

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 09-1222A
CODE SECTION 2.19.130 TO REVISE THE)
PURPOSE AND MEMBERSHIP OF THE SOLID) Introduced by Council President David
WASTE ADVISORY COMMITTEE) Bragdon

WHEREAS, Metro Code Chapter 2.19 provides the authority for the Metro Council to establish advisory committees, including the purpose, authority and membership of those committees; and

WHEREAS, the Metro Council established the Solid Waste Advisory Committee to provide advice regarding regional solid waste management and planning; and

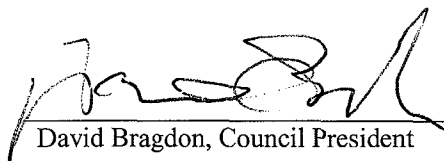
WHEREAS, the Metro Council wishes to improve the consistency and impact of policy-making advice it receives on recycling and solid waste matters; and

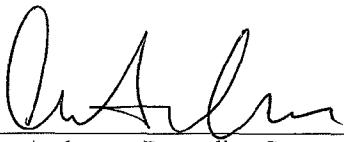
WHEREAS, the Metro Council may determine it necessary to revise the purpose, authority and membership of an advisory committee in order for that committee to more effectively fulfill its function; now therefore,

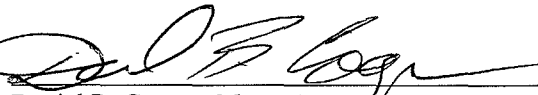
THE METRO COUNCIL ORDAINS AS FOLLOWS:

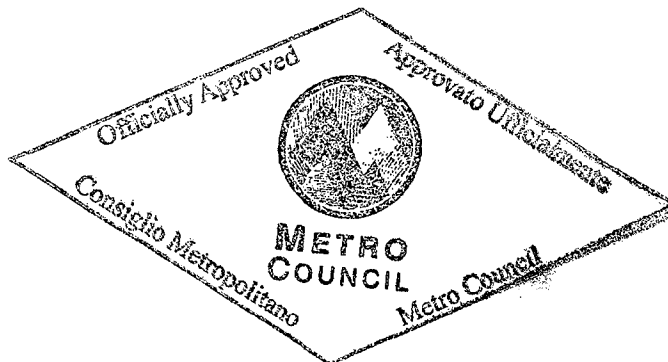
Section 1. Metro Code Amendment. Metro Code Section 2.19.130, "Metro Solid Waste Advisory Committee" ("SWAC") is repealed and replaced with language in the form attached hereto as Exhibit "A."

ADOPTED by the Metro Council this 12th day of November, 2009.


David Bragdon, Council President

Attest:

Anthony Andersen, Recording Secretary

Approved as to Form:

Daniel B. Cooper, Metro Attorney



**Amendments Introduced by Chief Operating Officer Michael Jordan to
Exhibit A to Ordinance No. 09-1222
Metro Code Title II, Chapter 2.19.130**

2.19.130 Metro Solid Waste Advisory Committee (SWAC)

(a) Purpose. The purpose of the Metro Solid Waste Advisory Committee (SWAC) is to develop policy options that, if implemented, would serve the public interest by reducing the amount and toxicity of waste generated and disposed, or enhancing the effectiveness and sustainability of the system through which the region's solid waste is managed. For the purpose of this Section, the term sustainability is as defined in Metro Council Resolution No. 08-3931.

(b) Membership. Members are categorized as follows:

(1) Regular Voting Members:

Jurisdictions with a population under 50,000	3
Jurisdictions with a population between 50,000 and 500,000	3
Jurisdiction with a population over 500,000	1
Total Local Government Members:	7

(2) Non-Voting Members:

Oregon Department of Environmental Quality	1
Non Governmental	1
Solid Waste Industry	3
Chair, Metro	1
Total Non-Voting Members:	6

TOTAL MEMBERS 13

(c) Appointment of Members.

(1) Local government members shall be nominated by a jurisdiction's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council. In making the local government

appointments, the Metro Council President will seek members directly involved in solid waste regulation or oversight and those involved in resource conservation.

- (2) The Oregon Department of Environmental Quality (DEQ) member shall be nominated by DEQ's presiding executive, appointed by the Metro Council President, and subject to confirmation by the Metro Council.
- (3) The Metro member shall be nominated by the Chief Operating Officer, appointed by the Metro Council President, and subject to confirmation by the Metro Council. The Chief Operating Officer also shall nominate an alternate Metro member who can serve when the confirmed member is unavailable.
- (4) The remaining non-voting members shall be nominated through a public application process, appointed by the Metro Council President, and subject to confirmation by the Metro Council.

(d) Membership.

(1) Terms of Office.

- (a) The local government members shall serve for a term of two (2) years. A member may be reappointed for additional terms through the process set forth above.
- (b) The DEQ member shall serve until a replacement is nominated by the DEQ executive.
- (c) The Metro member shall serve until a replacement is nominated by the Chief Operating Officer.
- (d) The remaining non-voting members shall serve for a term of two (2) years. A non-voting member in this category may serve for a second consecutive two (2) year term.

(2) Meetings. SWAC shall meet on a schedule determined by the Chairperson, with no fewer than two meetings per calendar year. The Chairperson shall schedule additional meetings as needed to respond to requests from the Metro Council for analysis of particular issues.

(3) Attendance. Members should be present at and participate in all regular meetings. Members who are absent for more than one regular meeting in a calendar year may be asked by the Council President to resign.

- (4) Local government. For the members from jurisdictions with a population under 50,000, the Metro Council shall confirm at least one member each from a community west and east of the Willamette River. A County's population includes only those residents of the County's unincorporated areas.
- (5) Solid Waste Industry. Solid Waste Industry members shall include ~~companies~~persons involved in the collection, transfer, processing, disposal, or recycling of Solid Waste generated in the Metro Region.
- (6) Non Governmental. The Non Governmental member shall be from a non-profit organization whose mission related to advancing sustainability in the Metro Region.

(e) Chair. The Chairperson of SWAC shall be the Metro member or, in the Metro's member's absence, the Metro alternate member.

(f) Reports to Council. SWAC shall include a summary of the minority opinions of voting and non-voting members when describing the policy options that it recommends to the Metro Council for consideration.

(g) Subcommittees. SWAC may establish subcommittees of a limited and defined duration. Membership composition shall be determined by SWAC and may include individuals who are not members of the Committee. All such subcommittees shall report to SWAC.

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Approved as to Form:

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Exhibit A to Ordinance No. 09-1222
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STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 09-1222, FOR THE PURPOSE OF AMENDING METRO CODE TITLE II, ADMINISTRATION AND PROCEDURES, TO REVISE THE PURPOSE AND MEMBERSHIP OF THE SOLID WASTE ADVISORY COMMITTEE

Date: November 5, 2009

Prepared by: Matt Korot
503-797-1760

BACKGROUND

The Solid Waste Advisory Committee (SWAC) has historically provided the Metro Council and Metro staff with advice on solid waste policy, plans and programs. In late 2008, following an intense multi-year period of policy-making, Council President Bragdon asked SWAC members and Metro staff to reconsider the function and membership of SWAC in order to help improve the quality and consistency of policy options that come before Councilors. Council President Bragdon expressed concern that SWAC's composition and practices diluted its credibility and impact with the Council because the assortment of private companies casting votes made it difficult for the Council to discern the public interest in SWAC's recommendations. Council President Bragdon observed that, in his opinion, SWAC inhabited an unworkable "gray area" between being an industry lobby group and a neutral policy-advisory group, and that structural change was needed to make it one or the other. Achieving this clarity ultimately would benefit both public and private sector participants by strengthening their collective voice with Council.

After soliciting input from SWAC members, Council President Bragdon directed staff to develop and vet recommendations for a new approach for providing input on policy matters to Council. The proposed code revisions reflect these recommendations. Council President Bragdon also directed staff to meet needs identified by SWAC members for a forum for ongoing dialogue between Metro staff, industry, local governments and other stakeholders, and means through which Metro and its stakeholders can continue to collaborate on the implementation of regional programs. These needs will be met through quarterly discussion roundtables and ad hoc work groups that were described to Council at its work session on June 30, 2008. The first roundtable met in October 2009.

As delineated in the proposed code amendments, the revised SWAC would become more explicitly a policy-oriented group, but no longer give direct policy recommendations to Council. Instead, it would develop multiple options for Council consideration. The committee's membership would shrink from 27 to 13 members, allowing it to serve more effectively as a working group. While its membership would continue to include both public sector and private sector representatives, voting would be limited to local government members. This structure would allow for a variety of perspectives to be integrated into the development of policy alternatives, while ensuring that the options forwarded to Council reflect the opinion of members who represent organizations charged with serving the public interest. The code revisions include a provision to ensure that Council continues to be informed of minority opinions from both voting and non-voting members.

There are three other key elements of the proposed revisions to SWAC's membership. First, industry views on solid waste and recycling matters would be solicited through regular outreach efforts and working groups on specific topics. Although private companies would no longer have official voting power on SWAC, the opinions of private companies and trade associations would be gathered through

more appropriate means than having them vote on public policy issues. Second, responsibility for chairing the committee is transferred from a Metro Councilor to a Metro staff person. While timely consultation with the Council will be a key factor in SWAC's effectiveness as an advisory group, staff has not identified a compelling reason for the committee to continue to be chaired by a Councilor. Third, recognizing that sustainability provides the underpinning for much of the policy work in the region, the membership provisions of the proposed code specifically call for resource conservation expertise among the local government members and reserve a spot for a non-governmental sustainability expert.

The local government representatives will be drawn from three membership categories based on population. The Metro region's jurisdictions are listed by these categories in the table below.

<i>Jurisdiction</i>	<i>2008 Population¹</i>	<i>Membership Category</i>
Rivergrove	350	Under 50,000
Johnson City	675	
Maywood Park	750	
Durham	1,395	
King City	2,775	
Wood Village	3,100	
Fairview	9,735	
Damascus	9,975	
Cornelius	10,955	
Happy Valley	11,455	
Gladstone	12,215	
Multnomah County Uninc.	12,268	
Troutdale	15,465	
Sherwood	16,420	
Wilsonville	17,940	
Milwaukie	20,915	
Forest Grove	21,465	
West Linn	24,400	
Tualatin	26,040	
Oregon City	30,405	
Lake Oswego	36,590	
Tigard	47,150	
Beaverton	86,205	50,000 to 500,000
Hillsboro	89,285	
Gresham	100,655	
Clackamas County Uninc.	178,176	
Washington County Uninc.	214,055	
Portland	575,931	Over 500,000
¹ Derived from 2008 Oregon Population Report, Population Research Center, PSU.		

ANALYSIS/INFORMATION

1. Known Opposition

Most of the solid waste industry representatives currently on SWAC oppose the membership and voting provisions of the proposed revisions, because they perceive it as a diminution of their role in the development of Metro policies.

2. Legal Antecedents

Metro Code, as referenced above.

3. Anticipated Effects

Revisions to the purpose and membership of SWAC in the manner provided by the Metro Code.

4. Budget Impacts

Staff time to manage and provide administrative support to SWAC. The combined commitment to SWAC, the quarterly roundtables and periodic work groups should be roughly equivalent to that expended for SWAC support in the past.

RECOMMENDED ACTION

Metro Council adoption of Ordinance No. 09-1222.