

NOT ADOPTED

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A) RESOLUTION NO. 88-886
POLICY FOR VENDOR QUALIFICATIONS)
FOR THE METRO EAST TRANSFER AND) Introduced by
RECYCLING CENTER(S)) Councilor Cooper

WHEREAS, Chapter 5.01 of the Code of the Metropolitan Service District (hereafter "Code") provides for franchising of disposal sites located within the District; and

WHEREAS, The Code at Section 5.01.020 describes the findings and purpose of franchising of disposal sites as being founded in the public policy to protect the health, safety and welfare of the District's residents; and

WHEREAS, The public policy rationale is summarized in Section 5.01.020(b)(1)-(8) as follows:

"(1) Provide a coordinated regional disposal program and Solid Waste Management Plan in cooperation with federal, state and local agencies to benefit all citizens of the District.

"(2) Provide standards for the location, geographical zones and total number of disposal sites, processing facilities, transfer stations and resource recovery facilities to best serve the citizens of the District.

"(3) Ensure that rates are just, fair, reasonable and adequate to provide necessary public service.

"(4) Prohibit rate preferences and other discriminatory practices.

"(5) Ensure sufficient flow of solid waste to District's resource recovery facilities.

"(6) Maximize the efficiency of the District's Solid Waste Management Plan.

"(7) Provide for cooperation between cities and counties in the District with respect to regional

franchising of solid waste disposal sites, processing facilities, transfer stations and resource recovery facilities.

"(8) Reduce the volume of waste that would otherwise be disposed of in a landfill through source reduction, recycling, reuse and resource recovery"; and

WHEREAS, Waste recycling and diversion from landfilling will be a substantial element of the Metro East Transfer and Recycling Center(s); and

WHEREAS, There is an conflict of interests between the incentives for recycling and operating a landfill for profit; and

WHEREAS, Metro Code, Section 5.01.120(1) presently states that a franchisee "Shall not, either in whole or in part, own, operate, maintain, have a proprietary interest in, be financially associated with or subcontract the operation of the site to any individual, partnership or corporation involved in the business of collecting residential, commercial, industrial or demolition refuse with the District. A transfer station or processing center franchisee who only receives waste collected by the franchisee shall be exempt from this subsection."; and

WHEREAS, The purpose of Code Section 5.01.120(1) is to carry out the policy set forth in 5.01.020B(4) and (6) in that a prohibition against vertical integration of the solid waste business furthers those policies; and

WHEREAS, The ownership or operation of a transfer station that will be used as a waste reduction resource by a company that has a financial interest in a general purpose landfill utilized by the District would result in conflict with District goals to promote waste reduction; and

WHEREAS, The purpose of Disposal Site Franchising provided for in Code Section 5.01.020 and described above emphasizes the diminution of landfilling which is, in turn, consistent with the state of Oregon hierarchy under Chapter 459.015 of the Oregon Revised Statutes and the regional Solid Waste Management Plan; and

WHEREAS, The public interests of the citizens of the District can best be promoted by elimination of conflicts in the waste collection, transfer, recycling and landfill function of the regional waste disposal system; now, therefore,

BE IT RESOLVED,

1. That the Council of the Metropolitan Service District reaffirms its intent to apply 5.01.020(1) to Metro East Transfer and Recycling Center(s) if it approves a privately owned and operated facility.

2. That the Council of the Metropolitan Service District finds that it is not in the interest of the District to accept any proposal for a privately owned and operated transfer station which is intended to serve as a waste reduction station from any person who owns, operates, maintains, has a proprietary interest in, is financially associated with or subcontracts the operation of a general purpose landfill utilized by the District and that the Council intends not to accept such a proposal from or to grant a transfer station franchise to any such entity.

ADOPTED by the Council of the Metropolitan Service District this _____ day of _____, 1988.

Mike Ragsdale, Presiding Officer



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 7

Meeting Date June 14, 1988

Date: March 8, 1988

To: Ray Barker, Council Assistant

From: Daniel B. Cooper, General Counsel *DBC*

Regarding: RESOLUTION NO. 88- 886
FOR THE PURPOSE OF ADOPTING A POLICY FOR VENDOR
QUALIFICATIONS FROM THE METRO EAST TRANSFER AND
RECYCLING CENTER(S)

Enclosed please find a resolution I have prepared in response to the request made by Councilor Cooper, March 1, 1988, during the Solid Waste Committee meeting.

I have drafted a new resolution rather than amendments to Resolution No. 88-835 because I believe this issue is best addressed as a separate policy decision. If the Councilor or the Council desires, it would be possible to amend Resolution No. 88-835 to incorporate all of the substance of the newly drafted resolution.

DBC/gl
9153C/D2

Enclosure