

**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance Amending  
Clackamas County Code Chapter 10.03, *Solid Waste and Wastes  
Management*, and Declaring an Emergency**

WHEREAS, Clackamas County is responsible for governing the collection, storage, transportation, and disposal of all solid waste and wastes with unincorporated Clackamas County and, with intergovernmental agreements, select cities; and

WHEREAS, Clackamas County grants franchises to Collection Service Franchisees granting the right and responsibility to provide Collection Services (including the collection, transportation, storage, or disposal, of solid waste or wastes for compensation), and Collection Service Franchisees provide Collection Services to consumers in Clackamas County; and

WHEREAS, the Board of County Commissioners for Clackamas County establishes the Waste Management Fees (WMF) that Collection Service Franchisees may charge to consumers in Clackamas County for Collection Services; and

WHEREAS, Clackamas County Code Section 10.0.340 requires the Board of County Commissioners for Clackamas County to give due consideration to a variety of factors, including the cost of disposal, when determining the WMF Collection Service Franchisees may charge to consumers in Clackamas County for Collection Services; and

WHEREAS, Clackamas County Code Section 10.0.340 further requires the Board of County Commissioners for Clackamas County, in considering WMF increases or decreases, to find that the WMF will be just, fair, reasonable, and sufficient to provide required service to the public; and

WHEREAS, Metropolitan Service District (Metro) operates two waste transfer stations within Metro's jurisdiction, including one in Clackamas County, at which Metro charges a per ton solid waste rate or "tip fee" for the transfer of solid waste at its transfer facilities; and

WHEREAS, Collection Service Franchisees utilize one or more Metro transfer facilities for the disposal of waste collected in Clackamas County in the course of providing Collection Services to consumers in Clackamas County, where Collection Service Franchisees pay Metro's per ton solid waste rate or "tip fee"; and

WHEREAS, the Metro per ton solid waste rate or “tip fee” Collection Service Franchisees pay to Metro in the course of providing Collection Services to consumers in Clackamas County is a significant factor in determining the WMF Collection Service Franchisees may charge for Collection Services, and

WHEREAS, the Board of County Commissioners for Clackamas County finds that a just, fair, reasonable, and sufficient WMF requires that consumers in Clackamas County directly receive the benefit of any reduction in the per ton solid waste rate or “tip fee” Metro is permitted to charge to Collection Service Franchisees,

Now, therefore, the Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 10.03 of the Clackamas County Code is hereby amended by adding the following:

A. Notwithstanding any other provision of the Clackamas County Code, in the event that Metro reduces or is required by a court or otherwise to reduce its per ton solid waste rate, “tip fee,” or any similar charge charged by Metro on a per ton basis and paid by any Collection Service Franchisee providing Collection Services to consumers in Clackamas County, the Waste Management Fee for Collection Services set by the Board shall be reduced commensurately so that one hundred percent of the reduction in fees paid to Metro as a result of Metro’s reduction inures to the benefit of residents paying for Collection Services in the form of a reduced Waste Management Fee paid by those residents.

B. The requirements of Section A apply to any reduction of Metro’s fees described therein that will last more than 30 days in duration, and the commensurate reduction in the Waste Management Fee for Collection Services a Collection Service Franchisee may charge to residents described in Section A shall be implemented as soon as reasonably practicable without the need to pass through the process for Determination of Waste Management Fees set forth in Clackamas County Code Section 10.030.340.

**Section 2:** Emergency Clause. The Board of Commissioners hereby finds and declares that an emergency exists inasmuch as the immediate effect of the ordinance is necessary to ease the economic impact on residents of Clackamas County of the cost of solid waste Collection Services should a reduction in the per ton solid waste rate, “tip fee,” or any similar charge charged by Metro on a per ton basis occur. Accordingly, this Ordinance shall be effective upon its adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

Ordinance No. \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS

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Chair

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Recording Secretary