

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

October 25, 1984

Councilors Present: Councilors Bonner, Deines, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Councilors Absent: Councilors Banzer and Cooper

Also Present: Executive Officer Gustafson

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig, Andy Cotugno, Sonnie Russill, Norm Wietting, Dennis Mulvihill, Buff Winn, Mary Jane Aman, Doug Drennen, Phillip Fell, Peg Henwood, Steve Siegel and Leigh Zimmerman

A regular meeting of the Council was called to order by Presiding Officer Kirkpatrick at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

The Executive Officer reviewed with the Council the document entitled "1984-85 Program Progress Report, First Quarter, July-September, 1984." Executive Officer Gustafson said staff was doing very well in completing primary objectives. He said, however, that staff could not meet the objective of securing a long-term disposal site on schedule because of delays in granting a permit for the proposed Wildwood site.

The Executive Officer reported that the Multnomah County Planning Commission had recently recommended four of the proposed 11 amendments be adopted by the County Commission. The County Commission would decide in December whether to adopt the amendments, he said. Sixty days after the amendments are adopted, the Executive Officer said Metro could then reapply for land use authorization.

Executive Officer Gustafson referred Councilors to a memo dated October 25, 1984, entitled "Summary Landfill Siting Process Amendments". He said, subject to Council approval, he wanted to circulate the memo to the Department of Environmental Quality (DEQ), Glenn Otto, local government officials concerned about landfill siting, Mike Burton, and others in order to stimulate discussion about problems with the state landfill siting process and possible

solutions. Some proposed solutions included: 1) establishing a time frame in which DEQ could act and a time frame on the appeal process; 2) provide that Metro be able to request state intervention in the siting process; 3) clarify the ability of DEQ to designate a site anywhere within the tri-county area; and 4) specify the site selection process include consideration of state-wide land use goals.

Councilor Waker questioned the policy of having state land use goals applied to the landfill siting process. He thought this would prohibit local jurisdictions from participating in the use permit process. The Executive Officer explained that under current law, when the state issued a permit, it must abide by the local comprehensive plan and it seemed more appropriate for a state agency to abide by state land use goals. The law already eliminated local governments from the permit writing process, he said. He explained under the current laws, a local jurisdiction could write a comprehensive plan to prohibit landfills and the state could not override that decision.

Councilor Deines said he could not agree with the above proposal because it represented another example of the state not having to abide by local laws.

The Presiding Officer recommended staff circulate the memo for comment from interested parties.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. CONSENT AGENDA

Motion: Councilor Waker moved approval of the Consent Agenda. Councilor Kafoury seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Deines, Kafoury, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Cooper and Hansen

The motion carried and the Consent Agenda was approved.

7. ORDINANCES

7.1 Consideration of Ordinance No. 84-180, for the Purpose of
Establishing a Local Officials Advisory Committee for the
Intergovernmental Resource Center (First Reading)

The Clerk read the Ordinance by title only.

Motion: Councilor Kafoury moved for approval of Ordinance
No. 84-180. Councilor Waker seconded the motion.

Steve Siegel said all local jurisdictions affected by the Ordinance had been contacted and he had personally talked to 16 local government officials. Based on these interviews, he said Metro's services were accepted and there was general agreement with the work program the Intergovernmental Resource Center wanted to establish. Mr. Siegel said although the agreement was general, he could not call it conclusive, probably because of the unknown effects of Ballot Measure 2. He said no specific issues had been identified to date and any concerns were of a very general nature that could easily be resolved by the proposed local officials advisory committee.

Mr. Siegel stressed the importance of adopting the Ordinance soon so the new committee would have ample time to meet and develop a budget recommendation for the Council by February 15, 1984.

In answer to Councilor Oleson's question, Mr. Siegel said this Ordinance would allow for the Metro Council, in consultation with the committee, to establish the amount of dues local jurisdictions would pay Metro. Two other changes would include the elimination of the "Sunset" clause on dues assessment and the establishment of mandatory dues on Tri-Met and the Port of Portland.

Councilor Waker said he supported the Ordinance because the committee could advise the Legislature on Metro matters affecting local jurisdictions.

The Presiding Officer said the second hearing on the Ordinance would take place at the November 20, 1984, Council meeting which would allow ample time for public comment.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 84-505, for the Purpose of
Appointing Citizen Members to the Transportation Policy
Advisory Committee (TPAC)

Motion: Councilor Van Bergen moved to adopt the Resolution.
Councilor Bonner seconded the motion.

Metro Council
October 25, 1984
Page 4

Councilor Bonner said he supported the appointment of Graydon Miller to TPAC because of the excellent services he had provided the City of Portland.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Deines, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Banzer, Cooper, Hansen and Williamson

The motion carried and the Resolution was adopted. The following people were appointed as members to TPAC: George Starr, Lawrence Griffith, Graydon Miller and Bruce Clark.

Dr. Miller addressed the Council and thanked them for the opportunity to serve on the committee.

8.2 Consideration of Resolution No. 84-506, for the Purpose of Establishing Policies and Strategies for Solid Waste Transfer Stations

Dan Durig explained this Resolution, along with Resolution No. 84-507, would be the second and third major components of updating the Solid Waste Management Plan. He said the Solid Waste Policy Advisory Committee (SWPAC) had heartily endorsed the two Resolutions. He further explained the management plan would become an important document because it would refer to the fact that a landfill had been identified and the adopted management plan would also be required to borrow money from the Department of Environmental Quality (DEQ) and to restrict local governments from adopting legislation in conflict with the plan, he said. Mr. Durig then reviewed key elements of the Resolution.

Councilor Kelley was concerned the Solid Waste Management Plan was being adopted in what seemed a random, segmented fashion. She also questioned why another transfer station was being proposed for the Portland area instead of East Multnomah County.

Mr. Durig explained Metro's agreement with the City of Portland to operate the St. Johns Landfill stipulated another transfer station would be built within the City of Portland. He said this would not preclude another station in East County although none was currently planned. He then explained the decision had been made to review the plan by chapter because it seemed a more manageable way to review and adopt the lengthy document.

Councilor Deines criticized staff for attempting to adopt a plan that would establish specific transfer stations when a new landfill had not yet been cited.

Motion: Councilor Waker moved to adopted Resolution No. 84-506. Councilor Bonner seconded the motion.

Motion: Councilor Deines moved to table consideration of the Resolution until it could be brought before the Council with other components of the Solid Waste Management Plan. Councilor Kelley seconded the motion.

Vote: The motion to table the Resolution failed after a voice vote.

Motion: Councilor Bonner moved to amend the main motion by changing the end of Section 2 to read: "...and will incorporate strategies to provide the opportunity for future processing for recovery of recyclable materials." Councilor Waker seconded the motion.

Councilor Van Bergen said he would not support the amendment because the proposed language was redundant and unnecessary.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Hansen, Kafoury, Kelley, Oleson, Waker and Kirkpatrick

Nayes: Councilors Deines, Oleson and Van Bergen

Absent: Councilors Banzer, Cooper and Williamson

The motion carried and Section 2 of the Resolution was amended.

Motion: Councilor Bonner moved to amend Section 1.c to removed specific reference to the City of Portland. Councilor Kelley seconded the motion.

Councilor Bonner explained this motion would present more options for siting a third transfer station in East County or another appropriate location. Mr. During said the current landfill operations contract provided for locating a transfer station in the City of Portland. He did not think that contractual arrangement would preclude adopting the proposed amendment, however.

Councilor Kelley said she would support the amendment because of the need for a transfer station facility in East County.

Vote: A vote on the motion to amend Section 1.c of the Resolution resulted in:

Ayes: Councilors Bonner, Hansen and Kelley

Nays: Councilors Deines, Kafoury, Oleson, Van Bergen, Waker and Kirkpatrick

Absent: Councilors Banzer, Cooper and Williamson

The motion to amend Section 1.c of the Resolution failed.

Vote: A vote on the main motion to adopt Resolution No. 84-506, as amended, resulted in:

Ayes: Councilors Bonner, Hansen, Kafoury, Van Bergen, Waker and Kirkpatrick

Nays: Councilors Deines, Kelley and Oleson

Absent: Councilors Banzer, Cooper and Williamson

The motion carried and the Resolution was adopted as amended.

8.3 Consideration of Resolution No. 84-507, for the Purpose of Establishing Long-Term Landfill Strategies and Related Policies

Mr. Durig explained the main components of the Resolution.

Councilor Deines asked if the Resolution provided for siting limited use landfills because he was concerned that there was not a convenient disposal site for East County self-haulers. He also said it was important to extend the life of the St. Johns Landfill by providing more limited use sites soon, particularly because it could be some time before a decision was made about the Wildwood site.

Mr. Durig responded Metro would depend on the private sector to take the initiative to propose limited purpose sites. Franchises would then be granted for appropriate applications, he said.

Motion: Councilor Bonner moved to adopt the Resolution. Councilor Waker seconded the motion.

Motion: Councilor Waker moved to amend the main motion by changing the second sentence of Section 3 of the Resolution to read: "Each application will be judged on the following criteria in conjunction with the applicants obtaining appropriate local and state permits." Councilor Kafoury seconded the motion.

Vote: A voice vote resulted in approval of the amendment.

Motion: Councilor Hansen moved to amend the main motion by changing Section 3.a to read: "A potential site will be evaluated according to its proximity to existing and future landfill sites to ensure the efficiency of the solid waste system." Councilor Bonner seconded the motion.

Vote: A voice vote resulted in approval of the amendment.

Vote: A vote on the main motion, as amended, resulted in:

Ayes: Councilors Bonner, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Nay: Councilor Deines

Absent: Councilors Banzer, Cooper and Williamson

The motion carried and Resolution No. 84-507 was adopted as amended.

8.4 Consideration of Resolution No. 84-510, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure, Set Out in Metro Code Section 2.04.011 Et Seq for Sale of Methane Gas

Buff Winn reported it was the general consensus of the Council at the August 9, 1984, Executive Session to market methane gas collected from the St. Johns Landfill. He explained that bidder must be able to meet a set of complex criteria in order to determine whether it would be cost-effective for Metro to award each contract. Therefore, he said, this project did not lend itself to the standard public bidding procedure.

Motion: Councilor Bonner moved to adopt the Resolution. Councilor Deines seconded the motion.

Councilor Van Bergen said he would not support the Resolution because he did not think an exemption was necessary. He said staff could prepare specifications and require bidders to respond accordingly.

Eleanore Baxendale and Mr. Winn explained the gas market was quite variable and it would be impossible to create a single set of specifications to which all bidders could respond.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Deines, Hansen, Kafoury, Kelley, Oleson, Waker and Kirkpatrick

Nay: Councilor Van Bergen

Absent: Councilors Banzer, Cooper and Williamson

The motion carried and Resolution No. 84-510 was adopted.

8.5 Consideration of Resolution No. 84-490, for the Purpose of Amending the Pay Plan to Establish a Salary Range for Zoo and Solid Waste Director Positions

The Executive Officer reported this Resolution had been reviewed by the Council Management Committee and they recommended inclusion of the two positions at a proposed range 16.0 in the Pay Plan. The Committee also recommended Council confirmation of new positions hired at the 16.0 range. The Executive Officer said an ordinance to revise the Personnel Rules to allow for such confirmations would be before the Management Committee and the Council in the near future.

Motion: Councilor Kafoury moved for adoption of the Resolution. Councilor Oleson seconded the motion.

Councilor Deines said he would not support adoption of the Resolution because the proposed 16.0 pay range was too high and, therefore, the Pay Plan scale would become skewed.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Hansen, Kafoury, Kelley, Oleson, Van Bergen, Waker and Kirkpatrick

Nay: Councilor Deines

Absent: Councilors Banzer, Cooper and Williamson

The motion carried and Resolution No. 84-490 was adopted.

9. COMMITTEE REPORTS

The Executive Officer reported Councilors might receive information from the National Federation for Independent Businesses containing erroneous information about Metro's current legislative program. He said the organization had apparently reviewed misleading titles of draft legislation from the Legislative Research Office and had drawn erroneous conclusions about the content of the proposed legislation. The Executive Officer said he was working to have the draft titles corrected and to get the National Federation to send corrected reports to people on their mailing list.

Metro Council
October 25, 1984
Page 9

EXECUTIVE SESSION

At 8:05 p.m., the Presiding Officer called the meeting into Executive Session under the authority of ORS 192.660(1)(d), (e) and (h). Present were Councilors Bonner, Deines, Hansen, Kafoury, Kelley, Van Bergen, Waker and Kirkpatrick.

There being no further business, the Presiding Officer adjourned the meeting at 9:15 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

2301C/313-2
11/2/84