

February 5, 1985



Agenda

For SWPAC, haulers, and interested parties
in Metro Solid Waste Issues

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: February 11, 1985

Day: Monday

Time: 3:00 p.m. NOTE TIME

Place: Metro Council Chambers

- Meeting for the purpose of discussing the FY 1985-86
Solid Waste Budget
- Enclosed is an Informational Letter
and summary of Solid Waste Programs
- (The Regular agenda items for SWPAC will be presented at
the March 18th meeting)

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SOLID WASTE POLICY ALTERNATIVES COMMITTEE
SWPAC REGULAR MEETING
January 21, 1985

Committee Members Present: John Trout, Chairman; Mike Sandberg,
Dave Phillips, James Cozzetto

Committee Members Absent: Shirley Coffin, Howard Grabhorn,
Robert Harris, Dick Howard, Paul
Johnson, Delyn Kies, Gary Newbore,

Ex Officio Present Bob Brown

Guests: Joe Cancilla, Jr.

Staff Present: Dan Durig, Doug Drennen, Norm
Wietting, Dennis Mulvihill,
Ed Stuhr, Dennis O'Neil, Randi
Wexler, M.J. Aman, Wayne Rifer
Bonnie Langford

Minutes Minutes were not voted on due to
lack of quorum.

* * * * *

Agenda Item Presentation of proposed amendment
to Resolution #84-491 (Interim
Management Strategies for St. Johns)

Dennis Mulvihill gave a revision and update on the amendment to Resolution 84-491. Late last year the Council adopted a resolution on interim landfill strategies and directed the staff to come up with a fourth strategy that would address landfill life through the waste reduction issue. This amendment will go to the Council on January 24, stressing four points. (1) SB 405's impact on potential recycling; (2) Metro's role in implementing SB 405; (3) SB 405's impact on the development of the Solid Waste Management Plan in the Waste Reduction Chapter and (4) Short-term actions that can impact landfill life. The recommendations that go with number four are (a) promotion marketing plan; (b) a multiple-family dwelling project; (c) yard debris research project; and (d) incentives for additional mixed-waste sorting operation being established in the Metro area. Mr. Mulvihill added people needed to be made more aware of the opportunities to recycle by effective promotion techniques to be decided upon. Metro will also recommend how to collect more material for yard debris project which will be presented to the Council. Dave Phillips mentioned Clackamas County could use regional advisement and effort. Joe Cancilla asked if they would consult the haulers and coincide Metro's plans with those already in effect. Dennis answered they would be interviewing haulers so efforts wouldn't be duplicated. He also mentioned 40 percent of the people lived in multiple family units in Multnomah County -- a key issue in considering options of the Bill 405.

Agenda Item

Report on Status of Solid Waste
Advisory Committee

Mary Jane Aman, Administrative Assistant, reported for Ray Barker, Council Assistant, who was unable to attend the meeting. Mr. Barker had submitted a questionnaire to the Council for the possible re-organization of the Solid Waste Policy Alternatives Committee (SWPAC) and the Rate Review Committee (RRC). Five Council members returned the questionnaire and a Matrix was circulated showing the results: (1) That the Council create, by resolution, a Metro Solid Waste discussion group that would have two purposes; (a) a sounding board for solid waste issues and (b) a rate review function. (2) Organize a fifteen-member group representing government, users, and the S.W. Industry with five members to serve as a rate review committee. Corky Kirkpatrick, Councilor, preferred an ad hoc type committee that would meet and deal with specific issues four or five times a year. Councilor DeJardin wanted the SWPAC Committee to serve more as an advocacy role that would go forth in the community. George Van Bergen asked that we get some clear ideas from the SWPAC members on this issue. Jim Gardner spoke of having more citizen involvement. The Council Management Committee did want input from SWPAC on the issue.

Dan Durig explained the Council was six years old and the members felt conditions had changed enough to restructure committees. He stated SWPAC had been very helpful in bringing ideas and they were a strong sounding board for solid waste issues. Mr. Trout commented he didn't see much difference between the chart and the existing committees-- why change something that's worked this well over such a long period of time? He mentioned that sometimes the Committee disagreed with the Council and Mr. Durig answered they still had an impact on Council considerations. Dan suggested Mike Sandberg, Dave Phillips and John Trout might want to meet with the management committee regarding restructuring SWPAC. Mr. Trout reminded the group that lack of attendance and a quorum had kept the committee from voting on many issues. Mr. Cozzetto observed that Sandberg and Phillips came from a franchised regulated area and have attended most meetings. He expressed concern that the City of Portland, who has some of the greater problems in landfilling issues, did not have greater attendance at the meetings. Dave Phillips said some of the SWPAC members felt they weren't really contributing much or that their opinions weren't adequately expressed to the Council. Mr. Phillips felt SWPAC was there to give advice but other members wanted to be taken more seriously. Mike Sandberg commented SWPAC should stay out of non-policy issues such as rates and budgets. Dan said they had traditionally been brought before SWPAC for review and comment and in some cases, recommendation. Dan added there may have been times when SWPAC made recommendations and Staff made recommendations and the Council made their own decision but they did have the opportunity to voice an opinion.

Dave Phillips said he would like to see the committee become an advocate of Metro because he has to go back to the haulers and citizens and explain where Metro is going and what they are doing and the meetings were helpful in that respect.

SWPAC Meeting
1/21/85 - continued

Dan asked SWPAC members if they could start with a clean slate what they would have the committee do? Mr. Trout replied he would like to have a fuller representation of their ideas given at the Council meetings--someone to expound as to the rationalization behind their recommendations. He added some of SWPAC couldn't always attend the Council meetings but their opinions should be expressed. Dan replied he had asked SWPAC members to be present at Council meetings. The Rate Review Committee had usually been represented by their Chairman or other member, and SWPAC was also welcome to present their comments and recommendations to the Council. Dan added he didn't believe they were giving full credit to the staff as to how much information the Council was getting from SWPAC. He explained the Council received the full minutes of the SWPAC meetings which were extremely complete and that the minutes had been expanded to where the Council was actually getting all SWPAC's concerns. Dan added that even though the Council occasionally made a decision different from SWPAC's recommendation, the opinions of the SWPAC Committee were presented to the Council in much more detailed form than they were before about 1½ years ago. M. J. Aman said Corky Kirkpatrick mentioned at Management Meeting that she received good minutes from SWPAC and was able to follow their position on issues because of their completeness. Dan stated he was in full agreement that SWPAC get together with the Council or Management Committee. Dan also suggested that a member of the Management Committee come to SWPAC today. The Committee felt a concern that their presence could dominate a meeting but if SWPAC members would specifically ask them to attend they would be happy to come. Sandberg, Phillips and Cozzetto answered, "We're asking!"

Mr. Trout declared you can communicate more openly in an informal meeting and convey ideas better than you can by getting up in a formal setting to "testify" on a given issue.

Dan again indicated that what the Council was looking for at this time was their opinion on what the SWPAC Committee could best do for the agency in the area of solid waste that would be most productive.

Dave Phillips said Rate Review used to be part of SWPAC. If you accept the responsibility of franchising you accept the responsibility of rate setting. Dan commented that Gary Newbore had remarked that a company makes their request, justifies the request, Staff does the analysis work, then you all go in and let the Council decide. So it could work with or without a Rate Review Committee.

Dave Phillips said it was the third-party review that helped in making decisions in the work he was doing. Mike Sandberg stated his Board was reluctant to set rates. Their first concern was to do everything possible to insure citizen's rights. The Board wanted the Advisory Committee to hold all the public hearings, take all the testimony and it had worked in their county.

Dan mentioned the Washington Transfer and Recycling Committee composed of a representative group from government, industry, citizens, etc., and asked if they thought that Committee's recommendations should come back through SWPAC or go directly to the Management Committee or even the Council?

Dave Phillips considered the two major functions of SWPAC were: (1) advising on policy or rate review and (2) a communications tool for Metro, especially in the areas of industry, county and city government--a means of educating people in general in solid waste problems. He added, at times during the meetings there is no issue to advise on but he would like to see the updating information from the staff continued. He said basically he would like to see SWPAC structured so there was some enthusiasm. It dismayed him that there were only four members present for the Jan. 21st meeting. He said whenever there were specific issues you need a group of local people to work with Metro. If they ask for advice, SWPAC can give it.

Mr. Trout asserted that according to the present Bylaws, there was an attendance requirement for maintaining membership on the SWPAC Committee. If the Committee is to function as it has in the past, SWPAC and staff need to look at those people who have exceeded the amount of absences or excused absences. Mr. Cozzetto felt a letter to the City of Portland to get their people to become active members would help the group. Mr. Trout said SWPAC can be an important sounding board because the Committee has seen the Council turn SWPAC ideas into policy later on. The members who don't attend aren't informed well enough to communicate to others.

Dan said the decision could go all the way from having no committee to leaving it like it is. He sensed, from the Council, that they want more specifics. Dan would like to bring the parties together for questions and answers. He felt the Council and staff might want an advocacy group such as the "Friends of the Zoo" since they had such impact in going out to campaign for the zoo they obviously had some appeal to the voters...a group that would play a more power-based advocacy role might be especially effective to the Council.

Mr. Trout commented there was a difference between a teddy bear at the Zoo and interest in solid waste problems. He added some of SWPAC represent government agencies which makes it harder to stand and be counted by the press. The Friends of the Zoo are volunteers not appointed to represent various organizations, including government. Mr. Trout felt SWPAC could be better spokesmen also if they were a "Friends of the Zoo"-type organization.

Agenda Item

Solid Waste Department Update

Dan Durig brought the Committee up to date on Wildwood. After the County made the decision to include the "Exclusion or Grandfather" Clause, Metro had a deadline to file if we wanted to challenge the clause in the courts. Our legal counsel notified the courts that Metro would like them to stay this way we have protected our right to take it to court.

In answer to Mr. Cozzetto's inquiry about Washington haulers dumping in St. Johns and how many were paying the out-of-state surcharge, Norm Wietting responded we had written and heard from Vancouver Sanitary Services. That company stated all Washington haulers should then be charged for bringing in wastes from Clark County and also the Portland haulers who were collecting in Washington and dumping in St. Johns. Norm said they asked for a list of

SWPAC Meeting
1/21/85 - continued

those bringing in waste from out of State and Metro is now sending letters to these companies telling them we are going to charge a surcharge on all their waste unless we can figure out how to identify the specific Clark County loads.

Mr. Trout declared that if we preserve St. Johns we need to charge those who are filling it but not actually eligible for its use. He believed this resource is the property of the Service District which encompasses a regional area and he doesn't think it takes in Clark County/Vancouver. Mr. Trout stated the money we got from DEQ for the grant loan on the expansion (55 acres) was to buy a projected five years of time for the landfill and Washington haulers are reducing that investment by two months a year--or ten months--by allowing Washington to dump at St. Johns. He felt they should pay some type of severance tax.

Norm answered there were probably some things we can do if we are willing to pay the legal costs and it may come to that. In New Jersey they have been able to legally keep Philadelphia garbage from going into their landfills. The Supreme Court is leaving it up to the local courts. An alternative would be for Clark County to enact a flow control ordinance on their side of the river said Mr. Trout. He added Washington's legislature is in session now and if they worked with Clark County they might pass an ordinance for their waste to stay in Washington. Mike Sandberg asked what Clark County's nearest alternative was and Norm said that Vancouver had a landfill but the haulers think their closure costs are too high and we are cheaper. They are also trying to force Portland haulers out of Clark county. Five or six companies are hauling from Washington back into Oregon. Joe Cancilla asked if other Oregon counties could be restrained from using St. Johns? Norm said we were also getting waste applications from Astoria, Longview and other surrounding areas because their sites are closing up.

Dan said we can expand our requests to our legal Counsel. Perhaps we can do something other than actual straight cost--which is how Metro arrived at 54¢. Can Metro use a severance tax provision on interstate hauling? Can we use an out-of-district charge?

Mr. Cozzetto suggested Metro exert some pressure on the Portland City Council to meet with us on the problem. Norm stated they owned the only landfill in the area and Mr. Cozzetto replied it was all the more reason for them to help with the problem. Dan stated it was actually the City's site but they made it regional to help the area even though it is being used up as a limited resource and the City has only 1/3 of the people in this region using it.

- * Ed Stuhr reported the Council asked the staff to look at the issue of diversion and St. Johns life, in connection with the new KFD rates before reconsidering the Killingsworth request. KFD also reconsidered after listening to industry and lowered their request to an increase averaging 35¢ per yard--about one-half of their original request although they could justify their original rate request on economic grounds. This will be presented at the January 24th meeting for Council approval.

- * Doug Drennen stated it was determined that it would be cost effective to go ahead with the Methane Gas project and letters had been sent out to various industries asking their interest. Several responses were received expressing interest in the project as well as one from Northwest Natural Gas. Once the seven companies expressing interest, plus the NW Natural Gas proposals have been reviewed, we will ask Council how they wish to proceed. Doug said the project life could be about \$30 million dollars in Revenue. Metro would split any profits 50/50 with the City. No discussion has been held on how profits might be spent.
- * Doug Drennen also reported on WTRC. The Committee is down to nine sites in the stage three process of the final criteria. The Advisory Group asked that Metro do more work on the transportation aspects of number 9. Bullier & Bullier have been contracted to serve as Metro's Real Estate agents working on a buyer brokerage, not a commission basis. The firm contacted the nine owners and will be presenting information at the February 6th meeting. Some decisions may be made on final sites.
- * In addition to siting activities, Metro put together a proposal for Design Services which are due February 12th. Concept design will be circulated to all the waste management firms that may be bidding. There will be a review of preliminary design and a review with the County.
- * Norm said GRCDA is going to hold their next meeting in Salem at a noon luncheon and will discuss with DEQ, local people, government and the hauling industry what the roles are for those involved with the new Bill. The meeting is February 19th.
- * Bob Brown of DEQ gave new staff changes at their agency effective today. The Administrator of Solid Waste is Mike Downs. Ernie Schmidt is taking Bob Brown's position as Solid Waste Operations Manager and Bob Brown's new position is tax credits, bond funds, permit program and special projects, etc. There will be an extensive legislative package for hazardous waste, people will be added in programs such as toxics identification, ground water/water quality, and they will probably end up with a different organizational structure than at present. One name change is "Hazardous and Solid Waste Division." Bob said he would continue to attend SWPAC meetings.
- * Dave Phillips said Clackamas County had reorganized as of this morning. There would be no solid waste section but one will be called Community Environment. Dave Phillips will head this department and will also be attending SWPAC meetings.
- * Next meeting of SWPAC is February 11th due to President's Holiday on February 18th.

Meeting adjourned at 2:15 p.m.

Written by Bonnie Langford



METROPOLITAN SERVICE DISTRICT
Providing Zoo, Solid Waste and Local Government Services

527 S.W. Hall St.
Portland, Oregon
97201-5287
(503) 221-1646

February 6, 1985

Rick Gustafson
Executive Officer

Metro Council
Ernie Bonner
Presiding Officer
District 8

Richard Waker
Deputy Presiding
Officer
District 2

Bob Oleson
District 1

Jim Gardner
District 3

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
District 7

Hardy Myers
District 9

Larry Cooper
District 10

Marge Kafoury
District 11

Gary Hansen
District 12

2900C/356-Merge list
02/05/85

Dear :

Based upon your past interest and involvement in solid waste management I would appreciate the opportunity to discuss my FY 1985-86 proposed solid waste budget ideas with you at an informal meeting scheduled for February 11, 1985. We will meet at the Metro offices in the Council Chamber at 3:00 p.m.

This meeting will allow us to have a two-way discussion on the budget with a sharing of comments, suggestions and ideas. Preparation of the annual budget is an extremely important function. Your thoughts will assist me as I finalize the FY 1985-86 budget for the Metro Council.

Attached is a brief summary of major programs or projects being reviewed in the FY 1985-86 budget process. I look forward to seeing you on February 11 and discussing these issues. If you cannot make this meeting, written comments would be most helpful. Please feel free to invite others who have an interest in Metro solid waste management.

Sincerely,

Rick Gustafson
Executive Officer

gl
2899C/D2-2

Attachment

BRIEF SUMMARY OF MAJOR SOLID WASTE PROGRAMS FY 85-86

1. Management & Administration

This program provides overall administration and support services to all Solid Waste programs, provides assistance to local governments, administers Metro's Solid Waste Disposal Franchise Ordinance, and responds to the public and solid waste industry on solid waste issues.

2. St. Johns Landfill

This program provides for the environmentally sound and efficient operation of the only general-purpose landfill in the Metro region. This year attention will be focused on removing flow from the St. Johns Landfill in order to allow ample time to obtain permits for a new landfill.

3. Clackamas Transfer & Recycling Center (CTRC)

This program provides for the operation of the region's first full-line transfer and recycling center. This coming year the Regional Transfer Charge (RTC) will be applied to both CTRC and the upcoming Washington Transfer and Recycling Center (WTRC).

4. Waste Reduction

The task of this program is to increase recycling and reduce waste throughout the region, by providing technical assistance to public and private bodies, maintaining a Recycling Information Center, producing multi-media promotion campaigns, and conducting research projects that provide information and models for use by public and private interests in waste reduction activities (curbside recycling, multiple family recycling, yard debris).

5. System Planning

The task of this program is to produce an updated Solid Waste Management Plan comprised of chapters on Financial Management; Alternative Technologies; Landfills; Transportation; and Waste Reduction. Policy and program option documents will be prepared; public review will be sought and incorporated; and implementation of priority programs will begin upon adoption of the plan.

6. Washington Transfer & Recycling Center (WTRC)

This program provides for the construction and operation of the Region's second transfer station. Facility will be completed and operational during the FY 85-86 budget year. Anticipated start up date is May 1, 1986.

7. Landfill Siting

The objective of this program is to provide a replacement site for the St. Johns Landfill. This year's program will place a heavy emphasis on public education and citizen involvement.

SOLID WASTE POLICY ALTERNATIVES COMMITTEE

BY-LAWS

ARTICLE I

NAME

This Committee shall be known as the SOLID WASTE POLICY ALTERNATIVES COMMITTEE.

ARTICLE II

PURPOSE

1. To provide advice and assistance to the Executive Officer, Metro Council and Council Regional Services Committee regarding regionwide solid waste related issues.

2. To provide a forum for public, private and citizen representatives to develop and evaluate regionwide policy alternatives concerning the beneficial use and disposal of solid waste generated in the region together with its impact on collection, and with the siting, construction and operation of the necessary facilities.

3. To advise on alternative courses of action which Metro may undertake to alleviate or resolve the short- and long-term solid waste problems of the region.

ARTICLE III

MEMBERSHIP-VOTING-MEETINGS

Section 1. MEMBERSHIP

a. The Committee shall be representative of the general public and of persons involved in production, source separation, collection, beneficial use and disposal of solid waste, and the siting, construction and operation of necessary facilities.

b. Membership shall include:

Cities & Counties

Clackamas County	1
Multnomah County	1
Washington County	1
City of Portland	1

General Public

Clackamas County	1
Multnomah County	1
Washington County	1
<u>City of Portland</u>	<u>1</u>

Industry

Collection	2
Landfills	2
Recycling	1
Construction Industry	1

c. Ex officio -- Clark County, Oregon Department of Environmental Quality (DEQ), Federal Environmental Protection Agency (EPA).

Section 2. APPOINTMENT and TENURE

a. Each member appointed to represent cities and counties shall be designated by the jurisdictions they represent and shall be staff employees. All other appointments shall be made for a term of two (2) years and shall be made by the Presiding Officer of the Metro Council in accordance with procedures of the Metro Council.

b. Each member shall serve until removed by the Presiding Officer, or the appointing cities or counties, or as determined under Section 2 (c) of this Article.

c. Absence unexcused by the Committee Chairperson from three (3) consecutive regularly scheduled meetings shall constitute removal of the voting member from the Committee.

d. Additional members may serve on the Committee upon nomination by the Metro Council Regional Services Committee and concurrence by the Presiding Officer of the Metro Council, in accordance with procedures of the Metro Council.

e. Ex officio members, without vote, may serve on the Committee upon nomination by the Metro Council Regional Services Committee and concurrence by the Presiding Officer of the Metro Council, in accordance with procedures of the Metro Council.

Section 3. VOTING PRIVILEGES

Each member of the Committee, except ex officio members, shall be entitled to one (1) vote on all issues presented at regular and special meetings at which the member is present.

Section 4. MEETINGS

a. Regular meetings of the Committee shall be held [on the Monday of the week of a regularly scheduled Metro Council meeting] once each month at a regularly scheduled date, time and place established by the Committee Chairperson.

b. Special meetings may be called by the Committee Chairperson as required.

Section 5. CONDUCT of MEETINGS

a. A majority of the voting members shall constitute a quorum for the conduct of business. The act of a majority of the voting members present at meetings, at which a quorum is present, shall be the act of the Committee.

b. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

c. The Committee may establish other Rules of Procedure as deemed necessary for the conduct of business.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. OFFICERS

The officers of the Committee shall be a Chairperson and a Vice-Chairperson elected by the voting members of the Committee.

Section 2. TERM OF OFFICE

Each officer shall hold office during the fiscal year or until relieved of the position. Officers may hold succeeding terms of office, but may serve no longer than three (3) consecutive years.

Section 3. DUTIES

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business. The Vice-Chairperson shall perform all duties of the Chairperson in his/her absence.

Section 4. ADMINISTRATIVE SUPPORT

Metro shall supply staff, as necessary, to record actions of the Committee and to handle times and places, and citizen participation activities.

ARTICLE V

SUBCOMMITTEES AND TASK FORCES

The Committee Chairperson, with the consent of the Committee, may appoint Task Forces from among its members and other interested persons. Composition and term of service shall be determined according to mission and need. Task Forces shall be given a specific Charge and time for reporting as an integral part of their establishment.

ARTICLE VI

REPORTING PROCEDURES

The Committee shall make its reports, findings and recommendations to the Council Regional Services Committee. Any such reports and recommendations shall also be sent to the Executive Officer. If there is any conflict between the position of the Committee and the Executive Officer, the Executive Officer will notify the Council Regional Services Committee and the matter will be discussed by the Regional Services Committee and other interested parties and a recommendation forwarded to the Metro Council. The Solid Waste Policy Alternatives Committee shall adopt procedures which adequately notify affected jurisdictions and interested parties on matters before the Committee.

ARTICLE VII

AMENDMENTS

These By-Laws may be amended or repealed only by the Metropolitan Service District Council.

DO/srb
4886B/285

BEFORE THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

In the Matter of continuing)
the functions of existing)
advisory committees created by)
the Columbia Region Association)
of Governments and the Metropolitan))
Service District)

Resolution 79 - 5

WHEREAS, The former Columbia Region Association of Govern-
ments had seven committees to advise the Board of Directors, these
committees being the Transportation Technical Advisory Committee (as
well as its subcommittees the Interagency Coordination Committee and
the Transportation Improvement Program Committee), Law Enforcement
Advisory Committee, Housing Committee, Environmental Services Citizens
Advisory Committee, Water Quality Committee and Land Monitoring
Committee, as well as an Air Quality Advisory Committee which was
established by the Department of Environmental Quality, but was
formally recognized by CRAG as an advisory body, and

WHEREAS, the former Metropolitan Service District had two
committees to advise the Board of Directors, these committees being a
Solid Waste Advisory Committee and the Zoo Advisory Committee, and

WHEREAS, The Council has the option to continue such ad-
visory committees until such time as the Council reaches a decision
how best to organize advisory and other committee functions to best
discharge the responsibilities of the agency,

NOW, THEREFORE, BE IT RESOLVED, That the Council of the Metropolitan Service District instructs the Executive Officer and the staff to continue to schedule meetings of the aforementioned advisory committees herein listed.

ADOPTED By the Council of the Metropolitan Service District this 4th day of January, 1979.



Presiding Officer

mec
18

(e) There is no liability for User Fees on charge accounts that are worthless and charged off as uncollectable provided that an affidavit is filed with the District stating the name and amount of each uncollectable charge account. If the fees have previously been paid a deduction may be taken from the next payment due to the District for the amount found worthless and charged off. If any such account thereafter, in whole or in part, is collected, the amount so collected shall be included in the first return filed after such collection, and the fees shall be paid with the return.

(f) All User Fees shall be paid in the form of a remittance payable to the District. All User Fees received by the District shall be deposited in the Solid Waste Operating Fund and used only for the administration, implementation, operation and enforcement of the Solid Waste Management Plan. (Ordinance No. 81-111, Sec. 16)

5.01.160 Reports from Collection Services: Upon request of the Executive Officer, a solid waste collection service shall file periodic reports with the District, containing information required by the Executive Officer. (Ordinance No. 81-111, Sec. 17)

5.01.170 Rate Review Committee:

(a) The Council shall appoint a five-member Rate Review Committee to gather information and provide recommendations for the establishment of rates.

(b) Initially, three members shall serve two-year terms and two members shall serve one-year terms, in order to provide continuity in Rate Review Committee membership. Thereafter, Rate Review Committee members shall serve two-year staggered terms.

(c) The members of the Rate Review Committee shall be as follows:

(1) One Certified Public Accountant with expertise in cost accounting and program auditing.

(2) One Certified Public Accountant with expertise in the solid waste industry or public utility regulation.

(3) One local government administrator with expertise in governmental financing, agency budgeting and/or rate regulation.

(4) Two members of the public.

(d) No representative or affiliate of the solid waste industry and no employee of the District shall serve on the Rate Review Committee. (Ordinance No. 81-111, Sec. 18)

5.01.180 Determination of Rates:

(a) No franchisee or operator of a site operating under a District Certificate or Agreement upon the effective date of this

BY-LAWS
OF THE
SOLID WASTE RATE REVIEW COMMITTEE

Article I Name

This Committee, established by the Metropolitan Service District (Metro) Council, shall be known as the "Solid Waste Rate Review Committee." The Committee is established pursuant to Metro Ordinance No. 81-111.

Article II Purposes

- A. To gather and analyze information necessary to recommend rates to be charged by solid waste facilities franchised by Metro.
- B. To recommend to the Executive Officer and to the Council rates which are just, fair, reasonable and sufficient to provide proper service to the public.
- C. To recommend to the Executive Officer and to the Council any modification of the District's rate setting methodology which would improve the rate setting process in order to assure that rates are equitably determined.

Article III Rate Criteria

- A. In recommending rates, the Committee shall give due consideration to the following:
 - Operating and non-operating revenues.
 - Direct and indirect operating and non-operating expenses including franchise fees.
 - Nonfranchise profits.
 - Reasonable return on investment exclusive of any capital investment in the franchise or any sum paid for the value of the franchise or any other intangible value.
 - Any other factor deemed relevant by the Council.
- B. The Committee may recommend uniform rates for some or all solid waste facilities or may recommend different rates based upon the factors specified in this section.

Article IV Membership of the Committee

A. Membership shall include:

- One Certified Public Accountant with expertise in cost accounting and program auditing.
- One Certified Public Accountant with expertise in the solid waste industry or public utility regulation.
- One local government administrator with expertise in governmental financing, agency budgeting and/or rate regulation.
- Two members of the public.

When selecting public members, preference shall be given to persons with knowledge of economics, public utility regulation and solid waste disposal.

- B. No representative or affiliate of the solid waste industry and no employee of the District shall serve on the Rate Review Committee.

Article V Appointment and Tenure

- A. The members of the Rate Review Committee shall be recommended by the Executive Officer and shall be appointed by the Metro Council.
- B. Upon initial appointment one of the public accountants, the local government administrator and one public member shall serve two-year terms. The other public member and public accountant shall serve one-year terms. Thereafter all members shall serve two-year terms.
- C. Absence unexcused by the Committee Chairperson from three consecutively scheduled meetings shall constitute removal of the member from the Committee.

Article VI Voting Privileges

Each member of the Committee shall be entitled to one vote. The member must be present when the vote is taken.

Article VII Meetings

- A. The Director of Solid Waste Department shall call the Solid Waste Rate Review Committee into session upon a rate adjustment request from a franchisee pursuant to Subsection 19(5)(b) of the Disposal Franchise Ordinance, or upon request of the Council, Executive Officer or the Committee Chairperson.

- B. When the Committee is called into session it shall meet every two weeks, or establish an alternate schedule as determined by the Committee until such time as the Committee's recommendations on proposed rates are finalized and forwarded to the Executive Officer and to the Council. Meetings shall be held at Metro. The time of the meeting shall be scheduled to best accommodate the individual schedules of each Committee member.
- C. A majority of members constitute a quorum. The act of a majority of the members present at each meeting shall be the act of the Committee on all matters except on the final rate recommendation. The final rate recommendation must be approved by a majority of the total membership.
- D. All meetings shall be conducted in accordance with Roberts Rules of Order, Newly Revised unless otherwise provided herein.
- E. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

Article VIII Officers and Duties

The officers of the Committee shall be a Chairperson and Vice Chairperson and shall be elected by the members of the Committee.

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business. The Vice Chairperson shall perform all duties of the Chairperson in his/her absence.

Article IX Administrative Support

Metro shall supply staff as necessary to record actions of the Committee and to handle Committee correspondence and public information concerning meeting times and places.

Article X Reporting Procedures

The Committee shall make its reports, findings and recommendations to the Executive Officer and Metro Council through its Chairperson.

Article XI Amendments

These By-laws may be amended or repealed only by the Metro Council.

TA/srb
3748B/238