

NOT ADOPTED -
SEE 88-864A

BEFORE THE COUNCIL
OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF SENDING THE
PRESENT LANDFILL SERVICES BID/
CONTRACT BACK TO THE SOLID
WASTE COMMITTEE FOR A PERIOD OF
30 DAYS FOR REEVALUATION WITH
THE TIDEWATER BARGE LINES PROPOSAL

Resolution No. 88-864B
Introduced By:
Councilor Corky Kirkpatrick
Councilor Sharron Kelley
Councilor Tom DeJardin
Councilor George Van Bergen

WHEREAS, Metro has received only one bid to its request for landfill disposal services; and

WHEREAS, in the absence of competitive Bids, the Solid Waste Committee was unable to adequately evaluate whether the submitted bid was fair, cost effective and in the best interests of the citizens of the metropolitan area; and

WHEREAS, it is important for Metro to move forward with its decisions on managing the region's solid waste; and

WHEREAS, despite the recommendation of the Solid Waste Committee to send the single bid and contract document to the Metro Council, many members of the committee are disturbed that in signing this contract, Metro will leave itself with no landfill disposal alternatives other than legal remedies; and

WHEREAS, other potential vendors, while objecting to the bid specifications and process, have expressed continued interest in providing landfill services to Metro; and

WHEREAS, members of the Solid Waste Committee have received a proposal from Tidewater Barge Lines (attached) for landfill disposal services; and

WHEREAS, the Tidewater proposal has been structured, not as a substitute for the present bid, but in conjunction with the present bid by requiring only a minimum amount of solid waste be deposited in the landfill, while at the same time, reserving adequate space within its total landfill to accommodate all of Metro's landfill waste should we have that need; and

WHEREAS, a combination of some version of the present bid along with the Tidewater proposal could provide the citizens of the region with the assurance that under any circumstance, the region's landfill disposal needs can be met; and

WHEREAS, some amendments will need to be included in the present bid to accommodate the Tidewater proposal; and

WHEREAS, the Solid Waste Committee has not had a chance to review the Tidewater proposal in relation to the present bid;

NOW, THEREFORE, BE IT RESOLVED,

THAT the present bid/contract be sent back to the Solid Waste Committee; and

THAT the committee request Tidewater Barge Lines to prepare a more detailed proposal based on its outline proposal; and

THAT the committee evaluate the Tidewater proposal in relation to the present bid; and

THAT the committee return a specific recommendation to the Council within 30 days, on a contract or contracts that accomplish the following objectives:

1. Provides for the region's projected needs for landfill disposal for a 20-year period, and
2. Assures that the region has a back-up landfill option in the event that problems arise with one of the vendors.

56.01



METRO

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March 21, 1988

To: Metro Council
From: Corky Kirkpatrick *CKK*

re: landfill resolution

I read in yesterday's Oregonian that the Council will be considering the landfill resolution Thursday (for some reason I don't have a Council agenda) and want to express some of my concerns, as well as propose a substitute resolution.

This may well be the first test of our new committee system and my analysis is that we failed. I sent Gary Hansen a list of questions prior to the last committee session. They were not answered. I also asked for the privilege of no action after I left the meeting to give a speech in Clackamas County. The request may have been out of order, but it was not refused. I was amazed to learn the resolution was recommended to the Council by a 3-2 vote after I left.

I am concerned about a single bid, the process we used for asking for the RFB, our lack of vision and planning on our overall system and the possibility of locking the metropolitan area into a monopoly, price-setting situation for garbage disposal. I do believe we have other options and would like an opportunity to discuss them.

I am enclosing for your information my questions, which Gary has indicated will be answered before the Council action. I do believe some of them merit council debate, which I thought was to occur at the Committee level.

I am also enclosing a rough draft of a substitute resolution for consideration at the meeting.

Executive Officer
Rena Cusma

Metro Council

Mike Ragsdale
Presiding Officer
District 1

Corky Kirkpatrick
Deputy Presiding
Officer
District 4

Richard Waker
District 2

Jim Gardner
District 3

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REOPENING
GENERAL LANDFILL DISPOSAL
OPTIONS TO DISPOSE OF SOLID WASTE
FROM THE PORTLAND METRO AREA

RESOLUTION NO. 88-864B

Introduced by

Councilor Kirkpatrick

WHEREAS, Metro has only one bidder for a 20-year contract to provide landfill disposal service; and

WHEREAS, the bid document appears to be extremely unwieldy and designed only for big company proposals; and

WHEREAS, Amendments and changes to the bid document were not made in a timely matter by Metro staff; and

WHEREAS, It is in the best interest of the ratepayers to have competitive bids; and

WHEREAS, Other vendors have indicated continued interest in taking Metro's garbage; now, therefore,

BE IT RESOLVED,

That Oregon Waste Systems, Inc. bid be rejected; and

That a consultant be hired to open up the process; and

That Council determine policy issues on the overall system prior to rebid or RFP; and

That diversion of waste from St. John's be accelerated to give adequate time for a proper decision.

Presiding Officer Ragsdale announced the matter of Contested Case No. 87-2 would be on the February 25 Council agenda.

2. INTRODUCTIONS

None.

3. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Presiding Officer Ragsdale reported he had received a letter dated January 10, 1988, from James Ross of the Land Conservation and Development Commission relating to Contested Case No. 87-2.

4. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Dale Sherbourne, 3638 S.W. Corbett, Portland, testified that Metro should solve the region's solid waste disposal problems by promoting recycling, especially in the schools. He also supported composting technology and local solutions to the region's disposal problems.

5. COUNCILOR COMMUNICATIONS

None.

6. EXECUTIVE OFFICER COMMUNICATIONS

6.1 Consideration of Resolution No. 88-864, for the Purpose of Securing General Purpose Landfill Disposal for Solid Waste Disposal from the Portland Metropolitan Region;

Consideration of Resolution No. 88-865, for the Purpose of Notifying the Environmental Quality Commission that the Bacon Road Site is Not Needed;

Consideration of Resolution No. 88-866, for the Purpose of Suspending Memorandum of Understanding Negotiations with Combustion Engineering for a RDF Facility, Pending Approval of a Facility Site in Columbia County; and

Consideration of Resolution No. 88-867, for the Purpose of Continuing Memorandum of Understanding Negotiations with Riedel Environmental Technologies for a Mass Composting Facility

Executive Officer Cusma introduced the resolutions by explaining that for the last ten years, the region had been looking for the solution to its solid waste problem. She recommended the Council help solve the problem by accepting the bid from Oregon Waste Systems to construct and operate a landfill near Arlington, Oregon, in Gilliam County. Built into the bid would be the flexibility to

continue pursuing alternative ways to dispose of garbage. Accepting the bid would not deter efforts to establish a composter, a refuse-derived fuel plant or any other technology that might develop over the life of the contract, she explained. Metro would also step up efforts to encourage recycling.

The Executive Officer reported staff had conducted research into the background of Waste Management, Inc., the parent company of Oregon Waste Systems. Her investigations showed that "the company has had no legal problems in the operations of landfills and the legal problems they have incurred are the result of past practices of hauling companies that they have acquired." She said there was nothing that would disqualify the company from being a legal, eligible and reputable bidder for landfill services.

The Executive Officer also pointed out that Gilliam County had offered to help Metro solve its solid waste problem while providing jobs and long-term economic benefit for other Oregonians.

Regarding the proposed Bacona Road landfill site, the Executive Officer recommended the Environmental Quality Commission (EQC) and the Department of Environmental Quality (DEQ) "stop any further work on the Bacona Road landfill Site in western Washington County." She acknowledged the region would be without a solid waste disposal facility for two years until the eastern Oregon landfill opened.

Executive Officer Cusma also recommended Metro not proceed further with a refuse-derived fuel project in Columbia County until a site for that facility was approved. Although she had faith in the technology, believed in the need for such a facility, believed it was within range of Metro's 20 percent cost premium, and approved of the Memorandum of Understanding Metro had negotiated with the vendor, she could not recommend signing the memorandum without a site. She pointed out Metro had initially proposed an alternative technology project for Columbia County out of response to the County's long-standing interest in such a facility. However, "until such time as we have a clear statement that the community will accept the plant, I cannot recommend signing a Memorandum of Understanding with the company." To do otherwise could result in financial liability being incurred with no indication a facility would be sited, she said.

Finally, the Executive recommended Metro continue Memorandum of Understanding negotiations with Riedel Environmental Technologies for a composting facility under the condition specific, requested information related to the marketing of compost be provided to Metro from Riedel no later than April 15, 1988.

The Executive strongly urged the Council to adopt the resolutions and to answer the question: "What shall we do with the garbage?"

Presiding Officer Ragsdale announced that he was referring Resolution Nos. 88-864, 88-865, 88-866 and 88-867 to the Council Solid Waste Committee for review and recommendation. Councilor Hansen announced the Committee would review Resolution Nos. 88-864 and 88-865 at a work session scheduled for February 18, 1988. Councilor Knowles requested Councilor Hansen distribute the Committee's review schedule to all Councilors.

7. CONSIDERATION OF MINUTES

Claire Green, 960 S.W. 192nd Place, Aloha, noted the second line of page 3 of the minutes of January 14 should be changed to read: "Councilor Bonner said he would not support the confirmation for [the same reason] reasons having to do with process.

Motion: Councilor Bonner moved, seconded by Councilor Waker, to approve the minutes of December 22, 1987, and the minutes of January 14, 1988, as corrected per Ms. Green's suggestion above.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilor Collier was absent.

The motion carried.

8. ORDINANCES

8.1 Consideration of Ordinance No. 88-240A, for the Purpose of Adopting an Updated General Purpose Landfill Chapter to the Solid Waste Management Plan (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced that the document identified as Ordinance No. 88-240A was replacing Ordinance No. 88-240. He referred the ordinance to the Council Solid Waste Committee for a public hearing, review and recommendation.

8.2 Consideration of Ordinance No. 88-241, for the Purpose of Amending Chapter 2.01 of the Metro Code Pertaining to Council Organization and Procedure (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale announced he was referring the ordinance to the Council Internal Affairs Committee for a public hearing, review and recommendation.