



# METROPOLITAN SERVICE DISTRICT

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

(503) 222-3671

## MSD BOARD OF DIRECTORS

### MINUTES OF MARCH 10, 1978 MEETING

#### BOARD MEMBERS IN ATTENDANCE

Sidney Bartels, Vice Chairman  
Raymond L. Miller  
Lyle Salquist  
Connie McCready  
James Robnett

#### GUESTS IN ATTENDANCE

List attached

#### STAFF & ADVISORS IN ATTENDANCE

Dean Gisvold, Attorney  
Charles C. Kemper, Staff  
Chuck Estes, Staff  
Paul Norr, Staff  
A. McKay Rich, Staff  
Warren Iliff, Staff  
Jean Woodman, Staff

#### METROPOLITAN SERVICE DISTRICT BOARD ACTION

NO. 78-1020 DATE 3-24-78

|            | YES | NO | ABST. |
|------------|-----|----|-------|
| BARTELS    | /   |    |       |
| GORDON     |     |    |       |
| MCCREADY   | /   |    |       |
| MILLER     |     |    |       |
| ROBNETT    |     |    |       |
| SALQUIST   | /   |    |       |
| SCHUMACHER |     |    |       |

*Jean Woodman*  
Clerk of the Board

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

#### 78-1014 MINUTES

Commissioner McCready moved to approve the minutes of February 24, 1978, as submitted. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

#### 78-1015 PUBLIC COMMUNICATIONS

Councilman Bartels 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.

78-1016 CASH DISBURSEMENTS

Commissioner Miller moved to approve payment of Expense Check Registers for February 28, 1978, in the total amount of \$29,662.06; March 7, 1978, in the total amount of \$35,074.13; and March 10, 1978, in the total amount of \$42,834.83. Mayor Robnett seconded the motion. The motion carried unanimously by roll call vote.

78-1017 ORDINANCE NO. 57 - EMERGENCY

Councilman Bartels opened the public hearing on Ordinance No. 57 asking if there was anyone in the audience that wished a copy of the ordinance and did not have one. There was no response.

78-1017.A: Commissioner Miller moved to read Ordinance No. 57 by title only. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

The clerk read the ordinance title: "An ordinance amending Budget Ordinance No. 53 by the inclusion of a supplemental budget and declaring an emergency."

Mr. Estes reviewed the ordinance and Exhibit A containing the supplemental budget figures and showing the total revised 1977-78 Budget figures. Commissioner McCready asked if the supplemental budget was complete and appropriate and whether the Board's concerns as discussed at a previous meeting were resolved. Mr. Kemper reviewed some of the problems discussed previously such as increasing the Zoo Division's contribution to the general fund to pay for increases in liability insurance, and the loan contract with DEQ. He stated that the Tax Supervising and Conservation Commission held a public hearing on the supplemental budget and approved it without exception. Mr. Rich stated that the question of the Zoological Society's contribution to the Zoo's newsletter had been addressed and that the next edition would be published under the Metropolitan Service District and the Society would pay for any portion they are involved with. He also stated that MSD was billing the Society \$12,000 for services provided during this fiscal year. Commissioner McCready felt that the question of providing services to the Society and whether or not the newsletter should be continued and its funding should be considered during the 78-79 Budget preparation.

There was no further discussion by the Board.

Councilman Bartels asked if there was anyone in the audience that wished to speak to Ordinance No. 57. There was no response.

78-1017.B: Commissioner McCready moved to adopt Ordinance No. 57. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

78-1018 ORDINANCE NO. 58 - FIRST PUBLIC HEARING

Councilman Bartels opened the public hearing to give first consideration to Ordinance No. 58, an ordinance modifying the MSD Code, abolishing Chapters 12.16, 12.18, and 20.10, and amending Section 12.02.060(2). An ordinance ending the special treatment of scrap tire collectors and incorporating the Scrap Tire Program into the Solid Waste Management Program.

78-1018.A: Commissioner McCready moved to read Ordinance No. 58 by title only. Commissioner Miller seconded the motion. The motion carried unanimously by roll call vote.

Mr. Norr reviewed the ordinance, the purpose and the effects on tire disposal in the MSD area as outlined in the staff report. Mr. Gisvold discussed his written opinion on whether MSD may contract with local jurisdictions to provide regulation for scrap tire collection, stating that the law allowed for written agreements with local municipalities but only for services that MSD is authorized to provide; and also, the municipalities may not transfer their regulatory authority to another body for enforcement. Commissioner McCready suggested delaying action on Ordinance No. 58 allowing local jurisdictions time to set up regulatory programs on a cost sharing basis. She also suggested that MSD lobby the next Legislature to reinstate "collection" into ORS 268 to apply to scrap tires only. Mr. Gisvold answered that this was only the first hearing on the ordinance and as the ordinance would not come into effect until 30 days after adoption, the program would be maintained at least 45 days from this date, providing notice time to the jurisdictions. In answer to Mayor Robnett's concern that collectors would begin disposing of tires on roadsides, Mr. Gisvold stated that MSD did have authority to require disposal of scrap tires at designated landfills.

Councilman Bartels asked if there was anyone in the audience that wished to address the Board on Ordinance No. 58, and the following testimony was received:

1. Gary McMurry, Attorney  
Representing Tiregon, Inc.

(Transcript attached of Mr. McMurry's comments and the following Board discussion.)

2. Joe FuGaTe  
Pacific Northwest Tires

Mr. FuGaTe stated that he would present his comments at the next hearing, but did want to state that he was against the Tiregon monopoly which he felt was forcing the small scrap tire collector out of business.

There was no further testimony.

Commissioner McCready requested the Board's concurrence that the staff be directed to contact the local jurisdictions to inform them of MSD's position as regards scrap tire collection, and suggesting development of a proposal for joint regulation and enforcement in this area as an interim solution pending the next Legislative Session, and hopefully, corrective amendments to ORS 268. There was a consensus in favor of this suggestion.

Councilman Bartels felt that staff should provide the Board with a better understanding of the affect passage of the Ordinance would have on individuals and companies in the scrap tire business. The Board was in agreement and it was suggested that the second hearing date be set for April 14th rather than March 24th, allowing the Board longer preparation time.

Motion 78-1018.B: Commissioner Miller moved to set the second hearing on Ordinance No. 58 for April 14, 1978. Councilman Salquist seconded the motion. The motion carried unanimously by roll call vote.

#### 78-1019 TRAVEL REQUEST

Commissioner Miller moved to approve a travel request for Joey Cross to attend the AAZPA Western Regional Conference in Los Angeles at a cost up to \$424.50. Commissioner McCready seconded the motion. The motion carried unanimously by roll call vote.

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INFORMATIONAL REPORTS

Zoo Division

Mr. Iliff discussed a bomb threat received by the Zoo Division which was a false alarm; and informed the Board that a Penguin egg had been laid, something unusual for these birds in captivity. Mr. Iliff also suggested that the Board meet at the Zoo early on March 24, 1978, for a tour of the Zoo's improvements. It was agreed that the Board would meet there for lunch on that date.

There were no further reports, and the Board meeting adjourned at 3:30 P.M.