



**BYLAWS OF THE  
POTTER & RANDALL COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

**ARTICLE I  
NAME AND PURPOSE**

**Section 1.** Name. The name of this organization shall be the "Potter & Randall 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 Potter and Randall Counties those responsibilities required of the LEPC pursuant to 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 exercising of hazardous materials emergency response plans for jurisdictions within Potter and Randall Counties.
  - (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 government, the State Emergency Response Commission (SERC), or the County Judges.

## **ARTICLE II MEMBERSHIP**

**Section 1. Qualifications.** The organizations shall consist of those members nominated by the County Judges and approved by the SERC for membership in this body. Those individuals or organizations named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents of, conduct business in, generate potential hazardous materials impacts, or represent special expertise to the LEPC in Potter or Randall Counties.

The LEPC is subject to the requirements of the Open Meetings Act (Government Code section 551.005) and the Public Information Act (Government Code section 552.012) which impose mandatory open government educational requirements on elected and appointed officials who are subject to the those laws.

- A. **Organizational Members:** Organizations approved for membership shall designate a representative who shall have one vote for the organization. A pre-designated qualified proxy may present the vote for the organization.
- B. **Members-At-Large:** Individuals who may provide expertise in areas of concern to the LEPC. These members shall have no vote or hold office and will not be carried on the LEPC state roster. These members will receive all mailings and information.

**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. Terms of Office.** The membership of 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. No term limits are established for the jurisdictions. The term of office shall be as provided in Article III, Section3.

**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 County Judges who will make his or her recommendations to the SERC for approval.

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

**Section 6. Meetings.** There shall be at least four regular meetings of the committee per year (quarterly). 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 groupings proceeds.

**Section 7. Quorum.** The presence of thirty-three percent of the members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of three 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-Treasurer who 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 term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chairperson, Vice-Chairperson, and Secretary-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 the majority of the members of the LEPC present and voting at the meeting.

**Section 3. Term of Office.** The term of the officers elected shall be for a period of two years to coincide with the LEPC fiscal year.

**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 other 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. Secretary-Treasurer.** The Secretary-Treasurer in cooperation with the Information Coordinator 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 of the LEPC. Additionally, the Secretary-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.

The Secretary-Treasurer may also serve as the Information Coordinator unless otherwise designated by the LEPC.

**Section 7. Information Coordinator.** The LEPC may 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 and financial matters. The Information Coordinator shall be a non-voting member of all committees.

#### **ARTICLE IV COMMITTEES**

**Section 1. Executive Committee.** The Executive Committee will consist of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and Chairpersons 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.

**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; and all publicity of the LEPC; development of public education and information programs.
- C. **Hazardous Materials Facilities & Transportation Liaison Committee.** This Committee shall be responsible for procedures for identification and communication with affected facilities and transportation nodes. This Committee shall work with the Emergency Response and Resources Committee and with affected facilities and transportation nodes to review and

help the local emergency management office 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 & Transportation Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office 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. The Chairperson of the LEPC or the Chairperson of the Committee may call meetings of the Standing and Ad Hoc Committees as deemed necessary. Each Committee will conduct a minimum of one meeting annually.

**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 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 Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient staffing to carry out their assigned tasks. Standing and Ad Hoc Committees may include persons that are not LEPC members to advise on Committee projects and work.

**Section 6.** 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 V MISCELLANEOUS PROVISIONS**

**Section 1.** Fiscal Year. The fiscal year shall be considered to run from October 1 to September 30.

**Section 2.** Indebtedness. The City of Amarillo serves as the fiscal agent for the LEPC. As such all indebtedness incurred by the LEPC must be handled in accordance with fiscal rules and regulations of the City of Amarillo. All indebtedness will be submitted by the Secretary-Treasurer and approved by the Chairperson before payment.

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

**Section 4. Disqualification.** Any member who is unable to attend regular meetings of the LEPC may notify the Secretary-Treasurer or Information Coordinator. Any member with four consecutive absences is subject to being disqualified at the request of the LEPC to the County Judges and the SERC.

## **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 by-laws.

**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. 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 on the first floors of the City of Amarillo City Hall, Potter County Courthouse, and Randall County Courthouse. (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 10-day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rule making to interested local government officials, industries and citizens.

**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.** 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 to 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 adoptions was first published unless the LEPC determines otherwise.

**Section 4. Notice of Adoption.** Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPCs 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**

**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.

## RECORD OF CHANGES TO BYLAWS

Revised Paragraphs	Effective Date	Refer to Minutes Dated
Article IV, Section 2, Standing Committees	01/13/93	01/13/93
Article IV, Section 4, Chairmen of the Standing Committees		
Article I, Section 2, Purpose	06/06/02	06/06/02
Article II, Section 1, Qualifications		
Article II, Section 6, Quorum		
Article III, Section 1, Enumeration of Officers		
Article III, Section 2, Nomination and Election of Officers		
Article IV, Section 4, Chairmen of the Standing Committees		
Article I, Section 2, Purpose	03/05/09	03/05/09
Article II, Section 1, Qualifications		
Article II, Section 3, Terms of Office		
Article II, Section 4, Vacancies		
Article II, Section 5, Duties		
Article III, Section 6, Secretary-Treasurer		
Article III, Section 7, Information Coordinator		
Article IV, Section 1, Executive Committee		
Article IV, Section 2, Standing Committees		
Article IV, Section 3, Meetings		
Article IV, Section 4, Chairperson of the Standing Committees		
Article IV, Section 5, Membership of the Standing Committees		

Revised Paragraphs	Effective Date	Refer to Minutes Dated
Article IV, Section 6, Ad Hoc Committees	03/05/09	03/05/09
Article V, Section 2, Indebtedness		
Article VII, Rules		
Article VII, Section 1, Adoption of Rules; Publication of Proposals		
Article VII, Section 3, Method of Adopting Final Rules		
Final Rules, II. Public Notification and General Participation		
Final Rules, III. LEPC Participation in the Planning Process		

Attachment: Potter & Randall County LEPC Final Rules

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**POTTER & RANDALL 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 Title III of the Superfund Amendments and Reauthorization Act (SARA) 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, and all subcommittee meetings, on the public bulletin board on the first floors of the City of Amarillo City Hall, Potter County Courthouse, and Randall County Courthouse at least 72 hours prior to any such meeting. In emergencies, declared by the Chairperson and confirmed by a majority of the LEPC in attendance at an emergency meeting, 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 beginning of each regular quarterly meeting to accept oral public comments on any aspect of the LEPCs mission or functions.
- C. Not less than once each calendar year, the Chairperson shall cause to be published in a newspaper of general circulation in Potter and Randall Counties a notice that written public comment is invited during a thirty-day period on any aspect of the LEPCs organization, membership, functions, planning process, or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPCs 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.

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.

### **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 the 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, LEPCs 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, which cover the areas LEPC responsibility.
  - 1. The LEPC shall review such plans once a year or more frequently as changed circumstances in the community or at any facility may require. The primary focus should be with those parts of the plan, which cover the following categories: warning, population protection, emergency public information, and HAZMAT response.
  - 2. The LEPC shall 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 should maintain copies of the 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 person. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level that 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 Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

C. Requests 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 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.
3. If the Committee does not have in its possession the MSDS or other information requested in sections 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 of 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.