

MINUTES OF THE METRO COUNCIL MEETING

Thursday, September 18, 2003

Metro Council Chamber

Councilors Present: Rod Park (Deputy Council President) Brian Newman, Rex Burkholder, Carl Hosticka

Councilors Absent: David Bragdon (excused), Susan McLain (excused), Rod Monroe (excused)

Deputy Council President Park convened the Regular Council Meeting at 2:02 p.m. and announced that both Council President Bragdon and Councilor McLain were in Ontario speaking to Land Conservation Development Commission. Councilor Monroe was also excused from the Council meeting.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the September 4, 2003 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the September 4, 2003, Regular Metro Council meeting.
--

Vote:

Councilors Burkholder, Newman, Hosticka and Deputy Council President Park voted in support of the motion. The vote was 4 aye, the motion passed.
--

4. ORDINANCES - SECOND READING

4.1 **Ordinance No. 03-1018**, For the Purpose of Amending Metro Code Chapter 5.01 Regarding Solid Waste Facility Regulation; and Declaring An Emergency. (*Public Hearing only, no final action*)

4.2 **Ordinance No. 03-1019**, For the Purpose of Amending Metro Code Chapter 5.05 Relating to Solid Waste Flow Control; and Declaring an Emergency. (*Public Hearing only, no final action*)

4.3 **Ordinance No. 03-1020**, For the Purpose of Amending Metro Code Chapter 7.01 Regarding Solid Waste Facility Regulation. (*Public Hearing only, no final action*)

Motion:

Councilor Burkholder moved to adopt Ordinance No. 03-1020.
--

Seconded:	Councilor Newman seconded the motion
-----------	--------------------------------------

Deputy Council President Park provided an overview as to why the amendments to the Code were necessary. He gave background on amendments to 5.01, 5.05 and 7.01,m which included:

- New Metro form of government instituted earlier this year
- Executive is no longer independently elected; COO now reports to the Council President and Council
- Under old system nearly all regulatory permitting decisions were made by the Council
- No longer necessary since staff work for the Council through the COO
- Amendments update Code to reflect Council desire to delegate some regulatory decisions

The proposed amendments are intended to:

- Reserve policy-related operating authorization decisions for Council;
- Delegate operating authorization decisions to the COO where policy direction has already been set by the Council;
- Produce efficiencies for legislative and administrative functions; and
- Continue to protect public health and safety in the region.

Decision Framework for 5.01 (facilities located inside Metro) and 5.05 (waste taken outside the district)

1. Council Decisions

- Putrescible waste (involves policy decisions regarding market entry due to potential for impacts on solid waste system, e.g. contracts, rates, public investment.)
- Examples: transfer stations, landfills, hauling wet waste outside of region, and food waste processing

2. COO Decisions

- Dry waste (policy direction already set, i.e., low barrier to market entry for recovery facilities with less impact on the solid waste system)
- Examples: MRFs and yard debris composting

Other changes to 5.01

- Eliminates certificates as regulatory category
- Adds public notice and comment requirement to licenses
- Adds flexibility to application review timeframe and duration of licenses and franchises
- Clarifies that franchise applicants must consider likely effect of proposed operation on the cost to the citizens of the region

Other changes to 5.05

- Non-system licenses. Currently the COO makes all decisions regarding Non-system licenses. Changes proposed to 5.05 make the same distinction for out-of-district facilities as in-district facilities between wet waste (Council decision) and dry waste (COO decision).
- Designated facility agreements (DFAs). Changes to 5.05 would keep Council responsible for adding DFAs to the Code list of DFAs while allowing the COO to execute DFAs for dry waste, special waste and cleanup waste once listed in the Code.
- Source separated food waste, even if destined for composting, would need to obtain an NSL or go to a facility designated to accept such material.

Changes to Excise Tax (Metro Code 7.01)

- Deletes references to “certificates” which are eliminated in 5.01.
- Changes list of facilities exempt from paying excise tax are the same as those exempt from paying regional system fee in 5.01.
-

Deputy Council President Park opened a public hearing.

Mike Huyke, General Manager of Waste Control Systems, Inc (WRI) 10295 SW Ridder Rd, Wilsonville, OR 97070 summarized his written comments (a copy of which is included in the meeting record). Deputy Council President Park talked about a shorten time period. He asked how they would do their planning if the timeline was shortened. Mr. Huyke responded to his question.

Councilor Newman asked Michael Jordan, Chief Operating Officer, for a briefing on flow control authority and tonnage limits. Mr. Jordan said he would be happy to brief them at their Work Session.

Deputy Council President Park asked Dan Cooper, Metro Attorney, about interstate flow control. Mr. Cooper said he would brief the Council on this issue.

Deputy Council President Park closed the public hearing and announced this ordinance would be held over for consideration at the September 25, 2003 Regular Council Meeting.

5. RESOLUTIONS

5.1 **Resolution No. 03-3364**, For the Purpose of Seeking Appointment of Metro and the Joint Policy Advisory Committee on Transportation (JPACT) As an Area Commission on Transportation by the Oregon Transportation Commission.

Motion:	Councilor Burkholder moved to return Resolution No. 03-3364 to JPACT for reconsideration.
Seconded:	Councilor Hosticka seconded the motion

Councilor Burkholder explained why he was requesting this resolution be returned to JPACT. He spoke to the Commission’s concerns about geography and participation of private sector and non-profit entities. There was a need for further work at JPACT.

Vote:	Councilors Newman, Hosticka, Burkholder, and Deputy Council President Park voted in support of the motion. The vote was 4 aye, the motion passed.
-------	---

5.2 **Resolution No. 03-3366**, For the Purpose of Formalizing Budget Assumption Guidelines for Departmental Use in Preparing the Fiscal Year 2004-05 Budget, And Directing the Chief Operating Officer to Advise Council of any Substantive Changes in the Assumptions Prior to the Submission of the Proposed Budget To Council for Public Review.

Motion:	Councilor Burkholder moved to adopt Resolution No. 03-3366.
Seconded:	Councilor Newman seconded the motion

Councilor Burkholder said that this resolution provided a series of assumption to guide staff in building the FY 04-05 budget. He reviewed assumptions included in the resolution. He spoke to the budget process. Councilor Newman asked about election expenses and adding the cost of a referral. Kathy Rutkowski, Budget Manager, said she had increased the amount in that line item. Deputy Council President Park asked if these assumptions would be considered conservative. Mr. Jordan responded that the budgeting and accounting staff was normally conservative. They were conservative estimates.

Vote:

Councilors Newman, Hosticka, Burkholder, and Deputy Council President Park voted in support of the motion. The vote was 4 aye, the motion passed.

6. CHIEF OPERATING OFFICER COMMUNICATION

Mr. Jordan talked about a memo he had received from Richard Brandman, Deputy Director of Planning, concerning an award received by Oregon Chapter of the Planning Association for Public Outreach concerning the Powell Foster Study. He acknowledged staff for their fine work. They now have confirmed dates for Council Retreat in October and November. He thanked Council staff for arranging dates.

Councilor Newman asked about a co-sponsored event, the Harvest Festival. He asked that Mr. Jordan make sure the Council was made aware of these events. Councilor Burkholder said the Howell House was a Metro facility, which was where the Harvest Festival event took place,

7. COUNCILOR COMMUNICATION

Deputy Council President Park introduced Patty Montgomery, Council Support Specialist for Councilors Monroe and Park. Ms. Montgomery said she was happy to be here. Mr. Jordan welcomed Ms. Montgomery.

8. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Park adjourned the meeting at 2:26 p.m.

Prepared by

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF SEPTEMBER
18, 2003**

Item	Topic	Doc Date	Document Description	Doc. Number
5.2	Budget Assumptions	9/18/03	To: Metro Council From: Kathy Rutkowski, Budget Manager, Re: revised Attachment 1 to Resolution No. 03-3366	091803c-01
4.1-4.3	Written Testimony	9/18/03	To: Metro Council From: Mike Huyke, General Manager for WRI, Re: Testimony on Ordinance No. 03-1018, 03-1019 and 03-1020	091803c-02