

FORT BEND COUNTY

LEPC

FORT BEND COUNTY

LOCAL EMERGENCY PLANNING COMMITTEE



LEPC

*...safety in knowledge*SM

BY-LAWS



REORGANIZATION COMMITTEE STRUCTURE

OFFICERS

- Chairman
- Vice-Chairman
- Secretary-Treasurer

EXECUTIVE COMMITTEE

- Chairman Raymond Engelhardt
- Vice-Chairman Shayne Carter
- Secretary-Treasurer Kevin Kress

Standing Committee Chairman (4)

1. Public Relations, Education & Information – Ron Drachenberg
 - a. Training
 - b. Public Relation
 - c. Legal
 - d. Regulatory
2. Hazardous Materials Facilities – Mike Hafer
 - a. Facilities
 - b. Transportation
3. Emergency Notification, Response & Resources – Danny Jan
 - a. Equipment & Personnel
 - b. Response & Mitigation
 - c. Communications
 - d. Evacuation
 - e. Exercise & Critique
4. Administrative & Finance – Wilbur Miller
 - a. Financial



**BY-LAWS
THE LOCAL EMERGENCY PLANNING COMMITTEE
FORT BEND COUNTY**

**ARTICLE I
NAME AND PURPOSE**

Section 1 NAME

The name of this organization shall be "The Fort Bend 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 Fort Bend County (Emergency Planning District), those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to
 - 1) Development, training and exercising of a hazardous substances emergency response plan for Fort Bend 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 Title III.
 - 4) Provide effective procedures to inform the public under the community right-to-know provisions of Title III.
 - 5) 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 Judge.

**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. Those persons named shall represent the various professional, community, and volunteer groups as designated by SARA Title III. Members of the LEPC shall be residents of or conduct business within the Emergency Planning District.

Section 2 OFFICERS

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

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, Section 1. Suggestions for candidates to fill vacant or additional positions may be made by the Executive Committee to the County Judge who will make recommendations to the SERC for approval.

Section 4 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.

Section 5 MEETINGS

There shall be at least six (6) regular meetings of the committee per year. Special meetings of the LEPC may be called by the Chairman at such time and place as the Chairman may designate. The Chairman must call a special meeting of the LEPC within fourteen days upon the written request of five members. The Executive Committee will meet one week prior to the LEPC meeting or as often as deemed necessary.

Section 6 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.

Section 7 ALTERNATIVES

Every member shall designate a duly authorized alternate whose vote shall be counted in determining a quorum and who is permitted to vote in place of the regular member.

**ARTICLE III
OFFICERS**

Section 1 ENUMERATION OF OFFICERS

The Officers of the LEPC shall be a Chairman, Vice-Chairman, and 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

Forty-five days 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 that when there is only one nomination for each office, election may be by voice vote. These officers shall be selected by a majority of the members of the LEPC present and voting at the meeting.

Section 3 TERM OF OFFICE

The term of the officers elected at the organizational meeting shall expire on August 31. Thereafter, the term of the officers shall be for a period of two years, starting on September first of even calendar years.

Section 4 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 acts as necessary to accomplish the goals and objectives of the LEPC. The Chairman shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5 VICE-CHAIRMAN

Upon the resignation or death or in the absence of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Vice-Chairman shall perform such other duties as may be assigned by the Chairman.

Section 6 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 of the LEPC. Additionally, the Secretary-Treasurer 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.

**ARTICLE IV
COMMITTEES**

Section 1 EXECUTIVE COMMITTEE

The Executive Committee will consist of the Chairman, Vice-Chairman, Secretary-Treasurer, and the Chairmen of the four Standing Committees as described below. The duties of the Executive Committee shall be to coordinate the activities of the Standing and Ad Hoc Committees.

Section 2 STANDING COMMITTEES

The following Standing Committees shall be established:

A. PUBLIC EDUCATION AND INFORMATION COMMITTEE

This Committee shall:

- 1) Promote community awareness about the potential for, nature and handling of hazardous materials emergencies, and advise and educate the public on appropriate actions to take in such emergencies.
- 2) Inform the public of LEPC meetings, and arrange publicity for the LEPC.
- 3) Formulate policies and procedures concerning the public's right-to-know provision of the Act, and chemical release reporting.
- 4) Respond to public inquiries and complaints regarding specific incidents or facilities.

B. HAZARDOUS MATERIALS FACILITIES COMMITTEE

This Committee shall:

- 1) Compile available information of hazardous material storage and transportation, and address the degree of hazard present.
- 2) Establish procedures for on-going communication with affected facilities to ensure correct and current information.
- 3) Work with the Emergency Notification, Response, and Resources Committee (C) to develop and test hazardous materials emergency response plans for the planning district, and evaluate the plan performance.

C. EMERGENCY NOTIFICATION, RESPONSE, AND RESOURCES COMMITTEE

This Committee shall:

- 1) Evaluate resources and procedures for public notification of a hazardous material emergency.
- 2) Coordinate involved emergency response groups.
- 3) Evaluate, with Committee B, the plan performance, and make appropriate changes as deemed necessary and review existing Federal, state and local plans for the purpose of coordination with the LEPC planning process.

D. ADMINISTRATIVE AND FINANCE

This Committee shall:

- 1) Survey potential funding sources to support the activities of the LEPC.

- 2) Assist the LEPC in carrying out its responsibilities.

Section 3 MEETINGS

Meetings of the Standing and ad hoc committees may be called by the Chairman of the LEPC or the Chairman of those committees as deemed necessary.

Section 4 CHAIRMAN OF THE STANDING COMMITTEES

The Chairmen of the Standing Committees shall be nominated and elected by their respective committees. Voting shall be conducted in accordance with Article IV, 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 Chairman after consultation with the Executive Committee to ensure that all committees have sufficient manpower to carry out their assigned tasks. The Standing Committees may have non-voting, non-LEPC members as necessary.

Section 6 AD HOC COMMITTEES

The Chairman may create ad hoc committees as necessary to perform the functions of the LEPC. Chairmen of ad hoc committees shall be appointed by the Chairman.

**ARTICLE V
MISCELLANEOUS PROVISIONS**

Section 1 FISCAL YEAR

The fiscal year shall be considered to run from September 1 to August 31.

Section 2 INDEBTEDNESS

All indebtedness incurred by the LEPC shall be approved by the Finance Committee and the Executive Committee prior to payment by the Secretary-Treasurer.

Section 3 DISQUALIFICATION

Any member who is unable to attend a regular meeting of the LEPC shall notify the LEPC Chairman or his designate. Any member with a poor record of attendance is subject to being disqualified at the request of the LEPC to the County Judge and the SERC.

**ARTICLE VI
AMENDMENTS AND RULES**

Section 1 AMENDMENTS

These By-Laws may be amended by a two-thirds vote of the members present and voting at any meeting of the LEPC, provided that any proposed amendments to these By-Laws be submitted to the members in writing at least one week in advance of the meeting.

Section 2 RULES

Any proposed rule(s) shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If approved, the LEPC shall then vote on the adoption of the proposal(s).



**ARTICLE VII
PARLIAMENTARY AUTHORITY**

Section 1 PARLIMENTARY 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 By-Laws.

**ARTICLE VIII
NON-PROFIT ORGANIZATION**

These By-Laws of the undersigned desiring to form a Non-Profit Organization due hereby certify:

1. The name of the Organization shall be “The Local Emergency Planning Committee for Fort Bend County.”
2. The place in this state where the principal office of the Organization is to be located is the City of Richmond, Fort Bend County.
3. Said organization 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 corresponding section of any future federal tax code.
4. The names and addresses of the persons who are the initial trustees of the organization are as follows:

Raymond Engelhardt	7310 Ave A Beasley Tx. 77417
Shane Carter	
Kevin Kress	
Ron Drachenberg	
Wilbur Miller	

5. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the organization 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)4 of the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.
6. Upon the dissolution of the Organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)3 of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for public purpose. Any such assets not so disposed of shall be disposed of by the



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JANUARY 2009

Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

In witness whereof, we have hereunto subscribed our names this 19th day of February 2009.

Raymond Engelhardt, Chairman

Kevin Kress, Secretary / Treasurer

(Original Amendment with signatures on file)