



**CUYAHOGA COUNTY  
LOCAL EMERGENCY  
PLANNING COMMITTEE (LEPC) BYLAWS  
September 17, 2012**

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# BYLAWS REVISION AUTHORITY

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<u>Revision</u>	<u>Date</u>	<u>Board of County Commissioner's Resolution</u>
Original	1-20-1987	Journal 213, Resolution No. 703319
(A)	8-28-1989	Journal 223, Resolution No. 893712
(B)	4-30-1990	Journal 226, Resolution No. 901806
(C)	5-03- 2010	Journal 307, Resolution No. 102517
<u>Revision</u>	<u>Date</u>	<u>Cuyahoga County Executive</u>
(D)	5-17-2012	
(E)	9-17-2012	

# **CUYAHOGA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) BYLAWS**

## **I. PURPOSE**

The Local Emergency Planning Committee (LEPC) was established by the Cuyahoga Emergency Management Advisory Board, pursuant to Resolution No. CEM-870715-F, to serve as the Local Emergency Planning Committee, as specified in the Superfund Amendments and Reauthorization Act (SARA) of 1986. The LEPC duties and responsibilities include, but are not limited to, developing an emergency response plan, receiving information regarding emergency releases of extremely hazardous substances and implementing procedures for community right-to-know reporting.

The State of Ohio Emergency Response Commission has designated Cuyahoga County as a local emergency district, pursuant to its Commission Resolution No. 87-03 and in response to a request by the Board of Cuyahoga County Commission that Cuyahoga County be so designated. Bylaws for the Cuyahoga County Local Emergency Planning Committee shall hereinafter be referred to as “BYLAWS”. “LEPC”, as used herein shall mean the Cuyahoga County Local Emergency Planning Committee. “SERC”, as used herein, shall mean the Ohio State Emergency Response Commission. “COUNTY” as used herein, shall mean the appointing authority of Cuyahoga County.

## II. LEPC COMMITTEE MEMBERSHIP

A. The membership of the LEPC shall include, at a minimum, representatives from each of the following categories (agencies listed are exemplars of potential appointing bodies):

Categories	Agencies	# of Positions
Local Elected Official		1
State Official	Ohio EMA	1
Law Enforcement	UAWG, Co. Sheriff, Co. Chiefs	3
Emergency Management Agency	CCOEM	1
Firefighting	Fire Chiefs Association	3
Citizen Corp	CERT, Red Cross	2
Public Health	Local Health Department	1
Government Environmental Agencies	Ohio EPA, NEORS	2
Healthcare	Hospitals, GCHA	1
Transportation	ODOT, Ohio Turnpike, RTA	3
Broadcast/Print Media		1
Advocacy Groups/Volunteers	EHW, AIHA	1 to 6
Facility Owners/Operators		2 to 4
Educational	Tri-C, CSU	2
County Representative		1

B. The minimum committee size shall be 25. The maximum committee size shall be 32.

13 members constitute a quorum.

C. The LEPC Information Coordinator shall serve as a member ex-officio.

D. Each appointed member of the LEPC shall have one vote.

E. LEPC members are nominated by the LEPC and submitted for the approval of the SERC.

- F. The term of membership shall be two 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 his term until his successor takes office or until a period of sixty days has elapsed, whichever occurs first.
- G. Any member of the LEPC may be removed by a two-thirds majority vote of the full membership as per ORC 3750.03.
- H. Midterm vacancies occurring on the LEPC shall be filled by the LEPC Management Subcommittee to complete the term of membership.
- I. A member may designate an alternate to represent the member, in such member's absence, at meetings of the LEPC. Such designation shall be in advance, in writing or by email. Alternates shall have full voting privileges and shall count toward a quorum.
- J. Pursuant to Section 307.442 of the Ohio Revised Code, the COUNTY shall indemnify and hold harmless members of the LEPC, through the COUNTY self-insurance program, for any action within the scope of their duties as LEPC members.
- K. No member shall receive compensation from the LEPC or the COUNTY EXECUTIVE for the COUNTY of CUYAHOGA neither for attendance at LEPC meetings nor for attendance at any other activity of the LEPC. Members may be reimbursed for out-of-pocket expenses directly related to the activities of the LEPC with the written approval of the LEPC.

### **III. LEPC OFFICERS**

- A. The officers of the LEPC shall be the Chairperson and the Vice-Chairperson.
- B. Officers of the LEPC must be members of the LEPC.

- C. The officers of the LEPC shall be elected at its organizational meeting, as defined in section IV.B. The sequence of the officers' election shall be the Chairperson and the Vice-Chairperson.
- D. Open nominations for the officers shall be put forth and the election held at the organizational meeting. A majority vote shall be required to elect an officer, and the nomination and the voting process shall be repeated as many times as necessary until such time as a nominated LEPC member receives a majority vote.
- E. The term of office for a LEPC officer shall be from organizational meeting to organizational meeting, as defined in Section IV.B.
- F. Removal of an Officer
1. The LEPC may remove any officer from his or her position. In order to do so, eight members (8) must sign a document outlining the officer's title and name, the reasons behind the recall or removal and the meeting date and time request for a vote of the full LEPC membership.
  2. This document shall be sent to the Chairperson, Vice Chairperson and the LEPC Information Coordinator.
  3. Notification of the full membership, inclusive of the signed document, shall be no less than 30 days before the requested vote. A two-thirds majority vote of the full membership shall cause the removal of the said officer per ORC 3750.03. Offices shall be deemed vacant and said officer retains membership in the LEPC unless action is taken under Section II.G above.
- G. Vacant offices shall be filled in the manner specified in Section III.C to complete the term of office.

- H. The Chairperson shall call and preside at all meetings of the LEPC; shall chair the Management Subcommittee; may establish those subcommittees deemed necessary for the LEPC to conduct its business; shall appoint the LEPC members to the established subcommittees; and shall designate one of these appointed members as Chairperson.
- I. The Vice-Chairperson shall assume all the above responsibilities and duties in the absence of the Chairperson. In addition, the Vice-Chairperson shall cause records of the members' attendance at LEPC meetings to be maintained and the minutes of the meetings to be prepared, pursuant to Section IV.G and distributed pursuant to Section IV.F.
- J. The LEPC Information Coordinator shall serve ex-officio as secretary of the LEPC.

#### **IV. LEPC MEETINGS**

- A. The LEPC shall not conduct business in the absence of a quorum, as described in Section II.B, except as defined in Section V.C.
- B. The LEPC shall hold its organizational meeting in January of each year. At this organizational meeting, the LEPC officers shall be elected, pursuant to Section III.
- C. The LEPC shall hold a minimum of four meetings each year in addition to the organizational meeting.
- D. The Chairperson shall cause to have written notification served of the LEPC meeting's time, date and location to all LEPC members. This written notification shall be sent at least ten calendar days in advance of the scheduled meeting date.



- E. The LEPC meetings shall be called at the request of the Chairperson. The Chairperson shall also call a meeting of the LEPC upon receiving a written request signed by eight of its members.
- F. The minutes of the LEPC meetings shall be available to all LEPC members within twenty-one calendar days after the meeting. All members of the LEPC shall receive a copy of the minutes no less than ten days prior to the next scheduled LEPC meeting. Copies of the minutes shall also be sent to the COUNTY.
- G. The minutes of the LEPC meetings 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 or alternates in attendance at the meeting.
- H. The agenda for the meeting shall be set by the Chairperson.  
  
However, any item put forth by any member shall be acted on appropriately at the meeting.
- I. The Chairperson, with the concurrence of four LEPC members or two other members of the Management Subcommittee may call an emergency meeting of the LEPC. The ten calendar days' notification requirement specified in Section IV.D shall be waived for an emergency meeting. The Chairperson shall cause to have an attempt made to provide all members with expedited notification of any emergency meeting.

## **V. SUBCOMMITTEES**

- A. A Management Subcommittee shall be formed, consisting of the following LEPC members:

1. The Chairperson;
  2. The Vice-Chairperson;
  3. The LEPC Information Coordinator;
  4. Each subcommittee chairperson; and
  5. Members at-large chosen by the Chairperson
- B. The Management Subcommittee shall be responsible for administrative, procedural, financial and policy recommendations for full LEPC consideration.
- C. The Management Subcommittee may act on behalf of the LEPC on any action except BYLAWS modification when it is determined by the Management Subcommittee that an emergency exists which would effect the effective operation or integrity of the LEPC.
- D. The Chairperson may establish those subcommittees deemed necessary for the LEPC to conduct its business. The Chairperson shall appoint LEPC members or ad hoc members to serve on such subcommittees and shall designate one such appointed member to chair each such subcommittee.
- E. Any subcommittee, excluding the Management Subcommittee, may be abolished by a majority vote at a LEPC meeting.
- F. The chairperson of each subcommittee may invite non-committee members to participate in the subcommittee's activities. Such non-committee members shall be approved by the subcommittee and shall possess privileges, including voting privileges, which are agreed upon by the subcommittee. All subcommittees shall provide the Management Subcommittee with minutes of their meetings and shall submit their recommendations to the Management Subcommittee for review prior to submission of the recommendations

to the LEPC for consideration, if appropriate. The subcommittees' minutes shall be prepared pursuant to the requirements specified in Section IV.G.

- G. The LEPC may establish such rules and procedures which are deemed necessary for the conduct of subcommittee activities.

## **VI. LEPC RESPONSIBILITIES AND AUTHORITIES**

- A. The LEPC shall not assume any duty, responsibility or authority granted to the COUNTY by the Ohio Revised Code.
- B. The LEPC shall take those actions necessary to comply with the requirements of SARA.
- C. The LEPC may make recommendations, as necessary, to exceed the requirements of SARA.
- D. The LEPC may submit recommendations on priorities and policies for the operation of the County Emergency Management Agency.

## **VII. SUNSHINE LAW PROVISIONS & EXECUTIVE SESSIONS**

- A. Sunshine Laws: Meetings and records of the LEPC shall be open to the public, pursuant to the Ohio Sunshine Law, Section 121.22 of the Ohio Revised Code, except as provided in ORC 121.22(G)(6).
- B. Executive Session: The LEPC, or any of its subcommittees, may upon motion and approval, meet in Executive Session to discuss legal issues, personnel issues and other matters permitted and/or required to remain confidential. Executive Session adjournment

will result from motion of an LEPC Member. 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 LEPC.

- C. Minutes of LEPC meetings shall be recorded at the direction of the Vice-Chairperson. The minutes shall be stored at the office of the LEPC Information Coordinator and be available for inspection at said office.
- D. The LEPC Information Coordinator shall maintain a listing of meetings scheduled to be held by the LEPC and shall provide such listing upon request of the public.
- E. The LEPC 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.

## **VIII. BYLAWS AMENDMENTS**

The LEPC may amend these BYLAWS by a majority vote.