

**BY-LAWS OF THE
LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL
SOLID WASTE ADVISORY COMMITTEE**

Article I Organization:

The purpose for establishing the committee is to accomplish the goals of House Bill (H.B.) 3072, 74th Texas Legislature (1995), amending 361.014, Tex Health of Safety Code Ann., as they relate to distributing solid waste fee revenue funds in support of local and regional solid waste projects.

Article II Definitions:

As used in these By-Laws:

1. SWAC - Solid Waste Advisory Committee
2. TCEQ - Texas Commission on Environmental Quality
3. LRGVDC - Lower Rio Grande Valley Development Council

Article III Objectives and Purpose of the SWAC:

The main objective of the SWAC is to deal with regional issues concerning Solid Waste Management. The Solid Waste Advisory Committee will accomplish the following tasks:

1. Discuss and make recommendations on solid waste management issues important to the region, new laws and regulations, opportunities for grants and funding, and other issues of concern.
2. Review and make recommendations on Regional Solid Waste Management Plan Amendments, Management Plan Updates, Closed Landfill Inventory, and submit to LRGVDC Board of Directors for their approval before submitting to TCEQ.
3. Reviews permit application for Solid Waste Management facilities to be located within the region.
4. Assist in the development of the implementation project-funding plan for Regional Solid Waste Grant program.
5. Assist with the implementation project selection process for Regional Solid Waste Grant Program.

Article IV Membership:

The committee will reflect a broad range of interests in solid waste management. All members of the Committee should indicate a commitment to attend regular as well as special called meetings, and to contribute meaningfully to the discussion of solid waste management topics.

1. The committee consists of 25 voting members, 12% county representatives, 12% large city representatives, 12% medium city representatives, 12% small city representatives, 16% private sector group, 8% educational group, 12% environmental group, 4% engineer group and 12% private citizen group. The non-voting membership includes TCEQ representatives and any interested individuals from cities, private citizens, county, etc.
2. At least six members should represent the public sector. There should be at least one public sector representative from each of the sub regions designated in the regional plan. A balance should be maintained of elected and non-elected officials, including a representative of the educational community.
3. At least three members should represent the private sector. A balance should be maintained of representatives of solid waste collection and/or disposal and other aspects of the solid waste management private sector. A balance of private sector members who represent different companies should be maintained.
4. At least three members should represent the general citizenry. A balance should be maintained of representatives who represent organized environmental or other groups interested in solid waste management and those who have expressed a genuine interest in solid waste management.
5. As *ex-officio* (i.e., non-voting) members, the Committee should indicate at a minimum the COG solid waste coordinator; the TCEQ planner assigned to the COG, and a designated representative of the TCEQ regional office, in accordance with the grant contract provisions.
6. All appointed members shall serve for a period of two (2) years (without monetary recuperation) and may serve for an indefinite number of years.
7. All members shall make a good faith effort to attend all meetings and shall designate an alternate to act as an otherwise appointed member on his/her behalf at the scheduled meetings. All memberships shall be reviewed annually for good attendance and participation. Members with good records may be reconsidered for another term. Any member who is not able to attend or be represented for three (3) consecutive meetings shall be terminated as a member.
8. There shall be a Chairperson appointed by the members of the committee. The Chairperson shall make a good faith effort to: attend all meetings; maintain order during meetings; oversee that all meetings are conducted properly; and review material for consideration by the committee.

Article V. Subcommittee:

A subcommittee shall be appointed by the full committee to review and pre-screen all implementation project applications for administrative completeness and the subcommittee shall have the authority to remove ineligible applications from further

consideration.

The subcommittee shall consist of seven (7) or less members from the full committee. Members will serve a maximum of two years and will be replaced on alternate years. Subcommittee recommendations shall be approved by the full committee at a Regular Meeting.

Article VI. Voting:

1. Only appointed SWAC members can vote on any SWAC actions. SWAC members may designate an alternate and must do so in writing prior to the meeting, so that the designated alternate may be allowed to vote at that particular meeting.
2. No member of the SWAC may present an application, participate in the deliberation on, or vote on, an application from the locality in which he/she is on the local government body, or in cases where that member has a personal or pecuniary interest as defined under state law. County Commissioners, County Judges or their designated representative may vote on applications from incorporated cities within their counties, but may not discuss or comment on applications from incorporated cities located within their county during presentations and scoring of applications.
3. Any SWAC member arriving late to a scoring meeting or not attending the entire scoring meeting will not be allowed to score any of the applications.
4. LRGVDC/SWAC will retain voting records used by SWAC members during selection meetings.
5. The SWAC will allow three (3) minute presentations by each applicant.
6. No Consensus scoring of projects will be allowed. Each member of the SWAC must score projects individually. The highest and lowest scores will be eliminated and the remaining scores are then averaged to provide a regional score on each factor.

Article VI Quorum:

1. A meeting of the SWAC requires a quorum of a simple majority of all voting members.
2. There are presently 25 voting members in the SWAC so 13 members makes a quorum.

Article VII SWAC Implementation Project Procedures

1. LRGVDC staff will Request for Applications (RFA) by sending all eligible recipients and private sector entities a notice of RFA at least thirty (30) days

before deadline. The COG is also encouraged to post the funding notice and forms for electronic access on the Web.

Article VIII Meetings:

The SWAC shall meet at least quarterly or on a more frequent basis as necessary to conduct activities. All committee meetings shall be open to the public.

Article VIII Staff Support:

The LRGVDC as the designated staff support will furnish all administrative work.

Article IX Summary:

A summary of the meetings shall be prepared and maintained documenting attendance and major discussions and decisions that took place at the meetings by LRGVDC staff.

Article X Amendments:

These By-Laws may be altered, amended or added to, by vote from the SWAC, provided that:

1. Notice of proposed changes shall contain a full statement of the proposed amendment(s) and be presented to the SWAC at a scheduled meeting.
2. The SWAC adopts the proposed amendments by a majority vote of the members present at the meeting.

Article XI Adoption:

These By-Laws are duly adopted at a meeting of the Lower Rio Grande Valley Solid Waste Advisory Committee (SWAC) on this 27th day of June, 2007.