

# **BYLAWS OF THE REGION IV LOCAL EMERGENCY PLANNING COMMITTEE**

## **Article I. General**

The Region IV Local Emergency Planning Committee (LEPC) was designated by the Chemical Emergency Planning and Response Commission (CEPRC) pursuant to the Superfund amendment and Reauthorization Act of 1986 (SARA), Title III, Coded in Title 42 of the U.S. Government Code, Section 1101 et seq. Title III is a stand-alone act also known as the "Emergency Planning and Community Right-to-Know" Act of 1986. To implement Title III, Congress required each state to appoint a State Emergency Response Commission. The Commission, in turn, was required to divide their states into emergency planning districts and name a Local LEPC for each district. Region IV district consists of the eleven counties of: Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Stanislaus, Tuolumne, and Yolo.

## **Article II. Objectives**

The LEPC is the focal point for the Title III activities in the region and is intended to be consistent with planning efforts of local government. The performance of the LEPC is critical to ensuring that the public benefits from the opportunities and the information provided for under the law. The LEPC is appointed by the CEPRC and has the responsibility for supervising and coordinating the LEPC activities. The LEPC shall coordinate and integrate its activities with California's Hazardous Materials Program (Chapter 6.95 of the Health & Safety Code). As part of its responsibilities, the Committee shall:

- \* Develop a comprehensive emergency plan and to update the plan at least once yearly.
- \* Receive information about chemical releases for regional planning purposes and hazard analysis.
- \* Implement Community Right-to-Know programs.
- \* Arrange for information collected by the Committee to be made available to the public in a convenient and accessible manner.
- \* Communicate and educate the public about risks from accidental and routine releases of hazardous chemicals.
- \* Provide a forum to discuss related hazardous materials issues.
- \* Carry out other functions as specified by SARA Title III

## **Article III Members**

The membership of the Committee consists of representatives of different professions as mandated by SARA Title III and modified by the State Commission and Region IV LEPC.

The following are the mandated positions:

Community Group  
Hospital  
Fire  
Civil Defense  
Local Environmental  
Industry

First Aid  
Law Enforcement  
Media  
Transportation  
Health  
Elected Official Local/State

The following are the modified positions by the State Commission and Region IV LEPC.

Administering Agency/CUPA  
Agriculture  
Education

Environmental Legal  
Emergency Management  
Dept. of Defense

The committee will nominate individuals to each position. Individuals will be approved by a simple majority vote.

Active members in each category are entitled to one vote on committee.

Each regular member will recommend an alternate who is available to participate regularly in LEPC meetings, working subcommittee and other LEPC activities for that category. Alternates will be approved by a simple majority vote. Alternates may vote on committee actions or be used to constitute a quorum of the committee only when acting on the member's behalf.

#### **Article IV Membership Terms**

Membership on the committee will be for a two-year term. Members and alternates may serve more than one term but must be re-nominated at the expiration of the existing term. One-half of the member's terms will expire in even years. The other one-half will expire in odd years. Outgoing members may serve until their successors are approved.

The following categories terms will expire on even years.

Community Group  
Health  
Industry  
Hospital  
Elected Official

Local Environmental  
Media  
Transportation  
Civil Defense

The following categories terms will expire on odd years

Administering Agency/CUPA  
Agriculture  
Emergency Management  
Industry  
Environmental Legal

Education  
Fire  
Law Enforcement  
First Aid

### **Article V Attendance**

Active attendance by representatives is critical to the functioning of the committee. Members nominated to the committee should plan to attend the scheduled LEPC meetings and assigned subcommittee meetings.

To ensure active participation, members must attend at least seven LEPC meetings per year or be replaced. Members are responsible for contacting their alternates in their absence. The chairperson or the chairperson of the Membership Subcommittee will contact the member to determine whether they want to continue on the committee and will interview members, who miss more than three unexcused absence meetings in a row. If the member misses the next two meetings after the interview, he or she will be considered to have resigned.

A list of current membership and attendance records shall be maintained by State OES staff assigned to Region IV LEPC.

### **Article VI Meetings**

The committee will meet at 9:30 a.m. on the third Tuesday of every month, except for September, and/or at the call of the chairperson. Meeting location will be at State OES Headquarters in Mather or unless advanced notice is given for a location change.

A quorum shall be a majority of the members (fifty percent) plus one. If one of the member categories does not have a primary or alternate, then the position will not be counted to make the quorum.

Meetings shall be open to the public, except for executive sessions, which may be called only for those purposes allowed by law. It is not required that members of the public be permitted to comment on each item as it appears on the agenda. However, if the public is not invited to comment as an item appears on the agenda, the chairperson shall provide for public comment immediately prior to adjournment. Reasonable time limits may be imposed for public comment on a particular item and/or for each individual speaker

### **Article VII Meeting Agendas**

The agenda for each meeting will be prepared under the direction of the current chairperson. Agenda items must be submitted to the chairperson at least 14 days prior to the scheduled meeting date. All backup material pertaining to the agenda item must also be submitted at the time unless approved by the chairperson.

Agendas will be mailed or emailed to members and interested parties ten days in advance of the meetings. Backup materials, which are too bulky to be mailed, may be distributed at the time of the meeting.

The agenda must identify each item of business to be "transacted or discussed" at the meeting. As a general rule, the committee cannot "take action" on any item which is not on the agenda. Items may be added to the agenda at the meeting for discussion purposes only.

### **Article VIII Rules**

California Government Code, Section 11120-11132 et.seq, will govern the LEPC. Known as the Bagley-Keene Open Meeting Act; and by the current edition of Robert's Rules of Order newly revised. Notice shall be published annually of the availability of the Emergency Plan and Community Right-to-Know information.

Community Right-to-Know information, chemical inventories, Material Safety Data Sheets and incident follow up reports will be maintained by Participating Agencies, Certified Unified Program Agencies and/or Administering Agencies in Region IV. These agencies will also provide the above information to any public request.

### **Article IX Subcommittees**

Subcommittees shall be formed or dissolved upon the recommendation of the committee chairperson, with the approval of the majority of the committee members or their alternates in attendance at the meeting. Thirty days' notice is required for dissolution of a subcommittee. Each subcommittee shall have a subcommittee chairperson, appointed by the committee chairperson. The subcommittee chairperson shall appoint subcommittee members, and may be chosen from among the committee members or other persons qualified to advance the work of the committee.

### **Article X Officers**

Each fiscal year, at the first calendar meeting or as vacancies occur, the committee will elect or re-nominate a chairperson and vice-chairperson. The chairperson or designated member will conduct committee meetings, prepare correspondence, and speak on behalf of the committee when authorized.

Prior to election of officers, the chairperson shall poll all committee members to identify those who wish to be considered. A ballot listing the names of all interested members shall be distributed to all members. The chairperson shall be elected first followed by the vice-chairperson. A member receiving a majority of the votes shall be elected to the position. The term of office shall begin immediately upon election unless the member elected is not present, in which case the term shall begin when the member is notified.

### **Article XI Committee Actions**

Actions directing the chairperson, or committee members, to perform administrative or planning activities must be approved by a simple majority of the members present.

No member or alternate of the LEPC or its subcommittees shall take action or speak for the LEPC unless specifically authorized to do so by the LEPC or its chairperson.

Actions requesting legal action on behalf of the committee from the Attorney General, or other appropriate legal counsel, must be approved by a majority of the members present.

### **Article XII Roles of Members**

Members are nominated to their position in order to provide the perspective of their profession to the discussions and actions of the committee. Since their fellow professionals within Region IV do not nominate committee members, they do not necessarily represent those other professionals. A member may establish a networking procedure for obtaining the input and support of other professionals.

Members of the committee do, however, represent the interests of the citizens of the counties, which make up Region IV.

Committee members may officially represent the committee at outside activities only with the consent of the committee or the chairperson.

### **Article XIII Subcommittees**

The following subcommittees are considered standing subcommittees

- Administering Agency/CUPA
- Equipment and Training
- Planning
- Public Information
- Membership

### **Article XIV Executive**

Other subcommittees and task force may be formed with the approval of the committee. The chairperson shall appoint subcommittee and task force chairpersons. Subcommittee will have at least one current member of the committee on its membership. However, subcommittee chairpersons do not necessarily have to be a current member of the committee.

All official actions taken by a subcommittee or task force shall have prior approval of the committee. All documents, plans or other written materials produced by a subcommittee or task force shall be considered to be draft until approved by the committee. Routine correspondence or

circulation of draft working documents among the subcommittee or task force members does not require the approval of the committee.

### **Article XV Amendment of Bylaws**

These bylaws may be amended at any regular meeting of the committee by a quorum vote, provided that the amendment has been submitted in writing and mailed or emailed 10 days prior to all regular members and alternates.

#### Record of Amendments

November 14, 1990

December 11, 1991

July 13, 1994

October 12, 1994

November 16, 1994

September 15, 1999

February 18, 2003

February 24, 2004

October 25, 2005