



MSD BOARD OF DIRECTORS

MINUTES OF FEBRUARY 27, 1976 MEETING

BOARD MEMBERS IN ATTENDANCE

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

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Cordell Ketterling
Jean Woodman

The clerk called the role, and there being a quorum present, the following items of business were considered:

76-479 MINUTES

Councilman Becker moved to approve the minutes of February 13, 1976. Mayor Duris seconded the motion. The motion carried unanimously by roll call vote.

76-480 PUBLIC COMMUNICATIONS

Commissioner Miller 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.

76-481 ACCOUNTS PAYABLE

Commissioner Schumacher moved to approve the Accounts Payable listing Vouchers No. 361 through 378 in the total amount of \$7,677.78. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

76-482 STATE EMERGENCY BOARD ACTION

Mr. Kemper reviewed the Emergency Board Meeting of February 19, 1976, attended by staff, DEQ, and two Board members, Mayor Duris and Commissioner McCready. There was some discussion as to the action taken by the Emergency Board to grant MSD funding for purchase of the South Portland Processing Site which they felt would initiate court action and declaratory judgment on MSD's authority to borrow money from the State of Oregon. Mr. Kemper reviewed a staff report responding to the State's action and set out six options and three recommendations for the Board's consideration. In discussing the alternatives, Commissioner Gordon was concerned with the first option to continue seeking private financing for Parker. Mr. Kemper stated that staff felt it to be the best option and one staff would prefer to continue if possible.

Commissioner McCready stated that of the governmental boards she has served on, she felt the MSD Board to be one of the more responsible; however, while she was in favor of MSD's regional approach to waste disposal, she had a responsibility to the City and would have to begin development of a solid waste plan for presentation to the City Council. In response to Commissioner McCready's statements, Commissioner Schumacher felt the Board should take the option that would move the program along as fast as possible, and that option one, continuing with Parker, would be the fastest.

Commissioner Gordon suggested reviewing a past legal opinion which outlined MSD's funding authorities to see if other alternatives may be available to the Board. Mr. Kemper stated that it was staff's understanding that the Emergency Board Subcommittee would be interested in a financing plan from MSD for the \$10.5 million financing. Commissioner Gordon, however, felt that if another alternative existed it would be preferable to returning to the Emergency Board for financing.

Motion 76-482.A: Commissioner Gordon moved to direct legal counsel to explore the MSD's various authorities for possible funding alternatives. Commissioner McCready seconded the motion.

In discussion of the motion, Commissioner McCready did not feel funding alternatives should be necessary as the MSD was requesting State Pollution Control Bond funds, already voted on and belonging to the people in the Metropolitan area. Commissioner Gordon was in agreement with Commissioner McCready, however, he felt that as MSD's attempts to obtain these funds have not been successful, any alternative solutions should be explored.

The question was called on the motion, and the motion carried unanimously by roll call vote.

Motion 76-482.B: Commissioner Schumacher moved to approve the staff recommendations as follows:

1. Assisting Parker to continue to seek private financing as originally developed for the DEQ Grant Application;
2. Developing a financing plan that would lead to complete public financing of the South Processing station and Transfer Station and return to the Emergency Board at the earliest possible date for consideration; and
3. Seek private financing and operation for the North Portland Processing Station at an initial 500 T/D capacity.

Mayor Robnett seconded the motion.

In discussion of the motion, Councilman Becker questioned if the listing was meant to set priorities, and Mr. Kemper stated that the three recommendations would parallel in any possible implementation, as staff could not determine at this time which recommendation would develop the fastest.

The clerk called the roll and the motion carried unanimously.

76-483 MSD/CITY OF PORTLAND AGREEMENT FOR ZOO ELECTION FUNDING

This agenda item was taken out of context and Commissioner Gordon was not present.

The Board considered the agreement provided by the City of Portland and approved by the City Council for payment of the Zoo election costs by the City. Mr. Gisvold stated that he had reviewed the agreement and that it was satisfactory and provided for payback with a successful election.

Councilman Becker moved to approve the MSD/City of Portland Agreement for payment of Zoo election costs. Mayor Duris seconded the motion. The motion carried unanimously by roll call vote.

76-484 DEQ GRANT/LOAN OFFER AND ACCEPTANCE

Commissioner Miller stated the following authority for the MSD Board to retire to Executive Session: ORS192.660(2)(a) and ORS192.660(2)(d), real property transaction and consulting with legal counsel on possible litigation. Commissioner Miller invited members of the press to remain during Executive Session requesting that all matters discussed not be disclosed.

The Board adjourned to Executive Session.

The Board reconvened in public session at 3:40 P.M. to consider action on matters considered in Executive Session.

Commissioner Schumacher moved to direct staff to make request of DEQ for \$176,000 for purchase of the Rossman Site, and in the event of refusal by DEQ to take legal steps to compel DEQ to make the loan. Councilman Becker 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 3:50 P.M.