

DRAFT
Governance Subcommittee Meeting Notes
November 19 2004
Leavitt Bldg, Bellevue

Meeting Attendees:

City Staff:

Alison Bennett – City of Bellevue
Elaine Borjeson – City of Kirkland
Linda Knight – City of Renton
Nina Rivkin – City of Redmond
Rob VanOrsow – City of Federal Way

County Staff:

Peggy Dorothy
Jane Gateley
Kevin Kiernan
Dave White
Diane Yates

Solid Waste Updates

Division staff provided a brief update on recent news:

Lawsuit:

There was a court hearing this morning on the three motions for summary judgment brought by the county.

The judge granted summary judgment on two Comp Plan issues. Rabanco claimed that the Comp Plan states that the Regional Direct Rate was a negotiated rate and that the haulers are assured a reasonable profit. In finding for the county, the judge said that those issues were not contained in the Comp Plan policies but were just included as background information.

The judge did not rule on the county's motion for summary judgment on Rabanco's claim that the regional direct rate was a tax and not a fee. That issue was taken under advisement and a ruling is expected at a later date.

The prior summary judgment granted the county on the flow control issue is now in appeals court.

The remaining claims left for the March 7th trial are the accountancy issues – whether the county can require its solid waste utility to pay rent to the general fund.

Transfer Station Safety:

The division received a report this week from ABKJ Consultants that the roofs at both Houghton and Factoria would be dangerous should it snow. If it snows the division will

close both stations pending inspection. If the roofs are deemed structurally weakened as a result of the snowfall, the stations would remain closed until repairs are made.

While emergency repairs would be made it could take awhile to get them completed. The division will notify cities and the county council of this situation.

Equipment Operators' Contract:

The division's equipment operators voted down their contract last night and called in sick today, which is an illegal work action. Leads are operating the equipment and facilities are operating normally.

MSWMAC Bylaws – Voting

Possible voting scenarios demonstrating both one agency/one vote and weighted voting were reviewed.

Discussion followed about MSWMAC operating on a consensus basis, but including language for dual voting in its bylaws.

It was agreed that the group will recommend to MSWMAC that its bylaws should include provisions for reaching agreement by consensus. If consensus cannot be reached then a one agency/one vote would take place. Any member could then call for a dual vote – one agency/one vote plus weighted vote based on population. In this instance, both votes would have to pass.

Report on Function, Structure and Responsibilities of MSWMAC

The group agreed that the report due to council, the county executive, the cities, SWAC and the Solid Waste Interlocal Forum by December 31st will be in brief memorandum format that will highlight the issues discussed by the staff group, including the bylaws and MSWMAC function, structure and responsibilities. The memo will include the staff group's questions regarding items not included in Ordinance No. 14971, such as MSWMAC's relationship with SWAC and the group's recommendation that MSWMAC review and make recommendations on updates of the Comprehensive Solid Waste Management Plan.

The group also agreed that the ITSG will work to prepare a more detailed set of recommendations on bylaws for MSWMAC, but that these would be presented directly to MSWMAC at its first meeting and they would not be part of the December 31st report/memorandum to Council.

Next Steps:

The next meeting of the governance subcommittee was scheduled for Friday, December 3rd 10 a.m. to noon at Bellevue – Leavitt Bldg. Room 2A. The draft bylaws and memo will be reviewed at that time.

December 17th was selected for the next meeting of the Interjurisdictional Technical Staff Group to review the governance subcommittee's draft work products. Division staff will find a meeting room and e-mail the ITSG early next week.

The group briefly discussed the first meeting of MSWMAC. Division staff will e-mail all appointed representatives and alternates after the December 1st notification deadline with possible dates for the first meeting. Division staff will look into reserving the 8th floor conference room at King Street Center for the first meeting. The division will validate parking for MSWMAC and the ITSG. It was suggested that the first meeting be scheduled during the lunch hour and that it be a brown bag meeting.