

## MINUTES OF THE METRO COUNCIL WORK SESSION MEETING

Tuesday, July 1, 2003  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Brian Newman, Rod Park, Rod Monroe, Rex Burkholder

Councilors Absent: Carl Hosticka (excused)

Council President Bragdon convened the Metro Council Work Session Meeting at 2:07 p.m.

### 1. SALEM LEGISLATIVE REPORT

Council President Bragdon noted a fax he had sent on HB 2617 (a copy of which is included in the meeting record).

Dan Cooper, Metro Attorney, said the Transportation funding bill was on its way to the Senate floor without amendments. The TriMet payroll tax was still sitting on the House side. It may be decoupled from the road package. The Period Review bill had been resurrected by the Senate Rules Committee. Metro had submitted language to allow Metro the choice when it amends the Framework Plan to send the package to the Commission. Metro would have the opportunity to take the Goal 5 issue to the Commission. Metro's relationship with LCDC was much different than it was 10 years ago. LCDC was eager to show a positive relationship with Metro. He spoke to HB 2912, a committee that would look at long-term land use planning in the State. Metro had been added to the membership of this committee. He talked about the composition the committee. The committee had the same charge as it had on the House side. He then addressed the sub-regional bill and the discussions around the bill. He suggested changes to bill, which would make it better. Councilor Park asked for clarification on the bill. Mr. Cooper spoke to the rule and the determination of efficiency. Councilor Park said by using the sub-regional rule you could decrease the amount necessary to expand the boundary. He then spoke to a Hillsboro Landfill bill. Councilor McLain said Metro had property that we had purchased in the area. There were a lot of questions about water quality. Mr. Cooper suggested opposing this bill. Council gave Mr. Cooper direction to oppose this bill. Councilor Monroe asked about a letter being drafted concerning support of the TriMet payroll tax. Mr. Cooper said he would make sure this letter would be drafted. Mike Jordan, Chief Operating Officer (COO), said he had spoken to TriMet about such a letter.

### 2. OREGON CONVENTION CENTER EXPANSION ADVISORY COMMITTEE PROJECT EVALUATION

Council President Bragdon introduced Neil McFarlane and Scott Moss. He spoke to the Oregon Convention Center (OCC) Expansion Advisory Committee's involvement. He noted their high level of commitment.

Scott Moss, Business Services Department, talked about the project and the process for evaluation. They had the OCC Expansion Advisory Committee evaluate the project. Neil McFarlane said his participation in the advisory committee was very fulfilling. He thanked the committee and noted who was on the advisory committee. The committee was very experienced in construction. This added to the value of the committee. The public got a great building at great value. He said that there had been no claims or litigation on the project. That was a good sign. He

thanked the others involved in the project. He highlighted the high standard of performance. He noted that they had evaluated the project quarterly. He spoke to the challenges. He talked about the efforts on cost management. Schedule objectives were all met with an early opening of the garage. He spoke to risk and safety focuses. He talked about diversity of the work force and the special training for apprentices. He talked about the lessons learned and how valuable this would be in the future. He reviewed the sustainability issue. A decision was made to have Owner Controlled Insurance Program. He concluded by saying that the project was very successful.

Councilor Burkholder asked about an exhaust issue in the parking lot. Mr. Moss said there was never a claim. They negotiated a fair settlement. Mr. McFarlane said it was the most favorable outcome you could have. Councilor Burkholder asked about permitting with the City. Carl Schultz responded that permitting was a challenge but they had met with the City to provide feedback for future permitting. Jeff Blosser thanked Mr. McFarlane and the committee members. He recommended an advisory committee such as this for these types of future Metro projects. Councilor Newman suggested sending thank you letters to the committee members. Councilor McLain said one challenge was to make sure that the facility was a regional facility. We needed to do a good job of making sure this was recognized as a regional facility.

Councilor Monroe asked about the tourism bill. Mr. Jordan responded to his question, right now nothing was moving.

### **3. BRIEFING ON DIESEL FILTERS RETROFITTING FOR POLLUTION REDUCTION**

Mike Hogle, Solid Waste and Recycling Department Director, introduced the topic. It was a pilot program to put diesel filters on 12 trucks. It was a \$124,000 effort to do this to reduce particulates in the air. It worked well as an emission control strategy. He spoke to the benefit of doing it early. Kevin Downing, Department of Environmental Quality (DEQ), and Chuck Geyer, Solid Waste and Recycling Department, talked about the project. Mr. Downing detailed all of the different ways DEQ and Metro had worked together. This project was yet another way of partnering. They were working on the Oregon clean diesel emission (a copy of is presentation is included in the meeting record). They were focusing on this approach because it was cost effective. He talked about the possibility that diesel was a carcinogen. There was a problem with exposure to diesel. It had also been identified as an asthma trigger. He talked about the statewide hazard for all pollutants and that diesel would still be 8 times higher than other pollutants. They were focusing on retrofitting existing diesel engines, which were replacements for the mufflers. He spoke to the evidence in eliminating other emissions. He summarized the multiple benefits of taking this one step. He talked about diesel exposure and the benefits to the workers by reducing the exposure.

Councilor Park asked about the fuel used in the trucks. Mr. Geyer responded that it was low sulfur fuel. Councilor Park asked about the pollution tax credit. Mr. Downing said Metro was not eligible because of its tax status. Councilor Park asked about equivalent car trips reduction. Mr. Downing said he would try to come up with some measure of comparison. Councilor Newman felt this was a great step in the right direction. If this pilot project were successful, would this be utilized for the entire fleet? Mr. Hogle said they would be able to share this with other companies in the State. Councilor Newman asked about the tax credit. Mr. Geyer talked about tax credits. Councilor McLain urged support of this resolution. She suggested a human story in a human way. Anything that we can do to show support of the environment would be good. She noted the salability of the health issue. Councilor Newman added that the press release should be sent to the outer areas such as The Dalles. Council President Bragdon concurred. Councilor

Burkholder asked about the other diesel trucks in the State and the other efforts. Mr. Downing talked about other opportunities to utilize the filters. He noted the adaptable solution. Councilor Burkholder asked about the tax credit in the transportation bill. Mr. Downing said the tax credit was a separate issue from the diesel issue. Mr. Hogle said he thought there was some work we could do to phase in this effort to the entire fleet.

Mr. Jordan introduced Kate Marx, the new Public Affairs Director for Metro.

#### **4. SOLID WASTE REGULATORY DECISION MAKING**

Council President Bragdon introduced the topic. Councilor McLain talked about the four areas goals, criteria – operational plans, safeguards for unusual circumstances – 10-day letter concept, and that it must fit with the bigger picture of the full system.

Mr. Hogle thanked those who had been involved. He clarified that this topic had to do with who decided licensing and franchising. It was about policy versus non-policy. He spoke to what the discussion was not about. Janet Matthews, Solid Waste and Recycling Department, noted approval criteria for licensable facilities (a copy of which is included in the meeting record). She noted the previous conversation they had with Council in April concerning direction on producing a draft ordinance concerning legislative versus administrative functions in the agency. She detailed four intensions (a copy of which is included in the summary of the Work Session Worksheet). She talked about what Council should review and decide (the decision framework are included in draft staff report). She then detailed the administrative review and decision process. They proposed that the Council would consider issues concerning wet waste and that the COO would consider issues around dry waste. She spoke to the significant amendments. They recommended eliminations of certificates because these would shift over to the licensing area. She said they were clarifying issues such as exemptions from regulations. She detailed flexibility issues for licenses and franchises. She spoke to the practical effect of these recommended Code changes. They felt these changes were more an efficient use of Council's time.

Councilor Newman asked if the administrative actions could be appealed to the Council. He asked about special waste definition. Ms. Matthews summarized special waste as things that were largely industrial in nature. Food waste was not included in this special waste definition. Councilor McLain said the core was the same. The goals were great. She talked about the 10-day letter concept. She noted where she had concerns. She asked Mr. Jordan if there were problems with 10-day letter. Mr. Jordan said staff had no problem with notifying Council of actions they were about to take. Council President Bragdon talked about objectivity versus subjectivity. Councilor McLain said she didn't want to undermine administrative work. She didn't have any criteria for operational plans. She thought there should be a check off list. She talked about standards and flexibility. She wanted to work through the criteria now. Ms. Matthew suggested that Roy Brower, Solid Waste and Recycling Department, address the issue of criteria. Criteria would vary. Mr. Brower said he would make a distinction between the criteria and the conditions. The criteria was in the Code, the conditions varied depended upon issues such as land use, size of the facility, etc. Councilor McLain talked about the condition and the operational plan. She asked about minimum standards for a particular facility. Mr. Brower said each facility would have a different set of conditions. Councilor McLain said we didn't have minimum standards because they were different. If you were going to have some one administer it, you had to have some basic standards and conditions. Council President Bragdon said he was comfortable with the broad criteria. They had to trust the technical expertise of the staff. The other change that was important to recognize was that the COO was working for the Council.

Councilor Burkholder asked about the difference between a license and a franchise. Ms. Matthews said it was a difference between facilities requiring a moderate amount of oversight versus a higher degree of oversight. Licenses were pretty standard because they were handling dry waste. Councilor Burkholder summarized that dry waste was not as risky and there facilities wouldn't have as great an impact on our system. Mr. Brower said they gage the number of inspection based on the type of facility and their history in the system. A franchise applicant could meet all of the technical requirements and the Council could decide that they didn't want the franchise. Councilor Monroe said most decisions the department made were well done. He shared his concern about getting calls from constituents. If the department was making decisions that could cause a public flare-up, the Council needed to know about it. The Council might want to have a public hearing if there were more than one councilor who was concerned about an issue. Most of the controversy would be in the putrescible waste arena.

Councilor Park wanted to know the justification between wet versus dry and outside versus inside the region. Ms. Matthew explained the difference. She noted what wet waste carried, policy impact. Dry waste did not carry those same system impacts. Councilor Park said he thought it was policy on both wet and dry. Ms. Matthew said Council had already made policy decisions on dry waste in the Regional Solid Waste Management Plan (RSWMP) or the Code. She noted what was in the Code concerning dry waste. Councilor Park said he thought the policy decisions on dry waste were on-going. Councilor McLain said she was trying to support staff as much as possible. She could function under either system. The question was, were there still policy questions and on-going questions. She explained the 10-day letter safeguard. She didn't know why it should be a threat to staff. Councilor Burkholder talked about cumulative impacts on the system. If there was a trend, then it was a policy issue that was independent of whether a license should be granted. Ms. Matthew said Council reserve the right to change policy.

Councilor Newman said he didn't have a problem with the proposal. He didn't want to get a call from the public but the fact that it can be appealed allowed leverage for the Council. Councilor Park spoke to the appeals process. He also had concern about the cumulative effect on the system. It could be changed later to change the policy.

## **5. CITIZEN COMMUNICATION**

There were none.

## **6. COUNCILOR COMMUNICATION**

Councilor McLain said she had been working with City of Hillsboro and the Hillsboro Chamber about a survey on agriculture. She was making an effort to call agricultural people as much as possible. She explained the fact that they were trying to get the agricultural industry involved in the Urban Growth Boundary decisions.

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 4:05 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JULY 1, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
1	Letter	7/1/03	To: Honorable Bev Clarno and Honorable Kate Brown, Senate Rules Committee, Oregon Senate From: David Bragdon, Council President Re: HS 2617	070103c-01
3	Exhibit A	No date	To: Metro Council From: Solid Waste and Recycling Dept. Re: Exhibit A to Resolution No. 03-3343, Change Order 29	070103c-02
3	Presentation	No date	To: Metro Council From: Kevin Downing, DEQ Re: Oregon Clean Diesel Initiative	070103c-03
4	Criteria	No date	To: Metro Council From: Janet Matthews, Solid Waste and Recycling Dept Re: Licensed Facilities: Approval Criteria, Additional Requirements	070103c-04