

BYLAWS FOR THE LOCAL EMERGENCY PLANNING COMMITTEE FOR KEARNY COUNTY, KANSAS

WHEREAS, the Superfund Amendments and Reauthorization Act of 1987 (SARA) was enacted by Congress into law on October 17, 1986, and contains Title III: The Emergency Planning and Community Right-to-Know Act of 1986.

WHEREAS, Title III establishes requirements that federal, state and local governments and industry must implement regarding emergency planning and governments and industry must implement regarding emergency planning and community right-to know reporting of hazardous and toxic chemicals.

WHEREAS, pursuant to Title III, the state commission designated Kearny County a local emergency planning district and has appointed a local emergency planning committee for Kearny County, composed of elected officials, police, fire, first aid, civil defense, public health, and environmental professionals, subject to the emergency committee has been named the Emergency Planning Committee for Kearny County (the Committee).

WHEREAS, the task of the Emergency Planning Committee for Kearny County is to establish rules, give public notice of its activities, establish procedures for handling public requests for information and develop an emergency response plan. This plan includes:

1. Identification of facilities subject to the Title III requirements that are within the emergency planning district; identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances; and identification of additional facilities contributing or subjected to additional risk due to their proximity of facilities, such as hospitals or natural gas facilities.
2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any releases of such substances.
3. Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.
4. Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred.
5. Methods for determining the occurrence of a release, and the area or population likely to be affected by such a release.
6. A description of emergency equipment and facilities in the community and at each facility in the community subject to Title III requirements and identification of the persons responsible for such equipment and facilities.
7. Evacuation plans, including provisions for a pre-cautionary evacuation and alternative traffic routes.
8. Training programs, including schedules for training of local emergency response and medical personnel.
9. Methods and schedules for exercising the emergency plan.

WHEREAS, to meet these goals the Emergency Planning Committee for Kearny County has adopted the following bylaws:

ARTICLE I – ORGANIZATION

Section 1. Name of Committee.

The name of the Committee shall be the “Local Emergency Planning Committee for Kearny County.”

Section 2. Status of Committee.

The committee shall operate as a governmental entity pursuant to and in strict accordance with all applicable laws, regulations, guidelines and ordinances.

Section 3. Mailing Address and Telephone Number.

The official mailing address and telephone number of the Committee shall be:

Emergency Preparedness Office
P.O. Box 88
614 Harolds Place
Lakin, Kansas 67860
620-355-8633
911 (Emergency Reporting)

Section 4. Monies and Appropriations.

The Committee may receive and disburse public and private funds for the purpose of implementing Emergency Planning and Community Right-to-Know Act of 1986 in Kearny County, Kansas. Such funds when received will be disbursed at the discretion of the majority of the Committee and with the approval of receiving such funds by the County Commissioners.

All disbursements will require prior authorization by the Chairperson and approval by the County Commissioners.

Certain financial reports will be made to the Committee as required by law or required by the Committee or the Committee Chairperson.

Section 5. Fees.

Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be as established or recommended by local, state or federal law, regulation, guideline or ordinance. In the absence of a recommended or required fee, the fee shall be determined by the Chairperson based on the cost for providing the information or service.

Section 6. Minutes of Committee Meetings.

Accurate minutes of all meetings of the Committee shall be kept in a journal of the Committee, which shall be maintained for such purpose. Accurate minutes shall include, but not be limited to, a record of all votes of the Committee, a record of attendance at meetings and a summary of Committee discussions. A short summary of the minutes of each meeting shall be mailed to each Committee member subsequent to each Committee meeting.

Section 7. Agenda for Committee Meetings.

The agenda for each meeting shall be set by the chairperson and / or vice-chairperson. An agenda of each Committee meeting shall be emailed to each member of the Committee prior to each meeting unless a majority of a quorum of Committee members present at a meeting votes to eliminate this requirement.

An agenda for each meeting shall be emailed, or delivered, to each person or entity whose name appears on the list of those to whom notice is required. The list to whom notice is required shall be provided to the Committee and updated as needed by the Secretary.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Committee shall be a Chairperson, Vice-Chairperson and Secretary.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Committee, 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 Committee. Except as otherwise authorized by these bylaws, or by resolution, of the Committee, the Chairperson shall sign, or delegate the authority to sign to the Vice-Chairperson, all official documents of the Committee. The Chairperson shall also ensure that an agenda of each Committee meeting is emailed or delivered as provided by Article I – Section 7.

Section 3. Vice-Chairperson.

The Vice-Chairperson shall perform the duties of the 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 as the Committee shall elect a new Chairperson. The Vice-Chairperson shall have the authority to sign official documents of the Committee or establish fees to be collected by the Committee pursuant to authority delegated by the Chairperson.

Section 4. Secretary / Information Coordinator

The Secretary shall be present at all meetings to take minutes of all proceedings. The Secretary is responsible for maintaining, and updating as needed, the list to whom notification is required and ensuring that all parties on the list are notified prior to any meeting. The Secretary shall insure that any information gathered by the Committee, or submitted pursuant to the requirements established by the Committee, is stored in a secure location and made available to Committee members. The Secretary shall insure that accurate minutes of the meetings of the Committee are kept and distributed in the manner prescribed by Article I – Section 6.

Section 5. Additional Duties.

The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Committee or by the laws, bylaws or rules and regulations governing the Committee.

Section 6. Election.

The officers shall be elected once each year at the Annual Meeting from among the members of the Committee and shall hold office from the annual meeting at which they are elected to the next annual meeting, or until their successors are elected and qualified. The officers may be reelected and serve for successive terms.

Section 7. Vacancies.

Should the office of Chairperson, Vice-Chairperson or Secretary become vacant, the Committee shall elect a successor from its membership at the next meeting and such election shall be for the unexpired term of said office.

Section 8. Additional Personnel.

Should funds ever be appropriated to the Committee for this purpose or for the general use of the Committee, the Committee may employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by federal, state and local laws, rules, regulations or guidelines. The selection and compensation of such personnel shall be determined by the Committee subject to the applicable laws.

ARTICLE III – MEETINGS**Section 1. Annual Meeting.**

The annual meeting of the Committee shall be the first meeting held after October 1, of each year at time and location designated in the “Notice of Annual Meeting” emailed or delivered to each Committee member at least seven (7) days before such meeting. Election of officers shall take place at the annual meeting each year. Those who may vote and run for office are those persons who have been nominated / renominated as Committee members by their respective organizations.

Section 2. Regular Meetings.

Regular meetings of the Committee shall be held in the first month of each quarter of the calendar year. Regular meetings dates will be determined by the Committee at the annual meeting after the election of officers. The Lakin Independent will be notified of the scheduled regular meetings dates, times and location at least seven (7) days in advance of the meeting.

Section 3. Special Meetings.

The Chairperson of the Committee may, when it is deemed expedient, and shall, upon the written request of at least two (2) members of the Committee, call a meeting of the Committee for the purpose of transacting any business of the Committee.

The purpose of the special meeting shall be emailed or delivered to each Committee member a minimum of two (2) days prior to such meeting. No business shall be considered other than as designated in the notification. However, if all members of the Committee are present at a special meeting, any item of business may be transacted if the members of the Committee vote unanimously to transact said business.

Section 4. Frequency of Regular and Special Meetings.

There shall be at least one (1) regular or special meeting per year. This requirement may be fulfilled by the annual meeting.

Section 5. Quorum.

The powers of the Committee shall be vested in the Committee. Thirty percent (30%) of the total membership of the Committee shall constitute a quorum for the purpose of opening a meeting. At a meeting, action may be taken pursuant to an affirmative vote for a majority of all those present, unless a majority of those present is less than the number required for a quorum. If a majority of those present is less than the number required for a quorum, then action may be taken upon an affirmative vote of the number required for a quorum.

Section 6. Order of Business.

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

1. Attendance
2. Call to order
3. Reading and approval of minutes from previous meeting
4. Communications

5. Reports of subcommittees
6. Presentations by members of the public
7. Unfinished business
8. New business
9. Adjournment

Section 7. Manner of Voting.

The voting on all questions coming before the Committee shall be by ye or nay, or a show of hands, unless action is taken for a roll call vote on a particular matter. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meeting.

Section 8. Manner of Conducting Meetings.

No standard rules of procedure shall be required unless adopted by a unanimous vote of a quorum of the Committee members. The meetings shall be conducted with order of decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee, which may include the following:

1. No person shall speak unless first recognized by the Chairperson.
2. Debate on a matter shall be closed by a motion and second to bring the matter to a vote.
3. Any member of the Committee may make or second a motion.

Section 9. Participation by Members of the Public.

Members of the public are encouraged to attend all regular, special, and annual meetings of the Committee. An opportunity will be provided at each meeting for members of the public to address the Committee on matters relating to local emergency preparedness. A member of the public who desires to address the Committee may mail a written notice of intent to appear to the Chairperson at the address found in Article I – Section 3 and then sign in with the Secretary at the time and place of the meeting before the meeting begins. Members of the public who appear at the meeting and wish to address the Committee will be allowed to do so without a prior written notice of intent to appear; however, they will be required to wait until after any members of the public who have provided written notice of intent to appear have spoken. Members of the public are also encouraged to provide written opinions and information to the Committee by mailing written material to the Chairperson at the address found in Article I – Section 3. Members of the public include, but are not limited to, citizens, industry representatives, experts, expert witnesses, and governmental entity representatives.

Members of the public addressing the Committee may be given a time limit to present to the Committee. It is expected that all members of the public conduct themselves in a professional manner at all times and follow the guidelines set forth by the Chairperson. In the event that a member of the public conducts themselves in an unprofessional manner, they may be asked to leave the meeting by the Chairperson.

ARTICLE IV – MEMBERSHIP

Section 1. Members.

The Committee shall consist of members appointed by their respective organizations / department. Each organization / department is permitted to appoint a representative to vote on behalf of the organization and an alternate to vote on behalf of the organization in the absence of their designated representative. Each organization / department will be allowed a single vote on matters before the Committee.

Membership will at all times include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected local officials, law enforcement, emergency management, firefighting personnel, EMS personnel, health personnel, local environmental personnel,

hospital personnel, transportation personnel, media personnel, community groups and owners / operators of local covered facilities.

A list of all members will be submitted to the State Emergency Response Commission.

Section 2. Term of Membership.

Each organization / department will determine the length of the term that they appoint their representative. Appointments must be for a minimum of one year and done annually to coincide with the annual meeting of the Committee.

Section 3. Attendance at Meetings.

All members of the Committee are required to attend at least fifty percent (50%) of all meetings of the Committee within a twelve (12) month period.

Section 4. Expulsion.

Members failing to meet the attendance requirement will be notified, along with the organization / department they represent, by the Secretary of the failure to meet the attendance requirements.

If they fail to attend the next regular meeting of the Committee, they will be subject to expulsion by a majority vote of the Committee members present.

Section 5. Alternate Representatives.

If a Committee member is unable to attend a Committee meeting, an alternate representative may attend for that member. If the alternate member has been appointed by the body that they represent, they will be allowed to fully participate in the meeting with the same authorities offered the absent member.

If the alternate member has not been appointed as an alternate by the body that they represent, they will be allowed to take part in the discussion but not allowed to make a motion, second or vote on any matters before the Committee.

Section 6. Filling Vacancies and Adding New Members.

Should vacancies occur on the Committee, they may be filled by persons recommended to the Kearny County Commissioners by the Committee and appointed by the Kearny County Commission. Vacancies which occur on the Committee do not have to be filled unless, because of the vacancy, the Committee will no longer meet any relevant local, state or federal requirements. Should it be deemed necessary to add new members to the Committee, the procedure shall be the same as for filling vacancies.

Section 7. Number of Members: Yearly, Renomination and Reappointment.

The Committee shall consist of at least 20 members. During October of each year, all members of the Committee shall be renominated and reappointed, or new members shall be nominated or appointed if the number of members has fallen below 20 during the previous year.

ARTICLE V – SUBCOMMITTEES

Section 1. Appointment of Subcommittees.

The Chairperson may, from time to time, appoint subcommittees composed of members of the committee to study and report on matters relevant to the Committee.

ARTICLE VI – AMENDMENTS

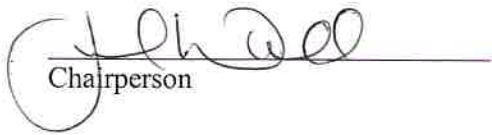
Section 1. Amendments to Bylaws.

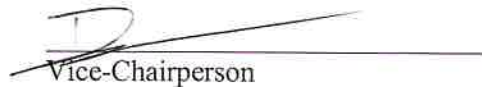
The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the bylaws until the proposed amendment has been reduced to writing and read at the meeting at which time the proposed amendment is voted upon.

Section 2. Filing of Bylaws and Amendments to Bylaws.

A copy of the bylaws and any amendments to the bylaws shall be provided to: The Board of County Commissioners of Kearny County, the City Clerk for the City of Lakin, the City Clerk for the City of Deerfield, the State Emergency Response Commission; and any person who requests a copy or copies.

ADOPTED BY THE LOCAL EMERGENCY PLANNING COMMITTEE FOR KEARNY COUNTY, KANSAS THIS DAY 19th OF OCTOBER, 2023 .


Chairperson


Vice-Chairperson

**Some of the information contained in the introductory clauses of these bylaws was obtained from Title III Fact Sheet, Emergency Planning and Community Right-to-Know.*