

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2025 - 27

A RESOLUTION TO RESCIND ADOPTION OF A COMMISSION DISTRICT DELIVERY PLAN FOR MANDATORY COUNTY-WIDE CURBSIDE GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL WITHIN THE UNINCORPORATED AREAS OF CLAYTON COUNTY; TO AUTHORIZE THE CHAIRWOMAN TO PERFORM ALL OTHER ACTS TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County, Georgia (the "County") is a political subdivision duly organized and existing under the Constitution and the laws of the State of Georgia; and

WHEREAS, it has heretofore been determined by the Board of Commissioners of Clayton County (the "Board") that there exists an urgent need in the County to develop and promote more efficient and environmentally safe collection and disposal of garbage and solid waste by various means, for the purpose of protecting the public health, safety, and well-being of the citizens of the County and protecting and enhancing the quality of the environment in the County through the establishment of a comprehensive plan for countywide solid waste management collection and disposal; and

WHEREAS, it has heretofore been determined by the Board that it is in the public interest and vital to the health, safety, and welfare of the citizens of the County and the citizens of the State of Georgia to promote safe, efficient, and environmentally sound methods of collecting, transporting, treating, and disposing of solid waste and to recover and utilize resources contained in solid waste, thereby promoting the public good and general welfare in furtherance of its responsibility to protect the public health, safety,

and well-being of the citizens of the County; and

WHEREAS, pursuant to the provisions of the Regional Solid Waste Management Authorities Act (O.C.G.A. § 12-8-50, *et seq.*, as amended) (the "Authority Act") and Resolution No. 91-68 adopted by the Board on August 20, 1991, the Board activated the Clayton County Solid Waste Management Authority (the "Authority") and appointed the members of its Board of Directors; and

WHEREAS, currently the County does not provide any residential or commercial collection service for the unincorporated areas of the County and residents and commercial locations contract individually with various collection companies; and

WHEREAS, from time to time since 2020, the Board has considered and adopted a comprehensive plan for the implementation of proper collection and disposal of garbage and solid waste in the County for all residents and commercial businesses; and

WHEREAS, on August 4, 2020, the Board passed Resolution 2020-147 authorizing County staff and the Authority to convene to devise and recommend a plan to provide residents and commercial businesses in unincorporated Clayton County with a more comprehensive Garbage and Solid Waste Collection and Disposal Service and to bring said proposal to the Board of Commissioners; and

WHEREAS, the County performed a survey via ZenCity ("the Survey") to gauge citizen interest in a mandatory curbside collection plan and the results of that survey was previously presented to the Board; and

WHEREAS, the Authority provided a Commission District Delivery Plan for Curbside Collection ("the Plan") based on feedback from the Survey as well as ongoing input from the Board and members of the community to include such key features as (a) the creation of four collection districts that coincide with the commissioner districts, (b) weekly household trash collection, (c) responsibility for billing, collection and customer service placed on hauler; and (d) creation of an ordinance to enforce nonpayment; and

WHEREAS, the Board determined that certain agricultural uses allowed for the disposal of weekly household trash in a manner consistent with general cleanliness requirements for the County and, as such, would not be beneficially served by mandatory solid waste collection thus should be exempt from the requirements of the Plan; and

WHEREAS, on December 21, 2021, the Board passed Resolution 2021-286 adopting Plan with the exemption outlined above; and

WHEREAS, after adoption of the Plan, the County solicited proposals from interested sanitation companies on their costs on providing solid waste collection under the proposed terms of the Plan; and

WHEREAS, there were only two (2) providers whose proposals met the minimum qualifications for the request for proposal sent out by the County; and

WHEREAS, since that time, the Board has heard additional feedback from citizens that adoption of the Plan may result in the imposition of increased fees on residents, especially those residents who legally managed their own disposal needs by entering into contracts with providers who may have more affordable waste collection services than those providers who may have been solicited via the Plan; and

WHEREAS, awarding the contract for solid waste collection to only two potential providers runs the risk of eliminating competition in the solid waste collection market forcing all County residents to use one of the two awardees under the proposed Plan; and

WHEREAS, the absence of competition could result in less quality of service, increased costs, less consumer choice and less options for other providers who may be able to provide similar services at less scale and less cost; and

WHEREAS, awarding the contract to only two providers has the potential to have a negative impact on small and minority-owned businesses who may operate in the

County by reducing their ability to operate in the County at the termination of their existing contracts; and

WHEREAS, with the passage of recent tax assessment mandates from the State of Georgia, the direct or indirect costs of sanitation on citizens' tax bills may be felt as a tax increase for sanitation; and

WHEREAS, the rescission of the Plan is not a policy statement on the absence of a need for comprehensive solid waste management plan for the County, but that the current Plan does not meet the needs of the County at this present time; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by rescinding the Plan for the above-stated purpose.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby rescinds the Commission District Delivery Plan ("the Plan") for Curbside Collection creating a mandatory curbside garbage and solid waste collection and disposal service within the unincorporated areas of Clayton County. The Board further states that rescission of the Plan is not a policy statement on the absence of a need for comprehensive solid waste management plan for the County, but that the current Plan does not meet the needs of the County at this present time. The Board further authorizes the Chairwoman to perform all other acts necessary to carry out the intent of this Resolution.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 19<sup>th</sup> day of February, 2025.

**CLAYTON COUNTY BOARD OF COMMISSIONERS**

  
ALIEKA ANDERSON, CHAIRWOMAN

  
ALAINA REAVES, VICE CHAIR

  
GAIL HAMBRICK, COMMISSIONER

  
TASHE ALLEN, COMMISSIONER

  
DEMONT DAVIS, COMMISSIONER

ATTEST:

  
COURTNEY RUSHIN, CLERK