

By-laws of the Mineral County Local Emergency Planning Committee

Article 1

Name and Purpose

Section 1. The name of this organization shall be the “Mineral County Local Emergency Planning Committee”, hereinafter referred to as the “LEPC” or the “Committee”.

Section 2. The purpose of the LEPC shall be:

- A) to carry out, for the County of Mineral and the towns of Alberton and Superior, those duties required of the LEPC pursuant to Public Law 99-499, superfund amendment 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 Title III, SARA
 - 3) Development of procedures for receiving and processing requests from the public under the Community Right-to-know provisions of Title III, SARA
 - 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 State Emergency Response Commission (SERC), the Board of County Commissioners, or the Town Councils.
- C) To assist the Mineral County Disaster and Emergency Services (DES) with the county all hazard analysis and Emergency Plan.

Article II

Membership

Section 1. Qualifications. The organization shall consist of those members nominated by the LEPC and approved by the Board of County Commissioners and/or the Town Councils for membership in this body. Those persons named shall represent the various professional and community groups designated in Title III, SARA, and shall be constituted as follows:

- A) Members of the LEPC shall be residents of, or conduct business in Mineral County.
- B) All the following should be represented on the LEPC:

- 1) Local elected officials.
- 2) The Montana Highway Patrol
- 3) The Mineral County Sheriff's Office
- 4) The Montana Department of Fish Wildlife and Parks
- 5) Each Fire Department (Frenchtown, Superior, St Regis, and West End)
- 6) The United States Forest Service
- 7) The Montana Department of State Lands
- 8) The Montana State Department of Transportation
- 9) The Mineral County Health Department
- 10) The Mineral County Disaster and Emergency Services
- 11) The Mineral County Environmental Health and Planning Department
- 12) Companies engaged in transportation and distribution of hazardous materials.
- 13) The Emergency Medical Services Community.
- 14) The local media
- 15) Regulated Title III Facilities

B) The LEPC Executive Board will solicit, interview and recommend members for the positions listed above.

Section 2. Term of Members. The term of appointment shall be for two years, beginning on January first and ending on December 31st of the following year. Members may be re-appointed.

Section 3. Officers. Officers shall be elected to conduct meetings, appoint sub-committees, and keep minutes of meetings and to otherwise accomplish the work of the Committee.

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 Article II, Section 1.

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

Section 6. Meetings. There shall be at least four regular meetings of the Committee each year. Special meetings may be called by the Chairman, or by consensus of three members of the LEPC. Regular meetings shall be held on the first month of each quarter.

Section 7. Powers and Duties. The LEPC shall have powers and duties as specified by SARA Title III.

Section 8. Quorum. The presence of one-third of LEPC members shall constitute a quorum.

Article III

Officers

Section 1. The elected Officers of the LEPC shall be the chairman, and a Vice-Chairman 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. Nominations will be accepted from the floor for the positions Chairman and Vice Chairman. The election shall be by ballot, except that when there is only one nomination, election may be by voice vote. Election shall be by a majority of the members present and voting.

Section 3. Officers shall serve one year in their elected position.

Section 4. 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. 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. The DES Coordinator shall be the custodian of all books, papers, documents and other property of the LEPC. The DES Coordinator shall keep a true record of the proceedings of all meetings of the LEPC, shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended by the LEPC.

Section 7. By direction of the Board of County Commissioners, the DES Coordinator shall be the Community Emergency Coordinator as specified by Section 303 (c) (3) of Title III. The Community Emergency Coordinator shall make determinations necessary to implement the LEPC Plan and shall serve as public contact for the Community Right to Know Program.

Article IV

Committees

Section 1. Executive Committee. The Executive Committee shall consist of the Chairman, the Vice-Chairman, the DES Coordinator and the Chairman of each Standing Committee described below. The duties of the Executive Committee shall be to coordinate the activities of the Standing and ad hoc committees with specific attention to the development and maintenance of LEPC rules and the formulation of goals and objectives. The Executive Committee, subject to the review of the LEPC, may act on behalf of the LEPC as a whole and perform such duties, as the Chairman may deem

necessary in furthering the purposes of the LEPC. The Executive Committee shall meet as necessary, but not less than once each fiscal year.

Section 2. Standing Committees. The following Standing Committees shall be established:

- A) **Right-to-Know Committee.** The committee shall be responsible for the formulation of all policies and rules concerning the Community Right-to-Know Program; the formulation of all chemical release reporting procedures; the solicitation of a contractor to perform annual Right-to-Know work; and the formulation of all right-to-Know record keeping and public information procedures.
- B) **Response Planning Committee.** This Committee shall be responsible for the review of the Hazardous Materials Plan and the formulation of recommendations to improve such programs and plans with specific attention to notification, response procedures, population protection, and responder training.
- C) **Facility Committee.** This Committee shall represent the interest of Title III facilities and hazardous substance carriers to assure the efficient and fair application of LEPC rules and procedures; the promotion of participation by business and industry in the work of the LEPC; and the coordination of facility emergency plans and procedures with those of public response agencies.
- D) **Training and Public Information Committee.** This Committee shall be responsible for developing and conducting an annual training exercise; development and implementation of a public information and education program; and rules for public notice requirements of the LEPC.

Section 3. Standing Committee Meetings. Meetings may be called by the Chairman of the Standing Committee or by the Chairman of the LEPC. Each Standing Committee shall meet at least once in the fiscal year.

Section 4. Standing Committee Chairman. Members of the Standing Committee shall nominate and elect their Chairman. Voting shall be conducted as provided in Article III, Section 2. The Chairman shall serve a term of one year in the elected position.

Section 5. Standing Committee Membership. Any LEPC member may volunteer to serve on any Standing Committee. Final membership on Standing Committees may be revised by the Executive Committee to assure all Committees have sufficient resources to carry out assigned tasks.

Section 6. Ad Hoc Committees. The LEPC chairman may create ad hoc committees to perform specified and limited duties. The LEPC Chairman shall appoint chairman of ad hoc committees.

Article V

Miscellaneous Provisions

Section 1. Fiscal Year. The fiscal year shall be considered to run from January 1 to December 31.

Section 2. Financial Management. The LEPC may prepare and submit an annual operating budget to cover incidental and Right-to-Know 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.

Section 3. Property Management. All property and records obtained under the auspices of the LEPC is and remains the property of Mineral County.

Section 4. Notification. Any member who is unable to attend a regularly scheduled meeting of the LEPC should notify the DES Coordinator at least 24 hours prior to the meeting.

Article VI

Amendments

Section 1. These bylaws may be amended by a two-thirds majority vote of members present and voting at any meeting of the LEPC. 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

Parliamentary Procedure

Section 1. Robert’s Rules of Order, Newly Revised, shall govern the LEPC and its Committees in all cases to which they are applicable and in which they are not inconsistent with by laws.

THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF THE MINERAL COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED ON THIS THE 16TH DAY OF MARCH, IN THE YEAR 2011.

LEPC CHAIRPERSON,
George Gupton _____ Date: _____

CHAIRMAN, COUNTY COMMISSIONERS
Duane Simons _____ Date: _____

Approved as to form:
COUNTY ATTORNEY
Marcia Boris _____ Date: _____