

MSD BOARD OF DIRECTORS

PORTLAND WATER BUREAU
1800 SW 6TH AVE.
AUDITORIUM

MARCH 25, 1977
2:00 P.M.

A G E N D A

77-771
77-772

MINUTES
PUBLIC COMMUNICATIONS

ADMINISTRATION

77-773
77-774

CASH DISBURSEMENTS
1977-78 BUDGET DOCUMENT

SOLID WASTE PROGRAM

77-775
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SOLID WASTE PROGRAM LEGISLATIVE STATUS
USER FEE IMPLEMENTATION PROCEDURE

ZOO PROGRAM

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ORDINANCE NO. 45 - SECOND HEARING
AN ORDINANCE SETTING REGULATIONS
FOR THE WASHINGTON PARK ZOO
MARTIN/SODERSTROM/MATTESON -
CONTRACT 76-029 RESOLUTION
FOOD SERVICES COMMITTEE RECOMMENDATION -
SERVICE EMPLOYEES UNION LOCAL 49
CONTRACT 77-058 - PORTLAND STATE
UNIVERSITY SUMMER CLASS AGREEMENT

OTHER BUSINESS

MSD BOARD OF DIRECTORS

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A C T I O N A G E N D A

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>	
1	77-771	MINUTES Action - <u>Approve</u> minutes of the March 11, 1977
9	77-772	PUBLIC COMMUNICATIONS Action - <u>Receive</u> comments from the Public on matters not listed on the meeting agenda
10	77-773	CASH DISBURSEMENTS Action - <u>Approve</u> staff recommendation
11	77-774	1977-78 BUDGET DOCUMENT Action - <u>Approve</u> staff recommendation
12	77-775	SOLID WASTE PROGRAM LEGISLATIVE STATUS Action - <u>No action</u> required
13	77-776	USER FEE IMPLEMENTATION PROCEDURE Action - <u>Approve</u> staff recommendation

<u>PAGE</u>	<u>ACTION RECORD NUMBER</u>	
18	77-777	ORDINANCE NO. 45 - SECOND HEARING Action - <u>Conduct</u> public hearing and <u>adopt</u> the Ordinance and amended
22	77-778	MARTIN/SODERSTROM/MATTESON - CONTRACT 76-029 RESOLUTION Action - <u>Approve</u> staff recommendation
23	77-779	FOOD SERVICES COMMITTEE RECOMMENDATION - SERVICE EMPLOYEES UNION LOCAL 49 Action - <u>Approve</u> MSD operation of the concessions, <u>initiate</u> negotiations with Union Local 49, and <u>develop</u> food service plan
24	77-780	CONTRACT 77-058 - PORTLAND STATE UNIVERSITY SUMMER CLASS AGREEMENT Action - <u>Approve</u> Contract 77-058 in return for a payment of \$1,000 by Portland State to the Zoo Fund

OTHER BUSINESS

27	77-781	Mt. HOOD COMMUNITY COLLECT WORK STUDY AGREEMENT Action - <u>Direct</u> staff to enter into an agreement for Work Study Students
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77-771 MINUTES

THE FOLLOWING PAGES CONTAIN THE MINUTES OF THE MARCH 11, 1977,
BOARD MEETING.

THE STAFF RECOMMENDS APPROVAL OF THE BOARD MINUTES.

77-772 PUBLIC COMMUNICATIONS

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

77-773 CASH DISBURSEMENTS

CHECKS ISSUED BETWEEN REPORTS:

CHECK No. 2801 THROUGH 2814 \$23,650.56

MAJOR EXPENDITURES INCLUDE:

ALASKA DEPT. OF FISH & GAME (PERMITS FOR MUSK OXEN)	\$3,000.00
BANKERS LIFE (RETIREMENT)	9,499.91
BINYON O'KEEFE STORAGE (McCUSKER)	3,194.74
VARIOUS PAYROLL WITHHOLDINGS	1,710.72
OREGON LABORERS TRUST	4,670.19

CHECKS TO BE RELEASED MARCH 25, 1977:

CHECKS No. 2815 THROUGH 2911 26,618.59

MAJOR EXPENDITURES INCLUDE:

HILLS RIVIANI FOODS	2,125.50
JOHNSON COMPUTER (STEVENS GRANT)	2,401.12
METRO PAVING	1,350.00
NORTHWEST NATURAL GAS	4,570.62
PORTLAND GENERAL ELECTRIC	2,609.68

\$50,269.15

ALL EXPENDITURES LISTED ABOVE ARE WITHIN THE APPROVED FY 76-77 MSD BUDGET.

THE STAFF RECOMMENDS APPROVAL FOR PAYMENT OF CHECKS No. 2801 THROUGH 2911 TOTTALLING \$50,269.15.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-773 DATE 3-25-77

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

Leann McWood

77-774 1977-78 BUDGET DOCUMENT

THE 1977-78 PRELIMINARY BUDGET DOCUMENT IS PRESENTED UNDER SEPARATE COVER. THE BUDGET SHOULD BE CONSIDERED BY THE BUDGET SUB-COMMITTEE AND BROUGHT BEFORE THE BOARD, ACTING AS THE FULL BUDGET COMMITTEE, AT THE APRIL 8, 1977, MEETING WITH RECOMMENDATIONS FOR THE BOARD'S (BUDGET COMMITTEE) APPROVAL. THE DOCUMENT IS SCHEDULED FOR SUBMISSION TO THE TAX SUPERVISION AND CONSERVATION COMMISSION BY MAY 6 TO BE SET FOR PUBLIC HEARING AND BROUGHT BACK TO THE BOARD ON JUNE 24 FOR ADOPTION.

THE STAFF RECOMMENDS THAT THE BOARD DIRECT THE BUDGET SUB-COMMITTEE TO REVIEW THE DOCUMENT AND SUBMIT RECOMMENDATIONS BY APRIL 8, 1977. AT THIS TIME THE BOARD ACTING AS THE BUDGET COMMITTEE WILL RECEIVE AND CONSIDER THE BUDGET DURING A PUBLIC MEETING.

**METROPOLITAN SERVICE DISTRICT
BOARD ACTION**

NO. 77-774 DATE 3-25-77

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

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

Jean M. Wood

77-775 SOLID WASTE PROGRAM LEGISLATIVE STATUS

HB 2683 WAS PASSED OUT OF THE FULL WAYS AND MEANS COMMITTEE ON FRIDAY, MARCH 18, 1977, WITH A "DO-PASS" RECOMMENDATION. THE FOLLOWING TWO MINOR AMENDMENTS WERE MADE AT THAT TIME. THEY ARE: 1) A DRAFTING ERROR ON SECTION 18, PARAGRAPH 2, LINE 23, WHICH AMENDS ORS 268.310 TO READ "SUB-SECTION 1 OF THIS SECTION". 2) DELETION OF SECTION 19 WHICH AUTHORIZED DISBURSEMENT OF \$11.391 MILLION. THIS AMOUNT HAS ALREADY BEEN AUTHORIZED BY THE EMERGENCY BOARD IN MAY, AND THE COMMITTEE FELT THERE WAS NO NEED FOR INCLUSION IN THIS BILL.

IT IS ANTICIPATED THAT THE BILL WILL BE ON THE HOUSE FLOOR TUESDAY OR WEDNESDAY OF THIS WEEK. STAFF WILL REPORT ON THE RESULTS AT THE BOARD MEETING.

NO ACTION REQUIRED.

77-776 USER FEE IMPLEMENTATION PROCEDURE

THE PROBLEM:

THE MSD SOLID WASTE DIVISION IS CURRENTLY FINANCED UNDER A GRANT/ LOAN AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY. ON JUNE 30, 1977, THIS AGREEMENT EXPIRES AND THE SOLID WASTE DIVISION MUST HAVE AVAILABLE OTHER REVENUES TO CONTINUE ITS EXISTANCE.

LEGISLATION HAS BEEN SUBMITTED TO THE OREGON STATE LEGISLATURE THAT IF IT IS ENACTED WOULD CLEARLY:

- 1) ENABLE MSD TO IMPLEMENT A USER FEE TO PROVIDE FOR CONTINUITY OF STAFF FUNDING;
- 2) ENABLE MSD TO COMMENCE DESIGN WORK ON A RESOURCE RECOVERY FACILITY IN OREGON CITY AND A TRANSFER STATION IN WASHINGTON COUNTY; AND
- 3) MONITOR AND CONTROL THE DISPOSAL OF ALL MIXED SOLID WASTE IN THE MSD AREA.

THE BILL IS CURRENTLY DRAFTED SO THAT EXCEPT IN AN EMERGENCY, THE USER FEE CANNOT BE MADE EFFECTIVE UNTIL 65 BUSINESS DAYS (APPROXIMATELY 90 CALENDAR DAYS) AFTER IT IS APPROVED BY THE MSD BOARD. UNLESS THE CLARIFYING LEGISLATION IS PASSED BEFORE APRIL 2 A USER FEE WILL NOT BECOME EFFECTIVE UNTIL AFTER JULY 1. UNDER THE PROPOSED METHOD OF PAYMENT, FEES WOULD NOT BE PAID UNTIL THE TWENTIETH DAY OF THE FOLLOWING MONTH. (EXAMPLE: EFFECTIVE DATE JUNE 1 MEANS MSD RECEIVES MONEY JULY 20.)

PREVIOUS MSD USER FEE ORDINANCES:

ORDINANCE No. 32 ESTABLISHES AN AREAWIDE SOLID WASTE MANAGEMENT AND OPERATION PROGRAM; ESTABLISHES PROCEDURES FOR THE ISSUANCE OF CERTIFICATES FOR THE OPERATION OF WASTE DISPOSAL SITES; PROVIDES FOR ORDERLY AND BENEFICIAL FLOW OF SOLID WASTES;

PROVIDES PENALTIES, ADMINISTRATION, AND ENFORCEMENT; PROVIDES FOR COLLECTION OF FEES; REPEALS ORDINANCE No. 27; AND SETS AN EFFECTIVE DATE WHICH WAS MODIFIED BY A LATER ORDINANCE.

ORDINANCE No. 33 SETS A SCHEDULE OF USER FEES PAID BY OPERATORS OF DISPOSAL SITES TO MSD. BOTH THE SCHEDULE OF USER FEES AND EFFECTIVE DATE WERE MODIFIED BY ORDINANCE No. 36.

ORDINANCE No. 36 AMENDED THE ABOVE TWO ORDINANCES SO THAT THEY BECOME EFFECTIVE UPON THE EXECUTION OF A GRANT/LOAN OFFER AND ACCEPTANCE WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE STATE OF OREGON FOR SUFFICIENT FUNDS "TO PURCHASE THE REAL PROPERTY KNOWN AS THE ROSSMAN PROCESSING STATION SITE."

ORDINANCE No. 37 AMENDED ORDINANCE No. 33 TO PROVIDE FOR THE FOLLOWING SCHEDULE OF USER FEES.

SCHEDULE OF USER FEES PHASE I:

1. THE USER FEES CONTEMPLATED BY ORDINANCE No. 32 ARE:
 - A) NON-COMPACTED SOLID WASTE 17¢ PER CUBIC YARD DELIVERED.
 - B) COMPACTED SOLID WASTE 28¢ PER CUBIC YARD DELIVERED.
 - C) ALL MATERIAL DELIVERED IN PRIVATE CARS, STATIONS WAGONS, AND SINGLE AND TWO-WHEEL TRAILERS, AND TRUCKS WITH RATED CAPACITIES LESS THAN ONE TON WILL BE COMPUTED AT A MINIMUM RATE OF 35¢ PER LOAD UP TO TWO CUBIC YARDS AND 17¢ PER CUBIC YARD THEREAFTER.
2. INERT MATERIAL, INCLUDING WITHOUT LIMITATION, EARTH, SAND, STONE, CURSHED STONE, CRUSHED CONCRETE AND BROKEN ASPALTIC CONCRETE USED AT A LANDFILL FOR COVER, DIKING OR ROAD BASE AND FOR WHICH NO DUMPING CHARGE IS MADE SHALL BE EXEMPT FROM THESE FEES.

ANALYSIS:

WITHOUT AN UNEXPECTED BURST OF SPEED IT APPEARS THAT IF THE SOLID WASTE CLARIFICATION BILL BEFORE THE LEGISLATURE IS PASSED IN DUE TIME, IT WILL BE NECESSARY FOR MSD TO DECLARE AN EMERGENCY TO KEEP THE SOLID WASTE DIVISION TECHNICALLY SOLVENT - I.E. THE USER FEE IMPLEMENTED BY JUNE 1, 1977.

THE INTENT OF THE LEGISLATIVE BILL IN STIPULATING A 65 DAY PERIOD IS TO PROVIDE AN ADEQUATE PERIOD OF TIME FOR THE COLLECTION INDUSTRY TO SEEK A PASS-THROUGH OF DISPOSAL RATE INCREASES FROM THE LOCAL JURISDICTIONS WHERE COLLECTION RATES WHICH INCLUDE DISPOSAL ARE SET. THE MSD BOARD HAS PREVIOUSLY ADDRESSED THIS CONCERN THROUGH RESOLUTION No. 24 WHICH RECOMMENDS THAT THE ADDITIONAL DISPOSAL COSTS TO THE COLLECTOR AS A RESULT OF THE MSD PROGRAM BE PASSED ONTO THE PUBLIC USER IN THE FORM OF INCREASED COLLECTION FEES, AND THAT THE INCREASE BECOME EFFECTIVE UPON IMPLEMENTATION OF THE MSD DISPOSAL USER FEE. THIS RESOLUTION WAS PASSED ON APRIL 9, 1976, AND STAFF SUBSEQUENTLY NOTIFIED ALL LOCAL JURISDICTIONS WITHIN MSD OF THE BOARD'S RECOMMENDATION. CURRENTLY, ONLY WASHINGTON COUNTY AND THE CITY OF GRESHAM HAVE TAKEN ACTION TO PROVIDE FOR THIS PASS-THROUGH. IT IS OUR UNDERSTANDING THAT ORDINANCES UNDER CONSIDERATION BY MULTNOMAH COUNTY AND THE CITY OF PORTLAND PROVIDE FOR THIS PASS-THROUGH. CURRENTLY, THIS PASS-THROUGH IS UNNECESSARY IN UNFRANCHISED AREAS.

STAFF RECOMMENDATION:

THE STAFF RECOMMENDS THAT MSD MAKE PUBLIC ITS INTENT TO IMPLEMENT A USER FEE BY JUNE 1, 1977, THROUGH APPROVAL OF THE ATTACHED RESOLUTION.

AMENDMENT: Resolution No. 27 was not approve. The Board directed staff to carry out items listed in the resolution and did so by motion.

RESOLUTION NO. 27

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 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, OPERATING AND REPAYMENT OF THE LOAN PORTION OF THE STATE FUNDING; AND

WHEREAS LEGISLATION IS CURRENTLY BEFORE THE OREGON STATE LEGISLATURE WHICH WOULD PROVIDE FOR, EXCEPT IN AN EMERGENCY, A 65 BUSINESS DAY PERIOD OF TIME BETWEEN THE APPROVAL OF THE USER FEE BY MSD AND ITS EFFECTIVE DATE; AND

WHEREAS AN EMERGENCY WILL EXIST UNLESS THE USER FEE BECOMES EFFECTIVE ON OR BEFORE JUNE 1, 1977; AND

WHEREAS THE MSD ASSUMES THE CLARIFYING LEGISLATION WILL PASS AND WISHES TO GIVE AS MUCH ADVANCE NOTICE OF THE USER FEE IMPLEMENTATION AS POSSIBLE:

NOW THEREFORE BE IT RESOLVED THAT THE METROPOLITAN SERVICE DISTRICT INTENDS TO IMPLEMENT A USER FEE FOR PURPOSES OUTLINED IN ORDINANCE No. 32 AND GENERALLY IN THE AMOUNTS SET FORTH IN ORDINANCE No. 33, AS AMENDED, WHICH WILL BE EFFECTIVE JUNE 1, 1977.

BE IT FURTHER RESOLVED THAT THE MSD RECOMMENDS TO LOCAL JURISDICTIONS THAT THESE ADDITIONAL DISPOSAL COSTS BE PASSED ONTO THE PUBLIC USER.

BE IT FURTHER RESOLVED THAT THE MSD DIRECTS ITS STAFF TO DEVELOP INFORMATION FOR LOCAL JURISDICTIONS ON THE IMPACT OF THE PHASE I USER FEE AND MAKE SUCH INFORMATION AVAILABLE TO LOCAL JURISDICTIONS AS SOON AS POSSIBLE.

BE IT FURTHER RESOLVED THAT THE MSD DIRECTS ITS STAFF TO PREPARE ALL NECESSARY ORDINANCES, REGULATIONS AND PROCEDURES TO IMPLEMENT THE SOLID WASTE MANAGEMENT PLAN, INCLUDING IMPLEMENTATION OF THE PHASE I USER FEE.

77-777 ORDINANCE NO. 45 - SECOND HEARING

AN ORDINANCE SETTING ZOO RULES AND REGULATIONS FOR THE WASHINGTON PARK ZOO.

ON FEBRUARY 11, 1977, THE BOARD CONSIDERED AN AGENDA ITEM REQUESTING THE RIGHT FOR SOLICITATION AT THE ZOO. AT THAT TIME THE BOARD DENIED THE REQUEST, AND DIRECTED STAFF TO DEVELOP AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR OPERATING THE ZOO. ORDINANCE No. 45 WAS DEVELOPED AS DIRECTED AND RECEIVED ITS FIRST HEARING ON FEBRUARY 25, 1977.

IN RESEARCHING REGULATIONS BEING UTILIZED BY OTHER ZOOS IN THE COUNTRY, LEGAL COUNSEL DEVELOPED AMENDMENTS HE FEELS SHOULD BE INCORPORATED INTO THE ORDINANCE. THESE AMENDMENTS ARE ATTACHED. ALSO ATTACHED IS A PROPOSED LEGISLATIVE CHANGE TO ORS 268.360 WHICH THE BOARD MIGHT WANT TO CONSIDER AS AN ALTERNATIVE TO CITIZEN ARRESTS, OR CALLING THE POLICE AND FILING A COMPLAINT, ON VIOLATORS. IF THE BOARD APPROVES THIS LEGISLATIVE CHANGE, COUNSEL FEELS IT COULD BE INCLUDED IN A BILL PENDING IN THE SENATE NOT ASSOCIATED WITH THE SOLID WASTE PROGRAM.

THE STAFF RECOMMENDS CONDUCTING THE SECOND PUBLIC HEARING ON ORDINANCE No. 45, AND ADOPTING THE ORDINANCE AS AMENDED. STAFF FURTHER RECOMMENDS APPROVAL OF THE PROPOSED LEGISLATIVE CHANGE TO ORS 268.360 IF APPROPRIATE.

AMENDMENT: Ordinance set over for a third hearing on April 8, 1977.

AMENDMENTS TO METROPOLITAN SERVICE

DISTRICT ORDINANCE NO. 45

1. General.

These rules and regulations apply to all buildings and grounds of the Washington Park Zoo, [and] to sidewalks and parking lots adjacent thereto and to the Washington Park Zoo Train and tracks, and to all persons entering in or on such buildings, grounds, parking lots, [and] sidewalks, train or tracks.

2.1 Recording Presence. Except as otherwise ordered, Washington Park Zoo buildings and grounds shall be closed to the public after posted visiting hours. Such buildings and grounds, or portions thereof, shall be also closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of business. Whenever the buildings and grounds or portions thereof are closed to the public for any reason, visitors will immediately leave the premises upon being requested by an authorized individual. Admission to such premises during periods when closed to the public will be limited to authorized individuals who will be required to register and identify themselves when requested by security officers or other authorized individuals. Climbing or cutting the fence or other means of unauthorized entry is prohibited.

2.3.1 Kill, injure or disturb any [exhibit or research] animal by any means except to secure personal safety.

2.5 Nuisances. The use of loud, abusive or otherwise improper language; unwarranted loitering, [sleeping or assembly]; the creation of any hazard to person or things; improper disposal of rubbish; the commission of any obscene or indecent act, or any unseemly or disorderly conduct on the premises; throwing articles of any kind of the premises, or climbing upon any part of the buildings is prohibited.

3.2.9 The dissemination of food or goods other than written materials is prohibited.

4. Zoo Railroad.

Except for official purposes, no person shall:

4.1 Enter or exit the train except when the train is stopped.

4.2 Enter the train without authorization.

4.3 Throw any object or material from or at the train.

4.4 Smoke on the train while it is in motion.

4.5 Destroy, damage or deface the train, equipment, rolling stock, tracks or switches or attempt to do the same.

5. Penalties.

Each violation of these rules and regulations shall be punishable by a fine of not more than \$500 or by imprisonment in a county jail for not more than 30 days or by both.

AMENDMENT TO ORS 268.360

268.360 Authority to exercise police power; ordinances; rules and regulations. For purposes of its authorized functions a district may exercise police power and in so doing adopt such ordinances, rules, and regulations as a majority of the members of its governing body considers necessary for the proper functioning of the district. The district, for the purpose of enforcing such ordinances, may appoint police officers who shall have the same authority, for the purpose of the enforcement of such ordinances, as other police officers.

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

AFTER THE MSD BOARD MEETING OF MARCH 11, 1977, OUR ATTORNEY CALLED LEE KELL, ATTORNEY FOR MARTIN/ SODERSTROM/MATTESON, AND DISCUSSED THE DISPUTE BETWEEN MSD AND HIS CLIENT. MR. KELL CONFIRMED HIS CLIENT'S OBJECTIONS TO TURNING OVER THE DRAWINGS, MODEL, ETC., TO MSD AS PART OF AN OVERALL SETTLEMENT OF THE DISPUTE. HE ALSO CONFIRMED THAT ADDITIONAL NEGOTIATIONS AS TO A "FIXED LIMIT CONSTRUCTION COST" WOULD BE USELESS UNDER THE PRESENT CONTRACT IN THAT HIS CLIENT WAS UNWILLING TO REDUCE THEIR STATEMENT OF PROBABLE CONSTRUCTION COSTS. MR. KELL FURTHER STATED THAT HIS CLIENTS DID NOT INTEND TO SAY THAT THE FACILITY COULD BE BUILT FOR LESS MONEY IF THE PRESENT CONTRACT WAS TERMINATED. MR. KELL DID NOT PROPOSE ANY SETTLEMENT ALTERNATIVES AND THE CONVERSATION ENDED.

OUR ATTORNEY REPORTED TO MSD STAFF THAT HE WOULD CALL MR. KELL AGAIN AND SUGGEST THAT THE MATTER BE RESOLVED BY HAVING HIS CLIENT TURN OVER TO MSD THE DRAWINGS, MODEL, ETC., ON THE BASIS THAT IF MSD INTENDED TO USE THE MATERIAL IT WOULD GIVE MARTIN/SODERSTROM/MATTESON THE RIGHT TO PROCEED WITH THE ARCHITECTURAL ASPECT OF THE FACILITY IF MSD AND MARTIN COULD AGREE UPON THE TERMS OF SUCH WORK. IF SUCH AGREEMENT WAS NOT POSSIBLE, THEN THE DRAWINGS, MODEL, ETC., COULD BE USED BY MSD WITHOUT OBLIGATION TO MARTIN. IF THE DRAWINGS, MODEL, ETC., WERE USED, THEN MSD WOULD RELEASE MARTIN OF ANY LIABILITY WITH RESPECT TO SUCH USE.

Motion: To pay fees owing on mutual signature of release of liability.

77-779 FOOD SERVICES COMMITTEE RECOMMENDATION - SERVICE
EMPLOYEES UNION LOCAL 49

THE FOOD SERVICES COMMITTEE MET ON THURSDAY, MARCH 17, AND RECOMMENDED THAT WITH DONATED EQUIPMENT FROM LOCAL FIRMS, HARD WORK FROM THE NEWLY HIRED VISITOR SERVICES MANAGER AND THE CONTINUED ADVICE AND ASSISTANCE OF THE COMMITTEE MEMBERS, THE MSD WOULD BE BEST SERVED BY OPERATING THE FOOD SERVICES THEMSELVES. IT WAS FELT THAT IF THE ZOO COULD NOT SIGNIFICANTLY IMPROVE THE QUALITY AND PROFITABILITY OF ITS FOOD SERVICE, IT COULD THEN BE CONCESSIONED OUT TO PRIVATE ENTERPRISE. HOPEFULLY THIS IMPROVEMENT WILL MANIFEST ITSELF DURING THE COMING YEAR AND PRIOR TO MAY 1, 1978, AT WHICH TIME THE BOARD WILL BE ABLE TO JUDGE ZOO STAFF PERFORMANCE AGAINST PROPOSALS FROM PRIVATE INDUSTRY.

THE STAFF RECOMMENDS THE BOARD 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.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
77-779 DATE 3-25-77

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

Jean M. Wood

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

SINCE 1975 THE ZOO AND PORTLAND STATE HAVE COOPERATED IN A SUMMER CLASS THAT IS GIVEN AT THE ZOO TO APPROXIMATELY 15 TO 20 STUDENTS. THE PROGRAM WAS DEVELOPED WITH PORTLAND STATE AND CONSISTED OF TWO PARTS. THE FIRST PART WAS A SIX WEEKS COURSE GIVEN AT THE PORTLAND ZOO COMPRISED OF A 1½ HOUR LECTURE EACH DAY, MONDAY THROUGH FRIDAY, FOLLOWED BY A THREE HOUR LAB SESSION ON ASSIGNED PROJECTS. THE ZOO STAFF HANDLED THE INSTRUCTION AND LABORATORY SESSIONS. THE SECOND PART OF THE COURSE TAKES PLACE IN HAWAII. TWO STAFF MEMBERS FROM OUR ZOO WENT WITH THE CLASS MEMBERS TO PROVIDE INSTRUCTION AND GUIDANCE ON SPECIFIC PROJECTS.

PORTLAND STATE UNIVERSITY PAID THE ZOO \$1,000 EACH YEAR FOR THE USE OF THE FACILITIES, CONSULTATION, SUPPLIES, AND PUBLICITY FOR THE PROGRAM. LAST YEAR AFTER THE ZOO MANAGEMENT PASSED OVER TO THE MSD BOARD, THERE WAS CONCERN VOICED BY VARIOUS MEMBERS OF THE BOARD ABOUT ZOO STAFF BEING PAID WHILE BEING IN HAWAII FOR THAT PORTION OF THE CLASS WORK. IN AN EFFORT TO ELIMINATE THIS POTENTIAL PROBLEM FROM THIS YEAR'S CLASS OFFERING, DR. MARKOWITZ WILL BE ON HIS OWN VACATION TIME DURING THE HAWAIIAN PORTION OF THE CLASS, AND MSD WILL NOT BE RESPONSIBLE FOR HIS EXPENSES. WHILE IN PORTLAND, DR. MARKOWITZ WILL CONDUCT THE CLASS, ALSO ON HIS OWN TIME AND REARRANGE HIS WORK SCHEDULE TO MAKE THIS POSSIBLE.

PORTLAND STATE UNIVERSITY WOULD AGAIN PAY TO THE ZOO FUND \$1,000 FOR THE USE OF OUR FACILITIES AND A MINOR AMOUNT OF XEROXING AND SUPPLIES. WE IN TURN WOULD MAKE AVAILABLE A MEETING ROOM FOR 1½ HOURS A DAY FOR THE SIX WEEK PERIOD AND ALLOW THEM THE INCIDENTAL EXPENSES.

THE STAFF RECOMMENDS THAT THE BOARD APPROVE CONTRACT 77-058 WITH PORTLAND STATE UNIVERSITY IN EXCHANGE FOR PAYMENT TO MSD OF \$1,000.

Needham Bond
25% COTTON FIBER

**METROPOLITAN SERVICE DISTRICT
BOARD ACTION**

NO. 77-780 DATE 3-25-77

YES NO ABST.

BARTELS
GORDON
McCREADY
ROBNETT
SALQUIST
SCHUMACHER
MILLER, CHAIRMAN

YES	NO	ABST.

John McWood
Board

AGREEMENT

Parties: Portland State University (P.S.U.)

The Metropolitan Service District, a municipal corporation (M.S.D.)

Date: March 25, 1977

Recital: PSU and the Washington Park Zoo (the Zoo) have cooperated in the past in offering classes at the Zoo for credit at PSU. The parties desire to continue such cooperative efforts in accord with the following provisions.

Covenants and Conditions:

1. M.S.D. will provide to P.S.U. a meeting room in the Education Building at the Zoo for one and one-half (1-1/2) hours per day from June 13 to July 22, 1977. This room will be used by P.S.U. for a summer class conducted by Hal Markowitz.
2. M.S.D. will further provide copying and other incidental services and supplies related to the summer class, not to exceed \$100.
3. P.S.U. will pay to M.S.D. the sum of One Thousand Dollars (\$1,000) for the use of M.S.D.'s facilities, supplies and services. Payment will be due at the termination of the summer class.

Metropolitan Service District

By _____

Portland State University

By _____

OTHER BUSINESS

77-781 Mt. Hood Community College Work Study Agreement

WE HAVE AN OPPORTUNITY TO ENTER INTO A CONTRACT WITH MR. HOOD COMMUNITY COLLEGE FOR COLLEGE WORK STUDY STUDENTS. THIS AGREEMENT IS SIMILAR TO AGREEMENTS THAT MSD HAS ALREADY ENTERED INTO WITH PORTLAND STATE UNIVERSITY, PORTLAND COMMUNITY COLLEGE, AND LEWIS AND CLARK COLLEGE. SUCH AN AGREEMENT OFFERS US AN INEXPENSIVE WAY TO OBTAIN PART TIME HELP IN SPECIFIC AREAS AND TALENTS THAT WE COULD NOT OTHERWISE AFFORD. FUNDS HAVE ALREADY BEEN APPROPRIATED FOR COLLEGE WORK STUDY EMPLOYEES.

THE STAFF RECOMMENDS AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH Mt. Hood Community College for work study students.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION
NO. 77-781 DATE 3-25-77

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

Frank Wood
Clerk of the Board

OTHER BUSINESS

77-782 CONTRACT 76-006 - CITY OF PORTLAND - To TRANSFER OWNERSHIP AND RESPONSIBILITY OF THE ZOO (SUPERCEDES ACTION No. 76-518)

BEGINNING AS EARLY AS APRIL 1976 THE MSD STAFF HAS BEEN ATTEMPTING TO DEVELOP A CONTRACT BETWEEN THE CITY AND MSD REGARDING TRANSFER OF OWNERSHIP OF THE ZOO FACILITIES. THE PURPOSE WAS TO GET THE MSD-ZOO ON A LEGAL FOOTING AND DELINEATE SPECIFIC AREAS OF TITLE AND OWNERSHIP. SINCE THAT TIME, AS DESCRIBED IN THE ATTACHED MEMO, SEVERAL VERSIONS OF THIS AGREEMENT HAVE BEEN BEFORE THE CITY COUNCIL AND VARIOUS AMENDMENTS PRESENTED. ON MARCH 17, 1977, THE CITY APPROVED THE AGREEMENT AS SHOWN ON THE FOLLOWING PAGES.

RECOGNIZING THE LIMITATIONS OF SECTION 4(B), THE STAFF RECOMMENDS THE BOARD APPROVE THIS AGREEMENT AND DIRECT THE STAFF TO DEVELOP APPROPRIATE LEGAL INSTRUMENTS REFERRED IN THIS AGREEMENT.

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

NO. 77-782 DATE: 3-25-77

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

Jean McWood
City Board

A G R E E M E N T

THIS AGREEMENT is entered into by and between the CITY OF PORTLAND, OREGON, herein called "City," and the METROPOLITAN SERVICE DISTRICT, herein called "District."

THE PARTIES RECITE:

(a) City is a municipal corporation of the State of Oregon. District is a Metropolitan Service District, established under ORS Chapter 268.

(b) City presently operates, by ownership and through an agreement for services, the Portland Zoological Gardens, herein called the "Zoo."

(c) ORS 268.310(5) allows the District to acquire, construct, alter, maintain, administer and operate metropolitan zoo facilities.

(d) ORS 268.315 provides that for the purposes of performing the functions set forth in ORS 268.310(5), the District when authorized at any properly called election held for such purpose, shall have the power to levy an ad valorem tax on all taxable property within its boundaries.

(e) District has properly called for such an election and is willing to exercise those powers set forth in ORS 268.310(5). The voters approved, on May 25, 1976, a five-year, 10 million dollar tax levy measure for the operation of the Zoo.

(f) City is willing to transfer ownership and responsibility for the Zoo to the District.

(g) The Portland Zoological Society (herein called the "Society"), currently operating and managing the Zoo by contract dated October 18, 1974, as amended, with the City, is willing to terminate that contract and, as a part of the transaction in which this agreement is executed, City and the Society will enter into a separate agreement terminating their present contract.

(h) This agreement is entered into pursuant to ORS 190.003 to 190.110.

THE PARTIES THEREFORE AGREE:

1. City agrees to transfer and District agrees to receive ownership of and responsibility of the Zoo as provided herein.

1 - Agreement
March 10, 1977
SOTorgrimson/fg

2. City will transfer to the District:

(a) Title to all real property and improvements located in the area enclosed within the broken line boundary marked on Exhibit "A," attached hereto and made a part of this agreement. For the purpose of this agreement, "Improvements" include all improvements paid for in whole or in part with the funds from the Society. If necessary to transfer good title, City will secure a deed or deeds or a release of interest in the property from the Society to the City or directly to the District. City will prepare a legal description of the boundary line marked on Exhibit "A" to be attached to the transfer document(s).

(b) Title to all personal property located on or at the Zoo property identified in Exhibit "A" and all personal property used as a part of the Zoo operation, regardless of where such property is stored or kept. City is preparing a detailed list of all personal property for attachment to the transfer document(s). All personal property related to the Zoo operation owned or in the possession of the Society will be transferred to the District.

(c) Title to all animals, birds, reptiles and fish (hereinafter referred to collectively as "animals") located on or at the Zoo property identified in Exhibit "A," and all animals on loan for breeding purposes. Attached to this agreement is the April 13, 1976, Animal Inventory, which is marked Exhibit "B," and incorporated by reference. Exhibit "B" will be updated as of the date of transfer to reflect all additions to and subtractions from the Animal Inventory.

3. The transfer of the real and personal property and the animals will be without cost to the District.

4. (a) The parties agree to execute all necessary documents to effectuate the transfer as soon as possible and effective July 1, 1976, provided, however, that the transfer documents will provide that the real property shall be used only for Zoo or Zoo-related purposes, and if such property shall cease to be used for such purposes, or shall be used for other purposes, title to such property shall revert to the City. For the purpose of this agreement, Zoo or Zoo-related means at least all of those activities and functions now conducted at the Portland Zoo and in addition means those functions and uses customarily and normally associated with or related to the operation of zoos. The Ladybug Theater, regardless of the size or location on the Zoo property, is and will be considered a Zoo-related purpose.

2 - Agreement
March 10, 1977
SOTorgrimson/fg

(b) The entire or total operation of the Zoo may not be transferred by the Metropolitan Service District to any other party except the legal successor of Metropolitan Service District, or an assignee approved by the Council, which approval shall not unreasonably be withheld. This restriction will not apply to assignments of or contracting out part or portions of the Zoo operations, such as the concessions, maintenance or janitorial work. ~~This restriction will automatically terminate on June 30, 1981.~~ *deleted by Council action 11/1977*

5. As part of the termination of the Society agreement, Metropolitan Service District will receive all funds then in the custody of the Society.

6. City agrees to lease at no cost to the District the Zoo Railway effective July 1, 1976. The lease agreement will be prepared and executed as soon as possible and will at least be as favorable to the District as the present agreement is to the Portland Zoological Society regarding the Zoo Railroad. The lease will provide for the lease of all the land and equipment comprising the railroad and line including a 20-foot right-of-way along the entire route of the railroad line and the entire Washington Park Terminal with present access thereto. The lease agreement will be perpetual and will allow for the physical expansion of the Zoo in the land bordering the Zoo Railroad in the area between the present Zoo site and the Washington Park Station. The lease will be subject to termination for the same reasons expressed in Paragraph 4(b) above.

7. City will terminate all agreements with the Society effective July 1, 1976.

This agreement is executed on behalf of the City by authority of Ordinance No. 142056, approved by the Council of the City on June 30, 1976, and on behalf of the District by authority of Resolution No. _____, approved by the Board of Directors of the District on _____. This agreement is dated the date of the last signature.

CITY OF PORTLAND

By _____
Mayor

By _____
Commissioner of Public Affairs

METROPOLITAN SERVICE DISTRICT

By _____
Chairman

3 - Agreement
March 10, 1977
SOTorgrimson/fg



March 10, 1977

INTEROFFICE MEMO

OFFICE OF
CITY ATTORNEY

JOHN W. OSBURN
CITY ATTORNEY

1220 S.W. FIFTH AVE.
PORTLAND, OR. 97204
503/248-4047

TO: Mayor Goldschmidt
Commissioner Ivancie
Commissioner McCready
Commissioner Schwab
Commissioner Jordan

FROM: Office of City Attorney

SUBJECT: ~~Returning Council Calendar No. 317~~
in the matter of the transfer of the Zoo
from city to Metropolitan Service District

Dear Mayor and Commissioners:

Pursuant to Council meeting on the 30th of June, 1976, ~~Council Calendar No. 317~~, the City Attorney was requested to insert specific language into a proposed agreement between the city and Metropolitan Service District involving the transfer of the Zoo.

Pursuant to that request, the City Attorney drafted the proposed language into an agreement, which was approved by the Council by Ordinance No. 142056 and submitted to the Metropolitan Service District, by and through its attorney Mr. Dean Gisvold. Subsequent thereto, the agreement was rejected by the Metropolitan Service District, who proposed a change to the agreement. This proposal was submitted to the Mayor and Commissioners for their comments pursuant to correspondence from the Office of the City Attorney to the Mayor and Commissioners, dated September 3, 1976, a copy attached, [ATTACHMENT 1] which was rejected by a 3-2 informal vote. Subsequent thereto, meetings were held between the District, the City Attorney's office and the Commissioner of Public Works, which resulted in another proposed agreement with changes as set forth in [ATTACHMENT 2] correspondence from Mr. Gisvold to Mr. John Osburn, former City Attorney, dated January 12, 1976.

The City Attorney's Office, at the request of John Osburn, has drafted a new form of agreement, [ATTACHMENT 3] which has incorporated the changes and Mr. John Osburn has indicated that he would be willing to appear before Council, upon adequate notification, to answer any inquiries that

Two
Mayor Goldschmidt, et al
March 10, 1977

Council may wish to make in relation to this agreement,
inasmuch as he was the City's representative at the subse-
quent meetings.

Very truly yours,

Stanley O. Torgerson
STANLEY O. TORGRIMSON
Deputy City Attorney

SOT/fg
Attachments

Report of the
~~Communication from Office of~~
City Attorney regarding transfer of
the Zoo from city to Metropolitan
Service District.

MAR 16 1977
CONTINUED TO MAR 17 1977

MAR 17 1977

ADOPTED as Amended

- 34 -

THE COMMISSIONERS VOTED
AS FOLLOWS

	YEAS	NAYS
VANCIE	1	
JORDAN	1	
McCREADY		1
SCHWAB	1	
Goldschmidt	1	

Filed MAR 11 1977
GEORGE YERKOVICH
Auditor of the City of Portland
By Edna Cervasa
DEPUTY

METROPOLITAN SERVICE DISTRICT
BOARD ACTION

77-783 3-25-77

No motion - consensus agreement.

- BARTELS
- GORDON
- MCCREADY
- ROBNETT
- SALQUIST
- SCHUMACHER
- MILLER, CHAIRMAN

	YES	NO	ABST

MARCH 23, 1977

James M. ...
Clerk of the Board

TO: MSD BOARD OF DIRECTORS

FROM: ROBERT SCHUMACHER

SUBJECT: CREATION OF AN MSD MANAGEMENT BOARD

BASED ON THE ASSUMPTIONS OF CONTINUED EXISTANCE OF THE MSD BOARD AS PRESENTLY STRUCTURED AND TWO OPERATING DIVISIONS, I AM RECOMMENDING THE MSD BOARD CONSIDER CREATING BY ORDINANCE AN MSD MANAGEMENT BOARD. THEIR PURPOSE WOULD BE TO PROVIDE DIRECTION TO OPERATING DIVISION DIRECTORS ON DAY-TO-DAY ADMINISTRATIVE MATTERS, TO PROVIDE ADVISE AND COUNSEL TO OPERATING DIVISION DIRECTORS, AND TO RECOMMEND THOSE MANAGEMENT MATTERS REQUIRING BOARD ACTION TO THE MSD BOARD OF DIRECTORS.

MY PROPOSAL WOULD CREATE A THREE MEMBER MANAGEMENT GROUP ELECTED BY THE SEVEN MEMBER MSD BOARD. AN ORDINANCE SHOULD BE DRAFTED BY STAFF AND LEGAL COUNSEL TO IDENTIFY SPECIFIC AREAS OF RESPONSIBILITY AND DELEGATED POWERS WOULD ONLY BE THOSE LEGALLY ALLOWED.

THE NEED FOR THIS GROUP HAS BECOME APPARENT IN RECENT MONTHS AND LEGALLY IDENTIFYING ITS RESPONSIBILITIES IS THE PRIMARY REASON FOR THIS PROPOSAL.

METROPOLITAN SERVICE DISTRICT

BOARD OF DIRECTORS

GUEST ATTENDANCE LIST

DATE: 3-25-77

NAME	REPRESENTATION
Patti Pride	Multnomah County
JOHN HANKEE	" "
Jack Pement	Oregon Journal
Clare Glendening	D.E.Q.
Jerry Power	Portland Recycling
Ron Perkins	City of Portland
John McWhorter	City of Portland
Normandie Hand-Denny	AJC
NORMAN R. DULL	M/S/M
ROBERT MIGLIORI	M/S/M.
WILL MARTIN	M/S/M
John L. Matteson	Martin/Soderstrom/Matteson A.I.A.
John Q. Wilson	M.S.O.
WARREN LIFF	MSD - 200
Mike Alesko	Oregonian