

Presented by: The Manager
Introduced: 07/21/2014
Drafted by: A. G. Mead

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2689

A Resolution Re-establishing the Juneau Local Emergency Planning Committee, Amending its Membership and Bylaws, and Repealing Resolution 2135.

WHEREAS, The Alaska Disaster Act, AS 26.23, together with the Emergency Planning and Community Right-to-Know Act of 1986, Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) establish requirements for business and industry, and federal, state, and local governments regarding emergency planning and community right-to-know reporting on hazardous substances; and

WHEREAS, implementing the community right-to-know provisions of state and federal law will serve to advise the public of the presence of hazardous substances in the community, and involve the public in preparing for, and mitigating the threat of accidental releases of these substances into the environment; and

WHEREAS, in 1991, pursuant to state and federal emergency planning and community right-to-know law, and at the request of the Assembly set forth in Resolution 1443, the Alaska State Emergency Response Commission designated the City and Borough of Juneau a Local Emergency Planning District; and

WHEREAS, pursuant to state designation as a Local Emergency Planning District, and under the authority of Resolution 1443 the Assembly appointed a Local Emergency Planning Committee; and

WHEREAS, in 1996, the Local Emergency Planning Committee was disestablished pursuant to Resolution 1830 and its functions made a part of the duties of a newly-created Emergency Management Advisory Group; and

WHEREAS, in 1999 the Assembly determined that disestablishment of the Local Emergency Planning Committee had been improvident and it was reestablished pursuant to Resolution 1989 in order to ensure compliance with federal and state community right-to-know law, meet community needs for emergency planning, and facilitate the integration of emergency plans generated by and for the hospital, the airport, the electric utility, oil spills, cruise ships, the Red Cross, and other agencies; and

WHEREAS, alternate members of the Committee were established pursuant to Resolution 2135; and

WHEREAS, representatives of agencies catering to the needs of Juneau's vulnerable populations have been attending and participating in the work of the committee without vote for over a year; and

WHEREAS, the Juneau Local Emergency Planning Committee approved certain amendments to its bylaws consistent with this resolution and recommends that the Assembly approve the amended bylaws attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Repeal of Resolutions. Resolution 2135 is repealed, provided that Resolution 1989, and Resolutions 1433 and 1830 repealed therein, shall remain repealed and the Emergency Management Advisory Group remains disestablished.

Section 2. Designation as Local Emergency Planning District. Although Resolution 1443 remains repealed, the Assembly reaffirms the policy set forth in paragraph A of Resolution 1443 that the City and Borough of Juneau continue to be recognized by the Alaska State Emergency Response Commission as a Local Emergency Planning District under Title III of the Superfund Amendments and Reauthorization Act of 1986.

Section 3. Reestablishment Local Emergency Planning Committee. The Juneau Local Emergency Planning Committee originally established by Resolution 1443 is hereby re-established pursuant to AS 26.23.073. The committee shall be known as the Juneau Local Emergency Planning Committee.

Section 4. Membership and Organization. (a) **Membership.** The City Manager or a designated representative shall be a member of the committee. The Committee shall be composed of the City and Borough Manager and not more than eleven additional primary members and eleven alternate members nominated by the Assembly and appointed by the Alaska State Emergency Response Commission. The Committee membership shall, to the extent possible, include representatives from the following agencies and interest groups:

- (1) Elected Municipal Officials;
- (2) Peace Officers;
- (3) Firefighters/Emergency Medical Services;

- (4) General Public;
- (5) Bartlett Regional Hospital;
- (6) News Media;
- (7) The American Red Cross;
- (8) Owners or Operators of facilities subject to the requirements of the Emergency Planning and Community Right-To-Know Act of 1986;
- (9) Community Groups;
- (10) Hazardous Substance Transporters; and

(11) A representative serving Juneau's vulnerable population. For purposes of this section, "vulnerable population" shall be defined as persons with disabilities, the homeless, the elderly or homebound, and any others who might be considered at-risk populations.

For purposes of this committee, "voting members" are those members appointed to the primary seat on the committee, or those alternates filling in during the absence of a primary seat holder or during the vacancy of the related primary seat.

(b) Terms. Appointees other than the Manager shall serve three-year staggered terms. Nominations for appointment shall be made by the Assembly with recommendations forwarded by the Assembly Human Resources Committee. The terms and appointments of alternate members shall be established in a similar manner, provided that the term of an alternate member shall not be dependent on the term of the person holding the primary appointment.

(c) The Committee shall be organized as follows:

(1) The Committee shall elect annually from its members a chair and such other officers as it deems necessary. The Committee may establish an executive committee with authority to act on its behalf, and may appoint such other committees as it deems necessary. The Committee shall establish rules by which it shall function including solicitation of public comments, response to such comments by the committee, distribution of the emergency plan, and compliance with municipal regulations regarding meetings and notification procedures.

(2) A vacancy on the Committee shall exist:

(A) If a person appointed to membership fails to qualify and take office within 30 days of appointment;

(B) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;

(C) If a member submits his or her resignation to the Assembly;

(D) If a member is physically unable to attend Committee meetings for a period of more than 90 days; or

(E) If a member misses more than 40 percent of the Committee meetings in a 12-month period.

(3) The chair of the Committee shall notify the Clerk of any vacancy on the Committee. Upon notification, the Clerk shall follow the procedures for filling vacancies as outlined in the Advisory Board Rules of Procedure, as such may be amended from time to time.

(4) The Committee shall meet as necessary to carry out the business of the Committee but no fewer than four times per year.

Section 5. Purpose. The Committee shall:

(a) Advise the Manager on emergency management issues.

(b) Review, revise as necessary, and maintain the emergency response plan for the municipality. The plan shall meet the requirements of AS 26.23.075, and shall include:

(1) an analysis of all hazards which threaten people, property, the environment or the economy of the City and Borough, and

(2) identification of agencies and their procedures for responding to protect people, property, the environment and the economy of the City and Borough from any hazard.

(c) Collect, manage, and provide public access to information on hazardous substances and their accidental release within the municipality.

(d) Study and make recommendations on the regulation of transportation routes for hazardous substances, including an assessment of the enforcement of state and federal transportation laws, and investigation of off-loading of explosives to determine the safest way to bring them into the community.

(e) Coordinate with appropriate municipal, state and federal agencies on the collection and use of information on hazardous substances shipped to and from Juneau.

(f) Work with mining companies, the business community, and government agencies in the Juneau area to encourage their participation in the community right-to-know and chemical inventory reporting systems in accordance with the Emergency Planning and Community Right-To-Know Act of 1986.

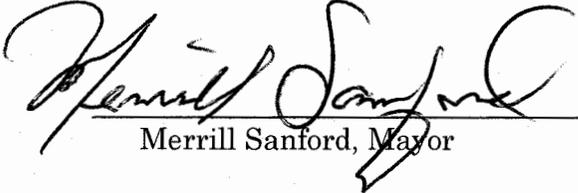
(g) Make recommendations on the safest locations for storage and transshipment facilities for hazardous substances in the municipality, and work for more active enforcement of regulations relating to transshipment and storage of hazardous substances.

Section 6. Communication with the State Emergency Response Commission. The Manager shall submit this resolution, the list of nominees and their organizations, and any other documents necessary to establish and maintain the Juneau Local Emergency Planning Committee to the State Emergency Response Commission for approval.

Section 7. Approval of Bylaws. The Assembly hereby approves the Juneau Local Emergency Planning Committee Bylaws attached as Exhibit A.

Section 8. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted this 21st day of July, 2014.


Merrill Sanford, Mayor

Attest:


Laurie J. Sica, Municipal Clerk

**BYLAWS
JUNEAU LOCAL EMERGENCY PLANNING COMMITTEE
JUNEAU, ALASKA**

ARTICLE I - NAME

1. Name of the Committee. This organization shall be known at the Juneau Local Emergency Planning Committee ("LEPC").
2. Mailing Address. The mailing address of the LEPC is:

Juneau Local Emergency Planning Committee
c/o CBJ Emergency Programs
155 S. Seward Street
Juneau, AK 99801

ARTICLE II - PURPOSE

The LEPC has been established as a Local Emergency Planning Committee for the Local Emergency Planning District of the City and Borough of Juneau, Alaska ("CBJ") pursuant to Title III of the Emergency Planning and Community Right-to-Know Act of 1986, Alaska Statute 26.23.071-.077 and CBJ Resolution 1443. The duties and activities of the LEPC include the responsibility for collecting and making available information on extremely hazardous substances in the District and preparing an emergency response plan to be used in the event of a hazardous substance spill or leak. Specifically the LEPC shall:

1. Advise the City Manager on emergency management issues.
2. Review, revise as necessary and maintain the emergency response plan for all potential emergencies which may affect the Juneau area, including earthquakes and avalanches. The plan shall meet the requirements of AS 26.23.075.
3. Collect, manage and provide public access to information on hazardous substances and their accidental release within the CBJ.
4. Study and make recommendations on the regulation of transportation routes for hazardous substances, and coordinate information on hazardous substances shipped to and from Juneau.
5. Work with the business community and government agencies to encourage participation in the community right to know and the chemical reporting systems in accordance with the Emergency Planning and Community Right-to-Know Act of 1986.
6. Make recommendations on the safest locations for storage and transshipment facilities for hazardous substances in the CBJ and to work for more active enforcement of regulations relating to transshipment and storage of hazardous substances.
7. Seek funding from state and federal agencies.

ARTICLE III - MEMBERSHIP

The LEPC is comprised of the City Manager (Emergency Management Coordinator) and not more than eleven primary members and eleven alternate members nominated by the Assembly and appointed by the State Emergency Response Commission ("SERC") to serve for three-year staggered terms. Members shall include, to the extent possible, representatives from the following groups and organizations:

1. Elected Local Officials
2. Law Enforcement
3. Firefighters
4. Member of the Public
5. Bartlett Regional Hospital
6. Broadcast and/or print media
7. Red Cross
8. Owners/Operators of a Hazardous Material Facility subject to the requirements of 42 U.S.C. 110011-11005 (Hazardous Material Facility)
9. Community Group
10. Hazardous Substance Transporter
11. A representative serving Juneau's vulnerable population. For purposes of this section "vulnerable population" shall be defined as persons with disabilities, the homeless, the elderly or homebound and any others who might be considered at-risk populations.

For purposes of this committee, "voting members" are those members appointed to the primary seat on the committee, or those alternates filling in during the absence of a primary seat holder or during the vacancy of the related primary seat.

ARTICLE IV - OFFICERS AND DUTIES

The officers of the LEPC shall consist of a Chair, a Vice Chair and a Recorder. The Chair's responsibilities include presiding at the meetings; preparing the agenda; conducting the meetings in a fair manner; coordinating with CBI staff on such items as meeting notices, requests for information and committee decisions; and preparing the annual report for submittal to the Municipal Clerk in January of each year. The Vice Chair fills in for the Chair when the Chair is unavailable. The Recorder is encouraged to work with Emergency Programs staff members on the coordination of the preparation and transmittal of the Committee's minutes to the office of the Municipal Clerk. Election of officers occurs annually at a time set by the LEPC. The term of office is for one year, but officers may be re-elected to serve consecutive terms.

ARTICLE V - SUBCOMMITTEES

The LEPC may establish subcommittees as it deems necessary to accomplish its duties.

ARTICLE VI - MEETINGS

1. Regular meetings. The LEPC shall meet as necessary to carry out the business of the committee but no fewer than four times per year.
2. Special meetings. A special meeting deemed necessary to carry out the duties of the LEPC may be called by the LEPC Chair or upon written request of three LEPC members. A meeting held at the request of the members shall be scheduled as soon as possible and preferably within ten days of the written request.
3. Quorum. A quorum shall consist of a simple majority of the voting members of the LEPC. A quorum for any subcommittee shall consist of a simple majority of those voting members appointed to the subcommittee. A quorum shall be required to transact business.
4. Rules of Order. LEPC will adopt an order of business to be used for each meeting and will be governed by Robert's Rules of Order, Newly Revised, when not inconsistent with the Advisory Board Rules of Procedure resolution which may be amended from time to time, these bylaws or with special rules of order adopted by the LEPC.
5. Minutes of Meetings. Accurate minutes of all meetings of the LEPC shall be maintained in the custody of the Municipal Clerk and shall be a public record, open to inspection by any person. The minutes shall include the following: date, time and location of meeting; time the meeting was called to order; a record of attendance, including members present or absent; all motions, even if withdrawn, with the name of the member making the motion and the vote on the motion; the action taken and pertinent points leading to the decision; names of individuals who spoke under public participation and a summary of their comments; the next meeting date and the time of adjournment. The minutes of each meeting shall be transmitted by email to each LEPC member (or by facsimile or regular mail if requested by a member) prior to the next regularly-scheduled monthly meeting.

ARTICLE VII - PUBLIC PARTICIPATION

Members of the public are encouraged to attend all regular and special meetings of the LEPC. Opportunity will be provided at each meeting for members of the public to address the LEPC on issues of local emergency preparedness.

ARTICLE VIII - VOTING

Voting on all motions shall be by voice vote, a show of hands or unanimous consent. If a roll call vote is requested, the vote of each member shall be recorded in the minutes of the meeting. Members may not deliberate or vote on any motion that would constitute a conflict of interest as defined by the CBJ Conflict of Interest Code.

ARTICLE IX - AMENDMENTS TO THE BYLAWS

1. The Bylaws of the LEPC may be amended by an affirmative vote of a simple majority of the total voting membership of the LEPC. No vote to amend the Bylaws will be taken unless the proposed amendment has been provided in writing to the membership prior to the meeting for the proposed vote.
2. Repeal of Previous Bylaws and Amendments: All previous versions of these bylaws and any previous amendments are hereby repealed upon approval of these bylaws by the Assembly.
3. A copy of the signed Bylaws and any subsequent amendments shall be provided to the SERC, the Municipal Clerk's office, and any person requesting a copy.

Adopted by the Juneau Local Emergency Planning Committee for the City and Borough of Juneau, Local Emergency Planning District, on the 9th day of July, 2014.

Samuel Garcia, CHAIR

[Signature], VICE CHAIR

Approved by the Assembly on the 21st day of July, 2014.

[Signature]
for Laurie Shea, Municipal Clerk