

# **BYLAWS OF THE UMATILLA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

## **ARTICLE 1 - NAME**

The name of this organization shall be the “Umatilla County Local Emergency Planning Committee”, hereinafter referred to as “LEPC”.

## **ARTICLE 2 - PURPOSE**

The principal purposes of the Umatilla County Local Emergency Planning Committee (LEPC) are to:

- 2.1** 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).
- 2.2** Assist industry, local governments, and emergency response agencies to prepare, plan, and manage resources for emergencies.
- 2.3** Assist members with risk management planning, designs of worst-case scenarios, and presentations as related to hazardous substances and other risks that may cause them to face an emergency situation and especially as related to extremely hazardous substance (EHS) releases.
- 2.4** Work with Umatilla County Emergency Management to advance county-wide emergency preparedness and Emergency Operations Center capabilities.
- 2.5** Increase meeting attendance and foster awareness throughout the greater community.
- 2.6** Encourage and facilitate appropriate, applicable training and certifications for members of the greater community.

## **ARTICLE 3 - MEMBERSHIP**

- 3.1** 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.
- 3.2** LEPC members will be drawn from the following disciplines, allowing others at the pleasure of the committee:
  - 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
  - Emergency Response Organizations such as fire and EMS
  - American Red Cross
  - 9-1-1/Dispatch
  - School, Community College, and Educational Service Districts
  - Hospitals and Healthcare Organizations
  - Elected County and City Government Officials
  - Emergency Management

- Utilities
- Transportation
- Public Health
- Public
- Broadcast and print media

3.3 Each private entity, for example, processing plant, power generation plant, storage facility, commercial supplier, etc.; public entity, for example, emergency responder, public official, environmental agency, safety agency, etc.; and other entity, for example, hospitals, community groups, media and broadcast groups, etc., which have more than one member on the LEPC shall have a single vote for the entity. Individual members from the public will have a single vote.

An entity that has more than one facility in the LEPC area may have a member with voting rights from each one if those facilities are geographically separated. An entity that has more than one facility in the same location is entitled to a single vote.

3.4 Normal communication with members outside of meetings will be by e-mail. If a member does not have an e-mail address, he/she will specify another method of communication and provide such to the Information Officer.

3.5 A member entity is considered in good standing on acceptance of their individual representative's application by the LEPC.

The entity remains in good standing as long as an individual LEPC member representing that entity is present at meetings. If at least one member from the entity is not present for two (2) consecutive meetings, that entity will be considered not in good standing and will lose voting privileges until they return to good standing.

An entity will return to good standing when at least one LEPC member representing their entity is present at two (2) consecutive regular meetings of the LEPC. The entity will be considered in good standing at the beginning of the second meeting.

#### **ARTICLE 4 – OFFICE:**

The principal office of the LEPC shall be at a location designated by the Board.

#### **ARTICLE 5 – OFFICERS AND APPOINTED POSITION**

5.1 LEPC Board shall be elected from and by the LEPC membership and consist of the following officers' positions:

- Chair
- Co-Chair
- Treasurer (if needed)
- Information Coordinator

5.2 **Appointed Position:** The Secretary shall be appointed by and serve at the discretion of the Board Chair. The Secretary may be chosen from the above list of officers of the LEPC.

5.3 **Elected Officer Duties:**

- **Chair:** The Chair shall:
  - Be the principal executive officer of the Board.
  - Supervise and oversee all affairs of the Board.

- Perform all duties of the Chair's office and such other duties as may be prescribed by the membership or Board.
- When present, preside over all Board meetings and membership meetings.
- Sign any document that the Board 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 Chair.
  - If necessary, and in the Chair's absence, 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 Board has authorized to be executed.
- **Information Coordinator:** The Information Coordinator shall:
  - Coordinate information dissemination to the membership and the public at large.
- This group of elected officers will be referred to collectively as the Board.

#### 5.4 **Appointed Position Duties:**

- **Secretary:** The Secretary shall:
  - Cause the minutes of the meetings of the membership and Board 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 Board has authorized to be executed.

#### 5.5 **General Powers:** The Board of the LEPC 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 Board will make notification within three to five business days by e-mail to the membership of such decisions.
- Material decisions shall be raised as questions at the next general or special meeting.

#### 5.6 **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 as an election is conducted for an officer's position vacated before the normal period of appointment.
- **Committee Chair** will serve until the second annual meeting following initial election. Thereafter, the individual then elected will serve for a period of three years.
- **Committee Co-Chair** will serve until the first annual meeting following initial election. Thereafter, the individual then elected will serve for a period of three years.

- **Committee Treasurer** will serve until the first annual meeting following initial election. Thereafter, the individual then elected will serve for a period of three years.
- **Committee Information Coordinator** will serve until the second annual meeting following initial election. Thereafter, the individual then elected will serve for a period of three years.
- Committee officers may serve for three (3) consecutive terms of any length, unless extended by a vote of the LEPC membership.

**5.7 Secretary Appointment Period:** The Secretary will serve until replaced by the Board.

**5.8 Nominating Committee:**

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

**5.9 Removal:** Any elected officer of the LEPC may be removed from that position by a majority vote of the membership.

**5.10 Vacancies:** A vacancy occurs when an elected officer leaves that office before his/her term has expired. The term of any officer elected to fill any vacancy shall be the unexpired portion of the term of his/her predecessor.

**ARTICLE 6 - MEETINGS**

**6.1 Membership Meeting Quorum:** A quorum of any LEPC meeting shall consist of a simple majority of registered LEPC member entities in good standing. If a member cannot attend a meeting, he/she may appoint a delegate to fill their roll in that meeting and vote in their place.

**6.2 Regular Membership Meetings:**

- The LEPC membership will establish a schedule for regular meetings.
- 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 but may also be solicited or allowed during discussion of agenda items throughout the meeting.
- The Chair has the authority and responsibility to limit public comment in the interest of good order.
- Any measure or issue requiring a vote of the membership may be adopted by a simple majority of the members present.

**6.3 Special Meetings:**

- Special meetings may be called by the Board to carry out the business of the LEPC.

- If the membership is not previously notified about the special meeting at a regularly scheduled membership meeting, the Board 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.
- 6.4 Annual Meeting:** The first regular meeting of the LEPC after January 1 will be designated as the annual meeting.
- 6.5 Committee and Workgroup Meetings:** Meetings of any of the committees, sub-committees, and workgroups established for the benefit of the LEPC, including the Board, may establish (by consensus of the committee/workgroup members) the meeting place, date, and time.
- 6.6 Special Meeting of the Board:** Special meetings of the Board may be held at any place or time, whenever called by any officer to carry out the business of the Board, except that, any business requiring a decision and vote by the LEPC membership will be presented by the Board to the membership at the next annual meeting, regular meeting, or special meeting of the membership.
- 6.7 Notice of Meetings:** LEPC members and other interested persons will be provided notice of the time and place of any special or regular meeting. Two-day notice of special meetings shall be given by the Secretary or Information Coordinator. Public notice of meetings will be made in accordance with statutes.

## **ARTICLE 7 - COMMITTEES AND WORKGROUPS**

- 7.1 Committees and Workgroups:** The LEPC may have the following committees and workgroups as well as others deemed necessary by the Board or the LEPC membership. The workgroups shall meet on a regularly scheduled basis, as determined by the Board or the workgroup chair.
- **Board:** The Board shall consist of the Chair, Co-Chair, Information Coordinator, and Treasurer. The Board may only exercise those powers granted by these Bylaws 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 necessary 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 necessary 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.
  - **Planning Workgroup:** The workgroup shall consist of a workgroup leader and as many other workgroup members as determined necessary by the workgroup leader. The function of this workgroup shall be to:
    - Review the site-specific Hazardous Materials Response Plans submitted for each facility with EHS.
    - Establish a vulnerability zones for public outreach activities.

- Monitor completion of Action Items identified during plan reviews, and
- Identify non-EHS facilities with large amounts of hazardous substances that the LEPC may choose to perform some preplanning activities with.
- **Membership Workgroup:** The workgroup shall consist of a workgroup leader and as many other workgroup members as determined necessary by the workgroup leader. The function of this workgroup shall be to:
  - Self-education to learn about the Emergency Planning and 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.
  - Report results to the membership and solicit input about how to address any organization not willing to participate.
  - If needed, recommend that the Board request assistance from the State Emergency Response Commission (SERC) Advisory Board to solicit participation.
- **Resource Assessment Workgroup:** The workgroup shall consist of a workgroup leader and as many other workgroup members as determined necessary by the workgroup leader. The function of this workgroup shall be to:
  - Research existing condition of emergency response community to identify what additional resources and training are needed and develop a report for the committee.
  - Identify costs associated with addressing response needs for submission to the SERC on the LEPC annual business plan.
  - Research community resources, other than emergency response organizations, both public and private, that might be available in an emergency situation (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 out-of-area resources upon which the community may draw in time of major emergency or disaster.
- **Presentation Workgroup:** The workgroup shall consist of a workgroup leader and as many other workgroup members as determined necessary by the workgroup leader. The function of this workgroup shall be to:
  - Survey committee members to identify areas of training that would be of value.
  - Identify resources that can provide that information in a presentation format.
  - Solicit and schedule those resources to attend and provide a presentation to the group.
  - Keep abreast of regulation changes affecting anyone in the group (public or private) and coordinate a presentation by the appropriate organization to update the committee on those changes.
  - Keep the LEPC 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 additional workgroups on a temporary or permanent basis as deemed necessary. The function of this workgroup shall be to:
  - Each workgroup will consist of at least two members, one of which is the Workgroup Leader.
  - The Board 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.

**7.2 Reports:** All workgroups shall take notes of their meetings and report at the next membership meeting. Notes of all meetings of workgroups will be submitted to the LEPC Secretary or Information Officer for retention.

**ARTICLE 8 - ADMINISTRATIVE AND FINANCIAL PROVISIONS**

**8.1 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.

**8.2 LEPC Records:**

- The Board shall maintain current and complete books and records of accounts and minutes of all meetings of the LEPC, the Board and all workgroups.
- Books and records of the LEPC shall be subject to the applicable laws regarding records, public reports, and meetings.

**8.3 Bylaws Amendments:** These Bylaws may be altered, amended, or repealed by the LEPC membership at any duly constituted regular or special meeting of the membership. The Board shall provide notice of any membership meetings at which an amendment is to be approved.

**8.4 Rules of Procedure:** The rules of procedure at meetings of the Board and LEPC membership 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 Board, or laws of the State of Oregon.

**8.5 Distribution of Assets upon Dissolution of the LEPC:** In the event of dissolution of the LEPC, the Board 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 Board 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 Umatilla County Local Emergency Planning Committee Membership on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
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>