

# **North Carolina Association of Hazardous Materials Responders Constitution and By-Laws**

**Adopted as of July, 28 2017**

## **Article I: Name and Mission Statement**

### **Section 1. Name**

The name shall be the North Carolina Association of Hazardous Materials Responders, referred to in these By-Laws as the Association.

### **Section 2. Mission Statement**

The mission of the Association is to facilitate the professional development of public and private sector hazardous materials emergency response teams and their members within the State of North Carolina. The Association will provide the exchange of information, the development of solutions to mutual problems, the recommendation of certification standards and procedures, the evaluation of training standards and equipment needs, and the endorsement of legislation or governmental policy regarding all issues involving hazardous materials. The Association will serve as a technical advisory committee to the North Carolina State Firefighter's Association.

## **Article II: Membership**

### **Section 1. Membership**

Any public or private sector hazardous materials emergency response team, providing hazardous materials emergency response services, who certify their members as hazardous materials responders under OSHA 29 CFR 1910.120 and/or NFPA 471 & 472 standards may participate as a voting member of the Association.

### **Section 2. Member Representation**

Definitions:

- A. Team or Agency Membership – Team Membership consists of any public or private sector Hazardous Materials Emergency Response Team. Remediation contractors will not be allowed to participate as Team Members unless they provide emergency response services.

Each team shall have one vote to be cast by the team's selected representative or his/her designee.

- B. Associate Membership – Individuals who support the mission and goals of the Association may join the Association as non-voting “Associate” members. This level of membership includes public safety response personnel and private sector response personnel. Members of the hazardous materials teams represented as “Team Members” may join as “Associate Members” as desired.
  
- C. Honorary Membership – Honorary membership may be awarded to any member of the association as deemed necessary by the current Officers of the Association and approved by an affirmative vote of at least two-thirds of the membership. Honorary membership will be considered on a case-by-case basis and should be awarded to individuals who have demonstrated outstanding commitment and leadership within the Association and the hazardous materials emergency response community in North Carolina.

Honorary Members will not pay dues and will not have voting privileges.

### **Section 3. Membership Vote**

All new member candidates (Team or Associate) shall be voted upon for admission as stipulated in the voting procedure for Policy Question voting outlined in Article V. Any no votes must be accompanied with a public statement of reason, which shall be recorded by the Secretary as part of the roll call vote.

## **Article III**

### **Section 1. Constituted Officers and Directors**

The Officers of the Association shall consist of the President, Vice President, Western Branch Director, Piedmont Branch Director, Eastern Branch Director, Secretary, Treasurer, and the Immediate Past President. The Officers will be elected by a majority vote from candidates nominated by any member representative at the Annual Meeting of every year. The Branch Directors shall be elected from within the Branch District to which the vacancy has been created by a majority vote from candidates nominated by any member representative at the Annual Meeting of the year that the vacancy is created. They shall assume their duties at the time of election.

Officers shall serve a term of one (1) year or until his/her successor is elected. Directors shall serve a term of three (3) years until he/she rotates up to the Vice President position or his/her successor is elected.

### **Section 2. Rotation of Officers**

One Branch Director shall ascend to the position of Vice President each year in a rotating fashion. The Vice President shall ascend to the position of President following the

completion of a one-year term as Vice President. The positions of Secretary and Treasurer shall be elected at-large with no limit on successive terms.

### **Section 3. Limits**

There shall be no limit on the number of elected terms that a person can serve as an Officer in any of the offices listed above.

### **Section 4. Succession**

Should the President resign before his/her term has expired, the Vice President shall succeed him/her. Should any other Officer resign before his/her term has expired, the position shall be filled in the set order of rotation and vacancies created filled by the same manner at the meeting immediately following the date of official resignation.

## **Article IV: Duties of Officers**

### **Section 1. President (1 Year Term)**

The President of the Association shall have the following duties and powers:

- A. Shall preside over all meetings of the Association.
- B. Shall have general supervision and control of all Officers and operations of the Association, and shall discharge such other duties that may be required of them by the By-Laws of the Association.
- C. Shall execute in his/her official capacity all conveyance, contracts, and other written instruments when approved by the Association, and shall countersign all checks except in his/her absence as may otherwise be authorized by the Association.
- D. Shall, at the commencement of his/her term of office, appoint all such permanent committees required by the By-Laws and such other committees as may, in his/her opinion, be required. He/she shall be an ex-officio member of these committees and shall have the power to make changes therein when in his/her opinion the best interest of the Association will be served thereby. He/she shall fill any vacancy in the membership of any committee by appointment for the expired term.
- E. Shall serve as the liaison between the Association and the North Carolina State Firefighter's Association Executive Board.
- F. Shall serve on the North Carolina State Regional Response Team Advisory Committee.

### **Section 2. Vice President (1 Year Term)**

The Vice President shall have the following duties and authority:

- A. Shall preside over all meetings of the Association in the absence of the President.

- B. Shall assume the position of President in the event the President is unable to continue his/her duties in this position.
- C. Shall coordinate planning of the Meetings with Officers, Directors and the Education and Outreach committee.
- D. Shall assist the President by attending meetings in conjunction with or in place of the President when the need arises.

### **Section 3. Branch Directors (Up to 3 Year Term)**

There shall be three Branch Directors, one for each geographical region of the State (Western, Piedmont and Eastern). The regions shall be as designated on the attached map found in Appendixes A & B.

- A. Shall provide a flow of information to and from Association members located within the boundaries of the designated area.
- B. Shall be responsible for promoting, assisting with, and coordinating all Association activities within the respective Branch.
- C. Shall assist with all Officer duties and responsibilities as needed and requested.

### **Section 4. Secretary (1 Year Term with No Limit on Successive Terms)**

The Secretary of the Association shall have the following duties and responsibilities:

- D. Shall keep a written (paper and/or electronic format) record of the proceedings of the Association.
- E. Shall give or serve all notices required either by law or by the By-Laws of the Association.
- F. Shall assist the President and Vice President by attending meetings in conjunction with or in place of these Officers when the need arises.
- G. Shall with the approval of the President coordinate newsletters and other publications published, printed and/or distributed in the name of the Association.

### **Section 5. Treasurer (1 Year Term with No Limit on Successive Terms)**

The Treasurer of the Association shall have the following duties and responsibilities:

- A. Shall have custody of all funds and securities and shall keep a full and accurate account of receipts.
- B. Shall distribute the funds of the Association as may be ordered by the President.
- C. Shall submit a financial report to the membership at the Annual Meeting of the Association. A copy of the financial report shall be forwarded to the Executive Secretary of the North Carolina State Firefighter's Association.

## **Section 6. Immediate Past President**

The Immediate Past President shall have the following duties:

- A. Shall serve in an advisory capacity for the new President and the Officers of the Association.

## **Article V: Voting**

### **Section 1. Voting Rights**

Each member agency shall have one vote, which shall be cast by the member representative meeting the criteria in Article II, Sections 1 and 2 (A.).

Only the team representative or designee may propose and 2<sup>nd</sup> motions for vote. Associate Members may not propose or 2<sup>nd</sup> motions for vote.

### **Section 2. Procedure**

In any instance requiring a vote, the vote may be taken verbally and all motions may be passed upon majority vote of Team Membership present, with the exception of policy questions as defined below, which must be passed by a two-thirds majority of the membership. All policy votes shall be roll call votes.

### **Section 3. Policy Question Voting**

In question of policy there must be a roll call vote and such question must be approved by a two-thirds majority of the total membership of the organization. If less than two thirds of the member teams are present the vote cannot be taken, but such question may be placed upon written ballot and mailed to all Team Members for voting. The vote shall be determined upon at least two-thirds of ballots returned by specified date.

Policy questions shall be defined as any question regarding the advocacy of certification or training standards or guidelines, operational procedure standards or guidelines, or an Association position on pending legislation, state or federal policy, or political endorsement of any kind.

### **Section 4. Constitutional Amendment**

Amendments to this Constitution or its By-Laws shall be subject to approval by two-thirds of the Team Membership.

Any amendment to the Constitution or By-Laws must be presented a minimum of thirty days prior to the meeting at which the vote is to be taken.

## **Article VI: Ratification**

This Constitution shall be ratified upon approval of two-thirds of the membership of the Association.

## **Article VII: Meetings**

### **Section 1.**

The Annual Meeting of the Association will be at the annual conference of the North Carolina State Firefighter's Association.

Regular Meetings will be held every three months (quarterly) following the Annual Meeting. The time, date and place of the meetings shall be determined at the first meeting following the Annual Meeting by majority vote. In the interim, should such a date or location become impossible, the President shall determine a new date or location and the Secretary shall provide notice by letter or telephone at least seven days in advance.

### **Section 2.**

A special meeting of the Association may be called by either the President or a majority of the members. The Secretary shall provide notice by letter or telephone at least three days in advance.

## **Article VIII: Expulsion**

### **Section 1. Cause for Expulsion**

Any Team Member/Agency may place before the Association a motion for expulsion of any member or team. The grounds for such expulsion will be:

- A. Non-participation, determined on the basis of a failure to attend any meeting within a six-month period, or
- B. Non-payment of dues by September 1 of each year.
- C. Conduct by that organization or its members or representatives which disturbs the order, dignity, business or harmony of the Association, or
- D. Conduct by that organization or its members and representatives which impairs or damages the reputation, propriety, or good name of the Association or endangers the welfare, interests, or character of the organization.

## **Section 2. Procedure for Expulsion**

The motion for expulsion must contain the grounds under which the expulsion is being sought, as specified and limited to those provided for in Section 1, a-d of this article. It must contain the specific facts which support those grounds, including all information necessary to verify the allegations. A majority vote will be required to call an expulsion vote at the next scheduled meeting or at a special meeting if conditions justify. The secretary shall provide notice of the scheduled expulsion vote along with all information provided in the motion to all members of the Association.

Notice of such an expulsion vote shall be given to the prospective agency/individual and they have the right to appear at the next meeting to present information in their defense prior to the vote.

The vote shall be considered a policy vote and therefore will require a roll call vote, necessitating a two-thirds majority vote for expulsion to occur.

## **Section 3. Petition for Reinstatement**

The expelled member or team can petition for reinstatement two years after the expulsion has become final. Readmission will be by two-thirds majority vote of the membership. Votes against readmission must be accompanied by stated reasons for rejection.

## **Article IX: Dues**

Dues shall be set annually at the Annual Meeting, after the financial report by the Treasurer. The Officers shall place before the Association a proposed dues fee, explain the proposition, and open the subject to discussion and vote.

## **Article X: Parliamentary Rules**

The Association recognizes Robert's Rules of Order as the governing authority in matters of procedures. All meetings shall be administered under those rules except for those procedural rules expressly specified in the Constitution or By-Laws, which each supersede Robert's Rules.





## Appendix - B

| <b>Western Branch</b> | <b>Piedmont Branch</b> | <b>Eastern Branch</b> |
|-----------------------|------------------------|-----------------------|
| Alexander             | Alamance               | Beaufort              |
| Alleghany             | Anson                  | Bertie                |
| Ashe                  | Caswell                | Bladen                |
| Avery                 | Chatham                | Brunswick             |
| Buncombe              | Cumberland             | Camden                |
| Burke                 | Davidson               | Carteret              |
| Cabarrus              | Durham                 | Chowan                |
| Caldwell              | Forsyth                | Columbus              |
| Catawba               | Franklin               | Craven                |
| Cherokee              | Granville              | Currituck             |
| Clay                  | Guilford               | Dare                  |
| Cleveland             | Harnett                | Duplin                |
| Davie                 | Hoke                   | Edgecombe             |
| Gaston                | Lee                    | Gates                 |
| Graham                | Montgomery             | Greene                |
| Haywood               | Moore                  | Halifax               |
| Henderson             | Orange                 | Hertford              |
| Iredell               | Person                 | Hyde                  |
| Jackson               | Randolph               | Johnston              |
| Lincoln               | Richmond               | Jones                 |
| Macon                 | Rockingham             | Lenoir                |
| Madison               | Scotland               | Martin                |
| McDowell              | Stanly                 | Nash                  |
| Mecklenburg           | Stokes                 | New Hanover           |
| Mitchell              | Union                  | Northampton           |
| Polk                  | Vance                  | Onslow                |
| Rowan                 | Wake                   | Pamlico               |
| Rutherford            | Warren                 | Pasquotank            |
| Surry                 |                        | Pender                |
| Swain                 |                        | Perquimans            |
| Transylvania          |                        | Pitt                  |
| Watauga               |                        | Robeson               |
| Wilkes                |                        | Sampson               |
| Yadkin                |                        | Tyrrell               |
| Yancey                |                        | Washington            |
|                       |                        | Wayne                 |
|                       |                        | Wilson                |