

# LOCAL EMERGENCY PLANNING COMMITTEE

## BY-LAWS

### ARTICLE I: AUTHORITY

The Local Emergency Planning Committee (LEPC), Region II (Coastal Region), was designated by the State Emergency Planning Commission (SERC) pursuant to the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, Subtitle A, Section 301(b) and (c). Region II consists of the following 16 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

### ARTICLE II: OBJECTIVE

The LEPC provides, at a regional level, planning for hazardous materials emergencies and response to community right-to-know information. Specific LEPC responsibilities are identified in SARA, Title III.

### ARTICLE III: MEMBERS

#### A. MEMBERSHIP AND TERMS

The term of membership on the LEPC will be for two years and may be renewed for consecutive terms. If the California SERC is unable to meet and confirm the recommended appointments(s), at the Chair's discretion, members with expiring terms who have been recommended for re-appointment, may continue to serve for a period not to exceed ninety (90) days or until SERC confirmation is made. Also at the Chairs discretion, nominees recommended to fill vacancy positions may commence to serve their terms pending SERC appointment. The membership shall be comprised of the following representative categories designated and appointed by the Governor through the SERC:

Civil Defense/Local OES (1)	Administering Agency/CUPA (2)
Elected Official (1)	Agriculture (2)
Health (1)	Community Groups (2)
Hospital/EMS (1)	Fire (2)
Industry (1)	First Aid/Care and Shelter (2)
Media (1)	Law Enforcement (2)
Transportation (1)	Environmental (2)
	Emergency Management (3)

1. PRIMARY AND ALTERNATE member terms are as follows:

- 1 - Term will expire on June 30 in years ending with an odd number.
- 2 - Term will expire on June 30 in years ending with an even number.
- 3 - OES Coastal Region Administrator or designated staff.

B. APPOINTMENT OF MEMBERS/ALTERNATES

Appointments/reappointments to the LEPC are administered by the Commission's membership work group. The LEPC may recommend to the SERC nominees for appointments/reappointments. The following procedures apply:

1. The Chair shall appoint, not later than March of each year, or as necessary when vacancies occur, a membership work group to identify prospective nominees.
2. The membership work group shall provide to the LEPC, as necessary, a list of prospective nominees for those member/alternate positions which are vacant or are expiring as set forth in ARTICLE III MEMBERSHIP AND TERMS. The following criteria shall be used to select prospective nominees:
  - a. Nominations should reflect the current requirements for equitable representation of membership based on geographic and population considerations.
  - b. Nominees should have broad-based experience and knowledge in the representative category to be filled.
  - c. Nominations will comply with the State of California Affirmative Action Policies.
  - d. A minimum of two (2) prospective nominees should be selected for each representative category to be filled. Only one nominee need be selected for alternates.
  - e. The appointed member will select his/her own alternate.
3. The LEPC shall select by a majority vote of the members present, a candidate for each category to be filled. The committee shall consider those nominations provided by the membership work group and any additional nominations from the floor.
4. Candidate nominations from the LEPC must be sent to the SERC nominating sub-committee on the official nominating form provided by the Commission in

time to meet appointment deadlines. The Commission will determine which of the nominees will be selected for appointment to the committee.

#### C. ATTENDANCE

Appointed members are expected to attend scheduled LEPC meetings.

1. When an appointed member is unable to attend a scheduled LEPC meeting, the Chair shall be notified prior to the meeting (see ARTICLE II, E. ALTERNATES).
2. The appointed member shall attend a majority of the scheduled meetings.
3. Should any appointed LEPC member be absent for two consecutive meetings during any year, the LEPC Chair shall contact the member and ascertain whether that member will be able to fulfill their obligations on the committee.

#### D. ALTERNATES

A member may designate an alternate to attend an LEPC meeting on their behalf. Alternates will be appointed using the same criteria and procedure as for members. When representing the member, the alternate may vote, participate in official committee policy actions, and be used to constitute a quorum of the committee. Alternates may be reimbursed for travel expenses when representing the member (see ARTICLE III, G. COMPENSATION).

#### E. REMOVAL OF MEMBERS

A member of the committee can only be removed by the SERC. However, the LEPC may recommend, in writing to the SERC, that a member be removed for a cause at any time by majority vote, or when an appointed member is absent for three (3) consecutive meetings or fifty percent (50%) of regular scheduled meetings in the twelve (12) month period commencing with the members initial appointment and in each twelve (12) month period thereafter. The member will be notified in writing prior to the LEPC initiating action.

#### F. OFFICIAL COMMUNICATION AND REPRESENTATION

A member of the LEPC shall take no action, or speak on behalf of, or in the name of the LEPC unless specifically authorized to do so by the LEPC or its Chair. Nothing in this section precludes members from identifying themselves as an LEPC representative.

G. COMPENSATION

1. Officers and member 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 Regulations and the guidelines established by OES.

ARTICLE IV: OFFICERS

A. OFFICER TERMS

The officers of the LEPC shall consist of a Chair and Vice-chair. Such officers shall serve a term of one year or until their successors are elected. The term of office begins immediately following election or, if elected officer is absent and has not consented to his/her candidacy, the term begins with the officer has been notified and accepts.

B. ELECTION OF OFFICERS

LEPC Officers are to be elected at the first meeting of each calendar year. The following procedures shall apply:

1. Prior to the election of officers, the Chair will poll the members of the LEPC to identify those persons who decline consideration.
2. A ballot listing the names of all members (except those who declined consideration) will be distributed to all members present. The Chair will be elected first, followed by the Vice-chair. Separate ballots will be used for each position.
3. Each member is to select the name of one person from the list for the positions indicated on the ballot. A member receiving a majority vote of those members present is elected. If no member receives a majority, a second ballot with two candidates receiving the greatest number of votes will be distributed for a runoff vote.

C. REPLACEMENT OF OFFICERS

The following procedures shall apply for the replacement of the officers of the LEPC at times other than scheduled annual election described in ARTICLE IV, SECTION B.

1. The Chair, if for any reason is unable to complete the term or obligation of office, shall be replaced for the remainder of the term by the Vice-chair. A new Vice-chair shall be elected according to paragraph 2 below.

2. If the Vice-chair for any reason is unable to complete the term or obligation of an office, a new Vice-chair shall be elected according to ARTICLE IV, SECTION B, paragraphs 1 through 3.

3. In the event neither the Chair nor Vice-chair is able to preside at any meeting of the LEPC, the Chair will designate and appointed LEPC member to serve as the Chair, Pro-tempore.

#### ARTICLE V: DUTIES OF OFFICERS

##### A. THE CHAIR SHALL

1. Preside at all meeting of the LEPC.
2. Rule on all points of order.
3. Appoint the Chair of each sub-committee and working groups.
4. Be an ex-officio member of all sub-committees and working groups.
5. Represent the LEPC at official public functions or designate a member of the LEPC from a designated speakers panel to do so.
6. Oversee administrative LEPC matters.
7. Act as signatory on all official documents.
8. Sit as a member on the State Commission (SERC).

##### B. THE VICE CHAIR SHALL

1. Serve as permanent Chair of the Membership Work Group unless, due to other LEPC responsibilities, the Vice-chair asks for relief from the Chair.
2. Perform the duties of the Chair in his/her absence.
3. Perform such other duties as may be assigned by the Chair or by the LEPC.

##### C. THE INFORMATION COORDINATOR

1. The Emergency Management Representative is designed the Information Coordinator as required in SARA, Title III, Section 301 ©.
2. Shall process request(s) from the public for SARA, Title III information using the procedures established by the LEPC.

## ARTICLE VI: SUB-COMMITTEES

### A. SCOPE AND RESPONSIBILITIES

Responsibilities of sub-committees include reviewing, evaluating, and making recommendations relating to hazardous materials emergency planning issues as referred to them by the LEPC or on their own initiative. However, no action undertaken by any sub-committee shall be deemed to be official until it has been approved by the LEPC.

### B. STANDING SUB-COMMITTEES

1. To facilitate operations and assure thorough coverage of LEPC duties and responsibilities, the LEPC structure may include standing sub-committees. Examples of Standing Subcommittees:

- a. Response Resources /Equipment and Training Sub-committee
- b. Hazardous Analysis Sub-committee
- c. Community Right-to-Know Sub-committee
- d. Administering Agency Sub-committee

2. Additional standing sub-committees may be formed as acted on by the LEPC.

### C. SPECIAL SUB-COMMITTEES AND WORKING GROUPS

1. A special sub-committee or working group may be appointed at the discretion of the LEPC if and only if the tasks assigned are expected to be short-term and the assignment falls outside the scope of the standing sub-committee or working group.

2. Special sub-committees or working groups will be responsible for their own activities including place and frequency of meetings. No actions of the special sub-committees or working groups shall be deemed official until it has been approved by the LEPC.

### D. ACTIVITY REQUIREMENTS

1. Minutes of sub-committee meeting will be made promptly and distributed to all members of the sub-committee and LEPC members.

2. Each sub-committee Chair will inform the LEPC of its proposed plans, priorities, and activities, and obtain concurrence. The sub-committee Chair shall report current sub-committee status at each regular LEPC meeting.

## ARTICLE VII: MEETINGS

### A. REGULAR MEETINGS

Regular meeting of the LEPC shall be held bi-monthly at a time and place determined by the LEPC. The regular LEPC meeting schedules shall be set by the Chair subject to the approval of the LEPC.

### B. SPECIAL MEETINGS

Special meeting of the LEPC may be held at the call of the Chair. The LEPC Chair shall also schedule a special meeting at the call of four LEPC members.

1. Notice to all LEPC members shall be not less than three (3) days prior to the date set for such special meetings. Such notice must include the specific subject matter of the meeting. No other subject matter may be considered.

2. 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.

### C. QUORUM

A quorum is required for any official business including regular and special meetings. A quorum shall consist of a simple majority of appointed and serving LEPC members or alternates. The following criteria shall be used to determine if an official action is being taken by the LEPC:

1. A vote of the committee is required before an action can be taken.
2. The action will result in the committee or its staff spending money.
3. The action will result in the forwarding of a proposal, document, or plan to the SERC.
4. The action will result in correspondence being sent from the committee.

### D. GOVERNING DIRECTIVES

1. Meetings will be in accordance with Bagley-Keene Act and Assembly Bill 2674 (Chapter 641, Statutes of 1986).

2. All committee and sub-committee meetings shall be governed by Robert's Rules of Order, Revised, unless otherwise prescribe by these by-laws.

#### E. AGENDA AND MINUTES

1. A written agenda must be prepared for each regular and special meeting of the LEPC and its sub-committees. The agenda must identify each item of business to be "transacted or discussed" at the meeting. The agenda for regular and special meeting must be posted not less than 10 days in advance of the meeting to which it relates. Sub-committee agendas are not required to be posted nor made available to the other than the sub-committee members and LEPC members.

a. Agendas will be posted at the OES Coastal Region Office, 1300 Clay Street, Suite 400, Oakland CA. Copies will be made upon request.

b. Each agenda shall include a statement that copies to the staff reports or other written documentation relating to each item of business referred to on the agenda will be on file at the OES Region office and is available for public inspection. A notation shall be added to each agenda that any person that has a question concerning an agenda item may call the OES Coastal Region staff for clarification or information on the agenda. Each agenda must contain a clear statement of the time and place of that meeting.

2. As a general rule, the LEPC does not "take action" on any item which does not appear on the posted agenda.

3. Approved minutes of LEPC meetings shall be distributed no later than ten (10) days prior to the next meeting. Distribution shall be to all LEPC members, alternates and administering agencies within the Coastal Region.

#### F. PUBLIC COMMENT

At each meeting, an opportunity for the public to directly address the LEPC MUST BE PROVIDED. It is not required that members of the public be permitted on each item as it appears on the agenda. However, if the public is not invited to comments as an item appears on the agenda, the Chair shall provide for public comment immediately prior to adjournment. Reasonable time limits may be imposed both as to the total amount of time allocated for public participation on particular items and/or to each speaker.

#### ARTICLE VIII: VOTING

1. Actions by the committee shall be voted by resolution, which requires both a motion and a second. Except as otherwise noted, all other actions shall be deemed

approved upon an affirmative vote of simple majority of LEPC members present. Unless the voting on a motion is unanimous, the secretary shall record the vote.

2. 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 appointed LEPC members or alternates present.

ARTICLE IX: AMENDMENTS

These By-Laws may be amended by a two-thirds vote of appointed members or alternates present and must be conducted with a quorum.

ADOPTED BY THE LEPC:	JULY 15, 1988
AMENDED BY THE LEPC:	JANUARY 19, 1989
AMENDED BY THE LEPC:	APRIL 20, 1989
AMENDED BY THE LEPC:	MARCH 15, 1990
AMENDED BY THE LEPC:	DECEMBER 13, 1990
AMENDED BY THE LEPC:	FEBRUARY 21, 1991
AMENDED BY THE LEPC:	MAY 16, 1991
AMENDED BY THE LEPC:	NOVEMBER 21, 1991
AMENDED BY THE LEPC:	JANUARY 9, 1992
AMENDED BY THE LEPC:	SEPTEMBER 17, 1992
AMENDED BY THE LEPC:	MAY 20, 1993
AMENDED BY THE LEPC:	APRIL 20, 1994
AMENDED BY THE LEPC:	JUNE 15, 1995
AMENDED BY THE LEPC:	NOVEMBER 21, 1996
AMENDED BY THE LEPC:	SEPTEMBER 15, 2005