

**BY-LAWS  
OF  
BENTON COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT**

**ARTICLE I  
Organization**

1.01 **Name of Organization.** The legal name of the organization, hereinafter referred to as the "District", shall be The Benton County Regional Solid Waste Management District. The organization shall also be known as the Benton County Solid Waste District and as the Benton County Waste Tire District.

1.02. **Jurisdictional Boundaries.** The Benton County Regional Solid Waste Management District, commonly known as Benton County Solid Waste District, hereinafter referred to as the "District", shall encompass the county of Benton.

1.03 **Period of Duration.** The District's creation by interlocal agreement pursuant to Act 752 of the 1991 Acts of Arkansas, was made effective by notification to the Director of Arkansas Department of Environmental Quality effective January 1, 2005. The District shall continue to exist until dissolved or abolished by the unanimous agreement of the parties to the interlocal agreement or pursuant to a procedure authorized by law.

**ARTICLE II  
Regional Solid Waste Management District Board**

2.01. **Governance.** The District shall be governed by a regional solid waste management board, hereinafter called the "Board".

2.02. **Members.** The Board shall be composed of the following persons:

- (a) One (1) member of the Board appointed by each of the Mayors of each city with a population of 2,000 or more as certified by the most recent U.S. Census or any special census and shall be confirmed by the governing bodies of these cities. Additionally, at the option of the Mayor, one (1) alternate member may be appointed by the Mayor and confirmed by the governing body of the city. The alternate member shall serve as the city's representative, in the absence of the member, at any regular or special Board meeting and at any Committee meeting. The city shall be allowed only one (1) vote on any issue.
- (b) One (1) member of the Board appointed by the County Judge, and confirmed by the Quorum Court of the County, shall serve as delegate for the county government and shall represent citizens residing in all other areas of the county. Additionally, at the option of the County Judge, one (1) alternate member may be appointed by the County Judge and confirmed by the Quorum Court of the County. The alternate member shall serve as the County's representative, in the absence of the member, at any regular or special Board meeting and at any Committee meeting. The County shall be allowed only one (1) vote on any issue.

- (c) Each city certifying a population of 2,000, whether through a regular or special census, shall place a representative on the Board as described in item (a).
- (d) At the option of the Board, a representative from a municipality, group or organization within Benton County may be added as an Ex-officio member in order to provide advice and guidance to the Board. Addition of an Ex-Officio Member shall be made by the affirmative vote of two-thirds (2/3) of the entire membership positions of the Board. The Ex-officio representatives shall have no vote during Board meetings but may attend meetings and advise the Board as to matters pertaining to their organization. The Ex-officio representatives may serve on committees and shall have full voting privileges on any committee served on.

**2.03. Officers.** The Board shall elect a Chairperson, Vice-Chairperson and Secretary annually. Other officers, such as treasurer, may also be elected by the Board as needed. The officers shall be elected from the members of the Board. There shall be no term limits on officer positions.

**2.04. Voting.**

- (a) A majority of the entire membership positions of the Board shall constitute a quorum, whether appearing in person or by proxy. A majority vote of the quorum shall be required for any action of the Board.
- (b) No Board member may vote by proxy at more than two (2) meetings in any calendar year.
- (c) Notwithstanding Robert's Rules, the chairman has the privilege of voting as a sitting board member.

### **ARTICLE III Purpose, Powers and Duties**

**3.01. Purpose.** To promote and support a high quality of life for the citizens of Benton County by providing a comprehensive, responsive, environmentally-safe, efficient, and cost-effective solid waste management program through the operation and over-sight of an integrated solid waste management system focused on aggressive reduction, reuse and recycling programs and proper disposal of all other solid waste materials.

**3.02. Vision.** To be recognized and respected as an innovative leader in the pursuit of sustainable, cost effective and environmentally-safe solid waste management programs and services.

**3.03. Powers and duties.** The Board shall have those duties and powers as set forth in Act 752 of 1991 (Codified at A.C.A. 8-6-704) and set out herein below.

- (a) The 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 district, as provided in 8-6-716, and to publish their findings as a regional needs assessment;
  - 2) To evaluate on a continuous basis the solid waste needs of the district and thereby update the regional needs assessments at least biennially;
  - 3) To formulate recommendations to all local governments within the district on solid waste management issues and to formulate 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 district with the exception of permits for landfills when a private industry bears the expense of operating and maintaining the landfill solely for the disposal of waste generated by the industry or wastes of a similar kind or character;
  - 5) To petition the Arkansas Pollution Control and Ecology Commission or the Director of the Arkansas Department of Environmental Quality to issue, continue in effect, revoke, modify, or deny any permit for noncompliance with the solid waste management plan of the district;
  - 6) To adopt such rules or regulations pursuant to the Arkansas Administrative Procedure Act, 25-15-201 et seq., as are reasonably necessary to assure public notice and participation in any findings or rulings of the board and to administer the duties of the board;
  - 7) To establish programs to encourage recycling;
  - 8) To adopt official seals and alter them at pleasure;
  - 9) To maintain offices at such places as they 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 district, including, but not limited to, entering into contracts and agreements with private entities for provision of services;
  - 12) To carry out all other powers and duties conferred by the State of Arkansas;
  - 13) To enter into agreements with another solid waste management district to allow one district to transfer solid waste to another district. This will only be allowed if a solid waste district has no legally permitted landfill which can accept its solid waste.
- (b) The regional solid waste management boards 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 to obtain, hold, and use licenses, permits, certificates, or approvals in the same manner as any other person or operating unit 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 district and fix and pay their compensation from funds available to the district therefore; and
- 3) Purchase all kinds of insurance, including, but not limited to, insurance against tort liability, business interruption, and risks of damage to property.

## **ARTICLE IV Meetings and Records**

- 4.01 **Open Meetings.** Arkansas Code Ann. § 25-19-106 provides for open “public” meetings for governing bodies of all boards, bureaus, commissions, or organizations of the State of Arkansas which are supported wholly or in part by public funds or expending public funds. District Board meetings shall be open to any person who wishes to attend.
- 4.02 **Rules of Order.** All Board meetings shall be conducted according to Robert’s Rules of Order.
- 4.03 **Schedule of Meetings.** The Board shall hold regularly scheduled meetings no less than four times per year with at least one meeting per calendar quarter. Regular meetings may be scheduled on a more frequent basis by consensus of the Board.

Special or emergency meetings may be called by the Chairperson of the Board or any three board members as needed. Committee meetings may be called by the Chairperson of the Committee as needed.

- 4.04 **Notice of Meetings.** Notice of regularly scheduled meeting dates, times, locations, agenda and supporting documents shall be provided **at least seven days** in advance of the meeting. The District Director’s notification to Board members of a meeting shall be made by personal service, by telephone, or by e-mail (provided acknowledgment of receipt is given), and shall specify the time and place of the meeting, and the specific purpose for which it is being called.

Notice of committee meetings, special meetings or emergency meetings shall be provided at least two hours in advance of the meeting.

Notice of all meetings shall be made to Board members, alternate members, ex-officio members, media contacts and citizens or others who request notice of such.

- 4.05 **Meeting Agendas.** Any Board member may suggest an agenda item for any meeting by providing notice to the District Director at least two weeks prior to the meeting date. District staff shall provide a draft agenda along with the notice for each meeting. The Board may amend the draft agenda by consensus at the beginning of any meeting.

- 4.06 **Remote or Electronic Meetings.** The Chairperson of the Board is authorized to initiate remote and/or electronic meetings as needed. A majority of the entire membership positions of the Board shall constitute a quorum for remote and/or electronic meetings, whether participating personally or by proxy. A majority vote of the quorum shall be required for any action of the Board.
- 4.07 **Executive Sessions.** The only time the Board may meet and exclude the media and the public is in executive session. Executive sessions are permitted only for the purpose of considering employment, appointment, promotion, demotion, disciplinary action or resignation of any public officer or employee, or as otherwise provided by law. This may not include general discussion about making policies related to these subjects.

An executive session may be convened on the request of any member of the Board or the Chairman, but shall be preceded by an announcement made in public as to the general reason for which the session is to be held.

Action discussed in executive session shall become legal only after the Board ratifies the action with a public vote in open session.

- 4.08 **Records.** Minutes of each meeting shall be recorded, either electronically or by hand, and an official transcript of the minutes shall be prepared by District staff and presented for review to the Board or appropriate committee within three business days after the date of the meeting. The Board Secretary shall certify all minutes from Board meetings following approval of the transcript by the Board. The Committee Chairperson shall certify all minutes from that committee

## **ARTICLE V Dues**

- 5.01 **Dues.** Each member entity shall pay to the District an annual Local Contribution equal to \$0.50 per capita based on the population figures from the most recent U.S. Census or any special census.

## **ARTICLE VI Fiscal Year**

- 6.01 **Fiscal Year.** The District shall operate on the calendar year.

## **ARTICLE VII General provisions**

- 7.01. **Amendment of By-laws.** These By-laws may be altered, amended, or repealed at any meeting of the Board at which a quorum is present, by the affirmative vote of two-thirds (2/3) of the entire membership positions of the Board, provided notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.
- 7.02 **Construction.** If any portion of these by-laws shall be invalid or inoperative, so as is reasonable and possible:

- (a) The remainder of these by-laws shall be considered valid and operative;  
and
- (b) Effect shall be given to the intent manifested by the portion held invalid or  
inoperative.

Approved By the Board on the 17th day of December, 2009

**ATTEST:**

**APPROVAL:**

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**Board Secretary**

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**Board Chairman**

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**DATE**

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**DATE**