

LEPC Bylaws

I) **INTRODUCTION:**

Federal Legislation enacted the Superfund Amendments and Reauthorization Act, Title III (SARA Title III) which is also known as the “Emergency Planning and Community Right to Know Act”. SARA Title III required states to adopt local emergency planning districts and create a State Emergency Response Commission. Wisconsin legislation created the Wisconsin State Emergency Response Board (SERB). The SERB established local emergency planning districts which coincide with county jurisdictional boundaries on July 17, 1987. The LEPC was confirmed by the SERB on August 13, 1987. Counties were required to create a Local Emergency Planning Committee (LEPC) in accordance with SARA Title III to oversee the hazardous materials planning and community right to know functions. These rules of operation are promulgated under the directive of SARA, Title 3 Section 301 (c).

II) **AUTHORITY:**

LEPC authority derives from the Federal SARA Title III legislation and Wisconsin Statutes treat any local emergency planning committee appointed by a County Board as a department of state government and any member of such a committee as a department of state employee.

III) **ORGANIZATION:**

A) **GENERAL:** The Emergency Management Committee, appointed by the Ozaukee County Board of Supervisors, shall be considered the governing committee for the operation of the Ozaukee County Local Emergency Planning Committee (LEPC). Local Emergency Planning Committee shall consist of a minimum of representatives of:

- State and Local Elected Officials
- Emergency Response Organizations
- Media
- Community Groups
- Representatives of facilities concerned with hazardous chemicals

A maximum of 14 persons may be appointed to serve on the LEPC. The State Emergency Response Board (SERB) directed that the County Emergency Management Director will be a member of the LEPC. Appointments to the LEPC shall be made by the Ozaukee County Board of Supervisors upon recommendation by the Ozaukee Director of Emergency Management to the County Board Chairperson.

If a member of the LEPC consecutively misses three quarters of the LEPC meetings in a twelve month period, that member’s seat on the LEPC may be declared vacant by the County Board Chairperson. Positions vacated in this manner will be filled as described above.

B) LEPC OFFICERS:

1) CHAIRPERSON:

Subject to the requirements of Title III, Section 301 (c), the committee will elect a chairperson for a term of two years. The chairperson will preside over meetings of the LEPC. The chairperson must be a member of the LEPC.

2) VICE CHAIRPERSON:

In order to assure the continuity of the operation in the absence of the chairperson, the committee has established the post of vice chairperson. In the absence of the chairperson, the vice chairperson shall preside over meetings of the LEPC. The vice chairperson shall be elected for a term of two years and must be a member of the LEPC.

3) COORDINATOR OF INFORMATION:

Subject to the requirements of Title III, Section 301 (c), the Committee designates the County Emergency Management Director as the Coordinator of Information. The Coordinator of Information will undertake those duties and responsibilities as outlined under Title III, Section 301 (c), and those other responsibilities and duties assigned by the LEPC. The LEPC may also designate a Deputy Coordinator of Information to serve in the absence of the primary designee.

4) COMMUNITY EMERGENCY COORDINATOR:

Subject to the requirements of Title III, Section 301 (c), the Committee designates the County Emergency Management Director as the Community Emergency Coordinator. The Community Coordinator will undertake those duties as assigned by the plan created under Title III, Section 303 and other responsibilities and duties as assigned by the Committee. The LEPC may also designate Deputy Community Emergency Coordinators as required.

5) SECRETARY:

In order to assure that the proper minutes of all meetings are kept, the Chairperson or the Head of any committee or subcommittee shall designate a Secretary to keep minutes of the business conducted. Such minutes shall be delivered to the Chairperson of the LEPC as soon as possible after a meeting and shall be kept on file in the Office of the Director of Emergency Management. Copies of LEPC Minutes shall be distributed to the County Clerk and the Southeast Region Office of the Wisconsin Division of Emergency Management.

IV) MEETING LOCATION:

The LEPC has established a normal meeting location of:
Room 16, Ozaukee County Justice Center,
1201 S. Spring Street, Port Washington, Wisconsin

Meetings of the Ozaukee County LEPC shall be held in Ozaukee County. Alternate locations may be chosen when deemed appropriate by the Chairperson, subject to public notice of the meeting as required by law.

V) MEETING TIMES AND DATES:

The LEPC has established a normal meeting date of the second Thursday of odd numbered months beginning at 7:00 P.M. Alternate dates may be chosen when deemed appropriate by the chairperson, subject to public notice of the meeting as required by law. Special meetings may be called by the Chairperson as described below for emergency situations or if written notice is received from at least two members of the LEPC requesting the special meeting and stating the items that are to be covered at the special meeting.

VI) EMERGENCY MEETINGS:

During emergency conditions, when a release of a substance covered by the notification requirements of Title III, Section 304, has occurred, or is imminent, the Chairperson may call an emergency meeting of the LEPC as soon as possible with the provision that all reasonable attempts have been made to notify the public of the meeting through local media. The conduct of the meeting will be limited to those items required by the emergency conditions present.

VII) AGENDA:

The agenda will be compiled and mailed to committee members, local media representatives and all others that have requested copies, at least 24 hours prior to the time and date of the meeting. Agenda items may not be added on the floor of the meeting.

VIII) PUBLIC OPPORTUNITY:

The LEPC will provide in every agenda a period of time not to exceed 30 minutes to receive public comments and input. Time for public comments will be allotted on a first come, first served basis.

IX) QUORUM:

A quorum will consist of a simple majority of the members of the LEPC as approved by SERB. Members unable to attend a meeting may send an alternate of their choosing, however, such alternates shall not be included in determining whether a quorum exists.

X) VOTING:

A majority vote of members present where a quorum exists will be needed for passage of any motion. Members unable to attend a meeting may send an alternate of their choosing, however, such alternates shall not exercise a vote on any motion before the LEPC.

XI) DISTRIBUTION OF MEETING MINUTES:

Minutes of all meetings of the LEPC and subcommittees will be distributed to all committee members, heads of government that have requested same and the regional office of the Wisconsin Division of Emergency Management. A current mailing list shall be maintained by the Director of Emergency Management of Ozaukee County.

XII) MEETING CONDUCT:

All meetings of the Ozaukee County Local Emergency Planning Committee shall be conducted according to Robert's Rules of Order.

XIII) CHANGES TO BYLAWS:

Any change to the bylaws shall require a two-thirds majority of the full LEPC membership. Changes shall be presented during a regular meeting of the LEPC and ratified at a subsequent meeting.

XIV) PUBLIC INFORMATION REQUESTS:

Pursuant to Section 312(e3) of the Superfund Amendments and Reauthorization Act of 1986 Title III (SARA) all requests for public information shall be in writing and shall be made with respect to a specific facility. Public records of the LEPC shall be maintained in the Emergency Management office and available to the public for inspection during normal working hours. LEPC records may not be removed from the Emergency Management office except by Emergency Management personnel for purposes of photo copying or other bonafide governmental function.

Photocopies of LEPC records are available at the current rates for duplication services as set by the County Board of Supervisors. Computer database searches and report generation services are available on a limited basis, but subject to the charges for time and materials to produce the reports. Time and materials charges will be those determined by the Information Services Department. Charges incurred under this policy for photocopies or time and materials must be pre-paid whenever permitted under state law.