

**DOUGLAS COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE**

Article I

Name

This organization shall be known as the Douglas County Local Emergency Planning Committee (LEPC).

Article II

Purposes

The purposes of the LEPC are those set out in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), Nebraska Emergency Planning and Community Right to Know Act (NEPCRA) of 1997, and any other lawful purposes which are assigned to it or permitted under Nebraska Statutes. In keeping with the intent of SARA, Title III, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

(1) The local emergency planning committee shall:

(a) Establish rules governing the functioning of the committee consistent with the Open Meetings Act and NEPCRA Nebraska Revised Statute § 84-107 to § 84-1414. The rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan required under subdivision (c) of this subsection, public comments, response to such comments by the committee, and distribution of the emergency plan;

(b) Establish procedures for receiving and processing requests from the public for information required to be provided under the Nebraska Emergency Planning and Community Right to Know Act. The procedures shall include provisions to inform members of the public of the right to bring an action under federal law to enforce the act. The procedures shall include the designation of an official to serve as coordinator for information;

(c) Complete preparation of an emergency plan in accordance with the act. The committee shall review and update the plan once a year or more frequently as changed circumstances in the community or at any facility may require;

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(d) Evaluate the need for resources necessary to develop, implement, and exercise the emergency plan and make recommendations with respect to additional resources that may be required and the means for providing such additional resources; and

(e) Designate a public facility in the county as a depository for the emergency plan, deliver the plan to the designated facility, and update the plan as necessary.

(2) The LEPC may receive gifts, bequests, grants, or other contributions or donations from public or private sources to carry out its duties and the purposes of the act, including, but not limited to, administrative costs and reimbursement to committee members for their actual and necessary travel expenses. Any gifts, bequests, grants, or other contributions or donations received from public or private sources shall be accounted for in an annual report to the commission. The LEPC must follow the rules promulgated by the commission.

Article III

Membership

Section 1. Members. The Committee shall consist of as many members as shall be deemed necessary by the LEPC to meet the Committee's stated purpose. A member is an individual who meets the definition of membership herein and have been approved by SERC for membership on the LEPC. Membership is open and will to the extent possible include at a minimum representatives from each of the following interest groups: state and local elected officials, public health, local environmental protection, hospitals, firefighters, local emergency management, law enforcement, transportation, broadcast and print media, neighborhood and community organizations, and owners and operators of facilities that are subject to the requirements of the Nebraska Emergency Planning and Community Right to Know Act and the application process established by the SERC. A listing of current members and their contact information to include mailing address, phone numbers and email address, will be updated and provided to the SERC annually by April 30.

Section 2. Terms of Membership. A membership term is two years from the SERC appointment date. Members are expected to remain active while appointed to the LEPC. "Active" is defined as attendance at 50% (fifty percent) or more eligible meetings in a calendar year. Members who wish to serve another term must complete a new membership application.

Section 3. Members who do not meet the attendance standard may be deemed to be an "inactive" member by a vote of the committee.

Section 4. Vacancies. Vacancies in membership of the committee shall be filled using the process set out in Section 1 of this Article and in accordance with NEPCRA Revised Statutes 81-15, 215.

Article IV

Officers

Section 1. Elected Officer Positions. The officers of the Committee shall consist of a Chairperson, Vice Chairperson, Secretary and Treasurer. If acceptable to the members of the committee, the offices of Secretary and Treasurer may be combined to form a Secretary / Treasurer Officer position.

Section 1A. Non-elected officer positions. The position of Information Coordinator is appointed by the chair.

Section 2. Eligibility. Any active member residing or working in Douglas County is eligible for election to office.

Section 3. Election. Each officer shall serve a term of one year.

Section 4. Only "Active" members as defined herein shall be eligible to hold or retain an elected office of the LEPC. If an officer shall become inactive the committee may, at its discretion, replaced the officer.

Section 5. Removal. Any of the Committee's officers may voluntarily remove his- or herself or be removed by a simple majority vote of a quorum of the Committee at a meeting called for that purpose in accordance with the bylaws.

Section 6. Vacancies. Vacant officer positions will be filled using the procedures set out in Section 3 of this Article.

Article V

Duties of the Officers

Section 1. Duties of the Chairperson. The Chairperson shall preside at all meetings of the Committee; preserve order during its meetings; appoint all subcommittees, after consultation with the membership; serve as an ex-officio member of such subcommittees; and approve all minutes and other documents connected with the work of the committee requiring signature.

Section 2. Duties of the Vice Chairperson. In the absence of the Chairperson the Vice Chairperson shall perform the duties of Chairperson and, when so acting, shall have all the powers of the Chairperson.

Section 3. Duties of the Information Coordinator. The Information Coordinator shall be responsible for forms and reports received by the committee and shall assure Tier II reports, notice of meetings, and meeting agendas are filed in a site available to the public during normal

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working hours. The Information Coordinator shall insure that the LEPC publishes annual notification of the receipt and posting of chemical inventory reports for public viewing.

Section 4. Duties of the Secretary. The Secretary shall have charge of books, papers, records, and other documents of the LEPC; shall keep the minutes of meetings of the LEPC; shall transmit correspondence pertaining to the LEPC; and shall perform other such duties as may be directed by the Chairperson or the LEPC. If acceptable to the members of the LEPC, the duties of the Secretary may be assigned to the treasurer.

Section 5. Duties of the Treasurer. The Treasurer shall have charge of all financial books and in-kind donations, grants, bequests, gifts or contributions from all public or private sources. The Treasurer shall follow the rules and regulations governing the receipt and use of these resources as adopted by the SERC and shall not be an employee of the Douglas County Emergency Management Agency. The Treasurer will meet all other accounting requirements by the State of Nebraska and the Federal Government.

Article VI

Meetings

Section 1. Regular meetings. The LEPC shall meet at least annually.

Section 2. Special meetings. The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the LEPC.

Section 2A. Upon the written request of at least three members to do so, the Chairperson may call a meeting within thirty days.

Section 3. Hearings. The Committee shall hold such hearings or public forums as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the LEPC. At least one such public hearing or forum shall be held each year for the purpose of discussing the Douglas County LEOP Annex F, Appendix 1 and receiving and responding to public comments.

Section 4. Quorum. A meeting quorum shall consist of a 33% of active LEPC members present to include at least 2 officers pursuant to Article III, Section 2. A quorum shall be required to transact business.

Section 5. Agenda. Any member may request that the Chairperson place an item on the agenda. If the Chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairperson with the support of three members.

Section 6. Rules of Order. The deliberations of all meetings of the Committee and its various subcommittees shall be governed by the principles of Robert's Rules of Order, Newly Revised.

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Section 7. Notice of Meetings. Notice of time, place and agenda items to be considered at each meeting shall be given in writing to all members and the Information Coordinator at least seven days prior to each meeting by the staff or Chairperson. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the active members present to do so. Notice of special meetings and intended agenda items shall be given to all Committee members and the Information Coordinator in writing, by phone and/or electronic mail at least two days in advance of any of the special meetings. Pending availability of funding, an annual notice of the regular meeting schedule of the Committee shall be made available to the public in Douglas County in accordance with SARA, Title III. Such notice will also be posted on the Douglas County Emergency Management Agency internet site. This notice shall specify the annual meeting designated specifically for receipt of public comment on the Douglas County LEOP Annex F, Appendix 1.

Article VII

Voting

Section 1. One Vote Each. Each active LEPC member, including the Chairperson, shall be entitled to one vote.

Section 2. Proxy Votes. No member shall vote by proxy.

Section 3. Abstentions. Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest.

Section 4. Determination of Actions. All final actions, LEPC positions, or policy recommendations shall require the favorable vote of a majority of those LEPC members present at a duly called meeting.

Article VIII

Reports and Recommendations

Section 1. Annual Report. By April 15 of each year, the LEPC officers shall see that an annual report describing the LEPC's activities for the preceding calendar year is provided to the SERC.

Section 2. Review of Draft Reports. A draft of any proposed annual report shall be circulated to all members of the LEPC at least thirty days prior to consideration by the full LEPC at a scheduled meeting.

Section 3. Issuance of Reports. No report shall be released in the name of the LEPC unless and until it has been duly adopted by a favorable vote of a majority of the members of the LEPC.

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Section 4. Emergency Plan. The Douglas County LEOP, Annex F Appendix 1 shall serve as the Committee's Emergency Plan. The committee shall review and provide comments for consideration to DCEMA once per year or more frequently, as necessary.

Article IX

Amendments

These Bylaws may be amended by a majority vote of the active members present and voting at any Committee meeting, provided written or electronic notice containing the text of the proposed amendment has been sent to each member at least thirty days before the meeting at which it is to be considered.