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A Model of an Environmental Advisory Committee for City Government

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A MODEL OF AN ENVIRONMENTAL
ADVISORY COMMITTEE FOR
CITY GOVERNMENT

by

Henry Barrett Baker

A Project Report
Submitted to the
Faculty of The Graduate College
in partial fulfillment
of the
Specialist in Arts Degree

Western Michigan University
Kalamazoo, Michigan
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Henry Barrett Baker

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CHAPTER I

INTRODUCTION

An environmentalist would be remiss if one did not attempt to restore order out of the present environmental chaotic status. The energy crisis has precipitated national concern for our economic well-being, which by rights it should, but the crisis has also allowed the "loosening of environmental checks and balances."

From what has been observed in the past, two factions diametrically opposed to one another have relied upon power to settle their differences when it approached the economic-environmental battle. The observation has been polarity; one wins and one loses. Must the battle be always one-sided? Can rationalism exist and the word compromise be extended into the framework of each camp?

The concern for the environment cannot be "swapped off" for the sake of economics entirely. There must be a mechanism for economic-environmental compromise. One of the means of compromise is being presented in this project.

The main objective of this project is to establish a model for a community that would have citizen involvement in governing environmental policies in that city.

This is to be accomplished by:

- A. researching the existence of established environmental advisory committees or environmental commissions in midwestern, eastern and southern states;

- B. interviewing members of the Environmental Concerns Committee of Kalamazoo, Michigan and the Environmental Board of Portage, Michigan for ideas for the project;
- C. reviewing the literature to find pertinent input into the establishment of the environmental group;
- D. writing ordinances for:
 - 1. the establishment of an environmental policy group and
 - 2. the establishment of an environmental policy act for a community;
- E. writing an application form for a city government for citizens interested in becoming a member of an environmental group;
- F. developing a reading list for updating and informing the environmental groups;
- G. developing a list of priorities that would have significance to environmental groups and;
- H. giving examples of existing environmental ordinances and a proposal for giving direction to novice committees or commissions.

The purpose of this project then is to devise a model for a community that would have citizen input into the formulation of environmental policy.

There are two approaches that can be taken in developing an environmental group. One approach is an advisory committee; the other is an environmental commission.

An environmental advisory committee is defined as a committee of citizens appointed by a governing board of a city with the duties of recommending environmental policy to the city council. The definition of an environmental commission constitutes a citizen group or body appointed by a governing board of a city or elected by citizens of a community specifically assigned duties of making environmental policy

and with the sole authority to review and make environmental decisions under the jurisdiction of the commission. The question which then arises is which is the best approach to the establishment of a model?

Steps Leading to the Choosing of an Advisory Committee

As a part of an internship program, work was done with the Environmental Concerns Committee of the City of Kalamazoo for six months with the idea in mind of developing a specific environmental group for the author's home community. During this time, the objectives were to observe and participate in the formulation of policy of the committee and observe the functioning of the committee. This experience aided in the choice of a committee for the model.

A letter (Appendix 1) was drafted and submitted to twenty cities of approximately 100,000 population in midwestern, eastern and southern states chosen at random for answers to questions pertinent to established programs. The results of the questionnaire are tabulated in Table 1.

Of the twenty cities selected, thirteen cities responded. Only two cities had environmental advisory committees, and only one city had an environmental commission. The total percentage figures are derived from twenty-six possible committees or commissions that could have been established due to one city's response of having both a committee and a commission. The letter (Appendix 1) was addressed to the city manager in each city. A self addressed post card was enclosed with questions to insure better response. Only one letter was received stating its specific case (Appendix 1).

Table 1

Responses to Questionnaire Asking for Established
Environmental Advisory Committees
or Environmental Commissions

Question	Percentage Yes	Percentage No
Does your city have an established environmental advisory committee?	15	85
Does your city have an established environmental commission?	8	92
Total Percentage	12	88

The response was unexpected. Due to the fact that so few committees or commissions were established, an alternative method was beginning to be perceived as the best approach to the project. Rather than establish a model specifically for one community, a general model should be delineated in broad terms that might meet the needs of many communities.

The question then became: if so few cities had advisory committees or commissions, should the model being established be one that recommends policy or makes policy?

There are many people in the United States involved and working for environmental causes. Many of these persons are paid employees of commercial and industrial concerns, federal, state, and local governments, but many are also volunteer workers. It is the volunteer in environmental issues that is the concern in this project. It is the concerned citizen, who, by virtue of his awareness, can have great impact upon the issues and policies of environmental management.

The National Conference on Managing the Environment (Final Report)¹ shows the citizen participating as an advisor to city government in several ways; one way is the advisory board. The report states:

"The most important ingredient in a successful citizen participation program is still the responsiveness and interest of the government official; without that interest, even the most sophisticated citizen participation program is still the responsiveness and interest of the government official; without that interest, even the most sophisticated citizen participation mechanisms are doomed to failure."

With the government official in mind, some of the known environmental boards established will be discussed. As has been established, there are two mechanisms present in establishing environmental groups in city government; the environmental advisory board and the environmental commission. The advisory board will be discussed first.

Appointed Advisory Boards

There are two rationales used in appointing advisory boards. One is to appoint a cross section of a community to involve total community impact. The second rationale is to appoint citizens with known expertise in specific environmental areas. The report² states:

"An advantage of citizens advisory boards is the provision of a two-way communication at regular meetings with continuity of interaction. Staff support from the city administration strengthens the board's effectiveness and credibility. The disadvantage of these boards, however, is the tendency to rely upon the citizens' board to the exclusion of the remainder of the population, on the assumption that the board represents the citizenry as a whole."

¹Office of Research and Development, Final Conference Report for the National Conference on Managing the Environment, (1973) IV-3.

²loc. cit., p. IV-5.

Examples of advisory boards included in the report are the Citizens' Environmental Task Force of Cincinnati, Ohio and the Citizens' Environmental Quality Committee of Dallas, Texas.

The report³ states that the Cincinnati Task Force is composed of private citizens with expertise in specific fields. The Task Force consists of "a chairman, appointed by the mayor and approved by the city council; an administrative assistant and secretary, hired by the Task Force Chairman; Vice-Chairman, appointed by the Chairman; and six sub-committees." The areas investigated were air, water, noise, land use, solid waste and energy conservation.

The Dallas, Texas Citizens' Environmental Quality Committee was "multidisciplinary in composition and received staff support from employees who worked full-time with the committee in defining and researching problem areas." It was "charged with the development of a city-wide environmental policy encompassing the activities of both government and private entities."

Appointed Environmental Commissions

The report⁴ states:

"The commission is an official agency of local government consisting of citizens appointed to serve without compensation for a fixed term. The commission derives its legitimacy from state enabling legislation and municipal ordinances. The first commission was created in Massachusetts in 1957, and others have subsequently been adopted in New England and other northeastern states. The activities of commissions include acquisition, coordination, and planning for the protection of the environment. The coordinating role enables commissions

³ibid.

⁴loc. cit., p. IV-6.

to work with local environmental groups. In Hanover, Massachusetts, the Conservation Commission became the coordinating body in a group effort to protect and preserve the North and South rivers. Commissions may, subject to approval of the governing board, acquire property in the name of the municipality by gift, purchase, bequest, devise or lease, and are empowered to administer the use of that land! Commissions are also empowered to conduct studies and make recommendations in the same manner as other citizen boards.

The most important difference between advisory boards and commissions is state sponsorship, eligibility for state funding, and the ability of the commission to acquire and control land. The need for comprehensive planning before selecting the sites for acquisition tends to put the emphasis on conservation and open space rather than on pollution abatement. Whether the commission approach will prove to be applicable to large cities, varying so greatly from the typical New England town where these commissions developed, is a question which remains to be answered; as one meaningful approach to the involvement of outsiders in the governing body, the conservation commission has many advantages."

The conference report⁵ states:

"Citizen advisory boards are more acceptable because they allow two-way communication. The boards provide the municipal officials with a channel for dissemination of information to the community and also provide the public with the opportunity to convey its values and viewpoints to the planner. Boards are also useful in helping a municipal official anticipate public reactions.

Problems may arise, however, which can hinder the effectiveness of the boards. The board members may be unsure as to their function and/or may be inadequately prepared to evaluate technical information and offer substantive advice. City officials may find it impractical to heed the board's advice.

Many of the problems encountered with public hearings and advisory boards can be avoided, or at least decreased, if the city official realizes early the need for a mutually supportive, two-way relationship with the public."

⁵ loc. cit., p. IV-13.

The dichotomy of the question of which is the better choice; commission or committee does not emerge with conquest on one side and defeat on the other side. This is not a question of emergence of one view but compromise of both views. The reasons for a synergistic view are as varied as the cities that would develop environmental policy. In the cities studied with environmental commissions in this project, the authoritative commission was established from an advisory committee.⁶

City governments would be apprehensive about giving ultimate authority to a newly established commission without proof of the credibility of the group.⁷ If a committee was established as a recommending body to councilmen for a short duration (charter for two years) and credibility was established, the committee could then recommend to the council the establishment of an environmental commission and at that time incorporate into the ordinance the duties and responsibilities desired by the commission. They, in essence, establish their own jurisdiction and authority as they desire at the time of committee dissolution.

Because most cities do not have established environmental committees or commissions, it is the opinion of the author that most cities are reluctant to have them established. If this is a valid appraisal of the situation, an individual or organization may work for establishment of a committee as a possible approach to a commission.

⁶ Interview with member of the Portage, Michigan Environmental Board, May 1, 1974.

⁷ Interview with member of the Kalamazoo, Michigan Environmental Concerns Committee, May 14, 1974.

Before an environmental committee can become established in a community, a basic need must be recognized in city government. From the research, it is recognized that influence emanates from both external and internal governmental forces. Some of the committees were established by city governments themselves and others by demands made upon city government by constituency groups. When city government does not see the importance of recognizing an environmental advisory committee internally, then external constituency pressure should prevail to establish the committee through a showing of strength.⁸

Many different philosophies exist pertinent to the duties of an established environmental advisory committee and commission. Some of the committees devote their time to solving suburban and urban pollution problems, and others to not solving problems at all but dwell upon prevention techniques.

One person⁹ interviewed stated that an environmental commission should concentrate its efforts upon the transitional areas of rural-suburban problems rather than curing the ills of established urban blight. This philosophy reflected prevention rather than cure. The person further stated that an earnest effort should be directed toward establishing proper air quality standards and water quality standards rather than focusing upon detergent phosphate counts and glass bottle reclamation centers. The model presented will reflect again a compromise of ideas from all views rather than any one single philosophy.

⁸Interview with member of Environmental Concerns Committee of Kalamazoo, Michigan, January 8, 1974.

⁹Interview with member of the Portage, Michigan Environmental Board, May 1, 1974.

It is imperative to mention at this point that an exhaustive search for published material pertinent to established environmental committees and environmental commissions was undertaken and the findings are stated in this chapter. No other pertinent information on environmental committees and commissions could be found at the date of this writing. Based upon the evidence stated herein, it is felt that the advisory committee is then the best approach for a model.

Before the model is presented, it is important to look at the roles played by different factors involving advisory groups to gain perspective into its function. The role of leadership in establishing an environmental advisory committee, the role of advisory committees in general, the role of committee membership and the role of establishing public policy by the committee will be presented next.

CHAPTER II

PERTINENT ROLES IN THE ESTABLISHMENT OF AN ADVISORY COMMITTEE

The Role of Leadership in Establishing an Environmental Advisory Committee

In communities where there is not an environmental advisory committee established, someone must accept the leadership in working for committee fruition. In communities where there is a college or university, this could be the role of an academician. In communities where there is no college or university to go to for advice, the leader or organizer could be any responsible citizen or group whose environmental concerns are taken seriously. If there is a college close by, the community could seek advice from that institution. Caputo¹⁰ states that in recent years the academic has been involved with urban public policy development and has interacted with citizen participation groups. He states:

"The academic usually functions in one of three roles. One is the service role which calls for the academic (as a member of an academic institution) to explore urban problems, develop coordinated research useful to governments in other parts of the nation, and help universities relate their research and training activities more effectively to urban problems.

In the second role, research and knowledge, the academic conducts research and then imparts his knowledge to public policy decision makers to ensure their having a national basis for decision. In contrast to the first two roles, a third one emphasizes the academic as an agent for social change."

¹⁰Caputo, David A., "Academic Advisors and Citizen Participation." Public Administration Review, XXXIII (May/June 1972), 220.

The Role of Advisory Committees in General

Due to the political nature of this project, it is imperative to establish public policy aspects of advisory committees in general.

Lyden¹¹ states that federal, state, and local government in the United States makes extensive use of the advisory committee and that the number of these committees created can only be estimated.

Since advisory committees are in such number, they undoubtedly have an important role in policy making to perform. Lyden further states:

"Several definitions have been proposed by students of government. One is that government agencies use such committees to generate support and minimize opposition to agency developed programs. Another is that advisory committees are formed to keep the agency aware of the changing needs of its clientele. There is also the assertion that the government agency is often in the end co-opted by such committees, and so loses control over policy. Each of these definitions can be exemplified, but still many situations are left undefined. In point of fact, little is known about what advisory committees do and how they relate to government machinery."

Several different purposes are served by advisory committees, hence, there is much confusion over their purposes. It has been estimated by students of government that there are six different functions of advisory committees. They are (1) task, (2) research and study, (3) general advisory, (4) scientific and technical, (5) clientele, and (6) public conference. Lyden continues to state that members of advisory committees are not at all sure of what functions they are supposed to perform.

¹¹Lyden, Fremont J., "Advisory Committees and Participatory Government." Public Administration Review, XXXII (May/June 1972), 256.

Cronin and Thomas¹² studied the perceptions of twenty-six advisory committees of HEW on educational policy during the years 1966-1969. Two-thirds of the committee membership of the twenty-six committees were appointed by intra-agency personnel, while the remainder were appointed by the President. The average committee make up varied from ten to fourteen members and meetings ranged either three or four times annually for a work period of two days.

Lyden¹³ perceives the results of the Cronin and Thomas questionnaire as:

"Few of the respondents believed their committee contributed significantly to the policy process. Only sixteen percent said it had significant impact on legislation. Twenty-five percent stated it had significant impact on policy implementation.

Respondents' major criticisms of the advisory process were not that they were being ignored, or being used as "window dressing" in the agency's policy making process. Seventy-four percent criticized the composition of the membership. They found too many people already involved in the policy area sitting as committee members, and too little effort being made to attract new and younger members. The operating methods of the committees also attract considerable criticism. Seventy-two percent indicated that there was inadequate time for in-depth discussion of policy and program alternatives. Forty-seven percent complained about the quality of research available for committee consideration.

These findings indicate that in this sample, committee members are not at all certain about what the responsibilities of advisory committees are or should be. They think that, as committee members, they should be playing a substantive role in policy making, but few indicate that they actually are. They do perceive themselves accountable to the agency, but are dissatisfied with the inbred character of their membership.

¹²Cronin, Thomas and Thomas, Norman, "Federal Advisory Processes: Advise and Discontent." Science, CLXXI (February 1971), 771-79.

¹³op. cit., p. 257.

They seem to feel they are not being used by the agency to legitimate agency policy. They indicate that they have a potential resource to contribute to governmental policy and that the resource is presently being dissipated for want of adequate support facilities.

The committees neither perceive themselves as being co-opted by the agency, nor do they perceive their goal as one of co-opting the agency on behalf of any specific clientele group. Fears that advisory committees will exercise undue influence on governmental policy making therefore do not seem warranted. Of greater concern, perhaps, should be the apparent waste of valuable resources due to the inadequacy of support facilities provided.

This study covers only twenty-six advisory committees, all attached to the same federal agency. More empirical research is needed before any generalizations can be made about the role or roles of advisory committees in governmental policy making. The results of this study indicate that such research is urgently needed."

In establishing an environmental advisory committee, a format should be used and responsibilities should be defined so that each member knows where his jurisdiction and responsibilities begin and end.

The Role of Committee Membership

In formulating a committee, the membership of the committee is a vital force in its success. The members of the committee should be members of the community with a vital interest in public affairs. The members should represent a cross section of the community and they should show some signs of influence in their own right. Last, but not least, they should have more than casual interest in environmental matters.

Mansfield¹⁴ states:

"A public commission, as a means of conducting studies and proposing a program of action, has at least two inherent attractions. It can be expected to transcend parochial interests and, by taking high ground, erect a standard that will be visible and command public support for its proposals. It confers legitimacy on the enterprise. With some attention to its composition, it can also hope to mediate, or at any rate, to anticipate and mitigate partisan, interest groups, and executive-legislative clashes in the formulation of its recommendations."

Latham¹⁵ states:

"The struggle of groups to survive in their environments and to carry forward the aims and interests of their members, if entirely uninhibited, would produce violence and war. Social disapproval of most of the forms of direct action, however, reduces this struggle to an effort to write the rules by which groups live with each other and according to which they compete for existence and advantage."

Banfield¹⁶ defines influence as the ability to get others to act, think, or feel as one intends. He asks four questions that must be asked to establish public policy in an urban political system. They are:¹⁷

1. Who has influence and who is subject to it?
2. How does influence work?
3. What are the terms under which influence is expended?
4. How is action concerted by influence?

These four questions are paramount to a committee when taking steps to implement a policy; any policy, not only environmental in scope.

¹⁴Mansfield, Harvey C., "Reorganizing the Federal Executive Branch: The Limits of Institutionalization." Law and Contemporary Problems, XXXV, (Summer 1970), 475.

¹⁵Latham, Earl, "The Group Basis of Politics: Notes for a Theory." American Political Science Review, XXXVI, (June 1952), 388-89.

¹⁶Banfield, Edward C., Political Influence, (1965), 3-6.

¹⁷ibid.

The influence that members of a committee have is also important to councilmen. Zisk¹⁸ states:

"It is difficult to predict the relationship between councilmen's attitudes toward, and perceptions of groups. A problem arises from the phrasing of a question that asked respondents to name "influential" groups. The word "influential" sometimes evoked an emotional response from councilmen. If a councilman dislikes several dominant groups in his community, he may deny that influential groups exist. This seems particularly likely if he is defensive about his views."

For example:

"Nobody is influential. There are a couple here that are suspect from the start . . . interests that are of necessity working for their own gains and ends. Their arguments should not be considered as having weight unless they are valid for the city as a whole. I don't give a damn about any organization as such, especially if it has an axe to grind."

Zisk¹⁹ further states:

"Councilmen can be separated into two categories on the basis of their answers to the question: What would you say makes these groups so influential, what are the reasons for their influence? Some respondents confine their answers to group influence-by-respect; others mention objective strength (e.g., voting power, wealth) and/or "stake in society" as basis for influence. Respondents are divided into two categories:

1. Those who attribute group influence to respect, if his discussion of group influence is limited to respect variables - honesty, intelligence, common sense, etc. e.g., "it has a respected name." "They're objective about government affairs and they're non-partisan."
2. Those who attribute group influence to objective strength (size, voting power, wealth) and/or "stake in society" as components of group influence. e.g., "It developed in the past election as a solid deliverer of votes. It's better to be for it than against it." "They have a vested interest in the community and play an important part in its functioning."

¹⁸Zisk, Betty H., Eulau, Heinz and Prewitt, Kenneth, "City Councilmen and the Group Struggle: A Typology of Role Orientations." Journal of Politics, XXVII, (August 1965), 626.

¹⁹loc. cit., p. 627.

The responses of councilmen that perceived group influence based upon objective strength (size, voting power, strength) were thirty-one percent. The responses of councilmen that perceived group influence based upon "stake in society" were thirty-seven percent. The response of councilmen that perceived group influence based upon "respect" characteristics (honesty, intelligence, common sense, etc.) was eighty-four percent. (Note: responses total more than one-hundred percent due to multiple responses.)²⁰

It can be concluded that councilmen are objective when a group is sincere about their pursuits and show honesty, common sense, intelligence in their behavior.

Another conclusion emerges from an inspection of literature dealing with the structure and process of committees that, in-so-far as they are organized groups, they are, to varying degrees, structures of power. Latham²¹ states:

"They are structures of power because they concentrate human wit, energy, and muscle for the achievement of ends common to the members, and the means of achievement is the application of the power of association to the obstacles and hindrances which block the goal."

The Role of Establishing Public Policy

In order to establish a policy anywhere, the organization of framework of a system is imperative to its success. Many policy writers have established an organization of how public policy is to proceed if the subjective program is to be put into the form of a policy.

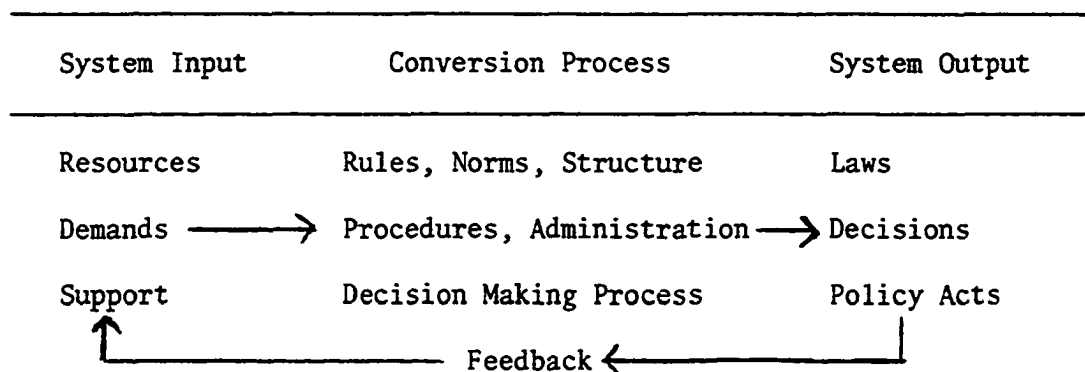
²⁰ibid.

²¹op. cit., p. 382.

The making of public policy in reality swings the gamut of "muddling through"²² to "systems analysis" processes. Since there are prudent terms expressing and advocating both processes, one would have to study the respective modes of operation of each to make a decision as to which of the two processes is the most effective. The author has studied both processes and has chosen the option of "systems analysis" as the most efficient. Easton²³ and Jones²⁴ are advocates of "systems analysis," as well as many other authors. Only the cited authors will be discussed in this section of the project.

The Easton political system of public policy analysis is quite similar to Jones' system, but the Easton system is much easier to follow for someone not politically orientated which might be the case of committee constituency. The Easton system is:

Easton System



²²Lindblom, Charles E., *The Policy-Making Process*, (1968), 4.

²³Easton, David, "An Approach to the Analysis of Political Systems." *World Politics*, IX, (1957), 383.

²⁴Jones, Charles O., An Introduction to the Study of Public Policy, (1970), 14.

The output is then the policy. This policy is then subjected to a cybernetic process where feedback of anticipated and nonanticipated consequences are related to the input and to the conversion processes for study and further recommendations. The result may be a new policy or continuation of the existing policy with modifications to produce a more effective policy.

The Jones²⁵ policy analysis system involves the dynamics of: (1) the perception of a problem, (2) the defining of this problem, and (3) getting an aggregation together to work on the organization of submitting this problem for consideration. With the three preceeding done, (4) representation of groups is important in getting this problem to be studied. These four steps are what Jones considers "getting the problem to government." Once the problem is brought to the attention of government, Jones states that "action by government" is the next step. (5) Formulation of the policy and (6) legitimation of the problem are most important because this is where the problem is put into the policy process. The formulation of the policy at this stage determines its successes and failures. When policy in government is interpreted and formulated the remainder is what Jones calls "government to the problem." This aspect determines how the policy will be (7) administered and applied. Once this aspect of the policy has been completed and the policy has been administered to the public, the "policy to government" part of Jones' system takes effect. This encompasses (8) reaction and (9) evaluation appraisal. Reaction and appraisal are the feedback aspects of any good system. With feedback,

²⁵ *ibid.*

the policy can be analyzed by the total group of policy personnel. By this, it is meant that the persons responsible for getting the "policy to government," the persons that took "action in government," the persons that were responsible for "government to the problem," and the effected "policy to government" will be analyzed by the feedback mechanism and the "problem resolution or change" aspect can be decided.

The process of public policy analysis issued by Easton²⁶ and Jones²⁷ is cyclic and subjected to interaction of many people. The input, the decision making process, the policy application and feedback mechanism are all scientifically analyzed, hence, in the opinion of the author this is a valid system and one useful to a committee in establishing policy.

²⁶op. cit.

²⁷op. cit.

CHAPTER III

THE MODEL

The primary function of an environmental advisory committee is to establish policy for a city in the form of an ordinance. The model will fulfill this function. The model will be separated into two parts; Part A and Part B.

Part A of the model will include examples of ordinances that could be applied to any community. Part A will include the charter of an environmental advisory committee by a city, an ordinance that establishes an environmental policy act by the city, an example of a citizens application form, a list of sources for reference by committee members and a ranking of priorities of environmental needs in a community.

Part B will include examples of existing or proposed ordinances or policies that may be of benefit to novice committees. Part B will include a proposed environmental policy, a proposed environmental policy implementation tool, an ordinance establishing an environmental board in a city and a noise ordinance in a city.

The model includes only procedures for establishing environmental policies in a community that are directly related to city government. Policies that would govern personal environmental quality are not included in this model, but action by a committee for implementing such ordinances could be established using the framework of the model.

The charter of the environmental advisory committee which follows on the next four pages is not intended to be a finished legal product. It is, however, an input into the establishment of an ordinance from an environmentalist's viewpoint. The terminology for legalization must be left to an attorney.

Two important tangible assets should be considered in the formulation of an advisory committee. They are budget and staffing. A budget should be submitted to the city council after the first year of functioning to provide financing for projects for the next fiscal year. A budget should be included in the initial charter to provide organization funds for incidentals such as stationary, postage, publicity, advertising, publications, etc.

A staff member is highly recommended for a beginning committee. This staff member should be a liason between the committee, the council and the public. This person could be a secretary at the inception of committee organization and would be directly responsible to the chairperson of the committee.

The Model: Part A

Charter: Environmental Advisory Committee

In recognition of environmental problems in the City of _____, _____, the City Commission does hereby establish and charter the Environmental Advisory Committee of _____, _____ for a period of _____ years, after which the committee will be dissolved or re-chartered at the discretion of the commission.

The committee is designated the responsibilities of assessing and evaluating the status of the environment of the community. The committee will recommend environmental standards that are necessary and desirable for the City of _____ in accordance with state and federal standards that are existent or will become existent. The committee will be responsible for recommending policy for all environmental concerns of the community by direct action, by recommendation to city government, and by advising the citizens of _____.

The committee will be concerned with all aspects of the physical and biological environment which can effect the physical, mental, and emotional well-being of all of the people of _____, _____. The major areas of concern will be the quality of air, water - both surface and ground, waste disposal, land use, noise and natural resources.

Membership, Term, Offices

The environmental advisory committee shall consist of ten (10) citizens of the city having an interest in the environmental protection of the city. The membership shall consist of the best cross-section of the citizenry as possible. The members shall be appointed by the

mayor or mayoral designate for the terms of two (2) years, so arranged and appointed that the terms of five (5) members shall commence on the first day of September in each year. The committee shall annually elect one of its members as chairperson, one of its members as vice-chairperson, and one of its members as secretary, with each officer eligible for re-election, but not to exceed two (2) consecutive years.

Organization of the Committee

The committee will have two advisors knowledgeable in the sciences; one with proven ecological expertise, as aids to the committee for technical assistance in developing policy.

The city council could, at the discretion of the council, appoint a liason member between the committee and the council. The advisors and the liason person are non-voting members of the committee.

The chairperson, the vice-chairperson and the secretary shall constitute the executive board. The executive board has the authority to act as the committee as a whole in matters necessitating committee action when there is not sufficient opportunity for the total committee to meet. A quorum shall consist of five (5) members provided one of the members is a member of the executive board.

The committee as a whole may act in any manner which it deems appropriate and such action will be taken in the name of the committee only on the approval of the committee by a majority vote or by approval of the executive board. Individual members of the committee may voice their personal views in public at their discretion, but should differentiate between individual action and committee action.

There must be a quorum present for any meeting to be an official meeting of the environmental advisory committee. The issues and policy being proposed for a vote shall carry only if there is a majority vote.

Communications or recommendations or proposals or information to the city shall be made directly to the mayor or city manager or council member for consideration by the city council.

Specific recommendations being made by the committee to the city for action shall be made at least one week prior to the next scheduled council meeting.

The meetings of the environmental advisory committee shall follow Robert's Rules of Order.

All sub-committees or Ad-Hoc committees shall be appointed by the chairperson.

The secretary of the committee shall keep correct, written records of all of the committee's business and transactions. The minutes of the meetings shall be filed with the city and shall be a public record available for inspection.

Environmental Policy Act
City of _____

(In order to implement environmental policy in any city, the city must have a plan or policy to govern environmental impact upon its daily functions. Before city departments can produce an environmental policy or implement environmental policy, an ordinance should be established, sanctioning this conduct. The following is an example of a City Environmental Policy Act.)

Title 1. Section 1. Purposes:

I. Because man and nature must live in harmony together, be it known that the City of _____ does hereby declare a policy act which allows for the future generations of this city to be guaranteed a life as desirous as possible of clean physical surroundings by co-operating with state and federal agencies to maintain standards pertinent to the preservation of health and welfare therein.

II. The policy act declared therefore charges the City of _____ with the responsibility of coordinating plans for achieving the goals prescribed so that it may:

- A. assure for all the preservation of the environment entrusted for future generations;
- B. preserve the traditions, cultural heritage, history and other inanimate objects for future generations;
- C. fulfill the commitments made that would enhance the preservation of natural resources and the recycling of nonrenewable resources; and
- D. provide for the safety, health and welfare of the community by regulating population density to obtain an environmental amenable to all citizens.

Section 2. Authority:

I. The city council authorizes that the laws, ordinances and policies of this act by administered and enforced with the other laws, ordinances and policies of the City of _____.

II. All departments within the city government shall:

- A. Develop an interdisciplinary plan to insure the decision making process includes a means of preserving the environment and reduces the impact of man upon the environment;
- B. Include a plan that insures technical and economic decisions be based upon environmental considerations, and;
- C. Include in all recommendations a detailed statement by the originator of the recommendation on:
 - 1. The impact of the recommendation of the environment; which includes the impact on human life and other ecological systems.
 - 2. The adverse effect on the physical environment, which would include air and water systems, aesthetics and land systems.
 - 3. A plan of alternative methods that may also have a minimum effect upon the environment.

Section 3. Procedure for Processing City Recommendations:

I. Procedure: All recommendations from city departments and all other city business that is applicable to laws, ordinances and policies that affect the total environment, shall contain an environmental impact statement or assessment of natural disturbance. The advisory committee with the city manager shall prepare guidelines for the determination of the types of projects that require impact statements and assessments. All departments submitting impact statements or assessments shall do so by submitting said statement directly to the city manager prior to, and with sufficient time allotment, so that the recommendation and alternative methods may be studied before recommended project is actually begun.

II. Preparing of Environmental Proposals: The environmental proposal being recommended from any city department must be submitted through the department head and the responsibility of the impact statement or the assessment lies with the department head.

III. Review Committee: The recommended environmental impact statement or assessment shall be submitted to the Environmental Review Committee of the City of _____. The review committee shall be appointed by city manager and shall be composed of five (5) members. Three (3) members shall be department heads. Two (2) members shall be from the advisory committee; one member being from the advisory committee shall be an environmental specialist.

IV. Review Procedure:

A. The originating department shall be notified by the review committee of the time and date of the hearing and the originating department is required to have a representative present at the hearing to answer questions.

B. If the impact statement or assessment meets the requirements of the guidelines established by the advisory committee and the city manager, the committee shall continue the hearing and make one of the following decisions in writing to the originating department head and the city manager at the conclusion of the hearing:

1. the impact statement or assessment is accepted as stated and the department should proceed as directed;
2. the impacts upon the environment are too great in the recommended procedure. It is advisable to review and recommend an alternate approach;

3. the impacts upon the environment are too great. It is advisable to neglect the entire proposal.

C. A copy of the minutes of the review committee shall be sent to the originating department head and the city manager.

D. The city manager's office and the city planning office shall keep in file all of the proposals that have been presented to the review committee and should be a matter of public record.

Environmental Advisory Committee Application

Each citizen of the community who desires to be a member of the Environmental Advisory Committee should submit an application to the mayor or mayoral designate for consideration for appointment to the committee. Applications should be available at the city manager's or mayor's office. Once each year during the month prior to appointment of the committee, an advertisement mentioning the new vacancies on the committee should be written in the local newspapers.

Application: Citizen's Environmental
Advisory Committee

Name _____ Date _____

Address _____ Zip Code _____

Telephone Numbers: Home _____ Business _____

Educational Background: _____

Environmental Experience: _____

Reason(s) for desiring to become a member of the Environmental Advisory
Committee: _____

It is understood that should I be contacted to serve on this com-
mittee, I have the time to devote to work on and support the committee
to the best of my ability for a term of _____ years.

Signature of Applicant

Please return to:
Mayor
City Hall
Address of City Hall
City, State Zip Code

Proposed Reading List

A proposed reading list should be available to all committee members. This list of pamphlets and periodicals should be available to all committee members and circulated on a revolving basis to assure each member has the availability of keeping abreast of new environmental material. This list could include the following:

1. Citizens Make the Difference: Case Studies of Environmental Action, Citizen's Advisory Committee on Environmental Quality
Superintendent of Documents
U. S. Government Printing Office
Washington, D. C. 20402 Stock No. 4000 - 00290
\$1.75/copy (for 100 or more copies \$1.31 @)
2. Citizens Action Guide to Energy Conservation, Citizens Advisory Committee on Environmental Quality
Superintendent of Documents
U. S. Government Printing Office
Washington, D. C. 20402 Stock No. 4000 - 00300
\$1.75/copy (for 100 or more copies \$1.31 @)
3. Community Action for Environmental Quality, Citizens Advisory Committee on Environmental Quality
Superintendent of Documents
U. S. Government Printing Office
Washington, D. C. 20402
\$.60/copy
4. Rodale's Environmental Action Bulletin
33 East Minor Street
Emmaus, Pennsylvania 18049
\$10.00/year - weekly
5. Environmental Technology (Bulletin)
Datatronic Systems Corporation
Computer Sciences & Environmental Technology Division
P. O. Box 44128
Panorama City, California 91402
(This is an important source since it can provide the answers as far as what technology is available to apply to specific environmental problems.)

6. Environmental Action
Suite 731
1346 Connecticut Avenue, N. W.
Washington, D. C. 20036
(Biweekly, except January and June)
\$7.50/year
7. Environment
Scientists' Institute for Public Information
438 North Skinker Boulevard
St. Louis, Missouri 63130
(Monthly, except two bi-monthly issues)
\$10.00/year
8. The Sierra Club Bulletin
Sierra Club
1050 Mills Tower
San Francisco, California 94104
(Monthly) Free to members
\$5.00 to non-members/year
9. EPA Citizens' Bulletin
Office of Public Affairs
U. S. Environmental Protection Agency
Washington, D. C. 20400
(Free)
10. Bulletin of the Atomic Scientists
Science and Public Affairs
Bulletin of the Atomic Scientists
1020-24 East 58th Street
Chicago, Illinois 60637
(Monthly, except July and August)
\$8.50/10 months
11. The American City
Buttenheim Publishing Corporation
Berkshire Common
Pittsfield, Massachusetts 01201
(Monthly)
\$15.00/year
12. American Forests
American Forestry Association
1319 Eighteenth Street, N. W.
Washington, D. C. 20036
(Monthly)
\$7.50/year

13. Awareness
Paul E. Goff
4031 Royer Road, Apt. 209
Toledo, Ohio 43623
(Monthly)
\$3.00/year
14. Catalyst for Environmental Quality
Nelson Buhler
274 Madison Avenue
New York, New York 10016
(Quarterly)
\$5.00/year
15. C F Letter
The Conservation Foundation
1717 Massachusetts Avenue, N. W.
Washington, D. C. 20036
(Monthly)
\$6.00/year
16. City: Magazine of Urban Life and Environment
Donald Cantry, Urban America Inc.
1717 Massachusetts Avenue, N. W.
Washington, D. C. 20036
(Bi-monthly)
\$10.00/year
17. Clear Creek - The Environmental Viewpoint
Clear Creek Associates, Inc.
One South Park
San Francisco, California 94107
(Monthly)
\$7.50/year
18. Conservation Report
National Wildlife Federation
1412 16th Street, N. W.
Washington, D. C. 20036
(Weekly)
Free
19. Design and Environment
6400 Goldsboro Road
Washington, D. C. 20034
(Quarterly)
\$11.00/year

20. Ecology
Duke University Press
Box 6697 College Station
Durham, North Carolina 27708
(Bi-monthly)
\$18.00/year
21. Engineering News Record
McGraw-Hill, Inc.
1221 Avenue of the Americas
New York, New York 10020
32 issues/year
\$10.00/year
22. Environmental Health Letter
Gershon Fishbein
1097 National Press Building
Washington, D. C. 20004
(Twice Monthly)
\$60.00/year
23. The Environment Monthly
William Houseman
420 Lexington Avenue
New York, New York 10017
(Monthly)
\$35.00/year
24. Environmental Quality
Environmental Awareness Associates, Inc.
6464 Canoga Avenue
Woodland Hills, California 91364
(Bi-monthly)
\$5.50/year
25. Environment and Behavior
Sage Publications, Inc.
275 South Beverly Drive
Beverly Hills, California 90212
(Quarterly)
\$18.00/year
26. Environmental Research
Academic Press, Inc.
111 Fifth Avenue
New York, New York 10003
(Quarterly)
\$30.00/year

27. Environmental Science & Technology
 American Chemical Society
 1155 Sixteenth Street
 Washington, D. C. 20036
 (Monthly)
 \$7.00/year non-members

28. Fortune
 Time, Inc.
 541 North Fairbanks Court
 Chicago, Illinois 60611
 (Monthly)
 \$12.00/year

29. House & Home
 McGraw-Hill, Inc.
 330 West 42nd Street
 New York, New York 10036
 (Monthly)
 \$15.00/year

30. The Journal of Environmental Sciences
 Institute of Environmental Sciences
 940 East Northwest Highway
 Mt. Prospect, Illinois 60056
 (Bi-monthly)
 \$14.00/year - non-members

31. Landscape
 Blair Boyd
 Box 7177, Landscape Station
 Berkeley, California 94707
 (Quarterly)
 \$4.00/year

32. Landscape Architecture
 American Society of Landscape Architects
 Schustu Building
 1500 Bardstown Road
 Louisville, Kentucky 40205
 (Quarterly)
 \$15.00/year

33. Living Wilderness
 The Wilderness Society
 729 Fifteenth Street, N. W.
 Washington, D. C. 20005
 (Quarterly)
 \$4.00/year

34. National Parks & Conservation Magazine
National Parks & Conservation Association
1701 Eighteenth Street, N. W.
Washington, D. C. 20009
(Monthly)
\$10.00/year
35. Natural Resources Journal
University of the New Mexico School of Law
1915 Roma N. E.
Albuquerque, New Mexico 87106
(Quarterly)
\$10.00/year
36. Parks & Recreation
National Recreation and Park Association
1601 N. Kent
Arlington, Virginia 22209
(Monthly)
\$7.50/year
37. Water Resources Bulletin
American Water Resources Association
905 West Fairview
Urbana, Illinois 61801
(Bi-monthly)
\$20.00/year
38. Western Conservation Journal
Juanita R. Gallaher
314 Lloyd Bldg.
Seattle, Washington
(Bi-monthly)
\$5.00/year

Priority List: Ranked

Every committee should, as one of its first projects, assess the cities environmental problems and rank them according to priorities. It should be emphasized again, that what the committee is working toward is the ordinance; this should always be kept in mind.

The following list of environmental problems is shown as an example:

1. Zoning of sand dunes (from commercial to open space)
2. Land development in areas within city limits with high water table without city water and sewer connection
3. Air quality standards
4. Water quality standards
5. Noise abatement
6. Sign and billboard regulations
7. City beautification project
8. Solid waste disposal project
9. City clean up project
10. Education workshop project
11. Many others

The Model: Part B

In order to show how an ordinance is established as a recommendation from a committee or a commission, the following ordinances and proposal are included in their entirety to demonstrate exactly what constitutes an ordinance involving environmental matters.

The city policy and city policy implementation processes are proposed city policy and city policy implementation documents from the City of Kalamazoo, Michigan.

The ordinances are existing ordinances in the records of Portage, Michigan and Kalamazoo, Michigan and are reproduced with approval of the cities of Portage, Michigan and Kalamazoo, Michigan.

The city policy and city policy implementation process is presented first. The second ordinance is the establishment of the Environmental Board of Portage, Michigan and the third ordinance is an ordinance for noise in the City of Kalamazoo, Michigan.

Environmental Policy
City of _____

Governmental actions, or absence thereof, often have environmental connotations. Impacts on various aspects of our environment need to be stated and documentation of this concern needs to be achieved in an adequate fashion. In order to stimulate further improvement in the analysis of impacts upon aspects of our urban environment of both proposed projects and of governmental actions, a documentation of the impacts and "Trade-offs" which are an integral part of any substantive change becomes necessary.

It is not the intent of this policy to generate substantial quantities of additional paperwork, for to do so would not be cost-effective, and would result in a waste of valuable staff time and effort and adversely impact upon paper supplies. Similarly, such documentation shall not duplicate environmental impact statements, evaluations or assessments which may be an integral part of procedures for state or federally assisted projects. It is the intent of this policy to minimize adverse long range impacts while maximizing the benefits, taking cognizance of short range impacts but relegating these to a lower level of importance. Enhancement of the quality of life in _____ for today's citizens and for future generations will continue to be the goal of the City of _____ and its administration.

Environmental Policy Implementation
City of _____

In order to implement a more positive environmental policy, an interdisciplinary approach must be taken to assure consideration of the variety of aspects of proposed policy changes, land use changes, and major construction projects. With definite limitations of natural, fiscal, and manpower resources, it is imperative that optimum benefits and minimum adverse impact be achieved.

Environmental assessments for proposals shall be the responsibility of the department head most closely associated with, or proposing the policy, regulation, or project. A description of the proposal shall be prepared and the short range and long range impact thereof briefly outlined. Factors to be evaluated should generally include items such as:

1. Existing and projected land use
2. Flora and fauna
3. Transportation
4. Storm water drainage
5. Waste water collection and treatment
6. Water supply and distribution
7. Electric power distribution and supply
8. Communications facilities
9. Heating fuel supply and distribution
10. Air quality
11. Noise levels
12. Esthetics
13. Sociological implications
14. Fiscal ramifications (cost-benefit ratio, if applicable)
15. Other factors which might be germane to a specific proposal

Examples of proposals for which an environmental assessment should be prepared include:

1. Zoning or land use changes
2. New programs and/or services
3. Elimination or substantial modifications of existing programs or services

4. Major development on currently undeveloped lands
5. Major redevelopment projects, i.e. (mall renovations)
6. Tree planting or removal programs
7. New park or park development projects
8. Development of new water supply facilities or major water distribution projects
9. Street lighting programs
10. Interceptor or trunk sanitary sewer
11. Major water pollution control projects
12. Street widening projects in excess of 1000 feet in length
13. Development of new streets
14. Major storm drainage projects
15. Airport development (runway extensions, etc.)

Examples of proposals or projects for which environmental assessments need not be prepared include:

1. Repair or maintenance of existing facilities
2. Paving of unpaved streets to residential width standards
3. Routine water main extensions
4. Sanitary sewer extensions
5. Storm sewer extensions and dry well construction
6. Intersection betterment by minor widening
7. Improved traffic signalization
8. Minor park improvement or enhancement

Review of environmental assessments will be conducted on a regular basis by circulation of an initial draft thereof to the following:

1. City manager
2. Director of planning
3. Director of transportation
4. Fire chief
5. Director of finance
6. Police chief
7. Director of inspections
8. Water utility manager
9. Director of parks and recreation
10. Director of public works
11. Other departments
12. Mayor and councilmen

A three week period will be allowed for comment by the department heads listed above. Appropriate comments, or indication that there are no comments, will then be forwarded to the originator. A revised draft will be prepared by the originator, incorporating pertinent comments received, and recirculated.

The chairperson of the review committee, composed of the department heads listed above, will poll the members of the review committee, after a minimum period of two weeks for review, and forward their recommendation to the city manager. At this stage a decision can be reached as to whether or not to proceed with recommending implementation to the city commission and making the environmental assessment available for public comment.

ORDINANCE TO AMEND THE ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN, BY AMENDING CHAPTER 6, HEALTH & SANITATION, BY ADDING TO SAID CHAPTER A NEW ARTICLE TO BE KNOWN AS ARTICLE IV, ENVIRONMENT.

THE CITY OF PORTAGE ORDAINS:

CHAPTER 6, HEALTH & SANITATION

ARTICLE V, ENVIRONMENT

Section 6-54. Board Created

There is hereby established an Environmental Board for the City.

Section 6-55. Board Membership, Term, Offices.

The Environmental Board shall consist of nine (9) electors of the City having an interest in the environmental protection of the City. The members shall be appointed by the Council for the terms of three (3) years, so arranged and appointed that the term of the three (3) members shall commence on the first day of October in each year. The Board shall annually elect one of its members as Chairman, one of its members as Vice-Chairman, and one of its members as Secretary, with each officer eligible for re-election but not to exceed two (2) consecutive terms.

Section 6-56. Powers, Duties of the Board

The Environmental Board shall have powers and duties which follow:

- (a) To conduct studies, investigations and research relating to the protection of the City's environment.
- (b) To hold hearings relating to any aspect of the City's environment.
- (c) To prepare and develop a comprehensive plan or plans for the protection of the environment.
- (d) To advise, consult, and cooperate with other local governmental units, agencies of the State, industries, interstate or inter-local agencies, and the Federal Government, and with interested persons and groups for the protection of the environment.
- (e) To collect and disseminate information and conduct educational and training programs relating to the environment.
- (f) To recommend to the City Council expenditures, grants or other funds or gifts received from public or private agencies, including State and Federal Governments, given to the City for the purpose of preserving the environment.

- (g) To recommend to the City Council policies for the protection of the environment.

Section 6-57. Records of the Board.

The secretary of the Board shall keep a correct, written record of all of the Board's business and transactions. The records shall be filed with the City Clerk and shall be a public record available for inspection.

/s/ Robert E. Duncan

Effective date: October 5, 1973

CHAPTER II A

NOISE ORDINANCE

*SECTION PL201A. Purposes: (Ord. 891 as amended by Ord. 992, 10-8-73)

(a) The making and creation of excessive or unusually loud noises within the limits of the City of Kalamazoo is a condition which has existed for some time and the extent and volume of such noises are increasing;

(b) The making, creation, or maintenance of such excessive or unusually loud noises which are prolonged, unusual or unreasonable in their time, place, and use, affect and are a detriment to public health, comfort, convenience, safety, and welfare of the residents of the City of Kalamazoo; and

(c) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and the peace and quiet of the inhabitants of the City of Kalamazoo;

(d) In the enactment of this ordinance, however, it is not intended to prohibit, restrict, penalize, enjoin, or in any manner regulate flights of aircraft which are in all respects conducted in accordance with, or pursuant to, federal law, federal air regulations, and air traffic control instructions.

*SECTION PL202A-1 General Noise Prohibition: It shall be unlawful for any person, firm or corporation to make or cause to be made or continued, any excessive or unusually loud noise or any noise, measured or unmeasured, which either disturbs, injures or endangers the comfort, repose, health, peace or safety of any person within the limits of the City of Kalamazoo.

*SECTION PL202A-2 Definitions: As used in this ordinance, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

- (1) "Decibel" is a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is twenty times the common logarithm of their ratio. In sound pressure measurements the sound pressure level of a given sound is defined to be twenty times the common logarithm of the ratio of that sound pressure to a reference pressure of $2 \times 10^{-5} \text{ N/m}^2$ (Newtons per meter squared). As an example of the effect of this formula, a three decibel change in the sound pressure level corresponds to a doubling or halving of the sound intensity, and ten decibel change corresponds to a tenfold increase or a decrease to one-tenth the former sound intensity.
- (2) "dB (A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI S1.4 - 1971, for a Type 2 Instrument.
- (3) "Ambient" means surrounding or background noise associated with a given environment, usually a composite of sounds from many sources.
- (4) "Any person" shall mean a reasonable person of normal sensitivity.
- (5) "Harmonic" or "pure tones" are sounds which have a specific frequency or pitch associated with them.
- (6) "Impulsive sounds" are of very short duration, although they may be repeated at regular or irregular intervals, such as gun shots or automobile backfire sounds.

*SECTION PL202A.3 Noises Prohibited: The following acts, among others, are declared to be loud, disturbing noises in violation of this ordinance, but said enumeration shall not be deemed to be exclusive, namely:

- (a) Horns, Signaling Devices: The sounding of any horn or signaling device on any truck, automobile, motorcycle, or other motor vehicle on any street or public place of the city except as a warning signal as provided in the Michigan Vehicle Code.

- (b) Radios, Phonographs, TV Sets, etc: The using, operating or permitting to be played any radio receiving set, musical instrument, TV, phonograph, or other machine or device for the production or reproduction of sound in such manner as to disturb the quiet, comfort, or repose of any person. The operation of any such set, instrument, TV, phonograph, machine or device in such a manner as to be in violation of Sec. PL202A.4 shall be prima facie evidence of a violation of this section.
- (c) Loud Speakers, Amplifiers for Commercial Purposes: The installing, using or operating, within the city, of a loud speaker or sound amplifying equipment, for commercial purposes, in such a manner as to disturb the quiet, comfort or repose of any person. The operation of any such equipment or device in such a manner as to be in violation of Sec. PL202A.4 shall be prima facie evidence of a violation of this section.
- (d) Yelling, Shouting, etc: Yelling, shouting, hooting, whistling or singing at any time or place so as to disturb the quiet, comfort, or repose of any person. The occupant or person in charge of any building emitting such noise and the person owning or operating any vehicle or device emitting such noise shall be deemed responsible therefore and shall be in violation of this provision.
- (e) Hawkers and Peddlers: The selling of anything by outcry within any area of the city zoned primarily for residential uses.
- (f) Animals: The owning, keeping, having possession or harboring of any animal which, by frequent or habitual howling, barking, meowing, squawking, or other noise, shall disturb the quiet, comfort, or repose of any person.
- (g) Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. Modifying any noise abatement device on any motor vehicle or engine in a manner so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle or engine as originally manufactured shall be a violation of this section.

- (h) Defect in Vehicle or Load: The use of any truck, automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
- (i) Vehicle Repairs: Repairing, rebuilding or testing any truck, automobile, motorcycle, or other motor vehicle within the city in such a manner as to disturb the quiet, comfort or repose of any person.
- (j) Loading, Unloading, Opening Containers: The loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects in such a manner as to disturb the quiet, comfort, or repose of any person.
- (k) Construction Projects or Repair of Buildings: The performing of any construction or repair work on buildings, structures, or projects, or the operating of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device in such a manner as to disturb the quiet, comfort or repose of any person, except in cases of unnecessary hardship. In such cases, a permit shall be obtained from the City Manager in accordance with Sec. PL203A.1.
- (l) Schools, Courts, Churches, Hospitals: The creation of any excessive noise within the vicinity of any school, institution of learning, church or court while the same are in use, or within the vicinity of any hospital or nursing home which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on streets within the vicinity indicating the presence of a school, hospital, court, church or nursing home.
- (m) Drums: The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale, or for any other commercial purpose.

*REV. 10-8-73

POLICE & LICENSE DIVISION KALAMAZOO ORDINANCES PAGE 9f

*SECTION PL202A.4 Noise Limitations Based upon dB(A)

Criteria:

Any noises in excess of the maximum decibel limits according to the following regulations shall be deemed to be prima facie evidence of a violation of Sec. PL202A.1.

(A) Maximum Decibel Limits on Noise Originating From Private Property:

- (1) Noise will be measured at the boundaries of the lot. To be in violation, the source or sources of noise must be identifiable in relation to the ambient, and must exceed the limitations established for the districts and times listed below.

<u>ZONES</u>		<u>dB(A) MAXIMUM LIMITATIONS</u>	
		<u>(7 AM to 10 PM)</u>	<u>(10 PM to 7 AM)</u>
Residential	7, 7A, 8	50dB(A)	45dB(A)
Commercial	4, 5, 5A, 6	55dB(A)	50dB(A)
Industrial	1, 2, 3	75dB(A)	70dB(A)

- (2) At the boundaries between zones, the lower of the dB(A) levels shall be applicable.
- (3) Harmonic or pure tones, and periodic or repetitive impulsive sounds shall be in violation when such sounds are at a sound pressure level of five (5) dB(A) less than those listed above.
- (4) The following exceptions shall apply:
- (a) Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts for the period within which construction permit issued by proper authority, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.

(b) Noises caused by home or building repair and ground maintenance are excluded from these limits between the hours of 7 a.m., to 10 p.m., provided they do not exceed 74 dB(A) at the property line or at a distance of 50 feet (15 meters, whichever is furthest from the source of the noise).

(c) All railroad rights-of-way shall be considered as industrial districts for the purpose of this ordinance and the operation of trains shall be subject to the maximum permissible noise levels for such district. The allowable noise levels at the boundaries of the right-of-way shall be those appropriate within industrial districts without regard for the zone of the abutting property.

- (B) Maximum Decibel Limits on Noise Originating from Motor Vehicles: All noise emitted from motor vehicles upon the public right-of-way shall be measured whenever possible at a distance of at least 50 feet or 15 meters from the source of the noise. If measurement at 50 feet (15 meters) is not feasible, measurement may be made at 25 feet (7½ meters), and 6 dB(A) added to the limits provided below. To be in violation, the source or sources of noise must be indentifiable in relation to the ambient, and must exceed the limitations listed below.

<u>VEHICLE</u>	<u>WEIGHT</u>	<u>dB(A) MAXIMUM LIMITATIONS*</u>
Trucks and Buses	Over 10,000 lbs. Gross Weight	82dB(A)
Trucks and Buses	Under 10,000 lbs Gross Weight	74dB(A)
Passenger Cars	Any Weight	74dB(A)
Motorcycles	Any Weight	82dB(A)
Snowmobiles, minibikes, & all other motor vehicles	Any Weight	74dB(A)

*For areas where posted speed limit is in excess of 35 mph, add 4 dB(A).

*SECTION PL202A.5 Enforcement Personnel: In addition to the employees and officers regularly required to enforce city ordinances generally, the City Manager may assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with calibrated sound level meters of a standard design.

*SECTION PL203A.1 Permits and Standards: The City Manager shall authorize the issuance of a permit to any person which will allow noise in excess of the noise levels designated in this ordinance when he shall find the following facts to exist:

- (a) That all of the statements made in the application are true;
- (b) That the control and supervision of the production of such noise will be under responsible and reliable persons;
- (c) That unnecessary hardships would result if a permit is not issued;
- (d) That the public health and safety will not be impaired by the noise permitted.

*SECTION PL203A.2 Permit Requirements: Permits may be granted for a period not to exceed sixty (60) days while the hardship continues and which permit may be renewed for periods of sixty (60) days while said hardship continues. Said permits shall restrict the noise creating activity to within the hours of 7 a.m., and 10 p.m., except in the case of urgent necessity in the interest of public health and safety, in which case a permit may be issued granting permission for such activity between the hours of 10 p.m., and 7 a.m.

*SECTION PL203A.3 Suspension of Revocation of Permit: Upon complaint filed with the City Manager by any person, or upon his own motion, the Manager may suspend the permit of any person or organization granted under this ordinance for good cause shown. "Good cause" shall include:

- (a) Any material misrepresentation in the application for a permit or any fraud in its procurement, or failure to carry out any commitment or representation contained in the application or in the rules of this ordinance; or
- (b) Any cause which would have prevented the granting of the permit in the first place.

*REV. 10-8-73

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After the City Manager has suspended a permit, the holder of the permit shall have the right to appeal to the City Commission within ten (10) days after receiving notice of such suspension. Such appeal shall be made by filing written notice with the City Clerk.

*SECTION PL204A. Exceptions: The provisions of this ordinance shall not apply to:

- (1) Law enforcement or governmental agencies when engaged in activities authorized by law;
- (2) Emergency work performed for the safety, welfare, and public health of the citizens of the City of Kalamazoo. "Emergency work" is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger or potential danger;
- (3) Warning devices emitting sound for warning purposes as authorized by law;
- (4) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities, or any activities normally associated with any of the above.

*SECTION PL205A. Penalties: Whenever in any section of this ordinance or rule or regulation promulgated hereunder, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm or corporation who shall be convicted of a violation of any such section shall, for such offense, be fined in the sum of not more than Five Hundred (500) Dollars or be imprisoned not to exceed ninety (90) days, or both so fined and imprisoned.

*SECTION PL206A. Additional Remedy - Injunction: As an additional remedy, the operation or maintenance of any noise source in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health, or peace of residents in the area shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.
(Ord. 891, as amended by Ord. 992, 10-8-73)

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

This model is by no means expected to be followed verbatim by any group that may wish to establish an environmental advisory committee, however, there are sufficient ideas and enough flexibility drawn into the model in order that it may be of some use to novice committees.

The model reflects only the procedures significant to the establishment of an environmental advisory committee and not an environmental commission. It was felt by the author that an advisory committee would be more readily accepted than an environmental commission in most communities as a beginning point toward citizen involvement in environmental matters of a city.

An environmental commission, as defined earlier in the project, is, in reality, what is needed in all communities throughout the nation. It is felt that much research needs to be done to investigate the function and working arrangements of environmental commissions and that a model of an environmental commission be produced in the future.

One reason for the recommended establishment of a committee with a charter for a term of two (2) years by a city council was to encourage the formation of a commission after the term of two (2) years when the committee dissolved or became rechartered. The commission being established at this point in time, however, should be one that does have sole authority to implement and enforce policy.

There are many concerns existing today about the land use within city limits and outside city limits. Many cities have strict zoning codes within the city limits, but outside the city limits there are no controls. Many cities are guiding their area planning agencies toward regional planning concepts and joining Regional Planning Commissions. With coordinated regional planning in existence, it is important to coordinate planning for continuity of purpose in an area.

Limiting population density has been alluded to in the Environmental Policy Act. An interesting philosophy is creeping into environmental thought recently; the limited community concept. Many communities are looking at long range limited population density patterns that correlate with the city philosophy. A limited population density is established as a philosophy in a community. The general plan from there is to zone and direct construction of commercial, industrial, residential, school and other considerations into the philosophy and restrict building and construction when this plan has been completed. Parks, service institutions, green belts, natural sites, and other environmental considerations are all incorporated into the plan. The total economic structure is decided upon and only the economic concerns that are sympathetic to the philosophy are allowed to become an aspiring partner in the community. This, of course, is not a reality with any city known at this time, but, some cities are taking a serious look at the philosophy.

In the mean time, everyone who lives in a growing community must do his part to contain the environment in which he lives.

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APPENDIX 1

KALAMAZOO, MICHIGAN
49001

1940 Howard Street Apt. 341
Kalamazoo, Michigan 49008
April 4, 1974

City Manager
City Hall

Dear Sir:

I am a faculty member seeking information on established Environmental Concerns Advisory Committees or Commissions to city councilmen in cities of your size. Some research is being compiled as to the establishment and effectiveness of these committees. Your help would be greatly appreciated.

Do you have such an advisory committee or commission in your city? If so, what is the internal organization of this committee and how do you feel this committee functions in establishing environmental programs. Any additional information you could give me about the group would also be appreciated.

I am aware that the information I have requested takes time out of an already busy schedule. In the event that you absolutely do not have time to furnish all of the requested information, please check questions appearing on the enclosed self-addressed post card.

Thank you very much.

Sincerely

H. Barrett Baker

HBB/eg
Enc. 1



CITY OF MIDDLETOWN
CONNECTICUT 06457
OFFICE OF THE MAYOR
Telephone (203) 347-4671
MUNICIPAL DEVELOPMENT COMMITTEE

May 6, 1974

Mr. H. Barrett Baker
1940 Howard Street
Apartment 341
Kalamazoo, Michigan 49008

Dear Mr. Baker:

Strong legislation generated by the General Assembly of the State of Connecticut has largely been responsible for the creation of environmentally minded agencies at the local level.

Public Act 155 of the 1972 General Assembly, as amended, has required committees to strictly control land uses on soils classified as "inland wetlands". Pursuant to this legislation, Middletown, on May 13, 1973, created an Inland Wetlands and Water Courses Agency consisting of ten members. These members represent the: Planning and Zoning Commission, Conservation Commission, Public Works Commission, Regional Planning Agency, Health Commission, Water and Sewer Commission, Municipal Development Committee plus three citizen representatives. While this agency does not establish environmental programs, its responsibility is to implement the state legislation through locally adopted regulations which went into effect September 26, 1973. To date, the Agency is still "feeling its way". Thus, it is too early to say with any surety which its strengths and weaknesses are.

More recent state legislation in response to Federal action, has imposed limits on the amount of air pollution permitted in designated zones within the State. The local Department of Health received a Federal grant several years ago and has created an air pollution control unit. Again, the action is one of implementing state standards rather than creating new or innovative programs.



ANTHONY SBONA
Mayor

60

CITY OF MIDDLETOWN
CONNECTICUT 06457
OFFICE OF THE MAYOR
Telephone (203) 347-4671
MUNICIPAL DEVELOPMENT COMMITTEE

Mr. H. Barrett Baker Page 2. May 6, 1974

I trust this information will be helpful.

Very truly yours,

A handwritten signature in dark ink, appearing to read "William M. Kuehn, Jr.", is written over the typed name.

William M. Kuehn, Jr.
Municipal Development Coordinator

WMK/th

c.c. Mayor A. Sbona