

**BY-LAWS OF
THE NORTH CHANNEL LOCAL EMERGENCY PLANNING COMMITTEE**

ARTICLE I

NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the “North Channel Local Emergency Planning Committee”, hereinafter referred to as “NCLEPC”.

Section 2. Purpose. The purpose of the NCLEPC shall be:

A. To carry out for the North Channel area of Harris County, Texas, those responsibilities established for the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, Emergency Planning and Community Right-to-Know Act, (EPCRA) hereinafter referred to as “The Act”, and related regulations including but not limited to:

- (1) Assistance in developing, training, and testing of (a) hazardous materials emergency response plan(s) North Channel area of Harris County, Texas.
- (2) Development of procedures for regulated facilities to provide notification to the NCLEPC in accordance with “The Act”.
- (3) Development of procedures to receive and processing requests from the public under the community right-to-know provisions of EPCRA.
- (4) Provide public notification of NCLEPC activities (i.e. general membership meetings, website, etc.).

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.

C. The organization is organized exclusively for charitable, 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 any future tax code.

ARTICLE II

OPERATING PROCEDURES

- Section 1. Powers and Duties.** The NCLEPC shall have full charge of the planning for emergency response and public information related to hazardous materials incidents, to the extent directed by the Act. It shall plan and direct the work necessary to carry out the mandated requirements.
- Section 2. Fiscal Year.** The fiscal year shall be July 1st through June 30th of the following year.
- Section 3. Indebtedness.** The Executive Committee shall approve all indebtedness incurred by the NCLEPC and any expenditure in excess of \$1,000.00 prior to payment unless otherwise budgeted for.
- Section 4. Use of Funds.** No part of NCLEPC funding shall be issued to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the NCLEPC 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 I.
- Section 5. Restriction of Activities.** The NCLEPC shall not carry on any other activities unless permitted (a) by an organization exempt from federal income tax under section 501 (c) (3) of the Internal Revenue Code or the corresponding provision of any future federal tax code, or (b) by an association, contributions to which are deductible under section 170 (c) (2) of the Internal Revenue Code or the corresponding provision of any future federal tax code.
- Section 6. Distribution of Assets upon Dissolution.** Upon dissolution of the association, assets shall be distributed for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the association 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.

ARTICLE III

MEMBERSHIP

Section 1. Qualifications. The organization shall consist of those members elected by vote of the full NCLEPC committee. A prospective member is eligible for election after attending three general membership meetings. A membership list shall be reported to the SERC on a timely basis. The members shall represent the various professionals and community groups as designated by The Act. The list of individual members of the NCLEPC includes residents of the North Channel area, emergency responders, members of governmental agencies, and ex-officio members designated in The Act. These members are exempted from paying dues, submitting Tier 2 reports filing emergency plans, and meeting with emergency responders to tour facilities as required of industrial members. All members shall notify the Secretary of changes in their membership status.

Section 2. Classifications.

A. Active Members:

- (1) Pay annual NCLEPC dues within three months of the due date unless exempted.
- (2) Participate in at least three major NCLEPC activities during the year (e.g. HHHMCD, training drill, Wally Wise presentation, booth operations, etc.) and a sub-committee is required.
- (3) Comply with the meeting requirements as explained in Article III Section 6.
- (4) Have voting rights and are eligible for election to an officer position.
- (5) Submit Tier 2 reports, SARA III reports (as appropriate) and an EPA RMP plan (as appropriate) to the appropriate fire department and Harris County Office of Emergency Management unless exempted.
- (6) Place a copy of the facility's emergency response plan in the North Channel Branch of the Harris County Library located at 15741 Wallisville Road unless exempted.
- (7) Meet with the appropriate emergency responders to tour the facility and review the facility's emergency plan at least every 3 years unless exempted.

B. Associate Members:

- (1) Pay annual NCLEPC dues within three months of the due date.
- (2) Comply with the meeting requirements of Article III Section 6.
- (3) Are ineligible to be elected to an officer position.
- (4) Participate in at least one event or sub-committee.
- (5) Submit Tier 2 reports, SARA III reports (as appropriate) and an EPA RMP plan (as appropriate) to the appropriate fire department and Harris County Office of Emergency Management.
- (6) Place the facility's emergency response plan in the North Channel Branch of the Harris County Library on Wallisville Road.
- (7) Meet with the appropriate emergency responders to tour the facility and review the facility's emergency plan at least every three years.

C. Sustained Members:

- (1) Pay annual NCLEPC dues within three months of the due date unless exempted.
- (2) Do not have voting rights and are ineligible to be elected to an officer position.
- (3) Submit Tier 2 reports, SARA III reports (as appropriate) and an EPA RMP plan (as appropriate) to the appropriate fire department and Harris County Office of Emergency Management.
- (4) Place of the facility's emergency response plan in the North Channel Branch of the Harris County Library on Wallisville Road.
- (5) Meet with the appropriate emergency responders to tour the facility and review the facility's emergency plan at least every three years.

Section 3. Officers.

Officers shall be elected to conduct meetings, appoint sub-committees, ad-hoc committees, maintain financial records, keep documentation of meetings, and to otherwise manage the NCLEPC.

Section 4. Vacancies.

Any officer or executive committee member (sub-committee chairperson) vacancy occurring in the NCLEPC by reason of resignation, death, or disqualification will be filled at the next general membership meeting. New members will be appointed by the Chairperson and approved by the Executive Committee.

Section 5. Alternate.

Active Members shall designate a duly authorized alternate whose vote will be counted to determine a quorum, and who is permitted to vote in place of the Active Member, in their absence.

Section 6. Attendance.

A. Active Member. Required to attend general membership meetings and other assigned committee meetings (sub-committees, ad-hoc committees, etc.). Any active member who fails to attend three consecutive general membership meetings or three consecutive assigned committee meetings will receive written notification from the Chairperson that their membership status has changed to Associate Member. Active Members in good standing will receive a membership certificate as proof of their participation in NCLEPC.

B. Associate Member. Required to attend a minimum of half of the regular NCLEPC meetings in any calendar year. Any Associate Member who fails to comply with the attendance requirements will be changed to a sustained member.

C. Sustained Member. No attendance is required.

ARTICLE IV

OFFICERS and ELECTIONS

Section 1. Enumeration of Officers. The Officers of the NCLEPC shall be a Chairperson, Vice-Chairperson, and Secretary who shall be elected by the General Membership. The Treasurer shall be appointed by the Chairperson and serve at his/her pleasure.

Section 2. Eligibility. All officers will be Active Members of the NCLEPC. No officer shall be eligible to serve for more than one consecutive term in the same office. An officer who has served more than one half of a term is considered to have served a full term in that office.

Section 3. Nomination and Election. The nominating committee shall submit a nominee for each Officer position (Chairperson, Vice-Chairperson, and Secretary) at the annual meeting. Additional nominations for any position shall be accepted from the floor before the election. The election shall be by ballot, except when there is only one nomination for an office, at which time the election may be conducted by voice vote. Officers shall be elected by a majority of active members in attendance.

Section 4. Term of Office. The term of each officer's position shall be for a period of two years, starting immediately after the election at the biannual meeting (odd number year).

Section 5. Vacancy. The Executive Committee shall appoint a person to fill any officer position that becomes vacant to complete the unexpired term..

Section 6. Duties of Officers. The officers of the NCLEPC shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the NCLEPC. Additional duties of the officers not covered elsewhere in these Bylaws are:

A. Chairperson. The Chairperson shall preside over all general membership meetings of the NCLEPC. The Chairperson shall perform such duties and acts as necessary to accomplish the goals of the NCLEPC. The Chairperson shall be empowered to create any additional committees as deemed necessary.

B. Vice-Chairperson - The Vice-Chairperson shall preside over Executive Committee meetings and any special meetings of the NCLEPC with the exception of the nominating committee. The Vice Chairperson is responsible for an annual review/revision of the by-laws and annual update of the long term plan. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson. Upon the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

C. Secretary - shall be the custodian of all documentation pertaining to the NCLEPC; keep an official record of the proceedings of all meetings of the NCLEPC; maintain member attendance records; and post public meeting notices.

D. Treasurer - shall be the custodian of all financial records; attend to the business needs of the LEPC; maintain an accurate record of all moneys received and expended for the use of the LEPC; prepare all reports required of IRS (501)(c)(3) of the Internal Revenue Code or the corresponding section of any future federal tax code. The treasurer shall make the financial records available to an auditor for an annual audit as determined by the Executive Committee.

ARTICLE V

EXECUTIVE COMMITTEE

- Section 1. Members.** The Executive Committee shall consist of the Chairperson, Vice Chairperson, Secretary, Treasurer, and Chairpersons of the sub-committees.
- Section 2. Authority.** The Executive Committee shall have general supervision over the affairs of the NCLEPC between the general meetings; and shall coordinate activities of the Standing Subcommittees and the ad hoc committees; fix the time and location of meetings; make recommendations to the NCLEPC; and perform such other duties as are specified in the bylaws.
- Section 3. Meetings.** Unless otherwise ordered by the Executive Committee, the regular meetings of the Executive Committee shall be held on the Monday prior to the general membership meeting. Special Meetings of the Executive Committee can be called by the Chairperson and may be called for by written request of three members of the Executive Committee. The presence of one third of the members shall constitute a quorum.

ARTICLE VI

MEETINGS

- Section 1. General Membership Meetings.** Except for the final meeting of the calendar year, general meetings of the full NCLEPC committee shall be held on the first Monday of every other month, beginning in January, unless otherwise ordered by the Executive Committee.
- Section 2. Nominations Meeting.** The Nominations Committee will announce at the July odd year meeting all candidates for Officers Positions. The Bi-Annual General Membership meeting (fall of every odd year) shall be for the purpose of electing officers and conducting any other business.
- Section 3. Special Meetings.** Special Meetings of the NCLEPC may be called by the Chairperson or by the Executive Committee, and shall be called within 14 days upon written request of five members of the LEPC. The purpose of this meeting shall be stated in the call. Except in cases of emergency, at least three days' notice shall be given.
- Section 4. Public Notice.** The NCLEPC shall publish notice of general, nominations, and special meetings in accordance with the Texas Open Meetings Act, Tex Rev. Civ. Statue. Ann.

Section 5. Quorum. The presence of fifteen percent of the members of the NCLEPC at the opening of a full committee meeting shall constitute a quorum for the transaction of business by the NCLEPC.

ARTICLE VII

SUBCOMMITTEES

Section 1. Standing Subcommittees. Standing Subcommittees of the NCLEPC are Community Awareness, Transportation, Compliance, Executive/Finance, Drills and Training, and Household Hazardous Materials Day.

Section 2. Membership of Standing Subcommittees. All active members of the NCLEPC will volunteer to serve on at least one Standing Subcommittee. The NCLEPC Chairperson shall determine final membership on any Standing Subcommittees after consultation with the Executive Committee. Chairperson's from the Standing Sub-Committees shall be appointed by the NCLEPC Chairperson and approved by the Executive Committee. Associate or Sustained members may serve as a member of any standing Sub-Committee(s).

Section 3. Meetings. Each Standing Subcommittee shall conduct a meeting prior to the general membership meetings. The Chairperson of the NCLEPC or the Chairperson of those Standing Subcommittees may call additional meetings, as deemed necessary. A majority of members shall constitute a quorum for the transaction of business.

Section 4. Duties of Standing Subcommittees:

A. Community Awareness Subcommittee. The subcommittee shall:

- (1) Promote community awareness about the potential for, and the nature and handling of hazardous materials emergencies; and advise the public on appropriate actions to take in such an emergency.
- (2) Arrange publicity for the NCLEPC.
- (3) Formulate policies and procedures concerning local, state and/or federal regulations that impact the community and/or NCLEPC.
- (4) Respond to public inquires and complaints regarding specific incidents or facilities.

B. Transportation Subcommittee. The subcommittee shall:

- (1) Establish procedures for receiving useful information from regulated facilities.
- (2) Compile available information on hazardous substance storage and transportation, and address the degree of hazard present.
- (3) Facilitate the communication of risk related information.

C. Compliance Subcommittee. The subcommittee shall:

- (1) Evaluate procedures for public notification of a hazardous materials emergency.
- (2) Promote the development and implementation of an effective emergency notification system that would provide adequate communications during a hazardous materials emergency.
- (3) Review Tier 2 reports to ensure hazardous material generators are participating in the NCLEPC.
- (4) Review hazardous materials incidents to ensure compliance with regulations.
- (3) Review membership status of each member to ensure compliance with the membership requirements found in Article III section 6.

D. Executive/Finance Subcommittee. The subcommittee shall:

- (1) Identify and develop potential sources of funding and in-kind support for NCLEPC activities.
- (2) Develop long range financial plan and conduct specific fund raising activities. Submit the plan to the Executive Committee for review. Upon approval of the Executive Committee, present the financial plan to the membership for approval prior to assessment of any fees.
- (3) Arrange for an auditor to conduct an annual audit of the financial records.

E. Drills & Training Subcommittee. The subcommittee shall:

- (1) Conduct annual response drill with facilities, county, and other interested organizations in the NCLEPC.
- (2) Review/revise Emergency Response Plan annually.
- (3) Identify and initiate training needs.
- (4) Evaluate emergency response capabilities and communicate the proposed changes to the appropriate parties.
- (5) Review existing Federal, State, and local plans for the purpose of coordination with the NCLEPC planning process.

F. Household Hazardous Materials Collection Day Subcommittee. The subcommittee shall:

- (1) Plan for the annual household hazardous materials collection day.
- (2) Coordinate with other governmental agencies to facilitate the operation of the household hazardous materials collection day.

Section 5. Ad Hoc Committees. The Chairperson may create ad hoc committees as necessary to perform the functions of the LEPC. The Chairperson, with the approval of the Executive Committee, shall appoint The Chairperson and members of ad hoc committees.

ARTICLE VIII

AMENDMENTS & RULES

Section 1. Amendments. These bylaws may be amended by a two-thirds vote of members present and voting at any general membership meeting of the NCLEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least 30 days in advance of the meeting.

Section 2. Rules. The Executive Committee shall initially consider any proposed rule(s) unless otherwise decided by the NCLEPC. If approved, the NCLEPC General Membership shall then vote on the adoption of the proposal.

ARTICLE X

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.