

# **Harney County Local Emergency Planning Committee (LEPC) By-Laws**

**April 17, 2024**

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## **Article I            Name**

The Harney County Local Emergency Planning Committee, hereinafter referred to in this document as the “LEPC,” is a local entity created pursuant to SARA Title III, the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

The jurisdictional boundaries of the LEPC, as authorized by the Oregon State Emergency Response Commission (SERC), shall include all of Harney County.

## **Article II            Purpose and Functions**

The primary purpose of the LEPC is to assist communities to plan, prepare for, and respond to hazardous chemical releases with respect to potential exposure from natural and/or manmade emergencies.

The functions and duties of the LEPC were established pursuant to Section 301(c) of Public Law 99-499, The Emergency Planning Committee Right To Know Act of 1986, (100 stat 1738-58, October 17, 1986). The Harney County LEPC shall have all the powers and duties in accordance with, but not limited to the provision conferred by Public Law 99-499; SARA Title III of the Superfund Amendments and Reauthorization Act of 1986. More specifically the LEPC shall engage in at least the following activities:

1. Conduct regular meetings to address pertinent issues regarding All-Hazard incidents.
2. Assist regulated industry, local government, and the greater community to comply with the federal standards established and regulated by SARA Title III.
3. Develop and updated a Hazardous Material Emergency Response Plan as defined by SARA Title III, Section 303[42 U.S.C. 11003] Comprehensive Emergency Response Plans.
4. Identify private/public sector resources available to assist with hazardous material emergencies.
5. Review, process, and respond to public requests of information.

6. Review, maintain, and process all appropriate reports and records, as required by law.
7. Provide information on training programs related to hazardous material safety, as well as All-Hazard trainings and emergency response procedures.
8. Coordinate emergency response exercises.
9. Provide expertise and assistance to industries and business upon request.
10. Provide community “out-reach” services on All-hazards safety and preparedness.
11. Research and disseminate emerging legislation relating to hazardous materials.
12. Assist regulated industry, local governments, and emergency response agencies to prepare, plan, and mitigate hazardous chemical releases.

It is not and never has been the intent of the LEPC to be a local regulatory, enforcement, permitting, or policy agent for the county. Further, the LEPC shall not be placed in a position to interfere with the permitting process of the State of Oregon.

## **Article III      Membership**

### **Section 3.1      Number**

The LEPC shall consist of as many individuals and/or agencies as deemed necessary by the LEPC and fulfillment of SARA Title III requirements.

### **Section 3.2      Membership Application**

The LEPC membership shall consist of members selected under the provision of the most current By-Laws.

### **Section 3.3      Representation**

The composition of the LEPC membership will be comprised of the following EPCRA sanctioned entities:

- Industry – Facilities with extremely hazardous substances (EHS)

Facilities) shall participate as described in US Code Title 42, Chapter 116, Subchapter 1 & 11003(d)(1).

- Law Enforcement
- Fire/Emergency Medical Services
- Community Groups – Red Cross, Community Based Organizations, Faith-Based, Community Emergency Response Teams, Neighborhood Associations, etc.
- 9-1-1 Dispatch
- School Districts, Community College, Universities, and Educational Service District
- Hospitals and Healthcare Organizations
- Elected County and City Government Officials
- Environmental Health Specialist
- Tribe
- Emergency Management
- Utilities/Public Works
- Transportation
- Public Health
- Public
- Environmental Groups
- Hazardous Material Response Teams
- Media

### **Section 3.4 Member Responsibilities**

All members shall:

- Create and promote a positive attitude and working relationship within the LEPC, with the constituents and communities it serves.
- Attend and participate in LEPC and Sub-Committee meetings and work sessions whenever possible.
- Participate in the activities of the assigned Sub-Committees and work groups.
- Support membership and meet established time lines assigned by the LEPC and Sub-Committees.
- Contribute ideas based on knowledge and experience for the benefit of the members.
- Actively solicit new members and submit names to LEPC.

**Section 3.5 Term**

The term of membership in the LEPC shall be continuous from year to year or as defined in Article III of the By-Laws.

**Section 3.6 Removal**

Each LEPC member serves at the discretion of the LEPC Board. LEPC members, who are not required by law to participate, may be removed from membership by majority two-thirds (2/3) vote of the LEPC during a regularly scheduled or a specially called meeting of the LEPC body.

**Section 3.7 LEPC Liability**

Pursuant to ORS 30.265(1), of the Oregon Tort Claims Act (OTCA), “every public body is subject to action or suit for its torts and those of its officers, employees, and agents acting within the scope of their employment duties.” Under statutory mandate (ORS 435.510) LEPC activities fulfill the State of Oregon’s requirements under federal law. LEPC activities provide a public purpose and are supported by public funds. Therefore, the LEPC performs functions on behalf of the state and thus LEPC volunteers are state agents for purposes of the OTCA, when those volunteers are acting within the scope of their official duties.

**Article IV LEPC Meetings**

**Section 4.1 Frequency of Meetings**

The LEPC will meet at least one (1) time per calendar quarter, and more frequently at the discretion of the Chairperson.

**Section 4.2 Special Meetings**

The Chairperson may schedule a special meeting when necessary to carry out the duties of the LEPC. Additionally, upon formal request of at least four (4) members, the Chairperson shall schedule a special meeting within seven (7) business days or as necessary for unexpected urgent matters. All special meetings will be announced to the membership within seven (7) days of the scheduled meeting in accordance with Article IV Section 4.4

**Section 4.3 Sub-Committee Meetings**

Sub-Committees may meet as frequently as needed, or desired, but shall meet by any method at least quarterly either before the regularly scheduled meeting or an alternative date. Additional meetings may be scheduled by the Sub-

Committee Chairperson as necessary.

#### **Section 4.4          Announcement of Meetings**

Members of the LEPC shall be notified of each general membership meeting in a reasonable timeframe in advance of the meeting. The notification shall include the date, place, time, and agenda of the meeting. In the event of a meeting cancellation, the LEPC State Coordinator must be personally notified via electronic or telephonic means.

#### **Section 4.5          Location of Meetings**

LEPC meetings will be held in Harney County unless otherwise directed by the Chairperson. The specific location of the meetings will be at the discretion of the Chairperson or approval of the membership.

#### **Section 4.6          Quorum of Members for Meetings**

A quorum of at least **four (4) people is required** in order to conduct business.

#### **Section 4.7          Conduct of Meetings**

1. LEPC meetings will be conducted according to Robert's Rules of Order with adjustments as needed.
2. Any matter to be voted on shall take the form of a resolution or motion. A majority of the members in attendance at the meeting must vote affirmatively for adoption of any resolution or motion.
3. Each LEPC member, including the Chairperson, will have one vote.
4. Each LEPC member may vote for or against a motion, resolution, or may abstain from voting without prejudice or expectation of retribution.
5. Public comments will be allowed at the beginning of each LEPC meeting. Speaking limitations may apply due to time constraints and each speaker may be asked to sit down at 3 minutes.

#### **Section 4.8          Agenda**

All agenda requests will be given to the Chairperson for approval. Any member may request a topic item to be placed on the agenda during the regularly scheduled meeting of the LEPC. If the Chairperson declines the agenda request, the requesting member may have said item placed on the agenda by submitting the request in writing to the Chairperson with supporting signatures from three (3) members.



## **Article V           Officers**

### **Section 5.1           LEPC Executive Committee**

The LEPC Executive committee shall be elected from and by the LEPC membership and will consist of the following elected positions:

- Chairperson – Required
- Vice Chairperson – Required
- Information Officer – Required

### **Section 5.2           Duties of the Executive Committee Officers**

#### **5.2.1 Chairperson**

The Chairperson shall preside over meetings of the LEPC, preserve order during the meetings, appoint Sub-Committee chairpersons, serve as ad-hoc representatives on each Sub-Committee, have signature authority for minutes, records, vouchers, or other documents connected with the work of the LEPC.

The Chairperson shall:

- Determine the frequency, dates, times, locations, and agendas.
- Appoint the chair and members of each Sub-Committee
- Conduct meetings according to Robert’s Rules of Order so stated in Article IV Section 4.7 in this document.
- May delegate powers and duties to the Vice Chairperson, consistent with other provisions of the By-Laws.
- Acts as LEPC representative to the SERC Advisory Board and participates in meetings of the Board.

#### **5.2.2 Vice Chairperson**

In the absence of the Chairperson, or in the event the Chairperson is unable to serve, the Vice-Chairperson shall perform the duties of the Chairperson, and assume all powers of the Chairperson when acting in the capacity. The LEPC membership may request a special vote to elect or retain the interim Chairperson.

The Vice Chairperson shall:

- Perform or exercise duties delegated by the Chairperson
- Perform the duties of the Chairperson at meetings in the

absence of the Chairperson.

- Succeed as Chairperson upon removal or resignation of the Chairperson for the remainder of the Chairperson's term and/or by special election.
- Acts as LEPC representative to the SERC Advisory Board and participants in meeting of the Board as a proxy if the Chairperson is unavailable.

### **5.2.3 Information Officer**

The Information Officer shall:

- Coordinate information dissemination to the membership and public at large.
- Prepare a current roster of all members of the LEPC.
- Prepare a complete and accurate account of all proceedings of the LEPC membership attendance.
- Disperse minutes of LEPC meetings to membership.
- Send out meeting reminders and agendas identified in Section 4.4.
- Coordinate press releases with the LEPC and the media.

## **Section 5.3 Executive Committee Terms and Election of Officers**

### **5.3.1 Terms**

- Chairperson: one (1) year term.
- Vice Chairperson: Two (2) year term with the first year as Vice Chairperson and the second year designated as Chairperson Elect.
- Information Officer: Two (2) year term.
- **Elections will be held every April at the regular LEPC meeting. New terms begin May 1<sup>st</sup> each year.**

### **5.3.2 Elections of Officers**

Officers will be elected as the position's term expires by a majority vote of the LEPC members.

## **Section 5.4 Removal**

An Executive Committee officer may be removed from office at any time by a vote of Member agencies.

## **Article VI      Sub-Committees**

### **Section 6.1      Identification of Committees**

The LEPC is comprised of sub-committees as deemed necessary by the LEPC Executive Committee. Sub-committees can be created and dissolved as needed.

#### **6.1.1      Planning Sub-Committee**

Responsibilities are:

- Review the site-specific Hazardous Materials Response Plans submitted for each facility with EHS;
- Establish vulnerability zones for public outreach activities;
- Monitor completion of Action Items identified during plan reviews;
- Identify non EHS facilities with large amounts of hazardous substances that the LEPC may choose to perform some preplanning activities with.
- Ensure the completion of the Community Capability Assessment (CCA).

#### **6.1.2      Community Wildfire Protection Plan (CWPP)**

Responsibilities are:

- Meet the intent of the National Fire Plan (NFP) and Healthy Forest Restoration Act (HFRA).
- Support the planning efforts of all agencies and districts that participate in wildland fire management throughout Harney County.
- Coordinate effort in Harney County that includes all fire and emergency response authorities, private landowners, and County and City officials to effectively manage hazardous fuels to reduce the risk of wildfire.
- Promote the responsibility of all citizens to prepare for wildfire.
- Implement and sustain the CWPP.
- Build and maintain partnerships among

community-based organizations, fire protection authorities, local governments, land management agencies, and private landowners.

- Revise and update the CWPP annually, or as needed, as a *living* document.

### **6.1.3 By-Laws/Administrative**

Responsibilities are:

- Review and update By-Laws annually, or as needed, as a *living* document.

## **Article VII Voting**

### **Section 7.1 One Vote**

Each member, including the Chairperson, shall be entitled to one (1) vote. Method of voting may include in person, telephonic, and video conference.

### **Section 7.2 Abstentions**

Members may register their abstention on any vote and shall be reflected in the minutes. Abstentions are encouraged on matters which pose a conflict of interest.

### **Section 7.3 Determination of Action**

All final actions, obligations of funds, or policy recommendations shall require favorable vote of members present at a scheduled meeting.

## **Article VIII Amendments of By-Laws**

The Harney County LEPC will use the Robert's Rules of Order to perform amendments to the By-Laws as presented through the By-Laws Sub-Committee. Changes will be presented to the LEPC membership for review and vote of adoption of changes.

## **Article IX Adoptions**

This document, the Harney County LEPC By-Laws has been adopted at the regularly scheduled meeting of the LEPC, on this day

## **Article X: Distribution of Assets Upon Dissolution**

In the event of dissolution of the Association, the Board of Directors shall first

pay or make provisions for payment of all of the liabilities of the Association. In the event there are assets of the Association remaining after satisfaction of liabilities, the Board of Directors shall dispose of all remaining assets to an organization or organizations operated for the same or similar purposes as the Association and for the public benefit.

## Signatures

The foregoing By-Laws were adopted by the Board of Directors on this

\_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vice-Chairperson

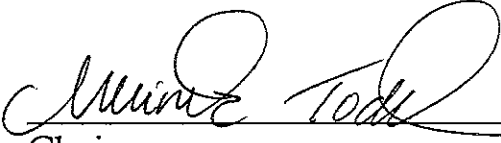
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Date



**Signatures**

The foregoing By-Laws were adopted by the Board of Directors on this

2 day of May, 2024.

  
\_\_\_\_\_  
Chairperson

5/2/2024  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Vice-Chairperson

\_\_\_\_\_  
Date

Approved by membership at the April 18<sup>th</sup> meeting.