

Northwest Arctic Local Emergency Planning Committee

P.O. Box 1110

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RESOLUTION AND BYLAWS

WHEREAS, the SUPERFUND Amendments and Reauthorization Act (SARA) of 1986 was enacted into law by Congress on October 17, 1986, and contain Title III, the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986, and

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

WHEREAS, pursuant to Title III, the Alaska State Emergency Response Commission (SERC) has designated the area within the boundaries of the NAB as a Local Emergency Planning District (LEPD, also hereinafter known as the "District") and has appointed a Local Emergency Planning Committee for the District composed of members who represent the following professions or interests: elected officials, police, fire, first aid, civil defense, health care providers, media, environmental groups, community groups, hazardous substance transporters, operators of facilities required to report under provisions of EPCRA, and others, in accordance with SERC Policy, and

WHEREAS, this committee has been named the Northwest Arctic Local Emergency Planning Committee (LEPC, also hereinafter known as "the Committee"), and

WHEREAS, the function of the Committee is to establish rules (Bylaws), give public notice of its activities, establish procedures for handling public request for information, and to develop an "All Hazards" Emergency Operations Plan (EOP), which, among other things, must:

- A. Identify all natural hazards in the District;
- B. Identify facilities containing hazardous and extremely hazardous substances (H/EHS) in reportable quantities;
- C. Identify transportation routes for EHS;
- D. Establish emergency response procedures for natural and man-made disasters;
- E. Designate a Community Emergency Coordinator to implement the plan and register company-appointed facility representatives (for facilities not represented in the committee membership) to participate in the planning process;
- F. Establish emergency notification procedures;
- G. Develop methods for determining the occurrence of a release of hazardous substances;
- H. Complete an inventory of community emergency equipment and identify the individual(s) responsible for it;
- I. Develop evacuation plans;
- J. Describe and schedule a training program for emergency response personnel;
- K. Establish methods and schedules for exercising emergency response plans; and

WHEREAS, the Committee must receive opinions and information from members of the public, and

WHEREAS, the Committee may enter into agreements with other governmental entities, advisory boards, committees or councils;

NOW, LET IT THEREFORE BE RESOLVED that to meet these goals, the Northwest Arctic Local Emergency Planning Committee has adopted the following Bylaws:

ARTICLE I – PURPOSE

The Northwest Arctic Local Emergency Planning Committee is created under the provisions of Alaska Statute 16.13.010 that established the State Emergency Response Commission in Alaska, and through a Memorandum of Agreement with Northwest Arctic Borough, for the purpose of complying with Public Law 99-499, the Superfund Amendment and Reauthorization Act of 1986 (SARA); the Federal Register, April 22, 1987, Environmental Protection Agency; 40 CFR Parts 300 and 355, as amended, as well as the SERC Policy #90-2 and 91-1.

ARTICLE II – OBJECTIVES

- A. Identify potential hazards within the Northwest Arctic Borough.
- B. Analyze present capabilities for response to hazards that are identified.
- C. Develop mutual cooperation between industry and government in preplanning for response to all potential hazards, both man-made and natural.
- D. Coordinate the development, review, revision, and implementation of portions of the local Emergency Operations Plan (EOP) concerning hazardous material identification, hazardous incident response, and response to natural hazards.
- E. Conduct an ongoing review program to establish additional requirements to ensure a safe and adequate response to all hazards.

ARTICLE III – ORGANIZATION

- A. **Name of Committee:** The name of the committee shall be “Northwest Arctic Local Emergency Planning Committee”.
- B. **Status of the Committee:** The committee shall operate as a governmental entity pursuant to, and in strict accordance with, all applicable laws, regulations, guidelines, and ordinances.
- C. **Mailing Address and Phone/Fax Number(s):** The official mailing address and telephone number of the committee shall be:
Northwest Arctic Local Emergency Planning Committee
PO Box 1110
Kotzebue, Alaska 99752
Phone: 907-442-2500 Fax: 907-442-3740
- D. **Monies and Appropriation:** The committee may receive and disburse public and private funds for the purpose of implementing EPCRA within the District. All funding will be administered by the NAB and will require prior authorization by the LEPC Chairperson and one other officer. Approved expenditures must comply with the LEPC budget, as approved by the SERC. Periodic financial reports, no less frequent than once each 12 months, shall be made to the Committee as required by law or as requested by the Chairperson.

ARTICLE IV – MEMBERSHIP

- A. **Membership:** Membership on the LEPC shall be by recommendation of the Borough Mayor and in accordance with Alaska Statute Sec. 26.23.073, and shall be subject to the approval of the SERC. A member whose initial term has expired, but has reapplied for the same seat, does not need SERC approval once he or she has received mayoral approval.

B. **Terms of Membership:** In order to create staggered terms of office, LEPC seats of office (as listed below) will be as follows for the initial term beginning October 18, 1998:

Category A (Elected Officials)	Seat 1 (Borough Mayor)	1 Year Term
	Seat 2 (Borough Assembly)	2 Year Term
Category B (Responders)	Seat 1 (Fire)	3 Year Term
	Seat 2 (Law Enforcement)	1 Year Term
	Seat 3 (EMS)	2 Year Term
	Seat 4 (Environmental)	3 Year Term
	Seat 5 (Health)	1 Year Term
	Seat 6 (Airport DOT)	2 Year Term
Category C (Media)	Seat 1 (Radio)	3 Year Term
Category D (Community Groups)	Seat 1 (Ambler)	1 Year Term
	Seat 2 (Buckland)	2 Year Term
	Seat 3 (Deering)	3 Year Term
	Seat 4 (Kiana)	1 Year Term
	Seat 5 (Kivalina)	2 Year Term
	Seat 6 (Kobuk)	3 Year Term
	Seat 7 (Kotzebue)	1 Year Term
	Seat 8 (Noatak)	2 Year Term
	Seat 9 (Noorvik)	3 Year Term
	Seat 10 (Selawik)	1 Year Term
	Seat 11 (Shungnak)	2 Year Term
Category E (Facility Own/Op)	Seat 1 (Mining)	3 Year Term
	Seat 2 (Bulk Fuel)	1 Year Term
	Seat 3 (Hospital or other)	2 Year Term
Category F (Emergency Planner)	Seat 1 (Maniilaq EMS)	3 Year Term
Category G (Transporter)	Seat 1 (Commercial Trans.)	1 Year Term
Category H (Public at Large)	Seat 1 (NAB Citizen)	2 Year Term
Category I (Civil Defense)	Seat 1 (AK National Guard)	3 Year Term
Category J (School District)	Seat 1 (School District)	1 Year Term

At the conclusion of the initial term, all members shall serve a term of approximately three years commencing with the date of his or her appointment and expiring on June 30th of the third year of the regular term.

C. **Attendance at Meetings:** All members of the Committee are expected to attend at least fifty-percent (50%) of the meetings held in any calendar year, unless excused. A committee member will be excused from a meeting for a good cause and upon submission of the LEPC Excusal Form, which must be received by the

LEPC Chairperson or LEPC Coordinator. No more than three (3) excused absences may be approved by the Chairperson within one calendar year. Members unable to attend a scheduled meeting should notify their respective alternate and forward all meeting materials to him/her in a timely manner prior to the meeting.

- D. **Expulsion:** If at any time, according to the attendance record included in the meeting minutes of the Committee, a member has been found to not fulfill the attendance requirements, ~~notwithstanding excused absences~~, that member may be subject to expulsion by a majority vote of the Committee in attendance.
- E. **Alternate Representatives:** At all times, members of the Committee shall strive to have alternate members for each seat. These alternates shall be recommended for membership by the Borough Mayor and approved by the SERC for initial term and should be from the same vocational discipline as the regular member. Alternates are encouraged to attend any and all meetings.
- F. **Filling Vacancies and Seating Additional New Members:** Should vacancies occur on the Committee, they shall be filled in accordance with procedures as outlined in the SERC Policy. Members voluntarily vacating seats for any reason must notify the LEPC Chairperson in writing. Seats must be filled within 90 days of the vacancy. The Borough Mayor shall recommend persons to fill vacancies following proper advertisement of said vacancy, and shall forward the name(s) to the SERC for approval. If the person vacating the seat reapplies for that same seat, and the Borough Mayor so desires him or her to continue for another term, then only mayoral approval is necessary. If the LEPC fails to properly advertise and/or fill the vacancy, the SERC may request an explanation and may make an appointment to the LEPC if no replacement is recommended. If the LEPC has followed the advertisement procedure and has no qualified applicants, the SERC shall not have authority to make appointment for that category.

A new seat is created by amendment of the Bylaws. The members shall be seated by the procedure in Paragraph A of this Article.

- G. **Number of Members, ~~Renomination and Reappointment~~ and Seats:** The Committee shall initially consist of 28 members, filling the following seats:

Category A:	<u>Two seats</u>	(Borough Mayor or designee and Borough Assembly Member)
Category B:	Six seats	(fire, law enforcement, DOT airport, hospital, EMS, public health, and local environmental)
Category C:	One seat	(media, radio)
Category D:	Eleven seats	(community group from each LEPD community)
Category E:	Three seats	(facility owner/operators)
Category F:	One seat	(representative of the regional emergency coordination/planning organization)
Category G:	One seat	(transporter of EHS)
Category H:	One seat	(public and not described above)
Category I:	One seat	(Alaska National Guard)
Category J:	One seat	(NAB School District)

~~In June of each year, all members of the Committee with pending term expirations may be renominated or reappointed, or new members may be nominated and appointed.~~

- H. **Conduct of Members:** At all times while representing the LEPC, conducting LEPC business, or traveling for LEPC activities, members shall conduct themselves with the decorum and ethical standards generally accepted as appropriate for government officials. Members failing to conduct themselves in this fashion may be subject to expulsion from the Committee by a majority vote of the Committee in attendance.

ARTICLE V-LEPC OFFICERS

- A. **Officers:** The officers of the Committee shall be a Chairperson, a Vice Chairperson, Secretary, Information Coordinator, and Community Emergency Coordinator. Officers shall be elected on an annual basis at the first meeting of the fiscal year (beginning July 1) ~~immediately following the seating of new members and reappointment of former members.~~
- B. **Chairperson:** The Chairperson of the LEPC shall be elected from the Committee membership by the members of the Committee. The Chairperson shall preside at all meetings of the Committee, be responsible for the preserving order and decorum, and submit information and recommendations 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 to the Vice Chairperson the authority to sign, all official documents of the Committee. The Chairperson shall establish, or authorize the Chairperson to establish, any fees collected by the Committee. The Chairperson shall insure that an agenda of each Committee meeting is mailed or otherwise delivered to Committee members as provided in Article IV below. The Chairperson shall insure, or delegate the Vice Chairperson to insure, any information gathered by the Committee is stored at the offices of the NAB. The Chairperson or designee will attend each quarterly LEPC Association/SERC meeting and represent the interest of the LEPC.
- C. **Vice Chairperson:** The Vice Chairperson shall be elected from the Committee membership by the members of the Committee. The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event the Chairperson should resign or otherwise become unable to perform his/her duties, the Vice Chairperson shall perform such duties until such time as a new Chairperson is duly elected. The Vice Chairperson shall exercise such additional authority on behalf of the Committee as is delegated to him/her by the Chairperson.
- D. **Secretary:** Per a Memorandum of Agreement (MOA) between the LEPC and the NAB, the duties of the Secretary will be performed by the NAB Deputy Clerk or designee. These duties shall consist of the recording, transposing, and publishing of meeting minutes, as well as other duties as may be requested by the Chairperson. In the absence of such Memorandum, the Committee shall elect a Secretary from its membership.
- E. **Information Coordinator:** Per the MOA between the LEPC and the NAB, the duties of the Information Coordinator will be performed by the NAB Public Services Department LEPC Coordinator. These duties shall include public notification of all LEPC Meeting, collection and filing of all LEPC documents, the publication of a yearly statement of availability of "Community Right-to-Know Information", receipt and filing of all "Community Right To-Know" inquiries for information, receipt and filing of all SARA Title III Tier II reports and MSDS information, the receipt and filing of all LEPC correspondence, and other duties

as may be assigned or other assistance as may be requested by the Chairperson. In the absence of such Memorandum, the Committee shall elect an Information Coordinator from its membership.

- F. **Community Emergency Coordinator (CEC):** Per the MOA between the LEPC and NAB, the duties of the Community Emergency Coordinator (CEC) will be performed by the Public Services Director or designee. These duties shall include serving as the region's central notification point for all disasters or community emergencies including floods, earthquakes, wildfires, oil spills, other toxic or hazardous materials releases, facility incidents, transportation accidents, community fires involving more than one structure, and other man-made as well as natural disasters. The CEC will then notify the proper responder units, government entities and agencies, and other parties as may be spelled out in the LEPC NAB Emergency Operations Plan (EOP). The CEC shall further coordinate with facility operators and the Borough Mayor to determine additional appropriate response actions. In the absence of such Memorandum, the Committee shall elect a Community Emergency Coordinator from its membership.

ARTICLE VI-MEETINGS

- A. **Meeting Requirements:** The full LEPC membership shall endeavor to meet quarterly in advance of quarterly SERC meetings and LEPC Association meetings, or no less than semi-annually. The date, time, and place of the meetings shall be determined by the Chairperson, and the membership shall be notified in writing at least 15 working days prior to the meeting date. All LEPC meetings shall be conducted using a formal agenda, which will include:
- I. Call to Order, Roll Call
 - II. Invocation or Moment of Silence
 - III. Approval of Agenda
 - IV. Approval of minutes of previous meeting
 - V. Correspondence or communications
 - VI. Comments from the Public (30 minute time limit, total, all speakers)
 - VII. Reports: including coordinator's report, sub-committee reports, reports on Right-to-Know inquiries, budget status report
 - VIII. Unfinished business
 - IX. New business
 - X. Committee member's comments
 - XI. Adjournment
- B. **Quorum:** No official meeting shall take place unless a quorum is established. A quorum shall consist of 33% of the currently seated membership, who shall be in attendance in person or by teleconference.
- C. **Manner of Voting:** Voting on all questions coming before the Committee shall be by voice vote, unless roll call vote is requested by a Committee member regarding a particular matter. When a roll call vote is requested, the yea and nay votes shall be recorded in the meeting minutes. The Chairperson shall vote on all motions. Unless otherwise stated in these Bylaws, motions shall be approved when a majority of members present at a meeting vote in the affirmative ("yea", "aye" or "yes").
- D. **Voting Members:** Each "seat" as described in Article IV, paragraph G (above) shall have one vote. Alternates shall vote only in the absence of the regular member. Any voting member may make or second a motion.

- E. **Manner of Conducting Meetings:** All Committee meetings shall be conducted with order and decorum. Unless otherwise provided for in these Bylaws, LEPC meetings will be conducted in accordance with current Robert's Rules of Order.
- F. **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 is encouraged to notify the Chairperson in writing of intent to appear before the Committee. Such notice shall be sent to the address listed in Article III, Paragraph C of these Bylaws. Members of the public who appear at the meeting without written notice and wishing to address the Committee may do so but only after all others who have provided written notice have spoken. The Chairperson shall have the discretion to limit public comment to not less than five minutes per speaker or to a total period of thirty minutes to be allocated equally among all speakers. A majority of the Committee may, by motion, extend the time for public comment beyond the limitations set forth herein. Members of the public are encouraged to provide written opinions and information to the committee by mailing such information to the Chairperson at the address shown in Article III, Paragraph C (above) of the Bylaws. Members of the public include but are not limited to citizens, industry representatives, experts, expert witnesses, and government entity representatives.

ARTICLE VII-EXECUTIVE COMMITTEE

- A. **Function:** The LEPC Executive Committee shall monitor the progress of the work of sub-committees and shall take necessary action as may be required to meet established goals and objectives.
- B. **Membership:** The LEPC Executive Committee shall consist of the Chairperson, the Vice Chairperson, and the Chairpersons of Sub-committees.
- C. **Meetings:** The Executive Committee shall meet at a time and a place as set by the Chairperson.

ARTICLE VIII-SUB-COMMITTEE

- A. **Standing Sub-Committees:** The standing sub-committees shall include Hazard Analysis, Response Capability Assessment, Training, Finance, and Community Awareness and shall be appointed by the LEPC Chairperson.
- B. **Sub-Committee Chairperson:** The LEPC Chairperson shall appoint chairpersons for each sub-committee.
- C. **Other Sub-Committees:** Other sub-committees may be established by the LEPC Chairperson as may be deemed necessary.
- D. **Purpose:** Sub-committees shall function as work groups to accomplish tasks or to gather information as outlined by the LEPC Chairperson or as directed by the LEPC.
- E. **Abolition:** Any sub-committee may be abolished by a majority vote of the LEPC membership.

ARTICLE IX-PUBLIC NOTICE

- A. **Annual Public Notice:** In compliance with Alaska Statutes, in ~~February~~ December of each year, the Committee shall issue Public Notice in the local newspaper that an ~~Comprehensive Emergency~~

~~Management-Emergency Operations Plan, Material Safety Data Sheets (MSDS), lists submitted in lieu of MSDSs, and inventory forms that have been submitted under this section are on file and available for public review at the LEPC office location. Such notice shall also state that follow up emergency notices may subsequently be issued. Each notice shall announce that these plans, MSDSs, inventory forms, and follow up notices are available for public review at the offices of the LEPC Information Officer, located at the NAB Office, 605 Third Avenue, Kotzebue, Alaska, Monday through Friday, between the hours of 8:30 AM and 4:30 PM.~~

ARTICLE X-AMENDMENTS

- A. **Amendments to Bylaws:** The Bylaws of the Committee may be amended by an affirmative vote of the fifty-one percent (51%) of the total membership of the Committee. No vote shall be taken to amend the Bylaws until the proposed amendment had been reduced to writing and has been read at the meeting during which the proposed amendment is to be voted upon.
- B. **Filing of Bylaws and Amendments:** A copy of the approved Bylaws and any approved amendments to the Bylaws shall be provided to the NAB, the State Emergency Response Commission, and any person requesting a copy. A permanent file copy of the Bylaws and amendments shall be kept at the LEPC office of record, and shall also be available for reference at each meeting of the Committee.

ADOPTED AND APPROVED BY A MAJORITY VOTE OF THE NORTHWEST ARCTIC LOCAL EMERGENCY PLANNING COMMITTEE, FOR THE NORTHWEST ARCTIC LOCAL EMERGENCY PLANNING DISTRICT, this ____ day of _____, 20042.

LEPC Chairperson

^TTEST:

Secretary (Borough Deputy Clerk)