

# The Michigan Clean Air Compliance Advisory Panel

## Bylaws for Meeting Conduction and Panel Operation



### Article I: Background

Section 1. Section 507 of the Clean Air Act Amendments of 1990 requires each state to establish a Compliance Advisory Panel (CAP). Michigan's CAP was formed under Public Act 451 of 1994, as amended, which establishes not only the CAP, but also the Michigan (Small Business) Clean Air Assistance Program (CAAP), and the Michigan (Small Business) Clean Air Ombudsman.

### Article II: Purpose

Section 1. The CAP exists to advise, monitor, and assess the effectiveness of the Michigan Clean Air Assistance Program and the Michigan Clean Air Ombudsman.

### Article III: General Duties

Section 1. The CAP is charged with the following roles and responsibilities:

- A. Consult with the Ombudsman and the head of the program to plan the work of the panel, including the frequency of meetings, agenda items and reports to be issued by the panel.
- B. Determine whether the program should utilize private contractors hired by the program or utilize expertise within the program, or both, to meet the requirements of P.A. 451 of 1994, as amended, that pertain to providing technical assistance to small businesses.
- C. Prepare advisory reports concerning all of the following:
  1. The effectiveness of the office and program.
  2. The difficulties encountered and degree of severity of enforcement of the air pollution act.
  3. The costs of operating the office and the program.
  4. The average costs of different categories of small businesses in complying with the air quality enforcement program of this state.
- D. Periodically report to the administrator of the United States Environmental Protection Agency regarding compliance by the program with the broad intent of all of the following acts as may be applicable:
  1. Chapter 35 of Title 44 of the United States Code, 44 U.S.C. 3501 to 3520, relating to paperwork reduction.
  2. Sections 601 to 612 of Title 5 of the United States Code, 5 U.S.C. 601 to 612, relating to regulatory flexibility.
  3. Section 504 of Title 5 of the United States Code, 5 U.S.C. 504, Section 2412 of Title 28 of the United States Code, 28 U.S.C. 2412, relating to equal access to justice.
- E. Review information prepared by the program for small businesses to assure that the information is understandable to laypersons.
- F. Utilize the program to act as staff to develop and disseminate the work product of the advisory panel.



## **Article IV: Membership**

### *Section 1. Composition*

The CAP is to be broadly representative of the regulated small business community and shall include women members and members who are minorities. The CAP is comprised of 7 members and are appointed by elected officials from the following executive and legislative bodies:

- Two members appointed by the governor to represent the general public, and are not owners/representatives of owners of small businesses;
- One member appointed by the republican leader of the senate who is an owner/representative of an owner of a small business;
- One member appointed by the democratic leader of the senate who is an owner/representative of an owner of a small business;
- One member appointed by the republican leader of the house of representatives who is an owner/representative of an owner of a small business;
- One member appointed by the democratic leader of the house of representatives who is an owner/representative of an owner of a small business; and
- One member appointed by the director of the Michigan Department of Environmental Quality.

### *Section 2. Terms of Service*

Members of the CAP serve for a term of 4 years, or until a successor is appointed, whichever is later. Mid-term vacancies, filled by appointment, will be for the unexpired term of the original appointment.

### *Section 3. Filling Vacancies*

Vacancies on the CAP are filled through direct appointment by either the Governor, director of the Michigan Department of Environmental Quality, or the appropriate executive or legislative leader who made the original appointment.

### *Section 4. Remuneration*

CAP members serve without compensation, however, members may be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.



## **Article V: Officers**

The officers of the CAP will consist of a Chairperson and Vice-chairperson, each of whom is to be elected by the members of the CAP. Each officer will hold office for a term of one year, with the option for re-election or additional terms of service.

### *Section 1. Duties of Office*

- Chairperson: To oversee the decision-making authority of actions initiated, work products generated, or any follow-up made by the CAP, and to oversee and coordinate the content of CAP meetings, with the assistance of both the Michigan Clean Air Ombudsman and CAAP.
- Vice-chairperson: In the absence of the Chair, the Vice-chair will conduct the duties of the Chair.

### *Section 2. Nominations and Election*

Any CAP member can nominate other CAP members as candidates for the positions of Chair and Vice-chair. All nominations must be initiated with a motion, supported and seconded by at least one additional CAP member in order for the motion to be recognized for vote. Both the Chair and Vice-chair positions must be elected by a majority vote of the CAP members present during the election process.

### *Section 3. Vacancy*

Election of new or mid-term replacement officers will take place in the year in which a vacancy occurs.

## **Article VI: Administration and Recordkeeping**

Section 1. Unlike the CAAP, which is housed in the Michigan Department of Environmental Quality, and the Ombudsman, which is housed in the Department of Labor and Economic Growth's Michigan Economic Development Corporation (MEDC), the CAP is a broad representation of the small business community and has no direct state government agency oversight. Therefore, execution and administration of CAP activities will be carried out by either the Ombudsman or CAAP staff, who are responsible for developing, executing, and disseminating the work products, recommendations and actions of the panel.

Section 2. Copies of advisory reports, prepared by the advisory panel, are to be provided to the United States Environmental Protection Agency, the Department of Environmental Quality, the Legislature, and the Department of Labor and Economic Growth. The Ombudsman or CAAP staff will maintain both electronic and hard copies of all work products, correspondence and meeting documentation. All work products including advisory reports, meeting agenda and minutes, and correspondence generated by the CAP will be made available to any person upon request.



## **Article VII: Meetings**

Section 1. The intention of the CAP is to meet between 3 and 4 times per calendar year. Meetings are generally held in Lansing, Michigan at the offices of the Michigan Department of Environmental Quality, 525 W. Allegan at Constitution Hall. Meetings generally begin at 9:00 a.m. and conclude at 12 p.m. Meetings are conducted by either Ombudsman or CAAP staff, with assistance from the CAP Chair or Vice-chair. Actions resulting from business meetings require that a quorum of CAP members to be present and serving.

Section 2. All meetings are open to the general public and are subject to provisions of the State of Michigan's Open Meeting Act, P.A. 267 of 1976, as amended.

## **Article VIII: Decision-making Process and Voting Rights**

Section 1. The election of officers, work products and actions undertaken on behalf of the CAP require a majority or quorum of the CAP members be present and serving in order for official action to be undertaken. A quorum of consists of 5 panel members present and serving. A majority of the members present and serving is required for official action of the advisory panel.

## **Article IX: Amendment of Bylaws**

Section 1. These bylaws may be amended by a majority vote of all presiding CAP members. Members must be provided with at least 10 days written notice to review and comment on changes to bylaws. The notice will contain the suggested amendment, its source and an explanation of the objective and effect of the revision.