

April 5, 1974

MSD BOARD OF DIRECTORS

Water Bureau Auditorium

April 12, 1974

1800 SW 6th Avenue

2:00 P.M.

A G E N D A

I. MINUTES

II. PUBLIC HEARING - FIRST

. Solid Waste Management Plan Adoption Ordinance

III. JOHNSON CREEK DRAINAGE MANAGEMENT PLAN ACTION

IV. PUBLIC EXCHANGE

V. SOLID WASTE SLIDE SHOW NO. 3

VI. OTHER BUSINESS

April 11, 1974

TO: MSD Board of Directors
FROM: MSD Staff
SUBJECT: STAFF REPORT FOR APRIL 12, 1974

Presented to the Board for transmittal and recommended action
are the following items:

Page

- | | | | |
|---|------|--|--|
| 1 | I. | MINUTES | |
| | | Action - <u>Approval</u> | |
| 6 | II. | PUBLIC HEARING - FIRST | |
| | | SOLID WASTE MANAGEMENT PLAN ADOPTION ORDINANCE | |
| | | Action - <u>None</u> at this time | |
| 9 | III. | JOHNSON CREEK DRAINAGE MANAGEMENT PLAN | |
| | | Action - <u>Approve</u> Staff Report | |
| | IV. | PUBLIC EXCHANGE | |
| | | Action - <u>None</u> | |
| | V. | SOLID WASTE SLIDE SHOW #3 | |
| | | Action - <u>None</u> | |
| | VI. | OTHER BUSINESS | |

I. MINUTES

The following pages contain the minutes of the Board meeting of March 22, 1974. The staff recommends approval of the minutes.

I. MINUTES

The following pages contain the minutes of the Board Meeting for April 12, 1974. The staff recommends approval of the minutes.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-110.1

DATE 4-26-74

BY Jean M. Wood
CLERK OF THE BOARD

II. FIRST PUBLIC HEARING - SOLID WASTE MANAGEMENT PLAN
ADOPTION ORDINANCE

This agenda item is the formal ordinance approval of the MSD Solid Waste Management Plan. The Ordinance will be heard twice, once this meeting and once on April 26, 1974. Formal hearing procedures are attached along with the proposed ordinance.

No action is recommended for the Board at this time.

ORDINANCE NO. 9

An Ordinance approving and adopting the Solid Waste
Management Plan.

O R D I N A N C E

No. 9

An Ordinance approving and adopting the Solid Waste Management Plan.

THE METROPOLITAN SERVICE DISTRICT HEREIN ORDAINS THE FOLLOWING:

SECTION 1 - Engineering Plan

The Board approves and adopts the Solid Waste Management Plan, Volume I and Volume III, dated March 8, 1974, prepared by COR-MET pursuant to the agreement between the Metropolitan Service District and COR-MET, approved by Ordinance #1 on February 2, 1973.

SECTION 2 - Financial Plan

The Board approves and adopts the Solid Waste Management Plan, Volume II, dated March 22, 1974, prepared by Bartle-Wells and Associates pursuant to the agreement between the Metropolitan Service District and Bartle-Wells and Associates approved by Ordinance #1 on February 2, 1973.

SECTION 3 - Filing of Plan

The Solid Waste Management Plan composed of Volumes I, II and III, are made a part of this Ordinance as if fully set out herein and shall be attached hereto and filed in the official records of the district and in any other records where ordinances of the district are by law required to be filed.

Robert Schumacher, Chairman
Metropolitan Service District

James Robnett, Vice Chairman
Metropolitan Service District

III. JOHNSON CREEK DRAINAGE MANAGEMENT PLAN

Several months ago the MSD Board requested that the staff prepare a drainage program for the Johnson Creek Basin including proposed financial loans from local jurisdictions. On February 22, 1974 the MSD Board directed that the proposed plan be distributed to local jurisdictions and the MSD-TAC for review. Subsequently to that time, the staff has received several review comments and the MSD-TAC has provided several recommendations.

However, it appears MSD has several options in dealing with Johnson Creek or any drainage problem within the MSD boundary. They are:

1. Develop a Master Drainage Plan for the entire MSD area that would prioritize basins, evaluate land use solutions, and recommend engineering and environmental solutions.
2. Implement a complete drainage management program for the Johnson Creek Basin. (As defined in the proposal).
3. Implement just the Johnson Creek Corps of Engineers channelization program.

The present drainage program interest by the MSD Board has been to proceed with drainage management solutions within the Johnson Creek Basin. In 1970 the MSD Board approved a

Resolution (see attachment 1) providing local sponsorship for Corps of Engineers improvements within the basin. Subsequent to that time the Corps of Engineers completed an engineering study (not released) for channelization improvements along the creek. The Corps has requested that MSD authorize and resubmit formal assurances for local sponsorship of the project (attachment 2).

It is the staff's opinion that channelization improvements along the creek would be only a partial solution. In addition, it is our belief that public financing of this effort would be difficult. Some short-term high-impact solutions may provide better public support. However, in order to pay for these solutions it will be necessary to proceed with a financing scheme that will provide money as soon as possible. Our proposed Drainage Management Program for the Johnson Creek Basin speaks to the utility concept (user fees) for financing drainage works. At any rate, these questions must be answered for the MSD Board to make proper decisions.

The MSD staff recommends that the Board approve the following:

1. The MSD Technical Advisory Committee recommendations (see attachment 3).
2. The establishment of a Metropolitan Service District Drainage Commission consisting of both citizens and technical people. To provide recommendations to the Board on issues concerning urban flood control and drainage management.

A T T A C H M E N T 1

RESOLUTION OF THE METROPOLITAN SERVICE
DISTRICT ASSUMING THE RESPONSIBILITY FOR THE SPONSORING
OF THE JOHNSON CREEK DRAINAGE PROGRAM

WHEREAS, the need of a storm drainage system to prevent flooding in the lands adjacent to the Johnson Creek has been clearly demonstrated throughout the years; and

WHEREAS, the United States Army Corps of Engineers has developed an engineering plan which offers a solution to the flooding problem; and

WHEREAS, it is necessary for a local governmental jurisdiction to serve as a sponsoring agent in order to obtain the services of the Army Corps of Engineers and Federal financing that would assist in the construction of the Johnson Creek drainage system; and

WHEREAS, the Metropolitan Service District, created by the Oregon State Legislature and by the vote of the citizens of the Portland Metropolitan Area, was formed for the purpose of providing metropolitan solutions for problems that are regional in scope; and

WHEREAS, the Johnson Creek Drainage Basin encompasses two counties and at least three cities, thus being beyond the ability of any one jurisdiction to solve the problem;

NOW, THEREFORE, Be It Resolved that the Board of Directors of the Metropolitan Service District, acting by the authority granted the District, does hereby declare its intention to assume responsibility for sponsoring the Johnson Creek Storm Drainage Project; and

FURTHER, Be It Resolved that the Board of Directors of the Metropolitan Service District requests the Army Corps of Engineers to take action that will update their drainage plan for the Johnson Creek Drainage Basin and to prepare it in such a manner that will allow for early construction of the proposed drainage system.

IT IS FURTHER RESOLVED that the Chairman of the Metropolitan Service District is authorized to sign an agreement on behalf of the Metropolitan Service District with the Army Corps of Engineers which will allow the Army Corps to proceed in the engineering work involved.

Duly Passed: October 29, 1970

A T T A C H M E N T 2

NPTEN-PL-2

22 March 1974

Mr. Charles Kemper, Program Manager
Metropolitan Service District
6400 S. W. Canyon Court
Portland, Oregon 97221

Dear Mr. Kemper:

Inclosed for your information is a copy of the draft report with drawings on proposed channel improvements for Johnson Creek. The report is not to be made public until approved by the Chief of Engineers in Washington, D. C.

Recent legislation by the Congress requires this office to evaluate the financial capability of the local sponsor for the proposed Johnson Creek Project. In order for this office to evaluate the financial capability of the Metropolitan Service District we need copies of audited financial statements for the past three or four years. These should include balance sheets, operating income and expense statements, statements of bond requirements, sources of revenue, etc., if available. That financial information must be available in order to determine acceptance of formal assurances of local cooperation which will be requested in the near future.

The Metropolitan Service District Board furnished formal assurances in December 1970 which were accepted by this office on 16 February 1971. For informational purposes only, the latest requirements of local interests are listed below:

- a. Provide without cost to the United States, all lands, easements, and rights of way necessary for the construction of the project.
- b. Provide without cost to the United States, all necessary relocations and alterations of buildings, utilities, highways, highway bridges, sewers, related and special facilities.

22 March 1974

Mr. Charles Keeper

c. Hold and save the United States free from damages due to the construction and subsequent maintenance of the project and if applicable, adjust all claims concerning water rights.

d. Maintain and operate the project works after completion without cost to the United States, in accordance with regulations prescribed by the Secretary of the Army.

e. Comply with the Department of Defense Directive under Title VI of the Civil Rights Act of 1964 (PL 86-352) (78 Stat. 241) and all requirements imposed by or pursuant to the Directive (32 CFR Part 300, issued as Department of Defense Directive 5500.11, December 23, 1964) to the end that no person in the United States shall, on the grounds of race, color, religion, sex or national origin be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity for which the sponsor receives Federal financial assistance from the Corps of Engineers, Department of the Army, in connection with this project. Also non-discrimination because of age at least 40 but less than 65 years of age.

f. As signatory to this agreement said Public Body hereafter referred to as Applicant-Recipient assures that it is legally constituted with full authority and capability to perform the terms of its agreements and to pay damages, if necessary, in the event of failure to perform. Section 221 of Public Law 91-611, commonly referred to as the Flood Control Act of 1970, approved 31 December 1970 is deemed controlling under this assurance.

g. Will comply with Sections 210 and 305 of Public Law 91-646 approved 2 January 1971 entitled the Uniform Relocations Assistance and Land Acquisition Policies Act of 1970.

Mr. Nolan Folden of the Dam and Flood Control Planning Section (Phone: 777-4441, Ext. 425) will be pleased to furnish any additional information desired.

Sincerely yours,

Incl
Draft report w/dwgs.

L. J. STEIN
Chief, Engineering Division



METROPOLITAN SERVICE DISTRICT

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

ATTACHMENT 3

April 8, 1974

TO: MSD Board of Directors
FROM: Charles C. Kemper
SUBJECT: PROPOSED DRAINAGE MANAGEMENT PROGRAM FOR THE JOHNSON
CREEK BASIN

*Board action
Amended on
following pages*

In their April 8, 1974, meeting, the MSD Technical Advisory Committee members reviewed staff's Proposed Drainage Management Program for the Johnson Creek Basin. The members were in support of the proposed program in concept and took the following unanimous action:

1. Motion to recommend that the Board utilize a portion of the existing Johnson Creek Water Control District funds (approximately \$13,000) to set up and implement a coordinating effort among various jurisdictions to develop land use control ordinances for building within the flood plain; and direct staff to analyze the Corps' proposal and determine definitely, the Corps' current position as to their participation and what is expected from the local jurisdictions.
2. Motion to recommend to the Board that a portion of the \$13,000 funds, with various jurisdictional staff and material support be provided to obtain recommended capital and operation and maintenance costs to be levied against property in the Johnson Creek Basin.
3. Motion to recommend that the MSD Board support Phase I of the study of Johnson Creek Drainage Basin at an estimated cost of \$25,000 and that these funds be provided by involved jurisdictions or through the availability of state and federal grant monies.

AMENDMENT TO STAFF REPORT DATED APRIL 12, 1974.

JOHNSON CREEK PROPOSAL

MOTION TO APPROVE THE FOLLOWING TECHNICAL ADVISORY COMMITTEE
RECOMMENDATIONS:

1. Motion to recommend that the Board utilize a portion of the existing Johnson Creek Water Control District funds (approximately \$13,000) to set up and implement a coordinating effort among various jurisdictions to develop land use control ordinances for building within the flood plain; and direct staff to analyze the Corps' proposal and determine definitely, the Corps' current position as to their participation and what is expected from the local jurisdictions.
2. Motion to recommend to the Board that a portion of the \$13,000 funds, with various jurisdictional staff and material support be provided to obtain recommended capital and operation and maintenance costs to be levied against property in the Johnson Creek Basin.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-108.1

DATE 4-12-74

BY Jean M. Wood
CLERK OF THE BOARD

AMENDMENT TO STAFF REPORT DATED APRIL 12, 1974

JOHNSON CREEK PROPOSAL

MOTION BY BOARD TO DIRECT STAFF TO SUBMIT A FORMAL REQUEST TO THE
DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FUNDS FOR THEIR PORTION OF
THE JOHNSON CREEK DRAINAGE MANAGEMENT PROGRAM.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-108.1

DATE 4-12-74

BY Jean M Wood
CLERK OF THE BOARD

ADDITION TO STAFF REPORT OF APRIL 12, 1974.

MSD Attorney, Herb Hardy, reported on the legality of Board member alternates. Mr. Hardy felt that a declaratory judgement from the courts might well state that alternates are not allowed, and recommended that the Board either limit Board membership to principal elected members or ask for a declaratory judgement before allowing alternates.

MOTION TO REQUEST A JUDICIAL DETERMINATION ON THE QUESTION OF
BOARD ALTERNATES.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-107.1

DATE 4-12-74

BY John M. Wood
CLERK OF THE BOARD

ADDITION TO STAFF REPORT OF APRIL 12, 1974

CONSIDERATION OF ADMINISTRATIVE PROCEDURE REGARDING USE OF LEGAL COUNSEL.

Staff was directed to amend procedure to allow staff to obtain counsel's opinion when necessary and that other requests for legal opinion be authorized by the Board Chairman.

APPROVED METROPOLITAN
SERVICE DISTRICT
BOARD OF DIRECTORS

ACTION NO. 74-109.1

DATE 4-12-74

BY John M. Wood
CLERK OF THE BOARD