

ANDERSON COUNTY LEPC
BY-LAWS

ARTICLE I

NAME AND PURPOSE

Section I Name: The name of this organization shall be the ***ANDERSON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE***, hereafter referred to as the "LEPC".

Section II Purpose: The purpose of the LEPC shall be:

- A. To carry out for Anderson County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act (SARA) of 1986 Title III, and related regulations including but not limited to:
 - 1. Development, training, and testing of a hazardous substance emergency response plan for Anderson County.
 - 2. Development of procedures for regulated facilities to provide notification 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.

- 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), County Judge, or the Mayors of Palestine, Elkhart, and Frankston.

- C. The 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. Members of the LEPC shall be residents of or conduct business within Anderson County.

Section 2. Officers. Officers shall be elected to conduct meetings, appoint subcommittees, keep minutes of meetings, and to otherwise accomplish the work of the LEPC.

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, section1, LEPC bylaws. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the County Judge who will make his recommendation to SERC for approval.

Section 4. Meetings. The LEPC should hold meetings quarterly. Special meetings of the LEPC may be called by the Chairman at such time and place as determined by the Chairman. The Chairman must call a special meeting of the LEPC within 14 days of receiving a written request by five members. Standing committees and subcommittees shall meet as the workload requires.

Section 5. Quorum. A quorum for the purpose of transacting business will consist of 33% of the LEPC membership. For the purpose of standing committee the presence of 33% of members shall constitute a quorum for the transaction of business.

Section 6. Duties. The LEPC shall assist established emergency planning offices within the county with planning emergency response and public information as directed by laws.

ARTICLE III

OFFICERS

Section 1. Enumeration of Officers. The officers of the LEPC shall be the Chairman, Vice-Chairman, and Secretary-Treasurer. The Chairman shall be the County Judge or his/her selected appointee. The Vice-Chairman and Secretary-Treasurer shall be elected by the Committee as a whole in a manner herein provided by a majority of the LEPC members.

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 Chairman, Vice-Chairman, and Secretary-Treasurer. 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 the majority of the members of the LEPC present and voting at the meeting.

Section 3. Term of Office. The term of the officers at the organizational meeting shall expire on December 31st. Thereafter, the term of the officers shall be two years.

Section 4. Duties and Responsibilities of Officers

- A. 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 act 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.

- B. Vice-Chairman. Upon resignation, death or in the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall perform such duties as may be assigned by the Chairman.
- C. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the LEPC. The Secretary-Treasurer shall keep a true record of the proceedings of all meetings. The Secretary-Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended by the LEPC.
- D. Public Information Officer. The Public Information Officer shall process requests from the public for information under Section 324, including Tier Two information under Section 312. Additionally, the Coordinator shall assist the Secretary-Treasurer in records management and financial matters. The Public Information Officer shall be a non-voting member of all committees and the LEPC.
- E. Emergency coordinator. The Anderson County and the City of Palestine Emergency Coordinators shall be the single point of contact for industrial facility coordinator for release reporting and any other information/action required/requested through the LEPC.

ARTICLE IV

COMMITTEES

Section 1. Executive Committee. The executive Committee will consist of the Chairman, Vice-Chairman, Secretary-Treasurer, and the Chairpersons of the four standing committees as described below. The duties of the Executive committee shall be to coordinate activities of the Standing and Ad Hoc committees.

Section 2. Standing Committees. The following Standing 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 reviewing the public alert and notification program; public relations with affected communities and 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 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. Meeting of Standing and Ad Hoc Committees may be called by the President of the LEPC or the Chairperson of those committees as deemed necessary.

Section 4. Chairperson of the Standing Committees. The Chairperson 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 Committee. All members must volunteer to serve on one standing committee and shall not serve on more than two Standing Committees at any given time. Final membership of 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. The Chairpersons of the Ad Hoc Committees shall be appointed by the Chairpersons of the Standing Committees.

ARTICLE V
MISCELLANEOUS PROVISIONS

Section 1. Fiscal Year. The fiscal year shall be considered to begin October 1 and end September 30 of each year.

Section 2. Financial Accountability.

Part a. Request to Purchase/Reimbursement. Written request required with Committee Chairperson approval and approval of Chairman prior to payment by Secretary-Treasurer.

Part b. Bank Accounts. Two (2) signatures are required on all checks presented for payment, the Chairman and Vice-Chairman.

Part c. Financial Audit. Audit required of all monies annually. Audit will be carried out by an internal Ad Hoc Committee. The audit will be completed by the end of the fiscal year.

Section 3. Approval of By-Laws. These bylaws shall become effective upon approval by a majority of those in attendance at the time of the vote with a quorum of the LEPC members.

Section 4. Disqualification. Any member with two or more absences, without sufficient cause, is subject to being disqualified at the request of the LEPC Chairman who may request approval from the LEPC Board of Directors and SERC.

ARTICLE VI
AMENDMENTS

Section 1. Amendments. These bylaws may be amended by a two-thirds vote of the LEPC members present and voting at any meeting of the LEPC provided that any proposed amendments to the bylaws are submitted to the members in writing at least 14 days in advance of the meeting.

ARTICLE VII

RULES

Section 1. Adoption of Rules; Publication of Proposals. The Anderson County LEPC members may, as necessary and proper, adopt rules of general application governing the execution of its LEPC responsibilities under SARA Title III and applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC members. Publication shall be effected through posting of the proposed rule and a statement of basis and purpose on the public bulletin board located on the first floor of the Anderson County Court House, 500 N. Church, Palestine, Texas, and distributed to each member of the LEPC. (The proposed rule together with the statement of basis and purpose are hereafter referred to as "notice of proposed rule making".) Such notice of proposed rule making shall invite written public comment on any aspect of the proposed rule during the above 10 day period.

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 members. If the Executive Committee, by majority vote, approves a proposed rule, it shall thereafter proceed to publication as provided in Article VII, Section 1 of the LEPC Bylaws.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Authority. The rules contained in Robert's Rule 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

TAXES

Section 1. Taxes. 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 provision 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.

ARTICLE X

ASSETS UPON DISSOLUTION

Section 1. Assets. 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(s), as said Court shall determine, which are organized and operated exclusively for such purposes.

