

MSD BOARD OF DIRECTORS
 MINUTES OF MARCH 25, 1977 MEETING

BOARD MEMBERS IN ATTENDANCE

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

BOARD MEMBERS NOT IN ATTENDANCE

Mel Gordon
 Sidney Bartels

ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney

GUESTS IN ATTENDANCE

List attached.

STAFF IN ATTENDANCE

Charles C. Kemper
 Merle Irvine
 Cordell Ketterling
 Warren Iliff
 Jean Woodman

METROPOLITAN SERVICE DISTRICT
 BOARD ACTION
 NO. 77-784 DATE 4-8-77
 YES NO ASST.

BARTELS			
GORDON			
MCCREADY			
ROBNETT			
SALQUIST			
SCHUMACHER			
MILLER, CHAIRMAN			

Frank Wood
 Clerk of the Board

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

77-771 MINUTES

Commissioner McCready moved to approve the minutes of March 11, 1977, as submitted. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present for this agenda item.)

77-772 PUBLIC COMMUNICATIONS

Commissioner Miller requested comments from the public on matters not listed on the meeting agenda. There was no response.

77-773 CASH DISBURSEMENTS

Commissioner Schumacher moved to approve payment of Checks No. 2801 through 2911 in a total amount of \$50,269.15. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present during this agenda item.)

77-774 1977-78 BUDGET DOCUMENT

Mr. Irvine presented the preliminary MSD FY 77-78 Budget document requesting submission of the document to the MSD Budget Sub-committee for consideration. He stated that formal presentation and consideration by the Board, acting as the full Budget Committee, was scheduled for April 8, and the Sub-committee should be prepared to give recommendation at that time. The Budget Sub-committee consists of James Robnett, Committee Chairman, Miller Duris, John Hankee, and John Wight.

Commissioner McCready moved to direct the Budget Sub-committee to review the MSD FY 77-78 Budget document and submit recommendations by April 8, 1977. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote. (Mayor Robnett was not present for this agenda item.)

77-775 SOLID WASTE PROGRAM LEGISLATIVE STATUS

Mr. Irvine reported that HB 2683 was considered by the full House on this date and word had just been received that the Bill was passed by the House 46 to 2. He also reported that lengthy support was given in discussion by Representatives Chrest, Lindquist and Otto. HB 2683 will now move to the Senate for consideration.

77-776 USER FEE IMPLEMENTATION PROCEDURE

Mr. Ketterling reviewed the staff report which outlines the time problem in continuing financing of the Solid Waste Division after July 1st. Mr. Ketterling stated that due to a stipulation in HB 2683 requiring 65 days notification to industry of our intent to implement a user fee, without passage of current legislation by April 2, funds will not be available for staff funding by July 1, 1977. He stated that the Bill did, however, also include an emergency clause allowing staff to make notification at this time and allow implementation of the user fee by June 1, 1977. It was staff's recommendation that MSD make public its intent to implement the user fee by June 1, 1977, through approval of Resolution No. 27. Mr. Ketterling indicated that staff was involved in discussions with industry and that industry wanted to provide input in assessing the user fee. Commissioner McCready felt that with industry already involved, the jurisdictions could be notified without the Board approving a formal resolution. Mr. Gisvold stated there was no legal deterrent to taking this action by motion.

Commissioner McCready moved to direct staff to notify the local jurisdictions of MSD's intent to implement a user fee as outlined in MSD Ordinance No. 32 in the amounts set forth in Ordinance No. 33 and to become effective June 1, 1977; to recommend to local jurisdictions that these additional disposal costs be passed onto the public user; to direct staff to develop information for local jurisdictions on the impact of the Phase I user fee and make such information available to local jurisdictions; and direct staff to prepare all necessary ordinances, regulations and procedures to implement the Solid Waste Management Plan, including implementation of the Phase I user fee. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-777 ORDINANCE NO. 45 - SECOND PUBLIC HEARING

Commissioner Miller opened the public hearing to give second consideration to Ordinance No. 45, an ordinance setting rules and regulations for the Washington Park Zoo.

Commissioner Miller asked if there was anyone in the audience that wished a copy of the ordinance and did not have one. There was no response.

77-777.A: Commissioner McCready moved to read Ordinance No. 45 by title only. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

The Board reviewed amendments proposed by legal counsel as shown in the staff report and a proposed legislative amendment to ORS 268.360 dealing with enforcement. Mr. Gisvold felt that in dealing with enforcement, the Board had three alternatives: 1) use of present security people; 2) citizen arrest; or 3) staffing MSD police. This third alternative requires the amendment to ORS 268.360. Mr. Gisvold requested delay of passage on the ordinance until he receives comments from the Portland Police Department. Mr. Iliff stated that he had concerns with the wording in the legislative amendment, and Mr. Gisvold will work with him on corrections. Mr. Gisvold requested direction to proceed on the police power amendment if the Board was in agreement.

Commissioner Miller requested public testimony and there was no response.

77-777.B: Mayor Robnett moved to set the third hearing on Ordinance No. 45 for April 8, 1977; and direct staff to proceed with amendments to ORS 268.360 to provide MSD with police powers to enforce MSD Ordinances. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-778 MARTIN/SODERSTROM/MATTESON - CONTRACT 76-029 RESOLUTION

Mr. Gisvold reported on his discussions with the attorneys for Martin/Soderstrom/Matteson negotiating a settlement for services on the chimpanzee/orangutan exhibit at the Washington Park Zoo. He stated that all settlement options proposed to date had been turned down by the Martin attorney.

77.778.A: Commissioner Schumacher moved to pay Martin/Soderstrom/Matteson the sum of \$13,780 upon completion of a mutual release of liability. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

77.778.B: Commissioner Schumacher moved to pay Martin/Soderstrom/Matteson the ten percent retainer as contained in the contract and in the amount of \$1,319.99, also upon completion of a mutual release of liability. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

The Board was in agreement that future contracts of this kind would be entered into with caution.

77-779 FOOD SERVICES COMMITTEE RECOMMENDATION - Service
Employees Union Local 49

Mr. Iliff reported that a Visitor Services Manager had been hired, and that meetings with the Food Services Committee confirmed his feeling that the concessions should be operated by MSD. It was also the committee's recommendation that a Capital Improvement Program should be developed, and Mr. Iliff stated that this program would be presented to the Board on April 8, 1977.

Commissioner McCready moved to approve operating the concessions with MSD employees and initiate negotiations with Union Local 49 immediately; further, that a capital improvement plan for the food service be developed by Zoo staff and presented at the next Board meeting; and further, that Coopers & Lybrand be contracted to do an audit of the concession operations at this time and again on January 31, 1978. Councilman Salquist seconded the motion.

During discussion, Commissioner McCready questioned if a two-week period would be adequate to complete a Capital Improvement Program, and Mr. Iliff assured her that it would.

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

77-780 CONTRACT 77-058 - PORTLAND STATE UNIVERSITY SUMMER
CLASS AGREEMENT

Mr. Iliff presented his staff report and recommendation on a contract between MSD and Portland State for summer classes to be conducted by Dr. Hal Markowitz for two weeks at the Zoo. This two week class will be conducted on Dr. Markowitz's own time and at a total expense to MSD of not over \$100. In return Portland State will pay the MSD \$1,000 for expenses. A second two week period of classes will be conducted in Hawaii and will be at no expense to MSD.

Mayor Robnett moved to approve Contract 77-058 with Portland State University in exchange for payment to MSD of \$1,000. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

OTHER BUSINESS

Commissioner McCready moved to consider a Mt. Hood Community College Work Study Agreement, and Contract 76-006 with the City of Portland under Other Business. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-781 Mt. Hood Community College Work Study Agreement

Commissioner McCready moved to authorize staff to enter into an agreement with Mt. Hood Community College for work study students to work at the Zoo. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

77-782 Contract 76-006 - City of Portland - To transfer ownership and responsibility of the Zoo (supercedes Action No. 76-518)

The Board discussed the final contract between MSD and the City of Portland for transfer of zoo facilities as approved by the City Council on March 17, 1977. Realizing the limitations placed on the contract under Section 4.(b) which disallows transfer of property from MSD to another party, the Board was in consensus to accept the contract and move ahead.

Commissioner Schumacher moved to approve Contract 76-006 with the City of Portland for transfer of zoo facilities and direct staff to develop appropriate legal instruments as referenced in the contract. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

77-783 Creation of an MSD Management Board

Commissioner Schumacher submitted a memo suggesting creation of a management board to provide direction to operating division directors. He also suggested that this board be set up by ordinance and be a three-member group. The Board was in agreement that a committee of this kind would eliminate the need for an Executive Director for the immediate future. Mr. Gisvold will review the legal implications and powers the management board would have.

The Board directed staff to proceed with ordinance development.

There being no further business to come before the Board the meeting adjourned at 3:25 P.M.