

Bylaws and Rules

BYLAWS OF THE LOS ALAMOS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

Article I - ORGANIZATION

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

Article II – PURPOSE and AUTHORITY

The purposes of the LEPC are those set out in Superfund Amendments and Reauthorization Act of 1986 (SARA Title III), the Emergency Planning and Community Right-to-Know Act (EPCRA) and any other lawful purposes that are assigned to it or permitted by the County Council, and/or the State Emergency Response Commission (SERC). In keeping with the intent of the SARA Title III/EPCRA Federal regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The LEPC shall, in addition:

1. Serve as a consultative resource for the County Council and County Administrator when members of the media or public put forth concerns on emergency preparedness topics via petition or general requests for information;
2. Notify the public and media of all LEPC meetings or activities;
3. Establish and maintain files of Tier I, Tier II, and/or MSDS filings made by organizations based in Los Alamos County.
4. Maintain information on all facilities in the County that manufacture or store extremely hazardous substances (EHS).
5. Serve as a resource in emergency management, preparedness, mitigation, and response activities of the County government.
6. In accordance with Section 303 of SARA Title III, annually review and/or offer revisions to the all-hazards County Emergency Operations Plan and submit it to County Council for approval in a public County Council session. At such times the County EOP will be available for public perusal.
7. Distribute the all-hazards Emergency Operations Plan to LEPC members, County officials, other emergency response organizations in the County, and the State Office of Emergency Management. (Some Plan annexes may not be distributed because they contain sensitive or classified information.)
8. Assess resources necessary to implement the all-hazards emergency operations plan, and make recommendations to appropriate officials regarding additional resources needed to implement the plan.

Article III - MEMBERSHIP

Membership will include, at a minimum, representatives of the groups listed in Section 301 of SARA, Title III. This includes representation of elected state and local officials, law enforcement, emergency management, fire-fighting personnel, and first aid/EMS personnel; health, hospital, transportation, broadcast/print media, and local environmental personnel; representatives from local pueblos, disaster relief organizations, and community groups; and owners or operators of local facilities. Members of the LEPC shall be residents or individuals who conduct business in the jurisdictional area of Los Alamos County.

Officers

1. **THE CHAIRPERSON.** The Chairperson shall be the Los Alamos County Emergency Management Coordinator or his designee. The Chair shall preside at all meetings of the LEPC unless he cannot be present at an announced meeting. An alternate representative can be named to fulfil the obligation by the existing Chairperson. The Chairperson shall be empowered to create ad hoc committees as necessary to accomplish the goals of the LEPC. The Chairperson shall serve as an ex-officio member of all committees, and shall perform such duties and acts as necessary to accomplish the goals of the LEPC.
2. **INFORMATION COORDINATOR.** According to SARA Title III, the LEPC Information Coordinator's job is to process requests from the public for Tier I, Tier II or MSDS information under Sections 324 and 312. The Information Coordinator for Los Alamos County LEPC will be the County's Custodian of Public Records and all requests for information shall be addressed by the Custodian with the assistance of the Los Alamos County Office of Emergency Management and/or the Committee.

Article IV - COMMITTEES

Ad Hoc Committees. The Chairperson may create ad hoc committees as necessary to perform the functions of the LEPC. The LEPC Chairperson shall appoint chairpersons of any LEPC Ad Hoc Committees.

Meetings. As deemed necessary, meetings of the LEPC may be called by the LEPC Chairperson; committee meetings can be called by the Chair of an LEPC Committee. All meetings are open to the public unless otherwise stated. Per State mandate, the LEPC shall meet at least 10 times per year.

Agenda. The Chairperson will set the agenda for each LEPC meeting. Any member may request that the Chairperson place an item on the meeting agenda. The Chair of an LEPC committee will set the agenda for committee meetings.

Notice of Meetings. In accordance with Los Alamos County Open Meetings Resolution No. 03-01 (passed January 21, 2003), notice of time, date, and place of meeting shall be made in writing to all LEPC members and the general public at least 10 days prior to the meeting. Such notice may or may not include an agenda of the meeting. An agenda of the items to be discussed at the meeting will be made available at least 36 hours prior to the meeting. This includes notice to the media and the general public.

The County Council usually adopts a new Open Meetings Resolution at the beginning of every year that is consistent with the New Mexico Open Meetings Act. LEPC notice of meetings and provision of agendas will be in accordance with the County Resolution passed and adopted annually by the County Council. If the County Council does not pass a new Resolution, the prior year's Resolution shall be followed by the LEPC.

In accordance with amendments to the State of New Mexico Inspection of Public Records Act effective July 2003, some LEPC meetings may be closed to public attendance and documents used by the LEPC may not be available for public review. Quoting the amended Act [see NMSA Sec. 14-2-1 (2003)]: "tactical response plans or procedures prepared for or by the state or a political subdivision of the state, the publication of which could reveal specific vulnerabilities, risk assessments or tactical emergency security procedures that could be used to facilitate the planning or execution of a terrorist attack" will not be available for public inspection. The Los Alamos County LEPC will conduct its activities in accordance with this Act.

Article V - MISCELLANEOUS PROVISIONS

Fiscal year. The fiscal year shall be considered to run from July 1 to June 30.

LEPC Records. The Los Alamos County Office of Emergency Management (OEM) shall serve as the custodian of all books, papers, documents, and other records of the LEPC. Should the LEPC receive monies in the County budget for operations or training purposes, Los Alamos County OEM and the County Finance Division will be custodians of financial records. Records will be kept in accordance with relevant Federal, State, and local retention schedules.

Approval of Bylaws. These Bylaws shall become effective upon approval by a majority by those in attendance at the LEPC meeting.

Repeal of Bylaws. These Bylaws may be repealed by the majority of members at any regular meeting. Repeals must first be submitted to Committee members in writing at least thirty (30) days prior to a regular meeting. If repealed, new Bylaws must be prepared and accepted within ninety (90) days.

Article VI - AMENDMENTS

Amendments. These bylaws may be amended by a majority vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these

bylaws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

Article VII - RULES

EPCRA requires that the LEPC "shall establish rules by which the committee shall function." Such rules shall include provisions for public notification of committee activities, and public meetings to discuss the all-hazards emergency plan, specifics of which can be found elsewhere in these bylaws. Additionally, the Los Alamos County LEPC is a single jurisdiction LEPC operated by Los Alamos County per Federal and State laws. As such, it also conducts itself in accordance with County ordinances, resolutions, and policies governing emergency planning, open meetings, and public records.

Article VIII - PUBLIC ACCESS TO INFORMATION

In accordance with Section 324 of the SARA Title III Act and the NM Inspection of Public Records Act (IPRA), all information obtained from an owner or operator pursuant with EPCRA and any requested Tier II forms or MSDS otherwise in possession of the Committee shall be made available to any person submitting a request under IPRA.

Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the following requirements:

- a. If the Committee does not have in its possession the Tier II information as requested, it shall request a submission of the particular Tier II form from the owner or operator of the facility subject to the request, provided that the request is from a state or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of the threshold planning quantity.
- b. The Committee may request submission of the Tier II form from the owner or operator of the facility subject to the request if the request includes a general statement of need.
- c. The LEPC will only make requests to specific facilities for information that it is required to maintain or collect pursuant to applicable law.
- d. Pursuant to Section 312 and Section 324(a) of SARA Title III, the location of specific chemicals requested to be submitted with Tier II information, shall be maintained as confidential by the LEPC, provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under SARA Title III and any regulations promulgated pursuant to the same.
- e. A County representative on the Committee will work with the County Custodian of Public Records to fulfill the request in accordance with IPRA and with Los Alamos County Administrative Procedure Guideline No. 280, *Policy to Implement the Inspection of Public Records Act*, revised January 2, 2003.

- f. All requested information photocopied or otherwise made accessible to any member of the public shall be provided at the sole expense of the person making such request. The cost charged to the requestor to provide this information may include photocopying, data processing, staff time, and mailing or delivery charges. Photocopying rates shall also be in accordance with Los Alamos County Administrative Procedure Guideline No. 280.

Article IX – EFFECTIVE DATE

These Bylaws shall become effective upon adoption by the recognized members of the Los Alamos County Local Emergency Planning Committee.

THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF LOS ALAMOS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS 9th DAY OF October.

[signed]

Phil Taylor
LEPC Chairperson

October 9, 2003

Date Signed