



## BYLAWS OF THE COUNTY OF LAVACA LEPC

### ARTICLE I NAME AND PURPOSE

Section 1: Name: The name of this organization shall be the “County of Lavaca Local Emergency Planning Committee,” hereinafter referred to as the “LEPC” or “Committee.”

Section 2: Purpose: The purpose of the LEPC shall be:

- A) To carry out for Lavaca County those responsibilities required of the LEPC, pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, also referred to as “the law,” and related regulations including, but not limited to:
- 1) Developing, training, and testing of a hazardous substances emergency response plan for Lavaca County;
  - 2) Developing procedures for regulated facilities to provide notification to the LEPC in accordance with SARA, Title III;
  - 3) Developing procedures for receiving and processing requests from the public under the community right-to-know provisions of SARA, Title III. Specifically, upon request by any person, the LEPC shall make available a Material Safety Data Sheet (MSDS)/Safety Data Sheets (SDS) to the person in accordance with section 324 of the law. If the LEPC does not have the requested MSDS/SDS, the Committee shall request the sheet from the facility owner or operator and then make the sheets available to the person in accordance with section 324 of the law. Upon request by any person for Tier II/RMP information, the LEPC will process the request in accordance with the latest guidance provided by the Texas Attorney Generals office;
  - 4) Serving as a resource for the community to provide information about hazardous materials, responses to emergencies and notification of Committee activities; and
  - 5) Evaluating the need for resources necessary to develop, implement, and exercise the emergency plan, and making recommendations with respect to additional resources that may be required, as well as the means by which such additional resources will be provided.
- B) To implement such other related activities as may hereafter be legally required by the Federal Government, the Texas State Emergency Response Commission (SERC), or the County Judge.

### ARTICLE II MEMBERSHIP

Section 1: Regular Membership: The make up of LEPC regular members must reflect a balance in community and occupational categories (fire, police, community, news media, facility owners, etc.) established by the Texas SERC. Regular members must be a resident of Lavaca County or an associate of a Lavaca County employer or community group. Regular members are recommended by the LEPC annually to the County Judge for nomination and submission to the SERC for final approval. The number of regular members will generally range from 20 to 35. The LEPC regular membership roster should be reviewed by the Officers on an annual basis to ensure that a balance in community and occupational categories is maintained, and that inactive or regular members who have moved will be identified to be dropped from the roster.

Section 2: Auxiliary Membership: The Lavaca County LEPC has also established an Auxiliary Membership category for individuals and corporations having an interest in promoting and supporting the safe use, transportation and

management of hazardous materials. Auxiliary members serve at-large and can take an active role in LEPC activities. Applications for Auxiliary Membership may be submitted to the Secretary throughout the year. During the annual regular membership review process, auxiliary members who have taken an active role in LEPC activities can provide a pool for nominations as regular members.

Section 3: Officers: Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes of meetings, conduct financial transactions, and otherwise accomplish the work of the Committee.

Section 4: Vacancies: Any vacancy occurring in the LEPC by reason of the resignation, abandonment, incapacitation, death, or disqualification of a member may be filled by appointment in accordance with Article II, Section 1 of this document. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the County Judge, who will then make his or her recommendation to the SERC for approval; or may be included in the next annual membership update.

Section 5: Powers and Duties: The LEPC shall have full charge of the planning for emergency response and the dissemination of public information, as directed by the law. It shall plan and direct the work necessary to carry out the planning mandated.

### **ARTICLE III MEETINGS**

Section 1: Quarterly Meetings: There should be four (4) regular quarterly meetings of the Committee per year.

Section 2: Special Meetings: Special meetings of the LEPC may also be called by the Chairperson when he or she deems it to be in the best interest of the organization. Members shall be notified, either electronically or by mail, at least 72 hours in advance of the scheduled meeting. Such notice shall state the reason that such meeting has been called, the business to be transacted at such meeting, and by whom it was called. No other business but that specified in the notice may be transacted at such special meeting without the unanimous consent of all present at such meeting. The meeting shall be held at such reasonable time and place as the Chairperson may determine.

Section 3: Other Committee Meetings: The Executive Committee, Standing Committees and Ad Hoc Committees shall meet to the extent needed and called for by either the respective Committee's Chairperson or the Chairperson of the LEPC:

Section 4: Quorum: For the purposes of regular monthly and special meetings, the presence of not less than thirty-three percent (33%) of the members of the LEPC at the opening of the meeting shall constitute a quorum, and a quorum shall be necessary for the transaction of any business by the LEPC. For the purposes of Standing Committee and Ad Hoc Committee meetings, the presence of a simple majority of the committee members shall constitute a quorum and shall be necessary for the transaction of any business.

Section 5: Order of Business: Generally, the order of business should be:

- Call to order
- Determination of quorum
- Review and approval of prior month's minutes
- Financial report
- Reports of Committees
- Reports of Officers
- Unfinished business
- New business
- Speaker presentations, if any
- Adjournment

## ARTICLE IV VOTING

Section 1: One Vote: Each regular member shall have one vote and such vote may be done by proxy, provided the proxy is in writing and is signed by the regular member assigning the proxy to another person. The proxy need not necessarily be a regular member, but they must be a representative of the same community or occupational category as the regular member they are representing.

Section 2: Voice Votes: At all meetings, except for the election of officers, all votes shall normally be made by voice.

Section 3: Ballot Votes: For the election of officers, ballots shall be required. In addition, at any regular or special meeting, if a majority so requires, any question may be voted upon by ballot. There shall not appear any place on such ballot that might tend to indicate the person who cast such ballot. Prior to the commencement of balloting, the Chairperson shall appoint two (2) members who shall oversee the balloting process and, upon conclusion of such balloting, determine and announce the results. No member overseeing the vote may be a candidate for the office, nor have a personal vested interest in, the results of the election or question being voted upon.

## ARTICLE V OFFICERS

Section 1: LEPC Officers: The officers of the LEPC shall be a Chairperson, Vice Chairperson, Secretary, and Treasurer who shall be elected by a quorum of the Committee in a manner herein provided. All officers shall be regular members of the LEPC.

Section 2: Nomination and Election of Officers: Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson, Vice Chairperson, Secretary, and Treasurer. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of the regular members of the LEPC present and voting at the meeting, provided that such meeting constitutes a quorum. Voting by written proxy is permitted (see Article IV Section 1). In order to better assure a smooth transition in officers, the Chairperson and Treasurer should be elected on alternate years from the Vice Chairperson and Secretary.

Section 3: Term of Office: The term of the officers shall be for a period of two (2) years, with terms expiring on the last day of February in every odd-numbered year for the Chairperson and Treasurer and in every even numbered year for the Vice Chairperson and Secretary. Any officer can be re-elected for multiple consecutive terms.

Section 4: Chairperson: The Chairperson shall preside at meetings of the LEPC; can serve as an ex-officio member of any committee; and shall perform such duties and acts, as necessary, to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other Ad Hoc Committees, as necessary, to accomplish the goals of the LEPC.

Section 5: Vice Chairperson: Upon resignation or death or in the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson. The Vice Chairperson shall perform such other duties as may be assigned by the Chairperson.

Section 6: Secretary: The Secretary, in cooperation with the Information Coordinator, shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary shall keep a true record of the proceedings of the meetings of the LEPC.

Section 7: Treasurer: The Treasurer, in conjunction with the Finance Committee, shall attend to the business needs and financial transactions of the LEPC and shall maintain an accurate record of all monies received and expended by the LEPC.

Section 8: Information Coordinator: SARA requires the LEPC to designate an Information Coordinator (“coordinator for information”) to process requests from the public for information under Section 324, including Tier II information under Section 312. The Information Coordinator may also assist other committee members. The LEPC Chairperson or Secretary will perform these duties in the absence of an Information Coordinator.

Section 9: Removal from Office: An Officer may be removed from office when sufficient cause exists for such removal. Sufficient cause is determined by the membership and may include, but is not limited to: failure to reasonably fulfill the duties of the position, personal use of LEPC funds, falsification of records, or involvement in a serious offense that can reasonably be expected to adversely impact the favorable reputation or ongoing work of the LEPC. Any LEPC member may submit to the Executive Committee a petition requesting removal of an Officer and outlining the reason for the petition. Unless the person being considered for removal is the Chairperson (in which case the succession rule would apply), the Chairperson will convene and preside over a closed meeting of an Ad Hoc Committee that will meet within ten (10) days of receipt of the petition. The Ad Hoc Committee will consist of the two Officers that are not being considered for removal, as well as three (3) other voting members appointed by the presiding Officer. During the meeting, the issues will be presented by the person presiding and the person being considered for removal will be allowed to respond. The Ad Hoc Committee members may then ask questions of the Officer and then discuss the matter privately. A voice vote will be taken regarding the Officer’s removal. If a majority vote favoring removal is not obtained, then no removal action will be taken. However, if a majority vote favoring removal is obtained, then the Officer will be suspended from office pending presentation to the general membership at the next regular meeting. The Officer may also choose to resign from the position before such presentation is made. At the regular meeting, the matter will be presented to the membership for ratification of removal. Immediate removal from office will take place upon vote of the majority of the voting members present.

Section 10: Salaries: No officer shall for reason of his or her office be entitled to receive any salary or compensation.

## **ARTICLE VI COMMITTEES**

Section 1: Executive Committee: The Executive Committee will consist of the Chairperson, Vice Chairperson, Secretary, and Treasurer, and the Chairpersons of the four (4) Standing Committees, as described below. The Information Coordinator shall serve as a non-voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

Section 2: Standing Committees: The following Standing Committees shall be established:

A) HazMat Watchdog Committee: This Committee is responsible for presenting Lessons Learned from Hazardous Material (HazMat) Incidents reported by local, state and national agencies. The Chairperson of this Committee will identify one or two incidents that have been reviewed by Committee members for presentation during the monthly LEPC meeting. This Committee will also formulate policies and procedures concerning the public's right-to-know program.

B) Training Committee: This Committee shall be responsible for the research, development and presentation of training and educational programs to LEPC members, emergency responders and the public. This Committee will review and research sources for providing training and educational materials, equipment and funding sources.

C) Facility Operator Liaison Committee: This Committee is responsible for providing information to Tier II and Risk Management Program facility operators about LEPC activities. This Committee also disseminates new information and developments related to Hazardous Materials; Tier II and Risk Management Program developments; regulatory changes; CAMEO® software and documentation, and Emergency Plans.

D) Exercise Committee: This Committee coordinates LEPC participation as evaluators and observers for hazardous material drills and exercises. This Committee also keeps LEPC members informed about opportunities for participating in local, state and federal level hazardous and emergency response exercises.

E) Outreach and Education Committee: This Committee is to develop outreach campaigns to educate children and adults about what to do during a chemical emergency, inform the public about the Bexar County LEPC activities and measures community attitudes and awareness levels.

Section 3: Ad Hoc Committees: The Chairperson may create Ad Hoc Committees, as necessary, to perform the functions of the LEPC. Chairpersons of Ad Hoc Committees shall be appointed by the LEPC Chairperson.

Section 4: Meetings: Meetings of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chairpersons of those committees, as deemed necessary.

Section 5: Chairpersons of the Standing Committees: The Chairpersons of the Standing Committees shall be nominated and elected by their respective committees.

Section 6: Membership of Standing Committees: All members are strongly encouraged to volunteer to serve on at least one (1) Standing Committee, but shall not serve on more than two (2) Standing Committees. Final membership on the Standing Committees shall be determined by the Standing Committee Chairperson, after consultation with the Executive Committee to ensure that each Committee has sufficient staffing to carry out the assigned tasks.

## ARTICLE VII MISCELLANEOUS PROVISIONS

Section 1: Fiscal Year: The fiscal year shall be considered to run from October 1 to September 30.

Section 2: Indebtedness/Expenditures: No indebtedness or expenditures may be incurred by the LEPC unless the funds are either immediately available, or contractually guaranteed by a funding source (e.g., government agency), to provide an amount sufficient to cover such indebtedness or expenditures in a timely manner. The LEPC may not otherwise incur debts and/or expenses that would exceed the funds readily available to pay off such debts and/or expenditures. All indebtedness incurred by the LEPC shall be approved by a quorum of the LEPC in a regular meeting before payment is made by the Treasurer. The LEPC Chairperson may authorize an immediate expenditure of up to \$500 total in response to an urgent situation (e.g., assisting a volunteer fire department with its fueling costs during an emergency), but shall report such expenditure to the LEPC at the next regularly scheduled meeting.

Section 3: Approval of Bylaws: These Bylaws shall become effective upon approval by a majority of those in attendance at the organizational meeting.

Section 4: Disqualification: Any regular member who is unable to attend a regular meeting of the LEPC may notify the Secretary or Chairperson. Any regular member with five (5) or more unexcused absences in a calendar year is subject to being disqualified upon the recommendation of the executive board. Replacement of these positions will be made during the annual membership update and must be appointed by the county Judge and the SERC.

## ARTICLE VIII AMENDMENTS

Section 1: Amendments: These Bylaws may be amended by a two-thirds (2/3) vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these Bylaws be submitted to the members in writing at least one (1) week in advance of the meeting.

## ARTICLE IX RULES

Section 1: Adoption of Rules; Publication of Proposals: The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under Title III and related regulations. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the Committee, and distribution of the emergency plan. Any such rules must first be publicly published in proposed form not less than ten (10) days prior to final adoption by the LEPC. Publication shall be effected through posting of the proposed rule and a statement of basis and purpose on the public bulletin board

located on the north entrance of the Lavaca County Court House, Hallettsville, Texas. The proposed rule, together with the statement of basis and purpose, will be referred to as "Notice of Proposed Rulemaking." Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the ten (10) day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens. Emails can be considered to be "mail notices," "personal responses," "public comments" or "responses to comments."

Section 2: Method of Initiating Proposed Rulemaking: Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee by majority vote approves a proposed rule, it shall thereafter proceed to publication as provided in the preceding section.

Section 3: Method of Adopting Final Rules: Following the expiration of the ten (10) day comment period, the Executive Committee shall review all public comments, discuss possible changes to the proposed rule, and prepare a statement which responds to the comments and issues raised. The Executive Committee shall then present such statement to the LEPC, and the LEPC shall vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published, unless the LEPC determines otherwise.

Section 4: Notice of Adoption: Upon adoption of any rule by the LEPC, the Information Coordinator shall provide a public response to comments received, identifying any changes made to the proposal as a result of such comments. The Information Coordinator may also provide a personal response to those submitting comments, as the LEPC deems appropriate. Nothing herein, however, shall require a specific response to each and every comment received. Publication of the final rule shall be done in the same manner as that for proposed rules.

Section 5: Emergency Rules: In emergency circumstances, as determined by the LEPC, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than ninety (90) days.

## **ARTICLE X PARLIAMENTARY AUTHORITY**

Section 1: Parliamentary Authority: The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these Bylaws.

**Effective Date: Pending**