

**RESOURCE CONSERVATION COUNCIL
BY-LAWS**

**The Solid Waste Advisory Committee of the
North Central Texas Council of Governments**

Adopted on:

Article I – Name, Purpose, Responsibilities

By the State of Texas, in State Planning Region 4, the North Central Texas Council of Governments (NCTCOG) has been designated as the agency charged with facilitating and maintaining the Regional Solid Waste Management Plan for North Central Texas (Regional Plan). NCTCOG guides the implementation of regional policies and actions in the approved Regional Plan and coordinates local solid waste management efforts. In compliance with the planning and plan implementation guidelines outlining the need, responsibilities, and composition of a solid waste advisory committee by the Texas Commission on Environmental Quality (TCEQ), NCTCOG maintains the Resource Conservation Council (RCC, or Council) as the solid waste advisory committee. This voluntary advisory committee provides support and advice to NCTCOG's Executive Board on methods to conserve, recover, and recycle valuable resources and methods to provide proper handling and disposal of non-recoverable waste materials.

In addition to the specific duties outlined below, the RCC primarily assists NCTCOG in coordinating and guiding the implementation of the Regional Plan, as approved by TCEQ in September 2007.

Subject to other tasks being directed by NCTCOG's Executive Board, as the need arises, the specific duties of the RCC include:

1. To serve as a regional clearinghouse to provide input, review, comment, and explanatory functions to NCTCOG's Executive Board for the development, implementation, updating, and amending of the Regional Plan and local solid waste management plans.
2. To assist NCTCOG staff in evaluating goals, objectives, and plan recommendations, and defining problems and potential solutions in the development and annual review of the Regional Plan.
3. To hold necessary meetings for conducting solid waste management business, to include monitoring the implementation of the Regional Plan to determine progress in accomplishing specific goals and objectives.
4. To score, prioritize or otherwise act upon grant applications requesting the TCEQ grant funds from NCTCOG through the Solid Waste Grants Program, in order to pass these recommendations on to NCTCOG's Executive Board for final approval, and the TCEQ for authorization of funding.
5. To perform other tasks as directed by NCTCOG's Executive Board.

Article II – Membership

Section 1. Members

The Resource Conservation Council shall consist of no more than 41 categorical member organizations, representing, but not limited to the following positions. These are proposed guidelines that are subject to variation as necessary to meet the needs as they occur, with approval from the RCC.

1. **RCC voting representation** (number of seats represented in parenthesis)
 - a. Cities with representation based on city population, as estimated in the most recent NCTCOG annual population estimates, to include:
 - i. Small: 55,000 or less (3-4);
 - ii. Medium: 55,001–175,000 (4-5);
 - iii. Large: 175,001 to 375,000 (6-7); and
 - iv. Extra-Large: 375,000 or larger (2-4)
 - b. Counties with representation based on county population, as estimated in the most recent NCTCOG annual population estimates, to include:
 - i. Small: 100,000 or less (2 - 3);
 - ii. Medium: 100,001 – 1,500,000 (2 - 3); and
 - iii. Large: 1,500,001 or greater (2 - 3)
 - c. Private sector service providers related to solid waste, composting, recycling, and other source reduction and materials management activities (5 - 6), for example:
 - i. Consultants and related professionals
 - ii. Commercial haulers
 - iii. Professional services providers
 - iv. Industry experts and members of industry associations
 - d. Environmental/Sustainable Materials Management Groups (2 – 4), that have an interest related to the advancement of sustainable materials management, for example:
 - i. Non-profits
 - ii. Environmental Cooperatives
 - iii. National, state, and regional associations or groups
 - e. Educational Institutions (1 – 2), for example:
 - i. School Districts
 - ii. Universities or Colleges
 - iii. University Extension Services
 - f. Special Districts that have solid waste and/or materials management responsibilities (1)
2. **Ex-officio (non-voting) representation**
 - a. TCEQ Representative/Regional Office
 - b. TCEQ Assigned Planner/Austin Office
 - c. Representatives of interests not otherwise serving on the Council may be invited to serve in ex-officio, non-voting capacity to provide advisory assistance to the RCC.

All member organizations and their representatives shall be subject to the approval of NCTCOG's Executive Board.

A member organization may be re-appointed by NCTCOG's Executive Board.

An individual NCTCOG staff member, designated by the NCTCOG Director of the Department of Environment and Development, shall serve as the NCTCOG staff liaison. This staff liaison or designated staff alternate shall attend each meeting of the Council and any Subcommittee meetings.

Section 2. Representatives of Member Organizations

1. Qualifications:

Representatives on the RCC must have the support and/or documented authorization of the member organization represented.

2. Term

Each appointed member organization's representative (representative) shall serve a two-year term. The terms will be staggered with:

- a. Approximately one-half of the representatives appointed or re-appointed in even-numbered years
- b. Approximately one-half of the representatives appointed or re-appointed in odd-numbered years

The term of appointment for each representative of the RCC shall begin on the date of the appointment by NCTCOG's Executive Board and shall be through September 30 of the second fiscal year.

3. Vacancy

A vacancy occurs when:

- a. a representative becomes incapacitated; or,
- b. a representative resigns (resignations shall be in writing to the NCTCOG staff liaison and the RCC Chair); or,
- c. a representative no longer satisfies the qualification requirement.

In the event of a vacancy, the replacement may be appointed from within said vacated representative's member organization (within three-months) and shall serve for the remainder of the vacated representative's unexpired term. Otherwise, the Nominating Subcommittee shall recommend a replacement for the vacancy. (See Article V for details on the Nominating Subcommittee.)

4. Attendance

Representatives are expected to attend all Council meetings and participate in all assigned RCC subcommittee meetings or other RCC activities. Attendance records documenting representative absences will be maintained by NCTCOG.

A representative's attendance and participation in meetings, subcommittees, and grant activities will be evaluated during the RCC member re-appointment process.

5. Designated Alternates

An RCC representative may name, by written correspondence to NCTCOG staff, a Designated Alternate to perform in RCC activities with the full responsibilities and rights of the absent member.

Article III – Officers

The Officers of the Resource Conservation Council shall be Chair and Vice-Chair. They shall serve a term of one year.

Section 1. Appointment

1. The Nominating Subcommittee shall put forth a slate of candidates for officers for a Council vote prior to consideration by the NCTCOG Executive Board Nominating Subcommittee.
2. RCC officer and RCC member recommendations will be made to NCTCOG's Executive Board by the NCTCOG Executive Board Nominating Subcommittee.
3. The appointment of the RCC Chair and Vice-Chair will occur at the same time as the annual appointment of RCC representatives by NCTCOG's Executive Board.

Section 2. Vacancy

1. In the event the Chair is unable to fulfill their term, the Vice-Chair will assume the responsibilities of the Chair and will serve for the remainder of the unexpired term. A Vice-Chair replacement shall be nominated by the Nominating Subcommittee for RCC approval.
2. In the event the Vice-Chair is unable to fulfill their term for any reason, the Nominating Subcommittee will nominate a replacement Vice-Chair for RCC approval.
3. In the event the Chair and Vice-Chair are simultaneously unable to fulfill their terms, the RCC will appoint a Chair pro tempore at the next regularly scheduled meeting to assure continuity of operations, and the Nominating Subcommittee will thereafter nominate a replacement Chair and Vice-Chair for RCC approval.

Section 3. Duties

1. The Chair presides at meetings of the Council. The Chair and NCTCOG staff will solicit input from the Council and will develop agendas for the meetings.
2. In the case of a tie during a vote at which a quorum is present, the Chair will be deemed to have the authority to break the tie.
3. The Vice-Chair performs the Chair's duties in his/her absence.
4. In case the Chair and Vice-Chair are absent or unable to perform their duties, upon mutual agreement, one of the four Standing Subcommittee chairs will act as the Chair pro tempore. In the event all Standing Subcommittee chairs are not present at the Council meeting, the RCC representatives present will elect a Chair pro tempore for that meeting.

Article IV – Meetings

Section 1. Business

1. Except where these by-laws require otherwise, Robert's *Rules of Order* shall govern the conduct of RCC meetings.

2. Except where these by-laws require otherwise, all votes taken in the conduct of business shall adhere to the Texas Open Meetings Act.
3. The RCC is required by the TCEQ to meet at least two times per year on a day, time, and place specified by the NCTCOG Executive Director, the Director of NCTCOG's Department of Environment and Development, or the entire Council. A reasonable attempt will be made to deal with all needed business at the RCC meetings.
4. The RCC, and/or its subcommittees, may meet more often in order to accomplish necessary business above and beyond the scope of the regularly scheduled meeting. For example, project review/scoring for the solid waste grant program and other program requirements may necessitate additional meetings.
5. Written notice, including an agenda, of each meeting, shall be prepared and transmitted by the NCTCOG staff liaison representative at least five (5) business days before the meeting date. Agenda items may be added with the concurrence of the Council. Business of the Council may be conducted electronically, as needed, provided there is a quorum established.

Section 2. Quorum and Action

1. The presence of a simple majority of representatives, excluding vacancies, constitutes a quorum for conducting Council business.
2. A simple majority vote of the representatives present at a meeting at which a quorum is present is necessary for action by the Council. During a meeting at which a quorum has not been met, or been established, and then subsequently lost due to representatives leaving, all remaining business items requiring a Council vote or action must be postponed or conducted electronically, as needed, provided a quorum is re-established.

Section 3. Open Meetings and Records

1. All meetings of the RCC shall be open to the public.
2. Summaries of the RCC meetings, documents distributed, and other records are the property of NCTCOG. Copies of summaries from each meeting will be maintained on file as required by the NCTCOG records retention guidelines.

Section 4. Conflict of Interest

1. A representative must disclose any potential conflict of interest to the entire Council when a vote is called for at a regular Council or Subcommittee meeting. Any representative with a conflict in which action is being taken must declare a conflict of interest to the Council or Subcommittee prior to a vote, refrain from discussion, and shall recuse themselves from the vote.
2. Representatives and the NCTCOG staff liaison shall carefully consider all potential conflicts of interest concerning local project applications prior to any review, discussion, scoring, or voting on such projects. Any representative determined to have a conflict of interest with any particular project must declare a conflict of interest to the Council or Subcommittee and shall not review, discuss, score, or vote on such project application.

Section 5. Professional Conduct

1. Representatives should maintain objectivity and professionalism when carrying out business of the Council.

2. In the event a representative acts in a manner that brings the work of the Council into question or controversy, it shall be the responsibility of the NCTCOG Executive Director to address the incident with the appointing member organization.

Article V – Subcommittees

Section 1. Standing Subcommittee – Nominating Subcommittee

1. Appointment

The Nominating Subcommittee will be comprised of 3-5 volunteer representatives whose terms are not expiring on the Council. NCTCOG will request volunteers for committee appointments from the larger RCC. Efforts shall be made to have representation from all categories of membership.

2. Duties

The Nominating Subcommittee shall put forth a slate of candidates for officers of the RCC for a Council vote no later than the fourth quarter RCC meeting of each fiscal year.

The Nominating Subcommittee shall work with the NCTCOG staff liaison in recommending new representatives of the RCC for a Council vote no later than the fourth quarter RCC meeting of each fiscal year. Staff will provide the approved RCC Membership Roster to NCTCOG's Executive Board for approval.

The Nominating Subcommittee shall bring forth the recommendations for membership variations, as referenced in Article II, Section 1, for RCC for a Council vote no later than the fourth quarter RCC meeting of each fiscal year, as necessary. If membership variations are necessary, the Nominating Subcommittee will review the By-Laws in the following year.

3. Terms

The term of membership for the Nominating Subcommittee shall be one year. The members of the Nominating Subcommittee shall be named by the third quarter RCC meeting of each fiscal year, or earlier if a vacancy occurs.

4. Meetings

The method for calling Nominating Subcommittee meetings shall be the same as that for calling RCC meetings or at the discretion of the Nominating Subcommittee membership.

5. Subcommittee Leadership

Members of the Nominating Subcommittee shall elect a Spokesperson of the Nominating Subcommittee. The Spokesperson shall make the recommendations of the Nominating Subcommittee to the RCC.

Section 2. Standing Subcommittee - Grant Subcommittee

1. Appointment

The Grant Subcommittee will be comprised of approximately 10-13 representatives, with a minimum of 7 representatives, from the larger RCC. NCTCOG will request volunteers

for committee appointments from the larger RCC. Efforts shall be made to have representation from all categories of membership.

2. Duties

The primary purpose of the Grant Subcommittee is to assist the RCC with assuring that the grants process meets the requirements of the TCEQ guidelines. The Grant Subcommittee will develop grant funding priorities for each state funding plan biennium, participate in scoring of the grants, determine funding distribution, and consider regional projects. For the purpose of evaluating and ranking grant applicants, the Grant Subcommittee shall solicit volunteers from the larger RCC to participate in the entire grant scoring process.

3. Terms

Term of membership will be for the two years identified as the funding cycle, recognizing that vacancies may be filled during this period as member organizations may rotate off the RCC. RCC Members will be requested to provide their preference for subcommittee membership at the time of their appointment or re-appointment to the RCC by NCTCOG staff.

4. Meetings

The method for calling Subcommittee meetings shall be the same as that for calling RCC meetings or at the discretion of the Subcommittee membership.

5. Subcommittee Leadership

Members of the Grant Subcommittee shall elect the Chair and Vice-Chair. The Vice-Chair shall preside at meetings in the Chair's absence.

Section 3. Standing Subcommittee – Regional Management Plan Subcommittee (RMPS)

1. Appointment

The Regional Management Plan Subcommittee (RMPS) will be comprised of approximately 10-13 representatives, with a minimum of 7 representatives, from the larger Council and NCTCOG will request volunteers for committee appointments from the larger Council. Efforts shall be made to have representation from all categories of membership.

2. Duties

The primary purpose of the RMPS will be to update the regional solid waste management plan (RSWMP) as needed; provide input on regional surveys, tracking methods, and data collection; review the status of RSWMP implementation; identify regional priorities and implementation projects; and identify specific topics and emerging issues.

3. Terms

Term of membership will be for the two years identified as the funding cycle, recognizing that vacancies may be filled during this period as member organizations may rotate off the Council. RCC Members will be requested to provide their preference for

subcommittee membership at the time of their appointment or re-appointment to the RCC by NCTCOG staff.

4. Meetings

The method for calling subcommittee meetings shall be the same as that for calling RCC meetings or at the discretion of the RMPS membership.

5. Subcommittee Leadership

Members of the RMPS will elect a Chair and Vice-Chair. The Vice-Chair shall preside at meetings in the Chair's absence.

Section 4. Standing Subcommittee – Facility Conformance Subcommittee

1. Appointment

The Facility Conformance Subcommittee will be comprised of approximately 5-9 representatives, with a minimum of 5 representatives, from the larger Council. NCTCOG will request volunteers for committee appointments from the larger Council. Efforts shall be made to have representation from all categories of membership.

2. Duties

The primary purpose of the Facility Conformance Subcommittee will be to ensure conformance of new or modified solid waste facilities with the RSWMP.

3. Terms

Term of membership will be for the two years identified as the funding cycle, recognizing that vacancies may be filled during this period as member organizations may rotate off the Council. RCC Members will be requested to provide their preference for subcommittee membership at the time of their appointment or re-appointment to the RCC by NCTCOG staff.

4. Meetings

The method for calling subcommittee meetings shall be the same as that for calling RCC meetings or at the discretion of the Facility Conformance Subcommittee membership.

5. Subcommittee Leadership

Members of the Facility Conformance subcommittee will elect a Chair and Vice-Chair. The Vice-Chair shall preside at meetings in the Chair's absence.

Section 5. Ad Hoc Subcommittees

1. Appointment

Ad hoc subcommittees may be appointed by the Chair with the approval of the Council and shall serve special purposes to comply with special needs. Depending on the ad hoc subcommittee's duties, volunteers from the larger RCC may be solicited.

2. Duties

Ad hoc subcommittees shall carry out duties assigned by the larger Council.

3. Terms

Terms of membership on ad hoc subcommittees shall be established to achieve the purpose for which the subcommittee was created.

4. Meetings

The method for calling ad hoc subcommittee meetings shall be the same as that for calling RCC meetings or at the discretion of the ad hoc subcommittee membership.

5. Subcommittee Leadership

Members of the ad hoc subcommittee shall elect the Chair and Vice-Chair of the ad hoc subcommittee, as needed. The Vice-Chair shall preside at meetings in the Chair's absence.

Article VI – By-Law Amendments

An ad hoc Subcommittee will review the RCC By-Laws every 5 years, or as deemed necessary by the RCC, to ensure the By-Laws still meet the needs of the RCC. Changes to the By-Laws will be developed by an ad hoc Subcommittee of the RCC. Approval of recommended changes can only be made by a positive vote of two-thirds of the RCC's membership.

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