

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

December 6, 1988

Council Chamber

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

Also Present: Councilor-Elect Roger Buchanan

Acting Chair Gardner called the meeting to order at 4:44 p.m.

1. WORK SESSION: Solid Waste Department Quarterly Program and Budget Review

Bob Martin, Director of Solid Waste, said he had been Solid Waste Director for two months and said he had five major goals for staff implementation. He said staff would provide detail on programs from a budget perspective.

Mr. Martin said the five priorities were: the transfer station; implementation of the Waste Reduction Plan; personnel; the budget and improved communication with the Policy Advisory Committee, other governing bodies, the Council and the Council Solid Waste Committee.

Mr. Martin said staff discussed a revised time line of the Waste Reduction Plan with the Department of Environmental Quality (DEQ) and said that a time line would be presented to the Environmental Quality Commission (EQC) as a stipulated order January 20, 1989.

Jim Watkins, Acting Engineering & Analysis Manager, discussed engineering staff needs. He said there was no engineering support for the closure of St. Johns. He said there was a staffing gap left from when Mr. Martin became Acting Director of Solid Waste and he filled Mr. Martin's position.

Chair Hansen said it would assist in the budget process if staff could demonstrate how added positions flowed into next year's budget and programs. Mr. Martin agreed and said if a proposed staff position was only necessary for six months, that position could be filled on a contractual basis

Debbie Gorham, Waste Reduction Manager, said staff would request additional staff and funding. She referred to the surveys listed on page H-8 of staff's quarterly report. Ms. Gorham explained additional staff was required because of DEQ's findings on Metro's Waste Reduction

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Program. She explained staff had been removed from work on the Riedel-Wastech proposal and the One Percent for Recycling Program. Ms. Gorham recommended hiring additional planners. She said temporary planners could implement waste auditing which was not included in the current fiscal year budget but was a high priority because of DEQ's findings.

Councilor Kelley asked if staff additions would cover the yard debris program. Ms. Gorham said no. Councilor Kelley asked if anything would be done this fiscal year to implement the yard debris program. She asked about certification goals to be achieved. Mr. Martin said work plan would be revised in conjunction with the stipulated order from DEQ. With regard to the yard debris plan, Mr. Martin said it would difficult to do much without regional consensus.

Councilor Gardner said certification was hoped for to try to compel local jurisdictions to implement programs. He asked if DEQ favored cooperative consensus. Mr. Martin said he could not speak for DEQ, but that DEQ did not seem to oppose adoption in conjunction. He said they would be interested to see how such action would help fulfill Senate Bill 405. Mr. Martin said the stipulated order was an important policy document on staff's response to the Waste Reduction Plan. He said it would be referred to the Council Solid Waste Committee and Council before the hearing January 20.

Roosevelt Carter, Operations Manager, discussed database operations, finance and administration, franchising and other related matters. He said a contracts specialist would be needed to monitor departmental contracts.

Councilor Kirkpatrick did not think a contracts specialist was necessary. She said staff's requests sounded similar to those made last year. Mr. Martin said the Department had the landfill contract and soon there would be the transportation contract in addition to other solid waste specific contracts. He said complex contracts required a dedicated resource. In response to Chair Hansen, Mr. Martin said someone with a legal background would be preferable. Chair Hansen said when this agenda item returned to the Committee, he wanted to hear General Counsel's briefing on such a staff position. Mr. Martin said he would instruct staff to prepare to answer Council staff's questions also.

Ellen Larson, Senior Solid Waste Planner, gave a briefing on budget concerns. The Committee and staff discussed budgeting and contracting concerns. Mr. Watkins gave an estimated time line of the St. Johns closure.

Councilor Ragsdale asked staff for a written summary of cost-breakdowns on Metro South. Mr. Martin said the financial reports were not picking up all costs in all areas. He said funds were accounted for, but not necessarily items as stated. Councilor Ragsdale asked

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what would happen to funds until the Committee convened to discuss the money. Mr. Martin said the Oregon City funds were set aside but as yet untouched. Councilor Gardner noted Oregon City was supposed to provide a report to Metro September 1, 1988. Mr. Martin said they had nothing to report as yet.

Chair Hansen called a recess at 5:55 p.m. The Committee reconvened at 6:15 p.m.

2. Consideration of Minutes of November 15, 1988

Motion: Councilor Ragsdale moved for approval of the minutes.

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

3. Consideration of Ordinance No. 88-278, for the Purpose of Amending Metro Code Section 2.05 Relating to Solid Waste Rates (Public Hearing)

Mr. Martin explained the ordinance. He said if Metro wished to ensure a load was residential or not, the load had to be physically examined. He said this caused backed-up lines at peak hours. He said the ordinance would simplify distinguishing between vehicles because customers paid on a per ton basis anyway. Chair Hansen asked if this regularized a pick-up hauling a trailer. Mr. Martin said yes. Councilor Gardner asked if the only change being made was to delete the words "residential" from the ordinance. Mr. Martin said the customer would now pay a flat fee and it would not matter if a trunk were open or closed. He said if the load was uncovered, the customer would pay a flat fee.

Main Motion: Councilor Ragsdale moved to recommend the full Council adopt Ordinance No. 88-278.

Ray Barker, Council Analyst, noted the figure to be charged for yard debris loads was missing. He said to correct the yard debris definition an exhibit to amend was needed as an attachment to the ordinance if the Rate Review Committee considered the ordinance before the Council Solid Waste Committee's next scheduled meeting December 20. Mr. Martin noted Section 6(a), (b) and (c) required some additional underlined language.

Councilor Ragsdale requested Council staff provide copies of the Metro Code sections affected by an ordinance or resolution to be considered by the Committee in the future.

Chair Hansen opened the public hearing.

Jim Pomeroy, 2100 S.W. 75th, Portland, Oregon, said he was a landscaper and discussed yard debris costs. He encouraged the Committee to keep rates lower to make it cost effective to separate yard debris. He said he could not afford \$42.50 per ton. He said he had gone to Vancouver to dispose of half a ton at \$7.50 per load.

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

The Committee discussed whether the ordinance should be referred to the Rate Review Committee and then returned to the Council Solid Waste Committee.

Councilor Ragsdale said the word "residential" could be deleted now.

Motion to Amend: Councilor Ragsdale moved to delete in Section 6 the new language and only delete the word "residential" where stated in Section 6 except for "residential" in Section 6(a) on the fourth line and in Section 6(b) on the third line. Under the same motion, Councilor Ragsdale moved to delete from Section 6(a), the words, "commercial and" from the fourth line.

Vote on Motion to Amend: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye to amend the ordinance as stated above. Councilor Kirkpatrick was absent. The motion to amend passed unanimously.

Vote on Main Motion as Amended: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick was absent. The vote to recommend Ordinance No. 88-278 as amended to the full Council for adoption passed unanimously.

Councilor Ragsdale directed the attachment to the ordinance on yard debris be forwarded to the Rate Review Committee as well as the amended ordinance.

Councilor Gardner noted he had a correction for the minutes of November 15, 1988, approved previously at this meeting. He noted on page 5 the Clerk omitted, in the first "Whereas" under "Motion to Amend," the words "direct Metro," before the language "to show cause why Metro should not be ordered to implement the program;" The correction was noted by the Clerk and the minutes were corrected for the record.

4. Consideration of Resolution No. 88-1018, for the Purpose of Approving the Request for Proposals for the Metro East Station

Mr. Watkins displayed a time line which began with approval of Resolution No. 88-1018 December 6. He said the final decision was scheduled for August 1989.

Phil North, Solid Waste Planner, explained the scope of work in staff's report pages 6-9. He said there were three tasks which included site feasibility of the six sites identified by Metro through its site solicitation process; utilization of the site selected and what the consultant would provide including a conceptual design and detailed cost estimates; and a consultant analysis of a private versus publicly-owned east transfer station.

Councilor Kelley noted because of Metro's authority to condemn, Metro had to prove the site selected was the best site. She said a consultant should participate in some type of citizen involvement process, rather than just providing the final work without the benefit of public input. Mr. Martin said staff did not feel that was appropriate for the scope of this contract. The Committee and staff discussed the scope of work.

Councilor Ragsdale noted in Exhibit A to the resolution, under Task # 3, under (h) the word "monopoly" had been deleted. He requested staff reinsert it. He did not feel (i) of the same section was true to (h). Councilor Ragsdale asked staff why the language "deemed appropriate to the jurisdiction" was added to the section on host fees.

Mr. North said he used the Solid Waste Management Plan for reference and not the resolution. Councilor Ragsdale said in that case, the material should not be part of the appendix. The Committee and staff discussed the resolution further.

Councilor Gardner said the word "monopoly" was inserted after vertical integration to further attempt to define vertical integration. He said for consistency, and to give the consultant a clearer idea of what the Committee discussed, it might be better to leave it in. Councilor Gardner noted on page 8 under Task # 3 A. on the third line after the word "ownership," an insertion in parentheses could be made (assuming private operations in either case) to make it clear in this task Metro reiterated it would be assumed that it was privately operated whatever the ownership situation may be. Mr. Martin agreed with the change.

Councilor Gardner and Mr. North discussed the concept of ownership the terms "turn-key," lease-option, and other financing aspects.

Mr. North suggested language to add to the document.

First Motion to Amend: Councilor Ragsdale moved to add to the the bottom of page 16 as suggested by Mr. North, "Further, if the selected proposer shall not have any contractual arrangement with, nor establish any contractual relationship with any party who intends to, or does submit a proposal pursuant to the "private RFP" referred to on page 1 of this Request for Proposals."

Vote on First Motion to Amend: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick was absent. The vote was unanimous and the motion to amend passed.

Chair Hansen asked Dan Cooper, General Counsel, for his opinion. Mr. Cooper said in an RFP process, Metro would retain the discretion to decide who was the best, and who was not the best, vendor and whether it was a question of disqualification.

Second Motion to Amend: Councilor Ragsdale moved to insert under Task # 3 (h) (monopoly) after the word "integration." Under the same motion, Councilor Ragsdale moved to rewrite (i) to more closely reflect the intent of the resolution and authorize staff to prepare appropriate language for approval by the Chair. Under the same motion, under (j), Councilor Ragsdale moved to delete the words after "enhancement measures," and to insert before "enhancement measures," "appropriate mitigation."

Vote on Second Motion to Amend: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick was absent. The vote was unanimous and the motion to amend passed.

Third Motion to Amend: Councilor Gardner moved to add on page 8, on the third line under A. after the word "ownership" to add (assuming private operation in either case). Under the same motion, Councilor Gardner moved to change the title of the resolution to "Resolution No. 88-1018, for the Purpose of Approving the Request for Proposals for An Analysis of A Publicly-Owned Metro East Station."

Vote on Third Motion to Amend: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick was absent. The vote was unanimous and the motion to amend passed.

Main Motion as Amended: Councilor Gardner moved to recommend the full Council adopt Resolution No. 88-1018 as amended.

Vote on Main Motion as Amended: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. The vote was unanimous and the motion passed unanimously.

5. Consideration of Ordinance No. 88-276, for the Purpose of Adding Section 5.01.085 to the Metro Code Relating to Franchise Agreements

Mr. Cooper noted the letter printed in the agenda packet from himself dated November 22, 1988. The Committee and staff discussed the ordinance briefly.

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Motion: Councilor Ragsdale moved to recommend Ordinance No. 88-276 to the full Council for adoption.

Vote: Councilors Gardner, Kelley, Ragsdale and Hansen voted aye. Councilor Kirkpatrick was absent. The vote was unanimous and the motion passed.

Chair Hansen adjourned the meeting at 7:41 p.m.

Respectfully submitted,



Paulette Allen
Committee Clerk
SWC88.341