

***SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING BOARD***

*Joe Nunes, Chairman   Philip Davis, Vice Chairman   Lisa Williams, Secretary*

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# **AGENDA**

Meeting Time: 2:00 p.m.

Meeting Date: Thursday October 26, 2017

Meeting Location: Shelby County Roads, Bridges and Engineering  
Office

6449 Haley Drive Memphis, TN 38134

- I. Welcome and Introductions
- II. Establishment of Quorum
- III. Approval of Minutes
- IV. Board Appointments
  - A. Update on appointments/reappointments
- V. Old Business
  - A. Solid Waste Plan/Needs Assessment Update
- VI. By-laws Approval
- VII. Clean Memphis/Project Green Fork Presentation
- VIII. New Business
- IX. Adjourn

**Shelby County  
Municipal Solid Waste Region Board By-Laws**

**Adopted October , 2017**

**Article I. – Authority**

Pursuant to T.C.A. § 68-211-801 *et seq.*, the Shelby County Solid Waste Planning Region and Municipal Solid Waste Region Board was established by resolution of the Shelby County Commission on December 7, 1992. (Attachment 1)

The Municipal Solid Waste Region Board (Board) shall have all the powers and duties granted by T.C.A. § 68-211-813 *et seq.*, and in addition, in the performance of its duty to produce a municipal solid waste region plan, it shall be empowered to utilize existing Shelby County governmental personnel, to employ or contract with persons, private consulting firms, and/or governmental, quasi-governmental, and public entities and agencies and to utilize Shelby County's services, facilities and records in completing this task.

**Article II. – Purpose**

As established by the authorities cited above, the primary and prevailing purpose of the municipal solid waste region board is the preparation of municipal solid waste region plans which, among other requirements, must identify how the region will:

1. Pursuant to T.C.A. § 68-211-861(a), reduce by twenty five percent (25%) per capita, by weight, its solid waste disposal in Class I landfills or incinerator, measured on a per capita basis by weight, or as an alternative calculate the goal on an economic growth basis as also described in subsection (a);
2. Assure planned disposal capacity for the region for a ten-year period;
3. Other requirements set forth by the State or County.

Solid waste planning will help control costs imposed by landfill regulations, help protect the environment, provide an improved solid waste management system, better utilize our natural resources, and promote the education of the citizens of Shelby County in the areas of solid waste management including the need for and desirability of reduction and minimization of solid waste.

Once a plan is approved, the region must approve any application for a solid waste disposal facility or incinerator within the region as is consistent with the region's disposal needs before any permit is issued by the Commissioner of the Tennessee Department of Environment and Conservation.

**Article III. – Membership**

Under T.C.A. §68-211-213, municipalities that provide solid waste collection services or provide solid waste disposal services, directly or by contract, shall be represented on the Municipal Solid Waste Region Board, which shall be comprised of thirteen (13) members. The number of memberships on the Board, pursuant to Shelby County Commission resolution, is as follows:

1. Town of Arlington, one (1);
2. City of Bartlett, one (1);
3. Town of Collierville, one (1);
4. City of Germantown, one (1);
5. City of Lakeland, one (1);
6. City of Memphis, five (5);
6. City of Millington, one (1); and
7. Shelby County, two (2).

All members of the Board must be appointed by the county mayors and the municipal mayors, respectively, of the counties and eligible municipalities within the region. Pursuant to T.C.A. § 68-211-813 (b)(1), appointments must be approved by the respective legislative or governing bodies of the county and eligible municipalities within the region. Under T.C.A § 68-211-813 (b)(1), county and municipal mayors must strive to ensure that at least two elected officials serve on the regional board.

#### **Article IV – Term**

The members of the Board shall serve for terms of six (6) years or until their successors are elected and are qualified by taking an oath of office. Terms are staggered at the start so that no more than one third of the members would expire in any one year. Should a vacancy occur during the term of a membership, the county or municipality, as applicable, shall appoint and approve a new member who shall fill the remainder of that term as described in this Article. The Secretary shall keep all membership records.

#### **Article V. – Officers**

1. Election of Officers – The Board shall elect from its members a Chair, Vice-chair and Secretary. Elections shall take place annually at the first meeting of the calendar year. The term of office for each position shall be for one year. Officers shall be elected by a majority of the members present.
2. Vacancies of Officers

- a. Chair – In the event of a vacancy, the Vice-chair shall assume the role of the Chair.
  - b. Vice-chair and Secretary – In the event of a vacancy in either of these positions, a new election will be held to fill the vacancy at the next regularly scheduled or special called meeting.
3. Duties of Officers
- a. Chair – The Chair shall preside at all Board meetings, exercise general oversight of the work of the Board and perform other duties appropriate to the office.  
Vice-chair – The Vice-chair shall perform the duties of the Chair in the absence of the Chair and perform other duties as may be assigned by the Chairperson or requested by the Board.
  - b. Secretary – The Secretary shall ensure that all notices are issued properly and shall record all votes and minutes of the proceedings and keep all records of the Board.

**Article VI. – Committees**

- 1. The Board shall establish a municipal solid waste advisory committee whose membership shall be chosen by the Board and whose duties are to assist and advise the Board. The advisory committee shall meet at the call of the Chair.
- 2. Ad-hoc committees may be formed by the Chair as needed.

**Article VII. – Meetings**

- 1. Schedule – The Board regularly meets on the fourth Thursday of the month following the end of a quarter, i.e., January, April, July and October. Meetings are open to the public. The proposed agenda should be posted in accordance with any applicable law.
- 2. Quorum – A quorum is a simple majority of voting members of the Board.
- 3. Special Called Meetings – The Chair may call a special meeting.
- 4. Rules of Order – The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these by-laws.

**Article VIII. – Amendments**

Proposed amendments to the by-laws should be drafted and provided to the Board Secretary for distribution to the Board's members for review prior to a scheduled meeting. The Secretary shall also place a proposed by-law amendment on the agenda. A simple majority of the entire Board must approve the amendment.

# Attachment 1

Item # 25

Commissioner Sisson

Prepared by *Ray Allen*

Approved by *Ray Allen*  
County Attorney

A RESOLUTION CREATING SHELBY COUNTY'S MUNICIPAL  
SOLID WASTE PLANNING REGION AND ESTABLISHING A  
MUNICIPAL SOLID WASTE REGION BOARD TO ADMINISTER  
THE ACTIVITIES OF THIS REGION

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WHEREAS, The adoption of the Subtitle D landfill regulations by the United States Environmental Protection Agency and companion regulations adopted by the Tennessee Solid Waste Control Board will impact on both the cost and method of disposal of municipal solid waste; and

WHEREAS, At the urging and support of a coalition of local government, environmental, commercial, and industrial leaders, the 97th Tennessee General Assembly enacted T.C.A. 68-211-801 et seq. titled "Solid Waste Management Act of 1991"; and

WHEREAS, With the view that better planning for solid waste will help control the additional costs that will be imposed by the new landfill regulations, help protect the environment, provide an improved solid waste management system, better utilize our natural resources, and promote the education of the citizens of Tennessee in the areas of solid waste management including the need for and desirability of reduction and minimization of solid waste, local governments in Tennessee supported and work for the passage of this Act; and

WHEREAS, One of the stated public policies of this Act is to institute and maintain a comprehensive, integrated, statewide program for solid waste management; and

WHEREAS, As per T.C.A. 68-211-811, the nine development districts in the State of Tennessee have completed a district needs assessment which are inventories of the solid waste systems in Tennessee; and

WHEREAS, Shelby County's Board of County Commissioners has given consideration to the needs assessment prepared by the Memphis Area Association of Governments development district; and

WHEREAS, T.C.A. 68-211-813, requires that counties in the State of Tennessee form municipal solid waste regions no later than December 12, 1992; and

WHEREAS, The Act's stated preference is the formation of multi-county regions with counties having the option of forming single or multi-county municipal solid waste regions; and

WHEREAS, The State of Tennessee will provide grant monies of varying amounts to single county, two county, and three or more county municipal solid waste regions to assist these regions in developing their municipal solid waste region plans; and

WHEREAS, The primary and prevailing purpose of the municipal solid waste regions are the preparation of municipal solid waste region plans which among other requirements must identify how each region will reduce its solid waste disposal per capita by twenty five per cent (25%) by December 31, 1995, and a planned capacity assurance of its disposal for a ten (10) year period; and

WHEREAS, The development of a municipal solid waste regional plan that results in the most cost effective and efficient management of solid waste is in the best interest of the citizens of Shelby County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, Acting pursuant to T.C.A. 68-211-801 et seq., that there is hereby established a Municipal Solid Waste Region for and by Shelby County, Tennessee.

BE IT FURTHER RESOLVED, That pursuant to T.C.A. 68-211-813 (a)(2), that the Board of County Commissioners of Shelby County, Tennessee finds and determines that Shelby County shall be and shall constitute a single county municipal solid waste region due to the following: This one county planning region is identified and recommended in the District Solid Waste Needs Assessment prepared by the Memphis Area Association of Governments; and

BE IT FURTHER RESOLVED, That pursuant to T.C.A. 68-211-813(b)(1), a Municipal Solid Waste Region Board is hereby established to administer the activities of this Region.

BE IT FURTHER RESOLVED, That this Municipal Solid Waste Region Board shall be comprised of thirteen members.

BE IT FURTHER RESOLVED, That pursuant to T.C.A. 68-211-813(b)(1) the two Shelby County Board members shall be appointed by the County Mayor and approved by the Shelby County Board of County Commissioners and, due to the fact that Arlington collects or provides disposal services through its own initiative or by contract, the Town of Arlington shall have a Board member appointed by the Mayor of Arlington and approved by the Board of Aldermen of Arlington, and due to the fact that Bartlett collects or provides disposal services through its own initiative or by contract, the City of Bartlett shall have a Board member appointed by the Mayor of Bartlett and approved by the Board of Aldermen of Bartlett, and due to the fact that Collierville collects or provides disposal services through its own initiative or by contract, the Town of Collierville shall have a Board member appointed by the Mayor of Collierville and approved by the Board of Aldermen of Collierville, and due to the fact that Germantown collects or provides disposal services through its own initiative or by contract, the City of Germantown shall have a Board member appointed by the Mayor of Germantown and approved by the Board of Aldermen of Germantown, and due to the fact that Lakeland collects or provides disposal services through its own initiative or by contract, the City of Lakeland shall have a Board member appointed by the Mayor of Lakeland and approved by the Board of Commissioners of Lakeland, and due to the fact that Memphis collects or provides disposal services through its own initiative or by contract, the City of Memphis shall have five Board members appointed by the Mayor of Memphis and approved by the City Council of Memphis, and due to the fact that Millington collects or provides disposal services through its own initiative or by contract, the City of Millington shall have a Board member appointed by the Mayor of Millington and approved by the Board of Aldermen of Millington.

BE IT FURTHER RESOLVED, That members of the Board of the Municipal Solid Waste Region shall serve a six (6) year term except that one member appointed by the County Mayor shall have a four (4) year term, that one member appointed by the County Mayor shall have a six (6) year term, that one member appointed by the Mayors of Arlington, Germantown, Memphis, and Millington shall have two year terms, that one member appointed by the Mayors



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of Bartlett, and Lakeland and two members appointed by the Mayor of Memphis shall have four year terms, that one member appointed by the Mayor of Collierville and two members appointed by the Mayor of Memphis shall have six year terms.

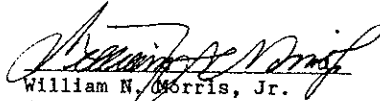
BE IT FURTHER RESOLVED, That this Municipal Solid Waste Region Board shall have all the powers and duties granted by the T.C.A. 68-211-813 et seq. and in addition, in the performance of its duty to produce a municipal solid waste region plan, it shall be empowered to utilize existing Shelby County governmental personnel, to employ or contract with persons, private consulting firms, and/or governmental, quasi-governmental, and public entities and agencies and to utilize Shelby County's services, facilities and records in completing this task.

BE IT FURTHER RESOLVED, That at the Municipal Solid Waste Region Board's initial organizational meeting it shall select from its members a chair, vice-chair, and secretary and shall cause the establishment of a municipal solid waste advisory committee whose membership shall be chosen by the Board and whose duties are to assist and advise the Board.

BE IT FURTHER RESOLVED, That the Municipal Solid Waste Region Board, in the furtherance of its duty to produce a municipal solid waste region plan, is authorized to apply for and receive funds from the State of Tennessee, the federal government, Shelby County, Arlington, Bartlett, Collierville, Germantown, Lakeland, Memphis, and Millington, and to apply for and receive donations and grants from private corporations and foundations.

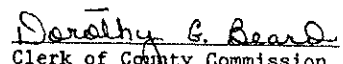
BE IT FURTHER RESOLVED, That Shelby County shall receive, disburse, and act as the fiscal agent for the administration of the funds of the Municipal Solid Waste Region and the Region's Board.

BE IT FURTHER RESOLVED, That upon the passage of this Resolution and at no later date than December 31, 1992, the County Clerk of Shelby County shall transmit a copy of this Resolution to the Tennessee State Planning Office.

  
William N. Morris, Jr.  
County Mayor

Date Dec. 14, 1992

ATTEST:

  
Dorothy G. Beard  
Clerk of County Commission

ADOPTED December 7, 1992