

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

August 11, 1988

Councilors Present: Mike Ragsdale (Chair), Elsa Coleman, Larry Cooper, Tom DeJardin, Gary Hansen, Sharron Kelley, David Knowles, George Van Bergen and Richard Waker

Councilors Absent: Tanya Collier, Jim Gardner and Corky Kirkpatrick (V. Chair)

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

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. COUNCILOR COMMUNICATIONS

4.1 Review of Metropolitan Exposition-Recreation Commission Resolution No. 8, Relating to the Commission's Personnel Policies

The Presiding Officer announced that because Executive Officer Cusma initiated a request for review of the Commission's recently adopted resolution establishing personnel rules, he wanted to refer the matter to a task force comprised of members of the Council Convention Center Committee. He proposed the task force bring a recommendation back to the Council for consideration on September 22, 1988.

Motion: Councilor Waker moved, seconded by Councilor Van Bergen, to confirm the Presiding Officer's appointment of a task force to make a recommendation to the Council on the above matter not later than September 22, 1988.

Vote: A vote on the motion resulted in all nine Councilors present voting aye.

The motion carried.

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Mitzi Scott, Metropolitan Exposition-Recreation Commissioner, requested the Commission be kept informed of the task force's and Council's meeting schedules and that correspondence be copied to commissioners explaining why the Executive Officer had requested the review.

Councilor Knowes, Task Force Chair, discussed the task force's schedule and explained that Commissioners would be asked to testify before the task force on August 24.

4.2 Blazer Homes Contested Case to Amend the Urban Growth Boundary (Contested Case No. 87-3)

Presiding Officer Ragsdale announced that because Dan Cooper, General Counsel, could not attend the August 25 Council meeting, the Blazer Homes matter would be set over to the September 8 Council meeting.

5. CONSENT AGENDA

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

Vote: A vote on the motion resulted in all nine Councilors present voting aye.

The motion carried and the following items were approved:

5.1 Minutes of July 14, 1988

5.2 Resolution No. 88-955, for the Purpose of Approving a Contract with Tri-Met to Perform Ridership Forecasting for the Westside Light Rail Transit Preliminary Engineering

6. ORDINANCES

6.1 Consideration of Ordinance No. 88-255, for the Purpose of Amending Section 2.02.040 of the Metro Code and Revising the List of Positions Subject to Confirmation by the Metro Council (Second Reading)

The Clerk read the ordinance a second time by title only. Presiding Officer Ragsdale announced that the ordinance was read a first time before the Council on June 9. The ordinance was then referred to the Internal Affairs Committee where a public hearing was conducted on July 28.

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The Presiding Officer then presented the Committee's report and recommendation. He explained the ordinance has been introduced as a housekeeping matter in order to update the list of positions requiring Council confirmation and the Committee recommended its adoption.

Motion: Councilor Kelley moved to adopt Ordinance No. 88-255 as recommended by the Internal Affairs Committee. Councilor Hansen seconded the motion.

Vote: A roll call vote on the motion resulted in all nine Councilor present voting aye.

The motion carried and the ordinance was adopted.

6.2 Consideration of Ordinance No. 88-257, for the Purpose of Amending Metro Code Chapter 5.02, Relating to Solid Waste Disposal Rates, Regional Transfer Charges and User Fees (Second Reading)

The Clerk read the ordinance by title only a second time. The Presiding Officer reported the ordinance was read a first time before the Council on July 14. The ordinance had been referred to the Council Solid Waste Committee where it was considered on July 19, July 27 and August 2. A public hearing had been conducted on July 19.

Councilor Hansen, Chair of the Solid Waste Committee, reported the Committee had recommended amendments to the ordinance to provide for rate incentives for self-haulers, thrift store industries, high-grade loads at the Clackamas Transfer & Recycling Center, clean loads of yard debris and post-collection recycling. The Committee also recommended the rates be effective November 1, 1988. The recommended rates were consistent with the FY 1988-89 adopted budget and other policies adopted by the Council, he said. He also explained the Committee had recommended staff develop criteria which would be used to determine which thrift store industries would be eligible for rate reductions.

Dan Cooper, General Counsel, reviewed his written opinion concerning whether the ordinance would need to be adopted under the Council's emergency ordinance adoption procedures. Because the ordinance had received two readings and a public hearing, Mr. Cooper determined a unanimous vote of the Council was not required to adopt the ordinance.

Main Motion: Councilor Hansen moved, seconded by Councilor DeJardin, to adopt Ordinance No. 88-257 as recommended by the Solid Waste Committee.

The Council discussed the Committee's proposal to waive regional transfer charges and user fees for thrift store industries. Councilor Van Bergen was concerned the Committee had not clearly defined which organizations would qualify for the rate reduction. He thought the lack of such definition would make it difficult to administer a responsible rate reduction program. He could foresee many types of charitable organizations appealing to the Council for rate incentives. Councilor Hansen explained the Committee would continue to work with staff to develop criteria. Councilors Cooper, Knowles and Kelley shared Councilor Van Bergen's concerns.

First Motion to Amend: Councilor Knowles moved, seconded by Councilor Van Bergen, to delete the following sections from the ordinance: 1) Section 5.02.015(j); 2) Section 5.02.045(i); and 3) Section 5.02.050(h). The effect of the motion was to not grant rate incentives to thrift store industries -- a reverse of the Solid Waste Committee's recommendation.

Councilor Knowles explained that providing incentives to thrift stores would be similar to the Oregon Legislature providing tax breaks to charitable organizations. The Legislature had been debating the wisdom of that decision for years, he said.

Councilor Van Bergen said he could not support rate incentives unless the provisions were limited to the four or five thrift stores intended. He did not envision how the incentives could be limited to that small group.

Councilor Kelley explained she was opposed to rate incentives to thrift stores at the Committee level because they had been proposed without a policy to administer the program. She suggested thrift stores could apply for Metro's recycling grants which would be an excellent opportunity for recognition and economic relief.

Councilor Coleman said she would support the amendment but she explained she could support rate incentives to thrift stores in the future if sound information was available on which to make that decision.

Councilor Hansen opposed the motion, explaining that because disposal rates were increasing dramatically, incentives would have to be used to keep materials out of landfills.

Vote on the First Motion to Amend: A roll call vote on the motion resulted in:

Ayes: Councilors Coleman, Cooper, DeJardin, Kelley, Knowles, Van Bergen, Waker and Ragsdale

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Nay: Councilor Hansen

Absent: Councilors Collier, Gardner and Kirkpatrick

The motion carried and the provisions for rate incentives to thrift store industries was deleted from the ordinance. The Presiding Officer acknowledged that staff would return later in the meeting with proposed rate adjustments due to the Council's adoption of the amendment.

Councilor Van Bergen noted the City of Oregon City's Manager was concerned the new rate ordinance had highlighted fees paid to the City for waste entering the Clackamas Transfer & Recycling Center (CTRC) while other fees had not be highlighted. Rich Owings, Solid Waste Director, explained the CTRC fee had been identified as a special fee category in the ordinance because it was collected at one facility. Enhancement fees collected for St. Johns, however, were collected at all Metro disposal facilities and were not set out as a single category in the ordinance.

Presiding Officer Ragsdale accepted public testimony.

Ron Hohnstein, 11505 S.W. Jody Street, Beaverton. Mr. Hohnstein said he was the co-owner of Valley Garbage Service and a two-year member of Metro's Budget Committee. Based on his knowledge of the Metro budget, Mr. Hohnstein testified the proposed rate increases were not necessary. He proposed the District eliminate the CTRC convenience fee, all mitigation fees and reduce the amount of contingencies as an alternative to increasing rates. He was also concerned that illegal dumping would dramatically increase if the Council adopted the proposed rate increases.

Estle Harlan, 2202 Lake Road, Milwaukie, distributed written testimony and explained she shared many of Mr. Hohnstein's frustrations. She supported the City of Portland establishing minimum hauling rates in order to create an equitable system and urged the Council to adopt a resolution in support of that policy.

Mr. Owings reported that staff had calculated rate adjustments that should be made to the ordinance due to the deletion of rate incentives for thrift store industries. Rates were rounded off to the nearest \$.25, he explained. Based on his recommendation, the following amendment was made:

Second Motion to Amend: Councilor Waker moved, seconded by Councilor Kelley, to amend Ordinance No. 88-257 as follows:

1) Section 5.02.020, "Disposal Charges at St. Johns Landfill," "Commercial" category: "Metro User Fee" be changed to \$4.25 per ton and the total rate be changed to \$42.25 per ton.

2) Section 5.02.025, "Disposal Charges at Clackamas Transfer & Recycling Center," "Commercial" category: "Metro User Fee" be changed to \$4.25 per ton and the total rate be changed to \$45.75 per ton.

3) Section 5.02.045, "User Fees," paragraphs (a) and (b) be changed to reflect a change to \$4.25 per ton delivered for noncompacted and compacted commercial solid waste.

Vote on the Second Motion to Amend: A roll call vote resulted in:

Ayes: Councilors Coleman, Cooper, DeJardin, Hansen, Kelley, Knowles, Waker and Ragsdale

Nay: Councilor Van Bergen

Absent: Councilors Collier, Gardner and Kirkpatrick

The motion carried and the ordinance was amended.

Councilor Van Bergen said he could not support the ordinance because he did not think staff had presented adequate justification for the size of the proposed rate increases. Councilor Coleman said she would support adoption of the ordinance although she tended to agree with Councilor Van Bergen that information gaps had occurred. She acknowledged, however, that adequate revenue was needed to close St. Johns landfill.

Vote on the Main Motion as Amended: A roll call vote on the motion to adopt Ordinance No. 88-257 as amended resulted in:

Ayes: Councilors Coleman, Cooper, DeJardin, Hansen, Kelley, Knowles, Waker and Ragsdale

Nay: Councilor Van Bergen

Absent: Councilors Collier, Gardner and Kirkpatrick

The motion carried and the ordinance was adopted as amended.

## 7. RESOLUTIONS

### 7.1 Consideration of Resolution No. 88-958, for the Purpose of Authorizing Change Order No. 5 to the Contract with Browning-Ferris Industries to Apply Composted Yard Debris as Cover at the St. Johns Landfill

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

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

Councilor Van Bergen said he wanted to know who was responsible for the contamination of the yard debris that had been stockpiled at St. Johns Landfill because it would effect how he would vote on the matter. Councilor Hansen responded by explaining Metro would provide the material and it would be used as final cover to the landfill on which vegetation would ultimately grow. The material was not contaminated in the sense that it was toxic, he explained.

In response to Councilor Van Bergen's question, Dan Cooper, General Counsel, reported the amount of the change order was under 20 percent of the total contract sum and within Metro's contract guidelines.

Vote: A vote on the motion to adopt the resolution resulted in all nine Councilors present voting aye.

The motion carried and the resolution was adopted.

### 7.2 Consideration of Resolution No. 88-894A, for the Purpose of Amending Classification and Pay Plans for the Metropolitan Service District; and

Consideration of Resolution No. 88-949, for the Purpose of Developing a Contract with ODS Health Plan, Kaiser Permanente, Standard Life Insurance Company and the Public Employees Retirement System (PERS)

Presiding Officer Ragsdale noted that on July 14, 1988, the Council adopted a motion to defer consideration of the two resolutions to August 11. He was recommending the two resolutions be referred to the Council Finance committee, however, for the following reasons: the status of the organizational effort to form a collective bar-

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gaining unit remained unresolved; three Councilors who had expressed interest in the matter were absent at this Council meeting; and Councilor Collier, Chair of the Finance Committee, had requested the matter be referred to that committee for further deliberation.

Motion: Councilor Waker moved, seconded by Councilor DeJardin, to refer the two resolutions to the Council Finance Committee for consideration on August 18, 1988.

Councilor Van Bergen was concerned the longer the Council postponed taking action of the matters, the more the Council could be in jeopardy of being accused of unfair labor practices. He thought the Council/Employee Task Force on Employee Benefits had made a responsible recommendation to the Council and thought it ill advised to deliberate the matters further.

Dan Cooper, General Counsel, explained it was his opinion the Council could act on the matters at any time prior to receiving notice that a bargaining unit had been certified.

Vote: A vote on the motion to refer the matters to the Council Finance Committee resulted in all nine Councilors present voting aye.

The motion carried.

7.3 Consideration of Resolution No. 88-969, for the Purpose of Authorizing Change Order Nos. 1 through 5 to the Contract with DeWitt Construction Company for Bid Package No. 2, Site Work for the Oregon Convention Center

Councilor Knowles, Chair of the Convention Center Committee, referred to a revised resolution marked No. 88-969A had been recommended for adoption by the Committee.

Motion: Councilor Knowles moved, seconded by Councilor Cooper, to adopt the resolution.

Vote: A vote on the motion resulted in all nine Councilors present voting aye.

The motion carried and the resolution was adopted.

8. COMMITTEE REPORTS

None.



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There was no other business and the meeting was adjourned at  
7:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Marie Nelson". The signature is written in black ink and has a long, sweeping underline.

A. Marie Nelson  
Clerk of the Council

amn  
0027D/313-2  
08/18/88