

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

December 12, 1985
Informal Work Session

Councilors Present: Councilors Cooper, Dejardin, Gardner, Hansen, Kirkpatrick, Kafoury, Kelley, Myers, Oleson and Waker

Councilors Absent: Bonner and Van Bergen

Also Present: Rick Gustafson, Executive Officer

Staff Present: Don Carlson, Eleanore Baxendale, Dan Durig, Dennis Mulvihill, Norm Wietting, Doug Drennen, Wayne Rifer, Patrick Miner, Randi Wexler, Chuck Geyer, Vickie Rocker, Phillip Fell, Jan Schaeffer and Ray Barker

Deputy Presiding Officer Waker called the meeting to order at 5:35 p.m. for the purpose of adopting amendments proposed by Councilors and the Executive Officer to Resolution No. 85-611, a resolution for the purpose of adopting Solid Waste Reduction Program guidelines.

Rick Gustafson, Executive Officer, reported that at the December 5, 1985, Council meeting, the Council moved to adopt Resolution No. 85-611. He then explained a document now before the Council contained the Resolution language moved for adoption on December 5 plus proposed amendments for each of the nine proposed solid waste reduction policies embodied in the Resolution.

"Whereas" clauses. The Executive Officer then introduced his proposed amendment to the "whereas" clauses, as read by Eleanore Baxendale. He proposed adding two "whereas" clauses to read:

"WHEREAS, It is appropriate to measure whether the reduction achieved by the program is substantial in light of the maximum reduction which can be achieved under the legislative requirement that the approaches used be both cost-effective and technically feasible, an approach called maximum feasible reduction; and

"WHEREAS, The policies described below substantially reduce the volume of waste otherwise disposed of in landfills because sufficient programs will be implemented to increase waste reduction subject to the requirement that they will be energy efficient, cost-effective, legally, technically, and economically feasible, and consistent with ORS 459.015(2);"

Ms. Baxendale explained the purpose of the first "whereas" was to explain how "maximum feasible" related to the legislative

requirement that waste landfilled be substantially reduced. The second "whereas" confirmed that the policies embodied in the Resolution did, in fact, achieve "maximum feasible" reduction. This amendment, she said, would clearly set out the standard for waste reduction which were then defined in the policies and would state that legislative requirements had been satisfied. This amendment added no new concepts to the Resolution, she said.

Motion: Councilor Kirkpatrick, seconded by Councilor Kafoury, moved to amend the "whereas" clauses of the Resolution by adding the two above "whereas" clauses proposed by the Executive Officer.

Vote on motion: A vote on the motion resulted in all Councilors present voting aye. Absent were Councilors Bonner and Van Bergen. The motion to amend carried.

The motion carried and the "whereas" clauses were amended.

Policy No. 1. Executive Officer Gustafson read Policy No. 1 of the Resolution and explained the intent of the policy was to state the linchpin of the program: maximum feasible reduction.

Councilor Oleson then introduced his amendment to Policy No. 1 as follows:

A sentence be added to the end of the policy to read: "All methods shall be utilized to reduce waste and shall be implemented concurrently."

He said this new sentence would ensure Metro progressed on all fronts at the same time, which would be consistent with the original intent of the Resolution. The Executive Officer added the proposed amendment would be consistent with the Framework Plan.

Main Motion: Councilor Oleson moved, seconded by Councilor Hansen, to amend Policy No. 1 as previously stated by Councilor Oleson above.

Motion to amend: Councilor Kirkpatrick, seconded by Councilor Oleson, moved to amend the main motion to state "All methods shall be pursued [utilized to reduce waste and shall be implemented] concurrently to reduce waste."

Vote on motion to amend: A vote on the motion to amend resulted in all Councilors present voting aye. Absent were Councilors Bonner and Van Bergen. The motion to amend carried.

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Vote on the main motion to amend: A vote on the main motion, as amended, resulted in all Councilors present voting aye. Absent were Councilors Bonner and Van Bergen. The motion carried.

The last sentence of Policy No. 1 now reads: "All methods shall be pursued concurrently to reduce waste."

A second amendment to Policy No. 1 was proposed after the discussion of amendments to Policy No. 3. For recording purposes, that discussion will be addressed here.

Ms. Baxendale read staff's suggested amendment which proposed adding a new sentence after the first sentence of the policy to read: "The Council will set waste reduction goals to achieve the maximum feasible reduction based on a determination of the amount of waste which is available and absorbable for reduction and recovery, and available technical methods and the acceptable cost for achieving this reduction in compliance with state law." She said the reason for adding this language would be to make it clear a step in the process included setting applicable goals for various waste reduction techniques. The Executive Officer said the proposed amendment was consistent with the Work Plan.

After discussion of the proposed amendment, staff agreed to change its proposed amendment to read: "The Council will...achieving [this] reduction goals in compliance with state law."

Motion: Councilor Kafoury moved, seconded by Councilor Gardner, to amend Policy No. 1 to include a new sentence to be inserted after the first sentence of the existing version, to read: "The Council will set waste reduction goals to achieve the maximum feasible reduction based on a determination of the amount of waste which is available and absorbable for reduction and recovery, and available technical methods and the acceptable cost for achieving reduction goals in compliance with state law."

Vote: A vote on the motion to amend Policy No. 1 resulted in all those present voting aye. Absent were Councilors Bonner and Van Bergen. The motion carried.

NOTE: The following discussion occurred at the end of the meeting. For recording purposes, it will be noted here.

The Executive Officer said the Council had previously agreed to place an amendment after the "ORS 459.015" and this new language would clarify the intent of that amendment.

Motion: Councilor Kirkpatrick moved, seconded by Councilor DeJardin, to amend Policy No. 1 as follows: "... (ORS 459.015). The Council will set waste reduction goals to achieve the maximum feasible reduction based on an evaluation of a) the amount of waste which is recoverable, b) the available technical methods, and c) the acceptable cost for recovery in compliance with state law. Technical,...."

Vote: All Councilors present voted aye. Absent were Councilors Bonner, Kafoury and Van Bergen.

The motion carried.

Policy No. 2. There were no proposed amendments to this policy.

Policy No. 3. The Executive Officer read the existing policy language and explained this policy would provide for using rate incentives to encourage waste reduction.

Councilor Kelley said she had proposed an amendment that would strengthen this policy if Policy No. 8 were deleted. The Deputy Presiding Officer deferred discussion of this policy to after discussion of Policy No. 8.

NOTE: Further discussion of Policy No. 3 occurred later in the meeting. For recording purposes, that discussion will be noted here.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Myers, to adopt the amendment to Policy No. 3 as proposed by staff: "Rates for disposal will be structured to provide [the maximum] adequate incentives to conduct maximum feasible source-separation programs and to produce the maximum feasible high-grage select loads."

Vote: All Councilors presented voted ays. Absent were Councilors Bonner, Kafoury and Van Bergen.

The motion carried.

Policy No. 4. The Executive Officer read the policy and said it would provide for the Council to adjust the budget for increased waste reduction activity. The policy, however, would not automatically commit the Council to any expenditures.

Motion: Councilor Kafoury, seconded by Councilor Kirkpatrick, moved to amend the policy to read: "Budget amendments will be considered for selected programs contained in the solid waste program [plan to achieve the maximum feasible reduction of waste going to landfills]."

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Councilor Kafoury said this amendment would eliminate redundant language.

Vote: A vote on the motion to amend Policy No. 4 resulted in all those present voting aye. Absent were Councilors Bonner and Van Bergen. The motion carried.

Policy No. 5. Executive Officer Gustafson read and reviewed the intent of the policy, saying it would establish the Council as being willing to pay a premium, above the cost of landfilling, for reduction methods. In addition, the higher the reduction method was on the waste reduction hierarchy, the more the Council would be willing to pay. Actual amounts would be determined next year by the Council, he said. Deputy Presiding Officer Waker acknowledged this policy as key to the plan.

Councilor Kelley said she agreed with the policy but thought the language should be amended to provide more clarity. A discussion followed regarding whether Councilor Kelley's proposed language change would provide more clarity.

Motion: Councilor Kelley moved to delete the existing language of Policy No. 5 and substitute the following language: "Based on an evaluation of the dollar amount required for the reduction achievable, Metro is willing to dedicate a greater amount of funds to methods higher on the state hierarchy list in order to achieve the maximum feasible reduction of waste going to the landfill."

The motion died for lack of a second.

Councilor Oleson then proposed substitute language for Policy No. 5 which he said would provide for social factors to be considered when establishing costs for waste reduction methods.

Motion: Councilor Oleson moved, seconded by Councilor Hansen, to delete the existing language for Policy No. 5 and substitute the following language: "Greater financial expenditures will be acceptable to accomplish the higher social objectives of reducing waste through reduction, reuse, recycling and recovering energy than would be necessary to dispose of waste through landfilling. The level of expenditure should be determined in part by an assessment of the public's willingness to pay additional costs in order to achieve them."

Discussion followed regarding the implications of this proposed amendment.

Vote: A vote on Councilor Oleson's motion to amend Policy No. 5 resulted in:

Ayes: Councilors Cooper, Hansen, Kelley and Oleson

Nay: Councilors Dejardin, Gardner, Kirkpatrick, Kafoury, Myers and Waker

Absent: Councilors Bonner and Van Bergen

The motion failed.

Councilor Kirkpatrick said she liked the policy as originally stated but agreed the language could be clarified. The Deputy Presiding Officer requested she work with staff to prepare substitute language which would be considered for adoption later in the meeting.

NOTE: The following discussion occurred after discussion of Policy No. 6. For recording purposes, the discussion will be noted here.

The Deputy Presiding Officer announced the substitute language previously proposed by Councilor Kirkpatrick had been prepared and distributed to Councilors and was now open for consideration.

Motion: Councilor Kirkpatrick moved the existing language of Policy No. 5 be deleted and the following language be substituted: "Metro will pay a higher premium based on the State priority list in order to accomplish the maximum feasible reduction." Councilor Kelley seconded the motion. After discussion, the makers of the motion agreed to change the language to read: "Metro will consider supporting a higher premium for reduction or recovery based on the State priority list in order to accomplish the maximum feasible reduction of waste."

Vote: A vote on the motion resulted in all those present voting aye. Absent were Councilors Bonner, Kafoury and Van Bergen. The motion carried.

Policy No. 6. The Executive Officer read the policy and explained it described the three-phased approach of the program.

Councilor Hansen introduced his proposed amendment and discussion followed regarding acceptable modes of encouraging waste reduction including mandatory source-separation.

Motion: Councilor Oleson moved, seconded by Councilor Cooper, to substitute the existing language of subparagraph b) of

Policy No. 6 with the following language: "If the Metro Council determined that waste reduction goals were not achieved in Phase I, loads containing a high percentage of recyclable materials will not be accepted at the landfill, if more appropriate disposal options are available."

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Hansen, Kirkpatrick, Kelley and Oleson

Nays: Councilors Gardner, Myers and Waker

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion carried.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Hansen, to amend subparagraph c) of Policy No. 6 to read: "Phase III (January 1, 1993) expands the commitment of waste alternative technologies if Phase I and II goals are not achieved."

Vote: A vote on the motion resulted in all those present voting aye. Absent were Councilors Bonner, Kafoury and Van Bergen. The motion carried.

The Deputy Presiding Officer called a recess at 7:25 p.m. The Council reconvened at 7:40 p.m.

Policy No. 7. Executive Officer Gustafson read and explained the policy which addressed the process for determining the use of alternative technologies at the end of Phase I.

Motion: Councilor Hansen moved, seconded by Councilor Oleson, to amend Policy No. 7 as follows: "The Council of the Metropolitan Service District will issue a [request for proposals] request for qualifications (RFQ) to alternative technology vendors [in] by March 1986. Based upon the responses to the RFQ, Metro will, by July 31, 1986:

1. Allocate specific amounts of waste to selected technologies
2. Determine the range of acceptable costs
3. Develop a list of vendor finalists for each type of technology

4. Determine a process for working cooperatively with the vendor finalists to develop the final proposals (which process is likely to include partial compensation for selected projects)

"The maximum amount of waste that could be allocated to alternative technology is 48 percent of the total waste stream. The Council shall determine the criteria for a project prior to issuing the request. (Phase I)"

Councilor Oleson then explained a supplemental sheet that had been distributed to Councilors provided more detail about the proposed RFQ process. He said this amendment was intended to step up the process for selecting an alternative technology vendor.

Discussion followed regarding the relative merits of the RFQ and request for proposals (RFP) processes.

First motion to amend. Councilor Kirkpatrick moved, seconded by Councilor Kelley, to amend to main motion by deleting the last sentence of the policy: "[The Council shall determine the criteria for a project prior to issuing the request.]"

After further discussion regarding the RFQ and RFP processes, the Executive Officer suggested the Deputy Presiding Officer poll the Council regarding which of the two processes the majority of Councilors preferred. Based on that preference, staff would return with language for a proposed amendment to Policy No. 7. Deputy Presiding Officer Waker then polled the Council. All Councilors present, with the exception of Councilor DeJardin, favored an RFP process.

At Councilor Oleson's request, Deputy Presiding Officer Waker polled the Council on whether they would support partial compensation to finalists in the proposal process. Two Councilors supported using stronger language. The Executive Officer said staff would then rewrite the policy to provide for completion of criteria prior to issuing a final request for proposals.

Withdrawal of first motion to amend. Councilors Kirkpatrick and Kelley withdrew their amendment to the main motion.

Second motion to amend: Councilor Hansen, seconded by Councilor Oleson, moved to amend the last sentence of Policy No. 7 to read: "The maximum amount of waste that could be permanently allocated...."

- Vote: A vote on the motion to amend the main motion resulted in:
- Ayes: Hansen and Oleson
- Nays: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers and Waker
- Absent: Bonner, Kafoury and Van Bergen

The motion failed.

Withdrawal of main motion. Councilors Gardner and Oleson withdrew their motion.

NOTE: The following discussion occurred later in the meeting. For discussion purposes, it will be noted here.

Second main motion: Councilor Myers moved, seconded by Councilor DeJardin, to amend the original language of Policy No. 7 to read: "The Council of the Metropolitan Service District will issue a [request for proposals] request for qualifications (RFQ) to alternative technology vendors [in] by March 1986. Based upon the responses to the RFQ, and before issuing a request for proposals, Metro will, by July 31, 1986:

- a. Allocate Specific Amounts of waste to selected technologies
- b. Determine the range of acceptable costs
- c. Develop a list of vendor finalists for each type of technology
- d. determine a process for working cooperatively with the vendor finalists to develop the final proposals (which process could include partial compensation for selected projects)
- e. Determine the specific criteria for projects prior to issuing the request for proposals

"The maximum amount of waste that could be allocated to alternative technology is 48 percent of the total waste stream. [The Council shall determine the criteria for a project prior to issuing the request.] (Phase I)."

In response to Councilor Gardner's request, Councilor Myers agreed to change subparagraph b) to read: Determine the range of acceptable costs and other specific criteria for projects.

First amendment to second main motion: Councilor Kirkpatrick, seconded by Councilor DeJardin, moved to delete subparagraph d) from the policy.

Councilor Gardner and Oleson said the subparagraph should be left in the policy to allow for the possibility of helping developmental technologies prepare proposals.

Vote on first amendment to the second main motion: The vote resulted in:

Ayes: Councilors Kirkpatrick, Kelley, Myers and Waker

Nays: Councilors Cooper, DeJardin, Gardner, Hansen and Oleson

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion failed.

Second amendment to second main motion: Councilor Myers moved, seconded by Councilor Hansen, to amend subparagraph d) to read: " Determine a process for working cooperatively with the vendor finalists to develop the final proposals (which process could include partial compensation for the costs of the RFP submittal)."

Vote on second amendment to second main motion: A vote resulted in:

Ayes: Councilors Cooper, Gardner, Hansen, Kelley, Myers, Oleson and Waker

Nays: Councilors DeJardin and Kirkpatrick

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion carried.

With no one appearing to object to the main motion as amended, the Council moved on to the next policy.

Policy No. 8. After reading the policy, Executive Officer Gustafson said the policy would provide for using Metro's disposal and rate setting authority to reward jurisdictions committed to recycling.

Councilor Waker introduced his amendment which would maintain the certification program but change the structure of the policy to encourage participation of local jurisdictions.

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Motion: Councilor Kirkpatrick moved, seconded by Councilor Myers, to amend Policy No. 8, as suggested to the Deputy Presiding Officer, to read: "A certification program for local collection services will be used to assure full participation in the region's recycling effort. Rates will be used to reward jurisdictions that choose to provide recycling programs and opportunities that Metro designates as being most effective in increasing participation and reducing the waste flow. (Phase I)"

A discussion followed regarding the role Metro should take in obtaining local government support for recycling. Councilor Kelley explained the issue had been thoroughly discussed in the Task Force meetings and the consensus was that Metro should not duplicate the efforts of Senate Bill 405. Rather, it should use positive rewards to encourage recycling.

First motion to amend: Councilor Myers moved to amend the proposed amendment to read: "...Rates will be used to encourage [reward jurisdictions that choose to provide] recycling programs [and opportunities]...." Councilor Gardner seconded the motion.

Vote: The vote on the motion to amend the main motion resulted in:

Ayes: Councilors Cooper, DeJardin, Gardner, Hansen, Kirkpatrick, Myers, Oleson and Waker

Nay: Councilor Kelley

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion carried.

Councilor Gardner said it seemed procedurally logical for the Chair to accept any motions to delete the policy.

Second motion to amend. Councilor Kelley moved to delete Policy No. 8 from the Resolution. Councilor DeJardin seconded the motion for discussion purposes.

Vote: A vote on the motion resulted in:

Ayes: Councilors Hansen, Kirkpatrick and Kelley

Nays: Councilors Cooper, DeJardin, Gardner, Myers, Oleson and Waker

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Absent: Councilors Bonner, Kafoury and Van Bergen

The motion failed.

Third motion to amend. Councilor Gardner moved, seconded by Councilor Hansen, to substitute the following language for Policy No. 8: "A certification program for local collection services will be used to assure full participation in the region's recycling effort. [(Phase I)] This certification program will be implemented as part of Phase II, upon notice to Metro by EOC that local jurisdictions have not provided acceptable 'opportunity to recycle' programs."

Vote: A vote on the motion resulted in:

Ayes: Councilors Gardner, Hansen and Oleson

Nays: Councilors Cooper, DeJardin, Kirkpatrick, Myers and Waker

Abstain: Councilor Kelley

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion failed.

With no one appearing to object to the main motion as amended, the Council moved on to the next policy.

Policy No. 9. The Executive Officer explained this policy would define the Metro Council's responsibility for the Solid Waste Reduction Program.

Motion. Councilor Kirkpatrick moved, seconded by Councilor DeJardin, to accept the Executive Officer's recommendation to substitute the following language for the previous language of Policy No. 9: "The Council of the Metropolitan Service District directs the Executive Officer to prepare a Solid Waste Reduction Program (including an executive summary, framework, work plan/time frame, and appendix) consistent with these policies, to submit it to the Environmental Quality Commission and to begin its immediate implementation. The draft program and time frame submitted to the Council are consistent with these policies."

Vote: All Councilors present voted aye. Absent were Councilors Bonner, Kafoury and Van Bergen.

The motion carried.

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New Policies. Councilor Oleson introduced a new policy which he said would speed up the process for allocating waste to different technology methods.

Motion: Councilor Oleson moved, seconded by Councilor Hansen, to add a new policy to the Resolution to read: "To reduce conflicts between program elements an allocation of specific tonnages of waste will be made to reduce, reuse and recycle; material recovery; alternative technology; demonstration technology; and landfill."

Vote: A vote on the motion resulted in:

Ayes: Cooper, Hansen, Myers and Oleson

Nays: Councilors DeJardin, Gardner, Kirkpatrick and Kelley

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion failed.

Motion: Councilor Oleson moved, seconded by Councilor Hansen, to adopt a new policy to read: "Private investment, ownership and operation of waste recovery facilities will be encouraged wherever possible. Metro shall by March 1986 issue a report which provides a tentative identification of the type and location of facilities which will be necessary to achieve maximum feasible material recovery. To assure maximum recovery Metro will direct waste to all facilities through rate setting authority and flow control. Metro will continue ownership of transfer stations and landfills."

Vote: A vote on the motion resulted in:

Ayes: Councilors Hansen and Oleson

Nays: Councilors Cooper, DeJardin, Gardner, Kirkpatrick, Kelley, Myers and Waker

Absent: Councilors Bonner, Kafoury and Van Bergen

The motion failed.

Motion: Councilor Oleson moved, seconded by Councilor Hansen, to add a new policy to read: "Private investment, ownership and operation of waste recovery facilities will be encouraged wherever possible."

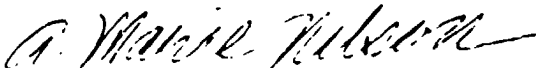
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Vote: A vote on the motion resulted in:
Ayes: Councilors Cooper, Gardner, Hansen, Kirkpatrick,
Kelley, Myers, Oleson and Waker
Nay: Councilor DeJardin
Absent: Councilors Bonner, Kafoury and Van Bergen

The motion carried.

There being no further business, Deputy Presiding Officer Waker
adjourned the meeting at 10:00 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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