

MINUTES OF THE METRO COUNCIL SOLID WASTE COMMITTEE

August 16, 1994

Council Chamber

APPROVED
Date 9-13-94

Committee Members Present: Ruth McFarland (Chair), Sandi Hansen, Susan McLain, Rod Monroe

Committee Members Absent: Roger Buchanan (Vice Chair), Judy Wyers

1. Consideration of August 2, 1994 Solid Waste Committee Meeting Minutes

Motion: Councilor Monroe moved to approve the August 2, 1994 Solid Waste Committee meeting minutes as submitted.

Vote: Councilors Hansen, McLain, Monroe and McFarland voted aye.

The vote was unanimous and the motion passed.

2. Solid Waste Updates

• General Staff Reports

Bob Martin, Director of the Solid Waste Department, presented the staff report. He said application by Sanifill for designated facility status had been withdrawn, thus no agreement would be brought before the Council for review and consideration.

Councilor McLain indicated she had anticipated hearing strategies for middle term and long term solutions from Department Staff regarding disposal of the Forest Grove tonnage. In response to Councilor McLain, Mr. Martin respectfully declined to discuss anything involving the Contract Amendment No. 4 of the Oregon Waste Systems (OWS) contract, and he based his disinclination to do so on the Council's pending litigation challenging the validity of the amendment and the franchise amendment.

Councilor McLain noted she was working on draft language revisions to the Code regarding contract amendments. She said she understood the every day work of the agency was to be done as though the contract were valid at this point. Councilor McLain expressed concern regarding the ability of the Committee and Staff to proceed with the daily work of the agency without discussion of the possible solutions for the Forest Grove waste.

Chair McFarland said it was her understanding that a short term solution was currently in place until December, 1994. She asked Mr. Martin what he could discuss relevant to long term solutions while it was not certain whether Metro had a valid contract with OWS.

Councilor McLain expressed concern that the Council be uninformed prior to the deadline of January 1, 1995, and felt the Staff and the Council should proceed in a cooperative effort toward a long-term resolution to that issue. She said she saw Mr. Martin's role as one of bringing forth options to the Council for consideration and discussion followed by input from the Council.

Chair McFarland suggested Mr. Martin consult with Legal Counsel to determine what he could or could not safely address. Councilor McLain concurred. Mr. Martin agreed, regarding Forest Grove tonnage, that the short term solution was in place, and noted that was what the Council was seeking to overturn in part through the complaint that had been filed. He continued to express his disinclination to discuss matters concerning the Jack Gray Transport amendment, the A.C. Trucking amendment, either long or short term, pending litigation proceedings. He noted Metro Regional Legal Counsel was not representing either party in this case, and said, although he felt his guidance would appropriately come from the Executive Officer's attorney, he had not consulted with that party

to date. He said it was his own judgment call at this point, that while this matter was pending before the courts, he would not engage in speculative discussion about Metro's options in the matter of the Amendment No. 4 and the Forest Grove tonnage.

Councilor McLain indicated she would discuss the matter with Legal Counsel, and said she hoped the Executive Officer, Mr. Martin and herself could have an informal conversation.

Mr. Martin commented he would be happy to discuss the matter outside of the public setting and in private.

Todd Sadlo, Senior Assistant Counsel, referenced a memorandum regarding flow control legislation under consideration by the U.S. Congress signed by Councilor McFarland on August 10, 1994 and sent to Congressman Ron Wyden. Councilor McFarland commented her signature was done as an individual. Mr. Sadlo explained the proposed legislation, the Pallone amendment and the Richardson amendment, would give local jurisdictions flow control authority to the extent of their of financial commitments, sunseting when those commitments did. Mr. Sadlo said the legislation was intended to be a compromise between no flow control and permanent total flow control, with the intent of allowing further study in the interim. He noted one of the amendments under consideration, the Pallone amendment, covered matters having to do with grandfathering, household waste, detailed processes for designating facilities. He said Legal Counsel felt either bill would be satisfactory to the agency in settling some of the open questions in the industry. He said the message given to Congressman Wyden indicated support for the Pallone amendment, which he said was the more detailed amendment of the two.

Councilor McLain asked about definitions for Household Hazardous Waste in the bills. Mr. Sadlo said the bills were in too formative a stage for a definite answer at this point. In response to Councilor McLain, Mr. Sadlo said neither bill provided for flow control over recyclables.

3. Informational Presentation Related To An Art Exhibit Using Recycled Products

Don Rocks, Executive Assistant, discussed a plan for an art exhibit to be done at Metro Regional Center using recycled products. He noted the National Recycling Conference was planned for late September, 1994 at the Convention Center, which would hopefully coincide with the plans to get the art exhibit underway as well.

Judith Mandt, Solid Waste Department Administrative Manager, presented a book containing a collection of art from the American South entitled, "Passionate Visions". She announced a workshop to be held Saturday, September 17, at the Portland Art Museum conducted by artists to demonstrate to children in particular that things thrown away may have potential for reuse, perhaps even as art.

4. Ordinance No. 94-561. An Ordinance Amending the FY 1994-95 Budget and Appropriations Schedule of the Rehabilitation and Enhancement Fund for the Purpose of Funding a Recoverable Grant to the Portland Housing Center's Down Payment Assistance Fund and Declaring An Emergency

Roosevelt Carter, Budget and Finance Manager, Solid Waste Department, presented the staff report and said the proposed ordinance would, if adopted, accomplish the transfer of \$100,000 from the Contingency category of the North Portland Enhancement Account to the Materials & Services category to provide a recoverable grant to the Portland Housing Center's Down Payment Assistance Fund.

Katie Dowdall, Community Enhancement Coordinator, described the agreement between the Metro North Portland Enhancement Committee (NPEC) to enter into a \$200,000 recoverable grant with the Portland Housing Center.

Motion: Councilor Hansen moved to recommend Ordinance No. 94-561 to the full Council for adoption.

Chair McFarland opened a public hearing. No citizens appeared before the Committee to testify. Chair McFarland closed the public hearing.

Vote: Councilors Hansen, McLain, Monroe and McFarland voted aye. Councilors Buchanan and Wyers were absent.

The vote was unanimous and the motion passed.

John Houser, Council Analyst, noted the ordinance was scheduled for subsequent referral to the Finance Committee.

5. Resolution No. 94-1971, For the Purpose of Re-Appointing Jim Cozzetto, Jr. and Andrew Thaler to Serve on the Solid Waste Rate Review Committee

Mr. Carter presented the staff report, and said the proposed resolution was authorize the re appointment of Mr. Cozzetto and Mr. Thaler to the Solid Waste Rate Review Committee.

Motion: Councilor McLain moved to recommend Resolution No. No. 94-1971 to the full Council for adoption.

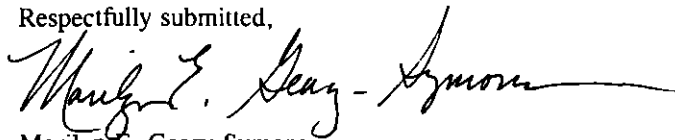
Vote: Councilors Hansen, McLain, Monroe and McFarland voted aye. Councilors Buchanan and Wyers were absent.

Mr. Houser noted the next regularly scheduled meeting of the Solid Waste Committee would occur on a Jewish holiday. He noted, however, the holiday was to begin on sundown of that day, and if the Committee completed its work prior to that time, it would not interfere with any of the activities of that holiday.

Chair McFarland suggested the agenda note that an adjournment Time Certain by that time would take place.

There being no further business, the meeting adjourned at 4:43 p.m.

Respectfully submitted,



Marilyn E. Geary-Symons
Committee Recorder