

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 85-578
BY-LAWS OF THE SOLID WASTE POLICY)
ALTERNATIVES COMMITTEE) Introduced by the
) Council Management Committee

WHEREAS, The purpose of the Solid Waste Policy Alternatives Committee (SWPAC) is to provide advice and assistance to the Metropolitan Service District Council; and

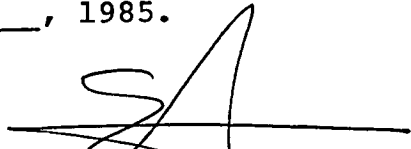
WHEREAS, The Metro Council has officially adopted a set of priorities and objectives for Metro and priority "E" is to assure the opportunity for public involvement in Metro's important decision-making processes; and

WHEREAS, The Metro Council wants to increase the citizen participation on SWPAC, and reorganize the Committee for greater effectiveness; now, therefore,

BE IT RESOLVED,

1. That the By-Laws of the Solid Waste Policy Alternatives Committee are hereby amended as shown in Exhibit "A" attached.
2. That the By-Laws of the Solid Waste Policy Alternatives Committee are further amended to require that two of the members appointed to represent the public shall also be appointed to serve on the Rate Review Committee.

ADOPTED by the Council of the Metropolitan Service District
this 27th day of June, 1985.



Ernie Bonner, Presiding Officer

SOLID WASTE POLICY [ALTERNATIVES] ADVISORY COMMITTEE

BY-LAWS

ARTICLE I

NAME

This Committee shall be known as the SOLID WASTE POLICY [ALTERNATIVES] ADVISORY COMMITTEE.

ARTICLE II

PURPOSE

1. [To provide advice and assistance to the Executive Officer, Metro Council and Council Regional Services Committee regarding regionwide solid waste related issues.] To provide advice to the Metro Council and the Executive Officer regarding regionwide solid waste policy issues.

2. [To provide a forum for public, private and citizen representatives to develop and evaluate regionwide policy alternatives concerning the beneficial use and disposal of solid waste generated in the region together with its impact on collection, and with the siting, construction and operation of the necessary facilities.] To provide a forum for citizen, industry, and local government representatives to evaluate policy alternatives concerning the beneficial use and disposal of solid waste, and to advise Metro staff in the formulation of such policy alternatives.

3. [To advise on alternative courses of action which Metro may undertake to alleviate or resolve the short- and long-term solid waste problems of the region.] To provide a forum for communication between Metro and the citizens of the region on solid waste policy issues and the Solid Waste Management Plan.

ARTICLE III

MEMBERSHIP-VOTING-MEETINGS

Section 1. MEMBERSHIP

a. The Committee shall be representative of the general public and of persons involved in production, source separation, collection, beneficial use and disposal of solid waste, and the siting[, construction] and operation of necessary facilities.

b. Membership shall include:

Cities & Counties

Clackamas County	1
Multnomah County	1
Washington County	1
City of Portland	1

General Public

Clackamas County	[1]	2
Multnomah County	[1]	2
Washington County	[1]	2
City of Portland	[1]	2

Solid Waste

Industry

<u>Commercial Haulers</u>	1	
<u>Residential Haulers</u>	1	
[Collection]	[2]	
<u>Landfill[s] Operators</u>	[2]	1
<u>Recycling Industry</u>	1	
[Construction Industry]	[1]	

[c. Ex officio -- Clark County, Oregon Department of Environmental Quality (DEQ), Federal Environmental Protection Agency (EPA).]

Section 2. APPOINTMENT and TENURE

a. Each member appointed to represent cities and counties shall be designated by the jurisdictions they represent and shall be staff employees. All other appointments shall be made for a term of two (2) years and shall be made by the Presiding Officer of the Metro Council [in accordance with procedures] with the concurrence of the Metro Council.

b. Each member shall serve until removed by the Presiding Officer, or the appointing cities or counties, or as determined under Section 2 (c) of this Article.

c. Absence unexcused by the Committee Chairperson from three (3) consecutive regularly scheduled meetings shall constitute removal of the voting member from the Committee.

[d. Additional members may serve on the Committee upon nomination by the Metro Council Regional Services Committee and concurrence by the Presiding Officer of the Metro Council, in accordance with procedures of the Metro Council.]

[e] d. Ex officio members, without vote, may serve on the Committee upon nomination by the [Metro Council Regional Services Committee and concurrence by the Presiding Officer]

Presiding Officer of the Metro Council, [in accordance with procedures] with concurrence of the Metro Council.

e. Two of the members appointed to represent the public shall also be appointed to serve as the public members on the Rate Review Committee.

Section 3. VOTING PRIVILEGES

Each member of the Committee, except ex officio members, shall be entitled to one (1) vote on all issues presented at regular and special meetings at which the member is present.

Section 4. MEETINGS

a. Regular meetings of the Committee shall be held [on the Monday of the week of a regularly scheduled Metro Council meeting] once each month at a regularly scheduled date, time and place established by the Committee [Chairperson].

b.

Section 5. CONDUCT of MEETINGS

a. A majority of the voting members shall constitute a quorum for the conduct of business. The act of a majority of the voting members present at meetings, at which a quorum is present, shall be the act of the Committee.

b. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

c. The Committee may establish other Rules of Procedure as deemed necessary for the conduct of business.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. OFFICERS

The officers of the Committee shall be a Chairperson and a Vice-Chairperson elected by the voting members of the Committee.

Section 2. TERM OF OFFICE

Each officer shall hold office during the fiscal year or until relieved of the position. Officers may hold succeeding terms of office, but may serve no longer than three (3) consecutive years.

Section 3. DUTIES

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business. The Vice-Chairperson shall perform all duties of the Chairperson in his/her absence.

Section 4. ADMINISTRATIVE SUPPORT

Metro shall supply staff, as necessary, to record actions of the Committee and to handle times and places of meetings, and citizen participation activities.

ARTICLE V

[SUBCOMMITTEES AND] TASK FORCES

The Committee Chairperson, with the consent of the Committee, may appoint Task Forces from among its members and other interested persons. Composition and term of service shall be determined according to mission and need. Task Forces shall be given a specific Charge and time for reporting as an integral part of their establishment.

ARTICLE VI

REPORTING PROCEDURES

The Committee shall make its reports, findings and recommendations to the Metropolitan Service District Council [Regional Services Committee]. Any such reports and recommendations shall also be sent to the Executive Officer. [If there is any conflict between the position of the Committee and the Executive Officer, the Executive Officer will notify the Council Regional Services Committee and the matter will be discussed by the Regional Services Committee and other interested parties and a recommendation forwarded to the Metro Council.] The Solid Waste Policy Alternatives Committee shall adopt procedures which adequately notify affected jurisdictions and interested parties on matters before the Committee.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended or repealed only by the Metropolitan Service District Council.

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STAFF REPORT

Agenda Item No. 7.1

Meeting Date June 27, 1985

CONSIDERATION OF RESOLUTION NO. 85-578 FOR THE
PURPOSE OF AMENDING THE BY-LAWS OF THE SOLID
WASTE POLICY ALTERNATIVES COMMITTEE

Date: June 24, 1985

Presented by: Ray Barker

FACTUAL BACKGROUND AND ANALYSIS

The Council Management Committee on May 16, 1985, directed Councilor Gardner to work with staff to revise the By-Laws of the SWPAC for review at the June 20, 1985, Committee meeting.

Adoption of Resolution No. 85-578 would include the following changes to the SWPAC By-Laws:

1. Changes the name of the Committee to the Solid Waste Policy Advisory Committee.
2. Increases the number of citizens on the Committee from four to eight; decreases the number of solid waste industry representatives from six to four.
3. Revises the Committee purpose section to more clearly reflect the Metro Council's desire to have more citizen participation and greater communication regarding solid waste issues.

Rate Review

To date no decision has been made regarding possible changes to the Rate Review Committee. It appears that the following are the major alternatives regarding the rate review function:

1. Keep the Rate Review Committee a separate committee from SWPAC.
2. Make rate review a subcommittee of SWPAC (have same expertise requirements as currently exist for Rate Review Committee members).
3. Make rate review the responsibility of the SWPAC itself (require certain membership positions to have rate review experience).

One of the purposes of having the rate review function separate from SWPAC is to avoid possible conflicts of interest with the solid

waste industry. Making rate review a subcommittee of SWPAC, and only allowing non-industry membership may help address the conflict of interest question but it also raises some questions: would the rate review subcommittee report to the SWPAC and SWPAC then act on the subcommittee's recommendations (solid waste industry representatives, too?), or would the subcommittee report directly to the Metro Council? If the subcommittee reports directly to the Metro Council, why abolish the existing Rate Review Committee which reports directly to Council?

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer makes no recommendation.

MANAGEMENT COMMITTEE'S RECOMMENDATION

The Council Management Committee recommends passage of Resolution No. 85-578. In a separate action, the Committee determined that the two public members of the Rate Review Committee should be selected from public members appointed to SWPAC. Resolution No. 85-578 and the attached SWPAC By-Laws are amended to reflect the Committee's recommendation.

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- 6.2 Resolution No. 85-576, Amending the Transportation Improvement Program to Include an Interstate Bridget Northbound Lift Span Improvement Project
- 6.3 Resolution No. 85-577, Adopting an Interim Special Needs Transportation Plan
- 6.4 Resolution No. 85-579, Amending the Metro Pay and Classification Plans (Facilities Supervisor and Senior Gatehouse Attendant)

7. RESOLUTIONS

- 7.1 Consideration of Resolution No. 85-578, for the Purpose of Amending the By-Laws of the Solid Waste Policy Alternatives Committee (SWPAC)

Councilor Gardner reported SWPAC was proposed to be reorganized to gain more effective advice from the solid waste industry and citizens. To accomplish the Council's goal of providing citizen participation early in the decision-making process, it was being recommended to increase general citizen representation on SWPAC. In order to maintain the current number of committee members, the number of industry representatives would be reduced, he explained. A new statement of purpose for the committee emphasized the role of citizens on the committee.

Motion: Councilor Gardner moved the adoption of Resolution No. 85-578 and Councilor Kirkpatrick seconded the motion.

Councilor Kirkpatrick added the By-Laws were changed to strengthen the liaison between the Rate Review Committee (RRC) and SWPAC. The amended By-Laws, if adopted, would provide for two citizen members of RRC to be members of SWPAC.

Jack Deines, 2295 S.E. Juniper, Milwaukie, Oregon, testified that solid waste industry representatives on SWPAC should not be decreased in order to add more citizen members. He thought this would be a very expensive means of educating a few citizens about solid waste and would not serve to broaden the general public's knowledge about the issues. SWPAC industry representatives were experienced in solid waste problems and would render better advice to the Council than citizens, he said.

Mr. Deines said he also wanted to address the Council about whether he was getting the best return on his dollar for solid waste services provided by Metro. He explained at a recent SWPAC meeting, Dan Durig reported it cost Metro about \$9.50 to \$10.00 per ton to landfill

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solid waste. Haulers paid an average of \$13.50 per ton to Metro for disposal services. Approximately \$4.00 per ton, or \$3 million a year, was being paid to Metro for current staff, past mistakes and a little bit of product, he said, and because of SB 662, the industry would probably be asked to pay more. He emphasized that support of the solid waste hauling industry was important to Metro, especially as a guaranteed, continued revenue source. However, past actions and the proposed reorganization of SWPAC indicated that Metro was not interested in the industry's support. He urged Metro change its attitude about how it perceived the industry and to not revise the SWPAC By-Laws.

Councilor Waker questioned whether the purpose of SWPAC was to provide technical or political advice to the Council. If technical advice were needed, he agreed with Mr. Deines that general citizens would not provide that type of advice. If political advice were needed, the Council would render that judgment, he said.

Mr. Deines added that each decision about the solid waste program effected the hauling industry. He said it made sense to ask the industry, before decisions were made, about the impact of decisions.

Councilor Oleson thought SWPAC provided both technical and political advice and staff should serve as the best representative in presenting the public's concerns to the Council. He suggested more time be taken to study whether the proposed By-Laws amendments should be implemented.

In response to Presiding Officer Bonner's question, Councilor Gardner said the proposed changes to the By-Laws had been discussed with SWPAC members on two occasions. There was little resistance to the proposed changes, he said, and some members acknowledged SWPAC wasn't having much impact on the Council's decisions. Councilor Gardner thought this lack of influence was because SWPAC was perceived by staff and Councilors to largely represent the voice and viewpoint of the solid waste industry.

In response to Mr. Deines' statement that haulers were Metro's customers, Mr. Gardner thought citizens were Metro's ultimate customers. The collection and disposal industry served as part of the mechanism to provide a service to the citizens. He explained citizens needed a better voice on the committee that helped determine solid waste policy matters. The committee was never intended to be exclusively a technical advisory group, he said, and the proposed reorganization would give SWPAC the balance it was originally intended to have.

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Councilor Kelley thought citizens were very interested in the cost of solid waste disposal because it effected them directly. SWPAC would be an excellent forum for citizens to discuss their concerns with the industry and make recommendations to the Council about solutions to solid waste problems.

Mr. Deines responded he thought SWPAC's influence on the Council had suffered largely because of a poor relationship between the committee and Metro staff. Staff often did not agree with SWPAC's advice, he explained.

Presiding Officer Bonner explained the Council wanted citizens to lend judgment and perspective to Metro's legislative process. For example, he said the citizen members of the Budget Committee did an excellent job of perceiving the most important issues and had offered valuable advice. For that reason, the Presiding Officer said he would support the Resolution.

Councilor Hansen said regardless of the makeup of SWPAC, the solid waste industry had the capacity to make itself heard by the Council on any issue. Citizens, however, didn't always take advantage of this opportunity, he said.

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen, Kirkpatrick, Kelley, Myers, Oleson and Bonner

Nay: Councilor Waker

Absent: Councilors Cooper, DeJardin, Kafoury and Van Bergen

The motion carried and Resolution No. 85-578 was adopted.

7.2 Consideration of Resolution No. 85-562, for the Purpose of Adopting the Annual Budget of the Metropolitan Service District for FY 1985-86, Making Appropriations from Funds of the District in Accordance with Said Annual Budget, Creating a St. Johns Methane Recovery Fund and a Building Management Fund, and Levying Ad Valorem Taxes

Mike Burton, State Representative of District 17, 6037 North Fiske, Portland, Oregon, said he wished to brief the Council regarding the effects of SB 662 on Metro's budget. He explained one provision of the legislation would be that 50¢ per ton (approximately \$400,000 per year) of solid waste disposed at St. Johns Landfill would be set aside for economic development of the landfill and surrounding area. Metro would be responsible for collection and administration of the revenue. Representative Burton said he would soon deliver a