

State Emergency Response Commission (SERC) Bylaws

Passed on February 27, 1997

Last amended October 15, 2013 *While still in effect, these are currently in review by the SERC

Article I

Purpose and Authorization

The duties and purposes of the State Emergency Response Commission (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. These duties and purposes include, but are not limited to:

1. Coordinating SARA Title III training, education, technical assistance and outreach activities;
2. Appointing and coordinating local and regional emergency planning committees for each district, and reviewing local and regional emergency plans;
3. Establishing procedures and a system for receiving and processing emergency release reporting, other required information and inventories from covered facilities, and requests from governmental officials or the public for information, including the designation of an official to serve as coordinator for information;
4. Increasing state and local emergency response capabilities.

Article II

Name

The body shall be known as the Massachusetts State Emergency Response Commission (SERC), herein referred to in this document as the "Commission".

Article III

Membership

Section 1. The membership of the Commission shall be by agency or organization, each with one representative. The Commission shall consist of the agency head or designee of the following:

Voting Members:

1. Massachusetts Emergency Management Agency, the Director of which shall chair the State Emergency Response Commission. The Massachusetts Emergency Management Agency shall be the lead agency for implementing Title III of SARA, the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA);

The following members are to be nominated by the head of each agency or organization respectively:

2. Massachusetts Fire Chiefs Association
3. Massachusetts Department of Fire Services
4. Massachusetts Department of Environmental Protection
5. Massachusetts Department of Public Health
6. Massachusetts Association of Hazmat Technicians
7. Massachusetts Highway Department
8. Massachusetts State Police
9. Member of Environmental Organization
10. Massachusetts Chiefs of Police Association

The following members are to be to be appointed by the chair of the State Emergency Response Commission:

11. Member of the Public
12. Member of an Emergency Planning Committee
13. Member of an Emergency Planning Committee
14. Member of an Emergency Planning Committee
15. Member of the Boston Emergency Planning Committee

Non-Voting Members:

The following non-voting members are to be to be appointed by the chair of the State Emergency Response Commission:

1. Massachusetts Municipal Police Training Committee
2. Massachusetts Bay Transportation Authority
3. Massachusetts Municipal Association
4. Massachusetts Turnpike Authority
5. Office of Emergency Medical Services
6. Attorney General
7. Massachusetts Association of Emergency Management Professionals
8. Federal Emergency Management Agency
9. Environmental Protection Agency

10. Massachusetts Emergency Management Agency (SERC, Vice Chair)
11. Massachusetts Emergency Management Agency (SERC, Secretary)

Section 2. To assure the Commission will conduct its business with continuity, each member agency or organization shall identify its representative (or any changes thereto) by filing the same in writing with the State Emergency Response Commission.

Section 3. All members of the Commission shall serve for a term of two years.

Section 4. All members of the Commission shall serve without compensation.

Article IV Duties of Office

Section 1. Chair. The Director of the Massachusetts Emergency Management Agency shall act as the Chair. The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage of such office. The Chair shall have the authority to appoint subcommittees, call special meetings, and generally perform other duties as may be prescribed in these bylaws.

Section 2. Vice Chair. The SERC Chair shall appoint one employee of the Massachusetts Emergency Management Agency to serve as the Vice Chair of the Commission. The Vice Chair shall work in close cooperation with the Chair, shall perform such duties, as the Commission shall assign. In the absence or incapacity of the Chair, the Vice Chair shall be vested with all the powers and perform all the duties of the office of the Chair. In addition, the Vice Chair shall, in case of resignation, death or removal of the Chair, become Chair of the Commission and shall serve in that capacity until the Governor appoints his/her successor. The Vice Chair shall not be a voting of the member of the Commission, unless acting in place of the Chair.

Section 3. Secretary. The SERC Chair shall appoint one employee of the Massachusetts Emergency Management Agency to act as the Secretary. The Secretary shall in writing, acknowledge the minutes of each Commission meeting, disseminate all Commission meeting notices, and perform such other duties as may be directed by the Chair of the Commission. The Secretary shall not be a voting member of the Commission.

Article V Meetings

Section 1. Regular Meetings. Regular meetings will be held on a schedule set by the Commission. The Commission will meet four times each calendar year, unless the Chair cancels or postpones a meeting when circumstances, including the demands associated with a disaster response or recovery, make it impracticable to hold a meeting. In the event of conflict with holidays and other events, a majority at any meeting may change the date of any meeting. Written notice including a meeting agenda shall be sent to all members at least six days prior to any regular meeting. Meetings shall be held at a location determined by the Commission unless otherwise noted.

Section 2. Special Meetings. The Chair may call such special meetings as may be deemed necessary to carry out the duties of the Commission. Upon written request of the majority of the Commission members, the Chair shall call a special meeting. Written notice or email 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. No other business may be considered except by unanimous consent of the entire voting membership of the Commission. Such consent may be obtained either before or after such special meeting, but until such consent is obtained, action on matters not identified in the purpose of the special meeting shall not be valid.

Section 3. Public. All Commission meetings are open to the public when in session. Closed sessions may be held upon affirmative vote of two-thirds of the voting-members of the Commission present and voting, taken at a public meeting and stating the reasons for the closed session. Only voting members are allowed to participate in the closed session.

Section 4. Quorum. A quorum shall consist of a simple majority of Commission voting members. A quorum is required to transact business.

Section 5. Absence of a Commission Member. The Chair may excuse the absence of members of the Commission who are unable to attend a meeting. Any member who accumulates three consecutive unexcused absences shall receive a letter from the Chair. The letter shall request a statement from the member as to the member's intention to actively participate in future Commission meetings. If the member fails to respond to the letter, the Chairperson can remove and replace the member with a new appointment.

Section 6. Rules of Order. Robert's Rules of Order, Newly Revised, shall govern the deliberation of all meetings of the Commission and its various subcommittees.

Section 7. Minutes of Meetings. The Secretary shall maintain accurate minutes of all Commission meetings. Accurate minutes shall include, but not be limited to a record of all Commission actions, a record of attendance at meetings, and a summary of Commission discussions. Minutes of meetings shall be made available to any person who requests a copy.

Article VI

Voting

Section 1. One Vote Per Member. Each Voting Commission member, including the Chair, is entitled to one vote.

Section 2. Proxy Votes. No members shall vote by proxy.

Section 3. Abstentions. Voting 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.

Article VII
Employees

The Commission shall employ and discharge such staff and consultants through the Massachusetts Emergency Management Agency as is necessary for the performance of its functions and duties.

Article VIII
Committees

The standing committees of the Commission are: Liaison, Legislative, Information & Technology, and Training and Exercise. The Chair may appoint special committees. A Member of the Commission shall chair each committee. Committee chairs shall be nominated through and approved by the Commission. The Commission shall prescribe the duties of each committee.

Article IX
Amendments

These bylaws may be amended by a two-thirds vote of the entire voting membership of the Commission, only after the proposed changes have been read and discussed at a previous regular meeting, except that the bylaws may be amended at any meeting by the unanimous vote of the entire voting membership of the Commission, provided that the text of the proposed amendment shall be included in the notice of the meeting.