

BYLAWS OF THE ENVIRONMENTAL COMMISSION

Article 1 NAME

The name of this commission is the Environmental Commission (“Commission”).

Article 2 ENABLING AUTHORITY

The Commission was established by Section 1:237 of Ann Arbor City Code.

Article 3 PURPOSE, OBJECTIVES, AND DUTIES

3.1 The purpose of the Commission is to develop comprehensive, integrated environmental policies for implementation by the City to protect and enhance our air, water, land, and public health. It shall help to set goals and policies for the City and community to continuously improve the natural and built environment. The Commission will only act as an advisory group, and does not have any regulatory authority. It shall not involve itself in individual site development reviews, unless its opinion is requested by City Council through a Council resolution. The creation of this commission shall in no way be interpreted as diminishing the role, responsibilities, or charge of any currently existing board, commission, task force, or committee including, but not limited to, the Planning Commission, Energy Commission, Park Advisory Commission, and the Leslie Science Center Advisory Board. **The Commission will approach their work through a lens of environmental equity and justice and the Commission acknowledges the historical inequitable practice against marginalized communities, including but not limited to the indigenous nations who were shepherds of the land and water in Ann Arbor.**

3.2 The Commission is responsible to the Mayor and City Council. The Commission is an advisory body and is limited to performing the tasks enumerated in its enabling ordinance, these bylaws, and otherwise delegated to it by City Council. By ordinance, the Commission is charged with the following powers and duties:

- (1) To advise and make recommendations to the City Council and City Administrator on environmental policy, environmental issues, and environmental implications of all City programs and proposals on the air, water, land, and public health.
- (2) To work collaboratively with other City commissions and committees which have responsibilities for specific issues, including but not limited to the Planning Commission, Energy Commission, Park Advisory Commission, and Leslie Science Center Advisory Board.
- (3) To advise the City Council and City Administrator on environmental aspects of transportation issues, including implementation of City transportation plans, alternative transportation issues, alternative fuel vehicles, bicycling improvements, Clean City Program initiatives, parking issues, and related transportation issues.
- (4) To advise the City Council and City Administrator on all solid waste policy and management issues including the reduction, reuse, recycling, and proper disposal of solid waste.
- (5) To advise the City Council and City Administrator on environmental risk and pollution issues, including community right-to-know, emergency planning, pesticide and herbicide use and policies, pollution prevention, air and water pollution, indoor air quality, worker health and safety, **challenges to biodiversity**, environmental remediation and restoration, and environmental impact of City procurement policies.
- (6) To advise the City Council and City Administrator on drinking water, sewer, water quality, flooding, and stormwater management issues, including water treatment plant issues, wastewater treatment plant issues, Huron River water quality, and protection, restoration, and improvement of Huron River tributaries.
- (7) To advise the City Council and City Administrator on all matters related to sustainable development, clean production, **and** environmental technologies, **biodiversity, and strategies of the city's A2ZERO Carbon Neutrality Plan that are associated with solid waste and natural features.**
- (8) To hold public hearings on environmental issues and concerns.

(9) To publish and present an annual report ~~on the City's "State of the Environment,"~~ to City Council on the activities and recommendations of the workgroups, committees, and the Commission as a whole., ~~using, whenever possible, measurable performance indicators to monitor long term trends.~~

(10) To advise the City Council and City Administrator concerning effective advocacy for the City in regional, state and federal environmental matters.

(11) To advise the City Council and City Administrator on enhancing the awareness, understanding, commitment, and active involvement of ~~local community members~~ ~~citizens~~ in ensuring wise stewardship of the City's natural resources ~~and enhancement of biodiversity~~, now and in the future, through education, volunteerism, public/private partnerships, and incentive programs.

(12) To meet with and advise the City's Environmental Management Team and any other City personnel involved in environmental matters.

(13) To meet with commissions in other jurisdictions and other environmental organizations to address regional and state environmental matters.

(14) To create committees to help conduct the work of the Environmental Commission, provided that a member of the Environmental Commission chairs each committee, the Environmental Commission appoints additional committee members for a time certain, and the names and qualifications of committee members appointed by the Environmental Commission are forwarded to City Council.

(Add New (15), italicized, and re-number subsequent points):

(15) To create sub-quorum workgroups designated to report back to the Commission as a whole with recommendations. (Reference below Bylaws Article 9, 9.6)

~~(15)~~ (16) To have all other powers and duties granted by the City Council by resolution.

~~(16)~~ (17) To submit to City Council an annual work plan for City Council's review.

Article 4 MEMBERSHIP

4.1 The Commission consists of 15 voting members as follows:

(1) Two members of the City Council appointed by resolution of the City Council to one-year terms;

(2) Eight members nominated by the City Council members serving on the Commission and Terms are staggered so that 1/3 expire each year. The City Council is required to appoint persons who, insofar as possible, have an interest in protecting and enhancing the well-being of the environment and public health of the community;

(3) Two youth members between the age of 16 and 25 nominated by the City Council members serving on the Commission and appointed by resolution of the City Council for one year terms. The City Council is required to appoint youth members who, insofar as possible, have an interest in protecting and enhancing the well-being of the environment and public health of the community; and

(4) Three members, one each appointed by the Planning Commission, Park Advisory Commission, and Energy Commission, appointed to one-year terms, which do not require City Council approval.

4.2 The City Administrator or the City Administrator's designee, is an additional, nonvoting member of the Commission.

4.3 All members of the Commission serve without compensation.

4.4 Consistent with City Charter § 12.2, each member of the Commission must be a registered elector in the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least seven members of City Council.

4.5 Consistent with City Code § 1:237(4), no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may

extend terms for periods of 90 days upon the vote of at least 6 members of City Council.

4.6 Consistent with City Code § 1:237(4) the City Administrator or designated support staff for the Commission shall notify City Council at least 30 days prior to the expiration date of the term of office of any person serving a 3-year term on the Commission. The City Council members serving on the Commission shall place on the table the names of all reappointments no later than 60 days after the expiration date of the term of office.

4.7 Consistent with City Code § 1:171, any vacancy on the Commission occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-

term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses two consecutive meetings without notice or more than three regularly scheduled meetings in a 12 month period for any reason, the Chair may notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the Commission may be removed for cause.

Article 5 ETHICS AND CONFLICTS OF INTEREST

5.1 A member of the Commission shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this article. A conflict of interest shall at a minimum include, but is not necessarily limited to discussing, voting on, or otherwise acting on a matter in which a member or any person in the member's immediate family, the member's partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.

5.2 A member of the Commission shall not solicit or accept gratuities, favors, or anything of monetary value from persons or entities in a position to benefit from a decision of the Commission.

5.3 A member of the Commission shall not obtain, for the member or for any person with whom the member has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of the Commission. This restriction shall apply during the member's tenure on the Commission and for one year thereafter.

5.4 A member of the Commission shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the potential conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. If the member believes that the potential conflict warrants abstention, the member may abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the Commission, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the Commission may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the Commission shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

Question for City Attorney's Office: How is annual disclosure of Conflict of Interest managed, per Article 5, Section 5.7.? If written disclosure is required, as indicated in the existing Bylaws, please provide a format and process to accomplish the task.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the Commission without authorization from the Commission or the Chair. When communicating for personal purposes on matters that may relate to the Commission's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the Commission. Whenever a member is asked to speak on behalf of the Commission, the member shall seek permission of the Commission or Chair in advance.

5.9 To maintain public confidence in the objectivity of the Commission and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the Commission on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the Commission and recuse themselves from such a petition if the member does so. Outside of a Commission meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the Commission. This section does not preclude a member from discussing a petition within the scope of the Commission's duties at a Commission meeting.

5.10 The Commission or individual members shall not intrude into matters that are handled administratively by the City. When communicating with City staff regarding Commission business, members of the Commission shall communicate through the Commission's designated staff liaison, unless otherwise authorized by the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences. Members shall be respectful of other members, the public, petitioners, and City staff.

Article 6 OFFICERS

6.1 The officers of the Commission shall be a Chair and Vice-Chair. The officers shall be elected each year from among the members of the

Commission appointed by the City Council. Representatives of other City commissions shall not be eligible for election as officers. The officers shall be elected for a 1-year term. No member shall serve more than 3 consecutive full terms in the same office.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure subject to the provisions of these bylaws. The Chair shall ensure that all meetings are conducted in an efficient and respectful manner. The Chair shall have the privilege of discussing and voting on all matters before the Commission. The Vice-Chair shall assume the duties of the Chair in the Chair's absence. The Chair shall:

- a) coordinate development of meeting agendas with the designated City support staff;
- b) coordinate development of the annual work plan for presentation to City Council;
- c) coordinate the annual review of the bylaws with the Commission;
- d) work with the designated City support staff to orient new members.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold more than one office at the same time.

Article 7 MEETINGS

7.1 The Commission shall schedule regular monthly meetings. The entire schedule of regular meetings for the upcoming year shall be posted within 10 days after approval at the first meeting of the year. A

change in the schedule of regular meetings must be approved by the Commission and notice of the change shall be posted within 3 days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of 3 voting members. Public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting should be stated in the public notice and the Commission should not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The Commission may hold nonvoting working meetings to carry on the work of the Commission. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of regularly scheduled committee meetings shall be posted in the same manner as the schedule of regular Commission meetings. Public notice of nonregularly scheduled or special committee meetings shall be posted at least 18 hours prior to the scheduled starting time.

7.5 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.6 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the Commission at least 48 hours in advance.

7.7 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may also cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the Commission or the public to attend. The Chair shall give notice of cancellation to members of the Commission and the staff liaison at least two hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.8 The presence of 8 voting members shall constitute a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the Commission to act. The right to vote is limited to members of the Commission actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.9 Voting shall be by voice or a show of hands. The Chair shall declare the outcome of each vote. If the vote is not unanimous, any voting member may request a roll call vote, which shall be taken and recorded in the minutes.

7.10 The Commission shall keep minutes of all regular and special meetings in accordance with City administrative policies and direction.

7.11 Consistent with City Council Resolution R-642-11-91, all meetings of the Commission and its committees shall be open to the public in the spirit of section 3 of the Open Meetings Act. Closed sessions may be called for purposes listed in the Open Meetings Act.

7.12 Public comment shall be allowed at all meetings. An individual may speak for up to ~~three~~ ~~two~~ minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

Article 8 AGENDA AND ORDER OF BUSINESS

8.1 An agenda for each meeting of the Commission shall be developed by the Chair and the staff liaison in consultation with members of the Commission as needed. To the extent practicable, agendas, resolutions, and materials for all regular meetings shall be made available to the public and members of the Commission at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Special Presentations
- (5) Public Comment (Agenda Items)
- (6) Approval of Minutes of Previous Meetings
- (7) Regular Business
- (8) Communications
 - A. Administrator and Council
 - B. Staff
 - C. Representatives of other Commissions (Park Advisory, Energy, Planning)
 - D. Committees
- (9) Public Comment (General)
- (10) Adjournment

Article 9 COMMITTEES AND WORK GROUPS

9.1 of the Commission. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the Commission. Each committee chair shall be a member of the Commission. The committee may contain other community members who shall be appointed for a time certain. The Commission shall forward to City Council the names and qualifications of community members appointed to committees. Committees shall comply with Section 1:237(3)(n) of City Code, as amended.

9.2 Members of committees shall be appointed by the Chair and approved by the Commission.

9.3 Unless otherwise instructed by the Commission, each committee shall submit an annual report to the Commission containing:

- (1) a description of the way in which the committee undertook its charge;
- (2) pertinent facts and information the committee gathered;
- (3) findings, conclusions, or recommendations based on those facts and information.

9.4 Members of the public serving on the Commission shall, at the request of the Chair, serve as chair or vice chair of a committee and serve on at least one other committee. Representatives of other City commissions serving on the Commission shall serve on committees to the extent practicable. If such a representative is unable to attend a meeting, the representative may, upon notice to the staff liaison and the Chair, send an alternate from the same commission. The alternate may participate in Commission discussion, but may not vote on any Commission matter and shall not count toward a quorum.

9.5 Prior to creating a committee, the Commission shall consult with City staff to review the necessity of the committee and whether adequate resources exist to support the committee. Committees are subject to applicable City's administrative policies and procedures.

9.6 The Commission may also create work groups or designate certain members to perform research or develop recommendations on specific topics without creating a committee. **Workgroups are required to be sub-quorum.**

Article 10 PARLIAMENTARY AUTHORITY

10.1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the Commission; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the Commission. Nevertheless, all parliamentary procedures must be consistent with these bylaws.

10.2 The Commission shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

Article 11 AMENDMENT OF BYLAWS

11.1 Amendments to these bylaws may be approved at any regular meeting by vote of two-thirds of the voting members currently serving on the Commission. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the Commission. After adoption by the

Commission, the amended bylaws are not effective until approved by City Council.

11.2 These bylaws shall be reviewed annually by the Commission for possible amendment.

Article 12 MISCELLANEOUS

12.1 The Office of Sustainability and Innovations shall be the primary provider of administrative support and professional advice to the Commission and shall designate a staff member to be the liaison between the Commission and City staff. The City Administrator has final discretion regarding staffing.

12.2 The Ann Arbor City Attorney's Office shall be the legal consultant to the Commission.