

**Adams County, Colorado**  
**Local Emergency Planning Committee Bylaws**  
Approved April 15, 2014, Last Amended April 21, 2014

**Article I. Identification**

The Adams County Emergency Planning Committee, hereinafter referred to as the “Committee,” is an entity created pursuant to Part 15, Article 33.5 of Title 24, C.R.S., and Title III of the Superfund Amendments and Reauthorization Act (SARA Title III), and the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA).

**Article II. Purpose**

**Section 1: Purpose of the Committee**

The primary purpose of the Committee is to implement SARA Title III in Adams County, Colorado, through the administration of a program for the development of emergency response plans and systems and for requiring certain facility reporting and notification regarding the listing or release of specified hazardous substances. The broader purpose is to enhance environmental protection, hazard mitigation, land use practices, public health and safety as these are affected by chemical hazards the County.

**Section 2: Duties**

- (a) Preparing, approving, and reviewing (annually) the Hazmat Annex to the County Emergency Operations Plan (EOP).
- (b) Reviewing and approving emergency operations plans for SARA Title III facilities within Adams County.
- (c) Publishing of the meeting schedule, minutes, and agendas on the Committee website for the general public.
- (d) Establishing procedures to receive, store, and retrieve material safety data sheets (MSDS), chemical inventory forms (Tier II), spill reports, and all other applicable documents from facilities within Adams County.
- (e) Follow established procedures according to the Colorado Open Records Act, to respond to public requests for information related to facilities within Adams County.
- (f) Apply for and oversee grant applications for funding Committee projects.
- (g) Oversee and approve expenditures from the Committee Budget Line consistent with County fiscal procedures.
- (h) Review, amend, and approve Committee policies and procedures.

**Article III. Committee Members**

**Section 1: Organizations Represented**

The Committee consists of members selected under the provisions of these Bylaws, appointed by the Adams County Board of County Commissioners, and approved by Colorado Emergency Planning Commission (CEPC), and includes representatives from the

following: local and state government, law enforcement, emergency management, fire fighting, emergency medical services, public health, hospitals, environmental, transportation, public affairs, media, industry and community groups.

## **Section 2: General Membership**

Membership on the Committee is open to any interested person who attends meetings and registers for membership on the LEPC roster. The names of the applicants will be approved by the LEPC Executive Board and forwarded to the CEPC for formal approval. General Members shall attend, at a minimum, fifty percent (50%) of Committee meetings, or shall be eligible for removal by vote of the Board.

## **Section 3: Executive Board Membership**

The LEPC shall be administered by an Executive Board of no fewer than twelve (12) members.

- (a) Five (5) of the twelve (12) members shall be appointed by the Board of County Commissioners for a two year term, and shall consist of representatives from the following agencies: Adams County Emergency Management, Tri-County Health, the Adams County Planning Department, the Adams County Assessor's Office and the Adams County Sheriff's Office. After 2014, these members shall be nominated on even years only.
- (b) The other seven (7) of the twelve (12) members shall be appointed by the Board of County Commissioners for a two-year term, and shall consist of one from each of the following: two from the local fire departments or districts (one of whom must be a member of the Adams/JeffCo/Broomfield Hazmat Authority), two from a public interest group or community group, one from a local area hospital, and two from private affected industry. After 2013, these members shall be nominated on odd years only.
- (c) The Executive Board shall at a minimum consist of a Chair, Vice-chair, Secretary, and Treasurer. During the year of approval of this Resolution, officer nominations will occur. To ensure consistent fiscal oversight, a representative from the Adams County Office of Emergency Management shall serve as the Treasurer.
- (d) Where any of the above appointments remain vacant for more than two consecutive general meetings, the Board of County Commissioners shall open and request applications from the appropriate representative group.

## **Article IV. Committee Meetings**

### **Section 1: Frequency of Meetings**

The Committee will meet at least four (4) times annually, and more frequently at the discretion of its Chair.

### **Section 2: Announcement of Meetings**

- (a) An annual calendar of Committee Meetings shall be provided to Members of the Committee during the first month of the calendar year (January) and shall be noticed at least two weeks in advance of such meetings of the agenda, time, place and date.
- (b) The public will be notified of Committee meetings at least fifteen (15) business days in advance of each meeting.

### **Section 3: Location of Meetings**

The Committee meetings will be held at the Adams County Government Center, 4430 S. Adams County Pkwy, Brighton, CO 80601, the Adams County Sheriff's Sub-Station, 4201 E. 72<sup>nd</sup> Ave., Commerce City, CO 80022, or as otherwise determined by the Chair.

### **Section 4: Quorum of Members for Meetings**

A quorum of 9 Executive Board members is required for the conduct of business, voting and any action on behalf of the LEPC.

### **Section 5: Conduct of Meetings**

- (a) All meetings of the Board, Committee, and any Sub-Committee shall be open to the public.
- (b) Committee meetings will be conducted according to general parliamentary procedure, and in accordance with the provisions of the Colorado Sunshine Law and the Colorado Open Records Act.
- (c) Any matter to be voted on shall take the form of a resolution or motion. A simple majority of the members in attendance at a Committee meeting must vote affirmatively for adoption of any resolution.
- (d) Each Committee member, including the Chair of the Board, will have one vote.
- (e) A Committee member may vote for or against a resolution, or may abstain from voting.
- (f) Order of Business: Attendance, Call to Order, Reading and Approval of minutes, Communications, Financial Report, Subcommittee Reports, Presentations, Unfinished Business, New Business, Adjournment.

## **Article V. Sub-Committees**

### **Section 1: Identification of Committees and Appointments/Resignations**

- (a) Appointments to Sub-Committees, including Sub-Committee Chairs, are made by the Chair of the Board.
- (b) The Chair may appoint the following Sub-Committees: Planning Team, Fiscal and Grants Management, Community Outreach, and Training Sub-Committees
- (c) Resignations of Sub-Committee members are to be submitted in writing to the Chair, who may, at his/her discretion, replace resigning members.
- (d) Sub-Committee members shall attend, at a minimum, seventy-five percent (75%) of Committee meetings, or shall be eligible for removal by vote of the Board.

## **Section 2: Dissolution and Establishment of Sub-Committees**

Additional Sub-Committees may be established and existing ones dissolved by a majority vote of the Board.

## **Section 3: Duties of Sub-Committees**

- (a) Sub-Committees will convene to consider issues assigned by the Board, recommended by the Committee, and/or issues of the Sub-Committee's devising.
- (b) Sub-Committee meetings will be held at the discretion of Sub-Committee Chairs in terms of frequency and location. Such meetings shall comply with the Colorado Sunshine Law.
- (c) Sub-Committees will report their findings and make their recommendations to the full Committee.
- (d) Sub-Committee recommendations must, to be adopted, be affirmed as resolutions by a majority of the Committee members.
- (e) Additional duties may be assigned Sub-Committees by the Board Chair.

## **Article VI. Officers**

### **Section 1: Officers**

The Officers of the Board are the Chair, Vice-Chair, Secretary, and Treasurer.

### **Section 2: Terms of Officers**

The Term of the Officers are for a period of one year.

### **Section 3: Election of Officers**

- (a) The regular members of the Board shall annually elect from their membership a Chair, Vice-Chair and Secretary.
- (b) The annual election shall occur during the first Board meeting at which a quorum is present, following the annual reorganization by the Adams County Board of County Commissioners. An OEM Representative shall convene and conduct this election until all officers are elected, at which time the newly-elected Chair shall conduct any further business to come before the Board or Committee.
- (c) Upon proper nomination and second by seated Board Members, a nomination for Chair shall be considered. A majority vote of members seated shall be required to elect a Chair. After a Chair is elected, the same procedure shall be followed to elect a Vice-Chair and Secretary.
- (d) In the event that the duly-elected Chair becomes unable to complete the term of office, the Vice-Chair shall automatically assume the position of Chair until the completion of the term, and a new Vice-Chair shall be elected at the next regular meeting in accordance with the provisions of these Bylaws. In the event that a Vice-Chair or Secretary is unable to complete the term, an election shall be held (at the next regular

meeting) to fill that vacancy. Said election shall be in accordance with the provisions of these Bylaws.

#### **Section 4: Sub-Committees**

These same provisions and procedures shall apply to election of Sub-Committee Officers.

### **Article VII. Duties of Officers**

#### **Section 1: Chair**

- (a) The Chair will determine the frequency, dates, times and locations of Board and Committee meetings. Such meetings shall comply with the Colorado Sunshine Law.
- (b) The Chair shall appoint the members of each Sub-Committee.
- (c) The Chair will conduct Board and Committee meetings according to general parliamentary procedure.
- (d) Board and Committee meeting agendas will be set by the Chair.
- (e) The Chair may delegate at his/her discretion his/her powers and duties to the Vice-Chair, consistent with other provisions of the Bylaws.

#### **Section 2: Vice-Chair**

- (a) The Vice-Chair will assume the duties of the Chair, as needed.
- (b) The Vice-Chair will assist in program preparation and other duties as assigned.

#### **Section 3: Secretary**

- (a) The Secretary will prepare and distribute minutes of each Board and Committee meeting and collect and distribute minutes of each Sub-Committee Meeting.
- (b) The Secretary shall maintain all documents and records of Board, Committee, and Sub-Committee actions.

#### **Section 4: Treasurer**

- (a) The Treasurer shall maintain an account along with the application, collection and disbursement of funds.
- (b) The Treasurer shall keep a record of the finances of the Committee.
- (c) The Treasurer shall present a report of Committee finances at every meeting.
- (d) If needed, the Treasurer will assume the responsibilities of the Secretary at a Committee meeting.
- (e) The OEM representative on the Board shall serve as the Treasurer.

### **Article VIII. SARA Title III Documents Submissions**

#### **Section 1: Repository of Documents**

The Adams County Office of Emergency Management will be the repository for all

documents submitted to the Board, Committee, or Sub-Committee, pursuant to the provisions of SARA Title III and the Colorado Open Records Act.

## **Section 2: Availability of Documents to the Public**

SARA Title III documents will be available for examination and copy by the public during the hours of 8:00am and 4:30pm, Monday thru Friday at the Adams County Government Center or by information request form by email. The Board, Committee, and any Sub-Committees, shall comply with the Colorado Open Records Act, including provisions relating to confidential records. Every attempt will be made to fulfill open records requests within three (3) working days. Requests received after the close of business will be processed as if they were received on the next business day. If the request cannot be filled within three working days, the requestor will receive notice that additional time will be necessary. In most circumstances, the period for response will be extended by seven (7) working days.

## **Section 3: Fees**

- (a) Standard fees for records requests include copy charges (currently \$.25) and actual costs associated with fulfilling the request. The records custodian is responsible for setting reasonable fees and for advising the requesting party of the fees that will likely be incurred as a result of fulfilling the request. Reasonable and necessary costs may include, but are not limited to, the cost of creating documents in electronic or digital format, staff time when the fulfillment of the request requires extensive staff time, costs associated with creating special reports, and/or costs associated with specialized IT support.
- (b) If the fulfillment of the request is likely to incur fees in excess of \$20.00, the records custodian will provide the requesting party with an estimate of the likely fees to be generated in fulfilling the request.
- (c) The Committee may require payment of the estimated fees prior to any staff time being expended on responding to the request. Requesting parties will be responsible for any actual costs incurred in excess of the deposit and will be reimbursed for any estimated costs that are not actually incurred.

## **Section 4: Records**

All records of meetings, including meeting agendas and minutes, shall be available for inspection and copying by any person at the Adams County Government Center.

## **Section 5: Legal Notices**

The Committee shall publish annually a legal notice indicating where all SARA Title III documents are maintained, including the Committee's Emergency Operations Plan Hazmat Annex, MSDS, Tier II Forms, and written follow-up notices from facilities experiencing Title III spills.

## **Section 6: Data Analysis**

The Committee shall have full access to data from all Tier II Submissions for the purposes

of outreach, training and exercise, hazard and vulnerability analysis, land use planning, and community education.

## **Article IX. Adoption/Amendment of Committee Bylaws**

### **Section 1: Adoption of Bylaws**

A majority of Executive Board members is required to adopt the Committee's Bylaws.

### **Section 2: Amendment of Bylaws**

A majority of Executive Board members is required to amend the Committee's Bylaws.

### **Section 3: Vote**

Upon proper motion and second, an affirmative vote of a simple majority of Executive Board members shall be required for the adoption or amendment to carry.

## **Article X. Non-Exclusion Provision**

Nothing in these Bylaws is to be construed as excluding or contravening any additional provision of federal or state law that is not explicitly or implicitly referred to within these Bylaws.

## **Article XI. Bylaws Adoption and Signing**

Upon their adoption by the Committee, a copy of these Bylaws will be signed and dated by the Chair of the Board and will be available for inspection and copying by the public at the Adams County Government Center.

The official mailing address and contact information for the LEPC will be:

Chair, Adams County Local Emergency Planning Board  
c/o Adams County Office of Emergency Management  
4430 South Adams County Parkway, 3<sup>rd</sup> Floor Suite C3300  
Brighton, CO 80601  
Email: [lepc@adcogov.org](mailto:lepc@adcogov.org)  
Phone: 720-523-6602  
Spill Reporting: 720-523-6600  
24 Hour Emergency Line: 720-521-2182

## **Article XI. Ethics**

Any Committee Member who actually or potentially has a conflict of interest with regard to any business before the Board, Committee, or any Sub-Committee, or whose participation would otherwise violate the appearance of fairness, shall disqualify him/herself from voting or participating in the discussion and deliberation in any motion concerning such business. When the Member has so disqualified him/herself, the Member shall not sit on the Board, Committee, or Sub-Committee during discussion and voting on the matter.

A potential conflict of interest or violation of the appearance of fairness exists when a Member is involved in or has a direct or indirect interest, financial or otherwise, or is engaged in any business or transaction or professional activity, or incurs any obligation of any nature of an entity that is participating in, is proposing to participate in, or is in competition with, the business under consideration.

Approved and Adopted by majority vote in a public meeting held this \_\_\_\_\_ the day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_, Chair

\_\_\_\_\_

\_\_\_\_\_, Witness