

**BYLAWS
OF
THE ORANGE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
(LEPC)**

ARTICLE I

NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the Orange 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 Orange County those responsibilities established for the LEPC by Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, the Emergency Planning and Community Right-to-Know Act, (EPCRA) and related regulations, including, but not limited to:

- (1) Assistance in developing, training and testing of (a) hazardous substances emergency response plan(s) for jurisdictions within Orange 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, State or County Governments or Officials.

ARTICLE II

MEMBERSHIP

Section 1. Qualification: The organization shall consist of those members nominated and approved by the Executive Committee. Those persons named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be a resident of or conduct business in Orange County.

Section 2. Membership in the LEPC, once established, will be for a period of two years. Members may be selected to succeed themselves or to move to other positions on the LEPC. Membership will consist of voting members (dues paying members) and regular members (non dues paying members).

Section 4. 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 general membership for approval.

Section 5. Duties. The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

Section 6. Meetings. There shall be minimum of 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 Chairperson must call a special meeting of the LEPC upon the written request of five members. The special committees shall meet as the work under their group's proceeds.

Section 7. Quorum. The presence of 9 dues paying members of the Orange County LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC.

ARTICLE III

OFFICERS

Section 1. Enumeration of Officers. The Officers of the LEPC shall be a Chairperson, Vice-Chairperson, Finance Director and a Secretary who shall be elected by the committee as a whole in a manner herein provided. All officers shall be voting 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, Finance Director and Secretary. The Treasurer shall be a standing appointment by the Executive Committee. The election shall be by ballot, except that when there is only one nomination for each office, election may be by voice vote. Officers shall be selected by the majority of the members of the LEPC present and voting at the meeting. Officers shall be elected to conduct meetings, appoint subcommittees, prepare the annual budget, coordinate the annual audit, keep minutes, and to otherwise accomplish the work of the committee.

Section 3. Term of Office.

The term of the officers elected shall be for two years and will expire on Dec. 31 of even numbered 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 as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such 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. Finance Director: Shall have primary responsibility in preparing the annual budget and facilitating the annual audit as well as all financial reporting requirements. The finance director

shall be empowered to appoint a three member (not including the finance director) committee to assist him or her in carrying out the aforementioned duties.

Section 7. Secretary shall be the custodian of all books, papers, documents and an inventory of other property of the LEPC. The Secretary shall keep a true record of the proceedings of all meetings of the LEPC. Additionally, the Secretary shall attend to the business needs of the LEPC.

Section 8: Treasurer: Shall maintain an accurate record of all monies received and expended and all financial records for the use of the LEPC. This is an appointed position will not be a member of the Executive Committee.

ARTICLE IV

COMMITTEES

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson and Secretary. The duties of the Executive Committee shall be to coordinate activities of Committees.

Section 2. Committees. The Executive Committee shall appoint Committees to meet the needs of the LEPC.

Section 3. Committee Meetings. Meetings of Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

Section 4. Chairperson of the Committees will be appointed by the Chairperson of the Executive Committee.

Section 5. Memberships of the Committees: Final membership of the Committees shall be determined by the Chairperson of that committee after consultation with the Executive Committee to ensure that all Committees have sufficient staffing to carry out their assigned tasks.

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. All indebtedness incurred by the LEPC shall be approved by the Chairperson before payment. An accounting of any expenditure will be presented to the General Membership at the next meeting. The LEPC's standard method of payment for any expenses incurred will be by check drawn on the LEPC account. Each check will require two signatures. Those eligible to sign checks are: Chairperson, Vice Chairperson, Finance Director, Orange County EMC, Orange County Judge and one ad hoc member who will be appointed by the Finance Committee each year. The Orange County LEPC Officers shall insure that the authorized signature card at the financial institution is kept up to date.

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

Section 4. Disqualification. Any member who is unable to attend a regular meeting of the LEPC may notify the Secretary. Any member with five or more absences is subject to being disqualified at the request of the Executive Committee to the LEPC General Assembly

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

RULES

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 bylaws.

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.

Section 2. Method of Initiating Proposed Rule-making. Any member of the LEPC may recommend the initiation of proposed rule making. 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. 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 Secretary 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 the proposed rule. 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.

Attachment: County LEPC Final Rules

**ORANGE COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

FINAL RULES

I. Definitions

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in the Title III of the Superfund Amendments and Reauthorization Act of 1986, PL 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 door of the meeting location, at least 72 hours prior to any such meeting. In emergencies, declared by the Chairperson, the 72-hour notice may be waived in accordance with Section 3A (h) of the Texas Open Meetings Act (TOMA), Tex. Rev. Civ. Stat. Ann art. 6252-17.
- B.** All meetings of the LEPC or any subcommittee thereof shall be open to the public, except under circumstances where the TOMA permits otherwise. The Chairperson shall afford a reasonable period of time at the beginnings of each meeting to accept oral public comments on any aspect of the LEPC’s mission or functions.
- C.** All information relative to the activities of the Orange County LEPC will be available on the Orange County Website.

III. LEPC Participation in the 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 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 in the LEPC’s area of responsibility.
 - 1. The LEPC shall, upon request, 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 HAZMAT response.
 - 2. The LEPC shall, upon request, evaluate the need for resources necessary to develop and implement the emergency plan, and shall make recommendations with respect to additional resources that may be required.
- C.** The LEPC may 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.** All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Executive Committee, 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 the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Executive Committee is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Request 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 Executive Committee's
- 2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Executive Committee's
- 3. If the Committee does not have in its possession the MSDS or other information requested in subsections 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 subsection D1 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 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 subsection D1 of this section does not meet the requirements of subsection D2 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 subsection D1 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 214(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 provided that a claim of confidentiality is submitted with the information and satisfies all applicable requirements for such claims under EPCRA 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 or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret, and
2. The LEPC receives a written notice of such determination.