

# **Delta Greely Local Emergency Planning Committee**

## **Bylaws**

### **Article I - Purpose**

The purpose of the Delta Greely Local Emergency Planning Committee (LEPC) is to promote all hazard community planning and education.

Specifically, the LEPC and its members will endeavor to:

1. Obtain information about hazards in the community and inform community members of those hazards.
2. Identify facilities within the LEPC's jurisdiction that contain hazardous substances as defined by Alaska Statute 46.08.900 (6), that exceed planning threshold quantities established by the Alaska Department of Environmental Conservation.
3. Designate an Information Coordinator to collect and keep accurate Material Safety Data Sheets (MSDS), emergency and hazardous chemical inventory forms and toxic chemical release forms as required by 42 U.S.C. 11021-11023, and make such information available to the public.
4. Give public notice of the availability of plans, data sheets, forms, and follow up notices as required by 42 U.S.C. 11044.
5. Analyze and assess the risks and hazards associated with hazardous substance in the community.
6. Develop and annually review the emergency response plans pursuant to 42 U.S.C. 11003 and AS 26.23.070.
7. In accordance with applicable State and Federal requirements, the LEPC shall provide access to and information on hazardous materials risk, handling, storage and the organizational emergency plans of involved agencies with training for LEPC members sufficient to the needs of the risks determined to be present in the area.
8. Receive comments and opinions offered by members of the public.
9. Receive and process requests from the public for information pursuant to 42 USC 11044(b) TIER II information pursuant to 42 U.S.C. 11022 (c).
10. Enter into agreements with other entities, such as governmental, community, council, and industrial.
11. Promote and work toward the creation of a FireWise Community whereas reoccurring wildland fires are an annual threat to the Delta Greely area.

### **Article II - Organization**

1. Name of the Committee: The name of the committee shall be the "Delta Greely Local Emergency Planning Committee".

2. Mailing Address and Telephone Number: The official mailing address and telephone number of the Committee will be: P.O. Box 229, Delta Junction, AK 99737, telephone will be (907) 895-4656.
3. Monies and Appropriations: The committee may receive and disburse public and private funds for the purpose of implementing planning activities for all hazards and the Emergency Planning and Community Right- to-Know Act of 1986 in the Delta Greely Local Emergency Planning District (LEPD).
4. Fees: Reasonable fees for SARA Title III, Sections 311 and 312 compliance, may be collected for information processed or provided, or services rendered by the Committee. The fees collected shall be established or recommended by local, state or federal law, regulation, guideline, or ordinance. Fees collected shall be used only for LEPC activities. In the absence of a recommended fee, the fee shall be determined by the Chair, subject to approval by the Committee at its next meeting, based on the cost of providing the information or service.
5. Minutes of Committee Meetings: Accurate minutes of all meetings of the Committee shall be kept in a journal of the Committee. Accurate minutes shall include, but not be limited to, a record of all votes of the Committee, a record of attendance at meetings and a summary of Committee discussions. A summary of the minutes of each meeting shall be mailed or emailed to each Committee member subsequent to each Committee meeting. A year-end summary report shall be sent to the State Emergency Response Commission (SERC) and the Alaska Division of Homeland Security and Emergency Management, P.O. Box 5750, Fort Richardson, AK 99505- 5750.

### **Article III – Membership**

1. Membership: The membership of the Delta Greely Local Emergency Planning Committee will contain representatives of the following groups and/or organizations, as mandated by SARA Title I A. S. 46.13 and SERC Policy 90-1 or adopted as appropriate representative groups by the Committee:
  - a. Elected State and Local Officials  
A public official chosen by vote among candidates to fill a public office other than a state legislative office. Eligible elected local officials could include city council or assembly members, mayors, or members of school district boards, or coastal resource service area boards
  - b. Law Enforcement  
A local person who is a member of a local, state or federal law enforcement agency. This includes Village Public Safety Officers (as defined in AS 18.65.670) and Village Police Officers (as defined in 13 AAC 89.010)
  - c. Civil Defense / Emergency Management  
A local person responsible for emergency preparedness and/or response
  - d. Fire Fighting

- A local person responsible for fire suppression activities
  - e. First Aid –EMS  
A local person responsible for the delivery of first aid or emergency medical care
  - f. Public Health  
A person responsible for providing for the general welfare of the public health
  - g. Local Environmental Group / Organization  
A local person representing a public interest group or groups associated with conservation or protecting the environment
  - h. Hospital  
A local person responsible for or who participates in the operation of a local hospital or health clinic
  - i. Transportation  
A local person representing a transporter of oil or hazardous substances or people in or through the local area
  - j. Broadcast and Print Media  
Representative from local newspaper, radio or television
  - k. Community Groups  
Representatives from a locally based, structured organization comprised of members which meet regularly to discuss issues of community interest
  - l. Owners and Operators of Facilities subject to the requirements of 42 U.S.C. 11001- 11005
  - m. Representatives of a local or inter-jurisdictional disaster planning and service area if one has been established that includes part of the district
  - n. Members of the public that are not otherwise described in this subsection
2. Notice of vacancy: When there are one or more vacancies on an LEPC, notice must be given to the public and to the political subdivisions in the LEPC of the vacancies, the qualifications required of applicants, and the application process. Public notice may be in the form of newspaper advertisements, public service announcements on radio or television, and/or posted notices in communities where no local news media exist. Notice to political subdivisions must include notice that the SERC will consider the recommendations of the political subdivisions in making appointments.
  3. Members will be recommended by the LEPC, forwarded to the local government for a vote of nonobjection, and appointed by SERC according to SERC policy 90-3.
  4. Changes in Membership of Committee: Under AS 26.23.073(f) and 42 U.S.C. 11001(d), any interested person may request the SERC to change the membership of an LEPC. The SERC must consider the recommendations of political subdivisions under AS 26.23.070(d), follow the requirements for representation of categories of groups in AS 26.23.073(d)(1)-(7), and will comply with the requirements of the SERC procedures for notification of its

decision for LEPC appointments. The SERC will, within 30 days after the meeting at which the request is considered, issue its decision in writing to the petitioning individual, the affected LEPC, and the affected LEPCs principal executive officers.

5. Residency of Members: LEPC members should be residents of the LEPC or regularly conduct activities in the LEPC.
6. Term of membership: Members may serve an unlimited term. Once appointed, a member may serve as long as residency, group representation and satisfactory service requirements are met.
7. Attendance at Meetings: All members of the Committee are required to attend all meetings unless excused. A Committee member will be excused from a meeting for good cause and upon notification to the Chair or Vice-Chair.
8. Unexcused Absences: If a Committee member has three unexcused absences in a 12 month period, the Chair shall recommend the individual's membership be reviewed by the Committee. A new member's name or the approved alternate's name may be submitted to the SERC for approval in accordance with replacement procedures outlined in SERC Policy 90-3.
9. Multiple Representatives: The number of members allocated to each of the categories or sub-categories in Article III, Section 1 shall not be limited; however, each category shall be limited to one vote. Categories or sub-categories having multiple members must caucus to establish their voting decision.
10. Filling Vacancies or Adding New Members: Vacancies, which occur on the Committee, do not have to be filled unless, because of the vacancy one of the groups will no longer have representation on the Committee.
11. The SERC shall be notified when members no longer meet the membership requirements under AS 26.23.073.

#### **Article IV - Officers**

1. Officers: The officers of the Committee shall be Chair, Vice-Chair, Secretary, Treasurer, and Information Coordinator.
2. Chair: Duties of the Chair shall be: to preside at all meetings of the Committee; be responsible for preserving order and decorum during those meetings; to submit recommendations and information he/she may consider important and proper concerning the business, affairs & policies of the Committee; to recommend an agenda for all meetings; sign all minutes & documents related to the Committee; to represent the Committee to SERC and other agencies & organizations as designated by the Committee; to direct the Committee to form an emergency plan in accordance with SARA Title II (303); to direct the Committee to annually review, update, and test a portion of the Emergency Operations Plan through training and a series of progressive & interrelated exercises; to submit the annually-reviewed emergency plan to the SERC; to initiate requests for grant money to support

and promote Committee functions or to support local response entities; and to supervise the Information Coordinator. Any of these duties may be delegated to the Vice-Chair.

3. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair. The Vice-Chair shall perform all duties as designated by the Chair listed under Article IV, Section 2.
4. Secretary: The secretary's duties shall be: to ensure that accurate files of minutes and correspondence pertaining to Committee meetings and functions are kept; that minutes of the previous meeting are provided to Committee members, within two weeks of the meeting; to assure the maintenance of a permanent membership list and attendance record; to assure coordination with the Chair and Vice-Chair on written responses to public comments; to assure provision of public notice of Committee meetings in accordance with AS 44.62.
5. Treasurer: The Treasurer's duties shall be: to ensure the preparation of budget documents; to assure that requests for grants are prepared to provide funding to support committee functions under the direction of the Chair; to assure that accurate and detailed records of monies received from grant sources, donations, and/or fees collected for services are kept; and to assure that accurate and detailed records of monies spent are maintained.
6. Information Coordinator: In accordance with SARA Title III, the Information Coordinator's duties shall be: to gather and receive TIER I and Tier II information from facilities; to develop a procedure for receiving and processing requests from the public regarding TIER I & II information; and to prepare a report for the Chair to present to the Committee, at least annually, regarding TIER information.
7. The offices of Secretary and Treasurer may be combined, as determined by a majority vote of the Committee.
8. The positions of Secretary to the Committee, Treasurer to the Committee and Information Coordinator do not have to be appointed or voting members of the Committee. They may be support personnel supplied by the community's government or emergency services, or hired by the Committee.

#### **Article V- Meetings**

1. Regular meetings shall be held the second Monday of each month at a time and location agreed upon by the Committee. The Committee Chair, with reasonable cause, may reschedule any regular meeting of the Committee
2. Election of Officers shall take place each December, with officers immediately taking the position to which they are so elected.
3. Special Meetings: the Chair upon-written request of two Committee members shall call special meetings. A special meeting shall be held within one week of request, or at the convenience of the majority of the Committee members and the news media.
4. Notice of Meeting

- a. Notice of regular meetings shall be made in writing or by electronic communications to all Committee members seven days prior to the meeting date.
  - b. Notice of special meetings shall be made in writing or by electronic communications to all Committee members three days prior to the meeting date.
  - c. Public Notice shall also be given of all meetings via newspaper ads and/or radio announcements when these advertising mediums are available.
5. Quorum: a simple majority of the total voting membership of the Committee shall constitute a quorum for the purpose of opening a meeting and conducting business.
6. Teleconference participation shall be allowed.
7. Order of Business: Meetings of the Committee shall conduct the following order of business:
  - a. Call to Order
  - b. Roll Call and Certification of Quorum
  - c. Approval of Agenda
  - d. Public Comment
  - e. Approval of Minutes
  - f. Financial Report
  - g. Reports of Subcommittees
  - h. Other Business
  - i. Public Comment
  - j. Next Meeting
  - k. Adjournment
8. Manner of Voting: The voting on all questions coming before the Committee shall be by yea or nay, or a show of hands, unless roll call vote is requested. If a roll call vote is requested, the yeas and nays shall be recorded in the minutes of the meetings. The Chair may, if no objection is noted, declare a motion as passed or failed, without objection.
  - a. Each membership type identified in Article III, shall have one vote. Membership groups or sub-groups containing more than one representative shall caucus to determine how their vote will be cast. A simple majority shall cause a motion to pass or fail, unless otherwise required.
9. Manner of Conducting Meetings: The meetings will be conducted according to Robert's Rules of Order unless otherwise specified in these Bylaws.
10. Participation by Members of the Public: Members of the Public are encouraged to attend all meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters relating to local emergency preparedness. A member of the public who desires to address the Committee may mail a written notice of "intent to appear" to the Chair at the Committee's address, and then sign in with the Secretary at the time and place of the meeting. Members of the Public who appear at-the meeting and wish to address the Committee will be

allowed to do so without prior written notice after any members of the public who have provided written intent to appear have spoken. Members of the public are also encouraged to submit written opinions and information to the Committee through any Committee member. Members of the public may be recognized at any time during the meeting at the discretion of the Chair.

#### **Article VI- Subcommittees**

1. Subcommittees: The Chair may appoint subcommittees composed of members of the Committee and community. Subcommittees do not have to be composed entirely of voting committee members. Subcommittees will study and report on matters relevant to the Committee.

#### **Article VII -Amendments**

2. Amendments to Bylaws: The bylaws of the Committee may be amended by an affirmative vote of two thirds (2/3) of the total voting membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and submitted to the membership at least thirty days prior.
3. Filing of Bylaws and Amendments to Bylaws: A copy of the bylaws and any amendments to the Bylaws shall be provided to all Committee members, the SERC, and any person who requests a copy or copies.

#### **Article VIII - Subordination**

The Delta Greely LEPC shall operate subordinate to federal and state laws and regulations and policies adopted by the State Emergency Response Commission. Specific guidance is available in the following documents, which all committee members shall obtain and familiarize themselves with.

1. The Emergency Planning and Community Right-to-Know Act (EPCRA), as Title III of the Superfund Amendments and Reauthorization Act (SARA)
2. Title 11 and 42 United States Code
3. Title 26 Alaska Statute
4. Alaska SERC Bylaws
5. Alaska SERC Policies and Procedures
6. Regulations and procedures of the Alaska Division of Homeland Security and Emergency Management

No provisions of these bylaw shall be in conflict with the above documents.

#### **Article IX- Indemnification**

1. The Alaska SERC, the LEPCs and the HSSTRC are state agencies for purposes of tort liability and immunity.

2. A lawsuit against a member-of the LEPC in his or her official capacity is a suit against the state, not the individual.
3. Members of the LEPC currently enjoy common law official immunity from personal liability for discretionary acts occurring within the scope of their statutorily authorized activities. The state will not indemnify for judgments resulting from gross negligence or intentional misconduct or for punitive damages.

(Excerpts from ADEC file# 663-91-0483, dated 3/31/1992, page 36, sections 4,5,6)

These revised bylaws were duly approved, adopted, and restated by the Delta Greely Local Emergency Planning Committee on November 10, 2014.

Officer's Signatures:

\_\_\_\_\_, Chair

\_\_\_\_\_, Vice- Chair

\_\_\_\_\_, Secretary