

US EPA ARCHIVE DOCUMENT

Local Government Advisory Committee

BY-LAWS

Section 1. Objectives

As identified in its charter, the Local Government Advisory Committee (LGAC), shall provide advice and recommendations to the Environmental Protection Agency (EPA) [hereafter referred to as the Agency] on the topics listed below. The Small Community Advisory Subcommittee (SCAS) shall be a permanent standing subcommittee of the LGAC.

- Improvements to the regulatory planning and development process to involve small and local governments more effectively.
- Changes needed to allow flexibility to accommodate local needs without compromising environmental performance, accountability or fairness.
- Ways in which EPA and states can help small and local governments strengthen their capacity to promote environmental quality, including public access and community right-to-know.
- Projects to help small and local governments deal with the challenge of financing environmental protection.
- Identifying ways to encourage innovation by small and local governments
- Exploring ways to speed dissemination of new environmental protection techniques and technologies among local governments.
- EPA's policies, procedures, and practices (development, implementation, and evaluation).

Section 2. Membership

As required by the charter the LGAC will have approximately 30 members. Ten members will represent small communities (those with populations up to 10,000), ten members represent communities with larger populations, and the remaining members will be State and interest group representatives and others as needed to achieve balance.

Members will be appointed for an initial term of two years. At the conclusion of this period, members may be re-appointed for one additional term at the pleasure of the Administrator. Members may serve no more than two terms. However, the Ad Hoc Steering Committee may recommend the extension of a member's term to the Administrator for consideration under special circumstances. All seats on the LGAC will be filled by formal appointment by the EPA Administrator.

Members of the LGAC serve at the pleasure of the Administrator and may be removed at any time for a number of reasons including: missing two consecutive meetings of the LGAC; selection status changes during their term so that the Agency may maintain balance among sectors of membership; for cause, as determined by the Administrator, or when their continued participation would reflect unfavorably on the overall actions of the LGAC.

In extraordinary circumstances, members may send alternates to represent them officially at meetings. However, the Agency will not reimburse alternate members for travel and per diem expenses.

Section 3. **Leadership**

After consulting with the members, the Agency shall appoint the Chairperson and Vice Chairperson, both of whom shall be selected from among the members. One of these two positions shall be filled by a small community representative and the other filled by a representative of the remainder of the membership. Also, after consultation with the members, the Agency shall appoint the subcommittee Chairs. The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, is responsible for: conducting the meeting in accordance with an approved agenda and keeping discussion on track; in consultation with the Designated Federal Officers (DFOs), determining when comments are not germane, when it is time to end a discussion; when a topic should be assigned to a subcommittee for further consideration; or when discussions should be tabled until a later meeting. Subcommittee Chairpersons have the same responsibilities as the Chairperson when conducting Subcommittee sessions.

An eight-member Ad Hoc Steering Committee shall work with the DFOs to manage the LGAC. The Steering Committee shall be lead jointly by the LGAC and SCAS Chairs and members shall include three representatives from each group. Representatives shall be elected by their respective groups. The Steering Committee shall make decisions by consensus. Steering Committee responsibilities shall include:

- a. Working with the DFOs to develop meeting agendas
- b. Coordinating with the DFOs and other EPA officials regarding issues to be brought before the LGAC.
- c. Making recommendations to the LGAC regarding bylaw amendments and other policy matters
- d. Establishing processes for identification of issues and assigning issues to subcommittees
- e. Recommending the establishment of workgroups and task forces

- f. Working with the DFOs to establish meeting dates and locations

Section 4. **Meetings**

The LGAC and/or its subcommittees may meet as necessary at the call of the Chairperson or the Subcommittee Chairpersons, subject to administrative approval of the DFOs, who shall be an Agency employee. Each meeting shall be conducted in accordance with an agenda approved by the DFOs. Meetings shall be open to the public, unless from open meeting requirements under the Government In-the-Sunshine Act.

Minutes shall be taken at all Committee meetings and will be available for distribution within 60 days of the meeting.

Section 5. **Quorum**

Members attending an LGAC or subcommittee meeting shall constitute a quorum for the transaction of business. An affirmative vote of the simple majority of those members in attendance at an LGAC or subcommittee meeting is required for approval of a proposed actions.

Section 6. **Subcommittees**

The LGAC may form subcommittees to carry out its work. Persons who are not appointed members of the LGAC may serve on subcommittees to provide expertise and experience not available on the LGAC. However, at least one appointed member of the LGAC shall be a member of each subcommittee.

The SCAS is a permanent, standing subcommittee of the LGAC whose purpose is to develop recommendations to help ensure small community residents have clean air, safe drinking water, waste disposal and related services that protect human health and the environment. Its mission is to strengthen the capacity of small communities to improve and protect human health and the small town environment. All members appointed as representatives of small communities also shall be members of the SCAS.

All work of subcommittees must be submitted to the LGAC for approval and necessary action. Subcommittees shall not make independent recommendations to the Agency.

Section 7. **Adoption of Recommendations**

Once a subcommittee has prepared and adopted a set of recommendations by majority vote, the following shall be the process used to obtain adoption by the LGAC and to transmit the recommendations to the Administrator of the Agency and, when appropriate, request that they be included in the formal rulemaking or review process:

- a. The Subcommittee Chairs may request, through the DFOs, that the Agency provide a technical, staff-level review of proposed recommendations within 30 days from the date of the request. This review should take place before the recommendations are submitted to the LGAC. The DFOs will provide any comments received to the Chairs at the conclusion of the review period.
- b. The subcommittee may consider the Agency's comments and choose to modify their recommendations accordingly before submission to the LGAC.
- c. The DFOs will submit the subcommittee's draft to the LGAC for a 30-day review and provide any comments back to the subcommittee Chairs at the conclusion of the review period.
- d. In instances where time is limited, with consent from the LGAC Chairperson, the full-Committee review and the Agency technical review may occur simultaneously or the review period may be shortened.
- e. Subcommittee Chairs may request a special meeting of the LGAC for the purpose of voting to adopt the recommendations at the conclusion of the review period. Such requests shall be considered and may be approved by the appropriate DFO and the Chairperson of the LGAC.
- f. The Subcommittee Chairs or their designees shall present the recommendations to the LGAC, answer questions, and provide background information and/or other relevant material at the next scheduled LGAC meeting. The LGAC shall deliberate and vote on the recommendations.
- g. Once adopted by majority vote of the LGAC, the recommendations will be forwarded by the LGAC Chairperson and the Subcommittee Chair to the Administrator.

Section 8. **Compensation**

As volunteers, LGAC members may receive travel and per diem expenses when necessary and appropriate, subject to Federal travel regulations

Section 9. **Public Participation**

Any member of the public may file a written comment with the LGAC. As appropriate, the chair may also reserve a portion of an LGAC meeting for oral comments from interested members of the public.