

LEPC Bylaws

Ravalli County Local Emergency Planning Committee

ARTICLE I—Identification

Ravalli County Local Emergency Planning Committee, hereinafter referred to as the “LEPC” is a local entity created pursuant to the Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III, the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

ARTICLE II—Purpose

The purpose of the LEPC shall be to carry out for Ravalli County and its political subdivisions those responsibilities required of the LEPC pursuant to SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986, including:

- Developing and maintaining a hazardous material emergency response plan for Ravalli County and its political subdivisions;
- Receiving and storing hazardous material information (Tier II Reports) from facilities within Ravalli County and processing requests from the public under the community right-to-know provisions of SARA Title III regarding chemicals and hazardous materials; and
- Establishing provisions for public notification of LEPC activities.
- Performing other duties as requested or directed in writing from the Montana State Emergency Response Commission.

ARTICLE III—LEPC Members

Section 1: Organizations Represented

As prescribed under Section 301 of EPCRA, the LEPC shall include representatives from the following organizations/agencies within Ravalli County:

Elected County Officials
Elected local officials
Emergency Medical Services
Fire Departments
Health Officials
Emergency Management
Law Enforcement
Community Groups
Local Environmental Groups
Broadcast and/or print media
Hospital personnel
Transportation personnel
Owners and operators of covered facilities
Hazardous Materials Response

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Section 2: Membership

Membership on the LEPC consists of those individuals identified in Section 1 above.

ARTICLE IV—LEPC Meetings

Section 1: Frequency of Meetings

The LEPC shall meet at least one time per calendar year, or more frequently as changed circumstances in the community or at any facility may require, pursuant to Section 303 of EPCRA.

Section 2: Announcement of Meetings

Notice of meetings of the LEPC shall comply with policies adopted by Ravalli County concerning public notice of public meetings and any other applicable laws of the State of Montana. Such notice shall be given at least two business days in advance of the meeting date and time. Such meetings shall comply with the Montana State Open Meetings Law.

Section 3: Location

The location of the meeting will be within Ravalli County and will be determined based on available meeting space and specific needs of the meeting.

Section 4: Quorum

A quorum of LEPC members is required for the transaction of business at a meeting of the LEPC, and consists of a minimum of three members of the Executive Committee being present.

Section 5: Conduct of Meetings

LEPC meetings will be conducted efficiently with respect to the participants and any presenter's time. The use of Robert's Rules of Order is not mandatory. Meetings are subject to the State Open Meetings Law and a time for public comment will be made available.

Section 6: Order of Business

The order of business of each regular meeting of the Board shall be as follows:

- Discussion and revision of proposed agenda
- Adoption of agenda
- Approval of minutes
- Public comment
- Reports
- Unfinished business
- New business
- Public comment on items not on agenda

Section 7: Voting

The affirmative vote or act of a majority of the members present in person or electronically at a meeting in which a quorum is present shall constitute the act of the LEPC. Each LEPC member will have one vote, regardless of the number of organizations represented by the individual. If, however, less than a quorum is present, a majority of the Executive Committee present may adjourn the meeting until a quorum is present; provided, however, proper notice is given and Montana's open meeting laws are followed. Members should vote unless: (i) a Member has a conflict of interest, (ii) the Member was not present for deliberation and for public participation and has not been able to become sufficiently informed, or (iii) as required by law. No vote may be taken by secret ballot.

Section 8: Minutes of Meetings

Minutes must be kept, which at a minimum must include: (i) the date, time, and place of the meeting; (ii) a list of the Members who were in attendance; (iii) the substance of all matters proposed, discussed, or decided; and (iv) a record of votes by Members for any votes taken. Minutes must be open to the public and submitted to the Clerk and Recorder within 30 days after approval. If an audio recording is made and designed as the official minutes, a written record must also be made in compliance with Montana law.

Article V—Officers

Section 1: Officers

The Officers of the LEPC are the Chair and Secretary.

Section 2: Appointment of Officers

The Chairperson of the LEPC is the Director of the Office of Emergency Management for Ravalli County, by virtue of the OEM Director's job description, approved by the Ravalli County Sheriff and Ravalli County Human Resources Director. The Secretary is appointed by and serves at the pleasure of the OEM Director.

ARTICLE VI—Powers and Duties of Officers

Section 1: Chairperson

The Chairperson shall:

- Act as the principal officer of the LEPC;
- Supervise and control, in good faith, all of the business and affairs of the LEPC;
- Set the proposed agenda for meetings of the LEPC;
- Preside at all meetings of the LEPC;
- Receive and process requests for information from the public relating to LEPC activities; and
- Direct the creation, maintenance and review of an emergency response plan, as prescribed under Section 303 of EPCRA.

Section 2: Secretary

The Secretary shall:

- Attend LEPC meetings and ensure the creation and retention of the minutes of such meetings;
- Act as custodian of the records of the LEPC; and
- Submit required documents and reports to the State Emergency Response Commission.

ARTICLE VII—Executive Committee

Section 1: Membership

The Executive Committee of the LEPC shall consist of the following five members, all whom must meet membership eligibility requirements of the LEPC identified in Article III, Section 1:

- Ravalli County Office of Emergency Management Director
- Ravalli County Sheriff
- Ravalli County Environmental Health Director
- At-large member appointed by the Board of County Commissioners
- At-large member appointed by the Board of County Commissioners

Section 2: Appointment

At-large members are appointed by the Board of County Commissioners and serve at its pleasure or until the Member's term expires or is terminated.

Section 3: Vacancies

Vacancies of at-large member positions are filled by appointment by the Board of County Commissioners, which may consider recommendations from the LEPC. A Board position becomes vacant when the member:

- a. Is removed by the Board of County Commissioners;
- b. Resigns;
- c. Dies;
- d. Term Expires; or
- e. Is Disqualified.

Section 4: Term

Each at-large member shall serve a three-year term, except the initial term shall be staggered. The initial term for members serving in position 1 shall be three years. The initial term for members serving in position 2 shall be two years. After the initial term, the term of service for all members shall be three years.

ARTICLE VIII—SARA Title III Document Submissions

Section 1: Repository of Documents

Ravalli County Office of Emergency Management will be the repository for all documents submitted to the LEPC pursuant to the provisions of SARA Title III and the Montana Access to Public Records law.

Section 2: Availability of Documents to the Public

SARA Title III documents will be available by request to the Chairperson. The LEPC shall comply with the Montana Access to Public Records Law, including provisions relating to confidential records.

ARTICLE IX—Adoption/Amendment of LEPC Bylaws

Section 1: Adoption of Bylaws

The bylaws of the Ravalli County LEPC must be approved by the Board of County Commissioners and submitted to the Montana State Emergency Response Commission.

Section 2: Amendment of Bylaws

These Bylaws may be altered, repealed or amended by the Board of County Commissioners, which may consider recommendations to that effect from the LEPC.

ARTICLE X—Non-Exclusion Provision

Nothing in these bylaws is to be construed as excluding or contravening any additional provision of federal or state law which are not explicitly or implicitly referred to within these bylaws.

ARTICLE XI—Bylaws Adoption and Signing

Upon their adoption by the Board of County Commissioners of Ravalli County, a copy of these bylaws will be signed and dated and will be available for inspection and copying by the public at Ravalli County Office of Emergency Management.

Approved and adopted in a public meeting held this 10th the day of

MAY, 2018, effective upon adoption.

BOARD OF RAVALLI COUNTY COMMISSIONERS

Jeff Burrows
Jeff Burrows, Chairman

Doug Schallenberger
Doug Schallenberger, Member

Ray Hawk
Ray Hawk, Member

Greg Chilcott
Greg Chilcott, Member

Absent
Chris Hoffman, Member

Regina Pettenberg
Attest: Clerk & Recorder

by [Signature]

