

# CLARK COUNTY'S LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) CONSTITUTION AND BY-LAWS

## **Article I: Name**

The name of this committee is the Clark 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 Responses Commission, (hereinafter referred to as SERC), from a list of persons submitted and recommended to the SERC by the Clark County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03(B).

## **Article II: State and Federal Laws**

State and Federal laws applicable to LEPCs are 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 (OAC).

## **Article III: Purpose and Objectives**

### ***Section 1 – The purpose of the LEPC:***

As stated on ORC 3750.04(A), the LEPC shall develop a chemical emergency response and preparedness plan for the planning district of Clark 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 districts 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. Transportation hazards analysis will include those risks to the district from commercial transportation.

All meetings, including sub-committees 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 Clark 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 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 3750.003 and ORC 3750.04; for example, preparation and maintenance of the County's Hazardous Materials Plan, annual review and testing of the plan, training, exercising and compliance, and enforcement.

## **Article IV: Jurisdictional Boundary**

The Clark County's LEPC's jurisdictional boundary is all of Clark County, Ohio.

## **Article V: Powers and Duties**

### **Section 1: Powers**

ORC Section 3750.03(D) states the LEPC shall have the authority to: appoint a Chairperson, Vice-chairperson, Information Coordinator and Community Emergency Coordinator, and a Secretary; to adopt by-laws; to purchase goods or services, to enter into lease or contract agreements, and accept gifts on behalf of the LEPC; and to establish and carry out accomplishments and enforcement activities.

ORC Section 3750.003(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; and adopt rules for dealing with facilities within the planning district.

### **Section 2: LEPC Meetings**

The LEPC shall meet a minimum of five (5) times each calendar year. Four (4) times for LEPC meetings on a quarterly schedule that the LEPC will set the time and date of its regular quarterly meeting, and one time (1) annually for the required LEPC exercise.

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

## **A. Regular Meetings**

A minimum of 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 mail. If it is likely mailed notice would not reach the members or media, in sufficient time of the meeting, such notice will be given by e-mail, person, or telephone.

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

## **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.

## **Section 3: Quorum**

A simple majority of the LEPC membership at the regular or special meeting shall constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled and announced meetings. Voting on business requires a simple majority of members attending for passage.

## **Section 4: Removal of a Member**

The LEPC, by a two-thirds majority vote by membership present, 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)).

# **Article VI: LEPC Representation**

## **Section 1: Composition of the LEPC**

ORC Section 3750.03(B) requires that the LEPC be comprised of an appropriate amount, but at least one representative of the following entities; Elected State and Local officials; law enforcement; emergency management personnel; firefighting 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.

## **Section 2: Additional Membership**

Additional members may be recommended by the LEPC Board to be appointed by The Board of County Commissioners in each of these interest groups, as appropriate and necessary. In addition to the twelve (12) mandated participants identified in Article IV Section 1 and in accordance with ORC 3750.0, representatives from other interested and/or affected organizations may also be solicited for membership.

### **Section 3: Alternate Members**

A member may designate another individual to represent the member, in such member's absence, at meeting of the LEPC. Such alternates shall have full voting privileges and shall count towards a quorum.

### **Section 4: Terms of Membership**

The term of membership shall be two (2) years. Terms begin on August 1 of the odd years with each term ending on July 31 as the term it succeeds. Persons appointed to fill member's vacancies shall complete the term of the member replaced. Members may be reappointed or elected to an unlimited number of terms of office. A member shall continue in office subsequent to the expiration date of his term until his successor takes office.

### **Section 5: Appointment of the LEPC, Election of Officers.**

1. At the February meeting 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 the current membership roster. Nominees shall be given to the secretary prior to the May meeting.
2. In August of the odd year, a new LEPC will be appointed by SERC based upon a list of persons the County Commissioners have 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 in developing their recommendations for SERC, the LEPC Secretary will provide the County Commissioners, a listing of current LEPC membership indicating which members are willing to serve another two year term along with a listing of additional members solicited by the LEPC, and those willing to be officers. At the August meeting of the newly appointed LEPC, an election of LEPC officers, the Chairperson, Vice-Chairperson and Secretary will be conducted by an officer of the previous LEPC. The election will include individuals recommended by the Nominating Committee and nominations from the floor. All person(s) to be nominated shall be voting members contacted prior to the election and have indicated willingness to serve if elected. Office term commences plan approval of Board of County Commissioners.

The LEPC Secretary will provide names of the new Officers to the Board of County Commission and the SERC immediately following the meeting. The names of the individuals appointed to fill the permanent LEPC positions of the Information Coordinator, (EMA Director or Designee), Community Emergency Coordinator (Haz-Mat Coordinator), and Treasurer (Clark County Budget Analyst) will also be included in this notice.

### **Section 6: Filling Vacancies**

Vacancies many 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

#### **Section 4: Purchase Accountability of Durable Items**

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Clark 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 state and federal regulations.

A listing of 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 and follow county procedures for disposition.

#### **Article VIII: Financial Audit**

LEPC will follow procedures of the Auditing process put in place by the County Auditor.

#### **Article IX: Parliamentary Authority**

The rules contained in Roberts Rules of Order shall govern the LEPC and all standing and ad hoc committees.

#### **Article X: Amendments**

Any LEPC member shall have the right to comment on or suggest revision to the Constitution and By-Laws. The member will make his or her request in writing to the LEPC Secretary, a minimum of 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 Constitution and By-laws in the following manner. Written notice containing the proposed amendment(s) shall be sent to each member of the LEPC at least 30 days in advance of the date set for voting on the amendment(s).

To be approved, Amendments must receive a two-thirds majority vote by membership present.

This document and all proposed amendments to this document shall be provided to the County Prosecutor for review and acceptance prior to the date set for the LEPC vote.

LEPC: CLARK COUNTY, OHIO



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**Charles Patterson**

**LEPC Chairman, 2013-2015**

Date: 7 / 24 / 14

BOARD OF COMMISSIONERS: CLARK  
COUNTY, OHIO



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Michelle R. Noble  
Acting County Administrator,  
on behalf of

**Nathan Kennedy**

**County Administrator**

Date: 8 / 11 / 14

APPROVED AS TO FORM:



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On behalf of:

**D. Andrew Wilson**

**County Prosecutor**

Date: 7 / 28 / 14