

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPOINTING) RESOLUTION NO. 96-2416
BARRY BENNETT TO THE METRO)
SOLID WASTE RATE REVIEW COMMITTEE) Introduce by Mike Burton
) Executive Officer

WHEREAS, Chapter 5.08 of the Metro Code provides for the establishment of a Solid Waste Rate Review Committee composed of seven members, including one Metro Councilor who shall serve as Committee chair and who shall be appointed by the Council Presiding Officer; and the six other members shall be appointed by the Executive Officer, subject to confirmation by the Council; and

WHEREAS, The business related and financial experience position is vacant; and

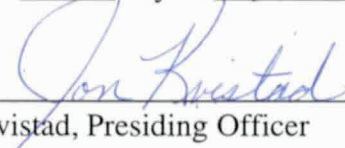
WHEREAS, Barry Bennett comes highly recommended with a strong financial and business background and is well suited to carry out the duties of this position on the Solid Waste Rate Review Committee; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now, therefore,

BE IT RESOLVED,

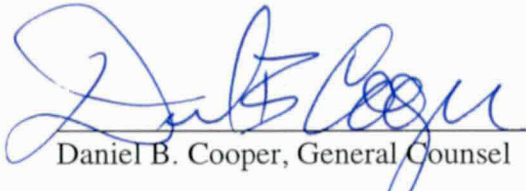
THAT the Metro Council hereby confirms the appointment of Barry Bennett to the Metro Solid Waste Rate Review Committee and that the term of service shall be three years, effective with the adoption of this resolution and ending September 1999.

ADOPTED by the Metro Council this 9th day of January, 1997.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2416 FOR THE PURPOSE OF APPOINTING BARRY BENNETT TO THE METRO SOLID WASTE RATE REVIEW COMMITTEE

Date: Octboer 24, 1996

Presented by: Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Ordinance No. 91-436A, Metro Code Chapter 5.08 establishes a seven-member solid waste rate review committee, six members of which are to be appointed by the Executive Officer, subject to confirmation by the Council. The members appointed by the Executive Officer include: two persons engaged in the business of hauling solid waste; one person with business-related financial experience; one person with experience in establishing rates; one person involved with a local recycling or waste reduction program; and one citizen rate-payer. The seventh committee member is a Metro Councilor appointed by the Council Presiding Officer.

For the past year or more, the Regional Environmental Management Department (REM) has been carefully proceeding with a major rate restructuring project involving several regional "stakeholders," and including members of the current Rate Review Committee. The outcome of this project could have a large impact on the regional solid waste disposal system as well as Metro and the REM Department revenues. Due to the potential impact of the rate restructuring project, it is important to have full representation on the rate review committee and to fill the vacant position with a member who has the business-related financial experience required.

Barry Bennett is a graduate of Harvard Law School and is employed as an attorney with the Bonneville Power Administration. Mr. Bennett will bring strong legal, technical expertise and experience to the Rate Review Committee.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that Resolution No. 96-2416 be adopted, confirming the appointment of Barry Bennett to a three-year term in the business-finance related position on the Solid Waste Rate Review Committee.

BARRY BENNETT
7424 S.E. 18th Avenue
Portland, OR 97202
(503) 232-0846

EDUCATION

Harvard Law School, Cambridge, MA.
J.D. Cum Laude 1978

State University of New York at Albany, Albany, NY
B.A. Summa Cum Laude 1975 (Phi Beta Kappa)

PROFESSIONAL EXPERIENCE

1992 to present—Bonneville Power Administration, Portland, OR—Attorney; government and energy law practice; litigation of Bonneville rate case and state rate cases; Environmental law and Indian law

1987 to 1990—Workers' Compensation Board, State of Oregon, Portland, OR—Administrative Law Judge—heard contested workers' compensation cases

1982 to 1986—Oregon Department of Justice, Salem, OR—Assistant Attorney General; administrative and government law practice; represented Public Utility Commission in utility rate cases and related administrative hearings; represented various lending agencies

1978 to 1980—Spears, Lubersky, Campbell & Bledsoe, Portland, OR—Attorney; general practice and litigation

TEACHING EXPERIENCE

1990 to 1991—Sangamon State University, Springfield, IL—Assistant Professor of Legal Studies; taught interdisciplinary courses on law and public policy; Legal Writing; Legal Research

1986 to 1987—Nevada School of Law, Reno, NV—Assistant Professor; taught Environmental Law and commercial law courses

1981 to 1982—California State University, Chico, CA—Assistant Professor; taught Business Law courses

1980 to 1981—Northwestern University School of Law, Chicago, IL—Instructor of Legal Writing and Research

PUBLICATIONS

- "The Day I Cross-Examined God"—48 Washington State Bar News 30 (Dec. 1994)
- "Workers' Compensation and the Laborer: Reflections of an Uninjured Jurist"—
11 Hamline Journal of Public Law and Policy 211 (1990)
- "Cost-Benefit Analysis, The Market, and Political Legitimacy"—23 Univ. of San Francisco
Law Review 23 (1988)
- "Hammurabi: A New Look at an Old Code"—47 Oregon State Bar Journal 15 (Nov.
1986) (reprinted in 62 Florida Bar Journal 19 (Feb. 1988))
- "The Feres Doctrine, Discipline, and the Weapons of War"—29 St. Louis Univ. Law
Journal 383 (1985) (cited by United States Supreme Court, United States v. Johnson,
481 U.S. 681, 699, 701 (1987) (Scalia, J., dissenting))
- "Eminent Domain and Redevelopment: The Return of Engine Charlie"—31 DePaul Law
Review 115 (1981)
- "Noise Reduction: Recent Japanese and American Standards Differ Significantly—
Highway Motor Noise"—1 Harvard Environmental Law Review 558 (1976)