

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF)
REAPPOINTING GARRY L. PENNING)
TO THE SOLID WASTE RATE)
REVIEW COMMITTEE)

RESOLUTION NO. 98-2710

Introduced by Mike Burton,
Executive Officer

WHEREAS, Chapter 5.08 of the Metro Code provides for the establishment of a 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 six other members who shall be appointed by the Executive Officer, subject to confirmation by the Council; and

WHEREAS, The term of the member engaged in the business of hauling solid waste expires in September, 1998; and

WHEREAS, It is important that the Rate Review Committee maintain a high level of continuity as it considers a major solid waste rate restructuring process; and

WHEREAS, Garry L. Penning, who currently serves as one of the "hauling industry" representative members, was originally appointed to the Committee in September, 1997 to complete the term of his predecessor, who resigned; and

WHEREAS, Garry L. Penning has applied for, and meets the required qualification to serve on this committee of being in the business of hauling solid waste; and

WHEREAS, the Executive Officer has recommended that Garry L. Penning be reappointed for a period of four years, because of the primary need for continuity as the Committee continues its examination of solid waste rate restructuring; and

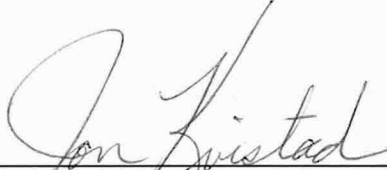
WHEREAS, The Regional Environmental Management Department has undertaken a major rate restructuring project involving several regional "stakeholders," including members of the current Rate Review Committee; and

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 Garry L. Penning is confirmed for appointment to the Rate Review Committee, to fill the position indicated for a full term as a member who is in the business of hauling solid waste.

ADOPTED by the Metro Council this 22ND day of OCTOBER, 1998.



Jon Kvistad, Presiding Officer

Approved as to Form:



Daniel B. Cooper, General Counsel

REGIONAL ENVIRONMENTAL MANAGEMENT COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 98-2710, FOR THE PURPOSE OF
REAPPOINTING GARRY PENNING TO THE SOLID WASTE RATE REVIEW COMMITTEE

Date: October 7, 1998

Presented by: Councilor Morissette

Committee Recommendation: At its October 6 meeting, the Committee considered Resolution No 98-2710 and voted unanimously to send the resolution to the Council with a do pass recommendation. Voting in favor: Councilor McFarland, Councilor Washington and Chair Morissette.

Committee Issues/Discussion: Bruce Warner, REM Director, presented the staff report. He explained that the purpose of the resolution is to reappoint Garry Penning to the Solid Waste Rate Review Committee. Warner noted that Mr. Penning is currently filling an remainder of an unexpired term. His position is reserved for a representative of the garbage hauling industry. Warner indicated that the Tri-County Haulers Associations supports Mr. Penning's appointment.

Chair Morissette and Councilor McFarland both indicated strong support for Mr. Penning, noting that they had worked with him on a variety of solid waste issues. Chair Morissette noted that Mr. Penning has been a very positive addition to the Rate Review Committee.

**EXECUTIVE SUMMARY
RESOLUTION 98-2710
SOLID WASTE RATE REVIEW COMMITTEE REAPPOINTMENT**

PROPOSED ACTION

- Council confirmation of Garry L. Penning's reappointment to the Solid Waste Rate Review Committee.

WHY NECESSARY

- Filling vacant Rate Review Committee position for a person involved in the business of hauling solid waste.

ISSUES/CONCERNS

- Garry Penning has completed a predecessor's term on the Rate Review Committee.
- Garry Penning played an integral role in last year's rate restructuring and reduction, and comprehensive revision of the Solid Waste Chapter of the Metro Code.
- Garry Penning's experience and familiarity with the complexities of the rate and the regional regulatory framework would provide continuity in the rate process.
- Due to the complex and changing nature of solid waste regulation and fee setting, it is important that the Rate Review Committee maintain a high level of continuity.
- Garry Penning is engaged in the business of hauling solid waste.

BUDGET/FINANCIAL IMPACT

- None

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2710 FOR THE PURPOSE OF REAPPOINTING GARRY PENNING TO THE SOLID WASTE RATE REVIEW COMMITTEE.

Date: September 21, 1998

Presented by: Bruce Warner,
Dennis Strachota

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 shall include: two persons engaged in the business of hauling solid waste; one person with experience establishing rates; one person involved with a local recycling or waste reduction program; and one citizen rate-payer. The seventh committee member shall be a Metro Councilor, who shall be appointed by the Council Presiding Officer.

Over the last year, the Metro disposal rate underwent a major restructuring, resulting in a \$7.50 per ton reduction from the previous rate, the implementation of a \$5 transaction charge at Metro transfer stations; and the implementation of the Regional System Fee Credit program, an innovative incentive program that rewards solid waste facilities' recovery efforts. The solid waste regulatory framework also underwent a major restructuring with the revision of the Solid Waste Chapter of the Metro Code. The revision process was a lengthy and iterative process, involving several regional "stakeholders," including members of last year's Rate Review Committee.

Due to the complex and changing nature of solid waste regulation and fee setting, it is important that the Rate Review Committee maintain a high level of continuity. Garry L. Penning is engaged in the business of hauling solid waste, has completed a predecessor's term on the Rate Review Committee, and has been recommended by the Executive Officer. Because Mr. Penning has greatly contributed to the rate restructuring process, played an integral role in the code revision process, and because of the primary concern for continuity noted above, the Executive Officer recommends that Garry L. Penning be reappointed to the Rate Review Committee for a full term of four years. The Tri-County Haulers' Association concurs with this recommendation.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends that Resolution No. 98-2710 be adopted, confirming the reappointment of Garry L. Penning, a person engaged in the business of hauling solid waste, for a full four-year term as a member of the Solid Waste Rate Review Committee.