

**MARTINSVILLE-HENRY COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE**

**COMMITTEE BY-LAWS**

**ARTICLE 1. – AUTHORITY**

Authority for this organization is granted in U.S. Code Title 42, Section 11001 and implemented through the Virginia Emergency Response Council (Title 44, Section 146.40, Code of Virginia), hereafter called the “Council”.

**ARTICLE 2. – NAME AND PURPOSE**

**Section 1.0     Name**

The name of the organization shall be the “Martinsville-Henry County Local Emergency Planning Committee”, made up of representatives from County of Henry, City of Martinsville, and the Town of Ridgeway, and hereafter called the “Committee”.

**Section 2.0     Purpose**

The purposes of the Committee are:

1. The development of a hazardous materials emergency plan in accordance with U.S. Code Title 42, Section 11003 and the subsequent review, updating, and exercising of the plan.
2. Receipt and storage of emergency notifications of hazardous materials releases in accordance with U.S. Code Title 42, Sections 11002 (c) and 11003 (d).
3. Receipt and storage of safety data sheets, list of such chemicals, or other such materials as the committee accepts as well as hazardous material inventories.
4. Provision of information to the public in accordance with U.S. Code Title 42, Section 11044.
5. Any additions, amendments, or modifications to the above and any additional duties resulting from related laws or regulations.

**Section 3.0     Planning District**

The Committee will only execute its mission within its designated emergency planning district, hereafter called the “District”, as defined by Virginia’s Emergency Response Council. The District encompasses, Henry County, Martinsville City, and Town of Ridgeway.

## **ARTICLE 3. – MEMBERSHIP**

### **Section 1.0 Number of Members**

The membership of the committee is not limited to a specific number of persons; however, the Committee must have a minimum of 12 voting members in keeping with guidance from the Virginia Emergency Response Council.

### **Section 2.0 Membership Composition**

As directed by U.S. Code Title 42, Section 11001, the committee will be composed of persons in good standing with their facility, organizations or community and will include at a minimum of and with each member fulfilling only one membership category:

- Broadcast/Print Media
- Community Groups
- Emergency Management
- Emergency Medical Services
- Environmental
- Firefighting
- Health
- Hospital
- Industry
- Law Enforcement
- Local/state government
- Transportation.

Additional members may be sought to broaden the committee's expertise.

### **Section 3.0 Nomination of Members**

The Committee is a committee of the Commonwealth directly responsible to the Council; U.S. Code Title 42, Section 11001 provides for appointment of all Committee members by the Council. Nominations to the Council for membership may be made by the members of the committee and the governing bodies of the localities, businesses and other entities represented.

### **Section 4.0 Length of Term**

There is no fixed length of term for general members of the Committee

### **Section 5.0 Resignation and Withdrawal**

A member may resign from the Committee upon giving written notice of intent and an effective date to the nominating jurisdiction.

A member may be withdrawn from service on the committee upon the request of the jurisdiction, facility or organization which the member represents.

**Section 6.0 Compensation of Members**

There is no compensation for the members of this committee.

**ARTICLE 4. – OFFICERS AND THEIR SELECTION**

The officers of the Committee may be any committee member and shall consist of a Chair, a Vice Chair, Hazardous Materials Emergency Officer, a Public Information Officer, and a Secretary/Administrative Assistant. The Chair and Public Information Officer are required by U.S. Code 42, Section 11001 (c).

**Section 1.0 Chair**

The Chair shall be elected during the first meeting of the calendar year. Nominations shall be delivered prior to the election meeting, directly to the LEPC Secretary. Additional nominations may be made orally from the members during the election meeting, before the vote is cast. Voting shall be recorded by the Secretary.

Section 1.1 Term of Office

The term of office shall be two (2) years, beginning on June 1 and ending May 31 every second calendar year. A Chair may be re-elected to serve consecutive terms.

**Section 2.0 Vice-Chair**

The Vice-Chair shall be elected during the first meeting of the calendar year. The Vice- Chair will serve an initial term of two years. Nominations for Vice-Chair shall be conducted in the same manner and format as the initial Chair election.

Sections 2.1 Term of Office

The term of office for the Vice-Chair shall be two (2) years beginning on June 1 and ending May 31 of every second calendar year. A Vice-Chair may be re-elected to serve consecutive terms.

**Section 3.0 Hazardous Materials Emergency Officer**

Either the Henry County or City of Martinsville’s Emergency Management Coordinator will be appointed to this position.

Section 3.1 Term of Office

There is no term limit on how long someone may hold this position, however, the Committee, by majority vote, may call for an election of this position.

**Section 4.0 Public Information Officer**

Either the Henry County or City of Martinsville’s Emergency Management Coordinator will be appointed to this position.

Section 4.1 Term of Office

There is no term limit on how long someone may hold this position, however, the Committee, by majority vote, may call for an election of this position.

**Section 5.0 Secretary**

The position of Secretary/Administrative Assistant shall be filled by appointment made by the Chair of the Committee. This person shall continue these services for period of two years, and the Secretary/Administrative Assistant shall be eligible to serve consecutive terms.

**Section 6.0 Resignation**

The Chair, Vice Chair, Hazardous Materials Emergency Officer, or the Public Information Officer may resign after giving a thirty (30) day written notice to the Secretary.

**ARTICLE 5 – DUTIES OF OFFICERS**

**Section 1.0 Duties of the Chair**

The Chair shall:

1. Preside at meetings.
2. Rule on all procedural questions (subject to a reversal by a two-thirds majority vote of the members present).
3. Be informed of any official communications and report same at the regular meeting.
4. Represent the Committee before the respective jurisdictions, except when this responsibility has been delegated to an appropriate official or Committee member.
5. Carry out other duties as assigned by the Committee.
6. Interact with the Emergency Response Council as appropriate.
7. Delegate duties to designated members as needed.

**Section 2.0 Duties of the Vice Chair**

The Vice Chair shall:

1. In the absence of the Chair, will preside at meetings.
2. Assist the Chair during meetings as requested.
3. Represent the Committee in an official capacity as requested by the Chair.
4. Carry out other duties as assigned by the Chair and/or Committee.

**Section 3.0 Duties of the Hazardous Materials Emergency Officer**

The Hazardous Materials Emergency Officer (HMEO) is the designated recipient for all

materials submitted to the Committee under U.S. Code Title 42, Sections 11002 (c) and 11003 (d). This person shall:

1. Be the individual acting for the committee to receive the initial emergency release notification and subsequent follow-up notification.
2. Report on such events to the Committee and receive reports from the emergency responders as to the implementation of the hazardous materials emergency plan.
3. Report to the Committee on the adequacy of the storage facilities and information access procedures adopted by the Committee.
4. All Correspondence addressed to the committee shall be sent to the Henry County Department of Public Safety at 1024 Dupont Road, Martinsville, VA 24112 to be filed or distributed to individuals or agencies as appropriate.
5. Retrieve all correspondence in a timely manner.
6. Respond as appropriate to correspondence.
7. Correspondence between the HMEO and SARA facilities will be by online reporting to the regional reporting system.
8. Bring correspondence of significance to the attention of the Chair for presentation to the Committee.
9. Inform the public of information availability, public hearings, comment periods on the hazardous materials emergency plan, and Committee meetings.
10. File and maintain all Committee archives in coordination with Secretary.
11. Delegate duties to designated personnel.

#### **Section 4.0 Duties of the Public Information Officer**

The Public Information Officer shall be responsible for the following Committee activities:

1. Shall be the media liaison representative for the Committee for providing media releases, interviews, and other interaction with the press as required.
2. Work with the Hazardous Materials Emergency Officer to provide the public with information regarding Superfund Amendments and Reauthorization Act (SARA) reports.
3. Work with local officials during actual emergencies to coordinate and assist in public relations and press releases related to an incident.
4. Act to mediate the release of information in conflict with the trade secret clause of the Right-to-Know Act.
5. Delegate duties to designated personnel.

#### **Section 5.0 Duties of the Secretary/Administrative Assistant**

The Secretary will:

1. Keep Committee minutes, recording motions made, names of persons making and seconding motions, and consensus decisions.
2. Record attendance at Committee meetings.
3. Coordinate meeting agendas with the Committee Chair.
4. File and maintain all Committee archives in coordination with HMEOs.
5. Establish and maintain a working relationship with the Committee Chair and Vice-Chair.
6. In the absence of the Chair and Vice-Chair, will preside at meetings.
7. Maintain a current roster of each agency or individual contact serving on the committee.

## ARTICLE 6 – MEETINGS

### **Section 1.0 Regular Meetings**

There shall be a regular meeting of the Committee held annually, with the meetings being on the third Tuesday of May, beginning at 10:00. Date and time of the meetings may be adjusted by the Committee. The chair may call other meetings as needed to conduct business of the committee.

### **Section 2.0 Emergency Meetings**

Emergency meetings shall be called at the request of the Chair or at the request of any 4 members of the Committee who were in attendance at the previous meeting. Notice of any emergency meeting shall be given to each member as soon as practical prior to such a meeting.

### **Section 3.0 Quorum**

A quorum to conduct business shall consist of 6 or more of the statutory required Committee members.

### **Section 4.0 Open to Public**

Meetings shall be open to the public.

### **Section 5.0 Meeting Notices**

The Committee must comply with the Commonwealth of Virginia's Freedom of Information Act (Title 2.2, Chapter 37); accordingly, meeting notices will be posted on both jurisdictions' emergency management websites. All meeting dates will be added at least 3 days prior to the meeting. Notices for Emergency Meetings will be posted as soon as practical.

## ARTICLE 7 – ORDER OF BUSINESS

The Order of Business will be as follows:

1. Call to Order by the Chair –Pledge
2. Public address
3. Approval of the Agenda
4. SARA (Facilities/Reporting) Update
5. Approval of the Minutes
6. Old Business
7. New Business
8. Program or Education
9. Adjournment

## **ARTICLE 8 – VOTING**

### **Section 1.0 Chair May Vote only in the event of a tie vote by the membership**

All members of the Committee who are present are entitled to a vote with the chair only voting in the event of a tie vote by the membership present.

### **Section 2.0 Weighing of Votes**

All Committee members have an equal vote in Committee decisions.

### **Section 3.0 Passage of a Motion**

Any motion is carried if a majority of those present vote in favor.

### **Section 4.0 Voice Vote**

All voting is by voice vote—simple “aye” or “nay.” On the request of the Chair, a confirmation of the vote by roll call or by show of hands may be requested. Officer election votes will be cast by secret ballot.

## **ARTICLE 9 – COMMUNITY RIGHT-TO-KNOW PROCEDURES**

Title 42, Section 11001 (c) of the U.S. Code requires public notification of Committee activities, as does the Virginia Freedom of Information Act code of Virginia§ 2.2-3707.

### **Section 1.0 Public Notification of Committee Activities**

Public notification of Committee activities will in general consist of posting within a prominent public location at which notices are regularly posted and in the office of the clerk of the public body at least three (3) days prior to the meeting. The notice will include the date, time, place and nature of the Committee activity as well as a point of contact for further information.

#### **Section 1.1 Responsibilities of Public Notification**

It is the responsibility of the Chair to ensure the posting of such notices.

#### **Section 1.2 Public Hearings and Comment Periods**

A legal notice shall be placed in a paper of local circulation two weeks prior to the hearing. The notice will include the date, time, place and nature of the public hearing as well as a point of contact for further information.

#### **Section 1.3 Plan Availability**

Public notification of the availability of the All-Hazards Emergency Operations

Plan will consist of a continuous display on both jurisdictions' emergency management websites. All meeting dates will be added at least 3 days prior to the meeting.

#### Section 1.4 Meetings

See Article 6, Section 5.

### **Section 2.0 Public Hearing to Discuss Plan**

Prior to the finalization of the hazardous materials emergency plan, or any subsequent amendments, the Committee will hold a Public Hearing to receive comments on the Plan.

### **Section 3.0 Public Comments Receipt and Response**

A period of two weeks prior to a public hearing will be provided for receipt of formal comments of the draft plan. Informal input will be accepted from the public-at-large, member jurisdictions and the emergency response community at any time.

#### Section 3.1 Comment Review

Comments received during the comment period, and at the public hearing, will be assessed by the Committee, or its designees, for merit and practicality. Those comments deemed appropriate will be incorporated into the plan.

#### Section 3.2 Comment Response Document

All comments will be assessed, and a written response provided through a comment response document. This document will be available for review on both jurisdictions' emergency management websites.

### **Section 4.0 Distribution of the Plan**

The plan will be distributed to:

1. Town and County administrators;
2. All fire and rescue companies within the District;
3. All Police and Sheriff's departments within the District;
4. The Virginia Department of Emergency Management; and
5. Covered Facilities and appropriate partnering agencies.

### **Section 5.0 Receiving and Processing Information Requests**

U.S. Code Title 42, Section 11044 provides for the public availability of the materials submitted to the Committee and plans developed by the Committee. Section 11022 (e) of this same Code provides for the availability of chemical inventory forms (Tier II) through the Committee.

#### Section 5.1 Information Location



The information available to the public will be available at the following locations:

1. Plans and Comment Response Documents will be available at the Library branches within the Planning District.
2. Safety Data Sheets, lists of materials or other documents acceptable to the Committee, hazardous materials inventory forms, release notifications, and follow-up release reports will be available at the Henry County Department of Public Safety.

#### Section 5.2 Section 11044 Information Request Procedures

The following are the procedures to be used by the public to access the information available to them under Section 11044:

1. All information requests shall be made to the Martinsville-Henry County LEPC.
2. Information will be provided in a manner consistent with the Virginia Freedom of Information Act (Title 2.2, Chapter 37) and at a rate commensurate with the cost of providing information.

#### Section 5.3 Section 11022 (e) Information Request Procedures

The following are the procedures to be used by the public to access the information available to them under Section 11022 (e):

1. Tier II information on file will be provided in the manner described for Section 11044 information in Section 5.2.
2. If the information is unavailable from existing submissions, the Emergency Management Coordinator or a designee will contact the facility by letter within one week, requesting the information is sent to the requesting individual within 30 days and a copy of the response be forwarded to the Committee.

### **ARTICLE 10 – OTHERWISE NOT COVERED**

#### **Section 1.0 Rule of Order**

Unless otherwise stated, the Committee will operate under Roberts Rules of Order.

#### **Section 2.0 Amendments**

These by-laws may be changed by a recorded two-thirds vote of the members present in a meeting of the Committee after the intent of proposing such amendment has been announced to the entire committee at least 30 days prior to the meeting.