

# **APPEALS AND OVERSEERS BOARD BY-LAWS**

## **ARTICLE I NAME**

The name of this organization shall be the Appeals and Overseers Board.

## **ARTICLE II PURPOSE**

The purpose of the Appeals and Overseers Board ("Board") is to ensure that an appeal is available to those persons aggrieved by an action of the administering agency under the Hazardous Materials Ordinance regarding the adequacy of a Hazardous Materials Use and Spill Prevention Control Plan (HMPC Plan); to those persons fined or penalized pursuant to the Hazardous Materials Ordinance; and to coordinate and integrate the policies and procedures of the regulating agencies and persons related to the HMPC Plan.

## **ARTICLE III DUTIES AND FUNCTIONS**

The functions of the Board shall include, but not be limited to, the following:

1. Manage, control, and conduct the activities of the Board pursuant to the requirements of the Hazardous Materials Ordinance.
2. Hear all appeals of any person aggrieved by an action of the administering agency under the Hazardous Materials Ordinance regarding the adequacy of an HMPC Plan.
3. Hear appeals from any person fined or penalized pursuant to the Hazardous Materials Ordinance.

4. Hear requests for the adjustment of reportable quantities (RQ's).
5. Review and report to the Mayor, Metro Council and other interested parties on at least an annual basis the efforts of the Board to coordinate and integrate the policies and procedures of the regulating agencies and persons related to the HMPC Plan.

## **ARTICLE IV MEMBERSHIP**

### **A. COMPOSITION**

The Board shall be composed of representatives of industry, regulatory agencies and the general public not to exceed nine (9) members, appointed by the Mayor of Louisville Metro, Kentucky. The Mayor shall appoint nine (9) members, four (4) of whom shall be representatives of regulated industry appointed from a list of at least ten (10) names submitted by Greater Louisville Inc. – The Metro Chamber of Commerce; three (3) of whom shall be representatives of regulatory agencies; and two (2) of whom shall be representatives of the general public.

### **B. TERM**

The term of appointment shall be for four (4) years. A member is eligible to succeed himself, and shall continue in office until his successor has been appointed.

### **C. VACANCIES**

Any vacancy or resignation of one of its members will be reported to the appointing authority.

## **ARTICLE V OFFICERS**

### **A. ELECTED OFFICERS**

The Board shall elect from its members a Chair, a Vice-Chair, and a Recorder. The elected officers shall be elected at the regular meeting of the Board in December and shall serve for one (1) year or until a successor is elected. A vacancy in any elected office shall be filled by vote of the Board at any regular or special meeting.

### **B. DUTIES OF OFFICERS**

**Chair:** The Chair of the Board shall preside at all meetings of the Board; appoint all committees; sign any documents as designated by the Board; and perform such other duties as the Board may designate.

**Vice Chair:** The Vice-Chair shall perform all the duties of the Chair in the temporary absence or disability of the Chair, except as otherwise provided by the Board.

**Recorder:** The Recorder shall keep a record of the proceedings of the Board and shall prepare all findings and recommendations of any hearing for submittal to the Board for approval prior to any recommendation being submitted to the MSD Board for final approval; and shall be the custodian of all records, transcripts of hearings, reports, and other documents received by the Board or any committee, or made by the Board, or certified by the Recorder as an official document of the Board.

**Spokesperson:** The Chair or his designee shall act as central spokesperson for the activities of the Board.

## **ARTICLE VI STAFF ASSISTANCE**

The administering agency under the Hazardous Material Ordinance will provide technical and administrative assistance to the Board for its purposes.

## **ARTICLE VII MEETINGS**

### **1. Regular Meetings**

The Board shall hold regular meetings as needed to conduct such business as shall require the Board's attention. Such meetings shall be called by the Chair with the advice and assistance of MSD staff, and shall be communicated to all Board members with at least 72 hours advance notice.

### **2. Special Meetings/Hearings**

The Chair or any two (2) members of the Board may at any time call a special meeting by either written or oral communication giving the time and place of such meeting, and such meeting may be held if each member receives at least twenty four (24) hours notice thereof or if such notice of meeting is left at the usual dwelling place or place of business of each member twenty four (24) hours prior to the meeting. Hearings will be scheduled at such times and dates as determined by the Chair.

### **3. Quorum**

A simple majority of the Board shall constitute a quorum.

### **4. Conflict of Interest**

No member of the Board shall vote on a question in which he/she has an interest beyond that of a member of the Board except in the election of officers. The minutes of any Board meeting shall clearly state the name of the person disqualifying himself/herself in all cases where a question of conflict of interest is raised.

## **5. Notice to the Press**

Prior notification of any regular or special meeting of the Board shall be given to the news media and public.

### **ARTICLE VIII INDEMNIFICATION OF BOARD MEMBERS**

Appointed members to the Board appointed exclusively by the Mayor of Louisville Metro are granted indemnification for claims made against them for the good faith performance of their official duties. It is further declared by Louisville Metro that in consideration of the good faith performance of officers and employees of Louisville Metro of their official duties that this provision shall constitute an inviolable contract of Louisville Metro and the benefit provided herein shall not be subject to reduction of impairment by alteration, amendment, or repeal. (Ord. Sec. 35.180 *et. seq.*).

### **ARTICLE IX PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of Roberts Rules of Order, Newly Revised, shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these By-Laws.

### **ARTICLE X AMENDMENT OF BY-LAWS**

These By-Laws may be amended at any regular or special meeting of the Board by an affirmative vote of five (5) members, provided the amendment has been submitted in writing at the previous Board meeting.