



The City of *Morgan's Point* 



BYLAWS

OF THE

LA PORTE, MORGAN'S POINT, AND SHOREACRES LOCAL EMERGENCY PLANNING COMMITTEE

Issued: June 15, 1989

First Revision: June 11, 1992

Second Revision: October 8, 1998

Third Revision: June 10, 2004

Fourth Revision: July 12, 2007

Fifth Revision: July 9, 2009

Sixth Revision: December 9, 2010

Seventh Revision: February 14, 2013

Eighth Revision: May 14, 2015

Ninth Revision: May 11, 2017

Approved by: Clayton Buckton

Date: May 11, 2017

TABLE OF CONTENTS

	<u>Page</u>
Article I. Name & Purpose	4
Article II. Membership	5
Section 1 Application for Membership and any Changes	5
Section 2 Class of Membership	5
Section 3 Officers	6
Section 4 Vacancies	6
Section 5 Duties	6
Section 6 Meetings	6
Section 7 Voting Members	6
Section 8 Non-Voting Members	6
Section 9 Voting Criteria	7
Section 10 Quorum	7
Section 11 Disqualification	7
Article III. Officers	9
Section 1 Enumeration of Officers	9
Section 2 Nomination and Election of Officers	9
Section 3 Term of Office	9
Section 4 Chairperson	10
Section 5 Vice-Chairperson	10
Section 6 Treasurer	10
Section 7 LEPC Coordinator	10
Section 8 Chairman Emeritus	11
Section 9 Information Coordinator	12
Section 10 Plant Managers Liaison	12
Article IV. Committees	13
Section 1 Executive Committee	13
Section 2 Standing Committees	13
A. Emergency Communications	13
B. Emergency Response and Resources	14
C. Hazardous Materials Facilities Liaison	14
D. Planning	14
E. Public Education	15
Section 3 Meetings	15
Section 4 Chairperson of the Standing Committee	15
Section 5 Membership of Standing Committees	15
Section 6 Ad Hoc Committees	15
Section 7 Resignations & Removals	15

Article V. Miscellaneous Provisions	17
Section 1 Fiscal Year	17
Section 2 Indebtedness	17
Section 3 Budgeting	17
Section 4 Generic Boundaries	18
Section 5 City/LEPC Emergency Communication Notification	19
Section 6 Remuneration Post-Emergency/Event	19
Article VI. Amendments	20
Section 1 Amendments	20
Article VII. Rules	21
Section 1 Adoption of Rules: Publication of Proposals	21
Section 2 Method of Initiating Proposed Rule-Making	21
Section 3 Method of Adopting Final Rules	21
Section 4 Notice of Adoption	21
Section 5 Emergency Rules	22
Section 6 Public Access to Information	22
Section 7 Trade Secrets	22
Article VIII. Parliamentary Authority	24
Section 1 Parliamentary Authority	24
Exhibits	24
Exhibit 1 Annual Membership Contribution Form	25
Exhibit 2 Membership Application	26
Exhibit 3 Accounting Protocols and Standard Operating Guidelines	27
Exhibit 4 Code of Ethics	30
Exhibit 5 LEPC Boundaries Map (La Porte Area)	33
Exhibit 6 LEPC Boundaries Map (Harris County)	34

ARTICLE I

NAME AND PURPOSE

Section 1: Name. The name of this organization shall be The La Porte, Morgan's Point, and Shoreacres Local Emergency Planning Committee, which are communities located in Harris County, hereinafter referred to as the "LEPC".

Section 2: Purpose. The purpose of the LEPC shall be: To carry out for La Porte, Morgan's Point and Shoreacres, located in Harris County, 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) Assistance in developing, training and testing of hazardous substances emergency response plan(s) within our tri-city area. Annex Q to City of La Porte's local emergency management plan will be reviewed once a year, or more frequently as circumstances change in the community, or as any facility may require.
- B) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA.
- C) Development of procedures for receiving and processing requests from the public under the Community Right-to-Know provisions of EPCRA or other applicable requirements that maintain or enhance the security of all persons in the LEPC territory.
- D) Provisions for public education and notification of committee activities.
- E) Implementation of further related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission (SERC), or the County Judge.
- F) 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 capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

ARTICLE II

MEMBERSHIP

Section 1: Application for Membership, Any Changes, and Qualification. Applications for membership may be obtained from the LEPC Coordinator, or the LEPC website (www.laportelepc.org). Applications for membership shall be submitted in writing to the LEPC Coordinator and include the name of the company or individual seeking membership. Once a year, the LEPC Coordinator will submit the LEPC membership roster to the County Judge and SERC for approval.

Qualification. 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 and community groups as designated by EPCRA. Members of the LEPC shall be a resident of or conduct business within the Local Emergency Planning Committee boundaries.

Section 2: Classes of Membership. The membership of the LEPC shall consist of community and industrial members, as designed by SARA Title III. A single member may represent more than one of the following groups or organizations.

- A) Appointed 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, fire fighting, rescue and emergency services; communications media; health professionals; transportation personnel; environmental groups; citizens groups; citizens; and industry. Each "Appointed Member" shall appoint one primary and one alternate representative.
- B) Facility Representatives: Industrial members shall be those persons named by owners or operators of companies within the LEPC boundaries as their facility representatives under provisions of EPCRA. A representative of a regulated facility (subject to the provisions of EPCRA) that participates in the funding of the LEPC by paying the full amount of its share of the annual operating budget, as determined by the funding allocation formula adopted by the LEPC, shall appoint one primary and one alternate representative.
- C) Membership Categories:
 - (a) Companies that use, manufacture, or process any hazardous chemical subject

to the Environmental Protection Agency's (EPA) "List of Lists"; and/or Companies that have been designated for emergency planning purposes, after public notice and opportunity for comment, by either the SERC or the Governor of Texas.

- (b) Service Organizations (responsible agency or jurisdiction, transportation companies, pipeline companies, product warehouses)
- (c) Non-Profit (non-profit organizations, citizens)

Section 3: Officers. Officers shall be elected to conduct meetings, appoint subcommittees, and keep minutes and to otherwise accomplish the work of the LEPC.

Section 4: Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member (Article II. Section 11.) may be filled by appointment in accordance with Article III - Section 2 - Subpart D.

Section 5: Duties. Members are expected to actively participate in the LEPC process. These duties are:

- A) Regular meeting attendance (Article II. Section 6), and
- B) Participation in a minimum of one Standing Committee (Article IV. Section 2), and/or
- C) Any special assignments deemed necessary by the Executive Committee (Article IV. Section 1)

Section 6: Meetings. There shall be a minimum of ten LEPC regular meetings a year. 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. Notice may be given at any time and in any manner reasonably designed to inform the members of the time and place of the meeting. All planned meetings of the LEPC, including that of the standing or ad hoc committees, will be open to the public.

- A) Meeting Agenda - The Executive Committee shall develop, publish, and distribute an agenda in advance of each General and Special Meeting.

Section 7: Voting Members. A voting member is the designated representative of a member who has provided "fair share" financial support (see Exhibit 1) to the LEPC in the current calendar year (Calendar year January - December), and met those membership duties listed in Article II Section 5.

Section 8: Non-Voting Members.

- A) A person or organization who has not provided their "fair share" financial support to

the LEPC in the current calendar year yet meets those duties in Article II Section 5.

B) Appointed members who do not provide "fair share" financial support.

Sections 9: Voting Criteria. Each voting member will have one (1) representative for those motions before the LEPC which involve election of Officers, the disbursement of unbudgeted funds above \$2,500, or amendments to the Bylaws. If ballots are requested by a voting member, or at the discretion of the Chairperson, they shall consist of the member's name, the casting of a yes or no vote, and the date.

Section 10: Quorum. The presence of thirty-three (33%) percent of the voting members of the LEPC at the opening of the general membership meeting shall constitute a quorum for the transaction of business by the LEPC. A simple majority of those members present shall be used to decide all matters brought before the Executive Committee, Standing Committees, and/or any ad hoc committees.

Section 11: Disqualification. A representative of a voting member who is unable to attend a regular meeting of the LEPC should send an alternate. Any member with five (5) or more absences of a regular meeting or five absences of (5) subcommittee meetings/activities within a calendar year will be disqualified by request of the LEPC to the County Judge and the SERC.

The following describes the steps that shall take place to affect such disqualification:

- A) Member attendance records shall be maintained for regularly scheduled meetings and committee meetings on a calendar year basis. Attendance records will be turned into the LEPC Coordinator at the monthly meeting.
- B) When an LEPC member representative has missed three regularly scheduled meetings or three scheduled committee meetings, a traceable letter may be sent to the most senior officer at the member facility. The letter will contain absentee information and the rule for disqualification.
- C) Probation - When an LEPC member representative has missed four regularly scheduled meetings or four scheduled committee meetings, a traceable letter will be sent to the most senior officer at the member facility, as well as the County Judge. The member organization will be placed on probationary status (loss of voting privileges). During the probation period, the member may not miss another meeting. If absenteeism continues to a total of 5 during the current calendar year a letter requesting disqualification may be sent to the County Judge. Upon receiving approval

from the County Judge the member will be dropped from the LEPC.

ARTICLE III

OFFICERS

Voting:

Section 1: Enumeration of Officers. The Officers of the LEPC shall be a Chairperson, Vice-Chairperson, and Treasurer, who shall be elected by the LEPC in a manner herein provided. Officers shall be voting members of the LEPC. The LEPC shall also function with a LEPC Coordinator, and this shall be a compensated position hired by the City of La Porte. The LEPC Coordinator is neither an officer nor voting member. All voting Officers, the LEPC Coordinator, and the Information Coordinator are required to complete the "EPCRA (non-313) Online Training for States, Tribes, LEPCs" online training course within 90 days of election, hire, or appointment. This training is strongly recommended for all Standing Committee Chairs.

Section 2: Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nominations and election of Officers shall occur. Nominations will be accepted from the floor from the list of voting member representatives for the positions of Chairperson, Vice-Chairperson, and Treasurer.

- A) If necessary, the Chairperson may appoint an ad hoc nominating committee to solicit nominees for the aforementioned offices. The majority of voting members of the LEPC who are present shall select these Officers. The election shall be by ballot except when there is only one nomination for any Officer.
- B) Selection of Officers shall be by a simple majority of the quorum of Voting Members of the LEPC present at the Meeting.
- C) Members may call for a special election of one or more new Officers where at least 50% of the Voting Members submit a written request to the Executive Committee. The Executive Committee shall place the request for a special election on the agenda of the next General Meeting. Members at that General Meeting shall determine if a special election is required, and the location and timing of that election.
- D) In the absence of nominees for an Officer position, the Chairperson will have the authority to bypass the nomination process noted above and appoint any Member (who receives their management's/supervisor approval) to fill the term.

Section 3: Term of Office. The term of the Officers shall be for a period of two years, expiring on December 31 of odd number years for the Chairperson, and on December 31 of even

number years for the Vice-Chairperson and Treasurer. The LEPC Coordinator is a compensated position and therefore not subject to a term of office.

- A) Members may be selected to succeed themselves or to move to other positions on the LEPC.
- B) A member may be elected to serve for no more than two (2) consecutive terms for each of the positions of Chairperson, Vice-Chairperson, or Treasurer. A Vice-Chairperson that assumes the Chairperson role due to resignation or death will not have the remaining portion of the term count towards the two (2)-term limit.
- C) Following a two (2) year absence, a member is permitted to run for up to two (2)-more consecutive terms in the Officer position previously held.

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 other duties as may be assigned by the Chairperson.

Section 6: Treasurer. The Treasurer, in cooperation with the LEPC Coordinator, shall have charge of the records and correspondence of the La Porte LEPC under the direction of the Chairperson, and shall oversee maintenance of all books, papers, documents, and other property of the LEPC. The Treasurer, in cooperation with the LEPC Coordinator, shall be the custodian of all financial records of the LEPC. The Treasurer and LEPC Coordinator will utilize the La Porte LEPC Accounting Protocols SOG (Exhibit 5), which describes daily, weekly, monthly and annual accounting practices.

Non-Voting:

Section 7: The LEPC Coordinator.

- A) Shall give notice of and attend all meetings of the members.
- B) Shall keep a true record of the proceedings of all meetings of the LEPC.

- C) 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 LEPC Coordinator shall maintain and balance the LEPC checkbook; provide for collection of working funds for the LEPC by invoicing Members when collections are authorized; ensure checks are endorsed with approved signatures of the Treasurer; and present a report of accounting at each meeting.
- D) In cooperation with the Treasurer, shall coordinate the biennial review and biennial formal audit of LEPC records.
- E) In cooperation with the Treasurer, shall coordinate filing and recording of legal transactions such as taxes or fees mandated by the government. The Treasurer will retain – as necessary – professional expertise to prepare the federal tax return, and will provide all necessary books, records and/or documentation for its' completion.
- F) Shall assist in the preparation of a fiscal year budget in coordination with the Treasurer/Chairperson/Executive Committee for approval at the meeting.
- G) Shall coordinate – with the appropriate Executive Committee member(s) – the application of all grants available to the LEPC.
- H) Shall prepare a monthly report to the Executive Committee consisting of a comparison – by Member – of the dues paid from one year to the next, with a brief explanation of the difference from one period to the next.
- I) Shall discharge such other duties as shall be prescribed from time to time by the Treasurer, Chairperson, or the members.
- J) These duties (or a portion of these duties), as well as accounting, bookkeeping and secretarial services, may be contracted externally at the LEPC's expense under the direction of the Chairperson. The LEPC Coordinator position is a non-voting member of the Executive Committee, where the position is filled by hire.

Section 8: Chairperson Emeritus. The immediate past Chairperson will have the opportunity to serve a two year term as Chairperson Emeritus. This position should attend all meetings of the LEPC; may serve as ex officio member of all committees; may give advice and counsel to the Executive Committee and Chairperson as necessary; and may perform such duties and acts as necessary to accomplish the goals of the LEPC. This position is a non-voting member of the Executive

Committee.

- A) It shall not be a requirement that the Chairperson transition to the position of Chairperson Emeritus if that individual is not able or willing to fill the position.
- B) A Chairperson Emeritus may resign the position by notifying the current Chairperson.
- C) A Chairperson may fill the position of Chairperson Emeritus through appointment of a past LEPC Chairperson if the position is vacant.
- D) The position of Chairperson Emeritus may remain in a vacant state and the business of the LEPC shall not be affected by such a vacancy.

Section 9: Information Coordinator. The Information Coordinator shall be the Emergency Management Coordinator for the City of La Porte or their designee. The Coordinator shall process requests from the public for information under Section 324, including Tier Two information under Section 312. Additionally, the Coordinator shall assist the LEPC Coordinator, and/or Treasurer in records management and financial matters. The Information Coordinator is primarily responsible for:

- A) All publicity of the LEPC.
- B) Development of information program(s) including appropriate actions to take in advance of, during, and after emergencies that is expected from the public.
- C) Establishing procedures for processing information from regulated entities.
- D) Implementing procedures to evaluate and address requests for information.

Section 10: Plant Managers Liaison. The Plant Manager Liaison shall be nominated by the La Porte Plant Managers' Network and approved by the LEPC Chairperson to serve as a liaison between the Executive Committee and the plant managers of the LEPC facilities. This position is a non-voting member of the Executive Committee.

ARTICLE IV

COMMITTEES

Section 1: Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Information Coordinator, Treasurer, LEPC Coordinator, Chairperson Emeritus, designated Plant Manager Liaison, and the Chairpersons of the five Standing Committees as described below. The designated Plant Manager Liaison 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.

The Executive Committee will be responsible for: coordinating with other LEPCs and the SERC; being familiar with local, state, and federal laws which impact the hazardous materials planning process; developing long-term goals for the LEPC; administering grant processes, attending to LEPC member needs; reviewing terms of current LEPC members and soliciting volunteers to fill vacancies; development of LEPC timetables for standing and ad hoc subcommittees; management of the LEPC budget; establishment of trade secret protection procedures; and examining sources of and recommending uses of LEPC funds.

Section 2: Standing Committees. The Executive Committee may, upon approval of the members, designate one or more Standing Committees (in addition to the Executive Committee) as are deemed necessary and which are not in conflict with other provisions of these Bylaws. The duties of any such Standing Committees shall be prescribed by the Executive Committee upon their designation. Appointments of Chairpersons to such Standing Committees shall be for terms prescribed by the Executive Committee upon such persons' appointments.

The following **Standing Committees** shall be established:

- A) Emergency Communications Committee. This committee, serving in an advisory capacity, shall be responsible for the following:
1. Development, implementation, and review of a program establishing an effective public alert and notification system for the communities of La Porte, Morgan's Point and Shoreacres that would provide adequate communications during a hazardous materials emergency.
 2. The formulation of all policies and procedures concerning the public's right-to-know program.
 3. The formulation of all chemical release reporting procedures.
 4. The formulation of all record keeping and information dissemination procedures for the LEPC.
 5. Assisting with evaluating municipal resources and procedures for public

notification of a hazardous materials emergency.

6. Communicating changes in regulations, policies, and procedures concerning local, county, state and/or federal regulations that impact the LEPC.
7. Developing procedures for interfacing with neighboring jurisdictions.

B) Emergency Response & Resources Committee. This Committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district. This committee shall be responsible for:

1. Conducting training needs assessments.
2. Requesting grant funding to provide for identified training needs.
3. Coordinating training programs.
4. Establishing an exercise/drill schedule and the planning and coordination of drills.
5. Evaluating response capabilities and resource needs.
6. Assisting with security and emergency response issues when providing information regarding the LEPC.

C) Hazardous Materials Facilities Liaison Committee. This committee, serving in an advisory capacity, shall be responsible for the following:

1. Procedures concerning the identification of and communication with fixed facilities manufacturing, transporting (including pipelines, distribution facilities, railroads, etc.), or storing hazardous materials.
2. Working with the Emergency Response & Resources Committee, Planning Committee, and with affected facilities to review and help the local emergency management office(s) test a hazardous material emergency response plan for the planning district as required by law.
3. Developing procedures to identify any regulated entity required by EPCRA to submit reports and participate in the activities of the LEPC.
4. Compiling available information on hazardous materials storage and transportation.

D) Planning Committee. This Committee will work with the Emergency Response & Resources Committee and the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district. This committee shall be responsible for:

1. Reviewing existing federal, state and local plans for the purpose of coordination with the LEPC planning process.
2. Incorporating the National Response Framework (NRF) and National Incident Management System (NIMS) into emergency planning efforts.

3. Assisting with hazard assessments from fixed and mobile sources.
4. Assisting with reviewing Municipal and Industrial Members' Emergency Response Plans.
5. Facilitating the communication of risk-related information.
6. Developing procedures for responding to release reports.

E) Public Education Committee. This committee, serving in an advisory capacity, shall be responsible for the following:

1. Promoting public awareness of EPCRA.
2. Training and outreach concerning the public alert and notification program.
3. Public relations with affected communities and public at large.

Section 3: Meetings. Meetings or communications of the Standing Committees, ad hoc committees, or subcommittees shall be as deemed necessary to accomplish the mission and goals of the LEPC.

Section 4: Chairperson of the Standing Committees. The Chairperson of the Standing Committees will be appointed from the voting members of the LEPC to serve a 2-year term. The Chairperson will submit a copy of the Committee's minutes and attendance record to the LEPC Coordinator, utilizing the approved forms provided to each Standing Committee Chairperson.

Section 5: Membership of Standing Committees. Each member must volunteer to serve on at least one Standing Committee or ad hoc committee. 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 personnel to carry out their assigned tasks.

Section 6: Ad Hoc Committees. The Chairperson may create ad hoc committees as necessary to perform the functions of the LEPC. The Chairperson of the LEPC shall appoint chairpersons of ad hoc committees. Ad hoc committees shall limit their activities to the accomplishment of the tasks for which it is designated and shall have no power to act except as specifically conferred by action of the Chairperson or the Chairperson of the appropriate Standing Committee. Upon completion of the task for which designated, such special committee shall stand dissolved.

Section 7: Resignations and Removals. Any member of a particular Standing Committee may resign from that committee at any time by giving notice to the Chairperson or to the chair of the Standing Committee. Unless otherwise specified in the notice, such resignation shall take effect upon receipt thereof, and the acceptance of such resignation shall not be necessary to make it effective. The member must apply for membership on another Standing Committee

as required by Article II – Section 5. The members may remove at any time with or without cause any member of any committee who was originally appointed thereto by the Chairperson or by the members as provided in these Bylaws.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 1: Fiscal Year. The calendar year shall be considered to run from January 1 to December 31.

Section 2: Indebtedness. All unbudgeted purchases up to \$2,500 shall be approved by the LEPC Executive Committee before payment by the LEPC Coordinator.

Section 3: Budgeting. Upon the recommendation of the Executive Committee, a motion may be placed before the LEPC to assess member cities and companies 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 subcommittee 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 distributed to all member cities and facilities within the LEPC by the regular December meeting.

- A) Dues/Fees/Assessments. Each LEPC member agrees to pay, as described in this section, annual membership dues, fees and/or assessments.
1. Dues. Dues are a regular payment of money made by members of the La Porte LEPC. Dues are the cost of membership; they are used to fund the various activities which the LEPC engages in. Examples of dues are the Fair Share amounts that are listed on the annual Contribution Worksheet.
 - (a) The amount of dues may be changed by a majority vote of voting members present at a regular membership meeting.
 - (b) Accepted new LEPC members will be required to pay a prorated share of their annual dues. The new member will pay 1/12 of the annual dues for each month remaining in the calendar year, beginning with the month they joined the LEPC. Dues are in addition to any fees or assessments.

2. Fees. Fees generally will be one-time-only payments made by the members of the La Porte LEPC to cover the administration of ongoing programs or activities. Fees may, however, be ongoing, such as the company employee/nested/core contract personnel headcount fee that is listed on the Contribution Worksheet.
 - (a) Fees are considered in addition to any dues or assessments.
 - (b) Fees may only be required of certain classes of members.

3. Assessments. Assessments are generally one-time-only payments made by La Porte LEPC members to cover a special program, capital project, or activity. These special programs (et al) may or may not be ongoing, and may or may not operate for a limited time or in a limited fashion. An example is the e-Merge annual subscription required of certain class(es) of members; an assessment is used to raise this money.
 - (a) Assessments may only be required of certain classes of members, and may be levied on any Class or Classes of La Porte LEPC members, to cover a special program, capital project, or activity. Such assessments must be approved by a two-thirds (2/3) majority of the active voting LEPC members at a regular scheduled membership meeting, and provided that such approval is procured before such expenditures are made.
 - (b) Prior to issuing an assessment that will apply to LEPC members, the Executive Committee will validate that the Assessment can be enforced, and that it be so for the classes of members.
 - (c) All assessments levied pursuant to this section of this Article are due and payable when levied, or as per the approved motion.

- B) Annual membership dues, fees and/or assessments, as approved for listing on the Contribution Worksheet for each class of member, shall be paid in full by the third (3rd) regularly scheduled membership meeting. Any LEPC member not paid in full, by the third (3rd) regularly scheduled membership meeting shall be grounds for being placed on probationary status for a maximum duration of 3 months. Any member not paid in full, by the sixth (6th) regularly scheduled membership meeting shall be automatically dropped as a member from the LEPC and the County Judge will be notified. Invoices for dues, fees and/or assessments will be distributed following the approval of the budget.

Section 4: Generic Boundaries.

Reference the latest version of the East Harris County Manufacturer's Association (EHCMA) "LEPC Map" for the most current, agreed-upon boundary lines.

Limit Note: Map of boundaries may be found in Exhibits III & IV.

Section 5: City/LEPC Emergency Communication Notification

Each LEPC member is required to provide immediate communication to the City/LEPC during an emergency/event (a potential to impact the community or impact to the community). Protocols have been established by the LEPC that standardize the reporting process. As of Jan. 1, 2010, E-Merge/E-Notify is the required notification system. As identified in Article II, companies that use, manufacture, or process any hazardous chemical subject to the EPA's "List of Lists" are required to use the E-Merge/E-Notify system to deliver relevant information to the City and LEPC as quickly and accurately as possible. The LEPC adopts the EHCMA CEC Handbook as a best practice for emergency notification.

Notification is required to be made to the LEPC designated point of contact via the protocols established by the LEPC. The designated point of contact is responsible for relaying information to all jurisdictions within the LEPC. This does not relieve the responsibility of other reporting requirements that may apply.

Failure to comply with this section during an emergency/event subjects the member to comply with a review by an Emergency Communications Committee assigned to ensure the robustness of the communication system for future events, and may lead to disqualification of the member.

Section 6: Remuneration Post-Emergency/Event

A LEPC member that has had an emergency/event that impacted the community is expected to reimburse the LEPC for expenses incurred. Not every event is expected to necessitate additional steps that must be taken, with many factors influencing the decision (e.g., time of day/night; size of event; impact to the community; media coverage, etc.). This reimbursement is limited to public information materials and phone notification services utilized by the LEPC as a result of the incident. This reimbursement is not to exceed \$10,000.

The Executive Committee will decide, as soon as feasibly possible post-event, the exact methods that may/will be employed to raise awareness. The LEPC member will be contacted and consulted as to these methods for their input, however the LEPC retains the right to utilize methods it believes is best for the affected community, staying within reimbursement amounts. The LEPC, through the appropriate municipality and Executive Committee, will make the necessary notification/awareness arrangements.

ARTICLE VI

AMENDMENTS

Section 1: Amendments. These Bylaws may be amended by a **two-thirds** vote of the voting members present and voting at any meeting of the LEPC provided that any proposed amendments to these Bylaws be presented at a general membership meeting, then distributed by email to the membership. A vote on the proposed amendment(s) shall be taken at a future general membership meeting, as posted on the meeting agenda.

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.

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 30 days prior to the Adoption of Rules; Publication of Proposals (continued) to final adoption of by the LEPC. Publication shall be effective through posting of the proposed rule and a statement of basis and purpose on the La Porte LEPC website at www.laportelepc.org. (The proposed rule together with the statement of basis and purpose and here after 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 30 day period. The LEPC Coordinator may email notices of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 2: 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 proceeding section.

Section 3: Method of Adopting Final Rules. Following the expiration of the 30 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discussed the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC voting members 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 adoption is 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 LEPC's response to the comments received, any changes to the proposal made in the response to such comments. Publication of the final rule shall be in the same manner as that for the proposed rule. 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 Executive Committee, 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.

Section 6: Public Access to Information. In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier Two form or the Safety Data Sheet (SDS) 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 Two form.

All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. 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, which 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.

Requests for any documentation in this Section, including any financial data, will require that the requestor fill out the official La Porte LEPC Documentation Request Form. This form is designed to ensure the LEPC receives certain standard information of the requestor to ensure the request is legitimate. The LEPC will respond to any such documentation requests within 31 calendar days from date of receipt. In cases where the requested information cannot be gathered and sent within the allotted time, the LEPC will provide the requestor the date(s) the information can be made available, but will do so within 90 days of the original request. Forms are available by contacting the Information Coordinator of the LEPC.

Section 7: 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 confidentially or trade secret claims. Pursuant to Section 312 and Section 214(a) of EPCRA, 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 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 or 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.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

Section 1: Parliamentary Authority. The La Porte LEPC adopts *Robert's Rules of Order* as the method for conducting business, and they shall be followed for all general membership meetings to which they are applicable, and in which they are not inconsistent with these Bylaws.

Exhibits:

Exhibit I – Annual Membership Contribution Form

Exhibit II – Membership Application

Exhibit III – Accounting Protocols and Standard Operating Guidelines

Exhibit IV – Code of Ethics

Exhibit V – LEPC Boundaries Map (La Porte Area)

Exhibit VI – LEPC Boundaries Map (Harris County)

References:

Open Meetings Act – Chapter 551 of the Government Code

Region 6 Local Emergency Planning Committee (LEPC) Handbook

Emergency Planning and Community Right-to-Know Act (EPCRA)

Exhibit I

Annual Membership Contribution Form

La Porte, Morgan's Point, & Shoreacres LEPC
 604 W Fairmont Parkway
 La Porte, TX 77571
www.laportelepc.org



SAMPLE CONTRIBUTION WORKSHEET

For dues, fees & assessments for 1/1/2018 through 12/31/2018

Please complete the payment information below. If your facility requires an invoice for payment, submit this form and a request for an invoice to laportelepc@gmail.com

Company Name: _____
 Company Address: _____
 Contact Name: _____ Phone Number: _____ Email: _____

Membership Category	Dues, Fees, & Assessments	Amount
Companies that use, manufacture, or process any hazardous chemical subject to the Environmental Protection Agency's (EPA) List of Lists* EPCRA Definitions: *Manufactured = to produce, prepare, import, or compound a toxic chemical *Process = the preparation of a toxic chemical, after its manufacture, for distribution in commerce, (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such chemical, or (2) as part of an article containing the toxic chemical.	Fair Share Dues: \$500 E-Notify Assessment: \$2,500.00	<input type="checkbox"/> \$3,000.00
(For purposes of the 2018 fees calculation, the definition of an employee is company employees plus nested/core contract personnel x 4.50 per person) Total Number of Company Employees: _____ Total Number of Contractors (Nested/Core): _____ Total Number of Employees/Contractors: _____ x 4.50 = \$	Employee Headcount Fee	<input type="checkbox"/> \$ _____
Service Organizations: <ul style="list-style-type: none"> • Responsible agency or jurisdiction, transportation companies, pipeline companies, product warehouses 	Fair Share Dues	<input type="checkbox"/> \$500.00
Non-Profit: <ul style="list-style-type: none"> • Non-profit organizations, citizens 	Fair Share Dues	<input type="checkbox"/> \$0.00
TOTAL DUES, FEES, & ASSESSMENTS		<input type="checkbox"/> \$ _____

***List of Lists = Consolidated list of chemicals subject to the Emergency Planning and Community Right-to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and Section 112(r) of the Clean Air Act.**
 List can be accessed at: https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf

Mail Annual Membership Application and Payment To:
 La Porte LEPC; 604 W Fairmont Pkwy, La Porte TX 77571

Please make checks/money orders payable to: **La Porte LEPC**
 Credit card payments are accepted; however, a transaction fee of 4% will be added to the contribution total.

Contributions or gifts to La Porte LEPC are not tax deductible as charitable contributions for Federal income tax purposes.
 A member must participate **financially** to be a "Voting Member" of the LEPC under the Articles of Organization and Bylaws.

Questions? Contact the LEPC Coordinator at laportelepc@gmail.com or 281-470-0010.

Exhibit II Membership Application

La Porte, Morgan's Point, & Shoreacres Local Emergency Planning Committee

Example Application for Membership

As of 2016, the LEPC utilizes an online membership update form that can be completed at: <http://laportetx.gov/894/Membership-Update-Form>. The membership application below is an example of the information requested each year.

Company Name:	
Physical Address:	
Mailing Address:	
24-hour Plant Phone #:	
Facility Manager's Name:	
Facility Manager's E-Mail Address:	
Who will represent this facility on the LEPC?	
Representative's Phone #	
Representative's E-Mail Address:	
Alternate Representative's Name	
Alternate Rep's Phone #	
Alternate Rep's E-Mail Address:	
Committee of My Choice:	<input type="checkbox"/> Emergency Communications Committee <input type="checkbox"/> Emergency Response & Resources Committee <input type="checkbox"/> Hazardous Materials Facilities Liaison Committee <input type="checkbox"/> Public Education and Information Committee <input type="checkbox"/> Planning Committee <input type="checkbox"/> Other (Includes Safety Fair, ad hoc, etc. – Chairperson <u>must</u> approve)

Is your facility described as (see Article II for descriptions): (Check **One**)

- Companies that use, manufacture, or process any hazardous chemical subject to the EPA's "List of Lists"
- Service Organizations (responsible agency or jurisdiction, transportation companies, pipeline companies, product warehouses)
- Non-Profit (non-profit organizations, citizens)

PLEASE NOTE: While any manufacturer or other interested organization may apply for and be granted membership to the La Porte Local Emergency Planning Committee, only those members who have paid their "Fair Share" contribution each year shall have voting privileges.

Exhibit III

Accounting Protocols and Standard Operating Guidelines

The current summary of Accounting Procedures is grouped as Daily/Weekly, Monthly, and Annual. No procedure is deemed more important by this classification than another but is classed according to the frequency with which it is performed.

Daily / Weekly

1. Receipt of checks

- The LEPC Coordinator will collect all checks owing to the LEPC.
- Each check reference and amount will be listed on a deposit slip separately.
- A photocopy of the check will be made.
- Checks not deposited immediately will be secured in a locked location with limited access to the LEPC Coordinator and Treasurer. Checks should be secured separate of the deposit slip.
- When the deposit slip is totaled in preparation of delivery to the bank, a copy is made and attached to the check copies from above.
- All copies are filed pending the receipt of the monthly bank statements.

2. Disbursements

- The checkbook is maintained by the LEPC Coordinator.
- Disbursements can take the form of either a check or use of a debit card.
 - a. Checks
 - Invoices must be submitted to the LEPC Coordinator by the responsible Committee chairperson with the proper approval signature and budget reference.
 - Submission of an approved invoice is indication that the goods or services have been received.
 - All checks will be for the predetermined amount of the submitted invoice. At no time is a signed check released with incomplete fields.
 - Disbursements may only be for pre-approved budget items and amounts. Any non-budgeted disbursement up to \$2,500 shall require the approval of the Executive Committee. Any non-budgeted disbursement above \$2,500 shall require the approval of the general membership. Documentation of approval must be provided with the invoice, either in the form of meeting minutes or other forms of backup, such as an email confirmation.
 - Any request for a donation made by an outside organization shall be reviewed by the Executive Committee for appropriate action, and may be subject to approval by the general membership.
 - All invoices are filed by month.
 - b. Debit Cards
 - Only 2 debit cards are maintained by LEPC.
 - One debit card is in the possession of the LEPC Coordinator.
 - One debit card is in the possession of the Treasurer or his/her designee.
 - Proper card security measures will be observed by those in possession of the debit cards.
 - Upon use of the debit card by any card holder other than the LEPC Coordinator, the receipt will be submitted to the LEPC Coordinator as soon as possible after use with proper approval and budget reference.
 - The LEPC Coordinator will record all disbursements from debit card use in a timely manner to maintain the correct bank balance and budget limits.

- All invoices are filed by month.

Monthly

1. Bank Statement Reconciliation

- The LEPC Coordinator will receive the checking account bank statement from the bank. Currently the bank used is Bank of America.
- The bank balance per the statement is reconciled to the check book for all outstanding deposits, checks and debit card charges.
- Any discrepancies will be documented / corrected in the checkbook or on the bank statements as necessary.
- All bank statements are filed by year in monthly order.

2. Treasurer's Report

- Prior to the monthly meeting, the LEPC Coordinator will prepare a report for the LEPC based on the most recent month end. The report date should be the date of the committee meeting.
- The beginning balance of the report must tie to the ending balance of the previous month's Treasurer's Report.
- Should there need to be an adjustment to the beginning balance, the adjustment is to be listed after the beginning balance with an explanation and a revised beginning balance reflected.
- Cash inflows should be summarized on the Treasurer's Report with an addendum to the report detailing the sources of the funds.
- Cash outflows should be summarized on the Treasurer's Report with an addendum to the report detailing the uses of the funds.
- The ending balance is a summation of the beginning balance (net of adjustments), the sources of funds and the uses of funds. This balance should also reconcile to the check book balance reconciled to in the above section.
- The Treasurer's Report must be approved by the Treasurer before being submitted to the membership for review.

3. Budgeting

- As the checkbook is balanced, the LEPC Coordinator updates the Budget Analysis for all expenditures. The Budget Analysis compares the annual budgeted amount per expense category to the actual expenditures to date. Additional information contained in the analysis is the remaining budget available (or deficit if over budget) and the percentage of actual.
- The Budget Analysis is distributed to the committee members as an indicator of total expense category.

Annual

1. Budget Preparation

- The LEPC Coordinator will assist the Treasurer / Chairperson / Executive Committee in the Budget Preparation process by providing historical data as requested.
- Upon completion by the Treasurer / Chairperson / Executive Committee, the LEPC Coordinator will assemble the Budget Analysis for presentation and approval by the committee members prior to the start of the new fiscal year.

2. Membership Dues Notice

- The LEPC Coordinator prepares the annual dues notice to be sent to the members.

- Upon receipt of the dues statements and payments from the respective members, the LEPC Coordinator recalculates the dues owed by the member companies for accuracy.
- Any discrepancies identified will be rectified with the member company.

3. **Grant Application Process**

- The LEPC Coordinator will coordinate with the Treasurer and the Executive Committee on the application of all grants available to LEPC.
- The LEPC Coordinator will update the Executive Committee with any developments.
- The LEPC Coordinator will receive all grant payments in accordance with the Receipt of Checks above.

4. **Tax Return Preparation**

- The Treasurer will retain the necessary professional expertise to prepare the federal tax return.
- The LEPC Coordinator, in coordination with the Treasurer, will provide all necessary books and records for the completion of the tax return.
- Upon presentation and review of the completed tax return, the Treasurer will be responsible for signing and mailing the tax return.

Exhibit IV

Code of Ethics

PROFESSIONAL RESPONSIBILITY

Core Principle

As the LEPC Executive Committee, we are responsible for adding value to LEPC and contributing to the ethical success of the organization as a whole. We accept professional responsibility for our individual decisions and actions. We are also advocates for the LEPC by engaging in activities that enhance its credibility and value.

Intent

- To build respect, credibility and strategic importance within our LEPC and the communities we serve.
- To assist the LEPC in achieving its objectives and goals.
- To inform and educate current and future Executive Committee members, the general membership, and the general public about principles and practices that help the organization.
- To positively influence workplace and recruitment practices.
- To encourage professional decision-making and responsibility.
- To encourage social responsibility.

Guidelines

1. Adhere to the highest standards of ethical and professional behavior.
2. Measure the effectiveness of our programs in contributing to or achieving LEPC goals.
3. Comply with the law.
4. Work consistent with the values of the organization.
5. Strive to achieve the highest levels of service, performance and social responsibility.
6. Advocate openly and within the established forums for debate in order to influence decision-making and results.

PROFESSIONAL DEVELOPMENT

Core Principle

As professionals, we must strive to meet the highest standards of competence and commit to strengthen our competencies on a continuous basis.

Intent

- To expand our knowledge of our field of interest to further our understanding of how our LEPC functions.
- To advance our understanding of the legal responsibilities of LEPCs under the Emergency Planning and Community Right-to-Know Act (EPCRA).

Guidelines

1. Pursue training and educational opportunities.
2. Commit to continuous learning, skills development, and application of new knowledge related to both LEPCs and the communities we serve.
3. Contribute to the body of knowledge, the evolution of the organization, and the growth of individuals through teaching, research, and dissemination of knowledge.
4. Pursue certification where available, or comparable measures of competencies and knowledge.

ETHICAL LEADERSHIP

Core Principle

The LEPC Executive Committee members are expected to exhibit individual leadership as a role model for maintaining the highest standards of ethical conduct.

Intent

- To set the standard and be an example for others.
- To earn individual respect and increase our credibility with those we serve.

Guidelines

1. Be ethical; act ethically in every professional interaction.
2. Question pending individual and group actions when necessary to ensure that decisions are ethical and are implemented in an ethical manner.
3. Seek expert guidance if ever in doubt about the ethical propriety of a situation.
4. Through teaching and mentoring, champion the development of others as ethical leaders in the organization and in LEPCs.

FAIRNESS AND JUSTICE

Core Principle

As LEPC professionals, we are ethically responsible for promoting and fostering fairness and justice for all LEPC members.

Intent

To create and sustain an environment that encourages all individuals and the LEPC to reach their fullest potential in a positive and productive manner.

Guidelines

1. Respect the uniqueness and intrinsic worth of every individual.
2. Treat people with dignity, respect and compassion to foster a trusting work environment free of harassment, intimidation, and unlawful discrimination.
3. Ensure that everyone has the opportunity to develop their skills and new competencies.
4. Ensure an environment of inclusiveness and a commitment to diversity.
5. Develop, administer and advocate policies and procedures that foster fair, consistent and equitable treatment for all.
6. Regardless of personal interests, support decisions made by our LEPC that are both ethical and legal.
7. Act in a responsible manner and practice sound management.

CONFLICTS OF INTEREST

Core Principle

As the LEPC Executive Committee, we must maintain a high level of trust with our members and stakeholders. We must protect the interests of our members, as well as our professional integrity, and should not engage in activities that create actual, apparent, or potential conflicts of interest.

Intent

To avoid activities that are in conflict or may appear to be in conflict with any of the provisions of this Code of Ethical and Professional Standards or with one's responsibilities and duties as a member of the LEPC Executive Committee.

Guidelines

1. Adhere to and advocate the use of published policies on conflicts of interest within the LEPC.
2. Refrain from using your position for personal, material or financial gain, or the appearance of such.
3. Refrain from giving or seeking preferential treatment in the human resources processes.
4. Prioritize your obligations to identify conflicts of interest or the appearance thereof; when conflicts arise, disclose them to relevant stakeholders.

USE OF INFORMATION**Core Principle**

The LEPC Executive Committee considers and protects the rights of individuals, especially in the acquisition and dissemination of information, while ensuring truthful communications and facilitating informed decision-making.

Intent

To build trust among all LEPC members by maximizing the open exchange of information, while eliminating anxieties about inappropriate and/or inaccurate acquisition and sharing of information

Guidelines

1. Acquire and disseminate information through ethical and responsible means.
2. Ensure only appropriate information is used in decisions affecting the Committee relationship.
3. Investigate the accuracy and source of information before allowing it to be used in Committee related decisions.
4. Maintain current and accurate records.
5. Safeguard restricted or confidential information.
6. Take appropriate steps to ensure the accuracy and completeness of all communicated information about LEPC policies and practices.
7. Take appropriate steps to ensure the accuracy and completeness of all communicated information used in training.

Exhibit V
LEPC Boundaries Map (La Porte Area)

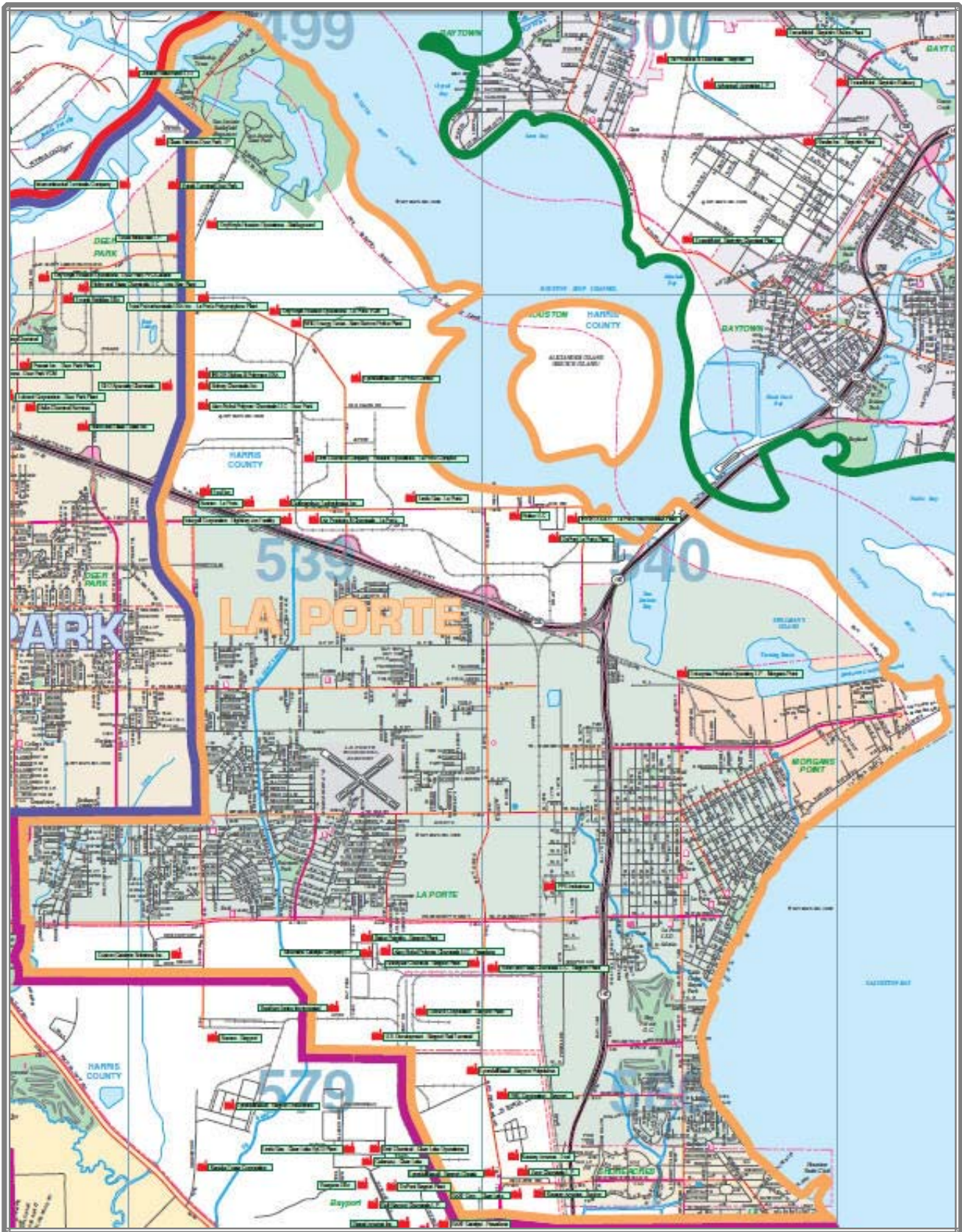
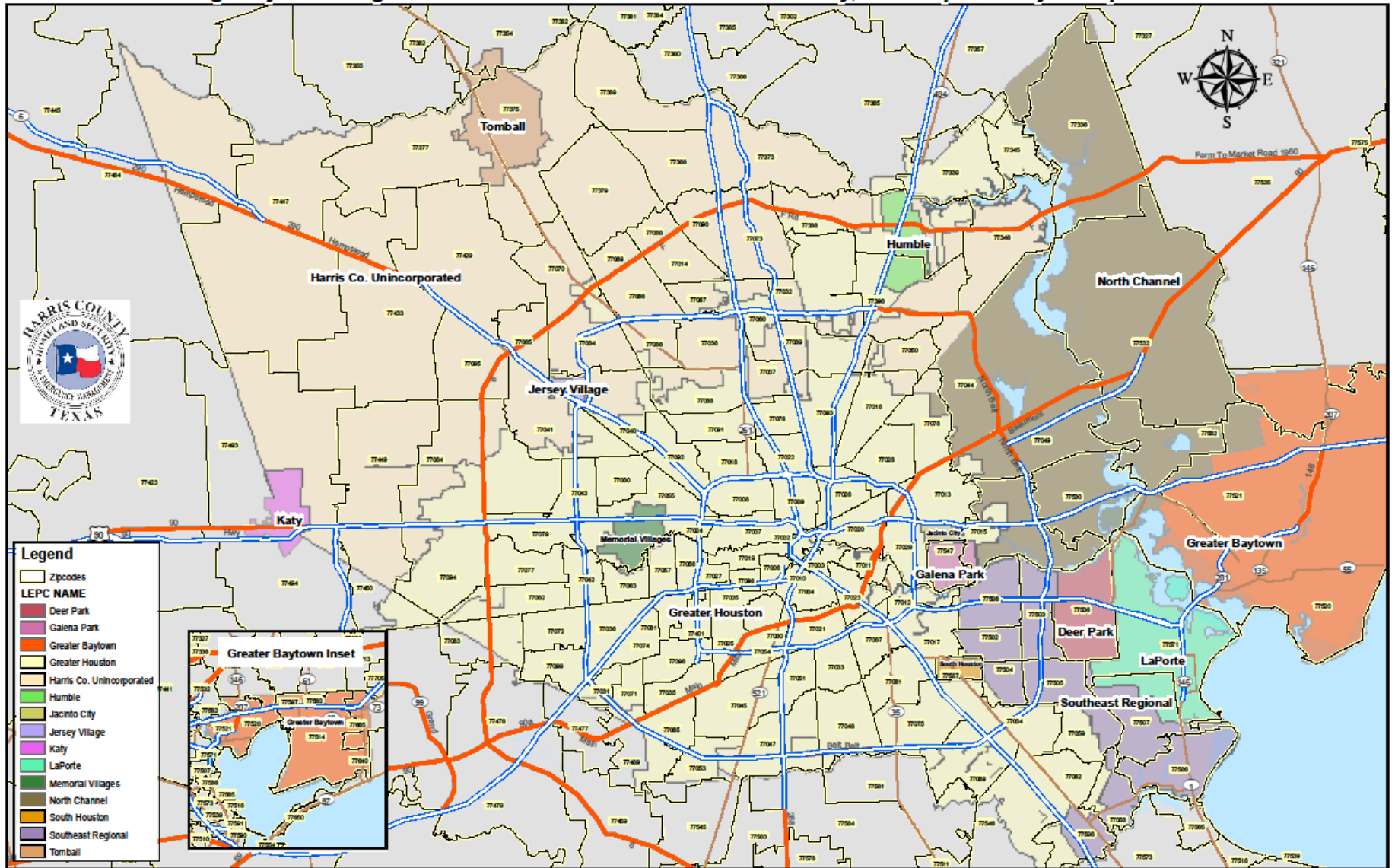


Exhibit VI LEPC Boundaries Map (Harris County)

Local Emergency Planning Committee Boundaries for Harris County, TX and proximity w/ Zipcodes- Mar. 2008



Note: Map is for general reference purposes only. For further information contact Joshua Glover at HCOEM 713.861.3100.

Printed by: MC Vera Houston TranStar 3_26_08 LEPC_2008_w Zipcodes.mxd