

**MULTNOMAH COUNTY DRAINAGE DISTRICT #1**  
**MINUTES OF THE BOARD OF SUPERVISORS MEETING**  
**April 19, 2007**

Pursuant to advertised notice, the Board of Supervisors' meeting of Multnomah County Drainage District No. 1 was held at 8:00 AM on Thursday, April 19, 2007, at the District's administrative office, 1880 NE Elrod Drive, Portland, Oregon.

President Tim Warren called the meeting to order at 8:03 AM and requested that the secretary note the role. Eaton acknowledged that meeting announcements had been made.

Those present were:

Tim Warren, President  
Chuck Harrison, Supervisor  
George Lingelbach, Supervisor  
Larry Cooper, Supervisor  
Bob Eaton, Executive Director and Secretary/Treasurer  
Dave Hendricks, Deputy Director  
Evie Moore, District Accountant  
Kim McRobbie, Secretary Pro Tem  
Dana Green, on behalf of Phil Ralston, Port of Portland Staff Liaison to MCDD

Excused absence:

Grant Zadow, Supervisor

**APPROVAL OF MINUTES**

Some grammatical errors were noticed in the minutes from March 15 after the pre-meeting packets had been sent. McRobbie and Eaton presented a new revised copy for review. Having found no errors Chuck Harrison moved to approve the March 15 Board meeting minutes as revised. Larry Cooper seconded and the motion passed unanimously.

**BUSINESS**

Eaton noted that the agenda included in the pre-meeting packet has been revised to show Business Item "D" had been removed for a later meeting and Item "E" had been added for discussion today. Therefore, there is a new agenda for everyone to follow.

**Review & Adopt FY 2007-2008 District Intergovernmental Agreements (IGA)** - Bob Eaton referred to the staff report included in the pre-meeting packet. He stated that prior to FY 2005-2006 services were offered at a fixed cost based on estimates of staff time spent on other District's projects and services. He stated that the District has gone from a fixed cost to fixed with a cap and billing based on actual time. He stated for FY 2006-2007 the District is billing on time and material for all services with no cap.

**Review & Adopt FY 2007-2008 District Intergovernmental Agreements (IGA) – Cont.**

Eaton added that in the past the District had not been tracking the information. However, once the process started, some tweaking was needed and he feels that currently we are pretty much on target. Evie Moore added that this year would reflect even more accuracy. Warren asked Moore if Time-Tracker was up and running yet. Moore responded that phase one is underway and there were many bugs to work out before implementation.

Eaton referred to Draft 1 of the IGA saying that with no fixed costs or caps, fairness is assured for each District. The Board discussed Appendix A – Service Provided, all billed on a time and materials basis. They also discussed Appendix B – Fee schedule along with Appendix B-1 – Distribution schedule.

Hendricks referred to the Rate Schedule stating this is the basis for which other Districts and agencies are billed. Hendricks was asked where these rate numbers came from. He responded they were direct operating costs based on his research. There were some questions raised as to the numbers and Hendricks agreed to modify if necessary. Larry Cooper moved to accept the FY 2007-2008 IGA as submitted with the understating that Appendix A would be revised and reviewed again for approval. Chuck Harrison seconded and the motion passed unanimously.

**Levee Landscape Standards (LLS)** – Eaton drew attention to the public comment summary included in the pre-meeting packet. Bruce McClelland had sent out the LLS for comment to Metro, Columbia Slough Watershed Council, Columbia Corridor Association, City of Gresham, City of Fairview, Port of Portland, and the City of Portland. Metro, Columbia Slough Watershed Council and City of Fairview had no comments. Columbia Corridor Association and the Port of Portland commented they had no concerns with the document. City of Gresham mentioned a concern of loss of shade along the Columbia Slough if trees were removed. The City of Portland returned a five-page comment letter. Eaton followed up by saying staff has talked with the City of Gresham to explain trees along the slough are not affected by those standards. He added that the District staff would respond to the City of Portland in a point-by-point explanation. Staff will make the appropriate changes and Eaton will bring the revised LLS to a future meeting to be adopted by the Board. He stated that after it has been adopted the District would take the revised LLS to the cities to amend their codes.

**Approval of Field Position and Salary Range** – At the meeting on March 15 the Board authorized Eaton to provide a job description and salary range for the proposed new position of crew leader. Eaton presented a handout showing the major job responsibilities, typical duties/examples of work, required knowledge, skills, ability, working conditions and physical requirements along with job and salary information. He stated that the District would like to find someone competent and qualified so the new person could possibly move into the Dept. Director position after Hendricks retires. Larry Copper moved to approve the new crew leader position and salary range. Chuck Harrison seconded and the motion passed unanimously.

**City of Portland (COP) Stormwater Intergovernmental Agreement (IGA) Negotiation** –

Eaton summarized the staff report included in the pre-meeting packet. He stated the District received a letter from the City of Portland stating their intent was to terminate the agreement. It was decided at the last Board meeting it was in the best interest of the District to oppose termination of the agreement. President Warren and Eaton prepared a list of comments and questions to be used when going before the commissioners who would need to exercise their authority to terminate. City of Portland staff heard then asked for a meeting. President Warren, Dick Shafer of PEN 2, Eaton and Hendricks, (acting as the Districts negotiating team), with City of Portland's Dan Vizzini and Jim Hagerman to explore how the termination might progress, the role of the City Council, the role of the Districts and District landowners, and any strategic alternatives agreeable to both parties. Eaton stated the meeting with City staff was fruitful. A new negotiation strategy was developed. It was decided that in lieu of termination of the agreement, a Memo of Understanding (MOU) 5 factors:

1. The agreement will not be terminated but the parties will utilize language in the agreement that allows the parties to negotiate new provision at any time.
2. Both parties agree that the termination date to the current agreement, if no new agreement is reached, will be June 30, 2012.
3. Both parties agree to take the next year to mutually explore cost/fee alternatives.
4. There would be two deadlines:
  - a) Spring of 2008 to determine if FY 08-09 budgets for all parties needed to reflect any changes
  - b) Sometime before June 30, 2008, ratification by all parties to any new agreement that would go into effect July 1, 2008
5. The automatic escalators remain in place until a new agreement is reached.

Eaton referred to the financial impacts stating the City of Portland would like to increase the amount under a new agreement by perhaps as much as 200%; the impact to District Landowner's could be significant.

Eaton discussed the recommendations stating that PEN1 has already adopted them.

The team recommendations are as follows:

1. The Board approve the Team recommendation to enter into a MOU related to the status of the COP IGA including the five provisions noted in the staff report.
2. The Board authorize the Team to negotiate the COP IGA on behalf of the MCDD Board and landowners.

Larry Cooper moved to accept the recommendations provided by the team. Chuck Harrison seconded and the motion passed unanimously.

**OTHER BUSINESS:**

None

**STAFF UPDATES:**

**Financial Report** – Evie Moore presented the Profit and Loss summary for July 2006 – March 2007. She stated she has broken down the categories to show specifics. Moore added that MCDD is standing very well at this time with General Assessments and Bond Assessments totaling 94% collected. She also discussed service revenue for the three other Districts, Port of Portland, City of Gresham and others totaling \$348,216. President Warren suggested that in future reports he would like to see line items explanations of budgeted and forecasted expectations.

**Portland International Airport (PDX) Report** – Dana Green reported Boeing has purchased the hangers for painting planes. Green added there would be ongoing dialog with several governmental agencies, but things are moving forward. Green spoke briefly on the ditches at the Air National Guard site, stating Air National Guard's currently under DEQ mandate to resolve contamination issues. He will report any new information at the next meeting.

**PROJECTS:**

**181<sup>st</sup> Pump Station** – Hendricks spoke briefly saying the project should be completed by the end of the month. He stated that the first part of May they would begin to check runs, motors, and pipes. Hendricks added the District would wait to put in the transformer and SCADA until next week adding that things are still on schedule.

**142<sup>nd</sup> Cross Levee** – Hendricks reported the District has entered into a new contract with NW Underwater Construction. They will clean out the culvert and install the sleeve. The budgeted cost will be \$48,000. Hendricks stated this project is due to begin in two weeks and be completed very quickly.

**Levee Recertification** – Hendricks spoke on the three phases the U.S. Army Corps of Engineers (USACE) is using for the recertification process. Phase-one; the survey of the levees is completed. Phase-two the review process is also complete. Phase-three is underway and represents the report and letter of certification that will be sent to Multnomah County and then on to FEMA. Hendricks stated that he has not heard of any red flags popping up during the inspections and that things are looking very good for all Districts.

**PROGRAM/POLICIES:**

**City of Portland Columbia Corridor Scoping** – Eaton spoke on the City of Portland's FY 2007-2008 budget additional package of \$55,000 that was proposed for the scoping process. He stated that an all District letter had been sent in support of the package. Similar letters came from the Columbia Corridor Association, Columbia Slough Watershed Council. It now awaits the Mayor's approval. He added that Councilmen Sten and Saltzman acting as a council sub-committee reviewed and recommended the funding.

**United States Army Corps of Engineers (USACE) Inspection for 2006** – Hendricks spoke briefly on the inspection funding and how the funds have been transferred to the levee recertification process. He added that the District has received an excellent rating for the past 15 years. The USACE may not inspect District facilities and levees this year but he feels the funding is better utilized for levee recertification.

**Four District Supervisor's Tour March 29, 2007** – Eaton talked about the tour and the great feedback he and Hendricks received. He stated they enjoyed the guests and great comments and thought it was a great day. He asked for comments or suggestions for future tours for future tours. Chuck Harrison would like to leave the bus more often see more of the areas rather than speak of them. Eaton responded that was the intended goal, but with time constraints it was not possible in all areas.

**Fairview Lake Property Owners Association (FLPOA) Presentation April 25** – Eaton announced that FLPOA has invited the District to make a presentation at the meeting to be held on April 25. The meeting will be held at the City of Fairview City Hall and he invited anyone who is interested to attend.

**4MAT Roundtable, April 25, PEN 2 Hosting** – Eaton noted the 4MAT Roundtable is to be held on April 25 and hosted by PEN 2. Guests will include Jane Van Dyke, Executive Director of Columbia Slough Watershed Council and Bruce Gillis from DEQ. Gillis will be talking about the incentive program for landowner involvement in sediment clean up.

**PLANNING:**

**Regional Stormwater Model** – Eaton stated there is not a lot new to report. The District has taken the next step with the City of Gresham and City of Fairview. David Crawford is gathering final data and updating the model where data was missing. Eaton added that the tentative completion date for the model is mid-June. A CD will be made available to the participating partners.

**SDAO Board** – Larry Cooper spoke briefly on the SDAO replacement to Metro's MPAC. Cooper is still being show as an alternate. He has many things going on with other Boards and business and needs to put his focus elsewhere. No Board member expressed interest in the position.

**ADJOURNMENT:**

There being no further business to come before the Board, President Warren adjourned the meeting at 10:00 AM.

**APPROVAL:**

These minutes were approved at a duly called meeting of the Multnomah County Drainage District #1 Board of Directors on May 17, 2007.

Attested: \_\_\_\_\_  
Secretary