



MID-AMERICA LOCAL EMERGENCY PLANNING COMMITTEE

BYLAWS

Approved January 10, 2013

BYLAWS FOR THE MID-AMERICA 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; and

WHEREAS, Title III establishes requirements that federal, state and local governments and Industry must implement regarding emergency planning and community right-to-know reporting on hazardous and toxic chemicals; and

WHEREAS, pursuant to Title III, the Missouri State Emergency Response Commission designated the Mid-America Local Emergency Planning Committee as the Local Emergency Planning Committee for Kansas City, Missouri, and Cass, Clay, Jackson, Platte and Ray counties following their request for the Mid-America Local Emergency Planning Committee to support those communities in meeting the Title III requirements; and

WHEREAS, the designation of the Mid-America Local Emergency Planning Committee by the Missouri State Emergency Response Commission allows for additional jurisdictions to participate, with representation from each participating community and with stakeholder interests including elected officials, law enforcement, fire service, emergency medical, emergency management, public health, environmental, hospital, transportation, industry representatives of facilities subject to the SARA requirements, community groups and the media; and

WHEREAS, this Committee has been named the Mid-America Local Emergency Planning Committee (hereinafter cited as "the Committee"); and

WHEREAS, the Kansas Counties of Johnson, Wyandotte and Leavenworth have been accepted as members of the Mid-America Local Emergency Planning Committee, following their request to become part of the regional effort to reduce risks from hazardous materials events, through coordinated planning and training and education; and

WHEREAS, the task of the Committee, formed under the auspices of the Mid-America Regional Council, is to establish rules, give public notice of its activities, establish procedures for handling public requests for information, and develop an emergency operations plan for events related to hazardous materials.

THEREFORE, the Committee has adopted the following bylaws:

ARTICLE I - SCOPE

Section 1. Name of the Committee. The name of the Committee shall be the "Mid-America Local Emergency Planning Committee".

- a) **Section 2. Status of Committee.** The Committee shall operate under the auspices of the Mid-America Regional Council (MARC) as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and ordinances. The

committee may enter into agreements with other governmental entities, advisory boards, committees or councils to develop and maintain the plan. MARC will provide professional planning, coordination and administrative support to the Committee.

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

Mid-America Local Emergency Planning Committee
% Mid-America Regional Council
600 Broadway, 200 Rivergate Center
Kansas City, Missouri 64105-1659
(816) 474-4240

ARTICLE II - MEMBERSHIP

Section 1. Members. Title III requires 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. The Committee shall have representation from both Missouri and Kansas. Missouri members must be recommended to and appointed by the Missouri State Emergency Response Commission. Kansas members must be nominated by their respective Emergency Management Coordinator and appointed by the CEPR (Commission on Emergency Planning and Response). All LEPC members must have access to e-mail and are responsible for notifying MARC of e-mail changes.

Section 2. Term of Membership. All members shall serve for a two year term from the date of appointment by the appropriate State Emergency Response Commission (MERC or CEPR) and may be reappointed for successive terms. Polling of the membership concerning tenure and review of appointments shall take place during the annual meeting. Past Chairs that serve their terms will be allowed to retain a vote as long as they remain active after their term as Chair ends.

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 April, 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 may be removed from membership upon recommendation by the Chairperson.

Section 5. Alternate Representatives. Committee members may elect to formally identify in writing to the LEPC an alternate member 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 representing Missouri interests occur on the Committee, they may be filled by persons recommended to the State Emergency Response Commission by the Committee and appointed by the State Emergency Response Commission. Vacancies filled by persons representing Kansas counties may be filled by persons recommended by the appropriate Kansas County. 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, First Vice Chair, and Second Vice Chair.

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 First Vice Chairperson the authority to sign all official documents of the Committee. The Chairperson shall ensure an agenda of each Committee meeting is sent to members and interested parties as provided by Article V, Section 5.

Section 3. First Vice Chairperson. The First 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 First Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new Chairperson. The First 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 First Vice Chair will serve as a Chair of one of the subcommittees. The First Vice-Chairperson shall ensure information gathered by the Committee or Mid-America Regional Council 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 First Vice Chairperson shall ensure accurate summaries of the meetings of the Committee are kept and distributed in the manner prescribed by Article V, Section 8.

Section 4. Second Vice Chair –In the absence of the Chairperson or First Vice Chairperson, the Second Vice Chairperson shall perform the duties and exercise the powers of the Chair. The LEPC Second Vice Chair will be an active member of the Plans subcommittee and may serve as Chair of a subcommittee.

Section 5. Information Coordinator - MARC will designate a member of its staff, with concurrence from the Committee, to serve as the Information Coordinator for the LEPC. The Coordinator in consultation with the LEPC chair and impacted jurisdiction shall process requests from the public for information under Section 324 (Right to Know) including Tier II information under section 312. The Information Coordinator shall be a non-voting member of all committees of the LEPC.

Section 6. Additional Duties. The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Committee or by the laws, bylaws or rules and regulations governing the Committee.

Section 7. Elections. The officers shall be elected to serve for three one (1) year terms and may serve additional terms if elected by the LEPC. The person elected to the Second Vice Chairperson position will serve in that capacity for the first term, then move to the First Vice Chair position and will serve as Chairperson during the third one-year term.

The Nominating Committee shall be comprised of the outgoing LEPC Chair and current Vice-Chairpersons and active past chairs. The Nominating Committee will identify candidates in September of each year to be considered by the Committee for election as officers at the January meeting of the Committee.

Section 8. Vacancies. Should the office of Chairperson or First or Second 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.

ARTICLE IV - SUBCOMMITTEES

Section 1. Appointment of Subcommittees. The Chairperson or the First 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 meeting held after January 1 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. The nomination and election of officers shall take place at the annual meeting. 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 at a minimum on a quarterly basis. At least seven days' notice of the meeting shall be provided to all Committee members by e-mail. The written notice of the meeting may also be emailed with the agenda for the meeting. The public shall be informed of meeting dates, times and locations by legal postings. In unusual circumstances when neither the Chair nor First or Second Vice Chair is able to preside at a regular meeting, the Information Coordinator of the Mid-America Regional Council may conduct the meeting at the Committee officers' direction.

Section 3: Review of significant Hazardous Materials Incidents. In the event a significant incident occurs in the LEPC service area, a review and discussion of the incident shall be conducted by the Committee at its next regular meeting within 60 days or at a special meeting.

Section 4. Special Meetings. The Chairperson of the Committee may, when it is deemed expedient, and shall, 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 e- mailed at least two (2)

days prior to such meeting.

Section 5. Agenda for Committee Meetings. An agenda of each Committee meeting shall be electronically distributed to each Committee member, his or her designee, and other interested parties prior to each Committee meeting.

Section 6. Manner of Conducting Meetings. No standard rules of procedure shall be required unless adopted by the Committee. 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 may 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 7. Summaries of Committee Meetings. Summaries of all meetings of the Committee shall be prepared and maintained by the MARC 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 8. Quorum. The powers of the Committee shall be vested in the Committee. Thirty (30) percent of total members shall constitute a quorum.

Section 9. Manner of Voting. The voting on all questions coming before the Committee shall be by verbal "yes" or "no", or by a show of hands, unless action is taken for a roll call vote on a particular matter. A simple majority is required to pass. The Chair only votes in the case of a tie.

Section 10. Participation by Members of the Public. Members of the public are encouraged to attend 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 or email a request to appear to the Chairperson at the address found in Article I, Section 3 or to the designated MARC staff Information Coordinator. Members of the public requesting the opportunity to speak to the Committee will then sign in with the First or Second 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. A projected budget for the upcoming fiscal year shall be provided to the Committee by the Mid-America Regional Council staff in conjunction with the annual LEPC application for CEPF/HMEP funds.

Section 2. Monies and Appropriations. The Mid-America Regional Council may receive and disburse public and private funds on behalf of the Committee for the purpose of implementing the Emergency Planning and Community Right-to-Know Act of 1986 in the LEPC service area. Such monies shall be deposited and managed in accordance with the standard procedures of the Mid-America Regional Council. All disbursements over \$1,500 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.

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.

Section 4. Professional Services to Support the Committee. The Missouri counties that are members of the Committee have designated the Mid-America Regional Council to provide administrative and professional planning services. The Kansas counties that are members of the Committee agree to recognize the Mid-America Regional Council as the designated organization to provide administrative and professional planning services on behalf of the Committee. If required by the Kansas agency providing grant funds to Kansas counties for LEPC activities, the Committee will document the justification for the selection of MARC for the designated administrative and professional planning services. The Chairperson or Vice-Chairpersons may participate in any interview process necessary to fill personnel positions determined as necessary by MARC to support the Committee. The Committee will compensate MARC for such professional services as agreed to with adoption of the annual Committee budget.

Section 5. Adoption of A Hazardous Materials Emergency Operations Plan. The Committee must adopt and maintain a plan for hazardous materials incidents that

- b) Identifies facilities containing, and major transportation routes for, extremely hazardous substances;
- c) Includes emergency response procedures;
- d) Designates a management system to implement the plan and encourage private sector facility representatives to participate in the process;
- e) Establish emergency notification procedures;
- f) Develop methods for identifying the occurrence of a release, the area and population potentially affected and the potential toxic effects of the exposure;
- g) Describe public and private sector technical and hardware resources for hazardous material emergency response and identify methods of acquisition during an emergency;
- h) Include direction to where possible source reference information of local hazardous materials companies, facilities or businesses, rail systems or governmental emergency operations plans exist that contain basic evacuation plans and routes;
- i) Include public notification procedures;
- j) Provide procedures for responding to public requests for information;
- k) Assist members in providing public education outreach regarding emergency response process, options an evacuation plans;
- l) Develop and describe a system for providing hazardous material response training and 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;

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 members of the Committee who are present at the meeting during which the voting takes place. Amendments to the Bylaws will be sent out in advance and read at one meeting and voted on at the next meeting.

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 the Mid-America Regional Council and may be provided by MARC to any public entity or private citizen who requests a copy. A copy of the Bylaws shall be provided to the Missouri Emergency Response Commission and the Kansas Commission on Emergency Planning and Response.

ADOPTED BY THE MID-AMERICA LOCAL EMERGENCY PLANNING COMMITTEE, this January 10, 2013.

Donna Maize, Chairperson

Mike Klender, Vice Chairperson