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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ACTING AS THE GOVERNING BODY OF THE

LINCOLN COUNTY SOLID WASTE DISPOSAL SERVICE DISTRICT

ORDINANCE # 428

Relating to solid waste; creating new provisions; and declaring an emergency.

WHEREAS the Lincoln County Solid Waste Disposal Service District (hereafter "District"), an ORS Chapter 451 countywide service district, adopted the **Integrated Solid Waste Management Plan** (hereafter "Plan") on August 11, 1993, to provide for an integrated approach to managing solid waste within Lincoln County with an emphasis on reduction and recycling programs to achieve recycling goals set by the State of Oregon and Lincoln County; and

WHEREAS the Plan identified alternative methods for financing district services that are available to fund the District's programs including, but not limited to, development of a user fee; and

WHEREAS the District's governing body, during preparation for fiscal year 2003-2004's proposed budget proposed the imposition of a user fee to, as indicated in the Plan, spread the costs for District activities across the "customer base;" and

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ACTING AS THE GOVERNING BODY OF THE

LINCOLN COUNTY SOLID WASTE DISPOSAL SERVICE DISTRICT

ORDINANCE # 428

Relating to solid waste; creating new provisions; and declaring an emergency.

WHEREAS the Lincoln County Solid Waste Disposal Service District (hereafter "District"), an ORS Chapter 451 countywide service district, adopted the **Integrated Solid Waste Management Plan** (hereafter "Plan") on August 11, 1993, to provide for an integrated approach to managing solid waste within Lincoln County with an emphasis on reduction and recycling programs to achieve recycling goals set by the State of Oregon and Lincoln County; and

WHEREAS the Plan identified alternative methods for financing district services that are available to fund the District's programs including, but not limited to, development of a user fee; and

WHEREAS the District's governing body, during preparation for fiscal year 2003-2004's proposed budget proposed the imposition of a user fee to, as indicated in the Plan, spread the costs for District activities across the "customer base;" and

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1 WHEREAS the budget committee approved a budget containing a \$4 per ton user
2 fee; and

3 WHEREAS the District proposes to enter into an arrangement with the franchised
4 solid waste haulers throughout the county to collect the fee on behalf of the District based on
5 waste which is disposed of in sanitary landfills (currently Coffin Butte Landfill in Benton
6 County) or if that agreement is not reached to enter into other arrangements to collect the
7 fee; and

8 WHEREAS the fees will be annually reviewed and set by resolution of the
9 Governing Body of the District to reflect costs for District's activities and the amount of that
10 fee shall be determined in a timely fashion to allow for review in connection with the
11 provisions of LCC 2.1122 to 2.1126 (Uniform Rate Reporting Format), after review by the
12 District's Solid Waste Advisory Committee and the District Budget Committee; and

13 WHEREAS the Lincoln County Board of Commissioners, acting as the governing
14 body of the Lincoln County Solid Waste Disposal Service District, desires to impose the fee
15 at an initial rate of four dollars (\$4) per ton of waste, effective July 1, 2003;

16 NOW, THEREFORE, it is hereby ordained as follows:

17 **SECTION 1.**

18 Section 2 of this Ordinance is added to and made part of LCC Chapter 2, as
19 indicated.

20

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1 SECTION 2.

2 2.1128 Solid Waste District User Fee

3 (1) The Lincoln County Solid Waste Disposal Service District hereby establishes a
4 user fee on waste generated within Lincoln County that shall be collected by the
5 franchised solid waste haulers within the county, or through other agreements as may be
6 entered into by the District, beginning July 1, 2003, at an initial rate of \$4 per ton of
7 waste. The fee may be adjusted from time to time by resolution of the Board of
8 Commissioners, acting as the governing body of the District, at a rate that will cover
9 projected costs of the District. Fee changes shall be timed to correspond to the schedule
10 for the annual review authorized by LCC 2.1122 to 2.1126 (Uniform Rate Reporting
11 Format) and shall be reviewed by the District's Solid Waste Advisory Committee and
12 Budget Committee. The fees shall be based on the waste generated within the solid waste
13 franchised areas and disposed at sanitary landfills. Lincoln County shall place all fee
14 proceeds in a fund to be used exclusively for the Lincoln County Solid Waste Disposal
15 Service District.

16 (2) Pursuant to a separate executed instrument signifying each franchisee's
17 acceptance, the fees shall be collected and remitted on a monthly basis to Lincoln County
18 by the franchised solid waste haulers within the county. If the agreements are not
19 accepted or are terminated by any franchisee, the District shall collect the fee through
20 other agreements or methods, as it may deem appropriate.

21

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SECTION 3.

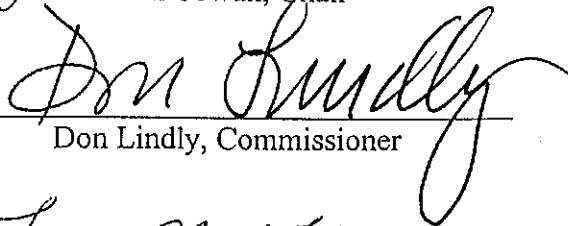
This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 9th day of July, 2003.

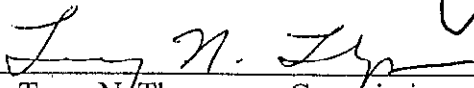
LINCOLN COUNTY BOARD OF COMMISSIONERS



Jean Cowan, Chair



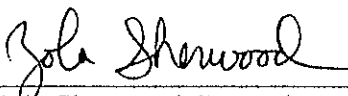
Don Lindly, Commissioner




Terry N/Thompson, Commissioner

ATTESTED TO:

APPROVED AS TO FORM:



Zola Sherwood, Recorder



Wayne Belmont, County Counsel

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.