



Gaston County

Gaston County
Board of Commissioners
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Emergency Management and Fire Services

Board Action

File #: 24-426

Commissioner Fraley - Emergency Management/Fire Services - To Approve the Renaming of the SARA Local Planning Committee as the Local Emergency Planning Committee (LEPC) and to Approve the Committee's Revised By-Laws

STAFF CONTACT

Scott Hunter - Emergency Management/Fire Services - 704-866-3231

BUDGET IMPACT

N/A

BUDGET ORDINANCE IMPACT

N/A

BACKGROUND

The SARA Local Planning Committee approved the revised by-laws and is submitting the attached by-laws for approval by the Board of Commissioners.

POLICY IMPACT

N/A

ATTACHMENTS

Revised By-Laws

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	CBrown	CCloninger	AFraley	BHovis	KJohnson	TKeigher	RWorley	Vote
2024-329	09/19/2024	AF	RW	A	A	A	A	A	AB	A	U

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**THE BYLAWS
OF THE
LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)**

ARTICLE 1

NAME

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

ARTICLE II

PURPOSES

The duties and activities of the LEPC are those set forth by the Gaston County Board of Commissioners, not limited to but, in accordance with Title III/EPCRA regulations and

- 1) Establish procedures for reviewing and processing requests from the public for information under section 324 of the Act.
- 2) Develop a chemical hazard/risk analysis.
- 3) Develop emergency response procedures for off-site emergency response personnel.
- 4) Identify private/public sector resources available to deal with hazardous materials emergencies.
- 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 plan with emergency response plans of other emergency planning agencies.
- 6) Exercise emergency response plans and update them accordingly.

ARTICLE III

MEMBERSHIP

Section 1. Members. The LEPC shall consist of as many members as shall be deemed necessary by the Gaston County Board of Commissioners, the North Carolina Emergency Response Commission, and in accordance with Title III. The LEPC shall include, at a minimum, representatives from each of the following groups or organizations: elected State and local officials; law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel; broadcast and print media; community groups; and owners and operators of facilities subject to the requirements of EPCRA.

- 1) All appointments to the committee will be made by the Gaston County Board of Commissioners.
- 2) The members of the committee must have the ability, commitment, authority, and resources to get the job done.
- 3) The committee must possess or have ready access to a wide range of expertise relating to the community, or industrial facilities and transportation, and the mechanics of emergency response and response planning.
- 4) The committee must be representative of all elements of our community with a substantial interest in reducing the risks posed by hazardous materials.

Section 2. Attendance Requirements. With the exception of medical reasons, any member of a BOC appointed body may be removed from office if he/she:

- Is absent from three (3) consecutive advisory board meetings; or

- Has less than 60% annual attendance record at advisory board meetings.

Section 3. Removal of Members. All members of the LEPC shall serve at the pleasure of the Gaston County Board of Commissioners.

Section 4. Vacancies. Vacancies in membership of the committee shall be filled by the original appointing authority 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. The LEPC shall elect the chairman, vice-chairman, and secretary of the committee. At the first meeting of each calendar year, the committee shall elect from its own membership, a chairman, vice-chairman, and a secretary who shall serve for one (1) year or until his/her death, resignation, retirement, removal, disqualification, or his/her successor has been elected and qualified.

Section 3. Removal. The vice-chairman or secretary may be removed by the committee whenever in its judgement the best interests of the committee will be served thereby.

Section 4. Vacancies. The Gaston County Board of Commissioners shall fill all vacancies caused by death, resignation, or other reasons, except as otherwise provided in Article IV, Section 2.

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/her 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/she shall exercise such other duties as from time to time may be assigned to him/her 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 chairman or by the executive board.

ARTICLE VI

STAFF

The committee may hire and discharge its own staff, if it so desires; or may use the personnel of any existing agency with the approval of that agency's head.

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 ten (10) days.

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.

Section 4. Quorum. Quorum shall consist of a majority of committee members. A quorum shall be required to transact business. Vacancies do not count toward a quorum.

Section 5. Agenda. Any member may request the chairman to place an item on the agenda. If the chairman should decline 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) members.

Section 6. Rules of Order. The deliberations of all meetings of the committee and its various subcommittees shall be governed by Robert's Rules of Order, Newly Revised.

Section 7. Notice of Meetings. Notice of time, place, and agenda items to be considered at each meeting shall be given in writing to all members at least two (2) weeks prior to each meeting by the staff; and to the Clerk to the Gaston County Board of Commissioners in accordance with GS § 143-318.12(2). 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 given to all committee members and the Clerk to the Gaston County Board of Commissioners in writing or by phone at least seven (7) days in advance of any special meetings.

Section 8. Remote Meetings. During a declared state of emergency or other health or safety situation, which has been declared by either the State of North Carolina or Gaston County, the Chairperson or designee is authorized to declare that an official meeting shall be conducted in whole or in part through remote means. A remote meeting is an official meeting, or any part thereof, between one or all members of the public body participating by simultaneous communication. Simultaneous communication is defined as: Any communication by conference telephone, conference video, or other electronic means. A remote meeting is only permitted as authorized pursuant to GS § 166A-19.24.

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, and members are encouraged to abstain on matters which pose for them a conflict of interest.

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

**ARTICLE IX
REPORTS AND RECOMMENDATIONS**

Section 1. Annual Report. By February 1 of each year, the committee shall make a report describing its activities for the preceding calendar year to the Chairman of the Gaston 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 thirty (30) days prior to consideration by the full committee at a regular 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.

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 GS § 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
AMENDMENTS**

These bylaws may be amended by a two-thirds vote of members present and voting at any meeting of the LEPC provided any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting. Any member of the LEPC shall have the right to comment on or suggest revisions to the bylaws.

**ARTICLE XI
RATIFICATION PROVISION**

This Document and By-laws of Gaston County LEPC, Adopted at the Regular Meeting of the LEPC on this 17th Day of July 2024 Year).

LEPC Chair *[Signature]*

Date Signed July 29, 2024

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above is a true and accurate copy of the Local Emergency Planning Committee (LEPC) By-laws as adopted by the Gaston County Board of Commissioners on September 19, 2024.

[Signature]
Donna S. Buff, Clerk to the Board

SEAL