

Phillips County LEPC Bylaws

**BYLAWS  
OF  
THE PHILLIPS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

**ARTICLE I  
NAME AND PURPOSE**

**Section 1. Name.** The name of this organization shall be the Phillips County Local Emergency Planning Committee, hereinafter referred to as the "LEPC."

**Section 2. Purpose.** The purpose of the LEPC is those set out in SARA Title III/EPCRA and any other lawful purposes which are assigned to it or permitted by the County, Tribe, or District Commissioners, and/or the Commission on Emergency Planning and Response (CEPR). In keeping with the intent of the SARA Title III/EPCRA regulations, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will develop an all-hazards emergency response and preparedness plan for the planning district and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on an annual basis, in accordance with Section 303 of SARA Title III.

The LEPC shall, in addition

1. Receive and process requests for information from the public.
2. Notify the public of all LEPC meetings or activities.
3. Perform an all-hazards analysis with the information/reports from facilities operating within the jurisdiction of the LEPC, and analysis of the district's transportation risks.
4. Establish and maintain a database of hazardous chemical locations and quantities in the district.
5. Maintain information on ALL facilities that manufacture, or store Extremely Hazardous Substances (EHS), and include this information within the emergency response and preparedness plan.

The LEPC will establish and notify the public that all meetings, including sub-committee and ad hoc committee, meetings are open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the Commission on Emergency Planning and Response (CEPR), or the county council. The LEPC will make assessments of resources necessary to implement the emergency operations plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose of the Community Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or transported within the planning district. Transportation hazards analysis will include those risks to the district from the commercial transportation by rail, highway, aircraft, and waters of commerce.

## **ARTICLE II MEMBERSHIP**

Membership will always include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation 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. The members shall be approved by County Commissioners and the CEPR. Member updates will be provided to the CEPR on an annual basis or whenever there is a change in membership.

**Section 1. Qualification.** The organization shall consist of those members approved by the County Commissioners, the CEPR for membership in this body. Those people's names shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents or conduct business in the jurisdictional area of the LEPC.

**Section 2. Officers.** Officers shall be elected to conduct meetings, appoint subcommittee, keep minutes, and to otherwise accomplish the work of the committee.

**Section 3. Terms of Office.** The membership of the LEPC, once established, will be for a period of 2 years. Members may be selected to succeed themselves or to move to others positions on the LEPC. No term limits are established for this jurisdiction. The term of office shall be provided by Article III, Section 3.

**Section 4. Inactive Members.** Appointed members shall be considered inactive when they have missed more than two unexcused Committee Meetings per year without notification to the Committee Chair or another member and shall be removed from the committee upon a vote by the members of the committee at the next scheduled meeting. A revised list of members shall be provided to the County Commissioners and the CEPR annually.

**Section 5. Vacancies:** Any vacancy occurring in the LEPC by reason of resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. The Executive Committee may make suggestions for candidates to fill vacant positions to the County Commissioners who will make the recommendation to the CEPR for approval.

**Section 6. Duties.** The LEPC shall assist established emergency planning officers within the county with planning emergency response and public information as directed by laws.

**Section 7. Meetings.** The LEPC shall meet at least semi-annually. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The Chairperson must call a special meeting of the LEPC upon the written request of at least three members. The special committees shall meet as the work under their groupings proceeds.

**Section 8. Quorum.** The presence of 25 percent of the membership of the LEPC, which also includes at least two officers, at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC.

**Section 9. Agenda.** Any member may request that the Chairperson place an item on the meeting agenda. If the Chairperson declines to do so, a member may have such an item placed on the agenda by submitting it in writing to the Chairperson with the support signature of one other member of the committee.

**Section 10. Rules of Order.** The deliberations of all meetings of the LEPC and its subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

**Section 11. Notice of Meetings.** An annual notice of regular meeting schedule of the LEPC shall be published in a newspaper, social media, county website, with regular circulation in Phillips County in accordance with SARA Title III (EPCRA). This notice shall specify the meeting designation specifically for the receipt of public comments on the emergency plan.

### **ARTICLE III OFFICERS**

The Officers of the LEPC shall be the Chairperson, Vice-Chairperson, and Information Officer-Secretary-Treasurer who shall be elected by the committee as a while in a manner provided. All officers shall be members of the LEPC.

**Section 1. Nomination and Election of Officers.** Prior to the expiration of the officer's term of service, nomination and election of officers shall occur at the meeting held in the fourth quarter. Nominations will be accepted from the floor for the positions of Chairperson, Vice-Chairperson, and Secretary-Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of members of the LEPC present and vote at the meeting.

**Section 2. Term of Office.** The term of the officers elected at the organizational meeting shall expire on the last day of each fiscal year.

**Section 3. Chairperson.** The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

**Section 4. Vice-Chairperson.** Upon resignation or death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.

**Section 5. Information Officer-Secretary-Treasurer.** The Secretary-Treasurer in cooperation with the Information Coordinator shall be the custodian of all books, papers, documents, and other properties of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary-Treasurer in conjunction with the Information Coordinator shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of LEPC. The Coordinator shall process requests from the public for information under section 324 (Right-to-Know), including Tier II information under Section 312.

### **ARTICLE IV COMMITTEES**

**Section 1. Executive Committee.** The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer- Information Coordinator.

**Section 2. Meetings.** Meetings of the Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

**Section 3. Ad Hoc Committees.** The Chairperson may create Ad Hoc Committees as necessary to perform the functions of the LEPC. Chairpersons of Ad Hoc Committees shall be appointed by the Chairperson of the LEPC.

## **ARTICLE V MISCELLANEOUS PROVISIONS**

**Section 1. Fiscal Year.** The fiscal year shall be considered to run from 01 Jan to 31 Dec.

**Section 2. Indebtedness.** All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment.

**Section 3. Approval of By-Laws.** These by-laws shall become effective upon approval by a majority of those in attendance at any regular LEPC meeting.

## **ARTICLE VI AMENDMENTS**

**Section 1. Amendments.** These by-laws 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 before the meeting. Any member of the LEPC shall have the right to comment or suggest revision to the by-laws.

### **Public Notifications and General Participation**

**A.** All meetings of the LEPC or subcommittee thereof shall be open to the public, except under circumstances where the information may be exempt from public release under the Freedom of Information Act. The Chairperson shall afford a reasonable time period at the beginnings of each regular quarterly meeting to accept oral public comments on any aspect of the LEPCs mission or functions.

**B.** Not less than once each calendar year, the LEPC shall publish through print or electronic means, in the official county newspaper and/or social media a notice that written public comment is invited during a thirty-day period on any aspect of the LEPCs organization, membership functions, planning process, or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPCs statutory purpose, the location of the LEPC minutes and other records, and the name and address of the person designated to receive written comments.

**C.** The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each comment received.

### **LEPC Participation in the Planning Process**

**A.** The Kansas Emergency Management Act, as amended, requires each local and interjurisdictional agency to prepare and keep current an emergency management plan for its area.

## **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 Safety Data Sheet (SDS) 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 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 Information Coordinator, 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.

**C.** Copies of the LEPC bylaws, proposed rules, or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

### **D. Requests for SDS and Other Non-Confidential Information.**

1. Any person may obtain an SDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
3. If the Committee does not have in its possession the SDS or other information requested in subsections D1 or D2 of this section, it may request submission of the SDS from the owner or operator of the facility that is subject of the request. The Committee will only make requests for specific facilities for information which it is required to maintain or collect pursuant to applicable law.

### **E. Requests for Tier II Information**

1. 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.
2. If the Committee does not have in its possession the Tier II information requested in subsection E1 of the section, it may request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided 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.
3. If the request under subsection E1 of this section does not meet requirements of subsection D2 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 E1 of this section includes a general statement of need.

### **F. Trade Secrets.**

1. Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as:

- a. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information is not subject to a valid claim of business confidentiality or trade secret; and
- b. The LEPC receives a written notice of such determination.

**THIS DOCUMENTS THE CONSTITUTION AND BY-LAWS OF PHILLIPS COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS \_\_\_ DAY OF \_\_\_ IN THE YEAR \_\_\_.**

Kassandra DeWitt

LEPC Chairperson (Print Name)

[Handwritten Signature]

LEPC Chairperson (Signature)

05/18/26

Date

Douglas G. Zillinger

Chairman County Commissioners (Print Name)

[Handwritten Signature]

Chairman County Commissioners (Signature)

05/01/2026

Date