

LOCAL
EMERGENCY
PLANNING
COMMITTEE

**Bylaws of the L.E.P.C.
for McPherson County, Kansas
January 2015**

**BYLAWS FOR THE LOCAL EMERGENCY
PLANNING COMMITTEE
FOR MCPHERSON COUNTY KANSAS**

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.

WHEREAS, Title III established 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.

WHEREAS, pursuant to Title III, the State Commission designated McPherson County a Local Emergency Planning District and has appointed a Local Emergency Planning Committee for McPherson County per the Board of County Commissioners recommendation, composed of elected officials, police, fire, medical, civil defense, public health professionals, and environmental, hospital, and transportation officials, as well as representatives of facilities subject to the emergency planning requirements, community groups, and the media. This Committee has been named the Emergency Planning Committee for McPherson County (The Committee).

WHEREAS, the task of the Emergency Planning Committee for McPherson County is to establish rules, give public notice of its activities, establish procedures for handling public requests for information and develop an emergency response plan as approved by the Board of County Commissioners. The plan must include:

- (1) Identification of facilities subject to Title III requirements 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; and identification of additional facilities contributing or subjected to additional risk due to their proximity of facilities, 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 releases 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 notifications by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred.
- (5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.
- (6) A description of emergency equipment and facilities in the community and at each facility in the community subject to Title III requirements, 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.

WHEREAS, to meet these goals the Emergency Planning Committee for McPherson County has adopted the following bylaws:

ARTICLE 1, ORGANIZATION

Section 1. NAME OF THE COMMITTEE
The name of the Committee shall be the “Local Emergency Planning Committee for McPherson County.”

Section 2. STATUS OF COMMITTEE
The Committee shall operate as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and resolutions and shall be appointed by the Board of County Commissioners.

Section 3. MAILING ADDRESS AND TELEPHONE NUMBER
The official mailing address and telephone number of the Committee shall be:

LOCAL EMERGENCY PLANNING COMMITTEE
1177 West Woodside Street
McPherson, KS 67460
(620) 245-1260

Section 4. MONIES AND APPROPRIATIONS
The committee may receive and disburse public and private funds, as reflected in the County budget, for the purpose of implementing Emergency Planning and Community Right-To-Know Act of 1986 in McPherson County Kansas.

Such funds, when received, will be disbursed at the discretion of the majority of the Committee and with the approval of receiving such funds by the County Commissioners.

All disbursements will require prior authorization by the **Co-chairman's** and approval by the County Commissioners. Certain financial reports will be made to the Committee as required by law or required by the Committee, the Committee Chairperson, or the County Commission.

Section 5. 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 resolution, and approved by the Board of County Commissioners. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost of providing the information or service.

Section 6. MINUTES OF COMMITTEE MEETINGS
Accurate minutes of all the meetings of the Committee shall be kept in a journal of the Committee, which shall be maintained for such purpose. 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 short summary of the minutes of each meeting shall be mailed to each Committee member subsequent to each Committee meeting.

Section 7. AGENDA FOR COMMITTEE MEETINGS

An agenda of each Committee meeting shall be **emailed**, mailed or delivered to each Committee member prior to each Committee meeting, unless a majority of a quorum of Committee members present at a meeting at which a vote is taken vote to eliminate this requirement. Should this requirement be eliminated, it can be reinstated by a majority vote of a quorum of Committee members present at a meeting at which a vote is taken. The agenda for the next meeting may be **emailed** or delivered to each Committee member at the same times as the short summary of the last meeting. This requirement can be eliminated in the same manner as the requirement that an agenda be mailed to each Committee member prior to each meeting. However, an agenda for each meeting shall always be mailed or delivered to each person or entity whose names and address are found on the list of those to whom notice is required. The list to which notice is required shall be provided to the Committee and updated, as needed, by the McPherson County Emergency Management Office.

ARTICLE II, OFFICERS

Section 1. OFFICERS

The officers of the Committee shall be a Chairperson and Vice-Chairperson, or two Co-Chairpersons with no Vice-Chairperson.

Section 2. CHAIRPERSON (CO-CHAIRPERSON)

The Chairperson (Co-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 resolutions of the Committee, the Chairperson (Co-Chairperson) shall sign, or delegate the authority to sign to the Vice-Chairperson, all official documents of the Committee. The Chairperson (Co-Chairperson) shall establish, or authorize the Vice-Chairperson, to establish, any fees collected by the Committee. The Chairperson (Co-Chairperson) shall also insure that an agenda of each Committee meeting is mailed or delivered as provided by Article I, Section 7.

Section 3. VICE CHAIRPERSON

The 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 Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Committee shall elect a new Chairperson. The Vice-Chairperson shall have the authority to sign official documents of the

Committee or establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson. The vice Chairperson shall insure that any information gathered by the Committee or submitted pursuant to requirements established by the Committee is stored at the Office of Civil Defense (Emergency Management Office) at the address provided in Article I- Section 3. The vice Chairperson shall insure that accurate minutes of the meetings of the Committee are kept and distributed in the manner prescribed by Article I- Section 6.

Section 4. 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 if by the laws, bylaws or rules and regulations governing the Committee

Section 5. ELECTION

Only one officer shall be elected each year, for a two year term at the Annual Meeting from among the members of the Committee and shall hold office from the annual meeting or until their successors are elected and qualified. The officers may be reelected and serve for successive terms. The officers will be confirmed by the Board of County Commissioners. Election for chair and vice chair or co-chair shall be on alternating terms.

Section 6. VACANCIES

Should the office of the Chairperson, Co-Chairperson, or Vice Chairperson become vacant, the Committee shall elect a successor from its membership at the next meeting and such election shall be for the unexpired term of the said office.

ARTICLE III, MEETINGS

Section 1. ANNUAL MEETING

The annual meeting of the Committee shall be the first meeting held after July 1st of each year at a time and location designated in the “Notice of Annual Meeting” mailed or delivered to each Committee member at least seven days before such meeting. Election of officers, re-nomination and nomination shall take place at the annual meeting, and shall occur in the following order: 1) re-nomination; 2) nomination; and 3) election. Those who may vote and run for office are those persons who have been nominated or re-nominated.

Section 2. REGULAR MEETING

Regular meetings of the Committee shall be subject to the call of the Chairperson (Co-Chairperson). At least seven days’ notice of the meeting shall be provided to all Committee members by emailing, mailing or delivering a written notice to the address provided by the member to the Committee. The written notice of the regular meeting may be mailed or delivered with the agenda for the meeting. The news media shall be informed of meeting dates, times, and places.

Section 3. SPECIAL MEETINGS

The Chairperson (Co-Chairperson) of the Committee may, when it is deemed expedient, and shall, upon the 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 may be emailed, mailed or delivered to each Committee at least two days prior to such meeting. At the special meeting no business shall be considered other than as designated in the call; however, if all the members of the Committee are present at a special meeting, any item of business may be transacted if members of the Committee vote unanimously to transact said business.

Section 4. FREQUENCY OF REGULAR AND SPECIAL MEETINGS

There shall be at least one regular or special meeting per year. This requirement may be fulfilled by the annual meeting.

Section 5. QUORUM

The purpose of the Committee shall be vested in an Executive Committee. The Executive Committee shall be made up of the chair/co-chair(vice chair) and the other positions as established by the state with 15 required members. For voting purposes fifty percent of the Executive Committee will constitute a quorum.

Section 6. ORDER OF BUSINESS

At meetings of the Committee the following shall be the order of business:

- (1) Roll Call
- (2) Reading and approval of minutes from previous meeting.
- (3) Communications
- (4) Reports of subcommittees
- (5) Presentation by members of the Public
- (6) Unfinished business
- (7) New business
- (8) Adjournment

Section 7. MANNER OF VOTING

The voting on all questions coming before the Committee shall be by ye or nay, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meeting.

Section 8. MANNER OF CONDUCTING MEETINGS

No standard rules of procedure shall be required unless adopted by a unanimous vote of a quorum of the Committee members. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson (Co-Chairperson) of the Committee, which may include the following:

- (1) No person shall speak unless first recognized by the Chairperson (Co-Chairperson).
- (2) Debate on a matter shall be closed by a motion and second to bring matter to a vote.
- (3) Any member of the Committee may make or second a motion.

Section 9. PARTICIPATION BY MEMBERS OF THE PUBLIC

Members of the public are encouraged to attend all regular, special, and annual 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 Chairperson (Co-Chairperson) at the address found in Article I- Section 3 and then sign in with the 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 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 (Co-Chairperson) 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 governmental entity representatives.

ARTICLE IV, MEMBERSHIP

Section 1. MEMBERS

The members of the Committee shall consist~~s~~ of elected officials, police, fire, medical, emergency preparedness, public health, professions, environmental, hospital, and transportation officials, as well as representatives of facilities located in McPherson County that will be subject to the emergency planning requirements composed and adopted by the Committee, community groups and the media. All members must be approved by the Board of County Commissioners and appointed by the State Emergency Response Commission.

Section 2. TERM OF MEMBERSHIP

All members shall serve for the **2 year term** which extends from the annual meeting at which they are nominated or re-nominated until the next annual meeting, **2 years later**.

Section 3 ATTENDANCES AT MEETINGS

All members of the Committee are required to attend at least fifty percent of all meetings of the Committee held in any twelve consecutive months, unless excused. A Committee member will be excused from a meeting for good cause and upon notification to the Chairperson (Co-Chairperson) or Vice Chairperson.

Section 4. EXPULSION

If, at any time, according to the attendance records located in the Journal of the Committee, a member has not attended at least fifty percent of all meetings of the Committee in any twelve consecutive months, except for excused absences, that member shall be subject to expulsion from the Committee by action of the Board of County Commissioners.

Section 5. SUBSTITUTE REPRESENTATIVES

If a Committee member will be unable to attend a Committee meeting, a substitute representative may attend for that member. The substitute representative may take part in discussions and will be allowed to vote on any matters before the Committee. Further, the substitute 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 occur on the Committee, they may be filled by persons recommended to the Board of County Commissioners by the Committee and appointed by the State Emergency Response Commission. Vacancies which occur in 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.

Section 7. NUMBER OF MEMBERS; YEARLY RE-NOMINATION AND RE-APPOINTMENT

The Committee shall consist of 15 members. During July of each year, all members of the Committee shall be re-nominated and reappointed, or new members shall be nominated or appointed if the number of members has fallen below 15 during the previous year.

ARTICLE V, SUBCOMMITTEES

Section 1. APPOINTMENT OF SUBCOMMITTEES

The Chairperson (Co-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 VI, ADMENDMENTS

Section 1. AMENDMENTS TO BYLAWS

The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent of the total membership of the Committee subject to the approval of the Board of County Commissioners. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and read at the meeting at which the proposed amendment is voted upon.

Section 2. FILING OF BYLAWS AND AMENDMENTS TO BYLAWS

A copy of the bylaws and any amendments to the bylaws shall be provided to: the Board of County Commissioners of McPherson County; the State Emergency Response Commission; and any person who requests a copy or copies.

ADOPTED BY THE EMREGENCY PLANNING COMMITTEE FOR MCPHERSON COUNTY KANSAS, THIS 21st DAY OF January, 2014

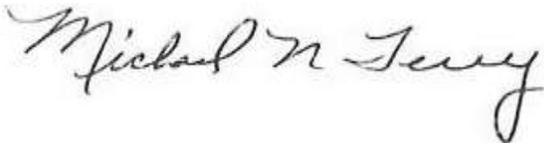
Chairperson

Vice Chairperson

OR



Co-Chairperson



Co-Chairperson