

Hertford County
Local Emergency Planning Committee
Bylaws



HERTFORD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
BYLAWS

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HERTFORD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE
BYLAWS

ARTICLE I

NAME

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

ARTICLE II

PURPOSE

The duties and activities of the Committee are those set forth by the Superfund Amendment and Reauthorization Act of 1987, (SARA), Title 111, Subtitle A, Emergency Planning and Notification Section 301.

- A. Establish procedures for reviewing and processing requests for the public for information under Section 321 of SARA.
- B. Establish procedures for receiving and handling Material Data Safety Sheets (MSDS), and Tier I and Tier II information submitted by facilities.
- C. Develop and maintain an updated Title III, SARA Emergency Response Plan. In developing this plan, the committee will evaluate resources for preparing for and responding to a potential chemical accident. These plans will be integrated with Hertford County's Emergency Operations Plan (EOP).

The plan must include provisions for:

- 1. Identification of facilities and extremely hazardous substances transportation routes.
- 2. Emergency response procedures, on-site and off-site.
- 3. Designation of a community coordinator and facility coordinator(s) to implement this plan.
- 4. Emergency notification procedures.
- 5. Methods for determining the occurrence of a release and the probable affected area and population.
- 6. Description of community and industry emergency equipment and facilities, and the identity of persons responsible for them.
- 7. Evacuation planning and shelter in place planning.
- 8. Training programs for emergency response personnel.
- 9. Exercising emergency response plans.

10. Coordinate with Risk Management Plan (RMP) facilities.

ARTICLE III

MEMBERSHIP

Section 1. Members - The Hertford County Local Emergency Planning Committee shall be composed of representatives from the following groups or organizations below have physical operations within Hertford County and are at least 18 years of age.

- A. Local Elected Official
- B. Law Enforcement (City, County, State)
- C. Emergency Medical Services/Rescue
- D. Emergency Management (County, State)
- E. Health Services (Public, Local or State Government)
- F. Fire Services (City or County)
- G. Local Environmental (Professional, Local or State Government)
- H. Environmental Clean-Up (Government or Public)
- I. Hospitals
- J. Transportation Industry (Trucking, Railroad or DOT)
- K. Media (Radio, TV and Print)
- L. Community Groups
- M. Extremely Hazardous Substances (EHS)/Risk Management Plan (RMP) Facilities
- N. Other Covered Facilities
- O. Public (Selected by Hertford County Commissioners)
- P. Schools
- Q. Agriculture
- R. Hazmat Teams
- S. Technical Advisors
- T. Others as desired with mutual agreement by Hertford County Emergency Management Director and the LEPC Chairperson

Section 2. Nomination and Election - At the November meeting the Chairperson will open the nominations and accept open nominations (from the floor) for voting member positions of the Committee. The Chairperson shall close the

nominations and where necessary, immediately conduct an election to determine the official nominee. Nominations and elections shall be held biannually thereafter. The Chairperson shall immediately submit a list of official nominees to the Director of Hertford County Emergency Management.

Section 3. Appointment and Term - The Director of Hertford County Emergency Management shall immediately submit the list of official nominees to the State Emergency Response Commission (SERC), requesting official appointment. If appointed by the SERC, Committee members shall serve a two-year term. Voting members are not subject to term limits. The effective date of the term will be the meeting following a member's nomination.

Section 4. Inactive Members - Appointed members may be declared inactive by the LEPC Chairperson when they miss more than two consecutive LEPC meetings without notification to the Committee Chairperson or staff liaison. Inactive Member status may be grounds for removal from the Committee.

Section 5. Removal of Members - Recommendation for removal of any member of the Committee shall be made by the Chairperson and the Director of Hertford County Emergency Management to the SERC. Removal of a member must be approved by the SERC.

Section 6. Technical Advisors - The LEPC Chairperson may also select technical advisors from any group as deemed necessary. These can be from the public or private sector.

Section 7. Community Participants - Community Participants will be composed of individuals that attend meetings on a regular basis (2 out of 4 consecutive meetings). These members will receive all distributions of materials from the Committee; these members do not have voting privileges. Community Participants are eligible to be appointed to fill the vacancy of a voting member or to serve on subcommittees.

Section 8. Vacancies - Vacancies of the Voting members will be filled using representatives from the list of eligible groups or organizations as defined in Article III, Section 1-Membership or the Community Participant list.

ARTICLE IV

OFFICERS

Section 1. Titles - The officers of the Committee shall consist of a Chairperson and a Vice-Chairperson.

Section 2. Nomination and Election - The Committee shall nominate and elect from its own membership a Chairperson and Vice-Chairperson in May 2011. At the November meeting the Chairperson will open the nominations for Vice-Chairperson and accept open nominations (from the floor). The Chairperson shall close the nominations and if necessary, immediately conduct an election. Nominations and elections shall be held biannually thereafter.

Section 3. Term - The Vice-Chairperson shall serve a term of two years. The Vice-Chairperson shall ascend to the Chairperson's position directly thereafter for an additional two year term, or at any time the Chairperson is unable to fulfill the obligation of office. Both the Chairperson and Vice-Chairperson shall serve for two years in their respective positions, or until their resignation, retirement, removal, death or disqualification. Ascension by the Vice-Chairperson during mid-term shall not disqualify this individual from holding the office of Chairperson for more than two years consecutively. At no time shall any officer hold an office or any combination of offices, for more than four years consecutively without being, duly nominated and elected as prescribed in Article IV, Section 2 - Nomination and Election.

Section 4. Vacancies - All officer vacancies shall be filled as prescribed in Article IV, Section 2 - Nomination and Election.

ARTICLE V

DUTIES OF OFFICERS

Section 1. Duties of the Chairperson - The Chairperson shall prepare an agenda for the Committee meetings, preside at all meetings of the Committee, preserve order during its meetings, appoint all subcommittees and approve subcommittee Officers, serve as an ex-officio member of such subcommittees, and sign all minutes, and such record, vouchers, or other documents connected with the work of the Committee requiring such signature. On an annual basis, the Chairperson shall develop and review goals and objectives with Emergency

Management staff. These goals and objectives shall be presented to the LEPC members for approval by a vote.

Section 2. Duties of the Vice Chairperson - In the absence of the Chairperson or in the event of his/her inability to act, the Vice Chairperson, unless otherwise determined by the Committee, shall perform the duties of the Chairperson, and when so acting shall have all the powers of the Chairperson. The Vice-Chairperson shall exercise such duties as from time-to-time that may be assigned by the Chairperson.

ARTICLE VI

STAFF

The committee may receive administrative or other support from Hertford County Emergency Management, with the approval of the Hertford County Emergency Management Director, unless prohibited by Federal, State, County or Local regulations.

ARTICLE VII

MEETINGS

Section 1. Regular Meetings - The Committee shall meet twice a year for regular meetings. The meetings will be the third Tuesday in May and November.

Section 2. Special Meetings - The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of a subcommittee Chairperson or at Least four members, the Chairperson shall call a meeting within ten working days.

Section 3. Hearings - The Committee shall hold such hearing as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the Committee in regular meetings.

Section 4. Quorum - A quorum shall consist of a simple majority of the Committee's voting members. The Chairperson and Vice-Chairperson shall be counted among members present. A quorum shall be required to transact business.

Section 5. Agenda - All meeting agendas shall be delivered in writing (mail or email) by the staff to members of the Committee at least three days prior to each meeting. Any member may request the Chairperson to place an item on the agenda. If the Chairperson should decline to do so, a member may have such item placed on the agenda by favorable vote of the majority of the members present at any meeting of the Committee.

Section 6. Rules of Order - The deliberations of all meetings of the Committee and various subcommittees shall be governed by NCGS 143-318, N.C. Open Meeting Law, these bylaws and Robert's Rules of Order, Newly Revised.

Section 7. Notice of Meetings - Notice of the time and place of each meeting shall be given in writing (mail or email) by the staff to all members at least five days prior to each meeting. Notice of special meetings shall be given to all Committee members in writing (mail or email) or by phone at least three days in advance of any special meeting; Public notice shall be given in accordance with NCGS 143.318, N.C. Open Meeting Law.

Section 8. Sub-Committees - All subcommittee Chairpersons are to report to the Committee Chairperson on their activities at least quarterly. The Committee Chairperson should be invited to all sub-committee meetings and kept up-to-date on all sub-committee activities. Sub-Committee Chairpersons shall present a report of the sub-committee's activities at each regularly scheduled quarterly meeting of the Committee. Standing and Ad Hoc subcommittees shall forward to the LEPC Chairperson their recommendation Coy Officers of the subcommittee.

ARTICLE VIII

VOTING

Section 1. Basis for Determining a Voting Result - A simple majority of a qualified quorum shall determine the voting result.

Section 2. Voting Procedure

- A. Regular business of the Committee shall be ratified or opposed by a voice vote or show of hands.
- B. Per NCGS 143-318.13 (b): At no time shall the Committee or any sub-committee vote by secret ballot.

Section 3. One Vote Each - Each group or organization, identified in Article III, Section 1, shall be entitled to one vote. Since the Chairperson and Vice-Chairperson serve as Committee members representing an eligible group or organization, their vote will be counted as the official vote representing that group or organization.

Section 4. Proxy Votes - A voting member may designate in writing (mail or email) someone to vote upon his/her behalf. This documentation must be presented to the Chairperson before the meeting begins. The proxy is not required to be a member of the committee.

Section 5. Abstention - Members may register their abstention on any vote, which shall be reflected in the minutes. Members are encouraged to abstain from voting and from participating in deliberations on matters, which may pose a conflict of interest for them.

Section 6. Determination of Actions - All final actions, committee positions, or policy recommendations shall require the favorable vote of a majority of those Committee members present and not abstaining on the vote at a duly called meeting.

ARTICLE IX

REPORTS AND RECOMMENDATIONS

Section 1. Annual Report - Each year the Committee shall make a written report describing its activities for the preceding calendar year.

Section 2. Issuance of Reports - No reports of any kind shall be released in the name of the Committee unless and until it has been duly adopted by a favorable vote of a majority of the members of the Committee. North Carolina Right-To-Know and SARA Title III provisions to release of public information shall apply.

ARTICLE X

AMENDMENTS

These bylaws may be amended upon the affirmative vote of a simple majority of the members of the Committee at any regular meeting of the Committee.

ARTICLE XI

RATIFICATION PROVISIONS

These bylaws are duly adopted by a majority of the members of the Committee this 17th day of May, 2011.

Chairperson, Hertford County Local Emergency Planning Committee