

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 91-437
CHAPTER 5.06 OF THE METRO	)	
CODE TO PROVIDE FOR A METRO	)	Introduced by
CENTRAL STATION COMMUNITY	)	Councilor Sandi Hansen
ENHANCEMENT PROGRAM AND	)	
CREATING A METRO CENTRAL	)	
STATION COMMUNITY ENHANCEMENT	)	
COMMITTEE	)	

WHEREAS, On December 8, 1988, the Council of the Metropolitan Service District adopted Ordinance No. 88-273 providing that the Metropolitan Service District shall collect an enhancement fee of \$.50 for each ton of solid waste delivered to each disposal site within the District and dedicate and use the monies obtained for enhancement of the area in and around the site from which the fees have been collected; and

WHEREAS, On January 14, 1991, Metro Central Station, a solid waste transfer and material recovery facility located at 6161 N.W. 61st Avenue in Portland, Oregon, was opened by Metro and began accepting solid waste; and

WHEREAS, On March 14, 1991, the Council adopted Resolution No. 91-1412A creating the Metro Central Station Enhancement Advisory Committee to assist Metro in developing a community enhancement program for the area surrounding the Metro Central facility; and

WHEREAS, The Advisory Committee was charged to: Make recommendations to the Council regarding policies and the administration of the enhancement program for the Metro Central Station area, to include the following:

1. boundaries of the area to be enhanced;
2. criteria for determining how funds will be used for community enhancement; and
3. membership composition of a committee to recommend projects for funding; now, therefore,

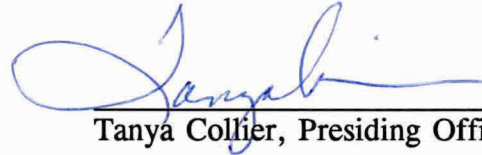
THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Chapter 5.06 is amended as provided in the attached

Exhibit, entitled "Ordinance No. 91-437, Amendments to Chapter 5.06," which is added to and made part of this Ordinance by reference.

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this 26  
day of November, 1991.



A handwritten signature in blue ink, appearing to read "Tanya Collier", is written over a horizontal line.

Tanya Collier, Presiding Officer

ATTEST:



A handwritten signature in blue ink, appearing to read "Susan Lee", is written over a horizontal line.

Clerk of the Council

TSS  
1061

**SOLID WASTE COMMITTEE REPORT**

CONSIDERATION OF ORDINANCE NO. 91-437, FOR THE PURPOSE OF AMENDING CHAPTER 5.06 OF THE METRO CODE TO PROVIDE FOR A METRO CENTRAL STATION COMMUNITY ENHANCEMENT PROGRAM AND CREATING A METRO CENTRAL STATION COMMUNITY ENHANCEMENT COMMITTEE

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Date: November 20, 1991

Presented by: Councilor Hanson

**Committee Recommendation:** At the November 19 meeting, the Committee voted unanimously to recommend Council adoption of Ordinance No. 91-437. Voting in favor: Councilors DeJardin. Gardner. McFarland, McLain and Wyers.

**Committee Issues/Discussion:** Councilor Hansen presented background on the development of the ordinance through the work of an advisory committee authorized in the spring of 1991 by Resolution No. 91-1412A. She noted that the purpose of the committee was to recommend proposed boundaries, project/program funding criteria and permanent committee membership for the enhancement program for the Metro Central Station. Hansen noted that the advisory committee included representatives of the five neighborhood associations nearest the site of Metro Central, a representative of the Friends of Forest Park and herself.

Hansen explained that in developing a consensus, none of the groups on the committee received everything that they requested, but that each "gave" a little in order to obtain agreement. Hansen indicated that the one issue on which total consensus could not be achieved was the membership of the permanent committee. A majority of the advisory committee favored a one-person, one vote approach under which each of five neighborhood associations would have one member on the committee. She noted that only the Composter enhancement committee has membership weighted in favor of the area immediately adjacent to the location of the facility.

Roger Neu testified on behalf of the Northwest Industrial Neighborhood Association (NINA). He noted that Metro Central is located within NINA or the Linnton neighborhood association depending on settlement of a boundary dispute. He proposed additional committee membership be given to NINA and Linnton because of their close proximity to Metro Central. He noted that, while few people live within NINA's boundaries, the transfer station still has an impact on area.

Neu outlined several types of projects that NINA is interested in using enhancement funds to support including a day care facility and various types of environmental studies. He closed by noting that the Council should use the Composter model in considering the weighting of committee membership.

John Sherman and Don Joyce, members of the advisory committee, testified in favor of the ordinance as written. Sherman noted that he particularly favored the inclusion of a representative of environmental organizations on the permanent committee because of the environmental sensitivity of Forest Park and the Willamette River. He also noted that the committee had responded to the public testimony it received by making several changes in the proposed ordinance.

Joyce noted that the funding criteria provide that preference be given to projects/programs in areas most heavily impacted by the facility. He contended that this provision would benefit NINA and Linnton and, therefore, weighted representation on the committee was not needed.

Several citizens testified in support of the ordinance. They generally noted that the process of developing the ordinance had been fair and open. They also opposed changes in committee membership, expressing concern that weighted membership would give NINA an unfair advantage in obtaining funding for its projects/programs.

Councilor DeJardin noted that weighted membership can often work against those with the greatest number of members because others in group will combine to defeat the proposals of that group. Councilor Gardner noted that when the provisions of the entire ordinance are considered it will provide for fair consideration of all funding proposals and that NINA will certainly be able to obtain funding for many of its proposals.

ORDINANCE 91-437 AMENDMENTS TO CHAPTER 5.06

COMPOSTER COMMUNITY ENHANCEMENT PROGRAMS

SECTIONS:

5.06.010	Policy and Purpose
5.06.020	Funding
5.06.030	Approval
5.06.040	Composter Community Enhancement Committee
5.06.045	Metro Central Station Community Enhancement Committee
5.06.050	Administration
5.06.060	Criteria for Funding Composter Community Enhancement Projects/Programs
5.06.065	Criteria for Funding Metro Central Station Community Enhancement Projects/Programs
5.06.070	Composter Community Enhancement Boundary
5.06.075	Metro Central Station Community Enhancement Boundary
5.06.080	Staff Support

5.06.010 Policy and Purpose:

(a) It is the policy of the District to apportion an enhancement fee of \$.50 per ton on solid waste delivered to each site within the District and dedicate and use the monies obtained for enhancement of the area in and around the site from which the fees have been collected.

(b) It is further policy of the District to support a community enhancement programs in the area of the mass composter facility at 54th and Columbia Boulevard, and in the area of Metro Central Station, 6161 S.W. 61st Avenue, both in Portland, Oregon.

(Ordinance No. 90-331A, Sec. 1)

5.06.020 Funding: The Council shall create a separate funds entitled the "Composter Community Enhancement Fund" and the "Metro Central Station 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. For each ton of waste deposited at the mass composting facility, \$.50 shall be budgeted and accounted for in the Composter Community Enhancement Fund. For each ton of waste deposited at Metro Central Station, \$.50 shall be budgeted and accounted for in the Metro Central Station Community Enhancement Fund. Funds not expended in any one budget year shall be carried forward.~~

Revenue accruing to the ~~each~~ fund shall be invested in accordance ~~to~~ with Metro's investment policies.

(Ordinance No. 90-331A, Sec. 1)

5.06.030 Approvals: 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 positive vote of a majority of the full Committee created pursuant to Section 5.06.040. ~~No expenditure from the Metro Central Station Community Enhancement Fund shall be made without the positive vote of a majority of the full Committee created pursuant to Section 5.06.045.~~

(Ordinance No. 90-331A, Sec. 1)

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 ten members to be appointed and serve terms as follows:

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

- (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 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 Programs boundary.
- (7) One member, representing the business community, shall be appointed from nominees submitted by the 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 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 chair person.

(c) The effective date for all appointments of all members except the Metro Councilors shall be the date of membership confirmation by the Metro Council. The initial terms of service for the eight non-Council members shall be four members for three years and four members for two years, designation to be determined by lot. Committee members may be reappointed for consecutive terms not to exceed two full terms. Following the initial term, terms for all non-Council members shall be two years each. Appointments to fill vacancies shall be for the remainder of the vacant term.

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

5.06.045 Metro Central Station Community Enhancement Committee:  
In order to implement the Metro Central Station Community Enhancement Program, there shall be created a Metro Central Station Community Enhancement Committee consisting of seven members to be appointed and serve terms as follows:

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

- (1) One member shall be appointed from a list of nominees submitted by the Forest Park Neighborhood Association.
- (2) One member shall be appointed from a list of nominees submitted by the Friends of Cathedral Park.
- (3) One member shall be appointed from a list of nominees submitted by the Linnton Neighborhood Association.
- (4) One member shall be appointed from a list of nominees submitted by the Northwest District Neighborhood Association.

(5) One member shall be appointed from a list of nominees submitted by the Northwest Industrial Neighborhood Association.

(6) One member shall be appointed from a list or lists of nominees submitted by environmental organizations that have or will have an interest in the enhancement area.

(b) The Committee shall be chaired by the Metro Councilor representing District 12.

(c) The effective date for all appointments of all members except the Metro Councilor shall be the date of membership confirmation by the Metro Council. The initial terms of service for the six non-Council members shall be three members for two years, and three members for one year, designation to be determined by lot. A member initially serving a one year term may be reappointed for consecutive terms not to exceed two full terms. All other non-Council members may be reappointed for a consecutive term not to exceed one full term. Following the initial term, terms for all non-Council members shall be two years each. Appointments to fill vacancies shall be for the remainder of the vacant term.

(d) In the case of a vacancy in a non-Council position on the Committee, the Executive Officer shall solicit nominations from the same organizations that were eligible to submit nominations for the original appointment.

(e) In all instances, the Executive Officer may reject all nominations for a non-Council position on the Committee, and request that new nominations be submitted by the affected group.

5.06.050 Administration: The administration of the a Community Enhancement program shall be subject to the approval of the Compester Community Enhancement Committee provided for in Section 5.06.040 above established for that purpose.

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

(b) The A Committee may solicit requests for proposals or projects which may be funded from the Compester-Community



Enhancement Fund under its jurisdiction. Any project or proposal to be funded through ~~the Composter~~ a 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 exercising jurisdiction.

(c) The Composter Community Enhancement Committee shall publish and use the criteria show in Section 5.06.060 below, and the Metro Central Station Community Enhancement Committee shall publish and use the criteria in Section 5.06.065, in selecting projects/programs for funding through a Request for Proposals (RFP) process. The Each Committee's recommendations and approvals shall be filed with the Council. The A Committee may at any time request the Council to modify or change the criteria.

(d) The Each Committee shall annually report to the Council and the Executive Officer all projects approved and the amounts of funds expended on each project, from the fund under its jurisdiction.

(Ordinance No. 90-331A)

5.06.060 Criteria for Funding Composter Community Enhancement Projects/Programs:

(a) Composter Community Enhancement Projects/Programs will 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 and existing parks and recreational areas.
- (5) Result in improvement in the safety of the area.
- (6) Result in an improvement in the safety of the area.
- (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.

(Ordinance No. 91-331A, Sec. 1)

5.06.065 Criteria for Funding Metro Central Station Community Enhancement Projects/Programs:

(a) Metro Central Station Community Enhancement Projects/Programs will be funded within the area specified in Section 5.06.075.

(b) Only a nonprofit organization, including but not limited to a neighborhood association or a charitable organization with 501(c)(3) status under the Internal Revenue Code, may submit proposals. All proposals must be in writing.

(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 enhancement fund shall not substitute for projects/programs funded by other sources.

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

(f) Funds will not be provided in a manner that unconstitutionally promotes or inhibits a religious establishment.

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

(h) Projects/Programs shall meet one or more of the following goals. Priority will be given to projects/programs that meet the greatest number of goals and which offer benefits to the areas most directly impacted by the facility. The order of the following listing does not imply ranking nor weighting:

- (1) Result in rehabilitation, upgrading or direct increase in the real property owned or operated by a nonprofit organization having 501(c)(3) status under the Internal Revenue Code.
- (2) Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands, and marine areas, and improve public awareness and the opportunities to enjoy them.
- (3) Result in improvement to or increase in recreational areas and programs within the boundaries.
- (4) Result in improvement in the safety of the area.
- (5) Result in an improvement of the appearance or cleanliness or environmental quality of the area/neighborhood within the boundaries.
- (6) Result in projects/programs which are located within the boundaries and/or benefit youth and seniors within the boundaries.
- (7) Result in projects/programs which are located within the boundaries and/or benefit low-income persons within the boundaries.
- (8) Result in projects/programs which are located within the boundaries and/or increase recycling opportunities with the project boundaries.

5.06.070 Composter Community Enhancement Boundary:

(a) The boundary of the Composter Community Enhancement Community Program shall encompass the area between the Columbia Slough on the north; N.E. 33rd Boulevard 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.

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

(Ordinance No. 91-331A, Sec. 1)

5.06.075 Metro Central Station Community Enhancement Boundary:

(a) The boundary of the Metro Central Station Community Enhancement Program shall begin at the intersection of Newberry Road with the shore of the west bank of the Willamette River; proceed south along the west bank to Interstate 405 at the Fremont Bridge; south on Interstate 405 to Pettygrove Street; west on Pettygrove Street to Cornell Road; west on Cornell Road to N.W. Thompson Road; north on N.W. Thompson Road to Skyline Boulevard; north on Skyline Boulevard to Newberry Road; east on Newberry Road to the shore of the west bank of the Willamette River. The Program area shall also include the St. Johns Bridge, and an area bounded by the shore of the east bank of the Willamette River to Baltimore Street; east on Baltimore Street to Lombard Street; south on Lombard Street to Richmond Street; and west on Richmond Street to the shore of the east bank of the Willamette River.

(b) In addition to the area described in this section, the Program area shall include all properties outside of, and immediately adjacent to a boundary street.

5.06.080 Staff Support: The Executive Officer shall assign staff to assist ~~the each~~ Committee in carrying out its duties and responsibilities at the level budgeted in the ~~Composter~~ appropriate Community Enhancement Fund. Before assigning staff, the Executive Officer shall consult with ~~the each~~ 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~~ a Community Enhancement Program shall be paid by the ~~Composter~~ appropriate Community Enhancement Fund. The Council shall not charge overhead costs to ~~the Composter~~ a Community Enhancement Fund.

(Ordinance No. 91-331A, Sec. 1)

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**METRO**

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

# Memorandum

To: Solid Waste Committee Members

From: John Houser, Council Analyst

Date: November 12, 1991

Re: Ordinance No. 91-437, For the Purpose of Amending Chapter 5.06 of the Metro Code to Provide for a Metro Central Station Community Enhancement Program and Creating a Metro Central Station Community Enhancement Committee

Ordinance No. 91-437 is scheduled for consideration by the Committee at the November 19 meeting.

## Background

Resolution No. 91-1412A established an advisory committee to develop recommendations for the establishment of a permanent committee to oversee the operation of the community enhancement program for the Metro Central Station. Specifically, the advisory committee was charged with making proposals relating to:

- the boundaries of the enhancement program,
- criteria for the allocation of funds available to the program, and
- the membership of the permanent oversight committee.

The committee met monthly from April through October and conducted a public hearing on its draft proposal in September.

Ordinance No. 91-437 would amend Metro Code Section 5.06 to establish the permanent committee, outline funding allocation criteria and set the enhancement area boundaries. As proposed, the committee would consist of seven members. Six of the members would be appointed from lists of nominees from the following organizations:

- 1) Forest Park Neighborhood Association (one member),
- 2) Friends of Cathedral Park (one member),
- 3) Linnton Neighborhood Association (one member),
- 4) Northwest District Neighborhood Association (one member),

5) Northwest Industrial Neighborhood Association (one member),  
and

6) Environmental organizations having an interest in the  
enhancement area (one member).

The final committee member will be the Metro Councilor from  
District 12, who will serve as committee chair.

The terms of office will be two years. The initial terms of  
service for non-council members will be staggered, with three  
members serving one-year terms and three members serving two-year  
terms, determined by lot. Those serving one-year terms may be  
reappointed for up to two full two-year terms, while those  
initially serving two-year terms may be reappointed for one  
additional term.

The permanent enhancement committee will be charged with annually  
reviewing a large number of proposals seeking funding from the  
enhancement funds collected at the Metro Central Station. The  
ordinance provides that the following criteria be used to evaluate  
these funding proposals:

1) Projects/programs will only be funded within the boundaries  
as specified within the boundaries specified in the ordinance.

2) Only a non-profit organization (including but not limited  
to a neighborhood association or a charitable organization  
with 501(c) (3) status under the Internal Revenue Code) may  
submit proposals. Proposals must be in writing.

3) 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.

4) The enhancement fund shall not substitute for  
projects/programs funded by other sources.

5) Funds will not be provided in a manner that  
unconstitutionally promotes or inhibits a religious  
establishment.

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

7) Projects/Programs shall meet one or more of the following  
goals. Priority will be given to projects/programs that meet  
the greatest number of goals and which offer benefits to the  
areas most directly impacted by the facility. The order of  
the following listing does not imply ranking nor weighting.

a) Result in rehabilitation, upgrading or direct increase  
in the real property owned or operated by a non-profit

organization having 501(c) (3) status under the Internal Revenue Code.

- b) Result in the preservation or enhancement of wildlife, riparian zones, wetlands, forest lands, and marine areas, and improve public awareness and the opportunities to enjoy them.
- c) Result in improvement to or increase in recreational areas and programs within the boundaries.
- d) Result in improvement in the safety of the area.
- e) Result in an improvement of the appearance or cleanliness or environmental quality of the area/neighborhood within the boundaries.
- f) Result in projects/programs which are located within the boundaries and/or benefit youth and seniors within the boundaries.
- g) Result in projects/programs which are located within the boundaries and/or benefit low-income persons within the boundaries.
- h) Result in projects/programs which are located within the boundaries and/or increase recycling opportunities with the project boundaries.

Metro administration of the program would be handled in the same manner as the existing enhancement committees for other Metro facilities.

The boundaries were set after extensive discussion and agreement among committee members and the organizations they represented. The enhancement area will include the Northwest Industrial Neighborhood Association, most of the Linnton and Forest Park Neighborhood Associations, the northern portion of the Northwest District Neighborhood Association, and the portion of the Friends of Cathedral Park Association immediately adjacent to the St. John's bridge.

The General Counsel's office has advised that to facilitate the appointment and convening of the permanent committee, the Council may wish to add an emergency clause to the ordinance.



**METRO**

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

# Memorandum

DATE: November 27, 1991

TO: Rena Cusma, Executive Officer

FROM: Susan Lee, Acting Clerk of the Council *sl*

RE: TRANSMITTAL OF ORDINANCE NOS. 91-437, 91-436A, 91-434A AND 91-438

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on November 26, 1991.

If you wish to veto any of the ordinances referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Tuesday, December 3, 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, *W. H. Cusma*, received this memo and true copies of Ordinance Nos. 91-437, 91-436A, 91-434A and 91-438 from the Clerk of the Council on *11-27-91*.

ORD.MEM