

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

October 24, 1985

Councilors Present: Councilors DeJardin, Gardner, Hansen,
Kirkpatrick, Kafoury, Kelley, Myers, Oleson,
Van Bergen, Waker and Bonner

Councilors Absent: Councilor Cooper

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Steve Siegel,
Jill Hinckley, Sonnie Russill, Norm Wietting,
Randi Wexler, Dan Durig, Eric Dutson, Andy
Cotugno, Ed Stuhr, Ray Barker, Don Cox, Marilyn
Matteson, Gene Leo, Peg Henwood, Doug Drennen,
Wayne Rifer, Dennis Mulvihill, Debbie Gorham,
Janet Schaeffer, Buff Winn, Vickie Rocker, Kay
Rich and Jennifer Sims

Presiding Officer Bonner called the meeting to order at 5:35 p.m. and announced the following changes to the agenda: 1) Item 7.2, consideration of Resolution No. 85-602, was removed from the agenda; 2) consideration of Item 8.1, Order No. 85-5 relating to Contested Case No. 84-2, a petition for an urban growth boundary locational adjustment, was postponed until November 26; and 3) Item 8.5, consideration of Order No. 85-6, was added to the agenda.

Executive Officer Gustafson explained Item No. 8.1 was postponed because a petitioner wished to file exceptions to a new opinion submitted by the Hearings Officer. In response to Councilor Kafoury's question, Eleanore Baxendale said there was no deadline for filing contested cases. She said amendments to the contested case process were being prepared and specific deadlines could be written into the revised ordinance. Councilor Kafoury requested a deadline be established.

Councilor Kafoury asked if all interested parties received copies of filed exceptions. Ms. Baxendale answered all parties were notified and given copies of same.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

Report of the Solid Waste Reduction Program Task Force. Councilor Waker, Task Force Chairman, reminded the Council the Task Force had been appointed to draft a Solid Waste Reduction Program to be adopted by January 1, 1986, a deadline mandated by state legislation.

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After an intense period of work and discussion by staff and the Task Force, a draft document was ready to be released for public comment, he reported. Councilor Waker said the draft would have to be released within the next few days in order to meet the January 1 deadline. The Council could review the draft document during the period of public review, he explained. At the end of the review process, a public hearing would be conducted and the Council would consider adopting the final Solid Waste Reduction Plan on December 19, 1985. He then distributed the draft report along with a summary of the report.

Councilor Waker said he was requesting the Council allow the draft document to be distributed to the public for comment with the understanding the document would continue to be reviewed by the Council. He then reviewed key elements of the draft plan and a proposed review and adoption schedule.

Motion: Councilor Van Bergen moved the Draft Waste Reduction Program be released as a document for comment.
Councilor Kirkpatrick seconded the motion.

Councilor Hansen said because of the limited time frame, he did not think the Task Force was able to adequately examine the latest version of the proposal prepared by staff. He urged the Council to take no action either for or against releasing the proposal, explaining it would still be released without Council approval.

Councilor Waker said Councilor Hansen's position of not taking formal action was acceptable. He was not requesting the Council endorse the document at this time. The Task Force was, however, seeking input from all parties within a limited time frame.

Motion: Councilor Myers moved the Council postpone consideration of the main motion until the end of the meeting under the "Committee Reports" agenda item. Councilor Kafoury seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Van Bergen, Waker and Bonner

Nay: Councilor Van Bergen

Absent: Councilors Cooper and Oleson

The motion carried.

3. EXECUTIVE OFFICER'S COMMUNICATIONS

1985-86 Program Progress Report, First Quarter (July 1985 - September 1985). Executive Officer Gustafson reviewed highlights of the quarterly report. Zoo attendance was under the projected goal for the quarter due to several rainy jazz concerts. Attendance for the year was about 5,000 over projections, however. Solid Waste volumes continued well above the projected amount due to haulers outside the region disposing waste at St. Johns Landfill. Regarding Affirmative Action, minority hires were slightly higher than projected and female hires were slightly under projected.

Councilor Kafoury requested staff provide her with a list of positions filled by minorities and females during the quarter. She also requested an appraisal of FY 1984-85 hiring decisions.

The Executive Officer reported progress on meeting Disadvantaged Business Enterprise (DBE) and Women-owned Business Enterprise (WBE) goals had considerably improved with WBEs exceeding the projected goal.

The Executive Officer then reviewed progress of other Council priorities, as contained in the written report, including establishing financial support, securing a long-term disposal site, identifying and resolving regional issues and increasing public awareness.

Japan Trade Mission. Gene Leo reported the Zoo had been asked to participate in the Japan Air Travel Agents Association Conference as part of the Oregon delegation. The delegation, he said, would be led by Ed Reminton, Director of the State Tourism Division. The Zoo would participate, with the Council's permission, by promoting Zoo sales and by presenting a pair of beavers to the people of Tokyo on behalf of the metropolitan area. Presiding Officer Bonner said he would prepare a letter for the people of Tokyo in support of the mission.

Washington Transfer & Recycling Center (WTRC) Update. Randi Wexler reported that since the September 12 public hearing on sites for the WTRC, several sites had been brought to the staff for further consideration. Two of the sites were located in Tigard. Staff had presented information to the city of Tigard Council regarding the history of the siting process, why the facility was needed, the function of the station and the process for examining sites just coming into the process. If the two proposed Tigard sites merited further consideration, there would be a public hearing before the Metro Council, she said.

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Ms. Wexler noted staff had also attempted to negotiate with owners of the 160th and Tualatin Valley Highway site and the Sunset Highway and Cornelius Pass site. Both owners were unwilling to sell at this time. Negotiations were continuing with the city of Beaverton regarding the Beaverton Urban Renewal Agency property.

Finally, Ms. Wexler said she and Dan Durig appeared on the Washington County cable "County Line" television program to discuss solid waste management and the WTRC project. Callers phoned in questions about the impact of the project on traffic, economic development and property values, she said, and the program went very well. Councilors could view a copy of the video tape upon request.

In response to Councilor Waker's question, Ms. Wexler said the Council could be asked to make a decision on purchasing property depending the outcome of the Beaverton Urban Renewal Agency decision. If the Agency decided to sell, it would take about six weeks to complete the public process which would include neighborhood and WTRC Advisory Group meetings. Executive Officer Gustafson said another public process could also occur if new sites were identified.

Councilor Kafoury asked at what point in the siting process would staff not entertain new sites. Executive Officer Gustafson explained staff were attempting to obtain options from willing sellers which would require a full public process. The door would be closed on new sites when the Council made its final decision, he said. A discussion followed about whether it was realistic to expect to receive options from willing sellers. Councilor DeJardin said he appreciated the Executive Officer's comments, but it must also be realized that Oregon City had been very patient and expected a Council response within a reasonable period of time.

Bi-State Advisory Task Force. Dan Durig briefly reviewed the history of problems caused by haulers from outside the region, specifically Vancouver haulers, disposing waste at the St. Johns Landfill. The additional waste, if unchecked, could force an early closure of the landfill and haulers were already causing traffic problems in the area. The current rate study triggered more interest in the problem because the study concluded that waste from outside the region would not be included in the rate base. Discussion on this issue took place at the recent meeting of the Bi-State Task Force, he said. Metro's counsel, Eleanore Baxendale, had completed a legal review of the problem and her opinions were discussed at that meeting.

Counsel concluded Metro had the authority as the operator of the facility to prohibit waste from entering St. Johns. It would be

Metro's responsibility to regulate disposal at St. Johns because the landfill was a limited regional resource. Mr. Durig said the Washington people understood Metro's situation and were willing to work toward a solution. He said staff hoped to bring a resolution before the Council on November 26 which would ban waste from outside Metro's Solid Waste Planning Area effective January 1, 1986. The Planning Area was established by The Governor's Executive Order as being the tri-county boundaries.

6. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved to approve the Consent Agenda and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Rafoury, Kelley, Myers, Oleson, Van Bergen, Waker and Bonner

Absent: Councilor Cooper

The motion carried and the following items were adopted:

- 6.1 Resolution No. 85-599, Amending the Transportation Improvement Program to Add a Hawthorne Bridge Approach Ramps Replacement Project
- 6.2 Resolution No. 85-600, Amending the Functional Classification System and the Federal-Aid Urban System (FAUS) in the City of Milwaukie

7. RESOLUTIONS

- 7.1 Consideration of Resolution No. 85-601, for the Purpose of Approving Use of Regional Federal-Aid Urban System Funds (FAUS) in Partial Support of the Oregon Roads Finance Study

Andy Cotugno reported the Resolution would award \$18,000 to finance the Oregon Roads Finance Study and would begin a longer term effort to fund local roads.

Councilor Gardner asked how the study would relate to another study on transit needs. Mr. Cotugno replied the sponsors of the two studies had not addressed this question although it had been suggested by transportation officials the two efforts be combined. The opportunity for a merged study still existed, he said.

Motion: Councilor Kirkpatrick moved to adopt Resolution No. 85-601 and Councilor Waker seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilors Cooper and Myers

The motion carried and Resolution No. 85-601 was adopted.

8. OTHER BUSINESS

8.2 Consideration of a Contract with The Information Systems, Inc. for Computer Weighing Systems for the St. Johns Landfill and Clackamas Transfer & Recycling Center (CTRC)

Norm Wietting reviewed the need for the computer equipment and the contractor selection process as explained in the meeting agenda materials. He noted the Accounting and Data Processing Divisions were actively involved in the procurement process.

Motion: Councilor DeJardin moved to approved the contract and Councilor Kelley seconded the motion.

Councilor Kafoury asked what equipment was added to the base price of \$71,850 to bring the total contract to \$94,900. Mr. Wietting referred the Councilor to Table 1 which listed changes made to the original proposal.

Councilor Kirkpatrick asked what protection would be provided if WTRC did not come on line as projected and the third computer system would not be needed. Mr. Wietting said the equipment could be used by the Accounting Division.

In response to Councilor Gardner's question, Mr. Wietting reported staff would attempt to sell the computers now in use to small landfills and transfer stations.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Cooper

The motion carried and the contract was approved.

8.3 Consideration of an Addendum to the Contract with Jones & Jones
for Design of Phases I and II of the Zoo's Africa Bush Exhibit

Kay Rich reported the Council agreed to combine the first two phases of the Africa Bush Exhibit at the meeting of October 10. This addendum, he said, would implement that action. There were no questions from Councilors.

Motion: Councilor Kafoury moved to approve the contract addendum and Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Cooper

The motion carried and the contract addendum was approved.

8.4 Annual Insurance Report

Ms. Sims reported as a result of changes in the insurance industry, costs had increased. The District would assume a \$100,000 per occurrence deductible for liability insurance coverage which could result in additional premiums to cover the cost of a claims adjuster. Policies also needed to be established on how claims would be paid. Ms. Sims said she was investigating ways to reduce premiums such as joining an insurance pool. Budget adjustments would be brought before the Council at a later date to cover increased premium costs and to establish a self-insurance fund, she reported.

Councilor Waker discussed the national trend of the "risk free society." Insurance costs were increasing, he said, because substantial sums continued to be awarded to individuals seeking compensation for injuries and because organizations were pressured into buying coverage for any potential loss. Unless organizations took action to reverse this trend, the high cost of insurance could force people out of business, he said. Presiding Officer Bonner suggested Councilor Waker draft a resolution for Council consideration addressing these concerns that could be forwarded to the state and federal judicial or legislative bodies. Councilor Kafoury requested the resolution also address questionable investment practices by some insurance companies which had resulted in high premiums.

In response to Councilor Kelley's question, Ms. Sims explained staff had examined the issue of limited liability of public agencies in

the state of Oregon. However, she said, liability still existed for staff and officials traveling out of the state and for federal cases such as civil rights cases. Councilor Kelley suggested staff prepare a cost analysis of Metro's claims history and weigh the possibility of self-insurance against actual risks.

8.5 Consideration of Order No. 85-6, Declaring Certain Property Surplus and Authorizing the Execution of a Sublease (with Mark W. Eves and Francis I. Smith)

Judy Munro presented highlights of the proposed sublease as contained in the agenda materials. She explained the tenants were already subleasing office space at the 2000 S.W. 1st Avenue Building and this sublease would be for additional office space.

In response to Councilor Bonner's question, Ms. Munro said about 30 percent of surplus office space in the Metro headquarters had been leased.

Motion: Councilor Kafoury moved the Order be adopted and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Cooper

The motion carried and the Order was adopted.

9. COMMITTEE REPORTS

Draft Solid Waste Reduction Program. (Note: Following is discussion carried over from Agenda Item 2.)

Councilor Kafoury requested clarification on material to be distributed to the public. Vickie Rocker circulated a document entitled "Portland Metropolitan Area Waste Reduction Program: Pre-January 1 Public Contact Plan (Second Draft)." The Plan outlined key public groups that would be contacted, the manner in which they would be contacted, and the schedule for public meetings and followup efforts with these groups. These groups included local elected officials, city managers and key staff; resource recovery and alternative technology interests; haulers and recyclers; and environmental and neighborhood leaders. A public hearing on the proposed Waste Reduction Program could be held before the Council on December 5, she

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explained. Upon initial contact, the groups identified above would receive the two-page summary of the Program entitled "Summary of Proposed Program," along with a cover letter explaining the public process.

Councilor Kafoury was reassured to learn the public would not receive the complete "Draft Proposed Waste Reduction Program" document. The complete document, she said, was worded too technically for the general public to understand. Ms. Rocker emphasized staff was working to produce an easily understood summary of the Program for public review.

Presiding Officer Bonner said he thought the summary was a good idea but was concerned the public would not be presented with all the alternatives available to them. He then distributed a one-page document illustrating three options of which the public should be aware and how much these options would cost the public: 1) the "maximum feasible" plan which would reduce waste landfilled by 2.5 percent at a cost of \$20 per ton; 2) the "substantial reduction" plan which would reduce waste landfilled by 25 percent for \$35 a ton; and 3) the "substantial majority" plan which would reduce waste landfilled by 75 percent for \$50 a ton. The Presiding Officer said his proposal would promote discussion because it presented several options. To present only one option to the public would promote opposition, he said. Finally, he did not think the Council should take formal action to release the draft Waste Reduction Program to the public because the public could assume the draft was the Council's final program.

After discussion on the matter of whether to take formal action to release the draft Waste Reduction Program, Councilor Van Bergen withdrew his motion to release the draft Program as a document for comment.

Councilor Kelley requested the Council Solid Waste Reduction Task Force meet another time to produce a draft Program that would give the public several options. Staff and other Councilors urged the draft be released immediately in order to meet the December 19 adoption schedule. Ms. Rocker then reviewed the schedule of events leading up to the December 19 adoption date. This schedule included a public hearing before the Council on December 5 and a Council work session on December 12.

Councilor Waker concluded the Task Force had completed its work in developing the draft. He stated the document was in draft form and the Council still had opportunity to revise the draft as necessary on the dates noted by Ms. Rocker.

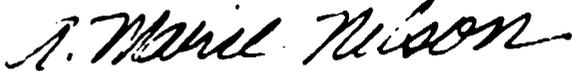
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After further discussion regarding whether the draft document should be authorized for release by the Council, Councilor DeJardin urged Councilors to come to a unified decision in order to garner the maximum amount of support for the Program. This, he said, would require good communication and an awareness of the tight review and adoption schedule.

Councilor Gardner said the draft Waste Reduction Program proposed an answer to the dilemma posed earlier by Presiding Officer Bonner. He explained the Task Force began their work asking questions about how much waste could be recycled, recovered and burned and for what costs. The draft document, he said, assumed a combination of approaches would be used to reduce the volume of waste in the region. Councilor Gardner stressed because of the limited time frame, the Task Force had to present specific answers rather than pose questions.

There being no further business, Presiding Officer Bonner adjourned the meeting at 7:35 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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