

Approved
1-18-94

MINUTES OF THE METRO COUNCIL SOLID WASTE COMMITTEE

January 4, 1994

Council Chamber

Committee Members Present: Roger Buchanan (Chair), Ruth McFarland (Vice Chair), Susan McLain, Ed Washington

Councilors Also Present: Richard Devlin, Mike Gates, Rod Monroe, Terry Moore, George Van Bergen

Also Present: Rena Cusma, Executive Officer

Chair Buchanan called the regular meeting of the Solid Waste Committee to order at 4:01 p.m.

1. Consideration of December 7, 1993 Solid Waste Committee Meeting Minutes

Motion: Councilor McFarland moved to approve the December 7, 1993 Solid Waste Committee meeting minutes as submitted.

Vote: Councilors McLain, Washington, Buchanan and McFarland voted aye.

The vote was unanimous and the motion passed.

2. Solid Waste Updates

- General Staff Reports

No updates

3. Consideration of Appeal by James Luzier of the Award of the Groundwater Modeling Contract at the St. Johns Landfill to Portland State University

Todd Sadlo, Senior Assistant Counsel, addressed the Committee and said this was Mr. Luzier's opportunity to address the Committee sitting as a hearing panel for the Contract Review Board in his appeal of the award of the Groundwater Modeling contract at the St. John's Landfill. Mr. Sadlo noted Mr. Luzier objected to the award, which had been made to Portland State University by filing an appeal to the Executive Officer within the required time frame. Mr. Sadlo said a Mr. Luzier's appeal was rejected by letter dated December 15, 1993, following which Mr. Luzier filed his appeal to the Contract Review Board. Mr. Sadlo said all materials related to the matter were contained in the record for this meeting and had been reviewed. Mr. Sadlo suggested Mr. Luzier be given opportunity to make his case, and said both he and the Solid Waste Department Staff were available to answer any questions.

In response to Chair Buchanan, John Houser, Council Analyst, outlined procedure would include comments from Mr. Luzier, other interested parties, followed by any Committee discussion. He said a formal recommendation to the full Council acting in its capacity as the Contract Review Board, and said the full Council would need to make a final disposition in the matter.

Mr. James Luzier and Mr. Rick Thrall addressed the Committee regarding the appeal to the contract award. Mr. Thrall noted his objection to Portland State University as a proposer, and said the RFP had stated "firms" would be solicited for proposals. He said had he known PSU was to be a proposer, he would not have spent time on the proposal. Mr. Luzier and Mr. Thrall said the introduction of PSU into the matter resulted in unfair competition. They recommended an alternative solution which would include a cooperative joint effort on the part of the private firm, Luzier Hydrosciences, represented by Mr. Luzier and PSU working as a combined team on the contract.

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Joanna Karl, Senior Engineering Planner, addressed the Committee, and noted the award of the proposal was based on ranking which was determined by set criteria.

Councilor Washington asked if the same concern was raised by PSU as was raised by Mr. Luzier and Mr. Thrall. Solid Waste Department Staff indicated PSU was very careful about proposing in areas in which the private sector was related. Mr. Thrall said he had conversations with PSU as well, and said he sensed they expressed uneasiness with the current situation, that PSU was careful in such matters, and felt PSU would do their best to avoid such situations in the future.

Mr. Sadlo said further delay could result should PSU be placed in a position necessitating a combined team effort on the part of PSU and Luzier Hydrosciences, and felt Metro should not so place PSU in such a position when PSU had won the award "fair and square."

Bob Martin, Solid Waste Department Director, raised concerns about delays in the work at the landfill and concerns about groundwater contamination should the work not proceed forthwith.

Mr. Sadlo responded to Councilor McFarland's inquiry regarding possible action, and said he had prepared in draft form for consideration by the Committee, Resolution No. 94-1890, For the Purpose of Rejecting an Appeal by James Luzier of the Award of a Contract to Portland State University for Groundwater Modeling at the St. Johns Landfill and Authorizing the Executive Officer to Execute the Agreement.

Motion: Councilor McFarland moved to recommend Resolution No. 94-1890 to the full Council for adoption.

Vote: Councilors McLain, Washington, McFarland and Buchanan voted aye.

The vote was unanimous and the motion passed.

4. Informational Presentation Regarding Proposed Amendment to the Oregon Waste Systems Contract Related to Disposal of Waste at Columbia Ridge Landfill

Rena Cusma, Executive Officer, addressed the Committee, and read her testimony into the record. This document has been made part of the permanent meeting record. She said the contract, now 4 years in operation, to dispose of waste at the Columbia Ridge Landfill in Gilliam County had undergone a series of changes which should result in a savings for the region's rate payers of approximately \$27 million, and possibly more over the remaining 16 year life of the agreement. Ms. Cusma outlined three ways in which this would occur: 1) Metro would receive a credit of up to \$1.50 per ton for waste delivered to the landfill by jurisdictions other than Metro - in exchange for which Metro agreed to remove the "most favored rate" contract provision which penalized the landfill owner for charging a lower rate to other jurisdictions; 2) inflation adjustment provisions of the contract were to be changed resulting in savings to region rate payers; and, 3) at Metro's option, Metro would agree to provide additional waste for disposal from the franchised transfer station located in Forest Grove. Ms. Cusma noted waste from Forest Grove was currently being disposed at Riverbend Landfill in Yamhill County, and said the residents had voted against receiving Portland Metro garbage. Ms. Cusma concluded saying she was reasonably confident the disposal rate could be stabilized at the present level for the third straight year.

Mr. Martin discussed the proposed amendment to the Metro Contract with Oregon Waste Systems. A memorandum dated December 22, 1993 from Mr. Sadlo to Ms. Cusma and Presiding Officer Judy Wyers contained in the record outlined the contents of the proposed amendment to the Oregon Waste Systems contract. Mr. Martin felt Ms. Cusma's estimated \$27 million savings was conservative should the proposed amendment be approved.

The Committee and Staff discussed the proposed amendment, the current system of landfills - both regional and out of state, potential costs and future tonnages.

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The Committee and Staff discussed the proposed reduction in the unit price of \$1 ton for disposal of all solid waste delivered by Metro to the Columbia Ridge Landfill, in exchange for delivery of waste now disposed of at Riverbend Landfill in Yamhill County.

It was concluded by Committee consensus to continue the current item and plan a special meeting of the Solid Waste Committee to deal with the remainder of tonight's agenda as a meeting of the full Council was slated to begin at 6:00 p.m immediately following adjournment of the Solid Waste Committee.

Chair Buchanan opened a public hearing.

Shawn Donohue, Metropolitan Disposal Corporation, addressed the Committee and referenced a letter dated January 4, 1994 to Ms. Cusma concerning the proposed amendment. This document has been made part of the permanent meeting record. Mr. Donohue requested more time to discuss the proposed amendment with Metro.

Presiding Officer Wyers gave assurances that more time would be given prior to Council decision on the matter.

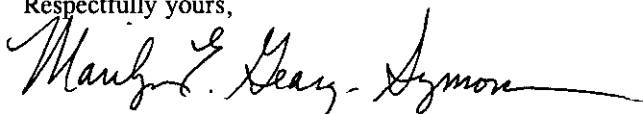
Bruce McIntosh, District Manager, Sanifill Northwest, addressed the Committee and referenced his memorandum dated January 4, 1994 regarding the proposed amendment. This document has been made a part of the permanent meeting record. Mr. McIntosh requested further time for discussion of the matter.

Chair Buchanan closed the public hearing.

Chair Buchanan continued consideration of the matter to a special meeting of the Solid Waste Committee. He called the special meeting of the Solid Waste Committee to be held on January 11, 1994 following the GA Meeting.

There being no further business, the meeting adjourned at 5:41 p.m.

Respectfully yours,



Marilyn E. Geary-Symons
Committee Recorder