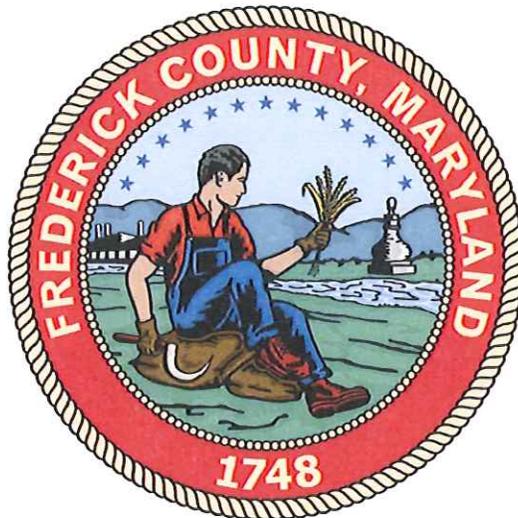


**FREDERICK COUNTY
LOCAL EMERGENCY PLANNING
COMMITTEE
(LEPC)**



CONSTITUTION AND BY-LAWS

Revised May 11, 2015

(This page intentionally left blank.)

ARTICLE I:	Name and Authorization
ARTICLE II:	Mission Statement
ARTICLE III:	Officers and Duties
ARTICLE IV:	Committees and Workgroups
ARTICLE V:	Meetings
ARTICLE VI:	Funding and Expenditures
ARTICLE VII:	Correspondence and Communications
ARTICLE VIII:	General Information
ARTICLE IX:	Amendments

Article I Name and Authorization

Section 1

The official name of the organization shall be the “Frederick County Local Emergency Planning Committee” (LEPC).

Section 2

The LEPC has been established pursuant to the ‘Emergency Planning and Community Right-To-Know Act of 1986’ (EPCRA) [42 U.S.C Sec. 11001 (c)] and the State of Maryland’s implementation program to comply with EPCRA’s requirements. The LEPC shall have all the power and duties conferred upon it by said law or related State regulations or procedures as may from time to time be amended.

Section 3

The members of the LEPC are appointed by the State Emergency Response Commission (SERC) upon the recommendation of the County Executive and, pursuant to EPCRA, may include the following:

- A. Frederick County Executive and Chief Administrative Officer,
- B. Chief elected officials (or designees) of the County’s municipalities and Frederick County Chapter of the Maryland Municipal League representative,
- C. Frederick County and Ft. Detrick Fire and Rescue Services,
- D. The Office of the Sheriff, Cities of Frederick and Brunswick Police, Town of Thurmont Police, and the Maryland State Police,
- E. The Frederick County Divisions of Public Works and Emergency Management,
- F. The Frederick County Health Department,
- G. Frederick Memorial Hospital,
- H. Veterinarians,
- I. The Medical Community,
- J. The State Highway Administration,
- K. Industry (Chemical and Transport),
- L. Community Groups,
- M. Radio, Television and Print Media,
- N. And other Federal partners/ entities, including Fort Detrick.

Interested county residents may petition the County Executive or SERC to modify the membership of the LEPC.

Section 4

The LEPC shall be deemed to be a “Public Body” of Frederick County, within the meaning of the Maryland State Open Meetings Law and Public Information Act, except as applicable federal law may supersede those statutes.

Section 5

The LEPC will implement any activities as may hereafter be legally required by the federal government, EPCRA, the SERC, the County Executive or County Council.

Article II: Mission Statement

To provide guidance to business facilities in Frederick County that manufacture, store, or use hazardous materials, on the proper reporting practices; review current hazardous materials operations plans; inform and educate the public about chemical facilities in the community and actions that can be taken in the event of an accidental hazardous materials incident; support the fixed-facility pre-planning process; and enhance the emergency preparedness capabilities of governmental and emergency response agencies associated with hazardous materials incidents that may occur in Frederick County.

Article III Officers and Duties

Section 1

The officers of the LEPC shall consist of a Chair, Vice Chair, Community Emergency Coordinator, and Secretary. Said officers shall serve a term of two (2) years. Nominations for officers will be held at the last meeting of the calendar year. Election of officers will take place at the first meeting in the new calendar year. There is nothing to prohibit the same officer(s) from serving consecutive terms.

Section 2

The powers and duties of the Chair shall be to preside at meetings of the LEPC, appoint such standing or ad hoc workgroups as shall be needed to conduct the business of the LEPC, serve as the (nonexclusive) spokesperson for the LEPC, act as the coordinating official with the SERC, and have such other powers and duties as are customary for the presiding officer on similar committees and boards.

Section 3

The powers and duties of the Vice Chair shall be to carry out the duties of the chair during his/her absence, and to carry out other duties as may be directed by the Chair.

Section 4

The Community Emergency Coordinator shall coordinate LEPC activities with all involved parties, including government agencies, business and industry, and voluntary organizations in hazardous materials planning.

NOTE: Emergency notifications to the Community Emergency Coordinator as required in 42 U.S.C Section 11004 (b) (1) are to be made to Frederick County, MD, 9-1-1 center.

Section 5

The Secretary shall keep a written record of all business transacted by the Board, give notice to all members of all meetings, keep on file all official records of the committee, and certify all records and reports of the LEPC.

The Secretary will also serve as both the Internal and Public Information Officer and shall prepare and distribute information to the LEPC members, public and media on LEPC activities and news, provide public notice of the availability of plans and other information, serve notice of all hearings and public meetings, and update the LEPC website.

Section 6

The LEPC Chair, or the Vice Chair or Secretary in the absence of the Chair, shall sign all official documents of the LEPC in accordance with law and these by-laws.

Section 7

There may be occasion when there is a need to replace an officer. If the Chair resigns, the Vice-Chair will assume the position Chair until the next regularly scheduled election. If the Vice-Chair, Community Emergency Coordinator or Secretary leave, or the Vice-Chair fills Chair position, the Chair will select a member to fill the vacant position until the next regularly scheduled election.

Article IV: Executive Committee and Workgroups

Section 1

The Executive Committee will consist of Chair, Vice-Chair, Community Emergency Coordinator, and Secretary.

If there is a need to remove an officer for cause, the Executive Committee must first take a vote of no confidence. If this vote passes by a simple majority, a vote will be scheduled for the next LEPC meeting to remove the officer. A member of the Executive Committee must notify said individual that a vote of no confidence has been passed by the Executive Committee and at the next LEPC meeting a vote to remove them from office will take place. If the vote to remove is passed by a simple majority, the Chair will select a member to fill the position until the next regularly scheduled election.

Section 2

The following Standing Workgroups shall be established:

- Internal Workgroup - This workgroup shall be responsible for formulation of all policies and procedures concerning the public's Right-To-Know Program and public education and information. It shall handle the development and implementation of public education and information programs, and content and maintenance of the LEPC's website.
- External Workgroup - This workgroup shall be responsible for emergency response and resources coordination for the LEPC and hazardous materials facilities liaison and outreach. It will review, update and exercise the County's Hazardous Substance Emergency Response Plan (see Art. VIII, Sec. 2) as required by law, review existing federal, state, local, and facility plans for the purpose of coordination with the LEPC planning process, coordinate the outreach efforts to hazardous materials storage facilities and provide the LEPC quarterly reports on hazardous materials responses in the county.

The LEPC Chair shall serve as the Chair of the External Workgroup and the Vice Chair shall serve as the Chair of the Internal Workgroup.

Section 3

The Chair may appoint Ad Hoc Workgroups, as necessary, to carry out the mission of the LEPC. The Chairperson of the LEPC shall appoint chairs of these workgroups.

Section 4

All members may volunteer to serve on at least one Standing Workgroup and shall not serve on more than one Ad Hoc Workgroup. Final membership of the Standing Workgroups shall be determined by the LEPC Chair to ensure that all workgroups have sufficient members to carry out their assigned tasks.

Section 5

The Chair of the LEPC may call meetings of the Standing and Ad Hoc Workgroups as deemed necessary. The Chair of a workgroup may call a meeting of the workgroup as deemed necessary. All meetings are open to the public.

Article V: Meetings

Section 1

The LEPC will meet at least quarterly.

A meeting agenda will be promulgated for each LEPC meeting, and will generally consist of:

- Call to order
- Approval of minutes/summary of previous meeting
- Standing workgroup reports
- Old business
- New business
- Program (if any)
- Adjournment

Regular Meetings

A minimum of ten (10) days notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made, if possible. Minutes of the meeting will be taken and maintained with the official LEPC records.

Special Meetings

The LEPC Chair shall have the authority to call a special meeting of the LEPC if it is determined that a need exists for such a meeting. If possible, a minimum of three (3) days notice will be given to all members of the LEPC, and a public announcement of the meeting date, time and location will be made. Minutes of the meeting will be taken and maintained with the official LEPC records.

Section 2

A minimum of eight (8) official members of the LEPC shall be present to constitute a quorum for the transaction of LEPC business. Business shall be transacted only at properly scheduled meetings or via email in accordance with Section 3 of Article V.

Section 3

The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the members present at a meeting. No motion, resolution, or other parliamentary instrument shall prevail unless it receives a majority of the votes of the members at a meeting.

If needed, the Chair can call for a vote from all LEPC members via email for time sensitive issues that need to be resolved prior to the next scheduled meeting. The information in the email shall include:

- Statement of the issue,
- Recommended resolution of the issue, and
- Date and time when the votes must be received.

The Secretary will collect and tally the votes. A minimum of 8 votes must be received from LEPC members by the specified date and time for a vote to be considered valid.

Once the vote is complete, the Secretary will notify the LEPC members of the results, and will include the results in the next meeting's minutes so it can be added to the LEPC's official records.

Section 4

The public is encouraged to participate in the work of the LEPC by attendance at meetings and, when in order, by addressing the LEPC.

Section 5

The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the Maryland State Open Meetings Law, specifically by advance notice given to the local public media by the Secretary of the LEPC.

Article VI: Funding and Expenditures

Section 1

All funds, including grants and gifts, received on behalf of the LEPC, shall be handled per the Purchasing, Grant and other applicable regulations of Frederick County, MD.

Section 2

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

Section 3

No member of the LEPC may enter into any contract or other agreement involving the expenditures of funds without the prior written approval of the County Executive.

Article VII: Correspondence and Communications

Section 1

All official communications of the LEPC shall be carried out by the Chair or under his/her direction.

Section 2

All questions from the public relating to the activities of the LEPC, or any public dissemination of news of LEPC activities, shall be through the Chair of the LEPC.

Article VIII: General Information

Section 1

Roberts Rules of Order, newly revised, shall be the parliamentary authority for all matters of procedure not specifically covered by these rules and procedures.

Section 2

The Hazardous Materials and Oil Spill Response Annex to Frederick County's Emergency Operations Plan (EOP) shall serve as the LEPC's Hazardous Materials Emergency Response Plan. Other applicable annexes to the EOP and the Maryland Department of Environment Tier II Program may be referenced to support the Response Plan.

Article IX: Amendments

All rules and procedures of the LEPC may be amended by a majority vote of members present at a duly called meeting when a quorum is present, provided that notice of such proposed changes shall be circulated to all members at least thirty (30) days in advance of said meeting.

**THIS DOCUMENT, THE CONSTITUTION AND BY-LAWS OF THE
FREDERICK COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
(LEPC), REVISED AT THE REGULAR MEETING OF THE LEPC ON THIS
11th DAY OF May, 2015.**



**Seamus Mooney
LEPC Chairperson**

10/15/15
Date



**Jan Gardner
Frederick County Executive**

11/3/15
Date

MJC 10/22/15