

# Bylaws of the Solid Waste Advisory Committee of the Capital Area Council of Governments

## Article I – Name, Purpose, Responsibilities

The State of Texas has designated the Capital Area Council of Governments (CAPCOG) as the agency charged with developing a Regional Solid Waste Management Plan, coordinating the implementation of regional policies and regional actions in the approved regional plan, and coordinating local solid waste management efforts in State Planning Region 12. In compliance with the planning and plan implementation guidelines outlining the need, responsibilities and composition of a solid waste committee by the state, CAPCOG created the Solid Waste Management Advisory Committee (subsequently renamed to the Solid Waste Advisory Committee or SWAC) as a voluntary, unincorporated association by resolution of CAPCOG’s Executive Committee on March 17, 1993.

In addition to specific duties outlined below, the SWAC will primarily assist CAPCOG in coordinating and guiding implementation of the current CAPCOG Regional Solid Waste Management Plan approved by the State.

The primary responsibility of the SWAC is to promote, foster, coordinate, and guide implementation of the CAPCOG Regional Solid Waste Management Plan, and planning efforts as they relate to solid waste management in State Planning Region 12.

The duties of the SWAC are:

1. To serve as a regional clearinghouse to provide input, review, comment, and explanatory functions to the CAPCOG Executive Committee during the development and implementation of regional and local plans.
2. To assist CAPCOG staff in evaluating goals, objectives and plan recommendations, defining problems and potentials in the development and annual review of the regional solid waste management plan.
3. To hold necessary meetings for conducting solid waste management business; monitor implementation of the Regional Solid Waste Management Plan to determine progress in accomplishing specific goals and objectives.
4. As part of the current and future Solid Waste Grants Program, score and prioritize project proposals requesting grant funding from CAPCOG, in order to pass these recommendations on to the CAPCOG Executive Committee for final approval, and the TCEQ for authorization of funds.
5. To perform other tasks related to solid waste management as directed by the CAPCOG Executive Committee as the need arises.

## Article II - Membership

### Number

The SWAC will be made up of twenty-five members as follows:

*Table 1. Solid Waste Advisory Committee Composition*

County/City	Number of Representatives
Bastrop County	1
Blanco County	1
Burnet County	1
Caldwell County	1
Fayette County	1
Hays County	2
Lee County	1
Llano County	1
Travis County	2

County/City	Number of Representatives
City of Austin	2
Williamson County	2
At-Large Individual with Household Hazardous Waste Expertise	1
At-Large Private Operators	4
At-Large Citizen/Environmental Groups	1
At-Large Educational	1
TCEQ Regional Office (ex officio, non-voting)	1
TCEQ Solid Waste Permits Division (ex-officio, non-voting)	1
Executive Committee Liaison (non-voting)	1
<b>TOTAL</b>	<b>25 total 22 voting</b>

Representatives of interests not otherwise serving on the Committee may be invited to serve in ex-officio, non-voting capacity to provide advisory assistance to the SWAC.

The SWAC has the power to recommend all at-large regional representation nominations to the Executive Committee. All members shall be subject to the approval of the CAPCOG Executive Committee.

The Director of Regional Planning and Services or a staff member designated by the Director shall serve as staff liaison and shall attend each Committee meeting.

## Qualifications

Committee members must reside in or be employed in Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis, or Williamson Counties. Committee members representing a city or county must reside in or work in that city or county.

## Term

1. The term of appointment for a member of the Committee shall begin on the date of appointment by the CAPCOG Executive Committee, and be through the first Executive Committee meeting of each even-numbered year.
2. A member may be reappointed by the CAPCOG Executive Committee.
3. In the case of a vacancy, the CAPCOG Executive Committee shall appoint a replacement to serve for the remainder of the unexpired term.
4. A member may be removed for good cause by the CAPCOG Executive Committee.

## Vacancy

A vacancy occurs when:

1. A member dies;
2. A member's term expires and the member is not reappointed; or
3. A member resigns in writing to the staff liaison and the Committee Chair with notification to the Executive Committee at its next regular meeting; or
4. A member is removed; or
5. A member no longer satisfies the qualification requirements.

## Attendance

1. Members are expected to attend all meetings.
2. Attendance records documenting Committee member absences will be maintained by the CAPCOG Committee liaison. If a committee member is unable to attend a scheduled meeting, notification must be made to the staff liaison at least five business days prior to the meeting for an absence to be excused in order to allow sufficient time to ensure there will be a quorum. If a member is unable to attend a meeting,

the member may send a representative who assumes all but the voting rights and responsibilities of the member.

3. A member is no longer considered in good standing and is subject to removal when, within one calendar year, he or she has unexcused absences for more than 50 percent of the actual number of meetings held. The staff liaison shall notify a member in writing if they become subject to removal due to this policy.
4. If the staff liaison decides to remove a member due to attendance, he or she will notify the committee member in writing
5. Members so removed may appeal in writing to the CAPCOG Executive Committee within two (2) weeks of the date of notification. Appeals will be dealt with in a timely manner and the member will be notified in writing of the decision.

## **Article III - Officers**

### **Election**

The Committee shall elect a Chair and Vice Chair from among its members. Election of the Chair and Vice Chair will occur at the first meeting of each even-numbered year.

### **Term**

1. Officers serve a two-year term that expires on the first meeting of the next even-numbered year following their election.
2. Officers may serve a maximum of two (2) consecutive terms.

### **Vacancy**

In the event of either officer is unable to complete his/her term, the Committee will elect a replacement at the next meeting to serve the remainder of the term.

### **Duties**

1. The Chair shall preside at all meetings of the Committee.
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 shall perform all the duties of the Chair in the case of absence or disability and such other duties as may arise, from time to time, when required or requested by the Committee.
4. In case the Chair and Vice Chair are absent or unable to perform their duties, the committee may appoint a Chair pro tem.

### **Other Officers**

The Committee may elect other Officers from time to time to carry out its responsibilities. This may be done by a simple majority vote of the Committee members at any regularly scheduled meeting where a quorum is present.

## **Article IV - Meetings**

### **Regular**

1. The SWAC is required by the TCEQ to meet at least two times per year on a day, time and place specified by the staff liaison.
2. Written notice, including an agenda, of each regular meeting shall be prepared by the staff liaison and mailed, or electronically transmitted, or hand-delivered to each Committee member at least 72 hours prior to the scheduled meeting start time.
3. For any meetings at which grant applications will be reviewed for funding recommendations, the staff liaison shall also comply with any notice requirements specified by CAPCOG's contract with TCEQ.

## **Special**

1. The Committee shall meet specially if called by the CAPCOG Executive Director, the staff liaison, the Committee Chair or requested in writing by at least one-third of the membership, excluding vacancies, of the Committee.
2. A request by the membership for a special meeting must be in writing, addressed to the Chair, and describe the purpose or purposes of the meeting. Only that business reasonably related to the purpose or purposes described in the request may be conducted at a special meeting.
3. Notice of any special meeting shall be given at least 72 hours prior to the special meeting.

## **Quorum and Action**

1. A majority of the total voting membership, excluding vacancies, constitutes a quorum for conducting Committee business.
2. A majority vote of the members present at a meeting at which a quorum is present is necessary for action by the Committee. During a meeting at which a quorum has been established, and then subsequently lost due to members leaving, all remaining business items requiring a Committee vote or action must be postponed until the next scheduled meeting at which a quorum is established.
3. A Committee member may not transfer voting rights by proxy.

## **Open Meetings and Records**

1. All meetings of the Committee shall be open to the public. CAPCOG's Executive Committee considers the Council strictly advisory and therefore the committee's meetings are not considered meetings of a "government entity" subject to the Texas Open Meetings Act (Chapter 551 of the Texas Government Code).
2. Minutes of the Committee meetings, documents distributed, and other records are the property of CAPCOG and shall be maintained in accordance with CAPCOG's Records Retention Schedule. These materials are available for public view, at the CAPCOG offices or upon receipt of a written request by the interested party.
3. Except where these bylaws require otherwise, *Robert's Rules of Order* shall govern the conduct of Committee meetings.

## **Conflict of Interest**

A Committee member other than an elected public official, who is a member of the governing body, an officer, or an employee of an applicant for funding must disclose his or her status before the application is considered by the Committee and may not participate in discussion of or vote on the application. The member is counted in determining the existence of a quorum. A vote cast in violation of this section is not counted.

## **Professional Conduct**

Committee members should maintain objectivity and professionalism when carrying out business of the Committee. Committee members will not discriminate based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or age. In the event that a Committee member acts in a manner which brings the work of the Committee into question or controversy, it shall be the responsibility of the CAPCOG Executive Director to address the incident with the appointing member of the Executive Committee and if appropriate, to recommend removal from the committee to the Executive Committee.

## **Article V – Subcommittees**

1. Ad hoc subcommittees may be appointed by the Chair or the staff liaison with the approval of the Committee and shall serve for special purposes to comply with special needs.
2. Membership on ad hoc subcommittees shall be established to achieve the purpose for which the subcommittee was created. Members of the Council that are not in good standing are not eligible to appointment to ad-hoc committees.
3. The method for calling ad hoc subcommittee meetings shall be the same as that for calling Committee

- meetings or at the discretion of the ad hoc subcommittee membership to discharge their responsibility.
4. Chairs of the ad hoc subcommittees shall be appointed by the Chair of the SWAC.

## **Article VI - Amendments**

The CAPCOG Executive Committee may amend these bylaws at a regular or special called meeting. The written text of a proposed amendment must be included with the notice of the meeting at which the amendment will be considered.

### **Bylaws History**

- Adopted 3/17/1993
- Revised 7/9/1997
- Revised 4/8/1998
- Revised 12/8/1999
- Revised 2/14/2001
- Revised 12/8/2004
- Revised 2/13/2013
- Revised 12/12/2018
- Revised 3/13/2019
- Revised 12/13/2023