

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

April 12, 1990
Regular Meeting

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

Councilors Absent: Roger Buchanan

Presiding Officer Collier called the meeting to order at 5:30 p.m. and announced that minority reports for agenda item numbers 6.1, Ordinance No. 90-338 and 7.1, Resolution No. 90-1232, had been added to the agenda. She said the process would be to hear the minority report first, then the majority report, followed by a public hearing.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Executive Officer Rena Cusma introduced Phil Whitmore representing Tri-Met and Paul Reinhart representing the Winmar Company. She advised the Council that she had asked Messrs. Whitmore and Reinhart to give the Council an informational briefing on the shopping center project planned for Gresham located at the end of the MAX light rail line. Ms. Cusma said that the project had been an important priority for the region for federal funding. Messrs. Reinhart and Whitmore then briefed the Council on "Project Break-Even" a demonstration project utilizing a federal grant to increase ridership and revenue on MAX through joint development projects with the private sector.

4. CONSENT AGENDA

The Presiding Officer announced that the following items were on the Consent Agenda for consideration:

4.1 Minutes of January 25 and February 8, 1990

4.2 Resolution No. 90-1237, Approving a Request for Proposal Document for Marketing Research Services for a Three-Year Period at the Metro Washington Park Zoo

Motion: Councilor Ragsdale moved, seconded by Councilor Gardner to adopt the consent agenda.

Vote: The nine councilors present voted in favor of the motion. Councilors Bauer, Buchanan and Wyers were absent.

The motion carried.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 90-344, For the Purpose of Amending the Regional Transportation Plan Defining the Priority of the Hillsboro Extension of the Westside Corridor

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Intergovernmental Relations Committee for public hearing.

5.2 Ordinance No. 90-346, Amending Ordinance No. 89-294A Revising the FY 1989-90 Budget and Appropriations Schedule for the Purposes of Increased Solid Waste Operations and Establishing a Renewal and Replacement Reserve in the Solid Waste Capital Fund

The Clerk read the ordinance for a first time by title only. The Presiding Officer announced that the ordinance had been referred to the Solid Waste Committee for public hearing.

6. ORDINANCES, SECOND READINGS

6.1 Minority Report for Ordinance No. 90-338, Amending Ordinance No. 89-294A Revising the Budget and Appropriation Schedules for Fiscal Year 1989-90 for the Purpose of Meeting Increased Workload in the Accounting and Data Processing Sections of Finance and Administration

The Clerk read the ordinance by title only for a second time. The Presiding Officer announced that Ordinance No. 90-338 was first read before the Council on February 22, 1990 and referred to the Finance Committee. The Committee held a public hearing on the ordinance on March 19 and by a 3-1 vote recommended the Council adopt the ordinance as amended. She said that Councilor Devlin had at that time served notice of a possible minority report.

Councilor Devlin, member of the Finance Committee presented his minority report. He said that the ordinance before amending, included 9.5 full time equivalent employees (FTE). He said that the ordinance as amended (Ordinance No. 90-338A) would fund 5 FTE. Councilor Devlin said that his proposal (Ordinance No. 90-

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338B) was to fund 7 FTE. He said that this staffing level was consistent with the recommendations of the Budget Committee for FY 1990-91.

Motion: Councilor Devlin moved, seconded by Councilor Gardner to adopt Ordinance No. 90-338B.

Councilor Gardner said that he supported the motion and that the positions were necessary due to the increased workload associated with consolidating exposition-recreation facilities with Metro. Councilor Van Bergen said that he supported phasing in the requested positions. He said that he did not see a need for earlier implementation.

The presiding officer opened the public hearing. No one testified.

Vote: A roll call vote was taken resulting in Councilors Devlin, DeJardin, Gardner, Hansen and Knowles voted in favor of the motion. Councilors Bauer, McFarland, Ragsdale, Van Bergen, Wyers and Collier voted against the motion.

The motion to adopt the minority report failed to carry.

Consideration of Ordinance No. 90-338A, Amending Ordinance No. 89-294A Revising the Budget and Appropriation Schedules for Fiscal Year 1989-90 for the Purpose of Meeting Increased Workload in the Accounting and Data Processing Sections of Finance and Administration

Motion: Councilor Van Bergen moved, seconded by Councilor Devlin to adopt Ordinance No. 90-338A.

Vote: The eleven councilors present voted in favor of the motion. Councilor Buchanan was absent.

The motion to adopt the ordinance carried.

7. RESOLUTIONS

7.1 Minority Report for Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream

Councilor DeJardin said that his proposal was consistent with the intent of the resolution, to reduce solid waste going into the landfill, increase recycling, develop more cooperative relationships between private industry, citizens and government in reaching these goals and encourage education and systems that

make recycling easier. He said that his primary concern with Resolution No. 90-1232A was that it targeted a specific product, disposable diapers. He pointed out that while the Council had stated that the resolution was not a ban, the public would construe it as a ban. Councilor DeJardin said that the resolution was predicated on public education, but the cooperation and resources of the paper industry were also necessary. He said that the paper industry had committed to work with Metro and solid waste collection authorities and others to develop plans for increasing recycling of paper and paperboard products.

Councilor DeJardin pointed out that disposable diapers users were not limited to children. He pointed out that older persons with incontinence problems were also consumers. After Council discussion, Councilor DeJardin withdrew his minority report for the purpose of supporting Resolution No. 90-1232A and proposing amendments.

Consideration of Resolution No. 90-1232, For the Purpose of Reducing the Amount of Disposable Diapers in the Solid Waste Stream

Motion: Councilor DeJardin moved, seconded by Councilor Hansen to adopt Resolution No. 90-1232A.

Councilor Hansen presented the Solid Waste Committee's report and recommendations. Councilor Hansen pointed out that the resolution's purpose was a waste reduction measure to encourage the public to discontinue using disposable diapers and use recyclable cloth diapers. Councilor Hansen pointed out that Resolution No. 90-1232A also sought to encourage a reusable product, and if disposable diapers were used, to encourage composting them as an alternative method of disposal.

The public hearing was opened.

Paul Cosgrove; Portland, OR, said that he represented the American Paper Institute and that the Institute wanted to move forward and work together with Metro toward solutions that made a positive impact on the amount of solid waste that was deposited in the landfills. He said that he felt that Metro should educate the public about the environmental impacts of choices between diapering products and that the education should be factual and balanced.

Mr. Cosgrove said that he felt that the third "Whereas" clause of the resolution that recited ". . . average baby requires approximately 3,120 diaper changes a year. . ." was not an accurate statement. He said that the Institute also supported

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amending recital 2. in the "Be It Resolved" section of the resolution, because as written, the resolution implied that the total environmental costs and impacts of cloth diapers was less than disposable diapers. Mr. Cosgrove said that information provided by the National Resources Defense Council did not conclude that environmental impacts of cloth diapers were less than disposable diapers. Mr. Cosgrove also recommended that the resolution include another recital in the "Be It Resolved" section stating clearly that the resolution was not a ban on disposable diapers. The language he supported was "That Metro recognizes that recycling, including composting of disposable diapers is better solid waste policy than a ban."

Councilor Hansen pointed out that the Solid Waste Committee had not addressed a ban or recycling in regard to disposable diapers. He asked Mr. Cosgrove to explain how he planned to use the proposed language with other governments. Mr. Cosgrove replied that the intent was to clarify regarding whether the resolution was or was not intended to be a ban. He also explained that there were disposable diaper recycling projects and he intended to use the resolution as a whole as the official policy of Metro on this issue.

In answer to a question raised by Councilor Van Bergen, Mr. Cosgrove stated that the National Resources Council was an environmental organization active in solid waste, air pollution and water quality issues. He also stated that the organization was an environmental organization and not a joint business/environmental organization. Councilor Ragsdale asked Mr. Cosgrove if he had any objection to deleting the words "to the maximum extent feasible" in the sixth recital of the "BE IT RESOLVED" section of the resolution. Mr. Cosgrove said that he did not object.

Councilor Knowles quoted a portion of a letter dated April 11, 1990 from the James River Corporation addressed to Councilor DeJardin. He said that the letter stated "My company is anxious to work with Metro to make sure that our collection and disposal systems, and educational efforts, achieve the best possible results in recycling paper products and preventing reusable paper fibers from being deposited in our landfills." Councilor Knowles asked Mr. Cosgrove if that commitment would be in effect whether or not the amendments Mr. Cosgrove prepared were adopted. Mr. Cosgrove stated that the commitments were in force and would remain in force. He said that the intent of the amendments was to move beyond an adversarial role into one of cooperative effort.

Ron Lustik; Proctor & Gamble, Cincinnati, OH, said that he was chairman of The Diapers Manufacturing Group which represented 12

companies that made 70 percent of the diapers sold in the United States. He said that his group was interested in working with Metro and other groups to solve solid waste problems. He said that Proctor & Gamble was involved in a diaper compost project and would soon begin a project to study the recyclability of disposable diapers. When asked if he supported the proposed amendments, Mr. Lustik said that in the interest of accuracy and clarity, he did.

Tom Novick; Citizens for Cloth Diapers; Portland, OR, submitted written testimony and said that his organization was composed of individuals representing environmental concerns, health care professionals, child care professionals and the recycling community. He said that the group's purpose was to help inform the public of the effects of disposable diapers on the environment. Mr. Novick said that his group supported Resolution No. 90-1232A, but did not support the amendments proposed in the minority report.

In regard to composting disposable diapers, Mr. Novick pointed out that questions regarding collection and separation of disposable diapers needed to be examined. He also stated that he did not feel it was necessary to amend the resolution to specifically state that the resolution was not a ban and that he felt that information could be conveyed by means of press releases and educational information.

Mal Bellafronto; Vice President of Operations, Pope & Talbot; Portland, OR, said that his company was the fourth largest producer of disposable diapers in the country and was the seventh largest producer of tissue products in the country. Mr. Bellafronto said that all of his company's paper products were made with 100 percent recycled fibers. Mr. Bellafronto expressed general support for the resolution and particular support for consumer education and composting as a desirable solid waste management policy.

Steffanie Anderson; Babyland Diaper Service; Portland, OR, testified in favor of Resolution No. 90-1232A. She said that she felt that the proposed amendments to the resolution confused rather than clarified the issue. She said that with the approach of Earth Day, she felt it an appropriate time for Metro to advance the resolution. Ms. Anderson also commented on the number of cloth diapers as opposed to disposable diapers the average baby would use per year. She said that she thought the figures should be about the same.

Dale Sherbourne; Concerned Citizens for Waste Water Management; Portland, OR, said that he felt that a fee on disposable diapers could help fund projects to divert disposable diapers to the

composter. He suggested establishing separate collection cans at public places for the soiled products.

The public hearing was closed.

1st Motion to Amend: Councilor DeJardin moved, seconded by Councilor Devlin to amend Resolution No. 90-1232A to delete the third "Whereas" clause. [Whereas, The average baby requires approximately 3,120 diaper changes a year and which results in over 1,000 pounds of waste per child; and]. (Bracketed language is deleted.)

There was considerable Council discussion regarding an accurate figure for the number of diaper changes per year. Councilor Devlin emphasized that he felt that if the resolution contained a figure, it should be a supportable figure. Councilors Gardner and Bauer said that they felt that having a figure in the resolution demonstrated the magnitude of the figure. Councilor Knowles and Gardner said they supported replacing the figure of 3,120 with a range.

Vote on Amendment: A roll call vote was taken, resulting in Councilors Devlin, DeJardin, Ragsdale and Van Bergen voting in favor of the motion. Councilors Bauer, Gardner, Hansen, Knowles, McFarland Wyers and Collier voted against the motion. Councilor Buchanan was absent.

The motion failed to carry.

2nd Motion to Amend: Councilor Gardner moved, seconded by Councilor Wyers to amend the third "Whereas" clause of the resolution to read ". . . average baby requires approximately 2,000 to 2,500 diaper changes . . ."

Councilors Bauer and Van Bergen questioned whether the range quoted would still generate over 1,000 pounds of waste per child. Councilor Ragsdale suggested that a different approach would be to relate the tons of solid waste going into the waste stream generated by disposable diapers to a figure per child rather than the average number of changes per year.

Vote on 2nd Motion to Amend: Councilor Wyers voted aye. The ten other councilors present voted nay. Councilor Buchanan was absent.

The amendment failed to carry.

3rd Motion to Amend: Councilor Ragsdale moved, seconded by Councilor DeJardin to amend the third "Whereas" clause to read "WHEREAS, Using disposable diapers, the average baby contributes over 1,000 pounds of waste per child per year, and"

Vote on 3rd Motion to Amend: Ten councilors voted in favor of the motion. Councilor Van Bergen voted nay, and Councilor Buchanan was absent.

The motion carried.

4th Motion to Amend: Councilor DeJardin moved, seconded by Councilor Devlin to amend recital 2. of the "Be It Resolved" section to read: "That Metro shall actively encourage [the use of environmentally sound alternatives to disposable diapers] consumers and institutions to consider costs and environmental impacts in their selection of diapering products." (Brackets indicate deleted language; underlines indicate added language.)

Vote on 4th Motion to Amend: A roll call vote was taken resulting in Councilors Devlin, DeJardin, Gardner, Ragsdale and Van Bergen voted in favor of the amendment. Councilors Bauer, Hansen, Knowles, McFarland, Wyers and Collier voted nay. Councilor Buchanan was absent.

The amendment failed to carry.

5th Motion to Amend: Councilor Devlin moved, seconded by Councilor Gardner to strike the words "environmentally sound" in the second recital in the "Be It Resolved" section.

Vote on 5th Motion to Amend: A roll call vote was taken, resulting in Councilors Devlin, DeJardin, Gardner, Hansen and Ragsdale voting aye. Councilors Bauer, Knowles, McFarland, Van Bergen, Wyers and Collier voted nay. Councilor Buchanan was absent.

The motion failed to carry.

6th Motion to Amend: Councilor DeJardin moved, seconded by Councilor Bauer to add an eighth recital to the "Be It Resolved" section as follows: "8. That Metro recognizes that recycling, including composting, of disposable diapers is better solid waste policy than a ban."

Vote on 6th Motion to Amend: A roll call vote was taken resulting in Councilors DeJardin, Ragsdale and Van Bergen voting aye. Councilors Devlin, Gardner, Hansen, Knowles, McFarland, Wyers and Collier were absent. Councilor Bauer abstained, and Councilor Buchanan was absent.

The motion failed to carry.

7th Motion to Amend: Councilor Ragsdale moved, seconded by Councilor Gardner to amend the resolution in the "Be It Resolved" section as follows: 1) in the first recital, change the word establish to establish~~es~~, and delete the words "to the maximum extent feasible;" 2) in the sixth recital, delete the words "to the maximum extent feasible;" 3) in the seventh recital, delete the words "be empowered to;" 4) change subsection "b." of the seventh recital to recital number 8., and amend to read: "The Solid Waste Policy Advisory Committee shall . . .;" 5) rename recital 7c. to 7b.; and throughout the resolution change landfill to landfill~~s~~.

Vote on 7th Motion to Amend: The eleven councilors present voted aye. Councilor Buchanan was absent.

The motion carried.

Councilor Van Bergen said that he felt source separation should be encouraged. Councilor Devlin asked the record to reflect that while he would support the resolution he was uncomfortable with the words "environmentally sound" and that he felt more thorough documentation with supportable evidence should have been done.

Vote on Main Motion: Ten councilors voted in favor of the motion. Councilor DeJardin voted against the resolution, and Councilor Buchanan was absent.

Resolution No. 90-1232A was adopted as amended.

Presiding Officer Collier recessed the Council at 8:30 p.m. and reconvened the meeting at 8:35 p.m.

7.2 Resolution No. 90-1233, For the Purpose of Approving Projects and Programs for the One Percent for Recycling Program 1989-90 Fiscal Year

Councilor Wyers reviewed the Solid Waste Committee's report and recommendations contained in the Council agenda packet. She noted that ten projects were selected for funding from the 52 proposals submitted. She pointed out that two individuals in the solid waste collection and recycling business had objected to the funding of a materials collection vehicle on the basis that they felt the project did not meet the funding criteria and would create unfair competition. Councilor Wyers said that the Advisory Committee felt that since the collection vehicle included a plastic grinder to granulate plastic collected on collection routes, it met the funding criteria.

Councilor Ragsdale said that he felt with the increase in the size of the Solid Waste Department budget, the One Percent for Recycling Programs should be re-evaluated. Councilor Gardner said that the Budget Committee had considered that issue. Councilor Wyers said that the program and criteria would be reviewed and re-examined in the upcoming fiscal year.

Motion: Councilor Wyers moved, seconded by Councilor DeJardin to adopt Resolution No. 90-1233.

Vote: The eleven councilors present voted in favor of the motion. Councilor Buchanan was absent.

The motion carried.

8. COUNCILOR COMMUNICATIONS & COMMITTEE REPORTS

8.1 Budget Committee Report

Councilor Van Bergen complimented the Council, Budget Committee and staff on their efforts. He said that he particularly appreciated the fact that deadlines were met. Councilor Van Bergen said that the public hearings on the budget had concluded, and the Committee would have a final review of the budget on April 19.

8.2 Update on Zoo Ballot Measures Campaign

Councilor Gardner said that the campaign was progressing well, and phone banks were running four nights per week. He said that the campaign committee had set a goal of \$150,000. He also noted that the Oregonian had endorsed the measure.

In other Councilor communication, Councilor Ragsdale announced that the Intergovernmental Relations Committee would hold an informational meeting on April 24 to discuss a ban on phosphate detergents.

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Council Administrator Carlson announced the Council would hold a special meeting on May 3 to consider the budget.

There was no other business, and the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Gwen Ware-Barrett

Gwen Ware-Barrett
Clerk of the Council