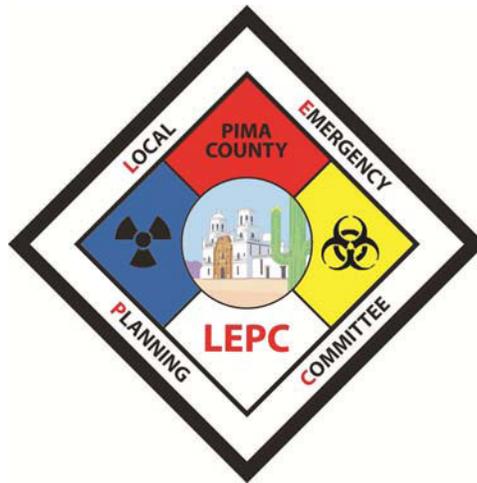


BY-LAWS

PIMA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)



SUPERFUND AMENDMENTS and REAUTHORIZATION ACT TITLE III

Revised: April 8, 2009
Up-dated: October 10, 2010

Bylaws
Pima County Local Emergency Planning Committee

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SECTION I

- 1.01 AUTHORITY: These bylaws have been adopted pursuant to the requirement sited in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); also called the Emergency Planning and Community Right-to-Know Act (EPCRA); and the revised Arizona Statues 26-344 through 26-345 of 2008.

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SECTION II

- 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 the Pima County Office of Emergency Management and Homeland Security located at 33 North Stone Avenue, Tucson, Arizona 85701. This shall be the mailing address for the committee.

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SECTION III

3.01 PURPOSE/MISSION: 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 Local Emergency Planning Committee, 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 to review industry information;
- 6) Develop and/or conduct public awareness and education programs designated to inform the public on hazardous materials;
- 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 Section 324.

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SECTION IV

- 4.01 COMMITTEE: 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 Committee shall submit:
- 1) A letter of intent to join and participate on the Committee;
 - 2) A resume of qualifications for joining the Committee;
 - 3) A letter from the organization, agency, business or department that the applicant will be representing;
 - 4) All documents will be reviewed and recommended by the Membership Subcommittee.
- 4.03 MEMBERS: Members of the Committee shall be nominated by a majority of the Committee and forwarded for approval by the Arizona State Emergency Response Commission (AZSERC).
- 4.04 TERMINATION of MEMBERSHIP: Committee membership may be voluntarily terminated by written resignation and involuntarily terminated for the following reasons:
- a. Action(s) deemed detrimental to the mission of the committee;
 - b. Unacceptable record of attendance at scheduled Committee Meetings;
 1. Written notification of an unsatisfactory attendance record must be mailed to the Committee member and an opportunity afforded to improve attendance before termination;
 2. Attendance by an alternate will not be considered acceptable attendance by the Committee member;
 3. Attendance by a proxy for more than two consecutive sessions will be considered unacceptable attendance by the Committee member;
 4. 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.
 - c. Termination of a Committee member will be forwarded to AZSERC for dispensation.

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SECTION V

- 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 members 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 question at a meeting of the Committee shall be by majority vote of members and their proper representatives present. Voting may occur by appointed Committee members, by their designated alternate or by proxy properly credentialed for that meeting.
- 5.06 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. If a member and that member's alternate are both unable to attend and participate at a meeting, that member may be represented by a proxy. 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.
- 5.07 PUBLIC: The public's attendance will be welcomed and is 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 have an opportunity to speak at specific times determined on the agenda and by the Chairperson.

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SECTION VI

- 6.01 PRINCIPAL OFFICER: The Principal Officer shall be the Chairperson and shall be elected by the Committee.
- 6.02 CHAIRPERSON: The Chairperson shall preside over all meetings of the Committee. The Chairperson shall have general charge and supervision of the affairs of the Committee and shall perform such other duties which may from time to time be assigned by the Committee.
- 6.03 VICE CHAIRPERSON: The Vice Chairperson shall be elected by the Committee and in the absence of the Chairperson, perform any and all duties of the Chairperson.
- 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. 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 Pima County Emergency Management LEPC Coordinator.
- a. Provide necessary administrative support to the Committee, including attending and keeping the minutes of all meetings of the Committee;
 - b. Coordinate the preparation of emergency plans;
 - c. Assist with the mailing of meeting and official notifications as directed by the Chairperson;
 - d. Be responsible for the gathering of and dissemination of information to the public as specified in section 3.01 of these Bylaws;
 - e. Other such duties as may be directed by the Chairperson.
- 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. If an office becomes vacant, an election to replace that officer shall take place at the next regularly scheduled Committee meeting. The election shall be by a simple majority of those present.

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SECTION VII

- 7.01 SUBCOMMITTEES: The Chairperson, with the approval of the Committee, may appoint such advisory and administrative Subcommittees as deemed necessary and shall determine their duties and functions consistent with the provisions of Title III of S.A.R.A.
- 7.02 QUORUM: A simple majority of the Subcommittee 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 of the Subcommittee shall be managed and controlled by the Subcommittee Chairperson.
- 7.04 VOTING: Except as otherwise specifically prescribed in these Bylaws, all decisions made at any meeting of a Subcommittee 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.
- Persons who are not Local Emergency Planning Committee members may serve as qualified voting members of any Subcommittee once each is approved by a majority of qualified voters at any duly noticed Committee. Such Subcommittee voting members (who are duly appointed Committee members) may not designate an alternate or credential a proxy to attend and vote on their behalf at any Subcommittee meeting.
- 7.05 TERMINATION: Subcommittee membership may be terminated by the Committee after appropriate hearing or by resignation. 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 meeting, whenever a member meets this criterion.
- 7.06 MEMBERSHIP: Any person may nominate themselves for voting membership on any Subcommittee by filing a written request with the Subcommittee Chairperson. Upon receipt of such a request, the Chairperson shall instruct that the notice for the next Subcommittee meeting include a Subcommittee vote agenda item. At the next properly noticed meeting, the Chairperson shall present the nomination or nominations for the Subcommittee discussion and vote.
- 7.07 VACANCIES: Any voting member vacancy on any Subcommittee may be filled temporarily by appointment by the Subcommittee Chairperson and such appointee will serve until the next ensuing Committee meeting at which time such appointment will be confirmed or terminated by the Committee.
- 7.08 MEETINGS: Meetings of the Subcommittee shall be held at the call 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

- 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.

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SECTION IX

9.01 ADOPTION: Adopted by a majority vote of the Committee, this 8th day of
April 2009.

Pima County Local Emergency Planning Committee
Pima County, Arizona



Dan Johnston
Chairperson