

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE FOR THE PURPOSE OF	)	ORDINANCE NO. <u>91-404</u>
AMENDING CHAPTER 5.02 OF THE	)	
METRO CODE TO PROVIDE THAT ALL	)	Introduced by Rena Cusma,
USER FEES AND OTHER FEES SUBMITTED	)	Executive Officer
TO METRO FOR SOLID WASTE GENERATED	)	
WITHIN THE DISTRICT SHALL BE	)	
CALCULATED ON A TONNAGE BASIS	)	
USING CERTIFIED SCALE WEIGHTS	)	

WHEREAS, The Code of the Metropolitan Service District, Chapter 5.02, provides for the payment of disposal charges and User fees at solid waste facilities within or without the District, whether privately owned and operated, or Metro owned and/or operated; and

WHEREAS, The Code's disposal charges and User Fees are assessed on a tonnage basis; and

WHEREAS, Some solid waste facilities receiving solid waste from the District do not have scales for the accurate measurement of solid waste being received; and

WHEREAS, The failure to provide scales can result in uncompetitive rates being charged at such facilities and can further cause significant under or over collection of Metro User Fees and other fees when scale weights are not used; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:


Section 1 Metro Code Chapter 5.02 is amended by adding the following Section 5.02.016:

5.02.016 Scale weights required: All User Fees or other fees submitted to Metro from any facility receiving solid waste

generated within the District shall be calculated on a tonnage basis using certified scale weights.

Section 2 This Ordinance shall become effective 60 days following its adoption.

ADOPTED by the council of the Metropolitan Service District  
this 13th day of June, 1991.

  
\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Clerk of the Council

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STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-404 FOR THE PURPOSE OF REQUIRING THAT USER FEES AND OTHER FEES SUBMITTED TO METRO FOR SOLID WASTE GENERATED WITHIN THE DISTRICT SHALL BE CALCULATED ON A TONNAGE BASIS USING CERTIFIED SCALE WEIGHTS

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Date: May 15, 1991

Presented by: Bob Martin

FACTUAL BACKGROUND AND ANALYSIS

Metro's rate ordinance has for several years provided that the payments to Metro for User Fees be paid on the basis of tonnage received at the respective solid waste disposal or processing facilities. Presently there are only two facilities receiving waste from the District that do not use scale weights when receiving solid waste. These facilities are Lakeside Reclamation and Hillsboro Landfill.

User Fees, and less directly, the excise tax; are calculated by a conversion formula for the facilities which do not have scales. The result is that the system lacks uniformity in measurement of solid waste being disposed or processed. User Fees and other Metro fees or taxes are not quantitatively determined by certified scale weights. The present conversion formula which is based upon an assumed weight per cubic yard is an imperfect measure of solid waste being received, and is most likely resulting in significant under collection of Metro fees.

Approval of this ordinance will assure that facilities receiving solid waste generated within the Metro District will be using a consistent means of measurement and that User Fees and other Metro fees or taxes will be collected on a uniform basis.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance NO. 91-404.

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 91-404, FOR THE PURPOSE OF AMENDING CHAPTER 5.02 TO REQUIRE THAT USER FEES AND OTHER FEES SUBMITTED TO METRO FOR SOLID WASTE GENERATED WITHIN THE DISTRICT SHALL BE CALCULATED ON A TONNAGE BASIS USING CERTIFIED SCALE WEIGHTS

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Date: June 6, 1991

Presented by: Councilor DeJardin

Committee recommendation: At the June 4, 1991 meeting, the Committee voted unanimously to recommend Council adoption of Ordinance No. 91-404. Voting in favor were Councilors DeJardin, Gardner, McFarland, McLain and Wyers.

Committee discussion/issues: Bob Martin, Solid Waste Director, explained that the purpose of the ordinance is to ensure that all fees paid to Metro are calculated on a tonnage weight basis. Fees currently are calculated on a volume basis at two facilities, which most likely is resulting in undercollection of fees.

In response to questions raised by Council staff in a May 29, 1991 memorandum, Mr. Martin said that the facilities are aware of the change, and plan to install scales. He suggested that the ordinance take effect sixty days from the date of adoption.

Mike Sandberg, representing Lakeside Reclamation, told the Committee that the facility has no problem with the ordinance, but is concerned about timing. He said the facility anticipates installing scales around August 1. Councilor Gardner noted that a sixty day effective date provision would still give the facility time to comply.



**METRO**

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

# Memorandum

**TO:** Council Solid Waste Committee

**FROM:** Karla Forsythe, <sup>KLF</sup> Council Analyst

**DATE:** May 29, 1991

**RE:** Ordinance No. 91-404, For the Purpose of Requiring that User Fees and Other Fees Submitted to Metro for Solid Waste Generated Within the District Shall be Calculated on a Tonnage Basis Using Certified Scale Weights

Ordinance No. 91-404 will come before the Solid Waste Committee for consideration at the June 4, 1991 meeting. Under this ordinance, current Metro Code provisions would be amended to require that all fees coming to Metro from facilities receiving solid waste generated within the District must be calculated on a tonnage basis using certified scale weights. The staff report indicates that the only facilities not currently using scale weights are Lakeside Reclamation and Hillsboro Landfill.

### Council staff comments

1. Questions: Are these two facilities aware of the proposed change? Are they planning to install scales, and if so, when? What steps will the Department take to ensure that fees received are calculated in accordance with the ordinance? What is the anticipated increase in fees which will be collected as a result of the ordinance change?

2. Effective date. Section 2 of the ordinance appears intended to establish a particular effective date, yet the date itself is left blank. What is the proposed effective date?

As Committee members will recall, provisions for effective dates of Metro ordinances will be changing this July. Under the current Code, an ordinance which is legislative in nature, and therefore subject to veto, becomes effective on the date of final adoption unless a later date is specified therein (Section 2.01.070 (h and i)). An ordinance is considered finally adopted if not vetoed by the fifth working day following Council adoption.

Assuming that on June 4 the Committee recommends Council adoption of this ordinance, and the Council adopts the ordinance at the June 13, 1991 Council meeting, and further assuming no veto by the Executive Officer, this ordinance will take effect on June 20, 1991, unless a later date is specified.

Under SB 299, which takes effect July 1, 1991, Metro ordinances will take effect on the 90th day after adoption unless a later effective date is specified. An ordinance can take effect in less than ninety days if the Council declares that an emergency exists.

Thus, if this ordinance was adopted by the Council after July 1, the earliest it could take effect would be approximately three months after adoption, unless the Council declared an emergency.

Since it appears this ordinance will be adopted before the new law takes effect, the Council must specify an effective date if it intends for the ordinance to become effective on a date later than June 20, 1991.



**METRO**

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

# Memorandum

DATE: June 18, 1991

TO: Rena Cusma, Executive Officer

FROM: Paulette Allen, Clerk of the Council *PA*

RE: TRANSMITTAL OF ORDINANCE NOS. 91-398, 91-399, 91-400A, 91-401, 91-402, 91-403, **91-404**, and 91-405A

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on June 13, 1991.

If you wish to veto any of the above ordinances, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, June 20, 1991. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

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I, *Kathleen Donaldson*, received this memo and true copies of Ordinance Nos. 91-398, 91-399, 91-400A, 91-401, 91-402, 91-403, 91-404, and 91-405A from the Clerk of the Council on June 18, 1991.

Date: *6/18/91*

ORD.MEM



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

91-404

August 16, 1991

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

Dear Clerk of the Board:

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.

Executive Officer  
Rena Cusma

Metro Council

Tanya Collier  
Presiding Officer  
District 9

Jim Gardner  
Deputy Presiding  
Officer  
District 3

Susan McLain  
District 1

Lawrence Bauer  
District 2

Richard Devlin  
District 4

Tom DeJardin  
District 5

George Van Bergen  
District 6

Ruth McFarland  
District 7

Judy Wyers  
District 8

Roger Buchanan  
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David Knowles  
District 11

Sandi Hansen  
District 12

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2. Ordinance No. 91-376B, Revising Admission Fees and Policies at the Metro Washington Park Zoo
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4. Ordinance No. 91-386C, For the Purpose of Amending Metro Chapter Code 5.02, Establishing Solid Waste Disposal Rates for FY 1991-92
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8. Ordinance No. 91-397, For the Purpose of Amending Metro Code Section 5.02.035 Litter Control by Establishing a Surcharge for Uncovered Loads
9. Ordinance No. 91-398, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Due Diligence Costs Related to the Metro Headquarters Relocation Project



10. Ordinance No. 91-399, An Ordinance Amending No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metro ERC Facilities
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18. Ordinance No. 91-395A, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-1: Wagner
19. Ordinance No. 91-410, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Increased Expenses at Metropolitan Exposition-Recreation Facilities
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26. Ordinance No. 91-417, An Ordinance for the Purpose of Amending and Renewing the Franchise Agreement with East County Recycling, Inc.; and Declaring an Emergency

Sincerely,



Paulette Allen  
Clerk of the Council



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

August 16, 1991

Charles D. Cameron  
County Administrator  
150 N. First Avenue  
Hillsboro, OR 97124

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.

Executive Officer  
Rena Cusma

Metro Council

Tanya Collier  
Presiding Officer  
District 9

Jim Gardner  
Deputy Presiding  
Officer  
District 3

Susan McLain  
District 1

Lawrence Bauer  
District 2

Richard Devlin  
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Tom DeJardin  
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George Van Bergen  
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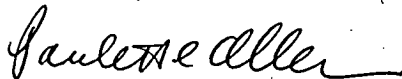
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Sincerely,



Paulette Allen  
Clerk of the Council



# METRO

2000 SW First Avenue  
Portland, OR 97201-5398  
(503) 221-1646  
Fax 241-7417

August 16, 1991

John Kauffman  
County Clerk  
Clackamas County Courthouse  
807 Main Street  
Oregon City, OR 97045

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Sincerely,



Paulette Allen  
Clerk of the Council