

**MEMPHIS/SHELBY COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE BY-LAWS**

**ARTICLE I
AUTHORITY AND OBJECTIVES**

Section 1: The name shall be the Memphis-Shelby County Local Emergency Planning Committee (LEPC) with principle office at Memphis-Shelby County Emergency Management Agency, Memphis, Tennessee.

Section 2: These bylaws are adopted under authority of the Public Law 99-499, Section 301 (c).

Section 3: The objectives and purposes of the LEPC are set forth in PL 99-499 and those powers and duties delegated to it by the Tennessee Emergency Response Commission (TERC) in accordance with the above mentioned enabling laws.

Section 4: The LEPC in conjunction with the Memphis Shelby County EMA shall develop and distribute a local emergency plan for the emergency planning district encompassed by geographical area of Shelby County, Tennessee. The emergency plan will include but not be limited to each of the following:

(a) Identification of facilities subject to the requirements of PL 99-499 that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section 302(a) of PL 99-499, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of PL 99-499, such as hospitals or natural gas facilities.

(b) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(c) Designation of a community emergency response coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.

(d) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notifications requirements of section 304 of PL 99-499).

(e) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

(f) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of PL 99-499, and an identification of the persons responsible for such equipment and facilities.

(g) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes

(h) Training programs, including schedules for training of local emergency response and medical personnel.

(i) Methods and schedules for exercising the plan. After completion of the emergency plan, the LEPC shall submit a copy of the plan to TERC for review and recommendation to ensure coordination of the plan with emergency response plans of other emergency planning district

Section 5: The LEPC shall evaluate the need for resources necessary to develop, implement and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources.

ARTICLE II MEMBERSHIP

Section 1: The LEPC shall consist of at least as many members as needed to include one each from the required groups or organizations in PL 99-499 as appointed and reported to the TERC and Governor. Those groups or organizations are:

- (a) Elected state officials
- (b) Elected local officials
- (c) Law enforcement
- (d) Emergency Management
- (e) Fire fighting
- (f) First Aid
- (g) Health
- (h) Local environmental businesses
- (i) Hospital
- (j) Transportation
- (k) Broadcast media
- (l) Print media
- (m) Community groups
- (n) Owners and operators of facilities subject to the requirements of PL 99-49

The current membership list shall be provided to the County Mayor and TERC annually.

Section 2: An individual member maintains membership by attending a minimum of three regular LEPC meetings per calendar year. Any vacancy by reason of death, resignation, or other cause, shall be filled by the unexpired term of the member by election at the next regularly scheduled meeting possible and submitted to TERC for the record.

Section 3: Individuals may hold unlimited successive annual terms as long as they are active members maintaining current membership status.

Section 4: Organizational members may designate an alternate to represent them at regular meetings. Such designees will have full voting rights on behalf of the regular member.

Section 5: There shall be no limit on the number of members approved by the LEPC for confirmation except that there shall be no more than one voting member from each facility or organization.

ARTICLE III OFFICERS

Section 1: The general membership shall elect a Chairperson, and other officers from within the membership of the LEPC. The Chairperson shall be a person who is serving as an LEPC member from a category other than (a), (b), (c), (d), (e), (k) and (l) in Article II, Section 1.

Section 2: The Chairperson shall preside at all meetings and public hearings of the LEPC and shall have the powers normally conferred by parliamentary usage of his office. He shall have the power to appoint subcommittees, call special meetings, and to perform such other duties as may be ordered by the membership. The Chairperson shall have the privilege of discussing all matters before the LEPC to vote thereon.

Section 3: In addition to the Chairperson, there will be elected, an Executive Committee. This shall consist of the Chairperson, three vice-chairpersons, a Treasurer, and a Secretary. The Executive Committee shall also include as ex-officio members all former LEPC Chairpersons, the Director of the Memphis/Shelby County Emergency Management Agency, the Director of the Memphis Fire Department, the Chief of the Shelby County Fire Department and one of the chiefs of the Fire Departments of Arlington, Bartlett, Collierville, Germantown, and Millington on a yearly rotating basis, as appointed by the Midsouth Fire Chiefs Association. Such ex-officio members may appoint a representative to act in their stead. In the absence of or in the event that the Chairperson is unable to act, the Executive Committee will select a member who is present to preside and act for the Chairperson.

Section 4: The Secretary shall keep the minutes and records of the LEPC.

Section 5: The Treasurer shall maintain LEPC funds in a bank or savings account approved by the Executive Committee.

Section 6: The Treasurer and the other five officers names in the second sentence of Article II, Section 3 shall be authorized to sign checks or otherwise withdraw funds approved for expenditure by the Executive Committee. Two signatures from members of the group shall be required on checks or withdrawal forms

ARTICLE IV ELECTION OF OFFICERS

Section 1: Nomination for officers shall be taken from members, and officers shall be elected at an annual organizational meeting to be set annually by the Executive Committee, but not later than October of each year. During this election process, the Secretary shall act as Chairperson pro tem. The LEPC shall elect its chairperson from among the members who have been submitted to TERC.

Section 2: The nominee for each office receiving a majority vote of the membership present shall be declared elected and shall take office immediately following the election.

Section 3: All officers shall be elected for a term of one (1) year and shall be eligible to succeed themselves. In no case, however, shall the Chairperson serve as Chairperson for more than two consecutive one year terms. Vacancies shall be filled at the next regular meeting for the unexpired term by the regular election procedure.

ARTICLE V SUBCOMMITTEES

Section 1: Subcommittees may be appointed by the Chairperson for those purposes and terms as designated by the Chairperson.

Section 2: At least one subcommittee shall be formed in order to fulfill the statutory requirements of the LEPC. It shall be established to receive and process requests for information from the public and shall be chaired by a member of the Memphis / Shelby County Emergency Management Agency.

ARTICLE VI REGULAR MEETINGS

Section 1: Regular monthly meetings shall be held. Any regular meeting may be adjourned to a definite date by a majority vote of the quorum.

Section 2: All meetings and records of such meetings shall be open to the general public as so required by Tennessee law.

Section 3: Twenty members shall constitute a quorum. A quorum shall be present before any business is transacted.

Section 4: At all meetings, each member (or designee) attending shall be entitled to cast one vote. The affirmative vote of a majority of members present is necessary for an official action. In the event that any member shall have a direct or indirect personal interest in any business before the LEPC, this member shall disclose the interest and be disqualified from voting upon the business.

Section 5: All statutorily required plans and reports of the LEPC must be approved by majority vote of a quorum at a meeting announced by the Chairperson with at least two weeks advance notice especially noting that such an act is part of the agenda.

Section 6: The order of business at a regular monthly meeting shall be as follows:

- (a) Roll call determination of a quorum (either visual or verbal)
- (b) Approval of the minutes of the previous meeting
- (c) Reports by officers or Subcommittees
- (d) Old business
- (e) New business (including incident reviews)
- (f) Adjournment

ARTICLE VII SPECIAL MEETINGS

Section 1: As required by federal law, this LEPC shall hold a public meeting, after proper notice, when considering LEPC activities.

Section 2: In addition to those required by law, this LEPC may hold, at its discretion, special public hearings when such meetings are deemed to be in the public interest by this LEPC.

Section 3: During a public meeting, interested parties may submit comments to any emergency plan verbally or in writing.

Section 4: A public record shall be kept of those speaking before the LEPC at public meetings or presented to the LEPC in writing.

ARTICLE VIII ADOPTION AND AMENDMENT

Section 1: These bylaws herein shall be in full force and effect at the first non-organizational meeting and all subsequent meetings following the adoption of this document by a majority vote of the members of the current membership of this LEPC, or at such date as may be designated.

Section 2: These bylaws may be amended or repealed at a regular meeting by a majority vote of the quorum of the LEPC. After the amendment or the repeal has been approved, it shall take effect at the next regular meeting. Each member shall receive a written copy of the proposed amendment and reasons for promulgation during the meeting in which the proposal is presented to the LEPC.