

ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS
Adopted (insert date)

ARTICLE I

Name

The name of this Committee shall be the Environmental Laboratory Technical Advisory Committee (ELTAC).

ARTICLE II

Bagley-Keene Open Meeting Act

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120), and each member is subject to the provisions of the Bagley-Keene Open Meeting Act. No provision of these By-Laws is intended to nor may be interpreted to conflict with or supplement the Bagley-Keene Open Meeting Act.

ARTICLE III

Objectives and Functions

The Committee serves to implement objectives and requirements authorized in Section 100863 of the California Health and Safety Code.

The Committee is established in law to "assist, advise and make recommendations regarding technical, scientific, and administrative matters concerning the accreditation or certification of environmental laboratories." (Health and Safety Code Section 100863) The law further provides that: "Subcommittees of the committee may be appointed consisting of committee members and other persons having particular knowledge of a subject area, for the purpose of assisting the ... [State Water Resources Control Board] on special problems and making recommendations to the committee for consideration in the establishment of rules and regulations."

The Committee shall assist the State Water Resources Control Board, Division of Drinking Water (hereafter referred to as "Division"), Environmental Laboratory

Accreditation Program (hereafter referred to as “ELAP”) by providing advice and making recommendations regarding technical and scientific matters for the establishment of rules and regulations that will insure the proper administration and enforcement of provisions pursuant to Health and Safety Code, sections 100825-100920 as well as provisions in other statutes that impact environmental laboratory activity. The Committee shall also function as a means of exchanging information and opinions related to environmental laboratory technology and practice.

ELTAC shall assist ELAP in:

- A. Developing scientifically rigorous recommendations regarding issues that impact the regulated laboratory community, regulatory agencies, and data users
- B. Improving communications and outreach between ELAP and its stakeholder communities
- C. The operation and improvement of ELAP
- D. The implementation of a performance based and accountable accreditation program

ARTICLE IV

Membership and Term

The Committee shall be comprised of Officers and Representatives who represent the different technical fields within the laboratory community, regulatory agencies, and data users. The term Representative is used in regards to a member of the Committee appointed by the Deputy Director of the Division of Drinking Water. Representatives shall be selected from organizations representing different technical fields of the accredited laboratory community and regulatory agencies. One of these Representatives shall be elected to serve as an Officer on ELTAC with the title of Reporter. New Representative nominations for open committee positions shall be made by no later than October 1st on an annual basis. Voting for the Reporter shall be held annually in October. The Reporter shall be elected by no later than the 31st of October, and all Representatives shall begin their term on January 1st.

The Committee shall consist of a broad range of individuals who come from interested parties and environmental laboratories that have expertise related to ELAP’s fields of testing. There shall be representatives from both Northern and Southern California, from both publicly and privately owned laboratories, and from small and large laboratories. Laboratories consisting of ten (10) or less analysts shall be considered a small laboratory; anything larger shall be considered a large laboratory.

Representatives - Voting Members

The voting members of the Committee shall be comprised of Representatives who speak on behalf of interested parties and environmental laboratories subject to the Environmental Laboratory Accreditation Act. The membership shall consist of the following:

- One (1) Representative from the State Water Resources Control Board
- One (1) Representative from the Department of Toxic Substance Control
- One (1) Representative from EPA Region 9's Central Regional Laboratory
- One (1) Representative from the American Council of Independent Laboratories
- One (1) Representative from the California Association of Sanitation Agencies
- One (1) Representative from the Drinking Water and Radiation Laboratory
- One (1) Representative from a Commercial Environmental Laboratory
- One (1) Representative from a Municipal Laboratory
- Three (3) Representatives with expertise in the testing and analysis of environmental samples
- One (1) Representative from a Method Producing Organization
- One (1) Representative from the California Association of Public Health Directors
- One (1) Representative from the Directors of Environmental Health
- One (1) Representative from the CA/NV American Water Works Association
- One (1) Representative from the California Water Environment Association

Officers

- A. The Officers of ELTAC (hereafter referred to as "Officers") shall consist of the following designations: Chairperson, Vice-Chairperson, Scribe and Reporter.
1. Chairperson – This position shall be filled by the Chief of ELAP. He/she shall preside over all ELTAC meetings, create the agenda for ELTAC meetings, ensure all Officers perform their duties, and arrange ELTAC meeting times and locations. This is a non-voting position.
 2. Vice-Chairperson – This position shall be filled by a Senior Management Appointee who currently resides in ELAP. The Vice-Chairperson shall assist the Chairperson in facilitation of meetings and shall assume the responsibility of knowing the By-Laws. The Vice-Chairperson shall also inherit the responsibilities of the Chairperson in the case of an absence or vacancy. This is a non-voting position.
 3. Scribe – This position shall be filled by an ELAP Staff Member who will be designated by the Chairperson. The Scribe is the recording officer of the assembly and charged with the responsibility of recording and distribution of the minutes. This is a non-voting position.

4. Reporter – This position shall be held by a current Representative who does not work for the State of California or the federal government. Annually, the Reporter shall present a summary of ELTAC's scope of work to the State Water Board Members. The Reporter position shall be elected by voting members of ELTAC. Voting for the Reporter shall follow voting procedure as outlined in Article V. This is a voting position.

B. Terms of Representatives and the Reporter

The Chairperson shall make all appointments in a manner designed to meet the following objectives:

1. The membership term shall be three (3) years unless an appointment is made to fill an un-expired term of a member not completing a term, in which case appointments of less than three (3) years may be made.
2. Membership shall be established and term appointments maintained in such a manner as to require a minimum number of new appointments from each category each year, with terms over-lapping to maintain stability and continuity within the Committee.
3. Representatives of the Committee may not be appointed for more than two (2) terms. In order to preserve representation of the various professional constituencies on the ELTAC, with the consent of the incumbent member, current appointments shall be continued with full voting rights and privileges until replacements are seated.
4. The Reporter shall not have restrictions on the amount of terms that can be served, as these positions are elected annually. The Officer term of the Reporter shall be one (1) year.

C. Representative Expectations

Elected Representatives are expected to attend all ELTAC meetings, and provide a report out to ELTAC at least once a year on communication held with their constituents. Failure to provide reports may result in dismissal from ELTAC at the discretion of the Deputy Director of the Division of Drinking Water. Failure to attend ELTAC meetings may result in dismissal as outlined in Section D of this Article.

D. Absences and Dismissal

In the event that a Representative cannot attend an ELTAC meeting, he/she may send an alternate in their place. An alternate may speak on behalf of the Representative but he/she does not have a vote and does not count towards the Quorum. A Representative may only be removed by the Deputy Director of the Division of Drinking Water. In the event that a Representative obtains work in a new field, fails to represent his/her constituents, or becomes a part of a different association, a new representative shall take his/her place.

ARTICLE V

Appointments, Elections and Voting

A. Representative Appointments/Nominations

ELTAC shall consist of members appointed by the State Water Resources Control Board. The Deputy Director of the Division shall select all Representatives after evaluating nominations. Nominations for Representatives shall be submitted in writing to the Chairperson by no later than the 15th of September and include:

1. The nominee's full name, title, institutional affiliation, and contact information
2. The nominee's area(s) of expertise
3. A description of the nominee's qualifications. Inclusion of a Curriculum Vitae or resume is desirable.

B. Nominating the Reporter

Before proceeding to the election for Reporter, one or more candidates must be nominated by a current Representative at the October ELTAC meeting. The nomination must be accepted by the nominee in order to be considered an eligible candidate in the voting process. When nominations are completed, the voting members as provided for in these By-Laws elect the Reporter.

C. Electing the Reporter

Voting for the Reporter position shall be conducted during the October ELTAC meeting. Only one vote per Representative in attendance shall be allowed. The Reporter position shall be decided by a simple majority vote. Voting is not binding and the Chairperson may appoint a different Reporter if he/she deems it necessary.

ARTICLE VI

Operational Procedures

All meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120))

A. Quorum

The presence in person of one-half plus one of the total voting members in filled positions shall constitute a quorum for the transaction of business. In the absence of a quorum, no official action may be taken by the Committee.

B. Meetings

1. The Committee shall meet at least three (3) times a year. The Chairperson shall schedule meetings. One of these meetings shall be held in October.

Emergency or special meetings may be scheduled and held in accordance with the Bagley-Keene Open Meeting Act.

2. To preserve a balance between Northern and Southern California representation, meetings will alternate between the two regions annually.
3. At the Chairperson's discretion, a meeting can be held at more than one location.
4. The Chairperson shall send notice of the meeting in accordance with the Bagley-Keene Open Meeting Act.
5. Members must submit suggested agenda items at least thirty (30) days before each meeting to the Chairperson, except as otherwise provided by the Bagley-Keene Open Meeting Act.
6. The proceedings of the Committee shall be called to order and adjourned by the Chairperson and shall follow Robert's Rules of Order, newly revised.

C. By-Laws

1. These By-Laws must be reviewed by ELTAC for amendments no less than once every two (2) years.
2. These By-Laws may be amended by a two-thirds (2/3) majority vote of the Representatives pending final approval from the Deputy Director of the Division of Drinking Water.
3. The Deputy Director of the Division of Drinking Water reserves the right to make amendments to these By-Laws without the Committee's consent.

D. Recommendations

1. Any recommendations made to ELAP must be submitted in writing through letter or email to the Chairperson.
2. The Chairperson will respond to the suggestion no later than thirty (30) days after the recommendation has been received. The response shall be posted to the website, as well as emailed to ELTAC. The response shall include if the Chairperson will accept or deny recommendation, or if more time is needed.

E. Voting on Agenda Items During ELTAC Meetings

Only Representatives may vote for items on the ELTAC agenda unless the ELTAC has decided otherwise in a previous meeting. It shall be a goal of the Committee to reach a consensus on each agenda item.

F. Subcommittees and Consultants

Subcommittees may be established by the Committee as needed. Subcommittee chairpersons and members shall be appointed by the Committee Chairperson. Membership on such committees may include members of the public; however, there must be at least one Representative on any Subcommittee. All Subcommittee meetings shall be conducted in accordance with the provisions of the Bagley-Keene Open Meeting Act (Government Code, Title 2, Division 3, Chapter 1 (commencing with Section 11120)). Each member of a Subcommittee, including persons who have

not been appointed as or designated as Staff or Representative members of ELTAC must comply with the Bagley-Keene Open Meeting Act. Only Subcommittee members may vote on issues before the Subcommittee. The Chairperson may request consultants to present information at a meeting of the Committee or a meeting of a Subcommittee.

G. Regulations

Where possible, ELAP shall seek advice from the Committee on all regulations, and fees developed by ELAP related to environmental laboratory technology and practice. The Committee may, by action taken at a public meeting, request that its comments on proposed regulations be submitted to the State Water Resources Control Board, and the Chairperson shall submit the comments to the State Water Resources Control Board. Individual members of the Committee retain their right as a member of the public to submit comments on proposed regulations.

H. Minutes

A record shall be made by the Scribe of actions taken at each meeting by the Committee and Subcommittee(s). The record shall then be provided to the Chairperson who shall compile the minutes. The minutes may only be approved at an ELTAC meeting or Subcommittee meeting whose actions are described in the minutes. The Chairperson shall designate a person to act as clerk for each closed session of the ELTAC or any Subcommittee.