

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

September 9, 2019



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BYLAWS REVISION AUTHORITY

<u>Revision</u>	<u>Date</u>	<u>Board of County Commissioner's Resolution</u>
Original	1/20/1987	Journal 213, Resolution No. 703319
<u>1</u>	8/28/1989	Journal 223, Resolution No. 893712
<u>1.1</u>	4/30/1990	Journal 226, Resolution No. 901806
2	5/03/2010	Journal 307, Resolution No. 102517
<u>Revision</u>	<u>Date</u>	
2.1	5/17/2012	
2.2	9/17/2012	
3	11/5/2018	Comprehensive Update
3.1	9/9/2019	Added Section 2.7

1.0 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: develop and maintain a County Hazmat Plan, receive and maintain chemical inventory records, receive reports related to and track releases of chemicals, implement procedures for community right-to-know information requests, and refer SARA documentation violations for enforcement.

The Ohio State Emergency Response Commission (SERC) 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.

2.0 LEPC COMMITTEE MEMBERSHIP

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

Categories	Example Agencies	Max # of Positions
Community Organizations Active in Disaster (COAD), Advocacy Groups*	CERT, EHW, Red Cross	3
Educational	Tri-C, CSU	2
Emergency Management*	CCOEM, Cleveland OEM	2
Facility Representatives*	AIHA, ASSE, OAMF	5
Firefighting*	Fire Chiefs Association	3
Government Environmental Agencies*	Ohio EPA, NEORS, ODNR	3
Healthcare/First Aid*	Hospitals, Center for Health Affairs	1
Law Enforcement*	Police Chiefs Association, Sheriff's Office	3
Local Elected Official*		1
Media*	Print, TV, radio, online	1
Public Health*	Local Health Department	1
State Elected Official*		1
Transportation*	ODOT, Ohio Turnpike, RTA	3
At-Large	Reps not fitting a specific category	3

**Required per ORC 3750.03(B)*

2.2 The minimum committee size shall be 21. The maximum committee size shall be 32. A quorum will consist of greater than 50% of the appointed membership (described in Section 2.4).

- 2.3 The Cuyahoga County LEPC Information Coordinator shall serve as a member ex-officio.
- 2.3.1 The Information Coordinator is responsible for maintaining the LEPC's files, for receiving and fulfilling public records requests for that information, and other relevant tasks as assigned by the LEPC Management Subcommittee.
- 2.4 LEPC appointed members are nominated by the LEPC and submitted for the approval of the SERC.
- 2.5 Each appointed member of the LEPC shall have one vote.
- 2.6 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 60 days has elapsed, whichever occurs first.
- 2.7 The LEPC, by resolution, may award the honorific "emeritus" to any retired member with exceptional knowledge of, and past service to, the LEPC. A member awarded this honor will be known as a "member emeritus."
- 2.7.1 A member emeritus shall not have voting privileges unless properly designated as an alternate per Section 2.10 of these Bylaws.
- 2.7.2 A member emeritus shall not count toward a meeting quorum unless properly designated as an alternate per Section 2.10 of these Bylaws.
- 2.7.3 The honorific "emeritus" is awarded in perpetuity. A member emeritus is not subject to Sections 2.1, 2.4 and 2.6 of these Bylaws.
- 2.8 Any member of the LEPC may be removed by a two-thirds majority vote of the appointed membership as per ORC 3750.03.
- 2.9 Midterm vacancies occurring on the LEPC shall be filled by appointment of the LEPC Management Subcommittee to complete the term of membership.
- 2.10 A member may designate an alternate to represent the member, in such member's absence, at meetings of the LEPC. Such designation shall be communicated in writing (e.g. email) in advance to the Information Coordinator. Alternates shall have full voting privileges and shall count toward a quorum.
- 2.11 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.
- 2.12 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 by LEPC resolution.

3.0 LEPC OFFICERS

- 3.1 The officers of the LEPC shall be the Chairperson and the Vice-Chairperson.
- 3.2 The LEPC Information Coordinator shall serve as secretary of the LEPC and keep records of the LEPC meetings.
- 3.3 Officers of the LEPC must be members of the LEPC.

- 3.4 The officers of the LEPC shall be elected at its organizational meeting, as defined in Section 4.2. The sequence of the officers' election shall be the Chairperson and the Vice-Chairperson.
- 3.5 Open nominations for the officers shall be put forth and the election held at the organizational meeting. A majority vote of the appointed Committee shall be required to elect an officer, and the nomination and the voting process shall be repeated as many times as necessary until a nominated LEPC member receives a majority vote.
- 3.6 The term of office for a LEPC officer shall be from organizational meeting to organizational meeting, as defined in Section 4.2.
- 3.7 Removal of an Officer
- 3.7.1 The LEPC may remove any officer from his or her position. In order to do so, eight members 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 appointed LEPC membership.
- 3.7.2 This document shall be sent to the Chairperson, Vice Chairperson, and the Information Coordinator.
- 3.7.3 Notification of the appointed membership, including the signed document, shall be no less than 30 days before the requested vote. A two-thirds majority vote of the appointed 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 2.7 above.
- 3.8 Vacant offices shall be filled in the manner specified in Section 3.3 to complete the term of office.
- 3.9 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.
- 3.10 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 4.7 and distributed pursuant to Section 4.6.

4.0 LEPC MEETINGS

- 4.1 The LEPC shall not conduct any official business (vote on any resolutions) in the absence of a quorum, as described in Section 2.2, except as defined in Section 5.3.
- 4.2 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 3.0
- 4.3 The LEPC shall hold a minimum of four meetings each year including the organizational meeting.
- 4.4 The Chairperson shall cause to have written/electronic notification served of the LEPC meeting's time, date, and location to all LEPC members. This notification shall be sent at least ten calendar days in advance of the scheduled meeting date.

- 4.5 All LEPC meetings, including any additional to those defined in Section 4.3, 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.
- 4.6 The minutes of the LEPC meetings shall be available to all LEPC members within 21 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.
- 4.7 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.
- 4.8 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.
- 4.9 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 10 calendar days' notification requirement specified in Section 4.4 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.

5.0 SUBCOMMITTEES

- 5.1 A Management Subcommittee shall be formed, consisting of the following LEPC members:
 - Chairperson;
 - Vice-Chairperson;
 - LEPC Information Coordinator; and
 - Each subcommittee chairperson;
 - Additional members at-large may be chosen by the Chairperson.
- 5.2 The Management Subcommittee shall be responsible for administrative, procedural, financial, and policy recommendations for full LEPC consideration.
- 5.3 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 affect the effective operation or integrity of the LEPC.
- 5.4 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.
- 5.5 Any subcommittee, excluding the Management Subcommittee, may be abolished by a majority vote of the appointed Committee.
- 5.6 Subcommittees may meet at various times throughout the year, depending on the need, as called by the LEPC and/or subcommittee chairperson.
- 5.7 Any subcommittee meeting involving a majority of the overall LEPC membership, including alternates as specified in Section 2.9, must comply with Open Meetings Act requirements, including but not limited to, public posting of the meeting and preparation of meeting minutes.

Subcommittee meetings that do not meet the LEPC member majority threshold may, but are not required to, comply with the Open Meetings Act. Subcommittee meeting minutes shall be prepared as specified in Section 4.7 and submitted to the Chairperson or Vice-Chairperson within 60 calendar days after the meeting.

- 5.8 The chairperson of each subcommittee may invite non-LEPC members to participate in the subcommittee's activities. Such non-committee members shall be approved by the subcommittee and shall possess privileges, including subcommittee voting privileges, which are agreed upon by the subcommittee.
- 5.9 The chairperson of each subcommittee shall bring all matters requiring legal action (Prosecutor referrals, settlement agreements, etc.) to the Management Subcommittee. The Management Subcommittee shall have the authority to advise the County Prosecutor on behalf of the LEPC. All matters requiring final legal action/acceptance shall be presented by the Management Subcommittee to the LEPC in the Executive Session in accordance with Section 7.2 of the LEPC Bylaws. Upon concurrence, and when appropriate, the matter discussed in Executive Session shall be approved by formal resolution by the LEPC.
- 5.10 The LEPC may establish such rules and procedures which are deemed necessary for the conduct of subcommittee activities.

6.0 LEPC RESPONSIBILITIES AND AUTHORITIES

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

7.0 SUNSHINE LAW PROVISIONS & EXECUTIVE SESSIONS

- 7.1 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).
- 7.2 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.
- 7.3 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.
- 7.4 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.

7.5 LEPC meeting minutes shall be stored at the office of the LEPC Information Coordinator and be available for inspection at said office.

8.0 BYLAWS AMENDMENTS

8.1 The LEPC may amend these BYLAWS by majority vote of the appointed Committee.