

**BYLAWS OF THE ALLEN COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

**ARTICLE I
NAME AND PURPOSE**

SECTION I: Name.

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

SECTION II: Contact Information.

Allen County LEPC
Attn: Information Officer Jason Trego
410 N. State
Iola, KS 66749

Phone # 620-365-1437 (dispatch)

Website: allencounty911.org

SECTION III: Purpose.

The purposes of the LEPC are those set out in SARA Title III/EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe or District Commissioners, and/or the Commission on Emergency Planning and Response (CEPR), which is formerly known as the State Emergency Response Commission (SERC) in Kansas. In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop a chemical emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of SARA Title III.

The LEPC shall, in addition:

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings or activities.

3. With the information and reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Establish and maintain a system of data management.
6. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan. The LEPC will establish and notify the public of all meetings. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the Commission on Emergency Planning and Response (CEPR), or the County Commissioners. The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose of the Community Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or transported within the planning district. Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, aircraft and waters of commerce.

ARTICLE II **MEMBERSHIP**

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials, law enforcement, emergency management, firefighting personnel, first aid/EMS personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. The members will be nominated by other LEPC members and approved by the County Commissioners. Membership updates will be provided to the County Commissioners on an annual basis or whenever there is a change in membership.

SECTION I: *Qualification.*

The organization shall consist of those members nominated by the LEPC members and approved by the County Commissioners for membership in this body. Those people's names shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

State and local personnel with a direct role in emergency response or incident management must complete training in ICS 100, ICS 200, IS 700, and IS 800. Many members of the LEPC who have jobs that deal with incident management or response will be required to take these courses. LEPC members who do not perform specific response or incident management functions are not required to take these courses. However, the NIMS Integration Center encourages ALL LEPC members to familiarize themselves with NIMS.

SECTION II: *Officers.*

Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes, and to otherwise accomplish the work of the committee.

SECTION III: *Terms of Office.*

The membership of the LEPC, once established, will be for a period of one year. Members may be selected to succeed themselves or to move to other positions on the LEPC. No term limits are established for this jurisdiction.

SECTION IV: *Inactive Members.*

Appointed members shall be considered inactive when they have missed more than three consecutive Committee meetings without representation and notification to the Committee Chair or staff office of significant reasons why they were unable to attend meetings. Inactive members shall not be entitled to vote on any matter before the LEPC until said member is reinstated by a majority vote of the active members in attendance at any regular LEPC meeting. The annual report listing members declared inactive will be provided to the County Commissioners.

SECTION V: *Vacancies.*

Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. The LEPC may make suggestions for candidates to fill vacant positions to the County Commissioners who will give final approval.

SECTION VI: *Duties.*

The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

SECTION VII: *Meetings.*

The LEPC shall meet at least quarterly. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The Chairperson must call a special meeting of the LEPC upon the written request of three members. The special committees shall meet as the work under their groupings proceeds.

SECTION VIII: *Quorum.*

The presence of 30% percent of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of nine (9) of thirty members shall constitute a quorum for the transaction of business.

SECTION IX: *Agenda.*

Any member may request that the Chairperson place an item on the meeting agenda. If the chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with support signatures of three members of the Committee.

SECTION X: *Rules of Order.*

The deliberations of all meetings of the LEPC and its Sub-committees shall be governed by Robert's Rules of Order, Newly Revised.

SECTION XI: *Notice of Meetings.*

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in Allen County in accordance with SARA Title III (EPCRA). This notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan. Notice of special meetings not listed on the regular meeting schedule shall be given by the Secretary-Treasurer to members and other interested parties by mail, phone, in person or by publication at the earliest opportunity prior to a special meeting.

ARTICLE III
OFFICERS

The Officers of the LEPC shall be a Chairperson, Vice-Chairperson, and a Secretary-Treasurer who shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.

SECTION I: *Nomination and Election of Officers.*

Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson, Vice-Chairperson, and Secretary-Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by the majority of the members of the LEPC present and voting at the meeting.

SECTION II: *Term of Office.*

The term of the officers elected at the organizational meeting shall expire on December 31 in the year elected. Thereafter, the term of the officers shall be for a period of one year.

SECTION III: *Chairperson.*

The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

SECTION IV: *Vice-Chairperson.*

Upon resignation or death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

SECTION V: *Secretary-Treasurer.*

The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary-Treasurer in conjunction with the Information Coordinator shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC. The Secretary-Treasurer shall be responsible for providing any notice of meetings as required by these bylaws.

SECTION VI: *Information Coordinator.*

The Information Coordinator will be the current Emergency Manager. The Coordinator shall process requests from the public for information under Section 324 (Right-to-Know), including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management and financial matters.

ARTICLE IV
SUB-COMMITTEES

SECTION I: *Sub-Committees.*

The Chairperson may from time to time appoint subcommittees composed of members of the Local Emergency Planning Committee to study and report on matters relevant to LEPC business. These sub-committees may return their reports to the entire LEPC or to the Chairperson or their designee. Subcommittees may represent the LEPC as they contact the public.

ARTICLE V
MISCELLANEOUS PROVISIONS

SECTION I: *Fiscal Year.*

The fiscal year shall be considered to run from January 1 to December 31.

SECTION II: *Indebtedness.*

All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment by the Secretary-Treasurer.

SECTION III: *Approval of By-Laws.*

These by-laws shall become effective upon approval by a 51% majority of those in attendance at the organization meeting.

SECTION IV: *Disqualification.*

Any member who is unable to attend a meeting of the LEPC should notify the Secretary-Treasurer. Any member with three or more absences without representation is subject to disqualification at the request of the LEPC to the county commissioners.

SECTION V: *Substitute Representatives*

If a LEPC member is unable to attend the LEPC meeting, the absent member may appoint a substitute representative to attend for that member. Said appointment shall be in writing and signed by the absent member unless otherwise allowed by the Chairman. The substitute member may take part in the discussions of the LEPC on behalf of the absent LEPC member. The substitute shall be allowed to move, second a vote, or vote on any matters before the LEPC.

ARTICLE VI AMENDMENTS

SECTION I: *Amendments.*

These by-laws may be amended by affirmative vote of fifty-one (51%) of members present and voting at any meeting of the LEPC provided that any amendments to these by-laws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revision to the by-laws.

ARTICLE VII RULES

EPCRA requires that the LEPC “shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan.” The final rules are attached to these by laws.

SECTION I: *Adoption of Rule; Publication of Proposals.*

The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC. Proposed rules are subject to public comment during the 10-day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.

SECTION II: *Method of Initiating proposed Rule-Making.*

Any member of the LEPC may recommend the initiation of proposed rulemaking. If the LEPC, by fifty-one (51%) majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

SECTION III: *Method of Adopting Final Rules.*

Following the expiration of the 10-day comment period, the LEPC shall review all public comments and prepare a statement that responds to comments and discusses the basis for any appropriate changes to the proposal. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.

SECTION IV: *Notice of Adoption.*

Upon adoption of any rule by the LEPC, the Information Coordinator shall also publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.

SECTION V: *Emergency Rules.*

In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

FINAL RULES **Public Access to Information**

A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.

B. All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request. Copies of the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Request for MSDS and Other Non-Confidential Information

1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
3. If the Committee does not have in its possession the MSDS or other information requested in subsections C1 or C2 of this section, it shall request a submission of

the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

D. Requests for Tier II Information

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in subsection D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess threshold planning quantities.
3. If the request under subsection D1 of this section does not meet the requirements of subsection D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection D1 of this section includes a general statement of need.

E. Trade Secrets

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as:

1. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret; and;
2. The LEPC receives a written notice of such determination.

**THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF ALLEN
COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS THE
_____ DAY OF _____, IN THE YEAR _____.**

LEPC CHAIRPERSON (DATE)
(PRINTED)

LEPC CHAIRPERSON (DATE)
(SIGNATURE)

COUNTY COMMISSIONER (DATE)
(PRINTED)

COUNTY COMMISSIONER (DATE)
(SIGNATURE)