



## BYLAWS OF THE CITIZENS ADVISORY COUNCIL

Adopted: February 19, 2019

1. **Name.** The name of this advisory board is the Citizens Advisory Council (“**CAC**” or “**Council**”). The CAC is an advisory board of the Pennsylvania Department of Environmental Protection (“**Department**”).
2. **Authorization**
  - 2.1 The CAC is created pursuant to and authorized by Sections 448(p) and 1922-A of the Administrative Code of 1929 (“**Administrative Code**”), as amended by Act No. 1970-275 and Act No. 2016-07, 71 P.S. §§ 158(p) and 510-22. The CAC is created as an “independent advisory council administratively housed within the Department of Environmental Protection”. Pursuant to Section 1922-A of the Administrative Code, the CAC is charged with the following responsibilities:
    - (a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.
    - (b) The Council shall consider, study and review the work of the Department of Environmental Protection and for this purpose, the Council shall have access to all books, papers, documents and records pertaining or belonging to the Department.
    - (c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.
    - (d) The Council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

2.2 The CAC is further authorized to advise the Department with respect to regulations adopted pursuant to the Pennsylvania Air Pollution Control Act, Act No. 1992-95, *as amended*, 35 P.S. §§4001 *et seq.* Section 7.6(a) of the Air Pollution Control Act provides:

(a) The Department shall consult with the Citizens Advisory Council established under Section 448 of the Act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," as appropriate, in the consideration of State implementation plans and regulations developed by the Department and needed for the implementation of the Clean Air Act. Nothing in this section shall limit the Council's ability to consider, study and review Department policies and other activities related to the Clean Air Act implementation as provided under Section 1922-A of "The Administrative Code of 1929." This section shall not apply to state implementation plans or portions thereof comprised of permit emission offset or reasonably available control technology requirements for individual sources; consent orders and agreements; or regulations. The requirements of this section shall not apply to State implementation plans submitted by a local air pollution control agency.

### 3. Membership and Terms

3.1 **Membership.** Pursuant to Section 448(p) of the Administrative Code, 71 P.S. § 158(p), the members of the CAC consist of the (i) Secretary of Environmental Protection (*ex officio*); (ii) six members appointed by the Governor, no more than three of whom shall be of the same political party; (iii) six members appointed by the President Pro Tempore of the Senate, no more than three of whom shall be of the same political party; and six members appointed by the Speaker of the House of Representatives, no more than three of whom shall be of the same political party. Section 448 provides that the CAC shall include persons knowledgeable in fields related to the work of the Department of Environmental Protection such as, but not limited to, ecology, limnology, toxicology, pharmacology, organiculture, and industrial technology.

3.2 **Limitation on Other State Offices.** The appointed members of the CAC must be citizens of the State who, during their respective terms, shall hold no other state office to which any salary is attached except that of membership of the Environmental Quality Board.

3.3 **Terms.** The term of office of each appointed member of the Council is three years, measured from the third Tuesday of January of the year in which such member takes office or until such member's successor has been appointed.

3.4 **Resignation.** Any CAC member may resign at any time by giving written notice to the Chair. Such resignation shall take effect at the time specified therein or, if no time is specified, at the time of acceptance thereof by the Chair.

4. **Participation in Meetings, Quorum, Voting**

- 4.1 ***Participation in Meetings.*** CAC members may participate in any meeting of the CAC or its Committees in person or by teleconferenced as provided in Section 4.3.
- 4.2 ***No Alternates.*** Only members of the CAC may vote on any actions to be taken by the CAC or CAC Committee. Section 448 does not provide for the appointment or designation of alternates.
- 4.3 ***Teleconferences.*** One or more CAC Members may participate in any meeting of the CAC or any CAC Committee by means of conference telephone, computer conference linkage, or similar communication equipment through which all persons participating in the meeting can hear each other, and all CAC members so participating shall be deemed present in person at the meeting.
- 4.4 ***Quorum.*** A majority of the CAC members in office shall constitute a quorum for the transaction of business.
- 4.5 ***Voting***
- (a) Except as provided in Section 4.5(b) or other specific provisions of these Bylaws, actions adopted by the affirmative vote of a majority of the CAC members present at a meeting at which a quorum is present shall be the acts of the CAC or any CAC Committee. At any meeting of the CAC or CAC Committee at which a quorum is present, a majority of the voting members present may adjourn the meeting from time to time without further notice.
  - (b) The following actions shall be taken only by the affirmative vote of a majority of the CAC members then in office:
    - (i) The election of any officer of the CAC.
    - (ii) The appointment or removal of any person designated by the CAC as a member or alternate member of another advisory board or committee.
    - (iii) The adoption of any policy, position or recommendation concerning legislation or regulations.
- 4.6 ***Polling.*** Where the Chair deems it necessary to obtain the consensus of the members and there is insufficient time in which to call a meeting, a telephone poll may be taken of the members, subject to ratification at the next meeting of the CAC.
- 4.7 ***Action by Writing.*** Any action which may be taken at a meeting of the CAC may be taken without a meeting, if a consent or consents in writing, setting forth the action so taken, is

signed by all voting CAC members who would be entitled to vote at a meeting for such purpose and is filed with the Secretary.

## 5. **CAC Officers**

- 5.1 ***Officers.*** The officers of CAC shall be elected annually by a majority of the CAC members in office and shall consist of a Chair, a Vice-Chair, and a Secretary, and may include such other officers as the CAC may deem necessary. Except for the Secretary, all officers of the CAC shall be members of the CAC.
- 5.2 ***Chair.*** The Chair shall preside at all meetings of the CAC, and shall have the authority to (i) call special meetings upon notice as provided in Section 8.2; (ii) appoint the chairpersons of CAC committees with the consent of the majority of the CAC; and (iii) perform such other duties as pertain to the office.
- 5.3 ***Vice-Chair.*** The Vice-Chair shall perform the duties of the Chair in the absence of the Chair, and assist the Chair in the performance of such duties as may be assigned by the Chair.
- 5.4 ***Secretary.*** The Secretary shall attend all meetings of the CAC, and of such CAC committees as may be appointed, and be responsible for keeping, preserving in the records of the CAC and distributing true minutes of the proceedings of such meetings. The Secretary need not be a member of the CAC. The Executive Director selected pursuant to Section 7 shall serve as the Secretary.

## 6. **Elections and Terms of Office**

- 6.1 ***Annual Elections and Term.*** The CAC officers shall be elected by ballot at an annual meeting of the CAC, which shall be held in June of each year (the “**Annual Meeting**”). Each CAC officer shall hold office commencing July 1 for a term of one year, or until their respective successor is elected, except in the case of their death, resignation, removal or other termination of their membership on the CAC.
- 6.2 ***Nominations Committee.*** At least 60 days prior to the Annual Meeting, the Chair shall appoint a Nominating Committee of three CAC members. The Nominating Committee shall solicit the interest of members of the CAC to serve in the positions of CAC officers. The Nominating Committee shall, at least two weeks prior to the Annual Meeting, distribute to all CAC members the proposed nominations for each officer position. Additional nominations for any position may be made from the floor at the time of the Annual Meeting.
- 6.3 ***Elections.*** In the event of the lack of a quorum at an Annual Meeting, or the failure after two ballots to elect any position by a majority of the members of the CAC in office, the election for any affected position shall be recessed and continued until the next regular

meeting of the CAC. At such next regular meeting, a motion to reopen nominations prior to voting may be put forth.

- 6.4 ***Election of an officer following death, resignation, removal or other termination.*** In the event of an officer's death, resignation, removal or other termination of their membership on the CAC, the Chair shall appoint a Nominating Committee of three CAC members to solicit interest of members of the CAC to serve the remainder of the vacant position's term. The Nominating Committee shall, at least two weeks prior to the CAC meeting where the election will take place, distribute to all CAC members the proposed nominations for the vacant officer position. Additional nominations for the vacant officer position may be made from the floor at the time of the election.

## 7. **Executive Director**

- 7.1 ***Authorization.*** Section 448(p) of the Administrative Code, 71 P.S. § 158(p), provides: "The council shall have the sole power to employ and fix the compensation of an executive director and such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the council, but due diligence shall be exercised by the council to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the council."
- 7.2 ***Duties.*** The Executive Director shall fulfill the duties of Secretary of the CAC and other responsibilities as assigned by the CAC, and shall serve as a liaison between the CAC and the Department.
- 7.3 ***Cooperation with Department.*** Recognizing that the CAC has not received an appropriation of funds from the General Assembly, the CAC will endeavor to cooperate with the Secretary of the Department in the selection and utilization of an individual who, as an employee of the Department, will serve as the CAC Executive Director. The CAC and the Department understand that the Executive Director may be asked to communicate and disseminate the positions and recommendations of the Council, and in that capacity should not be held personally accountable for the views of the Council.

## 8. **Meetings**

- 8.1 ***Meetings.*** Section 448(p) of the Administrative Code, 71 P.S. § 158(p), provides that the CAC shall meet at least quarterly or at the call of the Chair. In general, the CAC intends to meet monthly, except in August and December.
- 8.2 ***Time and Place.*** The CAC shall meet at the call of the Chair at such time and places as the Chair shall designate. Notice of such call shall be given by official notice or by email or telephone to each CAC member at an address furnished to the Secretary and Executive

Director of the CAC for that purpose at least five (5) days prior to the time affixed for such meeting.

8.3 **Presiding Officer.** The Chair shall preside at meetings of the CAC. In the Chair's absence one of the following persons in the order stated shall preside: (1) the Vice-Chair; (2) another appointed member in order of seniority.

8.4 **Open to Public.** All meetings of the CAC held for the purpose of deliberating agency business or taking official action are open to the public and shall be conducted in compliance with the Sunshine Act, as amended.

8.5 **Agenda.**

(a) An agenda for each meeting of the CAC shall be prepared by the Executive Director of the CAC with the approval of the Chair.

(b) Items for inclusion on the agenda shall be submitted to the Executive Director of with the approval of the Chair.

(c) The Chair and the Executive Director shall determine the items which shall be included in the agenda, provided that an item submitted by at least six (6) CAC members shall be so included.

(d) Copies of the agenda and minutes from the prior meeting shall be distributed preferably two weeks in advance of any meeting, but no less than twenty-four (24) hours before the meeting and any matter not on the agenda so distributed will not be considered except by majority consent of the CAC members present.

(e) A copy of each agenda and minutes shall be posted on and available for public access on the Department's website.

8.6 **Minutes.** Minutes are to be kept of all open meetings, including: (1) the date, time and place of the meeting; (2) the names of members present; (3) the substance of all official actions and a record by individual member of any roll call votes taken; and (4) the names of all citizens who appeared officially and the subject of their comments. The CAC's minutes and presentation materials distributed to the CAC members at meetings (except of such documents as are exempt from public disclosure under the Pennsylvania Right-to-Know Law) shall be posted and available for public access on the Department's website.

8.7 **Robert's Rules of Order.** Except where contrary to law or these Bylaws, the conduct of all meetings will be governed by Robert's Rules of Order.

9. **Public Comment**

- 9.1 **Public Input and Participation.** The CAC recognizes the importance of public input and participation in the development of environmental regulatory and policy initiatives. In its advisory role to the Department of Environmental Protection, CAC will encourage such public participation and engagement to inform decision makers at the Department about critical public concerns involving environmental resources of the Commonwealth. As an element of the CAC's commitment to public participation and engagement, CAC will strive to ensure its accessibility and availability to the public and will provide a reasonable opportunity at each advertised meeting for the public to comment on matters of concern, including those issues for action or deliberation that are or may be before the CAC, prior to taking official action. In adhering to this commitment, Council has the option to accept all public comments at the beginning of a meeting and will follow certain protocols to support an effective and equitable public comment process.
- 9.2 **Notice of Desire to Comment.** The CAC encourages individuals or organizations to contact the CAC's Executive Director at least 24 hours in advance of a scheduled meeting to indicate they would like to provide comments at the CAC meeting. CAC encourages those wishing to present comments to submit a written copy of their comments to the CAC prior to the scheduled meeting so that the comments can be shared with CAC members in advance.
- 9.3 **Organizations.** Organizations are asked to identify one representative who shall provide comments to the CAC on behalf of the organization.
- 9.4 **Public Availability of Comments.** The CAC will post all written comments received on its website under the relevant meeting date and will summarize all verbal and written comments in the minutes prepared for the relevant meeting. Any posting or summarization of comments shall clearly indicate the person or organization providing the comment. The publication or summarization of comments received does not imply any endorsement of such comments by the CAC.
- 9.5 **Time for Public Comments.** A minimum of 15 minutes will be allotted on the agenda at each advertised meeting of CAC to accept comments from the public. CAC asks that individuals or organizations limit their testimony to 5 minutes. Individuals or organizations wishing to speak for more than 5 minutes must make prior arrangements with the CAC. The CAC will call upon individuals to provide comments at a meeting in the order in which they notified CAC. After receiving comments from those individuals, the CAC will provide other interested parties with the opportunity to provide comments, as time allows.
- 9.6 **Other Public Participation Processes.** The above protocols are subject to scheduled meetings of the CAC and do not pertain to procedures for public hearings or listening sessions of Council, which will be established under separate guidelines.

10. **CAC Committees**

10.1 ***Standing Committees.*** The following are standing committees of the CAC:

- (a) ***Executive Committee.*** The Executive Committee, composed of the Chair, the Vice Chair, the immediate past Chair, and the Chairs of each of the standing committees, shall (1) advise the Chair on all matters wherein the Chair is authorized to act (e.g., the appointment of committees); (2) represent the CAC in meetings with Department staff and others; and (3) advise the Chair and Executive Director concerning administrative matters relating to the operation of the CAC.
- (b) ***Policy and Regulatory Oversight Committee.*** The Policy and Regulatory Oversight Policy Committee shall (1) evaluate and develop recommendations concerning policy issues; (2) review and recommend CAC's positions concerning proposed implementation plans and regulations under the Air Pollution Control Act; and (3) consider and provide recommendations concerning such other regulatory issues as may be referred to the committee by the CAC or CAC Chair.
- (c) ***Legislative Committee.*** The Legislative Committee shall review and recommend to the CAC comments on and positions concerning proposed state and federal legislation concerning environmental issues.
- (d) ***Strategic Issues Committee.*** The Strategic Issues Committee shall advise and assist the CAC in identifying and managing special initiatives CAC as necessary, including statutory review and analysis efforts (e.g. Act 54 Five Year Report). With input from the Committee, the CAC will identify an annual strategic issue that will be pursued in CAC meetings throughout the year as CAC members educate themselves on the issue and work to develop recommendations for addressing the issue.
- (e) ***Public Participation Committee.*** The Public Participation Committee is charged with formulating recommendations regarding methods for facilitating public outreach and involvement with respect to Department activities, and evaluating the Department's performance with respect to transparency and public involvement.

10.2 ***Additional Committees.*** The CAC may create such standing or special committees as it may designate by resolution. The mission of each such committee shall be established by resolution adopted by the CAC.

- 10.3 **Committee Members.** The Chair of the CAC shall appoint the members of each standing and special committee and shall, in consultation with the CAC, appoint the Chair of each such committee.
- 10.4 **Committee Responsibilities.** Each committee shall make recommendations to the full Council for its consideration and action. No committee may take action in the name of the CAC.

11. **Responsibility of CAC Members**

- 11.1 **Attendance and Participation.** To be effective as an advisory body, reflecting the various perspectives of the CAC's membership, attendance and active participation at CAC meetings is a responsibility of each CAC member. If a CAC member is unable to attend any scheduled meeting of the CAC, the member should promptly advise the CAC Secretary / Executive Director. If a CAC member is absent for three consecutive meetings and/or five of the ten regularly scheduled meetings in a calendar year, the CAC Chair will notify the member and discuss the situation; and upon the recommendation of the Chair, the CAC may vote to notify the appropriate appointing authority of the member's attendance record and its negative impact on the work of the CAC.
- 11.2 **Respect and Professionalism.** The CAC is intended to reflect a range of perspectives and viewpoints, and to actively seek and consider input from individuals and organizations that may have various interests, concerns and positions. To effectively serve these objectives, CAC members are pledged to treat each other and staff with respect, to discuss any issues coming before the CAC and to receive public comments in a professional and courteous manner. The CAC will not hesitate to discuss and debate the difficult issues inherent in the mission of the Department, but will endeavor to do so in a manner that facilitates the meaningful exchange of facts and potentially diverse viewpoints. To this end, CAC members are mutually committed to both actively participate and objectively listen, with the goal of seeking an improved understanding of the issues and developing effective solutions and recommendations.
- 11.3 **Representation of CAC.**
- (a) The official position of the CAC will be expressed through resolutions, letters or other documents approved by the majority of the CAC members.
  - (b) Testimony on behalf of the CAC concerning any proposed legislation or regulations shall reflect the official adopted position of the CAC and will be presented by the Chair, the Vice-Chair or another CAC member expressly authorized by action of the CAC Chair or a majority of the CAC.

(c) Members of the CAC, as individuals, are free to express their own views, positions and perspectives on any matter. Unless expressly authorized by an action taken by the CAC or the Chair of CAC to present an officially adopted position of the CAC, CAC members should not in any testimony or document claim or represent that they are expressing the position of the Council, and should make clear that the views expressed are their own.

11.4 **Compensation and Travel Expenses.** CAC members shall serve without compensation, but may receive reimbursement for travel expenses in accordance with applicable policies and procedures governing advisory committee member travel.

11.5 **Compliance with Applicable Laws and Management Directives.** CAC members are not employees of the Commonwealth. However, CAC members will comply with all applicable laws, regulations, management directives and policies that apply to members of advisory committees that are created by statute.

## 12. **Environmental Quality Board Members**

12.1 **Authorization:** Section 471 of the Administrative Code, 71 P.S. § 180-1, provides that the CAC shall designate five (5) of its members as members of the Environmental Quality Board (“EQB”).

12.2 **Election of EQB Members and Alternates.** The CAC will annually elect five members of the CAC to serve as members of the Environmental Quality Board, and will elect at least two CAC members to serve as alternates in the absence of such elected members. Each CAC member elected as a member or alternate to the EQB shall hold office as such until their successors have been elected and qualified, except in the case of their death, resignation, removal or termination of membership on the Council. Vacancies shall be filled at the first meeting of the Council for which notice of such meeting can be given.

12.3 **Election Process.** In advance of any election of members or alternates to the EQB, the Nominations Committee shall solicit the CAC members as to interest in serving in such positions, and shall report the names of those so interested at the meeting in which an election is scheduled. Those individuals expressing an interest in serving shall be deemed nominated; provided that additional nominations may be made at the meeting. Each CAC member present at the meeting where such election is scheduled shall vote for up to the number of nominated individuals as equal to the number of positions open for election. Those nominated individuals receiving the highest number of votes, provided that the number is at least equal to a majority of those CAC members present at the meeting, shall be declared elected. If two or more ballots are required, those persons receiving the least number of votes shall be dropped from the balloting.

## 13. **Mining and Reclamation Advisory Board**

- 13.1 **Authorization.** (a) Section 18 of the Pennsylvania Surface Mining Reclamation and Conservation Act, Act No. 1984-181, provides that the CAC shall appoint four (4) of its members to the Mining and Reclamation Advisory Board.
- 13.2 **Election of Mining and Reclamation Advisory Board Members.** The CAC will elect four members of the CAC to serve as members of the Mining and Reclamation Advisory Board and may elect up to two CAC members to serve as alternates in the absence of such elected members. Each CAC member elected as a member or alternate shall hold office for terms of three years or until their successors have been elected and qualified, except in the case of their death, resignation, removal or termination of membership on the Council. Vacancies shall be filled at the first meeting of the Council for which notice of such meeting can be given.
- 13.3 **Election Process.** Each CAC member present at the meeting called to elect members of the Mining and Reclamation Advisory Board, shall be entitled to vote for as many positions as are to be elected. Those persons receiving the highest number of votes, provided that the number is at least equal to a majority of those present, shall be declared elected. If two or more ballots are required, those persons receiving the least number of votes shall be dropped from the balloting. When voting for the election of CAC representatives to the Mining and Reclamation Advisory Board, voting by mail or proxy will be allowed.

14. **Other Advisory Committees**

- 14.1 **Other Department Advisory Committees.** Where any statute, regulation or other document establishes an advisory committee to the Department and specifies that one or more members of such advisory committee be appointed, elected or designated by the CAC, the procedures of this Section 14 shall be followed.
- 14.2 **Election of CAC Representatives to Other Advisory Committees.** The CAC will elect the required number of representatives, having the qualifications required for such advisory committee, by either ballot or motion adopted by a majority of the CAC members present at a meeting. Where more individuals are nominated than the number of positions on an advisory committee to be designated by CAC, a ballot process shall be utilized in which each CAC member present at the meeting called to elect such representatives shall be entitled to vote for as many positions as are to be elected. Those persons receiving the highest number of votes, provided that the number is at least equal to a majority of those present, shall be declared elected. If two or more ballots are required, those persons receiving the least number of votes shall be dropped from the balloting. When voting for the election of CAC representatives to such other advisory committees, voting by mail or proxy will be allowed.

- 14.3 **Terms of CAC Representatives to Other Advisory Committees.** Where the statute, regulation or other document creating an advisory committee specifies a particular term, the representatives elected by the CAC shall serve for such specified term or until their successors have been elected and qualified, except in the case of their death, resignation, or removal pursuant to Section 14.4. Where a specific term is not established, each person elected as a CAC representative on another advisory committee shall serve for a period of two years or until their successors have been elected and qualified, except in the case of their death, resignation, or removal pursuant to Section 14.4. Vacancies shall be filled at the first meeting of the Council for which notice of such meeting can be given.
- 14.4 **Removal of CAC Representatives to Other Advisory Committees.** Unless otherwise provided by statute, regulatory or other document creating an advisory committee, any CAC member elected to any other advisory committee may be removed during their term for good cause upon an affirmative vote of the majority of the CAC members in office.
15. **Amendments.** These Bylaws may be amended by vote of a majority of the members of the CAC in office. At least two weeks prior to any meeting at which an amendment to the Bylaws is proposed for action, notice of such proposed amendment shall be provided to all CAC members.