

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

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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 Enable Consistent Application of Ordinance 626 Franchise Provisions to Transfer Stations; Declaring an Emergency; Effective Immediately.)
)
) ORDINANCE 669
)
)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on April 15, 1999, commissioners Robert Johnstone, Thomas E.E. Bunn and Ted Lopuszynski being present.

THE BOARD MAKES THE FOLLOWING FINDINGS:

- A. Ordinance 626, April 30, 1997 is the county's Solid Waste Ordinance. It authorizes solid waste disposal franchises and solid waste disposal licenses. Landfills and composting facilities are disposal sites that are typically regulated with licenses. Collection haulers are typically regulated with franchises.
- B. Newberg Transfer and Recycling Center holds a county solid waste disposal franchise. Based on recommendations from solid waste staff and the county's Solid Waste Advisory Committee contained in a memorandum from the Solid Waste Management Analyst attached to this Ordinance as Exhibit "A," the Board has determined that minor amendments should be made to Ordinance 626 to better enable the consistent application of its provisions to transfer stations. NOW, THEREFORE,

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. AMENDMENT OF ORDINANCE 626.

- 1.01 Section 8.1.b.5 of Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the word "all" so that the entirety of the subsection reads as follows:
 "5. expenses of maintaining and replacing capital equipment and assets, including depreciation and repair and maintenance;"
- 1.02 Section 8.1.c.1 of Ordinance 626, the Solid Waste Ordinance, is hereby amended by adding the words "or other businesses" so that the entirety of the subsection reads as follows:
 "1. Interest and amortization on the purchase of other franchise routes or other businesses."
- 1.03 Section 8.1.g of Ordinance 626, the Solid Waste Ordinance, is hereby amended by adding a new second sentence to the opening paragraph of Section 8.1.g so that the entirety of the opening paragraph of subsection 8.1.g reads as follows:
 "g. In addition to the annual cost of living adjustment provided in subsection "f." of this Section, each year on or before April 1, the Franchisee will submit to the County a rate review report (the "report") showing the actual Allowable Expenses incurred by

Franchisee in the preceding calendar year, all additional Allowable Expenses Franchisee reasonably anticipates will be incurred or imposed in the current calendar year, the allocation formulas used to determine expenses, the actual Operating Ratio for the preceding calendar year, and the expected Operating Ratio for the current calendar year. This rate review report shall be reviewed by an independent certified public accountant prior to submittal to Yamhill County. If the Report indicates that the Operating Ratio for the next succeeding 12-month period will be less than 85 percent or greater than 91 percent then rate review will automatically be implemented in accordance with this section. In addition, prior to April 15, either Franchisee or the County may request a rate review to confirm that the Operating Ratio for the next succeeding 12-month period will be not less than 85 percent and not greater than 91 percent, PROVIDED, however, that not more than five consecutive years shall pass during the term of this Franchise without a formal rate review as set forth in this subsection. In the event a rate review is requested or required as provided hereunder, the following procedures shall bind the County and Franchisee:"

Section 2. SEVERABILITY.

2.01 All sections, subsections and paragraphs of this ordinance are severable. If any section, subsection or paragraph is ruled invalid for any reason by the court of last resort, the other portions of this ordinance shall be unaffected.

Section 3. EMERGENCY.

3.01 This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, is effective upon passage.

AYES: Commissioners Johnstone, Bunn and Lopuszynski.

NAYS: None.

DONE at McMinnville, Oregon on April 15, 1999.

ATTEST

CHARLES STERN
County Clerk

By: *Alison Koyama*
Deputy ALISON KOYAMA

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Counsel

YAMHILL COUNTY BOARD OF COMMISSIONERS

Robert Johnstone
Chairman ROBERT JOHNSTONE

Thomas E. E. Bunn
Commissioner THOMAS E. E. BUNN

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI