

Bylaws and Rules of Procedures
City of Phoenix
Environmental Quality Commission

Approved by the Environmental Quality Commission: March 20, 2008

ARTICLE I – ORDINANCE AUTHORITY

The Environmental Quality Commission was created by City Ordinance G3033 as set forth in Chapter 2 of the Code of the City of Phoenix and as subsequently amended.

ARTICLE II – POWERS AND DUTIES OF THE ENVIRONMENTAL QUALITY COMMISSION

- A. Advisory Body. The Environmental Quality Commission is an advisory body to the City Council whose purpose is to provide advice to the City on issues related to the natural and urban environment. The Commission shall identify environmental issues and problems affecting Phoenix and recommend to the Council appropriate positions or roles for the City of Phoenix in addressing those issues or problems in a manner which protects, restores, or enhances the natural and urban environments. Its powers are advisory only unless additional powers and authority is provided by ordinance.
- B. Powers and Duties. The powers and duties of the Environmental Quality Commission shall be:
1. Recommend to the Council, after consultation with City Manager, an Environmental Resource Policy to guide City actions in the protection, restoration and enhancement of the natural and urban environments;
 2. Recommend to the Council, City positions on proposed State and Federal legislation, regulations and programs affecting the City;
 3. Recommend through the City Manager to the Council new City ordinances, regulations or policies to protect, restore or enhance the natural and urban environments;
 4. Recommend through the City Manager to the Council changes in City procedures, programs or activities to protect, restore or enhance the natural and urban environments;
 5. Foster citizen involvement in City and other activities which affect the quality of the environment.
 6. Assist the Council and City departments in developing systematic methods to identify the effect of proposed programs, actions, ordinances or resolutions on the environment and to mitigate adverse effects;
 7. Make available information and hold hearings;

8. Consult with City departments and outside experts from within the State or from other states.

ARTICLE III – MEMBERSHIP AND OFFICERS

- A. Membership. The Environmental Quality Commission shall consist of the number of members established by the Ordinance creating or amending the Commission.
- B. Appointment. Members shall be appointed by the City Council.
- C. Term. Appointments shall be made for a term of three years. Traditionally, EQC members have not served more than two consecutive terms. In the event a member becomes incapacitated, resigns or is unable to perform the duties of the office or is otherwise removed, the City Council shall appoint another member to fill the unexpired term of that member.
- D. Removal of Members. An Environmental Quality Commission member may be removed by the Mayor and City Council for nonattendance at three (3) consecutive meetings, nonattendance at fifty percent of scheduled meetings per year, conviction of a crime involving moral turpitude, repeated disruptive behavior after warning, or when in the opinion of the Mayor and City Council removal is in the best interest of the Commission.
- E. Officers.
 1. Chairperson. The Chairperson shall be nominated by the Mayor, and confirmed by the City Council to serve a one year term. The Chairperson may be appointed to serve successive terms as deemed appropriate by the Mayor and City Council. The Commission may recommend a Chairperson to the Mayor and City Council. In the event the Chairperson resigns, becomes incapacitated or is unable to perform the duties of office or is otherwise removed, the Mayor can appoint another Chairperson, with approval of the City Council, to fill the unexpired term of the Chairperson being replaced.
 - a) Duties of Chairperson. Chairperson shall be responsible for:
 - 1) Appointing such subcommittees as are necessary.
 - 2) Establishing a regular meeting schedule in consultation with Commission members;
 - 3) Presiding over Commission meetings, including deciding upon all points of order or procedure;
 - 4) Reviewing future agenda items with the staffing department;

- 5) Considering other such matters and concerns of the Commission as set forth in these bylaws or as directed by the Mayor and City Council.
2. Vice Chairperson. The Vice Chairperson shall be nominated by the Mayor, and confirmed by the City Council to serve a one year term. The Commission may recommend a Vice Chairperson to the Mayor. In addition to such other duties, if any, as may evolve upon the Vice Chairperson by virtue of the office, or as assigned by the Chairperson, the Vice Chairperson shall preside over meetings of the Commission in the absence of the Chairperson. In the event the Vice Chairperson resigns, becomes incapacitated or is unable to perform the duties of office or is otherwise removed, the Mayor can appoint another Vice Chairperson, with approval of the City Council, to fill the unexpired term of the Vice Chairperson being replaced.
 3. Secretary. The Manager of the Office of Environmental Programs (OEP) of the City of Phoenix shall appoint a member or members of the department's staff to serve as Secretary and Staff to the Commission. Neither the Secretary nor Staff shall be members of the Commission. The Secretary shall take all minutes of Commission meetings and keep all Commission reports in accordance with applicable City ordinances and Arizona statutes. The minutes of all Commission meetings shall be provided to the Commission in summary form. The minutes shall be approved by the Commission before submittal to City Clerk Department Official Records. Documentation shall be kept and maintained in OEP. The Secretary shall be responsible for sending meeting notices to Commission members and for preparing meeting materials. When issues of parliamentary procedures arise, the Secretary and Staff shall be available to advise a Chairperson on such matters.
 4. Legal Representation. The City Attorney, or his/her designee, shall provide legal representation and advice to the Commission as necessary.
- F. Subcommittees. Subcommittees report to the Commission in an advisory capacity and such subcommittees shall exist only so long as necessary to fulfill the purposes for which they were created.
1. Number of Members. When the Subcommittee is formed, the Commission must approve the number of total members of the Subcommittee. A formal vote of the full Commission is required to increase or decrease the numbers on a Subcommittee. The number of Commission members on the Subcommittee must be less than the number need for a quorum of the full Commission. Subcommittees of three or five are recommended. Even numbered memberships should be avoided if possible.
 2. Membership. Membership of a Subcommittee is voluntary and must be approved by the full Commission. Persons who are not members of the

Commission are permitted to serve as voting members of the subcommittee with approval of the full Commission only. Such persons shall submit a resume and letter of interest for consideration by the Commission.

Members of the Commission that are not on the Subcommittee can attend a Subcommittee meeting only as a member of the public and shall only provide comments during the public comment period.

3. Chairperson. The Commission shall elect Subcommittee chairs. The Subcommittee Chairperson should be a Commission member.
4. Removal of Subcommittee Members. A Subcommittee member may be removed by the majority of the full Commission for nonattendance at three consecutive Subcommittee meetings or 50 percent of the Subcommittee meetings in a calendar year, conviction of a crime involving moral turpitude, repeated disruptive behavior after warning, or when in the opinion of the majority of the Commission, removal is in the best interest of the Commission.
5. Agenda Items. Items for the agenda may be proposed by any member of the Subcommittee. The Chairperson of the Subcommittee shall approve the agenda for each meeting.
6. Minutes. Minutes taken by the Commission Secretary shall be approved by the Subcommittee or the Commission if necessary before submittal to City Clerk Official Records.

G. Compensation and Indemnification. Members of the Environmental Quality Commission shall serve without compensation.

ARTICLE IV – MEETINGS

- A. Schedule. When business needs to be conducted and a quorum can be obtained, the Commission may meet monthly and at such other times when called by the Chairperson after consultation with Commission members, and the staffing department.
- B. Quorum. A quorum of the Commission shall consist of a majority of the number of members established by the Ordinance creating or amending the Commission. Any action voted on by a majority vote of the quorum present shall be considered an action of the Commission. In the event a quorum is not present for a meeting, the Commission is prohibited from discussing any items from the agenda and the meeting shall be rescheduled. In the event a quorum is present at the beginning of a meeting and is not maintained throughout the meeting, no discussion may be taken until the quorum is regained. If a quorum cannot be regained, the meeting shall end.

- C. Open Meetings. The Commission and its subcommittees shall hold all meetings and conduct all business in accordance with Arizona Open Meeting Laws A.R.S. § 38-431 et seq. All meetings of the Commission except Executive Sessions authorized by A.R.S. § 38-431.03 shall be open to the public.
- D. Procedure Not Contained in Bylaws. All meetings of the Commission shall be, to the extent not in conflict with these bylaws, conducted according to the latest edition of Roberts Rule of Order, with the exception that the Chairperson of the Commission or subcommittee shall be permitted to vote on any motion.
- E. Proxy Voting, Telephonic Participation.
 - 1. Proxy voting shall not be permitted.
 - 2. Telephonic participation may be permitted where, in the opinion of the Chairperson, members can participate fully by speaker phone or other remote device or application.
- F. Agenda Items. Items for the agenda may be proposed by any member of the commission. The Chairperson shall approve the agenda for each meeting.

ARTICLE V – MISCELLANEOUS

- A. Conflict of Interest. Any member of the Commission who has a substantial interest as defined in A.R.S. § 38-502 in the outcome of any matter brought before the Commission shall make known that interest and the minutes of the meeting shall reflect that the member made such fact known. The member shall refrain from voting, discussing, or in any way participating in that matter. The Commission shall also follow conflict of interest law guidance in the City of Phoenix Ethics Handbook.
- B. Amending Bylaws. These bylaws may be amended at any meeting of the Commission after not less than seven (7) calendar days notice has been given to all members of the Commission and a copy of the proposed amendment sent with notice. Approval of the bylaws and a change in the bylaws shall require a concurring vote of three-fifths of the number of members established by the ordinance creating the Commission.
- C. Requests for Special Reports. Requests for special studies or reports will be coordinated through the staffing department, OEP.