

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

November 1, 1988

Committee Members Present: Councilors Gary Hansen (Chair), Jim Gardner (V. Chair), Sharron Kelley, Corky Kirkpatrick and Mike Ragsdale

Committee Members Absent: None

Others Present: Rena Cusma, Executive Officer  
Dan Cooper, General Counsel

Chair Hansen called the meeting to order at 5:30 p.m.

1. Consideration of Minutes of October 4, 1988

Councilor Gardner pointed out that on page 2 of the minutes, last paragraph, the reference to Senate Bill 403 should be changed to read "Senate Bill 405."

Motion: Councilor Kirkpatrick moved to approve the October 4, 1988, minutes as corrected.

Vote: A vote on the motion resulted in all five Councilors present voting aye.

The minutes were approved as corrected.

Discussion Concerning the Waste Reduction Program

Councilor Ragsdale noted the October 4 minutes had indicated staff would provide the committee with a transcript of the October 12 Department of Environmental Quality (DEQ) hearings on Metro's Waste Reduction Program. He asked if the transcript was available. Bob Martin, Solid Waste Director, replied the transcript was not yet available but staff had provided the Committee with a summary report of the meeting.

Councilor Kirkpatrick noted the October 4 minutes had reflected her request for staff to provide Committee members the "Metro Response to DEQ Review of Waste Reduction Program Implementation Report" before October 12. That report had not been distributed to the Committee.

Councilor Ragsdale asked if the waste reduction certification program was an important part of Metro's recycling goals. Mr. Martin explained that after extensive discussions with DEQ, Metro, and local government staff he had concluded there was no concensus regarding the program as initially proposed by Metro. He

said that developing a workable program was high on the list of priorities.

Mr. Martin reported the Council would be asked to approve the Waste Reduction Program implementation plan in early December. The Solid Waste Committee would review the plan on November 15.

2. Consideration of Resolution No. 88-1009, for the Purpose of Identifying the Procurement Process for the Metro East Transfer and Recycling Center

Executive Officer Cusma introduced the resolution and explained the Council's timely action would ensure the project would proceed according to schedule.

Bob Martin, Solid Waste Director, announced a correction to the resolution: in the first "whereas" paragraph, "Waste Management of Oregon" should be changed to read "Oregon Waste Systems."

Mr. Martin reviewed with the Committee the three procurement process options attached to the resolution as Exhibit B. Staff recommended the Council adopt Option 2 as a good middle ground approach. Services could be delivered for a reasonable cost and with a lower risk of public disputes over proposed sites, he reported.

Councilor Ragsdale concurred with staff's recommendation. He requested that at the completion of the process, staff provide the Council with an analysis and very clear comparisons of each recommended site including the advantages and disadvantages of each site. The report should be useful in helping Councilors compare public and private options and should also provide documentation and support for selecting a site that would clearly be in the public's best interest, he explained. Mr. Martin acknowledged that staff intended to provide the type of analysis described by the Councilor. Each site would be evaluated according to pre-determined criteria such as construction, regulatory, management and operational characteristics.

Councilor Kelley was concerned about the process for identifying sites. She recalled the Solid Waste Technical Committee had previously identified potential transfer station sites and Councilors were not informed of those decisions before news had reached the public. She recommended adding a public involvement component early on in the site identification process in order to give citizens a sense of ownership of the process and to get good ideas.

Mr. Martin agreed that citizen involvement was important to the success of the project. He cautioned, however, against raising

unnecessary concern over sites that would never be seriously considered.

Councilor Hansen suggested the public involvement component be included in the consultant's work scope. Kirkpatrick thought the public involvement component should more appropriately be performed by Metro staff because the work would be too involved for one consultant. Councilor Hansen explained his primary concern was for Councilors to be informed about the process so they could respond to constituent's concerns and questions. Mr. Martin agreed with Councilor Kirkpatrick's recommendation that staff perform the work. he reiterated his goal of providing complete and timely information to Councilors.

In response to Councilor Gardner's question, Mr. Martin acknowledged it was possible that new sites could be identified during the process. If that happened the process was flexible and would provide for those additional sites to be evaluated. He explained, however, the work scope would be worded in such a way to set reasonable limits on sites that could be considered in order to control the search process.

Councilor Kirkpatrick expressed satisfaction with staff's approach to the project. She was confident the project would result in the Council being able to compare public and private options.

Motion: Councilor Kirkpatrick moved to recommend the Council adopt Resolution No. 88-1009 which included Option 2 and the following two amendments proposed by Councilor Ragsdale:

- 1) The reference to Waste Management of Oregon in the first "whereas" should be changed to read "Oregon Waste Systems."
- 2) The second "whereas" paragraph should be changed to read: "Whereas, a request for bids has been [let] released . . ."

Discussion continued about the appropriate extent of the search for new transfer station sites. Councilor Hansen thought staff should consider sites that might be available through condemnation and less conventional means. He was concerned about potential public criticism that the Council had not looked at all available sites. Councilor Kirkpatrick suggested each Councilor provide staff with a list of potential sites in his or her district.

Mr. Martin responded that a scope of work that would include the above two suggestions could be difficult to prepare and cause the

project to be difficult to control. He was also concerned that public controversy could result if potential sites were named only to be eliminated early in the process. Executive Officer Cusma added that if the scope of work were expanded, the Council would be crossing into "undoable" territory. She reminded the Committee the project had a tight time line and staff had already spent time identifying potential sites.

Councilor Kirkpatrick left the meeting.

Councilor Ragsdale agreed with staff's recommendation, explaining that by proceeding with this project, Metro would be buying a site feasibility analysis, not a site analysis. He thought it inappropriate to add new sites to the list unless a site ideally suited to the project was identified. Based on his real estate experience, Councilor Ragsdale volunteered to look at the known sites to determine if they were adequate for the project. He explained that all the Council would require was a list of adequate sites. He expected public opposition to any site identified.

The Committee discussed whether the resolution needed to be forwarded to the Council for final approval. Ray Barker, Council Analyst, pointed out the resolution was already scheduled for the November 10 Council agenda. Mr. Martin said that schedule would not delay the project unless the Council sent the resolution back to the Committee.

Vote: A vote on the motion to recommend the full Council adopt Resolution No. 88-1009 resulted in all four Councilors voting aye. Councilor Kirkpatrick was absent.

The motion carried.

The meeting recessed between 7:20 p.m. and 7:30 p.m. Councilor Kelley left the meeting.

3. Discussion of Proposed New Section to the Metro Franchise Code to Provide for Long-Term Franchise Agreements for Major Disposal System Components

Dan Cooper, General Counsel, reviewed his memo to the Committee dated October 26, 1988, which was included in the meeting packet. The memo explained that a draft ordinance had been prepared which would add Section 5.01.085 to the Metro Code relating to long-term franchise agreements. The new language would make it possible to operate the proposed East Transfer & Recycling Center consistent with the privatization provisions of the Solid Waste Management Plan. Mr. Cooper said the draft ordinance language was intended to be the starting point for Committee discussion. Upon the Commit-

tee's request, the draft language could become the basis for preparing an ordinance.

Councilor Ragsdale proposed that paragraph a) of the draft language be changed to read: "Consistent with the provisions of the Solid Waste Management Plan, the Council may authorize Franchise Agreements governing the operations of components of the solid waste disposal system found by the Council to be major components of the system [that would otherwise be appropriate to be owned by or operated directly by the District]."

In response to Councilor Ragsdale's question, Mr. Cooper explained that provisions of ORS 279 -- the standard bid process for public contracts -- did not apply to franchise agreements. The selection process for a long-term franchise could still be competitive, however. A long-term franchise, he said, would be granted by legislative rather than administrative action because the franchise was not subject to the budget and election processes of the District. Mr. Cooper then discussed how long-term franchises were different from short-term franchises currently granted under Metro Code provisions. Councilor Ragsdale noted the proposed long-term franchise language had referenced specific Code sections that would not apply to long-term franchise agreements. He asked staff to provide the Committee with the current Code language that would specifically not apply to long-term franchises rather than referencing those Code sections by number only.

Motion: Councilor Ragsdale moved to instruct General Counsel to draft an ordinance establishing policies for long-term franchise agreements. Counsel was instructed to use his suggested language as the basis for the ordinance and that paragraph a) of the draft language be changed to read: "Consistent with the provisions of the Solid Waste Management Plan, the Council may authorize Franchise Agreements governing the operations of components of the solid waste disposal system found by the Council to be major components of the system [that would otherwise be appropriate to be owned by or operated directly by the District]."

Councilor Hansen asked Mr. Cooper to provide the Committee with an analysis of the relative merits of contracts and franchise agreements that would apply to transfer station facilities.

Vote: A vote on the motion resulted in all three Councilors present voting aye. Councilors Kelley and Kirkpatrick were absent.

The motion carried.

4. Discussion of the FY 1989-90 Solid Waste Budget Process and Schedule

Ray Barker, Council Analyst, reported Council staff met with Jennifer Sims, Financial Services Manager, earlier in the week and had reached agreement on the schedule included in the agenda packet. He noted the first session date should be changed from November 20 to November 29 and a quarterly program review work session should be added to the beginning of the schedule. Mr. Barker requested the Committee schedule a meeting for the purpose of giving policy direction to the Solid Waste Department staff before they began their budget preparation process. After the budget was prepared, the Committee would review the budget and forward its recommendations to the Finance Committee.

After discussion, the Committee agreed the process outlined above was an improvement over the previous year. To help the Committee keep its focus on policy issues rather than administrative matters, Councilor Ragsdale suggested Mr. Barker and Mr. Martin develop a budget format that would easily indicate to the Solid Waste and Finance Committees which budget items related to policy.

Chair Hansen said the Committee would meet on December 6 to discuss the Solid Waste budget. He requested Mr. Martin bring to that meeting a report that would identify all mandatory budget programs in order to help the Committee determine its options.

There was no other business and the meeting was adjourned at 8:20 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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