

MINUTES OF THE COUNCIL SOLID WASTE COMMITTEE
OF THE METROPOLITAN SERVICE DISTRICT

March 30, 1989

Room 330

Committee Members Present: Gary Hansen (Chair), Sharron Kelley (V. Chair), Roger Buchanan, Mike Ragsdale and Judy Wyers

Committee Members Absent: None

Also Present: Dan Cooper, General Counsel

Chair Hansen called the special meeting to order at 5:08 p.m.

1. Consideration of Resolution No. 89-1061, Approving a Request for Proposals to Solicit Private Proposals to Design, Construct, Own and Operate the Metro East Station

- . Request for Proposals (RFP)
- . Mitigation Agreement

Resolution No. 89-1061A was distributed to those present. Staff explained changes to the resolution. Staff distributed a draft Mitigation Agreement dated March 30, 1989. Staff explained City of Portland staff and Metro staff reached mutual agreement on the Mitigation Agreement draft distributed at this meeting. The Committee and staff discussed Resolution No. 89-1061A at length and made the following motions to amend.

First Motion to Amend: Councilor Ragsdale moved to amend the resolution with insertion of additional language: That the terms of the Mitigation Agreement shall be considered to be the minimum standards for mitigation in the event that the Metro East Station site is located outside the City of Portland.

Vote on First Motion to Amend: All Councilors present voted aye. The vote was unanimous and the motion passed.

Second Motion to Amend: Councilor Ragsdale moved to insert a new WHEREAS: The Mitigation Agreement (Appendix A of the RFP) is an appropriate minimum standard to be applied to the Metro East Station if in the alternative the facility is to be located outside the City of Portland; and

Vote on Second Motion to Amend: All Councilors present voted aye. The vote was unanimous and the motion passed.

Third Motion to Amend: Councilor Ragsdale moved to approve Appendix A (Mitigation Agreement) dated March 30, 1989.

Vote on Third Motion to Amend: All Councilors present voted aye. The vote was unanimous and the motion passed.

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Fourth Motion to Amend: Councilor Ragsdale moved to substitute "avoided cost incentive" for the penalty for not meeting recycling guarantees.

Vote on Fourth Motion to Amend: All Councilors present voted aye. The vote was unanimous and the motion passed.

Fifth Motion to Amend: Councilor Ragsdale moved to stipulate in the resolution Metro would not subsidize a buy-back operation.

Vote on Fifth Motion to Motion to Amend: Councilors Buchanan, Kelley, Ragsdale and Wyers voted aye. Councilor Hansen voted nay. The motion passed.

Sixth Motion to Amend: Councilor Ragsdale moved to approve all staff recommendations on the Request for Proposals (RFP).

Vote on Sixth Motion to Amend: Councilors Kelley, Ragsdale, Wyers and Hansen voted aye. Councilor Buchanan was absent. The motion passed.

Seventh Motion to Amend: Chair Hansen moved to amend the resolution with two additional WHEREAS clauses and a new Section 3 in language as stated below:

WHEREAS, the Solid Waste Management Plan requires that in determining what form of facility ownership best serves the public interest the District should consider in light of the nature and scale of the proposed facility "how to avoid vertical integration (monopoly) of the solid waste business; and

WHEREAS, In the particular circumstance of the Metro East Station, avoiding vertical integration leading to potential monopolization the non-regulated portions of the solid waste collection industry requires that Metro not authorize a franchise agreement for the Metro East Station with any entity or affiliate entity thereof which also provides landfill or other disposal services to the District and which competes in the non-economically regulated portion of the solid waste collection business within the District;

3. In applying the criteria set forth in Metro Code Section 5.01.085(d)(1) the District shall not approve any application from an entity or affiliated entity thereof which also provides landfill or other disposal services to the District and which competes in the non-economically regulated portion of the solid waste collection business within the District.

Councilor Ragsdale expressed objections the language proposed and served notice he would file a minority report for Council consideration.

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Vote on Seventh Motion to Amend: Councilors Kelley, Wyers and Hansen voted aye. Councilor Ragsdale voted nay. Councilor Buchanan was absent. The motion passed.

Main Motion as Amended: Chair Hansen moved to recommend the full Councilor adopt Council adopt the resolution as amended.

Vote on Main Motion as Amended: Councilors Kelley, Wyers and Hansen voted aye. Councilor Ragsdale voted nay. Councilor Buchanan was absent. The motion passed.

Chair Hansen adjourned the meeting at 8:30 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
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