

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

November 29, 1988

Council Chamber

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

Committee Members Absent: None

Also Present: Councilor David Knowles, Councilor-Elect Roger Buchanan and General Counsel Dan Cooper

Chair Hansen called the meeting to order at 7:15 p.m.

1. Consideration of Minutes of November 14, 1988

Motion: Councilor Ragsdale moved for approval of the minutes.

Vote: Councilors Hansen, Gardner, Kelley, Kirkpatrick and Ragsdale voted aye. The vote was unanimous and the minutes were approved.

2. Consideration of Ordinance No. 88-273, for the Purpose of Amending Ordinance No. 88-266 (Adopting the Solid Waste Management Plan) and Establishing Host Fees for Solid Waste Facilities (Public Hearing)

Chair Hansen explained at the Council Solid Waste Committee and the Policy Advisory Committee joint meeting held previous to this meeting, new language had been agreed upon and adopted by that body.

Motion to Amend: Councilor Ragsdale moved to delete Exhibit A of Ordinance No. 88-273 printed in the agenda packet for this meeting and replace with the paragraph as follows:

12.0 COMMUNITY ENHANCEMENT POLICY

Metro shall provide the host city or county of a solid waste disposal site as defined by ORS 459.280(1) and (2) for the host fee to be used for the purpose of community enhancement.

Under the same motion, Councilor Ragsdale moved to delete "(Note: The following should be located in the Implementation section:" after the first paragraph of Section 12.0.

Under the same motion, Councilor Ragsdale moved to renumber the next paragraph: "The host fee paid to the host city or county for a publicly owned disposal site shall be \$.50 per ton" as Section 12.1.

Under the same motion, Councilor Ragsdale moved to delete the next paragraph: "The host fee paid to the host city or county for a privately owned disposal site with the region shall be \$.50 per ton minus the property taxes levied by the host jurisdiction.)"

Under the same motion, Councilor Ragsdale moved to renumber Section 12.1: "Host fees will be paid on a per ton volume of non-source separated waste entering the disposal site" as Section 12.2.

Under the same motion, Councilor Ragsdale moved to delete Section 12.2: "The host fee paid to a city or county for privately owned and operated disposal sites will be reduced by an amount equal to the property taxes assessed by the host jurisdiction."

Under the same motion, Councilor Ragsdale moved to insert language in Section 12.3 (new language underlined): A citizen committee will be appointed, one half by Metro and one half by the city or county receiving the host fee, to [advise] determine how the fee should be allocated as part of a community enhancement program (ORS 459.290). The Metro Councilor or his or her designee of that district shall be appointed to the citizen committee.

Chair Hansen opened the public hearing.

Councilor David Knowles said he represented North Portland on the Metro Council and said it was probable a solid waste facility would be sited in that district. Councilor Knowles referred to Section 12.0 printed in this meeting's agenda packet and urged flexibility to overcome political boundaries. He said the impact of solid waste facilities could extend beyond jurisdictional boundaries. He said the opposite could hold true as well. He said communities should be defined, rather than cities or counties. He said the funds collected by Metro should be disbursed by the citizens affected. He said Metro should retain the ability to pass on benefits, if any. He urged the Committee to continue consultation with local politicians and neighborhood groups and referred specifically to the Northeast Coalition of Neighbors and the Cully Association of Neighbors. He said a neighborhood group could define an impacted area which could or could not transcend a city or county boundary. Councilor Knowles did not know if he could support Councilor Ragsdale's amendments when considered at the full Council.

Councilor Ragsdale said the intended effect of the amendments was that Metro would collect a \$.50 per ton fee for publicly-owned disposal sites which would then be paid to the host city or county. A citizens committee would be jointly appointed by Metro and that committee would determine disbursement of the funds.

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Councilor Knowles said he did not agree on payment to local jurisdictions because he did not want the fees absorbed by their general funds and said there would be no control over the funds once payments were made.

Chair Hansen said Metro could not ensure how funds were spent. He said Metro could intervene if funds were used improperly. He said the process would require good faith. He said people were suspicious of Metro when the North Portland Enhancement Committee began, but said that committee had been successful.

Councilor-Elect Roger Buchanan supported tipping fees but expressed concern also over control of funds. He said District 10 would have several solid waste facilities as well as a prison. He said he had to answer to his constituents about these and other issues. He wished to be able to mitigate or negate negative impacts from facilities.

Mary Palmer, Central Northeast Neighbors, said at their November meeting a motion was passed to request Metro adopt the broadest definition possible of what "local community" meant because more than one neighborhood usually was impacted by a facility. Ms. Palmer said the group appreciated the faith Metro put in local government.

Gordon Hunter, Cully Association of Neighbors, referred to the Reidel-Wastech proposal to site and or continue three solid waste facilities in that area. He discussed the needs of the community including youth and senior needs. He said the county had done little to enhance the area's livability and said the area could benefit as a recipient of enhancement fees. He noted Killingsworth Fast Disposal (KFD) received 15 percent of the region's solid waste and had not offered mitigation to the affected area. Mr. Hunter supported in principle the original policy before amendments.

Clifford Clark, Mayor of Forest Grove, said he represented the City of Forest Grove and all cities in Washington County. He said Councilor Ragsdale's language offered a realistic solution for all. He said the language was the result of 14 months of work by the Technical and Advisory Policy Committees. He wished to see as much of the language retained as possible up to the full Council meeting. He supported local control. He discussed neighborhood resentment because citizens could not decide policy which affected where they lived. He said Forest Grove had 12,000 citizens and received \$30,000 from their solid waste facility per year. He said Metro should have faith that local politicians would disburse funds correctly.

The Committee discussed the possible composition of committees and whether Metro Councilors should serve on the committee which would serve in their District.

Chair Hansen asked if anyone else cared to testify. No one else appeared to testify and Chair Hansen closed the public hearing.

Councilor Kirkpatrick was opposed to host fees. She stated solid waste facilities should be treated like any other service business. She agreed with Councilor Knowles' testimony stated earlier. She preferred the original Exhibit A. Councilor Kirkpatrick said the Oregon City committee should not be held up as an example because that committee had already received \$54,000 and had not met, by the date of this meeting, to allocate funds received. She stated the facility did not impact Oregon City itself adversely.

Councilor Ragsdale said he was originally opposed to local community board control but stated he had been persuaded by local governmental representatives to this point of view. He said a Metro Councilor would serve on the committee and Metro would control one half of the committee. He said the amendments were the product of the compromise worked out with the Policy Advisory Committee.

Councilor Gardner said he could not support Councilor Ragsdale's motion to amend because local governments would think the funds received could avoid financial difficulties. He said if Metro was connected with the negative impact of a solid waste facility, Metro should be clearly connected to the positive benefits as well. He said the North Portland Enhancement Committee worked well and should be used as a model for future committees. The Committee discussed the issues further. Chair Hansen asked for a vote on the motion to amend.

Vote on Motion to Amend: Councilors Kelley, Ragsdale and Hansen voted aye. Councilors Gardner and Kirkpatrick voted nay. The motion to amend passed.

The Committee asked General Counsel Dan Cooper to submit a report with regard to the legality of the issues discussed. Mr. Cooper said Metro could tie strings to the funds and ensure funds were spent properly. He said if funds were not properly disbursed, Metro could take the funds back. He said there would be several ways to implement that goal. He said he could consult with city attorneys to ensure a uniform model and avoid the necessity of negotiation with each individual city or entity. The Committee discussed when the Council would consider the ordinance.

Main Motion: Councilor Ragsdale moved to recommend the full Council adopt Ordinance No. 88-273 as amended.

Vote on Main Motion: Councilors Kelley, Ragsdale and Hansen voted aye. Councilors Gardner and Kirkpatrick voted nay. The ordinance was recommend to the full Council as amended for adoption.

3. Discussion of Regional Yard Debris Plan

Rich Carson, Director of Planning and Development, briefed the Committee on the regional yard debris plan. Mr. Carson said last month Metro had received inquiries as to what the plan would involve. He said staff received encouragement from the Department of Environmental Quality (DEQ) and local governments to move towards a regional yard debris plan. He said on this date a letter from Executive Officer Rena Cusma was mailed to elected officials of the region asking them for their opinion whether Metro should initiate a regional yard debris program. Mr. Carson said if such a plan were developed, discussion would be held with DEQ on a time line for implementation. He said due to the demands made on staff by the Solid Waste Management Plan and the Waste Reduction Plan, additional resources would be needed to implement a yard debris regional plan.

Councilor Kirkpatrick asked if a plan had to be submitted to DEQ by December 15. Mr. Carson said local governments had been informed by DEQ that in their year's-end reports, they should inform DEQ how they would implement their individual jurisdictional yard debris programs. Mr. Carson said a later date could be negotiated with DEQ. Councilor Kirkpatrick inquired whether, because of Senate Bill 405, and since the Environmental Quality Commission (EQC) deemed yard debris a recyclable, curbside pick-up would automatically be included in any yard debris program.

Mr. Martin said yard debris was subject to source separation and collection through various options according to the pertinent jurisdiction. He said it was a principal recyclable and waste sheds would be responsible for collection. Councilor Kirkpatrick thought a regional yard debris plan was excellent, but noted Metro as yet had no responsibility and no authority for collection. Chair Hansen said he had mixed feelings. He said if there was an opportunity to participate because the local jurisdictions requested it, he encouraged it. He said it was important that it be a successful program and that Metro have the necessary resources to implement it. Mr. Carson said he and Mr. Martin would not submit a plan to the Committee that could not be implemented.

4. Consideration of Ordinance No. 88-276, for the Purpose of Adding Section 5.01.085 to the Metro Code Relating to Franchise Agreements (Public Hearing)

Mr. Cooper referred to his November 22, 1988, letter printed in the agenda packet requested by Councilor Ragsdale at a previous meeting. He noted Councilor Ragsdale had requested amendments in order to make a motion at this meeting.

Chair Hansen opened the public hearing. No member of the public appeared to testify. Chair Hansen closed the public hearing. Chair Hansen and Mr. Cooper agreed to defer consideration of the ordinance to December 6, 1988.

5. WORK SESSION: Solid Waste Department Quarterly Program

Mr. Martin gave a brief overview of the Solid Waste Budget. He discussed personnel allocations. He said personnel had been diverted into the Waste Reduction Program at the expense of engineering and operations because of DEQ's review of Metro's status in that area. He said more personnel was needed for system planning and engineering. He said an area which needed specific attention was contract compliance. He said it was fiscally prudent to have staff monitoring contracts. He said Finance and Administration tracked some contracts, but a staff person was needed for contracts monitoring within the Solid Waste department.

Mr. Martin presented staff: Jim Shoemake, Solid Waste Facilities Superintendent; Roosevelt Carter, Operations Manager; Jim Watkins, Acting Engineering and Analysis Manager; and Debbie Gorham, Waste Reduction Manager. Staff members gave a brief presentation on their specific programs and budgeting needs. The Committee and staff agreed to continue consideration of the Solid Waste Department Quarterly Program and Budget Review to the December 6, 1988, meeting. Chair Hansen suggested a special meeting be scheduled for that purpose at 4:00 p.m. December 6, adjourned, and then the regular Council Solid Waste meeting could convene at 5:30 p.m. on the same date.

Chair Hansen adjourned the meeting at 9:40 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
SWC88.334

JOINT MEETING OF THE
COUNCIL SOLID WASTE COMMITTEE OF THE
METROPOLITAN SERVICE DISTRICT
AND THE POLICY ADVISORY COMMITTEE

November 29, 1988

Room 145

COUNCIL SOLID WASTE COMMITTEE MEMBERS PRESENT: Gary Hansen (Chair), Jim Gardner (V. Chair), Sharron Kelley, Corky Kirkpatrick and Mike Ragsdale

POLICY ADVISORY COMMITTEE MEMBERS PRESENT: Steve Greenwood, Carol Powell, William Stark, Dale Harlan, Steve Larrance, Bob Koch, Clifford Clark and Brian Campbell

Chair Hansen called the joint meeting to order at 4:05 p.m.

1. Consideration of Ordinance No. 88-273, for the Purpose of Amending Ordinance No. 88-266B (Adopting the Solid Waste Management Plan) and Establishing Host Fees for Solid Waste Facilities

Councilor Hansen stated that the purpose of the joint meeting of the Council Solid Waste Committee and the Policy Committee was to review the proposed amendment to Ordinance No. 88-273 (Adopting the Solid Waste Management Plan) and Establishing Host Fees for Solid Waste Facilities.

Councilor Kelley introduced new language regarding host fees. Clifford Clark, Mayor of Forest Grove, questioned how this body would proceed. Chair Hansen said a public hearing would be held by the Council Solid Waste Committee following this meeting. Steve Larrance stated he was unhappy with the process and the Committees should look at the whole picture. Councilor Kirkpatrick said the Oregon City issue was not meant to set a precedent with regard to host fees. Councilor Kelley referred to her proposed language and said it would provide a compromise. Mr. Clark read the Forest Grove proposed agreement with Metro.

Councilor Gardner asked what distinction there was to exclusion of Portland city government from the process by the Policy Advisory Committee. Carol Powell said the issues involved should be handled by the local citizens. Chair Hansen said enhancement committees should handle projects and boundaries and other similar issues.

Bob Koch said he would like see the issue brought to a close. He said transferred garbage should be subject to host fees. He said taxes could be eliminated from the formula. He suggested the City of Portland sponsor an ordinance so that host fees could only be used by neighborhoods affected.

Councilor Gardner said the impact of a facility would be the same whether publicly or privately owned. He said there should be a

consistent policy throughout the region. He said communities should be aware of the positive aspects of a solid waste facility because they were already aware of the negative impact.

Ms. Powell said the funds would not be used by the City and would go to the neighborhood(s).

Chair Hansen said Oregon City situation was unique because the entire regional solid waste system was incomplete. Mr. Larrance said he did not envision the Metro Councilors would compromise on the issue.

Chair Hansen supported the addition of language introduced by Councilor Kelley, "transferred from Metro facility to another..."

Steve Greenwood said impact should be paid for and favored fees even on transfers.

Mr. Koch suggested 50 percent of local committee members be approved by the local jurisdictions.

First Motion to Amend: Mr. Koch moved, seconded by Councilor Kelley, to incorporate language introduced by Councilor Kelley. Under the same motion, Mr. Koch moved to delete Section 12.2 (Taxes) of the Solid Waste Management Plan. Under the same motion, Mr. Koch moved to amend the second line of Section 12.3 with the addition of "and Metro." Mr. Koch, under the same motion moved to insert, "Metro and the city or county shall appoint an equal number of citizens to the committee."

Vote on First Motion to Amend: There were five ayes and five nays resulting in a tied vote. The motion failed.

Second Motion to Amend: Mr. Larrance moved, seconded by Mr. Koch, to amend Sections 12.1 and 12.2 by the addition to the first sentence, "Metro and local jurisdictions in a cooperative method..."

Vote on Second Motion to Amend: There were eight ayes and one nay. The motion carried.

Third Motion to Amend: Mr. Larrance moved, seconded by Mr. Koch, to amend Section 12.3 by the addition of "and Metro" to the second line; and also to delete the last sentence and replace with "Metro and the City or County shall both appoint an equal number of citizens to the Committee."

Vote on Third Motion to Amend: There were seven ayes and two nays. The motion carried.

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Fourth Motion to Amend: Mr. Koch moved, seconded by Mr Greenwood, to strike all language after \$.50 for each ton of solid waste.

Vote on Fourth Motion to Amend: There were six ayes and three nays. The motion carried.

Councilor Ragsdale recommended deletion of the tax language. He suggested Section 12.3 state a citizens committee would be one half appointed by Metro and one half by the pertinent city or county to determine [advise].

Fifth Motion to Amend: Mayor Clark moved, seconded by Dale Harlan, to adopt the language presented by Councilor Ragsdale above. Under the same motion, Mayor Clark moved to substitute Councilor Ragsdale's proposed amendments for all previous motions to amend.

Vote on Fifth Motion to Amend: There were nine ayes. The vote was unanimous and the motion carried.

Chair Hansen adjourned the meeting at 6:55 p.m.

Respectfully submitted,



Ray Barker
Council Analyst

RB:pa
POLICY