

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING) ORDINANCE NO. 88-273
ORDINANCE NO. 88-266B (RELATING)
TO THE ADOPTION OF THE SOLID) Introduced by
WASTE MANAGEMENT PLAN) BY) Councilor Hansen
ESTABLISHING ENHANCEMENT FEES)
FOR SOLID WASTE FACILITIES AND)
ADDING LAND USE GOAL FINDINGS)

WHEREAS, The Council of the Metropolitan Service District adopted Ordinance No. 88-266B, the Solid Waste Management Plan, a functional plan; and

WHEREAS, Upon adoption of Ordinance No. 88-266B, the issue of enhancement fees was not yet determined; and

WHEREAS, Additional land use planning goal findings have been suggested for inclusion to Ordinance No. 88-266B to establish the Solid Waste Management Plan as a functional plan pursuant to ORS 268.380; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 88-266B adopting the Solid Waste Management Plan is hereby amended as shown in Exhibits A and B to this Ordinance.

ADOPTED by the Council of the Metropolitan Service District this

8th day of December, 1988.


Mike Ragsdale, Presiding Officer

ATTEST:


Clerk of the Council

I certify this ordinance was not vetoed by the Executive Officer.

amn
12/8/88

 1/6/89
Clerk of the Council Date

EXHIBIT A

12.0 COMMUNITY ENHANCEMENT POLICY

FOR ANY COMMUNITY PROVIDING A SOLID WASTE "DISPOSAL SITE," AS DEFINED BY ORS 459.280 (1) AND (2), METRO SHALL COLLECT A FEE TO BE USED FOR THE PURPOSE OF COMMUNITY ENHANCEMENT.

- 12.1 The Metropolitan Service District shall apportion an amount of the service or user charges collected for solid waste disposal at each public or privately-owned disposal site within the District and dedicate and use the monies obtained for enhancement of the area in and around the disposal site from which the fees have been collected. That portion of the service and user charges set aside by the District for enhancement purposes shall be \$.50 for each ton of solid waste except that mixed waste transferred from one disposal facility to another shall not be assessed an additional \$.50 per ton.
- 12.2 Metro shall consult with citizens and appropriate local elected officials to establish a community enhancement program including the boundaries of each community enhancement area, the membership of each local community enhancement committee and the criteria for providing funds under each community enhancement program.
- 12.3 Metro shall create or designate a local community enhancement committee, which may be a local governing body, which shall be responsible for making recommendations on the disbursement of funds under the community enhancement program.

EXHIBIT B

(Amends Attachment B of Ordinance No. 88-266B)

Goal 2 -- Land Use Planning

The plan includes analysis of alternatives considered for each component of the plan. Specifically, for example, the transportation chapter is based upon research of various transportation modes available and subsequent facility impacts of those options. The Metro East Transfer Station chapter includes analysis of transfer station options for the east watershed of the region. An extensive evaluation of waste reduction program (System Measurement Study, Appendix) options was conducted which resulted in the waste reduction programs identified for implementation in the plan. The plan also includes a methodology for evaluating the merits of private vs. public ownership of solid waste facilities. This methodology is based upon a study contained in the plan appendix, "Discussion of Issues Pertinent to the Decision Concerning Public or Private Ownership and Operation of the East Transfer and Recycling Center." The alternatives considered in developing these plan components were done so based on social, economic, energy and environmental needs in managing solid waste for the region. For example, the System Measurement Study which considered waste reduction program alternatives included a criterion methodology for evaluating one program option against another. The criterion used to select the programs were as follows:

1. Amount Recovered: Potential for accomplishing 30 percent recovery.
2. Impact on Existing System: Use of existing routes, equipment and sites.
3. Cost Per Ton Processed: Attractiveness of program cost per processed ton.
4. Strength of Markets: Markets for recovered materials are stable.
5. Ease of Implementation: Social acceptability, feasibility, proven technology.
6. Consistency with Existing Policy (including statute ORS 459.015, which states that the hierarchy of programs to reduce, recycle, recover energy and landfill shall be done to the extent they are determined to be environmentally, technically and economically feasible.

Goal 3 -- Agricultural Lands

Consistency with Goal 3 is also supported by ORS 215.283(1)(h) and 2(j) which provides for allowing solid waste facilities outright on EFU lands when ordered by the Department of Environmental Quality (DEQ) or by permit from the governing body of a city or county and for which a permit has been issued by DEQ.

Goal 4 -- Forest Lands

Consistency with Goal 4 is also supported by ORS 527.722(2)(c) (Oregon Forest Practices Act) which does not prohibit local governments from adopting and applying comprehensive plan or land use regulations to forest land to allow landfills.

Goal 5 -- Open Spaces, Scenic and Historical Areas, Natural Resources

Consistency with Goal 5 is also supported by the SWMP goal to implement a plan which achieves a regionally balanced, cost-effective, technologically feasible, environmentally sound and publicly acceptable solid waste system. Further, the plan is premised on the state mandated hierarchy of reduce, reuse, recycle, recover energy and finally landfill (ORS 459.015(2)(a)). The hierarchy is premised by ORS 459.015(2) which states that in the interest of the public health, safety and welfare and in order to conserve energy and natural resources, it is the policy of the State of Oregon to establish a comprehensive state-wide program for solid waste management based on the hierarchy. This SWMP is a part of the state-wide solid waste management program.

Goal 6 -- Air, Land and Water Resources Quality

The waste reduction program includes a provision to evaluate the feasibility of alternative technology programs for the region. One of these pending alternative technology projects is a refuse-derived fuel facility. Extensive environmental measures are proposed for such a facility should it be determined appropriate for the region. Environmental measures for the facility are to be determined based on extensive analysis of potential environmental impacts that may be associated with such a facility including air, water and land resource quality. The plan requires an environmentally feasible determination to take place for all proposed facilities and programs contained within the plan in accordance with the plan Goal "To develop and implement a solid waste management plan which achieves a regionally balanced, cost-effective, technologically feasible, environmentally sound and publicly acceptable solid waste system."

Goal 12 -- Transportation

Specifically, chapter 7 of the plan provides for a coordinated system of transport of waste from transfer stations to the regional landfill in Arlington. This regional solid waste transportation system will result in a more cost-efficient system than what would result from each local government separately transporting their waste to Arlington. Assessing transport options from a regional perspective allows alternative modes of transport to become available such as barge and rail. These transport modes would not be feasible alternatives for local governments transporting waste on their own.

Other (deletions)

Goal 12 -- Transportation

(delete) "development of local sites coordinated and planned by region."

(add) "would otherwise occur without a regionally coordinated plan."

Goal 15 -- Willamette Greenway

(delete) "SWMP provisions are neutral on the conservation of the Willamette Greenway because the SWMP may allow, but does not require the use of Willamette Greenway land."

(add) "The SWMP does not have an impact on the Willamette River Greenway."



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Agenda Item No. 1

Meeting Date: Dec. 22, 1988

Date: December 14, 1988

To: Metro Councilors

From: Marie Nelson, Clerk of the Council *amn*

Regarding: RECONSIDERATION OF ORDINANCE NO. 88-273

At the December 8 Council meeting, the Council voted to adopt Ordinance No. 88-273 as amended (Councilors Coleman, Collier, Cooper, Gardner, Kirkpatrick, Knowles, Waker and Ragsdale voted aye; Councilor DeJardin voted no; and Councilors Hansen, Kelley and Van Bergen were absent). The Council adopted the so-called "St. Johns" enhancement committee model which included an amendment proposed by Councilor Knowles. A summary of the Council's December 8 actions and a description of the amendment is attached to this memo.

After the vote to adopt the ordinance, Presiding Officer Ragsdale explained he had voted on the prevailing site of the motion so that he could serve notice he might move to have Ordinance No. 88-273 reconsidered. The Council's rules for reconsideration are attached to this memo.

Also attached is a memo from Councilor Gary Hansen regarding the majority report of the Solid Waste Committee's actions concerning Ordinance No. 88-273.

amn
0389D/D3-1
12/14/88

Council Actions of December 8, 1988

7.2 Ordinance No. 88-277, Amending Ordinance No. 88-247, Revising the FY 1988-89 Budget and Appropriations Schedule to Reorganize Metro's Word Processing Function (Second Reading)

Adopted (Collier/DeJardin; 11/0 vote). A motion failed to carry that would have referred the ordinance back to the Finance Committee in response to the Executive Officer's request (Hansen/Kelley; 5/6 vote).

7.3 Ordinance No. 88-273, Amending Ordinance No. 88-266 (Relating to the Adoption of the Solid Waste Management Plan) by Establishing Enhancement Fees for Solid Waste Facilities and Adding Land Use Goal Findings (Second Reading)

Adopted as amended. Motion failed to carry that would have deleted provisions for a host or enhancement fee program from the Management Plan (Kirkpatrick/DeJardin; 3/9 vote). Motion carried to amend Councilor Gardner's recommended "St. Johns' Model" enhancement fee program to include a provision to allow a local government body to serve as a local community enhancement committee (Knowles/Waker; 6/4 votes). Motion carried to adopt the ordinance to include the amended "St. Johns Model" provisions and to change any reference of "host fees" to read "enhancement fees" (Gardner/Knowles; 8/1 vote). Presiding Officer Ragsdale served notice of possible reconsideration of the ordinance.

8.1 Resolution No. 88-1018, Approving the Request for Proposals for the Metro East Station

The resolution was adopted by the Solid Waste Committee on December 6. The Council adopted a motion to ratify the Committee's action (Gardner/DeJardin; 9/0 vote).

2.01.110 Reconsideration:

(a) When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

(b) Notice of the intention to move for reconsideration of an ordinance or rule must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken. Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.

(c) Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

(d) A motion for reconsideration must receive the affirmative vote of a majority of the Council (7) in order to be adopted.

(e) There shall be only one (1) reconsideration of any final vote even though the action of Council reverses its previous action. (Ordinance No. 79-65, Sec. 11)



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

ORDINANCE NO. 88-273

DATE: December 5, 1988
TO: Metro Council
FROM: Councilors Corky Kirkpatrick and Jim Gardner
RE: MINORITY REPORT ON SOLID WASTE ENHANCEMENT FEE POLICY

Agenda Item No. 7.3
Meeting Date Dec. 8, 1988

CK JG

As the Solid Waste Committee Report will reflect, the enhancement fee policy for the Solid Waste Functional Plan comes to the Council with a 3 to 2 vote. We believe it is important to bring a minority report to the Council for discussion.

ENHANCEMENT FEE CONCEPT (This first section of the memo represents Councilor Kirkpatrick's views.)

First of all, I oppose the concept of continued community enhancement fees because:

1. It adds to the already high cost of garbage disposal, especially if we have multiple fees (for compostor, transfer station, depot, landfill and other system elements that may be added as technology improves).
2. It sets a trend for NIMBY's that may spread to other land uses that are a necessary part of government service to society. We continue to hear that people are paying too much for government services, and we have a responsibility to contain that cost and even try to reduce it. The whole concept of regional government was to provide services that would mean an economy of scale and a reduction of duplication.

We must build the best system possible and provide the mitigation and conditional use measures that are required of any industrial use. That is the price of doing business and we should be determined to do a good job.

Procedurally, I would like to ask for approval of determining the basic policy question before we work on language or particular methods for implementation. My first motion, therefore, will be to delete any policy regarding enhancement fees from the Functional Plan.

Assuming we have a majority of the Council who want to adopt an enhancement fee policy because it has been part of the 14 month process of developing the plan, I would propose we adopt the St. Johns model as proposed at the Solid Waste Committee meeting November 29 (see Exhibit A).

Accountability

Metro has the responsibility for regional solid waste disposal and for the system of facilities and programs to accomplish this. The responsibility cannot be delegated or avoided, even when we enter into partnerships with other local jurisdictions or with private industry to provide specific parts of the solid waste system. The enhancement fees are paid by all citizens of the region, not just by the residents of the localities where facilities may be located. This fact means that Metro is accountable to all citizens of the region for how the enhancement fee funds are spent. This inescapable accountability is why Metro should retain a significant role in the disbursement of those funds. The ultimate authority on how the money is spent should not (and perhaps legally cannot) be passed on to a local government nor completely to a citizens committee.

We have a responsibility to protect those areas that are--or ought to be--multi-jurisdictional. The Oregon City facility, for example, does not affect only Oregon City. The location of the transfer station is at a major highway intersection at the north boundary of the city.

Local Control

The concept itself--to invest the decision in the local committee--is not in dispute. The citizens of the immediate area of a facility (the impact area) should decide what types of enhancement projects they want. Once criteria for projects are established, the Metro Council role would be to assure that the criteria are met and that the selection process used was open and fair. If the funds are passed through by Metro to a city/county fund, there is a potential that, over time, the original source of the funds would become lost. The majority recommendation would have this situation, with city or county receiving the funds and then disbursing them to specific projects. Once the money rests with the city or county, an inevitable sense of ownership can develop, and the original purpose of the program can be subsumed by the larger spending and budget priorities of the city/county.

The citizens committee described in the majority version would be one-half appointed by the city/county, and also include a city/county elected official. Even though the other half of the citizens would be appointed by Metro, they also would be residents of the city/county and therefore impacted by the spending priorities of that government. There is real potential for the enhancement funds to be seen as a way to soften the impact of city/county spending decisions, in effect to eventually be seen as just another source of revenue for city/county programs.

Identity

We are continually reminded by The Oregonian and more recently by the Otto Committee that Metro needs more visibility. We are all painfully aware of the negative image Metro has among many citizens of the region. This is primarily because Metro, at least in its solid waste program, is identified with facilities which have a negative impact on their surrounding area. Some of these negative impacts are real, but many more are imaginary or of exaggerated proportions. Whatever the reality, the perception is that solid waste facilities are inherently harmful to their vicinity. The only way for Metro to counteract this negative impact is for Metro also to be identified with the positive aspects of solid waste facilities. The enhancement fee and the enhancement projects it can fund are a significant benefit to the community and one of the few positives associated with solid waste facilities. We feel it is critical Metro retain a close identification with the enhancement program. The community should always be aware that the good things happening in their area are a direct result of the Metro facility.

Another benefit of having the enhancement program connected with Metro is the opportunity for community leaders appointed to the citizens committees to learn more about Metro and its functions. Having the citizens committee seen as a city/county function would soon obscure and dilute that direct connection with Metro.

St. Johns Model

This model (see Exhibit A attached) for a citizens committee and an enhancement program has been an unqualified success. It has brought Metro much good will in a community where little existed before. It also has been a process whereby true local control has determined the uses for the enhancement fee money. There has been an increased awareness and understanding of Metro and a clear recognition among the general public that the positive improvements are coming about because of the landfill being in their community.

This model retains Metro budgetary authority while allowing maximum self-determination for the community. The model has proven to be workable, efficient, and has favorable reviews from the area. It is a good model. on which to fashion a regional policy.

It should be noted that the North East Coalition of Neighborhoods has taken a unanimous position in favor of the St. Johns model. In addition, individuals testified at the public hearing on November 29, 1988, that the Cully and other neighborhoods support the St. Johns model.

EXHIBIT A

12.0 COMMUNITY ENHANCEMENT POLICY

FOR ANY COMMUNITY PROVIDING A SOLID WASTE "DISPOSAL SITE," AS DEFINED BY ORS 459.280 (1) AND (2), METRO SHALL COLLECT A FEE TO BE USED FOR THE PURPOSE OF COMMUNITY ENHANCEMENT.

12.1 The Metropolitan Service District shall apportion an amount of the service or user charges collected for solid waste disposal at each public or privately-owned disposal site within the district and dedicate and use the monies obtained for enhancement of the area in and around the disposal site from which the fees have been collected. That portion of the service and user charges set aside by the District for enhancement purposes shall be \$.50 for each ton of solid waste except that mixed waste transferred from one disposal facility to another shall not be assessed an additional \$.50 per ton.

12.2 Metro shall consult with citizens and appropriate local elected officials to establish a community enhancement program including the boundaries of each community enhancement area, the membership of each local community enhancement committee and the criteria for providing funds under each community enhancement program.

12.3 Metro shall create or designate a local community enhancement committee which shall be responsible for making recommendations on the disbursement of funds under the community enhancement program.



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: November 30, 1988

TO: Metro Council

FROM: Councilor Gary Hansen ^{GH.}
Chair, Council Solid Waste Committee

RE: SOLID WASTE COMMITTEE REPORT ON DECEMBER 8, 1988, COUNCIL
AGENDA ITEM

Agenda Item No. 7.3 : 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

Committee Recommendation

The Solid Waste Committee recommends Council adoption of Ordinance No. 88-273 as amended. This action taken November 29, 1988.

Committee Discussion

On November 29, 1988, the Council Solid Waste Committee and the Policy Advisory Committee met jointly to consider Ordinance No. 88-273, Section 12 (Host Fees). The major issues discussed were 1) whether or not host fees should be reduced by an amount equal to property taxes assessed by the host jurisdiction; 2) whether or not a fee should be charged for mixed waste transferred from one disposal facility to another; and 3) appointment and composition of the community enhancement committee. After considerable discussion, the Policy Committee voted to amend Ordinance No. 88-273, as shown in Exhibit A attached. The Committee then discussed another approach (presented by Councilor Ragsdale) and voted to amend Ordinance No. 88-278 as shown in Exhibit B.

On November 29, 1988, a public hearing was held by the Council solid Waste Committee. Five individuals testified; some in favor of the "north Portland model" and one in favor of the "Ragsdale" proposal (Attachment B).

Following the public hearing, the Solid Waste Committee discussed at length the appointment and composition of the community enhancement committee, and who should control the funds for community enhancement. The point was made that Metro has the authority and responsibility for solid waste disposal in the region. Therefore, Metro should retain some control over the community enhancement funds. It was noted that

COUNCIL SOLID WASTE COMMITTEE

November 30, 1988

Page 2

the common "thread" running through the discussion was that the citizens of the area impacted should have a major role in determining how the fees should be allocated as part of a community enhancement program.

The Committee voted 3 to 2 to recommend Council adoption of Resolution No. 88-273 as amended (see Exhibit B). Voting aye: Hansen, Kelley and Ragsdale. Voting nay: Gardner and Kirkpatrick.

GH:RB:pa

RAYB.021

Attachments

EXHIBIT A

12.0 COMMUNITY ENHANCEMENT POLICY

FOR ANY COMMUNITY PROVIDING A SOLID WASTE "DISPOSAL SITE," AS DEFINED BY ORS 459.280(1) AND (2), METRO SHALL COLLECT A FEE TO BE USED FOR THE PURPOSE OF COMMUNITY ENHANCEMENT.

12.1 The Metropolitan Service District and the local jurisdiction, in a cooperative method, shall apportion an amount of the service or user charges collected for solid waste disposal at each public or privately-owned disposal site within the District and dedicate and use the monies obtained for enhancement of the area in and around the disposal site from which the fees have been collect. That portion of the service and user charges set aside by the District enhancement purposes shall be \$.50 for each ton or solid waste, [except that mixed waste transferred from one disposal facility to another shall not be assessed an additional \$.50 per ton.]

12.2 [The host fee paid for privately owned and operated disposal sites will be reduced by an amount equal to the property taxes assessed by the host jurisdiction.]

12.3 A community enhancement committee shall be appointed by the city or county and Metro to decide how the fee should be allocated as part of a community enhancement program. In addition to the local citizens appointed to the committee, there shall be one representative each from the City Council or County Commission,

and the Metro District hosting a solid waste disposal site. [The final selection of committee members shall be approved by the Metro Council.] Metro and the city or county shall both appoint an equal number of citizens to the committee.

require Metro to use its flow control authority to ensure that commercial haulers and the residential self-haulers use each facility so it can be financed. This kind of system may be difficult to enforce on the residential self-hauler and certainly would require a region-wide accounting system for all commercial haulers to ensure that they use the properly designated facilities.

Also of importance in establishing rates is providing continued financial support for waste reduction programs. In accordance with policy 11.2 and 11.3, Metro will support waste reduction techniques which lower the total amount of material for final disposal. This means, for example, that Metro may charge a hauler less to dispose of loads which are of high-grade materials at a material recovery center than to dispose of mixed waste loads for transfer and final disposal. Another example may be that Metro may purchase curbside collection containers for haulers in order to increase participation in source separation.

In providing financial incentives for those who recycle, the cost of final disposal will increase. To the extent feasible, this increased cost should be paid by those who are not participating in recycling.

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), WITH A HOST FEE TO BE USED FOR THE PURPOSES OF COMMUNITY ENHANCEMENT.

(Note: The following should be located in the Implementation section:

12.1 The host fee paid to the host city or county for a publicly owned disposal site within the region shall be \$.50 per ton.

~~The host fee paid to the host city or county for a privately owned disposal site within the region shall be \$.50 per ton minus the property taxes levied by the host jurisdiction.)~~

12.2 ~~12.1~~ Host fees will be paid on a per ton volume of non-source separated waste entering the disposal site.

~~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.~~

12.3 A citizen committee will be appointed, ^{1/2 by Metro and 1/2 by the city or county} receiving the host fee, to ^{determine} advise 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.

BACKGROUND

ORS 459.280 (1) and (2) definition of disposal site includes landfills, transfer stations, and resource recovery facilities.

The idea of providing host fees for solid waste facilities was initiated in the region in 1985 and again in 1987 by the state legislature when they allocated a total of \$1.00 per ton of waste going into the St. Johns Landfill to the community adjacent to the landfill. The purpose of the host fee is to finance community enhancement programs in the area.

The money collected from host fees will allow communities to do such things as provide job outreach programs for young people, put up new street lights, establish historical viewpoints or information kiosks about the community, fund new community business programs, etc. Payment for mitigation of impacts from a solid waste facility such as necessary street improvements, landscaping and litter patrol will be

included in the financing of the facility, and are incorporated into the plan policies under section 8.0.

13.0 FACILITY OWNERSHIP POLICY

SOLID WASTE FACILITIES MAY BE PUBLICLY OR PRIVATELY OWNED, DEPENDING UPON WHICH BEST SERVES THE PUBLIC INTEREST. A DECISION ON OWNERSHIP OF A FACILITY SHALL BE MADE BY METRO, CASE-BY-CASE, AND BASED UPON ESTABLISHED CRITERIA.

(Note: The following criteria should be located in the Solid Waste System section.

The criteria to be applied to a public or private facility decision are:

- a. to compare the anticipated capital and operating costs;
- b. to adhere to the waste reduction policies;
- c. to best achieve implementation of the solid waste management plan;
- d. to be compatible with existing facilities and programs;
- e. to adjust to changing circumstances which may require capital improvements, new methods of operation or similar factors;
- f. to be environmentally acceptable;

EXHIBIT A
(Amends Attachment A of Ordinance No. 88-266B)

12.0 COMMUNITY ENHANCEMENT POLICY

FOR ANY COMMUNITY HOSTING A SOLID WASTE "DISPOSAL SITE," AS DEFINED BY ORS 459.280(1) AND (2), METRO SHALL PROVIDE A HOST FEE TO BE USED FOR THE PURPOSES OF COMMUNITY ENHANCEMENT.

12.1 Host fees will be paid into a host fee fund on a per ton volume of non-source separated waste entering the disposal site. Mixed waste transferred from one facility to another shall not be assessed an additional \$.50 per ton.

(The host fee paid to the host city or county for a publicly owned disposal site within the region shall be \$.50 per ton.

The host fee paid to the host city or county for a privately owned disposal site within the region shall be \$.50 per ton minus the property taxes levied by the host jurisdiction.)

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.

12.3 A citizen committee will be appointed by Metro to advise how the fee should be allocated as part of a community enhancement program.

FROM: [REDACTED]

Donald E. Carlson

~~Finance & Administration Director~~

Nov. 14, 1988

TO: Gary Hansen

FROM: DEC *DEC*

RE: Community Enhancement Policy

Attached is the proposed SW Management Plan language that you requested regarding the Community Enhancement issue. As indicated this language is based on the statutory language (ORS 459.790) which was used for the North Portland program.

Section 12.1 sets the fee for the enhancement program. As you can see by comparing it with the attached section of ORS 459.790 it closely parallels the state law but retains the provision that mixed waste transferred from one facility to another will be exempted from the fee. This draft eliminates the provision for deducting the amount of property taxes levied by the "host" jurisdiction on the facility.

Section 12.2 requires Metro to develop each enhancement program in consultation with citizens and local elected officials. This is similar to the experience with North Portland.

Section 12.3 requires Metro to create an enhancement committee to make recommendations for the disbursement of funds under this program or it enables Metro to delegate the creation of such a committee to the appropriate local government by intergovernmental agreement.

METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

DRAFT

(State Legislation/North Portland Model)

EXHIBIT A

(Amends Attachment A of Ordinance No. 88-266B)

12.0 COMMUNITY ENHANCEMENT POLICY

FOR ANY COMMUNITY PROVIDING A SOLID WASTE "DISPOSAL SITE," AS DEFINED BY ORS 459.280(1) AND (2), METRO SHALL COLLECT A FEE TO BE USED FOR THE PURPOSE OF COMMUNITY ENHANCEMENT.

12.1 The Metropolitan Service District shall apportion an amount of the service or user charges collected for solid waste disposal at each public or privately-owned disposal site within the district and dedicate and use the monies obtained for enhancement of the area in and around the disposal site from which the fees have been collected. That portion of the service and user charges set aside by the District for enhancement purposes shall be \$.50 for each ton of solid waste except that mixed waste transferred from one facility to another shall not be assessed an additional \$.50 per ton.

12.2 Metro shall consult with citizens and appropriate local elected officials to establish a community enhancement program including the boundaries of each community enhancement area, the membership of each local community enhancement committee and the criteria for providing funds under each community enhancement program.

12.3 Metro shall create or designate a local community enhancement committee which shall be responsible for making recommendations on the disbursement of funds under the community enhancement program. Metro may by intergovernmental agreement designate a city council or county board as the local community enhancement committee or delegate to the local governing body the authority to develop and manage the community enhancement program.

(b) To the extent necessary, acquire by purchase, gift, grant or exercise of the power of eminent domain, real and personal property or any interest therein, including the property of public corporations or local government.

(c) Lease and dispose of real or personal property.

(d) At reasonable times and after reasonable notice, enter upon land to perform necessary surveys or tests.

(e) Acquire, modify, expand or build landfill or resource recovery site facilities.

(f) Subject to any limitations in ORS 468.195 to 468.260, use money from the Pollution Control Fund created in ORS 468.215 for the purposes of carrying out section 5 of this 1985 Act.

(g) Enter into contracts or other agreements with any local government unit or private person for the purposes stated in ORS 459.065 (1).

(h) Accept gifts, donations or contributions from any source to carry out the provisions of sections 3 and 5 of this 1985 Act.

(i) Establish a system of fees or user charges to reimburse the department for costs incurred under this 1985 Act and to allow repayment of moneys borrowed from the Pollution Control Fund.

(2) The metropolitan service district shall have the responsibility for the operation of the disposal sites established under this 1985 Act. [1985 c.679 §7]

Sec. 8. (1) The metropolitan service district organized under ORS chapter 268 shall prepare a solid waste reduction program. Such program shall provide for:

(a) A commitment by the district to substantially reduce the volume of solid waste that would otherwise be disposed of in land disposal sites through techniques including, but not limited to, rate structures, source reduction, recycling, reuse and resource recovery;

(b) A timetable for implementing each portion of the solid waste reduction program;

(c) Energy efficient, cost-effective approaches for solid waste reduction that are legally, technically and economically feasible and that carry out the public policy described in ORS 459.015 (2); and

(d) Procedures commensurate with the type and volume of solid waste generated within the district.

(2) Not later than January 1, 1986, the metropolitan service district shall submit its solid waste reduction program to the Environmental Quality Commission for review and approval. The commission shall approve the program if the commission finds that:

(a) The proposed program presents effective and appropriate methods for reducing dependence on land disposal sites for disposal of solid wastes;

(b) The proposed program will substantially reduce the amount of solid waste that must be disposed of in land disposal sites;

(c) At least a part of the proposed program can be implemented immediately; and

(d) The proposed program is legally, technically and economically feasible under current conditions.

(3) After review of the solid waste reduction program, if the commission does not approve the program as submitted, the commission shall allow the metropolitan service district not more than 90 days in which to modify the program to meet the commission's objections.

(4) Notwithstanding ORS 268.310 (2) and 268.317, if the commission does not approve the solid waste reduction program submitted by the metropolitan service district after any period allowed for modification under subsection (3) of this section, all the duties, functions and powers of the metropolitan service district relating to solid waste disposal are imposed upon, transferred to and vested in the Department of Environmental Quality and no part of such duties, functions and powers shall remain in the metropolitan service district. The transfer of duties, functions and powers to the department under this section shall take effect on July 1, 1986. Notwithstanding such transfer of duties, functions and powers, the lawfully adopted ordinances and other rules of the district in effect on July 1, 1986, shall continue in effect until lawfully superseded or repealed by rules of the commission.

(5) If the solid waste reduction program is approved by the commission, a copy of the program shall be submitted to the Sixty-fourth Legislative Assembly not later than February 1, 1987. [1985 c.679 §8]

Sec. 9. (1) The metropolitan service district shall apportion an amount of the service or user charges collected for solid waste disposal at each general purpose landfill within or for the district and dedicate and use the moneys obtained for rehabilitation and enhancement of the area in and around the landfill from which the fees have been collected. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be 50 cents for each ton of solid waste.

(2) The metropolitan service district, commencing on the effective date of this 1985 Act [July 13, 1985], shall apportion an amount of the service or user charges collected for solid waste disposal and shall transfer the moneys obtained to the Department of Environmental Quality. That portion of the service and user charges set aside by the district for the purposes of this subsection shall be \$1 for each ton of solid waste. Moneys transferred to the department under this section shall be paid into the Land Disposal Mitigation Account in the General Fund of the State Treasury, which is hereby established. All moneys in the account are continuously appropriated to the department and shall be used for carrying out the department's functions and duties under this 1985 Act. The department shall keep a record of all moneys deposited in the account. The record shall indicate by cumulative accounts the source from which the moneys are derived and the individual activity or program against which each withdrawal is charged. Apportionment of moneys under this subsection shall cease when the department is reimbursed for all costs incurred by it under this 1985 Act.

(3) The metropolitan service district shall adjust the amount of the service and user charges collected by the district for solid waste disposal to reflect the loss of those duties and functions relating to solid waste disposal that are transferred to the commission and department under this 1985 Act. Moneys no longer necessary for such duties and functions shall be expended to implement the solid waste reduction program submitted under section 8 of this 1985 Act. The metropolitan service district shall submit a statement of

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METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: December 27, 1988

To: Rena Cusma, Executive Officer

From: *gpwb for* Marie Nelson, Clerk of the Council

Regarding: TRANSMITTAL OF ORDINANCE NO. 88-273 FOR CONSIDERATION OF VETO

Attached for your consideration is a true copy of Ordinance No. 88-273 adopted by the Council on December 8, 1988, at which time Presiding Officer Ragsdale served notice of possible reconsideration. No motion was made at the December 22, 1988, Council meeting to reconsider the matter.

If you wish to veto this ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Friday, December 30, 1988. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time stated above, this ordinance will be considered finally adopted.

I, *Unette Hobley*, received this memo and a true copy of Ordinance No. 88-273 from the Council Clerk on December 27, 1988.

Dated: December 27, 1988

amn/gpwb
3ord



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

January 5, 1989

Mr. John Kauffman, County Clerk
Clackamas County
8th and Main
Oregon City, OR 97045

Dear Mr. Kauffman:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

- * 88-261, For the Purpose of Amending Chapter 3.01 of the Metropolitan Service District Code to Clarify Standards and Procedures for Identifying Protected Agricultural Land
- * Ordinance No. 88-263, An Ordinance Amending Ordinance No. 88-247 Revising the FY 1988-89 Budget and Appropriations Schedule for the Purpose of Additional Staffing and Capital Purchases in the Transportation Department
- * Ordinance No. 88-266, For the Purpose of Adopting the Regional Solid Waste Management Plan and Rescinding Prior Solid Waste Plan Provisions
- * Ordinance No. 88-268, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-3: Blazer Homes, Inc.
- * Ordinance No. 88-270, An Ordinance Amending Ordinance No. 88-247 Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for Legislative Expenditures and Increased National Association of Regional Council Dues
- * Ordinance No. 88-272, An Ordinance Amending Ordinance No. 88-247 Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for Increase in Oregon Laborer's Trust Health Care Premiums

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Mike Ragsdale
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharon Kelley
District 7

Mike Bonner
District 8

Tanya Collier
District 9

Larry Cooper
District 10

David Knowles
District 11

Gary Hansen
District 12

Executive Officer
Rena Cusma

John Kauffman
January 5, 1989
Page 2

- * Ordinance No. 88-273, For the Purpose of Amending Ordinance No. 88-266B (Relating to the Adoption of the Solid Waste Management Plan) By Establishing Enhancement Fees for Solid Waste Facilities and Adding Land Use Goal Findings
- * Ordinance No. 88-274, An Ordinance Amending Ordinance No. 88-247 Revising the FY 1988-89 Budget and Appropriations Schedule to Provide Funding for an Analysis for a Publicly Owned Metro East Transfer & Recycling Center
- * Ordinance No. 88-276, For the Purpose of Adding Section 5.01.085 to the Metro Code Relating to Franchise Agreements
- * Ordinance No. 88-277, An Ordinance Amending Ordinance No. 88-247 Revising the FY 1988-89 Budget and Appropriations Schedule to Reorganize Metro's Word Processing Function
- * Ordinance No. 88-278, For the Purpose of Amending Metro Code Chapter 5.02 Relating to Solid Waste Rates
- * Ordinance No. 88-279, An Ordinance Amending Chapter 2.04 of the Metro Code Relating to Metropolitan Exposition-Recreation Commission Contract Procedures

Sincerely,



A. Marie Nelson
Clerk of the Council

AMN:gpwb

enclosure



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

January 5, 1989

Mr. Charles D. Cameron
County Administrator
Washington County Courthouse
150 N. First Avenue
Hillsboro, OR 97123

Dear Mr. Cameron:

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Mike Ragsdale
District 1

Corky Kirkpatrick
District 4

Tom DeJardin
District 5

George Van Bergen
District 6

Sharron Kelley
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Mike Bonner
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Tanya Collier
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Larry Cooper
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District 11

Gary Hansen
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Executive Officer
Rena Cusma

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Charles D. Cameron
January 5, 1989
Page 2

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Sincerely,



A. Marie Nelson
Clerk of the Council

AMN:gpwb

enclosure



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

January 5, 1989

Ms. Jane McGarvin
Clerk of the Board
Multnomah County Courthouse
1021 S. W. Fourth Avenue
Portland, OR 97204

Dear Jane,

Enclosed are true copies of the following ordinances adopted by the Metro Council. Please file these ordinances in the Metro file maintained by your county.

Metro Council

Richard Waker
Presiding Officer
District 2

Jim Gardner
Deputy Presiding
Officer
District 3

Mike Ragsdale
District 1

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Jane McGarvin
January 5, 1989
Page 2

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Sincerely,



A. Marie Nelson
Clerk of the Council

AMN:gpwb

enclosure