

AGENDA ITEM FOR ADMINISTRATIVE MEETING

() Discussion only
(X) Action

FROM (DEPT/ DIVISION): Land Use Planning
PROGRAM: Solid Waste Advisory Committee

SUBJECT: 2024 Collection Franchise Fee Increase

Background: On October 24, 2023 Community Development Director Bob Waldher presented a proposal to increase the Collection Franchise Fee from 2% to 3.5% for County Solid Waste Franchises. On January 9, 2024, the SWAC voted to recommend this increase proposal to the Board of Commissioners for final approval.

() INFORMATIONAL

(X) ACTION REQUESTED:

This matter is before the Board of Commissioners for discussion and staff requests that you vote to approve or vote to deny the proposal.

1. Conduct Public Hearing and First Reading
2. Set Second Reading

ATTACHMENTS:

1. Proposal to SWAC by Bob Waldher
2. Excerpt of minutes from January 9, 2024 SWAC meeting
3. Proposed Ordinance

Submitted By: Gina Miller

*****For Internal Use Only*****

Checkoffs:

- () Exec. Asst.
- (X) Dept. Head (copy)
- () Human Resources (copy)
- () Budget (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other – List:

To be notified of Meeting:

Mike McHenry, Gina Miller, Robert Waldher

Needed at Meeting:

Gina Miller, Robert Waldher

PLEASE RETURN THIS FORM AND ATTACHMENTS TO OFFICE MANAGER

Scheduled for meeting on: _____ February 7, 2024 (with other SWAC matters)_____

Action taken:

Follow-up:



COMMUNITY DEVELOPMENT

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MEMO

TO: Umatilla County Solid Waste Advisory Committee
FROM: Robert Waldher, Community Development Director
DATE: October 10, 2023

RE: Proposed Code Amendment – Chapter 50 (Solid Waste)

Background Information

Umatilla County Community Development Department seeks approval to amend Umatilla County Ordinance – Chapter 50 (Solid Waste). The proposed amendment, if approved, would adjust the county's solid waste franchise collection fee from 2.0% to 3.5%. The increase would be more closely aligned with the fees charged by city jurisdictions, and is intended to augment the county code enforcement program.

Justification for Amendment

Solid waste franchise collection fees help support the county's code enforcement program. The Community Development Department currently oversees code compliance in the unincorporated parts of the county, as well as multiple city urban growth areas. In addition, code enforcement support is provided to the communities of Adams and Athena through a contract with those cities. It is difficult to provide adequate coverage with the current limited staffing that is dedicated to enforcement in the field given the county's large geographic area and rapidly growing population. For comparison, Umatilla County's four largest cities each employ at least one full-time code enforcement officer to field work within much smaller geographic areas.

The code enforcement program currently operates with a part-time code enforcement field officer and a code enforcement coordinator who splits their time between administration of the code enforcement program (75%) and land use planning support (25%). The code enforcement coordinator also serves as liaison staff to the Solid Waste Advisory Committee (SWAC) and helps facilitate SWAC activities. Funds generated by this increase will help the Community Development Department increase the code enforcement program's presence throughout the county, and to ensure compliance with ordinances that protect the health, safety, and environment of our community.

The County has operated off of the same 2.0% solid waste franchise collection fee (collected quarterly) since 1990 when the county's solid waste ordinance was adopted. In 2023, county staff conducted an informal survey of cities within Umatilla County to inquire about city collection fees. Responses received from a majority of Umatilla County cities show that cities are charging between 2.0% to 7.0% for collection. In addition, several cities also perform billing services and charge an 11% administrative fee.

The Community Development Department proposes a solid waste franchise collection fee of 3.5% (collected quarterly). This number is based on the average percentage of the 9 communities providing survey responses.

City	Collection Fee	Administrative Fee
Adams	2.0%	No
Athena	2.0%	No
Echo	7.0%	11%
Hermiston	3.5%	11%
Pendleton	3.0%	Unknown
Pilot Rock	2.0%	Unknown
Stanfield	7.0%	11%
Umatilla	5.0%	11%

Note: Staff were unable to obtain information from the communities of Helix, Ukiah and Weston, and the City of Milton-Freewater operates their own collection franchise.

Proposed Amendment Language

The proposed amendment would amend the text of Umatilla County’s Solid Waste Ordinance found in Chapter 50.028(A)(2)(a) as follows:

(a) The annual fee for a collection franchise shall be ~~2%~~ 3.5% of the gross receipts from collection service provided to the service area included in the franchise.

Conclusion

Umatilla County Community Development Department seeks approval to amend Umatilla County Ordinance – Chapter 50 (Solid Waste) by adjusting the county’s solid waste franchise collection fee from 2.0% to 3.5%. The increase would be more closely aligned with the fees charged by city jurisdictions, and is intended to augment the county code enforcement program. Community Development Department staff request review of the proposal by the SWAC and a recommendation for approval to the Board of County Commissioners. The recommendation of the SWAC Committee will be presented at a future regularly-scheduled board meeting.

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending Solid Waste Management Ordinance, as amended, codified at Chapter 50, Umatilla County Code of Ordinances)
ORDINANCE NO. 2024-01)

WHEREAS the Board of Commissioners has ordained Ordinance No. 90-07, the Solid Waste Management Ordinance, codified as Chapter 50 in the Umatilla County Code of Ordinances;

WHEREAS the Umatilla County Solid Waste Committee reviewed the chapter and recommended an increase in the collection franchise annual fee;

WHEREAS the recommended amendment is before the Umatilla County Board of Commissioners for consideration.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Solid Waste Management Ordinance, No. 90-07, dated April 18, 1990, as amended, shall be further amended as follow (deleted words are ~~struck through~~ and added words are italicized and underlined):

§50.028 FRANCHISE FEES.

(A) Amount of fee.

(1) The Board shall collect, in the manner and at the time provided in this section, from the holder of:

(a) Any collection franchise, an annual fee equal to a percentage of the gross cash receipts from collection service provided to the service area included in the franchise as specifically set forth in division (A)(2)(a) of this section.

(b) Any disposal franchise, an annual fee as specifically set forth in division

(A)(2)(b) of this section.

(2) The following fees are established for solid waste collection and disposal franchises:

(a) The annual fee for a collection franchise shall be ~~2%~~ 3.5% of the gross receipts from collection service provided to the service area included in the franchise.

(b) The annual fee for a disposal franchise shall be \$100.

(B) Computation and payment of collection franchise fee. Collection franchise fees shall be computed on the gross receipts of each calendar quarter beginning January 1 of

each year. The fee shall be payable in quarterly installments, the first to be paid not later than April 30, and the remaining to be paid not later than 30 days after the end of each calendar quarter. Non payment of any quarterly payment within the 30 day period may result in the termination of the franchise, unless otherwise extended by the Board. Delinquent payments are cause for the County to require franchisee to provide additional documentation.

(C) Audit. County may request an audit to verify accuracy of the gross receipts. County has the right to audit a franchise and will provide a two weeks notice prior to the audit. Such audit will be conducted during normal business hours.

(D) Use of franchise fees. Fees collected pursuant to division (A) of this section shall be paid into the General Fund of the county. The Committee may recommend to the Board ways to use such funds to carry out the provisions of § 50.002 of this chapter.

(E) Additional fees. Any fees required to be established herein shall be set by Board Order.

FURTHER this Ordinance shall be in full force and effective on July 1, 2024.

FIRST READING: February 7, 2024

SECOND READING:

DATED this day of , 2024.

UMATILLA COUNTY BOARD OF COMMISSIONERS

John M. Shafer, Commissioner

Celinda A. Timmons, Commissioner

Daniel N. Dorrان, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer