

**GILA RIVER INDIAN COMMUNITY
CHEMICAL TRIBAL EMERGENCY RESPONSE COMMISSION
REVISED BYLAWS AND RULES (2013)**

SECTION I

PURPOSE

The Gila River Indian Community's (the "Community") Chemical Tribal Emergency Response Commission ("C-TERC" or "Commission") has two primary objectives, i.e. the development of comprehensive facility chemical emergency response plans, and the establishment of a program for the collection and dissemination to the public of information on certain hazardous chemicals and toxic chemicals in communities. The Community recognizes Title III of the Superfund Amendments and Reauthorization Act of 1986 ("SARA Title III"), the Emergency Planning and Community Right-to-Know Act of 1986, P.L. 99-499 ("EPCRA"), enacted by the U.S. Congress. The Community's provisions for EPCRA are addressed under Title 18, Chapter 5, Chemical Emergency Planning of the Community's Code. Nothing in these Bylaws shall be in conflict with the regulatory and statutory provisions that regulate EPCRA. The purpose of the Commission, a joint advisory body that includes a Local Emergency Planning Committee ("LEPC"), includes, but is not limited to, the following:

- A. Improve hazardous chemical reporting in order to maintain a clean, healthy, and safe environment for the Community.
- B. Develop a Community Chemical Emergency Response Plan to address hazardous substance incidents, releases and/or spills for the protection of the Community and the environment.
- C. Review practical exercises of the Community Chemical Emergency Response Plan.
- D. Develop, implement and maintain processes and procedures for dissemination of information to the general public regarding the presence and use of hazardous chemicals in the Community and for related purposes.
- E. Develop procedures for receiving, processing and responding to public requests and comments for information under Title 18, Chapter 5, Chemical Emergency Planning of the Community's Code.
- F. Advise the Community's Office of Emergency Management ("OEM" or "Department") in implementing and enforcing the Title 18, Chapter 5, Chemical Emergency Planning

and comply with any and all provisions of this title as required.

POLICY

It shall be the policy of the Commission to monitor hazardous materials and to continuously work towards the distribution of public information on hazardous and toxic chemicals in the Community.

SECTION II

AUTHORITIES

- A. Title 18, Chapter 5 of the Community Code establishes an emergency response commission that is authorized by the Governor to serve as an advisory body that shall exercise planning and oversight functions.
 - B. Subject to available funding, the OEM as designated by the Governor of the Community may provide administrative support and exercise enforcement authority necessary for the effective implementation of the provisions of Title 18, Chapter 5.
-

SECTION III

LIMITATION OF POWER

The C-TERC shall have no power to:

- A. Expressly or by implication enter into any agreement of any kind on behalf of the Community; except, subject to availability of funds and as is consistent with Community law;
- B. Waive any right, privilege or immunity of, or release any obligation owed to, the Community; and
- C. Investigate, review, discuss or otherwise participate in personnel matters, which are held confidential pursuant to the Gila River Indian Community Employee Policies and Procedures.

SECTION IV

LOCATION

The administrative office of the C-TERC is the Gila River Indian Community, Office of Emergency Management, Attention: EPCRA Coordinator, Mailing address: Post Office Box 1490, Sacaton, Arizona 85147.

SECTION V

EMERGENCY PLANNING DISTRICTS

- A. C-TERC has established a single emergency planning district for the Community, in which C-TERC functions as a joint advisory body with the Community LEPC and is responsible for planning EPCRA planning responsibilities.
 - B. Pursuant to GRIC Code § 18.505.A (2009), C-TERC may designate more than one emergency planning district to facilitate the preparation and implementation of the Community chemical emergency response plan(s). In such case, pursuant to § 18.505.C., C-TERC shall supervise and coordinate the activities of each designated LEPC and follow any additional requirements as provided under Title 18, Chapter 5 of the Community Code.
-

SECTION VI

A. MEMBERSHIP

The C-TERC shall be comprised of voting and non-voting (advisory) membership. As C-TERC also functions as the LEPC, C-TERC membership also includes the non-voting LEPC representatives in Section VI.D. below pursuant to § 18.505 of the Community Code.

B. VOTING MEMBERSHIP (C-TERC)

- 1. In accordance with § 18.504, the C-TERC shall consist of the following voting membership:
 - a. A chairperson, appointed by the Governor, who may be selected from subsection

b. below,

b. The Director, or their designees, of the:

- i. Office of Community Manager,
- ii. Department of Environmental Quality,
- iii. Health Resource Department,
- iv. Department of Public Works,
- v. Gila River Fire Department,
- vi. Office of Emergency Management,
- vii. Gila River Police Department,
- viii. Occupational Safety and Health,
- ix. Gila River Emergency Medical Services, and
- x. Community-at-Large and Alternate Members:
 - (a) A representative of each of the seven districts who shall serve as a Community-at-Large member (“CLM”).
 - (b) The CLMs shall be selected by the district they represent, according to a process of the district’s own choosing and the representative shall be confirmed by the Governor.
 - (c) An alternate (“ACLM”) shall also be selected by each district to serve in the absence of the representative.
 - (d) The CLMs and ACLMs shall serve a three-year term; however, the CLMs and ACLMs shall follow staggered terms as determined by the District.

2. The C-TERC may also appoint a member from Section VI.B.1.b. to be Vice-Chairperson.

3. Voting.

- a. Voting members shall attend and participate in all meetings or designate a designee or send the ACLM if absent and shall report C-TERC information to each of their districts/departments and return any concerns or information.
- b. Each voting member, or their designees or ACLM, shall be entitled to one vote. If both a voting member *and* the designee or ACLM attend the meeting, only the voting member has voting privileges.
- c. Voting members may register their abstention on any vote, which shall be reflected in the minutes.
- d. Motions shall be carried by a simple majority vote of the members present, except for amendments, modifications, or deletions to the Bylaws. To approve amendments, modifications or deletions to the Bylaws, these Bylaws may be amended by a two-thirds vote of the entire membership of the C-TERC, only after the proposed change has been read and discussed at a previous meeting.

C. NON-VOTING MEMBERSHIP (ADVISORY)

1. Pursuant to § 18.504.F. of the Community Code, an advisory body shall be established to provide technical assistance to the C-TERC. The advisory body shall be appointed by the C-TERC and shall consist of representatives from the following entities:
 - a. Facility owners/operators subject to the requirements of Title 18, Chapter 5 of the Community Code,
 - b. Gila River Health Care Corporation, Facilities Management,
 - c. Gila River Department of Community Housing,
 - d. Gila River Indian Community Office of General Counsel,
 - e. Gila River Indian Community Communication and Public Affairs Office,
 - f. Gila River Indian Community Rangers, and
 - g. Land Operations, United States Department of the Interior, Bureau of Indian Affairs, Pima Agency.
2. The advisory body shall attend and participate in all meetings or designate an alternate if absent. These members do not have voting privileges. These members shall report C-TERC information to each of their departments/agencies and return any concerns or information. The advisory body may also consist of technical assistance from any Community department as needed.

D. LOCAL EMERGENCY PLANNING COMMITTEE

1. An LEPC is an entity that is established by the C-TERC. The LEPC is for planning and advisory purposes only. The LEPC will advise the C-TERC decision-making body, however, will have no voting privileges or regulatory responsibilities.
2. Pursuant to § 18.505.B., C-TERC shall appoint members to the LEPC, which shall include at least one representative from the following groups:
 - a. Group I – Elected Community Council and District Representatives,
 - b. Group II – Community members with professional experience in the areas of medicine, law enforcement, civil defense, firefighting, first aid, health, environmental protection and hospital administration,
 - c. Group III – Broadcast and print media,
 - d. Group IV – Community groups,
 - e. Group V – Owners and operators of facilities subject to the requirements of Title 18, Chapter 5.

E. CONFLICTS OF INTEREST

1. A conflict of interest means using, or attempting to use, any official or apparent authority of one's office or duties that could reasonably be perceived as: (i) placing private

economic gain, or that of any special business, special interest, or political interests with which one is associated, before those of the Commission or the Community, whose paramount interests one is intended to serve; (ii) interfering with one's own disciplinary proceeding; (iii) influencing one's own appointment; or (iv) influencing an employment matter involving a member of one's own immediate family, when the immediate family member in question is an employee of the Community or Community entity.

2. Abstention from Official Action.

- a. When one is required to take official action on a matter that one has a conflict of interest, he/she should first consider eliminating that conflict. If that is not feasible, one shall:
 - i. disclose the matter and the nature of the potential conflict of interest in a manner in which it is reflected in the meeting minutes or in a manner that will be recorded in an official manner; and
 - ii. abstain from sponsoring, voting, influencing or in any manner attempting to influence any vote, or otherwise participating in the official decision or determination on the matter.
- b. Unless otherwise provided by applicable law, the abstention by such person from voting or otherwise participating in the official determination or decision shall not affect the presence of such person for purposes of establishing a quorum necessary for the Commission to take such action or vote upon such matter.

SECTION VII

A. OFFICERS; OFFICER'S DUTIES

1. The Chairperson, Vice-Chairperson and Secretary shall be considered Officers for the Commission.
2. The Chairperson shall be appointed by the Governor and serves a one year term. The Chairperson shall preside over the C-TERC meetings. The Chairperson approves the C-TERC agendas. The Chairperson is responsible for calling all regular and special meetings of the C-TERC and shall sign, on behalf of the C-TERC, documents that require such signature. The Chairperson shall serve in the leadership capacity for accountability in order to fulfill the C-TERC goals and responsibilities and shall exercise such other duties as from time to time may be assigned to him/her by the C-TERC.
3. If the Commission appoints a Vice-Chairperson, the Vice-Chairperson shall serve a one year term and shall serve in the capacity of the Chairperson when the Chairperson is absent or upon designation by the Chairperson. The Vice-Chairperson shall exercise

such other duties as from time to time may be assigned to him/her by the C-TERC.

4. The Secretary shall be the EPCRA Coordinator, unless the members of the Commission appoint a Secretary from within their membership for a one year term. The Secretary shall be responsible for recording and drafting meeting minutes, setting up AV equipment for meetings, distributing the monthly C-TERC agenda, providing the C-TERC with meeting materials, and taking the official roll call.

B. TERM; REMOVAL

1. No Officer shall serve more than three consecutive terms, unless the Secretary is the EPCRA Coordinator.
2. An appointed Officer may be removed by a majority vote of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. If the Commission votes to remove the Chairperson, another Chairperson shall be appointed without delay.

SECTION VIII

STAFFING – EPCRA COORDINATOR

- A. The OEM, primarily through the EPCRA Coordinator, may provide administrative support to the C-TERC. Specifically, “Subject to available funding, the Department may provide administrative support and exercise the enforcement authority necessary for the effective implementation of the provisions of this chapter.” § 18.504.C.
- B. Pursuant to § 18.504.E.1.c., the EPCRA Coordinator will serve as the coordinator for information, unless C-TERC takes action to appoint another person.
- C. The EPCRA Coordinator may be the C-TERC secretary at C-TERC meetings unless a Secretary is appointed by the C-TERC to carry out the duties of C-TERC secretary.
- D. The EPCRA Coordinator may perform the following additional duties:
 1. Keep a current listing, within the EPCRA office of the OEM, of all facilities within the exterior boundaries of the Community subject to Tier II reporting, as well as current files of facility Tier II forms, Facility Chemical Emergency Response Plans and any violation history;
 2. Enforce Title 8, Chapter 5 of the Community Code by inspecting and monitoring facilities with Tier II reporting responsibilities and facilities responsible for submitting a Facility Chemical Emergency Response Plan;
 3. Report facilities with suspected Tier II and/or Facility Chemical Emergency Response Plan submittal violations to the OEM Director, Waste Program manager, GRIC Fire

- Chief and the Department of Environmental Quality Director.
4. Coordinate the development of the Community's Chemical Emergency Response Plan with the C-TERC and OEM.
 5. Maintain compliance with EPCRA and inform the C-TERC and OEM of any federal revisions and/or amendments to SARA Title III, EPCRA for consideration of updating/revising the Community's Title 18, Chapter 5.
 6. Establish and maintain a repository for information submitted and obtained under Title 18, Chapter 5, which shall be maintained in the EPCRA Coordinator's office and shall be available during normal working hours (subject to Section XIII below).

SECTION IX

RESIGNATIONS/TERMINATIONS

- A. The CLM and ACLM membership may be terminated by submission of a formal letter of resignation to the respective District and C-TERC Chairperson.
- B. Any CLM and ACLM may be removed by their respective District and the Governor upon the recommendation of a majority vote of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. A CLM and ACLM may be removed for failing to attend three Commission meetings without good cause.
- C. Any District affected by the termination of a CLM or ACLM shall immediately replace that CLM or ACLM, and the CLM or ACLM shall be confirmed by the Governor.

SECTION X

COMPENSATION & STIPENDS; EDUCATION

- A. Pursuant to § 18.504.D. of the Community Code, shall be as follows:

“Compensation to Commission and advisory body members shall conform to existing Community policy and shall also be subject to the following:

 1. The C-TERC shall determine the training classes and other activities that Commission and advisory body members may participate in at program expense.
 2. Community-At-Large members of the Commission shall be compensated for participation in Commission activities. If the chairperson is not

selected from § 18.504.A.2., the Chairperson shall be compensated for participation in the Commission activities.

3. C-TERC and advisory body members may receive prepaid or reimbursed payment for travel and out-of-pocket expenses incurred in relation to specific Commission approved activities provided such prepayment and/or reimbursement is not otherwise payable or reimbursable from funds of the agency at which such member is employed. Subject to funding, the C-TERC may pay for other pre-approved Community agencies training travel requests.”
- B. Pursuant to § 18.504, an ACLM shall also be selected by each District to serve in the absence of the CLM. In the absence of CLMs, the ACLM may participate in C-TERC activities and receive compensation. It is only in the absence of the CLM that the ACLM can receive a stipend, not in conjunction.
- C. Educational Training. Any voting member whose employment does not already require background knowledge relating to chemical emergency planning shall complete at least three hours of training each year relating to chemical emergency planning and file a compliance document with the EPRCA Coordinator. The training may be provided by the Department, or other appropriate Community department(s). Additionally, within the first year of being on the Commission, voting members are required to complete the National Incident Management System (“NIMS”) 100 and NIMS 200 courses. The CLM and ACLM shall report their compliance with this section to their respective Districts each year during the anniversary month of their initial appointment. Voting members who are employees of the Community required to complete this section shall report their compliance to their supervisor. The training requisites identified in this section, including the NIMS training, may be satisfied through a voting member’s education and training requirements relating to his or her current employment with the Community.
- D. Commission members who are also employees of the Community are subject to the terms of the Community’s Employee Policies and Procedures.

SECTION XI

A. MEETINGS

1. Regular Meetings – Regular meetings will be held on the third Thursday of each month to begin at 2:00 p.m. unless otherwise announced, at a place designated by the Chairperson. In the event that the Chairperson is unavailable, the Vice-Chairperson may designate a location for meetings.
 - a. Notices of regular meetings shall be posted at all District Service Centers, on the Gila River Intranet and Internet Community Calendar seven days before the

meeting.

- b. Monthly meeting materials shall be distributed to C-TERC members at least four days before the meeting. An opportunity for public comment will be included in all regular scheduled meetings.
2. Special Meetings – Special meetings will be held at a time and a place designated by the Chairperson. In the event that the Chairperson is unavailable, the Vice-Chairperson may call a special meeting to take place. For special meetings, C-TERC members shall be notified at least seven days before the meeting.
3. Public Comment Meetings – The Commission shall hold such public comment meetings as it may deem necessary and desirable at such times and places as may be determined by a simple majority vote of the Commission in a regular meeting.
4. The C-TERC will develop and maintain a mailing list of interested individuals to whom meetings notices will be mailed or provided through other means.

B. CONDUCT OF MEETINGS

Parliamentary procedure at all meetings of the Commission shall be governed by the most recent edition of Robert's Rules of Order, except to the extent such procedure is otherwise determined by law to be in conflict with these Bylaws.

C. AGENDA

Any Commission member may request the Chairperson to place an item on the agenda. If the Chairperson should decline the request, a Commission member may have such item placed on the agenda by submitting it in writing to the Chairperson with supporting signatures of three Commission members.

D. QUORUM

A quorum of members is required to start the meeting or vote on any action item. A quorum shall consist of at least fifty percent (50%) of the established voting membership. When a vacancy occurs in the C-TERC, the vacancy will not count toward the quorum and the remaining members of the C-TERC may exercise all the power of the Commission until the vacancy is filled.

E. MINUTES

1. The C-TERC business conducted at any regular or special meeting shall be documented.
2. EPCRA/C-TERC Coordinator or other assigned individual shall document the meeting by written notes and/or electronic recording.

3. Meeting minutes will be distributed in the meeting materials packet at least four days before the meetings for review. At the following meeting, the meeting minutes shall be considered for approval. Upon approval, copies of the meeting minutes shall be distributed to the membership and kept in an archival file located in the EPCRA Coordinator's office. Additional copies shall be available to the general public (unless considered confidential) upon request.

F. REPORTS AND RECOMMENDATIONS

1. At the option of the Chairperson, all resolutions submitted for consideration by the Commission shall first be referred to an appropriate committee (if established) for review, consideration and its recommendation.
2. The Commission shall annually prepare a report describing its activities for the preceding year. Upon approval by the Commission, this report shall be transmitted by the Chairperson to the Governor and to the Community Council. The annual report shall be made available to the general public upon request.
3. A draft of any proposed Commission report shall be circulated to all members of the Commission at least 30 days prior to consideration by the full Commission at a regular scheduled meeting.
4. No final report or recommendations of any kind or official action shall be released in the name of the Commission unless and until it has been duly adopted by a favorable vote of a simple majority of the members of the Commission. All reports will be made available to the public and affected agencies by appropriate means.

SECTION XII

COMMITTEES & RESPONSIBILITIES OF COMMITTEE MEMBERS

The C-TERC shall appoint such standing or special committee(s) as required. The duties of each committee shall be prescribed by the Commission and shall be subject to the following:

- A. Chairperson – Committees will be chaired by a Commission member.
- B. Membership – Committees will consist of at least three Commission members.
- C. Quorum – A quorum shall consist of a simple majority of committee members.
- D. Notice of Meetings – Notices of committee meetings shall be posted on the Gila River

Intranet and Internet Community Calendar at least seven days before the meeting. Meeting materials shall be distributed to committee members at least four days before the meeting.

- E. Voting – Voting shall follow the same procedure as prescribed for Commission meetings and described in Section VI.B.
- F. Expectations of Committee Chairs – Committee Chairs will be expected to:
 - 1. Schedule Committee meetings as needed;
 - 2. Recommend an agenda for each committee meeting;
 - 3. Preside at each committee meeting;
 - 4. Sign all minutes and other such records; and
 - 5. Provide a report of committee activities at Commission meetings.
- G. Expectations of Committee Members – Committee members are expected to attend committee meetings. At the direction of the Commission Chair, the committee members should be prepared to annually review the activities of the committee, develop a committee mission statement, and define goals.
- H. Committee Actions – All committee actions are subject to approval by the Commission unless the Commission has specifically delegated approval authority.
- I. Special Committees – When deemed necessary to carry out Commission assignments, the Commission Chair may appoint a special committee with specific duties. Once the tasks of a special committee have been fulfilled, that committee will be disbanded at the discretion of the Commission Chair.

SECTION XIII

PUBLIC INFORMATION PROCEDURES

- A. Information available to the public shall be governed by § 18.508 of the Community Code. Pursuant to § 18.504.E.1.d., C-TERC establishes the following procedures for receiving and processing public information and requests:
 - 1. The C-TERC and OEM permits, within reason, the inspection and copying of records during normal business hours of 8:00 AM to 5:00 PM and at the availability of the EPCRA Coordinator. The requestor shall submit a written request, on a form provided by OEM, describing the documents being requested.
 - 2. The EPCRA Coordinator shall determine if the requested material is either subject to applicable provisions in Title 18, Chapter 5, Chemical Emergency Planning or if the material is confidential and will act accordingly.

3. If photocopying is requested, there will be a 10-page limit for complimentary photocopying; otherwise, an electronic copy of the document will be supplied.
 4. The requestor will sign an agreement not to seek or use these records for commercial purposes and/or commercial gain.
-

SECTION XIV

The Commission shall annually review these Bylaws. The authority to approve amendments to these Bylaws is vested in the Gila River Indian Community Council, and such amendments shall have no legal effect until approved by the Council.