

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:

- 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. Civil Defense representative: the Administrator of the Monroe County Office of Emergency Preparedness,
- D. Law enforcement representatives: the Monroe County Sheriff, the Chief of the Rochester Police Department, and one Town or Village police chief nominated by the Monroe County Law Enforcement Council,
- E. Firefighting/HazMat representatives: the Chief of the Rochester Fire Department, the Monroe County Fire Bureau Coordinator, an industrial HazMat Team representative, and a municipal HazMat Team representative,
- F. First aid representative: a Monroe-Livingston Emergency Medical Services Council representative who is a resident of Monroe County,
- G. Health representative: the Director of the Monroe County Health Department,
- H. A representative of an environmental group,
- I. Hospital representative: a practicing physician affiliated with a local hospital and experienced in emergency medicine,
- J. Transportation and Transportation Safety representatives: a representative of a firm engaged in the transportation of hazardous materials, and a New York State Police HazMat representative,
- K. Broadcast media representative: a representative of the principal Emergency Alert System (EAS) radio station in Monroe County,

- L. Print media representative: a representative of a general circulation newspaper in Monroe County,
- M. Community group representative,
- N. Facility owners and operators representatives: a minimum of three (3) representatives recommended by the Industrial Management Council,
- O. Other representatives: the Monroe County Director of Public Safety, the City of Rochester - Deputy Mayor, the Director of the Emergency Communications Department, a maximum of three 'at large' members chosen from the community with expertise and/or interest in the LEPC, SARA Title III or emergency preparedness and response, a representative of small business nominated by either the Chamber of Commerce or the Industrial Management Council, an attorney, a representative of the TEAM command project and a representative of the American Red Cross (Rochester-Monroe County Chapter).
- P. Military representatives: one local representative of the New York National Guard (under control of the Governor, unless Federalized), and one local representative of the Federal Military Reserve Component.

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 alternate members must be made in writing 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 and such amendments and revisions as may from time to time be adopted shall be distributed 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 Preparedness is hereby designated as the secretariat of the LEPC.
- B. The Administrator of the Monroe County Office of Emergency Preparedness is hereby designated as the Coordinator of Information pursuant to Section 301 (c) of PL 99-499.
- C. The emergency response plan, material safety data sheets (MSDS), lists described in Section 311 (a)(2) of PL 99-499, inventory forms, toxic chemical release forms, and follow up emergency notices shall be made available to the general public, consistent with the trade secret exceptions in Section 322 of PL 99-499, during normal working hours at the Monroe County Office of Emergency Preparedness. On request by an owner or operator of a facility subject to the

requirements of Section 312 of PL 99-499, the LEPC shall withhold from disclosures under this Section the location of any specific chemical required by Section 312 (d)(2) of PL 99-499 to be contained in an inventory form as Tier II information.

- D. The LEPC shall annually publish a notice in the local newspapers that the emergency response plan, material safety data sheets (MSDS), 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 Preparedness.
- E. 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.

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.