

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

March 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. Corky Kirkpatrick

Staff in Attendance

Executive Officer Rick Gustafson  
Mr. Denton Kent  
Mr. Andrew Jordan  
Mr. James Sitzman  
Mr. Wm. Ockert  
Ms. Judith Bieberle  
Mr. Merle Irvine  
Ms. Caryl Waters  
Mr. McKay Rich  
Ms. Karen Tweten  
Ms. Barbara Higbee  
Ms. Sue Klobertanz  
Ms. Jennifer Sims  
Ms. Linda Brentano  
Ms. Peg Henwood  
Mr. Terry Waldele  
Mr. Tom O'Connor  
Ms. Teri Anderson  
Mr. John Gregory  
Ms. Jill Hinckley  
Mr. Herb Beals  
Ms. Mary Carder

Others in Attendance

Ms. Sharon Derderian  
Mr. Ted Spence  
Mr. Kevin Kamper  
Mr. Erick Petersen  
Mr. Jim Diehl  
Ms. Nancy Stern  
Mr. Paul Peloquin  
Ms. Missy Downey  
Mr. Mike Snow  
Ms. Charlene Snow  
Mr. F. Gordon Allen  
Mr. Joseph L. Farrell  
Mr. David R. Chase  
Mr. Jerry Tippen  
Mr. C. R. Bryden  
Ms. Marlene Leahy  
Ms. Teresa Anderson  
Ms. Keiko Makumura  
Mr. Thomas Vanderzanden  
Ms. Bev Knepper  
Mr. Fred Leeson  
Mr. Michael Alesko  
Mr. Bob Weil  
Mr. Bradford Rickerby  
Ms. Lee Hazelton  
Ms. Linda Macpherson

MSD Council  
Minutes of March 8, 1979

CALL TO ORDER

After declaration of a quorum, the March 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. INTRODUCTIONS

Coun. Stuhr introduced students from Sunset High School who were present in the audience.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Coun. Banzer asked, regarding withdrawal of a city of Portland transportation project (Burnside/Sandy intersection), how money appropriated for the project, would now be allocated.

Mr. Ockert said he would research the question and give Coun. Banzer an answer later in the meeting.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizens who wished to make a presentation to the Council at this time.

4. CONSENT AGENDA

4.1 A-95 Reviews

Coun. Kirkpatrick moved, seconded by Coun. Kafoury, that the Council accept the Consent Agenda.

Coun. Rhodes asked if the February 22 minutes had been included in the Consent Agenda. Chairman Burton said they were not, but had been circulated before this meeting convened.

Coun. Williamson asked about the staff recommendation with reference to A-95 items 11 and 12. Linda Brentano said the recommendation had inadvertently been omitted from the report, but that the staff recommended approval.

Chairman Burton told the Council it was his intent, as soon as standing committees were con-

MSD Council  
Minutes of March 8, 1979

firmed, to have the standing committees review A-95 items related to their areas of interest.

Question called on motion. The motion carried unanimously.

Coun. Deines moved, seconded by Coun. Stuhr, to delay approval of the minutes of February 22 until the March 22 meeting. The motion carried unanimously.

Coun. Rhodes asked to have the vote recorded in the February 22 minutes on Resolution No. 79-26 relating to Tri-met reflect that she had voted nay.

Coun. Williamson pointed out that on page 7, regarding the item relating to SB 66, that it should be reflected that the vote was on the main motion, not on the motion to table.

The corrections were noted by the Clerk of the Council.

5. REPORTS

5.1 Report from Executive Officer

Executive Officer Gustafson said he had appeared on behalf of the Council before the State Subcommittee on Ways and Means and had given a progress report on the Resource Recovery Project. He advised the committee that it may be necessary to request additional funds from State Environmental Control Board funds in the future. Senator Heard had agreed to include a statement in the budget report supporting the project and/or programs.

Mr. Gustafson also met with Representative Norm Smith of the Committee on Environmental Quality, who congratulated the Council for its action to include the Durham Pits in its list of possible landfill sites. Rep. Smith is very supportive of the MSD legislative packages and has introduced a bill to allow siting of landfills in an exclusive farm use zone, as well as working with the senate committee on a like senate bill.

MSD Council  
Minutes of March 8, 1979

Mr. Gustafson reported that the omnibus bill making administrative changes in the MSD enabling legislation is up for hearing with the local government committee.

The Executive Officer said he had just returned from a trip to Miami to view the Metro Dade County solid waste resource recovery facility and transfer facility.

Coun. Berkman shared a letter from Don Clark, Chairman of the Multnomah County Board of Commissioners, endorsing the proposed amendments which would give MSD siting authority.

#### 5.2 Committee on Committees

Coun. Banzer reported that the Committee on Committees had prepared three resolutions for Council consideration which were the result of the Committee's work for the past two months. The resolutions address the internal structural workings of Council relations with local officials and citizen involvement. They will require changes to operating rules and included in the resolutions are suggested changes to Ordinance No. 79-65, Rules of Procedure. Provision has been made for five standing committees which would permit the Council to receive input from technical people. Provision has been made for a local officials standing committee and for citizen representation. Coun. Banzer said that Resolution No. 79-32 abolishes the Committee on Committees.

Chairman Burton expressed appreciation to the committee for the fine work it has done to provide for standing committees and for local official and citizen involvement.

Coun. Berkman moved, seconded by Coun. Peterson, that the Council adopt Resolution No. 79-32. Establishing Standing Committees of the Council.

Coun. Miller questioned the proposed renaming of the former technical committees as policy alternatives committees. Coun. Peterson said he was probably responsible for that term, and that he at first proposed that they be called operations committees, rather than technical committees.

MSD Council  
Minutes of March 8, 1979

He had discussed this with staff and found that so-called technical committees were in reality extensions of the MSD staff and local government staff assigned to the technical committees to consider policy alternatives. It was the committee consensus that it should be described as it was (i.e., Policy Alternatives Committee). Amended 3/22/79

Question called on the motion. All Councilors voting aye, the motion carried unanimously.

Coun. Rhodes moved, seconded by Coun. Kafoury, that Resolution 79-33, Establishing Local Officials Advisory Committee, be adopted.

Coun. Deines commented that he was happy to see implementation of the committees and that he was anxious to receive input from local officials and citizens.

Chairman Burton said he had talked to staff and had recommended that a meeting with local elected officials be held April 4 to discuss establishment of the Local Officials Advisory Committee.

Coun. Miller expressed some concern with the Presiding Officer convening the local officials. Chairman Burton said he had taken the initiative to call the jurisdiction liaisons, but that he had no intention of chairing the committee, but recommended that he act as a liaison with that committee.

Question called on the motion. The motion carried unanimously.

Coun. Kafoury moved, seconded by Coun. Stuhr that Resolution No. 79-34, Modifying Policy Alternatives Advisory Committee Appointments and Composition, be adopted.

Coun. Stuhr moved, seconded by Coun. Deines, to delete the last portion of the first paragraph under "Be it Resolved, and add that portion the the second paragraph, thus making citizen representatives to the Policy Alternative Committee subject to Council confirmation.

MSD Council  
Minutes of March 8, 1979

Coun. Miller asked Mr. Jordan if there was anything in the law to prevent the Council from abrogating the responsibility to form committees. Mr. Jordan said this was a proper delegation.

Coun. Stuhr wondered if the Council would want to challenge local government officials appointments, or would want to burden themselves with confirmation of the appointments.

Coun. Berkman did not feel citizen appointments should be subject to confirmation, if those of local officials were not. He felt that this would discriminate against citizens.

Coun. Rhodes supported the amendment, saying she viewed confirmation of citizen representatives as adding more weight to the appointment.

Council discussed the amendment further, after which the question was called. Couns. Peterson, Stuhr, Kirkpatrick, Deines, Rhodes and Schedeen voted aye. Couns. Kafoury, Burton, Williamson, Berkman, Miller and Banzer voted nay. The motion failed.

Coun. Banzer moved, seconded by Coun. Miller, that the Resolution be amended by deleting the words "subject to Council confirmation" from paragraph one of the "Be it Resolved."

Chairman Burton clarified that, with this amendment, the Rules would prevail.

The motion carried unanimously.

Coun. Peterson expressed concern with wording of paragraph two, and moved, seconded by Coun. Berkman, that the word "shall" be changed to "may."

Coun. Banzer asked if the wording should also be changed in the previous resolution. Coun. Peterson said that would be all right.

Coun. Rhodes said she was opposed to this change. She felt the wording as it stood insured citizen involvement.

MSD Council  
Minutes of March 8, 1979

Question called on the motion to amend. All Councilors voted nay except Coun. Peterson, who voted aye. The motion failed.

Question called on main motion. The motion carried unanimously.

6. OLD BUSINESS

6.1 Resolution No. 79-21, Declaring Metropolitan Service District Support for Acquisition of St. Mary's Woods for State Park.

Coun. Kafoury moved, seconded by Coun. Miller, to adopt Resolution No. 79-21.

Coun. Stuhr said she had invited members of the St. Mary's Woods State Park Committee to make a presentation to the Council.

Mr. Michael Snow, member of the St. Mary's Woods State Park Committee, circulated a brochure prepared by the Committee, and spoke to the Council about the need for a park and suitability of the site for this purpose.

Coun. Berkman asked whether the Committee had a commitment from Washington County and the State for money for upkeep of the site.

Mr. Snow said State ownership of the site would presume that some State funds would be committed for maintenance. There has been discussion with Tualatin Hills Parks and Recreation District to share some responsibility. He said that the development plan called for minimal types of development requiring little maintenance.

Coun. Miller expressed concern with three areas: 1) how would possible siting of a transit station in the vicinity impact the proposed park; 2) what would happen to farmland in the vicinity; 3) would the Council be setting a precedent by endorsing this project, and how valuable would the endorsement of the MSD Council be.

Mr. Snow explained that the site plans were drawn for discussion purposes, and were not firm. He

MSD Council  
Minutes of March 8, 1979

said the proposal was regional, and this was the reason the MSD Council had been requested to support the proposal.

Coun. Rhodes asked how the proposal related to the Washington County Comprehensive Plan.

Mr. Kent said the Washington County Commissioners had given their endorsement.

Coun. Stuhr urged Council endorsement, saying there were few sites suitable for park use, and that the area should be preserved as a natural resource.

Question called on the motion. Rollcall vote. Couns. Williamson, Berkman, Rhodes, Schedeen, Miller, Peterson, Kafoury, Burton, and Stuhr voted aye. Couns. Kirkpatrick and Deines voted nay. Coun. Banzer voted present. The motion carried.

6.2 Resolution No. 79-23, Proposed Amendment to Senate Bill 66 - Economic Development

Coun. Banzer requested that this item be withdrawn.

7. NEW BUSINESS

7.1 Ordinance No. 79-68, Declaring Public Assisted Housing as Area or Activity having Significant Impact upon Orderly and Responsible Development of Metropolitan Area; Adopting MSD Areawide Housing Opportunity Plan (AHOP) for Portland Metropolitan Area and Providing for Implementation Thereof.

After it was ascertained that it was Council consensus that Ordinance No. 79-68 be read by title only, Mr. Jordan proceeded to read the ordinance by title.

Mr. Herb Beals gave a status report, and indicated changes made in the draft Housing Opportunity Plan. He explained the minimum requirements for approval, and the probability of achieving the approval by HUD.



MSD Council  
Minutes of March 8, 1979

Coun. Miller asked Mr. Beals what had been done about suggestions received by jurisdictions for amendment of the Plan.

Mr. Kent said staff has endorsed the changes recommended by Lake Oswego and Clackamas County and would support those at the second reading of the Ordinance.

There was no action required at this time. The Ordinance is scheduled for second reading at the meeting of March 22.

#### 7.2 New Position in Solid Waste Division

Executive Officer Gustafson explained that the workload in the Solid Waste Division had substantially increased through Council action to actively seek new landfill sites. Additional staff is required in the division to adequately address existing and future work programs. Therefore, the Executive Officer has recommended creation of a new position of Solid Waste Coordinator at Range 11 to assist the Division Director with coordination and implementation of solid waste work programs. Funds are available in the current fiscal year solid waste budget to cover salary and fringe benefits for this position.

In answer to Coun. Kirkpatrick, Mr. Gustafson said no decision had been made to replace the Solid Waste Division director. It is intended to keep the position frozen until there has been a full budget review of the agency.

Coun. Kirkpatrick moved, seconded by Coun. Deines, to authorize a new position of Solid Waste Coordinator in the Solid Waste Division at salary range 11, and direct staff to proceed with recruitment.

Chairman Burton questioned whether the salary was competitive, and if Mr. Gustafson was confident he could hire someone at that range.

Mr. Gustafson said that it would probably be difficult to attract anyone at this salary range.

Question called on the motion. All councilors voted aye except Coun. Banzer, who voted nay. The motion carried.

MSD Council  
Minutes of March 8, 1979

7.3 Resolution No. 79-29, Correcting Mistake on Framework Element Map - Clackamas County (SE 132nd)

Mr. James Sitzman outlined events leading to an error in drawing the Urban Growth Boundary (UGB) and said it was not the staff intent to draw lines which bisected property. The Board of Clackamas County and citizens in the area had requested the change, and staff recommended that the change be made under Section 5(b) of the Land Use Framework Element Rules with provides for administrative correction of mapping errors by Council order.

Mr. Joe Farrell said he lived in Oregon City and was one of the property owners affected by the line. He urged Council to make the correction.

Coun. Williamson moved, seconded by Coun. Miller, that Resolution No. 79-29 be adopted.

Mr. Tom VanderZanden said he was a representative of Clackamas County, and that the Clackamas County Board supported the staff position in this matter and wanted the problem resolved.

Question called on motion. Rollcall vote. Couns. Deines, Rhodes, Schedeen, Miller, Banzer, Peterson, Kafoury, Burton, Stuhr, Williamson voted aye. Couns. Berkman and Kirkpatrick were absent. The motion carried.

7.4 Resolution No. 79-30, Amending Resolution No. 79-17, Endorsing the Budget Portion of Clark County Regional Planning Council FY 1979 Unified Work Program

Coun. Stuhr moved, seconded by Coun. Peterson, that Resolution No. 79-30 be adopted.

Mr. Bill Ockert explained that the Council had previously endorsed work tasks contained in Clark County Regional Planning Council (RPC) FY 1979 Unified Work Program. The RPC has now submitted a budget, with a schedule of products and due dates. MSD staff has reviewed both submittals and found them to be compatible with MSD's Unified Work Program and Budget. Endorsement of RPC's budget will insure timely award of a planning grant by

MSD Council  
Minutes of March 8, 1979

the US Environmental Protection Agency to be used, in part, to reimburse MSD for technical air quality planning services provided to RPC. The RPC budget also specifies transportation planning services to be provided by MSD.

Question called on motion. The motion carried unanimously.

7.5 Ordinance No. 79-69, Authorizing Transfers Within Budget

After Council consensus was ascertained, Ordinance No. 79-69 was read the first time by title.

Mr. Kent explained that passage of this ordinance would provide for budget adjustments within fund balances. He outlined the figures provided to Council in the Management Summary to clarify the request.

There was no action required at this time. The Ordinance is scheduled for second reading at the meeting of March 22.

7.6 Resolution No. 79-31, Transmitting Supplemental Budget to Tax Supervisory and Conservation Commission (TSCC)

Coun. Miller moved, seconded by Coun. Kirkpatrick, that Resolution No. 79-31 be adopted.

Mr. Kent explained that this request differed from the previous agenda item in that the transaction requested a transfer between established funds, requiring a supplementary budget. Under State law, development of a proposal requesting a change of this nature requires submittal of the supplemental budget to the Tax Supervisory and Conservation Commission (TSCC) which will schedule public hearings and make a recommendation to the Council as to disposition of the supplemental budget request.

Adoption of the supplemental budget will provide the necessary resources to cover expenditures authorized by the Council through Ordinance No. 79-64, and appropriate resources not reflected in

MSD Council  
Minutes of March 8, 1979

the previous budget. In addition, money which remained unallocated when CRAG went out of existence, increased revenue which was identified after an audit of the solid waste fund and increased revenue from an EPA Urban Policy grant will be appropriated to the proper categories.

Mr. Kent requested that the Council release the supplemental budget to the TLCC to be released for public hearings and subsequent report.

Question called on motion. Motion carried unanimously.

Mr. Ockert said he could now answer the question posed by Coun. Banzer regarding disposition of funds formerly allocated for a city of Portland project, which request had been withdrawn by the City.

Mr. Ockert said that if the City decided it did not wish to expend funds on the project, those funds would be authorized and would be available later for the City to use for another project.

Chairman Burton circulated a memorandum to Council in which he recommended assignments to five standing committees. They were:

Planning and Development - Marge Kafoury, Chairman; Gene Peterson, Cindy Banzer, Corky Kirkpatrick, Jane Rhodes.

Solid Waste/Public Facilities - Craig Berkman, Chairman; Jack Deines, Jane Rhodes, Gene Peterson.

Transportation - Charlie Williamson, Chairman; Carrie Miller, Betty Schedeen.

Ways and Means - Corky Kirkpatrick, Chairman; Jack Deines, Donna Stuhr.

Zoo - Cindy Banzer, Chairman; Betty Schedeen, Craig Berkman.

Chairman Burton further recommended that the Chairman of the Council act as a member of the Local Officials Advisory Committee and as liaison with jurisdictions in the state of Washington having common regional interest with MSD. He also recommended that the vice-chairman be responsible for

MSD Council  
Minutes of March 8, 1979

overseeing and managing citizen participation activities in the agency.

Chairman Burton said he had recommended these assignments on the basis of committee requests made by the Council, and that he had tried to consider jurisdictional responsibility. He explained that, according to the Rules, the second named person would act as vice-chairman of each committee. Chairman Burton requested Council confirmation of the proposed committee assignments.

Coun. Williamson moved, seconded by Coun. Miller that the Council confirm the assignments recommended by Chairman Burton.

Coun. Banzer recalled that the Chair had named Coun. Kirkpatrick as Washington State Liaison, and asked why he had now named himself to this position.

Coun. Kirkpatrick explained that it had been her suggestion that the Washington State liaison function should be performed by the Chair. She had been absent when this assignment had been made.

Coun. Peterson said he thought it was a good suggestion to have the vice-chairman oversee citizen participation. He reminded the Council that it had agreed to take another look at citizen participation in six months.

Chairman Burton said he assumed the Council would examine the process, including composition of the committees themselves. Chairman Burton commented that he planned to schedule a meeting of committee chair persons to discuss scheduling and other matters. He felt each committee should return to the Council in sixty days with an outline for citizen involvement.

Question called on motion. Motion carried unanimously.

Coun. Kirkpatrick suggested that a notice be carried on the Agenda notifying citizens that times listed for items are not times certain. It was Council consensus that this was a good suggestion which should be followed.

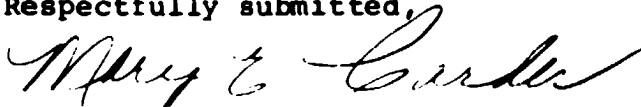
Coun. Berkman told the Council a new date had been set for a tour of proposed landfills. It would now be scheduled March 24 at the same time as previously set.

MSD Council  
Minutes of March 8, 1979

In answer to Coun. Peterson, Chairman Burton suggested that the Council committee chairpersons meet on March 15 to discuss committee operations.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Mary E. Carder  
Clerk of the Council

1-8