

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING THE)	RESOLUTION NO. 90-1217
BOUNDARY AND CRITERIA FOR RECEIPT)	
OF CITY OF FOREST GROVE COMMUNITY)	Introduced by Rena Cusma,
ENHANCEMENT FUNDS FROM THE FOREST)	Executive Officer
GROVE TRANSFER STATION)	

WHEREAS, The Metropolitan Service District, (METRO), and the City of Forest Grove, (FOREST GROVE), entered into an agreement, (ATTACHMENT B to the Staff Report), for the establishment of a local community enhancement committee to administer funds received as community enhancement fees from the operation of the Forest Grove Transfer Station; and

WHEREAS, The FOREST GROVE City Council, functioning as the local community enhancement committee was to determine and submit for Metro Council approval, 1) a boundary of the area eligible for rehabilitation and enhancement, and 2) criteria for providing funds under the community enhancement program for rehabilitation and enhancement of the area around the Forest Grove Transfer Station; and

WHEREAS, FOREST GROVE has determined a boundary and criteria for eligibility for community enhancement funds by adoption of FOREST GROVE Resolution NO. 90-2, (ATTACHMENT C to the Staff report); and

WHEREAS, METRO finds that the boundary and criteria established by FOREST GROVE conform to the agreement between METRO and FOREST GROVE; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District approves the boundary and criteria for the community enhancement fund established by FOREST GROVE Resolution NO. 90-2.

ADOPTED by the Council of the Metropolitan Service District this 22nd day of February, 1990.



Tanya Collier, Presiding Officer

SOLID WASTE COMMITTEE REPORT

RESOLUTION NO. 90-1217, FOR THE PURPOSE OF APPROVING THE BOUNDARY AND CRITERIA FOR RECEIPT OF COMMUNITY ENHANCEMENT FUNDS FOR THE CITY OF FOREST GROVE WITH RESPECT TO THE FOREST GROVE TRANSFER STATION

Date: February 9, 1990

Presented by: Councilor
Gary Hansen

Committee Recommendation: The Solid Waste Committee voted 4 to 0 to recommend Council adoption of Resolution No. 90-1217. Voting: Councilors Hansen, Bauer, Buchanan, and DeJardin. Absent: Councilor Wyers. This action taken February 6, 1990.

Committee Discussion/Issues: The Metro Council adopted Resolution No. 89-1102 on July 27, 1989, authorizing a community enhancement agreement with the City of Forest Grove relative to the Forest Grove Transfer Station.

On November 27, 1989, the City of Forest Grove held a public hearing regarding a community enhancement boundary and the criteria for funding enhancement projects. The City of Forest Grove then adopted Resolution No. 90-2 establishing the boundary of the community enhancement area and the criteria for project funding. The boundary for the area eligible for community enhancement will be the Urban Growth Boundary for the City of Forest Grove. Only projects occurring within these boundaries will be funded.

The Solid Waste Staff has reviewed the Forest Grove boundary and criteria and feel that they conform to the requirements of the agreement entered into by Metro and the City of Forest Grove.

There being no issues raised or further questions, the Committee unanimously to recommend Council adoption of Resolution No. 90-1217.

GH:RB:148

A:\RB.149

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 90-1217 FOR THE
PURPOSE OF APPROVING THE BOUNDARY AND CRITERIA FOR
RECEIPT OF COMMUNITY ENHANCEMENT FUNDS FOR THE CITY OF
FOREST GROVE WITH RESPECT TO THE FOREST GROVE TRANSFER
STATION

Date: January 18, 1990

Presented by: Bob Martin
Phil North

FACTUAL BACKGROUND AND ANALYSIS

On July 27, 1989 the Metro Council adopted Resolution No. 89-1102 authorizing an agreement with the City of Forest Grove regarding community enhancement fees relative to the Forest Grove Transfer Station. A copy of the Resolution and the approved agreement are attached to this report (ATTACHMENTS A and B).

The City of Forest Grove held a public hearing on November 27, 1989 for the purpose of receiving comment on the establishment of a community enhancement boundary and the criteria for funding eligibility. Subsequently, the City of Forest Grove adopted Resolution No. 90-2 establishing the boundary of the community enhancement area and the criteria for project funding. (ATTACHMENT C). The City also established a dedicated fund for the administration of community enhancement projects.

The boundary and criteria established by the City of Forest Grove pursuant to its Resolution No. 90-2 conform to the requirements of the agreement entered into by Metro and the City of Forest Grove. It is recommended that the Council approve the boundary and criteria for community enhancement funding as established by the City of Forest Grove in its Resolution No. 90-2.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends passage of Resolution No. 90-1217.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING)	RESOLUTION NO. 89-1102
AN AGREEMENT WITH THE CITY OF)	
FOREST GROVE, OREGON, PERTAINING)	Introduced by
TO AN ENHANCEMENT FEE FOR THE)	Councilor Devlin
FOREST GROVE TRANSFER STATION)	

WHEREAS, The Council of the Metropolitan Service District has adopted Ordinance No. 88-266 establishing that the apportionment of enhancement fees is appropriate for local communities where disposal sites are located; and

WHEREAS, A transfer station exists in the City of Forest Grove, Oregon, pursuant to a Metro-approved Franchise; and

WHEREAS, Metro's Community Enhancement Policy provides that 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; and

WHEREAS, The Forest Grove Transfer Station is a private facility that existed prior to the adoption of Metro's Community Enhancement Policy; and

WHEREAS, Exhibit "A" attached hereto is an appropriate agreement for the payment of enhancement fees related to the Forest Grove Transfer Station; now therefore,


BE IT RESOLVED,

1. That the Council of the Metropolitan Service District approves the execution of the Agreement attached as

Exhibit "A" with the City of Forest Grove.


2. That the Council of the Metropolitan Service District declares that the Enhancement Fee Agreement with the City of Forest Grove is not intended to set a precedent nor to be a model for future enhancement fee agreements with other jurisdictions.

ADOPTED by the Council of the Metropolitan Service District this 27th day of July, 1989.



Mike Ragsdale, Presiding Officer

DEC:gpwb
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AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF FOREST GROVE, OREGON, ("FOREST GROVE"), and the METROPOLITAN SERVICE DISTRICT ("METRO"). The parties agree as follows:

A. METRO agrees to:

1. Subject to the limitations expressed elsewhere in this Agreement, impose a surcharge on and pay to FOREST GROVE an amount equal to 50 cents per ton for all solid waste received at the facility known as the Forest Grove Transfer Station (hereinafter "the FACILITY") except for source separated recyclable materials. Payments to FOREST GROVE shall be made according to the following provisions.

(a) The amount paid by METRO shall be deposited by FOREST GROVE in a separate, dedicated fund for the purpose of implementing plans, programs and projects for the rehabilitation and enhancement of the area around the transfer station pursuant to the terms of this Agreement.

(b) METRO shall have no obligation to make any payments to FOREST GROVE except from funds actually collected by METRO from the operator of the FACILITY unless METRO is itself operating the gatehouse of the FACILITY. METRO shall make a good faith effort to collect all funds. METRO retains the right to require the operator of the FACILITY to collect an additional 50 cents per ton surcharge on all waste received in order to obtain funds to make payments to FOREST GROVE.

2. Make available to FOREST GROVE, on an as requested basis, monthly reports of activity at the FACILITY including data on the gross weight of solid waste received in vehicles that are weighed as they enter the FACILITY, the number of other vehicles assessed fees on an estimated volume basis, and the tonnage of solid waste transferred from the FACILITY.

B. FOREST GROVE agrees:

1. That the City Council, functioning as the local community enhancement committee, will determine and submit for the Metro Council approval within six (6) months of the date of execution of this agreement:

(a) The boundary of the area eligible for rehabilitation and enhancement.

(b) Criteria for providing funds under the community enhancement program for the rehabilitation and enhancement of the area around the FACILITY.

2. The City Council shall hold a public hearing to provide the opportunity for comment on the proposed boundary of the area eligible for rehabilitation and enhancement, the criteria for providing funds under the community enhancement program, and annually for the selection of the individual projects or programs to be funded. Timely notice of these public hearings shall also be mailed to the Metro Councilor whose district includes Forest Grove.

3. To create a special fund and ensure that projects developed and funded pursuant to the community enhancement program, consistent with the funding criteria and within the eligible area,

are authorized for the disbursement of funds from such special fund. Administrative expenses may not be charged to the special fund.

4. To report annually to the Metro Executive Officer and the Metro Council on the expenditures of the special fund and fund balance no later than September 1 of each year.

5. If during the term of this Agreement, FOREST GROVE adopts a tax or charge that imposes a fee on haulers of commercial solid waste or other users of the FACILITY except as may be imposed by any tax duly adopted by FOREST GROVE of general applicability to all persons doing business in Forest Grove, then METRO shall have no further obligation to pay the sums provided for in this Agreement.

6. To provide all necessary administrative support to administer the Fund and shall only expend monies from the Fund in a manner consistent with its charter and applicable Oregon Laws.

7. To hold METRO harmless and indemnify METRO from any claims or causes of action of whatever nature that may arise out of FOREST GROVE's administration of the Fund.

C. Term. The term of this Agreement is indefinite unless one of the parties shall terminate pursuant to this section.

1. FOREST GROVE may terminate by giving thirty (30) days written notice to METRO.

2. METRO may terminate upon giving thirty (30) days written notice to FOREST GROVE if:

- (a) the operation of the FACILITY shall cease, or
- (b) METRO shall through duly adopted legislation

cease making similar payments through other local governments or Metro appointed advisory committee for mitigation and enhancement of areas affected by solid waste disposal facilities; or

(c) METRO is prevented by law from making payments pursuant to this Agreement.

3. METRO may otherwise terminate on June 30th of any year by giving FOREST GROVE at least six (6) months prior notice.

4. Payments to FOREST GROVE shall be made on all tonnage received at the FACILITY after January 1, 1989, on a retroactive basis.

D. Notice. Any notice required pursuant to this Agreement shall be delivered as follows:

If to FOREST GROVE:

Connie Fessler, City Manager
City of Forest Grove
P.O. Box 326
Forest Grove, OR 97116

If to METRO:

The Honorable Rena Cusma
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201-5398

Copy to:

Daniel B. Cooper, General Counsel
Metropolitan Service District
2000 S.W. First Avenue
Portland, OR 97201-5398

Or as to such individuals as the parties may designate in writing in the future.

E. This Agreement sets forth the entire obligation of the parties to each other in connection with the FACILITY herein

described.

F. This Agreement is subject to specific enforcement by the courts at the request of either party.

G. Default. Each party agrees to give thirty (30) days written notice to the other in the event that it determines a default exists specifying the nature of the default and giving the other party the opportunity during said 30-day period to cure the default before taking any further action.

H. This Agreement shall become effective upon execution by the parties after prior approval of the terms of this Agreement by the Metro Council and Forest Grove City Council.

DATED this 26th day of October, 1989.

CITY OF FOREST GROVE

METROPOLITAN SERVICE DISTRICT

By: *Anna L. Jensen*

By: *Rena Cusma*
Rena Cusma

Title: *City Manager*

Title: Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

[Signature]
Forest Grove City Attorney

[Signature]
Metro General Counsel

RD:RB:pa
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8-2-89

RESOLUTION NO. 90-2

RESOLUTION ESTABLISHING THE BOUNDARY AND CRITERIA
FOR THE COMMUNITY ENHANCEMENT FUND

WHEREAS, the City has executed an agreement with Metro to receive funds for the purpose of enhancing and rehabilitating the area impacted by operation of the Forest Grove Transfer Station, and

WHEREAS, the City has established a dedicated fund for budgeting community enhancement revenues and expenditures, and

WHEREAS, the Forest Grove City Council will act as the Community Enhancement Committee, and

WHEREAS, the City Council has held a public hearing to review the boundaries for the enhancement area, and review the criteria for selecting community enhancement projects and programs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1: The boundary for the area eligible for community enhancement will be the Urban Growth Boundary for the City of Forest Grove. Only projects and programs occurring within these boundaries will be funded.

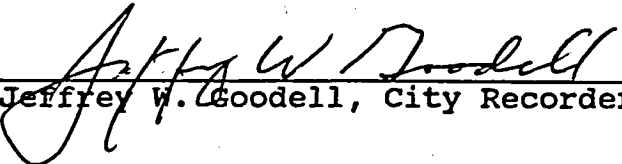
Section 2: All projects must meet one or more of the following criteria to be eligible for funding:

- Enhance appearance and cleanliness of area within the boundary
- Improve public safety within the boundary
- Preserve or improve natural, cultural or recreational resources for public enjoyment within the boundary
- Improve transportation including pedestrian and bike routes within the boundary
- Improve viability of commercial, industrial, and residential areas within the boundary

Section 3: In evaluating projects meeting one or more of the criteria listed in Section 2, the following factors will be considered: first, the project/program should help alleviate the direct impacts associated with operation of the transfer station; second, the project/program should reduce the volume of solid waste flowing through the transfer station. Other factors that may be considered include: amount of matching funds, number of benefitting residents, future costs and public support.

Section 4: A copy of this resolution shall be submitted to the Metropolitan Service District for review and approval.

PRESENTED AND PASSED This 8th day of January 1990.



Jeffrey W. Goodell, City Recorder

APPROVED By the Mayor this 8th day of January 1990.



Clifford Clark, Mayor