

# **SOUTHWEST ARKANSAS REGIONAL**



# **SOLID WASTE MANAGEMENT DISTRICT**

**BY-LAWS**

May 2014

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## AUTHORIZATION

Pursuant to the State of Arkansas Act 870 of 1989 and enactment of resolution passed and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the designated membership body representing the counties of Calhoun, Columbia, Dallas, ~~Hempstead, Howard, Lafayette, Little River, Miller, Nevada, Ouachita, Sevier,~~ and Union the Southwest Arkansas Regional Solid Waste Planning Board was created.

## SECTION 1 PURPOSE:

To insure the protection of the public health and environmental quality through the development and maintenance of Regional Solid Waste Management Planning for the counties and municipalities of Southwest Arkansas.

## SECTION 2 FUNCTIONS:

The Solid Waste Planning Board shall be responsible for overseeing and implementing the following planning controls and authorities for the units of local government comprising the ~~twelve~~ **six** county solid waste district.

- a. Prepare a Regional Needs Assessment evaluating the Solid Waste Management needs with the District.

The assessment shall be presented to the ~~Arkansas Department of Pollution Control and Ecology (ADPCE)~~ **Arkansas Department of Environmental Quality (ADEQ)** for review and approval no later than ~~January 31, 1991~~ **as required.**

The Assessment shall include, at the minimum, the following:

1. An evaluation of the amount of solid waste generated within the District and the amount of remaining disposal capacity, expressed in years, at the solid waste disposal facilities within the District that are permitted by ~~ADPCE~~ **ADEQ.**
  2. An evaluation of the needs of all localities with the District as to the adequacy or inadequacy of solid waste collection, transportation, and disposal within those localities.
  3. An evaluation and balancing of the environmental, economic and other relevant factors which would be implicated by acceptance of solid waste from beyond the boundaries of the District.
- b. Update the Regional Needs Assessment, ~~at the minimum, on a biennial basis~~ **as required by ADEQ.**
  - c. No later than five (5) years before the disposal capacity of the District reaches its projected capacity, the Board shall seek Requests for Proposals to increase the District's projected

capacity for solid waste disposal within the District according to the Regional Needs Assessment.

- d. From, on or after January 31, 1991, issue or deny the issue of Certificates of Need to applicant seeking a solid waste landfill permit from ~~ADCPE~~ ADEQ. The Board shall assure that the applicant's petition:
  1. Is consistent with the Regional needs assessment,
  2. Does not conflict with land use plans,
  3. Does not disturb archaeological or rare species sites,
  4. Will not adversely affect the public use of local state or federal facilities.
- e. Conduct public hearings on Certificate of Need Applications.

### **SECTION 3 MEMBERSHIP:**

In accordance with the provisions of Act 870 of 1989, the membership body of the Solid Waste Planning Board shall consist of the following elected officials and selected private sector representatives.

The County Judge of each county within the District, with the initial Board appointments as follows:

Calhoun County	<del>Judge Steve Chambliss</del>
Columbia County	<del>Judge Barney Hugh Reeves</del>
Dallas County	<del>Judge Wylie Faucett</del>
<del>Hempstead County</del>	<del>Judge W.E. "Buddy" Smith</del>
<del>Howard County</del>	<del>Judge Clyde Green</del>
<del>Lafayette County</del>	<del>Judge Jesse Sanders</del>
<del>Little River County</del>	<del>Judge Clyde B. Wright</del>
Miller County	<del>Judge Wiley Parham</del>
<del>Nevada County</del>	<del>Judge John Henry</del>
Ouachita County	<del>Judge Alfred Smith</del>
<del>Sevier County</del>	<del>Judge O.H. "Rusty" Durham</del>
Union County	<del>Judge Mike Dumas</del>

The Mayor of the largest city in each county of the District, with the initial Board appointments as follows:

Calhoun County	Hampton	<del>Mayor Kelly Stokes</del>
Columbia County	Magnolia	<del>Mayor George Wheatley</del>
Dallas County	Fordyce	<del>Mayor James L. McGriff</del>
<del>Hempstead County</del>	<del>Hope</del>	<del>Mayor Robert Arnold</del>
<del>Howard County</del>	<del>Nashville</del>	<del>Mayor Joe H. Ball, III</del>
<del>Lafayette County</del>	<del>Stamps</del>	<del>Mayor Joe Cowling</del>
<del>Little River County</del>	<del>Ashdown</del>	<del>Mayor Pat Patterson</del>
Miller County	Texarkana	<del>Mayor Bobby Ferguson</del>
<del>Nevada County</del>	<del>Prescott</del>	<del>Mayor Joe Tate McGill</del>
Ouachita County	Camden	<del>Mayor James Lee Silliman</del>
<del>Sevier County</del>	<del>DeQueen</del>	<del>Mayor Philip Cox</del>
Union County	El Dorado	<del>Mayor Larry Combs</del>

These ~~24~~ **12** members of the Board, as selected by definition of the Act, shall serve during the term of their office.

The Board shall select one (1) additional member from the ~~twelve (12)~~ **six (6)** county District who is an owner or operator of private sector landfill to serve on the Board. The Person so selected shall serve a term of three (3) years. **(Member at large – no vote).**

The Board shall **select up** to three (3) additional members from the general public to serve on the Board. The terms for the general public members shall be staggered three (3) year terms, except the initial terms for the general public members shall be for one (1), two (2) and three (3) years as determined by lot. The District has determined that general public members should be chosen to represent the general areas of environmental protection, business/industry, and agriculture.

1. Any vacancy occurring in the private sector membership shall be filled by the Board in the same manner as the original selection occurred.
2. The membership of the public sector representatives shall be direct function of the general electoral process and membership representation shall be for term of elected office for the seat of County Judge and/or Mayor.
3. The terms of the private sector representatives shall run as follows:

The initial one (1) year term shall have an anniversary date of June 30, 1990; Two (2) year terms shall have an anniversary date of June 30, 1991; Three (3) year terms shall have an anniversary date of June 30, 1992.

**Owner or Operator of private sector landfill, with the initial Board appointments as follows:**

**Mr. Mike Howell, WCA**

Three additional members from general public, with the initial Board appointments as follows:

Richard Metzlers, Arkansas Recycling Coalition  
City of Smackover

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## SECTION 4 OFFICERS:

The Solid Waste Planning Board shall elect from and by the general membership of the Board a President, Vice President, Secretary and Treasurer. The initial terms of office shall expire January, 1991 and shall commence from that date for one year terms. The officers will have the following duties:

- A. ~~PRESIDENT~~ **CHAIRMAN** – The President shall preside at all meetings of the Board and shall advise with other officers of the Board on matters of policy. ~~He~~ **They** shall have other powers and perform other such duties as may be incidental to his office, as are given to him by these By-Laws or may be assigned ~~to him~~ by the Board.
- B. ~~VICE-PRESIDENT~~ **CHAIR**– In the event of the absence of the President, the Vice-President shall act as President. In addition, the Vice-President shall serve as Parliamentarian for the Board.
- C. **SECRETARY** - The Secretary shall keep minutes of the proceedings of the Board in appropriate books provided for that purpose, see that all notices are duly given as required by the Board and perform such other duties incidental to the office of Secretary and such duties as may be assigned or delegated by the President or Board.
- D. **TREASURER** – The Treasurer shall have general charge and custody of and be responsible for all funds of the Solid Waste Planning Board, deposit all monies received in the name of the SWPB, in such bank accounts or depositories as maybe designated by the Board; keep correct and complete books and record of accounts and perform such other duties as may be assigned ~~to him~~ by the Board. **This service is provided under the Admin Agreement between the Board and SWAPDD, Inc.**
- E. ~~Said Officers shall provide Bond as may be required by the Board of Directors.~~
- F. The Solid Waste Planning Board may elect to contract with an administrative entity in fulfilling in part or in whole these duties (**i.e. Minutes of Meetings, Financial Management**).

## SECTION 5 COMMITTEES:

~~There are hereby created two committees which shall be known as the Finance Committee and the Strategy Committee. The Chairman of these committees shall be appointed by the President of the Board of Directors. The membership of the committees shall be selected from the Board by~~

~~appointment of the Board President. A quorum of each committee shall constitute a simple majority. No business shall be conducted by any committees without a quorum.~~

~~The purpose of the committees will be to analyze specific topics of assignment for presentation before and final action of the general Board of Directors. The Committees will serve as working committees to insure the interests of the Board are conveyed and incorporated within the planning process undertaken by the contract agent or agency.~~

## **SECTION 5 MEETINGS:**

- A. Seven (7) days' notice of all meetings shall be given to each member of the Board.
- B. The Board shall ~~may~~ hold regularly scheduled meetings each month, **quarterly or as required. But the Board shall hold at least 3 meetings per year.**
- C. A majority of the Board or the Board ~~President~~ **Chairman**, may call a meeting of the Board at any time provided the notice requirement is met.
- D. All meetings of the Board will be held at a place and time reasonably accessible to all Board Members.

## **SECTION 6 QUORUM:**

A quorum of the Solid Waste Planning Board shall consist of a minimum of ~~twelve (12)~~ **six (6)** members representing not less than ~~six (6)~~ **three (3)** of the ~~twelve (12)~~ **six (6)** counties. No official business shall be conducted by the board without a quorum present and recorded.

## **SECTION 7 VOTE REQUIRED FOR ACTION BY BOARD OF DIRECTORS:**

Any action of the Board of Directors may be taken by a simple majority vote of the Board with a quorum present.

## **SECTION 8 RULES FOR PARLIAMENTARY PROCEDURE:**

Roberts Rule of Order shall govern all meetings of the Board.

## **SECTION 9 MEMBER OF VOTES PER MEMBER:**

Each representative shall have one (1) vote. Proxy votes shall be allowed if the proxy is presented to the Board Secretary prior to the meeting. The proxy shall identify the specific agenda item and must be voted by the ~~President~~ **Chairman** of the Board ~~or Chairman of the Committee.~~

**SECTION 10      FREEDOM OF INFORMATION ACT:**

All meeting, transactions and business conducted by the Board ~~and/or committees~~ will be open to the general public and said notices of meetings will be mailed to the press to insure compliance with the provisions of the Freedom of Information Act.

**SECTION 11      COMPENSATION:**

Individual members of the Board shall receive no compensation for attendance at any meeting of the membership, and shall receive no other salary or compensation for service as a member of the Board other than reimbursement of actual expenses incurred.

**ADOPTED** THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Judge Larry Atkinson, Chairman  
Southwest Arkansas RSWMB

\_\_\_\_\_  
Attest: Mayor Frank Hash  
Secretary SWARSWMB