

To: CCSWA Members
From: Matt Hart, Executive Director
CC: P. Yoder, R. Nichols
Date: May 31, 2024
Subject: Central CT Solid Waste Authority (CCSWA) Amended Bylaws & Concurrent Ordinance for Municipal Adoption

CRCOG seeks your approval of the attached Enabling Ordinance to implement amendments to the Central CT Solid Waste Authority (CCSWA) Bylaws and Concurrent Ordinance.

With CRCOG's assistance, CCSWA, the Central CT Solid Waste Authority, was formed in 2010 to serve as a regional waste authority for our region. As part of the formation of CCSWA, each member municipality adopted bylaws and a concurrent ordinance.

Section 7-273aa-bb of the Connecticut General Statutes (CGS) authorizes municipalities to establish, by municipal ordinance, regional resource recovery authorities (RWA) with a broad range of powers to support a comprehensive program for solid waste disposal and resources recovery in accordance with the state solid waste management plan.

RWA's provide leverage of scale and greater buying power on behalf of their member towns to issue bonds and negotiate multi-year MSW service agreements with RWA or privately financed disposal facilities. With the closing of MIRA and the growing waste crisis in Connecticut, facilitating municipal partnerships to support new solid waste programs and infrastructure development is crucial.

RWA's offer a range of services for member towns, including:

- Managing hauler registration and fee collection on behalf of member towns
- Assisting municipalities with filing required reports to DEEP and other agencies
- Managing public outreach and education programs
- Implementing recycling, organics/food waste, and other diversion programs
- Facilitating household hazardous waste programs
- Negotiating regional agreements for household hazardous waste, textile, and other recycling programs
- Applying for grants to offset costs for member towns
- Funding recycling coordinators and other services shared by member towns

Current CCSWA Member Municipalities include the following:

Avon

Glastonbury

| | |
|-------------|------------|
| Bloomfield | Granby |
| Bolton | Hartford |
| Cromwell | Manchester |
| East Granby | Simsbury |

| | |
|------------|---------------|
| Enfield | South Windsor |
| Farmington | Wethersfield |

After a pandemic hiatus, CCSWA reconvened in 2023, focusing on expanding its membership, programs, and services. As part of this process, CCSWA members have rigorously reviewed and approved amendments to the current Bylaws and concurrent ordinance. These amendments serve to simplify the membership and voting process and eliminate the need of each municipal member to adopt an amended concurrent ordinance with each bylaw amendment. The key provisions of the Bylaws and concurrent ordinance are outlined in the attached Exhibit A.

In order for the amendments to the enabling ordinance to become effective in your community, we recommend that you repeal and adopt the amended Enabling Ordinance in its entirety. With assistance from legal counsel, CRCOG has developed the attached proposed resolution.

We appreciate your time and dedication to helping our regional solid waste authority move forward with waste management and diversion efforts. We are available to answer any questions, provide clarification, and/or attend municipal meetings to assist in adopting the amendments to the CCSWA ordinance in your jurisdiction.

Exhibit – CCSWA Bylaw/Concurrent Ordinance Key Provisions

Article 1: Name, Statutory Creation, Purpose, and Principal Address

Expansion of statutory purpose to include organics/food waste, recycling, education and outreach, grant/funding opportunities, and coordination with public/private stakeholders

Article 2: Decisions Requiring Further Legislative Body Actions; Withdrawal

- Each CCSWA Member Municipality must adopt concurrent ordinance to join (attached Exhibit)
- Outlines method to withdraw from CCSWA

Article 3: Membership, Membership Representation and Authority Meetings

- Membership - approved by affirmative vote of full CCSWA membership
- Additional 5th sub-region for membership
- Designees – Chief Elected Official and up to 2 addtl. designees
- Voting (and membership dues) determined by 3 tiered-system (reduced from 5 tiers) as follows:

*Population based on most recent Decennial Census published by the U.S. Bureau of the Census (prior version - Dept. by Dept of Public Health and tiers determined individual Member pop vs. Total CCSWA Member population):

(a) population less than 24,999 = one (1) vote

(b) population between 25,000 and 74,999 = two (2) votes (c) population 75,000 or greater = three (3) votes

Article 4: Adoption and Amendment of Authority Bylaws

Quorum and majority vote of ALL voting members (full membership) to amend Bylaws

Article 5: Executive Committee and Other Authority Committees Executive Committee

- Established by Full CCSWA Membership
- Odd number of Members (no more than 11)
- No Member Municipality can have multiple seats/ reps
- Each EC Member Municipality has 1 vote
- 2 non-elected members (e.g., municipality w/most solid waste tonnage & municipality with most recycling tonnage) – 1 yr. term auto renewed if still qualify)
- If Member Municipality entitled to multiple representation, only 1 vote/1 seat (retains all titles)
- Staggered terms (2/1 yr(s) commencing 1/1 and ending 12/31) – reduced from 3 rotating terms
- Can be re-elected for successive terms
- Quorum: simple majority of voting members
- Valid/Binding actions = affirmative vote of majority of EC Members present and voting
- Notice: 2 business days

- Removal of elected or non-elected EC Member(s) requires 2/3 majority of ALL CCSWA members for cause only (b/f could be without cause)
- Main function of EC is to approve Budget (list of other functions – see Exhibit A)
- Annual Meeting required – can be any month (b/f was in December)
- EC can establish other committees, including Finance Committee, Host Municipality Committee (if a Member “hosts a solid waste facility), or Nomination Committee
- Updated Freedom of Information Act (FOIA) language to include remote/virtual meetings

Article 6: Officers

- Officer positions (Chair, Co-Chair, Secretary, and Treasurer)
- Elected by the Executive Committee
- 1 yr. terms (1/1 - 12/31)
- Chair presides over EC and Full Membership meetings (Co-Chair if Chair absent)
- Secretary records all votes
- Treasurer (financial duties, etc.)
- Removal by cause only (b/f included w/out cause provision)

Article 7: Finances

- Budget procedures detailed
- Fiscal Year (July 1 to June 30)
- Dues and Fees – due within 30 calendar days or could lose voting privileges
- CCSWA can incur debt with vote/approval of each TC legislative authority (no debt at this time as CCSWA does not own any infrastructure)

Exhibit A: Ordinance to Create and Become a Member of CCSWA

Concurrent Ordinance MUST be adopted by each CCSWA Town/Member Municipalities Legislative Authority (e.g., Town Council)

To simplify this process and reduce the need to re-adopt the Concurrent Ordinance with each amendment of the CCSWA Bylaws, the Concurrent Ordinance has been simplified to mirror the Bylaw language, “as amended from time to time”.

Most notable changes include:

- Updated purpose to include food waste/organics, recycling and other waste diversion methods, education and outreach, and coordination with key stakeholders
- Inclusion of 5th sub-region (as needed)
- Tiered voting system (simplified to mirror Bylaws)
- Chief Elected Official is primary CCSWA Member and can elect designee(s) pursuant to Bylaws
- Annual Meeting (flexibility in date pursuant to Bylaws)
- No compensation for serving on CCSWA
- Powers and functions of EC, Officers, and other committees must be consistent with Bylaws

Please see attached Bylaws and Concurrent Ordinance for full proposed text of amendments.