

**BYLAWS
ALLEGAN COUNTY, MICHIGAN
LEPC**

Preamble

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) was enacted by Congress in 1980 to clean up the nation's hazardous waste sites and to provide for emergency response to releases of hazardous substances into the environment. CERCLA is also called Superfund, and the hazardous waste sites are known as Superfund sites. In response to continuing community concern regarding hazardous materials and chemical release tragedies, most notably the 1984 release of methyl isocyanate gas from a Union Carbide chemical plant in Bhopal, India, a reauthorization and expansion of Superfund was signed into law in 1986. It is known as the Superfund Amendments and Reauthorization Act (SARA). Title III of SARA ("SARA Title III") is the Emergency Planning and Community Right-To-Know Act (EPCRA).

SARA Title III established requirements for federal, state, and local government, Indian tribes, and industry regarding emergency planning and reporting on hazardous and toxic chemicals. The Community Right-To-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. Local communities, working with facilities, use the information to prepare community emergency response plants that improve chemical safety and protect public health and the environment.

SARA Title III is a federal act that in Michigan is enforced by the U.S. Environmental Protection Agency (EPA) and implemented under an executive order from the Governor. In accordance with section 301 of SARA Title III, the Governor established a State Emergency Response Commission (SERC) called the Michigan Emergency Planning and Community Right-To-Know Commission in 1987.

The SERC then established planning districts and Local Emergency Planning Committees (LEPCs). Allegan County, Michigan was designated by the SERC as a local emergency planning district. The Allegan County Board of Commissions subsequently appointed the Allegan County LEPC in August 11, 1987.

Article I – Purpose

1. To facilitate implementation of SARA Title III within Allegan, County, Michigan.

Article II – Officers and Membership

Chairperson. The LEPC shall elect a Chairperson. The LEPC Chairperson may sign and execute all authorized contracts and other obligations and undertakings in the name of the LEPC. The Chairperson shall also be responsible for appointing subcommittees and their chairs and for designating a person to serve as secretary to the LEPC.

Vice-Chairperson. The LEPC shall elect a Vice-Chairperson. At the request of the LEPC Chairperson or in the event of the absence of the LEPC Chairperson, the Vice-Chairperson shall perform any and all duties of the LEPC Chairperson.

Planning Specialist. The LEPC Planning Specialist shall be an employee of the County and report to the Allegan County Emergency Management Coordinator. The Planning Specialist shall participate in the LEPC and is responsible to complete and update facility emergency response plans within Allegan County as required by SARA Title III.

LEPC Membership. As required by SARA Title III, the following groups shall be represented on the LEPC:

- Elected State and Local Officials
- Law Enforcement
- Local Emergency Management Official
- Fire-Fighting
- First Aid and Health
- Local Environmental Group(s)
- Hospitals
- Transportation Personnel
- Broadcast and Print Media
- Community Groups
- Owners/Operators of Facilities

Additionally, the SERC recommends the following sectors also be represented on the LEPC:

- Organized labor
- Education
- Agriculture

Additionally, the Allegan County LEPC recommends the following sectors also be represented on the LEPC:

- Allegan County Tribal Nations

Membership Terms. Officers (Chairperson and Vice-Chairperson) and Members shall serve 1 year terms beginning January 1. The Vice-Chairperson shall become the Chairperson after one year. A member or officer whose term has expired may continue to serve on the LEPC either until reappointed, or until a replacement has been voted in by the LEPC.

Vacancies. When LEPC officers' or members' positions become vacant, the County Commissioners shall select successors at the earliest possible time and those new appointees' names shall be sent to the SERC for approval to serve the remainder of their predecessor's term.

Article III – Meetings

Regular Meetings. Regular meetings will be held at a frequency determined by the LEPC. Committee members will be aware of the meeting dates and will be reminded via email approximately seven (7) days prior to the meeting. The news media shall be informed of the meeting dates, times and locations and shall be invited to each meeting. The meeting notice will be posted in conformance with the Open Meetings Act.

Special Meetings. The Chairperson may call a special meeting whenever necessary or desirable. Additionally, upon the request of the majority of the LEPC members, the Chairperson shall call a special meeting.

Quorum The powers of the Committee shall be vested in the Committee. A majority of core representatives (6 of 11): Elected Official, Law Enforcement, Emergency Management, Fire Department, Health, Local Environmental Group, Hospital, Transportation, Media, Community Groups, Owner Operators of the total membership of the Committee shall constitute a quorum for the purpose of opening a meeting. At a meeting, action may be taken by an affirmative vote of a majority of all those present.

Voting The voting on all questions before the Committee shall be by ye or nay, or a show of hands, unless a roll call vote is taken. The yeas and nays shall be recorded in the minutes of the meeting. Each member may cast one vote. In the event a member is unable to attend, the organization which that member represents may designate by letter, a substitute representative for that particular meeting. The substitute shall have the delegated member's voting rights and count as a regular member for determining the whether a quorum exists.

Conduct of Meetings. All meetings shall be conducted with order and decorum. The LEPC shall follow the procedure determined appropriate by the Chairperson of the LEPC. Except as otherwise noted, all meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order.

Agenda. An agenda shall be prepared by the Chairperson for all regular meetings of the LEPC. The agenda shall include a list of all matters to be considered at the meeting. LEPC members may place items on the agenda by notifying the Chairperson prior to a regular meeting. The agenda for a special meeting shall be limited to the items determined by the Chairperson or by the majority of the LEPC members.

Minutes of Meetings. The proposed minutes of the LEPC meetings will be published and distributed to the members within eight (8) business days after the meeting in accordance with the Open Meetings Act 267 of 1976 (15.269).

Article IV – Subcommittees

The Chairperson, with the LEPC's approval, may from time to time establish subcommittees as may be necessary or desirable to facilitate the LEPC's work. The Chairperson, with the LEPC's approval, may appoint non-LEPC members to these subcommittees when their addition is desirable. All subcommittee recommendations shall be submitted to the LEPC for appropriate action.

Article V – Site Specific Emergency Plans

Each site-specific plan that is developed will be distributed, at a minimum to: the appropriate fire chief, the chief executive of the municipality in which the site is located, the facility coordinator, the LEPC Chairperson, and the Emergency Management Coordinator. In addition, each plan shall be available for review at the Emergency Management Coordinator's office during normal business hours.

Article VI – Public Participation

Public participation in LEPC matters. Any person may be permitted to participate in any matter in which the LEPC is involved in carrying out its statutory duties. Participation may include submitting statements, attending public meetings of the LEPC and sharing in the

discussions at these meetings. Any person who wishes to receive notice of the progress of an LEPC matter shall request in writing that the Chairperson provide such notice. Thereafter, to the extent feasible, the Chairperson shall give the person sufficient notice of pending events to permit participation.

Public participation at LEPC meetings. Upon request made prior to an LEPC meeting, any person who desires to present a statement on a matter which is on the agenda for a meeting shall be afforded an opportunity to present statements to the LEPC at the meeting, provided, that all written statements must be submitted at least five (5) days before any regular meeting and one (1) day before any special meeting. Upon request made during an LEPC meeting, any person who desires to present an oral statement on a matter for the record may do so, within such limits of time and manner as the Chairperson may establish under the circumstances.

Article VII – Inspection of Public Records

All writing prepared, owned, used, in the possession of, or retained by the LEPC shall be made available to the public in accord with the Freedom of Information Act (Act No. 442 of the Public Acts of 1976).

Article VIII – Amendments

Amendments to Bylaws. The LEPC shall have the power to amend these bylaws in the following manner: written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least thirty (30) days in advance of the date set for voting on such amendment(s). To be approved, amendments must receive a majority vote for approval.

Filing of Bylaws and Amendments to Bylaws. A copy of these bylaws and any amendments to these bylaws shall be provided to the Board of Commissioners of Allegan County, the County Clerk, the SERC and any person who requests a copy.

ADOPTED BY THE ALLEGAN LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) on September 7, 2006.

Chairperson

Vice Chairperson