

Bylaws for the Ohio Materials Management Advisory Council

Article 1: Name

The council shall formally be known as the Ohio Materials Management Advisory Council (MMAC).

Article 2: Authorization and Purpose

The council is authorized under Ohio Revised Code 3734.49 and tasked with performing the activities set forth in section 3734.49(F).

Article 3: Membership

Section 3.1: Council Composition

The council shall consist of thirteen (13) members as set forth in ORC 3734.49(A). All members are appointed by the Governor and serve three year terms.

Section 3.2: Duties and Expectations

Council members shall:

- a. Make efforts to attend all meetings of the council;
- b. Be prepared for all meetings;
- c. Actively participate in council discussions and projects;
- d. Engage their constituency on a regular basis to ensure all voices and ideas are brought to the council meetings;
- e. Work with Ohio EPA staff as needed; and
- f. Any other responsibilities assigned by the Chair or by the Director.

No Council Member shall represent the council in its official actions before any other public body or official, except as specifically authorized by an action of the council. This shall not be construed as a restriction upon the right of the individual members to represent their own views before public or private bodies, whether in agreement or disagreement with the official action of the Council.

Article 4: Officers and Support

Section 4.1: Duties

Chair: The Chair shall preside over all meetings of the council and shall assist in developing meeting dates, agendas, work plans and provide general direction for the council.

Vice Chair: The Vice Chair shall assume all responsibilities of the Chair in his/her absence from a meeting. If the Chair position is vacant the Vice Chair shall assume the Chair's duties until a new Chair is appointed by the Ohio EPA Director.

Secretary: The Secretary shall review and confirm the accuracy of minutes and other council documents and work with the Staff Liaison to ensure all council documentation is in order.

Section 4.2: Terms

Each office shall consist of a one-year term, from July 1 to June 30. There shall be no limit on the number of terms a member may serve in either position.

An office shall be vacated if a member resigns or their term on the council expires.

Section 4.3: Selection/Election

The Chair shall be appointed by the Ohio EPA Director. The Vice Chair and Secretary are to be chosen by a majority vote of the council at the first meeting of the state fiscal year.

In the event of an office vacancy, the council may fill the unexpired officer position.

Section 4.4: Staff Support

The Ohio EPA Director shall appoint a primary staff liaison to the council. The liaison shall assist in the development of all council documents, activities and serve as the primary point of contact for all council members and public inquiries.

Other Ohio EPA staff shall assist the council in its duties as requested and assigned by Ohio EPA senior management.

Article 5: Meetings

Section 5.1: Meeting Frequency

In accordance with Ohio Revised Code 3734.79 (C), the council shall meet a minimum of two times each calendar year. Additional meetings may be called by the Chair, the Ohio EPA Director, or a majority vote of members.

Section 5.2: Meeting Notices & Open Meetings

At a minimum, all meeting notices shall be provided electronically via email and on the council's webpage at least 15 days prior to a meeting.

All council meetings shall be held in compliance with Ohio's open meetings law, Ohio Revised Code 121.22. Opportunities for public comment may be provided.

Section 5.3: Agenda

The meeting agenda shall be established by the Chair and Ohio EPA Director or his designee. Council members may recommend agenda topics to the Chair, Ohio EPA Director or his designee prior to the meeting.

Section 5.4: Quorum

At all meetings of the council, seven (7) members shall constitute a quorum for conducting business.

Section 5.5: Voting

A majority vote of the quorum present is required for approval of any and all council business. A tie vote is disapproval. A member must be present in person to cast a vote.

Article 6: Committees

Section 6.1: Committees

Any member may propose the creation of a committee that aligns with the mission and purpose of the council. A majority vote by the council shall create the committee. Committee membership and processes shall be established by the council during formation of the committee. Upon completion of its work, the committee may be abolished by a majority vote of the council.

Updated: 5/31/2016

Approved 6/16/2016

Version 1.0D

Article 7: Adoption and Amendments of Bylaws

Section 7.1: Adoption

Upon approval by a majority vote of the Council, these bylaws thereby shall be deemed adopted and become the bylaws of the Council.

Section 7.2: Amendments

Any portion of these bylaws may be altered, amended or repealed by a two-thirds majority vote, defined as twice as many votes in favor as opposed based on the quorum present. A copy of proposed changes must be provided at least 15 days prior to the meeting at which a vote is to take place. As required under ORC 3734.49, the Council must have official bylaws in effect at all times.

Article 8: Annual Report

Section 8.1: Annual Report

The council shall work with Ohio EPA to draft the annual report prescribed by ORC 3734.49. The annual report shall be submitted no later than December 31st of each year.

Article 9: Miscellaneous

Section 9.1: Parliamentary Authority.

When not in conflict with any of the provision of these bylaws, the rules contained in Roberts Rules of Order, Newly Revised shall govern the proceedings of the council. In all cases where Robert's Rules of Order conflicts or is inconsistent with these bylaws or state statute, the bylaws or statute shall control.

Appendix A

3734.49 Materials management advisory council.

(A) There is hereby created within the environmental protection agency the materials management advisory council consisting of the following thirteen members who shall be appointed by the governor with the advice and consent of the senate:

- (1) One member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;
- (2) One member representing the interests of counties;
- (3) One member representing the interests of municipal corporations;
- (4) One member representing the interests of townships;
- (5) One member representing the interests of solid waste management districts;
- (6) One member representing a statewide environmental advocacy organization;
- (7) One member representing the public;
- (8) Six members, representing private industry, with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.

(B)

- (1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.
- (2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:
 - (a) The member representing the interests of counties;
 - (b) The member representing the interests of solid waste management districts;
 - (c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.
- (3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:
 - (a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;
 - (b) The member representing the interests of municipal corporations;

Updated: 5/31/2016

Approved 6/16/2016

Version 1.0D

(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.

(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018:

(a) The member representing the interests of townships;

(b) The member representing a statewide environmental advocacy organization;

(c) The member representing the public.

Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a member, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which the successor's predecessor was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed. The governor at any time may remove a member for misfeasance, nonfeasance, or malfeasance in office.

(C) The advisory council shall hold at least two meetings each year. Special meetings may be held at the request of the chairperson or a majority of the members. The director of environmental protection shall select from among the advisory council's members a chairperson. The advisory council annually shall select from among its members a vice-chairperson and a secretary to keep a record of its proceedings. Not later than two hundred days after the selection of the first chairperson of the advisory council, the advisory council shall adopt bylaws governing its procedural operations. A majority vote of the members of the advisory council is necessary to take action on any matter.

(D) Membership on the advisory council does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(E) A member of the advisory council shall serve without compensation for attending advisory council meetings, but shall be reimbursed for all ordinary and necessary expenses incurred in the performance of duties as a member.

(F) The advisory council shall do all of the following:

(1) Advise and assist the director with preparation of the state solid waste management plan and periodic revisions to the plan under section [3734.50](#) of the Revised Code;

(2) Approve or disapprove the draft state solid waste management plan and periodic revisions prior to adoption of the plan under section [3734.50](#) of the Revised Code;

(3) Annually review implementation of the state solid waste management plan;

(4) Prepare and submit an annual report to the general assembly on the state's solid waste management system and efforts towards achieving the goals, restrictions, and objectives established under divisions (A) to (C) of section [3734.50](#) of the Revised Code. The report may recommend legislative action.

(5) Triennially advise the director in conducting a review of the progress made toward achieving the objectives, restrictions, and goals established under divisions (A) to (C) of section [3734.50](#) of the Revised Code;

Updated: 5/31/2016

Approved 6/16/2016

Version 1.0D

(6) With the approval of the director, establish criteria by which to certify, and certify, agencies of the state and political subdivisions for receipt of grants for activities or projects that are intended to accomplish the purposes of any of the programs established under section [3736.02](#) or [3736.05](#) of the Revised Code;

(7) Advise the director on establishing and implementing statewide source reduction, recycling, recycling market development, and litter prevention programs;

(8) Research and respond to questions posed to the advisory council by the director;

(9) Establish and develop formal and informal partnerships with other entities that foster a productive marketplace for the collection and use of recycled materials.

Added by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.