



# METROPOLITAN SERVICE DISTRICT

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

(503) 222-3671

## MSD BOARD OF DIRECTORS

### MINUTES OF FEBRUARY 24, 1978 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Robert Schumacher, Chairman  
Sidney Bartels  
Raymond Miller  
Connie McCready  
Lyle Salquist  
James Robnett  
Mel Gordon

#### GUESTS IN ATTENDANCE

List attached

#### STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
Bob Brown, DEQ  
Charles C. Kemper, Staff  
A. McKay Rich, Staff  
Warren Iliff, Staff  
Merle Irvine, Staff  
Jean Woodman, Staff  
Chuck Estes, Staff

METROPOLITAN SERVICE DISTRICT  
BOARD ACTION  
NO. 78-1014 DATE 3-10-78  
YES NO ABST.  
BARTELS  
GORDON  
McCREADY  
MILLER  
ROBNETT  
SALQUIST  
SCHUMACHER  
Clerk of the Board

There being a quorum present, the Board considered the following items of business:

#### 78-1006 MINUTES

Councilman Bartels moved to approve the minutes of February 10, 1978, as submitted. Commissioner McCready seconded the motion. The Motion carried with Commissioner Miller abstaining. (Commissioner Gordon was not present.)

#### 78-1007 PUBLIC COMMUNICATIONS

- A. Commissioner McCready moved to enter into the Board meeting rules that unless a Board member is specifically exempted by the Board from voting on an issue, all votes other than no votes be considered in favor of the motion being considered. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon was not present.)

MSD Board of Directors  
Minutes of February 24, 1978  
Page 2

- B. Commissioner Miller moved to hold the March 10, 1978, Board meeting in Hillsboro. Councilman Bartels seconded the motion.

Commissioner Miller suggested holding every other meeting in a different jurisdiction in order to attract public attendance from those locations. There was some discussion on holding meetings with agendas of particular interest to a specific jurisdiction in that jurisdiction and continuing general meetings in a central meeting place. There was also some concern discussed that moving the Board meetings to different locations would jeopardize attendance by the press and public used to the Water Bureau location. It was agreed to try scheduling different locations and discuss it at a later date.

The clerk called the roll, and the motion carried unanimously by roll call vote. (Commissioner Gordon was not present.)

Commissioner McCready suggested the Education Building at the Zoo as a general meeting place. She also suggested that a sign be placed at the Zoo entrance identifying the Zoo as a part of the Metropolitan Service District and containing a list of Board members, their jurisdictions, and phone numbers, and a notice of the date and place of the next Board meeting. She also felt that the Zoo's Newsletter should carry some mention of the MSD. Staff will report to the Board on Commissioner McCready's suggestions.

78-1008 CASH DISBURSEMENTS

Commissioner Miller moved to approve payment of Expense Check Registers for February 21, 1978, in the total amount of \$47,488.54, and February 24, 1978, in the total amount of \$62,117.07. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote. (Commissioner Gordon was not present.)

78-1009 ADMINISTRATIVE PROCEDURE NO. 7 - PERSONAL SERVICES SELECTION

Mr. Kemper reviewed Administrative Procedure No. 7 describing a personal services contract selection process required by ORS 279 to be adopted by the governing body. The procedure is divided into three processes by contract amounts: the first for under \$500; the second for \$501 to \$5,000; and the third

for amounts over \$5,000. Mr. Kemper stated that 144 contracts have been entered into by the District since January 1977, 38 of which were not applicable to the procedure; 41% were under \$500; 16% were between \$501 and \$5,000; and 15% were over \$5,000.

Commissioner McCready moved to approve MSD Administrative Procedure No. 7 for personal services selection as submitted. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

78-1010 REQUEST TO SPONSOR FLOOD CONTROL PROJECT FOR LOWER  
TUALATIN RIVER - Contract 78-136

Mr. Kemper reviewed a request by the City of Tualatin to reinstitute a flood control study begun by the Corps of Engineers and abandoned before completion, to be sponsored by the Metropolitan Service District. The City was proposing a contract between MSD and the City of Tualatin for funding of a Phase I work scope in the amount of \$12,000, to be paid by the City of Tualatin, and which would bring the program to a Phase II feasibility study. It was anticipated that Phase II would then be accomplished by the Corps of Engineers. The staff intent was to utilize existing staff to complete the Phase I project.

Commissioner Schumacher was concerned that with the present work load, the existing staff might be insufficient. He was also concerned that the proposed \$12,000 funding might prove insufficient to complete the study. He felt the escape clause in the agreement should allow either cancellation or increased funding in the event that MSD could not complete the work scope with the contracted \$12,000 funding. Commissioner McCready was also concerned with the use of existing staff, stating that there was a potential expansion of any drainage program begun by MSD to be considered which could include drainage problems in other jurisdictions. She also felt that a possible reorganization of staff by the Management Committee might affect the use of staff on this program. It was staff's feeling that the work involved was only a compilation of data and could be accomplished without increasing staff or contracting on a consultant basis. In discussion of the work scope and the staff's ability to satisfactorily complete the project under the confines of the contract, Councilman Bartels suggested that the data gathering be limited to existing data only.

Mr. Dave Bryant, Engineer for the City of Tualatin, approached the Board stating that the City's main interest was to obtain sponsorship of MSD in order to reactivate the project, and that Phase I

staff effort by MSD consisted only of enlisting the support of the Corps. At that point, Phase I would be ended and Phase II, under the Corps of Engineers would begin. Commissioner Miller stated that the Corps had indicated that it considered the project to be regional and that they would be willing to continue a study provided sponsorship was from a regional body.

The Board was still concerned that the contract could be satisfactorily completed for the contract sum of \$12,000, and with vague language in portions of the work scope. Commissioner McCready proposed that the City of Tualatin provide some staff assistance if it becomes necessary, and Mr. Bryant agreed.

Mr. Gisvold felt item No. 3 could be restricted to coordinating information from established reports and information already gathered, and questioned the responsibility of analyzing the information. Commissioner Schumacher suggested language clarification of the contract and felt that with the statement, "Within a reasonable time the parties agree to either increase the sum or terminate the agreement" as an escape clause, the contract would be appropriate.

Commissioner Miller moved to approve Contract 78-136 between the MSD and the City of Tualatin in concept and direct legal counsel to amend the contract to satisfy the Board's concerns. Councilman Bartels seconded the motion.

Mr. Bryant stated that hearings before both the House and Senate are scheduled for the first of April and the City would appreciate any help the MSD could provide.

The clerk called the roll and the motion carried unanimously.

78-1011 CONTRACT 77-107 AMENDMENTS - WARNER WALKER & MACY

Commissioner Gordon moved to approve the following two amendments to Contract 77-107 between MSD and Warner Walker & Macy: 1) extending the completion date for Phase III to March 24, 1978, and extending the completion date for Phase IV to May 5, 1978; and 2) expanding the work scope to include construction design of the animal nursery improvements at a cost of up to \$2,500, subject to legal counsel review, and authorization for the Chairman's signature. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

78-1012 TRAVEL REQUESTS

Commissioner Miller moved to approve travel requests for attendance at the Western Regional AAZPA workshop in Los Angeles for the following staff members: Steve McCusker for an amount up to \$426.50; Warren Iliff for an amount up to \$520.50; and Bill McCabe for an amount up to \$426.50. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

---

INFORMATIONAL REPORTS

Solid Waste Division

1. Mr. Irvine presented a semi-annual report prepared by the Implementation and Compliance Department and dealing with the following areas of information: "Solid Waste Code Enforcement Summary"; "Solid Waste Agreements and Authorizations Summary"; and "Solid Waste Disposal Site and Processing Facility Monthly Report Summary". Mr. Irvine stated that if the Board wished to make the report public, certain portions dealing with the landfill operator volume information, considered confidential under ORS 192.500, would have to be eliminated.

Zoo Division

2. Mr. Doug Macy, of Warner Walker Macy, gave a brief review of Phase III of the Zoo Development Plan, stating that detailed descriptions were being developed on about 26 project areas that were described in Phase II. In addition, Phase III would contain design guidelines to help describe the levels of details and technology involved in the improvements. Cost estimates for the projects were also being detailed. Mr. Macy stated that the consultant team and Zoo personnel were assisting in the evaluation of improvement projects. Phase III will also be reporting on visitor services and operations and maintenance. A report will be submitted to the Board members March 13, for action at the March 24, 1978, Board meeting.

Mayor Robnett questioned whether a hippo pool was planned, and Mr. Macy stated that there would be a fairly large water area in that exhibit.

78-1013 EXECUTIVE SESSION

Commissioner McCready moved to adjourn to Executive Session to consider a letter received from the Attorneys of Hal Markowitz. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

Commissioner Schumacher cited Oregon Revised Statute Chapter 192.660 (2)(d) regarding current litigation as authority for the Executive Session, stating that the press could remain but cautioned them that any material discussed must remain undisclosed.

The Board adjourned to Executive Session at 3:30 P.M., and reconvened in public meeting at 3:40 P.M., to take the following action:

Commissioner Gordon moved to authorize negotiations of a settlement with Hal Markowitz in the amount of \$4,000, with negotiations not to exceed \$5,000, with the understanding that Mr. Markowitz will complete whatever work is required to catalogue and organize all research data developed by the Zoo. Councilman Bartels seconded the motion. The motion carried unanimously by roll call vote.

The meeting adjourned at 3:45 P.M.