

BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTION ) ORDINANCE NO. 06-1099-AB  
5.02.075 REGARDING WAIVERS OF )  
FEES FOR DISPOSAL OF SOLID ) Introduced by Chief Operating Officer,  
WASTE FROM THE METRO REGION ) Michael J. Jordan with the concurrence of  
) Council President, David Bragdon

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of collection of fees related to the disposal of solid waste; and

WHEREAS, the Metro Council has directed the Chief Operating Officer to develop and implement improvements to the granting of permits for waiving fees for the disposal of solid waste from the Metro Region; and

WHEREAS, efficient program administration often requires changes to rules and practices; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to implement Council directives and carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Officer authority to develop, maintain, administer and enforce such permits for the waiver of fees for disposal of solid waste generated within the Metro region; now therefore,

THE METRO COUNCIL ORDAINS that Metro Code Section 5.02.075 is amended as follows:

5.02.075 Special Exemption from Disposal Fees

(a) The Chief Operating Officer may issue on such terms as the Chief Operating Officer finds appropriate a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (e), (d) and (j) that functions to waive for the purpose of waiving fees for disposal of solid waste generated within the Metro region. ~~Prior to issuing such a permit the Chief Operating Officer shall render the following findings:~~

~~\_\_\_\_\_ (1) \_\_\_\_\_ Total aggregate disposal fees to be waived for the entity requesting waiver will not exceed \$5,000 per Metro fiscal year;~~

~~\_\_\_\_\_ (2) \_\_\_\_\_ The waiver of fees will address or remedy a hardship suffered by the applicant, or the public interest will be served by waiver of the disposal fees;~~

~~\_\_\_\_\_ (3) \_\_\_\_\_ The waste in question is acceptable for disposal at a Metro facility;~~


~~\_\_\_\_\_ (4) \_\_\_\_\_ The amount of the waiver is covered by budgeted funds; and~~

~~\_\_\_\_\_ (5) \_\_\_\_\_ If the applicant for a special exemption permit is a nonprofit entity, such entity is qualified as specified in Code Section 5.07.030(a), (b), (c), (d) and (j).~~

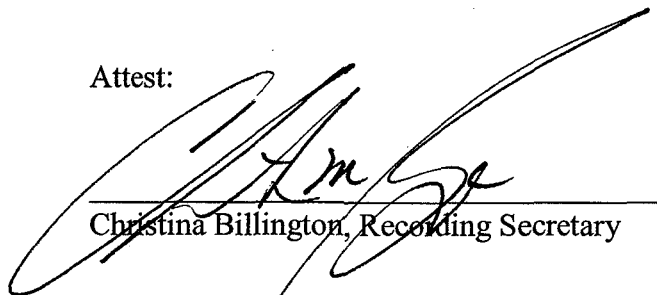
~~\_\_\_\_\_ (b) \_\_\_\_\_ The Chief Operating Officer shall notify the Metro Council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the Clerk of the Council. If the Council notifies the Chief Operating Officer within the 14-day period of its intent to review the proposed waiver, the Chief Operating Officer shall not issue the permit unless so authorized by the Council.~~

(b) Commencing in Metro fiscal year 2007-08 and in each fiscal year thereafter, the Chief Operating Officer shall provide the Metro Council with an annual report showing (1) the amount of solid waste recycled and disposed under the special exemption permits granted by the Chief Operating Officer during such fiscal year; and (2) the total expenditures arising from the exemption permits granted.

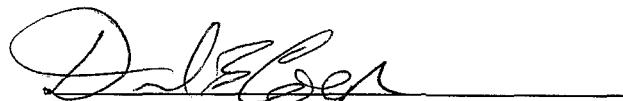
ADOPTED by the Metro Council this 5<sup>th</sup> day of February, 2007.

  
\_\_\_\_\_  
David Bragdon, Council President

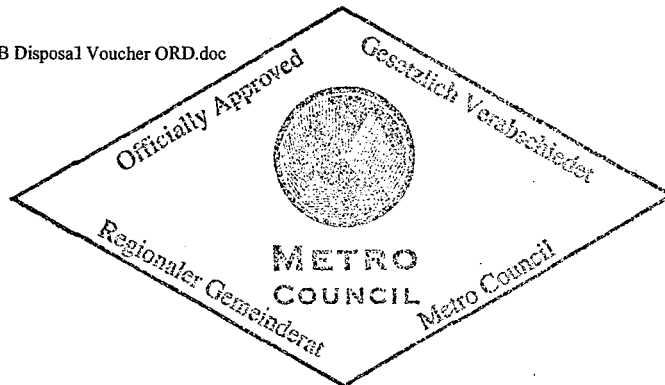
Attest:

  
\_\_\_\_\_  
Christina Billington, Recording Secretary

Approved as to form:

  
\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

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## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 06-1099B FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.075 REGARDING WAIVERS OF FEES FOR DISPOSAL OF SOLID WASTE FROM THE METRO REGION

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January 29, 2007

Drafted by: Jan O'Dell

#### BACKGROUND

A special exemption from disposal fees exists in Metro Code Section 5.02.075 that allows Metro's Chief Operating Officer to waive disposal fees under certain circumstances. This ordinance would amend Metro Code to remove language describing administrative procedures for the disposal fee waiver program, while retaining the ability for the Chief Operating Officer to waive fees. Criteria and administrative procedures for issuing disposal vouchers as part of Metro's Community Cleanup Program will be defined in an Executive Order. The Executive Order will include recycling and reporting requirements to help ensure the program supports Metro Council goals.

#### Program History

The exemption from disposal fees provision in Metro Code is a key element of Metro's Cleanup Program, which helps deter incidents of illegal dumping, assist residents in disposing of bulky items and supports recycling and reuse of materials collected at such events.

In early 2006, Council directed staff to examine the program and meet with disposal voucher program participants to discuss options for meeting Council goals and addressing community needs. Discussions with program participants led to recommendations for clarifying eligibility requirements and administrative procedures.

Following these discussions with program participants, the Metro Council met in work session to review the program. Council directed staff to proceed with amending Metro Code and creating an Executive Order that defines eligibility requirements and administrative procedures. The Executive Order is attached to this staff report and marked as Attachment 1.

#### Reason For Change

The amended Code deletes administrative procedures for waiving disposal fees, but retains the Chief Operating Officer's authority to waive disposal fees for a variety of activities that serve the public good (e.g.: community clean-up events, flood debris removal, illegal dumpsite clean ups). An Executive Order has been drafted that includes criteria and procedures for administering the program. These changes will result in a program that provides greater flexibility to respond to future needs is less labor-intensive to administer and helps ensure that the program is managed to achieve Council objectives.

#### **"B" version of Ordinance:**

***On January 18, 2007, Metro Council discussed the A version of the Ordinance, proposed some changes to it, and voted to continue it until February 8, 2006. Council directed staff to change the Ordinance to include an annual reporting function that will keep Council informed of the expenditures authorized by the Chief Operating Officer, and the amount of waste recycled and disposed under the program. This requirement is included as section 'b' in the ordinance.***

***The other change made was to delete a reference to Metro Code section 5.07.030c as an eligibility criterion for disposal voucher program applicants. This criterion was written to address organizations***

*receiving recycling credits from Metro, and is not appropriate or needed for the disposal voucher program. Metro Code section 5.07.030 is attached to this staff report and marked as Attachment 2.*

*Requirements related to recycling, publicity, annual per-agency caps, allowed and disallowed activities, annual reporting requirements and staff's responsibility to ensure fair and equitable access to the program through the Metro region are included in the draft Executive Order, included with this report as Attachment 1.*

#### **ANALYSIS/INFORMATION**

**1. Known Opposition**

There is no known opposition.

**2. Legal Antecedents**

This requires a change to Metro Code.

**3. Anticipated Effects**

No change in Metro's ability to provide exemption from disposal fees for eligible groups and approved activities.

**4. Budget Impacts**

None.

#### **RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Ordinance No. 06-1099-B.

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**EXECUTIVE ORDER # \_\_\_\_\_**  
**EFFECTIVE DATE: \_\_\_\_\_, 2007**  
**SUBJECT: Community Clean-up Program**

The purpose of this Executive Order is to set forth procedures and establish criteria for Metro's Community Cleanup program, including administrative procedures for the disposal fee waivers, administered by Metro's Solid Waste and Recycling Department.

**I. GENERAL**

- A) Metro contributes to the livability of the region by supporting community cleanups and events that enhance the appearance, livability and safety of neighborhoods; deter incidents of illegal dumping; provide the opportunity to recycle; and provide opportunities to educate citizens about waste prevention, reuse and recycling.
- B) In support of these goals, Metro administers a disposal fee waiver program for solid waste collected at cleanups sponsored by neighborhood associations, local governments and eligible non-profit organizations.
- C) Provision is made in Metro Code 5.02.075 for exemption from disposal fees for waste generated in the Metro region.
- D) Any qualified agency or group within the Metro region may apply for disposal vouchers. Approval is contingent upon the applicant meeting specific criteria, including a commitment to source-separate waste and provide recycling of materials collected at the event.

**II. ELIGIBILITY FOR DISPOSAL VOUCHERS**

- a) Qualified agencies are neighborhood associations, local governments and non-profit organizations. (Metro Code 5.07.030(a), (b), (d) and (j).
- b) Systems and opportunities for reuse and recycling must be an integral part of any cleanup activity or community event requesting disposal vouchers.
- c) The per-agency limit for vouchers is \$5,000.
- d) Events receiving disposal vouchers must provide benefit to the population at large (within the qualifying organization's service area), and cannot solely benefit one organization or that organization's membership.
- e) Qualified activities shall include the following: neighborhood coalition and neighborhood association cleanup events; cleanup of private property when a voucher is requested by a local government or non-profit in order to address an economic hardship of the resident; natural resource-area cleanups; home rehabilitation for low-income citizens; and community events that provide the opportunity for recycling education and outreach to large numbers of people.
- f) Disallowed waste includes the following: hazardous waste; waste not acceptable at a regional transfer station; commercially generated waste, including construction and demolition waste.

### **III. PROCEDURES AND RESPONSIBILITIES**

#### Disposal voucher applicants

- a. Apply for vouchers at least 10 working days in advance of the event date; send proof of non-profit status, if not already on record at Metro.
- b. Recognize Metro in all publicity about the clean up event, including on-site at the event.
- c. Provide recycling, reuse and waste-prevention opportunities and information at the event.
- d. Use the vouchers by the expiration date, and return to Metro any unused vouchers no later than 30 days after the last event.
- e. Send Metro an annual report that summarizes the amount and types of waste collected and recycled at the events, samples of event publicity, number of people served.

#### Metro Solid Waste and Recycling Department

- a) Review each disposal voucher request for adherence to criteria; track vouchers used by applicants to ensure adherence to \$5,000/agency cap.
- b) Provide recycling and reuse information and assistance to cleanup coordinators (printed and web site information, referrals, consultation).
- c) Publicize the Community Cleanup Program and Disposal Fee Waivers throughout the Metro region, with special emphasis on Metro Council districts that historically have applied for fewer vouchers.
- d) Compile a year-end report for review by the Metro COO and Metro Council. The report will include amount of material recycled/disposed, vouchers by applicant, samples of Metro's outreach, an overview of program participants' publicity of the program, and an analysis of voucher expenditures relative to the adopted budget and by Metro Council district.
- e) At such times as Metro reviews the community cleanup program or considers making any changes to it, the Solid Waste and Recycling Department will ensure that all program participants are notified.

Metro Code  
Chapter 5.07  
Recycling Credits

. . .  
5.07.030 Eligibility Criteria

An organization qualifies to receive a recycling credit if the following criteria have been documented during the annual application process:

(a) The organization must be classified as a nonprofit organization under Section 501(c)(3) of the United States Internal Revenue Code. Furthermore, the organization submits an annual report on Federal Form 990 (Return of Organization Exempt for Income Tax).

(b) The organization must be registered as a nonprofit organization with the Corporation Commission of the State of Oregon.

(c) The organization submits an annual report to the Oregon Department of Justice Charitable Trust Section and provides assistance to needy citizens of the region and opportunities for employment to those in need of assistance and rehabilitation.

(d) The organization does not contract with for-profit organizations to collect, process, or sell used goods.

(e) The organization must be engaged, as a primary form of revenue, in the processing of donated goods for resale or reuse.

(f) The organization facilitates the opportunity to reuse and recycle for the general public via curbside collection of donated goods or staffing of drop-off sites.

(g) The waste reduction activities of the organization divert a significant amount of material that might otherwise be landfilled. A significant amount is defined as a minimum of 250 tons per year of donated goods that are either reused or recycled.

(h) The organization is a credit customer in good standing at Metro disposal facilities.

(i) The organization submits annual waste reduction data to the Metro solid waste Director by February 15th of each year which documents the organization's recycling level for the preceding calendar year using a methodology approved by Metro.

(j) No portion of Metro funds authorized by this program will benefit any religious function of any religious organization.

(Ordinance No. 90-362A, Sec. 1. Amended by Ordinance No. 02-974, Sec. 1.)

BEFORE THE METRO COUNCIL

AMENDING METRO CODE SECTION	)	ORDINANCE NO. 06-1099-A
5.02.075 REGARDING WAIVERS OF	)	
FEEES FOR DISPOSAL OF SOLID	)	Introduced by Chief Operating Officer,
WASTE FROM THE METRO REGION	)	Michael J. Jordan with the concurrence of
	)	Council President, David Bragdon

WHEREAS, pursuant to Metro Code 2.20.030, the Chief Operating Officer is responsible for the proper administration of all affairs of Metro, including the administration of collection of fees related to the disposal of solid waste; and

WHEREAS, the Metro Council has directed the Chief Operating Officer to develop and implement improvements to the granting of permits for waiving fees for the disposal of solid waste from the Metro Region; and

WHEREAS, efficient program administration often requires changes to rules and practices; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to implement Council directives and carry out his duties as Metro’s chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Officer authority to develop, maintain, administer and enforce such permits for the waiver of fees for disposal of solid waste generated within the Metro region; now therefore,

THE METRO COUNCIL ORDAINS that Metro Code Section 5.02.075 is amended as follows:

5.02.075 Special Exemption from Disposal Fees

~~(a) The Chief Operating Officer may issue on such terms as the Chief Operating Officer finds appropriate a special exemption permit to a public agency, local government, or qualified non-profit entity as specified in Code Section 5.07.030(a), (b), (c), (d) and (j) that functions to waive for the purpose of waiving fees for disposal of solid waste generated within the Metro region. Prior to issuing such a permit the Chief Operating Officer shall render the following findings:~~

~~—————(1)———Total aggregate disposal fees to be waived for the entity requesting waiver will not exceed \$5,000 per Metro fiscal year;~~

~~—————(2)———The waiver of fees will address or remedy a hardship suffered by the applicant, or the public interest will be served by waiver of the disposal fees;~~

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~~\_\_\_\_\_ (4) \_\_\_\_\_ The amount of the waiver is covered by budgeted funds; and~~

~~\_\_\_\_\_ (5) \_\_\_\_\_ If the applicant for a special exemption permit is a nonprofit entity, such entity is qualified as specified in Code Section 5.07.030(a), (b), (c), (d) and (j).~~

~~\_\_\_\_\_ (b) \_\_\_\_\_ The Chief Operating Officer shall notify the Metro Council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the Clerk of the Council. If the Council notifies the Chief Operating Officer within the 14 day period of its intent to review the proposed waiver, the Chief Operating Officer shall not issue the permit unless so authorized by the Council.~~

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

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## STAFF REPORT

### IN CONSIDERATION OF ORDINANCE NO. 06-1099-A FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.075 REGARDING WAIVERS OF FEES FOR DISPOSAL OF SOLID WASTE FROM THE METRO REGION

---

January 18, 2007

Drafted by: Jan O'Dell

#### BACKGROUND

A special exemption from disposal fees exists in Metro Code Section 5.02.075 that allows Metro's Chief Operating Officer to waive disposal fees under certain circumstances. This ordinance would amend Metro Code to remove language describing administrative procedures for the disposal fee waiver program, while retaining the ability for the Chief Operating Officer to waive fees. Criteria and administrative procedures for issuing disposal vouchers as part of Metro's Community Cleanup Program will be defined in an Executive Order. The Executive Order will include recycling and reporting requirements to help ensure the program supports Metro Council goals.

#### Program History

The exemption from disposal fees provision in Metro Code is a key element of Metro's Cleanup Program, which helps deter incidents of illegal dumping, assist residents in disposing of bulky items and supports recycling and reuse of materials collected at such events.

In early 2006, Council directed staff to examine the program and meet with disposal voucher program participants to discuss options for meeting Council goals and addressing community needs. Discussions with program participants led to recommendations for clarifying eligibility requirements and administrative procedures.

Following these discussions with program participants, the Metro Council met in work session to review the program. Council directed staff to proceed with amending Metro Code and creating an Executive Order that defines eligibility requirements and administrative procedures. The Executive Order is attached to this staff report and marked as Attachment 1.

#### Reason For Change

The amended Code deletes administrative procedures for waiving disposal fees, but retains the Chief Operating Officer's authority to waive disposal fees for a variety of activities that serve the public good (e.g.: community clean-up events, flood debris removal, illegal dumpsite clean ups). An Executive Order has been drafted that includes criteria and procedures for administering the program. These changes will result in a program that provides greater flexibility to respond to future needs, is less labor-intensive to administer and helps ensure that the program is managed to achieve Council objectives.

#### ANALYSIS/INFORMATION

**1. Known Opposition**

There is no known opposition.

**2. Legal Antecedents**

This requires a change to Metro Code.

**3. Anticipated Effects**

No change in Metro's ability to provide exemption from disposal fees for eligible groups and approved activities.

**4. Budget Impacts**

None.

**RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Ordinance No. 06-1099-A.

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**EXECUTIVE ORDER # \_\_\_\_\_**  
**EFFECTIVE DATE: February 1, 2007**  
**SUBJECT: Community Clean-up Program**

The purpose of this Executive Order is to set forth procedures and establish criteria for Metro's Community Cleanup program, including administrative procedures for the disposal fee waivers, administered by Metro's Solid Waste and Recycling Department.

**I. GENERAL**

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- d) Compile a year-end report for review by the Metro COO and Metro Council/ The report will include amount of material recycled/disposed, vouchers by applicant, samples of Metro's outreach, an overview of program participants' publicity of the program, and an analysis of voucher expenditures relative to the adopted budget and by Metro Council district.
- e) At such times as Metro reviews the community cleanup program or considers making any changes to it, the Solid Waste and Recycling Department will ensure that all program participants are notified.

BEFORE THE METRO COUNCIL

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5.02.075 REGARDING WAIVERS OF )  
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 ) Council President, David Bragdon

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WHEREAS, the Metro Council has directed the Chief Operating Officer to develop and implement improvements to the granting of permits for waiving fees for the disposal of solid waste from the Metro Region; and

WHEREAS, the efficient administration of Metro solid waste management regularly requires changes to Metro's rules and practices dealing with solid waste; and

WHEREAS, it is appropriate to delegate to the Chief Operating Officer the full authority to implement Council directives and carry out his duties as Metro's chief administrative officer; and

WHEREAS, the Metro Council desires to delegate to the Chief Operating Office authority to develop, maintain, administer and enforce such permits for the waiver of fees for disposal of solid waste generated within the Metro region; now therefore,

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~~——(b)——The Chief Operating Officer shall notify the Metro Council 14 days in advance of the date of issuance of an exemption permit under this section by filing a written report of the proposed action, including required findings, with the Clerk of the Council. If the Council notifies the Chief Operating Officer within the 14 day period of its intent to review the proposed waiver, the Chief Operating Officer shall not issue the permit unless so authorized by the Council.~~

ADOPTED by the Metro Council this \_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
David Bragdon, Council President

Attest:

Approved as to form:

\_\_\_\_\_  
Christina Billington, Recording Secretary

\_\_\_\_\_  
Daniel B. Cooper, Metro Attorney

## **STAFF REPORT**

### **IN CONSIDERATION OF ORDINANCE NO. 06-1099 FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.02.075 REGARDING WAIVERS OF FEES FOR DISPOSAL OF SOLID WASTE FROM THE METRO REGION**

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January 12, 2006

Drafted by: Jan O'Dell

## **BACKGROUND**

A special exemption from disposal fees currently exists in Metro Code to allow the Metro Council to waive disposal fees for solid waste generated in the Metro region in order to "address or remedy a hardship suffered by the applicant, or the public interest will be served." The Code specifies that only non-profit entities are eligible, stipulates a \$5,000 per agency cap, requires that the waste be acceptable for disposal at a Metro facility, and requires a 14-day Council notification process for fee waivers to be issued. This ordinance will remove much of the administrative language from Metro Code in order to give the Metro Council greater flexibility for making changes to the program, and would result in a program that can be more efficiently managed.

## **PROGRAM HISTORY**

The original Code pertaining to disposal fee waivers was enacted to provide financial relief from the impacts of illegal dumping on the community; however, the demands on the program have changed over time. Metro's illegal dumping program has matured and SOLV's annual clean-up activities have minimized the number and frequency of illegal dumpsites in the region. Last year, for example, less than 3 percent of the fee waiver budget was expended on hardship and nuisance requests.

While Metro, SOLV and other groups have been working to address the problems of illegal dumping, neighborhood associations and other non-profits have mobilized citizens in recent years to clean up and enhance the appearance of their neighborhoods. These groups have turned increasingly to Metro's disposal fee waivers to cover the costs of disposing of waste collected as these local events. Currently, neighborhood cleanup events account for nearly 78 percent of the waiver expenditures.

The Code specifies that the Metro COO notify the Metro Council 14 days in advance of issuing waivers, a requirement that is labor-intensive to fulfill. The Code also includes broadly defined eligibility criteria that have made the program difficult to manage within budget.

## **REASON FOR CODE CHANGE**

The amended Code language retains the Chief Operating Officer's authority to waive disposal fees for a variety of activities that serve the public good (e.g.: community clean-up events, flood debris removal, illegal dumpsite clean ups.) Amending the Metro Code to remove the administrative procedures will result in a program that provides for greater flexibility to respond to future needs, is less labor-intensive to administer and should help keep the program within budget. The Metro Council can direct changes to the program, including changing the criteria for eligible activities and events, during each budget cycle, without needing to change Metro Code.



A Community Cleanup program will be clearly identified in the department 2006-2007 budget and include the following administrative procedures and criteria:

- Only non-profit groups are eligible
- \$5,000 per agency annual cap
- Only activities which serve to clean up or enhance the appearance of community are eligible (includes neighborhood clean-ups and rehabilitation of low-income housing; excludes parades and concerts that by their nature create trash)
- Recycling opportunities must be provided at the event
- Organization must apply for disposal waivers two weeks prior to event
- Eligible organizations should apply for Community Enhancement and Nature in Neighborhood grants
- Event publicity should make clear that Metro has provided disposal of the waste collected at the event, despite any organization fund-raising that has been included as part of the event.

#### **ANALYSIS/INFORMATION**

**1. Known Opposition**

There is no known opposition.

**2. Legal Antecedents**

This requires a change to Metro Code.

**3. Anticipated Effects**

This Ordinance changes Metro Code by eliminating language about eligibility criteria and administrative procedures. Criteria and procedures will be spelled out in administrative procedures.

**4. Budget Impacts**

It is anticipated that the changes to the program will enable staff to better manage the program within Council-approved budget.

#### **RECOMMENDED ACTION**

The Chief Operating Officer recommends approval of Ordinance No. 06-1099.