

Stark County Local Emergency Planning Committee Bylaws

Originally Approved 05/05/1989

Amended 06/08/02, 04/07/06, 10/05/11, January 2013

January 2014, July 2016, July 2025

Article 1: Committee Name

Section 1 – The Name of this Committee

The name of this Committee is the Stark County Local Emergency Planning Committee, (hereinafter referred to as the LEPC). Federal and State Law authorizes the LEPC. Its membership consists of appointments duly issued by the Ohio State Emergency Response Commission (hereinafter referred to as SERC) from a list of persons submitted and recommended to the SERC by the Stark County Commissioners in accordance with provisions of the Ohio Revised Code (ORC) 3750.03 (B).

Article 2: State and Federal Laws

Section 1 – Applicable State and Federal Laws

The following State and Federal laws are applicable to the LEPC: The Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001 (c); and Ohio Revised Code (ORC) 3750 as revised and as supplemented by the Ohio Administrative Code (OAC).

Article 3: Jurisdictional Boundary

Section 1 - The LEPC Jurisdictional Boundary

The Stark County LEPC's jurisdictional boundary, as set by the SERC, is the same as the jurisdictional boundaries of Stark County, Ohio. This shall constitute the "District" or "Planning District" as used in this document.

Article 4: Powers and Duties of the LEPC

Section 1 – Authority

Under ORC Section 3750.03 (D), the LEPC shall have the authority to: appoint a chairperson, vice-chairperson, and secretary; to adopt Bylaws; to appoint an Information Coordinator and Community Emergency Coordinator; to purchase goods or services, enter into lease or contract agreements and accept gifts on behalf of the LEPC; and to establish and carry out compliance and enforcement activities.

Section 2 – Powers

ORC Section 3750.03 (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; enter into agreements; adopt rules for dealing with facilities within the Planning District; and enter into contracts.

Article 5: Purpose and Objective

Section 1 – The Purpose of the LEPC

As stated in ORC 3750.04 (A), the LEPC shall:

- a) Develop a chemical emergency response and preparedness plan for Stark County.
- b) Receive reports and information as specified in ORC Chapter 3750.
- c) Receive and process requests for information from the public.
- d) Notify the public of all LEPC activities and meetings.
- e) Print and distribute the emergency response and preparedness plan.
- f) Establish procedures for providing public information and education.
- g) Establish procedures for compliance and enforcement of ORC Chapter 3750.

Section 2 – Hazard Identification/Risk Assessment

With the information and reports received from the facilities operating within the District, and analysis of the District's transportation risk, the LEPC will perform a hazard analysis, establish and maintain a database of hazardous chemical locations and quantities in the District and establish 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)

Section 3 – Right-to-Know

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 hazard analysis will include those risks to the District from commercial transportation of chemicals within Stark County.

Section 4 – The Objectives of the LEPC

- a) To prepare and maintain a chemical emergency preparedness and response plan for Stark 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 the SERC.
- e) To appoint appropriate subcommittees or other ad hoc committees to assist the LEPC in the duties and responsibilities as listed in ORC Section 3750.03 and ORC 3750.04; 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.

Article 6: Membership of the LEPC

Section 1 – Composition of the LEPC

ORC Section 3750.03 requires that the LEPC be comprised of representatives of the following entities: “Elected state and local officials, law enforcement personnel, emergency management personnel, firefighting personnel, first aid personnel, health personnel, local environmental personnel, hospital personnel, transportation personnel, broadcast and print media personnel, community groups and owners of facilities, private citizens, and other interested persons, as appropriate to support the mission of the LEPC.”

Section 2 – Appointment of the LEPC

The term of membership in the LEPC shall be two years. In August of each odd number year, a new Committee will be appointed by the SERC based upon a list of persons recommended by the Stark County Commissioners.

Section 3 – Candidates for LEPC Membership

Early in each odd number year, the LEPC Program Coordinator shall prepare a list of candidates for membership in the LEPC for the coming **two-year** term. The list shall include persons from the categories specified in Article VI, Section 1 who have indicated willingness to serve on the LEPC. This list shall also normally include all current and active members and appropriate new candidates for membership. This list shall be submitted to the Executive Board for its action.

Section 4 – Action by Stark County Commissioners

The Secretary of the LEPC shall forward the approved list of candidates for membership to the Stark County Commissioners, no later than the first day of June of the odd numbered year, and request that the Commissioners pass a Resolution requesting the SERC to appoint these candidates to serve as the LEPC for the upcoming **two-year** term. This list shall also be made available to the Nominating Committee (Article VIII, Section 3).

Section 5 – Filling of LEPC Member Vacancies and Adding Members

Vacancies may occur due to resignation or by action of the LEPC as provided in Article VI, Section 6 (ORC Section 3750.03 (B)). New Members shall be appointed in the following manner: The LEPC Program **Coordinator** shall identify qualified candidate(s) and submit the name(s) to fill the vacancy or be added to the committee to the Executive Board.

The LEPC Secretary shall submit the approved name(s) to the Stark County Commissioners requesting that they pass a Resolution requesting the SERC to appoint this person(s) to the LEPC to serve the remainder of the current **two-year** term.

Section 6 - Removal of a Member

The LEPC, by a 2/3 vote of all members, may remove at any time, 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 these reasons. (ORC 3750.03 (B))

- a) Any member with two (2) consecutive unexcused absences from regularly scheduled quarterly meetings shall be considered to have resigned and will be removed from the LEPC rolls.
- b) Any member with four (4) unexcused absences from regularly scheduled quarterly meetings within their two-year term shall be considered to have resigned and their appointment shall not be renewed.

Article 7: Meetings of the LEPC

The LEPC shall meet a minimum of four (4) times each calendar year on a quarterly schedule. The schedule of Regular Meetings for the following year shall be established at the last meeting of the year. The LEPC may change the time and date of its meetings as needed. All meetings, including subcommittee and ad hoc committee meetings are open to the public. Minutes of all meetings will be taken and maintained with the official LEPC records.

Section 1 – Actions of LEPC

LEPC business shall be transacted only at Regular or Special announced meetings of the whole LEPC except as specifically provided for in **Bylaws** these or as directed by the approval of the whole LEPC at a regularly scheduled meeting. Approval of motions shall be by majority vote of those present. Special limited authority to act on behalf of the LEPC has been granted to the Executive Board and Program **Coordinator** in Article IX.

Section 2 – Rules of Order

In the absence of other directives, the rules contained in Robert's Rules of Order shall govern the meetings of the LEPC and all subcommittee meetings.

Section 3 – Quorum

The following definition of a quorum will apply to the committee of the whole and all subcommittees of the LEPC.

Quorum: 25% of all current LEPC members shall constitute a quorum for the transaction of LEPC business. For subcommittees, the quorum shall be 25% of the duly appointed members of that subcommittee. Voting shall be done by motion and adoption of any motion shall require a majority of those present voting for passage at a properly scheduled and announced meeting.

Section 4 – Regular Meetings

A notice will be given a minimum of seventy-two (72) hours in advance to all members of the LEPC and local public media, of the date, time, and location of the LEPC meeting. Such notice, or announcement, may be by email, U.S. mail or fax. If it is unlikely such notice will reach the members or media a minimum of seventy-two (72) hours in advance, the notice can be given by telephone or in person.

Section 5 – Special Meetings

The LEPC Chair and/or Executive Board shall have the authority to call a special meeting of the LEPC if it is determined that an essential need exists for such meeting. Contact with members and local public media, of the date, time and location of the SCLEPC meeting shall be attempted by telephone, fax, email, or in person, a minimum of twenty-four (24) hours before the meeting

Article 8: Officers of the LEPC

Section 1 – The officers of LEPC shall be the Chairperson, Vice-Chairperson and Secretary.

Section 2 – Term of Office

Officers shall be elected in each odd numbered year. The term of office shall be two (2) years beginning immediately following the adjournment of the Election meeting. All elections of officers shall be by a majority vote of members present at the Election meeting.

Section 3 – Nominating Committee

At the second (spring) Regular meeting of the odd number years, the LEPC chairperson shall appoint a Nominating Committee, consisting of three (3) members selected from the LEPC membership and the Program Coordinator. These members will meet as needed to nominate persons for offices of LEPC Chairperson, Vice-Chairperson, and Secretary. All persons on the list recommended for membership in the next term of the LEPC, as submitted to the County Commissioners, (Article VI, Section 4) shall be considered eligible for nomination to office.

Section 4 – Election of Officers

The election of LEPC officers shall be at the last Regular meeting of the out-going LEPC (usually the July meeting). Candidates in this election will include the individuals recommended by the Nominating Committee and nominations from the floor. All person(s) nominated shall be contacted before the election and indicate a willingness to serve the **two-year** LEPC term, if elected. The out-going LEPC Secretary shall provide the names of the new officers to the County Commissioners and the SERC immediately following the election. The names of the individuals appointed to fill the SCLEPC positions of Information Coordinator and Community Emergency Coordinator will be included in this notice.

Section 5 – Filling Vacancies

In the event of a vacancy in an office, the unexpired term shall be filled at the next regularly scheduled LEPC meeting following the discovery of the vacancy. This vacancy will be filled by nominations from the floor with a majority vote of members present.

Section 6 – Duties of the LEPC Chairperson

- a) Call all meetings of the LEPC in accordance with Article VII.
- b) Preside at all meetings of the LEPC.
- c) Vote on all motions and participate in discussions of the same.
- d) Serve as the Chair of the Executive Board.
- e) Serve ex-officio with vote on all subcommittees.
- f) Sign official documents and grant applications on behalf of the LEPC.

Section 7 – Duties of the LEPC Vice-Chairperson

- a) Assist the Chairperson in his/her duties, as needed.
- b) Perform the duties of the Chairperson in his/her absence.

Section 8 – Duties of the LEPC Secretary

- a) Keep minutes of all LEPC meetings.
- b) In consultation with the Program Coordinator, establish a proper agenda before each meeting.
- c) Perform the duties of the Vice-Chairperson in his/her absence.
- d) Transmit the approved list of candidates for membership in the LEPC to the Stark County Commissioners in accord with Article VI, Sections 4 and 5.
- e) Transmit the list of newly elected officers of the LEPC to the Stark County Commissioners immediately following any election.

Article 9: Executive Board

Section 1 – Composition of the Executive Board

There shall be a LEPC Executive Board composed of the current Chairperson, Vice Chairperson, Secretary, all Past LEPC Chairpersons who are continuing members of the LEPC, Chairperson of the Finance Committee, the LEPC Program **Coordinator**, the Coordinator of the Stark County EMA and the Designated County Commissioner. The Chair of the LEPC shall serve as the Chair of the Executive Board.

Section 2 – Authority and Duties of the Executive Board

The Executive Board may meet to discuss any subject(s) pertinent to the LEPC in order to save time during presentation at regular LEPC meetings.

Section 3 – Financial Authority of Executive Board

The Executive Board may act to handle routine/emergency financial situations and submit grant applications occurring between regularly scheduled LEPC meetings and is authorized to expend up to six thousand dollars (\$6,000) within the provisions of the Annual Budget without prior membership approval, as per Article XII, Section 3.

Section 4 – Review of Candidates for Membership on LEPC

The Executive Board shall review and approve candidates for membership of the LEPC as provided in Article VI, Section 3.

Section 5 – Appointing Subcommittees

Subcommittee appointments shall be made by the Executive Board in consultation with the Program Coordinator as necessary from the LEPC Membership.

Section 6 – Oversight of Employees of LEPC

The Executive Board shall establish the job description for each LEPC employee and oversee the appointment of employees as provided in Article XI. These job descriptions are subject to the approval of the full LEPC.

Section 7 – Annual Review of Employees of LEPC

The Executive Board, in conjunction with the Finance Committee, shall undertake an annual review of each employee of the LEPC.

Article 10: Subcommittees of the LEPC

Subcommittees shall be organized and called as needed. Each shall have a Chairperson selected by the subcommittee members who shall report the actions and recommendations of the subcommittee to the LEPC at the appropriate time(s). All LEPC members are encouraged to serve on at least one subcommittee during their term.

The Subcommittees and their duties are as follows:

Section 1 – Finance: shall establish policies for accepting, depositing and expending the funds of the LEPC subject to the approval of the LEPC.

- a) Annual Budget: the Finance Committee shall, in consultation with the Program Coordinator and Executive Board, prepare the annual budget for the LEPC to be submitted for approval by the LEPC at the first meeting of each year.
- b) The subcommittee shall monitor the financial status of the LEPC and prepare a report of significant matters for each meeting of the LEPC.
- c) All proposed purchases and/or expenditures in excess of \$6,000 (as specified in Article XII, Section 3) shall be submitted to the subcommittee for review and possible recommendation to the LEPC prior to the next full LEPC meeting unless time constraints make that option impossible.

Section 2 – Training and Education: shall review and evaluate the need for training and educational opportunities for members of the Stark County HazMat Team, Stark County Firefighters, other appropriate persons, members of the LEPC, and the public.

Section 3 – Planning and Exercise: shall review and evaluate any needed changes to ESF #10 of the Stark County Emergency Operations Plan. They shall also assist in the development and the conduct of exercises of such plans as required by ORC Chapter 3750.

Section 4 – Hazard Identification/Risk Assessment: shall review and evaluate the status of hazard analysis of facilities using, storing, and/or the transporting of, hazardous substances via whatever methods and undertake studies that may be appropriate and/or recommended by the LEPC.

Section 5 – Compliance and Enforcement: shall review and evaluate the status of the compliance of facilities relative to the filing of Tier II Forms and other information as dictated in the ORC Chapter 3750, the Stark County Compliance and Enforcement Policy, and any other applicable regulatory source. The Subcommittee shall review violations of reporting and filing requirements and recommend penalties for action by the LEPC. The Subcommittee shall coordinate efforts with the Program Coordinator for all investigations following a reportable release of hazardous substances. Upon completion of such investigation(s), the Subcommittee Chairperson shall submit any recommendations of actions based upon the Compliance and Enforcement Policy to the LEPC at the next scheduled LEPC meeting.

Section 6 – Transportation: shall evaluate hazards associated with the transportation of hazardous chemicals within and throughout the County. Areas of concern include local and county highways, state routes, railroads (including the Intermodal facility), and aircraft including Akron/Canton Airport.

Section 7 – Ad Hoc Subcommittees s: Ad Hoc Subcommittees may be established by action of the LEPC, or the Executive Board, as needed to carry out the responsibilities of the LEPC.

Article 11: Employees of LEPC

The LEPC shall employ a Program **Coordinator** and Support Staff as necessary to aid in carrying out the duties and responsibilities of the LEPC. The job description of each position shall be established by the Executive Board subject to the approval of the LEPC. The employees shall serve with indefinite appointment at the pleasure of the LEPC and Stark County Commissioners.

Section 1 – Terms & Conditions of Employment

The Program Coordinator and support staff employed directly by the LEPC are employees of the Stark County Commissioners and shall serve under the general policies and procedures established by the County Commissioners for Stark County employees. Contract employees of the LEPC shall not be considered employees of the Stark County Commissioners and the terms and conditions of employment shall be set forth in the contract agreement.

Section 2 – Program Coordinator

The Program Coordinator shall be selected through interview of interested candidates by the Executive Board. The Board will then nominate a candidate for approval by the LEPC. Upon approval, the LEPC Secretary will submit the candidate's name to the Stark County Commissioners and request that the candidate be appointed as LEPC Program Coordinator. The salary/compensation for the Program Coordinator shall be established by action of the LEPC upon recommendation of the Executive Board in consultation with the Finance Committee.

Section 3 – Support Staff

Position descriptions for support staff shall be prepared by the Program Coordinator in consultation with the Executive Board and are subject to the approval of the LEPC. Support staff may be hired directly by the LEPC or by contract with a providing agency. Support staff

will be selected by the Program Coordinator in consultation with the Executive Board. The salary/compensation for LEPC Support Staff shall be established by action of the Executive Board upon recommendation by the Finance Committee and within the guidelines of the Budget approved by the LEPC.

Article 12: LEPC Monetary Funds

Section 1 – Handling of Monetary Funds

All funds, including grants and gifts received on behalf of the LEPC, shall be credited to a "special emergency planning fund" in the treasury of Stark County as directed by ORC Section 3750.03 (F). The LEPC shall receive the services of the County Auditor as directed under ORC Section 3750.03 (F). The Auditor will provide the LEPC guidance regarding procedures utilized by the County to expend funds and an accounting of the LEPC account.

Section 2 – Monetary Grant Applications

The LEPC shall be responsible for making application for monetary grants. Examples include SERC Grant, Public Utilities Commission of Ohio (PUCO) Grant and Hazardous Materials Emergency Planning (HMEP) Grants. The Program Coordinator shall have the authority to seek funding opportunities and prepare grant proposals for independent, private or foundation sources or any other source. Such proposals must be approved by the Finance Committee prior to transmission to the granting agency.

Section 3 – Expenditure of Monetary Funds

The LEPC will not, under any circumstance, obligate funds in excess of the amount of dollars in its account with the County Auditor.

- a) Expenditures in excess of six thousand dollars (\$6,000.00) may be authorized only after approval of the expenditures by a majority vote of the members present at a properly scheduled and announced meeting of the LEPC. The LEPC will review all expenditure requests and either approve or disapprove the expenditure for all goods including contracted services and any other items over six thousand dollars (\$6,000.00).
- b) The Executive Board and/or Program Coordinator of the LEPC will process approved expenditures in accordance with standard fiscal procedures set forth by the Stark County Auditor.

Section 4 – Routine Expenditures

The Executive Board and/or Program Coordinator of the LEPC may make payment for all recurring goods or services previously approved by a majority vote of the LEPC (i.e. - employee payroll, employee benefits, vehicle lease, and phone service). All bills or invoices paid will be identified at the next regularly scheduled LEPC meeting during the financial report, if final receipt has not occurred an estimated cost will be given.

Section 5 – Delegated Fiscal Authority

The Executive Board of the LEPC may make any single routine and/or emergency non-recurring purchase of goods or services costing up to six thousand dollars (\$6,000.00) without prior approval of the LEPC between regularly scheduled LEPC meetings. The Program Coordinator of the LEPC may make purchases for goods or services costing up to

one thousand five hundred dollars (\$1,500.00) between regularly scheduled LEPC meetings without prior approval by the Executive Board or membership.

Section 6 – Requests for Funding

All requests for financial assistance by other organizations within Stark County, such as financial assistance in paying instructors, providing training materials or purchasing training/response equipment, shall be submitted to the LEPC in writing, with clear justification and cost, for consideration.

- a) Requests for grant amounts within the delegated authority of the Program Coordinator or the Executive Board may be approved as provided in Article XII, Section 5. Requests for larger grants require a majority vote of the LEPC for approval.
- b) Requests for funding by organizations may be granted as “up front” full support or as matching funds. Requests from individuals for support for training or related activities shall only be in the form of a reimbursement-of-actual-expenditure-type-grant. In either case, such grants may or may not require a percentage of matching funds and/or a repayable loan agreement in accordance with standard fiscal procedures set forth by the State of Ohio/Stark County Auditor.

Section 7 – Purchase and Disposal of Durable Items

Any durable items purchased from LEPC funds shall be accounted for in accordance with methods and procedures of the Stark County's Auditor Office and any applicable federal or State grants regulations.

All such items purchased, or donated to the LEPC will be accounted for and properly marked as County Property in accordance with established Stark County procedures and applicable federal and State grant regulations. Physical property determined to not be of use to the LEPC will be disposed of in accordance with the standard procedures of Stark County.

Article 13: LEPC Annual Report

Section 1 – Finance Report Required

After reconciling the LEPC records, financial accounting for the year will be included in the annual report. This accounting shall include fund balance, funds received, and funds expended and the ending balance. A summary of Grants received, including the funding amount and source shall be provided.

Section 2 – Activity Report Required

As part of the annual report the major activities of the LEPC and all subcommittees’ (i.e. - trainings, releases, exercises, enforcement cases, community events, etc.) will be included in the annual report.

Article 14: Amendements

Section 1 - Amendment of Bylaws

Any LEPC member shall have the right to comment on or suggest revisions to the Bylaws. The request must be submitted in writing and state the portion(s) of the document he or she wishes to have changed. The LEPC shall have the power to amend the Bylaws in the following manner: By written notice containing the proposed amendment(s) which shall be sent to each member of the LEPC at least seven (7) days in advance of the regular meeting date set for voting on the amendment(s). To be approved, amendments must receive approval by a two-thirds majority vote of LEPC members present at a properly scheduled and announced meeting.

Section 2 – Review by Stark County Prosecutor’s Office

This document, and all proposed amendments to this document, shall be provided to the Stark County Prosecutor for review and comments a minimum of thirty (30) days before the regular meeting date set for the LEPC vote.

Section 3 – Adoption of Bylaws

The Bylaws of the Stark County Local Emergency Planning Committee were reviewed in detail by the Executive Board on April 17, 2025. The changes and amendments approved at this meeting were provided to the office of the Stark County Prosecutor for review and comments. No objections were raised by the Prosecutor’s Office as of >> Insert Date <<. The original signed copy of these Bylaws, as amended, are on file in the >> Insert Date <<. LEPC records.

THIS DOCUMENT, THE BYLAWS OF THE STARK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) ORIGINALLY APPROVED 05/05/1989, AMENDED 6/8/2002; 4/7/2006; 3/10/2011; 10/5/2011; and >> Insert Date <<. REVISED AND AMENDED BYLAWS WERE ADOPTED AT THE REGULAR SCHEDULED PUBLIC MEETING OF THE LEPC ON >> Insert Date <<.

LEPC Designated Commissioner

Date Signed

LEPC Chairperson

Date Signed

LEPC Vice-Chairperson

Date Signed

LEPC Secretary

Date Signed