

MSD BOARD OF DIRECTORS

MINUTES OF FEBRUARY 13, 1976 MEETING

BOARD MEMBERS IN ATTENDANCE

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

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ
W. L. Myllenbeck, Hearings Officer
Warren Iliff, Portland Zoo
Bob Peterson, Zoological Society

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
John Hankee
Jean Woodman

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

76-470 MINUTES

Commissioner Gordon moved to approve the minutes of January 23, 1976 and January 29, 1976, Board meetings. Councilman Becker seconded the motion. The motion carried unanimously by roll call vote.

76-471 PUBLIC COMMUNICATIONS

Mayor Duris asked if there was anyone in the audience that wished to address the Board on items not listed on the meeting agenda. There was no response.

76-472 ACCOUNTS PAYABLE

Councilman Becker moved to approve the Accounts Payable listing Vouchers No. 344 through 360 in the total amount of \$17,846.66. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

76-473 JOHNSON CREEK PROGRAM REPORT FROM PUBLIC HEARINGS OFFICER

Mr. Hankee distributed copies of testimony received at the three public hearings held to receive input to the MSD Johnson Creek Drainage Program. Mr. W. L. Myllenbeck, Hearings Officer, was present to review the three hearings held and to offer his report of findings and recommendations. Mr. Myllenbeck stated his conclusions to be that the program, in its present form, is a plan for a plan and would not be successful. He did feel, however, that the program should be adopted on a three-year interim basis at the end of which either a vote or hearings be held to determine public reaction. Mr. Myllenbeck also suggested Board consideration for the use of another body of government such as an independant or dependant special district with Board supervision, to set policy, administer program and develop budgets.

The Board members discussed the mostly negative feeling from the public hearings. Commissioner Gordon stated that the Metropolitan Service District was a special district set up to deal with urban runoff and discounted Mr. Myllenbeck's suggestion for another special district. He also indicated that if the residents in the drainage basin would not approve a plan such as MSD's, a moritorium on building in the basin might be the alternative. The Board discussed the impact on county and city boundaries if a moritorium were enacted and the feeling that more growth would create more runoff and higher costs for corrections.

Councilman Becker requested that staff give recommendations and some clarifications of the Hearings Officer's report. Staff will return to the Board in March with recommendations. No action was requested at this time.

76-474 MSD/PUBLISHERS PAPER DRAFT CONTRACT

Mr. Gisvold presented a redraft of the Publishers Paper contract for sale of the light fuel fraction from the South Processing Center, stating that 85% of the contract language was agreeable to Publishers Paper.

No action was requested.

76-475 CONSOLIDATED WASTE SERVICES, INC., AND RESOURCE RECOVERY BYPRODUCTS PROPOSAL INTERIM REPORT - MSD Board Subcommittee

Mr. Kemper reviewed the Board Subcommittee report on two unsolicited proposals submitted by Consolidated Waste Services, Inc., and Resource Recovery Byproducts for the North Portland Processing Center. The Subcommittee recommendation was to approve continuation of negotiations with Consolidated Waste Services, Inc., and Resource Recovery Byproducts.

Mayor Duris asked if there was anyone in the audience that wished to respond to the Subcommittee report and there was no response.

Commissioner Gordon moved to approve the Board Subcommittee report. Councilman Becker seconded the motion. The motion carried unanimously by roll call vote.

(Commissioner Gordon left the Board meeting.)

76-476 CONTRACT 76-003 - DARREL DUNHAM - Computer Program

Mr. Hankee addressed the Board with a review of the MSD Scrap Tire Program and computer system stating that MSD's present computer system was being revised by Warn Industries necessitating modifications by MSD also. The contract being proposed between MSD and Darrel Dunham would include changes in the MSD computer program to run on the Warn Industries system, make the necessary modifications to the existing computer program as staff desires, and run the required programs on a monthly basis for \$50 per month.

Commissioner McCready moved to approve Contract No. 76-003 effective February 1, 1976, between MSD and Darrel Dunham, and authorize the Vice Chairman to sign. Councilman Becker seconded the motion. The motion carried unanimously by roll call vote.

76-477 CONTRACT 75-014 - AMENDMENT NO. 1 - Parker Northwest

Mr. Gisvold presented Contract Amendment No. 1 to the MSD/Parker Northwest contract for design and management of the South Processing Center. Mr. Gisvold stated that the amendment resulted from clarification on questions of Parker's financial commitments, of MSD's guaranteeing of private debt, and the deviation of Publishers Paper location in the handling of the light fuel fraction. He reviewed the sections in the contract disturbed by the amendments stating that the amendments would not affect the intent of the contract, but would lend continuity.

Councilman Becker moved to approve the Contract 75-014 Amendment No. 1, and authorize the Vice Chairman to sign. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

Commissioner McCready questioned the absence of sewage sludge disposal in the MSD Solid Waste Program and the impact this absence could have on the City of Portland. Mr. Kemper stated that the boundaries for the definition of solid waste were set out by the local jurisdictions and did not include disposal of sludge. On any question of possible composting, Mr. Kemper did not feel it was viable unless sewage sludge was added and then only if markets were available. Commissioner McCready was still concerned with problems that might arise if the Solid Waste Program were successful and sludge was not included, and stated that a policy decision on the inclusion of sludge in the definition of solid waste should be made by the Board.

76-478 ORDINANCE NO. 35 - SECOND PUBLIC HEARING

An ordinance providing for maintenance and operation of metropolitan zoo facilities and approving submission of a district-wide tax levy to the voters to fund such facilities.

Mayor Duris opened the public hearing for second consideration of MSD Ordinance No. 35, asking if there was anyone in the audience that wished a copy of the ordinance. There was no response.

Motion 76-478.A: Commissioner McCready moved to read Ordinance No. 35 by title only. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote.

(This agenda item was considered out of context and Commissioner Gordon was present.)

The clerk read the ordinance title.

Mr. Kemper reviewed the ordinance amendment which provides for payback of the election costs to the jurisdictions out of the tax levy. Mr. Iliff, of the Portland Zoo, was present to answer questions the Board might have regarding the ordinance.

During Board discussion, Commissioner Gordon introduced a Multnomah County resolution which gave their legal opinion that the County may not provide a portion of the election expenses. Commissioner Gordon stated that Multnomah County would support the tax levy, however, he did not feel he could obtain enough votes on the County Board to oppose the County's legal opinion. Commissioner McCready indicated that the City was agreeable to paying 73.8% of the election costs, requiring only \$3,460 from the county for their portion. She also stated that there would be a payback contingency on the election for reimbursement of the county's funds. Commissioner Patterson, of Washington County, was present and stated that Washington County also would not provide funding for election expenses for the Zoo citing legal problems and a point of principle as the county's reasons. He felt that if there was a guarantee of payback the county might reconsider its position. Both Commissioners Gordon and Patterson felt that their particular county priorities on budgeting would take precedence over the Zoo issue. Commissioner McCready did not know how the City Council would feel about the loss of the counties portions of the costs or whether they would feel inclined to continue. There was some discussion on the affect of insecure funding on Ordinance No. 35, and Mr. Gisvold stated that without a firm commitment for funds, the ordinance should be repealed prior to its effective date. It was suggested that the ordinance be amended to include provision that the ordinance become non-effective if election expense funding is not forthcoming.

Mayor Duris asked if there was anyone in the audience that wished to address the Board regarding Ordinance No. 35, and Mr. Kermit Carlile, of Sherwood, Oregon, addressed the Board. Mr. Carlile was against the tax levy stating that the schools in the district were in more need than the Zoo. He also felt it to be unfair that the City of Portland's population could pass this tax levy regardless of how the outlying smaller areas voted.

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Mr. Iliff stated that school children have free use of the Zoo and that a successful vote would lower the gate fee to all MSD residents to half-price.

Mayor Duris asked if there was further testimony, and there was no response.

Motion 76-478.B: Mayor Robnett moved to adopt Ordinance No. 35 amended to show the ordinance non-effective without committed election funding. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

Mr. Gisvold suggested exact wording for the amended ordinance as follows: Section 7.B. "The ballot title shall be filed with the Multnomah County Election Division and refiled between April 5, 1976, and April 25, 1976, only if funds or commitments for funds have been received to pay the cost of the election."

Motion 76-478.C: Commissioner McCready moved to approve the new wording. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

There being no further business to come before the Board, the meeting adjourned at 4:05 P.M. Tapes of the meeting are on file at the MSD Office.