

**BYLAWS
of the
MONROE COUNTY, NEW YORK
LOCAL EMERGENCY PLANNING COMMITTEE**

I. NAME OF THE COMMITTEE

The name of this committee shall be the *MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE*, hereinafter known as **LEPC**.

II. POWERS AND DUTIES

The LEPC has been established pursuant to Section 301(c) of Public Law 99-499, *THE EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT of 1986*, (100 Stat 1738-58, October 17, 1986). The LEPC shall have all the powers and duties conferred upon it by said Law, and as it may from time to time be amended. The principal duty of the LEPC shall be to develop an emergency response plan for the County of Monroe and its included municipalities, and to review such plans annually. This plan shall contain, as a minimum, all the elements set forth in PL 99-499 for such plans.

III. MEMBERSHIP

The members of the LEPC shall be recommended by the LEPC Nominating Committee, approved by majority vote of the LEPC membership and appointed by the New York State Emergency Response Commission (SERC) pursuant to PL 99-499. The membership shall include the following:

Elected or Appointed Officials

- A. Elected local official: Monroe County Executive;
- B. Elected State official: a member of the New York State Legislature representing a district lying wholly or partially within Monroe County, and who is a resident of Monroe County;
- C. City of Rochester: Deputy Mayor;
- D. Monroe County Director of Public Safety;

Municipal Emergency Response Organizations

- E. Director of the Monroe County Emergency Communications Department;
- F. Civil Defense / Emergency Preparedness representative: Emergency Management Program Technician of the Monroe County Office of Emergency Management;
- G. Community Emergency Coordinator: Emergency Preparedness Administrator of the Monroe County Office of Emergency Management;
- H. Law enforcement representatives (4 members): Monroe County Sheriff, Chief of the Rochester Police Department, one Town or Village police chief nominated by the Monroe County Law Enforcement Council, and New York State Police HAZMAT representative;

- I. Firefighting/HAZMAT representatives (4 members): Chief of the Rochester Fire Department, Monroe County Fire Bureau Coordinator, City of Rochester HAZMAT Team representative, Monroe County HAZMAT Team representative;
- J. Health representative: Director of the Monroe County Department of Public Health;
- K. A representative of an environmental group, such as the NYS DEC;
- L. OSHA representative;
- M. Public Safety Training Facility representative;
- N. Military representative: a local representative of the New York National Guard (under control of the Governor, unless Federalized), or a local representative or of the Federal Military Reserve Component;

Business

- O. Facility owners and operators' representatives: a minimum of three (3) representatives recommended by local businesses or local environmental compliance-focused groups, such as FLACHMM, NYWEA or AWMA. One member in this category should represent a small business;

Community Representation

- P. Emergency Medical Services (EMS) representative: A Monroe County EMS provider submitted by the Monroe County EMS Advisory Board. This representative shall be a member of a Monroe County EMS Agency (defined as operating within Monroe County and the business operations is located within Monroe County) and a resident of Monroe County;
- Q. Hospital representative: a practicing physician affiliated with a local hospital and experienced in emergency medicine;
- R. Transportation and Transportation Safety representatives: a representative of a firm engaged in the transportation of hazardous materials;
- S. News media representative: a representative of the principal Emergency Alert System (EAS) radio station in Monroe County, or of a general circulation newspaper in Monroe County;
- T. Community group representative, such as RACES;
- U. Legal representative: an attorney knowledgeable of The Emergency Planning and Community Right to Know Act of 1986;
- V. Greater Rochester Chapter of the American Red Cross representative;
- W. At Large representatives: a maximum of three (3) members chosen from the community with expertise and/or interest in the LEPC, SARA Title III or emergency preparedness and response.

In the event that a member and member's alternate fail to attend any meeting during a 12 month period, the Chair may consider the lack of attendance as a resignation of membership. The Chair, at its discretion, may accept the resignation.

IV. ALTERNATE MEMBERS

- A. Each member may nominate an alternate to assume his or her duties and position on the LEPC in his or her absence. The alternate may vote only in the absence of the member.
- B. Nominations for representatives and alternate members can be made in writing or by verbal motion from the floor to the LEPC Chair and approved by the majority of the votes cast.

V. OFFICERS

- A. The LEPC shall at its first meeting, elect by a majority vote a Chairperson and a Vice-Chairperson. Said Officers shall serve a term of one year. Elections for these two officerships shall thereafter be held annually.
- B. The power and duties of the Chairperson shall be to preside at meetings of the LEPC, appoint such standing and special subcommittees as shall be needed to conduct the business of the LEPC, serve as the non-exclusive spokesperson for the LEPC, and such other powers and duties as are customary for the presiding Officer of similar committees and boards.
- C. The powers and duties of the Vice-Chairperson shall be to preside over meetings of the LEPC and to carry out such other duties as may be directed by the Chairperson.

VI. CONDUCT OF MEETINGS

- A. The LEPC shall meet as often as is necessary to conduct its business, and in no event less often than once annually.
- B. The LEPC shall conduct no business in the absence of a quorum of its members, a quorum being a majority of the membership as set forth in Article III of these Bylaws. In the event that a quorum is not present, informational sessions may be conducted.
- C. The LEPC shall conduct its business by means of resolutions duly adopted by a majority of the membership. No motion, resolution, or other parliamentary instrument shall prevail unless it receives a majority of the votes cast.
- D. The LEPC shall be deemed to be a PUBLIC BODY of the County of Monroe within the meaning of the New York State Open Meetings and Freedom of Information statutes, except as those statutes may be superseded by applicable Federal Law.
- E. Except as otherwise provided in these Bylaws, the LEPC shall conduct its business in accordance with Robert's Rules of Order.

VII. PUBLIC PARTICIPATION AND ACCESS TO INFORMATION

- A. The public is encouraged to participate in the work of the LEPC by attendance at meetings and, when in order, by addressing the LEPC.
- B. The public shall be notified of meetings of the LEPC in accordance with applicable provisions of the New York Open Meetings Law, specifically by advance notice given to the local public media by the Monroe County Office of Communications and Special Events.
- C. At least annually, the LEPC shall advertise and conduct at least one meeting in which members of the public shall be invited to address the LEPC on matters which they believe should be considered in the emergency response plan.
- D. At least thirty days before the adoption of the emergency response plan or any revision to that plan, the LEPC shall publish a summary of the provisions of the proposed plan or any revision to that plan, and shall hold at least one hearing to receive the comments from the public thereon. Minutes of the public comments shall be made, and the LEPC shall take due note of the public comments in its deliberations prior to adoption of the emergency response plan or its revision. The LEPC shall further adopt by resolution a response to the public comments,

including action taken by the LEPC with respect to the comments, prior to adoption of the emergency plan or any revision.

- E. Copies of the emergency response plan with adopted amendments and revisions shall be distributed (may be accomplished through County website) to:
 - 1. cognizant State and Federal authorities;
 - 2. each municipality within Monroe County;
 - 3. all police, fire, and EMS agencies within Monroe County;
 - 4. all 'covered facilities' within Monroe County (within the meaning of PL 99-499);
 - 5. all public libraries within Monroe County;
 - 6. the local media;
 - 7. the Monroe County Legislature; and, the members of the LEPC.

VIII. PUBLIC ACCESS TO INFORMATION

- A. The Monroe County Office of Emergency Management is hereby designated as the secretariat of the LEPC.
- B. The Emergency Preparedness Administrator of the Monroe County Office of Emergency Management is hereby designated as the Coordinator of Information pursuant to Section 301 (c) of PL 99-499.
- C. The LEPC shall annually publish a notice in the local newspapers that the emergency response plan-safety data sheets (SDS), and inventory forms have been submitted under this Article. Such notice shall announce that members of the public who wish to review any such plan, sheet, form or follow up notice may do so at the Monroe County Office of Emergency Management.
- D. Subject to the approval of the LEPC, the Coordinator of Information shall develop and promulgate procedures for processing requests from the public for information under Section C of the Article. Such procedures shall parallel as closely as possible the existing Monroe County procedures under the New York State Freedom of Information Act, provided they are consistent with the requirements of PL 99-499 and these Bylaws.
- E. The Monroe County LEPC will only accept electronic submissions of Tier II reports after January 1, 2013 per NYS E-Plan Implementation Guide, October 2007, p. 2, in satisfaction of a facility's Tier II reporting obligation to the LEPC except where it is unduly burdensome for the facility to submit electronically or in other extenuating circumstances. Such electronic submission to the Monroe County LEPC shall be made to the E-Plan website which can be accessed at "erplan.net". The Monroe County LEPC understands that NY SERC accepts the same electronic submission to satisfy reporting notification to the State.
 - 1. Authorizing Authority – OEM Emergency Management Program Technician
 - 2. Authorized Users:
 - a. LEPC Chair
 - b. OEM Emergency Preparedness Administrator
 - c. County Public Safety Director
 - d. OEM Emergency Services Planning Technician, P.T.
 - e. County Fire Coordinator
 - f. County Assistant Fire Coordinator

- g. City Fire Department, "A representative of the Special Operations Unit"
- h. Municipal Fire Chiefs
- i. Municipal Fire Marshals

IX. SUBCOMMITTEES

The Chairperson shall appoint such standing and special subcommittees as the LEPC shall deem necessary to conduct its business.

X. LEGAL COUNSEL

The Monroe County Attorney or his/her designee shall serve as legal counsel to the LEPC.

XI. AMENDMENTS TO THE BYLAWS OF THE LEPC

These Bylaws may be amended at any time by an affirmative vote of two-thirds of the membership present at a business meeting, as defined in Article VI, Section B.

By-Laws Revised 1/8/2020