



Metro | Agenda

Meeting: Metro Council
Date: Thursday, Oct. 11, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

- 3.1 Consideration of the Minutes for Oct. 4, 2012
- 3.2 **Resolution No. 12-4369**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Recology Oregon Material Recovery, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste from the Suttle Road Recovery Facility to NW Greenlands Composting Facility Located in Aumsville, Oregon.
- 3.3 **Resolution No. 12-4370**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to New Earth Farm for Delivery of Source-Separated Food Waste to its Processing Facility Located in Washington County, Oregon.
- 3.4 **Resolution No. 12-4371**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Epsilon Portland, Inc. for Delivery of Industrial Solid Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.
- 3.5 **Resolution No. 12-4372**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License Jointly to Willamette Resources, Inc. and Allied Waste of Clackamas County and Washington Counties for Delivery of Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.
- 3.6 **Resolution No. 12-4381**, For the Purpose of Confirming the Reappointment of Michael (Kipp) Baratoff to the Investment Advisory Board.
- 3.7 **Resolution No. 12-4368**, For the Purpose of Confirming the Appointments of Andrew Deveux, Les Blaize and Caroline Skinner and the Reappointment of Mr. Frank "Haze" Moss to the Metro Central Station Community Enhancement Committee (MCSCEC).

4. ORDINANCES – FIRST READ

- 4.1 **Ordinance No. 12-1287**, For the Purpose of Amending Metro Code Section 4.01.050(a) Relating to Zoo Admission Fees, Effective February 1, 2013.

Continued on back...

- 4.2 **Ordinance No. 12-1291**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Land Use Application Planning and Design Steps Needed for a Publically Accessible Tualatin River Canoe Launch at the River Road Natural Area Location.

5. **CHIEF OPERATING OFFICER COMMUNICATION**

6. **COUNCILOR COMMUNICATION**

ADJOURN

Television schedule for Oct. 11, 2012 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Oct. 11	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Oct. 14, 7:30 p.m. <i>Date:</i> Monday, Oct. 15, 9 a.m.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Oct. 15, 2 p.m.	Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Oct. 13, 11 p.m. <i>Date:</i> Sunday, Oct. 14, 11 p.m. <i>Date:</i> Tuesday, Oct. 16, 6 a.m. <i>Date:</i> Wednesday, Oct. 17, 4 p.m.
Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).

Agenda Item No. 3.1

Consideration of the Minutes for Oct. 4, 2012

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

Resolution No. 12-4369, For the Purpose of Authorizing the
Chief Operating Officer to Issue a Non-System License to
Recology Oregon Material Recovery, Inc. for Delivery of
Residential Yard Debris Mixed with Food Waste from the Suttle
Road Recovery Facility to NW Greenlands Composting Facility
Located in Aumsville, Oregon.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A) RESOLUTION NO. 12-4369
NON-SYSTEM LICENSE TO RECOLOGY OREGON MATERIAL)
RECOVERY, INC. FOR DELIVERY OF RESIDENTIAL YARD DEBRIS) Introduced by Martha J. Bennett
MIXED WITH FOOD WASTE FROM THE SUTTLE ROAD RECOVERY) Chief Operating Officer, with the
FACILITY TO NW GREENLANDS COMPOSTING FACILITY LOCATED) concurrence of Tom Hughes, Council
IN AUMSVILLE, OREGON) President

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, Recology Oregon Material Recovery, Inc. has filed a complete application seeking a non-system license to deliver residential yard debris mixed with food waste from the Suttle Road Recovery Facility (SRRF) to the NW Greenlands Composting Facility located in Aumsville, Oregon, under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, on October 21, 2011 the Chief Operating Officer issued amended Solid Waste Facility License No. L-102-11A to SRRF authorizing it to accept and reload residential yard debris mixed with food waste; and

WHEREAS, such residential yard debris mixed with food waste will be collected from the city of Portland residential curbside food waste collection program and delivered to SRRF for consolidation, reload and transport to the NW Greenlands Composting Facility; and

WHEREAS, the NW Greenlands Composting Facility is authorized by the Oregon Department of Environmental Quality to accept and compost food wastes that include post-consumer meat and dairy products; and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be issued together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of Recology Oregon Material Recovery, Inc. is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Recology Oregon Material Recovery, Inc. a Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

BM:bjl

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600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1835 | FAX 503 813 7544



METRO

**METRO SOLID WASTE FACILITY
NON-SYSTEM LICENSE**

No. N-102-12

LICENSEE:

Recology Oregon Material Recovery, Inc.
4044 N. Suttle Road
Portland, OR 97217

CONTACT PERSON:

Larry Wilkins
Phone: (503) 226-6161
E-Mail: lwilkins@recology.com

MAILING ADDRESS:

4044 N. Suttle Road
Portland, OR 97217

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date

1	NATURE OF WASTE COVERED BY LICENSE
	Source-separated residential yard debris mixed with food waste from municipal curbside collection programs generated within the Metro boundary and received at Suttle Road Recovery Facility in accordance with Metro Solid Waste Facility License No. L-102-11A.

2	CALENDAR YEAR TONNAGE LIMITATION
	Licensee is authorized to deliver to the non-system facility listed in Section 3 of this license up to 16,000 tons per calendar year of the waste described in Section 1 of this license.

3	NON-SYSTEM FACILITY
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 to the following non-system facility for the purpose of processing and composting:</p> <p style="text-align: center;">NW Greenlands Aumsville Composting Facility 8715 Aumsville Highway SE Aumsville, OR 97325</p> <p>This license is issued on the condition that the non-system facility listed in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality or the city of Aumsville that this non-system facility is not authorized to accept such waste, Metro may immediately modify or terminate this license pursuant to Section 10 of this license.</p>

4	TERM OF LICENSE
	The term of this license will commence on October 22, 2012 and expire at midnight on December 31, 2014 unless terminated sooner under Section 10 of this license.

5	COVERED LOADS
	Licensee shall suitably contain and cover, on all sides, all loads of source-separated residential yard debris mixed with food waste that are delivered under

	authority of this license to prevent spillage of waste while in transit to the non-system facility listed in Section 3.
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6	MATERIAL MANAGEMENT
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <ul style="list-style-type: none"> (a) The non-system facility shall accept all solid waste that is delivered under authority of this license for the sole purpose of processing and composting on-site. The Licensee shall not dispose of any source-separated recyclable material, except as provided in Section 7; and (b) The non-system facility shall receive, manage, process, and compost all solid waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.

7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The Licensee shall be subject to the following conditions:</p> <ul style="list-style-type: none"> (a) Source-separated residential yard debris mixed with food waste that is delivered under authority of this license and is accepted and composted, in accordance with all applicable regulations, at the non-system facility listed in Section 3 is exempt from Regional System Fees and Excise Tax. (b) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Regional System Fee, as provided in Metro Code Title V, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site. (c) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process and compost the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Excise Tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste delivered to the non-system facilities that is ultimately delivered to a disposal site.

8	REPORTING OF ACCIDENTS AND CITATIONS
	Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

9	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid wastes that the Licensee delivers to the non-system facility listed in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facilities:</p> <ul style="list-style-type: none"> i. Ticket or weight slip number from the non-system facility; ii. Material category designating the type of material transferred to the non-system facility; iii. Date the load was transferred to the non-system facility; iv. Time the load was transferred to the non-system facility; v. Net weight of the load; and vi. Fee charged by the non-system facility. <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall transmit the records required under Section 9(a) above, that covers the preceding month, to Metro's Finance and Regulatory Services Department in an electronic format prescribed by Metro.</p> <p>(c) Licensee shall make all records from which Section 9(a) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities listed above in Section 3.</p>

10	ADDITIONAL LICENSE CONDITIONS
	<p>This non-system license shall be subject to the following conditions:</p> <p>(a) The permissive transfer of solid waste to the non-system facility, listed in</p>

	<p>Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p> <p>(b) This license shall be subject to amendment, modification, or termination by Metro's Chief Operating Officer (the "COO") in the event that the COO determines that:</p> <ul style="list-style-type: none"> i. There has been sufficient change in any circumstances under which Metro issued this license; ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc; iii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3; iv. The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6; or v. The non-system facility listed in Section 3 generates malodors that are detectable off-site. <p>(c) This license shall, in addition to subsections (b)(i) through (b)(v), above, be subject to amendment, modification, termination, or suspension pursuant to the Metro Code.</p> <p>(d) Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(e) This license shall be subject to modification or termination by the COO upon the execution of a designated facility agreement with a facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes delivery of solid waste only to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</p>
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11	COMPLIANCE WITH LAW
	Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and

	administrative procedures adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth herein.
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12	INDEMNIFICATION
	Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4369 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NON-SYSTEM LICENSE TO RECOLOGY OREGON MATERIAL RECOVERY, INC. FOR DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED WITH FOOD WASTE FROM THE SUTTLE ROAD RECOVERY FACILITY TO NW GREENLANDS COMPOSTING FACILITY LOCATED IN AUMSVILLE, OREGON

October 1, 2012

Prepared by: Bill Metzler
(503) 797-1666

Approval of Resolution No. 12-4369 will authorize the Chief Operating Officer (COO) to issue a non-system license (NSL) to Recology Oregon Material Recovery, Inc. (ROMR), to annually deliver a maximum of 16,000 tons of source-separated residential yard debris mixed with food waste (residential food waste) from Suttle Road Recovery Facility (SRRF) located at 4044 North Suttle Road in Portland (Metro Council District 5) to NW Greenlands Composting Facility located at 8715 Aumsville Highway in Aumsville, Oregon (NWGA).

BACKGROUND

1. Overview

The applicant seeks authorization to transport residential food waste generated within the Metro region to a non-system facility, NWGA, located outside of the region. Metro Code Section 5.05.025 prohibits any person from transporting solid waste to non-system facilities without an appropriate license from Metro. The proposed NSL is subject to Metro Council approval because it involves putrescible waste (food waste).

2. The Applicant

Recology, Inc., headquartered at 50 California Street, 24th Floor, in San Francisco California, is the parent company that owns ROMR and NWGA. Recology, Inc. is also the contract operator for the Metro Central Transfer Station.

ROMR owns and operates three material recovery facilities in the region that are licensed by Metro. They are: 1) SRRF (a material recovery and residential food waste reload facility), 2) Foster Road Recovery Facility (a material recovery facility and residential food waste reload facility), and 3) Oregon City Recovery Facility (not currently operational). In addition, Recology, Inc. owns and operates three DEQ-approved composting facilities in Oregon: 1) NWGA, 2) NW Greenlands composting facility located in McMinnville, and 3) Nature's Needs composting facility located in North Plains.

On October 21, 2011, SRRF was issued an amended Solid Waste Facility License (L-102-11A) to accept, consolidate and reload residential yard debris mixed with food waste, from the city of Portland's residential curbside collection program.

On August 15, 2012, SRRF submitted a complete application to Metro requesting authorization to transport up to 16,000 tons of residential food waste to the NWGA facility for composting. NWGA also receives Metro-area food waste from Metro Central Transfer Station under a separate contract with Recology, Inc.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition.

2. Legal Antecedents

Metro Code Section 5.05.035 provides that a waste hauler may transport solid waste generated within Metro to any non-system facility only by obtaining an NSL. Metro Code further requires applications for NSLs for putrescible waste (such as residential food waste) to be reviewed by the COO and are subject to approval or denial by the Metro Council. Under Metro Code Subsection 5.05.035(c), the Council shall consider the following factors when determining whether to approve an NSL application:

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The non-system facility identified in this proposed license is an established yard debris and food waste composting facility rather than a landfill and thus does not pose the same potential environmental risk from wastes delivered from prior users. Since the facility has accepted only wood waste, yard debris, and limited amounts of food waste for composting, staff is not aware of any other wastes accepted at NWGA that could pose a risk of environmental contamination. The environmental risk from the use of this non-system facility is presumed to be minimal because the facility will be fully regulated and monitored by the appropriate local and state authorities.

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations;*

As previously noted in this report, Recology, Inc. is the parent company of NWGA (the non-system composting facility) and ROMR (the applicant). In regard to the overall compliance record of the applicant within the last two years, on February 17, 2011 Metro issued a Field Notice of Violation to ROMR's Oregon City Recovery Facility for failure to remove yard debris from the site within the required timeframe. The matter has since been resolved. In addition, on February 1, 2012, the Oregon Department of Environmental Quality (DEQ) issued a Warning Letter with Opportunity to Correct to the Nature's Needs composting facility for odor control and material management issues. The matter is in the process of being resolved.

With the exception of the above-mentioned compliance issues at its affiliated companies, Recology, Inc. has not had any significant compliance issues with regard to Metro's regulations. In addition, based on recent communication with the DEQ and the city of Aumsville staff, the NWGA composting facility operates in compliance with all federal, state, and local requirements, rules and regulations and has had no violations related to public health, safety or environmental regulations with the current owners.

- (3) *The adequacy of operational practices and management controls at the non-system facility;*

NWGA will accept and compost the residential food waste under the authority of the city of Aumsville Conditional Use permit, and under authority of a Solid Waste Disposal Site Permit: Composting Facility issued by the DEQ. The DEQ permit expires on December 30, 2018.

NWGA is required by the city of Aumsville and DEQ to implement measures to control and minimize odors through site design and operations. The odor control measures include processing incoming mixed food waste feedstock in a timely manner, blending of feedstocks, good housekeeping, and monitoring moisture and temperatures of composting feedstock. More importantly, the use of a forced aeration system and a biofilter system will help control and minimize odors. The system will pull air through the composting piles and direct the air to a biofilter consisting of organic material such as wood chips or compost overs. Biofilters are commonly used at composting facilities due to their success in effectively treating odors associated with composting.

- (4) *The expected impact on the region's recycling and waste reduction efforts;*

Approval of the proposed NSL is likely to have a positive impact on the region's recycling and waste reduction efforts.

- (5) *The consistency of the designation with Metro's existing contractual arrangements;*

Metro is contractually obligated to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management of Oregon. The waste subject to the proposed license will be delivered to a composting facility rather than disposed at a general-purpose landfill. Thus, approval of the requested license does not conflict with Metro's disposal contract or any other of its existing contractual arrangements.

- (6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations; and*

ROMR has received one citation from Metro within the last two years as previously summarized above in response to factor (2). However, all of the Metro-regulated ROMR facilities are currently in compliance with Metro's Code and license requirements. As a solid waste hauling company, Recology, Inc. has a good record of compliance with local and state agencies responsible for public health, safety, and environmental rules and regulations.

- (7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

Reloading residential food waste at SRRF will provide additional recovery capacity which benefits the region's organics recovery program. Further, the NWGA composting facility provides another alternative for food waste composting to the region.

The duration of the proposed license is set to align its expiration date with similar NSLs on a calendar year basis. The term of the proposed NSL expires on December 31, 2014.

3. Anticipated Effects

The effect of Resolution No. 12-4369 will be to issue an NSL to ROMR for delivery of up to 16,000 tons per calendar year of residential food waste from SRRF to the NWGA composting facility.

This proposed NSL is one of many organics-related action items currently under consideration by Metro and other local jurisdictions which contributes to a decline in the amount of solid waste disposed in landfills. The decisions on this and other similar items will have the effect of further shrinking the pool of waste available for allocation to certain non-system licensees by increasing the availability of non-disposal options i.e. recycling and composting.

4. Budget Impacts

The residential food waste mixed with yard debris that will be transported under authority of this NSL is exempt from paying the Metro Regional System Fee and Excise Tax (RSF and ET). The overall impact of the city of Portland's food waste composting program has already been factored into Metro's budget.

The RSF and ET rates depend on the amount of waste that is disposed. Any waste that is diverted from the disposal stream, such as the composting of food waste, will in general increase those RSF and ET rates. Waste diversion will also affect other disposal prices (tip fees) at Metro transfer stations and other solid waste facilities due to fixed and capital costs, etc. being spread over less tonnage. The effects of these individual price changes will depend on facility-specific factors. However, the effect on the RSF and ET is universal across all ratepayers and waste disposed.

The residential yard debris mixed with food waste that will be delivered to SRRF in FY 2012-13 will most likely be tonnage diverted away from the Metro Central Transfer Station. This tonnage shift will cause a small increase in the per-ton cost of disposal for Metro's customers mainly because Metro's fixed operating costs will be spread over fewer tons. The impact of the tonnage shift away from Metro's transfer station to SRRF would decrease the Parks and Environmental Services budget in the future because Metro would no longer incur the cost of transferring, transporting, and composting the residential compostable materials diverted to SRRF. The impact of the diverted tons will be fully factored into the budget and rates for FY 2013-14.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 12-4369 finding that the license application satisfies the requirements of Metro Code Section 5.05.035, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

BM:bjl
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Agenda Item No. 3.3

Resolution No. 12-4370, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to New Earth Farm for Delivery of Source-Separated Food Waste to its Processing Facility Located in Washington County, Oregon.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A) RESOLUTION NO. 12-4370
NON-SYSTEM LICENSE TO NEW EARTH FARM FOR)
DELIVERY OF SOURCE-SEPARATED FOOD WASTE TO ITS) Introduced by Martha J. Bennett,
PROCESSING FACILITY LOCATED IN WASHINGTON) Chief Operating Officer, with the
COUNTY, OREGON) concurrence of Tom Hughes,
) Council President

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system facility; and

WHEREAS, New Earth Farm has filed a complete application seeking a non-system license to deliver source-separated food waste to its own facility under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the applications and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that Metro issue a non-system license to New Earth Farm with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license application of New Earth Farm is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to New Earth Farm a Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1835 | FAX 503 813 7544



METRO

**METRO SOLID WASTE FACILITY
NON-SYSTEM LICENSE**

No. N-137-12

LICENSEE:

New Earth Farm
11000 NW Jackson Quarry Road
Hillsboro, OR 97124

CONTACT PERSON:

Scott Olsen
Phone: (503) 913-2641
E-Mail: scott@newearthfarm.net

MAILING ADDRESS:

11000 NW Jackson Quarry Road
Hillsboro, OR 97124

ISSUED BY METRO:

Scott Robinson,
Deputy Chief Operating Officer

Date

1	NATURE OF WASTE COVERED BY LICENSE
	Source-separated food waste that is generated by businesses and schools within the Metro boundary and collected by New Earth Farm.
2	CALENDAR YEAR TONNAGE LIMITATION
	<p>(a) Licensee is authorized to deliver to the non-system facility listed in Section 3 of this license up to 264 tons per calendar year of the waste described in Section 1 of this license.</p> <p>(b) Notwithstanding subsection (a) above, the COO may amend this license to decrease the calendar year tonnage limitation based on:</p> <ul style="list-style-type: none">(i) A permit issued by DEQ that authorizes a calendar year tonnage limitation lower than that authorized in subsection (a) above; and(ii) The Licensee's compliance with the terms of this license.
3	NON-SYSTEM FACILITY
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 to the following non-system facility for the purpose of processing and land application at an agronomic rate allowed by DEQ:</p> <p style="text-align: center;">New Earth Farm 11000 NW Jackson Quarry Road Hillsboro, OR 97124</p> <p>This license is issued on the condition that the non-system facility listed in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from DEQ or Washington County that this non-system facility is not authorized to accept such waste, Metro may immediately modify or terminate this license pursuant to Section 10 of this license.</p>
4	TERM OF LICENSE
	The term of this license will commence on October 15, 2012 and expire at midnight on December 31, 2013, unless terminated sooner under Section 10 of this license.

5	COVERED LOADS
	Licensee shall suitably contain and cover, on all sides, all loads of source-separated food waste that are delivered under authority of this license to prevent spillage of waste while in transit to the non-system facility listed in Section 3.

6	MATERIAL MANAGEMENT
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility listed in Section 3 under the following conditions:</p> <ul style="list-style-type: none"> (a) The non-system facility shall accept all solid waste that is delivered under authority of this license for the sole purpose of processing on-site. The Licensee shall not dispose of any source-separated recyclable material, except as provided in Section 7; and (b) The non-system facility shall receive, manage and process all solid waste that is delivered under authority of this license in accordance with all applicable local, state and federal laws, rules, regulations, ordinances, orders, and permits.

7	REGIONAL SYSTEM FEE AND EXCISE TAX
	<p>The Licensee shall be subject to the following conditions:</p> <ul style="list-style-type: none"> (a) Source-separated food waste that is delivered under authority of this license and is accepted and processed, in accordance with all applicable regulations, at the non-system facility listed in Section 3 is exempt from Regional System Fees and Excise Tax. (b) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing or composting) or the non-system facility fails to process the material as required as a condition of this license, the Licensee shall pay to Metro an amount equal to the Regional System Fee, as provided in Metro Code Title V, for each ton or portion thereof of waste delivered to the non-system facility that is ultimately delivered to a disposal site. (c) If the Licensee delivers waste under this license to the non-system facility listed in Section 3 but the material does not meet the facility's acceptance criteria (for example, the material is too contaminated for processing) or the non-system facility fails to process and compost the material as required as

	a condition of this license, the Licensee shall pay to Metro an amount equal to the Excise Tax, as provided in Metro Code Title VII, for each ton or portion thereof of waste delivered to the non-system facilities that is ultimately delivered to a disposal site.
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8	REPORTING OF ACCIDENTS AND CITATIONS
	Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

9	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid wastes that the Licensee delivers to the non-system facility listed in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facilities:</p> <ul style="list-style-type: none"> i. Ticket or weight slip number from the non-system facility; ii. Material category designating the type of material transferred to the non-system facility; iii. Date the load was transferred to the non-system facility; iv. Time the load was transferred to the non-system facility; v. Net weight of the load; and vi. Fee charged by the non-system facility. <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall transmit the records required under Section 9(a) above, that covers the preceding month, to Metro's Finance and Regulatory Services Department in an electronic format prescribed by Metro.</p> <p>(c) Licensee shall make all records from which Section 9(a) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facilities listed above in Section 3.</p>

10	ADDITIONAL LICENSE CONDITIONS
	<p>This non-system license shall be subject to the following conditions:</p> <ul style="list-style-type: none">(a) The permissive transfer of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.(b) In addition to the amendments by the COO authorized by Section 2 of this license, this license shall be subject to amendment, modification, or termination by the COO in the event that the COO determines that:<ul style="list-style-type: none">i. There has been sufficient change in any circumstances under which Metro issued this license;ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc., dba Oregon Waste Systems, Inc;iii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3;iv. The non-system facility listed in Section 3 fails to manage the waste subject to this license in accordance with the material management requirements described in Section 6;v. The non-system facility listed in Section 3 generates malodors that are detectable off-site; orvi. The non-system facility listed in Section 3 fails to meet the specific criteria for qualification as an agricultural operation as established by Washington County in a letter dated April 26, 2012, and attached to this license as Exhibit A.(c) This license shall, in addition to subsections (b)(i) through (b)(vi), above, be subject to amendment, modification, termination, or suspension pursuant to the Metro Code.(d) Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.(e) This license authorizes delivery of solid waste only to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.

11	COMPLIANCE WITH LAW
	Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the licensee shall be deemed part of this license as if specifically set forth herein.

12	INDEMNIFICATION
	Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.



WASHINGTON COUNTY

Oregon

April 26, 2012

Randall Scott Olsen
New Earth Farm
11000 NW Jackson Quarry Rd.
Hillsboro, OR 97124

RE: Determination on Franchise Requirement

Dear Mr. Olsen,

I have reviewed your Washington County Department of Land Use and Transportation application for a Farm Compost Review, and the attachments that you submitted, in response to our meeting on April 18, 2012.

After reviewing the material provided, the County has determined that your operation qualifies as an agricultural operation under the provisions of Washington County Code Section 8.08.070 Accumulation prohibition – Exemptions, based on the seven (7) criteria outlined below.

1. New Earth Farm shall not accept more than 264 tons of composting feedstock per year.
2. Finished compost shall be used on-site, at New Earth Farm, for agricultural application. Incidental amounts may be sold in bulk to neighboring agricultural operations.
3. In the event that material cannot be process into New Earth Farm's agricultural operation, and accumulation occurs, New Earth Farm shall reduce incoming feedstock so to avoid the creation of a nuisance as defined by Washington County Code Chapter 8.20.
4. New Earth Farm shall apply for, and obtain, all applicable permits from other regulatory agencies with jurisdiction, including Metro Regional Government and the Oregon Department of Environmental Quality.
5. New Earth Farm shall develop an Odor Minimization Plan, outlining what measures will be taken to reduce odors from the composting operation, and attach the plan to the application for Farm Compost Review.
6. New Earth Farm shall receive a Land Use Compatibility Statement from the Washington County Department of Land Use and Transportation approving Farm Compost.

7. Accumulation of Solid Waste at New Earth Farm shall be performed in accordance with Washington County Code Chapter 8.08, as required by Washington County Code Section 8.08.070 Accumulation prohibition – Exemptions.

Accordingly, provided these seven (7) criteria are met, you are not required to obtain a County franchise for this operation.

Thank you for your cooperation. Should you have any questions concerning this determination, or the County's requirements in general as they relate to the franchising of compost operations in the County, please feel free to contact me.

Sincerely,



Thomas Egleston
Program Coordinator
Solid Waste and Recycling Program

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4370 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NON-SYSTEM LICENSE TO NEW EARTH FARM FOR DELIVERY OF SOURCE-SEPARATED FOOD WASTE TO ITS PROCESSING FACILITY LOCATED IN WASHINGTON COUNTY, OREGON

October 1, 2012

Prepared by: Will Ennis
(503) 797-1667

Approval of Resolution No. 12-4370 will authorize the Chief Operating Officer (COO) to issue a non-system license (NSL) to New Earth Farm (NEF) to annually deliver a maximum of 264 tons of source-separated food waste to its processing facility located at 11000 NW Jackson Quarry Road in Hillsboro, Oregon.

BACKGROUND

1. Overview

The applicant seeks authorization to transport source-separated food waste generated by businesses and schools within the Metro region to a non-system facility (NEF) located outside of the region. Metro Code Section 5.05.025 prohibits any person from transporting solid waste to non-system facilities without an appropriate license from Metro. The proposed NSL is subject to Metro Council approval because it involves putrescible waste (food waste).

2. The Applicant

NEF, which is owned and operated by Scott Olsen, is comprised of a two-acre farmed plot that is part of a larger, ten-acre site. NEF serves as a Farmer's Market and Community Supported Agriculture (CSA) operation. CSAs are a way for consumers to buy local, seasonal food directly from a farmer. In a CSA, the consumers purchase shares from the farm. In exchange, each week during the farming season the consumer receives a box portion of seasonal produce. Produce grown at NEF is also sold to area restaurants and business cafeterias. Post-consumer vegetative food waste generated at these facilities, in addition to some meat and dairy waste, is then returned to NEF for processing.

NEF uses the bokashi method to process the food waste. Bokashi is an in-vessel anaerobic fermentation process and converts the majority of food waste delivered to the facility into liquid and solid soil amendments. The liquid component resulting from the process is land applied at NEF and neighboring farms. The remaining solid materials are tilled into the soil at NEF. The facility processes a smaller amount of food waste using vermicomposting and black soldier fly larvae. Solids from these processes are also used at NEF.

3. History of the Application

NEF accepts and processes a relatively small amount of food waste at its site (125 tons in 2010 and 142 tons in 2011). In November 2010, Metro discovered that NEF has been accepting source-separated food waste from the Metro region without having obtained an NSL. Due to its small-scale operation, Metro deferred taking immediate action in order to allow sufficient time for Washington County and the Oregon Department of Environmental Quality (DEQ) to determine whether the facility required specific authorizations for its operation.

Washington County

In a letter to Mr. Olsen dated April 26, 2012, Washington County provided a determination that NEF qualifies as an agricultural operation and is not required to obtain a County-issued franchise provided that NEF meet specific the criteria outlined below:

1. NEF does not accept more than 264 tons of composting feedstock per year;
2. Finished compost is to be used on-site, at NEF, for agricultural application. Incidental amounts may be sold in bulk to neighboring agricultural operations;
3. In the event that material cannot be processed into NEF's agricultural operation, and accumulation occurs, NEF must reduce incoming feedstock so as to avoid the creation of a nuisance;
4. NEF must apply for, and obtain, all applicable permits from other regulatory agencies with jurisdiction, including Metro and DEQ;
5. NEF must develop an Odor Minimization Plan, outlining what measures will be taken to reduce odors from the composting operation, and include the plan along with an application for Farm Compost Review;
6. NEF must receive a Land Use Compatibility statement from the Washington County Department of Land Use and Transportation approving Farm Compost; and
7. Accumulation of Solid Waste at NEF must be performed in accordance with Washington County Code in order to avoid paying the county franchise fees.

NEF has applied for, and is in the process of obtaining, the needed authorizations from Metro and DEQ. The facility has provided Metro with its Odor Minimization Plan and a Land Use Compatibility statement from Washington County approving Farm Compost.

Oregon Department of Environmental Quality

DEQ recently determined that NEF must obtain a composting facility permit. NEF submitted a compost permit application to DEQ on June 8, 2012. At this time DEQ is considering options for NEF in regard to whether it meets an agricultural exemption or requires environmental screening for the composting facility permit. NEF's processing operation must obtain DEQ's approval to maintain compliance with the conditions of Washington County's agricultural operation determination. According to DEQ staff, any authorization to be issued by DEQ to NEF may contain specific conditions to mitigate potential nuisances related to the processing of food waste including, possibly, a tonnage limitation lower than that authorized by Metro in the NSL. In this case, the proposed NSL includes a condition that authorizes the COO to amend the license to align its annual tonnage limitation with that of the DEQ.

Metro

On June 18, 2012, NEF submitted an application to Metro requesting authorization to transport up to 264 tons of source-separated food waste to its own facility, which is the maximum amount allowed by Washington County. DEQ is unlikely to have made a final determination on an annual tonnage limitation or special conditions for NEF at the time the proposed NSL is presented to Metro Council. As such, staff recommends issuing the proposed NSL with special conditions that are responsive to the concerns and conditions imposed or likely to be imposed by Washington County and DEQ.

4. Special conditions included in the Non-System License

Section 2: Calendar Year Tonnage Limitation

The applicant, NEF, requested authorization to transport up to 264 tons annually of source-separated food waste generated in the Metro region to its processing facility, which is the maximum amount allowed by Washington County. However, DEQ may determine that a lower annual tonnage limitation is appropriate for NEF. In that case, Section 2 of the NSL includes a provision that the licensee shall be

subject to any lower annual tonnage limitation established by DEQ. Additionally, this section authorizes the COO to amend the NSL's tonnage limitation to align it with that of DEQ if a lower limit is established by that agency.

Section 10: Additional License Conditions

This section of the license includes allowances for the COO to amend, modify or terminate the license should NEF generate malodors that are detectable off-site or if the facility fails to meet the criteria for qualification as an agricultural operation as established by Washington County.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to NEF hauling food waste to its own facility. Washington County and the DEQ have received odor complaints from residents in the vicinity of NEF regarding operations at the nearby Nature's Needs Composting Facility. Nature's Needs is located approximately two miles away. However, the County has not received any odor complaints specifically attributed to NEF.

2. Legal Antecedents

Metro Code Section 5.05.035(c) provides that, when determining whether or not to approve an NSL application, the Metro Council shall consider the following factors to the extent relevant to such determination.

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

Metro staff has visited NEF and is aware of how feedstocks are managed at the facility. Since NEF accepts only limited amounts food waste for processing, the waste does not pose the same potential environmental risk as waste being delivered for landfill disposal. There is no known evidence of any other wastes currently being accepted at NEF that could pose a risk of environmental contamination. The environmental risk from the use of this non-system facility is presumed to be minimal because the facility will be fully regulated and monitored by the appropriate local and state authorities.

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations;*

Metro staff's investigation of the applicant revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations. DEQ reports that the agency has not taken enforcement action against the NEF or received complaints regarding the facility's operation. Washington County also reports that no enforcement actions have been taken against NEF.

- (3) *The adequacy of operational practices and management controls at the non-system facility;*

Metro and DEQ consider the operational practices and management controls in place at NEF to be adequate and consistent with other food waste processing facilities. Waste accepted at NEF is delivered in sealed containers and the majority of processing at NEF takes place in-vessel. NEF has provided

Metro with a copy of its Odor Minimization Plan required by Washington County. NEF has applied for and is currently in the process of obtaining a DEQ permit for its processing operation.

(4) The expected impact on the region's recycling and waste reduction efforts;

Approval of the proposed NSL is likely to have a positive impact on the region's recycling and waste reduction efforts because the waste will be delivered to NEF for the purpose of agricultural application rather than disposal. Approval of the NSL would result in organics processing capacity for the region, providing a benefit to the regional organics recovery program.

(5) The consistency of the designation with Metro's existing contractual arrangements;

Metro is contractually obligated to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Metro's disposal contractor, Waste Management of Oregon. The waste subject to the proposed license will be delivered to a processing facility rather than disposed at a general-purpose landfill. Thus, approval of the proposed license will not conflict with Metro's disposal contract or any other of its existing contractual arrangements.

(6) The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including, but not limited to, public health, safety and environmental rules and regulations; and

The applicant has a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations. In November 2010, Metro discovered that NEF has annually accepted a small amount of source-separated food waste from the Metro region without obtaining an NSL. Metro has since notified the facility of the applicable Metro Code requirements and the operator has submitted an NSL application as required.

(7) Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.

NEF will provide processing capacity for the region that supports Metro's goal of diverting organics away from disposal and into recovery outlets and is providing an innovative approach to processing organics (the bokashi method).

3. Anticipated Effects

The effect of Resolution No. 12-4370 will be to authorize NEF to deliver up to 264 tons per calendar year of source-separated food waste to its own facility for processing. Should DEQ authorize a lesser annual tonnage limitation, the NSL will be modified to reflect the lesser amount.

This proposed NSL is one of many organics-related action items currently under consideration by Metro and other local jurisdictions which contributes to a decline in the amount of solid waste disposed in landfills. The decisions on this and other similar items will have the effect of further shrinking the pool of waste available for allocation to certain non-system licensees by increasing the availability of non-disposal options i.e. recycling and composting.

4. Budget/Rate Impacts

Metro's Regional System Fee and Excise Tax (RSF and ET) rates depend on the amount of waste that is disposed. Any waste that is diverted from the disposal stream, such as the processing of food waste, will in general increase those RSF and ET rates. Waste diversion will also affect other disposal prices (tip fees) at Metro transfer stations and other solid waste facilities due to fixed and capital costs, etc. being spread over less tonnage. The effects of these individual price changes will depend on facility-specific factors. However, the effect on the RSF and ET is universal across all ratepayers and waste disposed.

Granting this non-system license would have no material fiscal impact on Metro because the *maximum* amount of food waste authorized under this license is negligible – less than two-hundredths of one percent of regional revenue tonnage. Furthermore, the historical diversion has already been factored into Metro's rates and budget – which further reduces any fiscal impact of granting this license.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 12-4370 finding that the license application satisfies the requirements of Metro Code Section 5.05.035, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

WE":bjl
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Resolution No. 12-4371, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Epson Portland, Inc. for Delivery of Industrial Solid Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A) RESOLUTION NO. 12-4371
RENEWED NON-SYSTEM LICENSE TO EPSON PORTLAND,)
INC. FOR DELIVERY OF INDUSTRIAL SOLID WASTE AND) Introduced by Martha J. Bennett,
PUTRESCIBLE WASTE TO THE COVANTA WASTE-TO-ENERGY) Chief Operating Officer, with the
FACILITY IN MARION COUNTY, OREGON) concurrence of Tom Hughes,
) Council President

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Epson Portland, Inc. ("Epson") holds Metro Solid Waste Facility Non-System License No. N-028-11, which expires on December 31, 2012; and

WHEREAS, Epson has filed a completed application seeking renewal of the non-system license to deliver industrial solid waste and putrescible waste to the Covanta Waste-to-Energy Facility for disposal under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be renewed together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license renewal application of Epson is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to Epson a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

Resolution No. 12-4371

WJ:bjl

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600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1835 | FAX 503 813 7544



METRO

**METRO SOLID WASTE FACILITY
NON-SYSTEM LICENSE**

No. N-028-13

LICENSEE:
Epson Portland, Inc. 3950 NW Alclek Place Hillsboro, OR 97124
CONTACT PERSON:
Kimberley Sackman Phone: (503) 617-5462 Fax: (503) 617-6746 E-mail: kimberley.sackman@epi.epson.com
MAILING ADDRESS:
Epson Portland, Inc. 3950 NW Alclek Place Hillsboro, OR 97124

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Industrial solid waste, consisting primarily of non-recoverable plastics, commingled with up to ten percent putrescible waste, including restroom and food waste, generated at the Epson Portland, Inc. site located at 3950 NW Alcolek Place in Hillsboro, Oregon.
2	CALENDAR YEAR TONNAGE LIMITATION
	Licensee is authorized to deliver to the non-system facility described in Section 3 of this license up to 125 tons per calendar year of the waste described in Section 1 of this license.
3	NON-SYSTEM FACILITY
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 only to the following non-system facility:</p> <p style="text-align: center;">Covanta Waste-to-Energy Facility 4850 Brooklake Road, NE Brooks, OR 97305</p> <p>This license is issued on condition that the non-system facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 7 of this license.</p>
4	TERM OF LICENSE
	The term of this license will commence on January 1, 2013 and expire at midnight on December 31, 2014, unless terminated sooner under Section 7 of this license.
5	REPORTING OF ACCIDENTS AND CITATIONS
	Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles of its transportation carrier during the loading and transporting of the solid waste on behalf of the Licensee.



6	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid waste that the Licensee delivers to the non-system facility described in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facility:</p> <ul style="list-style-type: none">i. Ticket or weight slip number from the non-system facility;ii. Material category designating the type of material transferred to the non-system facility;iii. Date the load was transferred to the non-system facility;iv. Time the load was transferred to the non-system facility;v. Net weight of the load; andvi. Fee charged by the non-system facility <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall:</p> <ul style="list-style-type: none">i. Transmit the records required under Section 6(a) above to Metro in an electronic format prescribed by Metro;ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andiii. Remit to Metro the requisite Regional System Fees and Excise Tax in accordance with the Metro Code provisions applicable to the collection, payment, and accounting of such fees and taxes. <p>(c) Licensee shall make all records from which Sections 6(a) and 6(b) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facility named in Section 3, above.</p>
7	ADDITIONAL LICENSE CONDITIONS
	<p>This license shall be subject to the following conditions:</p> <p>(a) The permissive transfer of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.</p>



	<p>(b) This license shall be subject to amendment, modification, or termination by Metro's Chief Operating Officer (the "COO") in the event that the COO determines that:</p> <ul style="list-style-type: none">i. There has been sufficient change in any circumstances under which Metro issued this license;ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Oregon Waste Systems, Inc.; oriii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3. <p>(c) This license shall, in addition to subsections (b)(i) through (b)(iii), above, be subject to amendment, modification, suspension, or termination pursuant to the Metro Code.</p> <p>(d) The Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.</p> <p>(e) This license shall terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes the delivery of solid waste to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.</p>
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8	COMPLIANCE WITH LAW
	<p>Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the Licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction over solid waste generated by the Licensee shall be deemed part of this license as if specifically set forth herein.</p>

9	INDEMNIFICATION
	<p>Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any</p>



	litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.
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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4371 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO EPSON PORTLAND, INC. FOR DELIVERY OF INDUSTRIAL SOLID WASTE AND PUTRESCIBLE WASTE TO THE COVANTA WASTE-TO-ENERGY FACILITY IN MARION COUNTY, OREGON

October 1, 2012

Prepared by: Warren Johnson
(503) 797-1836

Approval of Resolution No. 12-4371 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL) to Epson Portland, Inc. (Epson) to annually deliver up to 125 tons of industrial solid waste and putrescible solid waste from its facility within the Metro region to the Covanta Waste-to-Energy Facility (Covanta) in Marion County, Oregon. The proposed NSL is the renewal of an existing license that is set to expire on December 31, 2012.

BACKGROUND

Epson is a manufacturing facility located in Hillsboro, Oregon (Metro District 4). Epson routinely generates manufacturing wastes that consists primarily of non-recoverable industrial plastics and off-spec ink cartridges commingled with other non-recoverable waste from the facility's offices, restrooms, and lunchrooms.

In November 2010, Epson was granted an NSL (No. N-028-11) to deliver a maximum of 125 tons per calendar year of solid waste, including putrescible waste, generated at its facility to Covanta. The term of this NSL commenced on January 1, 2011 and is set to expire on December 31, 2012. The applicant delivered 68.31 tons of solid waste to Covanta under authority of this existing NSL during calendar year 2011 and 20.79 tons between January 1 and July 31, 2012. The renewal of this NSL (No. N-028-11) is a Metro Council decision because it authorizes the delivery of putrescible waste.

In addition to the above, Epson holds NSL No. N-028-11(2)A authorizing the annual delivery of up to 300 tons per calendar year of off-specification and counterfeit ink cartridges to Covanta for destruction. This is a separately managed waste-stream that is authorized under a separate NSL which is also set to expire on December 31, 2012. The renewal of this NSL (No. N-028-11(2)) is a COO decision because it authorizes the delivery of non-putrescible waste. This license is in the process of being renewed by the COO.

On August 13, 2012, Epson filed an application requesting that Metro renew this NSL with a tonnage authorization of 125 tons per calendar year. This is the same annual tonnage limit that Epson is currently authorized to transport under its existing NSL. The proposed license renews the existing authorization that Epson has held under NSLs since 2000.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed NSL.

2. Legal Antecedents

Section 5.05.035(c) of the Metro Code provides that, when determining whether or not to approve an NSL application, the Metro Council shall consider the following factors to the extent relevant to such determination.

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The proposed disposal site is a waste-to-energy facility rather than a landfill and thus does not pose the same potential environmental risk from waste delivered from prior users. Air emissions from the facility are controlled through the use of high efficiency combustion within the furnace/boiler as well as by selective non-catalytic reduction, spray dryer absorbers, fabric filter baghouses and an activated carbon injection system. The ash generated at the facility is then disposed at a monofill that is permitted by the Oregon Department of Environmental Quality (DEQ).

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations;*

Covanta is permitted by the DEQ. Metro staff received verbal confirmation from the DEQ and Marion County that Covanta is in compliance with federal, state, and local requirements. Staff has also received confirmation that Covanta has a good compliance record with respect to public health, safety and environmental rules and regulations.

- (3) *The adequacy of operational practices and management controls at the non-system facility;*

Covanta screens incoming waste for hazardous, radioactive, and other unacceptable materials and has a state-of-the-art emissions control system to minimize the risk of future environmental contamination. In addition, Covanta uses operational practices and management controls that are considered by the DEQ to be appropriate for the protection of health, safety, and the environment.

- (4) *The expected impact on the region's recycling and waste reduction efforts;*

Epson has an aggressive internal recycling program and tracks its recycling and disposal percentages by material. Epson is seeking to deliver only its non-recyclable waste, including putrescible solid waste, to Covanta as it has done under authority of previous NSLs since 2000. Furthermore, the Metro-area waste that is delivered to Covanta is not included in Metro's recovery rate calculation because state statute (ORS 465A.010(4)(f)(B)) stipulates that only those wastesheds that burn mixed solid waste for energy recovery within their wasteshed boundaries may count a portion of it towards their DEQ recovery rate calculation. Marion County is the only wasteshed within Oregon that hosts a waste-to-energy facility within its boundaries; therefore, it is the only wasteshed that is allowed to include a portion of the in-County waste that is delivered to Covanta in its recovery rate. Approval of the proposed license renewal is not expected to impact the Metro region's recycling and waste reduction efforts.

- (5) *The consistency of the designation with Metro's existing contractual arrangements;*

Metro has a contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. The waste subject to the proposed license will not be disposed at a general-purpose landfill. Thus, approval of the proposed license will not conflict with Metro's disposal contract.

In addition, Metro has a contract with Marion County for the delivery of solid waste from Metro's transfer stations to Covanta. Renewal of this NSL is not inconsistent with this existing contractual arrangement.

- (6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements, including but not limited to public health, safety and environmental rules and regulations; and*

The applicant is currently in compliance with its Metro-issued NSL and has not had any compliance issues with regard to Metro regulations within the last two years. Additionally, Epson has had no violations related to public health, safety or environmental regulations during the term of the existing license.

- (7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

Covanta is the primary disposal site for solid waste generated within Marion County. At certain times of the year, in order to operate more efficiently, the facility requires more solid waste than is generated within the County. During these times, Marion County supports the Metro-authorized flow of solid waste to Covanta.

3. Anticipated Effects

The effect of Resolution No. 12-4371 will be to issue a two-year NSL authorizing Epson to deliver up to 125 tons per calendar year of industrial solid waste and putrescible solid waste to Covanta for disposal.

4. Budget/Rate Impacts

Covanta is not a general-purpose landfill and this NSL will not impact Metro's obligations under its disposal contract. The regional system fee and excise tax will continue to be collected on Metro-area waste delivered to Covanta under the authority of the proposed NSL. The application under consideration is the renewal of an existing NSL (No. N-028-11). The financial impact of this NSL has already been factored into the budget.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 12-4371, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.035, and issuance of an NSL substantially similar to the NSL attached to the resolution as Exhibit A.

Resolution No. 12-4372, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License Jointly to Willamette Resources, Inc. and Allied Waste of Clackamas County and Washington Counties for Delivery of Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A) RESOLUTION NO. 12-4372
RENEWED NON-SYSTEM LICENSE JOINTLY TO WILLAMETTE)
RESOURCES, INC. AND ALLIED WASTE OF CLACKAMAS AND) Introduced by Martha J. Bennett,
WASHINGTON COUNTIES FOR DELIVERY OF PUTRESCIBLE) Chief Operating Officer, with the
WASTE TO THE COVANTA WASTE-TO-ENERGY FACILITY IN) concurrence of Tom Hughes,
MARION COUNTY, OREGON) Council President

WHEREAS, the Metro Code requires a non-system license of any person that delivers solid waste generated from within the Metro Region to a non-system disposal facility; and

WHEREAS, Willamette Resources, Inc. ("WRI") and Allied Waste of Clackamas and Washington Counties ("Allied") hold Metro Solid Waste Facility Non-System License No. N-005-11(2), which expires on December 31, 2012; and

WHEREAS, WRI and Allied have filed a completed application seeking renewal of the non-system license to deliver putrescible waste to the Covanta Waste-To-Energy Facility under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, Metro Code Chapter 5.05 provides that applications for non-system licenses for putrescible waste shall be reviewed by the Chief Operating Officer and are subject to approval or denial by the Metro Council; and

WHEREAS, the Chief Operating Officer has analyzed the application and considered the relevant factors under the Metro Code; and

WHEREAS, the Chief Operating Officer recommends that the non-system license be renewed together with specific conditions as provided in Exhibit A to this Resolution; now therefore,

THE METRO COUNCIL RESOLVES AS FOLLOWS:

1. The non-system license renewal application of WRI and Allied is approved subject to the terms, conditions, and limitations contained in Exhibit A to this Resolution.
2. The Chief Operating Officer is authorized to issue to WRI and Allied a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this ____ day of _____, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean-Campbell, Metro Attorney

Resolution No. 12-4372

WJ:bjl

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600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
 TEL 503 797 1835 | FAX 503 813 7544



METRO

METRO SOLID WASTE FACILITY NON-SYSTEM LICENSE

No. N-005-13(2)

LICENSEE:		
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, OR 97070	Allied Waste of Clackamas and Washington Counties 10295 SW Ridder Road Wilsonville, OR 97070	
CONTACT PERSON:		
Carol Dion Phone: (503) 570-0625 Fax: (503) 570-0523 E-mail: cdion@republicservices.com	Ray Phelps (503) 570-0625 (503) 570-0523 rphelps@republicservices.com	Frank Lonergan (503) 682-3900 (503) 682-9505 flonergan@republicservices.com
MAILING ADDRESS:		
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, OR 97070	Allied Waste of Clackamas and Washington Counties 10295 SW Ridder Road Wilsonville, OR 97070	

ISSUED BY METRO:

 Scott Robinson, Deputy Chief Operating Officer

 Date



1	NATURE OF WASTE COVERED BY LICENSE
	<p>(a) Putrescible solid waste generated within the Metro boundary and received at Willamette Resources, Inc. in accordance with Metro Solid Waste Facility Franchise No. F-005-08A; and</p> <p>(b) Confidential records of customers generated within the Metro boundary and collected by Allied Waste of Clackamas and Washington Counties and delivered directly to the non-system facility described in Section 3 of this license.</p>
2	CALENDAR YEAR TONNAGE LIMITATION
	<p>Licensee is jointly authorized to deliver to the non-system facility described in Section 3 of this license up to 5,500 tons per calendar year of the waste described in Section 1 of this license. This license does not increase the total tonnage that the Licensee is authorized to accept under Metro Solid Waste Facility Franchise No. F-005-08A.</p>
3	NON-SYSTEM FACILITY
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 only to the following non-system facility:</p> <p style="padding-left: 40px;">Covanta Waste-to-Energy Facility 4850 Brooklake Road, NE Brooks, OR 97305</p> <p>This license is issued on condition that the non-system facility named in this section is authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that this non-system facility is not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 7 of this license.</p>
4	TERM OF LICENSE
	<p>The term of this license will commence on January 1, 2013 and expire at midnight on December 31, 2014, unless terminated sooner under Section 7 of this license.</p>



5	REPORTING OF ACCIDENTS AND CITATIONS
	Licensee shall report to Metro any significant incidents (such as fires), accidents, and citations involving vehicles transporting the solid waste authorized by this license.

6	RECORD KEEPING AND REPORTING
	<p>(a) The Licensee shall keep and maintain accurate records of the amount of all solid waste that the Licensee delivers to the non-system facility described in Section 3 of this license. The Licensee shall keep and maintain complete and accurate records of the following for all transactions with the authorized non-system facility:</p> <ul style="list-style-type: none">i. Ticket or weight slip number from the non-system facility;ii. Material category designating the type of material transferred to the non-system facility;iii. Date the load was transferred to the non-system facility;iv. Time the load was transferred to the non-system facility;v. Net weight of the load; andvi. Fee charged by the non-system facility <p>(b) No later than the fifteenth (15th) day of each month, beginning with the first month following the commencement date of this license, Licensee shall:</p> <ul style="list-style-type: none">i. Transmit the records required under Section 6(a) above to Metro in an electronic format prescribed by Metro;ii. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andiii. Remit to Metro the requisite Regional System Fees and Excise Tax in accordance with the Metro Code provisions applicable to the collection, payment, and accounting of such fees and taxes. <p>(c) Licensee shall make all records from which Sections 6(a) and 6(b) above are derived available to Metro (or Metro's designated agent) for its inspection or copying, as long as Metro provides no less than three (3) business days written notice of an intent to inspect or copy documents. Licensee shall, in addition, sign or otherwise provide to Metro any consent or waiver necessary for Metro to obtain information or data from a third party, including the non-system facility named in Section 3, above.</p>



7	ADDITIONAL LICENSE CONDITIONS
	<p>This license shall be subject to the following conditions:</p> <ul style="list-style-type: none">(a) The permissive transfer of solid waste to the non-system facility, listed in Section 3, authorized by this license shall be subordinate to any subsequent decision by Metro to direct the solid waste described in this license to any other facility.(b) This license shall be subject to amendment, modification, or termination by Metro's Chief Operating Officer (the "COO") in the event that the COO determines that:<ul style="list-style-type: none">i. There has been sufficient change in any circumstances under which Metro issued this license;ii. The provisions of this license are actually or potentially in conflict with any provision in Metro's disposal contract with Oregon Waste Systems, Inc.; oriii. Metro's solid waste system or the public will benefit from, and will be better served by, an order directing that the waste described in Section 1 of this license be transferred to, and disposed of at, a facility other than the facility listed in Section 3.(c) This license shall, in addition to subsections (b)(i) through (b)(iii), above, be subject to amendment, modification, suspension, or termination pursuant to the Metro Code.(d) The Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro.(e) This license shall terminate upon the execution of a designated facility agreement with the facility listed in Section 3 that authorizes the facility to accept the waste described in Section 1 of this license.(f) This license authorizes the delivery of solid waste to the facility listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than that specified in this license is prohibited unless authorized in writing by Metro.
8	COMPLIANCE WITH LAW
	<p>Licensee shall fully comply with all applicable local, regional, state and federal laws, rules, regulations, ordinances, orders, and permits pertaining in any manner to this license, including all applicable Metro Code provisions and administrative procedures adopted pursuant to Chapter 5.05 whether or not those provisions have been specifically mentioned or cited herein. All conditions imposed on the collection and hauling of the Licensee's solid waste by federal, state, regional or local governments or agencies having jurisdiction</p>



	over solid waste generated by the Licensee shall be deemed part of this license as if specifically set forth herein.
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9	INDEMNIFICATION
	Licensee shall defend, indemnify and hold harmless Metro, its elected officials, officers, employees, agents and representatives from any and all claims, demands, damages, causes of action, or losses and expenses, or including all attorneys' fees, whether incurred before any litigation is commenced, during any litigation or on appeal, arising out of or related in any way to the issuance or administration of this non-system license or the transport and disposal of the solid waste covered by this license.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4372 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE JOINTLY TO WILLAMETTE RESOURCES, INC. AND ALLIED WASTE OF CLACKAMAS AND WASHINGTON COUNTIES FOR DELIVERY OF PUTRESCIBLE WASTE TO THE COVANTA WASTE-TO-ENERGY FACILITY IN MARION COUNTY, OREGON

October 1, 2012

Prepared by: Warren Johnson
(503) 797-1836

Approval of Resolution No. 12-4372 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL) jointly to Willamette Resources, Inc. (WRI) and Allied Waste of Clackamas and Washington Counties (Allied) to annually deliver up to 5,500 tons of putrescible waste and certain confidential records from the Metro region to the Covanta Waste-to-Energy Facility (Covanta) in Marion County, Oregon. The applicants are owned and operated by Allied Waste Industries, Inc., a wholly owned subsidiary of Republic Waste Systems, Inc. headquartered in Phoenix, Arizona.

BACKGROUND

In November 2010, WRI and Allied were jointly granted an NSL (No. N-005-11(2)) to deliver a maximum of 5,500 tons per calendar year of putrescible waste, generated within the Metro region and received at WRI, and certain confidential records collected by Allied to Covanta. The term of this NSL commenced on January 1, 2011 and is set to expire on December 31, 2012. The applicants delivered 5,435.64 tons of solid waste to Covanta under authority of this existing NSL during calendar year 2011 and 2,204.02 tons between January 1 and July 31, 2012.

WRI currently holds three NSLs that authorize the delivery of putrescible waste to different disposal sites. In addition to the above-mentioned NSL for Covanta, WRI holds NSL No. N-005-12(3) authorizing the annual delivery of up to 32,649 tons per calendar year of putrescible solid waste to Coffin Butte Landfill and NSL No. N-005-11 authorizing the annual delivery of up to 70,000 tons per calendar year of putrescible solid waste to Riverbend Landfill. These two NSLs are also set to expire on December 31, 2012 and are in the process of being renewed. WRI has obtained these NSLs to provide its facility with flexibility with regard to its disposal options. These NSLs do not increase the total tonnage that WRI is authorized to accept under Metro Solid Waste Facility Franchise No. F-005-08A (Franchise).

On August 10, 2012, WRI and Allied submitted to Metro an application requesting that Metro renew this NSL with a tonnage authorization of 5,500 tons per calendar year. This is the same annual tonnage limit that the applicants are currently authorized to transport under the existing NSL. The proposed license renews the existing authorization that WRI and Allied have held under NSLs since 1999.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed NSL.

2. Legal Antecedents

Section 5.05.035(c) of the Metro Code provides that, when determining whether or not to approve an NSL application, the Council shall consider the following factors to the extent relevant to such determination.

- (1) *The degree to which prior users of the non-system facility and waste types accepted at the non-system facility are known and the degree to which such wastes pose a future risk of environmental contamination;*

The proposed disposal site is a waste-to-energy facility rather than a landfill and thus does not pose the same potential environmental risk from waste delivered from prior users. Air emissions from the facility are controlled through the use of high efficiency combustion within the furnace/boiler as well as by selective non-catalytic reduction, spray dryer absorbers, fabric filter baghouses and an activated carbon injection system. The ash generated at the facility is then disposed at a monofill that is permitted by the Oregon Department of Environmental Quality (DEQ).

- (2) *The record of regulatory compliance of the non-system facility's owner and operator with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations;*

Covanta is permitted by the DEQ. Metro staff received verbal confirmation from the DEQ and Marion County that Covanta is in compliance with federal, state, and local requirements. Staff has also received confirmation that Covanta has a good compliance record with respect to public health, safety and environmental rules and regulations.

- (3) *The adequacy of operational practices and management controls at the non-system facility;*

Covanta screens incoming waste for hazardous, radioactive, and other unacceptable materials and has a state-of-the-art emissions control system to minimize the risk of future environmental contamination. In addition, Covanta uses operational practices and management controls that are considered by the DEQ to be appropriate for the protection of health, safety, and the environment.

- (4) *The expected impact on the region's recycling and waste reduction efforts;*

The proposed license covers putrescible solid waste, which has little recovery potential, and confidential records that require special management. Furthermore, the Metro-area waste that is delivered to Covanta is not included in Metro's recovery rate calculation because state statute (ORS 465A.010(4)(f)(B)) stipulates that only those wastesheds that burn mixed solid waste for energy recovery within their wasteshed boundaries may count a portion of it towards their DEQ recovery rate calculation. Marion County is the only wasteshed within Oregon that hosts a waste-to-energy facility within its boundaries; therefore, it is the only wasteshed that is allowed to include a portion of the in-County waste that is delivered to Covanta in its recovery rate. Approval of the proposed license renewal is not expected to impact the Metro region's recycling and waste reduction efforts.

(5) *The consistency of the designation with Metro's existing contractual arrangements;*

Metro has a contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste that is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. The waste subject to the proposed license will not be disposed at a general-purpose landfill. Thus, approval of the proposed license will not conflict with Metro's disposal contract.

In addition, Metro has a contract with Marion County for the delivery of solid waste from Metro's transfer stations to Covanta. Renewal of this NSL is not inconsistent with this existing contractual arrangement.

(6) *The record of the applicant regarding compliance with Metro ordinances and agreements or assistance to Metro in Metro ordinance enforcement and with federal, state and local requirements including but not limited to public health, safety and environmental rules and regulations; and*

WRI is currently in compliance with its Metro-issued Franchise and NSLs and it has not had any significant compliance issues with regard to Metro regulations within the last two years. Additionally, WRI has had no violations related to public health, safety or environmental regulations during the term of the existing license.

(7) *Such other factors as the Chief Operating Officer deems appropriate for purposes of making such determination.*

Covanta is the primary disposal site for solid waste generated within Marion County. At certain times of the year, in order to operate more efficiently, the facility requires more solid waste than is generated within the County. During these times, Marion County supports the Metro-authorized flow of solid waste to Covanta.

WRI's Franchise stipulates that the facility shall not accept more than 70,000 tons of putrescible waste originating from inside the Metro region within each calendar year. The issuance of the proposed NSL authorizing the delivery of up to 5,500 tons of solid waste to Covanta does not increase the total tonnage that WRI is authorized to accept under the terms of its franchise. In particular, all putrescible waste delivered to Covanta under authority of the proposed NSL counts toward and is included in the 70,000-ton limit stipulated in WRI's Franchise.

3. Anticipated Effects

The effect of Resolution No. 12-4372 will be to issue a two-year NSL authorizing WRI and Allied to deliver up to 5,500 tons per calendar year of putrescible waste and certain confidential records to Covanta for disposal.

4. Budget/Rate Impacts

Covanta is not a general-purpose landfill and this NSL will not impact Metro's obligations under its disposal contract. The regional system fee and excise tax will continue to be collected on Metro-area waste delivered to Covanta under the authority of the proposed NSL. The application under

consideration is the renewal of an existing NSL (No. N-005-11(2)). The financial impact of this NSL has already been factored into the budget.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 12-4372, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.035, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

W:bjl
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Agenda Item No. 3.6

Resolution No. 12-4381, For the Purpose of Confirming the Reappointment of Michael (Kipp) Baratoff to the Investment Advisory Board.

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 12-4381
REAPPOINTMENT OF MICHAEL (KIPP))	
BARATOFF TO THE INVESTMENT ADVISORY	)	Introduced by Martha Bennett, Chief
BOARD	)	Operating Officer, in concurrence with Tom
		Hughes, Council President

WHEREAS, The Metro Code, Section 7.03.030, provides that the Council confirm appointments to the Investment Advisory Board; and,

WHEREAS, the Council President has appointed Michael (Kipp) Baratoff, President, Sea Dragon, LLC for a new term beginning upon appointment and ending: July 31, 2015; and,

WHEREAS, the Metro Council desires to confirm the appointment; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the reappointment of Michael (Kipp) Baratoff to the Metro Investment Advisory Board hereto for the position and term set forth.

ADOPTED by the Metro Council this ____th day of October, 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recorder

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4381, FOR THE PURPOSE OF CONFIRMING THE REAPPOINTMENT OF MICHAEL (KIPP) BARATOFF TO THE INVESTMENT ADVISORY BOARD

Date: September 25, 2012

Prepared by: Calvin J. Smith
503-797-1612

BACKGROUND

Metro Code, Section 7.03.030, includes the creation of the Investment Advisory Board. One provision of this Code requires the Chief Operating Officer acting in the capacity of the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures of the investment operation. The Metro Charter requires appointments to be made by the Council President subject to Council Confirmation. Metro Council President Tom Hughes, upon the recommendation of the Investment Officer, has re-appointed Michael (Kipp) Barattoff to the board subject to Council confirmation. Mr. Barattoff was first appointed to the Metro Investment Advisory Board on July 8, 2010, serving the balance of an existing term. This reappointment will be for a full term beginning upon appointment and ending July 31, 2015.

Mr. Barattoff has charted a career at the intersection of finance and sustainability for 14 years. Previously a partner at Equilibrium Capital Group and President of Gerding Edlen Sustainable Solutions, he currently manages a firm dedicated to building companies and projects that contribute to regional economic development in the Pacific Northwest by integrating financial, human and natural capital. Additionally, Mr. Barattoff served as a Fellow at Meyer Memorial Trust for a year designing and implementing the Trust's economic development investment strategy that uses grants, program-related investments and endowment corpus to promote prosperity throughout Oregon. Mr. Barattoff is a CFA charter holder, earned his B.A. from Wesleyan University, and attended the University of Michigan where he earned an M.B.A. from the Ross School of Business and an M.S. Environmental Science from the School of Natural Resources & Environment.

We are fortunate he is willing to continue to devote his time and energy serving on the Metro Investment Advisory Board. His experience and knowledge have been a valuable resource.

ANALYSIS/INFORMATION

1. **Known Opposition** None.
2. **Legal Antecedents** Metro code sections 2.19.150 and 7.03.030.
3. **Anticipated Effects** Confirmation of the appointments of Michael (Kipp) Barattoff will provide directly related experience in investments to the Investment Advisory Board.
4. **Budget Impacts** There is no out-of-pocket expense created by the appointment of Mr. Barattoff to the volunteer position.

RECOMMENDED ACTION

Martha Bennett, Chief Operating Officer, in concurrence with Council President Tom Hughes, recommends the confirmation of Mr. Michael (Kipp) Baratoff for the term expiring July 31, 2015.

Resolution No. 12-4368, For the Purpose of Confirming the Appointments of Andrew Deveux, Les Blaize and Caroline Skinner and the Reappointment of Mr. Frank “Haze” Moss to the Metro Central Station Community Enhancement Committee (MCSCEC).

Consent Agenda

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE	)	RESOLUTION NO. 12-4368
APPOINTMENTS OF ANDREW DEVEUX, LES)	
BLAIZE AND CAROLINE SKINNER AND THE)	
REAPPOINTMENT OF MR. FRANK “HAZE”	)	Introduced by Councilor Rex Burkholder
MOSS TO THE METRO CENTRAL STATION)	
COMMUNITY ENHANCEMENT COMMITTEE)	
(MCSCEC))	

WHEREAS, Metro Code Chapter 2.19.030, “Membership of the Advisory Committees,” states that all members and alternate members of all Metro Advisory Committees shall be appointed by the Council President and shall be subject to confirmation by the Council; and

WHEREAS, Metro Code Chapter 2.19.120, “Metro Central Station Community Enhancement Committee (MCSCEC),” provides for the MCSCEC; and

WHEREAS, Metro Code Chapter 2.19.120(b)(1) sets forth representation criteria for Committee membership; and

WHEREAS, vacancies have occurred in representation of the Friends of Cathedral Park Neighborhood Association, Forest Park Neighborhood Association, Northwest District Association and the Linnton Neighborhood Association on the MCSCEC; and

WHEREAS, the Friends of Cathedral Park Neighborhood Association, Forest Park Neighborhood Association and Northwest District Association each submitted a nomination to the Metro Council President; and

WHEREAS, the Council President has appointed Andrew DeVeux, a representative of the Friends of Cathedral Park Neighborhood Association, Les Blaize, a representative of Forest Park Neighborhood Association and Caroline Skinner, a representative of Northwest District Association, subject to confirmation by the Metro Council; and

WHEREAS, Metro Code Chapter 2.19.030 states that advisory committee members are limited to two consecutive two-year terms; and

WHEREAS, the first term of Mr. Frank “Haze” Moss, with the Linnton Neighborhood Association, has expired and he has expressed interest in serving another term; and

WHEREAS, Mr. Moss is a member in good standing and his reappointment is supported by the Committee Chair; and

WHEREAS, the Council President has reappointed Mr. Moss, subject to confirmation by the Metro Council; now, therefore,

BE IT RESOLVED, that the Metro Council confirms the appointments of Andrew DeVeux, Les Blaize and Caroline Skinner, and the reappointment of Frank “Haze” Moss to Metro’s Metro Central Station Community Enhancement Committee.

ADOPTED by the Metro Council this ____ day of _____, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4368 FOR THE PURPOSE OF CONFIRMING THE APPOINTMENTS OF ANDREW DEVEUX, LES BLAIZE AND CAROLINE SKINNER AND THE REAPPOINTMENT OF FRANK “HAZE” MOSS TO THE METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE

Date: October 11, 2012

Prepared by: Karen Blauer, 503-797-1506

BACKGROUND

Four vacancies have occurred in the Metro Central Station Community Enhancement Committee (hereinafter referred to as MCSCEC) membership. These vacancies in the MCSCEC membership currently exist due to the end of a term for members representing the Friends of Cathedral Park Neighborhood Association, Forest Park Neighborhood Association, the Northwest District Association and the Linnton Neighborhood Association.

A recruitment effort to fill the positions was launched at the end of August 2012. A letter was sent from Rex Burkholder, Metro Councilor and Metro Central Station Community Enhancement Committee chair, to the chairs of the neighborhood associations represented on the committee. The letter requested a nominee from each neighborhood association to serve on Metro's committee. Members of MCSCEC develop a plan to administer grant funds, solicit and review grant applications, and select improvement projects to fund that benefit the area directly affected by the Metro Central garbage transfer station. The letter spelled out the desirable characteristics of candidates, including that he or she be a respected community leader, knowledgeable about the interests and needs of the neighborhood and larger community, a strategic thinker and effective communicator and able to collaborate with others.

The Friends of Cathedral Park Neighborhood Association nominated Andrew DeVeux as its representative (Attachment 1). Mr. DeVeux, a professional project manager at PeaceHealth Hospital Systems, currently serves as chair of the Neighborhood Association. In addition, he is on the Cathedral Park Master Plan public advisory committee and the Sitton Elementary School site council. He established his neighborhood's Facebook page and works closely with other St. Johns community leaders to maintain ongoing communications. He has expressed a desire to bring his extensive project management background and understanding of the neighborhood needs to the MCSCEC as described in his Applicant Interest Form (Attachment 2).

The Forest Park Neighborhood Association nominated Les Blaize as its representative. In his three decades of service to the neighborhood association, Mr. Blaize has led numerous committees and held several offices. He has represented the neighborhood's interests and successfully negotiated agreements on its behalf concerning several controversial projects, from powerlines to clearcuts. He served on MCSCEC in the early 1990s and has expressed a desire to bring his extensive neighborhood knowledge to the committee again as described in the nomination letter and his Applicant Interest Form (see Attachments 3 and 4).

The Northwest District Association nominated Caroline Skinner as its representative (Attachment 5). Ms. Skinner currently serves on the neighborhood association's board of directors; she is a long-time member of its Air Quality committee. In addition, she is an active member of Friends of Baltimore Woods, coordinating its e-newsletter and several fundraising and outreach activities. She was a grant coordinator for Hanna Andersson Children's Foundation and coordinator of its (non-monetary) donations to local nonprofits. She has expressed a desire to bring her extensive problem-solving and customer service experience to the MCSCEC as described in her Applicant Interest Form (see Attachment 6).

Metro Code 2.19.030 concerning membership of advisory committees, limits these representatives to two consecutive two-year terms. One member's first term has expired: Frank "Haze" Moss, representing the Linnton Neighborhood Association. He is a member in good standing and Councilor Rex Burkholder, chair of the MCSCEC, supports his reappointment. Furthermore, Mr. Moss has expressed interest in serving a second term on the MCSCEC.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the appointment of Mr. DeVeux, Mr. Blaize and Ms. Skinner or the reappointment of Mr. Moss to the MCSCEC.

2. Legal Antecedents

Chapter 2.19 of the Metro Code Relating to Advisory Committees; Section 2.19.120 provides for a Metro Central Station Community Enhancement Committee (MCSCEC) and sets forth guidelines for representation.

3. Anticipated Effects

Adoption of this resolution would confirm the appointment of Mr. DeVeux, Mr. Blaize and Ms. Skinner and the reappointment of Frank "Haze" Moss to the MCSCEC.

4. Budget Impacts

There are no known costs associated with implementation of this legislation.

RECOMMENDED ACTION

Tom Hughes, Council President, and Councilor Rex Burkholder, chair of the Metro Central Station Community Enhancement Committee, recommend adoption of this resolution to confirm the appointment of Mr. DeVeux, Mr. Blaize and Ms. Skinner and the reappointment of Mr. Moss to serve on the Metro Central Station Community Enhancement Committee.



Friends of Cathedral Park Neighborhood Association

September 26, 2012

Rex Burkholder
Metro Councilor
Chair, Metro Central Enhancement Committee

Dear Rex,

At the September 25th Friends of Cathedral Park Neighborhood Association (FCPNA) Board Meeting, we considered your request to nominate a Cathedral Park Neighborhood representative to serve on the Metro Central Enhancement Committee.

We have decided to nominate Andrew De Veux for this position.

Andrew moved to Portland in 2007, residing in Cathedral Park Neighborhood with his wife, 3 young children and their labra doodle, Ruby. He works as a Project Manager at PeaceHealth Hospital Systems. He first got involved in the neighborhood by participating in the advisory committee for the Cathedral Park Master Plan. That ultimately led to being a board member and then Vice Chair of FCPNA. In November 2011, he was elected Chair of FCPNA and will be running again for the 2013 term. He enjoys working with his neighbors in promoting social justice and making the St. John's Community a great place to live.

We highly recommend Andrew to Metro Central Enhancement Committee and feel that both his professional and community experience will be a great asset to this position.

Thank you for your time and consideration.

Sincerely,
Jason Starman
FCPNA Land Use Chair



METRO CENTRAL ENHANCEMENT COMMITTEE
APPOINTMENT INTEREST FORM

COMMENTS: (this section to be filled out by review panel)

INFORMATION

NAME: ANDREW DE VEUX

NEIGHBORHOOD: CATHEDRAL PARK NEIGHBORHOOD

HOME ADDRESS:

STREET 9730 N. WILLAMETTE BLVD

CITY PORTLAND

STATE OR

ZIP 97203

BUSINESS ADDRESS:

STREET

CITY

STATE

ZIP

HOME PHONE: 503 247-1243

BUSINESS PHONE:

CELL PHONE: 410-274-6052

E-MAIL: ANDREW.DEVEUX@YAHOO.COM

Metro strives for membership on its committee that reflects the diversity of the Northwest and North Portland community. THE FOLLOWING INFORMATION IS VOLUNTARY:

GENDER: MALE

ETHNIC ORIGIN: CAUCASIAN

EDUCATION:

SCHOOL (include high school)

LOCATION

MAJOR OR DEGREE

LAKELAND REGIONAL HIGH SCHOOL,

WANAQUE, NJ

BERGEN COMMUNITY COLLEGE,

PARAMUS, NJ

RICHARD STOCKTON COLLEGE OF NEW JERSEY, POMONA, NJ

ASSOCIATES DEGREE LIBERAL ARTS

SETON HALL UNIVERSITY

WEST ORANGE, NJ

BACHELORS IN HEALTH CARE ADMINISTRATION

CARE ADMINISTRATION

CERTIFICATE OF GRADUATE STUDIES IN HEALTH

UNIVERSITY OF BALTIMORE,

BALTIMORE, MD

MBA STUDIES

1. Please describe your leadership style and strengths (e.g., visionary, organizer, analyzer, connector, other) and related qualifications you would contribute to this public service appointment (e.g., project management, accounting, mediation, public relations, other). Why would others describe you as a respected community leader?

I would describe my leadership style and strengths as a collaborator, goal oriented and one who organizes and strives to connect groups to achieve a common goal.

The qualifications I would contribute to this appointment is over 15 years of experience as professional Project Manager where I am responsible for working closely with various different business area and our external partners to achieve the company's goals. I also serve the public as Chair of the Friends of Cathedral Park Neighborhood Association and in previous various community efforts which provides me a good understanding of the community needs and how those needs can be fulfilled.

2. Please list relevant experience serving the community that demonstrates your knowledge of the interests, assets and needs of the neighborhood and larger community. Give an example of creative or critical ideas you contributed to a project or program.
 - Former board member of the Loch Raven Neighborhood Association in Baltimore, MD
 - Former Chair of the Loch Raven Neighborhood July 4th Celebration
 - Cathedral Park Master Plan Public Advisory Committee
 - Sitton Elementary School Site Counsel representative
 - Portland Public Title 1 Schools Sitton representative
 - Cathedral Park Co-Op Pre-School Parent
 - Lead Organizer of the Portland Park & Recreations Potential Parks & Trails Bond Measure Presentation on March 18th, 2010 at the St. John's Community Center
 - Cathedral Park Neighborhood Association member
 - Past St. John's Community Neighborhood Association member
 - Current Chair of the Friends of Cathedral Park Neighborhood Association
3. Please explain how you keep informed and aware of the community's diverse needs and priorities. Give an example of tactics you use to communicate effectively with others.
 - Established a Cathedral Park Neighborhood Facebook page to help me get a pulse on the neighborhood
 - Active participant on the St. John's Neighborhood Facebook page
 - Work closely with other St. John's Community Leaders and maintain ongoing communication
 - Chair of the Friends of the Cathedral Park Neighborhood Association (FCPNA) Meetings
 - Regularly read both the St. John's review & the Portland Tribune
 - As a hobby, I also read about the history of Portland
4. Please summarize relevant experience working with people of varied backgrounds and under-represented groups. Include an example of project or program that required you to engage with others collaboratively.

As a professional project manager I work with various departments and people at different hierarchal levels from the CIO down to the customer service representatives. While on the Sitton Elementary School

Site Counsel I worked on a variety of Title 1 school issues as a representative of our economically disadvantaged school population. My time as a Public Advisory Committee member for Cathedra Park Master Plan required me to work with various constituencies to create the plan and ensure it meets the public needs. This has all been greatly expanded in my current role as Chair of the Friends of Cathedral Park Neighborhood Association.

Applications are due at 5 p.m. Friday, September 28, 2012. They should be submitted with a letter from the neighborhood association introducing the individual as its nominee. Send or deliver to Karen Blauer at Metro by US mail (600 NE Grand Ave., Portland, OR 97232), by fax (503-797-1849), or by email (karen.blauer@oregonmetro.gov).



FOREST PARK NEIGHBORHOOD ASSOCIATION

**2257 NW Raleigh Street
Portland, Oregon 97210**

Jerry Grossnickle, President
13510 NW Old Germantown Rd.
Portland, OR 97231
Phone: 503-289-3046
Email: jerrygbw@aol.com

September 23, 2012

Rex Burkholder
Metro Councilor
Chair, Metro Central Enhancement Committee

Dear Rex,


On Tuesday, September 18, at the regular meeting of Forest Park Neighborhood Association, the Board of Directors considered and acted on your request to nominate a representative to serve on the Metro Central Enhancement Committee.

I am very pleased to announce that we are nominating Les Blaize for this position.

Les has been a consistent and vigorous activist for our neighborhood association. He has served as a board member for about 30 years, led numerous committees, held several offices, and has provided great leadership and support for Forest Park NA activities over these many years. Particularly strong in his advocacy for Forest Park, Les has become a knowledgeable and effective leader in promoting its environmental health, as well as mediating the often-conflicting uses of the Park. He has recently, in collaboration with Portland Parks & Recreation and the Park Ranger, developed an all-volunteer program to assist in patrolling the Park. This program, while just getting started, has already demonstrated its value to the community of Park users, providing useful information to hikers and bikers, bird-watchers and dog-walkers, while adding an element of security and protection for these many users and for the Park assets as well.

We highly recommend Les to the Metro Central Enhancement Committee, and we are confident that his participation will prove valuable to the Committee.

Thank you.


Jerry Grossnickle



Metro

METRO CENTRAL ENHANCEMENT COMMITTEE APPOINTMENT INTEREST FORM

COMMENTS: (this section to be filled out by review panel)

INFORMATION

NAME: *Leslie Blaize*

NEIGHBORHOOD: *FPNA*

HOME ADDRESS:

STREET *9630 NW SKYLINE BLVD*

CITY *Portland*

STATE *OR*

ZIP *97231*

BUSINESS ADDRESS:

STREET

CITY

STATE

ZIP

HOME PHONE: *503-286-2206*

BUSINESS PHONE:

CELL PHONE: *503-819-9865*

E-MAIL: *lblaize@q.com*

Metro strives for membership on its committee that reflects the diversity of the Northwest and North Portland community. THE FOLLOWING INFORMATION IS VOLUNTARY:

GENDER:

M

ETHNIC ORIGIN:

EDUCATION:

SCHOOL (include high school)

Bay Hi Bay St Louis

ole miss

Pease River Jr Coll.

USMC

LOCATION

Mississippi

MAJOR OR DEGREE

Chem.

1. Please describe your leadership style and strengths (e.g., visionary, organizer, analyzer, connector, other) and related qualifications you would contribute to this public service appointment (e.g., project management, accounting, mediation, public relations, other). Why would others describe you as a respected community leader?

I served on Forest Park Neighborhood Assoc
Friends of Forest Park
NWNW - coalition

For 30+ years
Marine Chemist Assoc.
Fire Dept Station Siting Comm.

2. Please list relevant experience serving the community that demonstrates your knowledge of the interests, assets and needs of the neighborhood and larger community. Give an example of creative or critical ideas you contributed to a project or program.

See Above

3. Please explain how you keep informed and aware of the community's diverse needs and priorities. Give an example of tactics you use to communicate effectively with others.

See Above

4. Please summarize relevant experience working with people of varied backgrounds and under-represented groups. Include an example of project or program that required you to engage with others collaboratively.

Over 30 years as a neighborhood activist

Applications are due at 5 p.m. Friday, September 28, 2012. They should be submitted with a letter from the neighborhood association introducing the individual as its nominee. Send or deliver to Karen Blauer at Metro by US mail (600 NE Grand Ave., Portland, OR 97232), by fax (503-797-1849), or by email (karen.blauer@oregonmetro.gov).



Northwest District Association

2012-2013

President

Ron Walters

1st Vice President

Phil Selinger

2nd Vice President

Juliet Hyams

Secretary

Mary Ann Pastene

Treasurer

Steve Pinger

Board Members

Mark Bell

Tavo Cruz

Don Genasci

Casey Murray

Josh Olsen

Gail Shibley

Kathy Sharp

Caroline Skinner

Bill Welch

Wayne Wirta

September 20, 2012

Karen Blauer

Metro

600 NE Grand Ave.

Portland, OR 97232

Dear Ms. Blauer:

On September 17, 2012, the NWDA Board of Directors unanimously voted to affirm Caroline Skinner as a candidate to serve on the Metro Central Enhancement Committee. Caroline is a long-time member of NWDA's Air Quality Committee and has more recently been elected to serve on our Board of Directors. She is thoughtful, judicious, well spoken, and well liked. I am confident she would be an outstanding member of the Committee.

If you have any questions or require additional information, please contact me any time at 503-593-3102 or President@NorthWestDistrictAssociation.com.

Best Regards,

/rw

Ron Walters

NWDA President



Metro

METRO CENTRAL ENHANCEMENT COMMITTEE APPOINTMENT INTEREST FORM

COMMENTS: (this section to be filled out by review panel)

INFORMATION

NAME: *caroline Skinner* NEIGHBORHOOD: *NWOA/portland*
 HOME ADDRESS: *2420 NW Guimbystreet*
 STREET *Apt 14* CITY *Portland* STATE *OR* ZIP *97210*
 BUSINESS ADDRESS: *Hanna Andersson corp*
 STREET *1010 NW Flanders St* CITY *portland* STATE *OR* ZIP *97209*
 HOME PHONE: *(503) 248-9719* BUSINESS PHONE: *- N/A*
 CELL PHONE: *- NONE*
 E-MAIL: *CA04321 @earthlink.net*

Metro strives for membership on its committee that reflects the diversity of the Northwest and North Portland community. THE FOLLOWING INFORMATION IS VOLUNTARY:

GENDER: *F* ETHNIC ORIGIN: *caucasian*

EDUCATION:

SCHOOL (include high school)	LOCATION	MAJOR OR DEGREE
<i>walter johnson HS</i>	<i>Bethesda, MD</i>	<i>class of 1974</i>
<i>PSU</i>	<i>portland, OR</i>	<i>BA 1982</i>

1. Please describe your leadership style and strengths (e.g., visionary, organizer, analyzer, connector, other) and related qualifications you would contribute to this public service appointment (e.g., project management, accounting, mediation, public relations, other). Why would others describe you as a respected community leader?

I am a generalist and a connector. I am also a good idea-person. I like to brainstorm and problem-solve. I work in customer service (25 years) and manage 32-unit apartment building in NW.

2. Please list relevant experience serving the community that demonstrates your knowledge of the interests, assets and needs of the neighborhood and larger community. Give an example of creative or critical ideas you contributed to a project or program.

For two years I was grants co-ordinator for Hanna Andersson Children's Foundation. Also as co-ordinator of non-monetary donations now, I contact local non-profit groups to arrange pick-up of donations of children's clothing. I am founder of Nob Hill Native Park / St Helens.

3. Please explain how you keep informed and aware of the community's diverse needs and priorities. Give an example of tactics you use to communicate effectively with others.

As board member of Rachel's friends Breast cancer Coalition, I help organize a semi-annual free public health program, in spring and fall. I also helped with PR and outreach for friends of Baltimore Woods events, by contacting local media. I also contribute short articles to news letters from time to time.

4. Please summarize relevant experience working with people of varied backgrounds and under-represented groups. Include an example of project or program that required you to engage with others collaboratively.

I have been a very active volunteer with Friends of Baltimore Woods, in St Johns, OR. I have helped with used book sale, native plant sale and Separe event, attended by approx 150 volunteers in July 2012. Also worked with other members to plan events. Also co-ordinator of friends of BW quarterly "e" news.

Applications are due at 5 p.m. Friday, September 28, 2012. They should be submitted with a letter from the neighborhood association introducing the individual as its nominee. Send or deliver to Karen Blauer at Metro by US mail (600 NE Grand Ave., Portland, OR 97232), by fax (503-797-1849), or by email (karen.blauer@oregonmetro.gov).

Thank you, Caroline Sam

Agenda Item No. 4.1

Ordinance No. 12-1287, For the Purpose of Amending Metro
Code Section 4.01.050(a) Relating to Zoo Admission Fees,
Effective February 1, 2013.

Ordinances – First Reading

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO) ORDINANCE NO. 12-1287
CODE SECTION 4.01.050(a) RELATING TO ZOO)
ADMISSION FEES, EFFECTIVE FEBRUARY 1,) Introduced by Martha Bennett, Chief
2013) Operating Officer, with the Concurrence of
) Council President Tom Hughes

WHEREAS, the Oregon Zoo periodically increases admission charges to keep pace with operating costs;
and

WHEREAS, the Oregon Zoo admission fees have not been increased since June 1, 2009;

WHEREAS, to help to balance the zoo's operating budget, on June 21, 2012, via Resolution 12-1274A, the Metro Council adopted Metro's fiscal year 2012-13 budget, assuming a \$1.00 increase in Zoo admission fees, said increase to take effect in 2013, now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That Metro Code Section 4.01.050(a) Admission Fees - Regular Fee Schedule, is amended to read as follows:

"4.01.050 Admission Fees and Policies

(a) Regular Fee Schedule

Adult (12 years and over)	\$10.25	<u>\$11.25</u>
Youth (3 years through 11 years)	\$7.25	<u>\$8.25</u>
Child (2 years and younger)	Free	
Senior Citizen (65 years and over)	\$8.75	<u>\$9.75</u> "

2. All other provisions of Metro Code Section 4.01.050 Admission Fees and Policies remain the same.
3. The amendment to Metro Code Section 4.01.050(a) Admission Fees - Regular Fee Schedule, takes effect February 1, 2013.

ADOPTED by the Metro Council this _____ day of October 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Regional Engagement
Coordinator

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 12-1287, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 4.01.050(a) ADMISSION FEES, EFFECTIVE FEBRUARY 1, 2013

Date: August 28, 2012

Prepared by: Ivan Ratcliff (503) 525-4232

BACKGROUND

The purpose of this ordinance is to amend Metro code section 4.01.050(a) to increase admission fees by \$1.00, effective February 1, 2013. The last increase of \$.75 to the zoo admission fee was effective June 1, 2009.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** Metro Code Section 4.01.050(a) "Admission Fees and Policies" sets Zoo admission fees and identifies policies on Zoo admission, and requires the Zoo to request an amendment to the Metro Code to increase admission fees. Metro Code Section 4.01.050(b) "Conservation Admission Surcharge" adds a twenty-five cent (\$0.25) surcharge to each regular paid admission, dedicated to the funding of Oregon Zoo conservation initiatives.
- 3. Anticipated Effects:** The \$1.00 fee increase proposed for February 1, 2013, would bring the adult admission rate to \$11.25. This rate is the lowest of comparable facilities on the west coast and considerably lower than the two other Association of Zoos & Aquariums accredited facilities in Oregon. In addition, a recent rate study performed by an external consultant reported that Oregon Zoo admission rates are 15 to 20 percent below the average admission price of other west coast zoos. The zoo last increased admission rates effective June 2009. Applying the Portland/Salem Consumer Price Index increase of 6.84 percent from that date through June 2012 supports an admission price increase to maintain the zoo's ability to generate sufficient revenue to support increasing operating costs.

Community Tuesday admissions of \$4.00, offered the second Tuesday of every month, and periodic free zoo admission days are well attended, and offer opportunities to guests that might otherwise not be able to visit the zoo as frequently. The zoo's \$3.00 school group participant admission fee is not changing and encourages student visits.

West Coast Zoos, Aquariums & Attractions	Location	Adult Admission
Oregon Museum of Science and Industry	Portland, OR	\$12.00
Oregon Coast Aquarium *	Newport, OR	\$18.95
Wildlife Safari *	Winston, OR	\$17.99
Woodland Park Zoo	Seattle, WA	\$17.75
Point Defiance Zoo	Tacoma, WA	\$16.00
San Francisco Zoo	San Francisco, CA	\$15.00
Los Angeles Zoo	Los Angeles, CA	\$16.00
Sacramento Zoo	Sacramento, CA	\$11.25
Average		\$15.62
Oregon Zoo Proposed Fee as February 1, 2013		\$11.25

* The only other Association of Zoos & Aquariums accredited facilities in Oregon.
The admission fee structure is proposed as follows:

<u>Category</u>	<u>Current</u>	<u>Proposed</u>	<u>Increase</u>
Adult	\$10.25	\$11.25	\$1.00
Child	\$7.25	\$8.25	\$1.00
Senior	\$8.75	\$9.75	\$1.00

The actual admission price at the gate will be \$11.50, \$8.50 and \$10.00, as a result of the addition of the Conservation Admission Surcharge.

4. **Budget Impacts:** The additional revenue generated by the admission fee increases is estimated at \$271,000 for February to June 2013. The fiscal year 2012-13 adopted budget assumes a \$1.00 fee increase and this revenue will help to balance the zoo's operating budget.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of this Ordinance.

Ordinance No. 12-1291, For the Purpose of Amending the FY
2012-13 Budget and Appropriations Schedule to Provide
Funding for Land Use Application Planning and Design Steps
Needed for a Publically Accessible Tualatin River Canoe Launch
at the River Road Natural Area Location.

Ordinances – First Reading

Metro Council Meeting
Thursday, Oct. 11, 2012
Metro, Council Chamber

BEFORE THE METRO COUNCIL

AMENDING THE FY 2012-13 BUDGET AND	)	ORDINANCE NO. 12-1291
APPROPRIATIONS SCHEDULE TO PROVIDE)	
FUNDING FOR LAND USE APPLICATION	)	Introduced by Councilor Carl Hosticka, with
PLANNING AND DESIGN STEPS NEEDED FOR	)	the concurrence of Council President Tom
A PUBLICLY ACCESSIBLE TUALATIN RIVER	)	Hughes
CANOE LAUNCH AT THE RIVER ROAD)	
NATURAL AREA LOCATION)	

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2012-13 Budget; and

WHEREAS, the need for the increase of appropriation has been justified; and

WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. That the FY 2012-13 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of providing funding for land use application planning and design steps needed for a publicly accessible Tualatin River canoe launch at the River Road Natural Area location.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____ 2012.

Tom Hughes, Council President

Attest:

Approved as to Form:

Kelsey Newell, Recording Secretary

Alison Kean Campbell, Metro Attorney

Exhibit A
Ordinance No. 12-1291

		<u>Current</u>		<u>Revision</u>		<u>Amended</u>	
		<u>Budget</u>		<u>Budget</u>		<u>Budget</u>	
ACCT	DESCRIPTION	FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
Sustainability Center							
Total Personnel Services		25.90	\$2,832,466	0.00	\$0	25.90	\$2,832,466
<u>Materials & Services</u>							
GOODS	Goods						
5201	Office Supplies		29,755		0		29,755
5205	Operating Supplies		24,219		0		24,219
5210	Subscriptions and Dues		2,180		0		2,180
5214	Fuels and Lubricants		2,200		0		2,200
5215	Maintenance & Repairs Supplies		10,642		0		10,642
SVCS	Services						
5240	Contracted Professional Svcs		241,299		60,000		301,299
5246	Sponsorships		6,000		0		6,000
5250	Contracted Property Services		798,063		0		798,063
5251	Utility Services		9,326		0		9,326
5260	Maintenance & Repair Services		4,258		0		4,258
5265	Rentals		856		0		856
5280	Other Purchased Services		193,226		0		193,226
IGEXP	Intergov't Expenditures						
5300	Payments to Other Agencies		57,516		0		57,516
5310	Taxes (Non-Payroll)		2,253		0		2,253
OTHEXP	Other Expenditures						
5450	Travel		4,957		0		4,957
5455	Staff Development		15,946		0		15,946
Total Materials & Services			\$1,402,696		\$60,000		\$1,462,696
Total Capital Outlay			\$25,500		\$0		\$25,500
TOTAL REQUIREMENTS		25.90	\$4,260,662	0.00	\$60,000	25.90	\$4,320,662

Exhibit A
Ordinance No. 12-1291

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
General Fund							
General Expenses							
Total Interfund Transfers			\$7,721,525		\$0		\$7,721,525
<u>Contingency & Unappropriated Balance</u>							
CONT	Contingency						
5999	Contingency						
	* Contingency		3,159,375		0		3,159,375
	* Opportunity Account		266,100		(60,000)		206,100
UNAPP	Unappropriated Fund Balance						
5990	Unappropriated Fund Balance						
	* Stabilization Reserve		2,430,861		0		2,430,861
	* PERS Reserve		4,613,474		0		4,613,474
	* Reserve for Future One-Time Expenditures		1,758,931		0		1,758,931
	* Reserved for Community Invest. Initiative		393,000		0		393,000
	* Reserved for Local Gov't Grants (CET)		2,128,369		0		2,128,369
	* Reserved for Cost Allocation Adjustments		382,035		0		382,035
	* Reserved for Future Planning Needs		60,372		0		60,372
	* Reserved for Metro Export Initiative		50,000		0		50,000
	* Reserved for Capital		26,000		0		26,000
	* Reserved for Web Project		225,005		0		225,005
	* Reserve for Future Debt Service		639,414		0		639,414
Total Contingency & Unappropriated Balance			\$16,132,936		(\$60,000)		\$16,072,936
TOTAL REQUIREMENTS		450.63	\$109,974,959	0.00	\$0	450.63	\$109,974,959

Exhibit B
Ordinance 12-1291
Schedule of Appropriations

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Revised</u> <u>Appropriation</u>
GENERAL FUND			
Communications	2,632,943	0	2,632,943
Council Office	3,964,829	0	3,964,829
Finance & Regulatory Services	4,218,275	0	4,218,275
Human Resources	2,167,032	0	2,167,032
Information Services	3,640,353	0	3,640,353
Metro Auditor	708,748	0	708,748
Office of Metro Attorney	1,927,172	0	1,927,172
Oregon Zoo	30,862,025	0	30,862,025
Parks & Environmental Services	6,761,825	0	6,761,825
Planning and Development	14,477,196	0	14,477,196
Research Center	3,948,961	0	3,948,961
Sustainability Center	4,260,662	60,000	4,320,662
Special Appropriations	4,896,187	0	4,896,187
Non-Departmental			
Debt Service	1,654,290	0	1,654,290
Interfund Transfers	7,721,525	0	7,721,525
Contingency	3,425,475	(60,000)	3,365,475
<i>Total Appropriations</i>	97,267,498	0	97,267,498
Unappropriated Balance	12,707,461	0	12,707,461
Total Fund Requirements	\$109,974,959	\$0	\$109,974,959

All other appropriations remain as previously adopted

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2012-13 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FUNDING FOR LAND USE APPLICATION PLANNING AND DESIGN STEPS NEEDED FOR A PUBLICLY ACCESSIBLE TUALATIN RIVER CANOE LAUNCH AT THE RIVER ROAD NATURAL AREA LOCATION

Date: September 26, 2012

Prepared by: Kathy Rutkowski 503-797-1630

BACKGROUND

During the FY 2011-12 annual budget development and review process, the Metro Council approved a budget amendment for \$100,000 from the Council Opportunity Account that provided funding to begin the first phase of an effort to plan and design the Tualatin River Water Trail. With those funds, Metro analyzed the feasibility of five potential public access sites; convened an advisory team; conducted public outreach; selected the River Road Natural Area site; and completed engineering, topographic, wetlands, and other analyses needed to pursue Washington County approval for a land use application. Since approval of the 2011-12 budget amendment, Metro is proceeding with the Pohlpetter/Martin property, a parcel north of the River Road Natural Area that will improve the opportunities and reduce the natural resource impacts of the canoe launch site. This proposed 2012-13 budget amendment would allow Metro to complete planning and design work needed to submit the land use application as well as grant applications for construction funding. A more detailed explanation of the proposal is attached to this staff report.

This action requests the transfer of an additional \$60,000 from the Council Opportunity Account to the Sustainability Center to complete the planning and design work anticipated in the attached proposal.

ANALYSIS/INFORMATION

1. **Known Opposition:** None known
2. **Legal Antecedents:** ORS 294.463 provides for transfers of appropriations within a fund, including transfers from contingency, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction.
3. **Anticipated Effects:** This action provides funding to complete planning and design work needed to submit the land use application and grant applications for construction funding.
4. **Budget Impacts:** This action requests the transfer of \$60,000 from the Council Opportunity Account in the General Fund contingency to the Sustainability Center appropriation. If approved, the remaining balance in the Opportunity Fund will be \$206,100.

RECOMMENDED ACTION

Councilor Hosticka recommends adoption of this ordinance.

Attachment 1
Staff Report to Ordinance 12-1291

FY 2012-13 Council Proposals
For Budget Amendment Discussion

Councilor Hosticka #1

Staff Contacts

Katie Shriver (503) 797-1550
Rod Wojtanik (503) 797-1846

Short Title

Land use application planning and design steps needed for a publicly accessible Tualatin River canoe launch at the River Road Natural Area location.

Concise Description

The Tualatin River is an outstanding regional natural resource for both wildlife and the public. Unfortunately, the river has limited public access sites, and few are able to experience its beauty. In 2011, the Metro Council approved a budget amendment that provided funding to begin the first phase of an effort to plan and design the Tualatin River Water Trail. With those funds, Metro analyzed the feasibility of five potential public access sites; convened an advisory team; conducted public outreach; selected the River Road Natural Area site; and completed engineering, topographic, wetlands, and other analyses needed to pursue Washington County approval for a land use application. Since approval of the 2011 budget amendment, Metro is proceeding with the Pohlpetter/Martin property, a parcel north of the River Road Natural Area that will improve the opportunities and reduce the natural resource impacts of the canoe launch site. This proposed 2012 budget amendment would allow Metro to complete planning and design work needed to submit the land use application as well as prepare grant applications for construction funding.

As identified in the 1992 Metropolitan Greenspaces Master Plan, Metro has supported the concept of a “water trail” on the Tualatin River. Through the 1995 Natural Areas bond measure, Metro purchased over 398 acres for habitat restoration and access along the Tualatin. None of this land has been developed for access thus far. Providing an access point to this water trail would offer new recreation opportunities and increase public awareness of water quality issues and wildlife habitat protection.

Currently, there is some access to the river, but it falls short of the Greenspaces Master Plan vision and of the potential of the river. There are boat launch facilities in Tualatin and Tigard that provide access to only four miles of the river; the next access point is twenty-seven miles upstream in Hillsboro at the boat launch at Rood Bridge Park. The stretch of river in between these existing access sites offers a world-class paddling experience, including proximity to the Tualatin River National Refuge as well as several Metro natural area properties.

This budget amendment will complete the final steps needed to provide land use approval for a public access point to the Tualatin River Water Trail from Metro’s River Road Natural Area site.

Objective

The objective of this proposal is to build on the success of the 2011 budget amendment by providing funding needed to complete and submit a land use application to Washington County. With land use approval from Washington County, Metro may apply for a State Local Government Grant through the Oregon Parks and Recreation Department as well as pursue other sources of funding for construction.

Attachment 1
Staff Report to Ordinance 12-1291

The 2011 budget amendment enabled Metro to complete many of the tasks needed to submit land use and grant applications, including mapping, engineering analysis, topographic survey, and invasive plant removal. Before submitting the land use application to Washington County, Metro must complete the following tasks:

1. Site design/design development
2. Geotechnical analysis
3. Drainage hazard area analysis
4. Wetland report
5. Traffic study
6. Right-of-way improvement pre-design
7. Preliminary cost estimate
8. Grading and drainage analysis
9. Farm impact analysis
10. Analysis of adjacent property considered for acquisition
11. Permit application preparation
12. Additional public outreach
13. Additional mapping
14. Permit application fees
15. Prepare grant applications

Fifteen percent of the 2011 budget amendment approved by Council has not yet been used. With these remaining 2011 funds and the funds included in this budget proposal, Metro would be able to complete the remaining tasks listed above.

Schedule:

- Fall 2012: Complete tasks needed to submit land use application to Washington County
- December 2012: Submit land use application to Washington County
- March 2012: Receive Washington County decision on land use application
- April - December 2013: Submit State Local Government Grant and other grant applications

The tasks described above will be completed primarily by consultants with assistance from in-house staff. Staff have established clear milestones and check points to ensure that the project is feasible and that funds are not expended prematurely; they will continue to monitor the project based on these milestones and check points, and they will halt the project if they encounter any major obstacles.

If construction funding is obtained through the State Local Government Grant program or another source, the next phase of the project will begin. It is anticipated that any grant awards would likely be received in FY 2013-14.

Duration (put an 'x' in the appropriate line, for specific length write in the length)

XX One time Specific length: _____ _____ On-going

Attachment 1

Staff Report to Ordinance 12-1291

Cost Estimate

The budget for the above scope of work is \$75,000. \$15,000 remains from the budget amendment the Council approved in 2011. Therefore, this proposal requests \$60,000 to complete the scope of work. Metro's Sustainability Center can incorporate the role of a project manager into their annual work plan. This proposal will not generate revenue.

Funding Options

Funding of the \$60,000 should be made available from the Council Opportunity Fund.

Relationship to other programs

Development of a publicly accessible launch site on the Tualatin River would advance the Water Trail as well as several other initiatives and programs. This proposal complements Metro's ongoing commitments to the development of a water trail on the Tualatin River as originally envisioned in the 1992 Metro Greenspaces Master Plan. The Master Plan indicated, "Metro and cooperators in the Greenspaces program will...promote access to river systems for recreation, education and enjoyment of these regional resources by the public in a manner consistent with protection of natural resource values."

In addition to the 1995 Natural Areas Bond discussed previously, the 2006 Natural Areas Program (Resolution 07-3849) formally allowed Metro to make acquisitions for the Tualatin River Trail. Tier 1 objectives for the Tualatin River Greenway include, "Protect(ing) natural areas adjacent to existing public lands to provide public access and improve wildlife habitat protection."

This budget amendment also directly supports two of the six desired outcomes for the region adopted by the Metro Council. One outcome this proposal aligns with is making Vibrant Communities by providing recreational opportunities and access to nature to enhance the health and quality of life for people. The other desired outcome this proposal aligns with is ensuring Clean Air and Water by protecting and enhancing the region's natural assets.

This budget proposal would also support the vision of The Intertwine Alliance by creating additional opportunities for residents to connect with nature and recreate within proximity of the metropolitan region.

Stakeholders

One of the primary stakeholders for this proposal is the Tualatin Riverkeepers (Riverkeepers), a nonprofit organization working to protect and restore the Tualatin River. The Riverkeepers have been a strong partner with Metro in the past, and their support continues. They, along with their hundreds of volunteers, have worked to restore over 200 acres of floodplain along the Tualatin, thus improving water quality, reducing flooding, and improving habitat for fish and wildlife. The Riverkeepers aspire to have a launch facility every five miles along the river, and this budget proposal aligns with their goals. The Riverkeepers are committed partners on this project and will help solicit funding through grant applications and other requests for financial support.

Other stakeholders include Washington County, the City of Tualatin, the City of Tigard, the City of Hillsboro, Oregon Parks and Recreation, Oregon Department of Fish and Wildlife, the State Marine Board, Clean Water Services, the Westside Economic Alliance, Washington County Visitors Association, and the U.S. Fish and Wildlife Service. The positive effects of this proposal would be felt by residents throughout the region who would have greater opportunities for direct access to nature and world-class public paddling opportunities.

Materials following this page were distributed at the meeting.



Metro | Agenda

REVISED, 10/9

Meeting: Metro Council
Date: Thursday, Oct. 11, 2012
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATION

3. CONSENT AGENDA

- 3.1 Consideration of the Minutes for Oct. 4, 2012
- 3.2 **Resolution No. 12-4369**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to Recology Oregon Material Recovery, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste from the Suttle Road Recovery Facility to NW Greenlands Composting Facility Located in Aumsville, Oregon.
- 3.3 **Resolution No. 12-4370**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Non-System License to New Earth Farm for Delivery of Source-Separated Food Waste to its Processing Facility Located in Washington County, Oregon.
- 3.4 **Resolution No. 12-4371**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Epsilon Portland, Inc. for Delivery of Industrial Solid Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.
- 3.5 **Resolution No. 12-4372**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License Jointly to Willamette Resources, Inc. and Allied Waste of Clackamas County and Washington Counties for Delivery of Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon.
- 3.6 **Resolution No. 12-4381**, For the Purpose of Confirming the Reappointment of Michael (Kipp) Baratoff to the Investment Advisory Board.
- 3.7 **Resolution No. 12-4368**, For the Purpose of Confirming the Appointments of Andrew Deveux, Les Blaize and Caroline Skinner and the Reappointment of Mr. Frank "Haze" Moss to the Metro Central Station Community Enhancement Committee (MCSCEC).
- 3.8 **Resolution No. 12-4382**, For the Purpose of Confirming the Council President's Appointment of Ray Leary to the Metropolitan Exposition Recreation Commission.

4. ORDINANCES – FIRST READ

- 4.1 **Ordinance No. 12-1287**, For the Purpose of Amending Metro Code Section 4.01.050(a) Relating to Zoo Admission Fees, Effective February 1, 2013.

Continued on back...

- 4.2 **Ordinance No. 12-1291**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule to Provide Funding for Land Use Application Planning and Design Steps Needed for a Publically Accessible Tualatin River Canoe Launch at the River Road Natural Area Location.

5. **CHIEF OPERATING OFFICER COMMUNICATION**

6. **COUNCILOR COMMUNICATION**

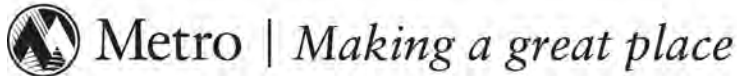
ADJOURN

Television schedule for Oct. 11, 2012 Metro Council meeting

Clackamas, Multnomah and Washington counties, and Vancouver, WA Channel 30 – Community Access Network <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Thursday, Oct. 11	Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, Oct. 14, 7:30 p.m. <i>Date:</i> Monday, Oct. 15, 9 a.m.
Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, Oct. 15, 2 p.m.	Washington County Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Saturday, Oct. 13, 11 p.m. <i>Date:</i> Sunday, Oct. 14, 11 p.m. <i>Date:</i> Tuesday, Oct. 16, 6 a.m. <i>Date:</i> Wednesday, Oct. 17, 4 p.m.
Oregon City, Gladstone Channel 28 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.	West Linn Channel 30 – Willamette Falls Television <i>Web site:</i> http://www.wftvmedia.org/ <i>Ph:</i> 503-650-0275 Call or visit web site for program times.

PLEASE NOTE: Show times are tentative and in some cases the entire meeting may not be shown due to length. Call or check your community access station web site to confirm program times.

Agenda items may not be considered in the exact order. For questions about the agenda, call the Metro Council Office at 503-797-1540. Public hearings are held on all ordinances second read. Documents for the record must be submitted to the Regional Engagement Coordinator to be included in the decision record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement Coordinator. For additional information about testifying before the Metro Council please go to the Metro web site www.oregonmetro.gov and click on public comment opportunities. For assistance per the American Disabilities Act (ADA), dial TDD 503-797-1804 or 503-797-1540 (Council Office).



METRO COUNCIL MEETING

Meeting Summary

Oct. 4, 2012

Metro, Council Chamber

Councilors Present: Council President Tom Hughes and Councilors Barbara Roberts, Carl Hosticka, Kathryn Harrington, Carlotta Collette and Shirley Craddick

Councilors Excused: Councilor Rex Burkholder

Councilor Carl Hosticka convened the regular council meeting at 2:05 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

Mark Sherman, Portland: Mr. Sherman addressed the Council on the Oregon Convention Center hotel project. He stated that he asked an event planner why he would not book a convention in Portland and indicated the response was because Portland is a tier two city. However, he stated that the event planner would consider Portland if he received a \$50,000 subsidy. Mr. Sherman believed this was less than what Hyatt was requesting and could provide a better bang for the buck. He also stated that he spoke with members of the business community and stated that they do not see any conference business. He shared his calculations on what it would take (e.g. number of conferences, guests, room rates) in order to break even. He encouraged the Council to consider other options to encourage business in Portland that would not cost \$4 to \$5 million per year.

Councilors asked Mr. Sherman to follow-up with more information and share his calculations in writing.

3. CONSIDERATION OF THE MINUTES FOR SEPT. 20, 2012

Motion:	Councilor Barbara Roberts moved to approve the minutes for Sept. 20, 2012.
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Vote:	Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. (Council President Hughes was excused for the vote.) The vote was 5 ayes, the motion <u>passed</u> .
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4. ORDINANCES - FIRST READ

- 4.1 **Ordinance No. 12-1284**, For the Purpose of Amending the Employment and Industrial Areas Map of Title 4 of the Urban Growth Management Functional Plan to Reflect Existing Uses and Zoning and Public Purchases.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 18. Councilor Craddick was assigned carrier for the legislation.

- 4.2 **Ordinance No. 12-1290**, For the Purpose of Amending the Employment and Industrial Areas Map of Title 4 of the Urban Growth Management Functional Plan Upon Application by City of Troutdale.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 18. Councilor Craddick was assigned carrier for the legislation.

- 4.3 **Ordinance No. 12-1288**, For the Purpose of Amending the Employment and Industrial Areas Map of Title 4 of the Urban Growth Management Functional Plan to Upon Application by City of Happy Valley.

Second read, public hearing and Council consideration and vote are scheduled for Oct. 18. Councilor Craddick was assigned carrier for the legislation.

5. **ORDINANCES – SECOND READ**

- 5.1 **Ordinance No. 12-1286**, For the Purpose of Repealing and Replacing Metro Code Title X, Chapter 10.04 Pioneer Cemeteries.

Motion:	Councilor Roberts moved to approve Ordinance No. 12-1286.
Second:	Councilor Kathryn Harrington seconded the motion.

Councilor Roberts introduced Ordinance No. 12-1286. Councilor Roberts stated that the proposed Metro Code changes have been long in the making and that staff conducted diligent research in best practices and policy considerations in the industry. She stated that not only would the changes lay the foundation of governance, but also provide direction and clarity on the rules and regulations for Metro's customers. She stated that the proposed changes were customer focused. Vague language has been clarified, or cemetery specific language has been added, to the proposed code changes to reflect what is commonly found in similar operations. Councilor Roberts stated that the ordinance, if approved, would replace the existing code language by giving clear guiding principles that allow for exceptions to maintain flexibility for Metro customers and serve in the best interest of the cemeteries.

Councilor Roberts welcomed Metro staff Rachel Fox and Mr. David Noble of Metro's Cemetery Advisory Committee. Mr. Noble, the Executive Director of the Riverview Cemetery, expressed his support for the ordinance and stated that the proposed changes are sensitive to Metro's customers while being consistent with industry practices. He stated that the changes are necessary for the long term and responsible care of the cemetery properties. He highlighted a few reasons why he was in support of the ordinance such as new code language that sets conditions for contractors, addresses and clarifies cemetery rules, and adds the names and locations of Metro's cemeteries. Ms. Fox overviewed the actions Metro has taken to ensure the cemeteries are managed professionally and respectfully such as operational improvements (i.e. Metro's recordkeeping), formation of an advisory committee, raising fees, and recent committee member tour of Metro's cemeteries.

Council President Hughes opened a public hearing on Ordinance No. 12-1286. Seeing no citizens who wished to testify, the public hearing was closed.

Council thanked Ms. Fox and complimented staff on their hard work, professionalism, and great customer service. Councilors also thanked Mr. Noble and committee members for their service on the advisory committee.

Vote:	Council President Hughes and Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 in favor, the motion <u>passed</u> .
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5.2 **Ordinance No. 12-1289**, For the Purpose of Amending the FY 2012-13 Budget and Appropriations Schedule for Compliance with Title VI the Civil Rights Act of 1964.

Motion:	Councilor Harrington moved to approve Ordinance No. 12-1289.
Second:	Councilor Carlotta Collette seconded the motion.

Councilor Harrington introduced Ordinance No. 12-1289. Councilor Harrington stated that appreciating diversity and promoting an atmosphere of equality by treating all people with respect is one of Metro's core values. She emphasized that the agency can demonstrate this value by working to ensure that all residents can fully participate in Metro's decision-making processes. As a recipient of federal funds, Metro is required to comply with Title VI of the Civil Rights Act, which ensures that public funds avoid subsidizing or result in discrimination based on race, color or national origin (including limited English proficiency). Councilor Harrington highlighted current efforts already underway to engage diverse groups, such as the Regional Flexible Funds environmental justice work group, the Regional Travel Options and Kaiser ¡Vámonos! program, and upcoming Council review and consideration of a budget amendment to begin a process to develop an agency-specific equity strategy.

Councilor Harrington stated that – based on federal approval of Metro's Title VI and LEP plans – approval of Ordinance No. 12-1289 would secure additional resources necessary to complete the work plan, including gathering demographic data, conducting outreach, and providing notification and language assistance.

Council President Hughes opened a public hearing on Ordinance No. 12-1289. Seeing no citizens who wished to testify, the public hearing was closed.

Vote:	Council President Hughes and Councilors Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 in favor, the motion <u>passed</u> .
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Council President Hughes welcomed the testimony of one citizen who wished to speak after the Council's formal action:

- Evelyn Murray, Conflict Diamond: Ms. Murray addressed the Council on development in the Gresham area and the city's local African-American community. She emphasized that Gresham lacks development and stated that this too is a language and communication issue. She stated that the local residents don't have power and emphasized that Metro Councilor are their leaders.

Councilors highlighted other programs Metro has instituted to better engage the community such as Opt In and the Public Engagement Review Committee.

6. **RESOLUTIONS**

- 6.1 **Resolution No. 12-4373**, For the Purpose of Authorizing the Chief Operating Officer to Dedicate Right-of-Way at Glendoveer Golf Course to the City of Portland.

Motion:	Councilor Shirley Craddick moved to approve Resolution No. 12-4373.
Second:	Councilor Harrington seconded the motion.

Councilor Craddick asked Metro staff Lydia Neil to introduce Resolution No. 12-4373. The resolution if approved would authorize the Metro COO to dedicate right-of-way at Glendoveer Golf Course to the City of Portland. Ms. Neill stated that the City has requested the small right-of-way be dedicated in order to complete a set of sidewalk and accessibility improvements at the corner of 148th and Gilsan Street. While the City does not plan to improve the full street, Ms. Neill stated that the improvements would help fill gaps in the sidewalk along the property. She indicated that the proposed improvements would provide better pedestrian access between the surrounding neighborhood and walking trail that fronts the golf course. She stated that the project provides a great partnership opportunity with the City.

Council asked clarifying questions about the difference between an easement and a dedication. Legal counsel clarified that a dedication is granted to, and then accepted by, another public entity. A dedication does not go through a formal easement request process and does not have the same normal laws of an easement. The entity that accepts the dedication also accepts all liabilities and duties.

Vote:	Council President Hughes and Councilor Roberts, Hosticka, Craddick, Collette and Harrington voted in support of the motion. The vote was 6 in favor, the motion <u>passed</u> .
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7. **CHIEF OPERATING OFFICER COMMUNICATION**

Ms. Martha Bennett reminded Council that there is Metro agency all staff meeting scheduled for Wed., Oct. 10. Additionally, she announced that Councilor Roberts received the lifetime achievement award from the Center of Women, Politics and Policy.

8. **COUNCILOR COMMUNICATION**

Councilor updates included the recent Zoo Bond Arts Committee meeting, Active Transportation Executive Council meeting, Regional Lands Development Ready forum, Gresham Chamber of Commerce Economic Summit, Metropolitan Coordinating Council, a meeting with Commissioner Fish regarding natural areas, and recent visiting delegations from China, and New South Wales, Australia. Highlighted upcoming meetings or events included the Clackamas County Coordinating Committee retreat, Metro Policy Advisory Committee meeting, Coalition for a Livable Future's annual summit, Fields Property acquisition celebration, and Savannah Oaks trail opening.

Metro Council Meeting

10/4/12

Page 5

9. ADJOURN

There being no further business, Council President Hughes adjourned the regular meeting at 3:12 p.m. Council will convene the next regular council meeting on Thursday, Oct. 11 at 2 p.m. at the Metro Council Chamber.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'K Newell', is written over a light gray rectangular background.

Kelsey Newell, Regional Engagement and Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCT. 4, 2012

Item	Topic	Doc. Date	Document Description	Doc. Number
	Agenda	10/4/12	Revised 10/4/12 Council agenda	100412c-01
3.0	Minutes	9/20/12	Council summary for 9/20/12	100412c-04

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING	)	RESOLUTION No. 12-4382
THE COUNCIL PRESIDENT'S APPOINTMENT)	
OF RAY LEARY TO THE METROPOLITAN	)	Introduced by Tom Hughes,
EXPOSITION RECREATION COMMISSION	)	Council President

WHEREAS, Section 25(4) of the Metro Charter provides that the Metro Council President shall appoint all Commissioners of Metro Council created Commissions subject to Metro Council confirmation; and

WHEREAS, the Metro Code, Section 6.01.030(a) provides that the Metro Council President shall appoint all members to the Metropolitan Exposition Recreation Commission; and

WHEREAS, the Metro Code, Section 6.01.030(b) provides that the Council President's appointments to the Commission are subject to confirmation by the Metro Council; and

WHEREAS, pursuant to Metro Code, Section 6.01.030(d)(2) the City of Portland has nominated Ellis R. (Ray) Leary as a candidate for membership on the Commission; and

WHEREAS, pursuant to Metro Code, Section 6.01.030(e)(1), the Metro Council President has the authority to concur with the City of Portland's nomination of Mr. Leary or reject it; and

WHEREAS, the Metro Council President has concurred with the City of Portland's nomination of Mr. Leary, and submitted his appointment of Mr. Leary to the Metro Council for confirmation; and

WHEREAS, the Council finds that Ray Leary has the experience and expertise to make a substantial contribution to the Commission's work; now therefore

BE IT RESOLVED, that the Metro Council hereby confirms the Council President's appointment of Ray Leary as a member of the Metropolitan Exposition Recreation Commission, for a four-year term as provided by the Metro Code, beginning on September 26, 2012 and ending September 25, 2016.

ADOPTED by the Metro Council this _____ day of October, 2012.

Tom Hughes, Council President

Approved as to Form:

Alison Kean Campbell, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 12-4382, FOR THE PURPOSE OF CONFIRMING A FOUR-YEAR REAPPOINTMENT OF ELLIS R. LEARY TO THE METROPOLITAN EXPOSITION RECREATION COMMISSION

Date: October 11, 2012

Prepared by: Teri Dresler

BACKGROUND

The Metro Code, Section 6.01.030(a), gives the Metro Council President sole authority to appoint all members of the Metropolitan Exposition Recreation Commission, subject to confirmation by the Council. Section 6.01.030(d)(1) of the Code allows the City of Portland to nominate two candidates for appointment for the Council President's consideration. Under Section 6.01.030(e)(1) of the Metro Code, the Metro Council President has the authority to concur with City's nomination and submit it to the Council for confirmation, or reject it.

Ellis R. Leary's term ended on September 25, 2012. On October 10, 2012, the City of Portland recommended Ellis R. (Ray) Leary as a candidate to continue membership on the Commission. The Council President has concurred with this nomination and accordingly submitted his re-appointment of Ellis R. Leary to the Council for confirmation. If confirmed, Mr. Leary would, pursuant to Metro Code, Section 6.01.030(g) begin his term on September 26, 2012 and ending September 25, 2016.

A copy of Mr. Leary's biography is attached.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None
- 2. Legal Antecedents:** Metro Code as referenced above
- 3. Anticipated Effects:** Reappointment of Mr. Leary in the manner provided by the Metro Code.
- 4. Budget Impacts:** None

RECOMMENDED ACTION

The Council President, Tom Hughes, recommends approval of Resolution 12-4382 to confirm the reappointment of Ellis R. Leary to the Metropolitan Exposition Recreation Commission and to continue serving from September 26, 2012 to September 25, 2016.

Ellis Ray Leary
200 SW Market Street
Suite. 160
Portland, Oregon 97201
ph. 503.478.9808 / fax. 503.478.9809
ERLjr128@cs.com

Ellis "Ray" Leary, 50, is the principal officer of ERL, L.L.C. a local firm specializing in **Urban Real Estate Development, Marketing, and Workforce Development & Training**. Along with Dr. Joy DeGruy Leary, he is co-owner of Leary & Associates, a consulting firm specializing in **Diversity Training and Organizational Development**. He has served as a member of the Portland Oregon Sports Authority Board of Directors, the NAACP, NE Business Assoc., and the Interstate Light Rail Station Assessment Committee.

Mr. Leary joined adidas America in 1994, as manager of the Brand's National Urban Marketing Unit. He was nationally recognized for his efforts, and represented the Brand at numerous tradeshow, seminars and special events. In 1995, he was named Executive Assistant to the President / CEO of adidas America, as well as served as Project Manager for "adidas, The Store on MLK", the Brand's first full line retail store in the United States at MLK Jr. Blvd. and Alberta St.

Prior to joining adidas America, he was Co - Director of Self Enhancement, Inc. a nationally recognized youth program in N/NE Portland. As Executive VP of Development, he was responsible for all fundraising activities, and led the capital campaign to build the \$10m. Center for Self Enhancement, a 60,000 sq. ft. youth facility in north Portland. In 1993, the Public Relations Society of America acknowledged him for his leadership on the capital campaign.

From 1983 to 1987, Mr. Leary served as Director of Development for the Urban League of Portland. He was responsible for all fundraising campaigns, membership drives and special events. In 1984, he re- established the Equal Opportunity Day Dinner, the League' largest annual fundraiser. In July of 1987, he was named Interim President of the Urban League of Portland and served in that capacity until May of 1988.

He is a native of Portland, and was captain of the 1972 State HS Basketball Champions, Jefferson HS. He attended San Diego State University on an athletic scholarship, and graduated with BA in Economics. He is married to Dr. Joy DeGruy Leary, and together with four of their seven children, reside in NE Portland. They have two grandchildren, Nya Nicole, 7 and Nasir, 10 months.

References Upon Request

Ellis Ray Leary

Owner, ERL Development

200 S.W. Market
Portland, Or 97201
503.478.9808 / Fax 503.478.9809
ERLjr128@cs.com

Education:

- | | | |
|-------------|--|------------------------|
| 1968-1972 | Jefferson High School
Captain: 1972 Oregon HS Basketball State Champions | Portland, Ore. |
| 1972 – 1973 | Arizona Western College
➤ Deans List
➤ Athletic Scholarship to San Diego State University | Yuma, Arizona. |
| 1973 – 1979 | San Diego State University
➤ 3 yr. Letterman - Basketball
➤ Captain 1975 – 1976
➤ B.A. Economics 1979 | San Diego, California. |
| 1976 | Lumblau Real Estate School
➤ California State Real Estate License | San Diego, California. |

Professional Experience:

- | | | |
|-------------|--|-------------------|
| 1983 – 1988 | The Urban League of Portland
➤ Executive Assistant to the President/CEO
➤ Director of Development
➤ Interim President | Portland, Oregon. |
| 1988 – 1994 | Self Enhancement, Inc.
➤ Co-Founder
➤ Executive V.P. of Development
➤ Project Manager: Center for Self Enhancement
➤ Director: \$10m Capital Campaign Center for Self Enhancement | Portland, Oregon. |
| 1994 – 2000 | adidas America
➤ Project Manager: adidas Urban Academy
➤ Project Manager: Renovation of Rotary Boys and Girls Club – Seattle
➤ Business Unit Manager: City Unit
➤ Executive Assistant to President/CEO
➤ Project Manager: “adidas The Store on MLK” | Portland, Oregon. |

- Project Manager: Morehouse College/Grambling State University
- Project Manager: Habitat for Humanity

Awards:

Point of Light Foundation – Bush Administration
 Ron Schmidt Award – PRSA Portland Chapter
 Arthur Ashe Award – Port of Tacoma
 National Association of Black Law Enforcement Executives
 America Urban Radio Networks – Atlanta
 NAACP Image Award - Portland
 1996 Grammy Nomination – Songwriter/Producer
 Les Femmes Sorority - Portland
 Hip Hop Hall of Fame Award – New York City
 Community Pride Award – Salvation Army, Portland
 Paul Harris Fellow – Downtown Rotary Club, Portland

Associations and Organizations:

Portland Oregon Sports Authority - Board Member
 N.E. Business Association - Member
 NAACP – Member
 Interstate Station Assessment Committee

Speaking Engagements:

National Association of Neighborhood Crime Prevention Summit
 Washington, D.C.

Footwear Leadership and Marketing Conference
 Tucson, Arizona.

University Of Oregon
 Eugene, Oregon.

N.E. Business Association
 Portland, Oregon.

AURN – Black College All American Weekend
 Atlanta, Georgia.

Urban Bankers Association
 Portland, Oregon.

White House Reception – Community Base Programs
 Washington, D.C.