THE BYLAWS OF THE BURKE COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I: NAME

This organization shall be known as the Burke County Local Emergency Planning Committee (LEPC), hereinafter known as the "LEPC".

ARTICLE II: DUTIES OF THE LEPC

The duties and activities of the LEPC are those set forth by, but not limited to, the Emergency Planning and Community Right to Know Act of 1986 (EPCRA):

a. Establish procedures for reviewing and processing requests from the public for information, including designation of an official to serve as coordinator for requested information.

b. Establish procedures for receiving and handling Safety Data Sheets (SDS)/Material Data Safety Sheets (MSDS), and Tier II information submitted by facilities.

c. Assist in the development and maintenance of a Countywide emergency response plan in conjunction with Burke County Emergency Management and other County departments. As a part of their assistance, the LEPC will evaluate the need for resources necessary to develop, implement, and exercise the emergency plan, and shall make recommendations with respect to additional resources that may be required and the means for providing such additional resources. The plan must include, but is not limited to, the following:

    1. Identification of facilities that handle hazardous substances, identification of

routes likely to be used for the transportation of substances on the list of extremely hazardous substances, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of EPCRA, including, but not limited to, hospitals or natural gas facilities..

2. Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

3. Designation of a Community Emergency Coordinator and Facility Emergency Coordinator(s) to make determinations necessary to implement the plan.

4. Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of 42 U.S.C. 11004).

5. Methods for determining the occurrence of a chemical release and the probable affected area and population.

6. Description of available community and industrial emergency response equipment and facilities subject to the requirements of Subchapter I of the EPCRA, including identification of the individual(s) responsible for their management and maintenance.

7. Review plans submitted by LEPC subcommittees and make recommendations for revisions to ensure coordination with existing emergency response plans

submitted by other emergency response agencies.

8. Evacuation Plans, including provisions for a precautionary evacuation and alternative traffic routes.

9. Training programs, including schedules for training of local emergency response and medical personnel.

10. Hazard/Risk analysis for the County.

11. Methods and schedules for exercising emergency response plans.

12. Submit the emergency response plan, once developed, to the State Emergency Response Commission for review.

13. Prior to approval, the plan will be reviewed by members and presented in public meeting. The Chairman or other representative will be present to address comments from members and the public.

14. The plan will be distributed to County staff, municipal governments, the State of North Carolina, and partner agencies identified in the plan.

ARTICLE III: MEMBERSHIP

Section I: Membership

The Burke County Local Emergency Planning Committee shall consist of members appointed by the Burke County Board of Commissioners for a three-year term. Individuals wishing to be appointed to the LEPC will submit an application to the Burke County Clerk's Office.

Membership will include representatives from the groups listed in EPCRA Section 301(c). Committee members should possess or have ready access to a wide range of expertise relating to emergency response and planning.

The appointed seats are as follows:

1. Planning and Zoning
2. Law Enforcement
3. Fire Service
4. Emergency Management (Also serves as Chairperson)
5. Public Health
6. Environmental Health
7. Hospital System
8. Local Elected Official
9. Citizen Representative
10. Civic/Community Group Representative
11. Media
12. Transportation
13. Agriculture
14. EMS
15. Public Water / Wastewater
16. Social Services
17. Owner / Operator
18. At-Large

Commented [DL1]: One seat that is required is someone from the category of "Owners and Operators of facilities subject to the requirements of SUBCHAPTER I—EMERGENCY PLANNING AND NOTIFICATION" I don't see that, unless it is being stated under different terminology here.

Section II: Inactive Members

LEPC members shall be considered inactive and have their membership revoked when they miss more than 50% of the meetings in a one-year period. Exceptions will be made for members providing notification to the LEPC Chairperson, no later than three working days prior to the meeting.

Section III: Removal of Members

Members of the LEPC shall serve at the pleasure of the Burke County Board of Commissioners. The Chairperson is responsible for making recommendations to the Clerk to the Board to remove members from the official roster.

Section IV: Vacancies

At the earliest scheduled meeting, the LEPC will vote on a representative to recommend to the Burke County Board of Commissioners for a three-year term. Vacant seats will not be factored into the calculation of a quorum.

Section V: Ex-Officio Members

Any member in this category will be exempt from attendance requirements and will not have voting rights. This includes all attendees not appointed by the Burke County Board of Commissioners.

Section VI: Terms of Membership

Members shall be appointed by the Burke County Board of Commissioners for a three-year term.

Section VII: Designated Representative

An absent member may request approval from the Chairperson to name a replacement representative having full voting rights, within three days of a scheduled meeting. Members may only do this once per year.

Section VIII: Performance

The Chairperson shall make various task assignments. Members may be removed from the LEPC upon recommendation to the Chairperson, following a majority vote of the LEPC Executive Committee, for failure to perform assigned tasks in a satisfactory manner.

ARTICLE IV: DUTIES OF THE EXECUTIVE COMMITTEE

Section I: Duties of the Chairperson

The Burke County Emergency Management Director or designee will serve as the Chairperson of the LEPC. The Chairperson shall preside at all meetings of the LEPC and preserve order during its meetings. The Chairperson shall establish an Executive Committee that is comprised of the Chairperson, Vice-Chairperson, and Secretary. The Chairperson shall establish all subcommittees and serve as an ex-officio member of such subcommittees. All minutes and such records, or other documents connected with the work of the LEPC will be approved and signed by the Chairperson. The Chairman may only vote on official matters as a tiebreaker.

All grants and donations to the LEPC will be reviewed and accepted by the Burke County Finance office pending approval by the Board of Commissioners.

Section II: Duties of the Vice-Chairperson

In the absence of the Chairperson, or in the event of his or her inability or refusal to act, the Vice-Chairperson, unless otherwise determined by the LEPC, shall perform the duties of the Chairperson and, when so acting, shall have all the powers of the Chairperson. They shall exercise such other duties, as from time to time, assigned by the Chairperson or the LEPC.

Section III: Duties of the Secretary

The Secretary shall have charge of all the books, paper, record, and other documents of the LEPC; shall keep the minutes of the LEPC and the Executive Committee thereof; shall conduct 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 LEPC and Executive Committee. In the absence of both the Chairperson and Vice-Chairperson, shall perform the duties of the Chairperson, and when so acting shall have all the powers of the Chairperson.

ARTICLE V: MEETINGS

Section I: Regular Meetings

The LEPC shall schedule quarterly meetings (four annually), unless otherwise designated by the Chairperson, but no less than twice a year. Any cancellation will be in accordance with the North Carolina Meeting Notification Laws.

Section II: Special Meetings

The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the LEPC. Upon written request or electronic mail of at least five (5) members, the Chairperson shall call a meeting as expeditiously as possible in accordance with County public notice policies.

Section III: Subcommittee Meetings

Subcommittee meetings will be scheduled at the discretion of the Chairperson and members of said subcommittee. A quorum is required to conduct a subcommittee meeting. Any official business or recommendations resultant from a subcommittee meeting will be contingent on a majority vote at the next scheduled LEPC meeting, by a quorum of members.

Section IV: Quorum

A quorum shall consist of a simple majority (51%) of the total number of appointed LEPC members at the time that any regular or special meeting is held. Vacant seats will not count towards the calculation of a quorum. A quorum shall be required to transact business at any meeting of the LEPC.

Section V: Agenda

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 on the agenda by submitting it in writing to the Chairperson within five (5) business days of the meeting, with statements of support from at least two other members. There shall be no solicitation of sales of products, goods, or services on the agenda.

Section VI: Rules of Order

The deliberations of all meetings of the LEPC and its various subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section VII: Notice of Meetings

Notice of the time, place and agenda items to be considered at each meeting as well as the minutes of previous LEPC meetings shall be given in writing or electronic mail and sent to all members at least ten (10) calendar days prior to each meeting. All meeting materials will be sent to the Clerk of the Board within ten (10) calendar days following each meeting for the purposes of record keeping and transparency of governance.

Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so. Notice of special meetings and intended agenda items shall be sent to all LEPC members in writing, electronic mail or by phone at least seven (7) days in advance of any special meeting. Notice to the public shall be in accordance with North Carolina Law.

ARTICLE VI: VOTING

Section I: One Vote Each

Each voting LEPC member, excluding the Chairperson, shall be entitled to one (1) vote. The Chairperson shall vote only in the event of a tie. Votes will be taken by roll call.

Section II: Proxy Votes

Proxy votes may be permitted with approval from the Chairperson as described in Article III, Section VII.

Section III: Abstentions

LEPC members may register their abstention on any vote which shall be reflected in the minutes. LEPC members are encouraged to abstain on matters which would pose, for them, a conflict of interest.

Section IV: Determination of Action

All final actions, LEPC positions or policy recommendations shall require the favorable vote of a majority of LEPC members present at a duly called meeting at which a quorum is present. However, bylaws shall be amended by the provisions of Article IX.

ARTICLE VII: REPORTS AND RECOMMENDATIONS

Section I: Annual Report

The LEPC shall produce an annual report to the Board of County Commissioners and County Manager each year describing its activities for the preceding year.

Section II: Review of Draft Reports

A draft of any proposed report shall be circulated to all members of the LEPC prior to consideration by the LEPC at a regular scheduled meeting.

Section III: Issuance of Reports and Recommendations

Reports or recommendations of any kind shall not be released in the name of the LEPC unless and until they have already been adopted by a favorable vote of a majority of LEPC members at a duly called meeting at which a quorum is present.

ARTICLE VIII: AMENDMENTS OF THE BYLAWS

These bylaws may be amended or replaced upon affirmative vote of a simple majority (51%) of the LEPC members present at a duly called meeting at which a quorum is present, provided that any proposed changes have been circulated to all the LEPC members 30 days prior to

any action thereon. All Amendments to the Bylaws are subject to the approval of the Burke County Board of Commissioners.

ARTICLE IX: TABLE OF REVISIONS

CHANGES	DATE APPROVED