

**MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT**

**REGULAR MEETING
JULY 26, 1983**

Councilors Present: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Councilors Absent: Councilors Kafoury, Waker, and Williamson.

Also Present: Rick Gustafson, Executive Officer.

Staff Present: Donald Carlson, Andrew Jordan, Dan LaGrande, Ray Barker, Andy Cotugno, Dan Durig, Warren Iliff, Kay Rich, Sonnie Russill, and Marilyn Matteson.

Testifiers: Dr. Jack Vernon, Christine Lightcap, and Gordon Hoare.

A regular meeting of the Council of the Metropolitan Service District was called to order at 7:40 p.m. by Presiding Officer Banzer.

1. Introductions.

There were no introductions.

2. Councilor Communications.

Councilor Oleson reported on the Washington County Transfer Station Committee's recommendations. He indicated that the Committee had unanimously recommended that Metro immediately begin the process of siting and constructing a transfer station in Washington County. (A copy of the Committee's summary of recommendations is attached to the agenda of the meeting).

Presiding Officer Banzer reported on H.B. 2453 which passed the House but was not considered by the Senate before adjournment. She said the bill proposed removed the requirement that Metro have a tax base prior to entering into agreements with local governments to finance a regional corrections facility. She said there was the possibility of the bill being considered during the legislature's special session and the Council would be discussing it further.

3. Executive Officer Communications.

Mr. Gustafson thanked Councilor Oleson for his efforts on the Washington County Transfer Station Committee.

He then reported on some of the 1983 legislative activities--the inability of the legislature to eliminate the A/B Ballot and their passage of S.B. 405 (Recycling Bill) which would have an impact on Metro. He said a summary of the Solid Waste and Zoo legislative issues would be presented at the Council's next meeting.

Mr. Gustafson informed the Council that Metro would be hosting the Washington County Elected Officials Caucus in August, as well as a Yard Debris Workshop on August 18th.

4. Written Communications to Council on Non-Agenda Items.

Presiding Officer Banzer stated a letter from the Portland Recycling Refuse Operators, Inc. had been received and distributed to members of the Council (a copy of the letter is attached to the agenda of the meeting).

5. Citizen Communications to Council on Non-Agenda Items.

There were no citizen communications to Council on non-agenda items.

6. Consent Agenda.

The Consent Agenda consisted of the following items:

- 6.1 Minutes of the meeting of June 2, 1983.
- 6.2 Resolution No. 83-417, for the purpose of adopting the "Concept Program" for the expenditure of Interstate Transfer Funds.
- 6.3 Resolution No. 83-418, for the purpose of ratifying changes to the Federal Aid Urban Boundary and amending the Functional Classification System and the Federal Aid Urban System (FAUS).
- 6.4 Resolution No. 83-419, for the purpose of amending the FY 1983 Transportation Improvement Program (TIP) to include additional Section 3 Projects.

Motion: Councilor Hansen moved adoption of the Consent Agenda. Councilor Kirkpatrick seconded the motion.

Vote: The vote on the motion to adopt the Consent Agenda resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried, Consent Agenda adopted.

7.1 Ordinance No. 83-157, adopting a codification of Metro Ordinances and repealing Ordinance No. 30. (Second Reading)

Andrew Jordan, General Counsel, stated there were three editorial changes which needed to be made to the Ordinance and Code. They were as follows:

- 1) First page of the Ordinance, Section 1, Line 2: Change June 1983 to July 1983.
- 2) Page 2 of Ordinance, paragraph B, second line from bottom of paragraph: ORS 268.____ should be filled in to read ORS 268.125.
- 3) Page I-2 of Code, Section 1.01.001, Code Adoption: June 1983 should read July 1983.

Motion to Amend: Councilor Kirkpatrick moved amendment to the ordinance to incorporate the changes cited above. Councilor Oleson seconded the motion.

Vote: The vote on the motion to amend the Ordinance carried unanimously by voice vote.

Vote: The vote on the previous motion by Councilors Kirkpatrick and Oleson to adopt the ordinance, as amended, resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried, Ordinance adopted.

8.1 Consideration of further steps necessary to construct a regional sanitary landfill at the Wildwood site.

Councilor Hansen reported on the Regional Services Committee recommendation, as follows:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals.
- 2) That the Executive Officer contact Multnomah County to ascertain whether or not they intend to attempt to modify their relevant land use standards in light of the LUBA decision.

He said the Committee also passed onto the Council, without recommendation, the following motion:

- 3) Authorize the Executive Officer to urge all counties and cities of the region to establish standards for the siting of landfills in their jurisdictions and, if necessary, to amend their plans and ordinances to be consistent with these standards.

Councilor Hansen indicated that in light of County Executive Buchanan's communication a substitute recommendation for point 2 might be made. (A copy of the County Executive's communication is attached to the agenda).

Motion: Councilor Bonner moved:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals;
- 2) That the Metro Council ask Multnomah County to reaffirm its decision on permitting the Wildwood Landfill site by modifying its relevant land use standards and reissuing the conditional use permit; and, if Multnomah County requests it, that the Executive Officer be directed to assist the County in a joint review of the County's land use standards; and

- 3) That the Metro Council ask the Executive Officer to submit a report to the Council on existing land use standards for siting landfills in local jurisdictions in light of the LUBA decision on the Wildwood Landfill.

Councilor Kirkpatrick seconded the motion.

Councilor Bonner explained his reasons for the motion: 1) the need for a regional landfill to replace St. John's and the belief that the Council still felt Wildwood was the best site; 2) the County Executive had already directed that the County Counsel join Metro in appealing the LUBA decision; 3) The County Executive had indicated he was looking at the possibility of an amendment which would modify the County codes and criteria to allow a regional landfill, that an amendment or amendments were desirable, and further he said he didn't think the plan needed to be amended in such a way as to change existing and important standards for community service uses other than landfills; 4) in order to keep future options open, Metro needed to assure that other local jurisdictions don't preclude landfills in rural areas.

Councilor Kelley stated she supported joint review with Multnomah County of the County's land use standards. She said it was her feeling that the process would be complicated and expensive and Metro should help in the process.

Councilor Hansen requested that the Services Committee recommendation be introduced for consideration. Councilor Bonner withdrew his motion and Councilor Kirkpatrick withdrew her second in order to allow the Services Committee recommendation to be introduced.

Motion: Councilor Hansen moved the Services Committee recommendation, as follows:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals.
- 2) That the Executive Officer contact Multnomah County to ascertain whether or not they intend to attempt to modify their relevant land use standards in light of the LUBA decision.

- 3) That the Metro Council authorize the Executive Officer to urge all counties and cities of the region to establish standards for the siting of landfills in their jurisdictions and, if necessary, to amend their plans and ordinances to be consistent with these standards.

Councilor Deines seconded the motion.

Presiding Officer Banzer indicated she would divide the three point recommendation into separate motions to be voted on individually.

Motion to
Amend:

Councilor Bonner moved amendment to the main motion, as follows:

- 1) That the Metro Council authorize the Executive Officer to file an appeal with the Court of Appeals;
- 2) That the Metro Council ask Multnomah County to reaffirm its decision on permitting the Wildwood Landfill site by modifying its relevant land use standards and reissuing the conditional use permit; and, if Multnomah County requests it, that the Executive Officer be directed to assist the County in a joint review of the County's land use standards;
- 3) That the Metro Council ask the Executive Officer to submit a report to the Council on existing land use standards for siting landfills in local jurisdictions in light of the LUBA decision on the Wildwood Landfill.

Councilor Kirkpatrick seconded the motion.

Presiding Officer Banzer noted that several people had acquiesced their time to speak to Mr. Peter Staples and Dr. Jack Vernon.

Jack Vernon, 17505 N.W. Sauvie Island Road, 97231, testified in opposition to the process used by Multnomah County in approving Wildwood and in opposition to changing Multnomah County's land use standards to allow Wildwood. He asked a series of questions which he felt had not been answered: Why select only one

landfill; why only site in rural areas--why not industrial or urban areas; why does Metro insist that Wildwood is the only possible site; why does Metro insist that under the present land use laws it would be impossible to site a landfill anywhere; and why does Metro want to change land use laws.

Christine Lightcap, 13342 N.W. Newberry Road, 97231, a member of the West Hill & Island Neighbors, stated she was not opposed to solid waste management or the concept of co-generation or landfills, but was opposed to expensive, poorly selected landfill plans, and to Wildwood because it is believed to be a huge mistake. She said the criteria for selecting the site were questionable, and that the cost estimates for Wildwood were in error and would be much higher than anticipated.

Gordon Hoare, 15729 N.W. Sheltered Nook Road, 97231, a member of the West Hill & Island Neighbors, stated that from an engineering standpoint the potential costs of a landfill at Wildwood would be extremely high, and that operational problems are a probability. He said they had done a study which compared the costs of developing Wildwood against using some areas of Ramsey Lake and increasing the fill height at St. John's which indicated that the costs would be 2-1/2 times less than at Wildwood.

Councilor Bonner requested that a copy of the comparative study alluded to by Mr. Hoare be made available to the staff and Council. Mr. Gustafson stated that the Ramsey Lake area had been rated, on the basis of environmental, land use, and operational considerations, somewhere in the middle of the 46 sites considered.

There was then Council questions to Mr. Hoare regarding the land costs of Ramsey Lake.

Councilor Deines stated he agreed with the concept that more than one landfill site was needed instead of one large regional landfill.

Vote: The vote on the amendment to the main motion to authorize the Executive Officer to file an appeal with the Court of Appeals resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion to amend carried.

Vote: The vote on the amendment to the main motion to ask Multnomah County to reaffirm its decision on permitting the Wildwood Landfill site by modifying its relevant land use standards and reissuing the conditional use permit; and, if Multnomah County requests it, that the Executive Officer be directed to assist the County in a joint review of the County's land use standards resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion to amend carried.

Vote: The vote on the amendment to the main motion to ask the Executive Officer to submit a report to the Council on existing land use standards for siting landfills in local jurisdictions in light of the LUBA decision on the Wildwood Landfill resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion to amend carried.

Councilor Van Bergen asked if points 2 and 3 of the amended motion were premature and if the results of point 1 should occur before moving ahead with 2 and 3. Mr. Jordan responded that it was in Metro's best interest to proceed with the appeal and the a request for a change to Multnomah County's zoning ordinance at the same time. Councilor Van Bergen stated Metro should proceed with the appeal but felt that points 2 and 3 clouded the issue. Councilor Kelley agreed and commented that the change to Multnomah County's standards was going to be a

long and difficult process. Councilor Bonner stated Metro was following a process designed by other bodies to meet due process requirements and that's one of the reasons it had cost so much to site Wildwood. He said they were not requiring Multnomah County to change its standards, only requesting the opportunity to site a landfill under standards which might permit it. Councilor Hansen said unless there was some zoning relief, he did not believe Metro could site a landfill anywhere.

Presiding Officer Banzer stated that Metro had been precluded from using gravel pits as general purpose landfills which left them with no other choice than to look at rural, outlying areas. She said that looking at all the options, it was her feeling that Wildwood was the best site.

Vote: The vote on the main motion, as amended, to authorize the Executive Officer to file an appeal with the Court of Appeals resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kelley, Kirkpatrick, Oleson, and Van Bergen.

Nays: None.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried.

Vote: The vote on the main motion, as amended, to ask Multnomah County to reaffirm its decision on permitting the Wildwood Landfill site by modifying its relevant land use standards and reissuing the conditional use permit; and, if Multnomah County requests it, that the Executive Officer be directed to assist the County in a joint review of the County's land use standards resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kirkpatrick, and Oleson.

Nays: Councilors Kelley and Van Bergen.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried.

Vote: The vote on the main motion, as amended, to ask the Executive Officer to submit a report to the Council on existing land use standards for siting landfills in local jurisdictions in light of the LUBA decision on the Wildwood Landfill resulted in:

Ayes: Councilors Banzer, Bonner, Deines, Etlinger, Hansen, Kirkpatrick, and Oleson.

Nays: Councilors Kelley and Van Bergen.

Absent: Councilors Kafoury, Waker, and Williamson.

Motion carried.

At this time, the Council recessed for ten minutes.

8.2 Future Funding.

Mr. Gustafson indicated that this would be the first of several meetings with the Council to discuss Future Funding. He said a notebook had been distributed which included a proposed schedule, a background paper on Metro's financial situation, and a memo on the General Fund (copies of each of the memos are attached to the agenda of the meeting). He then reviewed the schedule and the topics to be discussed. Presiding Officer Banzer suggested that with the heavy Council agenda on August 25th, that perhaps the Future Funding issue should be discussed at the first meeting in September. Donald Carlson, Deputy Executive Officer, presented the background paper on Metro's four year financial history, and Mr. Gustafson presented the memo on the General Fund and its relationship to other funds and functions provided.

There was then Council discussion of interfund transfers and a general consensus that Council supported some system of inter-fund transfers. Councilor Van Bergen said he did not like earmarked funds. He said if he was forced to a decision that evening he would seek a general fund levy of some type but not against real property. He said they could operate better with adequate General Fund appropriations and leave the specially collected fees unique and exclusive to those areas that charge them. He asked Mr. Gustafson to outline his position on funding.

Mr. Gustafson commented that initially it had been a mistake not to establish a general operating fund for the organization

before it started. He said there was a trend in the community to only vote for specific items where the funds were dedicated, and it might be difficult to get the voters to agree to general government funding. However, he said, there was a need to identify some source of funds for general government purposes. In local assistance, he suggested that local jurisdictions should contribute to that service, voluntarily. And for support services, funds should be derived from direct charges for services.

Councilor Bonner stated that the Council needed to have more options before them. He said Mr. Gustafson had presented only one option. Mr. Gustafson explained he was not presenting an option, only a framework for understanding the current general fund activities from which the Council could then decide how to fund each of the functions within the general fund.

Councilor Etlinger commented that long range planning and a clear direction was needed before seeking any kind of funding.

Mr. Carlson said one of the assumptions in their presentation was how to fund the existing functions in the general fund, and not any expansion.

Councilor Etlinger said he was inclined to go for a serial levy for the Zoo because they would have a Master Plan but not for Metro because there was no "master plan" for the future.

Councilor Bonner asked Mr. Gustafson what he wanted from the Council. Mr. Gustafson responded that it would be helpful if there was agreement on the value of the framework so expenditures could be split to demonstrate the cost of each function which would then be discussed at the next meeting.

Councilor Kirkpatrick commented that they did not have a framework to do strategic planning; that what was before them was budget planning. She said if Metro was going to do strategic planning, which was her preference, they needed to start a different way. She said they needed to identify what they wanted to do and then find the funding. Councilor Van Bergen agreed and said they needed different strategies for approaching the voters and the legislature.

Mr. Gustafson said at the next meeting they would present projections for the Zoo and General Fund, and that the General Fund would be presented on the basis of the framework presented that evening.

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Councilor Van Bergen said a projection should be presented which included no "per diem" for the Council. Councilor Kelley said she would like to see a worst possible case projection if the Council took a "do nothing" approach. Mr. Gustafson explained that Metro could not avoid general government costs; i.e., election bill for Metro Councilor elections, and that some general government expenses were mandated and couldn't be avoided. He said he hoped the Council would concentrate on having a good understanding of the financial structure before proposing cuts in functions.

Councilor Bonnner requested that three options be laid out to the Council, with a recommendation from Mr. Gustafson on the best option.

8.3 Consideration of Regional Development Committee recommendation regarding the Project Initiations Program.

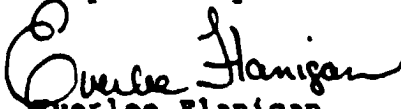
This item was deferred to the meeting of August 4, 1983.

9. Committee Reports.

There were no Committee reports.

There being no further business, the meeting adjourned at 11:00 P.M.

Respectfully submitted,


Everlee Flanigan
Clerk of the Council

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