

COUNCIL SOLID WASTE COMMITTEE

August 25, 1987
5:00 p.m. - Room 330

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

Staff Present: Rich Owings, Becky Crockett, Ray Barker, Don Carlson, Judith Mandt, Dennis Mulvihill, Marc Madden, Marie Nelson

Others Present: Tom Miller, Art Fisk, Estle Harlan, Dan Saltzman

Chairman Gardner called the meeting to order at 5:08 p.m.

I. Consideration of Contract with Benkendorf Associates for Planning Services.

Becky Crockett, Solid Waste Analyst, gave a staff report concerning this contract. She stated on July 31, two firms responded to Metro's Request for Proposal (RFP) for Updating the Regional Solid Waste Management Plan: The Benkendorf Associates and Gershman, Brickner and Bratton, Inc. (GBB)

For a two-year period, the Benkendorf proposal totaled \$181,545 and the GBB proposal totaled \$374,000. For FY 1986-87 Metro has budgeted \$100,000 for consulting fees. Proposers were asked to provide engineering, economic, and land use expertise to complement the Metro solid waste planning team.

The staff has reviewed the proposals and interviewed the two consultant teams. As a result the Executive Officer has recommended that Benkendorf Associates be awarded the Solid Waste Planning contract.

The Benkendorf Associates with their subconsultants Kathy Thomas, R.A. Wright, Terry Moore, ECO NW, and K.J.Won, a private land use

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planning consultant, will bring extensive experience in Oregon land use planning, solid waste engineering and innovative ideas on assessing economic impacts of solid waste facilities to the project. These areas of expertise will complement the Metro project staff.

There was a change in the work scope from the original RFP that these firms responded to. These changes are directly related to requests by the Council to shorten the work program. These changes include adding a legal subconsultant to complete the legal summaries indentifying the extent of Metro's Solid Waste Management planning authorities and to advise us generally on due process in accordance with Oregon land use laws. Steve Pfeiffer of Stoel, Rives, Boley, Jones & Grey will provide these services for a cost of \$95 per hour for an estimated 210 hours. Total cost would be \$20,000. These estimates are for time and materials which will be coordinated and directed by Dan Cooper, Metro's new General Counsel.

An additional \$6,000 was added for the consultant firm to assist Metro staff with revisions in the work program and a total of \$24,000 was added to reflect cost increases of shortening the work program from 24 months to 14-16 months. This brings the total project cost to \$230,000. As they are again time and material costs, Metro would not be charged for per hour service not incurred by the consultants even if they were approved by the Council for this contract.

The FY 86-87 budget contains \$100,000 for planning consultant services. The needs for the project consultant for a 24 month work program would not exceed this amount. However, it appears that due to the shortening of the work program, we may incur expenses beyond that budgeted. Staff will make a final determination of consultant needs and budget impacts at the time the final work program is finalized.

The Executive Officer recommends approval of this contract for a not-to-exceed price of \$230,000.

Councilor Hansen asked what the rationalization was for the \$30,000 increase because of the shortened time span.

Ms. Crockett replied that there were two reasons. 1) One was a \$6,000 "insurance" to assist Metro staff in revising the work program. The Metro staff is working as much as it is possible to work and it is necessary that the project get completed in the next month or so. There is a possibility the Metro staff will be able to assume this job on their own, but if they can't, they

wanted a consultant available to pick up the pieces they couldn't do.

2) The \$24,000 charge for shortening the program has about four different components. First, there is a learning curve every time a new person is brought in. Shortening up the time frame means you have to add more staff, which means the learning curve multiplies by the number of new persons. When you shorten a work program, you probably are going to have to include consultants at a higher rate than you would ordinarily pay. In other words, with a longer time frame, you may be able to use people who are paid at a lower rate to do certain things. Quality control is another aspect. If you are reviewing work in large chunks it is much easier to go through that work and do good quality control checking. If you are working in incremental sections, it takes much more time to do that quality control effort, making sure all the parts of the plan are consistent. In shortening up the Work Program, we are talking about doing different sections of the plan at the same time.

Ray Barker, Council Assistant, said he understood Mr. Baldwin would be an additional consultant. He asked whether his fee would be included in the \$100,000.

Mr. Owings said that because the time frame was being shortened, plus they were planning on using Mr. Baldwin for personal services, there would be a need to go to contingency funding, or to transfer some money's that are now in the fund for the defunct Washington County Transfer Center. There is money available, but it will take Council budget action.

Mr. Carlson asked what Mr. Baldwin would be doing and if his fee would be in addition to the \$230,000.

Mr. Owings said that was correct. He would be on a personal services contract to assist in the management project. The contract has not been executed yet. He said Mr. Baldwin's services would be of help to him as director of this functional planning effort. It would be beneficial to have someone of Mr. Baldwin's caliber to give advice. It is the best way to make sure the product is something we can implement. Metro is only going to do this one more time. This time we're going to do it right. Mr. Baldwin has a lot of senior management experience in the planning arena in the metropolitan area. He also has the respect and recognition of many of the people who are being placed on the Technical Advisory committee by the suburban cities and the counties. The people that the cities and counties are putting on the Technical Committee are tending to be planning

types, not solid waste types. He will be extremely valuable to Mr. Owings in making sure that we have agenda packets and white papers that will lead to decisions. There is a possibility with Mr. Baldwin's involvement of saving some dollars on the Benkendorf contract. It may also be possible at staff level to reorganize the scope of work.

Don Carlson asked if Mr. Baldwin's contract was for the term of the project.

Mr. Owings said he thought Mr. Baldwin's contract was for one year. The duration of the project may go beyond his contract.

A motion for approval of the contract with Benkendorf Associates was made and seconded. The vote was unanimous.

2. Discussion of Solid Waste Committees.

Council Gardner said there was a multitude of solid waste committees. Ray Barker gave a summary of his memo describing what each committee had been doing and made the following recommendations for the future.

1. Use the Council Solid Waste Committee to address all solid waste matters or issues requiring Council consideration and/or action, including recommendations coming from the new Policy Committee. Add another Councilor to the Committee to make a total of five members (Council took this action August 13).
2. Create ad hoc citizen committees as necessary to address major solid waste issues (none are suggested at this time).
3. Abolish SWPAC. Appoint as many members of SWPAC to the Technical Committee as practical. Address the need for creating a permanent advisory committee as part of the Solid Waste Management Plan update (functional planning process).
4. Retain the Rate Review Committee.
5. Increase the number of citizens on the Technical Committee from three to five.

Councilor Kelley said that there had been some discussion of a budget committee for the whole Solid Waste Department. How would a budget committee and a rate review committee interact and would there be duplication?

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Mr. Barker said there might be some overlap, but he personally saw the Rate Review Committee as centering on setting the rates and justifying the rates, doing in depth studies on what the rates should be and looking at several other aspects of setting the rates.

Councilor Kelley suggested having a budget committee that met year-round. She asked if such a committee wouldn't they be in a good position to make recommendations about raising the rates or to make other changes.

Don Carlson said that the Council had used the Rate Review Committee to help it set the rates. They have gotten into fairly significant detail on rates and returns; technical types of things. The Budget Committee has traditionally been more interested in understanding programs, the significance of programs and the resources needed to carry them out. He felt these were distinct functions and it would serve Metro well to continue to have these two functions.

Councilor Kelley again posed the question of having a budget committee that met all year round on a regular basis. She asked if such a committee wouldn't be in a position to make recommendations as to increasing the rates.

Don Carlson asked Councilor Kelley why she would you want them to meet year round.

Councilor Kelley said she was concerned about the negative aspects of the broadness of work assigned to the Solid Waste Committee. She's looking for ways to mitigate those problems and to separate some of the charges that have been given to the Solid Waste Committee. Maybe to give to some to other more appropriate committees, but at the same time take a look at, not a proliferation of little committees, but at ways to combine them and make them more efficient.

If Metro were to have a Budget Committee for the Council that was also given the charge of looking at the rates, what else would be needed in terms of alleviating the awesomeness of the Solid Waste Committee having full charge of all the issues coming to them. And what could then come directly to the Council, so the Council will be more informed. If a Budget Committee could come both to the Solid Waste Committee and then to the Council with their findings, concerning increases in the rates, as well as budget recommendations, then there might also be a need to get policy recommendations from another committee. If that's the case, that would already give two sources of input reporting to either and/or the Solid Waste Committee and the Council. That seemed to her to be enough.

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Don Carlson stated his recommendations vis a vis this committee was that everything that comes to the Council from the administration would come through this Solid Waste Committee, because the members of this committee would become the experts and the agent and arm for the Council on solid waste matters, from day to day stuff like contracts to proposed ordinances. All of the items that would take Council action. The Solid Waste Committee has been operating somewhat on that basis, but this would clarify the role and responsibility of this committee. Metro has traditionally used at budget time a citizen council budget committee to work over and respond to the executive budget.

Mr. Carlson also said that rather than having an overall budget committee, the Council might wish to explore the possibility of breaking the budget committee up into functional committees; that is, to have a group of citizens advising on the Solid Waste budget, a group of citizens advising on the Zoo budget, a group of citizens advising the Executive, etc. Metro has not needed to have a permanent citizen committee as a budget committee that would be in existence all year long. Their role is merely a reactive one to proposed budget adjustments, such as the one Mr. Owings suggested concerning the Baldwin contract. If there was a committee functioning year-round, the process would probably be that the Solid Waste Committee would send something to them, they would review it and sent it back to the Solid Waste Committee.

The only reason he could see for having a year-round Solid Waste Budget Committee would be for them to become more expert, knowledgeable and informed in order to give advice on the next Solid Waste budget.

Councilor Kelley said she didn't think the Solid Waste Committee wanted to make recommendations in a vacuum either. As expert as they may become on the technical issues, she still thought that in order to make really excellent recommendations to the Council, it would be useful to have recommendations either from the citizens who elected the Councilors to office, or some other level of expertise.

Councilor Gardner said he was leaning towards having functional budget committees for each of the several areas for which Metro provides services; Solid Waste, Transportation, the Zoo, etc., similar to those used by the City of Portland and Multnomah County. He doesn't think that would be a decision for the Solid Waste Committee alone. It's a larger issue of whether the whole Council would want to change the way it has conducted its budget review and the way it has used citizens to participate and

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advise. Its certainly an item that could be brought to the whole Council as a suggestion before the next budget cycle.

Don Carlson said as far as the Rate Review Committee, it is used for recommendations on solid waste disposal rates and proposed franchising. So there is that function and then the big rate setting process, which is naturally sort of an annual event. The Rate Review Committee does become very informed about the proposed rates. Taking those people with that interest and expanding them into something else may not result in more efficiency.

Councilor Gardner said he thought the individuals on the Rate Review Committee would be very good candidates for a Solid Waste Budget Committee because of their interest in budgets and finances. He also wondered how much time citizens can be asked to devote to such tasks, how much duplication would be involved and how much significant work there would be for another group to do. Also what can be given in return--how much significant input and influence could be given to such a group. The Technical Committee that will be working on Functional Planning is going to have citizens on it, some of whom already have some experience with Metro's Solid Waste Department. If he had to decide, he would come down on the side of having the Technical Committee be the main resource available for citizen input into policies for the Solid Waste Department.

Councilor Hansen noted that he would like to see Rate Review left alone. It has a relatively limited function. After the budget has been set, after the appropriation level has been set, it determines if the mechanics of that rate will generate the revenue needed. It is pretty technical in nature.

He feels strongly that whether or not there will be a change in the composition of the committee, some plans have to be started now. This is the end of August. If there is going to be any type of meaningful citizen input into the budget, we need to be deciding what we are going to be doing in August and September. Especially as we are going to be following recommendations made at the last two budget committee meetings. We should be going out and holding public hearings in November to solicit ideas from the community to develop ideas for program input, before the budget is completely developed and given to us in February.

Don Carlson said it seemed to him that our system is somewhat different from the city of Portland. The city does a lot with functional budget committees. They work ahead of the preparation of the budget. But the system there is that the Commissioners are both legislators and executives. In Metro's system, the Executive proposes the budget. The Executive is fully capable of

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developing that budget and whatever process she wants in terms of citizen input. The Council has a very limited time to take the Executive's budget, work it over, and make decisions. It is really the Executive's decision to say what sort of citizen input she wants. The Council can form a committee, but he isn't sure how meaningful it would be.

Councilor Hansen said his concern was about waste reduction and recycling. He has heard a number of criticisms that Metro is not doing enough, that we are falling behind, that we are not meeting our goals.

It seemed to him it would be reasonable for them as a Council to examine how well the waste reduction plan and recycling efforts are going in a leisurely atmosphere in November and December, rather than trying to determine it all in that very short time period in early spring, when the question of whether the Executive's budget is capable of meeting the needs of the program are also under scrutiny. Admittedly, if the Executive wanted to develop any kind of citizen involvement, she is certainly free to do so. But by the same token, we need to get a better view of how the public is perceiving our efforts.

His recommendation was that the Solid Waste Committee should have all Council Solid Waste business channelled through it. Also, we might have a standing Budget Committee, which would be made up of the Solid Waste Committee plus five citizens that would be looking at budget implications and program analysis on a year-round basis. It would be much more active in the fall and winter.

Councilor Kirkpatrick said it seemed to her if citizen committees are going to be used, there has to be a fairly defined description of what it is we want them to do. She thinks that too often we want citizen input, but unless it is something meaningful it is a waste of time. She likes the idea of a functional budget committee. She that this year the Council will do some goal setting so the Executive Officer knows what it is this Council wants to do policywise and can match that budget to that policy. We needed to get started on it last month to really work through it the way we need to.

A citizen group can also help review the mid-term progress of the work program. Someone has to do that. She's not sure the Solid Waste Committee will have time to do that. It especially needs to be done concerning our services to the public.

Councilor Gardner suggested that this idea is broader than just solid waste. The Solid Waste Committee could certainly recommend it to the whole Council. The budget committees would need to be

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established before the budget gets done, so that they can review how the department is structured, what the programs are, how current resources are allocated, etc., so they would have the knowledge base to look at the new budget.

Councilor Gardner noted there was almost a consensus on taking that approach. He asked the staff to take a look at how such budget committees could work and come back to the Solid Waste Committee with a recommended structure that could be passed on to the Council.

Councilor DeJardin stated that another alternative would be to see if members of the two functional committees could serve on the budget committee. The learning curve would be much shorter, it would be more pragmatic and they are more likely to see budget implications that are programmed.

Councilor Kirkpatrick said the only objection she had was that earlier she had been discussing this matter with Councilor Gardner and he had suggested that committee members be appointed from the Council's combined districts, any time we have a committee, it would be someone from Zone 1 and 2, someone from Zone 3 and 4, someone from Zone 5 and 6. She felt this was such a good idea that she would be willing to have six citizen members and five council members.

Councilor Kirkpatrick made a motion to instruct the staff to come up with the functional budget committee concept using the zone idea for this committee to propose to the Council as a model for involving citizens in Metro's work.

Councilor Kelley seconded the motion.

The motion was passed unanimously.

Another item discussed was the status of SWPAC. The staff recommendation was that for the two year period when the Technical Committee and the Policy Committee are in effect, that SWPAC be disbanded.

Councilor DeJardin stated that everyone interested had pretty much been recycled into other committees anyway.

Councilor Kirkpatrick made a motion to disband SWPAC for the two year period.

Councilor DeJardin seconded the motion.

The motion was carried unanimously.

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Mr. Carlson noted that since the SWPAC Committee had been created by the Council, there should be a resolution entered before the Council to officially terminate it.

3. Consideration of Resolution No. 87-803 for the Purpose of Expanding Solid Waste Technical Committee Membership.

Councilor Gardner opened the question of the closed resolution that would add two citizen members to the Technical Advisory Committee in order to accommodate all the citizen members of SWPAC who wish to serve on that committee.

The motion was seconded by Councilor Kelley and Councilor DeJardin.

Mr. Owings commented that the Solid Waste Department had advertised for citizen participation on the Technical Advisory Committee. We got approximately nine people expressing interest. Three people from the existing SWPAC. To date one person from SWPAC will be up for consideration by Clackamas County, who chose specifically to make their own citizen recommendation. In trying to establish citizen participation, we tried to balance several things; interest, expertise, vocation, county. We appreciate the time and effort the citizens of the existing SWPAC committee have contributed to past efforts. We have no objection to increasing the amount of citizen participation. What we would ask for is the ability to bring in new blood. We are supportive of the staff recommendation to increase the number of citizens from three to five. We would like to have in there the words "appointment of SWPAC members as practical" as in the original resolution. Give the flexibility to bring in citizen representation other than necessarily existing members of SWPAC.

Don Carlson asked if the remaining two people from SWPAC were not wanted.

Mr. Owings replied he would like to have the flexibility to look at the other citizens who have applied. Why not consider them? Why is the citizen who is on the existing committee more valuable than any other citizen? Why have eliminated the other nine who expressed interest?

Councilor Kelley said because the SWPAC members have more experience.

Councilor Kirkpatrick said the whole intent of increasing the Technical Committee was to carry on that experience. If the Solid Waste staff was not willing to do that, the Council just

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won't increase it. Or we'll increase it and tell you how we want it increased.

Councilor Gardner said there was another possibility. If there are citizens who have applied that the Solid Waste staff really feels you would like to have on the committee, but that were not on SWPAC, the Solid Waste Committee could certainly propose they also be brought on by increasing the committee by six or seven or however many it might take to bring in those new citizens.

Mr. Owings said there was a point where such a committee becomes too large. In fact, it was the Council that originally reduced the size of the Committee, saying it was too large. A balance needs to be struck in getting the right kind of participation and having a committee of a manageable amount.

Councilor Hansen said it seemed to him that 1) because of the separation of powers material and the fact that this is an advisory committee to the Executive, the Executive has the power to appoint who she wants on that committee. He thinks the language is clear enough in the resolution. The Council would be amending it to increase the citizen members from three to five to accommodate those members of SWPAC who have requested to be appointed. The Executive could do that. In light of the fact that the Executive has made all of the appointments so far, he doesn't think the Council can specifically appoint two other people. What it would be doing is saying the number of citizen participants is increased to accommodate adding two more people from SWPAC if the Executive so chooses.

Don Carlson said he thought it was not too clear what the separation of powers means as to whether this was an actual advisory question the committee can address.

Council Gardner said it was certainly created by Council resolution.

Mr. Carlson said that he was not sure what that meant in this context either. What he thinks is being proposed is that this Council is eliminating a committee. Several of those committee members have been good enough and have been interested in wanting to continue to serve and provide assistance to the Solid Waste planners. His understanding of the arrangement was that we would try to accommodate those citizens who have actually made a request to participate. That was his intent in writing the resolution.

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Councilor Gardner asked how many of the members of SWPAC had expressed interest in being members of the new Technical Committee.

Ms. Crockett replied three of the eight citizen members had expressed an interest. One problem was that the regional balance of the committee was an issue. The recommendations from the policy leaders of the counties wanted the citizen members to be from each county. The SWPAC members were from Multnomah County, which upset the balance.

Councilor Gardner said that if other citizens who applied seemed to be good candidates, the committee could be increased to 26.

Councilor Kirkpatrick moved that the Technical Committee be increased, with the option that if the Solid Waste staff would like a specific citizen who was not a member of SWPAC to be on the Committee, the additional membership could be increased by six.

Councilor Kelley seconded the motion.

Councilors Gardner, Kelley, DeJardin and Kirkpatrick voted aye. Councilor Hansen voted nay.

The meeting was adjourned at 6:15 p.m.
Respectfully submitted,

Cathy Howatt