



METROPOLITAN SERVICE DISTRICT

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

MSD BOARD OF DIRECTORS

MINUTES OF MAY 28, 1976 MEETING

BOARD MEMBERS IN ATTENDANCE

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

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

BOARD MEMBERS NOT IN ATTENDANCE

Miller Duris

ACTION NO. 76 - 539
DATE 6-11-76
BY *Jean Woodman*
CLERK OF THE BOARD

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney

GUESTS IN ATTENDANCE

List attached

STAFF IN ATTENDANCE

Charles C. Kemper
Cordell Ketterling
John Hanke
Jean Woodman

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

76-528 MINUTES

Mayor Robnett moved to approve the minutes of May 14, 1976. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote. (Councilman Becker and Commissioner Gordon were not present during this agenda item.)

76-529 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.

76-530 FY 75-76 BUDGET TRANSFER

Mr. Kemper discussed the needed transfer of \$600 from the Zoo Fund Contingency to Zoo Fund Legal services to allow payment of a \$300 billing received from Hardy Buttler McEwen Weiss and Newman. The billing was the result of legal services in review of the MSD/City of Portland Agreement for transfer of Zoo facilities.

Mayor Robnett moved to approve the budget transfer of \$600 from the Zoo FY 75-76 Budget Contingency to Zoo Materials and Services Legal. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote. (Councilman Becker and Commissioner Gordon were not present for this agenda item.)

76-531 CASH DISBURSEMENTS

Mr. Kemper requested the addition of Voucher No. 461 in payment of Attorney fees of \$300 to be charged to the Zoo Program. The new total with this addition is \$1,008.67.

Commissioner Schumacher moved to approve the cash disbursements Vouchers No. 450 through 461 for payment in the total amount of \$1008.67. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote. (Councilman Becker and Commissioner Gordon were not present during this agenda item.)

76-532 ORDINANCE NO. 38 - Third Public Hearing

An ordinance adopting a program of drainage management for the Johnson Creek Drainage Basin; providing for administration, planning, maintenance and acquisition of temporary easements; providing for financing through service charges; providing for collection of service charges and prescribing a termination date.

Commissioner Miller stated that copies of Ordinance No. 38 were available if there were members of the audience that did not have one. There was no response.

Commissioner Schumacher moved to read Ordinance No. 38 by title only. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon was not present for the vote, however, he arrived shortly thereafter.)

The clerk read the ordinance title.

Mr. Hankee read a letter received from Margaret Rogers into the record.

Commissioner Miller stated that public testimony would be heard at this time and the following persons addressed the Board:

A. Hans Otto

Mr. Otto felt the MSD plan was not necessary and that the counties should maintain the creek.

B. Edgar G. Rucker

Mr. Rucker stated his objection to being taxed without a vote, and that if the user fee is invoked would acquire an injunction against the District.

C. A. L. Linkous

Mr. Linkous felt the project should be put to a vote, and cited FHA as the responsible party due to their development in the basin.

D. Bessie Craigen

Ms. Craigen was against putting the program to a vote, as she felt too many people were against such a project.

E. Martha Boettcher

Ms. Boettcher suggested that the public testifying against the ordinance submit alternative solutions. She also suggested that the storm drains running into the creek be disposed of and that a moratorium on building be imposed. Ms. Boettcher requested immediate affirmative action on Ordinance No. 38 by the MSD Board.

F. Margaret Gidding

Ms. Gidding was opposed to the ordinance as she felt the flooding was receding every year and that there was not a problem.

G. Mary Poulter

Ms. Poulter felt the creek should be cleaned out one time and straightened with each property owner maintaining their portion thereafter.

H. Elsie Chiodo

Ms. Chiodo stated that the county installed a culvert causing flood waters to run onto her property rather than down the North side of Powell where it would do no damage. She did not feel, however, that the ordinance or program would help her situation.

I. E. C. Larson

Mr. Larson felt the \$900,000 budgeted figure for the proposed Johnson Creek Program was too much. He also felt that if corrections were not implemented, a moratorium on building in the basin would be wise.

Mr. Hankee reviewed the staff report recommending abandonment of Ordinance No. 38. He felt a similar interim program should be implemented; however, with the lack of public support for Ordinance No. 38, success with the State Emergency Board in a request for initial funding would be futile. Mr. Hankee requested approval of the objectives on an interim program outlined on page 14 of the staff report. Commissioner Gordon felt that without a program for clearing the creek a moratorium on building in the basin would be an alternative. Councilman Becker expressed concern for moneys expended in development of ordinances for the program which may not continue after the interim period. There was some discussion on the use of public employment programs for use in clearing and maintaining the creek bed, and Mr. Hankee stated staff's intention of including such programs. Mr. Hankee also informed the Board of receipt of a letter from the State Water Resources Department, which would have to act for MSD in a request for funding from the Emergency Board, that the agency would accept this role providing there is strong public support of the program

(Commissioner Gordon left the meeting.)

In discussion of the action the Board might take, several members felt it was time to act positively on the Johnson Creek flooding problem, and Commissioner Schumacher moved to adopt Ordinance No. 38. Commissioner McCready seconded the motion.

During discussion of the motion Mayor Robnett requested amendment to the ordinance as outlined in his letter of May 6, 1976 (letter attached). Commissioner Schumacher had no objections to the Mayor's amendments, however, he felt staff should analyze them for possible inclusion in the ordinance. He also felt that with Commissioner Gordon absent from the meeting, action on adoption of the ordinance should be postponed until he was present. With permission of the second, Commissioner Schumacher withdrew his motion for adoption.

Commissioner Miller directed that action on Ordinance No. 38 be set over to such a time as a full Board is present, and directed staff to consider Mayor Robnett's proposed amendments.

76-533 ZOO Levy Results

Commissioner Miller announced the results of the May election on the MSD/Zoo levy which was approved by majority support in each of the three counties.

76-534 MSD Office Space

Mr. Kemper reported staff's findings in search of new office space, stating that he held space at the Terminal Sales Building and the Telco Building to be the priorities.

Mayor Robnett moved to direct staff to conclude negotiations on the best office space and approve the Chairman's signature on the lease. Councilman Becker seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon and Schumacher were not present.)

76-535 Zoo Labor Contract Negotiations

Mr. Kemper stated that with the Zoo employees a part of MSD and with labor negotiations already underway for the next fiscal year, the Board should make a decision as to whether they wish to negotiate separately or approve the City of Portland settlement. Commissioner Miller stated that with the time limit involved, and with legal counsel approval, he would have no objection to allowing the City to negotiate. Councilman Becker was in agreement, but that MSD should take part in the present negotiations. Mr. Gisvold stated that MSD takeover of the Zoo employees rights would have to be in as favorable position as they are at present, and in this respect, the City of Portland negotiations would serve. He also stated that MSD would have to accept the contract period.

It was agreed that staff along with Warren Iliff and Commissioner Miller would meet with the City Attorney and labor negotiators and determine whether or not to continue with City negotiations.

76-536 Emergency Board Funding Report

The Board members discussed the State Emergency Board's Sub-committee action taken on the 27th, and their approval of the MSD program and conditions of funding. Mr. Kemper indicated that the full Emergency Board was sitting at this time to determine MSD's funding situation. He stated that staff funding for the next year would be considered by the Emergency Board in June.

76-537 Scrap Tire Processors Applications

Mr. Kemper informed the Board of the Metropolitan Disposal Corporation's and Oregon Recycling and Disposal's intent to apply for relocation and additional locations for scrap tire processing stations. The Solid Waste Committee recommendation was to let staff approve the relocation applications. Staff brought the applications to the Board for their determination on whether or not to conduct public hearings on the applications.

Mayor Robnett moved to allow staff to negotiate the applications. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon and Schumacher were not present.)

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76-538 Budget Hearing

Mr. Kemper informed the Board of the scheduled hearing on the MSD FY 76-77 budget before the Tax Supervision and Conservation Commission on June 3, 1976. He stated that a quorum of the Board would be required for this hearing.

There being no further business to come before the Board, the meeting adjourned at 4:30 P.M. All testimony taken is retained on tape in the MSD files.