

MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 21, 2007
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Carl Hosticka, Rod Park, Brian Newman

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

1.1 EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(d), FOR THE PURPOSE OF DELIBERATING WITH PERSONS DESIGNATED TO CONDUCT LABOR NEGOTIATIONS

Members Present: Kevin Dull, Rachel Bertoni, Lisa Colling, Jeff Blosser, Marv Fjordbeck, Kathy Taylor, Dan Cooper, Michael Jordan

Time Began: 2:01pm

Time Ended: 2:45pm

2. CITIZEN COMMUNICATIONS

There were none.

3. STATE OF OREGON SUSTAINABILITY AWARD

Mike Hoglund, Solid Waste and Recycling Director said he was the liaison to the Green Team for sustainability. He was here to present the State of Oregon Sustainability Award to the Metro Council.

4. SLATE OF NORTH PORTLAND ENHANCEMENT COMMITTEE GRANT PROJECT

Councilor Burkholder introduced the intent of the grant program and the committee. This was a fund that was formed from the St. Johns Landfill to give back to the community. The program was established in 1985 by act of the Oregon Legislature, it was a mitigation fund to compensate the community affected by the now-closed St. Johns Landfill. Funds were generated from a 50-cent surcharge collected on each ton of garbage brought to the landfill. Today, interest generated on the fund supported the grant program. Since the North Portland grant program began distributing funds in 1987, more than \$2 million has been invested in 400 neighborhood improvement projects. Enabling legislation drafted 22 years ago defined the criteria for awarding grant funds.

Karen Blauer, Solid Waste and Recycling Department, said she was pleased to begin this presentation about Metro's North Portland enhancement grant program for the 2007-08 cycle. Criteria for awarding grants were an excellent fit with Metro Council's goals and objectives established only a few years ago. In short, Metro Council's goals called for Great Places where residents could enjoy vibrant, accessible and physically distinct places to live, work and play; Environmental Health where the region's wildlife and people thrived in a healthy urban ecosystem; Economic Vitality where residents and businesses benefited from a strong and equitable regional economy; and Smart Government modeled by Metro offering a fiscally sound, efficient and congruent system of governance where public services were provided by the most suitable unit of government.

Metro Council believed local residents were in the best position to know the emergent issues in their community and to solicit and select projects to fund responsive to the needs. That was why this Council authorized a committee of local community activists to work with Councilor Rex Burkholder for this purpose. Members include: Doug Ray (Cathedral Park), Chris Duffy (Arbor Lodge), Sarah Barrett (Overlook), Bonnie Meltzer (Portsmouth), Robin Plance (St. Johns), Mike Salvo (University Park) and Doretta Schrock (Kenton). Ms. Blauer mentioned that nearly all these individuals were also current or past elected neighborhood association chairs. Each one brought to Metro's process highly respected grass roots knowledge of their community. We were indeed fortunate to have their wisdom and vision guide our community grant process. She then turned over the presentation to one of our new committee members, Doretta Schrock of Kenton.

Ms. Schrock highlighted the 2006-07-grant cycle. She talked about the committee's work, which involved reviewing projects outputs and outcomes. Council had been given a status report that included up-to-date information about the performance of projects funded during the 2006-07 grant cycle. To help give Council a sense of the type of grants and the effects on the community, Rev. Bill Van Nostran of Northminster Presbyterian Church would talk about the North Portland Neighborhood Clinic. Pastor Van Nostran thanked the Council for the opportunity to speak on behalf of the neighborhood health care clinic. They had been awarded a grant in 2006-07 and 2007-08. He talked about the history of the clinic and its successes.

Ms. Schrock said on behalf of our committee, she wanted to thank Pastor Bill and all the volunteers associated with the North Portland Neighborhood Clinic for using Metro grant funds to support Council's powerful vision for our community. She said our committee reviewed 43 applications and selected 21 neighborhood improvement projects to fund in amounts ranging from \$635 to \$5,300. Council had been given a complete list of selected projects (a copy of which is included in the record). Grants included projects that helped restore natural areas and enhance neighborhood appearance, cleanliness and safety, including graffiti and pole litter removal, and a pilot project to collect and transport from low-income seniors and disabled neighbors household toxics. Other projects provided programming and training to benefit youth and seniors – including the North Portland Neighborhood Clinic, Start Making a Reader Today literacy tutorials for more than 120 kids in 3 local schools, after-school classes in the arts and science, and outdoor adventure activities. Projects increased employment opportunities and gave a boost to the economic vitality of North Portland's business environment – including a 1-day volunteer-based home repair and renovation blitz targeting seniors, low income and disabled residents and finally projects support nonprofits that provide direct services to local residents – including a tool lending library for home and garden repairs and renovations, a free symphonic concert in the park and new supplies for a neighborhood emergency planning and response organization.

Councilor Burkholder and Council President Bragdon thanked the presenters for their hard work.

5. CONSENT AGENDA

- 5.1 Consideration of minutes of the June 14, 2007 Regular Council Meeting.
- 5.2 Council President Bragdon said this **Resolution No. 07-3802**, was removed from the consent agenda and would be considered at a later date.

Motion:	Councilor Park moved to adopt the meeting minutes of the June 14, 2007 Regular Metro Council.
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Vote:	Councilors Burkholder, Harrington, Liberty, Park, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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6. ORDINANCES – SECOND READING

- 6.1 **Ordinance No. 07-1144B**, Adopting the Annual Budget for Fiscal Year 2007-08, Making Appropriations, Levying Ad Valorem Taxes, and Declaring an Emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 07-1144B.
Seconded:	Councilor Liberty seconded the motion

Council President Bragdon said this was for final consideration for adoption of the budget. The agency was in a very stable condition. This budget continued on that trajectory. He noted several other features. They had taken a good step towards renewal and replacements. There were several outstanding questions specifically having to do with the reserves policy. They would be continuing their conversations on this policy as well as on their planning efforts. He thanked the Council for their involvement and the staff that made this happen. He appreciated all of the time put into the budget. He suggested that there might be future conversation about who was the originator of the budget, the Council President or the Chief Operating Officer (COO). It might be something they wanted to look at in the near future. Councilor Newman thanked the Council President. It had been the smoothest budget he had experienced. He felt it had been a very collaborative experience. Councilor Burkholder pointed out that over the past six years he felt that he finally understood the Metro budget. In general Council was spending a lot of attention on needs of the region and how the money was spent. He felt confident that the dollars were spent wisely. He thanked the Council President for his leadership. Councilor Park said he felt the process had become much more transparent since he began on the Council. The Council had become focused on how those dollars were spent. Councilor Harrington said she was impressed with the degree of discipline of Metro in this budget. They had been working on performance measures. The agency had spent time to ensure there was a great deal of value for citizens in the region. Councilor Liberty felt this budget season had been very smooth which allowed Council to work on other issues more thoroughly. The performance measures project provided guidance on how Metro spent the money.

Council President Bragdon opened a public hearing on Ordinance No. 07-1144B. No one came forward. Council President Bragdon closed the public hearing.

Council President Bragdon talked about four years ago and now. He urged support.

Vote:

Councilors Park, Hosticka, Burkholder, Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.2 **Ordinance No. 07-1147**, Amending Metro Code Chapters 5.01, 5.02, 5.05, and 7.01 to Ensure that All of the Region's Non-Putrescible Waste Undergoes Material Recovery Prior to Disposal, to Eliminate the Regional System Fee and Excise Tax Credit Program, and to Make Related Changes.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1147.
Seconded:	Councilor Park seconded the motion

Councilor Harrington introduced Ordinance No. 07-1147. She said this ordinance followed through on Council direction from 2003 to ensure, as a region, we met the recycle goals. This proposal went to Solid Waste Advisory Committee (SWAC) who did not approve this ordinance. She explained the issues SWAC had. She noted that they had modified the ordinance to follow through with SWAC's concerns. The proposal also went before Metro Policy Advisory Committee (MPAC). MPAC approved the ordinance unanimously. There were questions asked about two landfills in Washington County. Information was provided to MPAC on these landfills.

Mike Hoglund, Solid Waste and Recycling Director, suggested that the two proposed amendments should be introduced before public testimony was heard.

Motion to amend:	Councilor Harrington moved to amend Ordinance No. 07-1147 with Amendment #1.
Seconded:	Councilor Park seconded the motion

Councilor Harrington summarized the amendment (a copy of which is in the record).

Vote to amend:

Councilors Park, Hosticka, Burkholder, Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Motion to amend:	Councilor Harrington moved to amend Ordinance No. 07-1147 with Amendment #2.
Seconded:	Councilor Park seconded the motion

Councilor Harrington summarized the amendment (a copy of which is in the record). Councilor Liberty commented on his position on the ordinance as amended.

Vote to amend:

Councilors Park, Hosticka, Burkholder, Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Mr. Hoglund provided a PowerPoint presentation on Ordinance No. 07-1147A (a copy of which is included in the meeting record). Councilors asked clarifying questions. Mr. Hoglund responded

to their questions. Councilor Liberty asked about Metro's authority on closure of the Lakeside Landfill. Mr. Hogle said we didn't have the authority. Council President Bragdon said the other regulatory agencies included in the agreement did have the authority to close the landfill. Marv Fjordbeck, Metro Senior Attorney, explained further that we had a contractual agreement.

Council President Bragdon opened a public hearing on Ordinance No. 07-1147A.

Ray Phelps provided written testimony for the record but did not testify. Easton Cross, Allied Waste Services, 10295 SW Ridder Rd. Wilsonville, OR 97070 said they would be one of the companies affected by this ordinance because of the unresolved issues with Lakeside Landfill. Allied Waste supported the concept of the ordinance. He summarized the rest of the written testimony, which Ray Phelps had provided (a copy of that testimony is included in the record).

Monty Moore, Neil Kelly Management Team, 804 N Alberta St. Portland OR 97223 supported the ordinance and the green building practices of the region.

Richard Ponzi, Ponzi Vineyards, 22230 Jaquoith, Newberg, OR said he had read through the ordinance and he was concerned about Section 10.8.4 which spoke to the agreement. He understood that the agreement would be discussed with the agencies. There was no mention of discussion with the neighbors in the area of the landfill. He applauded Metro on the Enhanced Dry Waste Recovery Program (EDWRP) program and endorsed it. They were opposed to the ordinance as written. They wanted to participate in the agreement with Lakeside Landfill. He talked about this high-risk landfill. It was unlined, uncovered and uninspected. At the time of inspection there had been major violations. The landfill had not ever been properly approved by Washington County. There had never been any land use decision made by the County. He urged them to check with Washington County to see if the landfill was properly permitted. Council President Bragdon said, his sense was that with the amendments that were made and including the development of the agreement, there would be another opportunity for testimony. He noted this landfill was outside Metro's jurisdiction. They were going to be trying to reach an agreement with the landfill. Mr. Ponzi said his concern was if Metro was going to ask if the landfill was properly permitted. Councilor Hosticka asked if they had ever made the request from Washington County. Marv Fjordbeck, Senior Metro Attorney, said he was not aware of such a request. Councilor Liberty didn't think it was a land use permit. He wanted to know if there was a land use permit. Mr. Ponzi said it had been stated that the landfill would close in 2012. The landfill had applied for a Measure 37 claim, which would expand the landfill another 50 acres. Councilor Park explained Mr. Ponzi's options and asked Mr. Ponzi which option he would choose. Mr. Ponzi said they would like to get rid of the landfill. This was an unlined landfill and there was leaching around the landfill so the ground water was affected.

Zaph Mann, Scholls Valley Community Network, 15685 SW Hillsboro Hwy Hillsboro OR 97123 said he had been involved in a number of mediations having to do with this issue. They were looking for common sense and due process. They needed more waste recovery facilities in this area. He felt that the Lakeside Landfill was not safe. They favored Metro's policy.

Norman Penner, President of the Friends of Tualatin River Wildlife Refuge, 14712 SW Woodmile Street Tigard OR 97224 said they were in support of the ordinance (a copy of his letter is included in the record). Councilor Harrington said this ordinance was taking no position on the opening and closing of the landfill.

Elizabeth Thoresen, 19885 SW Alten Rd Beaverton OR 97007 read her letter (a copy of which is included in the meeting record).

Anne Knadler, Greenway Recycling, PO Box 4483 Portland OR 97208 speaking on behalf of Terrell Garrett read his letter into the record (a copy of which is included in the record).

Rob Burchfield, 20050 SW Aten Rd Beaverton OR 97007 read his letter into the record (a copy of which is included in the meeting record). Councilor Liberty thanked him for his testimony. He felt that having Metro getting involved in an agreement may leverage some action. He felt that Washington County had some responsibility. He asked for feedback on the agreement. Mr. Burchfield said they were not being asked to be a party to that agreement. He believed that 8% of the waste that went to that landfill came from the Metro region. The landfill was just outside of the urban growth boundary (UGB). Metro created the market for garbage. His assumption was Metro's leverage was strong. Councilor Harrington clarified, based on what she had heard, that we had an obligation to treat all designated facility equally and fairly. Mr. Burchfield said the Code laid out regulations that facilities must comply with. He wanted all facilities to be treated fairly.

David Blizzard, 16815 SW Pleasant Valley Road Beaverton OR 97007 said they were here because they were frustrated and they were missing an outlet. He yielded his time to his wife, Meeky Blizzard.

Meeky Blizzard, 16815 SW Pleasant Valley Road Beaverton OR 97007 commended Council on reducing waste in the region. She had concerns about the Lakeside Landfill facility. She explained her concerns about entering into an agreement. She would like to see a bona fide recycling facility in the area.

Mike Dewey, Waste Management, 1249 Commercial St Salem OR thanked staff for their accessibility. They appreciated the amendment on self-haul. They liked the timeline. They were a bit concerned as to the enforcement of sample size. They wanted to make sure they were in compliance. They did have a different cost increase number than what Metro staff had come up with. From an economic standpoint it was difficult for them. The facility may look different from how Metro visioned it. They had concern about state boundaries and enforcement.

Adam Winston, Waste Management, 2227 NE 55th Portland OR 97218 was committed to additional recovery. They would do what they could do where it made sense. The increased tonnage was very aggressive. It would be difficult to determine what they could and couldn't do because it was a significant investment for his company. Councilor Newman said he said there were two facilities that didn't currently fulfill the recycling goals. Their facility was one of two. He was glad to hear that they had decided to comply. Mr. Dewey said they were planning to move forward but the economic margin may not work. He didn't want to leave the impression that they were going to do this for sure. There were issues that were still outstanding. They thought they could work through most of those issues. Councilor Liberty clarified the opportunity for having a surcharge created uncertainty. Mr. Dewey said Metro was trying to make sure there weren't winner and losers. There were a lot of issues to think about as they addressed surcharges. Mr. Winston added that their concern was how they worked within the ordinance and not what happened with Lakeside Landfill. The cost of processing waste was going to go up. Councilor Liberty asked if they would prefer where there was compliance or not as opposed to facing a surcharge. Mr. Winston said anything that the Council decided on, they wanted to be in compliance. Anything that is done, they wanted to make sure they

complied with, then, there was a level playing field. The program needed to apply to everyone. They didn't know what the surcharge was going to be until 2008 so they would have a tough time planning for 2009. Councilor Park said he was making an assumption that they were fully permitted. Mr. Winston said they were fully permitted.

Councilor Hosticka said he suggested Section 11 of the Ordinance was a play or pay which, said you can either comply or pay not to comply. He wondered from the individuals who drafted this, what the logic of that was if the purpose of this whole ordinance as stated early on was to try to increase the amount of recovery of waste. Councilor Harrington had she had the same question. She suggested staff or the attorney might be the best to respond. For her it boiled down to, Metro has two designated facilities in Washington County that were currently able to accept waste from the Metro region. If they choose to not comply with this program they would no longer be a designated facility able to accept waste from the region. What needed to be in place to ensure that our regional waste wasn't going to the facilities anyway? By being a DFA, they were able to accept waste from our region. She asked, what if they no longer had that license? Councilor Hosticka said then they don't accept waste from our region and we enforce our Code. Councilor Harrington asked, what was the path of enforcement and what was done? She would have to leave that question to staff as well as the Metro Attorney to answer. Councilor Hosticka said this was not written as a fine or sanction for non-enforcement. This was written as a way to get out of the requirement of actually processing the waste by giving us some money. He was trying to understand the reason why we would do that if the intent was to recover more waste.

Larry Harvey, PacWest, 8600 SW St. Helens #100 Wilsonville, OR 97070 read Paul Phillips' letter into the record (a copy of which is included in the record). They had been working with Metro staff. The agreement that was in question was still being worked on. The agreement would be available to folks to look at once it was completed. Mr. Grabhorn wanted to close his landfill. With regard to the specific ordinance, Mr. Grabhorn did not suggest a surcharge. Their position was they would work with Metro. They were working hard to reach an agreement. They appreciated the amendment to extend the Designated Facility Agreement (DFA). Councilor Newman said he had spoken to Mr. Grabhorn. His intention of closure was about 7 to 12 years. He noted that Mr. Phillips indicated that they would like to close the landfill by 2012. He asked how sure were they that it would close in that year? Mr. Harvey responded to his question. Councilor Liberty asked if there was a current land use permit for the landfill? Mr. Harvey said he could not respond to that question but Mr. Davidson could probably address that question.

Larry Davidson, Lakeside Landfill, 1 SW Columbia Street Suite 1850, Portland OR 97258 talked about the surcharge. They wanted to be careful that if there was a surcharge that it did not impede the flow. They were concerned about the amount of the surcharge. The solid waste ordinance as it was currently written included source-separated materials. They wanted to make sure that composting operations and the acceptance of clean fill dirt were not included. They wanted to have those two activities still permitted at Lakeside. They would like the agreement in place before passage of the ordinance. There was no agreement yet. There was time to get the agreement done before passage of the ordinance. Council President Bragdon asked about code enforcement. Were they subject to inspection by Washington County? Mr. Davidson said he did not know but would be happy to check in with them. Councilor Liberty talked about the independent enforcement authority. Were they prepared to close the landfill in 2012? Mr. Davidson said they were making every effort to make this happen. If the tonnage hadn't been reached yet, they would use clean fill dirt to cover the landfill.

Allen Kaskman, Elder Demolition Inc. 6400 SE 101st Ave Suite 201 Portland OR 97266 said they were a generator of construction debris. They were opposed to this ordinance because they felt it was redundant. Very little of their debris was hauled to a landfill. There were recycle facilities on the eastside. Finally, the surcharge needed to be defined. He agreed with Waste Management that the cost increases were understated.

John Frederick, 13622 SW Pleasant Valley Rd Beaverton OR 97007 provided his testimony for the record as well as attachments (a copy of which is included in the record). He added that there were six un-permitted buildings on the Lakeside Landfill.

Councilor Harrington asked Mr. Harvey if Lakeside's license was terminated today, what would happen? Mr. Harvey said that was a speculation. If Lakeside lost its permit, revenue stream would be reduced and the facility would take longer to close.

Richard Thoresen, 19885 SW Aten Rd Beaverton OR 97007 read his letter into the record (a copy of which is included in the meeting record). This proposal was a positive step.

Maria Ponzi Fogelstrom, 14665 SW Winery Lane Beaverton OR 97007 said she was the manager of the Ponzi vineyard. She opposed any exception to the Grabhorn dump. She knew it involved other agencies. She thanked Council for their effort. She provided pictures of the view from the vineyard and submitted them for the record. They had been farming organically. She shared their sustainability practices while viewing the landfill. This was on the edge of the UGB. Ponzi Vineyards was a nationally recognized industry. Metro was all about green and this was why she wanted Council to see what her visitors were seeing.

Art Kamp, 14520 SW Pleasant Valley Beaverton O R97007 provided his testimony for the record. Councilor Liberty stated Mr. Kamp would prefer no agreement with Lakeside. Mr. Kamp said he had no assurance that Lakeside would close in 2012. They believed that with the Material Recover Facility (MRF) program, illegal materials would be curtailed.

Dave White, Oregon Refuse and Recycling Association, 1739 NW 156th Ave Beaverton, OR 97006 said they supported the concepts in the ordinance. He participated in the SWAC conversation. They had been meeting in Washington County about the Lakeside Landfill issue. There seemed to be a lack of finality. He was delighted that the ordinance was considered at MPAC. However, there was no Washington County representation when MPAC voted on the ordinance. He felt if you got a non-support vote at SWAC, it seemed once the ordinance was revised it should go back to SWAC. He urged SWAC's reconsideration of the ordinance as amended. He was confused about the surcharge. He suggested addressing the issue of who proposed the surcharge. He wasn't sure Metro was ready to vote on this ordinance in two weeks. Councilor Newman asked clarifying questions. Mr. White responded to his question. He said one of the reasons he voted against it was because he had been told that if the surcharge were implemented, Lakeside would take longer to close. Councilor Hosticka said it would be helpful if there were no special provisions. He couldn't tell by reading it what was general policy and what was included because of some kind of special agreements.

Leslie Frederick, 14020 SW Pleasant Valley Rd Beaverton OR 97007 did not testify.

Wendy Burchfield, 20050 SW Alten Rd Beaverton OR 97007 did not testify.

Council President Bragdon closed the public hearing.

Councilor Burkholder asked about the relationship with Waste Connection that accepted dry waste in Vancouver. Mr. Hogle said they were a material recovery facility (MRF). The license carrier has to ensure that the waste met Metro's standards. Councilor Burkholder asked about the timing and the year wait. He asked Mr. Hogle to explain waiting a full year before having a letter of intent. Mr. Hogle responded to his question, which had also been raised by Waste Management.

Councilor Liberty said he would like to act on the ordinance not subject to an agreement. If parties want to come forward and suggest an alternative, he supported this. He would have a great reluctance to enter into an agreement where there was no land use authority. His warning signals were going up about entering into a contract.

Councilor Newman echoed Councilor Liberty's comments as well as Councilor Hosticka's comments. His preference would be to have a simple ordinance as it related to advance waste recovery for the region. If there were an agreement independent of the ordinance, he would support this. He suggested adopting an EDRWP that Lakeside could not meet or we have this negotiated agreement that gets us to an outcome. He asked who proposed the surcharge path and where did that money go? Mr. Hogle responded that when they were at MPAC on MRF standards there was questions by Washington County's existing landfills. There was concern that if Lakeside Landfill was trying to close, it did not make sense to go through the effort. There was a suggestion that they could impose a surcharge to level the playing field. The use of the money had been discussed because Lakeside was legally required to have a closure plan fund. If they were short of money to close the landfill, Metro could hold the money to ensure the closure happened. Councilor Newman said he understood what staff was trying to achieve which was to advance the region's goal as it related to recovery as well as encourage the closure of Lakeside Landfill.

Councilor Park thanked Councilor Harrington for taking this issue on. He asked about permits from Department of Environmental Quality (DEQ), did we require the sign off from the state agencies? Mr. Hogle said they do go through the process. Council President Bragdon wanted to know their range of options as far as local land use arena. What kind of recourse did Metro have? Councilor Hosticka said they could rescind a DFA. Mr. Fjordbeck said they could amend their designated facility list. The Council always had that option with all of the DFAs. Councilor Park asked for clarification was the surcharge on unprocessed waste? Mr. Hogle said that was correct. Councilor Park asked of a landfill could take waste once it has been MRFed. Mr. Hogle said yes, with the non-system license provision. He commented that this program was based upon economics. He wanted the spirit of the ordinance to remain. Councilor Park clarified he was talking about the economic viability of the system.

Councilor Harrington thanked the audience for their time. During the testimony there were different views shared. She observed that they do have a cooperative system of governments. She appreciated the efforts of the Washington County transition work group. She also appreciated her fellow Councilors' comments. We wanted to get on with this program. She thanked Metro staff for the due diligence. She felt they would end up with a better decision.

Councilor Hosticka said he did not think it was our responsibility to protect a private entity's economic viability.

Council President Bragdon announced that this Ordinance would be held over until July 12, 2007 for final consideration.

6.3 **Ordinance No. 07-1149**, For the Purpose of an Ordinance Confirming the Re-Adoption of Metro Code 7.03 (Investment Policy) and Declaring an Emergency.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1149
Seconded:	Councilor Newman seconded the motion

Councilor Harrington introduced the ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 07-1149. No one came forward. Council President Bragdon closed the public hearing.

Council President Bragdon asked if we could eliminate the emergency clause by acting on this annual ordinance 90 days before July 1, 2007. Mr. Stringer said he thought we could.

Vote:

Councilors Park, Hosticka, Burkholder, Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.4 **Ordinance No. 07-1156**, For the Purpose of Amending the FY 2006-07 Budget and Appropriations Schedule Providing Additional Appropriation Authority for Zoo Operations and MERC Operations; and Declaring an Emergency.

Motion:	Councilor Newman moved to adopt Ordinance No. 07-1156.
Seconded:	Councilor Liberty seconded the motion

Councilor Newman said this was the final budget amendment for the current budget. The Zoo and Metropolitan Exposition-Recreation Commission (MERC) was doing very well; because of that we were earning more money and had to spend more money. This amendment would transfer money to the appropriate funds. This was good news.

Council President Bragdon opened a public hearing on Ordinance No. 07-1156. No one came forward. Council President Bragdon closed the public hearing.

Vote:

Councilors Park, Hosticka, Burkholder, Harrington, Newman, Liberty and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7. RESOLUTIONS

7.1 **Resolution No. 07-3795**, For the Purpose of Adopting the Capital Budget for Fiscal Years 2007-08 through 2011-12.

Motion:	Councilor Park moved to adopt Resolution No. 07-3795.
Seconded:	Councilor Newman seconded the motion

Council President Bragdon provided an overview of the capital projects that were planned for the next five years. He urged support. Councilor Burkholder asked about the open space fund. Bill Stringer, Chief Financial Officer (CFO), said he would find out the answer. Mr. Jordan clarified the report. Mr. Stringer said there was some money left in the 1995 fund. Councilor Newman said he was thrilled with the projects at the Zoo. He noted the primate renovations.

Vote:

Councilors Park, Hosticka, Burkholder, Newman, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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7.3 **Resolution No. 07-3804**, For the Purpose of Entering an Order to Waive the Deadline for Filing an Application for a Major Amendment to the Urban Growth Boundary by the City of Cornelius.

Motion:	Councilor Harrington moved to adopt Resolution No. 07-3804.
Seconded:	Councilor Hosticka seconded the motion

Councilor Harrington said this was a procedural item. This item did go before MPAC and was approved unanimously. There was a question if this would come back to MPAC when the application occurred. She asked Dan Cooper, Metro Attorney, to respond. He said the Metro Code authorized this resolution. He explained the current major amendment process allowed for cities to make application for major amendments to the UGB. The code also established specific criteria as well as a hearing by a hearings officer. He further provided an explanation of the code on major amendments. He explained why we weren't accepting application on March 15, 2007. There was a need for five yes votes from the Council to waive the deadline for filing an application. The order if approved was contingent upon nothing else happening at the legislature. Councilor Liberty said they could apply in 2008. Mr. Cooper said technically they would have to wait until January 2008. Councilor Hosticka asked if there was a requirement that the hearings officer's recommendation go to MPAC. Mr. Cooper said it was not a requirement but the Council could make that decision.

Council President Bragdon opened the public hearing.

Mayor William Bash, City of Cornelius, 1355 N. Barlow, Cornelius, OR 97113 thanked the Council for their consideration of waiver of the deadline for filing. He urged an aye vote.

Council President Bragdon closed the public hearing.

Councilor Park said he would be supporting the resolution although he did so reluctantly. This was not an indication of how he would vote on the application. He asked Mr. Cooper for a revision in the code about entering into a legislative period so there were other avenues. Councilor Newman was comfortable supporting the resolution. Council President Bragdon explained his yes vote.

Vote:

Councilors Park, Hosticka, Newman, Burkholder, Harrington, Liberty, and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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8. CHIEF OPERATING OFFICER COMMUNICATION

Michael Jordan, COO, had nothing to say.

9. COUNCILOR COMMUNICATION

Councilor Park talked about the regional system fee credit program and that the program had not been specified.

Councilor Liberty talked about the Robert Puentes work session. He felt it would help things if they could ask the homebuilders and NAIOP about land issues. He thought they should send a letter asking how much land would they like and who should pay for the infrastructure.

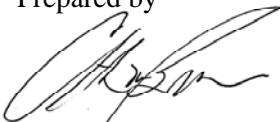
Councilor Burkholder said he was part of a committee to tender a presidential debate next year. He noted who else was involved.

Council President Bragdon said they have two retreats scheduled. He explained what would be happening at each retreat. June 28th will be a Connecting Green Conference so there would be no Council meeting that day. He noted on June 29th several were going to Arlington to meet with the Commission.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 6:32 p.m.

Prepared by



Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JUNE 21, 2007**

Item	Topic	Doc. Date	Document Description	Doc. Number
6.2	Email	6/20/07	To: Councilor Harrington From Jeanne Roy Re: supporting Ordinance No. 07-1147	062107c-01
6.2	Email	6/20/07	To: Councilor Harrington and Hosticka From: Dottie and Ed Miller Re: Ordinance No. 07-1147	062107c-02
6.2	Email	6/21/07	To: Jodie Scholz From: David Bragdon, Council President Re: Ordinance No. 07-1147	062107c-03
6.2	Amendment	6/21/07	To: Metro Council From: Councilor Harrington Re: Amendment 1 to Ordinance No. 07-1147	062107c-04
6.2	Amendment	6/21/07	To: Metro Council From: Councilor Harrington Re: Amendment 2 to Ordinance No. 07-1147	062107c-05
7.2	Letter	6/18/07	To: Metro Council From: William Bash, Mayor of Cornelius Re: Resolution No. 07-3804	062107c-07
7.2	Memorandum	6/18/07	To: Metro Council From: Mike Hogle, Solid Waste and Recycling Director Re: MOU for Lakeside Reclamation Operations and Performance	062107c-08
6.2	Email	6/21/07	To: Bryce Jacobsen, Solid Waste and Recycling Department From: Shane Endicott Re: Ordinance No. 07-1147	062107c-09
6.2	Letter	6/20/07	To: Mike Hogle and Art Kamp From: Minerva Nolte Re: Ordinance No. 07-1147	062107c-10
6.2	Written Testimony	6/21/07	To: Metro Council From: Ray Phelps and Easton Cross, Allied Waste Services Re: Ordinance No. 07-1147	062107c-11
6.2	PowerPoint Presentation	6/21/07	To: Metro Council From: Mike Hogle, Solid Waste and Recycling Director Re: Metro's Enhanced Dry Waste Recovery Program power point presentation	062107c-12
6.2	Photos	6/21/07	To: Metro Council From: Maria Ponzi Fogelstrom Re: Photos of the Lakeside Landfill viewed from Ponzi Vineyards	062107c-13

6.2	Letter	6/21/07	To: Metro Council From: Anne Knadler, Greenway Recycling representing Terrell Garrett Re: Ordinance No. 07-1147	062107c-14
6.2	Letter	6/21/07	To: Metro Council From: Richard Thoresen Re: Ordinance No. 07-1147	062107c-15
6.2	Testimony	6/21/07	To: Metro Council From: Art Kamp Re: Ordinance No. 07-1147	062107c-16
6.2	Testimony and attachments	6/21/07	To: Metro Council From: John Frederick Re: Ordinance No. 07-1147	062107c-17
6.2	Testimony	6/21/07	To: Metro Council From: Paul Phillips, PacWest Communications Re: Ordinance No. 07-1147 submitted by Larry Harvey	062107c-18
6.2	Testimony	6/21/07	To: Metro Council From: Wendy Burchfield Re: Ordinance No. 07-1147	062107c-19
6.2	Testimony	6/21/07	To: Metro Council From: Rob Burchfield Re: Ordinance No. 07-1147	062107c-20
6.2	Testimony	6/21/07	To: Metro Council From: Norman Penne, Friends of the Refuge Re: Ordinance No. 07-1147	062107c-21
6.2	Testimony	6/21/07	To: Metro Council From: Elizabeth Thoresen Re: Ordinance No. 07-1147	062107c-22
4.0	Grant slate	6/21/07	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: 2006-07 Metro Community Enhancement Grants Projected program results and impacts	062107c-23
4.0	Proposed Slate	6/21/07	To: Metro Council From: Karen Blauer, Solid Waste and Recycling Department Re: North Portland Enhancement Grant Program proposed slate 2007-08 Funding Cycle	062107c-24