

Louisiana Department of Environmental Quality



Louisiana Small Business/Community Assistance Program



Compliance Advisory Panel

BYLAWS

DRAFT

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Article I. Name

Section 1.01

The name of the advisory panel to the Louisiana Department of Environmental Quality (LDEQ) Small Business/Community Assistance Program (SB/CAP) shall be the Compliance Advisory Panel (CAP).

The statutory authority for the CAP is derived from Louisiana Revised Statutes Title 30 Section 2062 and as outlined in Section 507 of the federal Clean Air Act Amendments of 1990.

Article II. Purpose

Section 2.01

The panel shall have the power to:

- (a) Render advisory opinions to the LDEQ on the effectiveness of the SB/CAP, with regard to any difficulties encountered, and the degree and severity of enforcement, including the effectiveness of the Small Business Ombudsman (SBO), and any rules and regulations adopted by the LDEQ that may affect small businesses.**
- (b) Prepare periodic reports to the Environmental Protection Agency (EPA) on the compliance status of the SB/CAP following the intent of the provisions of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.**
- (c) Review information for small business stationary sources to assure such information is understandable to the layperson.**
- (d) Have the SB/CAP serve as the secretariat for the development and dissemination of such reports and advisory opinions.**

Article III. Members

Section 3.01

The CAP shall consist of the following eight members:

- (a) Two members, who are not owners or representatives of owners of small business stationary sources, to represent the general public, designated by the Governor of Louisiana.**
- (b) Two members who are owners, or representatives of owners, of small business stationary sources, designated by the Speaker of the Louisiana House of Representatives.**
- (c) Two members who are owners, or representatives of owners, of small business stationary sources, designated by the President of the Louisiana Senate.**
- (d) One member representing the Louisiana Department of Environmental Quality (LDEQ) designated by the LDEQ Secretary.**
- (e) The secretary of the Louisiana Department of Economic Development or his designee, ex officio, in a nonvoting capacity.**

Section 3.02

Appointed members serve a term of four years.

Article IV. Meetings

Section 4.01

Regular meetings will be held quarterly, on the second Wednesday of the months of February, May, August and November, unless otherwise specified. Times and locations of meetings will be communicated via hard copy or email to the CAP members at least one month in advance of the upcoming meeting.

Section 4.02

Special meetings of the CAP may be called by the Chair as needed, to address emergency issues. Members will be notified in writing (via hardcopy or e-mail) at least one week prior to such meetings.

Section 4.03

All meetings of the CAP shall be open to the public unless a meeting is closed pursuant to applicable Louisiana statutes providing for such. A public notice will be posted at least one day prior to open meetings.

Section 4.04

At all meetings, regular and special, the presence of a simple majority of the members of the CAP shall be necessary and sufficient to constitute a quorum for the transaction of all actionable items. The vote of a simple majority of members present, constituting a quorum, shall be the act of the CAP. No vacancy on the CAP shall impair the right of a quorum to exercise all of the rights and perform all of the duties of the CAP.

Section 4.05

All meetings of the CAP shall be held in accordance with R.S. 42:4.1 et seq.

Article V. Administration

Section 5.01

CAP Secretarial duties shall be performed by an employee designated by the LDEQ. It shall be his/her duty to function as a recording and corresponding secretary. Included among these duties shall be:

- (a) to give public notice of meetings for the CAP;**
- (b) to record CAP minutes and keep a permanent file of the minutes of the CAP and SubPanel(s);**
 - (i) Minutes should be reviewed by the Chairperson prior to distribution;**
- (c) to conduct both outgoing and incoming correspondence and maintain a permanent file of such correspondence;**

(d) and to perform such other duties as may be requested by the CAP.

Article VI. Officers

Section 6.01

The officers will consist of a Chair and a Vice-Chair.

(a) The Chair shall:

- (i) preside at all regular and special meetings of the CAP;**
- (ii) appoint members to committees, unless otherwise specified in motions establishing the committees or in the bylaws.**

(b) The Vice-Chair shall:

- (i) perform all duties of the Chair during his/her absence.**

Article VII. Appointments and Elections

Section 7.01

The officers shall be elected by simple majority of CAP members present, provided a quorum is present. Such election shall take place annually. A special meeting may be called in order to elect officers if no quorum is reached at the meeting. The terms of officers shall be one year from election.

Section 7.02

The office of Chair shall be filled by automatic succession from the Vice-Chair.

Section 7.03

Vice-Chair may be accepted via mail, e-mail or from the floor at the time the Chair asks for nominations at the CAP elections meeting.

Section 7.04

Officers may serve more than one term.

Article VIII. Ad Hoc Panels

Section 8.01

The Chair may appoint Ad Hoc panels as needed to perform tasks directed by the Chair. Such panels shall not have delegated decision-making authority. Ad Hoc panels may be terminated by the CAP at any time, or may be automatically terminated when their tasks is completed.

Article IX. Rules of Order

Section 9.01

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the CAP in all cases to which they are applicable and in which they are not inconsistent with the Bylaws and the applicable statutes of the State of Louisiana.

Section 9.02

Standard operating policies and procedures may be established by action of the CAP so long as they do not conflict with these Bylaws and the applicable statutes of the State of Louisiana.

Section 9.03

The prescribed order of business for regular meetings of the CAP shall be as stated in Robert's Rules of Order Newly Revised.

Section 9.04

Copies of all CAP meeting minutes and all current operating policies and procedures shall be on file in the LDEQ's Division of Business and Community Outreach, SB/CAP and shall be available, upon request, to the public. The CAP Secretary shall forward copies of the minutes to CAP members within one month following any regular meeting of the CAP.

Article X. Amendments

Section 10.01

These bylaws may be amended at any regular meeting of the CAP by a two-thirds (2/3) approval vote of the members present, provided the proposed amendment has been submitted to the CAP members at least one month prior to the meeting at which the proposed amendment is to be voted upon.



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