

**FLATHEAD COUNTY, MONTANA LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)  
BY-LAWS OF THE LEPC**

**ARTICLE I NAME**

**ARTICLE II PURPOSE**

**ARTICLE III POLICIES**

- Section 1. Powers and Duties.
- Section 2. Fiscal Year.
- Section 3. Indebtedness.
- Section 4. Use of Funds.
- Section 5. Restriction of Activities.
- Section 6. Distribution of Assets Upon Dissolution

**ARTICLE IV MEMBERS**

- Section 1. Qualifications.
- Section 2. Vacancies.
- Section 3. Alternatives.
- Section 4. Attendance.

**ARTICLE V OFFICERS and ELECTIONS**

- Section 1. Enumeration of Officers.
- Section 2. Eligibility.
- Section 3. Nomination and Election.
- Section 4. Term of Office.
- Section 5. Vacancy.
- Section 6. Duties of Officers.

**ARTICLE VI EMERGENCY RESPONSE AUTHORITY**

Section 1. Position.

Section 2. Duties.

**ARTICLE VII EXECUTIVE COMMITTEE**

Section 1. Members.

Section 2. Authority.

Section 3. Meetings.

**ARTICLE VIII MEETINGS**

Section 1. General Meetings.

Section 2. Biannual Meeting.

Section 3. Special Meetings.

Section 4. Public Notice.

Section 5. Quorum.

**ARTICLE IX COMMITTEES**

Section 1. Standing Subcommittees.

Section 2. Membership of Standing Subcommittees.

Section 3. Meetings.

Section 4. Duties of Standing Subcommittees:

Section 5. Audit Subcommittee.

Section 6. Ad Hoc Committees.

**ARTICLE X AMENDMENTS & RULES**

Section 1. Amendments.

Section 2. Rules.

**ARTICLE XI PARLIAMENTARY AUTHORITY**

Section 1. Parliamentary Authority.

## **ARTICLE I NAME**

The name of this organization shall be the Flathead City/County Local Emergency Planning Committee, hereinafter referred to as the LEPC.

## **ARTICLE II PURPOSE**

The purpose of the LEPC shall be:

- A.) to carry out for County of Flathead and its political subdivisions those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
- development, training, and testing of a hazardous substances emergency response plan for Flathead County and its political subdivisions;
  - development of procedures for regulated facilities to provide notification to the LEPC in accordance with Title III, SARA;
  - development of procedures for receiving and processing requests from the public under the community right-to-know provisions of Title III, SARA; and
  - provisions for public notification of committee activities.
- B.) to implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the LEPC.

## **ARTICLE III POLICIES**

### **Section 1. Powers and Duties.**

The LEPC shall have full charge of the planning for emergency response and public information related to hazardous materials incidents, to the extent directed by the Act. It shall plan and direct the work necessary to carry out the mandated planning activities.

### **Section 2. Fiscal Year.**

The fiscal year shall be July 1 through June 31.

### **Section 3. Indebtedness.**

All indebtedness incurred by the LEPC shall be approved by the Executive Committee before payment by the Treasurer.

### **Section 4. Use of Funds.**

No part of the net earnings of the LEPC shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the LEPC shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II.

Section 5. Restriction of Activities.

No substantial part of the activities of the LEPC shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the LEPC shall not participate in, or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

Section 6. Distribution of Assets Upon Dissolution.

Upon dissolution of the LEPC, assets shall be distributed to local government agencies through the Emergency Response Authority for hazardous materials mitigation and preparedness purposes.

**ARTICLE IV MEMBERS**

Section 1. Qualifications.

The organization shall consist of those members elected by vote of the full LEPC committee and reported to the Emergency response Authority for approval by the SERC for membership in this body. The members shall represent the various professional and community groups as designated by Title III, SARA.

Section 2. Vacancies.

Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by full committee approval of persons nominated by the executive committee in accordance with Article IV, Section 1. The names of candidates approved to fill vacant or additional positions shall be submitted to the Emergency response Authority who will make recommendation to the SERC for approval.

Section 3. Alternatives.

Every member shall designate a duly authorized alternate whose attendance shall be counted in determining a quorum in the absence of the regular member and who is permitted to vote in place of the regular member.

Section 4. Attendance.

Members are responsible to attend full committee meetings and the meetings of the Standing Committees or other ad hoc committees to which they are assigned.

Members who fail to attend two consecutive full committee meetings or two consecutive Standing Committee meetings to which they have been assigned will be notified in writing by the Secretary of their pending termination. The Secretary will rule on member disqualification's at the next Executive Committee meeting following such notification.

**ARTICLE V OFFICERS and ELECTIONS**

Section 1. Enumeration of Officers.

The Officers of the LEPC shall be a Chairman, Vice Chairman, and a Secretary who shall be elected by the committee as a whole in a manner herein provided. The Flathead County Emergency Response Authority shall serve as the LEPC Treasurer.

Section 2. Eligibility.

All officers shall be a member of the LEPC. No elected officer shall be eligible to serve for more than two consecutive terms in the same office. An officer who has served more than one half of a term is considered to have served a full term in that office.

Section 3. Nomination and Election.

A nominating committee shall be elected by the full committee at the general meeting immediately prior to biannual meeting. The nominating committee shall submit a nominee for each of the positions of Chairman, Vice Chairman, and Secretary at the biannual meeting.

Additional nominations for the positions shall be accepted from the floor before the election. The election shall be by ballot, except that when there is only one nomination for an office, election may be by voice vote. These elected officers shall be selected by a majority of the members of the LEPC present and voting at the biannual meeting.

Section 4. Term of Office.

The term of the elected officers shall be for a period of two years, starting immediately after the election at the biannual meeting, or until the officer's successor is elected.

Section 5. Vacancy.

The executive committee shall fill any elected officer's position that becomes vacant after an election.

Section 6. Duties of Officers.

The officers of the LEPC shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the LEPC. Additional duties of the officers not covered elsewhere in these bylaws are:

A. Chairman.

The Chairman shall preside at all general meetings of the LEPC and the biannual meeting, Executive Committee meetings and any special meetings of the LEPC; shall serve as ex officio member of all committees except the nominating committee; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC.

B. Vice Chairman.

The Vice Chairman shall perform such other duties as may be assigned by the Chairman; and shall perform the duties of the Chairman in the absence of the Chairman.

C. Secretary. Treasurer.

The Secretary shall be the custodian of all non financial records, papers, documents, and other property of the LEPC; keep a true record of the proceedings of all meetings of the LEPC, including membership attendance; attend to the business needs of the LEPC.

D. Treasurer.

The Treasurer shall maintain an accurate public financial records of all moneys received and expended for the use of the LEPC; and, prepare membership updates for submission to the SERC for approval.

**ARTICLE VI EMERGENCY RESPONSE AUTHORITY**

Section 1. Position.

The Flathead County Emergency Response Authority shall serve as LEPC Treasurer and fulfill the LEPC's legal SARA Title III requirements.

Section 2. Duties.

The Flathead County Emergency Response Authority shall work with facility coordinators to ensure coordinated planning efforts, and process the reporting of hazardous substance releases; shall receive and process all Tier II reports submitted to the LEPC; and shall serve as a member of The Hazard Assessment Emergency Response Subcommittee.

**ARTICLE VII EXECUTIVE COMMITTEE**

Section 1. Members.

The Executive Committee will consist of the Chairman, Vice Chairman, Secretary, Treasurer/Emergency Response Authority, and the four chairmen of the Standing Subcommittees.

Section 2. Authority.

The Executive Committee shall have general supervision of the affairs of the LEPC between the general meetings; and shall coordinate activities of the Standing Subcommittees and the ad hoc committees; fix the hour and place of meetings; make recommendations to the LEPC; and perform such other duties as are specified in these bylaws.

The Executive Committee shall be subject to the orders of the LEPC, and none of its acts shall conflict with action taken by the LEPC.

Section 3. Meetings.

Unless otherwise ordered by the Executive Committee, the regular meetings of the Executive Committee shall be held on the first Wednesday prior to the general meeting. Special Meetings of the Executive Committee can be called by the Chairman and shall be called upon written request of three members of the committee. The presence of three members shall constitute a quorum.

**ARTICLE VIII MEETINGS**

Section 1. General Meetings.

Except for the final meeting of the calendar year, general meetings of the full LEPC committee shall be held on the first Wednesday of every third month, beginning in January, unless otherwise ordered by the Executive Committee, and/or aforementioned Wednesday falls on legal holiday moving meeting to next calendar Wednesday.

The final meeting of the calendar year shall be held on the first Wednesday of March unless otherwise ordered by the Executive Committee.

Section 2. Biannual Meeting.

The meeting on the first Wednesday in July of odd years shall be known as the biannual meeting and shall be for the purpose of electing officers, receiving final reports of officers and committees, and for any other business that may arise.

Section 3. Special Meetings.

Special Meetings of the LEPC may be called by the Chairman or by the Executive Committee, and shall be called within 14 days upon written request of five members of the LEPC. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days' notice shall be given.

Section 4. Public Notice.

The LEPC shall publish notice of general meetings, biannual, and special meetings on the public bulletin board of the Columbia Falls, Kalispell, Whitefish City Hall, and Flathead County Justice Center at least 72 hours prior to such meetings. In an emergency declaration by the chairman and confirmed by a majority of the LEPC in attendance at the emergency meeting, the 72 hour notice may be waived.

Section 5. Quorum.

The presence of fifteen percent of the members of the LEPC at the opening of the full committee meeting shall constitute a quorum for the transaction of business by the LEPC.

## **ARTICLE IX COMMITTEES**

Section 1. Standing Subcommittees.

Standing Subcommittees of the LEPC are Community Education, Hazardous Assessment/Emergency Response, Emergency Notification, and Finance.

Section 2. Membership of Standing Subcommittees.

All members of the LEPC must volunteer to serve on at least one Standing Subcommittee, and shall not serve on more than two Standing Subcommittees. Final membership on the Standing Subcommittees shall be determined by the LEPC Chairman after consultation with the Executive Committee to ensure that all committees have sufficient manpower to carry out their assigned tasks.

Appointments to the Standing Subcommittees shall be ratified by the full LEPC committee. The Standing Subcommittees may have non-voting, non-LEPC members as necessary.

Section 3. Meetings.

Each Standing Subcommittee shall hold at least one meeting between consecutive general meetings. Additional meetings of the Standing Subcommittees may be called by the Chairman of the LEPC or the chairman of those committees as deemed necessary. The presence of three members shall constitute a quorum for the transaction of business.

Section 4. Duties of Standing Subcommittees:

A.) Community Education Subcommittee.

The Community Education Subcommittee shall:

- promote community awareness about the potential for, nature and handling of hazardous substance emergencies, and advise the public on appropriate actions to take in such emergencies;
- inform the public of LEPC meetings, and arrange publicity for the LEPC;
- formulate policies and procedures concerning the public's right-to-know provisions of SARA Title III, and related state laws; and,
- respond to public inquires and complaints regarding specific incidents or facilities.

B.) Hazard Assessment/Emergency Response Subcommittee.

The Hazard Assessment Emergency Response Subcommittee shall:

- compile available information of hazardous substance storage and transportation, and address the degree of hazard present;
- establish procedures for on-going communication with affected facilities to ensure correct and current information;
- develop and test the emergency response plan for the planning district, evaluate the plan performance, and recommend appropriate changes as needed; and
- review existing Federal, State, and local plans for the purpose of coordination with the LEPC planning process.

C.) Emergency Notification Subcommittee.

The Emergency Notification Subcommittee shall:

- evaluate resources and procedures for public notification of a hazardous materials emergency;
- promote implementation of effective notification measures.

D.) Finance Subcommittee.

The Finance Subcommittee shall:

- survey potential sources of funding or in-kind support for LEPC activities; and,
- obtain funds and/or resources from the identified sources.



Section 5. Audit Subcommittee.

An Audit Subcommittee of three members shall be appointed by the Chairman at the July general meeting of odd years, whose duty shall be to audit the Treasurer's LEPC accounts at the close of the fiscal year and to report at the biannual meeting.

Section 6. Ad Hoc Committees.

The Chairman may create ad hoc committees as necessary to perform the functions of the LEPC. Chairmen and members of ad hoc committees shall be appointed by the Chairman with the approval of the Executive Committee.

**ARTICLE X AMENDMENTS & RULES**

Section 1. Amendments.

These bylaws may be amended by a two thirds vote of members present and voting at any full meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least 30 days in advance of the meeting.

Section 2. Rules.

Any proposed rule(s) shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If approved, the full LEPC committee shall then vote on the adoption of the proposal.

**ARTICLE XI PARLIAMENTARY AUTHORITY**

Section 1. Parliamentary Authority.

The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws.