

LYON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

BY - LAWS

WHEREAS, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted by Congress into law on October 17, 1986, and contains Title III: The Emergency Planning and Community Right-to-Know Act of 1986.

WHEREAS, Title III establishes that federal, state, and local governments and industry must implement safety measures regarding emergency planning and right-to-know reporting on hazardous and toxic chemicals.

WHEREAS, pursuant to Title III and Kansas Emergency Planning and Community Right-to-Know Act, the Commission on Emergency Planning and Response (CEPR) designated Lyon County a local emergency planning district and has appointed a Local Emergency Planning Committee (LEPC) for Lyon County. The committee shall include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement, emergency management, fire department, emergency medical service, public health, local environmental, hospital, and transportation officials; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of Title III. This committee has been named the Lyon County Local Emergency Planning Committee, herein after referred to as The LEPC.

WHEREAS, The LEPC must receive opinions and information from the public.

WHEREAS, The LEPC may enter into agreements with other governmental entities, advisory boards, committees or councils.

WHEREAS the task of the Local Emergency Planning Committee is to establish rules, give public notice of its activities, establish procedures for handling public requests for information, and develop an emergency response plan. This plan must:

- 1) Identify facilities that are subject to the requirements of this subtitle within our planning district and the likely transportation routes of their extremely hazardous substances.
- 2) Include methods and procedures which facility owners and operators and local emergency personnel will follow in response to releases of hazardous materials.

- 3) Include the designation of a community emergency response coordinator and facility emergency coordinators.
- 4) Provide reliable, effective and timely procedures to notify emergency coordinators and first responders that a release has occurred.
- 5) Provide methods for determining a release and the area or population likely to be affected.
- 6) Include a description of emergency equipment, and facilities in the community and the persons responsible for these facilities and equipment in the community.
- 7) Provide evacuation plans including traffic routes and provisions.
- 8) Provide training programs including scheduling for training of local responders.
- 9) Include methods and schedules for exercising the emergency plan.

WHEREAS, to meet these goals, the Lyon County Local Emergency Planning Committee, has adopted the following by-laws:

ARTICLE I - ORGANIZATION

SECTION 1 - Name of Committee

The name of The LEPC shall be the Lyon County Local Emergency Planning Committee.

SECTION 2 - Status of Committee

The LEPC shall operate as a government entity pursuant to, and in strict accordance with all applicable laws, regulations and ordinances.

SECTION 3 - Mailing Address & Telephone Number

The official mailing address and telephone number of The LEPC is:

Local Emergency Planning Committee
Attn: Richard Frevert
Lyon County Sheriff's Office
425 Mechanic Street
Emporia, Kansas 66801

During Business Hours: (620) 341-3210

After Business Hours: (620) 342-5545

SECTION 4 - Minutes of The LEPC Meetings

The Emergency Management Administrative Assistant shall act as the official secretary to The LEPC. Accurate minutes of all LEPC meetings shall be recorded and shall include, but not be limited to: a record of all

votes of The LEPC, a record of attendance, and a brief summary of The LEPC discussions. The Secretary of the Committee shall keep copies of the minutes in a notebook marked "Lyon County Local Emergency Planning Committee", established for that purpose, in the Emergency Management Administrative Assistants office. Minutes from the previous meeting shall be approved at each meeting.

SECTION 5 - Agenda for Committee Meetings

The Emergency Management Coordinator and/or The LEPC Secretary shall draw an agenda to be presented to The LEPC members prior to each meeting. Any LEPC member may add to the agenda prior to the next scheduled meeting. This may be presented to The LEPC members by e-mail or U.S. Post Office mailings.

SECTION 6 – Fees

Reasonable fees may be collected for information provided or services rendered by The LEPC. The fees collected shall be as established or recommended by local, state, or federal law, regulation, guideline or ordinance. In the absence of a recommended or required fee, the Board of County Commissioners shall determine the fee based on the cost of providing the information or service.

ARTICLE II - OFFICERS AND MEMBERS

SECTION 1 - Officers

The Vice-Chairperson shall move into the Chairperson position each January, to serve until the following January. Nominations for a new Vice-Chairperson are to be presented to The LEPC annually at the October meeting, and then voted on annually at the January meeting.

SECTION 2 - Chairperson

The Chairperson and/or The Emergency Management Coordinator shall preside at all meetings of The LEPC, be responsible for preserving order and decorum, and submit recommendations and information as he or she may consider proper concerning the business, affairs and policies of The LEPC. Except as otherwise authorized by these by-laws, the Chairperson shall sign, or delegate the authority to sign, to the Vice-Chairperson, all official documents of The LEPC.

SECTION 3 - Vice-Chairperson

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice-Chairperson shall move into the Chair position.

SECTION 4 - Number of members

The LEPC shall consist of not more than thirty-eight (38), but not less than twenty-five (25) members to be selected at the annual January meeting. These selections shall represent the departments and areas of expertise as noted at the beginning of these by-laws.

SECTION 5 - Additional Duties

The officers of The LEPC shall perform such other duties and functions as may from time to time be required by The LEPC or by these by-laws, other laws, or rules and regulations governing The LEPC.

SECTION 6 - Appointments - Elections - Terms

The Vice-Chairperson shall move into the Chairperson position each January, to serve until the following January. Nominations for a new Vice-Chairperson are to be presented to The LEPC annually at the October meeting, and then voted on annually at the January meeting. These selections shall then be sent to the Commission on Emergency Planning and Response (CEPR) for approval. After approval by the State, this person shall hold their position until the January meeting of the following year. Officers may serve consecutive terms if The LEPC desires and if agreed to by the officers.

SECTION 7 - Vacancies

Should these officers' positions become vacant, The LEPC shall select successors at the earliest possible time, and those new appointees names shall be sent to the Commission on Emergency Planning and Response (CEPR) for approval to serve the remainder of their predecessor's term.

SECTION 8 - Additional Personnel

Should funds ever be appropriated to The LEPC for the general use of The LEPC, The LEPC may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by federal, state and local laws, rules, regulations or guidelines. The selection and compensation of such personnel shall be determined by The LEPC and subject to applicable laws.

ARTICLE III - MEETINGS

SECTION 1 - Annual Meeting

The annual meeting will be held in January of each year at the Lyon County Sheriff's Office or other designated location. This meeting shall include the duties of selecting the new Vice-Chairperson. These selections shall be mailed to the Commission on Emergency Planning and Response (CEPR) for approval and appointment.

SECTION 2 - Regular Meetings

Regular meetings are scheduled for the first Tuesday of January, April, July and October. The LEPC members will be notified of these meeting by mail, e-mail or telephone at least seven (7) days prior to the meeting. The Secretary or his or her designee shall notify members. The news media shall be informed of the meeting dates, times, and places, and shall be invited to each meeting.

SECTION 3 - Special Meetings

The Commissioners or The LEPC Officers may, when it is deemed expedient, and shall, upon written request of at least two members of The LEPC, call a meeting of The LEPC for the purpose of transacting any business of The LEPC. The purpose of the meeting shall be set forth in the call of the meeting, and the call may be mailed or delivered to each of The LEPC members and the news media at the address provided by the member to The LEPC at least two (2) days prior to such meeting. At the special meeting, no business shall be considered other than as designated in the call; however, if a majority of the members of The LEPC are present at a special meeting, any item of business may be transacted if the members agree by a majority vote of the members present to transact said business.

SECTION 4 - Quorum

The powers of The LEPC shall be vested in The LEPC. Thirty percent (30%) of the total membership of The LEPC shall constitute a quorum for the purpose of opening a meeting. At any regular meeting, action may be taken pursuant to an affirmative vote of a majority of the quorum.

SECTION 5 - Order of Business

At meetings of The LEPC the following shall be the order of business:

1. Call the meeting to order
2. Roll call
3. Approve minutes of previous meeting
4. Communications
5. Reports of Subcommittees
6. Presentations by members of the public
7. Unfinished business
8. New business
9. Adjournment

SECTION 6 - Manner of Voting

The voting on all questions coming before The LEPC shall be by yeas or nays, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a vote is approved, the yeas and nays shall be recorded in the minutes of such meeting.

SECTION 7 - Attendance of Meetings

Unless excused, all members of The LEPC are required to attend regular meetings of The LEPC. A committee member may be excused from a meeting for good cause, and upon notification of their intended absence to the Secretary.

SECTION 8 - Expulsion

If, at any time according to the attendance records located in the minutes, a member has missed more than two (2) consecutive regular meetings, that member may be subject to expulsion from The LEPC by the Commission on Emergency Planning and Response (CEPR) upon the notification by the Chairperson of The LEPC.

SECTION 9 - Substitute Representatives

If a LEPC member will be unable to attend a LEPC meeting, a substitute representative may attend for that member if the LEPC secretary is notified prior to the meeting. The substitute member may take part in discussions of The LEPC on behalf of the absent LEPC member, and shall be allowed to move, second or vote on any matters before The LEPC. Further, the substitute representative's attendance shall be counted as a regular member when it is to be determined whether a quorum is in attendance.

SECTION 10-Manner of Conducting Meetings

All meetings shall be conducted with order and decorum. The LEPC shall follow the procedures determined appropriate by the Chairperson of The LEPC, which may include the following:

1. No persons shall speak unless first recognized by the Chairperson or his or her designee.
2. Debate on any matter shall be closed by a motion and a second to bring a matter to a vote.
3. Any member of The LEPC may make or second a motion.

SECTION 11-Participation by Members of the Public

Members of the public are encouraged to attend all regular, special and annual meetings of The LEPC. An opportunity will be provided at each meeting for members of the public to address The LEPC on matters relating to local emergency preparedness. A member of the public who desires to address The LEPC may mail a written notice of the intent to appear to the Secretary at the address found in Article I - Section 3, and then sign in with the Vice-Chairperson or his or her designee at the time and place of the meeting and before the meeting begins. Members of the public who appear at the meeting and wish to address The LEPC will be allowed to do so without a prior written notice of intent to appear; however, they will be required to wait until after any members of the public who have provided written notice of intent to appear have spoken. Members of the public are also encouraged to provide written materials to the Chairperson at the address found in Article I - Section 3. Members of the public

include, but are not limited to: citizens, industry representatives, experts, expert witnesses, and governmental entity representatives.

ARTICLE IV - SUBCOMMITTEES

SECTION 1 - Subcommittees

The Chairperson may from time to time appoint subcommittees composed of members of the Local Emergency Planning Committee to study and report on matters relevant to LEPC business. These sub-committees may return their reports to the entire LEPC or to the Chairperson or his or her designee. Subcommittees may represent The LEPC as they contact the public.

ARTICLE V - AMENDMENTS

SECTION 1 - Amendments to By-laws

The By-laws of The LEPC may be amended only by affirmative vote of fifty-one (51%) of the total membership of The LEPC. No vote shall be taken to amend the By-laws until the proposed amendment has been submitted in advance of the meeting and attached to the agenda which is sent to the membership prior to the meeting, at which time the proposed amendment is voted upon.

SECTION 2 - Filing of By-laws and Amendments to By-laws

A copy of these By-laws and any amendments to these By-laws shall be provided to: the Board of County Commissioners of Lyon County, the Lyon County Clerk, the Kansas Commission of Emergency Planning and Response, all Local Emergency Planning Committee members, and any person who requests a copy.

ARTICLE VI - TRAINING

SECTION 1 - Training

Training should be commensurate with hazard materials incident. First responders shall be required to have awareness level training.



A copy of these By-laws shall be kept in a notebook marked "Lyon County Local Emergency Planning Committee" and will be located in the office of the Administrative Assistant to the Emergency Management Coordinator. Amendments and up-dates to these By-laws will be accurately noted at the end of these By-laws on the By-Laws Amendments and Up-date Sheet. These By-laws were accepted by The LEPC members and adopted by the LYON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, the first day of April, 2008.

Bill Heins, Chairman

Ann Mayo, Vice-Chairman

LYON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

BY-LAWS

AMENDMENTS & UP-DATE SHEET

Article I – Organization Section 3 – Mailing Address & Telephone Number
SECTION CHANGED

Appointment of new Emergency Management Coordinator – Richard Frevert

Glenda Sunter, LEPC Secretary
PERSON MAKING CHANGE

September, 24, 2004
DATE OF CHANGE

Article II – Officers and Members Section 4 – Number of members
SECTION CHANGED

Annual meeting to reflect a change from October to January of each year.

Article II – Officers and Members Section 6 – Appointments-Elections-Terms
SECTION CHANGED

Change persons shall hold their positions until the October meeting to January.

Article III – Meetings Section 1 – Annual Meeting
SECTION CHANGED

Annual meeting to reflect a change from October to January of each year.

Annual meeting to include the selection of new Chairperson and Vice-Chairperson

Glenda Sunter, LEPC Secretary
PERSON MAKING CHANGE

April 3, 2007
DATE OF CHANGE

Revison #1 by Glenda Sunter

February 2008

Revison #2 by Glenda Sunter

April 2008

Article III – Meetings Section 9 – Substitute Representatives
SECTION CHANGED

Change substitute member to be allowed to move, second or vote on matters before the LEPC with prior notification to the secretary.

Glenda Sunter, LEPC Secretary
PERSON MAKING CHANGE

July 9, 2009
DATE OF CHANGE