

Stillwater County Local Emergency Planning Committee

Stillwater County, ~~+~~ Columbus, Montana

Bylaws

ARTICLE I

NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the "Stillwater County Local Emergency Planning Committee," hereinafter referred to as the "LEPC" or the "Committee".

Section 2. Purpose. The purpose of the LEPC shall be:

- A) To carry out for the ~~Town~~City of Columbus and ~~e~~County of Stillwater those duties required of the LEPC pursuant to the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
- 1) Development, training, and testing of a hazardous substances emergency response plan.
 - 2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA, Title III.
 - 3) Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of SARA, Title III.
 - 4) Provision for public notification of Committee activities.
- B) To implement such other activities as may hereafter be legally required by the Federal Government, the Montana Code Annotated, the Montana State Emergency Response Commission (SERC), the Board of County Commissioners, or the ~~town~~City ~~e~~Council.

ARTICLE II

MEMBERSHIP

Section 1. Appointment. The Board of County Commissioners shall appoint the members of the LEPC. The ~~e~~Commissioners reserve the right to not appoint any individual they do not approve of for good cause.

- A) The LEPC will submit the names of individuals to the Board of County Commissioners as a recommendation for appointment to the LEPC.
- B) The LEPC will request names of individuals from the City of Columbus for the recommendation of members representing the City of Columbus. If the City of Columbus chooses not to make those recommendations, then the LEPC may select the names of individuals to fill those positions. Once those names have been selected, they will also be submitted to the Board of County Commissioners for consideration of appointment.

Section 1. Qualifications. Those persons named shall represent the various professional and community groups designated in SARA, Title III and shall be constituted as follows:

- A) Members of the LEPC shall be residents of the City of Columbus or County of Stillwater.
- B) There shall be a minimum of 15 members.
- C) Minimum distribution and representation shall be as follows:
 - 1) One member who is a local elected official
 - 2) One member from the Columbus City Police Department
 - 3) One member from the Stillwater County Sheriff's Office
 - 4) One member from the County Fire Warden's Office
 - 5) One member from the County Department of Environmental Health
 - 6) One member from the Stillwater Community Hospital Public Health Department
 - 7) One member from the Stillwater County Department of Disaster Emergency Services
 - 8) One member from a company engaged in transportation and distribution of hazardous substances.
 - 9) One member from the Emergency Medical Services community
 - 10) One member from the local media
 - 11) One member from a regulated Title III facility
 - 12) Two members appointed by the Columbus City Council representing citizens of the City of Columbus.
 - 13) Two members appointed by the Stillwater County Commissioners representing citizens of the County of Stillwater.
 - 14) Other members may be appointed by the Stillwater County Commissioners representing specialty groups, offices or departments that may contribute to the function of the LEPC.

Section 2. Term of Members. For those members appointed by the Stillwater County eCommissioners the term shall be for three years, beginning on January 1st and ending on December 31st of the third year.

Section 3. Application for membership. Individuals may be invited to join the LEPC based on the position they hold or because they meet the criteria needed to represent a particular position. Individuals that would like to become a member may make an application to the LEPC in writing. The application must contain their name, address, contact information and a narrative outlining their reason and qualifications. The petitions will be acted on by the LEPC membership as any other action item at the next scheduled meeting or as soon thereafter as possible. If approved by the LEPC membership, that individual's name will be forwarded to the Stillwater County Commissioners. The results of the application process will be given to the applicant within a reasonable time.

Section 4. Vacancies. Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment in accordance with these bylaws. The duration of an appointment made to fill a vacancy will be for the balance of the original three year term.

Section 5. SERC Notification. The LEPC shall send a current list of members and officers to the SERC each January.

Section 7. Powers and Duties. The LEPC shall have powers and duties as specified by SARA Title III, Montana rules and laws, and those lawful duties as assigned by the Stillwater County Commission.

ARTICLE III OFFICERS

Section 1. Enumeration of Officers. The elected officers of the LEPC shall be a chairman, a vice-chairman and a secretary/treasurer who shall be elected by the Committee as a whole at the first meeting of each calendar year. All officers shall be members of the LEPC.

Section 2. Nomination and Election of Officers. Nominations will be accepted from the floor for the positions of chairman, vice chairman and secretary/treasurer. The election shall be by ballot, except that when there is only one nomination the election may be by voice vote. The election shall be by a majority of the members present and voting.

Section 3. Term of Officers. Officers shall serve one year in their elected position. In the event an officer vacates an office prior to the end of the term, the LEPC shall elect another qualifying member to fill that vacancy for the remainder of that term until the next scheduled election. The LEPC shall follow the same process as used during a regular election.

Section 4. Chairman. The chairman shall preside at all meetings of the LEPC, shall serve as ex officio member of all subcommittees, and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The chairman is empowered to create such other ad hoc

subcommittees as may be necessary to accomplish the goals of the LEPC.

Section 5. Vice-Chairman. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. The vice-chairman shall also perform other duties as may be assigned by the chairman.

Section 6. Secretary / Treasurer. The secretary / treasurer shall:

- A) Take notes at all meetings and compile accurate minutes of each meeting;
- B) Compile a roster of all members and guests that attend each meeting;
- C) Submit the annual roster and other required reports to the SERC;
- D) Distribute the minutes of each meeting to the members and to the SERC each month;
- E) Maintain a file containing the minutes as required by all laws and rules;
- F) Prepare agendas and distribute them to the membership and for public notice postings;
and
- G) Collect all monies that may be received by the LEPC and maintain accurate records of same.

Section 7. Community Emergency Services Coordinator. This position is appointed by the Stillwater County Commission. The Emergency Services coordinator shall coordinate the efforts of the LEPC and facility emergency coordinators to fulfill the duties outlined in SARA, Title III specific to this position.

ARTICLE IV COMMITTEES

Section 1. Subcommittees. The LEPC chairman may create subcommittees to perform specified and limited duties. Chairmen and members of subcommittees shall be appointed by the LEPC chairman. The LEPC chairman shall also delineate the scope of duties and the length of service of the subcommittees.

ARTICLE V MEETINGS

Section 1. Meetings. There shall be at least one regular meeting of the LEPC each month. Special meetings may be called by the chairman and by consensus of three members of the LEPC. Regular meetings shall be held the first Wednesday of the first month at 7:30 AM.

Section 2. Meeting Notification.

- A) The secretary/treasurer shall notify the members of the LEPC in writing or electronically at least two weeks in advance of all meetings conveying the agenda items, time, place, and date of that meeting.
- B) The secretary/treasurer will notify the public of all LEPC meetings at least two (2) business days in advance of each meeting. The meeting agenda may serve as notice and will be placed at the public notice locations in the county courthouse as approved by the Stillwater County Commission. The local newspaper will be informed of the meeting date, time, and location for publication if they so choose.

Section 3. Location of Meeting. The LEPC meetings shall be held at the Stillwater County courthouse on the first floor, the Columbus Fire – Rescue Hall, or such other location as designated by the chairman. The meeting location may be changed at the discretion of the chairman. The location change must be included on the agenda when posted.

Formatted: Not Highlight

Section 4: Conduct of Meetings.

- A) Committee meetings will be conducted according to Robert’s Rules of Order, newly revised and in accordance with the provisions of the Montana public meeting laws.
- B) Any matter to be voted on shall take the form of a resolution or motion. A simple majority of the members in attendance at a Committee meeting must vote affirmatively for adoption of any resolution.
- C) Each Committee member, including the chair will have one vote.
- D) A Committee member may vote for or against a resolution, or may abstain from voting.

Section 5. Quorum. The majority of members present, which shall include at least one executive officer, shall constitute a quorum.

Section 6. Notification. Any member who is unable to attend a regularly scheduled meeting of the LEPC shall notify the secretary/treasurer at least 24 hours prior to the meeting.

Section 7. Public Comment. Public comments shall be taken at each meeting during the scheduled time. Action on public comments will not be taken at the meeting in which they are made. Public comments or requests requiring action must be scheduled and advertised as all other action items consistent with the current state of the law.

Section 8. Public Access. The LEPC shall make reasonable accommodations for those whom request assistance in accordance with ADA regulations and applicable rules and laws. No member of the LEPC shall discriminate against any person as regulated by applicable laws and rules.

Section 9. Subcommittee Meetings.

- A) All subcommittee meetings shall follow the same processes and guidelines as those set forth for regular meetings. This includes but is not limited to: notifications; open meeting

laws; conducting the meetings; recording of minutes; public comment; ADA requirements for reasonable accommodations; and non-discrimination.

- B) This does not include meeting dates, times, and membership quorum restrictions set specifically for the regular meetings.

ARTICLE VI

AMENDMENTS TO THE BYLAWS

Section 1. Amendments. These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments have been received in writing by all LEPC members at least one week in advance of the meeting. The Board of County Commissioners reserves the right to void any bylaw or amendment which they determine to be unlawful or contrary to county policy.

ARTICLE VII

FINANCES, PROPERTY AND RECORDS

Section 1. Fiscal Year. The fiscal year shall be considered to run from July 1st to June 30th.

Section 2. Financial Management. The LEPC may prepare and submit an annual operating budget to cover incidental and Right-To-Know Program costs to the DES coordinator. The DES coordinator shall include the request in the DES budget proposal for review and approval by the Board of County Commissioners. All funds received and expended by the LEPC shall be managed as follows:

- A) All programmed costs shall be listed as line item expenditures in the DES budget.
- B) All programmed income shall be listed as line item revenue in the DES budget.
- C) All claims shall be approved by the DES coordinator or designee.
- D) All revenue, programmed and otherwise, shall be deposited with the Stillwater County Treasurer and shall not be available or expended outside the structure of the Stillwater County budget and applicable accounting procedures.

Section 3. Property Management. All property obtained under the auspices of the LEPC is, and remains, the property of Stillwater County. The DES coordinator shall assure such property is maintained under the Stillwater County Fixed Assets Program.

ARTICLE VIII

PUBLIC ACCESS TO INFORMATION

Section 1. Public Contact. The Stillwater County Commission will appoint a member of the LEPC to act as a public contact. This person shall assist in the process of answering

questions from the public and referring people to the proper agency for answers to their questions. This person shall also assist in providing public documents and forms for those that request such items. This person shall also assist in providing public documents and forms for those whom request such items. This shall be done during normal business hours Monday through Friday from 8:00 AM to 5:00 PM.

Need signatures of the LEPC Chairman, date and time of approval by LEPC Committee

I would add County Commission – chairman anyway as well