



RESOLUTION No. 24-024

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING THE AMENDED BY-LAWS OF THE SOLID AND HAZARDOUS WASTE COMMISSION

WHEREAS, the Solid and Hazardous Waste Commission (SHWC) was formed on April 1, 1996, per Resolution 96-99; and

WHEREAS, the purpose of the SHWC is to act as the Local Task Force (LTF) as set forth in Public Resources Code Section 40950 (AB939); and to review and discuss solid waste issues of countywide or regional concern; and

WHEREAS, the proposed amendments clarify roles and responsibilities and address changes that have taken place since the creation of the SHWC in 1996; and

WHEREAS, the proposed amendments were adopted by the SHWC on October 12, 2023, in accordance with Section IX (Amendments) of the by-laws.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors hereby ratifies the amended by-laws of the Solid and Hazardous Waste Commission attached herein as Exhibit A.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of January, 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout,
Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JEFFREY THORSBY
Clerk of the Board of Supervisors

By: _____

Hardy Bullock, Chair

BY-LAWS OF
SOLID & HAZARDOUS WASTE COMMISSION

I STATEMENT OF PURPOSE AND AUTHORITY

- A. The Nevada County Board of Supervisors and the City/Town Councils of the Cities of Grass Valley, Nevada City and the Town of Truckee individually and collectively find that it is to the mutual benefit of the County and the three incorporated cities/town and their citizens and businesses to establish a Commission that will include representatives from each of the jurisdictions for the express purpose of assisting the County in the development of a comprehensive long range plan for the disposal and recycling of solid and hazardous waste within the County, and carry out all of the duties of the county task force as set out in Public Resources Code Section 40950 (AB939).
- B. The authority for the formation of this Commission is the Nevada County Board of Supervisors Joint Resolution 96-99 Creating the Nevada County Solid and Hazardous Waste Commission, which provisions are incorporated herein by reference and in accordance with said authority, this Commission was established on April 1, 1996.
- C. Funding for the operation needs of the Commission shall be an annual appropriation of the Board of Supervisors administered by the Director of the Department of Public Works.
- D. Staff support to the Commission will be provided by the County Executive Office, the Department of Public Works, the Department of Environmental Health and County Counsel's office as needed by the Commission.

II DEFINITIONS AND DUTIES

A. Definitions:

Definitions relating to Local Task Forces (AB939) are as written in Part 1, Article 2, Chapter 2, Division 30 of the Public Resources Code, commencing with Section 40100.

B. Duties:

In performance of the above-described functions, the Commission shall, at a minimum:

- 1. Acting as the Local Task Force, review and certify the County Integrated Waste Management Plan as set out in Public Resources Code Section 40950 (AB939)
- 2. Review and discuss Solid Waste issues of county-wide or regional concern, including, but not limited to:

- a. Modifications to gate fees and parcel charges necessary for the operation of the county's solid waste systems.
 - b. Applicable Solid Waste Budgets.
 - c. Modifications to the level of service, e.g. the number and types of facilities, days and hours of operation, facility expansion, and types and frequency of collection programs, etc.
 - d. State of California legislation and mandates that affect Nevada County Solid Waste Programs.
 - e. Matters pertaining to the operation of, planning for, and establishment of solid waste disposal facilities.
 - f. Continued post closure maintenance and monitoring of the closed Hirschdale and McCourtney Road Landfills.
3. Provide recommendations to the Board when applicable on issues related to Solid Waste.

III ORGANIZATION

- A. The Commission shall consist of 9 voting members as listed in Section IV Membership. One alternate shall be appointed for each member appointed by the three incorporated cities. Each alternate shall be entitled to vote for said member in the event of said member's absence.
- B. Officers of this Commission shall be chosen from the voting members and consist of the following:
 1. Chairman shall be selected by a vote of the voting members at the first meeting of each year.
 2. Vice Chairman shall be selected by the same method as Chairman and shall preside in the absence of the Chairman.
- C. All officers shall be nominated and elected at the first meeting of each year.
- D. All officers shall serve from the day after appointment until the day after their successors are appointed one calendar year hence, or through the first meeting of the year, whichever is sooner.

IV MEMBERSHIP

- A. Membership of the Commission shall be as follows:

1. Two members of the Board of Supervisors;
2. Three city/town representatives or their alternates, one from each of the three incorporated cities/town, to be selected by the city/town council from their respective cities/town, shall either be a member of the city/town council or a staff member;
3. One citizen who shall be a representative of local business, as appointed by the Board of Supervisors;
4. One citizen who shall be knowledgeable of hazardous waste disposal practices, as appointed by the Board of Supervisors;
5. Two citizens who shall be selected at large, as appointed by the Board of Supervisors.

B. Terms of Members

1. The two members of the Board of Supervisors will be appointed by the Chairman of the Board of Supervisors each January.
2. The three city/town representatives and their alternates will be appointed by each city/town council and will serve until replaced.
3. The four citizen members will be selected at-large and appointed by the Board of Supervisors to serve a two-year term.

C. All 9 members of the Commission shall serve at the will and pleasure of their appointing body.

D. Vacancies:

The chair shall notify the Board of Supervisors in writing of any vacancy of members or alternates and request replacements.

E. Removal of Members:

1. A citizen member or member at large shall be recommended to the appointing authority for removal upon the unexcused absence of the member for three consecutive meetings or more than half of the meetings in any one 12-month period.
2. A member shall be recommended by majority vote of the Commission to the appointing authority for removal upon a finding of the members of the Commission at a properly noticed meeting of the Commission of malfeasance of office or dereliction of duty of the member.

Representatives of the franchised refuse disposal companies and, as required, representatives from Public Health, Environmental Health and Sanitation shall be encouraged to attend Commission meetings to provide information concerning issues affecting solid waste disposal/diversion and hazardous waste management.

V CONDUCT OF BUSINESS

A. Quorum:

A quorum shall consist of five (5) voting members of the Commission, provided however, that in the event that there is a vacancy on the Commission and there is no alternate appointed for vacancy, the Commission shall be deemed to be composed of only the members who have been appointed and a quorum shall consist of a majority of the voting members thereof, and the actions of this quorum shall stand as the action of the Commission.

In the event of a tie vote on a proposed action, the proposal is defeated.

If there is not a quorum at any meeting of the Commission, the chair may continue (recess or adjourn) the meeting to a time acceptable to the majority of the Members present, without the necessity to advertise the meeting in any manner, provided that the Chair shall provide notice of such continued meeting to the press, and all members of the Commission by posting a notice of such meeting on or near the door of the place to be used for the meeting.

B. Order of Business

1. Call to order.
2. Determination that a quorum is present.
3. Approval of minutes of previous meeting(s).
4. Discussion and actions on agenda (including public comment).
 - a. Old Business
 - b. New Business
5. Information and correspondence.
6. Discussion of future agenda items and meeting dates.
7. Public comment (or as part of agenda discussion if Chairman so rules).
8. Adjournment.

C. Majority Action as Membership Action

1. Every act or decision done or made by the majority of voting members present, in person or by alternate, at a duly held meeting where a quorum is present, is an act of the Commission as a whole.

D. Conflict of Interest:

1. No Commission member, alternate member or other interested person shall cast a vote on any matter that directly affects any of their personal interests.
2. If a member disqualifies him/herself from voting, a quorum shall be required for action on the item under consideration.
3. Members shall annually file Conflict of Interest Statements as required by County ordinance and State law.

E. Compensation:

1. All officers and members of this Commission shall serve with no compensation.
2. Reimbursement for actual expenses of the Commission shall be approved by the appropriate department prior to payment.

VI SUBCOMMISSION OF THE COMMISSION

- A. Subcommissions shall consist of members of the full Commission. Appointment shall be by majority vote of the Commission. Policy decisions or actions by subcommissions shall be approved by the Commission prior to any action being taken. Subcommissions may not have membership sufficient for a quorum of the full Commission.
- B. Subcommissions may be established or terminated by a majority vote of a quorum of the Commission. The Chairman shall maintain a current list of the subcommissions, their members and the subcommissions' duties.
- C. Meetings of the subcommission may be conducted in accordance with the Ralph M. Brown Act (Government Code Section 54950 et seq.).

VII MEETINGS

- A. Regular meetings of the Commission shall be held semi-annually on the second Thursday of April and the second Thursday of October at 1:30 p.m. at the Eric Rood Administration building. Special meetings outside the regular semi-annual schedule can be called by the Chair if necessary so long as the special meeting complies with the provisions in the Ralph M. Brown Act (Government Code Section 54950 et seq.).
- B. The press shall be noticed as required by law for all regular and special meetings.

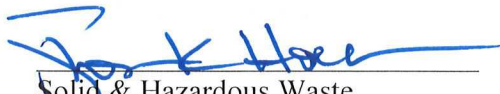
VIII OPEN MEETING LAW AND AGENDA

- A. Meetings of the Commission shall be, and subcommissions may be, conducted in accordance with the Ralph M. Brown Act (Government Code Section 54950 et seq.).
- B. Agenda shall be published and distributed at least 72 hours in advance of the meeting time. Minutes shall reflect attendance, motions and outcome by vote, and a brief summary of discussion. For greater detail, audio files will be available.

IX AMENDMENTS


- A. Proposed amendments to these By-Laws may be made as follows:
 - 1. Any regular proposed amendment shall be read to the members at a regular meeting.
 - a. The proponent shall send the text of any proposed amendment to the Commission Chairman at least 15 days prior to any regularly scheduled meeting. The Chairman shall read the amendment to the Commission at the next regular meeting after its receipt. The Commission may, by majority vote, refer the amendment to a subcommission.
 - b. The by-law amendment shall be agendized for the first meeting subsequent to the meeting at which the amendment is first read, at which time the Commission may accept, reject or refer to subcommissions the amendment by majority vote.
 - 2. Any amendment to these By-Laws shall be ratified by the appointing authority prior to implementation.

APPROVAL:



Solid & Hazardous Waste
Commission Chair

Dated: 1-25-2024



Ratified by the
Nevada County Board of Supervisors

Dated: 2-5-2024



Julie Patterson-Hunter
Clerk of the Board of Supervisors

Dated: 02/06/2024