



# METROPOLITAN SERVICE DISTRICT

1220 S.W. MORRISON, ROOM 300, PORTLAND, OREGON 97205

(503) 222-3671

## MSD BOARD OF DIRECTORS

### MINUTES OF SEPTEMBER 9, 1977 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Ray Miller, Chairman  
Lyle Salquist  
Robert Schumacher  
Mel Gordon  
Connie McCready

#### BOARD MEMBERS NOT IN ATTENDANCE

Sidney Bartels  
James Robnett

#### GUESTS IN ATTENDANCE

List attached.

#### STAFF & ADVISORS IN ATTENDANCE

Jan Stewart, Attorney  
Bob Brown, DEQ  
Charles C. Kemper  
Merle Irvine  
Cordell Ketterling  
Charles Estes  
A. McKay Rich  
Warren Iliff  
Jean Woodman

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION

NO. 77-919 DATE 9-23-77

|                  | YES                                 | NO                       | ABST.                    |
|------------------|-------------------------------------|--------------------------|--------------------------|
| BARTELS          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| GORDON           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MCCREADY         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ROBNETT          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SALQUIST         | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SCHUMACHER       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| MILLER, CHAIRMAN | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

*Frank Wood*  
Clerk of the Board

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

#### 77-907 MINUTES

Commissioner Gordon moved to approve the minutes of the August 26, 1977, Board meeting. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

77-908 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.

77-909 CASH DISBURSEMENTS

Commissioner Schumacher moved to approve payment of Checks No. 4146 through 4271 in the total amount of \$58,629.02. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote. (Commissioner McCready was not present.)

Mr. Kemper submitted the July 1977 budget report.

77-910 MSD PERSONNEL MANUAL MODIFICATIONS

Mr. Kemper reviewed the proposed Personnel Manual changes as presented and approved by the Board Management Committee as follows:

1. The revised organizational chart showing three main divisions, Administrative, Solid Waste, and Zoo, all reporting directly to the Board. Mr. Kemper stated that while the division designations would not change without direction from the Board, the departments under each division might be amended at the division director's discretion.

There was no objection by the Board.

2. The addition of Section 2.11 dealing with mandatory retirement. Commissioner Gordon suggested that with the ongoing debates by federal, state and local governments as to the constitutionality of mandatory retirement, that this item be set aside until some determination is made. Commissioner Miller stated that the Management Committee had discussed the amendment at length and decided to approve the section with possible reconsideration at a time when the state and federal governments make a final determination. Commissioner Gordon was in agreement.

In discussing exemption allowance under this section, Commissioner Gordon questioned MSD's position if accused of discrimination in exempting one employee and not another. Ms. Stewart stated that the exemption is at the sole discretion of the Board, and the employee would be in the position of showing that he is entitled to an exemption. Staff will develop an administrative procedure outlining factors to be considered in the request for an exemption.

3. The addition of the following to Section 3.1.3 dealing with the grounds for disciplinary action:

"L) Action inconsistent with the well-being, health, or safety of zoo animals."

There was no objection to this addition.

4. Amendment of Section 5.4 eliminating compensatory time and providing for overtime pay at one and one-half times hourly rate. Mr. Estes discussed the administrative problems of comp time as an unfunded liability carried from one budget year to another. Commissioner Gordon felt that allowing comp time was a manager problem, and handled properly would have less of an economic impact given at straight time rather than pay at time and one-half. It was the feeling of the Management Committee, however, that payment for overtime forced the managers to consider their budgets before approval, providing better overtime control. It would also eliminate employees' accruing comp time and using it to extend vacation time at busy times of the year. Mr. Kemper stated that comp time was paid on a time and one-half basis and not straight time, and was an unbudgeted item. Commissioner Gordon was satisfied with the staff recommendation.

5. The classification and compensation plan sheets to be deleted from the manual in its entirety. Mr. Kemper stated that the purpose for the deletion was that the classification plan would have to be updated each fiscal year and its deletion would allow staff to present amendments to the Board without the entire Personnel Manual.

No objection from the Board.

6. Replacement of Section 2.10, Family Relations, bringing it into conformance with HB2662. Mr. Kemper stated that the only question came from the Zoo staff in that the section did not include a grandfather clause. There was some discussion on "family" being interpreted to include adults living together. Ms. Stewart stated that the language proposed was taken directly from the new statute, and would likely receive interpretation from the courts in the near future.

The only change in the section made by the Management Committee was to remove reference to not "retaining" employees if members of the same family. This allows for the continuation of existing situations in the Zoo Division.

7. Section 6.3.1 replaced in its entirety with a new vacation schedule.

There was no objection.

8. Amending Section 6.4.1 to allow only 520 hours accumulated sick leave, and the deletion of 6.4.6 entirely. The reduction in accumulated sick leave was due to providing long term disability insurance to employees which would come into effect after 90 days or 520 working hours.

There was no objection to this section.

9. A section on discharge and disciplining action drafted by legal counsel in response to recent court rulings. In reviewing the section, Commissioner McCready indicated that Section 3.1.4 (b) Oral Warning, be amended to provide that the department head record the warning in the employee's personnel file.

There were no other objections to this section.

Commissioner Gordon moved to approve the proposed modifications to the MSD Personnel Manual with the amendment to the discharge and disciplining action section to include that a written record be kept of oral warnings, and direct staff to print the revised manual and distribute to Board and MSD employees. Commissioner Schumacher seconded the motion. The motion carried unanimously by roll call vote.

77-911 WORK SCOPE MODIFICATION - SUBCONTRACT PHASE I ENGINEERING DESIGN

(This item was considered at the end of the agenda.)

Mr. Ketterling addressed the Board explaining the contractual relationship between MSD and Publishers Paper and subcontractors Teledyne National and Bechtel Engineering. Publishers Paper Company had experienced some problems with the detailed work tasks assigned to Teledyne and felt that a workscope modification would have to be made to the subcontracts. It was Publisher's intention to transfer two work tasks (Nos. H-3 and H-4) from Teledyne to Bechtel and requested Board approval for this move. Mr. Ruel, of Publishers Paper, stated that a timely transfer would insure the program's schedule and protect against increased costs.

Commissioner Gordon moved to approve the proposed subcontract modification of the work scope to Contract 77-036 as per Publishers Paper Company's letter of September 9, 1977. Commissioner Schumacher seconded the motion. The motion carried unananimously by roll call vote.

77-912 CONTRACT 77-099 - SUNFLOWER RECYCLING

Mr. Irvine reviewed the staff's feelings and recommendations regarding the Sunflower Recycling Corporation's composting operation and its relationship to MSD's Ordinance No. 47. Section 8(A)(3) of Ordinance No. 47 designates Sunflower as a processing facility, subject to the MSD user fee; however, due to the minimal amount of wastes accepted by Sunflower and the minimal amount of user fee that would be owing, staff was recommending Sunflower be exempted from paying the fee. Staff was also recommending, however, that an agreement before the Board be approved with the recognition that while the user fee is owing it would not be requested by MSD. Mr. Irvine felt that this would maintain consistency with other processing facilities permitted by MSD, and at the same time exempt Sunflower from the user fee under Ordinance No. 47 Section 8(B). The Solid Waste Committee reviewed the contract and recommended that the user fee be paid in order to avoid setting a precedent that might adversely affect the Solid Waste Program, and in order to maintain a consistency with other processing facilities.

Commissioner Gordon moved to approve Contract 77-099 with Sunflower Recycling Corporation recognizing that the user fees are required to be paid to MSD by Sunflower for program administration and enforcement on all solid waste not meeting the requirement of Section 8(B) of Ordinance 47, but relieve Sunflower from paying the user fee because of the minor amount. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

The staff report indicated that if the Sunflower operation increased in size, the variance for the submittal of the user fee would be reviewed.

77-913 CONTRACT 77-102 - FOREST GROVE TRANSFER STATION

Commissioner Gordon moved to set consideration of Contract 77-102 over to September 23, 1977. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-914 CONTRACT 77-107 - WARNER WALKER & MACY - ZOO DEVELOPMENT PLAN

Contract 77-107 was incomplete and staff recommended withdrawing it from the agenda.

Commissioner Gordon requested a review of the process used to designate Warner Walker & Macy for the Zoo Development Plan. Mr. Kemper stated that a request for information was sent to various planning firms in the area, and after reviewing the letters of interest received, three firms were selected to submit proposals. These three proposals were reviewed and ranked by a team consisting of John Wight, Don Lengasher, Warren Iliff, and Chuck Kemper. Warner Walker & Macy received the highest ranking from the evaluation team.

Commissioner Gordon moved to set consideration of Contract 77-107 over to September 23, 1977. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

OTHER BUSINESS

Commissioner Gordon moved to consider the Zoo Spook Ride Expenditure, MSD telephone system, the City of Portland representation on the MSD Solid Waste Committee, and a report from Commissioner McCready on the Exposition and Recreation Committee under Other Business. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-915 ZOO "SPOOK RIDE" EXPENDITURE

Mr. Iliff discussed the budget problems for operating the Zoo's spook ride on Halloween, stating that an expenditure of \$3,500 had been budgeted and staff expected a much higher cost. This agenda item was before the Board as informational and to alert the Board of the need for a future adjustment to the budget. Commissioner McCready suggested that staff present the Board with anticipated costs and revenues prior to Halloween. Staff will do this.

No action taken.

77-916 MSD OFFICE TELEPHONE SYSTEM

Commissioner Gordon moved to approve staff recommendation to change the MSD office telephone system to the Multnomah County Centrex system and approve an agreement with Multnomah County for use of the system. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

77-917 MSD SOLID WASTE COMMITTEE APPOINTMENT

Commissioner McCready moved to appoint Jeanne McCormick as representative of the City of Portland to serve on the MSD Solid Waste Advisory Committee. Commissioner Gordon seconded the motion. The motion carried unanimously by roll call vote.

77-918 EXPOSITION AND RECREATION COMMISSION REPORT

Commissioner McCready reported on a meeting of the Exposition and Recreation Commission which she attended at the request of the Chairman to discuss financing of an expanded sports facility. Commissioner McCready stated that she informed the Commission of MSD's inability to participate on a staff basis, but requested that MSD be kept informed on development of the study the E.R. Commission intended doing and allowed to participate at the Board level.

The Board felt that their interest had been presented to the E.R. Commission and no further action was required.

There being no further business to come before the Board, the meeting adjourned at 3:10 P.M., and the Board watched a movie presentation of the Americology processing facility in Milwaukee, Wisconsin.