

## **Title 8. Environmental Law**

### **Chapter XV. Southwest Arkansas Regional Solid Waste Management District**

#### **Subchapter A. Generally**

#### **Part 314. Bylaws**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"AUTHORIZATION

Pursuant to the State of Arkansas Act 870 of 1989 and the enactment of roll call the Solid Waste Management Board has passed and approved the attached By-Laws on the \_\_\_\_ day of August, 2014, by the designated membership body representing the counties of Calhoun, Columbia, Dallas, Miller, Ouachita, and Union."

"ADOPTED THIS \_\_\_\_ Day OF August, 2014"

#### **Subpart 1. Generally**

##### **8 CAR § 314-101. Purpose.**

To ensure 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.

**Authority.** Arkansas Code § 8-6-704.

##### **8 CAR § 314-102. Functions.**

The Southwest Arkansas Regional Solid Waste Management District Board shall be responsible for overseeing and implementing the following planning controls and authorities for the units of local government comprising the six-county Southwest Arkansas Regional Solid Waste Management District:

(1)(A) Prepare a regional needs assessment evaluating the solid waste management needs within the district.

(B) The assessment shall be presented to the Division of Environmental Quality as required.

(C) The assessment shall include, at the minimum, the following:

(i) 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 the division;

(ii) An evaluation of the needs of all localities within the district as to the adequacy or inadequacy of solid waste collection, transportation, and disposal within those localities; and

(iii) 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;

(2) Update the regional needs assessment as required by the division;

(3) 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;

(4)(A) On or after January 31, 1991, issue or deny the issue of certificates of need to applicant seeking a solid waste landfill permit from the division.

(B) The board shall ensure that the applicant's petition:

(i) Is consistent with the regional needs assessment;

(ii) Does not conflict with land use plans;

(iii) Does not disturb archeological or rare species sites; and

(iv) Will not adversely affect the public use of local, state, or federal facilities; and

(5) Conduct public hearings on certificate of need applications.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-103. Membership.**

(a)(1) In accordance with the provisions of Acts 1989, No. 870, the membership body of the Southwest Arkansas Regional Solid Waste Management District Board shall consist of the following elected officials and selected private sector representatives:

(A) The county judge of each county within the Southwest Arkansas Regional Solid Waste Management District, with the initial board appointments as follows:

- (i) Calhoun County;
- (ii) Columbia County;
- (iii) Dallas County;
- (iv) Miller County;
- (v) Ouachita County; and
- (vi) Union County; and

(B) The mayor of the largest city in each county of the district, with the initial board appointments as follows:

- (i) Calhoun County, Hampton;
- (ii) Columbia County, Magnolia;
- (iii) Dallas County, Fordyce;
- (iv) Miller County, Texarkana;
- (v) Ouachita County, Camden; and
- (vi) Union County, El Dorado.

(2) These twelve (12) members of the board, as selected by definition of Acts 1989, No. 870, shall serve during the term of their office.

(b)(1) The board shall select one (1) additional member from the six-county district who is an owner or operator of a private sector landfill to serve on the board.

(2) The person so selected shall serve a term of three (3) years (member-at-large — no vote).

(c)(1)(A) The board shall select up to three (3) additional members from the general public to serve on the board.

(B) The terms for the general public members shall be staggered three-year terms, except the initial terms for the general public members shall be for one (1) year, two (2) years, and three (3) years as determined by lot.

(2) The district has determined that general public members should be chosen to represent the general areas of:

- (A) Environmental protection;
- (B) Business/industry; and
- (C) Agriculture.

(d)(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 a direct function of the general electoral process and membership representation shall be for the 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:

(A) The initial one-year term shall have an anniversary date of June 30, 2014;

(B) Two-year terms shall have an anniversary date of June 30, 2015; and

(C) Three-year terms shall have an anniversary date of June 30, 2016.

(e)(1) Owner or operator of a private sector landfill, with the initial board appointment as follows: Mr. Mike Howell, WCA.

(2) Three (3) additional members from the general public, with the initial board appointments as follows:

- (A) Richard Metzelsars, Arkansas Recycling Coalition;
- (B) City of Smackover; and
- (C) Eddie Sullivan, Highland Industrial Park, Inc.

**Authority.** Arkansas Code § 8-6-704.

**Codification Notes.** "WCA" means Waste Corporation of America.

**8 CAR § 314-104. Officers.**

(a)(1) The Southwest Arkansas Regional Solid Waste Management District Board shall elect from and by the general membership of the board a:

- (A) President;
- (B) Vice president;
- (C) Secretary; and
- (D) Treasurer.

(2) The initial terms of office shall expire January 1991, and shall commence from that date for one-year terms.

(b) The officers will have the following duties:

(1) **Chair.** The president shall:

- (A) Preside at all meetings of the board;
- (B) Advise with other officers of the board on matters of policy; and
- (C) Have other powers and perform other such duties as:
  - (i) May be incidental to his or her office;
  - (ii) Are given to him or her by this part; or
  - (iii) May be assigned by the board;

(2) **Vice chair.**

(A) In the event of the absence of the president, the vice president shall act as president.

(B) In addition, the vice president shall serve as parliamentarian for the board;

(3) **Secretary.** The secretary shall:

(A) Keep minutes of the proceedings of the board in appropriate books provided for that purpose;

(B) See that all notices are duly given as required by the board; and

(C) Perform such other duties incidental to the office of secretary and such duties as may be assigned or delegated by the president or board; and

(4)(A) **Treasurer.** The treasurer shall:

(i) Have general charge and custody of and be responsible for all funds of the board;

(ii) Deposit all moneys received in the name of the board into such bank accounts or depositories as may be designated by the board;

(iii) Keep correct and complete books and record of accounts; and

(iv) Perform such other duties as may be assigned by the board.

(B) This service is provided under the administrative agreement between the board and Southwest Arkansas Planning & Development District, Inc.

(c) The 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).

**Authority.** Arkansas Code § 8-6-704.

#### **8 CAR § 314-105. Meetings.**

(a) Seven (7) days' notice of all meetings shall be given to each member of the Southwest Arkansas Regional Solid Waste Management District Board.

(b) The board may hold regularly scheduled meetings each month, quarterly, or as required, but the board shall hold at least three (3) meetings per year.

(c) A majority of the board or the board chair 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.

**Authority.** Arkansas Code § 8-6-704.

#### **8 CAR § 314-106. Quorum.**

(a) A quorum of the Southwest Arkansas Regional Solid Waste Management District Board shall consist of a minimum of six (6) members representing not less than three (3) of the six (6) counties.

(b) No official business shall be conducted by the board without a quorum present and recorded.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-107. Vote required for action by board.**

Any action of the Southwest Arkansas Regional Solid Waste Management District Board may be taken by a simple majority vote of the board with a quorum present.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-108. Rules for parliamentary procedure.**

Robert's Rules of Order shall govern all meetings of the Southwest Arkansas Regional Solid Waste Management District Board.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-109. Number of votes per member.**

(a) Each representative shall have one (1) vote.

(b) Proxy votes shall be allowed if the proxy is presented to the Southwest Arkansas Regional Solid Waste Management District Board secretary prior to the meeting.

(c) The proxy shall identify the specific agenda item and must be voted by the chair of the board.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-110. Freedom of information.**

All meetings, transactions, and business conducted by the Southwest Arkansas Regional Solid Waste Management District Board will be open to the general public and

said notices of meetings will be mailed to the press to ensure compliance with the provisions of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

**Authority.** Arkansas Code § 8-6-704.

**8 CAR § 314-111. Compensation.**

Individual members of the Southwest Arkansas Regional Solid Waste Management District 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.

**Authority.** Arkansas Code § 8-6-704.