

# WASHINGTON STATE EMERGENCY RESPONSE COMMISSION

Amended November 1, 2017

## BYLAWS

### ARTICLE I

#### Name

The body shall be known as the Washington State Emergency Response Commission, hereafter referred to in this document as the "SERC".

### ARTICLE II

#### Purpose and Authorization

The duties and purposes of the SERC are those set forth pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA), Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Public Law 99-499), herein referred to in this document as "EPCRA." State of Washington provisions for EPCRA are addressed under chapter 38.52.040 of the Revised Code of Washington and chapter 118-40 of the Washington Administrative Code. Nothing in these bylaws shall conflict with the regulatory and statutory provisions that regulate EPCRA. The duties and purposes include, but are not limited to:

1. Carrying out the mandate of EPCRA
  - Designate Local Emergency Planning Committees (LEPC).
  - Assist LEPCs in meeting all nine federal planning requirements.
  - Develop informational material for statewide distribution.
  - Coordinate review of LEPC plans by Emergency Management Division, Department of Ecology, State Fire Marshal, and Department of Health.
  - Provide technical and regulatory assistance to businesses.
  - Track and record industry compliance.
2. Improving state and local hazardous materials emergency response capabilities
  - Analyze State Preparedness Report assessment information for gaps.
  - Advise on emergency spill response, responder equipment, and training needs.
3. Coordinating hazardous materials issues and initiatives
  - Recommend WAC 118-40 changes as needed
  - Provide comments on any proposed changes to federal policies or statutes.
4. Advising the Emergency Management Council on all matters pertaining to

EPCRA and hazardous materials matters within the state of Washington

- Report industry compliance
- Report pertinent hazardous materials incident trends and issues being monitored by the SERC

### **ARTICLE III**

#### **Membership**

Section 1: The membership of the SERC shall be by agency or organization, each with one primary representative and one alternate representative. The SERC shall consist of the director or designee of the following:

1. Washington State Department of Ecology
2. Washington State Department of Health
3. Washington State Department of Labor and Industries
4. Washington State Department of Transportation
5. Washington State Department of Agriculture
6. Local Emergency Manager
7. Local Emergency Planning Committee (Eastern Washington)
8. Local Emergency Planning Committee (Western Washington)
9. Washington State Military Department
10. Private industry
11. Transportation Industry
12. Washington Fire Chiefs
13. Washington State Patrol

Section 2: In order to ensure the SERC will conduct its business with continuity, each member agency or organization shall identify its primary representative and one alternate (or any changes thereto) by submitting the same in writing to the SERC.

Section 3: The representative of the local emergency managers will be selected by the Washington State Emergency Management Association. The private industry representative shall be employed by a Washington business that is subject to EPCRA regulations. The transportation industry representative shall be from a Washington business that transports hazardous materials.

Section 4: All members of the SERC shall serve without compensation, but may be reimbursed for travel expenses incurred in the performance of their SERC duties in accordance with Chapters 43.03.050 and 43.03.060. RCW.

## **ARTICLE IV**

### Duties of Office

Section 1: Chairperson. The Chairperson shall be the Washington Fire Chiefs representative. The Chairperson shall preside at all meetings and hearings of the SERC, shall have the duties normally conferred by parliamentary usage of such office, and establish and ensure publication of the agenda for each regular meeting of the SERC. The Chairperson shall have the authority to:

1. Appoint and generally perform other duties as may be prescribed in these bylaws
2. Sign, on behalf of the SERC, documents that require such signature
3. Call regular and special meetings of the SERC

Section 2: Vice Chairperson. The Vice Chairperson shall work in close cooperation with the Chairperson and shall perform such duties as the SERC shall assign, and shall be selected by the Chairperson. In the absence or incapacity of the Chairperson, the Vice Chairperson shall be vested with all powers and perform all the duties of the office of the Chairperson.

Section 4: Staff Coordinators. The SERC/LEPC Staff Coordinator, provided by the Military Department, shall make the agenda of each regular meeting of the governing body available online no later than twenty-four hours in advance of the published start time of the meeting, shall, in writing, acknowledge the minutes of each Commission meeting, certify all Commission meeting notices, and perform such other duties as may be directed by the Chairperson of the Commission. Additional staff from the Military Department, Department of Ecology, Department of Health and the Washington State Patrol, State Fire Marshal's Office shall provide administrative and technical support as they relate to EPCRA matters pertinent to the SERC and directly applicable to the administration of the Commission's business.

## **ARTICLE V**

### Meetings

Section 1: Regular meetings will be held at least quarterly as established by the SERC. Proposed agenda items shall be referred to the Chairperson not later than six weeks prior to the meeting. No other business may be considered except by a majority vote of members \*present and voting.

Section 2: A special meeting may be called by the Chairperson. Written notice shall be sent to all members at least five (5) days prior or verbal notice given at least two (2) days prior to any special meeting and shall specify the purpose of such a meeting.

Section 3: A quorum necessary to conduct a meeting of the SERC shall be no less than

five members or their designated alternates. Adoption of all motions shall require a majority of the members \*present.

*\*Present shall mean being in attendance physically, actively participating in a video-teleconference or web meeting and/or by phone.*

Section 4: All SERC meetings shall be open to the public and shall comply with the Open Public Meetings Act.

Section 5: The deliberations of all members of the SERC shall be governed by the Roberts Rules of Order, Revised.

Section 6: Meetings shall be scheduled by the Chairperson and announced by the Staff Coordinator not later than six weeks in advance, with all matters to be considered provided to the members not later than two weeks in advance.

Section 7: Draft meeting minutes should be distributed to the SERC within three weeks following the respective meeting. Corrections will be sent to the Staff Coordinator not later than three weeks after distribution of the draft notes. Final meeting minutes shall be approved by the SERC as a first order of business at the subsequent meeting.

## **ARTICLE VI**

### **Attendance**

Section 1:

Primary members or their designated Alternates are expected to attend all meetings.

Upon the absence at two or more consecutive meetings by the Primary or designated Alternate, the Chairperson will directly contact the absent agency's director or organization's president to identify that the entity has not been in attendance and request assistance in ensuring the organization participates.

## **ARTICLE VII**

### Voting

Section 1: Each member or their designated alternate, including the Chairperson, shall be entitled to one vote.

Section 2: No members will vote by proxy.

Section 3: Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters, which pose a conflict of interest for them.

Section 4: SERC Staff Coordinators shall not vote on any SERC matter; rather, they will provide member support and help carry out the matters upon which the SERC members vote.

## **ARTICLE VIII**

### Committees

The SERC shall appoint such ad-hoc committees and working groups as needed. Each ad-hoc committee will receive from the SERC a purpose, tasks, desired end state and a requested timeline. Each ad-hoc committee will report progress at each subsequent SERC meeting until fulfilling the stated purpose. The meeting notes will reflect the progress or close out of each ad-hoc committee.

## **ARTICLE IX**

### Review, Update and Amendments

Section 1: The SERC will review the Bylaws on an annual basis.

Section 2: The Bylaws will be updated when required, but not longer than every 3 years.

Section 3: These bylaws may be amended by a two-thirds vote of the SERC membership, only after the proposed change has been read and discussed at a previous meeting.