

BEFORE THE METRO COUNCIL

RESOLUTION AMENDING RESOLUTION NO. 20-5096 TO DELEGATE CERTAIN PUTRESCIBLE WASTE AUTHORITY TO METRO’S CHIEF OPERATING OFFICER)	RESOLUTION NO. 22-5243
)	
)	Introduced by Marissa Madrigal, Chief
)	Operating Officer in concurrence with
)	Deputy Council President Christine
)	Lewis

WHEREAS, on April 2, 2020, the Metro Chief Operating Officer (COO) issued a Declaration of Emergency in the Metro region as a result of the COVID-19 pandemic; and

WHEREAS, on April 23, 2020, the Metro Council adopted Resolution No. 20-5096, which (1) ratified the COO’s emergency declaration; (2) declared a state of emergency in the Metro region because of the COVID-19 pandemic, and (3) delegated certain authority to the COO; and

WHEREAS, Resolution No. 20-5096 specifically granted the COO certain authority with respect to Metro’s Solid Waste Code (Title V), including the authority to amend putrescible waste franchises and licenses; and

WHEREAS, the specific delegated authority regarding putrescible waste was necessary because the Metro Code does not generally grant the COO authority regarding putrescible waste; and

WHEREAS, the Omicron variant of COVID-19 has substantially increased infection rates and has led to staffing shortages at Metro transfer stations and with Metro’s contracted solid waste transporter; and

WHEREAS, these staffing shortages have required Metro to temporarily limit the amount and type of waste accepted at its transfer stations, and it has made it difficult for Metro transfer stations to remove solid waste from those facilities for disposal; and

WHEREAS, the resulting backlog of solid waste at Metro transfer stations necessitates that non-system facilities, including privately owned transfer stations, be made available as options for garbage haulers that would normally use a Metro transfer station, but the COO lacks authority to implement these measures under the COO’s current emergency authority with respect to putrescible waste; and

WHEREAS, the Metro Council now wishes to amend Resolution No. 20-5096 to delegate certain additional putrescible waste authority to the COO in emergency situations based on COVID-19 disruptions; now therefore,

BE IT RESOLVED that the Metro Council:

1. Delegates to the COO authority to temporarily authorize the transport and acceptance of putrescible solid waste to a non-system transfer station outside the Metro jurisdictional boundary without the need for a Non-System License or Designated Facility Agreement if this action is needed to address a significant disruption event at Metro transfer stations due to COVID-19 circumstances.

2. Delegates to the COO authority to enter into a short-term agreement, if necessary, with a solid waste facility outside the Metro jurisdictional boundary regarding the collection and remittance of Metro's solid waste fees and taxes.
3. The COO's authority described in Sections 1 and 2 is revoked if the Metro Council determines that the emergency no longer exists, or if the Metro Council terminates the COVID-19 Emergency Declaration established in Resolution No. 20-5096.

ADOPTED by the Metro Council this 20th day of January 2022.



Christine Lewis, Deputy Council President

Approved as to Form:



Nathan Sykes, Deputy Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 22-5243, FOR THE PURPOSE OF
AMENDING RESOLUTION NO. 20-5096 TO DELEGATE CERTAIN PUTRESCIBLE
WASTE AUTHORITY TO METRO'S CHIEF OPERATING OFFICER

Date: January 19, 2022
Department: Waste Prevention and
Environmental Services
Meeting Date: January 20, 2022

Prepared by: Pam Peck, 503-797-1866,
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Presenters: Roy Brower
Length: 5 minutes

ISSUE STATEMENT

The backlog of solid waste at Metro transfer stations due to COVID-19 related staffing shortages necessitates that non-system facilities, including privately owned transfer stations located outside the region, be made available as options for garbage haulers that would normally use a Metro transfer station. The Metro Chief Operating Officer lacks authority to implement these measures under the COO's current emergency authority with respect to putrescible waste.

ACTION REQUESTED

Amend Resolution No. 20-5096 to delegate certain additional putrescible waste authority to the COO in emergency situations based on significant COVID-19 disruptions.

IDENTIFIED POLICY OUTCOMES

The resolution supports management of the solid waste system to ensure the system can respond quickly to COVID-19 related system disruptions and that putrescible waste is managed effectively to reduce nuisance, safety and environmental impacts on workers and the public. The resolution advances the policy outcomes in the 2030 Regional Waste Plan including managing all garbage and recycling to minimize health and safety impacts of solid waste operations (RWP goal 12, actions 12.1 and 12.6) and ensuring routine garbage and recycling collection, processing, transport and disposal operations can be restored quickly following a system disruption (RWP goal 18, action 18.1).

POLICY QUESTION(S)

Does the Council support delegating additional putrescible waste authority to the COO in emergency situations based on significant COVID-19 disruptions of the solid waste system?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

Amend Resolution No. 20-5096 to delegate additional putrescible waste authority to the COO in emergency situations based on COVID-19 disruptions of the solid waste system. This action helps address the backlog of waste at Metro transfer stations and ensures that the COO can act quickly when there are any future system disruptions related to putrescible waste caused by COVID-19.

Take no action. If the Council does not take action to delegate this additional authority to the COO the Council would need to take action through Metro's normal solid waste authorizations approval processes. This would require the Council to consider multiple authorization ordinances or resolutions and would not address the current system disruption in a timely manner due to Metro code requirements related to the timeline for consideration of ordinances.

STAFF RECOMMENDATIONS

Staff recommends that Council amend Resolution No. 20-5096 to delegate certain additional putrescible waste authority to the COO in emergency situations based on COVID-19 disruptions. This will address current system disruptions caused by staffing shortages and allow the COO to quickly address additional COVID-19 related emergencies or system disruptions related to the management of putrescible waste.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

The Omicron variant of COVID-19 has substantially increased exposure and infection rates and has led to staffing shortages at Metro transfer stations and with Metro's contracted solid waste transporter. These staffing shortages have required Metro to temporarily limit the amount and type of waste accepted at its transfer stations, and it has made it difficult for Metro transfer stations to remove solid waste from those facilities for disposal. The resulting backlog of solid waste at Metro transfer stations necessitates that non-system facilities, including privately owned transfer stations located outside the region, be made available as options for garbage haulers that would normally use a Metro transfer station, but the COO lacks authority to implement these measures under the COO's current emergency authority with respect to putrescible waste.

The proposed amendment to Resolution No. 20-5096 would:

- 1) Delegate to the COO authority to temporarily authorize the transport and acceptance of putrescible solid waste to a non-system transfer station outside the Metro jurisdictional boundary without the need for a Non-System License or Designated Facility Agreement if this action is needed to address a significant disruption event at Metro transfer stations due to COVID-19 circumstances.
- 2) Delegates to the COO authority to enter into a short-term agreement, if necessary, with a solid waste facility outside the Metro jurisdictional boundary regarding the collection and remittance of Metro's solid waste fees and taxes.
- 3) The COO's authority described in Sections 1 and 2 is revoked if the Metro Council determines that the emergency no longer exists, or if the Metro Council terminates the COVID-19 Emergency Declaration established in Resolution No. 20-5096.

Additional context:

- There is no know opposition to this resolution.
- Metro has involved local governments, private facility owners and collectors in ensuring garbage and recycling services are provided throughout the COVID-19 pandemic. Metro has convened emergency incident management meetings with local governments related to the current staffing shortages caused by COVID-19.

- Legal Antecedents – On April 23, 2020, the Metro Council adopted Resolution No. 20-5096, which (1) ratified the COO’s emergency declaration; (2) declared a state of emergency in the Metro region because of the COVID-19 pandemic, and (3) delegated certain authority to the COO. Resolution No. 20-5096 granted the COO certain authority with respect to Metro’s Solid Waste Code (Title V), including the authority to amend putrescible waste franchises and licenses.
- Anticipated Effects - COO has authority to address system disruptions caused by COVID-19. Metro can respond quickly to COVID-19 related system disruptions. Putrescible waste is managed effectively to reduce nuisance, safety and environmental impacts on workers and the public.
- Financial Implications – Minimal, Metro will work to ensure appropriate fees and taxes on waste are collected from non-system facilities which will require additional staff time. There may be some reduction in emergency transport costs for Metro’s transfer stations by allowing waste to flow to private transfer stations and alleviate the backlog at Metro’s stations.

BACKGROUND

As noted above, Council adopted Resolution No. 20-5096 on April 23, 2020 to ensure that essential solid waste services are provided to the public during the COVID-19 pandemic and that garbage and recycling is managed effectively to reduce nuisance, safety and environmental impacts on workers and the public.

ATTACHMENTS

RESOLUTION NO. 22-5243

- Is legislation required for Council action? Yes No
- If yes, is draft legislation attached? Yes No
- What other materials are you presenting today? None