

Title 8. Environmental Law

Chapter XVI. Southwest Central Regional Solid Waste Management District

Subchapter A. Generally

Part 330. Bylaws

Subpart 1. Generally

8 CAR § 330-101. Purpose.

Pursuant to Acts 1991, No. 752, the Southwest Central Regional Solid Waste Management District and the Southwest Central Regional Solid Waste Management Board have been organized for the purpose of protecting the public health and environmental quality of its service area by establishing a regional solid waste management system.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-102. Jurisdiction.

(a) The Southwest Central Regional Solid Waste Management Board shall have jurisdiction in the Arkansas counties of:

- (1) Clark;
- (2) Garland; and
- (3) Hot Spring.

(b) The boundaries of a regional solid waste management district may be modified and new regional solid waste management districts may be created pursuant to Arkansas Code § 8-6-707 of Acts 1991, No. 752.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-103. Board — Term of office.

(a)(1) The Southwest Central Regional Solid Waste Management Board shall be composed in accordance with the requirements of Acts 1991, No. 752.

- (2) The board shall be composed of representatives of:
- (A) The counties within the Southwest Central Regional Solid Waste Management District;
 - (B) All first-class cities;
 - (C) All cities with a population over two thousand (2,000) according to the latest federal decennial census; and
 - (D) The largest city of each county within the district.

(3) The county judge of each county within the district and the mayor of each city entitled to a representative in the district shall serve on the board unless such county judge or mayor elects instead to appoint a member as follows:

(A) The county judge, with confirmation by the quorum court of each county within the district, shall appoint one (1) member to the board; and

(B) The mayor, with confirmation by the governing body of each city entitled to a representative in the district, shall appoint one (1) member.

(b)(1) The county judge of each county within the district and the mayor of each city entitled to a representative serving on the board shall serve during the term of their office.

(2) All members appointed pursuant to subdivisions (a)(3)(A) and (B) of this section shall serve at the pleasure of the appointing body.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-104. Powers and duties of the board.

(a) The Southwest Central Regional Solid Waste Management Board shall have the following powers and duties:

(1) To collect data, study, and initially evaluate the solid waste management needs of all localities within the Southwest Central Regional Solid Waste Management District, as provided in Arkansas Code § 8-6-716 of Acts 1991, No. 752, and to publish their findings as a regional needs assessment;

(2) To evaluate on a continuous basis the solid waste needs of the Southwest Central Regional Solid Waste Management District and thereby update the regional needs assessment at least biennially;

(3) To formulate:

(A) Recommendations to all local governments within the Southwest Central Regional Solid Waste Management District on solid waste management issues; and

(B) Plans for providing adequate solid waste management;

(4) To issue or deny certificates of need to any applicant for a solid waste disposal facility permit within the Southwest Central Regional Solid Waste Management District with the exception of permits for landfills when private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry of similar kind of character;

(5) To petition the Arkansas Pollution Control and Ecology Commission or its executive director to issue, continue in effect, revoke, modify, or deny any permit for any element of a solid waste management system located within the Southwest Central Regional Solid Waste Management District based on compliance with the solid waste management plan of the Southwest Central Regional Solid Waste Management District;

(6) To adopt such rules pursuant to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq., as are reasonably necessary to:

(A) Ensure public notice and participation in any findings of rules of the board; and

(B) Administer the duties of the board;

(7) To establish programs to encourage recycling;

(8) To adopt an official seal and alter it at pleasure;

(9) To maintain an office at such place as it may determine;

(10) To sue and be sued in its own name and to plead and be impleaded;

(11) To make and execute contracts and other instruments necessary or convenient in the exercise of the powers and functions of the Southwest Central

Regional Solid Waste Management District, including but not limited to entering into contracts and agreements with private entities for provisions of services;

(12) To carry out all other powers and duties conferred by Acts 1991, No. 752;

and

(13)(A) To enter into an agreement with another solid waste management district to allow one (1) district to transfer solid waste to another district.

(B) This will only be allowed if a solid waste district has no legally permitted landfill which can accept its solid waste.

(b) The board may:

(1) Apply for such permits, licenses, certificates, or approvals as may be necessary to construct, maintain, and operate any portion of a solid waste management system, and obtain, hold, and use licenses, permits, certificates, or approvals in the same manner as any other person or operating until of any other person;

(2) Employ such engineers, architects, attorneys, real estate counselors, appraisers, financial advisors, and other consultants and employees as may be required in the judgment of the Southwest Central Regional Solid Waste Management District and fix and pay their compensation from funds available to the Southwest Central Regional Solid Waste Management District therefor; and

(3) Purchase all kinds of insurance including, but not limited to, insurance against:

(A) Tort liability;

(B) Business interruption; and

(C) Risk of damage to property.

(c)(1) A majority of the membership of the board shall constitute a quorum.

(2) A majority vote of those members present shall be required for any action of the board.

(d) Each member present and in good standing shall be entitled to one (1) vote.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-105. Tenure of office.

(a) The tenure of office for a member of the Southwest Central Regional Solid Waste Management Board shall be terminated:

(1) At the time of:

(A) The election and qualification of a successor;

(B) Resignation; or

(C) Change of residence to another county or state; or

(2) Upon death.

(b) Vacancies shall be filled for any unexpired term of an appointed member in the same manner as provided in 8 CAR § 330-103(a)(3)(A) and (B).

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-106. Officers.

(a) The officers of the Southwest Central Regional Solid Waste Management Board shall be the:

(1) Chair;

(2) Vice chair; and

(3) Secretary/treasurer.

(b) **Chair.** The chair shall:

(1) Be the president of the board;

(2) Preside at all meetings of the board; and

(3) Perform such other duties as may be assigned to them by action of the board.

(c) **Vice chair.** The vice chair shall be the vice president of the board and, in the event of the absence or inability of the chair, the vice chair shall act as chair.

(d) **Secretary/treasurer.**

(1) The secretary/treasurer will be the recording officer of the board keeping the minutes of the meetings and membership roster.

(2) The secretary/treasurer shall also:

(A) Have general charge and custody of and be responsible for all funds of the Southwest Central Regional Solid Waste Management District in such banks or other depository as may be designated by the board;

(B) Keep correct and complete books and records of account; and

(C) Perform such other duties as may be assigned to them by the board.

(3) Said office shall provide such bond as may be required by the board.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-107. Board meetings.

(a) The annual meeting of the Southwest Central Regional Solid Waste Management District membership shall be held on the third Wednesday of January at a time and place to be determined by the Southwest Central Regional Solid Waste Management Board.

(b) Business of the annual meeting of the district membership shall include at least the following:

(1) Election of officers for the board;

(2) Reports and budgets from the:

(A) Officers;

(B) Board; and

(C) Employees; and

(3) Other such business as is properly presented to the membership.

(c) Regular meetings of the board shall be held on the third Wednesday of every other month with time and place to be determined by action of the board each year in the months of:

(1) March;

(2) May;

(3) July;

(4) September; and

(5) November.

(d) Meetings may be called by the board chair or, in the chair's absence, the vice chair.

(e)(1) Meetings may be called by the majority of the board on written petition to the board chair.

(2) The chair shall call a meeting within five (5) days of receipt of petition, said meeting to be held no later than ten (10) days from the date of the call.

(f) Written notice of five (5) days is required on all board meetings.

(g)(1)(A) Nonattendance at board meetings by any member shall cause the full board to notify the appropriate legislative body of said failure.

(B) For purposes of this section, "nonattendance" means two (2) consecutive unexcused absences.

(2) Action on the issue of possible replacement shall be left to the discretion of the appropriate legislative body.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-108. Board responsibilities.

(a) Formulate policy, promulgate rules, and take such actions which will best effectuate and carry out the purposes and functions for which the Southwest Central Regional Solid Waste Management District is created and which are outlined in Acts 1991, No. 752, as well as subsequently adopted amendments to said law, and all rules and regulations of the appropriate federal, state, or local administrative agencies pertaining thereto.

(b)(1) Make application for, secure, and accept such financing as may be required to undertake the performance of the powers, duties, and responsibilities of the Southwest Central Regional Solid Waste Management Board as set forth in Acts 1991, No. 752.

(2) Such financing shall be evidenced by the adoption of an annual budget.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-109. Reports.

The Southwest Central Regional Solid Waste Management District and Southwest Central Regional Solid Waste Management Board shall have such reports prepared as may be required by federal, state, or municipal law, rule, or regulation as may be required.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-110. Contributions from local governments.

(a) Each entity of local government shall subscribe and pay annually a pro rata fair share of the cost of the Southwest Central Regional Solid Waste Management District's operation and budget.

(b) The methodology for support shall be determined as appropriate by the Southwest Central Regional Solid Waste Management Board.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-111. Publication of procedures.

The minutes of the meetings of the Southwest Central Regional Solid Waste Management Board shall be kept as required for local government units and by the laws of the State of Arkansas.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-112. Fiscal year.

The fiscal year for the Southwest Central Regional Solid Waste Management District shall be January 1 to December 31, except that fiscal reports will be made to comply with all individual state and federal grant programs.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-113. Compensation.

(a) Members shall receive no:

- (1) Compensation for attendance at any meeting of the membership; and
- (2) Other salary or compensation for their services as a member of the Southwest Central Regional Solid Waste Management Board other than reimbursement of actual expenses incurred.

(b) Board members' expenses for attending a meeting shall be counted and recorded as in-kind contributions based upon individual grant programs.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-114. Rules for parliamentary procedure.

Robert's Rules of Order shall govern all matters of parliamentary procedure except as provided in this part.

Authority. Arkansas Code § 8-6-704.

8 CAR § 330-115. Amendment of bylaws.

This part may be amended or repealed by new bylaws which may be adopted by an affirmative vote of a majority of the entire Southwest Central Regional Solid Waste Management Board at any regular or special meeting of the board, provided that notice of the proposed action shall have been:

- (1) Included in the notice of the meeting; and
- (2) Mailed to the board members of the Southwest Central Regional Solid Waste Management District at least ten (10) days prior to the meeting.

Authority. Arkansas Code § 8-6-704.