

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SETTING POLICY) ORDINANCE NO. 88-253
ON COMPLYING WITH CONDITIONAL)
USE REQUIREMENTS FOR THE USE OF) Introduced by the Council
THE CLACKAMAS TRANSFER & RECYCL-) Solid Waste Committee
ING CENTER)

WHEREAS, The Metropolitan Service District must comply with a City of Oregon City land use requirement to restrict solid waste disposed at the Clackamas Transfer & Recycling Center to a monthly average of 700 tons per day; and

WHEREAS, It is desirable to establish a method for meeting such conditional use requirement that is most equitable and least harmful to all parties; and

WHEREAS, It is important to develop operational policies for this transfer station as part of a regional plan, available for use without discrimination to all; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. That the Clackamas Transfer & Recycling Center remain open to all users until the monthly limit is reached and then closed until the start of the next monthly cycle.

2. That Metro staff and Council work expeditiously to develop an early solution to the problem of restricted use of the facility through adoption of the functional Solid Waste Management Plan to best serve the interests of all solid waste users in the region in the process which includes Metro Councilors, local elected officials and citizens.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1988.

NOT ADOPTED
Mike Ragsdale, Presiding Officer

ATTEST:

Clerk of the Council

amn
9571C/540
05/20/88



METRO

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

Memorandum

Agenda Item No. _____

Meeting Date _____

Date: June 1, 1988

To: Metro Council

From: Councilor Gary Hansen ^{GH}
Chair, Council Solid Waste Committee

Regarding: COUNCIL SOLID WASTE COMMITTEE REPORT ON JUNE 9, 1988,
COUNCIL MEETING AGENDA ITEMS

Agenda Item Consideration of Ordinance No. 88-253A, for the Purpose of Setting Policy on Complying with Conditional Use Requirements for the Use of the Clackamas Transfer & Recycling Center (CTRC)

Committee Recommendation

The Council Solid Waste Committee recommends Council adoption of Ordinance No. 88-253A.

Discussion

A public hearing was held on Ordinance No. 88-253A. Wastech officials testified regarding the loss of income due to the 700 ton per day limitation. They indicated that the CTRC contract may have to be amended.

Estle Harlan, representing Oregon Sanitary Service Institute, stated that the self-hauling public might be able to store their garbage for a few days but the commercial haulers cannot. She pointed out the problems of banning drop box loads or heavy loads and also the problems of a diversion credit program.

The Solid Waste Committee discussed the CTRC situation for nearly three hours. The Committee voted to have three members of the Committee meet with Oregon City officials regarding possible solutions.

The Committee discussed the need for a policy regarding enhancement fees for host communities; the need to work with the hauling industry and landscape architects to decrease solid waste flow to the CTRC; the pros and cons of banning private and commercial haulers; and diversion credits.

The Committee amended Ordinance No. 88-253A then voted 5 to 1 to recommend Council adoption. Voting aye: Councilors Gardner, Hansen, Kelley, Kirkpatrick and Van Bergen. Voting nay: Councilor DeJardin.

Agenda Item

Consideration of Resolution No. 88-936, for the Purpose of Authorizing an Appeal of the Decision of the Circuit Court for Clackamas County to Limit the Disposal of Solid Waste at the Clackamas Transfer & Recycling Center

Committee Recommendation

The Committee voted to introduce and recommend Council adoption of a resolution to authorize an appeal of the court decision regarding the CTRC.

Discussion

Councilor Van Bergen recommended that Metro appeal the court decision on CTRC within the 30-day appeal period. He asked for a resolution to be prepared and before the Council on June 9.

The Committee voted 6 to 0 to introduce such a resolution and recommend Council adoption.

RB/gl
9635C/D5



METRO

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

Memorandum

Date: May 19, 1988
To: Rena Cusma, Executive Officer
From: Corky Kirkpatick, Councilor
Regarding: CTRC TONNAGE LIMIT

I was amazed at the news coverage and your Monday news release about the management of the CTRC tonnage limit. The Council intent to assist with this tough decision in directing policy has been very clear. Last October the Solid Waste Committee considered a number of options for compliance with the Conditional Use Permit and deferred action on a resolution that would have given you instructions to take necessary steps to comply. No action was taken pending the legal suits, but it was clear the Council wanted careful deliberation to achieve the 700 ton per day limit with the least impact.

Last Thursday (May 12) the Council once again discussed the situation and asked for pursuit of the legal options to consider the matter. In the course of the conversation, which you missed, Rich Owings said the solid waste staff was preparing options. Although no formal motion was made, it was clear the Solid Waste Committee and the Council wanted to give input on the policy direction.

There was some question about the timing and whether you should institute a policy that the Council might then challenge and later change. It was in the best interest of Metro, and common courtesy, for you to consult with the Council before releasing a news release and deciding on your implementation mode without Council direction.

Oregon City officials and Metro Councilors are rightfully furious about your action that would discriminate against the public in the use of the CTRC. I would hope you would reconsider and give the Council the opportunity to debate this policy at the May 26 meeting before you start the ban.

With that in mind, I have drafted a resolution for the Solid Waste Committee that calls for the delay and an ordinance with another solution. I regret that I am out of town and will miss the special Solid Waste Committee meeting where discussion on this issue is scheduled to occur. There may well be other options that would work, but I do not want to penalize the public.

I have also sent a letter to the editor and have attached it so that you have an opportunity to read it before it is published.

CK/amn/9569C/D3-1

DRAFT

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DELAYING)	RESOLUTION NO. 88-
ACTION TO IMPOSE RESTRICTIONS)	
ON USE OF THE CLACKAMAS TRANSFER)	Introduced by
& RECYCLING CENTER PENDING)	Councilor Kirkpatrick
ADOPTION OF COUNCIL POLICY)	

WHEREAS, The Clackamas Transfer & Recycling Center (CTRC) must meet conditional use laws imposed by the City of Oregon City; and

WHEREAS, The Council of the Metropolitan Service District clearly indicated a desire to give policy direction on the flow control necessary to accomplish this restriction; and

WHEREAS, The court injunction goes into effect based on a monthly average, not an immediate, daily tonnage limit; and

WHEREAS, The proposal to restrict all public use of the facility, as proposed by the Executive Officer, was never discussed as an option by the Solid Waste Committee or the Council; now, therefore,

BE IT RESOLVED,

That the Executive Officer delay the action to restrict use of the Clackamas Transfer & Recycling Center to only commercial haulers pending adoption of policy direction by the Council.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
Fax 241-7417

May 19, 1988

Mr. Bob Landauer
The Oregonian
1320 S.W. Broadway
Portland, Oregon 97201

To the Editor:

The current problem over the tonnage limit at Metro's Oregon City transfer station is not easy, but is complicated by the separation of powers and lack of communication that the Executive Officer has with both the Metro Council and Oregon City officials.

Tom Fender, Oregon City's City Manager, was angry because he was not contacted prior to the decision to ban all public use. The Metro Council was not ever presented this option or given an opportunity to comment on the impact either. A number of other options have been under consideration as policy direction since last October when the legal suits started. We are now told by our General Counsel that we must pass an ordinance, not just a simple motion or resolution, to direct the Executive Officer to take any action. This in effect means she could impose a ban on the use of the transfer center to the general public without any input from the Council.

We must, of course, comply with the law as interpreted by the courts. But we don't need to penalize Oregon City and create the possibility of illegal dumping by frustrated citizens. At the very least, the Executive Officer should propose options that get a fair hearing and a chance for policy direction before they are imposed. I hope we can come up with some common sense to this garbage war.

Sincerely,

Corky Kirkpatrick

Corky Kirkpatrick
Metro Councilor
District 4

CK/amn
9568C/D3-1

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

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



METRO

2000 SW First Avenue
Portland, OR 97201-5398
(503) 221-1646
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May 19, 1988

Mr. Steve Hungerford
Oregon City Enterprise Courier
P. O. Box 471
Oregon City, Oregon 97045

To the Editor:

Carol Powell's indignation of the handling of the Metro/Oregon City dispute over the tonnage limit at the transfer station is well-deserved. The plan proposed by Metro Executive Officer Rena Cusma was not previously discussed by the Council, the Council Solid Waste Committee or the Oregon City Council. Turning away the general public can do nothing but harm both Metro and the City's interests as a resolution of the matter is sought.

I have always supported compliance with the tonnage limit until a legal change is made, because the City imposed the limit as part of the Conditional Use Permit. I have not, however, been convinced that the limit is necessary or the right way to operate the transfer station.

Cusma's management without policy direction from the Council gives evidence for a need to change the cumbersome governmental system now imposed on Metro. As we sort through the solution, I will try to overturn the executive's special interest direction to accommodate all haulers, but turn away the general public. Any solution to meet the 700 ton average limit will be difficult, but we must find one that is not discriminatory to a group of people. I also fear, with the general public prohibited, that Clackamas County will experience a great deal of illegal dumping from citizens who feel they have no other choice. We don't need this kind of government in Oregon.

Sincerely,

Corky Kirkpatrick

Corky Kirkpatrick
Metro Councilor
District 4

CK/amn
9567C/D3-1

Executive Officer
Rena Cusma
Metro Council
Mike Ragsdale
Presiding Officer
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Gary Hansen
District 12

7.4 Consideration of Ordinance No. 88-253, Setting Policy on Complying with Conditional Use Requirements for the Use of the Clackamas Transfer & Recycling Center (CTRC) (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Solid Waste Committee for a public hearing and recommendation. The Committee would meet May 31 to consider the ordinance.

Councilor Van Bergen was concerned the matter could be delayed in the Solid Waste Committee. Presiding Officer Ragsdale explained the Council's rules provided for the Council, by a majority vote, to remove any item from a committee if the item was not forwarded out of committee in a timely manner.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 88-921, for the Purpose of Approving Contracts with Unisys, Moore Governmental Systems, Inc., and Intercomputer Communications Corp. for Acquiring Computer Hardware and Software

The Presiding Officer explained the resolution had not been reviewed by a Council Committee but budget amendments relating to the item had been reviewed by the Council Finance Committee. A Council subcommittee had also reviewed the proposed computer purchases and recommended the Council proceed with procurement of the system in accordance with the adopted Data Processing Plan.

Councilor Van Bergen summarized the subcommittee's recommendation and explained that after a thorough review, the committee concurred with staff's recommendation.

In response to Councilor Waker's questions, Ray Phelps, Finance & Administration Director, said the obsolete computer equipment would be sold. No additional personnel would be required to operate the equipment. The new equipment was capable of handling Convention Center Project and Metropolitan Exposition-Recreation Commission needs, he said.

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to adopt Resolution No. 88-921.

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

The motion carried and the resolution was unanimously adopted.