

AGENDA REQUEST FORM

**Return completed form and complete agenda item to the Clerk of the Board
Yakima County Commissioners' Office, Room 232**

Prepared by:
Jason Clapp

Department: Emergency Management

Requested Agenda Date: 03/17/2020

Presenting: _____

Document Title:

Board of County Commissioners Record Assigned

094-2020

APPROVED FOR AGENDA:
 Consent Regular
Board of County Commissioners Determined

Yakima County Local Emergency Planning Committee (LEPC) Bylaws

Action Requested: *Check Applicable Box*

PASS RESOLUTION EXECUTE or AMEND **AGREEMENT CONTRACT** or GRANT
 ISSUE PROCLAMATION PASS ORDINANCE ~~OTHER~~ Chairman Signature

Describe Fiscal Impact:

No fiscal impact

Background Information:

The Yakima County Local Emergency Planning Committee (LEPC) is becoming reestablished and official. The committee has generated and approved new Bylaws that will be officially adopted by the committee at the next quarterly meeting in May 2020. The Bylaws have been reviewed by legal at the County Prosecutor's Office.

Summary & Recommendation:

Signature of the Chairman of the Board of Commissioners on the attached Bylaws

Motion:

Chairman of the Board of Commissioners signs on page 11 of the attached Bylaws

Department Head/ Elected Official


Signature

**AGREEMENT Attached Is Approved as to Form
Corporate Counsel Initial** _____

Late Agenda Requests Require BOCC Chairman Signature

**BOARD OF YAKIMA COUNTY COMMISSIONERS
RESOLUTION**

**IN THE MATTER OF AUTHORIZING
THE CHAIRMAN OF THE BOARD TO
SIGN THE YAKIMA COUNTY
EMPERGENCY PLANNING COMMITTEE
(YCLEPC) BYLAWS**

094-2020

WHEREAS, the Yakima County Local Emergency Planning Committee (YCLEPC) is becoming reestablished and official; **and**,

WHEREAS, the Committee has generated and approved new bylaws ; **and**,

WHEREAS, these bylaws that have been reviewed by the Yakima County legal department. These bylaws will be officially adopted by the committee at the next quarterly meeting in May 2020; **now, therefore**,

BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners authorize the Chairman of the Board of the Yakima County Commissioners to sign Article XIV of the Yakima County Emergency Planning Committee (YCLEPC) bylaws.

DONE

Attest:

Norm Childress, Chairman

Melissa Paul, *Clerk of the Board*

Linda Kay O'Hara, *Deputy Clerk*

Ron Anderson, Commissioner

Vicki Baker, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

**Yakima County
Local Emergency Planning Committee
(YCLEPC)**

Bylaws

Adopted May 4th, 2020

Table of Contents

ARTICLE I - ORGANIZATION	3
ARTICLE II – NAME	3
ARTICLE III - PURPOSE	3
ARTICLE IV – AUTHORITY	4
ARTICLE V – OFFICERS AND MEMBERS	4
Section 1 – Officers	5
Section 2 – Chair – Duties	5
Section 3 – Vice Chair – Duties	5
Section 4 – Community Coordinator – Duties	5
Section 5 – Membership	6
Section 6 – Term	6
Section 7 – Vacancies	7
Section 8 – Eligibility	7
ARTICLE VI – MEETINGS	7
Section 1 – Regular Meetings	7
Section 2 – Special Meetings	7
Section 3 – Quorum	7
Section 4 – Voting	8
Section 5 – Conduct of Meetings	8
Section 6 – Participation by Members of the Public	8
Section 7 – Minutes of the Meetings	8
Section 8 – Agenda for Meetings	9
ARTICLE VII – SUBCOMMITTEES.....	9
ARTICLE VIII – DUES AND FEES	9
ARTICLE IX – FUND RAISING	9
ARTICLE X – ACCEPTANCE OF YAKIMA COUNTY LEPC BYLAWS	9
ARTICLE XI – AMENDMENTS TO THE YAKIMA COUNTY LEPC BYLAWS.....	9
ARTICLE XII – COMPENSATION	10
ARTICLE XIII – CONFLICTS OF INTEREST	10
ARTICLE XIV – AUTHORIZATION	11

ARTICLE I - ORGANIZATION

The Yakima County Local Emergency Planning Committee, ("YCLEPC") is a non-profit organization

ARTICLE II – CONTACT INFORMATION:

The, official mailing address and telephone number of the YCLEPC is as follows:

Yakima County Local Emergency Planning Committee
c/o Yakima Valley Emergency Management
2403 South 18th Street, Suite 200
Union Gap, Washington 98903


Email: lepc@co.yakima.wa.us
Telephone: (509) 574-1900
FAX (509) 574-1901

ARTICLE III - PURPOSE

The YCLEPC shall fulfill the intent of the Superfund Amendment Reauthorization Act of 1986 ("SARA"), which is part of the Title III/Emergency Planning and Community Right-To-Know Act, which is referenced in this document by the acronym "EPCRA." The State of Washington provisions for EPCRA are codified at Chapter 38.52.040 of the Revised Code of Washington (RCW) and Chapter 118-40 of the Washington Administrative Code (WAC). These amended YCLEPC Bylaws, approved February 12th, 2020 and adopted at the following quarterly LEPC meeting in May 2020, supersede any and all previous YCLEPC Bylaws, and are consistent with the National Contingency Plan 40 CFR Part 300.

YCLEPC is required to develop and support programs designed to improve emergency planning, preparedness, mitigation, response and recovery capabilities with special emphasis as to hazardous materials. The YCLEPC shall comply with the following requirements to accomplish this mandate:

1. Maintain records of annual facility reports;
2. Review and exercise Yakima County's Emergency Support Function (ESF), more specifically known as the 10B Hazardous Materials Emergency Response Plan Annex, ("ESF 10B HMERP"), at least annually in support of Yakima County's Comprehensive Emergency Management Plan;
3. Submit the ESF 10B HMERP and its subsequent annual revisions for state review;

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4. Comply with all relevant state and federal regulations governing hazardous materials under EPCRA;
 5. Inform the public about hazardous materials risks within the community;
 6. Seek to improve compliance and contingency planning within the County;
 7. Improve training of responders and facility personnel throughout the County;
 8. Recommend policies and regulations to the Yakima County Board of Commissioners;
and
 9. Act as an advisory body to the Director of Yakima Valley Emergency Management, herein known as "YVEM", and to the Yakima County Board of Commissioners as to policy matters related to EPCRA, hazardous materials and related planning, training, and education.

ARTICLE IV – AUTHORITY

Yakima County was designated a local emergency planning jurisdiction by the State Emergency Response Commission (SERC) pursuant to EPCRA. The YCLEPC jurisdiction includes all unincorporated portions of Yakima County and the Cities/Towns of Grandview, Granger, Harrah, Mabton, Moxee, Naches, Selah, Sunnyside, Tieton, Toppenish, Union Gap, Wapato, Yakima, and Zillah.

Through the Yakima County Board of Commissioners, the YCLEPC has the authority to recommend requirements that may be stricter than the minimal EPCRA annual reporting requirements.

The YCLEPC shall provide public access to meeting minutes, documents and the ESF 10B HMERP, an annex of Yakima County's Comprehensive Emergency Management Plan, herein the "CEMP".

As part of the YCLEPC's oversight of the ESF 10B HMERP, the YCLEPC will provide its recommendations for plan improvements to the Yakima Valley Emergency Management Director. The Director shall review and, where appropriate, approve all recommended changes to the ESF 10B HMERP. The Director may provide comment to the YCLEPC within 45 days regarding any recommendations which are not supported by law or policies.

ARTICLE V – OFFICERS AND MEMBERS

Section 1 – Officers

Elected Officers include the Chair and Vice Chair. The Chair of the Yakima County Board of Commissioners shall appoint a Chair and a Vice Chair based on the recommendations of the YCLEPC members.

Officers (Chair and Vice-Chair) will be selected by a majority of the YCLEPC members at the annual membership meetings and shall serve staggering two-year terms, beginning on January 1st of the year following the appointment. Any officer may be removed by a simple majority of the YCLEPC. See Article VI, Section 4 for more voting information.

Section 2 – Chair – Duties

The duties of the Chair shall be as follows:

- Act as liaison to the YVEM Director;
- Produce an annual work plan for the YCLEPC for approval of the general voting membership;
- Endeavor to fulfill EPCRA membership and committee compliance issues;
- Preside over all general membership meetings;
- Act as official representative of the YCLEPC in the absence of another specifically designated member;
- See that meetings are announced and or publicized in accordance with these Bylaws;
- Act as a tie-breaking vote in general membership issues;
- Appoint Subcommittee Chairs with confirmation of the general membership by simple majority;
- Serve as Ex Officio to all subcommittees; and may designate an appointee for this purpose;
- Supervise the production, distribution, maintenance and exercise of the ESF 10B HMERP as required under EPCRA; and
- Sign any instrument the YCLEPC has authorized to be executed.

Section 3 – Vice Chair – Duties


The duties of the Vice Chair shall include:

- Perform all the duties of the Chair at stated meetings and functions when the Chair is not available;
- If the Chair is unable to complete their term of office, the Vice Chair will assume the Chair's remaining term; and
- Sign any instrument the YCLEPC has authorized to be executed.

Section 4 – Community Coordinator – Duties

The Community Coordinator is designated from the membership of the YCLEPC by the Director of the Yakima Valley Emergency Management Department and shall have the following responsibilities:

- Maintain and follow the YCLEPC Bylaws;

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- Take the minutes at each meeting of the general membership, and are prepare them for presentation at the next scheduled meeting;
 - Make the minutes available to the YCLEPC, interested parties, the media and the general public on request;
 - Publish notice of all general membership meetings and other scheduled events;
 - Maintain all YCLEPC fiscal records (i.e., grant awards, donations, etc.); and
 - Produce financial statements for presentation to the membership at each general meeting.

Section 5 – Membership

The YCLEPC shall include representatives from a broad cross-section of the community being served by the YCLEPC. The membership may include, but not limited to, representatives from each of the following groups or organizations:

- Broadcast and Print Media
- Community Groups
- Education
- Elected Officials
- Emergency Management
- Firefighting Services
- Health and Medical Profession
- Law enforcement
- Local Environmental
- Owners and operators of facilities subject to the requirements of Section 302(b) EPCRA
- State and Local Officials
- Transportation Personnel

In order to maintain a current membership roster, members shall attend at least one (1) regularly scheduled meeting per calendar year to be considered an active member. Members are encouraged to actively participate in YCLEPC activities and discussions.

Section 6 – Term

The Officers, Chair and Vice Chair, shall serve staggering two (2) year terms beginning January 1. The Chair's term shall begin on each even year and the Vice Chair position's term shall begin on odd years. If any officers are elected outside of the normal annual meetings in November, they shall only serve the remainder of their respective terms unless reelected for subsequent terms. An example would be that if the initial Chair and Vice Chair were both elected in May 2020, the Chair would serve through December 2021 and the Vice Chair would serve through December 2020 on the initial terms.

The terms The Chair and Vice Chair shall be elected by simple majority vote of the YCLEPC members present at the meeting. See also Article VI, Section 4 – Voting. Officers and members may serve consecutive terms if the YCLEPC membership desires.

Section 7 – Vacancies

1. Should the Chair position become vacant, the Vice Chair shall become the new Chair and serve the remainder of their predecessor's term or until the YCLEPC conducts a special vote for any new Chair position at the next regular or special meeting.
2. Should the Vice Chair position become vacant, the YCLEPC shall conduct a special vote for any new officer positions at the next regular or special meeting. The new Vice Chair shall serve the remainder of their predecessor's term.

Section 8 – Eligibility

No member shall be eligible to hold an officer's position without being a member of the YCLEPC.

ARTICLE VI – MEETINGS

Section 1 – Regular Meetings

The YCLEPC will meet quarterly as a minimum to include the Annual Membership Meeting held in November. At the annual meeting, the YCLEPC shall conduct any necessary reorganization including, but not limited to ratifying new membership rosters and reviewing and making recommendations to revise the ESF 10B Hazardous Materials Emergency Response Plan.

Regular YCLEPC meetings shall be in February, May, August, and November. Members will be aware of the meeting dates and will be reminded at least seven (7) days prior to the meeting. In accordance with these Bylaws, proposed changes may be made to scheduling, officer elections, and any other business when approved by a simple majority of members in attendance.

All YCLEPC meetings shall be open to the public and shall comply with the Washington Open Public Meetings Act (RCW 42.30.020). All members of the public attending YCLEPC meetings shall be afforded an opportunity to provide oral or written comment to the committee. The YCLEPC may respond to public comment during the meeting or in writing as may be determined by the committee by simple majority vote. Email correspondence counts as written notification.

Section 2 – Special Meetings

The YCLEPC Chair may, upon the written request of at least two members of the YCLEPC, call a meeting of the YCLEPC for the purpose of transacting any business of the YCLEPC. Email correspondence counts as written notification. The purpose of the meeting shall be set forth in the call of the meeting, and the call may be delivered to each YCLEPC member and the news media at least two (2) days prior to such meeting. At the special meeting, any item of business may be transacted if the members have a simple majority vote of the members present to transact said business. Exception: Officer elections shall only need a simple majority vote of the YCLEPC membership in attendance. Return to Article V, Section 7 – Vacancies

Section 3 – Quorum

Quorum minimally consists of the YVEM Director or the YCLEPC Community Coordinator, the Chair or Vice Chair and four (4) other members from the YCLEPC. At a meeting, action may be taken by an affirmative vote of a simple majority of all those present.

Section 4 – Voting

- The voting on all questions coming before the YCLEPC shall be by yea or nay, or a show of hands, unless action is taken for a roll call vote on any particular matter. Each member may cast one vote on business items. In the event a member is unable to attend, the organization which that member represents may designate by written letter or email a substitute representative for that particular meeting, thereby delegating the member's right to move, second or vote on behalf of that particular substitute person. Email correspondence counts as written notification. Furthermore, the substitute representative's attendance may be counted as a regular member when it is to be determined whether a quorum is in attendance. The Chair will typically not cast a vote unless a voting result ends in a tie. Then the Chair shall act as a tie-breaking vote in general membership issues.

Return to Article V, Section 1 – Officers, or Section 6 – Term

Section 5 – Conduct of Meetings

Meetings shall be conducted with order and decorum. The YCLEPC shall follow the procedure determined appropriate by the YCLEPC Chair, which may include the following:

- No persons shall speak unless first recognized by the Chair or their designee.
- No persons shall speak twice before all others in attendance have had the opportunity to speak once
- Debate on any matter shall be closed by a motion and a second to bring the matter to a vote.
- Any member of the YCLEPC may make or second a motion.

Robert's Rules of Parliamentary Procedures shall be observed by the membership and enforced by the Chair, Vice Chair or Subcommittee Chair presiding at regularly scheduled meetings.

Section 6 – Participation by Members of the Public

Members of the public are encouraged to attend regular and special meetings of the YCLEPC. An opportunity will be provided at each meeting for members of the public to address the YCLEPC on matters relating to local emergency preparedness. A member of the public who desires to address the YCLEPC may sign in at the door or may email their comments prior to the meeting to lepc@co.yakima.wa.us.

Section 7 – Minutes of the Meetings

Accurate minutes of YCLEPC meetings shall be recorded and shall include, but not limited to a record of votes, a record of attendance, and a narrative summary of the discussions. Copies of

minutes shall be kept by the Community Coordinator. Minutes from the previous meeting shall be made available and read and approved at each meeting.

Section 8 – Agenda for Meetings

An agenda of each meeting shall be prepared by the Chair or designee and presented to the members before each meeting. The meeting agenda may also be provided prior to the meeting by email; or by handout and/or by presentation at the meeting.

ARTICLE VII – SUBCOMMITTEES

Subcommittees will be appointed as needed to address specific issues as determined by the YCLEPC. A Subcommittee Chair will be appointed by the YCLEPC Chair. Subcommittees shall be comprised of a chairperson and staffed by interested members at the discretion of the subcommittee chair.

ARTICLE VIII – DUES AND FEES

The YCLEPC reserves the right and authority to recommend such fees and dues as may be necessary to conduct its business, consistent with federal, state and local law. Any recommendations made to implement dues must be approved by a simple majority of the YCLEPC members in attendance.

ARTICLE IX – FUND RAISING

Reserved

ARTICLE X – ACCEPTANCE OF YAKIMA COUNTY LEPC BYLAWS

These Bylaws must be confirmed by the YVEM Director, the Yakima County Board of Commissioners and a simple majority of the YCLEPC members in attendance at a regularly scheduled meeting.

ARTICLE XI – AMENDMENTS TO THE YAKIMA COUNTY LEPC BYLAWS

Any voting member can request a change to the Bylaws at any regularly held meeting. No changes to the Bylaws may be made until the next regular meeting after the request and only if on the agenda for that meeting.



Changes to the Bylaws must be confirmed by the YVEM Director, the YBOCC and by simple majority of the YCLEPC members in attendance at a regularly scheduled meeting.

ARTICLE XII – COMPENSATION

No member of the YCLEPC may receive compensation, gratuity, gifts or presents for duties, activities, services or materials personally provided to or for the YCLEPC. Any member receiving compensation of any kind will be dismissed and barred from further participation in YCLEPC functions.

ARTICLE XIII – CONFLICTS OF INTEREST

Any member who has a conflict of interest with any business before the YCLEPC will announce that conflict as soon as it becomes evident. Members who have a conflict will recuse themselves from the meeting while the conflict of interest is being discussed or voted on.



ARTICLE XIV – AUTHORIZATION

These Bylaws approved at the YCLEPC meeting:

2/12/2020
Date

Ken Anderson, Interim Chair
Yakima County Local Emergency Planning Committee

Date

Tony Miller, Director
Yakima Valley Emergency Management

Date

Norm Childress, Chairman
Yakima County Board of Commissioners

Date

ARTICLE XIV – AUTHORIZATION

These Bylaws approved at the YCLEPC meeting:

2/12/2020

Date



Ken Anderson, Interim Chair
Yakima County Local Emergency Planning Committee

3/4/2020

Date



Tony Miller, Director
Yakima Valley Emergency Management

3-5-2020

Date

Norm Childress, Chairman
Yakima County Board of Commissioners

Date