



**Solid Waste Advisory Council
AGENDA
July 11, 2022 - Work Session
2:00 pm**

To join virtually: <https://global.gotomeeting.com/join/972646029>

You can also dial in using your phone.
United States: [+1 \(786\) 535-3211](tel:+17865353211)

Access Code: 972-646-029

- I. 2:00 p.m., 5 Minutes – Call to Order..... Chair
- II. 2:05 p.m., 10 Minutes – Community Member Comments..... Chair
Anyone can bring up news, information, questions to discuss with the Council.
- III. 2:15 p.m., 20 Minutes – SWAC Bylaws: Discuss / Decide on Options for Wording Changes
.....Chair
The Council will compile various proposed changes to the bylaws and make decisions leading to a final draft to be sent on to the Commissioners.
- IV. 2:35 p.m.– Adjourn..... Chair

Eklund Comment #1

From: [REDACTED]
To: [REDICK Daniel](#)
Subject: SWAC working meeting Mon 11 July 2-3 pm
Date: Friday, July 1, 2022 2:30:09 PM
Attachments: [writerguy-cube2.png](#)

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Hi Daniel,

I'm calling a working session for SWAC and DSAC on Monday 11 July, starting at 2 pm.

Please attach a PDF of the current SWAC and DSAC bylaws to each member notification.

Message from me to SWAC and DSAC members:

Hello all,

Phelix, the ancient god of cat herding, has rendered their judgment: we'll hold a working session on bylaws on **Monday 11 June, starting at 2 pm**. Phelix apologizes if this is not a good / the best time for you.

PDFs of the bylaws are attached; here are links to online versions of the bylaws:

SWAC:

https://docs.google.com/document/d/1DDe3E66HHO_PkFrhLZZd7OfMrlDFMmyPXyqsYUDirCk/edit?usp=sharing

DSAC:

<https://docs.google.com/document/d/1pQOCMjMeVf81ZOFobYprkzaA3xF3cgNsmw7TEuhoH90/edit?usp=sharing>

If you have a Google account, you should be able to see the documents. Right now you only have VIEW privileges, but for the session you'll have edit privileges.

Over the weekend I will finish annotating these documents with the comments and suggested changes I've received from y'all so far.

Thanks, and see you all on GoTo Meeting on Monday 11 June...

Ken

Can you get me Ian's email, so that I can give him access to the shared documents as well?

Thanks – Ken



Ken Eklund, writerguy

Creator of
World Without Oil
Ed Zed Omega
FutureCoast
and other storymaking games

Eklund Comment #2

AGENDA

Solid Waste Advisory Council Disposal Site Advisory Committee

July 11, 2022 2:00 pm

5 min	Call to Order.....Chair	2:00 pm
10 min	Community Members CommentChair Anyone can bring up news, information, questions to discuss with the Council.	
20 min	SWAC Bylaws: Discuss / Decide on Options for Wording ChangesChair The Council will compile various proposed changes to the bylaws and make decisions leading to a final draft to be sent on to the Commissioners.	2:15 pm
15 min	DSAC Bylaws: Discuss / Decide on Options for Wording ChangesChair The Committee will compile various proposed changes to the bylaws and make decisions leading to a final draft to be sent on to the Commissioners.	2:35 pm
5 min	Members Make Requests of each other, of staffChair	2:50pm
5 min	Members Recommend Agenda for next meeting.....Chair	
5 min	Wrap Up and AdjournChair	3:05 pm

On our event horizon:

DSAC / SWAC (next regular meeting on Wed July 27, 6 pm)

- DSAC Annual Report to DEQ 2021: Landfill Public Issues and Complaints
DSAC owes DEQ a summary report. Action on drafting this report about last year's input.
- DSAC Annual Report to DEQ 2022: Landfill Public Issues and Complaints
Discussion about gathering this report material for the summary report for 2022. Dedicated session?
- Independent Testing and Verification
Investigate and recommend practices for gathering third-party data about impacts of waste management / the landfill: airspace volume, landfill gas impacts, leachate generation, more.
 - Methane Detection: County Greenhouse Gas Footprint
Each ton of waste emplaced in the landfill generates methane, a potent greenhouse gas.
Discussion and action about activating new detection tech to better assess the county footprint.
 - Leachate Generation
Discussion and action about activating new detection tech to better assess the county footprint.
- Sustainable Materials Management Plan, cont'd
Continuation of SWAC input into this comprehensive plan for the future of county municipal waste.
- Equitable Solid Waste and Recycling Services
The county varies widely in its access to services. Discussion and action about how to make access more universal in the county.
- Progress Towards a Regional SWAC Coalition
Fine-tune goals and track progress of this initiative.

- Food Waste Strategies and
- DEQ's Bad Apple Campaign (Residential Food Waste Prevention)
Reports on this initiative area and opportunities to decrease food waste going to the landfill.
- DEQ Waste Generation Summary
Information has arrived from Oregon DEQ about statewide trends in waste production.

SWAC Bylaws

BYLAWS SOLID WASTE ADVISORY COUNCIL

ARTICLE 1 PURPOSE

The purpose of the Solid Waste Advisory Council (SWAC) is to assist the Board of Commissioners (Board) in Planning and implementation of solid waste management, pursuant to BCC Chapter 23, the Benton County Solid Waste Management Ordinance.

ARTICLE 2 MEMBERSHIP

- A. Membership shall consist of ten (10) voting members, and three (3) ex-officio, not voting members. All members shall be appointed by the Board. To the extent feasible, the Board shall select members of the committee from each of the following groups:
- (1) Residents residing near or adjacent to the regional disposal site.
 - (2) Owners of real property adjacent to or near the regional disposal site.
 - (3) Persons who reside in or own real property within the county in which the regional disposal site is located
 - (4) Local organizations and community member interest groups whose majority of members either:
 - (a) Are electors of the county in which the regional disposal site is located; or
 - (b) Own real property in the county in which the regional disposal site is located.
 - (5) Up to three (3) ex-officio, non-voting members representing any of the following:
 - (a) Education
 - (b) Technology
 - (c) Health
 - (d) Construction
 - (e) Food Service
 - (f) Property Management
 - (g) Manufacturing
 - (h) Waste Management
 - (i) Other industries in the county

SWAC members appointed as individual members of the public are not precluded from being employed in the above sectors; however, they are appointed not as representatives of their employer but as individual members of the public.

Of the SWAC members appointed as individual members of the public, the Board of Commissioners will strive for geographic distribution across the county, and will encourage the incorporated cities to submit nominees, but will not require membership to consist of a certain number of people from a certain area or city.

- B. Terms of office shall be three (3) years. Any member may serve successive terms if reappointed by the Board of Commissioners. Terms begin on January 1 and end on December 31. Members may not serve more than two (2) successive terms; partial terms

shall not be counted toward the successive term limit. Terms shall be staggered, with no more than four (4) of the members' terms expiring each year.

- C. Council members shall regularly attend meetings of the Council and any meetings of the subcommittees to which they are appointed, and shall fulfill other duties as appointed by the Chair.
- D. Mid-term vacancies shall be filled by appointment of the Board of Commissioners as they occur. Such appointments shall be for the duration of the unexpired term of that position.
- E. The Board of Commissioners may remove Council members as follows:
 - (1) Failure to attend three or more consecutive regular council meetings.
 - (2) For cause following public hearing, for reasons including, but not limited to:
 - (a) Commission of a felony;
 - (b) Corruptness;
 - (c) Intentional violation of open meetings law;
 - (d) Failure to declare conflicts of interest;
 - (e) Incompetence.
 - (3) Without cause pursuant to Benton County Code chapter 3.035.

ARTICLE 3 COMMITTEES

- A. **Creation of Committees:** The Council, with the concurrence of the Community Development Department, shall have the power to create standing committees and subcommittees with such responsibilities as the Council directs.
- B. **Naming of Committees:** The Chair, with the concurrence of the Community Development Department, shall appoint and charge each standing committee and subcommittee with its responsibilities, shall appoint the members of each committee, and shall appoint the chair of each committee in the event the committee consists of more than one person. The committee chair shall be responsible for scheduling meetings, assigning specific tasks within the mandate of the committee, and reporting to the Council concerning the work of the committee.

ARTICLE 4 ADVISORS

The Council and the subcommittees may call on lay community members and professionals as advisors without voting rights to provide technical assistance, participate in deliberations, and attend meetings to the extent deemed appropriate by the Chair.

ARTICLE 5 MEETINGS

- A. Regular Meetings: The SWAC shall establish regular meetings, and shall meet at least quarterly.
- B. Work sessions: Work sessions may be called by the Chair or by the Board of Commissioners.
- C. Notice: All members shall be given written notice of time, date, location, and purpose of the meeting at least seven (7) days before a regular SWAC meeting. In the event a member is provided with less than seven (7) days written notice of a regular meeting and objects to the proceedings based on a lack of adequate notice, all business conducted at that meeting shall be reconsidered at the next regular meeting called with adequate notice. Written or verbal notice shall be given at least 24 hours before a work session. Notice shall be provided to the press at least three (3) days before a regular meeting and shall state that the meeting is a public meeting where deliberations of the Council will take place and that any person may discuss relevant issues with the Council at that time. Notice shall be provided to the press at least 24 hours in advance of a work session.
- D. Quorum: A quorum shall consist of a majority of the sitting members of the council. All business conducted with a majority vote of the quorum shall stand as the official action of the Council.
- E. Voting: There shall be no voting by proxy. All members, including officers, are entitled to vote. In the event the chair's vote creates a tie vote, the chair shall refrain from voting.
- F. Staffing: Staff for recording the proceedings of the Council shall be provided by the County.
- G. Agenda: The Chair, with the assistance of the Community Development Director, or his/her designee, shall prepare the agenda of items requiring Council action, and shall add items of business as may be requested by individual Council members and/or the Board of Commissioners.
- H. Minutes: The Recording Secretary shall maintain written minutes of all meetings. Minutes shall record all motions and subsequent action including the number of yes or no votes on each issue. In addition, all conflicts of interest shall be noted. Minutes will be distributed to members at least seven (7) days prior to the next scheduled regular meeting. Minutes must be approved or amended and approved by the SWAC prior to becoming a matter of record. Approved minutes of all meetings shall be maintained by the Health Department and a copy forwarded to the Commissioners.
- I. Public Records and Meeting Law: The SWAC is a public body for purposes of ORS 192 and thereby subject to the statutory procedures relating to public records and meetings.
- J. Parliamentary Procedure: The current edition of Robert's Rules of Order shall generally govern the SWAC in all cases to which they are applicable and in which they are not inconsistent with these by-laws and any special rules of order that the Board may adopt.

- K. Conflict of Interest: A conflict of interest shall be declared by any member who has a conflict of interest as defined by Oregon law prior to taking any action on the matter causing the conflict.

ARTICLE 6 OFFICERS

- A. The SWAC shall select a Chair and a Vice-Chair at its first meeting of each calendar year.
- B. The Chair shall preside at all meetings of the SWAC; shall call special meetings; shall sit ex-officio on all committees; shall assist in preparing the meeting agenda; shall prepare such correspondence as directed by the SWAC; shall present with staff recommendations to the Board and to the Community; and shall represent the SWAC and conduct such business as the SWAC directs.
- C. The Chair may not initiate a motion, but may second, and shall vote on each issue after the question is called.
- D. The Chair shall serve for a term of one year, and not more than two consecutive years. A Chair who has served more than one-half of a term is considered to have served a full term in that office.
- E. The Vice-Chair shall act as Chair in the Chair's absence.

ARTICLE 7 AMENDMENTS

These bylaws may be amended by the Board of Commissioners upon its own motion. Prior to an amendment, the Board of Commissioners may request a recommendation from the SWAC, which may recommend changes at any regular meeting of the SWAC by a two-thirds vote of the sitting membership, provided that the recommended amendment has been submitted in writing to the SWAC members no later than seven days before the regular meeting.

Amended this 22nd day of September, 2020.

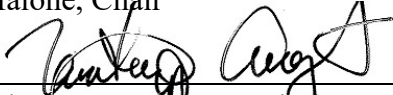
Signed this 22nd day of September, 2020.

BENTON COUNTY BOARD OF COMMISSIONERS




Pat Malone, Chair

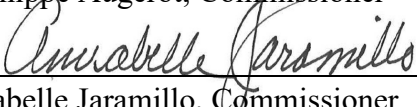
Approved as to form:



Xanthippe Augerot, Commissioner



Vance M. Croney, County Counsel



Annabelle Jaramillo, Commissioner

Yeager Comment (4/25/22)

Questions and Comments Regarding SWAC and DSAC Bylaws

Mark Yeager, April 25, 2022

SWAC BYLAWS

Article 3, Committees – 3(B) - who represents the Community Development Department in concurring with the creation of committees? Does this section need to state clearly that Committees cannot have membership that constitutes a quorum of the Council?

Article 4, Meetings – 4(C) – the notice requirement for work sessions (24 hours written or verbal) seems way too short. What could possibly constitute an emergency whereby the Council would have to meet in work session with on 24 hours' notice?

4(E) – What is the rationale for preventing the chair from voting if the chair's vote would result in a tie vote on a matter? If the Council is divided on a matter (and particularly when the full membership of the Council has not been appointed or is not present), it seems prudent to allow the Council to have a path for further discussion and debate, rather than one side prevailing. I do not see this language in Robert's rules, so I would appreciate some better understanding of the history and rationale of this provision.

4(H) – This section needs to be modified to reflect storage, access and availability of recordings of virtual meetings. Also, the last sentence refers to minutes being maintained by the Health Department – should that be Community Development Department?

DSAC BYLAWS

Article 2, Function – the use of the term “permittee” in Section (1), and also throughout the document seems odd give this Committee's role in service to Benton County. I understand the ORS 459.320 uses the term “permittee,” but that is in the context of the ORS and is defined earlier in that ORS chapter.

Article 3, Membership – Section 1, second paragraph, is confusing because it refers to ex officio members including “a collection and a disposal franchise holder; a person holding a permit;” as if these are different people or entities. I understand that is prefaced by saying “Commissioners may appoint...” but it is not clear because it creates confusion – franchise holder vs a person holding a permit?

Article 4, Officers – the language again appears preventing the Chair from voting if his/her vote results in a tie. See my previous comment re: SWAC bylaws.

Article 5, Subcommittees – same comments as above in SWAC bylaws.

Article 7, Meetings – Section 2, Special Meetings – same comment that 24 hours' notice is too short.

Section 4, Voting – same language preventing Chair from voting in the event of his/her vote creating a tie. See comment above in SWAC bylaws. Section 7, Notice – why does DSAC only give 3 days' notice of meetings? Section 8, Minutes – storage, access, and availability of virtual meeting recordings needs to be specified here.

Gilbert Comment (5/19/22)

From: [REDACTED]
To: [REDICK Daniel](#)
Subject: Motion to Table - SWAC amended Bylaws - SWAC Meeting 5-25-2022
Date: Thursday, May 19, 2022 6:31:38 PM
Attachments: [Motion to Table - SWAC Bylaws SWAC Meeting 5-25-2022.docx](#)

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Daniel Redick
Solid Waste and Water Quality Program Coordinator
Benton County Community Development Department
360 SW Avery Ave.
Corvallis, OR 97338

Hi Daniel,

Pursuant to the community's comments, questions and concerns, attached is declared motion to table the amendments for SWAC Bylaws for later discussions, once the questions are resolved.

Thank you for your assistance with this transmittal for distribution for the SWAC meeting on May 25, 2022.

Chuck

May 19, 2022

Daniel Redick
Solid Waste and Water Quality Program Coordinator
Benton County Community Development Department
360 SW Avery Ave.
Corvallis, OR 97338

Subject: Revisions to amend Bylaws – Solid Waste Advisory Council, last revised 9/22/20
Solid Waste Advisory Council meeting of May 25, 2022.

Motion to table revisions to amend Solid Waste Advisory Council bylaws as listed below.

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ARTICLE 3
COMMITTEES

Question: who represents the “Community Development Department” in concurring with the creation of committees?

3A. The Council, with the concurrence of the **Community Development Department**, shall have the power to create standing committees and subcommittees with such committees with such responsibilities as the Council directs.

3B. Naming of Committees: The Chair, with concurrence of the **Community Development Department** shall appoint and charge each standing committee and subcommittee with its responsibilities, shall appoint the members of each committee, and shall appoint the chair of each committee in the event of the committee consists of more than one person. The committee chair shall be responsible for scheduling, meetings, assigning specific tasks within the mandate of the committee, and reporting to Council concerning the work of the committee.

Article 4
Advisors

Question: What is the rationale for preventing the chair from voting if the chair’s vote would result in a tie vote on a matter?

4E. Voting: There shall be no voting by proxy. All members, including officers, are entitled to vote. **In the event the chair’s vote creates a tie vote, the chair shall refrain from voting.**

Rules of Order- reference

Because a tie vote isn't a majority, if your motion requires a majority vote, the motion is lost if it receives a tie vote. Therefore, a tie vote is as much of a decision as a majority vote in opposition.

If the vote is by ballot, the presiding officer votes with everybody else, and a tie vote is either a lost motion or a failed election. If you're electing an officer, you must rebalot until someone receives a majority.

However, if the vote is by voice, by rising, or by counted vote, the presiding officer properly casts a vote only after the results are known and if he wants his vote to affect the outcome. However, if he doesn't want to change the outcome, the presiding officer shouldn't vote at all; by reserving his vote, he preserves the appearance of impartiality while presiding.

Question: Is Benton County Health department or Benton County Community Development Department the department that maintains recorded documents for SWAC?

4H. Minutes: The Recording Secretary shall maintain written minutes of all meetings. Minutes shall record all motions and subsequent action including the number of yes or no votes on each issue. In addition, all conflicts of interest shall be noted, Minutes will be distributed to members at least seven (7) days prior to the next scheduled regular meeting. Minutes must be approved or amended and approved by the SWAC prior to becoming a matter of record. Approved minutes of all meetings shall be maintained by the **Health Department** and a copy forwarded to the Commissioners.