

Local Emergency Planning Committee
Sweet Grass County - Big Timber, Montana
Bylaws

ARTICLE I
NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the "Sweet Grass County Local Emergency Planning Committee," hereinafter referred to as the "LEPC" or "the Committee".

Section 2. Purpose. The purpose of the LEPC shall be:

- A) To carry out for the City of Big Timber and Sweet Grass County those duties required of the LEPC pursuant to the Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
 - 1) Development, training, and testing of a hazardous substance emergency response plan.
 - 2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA, Title III.
 - 3) Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of SARA, Title III.
 - 4) Provision for public notification of Committee activities.
- B) To implement such other activities as may hereafter be lawfully required by the Federal Government, the State of Montana, the Montana State Emergency Response Commission (SERC), the Board of County Commissioners, or the City Council.

ARTICLE II
MEMBERSHIP

Section 1. Appointment. The Board of County Commissioners may nominate the individuals whose names will be submitted annually to the SERC for appointment to the Sweet Grass County LEPC.

- A) The Big Timber City Council may recommend the names of two individuals to represent the City as members of the public. These positions may be in addition to city officials and department heads. These names will also be submitted to the Board of County Commissioners for consideration of nomination to the LEPC.

- B) The LEPC will submit the names of individuals to the Board of County Commissioners as a recommendation for appointment to the LEPC.

Section 2. Qualifications. Those persons named shall, at a minimum, represent the various professional and community groups designated in SARA, Title III and shall be constituted as follows:

A) Members of the LEPC should be residents of Sweet Grass County. Non-residents may be appointed as members if they represent a service or industry within the county that is beneficial to the mission of the LEPC.

B) There shall be a minimum of 15 members.

C) Minimum distribution and representation shall be as follows:

- 1) One member who is a local elected official
- 2) One member from the Sweet Grass County Sheriff's Office
- 3) One member from the County Fire Warden's Office
- 4) One member from the County Department of Environmental Health
- 5) One member from the Pioneer Medical Clinic Public Health Department
- 6) One member from the Sweet Grass County Department of Disaster and Emergency Services
- 7) One member from a company engaged in transportation and distribution of hazardous substances.
- 8) One member from the Emergency Medical Services community
- 9) One member from the local media
- 10) One member from a regulated Title III facility
- 11) Two members recommended by the Big Timber City Council representing citizens of the City of Big Timber.
- 12) Two members recommended by the Sweet Grass County Commissioners representing citizens of Sweet Grass County.
- 13) Additional members may be recommended by the Sweet Grass County Commissioners representing specialty groups, offices or departments that may contribute to the function of the LEPC.

Section 3. Term of Members. Membership on the LEPC shall be a one-year term beginning on January 1st and ending on December 31st of each year.

Section 4. Application for membership. Individuals may be invited to join the LEPC based on the position they hold or because they meet the criteria needed to represent a particular position. Individuals that would like to become a member may make an application to the LEPC in writing. The application must contain their name, address, contact information and a narrative outlining their reason and qualifications. The petitions will be acted on by the LEPC membership as any other action item at the next scheduled meeting or as soon thereafter as possible. If approved by the LEPC membership, that individual's name and information will be forwarded to the Sweet Grass County Commissioners and then to the SERC for their consideration. The results of the application process will be given to the applicant within a reasonable time.

Section 5. Vacancies. Any vacancy occurring in the LEPC membership for any reason, will be filled by appointment in accordance with these bylaws. The duration of an appointment made to fill a vacancy will be for the balance of the original one-year term.

Section 6. SERC Notification. The LEPC shall send a current list of members and officers to the SERC as required.

Section 7. Powers and Duties. The LEPC shall have powers and duties as specified by SARA Title III, Montana rules and laws, and those lawful duties as assigned by the Sweet Grass County Commission.

ARTICLE III OFFICERS

Section 1. Enumeration of Officers. The officers of the LEPC shall be: a chair, a vice-chair and a secretary/treasurer, an information coordinator and a community emergency services coordinator. All officers shall be members of the LEPC.

Section 2. Nomination and Election of Officers. Nominations will be accepted from the floor for the positions of chair, vice-chair, secretary/treasurer, and information coordinator. The election shall be by ballot, however, when there is only one nomination for a position, the election by acclamation may be made by voice vote. The election shall be by a majority of the members present and voting. The community emergency services coordinator is appointed by the Sweet Grass County Commissioners.

Elections will be held in January of each year during the regular meeting.

Section 3. Term of Officers. Officers shall serve one year in their elected position. In the event an officer vacates an office prior to the end of the term, the LEPC shall elect another qualifying member to fill that vacancy for the remainder of that term until the next scheduled election. The LEPC shall follow the same process as used during a regular election. The community emergency services coordinator is appointed by the Sweet Grass County Commissioners for a length of term set by the Commissioners.

Section 4. Chair. The chair shall preside at all meetings of the LEPC, shall serve as ex officio member of all subcommittees, and shall perform such duties as necessary to accomplish the duties of the LEPC. The chair is empowered to create such other ad hoc subcommittees as may be necessary to accomplish the duties of the LEPC.

Section 5. Vice-Chair. In the absence of the chair, the vice-chair shall perform the duties of the chair. The vice-chair shall also perform other duties as may be assigned by the chair.

Section 6. Secretary / Treasurer. The secretary / treasurer shall:

- A) Take notes at all meetings and compile accurate minutes of each meeting;
- B) Compile a roster of all members and guests that attend each meeting;
- C) Submit the annual roster and other required reports to the SERC;
- D) Distribute the minutes of each meeting to the members and to the SERC each month;
- E) Maintain a file containing the minutes as required by all laws and rules;
- F) Prepare and distribute agendas to the membership and the public; and
- G) Document all trainings and exercises related to the Emergency Response Plan and for other duties required of the LEPC.
- H) Collect all monies that may be received by the LEPC and maintain accurate records of same.

Section 7. Information Coordinator. The information coordinator's job is to process requests from the public for certain information, including, but not limited to, hazardous chemical inventory information submitted by facilities, the community emergency response plan and the follow-up written report filed for chemical emergency releases.

Section 8. Community Emergency Services Coordinator. This position is appointed by the Sweet Grass County Commission. The emergency services coordinator shall coordinate the efforts of the LEPC and facility emergency coordinators to fulfill the duties outlined in SARA, Title III specific to this position.

ARTICLE IV COMMITTEES

Section 1. Subcommittees. The LEPC chairman may create subcommittees to perform specified and limited duties. Chairmen and members of subcommittees shall be appointed by the LEPC chairman. The LEPC chairman shall also delineate the scope of duties and the length of service of the subcommittees.

ARTICLE V MEETINGS

Section 1. Meetings.

- A) LEPC meetings should be held monthly. Regular meetings shall be held the Fourth Thursday of each month at 11:30 AM.
- B) Special meetings may be called by the chair and by consensus of three members of the LEPC.
- C) Meetings may be cancelled either by majority vote of the members present at any regular meeting or by the chair when good cause is given and sufficient notice is given to the public and the membership.

- D) Though at times it may be necessary for regular meetings to be canceled, there shall be a minimum of four meetings each year held on a quarterly basis.

Section 2. Meeting Notification.

- A) The secretary/treasurer shall notify the members of the LEPC in writing or electronically at least two days in advance of all meetings stating the agenda items, time, place, and date of that meeting.
- B) The secretary/treasurer will notify the public of all LEPC meetings at least two (2) business days in advance of each meeting. The meeting agenda may serve as notice and will be placed at the public notice locations in the county courthouse and the county annex as approved by the Sweet Grass County Commissioners. The local newspaper will be informed of the same information for publication if they so choose.

Section 3. Location of Meeting. The LEPC meetings shall be held at the Sweet Grass County Ambulance Hall. The meeting location may be changed at the discretion of the chair. The location change must be included on the agenda when posted.

Section 4: Conduct of Meetings.

- A) Committee meetings will be conducted according to Robert's Rules of Order, newly revised and in accordance with the provisions of the Montana public meeting laws.
- B) Any matter to be voted on shall take the form of a resolution or motion. A simple majority of the members in attendance at a committee meeting must vote affirmatively for adoption of any resolution or motion before it can pass. This does not apply to amendments to these bylaws.
- C) Each Committee member, including the chair will have one vote.
- D) A Committee member may vote for or against a resolution, or may abstain from voting.

Section 5. Quorum. Five or more members in attendance, which shall include at least one executive officer, shall constitute a quorum.

Section 6. Notification. Any member who is unable to attend a regularly scheduled meeting of the LEPC is requested to notify the secretary/treasurer at least 24 hours prior to the meeting.

Section 7. Public Comment. Public comments shall be taken at each meeting during the scheduled time. Action on public comments will not be taken at the meeting in which they are made. Public comments or requests requiring action must be scheduled and advertised as all other action items consistent with the current state of the law.

Section 8. Public Access. The LEPC shall make reasonable accommodations for those persons that request assistance in accordance with ADA regulations and applicable rules and laws. No member of the LEPC shall discriminate against any person as regulated by applicable laws and rules.

Section 9. Subcommittee Meetings.

A) All subcommittee meetings shall follow the same process and guidelines as those set forth for regular meetings, including but not limited to: notifications; open meeting laws; conducting the meetings; recording of minutes; public comment; ADA requirements for reasonable accommodations; and non-discrimination.

B) This does not include meeting dates, times, and membership quorum restrictions set specifically for the regular meetings.

ARTICLE VI

AMENDMENTS TO THE BYLAWS

Section 1. Amendments. These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments have been placed on the agenda and distributed in writing to all LEPC members at the previous meeting. 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

FINANCES, PROPERTY AND RECORDS

Section 1. Fiscal Year. The fiscal year shall be considered to run from July 1st to June 30th.

Section 2. Financial Management. The LEPC may prepare and submit to the DES coordinator an annual operating budget to cover incidental and Right-To-Know Program costs. The DES coordinator shall include the request in the DES budget proposal for review and approval by the Board of County Commissioners. All funds received and expended by the LEPC shall be managed as follows:

- A) All programmed costs shall be listed as line item expenditures in the DES budget.
- B) All programmed income shall be listed as line item revenue in the DES budget.
- C) All claims shall be approved by the DES coordinator or designee.
- D) All revenue, programmed and otherwise, shall be deposited with the Sweet Grass County Treasurer and shall not be available or expended outside the structure of the Sweet Grass County budget and applicable accounting procedures.

Section 3. Property Management. All property obtained under the auspices of the LEPC is, and remains, the property of Sweet Grass County, unless otherwise agreed upon in writing. The DES coordinator shall list such property in the Sweet Grass County Fixed Assets Program.

ARTICLE VIII

EMERGENCY RESPONSE PLAN

Section 1. Emergency Response Plan. The emergency response plan will be incorporated into the City / County Emergency Operations Plan. The plan will be reviewed on an annual basis. The plan will be distributed to all stakeholders listed in the plan. The annual review of the plan will be listed on the LEPC agenda so as to allow the members of the LEPC and the public the opportunity to participate in the review.

Section 2. Testing of the Emergency Plan. The members of the LEPC shall schedule an annual test of the emergency plan and coordinate with facilities to test their plans as required.

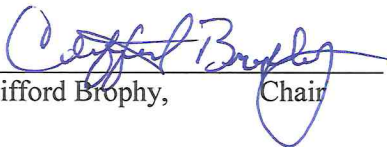
Section 3. Training. The members of the LEPC shall schedule at a minimum, an annual training event based on the emergency plan and coordinate with facilities to incorporate their plans as part of the training.

ARTICLE IX

PUBLIC ACCESS TO INFORMATION

Section 1. Public Contact. The information coordinator will act as the public contact. This person shall assist in the process of answering questions from the public and referring people to the proper agency for answers to their questions. This person shall also assist in providing public documents and forms for those that request such items. This person shall also assist in providing public documents and forms for those whom request such items. This shall be done during normal business hours Monday through Friday, except Holidays, from 8:00 AM to 5:00 PM.

Approved and adopted this 24th day of March, 2022, Effective upon adoption.


Clifford Brophy, Chair

Attest:


Clifford Brophy, Secretary/Treasure