

COUNCIL SOLID WASTE COMMITTEE
SOLID WASTE POLICY ADVISORY COMMITTEE

August 11, 1987
5:00 p.m. - Room 330

Committee Members Present: Councilors Jim Gardner, Tom DeJardin, Gary Hansen, Sharron Kelley, Corky Kirkpatrick

Staff Present: Ray Barker, Don Carlson, Richard Owings, Becky Crockett, Judith Mandt, Dennis Mulvihill

Others Present: Kathy Cancilla, Joe W. Cancilla, Jr., David S. Phillips, Bob Hurley, Carolyn Browne, Estle Harlan, Shirley Coffin, Bruce Rawls, Michael J. Pronold, George A. Hubel, Dan Saltzman, Delyn Kies, Tom Miller

The meeting was called to order at 5:08 by Committee Chairman Gardner.

1. Roll Call and Approval of Minutes.

Minutes of June 9, June 23 Work Session, June 23 Committee Meeting, July 9 and July 21, 1987 were approved.

2. Contract for Planning Services.

Ms. Becky Crockett, Solid Waste Analyst, explained the Memo given to the Solid Waste Committee prior to the meeting, which dealt with the two firms responding to Metro's Request for Proposal (RFP) for Updating the Regional Solid Waste Management Plan. The two firms are Benkendorf Associates and Gershman, Brickner and Bratton, Inc. (GBB). The proposals are for a two year period.

Interviews had taken place the morning of the Solid Waste Committee Meeting. The next step will be to get the Executive Officer's recommendation. The final contract will be presented to the Solid Waste Committee on August 25, 1987 and will go to the full Council on August 27, 1987.

Councilor Kelley asked just what the contracts were asking the firms to do in relation to economics, engineering and land use.

Ms. Crockett explained that the engineers would take various factors such as economic and environmental impact, protection of

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prime industrial land within the Metro region, public versus private ownership and give each a quantitative value. Then they would assess how important each item is in gaining the best Solid Waste Plan for the region.

Tom Miller, a member of the SWPAC Committee, asked why the two firms were needed when Metro has a large staff working on the plan. He asked if there was not going to be duplication of effort by using a subcontractor.

Richard Owings, Director of Solid Waste, stated that Ms. Crockett and one or two additional analysts would be involved, and perhaps a senior manager on a contract basis. Because of the number of different ongoing projects that are being handled by the Solid Waste staff, the in-house resources are stretched a long way.

He said that public agencies hire consultants for two reasons. 1) to tap into special expertise that would not have to be maintained on the payroll over a long period, and 2) to get a lot of work accomplished in a short period of time without tying up regular staff. He felt that once the plan is in place, the staff should be able to maintain it in-house.

Mr. Owings also brought up the point that Metro has spent a lot of money working to site a Washington County Transfer Center, all of which has come to nothing because there was not a plan to support it. It seemed worthwhile to him to spend some money to get a viable plan in place that could possibly prevent similar situations in the future.

Councilor Hansen stated that even more staff time might be needed, depending on the choices made by the Executive Officer and the Council, i.e., Bacona Road, Arlington, or some other possibility. He felt that the worst case scenario should be looked at; what do we do if we are trying to site and build a landfill at Bacona Road, working with alternative technology, and beefing up the waste reduction plan that needs a lot of work on it? The staff is going to be way overburdened and may be shifting even more items on to consultants.

Secondly, he is tending to be willing to give whatever resources are necessary to get a very good plan the region can live with for a long time. The Council has been asking for such a plan for years. Metro has already spent a great deal of resource and time and it never seemed to be enough or it never got the job done. It seemed to him this is the last chance to get a good plan that the region can adopt and accept.

So it must be done right and done with the idea it will be challenged. A paper trail must be built for a good plan. Also, the original scope of work that Ms. Crockett outlined would be a two year scope of work and the Council, the Executive, and the staff has already been approached by many people saying they want to shorten the time span. Again, this is when consultants are used that you don't want to maintain in the agency.

George Hubel, SWPAC Committee member, asked if there was an analysis as to which proposal is the better deal. That is, does the more expensive package have additional benefits that make it worth the extra money?

Ms. Crockett answered that one proposal was predicated on the use of staff for some of the work, while the other did not use staff at all. She said the details of the contract and interviews concerning the contract had taken place the morning of the Committee meeting. Staff had been doing evaluations all afternoon. They will be making a recommendation to the Executive Officer on the selection of the firm based on those interviews. The recommendation will then be made to the Solid Waste Committee on August 23, so they will also have a chance to check it and give their recommendations. It will go before the Council on August 27, and if approved, the consultants will start work on August 31. Legal services will be subcontracted at additional cost.

3. Functional Planning and Role of Solid Waste Policy Advisory Committee (SWPAC).

Kathy Cancilla, Acting Chair of the SWPAC Committee, stated that the SWPAC Committee had been working hard on a sixteen month plan, when all of a sudden everything seemed to come to a grinding halt. The committee members were feeling they were wasting their time even showing up. There was no action being taken by the Committee and they wondered "Why are we here?" They wanted to know if they are a valuable resource; if they are, they should be given something to do. If not, they would just as soon say goodbye.

Councilor Gardner said he thought a brief explanation of what the new planning effort is and the role of the committee's that will be helping Metro's staff put the plan together would be helpful. He asked Ms. Crockett to make that explanation.

Ms. Crockett explained that the Council at its last meeting had approved two new committees for assisting in the development of the solid waste management effort. The reason for setting up the two committees was to bring together a regional consensus making

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forum for the development of the Solid Waste Management Plan. The Council and the Executive Officer felt that if Metro was going to proceed with this effort, the first thing on the agenda was to make sure all the local jurisdictions were involved. That was the driving factor in setting up the committees.

The Policy Committee will be comprised of fourteen members; people such as county commissioners, city mayors, the Director of the Department of Environmental Quality, the Director of the Port of Portland, two Metro Councilors, and the Metro Executive Officer.

The Technical Committee would have twenty-two members and these would be technical people; land use planners, engineers from the local jurisdictions in the region, six industry positions and three citizen positions. Recommendations from the counties have been that the citizen members come from each one of the three counties. The purpose of the Technical Committee is to work very closely with Metro Solid Waste staff and the consultants we would hire to develop the technical parts of the Solid Waste Management Plan. Essentially, this Technical Committee will be drawing up the Solid Waste Management Plan in its entirety. Then they would make recommendations to the Policy Committee.

The Policy Committee in turn will identify policy issues pertaining to the development of the plan and make recommendations on those policy issues affecting the region. The Metro Council would then make a final decision on all policy matters and finally would approve the finished Solid Waste Management Plan.

Councilor Gardner said part of the action in setting up those committees was to instruct the Executive Officer to incorporate members of SWPAC into that Technical Committee wherever possible, because a lot of the interest groups represented on the Technical Committee were the same as SWPAC; the hauling industry, general citizens, the Solid Waste staffs of local cities and counties.

Mr. Owings said the proposal was before the Executive Officer. She had not had the opportunity to review it and concur. He felt it would be a matter of days before the decision was made. He felt sure there would be some members of SWPAC included in the Technical Committee, but was not prepared to say whether or not the number recommended would be sustained. He also emphasized that the new Technical Committee and Policy Committee were Solid definitely "Sunset Committees", that is, they will be in effect only until their specific tasks are completed.

Councilor Gardner stated that the new functional plan is a complete updating and rewriting of Metro's Solid Waste Management Plan. It will describe the types of recycling programs we will have in the foreseeable future, the types of disposal facilities and how all the pieces will fit together into a comprehensive plan to reduce waste and to dispose of the waste we can't reduce. It will define how Metro handles its solid waste responsibility for the next twenty years. For this reason the Council is very interested in tapping into the experience and the knowledge that already exists in SWPAC. What cannot be done is to take SWPAC as a whole and transfer it over because the committees working on the plan are slightly different in makeup.

Mr. Hubel said that to him "technical" implied expertise, yet many proposed members of the Technical Committee seemed to be political and interested in policy rather than being technically experienced.

Councilor Gardner replied that did seem to be the case. However, the committees, the Technical Committee and the Policy Committee, would be working in sequence, with the Technical Committee looking first at a particular issue, and then what they decide would be brought to the Policy Committee and subsequently to the Council. They are not independent, but almost doing the same thing. First the technical group looking at all the details and then bringing their major conclusions to the Policy Committee and then on to the Council.

Mr. Hubel asked why the Council itself was not the Policy Committee.

Councilor DeJardin commented that the Council was the Policy Committee as far as the final decision for Metro itself. The effort is to try to avoid having Metro be the only authority involved and ending up with everyone unhappy because they feel Metro has forced "a big bad plan" upon them. The two committees are a "one-two punch" to get something accomplished. By having this Policy Committee composed of the politicians and elected officials of the area, it is peer pressure among themselves to say "Yes, this is a problem for all of us. We all have to take a bite of it, a piece of it and accept it."

It is a way of neutralizing the situation and having everyone participating in the decisions. On the Technical Committee you have to have the technical expertise of the people who are in the industry. If you affect them, you have to involve them. The committees are a way of doing that.

Councilor Gardner said that once the plan was worked out and in effect, there would be a need for some sort of ongoing advisory committee. It would be difficult to determine at this time just how such a committee would function; whether it would again be giving advice to the Council, or would be working with the staff under the direction of the Executive Officer. What Councilor Gardner wished to suggest was that it be made official that SWPAC be declared inactive until the Solid Waste Management Plan is adopted and to revisit the question of what new advisory group could be involved once we are at the end of that planning.

Councilor Kelley stated she would like to answer a previous question concerning decision already made. She pointed out that the Solid Waste Management Plan is different from the Solid Waste Reduction Plan. Those decision concerning the hierarchy, etc. will not be a part of the Solid Waste Management Plan. The policy decisions still belong to the Metropolitan Service District Councilors, not to the policy makers of the local jurisdictions. So those things that have already been done will not be revisited. All the other issues that relate to the local jurisdictions will be looked at through the Solid Waste Management Plan.

Secondly, Councilor Kelley stated she was not sure she was in agreement with Councilor Gardner on what he was suggesting about disbanding SWPAC. She felt there may not have been enough discussion concerning what the functions of SWPAC were; if it had been thoroughly examined what SWPAC was working toward. Also, even the Council Solid Waste Committee's function, role and how they will communicate with the Council, have not been identified yet. Hazardous waste, recycling and some of the other issues relating to contracts must surely be important to SWPAC. She would like a thorough discussion of these things before abdicating forever what SWPAC has done up to now.

Councilor Hansen said he would certainly like to hear from the members present at the meeting if they saw any role for SWPAC or a SWPAC type committee during the next two years, and what that role might be.

Kathy Cancilla said she felt the main function of SWPAC had been to watch over the Solid Waste Reduction Plan and she posed the question as to whether that plan had been eliminated. If it had not, she felt SWPAC still had a role. The Functional Plan had a role also, but SWPAC was addressing the progress of the Solid Waste Reduction Plan, the different policies that would make it viable in the future, and how to accomplish those policies.

Shirley Coffin said that early in the year SWPAC's work plan seemed to fall apart and not much had been done recently.

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Unless a larger role was assigned to SWPAC and some staff time was given to them, she didn't see how they could continue to operate in any constructive way.

Councilor Gardner said that waste reduction was actually the starting point of the new Solid Waste Management Plan and was the one part from the old plan that was still valid. In effect, it's the core of the new plan.

He also explained that part of the reason SWPAC got "caught in the middle" was that the new Executive Officer had a different way of operating and felt she could not work with the SWPAC committee because it was a creation of the Council and something from the past. So SWPAC was left without staff support, or without staff consulting it for advice. He stated he did not see that old pattern happening again because SWPAC was set up and appointed by the Council prior to the new administration. In terms of SWPAC continuing, he could not see how that would even be possible. Perhaps there will be a continuing role for an advisory committee, but it will somehow have to be worked out if the Council wants to set up an advisory committee on solid waste strictly for itself. Or perhaps the Executive may do so.

Shirley Coffin asked where the new Technical Committee and Policy Committee fit in. Were they Council committees or Executive committees?

Councilor Gardner said they will be hybrids. The Council did establish them by Resolution, but they are going to be working very closely with the staff and with the Executive as the planning process goes on. Yet they are going to be bringing some recommendations to the Council. Maybe the new solid waste advisory group at the end of this planning process could be a hybrid too. Right now, with the way SWPAC was established and appointed, it can't really fill that role because it is seen as strictly a creation of the Council.

Michael J. Pronold, SWPAC member, asked if the members of the new committees had been appointed and who would do the staff work. Councilor Gardner said the Committee members have not yet been appointed.

Rich Owings said the committees would be staffed by Metro Solid Waste staff. There will also be citizen members.

Councilor Gardner said the question had brought up an idea he had hoped to discuss at the meeting. He would like to increase by three the number of citizen members on the Technical Committee, making six citizen members altogether.

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Councilor Kelley commented that before the makeup of the committees should be discussed, the needs of this government should be identified. First we should identify the charge; then we put the committee together. Even the role of the Solid Waste Committee has yet to be defined.

Dave Phillips commented that the rift of Executive Officer versus Council is something SWPAC has experienced before. If SWPAC is to continue in any form, its role definitely needs to be defined and some kind of staff person assigned to them. Otherwise, if they are to come in and listen to reports, they might as well just read the papers, or Council Meeting Minutes. If there is not a need for a committee to give advice, there is no need for them to be here.

Councilor Gardner asked if the members of SWPAC who were present would be interested in serving on the Technical Advisory Committee.

Tom Miller asked if the staff had seen some "upstream" cooperation at the state level or are we again playing a football game with portable goal posts as has happened in the past. He sees much more cooperation and interest at the local level in the past month than he has seen before.

Ms. Crockett said that the Council has been most cooperative, the Executive Officer has been supportive, the only question had been DEQ. The staff had submitted a letter to DEQ asking them what their role would be in this project and what would happen when DEQ needed to approve the project. A return letter was received DEQ stating they are extremely supportive of the project. They are prepared to send a technical representative to the Technical Committee. Fred Hansen, Director of DEQ, will sit on the Policy Committee and be involved in the project. He made the statement in his letter that the ultimate approval of the Solid Waste Management Plan by DEQ would be an administrative function and that if it was a plan developed by regional cooperation, he would not have any hesitation in signing off on its being the Regional Solid Waste Management Plan.

Councilor Gardner said that perhaps he had been premature in offering spots on the Technical Committee to current SWPAC members; that apparently most of the slots had already been recommended. He asked to hear how the members had been selected, or to see the list.

Ms. Crockett said that the Executive Officer had instructed the staff to send a letter out to all SWPAC members, Metro's industry mailing list and all of the citizen organizations in the region. Metro sent that letter about three weeks ago and requested names

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back by August 7th. There were 17 solid waste industry names submitted to Metro, of which two are currently SWPAC members and 12 citizen names submitted, of which four are currently SWPAC members. To her knowledge, all the SWPAC members were invited to submit their application to this new Technical Committee.

Councilor Gardner felt that more citizen members were needed on the Technical Committee to keep it from being completely overwhelmed by the technical people. Probably a resolution would be needed to make such a change since the Council had set up the committee by resolution.

Shirley Coffin asked what would happen to rate review.

Councilor Gardner said that no matter what happened otherwise, rate review would still be in effect, because it had been created by ordinance.

Councilor Hansen said that the action is going to have to be the dissolution of SWPAC, because of the conflict of the separation of powers. Even if it were to be kept, it would have to be redefined. He would like Don Carlson or Ray Barker to put together some ideas on a pure Council committee. The Technical Committee is going to be working on what Metro will be doing about solid waste over the next 20 years. He thinks we need that citizen input to "keep us honest." He has heard comments indicating people don't think Metro is moving fast enough in recycling and the recycling part of the Waste Reduction Plan. He thinks Metro needs some kind of advisory committee to give us new ideas and fill in those holes if we are only getting staff information.

Councilor Kirkpatrick said what she had heard was that the Technical and Policy Committees would be sending information to the Council in incremental portions, so that what will be happening in the next two years would be covered by that process.

Councilor Hansen said he was talking about goals. Metro will still not be getting advice on the implementation of the program day to day. We need that kind of feedback on operations that are in effect now.

Tom Miller stated the figures are just now becoming available so that we can identify exactly what is taking place. DEQ is getting results, the City of Portland is getting results. The scale figures at St. Johns and CTRC are not going to tell us anything because they have no attribute of measurement for the growth and expansion of the community. We keep adding more and more to the waste stream without measuring what is being reduced.

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All we see is a steady increase which makes it look like we are not doing anything because it just goes up and up. But, is it going up as fast as it would have without our current program? When we start looking at the figures, we may find in actuality there is a lot being done that is being overlooked or taken for granted.

Kathy Cancilla said that unless there was heavy staff involvement with a committee, the advice the Council would get would be more opinion than real facts. She further stated that she had really appreciated the time and energy that staff has spent in educating her throughout her experience with SWPAC. Even though she has been involved with the garbage industry for many years, she learned a great deal and she now looked at the garbage industry with a broad scope rather than with one narrow opinion. She felt it would be extremely hard to work on a committee without that involvement with staff.

Don Carlson said he agreed with Ms. Cancilla. The Council staff is limited, though they would do whatever they could to help. The relationship with the operations of day to day activity lies really with the Solid Waste department. He gets information from them, which gets filtered and it's not direct. He feels the relationship between the Executive and the Council has spilled over into the relationship with these committees. Hopefully Metro can get back to the place where the staff is giving the best possible information to both the Executive and the Council, because both are trying to achieve a common goal of finding the best possible way for solid waste to be disposed of for the citizens of the region.

Councilor DeJardin made a motion to direct the Solid Waste staff to write a resolution adding three more citizen members to the Technical Committee.

Kathy Cancilla asked if Councilor DeJardin was then asking for the dissolution of SWPAC.

Councilor DeJardin said that was not a part of the resolution. He was addressing one issue at a time, although the assumption was not totally invalid.

Councilor Kelley seconded the motion.

Councilor Kirkpatrick said that there was not only a problem with SWPAC, but also with the Solid Waste Committee. She felt it needs to go into depth on the policy issues and move them forward to the Council level. If the separation of powers is going to be respected, and there is no choice because it was a legislative dictate that we do it, the Council has to look at the policy side

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and the Executive Officer has to look at the day to day administration. The only way the Council can affect the day to day operation is to set the policy and provide for it through the budget and direct it through the budget activities. This will not be easy to do. The Council has been used to a role of oversight and probably will no longer have that opportunity.

She hates to see SWPAC dissolved, but she doesn't feel the members should be used unless they can provide a meaningful role. No one wants to come to meetings just to come to meetings. She would like the Solid Waste Committee to think about whether we need a committee to give it advice, and perhaps make it the subject of the next meeting. The Solid Waste Committee needs to think about how it is going to interact with the jurisdictional committee, too.

Councilor Hansen said that Rate Review Committee is tied into the Ordinance. It is something we should look at so we don't shoot ourselves in the foot.

Councilor Kirkpatrick suggested that SWPAC not be dissolved immediately, but that another meeting not be held until some kind of resolution at the Solid Waste Committee level on how it could be used.

Councilor Hansen said it might be nice to have one last SWPAC Committee meeting to get their opinion on how the new plan is going.

Kathy Cancilla said she did not want things to continue going back and forth. She would prefer to hear "Yes, we're here" or "No, we're not here." She asked if the Committee would be interested in seeing the sixteen month plan SWPAC had been working on.

Councilor Gardner said the Solid Waste Committee would be most interested in seeing it.

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Cathy Howatt
Cathy Howatt

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