



**METROPOLITAN SERVICE DISTRICT**

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

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU  
1800 SW 6TH AVE.  
AUDITORIUM

MARCH 26, 1976  
2:00 P.M.

A G E N D A

76-495 MINUTES

76-496 PUBLIC COMMUNICATIONS

ADMINISTRATION

76-497 CASH DISPURSEMENTS

DRAINAGE PROGRAM (NO BUSINESS)

SOLID WASTE PROGRAM

76-498 ORDINANCE NO. 37 - SECOND PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE No. 33

SCHEDULE OF USER FEES

76-499 RESOLUTION NO. 24 - NOTIFICATION TO

THE LOCAL JURISDICTIONS OF AN INCREASE

IN DISPOSAL RATES

76-500 REVISED GRANT/LOAN APPLICATION

ZOO PROGRAM

76-501 ZOO BUDGET APPROVAL

OTHER BUSINESS



**METROPOLITAN SERVICE DISTRICT**

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

MARCH 23, 1976

TO: MSD BOARD OF DIRECTORS  
FROM: MSD STAFF  
SUBJECT: STAFF REPORT FOR MARCH 26, 1976

TRANSMITTED HERewith FOR REVIEW AND APPROVAL ARE THE FOLLOWING ITEMS OF BUSINESS:

<u>PAGE</u>	<u>ACTION RECORD</u> <u>No.</u>	
1	76-495	MINUTES Action - <u>Approve</u> the minutes of March 12, 1976
10	76-496	PUBLIC COMMUNICATIONS Action - <u>Receive</u> comments from the public on items not listed on the meeting agenda
11	76-497	CASH DISPURSEMENTS Action - Approve the cash dispurse- ment listing Vouchers No. 389 through 406 in the total amount of \$670.78

<u>PAGE</u>	<u>ACTION RECORD No.</u>	
12	76-498	ORDINANCE NO. 37 - SECOND HEARING AN ORDINANCE AMENDING ORDINANCE No. 33 SCHEDULE OF USER FEES Action - <u>Conduct</u> second hearing, and if appropriate, <u>adopt</u> Ordinance No. 37
14	76-499	RESOLUTION NO. 24 - NOTIFICATION TO THE LOCAL JURISDICTIONS OF AN INCREASE IN DISPOSAL RATES Action - <u>Approve</u> Resolution No. 24, and <u>authorize</u> dispersement to the local jurisdictions
17	76-500	REVISED GRANT/LOAN APPLICATION Action - <u>Approve</u> the revised appli- cation for submittal to the State Emergency Board
18	76-501	ZOO BUDGET APPROVAL Action - <u>Approve</u> the FY 76-77 budget for submittal to the Tax Supervision and Conservation Commission

76-495 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE MARCH 12,  
1976 BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

DATE: MARCH 25, 1976

TO: BOARD OF DIRECTORS, METROPOLITAN SERVICE DISTRICT

FROM: PRIVATE LANDFILL OPERATORS

REGARDING: M.S.D. ORDINANCE #37

THE UNDERSIGNED LANDFILL OPERATORS WISH TO BE PLACED ON RECORD AS BEING TOTALLY OPPOSED TO ORDINANCE #37.

FIRST, AFTER CAREFULLY CONSIDERING THE M.S.D. BUDGET, WE DO NOT BELIEVE THAT THE SO-CALLED "USER FEE" IMPOSED BY ORDINANCE #37 IS PROVIDED IN EXCHANGE FOR "SERVICES" WITHIN THE MEANING OF O.R.S. #268.

SECOND, WE VIEW THE DELETION OF THE LANGUAGE OF ORDINANCE #33, SECTION 1, A, 3, FROM ORDINANCE #37 AS A CONSCIOUS EFFORT TO DISRUPT OPERATIONS AT OUR SITES AND IMPOSE HARDSHIPS ON OUR BUSINESSES.

Don Crist Inc.  
FIRM  
[Signature]  
SIGNATURE  
OWNER & PRES  
TITLE

D. G. LaVelle  
FIRM  
[Signature]  
SIGNATURE  
Owner  
TITLE

LaVelle Const. Co., Inc  
FIRM  
[Signature]  
SIGNATURE  
President  
TITLE

FRANK'S SANITARY Landfill  
FIRM  
[Signature]  
SIGNATURE  
Owner  
TITLE

Lafolle & Yett Inc.  
FIRM  
[Signature]  
SIGNATURE  
President  
TITLE

Blond Land Reclamation Corp  
FIRM  
[Signature]  
SIGNATURE  
owner & President  
TITLE

March 25, 1976

CHAIRMAN, RAY MILLER and  
MEMBERS OF THE BOARD of  
METROPOLITAN SERVICE DISTRICT:

Subject: The District's Proposed Amendments  
On the "User Charge"

The Tri-County Solid Waste Committee, a committee made up of at least two representatives elected by each of the organizations that represent Solid Waste Collectors in your area, has unanimously voted to again relay the Industry's serious concern over the District's approach to "User Charges".

We oppose adoption of Ordinance No. 37, and call for repeal of Ordinance No. 33 as presently written. These are our reasons:

- (1) The Legislature contemplated that a User Fee or Charge would be based on a service provided. MSD provides no present service or facilities. Therefore, it has nothing to use and no basis for a "User Charge".
- (2) In our opinion, MSD has no authority to superimpose such a levy in counties which have Franchised Collection under ORS Chapter 459, or in any Home Rule city or county.
- (3) We believe the Charge is really nothing more than a regressive Sales Tax. Oregon voters have rejected a Sales Tax more than the voters in any other state.
- (4) MSD should follow the lead of all other Oregon jurisdictions in proposing substantial Resource Recovery Programs. It should prepare a good program. It should submit the program to voters in the District for approval of the concept and financing of the program, including any "User Charge". Clatsop, Lane, Lincoln, Tillamook, and Union Counties have either sought or are seeking voter approval of their Resource

Recovery Programs. Why should MSD be a minority of one?

(5) This is not the time for government to step out and implement revolutionary, new, and expensive programs. Each of the jurisdictions you Board Members represent faces its most severe budgetary problems in over 40 years--so severe that services such as police and law enforcement are facing further cuts, and many public employees will be cut from the employment rolls.

The national and world economy have hopefully avoided a worldwide depression, but both still face worldwide monetary, trade, unemployment, and inflation problems. These problems must inevitably be considered by you as they do affect the people you represent and they do affect the ability of the citizens and businesses of this area to finance new programs such as you propose at this time.

How can you even consider adding to the cost of living, which has risen over 39% since 1972, by initiating this new program without contracts for the great bulk of Resource Recovered Materials? How can the District expect to repay proposed state loans without such Contracts?

(6) A User Charge that cannot be passed on to the Ultimate User is confiscatory and discriminatory to the Collector. Adverse economic, legal, and environmental consequences are bound to follow where no economic benefit offsets the tax or charge. For example:

(a) Economically, a mandatory User Charge is confiscatory and a taking of property without just compensation unless and until the charge is distributed among the users of the collection service. From our experience, increased charges result in decreased patronage and thus no real way to pass on the charge in a time of economic adversity.

(b) Legally, the User Charge is discriminatory. Disregarding economics, Collectors in unfranchised areas at least have the "opportunity" to legally pass on the increased cost of disposal. On the other hand, Collectors in Franchised-Rate Regulated jurisdictions need months to gain approval of needed Rate Increases. Accountants and Attorneys must be put to work, Applications must be prepared, Hearings attended, Notices must be prepared, and after the Increase is approved a great deal of time must be spent on Public Relations to obtain and institute Increases to meet additional costs. The Increases do not apply retroactively to cover increased cost while the User Charge has been in effect.

(c) Environmentally, some customers now resort to illegal dumping and disposal. More will resort to that if charges increase too drastically. The history of facilities of this kind has been a constant history of cost underestimation. With your present plans we believe costs will sky rocket and you will be back imposing additional charges which you hope can be passed to the public. Proposed Ordinance No. 37 is proof of that. The ink was barely dry on Ordinance No. 33 before you introduced another increase in No. 37. If you undertake this program in the manner proposed, the only question will be when and how soon you will be seeking additional increases.

The User Charge would have catastrophic, immediate impact on Drop Box operators with their heavy Solid Waste volume. They are already burdened with expensive, unused equipment. The crisis of democracy right now is how to economically avoid the waste of underutilized labor and investment. For example, home building is nearly 40% under 1972 levels. General construction and other business results in a large part of Solid Waste volume, and still is in a state of deep recession in Oregon. Look at the Unemployment figures!



(7) Last year the Solid Waste Industry paid Legal Counsel to research the legal issues. The Legal Counsel for the Tri-County Solid Waste Committee presented the findings to several of your meetings, over a period of months, in a careful, clear, complete, and dignified manner, pointing to the unconstitutional nature of the proposed User Charge. Many of you voted for the User Charge initially with serious doubts in your mind as to its legality, and you privately expressed those doubts.

The action you propose, in defiance of many legal precedents, could well set back the cause of Resource Recovery for years.

CONCLUSION:

We urge you to follow the lead of other Oregon jurisdictions and submit your program and taxes to the users of the District for approval. We urge you to follow the lead of DEQ. Get judicial determination of your powers before you spend Millions of Taxpayers' Dollars. Such an approach would protect Board Members against moral responsibility and possible personal liability for imposing an illegal tax.

We implore you to STOP, LOOK and LISTEN! A "User Charge" is completely premature for the District. It has no facilities to be "used". Garbage is not disposed of in typewriters. Resource Recovery is not carried out by surveys and studies. Resources are not made recoverable merely by grinding them. The program must be economically feasible.

The Tri-County Solid Waste Committee has voted unanimously to retain Legal Counsel to immediately file legal action to challenge Ordinance No. 33 if it is implemented, with or without Ordinance No. 37 Amendments.

In accordance with that vote, this letter is approved by each of the organizations and all of the organizations representing the Solid Waste Industry in your area. The Legislature has charged us and you with the duty of working together on economically feasible Resource Recovery. Your proposed approach only begs the question. It is like giving another drink to an alcoholic. It would only prolong the District's life. It would in no way guarantee an economically feasible program. It would guarantee only hardship, opposition, and no economically feasible, cooperative joint venture that would work. A workable venture needs agreement between government and private enterprise, and it needs the support that would come from your program's approval by the voters you represent.


Respectfully submitted,  
Representing the Following Groups:

  
CLACKAMAS COUNTY

  
EAST MULTNOMAH COUNTY

  
WASHINGTON COUNTY

  
PORTLAND AREA SANITARY OPERATORS

  
LOCAL 281

  
OREGON STATE DROP BOX ASSOCIATION

  
OREGON SANITARY SERVICE INSTITUTE

DALE M. HARLAN  
ATTORNEY, P.C.  
2146 S.E. LAKE RD.  
MILWAUKIE, OREGON 97222

65-1-9533

March 26, 1976

MR. RAY MILLER, Chairman  
and MEMBERS OF THE BOARD  
METROPOLITAN SERVICE DISTRICT

Subject: Legality of Proposed District "User Charge"

Probably most of you will recall that I have submitted Legal Opinions on this matter previously, and the matter has been discussed by your Counsel, Dean Gisvold, at various meetings in 1975, particularly in connection with Ordinance No. 27 which provided for the certification of Operators of Waste Disposal Sites, dealt specifically with Non-processable Solid Waste, with the flow of Processable Solid Waste into a "Processable Waste Stream", and imposed an annual fee of 2.15% of gross receipts on the Operator of a Waste Disposal Site.

In my Legal Memorandum to the Board of February 7, 1975, prepared in response to the suggestion of Chairman Robert Schumacher and Board Member Mel Gordon at your meeting of January 24, 1975, I discussed the Legislative Authority for a "User Charge" in detail. I, also, discussed the Legislative concept of a District collecting "Service or User Charges in Payment for its Services".

Your only authority for these charges comes from ORS 268.540 of the Chapter authorizing the creation of Metropolitan Service Districts. I discussed your further authority under 268.500 to levy an Ad Valorem Tax of not to exceed one-half percent of true cash value, plus an amount sufficient to pay yearly interest and any principal due on Bonds, and your authority under 268.510 for Special Assessments. In the case of both Ad Valorem Taxes and Special Assessments, the power to tax is tied directly to the benefit to the particular property, based on the construction or acquisition of a Facility or the furnishing of a Service. Certainly the User Charge authority is at least as restricted.

Power of the Metropolitan Service District to levy a User Charge under 268.540 seems to be almost an afterthought of the 1969 Legislature. The power of the District to finance itself is in no way as broad as the power of a Mass Transit District under ORS Chapter 267 which was passed by the same Legislature. I think the reasonable conclusion is that "Service or User Charges" can be used by your District only to pay for Services or Use from Facilities actually constructed. These would be Facilities in all the fields into which MSD can enter, which are Sewerage

March 26, 1976

Solid and Liquid Waste Disposal, Control of Surface Water, and Public Transportation. I would refer you to the line of cases that includes Corbett v. City of Portland, 31 Or 407 (1897), Eugene Theatre v. Eugene, 194 Or 603 (1952). A review of the Legislative History of Senate Bill 494, Chapter 700 of Oregon Laws of 1969 and now ORS Chapter 268, is enlightening because many of the legal issues raised at that time have not been resolved. The Portland City Attorney testified before the Legislative Committees that the Legislation was unconstitutional in limiting the Initiative and the Referendum, stated that the provision with reference to Service and User Charge was unduly vague, and pointed out that the Portland City Charter prohibited User Charges in excess of two-thirds of the water bill. Finally, the City Attorney's testimony was that the sections permitting Ad Valorem Taxes to finance capital and administrative functions were unconstitutional for failure to provide for "uniformity within a class". Attorney Orville Etter felt that the provisions for the governing body of MSD violated the Equal Protection provisions of the Fourteenth Amendment in that the governing body was not proportional to population. Senator Donald Husband and others expressed concern that the Bill's language was unconstitutionally broad with reference to delegations of powers concerning Taxation.

As indicated, legal precedents in Oregon cases greatly limit the imposition of Ad Valorem Taxes, Special Assessments, and User Charges.

I would again respectfully refer the Board to my Legal Opinions of February 7, February 26, and March 14, 1975.

Respectfully yours,



DALE M. HARLAN

DH:e

Copy: DEAN GISVOLD, Attorney

76-496 PUBLIC COMMUNICATIONS

THIS AGENDA ITEM ALLOWS THE BOARD TO RECEIVE COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE MEETING AGENDA.

76-497 CASH DISPURSEMENTS

THE FOLLOWING PAGES CONTAIN THE CASH DISPURSEMENTS FOR MARCH 1976.

THE STAFF RECOMMENDS APPROVAL OF THE CASH DISPURSEMENT LISTING VOUCHERS No. 389 THROUGH 406 IN THE TOTAL AMOUNT OF \$ 670.78.

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ACTION NO. 76-497  
DATE 3-26-76  
BY Jean M. Wood  
CLERK OF THE BOARD

M. S. D.

CASH DISBURSEMENTS

March 1976

VOUCHER NO.	CHECK NO.	PAYABLE TO:	PURPOSE	AMOUNT	PROJECT CODE
389	389	Bicycle Boy	Zoo Budget Meeting	9.25	400 515
390	390	Boise Cascade	Office Supplies	31.50	401 8
391	391	City Club	Reports on S.W. Disposal	25.00	401 530
392	392	CRAG	Reimburse for Supplies	17.22	301 508
393	393	Daily Journal of Commerce	Notice of Board Meetings & Publication of adoption of Ordinance	33.28	401 530
394	394	Darrell Dunbar	Computer Services	50.00	403 502
395	395	Fortune	Subscription	16.75	401 518
396	396	Merle Irvine	Travel Expense	4.00	401 505
397	397	C C Kemper	Travel Expense	10.35	401 505
398	398	Cordell Ketterling	Travel Expense	30.00	401 505
399	399	John Lansing	Travel Expense	78.80	401 530
			Telephone	(39.22)	401 510
400	400	McGraw Hill	Publication	14.50	401 518
401	401	Pacific N W Bell	Monthly Service	170.97	401 510
				9.63	403 510
402	402	Jack Parker	Option Payment for Purchase of land for south processing center	100.00	401 540

- Cont. -

-11.1-

M. S. D.

CASH DISBURSEMENTS

March 1976

VOUCHER NO.	CHECK NO.	PAYABLE TO:	PURPOSE	AMOUNT	PROJECT CODE
403	403	Petty Cash	Reimburse Fund	12.80	401 506
				1.44	403 508
				2.58	401 508
				1.18	401 509
				3.25	401 505
				5.00	401 508
404	404	Portland State Univer.	Print Ordinance #32	8.80	401 506
405	405	Oregonian Publishing	Notice of Board Meeting	18.65	401 530
406	406	Rian's	Sandwiches for Board Meetings	55.05	401 515
			TOTAL	\$670.78	

- 11.2 -



76-498 ORDINANCE NO. 37 - SECOND PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 33 SCHEDULE OF USER FEES.

BECAUSE OF PARKER NORTHWEST WASTE RESOURCE COMPANY'S INABILITY TO SECURE THE NECESSARY PRIVATE CAPITAL, MSD MUST AMEND ITS POLICY REGARDING THE FINANCING FROM A PUBLIC/PRIVATE DIVISION TO 100% PUBLIC FINANCING OF ALL CAPITAL IMPROVEMENTS. THE RATE SCHEDULE IN ORDINANCE NO. 33 WAS BASED ON THE PUBLIC/PRIVATE FINANCING APPROACH WITH A PORTION OF THE RATE ASSIGNED TO REPAYMENT OF THE STATE LOAN. IN ORDER TO ASSURE THE STATE THAT MSD CAN REPAY A LOAN FOR THE ADDITIONAL CAPITAL TO FINANCE 100% PUBLIC OWNERSHIP, ORDINANCE NO. 33 MUST BE AMENDED.

THE STAFF HAS PREPARED ORDINANCE NO. 37 AMENDING THE RATE SCHEDULE. THE EFFECT OF THIS AMENDMENT IS AN INCREASE OF THE MSD USER FEE OF 2¢ PER YARD OF COMPACTED AND NON-COMPACTED WASTE DISPOSED. ORDINANCE NO. 37 WILL INCREASE THE RESIDENTIAL RATE FOR ONE CAN/WEEKLY SERVICE BY \$0.006 (SEE TABLE 1).

AT THEIR MEETING ON MONDAY, MARCH 22, THE SOLID WASTE COMMITTEE RECOMMENDED THAT THE MSD USER FEE BE COMPUTED AT A MINIMUM RATE OF 35¢ PER LOAD UP TO TWO CUBIC YARDS AND 17¢ PER CUBIC YARD THEREAFTER FOR SOLID WASTE DELIVERED IN PRIVATE CARS, STATION WAGONS, SINGLE AND TWO-WHEEL TRAILERS AND TRUCKS WITH A RATED CAPACITY LESS THAN ONE TON. THIS RECOMMENDATION HAS BEEN INCLUDED IN SECTION A-3 ORDINANCE NO. 37. AS OF THIS WRITING, THIS IS THE ONLY AMENDMENT THAT HAS BEEN RECEIVED BY STAFF REGARDING ORDINANCE NO. 37.

THE STAFF RECOMMENDS THAT THE BOARD CONDUCT THE SECOND PUBLIC HEARING AND, IF APPROPRIATE, ADOPT ORDINANCE NO. 37.

*Set over to April 9, 1976*

T A B L E    1

AFFECTS OF 100% PUBLIC FINANCING ON  
MSD PHASE 1 USER FEE

	ORDINANCE No. 33	ORDINANCE No. 37	INCREASE
NON-COMPACTED (CUBIC YARD)	15¢	17¢	2¢
COMPACTED (CUBIC YARD)	26¢	28¢	2¢
MONTHLY INCREASE RESIDENTIAL SERVICES	\$0.079	\$0.085	\$0.006
TONNAGE RATE	\$1.022	\$1.110	\$0.088

76-499 RESOLUTION NO. 24 - NOTIFICATION TO THE LOCAL JURIS-  
DICTIONS OF AN INCREASE IN DISPOSAL RATES

IN RESPONSE TO COMMISSIONER GORDON'S REQUEST, THE STAFF HAS  
PREPARED RESOLUTION NO. 24. THIS RESOLUTION RECOMMENDS THAT  
THE LOCAL JURISDICTIONS AMEND THEIR COLLECTION RATES TO REFLECT  
THE MSD USER FEES.

THE STAFF RECOMMENDS THE APPROVAL OF RESOLUTION NO. 24 AND  
ITS DISPERSMENT TO THE LOCAL JURISDICTIONS.

*Set over to April 9, 1976*

R E S O L U T I O N   N O .   24

WHEREAS THE METROPOLITAN SERVICE DISTRICT (MSD) HAS DEVELOPED, AS PART OF A STATEWIDE PROGRAM, A SOLID WASTE MANAGEMENT PLAN FOR CLACKAMAS, MULTNOMAH AND WASHINGTON COUNTIES; AND

WHEREAS THE MSD IS ELIGIBLE FOR A 30% GRANT AND A 70% LOAN FROM THE STATE OF OREGON TO FINANCE SOLID WASTE CAPITAL IMPROVEMENTS; AND

WHEREAS THE MSD HAS APPROVED IMPLEMENTATION OF THE MSD SOLID WASTE MANAGEMENT ACTION PLAN THROUGH THE LOAN/GRANT PROGRAM; AND

WHEREAS THE MSD HAS CHOSEN A USER FEE ON DISPOSAL OF SOLID WASTES AS A MEANS OF FINANCING THE PROGRAM ADMINISTRATION, OPERATION AND REPAYMENT OF THE LOAN PORTION OF THE STATE FUNDING; AND

WHEREAS THE MSD HAS FOUND IT NECESSARY TO SET FORWARD THE IMPLEMENTATION DATE OF MSD ORDINANCE No. 33, SCHEDULE OF USER FEES, TO BECOME EFFECTIVE UPON EXECUTION OF A DEQ GRANT/LOAN OFFER AND ACCEPTANCE FOR \$176,000 TO PURCHASE THE ROSSMAN SITE FOR THE SOUTH PROCESSING STATION; AND

WHEREAS THE MSD ANTICIPATES ENTERING INTO THE GRANT/LOAN OFFER AND ACCEPTANCE WITH THE STATE OF OREGON IN JUNE 1976; AND

WHEREAS THE MSD DOES NOT WISH TO IMPOSE UNDUE HARDSHIP UPON THE COLLECTION INDUSTRY FOR PAYMENT OF THESE MSD DISPOSAL USER FEES:

NOW THEREFORE BE IT RESOLVED THAT THE METROPOLITAN SERVICE DISTRICT RECOMMENDS THAT THESE ADDITIONAL DISPOSAL COSTS TO THE COLLECTOR BE PASSED ONTO THE PUBLIC USER IN THE FORM OF INCREASED COLLECTION FEES; AND THAT THIS INCREASE BECOME EFFECTIVE UPON IMPLEMENTATION OF THE MSD DISPOSAL USER FEE.

76-500 REVISED GRANT/LOAN APPLICATION

AT THE FEBRUARY 27, 1976, BOARD MEETING, THE BOARD RECOMMENDED THAT STAFF PROCEED WITH THREE COURSES OF ACTION WHICH COULD LEAD TO FINANCING FOR THE SOLID WASTE PROGRAM. ONE COURSE OF ACTION ENTAILED DEVELOPMENT OF A FINANCIAL PLAN FOR COMPLETE FINANCING OF THE SOUTH PROCESSING STATION AND TRANSFER STATION. THE ORIGINAL GRANT/LOAN APPLICATION, IN TWO VOLUMES, HAS BEEN REVISED TO REFLECT 100% PUBLIC FINANCING OF THE INITIAL FACILITIES. THESE DOCUMENTS ARE SUBMITTED UNDER SEPARATE COVER.

THE STAFF RECOMMENDS APPROVAL OF THE REVISED GRANT/LOAN APPLICATION AND AUTHORIZATION FOR THE CHAIRMAN TO SUBMIT THE DOCUMENT TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

*Set over to April 9, 1976*

## 76-501 ZOO BUDGET APPROVAL

ON THE MAY 25, 1976, PRIMARY BALLOT, THE QUESTION OF WHETHER OR NOT THE MSD SHOULD IMPOSE A 5-YEAR SERIAL LEVY FOR THE OPERATION AND MAINTENANCE OF THE ZOO WILL BE PRESENTED TO THE VOTERS. PRIOR TO THIS ELECTION, OREGON REVISED STATUTES 294.655 REQUIRES THAT THE TAX SUPERVISION AND CONSERVATION COMMISSION (TSCC) CONDUCT A PUBLIC HEARING ON THE SPECIAL TAX ISSUE. ORS 294.655 ALSO REQUIRES THAT A NOTICE OF THE SERIAL LEVY BE FILED WITH THE TSCC ON MARCH 31, 1976, 55 DAYS PRIOR TO THE ELECTION.

THE ZOO STAFF HAS PREPARED A LINE ITEM BUDGET FOR FY 76-77 AND GENERAL SUMMARY BUDGETS FOR FY 77-78 THRU FY 80-81. AT THE BOARD MEETING OF MARCH 12, 1976, CHAIRMAN MILLER APPOINTED A BUDGET COMMITTEE TO REVIEW THE ZOO BUDGET. AFTER REVIEWING THE BUDGET, IT WAS THE CONSENSUS OF THE COMMITTEE THAT SALARY INCREASES PROPOSED FOR FY 76-77 NOT BE SHOWN ON A LINE ITEM BASIS. INSTEAD, SALARIES BE SHOWN FOR FY 76-77 AT THE SAME LEVEL AS FY 75-76 AND PROVISIONS FOR SALARY ADJUSTMENTS BE PROVIDED IN THE FUND CONTINGENCY. THIS IS NECESSARY BECAUSE UNION CONTRACT NEGOTIATION WILL BEGIN IN THE NEAR FUTURE.

THE COMMITTEE ALSO RECOMMENDED THAT PROVISIONS BE MADE IN THE ADMINISTRATION AND VISITOR SERVICE DIVISION, MATERIALS AND SERVICES, FOR GARBAGE DISPOSAL IN THE AMOUNT OF \$1250.00. FURTHER, TO CLARIFY THE NUMBER OF NEW POSITIONS, A SUMMARY OF EMPLOYEES FOR CURRENT FY 75-76 AND PROPOSED FY 76-77 HAS BEEN PREPARED.

THESE AMENDMENTS AND ADDITIONS HAVE BEEN INCORPORATED IN THE BUDGET DOCUMENT.

IT IS THE STAFF'S RECOMMENDATION THAT THE ZOO FUND BUDGET FOR FY 76-77 BE APPROVED FOR SUBMITTAL TO THE TAX SUPERVISION AND CONSERVATION COMMISSION IN ACCORDANCE WITH ORS 294.655. IT SHOULD BE NOTED THAT MODIFICATIONS TO THE ZOO FUND BUDGET CAN BE MADE PRIOR TO APPROVAL OF THE ENTIRE MSD BUDGET IN MAY 1976.

APPROVED METROPOLITAN  
SERVICE DISTRICT  
BOARD OF DIRECTORS

ACTION NO. 76-501

DATE 3-26-76

BY Jean M. Wood

CLERK OF THE BOARD