

BY-LAWS OF THE ENVIRONMENTAL LABORATORY ADVISORY COMMITTEE

ARTICLE I- PURPOSE, OBJECTIVE AND FUNCTIONS

The Environmental Laboratory Advisory Committee is established by statute (A.R.S. § 36-495.16), which details that "The committee shall advise the director regarding the adoption of rules and other issues affecting environmental testing laboratories and shall make recommendations regarding interpretive guidelines necessary to properly administer the provisions of the article."

In addition, the purpose of the Committee shall be to advise the Director, Arizona Department of Health Services (ADHS), on all issues affecting the provision of environmental laboratory services within the state and to facilitate the transfer of information between the Arizona Department of Health Services (ADHS), the Arizona Department of Environmental Quality (ADEQ), and environmental laboratories. This advice shall include, but is not limited to, providing recommendations to the Director on the following matters:

1. Proposed and/or current Federal and State regulations/policies involving laboratories subject to State licensing requirements.
2. Methodology and quality assurance standards for environmental laboratories subject to state licensing requirements.
3. Operation of Departmental and Federal programs which affect laboratories subject to state licensing requirements.
4. Technical, administrative and policy issues that concern the Division of State Laboratory Services, ADHS, ADEQ and the regulated laboratory community.
5. Training issues affecting the ADHS, ADEQ and environmental laboratories within the state.

ARTICLE II - MEMBERSHIP

SECTION 1- COMPOSITION AND REPRESENTATION

Membership of the Committee shall be composed of ~~at least fifteen (15)~~ voting members who represent a variety of persons affected by the statute. The following groups are included; governmental agencies and laboratories, commercial and non-commercial laboratories, allied environmental organizations, user groups, members of the regulated community and educational institutions.

Participation in the committee is not limited to voting members only. The committee meetings will be open for participation by non-members who represent the above mentioned groups. In addition, input from non-members, not in attendance, may be brought forth by a committee member during committee meetings.

SECTION 2 - APPOINTMENT AND TERMS OF MEMBERSHIP

The membership of the committee shall be appointed by the Director and serve at the pleasure of the Director. Members will be notified by letter from the Director of the appointment to the committee. **The persons interested in becoming members of the ELAC committee shall submit their names and affiliation to the Director for consideration of appointment.** ~~The term of membership on the committee as a voting member shall be a four-year term. A voting member may serve for more than one term in the event no other individual is available for appointment or by special appointment by the Director.~~

SECTION 3 - VACANCIES

Vacancies in the Committee shall be filled by appointment by the Director with the member being notified by letter. Vacancies can be created by (a) resignation of a member, (b) the absence of a voting member for three **consecutive** regularly scheduled meetings, which absence will automatically result in the dismissal of the member, (c) violation by a voting member of Article VI of these by-laws, or (d) such other good cause as determined by the Director.

ARTICLE III - OFFICERS

SECTION 1 - OFFICERS

The officers of the Committee shall be a chairman ~~person~~, vice-chairman ~~person~~, and such other officers as the Committee deems necessary.

SECTION 2 - ELECTION

Officers of the Committee shall be elected by the voting members of the Committee. **Nominations will be submitted prior to the election meeting. Upon acceptance by the nominee, at the following scheduled meeting, the chairperson position shall be filled by the candidate with the highest number of votes and vice-chairperson by the second highest number.**

~~At election the chairman position shall be filled by the candidate with the highest number of votes and the vice-chairman position by the second highest number.~~

SECTION 3 - TERMS

The term for officers of the committee shall be ~~limited to a two year term with no officer serving two consecutive terms.~~ New officers shall be elected during the last scheduled meeting of the year, and their term shall begin with the first meeting of the next year.

SECTION 4 - VACANCY

Any vacancy in an office shall be filled by election at the next regular meeting. The term will be for the remainder of the previous officer's term.

SECTION 5 - DUTIES

The chairmanperson shall preside at all meetings of the Committee and shall establish the agenda for the meetings. He/She shall appoint all subcommittees as may be decided by the Committee and shall designate the subcommittee chairmanperson. The vice-chairmanperson shall fulfill the duties of the chairmanperson in the chairmanperson's absence. The other duties of the chairmanperson and the vice-chairmanperson shall be those usually pertaining to such offices and such other duties as may be assigned by the Director.

ARTICLE IV - SUBCOMMITTEES

Subcommittees may be appointed by the chairmanperson as deemed necessary and may be either standing subcommittees or appointed for a specific, short-term purpose.

ARTICLE V - MEETINGS

SECTION 1 - GENERAL

Procedures for all meetings of the Committees and its subcommittees shall be conducted in accordance with Robert's Rules of Order, Newly Revised, insofar as they do not conflict with these bylaws.

SECTION 2 - REGULAR MEETINGS

The Committee shall convene not less than four times each calendar year at such time and place as shall be determined by the Director.

SECTION 3 - ANNUAL MEETING

The first regular meeting of each calendar year shall be the annual meeting at which time members and elected officers of the Committee shall be seated.

SECTION 4 - SPECIAL MEETINGS

Special meetings of the Committee may be called at any time at the request of the Director or at the request of ~~not less than ten~~ (10) **voting** members of the Committee. Announcements of such meetings shall specify the purpose of the meeting, and the agenda shall be limited to the specific items of business for which said meeting is convened.

SECTION 5 - NOTICE OF MEETINGS

Notice of the time, place and purpose of each meeting shall be given to each

Committee member either personally, by mail or electronically at least seven days prior to the date of each meeting. Notice of special meetings shall be served in the same manner. In cases where the Director determines that the special meeting is of an urgent nature, notice to members shall be served as soon as possible. All meetings of the Committee shall be open to the public.

SECTION 6 - QUORUM

The presence of at least one-half of the duly appointed members of the Committee shall constitute a quorum for the transaction of business.

SECTION 7 - VOTING

Each member of the Committee shall be entitled to one (1) vote on all matters before the Committee. There shall be no substitution of voting members or proxy votes. A vote of the Committee shall be carried on all matters by a simple majority of the members present and voting.

SECTION 8 - REMOVAL OF MEMBERS

The failure of a committee member to attend three **consecutive** regular meetings will result in automatic resignation from the committee. When a member, by reason of such non-attendance, has been deemed to have automatically resigned, the Director shall notify the member in writing. The member may petition the Director for re-appointment to the committee. Re-appointment to the committee will be at the discretion of the Director. Removal from the Committee may also result from violation by a voting member of Article VI of these by-laws, or such other good cause as determined by the Director.

ARTICLE VI • AUTHORITY OF MEMBERS

The Committee is organized as an appointed advisory body to the Director, Arizona Department of Health Services. Committee members do not have the authority to represent the Department in any official capacity. Dismissal from the Committee will occur if a member does not adhere to this stipulation.

Approved ~~October 23, 1997~~ March 12, 2015