

# **LOCAL EMERGENCY PLANNING COMMITTEE**



## **BYLAWS**

**Produced By:  
Cowley County Emergency Management  
2701 E. 9<sup>th</sup>  
Winfield, KS 67156**

**BYLAWS OF  
COWLEY COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE**

**ARTICLE I - NAME**

SECTION 1. The official name of the committee shall be Cowley County Local Emergency Planning Committee (LEPC).

**ARTICLE II - MISSION**

SECTION 1. The mission of the committee shall be to fulfill the requirements of the Superfund Amendments and Reauthorization Act of 1986, commonly known as SARA Title III. In addition, the LEPC shall be an all-hazards planning committee to include: information sharing, community planning, exercise design/implementation, the critique of emergency incidents—real or exercised, other activities aimed at efficient, compassionate, and rapid response to disaster survivors', care-givers', and workers' needs in times of disasters.

SECTION 2. The LEPC shall review the local emergency operations plan (LEOP), and ensure it is updated and submitted annually to the state for its approval.

**ARTICLE III - ORGANIZATION**

SECTION 1. The members of the LEPC shall consist of representatives of the following and in accordance to EPCRA Section 301(c).

1. Elected State and Local Officials
2. Law Enforcement
3. Emergency Management
4. Firefighting
5. Emergency Medical Service
6. Health
7. Local Environmental Groups
8. Hospitals
9. Transportation
10. Broadcast and/or Print Media
11. Community Groups
12. Facilities
13. Public (unaffiliated)

SECTION 2. In addition to the Office of Emergency Management, the LEPC's plans review subcommittee shall review the LEOP, in particular, the hazardous materials sections contained in the LEOP on an annual basis and make recommendations to the LEPC regarding appropriate changes after having received input from agencies and personnel as necessary. Upon approval by the LEPC, the state will receive an updated copy of the plan.

## **ARTICLE IV - MEMBERSHIP**

- SECTION 1. Membership will include, at a minimum, group or organizational representatives as listed in Section 301(c) of the Emergency Planning and Community Right-To-Know Act (EPCRA).
- SECTION 2. Application for membership may be made at anytime. Upon approval by the LEPC, the name of the individual making application shall be submitted to the Governor's Commission on Emergency Planning and Response (CEPR) for appointment. All appointments shall expire December 31 of each year.
- SECTION 3. A Chairperson and Vice-Chairperson shall be elected from the general membership at the last meeting of the fiscal year. Exact time and place will be announced per Article V, Section 2. Duties will be assumed January 1, following and to continue for one (1) year.
- A membership list shall be submitted annually and as changes occur to the CEPR as a matter of record. The membership list shall indicate voting members and the elected officers of the LEPC for the current LEPC fiscal year.
- SECTION 4. If the Chairperson represents a Public Service Agency, the Chairperson-elect shall represent the Private Sector or be a member of the public and vice versa.
- SECTION 5. The Chairperson shall appoint an Information Coordinator to process requests from the public for information under Section 324, including Tier II information under Section 312.
- SECTION 6. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote.
- SECTION 7. The Chairperson shall preside at all meetings of the LEPC. In the absence of the Chairperson, the Vice-Chairperson shall perform duties of the Chairperson.
- SECTION 8. The Office of Emergency Management shall provide staff members for all administrative functions at all meetings to include: agendas, meeting minutes, notices, and all membership lists. The Office of Emergency Management will maintain and distribute those records in Cowley County, Kansas.

## **ARTICLE V - MEETINGS**

- SECTION 1. The committee shall meet, as a minimum, once each six (6) months (semiannually), with the fiscal year beginning January 1 of each year. Additional meetings may be called if necessary, as per Article V, Section 2.
- SECTION 2. All regular or special meetings shall be held at a pre-designated place and time. All members will be notified of such meetings at least ten (10) days in advance. Notification must include the meeting agenda and minutes of the last meeting.
- SECTION 3. Public notice of all meetings shall be published in a newspaper with regular circulation in Cowley County in accordance with SARA Title II (EPCRA). The notice shall specify the meeting designated specifically for the receipt of public comments on the emergency plan.

## **ARTICLE VI - SUBCOMMITTEES**

SECTION 1. The Chairperson shall appoint any standing or ad-hoc subcommittees deemed necessary to fulfill the ACT (SARA Title III).

## **ARTICLE VII - AMENDMENTS**

SECTION 1. Should it become necessary to amend these bylaws, the following procedures shall be used: The membership will be notified at least thirty (30) days in advance of any proposed changes and of the time and place voting on such changes will take place. It shall require an affirmative vote of a simple majority of those voting members present and voting to declare the amendment passed. Unless stated in a proposed change, the amendment shall take effect immediately following the vote.

## **ARTICLE VIII - VOTING**

SECTION 1. Any business coming before the committee that should require a vote shall be decided by simple majority of those voting members present and voting.

SECTION 2. Each agency/entity shall have one vote.

## **ARTICLE IX - RULES OF ORDER**

SECTION 1. All business of the committee shall be conducted as per the latest edition of Roberts Rules of Parliamentary Procedure.

## **FINAL RULES**

### **Public Access to Information**

- A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section. Provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.
- B. Request for MSDS and Other Non-Confidential Information
  1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
  2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
  3. If the Committee does not have in its possession the MSDS or other information requested in subsections B1 or B2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

C. Requests for Tier II Information

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in subsection C1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of threshold planning quantities.
3. If the request under subsection C1 of this section does not meet the requirements of subsection D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection C1 of this section includes a general statement of need.

This documents the by-laws of the Cowley County Local Emergency Planning Committee (LEPC) adopted by the LEPC on this the 23<sup>rd</sup> day of February, 2010. This document supersedes any previous by-laws of the Cowley County LEPC.

R. Dale Long  
LEPC Chairperson (Printed)

R. Dale Long  
LEPC Chairperson (Signature)

2/23/10  
Date

DLAN GREEN  
Chairman, County Commissioners  
(Printed)

[Signature]  
Chairman, County Commissioners  
(Signature)

2/23/10  
Date