

CHAPTER 5.04

RECYCLING BUSINESS ASSISTANCE PROGRAM

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5.04.005 Definitions

For the purposes of this chapter unless the context requires otherwise the following terms shall have the meaning indicated:

(a) "Recyclable material" means material that still has or retains useful physical, chemical, or biological properties after serving its original purpose(s) or function(s), and that can be reused, recycled, or composted for the same or other purpose(s).

(b) "Regional Solid Waste Management Plan" means the Regional Solid Waste Management Plan adopted as a functional plan by Council and accepted by the Oregon Department of Environmental Quality (DEQ).

(Ordinance No. 02-937A, Sec. 3.)

5.04.010 Policy and Purpose

(a) It is the policy of Metro to support the creation, expansion, preservation, and diversification of markets for recyclable materials, in partial fulfillment of waste reduction requirements set out in the Regional Solid Waste Management Plan and in Oregon law.

(b) It is further policy of Metro that support for recyclable materials shall:

- (1) Be based on the solid waste management hierarchy to first reduce, second reuse, third recycle, fourth compost, and lastly recover materials diverted from solid waste; and
- (2) Be directed toward enterprises that are ultimately self-sustaining.

(Ordinance No. 88-250, Sec. 1. Repealed by Ordinance No. 02-937A, Sec. 1; replaced by Ordinance No. 02-937A, Sec. 4. Amended by Ordinance No. 02-974, Sec. 1.)

5.04.020 Funding and Budget

(a) The Metro Council shall create a separate account within the solid waste operating fund entitled "Recycling Business Assistance Account" to fund projects and proposals to further the policy expressed in this chapter. The Metro Council may from time to time appropriate funds to this account. Funds not disbursed in any one budget year shall be carried forward. Revenue accruing to the account shall be invested in accordance with Metro Code Chapter 7.03.

(b) As part of Metro's annual budget process, the Council President shall propose a budget for the Recycling Business Assistance Program for approval by the Council.

(Ordinance No. 88-250, Sec. 1. Repealed by Ordinance No. 02-937A, Sec. 1; replaced by Ordinance No. 02-937A, Sec. 5. Amended by Ordinance No. 02-974, Sec. 1.)

5.04.030 Application Process, Criteria and Approval of Loans and Grants

(a) There shall be an open public process for solicitation of loan and grant applications.

(b) Any person may submit proposals for funding. Applications must be in writing and must address all criteria set forth in this section.

(c) All applications shall be reviewed and any recommendation to approve or deny an application for a loan or grant shall include the reasons for acceptance or rejection of the application.

(d) Proposals recommended for approval shall be consistent with the Regional Solid Waste Management Plan and purposes of this chapter.

(e) Loans and grants shall not be approved if the loan or grant proceeds will be used to substitute for projects or programs funded by other sources.

(f) Proposals that best enhance the waste reduction goals of the Regional Solid Waste Management Plan will receive priority consideration for approval.

(g) Proposals shall be directed to the aid of private, for-profit and nonprofit businesses and shall increase or improve one or more of the following:

- (1) The amount of locally-generated materials that are diverted from the waste stream and recycled;
- (2) The number of uses for locally-generated recyclable materials;
- (3) Use of feedstock from locally-generated recyclable materials rather than virgin materials;
- (4) Markets for locally-generated recyclable materials; and
- (5) Technology for the use of locally-generated recyclable material.

(h) Funds may not be provided for:

- (1) The cost of preparing loan or grant applications, proposals, stock or debt offerings, formation of partnerships, incorporations or other forms of business or other financing;
- (2) Ongoing costs or expenses;
- (3) Payment of fines, penalties, arrears, judgments or other such obligations; or
- (4) Proposals that degrade the quality of air, water and land resources.

(i) The Chief Operating Officer may establish additional criteria for loan or grant approval and may seek recommendations regarding such criteria from the Recycling Business Assistance Advisory Committee.

(j) Prior to approval of an application for a loan or grant, the Chief Operating Officer shall provide written notification to the Metro Council of the Chief Operating Officer's intent to approve the loan or grant. The Chief Operating Officer's notification shall provide the loan or grant applicant's name and address, describe the project for which the loan or grant is intended, provide the amount requested, and summarize the Recycling Business Assistance Advisory Committee's recommendation, the Chief Operating Officer's evaluation of the criteria for approval established in this section, and any other relevant issues considered during the Chief Operating Officer's review of the application. After receiving the Chief Operating Officer's notification, the Council also may review copies of the application and any contents of the application file. Within ten (10) calendar days of receiving the Chief Operating Officer's notification, the Council may request to consider the application. If such request is made, the Chief Operating Officer shall not approve the application or disburse any loan or grant proceeds without the Council's approval. If the Council does not request to review the application within ten (10) calendar days of receiving the Chief Operating Officer's notification, the Chief Operating Officer may approve the application and may disburse the approved loan or grant proceeds.

(k) It is the policy of Metro to provide equal opportunity to all applicants for the recycling business assistance loans and grants for which provision is made in this chapter. Metro shall not discriminate against any applicant on the basis of race, color, national origin, gender, sexual orientation, age, religion, physical handicap, political affiliation or marital status.

(Ordinance No. 88-250, Sec. 1. Repealed by Ordinance No. 02-937A, Sec. 1; replaced by Ordinance No. 02-937A, Sec. 7. Amended by Ordinance No. 02-974, Sec. 1.)

5.04.050 Administration

(a) The Chief Operating Officer shall administer the Recycling Business Assistance Program and shall:

- (1) Receive and consider the advice of the Recycling Business Assistance Advisory Committee on all aspects of program administration;
- (2) Publish the criteria for selecting projects, persons and businesses to be provided loans or grants, consistent with Section 5.04.030;
- (3) Review applications for loans and grants;
- (4) Prior to making a determination to approve or deny an application for a loan or a grant, receive and consider the recommendations of the Recycling Business Assistance Advisory Committee regarding each such application;
- (5) Approve or deny applications for loans and grants, consistent with Section 5.04.030; and
- (6) Provide a semi-annual report to the Council that includes information regarding the projects, persons and businesses that have received loans and grants, the amounts of funds disbursed for each loan or grant, and the history and current status of all outstanding loans and grants.

(b) The Recycling Business Assistance Advisory Committee shall:

- (1) Make recommendations to the Chief Operating Officer regarding criteria for selecting projects, persons and businesses to be provided loans or grants;
- (2) Review applications for loans and grants;
- (3) Make recommendations to the Chief Operating Officer regarding approval or denial of such loans and grants; and
- (4) Advise the Chief Operating Officer on all other matters as necessary to fulfill the intent of this chapter.

(Ordinance No. 88-250, Sec. 1. Repealed by Ordinance No. 02-937A, Sec. 1; replaced by Ordinance No. 02-937A, Sec. 6. Amended by Ordinance No. 02-974, Sec. 1.)

5.04.060 Staff Support

The Regional Environmental Management Department shall:

(a) Provide administrative and staff support to the Recycling Business Assistance Advisory Committee. Additional technical assistance may be acquired following Metro's contract procedures. The Regional Environmental Management Department shall ensure that no funds shall be expended, disbursed or advanced from the Recycling Business Assistance Account for any administrative or staff support purpose or additional technical assistance. It is the intent of the Council that the entire amount set aside each year be disbursed for loans or grants promoting the purpose of this chapter and that all overhead and staff support expenses necessary for implementing this program be borne by the solid waste operating fund separate from the Recycling Business Assistance Account.

(b) Ensure compliance with all federal and state law relating to lending and the provision of loans and grants by a government entity.

(Ordinance No. 88-250, Sec. 1. Repealed by Ordinance No. 02-937A, Sec. 1; replaced by Ordinance No. 02-937A, Sec. 8.)