

Bylaws of the
Brazos County Local Emergency Planning Committee

Article 1

Name and Purpose

Section 1 Name

The name of this organization shall be the "Brazos 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 within Brazos County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, and related regulations including but not limited to:

- 1) Development, annual review, and testing of a hazardous substances emergency response plan within Brazos County.
- 2) Development of procedures for regulated facilities to provide required reports and immediate notification of release of hazardous substances to the LEPC in accordance with SARA, Title III.
- 3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of SARA, Title III.
- 4) Provision for public notification of committee activities, meetings, and emergency plans.

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.

This association is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes the making of distributions to organizations that qualify as exempt organizations under section 501 (c)(3) of the Internal Revenue Code or any future tax code.

Article II

Membership

Section 1 Qualifications

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 SARA, Title III. Members of the LEPC shall be residents of, or conduct business in, Brazos County.

Bylaws of the
Brazos County Local Emergency Planning Committee

- Section 2 Officers
Officers shall be elected 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 the 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 positions may be made by the executive committee to the County Judge who will make his recommendation to the SERC for approval.
- Section 4 Powers & Duties
The LEPC shall have full charge of the planning for emergency response as directed by the law. It shall plan and direct the work as necessary to carry out the planning mandated.
- 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 Chairman at such time and place as the Chairman may determine. The Chairman must call a special meeting of the LEPC upon the written request of 15% of the membership. The special committees shall meet as needed.
- Section 6 Quorum
The presence of at least twelve (12) members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purpose of Standing Committee meetings, the presence of 50% of the 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 Chairman, a first Vice Chair, a second Vice Chair, which must be a non-governmental-employed member, and a Secretary and a Treasurer, all of whom shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC.
- Section 2 Nomination and Election of Officers
Prior to the expiration of the officer's terms of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairman, first Vice Chair, second Vice Chair, 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 members of the LEPC present and voting at the meeting regularly held on the fourth quarter of even number years.

Bylaws of the
Brazos County Local Emergency Planning Committee

- Section 3 Term of Office
The term of the officers shall be for a period of two years.
- Section 4 Chairman
The Chairman 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 Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.
- Section 5 Vice Chairman
Upon resignation, death, or in the absence of the Chairman, the first Vice Chair shall perform the duties of the Chairman. The second Vice Chair shall assume the role of first Vice Chair.
- 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 all meetings of the LEPC.
- Section 7 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 monies received and expended for the use of the LEPC.
- Section 8 Information Coordinator
The Inter-jurisdictional Emergency Management Coordinator or Deputy Coordinator of the Brazos County Emergency Management Department will serve as the Information Coordinator and will ensure that procedures for receiving and processing requests from the public are established and followed. The Information Coordinator shall be a member of all committees and the LEPC. Additionally, the Information Coordinator shall assist the secretary and the treasurer in records management and financial matters.

Article IV

Committees

- Section 1 Executive Committee
The Executive Committee will consist of the Chairman, first Vice Chair, second Vice Chair, Secretary-Treasurer, and chairmen of the four 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. The Executive Committee may create new committees as necessary to accomplish the objectives of the LEPC.
- Section 2 Standing Committees
The following standing committees shall be established:
- A) Right-to-Know Committee

Bylaws of the
Brazos County Local Emergency Planning 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; and development of a public education and information program.

C) Hazardous Materials Facilities Liaison Committee

This committee shall be responsible for identification and communication procedures with affected facilities. This committee shall work with the Emergency Response and Resources Committee and with affected facilities to develop and test a hazardous substance emergency response plan for the planning district as required by law. This committee shall also be responsible for the annual review and update of the emergency response plan including the basic plan and all the supporting annexes.

D) Emergency Response and Resources Committee

This committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to develop and test a hazardous substance 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

Meetings of the Standing and ad hoc committees may be called by the Chairman of the LEPC or the chairman of those committees as deemed necessary.

Section 4

Chairmen of the Standing Committees

The chairmen of the standing committees shall be nominated and elected by their respective committees. Voting shall be conducted as provided in Article III, Section 2.

Section 5

Membership of Standing Committees

All members must volunteer to serve on at least one standing committee and shall not serve on more than two standing committees. Final membership on the standing committees shall be determined by the Chairman 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 Chairman may create ad hoc committees as necessary to perform the functions of the LEPC. Chairmen of ad hoc committees shall be appointed by the LEPC Chairman.

Bylaws of the
Brazos County Local Emergency Planning Committee

Article V

Miscellaneous Provisions

- Section 1 Fiscal Year
The fiscal year shall be considered to run from October 1 to September 30.
- Section 2 Approval of Bylaws
These bylaws shall become effective upon approval by a majority of those in attendance at the organizational meeting.
- Section 3 Disqualification
Any member who is unable to attend a regular meeting of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with more than two absences in a calendar year is subject to being disqualified at the request of the LEPC to the County Judge and the SERC.

Article VI

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. 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." In order to establish these rules, the following amendment to the bylaws is proposed:

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 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 and maintained by the County Clerk's office at the Brazos County Courthouse, Bryan, 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.

Bylaws of the
Brazos County Local Emergency Planning Committee

- 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 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 of 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 shall also 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 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 90 days.

Article VIII

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.

Article IX

Tax Exempt Status

Notwithstanding any other provision of these articles, the association shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by an association, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code, or the corresponding provision of any future federal tax code.

Bylaws of the
Brazos County Local Emergency Planning Committee

Article X

Dissolution

Upon dissolution of the association, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of competent jurisdiction of the county in which the principal office of the association is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine which are organized and operated exclusively for such purposes.