

ENVIRONMENTAL LABORATORY TECHNICAL ADVISORY COMMITTEE

BY-LAWS
Adopted June 15, 2004

ARTICLE I

Name

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

ARTICLE II

Objectives and Functions

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

The Committee shall assist the Department of Health Services (hereafter referred to as the Department) by providing advice and making recommendations for the establishment of rules and regulations that will insure the proper administration and enforcement of provisions in the Health and Safety Code, sections 100825-100920 inclusive (hereafter referred to as "the Code") as well as provisions in other statutes that impact upon environmental laboratory activity. The Committee also shall function as a means of exchanging information, perceptions and opinions related to environmental laboratory technology and practice.

ARTICLE III

Membership and Term

The Committee shall consist of twelve (12) to fifteen (15) voting members appointed by the Director of the Department of Health Services from nominees solicited from organizations representing different segments of the accredited laboratory community. The Department may appoint other non-voting consultants as necessary. Appointments shall be made in a timely manner on an annual basis. New appointments shall be made ninety (90) days prior to the expiration date of an expired term and the term for new appointees shall begin on January 1. The Committee should be representative of the population of laboratories that ELAP accredits. There should be representatives from both Northern and Southern California, from both publicly and privately owned laboratories, from small and large laboratories, from laboratories that are accredited for bioassay, inorganic chemistry, microbiology, organic chemistry, and radiochemistry. At a minimum, members shall represent the following parties or categories:

Voting members:

- 1 Representative from the American Council of Independent Laboratories
- 1 Representative from the California Association of Public Health Laboratory Directors
- 1 Representative from the CA/NV American Water Works Association
- 1 Representative from the California Association of Sanitation Agencies
- 1 Representative from the California Water Environment Association
- 2 Representatives from commercial environmental laboratories
- 2 Representatives from municipal Laboratories
- 1 Representative from a hazardous materials laboratory
- 1 Representative from a waste water laboratory
- 1 Representative from the public

Non-Voting members:

- 1 Representative from the Division of Drinking Water and Environmental Monitoring, Department of Health Services
- 1 Representative from the Department of Toxic Substances Control
- 1 Representative from the State Water Resources Control Board
- 1 Representative from the Department of Food and Agriculture

The membership term shall be four (4) years unless an appointment is made to fill an un-expired term of a member not completing a term. Appointments of less than four (4) years may be made when necessary for the adjustment of staggered terms. 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. 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.

The Chair may recommend to the department that a member absent for three (3) consecutive meetings be replaced by a new appointee to fill the remainder of the un-expired term. Voting members of the committee and any other subcommittee may not be appointed for more than two consecutive terms. Members and consultants serve without compensation and no expenses are reimbursed for attending meetings or engaging in any other activity related to this committee.

A Committee Chairperson and Vice Chairperson shall be elected annually by the members by the end of November of each year to serve for the following year beginning January 1. The duties of the Chairperson shall include presiding over all regular, special and emergency meetings, advising the Department on the development of meeting agendas and coordinating subcommittees. Duties of the Vice-Chairperson shall include presiding over regular, special and emergency meetings in the absence of

the Chairperson and in the event of a vacancy of the position of Chairperson, shall automatically succeed to the position for the remainder of the term.

Unless otherwise stated, representatives from the Division of Laboratory Science of the Department shall serve ex officio on the Committee and shall also act as Secretariat.

ARTICLE IV

Operational Procedures

A. Voting Rights

Each voting member shall be entitled to one vote to be exercised during scheduled ELTAC meetings. Neither cumulative nor proxy voting shall be allowed. All issues submitted for determination shall be decided by a simple majority vote of those voting.

B. 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.

C. Meetings

1. The Committee shall meet at least three (3) times a year. The Department together with the Committee Chairperson shall schedule meetings. The Department or the Chairperson, with the concurrence of the Department, may request emergency or special meetings.
2. The Department shall send written notice of the place, delivered as hardcopy, or electronically, of the date, time and agenda of each meeting of the Committee to each member addressed as shown on the records maintained by the Committee. A notice shall be sent at least fourteen (14) days before the date of the meeting.
3. All meetings of the Committee shall be open to the public. Any presentation to the Committee by non-members present shall be approved by the Chairperson prior to the meeting. Approval will be considered only if such presentation is either relevant to the agenda or otherwise can be accommodated during the meeting. The conditions of this subsection shall apply to all standing subcommittees and ad hoc committees.
4. The Department and each committee member shall be invited to submit agenda items at least twenty (20) days before each meeting, except

where an emergency meeting is called and a shorter time for setting an agenda is necessary.

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.

D. By-Laws

These By-laws may only be amended or repealed by two-thirds (2/3) of the voting members of the Committee.

E. Subcommittees

Subcommittees may be established by the Department as needed. Subcommittee chairpersons and members shall be appointed by the Committee Chairperson in agreement with the Department. Membership on such committees may include non-Advisory Committee members; however, there must be at least one Advisory Committee member and one Department liaison represented on any subcommittee. Notices of subcommittee meetings will be sent to subcommittee members and the interested public requesting these notices. Subcommittee members only, may vote on issues before the subcommittee. Subcommittee meetings are open to the public.

F. Consultants

The Committee or the Department may request consultants to present information for consideration on matters under discussion by the Committee. Consultants may respond to questions and participate in discussion relevant to their presentation at the discretion of the Chairperson.

G. Regulations

Where possible advice shall be sought from the Committee on all regulations developed by the Department related to environmental laboratory technology and practice. However the Department has the sole discretion to submit regulations for adoption without Committee input.

H. Minutes

A record shall be made by Department staff of actions taken by the Committee and, after approval by the Committee, shall be made available to members and to the regulated community. Such a record shall be recognized as a public document and need not contain details of discussions leading to actions taken and recorded.

I. Liaison

The Committee functions shall be administered by the Environmental Laboratory Accreditation Program (ELAP) for the Department. The appropriate Deputy Directors shall be notified by ELAP of the place, time and agenda of all scheduled meetings and shall be provided with records of actions taken by the Committee following each meeting.