

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING SECTION )  
5.01.030 OF THE METROPOLITAN SERVICE ) ORDINANCE NO. 87-217  
DISTRICT CODE )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.01.030, Prohibited Activities,  
is amended to read as follows:

"5.01.030 Prohibited Activities: Except as provided in this  
chapter, it shall be unlawful:

"(a) For any person to establish, operate, maintain or  
expand a disposal site, processing facility, transfer station or  
resource recovery facility unless such person is a franchisee or  
exempted by Section 5.01.040 of this chapter.

"(b) For a franchisee to receive, process or dispose of  
any solid waste not specified in the franchise agreement.

"(c) For any person to take, transport or dispose of  
solid waste at any place other than a disposal site, processing  
facility, transfer station or resource recovery facility operated by  
a franchisee or exempted by Section 5.01.040 of this chapter except  
by written authority of the [Executive Officer] Council.

"(d) For a franchisee to charge any rate not established  
by the Council or Executive Officer under this chapter. (Ordinance  
No. 81-111, Sec. 4)"

Section 2. Authorizations or agreements under Metro Code  
Section 5.01.030(c) to transport or dispose of solid waste outside  
of the District which have been made by the Executive Officer prior

to adoption of this ordinance shall continue in effect unless rescinded or modified by the Council.

ADOPTED by the Council of the Metropolitan Service District  
this 22nd day of January, 1987.

  
\_\_\_\_\_  
Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council

gl  
6676C/485-3  
12/30/86

STAFF REPORT

Agenda Item No. 7.1

Meeting Date Jan. 8, 1987

CONSIDERATION OF ORDINANCE NO. 87-217 FOR THE  
PURPOSE OF AMENDING SECTION 5.01.030 OF THE  
METROPOLITAN SERVICE DISTRICT CODE (REGARDING THE  
TRANSPORT OF SOLID WASTE)

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Date: December 10, 1986

Presented by: Councilor Waker

FACTUAL BACKGROUND AND ANALYSIS

Council adoption of Ordinance No. 87-217 will give the Council a role in the authorization to transport and dispose of the region's waste at facilities which are not franchised by the District and which may be located outside of the region's boundaries. Council action on the issuance of a franchise is currently required before a solid waste facility can be developed within the region to accept waste. However, the current Metro Code does not allow for the involvement of the Council in decisions to authorize the flow of regional waste to non-franchised facilities which are outside of the region. The subject Ordinance would modify Section 5.01.030(c) of the Metro Code to shift the authority for this authorization from the Executive Officer to the Council.

Since the authorization to dispose at facilities outside of the region can have significant impacts on waste flows, waste diversion, system costs and other factors related to the coordinated regional disposal system identified in the Metro Solid Waste Management Plan, a review and approval by the agency's policy-setting Council should be required prior to any action. The agency's staff and Executive Officer correctly have a role in providing a technical analysis and recommendation on proposal to take waste to a non-franchised site, however, the actual authorization should be through a resolution of the Council as it is for waste going to a franchised site within the District.

srs  
6676C/485-3  
12/30/86

Councilor Gardner said the per ton disposal cost to Marion County was much lower than that calculated by Mr. Deines.

Mr. Drennen explained the primary incentive for entering into a contract with Marion County to divert waste was because the City of Portland would assess Metro a penalty of \$1.2 million per year for exceeding allowable tonnage limits at St. Johns Landfill. Mr. Deines thought the contract with the City of Portland could be renegotiated to avoid the penalty fee.

Estle Harlan, representing the Tri-County Council of the sanitary service industry, distributed written testimony to the Council. She said the Tri-County Council requested the Council adopt a resolution requiring all revenues collected for diversion to Marion County be carefully monitored and measured against expenditures so that appropriate adjustments could be made in next year's budget if diversion tonnage fell below the 40,000 tons for this year.

Mr. Drennen explained staff monitored the figure very closely on a monthly basis and reports on same were regularly distributed to the Council.

Motion: Councilor Kelley moved the agreement with Marion County be ratified and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and the agreement was ratified.

7.1 Consideration of Ordinance No. 87-217, for the Purpose of Amending Section 5.01.030 of the Metro Code (Regarding the Transfer of Solid Waste) (First Reading and Public Hearing)

The Clerk read the Ordinance by title only. Presiding Officer Waker explained the Ordinance would give the Council a role in the authorization to transport and dispose of the region's waste at facilities which were not franchised by the District and which could be located outside the region's boundaries. The Ordinance, he explained, would amend Section 5.01.030(c) of the Code and shift the authority for authorization from the Executive Officer to the Council.

Motion: Councilor Kelley moved the Ordinance be adopted and Councilor DeJardin seconded the motion.

Presiding Officer Waker opened the public hearing on the Ordinance.

Carol A. Powell, Oregon City Commissioner, 301 Washington Street, Oregon City, Oregon, testified regarding agenda item 8.5, "Resolution No. 86-721, Stating the Availability of Claciamas Transfer & Recyclig Center Property." Her testimony is recorded later in these minutes under agenda item 8.5

Estle Harlan, representing the Tri-County Council of the sanitary service industry, questioned Metro's authority over solid waste flow control. Eleanore Baxendale, Metro's General Counsel, responded that Metro had such control by virtue of ORS 268.317: Dean Gisvold, an attorney formerly on contract with Metro, offered a written legal opinion dated January 19, 1981, stating Metro clearly had control over the flow of solid waste. In response to Ms. Harlan's further questioning, Ms. Baxendale said she would check to see whether Metro had requested additional authority from the State Legislature over a previous bonding issue, although she did not think Metro had.

Presiding Officer Waker requested staff provide Ms. Harlan and Councilors a copy of Mr. Gisvold's 1981 opinion.

Alayne C. Woolsey, 818 4th Street, Oregon City, testified regarding agenda item 8.5. Her testimony is recorded later in these minutes under that item number.

There was no further testimony and Presiding Officer Waker closed the public hearing on Ordinance No. 87-217. He announced the second hearing would occur at the Council meeting of January 22, 1987.

7.2 Consideration of Ordinance No. 87-218, for the Purpose of Amending Metro Code Section 5.01.030 Regarding Personnel Rules for Appointments (First Reading and Public Hearing)

The Clerk read the Ordinance by title only.

Randy Boose, Personnel Officer, explained the Ordinance was being brought before the Council at its request. The positions of Finance & Administration Director and Convention Center Project Director were proposed to be added to the list of positions requiring Council confirmation. He also noted that the Ordinance had incorrectly listed ORS Chapter 668.180. That reference should be changed to read 268.180, he said.

Motion: Councilor Kirkpatrick moved the Ordinance as corrected be adopted and Councilor Gardner seconded the motion.

There was no public testimony on the Ordinance.



# METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

February 4, 1987

Mr. Charles D. Cameron  
County Administrator  
Washington County Courthouse  
150 North First Avenue  
Hillsboro, Oregon 97123

Dear Mr. Cameron:

**Metro Council**

Richard Waker  
Presiding Officer  
District 2

Jim Gardner  
Deputy Presiding  
Officer  
District 3

Mike Ragsdale  
District 1

Corky Kirkpatrick  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
District 7

Mike Bonner  
District 8

Tanya Collier  
District 9

Larry Cooper  
District 10

David Knowles  
District 11

Gary Hansen  
District 12

**Executive Officer**  
Rena Cusma

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro files maintained by your county.

Ordinance No. 86-213, Amending Metro Code Section 2.04.030 to Require Council Approval of Contracts with Another Government Agency

Ordinance No. 86-214, Relating to Solid Waste Disposal Charges, Regional Transfer Charges and User Fees; Amending Metro Code Sections 5.01.150, 5.02.020, 5.02.025, 5.02.045, 5.02.050, 5.02.065 and 5.02.070; and Establishing Metro Code Section 5.02.075 for Collection of a Certification Non-Compliance Fee

Ordinance No. 87-216, Adopting Contract Procedures and Repealing Code Chapter 2.04.001 to 2.04.270

Ordinance No. 87-217, Amending Code Section 5.01.030 (Regarding the Transfer of Solid Waste)

Ordinance No. 87-218, Amending Code Section 2.02.040 Regarding Personnel Rules for Appointments

Sincerely,

A. Marie Nelson  
Clerk of the Council



# METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

February 4, 1987

Ms. Juanita Orr  
County Clerk  
Clackamas County Courthouse  
8th and Main  
Oregon City, Oregon 97045

Dear Ms. Orr:

**Metro Council**

Richard Waker  
Presiding Officer  
District 2

Jim Gardner  
Deputy Presiding  
Officer  
District 3

Mike Ragsdale  
District 1

Corky Kirkpatrick  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Sharron Kelley  
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Sincerely,

A. Marie Nelson  
Clerk of the Council



# METRO

2000 S.W. First Avenue  
Portland, OR 97201-5398  
503/221-1646

February 4, 1987

Ms. Jane McGarvin  
Clerk of the Board  
Multnomah County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204

Dear Jane:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro files maintained by your county.

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A. Marie Nelson  
Clerk of the Council

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