

BYLAWS OF THE MID-VALLEY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

ARTICLE 1 - PURPOSE

The principal purposes of the Mid-Valley Local Emergency Planning Committee (LEPC) are to:

- 1.1** Assume and fulfill the duties and responsibilities of a LEPC in a highly professional and organized manner.
- 1.2** Assist industry, local government, and the greater community to comply with the federal standards established in the Superfund Amendments and Reauthorization Act (SARA) Title III, Section 303(c), LEPC Planning Provisions (See Attachment A).
- 1.3** Assist industry, local governments, and emergency response agencies to prepare, plan, and manage resources for emergencies.
- 1.4** Assist members with risk management planning, designs of worst-case scenarios, and presentations.
- 1.5** Work with Linn County Emergency Management to advance county-wide emergency management and Emergency Operations Center capabilities.
- 1.6** Provide members with appropriate, meaningful educational programs.
- 1.7** Increase meeting attendance and foster awareness throughout the greater community.
- 1.8** Encourage and facilitate appropriate, applicable training and certifications for members the greater community.

ARTICLE 2 - MEMBERS

- 2.1** LEPC membership shall be open to the public. Prospective members must complete a State of Oregon LEPC member application which will be registered with the State of Oregon Fire Marshal's Office. Members are designated as Agents of the State when performing within the scope of their duties with the LEPC.
- 2.2** LEPC members will be drawn from the following disciplines:
 - Industry - Facilities with extremely hazardous substances (EHS Facilities) shall participate as described in US Code Title 42, Chapter 116, Subchapter I § 11003(d)(1).
 - Law Enforcement
 - Fire/Emergency Medical Services
 - American Red Cross

- 9-1-1/Dispatch
- School Districts, Community College, and Educational Service District
- Hospitals and Healthcare Organizations
- Elected County and City Government Officials
- Emergency Management
- Utilities
- Transportation
- Public Health
- Public

ARTICLE 3 - OFFICE

The principal office of the LEPC shall be at a location designated by the Executive Committee and ratified by a simple majority of the membership present at the meeting in which the election is conducted.

ARTICLE 4 – OFFICERS AND APPOINTED POSITION

4.1 LEPC Executive Committee shall be elected from and by the LEPC membership and consist of the following elected officer positions:

- Chair
- Co-Chair
- Treasurer
- Information Coordinator

4.2 **Appointed Position:** The Secretary shall be appointed by and serve at the discretion of the Albany Fire Chief.

4.3 **Elected Officer Duties:**

- **Chair** - The Chair shall:
 - Be the principal executive officer of the Executive Committee;
 - Supervise and oversee all affairs of the Executive Committee;
 - Perform all duties of the Chair’s office and such other duties as may be prescribed by the membership;
 - When present, preside over all Executive Committee meetings and membership meetings;
 - Sign any document that the membership has authorized to be executed.

- **Co-Chair** - The Co-Chair shall:
 - Perform the duties of the Chair in the event of the absence, death, or inability of the Chair, and when so acting, shall have all the powers, limitations, and restrictions of the Chairperson;
 - If necessary, sign any instrument that the Board has authorized to be executed.
- **Treasurer** - The Treasurer shall:
 - Chair the Finance Workgroup and exercise general financial oversight of the workgroup;
 - Sign any financial document that the membership has authorized to be executed.
- **Information Coordinator** - The Information Coordinator shall:
 - Coordinate information dissemination to the membership and the public at large.

4.4 **Appointed Position Duties:**

- **Secretary** - The Secretary shall:
 - Cause the minutes of the meetings of the membership to be kept and disseminated;
 - See that all notices are given in accordance with these Bylaws and as required by law;
 - Be custodian of any administrative records;
 - Perform all duties as may be assigned by the Chair;
 - Sign any document that the membership has authorized to be executed.

4.5 **General Powers:** The Executive Committee shall have reasonable authority to execute and manage the business and operational affairs of the LEPC, subject to general LEPC membership notification and approval.

- The Executive Board will make notification within one to three business days by email to the membership of such decisions.
- Material decisions shall be raised as questions at the next general meeting.

4.6 **Executive Committee Quorum:**

- A simple majority of the members of the Executive Committee shall constitute a quorum to transact Executive Committee business.
- Any act of the majority of the Executive Committee members at an Executive Committee meeting, at which a quorum is present, shall be the act of the Executive Committee.

4.7 **Election and Term:** An election to fill any vacancy or expiring term of an elected officer will be held at the annual meeting and will be conducted by the Nominating Committee.

- Newly elected officer(s) will take office following the election and announcement of the election results by the Nominating Committee at the annual meeting, or such time

- **Executive Committee Chair** will serve for a period of six months after initial permanent appointment. The individual then elected, and thereafter, will serve for a period of three years.
- **Executive Committee Co-Chair** will serve for a period of one year after initial permanent appointment. The individual then elected, and thereafter, will serve for a period of two years.
- **Executive Committee Treasurer** will serve for a period of two years after initial permanent appointment. The individual then elected, and thereafter, will serve for a period of two years.
- **Executive Committee Information Coordinator** will serve for a period of two years after initial permanent appointment. The individual then elected, and thereafter, will serve for a period of three years.
- Executive Committee members may serve for three consecutive terms of any length, unless extended by a majority vote of the LEPC membership.

4.8 Secretary Appointment Period: The Secretary will serve until replaced by the Albany Fire Chief.

4.9 Nominating Committee:

- The Executive Committee Chair shall solicit volunteers from the LEPC to form a Nominating Committee.
- The Nominating Committee shall be appointed by the Executive Committee Chair and will consist of at least three LEPC members, but no more than five.
- The appointment will occur at the monthly membership meeting at least two months before the term of the elected officer expires.
- The Nominating Committee shall select at least one nominee for each position for which there is a vacancy or a term of office has expired.
- The Nominating Committee shall report their nominations, either verbally or in writing, for each vacancy or expiration at the monthly LEPC meeting before the following meeting in which the election is held.

4.10 Removal: Any elected member of the Executive Committee may be removed from that position by a majority vote of the membership.

4.11 Vacancies: The term of any elected Executive Committee Officer elected to fill any vacancy shall be the unexpired portion of the term of his/her predecessor.

ARTICLE 5 - MEETINGS

- 5.1 Membership Meeting Quorum:** A quorum of the annual membership meeting, regular membership meetings, or special membership meetings shall consist of a simple majority of registered LEPC Members.
- 5.2 Annual Membership Meeting:** The annual membership meeting shall be held during a monthly meeting at a time and place determined by the membership. The purpose of the annual meeting is to elect Executive Committee officers, as needed, and conduct such other business as may come before the membership. If the Executive Committee officer election is not conducted during the annual meeting, a special meeting may be set or a vote may be conducted by alternative methods.
- 5.3 Regular Membership Meetings:**
- The Executive Committee will establish a schedule for regular monthly meetings, except that the membership may determine that monthly meetings are not in the best interest of the LEPC and alter the schedule.
 - In no case shall meetings be held less frequently than one per quarter. Participation by the public at a regular LEPC meeting will take place during the time on the agenda for public comment.
 - The Chair has the authority and responsibility to limit public comment in the interest of good order.
- 5.4 Special Meetings:**
- Special Meetings may be called by the Executive Committee to carry out the business of the LEPC.
 - If the membership is not previously notified about the Special Meeting at a regular monthly membership meeting or the Annual Meeting, the Executive Committee must make an effort to notify the membership by telephone, e-mail, or other means.
 - Any measure or issue requiring a vote of the membership may be adopted by a simple majority of the Members present at the Special Meeting.
- 5.5 Committee and Workgroup Meetings:** Meetings of any of the committees, sub-committees, and workgroups established for the benefit of the LEPC, including the Executive Committee, may establish, by consensus of the committee/workgroup members, the meeting place, date, and time.
- 5.6 Public Meetings and Records Law:** The LEPC will comply with laws regarding public meetings and records.
- 5.7 Special Meeting of the Executive Committee:** Special meetings of the Executive Committee may be held at any place or time, whenever called by any officer to carry out the business of the committee, except that, any business requiring a decision and vote by

the LEPC membership will be presented by the Executive Committee to the membership at the next annual meeting, regular meeting, or special meeting of the membership.

- 5.8 Notice of Meetings:** LEPC members and guests will be provided monthly notice of the time and place of the annual meeting and regular meetings. Two-day notice of Executive Committee special meetings shall be given by the Secretary, Information Coordinator, or person(s) calling the meeting. Public notice of meetings will be made in accordance with statutes.

ARTICLE 6 - COMMITTEE AND WORKGROUPS

6.1 Committee and Workgroups: The LEPC shall have the following committee and workgroups. The workgroups shall meet on a regularly scheduled basis, as determined by the Executive Committee, or the workgroup chair.

- **Executive Committee** - The Executive Committee shall consist of the Chair, Co-Chair, Information Coordinator, and Treasurer. The Executive Committee may only exercise those powers granted by these By-Laws and the LEPC membership.
- **Emergency Plan Review Workgroup** - This is a required function of the LEPC. The workgroup shall consist of a workgroup leader and as many other workgroup members as determined by the workgroup leader.
- **Public Outreach Workgroup** - This is a required function of the LEPC. The workgroup shall consist of the Information Coordinator and as many other workgroup members as determined by the workgroup leader.
- **Finance Workgroup** - The workgroup will consist of the Treasurer and at least two LEPC members who are not elected LEPC officers. The two members may be appointed by the Treasurer upon an expression of interest in serving.
- **Membership Workgroup** -
 - Self-education to learn about the Emergency Planning & Community Right-to-Know Act (EPCRA), LEPCs, and the mandates and requirements of the law.
 - Research and be familiar with **all** resources in the planning district that could benefit from LEPC participation.
 - Review current membership and determine those organizations that should be in attendance and are not represented based on the review mentioned above.
 - Solicit participation of those not in attendance by providing background, benefits, requirements, answering questions, etc.
 - Research other local community resources that the LEPC and the identified resource could both benefit from participation and promote membership (these are groups not identified in the law as "players").
 - Report results to the membership and solicit input about how to address any organization not willing to participate.
 - If needed request Executive Committee to request assistance from the State Emergency Response Commission (SERC) Advisory Board to solicit participation.

- **Resource Assessment Workgroup -**
 - Research existing condition of emergency response community to identify what they should have and currently don't, particularly training, and develop report of current deficiencies.
 - Identify costs associated with addressing those deficiencies for submission to the SERC on LEPC annual business plan.
 - Researching the community's resources for emergency response, public and private (e.g., various types of equipment, facilities, and expertise available).
 - Develop and keep current the local resource inventory based on the review mentioned above.
 - Identify alternative resources upon which the community may draw in time of major emergency or disaster.
 - Identify other volunteer or in-kind assistance contributions (e.g., private sources such as local business/industry, non-profit agencies, etc.), which may be used for various types of response.
- **Presentation Workgroup -**
 - Survey committee members to identify areas of training that would be of value or that they are interested in seeing.
 - Identify resources that can provide that information in a presentation format.
 - Solicit those resources to attend and provide a presentation to the group.
 - Keep abreast of regulation changes affecting anyone in your group (public or private) and coordinate a presentation by the appropriate organization to update the whole group on those changes.
 - Keep Chair and Secretary informed of upcoming presentations and provide scheduling information for inclusion in the agenda.
 - Follow up with presenters (letters of appreciation that could be forwarded to presenter's supervisor, etc.).
- **Other Workgroups -** The membership may designate or appoint one or more workgroups, as deemed necessary by the Executive Committee.
 - Each workgroup will consist of at least two members, one of which is the Workgroup Chair.
 - The Executive Committee may invest workgroups with such powers as it sees fit, subject to any conditions prescribed by the membership and by any applicable laws.
 - Delegating authority to any workgroup does not relieve the LEPC of any responsibility imposed by law.

6.2 Reports: All workgroups shall take notes of their meetings and report out at the next membership meeting.

ARTICLE 7 - ADMINISTRATIVE AND FINANCIAL PROVISIONS

- 7.1 Branding and Service Mark:** Distinctive recognition graphics, a logo, and/or other mark may be designed at the direction and approval of the LEPC membership.
- 7.2 LEPC Records:**
- The Executive Committee shall maintain current and complete books and records of accounts and minutes of all meetings of the Executive Committee and all workgroups.
 - Books and records of the LEPC shall be subject to the applicable laws regarding records, public reports, and meetings
- 7.3 Bylaws Amendments:** These Bylaws may be altered, amended, or repealed by the LEPC membership at any duly constituted annual, regular, or special meeting of the membership. The Executive Committee shall provide notice of any membership meetings at which an amendment is to be approved.
- 7.4 Rules of Procedure:** The rules of procedure at meetings of the Executive Committee shall be governed generally by the form of the agenda and common form of public meeting process so far as applicable and when not inconsistent with these Bylaws, resolutions of the Executive Committee, or laws of the State of Oregon.
- 7.5 Distribution of Assets upon Dissolution of the LEPC:** In the event of dissolution of the LEPC, the Executive Committee shall first pay or make provisions for paying all of the liabilities of the LEPC. If there are assets remaining after liabilities are satisfied, the Executive Committee shall dispose of all remaining assets to an organization or organizations operated for the same or similar purposes as the LEPC and for the public benefit.

The foregoing Bylaws were adopted by the Mid-Valley Local Emergency Planning Committee Membership on the 8th day of April, 2009.

Darrel W. Tedisch, Chair

Date

Terry Virnig, Vice-Chair

Date

ATTACHMENT A

LEPC PLAN PROVISIONS

As stated in SARA Title III, Section 303 (c)

Each emergency plan shall include (but is not limited to) each of the following:

- 1) Identification of facilities subject to the requirements of this subtitle 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), and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this subtitle, such as hospitals or natural gas facilities.
- 2) 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.
- 3) Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
- 4) Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section 304).
- 5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such a release.
- 6) A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subtitle, and an identification of the persons responsible for such equipment and facilities.
- 7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.
- 8) Training programs, including schedules for training of local emergency response and medical personnel.
- 9) Methods and schedules for exercising the emergency plan.

To access and review this section in its entirety, go to the following internet website:

<http://www.dem.dcc.state.nc.us/SERC/SARA-TITLE-III.PDF>