

Council work session agenda

3:35 Adjourn

Tuesday, November 26, 2019 2:00 PM				Metro Regional Center, Council Chamber
2:00	Call to Order and Roll Call			
2:05	Safety Briefing			
Work Session Topics:				
	2:10	Transfer Station Rate Transparency		<u>18-5313</u>
		Presenter(s):	Brian Kennedy, Metro Warren Johnson, Metro	
		Attachments:	Work Session Worksheet Attachment 1 Attachment 2 Attachment 3 Attachment 4	
	2:55	Regional Investment Strategy Update		<u>18-5315</u>
		Presenter(s):	Andy Shaw, Metro	
3:25	Chief Operating Officer Communication			
3:30	Councilor Communication			

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ការគោរពសិទ្ធិពលរដ្ឋរបស់។ សំរាប់ព័ត៌មានអំពីកម្មវិធីសិទ្ធិពលរដ្ឋរបស់ Metro ឬដើម្បីទទួលពាក្យបណ្តឹងរើសអើងសូមចូលទស្សនាគេហទំព័រ www.oregonmetro.gov/civilrights។ បើលោកអ្នកគ្រូវការអ្នកបកប្រែកាសានៅពេលអង្គ ប្រជុំសាធារណៈ សូមទូរស័ព្ទមកលេខ 503-797-1700 (ម៉ោង 8 ព្រឹកដល់ម៉ោង 5 ល្ងាច ថ្ងៃធ្វើការ) ប្រាំពីរថ្ងៃ

ថ្ងៃធ្វើការ មុនថ្ងៃប្រជុំដើម្បីអាចឲ្យគេសម្រូលតាមសំណើរបស់លោកអ្នក ។

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February 2017

Transfer Station Rate Transparency

Work Session Topics

Metro Council Work Session Tuesday, November 26, 2019 Metro Regional Center, Council Chamber

TRANSFER STATION RATE TRANSPARENCY

Date: November 12, 2019 Prepared by: Warren Johnson

(503) 797-1836

warren.johnson@oregonmetro.gov

Department: FRS and PES Presenter(s): Brian Kennedy

and Warren Johnson

Meeting date: November 26, 2019 Length: 15 minutes

ISSUE STATEMENT

Metro seeks to increase rate transparency at all transfer stations to better serve the public's interest.

ACTION REQUESTED

Staff seeks direction from Metro Council on whether Metro should take further action to improve rate transparency and employ an independent expert to conduct a full, detailed rate review at privately owned transfer stations in the region to determine the costs relative to the rates charged at those facilities.

IDENTIFIED POLICY OUTCOMES

The proposed action will increase the transparency of costs and rates at privately owned transfer stations and support the goals of the 2030 Regional Waste Plan which Metro adopted in March 2019. The Regional Waste Plan specifically includes actions to implement transparent and consistent rate-setting processes for all collection service providers and facilities in the region.

POLICY QUESTION(S)

- 1. Should Metro take additional action to make the rates at privately owned transfer stations more transparent?
- 2. Should Metro employ an independent expert to conduct a full rate review of all of the privately owned transfer stations?
- 3. Should Metro develop guidelines to determine whether the rates charged at privately owned transfer stations are reasonable, responsive to user economic needs, regionally consistent and well understood?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

- 1. Direct staff to employ an independent expert to conduct a full rate review at all privately owned transfer stations in the region.
- 2. Direct staff to employ an independent expert to conduct a full rate review only at those facilities that charge a total rate that is a specific percentage above the Metro's transfer stations fees.
- 3. Direct staff to take other actions to improve rate transparency at privately owned transfer stations.
- 4. Take no further action to improve rate transparency at privately owned facilities.

STAFF RECOMMENDATIONS

Staff recommends that Metro employ an independent expert to conduct a full, detailed rate review at all privately owned transfer stations in the region to determine the costs relative to the rates charged at those facilities.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Metro Charter, the Oregon Constitution and Oregon law grant Metro broad authority for planning, managing and overseeing the regional solid waste system to protect public health and safeguard the environment. As a part of these responsibilities, Metro is responsible for developing a regional plan that sets direction for programs, services and facilities. The Regional Waste Plan seeks to ensure that rates for services are reasonable, responsive to user economic needs, regionally consistent and well understood (Goal 14). The Regional Waste Plan also includes actions to implement transparent and consistent rate-setting processes for all collection service providers and facilities in the region.

BACKGROUND

In July 2016, the Metro Council adopted the Transfer System Configuration Policy that the set direction for a number of policies related to improving the region's solid waste system to better serve the public's interest. One of those policies was related to improving rate transparency at both publicly and privately owned transfer stations to provide local governments with better information to use for their annual rate setting processes. Local governments had expressed concerns to Metro about the lack of transparency to justify rate increases at privately owned facilities that far exceeded those at the public facilities since 2010.

Metro established a progressive step-based approach to improve rate transparency at all transfer stations in the region. The steps are as follows:

• <u>Step 1</u>: Estimate the costs of services offered at the public stations, by waste stream. Publish these unit costs to provide a clear, cost-based benchmark for local governments.

- <u>Step 2</u>: If Step 1 is inadequate to provide sufficient transparency, then Metro will conduct an assessment of costs at privately owned transfer stations to estimate the various components (e.g., transfer, transport, and disposal) of each transfer station's tip fee.
- <u>Step 3</u>: If Steps 1 and 2 are inadequate to provide sufficient transparency, Metro will conduct a full rate review at privately owned transfer stations, including detailed review of financial records, to determine costs relative to rates charged. Metro may employ an expert third-party contractor to conduct the rate review.

Metro implemented Step 1 in the above-mentioned approach by preparing an estimate of the costs of services offered at the publicly owned transfer stations. Metro completed this work and provided the information to local governments on March 23, 2017. Several local governments notified Metro that the information was not sufficient to understand the rates charged at privately owned transfer stations and they requested that Metro take additional measures to improve transparency at the privately owned facilities.

Metro then prepared an estimate of the costs of services offered at privately-owned transfer stations. Metro completed this work and provided the information to local governments on February 1, 2019. Several local governments notified Metro that the information was not sufficient to understand the rates charged at privately owned transfer stations and they requested that Metro take additional measures to improve transparency at the privately owned facilities.

As the next step in this process, staff seeks direction from the Metro Council on whether Metro should proceed with a more detailed rate review at privately owned transfer stations. If the Council determines that a detailed rate review is insufficient to improve rate transparency or the rates charged at a privately owned transfer station are substantially higher than the costs can justify, the Council may consider whether to implement rate regulation. Oregon Revised Statutes 268.317(5) provides explicit authority for Metro to set rates at all privately owned solid waste facilities in the region. (Metro may "establish, maintain and amend rates charged by disposal transfer and resource recovery sites or facilities.") In addition, Metro's home rule charter provides implicit authority for rate setting.

ATTACHMENTS

There is no legislation required for Metro Council action on this item at this time.

The following attachments are included with this staff report:

- Letter from Metro to local governments, dated February 1, 2019
- Letter from Washington County, dated August 13, 2019
- Letter from five cities in the western portion of the region, dated August 23, 2019
- Letter from City of Gresham, dated October 28, 2019

600 NE Grand Ave. Portland, OR 97232-2736 oregonmetro.gov



Friday, February 1, 2019

Dear Local Governments:

This letter, and the accompanying report, represents the second action to enhance the transparency of public and private solid waste tip fees and costs at transfer stations that accept waste generated from within the Metro region.

In July 2016, to improve overall system function, the Metro Council adopted the Transfer System Configuration Policy and directed the Chief Operating Officer to proceed with its implementation (Resolution 16-4716). The resolution included a number of new policies related to the public-private system of transfer stations that serve the citizens of the Metro region. One of those policies seeks to improve rate transparency at all transfer stations. This new policy lays out a progressive set of options that Metro may take to provide local governments with better information for informing their solid waste collection rate setting. Additional options may be triggered based on the feedback and response to Metro from the local governments. The options identified in the resolution's staff report are listed below. These options may be triggered in sequence or together as needed:

- Option 1: Estimate the costs of service offered at the public stations, by waste stream.
 Publish these unit costs to provide a clear, cost-based benchmark for local governments' reference in rate setting. This report was provided to local governments on March 23, 2017 and is included in Appendix A to the attached report.
- Option 2: Based on feedback from local governments, Option 1 did not yield sufficient transparency and adequate information to understand the relationship between rates charged and costs. Therefore, Metro has prepared an assessment of private wet waste transfer station costs to estimate the various components (e.g., transfer, transport, and disposal) of each private station's tip fee. To estimate these components, Metro conducted site visits to observe typical operating practices, interviewed key operations staff, and provided private station operators with an opportunity to review their facilities' profile sheets.
- Option 3: If Option 1 and 2 do not yield sufficient transparency and adequate
 information to understand the relationship between rates charged and costs for local
 governments, Metro may conduct a full detailed rate review at private waste transfer
 stations. Such a review would include a detailed review of financial records, to
 determine costs relative to rates charged. Metro may employ an expert third party
 contractor to conduct such a review and may review rates at all facilities or only at
 facilities that deviate substantially from the others.

After implementing all options to improve transparency and provide useful information to local governments, if private tip fees appear to be substantially higher than costs can justify, the Metro Council may consider guidelines to implement rate regulation. The Metro Council has

broad legal authority over solid waste, including authority to set rates at private transfer stations operating within its jurisdiction.¹

The attached report represents Metro's estimate of the cost to provide wet waste management at the five private transfer stations currently located within the regional boundary. The attached report provides the average operating costs for each private transfer station. Tonnage-weighted average operating costs across the five private facilities was estimated at \$25.34 per ton. The estimated operating costs for two facilities, Troutdale Transfer Station and Forest Grove Transfer Station, were above this average. Pride Recycling Transfer Station's operating cost estimate was the lowest. Given the impact of economies of scale in transfer station operations, the former two facilities would be expected to have lower operating costs per ton since they accept more wet waste and receive larger payloads. Because this report worked with a limited set of publicly available data and consequently relied on a model to estimate costs, the most reliable and accurate information on privately owned transfer station costs would be a full review of actual costs and financial records for transfer stations.

We hope that you find this information a helpful guide when considering allowable costs for your haulers during rate setting. Metro recognizes that costs vary among the regional facilities, depending on services offered, hours of operation, staffing, throughput, and other factors. Metro welcomes your feedback on whether or not this step toward rate transparency results in rates "sufficiently transparent to allow regulators to judge whether such charges are fair, acceptable, and reasonably related to the costs of services received," as specified in the Regional Solid Waste Management Plan. The Metro Council will determine if further options are necessary, based, in part, upon feedback from your jurisdiction.

Sincerely,

Tim Collier

Director of Finance

Paul Slyman

Director of Property and Environmental Services

¹ ORS 268.317(5) and Metro's home rule charter.



To:

Shirley Craddick, Metro Councilor

From:

Steve Fancher, Environmental Services Director

Date:

October 28, 2019

Re:

Metro Region Waste Transfer Station Rate Transparency

On June 29, 2016, the City offered a letter of support for Metro Council to consider new options for improving the transparency of tip fees at private transfer stations in the region. Since then, it is our understanding that Metro has taken steps to proceed with its implementation of the "Transfer System Configuration Policy" (Resolution 16-4716) by providing transparency of how disposal fees at public transfer stations are set. In addition, it is also our understanding that Metro has conducted some analysis to estimate the various cost components of private transfer station tip fees that impact costs of providing service to our customers.

The City of Gresham believes Metro should progress to a full and detailed rate review of private transfer stations to determine if the fees charged are fair and reasonable. By improving the transparency of tip fees at regional private transfer stations, the cities will be better positioned to ensure we are protecting the financial health of our citizens and businesses.

Sincerely,

Steve Fancher

City of Gresham, Environmental Services Director

Steve.Fancher@greshamoregon.gov

503-618-2583



August 23, 2019

Council President Lynn Peterson Councilor Juan Carlos Gonzalez

Metro 600 NE Grand Ave Portland, Oregon 97232

Dear President Peterson and Councilor Gonzalez:

We appreciate Metro's efforts to better understand the components involved in rate setting at the private solid waste transfer stations. The February 1, 2019 letter from Metro staff summarizing the step process to understand private facility rates, and the accompanying report which estimates the cost drivers relative to fees charged at the private stations substantiates our belief that the rates charged at the private facilities are not justified. We strongly believe that Metro should move to 'option 3,' a full review of rates and costs at the private transfer stations. We believe this is imperative to bring transparency and equity into the cost profile of the regional solid waste system. There has been inequity in those rates since 2011, and it has steadily increased since then. We also see this in rates charged for self-hauling of waste, which has a direct impact on our lower income community members.

Thank you for taking these important steps on behalf of our communities.

Sincerely,

Steve Callaway

Mayor of Hillsboro

Afrey C. Dalin

Star alloway

Jeffrey Dalin

Mayor of Cornelius

Terry Lenahan

piled

Keith Mays

Mayor of North Plains

Bion M.

Mayor of Sherwood

Frank Bubenik Mayor of Tualatin Page 2 President Peterson and Councilor Gonzalez August 23, 2019

cc: Hillsboro City Council

Metro Council Paul Slyman, Metro Roy Brower, Metro

Robby Hammond, City Manager

Andy Smith, Government Affairs Manager Peter Brandom, Senior Project Manager



WASHINGTON COUNTY OREGON

August 13, 2019

President Lynn Peterson METRO 600 NE Grand Avenue Portland OR 97232

Dear President Peterson:

The Board of Washington County Commissioners has expressed support to Metro as it has conducted analysis to improve the transparency of how disposal fees at public and private transfer stations are set. Metro has taken steps to fulfill the policy direction set in 2016 of increasing transparency by providing cost and rate setting information for its own transfer stations, and now has completed additional analysis related to private transfer stations. Having reviewed the analysis provided by Tim Collier and Paul Slyman on this topic, we applaud your efforts and urge you to continue this work.

Washington County supports Metro progressing to a full, detailed rate review of private waste transfer stations. By Metro conducting such a review, it would provide Washington County with the transparency needed to help us determine if the fees charged for the transfer of waste are fair, just and reasonable as they relate to the cost of services received by our residents and businesses.

As noted in our earlier letters of support, our waste haulers have little realistic alternative to using the Forest Grove transfer station. The rates at the Forest Grove transfer station have increased substantially compared to the rates charged at Metro's transfer stations, and now we've learned are also higher than the rates charged at other private transfer stations in the region. The per ton fee charged at the Forest Grove Transfer Station has historically been very close to Metro transfer station fees. Today, it remains more than \$7.00 per ton higher. Other fees, such as the 'environmental charge' have also increased with little explanation as to why. We remain concerned that there appears to be little justification or oversight of these rate increases passed onto our rate payers. We appreciate Metro's efforts to bring transparency to Metro transfer station rates and encourage you to bring the same level of transparency to private transfer facility rates as well.

Sincerely,

Kathryn Harrington

Chair, Washington County Board of Commissioners

cc: Metro Councilors
Washington County Board of Commissioners
Bob Davis, County Administrator
Martha Bennett, Metro CEO
Marni Kuyl, HHS Director

Regional Investment Strategy Update

Work Session Topics

Metro Council Work Session Tuesday, November 26, 2019 Metro Regional Center, Council Chamber Materials following this page were distributed at the meeting.



Transfer Station Rate Transparency

Metro Council Work Session November 26, 2019

Purpose of Today's Discussion

- 1. Overview of the rate transparency issue
- 2. Overview of Metro's legal authority
- 3. Review Metro's actions related to rate transparency
- 4. Seek direction from Council on next steps

Overview

- Rates vs. costs of services at private transfer stations
- Metro does not currently regulate rates at private facilities
 - Facilities must post rates
 - Facilities must not charge more than posted rates
- Transfer station rates inform local government rate setting
- Local governments do not have access to facility rate setting
- Local governments seek assistance from Metro

Legal Authority

- Metro has broad legal authority to oversee the regional solid waste system
- Metro's authority comes from the Metro Charter, Oregon Constitution and Oregon law
- ORS 268.317(5) provides explicit authority for Metro to set rates at private facilities
- Regional Waste Plan sets direction to ensure that rates are reasonable, responsive to user economic needs, regionally consistent and well understood (Goal 14)

Background

- Transfer system configuration policy July 2016
- Multifaceted policy for maximum public benefit
 - Eight components
 - Tonnage allocation
 - Rate transparency
- Progressive approach to rate transparency

Progressive Approach

- Step 1 Estimate costs by waste stream at Metro's facilities
- Step 2 Estimate costs at private transfer stations using publicly available information
- Step 3 Perform a full, detailed rate review at private transfer stations
- Consider rate regulation if the these steps are inadequate or costs are not justified

Step 1 – Estimate Metro's Costs

- Metro completed this work in March 2017
- Cost-based benchmark as a reference for rate-setting
- Public stations are not comparable to private facilities
- Insufficient for local governments
- Local governments requested additional action

Step 2 – Estimate Facilities' Costs

- Metro completed this work in February 2019
- Estimated using publicly available information
- Estimated the cost components of private transfer stations and documented the posted rates for each
- Insufficient for local governments
- Local governments requested additional action

Step 3 – Full Rate Review

- Conducted by Metro or independent expert
- Performed at all private facilities or a subset
- Metro has not yet taken this step
- Local governments requested this additional action
- Staff Recommendation:

Metro should employ an independent expert to determine the costs relative to the rates charged at all private transfer stations

Questions for Council

- 1. Does Council support taking additional action to make private transfer station rates more transparent?
- 2. Does Council support employing an independent expert to conduct a full rate review at all private transfer stations?
- 3. Does Council support developing guidelines to determine whether private transfer station rates are just and reasonable?

Regional Investment Strategy: Update

Council work session Nov. 26, 2019



Housing bond: Implementation IGAs at Council, local bodies

- Last week: Clackamas County, Beaverton
- Up next: Washington County
- Then: Gresham, Home Forward
- Followed by: Portland



Next steps for Parks & Nature bond

Partner appreciation gathering:

Dec. 4, 5-7 p.m., June Key Delta Center

Resolution No. 19-5055, confirming results of election, authorizing next steps: Dec. 12 (consent agenda)

Late January: Refinement work plan discussion at work session – Engagement, timelines, resources



#GetMoving2020: Highlights

Task Force Tier 1 discussions: Nov. 20 and Dec. 18

Council Tier 1 work sessions, public hearing: January

Beginning the revenue discussion

Developing programs engagement plan

