

Local Emergency Planning Committee (LEPC) #12 Bylaws

Article I Organization

Section 1.1 Name:

The name of the organization shall be “Local Emergency Planning Committee (LEPC) #12”.

Section 1.2 Type:

LEPC #12 shall be an unincorporated not-for-profit organization.

Section 1.3 Territory:

The district boundaries of the LEPC shall be set by the State Emergency Response Commission (SERC). The LEPC area shall initially cover the towns of Barnard, Bethel, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Corinth, Fairlee, Granville, Hancock, Newbury, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Royalton, Sharon, Stockbridge, Strafford, Thetford, Topsham, Tunbridge, Vershire, West Fairlee and Woodstock.

Section 1.4 Mission:

The mission of LEPC #12 is to reduce the threats to lives and property in the district through proper planning for:

1. the mitigation of,
2. preparedness for,
3. response to,
4. and recovery from all hazards.

The mission will be done in collaboration with local, regional, state, interstate, federal and international partners in emergency management.

Section 1.5 Fiscal Year:

The fiscal year will be that used by the State of Vermont, July 1 through the following June 30.

Section 1.6 Validity And Severability

If any section or provision of this Bylaw is held to be invalid, such decision shall not affect the validity of the Bylaw as a whole or any part thereof other than the part held to be invalid.

Article II Membership

Section 2.1 Eligibility

The organization shall be made up of members representing eligible organizations. Each organization is entitled to one member and an alternate, who shall have all of their powers in their absence. Eligible organizations must operate within the LEPC boundaries, and include each public or non-profit emergency response agency; any college, university, hospital, regional planning commission, VTrans district, VT Department of Health district, Sheriff's department, Vermont State Police barracks, town that lacks its own emergency response agencies, and Red Cross Chapter. Additionally, major transportation services, industry subject to emergency planning requirements, media, school districts, public works departments and chambers of commerce may submit nominations for membership.

Section 2.2 Appointment:

LEPC members are appointed by the State Emergency Response Commission (SERC). Names of potential members shall be submitted to the LEPC by eligible organizations each April and the LEPC shall forward the nominations to the SERC for annual approval at their May meeting. Members nominated outside of this schedule may be accepted and forward to the SERC for action at the discretion of the LEPC.

Section 2.3 Term:

Each member shall serve a one year term following appointment by the SERC or until the following May meeting, whichever comes first.

Section 2.4 Vacancies:

Any vacancy shall be filled by the Chair for the unexpired term from candidates submitted by the nominating organization., with the approval from the SERC.

Section 2.5 Removal:

The LEPC may petition the SERC to remove a member for cause only after an affirmative vote of two-thirds (2/3) at an LEPC meeting.

Section 2.6 Duties:

The duties of the members will include:

- a) Perform any and all duties imposed on them collectively or individually by law, or by these Bylaws, including but not limited to statutory responsibilities contained in 20 VSA and EPCRA, Sections 301-303, 40 CFR Part 355 and SARA, Title III.
- b) Prescribe the duties and fix compensation, if any, of all officers, agents, and employees of the organization;
- c) Supervise all officers, agents, and employees of the corporation to assure that their duties are performed properly.
- d) Faithfully represent their organization or field, uphold the conduct of their profession and keep the service to the public through the mission as their prime focus.

Section 2.7 Liability

As specified in 20 VSA, except in the case of willful misconduct or gross negligence, LEPC members, Officers and staff shall not be liable for the death of or any injury to persons or loss or damage to property resulting from an emergency management service or response activity, including, but not limited to, the development of local emergency plans and the response to those plans.

Article III Officers

Section 3.1 Election:

All officers of the LEPC shall be members. Members shall elect the officers at the first meeting following annual SERC confirmation.

Section 3.2 Officers and Terms:

The Officers shall consist of Chairperson, Vice-Chairperson, Secretary, and Treasurer. Officers shall serve terms that run concurrently with their membership terms. There is no limit to number of consecutive terms.

Section 3.3 Chairperson:

The Chairperson shall preside at all meetings and he or she shall supervise the affairs of the LEPC and the activities of the officers. The Vice-Chairperson, in the absence of the Chairperson, shall assume and perform all duties of the Chairperson.

Section 3.4 Secretary:

The Secretary shall be responsible for recording and keeping minutes of the members' meetings and a current roster of members. He or she shall be the official custodian of the records of the LEPC and may delegate these duties to support staff.

Section 3.5 Treasurer:

The Treasurer shall have charge and custody of, and be responsible for, all funds and securities of the LEPC. These responsibilities shall include, but not be limited to:

LEPC 12 bylaws adopted 3/11/2004, revised 3/17/05 and 2/17/07

- a) Receiving, and giving receipts for, monies;
- b) Disbursing funds as may be directed;
- c) Keeping and maintaining accounts of the LEPC's financial transactions;
- d) Preparing, or causing to be prepared, and certifying, the financial statements to be included in any required reports.

The Treasurer may delegate duties to a fiscal agent or staff person.

Article IV Meetings

Section 4.1 Quorum:

A quorum of the LEPC to conduct business shall consist of at least 10 members. A majority of those present shall decide any question needing a vote.

Section 4.2 Meetings and Standard Notice:

Meetings of the LEPC will be held bi-monthly at a regular day and time as the LEPC may select. Meeting locations shall move around the region. At least seven days written notice of the meeting time and location, including a proposed agenda, shall be mailed or emailed to each member at their last known address.

Section 4.3 Special Notice:

Special meetings of the LEPC due to unusual or emergency circumstances may be held at a place and date to be fixed by the Chair, provided that members receive at least 24 hours written notice.

Section 4.4 Votes:

All members are entitled to have one vote. Alternates may vote in their absence. Proxy votes are not allowed.

Section 4.5 Conflict of Interest

Where a member, or their organization, stands to gain personally or financially from any matter requiring a vote, they shall disclose such interest and abstain from voting. In the interest of public integrity, members should avoid even the appearance of a conflict when possible.

Section 4.6 Open Meetings

LEPC meetings are open to the public, except where executive session is needed to discuss personnel, disciplinary or contract matters. Meetings will be conducted by Roberts Rules of Order.

Article V Subcommittees

Section 5.1 Number, Chairperson and Members:

The LEPC may have such subcommittees as designated by resolution of the membership. The Chairperson shall designate subcommittee chairpersons. These subcommittees may contain non-voting persons who are not members.

Article VI Funds and Equipment

Section 6.1 Equipment

Equipment purchased by and for the LEPC is the property of the LEPC. Authorization for usage and storage does not constitute rendering of ownership. Equipment shall only be used for authorized activities.

Section 6.2 Expenditures:

All expenditures of funds over \$1,000 must be approved by a majority of the members present at a special or bi-monthly meeting of the LEPC. Notice of any meeting where such a vote is to be taken must be made to all LEPC members at least fifteen (15) days prior to the meeting and a quorum of LEPC members must be present. Expenditures of less than \$1,000 that are in accord with the budget may be made at the discretion of the Chair with the concurrence of the Treasurer.

Section 6.3 Fiscal Agent:

The LEPC may designate a separate organization to act as fiscal agent. If so, such organization shall provide to the Treasurer such financial information that they require to fulfill their obligations.

Section 6.4 Records:

The financial records of this LEPC are public to the extent allowed by law and will be maintained and audited in a manner consistent with SERC requirements.

Section 6.5 Reimbursement to members:

LEPC officers, staff or their agents may be reimbursed for official expenditures upon receipt by the Treasurer of signed expense vouchers. Cash Advances: Cash advances to facilitate the business of the LEPC without impacting financially upon its members or employees are acceptable subject to 6.2.

Section 6.6 Effect of Dissolution

Upon any dissolution of the LEPC, any assets remaining after payment of or provision for its debts and liabilities shall, consistent with the purposes of the LEPC, be returned to donating, or other funding, parties or agencies. No part of the remaining net assets or net earnings of the LEPC shall inure to the benefit of or be paid or distributed to any officer, member or employee of the LEPC.

Article VII **Amendments and Repeal**

Section 7.1 Process:

These bylaws may be amended, repealed, or altered, in whole, or in part, by a two-thirds (2/3) vote of a quorum of members present at any meeting, provided that proposed changes were provided to all members at least fifteen (15) days before the meeting at which such action will be considered.