

**LOCAL EMERGENCY PLANNING COMMITTEE  
OF PORTAGE COUNTY  
BYLAWS**

**ARTICLE I**

**PURPOSE**

The purpose of this organization is to serve as the Local Emergency Planning Committee as specified in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and Chapter 3750 of the Ohio Revised Code (Emergency Planning):

Jurisdiction of the Portage County Local Emergency Planning Committee will encompass all of Portage County. The duties and responsibilities of the Local Emergency Planning Committee of Portage County include, but are not limited to:

- A. Developing, revising and exercising A Local Chemical Emergency Response and Preparedness Plan;
- B. Receiving and processing information requests from the general public pursuant to Federal and State Law;
- C. Receiving information from facilities such as Safety Data Sheets (SDSs), Facility Identification Forms, Chemical Inventory Forms and Emergency Release Notifications pursuant to Federal and State Law;
- D. Making grant applications, disbursement of monies and developing an operating budget; and
- E. Assuring compliance of facilities within the jurisdiction of the Portage County Local Emergency Planning Committee to the filing requirements as required in Sections 3750.07 and 3750.08 of the Ohio Revised Code, including the investigation and enforcement of the provisions of the law pursuant to Section 3750.20 of the Ohio Revised Code; and
- F. Making information available to the public.
- G. Except as otherwise authorized, obtain anything to be purchased, leased, leased with an option or agreement to purchase, or constructed, in accordance with the provision of sections 307.86 to 307.92 of the Ohio Revised Code applicable to boards of County Commissioners.
- H. The committee has authority to appoint and fix the compensation of employees pursuant to Ohio Revised Code 3750.03(E) (2). Such appointment and amount of compensation shall occur only with a majority vote of the committee.

## **ARTICLE II**

### **MEMBERSHIP**

#### **A. MINIMUM MEMBERSHIP and QUALIFICATIONS**

The Portage County Local Emergency Planning Committee shall be comprised of no less than eleven (11) and no more than twenty-one (21) members, including at least one representative from each of following groups or organizations, according to Ohio Revised Code 3750.03:

- Elected State, County, Township, and Municipal Officials
- Law Enforcement
- Portage County Office of Homeland Security and Emergency Management
- Fire Services
- First Aid
- Health Personnel
- Local Environmental *Personnel*
- Transportation Personnel
- Broadcast or Print Media Personnel
- Local Community Groups
- Owners and Operators of Facilities subject to reporting and regulation pursuant to Chapter 3750 of the Ohio Revised Code and SARA Title III.
- Hospital Personnel

Additional members to be appointed may include representatives from each of the groups and organizations listed above or interested citizens, as appropriate and necessary.

#### **B. APPOINTMENT OF MEMBERS**

The Portage County Local Emergency Planning Committee, by majority vote, shall recommend persons to the Portage County Board of Commissioners for appointment to the Committee.

Members of Portage County Local Emergency Planning Committee shall be recommended for appointment by the Portage County Board of Commissioners and made to the State Emergency Response Commission.

Upon recommendation by the Portage County Local Emergency Planning Committee, a call for members may be publicized and advertised to fill openings in the Portage County Local Emergency Planning Committee.

**C. APPOINTMENT OF ALTERNATE MEMBERS**

Alternate members may also be designated in the same manner as prescribed in Article 2 and Section B. Such members have the rights and privileges of full members when attending in the absence of the full member, or conducting business as directed by that member. Each voting member or alternate shall be entitled to one (1) vote per represented group on matters coming before the committee for action.

**D. TERM OF MEMBERSHIP**

The term of membership shall be two (2) 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 the term until a successor takes office or until a period of sixty (60) days has elapsed, whichever occurs first.

Persons appointed to fill member vacancies shall complete the term of the member replaced.

**E. VACANCIES**

If vacancies occur because of the resignation or removal (Ohio Revised Code Section 3750.03(B)), the vacancies shall be filled in the following manner:

The Portage County Local Emergency Planning Committee shall identify a qualified replacement and nominate, by vote of the membership, this person to fill the position in which such vacancy exists; the Portage County Local Emergency Planning Committee Secretary shall submit that person's name, with the recommendation that the person serve the balance of the unexpired term, to the Portage County Board of Commissioners requesting they nominate this person to the State Emergency Response Commission for appointment to the Portage County Local Emergency Planning Committee.

The Portage County Board of Commissioners should then pass a Resolution requesting that State Emergency Response Commission appoint this person to the Portage County Local Emergency Planning Committee to fill the remainder of the unexpired term and forward the request to State Emergency Response Commission.

**F. REMOVAL OF MEMBERS**

The Portage County Local Emergency Planning Committee may remove any member for misfeasance, malfeasance or nonfeasance by a two-thirds (2/3) roll call vote of the membership present at Portage County Local Emergency Planning Committee. Failure to attend three (3) consecutive regular

meetings of the Portage County Local Emergency Planning Committee shall be prima facie evidence of nonfeasance.

The Secretary shall notify the Portage County Local Emergency Planning Committee membership if a member has been absent for three (3) consecutive meetings and the member shall be contacted by the Chairperson to determine the member's continuing interest and participation as a Committee member. A member may be excused from a meeting for good cause upon notification to the Chairperson, Vice Chairperson, or Secretary.

**G. OFFICERS**

The officers of the Portage County Local Emergency Planning Committee shall be the Chairperson, the Vice-Chairperson, and Secretary. All officers of the Portage County Local Emergency Planning Committee shall be members of the Portage County Local Emergency Planning Committee.

**H. ELECTION OF OFFICERS**

The Chairperson, Vice-Chairperson, and Secretary of the Portage County Local Emergency Planning Committee shall be elected at an organizational meeting, as set forth herein. Open nominations for the officers shall be put forth and the election held at the organizational meeting. The sequence of the elections shall be the Chairperson, the Vice-Chairperson, and Secretary.

A majority vote of those Portage County Local Emergency Planning Committee members in attendance shall be required to elect such officers, and the nomination and voting process shall be repeated as many times as necessary until such time as a nominated Portage County Local Emergency Planning Committee member receives a majority vote of those members in attendance.

**I. TERMS OF OFFICE**

The term of office for all Portage County Local Emergency Planning Committee officers shall be for a period of one (1) year from organizational meeting to organizational meeting, as set forth herein.

**J. REMOVAL OF OFFICERS**

The Portage County Local Emergency Planning Committee may remove any officer by a two-thirds (2/3) roll call vote of the membership present at the Portage County Local Emergency Planning Committee meeting. Consideration of the removal of the officer shall be stated in the meeting agenda, and after notice to the officer by electronic mail or by regular mail to be removed.

Any office may become vacant by a two-thirds (2/3) roll call vote of

membership present to recommend to the Board of Commissioners removal after such Officer fails to attend three (3) consecutive regular meetings of the Portage County Local Emergency Planning Committee. An Officer may be excused from a meeting for good cause upon notification to the Chairperson, Vice Chairperson, or Secretary.

**K. VACANCIES IN OFFICERS POSITIONS**

Vacant offices shall be filled at any regular or special meeting in the same manner as an original appointment.

**L. DUTIES OF CHAIRPERSON**

The Chairperson shall call and preside at all meetings of the Portage County Local Emergency Planning Committee, shall chair the Executive Subcommittee, may establish those subcommittees deemed necessary for the Portage County Local Emergency Planning Committee to conduct its business, shall appoint the Portage County Local Emergency Planning Committee members to the established subcommittees and shall designate a chairperson of each subcommittee from the members.

**M. DUTIES OF VICE-CHAIRPERSON**

The Vice-Chairperson shall assume all responsibilities and duties of the Chairperson in his or her absence.

**N. DUTIES OF SECRETARY**

The Secretary shall cause to assure that the following tasks are completed: take and keep minutes of all regular and special meetings of the Portage County Local Emergency Planning Committee, record all votes, maintain records of attendance at meetings, manage correspondence, publicize notices in local media of the Portage County Local Emergency Planning Committee meetings, subcommittee meetings, and hearings of Portage County Local Emergency Planning Committee to be conducted as provided for in these Bylaws, and such other duties as assigned by the Executive Committee.

**ARTICLE III**

**Portage County Local Emergency Planning Committee MEETINGS**

**A. ORGANIZATIONAL MEETING**

The Portage County Local Emergency Planning Committee shall hold its organizational meeting in December of each year. Officers of the Portage County Local Emergency Planning Committee shall be elected at this organizational meeting as set forth herein.

**B. REGULAR MEETINGS**

The Portage County Local Emergency Planning Committee shall hold regular meetings every other month on even months at a time and date, which shall be determined at the organizational meeting unless otherwise changed by the membership. All other Portage County Local Emergency Planning Committee meetings shall be called at the request of the Chairperson. The Chairperson shall also call a meeting of the Portage County Local Emergency Planning Committee upon receiving a written or electronic mail request signed by any three (3) of its members.

**C. NOTIFICATION**

The Portage County Local Emergency Planning Committee Chairperson shall cause to have written notification served to all Portage County Local Emergency Planning Committee members of the time, date, and location of Portage County Local Emergency Planning Committee meeting.

This written notification shall be sent by electronic mail or by regular mail if so requested by at least seven (7) calendar days in advance of the scheduled meeting date. The meeting agenda, and the minutes of the most recent regular meeting, shall be mailed with the written notification.

**D. SPECIAL MEETINGS**

The Portage County Local Emergency Planning Committee Chairperson, with the concurrence of any three (3) Portage County Local Emergency Planning Committee members or two (2) other members of the Executive Subcommittee, may call a special meeting of the Portage County Local Emergency Planning Committee; the seven (7) day notification requirement specified being waived.

The Portage County Local Emergency Planning Committee Chairperson shall notify all members of the date, time, and place of the special meeting, by telephone or electronic mail at least three (3) days prior to the special meeting. Public Notice of such special meeting must be given.

A statement of specific purpose of the meeting shall be posted and filed with the Secretary.

**D. QUORUM**

The Portage County Local Emergency Planning Committee shall conduct its business only if a majority of its current membership is in attendance.

A quorum shall consist of fifty-one (51) percent of the appointed members.



**F. MINUTES**

The minutes of the Portage County Local Emergency Planning Committee meetings shall be a summary of the proceedings of the meeting, with specific actions indicated in detail and the related vote.

The minutes shall also indicate those members in attendance at the meeting.

The Portage County Local Emergency Planning Committee Chairperson shall set the agenda for the meetings. However, any item put forth by any member shall be acted on appropriately at the meeting.

**G. CONDUCT OF MEETINGS.**

Except as otherwise provided herein, all Portage County Local Emergency Planning Committee meetings shall be conducted in accordance with the current edition of Robert's Rules of Order.

**H. VOTING**

Only *appointed* members or *alternate members* of the Portage County Local Emergency Planning Committee shall be authorized to vote. Each voting member or alternate shall be entitled to one (1) vote per represented group on matters coming before the committee for action.

In the event a special meeting is called, and if a quorum is not present, the Secretary shall advise those not in attendance of the nature of the business conducted and then poll those members not in attendance.

**ARTICLE IV**

**SUBCOMMITTEES**

**A. APPOINTMENT**

The Portage County Local Emergency Planning Committee Chairperson, with the approval of the majority of Portage County Local Emergency Planning Committee members in attendance at a meeting, may establish those subcommittees the Portage County Local Emergency Planning Committee deemed necessary for the Portage County Local Emergency Planning Committee to conduct its business.

The Chairperson shall appoint Portage County Local Emergency Planning Committee members to serve on such subcommittees and shall designate one such appointed member to chair each such subcommittee. Portage County Local Emergency Planning Committee members may be appointed to more than one subcommittee.

**B. STANDING SUBCOMMITTEES**

The Standing Subcommittees of the Portage County Local Emergency Planning Committee shall consist of the following Subcommittees:

- Executive
- Planning
- Exercise
- Finance
- Public Education
- Bylaws

**C. ABOLISHMENT OF SUBCOMMITTEES**

All subcommittees, except Standing Subcommittees, may be abolished by a majority vote of Portage County Local Emergency Planning Committee members in attendance at a regular Portage County Local Emergency Planning Committee meeting, provided this item is on the agenda circulated prior to the meeting according to provision IV (C) of these Bylaws.

**D. CONDUCT OF MEETINGS OF SUBCOMMITTEES**

Except as otherwise provided herein, all subcommittee meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order and the Ohio Revised Code.

The Chairperson of each subcommittee may invite non- Portage County Local Emergency Planning Committee persons to participate in the subcommittee's activities in order to acquire relevant information and expertise. Such non- Portage County Local Emergency Planning Committee persons shall be subject to the approval of the members of the subcommittee, but shall not possess any privileges.

All subcommittees shall keep written minutes of their meetings as provided herein. Each subcommittee shall report to the Portage County Local Emergency Planning Committee at the next meeting following the subcommittee meeting.

**E. EXECUTIVE SUBCOMMITTEE**

The Executive Subcommittee shall consist of the Portage County Local Emergency Planning Committee Chairperson, the Vice-Chairperson, Secretary, and the Director of Portage County Office of Homeland Security and Emergency Management.



**F. POWERS OF EXECUTIVE SUBCOMMITTEE**

Between meetings of the Portage County Local Emergency Planning Committee, or in the absence of a majority of the Portage County Local Emergency Planning Committee members in attendance at a regular or special meeting, the Executive Subcommittee may act, subject to control or limitations imposed by prior action of the Portage County Local Emergency Planning Committee, on behalf of the Portage County Local Emergency Planning Committee on any action, except modification of these Bylaws or the adoption, amendment or revocation of any rule or regulation, when it is determined by the Executive Subcommittee that an emergency exists which would affect the effective operation or integrity of the Portage County Local Emergency Planning Committee.

All actions of the Executive Subcommittee shall be reported to the Portage County Local Emergency Planning Committee at its next regular meeting.

**ARTICLE V**

**APPOINTMENT OF COORDINATORS AND OFFICERS**  
**EXERCISE OF ADMINISTRATIVE DUTIES**

At the organizational meeting of the Portage County Local Emergency Planning Committee, the Chairperson, with the approval of a majority of Portage County Local Emergency Planning Committee members in attendance at that meeting, may appoint, from the Portage County Local Emergency Planning Committee membership or contract services or employees for the following: an Information Coordinator, a Community Emergency Coordinator, and a Public Information Officer.

**A. DUTIES OF THE INFORMATION COORDINATOR**

The Information Coordinator shall be responsible for maintaining the Portage County Local Emergency Planning Committee's files of information received under SARA Title III and Chapter 3750 of the Ohio Revised Code and for fulfilling requests from the public for such information.

**B. DUTIES OF THE COMMUNITY EMERGENCY COORDINATOR**

The Community Emergency Coordinator shall be responsible for coordinating the development and implementation of the Chemical Emergency Response and Preparedness Plan of the Portage County Emergency Planning District and for receiving verbal and follow-up written notices of releases of hazardous and extremely hazardous substances as provided under Section 3750.06 of the Ohio Revised Code.

### **C. PUBLIC INFORMATION OFFICER**

The Public Information Officer shall represent the Portage County Local Emergency Planning Committee to the public and media and coordinate with the Portage County Office of Homeland Security and Emergency Management on the delivery of educational information, announcements or preparation of news releases, as may be appropriate in disseminating information to the general public.

### **D. EXERCISE OF ADMINISTRATIVE DUTIES**

The Portage County Local Emergency Planning Committee may enter into a contract with the Portage County Office of Homeland Security and Emergency Management, which will exercise any powers, perform any functions and render any services on behalf of the Portage County Local Emergency Planning Committee as set forth therein and at such costs as determined therein.

Such agreement shall not diminish the authority of the Portage County Local Emergency Planning Committee in the exercise of its powers and functions.

## **ARTICLE VI**

### **ADOPTION OF RULES AND REGULATIONS**

The Portage County Local Emergency Planning Committee shall adopt, publish, and enforce rules and regulations, and amend or rescind such rules and regulations, as provided by Chapter 3750 of the Ohio Revised Code and in the manner as provided in these Bylaws. The Portage County Local Emergency Planning Committee may adopt, publish and enforce all other rules and regulations upon such matters allowable by law.

All rules and regulations shall be adopted at a regular or special meeting of the Portage County Local Emergency Planning Committee and only after public hearing, which shall be held at a convenient place within the County.

The public hearing shall be open to the public. Reasonable public notice shall be given in a newspaper of general circulation within the county to provide for publication of legal notice at least seven (7) days prior to the date set for hearing. The notice shall include:

1. Purpose for which the hearing is to be held.
2. A general statement of the subject matter of the proposed rule, regulation, or amendment.
3. Date, times and place of the hearing
4. Place where the full text of the proposed rules or regulations can be reviewed prior to the hearing.

Additional notices may be given at the discretion of the Portage County Local Emergency Planning Committee.

Copies of the full text of the rule or regulation shall be made available to the public at the time of the notice of hearing and at the hearing.

The Portage County Local Emergency Planning Committee shall allow a public comment period of at least seven (7) days after the close of the public hearing in order to receive written comments on the proposed rules and regulations.

As soon as practicable after the close of the public hearing and public comment period, the Portage County Local Emergency Planning Committee shall make their determination regarding the adoption, amendment or rescission of the rules and regulations then under consideration, and its determination shall be final. Unless otherwise specified, all actions on such rules and regulations shall be effective immediately upon adoption.

The Portage County Local Emergency Planning Committee may adopt rules and/or orders that they deem appropriate to conduct such public hearings.

## **ARTICLE VII**

### **ACTIONS REQUIRING PUBLIC HEARINGS AND COMMENT**

Actions requiring public notice, hearing and opportunity for public comment prior to adoption or approval shall include the following:

1. Adoption, by resolution, of rules and regulation establishing requirements for reporting and labeling required by Sections 3750.03(E) (5) and 3750.11(E) of the Ohio Revised Code.
2. Preparation, approval and annual review of the Chemical Emergency Response and Preparedness Plan adopted pursuant to Section 3750.04 of the Ohio Revised Code.
3. Establishing criteria and procedures for the issuance of variances from the rules and regulations and placement of emergency response lock box units.
4. Granting of any variance from the rules and regulations adopted pursuant to these Bylaws or re-issuing any license or permit previously suspended or revoked.
5. Requesting the formation of a Joint Emergency Planning District, this will include any portion of Portage County.

## **ARTICLE VIII**

### **CONFLICT OF RULES, REGULATIONS OR ORDERS**

Rules, regulations and orders adopted, promulgated or issued by the Portage County Local Emergency Planning Committee shall not conflict with any rule, regulation or order of any State or Federal authority, unless a variance is obtained from the proper governmental agency or specific statutory authorization is provided therefore.

## **ARTICLE IX**

### **FISCAL OFFICER**

The Portage County Auditor is hereby designated as Fiscal Officer of the Portage County Local Emergency Planning Committee. Monies received by the Portage County Local Emergency Planning Committee shall be credited to the Special Emergency Planning Fund in the custody of the Portage County Treasurer and said fund shall be administered by the Portage County Local Emergency Planning Committee.

## **ARTICLE X**

### **LEGAL ADVISOR.**

The Portage County Prosecuting Attorney is hereby designated as Legal Advisor of the Portage County Local Emergency Planning Committee. The Prosecuting Attorney shall provide such services to the Portage County Local Emergency Planning Committee as are required or authorized to be provided to county boards pursuant to Chapter 309 of the Ohio Revised Code. If the Prosecuting Attorney at any time is unable to perform a particular legal service, then upon the agreement of the Prosecuting Attorney, such services may be provided by contract.

## **ARTICLE XI**

### **PUBLIC MEETINGS**

All meetings of the Portage County Local Emergency Planning Committee shall be open to the public, pursuant to Section 121.22 of the Ohio Revised Code.

The Portage County Local Emergency Planning Committee may meet in Executive Session as outlined in the Ohio Revised Code to discuss legal disputes or proposed and pending litigation, personnel matters, and other

matters authorized to be discussed in executive session and other matters required or allowed to remain confidential by law, including, without limitation, the consideration of trade secrets or confidential business information.

The Portage County Local Emergency Planning Committee shall provide the news media with advance notice of all meetings in accordance with Section 121.22 of the Ohio Revised Code.

## **ARTICLE XII**

### **OFFICE OF RECORD**

The official office of record for the Portage County Local Emergency Planning Committee shall be the Emergency Operation Center currently located at 8240 Infirmary Road, in Shalersville Township, Ravenna, Ohio 44266, (or such other location as determined by a majority of the membership of the Portage County Local Emergency Planning Committee).

## **ARTICLE XIII**

### **BYLAWS AMENDMENTS**

The Local Emergency Planning Committee shall have the power to amend the Bylaws in the following manner: Written or electronic notice containing the proposed amendment(s) shall be sent to each member of the Local Emergency Planning Committee at least thirty (30) days in advance of the date set for voting on the amendments(s).

The document, and all proposed amendments to the document, shall be provided to the County Prosecutor for review and comments a minimum of thirty (30) days prior to the date set for the Local Emergency Planning Committee vote.

These Bylaws may be amended by a two-thirds (2/3) vote of the membership present at the Portage County Local Emergency Planning Committee regularly scheduled meeting.

## **ARTICLE XIV**

### **SAVINGS CLAUSE**

If any portion of these Bylaws shall be found to be ineffective or inoperative due to illegality, that determination shall not affect the remaining portions of the Bylaws, which shall continue in full force and effect.

*Revised March 2, 2001  
Adopted April 4, 2001  
Revised March 2, 2001  
Revised April 4, 2008  
Revised May 27, 2015  
Adopted August 5, 2015*

This Document is the Constitution and Bylaws of the Portage County Local Emergency Planning Committee.

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Local Emergency Planning Committee Chair: Robert Walker Date August 5, 2015  
Local Emergency Planning Committee Vice-Chair: Amie Cajka Date August 5, 2015  
Local Emergency Planning Committee Secretary: James DiPaola Date August 5, 2015

*Sources:*

*Anderson's Ohio Revised Code*  
<http://onlinedocs.andersonpublishing.com/revisedcode/search.htm>

*Robert's Rules of Order*

*Sample Bylaws*

*Buckeye County Local Emergency Planning Local Emergency Planning Committee*

*Constitution and Bylaws*

*Bylaws Subcommittee*

*James DiPaola, Chair*  
*Amie Cajka*  
*Patricia Corley*  
*Dan Derreberry*  
*Matt Mohler*  
*Ryan Shackelford*  
*Robert Walker*  
*Hoyle West*

The foregoing Bylaws were duly adopted at the Portage County Local Emergency Planning Committee regular meeting on August 5, 2015, in the Emergency Operations Center located at 8240 Infirmary Road with a majority vote for, none against and with a quorum being present.

Attest:



Robert Walker, Chair  
Portage County Local Emergency Planning Committee

*Resolution LEPC 2015-05*