

GRAYSON COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)
BYLAWS

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GRAYSON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) BYLAWS

ARTICLE I

Name and Purpose

Section 1

Name: The name of this organization shall be the Grayson County Local Emergency Planning Committee", hereinafter referred to as the "LEPC".

Section 2

Purpose: The purpose of the LEPC shall be:

A. To carry out *for* Grayson County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments, and Reauthorization Act of 1986 (SARA), Title III, the Emergency Planning, and Community Right-to-Know Act, hereafter known as EPCRA, and related regulations including but not limited to:

1) Assisting in the development, training, and testing of:

- a) Hazardous substances
- b) Natural disasters
- c) Man-made disasters
- d) Terrorist threats, emergency response plan(s) for jurisdictions within Grayson County

2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA

3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of EPCRA

4) Provision for public notification of committee activities

B. To implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the County Judge.

ARTICLE II

MEMBERSHIP

Section 1

Qualification and Classes and Application: The organization shall consist of those members nominated by the County Judge and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents of or conduct business in Grayson County. Members may be voted in by the LEPC Committee, with initial approval by the Emergency

Management Coordinator and referred for signature by the County Judge. Associate members may have a voice in the meetings.

Classes of Membership (see Categories at end of bylaws)

The Standing members of the Grayson County LEPC shall consist of community and industrial members.

- A. Community Members: Such members shall consist of duly elected or appointed officials of local, state, and federal governments with jurisdiction over any part of the area served by the LEPC; local police; fire fighting, rescue and emergency services; communications media, health professionals; environmental groups; individual citizens; and citizens' groups.
- B. Industry Members: Industry members shall be those persons named by owners or operators of companies within the boundaries of the county as their facility representatives under provisions of Section 301 c of SARA Title III, who have petitioned for LEPC membership.
- C. Associate Members: Associate members shall be individuals from LEPC members companies and affected communities who have specialized competence in the various areas of emergency planning, hazardous material handling, or represent other special interest beneficial to the LEPC. Persons named by owner or operators as "facility emergency coordinator" as required by Title III, Section (d), (1), who have not petitioned for full Committee membership, will be considered Associate members.

Application for Membership:

Application for standing membership shall be submitted in writing to the LEPC secretary and shall include the names and qualifications of the individuals seeking membership. Membership may be granted by majority vote of those members present. Nominations are submitted to the County Judge for submissions to SERC for formal approval.

Section 2

Officers: Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes, and to otherwise accomplish the work of the committee.

Section 3

Vacancies: Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. The Executive Committee may make suggestions for candidates to fill vacant positions to the County Judge who will make his or her recommendation to the SERC for approval.

Section 4

Duties: The LEPC shall assist established Emergency Planning Offices within the county with the planning for emergency response and public information as directed by laws.

Section 5

Meetings: There shall be at least four regular meetings of the committee per year. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The special committees shall meet as the work under their groupings proceeds.

Section 6

Quorum: The presence of six (6) members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Sub-Committee meetings, the presence of three members shall constitute a quorum for the transaction of business. Majority vote of Sub- members present is required to pass a motion.

Section 7

Voting Rights: Each standing member of the committee shall have one vote. Associate members do not have a vote. (Exception: an LEPC standing member may send a duly authorized representative who is permitted to vote in place of the regular member.)

ARTICLE III

OFFICERS

Section 1

Enumeration of Officers: The officers of the LEPC shall be a Chairperson, Vice Chairperson, and a Treasurer who shall be elected by the committee as a whole in a manner herein provided and a Secretary appointed by the Chairperson. All officers shall be 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, 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 majority of the members of the LEPC present and voting at the meeting. Associate members may vote if they are the authorized representative of a voting member who is absent.

Section 3

Term of Office: The term of the officers elected at the organizational meeting shall expire in December, two years after being elected. Thereafter, the term of the officers shall be for a period of two years starting in January of the year following election. Officers can be reelected.

Section 4

Chairperson: The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; 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

Treasurer: The Treasurer in conjunction with the Information Coordinator shall attend to the

business needs of the LEPC and shall maintain an accurate record of all moneys received and expended for the use of the LEPC.

Section 7

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

Section 8

Information Coordinator: The LEPC will appoint an Information Coordinator. The Coordinator shall assist the Treasurer and Secretary in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees. The information coordinator will be the current serving Secretary.

ARTICLE IV

COMMITTEES

Section 1

Executive Committee: The Executive Committee will consist of the Chairperson, Vice Chairperson, Treasurer, Secretary, and Chairpersons of the four Sub- 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 Sub- and ad hoc Committees.

Section 2

Sub- Committees: The following Sub- Committees shall be established:

- A. Right-to-Know Committee. This Committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all record keeping and information dissemination procedures for the LEPC.
- B. Public Education and Information Committee. This Committee shall be responsible for the development of a public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.
- C. Hazardous Materials Facilities Liaison Committee. This Committee shall be responsible for procedures for identification and communication with affected facilities. This committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.
- D. Emergency Response and Resources Committee. This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office(s) test a hazardous substance emergency response plan and disaster emergency response plan for the planning district as required by law. This

Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

Section 3

Meetings: The Chairperson of the LEPC or the Chairperson of the Committee may call meetings of the sub and ad hoc Committees as deemed necessary.

Section 4

Chairperson of the Sub- Committees: The LEPC Chairperson and Vice Chairperson shall appoint Sub- committee chairpersons for each sub-committee. The Sub- committee chairpersons shall be from among the LEPC voting membership.

Section 5

Membership of Sub- Committees: All members must volunteer to serve on at least one Sub-Committee and shall not serve on more than two Sub-Committees. Final membership of the Sub-committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient manpower to carry out their assigned tasks.

Section 6

Ad Hoc Committees: The Chairperson may create ad hoc committees as necessary to perform the function of the LEPC. The Chairperson shall appoint chairperson of ad hoc committees.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 1

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

Section 2

Indebtedness: The Chairperson before payment by the treasurer shall approve all indebtedness incurred by the LEPC.

Section 3

Approval of Bylaws: These bylaws shall become effective upon approval by a 2/3 vote of those in attendance on October 7, 2010. All previous by-laws are no longer in effect.

ARTICLE VI

AMENDMENTS

Section 1

Amendments. These bylaws may be amended by a two-thirds 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 week in advance of the meeting.

ARTICLE VII

EPCRA requires that the LEPC "shall establish rules by which the committee shall function." 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. The final rules are attached to these by-laws.

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 EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 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 at the west entrance to the courthouse of Grayson County Texas. (The proposed rule together with the statement of basis and purpose are hereafter 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 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.

Section 2

Method of Initiating Proposed Rulemaking: Any member of the LEPC may recommend the initiation of proposed rulemaking. The Executive Committee shall initially consider any proposed rules, 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 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then 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 also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

Section 5

Emergency Rules: In emergency circumstances, to be determined, the LEPC may adopt rules

without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

ARTICLE VIII

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.

FINAL RULES

I. Definitions

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in Title III of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499, (the "Act") and regulations adopted in accordance therewith.

II. Public Notification and General Participation

- A. The LEPC shall publish notice of all its meetings, on the public bulletin board at the west entrance to the Courthouse building of the Grayson County, Sherman, Texas, at least 72 hours prior to any such meeting. In emergencies, declared by the Chairperson and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72-hour notice may be waived in accordance with Section 3A (h) of the Texas Open Meetings Act, Tex. Rev. Civ. Stat. Ann art. 6252-17.
- B. All meetings of the LEPC shall be open to the public, except under circumstances where the Texas Open Meetings Act permits otherwise. The Chairperson shall afford a reasonable period of time (5-minute increments per person) at the beginnings of each regular quarterly meeting to accept oral public comments on any aspect of the LEPC's mission or functions.
- C. Not less than once each calendar year, the Chairperson shall cause to be published in a newspaper of general circulation in Grayson County a notice that written public comment is invited during a thirty-day period on any aspect of the LEPC's organization, membership, functions, planning process, or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPC's statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated by the Chairperson to receive written comments.

The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each and every comment received.

III. LEPC Participation in Planning Process

- A. The Texas Disaster Act of 1975, as amended, requires each local and inter-jurisdictional agency to prepare and keep current an emergency management plan for its area. In accordance with Executive order of the Governor, the mayor of each municipal corporation and the county judge of each county in the state are the designated Emergency Management Directors for each such political subdivision. In Texas, LEPC's

are therefore not the primary entity responsible for the composition and maintenance of an emergency management plan.

B. The LEPC will strive to work with the local governments, which are responsible for the emergency management plans covering the areas of LEPC responsibility.

1. The LEPC shall review such plans once a year, or more frequently as changed circumstances in the community or at any facility may require. Their primary focus should be with those parts of the plan, which cover the following categories: warning, population protection, emergency public information, resource management, and Haz-Mat response.

2. The LEPC shall evaluate the need for resources necessary to develop and implement the emergency plan, and shall make recommendations with respect to additional resources as required.

C. The LEPC should maintain copies of current plans and annexes of each jurisdiction it serves.

IV. Public Access to Information

A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.

B. Any member of the public requesting a photocopy of information shall be provided at the sole expense of such person. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request. Copies of LEPC bylaws, proposed rules, or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Requests for MSDS and Other Non-Confidential Information.

1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.

2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.

3. If the Committee does not have in its possession the MSDS or other information requested in sections C1 or C2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information, which it is required to maintain or collect pursuant to applicable law.

D. Requests for Tier II Information

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.

2. If the Committee does not have in its possession the Tier II information requested in paragraph D-1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided the request is from a State or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess threshold planning quantities.

3. If the request under paragraph D-1 of this section does not meet the requirements of paragraph D-2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under paragraph D-1 of this section includes a general statement of need.

V. Trade Secrets

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 213(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC permanently or until such time as (1) an authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information is not subject to a valid claim of business confidentiality or trade secret and (2) the LEPC receives a written notice of such determination.

STANDING RULES

(to be added as needed. Standing rules are used for such items as: Travel Expenses, to determine who, what, when travel is authorized, etc. Fundraising activities or any regularly scheduled activity, which requires the expenditure of funds. Also, how payment is requested and how bills are paid.)

BUDGET

The Budget requests are submitted to the County Commissioners Court. A proposed budget should be prepared annually and voted on by the members. This Budget is submitted to the County Commissioners Court. Such Budget to be included in the minutes.

The Treasurer's report is submitted at each LEPC meetings and filed with the Secretary's minutes. This report included monies raised through fundraising activities.

RATIFICATION

Bylaws Adopted: October 7, 2010

Approved Date _____

_____, County Judge
Signature

_____, Chairperson
Signature

LEPC CATEGORIES

(In accordance with public law 99-499, Section 301(C))

1. Elected State and Local Officials
2. Law Enforcement
3. Emergency Management
4. Fire-fighting
5. Emergency Medical Service
6. Health
7. Local Environmental
8. Hospital
9. Transportation Personnel
10. Broadcast and Print Media
11. Community Groups
12. Facility Owners/Operators (subject to requirements of SARA Title III)

NOTE: More than one person can represent a category and one person can represent more than one category.

Glossary of Terms

EPCRA	Emergency Planning and Community Right-to-Know Act
HAZMAT	Hazardous Materials
LEPC	Local Emergency Planning Committee
MSDS	Material Safety Data Sheet
SARA	Superfund Amendments and Reauthorization Act of 1986
SERC	State Emergency Response Commission
Tier II	Certain chemicals as defined by EPCRA