

BY LAWS LOCAL EMERGENCY PLANNING COMMITTEE YELLOWSTONE COUNTY (MT)

Revised and Adopted, December 10, 2014

ARTICLE I. NAME, PURPOSE & OFFICE

SECTION 1.1 NAME

The name of this organization shall be the Yellowstone County Local Emergency Planning Committee LEPC, herein after referred to as the "LEPC". All power of the LEPC is vested in its membership with limited powers given to the Board of Directors.

SECTION 1.2 PURPOSE

The purpose of the LEPC shall be:

1. To carry out for County of Yellowstone and its political subdivisions those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
 - Developing, training, and exercising of a hazardous material emergency response plan for Yellowstone County and its political subdivisions;
 - Developing procedures for receiving and storing hazardous material information from Yellowstone County businesses and processing requests from the public under the community Right-to-Know provisions of Title III, SARA; and
 - Establishing provisions for public notification of LEPC activities.
2. To plan, develop, train and exercise community emergency response plans for all other risks and hazards identified in Yellowstone County including but not limited to flooding, wildfires, major structure fires, winter storms, tornadoes, terrorism, etc.
3. To implement further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the LEPC.
4. To develop and maintain a compliance checklist as an attachment to the bylaws which shall be used in an annual compliance review.

SECTION 1.3 BUSINESS OFFICE

The organization's principal office shall be located in Billings, Montana. The LEPC's most current Annual Report shall identify the location of the principal office.

ARTICLE II. MEMBERSHIP

SECTION 2.1 MEMBERSHIP

1. *Membership.*

Any person or firm engaged in business and who subscribes to the principles and purposes of the LEPC is eligible for membership. If a corporation or other entity holds membership, the entity shall be considered one member though more than one representative may participate and attend meetings.

LEPC membership shall include representatives of entities needed to ensure close mutual aid relationships and effective regulatory compliance and those who support the purpose and activities of the LEPC. This shall include but not be limited to representatives from the following groups or organizations: elected officials, law enforcement, emergency management;

fire response; emergency medical services; health officials, local environmental groups, hospital personnel, transportation; owners and operators of facilities subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA); broadcast and/or print media; schools, faith-based groups, and volunteer and public assistance agencies

2. *Membership Appointments*

LEPC members are officially appointed for an indefinite term, and must be reviewed by the SERC annually. A membership application shall be completed and submitted to the Secretary by any group or organization wishing to become a member of the LEPC. At that time, they will be added to the notification distribution list and listed in the annual report for that year as new members. Completion of the Annual Report, submission to the County Commissioners shall constitute official appointment of new members who will be forwarded to the State Emergency Response Commission (SERC) and added to the official roster.

3. *Membership Rights and Expectations*

Membership entitles members to receive notification of meetings, copy of minutes and opportunity to participate in activities, committees and discussions. Members shall support the purpose of LEPC, keep informed and participate when possible in meetings and activities. Only active/voting members may vote.

4. *Membership Categories*

Active/Voting Members: Member firms or organizations that have been represented at more than 50% of the regularly scheduled meetings during the previous year and identified as such as of the record date shall be classified as active members with voting privileges. One vote will be accorded each entity regardless of the number of individuals affiliated with that entity who attend meetings and participate.

At-large Members: Individuals with expertise in areas of LEPC concerns and not associated with a member organization will be classified as at-large members. These persons do not need to be carried on the official roster.

5. *Termination of members.*

The LEPC may suspend or terminate a member from the LEPC if the LEPC has made a good faith determination that it is in the best interests of the LEPC to do so. In addition, the LEPC may only suspend or terminate a member from the LEPC pursuant to the following procedure, which shall be carried out in good faith. The procedure provides:

- the LEPC must, by first class mail, give the member written notice of the suspension or termination not less than 15 days' prior to the effective date of the proposed action and an explanation of the reasons for it; and
- an opportunity for the member to be heard, orally or in writing, not less than 5 days before the effective date of the suspension or termination by the LEPC.

Notwithstanding the above provisions, the LEPC shall consider a membership terminated if the member fails to make payment of annual dues, if dues are required, or if the member fails to attend meetings for two full calendar years or notify the LEPC of their desire to remain as active members

SECTION 2.2 DUES

The LEPC shall determine the amount of annual dues, if any, to be paid by each member. The LEPC may establish a different amount of dues to be paid by different types of membership. The LEPC may terminate members for non-payment of annual membership dues. The LEPC may notify members of nonpayment of dues and may provide a grace period in which to pay dues.

SECTION 2.3 MONTHLY MEMBERSHIP MEETING

The members shall convene monthly meetings on the second Thursday of each month, at the hour of 1:30 o'clock P.M., or at another time on another day within the month that the LEPC agrees upon. Meetings shall be open to the public and persons attending who do not wish to become members shall sign-in as a guest. Unless otherwise indicated, all minutes are considered public record. Matters of confidentiality and vulnerability shall not be included in public record minutes.

SECTION 2.4 SPECIAL MEMBERSHIP MEETINGS

The Chairperson, the Board, or the members may call a special membership meeting for any purpose or purposes described in the meeting notice.

SECTION 2.5 PLACE OF MEMBERSHIP MEETING

The LEPC may designate any place as the meeting place for any monthly, annual or special meeting of the members. The members may change the meeting place if a majority of the members entitled to vote at the meeting agree to another location. If the LEPC does not designate a meeting place, then the members shall meet at the principal office of the organization.

SECTION 2.6 NOTICE OF MEMBERSHIP MEETING

Required notice. The Secretary of the LEPC shall deliver notice of the membership meeting to each record member.

Manner of Communication. The Secretary of the LEPC may deliver to member's notice of the membership meeting by e-mail, written notice, through a regular publication, or by a newsletter of the organization. The notice must be given in a fair and reasonable manner; it must be in writing and state the place, day and hour of any monthly, annual or special membership meeting. If the LEPC determines that e-mail, or a written notice, or notice by a regular publication or a newsletter of the membership meeting is impracticable, the Secretary of the LEPC may give notice of the membership meeting by means of a newspaper of general circulation in the area where it is published.

Adjourned Meeting. If the members adjourn any membership meeting to a different date, time, or place, the Secretary need not give notice of the new date, time and place, if the new date, time, and place are announced at the meeting before adjournment. However, if the LEPC fixes a new record date for the adjourned meeting, or must fix a new record date, then the Secretary must give notice, in accordance with the requirements of paragraphs (b) of this section, to those persons who are members as of the new record date.

Contents of Notice The notice of meetings shall include a description or agenda indicating the meeting's purpose or purposes. If the purpose of the meeting is to amend bylaws or adopt policies a copy or summary of information to be presented shall be sent prior to the meeting.

SECTION 2.7 FIXING OF RECORD DATE

The LEPC has fixed, in advance, a date, referred to as the record date, for the purpose of determining which members, as of a certain date, are entitled to receive notice of a member meeting. The LEPC may also fix specific rights for members of record as of the record date. The record date shall be the December meeting unless otherwise determined.

SECTION 2.8 MEMBERSHIP LIST

Contents of List. After the LEPC fixes a record date for notice of a meeting, the officer maintaining the LEPC's record books, shall prepare a complete record of the members entitled to the notice of the meeting and provide the list to the SERC.

Inspection. The membership list must be available for inspection by any member, beginning 2 business days after the Secretary gives notice of the meeting for which the list was prepared. The list shall be located for inspection at the LEPC's principal office. A member, the member's agent, or attorney is entitled, on written demand, to inspect the list during regular business hours. The member shall be responsible for any reasonable inspection expenses.

Limitations on Use of Membership List. Without consent of the LEPC, a membership list or any part of it may **not** be obtained or used by any person for any purpose unrelated to a member's interest as a member of the LEPC. Membership lists shall **not** be distributed to members except for the sole purpose of conducting LEPC business.

SECTION 2.9 MEMBERSHIP QUORUM

For the purpose of official LEPC business, a quorum shall be considered 40% of LEPC active/voting members present at the meeting. Once a vote is represented for any purpose at a meeting, the LEPC shall deem it present for quorum purposes for the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be set for that adjourned meeting.

SECTION 2.10 VOTING OF MEMBERSHIP

Each member (subject to the provisions of section 2.1.4) is entitled to one vote on each matter voted on by the Active/Voting Members. If a membership (one entity) stands of record in the names of two or more persons, the vote of one name shall bind all names on that one membership. Three-fourths (3/4) affirmative vote is required for member approval of LEPC merger and dissolution, and for major asset transfers. A majority vote shall carry on other matters requiring member action, unless otherwise stated in these bylaws.

SECTION 2.11 LEPC RECORDS

The LEPC shall keep a permanent record of the minutes of all meetings of:

- its members
- the board of directors

The LEPC shall maintain appropriate accounting records, including a quarterly report of fiscal balances to the membership.

ARTICLE III. BOARD OF DIRECTORS

SECTION 3.1 GENERAL POWERS

All LEPC powers shall be exercised by or under the authority of the members of the LEPC. The Board of Directors shall exercise only those powers given to it by the members of the LEPC and consists primarily of conducting the business and affairs of the LEPC when the LEPC cannot meet.

SECTION 3.2 COMPOSITION OF THE BOARD

The current officers of the LEPC and the past chairperson of the LEPC, if still active and involved, shall compose the Board. Each director shall have one vote on any matter that comes before the Board. Each director shall hold office for the period of time they are officers or until removed in accordance with section 3.3. All Directors shall represent Active/Voting members of the LEPC and it is desired that the directors represent different member organizations/agencies.

SECTION 3.3 REMOVAL OF DIRECTORS

A director (officer) may be removed if a majority of the LEPC members present at a duly constituted meeting vote for the removal.

SECTION 3.4 DIRECTOR VACANCIES

If a vacancy among the directors occurs on the Board, the LEPC may fill the vacancy, by appointing another officer. If the directors remaining in office constitute less than a quorum of the Board, they may continue to conduct business as needed.

SECTION 3.5 REGULAR MEETINGS OF THE BOARD OF DIRECTORS AND NOTICE

The Board shall hold regular meetings as necessary in the absence of the meetings of the LEPC. The Board's Secretary shall give oral, electronic or written notice of any director meeting at least 2 days before the meeting. The notice shall include the meeting place, day and hour.

SECTION 3.6 DIRECTOR QUORUM

A majority of the number of directors shall constitute a quorum for the transaction of business at any Board meeting.

ARTICLE IV. OFFICERS

SECTION 4.1 NUMBER OF OFFICERS

The officers of the LEPC shall be a Chairperson, a Vice-Chair, a Secretary, and a Treasurer. The LEPC shall elect these officers. In addition to the duties specifically set forth in these bylaws, each officer shall perform any other duties that the LEPC may assign to the officer. The LEPC may appoint other officers and assistant officers, as it deems necessary. The same individual may simultaneously hold more than one office in the LEPC.

SECTION 4.2 ELECTION AND TERM OF OFFICE

The LEPC shall elect officers of the LEPC for a two year term unless determined otherwise by the LEPC at the time of election. There are no limits on the number of terms that may be served in the event of failure or lack of opportunity to hold elections, the existing officers shall remain in office until new officers are installed.

SECTION 4.3 NOMINATION OF OFFICERS

The chair shall appoint a nominations committee to facilitate the election of officers. A slate will be announced one month prior to elections. If there is a desire to submit additional nominations these must be submitted to the nominating chair in writing, and signed by a nominator and seconder, at least 10 days prior to the election.

SECTION 4.4 REMOVAL OF OFFICERS

The LEPC may remove any officer in the manner specified in section 3.3.

SECTION 4.5 CHAIRPERSON

The Chairperson shall be the principal officer of the LEPC. The Chairperson shall be subject to the control of the LEPC, and shall, in general, supervise and control, in good faith, all of the business and affairs of the LEPC. The Chairperson presides at all meetings of the LEPC. The Chairperson may sign, with the Secretary or any other proper officer of the LEPC, any formal or legal LEPC documents requiring authorized signature on behalf of the LEPC. The chairperson also shall facilitate the development and presentation of an annual report, serve as the public liaison/contact for the LEPC and the TIER II reporting contact along with the secretary.

SECTION 4.6 VICE-CHAIR

The Vice-Chair shall perform, in good faith, the Chairperson's duties if the Chairperson is absent, dies, is unable or refuses to act. If the Vice-Chair acts in the absence of the Chairperson, the Vice-Chair shall have all the Chairperson's powers and be subject to all the restrictions upon the Chairperson. If the Vice-Chair is unable or refuses to act, then the ~~Secretary~~ *Treasurer or another designated active member* shall perform the Chairperson's duties.

Annually, during the first quarter of the calendar year, the Vice Chair shall be responsible for ensuring Bylaws and Compliance reviews are conducted and results reported to the LEPC.

SECTION 4.7 SECRETARY/INFORMATION COORDINATOR

The Senior Administrative Coordinator of the Billings Fire Department shall serve as secretary/information officer of the LEPC unless for some reason it is determined that another active member needs to be selected.

The Secretary shall:

1. Attend meetings & create and maintain the minutes of the proceedings of the Board and of the LEPC
2. Provide that all notices are served in accordance with these bylaws or as required by law
3. Be custodian of the LEPC records
4. When requested or required, authenticate any records of the LEPC
5. Keep a current register of the post office and e-mail address of each member
6. Distribute minutes of meetings and other relevant information to the LEPC membership
7. In general perform all duties incident to the office of Secretary.
8. By virtue of the role, the Secretary shall serve as the Information Coordinator for the LEPC. In this role, the Secretary shall be responsible for processing requests for information from the public under Section 324 of the EPCRA, including Tier II information under Section 213. Requests for information shall be documented and the Chairperson shall be notified of such requests.

SECTION 4.8 TREASURER

The Yellowstone County Director of Emergency Services shall serve as Treasurer of the LEPC unless for some reason it is determined that another Active/Voting member needs to be selected.

The Treasurer shall:

1. Have charge and custody of and be responsible for all funds and securities of the LEPC
2. Receive and give receipts for monies due and payable to the LEPC from any source, and deposit all moneys in the LEPC's name in banks, trust companies, or other depositories that the LEPC shall select
3. May sign and issue all LEPC checks, drafts or other orders for payment of money, and notes or other evidence of indebtedness
4. Submit the books and records to a Certified Public Accountant for annual audit or review
5. Provide a quarterly fiscal report to the membership
6. In general perform the entire duties incident to the office of Treasurer.

SECTION -4.9 PAST CHAIRPERSON

In order to keep continuity in the LEPC and its proceedings, the Past Chairperson, may serve on the Board of Directors.

ARTICLE V. SUBCOMMITTEES

Work may be divided among subcommittees to facilitate planning and allow members to specialize and help the LEPC work on several projects at once. The number and type of subcommittees created shall depend on the need and goals of the LEPC. Subcommittees may be formed or disbanded as needed. Subcommittee membership does not need to be limited to LEPC members.

SECTION 5.1 STANDING SUBCOMMITTEES

Standing Subcommittees of the LEPC are those with an on-going responsibility and shall include

- Exercise Design
- Grants
- CAER [Community Awareness and Emergency Response] / Citizens Corps
- Health & Medical Advisory Group (HMAG)
- Conference
- Crisis Communication/PIO
- Communications
- Training

The LEPC shall utilize these standing subcommittees to more narrowly focus on critical hazardous material, safety and/or disaster planning issues. These committees report their activities and recommendations to the LEPC. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint subcommittee chairpersons who must represent Active/Voting members

SECTION 5.2 MEMBERSHIP OF THE STANDING SUBCOMMITTEES

All members of the LEPC are encouraged to volunteer to serve on at least one Standing Subcommittee. The LEPC Chairperson shall ensure that all committees have sufficient participation to carry out their assigned tasks. The Standing Subcommittees may have non-voting, non-LEPC members as necessary for advice and expertise.

SECTION 5.3. MEETINGS OF THE STANDING SUBCOMMITTEES

Each Standing Subcommittee may hold a meeting between consecutive monthly membership meetings of the LEPC. Additional meetings of the Standing Subcommittees may be called by the chairperson of those subcommittees or by the Chairperson of the LEPC as deemed necessary. The subcommittee chair shall make certain that reasonable participation occurs for discussion and decision-making. Activities shall be reported to the LEPC and recommendations for actions that obligate the LEPC or its members shall be presented for approval.

SECTION 5.4 DUTIES OF THE STANDING SUBCOMMITTEES

The Exercise Design Subcommittee.

The Exercise Design Subcommittee is responsible for planning, coordinating and conducting annual or semiannual exercises that reflect on the hazards that pose a risk to Yellowstone County. The Yellowstone County Disaster and Emergency Services Director is a required member of this committee by nature of his/her duties.

The Grants Subcommittee.

This Grants Subcommittee may seek out, apply for and accept grant funds on behalf of the LEPC. Such grants will adhere to the purpose of the LEPC and include but are not limited to:

- promote/enhance public awareness of emergency response activities,
- provide awareness, training and exercising of emergency response personnel,
- enhance public alerting, warning and notification and provide equipment for emergency
- support hazardous material and other natural disaster response capabilities

The Community Awareness and Emergency Response (CAER) ~ Citizens Corps Council Subcommittee.

The CAER/CCC Sub-committee shall coordinate and oversee activities designed to fulfill the purpose of CAER and Citizens Corps which is:

- Promote and encourage citizen participation and awareness to make Yellowstone County safer and more secure through personal preparedness, training and volunteer service.

- Offer citizen education through the Community Emergency Response Team (CERT) program designed by the Department of Homeland Security (DHS).
- Provide coordination of national CCC programs such as CERT; Medical Reserve Corps (MRC); Volunteers in Police Service (VIPS); Neighborhood Watch Program (NWP) and others on an as needed and as funded basis.
- Promote community awareness about potential hazardous materials, natural disasters, and other emergencies
- Advise the public of appropriate actions to take in hazardous, man-made, environmental and natural emergencies and disasters.

Health & Medical Advisory Group (HMAG)

The mission of the Health & Medical Advisory Group is to ensure the coordination of the Yellowstone County public health system for the purpose of preventing, preparing, responding, and recovering from events that may impact the health of our community. The HMAG acts as a liaison in the area of awareness for both first responders and the public in the event of large or small scale health related issues. A Community Psychological First Aid Committee shall serve as a sub-committee of the HMAG.

The Conference Subcommittee.

This Conference Subcommittee is responsible for arranging, coordinating and conducting an annual LEPC conference at the request of the LEPC. If the opportunity arises, the Conference Subcommittee may choose to combine an LEPC conference with another closely-related conference with approval of the LEPC.

Communications Subcommittee

The Communications Subcommittee is charged with the development of plans / protocols for emergent communications in Yellowstone County, including maintaining a list of resources. The plans / protocols should address the concept of "who communicates what when on what system/device."

Crisis Communications / Public Information Officers (PIO)

The Crisis Communications / Public Information Officers (PIO) Subcommittee shall develop and maintain the protocols, procedures and structure for a Joint Information System (JIS) that can be used to provide information in a timely, accurate and accessible manner to the public, local officials, responders and the media during a disaster while maintaining information security concerns when communicating about potentially vulnerable communities during times of crisis.

The Joint Information System includes plans for a Joint Information Center (JIC) as well as identification of a jurisdiction lead Public Information Officer and a plan to incorporate social media regionally and geographically to extend the effectiveness of safety alerts that the public needs most during emergencies.

Training Subcommittee

The Training Subcommittee is responsible to promote/enhance LEPC member awareness of training opportunities and/or facilitate training to the membership. The training subcommittee should ensure records are being maintained of training, including NIMS obligations.

SECTION 5.5. AD HOC COMMITTEES.

The Chairperson may establish/dissolve ad hoc committees as necessary to perform specific *short-term* functions of the LEPC and to address unique LEPC issues as needed. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint the Chairperson and members of ad hoc committees. The LEPC shall provide a specific charge, a defined scope of work, time constraints, reporting actions, and other appropriate requirements for each ad hoc committee.

ARTICLE VI. MISCELLANEOUS

SECTION 6.1 CONTRACTS

The LEPC may authorize any officer or officers, agent or agents, to enter into any contract or execute or deliver any instruments in the name of and on behalf of the LEPC and such authorization may be general or confined to specific instruments.

SECTION 6.2 FISCAL YEAR

The fiscal year of the LEPC shall begin on July 1 of each year and end on June 30th of the following year. The LEPC administrative year shall be 12 consecutive months beginning on January 1st each year.

SECTION 6.3 ANNUAL REPORT

The LEPC shall generate an annual report of activities and accomplishments following its December business meeting. Each sub-committee shall generate independent reports that will contribute to the total LEPC report. The report shall be considered public record and be provided to the County Commissioners and the City Councils of each incorporated city in the county.

SECTION 6.7 AMENDMENTS

- *General.* Any amendment to these bylaws must be approved by a majority vote of the Voting members of the LEPC.
- *Notice of Meeting to Vote on an Amendment.* If the LEPC or the members seek to have the amendment approved by the members at a membership meeting, the Secretary of the LEPC shall give written or electronic notice to the members of the proposed meeting, in accordance with section 2.6.

ARTICLE VII. REVISION AND ADOPTION

REVISED AND ADOPTED THIS 10TH DAY OF DECEMBER, 2014, EFFECTIVE UPON ADOPTION.

, CHAIR

, VICE-CHAIR

ATTEST:
_____, RECORDING SECRETARY