

"C. Nothing in this Act shall make the County liable for the fees, costs or expenses of defending a suit for enforcement or violation."

B. The Board believed and continues to believe that Section 8 of the Act is not in the best interests of the citizens of Yamhill County. The Board believed and continues to believe that the effect of Section 8 of the Act would be to expose the county to significant financial liability. In addition to likely demands on dollars contained in the county's general fund, payment of legal fees under Section 8 of the Act could significantly reduce funds now reserved by the county for potential remediation of landfills and for operation of the county's solid waste programs. The Board also believed and continues to believe that the voters may not have been fully informed as to the effect of Section 8 of the Act.

C. Based on its belief that Section 8 of the Act was not in the best interests of the citizens of Yamhill County, the Board adopted Ordinance 535-A on June 3, 1992. Ordinance 535-A amended Section 8 of the Act to limit the total amount of attorney fees, expert witness fees and costs which could be recovered under the Act to \$10,000. No other parts of the Act were changed.

D. In adopting Ordinance 535-A, the Board recognized that the voters should determine, after thorough consideration, whether to reinstate the language of Section 8 of the Act as originally approved by the voters.

E. For the foregoing reasons, the Board finds that this Ordinance 538 should be referred to the voters in the election of September 15, 1992. Now, therefore,

THE PEOPLE OF YAMHILL COUNTY, OREGON, ORDAIN AS FOLLOWS:

Section 1. Repeal of Parts of Ordinance 535-A.

Sections 1 and 3 of Ordinance 535-A, June 3, 1992, are hereby repealed. The intent of the people in the repeal of Sections 1 and 3 of Ordinance 535-A is to reinstate the original Section 8, in its entirety, of the ordinance approved by the voters on May 19, 1992 by passage of Measure 36-1 entitled "Limits Development and Operations of Sanitary Landfills."

Section 2. Retroactive Application.

Any action filed after June 18, 1992 which, but for the adoption of Ordinance 535-A, would have been eligible for payment by Yamhill County of attorney fees, expert witness fees and costs, shall be eligible for payment of

such fees and costs to the same extent previously allowed had Ordinance 535-A not been enacted.

Section 3. Conditional Validity.

This ordinance shall remain in effect only so long as the ordinance approved by the voters on May 19, 1992 by passage of Measure 36-1 remains in effect. If the ordinance approved by the voters on May 19, 1992 by passage of Measure 36-1 is declared invalid by a Court or judicial authority of competent jurisdiction, this Ordinance 538 shall likewise be of no further force or effect.

Section 4. Effective Date.

This ordinance shall become effective only if the Yamhill County Clerk certifies passage of the measure authorizing this ordinance at the September 15, 1992 election. This ordinance shall become effective upon such certification.

Section 5. Non-severability.

Sections 1 through 4 of this Ordinance 538 are not severable. If a Court or judicial authority of competent jurisdiction determines one section to be invalid, all other sections shall be deemed invalid.

REFERRED to the voters of Yamhill County for the election of September 15, 1992 by the Yamhill County Board of Commissioners on July 29, 1992.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

(Not available for signature)
Chairman TED LOPUSZYNSKI

By: Carol Ann White
Deputy Clerk

Debi Owens
Commissioner DEBI OWENS

FORM APPROVED BY:
John M. Gray, Jr.
Yamhill County Counsel

Dennis L. Goecks
Commissioner DENNIS L. GOECKS

NOTICE OF MEASURE ELECTION

Yamhill County
(Name of district, city, county)

On September 15, 1992 Yamhill County
(Date of election) (Name of district, city, county)

will hold an election to submit the following measure to the voters of the (district, city, county).

(Please refer to instructions on back for ballot title requirements)

CAPTION: REQUIRES COUNTY TO PAY ATTORNEY FEES IN LAWSUITS REGARDING LANDFILLS

QUESTION: Shall Yamhill County pay legal fees of successful parties in landfill-related lawsuits, even if county is not sued?

SUMMARY: Approval of this measure would require Yamhill County to pay the legal fees of private parties. "Legal fees" are attorney fees, expert witness fees, and court costs.
Payment of the legal fees by Yamhill County would be required even if the county was not sued. The county would pay from fees or property taxes collected by the county.
The legal fees would be paid to private parties who are successful in lawsuits filed under a county law regulating landfills.
The legal fees are not limited.

NOTE: This notice is also certification that the governing body of our unit of local government has complied with all applicable requirements of law including participation in a meeting to develop a tax coordination plan and any required public hearings.


Authorized signature

Yamhill County Counsel
Title

July 29, 1992
Date