

2010

Randolph County LEPC By-Laws



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**BYLAWS FOR THE RANDOLPH COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted by Congress into law on October 17, 1986, and contains Title III; The Emergency Planning and Community Right-to-Know Act of 1986.

WHEREAS, pursuant to Title III, the Indiana Emergency Response Commission designated the Randolph County Local Emergency Planning Committee as the Local Emergency Planning Committee for Randolph County and subsequent jurisdictions adopting this plan composed of elected officials, law enforcement, fire service, emergency medical, emergency management, and public health professionals and environmental, hospital and transportation officials, as well as industry representatives of facilities subject to the SARA requirements, community groups and the media. This Committee has been named the Randolph County Local Emergency Planning Committee (hereinafter cited as "the Committee").

WHEREAS, the task of the Committee, is to establish rules, give public notice of its activities, establish procedures for handling public requests for information, and develop an emergency operations plan. This plan must:

- identify facilities containing, and major transportation routes for, extremely hazardous substances;
- include emergency response procedures;
- designate a management system to implement the plan and encourage private sector facility representatives to participate in the process;
- establish emergency notification procedures;
- develop methods for identifying the occurrence of a release, the area and population potentially affected and the potential toxic effects of the exposure;
- describe public and private sector technical and hardware resources for hazardous material emergency response and identify methods of acquisition during an emergency;
- include direction to where possible source reference information of local hazardous materials companies, facilities or business, rail systems or governmental emergency operations plans exist that contain basic highway evacuation plans;
- include public notification procedures;

- provide procedures for responding to public requests for information;
- assist members in providing public education outreach regarding emergency response process, options and evacuation plans;
- provide for inclusion of the public in emergency response training and exercises; and
- develop and describe a system for providing hazardous material response training and plan exercises and provide a schedule of these activities.

The Committee must provide the opportunity for members of the public to provide information and to comment on the plan.

The Committee may enter into agreements with other governmental entities, advisory boards, committees or councils.

WHEREAS, to meet these goals the Committee has adopted the following bylaws:

ARTICLE I – SCOPE

Section 1. Name of the Committee. The name of the Committee shall be the "Randolph County Local Emergency Planning Committee".

Section 2. Status of Committee. The Committee shall operate as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and ordinances.

Section 3. Mailing Address and Telephone Number. The official mailing address and telephone number of the Committee shall be:

Randolph County Local Emergency Planning Committee
325 S. Oak Street Suite 102
Winchester, Indiana 47394
(765) 584-9641

ARTICLE II – MEMBERSHIP

Section 1. Members. Title III requires that the members of the Committee consist of representatives of the following groups: elected state and local officials, law enforcement, emergency management, fire service, emergency medical, health, local environmentalists, hospital, transportation, media, community groups and owners and operators of facilities subject to the requirements of Title III. All members must be recommended to and appointed by the Indiana Emergency Response Commission. All LEPC members must have access to e-mail and are responsible for notifying the Committee chair of e-mail changes.

Section 2. Term of Membership. All members shall serve for an unspecified term from the date of appointment by the Indiana Emergency Response Commission. Polling of the membership concerning tenure and review of appointments shall take place during the annual meeting.

Section 3. Attendance at Meetings. All members or their designees are required to attend at least fifty percent (50%) of all meetings of the Committee held in any twelve (12) month period unless excused for cause by the Chairperson. A Committee member will be excused from a meeting for good cause and upon notification to the Chairperson, Vice Chairperson or their designee.

Section 4. Expulsion. Annually in May, if according to the attendance records of the Committee, a member has not attended at least fifty percent (50%) of all meetings of the Committee in any twelve (12) consecutive month period, except for excused absences, that member shall be removed from membership.

Section 5. Alternate Representatives. Committee members may elect to formally identify in writing to the Chairperson an alternate member (Proxy) for their position on the Committee. The alternate representative may take part in the Committee discussions on behalf of the missing member and shall be allowed to vote on any matters before the Committee. The alternate representative's attendance shall be counted as a present member when it is determined whether a quorum is in attendance or as attendance for the member of the Committee for whom the representative is attending.

Section 6. Filling Vacancies and Adding New Members. Should vacancies occur on the Committee, they may be filled by persons recommended to the Indiana Emergency Response Commission by the Committee and appointed by the Indiana Emergency Response Commission. Vacancies which occur on the Committee do not have to be filled unless, because of the vacancy, the Committee will no longer meet any relevant local, state or federal requirements. Should it be deemed necessary to add new members to the Committee, the procedure shall be the same as for filling vacancies.

ARTICLE III – OFFICERS

Section 1. Officers. The officers of the Committee shall be the Chairperson and the Vice Chairperson.

Section 2. Chairperson. The Chairperson shall preside at all meetings of the Committee, be responsible for preserving order and decorum and submit recommendations and information as he or she may consider proper concerning the business, affairs and policies of the Committee. Except as otherwise authorized by these bylaws or by resolution of the Committee, the Chairperson shall sign or delegate to the Vice Chairperson the authority to sign, all official documents of the Committee. The Chairperson shall establish or authorize the Vice

Chairperson to establish any fees collected by the Committee. The Chairperson shall also ensure that an agenda of each Committee meeting is mailed or delivered as provided by Article V, Section 5.

Section 3. Vice Chairperson. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new Chairperson. The Vice Chairperson shall have the authority to sign official documents of the Committee or to establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson and as outlined in the agreement with the counties represented. The Vice Chairperson shall ensure that any information gathered by the Committee or Randolph County LEPC staff is submitted pursuant to requirements established by the Committee and is properly stored and maintained at the address provided in Article I, Section 3. The Vice Chairperson shall ensure that the Randolph County LEPC staff records accurate summaries of the meetings of the Committee and that such record is kept and distributed in the manner prescribed by Article V, Section 8.

Section 4. Additional Duties. The officers of the Committee shall perform such other duties and functions that may from time to time be required by the Committee or by the laws, bylaws or rules and regulations governing the Committee.

Section 5. Elections. The Vice Chairperson shall be elected to serve for two, two year terms and shall not be allowed to serve for more than these two full consecutive terms. A new Vice Chairperson shall be elected from the committee membership during a committee meeting in February of odd numbered years. The Chairperson is not an elected position but an assumed position, that being the director of Randolph County Homeland Security & Emergency Management.

Section 6. Vacancies. Should the office of Vice Chairperson become vacant, the Committee shall elect a successor from the Committee membership for the unexpired portion of the term within 90 days of the occurrence of the vacancy.

Section 7. Additional Appointments. Additional personnel appointments for subcommittee positions and any other positions that may occur and are necessary for the operation of the Committee's tasks and approved by the membership shall be made by the Chairperson and approved by a majority of the members at a regular meeting of the Committee at which a quorum of the members are present. The Committee may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by federal, state and local laws, rules and regulations or guidelines. The selection and compensation of such personnel shall be determined by the Committee subject to any applicable laws.

ARTICLE IV – SUBCOMMITTEES

Section 1. Appointment of Subcommittees. The Chairperson or the Vice Chairperson in the absence of the Chairperson may from time to time appoint subcommittees composed of members of the Committee to study and report on matters relevant to the Committee.

ARTICLE V – MEETINGS

Section 1. Annual Meeting. The annual meeting of the Committee shall be the first Thursday in February of each year at a time and location designated in the "Notice of Annual Meeting" mailed, e-mailed or delivered to each Committee member at least seven (7) days before such meeting. Election of officers and nomination shall take place at the annual meeting, and shall occur in the following order: (1) nomination and (2) election. Those who may vote and run for office are those persons who have been nominated from the Committee membership.

Section 2. Regular Meetings. Regular meetings of the Committee shall be held quarterly and shall be scheduled by the Chairperson. At least seven days' notice of the meeting shall be provided to all Committee members by e-mailing, mailing or delivering a written notice to the address provided by the member to the Committee. The written notice of the meeting may also be mailed or delivered with the agenda for the meeting. The news media shall be informed of meeting dates, times and locations by legal postings or e-mail. In unusual circumstances when neither the Chair nor Vice Chair is able to preside at a regular meeting, the Chairperson may appoint a proxy to conduct the meeting at their direction. If a regularly scheduled monthly meeting falls adjacent to or on a holiday, majority vote of the members present at the monthly meeting prior to the holiday may vote to cancel the meeting in question.

Section 3. Special Meetings. The Chairperson of the Committee may, when it is deemed expedient, upon written request of at least two members of the Committee, call a meeting of the Committee for the purpose of transacting any business of the Committee. The purpose of the meeting shall be set forth in the call of the meeting and the call of the meeting may be mailed or delivered to each Committee member at least two (2) days prior to such meeting. At the special meeting no business shall be considered other than as designated in the call; however, if a quorum of the members of the Committee is present at a special meeting, any item of business may be transacted if the members of the Committee present vote unanimously to transact said business.

Section 4. Frequency. Regular and Special Meetings including the Annual Meeting shall be held quarterly except in the event of a holiday where the members have voted to cancel the meeting that conflicts with the holiday.

Section 5. Agenda for Committee Meetings. An agenda of each Committee meeting shall be electronically distributed to each Committee member and his or her designee prior to each Committee meeting, unless there is a vote taken in accordance with Article V, Section 9 to eliminate this requirement. Should this requirement be eliminated, it can be reinstated by election of the Committee in accordance with Article V, Section 9. The agenda for the next

meeting shall be mailed electronically or delivered to each person or entity whose name and address are included on the membership list. The list to which notice is required shall be maintained for the Committee and updated as needed by the LEPC staff.

Section 6. Order of Business. At meetings of the Committee the following shall be the order of business:

1. **WELCOME AND INTRODUCTIONS**
2. **APPROVAL OF AGENDA AND MEETING SUMMARY**
3. **FINANCIAL REPORT**
4. **SUBCOMMITTEE REPORTS**
5. **NEW BUSINESS**
6. **HAZARDOUS MATERIALS INCIDENTS REPORTED TO THE LEPC IN THE LAST MONTH**
7. **HOMELAND SECURITY ACTIVITIES**
8. **LEGISLATION**
9. **ANNOUNCEMENTS/OTHER BUSINESS**
10. **PUBLIC COMMENTS**
11. **NEXT MEETING**

Section 7. Manner of Conducting Meetings. No standard rules of procedure shall be required unless adopted by the Committee in accordance with Article V, Section 9. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee which may include the following:

1. No person shall speak unless first recognized by the Chairperson.
2. Debate on a matter shall be closed by a motion and second to bring the matter to a vote.
3. Any member of the Committee may make or second a motion.

Section 8. Summaries of Committee Meetings. Summaries of all of the meetings of the Committee shall be taken and maintained by the LEPC staff. Summaries shall include, but not be limited to, a record of all votes of the committee, a record of attendance at Committee meetings and a summary of Committee discussions. The summaries of each meeting shall be mailed electronically to each Committee member at least one week prior to the date of the next meeting.

Section 9. Quorum. The powers of the Committee shall be vested in the Committee. Fifty percent (50%) of the total membership of the Committee shall constitute a quorum for the purpose of opening a Committee meeting. At a meeting action may be taken pursuant to an affirmative vote of the majority of all those present, unless a majority of those present is less than the number required for a quorum. A minimum of thirty percent (30%) of all Committee members must vote affirmative for action to be taken.

Section 10. Manner of Voting. The voting on all questions coming before the Committee shall be by yea or nay, or by a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meeting.

Section 11. Participation by Members of the Public. Members of the public are encouraged to attend all Regular, Special and Annual Meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters related to local hazardous material emergency preparedness. A member of the public who desires to address the Committee may mail a written notice of intent to appear to the Chairperson at the address found in Article I, Section 3 and then sign in with the Vice Chairperson at the time and place of the meeting before the meeting begins. Members of the public who appear at the meeting and wish to address the Committee will be allowed to do so without a prior written notice of intent to appear; however, they will be required to wait until after any members of the public who have provided written notice have spoken. Members of the public are also encouraged to provide written opinions and information to the Committee at the address found in Article I, Section 3. Members of the public include, but are not limited to, citizens, industry representatives, experts, expert witnesses and government entity representatives.

ARTICLE VI – ADMINISTRATION

Section 1. Annual Budget. An annual budget shall be adopted and approved by the Committee.

Section 2. Monies and Appropriations. The Randolph County LEPC may receive and disburse public and private funds for the purpose of implementing the Emergency Planning and Community Right-to-Know Act of 1986 in the plan service area. Such monies shall be deposited and managed in accordance with the standard procedures of the LEPC. All disbursements over \$1,000 or not in accordance with the annually approved budget will require prior authorization by the Chairperson by category or specific item. Periodic financial reports will be made to the Committee as required by law or requested by the Committee or Committee Chairperson. A projected budget for the upcoming fiscal year shall be provided to the Committee by the LEPC staff in conjunction with the yearly LEPC application for CEPF/HMEP funds by no later than July 1 of each year.

Section 3. Fees. Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be as established or recommended by local, state or federal law, regulation, guideline or ordinance. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost of providing the service or data.

ARTICLE VII – AMENDMENTS

Section 1. Amendments to Bylaws. The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and distributed with the agenda for the meeting at which the proposed amendment is to be voted on.

Section 2. Filing of Bylaws and Amendments to Bylaws. A copy of the bylaws and any amendments to the bylaws shall be kept on file by LEPC and may be provided by them to any public entity or private citizen who requests a copy or copies. A copy of the Bylaws shall be provided to the Indiana Emergency Response Commission.

ADOPTED BY THE RANDOLPH COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, this 19th day of August, 2010

Signature on file

Chairperson

Signature on file

Vice Chairperson