

**RESOURCE CONSERVATION COUNCIL  
BY-LAWS  
The Solid Waste Advisory Committee  
Of the  
North Central Texas Council of Governments  
Adopted on: October 20, 2016**

**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 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 not exceed 36 categorical member organizations, representing, but not limited to the following positions. These are proposed guidelines that are subject to variation as necessary.

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:
    - Small: 55,000 or less (4 - 5);
    - Medium: 55,001–200,001 (5 - 6); and
    - Large: 200,001 or greater (6 – 7)
  - b. Counties with representation based on county population, as estimated in the most recent NCTCOG annual population estimates, to include:
    - Small: 100,000 or less (2 - 3);
    - Medium: 100,001 – 1,500,000 (2 - 3); and
    - 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), to include:
    - Consultants and related professionals
    - Commercial haulers
    - Professional services providers
    - Industry experts and members of industry associations
  - d. Environmental/Public Interest Groups related to the advancement of materials management priorities (3 – 4), to include:
    - Non-profits
    - Environmental Cooperatives
    - National, state, and regional public interests and related non-profits and interest groups
  - e. Education/School Districts – (1 – 2)
  - 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
3. Representatives of interests not otherwise serving on the Council may be invited to serve in an ex-officio, non-voting capacity to provide advisory assistance to the RCC.
4. All member organizations and their representatives shall be subject to the approval of NCTCOG’s Executive Board.
5. A member organization may be re-appointed by NCTCOG’s Executive Board.
6. 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**

- a. Each appointed member organization's representative (representative) shall serve ~~one~~ a two-year term. The terms will be staggered with:
  - Approximately one half of the representatives appointed or re-appointed on even numbered years
  - Approximately one half of the representatives appointed or re-appointed on odd numbered years
- b. 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<sup>th</sup> 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 a three-month time period) and shall serve for the remainder of the vacated representative's unexpired term. Otherwise, the RCC Nominating Subcommittee shall recommend a replacement for the vacancy. (See Article V for details on the Nominating Subcommittee.)

### **4. Attendance**

- a. 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.
- b. If the representative is unable to attend, a designated voting alternate should attend in their place. Designated alternates are individuals identified and appointed by the member organization to represent them. This person will represent the member organization and will be allowed to vote.
- c. A representative's attendance and participation in meetings, subcommittees, and grant activities will be evaluated during the RCC member re-appointment process.

## **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 RCC 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 his/her 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 RCC Nominating Subcommittee for RCC approval.
2. In the event the Vice-Chair is unable to fulfill his/her term for any reason, the RCC Nominating Subcommittee will nominate a replacement Vice-Chair for RCC approval.
3. In the event that the Chair and Vice-Chair are simultaneously unable to fulfill their terms, the RCC will appoint a Chair Pro-Tem at the next regularly scheduled meeting to assure continuity of operations, and the RCC 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-Tem. In the event all Standing Subcommittee chairs are not present at the Council meeting, the RCC representatives present will elect a Chair Pro-Tem 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 three 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 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 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. In the event a representative acts in a manner which 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. Ad Hoc Subcommittees

1. **Appointment**

Ad hoc subcommittees may be appointed by the Chair with the approval of the Council and shall serve for special purposes to comply with special needs.

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. **Officers**

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

### Section 2. Standing Subcommittee – The RCC Nominating Subcommittee

1. **Appointment**

The RCC Nominating Subcommittee will be recommended by the RCC Chair and approved by the Council. There shall be three to five (3 - 5) representatives whose terms are not expiring on the Council. The RCC Chair shall attempt to comprise subcommittee membership from a proportional distribution of the categorical member organizations.

2. **Duties**

- a. The RCC Nominating Subcommittee shall put forth a slate of candidates for officers of the RCC for a Council vote no later than July 31<sup>st</sup>.
- b. The RCC Nominating Subcommittee shall work with the NCTCOG staff liaison in recommending new representatives of the RCC for a Council vote no later than July 31<sup>st</sup>. Staff will provide the approved RCC Membership Roster to NCTCOG's Executive Board for approval.

3. **Terms**

The term of membership for the RCC Nominating Subcommittee shall be one year. The members of the RCC Nominating Subcommittee shall be named by May 1<sup>st</sup> of each fiscal year, or earlier if a vacancy occurs.

4. **Meetings**

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

**5. Officers**

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

**Section 3. Standing Subcommittee - Materials Management Grant Selection Subcommittee**

**1. Appointment**

The Materials Management Grant Selection Subcommittee will be comprised of approximately 10-13 representatives from the larger Council and NCTCOG will request volunteers for committee appointments from the larger Council. The Materials Management Grant Selection Subcommittee will consist of a proportional distribution of the categorical member organizations.

**2. Duties**

The primary purpose of this Subcommittee is to assist the Council with assuring that the grants process meets the requirements of the TCEQ guidelines. The 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 Materials Management Grant Selection Subcommittee shall solicit volunteers from the larger Council to participate in the entire grant scoring process.

**3. Terms**

Term of membership will be for the two years identified in Solid Waste Funding Plan, recognizing that vacancies may be filled during this period as member organizations may rotate off the Council.

**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. Officers**

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

**Section 4. Standing Subcommittee – Regional Management Plan Subcommittee (RMPS)**

**1. Appointment**

The Regional Management Plan Subcommittee (RMPS) will be comprised of approximately 9-13 representatives from the larger Council and NCTCOG will request volunteers for committee appointments from the larger Council. The RMPS will consist of a proportional distribution of the categorical member organizations. Both RCC representatives and non-representatives will be considered for appointment to identified Working Groups based on relevant experience and interest. Working Group members will be approved by the RMPS.

**2. Duties**

The primary purpose of the RMPS will be to annually update the regional solid waste management plan (RSWMP); provide input on regional surveys, tracking methods, and data

collection; review status of RSWMP implementation; identify regional priorities and implementation projects; and identify specific topics and emerging issues to form Working Groups.

**3. Terms**

Term of membership will be for the two years identified in Solid Waste Funding Plan, recognizing that vacancies may be filled during this period as member organizations may rotate off the Council.

**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. Officers**

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

**Section 5. Standing Subcommittee – Facility Conformance Subcommittee**

**1. Appointment**

Facility Conformance Subcommittee will be comprised of approximately 5-9 members from the larger Council and NCTCOG will request volunteers for committee appointments from the larger Council. The Facility Conformance Subcommittee will consist of a distribution of the categorical member organizations.

**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 in Solid Waste Funding Plan, recognizing that vacancies may be filled during this period as member organizations may rotate off the Council.

**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. Officers**

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.