

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 21-1462
CODE CHAPTERS 5.02 AND 7.01 TO CHANGE)	
THE DUE DATES FOR SOLID WASTE EXCISE)	Introduced by Chief Operating Officer
TAXES AND REGIONAL SYSTEM FEES AND)	Marissa Madrigal in concurrence with
ADD FINANCE CHARGES FOR LATE)	Council President Lynn Peterson
PAYMENTS OF REGIONAL SYSTEM FEES TO)	
ALIGN WITH SOLID WASTE EXCISE TAXES)	

WHEREAS, the Metro Solid Waste Code is set forth in Title V of the Metro Code and Metro's excise taxes are set forth in Title VII of the Metro Code; and

WHEREAS, Metro assesses a regional system fee (RSF) on every ton of solid waste is delivered to a Metro transfer station or otherwise disposed (Metro Code Chapter 5.02); and

WHEREAS, Metro assesses an excise tax on every ton of solid waste disposed at a solid waste system facility (Metro Code Chapter 7.01); and

WHEREAS, under current Metro Code Section 5.02.090, payment for the regional system fee is due to Metro on the 15th day of the month following the month in which the waste was disposed; and

WHEREAS, under current Metro Code Section 7.01.070, payment for the excise tax on solid waste disposed is due on the 15th day of the month following the month in which the waste was disposed; and

WHEREAS, both new and small businesses find it difficult at times to pay the regional system fee and excise tax to Metro on the 15th day of the month following the month of disposal, because often these businesses are required to pay those fees and taxes to Metro before the businesses have themselves received payment of these amounts from their customers; and

WHEREAS, requiring payment on the 15th day of the month can thus create a financial hardship on some businesses, which at times results in delinquent payment of fees and taxes to Metro and which in turn requires additional Metro staff and resources to send late notices and follow-up requests for payment; and

WHEREAS, amending the Metro Code to allow payment on the last day of the month rather than the 15th day may provide some financial relief to these businesses without having any substantial negative impact on Metro's financial health; and

WHEREAS, although current code language authorizes finance charges for late *excise tax* payments, there is currently no finance charge assessed on delinquent *regional system fee* payments, which means there is no incentive to timely pay regional system fees as required by code; and

WHEREAS, both excise taxes and regional system fees are public monies held in trust by those responsible for payment to Metro, and those fees and taxes should therefore be paid timely or should otherwise incur finance charges when paid late; and

WHEREAS, providing businesses with more time to pay Metro's regional system fees and excise taxes on solid waste should have the effect of both reducing delinquency rates while also reducing financial hardships on small and new businesses in the solid waste system; and

WHEREAS, establishing reasonable finance charges for late payments of regional system fees will help ensure that public monies are paid timely, that Metro maintains its obligation to be a good steward of those public monies, and that Metro's costs associated with collecting late payments will be at least partly reimbursed; and

WHEREAS, establishing late payment finance charges on regional system fees will also align the practices for late payment of excise taxes with those of regional system fees; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Metro Code Sections 5.02.090, 7.01.070 and 7.01.080 are amended as set forth in the attached Exhibit A, with underlined words representing new language and strikethrough text representing deleted language.

ADOPTED by the Metro Council this ____ day of February 2021.

Lynn Peterson, Council President

Attest:

Approved as to Form:

Jaye Cromwell, Recording Secretary

Carrie MacLaren, Metro Attorney