



# FLORIDA STATE EMERGENCY RESPONSE COMMISSION POLICIES FOR LOCAL EMERGENCY PLANNING COMMITTEES

(Revised 04/16)

## I. APPOINTMENT

A. Local Emergency Planning Committees (LEPCs) must have representatives from the following occupational categories, as required in Section 301 (c) of the Emergency Planning and Community Right-To-Know Act (EPCRA):

1. elected state and local officials
2. law enforcement;
3. emergency management
4. firefighting;
5. first aid;
6. health;
7. local environmental;
8. hospital;
9. transportation personnel;
10. broadcast and print media
11. community groups;
12. facility owners and operators
13. interested citizens;
14. non-elected local officials; and
15. water management district representatives.
16. local option
17. education

There should be a continued good faith effort on behalf of the LEPC chairperson to ensure that all of the occupational categories are represented on the LEPC.

B. For the purpose of appointment, the State Emergency Response Commission (SERC) has defined “Interested Citizen” as “a person who resides in the emergency planning district for which appointment is sought to the LEPC, and who is interested in the emergency planning process, but who does not otherwise represent those groups or organizations designated by state and federal law.”

C. For the purpose of appointment, Water Management District (WMD) representatives can be staff or board members of the five established WMDs. Membership in this category is limited to one member. An effort should be made to encourage a separate representative for each LEPC.

D. Two types of appointments will be considered for the LEPCs:

1. Regular Appointments – Recommendations for appointments of members and alternate members to an LEPC must be directed to the Compliance Planning Section from the LEPC chairperson. These recommendations must be made in writing and/or submitted via electronic mail. LEPC nominations will be considered at the next scheduled SERC meeting. **All appointments must be approved by the SERC.**
2. Fast-Track Appointments – The SERC chairperson, or alternate chairperson, may fill vacancies on an “interim basis” until the SERC has an opportunity to review and approve the recommendations. However, this appointment method shall only be used when extenuating circumstances warrant. The recommendations can be made by telephone, but will require written follow-up and/or may be submitted electronically. The SERC chairperson, or alternate chairperson, shall respond within ten days of receiving an oral or written request for recommendation.

E. LEPC members and alternates shall be appointed for a two-year term.

1. SERC will re-appoint all existing LEPC memberships for additional two-year terms each July of all even-numbered years.
2. In the event the SERC does not act on biennial appointments prior to July 1, all appointments will remain in effect until the SERC takes official action.
3. All members may be re-nominated and re-appointed through the SERC’s biennial appointment process.

F. A member may recommend an individual to serve as his/her alternate. With the exception of the elected state or local officials category, the alternate must represent the same occupational category as the primary member. A member in the elected state or local officials category may recommend his/her aide or a district staff member to serve as his/her alternate. The member’s recommendation must be made in the form of a letter to the LEPC chairperson. An LEPC chairperson shall recommend alternate nominations to the SERC in the same manner as regular appointments. All alternate nominations shall be accompanied by the primary member’s initial written request. The SERC shall review and consider recommendations for alternates at its next scheduled SERC meeting.

1. It will be the responsibility of the LEPC Coordinators to inform the alternates of meeting dates, and to provide them with pertinent meeting materials.
  2. If both the member and the alternate are present at a meeting, the member has one vote; the alternate has no vote.
  3. If the primary resigns and is not immediately replaced, the alternate becomes the primary member. If the state or local official resigns and they have chosen their aide as their alternate, the aide is automatically removed with the primary.
  4. An alternate member may not serve as an officer of the LEPC.
- G. The LEPC chairpersons and vice-chairpersons shall serve a two-year term and be elected in accordance with “Roberts Rules of Order.” New LEPC chairpersons and vice-chairpersons shall be elected at the first organizational meeting following biennial appointments. The former chairperson shall serve as interim chairperson until said meeting is held and elections can be conducted.
- In the event that a chairperson resigns or is removed from the LEPC, the vice-chairperson shall preside until a new chairperson can be elected.
- H. The maximum size of the LEPC and the maximum size of the occupation category is up to the discretion of the LEPC.
- I. LEPCs can establish “Technical Advisory Workgroups” consisting of volunteers that will provide assistance to the LEPC in a variety of areas (i.e., planning, public outreach). Non-appointed workgroup members do not have LEPC voting privileges.
- J. Nine members constitute a quorum count.
- K. There should be a continued good faith effort on behalf of the LEPC chairperson to ensure district wide representation on the LEPC.
- L. When an LEPC member changes occupational categories, he/she must notify the LEPC chairperson. Upon doing so, the LEPC member’s appointment will be reviewed. The LEPC chairperson may then recommend to the SERC chairperson that the member be appointed to another occupational category, if appropriate.

## **II. RESIGNATION AND TERMINATION PROCESS**

- A. When an LEPC member provides written notice of resignation to the LEPC chairperson, or to the SERC, that member will be removed by the SERC.
- B. In the event written confirmation of a resignation is unobtainable, a verbal confirmation from the member or the chairperson of an LEPC to the SERC will be acceptable.
- C. Attendance policies are at the discretion of the LEPC.
- D. If a member is recommended for removal from an LEPC by the above process, or for any other reason, the SERC will send a letter to that LEPC member identifying the reasons for removal.

## **III. CODE OF CONDUCT**

- A. All members of the LEPCs shall be advised of the provisions of the Florida Code of Ethics for Public Officers and Employees (Sections 112.311 et seq., Florida Statutes) and provided written information regarding their responsibilities thereunder:
  - 1. to avoid conflicts of interest;
  - 2. to avoid using Committee membership for private gain;
  - 3. other requirements of the Code of Ethics.
- B. All members of the LEPCs shall be expected to adhere to the provisions of the Florida Code of Ethics for Public Officers and Employees.
- C. All members of the LEPCs shall to adhere to Florida Statute 286 Sunshine Law and Florida Statute 119 Public Meetings.
- D. All members of the LEPCs shall to conduct themselves in the relationship to the Committee, in a manner so as to not disrupt any meeting, operation, or proceeding, and so as not to improperly interfere with the fulfillment of the mission and responsibilities of the Committee.
- E. Violations of the provisions of the Code of Ethics shall be handled in the manner provided in Chapter 112, Part III, Florida Statutes. Non-ethical violations of the LEPC Membership Code of Conduct shall be referred to the SERC utilizing the following procedures:
  - 1. Any complaint regarding a non-ethical violation of the LEPC Membership Code of Conduct shall be expressed in a petition

endorsed by a minimum of three members of the pertinent LEPC. The petition shall be in writing, addressed to the LEPC chairperson shall set forth in detail the facts which indicate a need for removal of a Committee member (the affected member) and be signed by all petitioners.

2. Following the receipt of the petition, the LEPC chairperson shall schedule the item at the next regularly scheduled LEPC meeting to consider the petition. On or before scheduling said meeting, the chairperson shall provide a copy of the petition to the affected member and each member of the Committee, with a notice regarding said special meeting or session, and advising the affected member and the petitioners to appear to discuss the charges set forth in the petition.
3. The LEPC shall act on the petition and forward its recommendation to the SERC chairperson. A recommendation for removal of the Committee member must pass by a majority vote of those LEPC members present.
4. The affected member may submit a written response to the SERC chairperson, which shall be distributed to the SERC membership.
5. At the SERC meeting at which the petition is considered, SERC staff shall present the position of the petitioners. Any questions by members of the SERC shall be referred to the petitioners, answered by the affected member or by SERC staff. The affected member may then present a response to the petition and answer any questions by members of the Committee. Both the representative of the petitioners and the affected member may ask questions of one another.
6. Should the affected member of the petitioners refuse or fail to appear, the SERC may consider the available evidence and reach a decision.
7. The SERC shall decide the matter of removal following its review and consideration of all the evidence presented to it, on motion duly seconded, made by the representative of the petitioners. If said motion is not made or seconded, the proceedings shall terminate without further action. The motion to recommend removal must pass by the affirmative vote of  $\frac{3}{4}$  or more of those SERC members present.