



VERMONT SERC BYLAWS

Emergency Planning and Community Right-to-Know

Adopted: 2/21/2007
Amended: 2/18/2009
Amended:
Amended:
Amended:

ARTICLE I - NAME

This organization shall be known as the Vermont State Emergency Response Commission hereinafter referred to as the "SERC."

ARTICLE II - MISSION

The mission of the SERC is to protect public health, safety and the environment by ensuring effective and efficient use of resources to plan for the response to all hazards incidents to include natural and manmade hazards, and hazardous materials. The SERC shall also ensure citizens are provided emergency and hazardous chemical inventory information upon request in accordance with the state and federal laws which it is charged with implementing. In carrying out this commitment, the SERC shall foster inter-governmental coordination at the local, state and federal levels.

ARTICLE III - PURPOSE

The duties and activities of the SERC are those set forth by 20 VSA, Chapter 1, Sections 30 and 31 of the Vermont Statutes, which establishes the SERC to implement the requirements of the "Emergency Planning and Community Right-to-Know Act (EPCRA, 42 USC Chapter 116)," enacted by the U.S. Congress, discuss all-hazards planning and coordination as defined in Vermont Statute 20 VSA, Chapter 1, and other duties as defined in Vermont Statute 20 VSA, Chapter 1, Sections 30, 31.

ARTICLE IV - MEMBERSHIP

Section 1. *Members.*

Composition of the SERC is established by Vermont Statute, 20 VSA, Chapter 1, Section 30. All appointed members may be re-appointed at the end of their 3 year term. The director ~~of the Division of Emergency Management and Homeland Security~~emergency management shall be the ~~secretary~~Secretary of the commission without vote.

Section 2. Inactive Members.

Members shall be considered inactive when they have missed more than two consecutive scheduled SERC meetings without written notification to the SERC Chair or staff of the reason why they were unable to attend the meetings. The Commission will review inactive membership status and may provide SERC membership appointment recommendations to the Governor.

Section 3. Removal of Members.

Members of the SERC, if they become inactive, may be removed by the Governor.

Section 4. Vacancies.

Vacancies in appointed membership of the SERC shall be filled by the Governor for the remainder of the unexpired term.

ARTICLE V - OFFICERS AND DUTIES

Section 1. Officers.

The officers of the SERC shall consist of a Chair and Vice Chair.

Section 2. Named.

The Chair of the SERC shall be appointed by the Governor.

The Vice Chair of the SERC shall be elected by majority vote of the SERC.

Section 3. Duties of the Chair.

The Chair shall provide an agenda for each meeting, preside at all meetings of the SERC, preserve order during its meetings, appoint special committees, ~~and~~ appoint members of standing committees with the approval of the SERC, serve as an ex-officio member of such committees, sign all documents connected with the activities of the SERC requiring such signature as authorized by the SERC, and be responsible for implementing the policies adopted by the SERC.

Section 4. Duties of the Vice Chair.

In the absence of the Chair or in the event of the Chair's inability to act, the Vice Chair, unless otherwise determined by the SERC, shall perform the duties of the Chair, and when so acting shall have all the powers of the Chair. The Vice Chair shall exercise such other duties as from time to time may be assigned by the Chair or the SERC.

Section 5. Presiding Officer.

Comment [NRF1]: This is a statutory requirement. So the Governor should confirm our election of Chris as chair.

In the event that both the Chair and the Vice Chair are absent, the remaining members shall elect a presiding officer from the members present. The presiding officer shall serve only for that meeting or until the Chair or Vice Chair arrives.

ARTICLE VI - STAFF

Section 1. *Personnel.*

Administrative support for the SERC shall be provided by ~~Vermont~~ the Division of Emergency Management and Homeland Security. The Hazardous Materials EPCRA Compliance Tier II Program Hazmat Compliance Manager Officer shall oversee and carry out SERC affairs under the direction and oversight of the SERC.

ARTICLE VII - MEETINGS

Section 1. *Regular Meetings.*

The SERC shall meet at least quarterly for regular meetings. Meeting dates shall be established as follows or as otherwise noticed in advance by the Chair:

- (1) Third Wednesday of February.
- (2) Third Wednesday of May.
- (3) Third Wednesday of August.
- (4) Third Wednesday of November.

Meetings shall be held at a time and location determined by the Chair. Meetings canceled due to unforeseen circumstances may be rescheduled by the Chair and conducted within thirty days of the regular meeting date, if required to meet the business needs of the SERC.

Section 2. *Special Meetings.*

The Chair may call such special meetings as may be deemed necessary to carry out the duties of the SERC. Upon the written request of ~~the chair, or by~~ at least four voting members, the Chair shall call a special meeting within ten days of the request. Special meetings may be conducted by telephone conference provided all interested parties and the public are allowed access to the properly warned conference call.

Section 3. *Quorum.*

A quorum (8 members) shall consist of a majority of voting members from the established SERC positions, either by attendance of the primary or by proxy, (Hereafter the words "SERC member(s)" shall refer also to primary member or designated proxy.) A quorum shall be required to transact business.

Section 4. *Notice of Meetings.*

Notice of the time, place and agenda items to be considered at each meeting shall be given in writing by the staff to all members at least one week prior to each meeting in compliance with the requirements of Vermont's Open Meeting law. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so at the beginning of the meeting. Notice of special meetings and intended agenda items for special meetings shall be given by the staff Chair or designee to all SERC members in writing or by phone at least one week in advance of any special meeting.

Section 5. Filing of Written Material.

All written material related to a matter to be decided by the SERC shall be delivered to members by the party presenting the material prior to a regular or special meeting, unless otherwise specified by the SERC.

Section 6. Rules of Order.

The deliberation of all meetings of the SERC and its various committees shall be governed by the small boards and committees provisions of Robert's Rules of Order, Newly Revised, when not inconsistent with these bylaws, or with special rules of order adopted by the SERC.

Section 7. Minutes of Meetings.

Minutes of each meeting shall be kept and made part of the public record and shall be posted and available after five days from the date of the meeting, except portions of such minutes that are exempted by 1 V.S.A., Chapter 5. Minutes of all SERC meetings shall be maintained by the VEM Director Secretary or designee. Minutes shall include, but not be limited to, a record of all SERC actions, a record of attendance at meetings and a summary of SERC discussion. The minutes of each meeting shall be ~~made available 10 business days after meetings end and~~ mailed or emailed to each SERC member at least one week prior to each meeting.

Section 8. Participation of Members of the Public.

All meetings shall be open to the general public unless an executive session is invoked under 1 V.S.A., Chapter 5. Members of the public shall be encouraged to attend all regular and special meetings. Public notice of meetings shall be consistent with the provisions of 1 V.S.A., Chapter 5. An opportunity shall be provided at each meeting for members of the public to address the SERC.

ARTICLE VIII - VOTING

Section 1. One Vote Each.

Each established SERC position shall be entitled to one vote.

Section 2. Participation by Proxy.

SERC members may designate, in writing, an alternate for meeting/s. An alternate may participate and vote in SERC deliberations when the member is absent and during the period designated by the written proxy of the member.

Section 3. *Abstentions.*

Members may register their abstention on any vote which shall be reflected in the minutes, and members shall abstain on matters which would pose for them a conflict of interest or the appearance of a conflict of interest.

ARTICLE IX - COMMITTEES

Section 1. *Committees.*

The SERC shall establish ~~5~~^{two} standing committees that include ~~Funding Committee, Legislative/Legal, Planning and Training, LEPC/SERC Liaison, Membership,~~ and Citizens Corps Advisory Committee (CCAC) with designated powers and duties as defined:

~~Funding Committee: The Committee reviews all grant requests and applications, internal or external; tracks progress on project expenditures; and makes recommendations to the Commission SERC for expenditure of grant funds; makes recommendations to Department of Public Safety SERC on overall Hazmat Special Fund Budget. The Funding Committee will also provide oversight for the Planning and Training Committee.~~

~~Legislative/Legal Committee: The Committee tracks and proposes regulation changes and/or laws legislative changes relative to the Commission's SERC's oversight responsibilities.~~

~~The Committee maintains and interprets the Commission's SERC's bylaws, recommending changes accordingly. The Committee also reviews the LEPC bylaws and membership lists to ensure compliance with federal and state laws and regulations.~~

Planning and Training Committee: The Committee reviews LEPCs hazardous materials response plans and advises LEPCs with respect to their plans compliance with applicable laws, regulations and procedures. The Subcommittee Committee ensures grant requests are appropriate to levels of training and levels of response. The Committee may make recommendations on training to the SERC.

~~LEPC/SERC Membership Committee: The Committee develops, reviews and recommends policies and strategies for membership outreach, identification, and approval. The Committee also has oversight of the SERC appointment process.~~

The Citizens Corps Advisory Committee (CCAC): The Committee is the State Advisory Council for Citizens Corps and is appointed by the SERC. The CCAC shall be an autonomous committee that adopts its own bylaws and that reports to the SERC for informational purposes only.

When deemed necessary to carry out SERC work, the SERC Chair, with the approval of the SERC may appoint ~~an additional~~ special committees with specific

Comment [NRF2]: Should the SERC be the CCAC?

duties. Once the duties of a special committee have been carried out, that committee will cease to exist.

Section 2. Membership of Committees.

~~With the exception of the Citizens Corps Advisory Committee,~~ The SERC Chair will appoint each committee chair and committee members with SERC approval. ~~Each~~ With the exception of the Citizens Corps Advisory Committee, each committee shall be chaired by a voting member of the SERC. ~~The~~ membership of the committees may include non-SERC members when their addition is desirable to facilitate the committee's work, and they shall enjoy full voting privileges on the committee.

Section 3. Committee Reports.

Each committee shall deliver a report of that committee's activities during each regular SERC meeting.

Section 4. Committee Actions.

~~With the exception of the Citizens Corps Advisory Committee,~~ All committee actions are subject to approval by the SERC unless the SERC has specifically delegated approval authority.

ARTICLE X - REPORTS AND RECOMMENDATIONS

Section 1. Resolutions.

All resolutions submitted for consideration by the SERC may be adopted or first referred to an appropriate committee for review, consideration and its recommendation if necessary.

Section 2. Annual Summary Report.

A brief SERC summary report will be provided, by the EPCRA Program Manager, to ~~Vermont~~ the Division of Emergency Management and Homeland Security, based on the State fiscal year (July 1 - June 30), describing its activities. The summary will be included in the ~~Vermont~~ Division of Emergency Management and Homeland Security Annual Report. The summary report shall be made available to the general public upon request.

Section 3. Review of Draft Reports.

A draft of the proposed annual summary report shall be circulated to all SERC members for review.

Section 4. Issuance of Reports and Statements.

No report or statement shall be released in the name of the SERC unless it has been adopted by a favorable vote of a simple majority of the SERC members present in accordance with Article 7, Section 3.

Section 5. Legislative Recommendations.

The SERC may make recommendations to the Commissioner of the Department of Public Safety concerning legislation that bears upon the duties and

responsibilities of the SERC. Such recommendations shall not be considered as final until approved by a simple majority of the membership at a properly warned meeting.

ARTICLE XI - AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of simple majority of the voting membership of the SERC at any meeting of the SERC provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.