

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE 8.10, SOLID WASTE AND RESIDENTIAL
RECYCLING COLLECTION, REGARDING SOLID WASTE COLLECTION IN POINT
ROBERTS, WA**

WHEREAS, as per RCW 81. 77, Solid Waste Collection Companies and WAC 480-70, Solid Waste and /or Refuse Collection Companies, the Washington Utilities and Transportation Commission (WUTC) is the jurisdictional regulatory authority for all solid waste collection companies in Washington State; and

WHEREAS, WUTC by law regulates solid waste collection companies as 'investor-owned utilities' subject to rigorous tariff-based services and rate structure oversight, with annual financial reporting and targeted fixed rates of return; and

WHEREAS, as per WCC 8.10.010 A, Policies expressed in Whatcom County's 2008 Comprehensive Solid and Hazardous Waste Management Plan ("plan") make waste reduction and recycling the preferred methods of handling solid waste. The purpose of this chapter is to specify service levels and rate structures for recycling and solid waste collection that encourage recycling and waste reduction, that protect the public health and safety, and to ensure that, to the maximum extent practicable, only the remainder after separation should be incinerated or landfilled; and

WHEREAS, as per WCC 8. 11, Solid Waste Recycling and Collection District, the Whatcom County Council is the governing body of the recycling and collection district; and,

WHEREAS, the Point Roberts Community Advisory Committee (PRCAC) is the body appointed to advise the Executive and County Council on behalf of the Point Roberts community, and

WHEREAS, in May 2016 staff engaged with the PRCAC to conduct a review of solid waste collection in Point Roberts; and

WHEREAS, as a result of the review the PRCAC recommended the County Council require participation in collection services at a minimum service level of twice monthly pickup of a 32 gallon can; and

WHEREAS, the County Council approved ordinance #2018-031 on September 25, 2018 which implemented the recommended minimum level of service to be charged and collected by the County; and

WHEREAS, upon approval the County Council agreed to review the required number of picks after one full year of implementation; and

WHEREAS, the County is directly collecting the minimum service amount and corresponding tax revenue on behalf of the vendor; and

WHEREAS, WCC 8.13.030 authorizes the County to charge a tax rate of \$8.50 per ton for solid waste; and

1 **WHEREAS**, the Point Roberts garbage was charged a tax rate of \$22.88 per ton for
2 the first year of mandatory service; and

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4 **WHEREAS**, the County, as the organization responsible for charging and collecting
5 fees for the service, collected an extra \$14.38 per ton of solid waste; and

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7 **WHEREAS**, this puts the burden and responsibility for calculating and refunding the
8 additional tax revenue to homeowners; and

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10 **WHEREAS**, the County does not provide billing and accounts receivable as a service
11 to any other private organization; and

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13 **WHEREAS**, the County does not have the ability to track the correct tonnage of
14 waste collected by the service provider per year; and

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16 **WHEREAS**, without knowing the correct amount of annual tonnage collect each year
17 the County is unable to calculate and refund the excess tax revenue; and

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19 **WHEREAS**, 18 months of service have been completed; and

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21 **WHEREAS**, Exhibit B is an updated recommended from the PRCAC requesting the
22 minimum level of service be reduce to one can per month charged directly by the service
23 provider; and

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25 **WHEREAS**, implementing this recommendation would satisfy all parties within Point
26 Roberts; and

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28 **WHEREAS**, implementing this service would remove the burden of collecting and
29 refunding revenue on behalf of the service provider; and

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31 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC
32 8. 10, Solid Waste and Residential Recycling Collection is amended as shown in Exhibit A
33 attached hereto

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35 **ADOPTED** this ____ day of _____, 2020.

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39 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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41
42 _____
Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

43
44
45 WHATCOM COUNTY EXECUTIVE
46 APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

47
48
49 _____
Civil Deputy Prosecutor

(Current Executive's Name),
County Executive

() Approved () Denied

Date Signed: _____