



**METROPOLITAN SERVICE DISTRICT**  
527 S.W. HALL ST. PORTLAND OR. 97201, 503/221-1646

## **A G E N D A** SOLID WASTE POLICY ALTERNATIVES COMMITTEE

**Date:** April 19, 1982

**Day:** Monday

**Time:** 12:00 noon - 2:00 p.m.

**Place:** Metro Offices, Conference Room A-1, A-2

### I. APPROVAL OF APRIL 5, 1982 MEETING MINUTES

### II. OLD BUSINESS

- Transfer Station/Processing Center Franchise for Alexander's Dispos-Haul Systems, Inc.
- Transfer Station/Processing Center Franchise for Sunflower Recycling Composting Operations
- Transfer Station/Processing Center Franchise for Metropolitan Disposal Corp.
- Amendments to the Disposal Franchise Ordinance

### III. NEW BUSINESS

- Metro FY 1983 Solid Waste Department Budget

APRIL 5, 1982

SOLID WASTE POLICY ALTERNATIVES  
COMMITTEE

Members

John Trout  
Michael Sievers  
Kelly Wellington  
Edward Sparks  
Dick Howard  
Shirley Coffin  
Howard Grabhorn  
David Phillips  
Bob Harris  
Mike Sandberg

Staff

Jim Parr  
Teri Anderson  
Dennis O'Neil  
Michael Hölstun  
Cheryl Moralez  
Bev Bailey

Guests

John Lorenz, Metropolitan Disposal Corporation  
Michael Borg, Oak Grove Disposal Co., Inc.  
Lloyd Hodge, Rossman Sanitary Service, Inc.  
Douglas Kooyman, Keller Drop Box, Inc.  
Roger Van Gelder, Sunflower Recycling  
Merle Irvine, Alexander's Dispos-Haul  
Ken Scholes, Alexander's Dispos-Haul  
Bob Bischel, AID Disposal  
Bob Brown, DEQ  
Cancilla & Son Sanitary Service, Hauler and PASSO  
Pete Viviano, SE Recycling

Mr. Trout called the meeting to order. The minutes of the March 22 meeting were approved as written. There were three handouts for Committee members: 1) The SWPAC calendar of meetings. 2) Membership list. 3) The revised By-Laws. The Council changed them to include a representative of the public from the City of Portland. Kelly Wellington, who formerly represented the public from Multnomah County, will be that representative. The new representative of the public from Multnomah County is John Gray. Regular meetings will be once a month; the Monday before the last Council meeting of the month. Dennis read the purpose of SWPAC as written in Article II of the By-Laws.

At the last meeting, there was a motion that staff get answers to questions on broad policy issues which affected all transfer stations being considered at the last meeting. The Committee wanted to know if the franchise agreement could require the franchisee to comply with local rules, regulations and ordinances, particularly those concerning collecting waste in franchised areas. They also wanted to know if a provision could be included that a franchise could be terminated if franchisee is delinquent in payment of disposal fees. Dennis introduced Mike Holstun, Assistant General Counsel, to answer these questions. Mr. Holstun said that the ordinance now does not permit us to ask a franchisee to comply with all local rules, regulations and ordinances. Metro could change the franchise ordinance to require that a franchisee not violate those local rules and regulations. He explained that there were some problems with this and that it is difficult to tell if someone is violating a local rule, regulation or ordinance.

David Phillips said that Clackamas County collection franchises have a condition that the franchisees use Metro facilities to supplement flow control. Metro asks for aid from local jurisdictions to help facilitate and strengthen their solid waste system. He felt that Metro should reciprocate. He went on to say that if someone is not using an approved Metro facility, their license would be suspended. A Committee member said there is a court process to determine when an individual is guilty of violating an ordinance. A Committee member was concerned that a franchisee could continue to operate because the franchise ordinance doesn't permit Metro to revoke a franchise because of violation of a local rule, regulation or ordinance.

Mr. Holstun said that unless it was an emergency situation, you could not just revoke a franchise and shut the operation down. You could not close the facility while you decided whether they were in violation of an ordinance. A Committee member said he felt that once a franchise was issued, it would be hard to remove the franchise unless there was a specific condition (i.e., health hazard). He felt that Metro would need guarantees that whoever gets that permit is going to operate within the system. If he could not, then the permit should not be granted. Mr. Holstun explained that the franchisee will operate under the franchise ordinance and if he violates that ordinance, then Metro can take the franchise away, but you can't close down someone's business without telling them why.

You have to go through a contested case hearing. To shut him down immediately, you need an injunction, but that would be only under extreme situations.

Regarding the question on delinquent disposal fees, Mr. Holstun felt it was basically the same issue. If the Committee wants to make prompt payment of disposal fees a condition of the franchise, that is a recommendation the Committee can make to the Council.

The Committee moved onto the individual applicants. Dennis showed slides of the four transfer stations and/or processing centers now being considered for franchises.

The Committee went on to discuss the first applicant on the agenda; Alexander's Dispos-Haul. At the last meeting there was a question about whether Alexander's owns several companies or are they separate collection corporations. The second concern was with contacts Metro has had with Alexander's in the past concerning violations. Dennis referred both questions to Mike Holstun. Mr. Holstun informed the Committee that this application is now his responsibility and not the responsibility of the Solid Waste Department.

Regarding the first question on ownership, Mr. Holstun explained that in December of 1981, Alexander's entered into agreement with several other disposal companies. The agreement involved the sale of their assets to Alexander. The names remained the same and Alexander purchased the right to use those names.

Regarding Metro's contacts with Alexander's, Metro had issued Notices of Intent to Levy Civil Penalties against Alexander's Dispos-Haul System, Inc. Those dealt with the unauthorized transport of solid waste out of the District and with operation of a transfer station without an agreement with Metro. Those notices were issued and within the time allowed to request contested case hearings on those issues, the operations of those transfer stations were ceased. Mr. Holstun does not feel that Metro should withhold a franchise from someone simply because they have had some past problems with Metro. Mr. Holstun explained how the Notice of Civil Penalty works; you give them notice and a chance to stop.

Mr. Holstun informed the Committee that he did not feel the Committee should be formally reviewing individual applications, but that staff should review and make recommendations to the Council. Mike said that he would draft a resolution for review by the Regional Services Committee proposing this process. He stated that it was appropriate for the Committee to get sufficient information about each franchise to identify gaps and problems, and recommend policy changes or ordinance changes. Dennis pointed out that there

was a staff disagreement on this. Solid Waste staff supported the Committee's right to at least review each franchise. Mike Sandberg expressed a concern in not being able to look at the franchises before they come into Washington County or other local jurisdictions.

Mr. Holstun felt that the Committee should finish reviewing the franchises they have started on and make a recommendation to the Services Committee. Mr. Harris asked if there would be public hearings held by the Regional Services Committee in the procedure Mr. Holstun is proposing. Mr. Holstun replied that it would be similar to the procedure used in the land use hearings. A citizens' committee helps staff make recommendations to the Council for the standards that will control the decision. The Council adopts those standards and then you go through the public hearing process with applicants, proponents, and opponents. Mr. Harris felt that this would take away whatever contribution he could make on these matters as a public representative.

Mr. Sievers made a motion that the Chair go to the Regional Services Committee meeting the following night and express the Committee's concern. Mr. Phillips seconded it.

Roll call vote:

Ms. Coffin:	Aye
Mr. Grabhorn:	Aye
Mr. Howard:	Aye
Mr. Harris:	Aye
Mr. Phillips:	Aye
Mr. Sandberg:	Aye
Mr. Sievers:	Aye
Mr. Sparks:	Aye
Mr. Trout:	Aye
Mr. Wellington:	Aye

Mr. Sievers moved that the Committee suspend current consideration on these applications until after a clarification of the Committee's role has been made by the Metro Council. Mr. Harris seconded the motion.

Roll call vote:

Ms. Coffin:	Aye
Mr. Grabhorn:	Aye
Mr. Howard:	Aye
Mr. Harris:	Aye
Mr. Phillips:	No
Mr. Sandberg:	No
Mr. Sievers:	Aye

Solid Waste Policy Alternatives Committee  
April 5, 1982  
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Mr. Sparks:	No
Mr. Trout:	No
Mr. Wellington:	Abstain

Motion carried.

A question was asked if it would be appropriate for the Committee to send recommendations of a general nature to the Council. The Chair felt it would be appropriate.

Mr. Sandberg moved that a subcommittee be appointed to review the local ordinances and find out which ones are important enough to make a condition of the permit; and another subcommittee to review concerns of the entire group, and report back to this Committee. The Chairman said that the members representing local jurisdictions should sit on that subcommittee. The motion was seconded by Mr. Harris. The motion passed by a voice vote. The Chairman appointed a subcommittee of Mike Sievers, Mike Sandberg, Dick Howard and Dave Phillips. The subcommittee will report back to the full Committee at the next meeting, April 19.

The meeting was adjourned.

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5709B/D2



**METROPOLITAN SERVICE DISTRICT**  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

## MEMORANDUM

Date: April 12, 1982  
To: SWPAC Members  
From: Dennis O'Neil, Solid Waste Coordinator *DNO*  
Regarding: Metro Council Services Committee Motion

After listening to SWPAC members, Metro Legal staff, and other interested persons at its April 6, 1982 meeting, the Services Committee passed a motion to:

1. Put the Marine Drop Box Franchise on the consent agenda for the next Council meeting.
2. Put the Alexander Dispos-Haul Franchise on the next Services Committee regular meeting agenda and consider a SWPAC recommendation.
3. Direct staff and SWPAC immediately to begin the process of recommending amendments to the Disposal Franchise Ordinance.

DO:bb

To Disposal Franchise Ordinance Section 4 Prohibited Activities:

Except as provided in this Ordinance, it shall be unlawful:

Add subsection 5:

For any person to take, transport, or dispose of solid waste at a Metro franchised or authorized disposal site, processing facility, transfer station or resource recovery facility if the person is sixty (60) days past due in the payment of disposal charges or Metro user fees at any Metro franchised or authorized disposal site, processing facility, transfer station, or resource recovery facility.

To Disposal Franchise Ordinance Section 20, subsection 2:

Add (f):

...been found to be in violation of a city or county solid waste management ordinances if such ordinances require licensees or franchisees to comply with the Metro Disposal Franchise Ordinance.

Add (g):

Accepted solid waste from any person who is sixty (60) days past due in the payment of any disposal charges or Metro user fees at any Metro franchised or authorized solid waste facility after the franchisee has been notified of this delinquency by Metro.

Section 13 Responsibilities of Franchisee

A franchisee:

Add (13):

Shall submit to Metro the names of all customers whose disposal charges are 45 days past due and 60 days past due within five days after these times are reached.

Section 2 Definitions

Add:

"Authorized disposal site, processing facility, transfer station, or resource recovery facility" means a solid waste facility inside or outside of the Service District boundary which cannot be franchised and which receives solid waste from within the Service District boundary by agreement with Metro and based on the authority of Section 4(3).



"45 days past due" means disposal charges due but not paid on the 15th day of the month following billing.

"60 days past due" means disposal charges due but not paid on the first day of the second month following billing.

DO:bb

4/14/82

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>	<u>PLACE</u>	<u>COUNCIL OR COMMITTEE</u>	<u>PURPOSE OF MEETING</u>
4/12/82	Monday	5:30 PM	Council Chamber	Coordinating	Receive "preliminary" proposed budget.
4/15/82	Thursday	12:00 Noon	Zoo Education Building	Selected Council Members & Staff	Meet with "Friends of Zoo" to discuss budget and accept testimony.
4/15/82	Thursday	7:30 PM	Council Chamber	Selected Council Members & Staff	Public meeting with local government jurisdictions to discuss budget and accept testimony.
4/19/82	Monday	8:00 AM	Council Chamber	Development	Review program and budgets for Criminal Justice, Development Services and Transportation.
4/19/82	Monday	12:00 Noon	A1 and A2	Selected Council Members & Staff	Public meeting with SWPAC to discuss FY '83 Budget and accept testimony.
4/20/82	Tuesday	2:00 PM	Council Chamber	Services	Review program and budgets for Zoo and Solid Waste Departments (Zoo Operating and Capital Funds; Solid Waste Operating Capital and Debt Service Funds).
4/22/82	Thursday	7:30 PM	Council Chamber	Budget Committee	Review proposed FY '83 Budget and accept public testimony.
4/23/82	<del>Monday</del> FRIDAY	3:00 PM	Council Chamber	Coordinating	Review program and budget for General Fund (Council, Executive Management, Public Affairs, Finance and Administration Department Budgets).
4/26/82	Monday	5:30 PM	Council Chamber	Coordinating	Review FY '83 Budget and make recommendations to full Council for entire Budget; review and recommend resolution instructing staff to transmit approved Budget to TSCC for public hearing; and review and recommend ordinance to Council for adoption of FY '83 budget and appropriations schedule.

4/14/82

<u>DATE</u>	<u>DAY</u>	<u>TIME</u>	<u>PLACE</u>	<u>COUNCIL OR COMMITTEE</u>	<u>PURPOSE OF MEETING</u>
5/6/82	Thursday	7:30 PM	Council Chamber	Council	Review and approve FY '83 Budget and resolution for submittal to TSCC; first reading of ordinance adopting FY '83 budget and appropriations schedule.
6/7-6/11	TBA	TBA	TBA	Selected Council Members & Staff	Public hearing before TSCC on FY '83 Budget.
6/24/82	Thursday	7:30 PM	Council Chamber	Council	Second reading of ordinance and adoption of FY '83 Budget and appropriations schedule.

SOLID WASTE ADVISORY COMMITTEE  
GUESTS AND ADVISORS IN ATTENDANCE

DATE 4-19-82

GUEST OR ADVISOR

AFFILIATION

JOHN TROUT

COLLECTION INDUSTRY

JOHN LORENZ

Metro Disposal Corporation

John Hayes

Metro Disp. Corp

John Hayes

The Oregonian

Miller's Laundry Service

Henry Sturtevant

Wack Co. SW & C

MICHAEL SIEVERS

CITY OF PORTLAND

Bob Harris

Public - Clackamas Co.

PAUL H. JOHANSON

COPENHAGEN UTILITIES & CONST. CO.

GARY NEWBORN

KFD

John H. Gray

Mult. Co - Public

Ben Bailey

Metro

Jane Rhodes

Metro Councilor

Norm Wietting

Metro SW

DENNIS ONCIL

Metro

Doug Drunen

Metro

Terlyn Anders

SW - Metro

David H. Shelly

Clackamas County D.F.S.

Dick Howard

Mult Co

EDWARD SPARKS

RECYCLERS -

Kelly D. Wellington

City of Portland / Public

DAVID STURTEVANT

METRO

Bob Oleson

Evelyn Brown	Metro
Our Bel. Grounds	"
Bob BREINOT	PRRO'S
Jarr Metro	
MERLE IRVING	ALEXANDER'S DISPOS. TRAIL
KEN SCHOLES	" " "
JOHN CHARLES	OEC
Jeanne Gay	League of Women Voters
Lund Newb	SWAC
Shirley Coffin	SWPAC - Wash Co. Public

**SOLID WASTE ADVISORY COMMITTEE**

**ATTENDANCE AND VOTE RECORD**

Meeting Date 4-19-82

ATTENDANCE RECORD				VOTING RECORD															
member	here	not here*	item	yes	no	abst	item	yes	no	abst	item	yes	no	abst	item	yes	no	abst	
COZZETTO		E																	
COFFIN				X				X				X				X			
GRABHORN		X																	
HOWARD				X					X			X				X			
HARRIS				X				X				X				X			
JOHNSON				X				X					X			X			
NEWBORE				X				X				X				X			
PHILLIPS				X					X			X				X			
SANDBERG		E																	
SIEVERS				X				X				X				X			
SPARKS				X				X				X				X			
TROUT				X					X				X				X		
WELLINGTON				X				X				X				X			
GRAY				X						X		X				X			
			MOTION BY: SEC.					MOTION BY: SEC.				MOTION BY: SEC.				MOTION BY: SEC.			

\* E = Excused Absense

U = Unexcused Absense