

ORDINANCE NO. 4 -2006

**An Ordinance to Terminate Mandatory Recycling
in Unincorporated Areas of County
and
to Support Transition to Voluntary Curbside Recycling**

WHEREAS, the Board of Commissioners of Clark County ("Board") is the County Executive under I. C. 36-2-2-2 and also functions as the County legislative body under I. C. 36-1-2-9(1) and, as County Executive, the Commissioners ("Commissioners") are authorized by law to establish administrative policy on behalf of Clark County government ("Clark," the "County," or "Clark County") as appropriate hereafter;

WHEREAS, since the passage of enabling legislations, the Commissioners have been proactive in implementing and supporting the operation of a Solid Waste Management District ("District") in Clark County. Throughout many years preceding the date of this Resolution, the Commissioners have contributed substantial funding to support mandatory curbside recycling programs in the unincorporated areas of the County and within the boundaries of designated municipalities in Clark County ("the municipalities");

WHEREAS, the current 2006 Board has given significant consideration to the mandatory curbside recycling program in effect in the unincorporated areas and the municipalities in recent years prior to enactment of this Resolution;

WHEREAS, the expenses of operating the District, and its mandatory program, have grown to a point where it is necessary to support a change in programming and to implement budgetary controls that would support minimizing District expenses;

WHEREAS, the current Board, as a matter of policy, does not support a policy of government forcing usage of curbside recycling programs at this time and, further, does not

support using litigation or threats of lawsuit against Clark County citizens in order to force compliance with a mandatory program of recycling and/or to collect recycling bills from citizens of the County, who have received many years of information and education concerning the benefits of recycling, generally;

WHEREAS, the 2006 Board believes that, over ten (10) years of experience with curbside recycling in the municipalities and the unincorporated areas, substantial information has been made available to property owners, business owners and the citizenry at large concerning the benefits of recycling and how recycling contributes to a cleaner and more safe environment for all citizens;

WHEREAS, the 2006 Board believes that it is time for government, at least in the unincorporated areas over which the Board has direct jurisdiction, to eliminate and terminate the mandatory features of the District's recycling program, given the wealth of information available to homeowners and business owners now, compared to the little information that was available when the mandatory program began;

WHEREAS, the 2006 Board, unanimously, and in consideration of the foregoing, now makes and supports a policy encouraging all homeowners and all business owners to recycle goods that are reusable in a manner. This Board affirmatively believes that the time has come to stop supporting use and threats of lawsuits as a means of enforcement of a recycling program that should now be voluntary;

NOW, THEREFORE, be it ordained by the Board of Commissioners of Clark County as follows:

1. That each and every recital as set forth hereinabove is adopted and made a part of this Ordinance;

2. The 2006 Board hereby states its policy, to begin taking steps to eliminate mandatory and forced recycling in the unincorporated areas of Clark County over which it has direct jurisdiction. Further, the Board also state its policy to support voluntary recycling programs in unincorporated areas of the County, to the extent local citizens and businesses elect to make the voluntary choice to recycle in the future;

3. The 2006 Board commits itself to begin an inquiry to determine those steps that must be taken in the unincorporated areas to require solid waste vendors to equip themselves with recycling bin collection equipment so that homeowners and businesses who wish to recycle, in those areas, may have the option to voluntarily contract with such vendors for pick-up services for recycled goods in the future.

4. Due to the Board's belief that citizens and businesses are sufficiently informed about recycling options, the Board will hereafter support voluntary arrangements made between customers and solid waste vendors for the implementation of voluntary recycling services in the unincorporated County in the future;

5. Mandatory recycling programs for unincorporated areas of Clark County and all areas under this Board's direct jurisdiction are ORDERED ENDED AND TERMINATED when the current vendor contract expires in June, 2007. After that date, citizens and businesses under the direct jurisdiction of this Board and within the unincorporated county shall no longer be required or forced to participate, and pay for, mandatory curbside (or other) recycling programs, unless they voluntarily elect to do so.

6. No part of this Resolution is intended to state a policy or to make administrative changes in areas of the District that are incorporated municipalities. The Commissioners do not have jurisdiction over such areas and sincerely extend best wishes and support to local

government officials and municipalities as they make their determinations concerning recycling practices or procedures in the future;

7. The 2006 Board establishes a tentative goal, to the extent possible under prevailing law and existing contract obligations to relieve home and business owners of a 2007 recycling bill. However, because of existing contract requirements, it may be necessary for those subject to this action to pay, at least 50% of the bill issued for 2007;

8. The 2006 Board does not support any further increases in the expenses of the District that are based upon continuation and enforcement of the mandatory recycling program in the County. However, nothing in this Ordinance should be considered to relieve or eliminate current obligations of homeowners and businesses to the District until such time as the present recycling vendor contract ends;

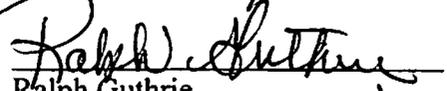
9. This Resolution states the official policy of Clark County government, made and determined by the Commissioners who serve as County Executive and who appoint members to the Solid Waste District Board of Directors under I.C. 13-21-3-5(a)(1), (5)(B) & (6). The policy statements contained in this Resolution shall be delivered and transmitted to the administrative offices of the District. The Commissioners who sit in membership on the District Board hereby agree to state and support this policy when voting on questions at District Board meetings that pertain to mandatory or voluntary recycling programs, lawsuit enforcement practices and other relevant subject matter explicit or implicit in this Resolution.

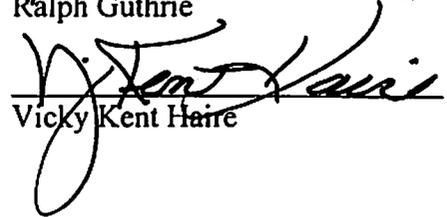
10. Enactment of this Ordinance repeals the original Resolution and Ordinance establishing the mandatory program, as of the dates state above, which was enacted by this Board on June 1, 1993 and all amendments and supplements thereafter. This Ordinance also

formally repeals the Commissioner segment of Resolution 5-1984 and all amendments and supplements thereafter.

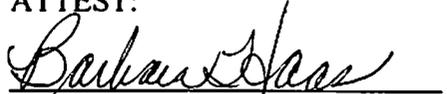
THIS ORDINANCE PASSED and made effective this 9 day of Mar,
2006 by 3-0 vote of Commissioners present.


Ed Meyer


Ralph Guthrie


Vicky Kent Haire

ATTEST:


Auditor of Clark County