

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

March 28, 1991

Council Chamber

Councilors Present: Tanya Collier (Presiding Officer), Jim Gardner (Deputy Presiding Officer), Larry Bauer, Roger Buchanan, Richard Devlin, Tom DeJardin, Sandi Hansen, Ruth McFarland, Susan McLain and George Van Bergen

Councilors Absent: David Knowles and Judy Wyers

Presiding Officer Collier called the regular 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

Don Rocks, Executive Assistant, briefed the Council on the Metro-Riedel Composter dedication event held March 28.

4. CONSENT AGENDA

4.1 Minutes of February 14, 1991

4.2 Resolution No. 91-1408, For the Purpose of Certifying that the Portland Metropolitan Area is in Compliance with Federal Transportation Planning Requirements

Motion: Councilor DeJardin moved, seconded by Councilor Buchanan, for adoption of the Consent Agenda.

Vote: All Councilors present voted aye. Councilors Hansen, Knowles and Wyers were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-383, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Identify Options for Implementing Local Government Facility Siting Standards

The Clerk read the ordinance for a first time by title only.

Presiding Officer Collier announced Ordinance No. 91-383 had been referred to the Solid Waste Committee for consideration.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-386C, For the Purpose of Amending Metro Chapter Code 5.02, Establishing Solid Waste Disposal Rates for FY 1991-92 (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Collier announced the first reading of the ordinance was held on February 28 and referred to the Solid Waste Committee which considered the ordinance on March 5 and 19 and then referred it to the Finance Committee for consideration. The Finance Committee recommended the ordinance for adoption on March 21.

Motion: Councilor McFarland moved, seconded by Councilor Buchanan, for adoption of the ordinance.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. Councilor McFarland explained solid waste disposal rates would increase effective July 1, 1991 from \$54 to \$66.75 per ton at all Metro solid waste facilities except for the St. Johns Landfill, and from \$47 to \$48.75 at the Landfill. She said the rate for source-separated yard debris would increase from \$25 to \$49 per ton. She said the rate would include the excise tax figured at 5.6 percent, but would not include the Department of Environmental Quality (DEQ) \$.50 per ton promotion fee and \$.25 per ton orphan site fee.

Councilor McFarland said the solid waste disposal rate was increasing because of the added costs of shipping and disposing of waste at the Columbia Ridge Landfill; the added capital and operating expenses for Metro Central Station and the Metro-Riedel Composter facility; construction of Household Hazardous Waste (HHW) facilities at Metro South and Metro Central Stations as well as factoring in a small allowance for operations for a future Washington County facility. Councilor McFarland noted in addition to the changes listed above, the ordinance further defined rate terminology, contained a more detailed definition of special waste, and eliminated reference to the certification non-compliance program for local jurisdictions.

Councilor McFarland said issues discussed by the Solid Waste Committee included whether the annual budget should be approved before the rates were set or vice-versa. She said rates were set

based on a projection of revenue from anticipated tonnage, and based on projected Solid Waste Department expenses. She said many of those expenses were already fixed by contract. She said even for the part considered discretionary funding, the Council would have to make major program reductions to impact the rate. She said it was good public policy, if the Council was going to approve rates based in part on expense projections, for the Council should approve those expenditures first. She said if the budget had been approved before the rates this fiscal year, that would have meant delaying the ordinance effective date which would create problems for haulers in their local rate setting processes, or or otherwise waiving the 65 day effective date required by state law for ordinances. Councilor McFarland said the Solid Waste Committee decided not to change the order of budget and rate approval this year, but said the issue would arise again next year.

Councilor Devlin gave the Finance Committee's report and recommendations. He said the Finance Committee shared the same concerns about adoption of the rate before the budget was set. Councilor Devlin noted Metro Code Section 5.02.011 indicated the excise tax included in the rate was set at 5.8 percent. He said the difference between the 5.6 percent cited by Councilor McFarland would go to Solid Waste unappropriated funds. He said over 88 percent of excise tax revenue was derived from solid waste disposal rates and said the bulk of costs were on solid waste system users. He said if less than the 5.61 percent rate was necessary the excise tax should be set at that rate, utilized at the lesser rate, and the difference could go into the General Fund unappropriated balance and the 6 percent limitation called for in the Metro Code could be maintained.

Presiding Officer Collier opened the public hearing.

No one present appeared to testify and the public hearing was closed.

Vote: All Councilors present voted aye. Councilors Knowles and Wyers were absent. The vote was unanimous and Ordinance No. 91-386C was adopted.

6.2 Ordinance No. 91-389, For the Purpose of Exempting the Oregon Convention Center Grand Opening from the Provisions of Metro Code Chapter 7.01 Excise Tax (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Collier announced the first reading of the ordinance was held on March 14 and referred the ordinance to the

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Finance Committee which recommended it to the full Council for adoption on March 21.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of the ordinance.

Councilor Hansen gave the Finance Committee's report and recommendations. Councilor Hansen explained the Metropolitan Exposition-Recreation Commission (MERC) did not anticipate revenues to the Convention Center during the FY 1990-91 Budget process or the estimated potential \$37,397 in excise tax revenue for the FY 1990-91 General Fund. She said adoption of the ordinance would not adversely affect the budgeted General Fund revenue.

Presiding Officer Collier opened the public hearing.

No one present appeared to testify and the public hearing was closed.

Vote: All Councilors present voted aye. Councilors Knowles and Wyers were absent. The vote was unanimous and Ordinance No. 91-389 was adopted.

6.3 Ordinance No. 91-392, Amending Ordinance No. 91-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding the Charter Commission (Public Hearing)

The Clerk read the ordinance for a second time by title only.

Presiding Officer Collier announced the ordinance first reading was held on March 14 and referred to the Governmental Affairs and Finance Committees both of which considered the ordinance on March 21, and both of which recommended the ordinance to the full Council for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor Hansen, for adoption of the ordinance.

Councilor DeJardin gave the Finance Committee's report and recommendations.

Presiding Officer Collier opened the public hearing.

No one present appeared to testify and the public hearing was closed.

Councilor Bauer said the ordinance would amend the FY 1990-91 Budget but noted the Charter Commission had not yet been formed. Councilor Devlin explained funds necessary for the Charter Commission would be transferred to another government agency and funds not spent in FY 1990-91 would be carried over to the next fiscal year.

Vote: All Councilors present voted aye. Councilors Knowles and Wyers were absent. The vote was unanimous and Ordinance No. 91-392 was adopted.

7. RESOLUTIONS

7.1 Resolution No. 91-1407, For the Purpose of Approving the FY 1992 Unified Work Program (UWP)

Motion: Councilor Devlin moved, seconded by Councilor Gardner, for adoption of the resolution.

Councilor Devlin gave the Transportation and Planning Committee's report and recommendations. He said at Committee it was noted the UWP was consistent with the Transportation Department's proposed FY 1991-92 Budget except for funding identified for the TIGER mapping project. He said Metro's proposed budget showed TIGER would cost \$300,000 while the UWP showed only \$40,000. He said Transportation Department staff said the difference reflected expectations for federal funds available to support TIGER at \$40,000, versus projected total requirements at \$300,000. He said staff also noted the UWP had a \$30,000 shortfall for which staff would examine Metro's Local Government Dues or Federal Aid Urban (FAU) funds to cover.

Vote: All Councilors present voted aye. Councilors Knowles and Wyers were absent. The vote was unanimous and Resolution No. 91-1407 was adopted.

7.2 Resolution No. 91-1419A, Endorsing Concepts in the Proposed Transportation Planning Rule of the Land Conservation and Development Commission and Submitting Comments

Motion: Councilor Gardner moved, seconded by Councilor Devlin, for adoption of the resolution.

Councilor McLain gave the Transportation and Planning Committee's report and recommendations. Councilor McLain discussed amendments made at Committee and noted resolution language on moving people and goods was the main goal with regard to transportation needs. Councilor McLain said public testimony had been helpful to specific direction on what should take place.

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She said linking land use and transportation issues should be taken seriously.

Councilor Devlin said because of time constraints on the comments to LCDC, there had been no opportunity to have the Joint Policy Advisory Committee on Transportation (JPACT) and the Transportation Policy Advisory Committee (TPAC) review the resolution and said the resolution did not include their recommendations.

Councilor Van Bergen said the issues were new ones for Metro and should really be presented in ordinance form. He said eventually these issues would be changed and expanded upon. Councilor Gardner agreed with Councilor Van Bergen on the importance of the administrative rule. He said the state would develop guidelines for new jurisdictions to do their transportation planning. Councilor Van Bergen said small communities would view that responsibility as a burden. Councilor Gardner clarified the rule language of "system components" related to impacts on smaller local governments, but said the rule was designed to address bigger, not smaller governments. Councilor Devlin said the Committee recommendation was qualified to apply to major issues only. Councilor McLain said Metro as a regulatory government did a very good job stating its plans for transportation and planning.

Vote: All Councilors present voted aye. Councilors Knowles and Wyers were absent. The vote was unanimous and Resolution No. 91-1419A was adopted.

6.1 Ordinance No. 91-386C, For the Purpose of Amending Metro Chapter Code 5.02, Establishing Solid Waste Disposal Rates for FY 1991-92 (Public Hearing Continued)

Presiding Officer Collier noted a citizen had arrived who wished to testify on Ordinance No. 91-386C. Presiding Officer Collier opened the public hearing again.

Gaylen Kiltow, 4810 NE 40th, Portland, said he was a hauler who worked in Southeast Portland. He said he attended a meeting on special waste one month previously at the Oregon Convention Center. He said he received a letter on special waste and he believed Metro was handling special waste issues incorrectly. He noted haulers were told only after entering solid waste facilities that certain types of special waste were unacceptable. He said Metro should sponsor an aggressive educational program for the public on special waste. He said the public did not know what did and what did not constitute special waste and said once a customer put special waste in the can, it was too late. He

said he asked Sam Chandler, Solid Waste Facilities Manager, if Metro Public Affairs staff were present at meeting one before and was told one Public Affairs staffperson was present. He said other jurisdictions had not been contacted about the meeting at the Oregon Convention Center. Mr. Kiltow said other jurisdictions should have been invited so they inform their citizens about what was going on. Mr. Kiltow said he was probably one of the few haulers who distributed flyers to his customers informing them about Metro HHW days.

Presiding Officer Collier asked Mr. Kiltow for improvements he could recommend to alleviate the problems he had raised. Mr. Kiltow suggested Metro supply haulers with flyers to distribute to their customers and to contact other jurisdictions Public Affairs departments. He said all jurisdictional Public Affairs bureaus should perform the same activities and be aware of what other bureaus were doing. Presiding Officer Collier asked Mr. Kiltow to contact Council staff about discussing the issues he raised at a Solid Waste Committee meeting.

8. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Hansen discussed the Metro-Riedel dedication ceremony.

Councilor Van Bergen discussed the Budget process to-date. He said it would be difficult to attend the Monday, April 1, daytime meeting scheduled by the Washington County Solid Waste Systems Design Steering Committee to brief involved entities on the technical analysis for the proposed Metro West Station. The Council and Council staff discussed possible alternative times for which a second briefing could be scheduled for those unable to attend the Monday meeting.

Councilor Devlin gave an update on State Legislature activity and legislation.

Councilor McLain discussed the need for a possible interim plan to fill the void from HHW days until transfer stations had their own HHW depots on-site.

9. EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(d) to Consult with Labor Negotiators

The Executive Session began at 6:35 p.m.

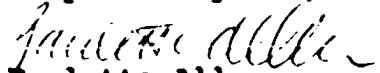
Those present were: Councilors Hansen, Devlin, McFarland, Gardner, Collier, Bauer, Buchanan, McLain and Van Bergen; Mike Brock, Labor Relations Analyst; Kim Huey, Acting Personnel Manager; Larry Shaw, Legal Counsel; Jennifer Sims, Manager of

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**Finance & Administration; Dan Cooper, General Counsel; Don
Carlson, Council Administrator; and Jim Meyer, The Oregonian.**

**The Executive Session ended at 6:54 p.m. and Presiding Officer
Collier adjourned the Council meeting at that time.**

Respectfully submitted,



Paulette Allen
Clerk of the Council