LUCAS COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

CONSTITUTION AND BY-LAWS

Adopted 1989
Revised 1995
Revised September 26, 1996
Revised April 16, 1997
Revised November 11, 2003
Revised March 18, 2004
Revised January 21, 2010
Revised September 19, 2013
Revised March 17, 2016 (Revised Article VIII, Section 1 Handling Funds for public moneys)
Revised July 19, 2018 (Revised Article VI, Section 2 LEPC Meetings)
Revised October 10. 2019 (Revised Articles VI & VII)

ARTICLE I: NAME
ARTICLE II: STATE AND FEDERAL LAWS
ARTICLE III: PURPOSE AND OBJECTIVES
ARTICLE IV: LEPC REPRESENTATION
ARTIVLE V: JURISDICTIONAL BOUNDARY
ARTICLE VI: POWERS AND DUTIES
ARTICLE VII: EXECUTIVE BOARD
ARTICLE VIII: FUNDING
ARTICLE IX: MEMBERSHIP CHANGES
ARTICLE X: PARLIAMENTARY AUTHORITY
ARTICLE XI: AMENDMENTS

ARTICLE I: NAME

The name of this Committee is the Lucas 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 Lucas County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03 (B).

ARTICLE II: STATE AND FEDERAL LAWS

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

ARTICLE III: PURPOSE AND OBJECTIVES

SECTION 1 – The Purpose of the LEPC:

As stated in ORC 3750.04 (A), the local emergency planning committee of each emergency planning district shall prepare and submit to the emergency response commission a chemical emergency response and preparedness plan for the district (Lucas 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 database 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.

SECTION 2 – The Objectives of the LEPC are:

a) To prepare and maintain a comprehensive and coordinated chemical emergency preparedness and response plan for Lucas 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 3750.03
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

ARTICLE IV: LEPC REPRESENTATION

SECTION 1 – Composition of the LEPC

The LEPC shall consist of such number of members as the commission considers appropriate but shall include, without limitation, representatives from each of the following groups or organizations that reside, have business, or make emergency response within Lucas County: elected state and local officials, law enforcement personnel, emergency management personnel, fire-fighting personnel, first aid personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups, and owners and operators of facilities subject to ORC Chapter 3750. Members will be considered periodically throughout the year.

SECTION 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 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 County Commissioners develop their recommendations for SERC the, LEPC Secretary will provide the County Commissioners with membership applications from prospective eligible members.

At the July meeting of odd-numbered years, the LEPC shall nominate a Chairperson, Vice Chairperson and Secretary from names off the list that the County Commissioners forwarded to SERC.

At the first meeting of the newly appointed LEPC, an election of the LEPC Chairperson, Vice Chairperson, and Secretary will be conducted by a member of the Executive Committee of the previous LEPC. The election will include the individuals recommended by the previous LEPC 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 County Commissioners and the SERC immediately following the meeting. The names of the individuals appointed to fill the LEPC positions of Information Coordinator and Community Emergency Coordinator will also be included in this notice.

New members may be appointed at any time throughout the two-year term of the LEPC upon the recommendation of the County Commissioners and approval by SERC.

SECTION 3 – Filling of Vacancies

Vacancies may occur due to resignation or removal action (ORC Section 3750.03(B)). The vacancies shall be filled as described in Article IV, Sections 1 and 2.

To fill an Officer vacancy, the LEPC shall nominate a qualified replacement from the membership. An election will be held by vote of the members and the elected Officer will fill the position for the balance of the unexpired term.

The LEPC may have ad-hoc sub-committees to address business and responsibilities of the Committee, including but not limited to Bylaws, Compliance, Exercise, Finance, Grants, Plan Review, Public Relations, and Training. Chairpersons of the sub-committees may be volunteers, appointed by the LEPC Chairperson or chosen by the sub-committee members.

ARTICLE V: JURISDICTIONAL BOUNDARY

The jurisdictional boundary of the Lucas County shall include all of Lucas County, Ohio.

ARTICLE VI: POWERS AND DUTIES

SECTION 1 – Powers

The LEPC shall have all powers granted to it by ORC Chapter 3750.

SECTION 2 – LEPC Meetings

The LEPC shall conduct quarterly meetings. The LEPC will set the time and date of its regular meetings, but shall be required to meet at least once each calendar year.

LEPC Sub-Committees 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.To be excused from a scheduled meeting the member in question shall contact, prior to the conduct of the meeting, a member of the LEPC Executive Committee.

The Chairperson or Vice Chairperson shall have the authority to call a special meeting of the LEPC. A special meeting may also be called by petition of any five (5) members of the LEPC.

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

SECTION 3 - Quorum

A majority of the groups and organizations described in Article IV, Section 1 that constitute the membership 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.

SECTION 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.

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 VII: EXECUTIVE

SECTION 1 – Composition and Term of the Executive Board

There shall be an Executive Board composed of the LEPC Chairperson, Vice Chairperson, Secretary, Information Coordinator, Emergency Coordinator, and Finance Sub-committee Chairperson. 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 VIII: FUNDING

SECTION 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 will secure and deposit all public moneys received in a timely manner and in compliance with ORC Section 9.38. Public Moneys includes any financial warrant or cash received, collected by or due the LEPC as well as any money collected by any individual on behalf of the LEPC. Deposits include public money entrusted or transferred to the Lucas County Treasurer or other properly designated depository as allowed by law.

Public moneys received by the LEPC in a total amount of one-thousand dollars ($1,000) or greater will be deposited no later than the next business day following the day of receipt. Public moneys received by the LEPC in a total amount of less than one-thousand dollars ($1,000) will be deposited no later than three (3) business days following the day of receipt. When holding moneys, the LEPC will safeguard said money by securing them in a locked enclosure until deposited.

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.

SECTION 2 – Grant Applications

The LEPC shall prepare and submit a SERC Grant application by February 1 of each calendar year. Grant applications may also be submitted to HMEP, PUCO and other funding agencies as needed.

SECTION 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 Finance Sub-Committee Chairperson shall prepare and present an annual operating budget for approval by the LEPC no later than November prior to the new fiscal year. The LEPC shall approve the annual operating budget by a majority vote of the members present at a regular LEPC meeting. Upon approval, the LEPC shall authorize the Executive Committee to conduct day to day LEPC operations within the approved budget.

The Finance Sub-Committee Chairperson shall submit the approved LEPC budget to the County Auditor by the 1st of January for that fiscal year.

The utilization of LEPC funds shall be governed by the following purchasing/procurement policies. Purchases over $1,000.00 shall require a purchase order and prior approval by the Chairperson, Vice-Chairperson, or Finance Sub-committee Chairperson through the submission of one written quotation. Purchases exceeding $7,500 shall require a purchase order and prior approval by the Chairperson, Vice-Chairperson, or Finance Sub-committee Chairperson through the submission of three written quotations. With the exception of services by a consultant or contractor fulfilling LEPC required activities for or on behalf of the LEPC, purchases exceeding $50,000 shall require a purchase order and solicitation of formal competitive bids and the approval by a majority of the LEPC. All purchase requisitions shall require the signature of the Chairperson, Vice Chairperson, or Finance Sub-Committee Chairperson. Any exceptions to these policies shall be brought before the LEPC for approval by a majority vote.

The LEPC shall review and approve of all requests in excess of the current budget appropriation for that account before the funds are expended.

The annual LEPC operating budget may be amended by a majority vote of the members present at a regular LEPC meeting.

SECTION 4 – Purchase and Accountability of Durable Items

Any non-expendable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Lucas County Auditor's Office and applicable federal and state 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 non-expendable 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 IX: END OF TERM AUDIT

SECTION 1 – End of Term Audit

At the end of its two-year term, the LEPC may audit the LEPC records and prepare a financial accounting for its two-year term of office. This accounting should include fund balance, funds received, funds expended, non-expendable items purchased and the ending balance.

ARTICLE X: PARLIAMENTARY AUTHORITY

SECTION 1 – Rules of Order

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

ARTICLE XI: AMENDMENTS

SECTION 1 – Amendment of By-Laws

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, electronic method, 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.

THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE LUCAS COUNTY LOCAL EMERGENCY PLANNING LEPC, ADOPTED AT THE REGULAR MEETING OF THE LEPC ON THIS 17th DAY OF MARCH, 2016.

10/15/19

LEPC Chairperson **Date**

10/17/19

LEPC Vice-Chairperson **Date**

10/15/19

Secretary **Date**