

BY-LAWS
OF THE
CENTRAL INTERSTATE
LOW-LEVEL RADIOACTIVE WASTE
COMMISSION

AS ADOPTED AUGUST 31, 1984

AMENDED 7/3/1990; 6/24/1992; 1/17/1992; 6/30/1992; 6/29/1993; 9/14/1994;
6/26/1996; 6/25/1997; 6/21/2006; 06/23/2009; 06/12/2013; 11/21/2013; NOVEMBER
17, 2016

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE
WASTE COMMISSION BY-LAWS

TABLE OF CONTENTS

ARTICLE I: NamePage 3

ARTICLE II: Purpose of Commission and BylawsPage 3

ARTICLE III: Membership.....Page 3

ARTICLE IV: Objectives.....Page 3

ARTICLE V: Commission Officers and Responsibilities.....Page 4

ARTICLE VI: Official Representative of the CommissionPage 6

ARTICLE VII: Rules of ProcedurePage 6

ARTICLE VIII: Committees.....Page 6

ARTICLE IX: Meetings of the Commission.....Page 6

ARTICLE X: VotingPage 12

ARTICLE XI: Finances and AccountingPage 12

ARTICLE XII: General ProvisionsPage 14

ARTICLE I - Name

The organization shall be known as the Central Interstate Low-Level Radioactive Waste Commission, hereinafter referred to as the "Commission."

ARTICLE II – Purpose of Commission and Bylaws

(A) **Purpose of Commission.** The purpose of the Commission is to carry out the mandate of the Central Interstate Low-Level Radioactive Waste Compact; hereinafter referred to as the "Compact," by providing for and encouraging the safe and economical management of low-level radioactive wastes within the member states.

(B) **Purpose of Bylaws.** The purpose of these Bylaws is to govern and facilitate the operations and policies of the Commission.

(C) **Conflicts Between Bylaws and Compact.** These Bylaws are supplementary to the Compact and its provisions. Compact provisions shall govern in the instance of a conflict between the Bylaws and the Compact.

ARTICLE III – Membership

(A) **States eligible for membership on the Commission.**

(1) Until January 1, 1984 the states of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota and Oklahoma are initially eligible for membership.

(2) Any state may petition the Commission for eligibility. A petitioning state shall become eligible for membership only upon the unanimous approval of the Commission.

(B) **Only states party to the Compact shall be members of the Commission.** A state shall be a party to the Compact, for purposes of membership on the Commission, if the state is eligible for membership in accordance with Paragraph (A) of this Article and the state has enacted the Compact into law.

(C) **Membership of the Commission.** The Commission shall consist of one Commissioner from each state that is a party to the Compact.

(1) The appointing authority of each party state shall notify the Commission in writing of the identity of its Commissioner and any alternates.

(2) If the appointing authority has selected an alternate Commissioner, the alternate may act on behalf of the Commissioner of that state in the absence of the Commissioner.

(D) **Vacancies on the Commission.** Any vacancy of a member state on the Commission shall be filled according to the laws of the state from which the Commissioner served.

ARTICLE IV – Objectives

In furtherance of the lawful purposes, the Commission shall:

(1) provide the framework for a cooperative effort to promote the health, safety, and welfare of the citizens and the environment of the region;

- (2) limit the number of facilities required to effectively and efficiently manage low-level radioactive wastes;
- (3) take whatever action is necessary to encourage the reduction of waste generated within the region;
- (4) select the necessary regional facilities to accept compatible wastes generated in and from party states and meet the requirements of the Compact, giving each party state the right to have the wastes generated within its borders properly managed at such facilities; and
- (5) faithfully and diligently perform its duties and powers granted by the Compact.

ARTICLE V – Commission Officers and Responsibilities

(A) **Officers of the Commission.** The officers of the Commission shall be Executive Director, Chairperson, Vice-Chairperson, and Administrator.

(B) **Executive Director.** The Executive Director shall be appointed by and serve under the terms and conditions, and at the compensation, pleasure and discretion of the Commission irrespective of the civil service, personnel or other merit laws of any state or the federal government. The Executive Director shall have such duties as are enumerated in these Bylaws and such other duties as the Commission may direct.

(1) **Chairperson in Lieu of Executive Director.** The Commission may conduct its operations without employing an Executive Director, in which case the Chairperson shall perform the duties of the Executive Director.

(2) **Responsibilities.** In addition to any other duties established by these Bylaws, or as may otherwise be specified by the Commission, the Executive Director, under the direction and supervision of the Commission, shall:

- (a) appoint and remove or discharge such personnel as may be necessary for the performance of the Commission's functions irrespective of the civil service, personnel or other merit laws of any of the party states or the federal government;
- (b) establish such office rules of procedure as may be necessary for the orderly transaction of daily business including policies concerning staff vacations and leave, fringe benefits, overtime compensation and a staff insurance program.
- (c) pursuant to formal Commission review and approval, install and maintain a system of accounts and audit, and approve bills, claims and demands, and warrant their payment;
- (d) effectuate and enforce all policies and resolutions adopted by the Commission;
- (e) annually report to the Commission in writing on the progress of work;
- (f) prepare proposed annual work programs, budgets, funding plans and appropriate applications for Commission review;
- (g) coordinate the Commission's plans and programs with federal, state, regional, county and local governments and other agencies;
- (h) prepare for Commission approval, proposed operating policies and resolutions, meeting agenda, etc. and undertake other tasks as directed by the Commission;
- (i) enter into an agreement, pursuant to formal Commission review and approval, for participation of the staff in a Retirement System Program;

- (j) with the approval of the Commission, enter into agreements for consulting services and making payment for such services;
 - (k) provide fiscal analysis as deemed necessary and appropriate by the Commission; and
 - (l) at the direction of the Commission, establish an office and mailing address on behalf of the Commission. All official correspondence of the Commission shall be transmitted to and from the address established by the Executive Director.
- (3) **Vacancy.** If the Commission has employed an Executive Director and that position becomes vacant, the Chairperson may act as such on a temporary basis or appoint an acting Executive Director until the Commission is able to convene for the purpose of appointing a new Executive Director.
- (4) **Removal from Office.** If the Commission has employed an Executive Director, that person may be removed from office only upon the affirmative vote of a majority of the party states during a meeting of the Commission.
- (5) **No vote.** If the Commission has employed an Executive Director, he shall have no vote.
- (C) **Chairperson.** The Commission shall have a Chairperson from the Commissioners representing the member states.
- (1) **Term of Office.** The term of office of the Chairperson shall be two years.
 - (2) **Preside over meetings and other duties.** The Chairperson shall preside over all annual, regular, special and emergency meetings of the Commission and shall have such other duties as are enumerated in these Bylaws and as the Commission may direct.
 - (3) **Vacancy.** Should a vacancy in the office of Chairperson occur, the Vice-Chairperson shall become Chairperson for the remainder of the term. The Administrator shall notify the Commission in writing within seven (7) days of this event.
- (D) **Vice-Chairperson.** At its annual meeting during even-numbered years, the Commission shall elect a Vice-Chairperson from the Commissioners representing the member states. The vote to elect Vice-Chairperson may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the meeting minutes.
- (1) **Term of Office.** The term of office for Vice-Chairperson shall be two years, at which time the Vice-Chairperson shall assume the office of Chairperson.
 - (2) **Absence of Chairperson.** During Commission meetings, the Vice-Chairperson shall act as Chairperson in the absence of the Chairperson.
 - (3) **Vacancy.** Should a vacancy in the office of Vice-Chairperson exist, the Chairperson shall appoint a Vice-Chairperson to serve the remaining term.
- (E) **Administrator.** The Commission may appoint an administrator to assist the Commission in performing its functions. The Administrator shall answer to the Executive Director or, if no Executive Director, the Chairperson.
- (1) **Appointment.** The Administrator shall be appointed by and serve under the terms and conditions, and at the compensation, pleasure and discretion of the Commission irrespective of the civil service, personnel or other merit laws of any state or the federal government.
 - (2) **Duties.** The Administrator shall have the duties enumerated in these Bylaws and such other duties as the Commission may direct.

(3) **No Vote.** The Administrator shall have no vote.

ARTICLE VI – Official Representative of the Commission

(A) **Official representative.** The Executive Director or his designee shall attend, as the official representative of the Commission, any meeting, conference, hearing or other event requiring the Commission to be represented.

(1) If additional participation by Commission members is determined to be necessary, the Chairperson may appoint other members of the Commission to attend such events.

(2) If the Executive Director, in consultation with the Chairperson, determines that another representative other than a Commission employee or a Commissioner is more appropriate to represent the Commission, the consensus of the Commission shall be obtained.

(B) **Representative's actions.** Any person representing the Commission at any meeting, conference, hearing or other event shall act in accordance with the specific instructions of the Commission or, in the absence of such specific instructions, in accordance with formally adopted policies of the Commission.

ARTICLE VII – Rules of Procedure

The official rules of procedure of the Commission shall be "Robert's Rules of Order." In the event of a conflict between "Robert's Rules of Order" and these Bylaws, the terms of the Bylaws shall prevail.

ARTICLE VIII – Committees

(A) **Establishment.** As may be appropriate under the terms of the Compact, the Commission may establish such committees as it deems necessary for the purpose of advising the Commission on any and all matters of interest to the Commission.

(B) **Appointments.** The Chairperson shall appoint all committee members, shall designate a member of each committee as Chairperson, and shall establish the duration of each committee's existence. Except with respect to a Litigation Committee, each member of the Commission may participate as a non-voting member, directly, or through a non-voting delegate.

(C) **Litigation Committee.** The Commissioner or Alternate Commissioner representing a member state that is involved in litigation or imminent litigation adverse to the Commission shall not be a direct or indirect member of the Litigation Committee.

(D) **Reports to Commission.** At duly noticed Commission meetings, Committees shall report to the Commission on the results of its Committee Meetings for Commission consideration, response, or action.

ARTICLE IX – Meetings of the Commission

(A) **Definition and general policy.**

(1) **Meetings in general.** Meetings, for the purposes of these Bylaws, mean:

- (a) annual meetings as required by Article IV(D) of the Compact;
 - (b) regular meetings, such as mid-year and/or quarterly meetings;
 - (c) special meetings called for non-emergency actions of the Commission;
 - (d) emergency meetings; and
 - (e) any other formal or informal gathering of a quorum of the Commission members, held for the purpose of briefing, discussion of Commission business, or the taking of any action of the Commission.
- (2) **Formal action.** For the purpose of these Bylaws, "formal action" means a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or implementation of a position or policy of the Commission, but shall not include negotiation guidance given by members of the Commission to legal Counsel or other negotiators in closed session authorized under Article IX(E). Any formal action taken on any question or motion duly moved and seconded shall be by roll call vote of the Commission in open session.
- (3) **Certain limited contact is not a meeting.**
- (a) **Informal contact.** Due to the geographical constraints of having Commissioners from each party state of the Compact, it is sometimes necessary for two or more Commissioners to have informal, limited contact via telephone, email, regular mail, or other means to facilitate Commission business. Such informal, limited contact shall not constitute a meeting of the Commission and no formal action shall be taken during such informal contact.
 - (b) **Chance meetings or conference attendance.** A gathering of Commissioners purely by chance or their attendance at or travel to conventions or workshops as members of the Commission, whether or not the number of Commissioners present would constitute a quorum, shall not constitute a meeting under this Article provided:
 - (i) no meeting of the Commission is intentionally convened; and
 - (ii) no vote or other action is taken by the Commissioners present regarding any matter over which the Commission has supervision, control, jurisdiction, or advisory power.
- (4) **Meetings are open.** Commission meetings are open to the public, except as may otherwise be allowed by these Bylaws.
- (5) **Maintain notification list.** The Commission shall maintain a list of all persons who wish to be notified of Commission meetings and make reasonable efforts to provide notice of meetings in accordance with Article IX(B).
- (6) **Committee meetings.** Committees of the Commission which have been given authority to take formal action, hold hearings, or make policy for the Commission shall be covered by these open meetings provisions.
- (7) **Other policies.**
- (a) No Commissioner or Commission employee shall fail to invite a portion of the Commission to a meeting.
 - (b) The Commission shall not designate itself a committee of the whole body for the purpose of circumventing these Bylaws.

(c) No closed session, informal meeting, chance meeting, social gathering, or telecommunication shall be used for the purpose of circumventing the requirements of these Bylaws.

(d) The Commission may further define, detail, and implement its meeting procedures through its Rules, provided such Rules are not inconsistent with these Bylaws.

(B) Notice of meetings. All meetings of the Commission shall be arranged by the Administrator upon the call of the Chairperson.

(1) **Annual meetings.** The Administrator shall notify the Commissioners and persons on the Commission's notification list at least thirty (30) days prior to the date of the annual meeting.

(2) **Regular, special, and other non-emergency meetings.** The Administrator shall notify the Commissioners and persons on the Commission's notification list at least fourteen (14) days prior to the date of a regular, special, or other non-emergency meeting.

(3) **Emergency meetings.** The Administrator shall notify the Commissioners and persons on the Commission's notification list at least five (5) days prior to the date of an emergency meeting, unless the emergency is so urgent that notice must be shorter.

(4) **Method and content of notices.**

(a) **Annual, regular, special, and other non-emergency meetings.** Notices of annual, regular, special, and other non-emergency meetings shall be transmitted to the Commissioners and persons on the Commission's notification list via US mail, email, or facsimile.

(i) **Content of notices.** Notices shall include the date, time, and location of the meeting, and a toll-free telephone number for use by Commissioners or members of the public who cannot attend the meeting in person. If available, an agenda and other records or documents that will be discussed during the portion of the meeting that is open to the public shall be transmitted with the notice.

(ii) **Records to be provided.** At least seven (7) days prior to the meeting date, a final agenda and other records or documents that will be discussed during the portion of the meeting that is open to the public shall be transmitted to the Commissioners and persons on the Commission's notification list.

(b) **Emergency meetings.** Notices of emergency meetings shall be transmitted to the Commissioners and persons on the Commission's notification list by telephone, email, or facsimile. Notice shall include, at a minimum, the date, time, and location of the emergency meeting, the nature of the emergency, and a toll-free telephone number for use by Commissioners or members of the public who cannot attend the meeting in person. If practical, given the emergency situation, an agenda and other records or documents that will be discussed during the portion of the meeting that is open to the public may be transmitted to the Commissioners and persons on the Commission's notification list via email or facsimile.

(C) Annual meetings. The Commission shall hold an annual meeting each year in either a member state of the Compact on a rotating basis or via teleconference.

(1) **Meeting content.** The annual meeting shall include, as a minimum, review and approval of the Commission budget, review of the project budget, and, if required, election of officers.

(2) **Formal action.** No formal action shall be taken without a quorum and a motion and second particularly describing the action to be taken. No action shall be binding except upon the affirmative vote of a majority of the Commissioners present, unless these Bylaws specifically require an affirmative vote of a majority of the member states of the Compact.

(D) **Regular, special, and non-emergency meetings.** Regular, special and non-emergency meetings shall be held upon the call of the Chairperson, by petition of a majority of the member states, or upon the call of a host state member. Formal action during such meetings shall be in accordance with Article IX(C)(2).

(E) **Closed sessions.**

(1) **Authorized during any meeting.** During any meeting, the Commission may hold a closed session only when such session is clearly necessary for:

(a) the protection of the public interest; or

(b) to prevent needless injury to the reputation of an individual and such individual has not requested a public meeting.

(2) **Advanced notice.** If it is known in advance that a meeting will include a closed session, such session shall be identified on the meeting agenda.

(3) **Reasons for closed sessions.** Reasons for closed sessions may include, but are not limited to:

(a) strategy sessions, including assigning a range of negotiation parameters with respect to contracts; strategy sessions with respect to real estate or other purchases; receipt of attorneys' advice and counsel; consideration in the presence of counsel of litigation, pending or imminent, as evidenced by communication of a claim or threat of litigation to or by the Commission;

(b) discussion regarding acquisition and deployment of security plans, personnel, or devices;

(c) investigative proceedings regarding allegations of criminal misconduct; or

(d) evaluation of job performance of Commission personnel or of applicants for positions, when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(4) **Procedure to enter closed session.** During open session, the Commission may enter into a closed session by a motion and second, particularly describing the reason for the closed session, and the affirmative vote of a majority of the Commissioners present. The vote of each member on the question of holding a closed session, the general purpose and the specific reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes.

(5) **Restrictions on closed sessions.** The Commission shall restrict its consideration of matters during the closed session to those purposes set forth in the motion as the reason or reasons for the closed session. The meeting shall be reconvened in open session before any formal action is taken.

(6) **Challenges to closed session.** Any member of the Commission shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed

session or if the member contends that the closed session is not clearly necessary for the stated required purpose regarding protection of the public interest or a person's reputation. Such challenge shall be overruled only by a majority vote of the Commissioners or committee holding the closed session. Such challenge and its disposition shall be recorded in the minutes.

(F) **Public comment proceedings.** The Commission may, with or without the presence of a quorum of the Commissioners, hold a Public Comment Proceeding for the purpose of soliciting public comments on a particular topic or document. Thirty (30) days' notice is required for this proceeding. A Public Comment Proceedings shall be held only in open session. No closed session shall be permitted at such proceedings. Except as stated in this paragraph, no other provisions of this Bylaw shall be applicable to Public Comment Proceedings.

(G) **Public information meetings.** The Commission may, with the concurrence of the affected member state and with or without a quorum of the Commissioners, hold Public Information Meetings in any state of the compact. These meetings are to provide the public with information on the Commission and issues associated with its functions. A Public Information Meeting shall be held only in open session. No closed session shall be permitted at such Meeting and no Commission business shall be performed or formal action taken at such Meeting.

(H) **Public participation at Commission meetings.**

(1) **Public may attend Commission meetings.** Any member of the public may attend and participate in meetings of the Commission in person or via teleconference, except for closed sessions.

(a) The Commission shall not require members of the public to identify themselves as a condition for admission to a meeting.

(b) The Commission may, in its discretion, allow a member of the public or a witness to appear before the Commission by means of video, telecommunications equipment, or by written submission.

(c) The public shall have the right to videotape, televise, photograph, broadcast, or record a Commission meeting by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing, so long as such activity does not disrupt the meeting.

(d) The Commission will make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented during open meetings.

(2) **Opportunity for public comment.** The Commission shall allow opportunity for public comment before any formal action is taken.

(3) **Public forums required.** All Commission meetings, except emergency meetings, shall include an opportunity for members of the public to address the Commission on any matter under the Commission's jurisdiction. Such Public Forum shall be held after the meeting has adjourned. The Commission shall require any member of the public desiring to address the Commission during the Public Forum to identify himself or herself prior to addressing the Commission.

(4) **Reasonable rules for attendance authorized.** The Commission may make and enforce reasonable rules or regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meeting, and may take reasonable precautions with respect to security at any meeting,

provided such rules, regulations, or precautions do not unduly hinder or restrict the public's participation at a meeting.

(5) **Adequate meeting space required.** The Commission will not circumvent these Bylaws by holding a meeting in a place intended by the Commission to be too small to accommodate an anticipated audience.

(6) **Records available at meetings.** The Commission will make available at the open meeting, for examination and copying at cost by members of the public, at least one copy of all reproducible written material expected to be discussed at the open meeting.

(I) **Documentation of Commission meetings.** The Administrator shall take minutes of all Commission meetings and shall provide Commissioners a copy of draft minutes within thirty (30) days of the date of the meeting. Draft minutes shall be available to the public when requested.

(1) **Meeting transcripts.** When meetings are recorded, the Administrator shall ensure a transcript of the recording is prepared and made available to the Commissioners within thirty (30) days of the meeting. Transcripts shall also be available to the public when requested. For such copies, the Commission may charge a reasonable cost for photocopying the transcription.

(2) **Content of minutes.** Minutes shall include the time and place of the meeting, the Commissioners who are present and absent, the substance of matters discussed, and how each Commissioner voted, or that the Commissioner was absent or did not vote, on any formal action taken.

(3) **Minutes and documents are public records.** The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(4) **Final approval of minutes.** Minutes may be corrected, revised, and approved at a subsequent meeting of the Commission. Approved minutes shall be posted to the Commission's website.

(5) **Special requirements for emergency meetings.** When it is necessary to hold an emergency meeting, the nature of the emergency shall be stated in the minutes. Any formal action taken in such meeting shall pertain only to the emergency. Draft minutes, including the nature of the emergency and any formal action taken at the meeting, shall be made available to the Commissioners and public no later than the end of the next regular business day.

(J) **Corrective procedures and remedies regarding open meetings.**

(1) Any person who believes any action of the Commission is inconsistent with or violates the open meeting provisions of these Bylaws shall notify the Commission, in writing, of the perceived inconsistency or violation within fifteen (15) days of the meeting or action which forms the basis for the complaint. Such notification must specify the facts claimed to establish the violation. Upon receipt of such a complaint, the Commission shall review and respond to the complaint within thirty (30) days. If the Commission finds that these Bylaws have been violated with respect to the open meetings provisions, it may thereafter correct and cure the results of any such violation by holding a new meeting or by taking any other action consistent with these Bylaws.

(2) If the Commission declines or fails to initiate corrective action in accordance with Article IX(J)(1), or if the complaining party believes that the action by the Commission does not fully correct the perceived violation of these Bylaws, the complainant may seek relief in a District Court in accordance with Article IV(O) of the Compact. For purposes of Article IV(O) of the Compact, no action of the Commission shall be deemed to be a decision of the Commission regarding public meetings until the complaint and corrective process set out in this subsection has been exhausted.

ARTICLE X – Voting

(A) **One vote per state.** Each member state of the Commission shall have one vote. When a state is represented by both a Commissioner and an alternate, the Commissioner shall be the voting member unless he is not present, at which time the alternate shall be the voting member for that state. In no event shall a state have more than one vote.

(B) **Quorum required.** For the purposes of conducting meetings and taking formal action, a quorum, consisting of a majority of the voting members of the Commission or their duly appointed alternates being present, shall be required.

(C) **Voting in general.** Voting on an action may be in person at a meeting of the Commission. If the Commission determines that a face to face meeting is impractical or not necessary, then a vote may be taken by telecommunication, electronic mail or facsimile. A vote by telecommunication, electronic mail or facsimile may be taken only on issues which previously have been presented, moved, seconded, and discussed at a public in-person or telephonic meeting, with opportunity for public input on the issue at such meeting.

(D) **Recording of votes.** All votes of the Commission shall be recorded by the Administrator, shall become part of the official record of the Commission and shall be made available to the public upon request.

ARTICLE XI – Finances and Accounting

(A) **Fiscal year.** The fiscal year of the Commission shall begin on the 1st day of July and ends on the 30th day of June of each year.

(B) **Annual commission budget.** The Commission, after consultation with the Executive Director, shall adopt an annual budget at its regularly-scheduled annual meeting.

(1) **Budget revisions.** The annual budget may be revised as the Commission determines is necessary. The Chairperson is authorized to approve supplemental budget changes to the annual budget that do not exceed twenty percent (20%) of the budgeted categories. The Administrator shall advise the members of such approval within fifteen (15) days of action.

(2) **Host state to collect surcharges.** In accordance with the provisions of applicable state law, each host state shall take appropriate steps to levy and collect those surcharges necessary to finance the annual budget of the Commission.

(C) **Annual project budget.** The Commission shall review the project budget at its regularly-scheduled annual meeting.

(D) **Donations and grants of money.** The Commission may accept for any of its purposes and functions, any and all donations, grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. The nature, amount and condition, if any, attendant upon any donation or grant accepted pursuant to this paragraph together with the identity of the donor, grantor or lender, shall be detailed in the annual report of the Commission.

(E) **Selection of a bank as a depository for the commission's funds.** The Chairperson and Executive Director shall designate such bank or banks as the official depository authorized and directed to pay checks and other orders for the payment of money, including those drawn to the individual order of a signer, when signed by the Executive Director or such other person as may otherwise be required by these Bylaws.

(F) **Signatories for Commission checks and drafts.** All checks, drafts, or other documents for the withdrawal of funds of the Commission shall be signed as follows.

(1) **Less than \$1,000.** Checks, drafts, or other documents for the payment of funds in an amount less than one thousand dollars (\$1,000.00) and not related to payroll may be signed by the Administrator, any Commissioner, or the Executive Director.

(2) **\$1,000 or greater.** Checks, drafts, or other documents for the payment of funds in an amount of one thousand dollars (\$1,000.00) or more must have at least two signatures between the Administrator, any Commissioner, or the Executive Director.

(G) **Endorsements for deposits.** Endorsement of checks to be deposited to the credit of the Commission may be by the Administrator, any Commissioner, or the Executive Director.

(H) **Purchasing.** The Administrator, with the consent of the Executive Director, shall purchase all commodities for the Commission, subject to the limitations of this section.

(1) **Competitive bids.** Whenever possible and practical, within the discretion of the Executive Director, all purchases shall be based upon competitive bids. Competitive bids shall not be required for the purchase of any commodity in which the total cost does not exceed one thousand, five hundred dollars (\$1,500.00).

(2) **No financial interest.** No officer of the Commission shall have any financial interest or any beneficial personal interest, directly or indirectly, in the purchase of any services or commodity, or in any firm, partnership, corporation, or association furnishing such.

(I) **Accounting Procedures.** Orderly and accurate methods of accounting shall be used when handling all funds received and disbursed by the Commission. The Commission's accounts shall be recorded and maintained based upon generally accepted accounting procedures. Any accounting procedures required by a grant or other funding source shall be used in the handling of such funds.

(J) **Financial reporting to Commissioners.** No later than the 15th day of each month, the Administrator shall provide an unaudited, year-to-date income/expense report to the Commissioners and alternates.

(K) **Annual Audit of Commission Budget.** An independent certified public accountant selected by the Commission shall annually audit all receipts and disbursements of Commission funds and submit an audit report to the Commission. All other funds received and disbursed by the Commission shall also be audited by an independent

certified public accountant on at least an annual basis. The audit shall be approved at a meeting of the Commission and the approved audit shall be part of the Commission's annual report.

(L) **Audit of Project Budget.** Whenever it deems appropriate, the Commission may direct that an independent certified public accountant, selected by the Commission, audit all receipts and disbursements of project funds and submit an audit report to the Commission. The audit shall be approved at a meeting of the Commission and the approved audit shall be part of the Commission's annual report.

ARTICLE XII – General Provisions

(A) **Seal.** The seal of the Commission shall be affixed to or imprinted upon all official reports of the Commission, certificates of copies of papers or records, official copies of minutes of meetings and any other instruments which by law are required to be under seal. The Executive Director shall, upon approval of the Commission, purchase a seal for the Commission and keep it at the Commission's office.

(B) **Expenses of Commission Officers.**

(1) Each state shall be responsible for the expenses of its Commissioner and alternate to attend meetings of the Commission.

(2) When a Commission officer or other representative of the Commission attends official functions as a representative of the Commission, costs associated with such attendance shall be reimbursed to the individual and shall be considered part of the Commission budget.

(C) **Public records policy and exceptions.**

(1) Except as otherwise expressly provided by the Compact, by other federal law, or by these Bylaws, all citizens of the member states, and all other persons interested in the examination of the Commission's public records maintained in the Commission's office, as defined in the Rules and Bylaws, are hereby fully empowered and authorized to examine the same and to make memoranda and abstracts therefrom, all free of charge, during normal business hours. In addition, photocopies of public records may be requested and shall be provided at a reasonable fee, closely reflecting the cost to the Commission for providing such copies.

(2) Except where the Compact, any other federal statute, or Commission Bylaw expressly provides that particular information or records shall not be made public, the Commission's public records shall include all records and documents, regardless of physical form, of or belonging to the Commission or a committee of the Commission. Data which are a Commission record in their original form shall remain a Commission record when maintained in computer files. The Commission shall take all reasonable measures to protect the integrity and security of all its records. In particular, electronically stored information shall be provided for examination and copying only in hard copy. Computer disks shall not be released from the custody of the Commission staff.

(3) This Bylaw shall be liberally construed whenever any Commission fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt, or other record of receipt, cash or expenditure involving Commission funds is

involved in order that the citizens of the compact states shall have full right to know of, and have full access to, information on the finances of the Commission.

(4) The following records or portions of records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or otherwise publicly disclosed by the Commission pursuant to its duties, may be withheld from the public by the Commission:

(a) Trade secrets, academic and scientific research work which is in progress and unpublished, and proprietary information received from the Commission's contractors and contractees.

(b) Records which are attorney-client privileged or which represent the work product of an attorney and the Commission related to preparation for litigation, labor negotiations, or claims made by or against the public body of which are confidential communications as otherwise prescribed or defined in the Bylaws.

(c) Records developed or received by the Commission when the records constitute a part of an official investigatory examination, investigation, intelligence information, citizen complaints, or inquiries, informant identification, or strategic or tactical information pertaining to an investigatory matter.

(d) Appraisals or appraisal information and negotiation records concerning the purchase or sale by the Commission of any interest in real or personal property prior to completion of the purchase or sale.

(e) Personal information in records regarding the members and personnel of the Commission, other than salaries, expense records, and routine directory information.

(f) Information pertaining to protection of the physical security of Commission members and personnel and Commission property, such as security plans, guard schedules or lock combinations.

(g) Records or portions of records kept by the Commission which would reveal the location, character, or ownership or any known archaeological, historical or paleontological site in a compact state when necessary to protect such site from a reasonably held fear of theft, vandalism or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies, or for the protection of the resource by recognized tribes, the Unmarked Human Burial Site and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Reparation Act.

(h) Notwithstanding the foregoing subsections (a) through (g), any reasonable public portion of a record that may be segregated shall be provided to the public as a Commission record upon request, after deletion of the portions which may be withheld.

(i) If it is determined by any state or federal department or agency or other state or federal source of funds, services, or essential information that any provision of this Bylaw would cause the denial of any funds, services, or essential information from them which would otherwise definitely be available to the Commission, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds, services, or essential information.

(D) Remedy for denial of public records.

(1) **Response from Commission.** Any person whose request to inspect Commission records has been denied shall receive, in written form from the Commission, at least the following information:

(a) A description of the contents of the records withheld and a statement of the specific reasons for the denial, correlating specific portions of the records to specific reasons for the denial, including citations to the portion of these Bylaws relied on as authority for the denial.

(b) The name of the official or employee responsible for the decision to deny the request.

(c) Notification to the requester of the administrative remedy and subsequent judicial right of review, as set forth in this Bylaw.

(2) **Commission maintains records of denials.** The Commission shall maintain a file of all letters of denial of requests for records. This file shall be made available for inspection to any person on request.

(3) **Procedure to challenge a denial.** Any person or party state which believes any action of the Commission is inconsistent with or violates the public records provisions of these Bylaws shall notify the Commission, in writing of the perceived inconsistency or violation within fifteen (15) days of the action which forms the basis for the complaint. Such notification must specify the facts claimed to establish the violation. Upon receipt of such a complaint, the Commission will review the complaint and respond within thirty (30) days and, if it finds that these Bylaws have been violated, may thereafter correct such violation by making records available for public inspection or by taking any other relevant action consistent with these Bylaws.

(4) **Judicial relief.** If the Commission declined to take corrective action, or if action taken by the Commission does not fully correct the perceived violation of these Bylaws, the complainant may seek relief in accordance with Article IV(O) of the Compact. For purposes of Article IV(O) of the Compact, no action of the Commission shall be deemed to be a decision of the Commission regarding public records until the complaint corrective process set out in the preceding paragraph of these Bylaws has been exhausted.

(E) **Annual Report.** The Commission shall submit an annual report no later than December 31st of each year to the Governor and the presiding officer of each body of the legislature of the party states regarding the activities of the Commission during the preceding year and embodying such recommendations as have been adopted by the Commission. Each report shall include a copy of the most recent annual Commission audit required pursuant to Article XI(I) of these Bylaws. The Annual Report shall also address the following:

(1) commission and project budgets;

(2) waste generation and disposition throughout the Compact region and costs of same; and

(3) significant events.

(F) **Nondiscrimination.** The Commission shall not discriminate against any person based upon race, creed, color, sex, or national origin.

(G) Policies and Procedures. The Commission may adopt such other Policies and Procedures that are not in conflict with the Compact or these Bylaws, as it deems necessary to perform its powers and duties.

(H) Amendment. These Bylaws, or any part thereof, may be amended, repealed or replaced at any meeting of the Commission, except emergency meetings, unless such meeting is convened expressly for that purpose, provided that notice of the proposed amendment, repeal or replacement is given thirty (30) days prior to the meeting at which such amendment, repeal or replacement is to be voted. Such notice shall include the full text of the motion or resolution by which the amendment, repeal or replacement is proposed to be made and shall include verbatim the proposed amendment or replacement, if any.