

MIAMI COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

CONSTITUTION

ARTICLE I: NAME

The name of this committee is the Miami County Local Emergency Planning Committee, which shall be hereinafter referred to as the LEPC. The organization takes its legal authority from the provisions of federal law, state law, and by appointments duly issued by the State Emergency Response Commission from a list submitted by the Miami County Commissioners. (Superfund Amendments & Reauthorization Act of 1986, 42 U.S.C. 11001 (c), Ohio Senate Bill 367 and H.C.C. Resolution of August 5, 1987).

ARTICLE II: PURPOSE AND OBJECTIVES

Section 1. The purpose of the LEPC is to serve as the official local emergency planning committee for Miami County, Ohio, as specified by the Superfund Amendments and Reauthorization Act (SARA) (United States Public Law 99-499), Title III (Emergency Planning and Community Right-to-Know Act), Section 301 (c), and as appointed by the State of Ohio. As stated in SARA, the LEPC will develop a comprehensive emergency response plan for the county (Section 303); establish procedures for conducting its public information responsibilities; receive and process requests for information from the public; notify the public of LEPC activities and public meetings to discuss the emergency plan; distribute the emergency plan and make it publicly available (Section 302); and receive reports and information as specified throughout SARA Title III. With the information and reports received, the LEPC will perform a hazard analysis, build and maintain a data base of hazardous chemical locations and quantities in the county, and establish and maintain a computer system for data management.

The LEPC is instrumental in fulfilling the purpose of a Community Right-to-Know law to increase the protection of the community from hazardous chemicals produced, used, stored, released and transported.

Section 2. The objectives of the LEPC are:

- (a) To prepare a comprehensive and coordinated Haz-Mat emergency response plan for Miami County;
- (b) To receive and process requests from the public for information under SARA Title III;
- (c) To implement the local emergency planning committee rules and requirements of SARA Title III;
- (d) To assist with prevention of accidents and reduction of releases of hazardous materials;
- (e) To make available to the public any information obtained by the LEPC including Section 313, Toxic Release Inventory information collected from the EPA and other sources

MIAMI COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

CONSTITUTION

ARTICLE III: COMMITTEE REPRESENTATION

Section 1. The LEPC consists of representatives from each of the following interests: Miami County Fire Chiefs and Emergency Services, Miami County Sheriff's Department, Miami County Emergency Management, American Red Cross of the Northern Miami Valley, Miami County Public Health, local elected officials, Miami County law enforcement agencies, Miami County Communication Center, Upper Valley Medical Center, Miami County Engineer's Office, local environmental agencies, media, industry, transportation, and environmental organizations.

Section 2. Recommendations for LEPC appointments are to be referred to the Membership Sub-Committee and then submitted to the general LEPC for approval by a majority vote.

Section 3. All members and officers shall be elected by a majority vote of the LEPC. All appointed members and officers shall serve a term of 2 years and shall be eligible for reappointment.

Section 4. All LEPC approved appointments shall be referred to the Miami County Commissioners for their approval and submittal to the State Emergency Response Commission for final appointment.

ARTICLE IV: JURISDICTIONAL BOUNDARY

The LEPC jurisdictional authority shall include all of Miami County, Ohio

ARTICLE V: GOVERNING BODY

Section 1. The Governing Body of the LEPC shall be composed of all officially appointed members of the LEPC that are in good standing.

Section 2. The LEPC shall have full authority and power to manage the affairs of the LEPC. It shall enter into contractual agreements and accept gifts on behalf of the LEPC. It shall formulate policy and general rules to govern itself. It shall have power to create and dissolve ad hoc committees. It shall act as trustee of all properties of the LEPC. It shall have power to create and amend the Constitution and By-laws. All matters pertaining to the welfare of the LEPC shall be referred to the entire LEPC.

Section 3. The LEPC shall meet a minimum of four (4) times a year and at such

MIAMI COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

CONSTITUTION

Section 4. Term of Service

Consistent with state legislation, Senate Bill 367, all appointed members shall serve a term of two (2) years. Members are eligible for reappointment.

Section 5. Membership Sub-Committee

The Membership Sub-Committee shall be composed of three (3) members appointed by the Chair. The Membership Sub-Committee shall recommend prospective members and nominate officers. Additional nominations for members and officers may be made from the floor.

ARTICLE VIII: CONTRACT FOR ADMINISTRATIVE SERVICES

At the initial scheduled meeting (October 12, 1978) of the LEPC, the Miami County office of Emergency Management and Civil Defense was authorized to perform the LEPC's duties related to the administrative, secretarial, clerical and data entry requirements of both the federal and state legislations.

ARTICLE IX: GENERAL

Section 1. As required by law, the Information Coordinator for public access to information shall be a public official [1101(c)]. Except as provided by law, the records of the LEPC are available for public inspection [11044(a)] during normal business hours at the Miami County Emergency Management office, located at 210 Marybill Drive, Troy, Ohio 45373.

Section 2. The legal duties of the LEPC to receive notifications for spills/releases will be deemed satisfied by (1) delivery of written or verbal notification to the Emergency Coordinator, Information Coordinator or the HazMat Coordinator and/or (2) notification to the Miami County Communications Center, 210 Marybill Drive, Troy, Ohio 45373. In the event of noncompliance or problems, the LEPC officers may transmit appropriate communications to the Ohio/US EPA for enforcement.

Section 3. Approval of any outgoing correspondence upon the committee letterhead or any correspondence which represents the committee as a body shall be approved by the Chair, Vice-chair or Information Coordinator upon submission by the respective Sub-Committee chairman. Media inquiries and other official verbal communications will be referred to the Chair or Vice-Chair for official statements. In their absence the Information Coordinator will be authorized to speak for the LEPC.

Section 4. LEPC members are entitled to express personal views on any subject at any time. But if the subject matter relates to an SARA Title III subject, the individual (if identified within the LEPC in the public statement or correspondence) must disclaim that he or she is speaking for the LEPC. The name or letterhead of the LEPC shall not be used for such public statements or

MIAMI COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

CONSTITUTION

correspondence without prior express approval of the Chair or Co-Chair.

ARTICLE X: DISSOLUTION

Upon the dissolution of the LEPC the committee shall make provisions for the payment of all of the liabilities of the LEPC. All remaining funds shall be returned to the Miami County General Fund.

ARTICLE XI: GIFTS, DONATIONS AND BEQUESTS

The LEPC is hereby authorized [per Ohio Revised Code Section 3750.03(E) to receive and accept from any public or private source contributions (money, equipment, services of personnel, real or personal property), gifts, donations, bequests and grants for their use and for meeting the objectives of the LEPC.

ARTICLE XII: BYLAWS

Bylaws not in conflict with this Constitution may be adopted to carry out the objectives and promote the mission of the LEPC.

ARTICLE XIII: AMENDMENTS

This Constitution may be amended at any regular meeting by two-thirds of the LEPC members present. Any proposed amendments must be submitted to the Chair or Vice-Chair at least 45 days prior to the next meeting. An amendment shall become effective only upon receiving an affirmative vote of two-thirds of the members present.

Constitution Approved:

Chair

Information Coordinator

Vice-Chair

Treasurer

Date Accepted