

# Yamhill County Solid Waste Advisory Committee (SWAC)

By LAWS \*\*draft 4/2021\*\* \*updated 6/7/21\* \*update 6/22/21\* \*update 7/2/21\* \*updated 7/16/2021\*

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## 1. NAME:

- a. This Yamhill County ("County") advisory committee~~body will shall~~ be known as the Solid Waste Advisory Committee ("SWAC").

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## 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 the public health and environment of Yamhill Yamhill County and its citizens. It shall also ~~and to~~ 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).
- b. ~~SWAC members represent the public interest and are expected to preserve the public trust by acting in an ethical and responsible manner.~~

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## 3. 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 Ordinances 647, 669, 676, and 911 ("SWAC Ordinance").~~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).~~
- b. SWAC members shall discuss Solid Waste matters and provide informed recommendations to the Board.

## 4. 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-Yamhill County Solid Waste Management Plan.
- c. ~~To provide a forum for citizen comments, questions, and concerns regarding sSolid Wwaste matters.~~

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## 5. DUTIES OF THE SWAC COMMITTEE:

- a. As listed provided in the Yamhill County Solid Waste Ordinance 626, Section 3.5 (as, A amended by Board Order 20-387; (Ord. 911) ("SWAC Ordinance"), ~~the SWAC will~~ in addition to advising the Board on solid waste matters and performing other duties as assigned by ~~the~~ is SWAC ~~o~~ Ordinance, the committee 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~~ SWAC ~~Ordinance~~ in order to carry out the intent of ~~the~~ SWAC ~~Ordinance~~. The precise frequency and contents of these reports, including but not limited to reports to be received by the ~~committee~~ SWAC from franchisees and licensees for presentation to the Board, shall be determined by the ~~committee~~ 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 ~~e~~County and regional disposal sites, in cooperation with the County Solid Waste Coordinator and other appropriate ~~e~~County officials selected by the SWACommittee 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. This shall be accomplished through consultation with the County Solid Waste Coordinator and other appropriate ~~C~~ounty officials selected by the SWACommittee or the Board.
- ~~iii~~iv. Review with a permittee the regional disposal site, including, but not limited to, siting, operation, closure, and long-term monitoring of the regional disposal site.
- 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.
- vi. Prepare an annual written report summarizing the local citizens' concerns and the manner in which the owner or operator is addressing those concerns. The report shall be provided to the Department of Environmental Quality for their consideration in issuing and renewing a solid waste permit.
- vii. 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 SWACommittee.
- ~~iv~~viii. 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) and regarding requests for exemptions from or amendments to such grants based on findings after investigation and public hearing held by the SWAC.
- ~~v~~ix. Consult with County Sstaff regarding the modification, suspension, or revocation of a franchise, license, permit, or certificate as a result of an investigation of violations of the SWAC ~~olid Waste~~ Ordinance.
- ~~vi~~x. Cooperate with County sStaff 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.
- ~~a)~~ Respond to public/citizen complaints regarding Solid Waste matters, by reviewing such complaints and responding through County Staff investigations and recommendations.

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**Commented [JG2]:** Taken from ORS 459.325

**6. STAFF:**

- a. The County Solid Waste Coordinator shall serve as the ~~staff-main staffperson-~~ member for the SWAC, and shall assist the chairperson in coordinating all SWAC activities, sending out meeting agendas and minutes, providing official notice of upcoming meetings, and any additional related 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. Recordings shall be archived in accordance with County policy and state public meeting laws.

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~~a) When remote meetings are required or advised due to public health concerns, County Staff shall arrange for a video conference platform that allows SWAC members and other interested persons to connect virtually and participate in discussions and make public comments as appropriate. Such meetings shall be recorded, and recordings shall be archived in accordance with County policy and state public meeting laws.~~

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## 7. MEMBERSHIP:

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

a.

i. ~~Voting Members:~~ The voting members ~~will shall~~ be selected with regard to Oregon Revised Statute (ORS) 459.320 and the ~~Yamhill County SWAC Solid Waste Ordinance: 626, Section 3.5, Amended by Board Order 20-387 (Ord. 911)~~; the five voting members ~~will shall~~ be selected with due regard to geographical considerations.

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i.

~~1. Non-voting members:~~ One position ~~will shall~~ be filled with a representative of the disposal site (landfill or transfer station), and the ~~other second~~ position ~~shall be~~ filled by a representative of a ~~franchised~~ collection/hauler ~~in the 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 individual is seated on the SWAC to represent.~~

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ii.

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

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- 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

## 8. 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, ~~based 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 term of ex-officio members shall be as specified by the Board at the time of appointment. Successive terms are permitted when approved by the Board.

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- d. For voting members, the Board shall make its best efforts to select members to achieve a geographical mix of representatives from different areas of ~~the 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 sixty (60) days prior to the end of their term, of their desire to either resign from SWAC or be considered for re-appointment.
- g. All vacancies shall be announced at SWAC meetings, included in agendas and minutes, and ~~shall be posted on the Yamhill County's website. Staff may, but are not required to, place an advertisement in a local paper, on third-party websites, social media platforms, etc.~~

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**9. 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-of~~ local collection operations, recycling centers, and disposal ~~—sites-~~
  - iv. Franchise ~~a~~Agreements for ~~S~~olid ~~W~~aste and ~~R~~ecycling ~~C~~ollection ~~S~~ervices
  - v. License ~~Agreements-agreements~~ for ~~Disposal-disposal Sites-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. ~~Conflict of Interest~~Government Ethics 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 conflict of interest~~ laws.

**10. ~~TERMINATION~~REMOVAL/RESIGNATIONS:**

- a. The SWAC shall recommend to the Board removal of any member who it believes warrants ~~termination-removal~~ with cause from the SWAC.
- b. Attendance policy: as per 3.3(b) of the ~~SWAC Solid Waste~~ Ordinance ~~626, amended by Ord. 911,~~ a ~~SWAC committee~~ member may be removed from the ~~SWAC committee~~ by the Board due to excessive absenteeism, which is defined as missing more than fifty percent (50%) of regularly scheduled ~~SWAC committee~~ meetings 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. ~~Removal~~-The members of the SWAC serve at the pleasure of the BoardCommissioners and may be removed at any time by the BoardCommissioners.

**11. MEETINGSeetings**

- 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. County staff shall arrange for a video-conference platform that allows SWAC members and other interested persons to connect virtually and participate in discussions and make public comments as appropriate. Such meetings shall be recorded, and recordings shall be archived in accordance with County policy and state public meeting laws.

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e. —

~~d~~-e. 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 SWACommittee member is given a chance to speak their mind while at the same time respecting the group’s time and the meeting timetables.
- viii. We Discussions will be brief and focus on facts.
- ix. We Members will emphasize open and honest communication.
- x. We Members will de-personalize discussion of issues.

f. Regular and Special Meetings Procedures:

~~e~~-1) 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 SCounty staff.

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~~1~~2) Notice of the meeting time, place, and agenda shall be provided to SWAC members, interested persons who have requested notice, and the local news medica at least seventy-

two (72) hours in advance of a scheduled meeting. In the event a member is provided with less than seventy-two 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.

2)3) \_\_\_\_\_ The SWAC shall meet monthly unless there is not sufficient business before the SWAC committee to warrant a meeting. The SWAC shall hold meetings a minimum of six (6) times per year and at least once in each quarter of the year.

3)4) \_\_\_\_\_ 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.

4)5) \_\_\_\_\_ 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 the Yamhill County.

#### f-g. Minutes Requirements:

i. Minutes of each SWAC committee meeting shall include at least the following information:

- 1) All members of the committee-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 committee 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 will-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-h. 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 currently 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 will-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-i. Declaring Conflict of Interest

i. SWAC members are considered public officials under Oregon government ethics laws, ORS 244. A member should must declare any actual or potential conflicts of interest at a public meeting in accordance with ORS (ORS 244), including as amended. A conflict exists if a recommendation by SWAC may potentially or actually affect the finances of the SWAC member or a direct family member, defined as spouse, child or stepchild, parents or siblings. If an actual conflict exists, the member must declare this fact at the beginning of

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~~the meeting where the issues is discussed, and the member must refrain from discussing or voting on the matter. For a potential conflict of interest, the member must declare this fact at the beginning of the meeting where the issue is discussed, however the member may still discuss and vote on the issue.~~

~~For the non-voting members: these members shall not vote but may participate in the discussion including on such matters where the decision or action would affect the business or industry for which the individual is seated on the SWAC to represent.~~

~~For the voting members: there is no conflict of interest with regard to decisions impacting the future or financial status of the disposal site. Voting members shall abstain from any vote regarding activity that would specifically affect their property, as opposed to a vote regarding activity that would affect all nearby properties in a similar way.~~

## 12. OFFICERS~~fficers~~

### 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 SWO 626, Amended by Ord. 911.~~
- 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 meetings on task and on time.

#### ii. ~~—~~The Vice-Chair shall ~~h~~:

~~1)ii.~~ 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 a new Chair~~person~~ or Vice Chair~~person~~.
- 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; and
  - 4) ~~Conflict of Interest~~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 it determines that is in the interest of the SWAC or

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the County to do so. If the Chair is removed, the Vice-Chair ~~will~~ shall assume the Chair position. If the Vice-Chair is removed or promoted to Chair, the SWAC ~~will~~ shall recommend another member for appointment to the position of Vice-Chair.

**13. ~~SPECIAL~~ ~~pecial~~ ~~SUBCOMMITTEES~~ ~~Committees~~**

- a. The SWAC may authorize the ~~Chair~~ person 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.

**14. ~~CHANGE IN BYLAW~~ ~~Shange in ByLaws~~**

- a. Changes to the bylaws may be 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.

**15. ~~GUIDELINE FOR COMMUNITY RELATIONS~~ ~~uideline 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 s 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.

**16. ~~PUBLIC STATEMENTS~~ ~~Public Statements~~**

- a. All media questions and requests shall be sent to the County Solid Waste Coordinator and/or to the appropriate ~~Yamhill~~ County staff member(s).
- b. No member of the SWAC is authorized to speak on behalf of the ~~SWA~~ Committee without prior approval from the ~~SWA~~ Committee 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.

**17. ~~REPORTS FROM FRANCHOISEE/LICENSEES~~ ~~eports from Franchisee/Licensees~~**

- ~~a.~~ Annual Reports;

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a. As per Section 8.3 of the SWAC Ordinance SWO 626, an annual report shall be submitted to the SWAC in accordance with the following schedule:

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- i. No later than **August 15<sup>th</sup>** 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 15<sup>th</sup>** 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/license year.
  - 6) Changes proposed to franchised/licensed operations in the next franchisee/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 Franchisee/Licensee shall be forwarded to County staff upon receipt.

~~b.~~ Reports ~~perat~~ each meeting:

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~~i.~~ Each franchisee/licensee shall report significant complaints received from the public and resolution of those complaints.

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~~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 Franchisee/Licensee, shall be forwarded to County staff upon receipt and not held until the annual report. County Staff will 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.

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### 18. ~~REPORTS OF~~ reports of SWAC

a. As per Section 3.5b of the SWAC Ordinance SWO 626, amended by Ord. 911, an annual report of the SWAC will be submitted to the BoardOC for review by **January 15<sup>th</sup>**. This report ~~will shall~~ include:

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i. A work plan with goals that the SWAC has established and achieved throughout the past year; ~~;~~

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ii. Minutes of all meetings held in the past year; ~~;~~

iii. Recommendations of new services and/or procedures based on the past year; and.

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iv. The annual report from each franchisee/licensee from the previous year.

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### 19. 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 vote of the sitting membership, provided that the

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recommended amendment has been submitted in writing to the SWAC members no later than seven days before the regular meeting.

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

YAMHILL COUNTY BOARD OF COMMISSIONERS

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\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

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