

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

July 5, 1988

Council Chamber

Committee Members Present: Gary Hansen (Chair), Sharron Kelley (V. Chair), Jim Gardner, Corky Kirkpatrick and George Van Bergen

Committee Members Absent: Tom DeJardin

Chair Hansen called the meeting to order at 5:42 p.m.

1. 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 Privately Owned and Operated, and that Notice be Posted to Request that Potential Vendors Obtain Land Use Permits for Proposed Transfer Station Sites

Chair Hansen said Resolution No. 88-835C was a combined version of Resolution Nos. 88-835A and 88-835B. He asked Councilor Gardner to explain changes made.

Councilor Gardner said Resolution No. 88-835C amended language which said a facility may be publicly or privately owned. He said the resolution provided criteria to decide on the pertinent issues.

Councilor Kelley noted section g of the resolution stated, "avoidance of vertical integration (monopoly) of the solid waste business." She asked if the clause was necessary since the Metro Code prevented vertical integration. She said if the clause were kept, a term stronger than "avoidance" should be substituted. Councilors Gardner and Kelley agreed policy needed further definition.

Chair Hansen opened the public hearing.

Betty McArdle, Oregon Environmental Council (OEC), distributed a memorandum to the Committee, "Comments on Proposed Resolution Nos. 88-835C and 88-886." She said Resolution No. 88-835C was comprehensive and addressed the major recycling issues. She expressed concern about section g of Resolution No. 88-835C. Ms. McArdle said OEC urged the Committee and Council to remove the provisions prohibiting companies who were awarded contracts for one step of waste management from bidding on the transfer and recycling station(s).

The Committee and Ms. McArdle discussed the resolution further. Ms. McArdle said a company should not be prevented from bidding. She said companies could be allowed to bid and unacceptable bids could be rejected. Councilor Van Bergen said that approach could result in lawsuits. Chair Hansen told Ms. McArdle the Council shared her concern on recycling issues. Chair Hansen said a variety of vendors would lead to a good recycling system.

Jeanne Robinette, Oregonians for Cost-Effective Government, distributed a memorandum to the Committee dated July 5, 1988, "Cost-Effective Solid Waste Transfer, 88-835C," and urged the Committee to recommend the resolution. She said the vertical integration definition could be clarified and recommended solicitation of as many bids as possible. She was impressed with Metro's agreement with Riedel, Inc., and said Metro could use the same approach for Resolution No. 88-835C.

Chair Hansen closed the public hearing.

The Committee discussed the resolution. Councilors discussed section g of the resolution; number of bidders; the proposed east transfer station; and whether or not the resolution could be generalized to apply to all transfer stations. Councilor Gardner did not object to making the resolution less specific. Councilor Kirkpatrick questioned whether Metro could mix private and public franchises.

Councilor Van Bergen expressed concern the Committee meeting minutes were not complete. He said public testimony given at meetings was not given in complete detail and expressed concern whether a lack of information in this area would lead to possible lawsuits. Councilor Van Bergen requested all materials submitted at this meeting be made part of the meeting record. Materials submitted by staff and public were filed with the meeting packet and are noted in the corresponding agenda items in the minutes of this meeting.

Motion: Councilor Gardner moved to recommend the full Council adopt Resolution No. 88-835C.

Vote: Councilors Kelley, Cooper, Gardner, Kirkpatrick, Van Bergen and Hansen voted aye. Councilor DeJardin was absent. The vote was unanimous and the motion passed.

2. Consideration of Resolution No. 88-886, for the Purpose of Adopting a Policy for Vendor Qualifications for the Metro East Transfer and Recycling Center(s)

Chair Hansen opened the public hearing.

Jean Robinette testified again before the Committee on this resolution. She recommended the Committee reconsider the policy stated in the resolution.

Jim Benedict, Schwabe, Williamson & Wyatt, 1700 PacWest Center, Portland, said Resolution No. 88-886 would not serve the public interest. He told the Committee the resolution was applicable only to the proposed east transfer station and should be rewritten to apply to transfer stations in general. He said if the Committee deferred consideration of the resolution, issues raised regarding vertical integration could be resolved.

The Committee and Mr. Benedict discussed the resolution further. Mr. Benedict said the resolution sought to maximize efficiency but could possibly exclude bidders. He said Resolution No. 88-886 was a piecemeal tack-on to Resolution No. 88-835C. He said it would not be detrimental if Metro were to receive a bid from the Arlington Landfill operator. Councilor Van Bergen objected to Mr. Benedict's testimony and said Metro was sincere in its efforts to draft the best solid waste policy possible.

Bob Dreyfuss said he was interested in Metro affairs and asked why landfill space should be preserved. If such were the case, why was Waste Management, Inc., in business, he asked. He said any venture that created a profit should be pursued, including recycling. Mr. Dreyfuss hoped in 20 years the trend towards landfilling solid waste would be over.

Chair Hansen closed the public hearing.

Councilor Kelley said she could support the resolution if the Metro Code were not already in place. She said the Code did cover franchising and conflicts between landfilling and recycling. She said it was clear that Oregon Waste Systems, Inc., had a responsibility to submit an acceptable bid. Councilor Kirkpatrick said the Code would need amendment and/or the Committee could adopt the resolution. The Committee discussed the issue further. Mr. Owings said a variance could be added to the Code.

Councilor Cooper said the resolution could be voted upon or tabled. He asked what methods Metro had to control the gatehouse. He hoped as many vendors as possible would submit bids.

Motion: Councilor Cooper moved to table Resolution No. 88-886.

Vote: Councilors Cooper, Gardner and Hansen voted aye.  
Councilors Kelley, Kirkpatrick and Van Bergen voted nay.  
Councilor DeJardin was absent. The motion failed.

Councilor Kirkpatrick said staff should be given further direction. She suggested Chair Hansen appoint a subcommittee to analyze the issues further. Chair Hansen appointed Councilors Cooper and Kirkpatrick to serve on the subcommittee and said Resolution No. 88-886 would be considered by the Council Solid Waste Committee after its next scheduled meeting.

3. Consideration of Resolution No. 88-948, 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

Chair Hansen opened the public hearing on Resolution No. 88-948. No one appeared to testify and Chair Hansen closed the public hearing.

Bob Martin, Engineering Manager, gave staff's report. The Committee and staff discussed the general area footprint; the bid process; time constraints; and whether or not Metro should assume transportation responsibilities itself.

Motion: Councilor Cooper moved to recommend the full Council adopt Resolution No. 88-948 with the stipulation that language be amended to state Metro would solicit bids for transportation.

Vote: Councilors Cooper, Gardner and Hansen voted aye. Councilors Kirkpatrick and Van Bergen voted nay. Councilors Kelley and DeJardin were absent. The motion passed.

Councilor Gardner said staff needed to develop a viable public-ownership option. The document submitted by staff for this Agenda Item was from Ray Barker, Council Assistant, to the Committee, dated July 5, 1988, "Resolution No. 88-948, Adopting Policy for Waste Transport Services."

4. Briefing on the Request for Bids for Transportation to the Arlington Landfill

Mr. Martin presented the briefing on the Request for Bids for transportation to the Arlington Landfill. A draft report, "Bid Concepts for the Transportation Request for Bids," dated June 27, 1988, was distributed to the Committee. Mr. Owings noted the added traffic through Arlington would significantly impact residents and noted some mitigation might be required. Councilor Van Bergen asked Mr. Owings what sort of mitigation had been discussed. Mr. Owings said Arlington preferred the railway transportation mode, but did not specify the transportation mode had to be rail. Chair Hansen discussed the schedule of events.

5. Briefing on the Executive Officer's Proposed Solid Waste Rates

Mr. Owings discussed the proposed solid waste rates presented by Executive Officer Rena Cusma. He said an emergency situation might have to be declared. Documents submitted by staff for this resolution were Ordinance No. 88-257; a staff report by Mr. Owings and Steve Rapp, Analyst, dated June 14, 1988, "Consideration of Ordinance No. 88-257, for the Purpose of Establishing Solid Waste Disposal Rates for FY 1988-89;" a memorandum from the Executive Officer to the Council dated July 1, 1988, "Fiscal Year 1988-89 Rate Recommendations;" a memorandum from Mr. Owings to Chair Hansen dated June 30, 1988, "Briefing Material for July 5, 1988, Meeting;" and a copy of the Metro "Rate Study--Fiscal Year 1988-89."

Roosevelt Carter, Operations Manager, noted Resolution No. 88-878 was a housekeeping measure to utilize all solid waste rate policies. He explained what the resolution would do and that staff recommended adoption of policies. He said it would be necessary to cut the five separate rate structures down to three. He said yard debris costs should be raised. Mr. Carter summarized St. Johns Landfill fee components, the main factors of the proposed solid waste rate increases and user fees.

Councilor Gardner said users might deliver unclean yard debris loads if clean load yard debris rates were raised. Mr. Carter said users would still have access to processing centers. Mr. Owings said yard debris could be banned for disposal.

Charles O'Connor, Chair, Solid Waste Rate Review Committee (SWRRC), and Andrew Thaler, SWRRC, discussed the proposed solid waste rates. Mr. O'Connor said the SWRRC's recommendation differed from the Executive Officer's on Section 7 of Ordinance No. 88-257. He said the issues of concern were what would happen when the St. Johns Landfill closed, who would pay closure costs and the question of regional responsibility. Mr. Thaler said closure of the St. Johns Landfill would become a regional issue because there would be no other way to pay closure costs.

The Committee, Mr. O'Connor and Mr. Thaler discussed rate incentives. Mr. Thaler noted Milton Fyre, SWRRC, showed him a Supreme Court decision ruling which would affect Section 2 of the ordinance which defined commercial users and noncommercial users.

6. Status Report on the Solid Waste Functional Plan

Rich Carson, Director of Planning and Development, said the Planning and Development Department was working on simplification of the Solid Waste Functional Plan. Becky Crockett, Senior Analyst, discussed the issues and noted three documents in use for the simplification process:

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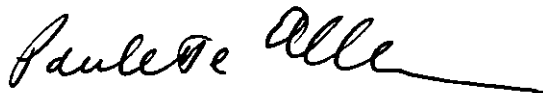
"Solid Waste Reduction Program" dated May 15, 1986; "Solid Waste Management Plan--Inventory dated May 1988; and the "Summary of Solid Waste Policy Ordinances and Resolutions," June 1988. Ms. Crockett noted the latter document summarized 200 pieces of adopted legislation on solid waste handling and disposal.

Councilor Kirkpatrick endorsed simplification of solid waste policies and was pleased the Waste Reduction Plan would be kept in place. Councilor Kirkpatrick said it would be necessary to clarify the role of local government.

7. Briefing on the Solid Waste Department Work Plan for FY 1988-89

The Committee officially deferred consideration of this Agenda Item, but discussed it briefly before adjournment by Chair Hansen at 8:50 p.m.

Respectfully submitted,



Paulette Allen, Clerk  
SWC88.187