

Elkhart County  
Local Emergency Planning Committee

By-Laws

Article I

**Identification**

The Elkhart County Local Emergency Planning Committee, hereinafter referred to as the "Committee", is an entity created pursuant to SARA Title III, the Emergency Planning and Community Right to Know Act (EPCRA) of 1986. The primary purpose of the Committee is to implement SARA Title III in Elkhart County, Indiana. The Committee's broader purpose is to enhance public health and safety and environmental protection as these are affected by chemical hazards in Elkhart County.

Article II

**Membership**

1. The Committee shall be composed of members approved and appointed by the Indiana Emergency Response Commission, hereafter referred to as the "IERC", and shall include representatives from the following groups or organizations: elected state or local officials, law enforcement, emergency management, fire fighting, emergency medical services, health, hospital, environmental, transportation, media, industry and community groups.
2. Membership on the Committee is open to any interested person who meets criteria established by the IERC for membership in the roster category in question. New committee members may participate with interim status in Committee meetings until he/she is approved and appointed by the IERC, but may not vote on matters before the Committee until official appointment by the IERC.
3. A Member in good standing is one who has physically attended four (4) out of the six (6) meetings a year. The Executive Committee will notify any member missing more than two (2) meetings a year. The Membership of the Committee will vote at the next posted Board Meeting to remove or reinstate the member in question.

Article III  
**Committee Meetings**

1. The Committee will meet as required by IERC guidelines or more frequently at the discretion of the Committee.
2. The location, dates and times for the upcoming year Committee meetings will be set and approved at the last meeting of the calendar year. These shall become the Committees regularly scheduled meetings and will be legally noticed for the public on or about January 2<sup>nd</sup> of that upcoming calendar year.
3. Members of the Committee will be notified at each Committee meeting of the next meeting time, place and date and will be notified in writing at least forty eight (48) hours in advance of such meetings of the next meetings agenda, time, place and date.
4. The public and media will be notified of Committee meetings at least forty-eight (48) hours in advance of each meeting.
5. The internal management and conduct of the business of the Committee shall be vested in the Executive Committee composed of the Chair(s) of the Sub-Committees appointed by the Chair of the Committee, and those persons holding the offices of Chair, Vice Chair, Secretary, Treasurer, Plan Coordinator and Public Information Coordinator who shall all constitute the Executive Committee.
6. The quorum for any regular or properly called Committee meeting shall be the simple majority of the Committee members qualified. A qualified member shall be one that has been duly appointed by the IERC.
7. Only those members who are a federal, state, or local government employees may designate other individuals to vote in their absence by appointing them proxy for a regularly scheduled meeting. Those members qualifying to have proxies must provide the name of their delegated representative who will then be approved by the IERC. The designation of a proxy to an individual shall be counted as a member present for quorum purposes provided the individual designated as proxy is in attendance at the meeting. Proxies may vote on any and all items properly brought before the Committee.
8. Any matter to be voted on will take the form of a resolution or motion. A simple majority of the members in attendance at a Committee meeting, where a quorum is present, must vote affirmatively for adoption of any resolution.

9. The Chair of the Committee may appoint members and their Chair to serve on Sub-Committees to consider and report to the Committee on subjects or projects requiring special attention, expertise or investigation. The term of appointment of each Sub-Committee member and Chair shall be for a period of one calendar year. The Chair of the Committee will determine Sub-Committees and their responsibilities on an annual basis for the calendar year.
10. The Chair of Sub-Committee may call a meeting of the Sub-Committee by either written or oral communication giving the time, date and place of such meeting provided that each member of the Sub-Committee receives at least forty-eight (48) hours notice.
11. The quorum for any regular or properly called Sub-Committee meeting of the Committee shall be the number of Sub-Committee members qualified and present at the time of the meeting. A qualified member shall be one that has been duly appointed by the IERC.
12. Sub-Committee recommendations must, to be adopted, be affirmed as resolutions or motions by a majority of the committee members.
13. Each committee member, including the Chair will have one vote.
14. All Committee and Sub-Committee business shall be conducted according to the provisions of the Indiana Open Door Law, the Indiana Public Records Law and the Indiana Administrative Adjudication Act.
15. Committee meetings shall use "Roberts Rules of Order" as a guide in conducting all meetings and where no inconsistencies exist with these By-Laws.

## Article IV

### Officers

The Committee shall elect from its qualified members a Chair, Vice Chair, Secretary, Treasurer, Plan Coordinator and Public Information Coordinator.

1. Election of Officers shall be conducted the last regular meeting of the Committee in the calendar year.
2. The term of office shall commence on January 1<sup>st</sup> and shall be two years or until a duly elected member of the Committee has been elected to replace said officer.
3. Election of Chair, Secretary and Public Information Coordinator shall be conducted in even years. All other positions shall be elected in odd years.
4. A vacancy in any elected office shall be filled by the vote of the Committee at any regular or special meeting. The term shall end at the regular end of term for such office.
5. The duties of elected officers are as follows:
  - A. The Chair of the Committee shall preside at all regular and special meetings of the Committee, appoint all Sub-Committees, sign any documents designated by the Committee, act as spokesperson for the Committee and perform such duties as the Committee may designate. The Chair of the Committee will also act as the Community Emergency Coordinator. The Community Emergency Coordinator shall be responsible for receiving all initial and follow up notifications of Title III releases and shall respond to the incident scene, and perform other duties as the Committee may designate.
  - B. The Vice Chair shall perform all the duties of the Chair in the temporary absence or disability of the Chair, except as otherwise provided by the Committee. The Vice Chair shall plan, prepare and submit HMEP grant applications with the assistance of the executive board and the treasury records.
  - C. The Secretary shall keep a record of the proceedings of the Committee and shall prepare all minutes and special actions of any meeting of the Committee, shall certify all minutes and official documents of the Committee and perform such duties as the Committee may designate.

- D. The Treasurer shall keep records of board approved expenditures, any income, and when approved expenditures are paid. The Treasurer will work directly with the auditor in submission of those approved expenditures. The treasurer will work closely with the executive board in preparing the proposed budget and will work with the Vice Chair in the preparation of the HMEP grant applications.
- E. The Plan Coordinator shall have primary responsibility for gathering the information and combining into the plan the federally required elements under SARA Title III, and for arranging for the plans printing and distribution when the plan has been approved.
- F. The Public Information Coordinator shall be responsible for managing the receipt and processing of requests from the general public for plans, data sheets, forms, Tier I and Tier II information, as well as insure that an annual notice appear in local newspaper that the Emergency Response Plan and other documents required by the aforesaid Law have been submitted to the Committee and are available to the public at a location designated and maintained by the Information Coordinator.

## Article V

### Assistance

The Committee may obtain assistance for the administration of its duties from individuals or entities that are able to assist the Committee in the performance of its functions.

## Article VI

### Legal Notices

The Committee will publish annually a legal notice indicating where all SARA Title III documents are maintained, including the Committees Emergency Plan, Tier forms and written follow up notices from facilities experiencing SARA Title III spills.

## Article VII

### Amendment of By-Laws

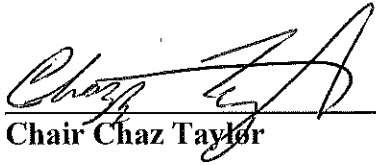
These By-Laws may be amended during any regular or special meeting of the Committee by an affirmative voice vote of a majority of the Committee members present providing there is a quorum as defined in Article III and said amendment has successfully passed reading and been properly filed with the Secretary at the previous regular or special meeting and the membership has been properly notified ten (10) days in advance of the meeting to amend the By-Laws.

## Article VII

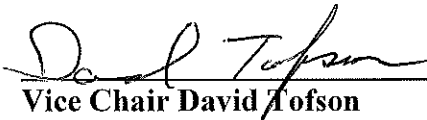
### Non Exclusion Provision

Nothing in these By-Laws is to be constructed as excluding or contravening any additional provision of Federal or State Law, which are not explicitly or implicitly referred to in these By-laws.

Adopted this day of February 18, 2020 by the majority vote of the members of the Elkhart County Local Emergency Planning Committee (LEPC).

  
Chair Chaz Taylor

Date 1-6-2022

  
Vice Chair David Tofson

Date 1-10-2022