



Vermont Local Emergency Planning Committee (LEPC)

LEPC Bylaws

Adopted August 18, 2021

I. PURPOSE

1. These bylaws set forth the organization and rules of procedure for the Vermont state Local Emergency Planning Committee (LEPC).
2. The LEPC is established by official act of the State Emergency Response Commission (SERC) as of July 8, 2021.
3. The LEPC is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law, 1 V.S.A. §§ 310-314. Meetings of the body must be open to the public at all times, except as provided in 1 V.S.A. § 313.4. These rules shall apply to all regular and special meetings of the body.

II. MISSION. The Local Emergency Planning Committee (LEPC) performs the duties required by the Emergency Planning and Community Right-to-Know Act (EPCRA) and 20 V.S.A. § 32(c) for the state of Vermont to help the state and communities plan for and respond to Hazardous Material (HAZMAT) emergencies.

III. MEMBERSHIP

1. Unless otherwise specified, where this document refers to “the body” it means all voting members of the LEPC.

2. Non-Voting Members. The preponderance of the LEPC membership is representatives as specified by law and regulation. These members have standing invitations to meetings and are encouraged to participate in the committee and subcommittees. They are considered non-voting members unless formally designated as a voting member (below).

3. Voting Members.

a. Individual voting members serve terms of 3 years unless they resign, the organization they represent replaces or withdraws them, or the body revokes their appointment as a voting member by majority vote.

b. If an organization has not appointed a representative or a field has not nominated potential members, those unfilled seats shall not count in calculating a quorum or the total number of voting members.

c. Each Regional Emergency Management Committee (REMC) shall appoint one voting member.

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d. The Fire Service Coalition shall appoint one voting member to represent fire departments.

e. The Vermont Ambulance Association shall appoint one voting member to represent local and regional Emergency Medical Services (EMS).

f. The Vermont Sheriffs' Association shall appoint one voting member to represent local, county, and state law enforcement.

g. The Vermont Association of Broadcasters shall appoint one voting member to represent the media.

h. The Vermont Agency of Transportation (AOT) shall appoint one voting member to represent transportation.

i. The Vermont Association of Planning & Development Agencies (VAPDA) shall appoint one voting member to represent Regional Planning Commissions (RPCs).

j. The Vermont Healthcare Emergency Preparedness Coalition (VHEPC) shall appoint one voting member to represent hospitals.

k. Two voting members shall represent industry. Facilities with Extremely Hazardous Substances (EHS) may nominate representatives through any current voting member, with the current voting members accepting the nominee as a voting member by majority vote.

l. The Vermont National Guard (VTNG) shall appoint one voting member to represent VTNG.

m. The Vermont Department of Health (VDH) shall appoint one voting member to represent health district offices.

n. The Vermont Agency of Agriculture, Farms, and Markets (VAAF) shall appoint one voting member to represent animal rescue organizations.

4. No single member of the body, voting or non-voting, shall have authority to act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.

5. The chair or vice chair may routinely represent the body at meetings and functions. No other member, voting or non-voting, shall have authority to represent the body unless, by majority vote, the body has delegated such authority for a specific

matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.

IV. OFFICERS

1. The body shall elect a chair and a vice chair annually or as needed to fill vacant positions. The nominees must be voting members.

a. The chair sets the agenda for and presides over all meetings. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.

b. The vice chair shall act as the chair whenever the chair is not available or the chair delegates his or her duties to the vice chair.

c. If neither the chair nor the vice chair is available, a member selected by the voting members shall act as chair until the chair or vice-chair is available.

2. The chair shall appoint a treasurer as needed if the position is vacant. In the absence of LEPC-controlled funds, the treasurer coordinates any required financial issues or questions for the body.

3. The LEPC staff shall act as secretary of the LEPC.

a. The secretary coordinates and posts meeting agendas, posts meeting notices, takes and posts meeting minutes, and otherwise ensures the LEPC follows the requirements of Vermont's Open Meeting Law.

b. The secretary may not make motions or vote.

c. If the secretary is not available, the chair shall select a member to perform the duties until the secretary is available. If the member so selected is a voting member, he or she may make motions and vote normally.

V. MEETINGS

1. Regular meetings shall take place on a schedule and at such locations as the LEPC shall announce each year.

a. There should be an annual general meeting.

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b. There should be quarterly meetings, typically a week or two before the quarterly SERC meeting.

c. Meetings may be held virtually with connection information published in the meeting notice (see V.4, below).

2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all voting members of the body unless previously waived and to any person who has requested notice of such meetings. In addition, notices shall be posted state libraries web page and the LEPC web page.

3. Agendas.

a. Each regular and special meeting of the body shall have an agenda. Those who wish to be added to the meeting agenda shall contact the secretary to request inclusion on the agenda. The secretary shall confer with the chair, and the chair shall determine the final content of the agenda.

b. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on the state LEPC web page. The agenda must also be made available to any person who requests such agenda prior to the meeting.

c. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by majority vote of the body.

4. A member may attend a regular or special meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened and is able to hear and be heard throughout the meeting. Attendees must be identifiable or the chair may remove them from the meeting. Whenever one or more voting members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting without being physically present at a designated meeting location, the notice for the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one voting member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

5. A majority of the current voting members of the body shall constitute a quorum. If a quorum of the voting members of the body is not present at a meeting, no official meeting shall take place.

6. Motions made by voting members do not require a second. The chair and vice chair may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total voting membership of the body.

7. Public Participation.

a. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.

b. Members of the public may make comments during discussion of each agenda item before any action is taken by the public body. By majority vote, the voting members may close public comment on an item.

c. Comment by the public or members of the body must be addressed to the chair or the body as a whole and not to any individual member of the body or public.

d. Members of the public must be acknowledged by the chair before speaking.

e. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.

f. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.

g. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:

(1) Call the meeting to order and remind the members of the applicable rules of procedure.

(2) Declare a recess or table the issue.

(3) Adjourn the meeting until a time and date certain.

8. Unless these bylaws specify otherwise, Roberts Rules of Order (newly revised) shall govern the conduct of the meetings.

VI. SUBCOMMITTEES

1. The Planning Subcommittee shall conduct an annual review of the state LEPC Plan and recommend updates to the body for adoption. It shall consist of a voting member, appointed as chair, and other members as required.

2. The Training and Exercise Subcommittee shall coordinate an annual exercise of the state LEPC Plan. It shall consist of a voting member, appointed as chair, and other members as required.

3. The LEPC may create other subcommittees as needed, with a majority vote of the voting members, by assigning them a mission and membership guidance.

VII. PROCESSES

1. Plan Review.

a. The Planning Subcommittee shall review the state LEPC Plan annually and recommend any updates to the body no later than March of each calendar year.

b. The LEPC shall review recommended updates from the Planning Subcommittee and act on them to amend or re-adopt the LEPC Plan no later than June of each calendar year.

2. Public Information Requests.

a. Public Information Requests shall go to the secretary. The secretary shall ensure a LEPC web page provides information for how members of the public can make information requests.

b. The secretary shall review requests and respond appropriately in accordance with law and regulation.

(1) If a request is for information that is already public or not protected from disclosure, the secretary shall promptly provide the requester with or direct the requester to the information.

(2) If a request is for records that may be protected from disclosure under specific exemptions in the Vermont Public Records law, the secretary shall consult with the Department of Public Safety to process and answer the request.

VIII. ADOPTION

1. The LEPC may update these bylaws as needed by recommending, by majority vote of the voting members, an amended set of bylaws to the SERC for approval.
2. These bylaws are officially adopted by approval of the State Emergency Response Commission (SERC) on August 18, 2021.

KIM LAPIERRE
Chair, State Emergency Response Commission