

BYLAWS

OF

THE GREATER BAYTOWN AREA
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)

Implemented: November 18, 2006

Revised: December 11, 2014

Revised: March 2021


LEPC Chairperson Signature

4/20/21
Date Approved

ARTICLE I

Section 1: Name

This organization is known as the Greater Baytown Area Local Emergency Planning Committee (hereinafter referred to as the "LEPC").

ARTICLE II

Section 1: Legal Authority

These procedures for the establishment and management of the LEPC in the Emergency Planning District (EPD) of Harris County and Chambers County are established under the authority of the State Emergency Response Commission of the State of Texas. The following authorities, references, and organization apply to these procedures:

- A. Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986, title III, Emergency Planning and Community Right-to- Know.

The following minimum membership of the LEPC in each EPD jurisdiction in Texas is established under Section 310 of the Act that pertains to the establishment of the LEPC.

"The State Emergency Response Commission shall appoint members of a local emergency planning committee for each emergency planning district. Each committee shall include, at a minimum, representatives from each of the following groups or organizations: elected state and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of this subtitle. Such committee shall appoint a chairperson and 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.

- B. Executive Order WPC-87-6a of the State of Texas
- C. Texas Register, April 28, 1987, page 1424.
- D. Federal Register, April 22, 1987, Environmental Protection Agency, 40 CFR Parts 300 and 355, as amended.
- E. S.B. No. 657 of the State of Texas.

Section 2: Bylaws Review

These Bylaws shall be reviewed every two years by an Ad Hoc Bylaws Review Committee. This review shall occur on odd number years. An exception can be made if circumstances require additional review.

ARTICLE III

Section 1: Establishment of a Secretariat

- A. A secretariat has been established in a public location within the LEPC. It has the purpose of being a place where LEPC records and information submitted under the Community Right-to-Know Act should be available for public inspection during normal work hours.
- B. Information regarding LEPC activities will be published on the LEPC's website at www.gbcclepc.com. This site will advise the community who to contact regarding access to Community Right to Know information.

ARTICLE IV

Jurisdiction, Communities, and Industries

Section 1: Jurisdiction

The physical boundaries of the LEPC correspond to the areas encompassed by the city limits of the City of Baytown within Harris County unincorporated areas of Harris County located within Harris County Emergency Service District No. 75 and the ExxonMobil complex.. A map is provided in Appendix A.

Section 2: Communities Served by the LEPC

Communities served by the LEPC are:

- A. City of Baytown
- B. Incorporated and Unincorporated Areas of Harris County within LEPC Boundaries

Section 3: Industries

Industries participating in the LEPC are those located within its boundaries and subject to complying with the provisions of SARA Title III.

ARTICLE V

Section 1: Purpose

The objectives of the LEPC are as follows:

- A. To carry out for the Greater Baytown Area- area 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:

- a. Formation of a partnership between local government and industry as a resource for enhancing hazardous materials preparedness. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capabilities using local resources, mutual aid and contractors; training responders; and exercising the plan.
- b. Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA, East Harris County Manufacturers Association (EHCMA) EHCMA Community Emergency Communications Committee (CECC) guidance, and other applicable regulations and guidance.
- c. Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of EPCRA.
- d. Provide for public notification of committee activities and promote emergency preparedness throughout the communities served by the LEPC.
- e. 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 VI

Membership

Section 1: Classes of Membership

The standing membership of the LEPC shall consist of community and industrial members.

- A. **Affiliate 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; firefighting; rescue and emergency services; communications media; schools, health professionals; environmental groups. Affiliate members shall be individuals from LEPC member 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.
- B. **Industry Members:** Industry members shall be those persons named by owners or operators of companies within the LEPC's boundaries as their facility representatives, as mandated under the provisions of Section 301

of SARA Title III. This includes person(s) named by owners or operators as "facility emergency coordinator" as mandated by Title III, Section 303, (d), (1), who have petitioned for full Committee membership.

- C. **Community Members:** Community members shall be individual citizens, citizens' groups and other individuals or organizations not identified as an Affiliate or Industry member. Community members are not required to pay dues and shall be non-voting members of the LEPC.

Section 2: Application for Membership

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

Section 3: Attendance

To maximize the effectiveness of the LEPC, it is important that members take an active part in subcommittee activities and attend LEPC meetings. Member organizations shall be required to attend at least 75% of the membership meetings held throughout the calendar year. If a member representative cannot attend, he or she shall send someone in their place to satisfy the attendance requirement. The Issue of Committee membership will be addressed at the January LEPC meeting each year.

ARTICLE VII

Elections and Voting

Section 1: Elections

- A. **Officers:** The Officers of the LEPC shall be a Chairperson and Vice Chairperson, who shall be elected by the LEPC membership. The Secretary-Treasurer and Information Coordinator shall be appointed by the Executive Committee.

Any member as defined on the annual representative form submitted to the Emergency Planning District and who shall have been an active member with the LEPC for one year or more shall be eligible to hold office. The Chairperson and Vice Chairperson may not be from the same member organization. Any officer may be removed from office for failure to perform his or her duties by a two-thirds vote of the membership.

- a. **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.

b. 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.

c. Secretary-Treasurer:

The Secretary-Treasurer shall be directly responsible for carrying out the day-to-day administration and other tasks to support the business of the LEPC, including maintenance of minutes, committee rosters, preparation and circulation of advanced agenda, compliance with Open Meeting statutes, and meeting arrangements. The Secretary-Treasurer shall maintain and publish annually a current list of LEPC membership. The Secretary-Treasurer shall coordinate and work with the Chairperson to ensure up-to-date training and educational information is disseminated to members.

The Secretary-Treasurer shall also be responsible for the financial bookkeeping of the LEPC. Responsibilities shall include, but are not limited to, the following:

1. Provide for collection of working funds for LEPC by invoicing members when collections are authorized by the LEPC's membership.
2. Approve disbursement of funds.
3. Provide quarterly financial reports for LEPC meetings.

d. Information Coordinator:

The Chairperson will appoint an Information Coordinator. The Coordinator shall process requests from the public for information under Section 324, including Tier II information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management.

- B. Term of Office: The term of office for the Chairperson and Vice-Chairperson shall be for a period of two years. The term of the officers shall begin at the end of the meeting in which they are elected and expire on December 31 of even number years for the Chairperson, and on December 31 of odd number years for the Vice Chairperson

There shall not be term limits for the office of Chairperson or Vice-Chairperson. The Secretary-Treasurer and Information Coordinator are appointed positions and therefore not subject to term of office.

- C. Filling Vacancies: Should the Chairperson be unable to complete his/her term of office, the Vice Chairperson will fill the remaining term for that position. A special election will then be held to elect a new Vice Chairperson. Should the Secretary-Treasurer be unable to complete his/her term of office, the Chairperson will appoint another member to fill the unexpired term.

- D. Nominations: Calls for nominations for regular or special elections must be made

at least one month prior to the regular meeting in which the election will be held. Final nominations must be submitted at least two weeks prior to the regular meeting in which the election will be held.

Section 2: Voting

Those eligible and present shall constitute a quorum. A majority vote shall prevail on any matter before the LEPC. The rules governing voting are as follows:

- A. Voting Rights: Each standing member of the committee shall have one vote. Members are those described in Section 1.A and 1.B. Community members do not have a vote.

- B. Letter Ballot Voting: When matters are submitted to members of the LEPC by letter ballot, voting is on the basis of the voting rights described above.

- C. Proxies: In the case of absences of standing members, voting shall not be permissible, but a LEPC standing member unable to attend a meeting may send a duly authorized representative whose vote shall be counted in determining a quorum and who is permitted to vote in place of the regular member.

ARTICLE VIII

Committees

Section 1: General

The LEPC is responsible for developing and implementing action plans to meet the objectives outlined in Article V.

Section 2: Executive Committee

The Executive Committee shall consist of the Chairperson, Vice Chairperson, Secretary-Treasurer and Chairpersons of the Standing Committees listed below. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Committees.

Section 3: Standing Committees

The following Standing Committees shall be established:

- A. Communications: To develop a comprehensive risk communication program including appropriate emergency response action by the public and to determine and recommend the most effective and efficient means of emergency communications within the LEPC boundary.

- B. Planning: To identify the source and magnitude of chemical risks to the

community from fixed sites and transportation routes within the LEPC. This Committee shall be responsible for procedures for identification and communication with affected facilities. This Committee shall review existing federal, state and local plans for the purpose of coordination with the LEPC planning process.

- C. Public Education and Information: To provide informational material for public distribution covering all aspects of the LEPC activities. The information should include, but not be limited to, the following:
 - 1. Annual publication of committee details as described in Title III, Section 324(b)
 - 2. Educational materials to assist in public education for better understanding of emergency plans
- D. Emergency Response and Resources: This Committee shall work with the Planning 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 for the planning district, as required by law.

Section 4: Meetings

Meetings or communications of the Standing and Ad Hoc Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

Section 5: Chairperson of the Standing Committees

The Chairperson of the Standing Committees shall be appointed by the LEPC Chairperson.

Section 6: Membership of the 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 of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient staffing to carry out their assigned tasks.

Section 7: 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 Chairperson of the LEPC.

ARTICLE IX

Meetings

Section 1: Definition of Meetings

Three types of meetings will be held as defined by the minimum, expected attendees.

- A. LEPC Monthly Meeting - all standing members
- B. Subcommittee Meeting - subcommittee members

It should be noted that the definitions presented above are not meant to exclude anyone. Attendance at any of the meetings is open to anyone. However, voting is limited to the standing members of the LEPC or the subcommittee members holding the meeting.

Section 2: Rules and Procedures

All LEPC meetings shall be open to the public and shall be covered under the general rules and procedures set forth in Article 6525-17, the Open Meetings Act, and the Open Records Act, Texas Revised Civil Statutes as amended.

The Privilege of the floor for discussion may be granted to any non-member attendees at the Chairperson's option.

The Chairperson may limit the length of comments to three (3) minutes per person based on pertinence to the question. The Chairperson may waive this limitation based on agenda and meeting expediency.

Section 3: Agenda

The Chairperson will set agenda items for meetings. The agenda may be modified at the start of the meeting. The agenda will be followed in the meeting and pertinent actions regarding each agenda item will be recorded in the meeting minutes.

Section 4: Meeting Frequency

- A. LEPC Meeting: Meetings will be held every month on the third Tuesday at 12:00 p.m. A tentative schedule of meetings shall be distributed to all members in January of each year. The meeting schedule is subject to change. Location of the meeting will typically be at the Baytown EOC (205 E Wye Dr.), but can be scheduled at other locations as agreed to by the LEPC.

- B. Subcommittee Meeting: Meetings will be held at the discretion of the subcommittee at a frequency as required to accomplish the subcommittee objectives.

Section 5: Meeting Minutes

Minutes for all meetings will be published and provided to all standing LEPC members. Community members or members of the public who attend a particular meeting should be invited, before ending the meeting, to receive a copy of the meeting minutes.

Section 6: Rules for LEPC Meetings

- A. Applicable Rules: The rules contained in the current edition of Robert's Rules of Order (Newly Revised) shall govern the organization in all cases to which they are applicable and are not Inconsistent with these Bylaws.

- B. Order of Business: The standing order of business of each meeting of the LEPC shall proceed in the following manner unless altered by membership vote:

- (1) Approval of previous meeting minutes
- (2) Reports of subcommittees/ad hoc committees
- (3) Reports of status of old business
- (4) New business/special presentations
- (5) Citizens' comments and open discussion
- (6) Adjournment

ARTICLE X

Finances

Section 1: Fiscal Year

The fiscal year shall be considered to run from January 1 to December 31.

Section 2: Indebtedness

All indebtedness incurred by the LEPC shall be approved by the Chairperson or Vice Chairperson before payment by the Secretary-Treasurer. All invoices shall have the signature of the Chairperson or Vice Chairperson.

Section 3: Budgeting

Upon the recommendation of the Executive Committee, a motion may be placed before the LEPC to assess member organizations for contributions to a working fund. This fund shall be used to promote the working of the LEPC to meet its objectives as outlined in these Bylaws.

The Chairperson of each standing committee shall submit a written budget to the Executive Committee by the regular June meeting for the next year's budget. These proposed budgets would be itemized so the Executive Committee will understand the expenditures. Any special items requiring one-time or ongoing fees and/or assessments will also be discussed and approved by the Executive Committee during this process. The Executive Committee will then propose a final budget, with a proposed funding method, by the regular July meeting for final approval of the membership. The final budget and funding must be approved by a majority vote of the voting membership. The request for funds will then be sent to all member organizations within the LEPC by the regular October meeting.

- A. Dues. Dues are a regular payment of money made by members of the LEPC. Dues are the cost of membership; they are used to fund the various activities which the LEPC engages in. The dues will be outlined in the "Membership Dues and Fair Share Budget Support Schedule" and distributed to member organizations in October of each year. Annual membership dues shall be paid in full by March 1st of each year.

ARTICLE XI

Bylaws Approval and Amendments

Section 1: Approval of Bylaws

These Bylaws shall become effective upon approval at the time of the vote by a quorum of members.

Section 2: 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 regular scheduled meeting.

ARTICLE XII

LEPC Policies and Procedures

Section 1: Policy and Procedures

The Executive Committee shall create policies and procedures for the LEPC. The policies and procedures created shall include, but not be limited to, an accounting policy, conflict of interest policy, and other policies and procedures required to conduct the business of the LEPC.

Section 2: Approval of Policy and Procedures

The Executive Committee shall present proposed policies and procedures, including amendments or revisions, at a regular LEPC meeting. The policies and procedures must be approved by majority vote of the voting membership.

APPENDIX A – GREATER BAYTOWN AREA LEPC BOUNDARY

