

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I

NAME

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

ARTICLE II

PURPOSE

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. Notify the public of all CCLEPC meeting and activities.
3. Develop, maintain, and update Title III, SARA Emergency Response Plan in conjunction with Cumberland County Office of Emergency Management. In developing this plan, the committee will evaluate resources for preparing for and responding to a potential emergency or disaster. These plans will be integrated with Cumberland County's Emergency Operations Plan.
4. 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.

ARTICLE III

Membership

SECTION 1. Appointment of 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.

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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.
4. The committee shall be representative of all elements of the community with a substantial interest in reducing the risks posed by hazardous materials.
5. Anyone who wishes to serve on the CCLEPC must fill out a membership application which can be found on the CCLEPC website. Completed membership applications shall be submitted electronically to the Cumberland County Clerk of the Board. All membership applications will be reviewed by the Cumberland County Board of Commissioners.

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.

If a member is separated from the agency from which they represent, they may remain on the CCLEPC if their new position is a similar position in industry or government and the current CCLEPC agrees by majority. If these conditions do not apply, then they will be removed from the CCLEPC in that position. This rule will supersede any unfilled term and result in a vacancy.

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, Cumberland County E.M. Coordinator 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 Senior/Garrison Commander at Fort Liberty will be requested to nominate one committee member 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.

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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.

SECTION 7. SERC Reporting. The CCLEPC membership roster will be forwarded to the State Emergency Response Commission.

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 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. On an annual basis, the Chairman shall develop and review goals and objectives with Emergency Management Staff. These goals and objectives shall be presented to the CCLEPC members for approval by vote.

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 BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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

Role of Cumberland County Office of Emergency Management

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.

Cumberland County Office of Emergency Management will provide staff support, with the approval of the Cumberland County Emergency Services Director, to the CCLEPC to meet the requirements set for them through Local, State and Federal legislation.

Cumberland County Office of Emergency Management will act as the liaison between the CCLEPC and the Board of County Commissioners, and the State Emergency Response Commission.

A member of the Cumberland County Office of Emergency Management will serve as the authorizing authority to grant access to the local electronic reporting database (Cumberland County uses E-Plan). Local authorization is typically provided to first responders, emergency managers, public officials, etc. depending on their roles and responsibilities.

Cumberland County Office of Emergency Management will be responsible for submission of the Emergency Response Plan to the State Emergency Response Commission for review.

It is the responsibility of the Cumberland County Office of Emergency Management to process requests for public information, receive chemical inventory reports, receive incident notification from local industry, and inform the CCLEPC of major events within the County at a regularly scheduled CCLEPC meeting. The Emergency Management Coordinator or their designee will serve as coordinator for EPCRA information, which includes receiving EPCRA reports from facilities and distributing information requested by the public.

All files and records will be maintained by the Cumberland County Office of Emergency Management.

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.

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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 excluding Ex-Officio designated 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.

An annual notice of the regular meeting schedule of the CCLEPC shall be published in local newsletters (or online) in accordance with SARA Title III (EPCRA). This notice will specify which meeting is designated for receiving public comments on the emergency plan.

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.

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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.

SECTION 5. Virtual Voting. Members shall be permitted to participate in and vote at meetings virtually through electronic means. This includes, but is not limited to, video conferencing and online voting platforms.

ARTICLE IX

REPORTS AND RECOMMENDATIONS

SECTION 1. 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 2. 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.

ARTICLE X

EMERGENCY RESPONSE PLAN

The CCLEPC shall meet annually to review and approve, in accordance with Section 303 of EPCRA, the Cumberland County Emergency Operations Plan. Once adopted, copies of the plan will be distributed to other agencies pursuant to the distribution portion of the plan. Copies will be maintained for review by the public.

The plan must include provisions for:

1. Identification of facilities and extremely hazardous substances transportation routes. Operations Plan.
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.

THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

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.
11. Review 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.

ARTICLE XI

PUBLIC ACCESS PROCEDURES

All information gathered under SARA Title III or the North Carolina Hazardous Materials Right-To-Know Act in the CCLEPC's possession which is not confidential under state or federal law, shall be available to the public inspection and review.

All material maintained under SARA Title III or the North Carolina Hazardous Materials Right-To-Know Act for facility will be made available by the CCLEPC for public access and review. The materials will be maintained in an accessible format. The information will be available during business hours at the Emergency Management Office where the information is stored. All request for information shall be made to the CCLEPC thru the Cumberland County Office of Emergency Management. Request can be made in writing or by submission via Cumberland County Public Record Request online. The name and address of the person/group making the request as well as specific detail on the information needed shall be included in the request.

ARTICLE XII

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.

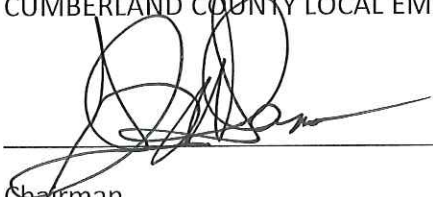
THE BYLAWS OF THE CUMBERLAND COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE XIII

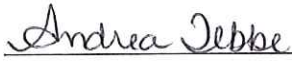
RATIFICATION PROVISIONS

These By-Laws are duly revised by a majority of the members of the committee this, the 22nd day of August 2024, 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: September 16, 2024


Clerk to the Board

