

**SARA TITLE III LOCAL EMERGENCY PLANNING COMMITTEE  
CALIFORNIA REGION VI BYLAWS  
January 2013**

**AUTHORITY**

The Local Emergency Planning Committee (LEPC), Region VI was established by the State Chemical Emergency Planning and Response Commission (CEPRC) pursuant to the Superfund Amendments 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 also known as the “Emergency Planning and Community Right-to-know” Act of 1986. Region VI consists of the six counties of San Diego, San Bernardino, Riverside, Imperial, Inyo, and Mono.

**Objective**

The LEPC provides regional level planning for hazardous materials emergencies and response to public requests for community right-to-know information. Specific LEPC organizational responsibilities mandated by SARA Title III are delineated in the following articles.

**Article I: LEPC Members**

- A. LEPC members are appointed by the Governor through the CEPRC (California Emergency Planning and Response Commission) also known as the SERC. In the absence of an active SERC, the LEPC may appoint new members by vote of the active voting members of the LEPC in attendance at a scheduled meeting of the LEPC; with oversight by an Emergency Services Coordinator from OES/CalEMA.
- B. The LEPC shall have general supervision of all matters pertaining to the LEPC.
- C. No member of the LEPC shall take action or speak for the LEPC unless specifically authorized to do so by the LEPC or its chairperson.
- D. A list of current membership shall be maintained by the Secretary.
- E. Attendance at LEPC meeting and participation in LEPC activities are important member obligations.
- F. The Secretary shall note in the minutes attendance, including late arrivals and early departures by LEPC members. Absence from three consecutive meetings shall subject an appointee’s membership to review by the LEPC.
- G. Four consecutive absences shall be grounds for removal from the LEPC.

## Article II: Membership

- A. The LEPC is comprised of members representing categories specified by the CEPRC. The following categories' terms will expire on June 30, 1992 and every two years thereafter:

Administering Agency	Agriculture	Industry
Fire	EMS Services	Hospital
Environmental	Community Group	Rural South
Law Enforcement	Emergency Mgmt.	Public Health
Civil Defense	Transportation	Media
Elected Official	Air Quality	Rural North
Community Awareness/Emergency Response (CAER)		

- B. "Member" shall be defined as any individual who serves on any LEPC subcommittee
1. They do not have to be the subcommittee chairman
  2. Is also deemed qualified by the active voting members of the LEPC to serve on such subcommittee of service,
  3. Attends at least 1/3 of the scheduled LEPC meetings in the year preceding the most recent or current scheduled meeting. Examples: For the meeting held on May 8, 2012, one must have attended two of six meetings since May 9, 2011. In 2012, based on a three meeting annual schedule, one must attend one of the three meetings to remain active.
  4. A "member" can become an "active voting member" upon attendance at 2/3 of the held meetings and an affirmative vote by a quorum of currently active voting members of the LEPC.
- C. "Active Voting Member" shall be defined as members who have attended 2/3 of the held meetings of the region VI LEPC within the past year prior to the most recently held meeting. Examples: For the meeting held on May 8, 2012, one must have attended three of six meetings since May 9, 2011. In 2012, based on a three meeting annual schedule, one must attend two of the three meetings to remain active.
- D. Nominations for membership shall be submitted on an approved form to the Bylaw/Membership Subcommittee. (This form can be found on page 11 of the LEPC Region VI Handbook) In order to become a new member of the LEPC one must (1) volunteer to serve on one or more of the LEPC sub-committees; (2) commit to attend 1/3 or more of the scheduled LEPC meetings moving forward; (3) fill out the LEPC application; and (4) have the nominee's application accepted by vote of a quorum of active voting members of the LEPC.
- In order to become an active voting member one must (1) volunteer to serve on one or more of the LEPC sub-committees; (2) commit to attend 2/3 or more of the scheduled LEPC meetings moving forward; (3) fill out the LEPC application; and (4) have the nominee's application accepted by vote of a quorum of currently active voting members of the LEPC.
- E. In addition to the active voting LEPC member, an Alternate may be appointed for any category.

### Appointment:

1. Only the active voting LEPC members in any category may nominate his/her alternate. The normal process for approval by the LEPC will apply as in "B" above.

2. When the term of the active voting members expires or the position is vacated, the term of the Alternate member will also expire and must be vacated.
3. The Alternate may be nominated to serve in the category vacated by the active voting member.
4. When representing an active voting member the Alternate may vote, participate in official committee policy actions, and be used to constitute a quorum of the committee.

F. Compensation:

1. Officers and members of the LEPC shall serve without compensation
2. All LEPC members shall be entitled to travel and per diem expenses pursuant to State Board of Control Rules and guidelines established by OES/Cal EMA when funding and budgets make such funding available.
3. Alternates may be reimbursed for travel expenses when representing the active voting member; when funding and budgets make such funding available.

**Article III: Officers and Staff**

- A. LEPC officers shall consist of a chairperson and vice-chairperson. Officers shall serve a term of Two years or until their successor are elected. No member may/should serve more than two full terms in succession in the same office.
- B. The LEPC shall be served by a staff professional and a secretary appointed by the offices of OES/CalEMA, Sacramento, Hazardous Materials Division.

**Article IV: Election and Replacement of Officers**

- A. The following are the procedures for election of LEPC officers:
  1. No later than by the first meeting of a new calendar year, the chairperson of the LEPC shall appoint three members to be a nominating committee.
  2. The nominating committee shall present a candidate for the office of chairperson and a candidate for the office of vice-chairperson at the second meeting. At this meeting, additional nominations may be made from the floor provided any nominee declares willingness to serve.
  3. An election, by written ballot, shall be conducted at the second meeting. Election shall be by the majority vote of a quorum.
  4. Should no candidate for any office receive a majority vote, a run-off election of the two candidates who received the largest number of votes shall be conducted. The candidate receiving the majority of the run-off votes cast shall be declared elected. Voting shall, in case of a tie, continue until the tie is broken.

- B. The following procedures shall apply for the replacement of the officers of the LEPC.
1. If the chairperson for any reason is unable to complete his or her term or obligations of office, he or she shall be replaced as chairperson for the remainder of the term by the vice-chairperson.
  2. If the vice-chairperson for any reason is unable to complete his or her term or obligations of office, a new vice-chairperson shall immediately be chosen as follows:
    - a. The chairperson of the LEPC shall immediately appoint a nominating committee pursuant to the procedures set forth in Article IV, A, Section 1 of the Bylaws. The nominating committee shall present a candidate for the office of vice-chairperson at the first regular meeting following their appointment. Additional nominations may be made and the election shall be conducted in compliance with the requirements of Article IV of the Bylaws.
  3. In the event neither the chairperson nor vice-chairperson are able to preside at any meeting of the LEPC, the LEPC subcommittee chairs shall, in the order listed in Article VI, serve as chairperson, pro tempore.

#### **Article V: Duties of Officers and Staff**

- A. The chairperson shall:
1. Preside at all meetings of the LEPC.
  2. Rule on all points of order.
  3. Appoint the chairperson of each subcommittee.
  4. Be an ex-officio member of all subcommittees.
  5. Represent the LEPC at official public functions or designate a member of the LEPC from a designated speaker's panel to do so in his/her behalf.
  6. Approve of all ministerial LEPC matters.
  7. Act as signatory on all official documents.
- B. The vice-chairperson shall:
1. Perform the duties of the chairperson in his/her absences.
  2. Perform such other duties as may be assigned by the chairperson.
- C. The Staff professional shall:
1. Support the LEPC in achieving its mission.
  2. Respond to direction of chairperson.
- D. The secretary shall:
1. Keep a record of all proceedings.
  2. Perform usual duties of such office.

## Article VI: Standing Subcommittees

- A. To facilitate operations and assure thorough coverage of LEPC duties and responsibilities, the LEPC structure shall include Standing Subcommittees. Standing Subcommittees are:
1. Planning and Scheduling  
Responsibilities - Proposes direction to the LEPC to fulfill obligations mandated by SARA, Title III; recommends timelines associated with the various activities and assures participation with the various activities and assures participation by all members with assistance of LEPC chairperson; and provides recommendations for spending funds allocated to the LEPC as directed by CEPRC.
  2. Bylaw/Membership  
Responsibilities – Conducts LEPC membership nomination processes; provides task descriptions for each subcommittee in Bylaws; and makes Bylaw recommendations as directed by the LEPC.
  3. Community Outreach/Networking  
Responsibilities – Responsible for the Region VI LEPC Emergency Response Plan (PLAN) distribution; amendment records; organizing public meetings; consolidation of public comments; response to public comments; developing and identifying committee outreach mechanisms.
  4. E.R. PLAN Maintenance  
Responsibilities – Responsible for revising and updating the PLAN and Mutual Aid agreements and collects information for the PLAN from other subcommittees.
  5. Training and Equipment  
Responsibilities – Identifies the requirements for the PLAN and Responders; participates with other LEPC Training Subcommittee members. Coordinates grant applications and student selection for grant funded classes sponsored by the LEPC
  6. PLAN Exercise  
Responsibilities – Identifies and evaluates need for resources to implement and exercise the PLAN; plans and executes the exercises; and provides critiques for exercises.
  7. Transportation  
Responsibilities – Develops transportation analysis and updates it as necessary; assists administering agencies in the development of Hazard Analysis with transportation data support.
  8. Administering Agencies  
Responsibilities – Provides a forum for Administering Agencies; assists in the development of Hazards Analysis for the PLAN; and promotes region-wide consistency in the implementation of Administering Agency responsibilities.
  9. Information Management  
Responsibilities – To facilitate the sharing of ideas, technologies and applications in computerized hazardous materials information management so as to not only comply with the intent of the law but to best serve all beneficiaries of this information.

10. Environmental

Responsibilities – To facilitate the sharing of ideas between the Environmental Health departments and CUPAs (Certified Unified Program Agencies). To act as a liaison between the CUPA forum board and the LEPC.

11. Fire

Responsibilities – To facilitate the sharing of ideas between the Fire agencies/departments operating within the LEPC region

12. Agriculture

Responsibilities – To update the region on actions being taken by the Agricultural departments within the LEPC region

13. Rural North

Responsibilities – To act as a liaison between the Northern Counties (Mono and Inyo) and the LEPC.

14. Homeland Security

Responsibilities – To facilitate the sharing of ideas and notify the LEPC of any changes in the homeland security system. This information must be declassified for distribution within the LEPC forum.

B. Scope of Responsibilities of Standing Subcommittees

1. Responsibilities of standing subcommittees include reviewing, evaluating, and making recommendations on issues relating to hazardous materials emergency planning as referred to them by the LEPC or on their own initiative. However, no action undertaken by any Subcommittee shall be deemed to be official unless and until it has been approved by the LEPC.
2. When any matter coming before the LEPC falls within the purview of more than one standing subcommittee and the LEPC chairperson has assigned the matter to more than one subcommittee, the subcommittees may function jointly with respect to the specific matter at hand.

C. Composition of Standing Subcommittees

1. The chairperson of each standing subcommittee shall be a member appointed by the LEPC chairperson.
2. The term of each standing subcommittee chairperson shall be one year.
3. Each subcommittee chairperson shall appoint the members of that subcommittee. In order to afford the LEPC maximum input and participation by representatives of the hazardous materials emergency planning community, membership on the subcommittees shall be open to any qualified individual.
4. At least two LEPC members will serve on each standing subcommittee.
5. Subcommittees shall consist of sufficient members to ensure success of their mission.

#### D. Activity Requirements for Subcommittees

1. Subcommittees will be responsible for their own activities including the place and frequency of meetings and designation of vice-chairperson.
2. Minutes of subcommittee meetings will be made promptly and distributed to all members of the subcommittee and all LEPC members.
3. Each standing subcommittee chairperson will annually inform the LEPC of its purposed plans, priorities, and activities, and obtain concurrence. The standing subcommittee chairperson shall report current subcommittee status at each regular LEPC meeting.
4. Each chairperson shall cause to be prepared an annual report of its activities, findings, and recommendations as they relate to the goals of the LEPC. The report for the preceding year is due at the third meeting each calendar year.

#### E. Additional Standing Subcommittees

1. Additional standing subcommittees may, with concurrence of the LEPC, be appointed by the LEPC chairperson. Such appointments do not require amendment to these bylaws but shall be added to the current list of subcommittees as indicated in Article VI, Subsection A.

#### F. Special Subcommittees

1. A special subcommittee may be appointed at the discretion of the LEPC chairperson if either of the following conditions are met:
  - a. The tasks will be short term.
  - b. The assignment falls outside the scope of the standing subcommittees.
2. Special subcommittees will be responsible for their own activities including place and frequency of meetings and designation of a vice-chairperson. Minutes of special subcommittee meetings will be made promptly and distributed to all special subcommittee members and all members of the LEPC.

### Article VII: Meetings

- A. Regular meetings of the LEPC shall normally be rotated between San Bernardino, Corona and San Diego and shall normally start at 10:00 a.m; however, the location and/or time may be adjusted as deemed necessary by the chair. The regular LEPC meeting schedule will be set at the final meeting preceding the new calendar year. It shall be set by the chairperson subject to the approval of the LEPC and posted on the State's LEPC Region VI webpage.
- B. **A quorum** is required for any official business including regular and special meetings. A quorum shall consist of a present majority of the active voting members of the LEPC. Examples: If there are 4 or 5 active voting members then three must be in attendance. If there are 6 or 7 active voting members then 4 must be in attendance.
- C. Minutes of LEPC meetings shall be distributed no more than ten working days following the meeting. Distribution shall be to all LEPC members and administering agencies within Region VI.

- D. In accordance with applicable State laws, the following shall govern LEPC meetings:
1. Agenda Required - A written agenda must be prepared for each regular meeting of the LEPC.
  2. Notice - A written notice of the time, date, location, and agenda for meetings is to be sent at least ten days prior to the meeting, to all who request information.
  3. Agenda Description - Care must be taken to adequately and fully describe on each agenda the nature of each item of business to be “transacted or discussed”. A notation should be added to each agenda that any person may call the secretary or some other designated officer to make inquiry concerning the nature of the item described on the agenda.
  4. Posting on LEPC VI web page
    - a. Each agenda must be available in at least one location which is “freely accessible”.
    - b. Meeting notices, agendas and minutes will be posted on the LEPC VI web page link at [http://www.calema.ca.gov/HazardousMaterials/Pages/Local-Emergency-Planning-Committee-\(LEPC\).aspx](http://www.calema.ca.gov/HazardousMaterials/Pages/Local-Emergency-Planning-Committee-(LEPC).aspx).
  5. Prohibited Actions - As a general rule, the LEPC cannot “take action” on any item which does not appear on the posted agenda. There are statutory exceptions to this general rule as follows:
    - a. At each meeting, an opportunity for the public to directly address the LEPC must be provided.
    - b. It is not required that members of the public be permitted to comment on each item as it appears on the agenda. If the public is not invited to comment as an item appears on the agenda, the chairperson shall provide an opportunity for public comment immediately prior to adjournment. Reasonable time limits may be imposed both as to the total amount of time allowed for public participation
  6. Attendance via Teleconference – The area covered by the Region VI LEPC is massive. In order to attend a 2 to 3 hour meeting in person, members from Inyo and Mono counties would be required to travel approximately 12 hours round trip. Members from San Bernardino, Riverside, Imperial and San Diego Counties would be required to travel 4 to 5 hours round trip to attend meetings depending on the rotating location of each meeting. This travel is not practical and generally not funded by State or local agencies. Therefore it is necessary to allow members to attend LEPC Region VI meetings via teleconference in order to attract and maintain members, and efficiently conduct the mandates of the LEPC. Rules for teleconferencing are as follows:
    - a. “Active voting members” must call in from a location that is accessible to the general public and is disclosed in meeting announcements and agendas as listed on the webpage (See D(4)(b) above.
    - b. If an active voting member is going to attend the meeting in person they must post that notice on the webpage so that the public does not show up at their regular place of business while they are gone.
    - c. Anyone who is not an “active voting member” may call in from any undisclosed location including private LAN lines and cell phones.

- d: Nearly all of the active voting members of the LEPC are emergency responders. There may be occasions when an active voting member may plan to attend a meeting in person but be called away on an emergency response at a time that prevents them from traveling to the meeting; yet still allows them to participate via teleconference. In this case the individual will explain the emergency and disclose their location during the meeting introductions. The individual will then be allowed to vote on LEPC business.
- 7. Special Meetings - The call and notice of special meetings of the LEPC must be posted at least 24 hours prior to the special meeting in a location which is “freely accessible” to the public in addition to being served 24 hours in advance. The “agenda” requirements are not expressly made applicable to item descriptions for special meeting call notices, however, to avoid problems, the special call should observe the new requirements relating to item description.
- 8. Implementation - The chairperson shall designate the secretary or some other member as the responsible party to ensure that agendas are posted. That person shall maintain a file containing a dated and signed certificate certifying that the agendas for the designated meeting were in fact posted at specified locations.
- E. Special meetings of the LEPC may be held at the call of the chairperson. The LEPC chairperson shall also schedule a special meeting at the call of four LEPC members. The call shall be by telephone notice to all LEPC members not less than three (3) days prior to the date set for such special meetings. Such a call must set forth specifically the subject matter of the meeting and no other subject matter may be considered at such meeting.
- F. Unless otherwise prescribed by these bylaws, all committee, standing subcommittee, and special subcommittee meetings shall be governed by Robert’s Rules of Order, revised.

**Article VIII: Voting**

- A. Actions by the committee shall be by resolution, which requires both a motion and a second. Except as otherwise noted all actions shall be deemed approved upon an affirmative vote of a simple majority of a quorum. Unless the voting on a motion is unanimous, the secretary shall record the vote.
- B. Actions requiring a two-thirds vote as identified in Robert’s Rules of Order Revised shall be deemed approved upon affirmative vote by two-thirds of a quorum, except as otherwise specified in the Bylaws.

**Article IX: Amendments**

These bylaws may be amended by a two-thirds vote of active voting LEPC members. A copy of the proposed amendments must be provided to the members not less than ten (10) days in advance of the date set for consideration of such amendments. Amendment approval shall be accomplished by written proxy.

Originally Adopted – April 19, 1988

Amendments Adopted – May 9, 1989

Amendments Adopted – May, 1992

**Amendments Adopted –January 2013**