



BYLAWS

Amended: 7/28/95

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**MONTGOMERY / GREENE COUNTY
LOCAL EMERGENCY RESPONSE COUNCIL**

**By-Laws of the
Montgomery/Greene County Local Emergency Response Council**

ADOPTION AND AMENDMENTS

ADOPTED: October 28, 1988
(Effective Date: October 28, 1988)

AMENDED: July 28, 1989 Resolution #89-01
(Effective Date: July 28, 1989)

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**BY-LAWS
OF
THE
MONTGOMERY/GREENE COUNTY LOCAL EMERGENCY RESPONSE COUNCIL**

I. NAME AND ESTABLISHMENT

At the request of each County and as authorized under Section 301(b) of the Emergency Planning and Community Right-To-Know Act of 1986 (Public Law #99-499), the State Emergency Response Commission of Ohio established a joint local emergency planning district for Greene and Montgomery Counties pursuant to SERC Resolution No. 87-03 passed on July 3, 1987, Greene County Resolution No. 87-6-25-6 passed on June 25, 1987, and Montgomery County Resolution No. 87-1202 passed on June 30, 1987.

Acting upon a recommended list of names supplied by each County and as authorized under Section 301(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (Public Law #99-499), the State Emergency Response Commission of Ohio established the Montgomery/Greene County Local Emergency Response Council as the local emergency planning committee for the Montgomery/Greene joint local emergency planning district pursuant to SERC Resolution No. 87-18 passed on August 13, 1987, Greene County Resolution No. 87-7-28-8 passed on July 28, 1987, and Montgomery County Resolution No. 87-1346 passed on July 28, 1987.

"MGCLERC," as used herein, shall mean the Montgomery/Greene County Local Emergency Response Council. "SERC," as used herein, shall mean the State Emergency Response Commission of Ohio. "COUNTY COMMISSIONERS," as used herein, shall mean the Boards of County Commissioners for both Greene and Montgomery Counties.

II. PURPOSE

The purpose of the MGCLERC shall be to serve as the local emergency planning committee for the Montgomery/Greene Joint Local Emergency Planning District and to fulfill all duties and responsibilities of a 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.

The duties and responsibilities of MGCLERC as a local emergency planning committee include, but are not limited to:

- 1) developing, revising and exercising a local emergency response plan;
- 2) receiving and processing information requests from the general public pursuant to Federal and State law;
- 3) receiving information from facilities such as material safety data sheets (MSDS), inventory forms and emergency release notifications pursuant to Federal and State law; and
- 4) making grant applications, disbursement of monies, and developing an operating budget.

III. MEMBERSHIP

A. MINIMUM REQUIREMENTS

The MGCLERC shall be comprised of no less than thirteen (13) individuals. At least two (2) representatives, one (1) from the Board of County Commissioners of Greene County and one (1) from the Board of County Commissioners of Montgomery County, shall be from the following category:

1. Elected State and Local Officials;

At least one (1) representative from the following eleven (11) interest categories:

2. Law Enforcement;
3. Civil Defense;
4. Firefighting;
5. First Aid/Red Cross;
6. Health;
7. Local Environmental;
8. Hospital;
9. Transportation Personnel;
10. Broadcast and Print Media;
11. Community Groups; and
12. Owners and Operators of Facilities Subject to SARA Title III.

Members shall reside within Greene County or Montgomery County and/or shall be an employee of a facility within Greene County or Montgomery County subject to SARA Title III.

B. ADDITIONAL MEMBERSHIP

Additional members may be appointed in each of these interest categories, as appropriate and necessary. In addition to these twelve (12) mandated participants identified in Section III (A), representatives from other interested and/or affected organizations may also be invited to become members.

C. APPOINTMENT OF MEMBERS

Following compilation of a list of recommended members by the MGCLERC Executive Subcommittee, the County Commissioners shall act to officially nominate said persons to become members. The list of nominees shall then be formally transmitted to the SERC for final approval and appointment.

Revised lists to handle vacancies for unexpired terms shall be generated no more than twice a year, in January and July.

D. TERMS OF OFFICE

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. Members may be reappointed to an unlimited number of terms of office.

E. MEMBER ALTERNATES

A member may designate, in writing, an individual to represent the member, in such member's absence, at meetings of the MGCLERC. Such alternates shall have full voting privileges and shall count towards a quorum.

IV. MGCLERC OFFICERS

A. DESIGNATION OF OFFICERS

The officers of the MGCLERC shall be the Chairperson, the Vice-Chairperson and the Secretary.

B. OFFICERS MUST BE MEMBERS

All officers of the MGCLERC shall be members of the MGCLERC.

C. ELECTION OF OFFICERS

The Chairperson, Vice-Chairperson and Secretary of the MGCLERC shall be elected at its organizational meeting, as defined in Section V (A). Open nominations for the officers shall be put forth and the election held at the organizational meeting. The sequence of the officers' election shall be the Chairperson, the Vice-Chairperson and then the Secretary. A majority vote of those MGCLERC 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 MGCLERC member receives a majority vote of those members in attendance.

D. TERMS OF OFFICE

The term of office for all MGCLERC officers shall be from organizational meeting to organizational meeting, as defined in Section V (A). The Chairperson and Vice-Chairperson shall not succeed themselves in office.

E. REMOVAL OF OFFICERS

The MGCLERC may remove any officer by a majority roll call vote of those members in attendance at an official meeting of the MGCLERC.

F. VACANCIES

Vacant offices shall be filled in the manner specified in Section IV (C) to complete the term of office.

G. DUTIES OF CHAIRPERSON

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

H. DUTIES OF VICE-CHAIRPERSON

The Vice-Chairperson shall be nominated to serve as Chairperson the year following his/her term as Vice-Chairperson. The Vice-Chairperson shall assume all the above responsibilities and duties in the absence of the Chairperson.

V. MGCLERC MEETINGS

A. ORGANIZATIONAL AND QUARTERLY MEETINGS

The MGCLERC shall hold its organizational meeting in January of each year. The MGCLERC's officers shall be elected at this organizational meeting, pursuant to Section IV.

The MGCLERC shall hold a minimum of three (3) meetings each year in addition to the organizational meeting. Such meetings shall be held in April, July, and October.

B. OTHER MEETINGS

All other MGCLERC meetings shall be called at the request of the Chairperson. The Chairperson shall also call a meeting of the MGCLERC upon receiving a written request signed by any three (3) of its members.

C. NOTIFICATION

The MGCLERC Chairperson shall cause to have written notification served of the MGCLERC's meeting's time, date and location to all MGCLERC members. This written notification shall be sent via regular U.S. Mail at least seven (7) calendar days in advance of the scheduled meeting date.

D. EMERGENCY MEETINGS

The MGCLERC Chairperson, with the concurrence of any three (3) MGCLERC members or two (2) other members of the Executive Subcommittee, may call an emergency meeting of the MGCLERC. The seven (7) day notification requirement specified in Section V (C) shall be waived for an emergency meeting. The MGCLERC Chairperson shall cause to have an attempt made to provide all members with telephone notification of any emergency meeting.

E. QUORUM

The MGCLERC shall conduct its business only if a majority of its members are in attendance.

F. MINUTES

The minutes of the MGCLERC's meetings shall be a summary of the meeting's proceedings, with specific actions indicated in detail and with the related vote itemized. The minutes shall also indicate those members or alternates in attendance at the meeting.

G. CONDUCT OF MEETINGS

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

VI. SUBCOMMITTEES

A. EXECUTIVE SUBCOMMITTEE

An Executive Subcommittee shall be formed, consisting of the MGCLERC Chairperson, the MGCLERC Vice-Chairperson and each subcommittee chairperson. The Executive Subcommittee shall have at least one (1) representative from the Board of County Commissioners of Greene County and one (1) representative from the Board of County Commissioners of Montgomery County, either of which may be Chairperson, Vice-Chairperson, a subcommittee chair, or a member-at-large.

The MGCLERC Chairperson shall appoint a number of MGCLERC at-large members to cause the Executive Subcommittee to total seven (7) persons in the event the number of mandatory positions are filled by less than seven (7) members.

B. POWERS OF EXECUTIVE SUBCOMMITTEE

Between meetings of the MGCLERC or in the absence of a majority of the MGCLERC members in attendance at a MGCLERC meeting, the Executive Subcommittee may act, subject to control or limitations imposed by prior action of the MGCLERC, on behalf of the MGCLERC on any action, except modification of these by-laws, when it is determined by the Executive Subcommittee that an emergency exists which would affect the effective operation or integrity of the MGCLERC. All actions of the Executive Subcommittee shall be reported to the MGCLERC at its next meeting.

C. OTHER SUBCOMMITTEES

The MGCLERC Chairperson, with the approval of the majority of MGCLERC members in attendance at a meeting of the MGCLERC, may establish those subcommittees deemed necessary for the MGCLERC to conduct its business. The MGCLERC Chairperson shall appoint MGCLERC members to serve on such subcommittees and shall designate one such appointed member to chair each such subcommittee. MGCLERC members may be appointed to more than one subcommittee, and they may also designate alternates to participate in their absence.

D. ABOLISHMENT OF SUBCOMMITTEES

Any subcommittee, excluding the Executive Subcommittee, may be abolished by a majority vote of MGCLERC members in attendance at a MGCLERC meeting.

E. CONDUCT OF MEETINGS

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

F. OTHER

The chairperson of each subcommittee may invite non-MGCLERC members to participate in the subcommittee's activities in order to acquire relevant expertise. Such non-MGCLERC members shall be approved by the subcommittee and shall possess privileges, including voting privileges, which are agreed upon by the subcommittee. All subcommittees shall provide the MGCLERC with minutes of their meetings. The minutes of each subcommittee shall be prepared pursuant to the requirements specified in Section V (F).

VII. INFORMATION COORDINATOR

The MGCLERC Chairperson, with the approval of the majority of MGCLERC members in attendance at a meeting of the MGCLERC, shall appoint an Information Coordinator who shall be responsible for maintaining the MGCLERC'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. The MGCLERC shall appoint/reappoint the Information Coordinator at its organizational meeting.

VIII. COMMUNITY EMERGENCY COORDINATOR

The MGCLERC Chairperson, with the approval of the majority of MGCLERC members in attendance at a meeting of the MGCLERC, shall appoint a Community Emergency Coordinator who shall be responsible for coordinating the development and implementation of the chemical emergency response and preparedness plan of the Montgomery/Greene joint local emergency planning district and for receiving verbal and follow-up written notices of releases of hazardous substances and extremely hazardous substances provided under Section 3750.06 of the Ohio Revised Code. The MGCLERC shall appoint/reappoint the Community Emergency Coordinator at its organizational meeting.

IX. FISCAL OFFICER

Pursuant to Chapter 3750.03 (F) of the Ohio Revised Code, the MGCLERC shall designate either the Montgomery County Auditor or the Greene County Auditor as its Fiscal Officer by majority vote at one of its regular meetings. Such Fiscal Officer shall serve in that capacity until the MGCLERC designates otherwise. Moneys received by the MGCLERC shall be credited to a special emergency planning fund in the treasury of the county whose County Auditor has been designated as the MGCLERC Fiscal Officer. The fund shall be administered by the MGCLERC.

X. LEGAL ADVISOR

Pursuant to Chapter 3750.03 (F) of the Ohio Revised Code, the MGCLERC shall designate either the Montgomery County Prosecutor or the Greene County Prosecutor as its Legal Advisor by majority vote at one of its regular meetings. The Legal Advisor shall provide such services to the MGCLERC as are required or authorized to be provided to county boards under Chapter 309 of the Ohio Revised Code. Such Legal Advisor shall serve in that capacity until the MGCLERC designates otherwise.

The County Prosecutor not designated as the MGCLERC Legal Advisor shall provide assistance to the designated Legal Advisor as necessary. In the event the MGCLERC becomes involved in an enforcement or other legal action against a facility within its planning district, the County Prosecutor of the county in which the facility is located shall take the lead in such enforcement or other legal action against such facility.

XI. SUNSHINE LAW PROVISIONS

- A. All meetings of the MGCLERC shall be open to the public, pursuant to Section 121.22 of the Ohio Revised Code.
- B. The MGCLERC or any of its subcommittees may meet in Executive Session to discuss legal disputes and other matters authorized to remain confidential by Federal, State or local law. Such Executive Sessions may occur only at a regular or special meeting of the MGCLERC. The Executive Session and its general purpose shall be announced in public at meetings of the MGCLERC.
- C. Minutes of MGCLERC meetings shall be recorded. The minutes shall be stored at the office of the Information Coordinator and be available for inspection at said office.
- D. The Information Coordinator shall maintain a listing of meetings scheduled to be held by the MGCLERC and shall provide such listing upon request of the public.
- E. The MGCLERC shall provide the news media with advance notice of all meetings in accordance with procedures outlined in Section 121.22 of the Ohio Revised Code.

XII. BY-LAWS AMENDMENTS

These by-laws may be amended by a sixty percent (60%) vote of the MGCLERC's members.