

BEFORE 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 an Ordinance amending Ordinance 626,)
the Solid Waste Ordinance, to Change the Membership) Ordinance 911
Rights and Certain Members of the Solid Waste Advisory)
Committee, to Modify Certain Duties and Responsibilities)
of the Solid Waste Advisory Committee and its Members)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business on November 5, 2020, Commissioners Casey Kulla, Mary Starrett and Richard L. "Rick" Olson being present.

THE BOARD MAKES THE FOLLOWING FINDINGS

A. Ordinance 626, April 30, 1997, as amended by Ordinances 647, 669 and 676, is the county's Solid Waste Ordinance (the "Solid Waste Ordinance"). The Solid Waste Ordinance presently provides for a Solid Waste Advisory Committee of 7 voting members selected with due regard to geographical considerations.

B. Citizens have requested that certain changes be made to the Solid Waste Ordinance as it relates to the membership rights of certain members of the Solid Waste Advisory Committee, including a change to voting rights of members, NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. AMENDMENT TO PROVISIONS OF ORDINANCE 626 RELATING TO THE SOLID WASTE ADVISORY COMMITTEE

1.01 Subsection 3.1 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

"3.1 Solid Waste Advisory Committee. There shall be a seven member Solid Waste Advisory Committee, comprised of five voting members and two nonvoting members. The five voting members will be selected with due regard to geographical considerations. The two nonvoting members shall be holders of franchises or licenses issued by the Board to collect or dispose of solid waste. Neither of the two non-voting members may serve as Chair or Vice-chair of the committee."

1.02 Subsection 3.2 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

"3.2 Ex Officio Members. In addition to the membership listed in Section 3.1, the Board may designate other members to serve *ex officio* without vote to advise and assist the committee. The *ex officio*

members may include the following persons who may, with Board approval, designate persons to serve in their place:

- a. Director of DEQ;
- b. Yamhill County Extension Agent;
- c. Yamhill County Health Officer;
- d. Yamhill County Engineer;
- e. Yamhill County Planning Director;
- f. Yamhill County Solid Waste Coordinator; and
- g. Yamhill County Senior Environmental Health Specialist.”

1.03 Subsection 3.3 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

“3.3 Appointment of the Solid Waste Advisory Committee.

- a. Members of the Solid Waste Advisory Committee shall be appointed by the Board. A public employee who serves by reason of such employment shall serve for the term of the public position held. The term of office of all other members appointed under section 3.1 is three years. The term of *ex officio* members shall be as specified by the Board at the time of appointment. A member of the committee appointed under section 3.1 shall serve until a successor is appointed and qualified, with vacancies filled by the Board for the balance of the unexpired term.
- b. A committee member may be removed from the committee by the Board due to excessive absenteeism, which is defined as missing more than fifty percent (50%) of regularly scheduled committee meetings in a twelve month period.”

1.04 Subsection 3.4 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

“3.4 Officers; Meetings; Minutes.

- a. At the first meeting in January of each year, the committee shall elect a chair and a vice-chair. A majority of the voting members of the committee currently appointed shall constitute a quorum for the transaction of business. The committee shall meet at least once a month or at such times deemed necessary or called by the committee. The chair or any three members of the committee may call a special meeting with ten days notice to other members of the committee; provided, however, that members may waive such notice. Updates shall be provided by each franchisee or licensee to the committee at each meeting, the detailed contents of such updates to be determined by the committee and reflected in its bylaws (see below). Update materials shall be provided to the coordinator for distribution with the agendas and minutes from the prior meeting not less than 72 hours before a scheduled meeting.

- b. The minutes of each committee meeting shall include at least the following information:
 - 1. All members of the committee present;
 - 2. All motions, proposals, resolutions, orders and measures proposed and their disposition, including the substance of any discussion on the matter;
 - 3. The results of all votes and the vote of each member by name; and
 - 4. All public comment, if any, received at the committee meeting.

The committee shall use reasonable best efforts to circulate at least a draft of the minutes of each committee meeting to the Board within seventy two (72) hours of the committee meeting.”

- 1.05 Subsection 3.5 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

“3.5 Duties of the Solid Waste Advisory Committee. In addition to advising the Board on solid waste matters and performing other duties assigned by this ordinance, the committee shall:

- a. Within six (6) months of the effective date of this ordinance draft and present the Board with a set of bylaws providing for the detailed functioning and operation of the committee.
- b. Compile periodic and annual reports containing its recommendations, if any, regarding proposed changes or additions to regulations promulgated by the Board or amendments to this ordinance in order to carry out the intent of the ordinance. The precise frequency and contents of these reports, including but not limited to reports to be received by the committee from franchisees and licensees for presentation to the Board, shall be determined by the committee and reflected in its bylaws.
- c. 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 coordinator and other appropriate county officials selected by the Committee or the Board.
- d. Develop minimum standards for the location and operation of disposal sites including, but not limited to, protection of adjacent or nearby residents. This shall be accomplished through consultation with the coordinator and other appropriate county officials selected by the Committee or the Board.
- e. Carry out the responsibilities listed in ORS 459.325 as to any regional disposal site located within the county; and
- f. 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 committee.”

- 1.06 Subsection 4.1 of the Solid Waste Ordinance is hereby repealed in its entirety and replaced with the following:

“4.1 Role of Coordinator. The solid waste coordinator, under the supervision of the Planning Director and the Board, shall be responsible for the administration and enforcement of this ordinance. In order to carry out the duties imposed by this ordinance, the coordinator shall have authority to administer oaths, certify to all official acts, subpoena, and require the attendance of witnesses at public hearings before the committee or the Board; require production of relevant documents at public hearings; swear witnesses; take testimony of any person by deposition; to the extent allowed by law, enter or authorize personnel to enter upon the premises of any person regulated by this ordinance and the regulations established by the Board under this ordinance.”

Section 2. All other provisions of Ordinance 626, “Solid Waste Ordinance, 1997,” as amended, shall remain in full force and effect.

DONE this 5th day of November, 2020 in McMinnville, Oregon.

ATTEST



YAMHILL COUNTY BOARD OF COMMISSIONERS

BRIAN VAN BERGEN
County Clerk

Chair

Casey Kulla
Mary Starrett

CASEY KULLA

By: Carolina Rook
Deputy Carolina Rook

Commissioner

MARY STARRETT

FORM APPROVED BY: Christian F. Boenisch

Richard L. Olson

Christian F. Boenisch
County Counsel

Commissioner

RICHARD L. “RICK” OLSON