

## **LEPC Constitution and By-Laws**

### *Allegany County, MD Local Emergency Planning Committee (LEPC) Constitution and By-Laws*

#### **Article I: Name**

The name of this committee is the Allegany 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 Allegany County Commissioners in accordance with provisions of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

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

The following State and Federal laws are applicable to the LEPC: Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U. S. C. 11001©.

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

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

As stated in SARA Title III, the LEPC shall develop a chemical emergency response and preparedness plan for the planning district (Allegany 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 distributed the emergency plan and make it publicly available; receive reports and information as specified in the Emergency Planning and Community Right to Know Act (EPCRA). 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 data base 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. 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 Allegany County.

- b) To receive and process the public information requests in accordance with EPCRA and SERC resolutions.
- c) To implement the LEPC rules and requirements as outlined in EPCRA.
- d) To carry out the powers and duties set forth in rules and resolutions of the SERC, including an annual report in a pre-determined format.
- e) To appoint appropriate sub-committees or other ad hoc committees to assist the LEPC on the duties and responsibilities; for example, preparation and maintenance of the County's Chemical Emergency Response And Preparedness Plan, annual review and testing of the Plan, training and education, compliance and enforcement.
- f) To serve as the Allegany County Citizen Corp Council and provide oversight to the Community Emergency Response Team and the Medical Reserve Corp.

## **Article IV: LEPC Representation**

### ***Section 1 – Composition of the LEPC.***

EPCRA requires that the LEPC be comprised of representatives of the following entities: Elected State and local officials; law enforcement, emergency management personnel, firefighting personnel, first aid/EMS personnel; local environmental personnel; hospital personnel; transportation personnel; broadcast and print media personnel; community groups and owners and operators of facilities.

### ***Section 2 – Appointment of the LEPC, Election of Officers***

- a) The appointment to the LEPC shall be made based on recommendations by the LEPC to the Commissioners of Allegany County. The Commissioners of Allegany County shall make such appointments during regular public meetings.
- b) Following approval of the Allegany County Commissioners, the candidate's name and qualifications shall be forwarded to the SERC for conformation.
- c) Each member of the LEPC shall be appointed to a term of 2 years.

### ***Section 3 – Filling of Vacancies***

Vacancies may occur due to resignation or removal actions by the appointing authority. Once a position has been declared vacant, the LEPC shall seek nominations at the next public meeting to fill the position. A list of candidates shall be forwarded to the Allegany County Commissioners for consideration. The successful candidate shall be appointed for the remainder of the vacated term of the office, upon ratification by the SERC.

## **Article V: Jurisdictional Boundary**

### ***Section 1 – The LEPC's Jurisdictional Boundary:***

The Allegany County LEPC jurisdictional boundary is all of Allegany County, Maryland.

## **Article VI: Powers and Duties**

### ***Section 1 – Powers***

Under EPCRA, the LEPC shall have the authority to appoint a chairperson, vice-chairperson and a secretary; to appoint an information coordinator and community emergency coordinator to; to purchase goods or services; enter into lease or contact agreements and accept gifts on behalf of the LEPC; and to recommend, establish and carry out compliance and enforcement activities, in accordance with Federal, State, and local Laws.

### ***Section 2 – LEPC Meetings***

- a) The LEPC shall meet a minimum of 4 times each calendar year. The LEPC will set the time and date of its regular meetings. To be excused from a scheduled meeting the member in question shall contact, prior to the meeting, the Chairperson or designee. The Chairperson shall have the authority to call a special meeting of the LEPC if he or she determines that a need exists that it is essential for such a meeting.
- b) Regular Meetings - A minimum of 24 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.
- c) 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***

At least 2 members of the Executive committee and 4 other members 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***

Any member with 3 consecutive unexcused absences, or with a total of 6 unexcused absences within a 2-year term, shall be considered to have resigned. Recommendations for removal of a member must be documented. Such recommendation shall be forwarded to the Allegany County Commissioners along with a list of candidates for filling the vacancy.

## **Article VII: Executive Board**

### ***Section 1 – Composition and Term of the Executive Board***

- a) The executive board of the Allegany County LEPC consists of the chairman, vice chairman, the secretary, and the emergency coordinator.
- b) The executive board is empowered to conduct routine business of the LEPC between scheduled meeting dates.

## **Article VIII: Funding**

### ***Section 1 – Handling of Funds***

All funds, including grants and gifts, received on behalf of the LEPC, shall be handled per the regulations of the local jurisdiction.

### ***Section 2 – Grant Applications***

The LEPC shall be responsible for making applications to the SERC and others, for grants, which are available to the LEPC.

### ***Section 3 – Expenditure of Funds***

The LEPC must adhere to the Allegany County procurement procedures.

## **Article IX: Parliamentary Authorization**

### ***Section 1 – Rules of Order***

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

## **Article X: Amendments**

### ***Section 1 Amendment of By- Laws.***

The Allegany County LEPC will use Roberts Rules of Order for performing amendments to these by-laws.

This document, the constitution and by-laws of the Allegany County Local Emergency Planning Committee (LEPC), adopted at the regular meeting of the LEPC, on this \_\_\_\_ Day of \_\_\_\_\_, 2004.