



METROPOLITAN SERVICE DISTRICT

527 S. W. HALL, PORTLAND, OREGON 97201 222-3671

MSD BOARD OF DIRECTORS

MINUTES OF APRIL 9, 1976 MEETING

BOARD MEMBERS IN ATTENDANCE

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

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney
Bob Brown, DEQ

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles Kemper
Merle Irvine
Cordell Ketterling
John Hankee
Jean Woodman

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 76-514

DATE 4-23-76

BY: Jean M Woodman
CLERK OF THE BOARD

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

76-502 MINUTES

Mayor Duris moved to approve the minutes of March 26, 1976 as submitted. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

76-503 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.

76-504 CASH DISBURSEMENTS

Mayor Duris moved to approve payment of Vouchers No. 407 through 421 in the total amount of \$11,476.31. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

76-505 MSD FY 76-77 BUDGET

Mr. Irvine submitted the proposed MSD budget document for FY 76-77, stating that the budget would be formally presented to the Board on April 23, 1976, for discussion. He also stated that a special meeting on May 7, 1976, has been scheduled for further review and approval.

76-506 ORDINANCE NO. 37 - Third Public Hearing

Commissioner Miller opened the public hearing to give third consideration to Ordinance No. 37, an ordinance amending Ordinance No. 33 schedule of user fee. Commissioner Miller stated that copies of Ordinance No. 37 were available and asked if everyone in the audience had a copy that wished one. There was no response.

Motion 76-506.A: Mayor Duris moved to read Ordinance No. 37 by title. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

The clerk read Ordinance No. 37 by title.

Mr. Irvine reviewed the ordinance which proposes an increase in the schedule fee contained in Ordinance No. 33 by 2¢ compacted and non-compacted waste delivered to the landfill. He stated that the increased public portion of the State loan resulted in the increase in user fees.

Mr. Dale Harlan, representing Tri-County Solid Waste Management Council, submitted a written statement requesting that action on Ordinance No. 37 be tabled as an indication of the Board's intention to work with industry for a system of resource recovery. Commissioner Schumacher responded that adoption of Ordinance No. 37 would not indicate MSD's unwillingness to work with industry and that the effective date of the ordinance was controlled under Ordinance No. 36 requiring a successful signing of a grant/loan offer and acceptance with the State of Oregon. He also stated that passage of Ordinance

No. 37 would be necessary prior to the Board's approaching the Emergency Board in May for loan funding. Mr. Harlan did not feel adoption of the ordinance at this time was necessary and requested a two-week delay as proof of the Board's intent of an MSD/industry unified position. Mr. Irvine stated that the Board's direction was to follow a public financing approach, and that the May Emergency Board schedule required submittal of the MSD Grant/loan Application to the DEQ within the next two weeks. Commissioner Miller stated that the Board's position was clear to implement the best method for serving the user in the area and that passage of Ordinance No. 37 would not hinder industry's relationship with the MSD Solid Waste Program.

Commissioner Gordon reported a conversation held with the Executive Director of DEQ in which he stated new landfilling in Clackamas and Multnomah Counties might be possible in the future, but would not be possible in Washington County.

Commissioner Miller requested additional public testimony. There was no response.

Motion No. 76-506.B: Mayor Robnett moved to adopt Ordinance No. 37 as presented. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

76-507 RESOLUTION NO. 24 - Notification to Local Jurisdictions of an Increase in Disposal Rates.

Mr. Irvine reviewed the proposed Resolution No. 24 stating that there was concern by industry that the franchised areas would not be allowed to pass on the intended increase in disposal costs in a timely manner. Staff recommended that the resolution be approved for submittal to the local jurisdictions with a cover letter of explanation. Mr. Irvine also stated that staff would be available to meet with the individual jurisdictions to explain the MSD Solid Waste Program.

Commissioner Gordon moved to approve Resolution No. 24 and its dispersement to the local jurisdictions. Mayor Duris seconded the motion. The motion carried unanimously by roll call vote.

76-508 REVISED GRANT/LOAN APPLICATION

Mr. Ketterling addressed the Board with a submittal of the revised Grant/loan Application requesting 100% public financing of the MSD Solid Waste Program by the State Emergency Board. He stated that the revised application was consistent with the passage of Ordinance No. 37.

Mayor Robnett moved to approve the revised Grant/loan Application and authorize the Chairman to submit the document to the Department of Environmental Quality. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

76-509 ALTERNATIVE FUNDING SOURCE REPORT

Mr. Gisvold reviewed his memorandum dated April 7, 1976, discussing MSD's possible sources of revenue, summarizing that "MSD may raise revenue for its authorized functions only by the methods outlined in its enabling legislation." In answer to Commissioner Gordon's question as stated on Page 27.4 whether service charges could be used as the exclusive method of financing the Solid Waste Program and whether service charges could be used to finance the MSD staff during the next fiscal year, Mr. Gisvold stated his answer to be a qualified yes. Mr. Gisvold will be providing written comments to this question in the next two weeks.

No action taken.

76-510 RESOLUTION NO. 25 - Private Industry Contracting for MSD Resource Recovery System

The Board considered staff's proposed Resolution No. 25 requesting proposals from private industry to implement the MSD Solid Waste Management Plan. Mr. Ketterling stated that in response to the Board's direction, staff was soliciting proposals from private industry, and requested Board approval of Resolution No. 25 and direction to contact the news media to this effect. Mr. Gisvold indicated that any proposals received by MSD would have to go before the State Contract Review Board and might require specific contracts rather than general proposals.

Commissioner Gordon moved to approve Resolution No. 25. Mayor Duris seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

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76-511 MSD/CITY OF PORTLAND AGREEMENT FOR TRANSFER OF ZOO
FACILITIES - Contract No. 76-006

Contract No. 76-006 with the City of Portland was not available for the Board's review and the agenda item was set over to April 23, 1976.

OTHER BUSINESS

76-512 Johnson Creek Public Hearings

Mr. Hanke informed the Board members that hearings on MSD Ordinance No. 38, approving the Johnson Creek Drainage Management Program, would be held on April 14, 1976, at Lent Elementary School; and April 28, 1976, at Gresham City Hall.

There being no further business to come before the Board, the meeting adjourned at 3:50 P.M.