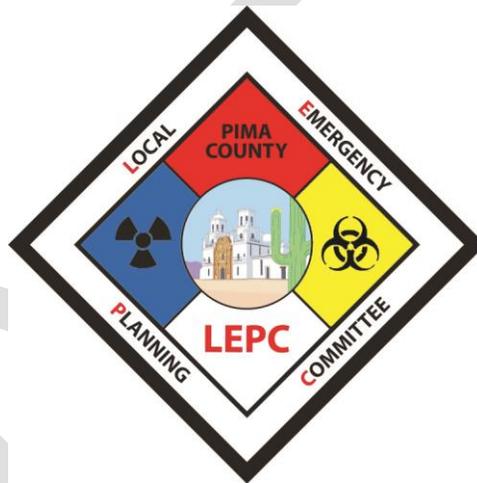


# BY-LAWS

## PIMA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)



## SUPERFUND AMENDMENTS and REAUTHORIZATION ACT TITLE III

Revised: April 8, 2009  
Revised: January 14, 2015

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SECTION I - AUTHORITY

- 1.01 The Pima County Local Emergency Planning Committee (LEPC) exists as required under Tittle III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Whereas this law requires each state in the United States to establish planning districts and rules to facilitate preparation and implementation of emergency plans. In the State of Arizona, the fifteen (15) individual counties serve as planning districts.
- 1.02 These By-Laws have been created and adopted pursuant to the requirements sited in SARA Title III Section 110001.
- 1.03 Other LEPC Authorities are identified in: Title 42 Chapter 116 Section 110001 through 110005 (Emergency Planning and Community Right-to-Know Act [EPCRA]); Code of Federal Regulations Tittle 40, Sections 300 through 316 and the revised Arizona Statues 26-344 through 26-345 of 2008.
- 1.04 The LEPC By-Laws and operations follows the Administrative Procedures established by/for the Pima County Government.

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SECTION II - ADMINISTRATION

- 2.01 NAME: This committee shall be known as the Pima County Local Emergency Planning Committee, hereafter called the committee
- 2.02 DISTRICT: The Arizona State Emergency Response Commission (AZSERC) has designated each county within the State as a "Planning District" effective July 17, 1987.
- 2.03 OFFICE: The principle office of the committee shall be with the Pima County Office of Emergency Management and Homeland Security located at 3434 East 22<sup>nd</sup> Street, Tucson, Arizona 85713.
- 1) This shall be the mailing address for the committee
  - 2) Electronic mailing shall be through the Web address: [www.pima.gov/lepc](http://www.pima.gov/lepc)

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SECTION III – PURPOSE/MISSION

3.01 EPCRA Purpose:

The LEPC is to serve all of Pima County and to facilitate all hazardous emergency preparedness issues including SARA Title III, Hazardous Materials and related public safety matters as determined appropriate by the LEPC membership. The Activities of the Committee are as follows:

- 1) Facilitates hazardous materials and related public safety preparedness efforts, including planning, training exercises, and mitigation (prevention) measures;
- 2) Apply for and administer grants supportive of the LEPC Mission;
- 3) Prepare, implement and maintain the Pima County Hazardous Materials Emergency Response Plan;
- 4) Establish and maintain a system for managing the submission of industry reports;
- 5) Establish a location for the public and first responders to review industry submitted information;
- 6) Develop and/or conduct public and business awareness and education programs designated to provide preparedness, response, and recovery information;
- 7) Provide recommendations to appropriate organizations concerning hazardous materials response and preparedness;
- 8) To ensure that protective measures, response capabilities and notification procedures and methods are in place for the safety of the citizens of Pima County;
- 9) To develop procedures for receiving and processing public requests for information under EPCRA-40 CFR Section 324 and ARS 26-344 and 26-345.

3.02 Committee Mission:

- 1) Continue and improve Public Information related to hazardous materials;
- 2) Hazardous Materials Response Teams and other first responder Support;
- 3) Provide assistance and education to Businesses operating within each Community;
- 4) Membership support on the various subcommittees and LEPC Activities;
- 5) Maintain the responsibilities and requirements identified in EPCRA and the Arizona State Statutes.

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SECTION IV-MEMBERSHIP

- 4.01 The Committee shall include, at a minimum, the representation required by EPCRA Section 301 and ARS 26-344. These representatives include, but not limited to:
- 1) Elected state and local officials;
  - 2) Law Enforcement, civil defense, fire fighting, first aid, public health, local environmental, hospital, and transportation personnel;
  - 3) Broadcast and print media;
  - 4) Community groups, to include non-profit and volunteer agencies/organizations;
  - 5) Owners and operators of facilities subject to the requirements of EPCRA Sections 302; 304; 311; 312 and ARS 26-344.
- 4.02 MEMBERSHIP: Persons wishing to become a member of the LEPC shall submit the following:
- 1) A Membership Application;
    - a. Shall include the person's intent to join and participate
    - b. List qualifications for joining the Committee;
    - c. Organization they will be representing;
  - 2) In addition to the Application, a letter from the organization, agency, business or department representing the applicant, should be submitted;
  - 3) All documents will be reviewed and recommended by the Membership Subcommittee
- 4.03 MEMBERS: New members shall be nominated by a majority of the LEPC Membership and forwarded for approval by the Arizona State Emergency Response Commission (AZSERC).
- 1) Applications will be read at the Quarterly Meeting.
  - 2) The applicant should be present
    - a. Provide an overview of knowledge, skills, reason for joining;
    - b. Provide answers to any questions from the membership;
- 4.04 PERMANENT ALTERNATE/PROXY: Each member may appoint a permanent alternate by filing with the Chairperson a written, dated, and signed designation naming the person they wish to be certified as their alternate. A proxy may be properly credentialed by filing with the Chairperson prior to the meeting in which the proxy is intended to replace a member. The notice will be a written and dated request signed by that member or an electronic mail notice.
- 4.05 TERMINATION of MEMBERSHIP: A member's membership may be voluntarily terminated by written resignation and involuntarily terminated for the following reasons:
- 1) Action(s) deemed detrimental to the mission of the committee;
  - 2) Unacceptable record of attendance at scheduled Committee Meetings;
    - a. Written notification of an unsatisfactory attendance record must be mailed to the Committee member and an opportunity afforded to improve attendance before termination;

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- b. Attendance by an alternate will not be considered acceptable attendance by the Committee member;
  - c. Attendance by a proxy for more than two consecutive sessions will be considered unacceptable attendance by the Committee member;
  - d. Three consecutive unexcused absences from regular meetings of the Subcommittee may constitute grounds for termination. The LEPC shall consider termination as an agenda item at the next regular scheduled meeting whenever a member meets this criterion.
- 3) Termination of a Committee member will be forwarded to AZSERC for dispensation.
- 4.06 RECLASSIFIED MEMBERS: Members that wish not to be completely terminated or cannot for specific reasons be an active or voting member, the member can become a member of the Advisory Membership.
- 1) Advisory Members will have the same privileges as the public
  - 2) Advisory Members can serve on sub-committees as members, but not as the chairperson of that Sub-Committee
  - 3) Advisory Members are encouraged to attend and participate in all scheduled meetings and activities
  - 4) Advisory Members will have no vote on LEPC Business or actions

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SECTION V-MEETINGS

- 5.01 **REGULAR MEETINGS:** Regular Committee meetings shall be held no less than quarterly, at a time and location designated by the Chairperson. Each meeting will be held for the purpose of determining progress in accomplishment of the Committee purposes (Section 3.01), providing guidance to Subcommittee task groups and for the transaction of such other Committee business as properly presented. All regular meetings of the Committee will require physical attendance of Committee members and the Public.
- 5.02 **SPECIAL MEETINGS:** Special meetings may be held at the call of the Chairperson and at a time and location designated by the Chairperson. Any properly noticed matter within the jurisdiction of the Committee may be considered and voted upon at designated Special Meeting. All regular meetings of the Subcommittees will require physical attendance of Committee members and the Public.
- 5.03 **NOTICE of MEETINGS/AGENDA:** Notice of any meeting of the Committee and/or Subcommittees thereof, shall be distributed and posted in accordance with the State of Arizona Open Meeting Law. Such meeting notice or agenda shall outline the matters to be considered at the meeting, including specific issues, reports, topics for discussion, special presentations, public comments, review of the LEPC Plan, and other business that the Committee needs to conduct. Notice of all meetings of the Committee shall be given to each member via mail, electronic mail and/or telephone.
- 5.04 **QUORUM:** At any regular or special meeting of the Committee, a simple majority of the number of members present shall be considered a quorum for the approval of Committee business. In determining whether or not a quorum is in attendance, missing members shall be counted as present so long as their properly appointed alternate or properly credentialed proxy is present and participating.
- 5.05 **VOTING:** At every meeting of the Committee, each member present or properly represented shall be entitled to one vote. Decisions on any topic or business at a meeting of the Committee shall be approved by majority vote of the members present or their proper alternative or proxy, who also must be present.
- 1) Electronic voting may occur on Committee issues by authority and approval by the Chairperson or the membership vote on matters of the Committee that will need membership approval between scheduled meetings.
- 5.06 **PERMANENT ALTERNATE/PROXY:** Each member may appoint a permanent alternate by filing with the Membership Chairperson a written, dated, and signed designation naming the person they wish to be certified as their alternate.
- 1) If a member and the member's alternate/proxy are both unable to attend to participate at a meeting, a proxy may be properly credentialed by filing with the Membership Chairperson prior to the meeting. The notice will be a written and dated request signed by that member or an electronic mail notice and must be received prior to the start of the meeting.
- 5.07 **PUBLIC:** The public's attendance will be welcomed and encouraged at any meeting being conducted by the Committee. The public will not have a vote on the business of the Committee; however they will be given an opportunity to speak at specific times determined on the agenda and by the Chairperson.

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SECTION VI-OFFICERS

- 6.01 PRINCIPAL OFFICER: The Principal Officer shall be the Chairperson and shall be elected by the Committee, by majority of the membership present.
- 6.02 CHAIRPERSON: The Chairperson shall preside over all meetings of the Committee. The Chairperson shall have general charge, supervision and authority of the affairs of the Committee and shall perform other such other duties which may from time to time be assigned by the Committee.
- 1) A member of the LEPC shall be qualified for this position after serving two (2) years as an Active-Voting Member.
  - 2) The member of the LEPC elected to this position will only be able to hold this office for no more than 2 consecutive terms.
- 6.03 VICE CHAIRPERSON: The Vice Chairperson shall be elected by the Committee by the Committee, by majority of the membership present.
- 1) In the absence of the Chairperson, this position shall perform any and all duties of the Chairperson;
  - 2) A member of the LEPC shall be qualified for this position after serving two (2) years as an Active-Voting Member.
  - 3) The member of the LEPC elected to this position will only be able to hold this office for no more than 2 consecutive terms.
- 6.04 AD HOC CHAIRPERSON: In the event that both the Chairperson and the Vice Chairperson are unable to attend a meeting, an Ad Hoc Chairperson may be elected by a majority vote of the qualified voters present.
- 1) The alternate or proxy of the Chairperson or Vice Chairperson shall not automatically preside at any meeting; however, if both the Chairperson and Vice Chairperson are absent, such an alternate or proxy may preside if duly elected as Ad Hoc Chairperson by the process identified above.
- 6.05 DISTRICT EMERGENCY COORDINATOR: Will be the designated as the Pima County Emergency Management LEPC Coordinator. This person shall perform the following duties:
- 1) Provide necessary administrative support to the Committee, including attending and keeping the minutes of all meetings of the Committee;
  - 2) Responsible for the preparation and maintenance of emergency plans;
  - 3) Assist with official notifications as directed by the Chairperson;
  - 4) Be responsible for the gathering of and dissemination of information to the public as specified in section 3.01 of these Bylaws;
  - 5) Provide information to the membership pertaining to the authorities governing the Committee;
  - 6) Provide interaction and communications with the SERC;
  - 7) Other such duties as may be directed by the Chairperson and the SERC.

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6.06 ELECTION of OFFICERS: The regular elections to the office of Chairperson and Vice Chairperson shall take place in January of every even numbered year.

- 1) If an office becomes vacant, an election will take place at the next regularly scheduled meeting.
- 2) The election shall be conducted according to Section V Meetings.

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**SECTION VII-SUBCOMMITTEES**

7.01 **SUBCOMMITTEES:** The following Sub-Committees shall be appointed or reappointed each year as Standing Sub-Committees of the LEPC:

Membership, Funding, Public Readiness and Training

- 1) The Chairperson, with the approval of the Committee, may appoint additional advisory and administrative Subcommittees as deemed necessary
  - a. Their duties and functions shall be consistent with the provisions or requirements of the same authorities as the Committee;
  - b. Each Sub-Committee will also be required to follow guidance from additional authorities specific to the topic of the Sub-Committee.

7.02 **QUORUM:** A simple majority of the Sub-Committee members shall constitute a quorum, but a lesser number (not less than two) may hold a meeting.

7.03 **SUBCOMMITTEE CHAIRPERSON:** The Subcommittee Chairperson shall be recommended by the subcommittee members and/or appointed by the Committee Chairperson. The business and affairs assigned to the Sub-Committee shall be managed and controlled by the Sub-Committee Chairperson.

7.04 **VOTING:** Except as otherwise specifically prescribed in these Bylaws, all decisions made at any meeting of a Sub-Committee or other task group established pursuant to Section 7.01, shall be by majority vote of those present, qualified to vote and voting in accordance with Section 5.05 and this Section. Each member, designated alternate or properly credentialed proxy shall have one vote.

- 1) Persons who are not LEPC active members may serve as qualified voting members of any Sub-Committee.
- 2) Such Sub-Committee voting members may not designate an alternate or credential a proxy to attend and vote on their behalf at any Sub-Committee meeting.

7.05 **TERMINATION:** Sub-Committee membership may be terminated by the Committee after appropriate hearing or by resignation.

- 1) Three consecutive unexcused absences from regular meetings of the Subcommittee may constitute grounds for termination.
- 2) The LEPC shall consider termination as an agenda item at the next regular scheduled meeting, whenever a member meets this criterion.

7.06 **MEMBERSHIP:** Any person may volunteer or accept the nomination to serve on a Sub-Committee. The Sub-Committee Chairperson shall have the authority to solicit other LEPC Members or non-members to serve on their Sub-Committee.

7.07 **VACANCIES:** Any member vacancy on any Subcommittee may be filled temporarily by appointment by the Subcommittee Chairperson;

- 1) The Sub-Committee Chairperson shall report the change of membership to the Committee at the next regularly scheduled meeting. The membership shall have the opportunity to communicate concerns about filling vacancies.

7.08 **MEETINGS:** Meetings of the Subcommittee shall be held at the decision of the Subcommittee Chairperson. Any person, including Subcommittee members' alternates and proxies, may attend and participate in any Subcommittee meeting; however, qualification to vote at Subcommittee meetings shall be only as described in Section 7.04.

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Section VIII-ADMENDMENTS

8.01 AMENDMENTS: Amendments of these Bylaws, consistent with Title III of S.A.R.A. and the directives of the AZSERC, may be adopted at any properly publicly noticed meeting of the Committee, at which a quorum is present. Five days advance notice must be given to members for the meeting. At the time of such notice, members must be furnished with adequate, pertinent information as to the terms of the proposed amendments.

8.02 REVISIONS: Complete revisions to these By-Laws shall be made under one or more of the following conditions and will follow the direction in Section 8.01 to be adopted:

- 1) Changes to more than 5 sections of the By-Laws are required due to legal or authoritative changes;
- 2) An approve vote by the LEPC Membership when changes have been presented;
- 3) When the officers of the Committee determine that a complete revision is necessary;

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SECTION IX-ADOPTION

9.01 ADOPTION: Adopted by a majority vote of the LEPC Membership, this 14th day of January 2015.

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Chairperson  
Pima County Local Emergency Planning Committee  
Pima County, Arizona

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Pima County Attorney's Office  
Pima County, Arizona

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