

LOWER MACUNGIE TOWNSHIP ENVIRONMENTAL ADVISORY COUNCIL BYLAWS

December 21, 2015

1. "Board" means the Lower Macungie Township Board of Commissioners;
2. "Conflict of Interest" occurs when an EAC member has an interest that might compromise their actions. Conflict of interest is independent from the execution of impropriety.
3. "Council" means Environmental Advisory Council;
4. "Member" means a Board of Commissioners appointed resident;
5. "Ordinance" means Lower Macungie Ordinance #2009-3 and amendments thereto;
6. "Quorum" means one half or more of the total EAC (appointed) membership. Associate members may not comprise the quorum, nor do they have voting privileges.

ARTICLE I. NAME OF COUNCIL

The name of this organization shall be the Lower Macungie Township Environmental Advisory Council ("EAC"), and its principal place of business shall be Lower Macungie Township, Lehigh County, Pennsylvania.

ARTICLE II. AUTHORIZATION

The authorization for the establishment of this Advisory Council is set by the Lower Macungie Township Ordinance No. 2009-3 as ordained by the Lower Macungie Township Board of Commissioners April 2, 2009.

ARTICLE III. PURPOSE

The purpose of the Council shall be to advise local governmental agencies including, but not limited to: the Board of Commissioners, the Planning Commission, and the Parks and Recreation Board, on all matters relating to the environment of Lower Macungie Township ("Township") including but not limited to the protection, conservation, management, promotion, acquisition, and use of natural resources including air, land, water, and open space resources located within or affecting the Township.

ARTICLE IV. MEMBERSHIP

1. The EAC shall be comprised of between five (5) and seven (7) residents of Lower Macungie Township who shall be appointed by the Board of Commissioners. Whenever possible one (1) member shall be a member of the Lower Macungie Township Planning Commission. Whenever possible, the Lower Macungie Parks and Recreation Board and the Board of Commissioners shall each appoint a liaison to the council who shall attend the meetings of the council but shall not be considered a voting member of the Council.
2. Additional members, who are not appointed, shall be considered “associate members”, who periodically advise the EAC and/or periodically attend meetings but are not considered EAC appointed members.
3. Any vacancy on the EAC shall be filled at the earliest convenience of the Board of Commissioners. In the event of the vacancy of the Chairperson the Vice-Chair shall automatically at the time of the vacancy carry out the Chairperson’s duties until a permanent Chairperson is elected.
4. All appointed members, are expected to attend scheduled, routine meetings. Failure to attend either three (3) consecutive regularly scheduled meetings or four (4) regularly scheduled meetings during a twelve (12) month period shall constitute neglect.
5. The EAC Chairperson shall “notify” (as defined below) any EAC member who is absent from any two (2) consecutive regular monthly Environmental Advisory Council meetings or who is absent from three (3) regular monthly meetings during any twelve-month period without reasonable cause.
6. The notification shall: (1) be written; (2) include a summary of the member’s attendance record; and (3) request the member to reply in writing within twenty calendar days or appear in person at the next regular monthly EAC meeting, whichever occurs later.
7. In the case of neglect as per ARTICLE IV 4. above, the secretary of the EAC, shall notify the Board of Commissioners of the member giving the relevant facts in the matter with a recommendation from the EAC to remove such EAC member from office for neglect of duties according to Section 4 Subsection 5 of the Ordinance #2009-3.
8. Any appointed member who thereafter moves from his municipality during the term of appointment shall forfeit his appointment resulting in an automatic vacancy.

ARTICLE V. OFFICERS

1. The officers of the EAC shall consist of a Chairperson, Vice-Chair, and Secretary. Appointed members of the Council as identified in Article 4, Section 1 may hold the offices of Chairperson and Vice-Chair.
2. The Chairperson shall preside at all meetings and hearings of the EAC, and shall have the duties normally conferred by parliamentary usage of this office. He/she shall be an ex-officio member of all committees. He/she shall enforce all by laws and regulations of the EAC.
3. The Vice-Chair shall carry out the Chairperson's duties in case of absence, incapacity, or resignation.
4. The Secretary, with the assistance of such staff as is available, from the Township shall keep the minutes and records of the Council, shall prepare the agenda of regular and special meetings under the guidance of the Chairperson's, provide notice of all meetings to EAC members, arrange proper and legal notice of hearings, attend to correspondence of the EAC and such other duties as are normally carried out by a Secretary.

ARTICLE VII. COMPENSATION

Members of Council shall receive no compensation for their services, but they may be reimbursed for expenses actually and necessarily incurred by them in the performance of their duties, provided that the expenses have the prior approval of the Board of Commissioners.

ARTICLE VIII. TERMS

1. Members of the Council shall serve for a term of three (3) years except that the initial appointments shall be so staggered that approximately one third (1/3) of the membership shall expire each year, and the terms of their successors shall be three (3) years each.
2. If the initial Council consists of five (5) members, then the terms of one (1) member shall expire on December 31, 2009, two (2) members on December 31, 2010, and two (2) members on December 31, 2011. If the initial Council consists of six (6) members, then the terms of two (2) members shall expire on December 31, 2009, 2010, 2011, respectively. If the initial Council consists of seven (7) members, then the terms of two (2) shall expire on December 31, 2009, two (2) on December 31, 2010 and three (3) on December 31, 2011.
3. Members' terms of office shall expire on the first Monday in January following the last year of their term in office.
4. Members may resign at any time upon providing written notice to the Board of Commissioners.

5. Members may be removed by the Board of Commissioners, with or without the recommendation of a majority of the other members, for malfeasance or neglect in the performance of their duties.
6. The Board of Commissioners shall appoint successors to members who resign or are removed to serve for the remaining term of the former member or members.

ARTICLE IX. OFFICER ELECTIONS

1. The Council shall elect from among their members officers as specified in Article V, section 1, except for the office of Chairperson, at an annual organization meeting held in the month of January of each year at the time, on the date, and at the place designated by the EAC for a regular meeting. The Chairperson shall be appointed annually by the Board of Commissioners.
2. The Chairperson may appoint a nominating committee to report to the Council prior to elections, but nominations of officers may also be made from the floor at the annual organizational meeting of the EAC and election of the officers specified in Article 5, Section 1 shall follow immediately.
3. A candidate receiving a majority vote of the voting membership of the EAC shall be declared elected and shall serve one (1) year or until his/her successor shall take office.
4. Officer vacancies of the Council shall be filled immediately, with the exception of Chair, by regular election procedure.
5. Term limits. EAC Officers shall be limited to two (2) successive terms in office for any successive three (3) year period.

ARTICLE X. COMMITTEES & SPECIAL TASK FORCES

1. The Council shall establish the following standing committees:
 - a. Education
 - b. Natural Resource Inventory
2. Committees and Special Task Forces may be formed by a majority vote of a quorum of EAC members at any regular or special meeting of the EAC for the purpose of identifying environmental problems and developing plans or programs to recommend to the Board of Commissioners. The EAC may appoint members of the general public to the committee or special task force, as it deems necessary and appropriate.
3. Committees and Special Task Force's shall involve at least one member.

ARTICLE XI. MEETINGS, VOTING & QUORUMS

1. Regular meetings will be open to the public and held by the EAC on the Second Monday of each month or monthly at a time specified by the Council. It shall be presumed that the EAC will hold all of its regular meetings at 7:00 PM at the Lower Macungie Township Hall unless the Chairperson, for cause, cancels the meeting and gives each EAC member notice. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting. The Secretary shall publish and distribute to the members an agenda on or before the Friday before the meeting.
2. The Chairperson or a majority of the EAC members may call special meetings. Such special meetings shall be held at such a place, date and hour as may be designated by the person or persons authorized to call such a meeting.
3. The Secretary shall notify all members of the EAC in writing no less than five (5) days and not more than twenty-one (21) days in advance of such special meetings. The Board of Commissioners and the public shall be notified for such meeting in appropriate manner; i.e. posting the date, time, and location on the Township's website, sending a letter to the Board of Commissioners.
4. All meetings or portions of meetings at which official action is taken shall be open to the public. However, the EAC may meet in closed session, as permitted by "The Sunshine Act of 1987," as amended.
5. Records of minutes from meetings will be kept and copies of the meeting's minutes will be sent to each member of the EAC and to the Township Secretary for distribution to the Board of Commissioners.
6. A quorum shall consist of one half of the total EAC resident (appointed) membership, including officers. Non-officer associate members may not comprise the quorum.
7. In the event a quorum is not present at any meeting, the members may reschedule the meeting for a later date with the required notice.
8. Unless otherwise specified, the most current Robert's Rules of Order shall govern the proceedings at meetings of this Council.
9. All meetings not called to order for any reason within fifteen (15) minutes of the time designated may be canceled.
10. The public shall be given an opportunity to speak on all agenda items.
11. The Council may temporarily suspend its rules by a three-fourths vote of members in attendance.

12. A motion must be made and voted upon in order to dispense with any item on the agenda.
13. No binding or final action may be taken on any matter not on the written agenda except by unanimous vote of the members in attendance.
14. A tabling motion if passed has the effect of laying the matter over until the next regularly scheduled meeting unless otherwise specified.
15. At a public meeting the proponents or opponents of any agenda item may be limited by discretion of the Chairperson to a total presentation period of three minutes each

ARTICLE XII. DUTIES OF THE ENVIRONMENTAL ADVISORY COUNCIL

1. Provide objective advice on environmental issues to the Board of Commissioners. The EAC shall submit an annual written report every January to the Board of Commissioners, which shall include a record of the meetings, activities, accomplishments, goals, environmental problems identified and objectives.
2. Each member of the EAC shall assist in the study and review of issues as referred or requested by the Board of Commissioners or other relevant municipal councils or committees. For each issue the EAC reviews, the EAC will generate an objective report to the Board of Commissioners that sets forth its findings and dissenting opinions if any.
3. Each member of the EAC shall assist in the preparation of recommendations to the Board of Commissioners. The recommendations shall include an analysis of the strengths and weaknesses of potential courses of action.
4. The EAC through the EAC Secretary shall promptly notify the Board of Commissioners of the EAC's identification of any significant environmental issue.
5. Educate the Board of Commissioners, Administration, and community on environmental issues.

ARTICLE XIII. POWERS

The Environmental Advisory Council shall have the following specific powers as conveyed by the Board of Commissioners Section 6 Ordinance #2009-3:

1. To identify environmental problems and issues.
2. To recommend plans and programs to the Board of Commissioners for the promotion and conservation of the natural resources and the protection and improvement of the quality of the environment within Lower Macungie Township.
3. To make recommendations as to the selection, acquisition, and use of open space within Lower Macungie Township.
4. To promote a community environmental program.
5. To keep an index of all open space and environmentally sensitive areas, publicly or privately owned including, but not limited to, flood-prone areas, wetlands, and other unique natural areas for the purpose of obtaining information on the proper use of such areas.
6. To advise the Board of Commissioners and other Township agencies as to the acquisition of property, both real and personal and rights thereto, by gift, purchase, grant, bequest, easement, devise, or lease in matters consistent with the purpose of the Council.
7. To consult with the Pennsylvania Department of Environmental Protection, the Department of Conservation and Natural Resources, the United States Environmental Protection Agency, Environmental Advisory Councils (or their equivalents in New Jersey) in neighboring municipalities and other appropriate county, state, and federal agencies and non-governmental organizations on environmental issues affecting Lower Macungie Township and its neighbors.
8. To advise the Board of Commissioners upon issues of energy conservation.
9. Supervise the creation and maintenance of an environmental map of the Township and the surrounding areas.
10. To review all subdivision and land development plans filed with the Township and provide comments and recommendations regarding such plans to the Board of Commissioners.
11. To perform any other duties assigned to it by the Board of Commissioners but not to exercise any powers or perform any duties, which by law are conferred or imposed upon a State agency.

ARTICLE XIV. HEARINGS

1. In addition to those required by law, the EAC may hold public hearings when the EAC and the Board of Commissioners decide that such hearings will be in the public interest.
2. Except as required by law, notice of the time and place of such hearings, when on matters of widespread interest, shall be published in at least one newspaper of general circulation for two (2) consecutive weeks in the territorial jurisdiction of the hearing, not earlier than fourteen (14) days prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.
3. The matter before the EAC shall be presented in summary by some person designated by the Chairperson, and parties in interest shall have privilege of the floor.
4. No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.
5. A record shall be kept of those speaking before the EAC at such hearings.

ARTICLE XV. FUNDING

Funds appropriated for use by the Council may be expended for such administrative, clerical, printing, training, professional services, and projects as may from time to time be required and approved by the Board of Commissioners and shall be within the limits of the annual budget. The whole or any part of any funds so appropriated in any year may, with the approval of the Board of Commissioners, be placed in a conservation fund and allowed to accumulate from year to year or be expended in any year.

To the extent that the EAC receives public or private funding, all such funds shall be held, administered, and paid on behalf of the EAC by the finance officials of Lower Macungie Township under and in accordance with the generally accepted accounting practices applicable to municipalities.

ARTICLE XVI. ORDER OF BUSINESS

The order of business at regular meetings shall be:

1. Call meeting to order
2. Roll call
3. Announcements
4. Agenda modification
5. Presentation
6. Communication
7. Public comments on non-agenda items
8. Approval of minutes from the previous meeting
9. Committee matters

10. Other Business
 - a. Old business
 - b. New business
11. Public Comment
12. Adjournment

ARTICLE XVII. COMMUNICATIONS

The Chairperson, or their designated appointee, shall act as the spokesman for the EAC.

ARTICLE XVIII. CONFLICT OF INTEREST

1. A conflict exists when a member propose to act on any issue, matter, transaction in which the Lower Macungie Township has an interest, and the member may have an interest separate from the Township. A conflict also exists in situations in which there is an appearance that a member is utilizing their position as a member of the Council for his or her benefit, is acting in his or her own interests rather than the best interests of the Township, has the ability to exercise undue influence over decisions, or is receiving favorable treatment by the Township because of his or her status as a member.
2. All EAC members must notify the EAC Chairman and the Board of Commissioners representative of any potential conflict of interest personal, professional, direct or indirect to them, their families, employers, associates by their involvement with this council. All notification must be made in writing.
3. Whenever a Council member shall have a direct or indirect personal, professional, or financial interest in business before the Council, such member shall declare such interest and shall not participate in any hearing on said matter; and shall in no event vote upon such matter. When there is a question as to the existence of a conflict of interest, the Chair shall make a ruling thereon.
4. Any Code of Conduct of the Township approved by the Board of Commissioners shall apply to the EAC and all of its meetings.

ARTICLE XIX. AMENDMENTS

The EAC shall have the power to amend the bylaws. These bylaws may be amended by a 2/3 vote of the voting membership of the EAC. Each member of the EAC shall receive written notice of any proposed amendments a minimum of seven (7) days prior to taking action.

ARTICLE XX. REPEALER

Any bylaws that previously may have been adopted and approved by the EAC are hereby repealed.

ARTICLE XXI. EFFECTIVE DATE

These by-laws shall take effect on November 9, 2015.

Adopted this _ day of Sept. 12, 2016.

Attest: Environmental Advisory Council

Christopher J. Saechi
Chris Saechi, Secretary

Fred Zahradnik
Fred Zahradnik, Chairman