

BYLAWS FOR THE
KITSAP COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT
LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I - MISSION STATEMENT

- 1.1 The Kitsap County Department of Emergency Management (KCDEM) Local Emergency Planning Committee is organized to fulfill the requirements of the federal regulations regarding Title III of the Superfund Amendment and Reauthorization Act (SARA) of 1986 with the primary object to enhance the protection of the community and the environment from hazardous materials incidents through planning, preparation and communication between a diverse membership of citizens, businesses and government agencies.

ARTICLE II - NAME AND PURPOSE

- 2.1 NAME. The name of the organization shall be the Kitsap County Department of Emergency Management Local Emergency Planning Committee (LEPC).

2.1 PURPOSE

- A. The purposes of the LEPC are as identified in SARA Title III and Emergency Planning and Community Right-to-know Act of 1986, also known as Title III of the Superfund Amendments and Reauthorization Act (SARA), chapter 115-40 WAC, and any other lawful purpose assigned to it or permitted by the County, Tribe or District Commissioners consistent with its mission.
- B. The purposes of the LEPC will include without limitation the following:
1. Emergency response and preparedness planning for the county.
 2. Annual plan review and revision, in accordance with § 303 of SARA Title III.
 3. Receive and process public records requests related to SARA Title III/EPCRA regulations.
 4. Provide public notice of all LEPC meetings or activities.
 5. Analyze the county's transportation hazards and risks, capabilities and gaps.
 6. Establish and maintain a database of hazardous chemical locations and quantities in the county.
 7. Establish and maintain a data management system appropriate for the LEPC.
 8. Maintain information on ALL facilities that manufacture, or store, Extremely Hazardous Substances with information regarding related plans and procedures.
 9. Assess resources necessary to implement emergency response and preparedness plans.
 10. Make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to bridge identified capability gaps.
 11. Implement other activities as authorized by law and regulations
 12. Other actions as deemed appropriate and consistent with the mission statement.

ARTICLE III - MEMBERSHIP

- 3.1 MEMBERSHIP. The membership will include representatives of the groups listed in § 301 of

SARA Title III and those identified in Appendix A (LEPC Members and Organizations). Members should be representative of elected state and local officials, law enforcement, emergency management, firefighting personnel, first aid/EMS personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. Members should be residents of or conduct business in Kitsap County and/or appointed as a member by their agency/organization, if applicable.

- 3.2 TERM. The term of membership is perpetual unless the member resigns or is removed as provided in Article IV.
- 3.3 DESIGNEE. A member may appoint a designee to act on his/her behalf.
- 3.4 REGISTRATION. A registration of all members and their contact information shall be created and maintained by the Secretary of the Board and/or Assistant.
- 3.5 VOTING - LEPC. Each LEPC member shall have one vote. The majority vote of the LEPC members is a quorum and shall be the act of the LEPC membership. The LEPC will be responsible for electing the Board.

ARTICLE IV - BOARD OF DIRECTORS

- 4.1 BOARD. The LEPC shall have a board of directors (“Board”) of up to five, but no fewer than three, members. All board members shall be members of the LEPC. The Board shall be selected by majority vote of the LEPC membership present for the meeting.
- 4.2 VOTING – BOARD. Each Board member shall have one vote. The majority vote of the Board shall be the act of the Board. A majority vote means more than one-half of the votes cast when a quorum is present. Presence shall be satisfied by physical presence or appearance via telephone or written proxy. A quorum shall require one-half of the voting members present. Presence shall be satisfied by physical presence or appearance via telephone or written proxy.
- 4.3 ACTION BY WRITTEN CONSENT. Any action required by law to be taken at a meeting of the Board, or any action that may be taken at a meeting of the Board, may be taken without a meeting if consent in writing setting forth the action so taken shall be signed by all Board members. Such consent shall be retained with the minutes and shall have the same force and effect as a unanimous vote of the Board taken at an actual meeting. The Board members’ written consent may be executed in multiple counterparts or copies, each of which shall be deemed an original for all purposes. In addition, facsimile signatures and electronic signatures or other electronic “consent click” acknowledgments shall be effective as original signatures.
- 4.4 ACTION WITHOUT MEETING. Any action which is required to be taken, or which may be taken, at a meeting of the Board may be taken without a meeting if proper advance notice is sent by email to the member’s email address on record and an opportunity for voting and discussion is available. A member must vote within the time period allotted in the email. A failure to respond to the email will act as an affirmative vote, unless member’s representative has established an automatic “out of office” reply, which will then act as an abstention from the vote.
- 4.5 POWERS. The Board shall exercise all powers, functions, and responsibilities necessary for

conducting the business and mission of the LEPC.

- 4.6 TERM. All appointments to the Board shall be for a three-year term.
- 4.7 ATTENDANCE. A Board member who is absent from three consecutive regular meetings of the Board during a fiscal year is encouraged to reevaluate with the Board Chair his/her commitment to the LEPC. The Board may deem a Board member who has missed three consecutive meetings without such a reevaluation with the Chair to have resigned from the Board.
- 4.8 RESIGNATION/TERMINATION. A Board member may resign at any time upon written notice to the Board Chair. Unless otherwise specified the resignation shall take effect upon receipt. Acceptance of such resignation shall not be necessary to make it effective. A Board member may be removed from office by majority vote of the Board for any reason deemed appropriate by the Board.
- 4.9 VACANCIES. Vacancies on the Board may be filled by a majority vote of the Board at a Board meeting at which a quorum is present. A Board member elected to fill a vacancy shall be elected for the unexpired term of his/her predecessor in office.
- 4.10 REMOVAL. Any Board member may be removed by majority vote of the Board whenever, in its sole discretion, by an affirmative vote of a majority of the then-serving Board members.
- 4.11 BOARD COMPENSATION. Board members shall receive no compensation for participating on the Board.

ARTICLE V - OFFICERS

- 5.1 OFFICERS. Officers shall be elected by the Board to function as chair, vicechair, and secretary/treasurer by majority vote of all persons present for the meeting. The position of secretary and treasurer may be performed by one person or be split into two positions as deemed appropriate by the Board.
- 5.2 TERM. Each office shall be held for a one-year term. Officers may be re-elected to their existing office for additional terms if they indicate a willingness to continue.
- 5.3 CHAIR. The Chair will preside at all meetings of the LEPC unless he/she cannot be present. The Chair shall vote on all matters before the Board and ensure the functions of the LEPC are fulfilled to the best of his/her abilities. The Chair will serve as ex officio member for all subcommittees and perform such duties and acts as necessary to accomplish the goals of the LEPC.
- 5.4 VICE-CHAIR. Upon resignation, death, or absence of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform such other duties as may be assigned by the Chair.
- 5.5 SECRETARY / TREASURER. The Secretary/Treasurer in cooperation with the Assistant shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary/Treasurer shall record the minutes of meetings of the Board, disseminate the transcribed

minutes to the Board, ensure that a database of member names, addresses, telephone numbers and email addresses are maintained, and maintain an accurate record of all monies received and expended for the use of the LEPC.

- 5.6 ASSISTANT. KCDEM will designate a KCDEM support specialist to assist the Secretary/Treasurer with his/her responsibilities. The Assistant will maintain the LEPC records and provide notice of regular and special meetings in compliance with the law, transcribe Board minutes, respond to public records requests, handle finances, and perform such other duties as assigned by the Board and/or KCDEM Director. The Assistant shall be a non-voting member of all committees and the Board, unless functioning in a designee capacity.
- 5.7 SUBCOMMITTEES/WORK GROUPS. The Board may create subcommittees and workgroups as deemed appropriate by the Board and consistent with its mission.
- 5.8 EXEMPT ACTIVITIES. Notwithstanding any other provision herein, no Board member, subcommittee member, officer, or employee shall take any action or carry on any activity by or on behalf of the LEPC absent approval of the Board as provided in the Bylaws.

ARTICLE VI - MEETINGS

- 6.1 MEETINGS. The Board's regular meetings will be held quarterly at such date, time and location as shall be determined by the Board. All meetings are open to the public. Special meetings may be called by the Chair as deemed necessary or upon the written request of another member.
- 6.2 SPECIAL MEETING. Special meetings of the Board may be called by the Chair as deemed necessary or upon the written request of any two members.
- 6.3 NOTICE. Notice of any other meeting of the Board shall be given to each Board member at least three (3) days prior to the meeting by written notice delivered personally or sent by email to the Board member's address as shown by the records maintained by the Board. Neither the business to be transacted at, nor the purpose of any regular or special meetings of the Board need be specified in the notice of the meeting, unless specifically required by law or by these bylaws. Notice of meetings, agendas, and minutes shall be posted to the KCDEM website by the Assistant.
- 6.4 AGENDA. Any member may request that the Chair place an item on the meeting agenda.
- 6.5 RULES OF ORDER. The deliberations of all meetings of the LEPC, Board, and subcommittees shall be governed by Robert's Rules of Order, as revised.
- 6.6 MINUTES. At meetings of the Board, business shall be transacted in such order as the Board may determine from time to time. In the event the Secretary is unavailable, the Chair shall appoint a person to act as Secretary at each meeting. The Secretary, or the person appointed to act as Secretary, shall prepare minutes of the meetings which shall be delivered to Board to be retained as required by the Washington state records retention requirements.
- 6.7 NONATTENDANCE. Any Board member unable to attend a Board meeting will notify the Secretary-Treasurer or Assistant of the nonattendance prior to the meeting. Any Board member

with four or more absences is subject to removal from the Board.

ARTICLE VII - SUBCOMMITTEES

- 7.1 FORMATION. The Board may establish subcommittees to provide guidance and subject matter expertise for program development and maintenance or to research and develop deliverables on specific topics. The subcommittees may be staffed by all LEPC members or a mix of members and non-members.
- 7.2 CHAIR. A Chair of the subcommittee and working groups shall be nominated and elected by their respective committees. Voting shall be conducted as provided in Article VIII.
- 7.3 MEETING. Meetings of the subcommittee may be called by the chair of the Board or subcommittee as deemed necessary.

ARTICLE VIII - BYLAWS APPROVAL AND AMENDMENTS

- 8.1 APPROVAL. These by-laws shall become effective upon approval by a majority of the LEPC members in attendance at the first organization meeting.
- 8.2 AMENDMENTS. The bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any amendments to these by-laws 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 revision to the by-laws.

ARTICLE IX - CONFLICT OF INTEREST

- 9.1 CONFLICT OF INTEREST. Whenever a Board member has a financial or personal interest in any matter coming before the Board, the Board shall ensure that:
 - A. The interest of such officer is fully disclosed to the Board.
 - B. No interested officer may vote or lobby on the matter or be counted in determining the existence of a quorum at the meeting of the Board at which such matter is voted upon.
 - C. Any transaction in which an officer has a financial or personal interest shall be duly approved by members of the Board not so interested or connected as being in the best interests of the organization.
 - D. Payments to the interested officer shall be reasonable and shall not exceed fair market value.
 - E. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for approval.

ARTICLE X - MISCELLANEOUS PROVISIONS

- 10.1 FISCAL YEAR. The fiscal year shall be considered to run concurrent with the KCDEM fiscal year.

- 10.2 RECORDS. Records shall be maintained consistent with the requirements of the applicable Washington Secretary of State Retention Schedules.
- 10.3 GRANTS. The LEPC members shall work cooperatively with KCDEM to identify and apply for grant funds for KCDEM and/or LEPC consistent with the mission of the LEPC.
- 10.4 PROPERTY. The members do not anticipate the acquisition of property and any property acquired by the Board or on behalf of LEPC shall be held by and become the property of KCDEM upon dissolution of the LEPC.
- 10.5 HEADINGS. The headings are inserted in these Bylaws for convenience only and in no way define, limit, or describe the scope or intent of these Bylaws, or any provision hereof, nor in any way affect the interpretation of these Bylaws.
- 10.6 SEVERABILITY OF CLAUSES. If any provision of these Bylaws is held illegal or unenforceable in a judicial proceeding, such provision shall be severed and shall be inoperative, and the remainder of these Bylaws shall remain operative and binding.
- 10.7 RULES. The LEPC shall establish rules by which the LEPC shall function which are attached as Appendix B (Rules). Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plans, public comments, response to such comments by the committee, and distribution of revised emergency plans.

CERTIFICATE OF SECRETARY

I, the undersigned, certify that I am the presently elected and acting Secretary of the Kitsap County Department of Emergency Management Local Emergency Planning Committee, and the above bylaws and appendices are adopted by the members of the same.

ADOPTED AND APPROVED this _____ day of _____, 2023.

By: _____, Secretary

APPENDIX A
LEPC MEMBERS AND ORGANIZATIONS

1. Washington State Emergency Management Division Local Emergency Planning Committee Coordinator
2. Washington State Department of Ecology EPCRA Program Manager
3. Washington State Patrol
4. Washington State Department of Transportation Olympic Region Emergency Manager or designee
5. Commander Navy Region Northwest Fire Chief or designee
6. Commander Navy Region Northwest Emergency Manager or designee
7. Navy Hospital Bremerton Hazardous Material Coordinator or designee
8. Bainbridge Island Emergency Manager or designee
9. Suquamish Tribe of the Port Madison Indian Reservation Emergency Manager or designee
10. Port Gamble S'Klallam Tribe Police Department Chief or designee
11. City of Poulsbo Fire Chief or designee
12. Central Kitsap Fire Chief or designee
13. South Kitsap Fire Chief or designee
14. North Kitsap Fire Chief or designee
15. City of Bainbridge Island Fire Chief or designee
16. City of Bremerton Fire Chief or designee
17. City of Bainbridge Island Police Chief or designee
18. City of Bremerton Police Chief or designee
19. City of Port Orchard Police Chief or designee
20. City of Poulsbo Police Chief or designee
21. Local Elected Officials
22. Kitsap County Sheriff or designee
23. Kitsap County Department of Emergency Management Director or designee
24. Kitsap County Parks Department Director or designee
25. Kitsap County Public Works Department Director or designee
26. Kitsap County Human Services Department Director or designee
27. Kitsap County Public Communications Manager
28. Kitsap Public Health District Health Officer or designee
29. Kitsap Public Health District Emergency Response Coordinator
30. Kitsap Public Health District Environmental Coordinator
31. Kitsap Transit Director or designee
32. Port of Bremerton Director or designee
33. United Way President/CEO
34. Salvation Army Corps Officer
35. Red Cross Representative

APPENDIX B RULES

1. **ADOPTION OF RULE; PUBLICATION OF PROPOSALS.** The LEPC may, as necessary and proper, adopt rules of general application governing the execution of responsibilities under EPCRA and related applicable regulations. Such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC. Proposed rules are subject to public comment during the 10-day period. The LEPC Executive Assistant is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.
2. **METHOD OF INITIATING PROPOSED RULE-MAKING.** Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall initially be considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves the proposed rule, it shall thereafter proceed to publication as provided in the preceding section.
3. **METHOD OF ADOPTING FINAL RULES.** Following the expiration of the 10-day comment period, the Executive Committee shall review all public comments and prepare a statement that responds to comments and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the vote is favorable, the rule shall take effect immediately upon the time and date the notice of adoption is first published.
4. **NOTICE OF ADOPTION.** Upon adoption of any rule by the LEPC, the Executive Assistant shall also publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule.
5. **EMERGENCY RULES.** In emergency circumstances, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.
6. **PUBLIC ACCESS TO INFORMATION**
 - A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II

form.

- B. All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Executive Assistant, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request. Copies of the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Executive Assistant is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

7. REQUEST FOR MSDS AND OTHER NON-CONFIDENTIAL INFORMATION

- A. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Executive Assistant.
- B. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Executive Assistant.
- C. If the Committee does not have in its possession the MSDS or other information requested in subsections 7A or 7B of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

8. REQUESTS FOR TIER II INFORMATION

- A. 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 requirements of this section.
- B. If the Committee does not have in its possession the Tier II information requested in subsection 8A of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of 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 threshold planning quantities.
- C. If the request under subsection 8A of this section does not meet the requirements of subsection 8B of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under subsection 8A of this section includes a general statement of need.