

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Board Order and Agreement )  
Authorizing Extension and Renewal of the Solid )  
Waste Collection Franchise of Recology, Inc. ) BOARD ORDER 18-258  
through January 1, 2028. )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on July 12, 2018, commissioners Mary Starrett, Richard L. "Rick" Olson and Stan Primozych participating.

THE BOARD MAKES THE FOLLOWING FINDINGS.

A. ORS 459.085 and the Yamhill County Solid Waste Collection and Disposal Ordinance, as amended, authorize the County to grant franchises for solid waste collection in the unincorporated areas of Yamhill County.

B. Pursuant to a Yamhill County solid waste collection franchise issued by the Board, City Sanitary Service, Inc., now known as Recology, Inc. ("Grantee"), has collected solid waste in a designated unincorporated area of Yamhill County in a manner satisfactory to the County. The original franchise was adopted by Order and Agreement memorialized as Board Order 93-833 for a term to expire November 30, 2003. The original franchise was extended by Order and Agreement in Board Order 97-827 for a term to expire January 1, 2008. The franchise was again extended by Order and Agreement in Board Order 02-215 for a term to expire January 1, 2013, by Order and Agreement in Board Order 06-985 for a term to expire January 1, 2016, and by Order and Agreement in Board Order 10-306 for a term to expire January 1, 2020. Grantee now seeks to extend the franchise term for an additional 10 years.

C. Section 16 of Board Order 93-833 requires the Board to conduct a public hearing on an extension application prior to granting the extension. In order to grant an extension, the Board must find that Grantee has met all requirements of the franchise agreement, the Solid Waste Ordinance and state and federal law. Before holding a hearing on Grantee's application, the Board referred the matter to the Yamhill County Solid Waste Advisory Committee ("SWAC"). On October 18, 2017 SWAC considered Grantee's application for franchise extension and voted to recommend the Board approve the extension.

D. On June 21, 2018 the Board held a duly noticed public hearing in Room 32 of the County Courthouse to consider Grantee's application for franchise extension. No testimony adverse to the extension was adopted. The Board found that Grantee was entitled to an extension and renewal as requested.

E. Board Order 97-827 consented to an agreement between Grantee and Stericycle, Inc., for collection by Stericycle of biomedical waste within Grantee's franchise area. By adoption of

this board order, consent is extended for Grantee's agreement with Stericycle for the term of the extension.

F. County and Grantee are willing to agree to the terms and conditions contained in this Board Order and Agreement. NOW, THEREFORE

IT IS HEREBY ORDERED THAT THE BOARD ADOPTS THE FOLLOWING FRANCHISE AGREEMENT BETWEEN YAMHILL COUNTY AND WESTERN OREGON WASTE:

**Section 1. EXTENSION OF FRANCHISE.** Except as modified in Section 2 of this Board Order and Agreement, all terms and conditions of the original solid waste collection franchise Board Order and Agreement between Yamhill County and City Sanitary Service, Inc., subsequently known as McMinnville City Sanitary Service, Inc., subsequently known as Western Oregon Waste, and now known as Recology, Inc., as memorialized by Board Order 93-833 (the "Original Franchise") and modified by Board Orders 97-827, 02-215, 06-985 and 10-306 shall continue in full force and effect.

**Section 2. TERM OF FRANCHISE.** Unless extended as provided in Section 16 of the Original Franchise, or suspended, forfeited or revoked in accordance with the Solid Waste Ordinance or the Original Franchise, the solid waste collection franchise granted under the Original Franchise shall expire January 1, 2028.

DONE at McMinnville, Oregon on July 12, 2018.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN  
County Clerk

*Mary Starrett*  
Chair, MARY STARRETT

Unavailable for signature

By: *Carolina Rook*  
Deputy CAROLINA ROOK

*Richard L. Olson*  
Commissioner, RICHARD L. "RICK" OLSON

FORM APPROVED BY:

*Christian F. Boenisch*  
CHRISTIAN F. BOENISCH  
Yamhill County Legal Counsel

*Stan Primozych*  
Commissioner, STAN PRIMOZICH

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