

RESOLUTION

NO. _____

DATE EFFECTIVE: _____

**A RESOLUTION AMENDING SECTION 24-31 OF CHAPTER 24
OF THE SEDGWICK COUNTY CODE**

WHEREAS, pursuant to K.S.A. 65-3405 the Sedgwick County Board of County Commissioners (the Board) is authorized to appoint persons to serve on the Sedgwick County Solid Waste Management Committee (the Committee); and

WHEREAS, pursuant to K.S.A. 19-101(*fourth*) the Board is empowered to do all acts necessary to the exercise of its administrative powers; and

WHEREAS, K.S.A. 65-3405, while specifying the minimum and maximum number of positions on the Committee, and certain categories of membership qualifications, does not specify how the positions are to be appointed, or for how long each member shall serve, and other sundry matters;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THAT:

SECTION I: ADOPTION OF NEW SECTION 24-31

Sec. 24-31. Solid waste management committee.

(A) The membership of the committee shall not exceed fifteen (15) voting members and one non-voting chairperson, and shall include:

(1) Representatives of incorporated cities located in Sedgwick County as follows: one member representing cities of the first class, one member representing cities of the second class and one member representing cities of the third class [*positions 1, 2 and 3*];

(2) one representative of unincorporated areas of Sedgwick County [*position 4*];

(3) one representative of the general public [*position 5*];

(4) one representative of a citizen's organization [*position 6*];

(5) one representative of private industry [*position 7*];

(6) one representative of a private solid waste management industry operating in Sedgwick County [position 8];

(7) one representative of a private recycling or scrap material processing industry operating in Sedgwick County [position 9];

(8) the recycling coordinator, if any, employed by the Sedgwick County Department of Environmental Resources [position 10];

(9) one representative of each commissioner who shall not be required to be a resident of the district of the appointing commissioner [positions 11, 12, 13, 14 and 15]; and

(10) one chairperson.

(B) For appointments for positions after January 1, 2012, members of the committee shall be nominated and appointed as follows:

(1) The member representing cities of the first class shall be nominated by the mayor of the City of Wichita and appointed by a simple majority of the Board;

(2) The member appointed to represent the cities of second class will be nominated by agreement of all mayors of the cities of second class in Sedgwick County and appointed by a simple majority of the Board;

(3) The member appointed to represent cities of the third class will be nominated by agreement of all mayors of the cities of third class in Sedgwick County and appointed by a simple majority of the Board;

(4) Members appointed to represent the following categories will be nominated and appointed by a simple majority of the Board:

(a) one representative of the unincorporated area of Sedgwick County,

(b) one representative of the general public,

(c) one representative of a citizen organization,

(d) one representative of private industry,

(e) one representative of a private solid waste management industry operating in Sedgwick County,

(f) one representative of a private recycling or scrap material processing industry operating in Sedgwick County.

(5) the recycling coordinator shall be an automatic appointee who shall serve as long as they are employed in that position.

(6) the representatives from the individual commission districts shall be appointed by the respective commissioner; and

(7) the chairperson shall be nominated and appointed by a simple majority of the Board.

(C) The solid waste management committee shall:

(1) Be responsible for the preparation of the solid waste management plan (the plan) of Sedgwick County;

(2) Review the plan at least annually;

(3) Provide the Board a report containing the result of annual plan reviews, including recommendations for revisions to the plan; and

(4) Perform such other advisory functions as requested by the Board.

(D) Annual plan reviews under subsection (C)(2) of this Section that take place in years in which the Board is scheduled to carry out a five-year public hearing as required by K.S.A. 65-3405(d), and amendments thereto, shall comprehensively evaluate the adequacy of the plan with respect to all criteria established by K.S.A. 65-3405(j) and amendments thereto.

(E) Terms for each position shall be:

(1) Persons appointed to the Board shall serve a term of two years, except as otherwise provided for in this resolution.

(2) For the first appointments for each position after January 1, 2012, the terms shall be:

(a) Position one – January 1, 2012, to December 31, 2013

(b) Position two - January 1, 2012, to December 31, 2013

(c) Position three - January 1, 2012, to December 31, 2013

(d) Position four – January 1, 2012, to December 31, 2012

(e) Position five - January 1, 2012, to December 31, 2013

(f) Position six - January 1, 2012, to December 31, 2013

(g) Position seven - January 1, 2012, to December 31, 2013

(h) Position eight - January 1, 2012, to December 31, 2013

(i) Position nine – January 1, 2012, to December 31, 2013

(j) Position eleven – January 1, 2012, to December 31, 2012

(k) Position twelve - January 1, 2012, to December 31, 2012

(l) Position thirteen – January 1, 2012, to December 31, 2012

(m) Position fourteen – January 1, 2012, to December 31, 2012

(n) Position fifteen – January 1, 2012, to December 31, 2012

(3) Position ten, the recycling coordinator employed by the Sedgwick County Department of Environmental Resources, shall serve continuously without need for re-appointment.

(4) Any person appointed to fill out an existing term shall only serve until the previously scheduled termination date of the person he or she is replacing. At the expiration of a term of membership, members may be reappointed at the discretion of the Board of County Commissioners. Members shall continue to serve after their term expires until their successor is appointed.

(F) The term set out in subsection (E) above of any person appointed under subsection (A)(9) shall terminate immediately upon the expiration of the term of office of the Commissioner who nominated the person.

(G) Any member appointed to the Committee serves at the pleasure of the Board. In addition, any member of the committee who misses three consecutive meetings, or attends less than half of the meetings held over a consecutive twelve month period, shall be subject to removal.

SECTION II: REPEAL OF SECTION 24-31 OF THE SEDGWICK COUNTY CODE

The Sedgwick County Board of County Commissioners hereby repeals Section 24-31 of the Sedgwick County Code; and all current terms of members will expire with adoption of this resolution. The Board further directs the solid waste committee to revise its by-laws in accordance with the provisions of this resolution.

Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
KARL PETERJOHN	_____
RICHARD RANZAU	_____
JAMES B. SKELTON	_____

DATED this ___ day of _____, 2012.


BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Tim R. Norton, Chairman
Second District

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor