BY-LAWS

City of Detroit Local Emergency Planning Committee

Adopted by the Detroit Local Emergency Planning Committee in March 2007
Amended By-laws adopted by the Detroit Local Emergency Planning Committee in December 2010

ARTICLE I

AUTHORITY

The City of Detroit Local Emergency Planning Committee (DLEPC) has adopted these By-laws pursuant to the authority provided under the Superfund Amendments and Reauthorization Act 1986 (SARA), Title III, and Emergency Planning and Community Right-to-Know, enacted by Congress on October 17, 1986.

By law, the Michigan Citizen-Community Emergency Response Coordinating Council (MCCERCC) must designate emergency planning districts. The Council has established a policy whereby municipalities of 10,000 or more in population, which have created Emergency Management programs under Public Act 390, the Michigan Emergency Management Act, may petition the Council to be designated as an emergency planning district under SARA Title III. The City of Detroit has been designated as an Emergency Planning District separate from the Wayne County Local Emergency Planning Committee and has established a Local Emergency Planning Committee for Detroit.

ARTICLE II

ORGANIZATION

2.1 NAME
The name of the committee shall be the City of Detroit Local Emergency Planning Committee.

2.2 JURISDICTION
The jurisdiction assigned to the DLEPC by the State authorized Council to manage the Emergency Planning Committee and Community Right-to-Know Commission is the City of Detroit.

2.3 STATUS OF COMMITTEE
The DLEPC shall operate as a government entity pursuant to and in accordance with all applicable laws, regulations and ordinances. The City of Detroit having a Public Act 390 program managed by the Detroit Office of Homeland Security & Emergency Management shall work in collaboration with the DLEPC.

- Elected state and local officials (e.g., mayor, state representatives, board of commissioners)
- Law enforcement (e.g., police, sheriff, MSP post commander)
- Civil defense (e.g., local emergency management coordinator)
- Fire-fighting (e.g., fire marshal, fire chief, fire trainer)
- First aid and health (e.g., EMS, health department)
- Local environment (e.g., local Sierra Club, Audubon Society, etc.)
- Local hospital
- Transportation personnel (e.g., local trucking or rail company)
- Broadcast or print media (e.g., newspaper reporter)
- Community groups (e.g., neighborhood association, service clubs)
- Owners/operators of facilities subject to the reporting requirements of SARA Title III

4.2 NOMINATIONS

Membership to the DLEPC shall be by nomination of the Mayor of the City of Detroit and/or his/her designee. The Mayor shall submit the name, address and organization of the nominees to the MCCERCC for approval.

4.3 APPOINTMENT

Membership to the DLEPC shall be by appointment of the MCCERCC.

4.4 TERMINATION

A Committee member no longer able to serve on the DLEPC should submit a letter of resignation to the Chairperson who will inform the Committee, Mayor and the MCCERCC of any membership changes.

A Committee member in jeopardy of dismissal from the DLEPC will receive notice from the Chairperson of their membership status. The member can submit a written petition to the Committee requesting to remain on the DLEPC. The DLEPC, by majority vote, may decide to suspend the dismissal after consideration of the petition.

The DLEPC may recommend to the Mayor the removal of a Committee member by a two-third (2/3) vote of the membership. Upon approval by the Mayor, the Chairperson will send a letter to the member advising him/her of their dismissal from the Committee.

ARTICLE V

MEETINGS

5.1 SCHEDULE

The DLEPC shall, at a minimum, hold regular quarterly meetings at a time convenient for most members and in accordance with the latest edition of Robert's Rules of Order, except as otherwise provided. An annual meeting schedule will be provided to the DLEPC members at the 4th quarter meeting for the upcoming New Year. The meetings will be held in accordance with the SARA Title III Act and the Michigan Open Meetings Act of 1976.

5.2 MEETING ATTENDANCE

All members of the DLEPC are expected to attend the regularly scheduled meetings of the Committee. In the event a member is unable to attend, the organization to which that member represents may designate a substitute representative for that particular meeting upon notice to the Chairperson or his/her designee.

A member may be excused from a meeting for good cause and upon notification of their intended absence to the Chairperson or his/her designee. Except for excused absences, if a member fails to attend two (2) or more consecutive meetings within a calendar year, s/he shall be subject to termination from the committee.

Notice of the regular quarterly meetings of the DLEPC shall be posted on the bulletin board located on the first floor of the Coleman A. Young Municipal Center at least 10 days prior to the meeting.

5.4 SPECIAL MEETINGS

Special meetings of the DLEPC may be called by the Chairperson, Vice-Chairperson, or upon written request of at least four (4) members of the DLEPC to resolve urgent or important business of the DLEPC.

5.5 QUORUM

The presence of one fourth (1/4) or more of the members of the DLEPC shall constitute a quorum for the meeting. A substitute representative shall be counted when calculating the presence of a quorum.

5.6 VOTING

DLEPC members or their substitute representative shall be entitled to one vote. When necessary, DLEPC members may be asked to cast an electronic vote on matters requiring attention before the next regularly scheduled meeting. Voting by proxy shall not be permitted. Decisions or questions before the Committee shall be decided by majority vote of the members present.

5.7 PUBLIC COMMENT

Members of the public are encouraged to attend all regular and special meetings of the DLEPC. An opportunity will be provided at each meeting for members of the public to address the DLEPC on matters relative to SARA Title III, Emergency Planning and Community Right-to-Know Act of 1986.

Members of the public who appear and wish to address the DLEPC will be allowed to speak no longer than three (3) minutes per person. The public is also encouraged to mail correspondence and other materials to the Chairperson at the mailing address provided above.

ARTICLE VI

OFFICERS

The following officer shall be appointed by the Mayor and/or his/her designee:

- Chairperson

The DLEPC shall elect by a two-third (2/3) vote of the membership the following officers, who will serve a two-year term:

- Vice-Chairperson
- Secretary
- Coordinator of Information

6.1 CHAIRPERSON

The Chairperson shall preside at all meetings of the DLEPC, approve meeting agendas and fulfill other required obligations on behalf of the DLEPC. The Chairperson will be a non-voting member except in a tie-breaking situation.

6.2 VICE-CHAIRPERSON

At the request of the Chairperson or in the absence or disability of the Chairperson, the Vice-Chairperson shall perform any and all duties of the Chairperson. The Vice-Chairperson shall also have such powers and perform duties that may be assigned from time-to-time by the DLEPC.

6.3 SECRETARY

The Secretary of the DLEPC shall be responsible for securing the meeting location, preparing the meeting minutes and agenda, and distributing correspondence addressed to the DLEPC.

6.4 COORDINATOR OF INFORMATION

The Coordinator of Information shall be responsible for processing information requests from the public. This includes dissemination of Safety Data Sheets submitted to the DLEPC.

6.5 LOCAL EMERGENCY MANAGEMENT COORDINATOR

The LEPC's Organizing for Success Handbook developed by the State of Michigan recommends that this position be filled by the local Emergency Management Coordinator. The local Emergency Management Coordinator for the City of Detroit will work in coordination with a Hazardous Materials specialist from the Detroit Fire Department to accomplish the following duties and responsibilities:

- Ensure submission of 302 off-site emergency response plans to the Michigan State Police, Emergency Management and Homeland Security Division, District Coordinator for Region 2 South to begin the review process.
- Receive notification of hazardous materials releases and spills that occur in the City of Detroit on behalf of the DLEPC.
- Maintain a record of submitted Safety Data Sheets.

6.6 LOCAL FIRE DEPARTMENT REPRESENTATIVE

To accomplish a primary responsibility of the DLEPC, the required position from the Fire discipline shall be filled by a Hazardous Materials specialist from the Detroit Fire Department. This position will be tasked with the following duties and responsibilities:

- Coordinate the development and implementation of site-specific hazardous materials emergency response plans.
- Make determinations necessary to implement the plans in conjunction with facility coordinators.
- Receive notification of hazardous materials releases and spills that occur in the City of Detroit on behalf of the Detroit Fire Department.
- Maintain a record of submitted Safety Data Sheets.
- Identify non-compliant facilities, direct the facility owner or operator to the requirements under Michigan SARA Title III Program, and issue a written deadline for compliance. If the facility fails to meet the deadline, notify the Michigan SARA Title III Program.

6.7 VACANCIES

In the event of a vacancy of any office or organization, the DLEPC shall take the necessary steps, in accordance with these by-laws to move swiftly to fill the vacancy.

6.8 REMOVAL FROM OFFICE

An officer can be removed from office if s/he fails to attend two consecutive meetings within a calendar year without an excused absence or fails to perform in the best interest of the DLEPC. The steps outlined above under the sub-section Termination will be followed to remove a person from office.

ARTICLE VII

SUB-COMMITTEES

7.1 STRUCTURE and MEETINGS

Sub-committees shall be established as deemed necessary by the DLEPC to carry out its duties and responsibilities. The sub-committee shall select a chairperson from amongst its members and schedule its meetings to occur prior to the regular quarterly meeting of the DLEPC. Meetings shall be called by the sub-committee chairperson with a minimum of a seventy-two (72)-hour notice to its members and twenty-four (24)-hour notice for an emergency meeting.

7.2 QUORUM

The presence of ½ of the sub-committee members at a meeting shall constitute a quorum.

7.3 REPORTING REQUIREMENTS

Each sub-committee shall identify goals and objectives, and submit a committee roster to the DLEPC chairperson. The sub-committee chairperson shall submit a written report to the DLEPC chairperson seven (7) days prior to the regularly scheduled meeting.

ARTICLE VIII

ADMINISTRATION OF THE BY-LAWS

8.1 PROCEDURES TO AMEND THE BY-LAWS

These by-laws may be amended by a two-third (2/3) majority vote of the DLEPC membership present at any regular or special meeting of the DLEPC. A written notice containing the proposed amendment(s) shall be sent to the membership at least ten (10) days in advance of the scheduled date to vote on the amendment(s).

8.2 DISTRIBUTION OF BY-LAWS

A copy of these by-laws and any subsequent amendments shall be provided to the Mayor of the City of Detroit, the MCCERCC, and the membership of the DLEPC.

8.3 ENACTMENT OF BY-LAWS

These by-laws shall be effective immediately upon adoption by a two-third (2/3) majority vote of the DLEPC membership.

ADOPTED BY THE DETROIT LOCAL EMERGENCY PLANNING COMMITTEE

On this 15th day of November, 2016.

DLEPC Chairperson

DLEPC Vice-Chairperson

Director, Detroit Office of Homeland Security & Emergency Management