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 Amending the Yamhill County Solid Waste Advisory Committee Bylaws	BOARD ORDER 23-43

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on February 2, 2023, Commissioners Lindsay Berschauer, Kit Johnston, Mary Starrett, and being present.

IT APPEARING TO THE BOARD as follows:

WHEREAS, The Board formed the Yamhill County Solid Waste Advisory Committee (SWAC) in 1978 via Board Order No. 154; and

WHEREAS, The purpose of SWAC is to assist the Board in the planning and implementation of solid waste management in Yamhill County pursuant to the Yamhill County Solid Waste Ordinance; and

WHEREAS, SWAC has recommended updating its committee bylaws as provided in the attached Exhibit A; and

WHEREAS, An additional requirement is necessary under Section 7 – Staff to ensure compliance with ORS 192.670(3), which requires the County to provide the public with the ability to listen and participate virtually in all public meetings; and now, therefore

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

Section 1. The proposed committee bylaws as provided in Exhibit A are hereby approved; and

Section 2. The following language is hereby added to Section 7 – Staff:

> "c. The County Solid Waste Coordinator shall arrange for members of the public to access and attend meetings and provide public comment via telephone, video, or other electronic or virtual means."

//

DATED this 2nd day of February 2023, at McMinnville, Oregon.

ATTEST

KERI HINTON
County Clerk

By: _____
Deputy CAROLINA ROOK

FORM APPROVED BY:

_____
JODI GOLLEHON
Assistant Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

_____
Chair LINDSAY BERSCHAUER

_____
Commissioner KIT JOHNSTON

_____
Commissioner MARY STARRETT

Yamhill County Solid Waste Advisory Committee (SWAC) By Laws

1. **NAME:**
    a. This Yamhill County ("County") advisory committee shall be known as the Solid Waste Advisory Committee ("SWAC").

2. **MISSION:**
    a. The mission of the SWAC shall be to provide input to the Yamhill County Board of Commissioners ("Board") regarding an integrated waste management system that is both financially feasible and protects public health and environment of Yamhill County and its citizens. It shall also provide recommendations, reports, and other information related to solid waste as requested by the Board.

3. **HISTORY:**
    a. The Board formed the SWAC (Board Order #154) in 1978 and combined the SWAC with the Local Citizens Advisory Committee (LCAC) on 11-1-99 (Board Order 99-828).

4. **PURPOSE:**
    a. The purpose of the SWAC is to assist the Board in the planning and implementation of solid waste management in Yamhill County pursuant to the Yamhill County Solid Waste Ordinance 626, including as amended thereafter by Ordinance 647, 669, 676, and 911 ("SWAC Ordinance").
    b. SWAC members shall discuss Solid Waste matters and provide informed recommendations to the Board.

5. **GOALS:**
    a. To provide a mechanism for input to the Board and a clearinghouse for information regarding solid waste management in Yamhill County.
    b. To provide guidance and oversight in the development of the solid waste program in accordance with the current Yamhill County Solid Waste Management Plan.
    c. To provide a forum for citizen comments, questions, and concerns regarding solid waste matters.

6. **DUTIES OF THE SWAC COMMITTEE**
    a. As provided in the Yamhill County Solid Waste Ordinance 626, Section 3.5 as amended by Board Order 20-387 (Ord. 911), in addition to advising the Board on solid waste matters and performing other duties as assigned by the SWAC Ordinance, the SWAC shall:
        i. Compile periodic and annual reports containing its recommendations, if any, regarding proposed changes or additions to regulations promulgated by the Board or amendments to the SWO ordinance in order to carry out the intent of the SWO ordinance. The precise frequency and contents of these reports, including but not limited to reports to be received by the SWAC from franchisees and licensee for

Accepted by Yamhill County
Board of Commissioners on
2.2.23 by Board Order
B.O. 23-43

presentation to the Board, shall be determined by the SWAC and reflected in its bylaws.

ii. Develop a long-range plan to provide adequate disposal sites and disposal facilities to meet future needs for County and regional disposal sites, in cooperation with the County Solid Waste Coordinator and other appropriate County officials selected by the SWAC or the Board.

iii. Develop minimum standards for the location and operation of disposal sites including, but not limited to, protection of adjacent or nearby residents and environment. This shall be accomplished through consultation with the County Solid Waste Coordinator and other appropriate County officials selected by the SWAC or the Board.

iv. Review with a permittee the regional disposal site or other solid waste disposal sites, including but not limited to, siting, operation, closure, and long-term monitoring of the regional or other solid waste disposal sites.

v. Provide a forum for citizen comments, questions, and concerns about the regional disposal site and promoting a dialogue between the community in which the regional disposal site is to be located and the owner or operator of the regional disposal site. Additionally, respond to citizen complaints regarding solid waste matters, by reviewing such complaints and responding through County staff investigations and recommendations.

vi. Perform other acts or duties as directed by the Board, established by other ordinances, or as may be necessary, proper, or desirable to effectively conduct the functions and responsibilities of the SWAC.

vii. Make recommendations to the Board regarding:
   1) Requests for grants of franchises, licenses, permits or certificates to collect, store, transport, or dispose of solid waste and
   2) Requests for exemptions from or amendments to such grants based on findings after investigation and public hearing held by the SWAC.

viii. Consult with County staff regarding the modification, suspension, or revocation of a franchise, license, permit or certificate as a result of an investigation of violations of the Solid Waste Ordinance.

ix. Cooperate with County staff in reviews of proposed rate increases, and changes to services offered, hold public hearings regarding such changes, and make recommendations to the Board as a result of such public hearings for franchisees and licensees.

7. STAFF

a. The County Solid Waste Coordinator shall serve as the main staff member for the SWAC and shall assist the chairperson in coordinating all SWAC activities, send out meeting agendas and minutes, providing official notice of upcoming meetings, and any additional administrative tasks as necessary.

b. The County Solid Waste Coordinator shall make use of an audio recording device during all SWAC meetings, for the purpose of generating minutes of each meeting. Additional

staff person(s) may be utilized to perform this function as needed. Recording shall be archived in accordance with County policy and state public meeting laws.

8. MEMBERSHIP

a. The SWAC shall be a seven (7) member committee, compromised of five (5) voting members and two (2) non-voting members:

i. Voting Members: The voting members shall be selected with regard to Oregon Revised Statute (ORS) 459.320 and the five voting members shall be selected with due regard to geographical considerations.

ii. Non-Voting Members: One position shall be filled with a representative of the disposal site (landfill or transfer station) and the second position shall be filled by a representative of a franchised collection/hauler in Yamhill County. Non-voting members may participate in all discussions, including on such matters where the decision or action would affect the business or industry for which the individuals is seated on the SWAC to represent.

iii. Ex-officio Members: In addition to the membership listed in Section 7 a(i) and a(ii), the Board may designate other members to serve ex-officio (without the ability to vote) to advise and assist the SWAC as needed. The ex-officio members may include the following individuals who may, with Board approval, designate persons to serve in their place:

1) Director of DEQ
2) Yamhill County Extension Agent
3) Yamhill County Health Officer
4) Yamhill County Engineer
5) Yamhill County Planning Director
6) Yamhill County Solid Waste Coordinator and
7) Yamhill County Senior Environmental Health Specialist

9. APPOINTMENT OF MEMBERS

a. All SWAC members shall be appointed by the Board and shall serve at the pleasure of the Board.

b. All SWAC members shall serve a three (3) year term, starting on their appointment date by the Board. The Board may stagger membership terms to ensure that only two of these positions expire each year. For mid-term appointees, the initial term may be adjusted longer or shorter to retain the schedule of terms.

c. The terms of ex-officio members shall be specified by the Board at the time of appointment. Successive terms are permitted when approved by the Board.

d. For voting members, the Board shall make its best efforts to select members to achieve a geographical mix of representatives from different area of Yamhill County and select those that reflect the constituents of the community when possible.

e. For non-voting members, the Board shall make its best efforts to select representatives from different companies.

f. Members shall notify the County Solid Waste Coordinator in writing, no later than ninety (90) days prior to the end of their term, of their desire to either resign from SWAC or be considered for reappointment.
g. All vacancies shall be announced at SWAC meetings, included in agendas and minutes, and shall be posted on the Yamhill County website. Staff may, but are not required to, place an advertisement in a local paper, on third-party website, social media platforms, etc.

10. EXPECTATION OF MEMBERS

a. The County Solid Waste Coordinator shall provide new SWAC members with an orientation within 60 days of their appointment. The orientation shall include, but shall not be limited to, an overview of the following topics:
    i. SWAC Bylaws.
    ii. Yamhill County departments and services.
    iii. Descriptions and locations for all local collection operations, recycling center and disposal sites.
    iv. Franchise agreements for solid waste and recycling collection services.
    v. License agreements for disposal sites (landfills and/or transfer stations).
    vi. Yamhill County Solid Waste Management Plan.
    vii. Oregon Public Meetings Law and Public Records Law.
    viii. Roberts Rule of Order.
    ix. Government Ethic Laws.
b. Members are encouraged to complete the Master Recyclers program (if available)
c. Members are expected to attend meetings regularly, participate in discussion on topics brought before the SWAC, work collaboratively with other SWAC members, County staff and the public, inform themselves on relevant topics through reading of meeting materials, and participate in decision-making processes.
d. SWAC members are expected to abide by Oregon public meetings, public records, and government ethics laws.

11. REMOVAL/RESIGNATIONS

a. The SWAC shall recommend to the Board removal of any member who it believes warrants removal with cause from the SWAC.
b. Attendance policy: as per 3.3(b) of the SWAC ordinance, an excessive absenteeism, which is defined as missing more than fifty percent (50%) of regularly scheduled SWAC meeting in a twelve-month period. Following a second absence, the SWAC member shall be reminded by the Chair of the attendance policy.
    i. If a member is unable to attend a scheduled SWAC meeting, the member is to contact the County Solid waste Coordinator or the SWAC Chair prior to the meeting and provide notice.
    ii. Absences will be recorded by the County Solid Waste Coordinator for review and action, if needed.
c. Resignations by members shall be submitted in writing to the SWAC Chair and announced at the next meeting. A copy of the resignation shall be forwarded to the County Solid Waste Coordinator and the Board for appropriate action.
d. Reasons for recommending removal of a SWAC member may include misrepresentation of the SWAC, excessive absences from meetings, violation of SWAC bylaws, or other

inappropriate conduct as determined by the SWAC. In the event a recommendation for removal is made, it shall be submitted by the SWAC for consideration by the Board.

e. The members of the SWAC serve at the pleasure of the Board and may be removed at any time by the Board.

12. MEETINGS

a. All meetings of the SWAC shall be in accordance with the requirements of the Oregon Public Meetings Law (ORS 192.610 to 192.710)

b. Parliamentary Procedure, as detailed in the current edition of Robert's Rules of Order shall generally govern the SWAC where in all cases to which they are applicable and when they are not inconsistent with these bylaws.

c. Meetings will start on time. Members are expected to be on-time.

d. Internal SWAC interaction guidelines:
   i. One person talks at a time; there are no side discussions.
   ii. All ideas are encouraged.
   iii. Stay focused on tasks and discourage distractions.
   iv. Strive for facts and understand other points of view.
   v. Encourage thoughtful disagreement.
   vi. Provide and value constructive feedback. Avoid being defensive.
   vii. Each SWAC member is given a chance to speak their mind while at the same time respecting the group's time and the meeting timetables.
   viii. Discussions will be brief and focus on facts.
   ix. Members will emphasize open and honest communication.
   x. Members will de-personalize discussion of issues.

e. Regular and Special Meetings Procedures:
   i. Tentative agenda, time, and location for the next SWAC meeting shall be set at the end of each meeting, as mutually agreed upon by the Chair and the members. Agenda items may also be suggested by County staff.
   ii. Notice of the meeting time, place, and agenda shall be provided to SWAC members, interested persons who have requested notice, and the local news media at least seventy-two (72) hours in advance of a scheduled meeting. In the event a member is provided with less than seventy-two (72) hours' notice of a regular meeting and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting called with adequate notice.
   iii. The SWAC shall hold meetings a minimum of six (6) times per year and at least once in each quarter of the year.
   iv. Additional meetings may be scheduled as needed when approved by a quorum of the SWAC, the Chair, or the County Solid Waste Coordinator, with 10 days advanced notice.
   v. At least one meeting each year shall consist of a tour of the regional disposal site (Riverbend Landfill). If the regional disposal site is no longer accepting solid waste from the public, the tour shall be held at another location, including but not limited to a transfer station or recycling center located in Yamhill County.

f. Minutes Requirements:
    i. Minutes of each SWAC meeting shall include at least the following information:
        1) All members of the SWAC present
        2) All motions, proposals, resolutions, orders, and measures proposed and their disposition, including the substance of any discussion on the matter.
        3) Copies of any materials distributed or presented at the meeting.
        4) The results of all votes and vote of each member by name, and
        5) All public comment, if any, received at the SWAC meeting.
    ii. Minutes to be approved shall be distributed, electronically, to all members and persons on the mailing list prior to the next scheduled meeting. Approved minutes shall be posted on the County webpage.
    iii. SWAC members may submit clarification of their own comments, positions, votes, or other activity at the next regularly scheduled meeting, prior to the adoption of the minutes.

g. Decision-Making Method:
    i. A quorum must be present in order to conduct business of the SWAC.
    ii. A quorum shall be a majority of the appointed voting positions, excluding any positions current vacant. [For example, 5 voting positions are filled, the quorum shall be 3. When 4 voting positions are filled, the quorum shall be 3. When 3 voting positions are filled, the quorum shall be 2].
    iii. A motion must be pending before a decision may be made. Every effort shall be made to reach consensus when the SWAC is deliberating toward a decision. If consensus cannot be reached, the Chair or any member may call for a voice vote. If during the voice vote, there are greater than two (2) no votes, the motion will fail. In all cases, the minimum number of affirmative votes for any motion to pass must be a majority of the appointed positions excluding any positions currently vacant.

h. Declaring a Conflict of Interest
    i. SWAC members are considered public officials under Oregon government ethics laws, ORS 244. A member should declare any actual or potential conflicts of interest at a public meeting in accordance with ORS, including as amended.

13. OFFICERS

a. Selection of the Chair and Vice-Chair:
    i. At the first meeting of each calendar year, the SWAC shall elect a Chair and Vice-Chair from among its voting members. The non-voting members shall not be eligible to serve as Chair or Vice-Chair, per the SWAC Ordinance.
    ii. If the Chair is not present, the Vice-Chair shall run the meeting. If neither are present, but there is a quorum, the SWAC shall designate a Member-at-large to act as the Chair for that meeting.
    iii. Should the Chair be unable to complete their term, the SWAC shall elect a replacement at the first meeting following the receipt of written notice.
    iv. The Chair or Vice-Chair may serve a max of two (2) consecutive, one (1) year terms.

b. Duties of the Officers:
    i. The Chair shall:
        1) Preside at all meetings of the SWAC.
        2) Be the official representative of the SWAC and
        3) Keep the SWAC meeting on task and on time.
    ii. The Vice-Chair shall:
        1) Have the authority to preside as Chair in the absence of the Chair.
c. Orientation for the Chair and the Vice-Chair:
    i. The County Solid Waste Coordinator shall provide an orientation for the Chair and the Vice-Chair within 60 days from the assumption of duties by the new Chair or Vice-Chair.
    ii. The orientation shall provide the Chair and Vice-Chair with information concerning the conduct of meetings and the responsibilities and duties of Chair and Vice-Chair. The information shall include, but is not limited to:
        1) Bylaws
        2) Public Meetings Law
        3) Robert's Rules of Order
        4) Government Ethics Law
d. Removal of Officers:
    i. The Board may remove a Chair or Vice-Chair on its own motion or upon the recommendation of the SWAC when its determines that it is in the interest of the SWAC or the County to do so. If the Chair is removed, the Vice-Chair shall assume the Chair position. If the Vice-Chair is removed or promoted to Chair, the SWAC shall recommend another member for appointment to the position of Vice-Chair.

14. SPECIAL SUBCOMMITTEES

a. The SWAC may authorize the Chair to appoint special subcommittees as necessary to deal with specific topics the SWAC believes appropriate.
b. All appointed subcommittees are required to report their information and/or recommendations to the SWAC.

15. CHANGE IN BYLAWS

a. Changes to the bylaws maybe proposed by the SWAC. Any recommendations agreed upon by the SWAC shall be forwarded to the Board for their consideration.
b. The Board may initiate changes to the bylaws. These changes will be submitted to the SWAC for review and consultation prior to adoption by the Board.

16. GUIDELINE FOR COMMUNITY RELATIONS

a. The Chair shall make arrangements as appropriate to assure public participation during meetings.
b. Any person who wishes to voice an opinion or present information or concerns to the SWAC may:
    i. Attend a meeting of the SWAC and/or
    ii. Contact the County Solid Waste Coordinator.
c. Any member of the public is welcome to attend and provide input at the SWAC meetings.

d. Only the Chair may recognize a public attendee to speak during discussion of agenda items. Unless a public attendee is recognized by the Chair, only SWAC members and County staff are to participate in the discussion. If a public attendee is recognized and asked to comment on or clarify a point, their response must pertain only to the request made by the Chair and may be subject to a time limit (2 minutes). The Chair may ask for comments from attendees prior to entertaining a motion to vote on, table, or end discussion of any agenda item which includes a recommendation to the Board.
e. Comments on non-agenda items shall be heard during the public comment portion of the agenda.

17. PUBLIC STATEMENTS

a. All media questions and requests shall be sent to the County Solid Waste Coordinator and/or to the appropriate County staff member(s).
b. No member of the SWAC is authorized to speak on behalf of the SWAC without prior approval from the SWAC as to the position taken.
c. No member of the SWAC is authorized to speak on behalf of the County.
d. This does not prevent any member from making public statements regarding their own personal views or their corporate views if they represent a corporation. Members are responsible for ensuring their personal views are labeled as such to members of the press or in any other public venue.

18. REPORTS FROM FRANCHISEE/LICENSEES

Annual reports:

a. As per section 8.3 of Solid Waste Ordinance 626, an annual report shall be submitted to the SWAC in accordance with the following schedule:
    i. No later than August 15th of each year, the SWAC or County Solid Waste Coordinator may submit to the Franchisee/Licensee a question or questions to be answered or areas of concern that the SWAC or County Solid Waste Coordinator desires the Franchisee/Licensee to discuss in its annual report to the SWAC.
    ii. No later than September 15th of each year and regardless of whether the SWAC or County Solid Waste Coordinator questions or areas of concern have been expressed, the Franchisee/Licensee shall submit an annual report regarding the following topics:
        1) Goals adopted and progress made in regard to goals adopted at the previous annual review of the Franchisee/Licensee operation.
        2) Recycling activities.
        3) Service changes in place and service changes contemplated.
        4) Technology- new applications to existing and proposed new services.
        5) Regulatory changes adopted by the federal or state governments; anticipated changes in the coming franchisee/licensee year.
        6) Changes proposed to franchised/licensed operations in the next franchise/license year.
        7) Complaints and resolution of complaints.
        8) Results of any inspections of the Facility by DEQ or other regulatory agencies, with the understanding that any inspection requiring immediate action on the part of the Franchisee/Licensee shall be forwarded to County staff upon receipt.

b. Reports at each meeting
    i. Each Franchisee/Licensee shall report significant complaints received from the public and resolution of those complaints.
    ii. Results of any inspections of the Facility by DEQ or other regulatory agencies, with the understanding that any inspection requiring immediate action on the part of the Franchisee/Licensee, shall be forwarded to County staff upon receipt and not held until the annual report. County staff shall contact each Franchisee/Licensee before each meeting to see if an inspection by DEQ or other regulatory agencies was completed since the last meeting.

19. REPORTS OF SWAC

a. As per Section 3.5b of the SWAC ordinance, an annual report of the SWAC shall be submitted to the Board for review by January 31st of each year. This report shall include:
    i. A work plan with goals that the SWAC has established and achieved throughout the past year;
    ii. Minutes of all meetings held in the past year;
    iii. Recommendations of new services and/or procedures based on the past year; and
    iv. The annual report from each Franchisee/Licensee from the previous year.

20. AMENDMENTS

a. These bylaws may be amended by the Board upon its own motion. Prior to an amendment, the Board may request a recommendation from the SWAC, which may recommend changes at any regular meeting of the SWAC by a two-thirds votes of the sitting membership, provided that the recommended amendment has been submitted in writing to the SWAC members no later than seven (7) days before the next set meeting.

Established: January 2023