

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, October 16, 2008  
Metro Council Chamber

Councilors Present: Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Carl Hosticka, Carlotta Collette

Councilors Absent: David Bragdon (excused)

Deputy Council President Liberty convened the Regular Council Meeting at 2:02 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

There were none.

### 3. GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD

Deputy Council President Liberty said Metro is an institutional member of -the Government Finance Officers Association (GFOA).

GFOA is the professional association of state, provincial and local finance officers in the United States and Canada, and has served the public finance profession since 1906. GFOA members are dedicated to the sound management of government financial resources. The purpose of the Government Finance Officers Association is to enhance and promote the professional management of governments for the public benefit by identifying and developing financial policies and practices and promoting them through education, training and leadership.

Today we want to acknowledge our Finance and Administrative Services group for TWO GFOA awards received this past year.

The GFOA established the Certificate of Achievement for Excellence in Financial Reporting Program (CAFR Program) in 1945 to encourage and assist state and local governments to go beyond the minimum requirements of generally accepted accounting principles to prepare comprehensive annual financial reports that evidence the spirit of transparency and full disclosure, and then to recognize individual governments that succeed in achieving that goal. This recognition can be viewed as a positive factor by credit rating agencies and by others interested in the professionalism of a government's finance function.

Reports submitted to the CAFR program are reviewed by selected members of the GFOA, professional staff and the GFOA Special Review Committee, which comprises individuals with expertise in public-sector financial reporting and includes financial statement preparers, independent auditors, academics, and other finance professionals. Metro has received this award for 16 continuous years.

We would like to acknowledge Karla Lenox, Financial Reporting Manager, and Don Cox, Accounting Compliance Officer and new manager of Accounting Services, for their professionalism and dedication to the highest standards. Their work is supported by our Accounting Services group in FAS and the Administrative Services group at MERC.

The GFOA established the Distinguished Budget Presentation Awards Program (Budget Awards Program) in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality that reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's recommended practices on budgeting, and to then recognize individual governments that succeed in achieving that goal.

Documents submitted to the Budget Awards Program are reviewed by selected members of the GFOA professional staff and by outside reviewers with experience in public-sector budgeting. Metro has received this award for 11 years. We would like to acknowledge Kathy Rutkowski, Budget Coordinator, and Karen Feher, Capital Budget Coordinator for their consistent excellence in achieving this recognition. This past year Metro's budget award was also accompanied by a Special Performance Measures Recognition. We'd like to acknowledge Jeff Tucker for his work in leading that effort. In addition to Kathy, Karen and Jeff, the Distinguished Budget award is the result of the collaborative effort of Metro's Finance Team, most of who are individual members of GFOA.

Metro is not required to submit its work to GFOA for professional review. It means additional work for our staff to prepare the application, and we become obligated to consider and respond to the reviewers' comments and critiques. In Oregon only 7% of cities and 11 % of counties agree to submit their budgets to this professional scrutiny, according to the last GFOA report. Only 28 jurisdictions in Oregon – cities, counties, school districts, and special districts - receive both the Financial Reporting and Budget awards. Recognition from GFOA reflects well on our professional staff and on Metro. It demonstrates Metro's commitment to the Council's values of transparency and accountability.

#### **4. AUDITOR'S ANNUAL REPORT**

Suzanne Flynn, Metro Auditor, presented her annual report for FY 2008 (a copy of the power point presentation is included in the record). Councilor Burkholder offered his time to help Auditor Flynn to scope the transportation projects audit. Councilor Park thanked Auditor Flynn and suggested particular information audits and where to find this information. Councilor Harrington asked Auditor Flynn if she had been successful at posting annual audits on the website. Auditor Flynn said they were posted on the website but sometimes there was difficulty in navigating the website to find that information. She had talked with Creative Services about access. Councilor Harrington also complimented the Auditor and her staff on the type of audits that have been completed in the past two years. She had found the audits to be very useful. Councilor Hosticka asked about the Metro Ethics Line and Auditor Flynn's experience with this line. Auditor Flynn said this had been a slow year but they had learned a lot. She would be sharing information at a work session. Councilor Collette thanked Auditor Flynn for her good work and for the fact that the audits had helped her to get up to speed because she was new. Michael Jordan, Chief Operating Officer (COO), added management response to things that had been said. He talked about some of the statistics in the report and the collaborative nature of Auditor Flynn's staff. He thanked Auditor Flynn for how she did the audits. Deputy Council President Liberty said he thought the transportation projects audit was an appropriate one. He felt an independent view of these projects would be very helpful. He asked if she had any observations about her past two years. Auditor Flynn said one of the things she had noticed was duplication but felt the reorganization was taking care of that issue.

#### **5. CONSENT AGENDA**

5.1 Consideration of Minutes for the October 2, 2008 Metro Council Regular Meeting.

- 5.2 **Resolution No. 08-3995**, Making Committee Appointments and Extending Sunset Dates on 2035 Regional Transportation Plan and Convention Center Hotel Council Projects.
- 5.3 **Resolution No. 08-3994**, Authorizing the Naming of the Schweitzer Restoration Area of Johnson Creek.

Motion:

Councilor Burkholder moved to adopt the meeting minutes of the October 2, 2008 Regular Metro Council and Resolution Nos. 08-3995, 08-3994.

Vote:

Councilors Burkholder, Harrington, Liberty, Park, Collette, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.

## 6.0 ORDINANCES – FIRST READING

- 6.1 **Ordinance No. 08-1196**, For the Purpose of Amending Metro Code Chapter 5.05 Solid Waste Flow Control to Ensure that All of the Region’s Non-Putrescible Waste Undergoes Material Recovery Before Disposal, and Declaring an Emergency.

Deputy Council President Liberty assigned Ordinance No. 08-1196 to Council and opened a public hearing.

Councilor Park said approximately three years ago he and his colleagues had looked at the dry waste issue. He was offering an ordinance that would amend an effective date. He talked about the Metro Code and the facilities both inside and outside the Urban Growth Boundary (UGB). This ordinance would allow consistency for all facilities. He provided a more thorough explanation of the ordinance by summarizing the staff report (a copy of which is included in the meeting record). He noted emails that he had received about wanting one of the facilities to close by January 1, 2009. He was trying to implement a fair playing field for all facilities. Councilor Harrington asked about availability of the staff report on the website. Mr. Jordan said it was on the website right now. Dan Cooper, Metro Attorney, explained the emergency clause which required five votes in favor of the ordinance.

Art Kamp, 14520 SW Pleasant Valley Rd Beaverton Oregon 97007 provided his testimony in writing.

Rob Burchfield, 20050 SW Aten Rd., Beaverton, Oregon 97007 commented on the proposed regulations. He lived outside the Metro boundary close to the Lakeside Reclamation Landfill. He felt Council should look at the waste that was coming from inside the Metro boundary flowing outside the boundary to a landfill. He felt this emergency ordinance would allow waste to continue to flow to Lakeside and continue to pollute the area. He urged voting no on this ordinance.

Jane Frederick, 13622 SW Pleasant Valley Rd Beaverton, OR 97007 said her family lived by the Lakeside Landfill. Their main concern was contamination of the water. She read facts about water pollution. A copy of her testimony is included in the meeting record.

Councilor Park clarified that Lakeside was still planning to close on July 1, 2009. He noted that Waste Management may not be able to comply with Enhanced Dry Waste Recovery Program (EDWRP) by July 1, 2009. Councilor Harrington asked about MRFing in the open at Hillsboro. She said the variances were scheduled for next week’s Council meeting. She had requested further information about exploring options in dealing with the EDWRP implementation. She

was hopeful to talk about it at work session next week. Councilor Liberty asked legal counsel about the fairness issue.

## 7. RESOLUTIONS

- 7.1 **Resolution No. 08-4000**, For the Purpose of Entering an Order Approving Extensions of Time For Compliance With New Requirements in Title 4 of the Urban Growth Management Functional Plan For Clackamas County, and the Cities of Beaverton, Damascus, Durham, Fairview, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard, and Wood Village. (**PUBLIC HEARING**)

Motion:	Councilor Collette moved to adopt Resolution No. 08-4000.
Seconded:	Councilor Park seconded the motion.

Councilor Collette provided an overview of the resolution by summarizing the staff report. This resolution would grant that extension to all of the communities requesting the extension. Sherry Oeser, Planning Department, said she was passing around a memo with an estimate of when all of the jurisdictions would apply. Councilor Liberty asked about land rezoning and Regionally Significant Industrial Areas (RSIA). He wondered if there was additional information. Ms. Oeser said they were in the process of putting that information together. Councilor Burkholder asked how they were meeting their obligations to the State. What was the impact of going from a two-year deadline to a four-year deadline? Ms. Oeser said they have worked with the State, and the State was aware of the extensions and were accepting of those extensions. They were working with the local jurisdictions to help them comply as quickly as possible. Councilor Burkholder said they would be adopting changes in the Urban Growth Report (UGR) as well as the Regional Transportation Plan (RTP) which would impact local jurisdictions. He said that we needed local jurisdictions to comply with these requirements, and were we working with the jurisdictions to comply? Ms. Oeser said they were working with the jurisdictions to come into compliance as soon as possible. Councilor Burkholder explained why they wanted jurisdictions to meet the goals. Councilor Park said he was glad Damascus had been given additional time to come into compliance. He talked about emerging communities and performance measures. He was hopeful that through this process they could learn some lessons for Damascus. Councilor Liberty talked about deadlines and the need to be realistic in our assumptions.

Deputy Council President Liberty opened a public hearing on Resolution No. 08-4000. No one came forward. Deputy Council President Bragdon closed the public hearing.

Vote:	Councilors Park, Burkholder, Collette, Harrington, Liberty, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.
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## 8. CONTRACT REVIEW BOARD

- 8.1 **Resolution No. 08-3997**, For the Purpose of Authorizing the Chief Operating Officer to Enter into a Solid Waste Transportation Agreement with Walsh Trucking Co., LTD.

Motion:	Councilor Park moved to adopt Resolution No. 08-3997.
Seconded:	Councilor Harrington seconded the motion.

Councilor Park said today, he would like to provide:

- a bit of context and background on this key Metro contract,

- introduce the resolution, and
- then he would be turning it over to Mike Hoglund for a staff presentation; following his presentation we would talk with representatives of Walsh Trucking;
- and that would be followed by a public hearing;
- and finally Council question and answer, deliberation, and a scheduled vote on the resolution.

He noted what the resolution did:

- Resolution 08-3889 authorized the Chief Operating Officer to:
  1. Execute a 10-year contract with Walsh Trucking Company for starting January 1, 2010 and (ending December 31, 2019.)
  2. The contract was to haul Metro-area municipal solid waste from Metro's two public transfer stations, one in NW Portland, the other in Oregon City, to the Columbia Ridge Landfill 130 miles east in Gilliam County, Oregon.
    - The value of the contract was estimated to about \$124 million for Walsh Trucking
    - With fuel, the overall cost of hauling the waste was estimated to exceed \$180 million over the 10 –year period of the contract.
    - While not hazardous in nature, municipal solid waste required careful handling from collection to disposal.
    - This was a very important contract for this agency and the Council.
  3. As such, the contract contained a number of features to ensure that waste was transported in a safe, efficient, and environmentally sound manner.

He provided some history about how Metro arrived at this point in the process.

- In late 2006, the Metro Council approved a project work plan.
- The firm of CH2M Hill was retained to conduct a solid waste transportation study of possible transport modes, including rail, truck and barge.
- The results of that study were presented to the Metro Council in May 2007
- Based on the study and feedback from the Council, staff prepared a draft Request for Proposals that was distributed for public review. Mr. Hoglund would discuss that outreach in his presentation.
- Based on the public comments received during the outreach, the Council the updated the criteria that were used to evaluate proposals for transporting waste.
- Changes to the RFP included reallocating evaluation points from the *Cost* criterion to the other three criteria of *Environmental* and *Socioeconomic* impacts, as well as *Operations/Risk*. Again, Mr. Hoglund would discuss these changes further in his presentation, however, to remind the Council, the basic criteria we agreed upon were:
  - cost effectiveness (45 percent)
  - flexibility, reliability and risk (25 percent)
  - community concerns and impacts (10 percent)
  - environmental impacts (20 percent).
- The intent was to choose a firm that best maximized their performance against all criteria.

He explained the procurement process

- The RFP was released on Jan. 25' 2008 to more than 30 firms representing rail, barge and truck haulers.
- On March 12, 2008 Metro received eight proposals.

- Seven of the proposals were from trucking firms; with one proposer looking to barge from Metro Central and truck from Metro South.

He also detailed the evaluation process

- The proposals were then handed off to an evaluation committee tasked with establishing scores and ranking each proposal.
- The evaluation committee consisted of senior solid waste staff, regional and state transportation experts and a state air quality regulator.
- Dan Pitzler, CH2M HILL Consulting Economist, facilitated the evaluation process and calculated emissions results.

The evaluation team concluded their work by recommending that Metro enter into negotiations on a waste transport contract with Walsh Trucking Company of Troutdale, Oregon.

He then talked about the negotiations process. The negotiating committee was responsible for negotiating with the top rated firm and consisted of the following individuals:

- Mike Hogle, Director, Metro Solid Waste & Recycling Department;
- Darin Matthews, Metro Procurement Officer;
- Paul Ehinger, Assistant Director, Metro Solid Waste & Recycling Department;
- Marvin Fjordbeck, Senior Attorney, Office of Metro Attorney.

After considering the evaluation committee's report, the negotiating committee chose to begin negotiations with the top rated firm, Walsh Trucking. The evaluation committee based its decision on the overall strength and balance of the firm's proposal in relation to the evaluation criteria, as reflected in the final score. The negotiation process was concluded late August and the contract now comes to the Metro Council. He urged support of the contract.

Mike Hogle, Research Center Director, provided a power point presentation on the Waste Transport Contract and lessons learned (a copy of the power point is included in the meeting record).

Councilor Liberty acknowledged Gilliam County Commissioner Mike Weimar.

Councilor Burkholder asked about the issue of Metro purchasing the over-the-road fuel. Metro does not pay the vehicle mile traveled (VMT) cost. He talked about creating wear and tear on the roads. Mr. Hogle said the contract states that Metro would buy the fuel. He talked about past practices of taking the exemptions. He suggested further discussion at Council. Councilor Burkholder suggested that we should not be taking the VMT exemption. Councilor Park said he had asked staff to look into the federal excise tax issue.

Deputy Council President Liberty opened a public hearing on Resolution No. 08-3997.

Bill Walsh, President of Walsh Trucking Company, provided a short history of the company. He founded the company in 1959. He had been in a lot of negotiations over the years. The Metro staff that they dealt with was extraordinary. He talked about the knowledge and transparency of the staff. Dan Walsh said they were extremely excited about this opportunity. They were prepared to meet and exceed all of the contract requirements.

Gilliam County Commissioner Mike Weimar said he was in favor of the resolution. The landscape and economic activity of Gilliam County was under tremendous change. He talked about the new wind

industry in the county. Solid waste in Gilliam had become an important economic impact. He said Walsh Trucking had a proven record and had indicated a strong willingness to hire truckers from Gilliam County. He talked about favorable impacts to Gilliam County. He thanked Council for the opportunity to testify (a copy of his testimony is included in the record). Councilor Harrington asked how many people resided in Gilliam County. Commissioner Weimar said it was about 2000. Councilor Harrington noted the impact of jobs on a county with such a small population. Councilor Park said there had been a lot of discussion about back hauls. He encouraged the conversation to continue. Deputy Council President Liberty appreciated that Commissioner Weimer had come to the Council meeting to testify.

Deputy Council President Liberty closed the public hearing.

Councilor Park said this had been a good negotiation. He thanked staff again. He urged support. Councilor Harrington noted that she enjoyed working as council liaison to this project. She was reminded to never taking work programs for granted. There was a lot to the system. Daily lives depended on the system working smoothly. She thought this was a good outcome for all concerned. She reminded reconsideration to reduce, reuse, and recycle.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, and Hosticka voted in support of the motion. The vote was 6 aye, the motion passed.
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**9. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e).  
DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL  
PROPERTY TRANSACTIONS.**

Items 9.1 and 9.2 were removed from the agenda.

**10. CHIEF OPERATING OFFICER COMMUNICATION**

Michael Jordan, COO, added to Councilor Park's list that Chuck Geyer would be receiving an award on procurement on October 22nd. The criteria were a triple bottom line.

Mr. Jordan would be representing Metro on the Community Development Forum. At work session Council President Bragdon asked for a report on performance measurement. Council would be receiving that report shortly.

**11. COUNCILOR COMMUNICATION**

Councilor Park said he and Councilor Collette were at a meeting today on urban agriculture and the challenges. He talked about protection of farmland. He summarized some of the programs that existed, such as non-pesticide containing foods for seniors. Councilor Collette talked about the Portland Office of Sustainability and the project to utilize locally grown food. She talked about the value of this type of program. Councilor Harrington said it was her understanding that Metro was an underwriter to this event. She was hopeful to have the proceedings available to Metro.

**12. ADJOURN**

There being no further business to come before the Metro Council, Deputy Council President Liberty adjourned the meeting at 4:00 p.m.

Metro Council Meeting

10/16/08

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Prepared by

A handwritten signature in black ink, appearing to read 'C. Billington', written in a cursive style.

Chris Billington  
Clerk of the Council



**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF  
 OCTOBER 16, 2008**

<b>Item</b>	<b>Topic</b>	<b>Doc. Date</b>	<b>Document Description</b>	<b>Doc. Number</b>
4.0	Power Point Presentation	10/16/08	To: Metro Council From: Suzanne Flynn, Metro Auditor Re: Annual Report FY08	101608c-01
8.1	Email	10/13/08	To: Chuck Geyer, Parks and Environmental Services From: Mike Baker Re: Resolution No. 08-3997	101608c-02
6.1	Staff Report	10/15/08	<b>Ordinance No. 08-1196</b> , For the Purpose of Amending Metro Code Chapter 5.05 Solid Waste Flow Control to Ensure that All of the Region's Non-Putrescible Waste Undergoes Material Recovery Before Disposal, and Declaring an Emergency,	101608c-03
7.1	Amended Staff report and attachment	9/29/08	<b>Resolution No. 08-4000</b> , For the Purpose of Entering an Order Approving Extensions of Time For Compliance With New Requirements in Title 4 of the Urban Growth Management Functional Plan For Clackamas County, and the Cities of Beaverton, Damascus, Durham, Fairview, Gresham, Happy Valley, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard, and Wood Village	101608c-04
7.1	Letter	10/06/08	To: Sherry Oeser, Planning Department From: Michael Walker, Planning Services Manager, City of Happy Valley Re: Resolution No. 08-4000	101608c-05
7.1	Letter	10/08/08	To: Metro Council From: Shane Bemis, City of Gresham Mayor Re: Resolution No. 08-4000	101608c-06
6.1	Email	10/13/08	To: Metro Council From: Art Kamp Re: Ordinance No. 08-1196	101608c-07
6.1	Email	10/13/08	To: Metro Council From: <a href="mailto:MODELA932@AOL.Com">MODELA932@AOL.Com</a> Re: Ordinance No. 08-1196	101608c-08
6.1	Email and response	10/13/08	To: Metro Council From: Larry and Anna Briggs Re: Ordinance No. 08- 1196 and response from Councilor Harrington	101608c-09

6.1	Email	10/14/08	To: Metro Council From: Raindrops to Refuge Re: Ordinance No. 08-1196	101608c-10
6.1	Letter	10/8/08	To: Metro Council From: Lisa Jo Frech, Executive Director Raindrops to Refuge Re: Ordinance No. 08-1196	101608c-11
6.1	Email	10/14/08	To: Metro Council From: V Kamp Re: Ordinance No. 08-1196	101608c-12
6.1	Email	10/14/08	To: Councilor Liberty From: Art Kamp Re: Ordinance No. 08-1196	101608c-13
6.1	Email	10/13/08	To: Metro Council From: Lorraine Trump Re: Ordinance No. 08-1196	101608c-14
6.1	Email	10/13/08	To: Metro Council From: Cher Horlacher Re: Ordinance No. 08-1196	101608c-15
6.1	Email	10/14/08	To: Metro Council From: Jon Malachowski Re: Ordinance No. 08-1196	101608c-16
6.1	Email	10/14/08	To: Veronica Valenzuela From: Steven Burke Re: Ordinance No. 08-1196	101608c-17
6.1	Email	10/13/08	To: Metro Council From: Elizabeth Thoresen Re: Ordinance No. 08-1196	101608c-18
6.1	Email and attachment	10/14/08	To: Art Kamp From: Art Kamp Re: Lakeside Lawsuit	101608c-19
6.1	Email	10/13/08	To: Metro Council From: Art Kamp Re: Ordinance No. 08-1196	101608c-20
6.1	Email and response	10/14/08	To: Metro Council From: Dick Winn Re: Ordinance No. 08-1196 and response from Councilor Harrington	101608c-21
6.1	Email and response	10/13/08	To: Metro Council From: Leslie Frederick and James Yanzick Re: Ordinance No. 08-1196 and response from Councilor Harrington	101608c-22
6.1	Emails	10/13/08	To: Metro Council From: Brian Wegener, Tualatin Riverkeepers Re: Ordinance No. 08-1196	101608c-23
6.1	Email and response	10/13/08	To: Metro Council From: David VanRiper	101608c-24

			Re: Ordinance No. 08-1196 and response from Councilor Harrington	
6.1	FAQs	October 2008	To: Metro Council From: Chuck Geyer Re: Frequently asked questions on Metro's 2009-19 Waste Transport Contract	101608c-25
6.1	Email	10/14/08	To: Councilor Park From: Meeky Blizzard Re: Ordinance No. 08-1196	101608c-26
6.1	Email	10/13/08	To: Scott Robinson, Deputy COO From: Art Kamp Re: Ordinance No. 08-1196	101608c-27
6.1	Email	10/15/08	To: Metro Council and Art Kamp From: Katie Twombly Re: Ordinance No. 09-1196	101608c-28
6.1	Email	10/15/08	To: Metro Council From: Art Kamp Re: Ordinance No. 08-1196	101608c-29
6.1	Email	10/15/08	To: Councilor Park From: John and Jane Frederick Re: Ordinance No. 08-1196	101608c-30
6.1	Email	10/16/08	To: Metro Council From: Susie Palena Re: Ordinance No. 08-1196	101608c-31
6.1	Email	10/15/08	To: Metro Council From: Thomas Makowski Re: Ordinance No. 08-1196	101608c-32
6.1	Email	10/16/08	To: Metro Council From: Mike O'Heron Re: Ordinance No. 08-1196	101608c-33
8.1	Power Point Presentation	10/16/08	<b>Resolution No. 08-3997</b> , For the Purpose of Authorizing the Chief Operating Officer to Enter into a Solid Waste Transportation Agreement with Walsh Trucking Co., LTD.	101608c-34
6.1	Testimony	10/16/08	To: Metro Council From: Art Kamp Re: Ordinance No. 08-1196	101608c-35
6.1	Testimony	10/16/08	To: Metro Council From: Jane Frederick Re: Ordinance No. 08-1196	101608c-36
6.1	Memo	10/16/08	To: Metro Council From: Sherry Oeser, Planning Department Re: Estimated Title 4 compliance completion dates by jurisdiction	101608c-37
8.1	Testimony	10/16/08	To: Metro Council From: Michael Weimar, Gilliam County	101608c-38

			Commissioner Re: Resolution No. 08-3997	
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