

MSD BOARD OF DIRECTORS
 MINUTES OF JANUARY 14, 1977 MEETING

BOARD MEMBERS IN ATTENDANCE

Ray Miller, Chairman
 Sidney Bartels
 Robert Schumacher
 Lyle Salquist
 Connie McCready
 James Robnett

BOARD MEMBERS NOT IN ATTENDANCE

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
 Warren Iliff
 Claudia Rhoten
 Jean Woodman

METROPOLITAN SERVICE DISTRICT
 BOARD ACTION

NO. 27-232 DATE 1-28-77

	YES	NO	ABST
BARTELS	/		
GORDON	/		
MCCREADY	/		
ROBNETT	/		
SALQUIST	/		
SCHUMACHER			
MILLER, CHAIRMAN			

Jean Woodman
 Clerk of the Board

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

77-716 INTRODUCTION OF NEW BOARD MEMBERS

Commissioner Miller introduced and welcomed Councilmen Lyle Salquist and Sidney Bartels to the MSD Board. Councilman Salquist is replacing Miller Duris in representation of the Cities of Washington County, and Councilman Bartels is replacing Charles Becker as representative for Cities of Multnomah County.

77-717 MSD BOARD OFFICE ELECTIONS

77-717.A:

Commissioner Schumacher nominated Ray Miller for Chairman of the MSD Board for the calendar year 1977. Commissioner McCready seconded the nomination. Commissioner Miller was elected unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

77-717.B:

Commissioner Schumacher nominated Connie McCready for Vice Chairman of the MSD Board for the calendar year 1977. Councilman Bartels seconded the nomination. Commissioner McCready was elected unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

Commissioners Miller and McCready accepted the nominated positions.

77-718 MINUTES

Commissioner Schumacher moved to approve the minutes of December 10, 1976, as submitted. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present for this agenda item.)

77-719 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.

77-720 CASH DISBURSEMENTS

Mr. Kemper reviewed the listed cash disbursement totals and major expenditures stating that checks were disbursed at the end of December as per the Board's approval. Mr. Kemper also stated that checks were not normally issued without prior Board approval, however, with the second meeting in December cancelled staff had requested and received authority to issue remittance on the necessary billings.

Commissioner Schumacher moved to approve payment of Checks No. 2153 through 2429 in a total amount of \$128,089.83. Commissioner McCready seconded the motion.

During discussion Commissioner McCready questioned whether the listed major expenditures for the Zoo were under contract. Mr. Irvine stated that the guard service and Coopers & Lybrand were, but that staff was attempting to contract with other vendors who have been doing business with the Zoo prior to MSD's involvement.

The question was called and the motion carried unanimously by roll call vote. (Mayor Robnett was not present for this agenda item.)

77-721 MSD LEGISLATIVE PROGRAM

Mr. Gisvold presented a draft legislative package for consideration by the Board noting that the legislation was designed primarily for language clarification in ORS 268, and realigning of the Board structure.

Commissioner McCready felt language "house cleaning" in the MSD statutes should be the priority of the Board and suggested the deletion of the Board structure issue from the draft legislation to be presented at a more appropriate time. There was no opposition to this suggestion.

Mr. Gisvold reviewed the remaining appropriate sections of the legislative package, noting that most of the remaining portions were under consideration by the courts; however, even with the positive decisions of the courts, rewording in the legislation was desirable.

In giving consideration to methods of coordination during the legislative session, it was agreed that a coordinator would be considered under Executive Session.

(The Executive Session was held at 5:15 P.M., following the conclusion of the Board agenda.)

Commissioner Schumacher moved to consider employment of a legislative coordinator under Executive Session. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Miller stated that the Board was retiring to Executive Session under the authority of ORS 192.660(a), for employment of an individual agent. The Board retired to Executive Session.

The Board returned to public meeting at 5:45 P.M.

Commissioner Schumacher moved to employ Anne Kelly Feeney under contract to act as a Legislative Coordinator at a fee not to exceed \$4,000, the exact amount to be negotiated. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Miller directed that Commissioners McCready, Schumacher and Bartels act as an advisory group to work with the Legislative Coordinator.

77-722 ORDINANCE NO. 44 - SECOND PUBLIC HEARING

An ordinance amending the MSD Code, Scrap Tire Program administrative fee, bond provisions and other changes.

Commissioner Miller asked if there was anyone in the audience that did not have a copy of Ordinance No. 44. There was no response.

Commissioner McCready moved to read Ordinance No. 44 by title only. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

The clerk read Ordinance No. 44 by title.

Commissioner Miller requested Board discussion. There was none.

Commissioner Miller requested comments from the public. There was none.

Commissioner Schumacher moved to adopt Ordinance No. 44.
Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-723 NON-PROCESSIBLE PROGRAM REPORT

Mr. Ketterling introduced amendments staff is suggesting for the proposed MSD Non-Processible Program, and emphasized that the purpose of the report is to articulate MSD's strategy and philosophy with regards to disposal of non-processible wastes. The Board reviewed the amendments, most of which were language clarification. Mr. Ketterling stated that the MSD Solid Waste Advisory Committee recommended adoption of the report with amendments, and it was staff's recommendation that the Board do this at their January 28, 1977, Board meeting.

Commissioner Miller asked if there were comments to be received from the public, and the following testimony was taken:

1. Ronald Watson, Attorney, representing Land Reclamation, Inc.

Mr. Watson requested clarification of the anticipated 1978 closures of the non-processible landfills. Commissioner McCready stated that it was the Board's intention to provide an 18-month lead time for closure and the report should be clarified to read by the "end" of 1978. Mr. Watson also questioned the recent DEQ permit restrictions on wastes being accepted at the demolition fills, stating that it is difficult to control violations. Mr. Ketterling stated that DEQ had issued these changes to landfill permits some time ago, but enforcement of the changes was not implemented; and as a result wastes being accepted by the demolition sites did not change appreciably. He also stated that MSD was proposing a disposal system which would need to control the disposal sites of different types of wastes.

2. Ron Perkins, City of Portland

Mr. Perkins stated that the purpose of the report was to attempt to remove processible wastes from the non-processible disposal sites; and that he did not feel that either DEQ or MSD were concerned that some small amounts of processible wastes might be mixed with demolition wastes. He felt,

however, that both DEQ and MSD were concerned that a recent tour of demolition landfills showed some sites to be taking as much as 90% mixed wastes.

3. Manny Glanz, Metropolitan Disposal Corporation

Mr. Glanz addressed the Board citing his experience in the collection business, and stating that the State of Oregon, in comparison to other areas, was under no pressure or need to consider alternatives to landfilling.

There was no further testimony.

Commissioner McCready moved to review the Non-Processible Program report and recommended amendments and schedule final action on January 28, 1977. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

77-724 MSD SOLID WASTE COMMITTEE APPOINTMENTS

Mr. Irvine addressed the Board on staff's proposed reorganization of the MSD Solid Waste Advisory Committee, requesting Board approval of the six-point reorganization and requesting that the Board appoint an 11 member committee structure.

The Board was in favor of the amended committee organization, and considered the need to reduce the number of committee members, attendance records of present members, and areas of representation in selecting the 11-member committee.

Commissioner Schumacher moved to approve the six-points of committee reorganization as contained in this staff report, and appoint the following members and areas of representation to the committee:

Clackamas County	-	Dave Phillips
Multnomah County	-	Dick Howard
Washington County	-	Mike Sandburg
City of Portland	-	Ron Perkins
Industry (collection)	-	John Trout
Industry (collection)	-	Jim Cozzetto
Industry (landfill)	-	Harold Lavelle
Industry (landfill)	-	Gene Plew
Recycling	-	Jerry Powell
Citizen (League)	-	Nancy Hoover
Citizen	-	Bill Culham

Councilman Bartels seconded the motion.

With the motion under discussion, Commissioner Miller requested that Don Hamburg, be listed as an industry replacement; and Commissioner McCready requested that Julie Keller be listed as a citizen replacement.

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

77-725 RESOURCE CONSERVATION AND RECOVERY ACT PL94-580

Mr. Kemper reviewed MSD's possibilities for receiving a portion of the Federal Resource Conservation and Recovery Act grant which allows for "...technical and financial assistance for the development of management plans and facilities for the recovery of energy and other resources from discarded materials and for the safe disposal of discarded materials, and to regulate the management of hazardous waste." Mr. Kemper stated that the staff recommendation to seek this designation would have to be done through the Department of Environmental Quality.

Mayor Robnett moved to authorize staff to seek designation for solid waste planning and implementation for the Portland Metropolitan Area as outlined in the Resource Conservation and Recovery Act of 1976 (PL94-580). Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-726 VISITOR SERVICES IMPROVEMENT PROGRAM

Mr. Iliff reviewed the staff report requesting priority in consideration of a Zoo Visitor Services Improvement Program, stating his recommendation to hire a Visitor Services Manager, create a Visitor Services Ad-Hoc Advisory Committee, and conduct a food and souvenir services study. Mr. Iliff also stated that the Visitor Services Manager will be funded from a budget item for an exhibit curator, not to be hired this fiscal year. There was some discussion on public relations work that the Visitor Services Manager might be doing and the relation to the existing Public Relations Department of the Zoo. In discussing the Ad-Hoc Committee and its membership, there was some concern that the expertise represented on the committee not be precluded from any competitive bidding system the MSD may utilize in setting up a visitor services system.

Motion 77-726.A: Commissioner McCready moved to approve the creation of a Visitor Services Ad-Hoc Advisory Committee for the purpose of recommending the Board on a total services and merchandising program. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Miller requested that the Board members submit recommendations for membership on the Ad-Hoc Committee, and Mr. Ail, Mr. Rian and Mr. Hilaire were suggested names.

Motion 77-726.B: Commissioner Schumacher moved to approve hiring a Visitor Services Manager. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-727 MARTIN/SODERSTROM/MATTESON EXPENDITURE

Mr. Iliff requested Board approval of an expenditure of \$351.33 submitted by Martin/Soderstrom/Matteson for a trip to Stanford University to view their primate facility, stating that this was a verbal agreement between himself and the consulting firm and was not included in the initial contract, completed and paid in full. He also stated that the consulting firm was making the trip for another client and had included the Zoo research in their itinerary. The Board expressed concern that Mr. Iliff had entered into another verbal contract which resulted in Board commitment without Board consideration, and cautioned Mr. Iliff against making such future commitments.

Motion 77-727.A:

Mayor Robnett moved to approve payment of \$351.33 to cover the additional expense incurred by Martin/Soderstrom/Matteson, Architects. Commissioner McCready seconded the motion.

In discussion of the motion, Commissioner McCready suggested that the Chairman develop a Board Management Sub-committee to review management of all departments within the MSD. She felt that regular review of management procedures might help in avoiding problems in the future. Mr. Kemper stated that staff was just beginning its next fiscal year budget process and that the sub-committee might become involved; however, he felt that a management sub-committee approach would be helpful in that all of the three divisions reported directly to the Board.

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

Motion 77-727.B: Commissioner McCready moved for the establishment of a Board Management Sub-committee. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-728 CONSTRUCTION CONSULTANT COMMITTEE

Mr. Iliff addressed the Board with a procedure for the development of architectural plans, contract specifications and project construction, and suggested Mr. Bob Gray of R.A. Gray Construction Company to head a review committee. There was some confusion as to whether Mr. Iliff intended a design review committee or a committee for development of consultant selection specifications. Mr. Kemper stated that it would be a design review committee, that the Zoo Advisory Committee had recommended changing the name to Construction Consultant Committee; and that the staff had a procedure developed for selection of consultants. Mayor Robnett stated that the intent was for the architect to submit conceptual drawings for committee determination as to their viability before proceeding further. It was suggested that the name of the committee be amended to Construction Advisory Committee.

Commissioner McCready moved to approve the procedure listed in the staff report for the development of architectural plans, contract specifications and project construction. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-729 CHIMPANZEE/ORANGUTAN FACILITY PRESENTATION

Mr. Iliff introduced Mr. Steve McCusker, the new Zoo Curator, who presented a verbal progress report on the designing of the new primate facility.

No action taken. Mr. McCusker will return at the January 28, 1977, Board meeting with a more formal presentation.

OTHER BUSINESS

Commissioner McCready moved to consider Contract 77-036 - Publishers Paper Company under OTHER BUSINESS. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

77-730 Contract 77-036 - Publishers Paper Co.

Mr. Ketterling introduced Mr. Roy Ruel of Publishers Paper Co., and Mr. Ken Shepard of Teledyne National. Mr. Ketterling reviewed the staff report which discussed the history leading to contract negotiations with Publishers Paper Company's participation in the MSD Solid Waste Management Program. He stated that the new concept envisions one program with Publishers operating the processing station and utilizing the fuel for boilers located in a separate area on Publishers land. Staff felt the concept extended beyond the legislative presentation, however, still included the aspects originally presented to both the Legislature and the public. Mr. Ketterling felt that Publishers Paper held strong credentials for operation of the boiler facilities and that Teledyne National were professionally capable in the processing facility. In reviewing the proposed contract, Mr. Ketterling stated that the State Legislature had requested market development and this had been done, and that staff had provided justification to the Contract Review Board for negotiation of the contract.

In reviewing the contract, there was some discussion on the amount of monies already expended by both Publishers Paper and Teledyne, showing their good faith and interest in the project. Both Mr. Ruel and Mr. Shepard addressed the Board indicating their companies' interest and qualifications. Mr. Gisvold stated that if the project goes forward it would mean a change in the Solid Waste Plan adopted by the Board in that 1) Publishers would operate the entire system; 2) a new form of energy would be utilized; and 3) the total project financing scheme may not include State Pollution Control Bond funds. The new program might utilize industrial revenue control bonds to be authorized by an agency such as the Port of Portland; however, there are a number of financing alternatives available all of which might contemplate use of the State Pollution Control Bond funding. Financing of Phase I of the contract is the issue still to be determined; however, Mr. Gisvold suggested that the Board could proceed and indicate to Publishers Paper that the financing of Phase I was still in negotiation.

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The Board members discussed the land use issue on the Oregon City property and possible solutions. Commissioner Schumacher stated that this property did not have a conditional use permit for this type of structure, but felt that the problem could be solved.

There was some discussion on MSD's role under the new program, and Mr. Kemper stated that it would be less than the original proposal and would deal in flow control, contractual review, with ownership of buildings and land still to be determined.

Commissioner McCready moved to authorize staff to continue negotiation with Publishers Paper with the understanding that financing was still to be negotiated. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

It was agreed that the Board would meet at 12:00 Noon, on January 21, 1977, in special session to give further consideration to the MSD/Publishers Paper contract.

The meeting adjourned at 5:50 P.M.