

Citizens Advisory Council

Rules of Procedure

Revised October 13, 1993; June 14, 1999; July 21, 2015

Section 1. Composition of the Citizens Advisory Council

Section 448(p) of "The Administrative Code of 1929," (71 P.S. Sec. 148(p)), provides as follows:

(1) The Citizens Advisory Council shall consist of the Secretary of Environmental Protection, six members who shall be appointed by the Governor, no more than three of whom shall be of the same political party, six members who shall be 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 who shall be appointed by the Speaker of the House of Representatives, no more than three of whom shall be of the same political party. The appointed members of the Council shall 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.

(2) The term of office of each appointed member shall be three years, measured from the third Tuesday of the year in which he/she takes office or until his/her successor has been appointed; except that in the initial appointments of the members of the Council, the respective appointing authorities shall appoint two members for terms of one year each, two members for terms of two years each, and two members for terms of three years each.

(3) The Citizens Advisory Council 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.

Section 2. Duties

Section 1922-A of the "The Administrative Code of 1929," (71 P.S. Sec. 510-22), provides that the Citizens Advisory Council shall:

(1) Review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.

(2) 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.

(3) Advise the Department, on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

(4) Report annually to the Governor and the General Assembly and may make such interim reports as are deemed advisable.

The Citizens Advisory Council's interpretation of duties as outlined under Section 1922-A, items 1-4 shall extend to the Council's right, on its own initiative, to make direct recommendations to federal executive agencies or legislative bodies whose actions will bear on the Commonwealth's environmental

protection responsibilities. The Council's decision to make such recommendations on a case-by-case basis will be determined by a majority vote of the Council.

Section 7.6 of "The Air Pollution Control Act," (Act No. 1992-95) provides that "The Department shall consult with the Citizens Advisory Council...as appropriate, in consideration of State implementation plans and regulations developed by the Department and needed for the implementation of the Clean Air Act."

The Citizens Advisory Council will monitor regulations developed by the Department of Environmental Protection, the Department's State Implementation Plans and other Department activities needed for the implementation of the Clean Air Act and will primarily focus its consultation role on policy matters.

Section 4.3(6) of "The Air Pollution Control Act" provides that "Beginning five years after the effective date of this section and every five years thereafter, the Department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include...a summary of the activities undertaken by the Citizens Advisory Council..."

To assist the Department of Environmental Protection in preparing the Act's required 5-year evaluation reports, the Council will furnish the Department with periodic reports of Council's relevant activities.

Section 3. Officers

(a) Section 448(p) of "The Administrative Code of 1929," (71 P.S. Sec. 158(p)), provides that the Council shall annually elect one of its appointed members as Chairperson and shall elect a Secretary who need not be a member of the Council. The Council shall also select from among its members a Vice-Chairperson.

(b) The Chairperson, Vice-Chairperson and Secretary shall be elected annually and shall hold office as such until July 1 of the year following their election or until their successors have been elected and qualified, except in the case of their death, resignation, removal or (in the case of the Chairperson or Vice-chairperson), termination on the Council.

(c) When the election of an officer ends in a tie vote following two (2) ballots, a motion to postpone election until the next regular meeting will be offered by the Chairpersons. Following an affirmative vote to postpone elections, a motion to reopen nominations at the next regular meeting prior to voting may be put forth.

(d) When voting for the election of officers of the Council, voting by mail or proxy will not be allowed.

(e) The Council shall not elect a Secretary as long as it maintains the services of an Executive Director.

Section 4. Meetings

(a) Section 448(p) of "The Administrative Code of 1929," (71 P.S. Sec. 158(p)), provides that the Council shall meet at least quarterly or at the call of the Chairperson.

(b) The Council shall meet at the call of the Chairperson at such time and places as the Chairperson shall designate. Notice of such call shall be given by official notice or by telephone to each member at an address furnished to the Executive Director of the Council for that purpose at least five (5) days prior to the time affixed for such meeting.

(c) The Chairperson shall preside at meetings of the Council. In his absence one of the following persons in the order stated shall provide:

1. Vice-Chairperson;
2. Other appointed member in order of seniority.

(d) All meetings of the Council 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. Minutes are to be kept of all open meetings, including:

The date, time and place of the meeting

The names of members present

The substance of all official actions and a record by individual member of any roll call votes taken

The names of all citizens who appeared officially and the subject of their comments.

(e) Where the Chairperson 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 Council.

(f) Except where contrary to law or these rules, conduct of all meetings will be governed by Robert's Rules of Order.

(g) Active member attendance at Council meetings is a member responsibility. In the event of absence for three consecutive meetings and/or five of the ten regularly scheduled meetings in a calendar year, Council will, upon recommendation of the Chairperson and Vice-Chairperson, notify the member to discuss the situation, and notify the appropriate appointing authority of the member's attendance record and its negative impact on the work of the Council.

Section 5. Public Comment

The Citizens Advisory Council 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, Council 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 a key element of the Council's commitment to public participation and engagement, Council will strive to ensure its accessibility and availability to the public. As part of that commitment, Council 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.

Council encourages individuals or organizations to contact Council at least 24-hours in advance of a scheduled meeting to indicate they would like to provide comments at the CAC meeting. Council also encourages these individuals to submit a written copy of their comments to the CAC prior to the scheduled meeting so that the comments can be shared with Council in advance. Organizations are asked to identify one representative who shall provide comments to the CAC on behalf of the organization. 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.

A minimum of 15 minutes will be allotted on the agenda at each advertised meeting of Council to accept comments from the public. Council 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 Council. After receiving comments from those individuals, the CAC will provide other interested parties with the opportunity to provide comments, as time allows.

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.

Section 6. Quorum

Nine (9) members of the Citizens Advisory Council shall constitute a quorum.

Section 7. Agenda

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

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

(c) The Chairperson 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) members of the Council shall be so included.

(d) Copies of the agenda shall be distributed at least 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 members of the Council present.

Section 8. Environmental Quality Board Members

(a) Section 471 of "The Administrative Code of 1929," (71 P.S. Sec. 180-1), provides that the Citizens Advisory Council shall designate five (5) of its members as members of the Environmental Quality Board.

(b) The members of the Citizens Advisory Council who shall serve as members of the Environmental Quality Board shall be elected annually and 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.

(c) Each member of Council present at the meeting called to elect members of the Environmental Quality Board shall vote for as many nominated persons as are to be elected on each ballot to fill the total number of vacancies. A ballot shall be disqualified if it does not include a different nominee for each vacancy. Those nominated persons receiving the highest number of votes, provided that the number is at least equal to a majority of those present and voting, 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.

Section 9. Mining and Reclamation Advisory Board

(a) Section 18 of the Pennsylvania Surface Mining Reclamation and Conservation Act of May 31, 1945 as amended by Act 181 of October 12, 1984 provides that the Citizens Advisory Council shall appoint four (4) of its members to the Mining and Reclamation Advisory Board.

(b) The members of the Citizens Advisory Council who shall serve as members of the Mining and Reclamation Advisory Board shall be elected to two year terms except that two of the initial members shall serve for three year terms. The appointed members shall hold office as such until their successors have been elected and qualified, except in the case of their deaths, 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.

(c) Each member of the Council present at the meeting called to elect members of the Mining and Reclamation Advisory Board, shall be entitled to vote for as many persons 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 and voting, shall be declared elected. For the initial election, the two persons receiving the highest number of votes shall be appointed to three year terms. If two or more ballots are required, those persons receiving the least number of votes shall be dropped from the balloting.

(d) When voting for the election of Council representatives to the Mining and Reclamation Advisory Board, voting by mail or proxy will be allowed.

Section 10. Employees

Section 448(p) of "The Administrative Code of 1929," (71 P.S. Sec. 448(p)), provides that the Council shall have power to employ and fix the compensation of 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.

Section 11. Amendments

These Rules of Procedure may be amended by vote of a majority of those present and voting at any meeting of the Council, provided, that the notice of the meeting shall have included a statement of the nature of the amendment to be considered.