

**WARREN COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE
BY-LAWS**

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ARTICLE I: NAME

The name of the organization is the Warren County Local Emergency Planning Committee, which shall be hereinafter referred to as the WCLEPC. The organization takes its legal authority from the provisions of the federal law, state law and by appointments duly issued by the State Emergency Response Commission from a list of persons submitted by the Warren County Board of Commissioners.

ARTICLE II: STATE AND FEDERAL LAWS

State and Federal laws applicable to LEPC's include: Superfund amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 1100(c); and Ohio Revised code 3750, as revised and as supplemented by the Ohio Administrative Code

ARTICLE III: MISSION STATEMENT

The Local Emergency Planning Committee (LEPC) is committed to a partnership between Industry and Government to improve emergency planning, reduce the effects of natural and manmade incidents and lessen the impact of hazardous materials incidents and events to the general public, industry, and emergency responders of Warren County, Ohio.

The following measures will achieve this mission:

- Continuous refinement of the Hazardous Materials Annex as contained in the Warren County Emergency Operation Plan (EOP).
- Maintenance of a county wide resource directory of persons, agencies, and organizations to help during times of emergencies.
- Development and implementation of exercises on a periodic basis, at least annually, involving industry, emergency responders, and local government to maintain emergency response capability.
- Provision of SARA Title III information to the general public as required.
- Assistance to local businesses and communities on fulfilling the reporting requirements of SARA Title III.
- Supporting the educational and training needs of emergency and public safety responders, industry, and local government.

It is the purpose of the Warren County Local Emergency Planning Committee to successfully implement the above listed measures to ensure safety of the citizens and emergency responders in the county.

ARTICLE IV: PURPOSE AND OBJECTIVES

A. PURPOSE

The purpose of the LEPC is to serve as the official hazardous materials local emergency planning committee for Warren County, Ohio as specified by the Superfund Amendment and Reauthorization Act (SARA) (United States Public Law 99-499), Title III (Emergency Planning and Community Right-to-Know Act), Section 301(c), and as appointed by the State of Ohio. As stated in SARA, the LEPC will develop a comprehensive hazardous materials emergency response plan

for Warren County; establish procedures for conducting its public information responsibilities; receive and process requests for information from the public; notify the public of committee activities and public meeting to discuss the emergency plan; distribute the emergency plan and make it publicly available; and receive reports and information as specified throughout SARA Title III. With the information and reports received, the LEPC will perform a hazard analysis, build, and maintain a database of hazardous materials locations and quantities in the county, and establish and maintain a computer system for data management.

The LEPC is instrumental in fulfilling the purpose of a Community Right-to-Know law to increase the protection of the community from hazardous chemicals produced, used, stored, released, and transported within Warren County, Ohio.

B. OBJECTIVES

1. To prepare a comprehensive and coordinated hazardous materials (HAZ-MAT) emergency response plan for Warren County, Ohio;
2. To receive and process requests from the public for information under SARA Title III;
3. To implement the Local Emergency Planning Committee rules and requirements of SARA Title III;
4. To assist with prevention of accidents and reduction of releases of hazardous materials;
5. To carry out the powers and duties as provided in Section 3750.03 (D) of the Ohio Revised Code and such other powers and duties as outlined in lawful Rules promulgated by the State Emergency Response Commission

ARTICLE V: COMMITTEE REPRESENTATION

A. MINIMUM REQUIRED MEMBERSHIP

The LEPC should be comprised of at least one individual from each of the twelve (12) categories.

1. Elected State or Local Official representative
2. Fire Service representative
3. EMS / First Aid
4. Law Enforcement representative
5. Emergency Management representative
6. Community Groups (e.g., American Red Cross, Warren County community groups (mental health, volunteer coalitions etc.)
7. Public Health representative
8. Environmental Agency representative
9. Hospital or healthcare system with facility in Warren County representative
10. Print & Broadcast Media representative
11. Facility subject to ORC 3750 and/or section 302 of SARA
12. Transportation representative

B. ADDITIONAL MEMBERS

Additional members represent areas of expertise that help the LEPC carry out the duties assigned by the ORC 3750 and SARA Title III

- Communications representative
- Telecommunications representative
- Legal representative
- Weather service representative
- Hazardous Materials Unit representative

C. APPOINTMENT OF MEMBERS

Nominations for LEPC members will be received via email to the Chairman before the first (1st) meeting of the odd year. Any standing or Ad Hoc member may be nominated or submit a request to become a member of the Warren County LEPC. Appointment of nominees is subject to majority vote of members present at the first (1st) odd-year LEPC meeting and approval of these nominated LEPC members by county resolution to the Board of County Commissioners. Once approved by the County Commissioners, the list of appointed LEPC members will be sent to the State Emergency Response Commission (SERC).

D. TERMS OF MEMBERSHIP

All nominated LEPC members shall be appointed by a County Commissioner Resolution. All appointed LEPC members shall serve a term of two (2) years and shall be eligible for reappointment.

The LEPC shall meet a minimum of two (2) times a year and at such other times as the Chairman or Vice Chairman deem necessary. A member who misses two (2) consecutive meetings without notifying the Chairman, Vice Chairman or Secretary of the absence or alternate representative will be considered inactive. The Chairman will write to the member asking whether he or she wants reinstatement as an active member. If not, or if no answer is received in thirty (30) days, the Chairman will ask for nominations to recruit a replacement person for the same category of members (see Article V, Section A). If no nominations are given, the Chairman will attempt to recruit a nominee.

New members to the LEPC may be voted on during the LEPC meetings. Nominations will be called for by the Chairman and members will be given not less than ten (10) days to submit nominees for replacement members. The chairman will then submit all final nominations for a vote by LEPC voting members and once a majority has approved, the approved new members will be added to the LEPC roster, and a County Resolution will be sent to the Warren County Board of County Commissioners for final approval.

E. MEMBER ALTERNATES

When unable to attend a meeting, a member may designate, in writing directed to the LEPC chairman, an individual to represent the member at meetings of the LEPC or its subcommittees.

Such members should possess the same expertise and represent the same discipline as the member for which they are serving as an alternate. These alternate who appear in absence of a member shall count towards a quorum and be able to vote on behalf of the absent member on LEPC business. In event member and alternate appear at same meeting member has vote and counts towards quorum while the alternate member does not count towards quorum or get a vote.

F. AD HOC PARTICIPATE

Community partners, local businesses, non-profit organizations, etc. may request to start attending LEPC meetings. Requests will be sent to the LEPC chairman, and subject to the chair approval for attendance at the next scheduled LEPC meeting. Such members who wish to start attending meetings but have not been voted in (and approved through 3750.03 (B) requirements) will be considered Ad Hoc participates and not eligible to vote on LEPC matters and will not affect the Quorum to conduct LEPC meetings.

ARTICLE VI: JURISDICTIONAL BOUNDARY

The LEPC jurisdictional authority shall include all of Warren County, Ohio per ORC 3750.03(A).

ARTICLE VII: AUTHORITY

A. GOVERNING BODY

The Governing Body of the LEPC shall be composed of the Chairman, Vice Chairman, Secretary, committee chairs and all officially appointed members of the LEPC. Each member of the Governing Body will get one (1) vote.

B. VOTING

A Quorum of voting members must be established before any official voting can be done. Definition of Quorum can be found in (Article XV (E)).

Voting on official LEPC business shall be conducted at the regular meetings or special meetings. A quorum must be reached (see article XV) for a vote to be official. Voting cannot take place via email per ORC 121.22 (F).

Items submitted for vote will be sent to all LEPC members and ad hoc members for a period of review lasting no less than ten (10) days. Comments will be received during that time and relayed back to LEPC members for final discussion (which can be achieved through teleconference or email correspondence to all parties). Final voting on LEPC matters will be sent to the LEPC governing board after the period of review and discussion has been closed, and the governing board will be given no less than three (3) days to submit their vote. Final approval (or disapproval) of the LEPC vote will occur after a majority has been reached.

For emergency situations, a special meeting will be called; via face-to-face meeting (see Article XV) where members will discuss the issue and vote (once a quorum has been reached).

C. AUTHORITY

The LEPC shall have full authority and power to manage the affairs of the LEPC. It may enter into contractual agreements and accept gifts, grants, and fees on behalf of the LEPC: In

accordance with Ohio Ethic Laws. It shall formulate policy and general rules to govern itself. It shall have power to create and dissolve ad hoc committees. It shall act as trustee of all properties of the LEPC. It shall have power to create and amend By-Laws. All matters pertaining to the welfare of the LEPC shall be referred to the entire LEPC.

ARTICLES VIII: OFFICERS

A. ELIGIBILITY

Any LEPC member in good standing (knowledgeable in LEPC business and having proven reliable attendance at LEPC meetings) is eligible to serve as an officer of the Warren County LEPC.

B. ELECTION OF OFFICERS

Before the first (1st) meeting of odd numbered years, the Chairman shall call for nominations via email for LEPC Officer positions to include a LEPC Chairman, Vice Chairman, and Secretary. The call for nominations will be sent with the meeting invitation, and nominations will be received via email to the LEPC Chairman prior to the first (1st) LEPC meeting of the odd year.

Final Nominations for LEPC Officer Positions and membership will be received prior to the first (1st) odd year meetings and will be sent to all active LEPC members via email to be voted upon at the first (1st) odd year meeting. A majority vote will constitute approval of a nominee for an LEPC Officer position. Newly elected officers will be introduced at the first (1st) odd-year LEPC meeting and will take office the second (2nd) quarter of the odd numbered year.

C. TERMS OF OFFICE

Consistent with the Ohio Revised Code, all appointed LEPC members shall serve a term of two (2) years. Members are eligible for reappointment.

LEPC Officers shall serve a term of two (2) years with appointment occurring the second (2nd) quarter of the odd numbered years. LEPC Officers are eligible for reappointment, pursuant to LEPC member recommendations.

D. REMOVAL OF OFFICERS

A call for removal of an LEPC officer can be made at any LEPC meeting by a current, active member in attendance. The LEPC may remove any officer by a two-third majority roll call vote of those members in attendance at an official meeting of the LEPC.

E. VACANCY

In the vacancy of a LEPC chairman, the Vice Chairman shall assume his / her responsibilities for the next scheduled LEPC meeting. The Vice Chairman may elect to serve the remainder of the unexpired term or may ask the Executive Board to call for nominations for a replacement Chairman at the next scheduled LEPC meeting.

Vacancy in the Vice Chairman position will be subject to vote at the next scheduled LEPC meeting. Vacancy in the Secretary position will be filled by the Chairman or Vice Chairman until a replacement has been voted on at the next scheduled LEPC meeting.

The Executive Board shall recommend any LEPC member in good standing to fill a vacancy in any officer position of the LEPC for the unexpired term. Nominations to fill vacancies will be presented by any member of the LEPC at the next scheduled meeting.

The Executive Board shall notify the LEPC members of the intent to replace an Executive Board member prior to the next scheduled meeting and must receive a majority vote by LEPC members present at the scheduled meeting to appoint the new Executive Board member. If the new Executive board member is already part of the LEPC Governing body, no further approvals are needed. If the newly appointed Executive member was an Ad Hoc or non-member on the official LEPC roster, a recommendation to add this person to the County LEPC needs to be submitted by County Resolution to the Warren County Board of Commissioners for approval. Once approved, a copy of the new Warren County LEPC roster will be submitted to SERC.

F. DUTIES

1. Chairman

The chairman shall call and preside over all meetings of the LEPC, may establish subcommittees in addition to those established in Section VI, deemed necessary for the conduct of business of the LEPC, and shall appoint the members of all such subcommittees, shall designate a chairperson for each subcommittee established, and shall perform additional duties as are performed by like officers in similar organizations.

2. Vice-Chairman

The Vice-Chairman of the LEPC shall assume all duties of the Chairman in the absence or disability of the Chairman. As a member of the Executive Board, the Vice Chairman will assist in developing subject matter for LEPC meetings.

3. Secretary

The Secretary shall maintain a list of all current, active LEPC members, record or transcribe the minutes of all LEPC meetings, and send out meeting notices via calendar invites and postings to the Warren County EMA Website. The secretary shall also ensure that an agenda of each LEPC meeting is mailed or delivered as provided by Article VIII (D).

ARTICLE IX: EXECUTIVE BOARD

A. EXECUTIVE BOARD COMPOSITION

There shall be an Executive Board composed of the LEPC Officers including: Chairman, Vice Chairman, Secretary, as well as each official committee chair, the LEPC Information Coordinator and the LEPC Community Emergency Coordinator.

1. Information Coordinator

The LEPC Information Coordinator shall be responsible for coordinating and maintaining the LEPC files of information to include LEPC rules, bylaws, and official documents and fulfillment of requests made by the Public. The Information Coordinator may be a stand-alone position within the LEPC or may be filled by any member of the LEPC Executive Board.

2. Community Emergency Coordinator

The LEPC Community Emergency Coordinator will assist with coordinating the development and implementation of the chemical emergency response and preparedness plan for the County and will receive verbal and follow up written notices of releases of hazardous substances and extremely hazardous substances (EHS) provided under ORC Section 3750.06.

In Warren County, the Director of Emergency Services will serve as the LEPC Community Emergency Coordinator and will be automatically subject to serve on the LEPC Executive Board.

B. MEETINGS

The Executive Board shall determine LEPC business to be discussed at LEPC meetings and shall carry out the policies of the LEPC between meetings. Each member of the Executive Board is entitled to one vote.

The Executive Board shall establish its own procedures subject to approval by the LEPC and have such further powers and duties as may be prescribed in the LEPC By-Laws.

The Vice Chairman may run LEPC meetings in absence of the LEPC Chairman. In the absence of the Vice Chairman, any member of the LEPC Executive Board may run the LEPC meeting.

ARTICLE X: LEPC SUBCOMMITTEES

1. LEPC Subcommittees can be staffed by LEPC members or a mix of members and non-members. Common subcommittees for LEPC entities could include (but are not limited to) Training and Exercise, Hazard Analysis, Compliance, and Enforcement.
2. Any LEPC members may request a subcommittee of the LEPC to be formed (subject to the approval of LEPC majority vote or the Chairman) of the LEPC may recommend a subcommittee formation to handle specific business of the LEPC.
3. All LEPC Subcommittees will appoint a chairperson (who may be elected by the subcommittee members or appointed by the LEPC Chair), who will become a member of the LEPC Executive Board, and a secretary who will record the official LEPC Subcommittee business. All LEPC Subcommittees will be given (or will produce) understandable guidance and directions on their mission and tasks.
4. LEPC Subcommittee meetings will occur at a minimum biannually but recommended before the scheduled date of the LEPC meeting. All LEPC subcommittee chairpersons will be expected to be present, or send a subcommittee representative to, the LEPC committee meetings to report on the business of each subcommittee.

ARTICLE XI: ADMINISTRATIVE SERVICES

The Warren County Emergency Management Agency is authorized to perform the LEPC's duties related to the administrative, financial, secretarial, clerical and data entry requirements of both the federal and state law, and rules adopted by the State Emergency Response Commission that are not covered by the LEPC Executive Board members. The Emergency Management Agency offices are located in the Warren County Emergency Operations Center, 520 Justice Drive, Lebanon, Ohio, 45036. The LEPC

Emergency Coordinator can be reached by calling 513-695-1315 or during emergencies by contacting Warren County Dispatch at 513-625-2525 or 911.

ARTICLE XII: GENERAL

Except as provided by law, the records of the LEPC are available for public inspection during normal business hours at the Warren County Emergency Management Agency.

The legal requirement of the LEPC to receive notifications for spill / releases will be deemed satisfied by (1) delivery of written notification to the Community Emergency Coordinator at the above address, (2) telephone notification to the Community Emergency Coordinator (or his designee) at the above telephone number or (3) notification to the Warren County Communications Center, via 911. In the event of noncompliance or problems, the LEPC Emergency Coordinator or Chairman may transmit appropriate communication to the Ohio EPA for enforcement.

Approval of any outgoing correspondence upon the LEPC letterhead, or any correspondence that represents the LEPC as a body, shall be approved by the Chairman, Vice Chairman, or Information Coordinator upon submission to the respective committee chairman. Media inquiries and other official verbal communication will be referred to the Chairman or Vice Chairman for official statements. In their absence the Information Coordinator is authorized to speak for the LEPC.

Individuals who are LEPC members are entitled to express personal view on any subject at any time. If the subject matter relates to an LEPC Title III subject, the individual (if identified with the LEPC in the public statement or correspondence) must disclaim that he or she is speaking for the LEPC. The name or letterhead of the LEPC shall not be used for such public statements or correspondence without prior express approval of the Chairman or Vice Chairman.

ARTICLE XIII: FINANCE

The LEPC may receive and accept from any public or private source for the purposes of this chapter, gifts, grants or contributions of money, services of personnel, and real or personal property for their use as direct by ORC Section 3750.03(E)(1).

The LEPC will not under any circumstances, obligate funds in excess of the amount of dollars in accounts with the Warren County Department of Emergency Services.

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

Requests for financial assistance, such as for paying instructors, providing training materials 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 cost indicated, will be considered.

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 at Warren County EMA and provided to membership upon request.

ARTICLE XIV: MEETINGS

A. REGULAR BUSINESS MEETING

The LEPC shall hold regular business meetings at least during the first (1st) and third (3rd) quarter. Meetings will be conducted in-person unless a quorum is not reached to hold official LEPC business (See Section B below). The LEPC shall hold its organizational meeting during the first (1st) business meeting of odd numbered years. The LEPC officers shall be elected at this organizational meeting, pursuant to Section VIII hereof.

B. SPECIAL MEETINGS / SUBCOMMITTEE MEETINGS

Special meetings of all LEPC members may be required due to not reaching a quorum, urgent requests for information or action, emergency event or other special circumstances. These meetings shall be at the call of the Chairman (or Vice Chairman in the chair's absence). The chairman shall also call a meeting of the LEPC upon receipt of written request signed by any three (3) of its members.

Subcommittee meetings for Planning and Exercise will be called by the Subcommittee Chair (or Chairman of LEPC in chair's absence).

Special Meetings and Subcommittee meetings of the LEPC: these meetings must be announced at least twenty-four (24) hours in advance unless constituted an emergency in accordance to ORC Section 121.22(F). These meetings are open to the public per Ohio Revised Code 121.22. Meeting; Special or regular business cannot be done via teleconference if items are to be voted on. ORC 121.22 (H)

These meetings will be considered public meetings per ORC 121.22 (B)(1)(a) unless the following occurs: the number of LEPC members attending either special or subcommittee meetings is less than the majority, then it fails to meet the definition of a meeting per ORC 121.22(B)(2).

Special or regular business, including official vote, may be completed via a virtual platform if an Executive Order is issued to temporarily suspend public gatherings to protect public health and safety.

C. SUNSHINE LAW PROVISIONS

Pursuant to the Ohio Revised Code 121.22(B)(2) a meeting is defined as any prearranged discussion of the public business of the public body by a majority of its members. All meetings of the LEPC shall be public meetings (ORC 121.22(B)(1)(a)). Note if members present is less than majority of LEPC, then it does not meet definition of meeting per ORC 121.22(B)(2). The LEPC may enter into executive session to discuss matters required to be kept confidential by federal law or regulations or state statute (ORC 121.22 (G)(5) or to discuss with an attorney disputes involving the public body that are subject to pending or imminent court action (ORC 121.22(G)(3)). Notice of all scheduled meetings of the LEPC shall be published on the Warren County EMA website in accordance with Ohio Revised Code 121.22. Notice of any specially called meeting, as in subsection (B) supra, shall be given the public by publication of notice of the date, time, and place of such meeting on the Warren County EMA website of record in accordance with the requirements of Ohio Revised Code. Minutes of the LEPC and LEPC subcommittee thereof shall be record. The minutes shall be made available to inspection by the general public during regular business hours.

D. NOTIFICATION OF MEETINGS

The LEPC chairman shall provide written notification to all members of the date, time, and location of each LEPC meeting. This notice shall be delivered by electronic mail at least seven (7) calendar days in advance of the scheduled meeting date.

Notifications of all special meetings of the LEPC must be announced at least twenty-four (24) hours in advance unless constituted an emergency in accordance with ORC Section 121.22(F).

E. QUORUM

A simple majority of LEPC Members or their alternates present shall constitute a quorum for the transaction of LEPC Business. Unless a removal of an officer is being voted on then see Article VIII (D). Members must be present at meetings and an email vote is not official according to ORC 121.22(C).

F. MINUTES

The minutes of the LEPC meeting shall be a summary of the meeting's proceedings, with specific actions indicated in detail and with the related vote itemized. The minutes shall also indicate those members and guest in attendance at the meeting. Minutes of the meeting of the LEPC shall be public records made available to the general public upon request. Copies of the previous meeting minutes will be sent to all active LEPC members to review and approve at each scheduled meeting.

A copy of the minutes of each LEPC meeting shall be transmitted to the SERC pursuant to ORC 3750.

G. CONDUCT OF MEETINGS

Except as otherwise noted herein, all LEPC meetings shall be conducted in accordance with the most current edition of ROBERT'S RULES OF ORDER.

ARTICLE XV: PLANNING & EXERCISE

A. PLANNING

The LEPC shall in accordance to ORC Section 3750.04(A) prepare and submit to SERC a Chemical Emergency Response and Preparedness Plan for the County. This plan may be a 'standalone plan' or an Annex, or Appendix, to the County's Emergency Operations Plan (EOP).

B. EXERCISE

In accordance with ORC Section 3750.04(C) the LEPC shall conduct an exercise of its plan at least annually.

1. This exercise must involve local emergency response and medical personnel per ORC Section 3750.02(B)(2)(b).
2. Must involve either a facility subject to the plan or a transporter of hazardous materials.

3. The Hazardous Materials Plan shall contain the method by which the LEPC will complete its annual exercise requirement and provide a schedule on how often exercises will be complete per ORC Section 3750.04(B)(12).

The LEPC must develop and conduct an exercise to test and validate the defined procedures which the local agencies, departments, and organizations use to respond to chemical spills within the district. The exercise must also address and adhere to the criteria and procedures created by SERC that govern how the LEPC exercise those plans.

The LEPC exercise must be observed by a designated Ohio EMA member. This member shall serve as a facilitator during the exercise and will utilize the exercise evaluator comments to develop the official report to the SERC. Ohio EMA will provide and maintain the guidance used by LEPC to develop and conduct their exercise.

The LEPC will use an *all-hazards* approach with the hazardous materials exercise where other elements such as natural, man-made and technological hazards are included in the exercise. This approach will allow for the testing of the County's Emergency Operations Plan (EOP). An exercise of the EOP must occur annually per ORS 5502.26-271

ARTICLE XVI: ADMENDMENTS

These By-Laws may be amended at any regular meeting by two-thirds vote of the LEPC members present, provided that any proposed amendment had been submitted to the Chairman or Vice Chairman at least thirty (3) days prior to the next meeting.