

# **BYLAWS**

## **LOCAL EMERGENCY PLANNING COMMITTEE**

### **CALHOUN COUNTY, MICHIGAN**

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

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

WHEREAS, pursuant to Title III, the Michigan Emergency Planning and Community Right-to-Know Commission designated Calhoun County a local emergency planning district and has appointed a Local Emergency Planning Committee for Calhoun County. This Committee is composed of: elected state and local officials, law enforcement representatives, civil defense (e.g., Emergency Management Coordinator), fire department representatives, health representatives, first aid and hospital (e.g., private ambulance/EMS technicians), local environmental representatives, transportation representatives, broadcast and print media representatives, community groups, owners/operators of facilities subject to the requirements of this subtitle, and other members who can contribute to the effectiveness of the plan. The Committee has been named the Calhoun County Local Emergency Planning Committee, herein after referred to as the Committee.

WHEREAS, the Committee must receive opinions and information from the public.

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

WHEREAS, the tasks of the Local Emergency Planning Committee are to appoint a Chairperson; establish rules to function; give public notice of committee activities; designate a Public Information Officer and establish procedures for receiving and handling public requests for information; hold public meetings to discuss topics related to SARA Title III; allow for public comments and response to comments by the Committee and facilitate preparation and implementation of emergency plans.

WHEREAS, to meet these goals, the Calhoun County Local Emergency Planning Committee has adopted the following bylaws.

## **ARTICLE I - ORGANIZATION**

Section 1 - Name of Committee

The name of the Committee shall be the Calhoun County Local Emergency Planning Committee

Section 2 - Status of Committee

The Committee shall operate as a government entity pursuant to, and in strict accordance with, all applicable laws, regulations and ordinances.

Section 3 - Mailing Address and Telephone Number

The official mailing address and telephone number of the Committee will be established by vote of the committee.

Section 4 - Minutes of the Committee Meetings

Accurate minutes of all Committee meetings shall be recorded and shall include, but not be limited to: a record of all votes of the Committee, a record of attendance, and a narrative summary of the Committee discussions. Copies of minutes shall be kept by the Secretary of the Committee. Minutes from the previous meeting shall be read and approved at each meeting. Distribution of the meeting minutes shall occur before the last day of the month in which the meeting was convened.

Section 5 - Agenda for Committee Meetings

An agenda of each meeting shall be drawn by the Chairperson or designee to be presented to the Committee members before each meeting. This may be presented by traditional or electronic mailing, by handout at the meeting or by verbal announcement at the meeting.

**ARTICLE II - OFFICERS AND MEMBERS**

Section I - Officers

The County Commissioners (or fellow LEPC members) may initially select a Chairperson and a Vice-Chairperson.

Section 2 - Chairperson

The Chairperson shall: preside at all meetings of the LEPC; establishes the

meeting agenda and guides the LEPC through the agenda; maintains the authority to sign and execute authorized contacts on behalf of the LEPC; authenticates LEPC proceedings (e.g., by signing the minutes); appoints subcommittees and respective chairs; and is a non-voting member except in a tie-breaking situation.

### Section 3 - Vice-Chairperson

At the request of the LEPC Chairperson or in the event of the absence or disability of the LEPC Chairperson, the Vice-Chairperson assumes the roles and responsibilities of the Chairperson. The Vice-Chairperson shall have such other powers and perform such duties as the LEPC may from time to time assign.

### Section 4 - Secretary

The Committee shall elect a Secretary for the purpose of managing all Committee records. The Secretary shall: prepare and keep legible, permanent records (e.g., the minutes) of LEPC proceedings; and authenticates LEPC proceedings (e.g., by signing the minutes)

### Section 5 – Information Coordinator

The Committee shall appoint an Information Coordinator. The Information Coordinator shall: receive, organize and maintain facility reports; and process all information requests from the public.

### Section 6 – Community Emergency Coordinator

The Calhoun County Emergency Management Coordinator shall be designated as the Community Emergency Coordinator as the duties in each role are identical. The Community Emergency Coordinator shall: coordinate the development and implementation of site-specific hazardous materials emergency response plans; receive immediate notification of the LEPC's behalf regarding any hazardous materials release in the county; and make a determination (in conjunction with the facility coordinator) necessary to implement the plan.

### Section 7 - LEPC Membership

The membership of the Calhoun County LEPC shall be nominated by the Calhoun County LEPC, approved by the Calhoun County Commission, with final approval by the Michigan Emergency Planning and Community Right-to-Know Commission. The maximum total membership of the LEPC shall not exceed fifty (50) members.

The Chairperson, with the concurrency of the majority of the Calhoun County

LEPC members, may recommend to the Calhoun County Board of Commissioners the removal of any member for cause.

#### Section 8 - Term

The Chairperson, Vice-Chairperson, and Secretary shall serve for a term of two (2) years beginning on January 1. The Chairperson, Vice-Chairperson, and Secretary shall be elected by majority vote of the LEPC on alternating years. Officers and members may serve consecutive terms of appointment if the LEPC desires and the office holder or member agrees.

#### Section 9 - Vacancies

Should these officers' or members' positions become vacant, the County Commissioners shall select successors at the earliest possible time, and those new appointees' names shall be sent to the State Emergency Response Commission for approval to serve the remainder of their predecessor's term.

#### Section 10 - Eligibility

No person shall be eligible to hold an officer's position without first being a member of the LEPC.

### **ARTICLE III - MEETINGS**

#### Section 1 - Regular Meetings

Regular Committee meetings will be held at a frequency determined by the LEPC, at a minimum of four (4) times per year to be scheduled as determined by the Committee. Committee members will be advised of the meeting dates and will be reminded by mail or telephone at least seven (7) days prior to the meeting. The news media shall be informed of the meeting dates, times and locations and shall be invited to each meeting. The meeting notice will be posted in conformance with the Open Meetings Act.

#### Section 2 - Special Meetings

The Committee officers may, when it is deemed expedient, upon the written request of at least two members of the Committee, hold a special 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 for the meeting, and the call may be mailed or delivered to each Committee member and the news media at least two (2) days prior to such meeting. At the special meeting, any item of

business may be transacted if the members have a majority vote of the members present to transact said business.

### Section 3 - Quorum

The powers of the Committee shall be vested in the Committee. Twenty-five percent (25%) of the total active membership of the Committee shall constitute a quorum for the purpose of opening a meeting. "Active Membership" shall be defined as those members participating in at least fifty percent (50%) of Committee meetings held during the previous 12 month period. At a meeting, action may be taken by an affirmative vote of a majority of all those present.

### Section 4 - Voting

The voting on all questions coming before the Committee shall be by yea or nay, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a vote is approved, the yeas and nays shall be recorded in the minutes of such meeting. Each member may cast one vote on Committee business items. In the event a member is unable to attend, the organization which that member represents may designate by letter a substitute representative for that particular meeting, thereby delegating the member's right to move, second or vote to that particular substitute person. Furthermore, the substitute representative's attendance may be counted as a regular member when it is to be determined whether a quorum is in attendance.

### Section 5 - Attendance of Meetings

Unless excused, all members of the Committee are expected to attend regular meetings of the Committee. A Committee member may be excused from a meeting for good cause, and upon notification of their intended absence to the Chairperson or Vice-Chairperson. Only the Chairperson or the Vice-Chairperson may authorize a members' absence from a meeting.

### Section 6 - Expulsion

If, at any time, a member has not attended at least fifty percent (50%) of all meetings of the Committee in any twelve (12) consecutive months, except for excused absences, that member shall be subject to expulsion from the Committee by the State Emergency Response Commission upon notification by the Chairperson of the Committee.

### Section 7 - Conduct of Meetings

All 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 persons shall speak unless first recognized by the Chairperson or their designee.
2. Debate on any 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.

Except as otherwise provided herein, all meetings shall be conducted in accordance with the most current edition of *Robert's Rule of Order*.

#### Section 8 - Participation by Members of the Public

Members of the public are encouraged to attend all regular and special 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 the intent to appear to the Chairperson and then sign in with the Vice-Chairperson or designee 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 of intent to appear have spoken. Members of the public are also encouraged to provide written opinions and information to the committee by mailing written materials to the Chairperson. "*Members of the public*" include but are not limited to: citizens, industry representatives, experts, expert witnesses, and governmental representatives.

#### Section 9 - Meeting to Discuss the Emergency Plan

One regularly scheduled meeting each year will be lengthened for the purpose of discussing emergency planning. Extra effort will be made to notify community groups of this meeting.

### **ARTICLE IV - SUBCOMMITTEES**

#### Section 1 - Subcommittees

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. The subcommittees may solicit for outside input and expertise in order to gather information and other relevant data. The subcommittees may submit their reports to the entire Committee, to the Chairperson, or their designee. Subcommittees may represent the Committee as they contact the public.

#### Section 2 - Members

All subcommittees shall be comprised of a subcommittee Chairperson and several other members of the LEPC who are involved in areas relevant to the subcommittee's business.

#### Section 3 - Meetings

Each subcommittee shall hold meetings at such times as shall be determined necessary for the timely completion of their respective agendas. Meetings shall be called by the subcommittee chairperson. Notice of all meetings shall be given to each member at least two (2) days prior to the time of the meeting. In addition, a representative of any facility under consideration at the meeting must be notified of the meeting at least two (2) days in advance.

#### Section 4 - Abolishment of Committees

Any subcommittee may be abolished by a majority vote of the LEPC members.

### **ARTICLE V - DISTRIBUTION OF THE EMERGENCY PLAN**

#### Section 1 - Procedure

Each site-specific plan that is developed will be distributed, at a minimum, to: the fire chief of the jurisdiction in which the site located, the chief executive of the jurisdiction in which the site located, the facility coordinator, the LEPC chairperson, and the emergency management coordinator. In addition, each plan shall be available for review at the emergency management coordinator's office during normal business hours.

### **ARTICLE VI - AMENDMENTS**

#### Section I - Amendments to Bylaws

The LEPC shall have the power to amend these bylaws in the following manner: written notice containing the proposed amendment(s) shall be sent to each

member of the LEPC at least thirty (30) days in advance of the date set for voting on such amendment(s). To be approved, amendments must receive a two-thirds (2/3) majority vote of approval.

Section 2 - Filing of Bylaws and Amendments to Bylaws

A copy of these bylaws and any amendments to these bylaws shall be provided to: the Board of Commissioners of Calhoun County, the Calhoun County clerk, the Michigan Emergency Planning and Community Right-to-Know Commission and any person who requests a copy.

ADOPTED BY:

THE LOCAL EMERGENCY PLANNING COMMITTEE FOR CALHOUN COUNTY,  
this 5<sup>th</sup> day of December, 2011.

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Terry Travis  
Chairperson

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Alan Egnatuk  
Vice-Chairperson