



**1000 Throckmorton
Fort Worth, TX 76102
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**BYLAWS
OF
THE TARRANT COUNTY LOCAL EMERGENCY PLANNING COMMITTEE**

ARTICLE I—NAME AND PURPOSE

Section 1—Name

The name of this organization shall be the “Tarrant County Local Emergency Planning Committee,” hereinafter referred to as the “LEPC.”

Section 2—Purpose

The purpose of the LEPC shall be:

- A. Carry out responsibilities required pursuant to the Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III (Public Law 99—499) that includes but not limited to:
 1. Develop, train, and test a hazardous materials emergency response plan for Tarrant County.
 2. Develop procedures for regulated facilities to provide notification to the LEPC in accordance with SARA Title III.
 3. Establish provision for public notification of committee activities.
 4. Establish an LEPC Repository to receive emergency release notification and chemical inventory information submitted by local facilities and make this information available to the public upon request. It must establish and publicize procedures for handling those requests.
 5. Provide a continuing forum in which the local community and facilities can discuss issues related to hazardous substances.
- B. Implement activities as required by the Federal Government, State Emergency Response Commission (SERC), or the County Judge.

ARTICLE II—COMMITTEE MEMBERS

Section 1—Membership Categories

The committee shall consist of members nominated by the Tarrant County Judge and appointed by the SERC. Members shall be residents of or conduct business in Tarrant County.

Membership in LEPC should consist of representatives of the following groups and organizations:

1. Elected State and Local Officials
2. Law Enforcement
3. Emergency Management
4. Fire and Rescue
5. Health Units
6. Hospitals/Medical Centers
7. Environmental
8. Transportation
9. Broadcast and Print Media
10. Community Representatives
11. Representatives of facilities subject to EPCRA

Section 2—Membership

Membership shall include at least one representative from each of the groups or organizations mentioned above.

The Fort Worth – Tarrant County Emergency Management Office (EMO), acting as the repository and headquarters for the LEPC, shall make necessary efforts to invite individuals from the various departments, agencies, units and facilities identified in Section 1 above to the LEPC meetings. LEPC members may also recommend potential new members to EMO for invitation to the meetings.

Any individual interested in serving on the LEPC may place a request to be added to the LEPC roster to the LEPC Coordinator either written or oral. The LEPC Coordinator will annually submit a complete membership roster to the SERC for approval. The LEPC membership does not become official until approved by the SERC. New members to the LEPC will be confirmed by the LEPC upon their request to become voting members of the LEPC.

Section 3—Disqualification

An individual may resign or be removed from the LEPC membership roster by the following methods or reasons:

- A. By request of resignation from the LEPC, either written or oral, to the LEPC Chairperson.
- B. Failure to attend three (3) consecutive LEPC meetings without written or oral notification of absence prior to the meeting date.

- C. Failure to attend four (4) consecutive LEPC meetings (one year) regardless of written or oral notification of absence.
- D. A current member may petition the LEPC at any regularly scheduled meeting to terminate the membership of another member if another member seconds the motion and a majority of members present concur. The vote to terminate must not be held until the following regularly scheduled meeting.

ARTICLE III—OFFICERS

Section 1—Officers

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

Section 2—Enumeration of Officers

The officers of the LEPC shall be a Chairperson, Vice Chairperson, Secretary, and a Financial Officer who shall be elected by the committee as a whole. All officers shall be members of the LEPC.

Section 3—Chairperson

The Chairperson shall

- a. Preside at all meetings of the LEPC
- b. Serve as ex officio member of all committees
- c. Perform such duties and acts as necessary to accomplish the goals of the LEPC
- d. Be empowered to create subcommittees as necessary to accomplish the goals of the LEPC.

Section 4—Vice Chairperson

If the Chairperson is unable to perform their duties, the Vice Chairperson shall perform the duties of the Chairperson. The Vice Chairperson shall perform other duties as assigned by the Chairperson.

Section 5—Secretary

The Secretary, in cooperation with the LEPC Coordinator, shall

- a. Be the custodian of all books, papers, documents and other property of the LEPC
- b. Keep a true record of the proceedings of all meetings of the LEPC.
- c. Attend to the business needs of the LEPC.

Section 6—Treasurer

The Treasurer shall maintain an accurate record of all monies received and expended by the LEPC.

Section 7—LEPC Coordinator

The LEPC Coordinator is appointed by the LEPC and shall

- a. Assist the Secretary in records management
- b. Supply information requested under the community right-to-know provisions of SARA, Title III.

Section 8—Nomination and Election of Officers

Nomination and election of officers shall occur prior to the expiration of the officers' term of service.

Nominations will be accepted from the floor for all officer positions except LEPC Coordinator.

The election shall be by ballot. Officers are elected by a majority vote of the members of the LEPC present at the election meeting.

When there is only one nomination for each office a vote of affirmation shall be taken.

Section 9—Term of Office

The term of the elected officers shall be for a period of two years, expiring on December 31.

Section 10—Vacancies

Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled by appointment. Candidates nominated to fill vacancies will be approved by the LEPC prior to appointment and will serve out the remainder of the term of office of the predecessor, not a full term of office as outlined above.

Section 11—Powers and Duties

The LEPC shall have full charge of the planning for emergency response and public information as directed by the law. It shall plan and direct the work necessary to carry out the planning mandate.

ARTICLE IV—MEETINGS

Section 1—Regular Business Meetings

The LEPC will meet together **every second month of each quarter** (February, May, August, and November) or four times yearly for regular business meetings. The meetings shall be held on the **third Wednesday** of the specified month at 2:30 p.m. except in November when the meeting date will be the **second Wednesday** as to avoid conflicts with the Thanksgiving Holiday. However, due to scheduling conflicts and meeting room availability, the meeting day and time may need to be changed on a periodic basis. The primary meeting location will be the Fire and Police Training Center, 1000 Calvert. However, opportunities may arise where the meeting maybe scheduled at differing facilities to provide meeting space and a facility tour.

Section 2—Special Meetings

The LEPC Chairperson may call special meetings, when deemed necessary, to carry out duties of the LEPC or to hold a meeting other than at the regular business meeting date or location. Special meetings of the LEPC may be called

- a. At the discretion of the Chairperson
- b. At the written request of five members

Section 3—Quorum

A quorum shall consist of a minimum of 15 members in attendance at a duly called regular or special LEPC meeting. A quorum shall be required for the transaction of business by the LEPC.

For the purpose of Standing Committee meetings, the presence of three members shall constitute a quorum for the transaction of business.

Section 4—Rules Of Order

Robert's Rules of Order shall govern deliberations of all LEPC meetings and its subcommittees.

Section 5—Notice Of Meetings

Notice as to the time, place, location and agenda items to be considered at each meeting shall be given to all members at least one week prior to each Regular Business and/or Special Meeting. Matters not appearing on the agenda may be considered upon a favorable vote if a quorum is present.

Section 6—Public Participation

Any person who is not a member of the LEPC and wishes to have an item placed on the LEPC Regular Business Meeting or Special Meeting agenda shall advise the LEPC Coordinator at least five days prior to the meeting. The individual shall supply the LEPC Coordinator with name, address, group representing and the subject to be addressed. The LEPC Coordinator may grant, refuse or act upon this request at the Chairperson's discretion. Any written statements that are to be submitted as part of the agenda item shall be submitted at least five days prior to the LEPC meeting.

The LEPC Chairperson may recognize an audience member at a regular or special meeting and subsequently allow that person to address the LEPC where participation of such person would enhance understanding of the matter under consideration.

No person may speak more than once on the same subject unless granted permission by the Chairperson or a designee.

No presentation shall exceed 10 minutes unless granted permission by the Chairperson or a designee.

ARTICLE V—COMMITTEES

Section 1—Executive Committee

The Executive Committee shall consist of the Chairperson, Vice Chairperson, Secretary, Financial Officer, LEPC Coordinator, and the Chairpersons of ad hoc committees. The Executive Committee, subject to ultimate review of the LEPC, may act on behalf of the LEPC in conducting administrative matters and managing the work of the ad hoc committees. Matters of policy must be approved by the LEPC as a whole. The Executive Committee shall perform other appropriate functions, as the Chairperson deems necessary in the furtherance of the purposes of the LEPC. The Executive Committee shall meet from time to time as appropriate.

Section 2—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 LEPC.

Section 3—Committee Meetings

Meetings of the ad hoc committees may be called by the Chairperson of the LEPC or by the Chairperson of the ad hoc committee as deemed necessary.

ARTICLE VI—MISCELLANEOUS PROVISIONS

Section 1—Fiscal Year

The fiscal year shall be considered to run from October 1 to September 30.

Section 2—Indebtedness

The Chairperson shall approve all expenditures incurred by the LEPC before payment by the Financial Officer.

Section 3—Approval of Bylaws

These bylaws shall become effective upon approval by a majority of those in attendance at the LEPC meeting that the bylaws are presented.

ARTICLE VII—RULES

Section 1—Rules

SARA, Title III Section 301 requires 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.”

Section 2—Adoption of Rules; Publication of Proposals

The LEPC may adopt rules governing the fulfillment of its responsibilities under SARA and other applicable regulations. Any rule must first be published in proposed form no less than 10 days prior to final adoption by the LEPC.

Publication shall be through posting of the proposed rule and a statement of basis and purpose on the public bulletin board on the 1st floor of the City Administration Building, 1000 Throckmorton Street, Fort Worth, 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 Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 3—Method of Initiating Proposed Rulemaking

Any member of the LEPC may recommend the initiation of proposed rulemaking. The Executive Committee shall initially consider any proposed rules, 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 4—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 that responds to comments raised and discusses the basis for any appropriate changes to the proposal. Nothing herein shall require a specific response to each and every comment received. 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 approves, the rule shall take effect immediately upon the time and date the notice of adoption is first published, unless the LEPC determines otherwise.

Section 5—Notice of Adoption

Upon adoption of any rule, the LEPC Coordinator shall publish the LEPC 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.

Section 6—Emergency Rules

In emergency circumstances, rules may be adopted without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

Section 7—Amendments

These bylaws may be amended by 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 VIII—SUBCOMMITTEES

Section 1—Subcommittees Membership

The LEPC Chairperson will appoint members, with their consent, to serve on subcommittee(s) as required to carry out LEPC business or projects. The membership of the subcommittee(s) may include non-LEPC members when their addition is desirable to facilitate the subcommittee's work.

Section 2—Subcommittee Duties

When deemed necessary to carry out LEPC work or projects, the LEPC Chairperson will appoint subcommittee(s) with specific duties. Once the duties of the subcommittee have been carried out and reported to the LEPC, the subcommittee will cease to exist.

Section 3—Subcommittee Meetings

The LEPC Chairperson or the subcommittee chairperson may call meetings of the subcommittee(s) as necessary.

Section 4—Subcommittee Chairperson

The LEPC Chairperson shall appoint the chairperson of the respective subcommittee(s).

Section 5—Subcommittee Reports

Each subcommittee will prepare and deliver a report of their activities during each regular or special LEPC meeting.

ARTICLE IX—VOTING

Section 1—Voting

Each LEPC member shall be entitled to one vote.

Section 2—Proxy Votes

An LEPC member may not vote by proxy.

Section 3—Abstentions

LEPC members may register their abstention on any vote that shall be reflected in the minutes.

Section 4—Determination of Action

All final actions, LEPC positions, or policy recommendations shall require a favorable vote of a quorum of LEPC members present during the voting.

Section 5—Roll Call Votes

At the discretion of any LEPC members, including the Chairperson, any action requiring a vote can be taken by a roll call vote and the vote of each member shall be reflected in the official minutes.

Section 6—Resolutions

Resolutions submitted or discussed by the LEPC may be voted upon at any meeting. However, the LEPC Chairperson has the option of sending the resolution to a subcommittee for review, considerations, and recommendation.

ARTICLE X—COMMUNITY RIGHT TO KNOW

Section 1—EPCRA Request and Homeland Security

The LEPC recognizes and respects the community's right to know what chemicals are within their areas, but also recognizes the need to be vigilant to the threats to homeland security. Therefore, the LEPC Coordinator will make every conceivable effort to fulfill each and every community right to know requests while also weighing facilities security and homeland security issues.

Section 2—Requesting Information

Any person that lives or works within Tarrant County may file a community right to know request with the LEPC Coordinator. This request must be made in writing, preferably on company letterhead, and must contain the following information:

- a. Name of Requestor and name of company, if appropriate.
- b. Address of Requestor
- c. Telephone number of Requestor—This must only be a landline telephone. No other telecommunication device (pagers, cell phones, etc) will be accepted
- d. Name of the facility that information is requested about
- e. Exact and specific information requested
- f. Intended purpose of use for the information
- g. Date of the request
- h. Copy of a valid Texas Drivers License or other government-issued identification with a photo.

No walk-in requests for EPCRA information will be recognized or satisfied.

A requestor, by name or address, may only file three (3) EPCRA request per calendar year, regardless of the actions taken by the LEPC Coordinator.

Section 3—LEPC Coordinator Responsibilities in Regards to EPCRA Information Request

Upon receipt of an EPCRA request, the LEPC Coordinator will immediately date stamp the request with the date it was received. The LEPC Coordinator has sixty (60) working days in which to fulfill or deny an EPCRA request. The next working day will be the first day of the sixty (60) day timeframe to comply with the request.

The LEPC Coordinator will begin to assemble the information requested and only the information requested while also verifying the authenticity of the request and the requestor by any means possible. Before or at the conclusion of the sixty (60) day window, the LEPC Coordinator shall either provide the information or a written explanation of why the request was denied.

Section 4—Exempts and Denials

1. EPCRA requests will be denied for reasons of marketing or sales to the facility(ies).
2. EPCRA requests will be denied for not supplying any information requested in Section 2 above.
3. EPCRA requests will be denied if release to the requestor is deemed a threat against homeland security.
4. Maps, mapping information, sitemaps, and / or information concerning the exact location of chemicals on a facility site will not be included in the completing of an EPCRA request.

ARTICLE XI—BYLAW RATIFICATION

These bylaws are duly adopted by a quorum of the Tarrant County Local Emergency Preparedness

Committee members this the 19th day of FEBRUARY, 2003.

LEPC Chairperson

Date

LEPC Secretary

Date

LEPC Coordinator

Date