

**NEWTON COUNTY MISSOURI
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BY-LAWS OF THE LEPC**

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ARTICLE 1. SCOPE

- SECTION 1.1 NAME OF THE COMMITTEE

The name of the Committee shall be the "Newton County Local Emergency Planning Committee", (LEPC).

- SECTION 1.2 LEGAL STATUS AND AUTHORITY

The LEPC shall operate under the legal authority of SARA Title III, Emergency Planning and Community Right-to-Know Act of 1986, 42 U. S. C. 11001 et. seq.; Section 292.600-292.625 R.S.Mo. (1991 Supp.) effective December 11, 1992; and pursuant to and in strict accordance with 40 CFR 300 and 40 CFR 355 and all other applicable laws, regulations, and ordinances.

- SECTION 1.3 MAILING ADDRESS AND TELEPHONE NUMBER

The official mailing address and telephone number of the LEPC shall be:
Newton County Local Emergency Planning Committee
202 West Brook Street
Neosho Mo. 64850
Telephone: 417-451-4357

ARTICLE 2. MEMBERSHIP

- SECTION 2.1

As required by SARA Title III, the members of the LEPC shall include one (1) representative of the following groups with additional persons recommended by the committee as needed.

- 2.1.1 Elected State and Local Officials
- 2.1.1 Law Enforcement
- 2.1.3 Emergency Management
- 2.1.4 Fire Service
- 2.1.5 Emergency Medical

- 2.1.6 Health
- 2.1.7 Local Environmentalist
- 2.1.8 Hospital
- 2.1.9 Transportation
- 2.1.10 Media
- 2.1.11 Community Action
- 2.1.12 Owners and Operators of Facilities Subject to the Requirement of Title III.

SECTION 2.2 MEMBERS APPOINTED

All members and alternates should be appointed by the County Commission and approved by the Missouri Emergency Response Commission, (MERC).

SECTION 2.3 TERM OF MEMBERSHIP

Members will serve one-year terms with automatic renewal upon approval.

SECTION 2.4 ATTENDANCE AT MEETINGS

All members **should** attend at least fifty percent (50%) of all meetings of the LEPC held in any twelve (12) month period unless excused for cause by the Chairperson. A LEPC Member will be excused from a meeting for good cause and upon notification to the Chairperson or Vice Chairperson.

SECTION 2.5 FILLING VACANCIES AND ADDING NEW MEMBERS

Should vacancies occur on the LEPC, they may be filled by recommendations from the LEPC Chairperson to the County Commission for appointment, and then forward to MERC for approval upon acceptance of the Annual CEPF Application.

Vacancies, which occur on the LEPC, do not have to be filled unless, because of the vacancy, the LEPC will no longer meet any relevant local, state or federal requirements. Should it be deemed necessary to add new members to the LEPC, the procedure shall be the same as for filling vacancies.

ARTICLE 3. OFFICERS

SECTION 3.1 OFFICERS

The Officers of the LEPC shall be the Chairperson, 1st Vice Chairperson, 2nd Vice Chairperson, 3rd Vice Chairperson and Secretary/Treasurer.

SECTION 3.2 CHAIRPERSON

The Chairperson shall preside at all meetings of the LEPC, be responsible for preserving order and decorum and submit recommendations and information as he or she may consider proper

concerning the business, affairs and policies of the LEPC. Except as otherwise authorized by these bylaws or by resolution of the LEPC, the Chairperson shall sign or delegate to the Vice Chairperson the authority to sign, all official documents of the LEPC. The Chairperson shall establish any fees collected by the LEPC. The Chairperson will also insure that we mail or deliver an agenda of each LEPC meeting as provided by Article 5, Section 5.5.

SECTION 3.3 VICE CHAIRPERSONS

There shall be a first, second and third Vice Chairperson. A Vice Chairperson shall perform the duties of chairperson in the absence or incapacity of the Chairperson. In case of the resignation or death of the Chairperson, the Vice Chairperson shall perform such duties as are imposed on the Chairperson until such time the LEPC shall elect a new Chairperson. The Vice Chairperson shall have the authority to sign official documents of the LEPC or to establish fees to be collected by the LEPC pursuant to authority delegated by the Chairperson. The Vice Chairperson shall insure that any information gathered by the LEPC or submitted pursuant to requirements established by the LEPC, is properly stored and maintained at the address provided in ARTICLE 1, SECTION 1.3.

The Vice Chairperson shall insure that accurate summaries of the meetings of the LEPC are kept and distributed in the manner prescribed by ARTICLE 5, SECTION 5.8.

SECTION 3.4 SECRETARY/TREASURER

The Secretary/Treasurer shall establish a contact list of all members, record or transcribe the minutes of all LEPC meetings, and send out meeting notices. The Secretary/Treasurer shall also insure that an agenda of each LEPC meeting is mailed or delivered as provided by ARTICLE 5, SECTION 5.5. The Secretary/Treasurer shall maintain the financial records and make periodic financial reports to the LEPC.

SECTION 3.5 ELECTIONS

The LEPC shall elect the Chairperson, Vice Chairperson, and Secretary/Treasurer from those persons whom they have nominated from the LEPC membership to serve for two (2) years.

SECTION 3.6 VACANCY

Should the Office of Chairperson, Vice Chairperson, or Secretary/Treasurer become vacant, the LEPC shall elect a successor for the unexpired portion of the term within 90 days of the occurrence of the vacancy.

SECTION 3.7 ADDITIONAL APPOINTMENTS

Additional personnel appointments for subcommittee positions and any other positions that may be necessary for the operation of the LEPC's tasks shall be made by the Chairperson and approved by a majority of the members **attending** a regular meeting of the LEPC at which a quorum of the members is present. The LEPC may employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by federal, state and local laws, rules and regulations and guidelines. The LEPC shall determine the selection and compensation of such personnel subject to any applicable law, regulations and ordinances.

ARTICLE 4. SUBCOMMITTEES

SECTION 4.1 APPOINTMENT OF SUBCOMMITTEES

The Chairperson may from time to time appoint subcommittees composed of members of the LEPC and knowledgeable individuals from outside the LEPC to study and report on matters relevant to the LEPC. Personnel assigned to subcommittees established under ARTICLE 3, SECTION 7 and this SECTION are subject to review by the Chairperson as needed.

ARTICLE 5. MEETINGS

SECTION 5.1 ANNUAL MEETINGS

The annual meeting of the LEPC should be the first regular meeting held after January 1 of each year at a time and location designated in the "Notice of Annual Meeting" mailed and delivered to each LEPC Member at least **seven (7)** days before such meeting. **Nomination and election of officers occurs every two years (even numbered years)**. Those who may vote and run for office are those persons who have been nominated from the Committee membership.

SECTION 5.2 REGULAR MEETINGS

Regular meetings of the LEPC should be held at least quarterly and scheduled by the Chairperson. Notice of the meeting will be provided at least **seven (7)** days in advance to all LEPC members, by email, mailing or delivering a written notice, to the address provided by the member to the LEPC. The agenda for the meeting will be sent with the written notice of the meeting. Posting the meeting dates, times, locations, and agenda at the **Courthouse and Emergency Operations Center** as appropriate will be used to inform the public.

SECTION 5.3 SPECIAL MEETINGS

The Chairperson of the LEPC may, upon written request of at least two (2) members of the LEPC, and when they deem it expedient, call a special meeting of the LEPC for transacting any business of the LEPC. The purpose of the meeting will be set forth in the call of the meeting and emailed, mailed or delivered to each LEPC member at least **seven (7) days** before such meeting.

SECTION 5.4 FREQUENCY

Regular and special meetings including the annual meeting will be held at least quarterly, and may be scheduled more frequently when needed.

SECTION 5.5 AGENDA FOR LEPC MEETINGS

An agenda of each LEPC meeting should be emailed, mailed or delivered to each LEPC member with the written notice of the LEPC meeting.

SECTION 5.6 ORDER OF BUSINESS

At meetings of the LEPC the following shall be the order of business:

- 5.6.1 Roll Call
- 5.6.2 Approval of minutes
- 5.6.3 Approval of Financials
- 5.6.4 Reports of Subcommittees
- 5.6.5 Special Presentations
- 5.6.6 Old Business
- 5.6.7 New Business
- 5.6.8 Public Comments
- 5.6.9 Date, time, place, and tentative agenda of the next regular meeting
- 5.6.10 Adjournment

SECTION 5.7 MANNER OF CONDUCTING MEETINGS

No standard rules of procedure shall be required unless adopted by the LEPC in accordance with ARTICLE 5, SECTION 5.9. The meetings shall be conducted with order and decorum. The Chairperson shall determine the appropriate procedure for conducting the meetings, which may include the following:

- 5.7.1 Debate on a matter shall be closed by a motion and second to bring the matter to a vote.
- 5.7.2 Any member of the LEPC may make or second a motion.

SECTION 5.8 SUMMARIES OF LEPC MEETINGS

Accurate summaries of all the meetings of the LEPC shall be taken and maintained by the Secretary/Treasurer. Accurate summaries shall include, but not limited to, a record of all votes of the LEPC, a record of attendance at LEPC meetings and a summary of LEPC discussions. The summaries of each meeting shall be e-mailed, mailed to each LEPC Member at least **seven (7)** days prior to the next meeting.

SECTION 5.9 QUORUM

The powers of the LEPC shall be vested in the LEPC. **Twenty-five (25%)** of the total membership of the LEPC shall constitute a quorum for the purpose of opening a LEPC meeting. At a meeting, action may be taken pursuant to an affirmative vote of the majority of all those present, unless a majority of those present is less than the number required for a quorum. A minimum of **fifty percent (50%)** of all LEPC members **in attendance at the meeting** must vote affirmative for action to be taken.

SECTION 5.10 MANNER OF VOTING

Only LEPC members shall have a right to vote, as per ARTICLE 2, SECTION 2.2. The voting on all questions coming before the LEPC shall be a "yea" or "nay", or by a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call is approved, the "yeas" and the "nays" shall be recorded in the minutes of the meeting.

SECTION 5.11 PARTICIPATION BY MEMBERS OF THE PUBLIC

Members of the public are encouraged to attend all Regular, Special and Annual Meetings of the LEPC. Members of the public will be provided an opportunity to address the LEPC on matters related to local hazardous material or other LEPC matters at each meeting. A citizen who wants to address the LEPC may mail a written notice of intent to appear to the Chairperson at the address found in ARTICLE 1, SECTION 1.3, and then sign in with the Vice Chairperson at the time and place of the meeting before the meeting begins. A citizen who wishes to address the LEPC without prior written notice, shall wait until after all member of the public who have provided written notice have spoken. The time each citizen is allowed to speak may be limited by the Chairperson to five minutes, as appropriate. Members of the public are also encouraged to provide written opinions and information to the LEPC at the address found in ARTICLE 1, SECTION 1.3.

ARTICLE 6. ADMINISTRATION

SECTION 6.1 ANNUAL BUDGET

An annual budget shall be adopted and approved by the LEPC.

SECTION 6.2 MONIES AND APPROPRIATIONS

The LEPC may receive and disburse public and private funds for carrying out the Emergency Planning and Community Right-to-know Act of 1986, and any other local, state or federal legislation pertaining to emergency planning, in the plan service area of Newton County. Such monies shall be deposited and managed in accordance with generally accepted accounting practices.

Disbursements not included in the Annual Budget will require a majority vote of the LEPC.

The Secretary/Treasurer shall maintain the financial records and make periodic financial reports to the LEPC.

SECTION 6.3 FEES

Reasonable fees may be collected for information provided or services rendered by the LEPC. The fees collected shall be as established by Newton County Government policy.

SECTION 6.4 ANNUAL REPORT (**CEPF Compliance Certification**)

An annual report shall be prepared and made available to the public upon request.

ARTICLE 7. AMENDMENTS

SECTION 7.1 AMENDMENTS TO BYLAWS

Majority vote of three fourths (3/4) of those present, or 50% of the members may amend the LEPC bylaws. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and distributed with the agenda for the meeting at which the amendment is to be voted on.

SECTION 7.2 FILING OF BYLAWS AND AMENDMENTS

A copy of the bylaws and any amendments to the bylaws shall be provided to the Missouri Emergency Response Commission (MERC). The LEPC may provide copies to any public entity or private citizen upon request and payment of any required fee.

REVISED

NEWTON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

THIS ___17th_____ DAY OF _____ June _____, 2013

Chairperson

Vice Chairperson

Vice Chairperson

Vice Chairperson