



VERMONT SERC BYLAWS

Emergency Planning and Community Right-to-Know

Adopted: 2/21/2007
Amended: 2/18/2009
Amended: 08/15/2018
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 - PURPOSE

The duties and purposes of the SERC are those set forth pursuant to the "Emergency Planning and Community Right-to-Know Act," Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and the Vermont Statutes Annotated, 20 V.S.A. §31, inclusive, as amended.

ARTICLE III - MEMBERSHIP

Section 1. *Members.*

Composition of the SERC is established by Vermont Statutes Annotated, 20 V.S.A. §30, inclusive, as amended. Should an ex officio member (the Commissioner of Public Safety, the Secretary of Natural Resources, the Secretary of Transportation, the Commissioner of Health, the Secretary of Agriculture, Food and Markets, or the Commissioner of Labor) identify a primary designee they shall also identify an alternate designee should the primary designee be unable to carry out their duties as they pertain to the SERC.

Section 2. *Inactive Members.*

Members or designees, shall be considered inactive when they have missed two or more consecutive SERC meetings without prior written notification to the Chair or the Secretary. The SERC shall review inactive membership status at frequent intervals.

Section 3. *Removal of Members.*

Any of the nine public members of the SERC may be removed by the Governor at the Governor's discretion. The SERC shall make a recommendation to the Governor for a new appointee to complete the remainder of the term of a public member that is identified as an Inactive Member. The SERC shall notify any ex officio member should both of their designees be identified as Inactive Members.

Section 4. *Vacancies.*

A vacancy of any of the nine public member seats of the SERC shall be filled by the Governor for the remainder of the term.

ARTICLE IV - OFFICERS AND DUTIES

Section 1. *Officers.*

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

Section 2. *Named.*

The Chair of the SERC shall be appointed by the Governor. The SERC may recommend to the Governor that one of the SERC members be appointed as Chair. It is acceptable that an ex officio member or an ex officio member's designee be recommended by the SERC for appointment as Chair.

The Vice Chair of the SERC shall be elected by majority vote of the SERC and shall be a public member or an ex officio member, or an ex officio member's designee.

The Secretary of the SERC as defined in Vermont Statutes Annotated, 20 V.S.A. §30 shall be the Director of Vermont Emergency Management or his or her designee.

Section 3. *Duties of the Chair.*

The Chair shall provide an agenda for each meeting, call regular and special meetings of the SERC, preside at all meetings of the SERC, preserve order during its meetings, appoint special committees, 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, and be responsible for implementing the policies adopted by the SERC. The Chair shall not hold any other officer position of the SERC.

Section 4. *Duties of the Vice Chair.*

The Vice Chair shall work in close cooperation with the Chair and shall perform such duties as the SERC shall assign, and shall be elected by the SERC. In the absence or incapacity of the Chair, the Vice Chair shall perform all the duties of the Chair. The Vice Chair shall not hold any other officer position of the SERC.

Section 5. *Secretary.*

The Secretary shall insure that the SERC complies with Vermont Statutes Annotated, 1 V.S.A. §310, §311, §312, §313, and §314 (collectively known as the Open Meeting Law), however it should be noted that it is every SERC member's responsibility that the SERC complies with the Open Meeting Law. The Secretary will assist the Chair as needed with the formation of meeting agendas, insure that all meetings are publicly warned and that minutes are taken at all meetings, including committee meetings. The Secretary shall insure that all minutes recorded shall be made publicly available in accordance with the Open Meeting Law.

Section 6. *Presiding Officer.*

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 V - STAFF

Section 1. *Personnel.*

Administrative support for the SERC shall be provided by the Department of Public Safety, however this does not preclude any of the ex officio members' agencies or departments from providing administrative support to the SERC.

ARTICLE VI - 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. Special meetings may be conducted by telephone provided all interested parties including 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 or by proxy, A quorum shall be required to transact business.

Section 4. Notice of Meetings.

Notice of SERC meetings shall comply with Vermont Statutes Annotated, 1 V.S.A. §310, §311, §312, §313, and §314 (collectively known as the Open Meeting Law),

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, except portions of such minutes that are exempted by Vermont Statutes Annotated, 1 V.S.A. §313. Minutes of all SERC meetings shall be maintained by the Secretary. Minutes shall include, but not be limited to, a record of all SERC motions and votes, a record of SERC members in attendance or absent from all meetings and a summary of pertinent discussion.

Section 8. Participation of Members of the Public.

All meetings shall be open to the general public unless an executive session is invoked under Vermont Statutes Annotated, 1 V.S.A. §313. 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 the Open Meeting Law. An opportunity shall be provided at each meeting for members of the public to address the SERC.

ARTICLE VII - VOTING

Section 1. One Vote Each.

Each established SERC position shall be entitled to one vote with the exception of the Secretary, who shall not have a vote.

Section 2. Participation by Proxy.

Public SERC members may designate, in writing, an alternate for meeting/s. An alternate may participate and vote in SERC deliberations only when the duly

appointed public SERC member is absent and during the period designated by the written proxy of the duly appointed public SERC 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 VII - COMMITTEES

Section 1. *Committees.*

The SERC shall establish 2 standing committees; the Finance Committee and the LEPC/SERC Liaison Committee.

When deemed necessary to carry out SERC work, the SERC Chair may appoint an additional special committee with specific duties. Once the duties of a special committee have been carried out, that committee will cease to exist.

Section 2. *Membership of Committees.*

The SERC Chair will appoint each committee chair and committee members with SERC approval. 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 or as requested by the Chair.

Section 4. *Committee Actions.*

All committee actions are subject to approval by the SERC unless the SERC has specifically delegated approval authority.

ARTICLE IX - 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.*

An annual SERC summary report will be provided to all SERC members and the public, based on the State fiscal year (July 1 - June 30), describing its activities.

Section 3. *Review of Draft Reports.*

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

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 X - 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.