

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

March 22, 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. Corky Kirkpatrick

Coun. Kafoury was absent

Staff in Attendance

Executive Officer Rick Gustafson
Mr. Andrew Jordan
Mr. James Sitzman
Ms. Judith Bieberle
Mr. McKay Rich
Ms. Karen Tweten
Ms. Sue Klobertanz
Ms. Jennifer Sims
Ms. Linda Brentano
Mr. Terry Waldele
Mr. Tom O'Connor
Mr. Herb Beals
Mr. Dan Hodge
Mr. Warren Iliff
Ms. Marilyn Holstrom
Mr. Tim Cauller
Ms. Amelia Lanier
Mr. Mel Huie
Ms. Mary Carder

Others in Attendance

Ms. Sharon Derderian
Mr. Ted Spence
Ms. Lorraine M. Winthers
Mr. Ron Cease
Mr. Clyde Barnhill
Mayor John C. Nelson
Mr. Steve Lockwood
Ms. Ethel Lee
Ms. Marlene Leahy
Ms. Louise Weidlich
Mr. Richard Kuczek
Ms. Bev Knepper
Ms. Linda Macpherson
Mr. Bob Weil
Mr. Fred Leeson
Mr. Jim Allison

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CALL TO ORDER

After declaration of a quorum, the March 22, 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 SW Hall Street.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Chairman Burton announced that Councilors had been invited to a reception hosted by Multnomah County Commissioners. All Councilors present announced their intention to attend.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Mr. Jim Allison, Rt. 3, Box M33, Sherwood, OR, President of the Washington County Land Owners Association, spoke to the Council regarding the right of referendum, and the Council's proposed legislation concerning the referendum as it pertains to the MSD.

Chairman Burton explained that the Council has no objection to the referendum, and that the proposed legislation is aimed at bringing the initiative referendum legislated for the MSD into conformance with referendum requirements for other special districts.

Mr. Allison argued that MSD had special ordinance powers, not afforded other districts; hence, the need for stricter referendum requirements for MSD.

Councilors questioned Mr. Allison concerning his remarks. Chairman Burton told Mr. Allison the matter would be referred to the Council Ways and Means committee.

4. CONSENT AGENDA

4.1 A-95 Review

4.2 Minutes of February 22, 1979 and March 8, 1979

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Coun. Peterson moved, seconded by Coun. Stuhr, that the Council approve the Consent Agenda.

Coun. Miller questioned, on page 7 of the minutes of February 22, a motion to table made by Coun. Williamson. She felt that, in the minutes, it appeared that the Council had voted on this motion.

After discussion it was agreed to strike this motion, since it had been out of order and not acted upon.

Coun. Peterson referred to the minutes of March 8, 5.2 Committee on Committees, paragraph 4 on page 4, and said they did not reflect exactly the conversation and that it should be amended to read: "Councilor 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..."

It was Council consensus that this change was in order.

The Clerk of the Council noted the amendments to the minutes.

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

5. REPORTS

5.1 Report from Executive Officer

Executive Officer Gustafson announced that a "get-acquainted" reception has been scheduled by MSD for Clark County government officials to be held April 23.

Mr. Gustafson reported that, due to Councilor Peterson's efforts, he had received a response from Tom McCall offering his assistance in connection with the Carrying Capacity Project efforts. Mr. McCall had requested that a "Year 2000 Commission Report" be forwarded to the MSD.

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Mr. Gustafson reported on the progress of legislation sponsored by the Council. In reply to Coun. Berkman Mr. Gustafson said it was Senator Roberts who had sponsored a bill which would allow Councilors to run for other political offices. Mr. Gustafson said he had informed Senator Roberts that the Council had decided at a retreat in December not to pursue this issue at the legislative session.

Chairman Burton said he would be present at the hearing when this matter is considered and that he felt between he and Anne Kelly, MSD legislative representative, the committee could be assured that this was not an MSD sponsored bill.

5.2 Regional Water Supply Plan

Mr. Terry Waldele, Director of Public Facilities Department said the Regional Water Supply Plan had been a joint effort of CRAG, MSD and the Army Corps of Engineers. The Plan is in draft form and is intended for consideration by the Council as a basis for setting MSD policy for water supply.

Mr. Clyde Barnhill, representative of the Corps of Engineers, distributed copies of the draft Regional Water Supply Plan. He said the Corps had worked on the draft with the Water Resources Task Force and other public groups. Mr. Barnhill went over the recommendations and explained that additional storage would be required in the future in western Washington County. The Corps has identified additional roles to be taken by MSD and has suggested that a policy be considered by the Council whether the MSD role should be prescriptive or informational and coordinative. He also indicated that MSD should be the coordinator for additional groundwater investigations and that this should be given a high priority by MSD.

Chairman Burton said the import of the recommendations is significant. He asked whether MSD has the prescriptive powers referred to.

Mr. Waldele said he thought MSD had those powers.

Chairman Burton asked that the Public Facilities Committee return to the Council regarding the

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question of prescriptive powers held by MSD.

Councilors questioned Mr. Barnhill regarding the report and its effect on the different areas of the MSD District.

Mayor John Nelson of Rivergrove asked whether the Corps could give any assistance to communities in their well investigations to reduce the possibility that drilling will produce dry holes.

Mr. Barnhill said MSD could assist by providing good regional groundwater investigations. This could probably be funded through State Water Resources Department funds and other means.

6. OLD BUSINESS

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

Mayor John Nelson of Rivergrove said he had read the Housing Opportunity Plan (HOP), and that he could not see that it offered any benefits to small cities, such as Rivergrove.

Mr. Herb Beals, Metropolitan Development Planner, explained that there could be some development and housing improvement funds available to small cities.

Chairman Burton suggested that participation in the HOP could cause other federal dollars to be available to small cities.

Mayor Nelson said his City had endorsed the HOP, but that he still felt it provided no individual assistance to small cities, as it is presently written.

Mr. Richard Kuczek, Metropolitan Human Relations Commission, circulated a brochure, "Housing Impact Analysis of the MSD Housing Opportunity Plan, with Findings and Recommendations as adopted by the

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Commission," to the Council. He said the document had been adopted by the Commission at its last meeting. The Commission was basically concerned with the fair share allocation of the Plan. The Commission endorsed the concept of dispersal of public assistance housing by a fair share method but was concerned with the methodology and lack of implementation procedures in the HOP itself. The Commission also felt the estimate of substandard housing was very inaccurate.

Mr. Kuczek continued that the Commission did not agree with the data concerning low income families residing in Portland and Multnomah County. The Commission was also concerned that there was no procedure set out in the HOP for review of local planning activities. It was the feeling of the Commission that MSD should review such local plans with specific criteria to assess availability of sites for public housing.

In summary, Mr. Kuczek said the Commission supported the fair share dispersal concept and recommended adoption under the condition that MSD acted to modify the HOP to improve fair share allocation siting procedures to vigorously review local plans and activities and to impose strong sanctions on non-cooperating jurisdictions.

Mr. Kuczek pointed out that the Commission made these recommendations because it felt that the HOP would be beneficial to the metropolitan area if it achieved its goal, and if it failed, it could have a detrimental effect on low cost housing.

Chairman Burton told Mr. Kuczek that, upon adoption of the HOP, he would direct the Planning and Development Committee of the MSD to take these matters under consideration.

Chairman Burton commended the Commission on its work, and said some of the points were useful and valid.

The Executive Officer said the comments of the Human Relations Commission were appropriate, and that staff has included implementation of this plan in its work program.

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Councilor Berkman questioned Mr. Kuczek about the "sanctions" recommended by the Commission.

Mr. Kuczek explained that the Commission wanted a specific set of guidelines to enable the MSD to assess the extent to which jurisdictions allow sites for housing in accordance with the conditions set forth in the HOP.

Councilor Miller pointed out that persons are not always willing to be displaced from the area in which they reside.

Mr. Kuczek agreed that there were some instances where dispersal was not a simple matter.

Chairman Burton asked that Mr. Kuczek make copies of the Commission report available to the Council.

Mrs. Louise Weidlich, 7720 SW Capitol Hill Road, Portland, Oregon, said she is Director of a Neighborhood Protective Association. She expressed concern about subsidized housing, and the scattering of low income housing. She felt federal subsidies were too high, in relation to amounts paid by those not subsidized.

The public hearing was closed.

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.

Coun. Kirkpatrick moved, seconded by Coun. Rhodes, that the Council accept the Executive Officer's recommendation to amend the final draft of the HOP, as follows:

- "1. Change the definition of "large cities" from 20,000 population to 25,000.
2. Delete all references to Lake Oswego as a separate allocation area.
3. Incorporate all needs assessment data and goals for Lake Oswego into those of Clackamas County.

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4. Recompute goals based on the above changes in the needs assessment data.
5. Add the following language to page 89, Final Draft AHOP at the end of paragraph #1:

'Goals for owner-oriented housing assistance programs of HUD, all housing assistance programs of Farmers Home Administration, and such other programs as Community Development Block Grants (not involving Section 8 Renter Assistance or Conventional Low Rent Public Housing) may exceed the goals established in the AHOP.'

Councilor Kirkpatrick explained the effect these amendments would have on the HOP.

All Councilors voting aye, the motion to amend the HOP carried unanimously.

Coun. Williamson moved, seconded by Coun. Scheeden, that Ordinance No. 79-68 be adopted.

There was Council discussion of implementation of the HOP. Council requested that the committee report back to the Council concerning implementation and other procedures.

Rollcall vote on motion to adopt Ordinance No. 79-68. All Councilors present voting aye, the motion carried unanimously.

6.2 Ordinance No. 79-69, Authorizing Transfers Within Budget (Second Reading).

After it was ascertained that it was Council consensus that Ordinance No. 79-69 be read by title only, Mr. Jordan proceeded to read the ordinance by title.

Coun. Stuhr moved, seconded by Coun. Kirkpatrick that the Council adopt Ordinance No. 79-69. Rollcall vote. All Councilors present voting aye, the motion carried unanimously.

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6.3 Resolution No. 79-35, Designating Johnson Creek Basin as Area of Metropolitan Significance

Coun. Rhodes moved, seconded by Coun. Peterson, that the Council adopt Resolution No. 79-35.

Mr. Terry Waldele gave Council an update on work staff is doing at the direction of Council to pursue the designation of Johnson Creek.

Mr. Waldele advised the Council that staff had used a "process for defining the regional role" to test the metropolitan significance of Johnson Creek. A summary of observations and conclusions has been forwarded to Council.

Mr. Waldele continued that staff had met with aides to Congressman Duncan and Corps of Engineers staff to discuss assistance the Corps may provide. Corps staff outlined types of assistance and funding that might be available.

Staff recommendations regarding Johnson Creek Basin which were included in the Agenda Management Summary, were outlined by Mr. Waldele.

Mr. Waldele suggested that the guidelines should be expanded to cover the pollution control aspects of the Basin.

Coun. Williamson asked the extent of staff commitment, and budgetary implications.

The Executive Officer said staff of public facilities department would be committed, but that this would not entail use of landfill or land use departments. Mr. Gustafson felt this could be incorporated into this budget. To make significant commitments additional funding will need to be identified. The action requested at this time is to declare Johnson Creek an area of regional significance.

There was Council discussion concerning the Resolution and the recommendations. It was the consensus that the Public Facilities Committee should

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study the staff recommendations and return to the Council with a proposal.

Coun. Williamson moved, seconded by Coun. Berkman that the second Resolve, pertaining to the staff recommendations, be deleted from Resolution No. 79-35.

Vote taken on motion to amend. All Councilors present voting aye, the motion carried unanimously.

Coun. Peterson thought possibly the reference to the city of Portland in the third whereas could be deleted, leaving only a reference to local jurisdictions.

Coun. Rhodes said the city of Portland had taken the leadership in developing interim guidelines. She thought it was only fair that the jurisdictions knew this was the same proposal they had received several months ago from the city of Portland.

Coun. Peterson said that, with this explanation, he could see no problem.

Vote taken on the motion to adopt Resolution No. 79-35, as amended. The motion carried unanimously.

Chairman Burton asked that the Public Facilities Committee return to the Council at the next regular meeting with a recommendation on the Task Force and other items proposed by staff.

7. NEW BUSINESS

7.1 Air Quality Planning Program - Execution of Interstate Planning Agreement and Release of SIP Revision Document for Review and Comment

Mr. Waldele indicated that two important steps in MSD's air quality planning process included execution of an Interstate Planning Agreement with the Regional Planning Council of Clark County (RPC), and release of the MSD portion of the draft State Implement Plan (SIP) Revision document.

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Mr. Waldele outlined points of the Planning Agreement, and told the Council that a copy had been included with the Management Summary on the subject.

Regarding the SIP, Mr. Waldele reviewed the comments contained in the Management Summary, stressing the need for release of the SIP document for review and comment, and the recommendation to delegate to the Council Transportation Committee the task of reviewing and releasing the draft SIP Revision by April 4, 1979.

Mr. Steve Lockwood, member of the AQMA Advisory Committee, said the committee had reviewed the process and concurred with it. There had been no unfavorable comment in the committee.

Coun. Schedeen moved, seconded by Coun. Peterson, that the Council accept the staff recommendation regarding air quality planning and delegate to the Council Transportation Committee the task of reviewing and releasing the draft SIP Revision.

Ms. Louise Weidlich suggested that staff should get a legal opinion on an interstate contract of this nature.

Chairman Burton explained that this was a planning agreement, and MSD was within its authority to execute such an agreement.

Question called on the motion. The motion carried unanimously.

7.2 Resolution No. 79-36. Appointing Councilors to Standing Committees

Chairman Burton explained that he had requested that this Resolution be drawn to add Coun. Stuhr to the Transportation Committee.

Coun. Stuhr moved, seconded by Coun. Miller that the Council adopt Resolution No. 79-36.

Coun. Miller requested clarification. She was confused why this resolution was needed to add

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someone to a committee. She felt this could be handled internally.

Mr. Jordan explained that this resolution re-enacted what had been done previously and made one change. The resolution was not required, but he felt it was better to put it on paper.

Coun. Miller said she would hate to think it was necessary to add appointments by resolution. She felt a motion would be appropriate.

Mr. Jordan said he would see no problem with that.

Chairman Burton said if everyone was comfortable with the process, in the future additions could be done by an amendment in the minutes.

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

7.3 Ways and Means Committee Report

Coun. Kirkpatrick reported that the Ways and Means Committee had met March 20, 1979, and had discussed the FY 1980 budget development schedule and structuring of an appropriate committee to provide advice to the Council on the proposed budget. She recommended the following composition of the budget committee:

1. Three members of Ways and Means Committee
2. Two members from Citizen Advisory Committees (suggest Solid Waste and Air Quality Committees)
3. Two elected officials, one representing a County and one representing a City, to be selected by the Local Officials Advisory Committee at its meeting of April 4.

Coun. Kirkpatrick moved, seconded by Coun. Stuhr, that the Council approve composition of the budget committee, as outlined above.

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Councilors discussed the proposed composition of the budget committee.

Coun. Peterson suggested that rather than "budget committee," it should be called "budget task force."

Coun. Kirkpatrick agreed with this suggestion.

Coun. Williamson urged the Ways and Means Committee to consider more local government involvement.

Chairman Burton said this suggestion could be discussed at the meeting of April 4.

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

Coun. Kirkpatrick moved, seconded by Coun. Deines, that the Council take action on the proposal to unify the employee fringe benefits.

Coun. Kirkpatrick explained that the Agent of Record for MSD had proposed a package which, by unifying benefits, would save the MSD \$15,000. Coun. Kirkpatrick informed the Council that the proposal had been reviewed by a committee of employees, and that it had been unanimously endorsed for implementation.

Mr. Gustafson commented that, upon an initial reading of the personnel rules, it had been felt that the Executive Officer could make a commitment to combine the benefit package. However, there had been a question raised whether or not this would require Council approval. Therefore, the Executive Officer thought it appropriate to ask for Council concurrence. Mr. Gustafson outlined the plan more fully for Councilors.

Coun. Miller said she had looked at the package and felt staff should review others to see that it was getting the best dollar package. In the future, she would like to see a staff committee

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make the recommendation on budget matters which impacted the staff.

The Executive Officer said there is an Employees Association, and that he expects that it will continue in force.

Question called on the motion. All Councilors present voted aye except Councilor Miller, who abstained.

8. ANNOUNCEMENTS

Chairman Burton commended the staff for its work on the Housing Opportunity Plan.

Mr. Sitzman thanked the Chairman and named several persons on the committee who had worked long and hard. He commended the committee for its work and assistance to staff.

Coun. Berkman announced that a tour of landfill sites had been planned for Saturday. Anyone interested in attending should notify Judy Bieberle. A bus had been obtained, and there was still room for those who might want to join the tour.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary E. Carder
Clerk of the Council

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