

The Constitution & By Laws

of the

Mahoning County Local Emergency Planning Committee



Local Emergency Planning Committee

Mahoning County, Ohio

As Amended May 20, 2016

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Article 1

Name

1.1 - The name of this Committee is the Mahoning County Local Emergency Planning Committee, (hereinafter referred to as the LEPC). The LEPC is authorized by federal law, state law and by appointments duly issued by the State Emergency Response Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Mahoning County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

Article 2

State and Federal Laws

2.1 – The following State and Federal laws applicable to LEPCs: Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001(c); and Ohio Revised Code 3750, as revised and as supplemented by the Ohio Administrative Code (OAC)

Article 3

Purpose and Objectives

3.1 – Purpose - As stated in ORC 3750.04 (A), the LEPC shall develop a chemical emergency response and preparedness plan for the planning district (Mahoning County); establish procedures for conducting its public information and education responsibilities; receive and process requests for information from the public; notify the public of all LEPC activities and meetings; print and distribute the emergency plan and make it publicly available; receive reports and information as specified in ORC Chapter 3750.

With the information and reports received from facilities operating within the district, and analysis of the district's transportation risks, the LEPC will perform a hazard analysis, establish and maintain a data base of hazardous chemical locations and quantities in the district and establish and maintain a computer system for data management. Detailed information on all facilities with Extremely Hazardous Substances (EHS) will be included in the emergency plan. (ORC Section 3750.04)

The LEPC is instrumental in fulfilling the purpose of the Community Right-To-Know law to increase the protection of the community from chemicals produced, used, stored, and/or transported within the Planning District.

All meetings, including sub-committee and ad hoc committee meetings are open to the public.

3.2 – Objectives

- a) To prepare and maintain a comprehensive and coordinated chemical emergency preparedness and response plan for Mahoning County.
- b) To receive and process the public information requests in accordance with ORC Section 3750.03 and SERC resolutions.

- c) To implement the LEPC rules and requirements as outlined in ORC Section 3750.03 with special emphasis on ORC Section 3750.03(D).
- d) To carry out the powers and duties set forth in rules and resolutions of the SERC.
- e) To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities as listed in ORC Section 3750.03 and ORC 3750.04; for example, preparation and maintenance of the County's Chemical Emergency Response and Preparedness Plan, annual review and testing of the Plan, training and education, compliance, and enforcement.

Article 4

LEPC Representation

4.1 – Composition - ORC Section 3750.03 requires that the LEPC be comprised of an equal number of representatives of the following entities: Elected State and local officials; law enforcement; emergency management personnel, fire-fighting personnel, first aid/EMS personnel; health personnel, local environmental personnel; hospital personnel; transportation personnel; broadcast and print media personnel; community groups and owners and operators of facilities.

4.2 - Appointment of the LEPC, Election of Officers - In August of the odd numbered year, a new LEPC will be appointed by the SERC based upon a list of persons the Board of County Commissioners has recommended to the SERC. SERC will request, in writing, that the County Commissioners provide them their recommendations by a certain date.

To assist the Board of County Commissioners develop their recommendations for SERC, the LEPC Secretary will provide the Board of County Commissioners, not later than the first day of June of the odd numbered year, a listing of current LEPC members indicating which members are willing to serve another two-year term.

In June of the odd numbered years, the LEPC Chairperson shall appoint a Nominating Committee, consisting of four members, to nominate a LEPC Chairperson and Vice Chairperson from names off of the list the County Commissioners forwarded to the SERC.

At the first meeting of the newly appointed LEPC, an election of LEPC officers (Chairperson and Vice Chairperson) will be conducted by an officer of the previous LEPC. The election will include the individuals recommended by the Nominating Committee and nominations from the floor. All person(s) to be nominated shall be contacted prior to the election and have indicated willingness to serve if elected.

The LEPC Secretary will provide the names of the new Officers to the Board of County Commissioners and the SERC immediately following the meeting. The names of the individuals appointed to fill the LEPC positions of Information Coordinator, Community Emergency Coordinator and Secretary will also be included in this notice.

4.3 - Filling of Vacancies - Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)). The vacancies shall be filled in the following manner: The LEPC shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the LEPC Secretary shall submit that person's name, with the recommendation that the person serve the balance of the

remaining term, to the Board of County Commissioners requesting they nominate this person to the SERC for appointment to the LEPC.

The County Commissioners should then pass a Resolution requesting SERC appoint this person to the County LEPC to fill the remainder of the remaining term and forward the request to SERC.

** Sections 4.2 and 4.3 are addressed in ORC Section 3750.03(B) and need not be repeated here, however the Sections as written should assist the membership to better understand the law. No By-Laws can be inconsistent with statute or rule.*

Article 5 **Jurisdictional Boundary**

5.1 - The Mahoning County's LEPC's jurisdictional boundary is all of Mahoning County, Ohio.

Article 6 **Powers & Duties**

6.1 – Powers - ORC Section 3750.03(D) states the LEPC shall have the authority to: appoint a chairperson, vice-chairperson and a secretary; to adopt bylaws; to appoint an information coordinator and community emergency coordinator; to purchase goods or services, enter into lease or contact agreements and accept gifts on behalf of the LEPC; and to establish and carry out compliance and enforcement activities.

ORC Section 3750.03(E) provides the LEPC authority and guidance that it may: Receive or accept from any public or private source, gifts, grants, contributions of money, services of personnel, and real or personal property, or their use; appoint, and fix compensation of employees; designate additional facilities within the district to be subject to the plan; enter into agreements; adopt rules for dealing with facilities within the planning district; and enter into contracts.

6.2 – Meetings - The LEPC shall meet a minimum of four (4) times each calendar year, normally on a quarterly schedule. The LEPC will meet on the first Wednesday of the second month of each quarter.

To be excused from a scheduled meeting the member in question shall contact, prior to the conduct of the meeting, one of the following: Chairman, Vice-Chairman or Secretary.

The Chairperson shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that it is essential for such meeting.

- a) *Regular Meetings* - A minimum of seventy-two (72) hours' notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made, in advance of a LEPC meeting. Such notice, or announcement, will be in writing by email.
- b) *Special Meetings* - The LEPC Chair shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that is essential for such a meeting.

Minutes of the meetings will be taken and maintained with the official LEPC records.

6.3 – Quorum - A two-thirds majority of members of the LEPC present shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings.

6.4 - Removal of a Member - The LEPC, by a two-thirds vote of all its members, may, at any time, remove a member for misfeasance, malfeasance, or nonfeasance or, at the request of the LEPC; the SERC may remove a member of the LEPC for any of those reasons. (ORC 3750.03(B))

Any member with two (2) consecutive unexcused absences, or with a total of four (4) unexcused absences within the two (2) year term, shall be considered to have resigned.

Article 7 Executive Board

7.1 - There shall be an Executive Board composed of the LEPC Chairperson, Vice Chairperson, County EMA Director, a facility representative, and one (1) additional members-at-large. The members-at-large will be members of the LEPC and selected by nominations from the floor and two-thirds vote. This election shall be conducted immediately following the election of Officers.

The Executive Board may meet to discuss subject(s) pertinent to the LEPC in order to save time during presentation at regular LEPC meetings. However, only the whole LEPC can conduct LEPC business so the subjects must be presented to the LEPC for final disposition.

Article 8 Funding

8.1 - Handling of funds - All funds, including grants and gifts, received on behalf of the LEPC, shall be credited to a “special emergency planning fund” in the treasury of the county as directed by ORC Section 3750.03(F).

The LEPC shall receive the services of the County Auditor as directed under ORC Section 3750.03(F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC’s account.

8.2 - Grant Applications - The LEPC shall be responsible for making applications to the SERC and others for grants that are available to the LEPC.

8.3 - Expenditure of Funds - The LEPC will not, under any circumstances, obligate funds in excess of the amount of dollars in its account with the County Auditor.

The LEPC will review all requests and either approve or disapprove entering into contracts for services.

All bills or invoices paid will be identified at the next LEPC meeting. If final receipt of the bills or invoices has not occurred an estimated cost will be given.

Expenditures for such items as contracted services (telephone, service agreements, secretarial services, etc.) and any other expenditure over two (2) hundred dollars will require pre-approval by a two-thirds vote of the LEPC.

Requests for financial assistance, such as for paying instructors, providing training materials or purchasing items of training equipment for first response organizations shall be submitted in writing to the LEPC for their consideration. Only written requests, with clear justification and all costs indicated will be considered.

8.4 - Purchase and Accountability of Durable Items - Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Mahoning County's Auditor Office and applicable federal and state grant regulations.

All such items purchased, or donated to the LEPC, will be accounted for and properly marked as County Property in accordance with established County procedures and applicable federal and state grant regulations.

A listing of all these durable items will be maintained and provided to the membership at the first scheduled meeting following the LEPC's appointment by the SERC. Items, which have lost their usefulness due to age, usage, breakage or disrepair, will be identified to the LEPC for their recommendation on salvage or disposal.

Article 9 Parliamentary Authority

The rules contained in Roberts Rules of Order shall govern the LEPC and all standing and Ad Hoc Committees.

Article 10 Amendments

Any LEPC member shall have the right to comment on or suggest revisions to the By-Laws. The member will make his or her request in writing to the LEPC Secretary, a minimum of seventy-two (72) hours prior to the meeting, stating the portion(s) of the document which he or she wishes to discuss.

The LEPC shall have the power to amend the By-Laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least thirty (30) days in advance of the date set for voting on the amendment(s).

Ballots will be provided to each member of the LEPC who shall return their ballot either by mail or in person to the Chairperson, Vice Chairperson or Secretary on or before the date set in the written notice. To be approved, Amendments must receive a two-thirds (2/3) majority vote of the ballots received.

This document, and all proposed amendments to this document, shall be provided to the County Prosecutor for review and comments a minimum of thirty (30) days prior to the date set for LEPC vote.