



LOCAL EMERGENCY PLANNING COMMITTEE BYLAWS

COLLIN COUNTY, TEXAS

September 2014

ARTICLE I: NAME AND PURPOSE

Section 1. **NAME** - The name of this organization shall be the Collin County local Emergency Planning Committee, hereinafter referred to as the LEPC.

Section 2. **PURPOSE** - The purpose of the LEPC shall be:

- A) The Collin County Local Emergency Planning Committee's mission is to carry out responsibilities required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III by:
 - 1. Providing training, testing and advancement of Collin County's Emergency Management Plan
 - 2. Collect, manage and provide public access to information on hazardous chemicals in Collin County
 - 3. Educate the public about risks from accidental and routine releases of chemicals
 - 4. Form a partnership between Collin County's municipalities, communities and private entities to enhance hazardous materials awareness and preparedness

- 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 Collin County Judge.

ARTICLE II: MEMBERSHIP

Section 1. **QUALIFICATIONS** - The organization shall consist of a minimum of fifteen (15) members nominated by Commissioners' Court and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by SARA, Title III. Members of the LEPC shall be residents of, and/or conduct business in Collin County.

Section 2. **OFFICERS** - Officers shall be elected by the LEPC members to conduct meetings, appoint subcommittees, keep minutes of meetings and to otherwise accomplish the work of the committee.

Section 3. **VACANCIES** - Any vacancy occurring in the LEPC by reason of resignation, death or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. Suggestions for candidates to fill vacant Chairperson or Information Coordinator positions may be made by the Executive Committee to Commissioners' Court, which will make its recommendations to the SERC for approval.

Section 4. **POWERS AND DUTIES** - The LEPC shall be responsible for emergency response and public information preparation and the necessary associated planning and direction, as mandated by law.

Section 5. **MEETINGS** - There shall be at least four regular meetings of the committee per year. Special meetings of the LEPC may be called by the chairperson at such time and place as the chairperson

may deem necessary. The standing and ad hoc committees shall meet as the work under their groupings requires.

Section 6. **QUORUM** - The presence of at least a majority of LEPC members at the opening of the meeting shall constitute a quorum for the transaction of business. For the purposes of standing committee meetings, the presence of the majority of members shall constitute a quorum for the transaction of business.

ARTICLE III: OFFICERS

Section 1. **ENUMERATION OF OFFICERS** - The officers of the LEPC shall be a chairperson, vice chairperson and a secretary, who shall be elected by the committee as a whole in a manner herein provided in Section 2 of this article. All officers shall be members of the LEPC.

Section 2. **NOMINATION AND ELECTION OF OFFICERS** - Prior to the expiration of the officers' terms of service, nomination and election of new officers shall occur. Nominations will be accepted from the floor for the positions of chairperson, vice chairperson and secretary. The election shall be by ballot, except when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a simple majority of the members of the LEPC present and voting at the meeting.

Section 3. **TERM OF OFFICE** - The term of the officers elected at the organizational meeting shall be for a period of two years.

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 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, 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 shall assist the information coordinator in the maintenance of all books, papers, documents and other property of the LEPC. The secretary will keep a true record of the proceedings of all meetings of the LEPC. In the absence, resignation or death of the chairperson and vice chairperson, the secretary shall perform the duties of the chairperson.

Section 7. **INFORMATION COORDINATOR** - The county judge shall appoint an information coordinator. The information coordinator shall assist the LEPC in records management. The information coordinator shall be a non-voting member of all committees and the general LEPC.

ARTICLE IV: COMMITTEES

Section 1. **EXECUTIVE COMMITTEE** - The Executive Committee will consist of the chairperson, vice chairperson, secretary. 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. The Executive Committee, subject to ultimate review of the LEPC, may act on behalf of the LEPC in conducting administrative matters and in managing the work of the standing and ad hoc committees. Matters of policy must be approved by the LEPC as a whole. The Executive Committee shall perform such other appropriate functions as the chairperson may deem necessary in the furtherance of the purposes of the LEPC. The Executive Committee shall meet from time to time as appropriate.

Section 2. **MEETINGS** - Meetings of ad hoc committees may be called by the chairperson of the LEPC or the chairperson of the particular committee, as deemed necessary.

Section 3. **AD HOC COMMITTEES** - The LEPC 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.

ARTICLE V: MISCELLANEOUS PROVISIONS

Section 1. **FISCAL YEAR** - The fiscal year shall be considered to extend from October 1, through September 30.

Section 2. **EXPENDITURES** - All expenditure incurred by the LEPC shall be approved in advance by the Executive Committee and Commissioners' Court.

Section 3. **APPROVAL OF BYLAWS** - These bylaws shall become effective upon approval by Commissioners' Court, as recommended by two-thirds of the LEPC.

Section 4. **DISQUALIFICATION** - Any member who is unable to attend a regular meeting of the LEPC may notify the secretary, chairperson or information coordinator. Any member missing fifty percent of the meetings during a fiscal year is subject to loss of membership, with just cause, at the request of the LEPC to the County Judge and the SERC.

ARTICLE VI: AMENDMENTS

Section 1. **AMENDMENTS** - These bylaws may be amended by a two-thirds vote of members of the LEPC provided that any proposed amendments to these bylaws are submitted to the members in writing at least one week in advance of the meeting. These amendments shall become effective upon approval by Commissioners' Court.

ARTICLE VII: PARLIAMENTARY AUTHORITY

Section 1. **PARLIAMENTARY AUTHORITY** - The rules contained in Robert's Rule of Order, Newly Revised, shall govern this committee's voting and in which they are not inconsistent with these bylaws. SARA, Title III, 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."

ARTICLE VIII: RULE MAKING

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 applicable regulations. Any such rules must first be published in proposed form not less than 30 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 website. (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 30 day period.

Section 2. **METHOD OF INITIATING PROPOSED RULE MAKING** - 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 30 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.

Section 4. **NOTICE OF ADOPTION** - Upon adoption of any rule by the Commissioners' Court, 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. Publications 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.

ARTICLE IX: RULES

Section 1. **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 (SARA Title III), and regulations adopted in accordance therewith.

Section 2. **PUBLIC NOTIFICATION AND GENERAL PARTICIPATION** -

- A) The LEPC shall publish notice of all its meetings, on the public website, at least 72 hours prior to any such meeting. In emergencies, as declared by the chair-person, a two (2) hour notice may be posted and the 72 hour notice may be waived.
- 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 at the beginning of each regular monthly meeting to accept oral public comments on any aspect of the LEPC's mission or functions.
- C) 1) Not less than once each calendar year the LEPC shall publish in a newspaper of general circulation in Collin County, a notice that written public comment is invited during a 30 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 SARA Title III 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.
2) 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.

Section 3. **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. Additionally, in accordance with a Governor's Executive order, the mayor of each municipality and the County Judge of each county in the state are the designated Emergency Management Directors for each such political subdivision. In Texas, LEPCs are therefore not the primary entity responsible for the composition and maintenance of an emergency plan.
- B) The LEPC will strive to work with the local governments, which are responsible for the emergency management plans, which cover the areas of LEPC responsibility.

Section 4. **PUBLIC ACCESS TO INFORMATION** -

- A) In accordance with Section 324 of SARA Title III, all information obtained from an owner or operator pursuant to Title III and any requested Tier II form or Material Safety Data Sheet (MSDS) otherwise in possession of the committee shall be made available to the person submitting the request. Also 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) All information requested by any member of the public shall be provided at the sole expense of such person. The reasonable cost of such information shall be set from time to time by the

Commissioners' Court. LEPC documents will be available for inspection by the public in the Collin County Law Library.

- C) Request for MSDS and other non-confidential information.
 - 1) Any person may obtain an 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.

- 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 that the request is limited to official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of threshold planning quantities.

Section 5. **TRADE SECRETS** - Except as provided in this section, all information submitted to the LEPC by facilities pursuant to Title III 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 324(a) of SARA Title III, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under Title III and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as (1) an authorized governmental agency and, if applicable, a court of 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.