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CHITTENDEN SOLID WASTE DISTRICT

Board Meeting

MEETING INSTRUCTIONS

FOR THE PUBLIC- remote access

Date: Wednesday, June 26, 2024

Time: 6:00 P.M.

Place: ZOOM MEETING

IMPORTANT:

CSWD will hold a virtual meeting accessible by computer or phone.

Members of the public, joining the meeting remotely, are asked to preregister online using the link below and attend remotely by computer or telephone. Following the meeting a recording will be available upon request.

Hi there,

You are invited to a Zoom webinar.

Hi there,

You are invited to a Zoom webinar.

When: Jun 26, 2024 06:00 PM Eastern Time (US and Canada)

Topic: Board of Commissioners Organizational & Regular Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_h5TqfebRqSD96_yciyTw

After registering, you will receive a confirmation email containing information about joining the webinar.

For those without internet access, call 802-872-8100 ext. 213 and leave a message to register for the meeting. A call- in number will be provided to you prior to the meeting.

Participants will be in listen only mode. Call in controls include: *6 – toggle mute/unmute and *9 to raise your hand.

CHITTENDEN SOLID WASTE DISTRICT
BOARD MEETING
ORGANIZATIONAL MEETING AGENDA
AGENDA

Date: Wednesday, June 26, 2024

Time: 600 P.M.

Place: Zoom meeting/CSWD Administrative Office – 19 Gregory Drive South Burlington

*** (E) Indicates enclosures (H) Indicates handouts (D) Discussion Only

1. (E) Agenda
2. Public Comment
3. (E) Introduction of new Board Members/Appreciation for those previously serving (page 3)
4. (E) Annual Organizational Meeting *(follow June 2023 minutes for wording for motions)* (page 4)
Board Action Requested:
 - a) Elect Officers
 - b) Elect Executive Board
 - c) Granting of Authority
 - d) Set Meeting Schedule – Board and Executive Board
 - e) Set Interest Rate for Late Payment
 - f) Continue Fidelity Bond for Officers
 - g) Approval of check signing privileges
5. (E) Conflict of Interest Policy (page 10)
6. Other Business
7. Adjournment

BOARD OF COMMISSIONERS – June 2024

<i>Community</i>	<i>Representatives</i>	<i>Alternates</i>
Bolton	Vacant	Vacant
Burlington	Lee Perry	Matt Kobzik (6/2024)
Charlotte	Ken Spencer	Vacant
Colchester	Lauren Morlino (6/2024)	Renae Marshall
Essex	Alan Nye	Marguerite Ladd
Essex Junction	Mike Sullivan	Amber Thibeault
Hinesburg	Richard McCraw	Vacant
Huntington	Barb Winters (6/2024)	Guthrie Smith (6/2024)
Jericho	Leslie Nulty	Tom Joslin
Milton	Henry Bonges	Vacant
Richmond	Andrew French	Vacant
St. George	Jaymi Cleland	Sarah Tischler
Shelburne	Margy Wiener	Matt Lawless
South Burlington	Paul Stabler	Allison Lazarz
Underhill	Paul Ruess	Dan Steinbauer
Westford	Katie Frederick	Vacant
Williston	Kelton Bogasky	Caylin McCamp
Winooski	Bryn Oakleaf	Rachel Kennedy

MEMORANDUM

TO: Board of Commissioners
FROM: Sarah Reeves, Executive Director
DATE: June 18, 2024
RE: Annual Organizational Meeting Election Process & Nominees

In early June self-nominations for positions to be elected by the CSWD Board of Commissioners for Fiscal Year 2025 were sent to the Executive Director.

Nominations received as of June 18, 2024:

Officers (elect one per office, voted by the membership)

Chair: Paul Ruess, Underhill

Vice Chair: Alan Nye, Essex Town

Secretary: None

Treasurer: Paul Stabler, South Burlington

Executive Board (elect four, voted by the membership)

Lee Perry, Burlington

Ken Spencer, Charlotte

Alan Nye, Essex Town

Paul Stabler, South Burlington

Process:

The Annual Organizational Meeting will be a hybrid meeting. Board members may attend via Zoom or in-person at the South Burlington Administrative Office. Additional nominations will be solicited at the Annual Organizational Meeting on June 26, 2024. All new self-nominations will be added to the ballot; all new nominations will be added to the corresponding ballot once assent to serve has been confirmed. Nominations will close for officer positions one by one. Meaning, nominations will be sought for the position of Chair. When all nominations have been received, nominations will close, and voting will commence. When the vote for Chair is completed, the process repeats for Vice Chair, Secretary, and

Treasurer in turn. Additional nominations will be sought for Executive Board when the Officer elections are complete. Commissioners may select **up to four members** to serve on the Executive Board (the Chair is automatically a member of the five-member committee).

Votes for Officer positions and for the Executive Board shall be cast by the member community's appointed Commissioner, or if the Commissioner is absent from the meeting, by the Alternate Commissioner. Votes are weighted as described in the CSWD Charter, Article II, Section 9. VOTING (see below).

Voting for uncontested positions will be conducted by voice vote and raised hand for both in-person attendees and those attending by Zoom. The Secretary will confirm and record the votes of those attending by Zoom. Once all eligible have voted, the results of the vote will be announced immediately.

Voting for contested positions will be conducted by paper vote, collected by the Secretary and a Teller appointed by the Chair. Commissioners attending via Zoom will be admitted one-by-one to a virtual breakout room and cast their vote with the Secretary. After the Commissioner has recorded their vote with the Secretary and Teller, the Commissioner will be asked to leave the breakout room, and the next Commissioner admitted.

Charter Guidance

Article II, Section 3. ORGANIZATIONAL MEETING states:

Annually, on or before the fourth Wednesday in June, commencing in 1989, the Board of Commissioners shall hold its organizational meeting. At such meeting, the Board of Commissioners shall elect from among its membership a Chair and a Vice Chair, each of whom shall hold office for one year and until his or her successor is duly elected and qualified. The Chair and Vice Chair are eligible to be elected to successive terms without limit.

Article II, Section 9. VOTING states:

Each member of the Board of Commissioners shall be entitled to cast one vote for every 5,000 population, or portion thereof, in the municipality which he or she represents. Except as otherwise provided herein, a majority of the votes cast shall be required to approve any action. A member of the Board may not split the vote(s) allocated to his or her municipality. The determination of population shall be based on the latest population estimates available from the Vermont Department of Health, or other source agreed on by the Board of Commissioners.

Article III, Section 1. ELECTION states:

The Board of Commissioners annually shall elect from among its members a chair, vice chair, treasurer and secretary, and such other officers as it deems appropriate for the conduct of its business. Upon majority vote of the Board the treasurer or secretary may be non-Board members.

Article III, Section 10. EXECUTIVE BOARD states:

The Board of Commissioners shall have the authority to establish an Executive Board and grant such powers to it as it may deem necessary. The Executive Board shall consist of the Chair of the Board of Commissioners and four members of the Board of Commissioners elected by the Board of Commissioners.

Duties of the Officers

Chair: The chair shall preside at all meetings of the Board of Commissioners. The chair shall also perform all of the duties incident to the position and office.

Vice Chair: During the absence of or inability of the chair to perform his or her duties, the vice chair shall perform such duties.

Secretary: The secretary shall have the custody of the public records of the District and shall record all votes and proceedings of the District including meetings of the District and meetings of the Board of Commissioners. The secretary shall also prepare and warn all meetings of the District and Board of Commissioners in accordance with Vermont law and shall cause the annual report approved by the Board of Commissioners to be distributed to the legislative bodies of the member municipalities. The secretary shall also perform all the duties and functions incident to the office of a secretary or clerk of a municipal corporation.

Treasurer: The treasurer shall have the custody of the funds of the District and shall be the disbursing officer of the District. When authorized by the Board of Commissioners, the treasurer shall sign, make, or endorse in the name of the District all checks and orders for the payment of monies and pay out and disburse the same. The treasurer shall perform all of the duties and functions incident to the office of treasurer of a municipal corporation.

Committees

Currently active committees are the Executive Board and one standing committee, the Finance Committee. The Investment Committee meets as needed, usually once a year. Over the years, we've established a variety of ad-hoc committees (Ordinance, Recycling Market Development, Franchise Study, Executive Search, etc.) to work on short-term projects. The Chair serves as an ex-officio member of all committees.

Executive Board

The Executive Board meets monthly as needed, typically 10 times per year. The Chair of the Board of Commissioners currently functions as the Chair of the Executive Board.

Finance Committee/Investment Committee (appointed by Board of Commissioners Chair)

The Finance Committee was established by the Board of Commissioners in 1996. The Finance Committee meets several times during the year, not solely for budgeting purposes. The Treasurer of the Board of Commissioners is automatically a member of the Finance Committee and serves as committee Chair. It has also been recent practice that the members of the Finance Committee comprise the Investment Committee.

**APPROVED
CHITTENDEN SOLID WASTE DISTRICT
19 Gregory Drive South Burlington
MEETING ROOM
MINUTES OF ANNUAL ORGANIZATIONAL MEETING
June 28, 2023**

***Hybrid Meeting via Zoom.**

PRESENT

BOARD MEMBERS:

Bolton	
Burlington	Lee Perry
Charlotte	Ken Spencer
Colchester	Liz Hamlin Volz
Essex	Alan Nye
Essex Junction	
Hinesburg	Rick McCraw
Huntington	-----
Jericho	Leslie Nulty
	Tom Joslin, alt.
Milton	-----
Richmond	Andrew French
Shelburne	-----
So. Burlington	Paul Stabler
St. George	-----
Underhill	Paul Ruess
Westford	-----
Williston	Kelton Bogasky
Winooski	Bryn Oakleaf
	Rachel Kennedy, alt.

STAFF: Jen Holliday, Amy Jewell, Josh Estey, Jennifer Getty, Michele Morris, Sarah Reeves, Dan Goossen, Nola Ricci

OTHERS PRESENT: Thomas Melloni, Esq.

AGENDA:

1. Call to Order & Agenda
2. Minutes – June 2022
3. Introduction of New Board Members
4. Elects, Officers, Executive Board, and Granting of Authority
5. Set Meeting Schedule
6. Set Interest Rate for Late Payment
7. Continue Fidelity Bond for Officers
8. Approval of Check Signing Privileges

9. Adjournment

1. CALL TO ORDER & AGENDA

P. Ruess called the meeting to order at 6:00 p.m. No changes to the agenda.

2. MINUTES 6/2022 – Provided as reference only.

3. INTRODUCTION OF NEW BOARD MEMBERS

P. Ruess introduced new Board members Andrew French, Richmond Rep, and Rachel Kennedy, Winooski, Alt and thanked previous members Logan Hegg and Dr. Ron Stotyn for previously serving on the Board.

4. ELECT OFFICERS

Chair

Paul Ruess was the only nomination for Chair

MOTION by Alan Nye, SECOND by Kelton Bogasky, to close the nominations. VOTING: unanimous; MOTION CARRIED.

VOTING ON ELECTION OF CHAIR: All Ayes with one abstention by Paul Ruess, MOTION CARRIED.

Paul Ruess is CSWD Chair of the Board of Commissioners.

Vice Chair

Alan Nye was the only nomination for Vice Chair.

MOTION by Bryn Oakleaf, SECOND by Leslie Nulty, to close the nominations. VOTING: unanimous; MOTION CARRIED.

VOTING ON ELECTION OF VICE CHAIR: All Ayes with one abstention by Alan Nye, MOTION CARRIED.

Alan Nye is CSWD Vice Chair of the Board of Commissioners.

Secretary

MOTION by Alan Nye, SECOND by Leslie Nulty, to nominate Amy Jewell as Secretary.
There were no other nominations.

VOTING ON ELECTION OF SECRETARY: unanimous; MOTION CARRIED.

Amy Jewell is Secretary for the CSWD Board of Commissioners.

Treasurer

Paul Stabler was the only nomination for Treasurer.

MOTION by Alan Nye, SECOND by Leslie Nulty, to nominate Paul Stabler as Treasurer.

VOTING ON ELECTION OF TREASURER: All Ayes, with one abstention/Paul Stabler.

MOTION CARRIED.

Paul Stabler is Treasurer for the CSWD Board of Commissioners.

ELECT EXECUTIVE BOARD & GRANTING OF AUTHORITY

Executive Board

MOTION by Bryn Oakleaf, SECOND by Leslie Nulty, to nominate Alan Nye, Lee Perry, Paul Stabler, and Kelton Bogasky to the Executive Board. VOTING ON ELECTION TO EXECUTIVE BOARD: unanimous; MOTION CARRIED.

CSWD Chair (Paul Ruess) plus Alan Nye (Essex Town), Paul Stabler (South Burlington), Kelton Bogasky (Williston) and Lee Perry (Burlington) are elected to the Executive Board.

Granting of Authority

MOTION by Paul Stabler, SECOND by Bryn Oakleaf, to authorize the Executive Board to approve expenditures up to \$100,000. VOTING: unanimous; MOTION CARRIED.

MOTION by Paul Stabler, SECOND by Bryn Oakleaf, to authorize the Executive Director to expend up to \$50,000. VOTING: unanimous; MOTION CARRIED.

5. SET MEETING SCHEDULE

MOTION by Kelton Bogasky, SECOND by Bryn Oakleaf, to set the meeting schedule as presented for the Executive Board and the Board of Commissioners VOTING: unanimous; MOTION CARRIED.

6. SET INTEREST RATE FOR LATE PAYMENT

MOTION by Alan Nye, SECOND by Paul Stabler, to set the interest rate for late payment at 1% per month (12% per annum) for member towns if assessments are established. VOTING: unanimous; MOTION CARRIED.

7. CONTINUE FIDELITY BOND FOR OFFICERS

MOTION by Alan Nye, SECOND by Paul Stabler, to continue the fidelity bond of \$500,000 per incident for commissioners of the Chittenden Solid Waste District, the Finance Manager, and the Executive Director. VOTING: unanimous; MOTION CARRIED.

8. APPROVAL OF CHECK SIGNING PRIVILEGES

MOTION by Alan Nye, SECOND by Paul Stabler, to authorize the Chair of the Board of Commissioners, the Executive Director, the Director of Administration, and the Treasurer to sign checks and electronic transfers throughout the upcoming year, and

further, any check or electronic transfer greater than \$25,000 shall need two signatures. VOTING: unanimous; motion carried.

11. ADJOURNMENT

MOTION by Kelton Bogasky, **SECOND** by Bryn Oakleaf, to adjourn the 2023 CSWD organizational meeting. VOTING: unanimous; MOTION CARRIED.

The meeting was adjourned at 6:22 PM.

I agree that this is an original copy of minutes and they have been approved by motion of the Board of Commissioners at the __ meeting held in _____.

Amy Jewell, Secretary/Treasurer

CHITTENDEN SOLID WASTE DISTRICT
CONFLICT OF INTEREST AND ETHICS POLICY
FOR THE BOARD OF COMMISSIONERS AND COMMITTEE MEMBERS
Adopted 9.27.17

#5

WHEREAS, THE Chittenden Solid Waste District ("CSWD") Board of Commissioners has established a Conflict of Interest policy for its employees under the CSWD Personnel Rules and Regulations; and

WHEREAS, CSWD wishes to adopt a *Conflict of Interest and Ethics Policy* (the "Policy") for application to members of the CSWD Board of Commissioners, members of any CSWD committees or any advisory boards;

NOW THEREFORE, be it resolved by the CSWD Board of Commissioners that, under authority granted in 24 V.S.A. §2291(20), Article I, Section 5(y) and Article II, Section I of the CSWD Charter, CSWD hereby adopts the following Conflicts of Interest and Ethics Policy for Board Members:

1. **Purpose.** The purpose of this Conflict of Interest and Ethics Policy is to ensure that the business of CSWD will be conducted in such a way that the public trust in CSWD officials will be preserved and that decisions made by the CSWD Board of Commissioners and its committees and any advisory board are based on the Public Interest, free of conflicts of personal interest.
2. **Application.** This policy applies to all Board or Committee Members as defined below.
3. **Definitions.** For the purposes of this policy, the following definitions shall apply:

"Board" means the Board of Commissioners of CSWD.

"Board Commissioner" or "Commissioner" means a person appointed to the Board by a member municipality, including any alternate commissioner so appointed by a member municipality.

"Board or Committee Member" means a Board Commissioner and any other person serving on any CSWD committee or advisory board. For purposes of this Policy, the term shall not include any employee of CSWD, as employees are subject to a separate Conflict of Interest policy under the CSWD Personnel Rules and Regulations.

"Conflict of Interest" means an event or circumstance in which a Board or Committee Member has a substantial financial interest or personal consideration that conflicts with the interests of CSWD or the Public Interest such that there is a possible compromise or bias in the independence or objectivity of the Board or Committee Member acting in her or his capacity as a Board or Committee Member. This policy extends to Immediate Family Members of a Board or Committee Member. A Conflict of Interest may exist if an Immediate Family Member has a substantial financial interest or personal interest that conflicts with the interests of CSWD such that there is a possible compromise in the independence or objectivity of the Board or Committee Member acting in his or her capacity as a Board or Committee Member. A Conflict of Interest includes any action or decision by a Board or Committee Member in the discharge of her or his duties which would affect her or his financial interests of those of an Immediate Family Member or any business with whom such person is associated in a manner different from the manner in which it affects other members of the general public. A "Conflict of Interest" does not arise in the case of votes or decisions on matters in which the Board or Committee Member has a personal or

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financial interest in the outcome that is no greater than that of members of the general public. Examples where such a Conflict of Interest would not arise include establishment of tipping fees, solid waste management charges, location of waste management facilities, adoption of the CSWD budget, establishing fidelity bonds for CSWD officers, or similar actions.

“Immediate Family Member” means any Board or Committee Member’s spouse or domestic partner, child, parent, sibling, or any other relative who receives significant financial support from the Board or Committee Member.

“Official Act or Action” means any legislative, administrative, or act in a Quasi-judicial proceeding performed by any Board or Committee Member acting on behalf of CSWD.

“Public Body” means the Board, CSWD committees, and CSWD advisory boards.

“Public Interest” means an interest of the community as a whole, conferred generally upon all businesses and residents within CSWD and its member municipalities.

“Quasi-judicial proceeding” means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

“Substantial Financial Interest” means (i) employment by, or service as a director, officer, or member of management of any business or entity regulated by CSWD or a vendor with whom CSWD has or is considering doing business or (ii) ownership of stock, or another equity interest, in any business or entity regulated by CSWD or a vendor with whom CSWD has or is considering doing business, which is (a) one percent or more of the outstanding stock, if the entity or vendor is a publicly traded company, or one percent or more of the total value of assets of the entity or vendor, if it is not publicly traded; or (b) five percent or more of the stockholder’s total net worth.

4. Prohibited Conduct.

A. Conflicts of Interest. Board or Committee Members must avoid situations where the public reasonably believes may compromise their judgment on any Official Act or Action or impair their ability to serve the Public Interest. Avoiding actual, potential, or apparent conflicts of interest is important because Board or Committee Members should act with integrity and in furtherance of the Public Interest.

In the event that a Board or Committee Member becomes aware of an actual Conflict of Interest, such Board or Committee Member shall publicly disclose such conflict to the Chair of the Board of CSWD. The Board or Committee Member shall not thereafter participate in voting in any Official Act or Action if she or he has an actual Conflict of Interest in the matter under consideration.

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B. Contracts. A Board or Committee Member shall not personally, or through any Immediate Family Member, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or Quasi-judicial Proceeding pending before the Public Body. Such limitation shall not apply to a Board or Committee Member employed on a regular basis by a member municipality of CSWD in connection with a matter involving such member municipality before CSWD. The foregoing shall not apply to Board or Committee Members that are elected to serve in a member municipality, such as members of the Select board of a town or city, in a matter involving such member municipality before CSWD.

C. Gifts. A Board or Committee Member shall not solicit or accept a gift, or solicit or accept a promise of future employment to the Board or Committee Member or an Immediate Family Member, based upon any understanding or circumstance where the future action or vote of such Board or Committee Member would be reasonably be expected to be influenced thereby. A Board or Committee Member shall not accept any gift under circumstances where it can be reasonably inferred or expected that the gift was intended to influence the Board or Committee Member in the performance of her or his duties or was intended as a reward for any official action or vote.

5. Disclosure; Recusal

A. General. Board or Committee Members have a duty to consider all issues consistent with the statutory duties and responsibilities of CSWD and the Public Interest. Board or Committee Members must oversee the affairs of the CSWD honestly and prudently, and exercise their best care, skill and judgment for the benefit of CSWD and the Public Interest. Board or Committee Members must exercise good faith in carrying out their responsibilities and not use their position for personal benefit.

Any Board or Committee Member who in the discharge of her or his official duties as a member of the Public Body would be required to vote on a matter for which a Conflict of Interest exists shall publicly disclose the actual or potential Conflict of Interest. If the Board or Committee Member has a perceived or potential Conflict of Interest but believes that she or he is able to act fairly, objectively, and in the Public Interest, in spite of the potential conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the Public Interest. Otherwise, the Board or Committee Member shall not vote on the matter under consideration. A Board or Committee Member that recuses him or herself may, but not must, explain the basis for that decision.

B. Requests for Recusal. In the event that a Board or Committee Member reasonably believes that another Board or Committee Member has a Conflict of Interest, he or she may request that such other Board or Committee Member recuse him or herself from a matter under consideration due to a perceived Conflict of Interest.

C. Discussion. Once there has been a disclosure of an actual or perceived Conflict of Interest, other Board or Committee Members shall be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing

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conducted by the Public Body, the Public Body may take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

6. Recusal Procedure.

A Board or Committee Member who has recused himself or herself from acting for the Public Body in a particular matter or proceeding shall not sit with the Public Body, deliberate with the Public Body, or participate in that proceeding as a member of the Public Body in any Official Act or Action, though such person may still participate as a member of the public.

7. Enforcement.

A. Enforcement Against Board Commissioners; Progressive Consequences. In cases where a Board Commissioner has engaged in any of the prohibited conduct or has not followed the Conflict of Interest procedures in this Policy, the Board may take progressive action to discipline such Board Commissioner as follows:

1. The chair of the Board may meet informally with the Board Commissioner to discuss the possible Conflict of Interest violation. This shall not take place in situations where the chair and the Board Member together constitute a quorum of a Public Body.
2. The Board may meet to discuss the conduct of the Commissioner. Executive session may be used for such discussion in accordance with 1 V.S.A. §313(a)(4). The Board Commissioner may request that this meeting occur in public. If appropriate, the Board may admonish the offending Board Member in private. The Chair may notify the appropriate contact within the municipality of the prohibited conduct.
3. If the Board decides that further action is warranted, the Board may admonish the offending Board Commissioner at an open meeting and reflect such action in the minutes of the meeting. The Board Commissioner shall be given the opportunity to respond to the admonishment. The Chair shall notify the appropriate contact within the municipality of such admonishment of the offending Board Commissioner.
4. Upon majority vote in an open meeting, the Board may request that the offending Board Commissioner resign from her or his office.
5. Upon majority vote in an open meeting, the Board may request that the appointing member municipality take action to replace the offending Board Commissioner.

B. Enforcement Against Board or Committee Members that are not Commissioners. The Board may choose to follow any of the steps articulated in Section 7 A above. In addition to, or in lieu of any of those steps, the Board may choose to remove a Board or Committee Member that is not a Commissioner from the Public Body, subject to state law.

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8. Effective Date

This policy shall become effective immediately upon its adoption by the Board.

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