

**QUAD LAKES SOLID WASTE MANAGEMENT DISTRICT  
BYLAWS, POLICIES & PROCEDURES**

**ARTICLE 1**

**NAME, STRUCTURE, OFFICE AND SERVICE AREA**

- 1.1 Name:** The organization shall be known as Quad Lakes Solid Waste Management District, herein after referred to as the District. The Missouri Department of Natural Resources refers to the District as "Region J."

District is comprised of Bates, Benton, Cedar, Henry, Hickory and St. Clair counties and the cities within those counties.

- 1.2 Structure:** The District's management structure is pursuant to Missouri Revised Statutes Chapter 260. An alternative management structure can be adopted by the District should it be deemed necessary. Formulation of an alternative management structure would require member county's approval. Regardless of District formation, the District will be governed by an executive board and will comply with the provision of sections 260.200 to 260.345. The District is to be operated not-for-profit and no profit or dividend will inure to the benefit of any person(s).

- 1.3 Location:** The District shall maintain its principal office in a place to be designated by the executive board and may establish field offices at such other locations should it be deemed appropriate.

- 1.4 Service Area:** The District shall serve the following Missouri counties: Bates, Benton, Cedar, Henry, Hickory and St. Clair.

**ARTICLE 2**

**PURPOSE**

- 2.1 Purpose:** It shall be the purpose and resulting objective of the district to carry out the rules and regulations outlined in Senate Bill 530, Chapter 260 Missouri Revised Statute, 10 Code State Regulation (CSR) Division 80, Chapter 9 and Missouri Department of Natural Resources, Solid Waste Management Program's General Terms and Conditions as amended, and accordingly shall:

**The Council shall:**

- (A) Organize itself and select a chairman and such other officers as it deems appropriate;
- (B) Select seven persons to serve on the executive board, at least a majority of whom shall be selected from member of the council;
- (C) Establish the terms of office for member of the executive board;
- (D) Serve as the executive board if comprised of twelve or fewer members;
- (E) Meet at least twice annually and upon the call of either chairman of the council or the chairman of the executive board; and
- (F) Review and act upon the solid waste management plan recommended by the executive board.

**The Executive Board shall:**

- (A) Review and comment upon applications for permits submitted pursuant to section 260.205, for solid waste processing facilities and solid waste disposal areas which are to be located within the region or, if located in an adjacent region, which will impact solid waste management practices within the region;
- (B) Prepare and recommend to the council a solid waste management plan for the district;
- (C) Identify illegal dump site and provide all available information about such site to the appropriate county prosecutor and to the department;
- (D) Establish an education program to inform the public about responsible waste management practices;
- (E) Establish procedures to minimize the introduction of small quantities of hazardous waste, including household hazardous waste, into the solid waste stream;
- (F) Assure adequate capacity to manage waste which is not otherwise removed from the solid waste stream; and

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MAY 25 2011  
SWMP OPERATIONS 1

- (G) Appoint one or more geographically balanced advisory committee(s) composed of the representatives of commercial generators, representatives of solid waste management industry, and two citizens unaffiliated with a solid waste facility or operation to assess and make recommendations on solid waste management.

The council and executive board shall not interfere into the permitted operations and/or ownership of landfills operated or controlled by political entities or private enterprises within its District except in an advisory capacity if requested by that entity or private enterprise. The District shall promote intergovernmental cooperation in solving solid waste management problems and to promote resource recovery, waste reduction, energy efficiency and recycling.

### ARTICLE 3 COUNTY MEMBERSHIP

- 3.1 Membership:** Each county within the Missouri Department of Natural Resources designated Region J is eligible to become a member of the District. Each member county shall have representation on the council and executive board. To become a member county, the county commission must pass the appropriate resolution stating its desire and shall then be forwarded to applicable offices.

### ARTICLE 4 POWERS AND DUTIES OF THE DISTRICT

- 4.1 Powers and Duties:** The District shall be a body corporate of the state and politic of the state at the time the governing body of the county or counties forming the district have adopted an order or ordinance to form the district under the provision of Missouri Revised Statutes Chapter 260, Section 305 and shall provide written notice to the Missouri Department of Natural Resources of the adoption of such order or ordinance. The authority of the District shall not extend to any county within the region which has not joined the District. The following is the District's powers and duties:
  - (A) Enter into a contract with any city or county within the District to provide all or part of the solid waste management services for the city or county. A city or county will not be required to meet the provision of section 260.220 or of section 260.325 if a District includes the city or county within its solid waste plan and the city or county has by contract given the District complete authority for managing the solid waste of the city or county.
  - (B) The District and the counties and cities within the District may enter into whatever contracts or agreements they deem necessary to fulfill their responsibilities under Chapter 260. Nothing in Section 260.310 shall preclude the transfer of solid waste outside the boundaries of the district.
  - (C) Contracts issued for the collection or disposal of solid waste in cities, counties, and districts shall not require either security instruments or performance bonds in excess of twenty percent of the total cost of the contract.
  - (D) Any county or counties which are within a solid waste management district may, in cooperation with the District, require by ordinance or order that any solid waste transported from outside the district to a solid waste processing facility or solid waste disposal area within the District be subject to the same requirements as solid waste originating from within the district as set forth in the solid waste management plan under Section 260.325, including the separation of recyclable or compostable materials from the solid waste stream before entering a District's solid waste management system.
  - (E) District may be created and incorporated in each solid waste management region as provided in Sections 260.200 to 260.345 and may exercise the powers granted to it in Sections 260.200 to 260.345.
  - (F) To sue and be sued.
  - (G) Provide for the internal organization and administration of the District;
  - (H) Hire employees, fix their compensation and terminate their employment.
  - (I) Have authority to acquire, hold, use, and dispose of the reserves derived from the operation of its facilities and other monies of the District.
  - (J) Have authority to make or cause to be made studies and surveys necessary or useful and convenient to carrying out the functions of the District.
  - (K) Have authority to exercise any powers as available under existing laws, to do and perform any acts and things or take such other action and incur such other expenses as may be necessary or appropriate to carry out its purposes under the law and consistent therewith, under, through or by mean of its officers, agents, or employees, or by contracts with any person, organization, or agency.

- (L) Have the authority to fix, establish, and maintain such rates, tolls, fees, rentals, and other charges for the public services and facilities of the District sufficient to pay at all times the costs of maintaining, repairing, and operating said facilities, to pay the principal of and interest on bonds of the District then outstanding, to provide for replacements, depreciation and necessary extensions and enlargements and to provide a margin of safety.
- (M) To cause the disposal of solid waste material originating within the boundaries of each member county, pursuant to any written agreement between the District and each member county.
- (N) To provide for a system of budgeting, accounting, auditing and reporting of all District funds and transactions, for a depository, and for the bonding of employees.
- (O) To contract with and compensate consultants for professional services including but not limited to: architects, engineers, planners, lawyers, accountants, and all others found necessary or useful and convenient to the stated purposes of the District.
- (P) Shall prepare, adopt, revise and maintain a "Solid Waste Management Plan."
- (Q) The executive board shall:
  - I. Adopt, alter or repeal District bylaws, rules and regulations governing the manner in which its business may be transacted;
  - II. Establish its fiscal year;
  - III. Adopt an official seal;
  - IV. Apply for and accept grants, gifts or appropriations from any public or private sector;
  - V. Make all expenditures which are incidental and necessary to carry out its purposes and powers, and take such action;
  - VI. Enter into such agreements and exercise all other power and functions necessary or appropriate to carry out the duties and purposes of sections 260.200 to 260.345;
  - VII. Enter into contracts with any person for services related to any component of the solid waste management system. Bid specifications for solid waste management services shall be designed to meet the objectives of sections 260.200 to 260.345, encourage small businesses to engage and compete in the delivery of waste management services and to minimize components and minimum quantities of waste products which shall be recycled by the successful bidder. The board shall divide the district into units to maximize access for small businesses when it requests bids for solid waste management services.

**ARTICLE 5  
FULL COUNCIL**

**5.1 Full Council Representation:** The representation of the council shall consist of:

- (A) Two elected official or other designee from each member county; which shall be appointed by county commission approval.
- (B) One selected official or other designee from each city having a population of five hundred persons or more; which shall be appointed by city council approval.
- (C) If a member city does not make an official appointment to the council, their representation seat will be considered vacant until filled; therefore, the city will not have representation on the council until vacancy is filled.

**5.2 Full Council Terms:** Council members shall serve a term of two years and may be reappointed thereafter. If a member's term has expired and the city and/or county does not notify the District they have appointed a different designee, that person shall be considered reappointed; however, members whose elected term of office, in a city or county, has expired shall be expeditiously replaced by the governing body from whence they were selected.

**5.3 Full Council Meetings:** The council shall meet no less than twice annually.

- (A) Quorum: A majority of the appointed council members shall constitute a quorum. Vacancies shall not be included in the determination of quorum.
- (B) Attendance: In the event a council members has unexcused absences at five consecutive council meeting, the local governing body of that member will be contacted and will be asked to either assure that the representative will improve their attendance or they will be asked to appoint a more attentive elected official.

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- (C) Officers: The council shall elect two officers consisting of a Chairperson and Vice Chairperson to serve as council officers. The officers shall serve a term coinciding with their council term. Officers shall be determined through nomination process.
- (D) Voting: Each appointed council member shall be entitled to one vote. Proxy voting shall not be permitted.

**ARTICLE 6  
EXECUTIVE BOARD**

- 6.1 Executive Board Representation:** The representation of the executive board shall consist of:
- (A) The council shall select seven persons to serve on the executive board; at least a majority of whom shall be selected from members of the council.
  - (B) The council shall select one representative from each member county to serve on the executive board. The representative that serves on the executive board may either be a county representative or a representative from a city that composes that county. This will account for six persons that shall serve on the executive board.
  - (C) The council shall select one member from the advisory committee to serve as the expanded member on the executive board; which will account for the seventh person that shall serve on the executive board.
- 6.2 Executive Board Terms:** Executive board members shall serve until replaced by the council; however, members whose elected terms of county or city office have expired shall be expeditiously replaced by the council. The board shall replace persons who habitually fail to attend board meeting.
- 6.3 Executive Board Meetings:** The executive board shall meet on a bi-monthly basis; unless otherwise stated by board and represented in meeting minutes.
- (A) Quorum: A majority of the appointed executive board members shall constitute a quorum. Vacancies shall not be included in the determination of quorum.
  - (B) Attendance: In the event a board member has unexcused absences at five consecutive executive board meetings, the board shall request the appointment of a new board member from the council.
    - (i.) Procedure for replacing habitually absent members:
      - (1) If the habitually absent member is one of the county representatives, then the board shall contact all of the county representatives and that county's member cities' representatives on the full council to determine who will replace the habitually absent member on the executive board. Official appointment of member to the executive board will take place at executive board meeting. The full council will reaffirm the appointment at their next regularly scheduled meeting.
      - (2) If the habitually absent member is the expanded member, then the board shall appoint someone from the advisory committee. Appointment will be reaffirmed by the council at their next regularly scheduled meeting.
  - (C) Officers: The executive board shall elect four officers consisting of a Chairperson, Vice Chairperson, Secretary, and Treasurer to serve as board officers. The immediate past Chairperson of the executive board shall not be a member of the executive board once their term ends. Elected officers shall serve a term coinciding with their executive board term.
  - (D) Officers Duties: The officers shall assume the normal roles of office in accord with Roberts Rules of Order and as follows:
    - (i.) Chairperson: Shall preside at all meetings and shall execute all instruments for and on behalf of the Quad Lakes Solid Waste Management District, unless other execution authorization is give by the Executive Board.
    - (ii.) Vice-Chairperson: Shall, in absence or disability of the Chairperson, perform the duties and exercise the powers for the Chairperson.
    - (iii.) Secretary: Shall record all the proceedings of the meetings of the Executive Board and Full Council in a book to be kept for that purpose. Shall, in absence or disability of the Chairperson and Vice-Chairperson, perform the duties and exercise the powers for the Chairperson.
    - (iv.) Treasurer: Shall have the custody of the funds of the District and shall keep full and accurate accounts of receipts and disbursements in books belonging to the District. The Treasurer shall co-sign all checks together with on (1) other elected officer of the Executive Board, for and on

- behalf of the District. Shall, in absence or disability of the Chairperson, Vice-Chairperson and Secretary, perform the duties and exercise the powers for the Chairperson.
- (E) **Voting:** Each selected executive board member shall be entitled to one vote. The chairperson of the board only votes in the event of a tie. Proxy voting shall not be permitted.

## ARTICLE 7

### FISCAL YEAR AND DISTRICT BUDGET

- 7.1 **Fiscal Year:** The District's fiscal year shall conform to the State of Missouri's fiscal year; which is July 1 through June 30.
- 7.2 **Budget:** The District planner shall prepare a budget annually that will underwrite the aforesaid work program. Budgets must be approved by executive board prior to beginning of fiscal year and approved at end of fiscal year.
- 7.3 **Books and Records:** The District shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its members, the executive board, and the committee(s) having any of the authority of the executive board, and shall keep at the registered or principal office a record giving the names and addresses of all District council and/or executive board representatives. All books and records of the District may be inspected by any member, or their agent or attorney, for any proper purposes at any time during normal office working hours.
- 7.4 **Member County Dues:** Member dues shall be due and payable to the Quad Lakes Solid Waste Management District in one annual payment; which to be made within thirty days after receiving the invoice form the District. Dues shall be used towards district operations and/or district grants. Member county dues shall be determined by first dividing the amount of revenue needed by the total population of the District members to determine a per capita cost. Each member shall pay an amount equal to the per capita cost multiplied by its own population. The population figures shall be determined by the latest regular decennial United States Census and shall be adjusted each time a new census figure is published. A similar formula shall be used to determine membership responsibility for any bonds or other forms of indebtedness issues by the District. Any special or budgetary appropriation adopted by the District shall be a membership requirement of each and every member county. The failure of a member county to pay to the District the allotted dues may be considered a withdrawal of that member county. In the event that State or Federal grants, loans or revenues that are allocated to the District are not sufficient to carry the operational expenses of the District, the District may request each member county to provide in its budget for its share of the District budget. In the event a member county withdraws from the District, such withdrawn county shall not be entitled to a refund of any money paid to the District.
- (A) The counties or cities that enter into a contract with the District to provide solid waste services as set forth in Section 260.200-260.345 (2) RSMo shall share all planning and organizational costs and other expenses incurred by the District, including costs and expenses incurred by the executive board in the preparation of the District Plan, in the same proportion as the population of the respective counties and cities as reported in the most recent decennial census. Any city within the District which does not contract with the District shall be responsible for their own plan at their own cost. The most recent decennial census information and the resultant proportions in which those costs and expenses are to be shared are set forth in Attachment "A", attached hereto, and shall be updated from time to time as new decennial census information becomes available.
- 8, a 7.5 **Auditing:** Fiscal records of the District shall be audited every other year by a Public Accountant, certified in the State of Missouri. The executive board will have their records audited by a certified public accountant or firms of accountants, pursuant to RSMo-260.325, within one hundred eighty (180) days of the end of the period covered by the audit. Said audit is due to the SWMP within one hundred eighty (180) days of the close of the District's fiscal year. Each audit will cover the two most recent fiscal years.
- 7.6 **Expenditures:** The planner shall have the authority to make expenditures, not already listed in the District's fiscal budget or any subgrant's financial assistance agreement budget, of up to three hundred dollars without executive board approval. Any expenditure greater than three hundred dollars shall require prior executive board approval.
- 7.7 **Bonding and Insurance:** All officers and employees who handle funds, or who are custodians of property, shall be bonded in an amount equal or great to the amount of funds which can be expected in the District accounts.

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MAY 25 2011  
SWMP OPERATIONS

15.02 7.8 **District Accounting Controls:** The Financial Management System of the QLSWMD will meet the following standards:

- (A) Financial Reporting: Accurate, current, and complete disclosure of financial results of financially assisted activities must be made in accordance with the financial reporting requirements of the agreement between MoDNR and QLSWMD;
- (B) Accounting Records: Financial records must be adequately maintained to identify the source and application of funds provided for financially assisted activities. These records must contain information relating to agreement awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income. Unobligated funds are to be tracked and recorded by amount and source;
- 70 (C) Internal Controls: Effective control and accountability must be maintained for all recipient cash, real and personal property, and other assets. Recipients must adequately safeguard all such property and must assure that it is used solely for authorized purposes;
- (D) Budget Control: Actual expenditures or outlays must be compared with budgeted amounts for each agreement established;
- (E) Allowable Costs: Applicable OMB cost principles, federal agency program regulations, and the agreement scope of work will be followed in determining the reasonableness, allow-ability, and allocability of costs;
- (F) Source Documentation: Accounting records must be supported by source documentation such as cancelled checks, paid bills, payrolls, time and attendance records, contract, and agreement award documents;
- (G) Procedures for Deposits: Checks that arrive by mail are handled by the Secretary of Kaysinger Basin Regional Planning Commission. The Secretary then makes a copy of each check and deposit slip and then takes the deposit to the bank. The copy of the check and deposit slip is then attached with the corresponding bank statement. All documents are then placed in a file folder for safe keeping.
- (H) Bank Reconciliation: The Fiscal Officer for Kaysinger Basin Regional Planning Commission will reconcile the bank accounts to the bank statements. Accounts are promptly reconciled. Reconciliations are then presented with the Treasurer's Report for executive board approval.
- (I) Disbursements: All disbursements are made by check and will only be made with a request for payment or check request. Invoices are presented to the QLSWMD Planner who will then prepare a check for payment. Checks will be presented with the corresponding invoice to two Executive Board members that are authorized signatories. The two authorized members will approve the payment by reviewing the invoice and signing the corresponding check. Prior to October 9, 2008 copies of checks disbursed are kept through carbon copies. Post October 9, 2008 checks and stubs are copied prior to payment. One stub is tore off and stapled with the copy of the check. On each check, a memo is written designating the check to the invoice in which it is paying.
- (J) Receipts: A consecutively numbered receipt book is kept as a means of issuing receipts for funds received by the District. The Planner for the District will issue receipts.
- (K) Invoices: Before an invoice is paid, the following occurs: invoice verified by Planner, check devised and signatures obtained, one of the check stubs is then stapled to a copy of the check and invoice.
- 60 (L) FDIC Insurance: The District's Planner will ensure that all banking accounts of the District are FDIC insured semi-annually. In the event the totals of the District's accounts are greater than that of FDIC insurance; the Planner will secure collateralization through the bank.
- (M) Bank Signature Cards: District bank signature cards at the QLSWMD depository bank will be updated when a change occurs regarding the Districts' authorized signatories. Approved meeting minutes must be submitted to the bank documenting the executive board's approval to amend signature cards and/or change signatories.
- (N) Financial Reporting: A balance sheet reflecting all expenses and income of the QLSWMD will be provided to each member of the QLSWMD, and at all Executive Board meetings. A list of checks (dated from last Board meeting to current date) is presented to each member and specifies the date, check number, amount, and the payee in which the check was issued. Reconciled bank statements will also be presented for approval at meetings.
- (O) Allocation Methodology: The District shall comply with 10 CSR 80-9.050 (4) (B) when allocating shared costs between the Kaysinger Basin Regional Planning Commission and the Quad Lakes Solid Waste Management District. The process that will be utilized to disperse shared costs will be as follows: the District receives an invoice from Kaysinger Basin Regional Planning Commission (KBRPC) for administrative work, expenses, and indirect charges incurred by the KBRPC agency and staff, Planner verifies all invoiced items are allowable costs to the District and verifies that required source documents,

including timesheets and payroll documentation, are included with the invoice, disbursement will then be made.

- (P) Council, Executive Board, and/or Advisory Committee Compensation(s): No member of the full council, executive board, or advisory committee shall receive compensation for time expended upon any activity of the District. However, members shall be entitled to mileage and meal reimbursement for attendance at meetings or other District activities that require travel; which has been approved by the executive board. Any executive board approved direct expenses are reimbursable expenditures.
- (Q) State Allocated Funds: Funds allocated to the Quad Lakes Solid Waste Management District are to be used solely for solid waste infrastructure development, plan implementation or district operations.

## ARTICLE 8 COMMITTEES

- 8.1 Establishment of Committees:** The executive board may, from time to time, require the need of utilizing special committees to research and recommend operational programs and developmental activities. The appointments to the committees may be from the executive board, council or from any other source that should be applicable.
- 8.2 Advisory Committee:** Per the Missouri Revised Statutes 260.320, the executive board shall "appoint one or more geographically balanced advisory committees composed of the representatives of commercial generators, representatives of the solid waste management industry, and two citizens unaffiliated with a solid waste facility or operation to assess and make recommendations on solid waste management."
- (A) Membership: Committee membership may be generated by personal invitation from either the Advisory Committee or Executive Board. Interested persons may submit their interest in writing to the District and such will be reviewed by the Advisory Committee. The Advisory Committee shall submit appointment recommendations to the Executive Board. The Executive Board shall officially appoint persons to the committee. Committee members shall serve as long as they want to.
- (B) Meetings: The advisory committee shall meet on a quarterly basis per fiscal year.
- (C) Meeting Minutes: Meeting minutes shall be taken and recorded and signed by the committee's chairperson and the solid waste district's planner. The signed meeting minutes will be presented for review and approval at executive board meetings.
- (D) Officers: The advisory committee members shall select one chairperson and one vice-chairperson. Persons who volunteer to serve as officers are appointed as such by the committee. If no one volunteers to serve as an officer, officers will be selected through a nomination process.
- (E) Officers Term: The office of chairperson and vice-chairperson shall serve a term of one (1) year.
- (F) Attendance: There will be no attendance regulations for the advisory committee.
- 8.3 Executive Committee:** Should the executive board devise an executive committee, it shall be comprised of the executive board officers, the council's chairperson, and the most recent past chairperson of the executive board. The executive committee shall exercise authority over all other committees and shall have such other duties, power and functions which will be provided via proper resolution of the executive board.
- 8.4 Budget Committee:** Should a budget committee be devised, it shall be comprised of three members of the executive board; which shall be appointed by the executive board chairperson. The committee shall review all relevant financial transactions involving the District's activities such as bills, invoices and receipts and make recommendation to the executive board for appropriate executive board action. The committee shall regularly review the financial condition of the District, shall review and recommend an annual budget, and shall have such other powers, duties and functions which shall be provided via proper resolution of the executive board.
- 8.5 Temporary Committee(s):** From time to time there may be the need for temporary committee(s) that will function on an occasional basis for special projects and district activities. Those committees shall be initiated by the executive board chairperson, with the approval of the executive board. The members of such committee(s) shall be appointed by the Chairperson and shall have such authority and perform such duties as designated via proper resolution of the executive board.
- 8.6 Public Relations Committee:** Should a public relations committee be devised, it shall be comprised of representatives from the media having general circulation or coverage for the region that comprises the District. The membership on this committee will be filled by invitation to each of the known media offices. The purpose of this committee shall be, "the dissemination of information relating to the activities and programs of the Solid Waste Management District." The planner shall have the responsibility of supplying pertinent information to the committee members and shall have the responsibility of calling informational meetings for the committee. This

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MAY 25 2011

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committee will not be expected to conduct the general information meetings throughout the District; that activity is the responsibility of the District planner.

- 8.7 **Appointment from Committee(s) to Executive Board:** No Chairperson from any of the committee(s) which are appointed by the executive board can be appointed to the executive board.

## ARTICLE 9 EMPLOYEES OF THE BOARD

- 9.1 **Administrative Services:** The District may employ, either directly or by contractual agreements, an administrator/planner that has the capability of carrying out the purpose of the District and provide professional accounting, legal and business servicing capabilities. The administrator/planner shall be a non-voting member of the executive board. Any employee (whether contracted or directly employed) must be a citizen of the United States.

- (A) Procedures for obtaining administrative services: The District will conduct proper procurement/bidding procedures when purchasing goods and/or services. The Executive Board of the QLSWMD will review bids received and will award the bid to the "lowest and best bid." The Executive Board members shall serve as the Bid Evaluation Team.
- (B) The Executive Board shall use a competitive bid process to obtain administrative services, office space rental, and other district operation services, except for employees who are directly employed by the District. Contract for administrative services may be renewed annually up to five (5) years.
- (C) No work or services paid for, wholly or in part, with state or federal funds, will be contracted without the written consent of the MoDNR.
- (D) Recipients of District grant funds agrees that any contract, interagency agreement, sub agreement, and/or equipment to be procured under this award which was not included in the approval work plan must receive formal MoDNR project officer approval prior to expenditure of funds associated with the contract, agreement, sub agreement, or equipment purchase.
- (E) The District and recipients of District grant funds are required to obtain bids for all purchases according to the following schedule as defined in RSMo 34.040:
  - Purchases of \$0 - \$2,999.99.....Do not require bids
  - Purchases of \$3,000.00 - \$24,999.99.....Requires competitive bids, but do not have to be advertised.
  - Purchases over \$25,000.00.....Requires competitive bids advertised in at least two daily papers for five days before bid opening.
- 1.a (F) Reimbursements for administrative services are to be for the amount of actual cost incurred and copies of supporting documentation for allowable expenditures must be provided at the time reimbursement is requested. Reimbursements for administrative services are not to exceed the total contract amount.

- 9.2 **District Administrator/Planner:** The District planner shall be in charge of and responsible for all professional planning work and policies established by the District. The planner shall, with advice and consent of appropriate and/or applicable committees, make recommendations for appointments of staff personnel, prepare and recommended budget, prepare reports and publications and direct the work of the staff. The planner may testify, with the consent of the board, before appropriate bodies or committees, thereof, on such policies and recommendations as may be adopted and approved by the council or executive board and may consult and confer with appropriate public officials or other persons on behalf of the council and/or board in connection with the Solid Waste Management Program of the District. The planner may recommend, to the board, staffing needs of the District. Staff promotions and salaries may be recommended by the planner. The planner shall have the responsibility of making recommendations to the executive board for sources of funding for the Solid Waste Management District activities. The planner under supervision of the executive board Secretary and Treasurer may perform any of the duties of the Secretary or Treasurer, except the planner will not be allowed to co-sign District checks. The executive board may, by proper resolution, grant either general or specific authority to the planner to execute instruments for and on behalf of the executive board and/or council, with approval from the executive board. Should the District choose to hire a planner directly, the executive board shall research, interview, hire and determine the planner's salary. If administration is provided through a contract, the executive board will act as the bid evaluation team and will make award based on their evaluations.

All directly hired personnel shall be subject to personnel policies as established by the executive board. If personnel provided via administrative contract; said policies will be included in contract documents, should they be devised and/or enforced.

Preference shall be given to persons or firms that are located within the District.

- 9.3 Use of Local Employees:** In the event that the executive board uses an employee of a county, city or other governmental unit in the District, including without limitation an engineer or other employee, the governmental unit employing that person shall provide to the executive board any information necessary to determine the direct cost and expense to that governmental unit of the provision of that employee's service in the same proportion as operating costs and expenses directly paid by the District are shared.

#### ARTICLE 10 ANNUAL REPORT

- 10.1 Annual Report:** The District planner shall prepare an annual report stating the activities and work of the District for the previous year. The report shall be submitted to the council, executive board, and the Missouri Department of Natural Resources, Division of Solid Waste Management Program. The report shall be made available to the general public. The report may also be submitted to the member counties and to the members of the Missouri General Assembly representing any member county, wholly or partially.
- (A) The Annual Report will be submitted to the department within one hundred twenty (120) days of the end of the state fiscal year. This report will identify the following for the state fiscal year: goals and accomplishments, types of projects and their results, summary of projects that did and did not divert waste, statistics for items that are and are not banned from landfills, description of district's grant proposal evaluation process and a list of the District's full council and executive board members and their affiliations.

#### ARTICLE 11 ADOPTION, ALTERING, OR REPEALING OF DISTRICT BYLAWS

- 11.1 Adoption, Altering, or Repealing of District Bylaws:** The executive board shall adopt, alter, or repeal District bylaws.
- 11.3 Voting on Adoption, Altering, or Repealing of District Bylaws:** Bylaws shall be adopted, amended or repealed by two-thirds (2/3) vote of the members present at any regular meeting of the executive board, or at any special meeting thereof, at which quorum is present, provided that the notice of such regular or special meeting included a copy of the proposed amendments and/or actions to the bylaws.
- 11.4 Adoption and Altering of District Procedures:** The executive board shall adopt or alter District procedures, rules and regulations which govern the manner in which District business is transacted.

#### ARTICLE 12 MEMBER COUNTY WITHDRAWAL AND DISSOLUTION

- 12.1 Member Withdrawal and Dissolution:** As long as one (1) county remains active in the Quad Lakes Solid Waste Management District, the District shall continue its activities in perpetuity. The withdrawal of a member county shall be authorized by a three-fourths (3/4) vote from that county's members on the council. In the event of a withdrawal, the agreement with that county and cities within that county shall be terminated. The withdrawal vote shall specify the date and time such withdrawal shall be effective. In the event all counties withdraw, the District shall be termed dissolved. The District shall be dissolved at any time that revenue bonds or obligations issued in anticipation of revenue bonds have been issued and are outstanding, or any grant project are not completed. Any county or city that has withdrawn shall not be entitled to derive any benefits from the District Plan or activities; such member shall not be entitled to a refund of any money paid by it to the District.

In the event of any such move to completely dissolve the District, any real or personal property shall be sold prior to the date and time aforesaid and the proceeds prorated among the members at the time of dissolution on the basis of the sum of the portions of the budget for the District provided by them for and during the period of the agreement; provided, however, that the proceeds of the sale of land acquired by the District shall be divided among the members in proportion to their respective original contributions toward the acquisition of said land. The current budget year shall be used as one of the years in the calculation if all members have made their

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MAY 25 2011

SWMP OPERATIONS

proper contributions but if not, the balance remaining of the funds collected during the current year shall be refunded to the contributors before determining the value of the assets of the District at dissolution, and said year shall not be used in calculating the shares.

Anything herein to the contrary notwithstanding, members may not withdraw or in any way terminate, amend, or modify in any manner to the detriment of bondholders the agreement or any contract for services of the District if revenue bonds or obligations issued in anticipation of the issuance of revenue bonds have been issued and are outstanding, or any grants have been awarded and the grant projects are not completed. Any revenue bonds for payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to the agreement to insure the payment thereof, of monies sufficient for the purpose or through the irrevocable segregation for that purpose in a sinking fund or other fund or trust account of monies sufficient, thereof, shall be deemed to be no longer outstanding and unpaid within the meaning of any provision of the agreement.

Withdrawal from the District shall not relieve any member or former member of any liability it may have for closure or post-closure landfill costs or any other expense related directly to any member or former member having participated in the activities and operation of the District.

- 12.2 Voting Rights Suspension:** Any county, or a city within a county, that is not a member by resolution, or withdraws by certified letter, from the Quad Lakes Solid Waste Management District shall not have a voting privilege nor be considered a member of the District. Such county and/or city shall have no input into the District Program Plan unless solicited by the District's executive board. Said non-member county or city shall not be entitled to derive any benefits from the District plan or activities.

## ARTICLE 13

### DISTRICT SOLID WASTE MANGEMENT PLAN

- 13.1 Solid Waste Management Plan:** The executive board shall submit to the department a plan which has been approved by the council for a solid waste management system serving areas within its jurisdiction and shall, from time to time, submit officially adopted revision of its plan as deemed necessary or upon department requirement. In development of the plan, the executive board shall consider the model plan distributed to the executive board pursuant to section 260.225. District may contract with a licensed professional engineer or as provided in Chapter 70, RSMo, for the development and submission of a joint plan.
- 13.2 Public Hearings:** The executive board shall hold at least one public hearing in each member county of the district when it prepares a proposed plan or substantial revision to a plan in order to solicit public comments on the plan.
- 13.3 Submission of Plan:** The solid waste management plan shall be submitted to the department within eighteen months of the formation of the district. The plan shall be prepared and submitted according to the procedures specified in sections 260.220 and 260.325.
- 13.4 Plan Content:** Each plan shall:
- (A) Delineate areas within the jurisdiction of the political subdivision where solid waste management systems are in existence and areas where the solid waste management systems are planned to be available within a ten-year period;
  - (B) Reasonably conform to the rules and regulations adopted by the department for implementation of sections 260.200-260.245;
  - (C) Provide for the orderly extension of solid waste management systems in a manner consistent with the needs and plans of the whole area, and in a manner which will minimize pollution of the waters or air of the state, prevent public nuisances or health hazards and shall otherwise provide for the safe and sanitary disposal of solid waste;
  - (D) Take into consideration existing comprehensive plans, population trend projections, engineering and economics so as to delineate with practicable precision those portions of the area which may reasonably be expected to be served by a solid waste management system;
  - (E) Take into consideration existing acts and regulations affecting the development, use and protection off air, water or land resources;
  - (F) Establish a time schedule and proposed method of financing for the development, construction and operation of the planned solid waste management systems together with the estimated cost thereof; and
  - (G) Include such other reasonable information as the department shall require.

- (H) Provide recommendations for such items as: Integrated Solid Waste Management (Existing and Suggested), Waste Stream Analysis, Waste Reduction, Reuse of Materials, Recycling, Composting, Energy Recovery, Collection and Transfer, Disposal, Special Technologies, Special Types of Waste, Public Education, Elected Official Education, Hauler and Operator Education, Financial Considerations, Remanufactured Products Markets, Landfill and Systems Locations, Compatible Uses, Permitting Procedures, Special Committees, etc. The District shall consider all known waste being imported into or exported from the District.
  - (I) Be designed to be in compliance with the Missouri Solid Waste Management Law.
- 13.5 Review of Plan:** The plan shall be reviewed by appropriate official planning agencies within the area covered by the plan for consistency with program of comprehensive planning for the area, and all such reviews shall be transmitted to the department with the proposed plan.
- 13.6 Disapproval of Plan:** Should any plan or part thereof be disapproved, the department shall furnish any and all reasons for such disapproval, and any city, county, or regional planning commission whose plan is disapproved shall within sixty (60) days revise and resubmit the plan for approval or may request a hearing in accordance with section 260.235.
- 13.7 Technical Assistance:** The department may provide technical assistance to counties, cities, and regional planning commissions in coordinating plans for solid waste management systems required by section 260.200-260.245, including revision of such plans. The director may institute appropriate action under section 260.230 to compel submission of plans in accordance with sections 260.200-260.245 and the rules and regulations adopted to sections 260.200-260.245.
- 13.8 Special Services:** The District may provide, upon request, special solid waste planning and/or management services to local units of government and shall coordinate matters of local interest throughout the District.

**ARTICLE 14  
DISTRICT MEETINGS POLICIES & PROCEDURES**

*for* **14.1 Policy and Procedures:** It is the policy of the Quad Lakes Solid Waste Management District "J" (hereafter District J) to comply with Chapter 610, RSMo commonly referred to as the "Missouri Sunshine law" related to opening meetings and records. This compliance shall include:

- (A) Meeting Notices: All meeting notices will be posted at least 24 hours (excluding weekends and holidays) before a meeting of any District J official bodies as defined by the Missouri Sunshine law, court interpretation or attorney generals' opinions, in the principal office of District J as well as in the six (6) county courthouses served by the District. All meeting notices will include the time, date, and place of the meeting as well as the tentative agenda of a meeting and whether the meeting is open or closed. If a meeting or any portion of a meeting is to be closed, the meeting notice shall include the specific exception provided in 610.021, RSMo allowing for its closure.

If exceptional circumstances prevent District J from posting notices 24 hours in advance or prevent the meeting from being held at a convenient time or in a place reasonably accessible to the public, the detailed reasons will be stated in the District J meeting minutes.

- (B) District J Public Record: Unless otherwise provided by law, records of District J are open and available to the public for inspection and copying. District J may charge up to 10 cents per page for standard copies and the actual cost of the copy for larger or specialized documents (such as maps, photos, graphics). District J may also charge a reasonable fee for the time necessary to search for and copy its records. Copying time will not exceed the average hourly rate of pay for District J staff. District J may reduce or waive costs when it determines the request is made in the public interest is not made for commercial purposes.

District J shall appoint a custodian of records in accordance with 610.023, RSMo. Each request for District J records shall be acted on no later than the end of the third business day following the date the request is received by the custodian of records. If access to a District J record cannot be granted in this timeframe, the District J custodian will give a detailed explanation of the cause for further delay and

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MAY 25 2011

SWMP OPERATIONS

the place and earliest time and date that the record will be available for inspection. If access is denied, the custodian will explain in writing and must include why access is denied, including the statute that authorizes the denial. If only part of the record may be closed to review, the rest of the record will be made available. If the records request is for a particular format, the District J custodian of records will provide the records in that format if it is available.

If a member of the District J Executive Board or Council transmits an email message relating to District J business to two or more other members so that, when counting the sender, a majority of the members are copied, a copy of the email shall also be sent to either the custodian of records of the member's public office computer. Any such message received by the custodian or at the member's office computer shall be a public record subject to exceptions of 610.021, RSMo.

District J public records shall include records created or maintained by a public contractor under an agreement with District J or on behalf of District J.

- (C) Closed Meetings: In accordance with 610.021, RSMo, District J may close meetings or portions of meetings that deal with the following items:
- (v.) Legal actions, causes of action or litigation, except that votes, minutes and settlement agreements will be opened to the public on final disposition, unless ordered closed by a court;
  - (vi.) Leasing, purchase, or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefore;
  - (vii.) Hiring, firing, disciplining or promoting a particular employee;
  - (viii.) Software codes for electronic data processing;
  - (ix.) Individually identifiable personal records; or
  - (x.) Records that are protected from disclosure by other laws.

When District J closes any meeting or a portion of any meeting, members shall state in public the specific statute and subsection authorizing the closed meeting. Once in closed session District J will only discuss the matter(s) in the stated reason for the closed session. No meeting or vote may be closed without an affirmative public vote of the majority of a quorum of District J's executive board members. All votes by District J to close a meeting or any portion of a meeting will be taken in public by roll call vote. In the event of a closed meeting, District J will provide space for the public to remain and attend any later open session.

In the event a member of either District J executive board or council expresses an objection to closing a meeting before the vote to close the meeting, the District shall provide a form for the member to request that the objection be entered into the minutes by the custodian of records.

In the event any member of the District J board or council, as appropriate makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record, or vote to be closed from the public in violation of any provision in this chapter, such member shall state his or her objection to the motion at or before the time the vote is taken on the motion. District J shall enter in the meeting minutes of such meeting any objection made pursuant to 610.022.6. RSMo. Any member making such an objection shall be allowed to fully participate in any meeting, record, or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record, or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to 610.027, RSMo related to violations.

- (B) Meeting Minutes: Meeting minutes of District J shall be taken and retained including the date, time, and place, listing of all members present, members absent, and a record of any votes taken. A roll call vote shall be taken when the vote is not unanimous or a roll call is otherwise required by law and the minutes will attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of District J's board or council, as appropriate, for all those members present.

In the event of a District J closed meeting, minutes shall be taken and retained including at a minimum, the date, time, place of the meeting, a listing of members present and absent, and a record of any votes taken during the closed session.

All minutes shall be signed by the member who served as Chairperson at that meeting as well as being attested to by another member; once those minutes have been approved at the next meeting of the body. However, copies of minutes marked clearly as "draft" shall be made available to the public in the interim.

## ARTICLE 15 REPORTING POLICIES & PROCEDURES

11. a **15.1 Quarterly Reporting Requirements, Policies and Procedures:** The Quad Lakes SWMD will comply with reporting requirements per 10 CSR 80-9.050 (C) (3) (b). The District will submit to the Missouri Department of Natural Resources (MoDNR) Quarterly Reports, which contains the following information for each open project:

- (A) Project Status, which will yield: details or progress in relation to the tasks outlined in the plan implementation application or the financial assistance agreement, problems that have been encountered in fulfilling the stated tasks, justified budget amendments, weight in tons diverted for each type of recovered material utilized in the project, if applicable, a copy of the amended financial assistance agreement and other relevant information needed for the proper evaluation.
- (B) Financial Summary for each grant (including district operations, plan implementation, and subgrantee projects).
- (C) Quarterly reports will be submitted to the department within thirty (30) days after the end of each state fiscal year quarter.

12. a **15.2 Final reports:** Final reports will be submitted to the department within thirty (30) days of the executive board's approval of project completion and final expenditure of funds. The report will include the same information as the quarterly reports. Additional information that will be included is a comparison of the goals established and the actual accomplishments and a description as to how those goals were met, not met, or exceeded.

**15.3 Assessment Inventory:** Pursuant to RSMo-260.325, the board shall review the district's solid waste management plan at least every twenty-four (24) months for the purpose of evaluating the district's progress in meeting the requirements and goals of the plan, and shall submit plan revisions to the department and the executive board or council. The inventory of solid waste services in the planning area will be submitted to the department on forms provided by the Solid Waste Management Program.

## ARTICLE 16 DISTRICT SUBGRANTS POLICIES & PROCEDURES

9. a **16.1 Evaluation Procedures:** The Quad Lakes SWMD will evaluate District Grant proposals according to 10 CSR 80-9.050 (2) (C) The advisory committee will evaluate only those proposals that are eligible and complete. If a proposal is determined as eligible and complete, the advisory committee will perform its evaluation method based on criteria that is evidenced in the grant evaluation form, required criteria is listed in 10 CSR 80-9.050 (2) (C) (3) (a-s). Each proposal will then be ranked, according to points, and listed on a score sheet. Those points will then be aggregated on an aggregate ranking form, which is attached with this policy. If the advisory committee determines the applicant or project as ineligible or incomplete, the committee may choose to reject the proposal and notify the applicant. A project that was initially incomplete may be resubmitted up to the application deadline. The advisory committee will verify that all required documentation for each proposal has been submitted to the QLSWMD by the established submission deadline. Once the advisory committee has reviewed and ranked proposals, the results are then presented to the executive board in a recommendations

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MAY 25 2011  
SWMP OPERATIONS

summary. The executive board will consider only those proposals that receive an average of fifty (50) or more points in conjunction with the committee's recommendations; given the availability of grant funds for said grant call. The executive board may decide to partially fund some proposals as a means of disbursing grant funds more evenly.

- (A) Required documentation for each proposal shall include: executive summary of the problem to be solved and the project's objectives, location of the project, name, address, and phone number of the subgrantee recipient, work plan that clearly identifies the tasks associated with the project, the key personnel that will be involved and their qualifications, timetable showing projected dates for the major activities and expenditures; as well as quarterly reports and the final report, budget that identifies cost estimates that will be incurred during the project, verification that all federal, state, and local permits, approvals, licenses, waivers that will be required to conduct the project are either not needed or have been obtained or applied for and will be obtained prior to an award, demonstration that compliance with local zoning ordinances has been met, description of evaluation procedures for the project that will measure the success of the project in terms of quantity and quality, if project is over fifty thousand dollars (\$50,000), additional supporting documents outlined in 10 CSR 80-9.050 (2) (B) (10) (a-b) will be required.
- (B) If subgrantee so desires, a letter requesting confidentiality, in regards to project information, may be submitted and confidentiality will be granted.
- (C) If more than one (1) solid waste management district proposes to participate in a project as joint subgrantees, each district's responsibilities will be outlined in the subgrantee financial assistance agreement. One (1) of the districts will be designated as project manager. Administration of a project of this nature will follow sections (5) and (6) of the 10 CSR 80-9.050 rule.
- (D) If funded, the subgrantee will then enter into a financial assistance agreement issued by the District which follows the Solid Waste Management Law, MoDNR rules, and all Terms and Conditions of the District's Grant Agreement.

#### **16.2 Project and Budget Periods:**

- (A) District Operations: The district operations grant and budget period has a maximum of a one (1) year time period, unless approved by the Solid Waste Management Program.
- (B) Plan Implementation and District Subgrant Projects: Grant and budget period is given up to a two (2) year time frame; one (1) six (6) month extension may be allowed beyond the two (2) years when approved by the executive board; any extension beyond the two (2) years and six (6) months will require approval from the executive board and the Solid Waste Management Program.

#### **16.3 Subgrant Accounting Controls:** Disbursements will not be made for costs incurred before approval and after the budget has closed.

- 13.0 (A) Retained Funds: The executive board shall retain fifteen percent (15%) of grant funds on each subgrant until the executive board approves the final report and final expenditure of funds. Should the recipient need early release of retained funds, they must obtain approval from the executive board and from the Solid Waste Management Program.
  - (i.) Disciplinary Action: If retained funds are released prior to project completion and the subgrantee fails to comply with reporting requirements, the District will take possession of equipment, if applicable, and will demand all grant funds that were disbursed to the subgrantee be paid back to the District.
- 14.0 (B) Reimbursements: Payments to the recipients will be on a reimbursement basis. The District will reimburse subgrantee up to eighty-five percent (85%) of the total grant funds awarded. Fifteen percent (15%) will be retained until project completion, unless approval to release retained funds has been obtained from the executive board and the Solid Waste Management Program. The subgrantee shall complete and submit an invoice certification (designated as "Attachment G" of the Financial Assistance Agreement) to the district. The invoice certification shall track amount of funds awarded, amount of funds received to date, amount requesting, total amount of funds to be retained, amount of funds retained to date, amount of funds remaining upon processing reimbursement request, amount of funds to be retained with reimbursement, program income, if direct payments have been requested and approved, if release of retained funds prior to approval of the final report has been requested and approved. The invoice certification shall also track budget items and how much grant funds were awarded for each line-item, how much is being requested, how much has been requested to date, and how much will remain upon processing reimbursement request. The subgrantee must sign the reimbursement request certifying the following language, "I certify to the best of my knowledge and

belief the data above are correct and that all outlays were made in accordance with the subgrant and that payment is due and has not been previously requested." Reimbursements will only be made for eligible project expenses and must be supported by proper source documentation. Invoice and supporting documentation will be reviewed by the planner for accuracy, validity and consistency. The amount approved on the source document must equal the amount of payment transaction. In the event there are discrepancies, the planner will contact the subgrantee in writing detailing the discrepancy and will require resubmission of corrected information before reimbursement will be issued.

- (C) Direct Payments: Recipients may request to the executive board that the District directly pay vendors for expenditures approved in the financial assistance budget. If direct payments have been requested by the recipient and approved by the executive board, the District will make direct payments for approved expenditures up to eighty-five percent (85%) of the total grant funds awarded. Fifteen percent (15%) will be retained until project completion, unless approval to release retained funds has been obtained from the District and the Solid Waste Management Program.
- (D) Documentation for Reimbursements and/or Direct Payments:
- (i.) Reimbursements: In order to be reimbursed, the subgrantee must submit copies of cancelled checks and invoices and/or contracts to verify the expenditure was made. Subgrantee must also submit corresponding account sheets.
  - (ii.) Direct Payments (after goods and/or services have been received): Subgrantee must submit a copy of invoice and/or contract and documentation that goods and/or services have been received.
  - (iii.) Funding for the approved subgrantees will not be forwarded to this district until the financial assistance agreement has been completed and submitted to the department.
  10. a. (iv.) The Quad Lakes Solid Waste Management District will not enter into a Financial Assistance Agreement and authorize services or incurred expenses until approval from the Solid Waste Management Program has been obtained (via Attachment 1 document).
  10. a. (v.) Reimbursements and/or direct payments will only be issued after full execution of a Financial Assistance Agreement.
  - (vi.) If at any time an invoice is submitted and found to be fraudulent; the District will then have the authority to terminate the agreement between the grant recipient and the District.
  - (vii.) If at any time an invoice is found to be fraudulent after the District has directly paid it; the grant recipient shall be responsible for ensuring the amount that was paid out by the District is returned to the District. The timeframe in which the amount must be returned will be determined by the executive board.
2. a. (E) Program Income: District subgrantees are encouraged to earn income to defray program costs. Program income shall be deducted from expenditures which may be both district grant funds and non-district grant funds as described below, unless the Solid Waste Management fund – District Grant regulation, 10 CSR 80-9.050 or the FAA specify another alternative. In specifying alternatives, the SWMP may distinguish between income earned by the subgrantees and between the sources, kinds, or amount of income. When the SWMP authorizes the alternatives in paragraphs 2.b. and 2.c. of this section, program income in excess of any limits stipulated shall also be deducted from expenditures.
- (i.) Deduction: Ordinarily program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless the SWMP authorizes otherwise. Program income which the subgrantee did not anticipate at the time of the award shall be used to reduce the SWMP and district contributions rather than to increase the funds committed to the project.
  - (ii.) Addition: Prior written approval of the SWMP, program income may be added to the funds committed to the FAA by the SWMP and the District. The program income shall be used for the purposes and under the conditions stated in the FAA.
  - (iii.) Cost sharing or matching: With prior written approval of the SWMP, program income may be used to meet the cost sharing or matching requirement of the FAA, if applicable. The amount of the district grant award remains the same.
  - (iv.) Program income after the award period: Program income generated from project activities occurring after the expiration of the FAA between the District and the subgrantee remains with the subgrantee.

RECEIVED BY  
MAY 25 2011  
SWMP OPERATIONS  
15

(v.) Program income may be used to subsidize other operational expenses not included in district grant projects. Documentation shall be submitted showing program income was used to pay for other operational expenses.

(vi.) Program income is to be reported and documentation provided on a quarterly basis.

(F) **Procurement and/or Bidding:** Subgrantees will be required to submit their procurement policy to the District and the District will ensure that the grantee adheres to their procurement policies, provided it conforms to the state procurement standards when purchasing goods and/or services with District grant funds. Should the subgrantee not have a procurement policy in place, then they must follow the State of Missouri's procurement standards; which will be provided to the District as the standard for following procurement. \

#### **ARTICLE 17 INTERNAL CONTROLS**

**17.1 Record Retention and Custodial Requirements of Records:** The Executive Board will retain all records and supporting documents for each funded project for a period of three (3) years from the date the final report was submitted. MoDNR, authorized representatives of Federal Awarding Agencies, and the Controller General of the United States shall have access to any pertinent books, documents, and records of recipients to make audits or examinations. The recipient will agree to permit monitoring by the MoDNR and/or authorized representatives. If any litigation, claim, negotiation, audit or other actions that has begun prior to the three (3) year expiration period, the records will then be retained until the action is complete or resolution has been met.

**17.2 Recycled Paper:** The Quad Lakes SWMD will use recycled paper consisting of at least thirty percent (30%) post consumer waste for all reports and materials which are prepared as part of this grant award and delivered to the MoDNR or otherwise distributed as part of this grant. If paper containing thirty percent (30%) post consumer material is not reasonably available, does not meet reasonable performance requirements, or is only available at an unreasonable price, the District shall then use paper containing no less than twenty percent (20%) post consumer material. The chasing arrows symbol representing the content of the paper will be clearly displayed on at least one page of any materials provided to any and all parties other than MoDNR. This requirement applies even if the cost of recycled paper is higher than that of virgin paper.

#### **ARTICLE 18 CONFLICT OF INTEREST**

**18.1 Conflict of Interest District Policy & Procedures:** No person may serve on the executive board who is a stockholder, officer, agent, attorney, or employee or who is in any way pecuniarily interested in any business which engages in any aspect of solid waste management regulated under RSMo Sections 260.200 to 260.345; provided however, that such member may own stock in a publicly traded corporation which may be involved in waste management, as long as such holdings are not substantial.

All executive board and advisory committee members shall submit a conflict of interest disclosure statement providing notice to the other members and the public of each business and institution in which he or she has a direct or indirect interest. In situations where there is a conflict of interest on the advisory committee, the member with the conflict of interest shall not review, score, rank, or approve any of the subgrantee applications for that grant call. If a conflict of interest occurs at the executive board and/or advisory committee level, the member with the conflict shall disclose such conflict and absent himself and/or herself from not only the vote, but also from the deliberation.

Whenever the District J – Quad Lakes Solid Waste Management District (hereafter “District J”) executive board is to make a decision upon an issue, about which any member has a real or implied conflict of interest, that member shall disclose the conflict to the executive board and absent himself and/or herself from not only the vote, but also from the deliberation.

Further, it is District J's policy that members of the advisory committee having an affiliation to a business or institution shall not participate in the grant evaluation process for a grant call where that business or institution applies for a District subgrant. Specifically, those members having such a real or implied conflict of interest shall not review, score, rank, or approve any of the subgrantee applications for that grant call.

Each executive board and advisory committee member shall submit a conflict of interest disclosure statement providing notice to the other members and the public of each business and institution in which he or she has a direct or indirect interest. In the case of new members, that new member shall complete a disclosure statement before participating in any activities, deliberations, evaluations, or votes.

In regard to the District's association with the state, no state employee or former state employee as defined in Chapter 105, RSMo, shall perform any service for consideration paid by the District or a District subgrantee for one year after termination of the employee's state employment by which the former state employee attempts to influence a decision of a state agency. A state employee who leaves state employment is permanently banned from performing any service for consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment with the state.

## ARTICLE 19

### TERMINATION OF SUBGRANTS/DISTRICT GRANTS

- 19.1 Missouri Department of Natural Resources (MoDNR) and/or the District:** MoDNR and/or the District may terminate any subgrant, in whole or in part, at any time before the date of completion whenever it is determined that the district or subgrantee has failed to comply with the terms and conditions of the subgrant. The MoDNR reserves the right to withhold all or a portion of the grant funds if the district or subgrantee violates any term or condition of the subgrant.
- 19.2 Missouri Department of Natural Resources (MoDNR), the District, Subgrant:** MoDNR, the district, or the subgrantee may terminate the subgrant, in whole or in part, when the parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds.

## ARTICLE 20

### FEDERAL AND STATE LAWS

- 20.1 Employment and Non-Discrimination:** The district and its subgrantees shall certify that the district or its subgrantees, its board of directors and principals are in compliance with the specific federal and state employment and nondiscrimination laws set out below. The district and its subgrantees shall report to the SWMP any instance in which the district, its subgrantees, or any member of its board of directors or principals is determined by any administrative agency or by any court in connection with any judicial proceedings to be in noncompliance with any of the specific federal or state laws set forth below. Such report must be submitted within ten (10) working days following such determination. Failure to comply with the reporting requirements may be grounds for termination of this grant or subgrant or suspension or debatement of the subgrantee.
- (A) Laws and regulations related to nondiscrimination and employment:
- i. Chapter 213 of the Missouri Revised Statutes, which prohibits discrimination on the basis of race, color, religion, national origin, sex, age, and disability;
  - ii. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, as amended, which prohibits discrimination on the basis of race, color, or national origin;
  - iii. Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, as amended, which prohibits discrimination on the basis of race, color, religion, national origin, or sex;
  - iv. Civil Rights Restoration Act of 1987, 20 U.S.C. 1687, 29 U.S.C. 794, 42 U.S.C. 2000d-4a, and 42 U.S.C. 6101, as amended;
  - v. Civil Rights Act of 1991, 42 U.S.C. 1981a and 42 U.S.C. 2000e-2(k)-(n), as amended;
  - vi. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, which prohibits discrimination on the basis of disability;
  - vii. Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621 et seq., as amended, which prohibits discrimination on the basis of age;
  - viii. Drug Abuse Office and Treatment Act of 1972, P.L. 92-255, 21 U.S.C. 1101 et seq., as amended, relating to nondiscrimination on the basis of drug abuse;

RECEIVED BY  
MAY 25 2011  
SWMP OPERATIONS

- ix. Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970, P.L. 91-616, 42 U.S.C. 4541 et seq., as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- x. Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. 2601 et seq.;
- xi. The Americans with Disabilities Act of 1990 (ADA), P.L. 101-336, 42 U.S.C. 12101 et seq., as amended, relating to nondiscrimination against individuals with disabilities; and
- xii. Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. 201 et seq., as amended.

**20.2 Hatch Act:** In accordance with Section 36.157, RSMo; district and/or state employees may not engage in political activity: while on duty, in any room or building occupied in the discharge of official duties, by utilizing any state resources or facilities, while wearing a uniform or official insignia identifying the office or position of the employee, or when using any vehicle owned or leased by the state or any agency or instrumentality of the state.

**20.3 Lobbying:** In accordance with 10 CSR 80-9.050(2)(C)2, district grant funds may not be used for lobbying activities, pursuant to Section 105.470, RSMo.

#### ARTICLE 21

#### SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISE, AND LABOR SURPLUS AREA FIRMS

**21.1 Contracting:** The District and its subgrantees shall secure participation of certified MBE's and WBE's in providing the products and/or services obtained with district grant funds. The targets of participation recommended by the State of Missouri are ten percent (10%) MBE and five percent (5%) WBE of the total dollar value of the products and/or services obtained.

**21.2 Affirmative Actions:** The district and its subgrantees shall take all necessary affirmative actions required to assure that small and minority firms, women's business enterprises and labor surplus area firms are pursued when possible as sources when producing supplies, equipment, construction and services related to the subgrant.

#### ARTICLE 22

#### EQUIPMENT MANAGEMENT POLICIES & PROCEDURES

**22.1 Equipment Management Policies & Procedures:** The following shall govern the utilization and disposition of equipment acquired with grant funds:

- (A) Title of equipment acquired with grant funds will vest with QLSWMD.
- (B) Procedures for managing equipment, whether acquired in whole or in part with grant funds will meet, as a minimum, the following requirements until disposition takes place:
  - i. Property records shall be maintained that include a description of the equipment, a serial number or other identification number, the source of property, the acquisition date and cost of the property, percentage of federal participation in the cost of property, the location, use and condition of the property, and picture of property.
  - ii. A physical inventory of the property shall be taken and the results reconciled with the property records of QLSWMD at least every two (2) years.
  - iii. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage, or theft shall be investigated; the fault and responsibility determination by the Executive Board will be final.
  - iv. The Recipient shall provide QLSWMD with proof of insurance coverage on equipment; including automotive, acquired with grant funds and such proof shall be satisfactory to QLSWMD. Except with prior written approval of the QLSWMD, the Recipient shall not sell or otherwise dispose of any machinery, equipment or fixture acquired with grant funds during the grant period. In the event that the Recipient should dispose of such property without written approval, the grants funds shall be repaid to QLSWMD upon demand.
  - v. When original or replacement equipment acquired is no longer needed for the original project or program, disposition will be made as follows:

1. For items with per unit fair market value less than \$5,000, QLSWMD will transfer title to the recipient who may use the property for other activities without reimbursement to QLSWMD.
  2. For items having a per unit value of \$5,000 or more, QLSWMD reserves the right to transfer titles. However, the Recipient may retain the property for other uses provided that compensation is made to QLSWMD. The amount of compensation shall be computed by applying the percentage of QLSWMD participation in the cost of the original project to the current per unit fair market value of the property. If the Recipient has no need for the property and the property has further value, the Recipient shall request disposition instructions from QLSWMD.
  3. QLSWMD shall issue disposition instructions within one hundred twenty (120) calendar days after the Recipient's request. QLSWMD may pick up the property or instruct the Recipient to ship property elsewhere. Shipping costs shall be paid by QLSWMD.
- vi. Equipment purchased by the District costing \$5,000 or more will be vested to the SWMP. If equipment is required to be titled through MDOR, the SWMP must be listed as a lien holder on said title. The District must provide the SWMP a clear title to be held until the security interest has been fully depreciated. If purchased equipment does not need to be titled through MDOR, the District must provide the SWMP documentation that the SWMP is listed as a lien holder either on the certificate of title or UCC-1 form, whichever applies. Documentation must be obtained within 30 days of purchase. Security interest will decrease at a rate of 25% of the provided funding per year, beginning on the start date of the project period as set forth in the FAA between the SWMP and the District.
  - vii. Equipment purchased by a Subgrantee costing \$5,000 or more will be vested to the District. If equipment is required to be titled through MDOR, the District must be listed as a lien holder on said title. The subgrantee must provide the District a clear title to be held until the security interest has been fully depreciated. If purchased equipment does not need to be titled through MDOR, the subgrantee must provide the District documentation that the District is listed as a lien holder either on the certificate of title or UCC-1 form, whichever applies. Documentation must be obtained within 30 days of purchase. Security interest will decrease at a rate of 25% of the provided funding per year, beginning on the start date of the project period as set forth in the FAA between the District and the subgrantee.
  - viii. Any equipment secured by QLSWMD will be labeled designating it as property of the QLSWMD.
  - ix. UCC Termination Form is sent to all subgrantees that have vested equipment with the District. This provides the subgrantees the option of the UCC expiring on its own at the State level (5 years) or the option to terminate the UCC at the District level (4 years).
  - x. Certification Statement will be sent to all subgrantees that have vested equipment with the District annually for four (4) years to ensure equipment and/or building are being used for the original purposes that were set forth in the FAA. Any use of the equipment that is not identified must be approved by the executive board.

#### ARTICLE 23

#### SOLID WASTE ADVISORY BOARD

**23.1 District Representative:** The executive board chairperson is the District's representative on the statewide "Solid Waste Advisory Board" and shall be expended to attend the called meetings. Any member of the executive board may serve as an alternate on the board on behalf of the Chairperson. The alternate does not have to be an elected official; however, it is required that they be approved by the executive board at a legally convened executive board meeting.

#### ARTICLE 24

#### TECHNICAL COOPERATION

**24.1 Local Governmental Units:** The executive board shall request local governmental units of this District to respond to reasonable requests to make local records available to the District staff and its consultants, engineers, or other employees for the purpose of completing planning studies. The executive board shall also request that the local governmental units ask any engineers, architects, and/or consultants hired by such units of local

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government to release any materials, data, and other pertinent items paid for with public funds to the District staff to aid in the preparation of planning studies.

**24.2 Individual, Company, or Agency:** The executive board shall request any individual, company, or agency involved in the generation of or handling solid waste to respond to reasonable requests to make records available that provide information with regard to waste stream flow, quantities, necessary equipment, personnel, origin and destination, etc.

#### ARTICLE 25

##### EX-OFFICIO MEMBERSHIP

**25.1 Ex-officio, Non-Voting Members of the Executive Board:** There is no benefit in appointing non-voting members to the executive board; therefore, the following persons will not be eligible for appointment to executive board:

- (A) The immediate past Chairperson of the executive board
- (B) The Chairperson of the executive board appointed committee(s)
- (C) The Director of Solid Waste Management Division of the Department of Natural Resources, or a designated appointee from that Department
- (D) The Senators and Representatives, who are members of the General Assembly, and whose districts include any part of the Quad Lakes SWMD
- (E) The U.S. Senators and Congressmen having representation in the Quad Lakes SWMD
- (F) The Project Directors, or their designated appointee of the U.S. Corps of Engineers, Missouri Department of Conservation, Missouri Department of Natural Resources (Parks and Recreation), having one (1) or more facilities within the Quad Lakes SWMD

#### ARTICLE 26

##### DISTRIBUTION OF BYLAWS

**26.1 Distribution of Bylaws:** The District shall provide a copy of these bylaws at no cost to the following persons and/or agencies:

- (A) Executive Board Members
- (B) Full Council Members
- (C) District Committee Members
- (D) Solid Waste Management Program
- (E) Member Counties and Cities
- (F) Kaysinger Basin Regional Planning Commission

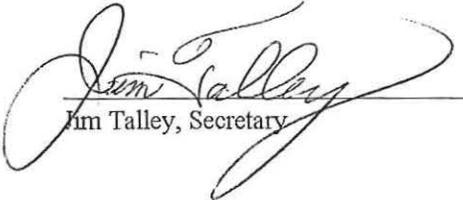
**ARTICLE 27  
EXECUTION**

**27.1 Execution:**

I, \_\_\_\_\_, Vice-Chairperson of the Quad Lakes Solid Waste Management District Executive Board, do hereby certify that the above Bylaws, Policies, and Procedures (pages 1 through 20, Attachment A, and Table of Contents) were duly reviewed and adopted on this 19th Day of May, 2011, at a meeting held to transact official business of this Board. I further certify that each of the executive board members and the chairperson of the full council were furnished a copy of the proposed Bylaws, Policies, and Procedures. The copies were provided in advance of the meeting as to provide ample time for study and comment. This document shall become effective immediately upon adoption of the Quad Lakes Solid Waste Management District Executive Board.

  
\_\_\_\_\_  
Brad Trye, Vice-Chairperson

ATTEST:

  
\_\_\_\_\_  
Jim Talley, Secretary

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**Attachment A**

**POPULATION OF COUNTIES IN QUAD-LAKES SOLID WASTE MANAGMENT DISTRICT**

Bates	16,653	18.9%
Benton	17,180	19.5%
Cedar	13,733	15.6%
Henry	21,997	25.0%
Hickory	8,940	10.1%
St. Clair	9,652	10.9%

Source: 2000 Census

Attachment A

POPULATION OF COUNTIES IN QUAD-LAKES SOLID WASTE MANAGMENT DISTRICT

<u>County</u>	<u>Population</u>	<u>% Population</u>	<u>Member Dues</u>
Bates	17,049	18.6%	\$1,240.00
Benton	19,056	20.8%	\$1,387.00
Cedar	13,982	15.2%	\$1,013.00
Henry	22,272	24.3%	\$1,620.00
Hickory	9,627	10.4%	\$694.00
St. Clair	9,805	10.7%	\$713.00

Source: 2010 Census

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