

# LEPC Bylaws Model

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## **ARTICLE I—Identification**

The \_\_\_\_\_ County Emergency Planning Committee, hereinafter referred to as the “Committee,” is a state entity created pursuant to SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986. The committee has been appointed by the Indiana Emergency Response commission as a special State Appointee. The primary purpose of the Committee is to implement SARA Title III in Indiana, but its broader purpose is to enhance environmental protection and public health and safety as these are affected by chemical hazards in \_\_\_\_\_ County.

## **ARTICLE II—Committee Members**

### **Section 1: Organizations Represented**

The Committee consists of members selected under the provisions of these Bylaws and appointed by the Indiana Emergency Response Commission (IERC), and includes representatives from the following: local and state government, law enforcement, emergency management, fire fighting, emergency medical services, health, hospital, environmental, transportation, media, industry and community groups.

### **Section 2: Membership Applications**

Membership on the Committee is open to any interested person who meets the criteria established by the IERC for membership in the roster category in question. The names of the qualifying applicants will be forwarded to the IERC for provisional appointment until the next IERC meeting. Applicants whom the Chair informs do not meet the IERC’s criteria, will be informed of the procedure for petitioning the IERC to appeal the Chair’s determination.

## **ARTICLE III—Committee Meetings**

### **Section 1: Frequency of Meetings**

The Committee will meet at least two (2) times, on separate days, every six (6) months, and more frequently at the discretion of its Chair.

### **Section 2: Announcement of Meetings**

- (a) Members of the Committee shall be notified at each Committee meeting of the next meeting time, place, and date, and shall be notified in writing two weeks in advance of such meetings of the next meeting, agenda, time, place and date.
- (b) The public will be notified of Committee meetings at least two (2) business days in advance of each meeting.

### **Section 3: Location of Meetings**

The Committee meetings will be held \_\_\_\_\_, Indiana, or as otherwise determined by the Chair.

#### **Section 4: Quorum of Members for Meetings**

A quorum of Committee members is required for the conduct of business, and consists of the presence of a majority of members.

#### **Section 5: Conduct of Meetings**

- (a) Committee meetings will be conducted according to Robert’s Rules of Order, and in accordance with the provisions of the Indiana Open Door Law, the Indiana Public Records Law, and the Indiana Administrative Order and Procedures Act.
- (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.

### **ARTICLE IV—Committee Sub-Committees**

#### **Section 1: Identification of Committees and Appointments/Resignations**

- (a) The Sub-Committees are four (4) in number and are the Planning, Fiscal, Communications, and Training Sub-Committees.
- (b) Appointments to Sub-Committees, including Sub-Committee Chairs, are made by the Chair of the Committee.
- (c) Resignations of Sub-Committee members are to be submitted in writing to the Chair, who may, at his/her discretion, replace resigning members.

#### **Section 2: Dissolution and Establishment of Sub-Committees**

Additional Sub-Committees may be established and existing ones dissolved by a majority vote of the Committee.

#### **Section 3: Duties of Sub-Committees**

- (a) Sub-Committees will convene to consider issues assigned by the Committee and/or issues of the Sub-committee’s devising.
- (b) Sub-Committee meetings will be held at the discretion of Sub-Committee Chairs in terms of frequency and location. Such meetings shall comply with the Indiana Open Door law.
- (c) Sub-Committees will report their findings and make their recommendations to the full Committee.
- (d) Sub-Committee recommendations must, to be adopted, be affirmed as resolutions by a majority of the Committee members.
- (e) Additional duties may be assigned Sub-Committees by the Committee Chair.

### **Article V—Officers**

#### **Section 1: Officers**

The Officers of the Committee are the Chair, Vice-Chair, Secretary and Treasurer.

**Section 2: Terms of Officers**

The Terms of the Officers are for a period of one year.

**Section 3: Election of Officers**

Annual election of Officers will be effected by a majority vote of all Committee members appointed by the IERC.

**ARTICLE VI—Powers and Duties of Officers**

**Section 1: Meeting Frequency, Dates, Times and Locations**

The Chair will determine the frequency, dates, times and locations of Committee meetings. Such meetings shall comply with the Indiana Open Door law.

**Section 2: Sub-Committee Appointments**

The Committee Chair shall appoint the Chair and members of each Sub-Committee.

**Section 3: Committee Meetings’ Conduct**

- (a) The Chair will conduct Committee meetings according to Robert’s Rules of Order.
- (b) Committee meeting agendas will be set by the Chair.

**Section 4: Delegation of Authority**

The Chair of the Committee may delegate at his/her discretion his/her powers and duties to the Vice-Chair, consistent with other provisions of the bylaws.

**Section 5: Meeting Minutes and Fiscal Records**

The Secretary/Treasurer shall keep Committee meeting minutes and a record of the finances of the Committee.

**ARTICLE VII—Title III Document Submissions**

**Section 1: Repository of Documents**

The \_\_\_\_\_, Indiana will be the repository for all documents submitted to the Committee pursuant to the provisions of SARA Title III and the Indiana Access to Public Records law.

**Section 2: Availability of Documents to the Public**

Title III documents will be available for examination and copying by the public during the hours of 8:15 am and 4:45 pm, Monday through Friday, at \_\_\_\_\_, Indiana. The Committee shall comply with the Indiana Access to Public Records law, including provisions relating to confidential records.

**Section 3: Committee Records**

All records of Committee meetings, including meeting agendas and minutes, shall be available for inspection and copying any person at \_\_\_\_\_, Indiana.

**Section 4: Legal Notices**

The Committee annually shall publish annually a legal notice indicating where all Title III documents are maintained, including the Committee’s emergency plan, MSDS, Tier forms, and written follow-up notices from facilities experiencing Title III spills.

**ARTICLE VIII—Adoption/Amendment of Committee Bylaws**

**Section 1: Adoption of Bylaws**

A majority of Committee members is required to adopt the Committee’s Bylaws

**Section 2: Amendment of Bylaws**

A majority of Committee members is required to amend the Committee’s bylaws.

**ARTICLE IX—Non-Exclusion Provision**

Nothing in these bylaws is to be construed as excluding or contravening any additional provision of federal or state law which are not explicitly or implicitly referred to within these bylaws.

**ARTICLE X—Bylaws Adoption and Signing**

Upon their adoption by the Committee, a copy of these bylaws will be signed and dated by the Chair of the Committee and will be available for inspection and copying by the public at \_\_\_\_\_, Indiana.

Approved and adopted by majority vote in a public meeting held this \_\_\_\_\_the day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_, Chairman