

TORRANCE COUNTY

LOCAL EMERGENCY PLANNING COMMITTEE

MISSION

The Mission of Torrance County, New Mexico, Local Emergency Planning Committee is to enhance the protection of the community and the environment from hazardous materials incidents and natural or man-made disasters through planning, preparation and communication between citizens, businesses, and government.

BY LAWS

ARTICLE I – NAME

This organization shall be known as the Torrance County Local Emergency Planning Committee (LEPC).

ARTICLE II - PURPOSE

The purpose of the LEPC shall be to participate in carrying out for Torrance County those responsibilities required of the LEPC pursuant to Superfund Amendments and Reauthorization Act (SARA) of 1986, SARA Title III, and related regulations. In keeping with the intent of the SARA Title III, the Emergency Planning and Community Right-To-Know Act of 1986, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community. The LEPC will help develop an all-hazard emergency response and preparedness plan for Torrance County and establish procedures for conducting its public information and education responsibilities. The plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of SARA, Title III. In accordance with SARA Title III, the State Emergency Response Commission designated Torrance County a Local Emergency Planning District and has appointed a Local Emergency Planning Committee for Torrance County. This Committee is to be composed of as many elected officials, police, fire, first aid, civil defense, public health professionals, environmental, transportation officials, representatives of facilities subject to the emergency planning requirement, community groups and media personnel as possible.

The LEPC shall, in addition:

1. Assist the local emergency management organization in the development, training, and testing of the all-hazards emergency response plan for Torrance County.
2. Assist in the development of procedures for regulated facilities to provide notification to the LEPC in accordance with SARA Title III.
3. Notify the public of all LEPC meetings or activities.
4. Assist in the development of procedures for receiving and processing requests from the public under the Community Right-To-Know provision of SARA Title III.

The LEPC will establish, and notify the public, that all meetings, including subcommittee and ad hoc committee meetings, are open to the public. The LEPC will implement such other and related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission or Torrance County.

The LEPC will make assessments of resources necessary to implement the emergency response and preparedness plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the plan. The LEPC shall be instrumental in fulfilling the purpose of the Community Right-To-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored, and/or transported within the Planning District. Transportation hazards analysis will include those risks to the district from commercial transportation by rail, highway, and aircraft.

Pursuant to SARA Title III, the LEPC has adopted the by-laws contained herein.

ARTICLE III – MEMBERSHIP

Membership should always include, at a minimum, representatives of the groups listed in Section 301 of SARA Title III. This includes equal representation of elected state and local officials: law enforcement, emergency management, fire-fighting personnel, first-aid/EMS personnel, health personnel, local environmental personnel, transportation personnel, broadcast and print media personnel, community groups and owners or operators of local facilities. Members will be allowed to vote on items.

- a. **Qualifications.** Potential members shall be residents or conduct business in Torrance County and be in good standing with the Torrance County Community.
- b. **Nomination.** Potential members will be nominated by a simple majority vote by the Executive Committee of the LEPC and approved by the SERC of New Mexico.
- c. **Vacancies.** Any vacancy occurring in the LEPC Executive Committee by reason of resignation, death, or disqualification will be filled by appointment of the Executive Committee.

- d. **Disqualification.** Any member who is unable to attend or send a qualified representative to a regular LEPC meeting shall notify the Emergency Manager. Any company responsible for sending a member who does not attend (may be in person or on zoom) or a qualified representative to at least three consecutive meetings within one year is subject to being disqualified by the LEPC executive committee. An annual report listing the attended meetings will be provided to the SERC.
- e. **Term.** The term for Executive Committee Members shall be two years. Existing officers may be re-elected to a second term in their existing offices if they so indicate a willingness to continue. After the second term has expired, the Committee Member is not eligible to run for office for two years. If the prior Member wants to run for re-election and there is no other individual interested, the Executive Committee will vote to allow or not allow the member to run for a third consecutive term. For the initial election, Vice-Chairperson and Information Coordinator will be elected for one year. Every election thereafter will be two-year terms. This will allow for alternating terms throughout the Executive Committee.
- f. **Elections.** The office of Vice-Chairperson and Secretary will be up for election on even numbered years. The office of Chairperson and Treasurer will be up for election on odd numbered years.

ARTICLE IV – COMMITTEES

Section 1. Executive Committee. An Executive Committee Meeting shall be held prior to the regular meeting. A quorum will be those in attendance.

- a. **Chairperson.** The Chairperson shall preside at all meetings of the LEPC; shall serve as ex-officio member of all committees, with the empowerment to vote in the event of a tie; and shall perform such duties and acts as necessary to accomplish the purpose of the LEPC. The Chairperson shall be empowered to create such other Ad Hoc Committees as necessary to accomplish the goals of the LEPC.
- b. **Vice-Chairperson.** Upon resignation, death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform such other duties as may be assigned by the Chairperson.
- c. **Emergency Manager.** The Emergency Manager, as the Torrance County Emergency Manager, shall have the authority and responsibility for the implementation of the Torrance County LEPC Emergency Response Plan. Incident Command System shall be used at all emergencies to establish command of the incident. The Emergency Manager shall keep a true record of the proceedings of all meetings of the LEPC and shall be responsible for public notice of meetings.
- d. **Secretary.** The Secretary shall be the custodian of books, papers, and other property of the LEPC. Additionally, the Secretary shall assist with the business needs of the LEPC.

- e. **Information Coordinator.** The LEPC will appoint an Information Coordinator. This person will process requests from the public for information under Section 324, including Tier II information under Section 312. The coordinator will assist the Secretary in record management. The Information Coordinator will be a non-voting member of all committees of the LEPC.

Section 2. Standing Committees. The Chairperson will determine the additional committees required, based on needs. The Chairperson of the LEPC shall appoint chairperson of committees.

Section 3. Meetings. The Chairperson of the LEPC or the Chairperson of a Committee may call meetings of the committees formed. In accordance with Open Meetings Act, Article IV, Section 3, all meetings are open to the public. Public notice of all meetings must be posted in accordance with NMSA, 1978, Section 10-15-1 through 10-15-4 of the New Mexico Open Meetings Act.

- a. **Monthly Meetings** will be held on the fourth Tuesday of each month at 9:00am. The meetings will be held in the Commission Chambers at 205 South 9th Street, Estancia, New Mexico and on Zoom.
- b. **An Emergency Meeting** may be called by an Executive Committee Member, if they determine that such emergency meeting is necessary in the interest of the safety and welfare of the public. A minimum of two hours posting is required in any event. An attempt shall be made prior to the meeting to contact all Executive Committee Members. The presence of at least three Executive Committee Members is required to conduct an emergency meeting.

ARTICLE V – ORGANIZATION RULES

SERC 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 comments, response to such comments by the committee and distribution of the emergency plan.

Section 1. 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. If the Executive Committee, by majority vote, approves a proposed rule it shall, thereafter, proceed to publication as provided in this Article.

Section 2. Adoption of Rules: Publication of Proposals. The LEPC may adopt rules of general application governing the execution of its responsibilities under SARA Title III and related applicable regulations. Any such rules must first be published in the proposed form not less than ten (10) days prior to final adoption by the LEPC. Publication shall be affected through posting of the proposed rule and statement of

basis and purpose in the legal notice displayed on the bulletin board of 205 South 9th Street, Estancia, New Mexico. (The purposed rule together with the statement of basis and purposed 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 rules during the ten (10) day period. Notices of the proposed rulemaking shall be distributed to the LEPC membership via usual communications (i.e. email).

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 that responds to comments raised and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present this statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorable, 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, or his/her designee, also shall publish the LEPC’s response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for proposed rules. 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 LEPC Chairperson and confirmed by a majority of the LEPC Executive Committee in attendance at any emergency meeting, the LEPC may adopt rules without prior notice and comment, provided that no such rule will remain in effect for more than 90 days.

Section 6. Amendments. These by-laws may be amended by a majority 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 30 days in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the by-laws.

Section 7. 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.

ARTICLE VI – REGULATORY RULES

Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in SARA Title III, P.L. 99-499, and regulations adopted in accordance therewith.

Section 1. Public Notification and General Participation.

- a. The LEPC shall publish notice of all its meetings, and all sub-committee meetings, on the torrancecountynm.org website at least 72 hours prior to any such meeting. In emergencies, declared by the Chairperson and confirmed by the majority of the LEPC in attendance at any emergency meeting, the 72-hour notice may be waived in accordance with Section 10-15 of the New Mexico Open Meetings Act.
- b. The Torrance County LEPC does not discriminate against any individual based on race, color, national origin, gender, religion, age or disability. All meetings of the LEPC or any sub-committee thereof shall be open to the public, except under circumstances where the New Mexico Open Meetings Act permits otherwise. The Chairperson shall afford a reasonable period of time at each regular meeting to accept the public comments on any aspect of the LEPC's mission or functions.
- c. Not less than once each calendar year, the Chairperson shall cause to be published via County website, a notice that written publicly comment is invited during a 30-day period on any aspect of the LEPC's organization, membership, functions, planning processes, or purpose. Such notice shall comply in all respects with Section 324(B) of SARA Title III and present a brief explanation of the LEPC's statutory purpose, the location of the LEPC minutes and other records, and the name and addresses of the person designated by the Chairperson to receive written comments. The LEPC shall review all comments received and shall publish, in the manner described in Paragraph 2, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each comment received.

Section 2. Public Participation Planning Process. Following the completion of a draft All-Hazards Emergency Operations Plan for Torrance County, the Plan will be presented to the Torrance County Commissioners for approval.

Section 3. Public Access to Information. Under the law, every person has a right to inspect public records, with certain limited exceptions. Any person wishing to inspect public records of the County may submit a written request to the Records Custodian. The written request shall provide the name, address and telephone number of the person seeking access to the records and shall identify the records with reasonable particularity. Inspection of records will be allowed as soon as is practicable under the circumstances, not later than fifteen (15) days after the request has been delivered to the custodian, a written explanation will be provided. Copies may be available by request at the office of the custodian. Any questions about the procedure may be addressed to the legal department of Torrance County.

Section 4. Trade Secrets. Except as provided in this section, all information submitted to the LEPC by facilities pursuant to SARA Title III, shall be public

