

MEDINA COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
BY-LAWS

ARTICLE I.

PURPOSE/OBJECTIVE OF MCLEPC

A. Purpose and Objectives:

The purpose of the Medina County Local Emergency Planning Committee is to serve as the official district Local Emergency Planning Committee as specified by the Superfund Amendments and Reauthorization Act (SARA)(United States Public Law 99-499), Title III (Emergency Planning and Community Right-To-Know Act), (Section 301), and as appointed by the State of Ohio through Chapter 3750 of the Ohio Revised Code. "MCLEPC", as used herein, shall mean the Medina County Local Emergency Planning Committee.

The objectives and responsibilities include, but are not limited to, preparing HM plans, establishing administrative duties, providing emergency information to the public, listening to and responding to public comments, distributing emergency plans, and evaluation of resource needs for planning.

ARTICLE II.

COMMITTEE MEMBERSHIP

A. Minimum Requirements:

The MCLEPC shall be comprised of no less than thirteen (13) individuals, each representing one (1) of the following thirteen (13) interest categories:

1. Elected State and Local Officials
2. Law Enforcement Personnel
3. County Emergency Management Personnel
4. Firefighting Personnel
5. First Aid/Red Cross Personnel
6. Health Personnel
7. Local Environmental Personnel
8. Hospital Personnel
9. Transportation Personnel
10. Broadcast and Print Media Personnel
11. Community Groups
12. Owners/Operators of Facilities
13. County Engineer

Members shall reside within Medina County and/or shall be an employee of a facility within

Medina County subject to SARA Title III.

B. Additional Membership:

Additional members may be appointed in each of these interest categories, as appropriate and necessary. In addition to these thirteen (13) mandated participants, identified in Article II (A), representatives from other interested and/or affected organizations may also be invited to become members.

C. Appointment of Members:

Perspective MCLEPC members may be recommended by the MCLEPC and shall be nominated by the Medina County Board of Commissioners and shall be submitted for approval to the State Emergency Response Commission.

D. Term of Office:

The term of membership shall be two (2) years, with each term ending on the same day of the same month, as did the term it succeeds. A member shall continue in office subsequent to the expiration date of the term until a successor takes office or until a period of sixty (60) days has elapsed, whichever occurs first. Persons appointed to fill member vacancies shall complete the term of the member replaced. Members may be reappointed to an unlimited number of terms of office.

E. Member Alternates:

A member may designate, in writing, an individual to represent the member in such members' absence at meetings of the MCLEPC. Such alternates shall have full voting privileges and shall count toward a quorum. Alternates must meet the same requirements as regular members and be approved by the State Emergency Response Commission.

F. Liability Disclaimer:

Under the Ohio Revised Code Section 2744.03 MCLEPC employees and volunteers are immune from liability for their acts or commissions, except for the following situations;

- a. The act or commission was manifestly outside the scope of the employee's or volunteer's employment or official responsibility.
- b. The act or commission was with malicious purpose, in bad faith or in a wanton or reckless manner.
- c. The Ohio Revised Code expressly holds the employee or volunteer liable for the specific act or commission named in the Code.

MCLEPC employees and volunteers also have immunity from civil liability when involved in civil defense activities under ORC Section 5915.10 and when assisting in hazardous materials

clean up.

G. Removal of Members:

The MCLEPC, by a two thirds roll call or ballot vote of all its voting members at an official meeting of the MCLEPC, may at anytime remove a member for malfeasance, nonfeasance, or misfeasance; or, at the request of the Committee, the State Emergency Response Commission may remove a member of the Committee for any of those reasons. (Refer to Appendix A for procedures.)

ARTICLE III.

MCLEPC OFFICERS

A. Designation of Officers:

The officers of the MCLEPC shall be the Chairperson, the Vice-Chairperson, and the Secretary, all of who shall be members of the MCLEPC.

B. Election of Officers:

The Chairperson, the Vice-Chairperson, and the Secretary of the MCLEPC shall be elected at its organizational meeting as defined in Section IV (A). Open nominations for the officers shall be put forth and the election held at the organizational meeting. The sequence of officers election shall be the Chairperson, the Vice-Chairperson, and the Secretary. A majority roll call or ballot vote of those MCLEPC members in attendance shall be required to elect such officers. The nominating and voting process shall be repeated as many times as necessary until such time a nominated MCLEPC member receives a majority roll call or ballot vote of those members in attendance.

C. Term of Office:

The term of office shall be from organizational meeting to organizational meeting, as defined in Article IV (A).

D. Removal of Officers:

The MCLEPC may remove any officer by a two-thirds roll call or ballot vote of all its members at an official meeting of the MCLEPC.

E. Vacancies:

Vacant offices shall be filled in the manner specified in Article III (B) to complete the term of office.

F. Responsibilities of Officers and Members:

1. Officers

a. Committee Chairman:

- * Organize and chair the committee
- * Coordinate with commissioners
- * Schedule and conduct LEPC business
- * Coordinate with key LEPC staff
- * Appoint appropriate sub-committees

b. Committee Vice-Chairman:

- * Assist the Chairman as requested
- * Handle Chairman's duties when required
- * Keep informed on all LEPC functions
- * Represents the Chairman as requested
- * Serves as sub-committee chairman as needed

c. Committee Secretary:

(Will ensure that the following is accomplished)

- * Maintains committee files and records
- * Maintains LEPC reference library
- * Maintains records
- * Handles LEPC correspondence
- * Records meeting minutes
- * Makes mailings to member
- * Other duties as required or assigned

2. Members

a. Committee Information Coordinator:

(Will ensure that the following is accomplished)

- * Official LEPC member to receive LEPC mail from SERC
- * Receives, logs and distributes mail in a timely manner
- * Receives and answers public inquiries under RTK program
- * Maintains records from facilities, SERC, LEPC, etc.

b. County Emergency Management Representative:

- * Advises LEPC on County EMA organization/operations
- * Coordinates HM planning with other emergency plans

- * Organizes and directs County emergency operations
- * Maintains the County's emergency operations plan
- * Coordinates with adjoining counties and state EMA

c. Law Enforcement Representative:

- * Coordinates County law enforcement planning
- * Assists with development of law portion of plans
- * Plans for emergency support of fire, rescue and EMS
- * Coordinates development of evacuation plans for County
- * Receives, logs and disseminates HM incident reports

d. Fire Service Representative:

- * Represents the various fire departments in the County to Committee
- * Develops and provides fire service input to County hazardous materials emergency planning
- * Identifies procedures for fire department notification(s) incident response and containment, decontamination, etc.
- * Defines fire service resources, capabilities and limitations to the committee
- * Identifies existing or needed mutual aid agreements
- * Defines the incident command system, responsibilities and procedures to be followed by County fire departments
- * Coordinates with County fire departments for the committee, provides fire departments input, concerns, etc. to LEPC
- * Assists LEPC facility representative in identification and listing of all EHS/HS facilities

e. First Aid/Red Cross Representatives:

- * Assist committee in identification of shelters
- * Assists with development of plans and procedures
- * Provide expertise on first aid/Red Cross capabilities
- * Coordinate with adjoining counties/regional/state agencies
- * Coordinate with local medical and health officials

f. Transportation Representative:

- * Identifies resources to include amounts, locations, etc.
- * Develops and coordinates transportation procedures
- * Provides expertise on transportation capabilities
- * Develops listings of resources, points of contact, etc.

g. Broadcast/Print Media Representative(s):

- * May serve as LEPC public information officer (PIO)
- * Develops media center procedures and plans

- * Assists committee with public information

h. Facilities Representative:

- * Represents business/industrial facilities to LEPC
- * Provides LEPC expertise and guidance about facilities
- * Represents LEPC to facility owners/operators
- * Assists with HM analysis, plans, exercises and training

i. County Engineer:

- * Provides LEPC expertise on engineering resources
- * Coordinates emergency support of County with the various city/village and township public works
- * Provides assistance with development of HM plan
- * Collects resource information, to include equipment, personnel, locations, points of contact, etc.
- * Assists with development of mutual aid agreements

j. Health, Environmental, & Community Members:

- * Provides information on medical facilities including locations, capabilities, personnel and equipment
- * Provides staff support and expertise to LEPC on health and environmental issues in County
- * Assists with mutual aid agreements as required
- * Coordinates with regional and state agencies
- * Provides staff/planning support and information to LEPC regarding special populations in County
- * Provides LEPC information on special facilities
- * Coordinates with Red Cross regarding emergency treatment of special population

k. All Elected Officials

- * Commissioners - overall responsible, support EMA/LEPC

G. Absence of Chairperson and Vice Chairperson:

In the event that both the Chairperson and Vice Chairperson are absent, the MCLEPC may appoint a temporary chairperson for that meeting.

ARTICLE IV.

COMMITTEE MEETINGS

A. Organization Meetings:

The MCLEPC shall hold its organizational meeting in August of each year, at a time and place specified by the Medina County LEPC. At this organizational meeting, the MCLEPC officers shall be nominated and elected, pursuant to Article III.

The Quorum necessary to hold an organizational meeting shall be defined as 50% of the total voting membership of the MCLEPC.

B. Regular Meetings:

The MCLEPC, to best accommodate the membership shall hold a minimum of four (4) meetings each year in addition to the organizational meeting.

C. Special Meetings:

Special meetings shall be called at the request of the Chairperson. The Chairperson shall also call a meeting of the MCLEPC upon receiving a written request signed by four (4) members.

D. Notifications:

The MCLEPC Chairperson shall cause to have written notification of the MCLEPC meeting time, date and location served to all MCLEPC members. This notification shall be at a minimum seven (7) days prior to the meeting.

E. Emergency Meetings:

The MCLEPC Chairperson, with the concurrence of any three (3) MCLEPC members may call an emergency meeting of the MCLEPC in the event that there is an imminent detrimental effect on the operations of the MCLEPC. The seven (7) day notification requirement specified in Article IV (D) shall be waived for an emergency meeting. The Chairperson shall cause to have an attempt made to provide all members with telephone notification of any emergency meeting.

F. Quorum:

The MCLEPC members attending a regularly scheduled meeting shall constitute a quorum of such meeting, provided that at least twenty-five (25) percent of the voting membership is present. This definition does not hold as defined for the following sections: Article II, Section G, Removal of Members; Article III, Section D, Removal of Officers; Article IV, Section A, Organizational Meetings.

G. Authority:

The membership is the ruling body of the MCLEPC. The membership is represented at each MCLEPC meeting by a quorum as defined in Article IV (F). The quorum at such time wields the power of the MCLEPC.

H. Minutes:

The minutes of the MCLEPC meeting shall be a summary of the meeting's proceedings, with specific actions indicated in detail and with the related vote. The minutes shall also indicate those members or alternate members in attendance at the meeting. The minutes shall be recorded and stored as prescribed under Article VIII, Sections C and D.

I. Meeting Agenda:

The agenda for a meeting shall be set by the MCLEPC Chairperson. However, any item put forth by any member shall be acted upon appropriately at the meeting.

ARTICLE V.

ORDER OF BUSINESS

Unless this Article is suspended by a majority roll call vote of the members present at any meeting, the order of business at all meetings shall be as follows:

1. Call to Order/Roll Call (written or verbal)
2. Review and Approval of Minutes of the Previous Meeting.
3. Correspondence
4. Report of Director of EMA
5. Reports of Subcommittees
6. Call for other Old Business
7. Call for other New Business
8. Call for comments from Non-MCLEPC Members
9. Adjournment

A. Local Emergency Planning Committee:

Types of LEPC Sub-Committees

1. Hazards Analysis Sub-Committee
2. Public Safety Sub-Committee

3. Evacuation, Transportation and Sheltering Sub-Committee
4. Medical Sub-Committee
5. Public Information/Community Relations Sub-Committee
6. Resource Sub-Committee
7. Administrative/Information Sub-Committee
8. Training and Exercise Sub-Committee
9. Financial Sub-Committee

B. Subcommittees:

The MCLEPC Chairperson, with the approval of a majority of the MCLEPC members in attendance at a MCLEPC meeting, may establish those subcommittees deemed necessary for the MCLEPC to conduct its business. The MCLEPC Chairperson shall appoint MCLEPC members to serve on such subcommittees and shall designate one (1) such appointed member to chair each subcommittee. MCLEPC members may be appointed to more than one (1) subcommittee.

C. Non-Committee Members on Subcommittees:

The Chairperson of each subcommittee may invite non-MCLEPC members to participate in the subcommittee's activities. Such members shall be approved by the subcommittee and shall possess privileges, excluding voting privileges, which are agreed upon by the subcommittee. All subcommittees shall provide the MCLEPC with minutes of their meetings and shall submit their recommendations to the MCLEPC for review. The subcommittee's minutes shall be prepared pursuant to the requirements specified in Article IV (H).

D. Abolishment of a Subcommittee:

Any subcommittee may be abolished by a majority roll call vote of the MCLEPC members in attendance at a MCLEPC meeting.

ARTICLE VII.

MCLEPC RESPONSIBILITIES AND AUTHORITIES

- A. The MCLEPC shall not assume any duty responsibility or authority granted to the Medina County Board of Commissioners by the Ohio Revised Code.
- B. The MCLEPC shall recommend those actions necessary to comply with, or, as necessary, exceed the requirements for the Superfund Amendments and Reauthorization Act (SARA) of 1986 shall include but not be limited to:

- a. Appoint a Chairman, Vice-Chairman and Secretary
- b. Adopt Committee by-laws
- c. Appoint an Information Coordinator
- d. Appoint a Community Emergency Coordinator
- e. Obtain things to be purchased, leased, etc.
- f. Annually submit the plan for review and concurrence
- g. Committee shall conduct an annual exercise
- h. Notification of SERC 30 days prior to exercises

ARTICLE VIII.

SUNSHINE LAW PROVISIONS

- A. All meetings of the MCLEPC shall be open to the public, pursuant to section 121.22 of the Ohio Revised Code.
- B. The MCLEPC may meet in Executive Session to discuss legal issues or other matters required to remain confidential by Federal, State, or Local Law. Such Executive Sessions may occur only at a regular or special meeting. The Executive Session and its general purpose shall be announced in public at meetings of the MCLEPC.
- C. Minutes of MCLEPC meetings shall be recorded by the Secretary. The minutes shall be stored at the office of Medina County EMA and be available for inspection at said office.
- D. The Secretary shall maintain a list of the meetings scheduled to be held by the MCLEPC and shall provide such list upon request by the public.
- E. The MCLEPC shall provide the News Media with advance notice of all meetings, in accordance with procedures outlined in Section 121.22 of the Ohio Revised Code.

ARTICLE IX.

AMENDMENT AND REPEAL

The by-laws may be amended or repealed (in part or in whole) by an affirmative majority roll call vote of the members present at any meeting provided that the following conditions are met:

- 1. The proposed amendment or repeal shall be presented in its exact written form.
- 2. The proposed amendment or repeal shall be read during any regular meeting of the

MCLEPC.

3. The time elapsed between the original reading and the meeting for which action will be taken is no less than 14 calendar days.
4. The proposed amendment or repeal is not inconsistent with Ohio Revised Code, Chapter 3750, and rules adopted and issued under it.

ARTICLE X.

AUDITING AND PROSECUTING FUNCTIONS

Pursuant to Chapter 3750.03 (F) of the Ohio Revised Code, the MCLEPC shall be considered a County Board and shall receive the services of the Auditor and the Prosecuting Attorney of Medina County in the same manner as other County Boards. The Prosecuting Attorney shall provide such services to the MCLEPC district as are required or authorized to be provided to County Boards under Chapter 309, of the Revised Code.

ARTICLE XI.

APPLICATION OF FUNDS

Pursuant to Chapter 3750.03 (F) of the Ohio Revised Code, monies received by the MCLEPC shall be credited to a special Emergency Planning Fund in their respective line item identity account according to standard accounting policies and procedures of the treasury of the County. The fund shall be administered by the MCLEPC. Monies credited to the fund shall be expended only for the purposes of carrying out the powers and duties of the MCLEPC under Chapter 3750 of the O.R.C. and rules adopted and orders issued under it.

APPENDIX A

REMOVAL OF MEMBERS

1. Members of the Medina County LEPC are expected to know and assume the responsibilities and perform the duties of members and officers as outlined in Article III (B) of these bylaws.
2. Allegation of any member's nonfeasance, misfeasance and/or malfeasance in that regard, sufficient to be considered cause for removal from the LEPC, shall be made known to the Chairman or Vice-Chairman who will, in turn, notify the member.
3. At the earliest possible regular meeting of the LEPC the chairman will cause to be placed on the agenda the allegation against the member and present any evidence or witnesses in support of that allegation. The member, in turn, will be allowed to present any witnesses or explanations in his or her behalf.
 - a. If the allegation is of sufficiently serious a nature, as determined by the chairman or vice-chairman, he or she may call a special meeting of the LEPC to consider the allegation. Such meeting shall be no sooner than 5 days from the notice of the meeting nor any later than the next regular meeting.
4. A quorum of LEPC members (7) shall attend the meeting, but the member in question will not be counted as part of the quorum for purposes of this proceeding.
5. Following presentation of all information at either the regular or special meeting, the members attending the meeting will be polled on a voice vote as to whether removal of the member in question shall be by roll call or secret ballot. This will require two (2) votes. The first vote will determine the manner of voting on the member, that is by secret ballot or roll call. The second vote, for removal of the member, will be taken in the manner determined by the first vote.
 - a. The first vote shall be taken in the following manner: "Shall the vote for removal of (member's name) from the Medina County Local Emergency Planning Committee be taken by roll call?" The vote will be by voice and will be "yea" or "nay".
 - b. The second question shall be "Shall (member's name) be removed from the Medina County Local Emergency Planning Committee?" The vote will be by voice and will be "yea" or "nay" in the manner determined by the first vote.
 - c. The secretary will call the roll, if that is the chosen method, except for the name of the member in question; the majority of votes cast will determine the member's removal or continued participation.
 - d. If the secret ballot is chosen, the requisite number of slips of paper will be prepared. One will be given to each member, except the member in question; the secretary will gather the ballots, count them, and present the result to the chairman, who will announce it.

6. A majority of "yea" votes cast will terminate the member's participation on the committee at that moment.
7. A majority of "nay" votes will continue the member's participation, as before.
8. No appeal procedure exists at this point, in the case of either a majority "yea" or "nay" vote. The Medina County Prosecuting Attorney or other appropriate legal counsel will be consulted on the need for or method of an appeal process if necessary.