



# DEER PARK LEPC BY-LAWS

(Amended April 23, 2024)

## ARTICLE I

### NAME AND PURPOSE

Section 1 - Name. The name of this organization shall be the “Deer Park 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 the City of Deer Park those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, commonly referred to as the Emergency Planning and Community Right-to-know Act (EPCRA) and related regulations including, but not limited to
  - 1. Development, training, and testing of a hazardous substances emergency response plan for the City of Deer Park.
  - 2. Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA.
  - 3. Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of EPCRA.
  - 4. Provide for public notification of committee activities.
- B. To implement such other and further related activities as may hereinafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), County Judge, or the Mayor of Deer Park.

## ARTICLE II

### QUALIFICATIONS, MEMBERSHIP, MEETINGS

Section 1 - Qualifications. The organization shall consist of those members nominated by the Executive Committee, Chair, or any member of the LEPC, and approved by the County Judge and SERC. Members of the LEPC shall be residents of or conduct business in the City of Deer Park, including the Industrial District.

Section 2 - Classes of Membership. The membership of the LEPC shall consist of community and industrial members, who represent one or more membership categories as designated by EPCRA.

- 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; print/broadcast media (PBM); community group (CG); elected State or local official (SLO); emergency management (EM); emergency medical service (EMS); facility owners/operators (FO); fire fighting (FF); health official (HE); hospital personnel (HO); law enforcement (LE); local environmental groups (LEG); and transportation personnel (TP) such as barge/ship, pipeline, rail or truck.
- B. Facility Representatives: Industrial members shall be those persons named by owners or operators of companies within the LEPC boundaries as their Facility Emergency Coordinators under provisions of Section 301(c) of EPCRA. There shall be two classifications of Facility Representatives as follows:
1. Full Member - A representative of a facility 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.
  2. Associate Member -
    - (a) Facility - industry located outside the city's extra-territorial jurisdiction (ETJ) who will pay one-half full member rates
    - (b) Transportation - truck, rail, and pipeline companies who will pay one-half annual calculation of base rate
    - (c) Service Provider - will pay a \$500 annual fee

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

Section 4 - Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled in accordance with Article II, Section 1. Suggestions for candidates to fill a new or vacant position may be made by any member of the LEPC to the Chair. If a candidate is willing to serve, the Chair upon approval by the Executive Committee will nominate the candidate for approval by the County Judge and the SERC.

Section 5 - Meetings. There shall be at least ten (10) regular meetings of the committee per year. Special meetings of the LEPC may be called by the Chair at such time and place as the Chair may determine. The Chair must call a special meeting of the LEPC upon the written request of four (4) members. The Standing and Ad-Hoc Committees shall meet at least quarterly, or more often as their workload may require.

Section 6 - Quorum. The presence of ten (10) 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 and Ad-Hoc Committee meetings, the presence of three (3) members shall constitute a quorum for

the transaction of business.

Section 7 - Voting. All Appointed Members and Full Member Representatives shall be entitled to vote on all matters presented for a decision by the LEPC. Associate Member Representatives shall be entitled to full participation in all activities of the LEPC, but shall not have a vote.

## ARTICLE III

### OFFICERS AND NON-OFFICERS

Section 1 - Enumeration of Officers. The Officers of the LEPC shall be the Chair and the Vice Chair who shall be elected by the committee as a whole in a manner herein provided. Duties of the Secretary/Treasurer shall be filled by a staff person of the City of Deer Park. All officers shall be members of the LEPC.

Section 2 - Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the positions of Chair and Vice Chair. The election shall be by ballot, except that when there is only one nomination for each office, the 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 shall be for a period of two years. The term of the officers elected shall expire on December 31 of each even-numbered year.

Section 4 - Chair. The Chair shall preside at all meetings of the LEPC; except as provided in Section 5 of this article; 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 Chair shall be empowered to create such other Ad Hoc committees as necessary to accomplish the goals of the LEPC.

Section 5 - Vice-Chair. Upon resignation or death or in the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. The Vice-Chair shall perform such other duties as may be assigned by the Chair.

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 also be the Information Coordinator for the LEPC as defined by EPCRA, and shall process requests from the public for information under the City of Deer Park's Public Information Disclosure Policy and the Texas Public Information Act. The Secretary/Treasurer shall keep a record of the proceedings of all meetings. 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. Upon resignation, death or absence of both the Chair and Vice-Chair, the Secretary shall perform the duties of the Chair.

Section 7 – Non-Officers. Non-Officers shall be those appointed by the Chair for purposes of special projects or programs.

- (a) Community Emergency Coordinator. The City of Deer Park’s Director of Emergency Services shall be the Community Emergency Coordinator (CEC) for the LEPC as defined by EPCRA, and shall be notified as soon as possible by the Deer Park Police/Fire Dispatcher on-duty of any hazardous chemical release reported by the owners, operators, or a Facility Emergency Coordinator of any facility as required under EPCRA Section 304. The CEC will also conduct an annual review of the emergency plan and the structure of the LEPC making recommendations to the LEPC as needed.

## ARTICLE IV

### SUB-COMMITTEES

Section 1 - Executive Committee. The Executive Committee will consist of the Chair, Vice-Chair, Secretary/Treasurer, and Chairs of the Standing Sub-Committees as described below. The duties of the Executive Committee shall be to coordinate activities of the Standing and Ad Hoc Sub-Committees.

In addition, the Executive Committee will be responsible for overseeing the preparation and presentation of a proposed annual operating budget, formulating a plan to finance the activities of the LEPC through the annual operating budget, overseeing the accounting for and expenditures of the funds of the LEPC, and other matters as may be assigned by the Chair.

Section 2 - Standing Sub-Committees. The following Standing Sub-Committees shall be established:

- A. Communications Sub-Committee. This sub-committee shall be responsible for the development and implementation of a program establishing an emergency notification and information system for the community of Deer Park, and other matters related to EPCRA as may be assigned by the Chair.
- B. Community Awareness Sub-Committee. This sub-committee shall be responsible for the formulation and implementation of a program to inform the community of Deer Park about the activities of the LEPC, the emergency notification and information system, the Deer Park Emergency Plan, and other matters related to EPCRA as may be assigned by the Chair.
- C. Emergency Response/Transportation Preparedness Sub-Committee. This sub-

committee shall be responsible for planning and conducting drills to practice the Deer Park Emergency Plan; recommend programs to improve emergency response capabilities; develop and implement a program to address issues related to the transportation of hazardous materials through the community of Deer Park; and other matters related to EPCRA as may be assigned by the Chair.

Section 3 - Meetings. Meetings of the Standing and Ad Hoc Sub-Committees may be called by the Chair of the LEPC or the sub-committee Chair as deemed necessary. All Sub-Committee Chairs will be responsible for maintaining a record of attendees at all meetings and recording agenda of all meetings, and submitting both records to the Secretary/Treasurer.

Section 4 - Chairs of the Standing Sub-Committees. The Chairs of the Standing Sub-Committees shall be nominated by the LEPC Executive Committee, and elected by a majority of the members of the LEPC present and voting at the meeting.

Section 5 - Membership of Standing Committees. All members must volunteer to serve on at least one Standing Sub-Committee and shall not serve on more than two Standing Sub-Committees. Final membership on the Standing Sub-Committees shall be determined by the Chair annually after consultation with the Executive Committee to ensure that all Sub-Committees have sufficient manpower to carry out their assigned tasks.

Section 6 - Ad Hoc Sub-Committees. The Chair with concurrence of the Executive Committee may create Ad Hoc Sub-Committees as necessary. Chairs of Ad Hoc Sub-Committees shall be appointed by the LEPC Chair.

## ARTICLE V

### MISCELLANEOUS PROVISIONS

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

Section 2 – Financial Accountability. The Deer Park LEPC, Inc. Operating Accounts shall carry three (3) approved signatories. Those authorized are the Chairman, Vice Chair and Secretary/Treasurer, with two (2) signatures required on all checks for expenses.

Only one (1) debit card is maintained by the LEPC and in the possession of the Secretary/Treasurer. Purchases with the debit card will be authorized users only. Those being current members of the Executive Committee. The debit card will be signed out and receipts are to be submitted to the Secretary/Treasurer when card is returned.

Disbursements can take the form of either check or use of the debit card. Invoices must be submitted to the Secretary/Treasurer for payment of preapproved budget items and amounts. Any non-budgeted disbursement up to \$2,500 shall require Executive Committee approval. Any

budgeted disbursement over \$2500 shall require the approval of the Full Members.

The Secretary/Treasurer will collect, photocopy and deposit all checks made payable to the Deer Park LEPC in a timely manner.

The checkbook is maintained by the Secretary/Treasurer. A financial report is provided to the membership at each meeting.

For greater accountability of all accounting, the Executive Committee may request an independent review of a year or multiple years of the LEPC's financial records. At a minimum, a review shall be requested at least once every three years beginning in 2024.

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

Section 4 - Disqualification. Any member with five or more absences, in any calendar year, is subject to being disqualified at the request of the LEPC to the County Judge and the SERC.

Section 5 – County Judge/SERC Approvals. For the purposes of obtaining approval by the County Judge and SERC for the addition or disqualification of members or filling of vacancies, coordination is performed through forms provided and filed by the Harris County Department of Homeland Security & Emergency Management.

## **ARTICLE VI**

### **AMENDMENTS**

Section 1 - Amendments. These By-Laws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided that any proposed amendments to these By-Laws be submitted to the members in writing at least one week in advance of the meeting.

## **ARTICLE VII**

### **RULES**

SARA, TITLE II, 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 Title III and related applicable regulations. Any such rules must first be published for ten days in proposed rule and a statement of basis and purpose on the public bulletin board located at the Deer Park City Hall, 710 East San Augustine Street, Deer Park, Texas 77536, and distributed to each member of the LEPC. (The proposed rule together with the statement of basis and purpose are hereafter referred to as “notice of proposed rulemaking”.) Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the ten (10) day period.

The Chairman is encouraged, but not required, to mail 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. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee approves a proposed rule by majority vote, it shall thereafter proceed to publication as provided in the preceding section.

Section 3 - Method of Adopting Final Rules. Following the expiration of the ten (10) day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised, and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

Section 4 - Notice of Adoption. Upon adoption of any rule by the LEPC, the Secretary shall publish the LEPC’s response to comments received on any changes to the proposal. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

Section 5 - Emergency Rules - In response circumstances, to be determined by the LEPC, rules may be adopted prior to public notice and comment, provided that no such rule remain in effect for more than ninety (90) days.

## **ARTICLE VIII**

### **PARLIAMENTARY AUTHORITY**

Section 1 - Parliamentary Authority. The rules contained in Robert’s Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these By-Laws.

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AMENDMENTS

*February 28, 1995 - Combined Finance Committee with Executive Committee*

*November 13, 2001 - Associate Member requirements*

*November 25, 2008 - Combined Emergency Response and Transportation Subcommittee*

*June 24, 2014 – Changes to comply with EPCRA per LEPC Audit*

*August 6, 2018 – Changes to Article V, Miscellaneous Provisions, Section 2.*

*April 23, 2024 –Changes to:*

*Article II-Qualifications, Membership & Meetings*

*Section 1-Qualifications*

*Section 2 – Classes of Membership,*

*B-Facility Representatives,*

*2- Associate Member*

*(a) Facility*

*Article III–Officers and Non-Officers*

*Section 4 – Chair*

*Section 6 – Secretary/Treasurer*

*Article IV-Sub-Committees*

*Section 3 – Meetings*

*Section 5 – Membership of Standing Committees*

*Article V–Miscellaneous Provisions*

*Section 2 – Financial Accountability (last paragraph was amended)*

*Added*

*Section 5–County Judge/SERC Approvals*

*Article VII-Rules*

*Section 1 – Adoption of Rules: Publications of Proposals*