

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADDING CHAPTER 5.06) ORDINANCE NO. 90-331A
TO THE METRO CODE TO PROVIDE FOR)
A COMPOSTER COMMUNITY ENHANCEMENT) Introduced by
PROGRAM AND CREATING A COMPOSTER) Councilor Roger Buchanan
COMMUNITY ENHANCEMENT COMMITTEE)

WHEREAS, The Council of the Metropolitan Service District adopted policy on December 8, 1988 (Ordinance No. 88-273) that provides that the Metropolitan Service District shall apportion an [~~amount of service or user charges~~] enhancement fee (\$.50 per ton) collected [~~for~~] on solid waste [~~disposal~~] delivered at each 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; and

WHEREAS, Metro executed a service agreement on August 17, 1989 (authorized by Resolution No. 89-1112) with Riedel Oregon Compost Company, Inc. to design, construct and operate a mass composter facility at 54th and Columbia Boulevard, Portland, Oregon; and

WHEREAS, The Council adopted Resolution No. 89-1103, July 27, 1989, creating the Composter Community Enhancement Advisory Committee to assist Metro in developing a composter community enhancement program for the area in and around the mass composter facility; and

WHEREAS, The Advisory Committee was charged to: Make recommendations to the Council regarding policies and the

administration of the composter community and enhancement program for the composter community area, to include the following:

- a. specify the boundaries of the area to be rehabilitated and enhanced;
- b. criteria for determining how funds will be used for rehabilitation and enhancement; and
- c. continuing public involvement (a committee to recommend projects for funding, etc.);

now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The following chapter is added to the Code of the Metropolitan Service District:

CHAPTER 5.06

COMPOSTER COMMUNITY ENHANCEMENT PROGRAM

5.06.010 Policy and Purpose:

(a) It is the policy of the District to apportion an ~~[amount of service or user charges collected for]~~ enhancement fee of \$.50 per ton on solid waste ~~[disposal at]~~ delivered to each ~~[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.

(b) It is further policy of the District to support a community enhancement program in the area of the mass composter facility at 54th and Columbia Boulevard, Portland, Oregon.

5.06.020 Funding: The Council shall create a separate fund entitled the Composter Community Enhancement Fund. The fees collected according to District policy (\$.50 per ton of waste deposited at the mass composter facility) shall be budgeted and accounted for in the Composter Community Enhancement Fund. Funds not expended in any one budget year shall be carried forward. Revenue accruing to the fund shall be invested in accordance to Metro's investment policies.

5.06.030 Approval: Contracts brought forward under this program shall be approved in accordance with Chapter 2.04. No expenditure from the Composter Community Enhancement Fund shall be made without the ~~[prior approval]~~ positive vote of a majority of the full Committee created pursuant to Section 5.06.040.

5.06.040 Composter Community Enhancement Committee: In order to implement the Composter Community Enhancement Program there shall be created a Composter Community Enhancement Committee consisting of ~~[seven]~~ ten members to be appointed and to serve terms as follows:

(a) ~~[Six]~~ Eight members to be appointed by the Executive Officer subject to confirmation by the Council. The Executive Officer shall make appointments as follows:

~~[(1) Four members shall be appointed from a list of nominees submitted by the:~~

~~Cully Association of Neighbors,
Concordia Community Association,
Beaumont-Wilshire Neighborhood Association,
Rose City Park Neighborhood Association, and
Madison North Neighborhood Association.~~

~~All of these members shall reside within the Composter Community Enhancement Program boundary.]~~

(1) Three members shall be appointed from a list of nominees submitted by the Cully Association of Neighbors.

(2) One member shall be appointed from a list of nominees submitted by the Concordia Community Association.

~~[(3) One member appointed at the discretion of the Executive Officer. This member shall reside with the Composter Community Enhancement Program boundary.]~~

(3) One member shall be appointed from a list of nominees submitted by the Beaumont-Wilshire Neighborhood Association.

(4) One member shall be appointed from a list of nominees submitted by the Madison North Neighborhood Association.

- (5) One member shall be appointed from a list of nominees submitted by the Rose City Park Neighborhood Association.
- (6) All of these members shall reside within the Composter Community Enhancement Program boundary.
- (7) ~~[(+2)]~~ One member, representing the business community, shall be appointed from [a list of] nominees submitted by businesses and the business associations located within the Composter Community Enhancement Program area. This member shall reside or work within the Composter Community Enhancement Program boundary.
- (b) The Metro Councilors representing [the Council district in which the composter facility is located shall be chairperson of the Committee] Council Districts 10 and 11 shall serve on the Committee. The Presiding Officer of the Council annually shall appoint one of these members to serve as chairperson.
- (c) ~~[The initial term of service for members appointed under subsection (a)(1) shall be for two or four years as determined by the Executive Officer; the initial term of service for the member appointed under subsection (a)(2) shall be for four years; the initial term of service for the member appointed under subsection (a)(3) shall be for two years. Thereafter]~~ All [all] members except Metro Councilors shall be appointed for [four-year] two-year terms effective the date the facility opens. [except appointments] Appointments to fill vacancies shall be for the remainder of the vacant term. [Except for the chairperson, no Committee member shall serve more than one full term except for members initially appointed to a two-year term or a member appointed to fill a vacancy.]

In the case of a vacancy in a position ~~[originally]~~ appointed pursuant to subsections (a)(1) ~~[and]~~ through (a) ~~[(+2)](7)~~, the Executive Officer shall solicit nominations from all organizations who were eligible to submit nominations for the original appointment.

5.06.050 Administration: The administration of the program shall be subject to the approval of the Composter Community

Enhancement Committee provided for in Section 5.06.040 above.

(a) The Committee shall propose an annual budget for the Composter Community Enhancement Fund for approval by the Council. The budget shall be prepared and considered in Metro's annual budget process. The budget shall at a minimum identify general program or project areas for the fiscal year, except that the Committee may recommend that no expenditures be made during a fiscal year. The Committee and Council shall endeavor to preserve the Composter Community Enhancement Fund principal.

(b) The Committee may solicit requests for proposals or projects which may be funded from the Composter Community Enhancement Fund. Any project or proposal to be funded through the Composter Community Enhancement Fund shall be approved according to Metro contract procedures. Projects or proposals shall not be split into components when approved. No project or proposal shall be considered by Metro which has not been recommended by the Committee.

(c) The Committee shall publish and use the criteria shown in Section 5.06.060 below in selecting projects/programs for funding through a Request for Proposals (RFP) process. The Committee's recommendations and approvals shall be filed with the Council. The Committee may at any time request the Council to modify or change the criteria.

(d) The Committee shall annually report to the Council and the Executive Officer all projects approved and the amounts of funds expended on each project.

5.06.060 Criteria for Funding Projects/Programs:

(a) Projects/Programs will only be funded within the boundaries as specified in Section 5.06.070.

(b) Any person or any organization may submit written proposals.

(c) The Committee will provide an open public process for project/program review and recommendation which shall include the reasons for acceptance or rejection of proposals.

(d) The Fund shall not substitute for projects/programs funded by other sources.

(e) Projects/Programs may be funded in part or in full.

(f) Projects/Programs that best enhance or rehabilitate areas most severely impacted by the composter facility will receive priority consideration for approval.

(g) Projects/Programs shall be directed to the aid of residents, nonprofit corporations and businesses (as defined by the Small Business Administration) and shall meet one or more of the following guidelines:

- (1) Result in increased employment/economic opportunities.
- (2) Result in rehabilitation, upgrading or direct increase in the housing stock.
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- (4) Result in physical improvements and programs in new or existing parks and recreational areas.
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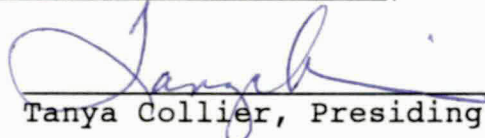
5.06.070 Composter Community Enhancement Boundary:

(a) The boundary of the composter community enhancement program shall encompass the area between the Columbia Slough on the North; N.E. 33rd Boulevard on West; N.E. Fremont Street and Sandy Boulevard on the South (from N.E. 33rd Avenue to N.E. 57th Avenue south to Sandy Boulevard, from Sandy Boulevard to N.E. 82nd Avenue); and N.E. 82nd Avenue on the East as shown in Figure I.

(b) Two years after the facility opens, Metro staff shall conduct a traffic study to determine the impact of the facility. The Council may use this study to revise the boundary.

5.06.080 Staff Support: The Executive Officer shall assign staff to assist the Committee in carrying out its duties and responsibilities at the level budgeted in the Composter Community Enhancement Fund. Before assigning staff, the Executive Officer shall consult with the Committee about Committee needs and qualifications of proposed staff. Additional assistance may be acquired following Metro's contract procedures. Direct costs incurred to administer the composter community enhancement program shall be paid by the Composter Community Enhancement Fund. The Council shall not charge overhead costs to the Composter Community Enhancement Fund.

ADOPTED by the Council of the Metropolitan Service District
this 25th day of October, 1990.


Tanya Collier, Presiding Officer

DBC/gl
A:\90-331A.ORD
Revised 6/6/90
Revised 8/23/90
Revised 10/9/90
Revised 10/18/90

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(b) The Metro Councilors representing Council Districts 10 and 11 shall serve on the Committee. The Presiding Officer of the Council annually shall appoint one of these members to serve as chairperson.

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vacancies shall be for the remainder of the vacant term.

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(a) The Committee shall propose an annual budget for the Composter Community Enhancement Fund for approval by the Council. The budget shall be prepared and considered in Metro's annual budget process. The budget shall at a minimum identify general program or project areas for the fiscal year, except that the Committee may recommend that no expenditures be made during a fiscal year. The Committee and Council shall endeavor to preserve the Composter Community Enhancement Fund principal.

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ADOPTED by the Council of the Metropolitan Service District

this _____ day of _____, 1990.

Tanya Collier, Presiding Officer

DBC/gl
A:\90-331A.ORD
Revised 6/6/90
Revised 8/23/90
Revised 10/9/90
Revised 10/18/90

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 90-331A, FOR THE PURPOSE OF ADDING CHAPTER 5.06 TO THE METRO CODE TO PROVIDE FOR A COMPOSTER COMMUNITY ENHANCEMENT PROGRAM AND CREATING A COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE

Date: October 18, 1990 Presented by: Councilor Buchanan

FACTUAL BACKGROUND: On December 9, 1988, Metro Council adopted Ordinance No. 88-273, establishing a community enhancement policy. On July 27, 1989, Resolution No. 89-1103 was adopted for the purpose of establishing the Composter Community Enhancement Advisory Committee. The Composter Community Enhancement Advisory Committee met on seven occasions from August through December 1989. On January 11, 1990, Councilor Buchanan introduced Ordinance No. 90-331, which incorporated the recommendations of the Composter Community Enhancement Advisory Committee for a composter community enhancement program. The Council Solid Waste Committee held a public hearing on the ordinance on February 26, 1990. Presiding Officer Collier subsequently appointed Councilors Gardner and Wyers to serve on a task force to resolve differences of opinion about the composition of the permanent Composter Community Enhancement Committee. Their recommendations were incorporated into proposed Ordinance No. 90-331A.

COMMITTEE RECOMMENDATION: The Committee considered the proposed amended Ordinance at its October 16, 1990 meeting. The Committee voted unanimously to recommend approval of Ordinance No. 90-331 as amended. Voting yes were Councilors Buchanan, Collier, DeJardin, Saucy and Wyers.

COMMITTEE DISCUSSION/ISSUES: Councilors Gardner and Wyers presented a report on the amended proposed ordinance. Councilor Wyers said that the proposal before the committee was developed after talking to many of the affected parties, and is an effort to bring compromise. She commended the Composter Community Enhancement Advisory Committee for its work in establishing the basic structure of the enhancement committee, and in hammering out program boundaries and funding criteria.

Councilor Gardner explained that the task force left unchanged those provisions which were not the subject of a difference of opinion. The area of greatest dispute related to the size of the permanent enhancement committee; the amended proposed ordinance increases the size of the committee from seven to ten. Eight members will be appointed by the Executive Officer and confirmed by the Council, similar to other policy advisory committees. Nominees will come from the areas impacted by the facility, with three members nominated by the Cully Neighborhood Association, which is clearly the most directly affected neighborhood. Beaumont-Wilshire, Concordia, Madison North, and Rose City Park Neighborhood Associations will each nominate one member. A business representative also would be appointed, alternating annually from

the areas north and south of Prescott Street. Members will serve two year terms, effective the day the facility opens. Councilors from both Districts 10 and 11 will serve on the committee, since the facility is located close to the district line. Funding recommendations must be approved by a positive vote of a majority of the full committee.

Councilor Wyers explained that the proposed amendments included a provision for a traffic study two years after the facility opens, as a means of verifying whether original traffic impact projections were accurate. She also recommended several technical changes in the wording of the ordinance which were suggested by Solid Waste Director Bob Martin, to more accurately reflect the type of disposal activity conducted at the facility.

Councilor Buchanan asked whether the task force took into consideration the population of respective neighborhoods. Councilor Gardner noted that the committee in question is advisory, and is not required to adhere to "one person, one vote." He said the task force was aware that the Cully neighborhood contains close to half the population of the program boundary.

Nine members of the public appeared. Three of these citizens said that the committee should also include a representative appointed by the Alameda Neighborhood Association, and that neighborhood associations should be able to nominate members from anywhere in their boundaries, rather than being restricted to the enhancement program boundary. One citizen suggested that the total number of committee members be odd rather than even, to facilitate majority decisions. He also favored having the position of committee chair rotate between the two councilors serving on the committee, rather than having the presiding officer annually appoint either one of the two councilors to serve as chair.

Two citizens questioned the rationale for alternating the business representative between the area north and south of Prescott Street.

Four citizens questioned whether the proposal provides adequate representation for the Cully Neighborhood Association, given population and geography; one citizen said Cully's representation should be reduced to no more than two members. One citizen questioned the need for a positive vote of the full majority of the committee to approve funding recommendations; he suggested a majority of a meeting quorum. One citizen, appearing on behalf of Madison North Neighborhood Association, said the proposal was completely acceptable as written.

Councilor Buchanan proposed six amendments. The first amendment would have permitted funding recommendations based on the vote of a

majority of a meeting quorum. He feared that requiring a positive vote of a majority of the full committee would establish too rigid a standard, particularly given the fact the committee is made up of volunteers. Councilor DeJardin explained that the rationale for requiring a majority of the full committee was to ensure that the decisions received the support of a majority of the members. Councilor Buchanan indicated he found this rationale compelling, and withdrew his amendment.

Councilor Buchanan proposed a second amendment relating to appointment of the business representative. He favored deleting the requirement that the business representative alternate annually between the areas north and south of Prescott Street. Councilor Gardner explained that businesses in the program boundary had expressed some concern that this provision was needed to ensure that both the retail and industrial segments of the business community had a voice. Councilor Gardner said that if this type of protection is not necessary, the provision is not needed. Councilor Wyers indicated that by leaving the provision in the ordinance both business areas would be tapped. The amendment passed by a vote of 3 -2 , with Councilors Saucy and Wyers voting against.

Three amendments proposed by Councilor Buchanan would have added an additional nominee from the Cully Neighborhood Association, for a total of 4 rather than 3 Cully representatives, which would have increased both the total number of committee members from ten to eleven, and the total number appointed by the Executive Officer from 8 to 9. Councilor Buchanan indicated his concern that Cully was underrepresented, based on clear evidence that Cully includes close to half of the population within the program boundary, and approximately sixty-one percent of the geographical area. He said that with only three out of ten members, Cully's representation on the committee is less than one-third.

Councilor Wyers stated that if the business representative and two councilor members were removed from the discussion, leaving the five neighborhood associations, Cully's three representatives accounted for 42% of the remainder of the committee, which is close to the 45% population figure. Representation for the other four associations is similarly proportionate. She believes this is as fair a proposal as possible in terms of population.

Councilor Buchanan said Cully has 61% of the geographic area, and that there is little traffic impact outside of this area. Councilor DeJardin believed it would be to Cully's advantage to have representation from nearby areas. Councilor Gardner explained that the requirement that committee members reside within the program boundary was intended to meet the concern that impacted

persons have a vote, with neighborhood associations used as a representative forum to select committee members.

The motion on the three amendments relating to the number of Cully representatives failed by a vote of 3- 2, with Councilors DeJardin and Buchanan voting against.

The final amendment would have changed the procedure for appointing the committee chair. Rather than having the presiding officer appoint either one of the two councilor members annually to serve as chair, Councilor Buchanan proposed rotating the chair between these members.

Councilor DeJardin noted that no single procedure is mandated. Councilor Saucy noted that councilors may have varying levels of interest and time, which the presiding officer should be able to consider. Councilor Wyers added that the presiding officer coordinates the tenure of all councilors on committees, and can strike a balance. Councilor Collier noted that the presiding officer can balance councilor's workloads, and that the committee cannot have input into who will serve as chair if the position automatically alternates.

The motion failed by a vote of 4 - 1, with Councilor Buchanan voting against.

The committee then voted unanimously to recommend Council approval of the Ordinance as amended. that the presiding officer can balance councilor's workloads, and that the committee cannot have input into who will serve as chair if the position automatically alternates.

The motion failed by a vote of 4 - 1, with Councilor Buchanan voting against.

The committee then voted unanimously to recommend Council approval of the Ordinance as amended.



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5.06.030 Approval: Contracts brought forward under this program shall be approved in accordance with Chapter 2.04. No expenditure from the Composter Community Enhancement Fund

shall be made without the prior approval of the Committee created pursuant to Section 5.06.040.

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All of these members shall reside within the Composter Community Enhancement Program boundary.

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(3) One member appointed at the discretion of the Executive Officer. This member shall reside within the Composter Community Enhancement Program boundary.

(b) The Metro Councilor representing the Council district in which the composter facility is located shall be chairperson of the Committee.

(c) The initial term of service for members appointed under subsection (a)(1) shall be for two or four years as determined by the Executive Officer; the initial term of service for the member appointed under subsection (a)(2) shall be for four years; the initial term of service for the member appointed under subsection (a)(3) shall be for two years. Thereafter all members shall be appointed for four-year terms except appointments to fill vacancies shall be for the

remainder of the vacant term. Except for the chairperson, no Committee member shall serve more than one full term except for members initially appointed to a two-year term or a member appointed to fill a vacancy.

In the case of a vacancy in a position originally appointed pursuant to subsections (a)(1) and (a)(2) the Executive Officer shall solicit nominations from all organizations who were eligible to submit nominations for the original appointment.

5.06.050 Administration: The administration of the program shall be subject to the approval of the Composter Community Enhancement Committee provided for in Section 5.06.040 above.

(a) The Committee shall propose an annual budget for the Composter Community Enhancement Fund for approval by the Council. The budget shall be prepared and considered in Metro's annual budget process. The budget shall at a minimum identify general program or project areas for the fiscal year, except that the Committee may recommend that no expenditures be made during a fiscal year. The Committee and Council shall endeavor to preserve the Composter Community Enhancement Fund principle.

(b) The Committee may solicit requests for proposals or projects which may be funded from the Composter Community Enhancement Fund. Any project or proposal to be funded through the Composter Community Enhancement Fund shall be approved according to Metro contract procedures. Projects or proposals shall not be split into components when approved. No project or proposal shall be considered by Metro which has not been recommended by the Committee.

(c) The Committee shall publish and use the criteria shown in Section 5.06.060 below in selecting projects/ programs for funding through a Request for Proposals (RFP) process. The Committee's recommendations and approvals shall be filed with the Council. The Committee may at any time request the Council to modify or change the criteria.

(d) The Committee shall annually report to the Council and the Executive Officer all projects approved and the amounts of funds expended on each project.

5.06.060 Criteria for Funding Projects/Programs:

(a) Projects/Programs will only be funded within the boundaries as specified in Section 5.06.070.

(b) Any person or any organization may submit written proposals.

(c) The Committee will provide an open public process for project/program review and recommendation which shall include the reasons for acceptance or rejection of proposals.

(d) The fund shall not substitute for projects/programs funded by other sources.

(e) Projects/Programs may be funded in part or in full.

(f) Projects/Programs that best enhance or rehabilitate areas most severely impacted by the composter facility will receive priority consideration for approval.

(g) Projects/Programs shall be directed to the aid of residents, nonprofit corporations and businesses (as defined by the Small Business Administration) and shall meet one or more of the following guidelines:

- (1) Result in increased employment/economic opportunities.
- (2) Result in rehabilitation, upgrading or direct increase in the housing stock.
- (3) Result in the preservation or enhancement of wildlife and marine areas and improve public awareness and the opportunities to enjoy them.
- (4) Result in physical improvements and programs in new or existing parks and recreational areas.
- (5) Result in improvement in the safety of the area.
- (6) Result in an improvement of the appearance or cleanliness of the area/neighborhood or a significant portion thereof.

- (7) Result in a significant increase in the utilization or occupancy of a commercial area.
- (8) Result in programs which benefit low-income youth and seniors.

5.06.070 Composter Community Enhancement Boundary: The boundary of the composter community enhancement program shall encompass the area between the Columbia Slough on the North; N. E. 33rd Avenue on the West; N.E. Fremont Street and Sandy Boulevard on the South (from N. E. 33rd Avenue to N.E. 57th Avenue south to Sandy Boulevard, from Sandy Boulevard to N.E. 82nd Avenue); and N.E. 82nd Avenue on the East as shown in Figure I.

5.06.080 Staff Support: The Executive Officer shall assign staff to assist the Committee in carrying out its duties and responsibilities at the level budgeted in the Composter Community Enhancement Fund. Before assigning staff, the Executive Officer shall consult with the Committee about Committee needs and qualifications of proposed staff. Additional assistance may be acquired following Metro's contract procedures. Direct costs incurred to administer the composter community enhancement program shall be paid by the Composter Community Enhancement Fund. The Council shall not charge overhead costs to the Composter Community Enhancement Fund.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1990.

, Presiding Officer

ATTEST:

Clerk of the Council

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