

 **Metro** | *Agenda*

Meeting: Metro Council
Date: Thursday, November 13, 2014
Time: 2 p.m.
Place: Metro, Council Chamber

CALL TO ORDER AND ROLL CALL

- 1. CITIZEN COMMUNICATION**
- 2. CONSENT AGENDA**
 - 2.1 Resolution No. 14-4579**, For the Purpose of Authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement for Regional Disaster Preparedness Within the Greater Portland Metropolitan Region
 - 2.2 Resolution No. 14-4561**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Recology Portland, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste from Suttle Road Recovery Facility to Recology NW Greenlands in Aumsville, Oregon
 - 2.3 Resolution No. 14-4562**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Waste Management of Oregon, Inc. for Delivery of Putrescible Waste from the Troutdale Transfer Station to the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Riverbend Landfill in Yamhill County, Oregon
 - 2.4 Resolution No. 14-4563**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Arrow Sanitary Service, Inc. for Delivery of Putrescible Waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center Located in Clark County, Washington
 - 2.5 Resolution No. 14-4564**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County, Oregon

- 2.6 **Resolution No. 14-4565**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Crown Point Refuse, Inc. for Delivery and Disposal of Putrescible Waste at the Wasco County Landfill Located in Wasco County, Oregon
- 2.7 **Resolution No. 14-4566**, 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
- 2.8 **Resolution No. 14-4567**, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License Jointly to Willamette Resources, Inc. and Republic Services of Clackamas and Washington Counties for Delivery of Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon
- 2.9 **Resolution No. 14-4568**, For the Purpose of Authorizing the Chief Operating Officer to Issue a New Non-System License to Fujifilms North America Corporation for Delivery of Non-Recoverable Non-Putrescible Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon
- 3.0 Consideration of Council Meeting Minutes for October 30, 2014

4. RESOLUTIONS

- 4.1 **Resolution No. 14-4523**, For the Purpose of Establishing Additional One Percent for Art Program Guidelines for Parks and Natural Areas Projects **Kathleen Brennan-Hunter, Metro**
- 4.2 **Resolution No. 14-4583**, For the Purpose of Endorsing Additional Investments for Restoration and Public Access to Nature **Kathleen Brennan-Hunter, Metro**
- 4.3 **Resolution No. 14-4581**, For the Purpose of Amending the Fiscal Year 2014-15 Budget and Appropriations Schedule to Provide for a Change in Operations **Tim Collier, Metro**

5. CHIEF OPERATING OFFICER COMMUNICATION **Martha Bennett, Metro**

6. COUNCILOR COMMUNICATION

ADJOURN

Television schedule for November 13, 2014 Metro Council meeting

<p>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, November 13, 2:00 p.m.</p>	<p>Portland Channel 30 – Portland Community Media <i>Web site:</i> www.pcmtv.org <i>Ph:</i> 503-288-1515 <i>Date:</i> Sunday, November 16, 7:30 p.m. <i>Date:</i> Monday, November 17, 9 a.m.</p>
<p>Gresham Channel 30 - MCTV <i>Web site:</i> www.metroeast.org <i>Ph:</i> 503-491-7636 <i>Date:</i> Monday, November 17, 2 p.m.</p>	<p>Washington County and West Linn Channel 30– TVC TV <i>Web site:</i> www.tvctv.org <i>Ph:</i> 503-629-8534 <i>Date:</i> Friday, November 14, 12 p.m. <i>Date:</i> Sunday, November 16, 11 p.m.</p>
<p>Oregon City and 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.</p>	

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 and Legislative Coordinator to be included in the meeting record. Documents can be submitted by e-mail, fax or mail or in person to the Regional Engagement and Legislative 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.

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Ogeysiiska takooris la'aanta ee Metro

Metro waxay ixtiraamtaa xuquuqda madaniga. Si aad u heshid macluumaad ku saabsan barnaamijka xuquuqda madaniga ee Metro, ama aad u heshid warqadda ka cabashada takoorista, booqo www.oregonmetro.gov/civilrights. Haddii aad u baahan tahay turjubaan si aad uga qaybqaadatid kullaan dadweyne, wac 503-797-1700 (8 gallinka hore illaa 5 gallinka dambe maalmaha shaqada) shan maalmo shaqa ka hor kullanka si loo tixgaliyo codsashadaada.

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សេចក្តីជូនដំណឹងអំពីការមិនរើសអើងរបស់ Metro

ការគោរពសិទ្ធិពលរដ្ឋរបស់ ។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលបានក្បួនលក្ខណ៍រើសអើងសូមចូលទស្សនាការប្រកាស www.oregonmetro.gov/civilrights។
បើលោកអ្នកត្រូវការការបកប្រែភាសានៅពេលអង្គប្រជុំសាធារណៈ សូមទូរស័ព្ទលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រួលតាមសំណើរបស់លោកអ្នក ។

إشعار بعدم التمييز من Metro

تحتزم Metro الحقوق المدنية. للمزيد من المعلومات حول برنامج Metro للحقوق المدنية أو لإبداء شكوى ضد التمييز، يرجى زيارة الموقع الإلكتروني www.oregonmetro.gov/civilrights. إن كنت بحاجة إلى مساعدة في اللغة، يجب عليك الاتصال مقدماً برقم الهاتف 503-797-1700 (من الساعة 8 صباحاً حتى الساعة 5 مساءً، أيام الاثنين إلى الجمعة) قبل خمسة (5) أيام عمل من موعد الاجتماع.

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Notificación de no discriminación de Metro

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Metro txoj kev ntxub ntxaug daim ntawv ceeb toom

Metro tributes cai. Rau cov lus qhia txog Metro txoj cai kev pab, los yog kom sau ib daim ntawv tsis txaus siab, mus saib www.oregonmetro.gov/civilrights. Yog hais tias koj xav tau lus kev pab, hu rau 503-797-1700 (8 teev sawv ntxov txog 5 teev tsaus ntuj weekdays) 5 hnub ua hauj lw m ua ntej ntawm lub rooj sib tham.

Agenda Item No. 2.1

Resolution No. 14-4579, For the Purpose of Authorizing the
Chief Operating Officer to Execute an Intergovernmental
Agreement for Regional Disaster Preparedness Within the
Greater Portland Metropolitan Region

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF Authorizing the Chief) RESOLUTION NO. 14-4579
Operating Officer to Execute an Intergovernmental)
Agreement For Regional Disaster Preparedness) Introduced by Chief Operating Officer Martha
Within the Greater Portland Metropolitan Region) Bennett in concurrence with Council
President Tom Hughes

WHEREAS, Metro recognizes the need for coordinated regional disaster preparedness, response and recovery; and

WHEREAS, in 1993 the Metro Council adopted Resolution No. 93-1856, to approve the Regional Emergency Management Workplan and to enter into an intergovernmental agreement to form the Regional Emergency Management Group (“REMG”); and

WHEREAS, the purpose of the REMG was to make policy and strategic decisions related to emergency management in the region; and

WHEREAS, a key part of Metro’s primary role in emergency management is managing the development and implementation of the regional disaster debris management plan; and

WHEREAS, in 1997 the Metro Council adopted Ordinance No. 97-673, to adopt a Regional Disaster Debris Management Plan and to incorporate the plan into the Regional Solid Waste Management Plan; and

WHEREAS, Metro continues to be involved in debris management projects, conducted under federal grants provided under the Urban Areas Strategic Initiative (“UASI”); and

WHEREAS, the Regional Disaster Preparedness Organization (“RDPO”) is the all-hazards organization created in the five-county Portland metropolitan region through a merger of the former REMG and UASI; and

WHEREAS, the RDPO identified Regional Disaster Debris Management Planning as a regional priority; and

WHEREAS, the RDPO intergovernmental agreement formalizes the organization created through a merger of REMG and UASI; now therefore

BE IT RESOLVED that the Metro Council authorized the Chief Operating Officer to enter into the RDPO intergovernmental agreement.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 4579 FOR THE PURPOSE OF Authorizing the Chief Operating Officer to Execute an Intergovernmental Agreement For Regional Disaster Preparedness Within the Greater Portland Metropolitan Region

October 30th, 2014

Prepared by: Scott Robinson
503-797-1605

Adoption of Resolution No. 14-4579 would result in the Council approving Metro Chief Operating Officer to execute and enter into the Intergovernmental Agreement for Regional Disaster Preparedness Within the Greater Portland Metropolitan Region. This Intergovernmental agreement, pursuant to Oregon Revised Statutes (ORS) 190.010 to 190.030 and Revised Code of Washington (RCW) Chapter 39.34, by and among counties, cities, regional governments and special districts within Clackamas, Columbia, Multnomah and Washington counties in Oregon and Clark County Washington (herein collectively "Participating Jurisdictions"), and supersedes previous agreements for regional emergency management coordination within the aforementioned five county region (hereafter the "Region"). Execution of the agreement would formalize Metro's participation as a participating jurisdiction and member of the core operating group of an intergovernmental organization intended to strengthen and coordinate the Region's disaster preparedness, response, and recovery capabilities and enhance its disaster resilience. The Agreement also outlines the broad operational, administrative and financial processes needed to manage and support the organization. The agreement does not create a separate intergovernmental or legal entity within the meaning of ORS 190.010 to 190.030 and RCW Chapter 39.34 respectively. It does establish an organizational structure and processes for guiding, enhancing, and coordinating disaster preparedness efforts across the Region. . The resulting RDPO would supersede the 2003 IGA which created the Regional Emergency Management Group.

BACKGROUND

History of Metro's involvement in disaster preparedness planning

The Regional Emergency Management Group (REMG) was borne out of a collaboration that started in the early 1990s between Metro, Oregon Department of Geology and Mineral Industries (DOGAMI), Federal Emergency Management Agency, the US Geological Survey, and National Institute of Building Sciences to collaborate to conduct geologic hazard analysis and produce earthquake hazard maps and information, including data and maps for the Portland metropolitan area. The string of studies and analysis by the group were funded by federal grant through Congress.

Upon publication of the earthquake hazard information, Metro invited emergency managers in the region to discuss how the data and publications could be used to enhance preparedness for natural and man-made disaster in the region. Discussions that followed paved the way for the formation of the REMG in late 1993 with an IGA (Metro Resolution No. 93-1856), and development of a work plan. REMG was made up of the REMG policy group and technical group -- Regional Emergency Management Technical Committee (REMTEC). Some Metro Councilors and Deputy COO participated in the REMG policy group meetings in the past, while Metro was represented on the REMTEC by the planning and development department staff.

Approval of this resolution would result in an annual contribution of \$11,667 per year to the RDPO. Council has previously approved \$35,000 for this purpose in the fiscal 2014-15 budget. In addition Council has previously approved a FTE for disaster debris management planning and coordination within the Parks and Environmental Services Department. No additional funds will be required beyond that already authorized.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Resolution No. 14-4579 which would approve entering the Intergovernmental Agreement for Regional Disaster Preparedness Within the Greater Portland Metropolitan Region.

Agenda Item No. 2.2

Resolution No. 14-4561, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Recology Portland, Inc. for Delivery of Residential Yard Debris Mixed with Food Waste from Suttle Road Recovery Facility to Recology NW Greenlands in Aumsville, Oregon

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING) RESOLUTION NO. 14-4561
OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO)
RECOLOGY PORTLAND, INC. FOR DELIVERY OF RESIDENTIAL) Introduced by Martha Bennett
YARD DEBRIS MIXED WITH FOOD WASTE FROM SUTTLE) Chief Operating Officer, with the
ROAD RECOVERY FACILITY TO RECOLOGY NW GREENLANDS) 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. holds Metro Solid Waste Facility Non-System License No. N-102-12 which expires on December 31, 2014; and

WHEREAS, Recology Oregon Material Recovery, Inc. has filed a completed application seeking renewal of the non-system license to deliver residential yard debris mixed with food waste to Recology NW Greenlands in Aumsville 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 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 renewal 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 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-102-15

LICENSEE:
Recology Portland, Inc. 4044 N. Suttle Road Portland, OR 97217
CONTACT PERSON:
Carl Peters Phone: (503) 283-2015 E-Mail: cpeters@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-102-11B.
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>Licensee 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;">Recology NW Greenlands - Aumsville 8712 Aumsville Highway SE Salem, OR 97317</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 January 1, 2015 and expire at midnight on December 31, 2016 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.

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 Section 3, authorized by this license shall be subordinate to any subsequent</p>

	<p>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
	<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 Metro Code Chapter 5.05 whether or not those provisions have been specifically mentioned or cited</p>

	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. 14-4561 FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO RECOLOGY PORTLAND, INC. FOR DELIVERY OF RESIDENTIAL YARD DEBRIS MIXED WITH FOOD WASTE TO RECOLOGY NW GREENLANDS IN AUMSVILLE, OREGON

October 31, 2014

Prepared by: Will Ennis
(503) 797-1667

Approval of Resolution No. 14-4561 will authorize the Chief Operating Officer (COO) to issue a renewed non-system license (NSL) to Recology Portland, Inc. (RPI), to annually deliver a maximum of 16,000 tons of source-separated residential yard debris mixed with residential food waste from Suttle Road Recovery Facility (SRRF) located at 4044 North Suttle Road in Portland (Metro Council District 5) to Recology NW Greenlands – Aumsville (NWGA) located at 8715 NE Aumsville Highway SE in Aumsville, Marion County, Oregon. Recology, Inc., headquartered at 50 California Street, 24th Floor, in San Francisco California, is the parent company that owns RPI and NWGA. Recology, Inc. is also the contract operator for the Metro Central Transfer Station (MCTS). NWGA receives a limited amount of commercial food waste from MCTS.

BACKGROUND

In October 2012 RPI was granted an NSL¹ to annually deliver a maximum of 16,000 tons of source-separated residential yard debris mixed with food waste from municipal curbside collection programs generated within the Metro boundary and received at SRRF to NWGA. The term of this NSL commenced on October 15, 2012 and is set to expire on December 31, 2014. The applicant delivered approximately 6,546 tons of authorized waste to NWGA during calendar year 2013 and approximately 3,318 tons between January 1 and July 31, 2014.

On July 31, 2014, RPI submitted a completed application requesting that Metro renew this NSL with a tonnage authorization of 16,000 tons per calendar year. This is the same annual tonnage limit that the applicant is currently authorized to transport under its existing NSL.

Metro Code Section 5.05.025 prohibits any person from transporting solid waste to non-system facilities without an appropriate license from Metro. The issuance of this renewed NSL is subject to approval or denial by Metro Council because it authorizes the delivery of putrescible waste.²

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed renewed NSL.

2. Legal Antecedents

¹ Metro Solid Waste Facility Non-System License No. N-102-12

² Metro Code Section 5.05.040

Metro Code Section 5.05.043 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 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 is 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;*

NWGA is permitted by the Oregon Department of Environmental Quality (DEQ). Metro staff received verbal confirmation from DEQ and the Aumsville city administrator that NWGA is in compliance with federal, state and local requirements. Staff has also received confirmation that NWGA 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;*

NWGA accepts and composts yard debris, residential food waste and commercial 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 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 bio-filter system help control and minimize odors. The system pulls air through the composting piles and directs the air to a bio-filter consisting of organic material such as wood chips or compost overs. Bio-filters 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 issuing the license 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*

All RPI operated facilities regulated by Metro are currently in compliance with Metro's Code and license requirements.

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

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

3. Anticipated Effects

The effect of Resolution No. 14-4561 will be to issue a renewed NSL to Recology Portland, Inc. for delivery of up to 16,000 tons per calendar year of residential food waste from Suttle Road Recovery Facility to NW Greenlands in Aumsville for composting. The NSL will commence on January 1, 2015 and expire on December 31, 2016.

4. Budget Impacts

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

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 14-4561, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.043, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

Agenda Item No. 2.3

Resolution No. 14-4562, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Waste Management of Oregon, Inc. for Delivery of Putrescible Waste from the Troutdale Transfer Station to the Columbia Ridge Landfill Located in Gilliam County, Oregon, and Under Certain Unusual Circumstances to Riverbend Landfill in Yamhill County, Oregon

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING) RESOLUTION NO. 14-4562
OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO)
WASTE MANAGEMENT OF OREGON, INC. FOR DELIVERY OF) Introduced by Chief Operating
PUTRESCIBLE WASTE FROM THE TROUTDALE TRANSFER) Officer Martha Bennett in
STATION TO THE COLUMBIA RIDGE LANDFILL LOCATED IN) concurrence with Council President
GILLIAM COUNTY, OREGON, AND UNDER CERTAIN UNUSUAL) Tom Hughes
CIRCUMSTANCES TO RIVERBEND LANDFILL IN YAMHILL)
COUNTY, OREGON)

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, Waste Management of Oregon, Inc. ("WMO") holds Metro Solid Waste Facility Non-System License No. N-001-13, which expires on December 31, 2014; and

WHEREAS, WMO has filed a completed application seeking renewal of the non-system license to deliver putrescible waste from the Troutdale Transfer Station to the Columbia Ridge Landfill and Riverbend Landfill for disposal under the provisions of Metro Code Chapter 5.05, "Solid Waste Flow Control;" and

WHEREAS, the Metro Code Chapter 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 WMO 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 WMO a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-001-15

LICENSEE:
Waste Management of Oregon, Inc. dba Troutdale Transfer Station 869 NW Eastwind Drive Troutdale, OR 97060
CONTACT PERSON:
William Carr Phone: (971) 261-4008 Fax: (866) 666-3809 E-mail: wcarr@wm.com
MAILING ADDRESS:
Troutdale Transfer Station 869 NW Eastwind Drive Troutdale, OR 97060

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste generated within the Metro boundary and received at Troutdale Transfer Station in accordance with Metro Solid Waste Facility Franchise No. F-001-08C.
2	CALENDAR YEAR TONNAGE LIMITATION
	Licensee is authorized to deliver to the non-system facilities described in Section 3 of this license up to 70,000 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-001-08C.
3	NON-SYSTEM FACILITIES
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 to the following non-system facility:</p> <p style="padding-left: 40px;">Columbia Ridge Landfill 18177 Cedar Springs Lane Arlington, OR 97812</p> <p>And, during certain unusual circumstances and emergency situations as described in Section 7 of this license, the Licensee is authorized to deliver the above referenced waste to the following non-system facility:</p> <p style="padding-left: 40px;">Riverbend Landfill 13469 SW Highway 18 McMinnville, OR 97128</p> <p>This license is issued on condition that the non-system facilities named in this section are authorized to accept the type of waste described in Section 1. If Metro receives notice from the Oregon Department of Environmental Quality that these non-system facilities are 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, 2015 and expire at midnight on December 31, 2016, 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 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 facilities 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 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; 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 facilities 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 Licensee is authorized to deliver putrescible waste to the Riverbend Landfill only during certain unusual circumstances and emergency situations, such as the closure of Interstate 84 or the temporary breakdown of a compactor at the Troutdale Transfer Station, which would prevent the Licensee from delivering such waste to the Columbia Ridge Landfill.(b) If the Licensee delivers putrescible waste to the Riverbend Landfill as provided above in Section 7(a), the Licensee shall:<ul style="list-style-type: none">i. Report the unusual circumstance or emergency situation to Metro within 12 hours of its discovery; andii. Notify Metro in writing if such delivery of waste to the Riverbend Landfill continues for more than three consecutive business days. The written notification required by this section shall include a detailed description of the particular circumstance resulting in such deliveries and its expected duration.(c) The permissive transfer of solid waste to the non-system facilities, 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.(d) 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.;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 facilities listed in Section 3; oriv. There has been a change in the amount of tonnage that the Licensee is authorized to accept under Solid Waste Facility Franchise No. F-001-08C. In the event that Metro amends the tonnage authorization stipulated in the facility's franchise, the COO may amend Section 2 of this license to match the same calendar year tonnage limitation stipulated in the franchise.(e) This license shall, in addition to subsections (d)(i) through (d)(iv), above, be subject to amendment, modification, suspension, or



	<p>termination pursuant to the Metro Code.</p> <ul style="list-style-type: none"> (f) The Licensee shall not transfer or assign any right or interest in this license without prior written notification to, and approval of, Metro. (g) This license shall terminate upon the execution of designated facility agreements with the facilities listed in Section 3 that authorizes those facilities to accept the waste described in Section 1 of this license. (h) This license authorizes the delivery of solid waste to the facilities listed in Section 3. Transfer of waste generated from within the Metro boundary to any non-system facility other than those specified in this license is prohibited unless authorized in writing by Metro. (i) If the Licensee exceeds the calendar year limitation set forth in Section 2 of this license, each ton or portion thereof by which the Licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500.
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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 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.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4562 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO WASTE MANAGEMENT OF OREGON, INC. FOR DELIVERY OF PUTRESCIBLE WASTE FROM THE TROUTDALE TRANSFER STATION TO THE COLUMBIA RIDGE LANDFILL LOCATED IN GILLIAM COUNTY, OREGON, AND UNDER CERTAIN UNUSUAL CIRCUMSTANCES TO RIVERBEND LANDFILL IN YAMHILL COUNTY, OREGON

October 31, 2014

Prepared by: Warren Johnson
503-797-1836

Approval of Resolution No. 14-4562 will authorize the Chief Operating Officer (COO) to renew a two-year non-system license (NSL) to Waste Management of Oregon, Inc. (WMO) to annually deliver up to 70,000 tons of putrescible waste from the Troutdale Transfer Station (TTS) to the Columbia Ridge Landfill (Columbia Ridge) located in Gilliam County, Oregon and under certain unusual circumstances and emergency conditions, to the Riverbend Landfill (Riverbend) located in Yamhill County, Oregon. The proposed NSL is the renewal of a current license that is set to expire on December 31, 2014, and it renews the existing authorization that WMO has held under licenses since 2003.

TTS is a Metro-franchised¹ solid waste facility located at 869 NW Eastwind Drive, in Troutdale (Metro Council District 1). TTS, Columbia Ridge, and Riverbend are all owned and operated by WMO headquartered in Houston, Texas.

BACKGROUND

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by WMO (also known as "*the flow guarantee*"). These types of NSLs allow Metro to closely monitor and potentially guide waste flows to authorized facilities in order to comply with the flow guarantee.

In December 2013, Metro entered into designated facility agreements with Columbia Ridge² and Riverbend.³ These agreements, which expire at the end of 2019, allow certain types of Metro-area waste (such as non-putrescible processing residual) to be delivered to these landfills without the need for haulers or persons delivering the waste to obtain an NSL. Designated facilities agreements do not include the acceptance of Metro-area putrescible waste. Therefore, NSLs are required in order to deliver such waste to any landfills, including Columbia Ridge and Riverbend.

In November 2012, WMO was granted an NSL⁴ to deliver a maximum of 70,000 tons per calendar year of putrescible waste, from TTS, to Columbia Ridge and Riverbend for disposal. The term of the NSL commenced on January 1, 2013 and expires on December 31, 2014. On July 10, 2014, WMO submitted

¹ Metro Solid Waste Facility Franchise No. F-001-08C

² Metro Contract No. 932396

³ Metro Contract No. 932399

⁴ NSL No. N-001-13

an application seeking the renewal of its NSL with the same tonnage authorization of 70,000 tons per calendar year.

The current NSL authorizes the delivery of solid waste primarily to Columbia Ridge with an allowance to also deliver waste to Riverbend under certain unusual circumstances and emergency situations that would prevent the delivery of waste to Columbia Ridge, such as the closure of Interstate 84. The Licensee delivered approximately 69,000 tons of putrescible waste to Columbia Ridge under authority of this existing NSL during calendar year 2013 and approximately 47,700 tons to Columbia Ridge between January and August 2014. The Licensee did not deliver any putrescible waste to Riverbend during the term of the current NSL.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the issuance of NSLs authorizing the delivery of waste to Columbia Ridge. However, within Yamhill County, there is known local public opposition to the expansion of Riverbend and to the disposal of any waste generated outside of Yamhill County that may contribute to WMO's need to expand capacity at the landfill. However, this proposed NSL limits the use of Riverbend to unusual circumstances and emergency situations that would otherwise prevent TTS from delivering waste to Columbia Ridge, such as the closure of Interstate 84 or the temporary breakdown of the facility's compactor.

Metro staff notified Yamhill County of the applicant's request and the County's solid waste staff has reported that the landfill is in compliance with local requirements and the County does not object to solid waste being received from the Metro region.

2. Legal Antecedents

Metro Code Section 5.05.025 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Code Section 5.05.043 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 applicant (WMO) is a major, nationally integrated solid waste company that is well known to Metro regulatory staff and serves as Metro's disposal contractor. The environmental risks from the use of these disposal sites are expected to be minimal as the landfills are fully regulated 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;*

WMO owns and operates both Columbia Ridge and Riverbend. Metro staff's investigation of WMO has revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

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

Both Columbia Ridge and Riverbend use operational practices and management controls that are typical of RCRA Subtitle D⁵ landfills. Staff at the Oregon Department of Environmental Quality (DEQ), the landfills' regulator, considers the operational practices and controls in place at these landfills to be appropriate for the proper management of waste disposal and adequate for the protection of health and the environment.

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

The proposed license covers the disposal of putrescible solid waste, which currently has limited recovery potential. The license puts no long-term constraint on the waste should recovery alternatives emerge for the region. Thus, approval of the proposed license renewal is not expected to impact the region's recycling and waste reduction efforts.

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

Metro has a contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by WMO. The proposed NSL covers putrescible waste that will be delivered to either Columbia Ridge or Riverbend, which are owned and operated by WMO. Thus, approval of this license renewal 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*

TTS is currently in compliance with its Metro-issued Franchise and NSL. The applicant has not had any compliance issues with regard to Metro regulations within the last two years. Additionally, TTS 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.*

The proposed NSL is a renewal of an existing license that authorizes the delivery of up to 70,000 tons per year of putrescible waste to Columbia Ridge and Riverbend – which is the same tonnage authorization stipulated in the applicant's Franchise. The proposed NSL also includes a provision which stipulates that, in the event that Metro later amends the Franchise tonnage authorization, the COO may also amend

⁵ Subtitle D landfill standards are established nationally under the Resource Conservation and Recovery Act.

Section 2 of the NSL as necessary to make it the same as the annual tonnage authorization in the Franchise.⁶ This provision, which is carried forward from the existing NSL, allows for the COO to administratively match the NSL tonnage authorization with that of the Franchise when necessary.

By adopting this resolution, the Metro Council authorizes the COO to amend the yearly tonnage limit of the NSL by the amount necessary to match the tonnage authorization stipulated in the Franchise without seeking further Council action. This proposed NSL does not increase the total tonnage that TTS is authorized to accept under the terms of its Franchise.

3. Anticipated Effects

The effect of Resolution No. 14-4562 will be to issue a two-year NSL authorizing TTS to deliver up to 70,000 tons per calendar year of putrescible waste to Columbia Ridge and, under certain unusual circumstances and emergency conditions, Riverbend for disposal.

4. Budget Impacts

Columbia Ridge and Riverbend are owned and operated by WMO 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 Columbia Ridge and Riverbend under the authority of the proposed NSL. The application under consideration is the renewal of an existing NSL (No. N-001-13) therefore, any financial impact of this NSL to Metro has already been factored into the budget.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 14-4562, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.043, and issuance of an NSL similar to the proposed NSL attached to the staff report for this resolution as Attachment 1.

WJ:bjl
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⁶ Section 7(d)(iv) of NSL No. N-001-15

Agenda Item No. 2.4

Resolution No. 14-4563, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Arrow Sanitary Service, Inc. for Delivery of Putrescible Waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center Located in Clark County, Washington

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 14-4563
OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM)
LICENSE TO ARROW SANITARY SERVICE, INC. FOR) Introduced by Chief Operating
DELIVERY OF PUTRESCIBLE WASTE TO THE WEST VAN) Officer Martha Bennett in
MATERIALS RECOVERY CENTER AND THE CENTRAL) concurrence of Council President
TRANSFER AND RECYCLING CENTER LOCATED IN CLARK) Tom Hughes
COUNTY, WASHINGTON)

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, Arrow Sanitary Service, Inc. ("Arrow") holds Metro Solid Waste Facility Non-System License No. N-029-13C, which expires on December 31, 2014; and

WHEREAS, Arrow has filed a complete application seeking renewal of the non-system license to deliver putrescible waste to the West Van Materials Recovery Center and the Central Transfer and Recycling Center 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 Arrow 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 Arrow a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-029-15

LICENSEE:			
Arrow Sanitary Service, Inc. 12820 NE Marx Street Portland, OR 97230			
CONTACT PERSON:			
	Derek Ranta	Jim Winterbottom	Dean Large
Phone:	(503) 542-3425	(503) 542-3425	(360) 695-4858
Fax:	(360) 230-3979	(360) 230-3979	(360) 230-3979
E-mail:	derekr@wcnx.org	jimw@wcnx.org	deanl@wcnx.org
MAILING ADDRESS:			
Arrow Sanitary Service, Inc. 12820 NE Marx Street Portland, OR 97230			

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste that is generated by residential and commercial customers within the Metro region and collected by Arrow Sanitary Service, Inc.
2	CALENDAR YEAR TONNAGE LIMITATION
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facilities described in Section 3 as follows:</p> <ul style="list-style-type: none">(a) For the first year of the license, beginning January 1, 2015, and ending December 31, 2015, the Licensee is authorized to deliver up to 26,073 tons;(b) By no later than November 3, 2015, Metro's Chief Operating Officer ("COO") may release additional reserve tonnage and amend Section 2 of this license to adjust the 2015 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4563;(c) By no later than the December 31, 2015, the COO shall establish a second-year tonnage limitation, beginning January 1, 2016, and ending December 31, 2016, and amend Section 2 of this license to include a 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4563; and(d) By no later than November 3, 2016, the COO may release additional reserve tonnage and amend Section 2 of this license to adjust the 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4563.
3	NON-SYSTEM FACILITIES
	<p>The Licensee hereunder is authorized to deliver the waste described above in Section 1 to the following non-system facilities:</p> <p style="padding-left: 40px;">West Van Materials Recovery Center 6601 NW Old Lower River Road Vancouver, WA 98660</p> <p style="padding-left: 40px;">Central Transfer and Recycling Center 11034 NE 117th Avenue Vancouver, WA 98661</p> <p>This license is issued on condition that the non-system facilities named in this section are authorized to accept the type of waste described in Section 1. If</p>



	Metro receives notice from Clark County or other appropriate regulatory authority that these non-system facilities are not authorized to accept such waste, Metro may immediately terminate this license pursuant to Section 7 of this license.
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4	TERM OF LICENSE
	The term of this license will commence on January 1, 2015 and expire at midnight on December 31, 2016, 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 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 facilities 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 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; 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



	<p>the collection, payment, and accounting of such fees and taxes.</p> <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 facilities named in Section 3, above.</p> <p>(d) Metro may require the Licensee to report the information required by this Section on a weekly or daily basis.</p> <p>(e) At least once during the first half of each calendar year and once during the second half of each year, the Licensee shall review its collection routes to determine which of its accounts are within the Metro region. Any adjustments are to be implemented in the next month’s Regional System Fee and Excise Tax Report. Reports confirming the reviews and summarizing changes shall be submitted to Metro by May 31 and November 30 of each calendar year.</p>
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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 facilities, 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) 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:</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.; or 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 facilities 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</p>



	<p>license without prior written notification to, and approval of, Metro.</p> <p>(e) This license shall terminate upon the execution of designated facility agreements with the facilities listed in Section 3 that authorizes the facilities to accept the waste described in Section 1 of this license.</p> <p>(f) This license authorizes the delivery of solid waste to the facilities 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> <p>(g) The COO may direct the Licensee's waste flow under this non-system license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by the COO is effective immediately.</p> <p>(h) If the Licensee exceeds the calendar year limitation set forth in Section 2 of this license, each ton or portion thereof by which the Licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500.</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 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.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4563 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO ARROW SANITARY SERVICE, INC. FOR DELIVERY OF PUTRESCIBLE WASTE TO THE WEST VAN MATERIALS RECOVERY CENTER AND THE CENTRAL TRANSFER AND RECYCLING CENTER LOCATED IN CLARK COUNTY, WASHINGTON

October 31, 2014

Prepared by: Warren Johnson
503-797-1836

Approval of Resolution No. 14-4563 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL), similar to the proposed license attached to this resolution as Exhibit A, to Arrow Sanitary Service, Inc. (Arrow). The NSL will authorize the delivery of up to 26,073 tons of putrescible waste to either the West Van Materials Recovery Center (West Van) or the Central Transfer and Recycling Center (Central Transfer), located in Clark County, Washington, during calendar year 2015. The NSL will also authorize the COO to annually release reserved tonnage and establish a second year tonnage authorization for 2016 using the same methodology that is described in this staff report.

The applicant (Arrow), the transfer facilities (West Van and Central Transfer), and the final disposal site (Finley Buttes Landfill) are all owned by Waste Connections, Inc., a waste management company headquartered in The Woodlands, Texas.

1. INTRODUCTION

A. Background

(1) Overview

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management (also known as "the flow guarantee").¹ NSLs allow Metro to closely monitor and potentially guide waste flows to authorized facilities in order to comply with the disposal contract. This approach provides for a higher level of control and faster response to changing conditions – particularly with respect to Metro's longstanding policy of allocating the uncommitted tonnage.

Resolution No. 14-4563 would grant an NSL to Arrow to deliver Metro-area putrescible waste to facilities owned by Waste Connections located in Clark County, Washington. That is, this NSL controls a portion of the 10 percent of uncommitted waste not guaranteed to Waste Management under Metro's disposal contract. Metro Council is scheduled to consider three such NSL resolutions which allocate the uncommitted 10 percent. In addition to this action for Arrow, the Council is scheduled to consider resolutions for Crown Point Refuse, Inc. (Res. No. 14-4565) and Willamette Resources, Inc. (Res. No. 14-4564) at its meeting on November 13, 2014. This coordinated approach provides for a known and reasonable tonnage allocation process for all license applicants.

(2) Design and Performance of the 2013-2014 NSLs

¹ Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc. dba Oregon Waste System, Inc.

In November 2012, the Metro Council granted two-year NSLs to each of the above referenced licensees - as the Council has done for these types of NSL renewals since 2009. The Council approved a maximum tonnage allocation for the first calendar year of the license which, summed across all licenses, did not exceed 9.5 percent of the total forecasted tonnage subject to the flow guarantee based on Metro’s tonnage forecast for 2013. Upon issuance of the NSLs, each licensee immediately received 85 percent of its portion of the total 2013 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 2, 2013. On October 10, 2013, the COO amended each of the licenses and released additional first-year tonnage as originally forecasted for 2013 (see Table 1).

On November 15, 2013, the COO amended each of the licenses to establish second year tonnage authorizations for calendar year 2014 as authorized by Council.² The maximum tonnage allocation for the second year of the license was based on Metro’s tonnage forecast for 2014 and was established using the same methodology that was used for the first year of the license. Upon issuance of the amended NSLs, each licensee immediately received 85 percent of its portion of the total 2014 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 3, 2014. On October 9, 2014, the COO released additional second-year tonnage to each of the licensees as originally forecasted for 2014. Table 1 illustrates the initial and adjusted tonnage authorizations for each licensee in 2013 and 2014.

Table 1: Summary of Tonnage Authorizations for the NSLs in 2013 and 2014

Licensee	Licensee’s Portion of Allocable Tonnage (Percent)		Initial Tonnage Authorization		Additional Tonnage Released		Total Adjusted Tonnage Authorization	
	2013	2014	2013	2014	2013	2014	2013	2014
American Sanitary Service, Inc. NSL No. N-020-13C	3.7	4.2	2,155	2,514	380	444	2,535	2,958
Arrow Sanitary Service, Inc. NSL No. N-029-13C	38.0	38.0	22,088	23,014	3,898	4,061	25,986	27,075
Crown Point Refuse, Inc. NSL No. N-108-13C	0.3	0.3	148	153	26	27	174	180
Willamette Resources, Inc. NSL No. N-005-13(3)C	58.0	57.5	33,688	34,808	5,945	6,142	39,633	40,950
TOTAL	100	100	58,079	60,489	10,249	10,674	68,328	71,163

(3) Design of the 2015-2016 NSLs

For this renewal period, staff is proposing the same approach for evaluating the applications and determining the annual tonnage authorizations that Metro has used for these types of NSLs since 2009. The proposed NSL includes conditions that provide Metro with sufficient controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. Therefore, staff recommends that these types of NSLs remain on a standard two-year term as is authorized under the current licenses.

Although the proposed NSLs have a two-year term, the tonnage allocations will continue to be made on an annual basis with the same reserve release feature that is used for the current licenses. Therefore, staff recommends that the Metro Council again annually allocate 9.5 percent of the available forecasted tonnage

² Resolution No. 12-4379 (American Sanitary Service, Inc.), Resolution No. 12-4378 (Arrow Sanitary Service, Inc.), Resolution No. 12-4376 (Crown Point Refuse, Inc.), and Resolution No. 12-4377 (Willamette Resources, Inc.)

to those applicants that have applied to renew their existing licenses. The limitation for each NSL will continue to be based on a share of the tonnage that is projected to be available for allocation on an annual basis during calendar years 2015 and 2016. The tonnage would be released in allotments on a calendar year basis for use by the licensee. The first-year tonnage authorization would be established at the time the license is issued and initially be available for use by the licensee on January 1, 2015. The second-year tonnage authorization would then be established by the COO and released to the licensee by January 1, 2016. The COO would establish the 2016 tonnage authorization and allocate the annual reserve tonnage based on the methodology described in this report.

The tonnage available for allocation will continue to be based on Metro's preliminary tonnage forecast completed in October of the preceding year. This is the same forecast that is used in the five-year financial outlook prepared for Council; and used to inform the budget and solid waste rates. If the Metro Council allocates the full 9.5 percent as proposed, then, based on the current Code requirement to consider the impact of Metro's contractual obligations when granting NSLs, staff would recommend that the Council not allow tonnage limit increases under these licenses, except as described in this report. Furthermore, should Metro receive new applications for these types of NSLs during either 2015 or 2016, staff would recommend that such NSLs be denied.

In the proposed NSLs, on January 1, 2015, each licensee will receive 85 percent of its portion of the total first-year tonnage allocation as an initial tonnage authorization for 2015. The remaining 15 percent for 2015 would then be held in reserve for the COO to release, as available, by no later than November 3, 2015. In December 2015, the COO would then continue the same allocation process and establish a new second-year tonnage authorization (for 2016) for each licensee without the need to seek further Council action.

(4) Tonnage Allocation Methodology

The tonnage allocations are based on Metro's preliminary forecast of future waste that is subject to the flow guarantee under its disposal contract with Waste Management, and the share of such waste that each licensee controlled in the most recent 12-month period. The details of the 2015 allocation are described below and are based on the amount of waste each licensee controlled during the period of September 2013 through August 2014. The COO will later determine and release the 2016 allocations using the same methodology described below based on the tonnage information that Metro receives during that corresponding 12-month period.

- *Total Tonnage.* Metro forecasts that 792,964 tons will be subject to the flow guarantee in calendar year 2015. These numbers are derived from Metro's latest econometric forecasting model of the solid waste system. This model is used for all of Metro's major decisions involving solid waste tonnage including planning, budgeting, rate setting and revenue projections. The allocation numbers are based on the projections completed in October 2014 for the five-year budget planning outlook for all of Metro.
- *Reservation Tonnage.* Metro reserves a portion of the total tonnage to meet its contractual obligations under the disposal contract. For these allocations, Metro reserved 90.5 percent, which is comprised of the 90 percent flow guarantee plus a management allowance of 0.5 percent for the tonnage that would flow during an approximate 2.5 week cycle should the redirection of the waste have to be implemented. The approximate 2.5 weeks is comprised of a 2-week reporting lag, plus about four days for notification and redirection logistics.

- *Allocable Tonnage.* 75,332 tons comprise the 9.5 percent of the total tonnage (792,964 tons) that are not reserved and therefore forecasted to be available for allocation among the applicants in calendar year 2015.
- *Licensee's Portion.* Each licensee is allocated a share of the 75,332 tons in the same proportion as the tonnage subject to the flow guarantee that the licensee controlled (as measured by actual deliveries to all solid waste facilities) during the most recent 12-month period, September 2013 through August 2014. Table 2 illustrates the amount of solid waste that each licensee delivered to solid waste facilities during the above referenced period.

Table 2: Amount of Solid Waste that the Licensees Delivered to Solid Waste Facilities (September 2013 through August 2014)

Licensee	Tons	Percent ³
Arrow Sanitary Service, Inc.	48,276	40.7
Crown Point Refuse, Inc.	283	0.2
Willamette Resources, Inc. ⁴	70,000	59.0
TOTAL	118,559	100

Table 3 illustrates the proposed 2015 authorizations for each licensee based upon its share of the allocable tonnage. For Arrow, the share was 40.7 percent, leading to the initial recommended license authorization of up to 26,073 tons in 2015.

Table 3: Proposed 2015 Allocations by NSL Applicant

Licensee	Initial Tonnage Authorization for 2015 (85%)	Tonnage Reserve for 2015 (15%)	Total Tonnage Allocation for 2015
Arrow Sanitary Service, Inc. Res. No. 14-4563	26,073	4,601	30,674
Crown Point Refuse, Inc. Res. No. 14-4565	153	27	180
Willamette Resources, Inc. Res. No. 14-4564	37,806	6,672	44,478
TOTAL	64,032	11,300	75,332

B. The Applicant

Waste Connections currently holds two NSLs for separate hauling operations (American Sanitary Service, Inc. and Arrow). Waste Connections has since consolidated its hauling operations under Arrow and it now seeks

³ Rounded to the nearest tenth

⁴ Metro Solid Waste Facility Franchise No. F-005-08C authorizes WRI to accept up to 70,000 tons of putrescible waste generated inside the Metro region per calendar year. The franchise tonnage cap (70,000 tons) is the maximum delivery amount that is used to determine the facility's allocation percentage.

to renew a single NSL with the combined tonnage from both of the current licenses. Arrow is a solid waste hauler that is franchised to collect solid waste within the cities of Portland, Gresham, and unincorporated Clackamas County. The applicant has been a holder of NSLs since 2000.

Waste Connections' current NSLs commenced on January 1, 2013 and are set to expire on December 31, 2014. The combined second-year (2014) tonnage limitation that Metro initially established for those NSLs (25,528 tons⁵) was based on Metro's forecast, issued October 2013, of the waste that was subject to Metro's disposal contract with Waste Management. However, based on tonnage information through August 2014, the COO subsequently amended both of Waste Connections' NSLs to release an additional 4,504 tons,⁶ resulting in a combined total adjusted second-year tonnage authorization of 30,033 tons⁷ for 2014. (Table 1 illustrates the initial and adjusted tonnage authorizations for both American Sanitary Service and Arrow in 2013 and 2014.)

On July 31, 2014, Arrow submitted an NSL application requesting that Metro renew its NSL in 2015. Under the proposed NSL, Arrow would receive an initial tonnage authorization of 26,073 tons for use in 2015. The COO will subsequently release reserved tonnage and establish the licensee's second year tonnage for 2016 as explained in this report.

C. Special Provisions of the NSL for Managing Risk

The proposed license includes three conditions that are intended to further minimize Metro's risk of noncompliance with its disposal contract by providing Metro with additional controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. The three conditions, explained below, were carried forward from the existing license and are included in all of the proposed NSLs for all licensees identified in Section 1A(1) of this report. These conditions are unique to the NSLs that control the 10 percent of putrescible waste that is not committed under Metro's disposal contract.

(1) NSL Special Condition 1: Calendar Year Tonnage Authorization

The proposed NSL establishes an initial first-year tonnage authorization for 2015 and authorizes the COO to establish a second-year tonnage authorization for 2016 using the same allocation method described in this report. In addition, the license authorizes the COO to release additional "reserved" tonnage to the licensee if available during the term of the license.

Section 2 of the proposed NSL authorizes Arrow to initially deliver up to 26,073 tons of putrescible waste to West Van and Central Transfer during calendar year 2015. Effective January 1, 2015, this tonnage limit is immediately available for use throughout the first year of the license. The license also stipulates that, by no later than November 3, 2015, the COO may release reserved tonnage and increase the licensee's limit by up to an additional 15 percent (4,601 tons) in 2015 as available. If the COO were to release the full forecasted reserve amount provided under this proposed license, then Arrow's annual tonnage limit would be increased up to a total of 30,674 tons in 2015.

Additionally, Section 2 stipulates that, by no later than December 31, 2015, the COO may amend the proposed NSL to establish an initial tonnage limit for calendar year 2016. This second-year tonnage limit would become effective January 1, 2016, and be available for use throughout 2016. Then, by no later than

⁵ American received an initial tonnage authorization of 2,514 tons and Arrow received 23,014 tons in 2014.

⁶ American received an additional 444 tons and Arrow received an additional 4,061 tons in the 2014 reserve release.

⁷ American received a final tonnage authorization of 2,985 tons and Arrow received a final authorization of 27,075 in 2014.

November 3, 2016, the COO may again release reserved tonnage and increase the licensee's 2016 limit by up to an additional 15 percent as described above.

This condition allows the COO to adjust the annual tonnage authorization as necessary to meet Metro's contractual obligations and allows the maximum use of the licensee's available tonnage. By adopting this resolution, the Metro Council authorizes the COO to establish an annual tonnage authorization for 2016 and release reserve tonnage in 2015 and 2016 as described above.

(2) NSL Special Condition 2: Redirection of Waste Flow

In the event of a decline in system-wide putrescible waste, the proposed NSL authorizes the COO to immediately redirect the licensee's waste to Metro Central or South Transfer Stations if necessary to prevent a violation of the disposal contract flow guarantee.

Section 7 of the proposed NSL stipulates that the COO may redirect the licensee's waste flow with a minimum of 24 hours written notice. By adopting this resolution, the Metro Council authorizes the COO to redirect the licensee's waste, as described above, if necessary to comply with the disposal contract flow guarantee.

(3) NSL Special Condition 3: Weekly and Daily Reporting Requirement

The proposed NSL allows the COO to require the licensee to report tonnage information to Metro on a weekly or daily basis if necessary (NSLs generally specify that required information must be transmitted to Metro on a monthly basis).

Section 6 of the proposed NSL stipulates that the COO may determine when more frequent reporting is necessary. By adopting this resolution, the Metro Council authorizes the COO to immediately implement more frequent reporting requirements as needed to ensure compliance with the disposal contract.

D. Special Provision of the NSL Unique to Arrow

As provided in American Sanitary Service's current license, the proposed NSL also carries forward a condition that allows the licensee to perform a semi-annual collection route audit to implement reporting adjustments (NSLs generally include scale-based reporting requirements for all transactions). The applicant has hauling accounts that lie outside the Metro region. In order to route its trucks efficiently, Arrow's trucks must cross the Metro jurisdictional boundary and co-mingle Metro area waste with out-of-Metro waste. In order to determine the appropriate fees and taxes owed to Metro, Arrow and Metro have mutually agreed to a procedure whereby Arrow performs a semi-annual review of its collection routes to determine which accounts are located within the Metro region.

Section 6 of the proposed NSL stipulates that the licensee must perform an audit of its collection routes at least twice during each calendar year and implement all necessary tonnage adjustments for reporting and the remittance of fees and taxes. Staff finds this to be a reasonable and verifiable procedure for the small amount of waste that the applicant collects from outside of the Metro region.

2. ANALYSIS/INFORMATION

A. Known Opposition

There is no known opposition to the proposed license renewal.

B. Legal Antecedents

Metro Code Section 5.05.025 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Metro Code Section 5.05.043 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 applicant (Arrow), transfer facilities (West Van and Central Transfer), and disposal site (Finley Buttes Landfill) are well known to Metro regulatory staff. All of the above are owned and operated by a major, nationally integrated solid waste company. The environmental risks from the use of these non-system facilities are minimal as both the transfer stations and landfill are fully authorized and regulated 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 Waste Connections revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

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

West Van and Central Transfer use operational practices and management controls that are typical of transfer stations and that Metro considers adequate for the protection of health and the environment. In addition, the Finley Buttes Landfill uses operational practices and management controls that are typical of other RCRA Subtitle D⁸ landfills. Staff at DEQ, the landfill's regulator, consider the operational practices and management controls in place at the landfill to be appropriate for the protection of health and the environment.

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

The proposed license covers putrescible solid waste, which currently has limited recovery potential. The license puts no long-term constraint or commitment on the waste should recovery alternatives emerge for the region. Thus, approval of the proposed license renewal is not expected to impact the region's recycling and waste reduction efforts.

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

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. This proposed NSL controls a portion of the 10 percent of

⁸ Subtitle D landfill standards are established nationally under the Resource Conservation and Recovery Act.

uncommitted waste not guaranteed to Waste Management under the disposal contract. This proposed NSL renewal is one of three similar licenses that will expire at the end of 2014. Provisions in the NSL allow Metro to monitor compliance with its disposal contract, as was covered in Section 1A of this report.

- (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;*

Arrow is currently in compliance with its Metro-issued NSL and has not had any significant compliance issues with regard to Metro regulations within the last two years. Additionally, Arrow 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.*

This criterion was examined above in Sections 1A and 1C of this report.

C. Anticipated/Potential Effects

This proposed NSL is one of many action items currently under consideration by Metro which is affected by potential declines in the amount of solid waste subject to the flow guarantee. Some decisions could have the effect of shrinking the pool of waste available for allocation. The forecast of waste subject to the flow guarantee, which is the basis for the NSL tonnage authorizations in 2015, incorporates the best available information as of this writing.

D. Budget/Rate Impacts

The price that Metro pays for disposal at Columbia Ridge Landfill is a “declining block rate” — meaning that the more waste that is delivered to any landfill owned by Waste Management (i.e., Columbia Ridge Landfill and Riverbend Landfill), the lower the per-ton cost paid by Metro. Based on projected tonnage and contract prices, allocating the uncommitted 75,332 tons (as proposed for 2015) to non-Waste Management landfills increases the tip fee at Metro’s transfer stations by \$1.15 per ton. At current throughput of approximately 430,000 tons per year, Metro customers will pay approximately \$538,000 more for disposal in FY 2014-15 than if all of the uncommitted waste were to flow to Waste Management landfills (with a similar financial impact expected in FY 2015-16). This is a conservative estimate, as it is based on the assumption that none of these tons would have been handled directly through Metro transfer stations. Had that been the case there would be additional fiscal impacts from loss of transaction revenue and higher per-ton revenue required to cover fixed costs. The practice of issuing these types of NSLs and absorbing these fiscal impacts has been occurring under the Council’s direction for the past 14 years.

The Metro Regional System Fee and Excise Tax will continue to be collected on all waste delivered under authority of the proposed NSL. As previously mentioned in this report, the application under consideration renews and consolidates two current authorizations⁹ into a single license with a combined tonnage amount. Therefore, the financial impact has already been factored into the budget.

3. RECOMMENDED ACTION

⁹ Solid Waste Facility License Nos. N-020-13C (American Sanitary) and N-029-13C (Arrow)

Based on the information provided above and the analysis provided in this report, the COO recommends that the Metro Council adopt Resolution No. 14-4563. Approval of this resolution will authorize the COO to issue an NSL to Arrow subject to the requirements listed in Metro Code Chapter 5.05; and further subject to special conditions which are incorporated into the proposed NSL attached as Exhibit A to the proposed resolution.

WJ:bjl
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Agenda Item No. 2.5

Resolution No. 14-4564, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. for Delivery and Disposal of Putrescible Waste at the Coffin Butte Landfill Located in Benton County, Oregon

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 14-4564
OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM)
LICENSE TO WILLAMETTE RESOURCES, INC. FOR DELIVERY) Introduced by Chief Operating
AND DISPOSAL OF PUTRESCIBLE WASTE AT THE COFFIN) Officer Martha Bennett in
BUTTE LANDFILL LOCATED IN BENTON COUNTY, OREGON) concurrence of Council President
) Tom Hughes

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") holds Metro Solid Waste Facility Non-System License No. N-005-13(3)C, which expires on December 31, 2014; and

WHEREAS, WRI has filed a complete application seeking renewal of the non-system license to deliver putrescible waste to the Coffin Butte Landfill 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 WRI 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 a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-005-15(3)

LICENSEE:	
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, OR 97070	
CONTACT PERSON:	
Derek Ruckman	Brian May
Phone: (503) 404-2128	(503) 404-2131
Fax: (503) 570-0523	(503) 570-0523
E-Mail: drukman@republicservices.com	bmay@republicservices.com
MAILING ADDRESS:	
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, OR 97070	

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste generated within the Metro boundary and received at Willamette Resources, Inc. in accordance with Metro Solid Waste Facility Franchise No. F-005-08C.

2	CALENDAR YEAR TONNAGE LIMITATION
	<ol style="list-style-type: none">1. The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility described in Section 3 as follows:<ol style="list-style-type: none">(a) For the first year of the license, beginning January 1, 2015, and ending December 31, 2015, the Licensee is authorized to deliver up to 37,806 tons;(b) By no later than November 3, 2015, Metro's Chief Operating Officer ("COO") may release additional reserve tonnage and amend Section 2 of this license to adjust the 2015 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4564;(c) By no later than the December 31, 2015, the COO shall establish a second-year tonnage limitation, beginning January 1, 2016, and ending December 31, 2016, and amend Section 2 of this license to include a 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4564; and(d) By no later than November 3, 2016, the COO may release additional reserve tonnage and amend Section 2 of this license to adjust the 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4564.2. This license does not increase the total tonnage that the Licensee is authorized to accept under Metro Solid Waste Facility Franchise No. F-005-08C.

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:</p> <p style="text-align: center;">Coffin Butte Landfill 28972 Coffin Butte Road Corvallis, OR 97330</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 or local regulatory authority 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>
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4	TERM OF LICENSE
	<p>The term of this license will commence on January 1, 2015 and expire at midnight on December 31, 2016, unless terminated sooner under Section 7 of this license.</p>

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

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; and



	<ul style="list-style-type: none">iii. 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.(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.(d) Metro may require the Licensee to report the information required by this Section on a weekly or daily basis.
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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) 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.; 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



	<p>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> <p>(g) The COO may direct the Licensee’s waste flow under this non-system license to any system facility with a minimum of 24 hours written notice. Any redirection of the waste flow by the COO is effective immediately.</p> <p>(h) If the Licensee exceeds the calendar year limitation set forth in Section 2 of this license, each ton or portion thereof by which the Licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500.</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 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.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4564 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO WILLAMETTE RESOURCES, INC. FOR DELIVERY AND DISPOSAL OF PUTRESCIBLE WASTE AT THE COFFIN BUTTE LANDFILL LOCATED IN BENTON COUNTY, OREGON

October 31, 2014

Prepared by: Warren Johnson
503-797-1836

Approval of Resolution No. 14-4564 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL), similar to the proposed license attached to this resolution as Exhibit A, to Willamette Resources, Inc. (WRI). The proposed NSL will initially authorize the delivery of up to 37,806 tons of putrescible waste to the Coffin Butte Landfill (CBLF), located in Benton County, during calendar year 2015. The NSL will also authorize the COO to annually release reserved tonnage and establish a second year tonnage authorization for 2016 using the same methodology that is described in this staff report.

WRI, is the owner and operator of a Metro-franchised¹ solid waste facility located at 10295 SW Ridder Road, in Wilsonville (Metro Council District 3). WRI and CBLF are both owned by Allied Waste Industries, Inc., a wholly owned subsidiary of Republic Waste Systems, Inc. (Republic) headquartered in Phoenix, Arizona.

1. INTRODUCTION

A. Background

(1) Overview

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management (also known as "the flow guarantee").² NSLs allow Metro to closely monitor and potentially guide waste flows to authorized facilities in order to comply with the disposal contract. This approach provides for a higher level of control and faster response to changing conditions – particularly with respect to Metro's longstanding policy of allocating the uncommitted tonnage.

Resolution No. 14-4564 would grant an NSL to WRI to deliver Metro-area putrescible waste to a land disposal site owned by Republic located in Benton County, Oregon. That is, this NSL controls a portion of the 10 percent of uncommitted waste not guaranteed to Waste Management under Metro's disposal contract. Metro Council is scheduled to consider three such NSL resolutions which allocate the uncommitted 10 percent. In addition to this action for WRI, the Council is scheduled to consider resolutions for Arrow Sanitary Service, Inc. (Res. No. 14-4563) and Crown Point Refuse, Inc. (Res. No. 14-4565) at its meeting on November 13, 2014. This coordinated approach provides for a known and reasonable tonnage allocation process for all license applicants.

(2) Design and Performance of the 2013-2014 NSLs

¹ Metro Solid Waste Facility Franchise No. F-005-08C

² Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc. dba Oregon Waste System, Inc.

In November 2012, the Metro Council granted two-year NSLs to each of the above referenced licensees - as the Council has done for these types of NSL renewals since 2009. The Council approved a maximum tonnage allocation for the first calendar year of the license which, summed across all licenses, did not exceed 9.5 percent of the total forecasted tonnage subject to the flow guarantee based on Metro’s tonnage forecast for 2013. Upon issuance of the NSLs, each licensee immediately received 85 percent of its portion of the total 2013 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 2, 2013. On October 10, 2013, the COO amended each of the licenses and released additional first-year tonnage as originally forecasted for 2013 (see Table 1).

On November 15, 2013, the COO amended each of the licenses to establish second year tonnage authorizations for calendar year 2014 as authorized by Council.³ The maximum tonnage allocation for the second year of the license was based on Metro’s tonnage forecast for 2014 and was established using the same methodology that was used for the first year of the license. Upon issuance of the amended NSLs, each licensee immediately received 85 percent of its portion of the total 2014 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 3, 2014. On October 9, 2014, the COO released additional second-year tonnage to each of the licensees as originally forecasted for 2014. Table 1 illustrates the initial and adjusted tonnage authorizations for each licensee in 2013 and 2014.

Table 1: Summary of Tonnage Authorizations for the NSLs in 2013 and 2014

Licensee	Licensee’s Portion of Allocable Tonnage (Percent)		Initial Tonnage Authorization		Additional Tonnage Released		Total Adjusted Tonnage Authorization	
	2013	2014	2013	2014	2013	2014	2013	2014
American Sanitary Service, Inc. NSL No. N-020-13C	3.7	4.2	2,155	2,514	380	444	2,535	2,958
Arrow Sanitary Service, Inc. NSL No. N-029-13C	38.0	38.0	22,088	23,014	3,898	4,061	25,986	27,075
Crown Point Refuse, Inc. NSL No. N-108-13C	0.3	0.3	148	153	26	27	174	180
Willamette Resources, Inc. NSL No. N-005-13(3)C	58.0	57.5	33,688	34,808	5,945	6,142	39,633	40,950
TOTAL	100	100	58,079	60,489	10,249	10,674	68,328	71,163

(3) Design of the 2015-2016 NSLs

For this renewal period, staff is proposing the same approach for evaluating the applications and determining the annual tonnage authorizations that Metro has used for these types of NSLs since 2009. The proposed NSL includes conditions that provide Metro with sufficient controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. Therefore, staff recommends that these types of NSLs remain on a standard two-year term as is authorized under the current licenses.

Although the proposed NSLs have a two-year term, the tonnage allocations will continue to be made on an annual basis with the same reserve release feature that is used for the current licenses. Therefore, staff

³ Resolution No. 12-4379 (American Sanitary Service, Inc.), Resolution No. 12-4378 (Arrow Sanitary Service, Inc.), Resolution No. 12-4376 (Crown Point Refuse, Inc.), and Resolution No. 12-4377 (Willamette Resources, Inc.)

recommends that the Metro Council again annually allocate 9.5 percent of the available forecasted tonnage to those applicants that have applied to renew their existing licenses. The limitation for each NSL will continue to be based on a share of the tonnage that is projected to be available for allocation on an annual basis during calendar years 2015 and 2016. The tonnage would be released in allotments on a calendar year basis for use by the licensee. The first-year tonnage authorization would be established at the time the license is issued and initially be available for use by the licensee on January 1, 2015. The second-year tonnage authorization would then be established by the COO and released to the licensee by January 1, 2016. The COO would establish the 2016 tonnage authorization and allocate the annual reserve tonnage based on the methodology described in this report.

The tonnage available for allocation will continue to be based on Metro's preliminary tonnage forecast completed in October of the preceding year. This is the same forecast that is used in the five-year financial outlook prepared for Council; and used to inform the budget and solid waste rates. If the Metro Council allocates the full 9.5 percent as proposed, then, based on the current Code requirement to consider the impact of Metro's contractual obligations when granting NSLs, staff would recommend that the Council not allow tonnage limit increases under these licenses, except as described in this report. Furthermore, should Metro receive new applications for these types of NSLs during either 2015 or 2016, staff would recommend that such NSLs be denied.

In the proposed NSLs, on January 1, 2015, each licensee will receive 85 percent of its portion of the total first-year tonnage allocation as an initial tonnage authorization for 2015. The remaining 15 percent for 2015 would then be held in reserve for the COO to release, as available, by no later than November 3, 2015. In December 2015, the COO would then continue the same allocation process and establish a new second-year tonnage authorization (for 2016) for each licensee without the need to seek further Council action.

(4) Tonnage Allocation Methodology

The tonnage allocations are based on Metro's preliminary forecast of future waste that is subject to the flow guarantee under its disposal contract with Waste Management, and the share of such waste that each licensee controlled in the most recent 12-month period. The details of the 2015 allocation are described below and are based on the amount of waste each licensee controlled during the period of September 2013 through August 2014. The COO will later determine and release the 2016 allocations using the same methodology described below based on the tonnage information that Metro receives during that corresponding 12-month period.

- *Total Tonnage.* Metro forecasts that 792,964 tons will be subject to the flow guarantee in calendar year 2015. These numbers are derived from Metro's latest econometric forecasting model of the solid waste system. This model is used for all of Metro's major decisions involving solid waste tonnage including planning, budgeting, rate setting and revenue projections. The allocation numbers are based on the projections completed in October 2014 for the five-year budget planning outlook for all of Metro.
- *Reservation Tonnage.* Metro reserves a portion of the total tonnage to meet its contractual obligations under the disposal contract. For these allocations, Metro reserved 90.5 percent, which is comprised of the 90 percent flow guarantee plus a management allowance of 0.5 percent for the tonnage that would flow during an approximate 2.5 week cycle should the redirection of the waste

have to be implemented. The approximate 2.5 weeks is comprised of a 2-week reporting lag, plus about four days for notification and redirection logistics.

- *Allocable Tonnage.* 75,332 tons comprise the 9.5 percent of the total tonnage (792,964 tons) that are not reserved and therefore forecasted to be available for allocation among the applicants in calendar year 2015.
- *Licensee's Portion.* Each licensee is allocated a share of the 75,332 tons in the same proportion as the tonnage subject to the flow guarantee that the licensee controlled (as measured by actual deliveries to all solid waste facilities) during the most recent 12-month period, September 2013 through August 2014. Table 2 illustrates the amount of solid waste that each licensee delivered to solid waste facilities during the above referenced period.

Table 2: Amount of Solid Waste that the Licensees Delivered to Solid Waste Facilities (September 2013 through August 2014)

Licensee	Tons	Percent ⁴
Arrow Sanitary Service, Inc. ⁵	48,276	40.7
Crown Point Refuse, Inc.	283	0.2
Willamette Resources, Inc. ⁶	70,000	59.0
TOTAL	118,559	100

Table 3 illustrates the proposed 2015 authorizations for each licensee based upon its share of the allocable tonnage. For WRI, the share was 59.0 percent, leading to the initial recommended license authorization of up to 37,806 tons in 2015.

Table 3: Proposed 2015 Allocations by NSL Applicant

Licensee	Initial Tonnage Authorization for 2015 (85%)	Tonnage Reserve for 2015 (15%)	Total Tonnage Allocation for 2015
Arrow Sanitary Service, Inc. Res. No. 14-4563	26,073	4,601	30,674
Crown Point Refuse, Inc. Res. No. 14-4565	153	27	180
Willamette Resources, Inc. Res. No. 14-4564	37,806	6,672	44,478
TOTAL	64,032	11,300	75,332

⁴ Rounded to the nearest tenth

⁵ Waste Connections, Inc. currently holds two NSLs for separate hauling operations (American Sanitary Service, Inc. and Arrow Sanitary Service, Inc.). Waste Connections has since consolidated its hauling operation under Arrow Sanitary Service and it now seeks a single NSL with the combined tonnage.

⁶ Metro Solid Waste Facility Franchise No. F-005-08C authorizes WRI to accept up to 70,000 tons of putrescible waste generated inside the Metro region per calendar year. The franchise tonnage cap (70,000 tons) is the maximum delivery amount that is used to determine the facility's allocation percentage.

B. The Applicant

WRI has operated as a Metro-franchised solid waste facility since 1994 and has been a holder of NSLs since 2000.

The term of WRI's existing NSL No. N-005-13(3)C commenced on January 1, 2013 and is set to expire on December 31, 2014. The second-year (2014) tonnage limitation that Metro initially established for the NSL (34,808 tons) was based on Metro's forecast, issued October 2013, of the waste that was subject to Metro's disposal contract with Waste Management. However, based on tonnage information through August 2014, the COO subsequently amended WRI's NSL to release an additional 6,142 tons, resulting in a total adjusted second-year tonnage authorization of 40,950 tons for 2014. (Table 1 illustrates WRI's initial and adjusted tonnage authorizations for 2013 and 2014.)

On July 31, 2014, WRI submitted an NSL application requesting that Metro renew its NSL in 2015. Under the proposed NSL, WRI would receive an initial tonnage authorization of 37,806 tons for use in 2015. The COO will subsequently release reserved tonnage and establish the licensee's second year tonnage for 2016 as explained in this report.

C. Special Provisions of the NSL for Managing Risk

The proposed license includes three conditions that are intended to further minimize Metro's risk of noncompliance with its disposal contract by providing Metro with additional controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. The three conditions, explained below, were carried forward from the existing license and are included in all of the proposed NSLs for all licensees identified in Section 1A(1) of this report. These conditions are unique to the NSLs that control the 10 percent of putrescible waste that is not committed under Metro's disposal contract.

(1) NSL Special Condition 1: Calendar Year Tonnage Authorization

The proposed NSL establishes an initial first-year tonnage authorization for 2015 and authorizes the COO to establish a second-year tonnage authorization for 2016 using the same allocation method described in this report. In addition, the license authorizes the COO to release additional "reserved" tonnage to the licensee if available during the term of the license.

Section 2 of the proposed NSL authorizes WRI to initially deliver up to 37,806 tons of putrescible waste to CBLF during calendar year 2015. Effective January 1, 2015, this tonnage limit is immediately available for use throughout the first year of the license. The license also stipulates that, by no later than November 3, 2015, the COO may release reserved tonnage and increase the licensee's limit by up to an additional 15 percent (6,672 tons) in 2015 as available. If the COO were to release the full forecasted reserve amount provided under this proposed license, then WRI's annual tonnage limit would be increased up to a total of 44,478 tons in 2015.

Additionally, Section 2 stipulates that, by no later than December 31, 2015, the COO may amend the proposed NSL to establish an initial tonnage limit for calendar year 2016. This second-year tonnage limit would become effective January 1, 2016, and be available for use throughout 2016. Then, by no later than November 3, 2016, the COO may again release reserved tonnage and increase the licensee's 2016 limit by up to an additional 15 percent as described above.

This condition allows the COO to adjust the annual tonnage authorization as necessary to meet Metro's contractual obligations and allows the maximum use of the licensee's available tonnage. By adopting this resolution, the Metro Council authorizes the COO to establish an annual tonnage authorization for 2016 and release reserve tonnage in 2015 and 2016 as described above.

(2) NSL Special Condition 2: Redirection of Waste Flow

In the event of a decline in system-wide putrescible waste, the proposed NSL authorizes the COO to immediately redirect the licensee's waste to any system facility if necessary to prevent a violation of the disposal contract flow guarantee.

Section 7 of the proposed NSL stipulates that the COO may redirect the licensee's waste flow with a minimum of 24 hours written notice. By adopting this resolution, the Metro Council authorizes the COO to redirect the licensee's waste, as described above, if necessary to comply with the disposal contract flow guarantee.

(3) NSL Special Condition 3: Weekly and Daily Reporting Requirement

The proposed NSL allows the COO to require the licensee to report tonnage information to Metro on a weekly or daily basis if necessary (NSLs generally specify that required information must be transmitted to Metro on a monthly basis).

Section 6 of the proposed NSL stipulates that the COO may determine when more frequent reporting is necessary. By adopting this resolution, the Metro Council authorizes the COO to immediately implement more frequent reporting requirements as needed to ensure compliance with the disposal contract.

2. ANALYSIS/INFORMATION

A. Known Opposition

There is no known opposition to the proposed license renewal.

B. Legal Antecedents

Metro Code Section 5.05.025 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Metro Code Section 5.05.043 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 applicant (WRI) is well known to Metro regulatory staff and is owned by a major, nationally integrated solid waste company. The environmental risks from the use of the disposal site are minimal as the landfill is fully authorized and regulated 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;*

Republic owns and operates both WRI and CBLF. Metro staff's investigation of Republic revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

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

CBLF uses operational practices and management controls that are typical of other RCRA Subtitle D⁷ landfills. Staff at DEQ, the landfill's regulator, consider the operational practices and management controls in place at the landfill to be appropriate for the protection of health and the environment.

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

The proposed license covers putrescible solid waste, which currently has limited recovery potential. The license puts no long-term constraint or commitment on the waste should recovery alternatives emerge for the region. Thus, approval of the proposed license renewal is not expected to impact the region's recycling and waste reduction efforts.

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

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. This proposed NSL controls a portion of the 10 percent of uncommitted waste not guaranteed to Waste Management under the disposal contract. This proposed NSL renewal is one of three similar licenses that will expire at the end of 2014. Provisions in the NSL allow Metro to monitor compliance with its disposal contract, as was covered in Section 1A of this report.

- (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;*

WRI is currently in compliance with its Metro-issued NSL and 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.*

This criterion was examined above in Sections 1A and 1C of this report.

⁷ Subtitle D landfill standards are established nationally under the Resource Conservation and Recovery Act.

C. Anticipated/Potential Effects

This proposed NSL is one of many action items currently under consideration by Metro which is affected by potential declines in the amount of solid waste subject to the flow guarantee. Some decisions could have the effect of shrinking the pool of waste available for allocation. The forecast of waste subject to the flow guarantee, which is the basis for the NSL tonnage authorizations in 2015, incorporates the best available information as of this writing.

D. Budget/Rate Impacts

The price that Metro pays for disposal at Columbia Ridge Landfill is a “declining block rate” — meaning that the more waste that is delivered to any landfill owned by Waste Management (i.e., Columbia Ridge Landfill and Riverbend Landfill), the lower the per-ton cost paid by Metro. Based on projected tonnage and contract prices, allocating the uncommitted 75,332 tons (as proposed for 2015) to non-Waste Management landfills increases the tip fee at Metro’s transfer stations by \$1.15 per ton. At current throughput of approximately 430,000 tons per year, Metro customers will pay approximately \$538,000 more for disposal in FY 2014-15 than if all of the uncommitted waste were to flow to Waste Management landfills (with a similar financial impact expected in FY 2015-16). This is a conservative estimate, as it is based on the assumption that none of these tons would have been handled directly through Metro transfer stations. Had that been the case there would be additional fiscal impacts from loss of transaction revenue and higher per-ton revenue required to cover fixed costs. The practice of issuing these types of NSLs and absorbing these fiscal impacts has been occurring under the Council’s direction for the past 14 years.

The Metro Regional System Fee and Excise Tax will continue to be collected on all waste delivered under authority of the proposed NSL. The application under consideration is the renewal of an existing NSL (No. N-005-13(3)C). Therefore, the financial impact has already been factored into the budget.

3. RECOMMENDED ACTION

Based on the information provided above and the analysis provided in this report, the COO recommends that the Metro Council adopt Resolution No. 14-4564. Approval of this resolution will authorize the COO to issue an NSL to WRI subject to the requirements listed in Metro Code Chapter 5.05; and further subject to special conditions which are incorporated into the proposed NSL attached as Exhibit A to the proposed resolution.

WJ:bjl
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Agenda Item No. 2.6

Resolution No. 14-4565, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Crown Point Refuse, Inc. for Delivery and Disposal of Putrescible Waste at the Wasco County Landfill Located in Wasco County, Oregon

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 14-4565
OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM)
LICENSE TO CROWN POINT REFUSE, INC. FOR DELIVERY) Introduced by Chief Operating
AND DISPOSAL OF PUTRESCIBLE WASTE AT THE WASCO) Officer Martha Bennett in
COUNTY LANDFILL LOCATED IN WASCO COUNTY, OREGON) concurrence of Council President
) Tom Hughes

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, Crown Point Refuse, Inc. ("Crown Point") holds Metro Solid Waste Facility Non-System License No. N-108-13C, which expires on December 31, 2014; and

WHEREAS, Crown Point has filed a complete application seeking renewal of the non-system license to deliver putrescible waste to the Wasco County Landfill 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 Crown Point 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 Crown Point a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-108-15

LICENSEE:
Crown Point Refuse, Inc. 2430 NW Marine Drive Troutdale, OR 97060
CONTACT PERSON:
Randall Burbach Phone: (503) 695-3239 Fax: (503) 907-8630 E-mail: cpr@ortrash.com
MAILING ADDRESS:
Crown Point Refuse, Inc. PO Box 360 Corbett, OR 97019

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Putrescible solid waste that is generated by residential and commercial customers within the Metro region and collected by Crown Point Refuse, Inc.
2	CALENDAR YEAR TONNAGE LIMITATION
	<p>The Licensee is authorized to deliver the waste described in Section 1 of this license to the non-system facility described in Section 3 as follows:</p> <ul style="list-style-type: none">(a) For the first year of the license, beginning January 1, 2015, and ending December 31, 2015, the Licensee is authorized to deliver up to 153 tons;(b) By no later than November 3, 2015, Metro's Chief Operating Officer ("COO") may release additional reserve tonnage and amend Section 2 of this license to adjust the 2015 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4565;(c) By no later than the December 31, 2015, the COO shall establish a second-year tonnage limitation, beginning January 1, 2016, and ending December 31, 2016, and amend Section 2 of this license to include a 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4565; and(d) By no later than November 3, 2016, the COO may release additional reserve tonnage and amend Section 2 of this license to adjust the 2016 tonnage limitation as established by Metro Council and described in the staff report to Resolution No. 14-4565.
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:</p> <p style="text-align: center;">Wasco County Landfill 2550 Steele Road The Dalles, OR 97058</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 or local regulatory authority 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, 2015 and expire at midnight on December 31, 2016, 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 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. Submit to Metro a Regional System Fee and Excise Tax Report, that covers the preceding month; andii. 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</p>



	<p>a third party, including the non-system facility named in Section 3, above.</p> <p>(d) Metro may require the Licensee to report the information required by this Section on a weekly or daily basis.</p> <p>(e) At least once per calendar year, the Licensee shall sample the weight of the waste it collects from within the Metro region for at least two consecutive weeks. The samples will be used as a basis for reporting the tonnage on the Licensee's Regional System Fee and Excise Tax Report.</p>
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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) 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:</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; or <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> <p>(g) The COO may direct the Licensee's waste flow under this non-system</p>



	<p>license to Metro Central Transfer Station or Metro South Transfer Station with a minimum of 24 hours written notice. Any redirection of the waste flow by the COO is effective immediately.</p> <p>(h) If the Licensee exceeds the calendar year limitation set forth in Section 2 of this license, each ton or portion thereof by which the Licensee exceeds the limitation constitutes a separate violation subject to a penalty of up to \$500.</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 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.</p>

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4565 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO CROWN POINT REFUSE, INC. FOR DELIVERY AND DISPOSAL OF PUTRESCIBLE WASTE AT THE WASCO COUNTY LANDFILL LOCATED IN WASCO COUNTY, OREGON

October 31, 2014

Prepared by: Warren Johnson
503-797-1836

Approval of Resolution No. 14-4565 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL), similar to the proposed license attached to this resolution as Exhibit A, to Crown Point Refuse, Inc. (Crown Point). The proposed NSL will initially authorize the delivery of up to 153 tons of putrescible waste to the Wasco County Landfill during calendar year 2015. The NSL will also authorize the COO to annually release reserved tonnage and establish a second year tonnage authorization for 2016 using the same methodology that is described in this staff report.

The applicant, Crown Point, is a hauler that collects waste at a residential area located east of Troutdale and along the eastern boundary of the Metro region (Metro Council District 1). The disposal site, Wasco County Landfill, is owned and operated by Waste Connections, Inc., a waste management company headquartered in The Woodlands, Texas.

1. INTRODUCTION

A. Background

(1) Overview

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management (also known as "the flow guarantee").¹ NSLs allow Metro to closely monitor and potentially guide waste flows to authorized facilities in order to comply with the disposal contract. This approach provides for a higher level of control and faster response to changing conditions – particularly with respect to Metro's longstanding policy of allocating the uncommitted tonnage.

Resolution No. 14-4565 would grant an NSL to Crown Point to deliver Metro-area putrescible waste to a land disposal site owned by Waste Connections, Inc. located in Wasco County, Oregon. That is, this NSL controls a portion of the 10 percent of uncommitted waste not guaranteed to Waste Management under Metro's disposal contract. Metro Council is scheduled to consider three such NSL resolutions which allocate the uncommitted 10 percent. In addition to this action for Crown Point, the Council is scheduled to consider resolutions for Arrow Sanitary Service, Inc. (Res. No. 14-4563) and Willamette Resources, Inc. (Res. No. 14-4564) at its meeting on November 13, 2014. This coordinated approach provides for a known and reasonable tonnage allocation process for all license applicants.

¹ Metro's disposal contract with Waste Management Disposal Services of Oregon, Inc. dba Oregon Waste System, Inc.

(2) Design and Performance of the 2013-2014 NSLs

In November 2012, the Metro Council granted two-year NSLs to each of the above referenced licensees - as the Council has done for these types of NSL renewals since 2009. The Council approved a maximum tonnage allocation for the first calendar year of the license which, summed across all licenses, did not exceed 9.5 percent of the total forecasted tonnage subject to the flow guarantee based on Metro’s tonnage forecast for 2013. Upon issuance of the NSLs, each licensee immediately received 85 percent of its portion of the total 2013 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 2, 2013. On October 10, 2013, the COO amended each of the licenses and released additional first-year tonnage as originally forecasted for 2013 (see Table 1).

On November 15, 2013, the COO amended each of the licenses to establish second year tonnage authorizations for calendar year 2014 as authorized by Council.² The maximum tonnage allocation for the second year of the license was based on Metro’s tonnage forecast for 2014 and was established using the same methodology that was used for the first year of the license. Upon issuance of the amended NSLs, each licensee immediately received 85 percent of its portion of the total 2014 tonnage allocation as an initial tonnage authorization. The remaining amount was held in reserve for the COO to “release” by November 3, 2014. On October 9, 2014, the COO released additional second-year tonnage to each of the licensees as originally forecasted for 2014. Table 1 illustrates the initial and adjusted tonnage authorizations for each licensee in 2013 and 2014.

Table 1: Summary of Tonnage Authorizations for the NSLs in 2013 and 2014

Licensee	Licensee’s Portion of Allocable Tonnage (Percent)		Initial Tonnage Authorization		Additional Tonnage Released		Total Adjusted Tonnage Authorization	
	2013	2014	2013	2014	2013	2014	2013	2014
American Sanitary Service, Inc. NSL No. N-020-13C	3.7	4.2	2,155	2,514	380	444	2,535	2,958
Arrow Sanitary Service, Inc. NSL No. N-029-13C	38.0	38.0	22,088	23,014	3,898	4,061	25,986	27,075
Crown Point Refuse, Inc. NSL No. N-108-13C	0.3	0.3	148	153	26	27	174	180
Willamette Resources, Inc. NSL No. N-005-13(3)C	58.0	57.5	33,688	34,808	5,945	6,142	39,633	40,950
TOTAL	100	100	58,079	60,489	10,249	10,674	68,328	71,163

(3) Design of the 2015-2016 NSLs

For this renewal period, staff is proposing the same approach for evaluating the applications and determining the annual tonnage authorizations that Metro has used for these types of NSLs since 2009. The proposed NSL includes conditions that provide Metro with sufficient controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. Therefore, staff recommends that these types of NSLs remain on a standard two-year term as is authorized under the current licenses.

² Resolution No. 12-4379 (American Sanitary Service, Inc.), Resolution No. 12-4378 (Arrow Sanitary Service, Inc.), Resolution No. 12-4376 (Crown Point Refuse, Inc.), and Resolution No. 12-4377 (Willamette Resources, Inc.)

Although the proposed NSLs have a two-year term, the tonnage allocations will continue to be made on an annual basis with the same reserve release feature that is used for the current licenses. Therefore, staff recommends that the Metro Council again annually allocate 9.5 percent of the available forecasted tonnage to those applicants that have applied to renew their existing licenses. The limitation for each NSL will continue to be based on a share of the tonnage that is projected to be available for allocation on an annual basis during calendar years 2015 and 2016. The tonnage would be released in allotments on a calendar year basis for use by the licensee. The first-year tonnage authorization would be established at the time the license is issued and initially be available for use by the licensee on January 1, 2015. The second-year tonnage authorization would then be established by the COO and released to the licensee by January 1, 2016. The COO would establish the 2016 tonnage authorization and allocate the annual reserve tonnage based on the methodology described in this report.

The tonnage available for allocation will continue to be based on Metro's preliminary tonnage forecast completed in October of the preceding year. This is the same forecast that is used in the five-year financial outlook prepared for Council; and used to inform the budget and solid waste rates. If the Metro Council allocates the full 9.5 percent as proposed, then, based on the current Code requirement to consider the impact of Metro's contractual obligations when granting NSLs, staff would recommend that the Council not allow tonnage limit increases under these licenses, except as described in this report. Furthermore, should Metro receive new applications for these types of NSLs during either 2015 or 2016, staff would recommend that such NSLs be denied.

In the proposed NSLs, on January 1, 2015, each licensee will receive 85 percent of its portion of the total first-year tonnage allocation as an initial tonnage authorization for 2015. The remaining 15 percent for 2015 would then be held in reserve for the COO to release, as available, by no later than November 3, 2015. In December 2015, the COO would then continue the same allocation process and establish a new second-year tonnage authorization (for 2016) for each licensee without the need to seek further Council action.

(4) Tonnage Allocation Methodology

The tonnage allocations are based on Metro's preliminary forecast of future waste that is subject to the flow guarantee under its disposal contract with Waste Management, and the share of such waste that each licensee controlled in the most recent 12-month period. The details of the 2015 allocation are described below and are based on the amount of waste each licensee controlled during the period of September 2013 through August 2014. The COO will later determine and release the 2016 allocations using the same methodology described below based on the tonnage information that Metro receives during that corresponding 12-month period.

- *Total Tonnage.* Metro forecasts that 792,964 tons will be subject to the flow guarantee in calendar year 2015. These numbers are derived from Metro's latest econometric forecasting model of the solid waste system. This model is used for all of Metro's major decisions involving solid waste tonnage including planning, budgeting, rate setting and revenue projections. The allocation numbers are based on the projections completed in October 2014 for the five-year budget planning outlook for all of Metro.
- *Reservation Tonnage.* Metro reserves a portion of the total tonnage to meet its contractual obligations under the disposal contract. For these allocations, Metro reserved 90.5 percent, which is comprised of the 90 percent flow guarantee plus a management allowance of 0.5 percent for the tonnage that would flow during an approximate 2.5 week cycle should the redirection of the waste

have to be implemented. The approximate 2.5 weeks is comprised of a 2-week reporting lag, plus about four days for notification and redirection logistics.

- *Allocable Tonnage.* 75,332 tons comprise the 9.5 percent of the total tonnage (792,964 tons) that are not reserved and therefore forecasted to be available for allocation among the applicants in calendar year 2015.
- *Licensee's Portion.* Each licensee is allocated a share of the 75,332 tons in the same proportion as the tonnage subject to the flow guarantee that the licensee controlled (as measured by actual deliveries to all solid waste facilities) during the most recent 12-month period, September 2013 through August 2014. Table 2 illustrates the amount of solid waste that each licensee delivered to solid waste facilities during the above referenced period.

Table 2: Amount of Solid Waste that the Licensees Delivered to Solid Waste Facilities (September 2013 through August 2014)

Licensee	Tons	Percent ³
Arrow Sanitary Service, Inc. ⁴	48,276	40.7
Crown Point Refuse, Inc.	283	0.2
Willamette Resources, Inc. ⁵	70,000	59.0
TOTAL	118,559	100

Table 3 illustrates the proposed 2015 authorizations for each licensee based upon its share of the allocable tonnage. For Crown Point, the share was 0.2 percent, leading to the initial recommended license authorization of up to 153 tons in 2015.

Table 3: Proposed 2015 Allocations by NSL Applicant

Licensee	Initial Tonnage Authorization for 2015 (85%)	Tonnage Reserve for 2015 (15%)	Total Tonnage Allocation for 2015
Arrow Sanitary Service, Inc. Res. No. 14-4563	26,073	4,601	30,674
Crown Point Refuse, Inc. Res. No. 14-4565	153	27	180
Willamette Resources, Inc. Res. No. 14-4564	37,806	6,672	44,478
TOTAL	64,032	11,300	75,332

³ Rounded to the nearest tenth

⁴ Waste Connections, Inc. currently holds two NSLs for separate hauling operations (American Sanitary Service, Inc. and Arrow Sanitary Service, Inc.). Waste Connections has since consolidated its hauling operation under Arrow Sanitary Service and it now seeks a single NSL with the combined tonnage.

⁵ Metro Solid Waste Facility Franchise No. F-005-08C authorizes WRI to accept up to 70,000 tons of putrescible waste generated inside the Metro region per calendar year. The franchise tonnage cap (70,000 tons) is the maximum delivery amount that is used to determine the facility's allocation percentage.

B. The Applicant

Crown Point collects waste along the eastern boundary of the Metro region and has been a holder of NSLs since 2004.

The term of Crown Point's existing NSL No. N-108-13C commenced on January 1, 2013 and is set to expire on December 31, 2014. The second-year (2014) tonnage limitation that Metro initially established for the NSL (153 tons) was based on Metro's forecast, issued October 2013, of the waste that was subject to Metro's disposal contract with Waste Management. However, based on tonnage information through August 2014, the COO subsequently amended Crown Point's NSL to release an additional 27 tons, resulting in a total adjusted second-year tonnage authorization of 180 tons for 2014. (Table 1 illustrates WRI's initial and adjusted tonnage authorizations for 2013 and 2014.)

On August 5, 2014, Crown Point submitted an NSL application requesting that Metro renew its NSL in 2015. Under the proposed NSL, Crown Point would receive an initial tonnage authorization of 153 tons for use in 2015. The COO will subsequently release reserved tonnage and establish the licensee's second year tonnage for 2016 as explained in this report.

C. Special Provisions of the NSL for Managing Risk

The proposed license includes three conditions that are intended to further minimize Metro's risk of noncompliance with its disposal contract by providing Metro with additional controls for monitoring and managing the flow guarantee against fluctuating waste tonnage in the system. The three conditions, explained below, were carried forward from the existing license and are included in all of the proposed NSLs for all licensees identified in Section 1A(1) of this report. These conditions are unique to the NSLs that control the 10 percent of putrescible waste that is not committed under Metro's disposal contract.

(1) NSL Special Condition 1: Calendar Year Tonnage Authorization

The proposed NSL establishes an initial first-year tonnage authorization for 2015 and authorizes the COO to establish a second-year tonnage authorization for 2016 using the same allocation method described in this report. In addition, the license authorizes the COO to release additional "reserved" tonnage to the licensee if available during the term of the license.

Section 2 of the proposed NSL authorizes Crown Point to initially deliver up to 153 tons of putrescible waste to Wasco County Landfill during calendar year 2015. Effective January 1, 2015, this tonnage limit is immediately available for use throughout the first year of the license. The license also stipulates that, by no later than November 3, 2015, the COO may release reserved tonnage and increase the licensee's limit by up to an additional 15 percent (27 tons) in 2015 as available. If the COO were to release the full forecasted reserve amount provided under this proposed license, then Crown Point's annual tonnage limit would be increased up to a total of 180 tons in 2015.

Additionally, Section 2 stipulates that, by no later than December 31, 2015, the COO may amend the proposed NSL to establish an initial tonnage limit for calendar year 2016. This second-year tonnage limit would become effective January 1, 2016, and be available for use throughout 2016. Then, by no later than November 3, 2016, the COO may again release reserved tonnage and increase the licensee's 2016 limit by up to an additional 15 percent as described above.

This condition allows the COO to adjust the annual tonnage authorization as necessary to meet Metro's contractual obligations and allows the maximum use of the licensee's available tonnage. By adopting this resolution, the Metro Council authorizes the COO to establish an annual tonnage authorization for 2016 and release reserve tonnage in 2015 and 2016 as described above.

(2) NSL Special Condition 2: Redirection of Waste Flow

In the event of a decline in system-wide putrescible waste, the proposed NSL authorizes the COO to immediately redirect the licensee's waste to Metro Central or South Transfer Stations if necessary to prevent a violation of the disposal contract flow guarantee.

Section 7 of the proposed NSL stipulates that the COO may redirect the licensee's waste flow with a minimum of 24 hours written notice. By adopting this resolution, the Metro Council authorizes the COO to redirect the licensee's waste, as described above, if necessary to comply with the disposal contract flow guarantee.

(3) NSL Special Condition 3: Weekly and Daily Reporting Requirement

The proposed NSL allows the COO to require the licensee to report tonnage information to Metro on a weekly or daily basis if necessary (NSLs generally specify that required information must be transmitted to Metro on a monthly basis).

Section 6 of the proposed NSL stipulates that the COO may determine when more frequent reporting is necessary. By adopting this resolution, the Metro Council authorizes the COO to immediately implement more frequent reporting requirements as needed to ensure compliance with the disposal contract.

D. Special Provision of the NSL Unique to Crown Point

As provided in the current license, the proposed NSL also carries forward a condition that allows the licensee to report to Metro an average monthly tonnage amount (NSLs generally include scale-based reporting requirements for all transactions). The majority of the applicant's hauling accounts lie outside the Metro region. In order to route its trucks efficiently, Crown Point's trucks must cross the Metro jurisdictional boundary and co-mingle Metro area waste with out-of-Metro waste. In order to determine the appropriate fees and taxes owed to Metro, Crown Point and Metro have mutually agreed to a procedure whereby Crown Point reports an average monthly tonnage amount determined by weight studies it performs on an annual basis.

Section 6 of the proposed NSL stipulates that the licensee must sample the weight of the waste it collects from inside the Metro region for a period of two consecutive weeks in order to determine a monthly average tonnage amount to use for reporting and the remittance of fees and taxes. Staff finds this to be a reasonable and verifiable procedure for the small amount of waste that the applicant collects from outside of the Metro region.

2. ANALYSIS/INFORMATION

A. Known Opposition

There is no known opposition to the proposed license renewal.

B. Legal Antecedents

Metro Code Section 5.05.025 prohibits any person from utilizing non-system facilities without an appropriate license from Metro. Additionally, Metro Code Section 5.05.043 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 applicant (Crown Point) and the disposal site (Wasco County Landfill) are well known to Metro regulatory staff. The landfill is owned by a major, nationally integrated solid waste company. The environmental risks from the use of the disposal site are minimal as the landfill is fully authorized and regulated 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;*

Waste Connections, Inc. owns and operates Wasco County Landfill. Metro staff's investigation of Waste Connections, Inc. revealed a good record of compliance with local and state agencies responsible for health, safety, and environmental regulations.

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

Wasco County Landfill uses operational practices and management controls that are typical of other RCRA Subtitle D⁶ landfills. Staff at DEQ, the landfill's regulator, consider the operational practices and management controls in place at the landfill to be appropriate for the protection of health and the environment.

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

The proposed license covers putrescible solid waste, which currently has limited recovery potential. The license puts no long-term constraint or commitment on the waste should recovery alternatives emerge for the region. Thus, approval of the proposed license renewal is not expected to impact the region's recycling and waste reduction efforts.

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

NSLs are the main vehicles by which Metro manages its contractual obligation to deliver a minimum of 90 percent of the region's putrescible waste, which is delivered to general purpose landfills during the calendar year, to landfills owned by Waste Management. This proposed NSL controls a portion of the 10 percent of uncommitted waste not guaranteed to Waste Management under the disposal contract. This proposed NSL renewal is one of three similar licenses that will expire at the end of 2014. Provisions in the NSL allow Metro to monitor compliance with its disposal contract, as was covered in Section 1A of this report.

⁶ Subtitle D landfill standards are established nationally under the Resource Conservation and Recovery Act.

- (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;*

Crown Point exceeded its NSL tonnage authorization by about a half of a ton during calendar year 2013. On January 30, 2014, Metro issued a noncompliance advisory letter⁷ to Crown Point for the slight tonnage limit violation. Crown Point has remained in compliance with its license since that time.

With the exception of the above-mentioned violation, Crown Point has not had any compliance issues with regard to Metro regulations within the last two years. Additionally, Crown Point has had no violations related to public health, safety or environmental regulations during the term of the current license.

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

This criterion was examined above in Sections 1A and 1C of this report.

C. Anticipated/Potential Effects

This proposed NSL is one of many action items currently under consideration by Metro which is affected by potential declines in the amount of solid waste subject to the flow guarantee. Some decisions could have the effect of shrinking the pool of waste available for allocation. The forecast of waste subject to the flow guarantee, which is the basis for the NSL tonnage authorizations in 2015, incorporates the best available information as of this writing.

D. Budget/Rate Impacts

The price that Metro pays for disposal at Columbia Ridge Landfill is a “declining block rate” — meaning that the more waste that is delivered to any landfill owned by Waste Management (i.e., Columbia Ridge Landfill and Riverbend Landfill), the lower the per-ton cost paid by Metro. Based on projected tonnage and contract prices, allocating the uncommitted 75,332 tons (as proposed for 2015) to non-Waste Management landfills increases the tip fee at Metro’s transfer stations by \$1.15 per ton. At current throughput of approximately 430,000 tons per year, Metro customers will pay approximately \$538,000 more for disposal in FY 2014-15 than if all of the uncommitted waste were to flow to Waste Management landfills (with a similar financial impact expected in FY 2015-16). This is a conservative estimate, as it is based on the assumption that none of these tons would have been handled directly through Metro transfer stations. Had that been the case there would be additional fiscal impacts from loss of transaction revenue and higher per-ton revenue required to cover fixed costs. The practice of issuing these types of NSLs and absorbing these fiscal impacts has been occurring under the Council’s direction for the past 14 years.

The Metro Regional System Fee and Excise Tax will continue to be collected on all waste delivered under authority of the proposed NSL. The application under consideration is the renewal of an existing NSL (No. N-108-13C). Therefore, the financial impact has already been factored into the budget.

⁷ Noncompliance Advisory Letter No. NAL-352-14

3. RECOMMENDED ACTION

Based on the information provided above and the analysis provided in this report, the COO recommends that the Metro Council adopt Resolution No. 14-4565. Approval of this resolution will authorize the COO to issue an NSL to Crown Point subject to the requirements listed in Metro Code Chapter 5.05; and further subject to special conditions which are incorporated into the proposed NSL attached as Exhibit A to the proposed resolution.

WJ:bjl
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Agenda Item No. 2.7

Resolution No. 14-4566, 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, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF OPERATING) RESOLUTION NO. 14-4566
OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE TO)
EPSON PORTLAND, INC. FOR DELIVERY OF INDUSTRIAL SOLID) Introduced by Chief Operating
WASTE AND PUTRESCIBLE WASTE TO THE COVANTA WASTE-) Officer Martha Bennett in
TO-ENERGY FACILITY IN MARION COUNTY, OREGON) concurrence of Council President
) Tom Hughes,

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 Licenses Nos. N-028-11 and N-028-11(2), which both expire on December 31, 2014; and

WHEREAS, the solid wastes authorized under both Non-System Licenses are generated at a single Epson facility and are delivered to the Covanta Waste-to-Energy Facility ("Covanta"); and

WHEREAS, the issuance of a combined Non-System License to Epson authorizing the delivery of industrial solid waste and putrescible waste to Covanta will provide an administrative efficiency to both Epson and Metro; and

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

WHEREAS, the 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 licenses be renewed as a single, combined authorization 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 combined renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-028-15

LICENSEE:
Epson Portland, Inc. 3950 NW Aloclek 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 Aloclek 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, and off-specification and counterfeit ink cartridges received or generated at the Epson Portland, Inc. site located at 3950 NW Aloclek 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 425 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, 2015 and expire at midnight on December 31, 2016, 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.; or 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. <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. 14-4566 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 31, 2014

Prepared by: Will Ennis
(503) 797-1667

Approval of Resolution No. 14-4566 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 425 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 combined renewal of two existing licenses that are set to expire on December 31, 2014.¹

BACKGROUND

Epson is a manufacturing facility located in Hillsboro, Oregon (Metro District 4). Epson routinely generates manufacturing wastes that consist primarily of non-recoverable industrial plastics and off-specification ink cartridges that are mixed with other non-recoverable putrescible waste from the facility's offices, restrooms, and lunchrooms. The facility also serves as a collection point for counterfeit Epson ink cartridges that are delivered to Covanta for destruction.

In October 2012 Epson was granted two NSLs (Nos. N-028-13 and N-028-13(2)) both of which commenced January 1, 2013 and are set to expire December 31, 2014. NSL No. N-028-13 authorized Epson to deliver a maximum of 125 tons per calendar year of solid waste, including putrescible waste, generated at its facility to Covanta. The applicant delivered 31.27 tons of solid waste to Covanta under authority of this existing NSL during calendar year 2013 and 18.32 tons between January 1 and July 31, 2014. NSL No. N-028-13(2) authorized Epson to deliver a maximum of 300 tons per calendar year of off-specification and counterfeit ink cartridges to Covanta for destruction. The applicant delivered 10.35 tons of solid waste to Covanta under authority of this NSL in 2013 and delivered no waste between January 1, 2014 and July 31, 2014. Although the applicant currently holds two NSLs, the COO is now recommending that the renewal of the existing tonnage authorizations be combined into a single NSL (NSL No. N-028-15) authorizing Epson to deliver a total maximum of 425 tons of solid waste to Covanta per calendar year. The combined tonnage authorization of the solid waste, which is generated at a single Epson facility and delivered to a single facility (Covanta), will provide both Epson and Metro with administrative efficiencies and flexibility.

In August of 2014, Epson filed two applications requesting that Metro renew both existing NSLs with a total tonnage authorization of 425 tons per calendar year. This is the same combined annual tonnage limit that Epson is currently authorized to transport under its existing NSLs. The proposed license is subject to approval or denial by the Metro Council because, in addition to the non-recoverable waste, it also authorizes the delivery of putrescible waste to a non-system facility.²

¹ Metro Solid Waste Facility Non-System License Nos. N-028-11 and N-028-11(2)

² Metro Code Section 5.05.040

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed NSL.

2. Legal Antecedents

Section 5.05.043 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. The Metro-area waste that is

delivered to Covanta is not included in Metro's recovery rate calculation because state statute³ 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 currently allowed to include a portion of the in-County waste that is delivered to Covanta in its recovery rate. Approval of the proposed license is not expected to impact the Metro region's recycling and waste reduction efforts.

(5) *The consistency of issuing the license 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 this 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 NSLs 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. In 2013, Metro South Transfer Station delivered approximately 5,700 tons of Metro-area waste to the facility.

3. Anticipated Effects

The effect of Resolution No. 14-4566 will be to issue a two-year NSL authorizing Epson to deliver up to 425 tons per calendar year of industrial solid waste and putrescible solid waste to Covanta for disposal. The proposed NSL would commence on January 1, 2015 and expire on December 31, 2016.

³ ORS 465A.010(4)(f)(B)

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 combined renewal of two existing NSLs (Nos. N-028-11 and N-028-13(2)). The financial impact of this NSL has already been factored into the budget.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 14-4566, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.043, and issuance of an NSL substantially similar to the NSL attached to the resolution as Exhibit A.

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Agenda Item No. 2.8

Resolution No. 14-4567, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Willamette Resources, Inc. and Republic Services of Clackamas 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, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF)	RESOLUTION NO. 14-4567
OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM)	
LICENSE JOINTLY TO WILLAMETTE RESOURCES, INC. AND)	Introduced by Martha Bennett,
REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON)	Chief Operating Officer, with the
COUNTIES FOR DELIVERY OF PUTRESCIBLE WASTE TO THE)	concurrence of Tom Hughes,
COVANTA WASTE-TO-ENERGY FACILITY IN MARION)	Council President
COUNTY, OREGON)	

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 Republic Services of Clackamas and Washington Counties (“Republic”) hold Metro Solid Waste Facility Non-System License No. N-005-13(2), which expires on December 31, 2014; and

WHEREAS, WRI and Republic 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 Republic 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 Republic a renewed Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-005-15(2)

LICENSEE:		
Willamette Resources, Inc. 10295 SW Ridder Road Wilsonville, OR 97070	Republic Services of Clackamas and Washington Counties 10295 SW Ridder Road Wilsonville, OR 97070	
CONTACT PERSON:		
Derek Ruckman Phone: (503) 404-2128 Fax: (503) 570-0523 E-mail: druckman@republicservices.com	Brian May (503) 404-2131 (503) 570-0523 bmay@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	Republic Services 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-005-08C; and</p> <p>(b) Confidential records of customers generated within the Metro boundary and collected by Republic Services 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-005-08C.</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, 2015 and expire at midnight on December 31, 2016, 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 over solid waste generated by the Licensee shall be deemed part of this license</p>



	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. 14-4567 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A RENEWED NON-SYSTEM LICENSE JOINTLY TO WILLAMETTE RESOURCES, INC. AND REPUBLIC SERVICES OF CLACKAMAS AND WASHINGTON COUNTIES FOR DELIVERY OF PUTRESCIBLE WASTE TO THE COVANTA WASTE-TO-ENERGY FACILITY IN MARION COUNTY, OREGON

October 31, 2014

Prepared by: Will Ennis
(503) 797-1667

Approval of Resolution No. 14-4567 will authorize the Chief Operating Officer (COO) to issue a two-year non-system license (NSL) jointly to Willamette Resources, Inc. (WRI) and Republic Services of Clackamas and Washington Counties (Republic) 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 October 2012, WRI and Republic were jointly granted an NSL¹ 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 Republic to Covanta. The term of this NSL commenced on January 1, 2013 and is set to expire on December 31, 2014. The applicants delivered approximately 5,444 tons of solid waste to Covanta under authority of this existing NSL during calendar year 2013 and approximately 2,590 tons between January 1 and July 31, 2014.

In addition to the above-mentioned NSL for Covanta, WRI currently holds three other NSLs that authorize the delivery of putrescible waste to different disposal sites.

- NSL No. N-005-13 authorizing the annual delivery of up to 70,000 tons per calendar year of putrescible solid waste to Riverbend Landfill;
- NSL No. N-005-13(3)C authorizing the combined total delivery of up to 40,950 tons of putrescible solid waste to Coffin Butte Landfill;² and
- NSL No. N-005-14(4) authorizing the annual delivery of up to 12,000 tons of commercial food waste to Pacific Region Compost.³

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-005-08C (70,000 tons per year).

¹ Metro Solid Waste Facility Non-System License No. N-005-13(2)

² NSL Nos. N-005-13 and N-005-13(3)C are set to expire on December 31, 2014 and are in the process of being renewed.

³ NSL No. N-005-14(4) expires on December 31, 2015.

On July 31, 2014, WRI and Republic 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 Republic have held under NSLs since 1999. The proposed renewed license is subject to approval or denial by the Metro Council because, it authorizes the delivery of putrescible waste to a non-system facility.⁴

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed NSL.

2. Legal Antecedents

Section 5.05.043 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 DEQ. Metro staff received verbal confirmation from 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;*

⁴ Metro Code Section 5.05.040

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 statute⁵ 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 issuing the license 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

Metro issued WRI a Notice of Violation on June 9, 2014 for processing solid waste out-of-doors in violation of their Metro-issued Franchise.⁶ The matter was resolved and WRI is currently in compliance with its Metro-issued Franchise and NSLs.

(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

⁵ ORS 465A.010(4)(f)(B)

⁶ Notice of Violation No. NOV-360-14

waste to Covanta. In 2013, Metro South Transfer Station delivered approximately 5,700 tons of Metro-area waste to the facility.

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. 14-4567 will be to issue a two-year NSL authorizing WRI and Republic to deliver up to 5,500 tons per calendar year of putrescible waste and certain confidential records to Covanta for disposal. The proposed renewed NSL would commence on January 1, 2015 and expire on December 31, 2016.

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-005-13(2)). The financial impact of this NSL has already been factored into the budget.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 14-4567, finding that the license renewal satisfies the requirements of Metro Code Section 5.05.043, and issuance of an NSL substantially similar to the proposed NSL attached to the resolution as Exhibit A.

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Agenda Item No. 2.9

Resolution No. 14-4568, For the Purpose of Authorizing the Chief Operating Officer to Issue a Renewed Non-System License to Fujifilms North America Corporation for Delivery of Non-Putrescible Waste and Putrescible Waste to the Covanta Waste-to-Energy Facility in Marion County, Oregon

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE CHIEF) RESOLUTION NO. 14-4568
OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM)
LICENSE TO FUJIFILMS NORTH AMERICA CORPORATION) Introduced by Martha Bennett,
FOR DELIVERY OF NON-RECOVERABLE NON-PUTRESCIBLE) Chief Operating Officer, with the
WASTE AND PUTRESCIBLE WASTE TO THE COVANTA) concurrence of Tom Hughes,
WASTE-TO-ENERGY FACILITY IN MARION COUNTY,) Council President
OREGON)

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, Fujifilm North America Corporation has filed a complete application seeking a non-system license to deliver non-recoverable non-putrescible waste and putrescible solid 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 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 Fujifilm North America Corporation 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 Fujifilm North America Corporation a Solid Waste Facility Non-System License substantially similar to the one attached as Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, 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-163-14

LICENSEE:
Fujifilm North America Corporation 4152 NE 185 th Avenue Portland, OR 97230
CONTACT PERSON:
Dan Shuler Phone: (480) 208-6441 E-mail: dshuler@wtsonline.com
MAILING ADDRESS:
Fujifilm North America Corporation 4152 NE 185 th Avenue Portland, OR 97230

ISSUED BY METRO:

Scott Robinson, Deputy Chief Operating Officer

Date



1	NATURE OF WASTE COVERED BY LICENSE
	Non-recoverable solid waste commingled with putrescible waste, including restroom and lunchroom waste, generated at the Fujifilm North America Corporation site located at 4152 NE 185 th Avenue in Portland, 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 85 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 December 1, 2014 and expire at midnight on December 31, 2016, 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.; or 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. <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 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.</p>



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STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4568 AUTHORIZING THE CHIEF OPERATING OFFICER TO ISSUE A NEW NON-SYSTEM LICENSE TO FUJIFILM NORTH AMERICA CORPORATION FOR DELIVERY OF NON-RECOVERABLE NON-PUTRESCIBLE WASTE AND PUTRESCIBLE WASTE TO THE COVANTA WASTE-TO-ENERGY FACILITY IN MARION COUNTY, OREGON

October 31, 2014

Prepared by: Will Ennis
(503) 797-1667

Approval of Resolution No. 14-4568 will authorize the Chief Operating Officer (COO) to issue a non-system license (NSL) to Fujifilm North America Corporation (Fujifilm) to annually deliver up to 85 tons of non-recoverable 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.

BACKGROUND

The applicant, Fujifilm, operates a photographic processing facility located at 4152 NE 185th Avenue in Portland, Oregon (Metro District 1). The facility is used as a photographic processing plant for digital and film formats. Fujifilm's customers include Walmart, Costco and on-line retailer Shutterfly. This Fujifilm location employs 55 people.

Fujifilm routinely generates miscellaneous non-recoverable wastes which consist primarily of non-recyclable photographic paper, misprinted gift items including mugs and mouse pads, contaminated film plastic and office, restroom, and lunchroom wastes. The facility also generates other non-hazardous wastes from its facility including empty photographic chemical containers and floor sweepings. As part of Fujifilm's company-wide sustainability program, the facility makes efforts to reduce, reuse, and recycle waste whenever possible. For example, the facility separates out wood, metal and cardboard wastes generated at the facility which are then delivered to local recycling operations. As part of these sustainability efforts, Fujifilm prefers to send its non-recoverable wastes to waste-to-energy facilities instead of landfills for disposal.

On July 31, 2014, Fujifilm filed a complete application seeking an NSL authorizing the delivery of up to 85 tons per calendar year of miscellaneous non-recoverable waste, including putrescible solid waste, generated at its facility to Covanta. The proposed license is subject to approval or denial by the Metro Council because, in addition to the non-recoverable waste, it also authorizes the delivery of putrescible waste to a non-system facility.¹

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to the proposed NSL.

¹ Metro Code Section 5.05.040

2. Legal Antecedents

Section 5.05.043 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;*

Fujifilm has an aggressive sustainability program and it seeks to deliver only its non-recyclable waste, including putrescible solid waste, to Covanta instead of a landfill. The Metro-area waste that is delivered to Covanta is not included in Metro's recovery rate calculation because state statute² 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 currently allowed to include a portion of the in-County waste

² ORS 465A.010(4)(f)(B)

that is delivered to Covanta in its recovery rate. Approval of the proposed license is not expected to impact the Metro region's recycling and waste reduction efforts.

(5) *The consistency of issuing the license 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 this 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. Issuing this NSL is consistent 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 has a good record of compliance with regard to Metro regulations.

(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 during 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. In 2013, Metro South Transfer Station delivered approximately 5,700 tons of Metro-area waste to the facility.

The proposed license includes a 25-month term, commencing on December 1, 2014, and expiring on December 31, 2016. Although NSLs are typically issued for a two-year period, staff recommends that the Metro Council establish a 25-month term in this instance in order to align the license with a calendar year renewal cycle. The Metro Code stipulates that new NSLs may be issued for up to a three-year period.³

3. Anticipated Effects

The effect of Resolution No. 13-4457 will be to issue a new NSL authorizing Fujifilm to deliver up to 85 tons per calendar year of miscellaneous non-recoverable waste, including putrescible waste, to Covanta. The proposed NSL would commence on December 1, 2014 and expire on December 31, 2016.

4. Budget/Rate Impacts

³ Metro Code Section 5.05.045(5)(B)

The waste covered under the proposed NSL will be delivered to Covanta. Covanta is not a general-purpose landfill and the proposed tonnage will not impact Metro's obligations under its disposal contract. The tonnage that Fujifilm seeks to deliver to Covanta under this proposed NSL will most likely be diverted away from Troutdale Transfer Station. As such, this tonnage shift will not impact the cost of disposal for Metro's customers. Furthermore, the regional system fee and excise tax will continue to be collected on the waste covered by this license.

RECOMMENDED ACTION

The COO recommends approval of Resolution No. 14-4568, finding that the license satisfies the requirements of Metro Code Section 5.05.043, and issuance of a new NSL substantially similar to the license attached to the resolution as Exhibit A.

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Agenda Item No. 3.0

**Consideration of Council Meeting Minutes for October 30,
2014**

Consent Agenda

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

Agenda Item No. 4.1

Resolution No. 14-4523, For the Purpose of Establishing
Additional One Percent for Art Program Guidelines for Parks
and Natural Areas Projects

Resolutions

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ESTABLISHING)	RESOLUTION NO. 14-4523
ADDITIONAL ONE PERCENT FOR ART)	
PROGRAM GUIDELINES FOR PARKS AND)	Introduced by Chief Operating Officer Martha
NATURAL AREAS PROJECTS)	Bennett in concurrence with Council
)	President Tom Hughes

WHEREAS, in May 2013, the voters of the Metro region approved a five-year local option measure for the purpose of preserving water quality, fish and wildlife habitat and maintaining Metro’s parks and natural areas for the public;

WHEREAS, as part of implementing the operating levy, Metro’s Parks and Natural Areas’ five-year work plan includes projects for natural area restoration, maintenance and improvements for visitors, and park maintenance and improvements, among other things;

WHEREAS, Metro Code Chapter 2.07.040 (the “One Percent for Art Program”) requires that one percent of the cost of major construction projects (where the construction cost exceeds a certain threshold), be set aside for the acquisition of art that will be integral to, or displayed in, upon or adjacent to the construction project, unless the Metro Council deems it appropriate for the art to be displayed or relocated to other Metro facilities;

WHEREAS, Metro Code Section 2.07.060 (“One Percent for Art Program–Implementation”) requires that the Metro Council adopt guidelines for implementing Metro’s One Percent for Art Program;

WHEREAS, by Metro Council Resolution No. 87-717 and Metro Council Resolution No. 11-4282, the Metro Council provided said guidelines, establishing both a project-by-project approach to implementation of Metro’s One Percent for Art Program and a programmatic approach for implementation of the program requirements for the Oregon Zoo bond Measure public improvement projects; and

WHEREAS, the additional guidelines attached as Exhibit A to this Resolution will make available a programmatic approach to Metro’s One Percent for Art Program for Metro’s parks and natural areas, allowing Metro to pool funds from parks and natural areas projects that would qualify for the One Percent for Art Program and use the pooled funds to create art at select sites for greater impact; now therefore

BE IT RESOLVED that the Metro Council hereby adopts the One Percent for Art Parks and Natural Areas Guidelines, to provide additional guidance to staff in the implementation the One Percent for Art Program for parks and natural areas projects.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

ONE PERCENT FOR ART PARKS AND NATURAL AREAS GUIDELINES

PURPOSE

The purpose of these One Percent for Art Parks and Natural Areas Guidelines are to provide an alternative process for implementing Metro’s One Percent for Art Program in Metro’s parks and natural areas. These guidelines allow staff to use a programmatic approach for parks and natural areas projects, as described below, but staff may also continue to use the project-by-project approach and the existing guidelines as appropriate.

PROCESS

Metro’s One Percent for Art Program for its parks and natural areas may be implemented on a programmatic level, rather than a project-by-project approach. One percent of the funds generated from contributing projects, described below, will be deposited into a general parks and natural areas percent-for-art pool. Art funds will be distributed to sites and placed on select sites according to criteria set forth below.

CONTRIBUTING PROJECTS

The following criteria will be used in determining which parks and natural areas projects contribute to the One Percent for Art funding pool:

- As of the date of Resolution 14-4523, projects for construction, reconstruction or major renovation of a Metro facility with an estimated construction cost of \$100,000 (the “Cost Threshold”) or more are “major construction projects” under the Metro Code and trigger the One Percent for Art requirement.
- Planting, even if extensive and over the Cost Threshold, is not considered a major construction project and will not trigger the One Percent for Art requirement.
- Multiple construction, reconstruction or renovation projects under the Cost Threshold on the same facility that if combined, would meet the Cost Threshold may be deemed at the discretion of the department director to be one major construction project if they are:
 - Projects designed and/or engineered under one design agreement, even if constructed under separate construction contracts.
 - Take place concurrently or in close succession.
- Equipment that is a fixture, such that it is attached to the facility and integral to a project, counts toward the Cost Threshold (example: water fountains). Moveable equipment does not count, such as a small back-hoe for trail maintenance and construction.
- Based on project work scopes and cost estimates, staff shall calculate and document the funds available for the art program, to be revised annually and updated based on actual project costs and using exceptions identified in the Metro Code.

ART PLACEMENT CRITERIA

Staff will follow the following criteria when selecting sites and placing art at Metro’s parks and natural areas.

Site Selection and Placement Criteria

With this programmatic approach, Metro staff will ensure that art is placed at locations distributed geographically to maximize the opportunity for all residents of the region and visitors to parks to experience art in Metro's parks and natural areas.

1. Creates opportunities for people to connect to the site's context, history, uses, habitats, species, processes and phenomena.
 - Creates opportunities for people to connect to the perception of natural phenomenon and processes over time
 - Creates opportunities for people to connect to the poetics and interconnectedness of water in wetlands, headwaters and rivers
 - Creates opportunities for people to connect to animal architectures, morphology, behaviors and life cycles
 - Promotes curiosity, environmental literacy and site interpretation
 - The site has the potential to engage private and public sectors, artists, arts organizations and community members
 - Provides an opportunity to reflect on the community and its characteristics, including history, identity, geography and cultures

2. Be easily visible and accessible to the public.
 - Located on primary trails within parks or natural areas, or in the natural area itself
 - Ensures fair and equitable distribution of public art throughout the Metro region
 - Supports artwork that meets ADA regulations
 - Provides an opportunity to celebrate one or more of the Metro region's cultural communities
 - Provides an opportunity for people to gather and come together
 - View of recreational activities should not be obstructed by the placement, size or shape of the artwork
 - Should not create a blind spot where illegal activity can take place
 - Should not impair resources or wildlife

3. Public art shall improve the natural quality or appeal of the site.
 - Serve to anchor and activate the site
 - Help to create a place of congregation and activity
 - Heightens people's aesthetic experiences of the place
 - Contains and focuses people's experiences while protecting wildlife and habitat
 - Should be placed in a location where it is not overwhelmed or competing with the scale of the site

4. Respect and respond to the existing site's habitats, plant and animal species, infrastructure, community context, natural processes, and wetlands.
 - Reflect and manifest community goals
 - Structurally sound to ensure the safety of the community as well as the longevity of the work
 - Appropriate activities on or near the site
 - Functional art elements are encouraged
 - Conditions at the proposed site are stable enough to support artwork for several years. The site is not expected to undergo significant changes in the future
 - The artwork should add value to the site and not interfere with the recreational uses, the natural appearance of the area, the natural function and resources or wildlife

When planning levy projects specifically, Metro staff will incorporate artwork as part of the design phase. Sites will be proposed by Metro staff and selected by the department director. A diverse design team (the “team”) will be convened to develop place-based art for each site selected. The team may be comprised of a Metro project manager, lead landscape architect (Metro staff or a consultant), an artist or writer selected from a roster to be developed by a regional arts organization (“RAO”), or similar organization, and education and resource staff to assess each site, prepare plans and determine the appropriate story for each piece of work. The theme, scale and media will be selected by the team to determine the best story, location and facility. As required by the Metro Code, the artwork will be owned and maintained by Metro.

The RAO will assist Metro in developing a list of interested artists or writers qualified to contribute to the design projects as part of the larger design team. The RAO will solicit letters of interest from artists or writers in their extensive network of artists. The department director will convene an ad-hoc selection committee to review the letters of interest based on objective criteria and determine the roster of potential artists or writers. This roster will be used by the lead landscape architect and design team to select the artist or writer to work with on levy construction projects. The committee members will be comprised of five to seven members from Metro, RAO and the community.

One Percent for Art Program funds will not be used for the following:

- Reproductions, by mechanical or other means, of original works of art.
- Those elements generally considered to be standard components of a landscape architectural design.
- “Art objects” which are mass-produced of standard design, such as playground sculpture or fountains.
- Modifications of or improvements to building surfaces or structural elements of the building, except for integral art as defined by the team.
- Electrical, water, or mechanical service for activation of the works of art (i.e., utility costs).
- In connection with the works of art: registration, dedication, unveiling, security and publicity after selection.
- Architect’s fees.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4523, FOR THE PURPOSE OF ESTABLISHING ADDITIONAL ONE PERCENT FOR ART PROGRAM GUIDELINES FOR PARKS AND NATURAL AREAS PROJECTS

Date: November 4, 2014

Prepared by: Kathleen Brennan-Hunter, 503-797-1948

BACKGROUND

Metro Code Chapter 2.07 sets forth Metro's One Percent for Art Program. The code states that "one percent of the construction cost of major construction projects shall be set aside for the acquisition of art" (Section 2.07.040). Section 2.07.020 (d) defines a "major construction project" as "construction, reconstruction or major renovation of a Metro facility with an estimated construction cost of \$100,000 or more." Works of art are to be integral to, or displayed in, upon or adjacent to the project, unless the Metro Council deems it appropriate for the art to be displayed or relocated to other Metro facilities.

Metro Code Chapter 2.07.070 requires that the Metro Council adopt guidelines for the implementation of the One Percent for Art Program. The Metro Council has the general flexibility to exempt projects from the art requirement or relocate works of art procured for one place to other Metro facilities (Section 2.07.040).

Resolution No. 87-717 establishes the initial guidelines for the implementation of the One Percent for Art Program. The guidelines provide a process for selecting, purchasing, commissioning, placing and maintaining art purchased with the funds set aside, and generally provides for implementation of the program on a project-by-project basis.

In 2011, the Oregon Zoo asked the Metro Council to adopt guidelines that allowed the Zoo to implement the One Percent for Art Program with a programmatic approach instead of a project-by-project approach. Metro Council Resolution No. 11-4282 approved this programmatic approach for the Oregon Zoo. The resolution approved guidelines that allow one percent of direct construction costs of Oregon Zoo Bond Measure projects (valued at greater than \$100,000) to be deposited into a general bond program percent-for-art pool. Art funds are distributed to select bond projects and/or proximity art projects from the accumulated pool.

PROPOSED APPROACH FOR PARKS AND NATURAL AREAS

Metro parks and natural areas staff currently follow guidelines established in Resolution No. 87-717, including the use of exceptions. Program staff implement the One Percent for Art Program in a manner that is consistent with the Oregon Zoo, and would like to establish guidelines similar to the Oregon Zoo's approach, allowing staff to implement the One Percent for Art Program programmatically, rather than on a project-by-project basis. If adopted, this resolution would allow Metro staff to pool together One Percent for Art Program funds from parks and natural areas major construction projects, including funds from the 2013 Parks and Natural Areas local option levy and the Natural Areas Bond program, and use the pool of funds to create art at select sites for greater impact. The proposed additional One Percent for Art Parks and Natural Areas Guidelines are attached as Exhibit A to the Resolution.

Rather than procure or create art for every parks, levy or natural areas project with a cost that exceeds the cost threshold set in the Metro Code, which would result in multiple small artistic endeavors, the proposed program approach would allow Metro staff to pool the funds from multiple major construction projects. By pooling resources in this way, Metro will have the opportunity to incorporate art into everyday aspects of parks in a compelling way, so the story of a place is expressed as part of the design for the site. Projects incorporating artwork will develop around placed-based stories for the site's natural,

cultural and scenic values to enhance people's experiences and provide a stronger connection to the place. These story lines can be expressed in site elements such as custom benches, fences, bike racks or picnic shelters that reflect the character of the site. This approach has the ability to be especially successful when One Percent for Art Program funds from both levy and non-levy parks and natural areas major construction projects are combined. Leveraging or pooling these funds will enhance Metro's ability to fund meaningful art in the region that provides an opportunity to make unique and engaging or bold artistic statements, a recent example being the art benches built during the construction of Scouter's Mountain Nature Park.

As mentioned in the specific proposed guidelines, attached as Exhibit A to the Metro Council Resolution, department directors will make the final art location selection based on the Site and Placement Criteria, including the overarching intent to ensure that art is distributed through the region in a manner that ensures that the geographic distribution provides for the maximum number of residents to experience art at their closest Metro park or natural area.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this resolution.

2. Legal Antecedents

Ordinance No. 87-215, "For the Purpose of Establishing a One Percent for Art Program for the New Construction or Major Alteration of Major District Facilities," was adopted on March 12, 1987 and was codified in the Metro Code as Chapter 2.07, One Percent for Art Program.

Resolution No. 87-717, "For the Purpose of Establishing Guidelines for the Implementation of a One Percent for Art Program," was adopted on March 12, 1987.

Resolution No. 11-4282, "For the Purpose of Establishing Additional One Percent for Art Program Guidelines for Oregon Zoo Ballot Measure 26-96 Construction Projects."

Ordinance No. 02-967, "For the Purpose of Amending Title II Administration and Procedures (Chapters 2.03, 2.05, 2.06, 2.07, 2.09, 2.11, 2.12, 2.14, 2.15, 2.16, 2.17 and 2.18), of the Metro Code to Conform to the Metro Charter Amendments Adopted on November 7, 2000, and Declaring an Emergency," was adopted on November 21, 2002 and amended Metro Code Chapter 2.07.

3. Anticipated Effects

Pooling the One Percent for Art funds from levy and non-levy parks and natural areas projects and focusing the funds on fewer projects will allow the Parks and Environmental Services and the Sustainability Center Directors to implement Metro's One Percent for Art requirement for parks and natural areas projects programmatically rather than on a project by project basis. This approach will be the most effective use of public funds.

4. Budget Impacts

None.

RECOMMENDED ACTION

The Chief Operating Officer recommends adoption of Resolution No. 14-4523.

Agenda Item No. 4.2

Resolution No. 14-4583, For the Purpose of Endorsing
Additional Investments for Restoration and Public Access to
Nature

Resolutions

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ENDORSING) RESOLUTION NO. 14-4583
ADDITIONAL INVESTMENTS FOR)
RESTORATION AND PUBLIC ACCESS TO) Introduced by Chief Operating Officer Martha
NATURE) Bennett in concurrence with Council
) President Tom Hughes

WHEREAS, at the general election held on November 7, 2006, the voters of the Metro region approved Ballot Measure 26-80, authorizing Metro to issue \$227.4 million of general obligation bonds to fund natural area acquisitions and water quality protection (the “Natural Areas Program”); and

WHEREAS, the Metro Council dedicated \$168 million of those bonds to acquisition of land for protection of water quality, habitat restoration and public access to nature; and

WHEREAS, in May 2013, the voters of the Metro region approved a five-year local option measure for the purpose of preserving water quality, fish and wildlife habitat and maintaining Metro’s parks and natural areas for the public; and

WHEREAS, as part of implementing the operating levy, Metro’s Parks and Natural Areas’ five-year work plan includes projects for natural area restoration, maintenance and improvements for visitors, and park maintenance and improvements, among other things; and

WHEREAS, regional acquisition efforts have resulted in acquisition of over 5,000 acres of land, far exceeding the original goal of 3,500 to 4,500 acres with land purchases still ongoing; and

WHEREAS, the Metro Council now wishes to encourage investment of a small percentage of the Natural Areas Program bond funds, paired with grants received and levy funds, to provide improved and increased public access to natural areas and trails across the region, and to make habitat improvements ; now therefore

BE IT RESOLVED that the Metro Council hereby recommends that Metro use Natural Areas Bond funds to take advantage of this opportunity to build out key regional trail gaps and to leverage grants and Parks and Natural Areas levy funds to develop projects including those set forth on the attached Exhibit A.

ADOPTED by the Metro Council this 13th day of November 2014.

Tom Hughes, Council President

Approved as to Form:

Alison R. Kean, Metro Attorney

Capital projects

PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Chehalem master plan (levy) and build phase I [<i>Chehalem Ridgeway to Refuge</i>]	<ul style="list-style-type: none"> • Protect large, undeveloped tracts of forestland to protect water quality, wildlife habitat and connections, and to provide public access opportunities. 	<ul style="list-style-type: none"> • Protect the upper elevation forestlands and oak woodlands on the Chehalem Ridge to enhance water quality and wildlife habitat and to provide potential public access opportunities. 	<ul style="list-style-type: none"> • 2013 Parks and Natural Areas Levy project identified for development of public access.
East Buttes master plan (levy) and build phase 1 [<i>East Buttes</i>]	<ul style="list-style-type: none"> • Connect the substantial Butler Ridge natural area in public ownership to create a wildlife corridor and potential access to the Clackamas River via Sunshine Butte, Tower Butte, Zion Butte and the North Fork Deep Creek. • Protect butte tops and slopes for wildlife habitat and corridors between these wooded slopes and create scenic vistas that provide visual relief to urban residents. • Protect headwaters of healthy streams through acquisition of wooded hillsides on Scouters Mountain and Mount Talbert. 	<ul style="list-style-type: none"> • Protect wooded slopes on Sunshine Butte and along tributaries to Sunshine Creek to maintain wildlife corridors to the Clackamas River. • Protect wooded slopes on Tower and Zion Buttes to secure wildlife corridors to the Clackamas River. • Acquire land on Scouters Mountain in close proximity to other public landholdings to create a larger contiguous open space on the butte. 	<ul style="list-style-type: none"> • 2013 Parks and Natural Areas Levy project identified for development of public access.
River Island restoration to bond from levy [<i>Clackamas River Bluffs and Greenway</i>]	<ul style="list-style-type: none"> • Protect sensitive riparian areas, wetlands and side channels along the Clackamas River from Goose Creek west towards the confluence with the Willamette River for fish and wildlife habitat protection, enhancement and restoration. • Protect water quality and improve fish and wildlife habitat in the lower Clackamas River by acquiring and restoring native plant communities and side channels. • Protect unique geological features, habitat for rare species and lands that could provide a regionally significant nature park on the mostly undeveloped Clackamas River Bluffs. 	<ul style="list-style-type: none"> • Protect the undeveloped floodplain lands along both sides of the lower Clackamas River from Barton Park to Clear Creek (Carver Boat Ramp) with remnant side channels, gravel bars, intact forests and wetlands for improving fish habitat and maintaining water quality. • Protect the undeveloped floodplain lands along both sides of the lower Clackamas River from Clear Creek to Beebe Island (Johnson Creek curves) with remnant side channels, gravel bars, intact forests and wetlands for improving fish habitat and maintaining water quality. • Protect scenic views and provide future recreational opportunities by acquiring lands along the Clackamas River Bluffs to create a regionally significant nature park. 	<ul style="list-style-type: none"> • Identified as high priority during levy development
Tualatin boat ramp [<i>Tualatin River Greenway</i>]	<ul style="list-style-type: none"> • Protect and restore riparian areas and floodplains to improve water quality and to support a diversity of plants and wildlife. • Provide additional or enhanced access that will allow people to enjoy the river. 	<ul style="list-style-type: none"> • Protect natural areas adjacent to existing public lands to provide public access and improve wildlife habitat protection. • Continue the work begun in 1995 to enhance the water trail by providing access point sites along the Tualatin River Greenway that meet the following criteria: 	<ul style="list-style-type: none"> • The Metro Council adopted resolutions directing staff to pursue grant funds to support development of the boat launch.

		<ul style="list-style-type: none"> ▪ Locations along the river at intervals of 5 to 10 river miles, allowing for day trips and shorter trips than is now practicable. 	
PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Tualatin boat ramp (<i>cont'd</i>)		<ul style="list-style-type: none"> ▪ Safe accessibility from a public roadway that can adequately accommodate additional traffic. ▪ Developable for boat ramps and/or docks by presence of existing shallow slopes and banks. ▪ Associated with sufficient uplands for such features as parking, restrooms, picnic areas and buffering from the river and adjacent uses. ▪ Associated with key locations where there is particular interest in additional boat access/pullouts including: south of Farmington Road, north side of the river in the vicinity of Rainbow Lane, and in the vicinity of Elsner Road. 	<ul style="list-style-type: none"> •
Willamette Falls Riverwalk <i>[Willamette River Greenway]</i>	<ul style="list-style-type: none"> • Protect fish and wildlife habitat, water quality, scenic resources and improve public access to the river along the greenway from Wilsonville to the Multnomah Channel. 	<ul style="list-style-type: none"> • Close key trail gaps in Portland, including those in North and Southeast Portland. • Secure remaining unique and rare habitats. These include Multnomah Channel, the large forested area west of the Sellwood Bridge and lands near Elk Rock Island. 	<ul style="list-style-type: none"> • The Metro Council considered this project during several deliberations and recently approved an MOU regarding this project.

Trails

PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Build trail gaps on Marine Drive from Bridgeton to Troutdale <i>[Columbia Slough]</i>	<ul style="list-style-type: none"> Protect and enhance habitat and linkages along the Columbia Slough. 	<ul style="list-style-type: none"> Expand resource protection along the slough and at existing habitat areas, including Whitaker Ponds, Big Four Corners, Prison Pond, Little Four Corners, Smith and Bybee Wetlands Natural Area, Wapato Slough and Vanport Wetlands. Acquire property to create community connections between the St. Johns and Bridgeton neighborhoods and the Columbia Slough Trail and 40-Mile Loop Trail. Acquire property to close trail gaps in the Columbia Slough Trail and 40-Mile Loop Trail between NE 33rd Avenue and the future Gresham-Fairview Trail. Where strategic partnerships can contribute to acquisition and management, acquire other properties along the slough that with restoration will provide additional habitat connections and water quality benefits. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan
Build Fanno Creek gap through Fields <i>[Fanno Creek Linkages]</i>	<ul style="list-style-type: none"> Complete a continuous greenway trail from the Tualatin River into a highly urbanized, “walker-challenged” area of Portland, and further protect water quality along Fanno Creek and its tributaries. 	<ul style="list-style-type: none"> Connect publicly-owned land along the main stem of Fanno Creek between Cook Park and Woodard Park to complete the corridor and enhance habitat and water quality protection in this area. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan
Bridge over Columbia Blvd. and the trail to the Slough <i>[Columbia Slough]</i>	<ul style="list-style-type: none"> Protect and enhance habitat and linkages along the Columbia Slough. 	<ul style="list-style-type: none"> Expand resource protection along the slough and at existing habitat areas, including Whitaker Ponds, Big Four Corners, Prison Pond, Little Four Corners, Smith and Bybee Wetlands Natural Area, Wapato Slough and Vanport Wetlands. Acquire property to create community connections between the St. Johns and Bridgeton neighborhoods and the Columbia Slough Trail and 40-Mile Loop Trail. Acquire property to close trail gaps in the Columbia Slough Trail and 40-Mile Loop Trail between NE 33rd Avenue and the future Gresham-Fairview Trail. Where strategic partnerships can contribute to acquisition and management, acquire other properties along the slough that with restoration will provide additional habitat connections and water quality benefits. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan North Portland Enhancement grant committee committed \$850,000 to this project

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 14-4583 FOR THE PURPOSE OF ENDORSING ADDITIONAL INVESTMENTS FOR RESOLUTION AND PUBLIC ACCESS TO NATURE

Date: November 3, 2014

Prepared by: Kathleen Brennan-Hunter 503-797-1948

BACKGROUND

The acquisition of natural areas and trails has been in progress since the Natural Areas bond measure passed in November 2006. Acquisition has been very successful in most target areas, and the focus on the ongoing acquisition program is on closing important gaps in target areas. The success of the program in reaching overall acreage goals means that there is an opportunity to pair bond funds with grants received and with levy funds for natural area access projects. There is also a significant opportunity to build out some key regional trail gaps where the easement was acquired with 2006 Natural Areas bond funds. These investments will help achieve the goals of the refinement plans and further leverage the investment opportunities created by the passage of the Parks and Natural Areas Levy. Staff anticipates expending approximately \$15 to \$20 million on the projects identified. No additional appropriation is needed to fund these projects.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this resolution.

2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisitions and Water Quality Protection," was adopted on March 9, 2006.

Resolution No. 12-4398, "For the Purpose of Referring to the Voters of the Metro Area a Local Option Levy for the Purpose of Preserving Water Quality, Fish and Wildlife Habitat and Maintaining Metro's Parks and Natural Areas for the Public," was adopted on December 18, 2012.

3. Anticipated Effects

Most of these projects are already slated for development of public access. This legislation will enable Metro to construct more phases and to accelerate trail construction and public access at sites where funding was limited or unavailable.

4. Budget Impacts

These funds are already appropriated in the Natural Areas bond fund.

RECOMMENDED ACTION

The Chief Operating Officer recommends that the Metro Council endorse these investments and the adoption of Resolution No. 14-4583.

Agenda Item No. 4.3

Resolution No. 14-4581, For the Purpose of Amending the
Fiscal Year 2014-15 Budget and Appropriations Schedule to
Provide for a Change in Operations

Resolutions

Metro Council Meeting
Thursday, November 13, 2014
Metro, Council Chambers

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE FY 2014-15 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FOR A CHANGE IN OPERATIONS)
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)
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RESOLUTION NO 14-4581

Introduced by Martha Bennett, Chief Operating Officer, with the concurrence of Council President Tom Hughes

WHEREAS, the Metro Council has reviewed and considered the need to increase appropriations within the FY 2014-15 Budget; and

WHEREAS, Metro Code chapter 2.02.040 requires Metro Council approval to add any new position to the budget; and

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

WHEREAS, adequate funds exist for other identified needs; and

WHEREAS, ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund’s appropriations, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction, and

WHEREAS, ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer, now, therefore,

BE IT RESOLVED,

That the FY 2014-15 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled “Revision” of Exhibits A and B to this Resolution for the purpose of authorizing 10 new full-time positions and 2 new part-time positions for a total of 11.0 FTE; recognizing \$76,672 in new grants and donations in the General Fund; acknowledging \$150,000 in anticipated additional interest earnings in the General Fund; and transferring \$696,431 from the General Fund contingency and \$52,315 from the Parks and Natural Areas Local Option Levy Fund contingency.

ADOPTED by the Metro Council this 13th day of November, 2014.

Tom Hughes, Council President

APPROVED AS TO FORM:

Alison Kean, Metro Attorney

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund Resources				
<i>Beginning Fund Balance</i>				
326100	Fund Bal-Restr by TOD IGA	8,106,564	-	8,106,564
330300	Fund Bal-Comm for CET	5,071,398	-	5,071,398
340000	Fund Bal-Unassigned/Undesignated	5,997,946	-	5,997,946
340300	Fund Bal-Dsg Debt Service	749,735	-	749,735
340500	Fund Bal-Dsg Comm Invest Initiative	300,000	-	300,000
340900	Fund Bal-Desg Future Expenditure	2,038,119	-	2,038,119
341500	Fund Bal-Dsg PERS	4,191,403	-	4,191,403
349000	Fund Balance-Unassigned/Reserved	3,187,806	-	3,187,806
Total Beginning Fund Balance		29,642,971	-	29,642,971
<i>Current Revenue</i>				
401000	Real Property Taxes-Current Yr	12,398,972	-	12,398,972
401500	Real Property Taxes-Prior Yrs	342,000	-	342,000
401800	Payment in Lieu of R Prop Tax	-	-	-
401900	Interest & Penalty-R Prop Tax	-	-	-
405000	Excise Taxes	16,597,648	-	16,597,648
405500	Construction Excise Tax	1,950,000	-	1,950,000
405600	CET - 2.5%	50,000	-	50,000
406000	Cemetery Revenue Surcharge	-	-	-
410000	Federal Grants - Direct	2,546,273	20,000	2,566,273
410500	Federal Grants - Indirect	4,894,732	22,152	4,916,884
411000	State Grants - Direct	225,000	-	225,000
412000	Local Grants - Direct	2,926,163	-	2,926,163
412800	Local Capital Grants	-	-	-
412900	Intra-Metro Grants	-	-	-
413500	Marine Board Fuel Tax	71,152	-	71,152
413700	Gain Share-OR Str Invest Prog	200,000	-	200,000
413900	Other Local Govt Shared Rev.	483,135	-	483,135
414000	Local Government Service Fee	-	-	-
414200	Intergovernmental Misc Revenue	150,000	-	150,000
414500	Government Contributions	3,017,288	-	3,017,288
415000	Contractor's Business License	380,000	-	380,000
416500	Boat Launch Fees	163,095	-	163,095
417000	Fines and Forfeits	-	-	-
418000	Contract & Professional Servic	256,904	-	256,904
420000	UGB Fees	-	-	-
421000	Documents and Publications	-	-	-
421100	Public Record Request Fees	-	-	-
422000	Conferences and Workshops	-	-	-
423000	Product Sales	214,289	-	214,289
428000	Cemetery Service Sales	124,275	-	124,275
428500	Cemetery Property Sales	155,725	-	155,725
428800	Cemetery Merchandise Sales	47,875	-	47,875
450000	Admission Fees	7,476,047	-	7,476,047
450100	Conservation Surcharge	196,875	-	196,875
450200	Admission - Memberships	1,950,000	-	1,950,000
450300	Admission - Special Concerts	1,776,000	-	1,776,000
451000	Rentals - Equipment	831,254	-	831,254
452000	Rentals - Space	100,000	-	100,000
452103	Rentals - Meeting Room	-	-	-
453000	Golf Course Revenues	3,001,928	-	3,001,928
455000	Food & Beverage Service Revenue	5,286	-	5,286
455100	Food Service Revenue - Alcohol	555,109	-	555,109

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund Resources				
455120	Food Service Revenue - Beer	-	-	-
455130	Food Service Revenue - Wine	-	-	-
455500	Food Service Revenue - Food	5,151,506	-	5,151,506
456000	Retail Sales	93,905	-	93,905
457100	Gift Shop Sales	2,495,000	-	2,495,000
458000	Utility Services	2,114	-	2,114
459100	Commissions - ATM	9,000	-	9,000
459940	Commissions - Vending Machine	15,000	-	15,000
461000	Contract Revenue	55,584	-	55,584
462000	Parking Fees	668,134	-	668,134
463000	Tuition and Lectures	1,248,960	-	1,248,960
463500	Exhibit Shows	33,895	-	33,895
464000	Railroad Rides	568,353	-	568,353
464500	Reimbursed Services	-	-	-
464900	Reimbursed Labor	230,936	-	230,936
465000	Miscellaneous Charges for Svc	388,788	-	388,788
470000	Interest on Investments	151,000	150,000	301,000
471900	Unrealized Gain/Loss -FMV Adj	-	-	-
475000	Donations & Bequests - Oper	250,102	34,520	284,622
475500	Capital Contrib & Donations	-	-	-
476000	Sponsorship Revenue	385,572	-	385,572
480000	Cash Over and Short	-	-	-
481000	Sale of Capital Assets	-	-	-
482000	Program Income	-	-	-
489000	Miscellaneous Revenue	136,272	-	136,272
489100	Refunds/Reimbursements	589,506	-	589,506
	Total Current Revenue	75,560,652	226,672	75,787,324
	<i>Interfund Transfers</i>			
496000	Interfund Loan - Principal	220,000	-	220,000
496500	Interfund Loan - Interest	8,800	-	8,800
497000	Transfer of Resources	1,145,706	-	1,145,706
497500	Transfer for Indirect Costs	10,398,696	-	10,398,696
498000	Transfer for Direct Costs	2,008,433	-	2,008,433
	Total Interfund Transfers	13,781,635	-	13,781,635
	TOTAL RESOURCES	\$118,985,258	\$226,672	\$119,211,930

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Council				
Expenditures				
<i>Personnel Services</i>				
500000	Elected Official Salaries	365,904	-	365,904
501000	Reg Employees-Full Time-Exempt	1,859,363	123,946	1,983,309
501500	Reg Empl-Full Time-Non-Exempt	44,554	33,086	77,640
502000	Reg Employees-Part Time-Exempt	-	-	-
503000	Temporary Employees - Hourly	78,000	-	78,000
503100	Temporary Employees - Salaried	-	-	-
508000	Overtime	5,000	-	5,000
508600	Mobile Comm Allowance	12,600	-	12,600
508900	Merit/Bonus Pay	-	-	-
511000	Fringe - Payroll Taxes	197,988	13,204	211,192
512000	Fringe - Retirement PERS	253,150	20,313	273,463
513000	Fringe - Health & Welfare	389,124	28,824	417,948
514000	Fringe - Unemployment	-	-	-
515000	Fringe - Other Benefits	8,881	623	9,504
519000	Pension Oblig Bonds Contrib	20,835	1,571	22,406
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		3,235,399	221,567	3,456,966
<i>Materials and Services</i>				
520100	Office Supplies	63,770	-	63,770
520500	Operating Supplies	882	-	882
521000	Subscriptions and Dues	2,321	-	2,321
524000	Contracted Professional Svcs	1,153,130	-	1,153,130
524600	Sponsorship Expenditures	12,750	-	12,750
525000	Contracted Property Services	-	-	-
525100	Utility Services	1,734	-	1,734
526000	Maintenance & Repair Services	1,020	-	1,020
526500	Rentals	918	-	918
528000	Other Purchased Services	19,380	-	19,380
529200	Parking Services	-	-	-
545000	Travel	54,900	-	54,900
545500	Staff Development	34,692	-	34,692
547000	Council Costs	24,990	-	24,990
549000	Miscellaneous Expenditures	6,895	-	6,895
Total Materials and Services		1,377,382	-	1,377,382
TOTAL REQUIREMENTS		\$4,612,781	\$221,567	\$4,834,348
TOTAL FTE		27.00	3.00	30.00

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Finance and Regulatory Services				
Expenditures				
<i>Personnel Services</i>				
501000	Reg Employees-Full Time-Exempt	2,196,609	(25,000)	2,171,609
501500	Reg Empl-Full Time-Non-Exempt	376,543	-	376,543
502000	Reg Employees-Part Time-Exempt	108,154	-	108,154
502500	Reg Empl-Part Time-Non-Exempt	-	15,615	15,615
503000	Temporary Employees - Hourly	-	-	-
508000	Overtime	-	-	-
508600	Mobile Comm Allowance	1,200	-	1,200
511000	Fringe - Payroll Taxes	225,540	1,317	226,857
512000	Fringe - Retirement PERS	360,629	1,280	361,909
513000	Fringe - Health & Welfare	528,921	4,804	533,725
514000	Fringe - Unemployment	3,549	-	3,549
515000	Fringe - Other Benefits	10,783	70	10,853
519000	Pension Oblig Bonds Contrib	26,812	156	26,968
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		3,838,740	(1,758)	3,836,982
<i>Materials and Services</i>				
520100	Office Supplies	25,205	-	25,205
520500	Operating Supplies	-	-	-
521000	Subscriptions and Dues	14,225	-	14,225
521900	Purchasing Card Expenditures	-	-	-
524000	Contracted Professional Svcs	58,340	150,000	208,340
524500	Marketing Expenditures	-	-	-
524600	Sponsorship Expenditures	9,690	-	9,690
525100	Utility Services	-	-	-
526000	Maintenance & Repair Services	1,325	-	1,325
528000	Other Purchased Services	98,760	-	98,760
530000	Payments to Other Agencies	293,160	-	293,160
544500	Grants & Loans	-	-	-
545000	Travel	30,585	-	30,585
545500	Staff Development	28,950	-	28,950
549000	Miscellaneous Expenditures	4,080	-	4,080
Total Materials and Services		564,320	150,000	714,320
TOTAL REQUIREMENTS		\$4,403,060	\$148,242	\$4,551,302
TOTAL FTE		36.50	0.50	37.00

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Information Services				
Expenditures				
<i>Personnel Services</i>				
501000	Reg Employees-Full Time-Exempt	1,846,970	-	1,846,970
501500	Reg Empl-Full Time-Non-Exempt	309,458	-	309,458
502000	Reg Employees-Part Time-Exempt	30,333	-	30,333
503000	Temporary Employees - Hourly	-	-	-
508000	Overtime	-	-	-
508600	Mobile Comm Allowance	-	-	-
511000	Fringe - Payroll Taxes	183,856	-	183,856
512000	Fringe - Retirement PERS	287,037	-	287,037
513000	Fringe - Health & Welfare	396,330	-	396,330
514000	Fringe - Unemployment	-	-	-
515000	Fringe - Other Benefits	8,648	-	8,648
519000	Pension Oblig Bonds Contrib	21,865	-	21,865
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		3,084,497	-	3,084,497
<i>Materials and Services</i>				
520100	Office Supplies	29,373	-	29,373
520130	Postage	100	-	100
520500	Operating Supplies	-	-	-
521000	Subscriptions and Dues	3,251	-	3,251
521500	Maintenance & Repairs Supplies	7,000	-	7,000
524000	Contracted Professional Svcs	318,292	-	318,292
525100	Utility Services	20,401	-	20,401
526000	Maintenance & Repair Services	684,873	81,810	766,683
528000	Other Purchased Services	-	-	-
544500	Grants & Loans	-	-	-
545000	Travel	12,100	-	12,100
545500	Staff Development	22,000	-	22,000
545520	Conference Fees	6,000	-	6,000
Total Materials and Services		1,103,390	81,810	1,185,200
TOTAL REQUIREMENTS		\$4,187,887	\$81,810	\$4,269,697
TOTAL FTE		27.50	-	27.50

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Oregon Zoo				
Expenditures				
<i>Personnel Services</i>				
501000	Reg Employees-Full Time-Exempt	4,676,831	108,442	4,785,273
501500	Reg Empl-Full Time-Non-Exempt	4,652,019	-	4,652,019
502000	Reg Employees-Part Time-Exempt	63,668	-	63,668
502500	Reg Empl-Part Time-Non-Exempt	1,083,230	-	1,083,230
503000	Temporary Employees - Hourly	1,562,720	-	1,562,720
503100	Temporary Employees - Salaried	-	-	-
504000	Seasonal Employees	1,138,493	-	1,138,493
508000	Overtime	275,786	-	275,786
508500	Premium Pay	-	-	-
508600	Mobile Comm Allowance	-	-	-
510000	Fringe Benefits-Inactive	-	-	-
511000	Fringe - Payroll Taxes	1,138,003	9,118	1,147,121
512000	Fringe - Retirement PERS	1,240,459	6,153	1,246,612
513000	Fringe - Health & Welfare	2,570,240	19,216	2,589,456
514000	Fringe - Unemployment	93,664	-	93,664
515000	Fringe - Other Benefits	44,482	427	44,909
519000	Pension Oblig Bonds Contrib	104,315	3,824	108,139
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		18,643,910	147,180	18,791,090
Total Materials and Services		12,136,665		12,136,665
TOTAL FTE		174.60	2.00	176.60

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Parks and Environmental Services				
Expenditures				
	Total Personnel Services	3,840,177	-	3,840,177
	<i>Materials and Services</i>			
520100	Office Supplies	64,137	-	64,137
520110	Computer Equipment	250	-	250
520120	Meetings Expenditures	2,000	-	2,000
520130	Postage	250	-	250
520500	Operating Supplies	112,808	-	112,808
520580	Operating Supplies - Uniforms	300	-	300
521000	Subscriptions and Dues	6,326	-	6,326
521100	Membership & Professional Dues	175	-	175
521400	Fuels and Lubricants - General	56,206	-	56,206
521500	Maintenance & Repairs Supplies	143,307	-	143,307
521560	Maintenance & Repairs Supplies - Equipment	9,810	-	9,810
522500	Retail	13,000	-	13,000
524000	Contracted Professional Svcs	252,493	45,000	297,493
524070	Contracted Prof Svcs - Management, Consulting & Communication Services	2,500	-	2,500
524600	Sponsorship Expenditures	-	-	-
525000	Contracted Property Services	138,945	-	138,945
525100	Utility Services	436,718	-	436,718
525500	Cleaning Services	25,278	-	25,278
526000	Maintenance & Repair Services	515,035	-	515,035
526500	Rentals	44,599	-	44,599
526540	Rentals - Vehicle	4,500	-	4,500
528000	Other Purchased Services	61,698	-	61,698
528500	Cemetery Services Expenditures	108,500	-	108,500
529200	Parking Services	-	-	-
529800	Glendoveer Golf Ops Contract	2,391,250	-	2,391,250
530000	Payments to Other Agencies	27,100	-	27,100
530010	License & Permit Fees	500	-	500
531000	Taxes (Non-Payroll)	226,827	(68,655)	158,172
532000	Government Assessments	-	-	-
544000	Program Purchases	-	-	-
545000	Travel	10,095	-	10,095
545100	Travel and Lodging	2,500	-	2,500
545200	Mileage, Taxi and Parking	100	-	100
545300	Meals & Entertainment	500	-	500
545500	Staff Development	30,012	-	30,012
545520	Conference Fees	4,400	-	4,400
548000	Fee Reimbursements	-	60,000	60,000
549000	Miscellaneous Expenditures	-	-	-
	Total Materials and Services	4,692,119	36,345	4,728,464
TOTAL REQUIREMENTS		\$8,532,296	\$36,345	\$8,568,641
TOTAL FTE		38.10	-	38.10

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - Research Center				
Expenditures				
<i>Personnel Services</i>				
501000	Reg Employees-Full Time-Exempt	2,187,612	-	2,187,612
502000	Reg Employees-Part Time-Exempt	250,553	33,480	284,033
503000	Temporary Employees - Hourly	-	-	-
503100	Temporary Employees - Salaried	-	-	-
508000	Overtime	-	-	-
508600	Mobile Comm Allowance	-	-	-
508900	Merit/Bonus Pay	-	-	-
508910	COLA Salary Adjustment (Budget Only)	-	-	-
511000	Fringe - Payroll Taxes	206,903	2,813	209,716
512000	Fringe - Retirement PERS	325,932	2,745	328,677
513000	Fringe - Health & Welfare	403,535	4,804	408,339
514000	Fringe - Unemployment	-	-	-
515000	Fringe - Other Benefits	9,556	127	9,683
519000	Pension Oblig Bonds Contrib	24,613	335	24,948
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		3,408,704	44,304	3,453,008
Total Materials and Services		542,291	-	542,291
TOTAL REQUIREMENTS		\$3,950,995	\$44,304	\$3,995,299
TOTAL FTE		28.00	0.50	28.50

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Fund				
General Fund - General Expenses				
Expenditures				
<i>Interfund Transfers</i>				
580000	Transfer for Indirect Costs	768,868	-	768,868
581000	Transfer of Resources	5,955,008	93,655	6,048,663
586000	Interfund Loan - Principal	-	-	-
586500	Interfund Loan - Interest	16,140	-	16,140
586900	Internal Loan Advances	-	-	-
	Total Interfund Transfers	6,740,016	93,655	6,833,671
<i>Contingency</i>				
701001	Contingency - Opportunity Account	300,000	-	300,000
701002	Contingency - Operating	2,992,844	(696,431)	2,296,413
701004	Contingency - Rsv One Time Exp	807,878	-	807,878
	Total Contingency	4,100,722	(696,431)	3,404,291
<i>Unappropriated Fund Balance</i>				
800000	Unappropriated Fund Balance	-	150,000	150,000
801002	Unapp FB - Restricted CET	3,117,868	-	3,117,868
801003	Unapp FB - Restricted TOD	5,308,354	-	5,308,354
805000	Unapp FB - Reserves	-	-	-
805100	Unapp FB - Stabilization Reserve	2,259,000	-	2,259,000
805300	Unapp FB - Reserve for one-time expenditures	1,357,528	-	1,357,528
805400	Unapp FB - Reserve for Future Debt Service	826,556	-	826,556
805450	Unapp FB - PERS Reserve	3,838,528	-	3,838,528
805900	Unapp FB - Other Reserves & Designations	1,172,620	-	1,172,620
	Total Unappropriated Fund Balance	17,880,454	150,000	18,030,454
TOTAL REQUIREMENTS		\$28,721,192	(\$452,776)	\$28,268,416

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
General Asset Management Fund				
Revenues				
<i>Beginning Fund Balance</i>				
320500	Fund Bal-Restr for Capital	3,437,408	-	3,437,408
340000	Fund Bal-Unassigned/Undesignated	6,026,683	-	6,026,683
350000	Fund Balance-Assigned	584,778	-	584,778
	Total Beginning Fund Balance	10,048,869	-	10,048,869
<i>Current Revenue</i>				
410500	Federal Grants - Indirect	-	-	-
411000	State Grants - Direct	73,250	-	73,250
412800	Local Capital Grants	-	-	-
470000	Interest on Investments	31,324	-	31,324
471900	Unrealized Gain/Loss -FMV Adj	-	-	-
475000	Donations & Bequests - Oper	-	-	-
475500	Capital Contrib & Donations	1,965,000	-	1,965,000
481000	Sale of Capital Assets	-	-	-
489000	Miscellaneous Revenue	-	-	-
489100	Refunds/Reimbursements	-	-	-
	Total Current Revenue	2,069,574	-	2,069,574
<i>Interfund Transfers</i>				
496900	Internal Loan Proceeds	3,228,000	-	3,228,000
497000	Transfer of Resources	2,912,575	93,655	3,006,230
498000	Transfer for Direct Costs	-	-	-
	Total Interfund Transfers	6,140,575	93,655	6,234,230
TOTAL RESOURCES		\$18,259,018	\$93,655	\$18,352,673
Expenditures				
	Total Materials and Services	2,066,994	-	2,066,994
<i>Capital Outlay</i>				
570000	Land	1,400,000	-	1,400,000
571000	Improve-Other than Bldg	808,192	-	808,192
572000	Buildings & Related	200,000	-	200,000
573000	Exhibits and Related	4,542,190	-	4,542,190
574000	Equipment & Vehicles	1,535,214	-	1,535,214
574500	Vehicles	270,930	1,258	272,188
575000	Office Furn & Equip	236,620	-	236,620
576000	Railroad Equip & Facilities	1,500,000	-	1,500,000
579000	Intangible Assets	179,000	25,000	204,000
	Total Capital Outlay	10,672,146	26,258	10,698,404
<i>Contingency</i>				
700000	Contingency	5,337,970	67,397	5,405,367
	Total Contingency	5,337,970	67,397	5,405,367
<i>Unappropriated Fund Balance</i>				
801000	Unapp FB - Restricted	181,908	-	181,908
805200	Unapp FB - Renew & Replace Reserve	-	-	-
	Total Unappropriated Fund Balance	181,908	-	181,908
TOTAL REQUIREMENTS		\$18,259,018	\$93,655	\$18,352,673

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
Natural Areas Fund				
Natural Areas Fund				
<u>Expenditures</u>				
<u>Personnel Services</u>				
501000	Reg Employees-Full Time-Exempt	1,050,947	198,694	1,249,641
501500	Reg Empl-Full Time-Non-Exempt	194,491	-	194,491
502000	Reg Employees-Part Time-Exempt	29,410	-	29,410
503000	Temporary Employees - Hourly	-	-	-
503100	Temporary Employees - Salaried	-	-	-
508000	Overtime	-	-	-
508600	Mobile Comm Allowance	-	-	-
511000	Fringe - Payroll Taxes	107,195	16,709	123,904
512000	Fringe - Retirement PERS	156,086	16,292	172,378
513000	Fringe - Health & Welfare	231,313	38,432	269,745
514000	Fringe - Unemployment	1,021	-	1,021
515000	Fringe - Other Benefits	5,044	797	5,841
519000	Pension Oblig Bonds Contrib	12,749	1,988	14,737
519500	Fringe - Insurance - Opt Out	-	-	-
Total Personnel Services		1,788,256	272,912	2,061,168
Total Materials and Services		12,044,262	-	12,044,262
<u>Capital Outlay</u>				
570000	Land	20,000,000	(272,912)	19,727,088
571000	Improve-Other than Bldg	-	-	-
571500	Intangibles - Non-Depreciable	-	-	-
572000	Buildings & Related	-	-	-
579000	Intangible Assets	-	-	-
Total Capital Outlay		20,000,000	(272,912)	19,727,088
Total Interfund Transfers		1,673,177	-	1,673,177
<u>Contingency</u>				
700000	Contingency	15,000,000	-	15,000,000
Total Contingency		15,000,000	-	15,000,000
<u>Unappropriated Fund Balance</u>				
801000	Unapp FB - Restricted	2,360,531	-	2,360,531
Total Unappropriated Fund Balance		2,360,531	-	2,360,531
TOTAL REQUIREMENTS		\$52,866,226	\$0	\$52,866,226
TOTAL FTE		16.05	4.00	20.05

Exhibit A
Resolution No. 14-4581

ACCT	DESCRIPTION	Current Budget	Revision	Amended Budget
Parks and Natural Areas Local Option Levy Fund				
Parks and Environmental Services				
<u>Expenditures</u>				
<u>Personnel Services</u>				
501000	Reg Employees-Full Time-Exempt	398,507	36,175	434,682
501500	Reg Empl-Full Time-Non-Exempt	139,660	-	139,660
511000	Fringe - Payroll Taxes	45,316	3,048	48,364
512000	Fringe - Retirement PERS	51,772	2,966	54,738
513000	Fringe - Health & Welfare	129,708	9,608	139,316
515000	Fringe - Other Benefits	2,263	156	2,419
519000	Pension Oblig Bonds Contrib	5,380	362	5,742
	Total Personnel Services	772,606	52,315	824,921
<u>Materials and Services</u>				
524000	Contracted Professional Svcs	579,248	-	579,248
525000	Contracted Property Services	200,000	-	200,000
526200	Capital Maintenance - Non-CIP	25,000	-	25,000
	Total Materials and Services	804,248	-	804,248
<u>Capital Outlay</u>				
571000	Improve-Other than Bldg	1,431,500	-	1,431,500
572000	Buildings & Related	875,000	-	875,000
574000	Equipment & Vehicles	-	-	-
	Total Capital Outlay	2,306,500	-	2,306,500
<u>Interfund Transfers</u>				
580000	Transfer for Indirect Costs	318,789	-	318,789
581000	Transfer of Resources	17,000	-	17,000
582000	Transfer for Direct Costs	1,301,558	-	1,301,558
	Total Interfund Transfers	1,637,347	-	1,637,347
<u>Contingency</u>				
701002	Contingency - Operating	1,173,117	(52,315)	1,120,802
	Total Contingency	1,173,117	(52,315)	1,120,802
TOTAL REQUIREMENTS		\$6,693,818	\$0	\$6,693,818
TOTAL FTE		9.00	1.00	10.00

Exhibit B
Resolution 14-4581
Schedule of Appropriations

	Current Appropriation	Revision	Revised Appropriation
GENERAL FUND			
Council	4,612,781	221,567	4,834,348
Office of the Auditor	748,190	-	748,190
Office of Metro Attorney	2,202,018	-	2,202,018
Information Services	4,187,887	81,810	4,269,697
Communications	3,086,345	-	3,086,345
Finance and Regulatory Services	4,403,060	148,242	4,551,302
Human Resources	2,477,432	-	2,477,432
Parks and Environmental Services	8,532,296	36,344	8,568,640
Sustainability Center	3,384,535	-	3,384,535
Visitor Venues - Oregon Zoo	30,780,575	147,180	30,927,755
Planning and Development Department	15,094,485	-	15,094,485
Research Center	3,950,995	44,304	3,995,299
Special Appropriations	5,017,085	-	5,017,085
Non-Departmental			
Debt Service	1,786,381	-	1,786,381
Interfund Transfers	6,740,016	93,656	6,833,672
Contingency	4,100,722	(696,431)	3,404,291
<i>Total Appropriations</i>	101,104,803	76,672	101,181,475
Unappropriated Balance	17,880,454	150,000	18,030,454
Total Fund Requirements	\$118,985,257	\$226,672	\$119,211,929
GENERAL ASSET MANAGEMENT FUND			
Asset Management Program	12,739,140	26,258	12,765,398
Non-Departmental			
Contingency	5,337,970	67,398	5,405,368
<i>Total Appropriations</i>	18,077,110	93,656	18,170,766
Unappropriated Balance	181,908	-	181,908
Total Fund Requirements	\$18,259,018	\$93,656	\$18,352,674
NATURAL AREAS FUND			
Sustainability Center	33,832,518	-	33,832,518
Non-Departmental			
Interfund Transfers	1,673,177	-	1,673,177
Contingency	15,000,000	-	15,000,000
<i>Total Appropriations</i>	50,505,695	-	50,505,695
Unappropriated Balance	2,360,531	-	2,360,531
Total Fund Requirements	\$52,866,226	\$0	\$52,866,226
PARKS AND NATURAL AREAS LOCAL OPTION LEVY			
Sustainability Center	6,903,738	-	6,903,738
Parks and Environmental Services	3,883,354	52,315	3,935,669
Visitor Venues - Oregon Zoo	312,244	-	312,244
Special Appropriations	1,500,000	-	1,500,000
Non-Departmental			
Interfund Transfers	1,637,347	-	1,637,347
Contingency	1,173,117	(52,315)	1,120,802
<i>Total Appropriations</i>	15,409,800	-	15,409,800
Total Fund Requirements	15,409,800	-	15,409,800

All Other Appropriations Remain As Previously Adopted

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE FY 2014-15 BUDGET AND APPROPRIATIONS SCHEDULE TO PROVIDE FOR A CHANGE IN OPERATIONS

Date: October 24, 2014

Presented by: Tim Collier 503-797-1913

BACKGROUND

Several items have been identified that necessitate amendment to the budget.

Transfer of Payroll Services

As part of a move to consolidate financial operations and improve internal controls and segregation of duties, the payroll function is being moved from the Human Resources Department to Finance and Regulatory Services. One existing Payroll Specialist position will transition to Finance and Regulatory Services, but there is a need to add a new 0.50 FTE Payroll Specialist to ensure continuity of service and provide adequate backup for the payroll function. This action requests the transfer of \$23,242 from the General Fund contingency to fund the salary and fringe benefits for a 0.50 FTE Payroll Specialist beginning November 1st. The annual cost of this position is approximately \$35,000. In future years the cost of this position will be allocated through the cost allocation plan.

Additional module for Budget Software

During first quarter of FY 2014-15, Financial Planning purchased a small new module for Metro's budget software. This will allow us to more efficiently prepare the budget in compliance with local budget law. This amendment requests the transfer \$25,000 from anticipated salary savings due to a vacant position to in the Finance and Regulatory Services General Fund budget to the New Capital Account of the General Asset Management Fund.

Investment Advisor Services

In July 2014, Finance and Regulatory Services engaged an investment advisory firm to assist Metro staff with the management and reporting of Metro's investment portfolio. The goal of the project was to bring additional investment expertise to this area for the purpose of improving reporting, increasing the yield on the portfolio, and improving the responsiveness of the portfolio to changes in policy direction or external influences. The investment advisor services are anticipated to cost approximately \$150,000 in the first year of the contract. However, staff and the advisor estimate that through improvements to management of the portfolio, Metro should recover that entire cost through increased investment earnings. Additional investment earnings cannot be recognized for direct appropriation without a supplemental budget. This action acknowledges the receipt of additional earnings but funds the request through a transfer of \$150,000 from the General Fund contingency.

General Curator at Oregon Zoo

The Oregon Zoo is proposing to add a 1.0 FTE General Curator (Manager II) in the current fiscal year. This position was eliminated when the incumbent General Curator was promoted to Deputy Director of Living Collections. This position will be responsible for managing the animal care section of the zoo, collection planning, and ensuring compliance with USDA and AZA standards and state and federal laws related to animal care. The addition of this position will help to ensure the highest consistency and quality in animal care. This amendment requests the transfer of \$92,660 from the General Fund

contingency to pay for the salary and benefits of the 1.0 FTE General Curator (Manager II) beginning November 1st. The annual cost of this position is approximately \$139,000.

Lead and Wildlife Outreach Coordinator

The Oregon Zoo requests the addition of a three year, limited-duration 1.0 FTE Lead and Wildlife Outreach Coordinator (Associate Public Affairs Specialist) position. This position is partially funded by grants from the Flora Family Foundation and the US Department of Fish and Wildlife, and fully guaranteed by the Oregon Zoo Foundation. These grants will support the position for three years, until approximately June 30th, 2017.

The Lead and Wildlife Outreach Coordinator will spearhead the development and implementation of the Lead and Wildlife Outreach Initiative. This program is envisioned to provide education with the goal of reducing the exposure of wildlife to lead, which has been identified as a significant cause of morbidity and mortality in wildlife. The Coordinator will travel extensively throughout the hunting and fishing community, building relationships with gun users, hunting groups, ranchers, wildlife pest controllers, federal and state agencies, and other stakeholders to educate and collaborate in an effort to reach the program goal.

This action recognizes \$54,520 in addition grants and donations to fund the 1.0 FTE beginning November 1st. The estimated annual cost of this position is approximately \$82,000.

PeopleSoft Licensing

When Metro and the MERC Venues consolidated accounting operations, the MERC Venues financial records were added to the PeopleSoft General Ledger. The increase in budget triggered the need to expand licenses in PeopleSoft. In anticipation of this event, one-time funding was proposed and added to the FY 2013-14 Information Services budget. However, the negotiations on licensing between Metro and Oracle, took more than a year to complete and an agreement could not be reached before the end of the fiscal year. The funds were not carried forward and reverted back to the General Fund reserves for FY 2014-15. An agreement was reached at the end of August. The Information Services department is asking that the money for the expansion be re-instated to FY2014-15 in order to complete the expansion, including software support for the current year.

Information Services is also asking for funding for an update to the COBOL compiler software for PeopleSoft Payroll. This software, which compiles code to run two, key processes, was part of the original PeopleSoft agreement, but had a major licensing revision when Oracle purchased the software code. Metro currently runs version 3, which is obsolete and does not run on a modern operating system. This software is critical to applying tax updates, upgrades and patches in PeopleSoft HRMS and Payroll. This software may be a pre-requisite for the upcoming PeopleSoft HRMS upgrade in 2015.

Product Description	Expansion Amount (one-time)	Annual Support (ongoing)
AR/Billing, G/L, Purchasing, AP, e-Benefits	\$48,860	\$10,750
Asset Management (estimated)	\$3,200	
COBOL Compiler (estimated)	\$15,000	\$4,000
Total Request (expansion and annual support)		\$81,810

This action requests a total of \$81,810 from the General Fund contingency. In future years, the ongoing annual support will be allocated through the cost allocation plan.

Cemetery Burial Rights

A \$45,000 budget amendment is being requested for the purpose of completing a survey, filing fees, and platting at Multnomah Park Cemetery to add burial rights. These burial rights will allow for casket or urn burials for the continued resolution of burial right ownership in other areas of the cemetery, as well as offering additional spaces for purchase to the community. Multnomah Park Cemetery has been closed to new burial right sales since 2011 because of a lack of available burial rights.

In addition, a \$60,000 budget amendment is being requested for the purpose of resolving burial right ownership conflicts in Metro's Historic Cemeteries, in accordance with Metro's commitment to ensuring that modern purchasers of burial rights are vested with unclouded title. Funding is needed to start resolving ownership conflicts as Metro's cemetery program continues clarifying ownership records and honoring existing contractual obligations to modern families. Staff will be able to better estimate and anticipate additional funds needed in future years based on the results of this initial request.

This amendment requests the transfer of \$105,000 from the General Fund contingency to fund these actions.

Glendoveer Patio Reimbursement

In FY 2013-14, the Renewal & Replacement Account funded \$70,000 for the construction of the Glendoveer Patio project at the Glendoveer Club House. The project was a new project and did not qualify as a renewal and replacement project. The intention was that the Account would be reimbursed from revenues generated by the patio. Reimbursements to the renewal and replacement account for this project are made based on the net profit from the Food & Beverage revenues and additional revenue generated from the new patio. In FY 2013-14 the amount of \$24,077 was reimbursed to the Account. The remaining balance of \$45,923 is expected to be reimbursed in full in FY 2014-15.

This action provides the steps necessary to provide for the transfer of \$45,923 from the General Fund Parks and Environmental Services to the General Asset Management Fund Renewal and Replacement Account.

Glendoveer Merchandise Sales Reserve

Per the contract with CourseCo, 50 percent of profits from merchandise sales must be reserved for capital use. When developed, the FY 2014-15 budget did not recognize the reserve nor the necessary appropriation to transfer the funds from the General Fund to the Regional Parks Capital Account in the General Asset Management Fund. For FY 2014-15, the reserve contribution amount is estimated to be \$22,732. Out of this amount, \$1,258 is allocated to the Glendoveer Maintenance Equipment project budgeted in FY 2014-15 to increase the amount of funds required to complete this project. The remaining amount will be reserved for future capital projects.

This action provides the steps necessary to provide for the transfer of \$22,732 from the General Fund Parks and Environmental Services to the General Asset Management Fund Regional Parks Capital Account.

Performance Analytics Specialist Position

The Performance Analytics Specialist reports to the Research Center Director and serves as both an internal consultant and Metro's external liaison for initiatives that leverage investments in shared solutions and support the alignment of Metro's programs and projects with agency priorities and desired regional outcomes. The position will work directly with the Metro Council to discuss and report on

organizational performance indicators and will work closely with program evaluators who monitor and assess program effectiveness and internal technical staff who build reporting and analysis tools.

The Performance Analytics Specialist will serve as project manager and advisor leading efforts that support the design and reporting of agency-level and regional indicators. It provides expertise that supports performance management, including 1) the assessment of baseline conditions and outcomes reflected in the social, natural and built environment, and 2) lead on the development of systems and reporting tools for performance measures. The position will support and advise on, for example, Metro's Equity Strategy and Indicators, Metro's Context Tool, and Metro's partnership with the Coalition for a Livable Future on the regional Equity Atlas. A more detailed work plan is attached.

This action transfers \$44,304 from the General Fund contingency to fund the estimated salary and benefits for a 0.50 FTE Principal Regional Planner beginning November 1st. The estimated annual cost of this position is approximately \$67,000.

Diversity, Equity and Inclusion

Staff has identified a need to better coordinate and align Metro's efforts in diversity, equity and inclusion for maximum results and more effective engagement with community stakeholders. This amendment adds three new positions under the Office of the Chief Operating Officer to provide a more coordinator approach to these functions. All positions are added effective November 1st.

- 1.0 FTE Program Director position to provide project management and resources to coordinate and support shared goals in the diversity, equity and inclusion work that Metro has undertaken. This position will supervise and coordinate staff currently working on the Diversity Action Program, the Equity Strategy Program, and Metro's inclusive public involvement and community relations efforts. The estimated cost of this position beginning November 1st is \$98,348. The estimated annual salary and benefit cost is approximately \$148,000.
- 1.0 FTE Administrative Specialist III position to provide administrative support and project assistance to the Diversity, Equity and Inclusion team. The estimated cost of this position beginning November 1st is \$48,673. The estimated annual salary and benefit cost is approximately \$73,000.
- 1.0 FTE Program Analyst IV position to provide project support to the Diversity, Equity and Inclusion team, including internal communication, work plan development and implementation, program evaluation and budget coordination. The estimated cost of this position beginning November 1st is \$74,546. The estimated annual salary and benefit cost is approximately \$112,000.

This action requests the transfer of \$221,567 from the General Fund contingency to the Council Office, Office of the Chief Operating Officer to fund the three positions effective November 1, 2014.

Natural Areas Program

The acquisition of natural areas and trails been in progress since the Natural Areas bond measure passed in November 2006. Acquisition has been very successful in most target areas, and the focus on the ongoing acquisition program is on closing important gaps in target areas. The success of the program in reaching overall acreage goals means that there is an opportunity to pair bond funds with levy fund for natural area access projects. There is also a significant opportunity to build out some key regional trail gaps where the easement was acquired with bond funds. These investments will help achieve the goals of the refinement plans and further leverage the investment opportunities created by the passage of the Parks and Natural Areas Levy. Staff anticipates expending approximately \$15 to \$20 million on the projects

identified in Attachment 2 to this staff report. No additional appropriation is needed to fund these projects.

However, additional staff resources are necessary to manage these projects. This amendment proposes an additional 4.00 FTE limited duration positions in the Natural Areas Bond Program. The new 4.00 FTE within the natural areas bond program includes 3.00 FTE Senior Regional Planners and 1.00 FTE Senior Public Affairs Specialist. These positions will support the projects described in Attachment A (Natural Areas Bond Capital Projects) to increase access to the natural areas acquired through the 2006 Natural Areas Bond Program.

The four new positions will be funded from the Natural Areas Bond Fund. The estimated cost for all four positions beginning November 1st is approximately \$273,000. The annual cost of the four positions is approximately \$409,000. The positions will be funded from existing bond fund appropriation. No additional appropriation is needed for FY 2014-15 for these positions. This action seeks FTE authority only.

In addition, this amendment adds a new 1.00 FTE Assistant Public Affairs Specialist in the Parks and Natural Areas Local Option Levy Program. This position was identified in early work planning as a possible need. At the time it was proposed, Senior Leadership asked staff to begin work and then determine the need. Based on significant public interest in levy related work, and on Metro's goals to be more inclusive in community engagement, there is a gap in what staff can currently deliver. This assistant will support community engagement and in particular equity related efforts.

This action seeks the transfer of \$52,315 from the Parks and Natural Areas Local Option Levy Fund contingency to fund the estimated salary and benefits for this position effective November 1st. The estimated annual cost is approximately \$78,500.

ANALYSIS/INFORMATION

- 1. Known Opposition:** None known.
- 2. Legal Antecedents:** ORS 294.463(1) provides for transfers of appropriations within a fund, including transfers from contingency that do not exceed 15 percent of a fund's appropriation, if such transfers are authorized by official resolution or ordinance of the governing body for the local jurisdiction. ORS 294.463(3) provides for transfers of appropriations or of appropriations and a like amount of budget resources between funds of the municipal corporation when authorized by an official resolution or ordinance of the governing body stating the need for the transfer. Metro code chapter 2.02.040 requires the Metro Council to approve the addition of any position to the budget. Metro's adopted financial policies require any project exceeding \$100,000 or an existing CIP project increasing greater than 20 percent to receive Council approval.
- 3. Anticipated Effects:** This action provides for changes in operations as described above – authorizes 10 new full-time positions and 2 new part-time positions for a total of 11.0 FTE; recognizes \$76,672 in new grants and donations in the General Fund; acknowledges \$150,000 in anticipated additional interest earnings in the General Fund; transfers \$696,431 from the General Fund contingency and \$52,315 from the Parks and Natural Areas Local Option Levy Fund contingency.

4. **Budget Impacts:** This action has the following impact on the FY 2014-15 budget:

- Transfers payroll services from Human Resources to Finance and Regulatory Services adding a 0.50 FTE payroll specialist
- Transfers \$25,000 in anticipated salary savings from Finance and Regulatory Services in the General Fund to the General Asset Management Fund to pay for an additional module and ledger in Metro's Budget Preparation and Management system.
- Provides appropriation for an investment advisory firm to assist Metro staff with the management and reporting of Metro's investment portfolio.
- Adds 1.0 FTE General Curator at the Oregon Zoo
- Adds 1.0 FTE Lead and Wildlife Outreach Coordinator at the Oregon Zoo funded by grants and contributions from the Oregon Zoo foundation
- Provides for PeopleSoft licensing following the consolidation of Metro and MERC accounting operations
- Provides \$105,000 for the Cemetery program to provide additional burial rights and to resolve burial rights ownership conflicts.
- Provides budget actions necessary to recognize reimbursement for the Glendoveer patio project funding and to set up the Glendoveer merchandise sales reserve.
- Adds 0.50 FTE Principal Regional Planner in the Research Center to serve as both an internal consultant and Metro external liaison for initiatives.
- Adds 3.0 FTE for Diversity, Equity and Inclusion to better coordinate and align Metro's efforts in these areas.
- Adds 4.0 FTE in the Natural Areas Bond Fund and 1.0 FTE in the Parks and Natural Areas Local Option Levy Fund to further the goals of the Natural Areas Program.

RECOMMENDED ACTION

The Chief Operating Office recommends adoption of this Resolution.

ATTACHMENT 1
Resolution 14-4581

Performance Analytics Specialist (.50 Principal GIS Specialist)

Essential Duties:

1. Research and recommend best practices for the transformation of raw data into indicators and tools that effectively support policy decisions. Develop policy recommendations and cost/benefit analysis of alternatives; develop appropriate systems for implementation. Ensure consistency, compatibility and cost efficiency across the Research Center's portfolio of projects.
2. Act as a liaison between program evaluators and technical staff to achieve goals and maximize value and return on investment for indicator and performance management initiatives. Identify key decisions needed; schedule and facilitate the decision-making process. Ensure that RLIS and other Enterprise activities reflect agency priorities and support policy decision-making.
3. Establish protocols and processes for establishing performance measure, measuring performance, and managing performance measurement processes organization-wide. Conduct need assessments and develop product specifications for data and services.
4. Develop and maintain an inventory of data-related government standards and regulations and ensure that agency data collection, analysis, sharing and reporting practices adhere to these principles and are aligned with Council and agency priorities.
5. Cultivate relationships with academic, government, non-profit and private sector entities and build partnerships for the development of shared information resources including data, indicators, dashboards, databases, APIs, tools, models, and systems. (Example: Coalition for a Livable Future (CLF) Equity Atlas – with CLF and PSU)
6. Serve as professional consultant and present and promote Research Center products and services to clients, partners, funders, elected officials, executives, and the public.
7. Prepare complex technical and administrative reports and special studies; conduct assessments; prepare inventories and statistical information; develop critical correspondence and comprehensive reports in support of projects and decisions. Write and present project proposals to clients and partners and present performance measurement data to Metro Council.
8. Ensure coordination and collaboration on multi-scale indicators and performance management initiatives by representing Metro in committees, inter-agency work groups, and public forums. Address and respond to issues and concerns.
9. Negotiate and manage contracts with clients and vendors, IGAs with partners, license agreements and other legal documents. Coordinate the selection of consultants and directs and monitors the work.
10. Develop funding proposals, identify and/or develop potential funding sources to support the work of projects and partnerships.
11. Evaluate program accomplishments against established goals and timetables and make recommendations based upon evaluation concerning future plans.

ATTACHMENT 1
Resolution 14-4581

Specific Qualifications:

- Advanced knowledge in quantitative analysis, communications, and web-based application development
- Creativity and effectiveness in describing how processes, technology, and metrics can be used to measure program effectiveness; ability to assess the alignment of resources with agency priorities
- Understanding of performance measurement, an ability to develop and maintain high level partnerships, and excellent communication, negotiation, teamwork, and customer service skills

**ATTACHMENT 2
Resolution 14-4581**

Attachment A - Natural Areas Bond Capital Projects

PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Chehalem master plan (levy) and build phase I [<i>Chehalem Ridgetop to Refuge</i>]	<ul style="list-style-type: none"> Protect large, undeveloped tracts of forestland to protect water quality, wildlife habitat and connections, and to provide public access opportunities. 	<ul style="list-style-type: none"> Protect the upper elevation forestlands and oak woodlands on the Chehalem Ridge to enhance water quality and wildlife habitat and to provide potential public access opportunities. 	<ul style="list-style-type: none"> 2013 Parks and Natural Areas Levy project identified for development of public access.
East Buttes master plan (levy) and build phase 1 [<i>East Buttes</i>]	<ul style="list-style-type: none"> Connect the substantial Butler Ridge natural area in public ownership to create a wildlife corridor and potential access to the Clackamas River via Sunshine Butte, Tower Butte, Zion Butte and the North Fork Deep Creek. Protect butte tops and slopes for wildlife habitat and corridors between these wooded slopes and create scenic vistas that provide visual relief to urban residents. Protect headwaters of healthy streams through acquisition of wooded hillsides on Scouters Mountain and Mount Talbert. 	<ul style="list-style-type: none"> Protect wooded slopes on Sunshine Butte and along tributaries to Sunshine Creek to maintain wildlife corridors to the Clackamas River. Protect wooded slopes on Tower and Zion Buttes to secure wildlife corridors to the Clackamas River. Acquire land on Scouters Mountain in close proximity to other public landholdings to create a larger contiguous open space on the butte. 	<ul style="list-style-type: none"> 2013 Parks and Natural Areas Levy project identified for development of public access.
Move River Island restoration to bond from levy [<i>Clackamas River Bluffs and Greenway</i>]	<ul style="list-style-type: none"> Protect sensitive riparian areas, wetlands and side channels along the Clackamas River from Goose Creek west towards the confluence with the Willamette River for fish and wildlife habitat protection, enhancement and restoration. Protect water quality and improve fish and wildlife habitat in the lower Clackamas River by acquiring and restoring native plant communities and side channels. Protect unique geological features, habitat for rare species and lands that could provide a regionally significant nature park on the mostly undeveloped Clackamas River Bluffs. 	<ul style="list-style-type: none"> Protect the undeveloped floodplain lands along both sides of the lower Clackamas River from Barton Park to Clear Creek (Carver Boat Ramp) with remnant side channels, gravel bars, intact forests and wetlands for improving fish habitat and maintaining water quality. Protect the undeveloped floodplain lands along both sides of the lower Clackamas River from Clear Creek to Beebe Island (Johnson Creek curves) with remnant side channels, gravel bars, intact forests and wetlands for improving fish habitat and maintaining water quality. Protect scenic views and provide future recreational opportunities by acquiring lands along the Clackamas River Bluffs to create a regionally significant nature park. 	<ul style="list-style-type: none"> Identified as high priority during levy development
Tualatin boat ramp [<i>Tualatin River Greenway</i>]	<ul style="list-style-type: none"> Protect and restore riparian areas and floodplains to improve water quality and to support a diversity of plants and wildlife. Provide additional or enhanced access that will allow people to enjoy the river. 	<ul style="list-style-type: none"> Protect natural areas adjacent to existing public lands to provide public access and improve wildlife habitat protection. Continue the work begun in 1995 to enhance the water trail by providing access point sites along the Tualatin River Greenway that meet the following criteria: <ul style="list-style-type: none"> Locations along the river at intervals of 5 to 10 river miles, allowing for day trips and shorter trips than is now practicable. 	<ul style="list-style-type: none"> The Metro Council adopted resolutions directing staff to pursue grant funds to support development of the boat launch.

**ATTACHMENT 2
Resolution 14-4581**

PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Tualatin boat ramp <i>(cont'd)</i>		<ul style="list-style-type: none"> ▪ Safe accessibility from a public roadway that can adequately accommodate additional traffic. ▪ Developable for boat ramps and/or docks by presence of existing shallow slopes and banks. ▪ Associated with sufficient uplands for such features as parking, restrooms, picnic areas and buffering from the river and adjacent uses. ▪ Associated with key locations where there is particular interest in additional boat access/pullouts including: south of Farmington Road, north side of the river in the vicinity of Rainbow Lane, and in the vicinity of Elsner Road. 	<ul style="list-style-type: none"> •
Willamette Falls Riverwalk <i>[Willamette River Greenway]</i>	<ul style="list-style-type: none"> • Protect fish and wildlife habitat, water quality, scenic resources and improve public access to the river along the greenway from Wilsonville to the Multnomah Channel. 	<ul style="list-style-type: none"> • Close key trail gaps in Portland, including those in North and Southeast Portland. • Secure remaining unique and rare habitats. These include Multnomah Channel, the large forested area west of the Sellwood Bridge and lands near Elk Rock Island. 	<ul style="list-style-type: none"> • The Metro Council considered this project during several deliberations and recently passed an MOU regarding this project.

**ATTACHMENT 2
Resolution 14-4581**

Trails

PROJECT/TARGET AREA	REFINEMENT PLAN GUIDANCE		OTHER EXISTING POLICY GUIDANCE
	GOAL(S)	TIER I OBJECTIVE(S)	
Build trail gaps on Marine Drive from Bridgeton to Troutdale <i>[Columbia Slough]</i>	<ul style="list-style-type: none"> Protect and enhance habitat and linkages along the Columbia Slough. 	<ul style="list-style-type: none"> Expand resource protection along the slough and at existing habitat areas, including Whitaker Ponds, Big Four Corners, Prison Pond, Little Four Corners, Smith and Bybee Wetlands Natural Area, Wapato Slough and Vanport Wetlands. Acquire property to create community connections between the St. Johns and Bridgeton neighborhoods and the Columbia Slough Trail and 40-Mile Loop Trail. Acquire property to close trail gaps in the Columbia Slough Trail and 40-Mile Loop Trail between NE 33rd Avenue and the future Gresham-Fairview Trail. Where strategic partnerships can contribute to acquisition and management, acquire other properties along the slough that with restoration will provide additional habitat connections and water quality benefits. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan
Build Fanno Creek gap through Fields <i>[Fanno Creek Linkages]</i>	<ul style="list-style-type: none"> Complete a continuous greenway trail from the Tualatin River into a highly urbanized, “walker-challenged” area of Portland, and further protect water quality along Fanno Creek and its tributaries. 	<ul style="list-style-type: none"> Connect publicly-owned land along the main stem of Fanno Creek between Cook Park and Woodard Park to complete the corridor and enhance habitat and water quality protection in this area. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan
Bridge over Columbia Blvd. and the trail to the Slough <i>[Columbia Slough]</i>	<ul style="list-style-type: none"> Protect and enhance habitat and linkages along the Columbia Slough. 	<ul style="list-style-type: none"> Expand resource protection along the slough and at existing habitat areas, including Whitaker Ponds, Big Four Corners, Prison Pond, Little Four Corners, Smith and Bybee Wetlands Natural Area, Wapato Slough and Vanport Wetlands. Acquire property to create community connections between the St. Johns and Bridgeton neighborhoods and the Columbia Slough Trail and 40-Mile Loop Trail. Acquire property to close trail gaps in the Columbia Slough Trail and 40-Mile Loop Trail between NE 33rd Avenue and the future Gresham-Fairview Trail. Where strategic partnerships can contribute to acquisition and management, acquire other properties along the slough that with restoration will provide additional habitat connections and water quality benefits. 	<ul style="list-style-type: none"> Regional Trails Plan Regional Transportation Plan North Portland Enhancement grant committee committed \$850,000 to this project

Materials following this page were distributed at the meeting.



METRO COUNCIL MEETING

Meeting Minutes

Oct. 30, 2014

Metro, Council Chambers

Councilors Present: Council President Tom Hughes, and Councilors Sam Chase, Kathryn Harrington, Carlotta Collette, Craig Dirksen, Shirley Craddick and Bob Stacey

Councilors Excused: None

Council President Tom Hughes called the regular council meeting to order at 2:06 p.m.

1. CITIZEN COMMUNICATIONS

There were none.

2. CONSENT AGENDA

- 2.1 **Resolution No. 14-4575**, For the Purpose of Confirming the Appointment of Members of the Nature in Neighborhoods Capital Grants Review Committee
- 2.2 **Resolution No. 14-4577**, For the Purpose of Confirming the Appointment of Chair to the Oregon Zoo Bond Citizens' Oversight Committee
- 2.3 Consideration of Council Meeting Minutes for October 23, 2014

Motion:	Councilor Shirley Craddick moved to adopt the consent agenda items.
Second:	Councilor Kathryn Harrington seconded the motion.

Vote:

Council President Hughes, and Councilors Harrington, Chase, Collette, Craddick, Dirksen and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

3. ORDINANCES (FIRST READ)

- 3.1 **Ordinance No. 14-1346**, For the Purpose of Adopting a Preferred Climate Smart Communities Strategy and Amending the Regional Framework Plan to Comply with State Law

Council President Hughes called on Ms. Kim Ellis, Metro staff, to provide a brief staff report. Ms. Ellis stated that the public comment period related to the ordinance would be closing today and gave an update on the number of comments received thus far. She stated that

there were members of the public here to comment and testify on the ordinance and that she would be back again in December for a final decision from Council.

Council President Hughes opened a public hearing. Testimony was heard from Mayor Tim Knapp of City of Wilsonville, Mike Houck of Urban Greenspaces Institute, Mara Gross of Coalition for a Livable Future, Jeanne Rustad of City of Hillsboro, Heidi Guenin of Upstream Public Health, Lauren Patton of the Oregon Chapter of the American Planning Association, Kari Schlosshauer of Safe Routes to School National Partnership and Sam Diaz of 1000 Friends of Oregon. Comments received were in support of the ordinance, appreciated being able to be closely involved, and thanked the Council for their work, while also expressing both concern about lack of funding, specifics on the toolbox as well as concern that the ordinance isn't enough.

Council President Hughes called for Council questions. Councilors thanked the public for their testimony and for the questions raised by all. Responding to questions from both the public and the Council, Ms. Ellis indicated more discussion can still take place by the technical and policy committees regarding any suggestions for changes in the ordinance and the toolbox, before the Council considers the final ordinance in December.

Second read, additional public hearing and Council consideration and vote are scheduled for Thursday, December 18, 2014.

4. ORDINANCES (SECOND READ)

4.1 Ordinance No. 14-1343, For the Purpose of Amending Metro Code Chapter 2.17 in Order to Comply with Current State Law and Declaring an Emergency

Motion:	Councilor Carlotta Collette moved to approve Ordinance No. 14-1343.
Second:	Councilor Craig Dirksen seconded the motion.

Council President Hughes called on Ms. Alison Kean, Metro attorney, to provide a brief staff report. Ms. Kean stated that Ordinance No. 14-1343 would bring the Metro Code up to date to align with the State Code on ethics.

Council President Hughes opened a public hearing. Seeing no citizens who wished to comment, the public hearing was closed.

Council President Hughes called for Council questions and there were none.

Vote: Council President Hughes and Councilors Chase, Craddick, Dirksen, Collette, Harrington and Stacey voted in support of the motion. The vote was 7 ayes, the motion passed.

4.2 Ordinance No. 14-1347, For the Purpose of Amending Metro Code Chapter 2.09 (Contractor's Business License Program)

Motion:	Councilor Craig Dirksen moved to approve Ordinance No. 14-1347.
Second:	Councilor Bob Stacey seconded the motion.

Council President Hughes called on Mr. Gary Shepard, Metro attorney, to provide a brief staff report. Mr. Shepard stated that Ordinance No. 14-1347 would amend Metro Code to allow for an annual contractor’s business license that would work for all participating jurisdictions, as opposed to contractors needing to obtain a license in each jurisdiction that they work in.

Council President Hughes opened a public hearing. Seeing no citizens who wished to comment, the public hearing was closed.

Council President Hughes called for Council questions. In response to Council inquiry, Mr. Shepard explained that the remaining money from the license fee structure would be returned to the jurisdictions, less 20% for administrative costs, generating upper \$200-300,00’s for the region.

Vote:

Council President Hughes and Councilors Chase, Craddick, Dirksen, Collette, Harrington and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

4.3 Ordinance No. 14-1344, For the Purpose of Amending Metro Code Title V, Solid Waste, to Revise Chapter 5.06, Solid Waste Community Enhancement Program

Motion:	Councilor Kathryn Harrington moved to approve Ordinance No. 14-1344.
Second:	Councilor Carlotta Collette seconded the motion.

Council President Hughes called on Mr. Roy Brower, Metro staff, to provide a brief staff report. Mr. Brower stated that Ordinance No. 14-1344 is an effort, per Council request, to update and modernize Metro solid waste programs, specifically on administrative procedures. He stated that this program has been vetted throughout the region with numerous stakeholders including citizens, city managers and councilors/commissioners around the region, the Solid Waste Advisory Committee, Metro Council and other Metro advisory committees.

Council President Hughes opened a public hearing. Public testimony was heard from Mayor Tim Knapp of City of Wilsonville and David Frasher of City of Oregon City. Comments were in support of the ordinance, focusing on the fee increase (in agreement of) and the jurisdictions’ appreciation of being part of the decision process.

Council President Hughes called for Council questions. Councilors thanked Metro staff and solid waste providers for their collaboration and hard work on this ordinance. Discussion focused on including funds and timing of when resources would be distributed and making sure that local jurisdictions were well engaged in the process.

Vote:

Council President Hughes and Councilors Chase, Craddick, Dirksen, Collette, Harrington and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .

4.4 **Ordinance No. 14-1348**, For the Purpose of Annexing to the Metro District Boundary Approximately 14.59 Acres Located North of NW Brugger Road and West of NW Kaiser Road in the North Bethany Area of Washington County

Council President Hughes called on Metro Attorney Alison Kean to read the procedural requirements for the quasi-judicial hearing. Council members did not have any ex parte contacts to disclose or have any conflicts of interest to declare.

Council President Hughes called on Mr. Tim O'Brien, Metro staff, to provide a brief staff report. Mr. O'Brien stated that Ordinance No. 14-1348 would annex 14.59 acres in the North Bethany area of Washington County, at the request of the property owner. He explained that the area is also being annexed in by Washington County and that this is a small area in which the Metro District Boundary basically surrounds it.

Council President Hughes opened a public hearing for testimony. Public testimony was heard from Jerry Offer of OTAK, representing the land owner requesting the annexation. Comments were in support of the ordinance, indicating that more annexation requests would be coming in the future as there were a few acres similar to this one (surrounded by the Metro District Boundary). Council President Hughes called for any opposition testimony. There was none.

Council President Hughes called for Council questions. There were none.

Motion:	Councilor Shirley Craddick moved to approve Ordinance No. 14-1348.
Second:	Councilor Kathryn Harrington seconded the motion.

Vote:	Council President Hughes and Councilors Chase, Craddick, Dirksen, Collette, Harrington and Stacey voted in support of the motion. The vote was 7 ayes, the motion <u>passed</u> .
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5. **CHIEF OPERATING OFFICER COMMUNICATION**

Mr. Scott Robinson, Deputy COO, provided an update on the following events or items: Joint MPAC/JPACT meeting on November 7th at the World Forestry Center, the Let's Talk Trash Film Festival on Monday, November 10th at 7pm, and a schedule change for the next Metro Council/MERC joint work session on First Opportunity Target Area previously set for December and moved to January (date to be determined).

6. **COUNCILOR COMMUNICATION**

Councilors provided updates on the following meetings or events: Three Cities meeting, Oregon Convention Center Hotel design process update, Greater Portland, Inc. Export Initiative 2020 event, and the Age-Friendly Housing: Make it Your Business forum.

7. **ADJOURN**

There being no further business, Council President Hughes adjourned the regular meeting at 4:03 p.m. The Metro Council will convene the next regular council meeting on Thursday, November 13 at 2 p.m. at the Metro Regional Center, Council Chambers. The Metro Council recessed to the Council Annex for an executive session held pursuant to ORS 192.660(2)(i).

Respectfully submitted,

A handwritten signature in cursive script that reads "Alexandra Eldridge".

Alexandra Eldridge, Regional Engagement & Legislative Coordinator

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF OCT. 30, 2014

Item	Topic	Doc. Date	Document Description	Doc. Number
2.3	Minutes	10/30/2014	Council Meeting Minutes from Oct. 23, 2014	103014c-01
3.1	Testimony, Handouts	10/30/2014	Testimony and letter from Mike Houck, Urban Greenspaces Institute	103014c-02
3.1	Testimony, Handout	10/30/2014	Testimony and letter from Mayor Tim Knapp, City of Wilsonville	103014c-03
3.1	Testimony, Handout	10/30/2014	Testimony and letter from Mara Gross, Coalition for a Livable Future	103014c-04
3.1	Testimony, Handout	10/30/2014	Testimony from Jeannine Rustad and letter from City of Hillsboro	103014c-05
4.3	Testimony, Handout	10/30/2014	Testimony and letter from Mayor Tim Knapp, City of Wilsonville	103014c-06