

# RULES OF GOVERNANCE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

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## CHAPTER I

### PURPOSE, COMPOSITION AND ORGANIZATION

#### A. GENERAL

1. The Solid Waste Authority of Palm Beach County (hereinafter called "Authority") is a special district created by the Florida Legislature by Chapter 2001-331 Laws of Florida. The purpose of the Authority is to provide a coordinated countywide program for the management and control of hazardous waste and/or solid waste processing and disposal in cooperation with the federal, state, and local agencies responsible for the prevention, control, or abatement of air, water and land pollution, and to otherwise provide for the safe and sanitary processing and disposal of solid waste in the district over which the Authority exercises jurisdiction.
2. The district over which the Authority exercises control encompasses all of the incorporated and unincorporated areas of Palm Beach County.
3. The Governing Board of the Authority consists of the seven members of the Board of County Commissioners.
4. ***The existing internal organization consists of the Office of the Executive Director and the Office of General Counsel. Collectively, the Authority Board serves as the Agency Head and exercises regulatory and executive powers. The Executive Director administers the affairs of the Authority Board and serves as the Chief Executive Officer of the Office of the Executive Director. The Executive Director, or his/her designee, also serves as Clerk to the Authority Board. The administration of the affairs of the Authority Board includes the authorization to sign documents on behalf of the Authority as the responsible official or owner. This authorization includes compliance documents pursuant to existing permits and ongoing operations; applications for new facilities and operations consistent with Authority Board approval or budgetary appropriations; contracts and financial documents as authorized by the Authority Board or pursuant to Authority Board approved policies.***
5. The Office of the Executive Director has responsibility over three (3) areas of support services which can be generally described as (1) Operations, (2) Administration, and (3) Financial Services. These areas are administered by the Chief Operating Officer, Chief Administrative Officer and Chief Financial Officer respectively.

Operations is composed of the following sections: Landfills, Transfer Stations, Equipment Maintenance, Utility Maintenance, Composting, and Vegetative Processing.

Administration is composed of the following sections: Environmental Programs, Engineering, Hazardous Waste Services, Risk and Safety, and Commercial Processing.

Financial Services is composed of the following sections: Accounting/Budgeting/Investments, Purchasing and Asset Management, Management Information Services, Customer Information Services, Recycling.

The Office of General Counsel's responsibilities are directed to the legal aspect of Authority affairs including legal opinions, resolutions, regulation, and litigation. General Counsel is also responsible for managing the activities of outside Legal Counsel as may be required.

In addition to staff support services, the Authority may also require the services of a consulting engineer on an as-needed basis. The consulting engineer's responsibilities are directed to the technical aspect of the Authority's Indenture of Trust.

## **B. AUTHORITY BOARD**

1. The seven-member Governing Board of the Authority is collectively the agency head of the Authority. Among themselves, the Authority Board selects a Chair, a Vice Chair, and a Secretary, at a February meeting of the Authority. Officers shall serve for one-year terms.
2. Members of the Authority Board serve terms concurrent with their term as members of the Board of County Commissioners.
3. Members of the Authority Board serve without salary but may be reimbursed for travel expenses and other expenses incurred in carrying out their duties.
4. A quorum of the Authority Board shall consist of four (4) members.
5. The Authority Board meets every other month on the second Wednesday in February, April, June and December, and the third Wednesday in August or by call of the Chair or, if unavailable, the Vice Chair.
6. The Authority Board shall provide for an audit each year of its receipts and expenditures.
7. In order to effectuate the purpose of the Palm Beach County Solid Waste Act, the Authority Board is empowered to adopt, alter, rescind, modify, or amend any rules, guidelines or orders necessary for the operation of the Authority.

**C. AUTHORITY ORGANIZATION STRUCTURE**

1. Existing staff divisions of the Authority are as follows:
  - a. The Office of the Executive Director
    - 1) Operations
    - 2) Administration
    - 3) Finance
    - 4) Employee Relations
  - b. The Office of General Counsel
2. The functions, duties and responsibilities are as set out in A.4 above.
3. The Authority is also advised on matters of administration and planning by a Citizen's Advisory Committee composed of not more than eleven (11) members appointed yearly by the Authority Board at its February meeting. The membership of this committee represents an approximate geographical distribution of the district over which the Authority exercises jurisdiction.

**D. AUTHORITY HEADQUARTERS**

The Authority headquarters are located at 7501 N. Jog Road, West Palm Beach, Florida 33412, and are open for business between the hours of 8:00 a.m. and 5:00 p.m. on all weekdays except State holidays. All interested persons can make requests and procure general information, rules and regulations, and other printed materials at the Authority headquarters.

**E. STATUTORY CHAPTERS AND RULES**

The following statutory provisions affect the operation of the Solid Waste Authority of Palm Beach County: Chapter 201-311, Laws of Florida, Chapter 73, 74, 75, 97, 98, 99, 100, 101, 102, 104, 106, 112, 119, 120, 187, 215, 286, 287, 377, 388, and 403 of the Florida Statutes, and any and all other applicable laws and regulations.

**F. PUBLIC ACCESS TO THE AUTHORITY**

All public records of the Authority shall be available for public inspection pursuant to Chapter 119 of the Florida Statutes, except those specifically exempted by law.

**G. PUBLIC ACCESS TO THE AUTHORITY**

All meetings and workshops shall be held under Chapter 286.011 of the Florida Statutes, and all public hearings shall be open for public access.

## CHAPTER II

### AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS

#### A. NOTICE OF MEETINGS

1. Except in the case of emergencies, the Solid Waste Authority of Palm Beach County (hereinafter called "Authority") shall give at least seven (7) days public notice of any meeting or workshop by publication in a newspaper of general circulation in the area where the meeting or workshop is to be held as prescribed by Chapter 189.005 of the Florida Statutes. No other notice is required unless specifically directed by action of the Authority Board.
  
2. Such notice of meeting or workshop shall state:
  - (a) The date, time, and place of the event.
  - (b) A brief description of the purpose of the event.
  - (c) The address where interested persons can write to obtain a copy of the agenda.
  
3. The Authority shall utilize the following form in providing notice of the meeting or workshop:

#### AGENDA AND SCHEDULING OF MEETING AND WORKSHOPS

The Solid Waste Authority of Palm Beach County announces a public meeting or workshop to which all persons are invited.

DATE and TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

A copy of the agenda may be obtained by writing to the Solid Waste Authority of Palm Beach County, 7501 N. Jog Road, West Palm Beach, Florida 33412.

**B. AGENDA OF MEETINGS AND WORKSHOPS**

1. At least five (5) days prior to the regular meeting or workshop, the Authority shall prepare and make available a tentative agenda for distribution on the request of any interested person.
2. The tentative agenda shall list the items in the order they are to be considered. Items on said agenda may be considered out of their stated order with the approval of the Authority Board.
3. a) The tentative agenda shall be specific as to items to be considered. All matters involving the exercise of agency discretion and policy making shall be listed and summarized if possible on the agenda. Additions to agenda items such as "old business," "new business," "other business," or "other matters which may come before the Authority" or similar terms shall be subject to the approval of the Authority by majority vote.  
  
b) The Authority may utilize the following, or a different form substantially the same in detail, in preparing its agenda:

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## AGENDA

### SOLID WASTE AUTHORITY BOARD REGULAR MEETING

DATE:

TIME:

PLACE:

1. CALL TO ORDER  
ROLL CALL  
INVOCATION  
PLEDGE OF ALLEGIANCE
2. AGENDA:        ADDITIONS/DELETIONS
3. MINUTES
4. CONSENT AGENDA

4. Specific additions to the Agenda may be made if approved by the Authority Board.
5. The Authority shall provide that the meeting or workshop shall be open to the public unless specifically provided otherwise by law.
6. The Authority shall determine a "consent agenda" by unanimous consent of the Board. All items approved for said "Consent Agenda" shall be passed by one motion: "to approve the consent agenda."

#### **C. EMERGENCY MEETINGS AND WORKSHOPS**

1. The Authority may hold an emergency meeting or workshop, as necessary, notwithstanding the provisions of Rules II A and II B contained herein, for the purpose of acting upon any bona fide emergency situation.
2. Whenever an emergency meeting or workshop is scheduled to be held, the Authority shall give reasonable notice of the date, time, and location of such emergency meeting or workshop. Any action taken at an emergency meeting must be ratified at a subsequent regular meeting.

## CHAPTER III

### MEETINGS OF THE SOLID WASTE AUTHORITY OF PALM BEACH COUNTY

#### A. PRESIDING OFFICER

The Chair shall preside at all meetings. In his/her absence, the Vice Chair shall preside, or in his/her absence, the Secretary, if he/she is the only officer present.

#### B. AGENDA

The Executive Director or his/her designated representative of the Authority shall prepare an agenda for all Authority meetings as provided in Chapter II. The Agenda shall be prepared prior to each meeting in time to assure that a copy of it may be received, at least five (5) days prior to the meeting, by each member of the Authority Board, and any other person in the State requesting a copy and paying for it a reasonable fee. The agenda shall become a permanent part of the record of each meeting, once it is approved.

#### C. ORDER OF BUSINESS

The following basic order, or one of substantially similar form, shall be observed in the transaction of Authority business:

1. Call to Order  
Roll Call  
Invocation  
Pledge of Allegiance
2. Agenda: Additions/Deletions
3. Minutes:
4. Consent Agenda

#### D. MINUTES

The Executive Director shall provide that an accurate record be kept of each Authority meeting.

**E. DECISIONS BY PRESIDING OFFICER.**

1. Whenever the presiding officer desires to speak or address the Authority Board upon any matter, he/she may do so without vacating the chair, but he/she shall always be at liberty to vacate the chair and designate some member of the Authority Board to take and hold the same while he/she is speaking.
2. The presiding officer shall decide all questions of order, but any member shall have the right to appeal a decision to the Authority Board.

**F. GETTING THE FLOOR**

No member shall make any remarks without first addressing and being recognized by the presiding officer.

**G. ADDRESSING THE AUTHORITY**

1. Any person desiring to address the Authority shall first secure the permission of the presiding officer. Written communications from taxpayers or residents of the district over which the Authority exercises its jurisdiction may also be received in regard to matters as they are under discussion. However, unsigned communications shall not be introduced to the Authority.
2. Each person recognized for the purpose of addressing the Authority Board shall give his/her name and address in an audible tone for the record, and, unless further time is granted by the Authority Board, shall limit his/her address to three (3) minutes for items on the agenda and five (5) minutes for items **not** on the agenda. Cards shall be provided for such discussion and be given to the Chair before the meeting is brought to order. All remarks shall be addressed to the Authority Board as a body and not to any member thereof. No person, other than the Authority and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Authority Board, without the permission of the presiding officer.

**H. PARTICIPATION BY STAFF**

1. The Executive Director of the Authority may take part in the discussions of the Authority Board and may recommend to the Authority Board such measures as he/she may deem necessary for the efficient administration of Authority affairs. However, it is recognized the Executive Director shall base his/her decisions and recommendations upon his/her knowledge of, and experiences with, the subject matter under discussion.
2. No other employee or staff consultant shall enter into any discussion of the Authority Board except to answer questions, to the extent of that person's expertise, requested by the Authority Board.

3. The foregoing regulations shall not be construed to limit the appearance before the Authority Board of any employee when such appearance is made as a resident or member of the public.

**I. DECORUM**

While the Authority Board is in session, neither the members thereof, nor the members of the public in attendance, shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Authority. The presiding officer shall preserve strict order and decorum at all meetings.

**J. MOTIONS AND RESOLUTIONS**

Motions and resolutions shall be reduced to writing, when required by the Executive Director of the Authority or any member of the Authority Board.

**K. VOTING**

1. On all matters coming before the Authority Board, unless otherwise provided, a majority shall govern. If there is a tie vote upon any questions, the question shall be lost.
2. Upon the request of the Chair or two Authority Board members, the Clerk of the Authority shall call the roll and record the vote of each member. Unless a member states that he/she is not voting, his/her silence shall be recorded as an "aye" vote.
3. **Roll Call** - Upon any roll call, there shall be no discussion by any member voting and he/she shall vote yes or no. Any member, upon voting, may give a brief statement to explain his/her vote. A member shall have the privilege of filing with the Clerk a written explanation of his/her vote. A member of the Authority may abstain from voting on any matter only in the event said member shall have a conflict of interest, which conflict shall be made known on the record of the meeting.
4. **Conflict of Interest** - No member shall participate in the vote upon any matter under consideration wherein he/she has a conflict of interest as defined in Chapter 112 of Florida Statutes, as amended. Such a conflict of interest must be made known on the record or in writing.
5. **Reconsideration** - Action of the Authority Board may be reconsidered at the same meeting or the very next meeting of the Authority Board sitting in the same capacity or a like capacity when the principle action was taken, only upon motion by a Board member who voted on the prevailing side of the question and with the concurrence of a majority of those present on the date that the reconsideration was requested; provided, however, that a motion for reconsideration may not be entertained at a subsequent meeting in the event of an affirmative vote whose provisions have been partly carried out, an affirmative vote in the nature of a contract when the party to the contract has been notified of it is impossible to undo, an affirmative vote upon which

reliance was had and either monies expended or a change of position was made, or when practically the same result as desired can be obtained by some other parliamentary motion. Adoption of a motion to reconsider shall rescind the action reconsidered. A motion to reconsider, whenever made, shall not be considered unless at least the same number of Board members is present as participated in the vote under consideration, or upon affirmative vote of two-thirds of those Board members present.

- 6. **Vote Change** - Any Board member may change his/her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter.

**L. MATTERS BY THE PUBLIC**

Any request during public discussion which requires action by the Board shall be placed on the Agenda for a subsequent meeting of the Authority, unless the matter is already on the agenda for the meeting when the request is made.

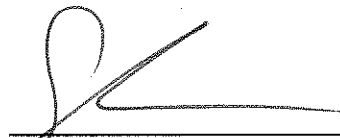
**M. REMARKS BY THE BOARD**

This portion of the Agenda is provided for the convenience of the Board as a time when Board members may comment freely upon any matter related to the Authority. No motions may be made nor may the Agenda be enlarged during this portion of the meeting which is reserved for discussion only.

**N. MATTERS TO SPECIFICALLY COVERED**

Robert's Rules of Order shall be accepted as an authority on parliamentary practice on matters not specifically covered in these Rules.

ATTEST:

  
\_\_\_\_\_  
Sandra J. Vassalotti  
Clerk to the Authority

APPROVED BY  
SOLID WASTE AUTHORITY BOARD  
OF PALM BEACH COUNTY

  
\_\_\_\_\_  
Commissioner Shelley Vana, Chair

2/9/2011  
\_\_\_\_\_  
Date

(AUTHORITY SEAL)