

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

June 13, 1991

Council Chamber

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

Councilors Absent: None

Also Present: Executive Officer Rena Cusma

Presiding Officer Collier called the regular meeting to order at
5:35 p.m.

Presiding Officer Collier announced Agenda Item No. 3, Executive
Officer Communications, had been scheduled after consideration of
Agenda Item No. 7.1, Resolution No. 91-1437A. She announced
Cliff Carlsen, chair, Metro's Public Policy Advisory Committee on
Regional Facilities would brief the Council on that committee's
activities to date under Executive Officer Communications.

Presiding Officer Collier announced an Executive Session had been
added to the agenda and would be considered as Agenda Item No. 8
before Agenda Item 9, Councilor Communications and Committee
Reports.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. CONSENT AGENDA

4.1 Resolution No. 91-1470, Supporting Tualatin River Discovery
Day and Its Goals of Recreation and Preservation

Motion: Councilor DeJardin moved, seconded by Councilor
Wyers, for adoption of the Consent Agenda as
listed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain, Van Bergen, Wyers and Collier voted aye. Councilors Bauer and Knowles were absent. The vote was unanimous and the Consent Agenda was adopted.

5. ORDINANCES, FIRST READINGS

5.1 Ordinance No. 91-406, For the Purpose of Amending Ordinance No. 88-266B Adopting the Regional Solid Waste Management Plan to Incorporate the Illegal Dumping Chapter

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

Presiding Officer Collier announced Ordinance No. 91-406 had been referred to the Solid Waste Committee for consideration.

5.2 Ordinance No. 91-407, For the Purpose of Amending Metro Code Sections 2.01.070, 2.01.090, 2.01.120, 2.01.130 and 2.01.140 Relating to Conduct of Debate at Council Meetings, Receipt of Public Testimony at Council Meetings and Consideration of a Consent Agenda at Council Meetings and Standing Committees of the Council

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

Presiding Officer Collier announced Ordinance No. 91-407 had been referred to the Governmental Affairs Committee for consideration.

5.3 Ordinance No. 91-408, For the Purpose of Amending the Planning Procedure for Designating Functional Planning Areas and Activities

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

Presiding Officer Collier announced Ordinance No. 91-408 had been referred to the Transportation & Planning Committee for consideration.

Presiding Officer Collier called a recess at 5:36 p.m. The Council reconvened at 5:45 p.m.

7. RESOLUTIONS

7.1 Resolution No. 91-1437A, Establishing Policy for Development of the Washington County Solid Waste System Chapter to the Regional Solid Waste Management Plan

Main Motion: Councilor Gardner moved, seconded by Councilor Wyers, for adoption of Resolution No. 91-1437A.

Councilor Gardner gave the Solid Waste Committee's (SWC) report and recommendation. He said the SWC on May 22 voted 3 to 1 in favor to recommend the Council adopt the resolution as amended. He said the resolution established the policy to be used while developing the Washington County chapter of the Regional Solid Waste Management Plan (RSWMP). He said those policies were the result of two years of work performed by the Washington County Steering Committee (Steering Committee) and recommended to Metro.

Councilor Gardner explained Solid Waste Committee amendments. He said the Steering Committee had recommended policy to develop a solid waste system to serve the Washington County portion of the region or the west waste shed. He said the Committee amended the process Metro would use to determine how and who would construct a transfer station in the Wilsonville area to serve that portion of Washington County. He said the amendment provided for a competitive Request for Proposals (RFP) process by Metro and that proposers would be asked to submit two proposals: 1) A proposal for a privately-owned franchise station; and 2) A proposal for a publicly-owned transfer station under a turn-key arrangement in which a proposer would design and build a station which would undergo performance testing. He said when it was finished and ready for operation, ownership would transfer to Metro. He said part of the proposal would be for a three-to-five year contract for the designing firm to operate the transfer station after which Metro would rebid the transfer station's operations contract. He said the amendment would allow the Council to determine if Metro West Station should be publicly or privately owned. He said other recommendations made by the Steering Committee still stood as to the possible number and size of transfer stations. He said the issue to be decided was whether ownership decisions could be delegated to groups other than Metro and whether that decision was made two to three years previous to when the Steering Committee began work.

Councilor Gardner referred to a June 1988 meeting at which four current Councilors, Executive Officer Cusma, Planning & Development staff, and the Solid Waste Policy Advisory Committee were present. He said at that meeting consensus was reached on the local option. He said that meant Washington County could

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form their own group and decide how solid waste should be handled in their part of the region and then submit that plan to Metro. He said that agreement stated Metro would evaluate and accept all options found to be consistent with RSWMP. He recalled a discussion regarding when the local option plan came back as to who would decide it was consistent with regional policy and said the consensus was that Metro would decide because Metro was giving up the option to plan disposal details for that part of the region. He said the local solution had to meet clear and objective standards.

Councilor Gardner said the Council had been told by the Steering Committee, Planning & Development staff and the Executive Officer the plan was consistent with RSWMP and with regional solid waste policy. He said among questions to be asked were whether such decisions could be made by other parties or whether it was the Council's decision to make. He said Council's right to decide whether the plan was consistent with the RSWMP and other policies. He said those questions were reflected in the amendments made at Committee related to Metro West Station ownership. He said the Solid Waste Committee had amended the resolution to make the procurement process an open and competitive one and decided after the proposals were submitted, Metro would decide then if a privately or publicly owned transfer station would best serve the region.

Motion to Substitute Minority Report for Main Motion:

Councilor DeJardin moved, seconded by Councilor Devlin, to substitute Resolution No. 91-1437B for Resolution No. 91-1437A.

Councilor DeJardin said Resolution No. 91-1437B would amend Resolution No. 91-1437A as recommended by the Solid Waste Committee on May 21. He said Resolution No. 91-1437B eliminated the option for ownership of the transfer station to be located in eastern Washington County, to be decided during procurement, and eliminated the two different procurement processes. He said Resolution No. 91-1437B recognized the need for Metro to maintain the ability to provide for facility changes during a long-term ownership/operations franchise agreement by identifying Metro's authority to do so. He said the purpose of Resolution No. 91-1437B was to establish Metro policy and support for Washington County's solid waste plan that was consistent with Metro past action.

Councilor DeJardin said a great deal of time, energy and money had been spent on the issue before the Council. He appreciated Councilor Gardner's report and the issues he raised, but noted the solid waste disposal problems Metro had faced in previous

years. He noted the St. Johns Landfill was reaching capacity in 1988 and neither Metro nor the State of Oregon could site a new landfill. He said the State's super siting authority had failed. He said Oregon City threatened to close Metro South Station because it was over-capacity then and still was. He said the Environmental Quality Commission (EQC) had imposed a Stipulated Order (SO) on Metro's waste reduction efforts and said planning for Metro East Station was a year behind schedule at the time. He said as a result, the Council joined with the Executive Officer to ask local governments for their assistance. He said a series of meetings and workshops were held between local government officials, Metro Councilors and Metro's Executive Officer in an attempt to initiate a regional cooperative working effort. He said the most significant of these meetings was held on June 4, 1988, between the Metro Council, the Solid Waste Policy Advisory Committee comprised of local government officials, the Metro Executive Officer, the Department of Environmental Quality (DEQ) and the City of Portland. He said discussion at this meeting provided the framework for the solid waste planning policies which were adopted unanimously by the Metro Council in October 1988 and incorporated into RSWMP. He said those agreements were now Metro policy and remained valid until changed through official Council action and said the Council had not changed such policy.

Councilor DeJardin said since the June 1988 meeting, the region had leaped forward in effective waste reduction efforts. He said every local government in the region currently had in place their own waste reduction plan which identified tasks, timelines and budgets and said local jurisdictions were fulfilling their portion of the regional waste reduction program. He said such events represented a huge reversal from the situation in 1988 when Metro had threatened local governments with penalties if they did begin waste reduction activity. He said Metro was considered a leader in the nation in the field of waste reduction because of its cooperation with local governments.

He said Metro's success in solid waste management over the last four years was commendable. He said Washington County had worked with Metro since the initiation of the cooperative decision-making process on solid waste issues. He said Washington County carried out Metro's plan over the previous four years. He said Washington County had developed an excellent yard debris program in response to EQC's rule on yard debris and had actively worked with Metro to provide appropriate zoning for solid waste facilities throughout Washington County, although the Council itself had not yet passed the model zoning ordinance for solid waste facilities. He said the model zoning ordinance was first presented to the Solid Waste Committee on April 2, 1991 and

recommended for adoption by the SWC on May 7 and said final Council action on the ordinance was anticipated in June. He said given the fact that the Council had not yet adopted the model zoning ordinance, it was not possible to hold local government responsible for amending their ordinances to provide appropriate zoning for solid waste facilities. He said local governments had developed their model zoning ordinance in conjunction with Metro. He said Washington County had also brought to Metro a comprehensive transfer material recovery plan system. He said Washington county's relationship with Metro had been a good one.

Councilor DeJardin discussed six policy issues related to Metro and the plan proposed by the Steering Committee. He said Resolution No. 91-1437A was not consistent with the six policies adopted via Ordinance No. 88-266B and Resolution Nos. 89-1156, 90-1263, 90-1250A, and 90-1358B. He said the issues involved more than the procurement process alone and whether ownership was private or public. He reiterated Washington County had carried out every aspect of their plan as originally promised to Metro. He said Resolution No. 91-1437A was not consistent with Washington County's proposed plan or Metro adopted policy. He said the resolution was not consistent with Ordinance No. 88-266B because it was not based on or supported the findings of the technical analysis (TA). He said Resolution No. 91-1437A required the public turn-key ownership option for one of the two transfer facilities, stated procurement for that facility would be via an RFP process, and said such action would not be consistent with Metro policy. He said Resolution No. 91-1437B was consistent with Metro policy and relied on the findings of the TA. He said most important of all was Resolution 90-1250A which specifically stated, "the Council authorized the private versus public ownership analysis on the Washington County system components to be conducted during the planning phase and states its intention to make a decision on this issue prior to commencement of the procurement phase."

Councilor DeJardin said Resolution No. 91-1437A ensured ownership decisions would be made during the procurement phase and said that was not consistent with Metro policy. Councilor DeJardin said the most important aspect of the public/private issue was vested interest. He said an applicant might have a vested interest because the site could be contaminated or because of other related issues. He said the public interest must be protected. He said staff and the consultants conducted a thorough analysis on ownership issues. He said the Steering Committee's recommended plan was consistent with such analysis. Councilor DeJardin said he dwelt on policy in his presentation of Resolution No. 91-1437B because the Metro Council was a policy-making body. Councilor DeJardin said the community

expected Metro to follow its own policies. He said based on the TA, the decision on ownership should adhere to Washington County's stated preference for private ownership. He said there was no technical justification for delaying ownership decisions on the larger transfer station in Washington County and said there was no rationale for allowing the smaller transfer station to be privately owned while the larger one was not. He said some Councilors expressed concern about Metro Code franchise language and asked, if the station were privately owned if the Council would have any authority to modify the station/system as improved technology developed in the future. He said under Metro's franchise code, Metro would have the necessary authority to write a franchise agreement with the private sector which explicitly stated Metro's control and ability to cause necessary changes to facility capital improvements, methods, and operations.

Councilor DeJardin said the real issue did not center on ownership but related to set up and management of the over-all waste reduction program for the region.

Councilor DeJardin noted Resolution No. 91-1437A recommended a competitive long-term franchise process for the smaller transfer station in Forest Grove and an RFP with a turn-key ownership option for the larger station, possibly to be located in Wilsonville. He said that recommendation was not based on the TA and would result in a cumbersome and unfair procurement process because the turn-key option would limit public competition and noted Metro Central Station as a turn-key facility had not led to substantial cost savings. He said Resolution No. 91-1437A's recommended procurement process followed the same guidelines as those used for Metro Central Station.

Councilor DeJardin said Resolution No. 91-1437B said language was added to page 1, sixth WHEREAS, which stated: "Chapter 13 of the Regional Solid Waste Management Plan establishes criteria for determining the form of facility ownership that best serves the public interest, including that facilities must be able to adjust to changing circumstances which may require capital improvements..." He said also added on page 2 to BE IT RESOLVED Section No. 1, "...to ensure that the Washington County Plan is consistent with the Regional Solid Waste Management Plan." He said language added to Page 4, 1(e) stated: "Public/private financing; with option for Metro to sponsor Revenue Bonds with a limited Metro pledge..." and eliminated other language. He said under (f) language was eliminated that stated: "private financing costs do not exceed financing costs for an identically priced facility finance through Metro limited pledge private activity bonds, and the only increase in operating costs is due

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to the payment of local property taxes. Councilor DeJardin discussed other language as revised from Resolution No. 91-1437A. Councilor DeJardin explained Resolution No. 91-1437A was changed to be consistent with the plan as submitted by the Steering Committee and Metro policy. Councilor DeJardin said Resolution No. 91-1437A stated on page 6: "These policies are identified as the preferred policy options in the April, 1991 Policy and Technical Analysis for the Washington County System Plan. These policies represent the conclusion of the analysis conducted on various solid waste system options for Washington County."

Councilor DeJardin discussed Councilor Gardner's June 10 memorandum "Comments on Minority Report on Resolution No. 91-1437A." He said in response to the memo's statement: "It is fundamentally inconsistent with Metro statutory responsibilities and the regional plan for Metro to obligate itself to defer to local government recommendations on broad regional system management issues," that Metro was not deferring but delegating responsibilities in this instance. He said Councilor Gardner had also stated: "with the composter and Metro Central in place the system is not in crisis." Councilor DeJardin disagreed with that assessment and noted again Metro South was over-capacity and cited transportation difficulties to Metro Central. Councilor DeJardin asked for the Council's unanimous support of Resolution No. 91-1437B.

Presiding Officer Collier opened the public hearing.

Mayor Gussie McRoberts, City of Gresham, discussed the importance of regional cooperation. She said those who had served on Metro's Urban Growth Management Policy Advisory Committee for the past two years struggled to define Metro's and local government's roles in future regional planning. She said progress had been made because that committee believed the Council could be trusted to follow the rules agreed upon by all parties involved. She said the Council had previously ruled local jurisdictions could develop their own solid waste plans. She said Metro staff had determined Washington County's plan met the criteria previously established to handle such plans. She expressed concern that if Metro violated its previous commitment with local governments on solid waste issues, it would be difficult to gain consensus and move forward with the Regional Urban Growth Goals and Objectives (RUGGO). She urged the Council to think about such issues when voting on either Resolution No. 91-1437A or Resolution No. 91-1437B.

Councilor Gardner agreed with Mayor McRoberts on regional consensus on growth management. He said the debate at this meeting centered on what rules were agreed upon by the parties

involved two or three years ago. He said all parties hoped to achieve the same goals. He said it was important rules be developed and understood by all so that if they were not followed all involved parties would know. He said such rules made in the past were fuzzy at best and the result were two different understandings of what the rules were. He said the fault was in not writing clear rules two years ago.

Councilor Bauer thanked Mayor McRoberts for her testimony because she addressed the main point which was consensus building. Councilor Buchanan thanked Mayor McRoberts for her testimony also.

Councilor Forrest Soth, president, Beaverton City Council, introduced John Atkins, Assistant to the Mayor of Beaverton, who was Beaverton's representative on the Washington County Solid Waste Systems Design Steering Committee. Mr. Atkins on behalf of the County Solid Waste Committee and the City, expressed Beaverton's appreciation to the Council for giving Wa County the opportunity and resources to develop a county-wide solid waste plan as a component of the regional solid waste management program. He said the cooperative effort began three years ago following a divisive unsuccessful effort to site a transfer station in Washington County. He said Washington County's local governments had worked diligently since then to produce a comprehensive material recovery system plan for adoption. He said the plan had been developed in full conformance with the adopted standards and policies Metro set before local governments at the outset of the planning process. He said the plan was reviewed by Metro staff, analyzed by a team of consultants, and was found to be consistent with Metro's policies and with the RSWMP. He said the plan also satisfied criteria Washington County governments' set for themselves in land use and transportation goals. He said Washington County wanted a plan that would succeed politically with the units of local government. He said there was no proof that Washington County's plan was out of compliance with Metro adopted policy. He said Policy 16 of RSWMP stated: "Implementation of the Solid Waste Management Plan shall give priority to solutions developed at the local level that are consistent with all Plan policies." He said the local jurisdictions had complied with Metro policy and kept their end of the bargain and respectfully asked the Council to adopt Resolution No. 91-1437B.

Mr. Soth said Beaverton felt strongly they had met the test of policies in the RSWMP. He said they had followed the guidelines in the resolution establishing the local solutions in Washington County. He said they had designed the plan with the best technical analysis available. He said the plan would work and

would work well. He said the plan was developed through a local cooperative process and had earned the Metro Council's support and urged they adopt Resolution No. 91-1437B.

Emilie Kroen, representative for Mayor of Tualatin Steve Stolze, urged the Council to adopt Resolution No. 91-1437B as soon as possible because the region needed to establish recycling rates.

Mayor Clifford Clark, City of Forest Grove, representative on Steering Committee, and previously served as representative of cities of Washington County on the Solid Waste Policy Advisory Committee. He testified in opposition to Resolution No. 91-1437A. He said the Steering Committee originally proposed 4-5 material recovery sites which were dropped because of the technical analysis findings and compromised on one large facility. He said Metro's control of the gate houses had been supported. He said they originally proposed a direct franchise process after Metro Legal Counsel defined the parameters for the procurement process, the Steering Committee developed a procurement process consistent with those needs including complete and open competition for both transfer stations. He said they originally proposed a system to handle Washington County waste only, but expand the system to handle some Clackamas County waste. They originally proposed private financing only but recently after the TA showed public/private was best, supported that. He said earlier mention had been made of the model zoning ordinance and noted that ordinance had not been adopted by the Council and said criticism of local governments for not adopting it had been seriously misplaced. He said they had been reasonable with regard to technical needs, legal requirements, or existing adopted Metro policies were identified. He said Policy 16 was not an ambiguous policy. He said the Washington County system would fit with the rest of the regional solid waste system and urged adoption of Resolution No. 91-1437B.

Councilor Van Bergen asked Mayor Clark if they believed the requirement under Resolution No. 91-1437B require open, competitive bidding. Clark said they had always supported a competitive process and that he supported that as the best option for Washington County. he said political support from Washington County rested on private ownership.

Councilor Gardner noted the TA looked three different ways to finance transfer stations; straight public financing, straight private financing, and a combined public/private financing. He asked MC which of the three the TA show would be the least expensive financing mechanism. MC said public financing was the least expensive option but contended that if private financing with a Metro pledge option was put into place it would result in

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an efficient and effective system also. He said the 1 to 5 cents per can differential was worth the private option.

Councilor Gardner said the TA was being used as the final word for how the Council should make its decision, and asked again what was the cheapest financing option. Mayor Clark said the cheapest was the public ownership option.

Councilor Devlin said the competition issue would recur although he did not believe it to be the primary issue. He noted Forest Grove was unique in that it permitted solid waste facilities on industrial land as outright use. Mayor Clark said general industrial on outright use. Councilor Devlin asked if there were other general industrial areas in Forest Grove not currently occupied. Mayor Clark did not know of such industrial areas at this time.

Jerry Taylor, city manager, City of Cornelius, Steering Committee alternate, said the Steering Committee was on record in support of a competitive long-term process for any company that submitted a bid for both portions of the west waste shed. He said the procurement process supported by the Steering Committee would ensure a fair deal. He said Metro had spent a great deal of money for a financial model to ascertain what a fair and reasonable price would be. He said if a fair and reasonable bid was not received, the Steering Committee was on record in support of a second round of bidding which could include public financing and ownership options. He said that would be a useful safety valve and could be applied to all of the waste sheds. He said Resolution No. 91-1437A eliminated that safety valve. He urged the Council to support Resolution No. 91-1437B.

Jerry Krummel, Mayor of Wilsonville, urged the Council to adopt Resolution No. 91-1437B. He said any delay would cause negative repercussions on their local land use permitting process. He said after months of extensive analysis on waste generation rates and tonnages, questions had been raised about the need for a transfer station in the eastern portion of the waste shed. He said that issue had created confusion in Wilsonville, and the delay had raised doubt about whether two essential elements in the Washington County plan for the eastern waste shed would be included in the final plan with regard to tonnage caps and private ownership. He said if those elements were not included, Wilsonville would not support a transfer station.

Jim Rapp, city manager, City of Sherwood, said RSWMP required all local regional governments to adopt clear and objective siting standards for solid waste facilities. He said as chair of Metro's Land Use Technical Subcommittee for RSWMP, he knew how

difficult it was for such standards to be developed. He said that committee worked for one year to produce a model siting code to comply with RSWMP. He said some issues such as odor could not be easily reduced to quantifiable clear and objective standards. He said in other areas such as air quality, criteria equal or similar in complexity to DEQ regulations were the only answer to clear and objective mandates. He said the work involved in the model siting ordinance was not appreciated and it was not known that some parts of the model were of necessity complex. He said the Steering Committee was on record in support of working with Metro to adopt and develop such standards. He said Washington County was implementing those standards already although the Council had not yet adopted the ordinance. He noted Forest Grove already permitted many solid waste uses outright. He said Sherwood had incorporated key portions of the model into its zoning code with the remainder scheduled for adoption by the end of 1991. He said other jurisdictions had already scheduled the model ordinance for incorporation into their work programs. He said such signs of good faith and commitment was also reflected in the Washington County plan. He said the Council should honor that commitment by adopting Resolution No. 91-1437B.

Liz Newton, community relations coordinator, City of Tigard, and Tigard representative on Steering Committee, noted the Steering Committee had worked hard for a cooperative effort with the Metro Council. She said the Council had been invited to all of their meetings, had received all materials, that the Council's opinion had been solicited throughout the process, and said the Steering Committee had held workshops in November and April to which the Council had been invited. She said the same spirit of cooperation had been utilized in Tigard itself, resulting in county-wide consensus on the plan. She urged the Council to support Resolution No. 91-1437B.

Steve Schwab, owner Sunset Garbage and president, Clackamas County Refuse Disposal Association, said the Association supported Resolution No. 91-1437B for a privately owned and operated transfer station in Washington County. He said the transfer station proposed in Wilsonville was critical for Clackamas County haulers because it would alleviate the current over-use of Metro South and the resulting long lines at that transfer station. He said private ownership appeared more costly, but said rate impact would be minimal and would not offset the benefits the Association felt would result from such a transfer station being sited. He said United Disposal Inc. was a long-time member of the Association and had an excellent reputation for service and efficiency in operations. He said the Association had complete confidence in United Disposal's ability to construct and operate a state-of-the-art facility in

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Wilsonville. He said RSWMP would be complete with implementation of Washington County's plan.

Councilor Van Bergen asked Mr. Schwab if he understood whether procurement under either Resolution No. 91-1437A or Resolution No. 91-1437B required open, competitive bidding. Mr. Schwab said they did.

Karen Joy Douglas Rowe, 25635 Garden Acres, Sherwood, urged the Council to site the transfer station away from existing residential areas. She said environmental studies had not been done on the property proposed for the transfer station site and noted their interchange was due for construction work. She said other interchanges already had water and sewer that could be used and described transportation and traffic flow problems with the interchange closest to the proposed site.

Councilor McLain asked Ms. Rowe if Resolution No. 91-1437A or Resolution No. 91-1437B was site specific in Wilsonville. Ms. Rowe said a site had been purchased with an option in Wilsonville and Wilsonville's Planning Commission had voted 5 to 1 against the site. Ms. Rowe said the residents were aware of the site proposed for the transfer station.

Delyn Kies, Washington County solid waste manager, said the TA performed by consultants under contract to Metro looked at specifications for system solid waste facilities for Washington County which included the type of facility, number and size of facilities, location, and methods of financing, phasing or timing of those facilities. She said the TA's purpose was first to evaluate how changes in those factors would affect the collection, transfer, processing and disposal costs of a variety of solid waste facilities and then to estimate the capital and operating costs of a specific solid waste system for Washington County. She said one item discussed was whether or not there was a cost differential between publicly or privately owned facilities and financing and how great that cost differential would be. She said there would be specific benefit to regional rate payers if Metro could use the private sector to leverage its overall bonding capacity and noted a memorandum to Becky Crockett, Regional Planning Supervisor, from Ken Rust, Public Financial Management, Inc. dated April 17, 1991, titled "Further Explanation of Financing for Washington County Transfer Stations" which stated: "Metro has two choices for securing the financing of solid waste facilities: senior lien debt used historically by Metro to finance publicly owned facilities and subordinate lien debt historically used by Metro to finance privately owned facilities." Ms. Kies said in utilizing subordinate lien debt to finance elements of the solid waste disposal system, Metro

could improve senior lien debt financial performance, minimize impacts on rates and charges by more closely equating revenue requirements to cash requirements and maintain senior lien debt capacity for projects providing system wide services and benefits. She those factors should combine to reduce overall long-term borrowing costs and reduce Metro's solid waste program costs.

Ms. Kies said the results of the financial review and the TA were applied to an analysis of 11 policy issues on the RSWMP. She said those issues included facility ownership, procurement of facilities, and rates at those facilities. She said conclusions were: 1) The Washington County plan was supported by the TA; and 2) That the Washington County plan was consistent with RSWMP. Ms. Kies urged the Council to support Resolution No. 91-1437B.

Councilor Van Bergen said Ms. Kies' testimony on subordinate lien debt raised new issues. He said Metro had used solid waste rates as security to borrow funds in the past. He said \$50 million had been secured against the rates. He asked if subordinate lien debt created a separate rate and asked what that rate was.

Ken Rust, Public Financial Management, Inc., said Metro's current secured debt pledged to the bond holders the net revenues of the system, or the revenue after paying system expenditures. He said Metro via its bond ordinance, had created two debts or two outstanding bond issues which were: 1) Senior lien debt in which after all operating expenses were paid, the bond holders were the first to get paid; and 2) Subordinate lien debt which paid bond holders second after Metro paid operating costs and the senior lien debt. He said this system created two classifications of debt.

Councilor Van Bergen asked if the subordinate lien debt created a second rate of interest at a higher rate of interest than the first rate. Mr. Rust said it did and that their analysis showed financing would take place in the form of a "limited Metro pledge." Mr. Rust estimated that approximately 4 tenths of 1 percent of a penalty would be paid in borrowing costs. He said that equated to approximately 11 cents per ton by 1993-94 when all facilities were on-line and said there was a higher cost differential with the subordinate lien debt.

Councilor Devlin asked if \$50 million borrowed on senior lien debt would receive a higher rating. Mr. Rust said it would. Councilor Devlin and Mr. Rust discussed bonding and interest issues briefly. Mr. Rust said to maintain the same high rating Metro enjoyed on the senior lien obligations, Metro would likely want reported coverage in one year of at least 1.1 percent.

Councilor Gardner asked if such scenarios were used to develop the TA. He asked Mr. Rust which of the options would be cheaper to borrow on. Mr. Rust said senior lien debt with a coverage requirement would have to be raised to a higher level than with just a combination of senior and junior debt even with higher financing costs. Councilor Wyers asked if any those scenarios were used in the TA. Mr. Rust said Public Management reviewed the three options in the TA and assumed the private ownership option would be covered through the subordinate lien debt obligation.

Commissioner Bonnie Hays, chair, Washington County Board of Commissioners, noted Commissioners Steve Larrance and Linda Peters were also present. She said Washington County had invested heavily in the cooperative planning process with Metro. She said the Commission and staff had spent a great deal of time on the plan to ensure it met with RSWMP and Washington County solid waste requirements. She discussed regional partnership and trust. She said if Resolution No. 91-1437B passed, it would be a shining example of regional cooperation. She said the State of Oregon had charged Metro with solving regional solid waste needs via RSWMP. She said Metro's local option policy allowed local jurisdictions to develop their own solutions and believed that Washington County had developed a good plan. She said the Washington County plan was worthy of undivided support.

Councilor Bauer for the record asked Commissioner Hays how many elected local officials in Washington County had participated in development of the plan. Commissioner Hays estimated approximately 55 elected officials supported the plan unanimously. She said she had only seen such consensus for the Oregon Convention Center and Westside Lightrail.

Commissioner Hays submitted for the record a letter from federal Washington County legislators stating their support for the Washington County plan dated June 5 to the Council: Representative Tom Brian; Representative Ted Calouri, Representative Mary Alice Ford; Representative Delna Jones; Representative John Meek; Senator Jeanette Hamby; and Senator Paul Phillips.

Bill Duncan, Garden Acres Neighborhood Association representative, discussed the proposed site. He said Washington County had spent a great deal of time on the plan, but said his association was never invited to or asked to participate in any of the meetings held by the Steering Committee. He said transportation problems had not been solved. He said the site proposed had groundwater on top of a basalt ridge. He said the only accessible service at the site was water and said the

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closest sewer line was 4,000 feet away. He asked who would pay for the sewer hook-up. He said the Wilsonville Planning Commission voted against the plan because of such issues. He said he provided a position statement by the Garden Acres Neighborhood Association to the SWC and said that document addressed all of the above issues and provided comparison rebuttals to the Washington County plan. He said other issues related to land use and said the site would have to be expanded outside of the Urban Growth Boundary (UGB) which Metro's own rule prohibited. He expressed Garden Acres Neighborhood Association's support for Resolution No. 91-1437A because it would provide flexibility on all options regarding the west waste shed. He urged the Council to read the position paper distributed to the SWC previously.

Sam Brentano, United Disposal, Inc., (UDI) discussed private versus turn-key ownership issues. He said Richard Brentano founded UDI in 1956. He said UDI involved itself in recycling efforts early on and that UDI was among the first to utilize drop boxes, packers and automation. He said 10 years before it was mandated by the State, UDI provided residential recycling services. He said UDI was interested in the proposed transfer station because of their commitment to the industry and the community.

Richard Brentano, United Disposal, Inc., said UDI would not site a facility that was not compatible with the community it served. He discussed the site UDI selected when they first heard about the proposed facility. He said their proposed site was large enough and would not need expansion outside the UGB and Wilsonville. He said it was close to the Ellington Road Interchange and I-205 and therefore close to Arlington. He said the site had water and UDI was prepared to bring the sewer line to the site. He noted discussion on smaller and larger stations and said their proposed facility would be medium-sized facility. He said they could handle 25 percent of Metro South's volume initially and later, at most, approximately 50 percent of Metro South's volume.

Councilor Devlin said Resolution No. 91-1437B called for a competitive franchise process. He asked Mr. Brentano if UDI was prepared to compete with other proposers. Mr. Sam Brentano said UDI believed it was competitive enough to compete.

Councilor Van Bergen asked UDI's representatives if they understood that procurement under either Resolution No. 91-1437A or Resolution No. 91-1437B required competitive bidding. Mr. Sam Brentano said they understood the issues. He believed a company

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which had already begun work on the transfer station would have a head start on other bidders.

Mike Ragsdale noted he served as the Council's Presiding Officer when the June 1988 meeting was held and said because of Metro's difficulties with solid waste facility siting and other problems, Metro embarked on a cooperative effort with local governments and said the June 1988 meeting was the beginning of that cooperative effort. He noted Councilor Gardner's memo which stated "at the time the final decision is made, this Council needs to reserve the latitude to determine if the decision is consistent with what we want the policy to be." Mr. Ragsdale said such policy was already in existence. He said the Council committed to a plan and policy in 1988. He said the current Council should not change policy already established and trust already built.

Councilor Bauer asked Mr. Ragsdale if the Council promised at the 1988 meeting that the Steering Committee would have the opportunity to develop an independent component of the regional solid waste plan. Mr. Ragsdale said the Council did not do so specifically, but said the Council had embarked on a policy of establishing plans and policies that would set guidelines for future actions. He said Washington County had already made clear their intent to host multiple facilities. He said policy was supposed to be developed in the RSWMP that any future components had to be system compatible and had to fit Metro's policies as they existed on public/private ownership and financing. He said Resolution No. 91-1437B fit that criteria. He said Washington County was told if their component was more costly, Metro would not subsidize a more expensive system at the cost of the region. He said the Council should follow guidelines already established.

Councilor Buchanan asked if Resolution No. 91-1437B met the requirements as listed by Mr. Ragsdale above. Mr. Ragsdale said it did.

Councilor Gardner asked Mr. Ragsdale if RSWMP policies could be used and applied separately to any given situation or decision the Council might have to make. Mr. Ragsdale equated the RSWMP with the 14 goals and guidelines of Oregon's land use policy. He said those rules did not have equal authority as was intended by the Legislature. He said when looking at a plan, one had to see if it matched existing policy, but said plans should not be based on criteria to be developed at a later time.

Councilor Devlin said Mr. Ragsdale's premise was that if the Steering Committee submitted a plan consistent with the RSWMP, the Council was obligated to adopt the plan. He said it was the same matter of integrity if the Council could not demonstrate the

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plan was inconsistent with policy. He said if sponsors of Resolution No. 91-1437A could not demonstrate the Steering Committee's plan was inconsistent, he asked if the Council was obligated to adopt the plan because the Council's obligation was to determine if the plan was inconsistent. He said he saw no evidence to prove Washington County's plan was inconsistent with the RSWMP. Mr. Ragsdale agreed and said the Council did not have a legal obligation to adopt the plan as submitted, but noted the Council's previous promises to Washington County. He said if the Council did not agree the plan was consistent with the RSWMP, they should send it back to the Steering Committee for further work.

Councilor Knowles said it was of interest to hear on an on-going basis that the Council had committed itself to Washington County's preferred policies. He said he was not present at the June 1988 meeting, but had read the Steering Committee's minutes and the Council's minutes when the Council had considered the issue on various occasions. He said at each of those meetings when policies were discussed, several Councilors had indicated their discomfort with some of the policies proposed. He noted both he and Mr. Ragsdale served on the Council together and both had expressed similar concerns on a conceptual plan as submitted. Councilor Knowles said Mr. Ragsdale expressed concern that receipt of the plan might express endorsement of those policies when it was submitted at a May 1990 meeting. He said he and Mr. Ragsdale both amended the resolution to clarify the Council was not endorsing those policies and would be used as part of the frame work for the technical analysis. He said those concerns arose again in December 1990. Councilor Knowles asked when the Council had committed itself on the record to adhere to the Steering Committee's policies. Mr. Ragsdale said the Council should tell Washington County if the plan did not match stated policy, they should fix it, but said he did not believe goal posts should be changed during the process. He believed the plan met all the tests.

Councilor Knowles noted on two occasions the Council did not wholly approve the plan as submitted by Washington County. He said Washington County should have been told their plan did not meet certain criteria and should be amended to remedy the problem. He said no one had asked Washington County to do so. He said supporters of Resolution No. 91-1437A he had talked to had not stated a specific deviation from the RSWMP. He recalled not liking some components of the plan and said he had attended Steering Committee meetings to state that. He said Resolution No. 91-1437B did meet the Council's goals.

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Councilor Knowles said he was not aware of any record where the Council had stated the only applicable test was whether or not the Plan met the RSWMP. He said the Council had not stated as long as there was consistency they would not object to various options contained in the plan regarding private or public ownership options and other issues. He said the plan might be consistent with RSWMP but still contained only one option. He said the record was clear in stating the Council told Washington County their plan was consistent but their options were not.

Councilor Gardner said the Solid Waste Committee had noted several times where and how the plan was inconsistent with RSWMP. He asked Mr. Ragsdale what proof the Council should provide to prove their plan was inconsistent with Metro policy. He asked if it should be technical or legal analysis to prove it was inconsistent. Mr. Ragsdale said the Council should review their adopted policies and ask questions in that context.

Councilor Van Bergen said he attended the June 1988 meeting and did not recall that group reaching consensus on the local option. Mr. Ragsdale noted Councilor Van Bergen left the meeting early and said the group did reach consensus later in the meeting. He said that meeting began the consensus process.

Estle Harlan, Tri-County Association, said haulers believed Resolution No. 91-1437B to be the best plan. She said they believed the cost differential would be minimal and did not believe it would impact the regional rate structure. To Councilor Van Bergen's question, Ms. Harlan stated both Resolution No. 91-1437A and Resolution No. 91-1437B spoke to competition, but believed Resolution No. 91-1437A would impede competition and make it likely that the only bidder would be a large national company. Councilor Gardner said Resolution No. 91-1437A asked that bidders submit both private and public proposals. He asked if Ms. Harlan if the bid allowed bidders to submit one or the other or bids on both types of ownership, if it would be more acceptable to potential bidders. Ms. Harlan said UDI had indicated it would be impossible for them to submit a bid on the public/turn-key ownership option.

Presiding Officer Collier asked if any other citizens present wished to testify. No citizens appeared to testify and the public hearing was closed.

Presiding Officer Collier recessed the meeting at 8:45 p.m. The Council reconvened at 8:55 p.m.

Councilor Wyers asked Councilor DeJardin where amendments to Resolution No. 91-1437A had originated from. He said some

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amendments resulted from SWC discussion, concerns expressed by Councilors, and the requirement to be able to adapt to any changing technology. He said the amendments tried to incorporate concerns as expressed by Councilors over the Washington County plan. Councilor Wyers said Resolution No. 91-1437B had not been discussed by the Solid Waste Committee and said Resolution No. 91-1437B had not undergone public discussion and debate. Councilor DeJardin noted he did distribute Resolution No. 91-1437B to fellow Councilors and to Washington County.

Councilor Buchanan noted he served on the Steering Committee, expressed his support for Resolution No. 91-1437B and said it furthered the goals of regional cooperation. He urged the Council to vote for Resolution No. 91-1437B because the Council's goal was to further regional cooperation.

Councilor Devlin said his stated goal by the end of his elective term was that a transfer station be built in Washington County. He said during the process he had issued various warnings to both parties about issues that could become problematic. He said at no time did he ever say that would limit what the Steering Committee or the Council could do. He recalled a lengthy discussion with a former Councilor on an issue and told him his decision on an issue. He said the former Councilor said he had forgotten one criteria which was "Is it possible?" He said Resolution No. 91-1437B would result in two transfer stations in Washington County with five times greater solid waste disposal capacity than currently existed. He said if Resolution No. 91-1437A version were adopted, the entire issue would collapse because of the integrity issue. He said there would not have been as much debate if Washington County had proposed a publicly-owned option only. He displayed a binder titled "The WTRC Story." He said this entire process would end up in a binder if Resolution No. 91-1437A was adopted rather than Resolution No. 91-1437B.

Councilor McLain said she would vote aye on Resolution No. 91-1437B. She said she would not base her decision on previous history as discussed extensively at this meeting, but on the merits of the plan as submitted by Washington County because it was structurally sound, although there problematic issues on cost and public or private ownership. She said Wilsonville had transportation problems and the hauling industry had told Metro they must be able to access a viable interchange. She noted groundwater and neighborhood problems as discussed previously, but believed the Washington County Commission could solve those problems. She stated her respect for Councilor Gardner and his amendments as submitted. She said any policy board had the right to go back and revisit decisions and that Councilor Gardner had

exercised his right to amend the resolution. She agreed with Mr. Ragsdale Washington County's plan met the test. She expressed unhappiness with "turf" battles. She said jurisdictions had to protect their own constituencies, but that trust was necessary also. She said Councilor Gardner behavior during this issue should be used as a standard for future dealings with other elected officials.

Executive Officer Rena Cusma reiterated her previous testimony before the Council on the issues and said they involved Metro's credibility. She said the Washington County plan was not the only item on Metro's agenda and said the Council would seek regional support for the Charter Committee, MERC, the Headquarters Hotel, Arts Plan 2000, Greenspaces, RUGGO, and the vehicle registration fee agreement. She urged the Council to think about those programs as they voted on the resolution.

Councilor Gardner urged the Council to vote no on the motion to substitute Resolution No. 91-1437B for Resolution No. 91-1437A. He said Resolution No. 91-1437B was inconsistent with RSWMP language on facility ownership which stated ownership of facilities would be made on a case-by-case basis by the Council and in making those decisions, the Council would apply 13 different criteria. He said Washington County's recommendation did not leave the option for the 13 criteria and was therefore inconsistent with RSWMP. He said the Washington County Steering Committee had been told that. He noted from Steering Committee minutes that Councilor Devlin had stated the parties involved must realize that if the analysis came back and the private and the public options were found to be relatively equal in merit, or if the publicly-owned option was found to be preferable after the TA was performed, that procurement had to include scenarios for both public and privately owned options. He said the Steering Committee was told this several times. He said the TA demonstrated public ownership would be less expensive. He said the policy analysis concluded regardless of expense the recommendation should be for private ownership. He said Metro's past experience had shown real competition meant greater cost-effectiveness. Councilor Gardner expressed concern about animosity expressed over the issue by the parties involved. He said if the Council adopted Resolution No. 91-1437B, it would telegraph a message that if a part of the region assembled and would not negotiate with Metro on an issue, they would win. He said adoption of Resolution No. 91-1437B could set bad precedent for the future.

Councilor Devlin noted Councilor Gardner quoted his statements from the minutes of a May 1990 Steering Committee meeting. He noted at that time, all entities involved had decided to wait for

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the TA before making final decisions and said the TA had solved many outstanding issues since that time.

Councilor DeJardin said policy and technical committees reviewed the resolution, as well as consultants, the solid waste industry, local industry, elected officials, legal counsel, Executive Officer Cusma, Oregon City and staff and had given their time to develop a good plan to solve regional solid waste problems. He said other governments used Metro as a model and would in this issue also. He said a bid submitted by a large national company would hurt small, local companies. Councilor DeJardin urged the Council to adopt Resolution No. 91-1437B.

Vote on Motion to Substitute Resolution No. 91-1437B for Resolution No. 91-1437A: Councilors Bauer, Buchanan, Devlin, DeJardin, Hansen, and McLain voted aye. Councilors Gardner, Knowles, McFarland, Van Bergen, Wyers and Collier voted nay. The vote was 6 to 6 and the motion failed.

Councilor McFarland distributed an amendment to Resolution No. 91-1437A. She proposed to delete paragraph (i) on page 5, "Larger Facility" and to substitute the following language:

"Larger Facility: Competitive request for proposals process allowing proposers to submit proposals for either private ownership and operation (20 year franchise) or public ownership (turnkey with 3-5 year operation agreement), or for both. Proposers submitting proposals for both private and public ownership must state a single capital cost. Proposers must specify financing method for private ownership if non-Metro assisted financing is proposed."

Councilor Devlin said he could not support the amendment because Resolution No. 91-1437A's language on "Smaller Facility" had taken out the language that gave the Council the authority to use a competitive RFP process in the smaller facility scenario and said the scenario as proposed in the amendment was not feasible. He said Washington County had clearly stated a preference for private ownership.

Councilor McLain said she could not support the amendment because of testimony given by Ms. Harlan at this and other meetings.

Councilor Gardner said public ownership was in the best interests of the public both for cost reasons and also to manage the system. He said the amended language could mean Metro only received proposals for privately owned facilities. He expressed support for the amendment to create a competitive atmosphere.

Councilor McFarland said her amendment was in response to potential bidders who had stated it was not possible to submit both public and private bids.

Vote on Motion to Amend Resolution No. 91-1437A: Councilors Gardner, Knowles, McFarland, Van Bergen, Wyers and Collier. Councilors Bauer, Buchanan, Devlin, DeJardin, Hansen and McLain voted nay. The vote was 6 to 6 and the motion failed.

Councilor Wyers said if the main vote to adopt Resolution No. 91-1437A failed, the Solid Waste Committee would work on the resolution further. She said as Solid Waste Committee chair she was willing to work on a compromise solution. She said the committee could work on bifurcating the two stations and review the competition aspect. She said the committee could return the resolution in a passable form for Council adoption.

Councilor Gardner agreed with Councilor Wyers and said the Council could identify where the resolution was inconsistent with the RSWMP and ask the Steering Committee to work on that piece of the plan if the main motion did not pass.

Vote to Adopt Resolution No. 91-1437A: Councilors Gardner, McFarland, Van Bergen, Wyers and Collier voted aye. Councilors Bauer, Buchanan, Devlin, DeJardin, Hansen, Knowles and McLain voted nay. The vote was 7 to 5 opposed and the motion failed.

Motion to Reconsider Resolution No. 91-1437A: Councilor DeJardin moved, seconded by Councilor Devlin, to reconsider Resolution No. 91-1437A.

The Council briefly discussed the motion.

Vote on Motion to Reconsider Resolution No. 91-1437A: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland and McLain voted aye. Councilors Van Bergen, Wyers and Collier voted nay. The vote was 9 to 3 in favor and the motion passed.

Councilor Van Bergen asked what had happened to the issue of vertical integration or integrated ownership.

Motion to Substitute Resolution No. 91-1437B for Resolution No. 91-1437A: Councilor DeJardin moved, seconded by Councilor Buchanan, to substitute Resolution No. 91-1437B for Resolution No. 91-1437A.

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Vote on Motion to Substitute Resolution No. 91-1437B for Resolution No. 91-1437A: Councilors Bauer, Buchanan, Devlin, DeJardin, Hansen, McFarland and McLain voted aye. Councilors Gardner, Knowles, Van Bergen, Wyers and Collier voted nay. The vote was 7 to 5 in favor and the motion passed.

Motion to Amend Resolution No. 91-1437B: Councilor McFarland moved, seconded by Councilor DeJardin, to amend Resolution No. 91-1437B so that Section 1(i) would read as follows: "Section 1(i). Competitive long-term franchise process with the option to circulate RFP, if the private sector is unable to obtain facility financing and meet other criteria for the franchise. These criteria shall include a cost which is no greater than the cost of a publicly financed facility using the assumptions and methodology in the technical analysis."

Councilor McFarland said her amendment as proposed was an attempt to reconcile the two points of view. Councilor Van Bergen said an outstanding problem were the unknown costs.

Vote on Motion to Amend Resolution No. 91-1437B: Councilors Bauer, Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Van Bergen and Wyers voted nay. The vote was 10 to 2 in favor and the motion passed.

Vote on Motion to Adopt Resolution No. 91-1437B as Amended: Councilors Bauer, Buchanan, Devlin, DeJardin, Hansen, McFarland and McLain voted aye. Councilors Gardner, Knowles, Van Bergen, Wyers and Collier voted nay. The vote was 7 to 5 in favor and the Resolution No. 91-1437B was adopted as amended.

Presiding Officer Collier recessed the meeting at 10:00 p.m. The Council reconvened at 10:06 p.m.

6.1 Ordinance No. 91-398, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Due Diligence Costs Related to the Metro Headquarters Relocation Project (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-398 was first read on May 23 and referred to the Finance Committee. The

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Finance Committee considered the ordinance and recommended it on June 6 for adoption by the full Council.

Motion: Councilor Hansen moved, seconded by Councilor DeJardin, for adoption of Ordinance No. 91-398.

Councilor Hansen gave the Finance Committee's report and recommendations. She said the ordinance requested the transfer of \$20,000 from Building Fund Contingency and \$80,000 from Capital Outlay to the Miscellaneous Professional Services line item in the Building Fund Materials and Services Category. She said the purpose of the transfer was to properly budget and account for expenditures already incurred on due diligence costs for the proposed acquisition of the Sears Building for use as the new Metro Center.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-398 was adopted.

6.2 Ordinance No. 91-399, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increases in at Metro ERC Facilities (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-399 was first read on May 23 and referred to the Finance Committee which considered the ordinance and recommended it to the full Council for adoption on June 6.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-399.

Councilor Hansen presented the Finance Committee's report and recommendations. She said the ordinance would amend the MERC Oregon Convention Center Fund and the MERC Spectator Facilities Fund. She said MERC had requested transferring \$220,000 from the Personal Services category to various line items in the Material and Services category in the Convention Center Fund because savings were realized in Personal Services because personnel had been hired later than anticipated. She said the major expenditure increase in the Concession/Catering line item was

because of increased business at that facility. She said the \$300,000 would be transferred from the Concession/Catering line item under Materials & Services to the Wages line item for part-time employees under the Personal Services category. Councilor Hansen explained line item transfers and changes further.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-399 was adopted.

6.3 Ordinance No. 91-400A, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Fund Increases in Zoo Operations (Public Hearing)

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

Presiding Officer Collier announced Ordinance No. 91-400 was first read on May 23. The Finance Committee considered it on June 6 and recommended Ordinance No. 91-400A for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 91-400A.

Councilor Devlin gave the Finance Committee's report and recommendations. He explained several small fund transfers were needed at the Zoo to cover increased or changed expenses which included: 1) A transfer of \$12,000 from Operating Contingency to cover increases over-time costs in the Administration Division for security services and increased food costs in the Animal Management Division; and 2) A transfer of \$10,000 from the Education Services Division Capital Outlay category to the same division's Personal Services category to cover increased costs for Workmen's Compensation. He said funds would also be transferred from the African Rain Forest construction contract line item in Materials & Services to Personal Services to cover the costs of electricians' services on the project.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

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Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-400A was adopted.

6.4 Ordinance No. 91-401, An Ordinance Amending the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Solid Waste Revenue Fund

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

Presiding Officer Collier announced the ordinance was first read on May 23 and referred to the Finance Committee. The Finance Committee considered the ordinance on June 6 and recommended it for adoption by the full Council.

Motion: Councilor Hansen moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-401.

Councilor Hansen explained the requested changes affected three divisions of the Operating Account and three capital projects in the General Account. She explained the Operating Account changes included: 1) The transfer of \$5,000 in the Administration Division's Personal Services fund to Materials & Services; 2) The transfer of \$15,000 in the Engineering and Analysis Division Materials and Services category to the Personal Services category; and 3) The transfer of \$240,000 from Fund Contingency to both Materials & Services and Personal Services in the Operations Division. She explained the General Account changes included the transfer of \$750,000 from the Fund Contingency to cover increased costs for design and construction contract change orders for Metro South Station's renovation; design contract change orders for Metro South's household hazardous waste facility and St. John's Landfill Closure contract change orders.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-401 was adopted.

6.5 Ordinance No. 91-402, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Council Department (Public Hearing)

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

Presiding Officer Collier announced the ordinance was first read on May 23 and referred to the Finance Committee for consideration. The Finance Committee considered the ordinance on June 6 and recommended it to the full Council for adoption.

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Ordinance No. 91-402.

Councilor Devlin gave the Finance Committee's report and recommendations. He said the ordinance would authorize interfund transfers to cover the cost of a new personal computer purchased FY 1989-90 but charged to FY 1990-91. He said several new changes included transfer of funds from Election Expense to cover increased Personal Services expenditures and the purchase of Capital Outlay items.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilor Gardner voted nay. Councilors Bauer, Van Bergen and Wyers were absent. The vote was 8 to 1 in favor and Ordinance No. 91-402 was adopted.

6.6 Ordinance No. 91-403, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses in the Business License Program

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

Presiding Officer Collier announced the ordinance was first read on May 23 and referred to the Finance Committee. The Finance Committee considered it on June 6 and recommended it to the full Council for adoption.

Motion: Councilor Buchanan moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-403.

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

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-403 was adopted.

6.7 Ordinance No. 91-404, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Provide that All User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall Be Calculated on a Tonnage Basis Using Certified Scale Weights (Public Hearing)

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

Presiding Officer Collier announced the ordinance was first read on May 23 and referred to the Solid Waste Committee. The Solid Waste Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor DeJardin moved, seconded by Councilor Gardner, for adoption of Ordinance No. 91-404.

Councilor DeJardin gave the Solid Waste Committee's report and recommendations.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Councilor McFarland asked Mr. Martin to submit figures based on new scale weight configurations because she said one constituent had told her the new system would cost eight times as much as before.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-404 was adopted.

6.8 Ordinance No. 91-405A, An Ordinance for the Purpose of Amending Chapter 5.02 of the Metro Code to Amend Section 5.02.025(c) Regarding the Recyclable Material Credit

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

Presiding Officer Collier announced the ordinance was first read on May 23 and referred to the Solid Waste Committee. The Solid

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Waste Committee considered the ordinance on June 4 and recommended it to the full Council for adoption.

Motion: Councilor McLain moved, seconded by Councilor Hansen, for adoption of Ordinance No. 91-405A.

Councilor McLain gave the Solid Waste Committee's report and recommendations. She said staff explained the ordinance would eliminate the recyclable material credit at Metro Central Station and the staff planned to install a recycling depot so that self-haulers could drop off recyclable before their garbage was weighted and eliminate the need for the credit.

Presiding Officer Collier opened the public hearing. No citizens appeared to testify and the public hearing was closed.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-405A was adopted.

6.9 Ordinance No. 91-395A, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1; Wagner

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

Presiding Officer Collier announced the Council would consider the ordinance in its capacity as a quasi-judicial decision-maker. She announced the ordinance was first read on May 23 at which time the Council received the Hearings Officer's report and staff's report. A public hearing was held and no one spoke in opposition to the ordinance. She said consideration of Ordinance No. 91-395A was continued to this meeting for final consideration and adoption.

Motion: Councilor Knowles moved, seconded by Councilor Devlin, for adoption of Ordinance No. 91-395A.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Ordinance No. 91-395A was adopted.

7. RESOLUTIONS (Continued)

7.2 Resolution No. 91-1456, Establishing a Strategy for High Capacity Transit Studies

Motion: Councilor Devlin moved, seconded by Councilor DeJardin, for adoption of Resolution No. 91-1456.

Councilor Devlin explained the resolution would establish coordinate strategies for light rail studies in the I-205/Milwaukie area and the I-5/I-205 North Corridor to Clark County, Washington. He said the resolution ensured lightrail studies by Metro and the Intergovernmental Resource Center (IRC) in Vancouver, Washington would be conducted on a concurrent, coordinated schedule.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1456 was adopted.

7.3 Resolution No. 91-1468, Revising Guidelines for Council Per Diem, Councilor Expense and General Council Materials & Services Accounts

Motion: Councilor DeJardin moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1468.

Councilor DeJardin gave the Governmental Affairs Committee's report and recommendations. Councilor DeJardin said the Council had already approved increasing the amount of per diem days from 120 to 144 and the amount of Councilor expense reimbursement from \$2,000 to \$2,200. He said the Portland All Urban Consumer CPI was used as the basis for increases in the per diem rate and the 1990 6.74 percent CPI increase translated to a \$4.00 increase in Councilor per diem. He said the increased per diem would result in a budget adjustment and increase the Council Department's budget by \$1,728 for the year.

Councilor Devlin noted there would be numerous small adjustments to the budget and noted Councilor Wyers' survey of the Council showed that nine Councilors were in favor of increasing the per diem; the increase had been approved in the budget; and the increase needed to be approved in June to become effective with the new fiscal year beginning July 1 and that it was not necessary to increase the per diem for the current fiscal year.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, McFarland, McLain and Collier voted aye. Councilor Knowles voted nay. Councilors Bauer, Van Bergen and Wyers were absent. The vote was 8 to 1 in favor and Resolution No. 91-1468 was adopted.

Presiding Officer Collier recessed the Council of the Metropolitan Service District and convened the Contract Review Board of the Metropolitan Service District. She announced the Contract Review Board would consider Agenda Item Nos. 7.4, 7.5 and 7.6

7.4 Resolution No. 91-1464, Authorizing an Exemption from Requirements of the Metro Code to Permit Amending the Deloitte and Touche Contract for Economic Impact Assessments for Regional Facilities

Motion: Councilor Devlin moved, seconded by Councilor Hansen, for adoption of Resolution No. 91-1464.

Councilor Devlin gave the Finance Committee's report and recommendations. He said the amendment to the Deloitte and Touche contract for the services specified in the Scope of Work was a result of the District's financial advisor, Public Financial Management (PFM), taking a job with the Portland Trail Blazers to provide financial advice on the proposed new arena. He said Metro staff believed it was a conflict of interest for PFM to provide consulting services to Metro regarding the proposed arena. He said Metro had a current contract with Deloitte and Touche for an economic analysis for spectator and performing arts facilities.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1464 was adopted.

7.5 Resolution No. 91-1431, Authorizing an Exemption from Metro Code Section 2.04.054 for an Amendment of the Zimmer Gunsul Frasca Contract

Motion: Councilor McFarland moved, seconded by Councilor Knowles, for adoption of Resolution No. 91-1431.

Councilor McFarland gave the Regional Facilities Committee's report and recommendations. Councilor McFarland explained the resolution would Amendment No. 24 to the original contract with

Zimmer Gunsul Frasca (ZGF) for architectural services at the Oregon Convention Center. She said the original contract cost was for \$3.76 million and amendments to the contract had cost \$1.09 million. She said Amendment No. 24 would authorize an additional expenditure of \$174,189 for final administrative changes and added work related to the original contract for \$65,000 and follow up work for the Skyview Terraces for \$108,000.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1431 was adopted.

7.6 Resolution No. 91-1446, Authorizing an Exemption to Metro Code Chapter 2.04.041(c) Competitive Bidding Procedures and Authorizing a Sole Source Contract with Information Systems, Inc., for Consulting Services with Weight Systems Software at Solid Waste Disposal Facilities

Motion: Councilor McFarland moved, seconded by Councilor Devlin, for adoption of Resolution No. 91-1446.

Councilor McFarland gave the Solid Waste Committee's report and recommendations. Councilor McFarland said staff explained the computer system provided by the vendor was customized for Metro and copyrighted and that if Metro planned to use the system, Information Systems, Inc. was the only vendor which could provide it. She said in such case, a sole source contract was justified.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1446 was adopted.

Presiding Officer Collier adjourned the Contract Review Board and reconvened the Council of the Metropolitan Service District.

7.7 Resolution No. 91-1445, Authorizing the Executive Officer to Lease the Property from Riedel Environmental Technologies, Inc., Located at 5610 N.E. Columbia Boulevard for a Transport Trailer Storage Area

Motion: Councilor Gardner moved, seconded by Councilor Buchanan, for adoption of Resolution No. 91-1445.

Councilor Gardner gave the Solid Waste Committee's report and recommendations. He explained the property consisted of storage

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and a staging area to be leased to Jack Gray Transport, Inc., (JGT) fulfilling a portion of Metro's original contract with JGT.

Vote: Councilors Buchanan, Devlin, DeJardin, Gardner, Hansen, Knowles, McFarland, McLain and Collier voted aye. Councilors Bauer, Van Bergen and Wyers were absent. The vote was unanimous and Resolution No. 91-1445 was adopted.

The Council discussed odor abatement at the Metro-Riedel Composting Facility. Charles Bird, Riedel manager said Riedel had met with Councilor Buchanan and neighborhood groups to discuss the action Riedel planned to ease the situation. He said Riedel hoped to alleviate the problem by July 1991.

8. EXECUTIVE SESSION Held Under the Authority of ORS 192.660(1)(e) Related to Real Property

The Executive Session began at 10:51 p.m. Present: Councilors Hansen, Devlin, McFarland, DeJardin, Gardner, Collier, Buchanan and McClain; Executive Officer Cusma, Deputy Executive Officer Engstrom. Staff present: Neil Saling, Director of Regional Facilities; Dan Cooper, General Counsel; Casey Short, Council Analyst; Don E. Carlson, Council Administrator; Berit Stevenson, Senior Management Analyst; and Jennifer Sims, Director of Finance and Management Information.

The Executive Session ended at 11:01 p.m.


9. COUNCILOR COMMUNICATIONS AND COMMITTEE REPORTS

Councilor Devlin distributed proposed reapportionment maps of Council districts for Councilors' review and comment.

Presiding Officer Collier asked Councilors present to calculate their hours spent per week on Metro Council business and give those estimates to staff to report to the Charter Committee.

All business having been attended to, Presiding Officer Collier adjourned the meeting at 11:05 p.m.

Respectfully submitted,


Paulette Allen
Clerk of the Council