

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

CONSTITUTION AND BY-LAWS

I. PURPOSE

The Monroe County Local Emergency Planning Committee, hereafter known as MOCOLEPC, is established to implement the provisions of Title III of the Superfund Amendments and Reauthorization Act of 1986: The Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 P.L. 99-499, with local implementation as enacted by the West Virginia Legislature as Charter 15, Article 5A of the West Virginia Code. The Monroe County LEPC shall plan and advise on emergency procedures for an all hazards approach. The Monroe County LEPC shall operate under the National Incident Management System (NIMS) and the Nation Response Framework (NRF).

MOCOLEPC implementation includes the adoption of the provisions of Charter 15, Article 5A of the West Virginia Code, development and exercise of a comprehensive emergency response plan, and the establishment of a program for collection and dissemination of information to the public on hazardous and toxic chemicals in their communities.

These by-laws revisions were adopted by a majority vote of the members present at the regularly scheduled meeting of the MOCOLEPC held on January 10, 2023.

II. OFFICE OF THE MONROE COUNTY LEPC:

The Office of the MOCOLEPC shall be located within Monroe County, in such place as may be designated by the Board of Members.

III. MEMBERSHIP:

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

A. APPOINTMENT AND TERMS:

Candidates for membership on the MOCOLEPC shall be nominated by the Membership Committee through an application process and purpose for approval by the State Emergency Response Committee (SERC). Members shall serve for a term of two (2) years, but may be re-appointed for additional two (2) terms if it is the pleasure of the majority of the members of the MOCOLEPC. Appointment members shall continue to serve until such time as their successor has been appointed and approved by the SERC.

B. NAMES ALTERNATES:

Appointed members are required to submit the name of an individual who may act as a Named Alternate, hereafter known as the Alternate, for that member in the event of an absence of the appointed member. The Alternate will be reviewed by the Chairperson of the MOCOLEPC and the other appointed members will be permitted to act and vote on issues coming before the MOCOLEPC and its subcommittees on behalf of the appointed member. The Alternate shall not be any other appointed member.

C. COMPENSATION:

Members of the MOCOLEPC shall serve without compensation. In the performance of duties outside the realm of regular membership, (attendance of conferences, special training, etc.) members may be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties with prior approval of the membership. Members shall be compensated on projects performed by and for the MOCOLEPC only when the voting member has not voted during the project election process.

D. REMOVAL:

The absence of an appointed member (or his/her alternate) from more than three (3) regularly scheduled meetings of the MOCOLEPC during any given calendar year shall be grounds for removal from membership. The appointed member shall be notified in writing after his/her second absence, and advised



MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

that their membership on the MOCOLEPC is in jeopardy. The removal of an appointed member must be approved by a majority vote of the members at a regularly scheduled meeting of the MOCOLEPC in which a quorum is present. The minutes of the MOCOLEPC meetings will reflect the members present; the members absent and the number of absences per member per calendar year.

E. MEMBERSHIP CATEGORIES:

F. Management and control of the MOCOLEPC is lodged in the membership; members of the MOCOLEPC shall be appointed in accordance with Chapter 15, Article 5-1 of the West Virginia Code. It is not the intent of these By-Laws to limit the number of member representative for each designated category. Membership categories for service on the MOCOLEPC shall include, but not limited to the following:

- G.
- 1/ **Elected Local Officials**
The President of the County Commission
 - 2/ **Law Enforcement**
Monroe County Sheriff or his/her designee
WV Department of Public Safety Representative
Municipal Law Enforcement Representative
 - 3/ **Civil Defense**
Emergency Services Director from Monroe County
as appointed by County Commission
 - 4/ **Firefighters**
Paid or Volunteer Fire Department Chief
Monroe County Fire Association Representative
Volunteer Fire Department Representative

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

- 5/ **Emergency Medical Services**
 - Paid Provider
 - Volunteer Provider
 - American Red Cross Representative

- 6/ **Utilities**
 - Gas Company
 - Power Company
 - Water Company
 - Sewer Company
 - Telephone Company

- 7/ **Health**
 - Monroe County Public Health Director or his/her designee

- 8/ **Local Environmental**
 - Representative to be appointed to represent local environmental interests

- 9/ **Hospital**
 - Hospital Representative

- 10/ **Transportation**
 - Monroe County Board of Education
 - Department of Highways
 - Public Service Commission
 - Airport Representative
 - Railroad Representative

- 11/ **Broadcast and/or Print Media**



MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

Broadcast and/or Print Media Representative

12/ **Facilities**

Representative from chemical facilities which must report to MOCOLEPC

13/ **Community Groups**

Representatives to be nominated by the Membership Committee through an application process. Representative applications should be chosen from local Citizen Action Groups, AARP, and American Red Cross and/or like organizations.

14/ **Citizen Representatives**

Representative to be nominated by the Membership Committee through an application process and approved by the MOCOLEPC.

15/ **Communications Representative**

Monroe County 911 Center

IV. **ADJUSTMENT OF MEMBERSHIP:**

The Board of Directors shall be empowered to alter and change the composition of this membership from time to time as appropriate to meet changing Federal, State or local requirements or regulations, provided that the changed composition of membership complies with all pertinent legal requirements.

V. **BOARD of DIRECTORS:**

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

The Board of Directors of the MOCOLEPC shall consist of a Chairperson, Co-Chairperson, Secretary, Treasurer and (2) Members-At-Large, all of whom shall be elected by a majority vote of the appointed members at the regularly scheduled meeting of the MOCOLEPC held in January of each year. Board of Directors shall serve for a term of two (2) years or until such time as their successor is elected. Length of tenure will follow the calendar year and will be from January through December. One-half (Chairperson, Secretary, and (1) member at large) of the initial board will serve a one-year term in order to stagger board membership. Any vacancy in the Board of Directors (s) created by the resignation and/or removal of the appointed member shall be filled by appointment from the remaining Board of Directors for the remainder of said term. All Board of Directors of the MOCOLEPC shall be a member of the MOCOLEPC in good standing.

A. CHAIRPERSON:

The Chairperson shall preside at all Executive Committee meetings of the MOCOLEPC and shall have the power to call for special meetings of the MOCOLEPC. The Chairperson shall be responsible for preserving order and decorum and submit recommendations and information's he/she may consider proper to promote the welfare and increase the usefulness of the MOCOLEPC, and shall perform any other such duties as are necessarily incident to the Office of Chairperson or as may be prescribed by the MOCOLEPC.

B. Co-CHAIRPERSON:

The Co-Chairpersons shall preside over meetings in their respective areas and provide the Chairperson any assistance required and shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and shall perform any other such duties as may be prescribed by the



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

MOCOLEPC. In case of the resignation or removal of the Chairperson, the Board shall vote to designate the Co-Chairpersons to perform such duties as are imposed on the Chairperson until such time as the remaining MOCOLEPC Board of Directors appoints a new Chairperson.

C. SECRETARY:

The Secretary shall be responsible for conferring with the Chairperson and Co-Chairperson to set the agenda for all regular and special meetings of the MOCOLEPC. The Secretary shall see that records of the meetings and all official actions of the MOCOLEPC are maintained and shall be responsible for all correspondence and notices pertaining to all meetings and membership of the MOCOLEPC. The Secretary shall be responsible for the overall operation/administration of the MOCOLEPC office and sign and/or approve all timesheets for payments of contracted services and shall perform any other duties as prescribed by the membership of the MOCOLEPC. In the absence of the Chairperson and Co-Chairpersons, the Secretary shall preside at all meetings of the MOCOLEPC .

D. TREASURER:

The Treasurer shall maintain documentation of all funds of the MOCOLEPC and shall receive any documentation of monies paid in on the accounts of the MOCOLEPC and shall have documentation on any pay out of the funds on hand all debts incurred by the MOCOLEPC. The Treasurer shall maintain an accurate accounting of all monies received and paid out on account of the MOCOLEPC and prepare a monthly statement of receipts and expenditures for the review of the membership.

E. Members-at-Large:



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

Two members in good standing from the general membership of the MOCOLEPC will be elected to serve on the Board of Directors.

VI. MEETINGS:

A. GENERAL:

All meetings of the MOCOLEPC shall be held at such place as the Board of Directors shall determine and as shall be stated in the notice of such meetings. Regular meetings of the MOCOLEPC shall be held once a quarter with meeting times to be determined by the Board of Directors.

B. QUORUM:

Fifty percent (50%) of the Board of Directors, or no less than four (3) Directors, of the MOCOLEPC shall constitute a quorum. An Alternate, as specified in Section III-B, shall be counted as a member for the purpose of determining a quorum.

C. ADJOURNMENT OF MEETINGS:

If less than a quorum shall be in attendance at the time for which the meeting shall have been called, the meeting may be adjourned from time to time by a majority vote of the members present or represented, without any notice other than announcing at the meeting, until a quorum shall attend. Any meeting at which a quorum is present may also be adjourned, in like manner, for such time or upon such call, as may be determined by vote.

D. REGULAR MEETINGS:



MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

The MOCOLEPC Board of Directors shall, at its last annually scheduled meeting, designate regular meeting dates for the following year. Such dates shall be published, posted or advertised as provided by law.

E. SPECIAL MEETINGS:

Special meetings of the members, for any purpose or purposes, may be called by the Chairperson or any group of 2 members who petition the Chairperson to call a special meeting, and shall be called upon from a requisition in writing thereof, stating the purpose or purposes thereof, delivered to the Chairperson or Secretary.

F. PUBLIC HEARINGS:

In accordance with Chapter 15, Article 5A-7, the MOCOLEPC shall publish annually a notice of Public Hearing to be held for the review and adoptions of the MOCOLEPC Emergency Response Plan for the coming year.

G. VOTING:

Each member is entitled to one vote on each matter brought before the MOCOLEPC. Members may not vote in absentia; however, an Alternate may vote on issues brought before the MOCOLEPC.

H. PUBLIC PARTICIPATION:

Members of the public are encouraged to attend all meetings of the MOCOLEPC. An opportunity will be provided at each meeting for members of the public to address the MOCOLEPC on matters related to local hazardous materials or other emergency preparedness. A member of the public who desires to address a MOCOLEPC meeting may mail a written notice of intent to appear to the MOCOLEPC office and then sign in with the Co-Chairperson at the time and place of the meeting before the meeting begins. Members of the Public who appear at the meeting and wish to address the MOCOLEPC, without prior written



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

notice of intent to appear, will be allowed to do so only after members of the public who have provided written notice have spoken, and, when their comments will not exceed the meeting duration previously set forth in Item A of this section. Members of the public are also encouraged to provide written opinions and information to the MOCOLEPC. Members of the public include, but are not limited to, citizens, industry representatives, expert witnesses and government entity representatives. It is neither the intent nor the purpose of the MOCOLEPC meetings to serve as arbitrator for grievances between the public and the industry and/or government.

I. MISC.

The operating year shall be from January 1 till December 31.

VII. COMMUNITY RIGHT-TO-KNOW PROVISIONS:

In accordance with all applicable Federal, State and local regulations, the MOCOLEPC will reply to any legal request for Community Right-To-Know Information as quickly as possible and within the limits stated in the EPCRA. All requests for information, other than personal review of records, shall be submitted in writing to the office of the MOCOLEPC. Any delay in provision of the requested information will have the reason for such delay conveyed to the requestor within ten (10) working days.

A. COST RETRIEVAL:

1) PHOTOCOPIES:

Photocopies of information requested under the Community Right-To-Know Act and/or under the Public Information Act shall be provided at the rate of twenty-five cents (\$0.25) per page.

2) LABOR



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

Labor above thirty (30) minutes for information request will be provided at the rate of Fifteen Dollars (\$15.00) per hour.

3) **MANUALS:**

Copies of the MOCOLEPC Emergency Response Manual will be located at Monroe County Emergency Management Agency for review. If copies are requested, Section 2 applies.

4) **ELECTRONIC COPIES:**

Electronic copies of information requested under the Community Right-To-Know Act and/or under the Public Information Act shall be provided at the rate of fifteen dollars (\$50.00) per CD (labor/material).

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

VIII. SIGNATURES:

All contracts, invoices and/or other official actions or documents executed by the MOCOLEPC shall be approved and signed by not less than two of the members of the Board of Directors as outlined in Section V above.

IX. SUB-COMMITTEES:

The Chairperson of the MOCOLEPC shall appoint a Committee Chairperson and the necessary committee members to fulfill the duties of the Sub-committees. In addition to the duties outlined below, each Sub-Committee shall provide related services as necessary as possible. The Sub-Committees and their duties shall include, but not be limited to, the following:

A. BY-LAWS COMMITTEE:

- 1) Write and/or revise the By-Laws for approval by the MOCOLEPC members and the West Virginia State Emergency Response Commission.
- 2) Make recommendations for changes in the By-Laws.
- 3) Assure MOCOLEPC compliance with the By-Laws.

B. MEMBERSHIP COMMITTEE:

- 1) Develop and maintain a Membership Application Form to be used in the recommendation/appointment of membership.
- 2) Develop and maintain a Membership Survey Form, to be completed annually by the membership which can be used in determining Sub-Committee membership.



MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

- 3) Update annually and maintain a roster which includes the name, address, telephone number and membership category of all MOCOLEPC members.
 - 4) Recommend new membership nominations to the MOCOLEPC for approval.
 - 5) Seek new members from eligible organizations to fulfill the Membership Categories outlines in Section III, E of these By-laws.
- C. **NOMINATION COMMITTEE:**
Generate a list of candidates for the vacating offices of Chairperson, Co-Chairperson, Secretary, Treasurer, and Member-at-Large at their Mid-Year meeting. Submit this list to the Board of Directors no later than 30 Days Prior to meeting in preparation for the 3rd Quarter meeting elections.
- D. **RISK COMMUNICATION / COMMUNITY OUTREACH COMMITTEE:**
Develop procedures by which public request for Tier II and/or SARA Title III information will be processed.
- 1) Develop and maintain procedures for notification of hazards within the community to the community.
 - 2) Publish public notices of drills, meetings, etc.
 - 3) Complete special communication and outreach programs.
- E. **HAZARD ASSESSMENT AND PLANNING COMMITTEE:**



MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

- 1) Review and update the MOCOLEPC Emergency Response Plan to include new and pertinent information regarding protection of the public in an emergency.
- 2) Hold annual review of the MOCOLEPC Plan.
- 3) Assist in the development procedures for holding drill exercises that will test components of the Emergency Response Plan.
- 4) Assist in the development of a schedule for drill exercises.
- 5) Plan and assist in the development of training for emergency responders and public participation as necessary.

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission

MONROE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE



PO Box 911
Union, WV 24983

XI. AMENDMENT OF BY-LAWS:

Following a minimum of 14 day advance written notice to members of proposed Bylaws changes or amendments, the Bylaws shall be adopted by a vote of the majority of the members voting and present at the time of their proposal for ratification. They shall be in full force and effect immediately upon ratification.

Approved/Adopted 4/13/2023



Monroe County
West Virginia
Local Emergency Planning Commission