

THE BY-LAWS
OF THE
GUILFORD COUNTY
LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I

Name

This organization shall be known as the Guilford County Local Emergency Planning Committee (LEPC), hereinafter known as the “LEPC.”

ARTICLE II

Purposes

The duties and responsibilities of the LEPC shall be to implement the “Emergency Planning and Community Right-To-Know Act of 1986” (EPCRA) and implementing laws and regulations. These duties and responsibilities shall include the requirement to:

- 1) Establish rules by which to function and procedures for receiving and processing requests from the public for information;
- 2) Oversee the development of an emergency plan in accordance with section 303 of EPCRA, including a chemical hazard/risk analysis, emergency response procedures for off-site emergency response personnel, and identification of private/public sector resources available to respond to hazardous materials emergencies in Guilford County;
- 3) In conjunction with emergency response agencies, review annually and update as necessary the emergency plan, or more frequently as changed circumstances in the community or at any facility may require;
- 4) Receive reports and other information from facilities subject to the requirements of EPCRA;
- 5) Provide public notice and access to information and documents, subject to required limitations, in accordance with EPCRA and established procedures of the LEPC;
- 6) Ensure that a yearly exercise based on the existing emergency plan is conducted and the plan is updated as necessary; and,
- 7) Other lawful tasks and duties as assigned by appropriate authorities

ARTICLE III

Membership

Section I. Appointment of Members

The LEPC shall consist of members appointed by Guilford County LEPC Executive Board, or designees and approved annually by Guilford County Board of Commissioners and the North Carolina Emergency Response Commission Membership will include representatives from the groups listed in Section 301 of SARA, Title III.

- 1) The members of the LEPC must have the authority, commitment, and resources to accomplish the mandated tasks outlined in Article II.
- 2) The LEPC must possess a wide range of expertise relating to the community, the industrial and transportation facilities, and the mechanics of emergency response and emergency response planning in Guilford County.
- 3) Basic committee appointment criteria as required by EPCRA and the North Carolina Emergency Response Commission will be adhered to.

At a minimum, membership of the Guilford County LEPC shall include representative(s) from the following: Guilford County Emergency Management, Guilford County Sheriff's Office, Guilford County Environmental Health, Guilford County Fire, Greensboro Fire Department, Greensboro Police Department, High Point Police Department, and High Point Fire Department. Each agency shall appoint a primary representative annually to be included on the LEPC membership roster. Representatives from these agencies shall automatically be considered LEPC members with voting privileges.

Additionally, membership should consist of Guilford County elected officials, emergency management representatives from hospitals, airport and ground transportation sectors, owners / operators of facilities subject to EPCRA regulations, and other businesses associated with emergency response (e.g., utilities, cleanup response, etc.). Additional representatives may include local media, community groups (e.g., Red Cross, environmental groups, HOAs, schools, etc.) in Guilford County, and Guilford County residents. An individual from any of these categories may apply for membership after they have attended at least half of annually available LEPC meetings, including the conference when applicable.

Membership applications shall include, at a minimum, the following information:

- Name and contact information for individual seeking membership;
- Name of organization or group represented by the individual;
- A brief statement of the individual's interest in emergency planning and response;
- A description of the individual's experience, expertise, and qualifications related to emergency planning and response; and
- For applicants applying as a representative of a medical, transportation, EPCRA-regulated industry, media, business, or community organization, a description of your role within the organization, and the organization's interest or experience in emergency planning and response for Guilford County.

To ensure public security, Guilford County residents not associated with an agency, business, industry, or community group will be required to provide a copy of government issued identification documenting residency.

Completed applications shall be submitted electronically to LEPC@guilford-es.com. The

Guilford County LEPC Executive Board will review membership applications and determine whether the applicant meets eligibility criteria. During times when a membership subcommittee is available, the Executive Board may delegate application reviews to the subcommittee. In the event that the Executive Board or subcommittee members do not unanimously agree on an applicant's eligibility, the applicant's request for membership may be brought to motion for a simple majority vote by existing members.

Section II. Attendance and Term of Service

Members shall remain in good standing by attending at least half of annually available LEPC meetings, including the LEPC conference, when applicable. Membership on the LEPC shall be ongoing for as long as the organization or individual remains eligible and is actively participating in LEPC activities. Residents of Guilford County not associated with an agency, industry, business, or community organization shall complete an updated membership form annually to continue membership. Organizations approved for membership on the LEPC shall be considered permanent members, allowing for multiple individuals from the organization to participate in LEPC meetings and activities. In such cases where an organization has multiple representatives, one representative shall serve as the LEPC point of contact.

Section III. Removal of Members

All members of the LEPC shall serve at the pleasure of the Guilford County Board of Commissioners via Guilford County Emergency Management and the North Carolina Emergency Response Commission. Organizations or individuals may be removed from the LEPC for cause, including but not limited to:

- Failure to attend at least half of the annual LEPC meetings, including the conference, when applicable;
- Does not meet the membership requirements;
- Failure to fulfill duties and responsibilities of membership; or
- Any action or behavior that is deemed detrimental to the LEPC or its mission.

Section IV. Vacancies

Vacancies in membership of the LEPC shall be filled by Guilford County Emergency Management in accordance with Section I of this Article, as deemed necessary by the Executive Board.

Section V. SERC Reporting

Annually, the Guilford County LEPC membership roster will be presented to the Guilford County Board of Commissioners for approval. Once approved, the membership list will be forwarded to the State Emergency Response Commission for final concurrence.

ARTICLE IV

Officers

Section I. Election of Officers

The Chair, Vice-Chair, Secretary, and Treasurer of the LEPC shall be elected from among the membership of the LEPC for a period of two years, and shall serve at the pleasure of the LEPC. The Treasurer shall be a member in good standing who is an industry representative.

Section II. Executive Board

The Board shall be composed of the officers of the LEPC and the chairs of the standing committees. The Guilford County Emergency Management Director and elected officials who are members of the LEPC shall serve as ex-officio, non-voting members of the Board.

The LEPC members who serve on the Executive Board shall have the authority to vote on: (1) routine matters not otherwise requiring a vote of the full LEPC (see Articles VII, VIII and IX of these By-Laws) and (2) items of an emergency nature when sufficient time is not available to call a special meeting of the LEPC, provided that all votes of the Executive Board shall be recorded in the minutes of its meetings and reported at the next meeting of the LEPC.

Section III. Standing Committees

The standing committees shall be Outreach and Education Committee; By-Laws Committee; Program Committee; and the Regulatory Review and Advisory Committee. Each standing committee shall elect a chairperson from among its membership who shall serve at the pleasure of the committee.

Section IV. Vacancies

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the LEPC by majority vote for the unexpired portion of the term.

ARTICLE V

Duties of the Officers

Section I. Duties of the Chair

The LEPC Chair shall preside at all meetings of the LEPC, preserve order during its meetings, prepare the meeting agenda, serve as the official spokesperson and coordinator for information, appoint the membership of the standing committees, and sign all minutes, and such records, vouchers, or other documents connected with the work of the LEPC as

may be required. The Chair may appoint additional committees or special study groups as appropriate to fulfill the purposes of the LEPC.

Section II. Duties of the Vice-Chair, Secretary and Treasurer

The duties of the Vice-Chair, Secretary, and Treasurer shall be as assigned by the Chair of the LEPC, including, but not limited to:

- The Vice-Chair will be responsible for arranging the meeting place and recording the attendance at each meeting. The Vice-Chair shall preside at meetings of the LEPC in the absence of the Chair.
- The Secretary will be responsible for providing a draft of the minutes to the Chair within one week following each meeting.
- The Treasurer is responsible for maintaining the financial accounts of all LEPC activities and committees and for reporting on the status of each account at each LEPC meeting.

ARTICLE VI

Meetings

Section I. Regular Meetings

The LEPC shall meet at least quarterly for the conduct of its regular business.

Section II. Special Meetings

The LEPC chair 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 members, the chair shall call a meeting within 10 days. Special meetings involving business confidential or other proprietary information with the potential to impact public safety may not be open to the public for attendance.

Section III. Public Forum

The LEPC may hold public forums, as it deems necessary and desirable, at such times and places as may be determined by a majority vote of the LEPC at regular or special meetings. Regular LEPC meetings are open for public attendance.

Section IV. Agenda

Requests for items to be placed on the agenda may be made by any member or citizen to the LEPC chair and shall be submitted at least two weeks prior to a regularly scheduled meeting.

Section V. Meeting Minutes

Documentation of meeting activities shall be completed by the Secretary or other designee

made by the Chair as appropriate. Meeting minutes may include, but are not limited to, changes to membership, public comment, regulatory changes, etc., as applicable and appropriate. Upon appropriate review and approval of minutes by members, meeting minutes will be made available on the Guilford County LEPC website.

Section V. Notice of LEPC Meetings

A written notice of the time, place, and agenda items to be considered at each regular meeting of the LEPC shall be sent to all LEPC members at least one week prior to such meeting and made available to the public.

In the event of LEPC business impacting public security, special meetings may be held that are not open to the public. Minutes from such meetings may not be published for public consideration.

Section VI. Quorum

A quorum shall consist of a simple majority of the total number of LEPC members in attendance at the time that any regular or special meeting is held. A quorum shall be required to transact business at any meeting of the LEPC.

ARTICLE VII

Voting

Section I. Voting Rights

Participation and collaboration are essential components of the LEPC to enhance community emergency preparedness. To ensure effective decision making, voting rights are identified in two categories, eligible and non-eligible voters:

Eligible Voters (per membership eligibility in Article III):

- Government Elected Officials
- Government representatives from local agencies, including emergency management, fire services, law enforcement, and public health
- EPCRA-regulated industry representatives
- Educational institutions
- Community organizations
- Guilford County business

Non-Eligible Voters:

- Non-members – individuals who are not designated representatives of participating organizations or agencies, nor who have been approved for individual membership
- Observers – individual members of the general public attending to observe LEPC meetings

- Absent members – individuals who are absent from meetings are not eligible to vote

Each LEPC member shall be entitled to one vote. If two or more LEPC members are employed by the same company or agency, collectively they will be entitled to one vote.

Section II. Abstentions

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

Section III. Determination of Action

All final actions, LEPC positions, or policy recommendations shall require the favorable vote of a majority of members present at a duly called meeting at which a quorum is present.

Section IV. Emergency Notification Vote

The Chair or designee may notify the Executive Committee of the need for an emergency vote, such as in the event of a vacancy or operational emergency. Once approved by the Executive Committee, the Chair or designee will contact existing LEPC members of the need for emergency voting.

The use of rapid communication channels, such as group messaging, email, or video conferencing platforms are acceptable avenues to communicate emergency notification voting, documenting participants, and voting results. Emergency notification voting events and results shall be published in the next scheduled public agenda for community awareness.

ARTICLE VIII

Resolutions and Emergency Plan

Section I. Resolutions

The LEPC may recommend and/or endorse proposed Ordinances, equipment acquisitions, budgets and similar matters dealing with the ability of the LEPC or its member agencies effectively to perform the functions assigned to them by federal or state legislation and/or regulations, or by the approved emergency response plan.

Section II. Emergency Plan

The LEPC shall review and approve, in accordance with Section 303 of EPCRA, an emergency plan for Guilford County. Once adopted by the LEPC, copies of the plan will be distributed to other agencies pursuant to the distribution portion of the plan. Copies of the plan will be maintained for review by the general public.

ARTICLE IX

Amendments

These by-laws may be amended or replaced upon the affirmative vote of a majority of the members of the LEPC in attendance at any regular or special meeting of the LEPC at which a quorum is present, provided that any proposed changes have been circulated to all members at least 30 days prior to any action thereupon.

ARTICLE X

Rules of Order

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

ARTICLE XI

Role of Guilford County Emergency Management

Guilford County Ordinance 7.5 designates the Emergency Management Division as the coordinating entity for Emergency Management within Guilford County. As such, Guilford County Emergency Management will provide staff support to the LEPC to meet the requirements set forth through Local, State, and Federal legislation.

Guilford County Emergency Management will act as the liaison between the LEPC, the Board of Commissioners, and the State Emergency Response Commission.

It is the responsibility of Guilford County Emergency Management to process requests for public information, receive chemical inventory reports, receive incident notifications from local industry, and inform the LEPC of major events within the County at regularly scheduled LEPC meetings.

ARTICLE XII

Ratification Provision

The by-laws were duly adopted by a majority of the members of the LEPC the 3rd day of September, 1992, in High Point, North Carolina; and were duly amended on the dates listed below.

May 12, 1994; January 12, 1995; December 15, 1997; September 9, 1998; August 10, 2000; March 11, 2004; January 25, 2024