

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 25, 1989
Regular Meeting

Councilors Present: Mike Ragsdale (Presiding Officer), Sharron Kelley (Deputy Presiding Officer), Lawrence Bauer, Roger Buchanan, Tanya Collier, Tom DeJardin, Richard Devlin, Jim Gardner, Gary Hansen, David Knowles, George Van Bergen and Judy Wyers

Councilors Absent: None.

Also present: Rena Cusma, Executive Officer; Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 5:30 p.m. and announced that the minority report related to agenda item number 6.4, Consideration of Resolution No. 89-1091, Approving the Evaluation Methodology for Proposals for the Metro East Station had been withdrawn, and therefore, removed from the agenda.

1. Reconsideration of Resolution No. 89-1032A, Authorizing an Agreement with the City of Forest Grove Regarding an Enhancement Fee for the Forest Grove Transfer Station

Presiding Officer Ragsdale announced that Councilor Bauer had at the May 11, 1989, Council meeting served notice of reconsideration of Resolution No. 89-1032A, and under the Council's rules reconsideration becomes the first order of business at the next meeting. Presiding Officer Ragsdale said that the Council Solid Waste Committee had held a public hearing on Resolution No. 89-1032 on April 25 and unanimously recommended the Council adopt the resolution as amended. He said that the Council considered the resolution at its May 11, 1989, meeting at which time a motion to adopt the resolution had failed to carry, and in order to bring the resolution up for reconsideration, Councilor Bauer had changed his vote to the prevailing side.

Councilor Bauer said he would move for reconsideration of the resolution to authorize an agreement with the city of Forest Grove for the Forest Grove City Council to administer the enhancement funds associated with the Forest Grove Transfer. He said he felt, for the size of the community, he felt it was appropriate for the elected city council to administer the enhancement fees. He said that he also felt it was consistent with good administrative practices for a small community to administer these fees consistent with other public and community improvement projects. Councilor Bauer said it was a matter of "good faith" of the Metro Council to entrust that responsibility with the Forest Grove City Council. Councilor Bauer said that he

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felt the issue of precedence by allowing a governing body to administer the fund should not be of concern to the Council. He noted the fund and geographical area were relatively small.

Motion: Councilor Bauer moved, Councilor DeJardin seconded to reconsider Resolution No. 89-1032A.

Councilor Hansen said that he thought it would be in the best interest of the Council to reconsider the resolution.

Councilor Gardner said that he urged councilors not to vote in favor of the motion for reconsideration. He said that he had distributed to Councilors an alternate plan for administration of the fund, recognizing that Forest Grove was a relatively compact jurisdiction with a relatively small population and that it also recognized the fact that the Forest Grove City Council was made up of private citizens who had close ties and communication with their constituents. Councilor Gardner said that his proposal also recognized that the impacts of the transfer station probably would not significantly affect areas or residents outside the Forest Grove city limits. He said that his proposal specifically stated that the Metro Council would not be establishing a model that would the Council to the arrangement for other jurisdictions or projects. Councilor Gardner said that under his proposal, Metro would create an enhancement fund and the Forest Grove City Council would function as a citizens advisory committee and recommend for Metro Council adoption, area boundaries and criteria for funding projects. Councilor Gardner said that thereafter, the Forest Grove City Council would evaluate projects based on that criteria and recommend to the Metro Council specific projects to be approved and funded. Councilor Gardner said that the City Council would be urged to seek public input through the process of recommending boundaries, criteria and projects.

Councilor Gardner said that with his proposal, the program would be a Metro program and would be identified as such. He said that he felt that it was important for the citizens of Forest Grove to also be identified as citizens of a larger region. He said that rather than Metro get credit for the fund, he was seeking to promote regional identity.

Councilor Buchanan said that he objected to setting a precedence by the City Council being the enhancement committee. He said that he had previously voted aye on the resolution, but would change his vote to nay, because he said that he feared that based on this model the City of Portland might try to dominate the enhancement fee operations of the District. He said that he and other councilors had attended meetings with neighborhood

associations and it had been apparent to him that the City of Portland wanted to dominate Metro's operation of neighborhood enhancement fees.

Vote: The Clerk took a roll call vote, the result of which was:

Ayes: Councilors Bauer, DeJardin, Hansen, Kelley,
Knowles and Ragsdale
Nays: Councilors Buchanan, Collier, Gardner, Van
Bergen and Wyers
Absent: Councilor Devlin

The motion for reconsideration failed to carry.

2. INTRODUCTIONS

None.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

4. EXECUTIVE OFFICER COMMUNICATION

Rena Cusma, Executive Officer, said that she had asked Andy Cotugno, Transportation Director to brief the Council on the status of the Southeast Corridor Study hearing process.

Mr. Cotugno said that a public hearing in the Southeast Corridor area would be held on June 5, 1989. He said that he had distributed to councilors a hearings notice and synopsis of the Study conclusion and recommendations. He said that the hearing would focus on the Study's recommendations and conclusions as well as the alternatives that were considered during the hearing process. Mr. Cotugno said that after the public hearing, resolutions supporting the final recommendations from the City of Portland and City of Milwaukie would be requested, and the Council would be asked to adopt the Study conclusions, which would result in the projects' inclusion in the Regional Transportation Plan. Mr. Cotugno said that a follow up action at a later date would seek to fund certain projects from the McLoughlin Corridor reserve.

Councilor Van Bergen asked if Mr. Cotugno need the Council's help in any aspects of the hearing process. Mr. Cotugno said that it would be helpful for Councilors to attend and participate in the hearings.

5. ORDINANCES SECOND READING

5.1 Ordinance No. 89-295, Amending Metro Code Chapter 5.02
Relating to Solid Waste Disposal Charges

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that the ordinance was first read before the Council on April 27, 1989, at which time it was referred to the Solid Waste Committee. He said that the Committee conducted a public hearing on May 9, 1989, and recommended the Council adopt the ordinance.

Councilor Kelley read the Solid Waste Committee's report and recommendation contained in the agenda packet and hereby made a part of these minutes. She said that adoption of the ordinance would eliminate the landfill siting fee and lower the base rate disposal fee.

Motion: Councilor Kelley moved, Councilor Hansen seconded adoption of Ordinance No. 89-295.

Solid Waste Director Bob Martin pointed out that on page 1, Section 1 of the ordinance, the words "up to a three quarter ton capacity" had been inadvertently omitted from the printed page. Therefore the ordinance should read "[(i)] (h) Self-Haul means loads of mixed waste transported inside a passenger car[,] or in a pick-up truck, or transported by a passenger car or pick-up truck of up to a three-quarter ton capacity . . ." He noted that the truck capacity language was already contained in the Metro Code. Presiding Officer Ragsdale ruled the omission to be a typographical error which did not require Council action to amend the ordinance.

Councilor Van Bergen said that he did not think that haulers would pass the additional savings onto customers, and therefore, he would vote nay on the ordinance.

Vote: The Clerk called a roll call vote resulting in:

Ayes: Councilors Bauer, Buchanan, Collier, Devlin,
DeJardin, Gardner, Hansen, Kelley, Wyers and
Ragsdale
Nays: Councilor Van Bergen
Absent: Councilor Knowles

The motion carried.

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Presiding Officer Ragsdale announced that he would be presenting the next two agenda items and was therefore turning the gavel over to Deputy Presiding Officer Kelley.

5.2 Ordinance No. 89-289, Amending Code Chapter 2.01 and Establishing Procedures for Adoption of Council Per Diem and Expense Guidelines

The Clerk read the ordinance by title for a second time. Deputy Presiding Officer Kelley announced that the ordinance was first read before the Council on March 9, 1989, at which time it was referred to the Council Internal Affairs Committee. She said that the Committee conducted public hearings on April 27 and May 11, 1989 and recommended the Council adopt the ordinance.

Councilor Ragsdale reported that the ordinance would not adopt specific guidelines, but would, by Code, require that the Council adopt guidelines. He said a that a subsequent resolution would set the specific guidelines.

Motion: Councilor Ragsdale moved, Councilor Collier seconded to adopt Ordinance No. 89-289.

Councilor Gardner said that the Interim Task Force on Metropolitan Regional Government in response to a lack of guidelines adopted by procedures set out by ordinance had suggested that Metro Councilors receive a salary which was suggested to be approximately twice the amount Councilors had been authorized to receive in the 1988-89 fiscal year. Councilor Gardner said that he had testified before the Legislature's Intergovernmental Relations Committee on the salary issue and had, at that time, assured Senator Otto that the Council was in the process of adopting an ordinance requiring guidelines and would be review the guidelines. He urged Councilors to support the ordinance.

Vote: The Clerk called a roll call vote resulting in all twelve councilors voting aye.

The motion carried unanimously.

6. RESOLUTIONS

6.1 Resolution No. 89-1065, Revising Expenditure Guidelines for Councilor Per Diem, Councilor Expense and General Council Materials and Services Accounts

Presiding Officer Ragsdale referred the Council to materials they had been provided at the meeting and by reference are

incorporated in these minutes. He noted that in a previous mailing to Councilors an obsolete draft of Resolution No. 89-1065 had mistakenly been included. Presiding Officer Ragsdale then reviewed the contents of Exhibit A to the resolution.

Motion: Presiding Officer Ragsdale moved, Councilor Collier seconded adoption of Resolution No. 89-1065.

Councilor Collier asked if child care would remain a reimbursable expense as the resolution were enacted. Council Administrator Carlson replied that it would not. Councilor Collier said that she would like to go on record supporting child care expenses being reimbursed. Councilor Wyers said that she would also like to go on record as being in favor of child care expenses being reimbursed and noted that she felt it was a non-gender related expense.

Councilor Bauer said that he was uncomfortable with tying the per diem amount to a specific dollar figure and suggested that the Council per diem be at the rate paid a State Legislator.

Councilor Devlin said that he also supported child care as a reimbursable expense. He asked Council Analyst Jessica Marlitt to repeat to the Council a conversation he had previously had with her regarding State guidelines on reimbursing child care expenses. Ms. Marlitt said that it was her understanding that State guidelines listed child care as an expense appropriate to be covered by the per diem allowance as opposed to an expense.

Motion to Amend: Councilor Bauer moved, seconded by Councilor Hansen to amend paragraph 2 of the section titled "Councilor Per Diem Accounts" in Exhibit A to Resolution No. 89-1065 to read: Per diem shall be paid a rate equal to the per diem rate paid to a member of the Oregon House of Representatives.

Councilor Ragsdale noted that the Internal Affairs Committee had not in their consideration of the resolution discussed the rate of per diem because they deemed the rate a fiscal, rather than procedural item.

Councilor Van Bergen said that in the seven years he had been a Metro Councilor, the per diem rate had remained at \$30. He said that he felt that if any compensation was to be paid, it should be reasonable and he supported Councilor Bauer's amendment.

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Councilor Hansen said that he, too, supported the amendment because he thought that the rate was justified, and favored tying the per diem rate on a consistent factor so that the Council did not have to review the issue on an annual basis.

Councilor Gardner said he did not support the amendment because he felt that part of the rationale for the State Legislature's per diem rate was that most of the legislators had to travel considerable distances to come to the sessions. He said that he also felt that Metro's guidelines for claiming per diem differed from the State guidelines and allowed councilors more discretion in claiming that per diem.

Councilor Ragsdale advised that should the amendment pass, he would, as a friendly amendment, refer the resolution back to the Internal Affairs Committee to review the matter of adjusting the annual maximum authorized.

Councilor Wyers said that she supported the motion to amend because she felt that the work of the Council was comparable to legislative issues.

Councilor DeJardin said that he would not support the amendment because he was uncomfortable with the rationale for tying Councilor per diem to the State Legislator.

Vote on Amendment: The Clerk called a roll call vote resulting in:

Ayes: Councilors Bauer, Buchanan, Collier, Devlin, Hansen, Van Bergen, Wyers and Ragsdale.
Nays: Councilors DeJardin, Gardner, Kelley and Knowles.

The motion to amend carried.

Motion: Councilor Ragsdale moved, seconded by Councilor Collier to refer Resolution No. 89-1065 as amended to the Internal Affairs Committee.

Councilor Gardner said that he would like the Committee to also review the issue of child care. Other issues Councilors requested the Committee review were telephone expense reimbursement and FAX expense reimbursement. Councilor Van Bergen also pointed out that he had forwarded a memo to Councilors offering an amendment to the resolution to allow per diem to be claimed for attendance at any meeting at which District business is discussed.

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Vote: The twelve councilors present voted in favor of the motion.

The motion carried unanimously.

Deputy Presiding Officer Kelley turned the gavel back over to Presiding Officer Ragsdale. Presiding Officer Ragsdale recessed the Council and convened the Contract Review Board.

6.2 Resolution No. 89-1092, Authorizing an Exemption of Metro Code Section 2.04.053 for Amendment No. 4 to Contract with Guthrie Slusarenko Associates (GSA) for Specified Design Services for Africa Exhibit Phase III

Councilor DeJardin said that Metro was under contract with the firm of Guthrie Slusarenko Associates for design of Phase III of the Africa Exhibit at the Zoo. He said that the focus of the exhibit had originally been an extension of the savannah exhibit, and the project had refocused to a rainforest exhibit.

Motion: Councilor DeJardin moved, Councilor Kelley seconded adoption of Resolution No. 89-1092.

Vote: The ten councilors present voted aye. Councilors Collier and Hansen were absent.

The motion carried unanimously.

Presiding Officer Ragsdale adjourned the Contract Review Board and reconvened the Council.

6.3 Resolution No. 89-1097, Approving a Request for Bid Document for Construction of African Rainforest Exhibit at Metro Washington Park Zoo

Motion: Councilor Knowles moved, seconded by Councilor DeJardin to refer Resolution No. 89-1097 to the Convention, Zoo and Visitor Facilities Committee.

Councilor Knowles explained that he had discovered subsequent to the Convention, Zoo and Visitor Facilities Committee's favorable recommendation of the resolution, that Article 9 of the "General Conditions" contained language that was unprecedented in construction contracts. He said that the language seemed to indicate that all the monies for the contract's completion were reserved in the next fiscal year's budget. He said that he felt the Committee should fully review those provisions. Councilor Collier said that she would like to have the overall policy issue on contracting referred back to the Finance Committee, because there seemed to be confusion as to what constituted a multi-year

contract. Councilor Van Bergen suggested the Convention, Zoo and Visitor Facilities and Finance Committee hold a joint meeting to review the resolution.

Vote: The twelve Councilors present voted aye.

The motion to refer carried unanimously.

6.4 Resolution No. 89-1091. Approving the Evaluation Methodology for Proposals for the Metro East Station

Councilor Knowles announced that he may have a potential conflict of interest in that he had a long-standing social relationship with persons employed by Northwest Strategies, the lobbying firm employed by Waste Management Systems. In addition, he reported that he had worked under a subcontract providing services to a client of Northwest Strategies not related to Waste Management Systems. He clarified that at the time he was not working for Oregon Waste Management, and at no time, to his knowledge had he been their attorney. Councilor Van Bergen declared that he was a stockholder in Waste Management.

Councilor Hansen read the Solid Waste Committee's report and recommendations contained in the meeting agenda packet which is made a part of these minutes by reference. Councilor Hansen said noted that one of the evaluation criteria, vertical integration, had been increased from a 20 percent factor to 25 percent and changes were made in the vertical integration subcategories. He said that he thought the evaluation methodology was fair, however, he said that he still had some concerns.

Motion: Councilor Hansen moved, Councilor Wyers seconded to adopt Resolution No. 89-1091.

Councilor Bauer asked about the impact of assigning an additional 5 percent weighting to vertical integration and subtracting 5 percent weighting from performance standards. Councilor Hansen said that the Committee felt that performance standards were adequately covered. Councilor Bauer said that he hoped that in ranking the vertical integration category, it would not be to the detriment of other standards. Councilor Hansen said that he did not feel that the heavier weighting on vertical integration unduly penalized proposers who were willing to address the issue.

Presiding Officer Ragsdale pointed out that the Council had received from Solid Waste staff a document titled "Supplemental Clarifications" and asked if the Council would be adopting the Supplemental Clarifications by adopting the resolution. Solid Waste Director Bob Martin said that it would be up to the Council's discretion to move to adopt the clarifications. Solid

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Waste Committee Chair Gary Hansen said he would be uncomfortable in including the clarifications with adoption of the resolution since the Solid Waste Committee had not had an opportunity to review the clarifications. Councilor Wyers said asked if an addendum to the RFP to which the supplemental clarifications related had been approved by the Council. She further stated that she would be unwilling to support inclusion of addendums without having had an opportunity to thoroughly review the changes. Councilor Devlin and Mr. Martin pointed out that there was a critical timeline for a decision on the transfer station, and proposers needed to be notified of changes in a timely manner. Mr. Martin pointed out that the addendum had been reviewed by the Solid Waste Committee, however, it had not been reviewed by the full Council. It was the consensus of the Council to review the addendum elements and supplemental clarification at the Council meeting. Presiding Officer called a recess at 7:15 p.m.

The Council reconvened at 7:35 p.m. and reviewed the contents of the addendum titled "Supplemental Clarifications" which has been made a part of these minutes by reference. Mr. Martin gave an overview of the supplemental clarifications. Presiding Officer Ragsdale opened a public hearing on the Supplemental Clarifications.

Rick Daniels, 5240 N. E. Skyport Way, testified in favor of expeditiously establishing the evaluation criteria and encouraged the Council to approve weighting criteria as follows: Technical: 20%; Management: 10%; Cost: 20%; Performance Standards: 20%; Qualifications: 20%; Vertical Integration: 10%; Special Waste/HHW: 20%. He said that he felt the criteria in Resolution No. 89-1091 was not consistent with the Solid Waste Management Plan and was overly concerned with the issue of vertical integration. He said that he encouraged the adoption of the Supplemental Clarifications. He said that adoption of the Supplemental Clarifications would encourage a proposal for a publicly-owned transfer station.

There was no other public testimony, and the Presiding Officer closed the public hearing.

Councilor Knowles asked why Metro's position was to not address routing in the proposal process. Mr. Martin replied that routing was clearly in the control of the City and it would be addressed as part of the mitigation process. Councilor Knowles suggested that Metro provide through the contract a mechanism for traffic control and access to the site. He said that it was his desire to receive community input and wanted the community to understand the purpose of the facility. Mr. Martin pointed out that the site had not yet been selected, he said, however, that the

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Department would maintain a dialogue with the City regarding traffic patterns and that Metro had no authority to regulate haulers' routes.

Councilor Collier asked if Mr. Martin thought that the addendum would facilitate proposals for public ownership of the station. Mr. Martin replied that he viewed the addendum of clarification of information that already existed in the proposal documents. Councilor Gardner pointed out that the addendum would broaden the scope of the RFP and asked if public notice would be given of the addendum. Mr. Martin said that the supplemental clarification and addendum would be made available to the full RFP mailing list. Mr. Martin also said that the addendum he felt did not change the original scope of the RFP, only clarified that both publicly-owned and private transfer stations would be considered without penalty to either.

Presiding Officer Ragsdale stated in preparation of the vote that unless the Council took assertive action to indicate disfavor of the supplemental clarifications and addendum, it was the legislative intent of the resolution to approve them.

Vote: All twelve Councilors voted in favor of the motion.

The motion carried unanimously.

A motion from Councilor Hansen to return the supplemental clarifications and addendum to the Solid Waste Committee for review was ruled out of order. Councilor Hansen stated that he did not understand that at the time the Council voted on Resolution No. 89-1091, he did not understand that the action would preclude a motion to refer the supplemental clarification and addendum to the Solid Waste Committee.

6.5 Resolution No. 89-1095, Exempting an Amendment of a Personal Services Agreement with Sweet-Edwards/EMCON, Inc. from Competitive Procurement Procedures

Presiding Officer Ragsdale recessed the Council and convened the Contract Review Board. Councilor Wyers presented the Solid Waste Committee's report and recommendations. She said that Sweet-Edwards/EMCON had contracted with Metro to provide engineering investigations and evaluations of the St. Johns Landfill in connection with the closure process and that review of two of the draft products had raised questions which would require further information and work from the contractor. Therefore, Resolution No. 89-1095 would allow the contract to be amended by approximately \$50,000 to fund the additional work and would exempt the amendment from the competitive bid process.

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Motion: Councilor Wyers moved, Councilor Kelley seconded approval of Resolution No. 89-1095.

Presiding Officer Ragsdale opened the public hearing.

George Ward, Consulting Civil Engineer, said that the North Portland Enhancement Committee had issued a request for proposals recently, and in response received a proposal to that addressed some of the issues in the contract amendment. Mr. Ward asked the Council for assurance that proposals submitted to the North Portland Enhancement Committee would not be jeopardized by award of this contract. Mr. Ward said that he had submitted a proposal to the North Portland Enhancement Committee for managing leachate and groundwater at Smith and Bybee Lake which was listed as Task 9 in the contract amendment.

Councilor Collier asked Councilor Hansen if Mr. Ward's proposal was under consideration by the Committee. Councilor Hansen said that Mr. Ward's proposal had been reviewed but was not selected. Mr. Ward said that he would still urge the Council to keep their options open and explore grant funds which may be available through the Environmental Protection Agency. Councilor Collier encouraged Mr. Ward to talk directly with Mr. Martin on grant possibilities.

Presiding Officer Ragsdale closed the public hearing.

Councilor Collier noted that the resolution requested extending the contract for four months and raising the contract amount by \$50,000 and asked for an explanation of how the need arose. Mr. Martin said the need arose in the process of review of draft plans submitted to regulatory agencies. He said that some of the work proposed was in the area of additional monitoring and sampling.

Vote: The vote on the motion resulted in nine councilors voting aye. Councilors Collier and Van Bergen voted nay. Councilor Kelley was absent.

6.6 Resolution No. 89-1098, For the Purpose of Supporting Proposed Solid Waste Bills for the 1989 State Legislative Session

Councilor Gardner said that the Metro Legislative Task Force and Solid Waste Committee had met jointly on May 12, 1989, and Resolution No. 89-1098 recommended that the Council take certain actions in relation to solid waste and plastics bills that had been filed with the Legislature. Councilor Gardner said some bills had been discussed by the joint task force and committee,

however, due to lack of a quorum, they had been forwarded to the Council with no recommendation.

HB3482: Councilor Gardner introduced Sarah Vickerman, a member of the Plastics Recycling Task Force. Ms. Vickerman distributed an amended form of HB3482 and testified in favor of the Council supporting it. Ms. Vickerman also distributed to Councilors proposed amendments to the bill. Councilor Hansen said that the amendment regarding a mechanism by which local parks can be acquired by Trust Fund money which amends Section 15(a) (B) of the bill should include regional as well as local governments. Councilor DeJardin asked Ms. Vickerman if she had talked to retailers regarding an imposed fee at point of sale. Ms. Vickerman said that she had met with representatives of the retail industry and that the bill had a broad base of support.

Presiding Officer Ragsdale said that he was concerned that the bill did not have a freestanding definition of packaging. Councilor DeJardin pointed out that the criteria for determining whether the business was wholesaler and retailer was confusing. Presiding Officer Ragsdale said that while he supported the concept of the bill, he had serious concerns about the application and could not support the bill without it being amended. Councilor Gardner said that the Plastics Recycling Task Force supported the bill. Councilor Knowles said that the bill did have some particulars that needed to be worked out, however, he said that he thought that could happen through the legislative process and he would support its concept. Councilor Wyers said that she also anticipated changes would be made by the Legislature. She said that a number of groups supported the bill and she said that she urged the Council to support the bill.

Motion: Councilor Gardner moved, seconded by Councilor Wyers that the Metro Council support HB3482.

Vote: Ayes: Councilors Bauer, Collier, Devlin, DeJardin, Gardner, Hansen
Nays: Councilors Van Bergen and Ragsdale
Absent: Councilors Buchanan, Hansen and Kelley

The motion carried.

SB344: Councilor Gardner said the bill would require manufacturers of plastic containers to code the plastic containers in order to identify what type of plastic it was composed of. Councilor Gardner said that lack of consistent labelling was the primary impediment to plastics recycling. He said that the bill had been strongly recommended by the Plastics Recycling Task Force.

Motion: Councilor Gardner moved, seconded by Councilor Wyers that the Metro Council support SB344.

Vote: Ayes: Councilors Bauer, Collier, Devlin, DeJardin, Gardner and Ragsdale
Nays: Councilor Van Bergen
Absent: Councilors Buchanan, Hansen, Kelley and Knowles

The motion carried.

SB352: Councilor Gardner said that the bill would specifically define degradable as it applies to legislation requiring plastic beverage rings to be made from degradable materials. Councilor Van Bergen said that he thought the proposed amendments were inferior to the already adopted legislation.

Motion: Councilor Gardner moved, seconded by Councilor Wyers that the Metro Council support SB344.

Vote: Ayes: Councilors Bauer, Collier, Devlin, DeJardin, Gardner and Ragsdale
Nays: Councilor Van Bergen
Absent: Councilors Buchanan, Hansen, Kelley and Knowles and Wyers

Main Motion: Councilor Gardner moved, seconded by Councilor Collier to adopt Resolution No. 89-1098.

SB990: Councilor Gardner said SB990 was being forwarded to the Council with no recommendation from the joint Committee and Task Force because there had not been a quorum to vote on a recommendation. He said that the Plastics Recycling Task Force did not support SB990 because it bans the use of polystyrene containers. Councilor Gardner said that he would urge the Council to support the bill. Jeff Gage, a member of the Plastics Recycling Task Force distributed to the Council another version of the bill. He noted the later version went far beyond the version contained in the agenda packet and banned restaurants and food vendors from using polystyrene foam packing products unless there was an on premises collection program for recycling. He said the bill would be a detriment to the plastics recycling industry. Councilor Gardner said he had been prepared to support SB990 in its previous version prior to its scope being broadened. He said he had not had a opportunity to thoroughly review the latest version and was, therefore, not prepared to support the bill.

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Motion: Councilor Van Bergen moved, Councilor Collier seconded that the Metro Council express opposition to SB990.

Councilor Gardner pointed out that the bill was still in a state of flux and recommended the Council take no action on the bill. Councilor Devlin suggested the matter be tabled.

Vote: The Clerk took a roll call vote, the result of which was:

Ayes: Councilors Bauer, Hansen, Van Bergen and Ragsdale

Nays: Councilors Collier, Devlin, DeJardin, Gardner and Knowles

Absent: Councilors Buchanan, Kelley and Wyers

The motion was defeated.

SB1083: Jeff Gage, member of the Plastics Recycling Task Force said that SB1083 would extend the plastics recycling tax credit. He said that the bill would allow credits for investments in equipment and property for those who do transportation and processing of reclaimed plastic. He said that it would also removes the requirement that the material originate in Oregon.

Motion: Councilor Collier moved, seconded by Councilor Hansen to amend Resolution No. 89-1098 to include support for SB1083.

Vote: All ten councilors present voted in favor of the motion. Councilors Kelley and Wyers were absent.

The motion carried unanimously.

SB424: Councilor Gardner said that the bill proposed a \$2 per ton additional tipping fee to be collected and forwarded to DEQ who would then fund programs for local household and small quantity hazardous waste and recycling. Councilor Gardner said that the Solid Waste Department opposed the bill and he personally opposed the bill.

Motion: Councilor Gardner moved, seconded by Councilor Bauer to express opposition to SB424.

Vote: The vote was unanimous with the ten councilors present all voting aye. Councilors Kelley and Wyers were absent.

The motion carried.

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Vote on Main Motion: The nine councilors voted aye.
 Councilor Van Bergen voted nay.
 Councilors Kelley and Wyers were
 absent.

The motion to adopt Resolution No. 89-1098 as amended carried.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

Councilor Collier announced the Western Council of Governments would be holding their annual meeting August 10, 11 and 12.

Councilor Bauer announced that he intended to introduce a resolution in the Solid Waste Committee in the matter of enhancement fees for the City of Forest Grove. Councilor Hansen said that he encouraged the Council to move expeditiously. Councilor Devlin apologized for his tardiness in arriving late to the meeting and thereby missing the vote on reconsideration.

There was no other business, and the meeting was adjourned at 10:05 p.m.

Respectfully submitted,



Gwen Ware-Barrett
Clerk of the Council

gpwb
cn525.min