

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

November 29, 1991
Regular Meeting

Councilors Present: Tanya Collier (Presiding Officer), Gary Hansen (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tom DeJardin, Richard Devlin, Jim Gardner, Ruth McFarland, David Saucy, Jr., George Van Bergen and Judy Wyers

Councilors Absent: David Knowles

Presiding Officer Collier called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

The Presiding Officer announced the Consent Agenda:

- 4.1 Resolution No. 90-1341, For the Purpose of Changing the Term of Membership of the Solid Waste Rate Review Advisory Committee from a Calendar Year to a Fiscal Year Basis

Motion: Councilor DeJardin moved, seconded by Councilor Saucy, Jr. to adopt the Consent Agenda.

Vote: The seven councilors present voted aye. Councilors Devlin, Hansen, Knowles, McFarland and Wyers were absent for the vote.

The motion carried unanimously.

5. ORDINANCES, FIRST READING

- 5.1 Ordinance No. 90-370, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Adopting a Supplemental Budget, Creating the Smith and Bybee Lakes Trust Fund and Authorizing an Interfund Loan

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The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that Ordinance No. 90-370 had been referred to the Finance Committee.

5.2 Ordinance No. 90-373, Amending Ordinance No. 90-340A
Revising the Fiscal Year 1990-91 Budget and Appropriation
Schedule for the Purpose of Allocating \$10,000 From General
Fund Contingency to Support Arts Plan 2000

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that Ordinance No. 90-373 had been referred to the Finance Committee.

5.3 Ordinance No. 90-374, Amending Ordinance No. 90-340A
Revising the FY 1990-91 Budget and Appropriations Schedule
for the Purpose of Enhancing Computer Acquisitions in the
Transportation Department and Providing an RLIS Marketing
Consultant

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that Ordinance No. 90-374 had been referred to the Finance Committee.

5.4 Ordinance No. 90-375, Amending Ordinance No. 90-340A
Revising the FY 1990-91 Budget and Appropriations Schedule
for the Purpose of Enhancing the Parks and Natural Areas
Program of the Planning and Development Department

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that Ordinance No. 90-375 had been referred to the Finance Committee.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 90-369, Establishing an Office of Government
Relations to Provide Government Relations Services to the
Metropolitan Service District

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-369 had been first read before the Council on October 25 and referred to the Intergovernmental Relations Committee. The Committee held a public hearing on the ordinance on November 13 and recommended the Council adopt the ordinance.

Motion: Councilor McFarland moved, seconded by Councilor Gardner to adopt Ordinance No. 90-369.

Councilor McFarland presented the Intergovernmental Relations Committee's report. Councilor McFarland explained that the

ordinance would establish a government relations office that would provide services to the Council, Executive Officer and Metro commissions. She said that the Government Relations Manager would be appointed by the Executive Officer, subject to Council confirmation and could be removed from the position by either the Executive Officer or Council. Councilor McFarland pointed out that the ordinance provided that the Government Relations Manager could advocate for Metro as a whole with the Council and Executive's agreement. However, if either party was opposed to an issue or measure, the Government Relations Manager could not advocate on behalf of either party.

The public hearing was opened and closed; no testimony was offered.

Vote: A roll call vote was taken. Councilor Knowles was absent; the other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

6.2 Ordinance No. 90-368, For the Purpose of Amending Ordinance No. 88-268B Adopting the Regional Solid Waste Management Plan to Incorporate the Special Waste Chapter

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-368 had been first read before the Council on November 8 and referred to the Solid Waste Committee. The Committee held a public hearing on the ordinance on November 20 and recommended the Council adopt the ordinance.

Motion: Councilor Saucy, Jr. moved, seconded by Councilor DeJardin to adopt Ordinance No. 90-368.

Councilor Saucy, Jr. presented the Solid Waste Committee's report. Councilor Saucy, Jr. said that the ordinance set guidelines for handling and disposing of special waste. He said that the ordinance provisions complied with DEQ requirements.

The public hearing was opened and closed, no testimony was offered.

Vote: A roll call vote was taken. Councilor Knowles was absent. The other eleven councilors present all voted in favor of the motion.

The motion carried unanimously.

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6.3 Ordinance No. 90-372, For the Purpose of Amending Metro Code Chapter 5.02 Establishing Tonnage Based Solid Waste Disposal Rates at Metro Facilities

The Clerk read the ordinance for a second time by title only. The Presiding Officer announced that Ordinance No. 90-372 had been first read before the Council on November 8 and referred to the Solid Waste Committee. The Committee held a public hearing on the ordinance on November 20 and recommended the Council adopt the ordinance.

Motion: Councilor Wyers moved, seconded by DeJardin to adopt Ordinance No. 90-372.

Councilor Wyers presented the Solid Waste Committee's report. She said that the ordinance would adopt tonnage-based disposal rates effective January, 1991. She said that staff anticipated an additional \$180,000 revenue would be generated.

The public hearing was opened. George Van Bergen, Milwaukie, OR, testified about his experience with the transfer station as a private citizen. He said that as a self-hauler he source separates his recyclables and that in the past Metro's policy was to discount self-haulers who source separated their recyclables. Councilor Van Bergen said that on a recent occasion, he was not allowed that discount. He said that when he questioned the gatehouse attendant, he was told that there was a flat fee regardless of source separation. He said that he contacted Metro staff and requested a written response which he had not yet received. Councilor Van Bergen said that he felt that the ordinance discriminated against self-haulers and did not encourage recycling.

No other testimony was offered. The public hearing was closed.

Councilor Hansen said that on occasion he had been quoted different prices for the same size and type loads. He said that he felt that the tonnage base was fairer than a flat fee.

Vote: A roll call vote was taken. Councilor Van Bergen voted nay, and Councilor Knowles was absent. The other ten councilors present all voted in favor of the motion.

The motion carried.

RESOLUTIONS

7.1 Resolution No. 90-1347, For the Purpose of Approving a Fiscal Year 1990-91 Supplemental Budget and Transmitting the

Approved Budget to the Tax Supervising and Conservation Commission

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1347.

Councilor Van Bergen presented the Finance Committee's report and recommendations. He said that statute required Metro's supplemental budget be approved by the Tax Supervising and Conservation Commission (TSCC). He said that the Finance Committee had thoroughly reviewed the Executive's supplemental budget proposal and recommended the Council approve the supplemental budget and transmit it to the TSCC.

Vote: Ten councilors voted aye. Councilors Knowles and Wyers were absent for the vote.

The motion carried.

7.2 Resolution No. 90-1343, Approving an Intergovernmental Agreement with the Intergovernmental Resource Center for Bi-State Committee Staff Support

Motion: Councilor Bauer moved, seconded by Councilor Devlin to adopt Resolution No. 90-1343.

Councilor Bauer presented the Intergovernmental Relations Committee's report and recommendations. He said that the current fiscal year budget approved an expenditure of \$6,000 for Bi-State staff support and that the resolution would allocate those funds. He pointed out that due to staff shortage at Metro, the Intergovernmental Resource Center (IRC) staff had been relied upon heavily to coordinate Bi-State activities. The agreement would fund Metro's share of IRC previous staff support expenditures and appropriate the remaining funds for the fiscal year.

Vote: The eleven councilors present voted aye. Councilor Knowles was absent.

The motion carried.

7.3 Resolution No. 90-1352, Approving the Recommendations of the Bi-State Policy Advisory Committee Regarding Air Quality Protection Measures

Motion: Councilor Bauer moved, seconded by Councilor Saucy, Jr. to adopt Resolution No. 90-1352.

Councilor Bauer introduced the resolution. Councilor Bauer said that the Bi-State Policy Advisory Committee had unanimously agreed that there existed a need to standardize air quality regulations in the Metro/Clark County region. He said that the Bi-State Committee had recommended that in instances where regulations were inconsistent, the regulations and enforcement be upgraded to conform to the more stringent requirement. He said that specific legislation would be introduced to both state legislatures.

Vote: The ten councilors present voted aye. Councilors Knowles and Buchanan were absent for the vote.

The motion carried.

7.4 Resolution No. 90-1353, Supporting Legislative Concepts and Transmitting Legislative Proposals to the 1991 Legislative Session

Motion: Councilor Devlin moved, seconded by Councilor Hansen to adopt Resolution No. 90-1353.

Councilor Devlin presented the Intergovernmental Relations Committee's report and recommendations. Councilor Devlin said that the resolution would transmit a combination of housekeeping measures, draft legislation for the passport license program, light rail funding and concept statements on other issues. Councilor Devlin pointed out that the resolution's concept statements advanced concepts, but did not necessarily indicate commitment to support specific legislation that may be developed.

Councilor Gardner asked that the record reflect that he felt it inappropriate to forward at this time any draft legislation regarding health benefits for Metro councilors. He said that with the establishment of a charter commission, he felt health benefits and compensation would be appropriate issues for the charter commission to address.

Councilor Devlin said that he would not at this time support legislation establishing health benefits for councilors. He said that he felt that compensation for councilors should benefit each councilor equally and that in this case, he did not feel it did. He also noted that the Solid Waste Committee had considered and supported the draft solid waste legislation.

Councilor Wyers said that she felt that councilors should be afforded the same health benefits as Metro staff. She said that she felt that the issue should be carried forth. Councilor Bauer said that he supported Councilor Wyers' position on health care.

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Councilor Saucy, Jr. said that he felt that health benefits should be addressed. However, he said that he did not feel that this legislative session was the correct timing.

Vote: The eleven councilors present voted aye.
Councilor Knowles was absent.

The motion carried.

7.5 Resolution No. 90-1329A, For the Purpose of Closing St. Johns Landfill as a General Purpose Landfill but Continuing to Accept Limited Types of Solid Waste for a Limited Time to Ensure Proper Closure

Motion: Councilor DeJardin moved, seconded by Councilor McFarland to adopt Resolution No. 90-1329A.

Councilor DeJardin presented the Solid Waste Committee's report and recommendations. He said that the St. Johns Landfill would be closed as a general purpose landfill in February, 1991. He said after closure, final contours per DEQ requirements would have to be achieved. Councilor DeJardin said that the resolution would continue St. Johns' ability to serve as a limited purpose landfill until 1994. He said that by allowing the Landfill to accept limited waste, the waste could be used as fill to achieve final contours, thereby, saving the District purchasing fill. He also noted that extending the closure date would generate additional enhancement funds for the community.

Councilor DeJardin said that the Solid Waste Committee held a public hearing on the resolution during which representatives of limited purpose landfills and the materials recovery industry expressed concern that Metro may be unfairly competing with them. Councilor DeJardin said that after explanation, the representatives were satisfied.

Vote: The eleven councilors present voted aye.
Councilor Knowles was absent.

The motion carried.

7.6 Resolution No. 90-1337, For the Purpose of Establishing Incentives that Encourage Greater Waste Reduction and Recycling

Councilor Wyers presented the Solid Waste Committee's report and recommendations. Councilor Wyers said that she had three areas of concern regarding the resolution: processors who are recycling 50-75 percent of high grade paper, haulers who are collecting cardboard from commercial customers. She said there

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were other refinements that could be made in the resolution and that she would like to meet again with the groups affected.

Motion: Councilor Wyers moved, seconded by Councilor Van Bergen to refer the resolution back to the Solid Waste Committee for amendments.

Councilor DeJardin said that he would support the resolution although he felt that the Committee had adequate hearing on the matter. Councilor Devlin said that he would support the resolution and asked the Committee to examine drop off of recyclables outside the weigh stations. Councilor Bauer urged the Committee to use a broad description for building debris. He noted that building materials represented a significant potential for recycling. Councilor Gardner said that he felt that the issue was important enough that it should receive further scrutiny if desired.

Vote: The eleven councilors present voted aye. Councilor Knowles was absent.

The motion carried.

7.7 Resolution No. 90-1345, For the Purpose of Authorizing Issuance of a Request for Bids for Marion County Waste Transport Services and Entering Into a Contract with the Low Responsible, Responsive Bidder

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt Resolution No. 90-1345.

Councilor DeJardin said that Metro's contract for Marion County waste transport services would expire January 31, 1991. Councilor Van Bergen asked what effect the agreement with Marion County would have on Metro's commitment to send 90 percent of the region's waste going to a general purpose landfill to the Columbia Ridge Landfill. General Counsel Dan Cooper said that Metro's agreement with Oregon Waste Systems for the Columbia Ridge Landfill specifically excluded incinerator ash.

Vote: The nine councilors present voted aye. Councilor Buchanan, Knowles and Collier were absent.

The motion carried.

7.8 Resolution No. 90-1355, For the Purpose of Approving an Intergovernmental Agreement with the City of Oregon City Providing for the Payment of a \$.50 per Ton Mitigation and Enhancement Fee

Motion: Councilor DeJardin moved, seconded by Councilor Devlin to adopt Resolution No. 90-1355.

Councilor DeJardin said that Oregon City had been assuming a large share of the burden for the region's solid waste disposal system due to the fact that other facilities were not yet operating. He said that he felt that Oregon City had been very cooperative and understood that Metro would reduce the tonnage to 250,000 as soon as possible.

Mr. Jonathan Block, City of Oregon City staff and Mr. Mike Milke, Planning Commission Chair, presented a film on community projects that had been accomplished through use of enhancement monies. Councilor Van Bergen asked if the enhancement fees would be affected by the property tax limitation legislation recently enacted. General Counsel Cooper said that he would discuss the matter with Oregon City Counsel. Councilor Van Bergen said that he would like to assure that legislation recently enacted would not negatively affect the City's tax authority in light of Metro's allocation of enhancement funds, taxes.

Vote: The nine councilors present voted aye. Councilor Bauer, Knowles and Wynn were absent.

The motion carried.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

8.1 Tri-Met Merger

The report was given by Councilor Gardner. He said that the Tri-Met Merger Subcommittee recommended that merger study be suspended until after a full funding agreement on light rail was obtained from UMTA. He said that the Subcommittee also recommended that Metro exert energies to obtain the UMTA agreement and local share funding. Councilor Gardner said that the Subcommittee recommended that the Executive Director include in the next fiscal year's budget a work plan for a detailed study of merger issues. Councilor Gardner said that the Intergovernmental Relations Committee would introduce a resolution with those recommendations on December 13.

Presiding Officer Collier said that she felt that all efforts should be made to preserve the "marriage" clause in the State statutes that allow a merger. The Presiding Officer requested that commitments to allowing merger be added to the resolutions from the Subcommittee.

8.2 Metro ERC Resolution Nos. 96, 97 and 98

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Council Administrator Don Carlson said that Resolution No. 96 authorized Metro ERC staff to acquire a bank loan for approximately \$1.2 million to acquire the "Hanna Property" for additional parking, Resolution No. 97 authorized a supplemental budget, and Resolution No. 98 established alcohol procedures at ERC facilities and Resolution No. 99 authorized signators for various bank accounts. No action was required. General Counsel Cooper was directed to respond to questions from councilors and the Convention and Visitor Facilities Committee regarding the Commission's authority to purchase and sell real property.

Councilor McFarland reported on a previous meeting regarding the Hanford Nuclear Plant storage tanks. She said that the Committee had received information regarding underground storage tanks that the Committee would be addressing. She said that in the future she felt that solutions to stability of radio-active waste would lie in storage and retrieval programs.

There was no other business, and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council

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