

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

February 8, 1979

Councilors in Attendance

Chairman Michael Burton
Vice Chairman Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Jack Deines
Coun. Jane Rhodes
Coun. Caroline Miller
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Betty Schedeen
Coun. Marge Kafoury

Coun. Kirkpatrick was absent

Others in Attendance

Mr. Mark Boehm
Mr. Frank Angelo
Ms. Sharon Derderian
Mr. George D. Ward
Mr. Dick Colby
Mr. Z. Schoemaker
Ms. A. Peterson
Mr. Steve Lockwood
Mr. Ruben G. Derderian
Mr. Carl Wilson
Mr. David G. Phillips
Ms. Cindy Walbridge
Capt. James Slauson
Mr. Robert Cowman

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Denton Kent
Mr. Andrew Jordan
Mr. James Sitzman
Mr. Robert McAbee
Mr. Wm. Ockert
Ms. Judith Bieberle
Mr. Corky Ketterling
Mr. Merle Irvine
Ms. Caryl Waters
Mr. McKay Rich
Ms. Karen Tweten
Ms. Barbara Higbee
Ms. Sue Klobertanz
Ms. Marilyn Holstrom
Mr. Warren Iliff
Ms. Jennifer Sims
Ms. Anne Kelly Feeney
Mr. Jack Bails
Ms. Linda Brentano
Mr. Dick Karnuth
Mr. Steve McCusker
Ms. Mary Carder

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CALL TO ORDER

After declaration of a quorum, the February 8, 1979, meeting of the Council of the Metropolitan Service District (MSD) was called to order by Presiding Officer Michael Burton at 7:00 p.m. in Conference Room "C" of the MSD offices at 527 Hall Street.

1. WRITTEN COMMUNICATIONS TO THE COUNCIL

Mr. Henry Kane, attorney, read a statement he had addressed to the Council in opposition to a proposal to ask the 1979 Legislature to remove the MSD from ORS Chapter 183, the Administrative Procedures Act.

The Council discussed the matter of attendance at the Council briefing to be held February 15, and decided that the meeting would be held at 5:15 and only one item, the report from the Committee on Committees, would be on the agenda. It was planned that the meeting would last one hour.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Mr. George Ward, consulting engineer, invited the Executive Officer and members of the Council to attend a conference at the Oregon Graduate Center on the subject of toxic industrial waste.

3. CONSENT AGENDA

3.1 Minutes of Meeting of January 18, 1979

3.2 A-95 Reviews

3.3 Appointment of Coun. Charles Williamson to represent MSD on Portland Recycling Team Task Force

Mr. Peterson asked to amend the minutes. He said that on Page 12, the paragraph concerning Mr. O. B. Harr should read "Mr. Harr submitted a written statement and supported the resolution introduced by Couns. Peterson, Banzer and Schedeen." The correction was noted.

With reference to the A-95 Review, Coun. Williamson commented that the new summaries were very helpful.

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There was Council discussion of an A-95 Review item which was acted on by a public agency before receiving the review prepared by MSD.

Mr. Kent explained the review process and said that it had generally worked well. In this instance the timing had apparently been faulty.

Coun. Kafoury moved, seconded by Coun. Stuhr, that items 3.1, 3.2 and 3.3 of the Consent Agenda be approved. The motion carried unanimously.

4. REPORTS

4.1 Report from Executive Officer

Executive Officer Gustafson said the Senate Committee on Environment and Land Use would discuss a proposed bill to allow local jurisdictions to declare solid waste or landfill emergency sites without local approval. Mr. Gustafson said Merle Irvine, Acting Director of the MSD Solid Waste Division, would attend to provide the committee with any assistance he could.

Coun. Berkman said this hearing would be essentially informational, and that he would hope that the Council would give Mr. Irvine the flexibility to inform members of the committee that the Council is vitally interested in their approach and encourage them to finalize the bill so that it could be debated.

It was Council consensus that Mr. Irvine should attend.

The Executive Officer circulated a letter of appreciation to the Council from Ms. Hazel Hayes.

Executive Officer Gustafson reported on the trip he and Mr. Kent had taken to Washington, D. C. and said he felt that it had been quite fruitful. Meetings had been arranged with several federal officials.

Mr. Gustafson said they had met with Representative Bob Duncan, and that he had been very encouraging about participation of the Corps of Engineers in cleanup of Johnson Creek.

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Mr. Gustafson said the Council would be requested to consider, at the next regular meeting, adding a 464 acre site to the list of potential landfill sites. The site is outside the boundaries of the MSD, and is currently known as the Mira Monte Farms property. Mr. Gustafson explained the location of the site to the Council, and said he would keep them informed of the progress of the proposal. He thought it might be appropriate for the Council to authorize staff to approach Clackamas County for an amendment to the AG-20 zoning classification in the County Plan to permit landfill uses.

Coun. Berkman felt a resolution should be drawn to assure people in that area that MSD would involve them as quickly as possible in that process.

Chairman Burton suggested that this matter be referred to the standing committee on solid waste.

5. OLD BUSINESS

5.1 Ordinance No. 79-65, Providing for Rules of Procedure for Conduct of Council Meetings, Transaction of Council Business and Repealing All Prior Rules of Procedure (second reading)

Mr. Andrew Jordan read the ordinance by title after it was ascertained that it was Council consensus that the ordinance be read by title only.

Coun. Berkman moved, seconded by Coun. Kafoury, that Ordinance No. 79-65 be adopted.

Coun. Stuhr asked about amendments proposed by the public. There was Council discussion concerning amendments proposed by Anne Nickel. The Chairman said her proposal had been referred to the Committee on Committees and that the committee will return to the Council at a later date with a recommendation for all amendments to the rules.

The Council discussed the recommendation of Mr. Jim Allison concerning hearings on ordinances. It was decided that hearings could always be held and that it was not necessary to include this reference in the rules.

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Question called on the motion. Rollcall vote. All Councilors voted aye except Coun. Kirkpatrick, who was absent. The motion carried.

- 5.2 Ordinance No. 79-66, Providing for Assessment of Local Governments for Operation of the Metropolitan Service District Planning Function for the Second Half of FY 1979 (Second Reading)

Mr. Jordan read Ordinance No. 79-66 by title, after it was ascertained that it was Council consensus that he should do so.

Coun. Stuhr moved, seconded by Coun. Williamson, that Ordinance No. 79-66 be adopted.

Chairman Burton commented that the Executive Officer had received a letter of support from the manager of the city of Cornelius, who also asked to be sent an overview of the services to be provided in connection with the dues levy.

Question called on motion. Rollcall vote. All councilors present voted aye.

Resolution No. 79-18, Providing for a Dues Credit of \$50,000 to Local Jurisdictions and Special Districts for the period January 1, to June 30, 1979.

Coun. Williamson moved, seconded by Coun. Stuhr, that Resolution No. 79-18 be adopted. The motion carried unanimously.

- 5.3 Proposed Legislative Program for MSD (Resolution Nos. 79-13, 79-14, 79-15)

Resolution No. 79-13, Transmitting Concerns of the Council Regarding the Banfield Transitway Project.

Coun. Peterson moved, seconded by Coun. Schedeen, that Resolution No. 79-13 be adopted.

Coun. Peterson explained that the resolution previously proposed had been split into two resolutions; one addressed to the legislature and the other to the implementing agencies. Coun. Peterson and Coun. Banzer had met with Clyde

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Doctor from Multnomah County, and as a result of that meeting the resolution had been amended to support the efforts of the responsible implementing agencies.

Coun. Rhodes moved, seconded by Coun. Stuhr, that the word "sole" be added in paragraph 2) before the word "purpose."

Coun. Peterson accepted that amendment.

Question called on the motion. Rollcall vote. The motion carried unanimously.

Resolution No. 79-14, Requesting Legislative Support for State General Fund Appropriations for the Banfield Transitway Project.

Coun. Kafoury moved, seconded by Coun. Stuhr, that Resolution No. 79-14 be adopted.

Coun. Banzer pointed out to Council the serious traffic problems which exist east of Portland on the Banfield.

Coun. Rhodes asked that the last sentence of the last "Whereas," be removed so that the sentence would end with the word "density." Coun. Kafoury accepted the change.

Coun. Deines asked how funds would be expended and how large a portion of the project would be expended for transitway.

Mr. Ockert said the division would be about half and half.

Chairman Burton expressed concern that the Council should view the transportation system as a regional matter and keep in mind that the light rail was only a piece of the whole transportation system.

After further discussion, the question was called. Rollcall vote. Couns. Miller, Banzer, Peterson, Kafoury, Burton, Stuhr, Williamson, Berkman, Rhodes and Schedeen voted aye. Coun. Deines voted nay. Coun. Kirkpatrick was absent. The motion carried.

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Resolution No. 79-15, Seeking Legislation to Permit MSD to Determine Landfill Sites, was deferred to the next meeting of the Council.

Bill #3, Referring to ORS 215.213, was read.

Coun. Schedeen moved, seconded by Coun. Berkman, that the Council refer Bill #3 to the Legislative representative to be a part of the legislative package.

Coun. Berkman said the Solid Waste Task Force had no opposition to Council support of this proposal.

Mr. Jordan explained that the proposal would amend the EFU statute, which refers to land for farm use.

Coun. Miller said she had contacted persons who had convinced her to support this bill, but that she would not be in favor of using A-1 farm area for siting of landfills.

Mr. George Ward asked that the Council consider inclusion of the word "non-hazardous" before the word "liquid" so that the proposal would read: "...solid or non-hazardous liquid wastes..."

Mr. Gustafson explained that hazardous waste has a different section in the statutes and is solely the responsibility of the State.

Coun. Deines moved, seconded by Coun. Banzer that the resolution be revised to read: "... site for disposal of solid or liquid waste other than hazardous, as defined by Oregon Statutes."

Coun. Peterson asked if this clause would be appropriate. Mr. Jordan said it was redundant because the definition excluded hazardous wastes.

The question was called on the motion for amendment. The motion failed.

Question called on main motion. Couns. Miller, Banzer, Peterson, Stuhr, Williamson, Berkman, Deines, Rhodes and Schedeen voted aye. Couns. Kafoury and Burton voted nay. Coun. Kirkpatrick was absent. The motion carried.

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Chairman Burton explained that he had a problem with the resolution, in that it was his feeling that exclusive farm use meant exclusive farm use.

Coun. Williamson said he was concerned with placing landfills outside the boundaries of MSD, but he had no objection to studying all the sites possible.

A short break was taken.

6. NEW BUSINESS

6.1 Ordinance No. 79-67, Administrative District 2, Criminal Justice System Improvement Plan (First Reading)

Coun. Berkman moved, seconded by Coun. Rhodes that Ordinance No. 79-67 be read by title only. The motion carried unanimously.

Mr. Jordan read Ordinance No. 79-67 by title.

Coun. Rhodes said she had read through the plan carefully, and that she felt emphasis should be on implementation, rather than administration. Coun. Rhodes commented regarding the emergency number, saying that she supported it in theory, but that she was not convinced that it worked in practice.

Mr. Bails explained that the plan emphasized the use of current resources, rather than requesting additional manpower.

Regarding the emergency telephone number, Mr. Bails explained some of the problems, and that MSD was providing planning assistance to agencies to implement the 911 emergency number.

6.2 Zoo Development Program Review

Mr. Warren Iliff, Zoo Director, reviewed the Zoo development program and showed slides of various Zoo exhibits, with companion slides to demonstrate anticipated developments. He recommended that the Council reevaluate the Zoo development program and suggested formation of a Zoo development commission and acquisition of grants to augment the limited local funds available for Zoo redevelopment.

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There was no action required on this item.

6.3 Primate House Project - Zoo

Mr. Steve McCusker, Zoo project manager, reported on progress on the primate house project and said the total cost has been estimated to be approximately \$1.8 million. Staff is investigating ways to trim the total cost prior to requesting Council to let the bids for the final design phase of the project.

Mr. Robert Cowman of Sheldon Eggleston Reddick Associates, outlined the improvements to the existing primate facility, and demonstrated by way of slides the proposed exhibits to be constructed or provided through major remodeling.

Mr. Gustafson explained that staff expects to request the State Project Review Board for an exemption from the usual bidding process, to allow a negotiated contract for this specialized design.

Coun. Miller asked that the Council be provided with a list of projects requesting a variance based on uniqueness.

There was no action required on this item.

6.4 Amendment to Interim Personnel Rules

Coun. Stuhr moved, seconded by Coun. Kafoury, that Resolution No. 79-16, Amending the Interim Joint Personnel Rules for the Metropolitan Service District be adopted.

The Executive Officer explained that the proposed Resolution would amend the Interim Personnel Rules by deleting a portion relating to management employees to place management and non-union MSD employees on the same vacation schedule as other MSD employees who were employed by CRAG prior to January 1, 1979.

The question was called on the motion. The motion carried unanimously.

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Coun. Stuhr moved, seconded by Coun. Kafoury that Resolution No. 79-19, Amending the Interim Personnel Rules to provide Exemptions for Certain Employees, be adopted.

Mr. Denton Kent explained that during the formation of the new organization, the opportunity for the Executive Officer to personally select his direct support personnel was not considered. The proposed resolution provides the Executive Aide and the Administrative Aide an exemption from portions of the Interim Personnel Rules relating to appointment, discipline, pay and classification, and provides that a set budget amount be established by the Council for persons within the "exempt status" category. This will enable the Executive Officer to adjust salaries and classifications of exempt employees at his discretion within the approved budget allotment.

Coun. Kafoury felt it appropriate that the Executive Officer have a direct staff which he chose, to compliment his own philosophy. She asked how many positions were anticipated in the future and the amount budgeted for this fiscal year. Mr. Kent said this would be negotiated between the Council and the Executive Officer. The budgeted amount equates to 17,500 for two persons for the remainder of the fiscal year.

There was Council discussion of this matter, after which Coun. Banzer suggested that the appropriation be approved but that the entire issue of personnel policy, including an "exempt" classification status, be studied by the committee within the next month or two.

The question was called on the motion. Rollcall vote. Couns. Schedeen, Miller, Kafoury, Burton, Stuhr, Williamson, Deines and Rhodes voted aye. Couns. Banzer and Peterson abstained. The motion carried.

6.5 Unified Work Program Submitted by Clark County Regional Planning Council (RPC) (Resolution No. 79-17)

Coun. Stuhr moved, seconded by Coun. Williamson, that Resolution No. 79-17, Endorsing the Clark

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County Regional Planning Council Work Program, be adopted.

Mr. Bill Ockert explained that the Regional Planning Council had been designated by the Governor of Washington as the Metropolitan Planning Organization (MPO) for the Washington portion of the Portland-Vancouver urbanized area. To allow the RPC to receive federal funds it is necessary that the MSD concur in Clark County RPC's Unified Work Program.

Mr. Ockert continued that, since the RPC submittal did not address budget considerations, the impact of the program could not be determined. Adoption of the Resolution and endorsement of the Clark County RPC Unified Work Program by the MSD Council is recommended, contingent upon receipt of, and favorable staff comment on, a proposed acceptable budget, and that coordination issues are adequately addressed and resolved in the Interagency Agreements.

Question was called on the motion. The motion carried unanimously.

7. ANNOUNCEMENTS

Coun. Rhodes announced that Johnson Creek was again flooding, and that she felt the Council should waste no time in finding a solution to the problem.

Coun. Williamson asked whether the Council wished to consider Mr. Kane's statement, and was told that this would be accomplished at a work session.

8. REQUEST FOR EXECUTIVE SESSION

Coun. Schedeen moved, seconded by Coun. Stuhr, that the Council adjourn the public meeting and move into executive session for the purpose of discussion of Resource Recovery negotiations. Rollcall vote. All Councilors present voted aye. The motion carried.

The regular meeting of the Council was adjourned.

Respectfully submitted,



Mary E. Carder
Clerk of the Council