

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

June 21, 1988

Committee Members Present: Councilors Gary Hansen (Chair),  
Sharron Kelley (V. Chair), Tom  
DeJardin and Corky Kirkpatrick

Committee Members Absent: Councilors Larry Cooper, Jim Gardner  
and George Van Bergen

Also Present: Dan Cooper, General Counsel

Chair Hansen called the meeting to order at 6:00 p.m.

1. Consideration of Resolution No. 88-942, for the Purpose of  
Authorizing Execution of a Memorandum of Understanding with  
Riedel Environmental Technologies, Inc. for a Mass Composting  
Facility

Rich Owings, Solid Waste Director, noted that staff had made an extensive presentation to the Council on June 9, 1988, concerning the project. The Committee had no questions of staff regarding that presentation.

Gary Newbore, Vice President, Riedel Environmental Technologies, Inc., discussed the proposed agreement with the Committee. He reviewed projected facility costs and estimated the tipping fee at about \$41.20 per ton. That fee was within the 20 percent guideline established by the Council, he said. He also discussed potential risks to Metro including guarantee of a regular waste flow, certain performance guarantees and a market for compost material.

Councilor Kelley asked how Riedel would handle a situation in which hazardous waste were deposited at the facility. Mr. Newbore responded the hauler would assume liability if the hauler could be identified. Metro would assume liability if the hauler could not be identified. Various techniques could be employed to dilute, isolate and dispose of hazardous waste.

Chair Hansen noted he had received written questions from Councilors unable to attend the meeting. He asked those questions of Mr. Newbore. One Councilor asked why Riedel's price had increased since its initial proposal had been received. Mr. Newbore explained due to the reduced value of the dollar, the price of the British-made drum used in the composting operation had increased. A delay in project implementation had also increased prices. He noted, however, that Riedel's price was now firm.

Chair Hansen asked the following question on behalf of an absent Councilor: At what point in the decision-making process is Metro

irrevocably committed to do the project? Dan Cooper, General Counsel, responded Metro would be committed once the bid documents were approved by the Council.

Chair Hansen asked what obligations would be incurred by entering into a memo of understanding (MOU) with Riedel. Mr. Cooper explained the MOU would represent a good faith agreement. Riedel's MOU agreement, he explained, differed from the agreement with Combusion Engineering in that the same liability provisions would not apply with Riedel.

In response to Councilor Kirkpatrick's question, Mr. Cooper said Riedel would pay for the project bonds which would be performance type bonds.

There was no testimony from the public on Resolution No. 88-942.

Motion: Councilor Kelley moved to recommend the Council adopt Resolution No. 88-942.

Councilor Hansen requested staff prepare a report to all Councilors explaining increased costs for the compost project.

Councilor Kirkpatrick, referring to Ordinance No. 86-201 (an ordinance adopting criteria for implementation of alternative technology projects), asked staff if the proposed contract met the guidelines established in the ordinance. Debbie Gorham, Solid Waste Analyst, reviewed each guideline of the ordinance and confirmed that the guidelines had been met.

Vote: A vote on the motion to recommend adoption of Resolution No. 88-942 resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The motion carried.

2. Consideration of Resolution No. 88-944, for the Purpose of Authorizing Execution of a Contract with Cal Recovery Systems, Inc. for a Portland Area Compost Products Market Study

Mr. Owings explained that with the advent of the Riedel project, it would be important to know how the new compost facility would effect compost markets. The contract with Cal Recovery Systems would allow for such a study to be performed. Sandy Gurkewitz, Analyst, reviewed staff's written report for the Committee.

Councilor Kelley said she had assumed Riedel would develop its own markets for compost materials. Ms. Gurkewitz explained the contract

would provide for a consultant to analyze markets rather than develop them. The Councilor then expressed concern the project could compete with the City of Portland's efforts to find markets for sewage sludge compost material. Ms. Gurkewitz replied that the Riedel project would not impinge on the City of Portland's markets.

In response to Councilors' questions, Ms. Gurkewitz reviewed the by process which a contractor had been selected for the project.

Motion: Councilor DeJardin moved to recommend the Internal Affairs Committee adopt Resolution No. 88-944.

Chair Hansen thought it would be difficult for someone outside the process to determine compost markets. He explained insiders were usually better at selling projects and had better incentives for finding inventive markets. Mr. Owings responded that Metro's staff were not expert at marketing and needed professional assistance.

Vote: A vote on the motion resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The motion carried unanimously.

6. Consideration of Resolution No. 88-945, for the Purpose of Expressing Appreciation to Metro Employees for Dedicated Work on the Household Hazardous Waste Collection Day

Chair Hansen said the resolution had been introduced by Presiding Officer Ragsdale as an expression of appreciation for the extra work put in by staff on the recent collection day. The Chair also agreed that a special acknowledgement was appropriate.

Motion: Councilor Kelley moved to recommend the full Council adopt the resolution.

In response to Councilor DeJardin's question, Mr. Owings explained some materials had not been accepted at the collection drive because there were no places to dispose of them. He said before the next collection day staff would probably have worked out agreements with parties capable of disposing those materials. Mr. Owings also acknowledged that over 30 volunteers had contributed services at each site during the collection day. He thought the Council should begin to think about payment for those services in future years.

Vote: A vote on the motion resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The motion carried.

4. Consideration of Resolution No. 88-835C, for the Purpose of Adopting a Policy to Establish that the Metro East Transfer & Recycling Center(s) May be Publicly or Privately Owned and that Notice be Posted to Request that Potential Vendors Obtain Land Use Permits for Proposed Transfer Station Sites

Chair Hansen called a recess at 7:05 p.m. to enable the Committee to review the most recent revision to the resolution. The Committee reconvened at 7:25 p.m.

Motion: Councilor Kirkpatrick moved that consideration of the resolution be deferred to July 5, 1988.

Councilor Kirkpatrick acknowledged there were citizens present to testify on the resolution. She suggested testimony be heard at this meeting but the matter be continued in order to give the Committee time to respond to the most recent redraft. She also noted that Councilor Gardner, the author of the revised resolution, was absent at this meeting and would be able to attend the July 5 meeting.

Chair Hansen opened the public hearing.

Jeanne Robnette, member of Oregonians for Cost Effective Government (OCEG), testified the OCEG advocated cost effective, private solutions to problems. Ms. Robnette also said she was pleased the Committee had recommended entering into a contract with Riedel Environmental Technologies for a privately-owned composting facility.

Per Fagereng, 4108 S.E. 16th, Portland, member of Oregon Fair Share, testified it was his view that private facilities would be a good idea. He especially supported building many small facilities. He thought that solution would be easier for haulers, less disruptive to neighborhoods, more flexible, and would have less environmental impact. He urged Metro not to be constrained by one or two proposals and to pursue the options he had outlined.

Vote: A vote on the motion to defer consideration of Resolution No. 88-935C to July 5, 1988, resulted in:

Ayes: Councilors Kelley, Kirkpatrick and Hansen

Nay: Councilor DeJardin

Absent: Councilors Cooper, Gardner and Van Bergen

The motion carried.

Councilor DeJardin hoped the Committee could forward a recommendation to the Council by the end of July.

3. Consideration of Ordinance No. 88-250B, for the Purpose of Adding Chapter 5.04 to the Metro Code to Provide for a One Percent for Recycling Program

Mr. Owings reported that at the last Committee meeting, members had requested staff return with possible names for the new recycling program. He distributed a memo to the Committee listing names for consideration. He also explained the revised ordinance had been prepared by Dan Cooper, General Counsel, at Councilor Kirkpatrick's request. The new language provided for the funding to be placed in a separate account, rather than a separate fund. Councilor Kirkpatrick said she had asked Mr. Cooper to redraft the ordinance based on the public process used for the North Portland Enhancement Committee.

Chair Hansen opened the public hearing on the ordinance.

Per Fagereng, 4108 S.E. 16th, Portland, member of Oregon Fair Share, testified in favor of the recycling program and he hoped the 1 percent figure was a floor, not a ceiling, for Metro's financial commitment to recycling programs.

There was no other testimony and the hearing was closed.

Main Motion: Councilor DeJardin moved to recommend the full Council adopt Ordinance No. 88-250B.

First Motion to Amend: Councilor Kirkpatrick moved to amend Section 5.04.050(a) of the ordinance to read: "On an annual basis a list of eligible projects shall be established by the Recycling Advisory Committee. The Projects List and criteria for allocating funds between projects shall be forwarded to the Council [as a separate agenda item in conjunctions with the Council's establishedment of the budget]."

Vote on the Second Motion to Amend: A vote resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The first motion to amend carried.

Second Motion to Amend: Councilor Kirkpatrick moved that section 5.04.020 be amended to read: "The Council shall create a separate account within [fund from] the Solid Waste Operating Fund [budget] equal to 1 percent of each fiscal year's solid waste operating budget, to be set aside to fund small scale projects and proposals to further the policy expressed

[impressed] in this Chapter. Funds not expended in any one budget year shall be carried forward."

Vote on the First Motion to Amend: A vote resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The second motion to amend carried.

Vote on the Main Motion as Amended: A vote resulted in all four Councilors present voting aye. Councilors Cooper, Gardner and Van Bergen were absent.

The motion carried and Ordinance No. 88-250B was recommended for adoption by the Council as amended.

5. Discussion of the Request for Bids for Transportation to the Arlington Landfill

Consideration of Draft Resolution No. 88-938, for the Purpose of Adopting Policy that Waste Transport Services to Gilliam County Shall be Privately Owned and Operated and that these Services Shall be Acquired Through a Request for Bids

Bob Martin, Engineering Manager, distributed draft Resolution No. 88-948. He reviewed staff's written report which recommended a privately operated system which would allow facilities and equipment to be in place by the time the Arlington landfill opened. Metro lacked the equipment and expertise to provide such services. Private sector firms in the barge, rail and trucking industries could provide the services. Staff also recommended a bid process as the most expedient and competitive way to acquire services. A request for proposals process would probably not result in the provision of waste transport services when needed, he explained. Staff were in the process of drafting the request for bids.

Mr. Martin reported an evaluation committee on transport services to the Gilliam County area had recommended a bid process and the proposed project schedule as included in Resolution No. 88-948.

Councilor Kirkpatrick concurred the Council supported private operation of transportation services but she did not agree a bid process was the way to secure those services. She did not accept staff's rationale there was not sufficient time to prepare a request for proposals.

Mr. Martin thought the resolution explained staff's rationale and that due to the simple nature of services, a bid process would be simpler to conduct, tasks would be easier to define and vendor's

Solid Waste Committee  
June 21, 1988  
Page 7

responses easier to evaluate. Metro could risk getting unresponsive proposals if a proposal process were conducted, he said.

Councilor Kirkpatrick thought a proposals process would be successful if the request for proposals was correctly designed. She wanted to secure the best system for the best possible price because the project had a duration of twenty years.

Councilor Kelley was concerned specifications exactly match requirements of the Oregon Waste Systems contract to operate the Arlington Landfill. She also asked if vendors could be given the opportunity to submit several types of bids (i.e. bids for contracts of varying durations). She did not want to give away good options.

Mr. Martin assured Councilor Kelley the contract documents would be "married" to the terms of the contract with Oregon Waste Systems. He reported the recommended length of the contract was still being discussed by the evaluation committee. Its recommendation would be forwarded to the Solid Waste Committee and there would be future opportunities to review the bid document, he explained.

Councilor Kirkpatrick again expressed her dissatisfaction that a proposal process was not being recommended by staff. She questioned whether Metro could obtain ample, competitive bids. Mr. Owings said because three different modes of transportation could be employed, he expected good competition.

Chair Hansen announced the Committee would consider Resolution No. 88-948 at its next meeting. He also established there was Committee consensus the transportation element to the Arlington landfill should be privately owned and operated.

There was no other business and the meeting was adjourned at 8:10 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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