



DATE: November 12, 2020
TO: Washington County Solid Waste Advisory Committee
FROM: Kathy Folsom, Senior Policy Coordinator
RE: Proposed Revisions to Washington County Code Chapters 8.04 and 8.08

Background and summary

As part of a countywide effort to incorporate equity considerations into boards and commissions, staff is proposing revisions to Washington County Code (WCC) Chapter 8.04 and 8.08 that pertain to the Solid Waste Advisory Committee (SWAC or Committee). Both WCC 8.04 and 8.08 contain provisions directing the creation, membership, meetings and duties of the SWAC.

The process to revise County Code begins with the Board of Commissioners (Board) directing County Counsel to file an ordinance and draft revised language which staff will then review with the Solid Waste Advisory Committee. At its May 26, 2020 meeting, the Board authorized County Counsel, in consultation with HHS, to file an ordinance revising WCC 8.04 Article II. Solid Waste Advisory Committee provisions 8.04.060 – 8.04.110 and WCC 8.08.130 Advisory Committee Duties. Proposed changes to the Code more closely align the SWAC with the principles outlined in the Board's Resolution and Order #20-30 (Equity Resolution).

The next step will be to present the proposed revisions and your Committee's recommendations to the Board for feedback and consideration. All code revisions are prepared and submitted to the Board for adoption via the established ordinance process.

Discussion

The Board, through the Community Engagement office, has requested that boards and commissions be evaluated to ensure they facilitate equitable outcomes. Upon review of the code that established the Solid Waste Advisory Committee, staff found it needs to be updated as the first step to meet the Board's commitment to structuring the County organization to model services, practices and engagement approaches that equitably meet the needs of all community members, as reflected in the Equity Resolution. Revising the code will also allow for adjustments to the formation of the Committee and bylaws that align with the direction to foster, support and strengthen equity and inclusion in the County's programs, practices and policies.

Over the summer, several listening sessions were held with stakeholder groups including the current SWAC, the Civic Leaders program, Master Recycler volunteers, Environmental Promoters, and Washington County Haulers Association. Staff also evaluated approaches for incorporating equity considerations into advisory committees taken by other committees and agencies, including the Public Health Advisory Committee and Metro's Regional Waste Advisory Committee.

In accordance with the Board's Equity Resolution, and as a result of the listening sessions, research, and interviews with regional partners, staff is proposing adjustments to the Committee's name, membership representation, membership terms, and bylaw adoption process. Proposed

adjustments are intended to advance equity by providing intentional access and opportunity for community members from historically marginalized groups to engage in the solid waste decision-making process.

The proposed revisions to WCC 8.04 and 8.08 are shown in Attachments A and B. Revisions include:

- Changing the name of the Committee to “Garbage and Recycling Advisory Committee.”
- Changing the Committee membership requirements.
 - Increasing the number of public member positions from six to nine and reducing the number of industry member positions from three to one.
 - Making the industry position non-voting.
 - Changing the membership term, from five years to four years.
 - Adding term limits to provide no more than two successive terms of membership.
- Ensuring that the recruitment and selection process is open to all segments of the community.
- Adding a provision that the Board shall adopt bylaws governing the administration and duties of the Committee.

Name Change

Staff is proposing that the Committee be renamed the “Garbage and Recycling Advisory Committee.” The current use of “Solid Waste” is not easily understood by the community and is difficult to translate into other languages while retaining its intended meaning. Using the name “Garbage and Recycling” is more easily understood and aligns with current publicly accessible terminology.

Committee Membership

Currently, the Committee is made up of nine members: six voting members representing the public, three voting members representing the garbage and recycling industry and the non-voting Solid Waste & Recycling division manager.

Multiple community groups provided feedback that advisory committees with regulated industry representation can create a power imbalance and be intimidating for community members. Staff considered whether reducing the number of industry members and/or changing their role to a non-voting member would produce more equitable outcomes and more robust community member participation.

Staff looked at various options designed to remove barriers to participation on the Committee and allow for more community involvement:

- Industry member positions are reduced from three to one voting member and the number of public voting members is increased.
- Industry member positions are reduced from three to one non-voting member and the number of public voting members is increased.
- Industry members are not represented on the Committee.

Considerations:

- Industry members often have a commercial interest in the outcome of decisions.
- Community members expressed intimidation with a heavy industry presence leading to decreased participation.

- Industry has other opportunities to participate throughout the process of policy development.
- Industry expertise may be less accessible for Committee decision-making with reduced industry representation.
- Adding community member positions allows for more representation of historically marginalized and underrepresented groups.
- Community members require ongoing training and education opportunities to make informed recommendations.

Staff determined that there is a need to restructure the Committee membership to achieve a higher likelihood that the Committee would focus on outcomes that best achieve the public interest, by focusing on equitable system benefits and services, and environmental and human health benefits. It is important that the Committee membership advance equity by improving access and opportunity to influence decisions to all community members. Currently, industry has access to, and knowledge of the process needed to influence decision making. Reducing the number of industry member positions and increasing the number of public member positions will improve deliberations between those that have power and those that do not. Additionally, reducing the membership term and limiting membership to a maximum of two consecutive terms will give more opportunity for increased participation on the Committee.

Other Changes

Other proposed changes to the Code includes the addition of a provision directing that the recruitment and selection process for the Committee be open to all segments of the community and ensures a broad representation and diversity of membership. Also, a new provision directs the Department of Health and Human Services and the Committee to develop bylaws governing the duties of the Committee. The Board will then review, revise if needed, and adopt the Committee bylaws.

Staff recommendation

Based on the findings outlined above, staff recommends that the Solid Waste Advisory Committee favorably recommends to the Washington County Board of Commissioners that the proposed Washington County Code Chapters 8.04 and 8.08 revisions contained in Attachments A and B be adopted.

Attachments:

Attachment A: Chapter 8.04 Solid Waste Control – Proposed Revisions

Attachment B: Chapter 8.08 Solid Waste Disposal Sites – Proposed Revisions