

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF POLICY AND COMMUNICATIONS**

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**TITLE:** Advisory Committee Guidelines

**AUTHORITY:** (Not applicable)

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**POLICY:** All DEP advisory committees shall follow specific guidelines in order to continue to provide valuable input into the Department's regulations and policies.

**PURPOSE:** The purpose of these guidelines is to provide assistance to advisory committees on items such as bylaws, membership, expenses, and meeting notices.

**APPLICABILITY:** These guidelines are applicable to DEP advisory committees, including citizen and regional roundtables, regardless of whether they are mandated by statute or created by the Department. These guidelines do not apply to stakeholder groups.

**PAGE LENGTH:** 7 (including Appendix)

**LOCATION:** Vol. 01, Tab 02B

## ADVISORY COMMITTEE GUIDELINES

The Department of Environmental Protection has 17 legislatively created advisory committees as well as many others not created by legislation. These committees provide valuable input to the Department in the development of regulations, policies, procedures and standards. A list of the Department's advisory committees is included in the Appendix.

In an effort to continue to promote the Department's effective support of advisory committees, the following guidelines have been developed. These guidelines are designed to supplement the legislative mandates and provide assistance for committees whose authorization is not based in legislation. Notice of meetings, minutes, and public participation requirements of the Sunshine Act are incorporated into these guidelines. Legislatively created advisory committees are subject to the requirements of the Sunshine Act. The Sunshine Act requires public agencies to hold certain meetings and hearings open to the public and to provide advance notice. The Act covers meetings which are held for the purpose of deliberating agency business or taking official action, including:

- (1) Recommendations made pursuant to statute, ordinance or executive order.
- (2) The establishment of policy.
- (3) The decisions on agency business.
- (4) The vote taken on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

If a subcommittee is delegated decision-making authority by the full committee, that subcommittee must follow the Sunshine Act requirements. Regional roundtable meetings are not subject to the Sunshine Act; however, public notice should be provided to encourage public participation on a regional level. A copy of the Sunshine Act is included in the Appendix of these guidelines.

### **Bylaws/Rules of Procedure**

Each advisory committee shall have a written set of bylaws or rules of procedure to govern the activity of the committee.

It should be the responsibility of each committee to establish its bylaws. A review of current committee bylaws finds that the following items are typically included:

- Name (the official name of the committee)
- Authorization (the legislation, executive order, etc., which creates the committee)
- Purpose (the committee's reason for being)
- Committee Membership (composition, terms, qualifications, alternates, subcommittees, attendance requirements, etc.)

Officers (number of officers, their responsibilities and terms of office)  
Voting  
Meetings (frequency of meetings, what constitutes a quorum)  
Participation by Non-committee Members (rules for outside participants)  
Administration (defines the Department's administrative support functions for the committee)  
Bylaw Amendments (procedures to change, suspend or repeal bylaws)  
Parliamentary Authority (generally Robert's Rules of Order is cited as the final parliamentary authority for items not covered by committee bylaws)

Copies of committee bylaws can be obtained from the Department's advisory committee liaisons and are also available on DEP's Website (<http://www.dep.state.pa.us>); at the Website choose Public Participation Center.

### **Roles and Responsibilities**

- 1) Each advisory committee shall have a clear statement of roles and responsibilities. This statement should appear in the committee bylaws.

The legislation which authorizes the creation of a particular advisory committee usually outlines the duties and responsibilities of the advisory committee. These duties and responsibilities can include: reviewing and commenting on legislation; participating in the formulation of regulations and guidance; making recommendations on program standards, procedures and criteria; providing technical advice; and commenting on a stakeholders group report and advising the Department on its recommendations. The Department shall also use each advisory committee as one of the methods of public outreach for details and ideas.

- 2) The responsibilities of the Department vis-a-vis advisory committees shall be clearly defined in the committee bylaws. The appropriate deputy secretary shall designate a DEP liaison for each committee. The liaison shall be responsible for the Department's committee obligations. The appropriate Bureau Director and Deputy Secretary, as needed, shall be involved in the activities of the advisory committee and shall attend the meetings when possible.

The responsibility of the Department is to provide program and administrative support to its advisory committees. This support includes, for example, framing issues for the committee and providing the necessary information for committee discussions early in the development stage; developing agendas and meeting schedules in cooperation with the advisory committee chairperson; providing input into nominees for the committee; and reviewing input from the advisory committee and responding to their recommendations through reports back to the advisory committee. Administrative support includes, for example, transcribing, mailing and maintaining a permanent record of meeting minutes; mailing agendas and materials to committee members prior to meetings; posting agendas, handouts and meeting minutes on DEP's Website; and reviewing and approving travel and subsistence expenses for committee members.

With respect to the development of regulations, responsibilities are clearly defined in the Department's policy on Public Participation in the Development of Regulations and Technical Guidance (included in the Appendix). It specifies the following:

The Department will use its advisory committees in the development of regulations and technical guidance documents, and in the review of public comments. The Department will provide timely briefings and consult with the appropriate advisory committee on regulations prior to Environmental Quality Board (EQB) consideration. For proposed regulations, the Department will involve its advisory committees early in the drafting stage of proposed regulations. Advisory committees may also recommend that the Department use the Advance Notice of Proposed Rulemaking procedure. For final regulations, the Department will report to the advisory committees on the extent and nature of comments and involve the advisory committees in decisions to use the Advance Notice of Final Rulemaking procedure or to proceed with regulatory negotiation.

Advisory committees shall submit a report to the EQB for each regulation it reviews. The Department will attach the advisory committee's report to the regulation for the EQB's consideration.

### **Committee Membership**

The Department shall make clear how committee appointments will be made. This information shall be included in the committee bylaws. The composition of committee membership and membership terms is often outlined in legislation.

For committees whose composition is not defined in the committee's authorization, committees shall represent a balance of expertise and perspective by those affected by the bureau or program. In some cases, the authorizing legislation specifies who shall make committee appointments. Where appointments are not specified in legislation, the Secretary shall select and appoint committee members after receiving input from the committee and the appropriate deputy secretary. When the length of committee members terms is not specified in legislation, the committee shall establish terms as part of its bylaws. Continued participation on committees shall be based on an individual's contribution and attendance.

The Deputy Secretary for Federal/State Relations maintains a membership file for all DEP advisory committees. The file includes an active membership list which includes the dates for expiration of members' terms. The Public Participation Center on DEP's Website also includes membership lists for each advisory committee.

Committee members are encouraged to express their opinions publicly, without fear of retaliation for expressing a particular viewpoint.

## **Meeting Notices and Schedules**

- 1) A schedule of meetings shall be a joint decision between the advisory committee officers and the Department.

Considerations include statutory mandates; number, variety and complexity of issues facing the committee; and the availability and amount of program support provided by the Department.

- 2) Notice of advisory committee meetings shall follow requirements of Management Directive 250.1 Amended and the Department's Directive on Sunshine Act Meeting Notices. Both directives are included in the Appendix of these guidelines.

A schedule of meetings for each calendar year shall be submitted on Form STD-5 (Revised 9-95), titled The Sunshine Act Meeting Notices, to the Office of Administration, Bureau of Management Services (BMS). The Sunshine Act does not require publication of meeting notices in the *Pennsylvania Bulletin*. However, DEP's policy is to use all available opportunities for public awareness and involvement. Accordingly, in early December annual meeting schedules should be forwarded to the Policy Office. The Policy Office will publish the Department's schedules of advisory committee meetings for the upcoming year each December in the *Pennsylvania Bulletin*, DEP's *Update* newsletter, and on DEP's Website. A sample format is included in the Appendix.

- 3) Notice of advisory committee meetings should be sent to the Communications Office for inclusion in the *Upcoming Events* and *Events This Week* sections of DEP's *Update* newsletter. Information shall include the name of the advisory committee, meeting date, location and time, and a contact person and phone number.

## **Meeting Agendas**

- 1) Agendas shall be prepared for each committee meeting.

Agendas shall be developed by the committee chair and the Department liaison. Bureau directors and Deputies shall approve agenda items. The agenda should include a brief description of each agenda item and what is expected from the discussion. A draft agenda approved by the Bureau Director and program Deputy and any handout materials should be submitted to the Deputy Secretary, Office of Policy and Communications, at least three weeks prior to the meeting. Any changes to the agenda shall be discussed and concurred with the committee chair. These items should also be posted on DEP's Website.

- 2) Public comment from attendees is encouraged. Agendas shall include time for public comment. If time allows, the committee chair may authorize public comment at the meeting.

- 3) The agenda, the previous meeting minutes, and any handout materials shall be sent to committee members at least two weeks in advance of the meeting.

### **Minutes**

- 1) Written minutes shall be taken at each committee meeting.

The Sunshine Act requires that minutes include the following:

- 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 the roll call votes taken.
  - The names of all citizens who appeared officially and the subject of their testimony.
- 2) The Department shall be responsible for recording, transcribing, distributing and maintaining a permanent file of minutes.

Draft minutes shall be transcribed and distributed to committee members two weeks prior to the next meeting and posted on DEP's Website as explained above. Approval of draft minutes shall take place at the next meeting of the committee.

- 3) A summary of each committee meeting shall be published in DEP's *Update* newsletter.

### **Committee Expenses**

Advisory committee members, including citizen and regional roundtable members, are compensated for actual travel and subsistence expenses they incur on committee business. Compensation for expenses shall be in accordance with Commonwealth policy. Management Directive 230.10 outlines the Commonwealth's current travel and subsistence policy. A copy is included in this document.

### **Catering for Committee Meetings**

The Department is permitted to provide meals and morning and afternoon breaks for advisory committee meetings. The Department has a contract which provides catering services. Services can be used for a minimum of 10 and a maximum of 90 people. Use of the contract must be approved by the deputy secretary.

The catering contract is managed by the Purchasing Section. Each March, the Purchasing Section contacts each deputy secretary's office to identify the bureaus wishing to make use of the catering contract. Advisory committee liaisons should seek approval from their deputy secretaries if they wish to use the catering contract for advisory committee meetings.

## **APPENDIX**

List of DEP Advisory Committees

The Sunshine Act

DEP Public Participation in the Development of Regulations and Technical Guidance

DEP Directive on Sunshine Act Meeting Notices and Management Directive 250.1 Amended (The Sunshine Act Meeting Notices)

Sample Format for Annual Notice of Meetings

Management Directive 230.10 Travel and Subsistence Allowances