

Appendix I.

STATE ENABLING STATUTE

Act 148 of 1973, which allows the establishment of EACs, was amended in 1996 as P.L. 1158, No. 177. The most common reference to Act 177 is “Act 148 as amended.”

TITLE 53

PENNSYLVANIA CONSOLIDATED STATUTES MUNICIPALITIES GENERALLY

PART III. GOVERNMENT AND ADMINISTRATION

SUBPART D. AREA GOVERNMENT AND INTERGOVERNMENTAL COOPERATION

CHAPTER 23

GENERAL PROVISIONS

Subchapter

- A. Intergovernmental Cooperation
- B. Environmental Advisory Councils
- C. Regional Planning

Enactment. Chapter 23 was added December 19, 1996, P.L. 1158, No. 177, effective in 60 days.

SUBCHAPTER B

ENVIRONMENTAL ADVISORY COUNCILS

Sections

- 2321. Scope of subchapter.
- 2322. Establishment of Environmental Advisory Council.
- 2323. Composition and organization of council.
- 2324. Powers and duties of council.
- 2325. Records and reports.
- 2326. Appropriations for expenses of council.
- 2327. Status of existing agencies unaffected.
- 2328. Assistance from State Conservation Commission.
- 2329. Assistance from Department of Community and Economic Development.

§ 2321. Scope of subchapter.

This subchapter applies to all municipal corporations.

§ 2322. Establishment of Environmental Advisory Council.

The governing body of any municipal corporation or group of two or more municipal corporations may by ordinance establish an environmental advisory council to advise other local governmental agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within its or their territorial limits.

§ 2323. Composition and organization of council.

- (a) **Composition.**—An environmental advisory council shall be composed of no less than three nor more than seven residents of the municipal corporation establishing the council, who shall be appointed and all vacancies filled by the governing body. Where two or more municipal corporations jointly establish an environmental advisory council, the members shall be appointed in the same manner by each of the respective municipal corporations establishing the council, each constituent municipal corporation to have equal membership on the joint council.
- (b) **Term of office.**—Council members shall serve for three years except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year, the terms of their successors to be of three years each.

- (c) **Compensation and expenses.**—Members shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.
- (d) **Chairman .**—The appointing authority shall designate the chairman of the council except that in joint councils the chairman shall be elected by the duly selected members. Whenever possible, one member shall also be a member of the municipal planning board.

§ 2324. Powers and duties of council.

- (a) **General rule.**—An environmental advisory council shall have the power to:
 - (1) Identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits
 - (2) Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.
 - (3) Promote a community environmental program.
 - (4) Keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.
 - (5) Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the purposes of this subchapter.
- (b) **Limitation .**—An environmental advisory council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

§ 2325. Records and reports.

An environmental advisory council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual report of the municipal corporation or, if none, otherwise made known and available.

§ 2326. Appropriations for expenses of council.

The governing body of any municipal corporation establishing an environmental advisory council may appropriate funds for the expenses incurred by the council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

§ 2327. Status of existing agencies unaffected.

This subchapter shall not be construed to require a municipal corporation to abolish an existing commission with a related responsibility or to prevent its establishment.

§ 2328. Assistance from State Conservation Commission.

The State Conservation Commission shall establish a program of assistance to environmental advisory councils that may include educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and the coordination of State and local conservation activities. (May 5, 1998, P.L. 301, No 50, eff 60 days)

§ 2329. Assistance from the Department of Community and Economic Development.

The Department of Community and Economic Development shall establish a program of assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas. (May 5, 1998, P.L. 301, No. 50, eff. 60 days)

Appendix II. SAMPLE EAC ORDINANCE

ORDINANCE NO. 132

AN ORDINANCE OF THE TOWNSHIP OF PARADISE, MONROE COUNTY, PENNSYLVANIA,
CREATING AN ENVIRONMENTAL ADVISORY COUNCIL,
PROVIDING OPERATING PROCEDURES AND STATING THE POWERS OF THE COUNCIL.

WHEREAS, The Board of Supervisors of Paradise Township, Monroe County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of Township to be advised as to: environmental issues within the Township; the protection and preservation of natural resources within the Township; possible uses of open land in the Township; creating inventories of natural areas with unique feature within the Township; and

WHEREAS, Section 1506 of the Second-Class Township Code, Act of May 1, 1933, P.L. 103 No. 69, as amended by the Act of Nov. 9, 1995, P.L. 350, No. 60, found at 53 P.S. section 66506, entitled "General Powers", authorizes the Board of Township Supervisors to make and adopt ordinances necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the township; and

WHEREAS, Section 11501 of the Act of Dec. 21, 1973, P.L. 425, No. 148, Chapter 30C - Environmental Advisory Councils - authorizes the governing body of any township to establish, by ordinance, an Environmental Advisory Council to advise other local government agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources including air, land and water resources, located within its territorial limits.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Paradise Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

CHAPTER 6

Section 1. An advisory council to be known as the Paradise Township Environmental Advisory Council, is hereby created and shall continue to function until this ordinance is revoked.

Section 2. The Environmental Advisory Council shall be composed of five residents of this municipality.

Section 3. Council members shall be appointed in accordance with the following procedures:

- (1) All council members shall be appointed by the Governing Body of the political subdivision.
- (2) Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.
- (3) Duly appointed council members shall serve a term of three years, except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year.
- (4) Whenever possible, one member shall also be a member of the local planning commission.

Section 4. Council members shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

Section 5. The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials, planning commission and other such local governmental agencies.

Section 6. The governing body shall designate the chairman of the council.

Section 7. The Environmental Advisory Council shall have the following powers:

- (1) Identify environmental problems.
- (2) Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the area of this municipality.
- (3) Make recommendations as to the possible use of open land areas of this municipality.
- (4) Promote a community environmental program.
- (5) Keep an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and other unique natural areas.
- (6) Advise the appropriate local governmental agencies in the acquisition of property, both real and personal.
- (7) To undertake such environmental tasks as requested by the governing body of this municipality.

Section 8. The Environmental Advisory Council shall keep records of its meetings and activities and shall make an annual and report which shall be printed in the annual municipal report (if applicable) or otherwise made known available. Minutes of each meeting shall be forwarded to the governing body.

Section 9. The governing body of this municipality may, from time to time, appropriate funds for the expenses incurred by the Council.

ENACTED AND ORDAINED ON this _____day of _____,2002.

This ordinance shall become effective five (5) days after adoption.

Theresa Merli, Chairman

John H. Bowman, Jr., Vice- Chairman

Charles DePue, Supervisor

(Township Seal)

Reda Briglia, Secretary/Treasurer

Appendix III. SAMPLE RESOLUTION ESTABLISHING AN EAC

RESOLUTION NO. 882

A RESOLUTION OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA
ESTABLISHING A PROCEDURE FOR THE IDENTIFICATION AND PRESERVATION OF OPEN SPACE
TO BE KNOWN AS THE LOWER MAKEFIELD OPEN SPACE INITIATIVE.

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space adds to the aesthetic beauty and value of the community, and maintains its rural character;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space can increase property values and, consequently, tax revenues;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space can provide Township residents with a variety of active and passive recreational opportunities;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space serves a variety of necessary functions including stormwater management and flood control, agricultural use, composition of natural debris, and limits the impact of development;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that preservation of open space is in the Township's interest and is necessary to preserve the quality of life for Township residents; and

WHEREAS, Article XIX of the Second Class Township Code specifically authorizes the Board of Supervisors to preserve and acquire open space for the public benefit.

NOW, THEREFORE, be it RESOLVED that Lower Makefield Township shall undertake the Open Space Initiative as set forth herein:

SECTION ONE: OBJECTIVE

To identify available open space and important natural resources, advise the Township of opportunities to acquire or otherwise preserve open space and the resources therein, and set forth guidelines for the acquisition or preservation of open space within the Township's means.

SECTION TWO: DEFINITIONS

The definitions in this section shall be limited in their application to this Resolution and shall not be construed to restrict or expand the definitions of the same or similar terms found in other Township ordinances, resolutions, codes or the Comprehensive Master Plan:

"Open Space"- Those lands located in Lower Makefield Township which remain in a natural state, or are used for agricultural or recreational purposes, and are not owned, possessed or controlled by a real estate developer or subject to a real estate development agreement. Open Space does not include land occupied by structures, roads, rights-of-way, parking lots or stormwater detention basins.

"Environmental Advisory Council"- Five (5) member Township committee which shall explore preservation options and make recommendations to the Board of Supervisors.

"Open Space Fund"- Moneys set aside by the Township for the purpose of acquiring or preserving open space.

"Open Space Preservation Plan"- Any preliminary or final plan for the acquisition or preservation of a parcel of open space in the Township.

"Real Estate Developer"- Any person or entity engaged in the business of residential, commercial or industrial development of real estate for profit.

“Real Estate Development Agreement”- Any binding legal contract or agreement to option or sell real estate between a landowner and a real estate developer.

“Supervisors”- The Board of Supervisors of Lower Makefield Township.

“Township”- The Township of Lower Makefield.

SECTION THREE: CREATION OF AN ENVIRONMENTAL ADVISORY COUNCIL

- (1) The Board of Supervisors shall appoint a five (5) member Environmental Advisory Council (EAC) to explore all options for the acquisition and /or preservation of open space and make recommendations to the Board on feasible alternatives for acquisition or preservation.
- (2) The Board of Supervisors will utilize its best efforts to appoint to the EAC, as members, one (1) member of the Board of Supervisors, one (1) member of the Planning Commission, and one (1) member of the Park and Recreation Board. The terms of office for any member of the EAC, who also serves as a member of another board or commission of the Township, shall be for one (1) calendar year commencing with their appointment by the Board of Supervisors. Any person appointed to the EAC who is not a member of a Board or Commission affiliated with the Township shall be appointed for a three (3) year term which said terms shall be staggered for all members at large appointed to the EAC so that the first person shall be appointed for an initial three (3) year term, the next for an initial two (2) year term and the last for an initial one (1) year term. Prior to the expiration of the term of appointment, the Board of Supervisors, the Planning Commission, and Park and Recreation Board shall provide the Board of Supervisors, in writing, with a recommendation for one of their members to be appointed to the EAC but the Board of Supervisors shall make the final determination as to the membership of the EAC. In addition, the Board of Supervisors may also appoint a representative of a recognized conservancy or land trust to act as a consultant to the committee, including but not limited to, the agencies noted in Appendix “A” to this Resolution.
- (3) The EAC shall endeavor to meet monthly as the need arises.

SECTION FOUR: ESTABLISHING AN OPEN SPACE FUND

The Township may establish a fund as permitted by law for the purpose of acquiring or preserving open space and the important natural resources located therein.

SECTION FIVE: IDENTIFICATION

- (1) The EAC shall identify and map all areas of open space and important natural resources in the Township.
- (2) The EAC shall attach priority to each area of open space. A priority of one (1) shall indicate the lowest level of desirability for preservation. A priority of ten (10) shall indicate the highest level of desirability for preservation. When setting priorities, the EAC shall consider the following factors:
 - a. presence of protected natural resources and other natural features of the open space including but not limited to the presence of wetlands, the location of open space within a watershed area or flood plain, and the presence of species of flora and fauna of special concern;
 - b. suitability for use for agricultural purposes;
 - c. suitability for use for recreational purposes;
 - d. suitability for other uses consistent with the character of the land as open space;
 - e. aesthetic value to the community;
 - f. negative features such as the known presence of environmental hazards or contaminants, nuisances or other dangers;
 - g. the danger or likelihood of imminent development;
 - h. presence of historical structures;
 - i. presence of archaeological sites or other features of importance to the preservation of the heritage of Lower Makefield;
 - j. linkage of adjoining areas of protected open space that may be protected in the future; and
 - k. importance to the free movement of wildlife through the area.

- (3) The EAC shall present its findings to the Board of Supervisors. The EAC, with approval of the Board of Supervisors, may alter the priorities as circumstances warrant.
- (4) The identification, mapping and prioritizing should be completed within eight (8) to twelve (12) months of the formation of the EAC. The identification, mapping and prioritizing shall be the first phase of a comprehensive Environmental Resource Inventory of the Township that shall be revised and expanded as necessary to reflect changing conditions in the Township.
- (5) The Board of Supervisors hereby authorizes expenditure of funds not to exceed \$1,000.00 to match available grants for supplies and professional assistance in the identification, mapping and prioritizing process.

SECTION SIX: NOTICE

- (1) The Board of Supervisors shall send a letter via first class mail to all owners of open space designated as a priority of five (5) or higher by the EAC advising them of the Township's interest in acquiring and/or preserving open space. The letter shall request the landowner's voluntary cooperation in notifying the Township should they consider the sale or transfer of all or any portion of their open space.
- (2) From time to time, but no more than twice in any calendar year, the Board of Supervisors may send a follow-up letter to all owners of open space designated as a priority of five (5) or higher by the EAC advising them of the Township's continued interest in acquiring and/or preserving open space and requesting their continued voluntary cooperation.
- (3) The Board of Supervisors may also send a letter to local realtors and real estate agencies advising them of the Township's interest in acquiring and/or preserving open space, and requesting their voluntary cooperation in notifying the Township of opportunities for acquisition and/or preservation of open space once they arise.
- (4) The Board of Supervisors or the EAC may also initiate personal contact with landowners when deemed appropriate.

SECTION SEVEN: ADOPTING AN OPEN SPACE PRESERVATION PLAN

- (1) Upon notification of the availability of open space for acquisition or preservation, the EAC shall appoint one or more of its members to meet with the landowner or his/her agent. The EAC may request the participation of representatives of a land trust or conservancy in the discussions with the landowner or his/her agent.
- (2) Within sixty (60) days after appointment, the EAC representative(s) shall meet with the landowner or his/her agent, and shall report back to the EAC regarding possible methods of acquiring or preserving the parcel. The EAC shall then make a recommendation to the Board at its next regularly scheduled public meeting.
- (3) The EAC and Board of Supervisors may consider all methods for acquiring or preserving the open space that are permitted.
- (4) If the Board of supervisors deems that acquisition or preservation of the parcel is feasible, it shall authorize the EAC to draft a preliminary open space preservation plan. The plan shall specify:
 - a. identity of all parties to be involved in the transaction
 - b. the intentions of the parties with regard to the parcel
 - c. the size and location of the parcel
 - d. natural and historic features of the parcel
 - e. the intended use of the parcel
 - f. possible methods of acquisition or preservation
 - g. possible sources of funding

- (5) Not later than sixty (60) days after receiving authorization from the Board of Supervisors, the EAC shall present a preliminary open space preservation plan to the Board of Supervisors. The Board of Supervisors shall approve, conditionally approve, or reject the plan.
 - a. If the plan is approved as presented, or with changes or conditions, the Board of Supervisors shall direct the EAC to finalize the plans with the landowner or his/her agent, and incorporate the changes or conditions, if any.
 - b. If the plan is rejected, the Board of Supervisors may direct the EAC to meet with the landowner or his/her agent in an effort to develop an alternative preliminary open space preservation plan. If the landowner and the EAC develop a new preliminary open space plan, the procedures set forth in this paragraph shall be followed.
- (6) Upon approval of the preliminary open space preservation plan, the Board of Supervisors shall retain an environmental consultant to evaluate the open space for potential environmental hazards and contamination.
- (7) Upon approval of the preliminary open space preservation plan, the Board of Supervisors shall also authorize a title search for the parcel.
- (8) Not later than sixty (60) days after approval or conditional approval of the preliminary open space preservation plan, the EAC shall present to the Board of Supervisors at a regularly schedule public meeting a final open space preservation plan. The plan shall meet the requirements of paragraph four (4) (a)-(e) above, but shall identify the final source(s) of funding and the chosen method(s) of acquisition and/or preservation. At the meeting, the Board of Supervisors shall review the environmental consultant's evaluation of the parcel and the title search. After a hearing, the Board of Supervisors shall vote to approve or reject the final open space preservation plan.
- (9) Upon approval of the final open space preservation plan, the Board of Supervisors shall take the actions required by the plan within a reasonable time.

SECTION EIGHT: REFUND OF REALTY TRANSFER TAX

In lieu of acquiring or preserving open space through its own funds, the Township may facilitate the transfer of open space from the landowner to a third party desiring to keep the land in its natural state by refunding the Township percentage of the realty transfer tax. In return, the deed shall bear a restriction to run with the land prohibiting future development except for agricultural or recreational uses.

SECTION NINE: SERVERABILITY

If any section, paragraph, sub-section, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

SECTION TEN: EFFECTIVE DATE

This Resolution shall become effective in accordance with the provisions of the Second Class Township Code of the Commonwealth of Pennsylvania.

RESOLVED, this 15th day of August, 1994

BOARD OF SUPERVISORS OF LOWER MAKEFIELD TOWNSHIP

Appendix IV.

SAMPLE MULTI- MUNICIPAL EAC ORDINANCE

ARTICLE 153

Sections

- 153.01 Creation and membership.
- 153.02 Compensation and expenses.
- 153.03 Chair.
- 153.04 Advisory function and limitation.
- 153.05 Meetings.
- 153.06 Duties of the council.
- 153.07 Funds and accounting.

153.01 Creation and membership.

- (A) The City of Meadville hereby creates an Environmental Advisory Council, jointly with the municipalities of the Township of Vernon and the Township of West Mead.
 - (B) The Environmental Advisory Council shall be composed of six members, two residents representing each of the three municipalities.
 - (C) Council members shall be appointed in accordance with the following procedures:
 - (1) Each governing body shall appoint two members of the council, each of whom shall be a resident of the appointing municipality.
 - (2) Whenever possible, one member appointed by each participating municipality shall also be a member of the municipal planning board or commission of that municipality.
 - (3) Council members' terms of office shall expire on the first Monday in January following the last year of their term of office, provided, however, that members shall continue to serve until their successors are appointed by the appropriate municipality(ies) in the event successors are not appointed as of the first Monday in January following the last year of their term.
 - (4) Members of the Council shall serve terms of three years, except that the terms of the initial members shall be so staggered that the terms of one-third of the membership shall expire each year. Terms of the initial members shall be staggered after the appointment of the initial six members of the council through the drawing of lots among them or other method acceptable to the members at their organization meeting. Members shall continue to serve until their successors are duly appointed by the appropriate participating municipality(ies).
- (Ord. 3511 § 1, 1998)

153.02 Compensation and expenses.

Members shall receive no compensation for their services but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties when, as and to the extent that the Environmental Advisory Council may have funds available for such purposes. The participating municipalities may, from time to time, elect in their sole discretion to make appropriations to or on behalf of the Environmental Advisory Council. The Environmental Advisory Council may accept funding from public or private sources to further its activities. The adoption of the ordinance codified in this article does not in any way commit the adopting municipality to make any appropriation or payment to or for the benefit of the Environmental Advisory Council. (Ord. 3511 § 1m 1998)

153.03 Chair.

A chair of the Environmental Advisory Council shall be elected annually during the month of January by the members of the Council. (Ord. 3511 § 1, 1998)

153.04 Advisory function and limitation.

(A) The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials of the participating municipalities and with appropriate agencies of the participating municipalities, including, but not limited to, their planning commissions and their park and recreation boards, on matters dealing with protection, conservation, management, promotion and use of natural resources, relating to French Creek and its tributaries.

(B) The Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency. (Ord 3511 § 1, 1998)

153.05 Meetings.

Meetings of the Council shall be held at the call of the chair and at such other times as the Council shall determine. All meetings of the Council shall be open to the public, except for meetings which may be held in executive session under applicable law for the purpose of preparing and delivering advice to the governing bodies of the participating municipalities concerning the acquisition or disposition of real estate. The Council shall keep records of its meetings and activities and shall make a written annual report to the governing bodies of the three municipalities. To the extent that any of the municipalities publish or file annual reports of their activities, the annual report of the Environmental Advisory Council shall be included in that municipality's annual report. If any of the participating municipalities do not publish or file an annual report, such municipality(ies) shall make appropriate arrangements to have the annual report of the Environmental Advisory Council made known and available to its citizens. (Ord. 3511 § 1, 1998)

153.06 Duties of the council.

The Environmental Advisory Council shall have the following duties relating to French Creek and its tributaries:

- (A) To advise the appropriate governmental agencies concerning the benefits of, potential for, methods of accomplishing and other facts relevant to the creation of a "greenway" adjacent to French Creek and its tributaries in each of the participating municipalities; and
- (B) To identify environmental problems, issues, and trends affecting the participating municipalities; and
- (C) To recommend plans and programs to the appropriate agencies of the municipalities for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the corporate boundaries of the three municipalities; and
- (D) To make recommendations as to the appropriate use of open land areas; and
- (E) To develop, recommend, and, when authorized, promote a community environmental program designed to enhance public awareness of environmental issues affecting the municipalities, the alternatives available to address such issues and the impact each alternative may have upon the environment and the development of the region; and
- (F) To work cooperatively with public, private, commercial, and industrial entities in the area to develop a better understanding of the potential environmental impacts of public and private sector actions and to coordinate activities to minimize any negative impact arising therefrom; and
- (G) To keep an index of all open areas, publicly or privately owned, including but not limited to flood-prone areas, wetlands, and other unique natural areas; and
- (H) To advise the appropriate local government agencies in the acquisition of property, both real and personal, whether by gift, purchase, grant, bequest, easement, devise or lease; and
- (I) To undertake such additional environmental tasks as requested by the joint action of the governing bodies of the three participating municipalities. (Ord. 3511 § 1, 1998)

153.07 Funds and accounting.

To the extent that the Environmental Advisory Council receives public or private funding, all such funds shall be held, administered, and paid on behalf of the Environmental Advisory Council by the finance officials of (municipality) under and in accord with the (hold for agency name which covers city/township combinations) generally accepted accounting practices applicable to municipalities (Ord. 3511 § 1, 1998)

Appendix V.

SAMPLE MULTI- MUNICIPAL EAC BYLAWS

THE FRENCH CREEK ENVIRONMENTAL ADVISORY COUNCIL BYLAWS

ARTICLE 1 NAME OF COUNCIL

The name of this organization shall be the French Creek Environmental Advisory Council.

ARTICLE 2 AUTHORIZATION

The authorization for the establishment of this Advisory Council is set forth in Act 148 of 1973, authorizing the creation of an Environmental Advisory Council, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Seventh Class County Code, _____, _____, P.L. _____; 19__ P.L. _____ as amended, P.S. Section _____ et seq.

ARTICLE 3 PURPOSE

The French Creek Environmental Advisory Council (FCEAC, EAC, Advisory Council, or Council) organized under these bylaws shall have power to identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and the improvement of the quality of the environment within its territorial limits; and shall advise the appropriate governmental agencies, including but not limited to the county planning commission, local planning commissions and recreation and park boards, and to elected governing body or bodies within its territorial limits.

ARTICLE 4 MEMBERSHIP

Section 1 – The EAC shall be comprised of six appointed persons, two of whom shall be residents of the City of Meadville, two of whom shall be residents of the Township of West Mead, and two of whom shall be residents of the Township of Vernon. Additional members who are not appointed as identified by this section shall be considered “associate members”. Individuals who periodically advise the EAC and/or periodically attend meetings for the purpose of advisement are not considered EAC members.

Section 2 – All members, appointed and associate (see Article 4, Section 1, above) are expected to attend scheduled, routine meetings. The EAC Chairperson on his/her own may, or a majority of the members present at any scheduled EAC meeting may vote to “notify” (as defined below) any EAC member who is absent from any four consecutive regular monthly Environmental Advisory Council meetings or who is absent from six regular monthly meetings during any twelve month period without reasonable cause.

The notification shall: (1) be written; (2) include a summary of the member’s attendance record; and (3) request the member to reply in writing within twenty calendar days or appear in person at the next regular monthly EAC meeting, whichever occurs later.

If a member notified as above fails to respond, or if the member’s reply in the judgment of the EAC members present at a regular meeting indicates nonfeasance in office, the municipalities of the City of Meadville, Township of West Mead, and the Township of Vernon, as the appointing authority, shall be notified giving the relevant facts in the matter with a recommendation from the EAC to remove such EAC member from office for nonfeasance according to Section 208 of the Municipalities Planning Code.

ARTICLE 5 OFFICERS

Section 1 – The officers of the EAC shall consist of a Chairperson, Vice-Chairperson, and Secretary. The office of Chairperson and Vice-Chairperson must be resident members of the EAC as identified in Article 4, Section 1.

Section 2 – The Chairperson shall preside at all meetings and hearings of the EAC, and shall have the duties normally conferred by parliamentary usage of this officer. He/she shall be an ex-officio member of all committees.

Section 3 – The Vice-Chairperson shall act as Chairperson in the Chairperson's absence.

Section 4 – The Secretary, with the assistance of such staff as is available, shall keep the minutes and records of the Council, shall prepare the agenda of regular and special meetings under the guidance of the Chairperson, provide notice of all meetings to EAC members, arrange proper and legal notice of hearings, attend to correspondence of the EAC and such other duties as are normally carried out by a Secretary.

ARTICLE 6 TERMS & ELECTION OF OFFICERS

Section 1 – An annual organization meeting shall be held in the month of January of each year at the time, on the date, and at the place designated by the EAC for a regular meeting. The initial terms of the six (6) resident members (see Article 4, Section 1) of the EAC shall be as follows: two (2) members shall serve until the reorganization meeting of the municipalities of the City of Meadville, Township of West Mead, and the Township of Vernon in 2000, two (2) until the reorganization meeting in 2001, and two (2) until the reorganization meeting in 2002. Their successors shall thereafter serve for a term of three (3) years. The position of any member of the EAC residing within the member's appointed municipality at the time of appointment who thereafter moves his/her residence from that municipality shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

Section 2 – Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified in Article 5, Section 1 shall follow immediately.

Section 3 – A candidate receiving a majority vote of the voting membership of the EAC shall be declared elected and shall serve one year or until his/her successor shall take office.

Section 4 – Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE 7 MEETINGS, VOTING & QUORUMS (See Article 4, Section 2 on Meeting Attendance.)

Section 1 – Regular meetings will be held by the EAC on a periodic, recurring basis. The EAC shall establish the time(s) of day, date(s), and place(s) where the regular meetings will be held by official action. It shall be presumed that the EAC will hold all of its regular meetings at the time, on the date, and at the place designated unless a meeting is canceled by the Chairperson for cause and notice given to EAC members. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting.

Section 2 –

- a. A quorum shall consist of a simple majority of the total EAC resident (appointed) membership, including officers. An associate member (as defined by Article 4, Section 1) may only represent a portion of the quorum if he/she is an officer. Non-officer associate members may not comprise the quorum, nor do they have voting privileges.
- b. A simple majority of the total EAC resident (appointed) membership, including officers who may be associate members, is required to transact business in which persons have an interest, there is widespread community interest in the three member municipalities, or the action is likely to affect the longterm future development of the member municipalities such as, but not limited to, the adoption of plans, official maps, regulations, review of subdivision plans and land developments, and action on zoning matters and planned commercial and industrial developments.

Section 3 – Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting within seven days when requested to do so by a majority of members of the EAC. The Secretary shall notify all members of the EAC in writing no less than three days in advance of such special meetings.

- Section 4** – All meetings or portions of meetings at which official action is taken shall be open to the public. However, the EAC may meet in closed session for discussion purposes, pursuant to “The Sunshine Act of 1987.”
- Section 5** – Unless otherwise specified, Robert’s Rules of Order shall govern the proceedings at meetings of this Council.
- Section 6** – All meetings not called to order for any reason within fifteen minutes of the time designated may be canceled
- Section 7** – The Chairperson may appoint committees for specific purposes as necessary.

ARTICLE 8 ORDER OF BUSINESS

- Section 1** – The order of business at regular meetings shall be:
 - a. Roll call
 - b. Review of minutes of previous meeting and action thereon
 - c. Report of officers and committees
 - d. Old business
 - e. New business
 - f. Public Comment
 - g. Adjournment
- Section 2** – A motion from the floor must be made and passed in order to dispense with any item on the agenda.

ARTICLE 9 HEARINGS

- Section 1** – In addition to those required by law, the EAC may hold public hearings when it decides that such hearings will be in the public interest.
- Section 2** – Except as required by law, notice of the time and place of such hearings, when on matters of wide-spread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than two weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.
- Section 3** – The matter before the EAC shall be presented in summary, by some person designated by the Chairperson, and parties in interest shall have privilege of the floor.
- Section 4** – No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.
- Section 5** – A record shall be kept of those speaking before the EAC at such hearings.

ARTICLE 10 AMENDMENTS

These bylaws may be amended by a majority vote of the voting membership of the EAC. Each member of the EAC shall receive written notice of any proposed amendments a minimum of seven days prior to taking action.

ARTICLE 11 REPEALER

Any bylaws that previously may have been adopted and approved by the EAC are hereby repealed<?>153.04 Advisory function and limitation.

- (A) The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials of the participating municipalities and with appropriate agencies of the participating municipalities, including, but not limited to, their planning commissions and their park and recreation boards, on matters dealing with protection, conservation, management, promotion and use of natural resources, relating to French Creek and its tributaries.
- (B) The Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency. (Ord 3511 § 1, 1998)



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