

# THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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## ARTICLE I

### NAME

This organization shall be known as the Cumberland County Local Emergency Planning Committee (CCLEPC).

## ARTICLE II

### PURPOSES

The duties and activities of the CCLEPC are those set forth by the Cumberland County Board of Commissioners in accordance with, but not limited to, Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

The CCLEPC shall:

1. Establish procedures for reviewing and processing requests from the public for information under Section 324 of SARA.
2. Develop a chemical hazard risk analysis.
3. Develop emergency response procedures for off-site emergency response personnel.
4. Identify private sector and public sector resources available to deal with hazardous materials emergencies and assist facilities in meeting reporting requirements.
5. Review emergency plans submitted by the subcommittees and make recommendations on revisions of the plans that may be necessary to ensure coordination of such a plan with emergency response plans of other emergency planning agencies.
6. Periodically review and update Cumberland County's emergency response plans.
7. Periodically hold emergency response exercises.

## ARTICLE III

SECTION I. Members. The CCLEPC shall consist of as many members as are deemed necessary by the Cumberland County Board of Commissioners, and the North Carolina Emergency Response Commission, in accordance with Title III of SARA with a minimum of thirteen (13) members.

1. All appointments to the committee shall be made by the Cumberland County Board of Commissioners and approved by the North Carolina Emergency Response Commission.
2. The members of the committee shall have the ability, commitment, authority, and resources to properly function.
3. The committee shall possess or have ready access to a wide range of expertise relating to the community, the industrial facilities and transportation, and the mechanics of emergency response and response planning.

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4. The committee shall be representative of all elements of the community with a substantial interest in reducing the risks posed by hazardous materials.

SECTION 2. Term of Members. The initial members of the committee, other than ex-officio members and military representatives shall serve terms of three (3) years. Upon the expiration of the term of the initial members, the Board of County Commissioners shall appoint, at its sole discretion, one-third (1/3) of the members, excluding ex-officio members and military representatives, to terms of one (1) year, one-third (1/3) to terms of two (2) years, and one-third (1/3) to terms of three (3) years. Subsequently, all members, excluding ex-officio members and military representatives, shall be appointed for three (3) year terms.

## SECTION 3. Ex-Officio Members and Military Representatives

- a. The following membership positions are designated as ex-officio members, with full voting rights: County Commissioner Liaison, County Manager, Fayetteville City Manager, Emergency Services (Management) Director, and Hazardous Materials Response Team Leader. The persons holding such positions shall be appointed as members for so long as they hold their position.
- b. The Base Commanders at Fort Bragg and Pope Air Force Base will be requested to nominate one committee member each for appointment by the Cumberland County Board of Commissioners and approval by the North Carolina Emergency Response Committee for an indefinite term consistent with the needs of the installations with full voting rights.

SECTION 4. Inactive Members. Appointed members shall be considered inactive when they have missed more than two (2) consecutive committee meetings without notification to the committee chairman or staff office of significant reasons why they were unable to attend the meetings.

SECTION 5. Removal of Members. SECTION 2 of **ARTICLE III** notwithstanding, all inactive members of the CCLEPC shall be subject to removal by the Cumberland County Board of Commissioners.

SECTION 6. Vacancies. Vacancies in memberships of the committee shall be filled by the Cumberland County Board of Commissioners for the remainder of the unexpired term.

## ARTICLE IV

### OFFICERS

SECTION 1. Named The officers of the committee shall consist of a Chairman, a Vice-Chairman, and a Secretary.

SECTION 2. Election and Term. At the first meeting of each calendar year, the committee shall elect from its own membership, a Chairman, Vice-Chairman and Secretary who shall serve for

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one (1) year or until their death, resignation, retirement, removal, disqualification, or their successor shall have been elected and qualified. Mid-term replacements will be by election in regular manner.

SECTION 3. Removal The Chairman, Vice-Chairman, or Secretary may be removed by a three-fifths (3/5) vote of the committee whenever in its judgment the best interests of the committee will be served thereby.

## ARTICLE V

### DUTIES OF THE OFFICERS

SECTION 1. Duties of the Chairman. The chairman shall preside at all meetings of the committee, preserve order during its meetings, appoint all subcommittees, serve as an ex-officio member of such committees, and sign all minutes, and such records, vouchers, or other documents connected with the work of the committee requiring such signature.

SECTION 2. Duties of the Vice-Chairman. In the absence of the Chairman or in the event of his inability or refusal to act, the Vice-Chairman, unless otherwise determined by the committee, shall perform the duties of the Chairman, and when so acting shall have all the powers of the Chairman. He shall exercise such other duties as from time to time may be assigned to him by the Chairman of the committee.

SECTION 3. Duties of the Secretary. The Secretary shall have charge of all books, papers, records, and other documents of the committee; shall keep the minutes of all meetings of the committee and the executive board thereof; shall conduct all correspondence pertaining to the office of the Secretary; shall compile statistics and other data as may be required for the use of the members of the committee; and shall perform such other duties as may be directed by the committee or by the executive board.

## ARTICLE VI

### STAFF

The committee may use the personnel of an existing agency with the approval of the agency's head. The committee shall have no permanent staff.

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## ARTICLE VII

### MEETINGS

SECTION 1. Regular Meetings. The committee shall meet at least quarterly for regular meetings.

SECTION 2. Special Meetings. The Chairman may call such special meetings as may be deemed necessary to carry out the duties of the committee. Upon the written request of at least four (4) members, the Chairman shall call a meeting within seventy-two (72) hours.

SECTION 3. Hearings. The committee shall hold such hearings 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 in accordance with Sec. 324 of SARA.

SECTION 4. Quorum. A quorum shall consist of one-half plus one committee members. A quorum shall be required to transact business.

SECTION 5. Agenda. Any member may request that the Chairman place an item on the agenda. If the Chairman declines to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairman with supporting signatures of three (3) other members.

SECTION 6. Rules of Order. Except as set out in these Bylaws, the deliberations of all meetings of the committee and its various subcommittees shall be governed by the Rules of Procedure for the Board of County Commissioners of Cumberland County, North Carolina, as they may be amended from time to time. (Adopted: October 15, 1990).

SECTION 7. Notice of Meetings. The notice of the time, place, and agenda items to be considered at each regularly scheduled meeting shall be given in writing to all members of the committee and to the Clerk of the Cumberland County Board of Commissioners at least one (1) week prior to each regularly scheduled meeting by the Secretary. All notices and agenda items shall at all times be in conformity with Article 33C of Chapter 143 of the North Carolina General Statutes. Items not appearing on the agenda may be considered upon a favorable vote of a two-thirds (2/3) majority of the members present and voting. Notice of special meetings and intended agenda items shall be given to all committee members and to the Clerk to the Cumberland County Board of Commissioners in writing at least forty-eight (48) hours in advance of any special meetings. When necessary, emergency meetings shall be called in conformity with Article 33C of Chapter 143 of the North Carolina General Statutes.

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## ARTICLE VIII

### VOTING

SECTION 1. One Vote Each. Each committee member, including the Chairman, shall be entitled to one (1) vote.

SECTION 2. Proxy Votes. No member shall vote by proxy.

SECTION 3. Abstentions. Members may register their abstention on any vote, which shall be reflected in the minutes.

SECTION 4. Determination of Actions. All final actions, committee positions, or policy recommendations shall require the favorable vote of the majority of those committee members present at a duly called meeting.

## ARTICLE IX

### REPORTS AND RECOMMENDATIONS

SECTION 1. Annual Report. By February 1<sup>st</sup> of each year, the committee shall make a report describing its activities for the preceding calendar year to the Chairman of the Cumberland County Board of Commissioners.

SECTION 2. Review of Draft Reports. A draft of any proposed annual report shall be circulated to all members of the committee at least (30) days prior to consideration by the full committee at a regularly scheduled meeting.

SECTION 3. 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 present and voting at the meeting when the report is considered.

SECTION 4. Ordinances/Resolutions Recommendations. The committee may address matters regarding ordinances and resolutions to be endorsed by the committee in between regularly scheduled meetings. This may be accomplished by means of telephone conferences provided the requirements of N.C.G.S. 143-318.13(a) are met. In the event that the committee is divided into smaller groups to accommodate the logistical requirements of telephone conferencing, the committee Chairman shall be a party to each conference.

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**ARTICLE X**

**AMENDMENTS**

These By-Laws may be amended or replaced upon the affirmative vote of a majority of the members of the committee at any regular meeting of the committee provided that any proposed changes have been circulated to all members 30 days prior to any action thereon. No amendment or replacement of these By-Laws shall be effective unless and until approved by the Board of County Commissioners.

**ARTICLE XI**

**RATIFICATION PROVISIONS**

These By-Laws are duly revised by a majority of the members of the committee this the \_\_\_\_\_ day of \_\_\_\_\_ 2012, in Fayetteville, North Carolina and replace all prior versions of the By-Laws.

CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

\_\_\_\_\_  
Chairman

Approved by the Cumberland County Board of Commissioners on this day: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Board

[COUNTY SEAL]