

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 an Ordinance amending Ordinance 626,)
the Solid Waste Ordinance 1997, to transfer duties of the)
Local Citizens Advisory Committee to the Solid Waste) ORDINANCE No. 676
Advisory Committee, to Reduce SWAC Membership from)
9 to 7, to Modify Certain Requirements for Collection Fran-)
chisees; Declaring an Emergency; Effective Immediately.)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on December 9, 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 provides for a Solid Waste Advisory Committee of 9 members and a Local Citizens Advisory Committee.
- B. Under legislation adopted by the Oregon Legislature in 1999 as House Bill 3201, the Local Citizens Advisory Committee can be combined with the Solid Waste Advisory Committee. Based upon the recommendation of the county's Solid Waste Coordinator, the Board finds it appropriate to combine the LCAC with the SWAC by eliminating the LCAC and transferring its functions to the SWAC.
- C. At times, the SWAC has been unable to transact business because no quorum was available. Also based on the recommendations of the county's Solid Waste Coordinator, the Board finds it appropriate to reduce the membership of SWAC from 9 to 7 so that the SWAC can transact business with 4 members present instead of 5.
- D. The SWAC and the county's Solid Waste Coordinator have also recommended certain changes affecting collection franchisees. The Board has determined it appropriate to amend to Solid Waste Ordinance to effect those changes. 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 Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the existing language in its entirety and replacing it with the following language so that the entirety of the subsection reads as follows:

“3.1 Solid Waste Advisory Committee. There shall be a Solid Waste Advisory Committee which shall consist of seven voting members. The voting members will be selected with due regard to geographical considerations. Only two voting members may be holders of franchises or licenses issued by the Board to collect or dispose of solid waste. No franchisee shall vote on any matter in which the franchisee has a direct financial interest.”

- 1.02 Subsection 3.3 of Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the existing language in its entirety and replacing it with the following language so that the entirety of the subsection reads as follows:

“3.3 Appointment of the Solid Waste Advisory Committee. Members of the Solid Waste Advisory Committee shall be appointed by the Board. Except for public employees who serve by reason of and for the term of public positions held, and as provided in subsection 3.2 of this section, the term of office for a member is three (3) years. Members of the committee shall serve until successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. The Board shall consider ORS 459.320 when appointing members because the Solid Waste Advisory Committee also serves as the regional disposal site advisory committee as defined in ORS 459.320.”

- 1.03 Subsection 3.4 of Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the existing language in its entirety and replacing it with the following language so that the entirety of the subsection reads as follows:

“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. Four voting members of the committee 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.

“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.”

Section 2. **AMENDMENT TO PROVISIONS OF ORDINANCE 626 RELATING TO THE RESPONSIBILITIES OF COLLECTION FRANCHISEES.**

2.01 Subsection 7.10(b) of Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the existing language in its entirety and replacing it with the following language so that the entirety of the subsection reads as follows:

‘b. A collection franchise shall not discontinue service voluntarily to the service area or any substantial portion thereof or any customer without giving 90 days written notice of the proposed discontinuance of service to the coordinator and to the customers within the franchise and shall not discontinue service without the written consent of the Board. Nothing in this section shall prohibit a franchisee from refusing to provide service to a customer who refuses to pay for the service in accordance with rates established by the Board; provided, however, that in no event shall the franchisee discontinue service without 7 days prior written notice to the customer of the franchisee’s intent to terminate service. A franchisee who discontinues service based on the customer’s refusal to pay may demand that the customer pay in advance a reasonable deposit to guarantee payment for future service before reinstating regular service. Nothing in this subsection shall apply to any order for a change, restriction, or termination of service by any public agency, public body, or court having jurisdiction.”

2.02 Subsection 7.16(a) of Ordinance 626, the Solid Waste Ordinance, is hereby amended by deleting the existing language in its entirety and replacing it with the following language so that the entirety of the subsection reads as follows:

“a. A collection franchise shall remit to the county a fee equal to 2% of the gross cash receipts from collection service to the franchise service area each quarter year. The collection franchise fee shall be computed on the basis of the previous quarter’s gross cash receipts, and shall be paid by the franchisee not later than 30 days after the end of the quarter.”

2.03 Subsection 7.16(b) of Ordinance 626, the Solid Waste Ordinance, is hereby deleted. Subsection 7.16(c) of Ordinance 626 is renumbered Subsection 7.16(b).

Section 3. **SEVERABILITY.**

3.01 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.

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Section 4. **EMERGENCY.**

4.01 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.

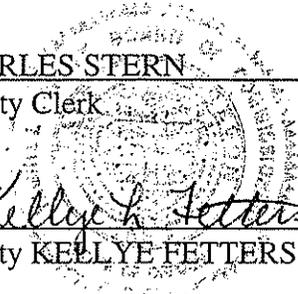
AYES: Commissioners Johnstone, Bunn and Lopuszynski.

NAYS: None.

DONE at McMinnville, Oregon on December 9, 1999.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS


CHARLES STERN
County Clerk

Robert Johnstone
Chairman ROBERT JOHNSTONE

By: Kellye L. Fetters
Deputy KELLYE FETTERS

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

FORM APPROVED BY:

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

Ted Lopuszynski
Commissioner TED LOPUSZYNSKI