

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

July 28, 1988

Councilors Present: Mike Ragsdale (Chair), Corky Kirkpatrick (V. Chair), Tanya Collier, Larry Cooper, Tom DeJardin, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Elsa Coleman and Jim Gardner

Others Present: Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 5:30 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Councilor Van Bergen said he had received a letter from the Housing Authority of the County of Clackamas dated July 21, 1988, concerning proposed solid waste rate increase which would be considered by the Council on August 11. He submitted the letter to the Clerk for the record.

3. COUNCILOR COMMUNICATIONS

Notice of a Review of Metropolitan Exposition-Recreation Resolution No. 8 Concerning Personnel Rules

The Presiding Officer announced the Executive Officer had requested Council review of the resolution recently adopted by the Commission which had established Personnel Rules for the Commission. He said he would place the matter on the August 11 Council agenda and at that meeting he would request the Council confirm the appointment of a task force, comprised of the Council Convention Center Committee, to review the matter and make a recommendation to the Council.

3.1 Consideration of Resolution No. 88-964, for the Purpose of Reorganizing Council Standing Committees

The Presiding Officer announced he had introduced the resolution because of the recent appointment of Councilor Coleman, because the work of the Planning & Development Committee was complete, and

because of a desire to reduce the workload of Councilors. The resolution would reduce the size of some committees, would eliminate the Planning & Development Committee, and would reassign Councilors to the committees. The resolution also established a subcommittee of the Intergovernmental Relations Committee. He reported the Internal Relations Committee had reviewed the resolution at its meeting of July 28 and had unanimously recommended its adoption.

Motion: Councilor Van Bergen moved, seconded by Councilor DeJardin, to adopt the resolution with the understanding the Urban Growth Boundary Subcommittee of the Intergovernmental Relations Committee would submit to the Council a written statement of the subcommittee's purpose.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Coleman and Gardner were absent.

The motion carried and the resolution was unanimously adopted.

4. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. CONSENT AGENDA

Motion: Councilor Kirkpatrick moved to approve the items listed on the Consent Agenda. Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilor Coleman and Gardner were absent.

The motion carried and the following items were approved:

6.1 Minutes of July 7 and June 23, 1988

6.2 Resolution No. 88-952, for the Purpose of Allocating Federal-Aid Urban Regional Reserve Funds

6.3 Resolution No. 88-961, Extending the Locational Adjustment Filing Deadline to September 2, 1988, for a Petition from Six Corners Land Investment, LTD.

7. ORDINANCES, FIRST READING

7.1 Consideration of Ordinance No. 88-258, for the Purpose of Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule for Implementation of the Collective Bargaining Agreement, Incorporation of Pay and Class Study Appeals and Amending the Level of Appropriations (First Reading)

The Clerk read the ordinance a first time by title only. The Presiding Officer referred the ordinance to the Finance Committee for a public hearing and recommendation. The hearing was scheduled for August 18, 1988.

7.2 Consideration of Ordinance No. 88-260, for the Purpose of Amending Metro Code Section 5.01, Disposal Site Franchising, to Set Requirements for a Transfer Station Franchise (First Reading)

The Clerk read the ordinance a first time by title only. Presiding Officer Ragsdale referred the ordinance to the Solid Waste Committee for a public hearing and recommendation. The hearing was scheduled for August 2, 1988.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 88-835C, for the Purpose of Adopting a Policy to Establish that the Metro East Transfer & Recycling Center(s) may be Publicly or Privately Owned and that Potential Vendors Obtain Land Use Permits for Proposed Transfer Station Sites

Councilor Hansen, Chair of the Council Solid Waste Committee, summarized his written report on the Committee's recommendation that the Council adopt the resolution.

Main Motion: Councilor Hansen moved, seconded by Councilor Kirkpatrick, to adopt Resolution No. 88-835C.

Councilor Van Bergen asked if the resolution had been reviewed by counsel. The Councilor was concerned about tax issues. Dan Cooper, General Counsel, said he had reviewed the resolution and was satisfied no tax problems would result by its adoption.

Motion to Amend: Councilor Waker moved, seconded by Councilor DeJardin for discussion purposes, to delete the "be it resolved" paragraph 1(g) which would delete the criteria of avoidance of vertical integration (monopoly) of the solid waste business.

Councilors discussed the amendment. Councilor Van Bergen said he was concerned the same company managing the Gilliam County Landfill

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not be allowed to manage other, major components of the solid waste system.

Vote on the Motion to Amend: A vote resulted in:

Ayes: Councilors DeJardin, Knowles and Waker

Nays: Councilors Collier, Cooper, Hansen, Kelley,
Kirkpatrick, Van Bergen and Ragsdale

Absent: Councilors Coleman and Gardner

The motion failed to carry.

Responding to Councilor Knowles' questions, Rich Owings, Solid Waste Director, reported the Council would probably consider a separate resolution approving a request for bids for the transportation to landfill project on August 25. Councilor Knowles said he was very concerned that as the project took more time, transfer station options were narrowing down. He wanted to see staff progress as quickly as possible to protect options and increase competition among vendors.

Presiding Officer Ragsdale asked how the criteria for appropriate mitigation and enhancement for the host community would be developed. Mr. Owings said staff would propose criteria for Council consideration.

Councilor Van Bergen noted the first "be it resolved" paragraph of the resolution stated the project could be publicly or privately owned and was concerned that most of staff's work seemed to assume the transfer station would be privately owned. He asked if staff had abandoned efforts to pursue a publicly-owned option.

Mr. Owings responded that letters had recently been sent to real estate brokers asking them to propose sites suitable for municipal ownership. The brokers had been advised of Metro's criteria and time line, he said. Councilor Collier and Van Bergen asked that letters be sent to the brokers giving them a specific deadline by which proposals should be submitted.

Councilors Kirkpatrick and Kelley said the Solid Waste Committee had consistently pushed staff to prepare a publicly owned transfer station option which the Council could compare with a privately owned option. They were concerned staff had not followed through with that request. Councilor Knowles added that until determined otherwise by the Council, the current agency policy was to develop a system of publicly owned transfer stations.

Mr. Owings, responding to Councilor Knowles' question, said landowners had not been approached about Metro purchase of lands for transfer station use because staff resources were limited and adequate time could not be allocated to that pursuit.

Motion: Councilor Collier moved, seconded by Councilor Kirkpatrick, to instruct staff to notify real estate brokers in writing that the deadline for agents to submit proposals for publicly owned transfer station sites would be 90 days from July 28, 1988, and that staff report to the Solid Waste Committee by the first meeting in September on the status of staff work investigating potential, publicly owned sites and costs.

Vote: A vote on the motion resulted in all Councilors present voting aye except Councilor Waker who voted no. Councilors Coleman and Gardner were absent.

The motion carried.

Vote on the Main Motion: A vote on the motion to adopt the resolution resulted in all ten Councilors present voting aye. Councilors Coleman and Gardner were absent.

The motion carried and Resolution No. 88-835C was adopted.

8.2 Resolution No. 88-948, for the Purpose of Adopting Policy that Waste Transport Services to Gilliam County shall be Privately Owned and Operated and that these Services shall be Acquired through a Request for Bids

Councilor Hansen, Solid Waste Committee Chair, reported the Committee supported adoption of the resolution.

Motion: Councilor Hansen moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

Councilor Van Bergen said this matter was another example of a situation where the Council had initially requested public options be explored but because of delays, the a publicly owned transport service was no longer an option.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Coleman and Gardner were absent.

The motion carried and the resolution was adopted.

8.3 Consideration of Resolution No. 88-957, for the Purpose of Authorizing Change Order No. 7 to the Contract with Browning-Ferris Industries to Dispose of Contaminated Yard Debris

Councilor Hansen summarized the Committee's recommendation, explaining the change order would provide for BFI to dispose of yard debris unsuitable for processing.

Motion: Councilor Hansen moved to adopt the resolution and Councilor Waker seconded the motion.

Councilor Kirkpatrick said she would oppose the resolution because the material should not be landfilled.

Councilor Van Bergen recalled staff had expended considerable effort on resolving the problem of yard debris stockpiled at St. Johns and all those efforts had failed. He questioned whether the landfill operator could be held liable for not screening loads of yard debris initially brought into St. Johns. Councilor Hansen said most of the old loads were brought in before BFI had the operations contract. He agreed the best remedy was to approve the resolution and learn from past experiences. Councilor Van Bergen thought staff should determine whether the original contractor (Genstar) was at fault before the resolution was adopted.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Hansen, Kelley, Knowes, Waker and Ragsdale

Nays: Councilors Collier, Kirkpatrick and Van Bergen

Absent: Councilors Coleman and Gardner

The motion carried and the resolution was adopted.

8.4 Consideration of Resolution No. 88-959, for the Purpose of Authorizing the Executive Officer to Execute a Contract with Sweet-Edwards/EMCON, Inc. for Hydrogeologic and Engineering Evaluation of the St. Johns Landfill

Councilor Hansen reported the Committee recommended adoption of the resolution.

Motion: Councilor Hansen moved, seconded by Councilor Kirkpatrick, to adopt the resolution.

Responding to Councilor Van Bergen's questions, Mr. Owings reported the contract should serve to provide staff with more definitive information for scheduling the closure of St. Johns Landfill and for

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estimating closure costs. The contractor, however, would not provide a complete closure plan.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Coleman and Gardner were absent.

The motion carried and the resolution was adopted.

8.5 Consideration of Resolution No. 88-960, for the Purpose of Authorizing an Exemption to the Public Contracting Procedure Set Out in Metro Code Section 2.04.010 et seq. for the Purpose of Requesting Proposals from a Hazardous Waste Management Firm to Assist Metro in Executing Two Hazardous Waste Collection Events

Councilor Hansen reported in the Internal Affairs Committee recommended adoption of the resolution.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, to adopt the resolution.

Vote: A vote on the motion resulted in all ten Councilors present voting aye. Councilors Coleman and Gardner were absent.

The motion carried and the resolution was adopted.

9. COMMITTEE REPORTS

Councilor Hansen announced the Solid Waste Committee would consider a resolution on August 2 in support of the City of Portland adopting a policy to establish minimum hauling rates. Councilor Knowles suggested the Solid Waste Committee first request a government relations staff person talk to City personnel to determine the issues before any action was taken.

There was no other business and the meeting was adjourned at 6:50 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

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