commissioner McCready seconded the motion. The motion carried unanimously.

Mr. Kemper read Ordinance No. 32 by title.

Mr. Irvine reviewed the ordinance stating that the 1975 State Legislature placed a requirement on the District to adopt the necessary ordinances for assuring payback for state loans. Ordinance No. 32 sets up regulations for the processible solid waste program. The rate schedule for disposal will be set up

under three phases, each phase to carry a separate ordinance number. The major portions of Ordinance No. 32 were taken from Ordinance No. 27 which will be repealed by Ordinance No. 32.

Under questions from the Board members on the three phases of the rate schedules, Mr. Irvine answered that Phase I rates would be determined on volumes for the previous year. Also under Phase I scales would be installed at the two landfills to determine the volume going into the fills and to estimate the rate schedule for Phase II. The Phase II rate schedule would show one transfer/processing station in operation and the Phase III rate schedule would show two transfer/processing stations in operation.

Commissioner Schumacher opened the public hearing for testimony.

Mr. Dave Miller addressed the Board stating that he did not have a problem with the ordinance, however, wished to point out some legal questions. He felt that the use of the word "any" under Section 8.b and c would create problems as some loads entering either the processible or nonprocessible landfills might be somewhat mixed. This section states that holders of nonprocessible landfill certificates may not accept processible wastes and holders of processible landfill certificates may not accept nonprocessible wastes. Mr. Kemper stated that this was a problem staff realized existed and would be difficult to police. He also stated that MSD would have to work closely with industry in order to control the mixtures of waste at the landfills. Commissioner Gordon suggested that this might better be handled under the definition section of the ordinance.

Commissioner Schumacher asked if there was further testimony from the public and there was no response.

Commissioner Schumacher closed the first public hearing on Ordinance No. 32 and set the date of October 10, 1975, for the second public hearing.

402
V. CITY OF PORTLAND RESOLUTION NO. 20

Mr. Kemper reviewed Resolution No. 20 delineating the responsibilities between the City of Portland and the MSD for the MSD Solid Waste Management Plan. He stated that the resolution was unanimously approved by the City Council with the stipulation that the Council approve all changes to the plan and all rate schedules.

Commissioner McCready stated that it was not the Council's intent to cause unreasonable delays while reviewing any changes to the plan and rates as long as they fit the pattern presented to them by MSD staff. Staff was recommending approval of Resolution No. 20.

Commissioner Wilson moved to approve Resolution No. 20 for the Chairman's signature. Commissioner Gordon seconded the motion. The motion carried unanimously.

403
VI. SANITARY LANDFILLS REPORT

Mr. Ketterling presented advance copies of the MSD Sanitary Landfill report developed to recommend priorities for obtaining a regional landfill site for milled refuse. He requested Board review of the report stating that copies were being distributed to interested parties and to the Solid Waste Committee for input. Commissioner Gordon questioned whether DEQ was being asked for input. He felt that they should be involved in the progress of locating an additional site in the area. Staff felt that considering past history in dealing with DEQ in processible landfill sites, that only one or two sites would probably be acceptable. Staff was hoping to be in a position to do additional work on these sites to convince the DEQ of their acceptability.

No action was requested by staff.

404
VII. OTHER BUSINESS

Dr. Markowitz, of the Portland Zoological Gardens, addressed the Board with regard to the September 9, 1975 memorandum to the MSD Board written by Dr. Ogilvie. The memorandum proposes a January 1976 election date and petitioning the City of Portland for election funds.

Commissioner Wilson stated that he was against a special election and that the Board should give their consideration to the May primary. Commissioner McCready was in favor of going on the ballot at the earliest possible date. She stated that the City has been carrying the cost for the entire area and a delay would only mean additional costs which the City may not wish to assume. She also stated that she had received commitments from the Council members to make the necessary loan for election

costs based on each jurisdiction being allocated costs proportionate with their registered voters with the City picking up an additional 50% of each of the counties costs. With an estimated total cost of \$85,800 for the special election, the cost breakdown would be as follows: City of Portland - \$63,900; Multnomah County - \$9,000; Washington County - \$9,000; and Clackamas County - \$3,900. This proposal was developed by the City in anticipation of a November election date. Dr. Markowitz did not feel that time allowed for the proper preparations of a November election, however, he felt that a major primary election date of May would not allow for the best possible results. Commissioner Schumacher stated that while the May primary date would be at less cost, there would be other issues preempting the importance of the Zoo issue.

Commissioner McCready moved in favor of a November election. The motion did not receive a second.

Commissioner Gordon and Councilman Becker were opposed to a November election and in consideration of the money to be saved by waiting the additional five months, were in favor of a May election. Commissioner Gordon was also in favor of the jurisdictions loaning MSD the necessary funds for the election with MSD repaying the money upon a successful election. Commissioner McCready stated that the City was proposing the cost allocation formula as an incentive to a November election and she did not feel the Council would be in favor of such a formula if the Board moved to wait for the May primary. After further discussion, there was a consensus that if the Board approved a May election, the various jurisdictions would loan the necessary funds to MSD to cover the costs.

Councilman Becker moved to approve a May 1976 date for the MSD Zoo tax levy election with the local jurisdictions providing the appropriate portions of the election costs. Commissioner Gordon seconded the motion. The motion carried with Commissioner McCready voting against.

MSD Board of Directors
Minutes of September 12, 1975
Page 6

Mr. Kemper distributed the Portland Recycling Team's report dealing with resource recovery through solid waste management. He requested that the Board review the report and submit comments. The report has also been distributed to the Solid Waste Committee for review.

There being no further business to come before the Board, the meeting adjourned at 3:10 P.M. Tapes of the meeting are on file in the MSD office.