

LINCOLN COUNTY
Local Emergency Planning Committee
Tuesday, September 20th, 2016 at 10:00 a.m.
Room 248, Lincoln County Service Center

AGENDA

1. Call Meeting to Order
2. Approve Minutes of Previous Meeting
3. Facilities Update and State - Emergency Planning and Community Right-to-Know Act (EPCRA) Facilities Report
4. Spill reports
5. HAZ-MAT Equipment Grant
6. HAZ-MAT Training – Update
7. LEPC requirements for POW
 - a. Review/update bylaws and approve
 - b. Publish Annual EPCRA Public notice
 - c. Membership submission
8. Next Meeting Date (December or January 2016/2017)
9. Adjourn

DISTRIBUTION: Jeff Kraft (electronically), Robert Pound (electronically), Shelley Hersil (electronically), Chief Dave Savone (electronically), Chief Ken Neff (electronically), Sheriff Jeff Jaeger (electronically), Mayor William Bialecki (electronically), Robert Lee (electronically), Chief John Peeters (electronically), Mayor Steven Taskay (electronically), Cory Arndt (electronically), Kathy Tobin (electronically), Lane Kimble (electronically)

Administrative Coordinator

Other County Board Supervisors

Department Heads

News Media – Notified on _____ at _____ m. by _____

Bulletin Boards:

Courthouse – Posted on _____ at _____ .m. by _____

Service Center – Posted on _____ at _____ .m. by _____

Tomahawk Annex – Posted on _____ at _____ .m. by _____

There may be a quorum of other Lincoln County committees present at this meeting.

Requests for reasonable accommodations for disabilities or limitations should be made prior to the date of this meeting. Please do so as early as possible so that proper arrangements can be made. Requests are kept confidential.

GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

MANNER OF NOTICE:

Date, time, place, and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to give notice to the public.

TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is a good cause that such notice is impossible or impractical.

EXEMPTIONS FOR COMMITTEES AND SUB-UNITS:

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful meeting to act or deliberate upon a subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place, and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded, and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Deliberation of judicial or quasi-judicial matters. Sec. 19.85(1)(a)
2. Considering dismissal, demotion, or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation, or performance evaluation data of any public employee. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(c).
6. Considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public would likely have an adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f).
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session with twelve (12) hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.
3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.

BALLOTS, VOTES, AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

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Lincoln County Emergency Management

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❖ I) **NAME:**

The name of this organization shall be the “Lincoln County Local Emergency Planning Committee”, hereinafter referred to as the Lincoln County "LEPC".

II) **PREFACE:**

The Lincoln County Local Emergency Planning Committee (LEPC) serves the Lincoln County Local Planning District which was established by the Wisconsin State Emergency Response Commission on July 17, 1987. The LEPC was confirmed on September 9, 1987 by the State Emergency Response Committee. These rules of operation are promulgated under directive of SARA, Title III, Section 301(c).

❖ III) **INTRODUCTION:**

- ❖ Federal Legislation enacted the Superfund Amendments and Reauthorization Act, Title III (SARA Title III) which is also known as the “Emergency Planning and Community Right to Know Act”. SARA Title III requires states to adopt local emergency planning districts and create a State Emergency Response Commission. Wisconsin legislation created the Wisconsin State Emergency Response Board (SERB). The SERB established local emergency planning districts which coincide with county jurisdictional

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boundaries on July 17, 1987. The LEPC was confirmed by the SERB on August 13, 1987. SERB was eliminated on June 30, 1997 and changed to Wisconsin Emergency Management (WEM), which is under the Department of Military Affairs. Counties were required to create a local Emergency Planning Committee (LEPC) in accordance with SARA Title III to oversee the hazardous materials planning and community right to know functions. These rules of operation are promulgated under the directive of SARA, Title III, Section 301(c).

IV) PURPOSE:

The purpose of the LEPC By-Laws have been developed and formatted from the following mandates to protect the community from harmful effects of hazardous substance releases. The Lincoln County Local Emergency Planning Committee (LEPC) purpose is to develop policies and procedures concerning hazardous releases and to review claims for reimbursement associated with these releases in accordance with:

- ◆ Emergency Planning and Right-to-Know Act (EPCRA) of 1986, Superfund Amendment Reauthorization Act (SARA), Title III, 42 U.S.C. 11001-11050
- ◆ Sec. 323.14, Wis. Stats. Local government; duties and powers
- ◆ Sec. 323.60, Wis. Stats. Hazardous substances information and emergency planning
- ◆ Sec. 59.54(8), Wis. Stats. Local Emergency Planning Committee
- ◆ Lincoln County Code of Ordinances - Citizen Appointment to Committees (1.18) and County Local Emergency Planning Committee (6.03)

V) DEFINITIONS:

“Committee” means a local emergency planning committee created pursuant to sec. 59.54(8), Wis. Stats.

“County Emergency Management Committee” means the committee created under sec. 323.14(1)(a)3, Wis. Stats.

❖ VI) DUTIES AND FUNCTIONS:

The function of the Committee shall include, but is not limited to the preparation of an emergency response plan that shall include but is not limited to the requirements of SARA Title III.

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DUTIES OF COMMITTEES. (323.60(3), Wis. Stats) A committee shall do all of the following: (a) Carry out all requirements of a committee under the federal act. (b) Upon receipt by the committee or the committee's designated community emergency coordinator of a notification under sec.323.60 (5)(b), Wis. Stats. of the release of a hazardous substance, take all actions necessary to ensure the implementation of the local emergency response plan. (c) Consult and coordinate with the county board, the county and local heads of emergency management designated under sec. 323.14(1)(a)-2 or (b)2, Wis. Stats. and the county emergency management committee designated under sec. 323.14(1)(a)3, Wis. Stats. in the execution of the local emergency planning committee's duties under this section.

❖ VII) MEMBERSHIP:

1) The County Board Chair, subject to confirmation by the County Board, shall make appointments to the committee at the County Board meeting following the Board organizational meeting in even-numbered years for a term of two years. Consistent with SARA Title III, sec. 301(c), membership shall include at least one representative from each of the following disciplines:

❖ a. Elected state & local officials

b. Law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital and transportation personnel

c. Broadcast and print media

d. Community groups

e. Owners & operators of facilities subject to the requirements of law

2) Alternates: Each member of the LEPC may nominate one Alternate Member from his/her discipline who, upon confirmation by the LEPC and SERB, shall be entitled to attend and participate in all meetings of the LEPC. Alternate Members may not vote on LEPC matters unless the LEPC member (for whom he/she serves as alternate) is absent.

3) Automatic Membership: Persons holding the following positions shall be considered standing members of the LEPC (for the duration of the time he/she holds the position): Emergency Management Director, City of Merrill Mayor, City of Tomahawk Mayor, City of Merrill Fire Chief, City of Merrill Police Chief, City of Tomahawk Fire Chief, NTC Fire Science Instructor, Merrill Chamber of Commerce Representative, 35th District Assemblyperson.

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- 4) Vacancies: Should vacancies occur, the unexpired term of the vacant position on the LEPC may be filled by recommendation from the LEPC chairperson to the Lincoln County Board Chairperson for appointment as outlined above.

❖ VIII) LEPC OFFICERS:

1) Chairperson and Vice-chairperson

Subject to the requirements of SARA Title III, sec. 301(c), the committee will elect a Chairperson and Vice-chairperson for a term of two years unless replaced earlier according to the terms of these by-laws. Elections for these two offices shall be held at the June meeting of the LEPC in even numbered years. The term of office shall commence immediately upon election and expire upon election of a successor. LEPC meetings will be presided over by the Chairperson who must be a member of the LEPC. The chairperson will hold only one elected position in the LEPC.

The Vice-chairperson will carry out the duties and responsibilities in the absence of the Chairperson and will hold only one elected position in the LEPC. In the event the Chair and Vice-chair are absent and there is a quorum, a Temporary Chairperson may be elected by members present to Chair the current meeting.

3) Coordinator of Information

In accordance with the requirements of SARA Title III, Sec. 301(c), a Coordinator of Information will be designated by the Local Emergency Planning Committee and serve at the pleasure of the Committee. The Coordinator of Information will undertake those duties and responsibilities as outlined under SARA Title III, sec. 301(c), and other responsibilities and duties assigned by the LEPC. The Lincoln County LEPC has designated the County Emergency Management Director as its' Coordinator of Information.

4) Community Emergency Coordinator

In accordance the requirements of SARA Title III, sec. 303(c)(3), the committee per sec. 323.60(3)(b), Wis. Stats. will designate a Lincoln County Emergency Coordinator who will serve at the pleasure of the committee. The community Emergency Coordinator will undertake those duties as assigned by the county's hazardous material plan created under SARA Title III and other responsibilities and duties assigned by the Committee. The Lincoln County LEPC has designated the County Emergency Management Director as the Lincoln County Emergency Coordinator due to the director's involvement with the LEPC through County funding of SARA monies issued by the State and reviewed by the County Emergency Management Committee. The Fire Chiefs of Merrill and Tomahawk shall serve as City Emergency Management Coordinators for their respective cities.

5) Secretary

In order to assure that the proper minutes of all meetings are kept, the Committee shall designate a Secretary to keep minutes of the business conducted. Such minutes shall be forwarded to the Emergency Management Director for distribution as required. The Lincoln County LEPC has designated the Emergency Management Director or his/her designee as the Secretary to the LEPC.

6) Vacancy - Officer

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Should the Office of Chairperson, Vice-chairperson or Secretary become vacant, the LEPC shall elect a successor for the unexpired portion of the term within 60 days of the occurrence of the vacancy.

IX) COMMITTEE MEETINGS:

All meetings conducted by the LEPC in order to ensure an informed public, will be conducted in conformance with the Wisconsin State Statutes pertaining to the open meetings of governmental bodies. These laws include providing a public meeting notice issued 24 hours in advance (sec. 19.84(3), Wis. Stats.), and preserving the minutes of each meeting (sec. 19.88, Wis. Stats.).

1) Dates and Times

A normal meeting time and date will be selected by the Committee and will be held per requirement of any SARA (EPCRA) grant. An attempt to have a meeting quarterly will be made. The Chairperson may call special meetings with at least seventy-two (72) hours public notice prior to the event.

2) Agenda Items

Items to be included in the agenda will be submitted to the Secretary at least 5 working days prior to the meeting of the LEPC unless an emergency condition is present. The agenda will be compiled, posted consistent with county policy and mailed to committee members, local media representatives and others who request copies, at least 24 hours prior to the committee meetings. Agenda items may not be added on the floor of the meeting.

3) Location

The LEPC will establish a normal meeting location within Lincoln County. Meetings which require jointly related business or coordination of activities with other LEPCs of the SERB will be the exception. All meetings will be held in conformance with the Open Meetings Laws.

4) Quorum

Fifty percent (50%) of the voting membership of the LEPC should be in attendance at any meeting of the LEPC to constitute a quorum and transact the business of the LEPC. A meeting may not be convened without a quorum present.

5) Voting

Any proposal for an action or position taken by the committee must be adopted by a majority vote of more than half those present at a legally posted meeting at which a quorum is present.

6) Minutes of Meeting

Once approved, distribution of minutes of all meetings conducted by the LEPC will be filed by the Secretary to Committee Members, Heads of Government within Lincoln County including the County Clerk Office, the County Administrative Coordinator Office, the Chairman of the County Board and the Northeast Regional Coordinator of Wisconsin Emergency Management and others upon request.

X) EMERGENCY MEETINGS:

When a release of a substance covered by the notification requirements of SARA Title III, sec. 304 has occurred, is occurring, or is imminent, an emergency meeting (in accordance with sec. 19.84(3), Wis. Stats.) of the LEPC may be called by the Chairperson. All reasonable attempts will be made through

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the media to notify the public of the meeting and the agenda of such meetings will be limited to the present emergency conditions. Under these conditions only, the Chairperson (or Vice-chairperson) may declare a quorum and convene the LEPC if at least one-third of the membership is in attendance.

XI) PUBLIC INFORMATION REQUESTS:

Pursuant to SARA sec. 312(e3) all requests for public information shall be in writing and shall be made with respect to a specific facility. Public records of the LEPC shall be maintained in the Emergency Management Office and available to the public for inspection during normal working hours. LEPC records may not be removed from the Emergency Management Office except by Emergency Management personnel for purposes of photo-copying or other bonafide governmental function. Photocopies of LEPC records are available at the current rates for duplication services as set by the Lincoln County Board of Supervisors. Computer database searches and report generation services are available on a limited basis, but subject to the charges for time and materials to produce the reports. Charges incurred under this policy for photocopies or time and materials must be paid at the time services are rendered and will be charged consistent with county ordinances and Wisconsin public records law.

A notice of Hazardous Materials Emergency Plan will be published consistent with Community Right-to-Know requirements.

XII) AMENDMENT OF BYLAWS:

Adoption of these rules or approval of amendments to the rules can be made at any regular or special meeting of the LEPC as an agenda item with a majority roll call vote.

XIII) BYLAWS ADOPTION AND SIGNING:

Upon their adoption (or amendment) by the Committee, a copy of these bylaws will be signed and dated by the Chair of the LEPC Committee, conveyed to the County Clerk, County Board Chair, County Emergency Management Committee Chair and will be available for inspection and copying by the public at 801 N. Sales Street, Government Services Building, Merrill, Wisconsin.

Approved and adopted by majority vote in a public meeting held this _____ the day of

_____, _____.

Lincoln County LEPC, by its' Chairperson