

THE BYLAWS OF THE GORDON COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE 1

NAME

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

ARTICLE II

PURPOSES

The purpose(s) of the LEPC are those set out in the provisions of SARA Title III of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and any other lawful purposes which are assigned to it or permitted by the Gordon County Board of Commissioners and/or the Calhoun City Council and/or Georgia Environmental Protection Division (GAEPD) and/or the Georgia Emergency Management Agency (GEMA). In keeping with the intent of the EPCRA regulations, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community.

The LEPC will develop an “**All Hazards Emergency Response and Preparedness Plan**” (The Plan) for Gordon County and establish procedures for conducting its public information and education responsibilities. The Plan shall cover chemical emergencies as well as other disasters, including but not limited to, weather-related disasters, transportation-related emergencies, and homeland security emergencies. The Plan shall be reviewed and updated as necessary on a regular annual basis, in accordance with Section 303 of EPCRA.

The LEPC shall, in addition, but not limited to,:

1. Establish procedures for reviewing and processing requests from the public for information under Section 324 of the Act;
2. With the information and reports from facilities operating within Gordon County, and analysis of the county’s transportation risks, the LEPC will develop hazard/risk analyses;
3. Identify private and public sector resources available to deal with hazardous materials emergencies as well as other catastrophic emergencies within Gordon County (i.e., weather-related disasters, homeland security issues, etc.).
4. Review facility and other local emergency plans submitted and make recommendations on revisions of the plans that may be necessary to ensure coordination of such plans with The Plan.
5. Assist with the coordination of Plan exercises.
6. Establish systems for collecting and maintaining all reports and records required by the EPCRA law.

The LEPC will make assessments of resources necessary to implement the All Hazards Emergency Response and Preparedness Plan, and make recommendations to appropriate people, agencies, and organizations regarding additional resources needed to implement the Plan.

The LEPC shall be instrumental in fulfilling the purpose of the Community-Right-to-Know laws to increase the protection of the community from exposure to chemicals produced, used, stored and/or transported within Gordon County. Transportation hazards analysis will include those risks to Gordon County from commercial transportation by rail, highway, and aircraft.

In keeping with the intent of the EPCRA regulations, all activities of the LEPC will be conducted in a manner encouraging input and participation from all segments of the community.

ARTICLE III

MEMBERSHIP

Section 1 *Members.* The LEPC shall consist of as many members as shall be deemed necessary by the Gordon County Board of Commissioners, the Calhoun City Council, the Executive Committee of the LEPC, the Georgia Emergency Response Commission, and in accordance with Title III of the Emergency Planning and Community Right-to-Know Act of 1986.

Any person or firm engaged in business and who subscribes to the principles and purposes of the LEPC is eligible for membership. If a corporation or other entity holds membership, the entity shall be considered one member. Each member shall be eligible for benefits if they support the purpose of the LEPC and maintain active participation in the LEPC functions and activities. Members of the LEPC shall be residents or conduct business in Gordon County.

All appointments to the LEPC will be made by the Gordon County Board of Commissioners and the Calhoun City Council, in accordance with respective ordinances, and by agreement of the LEPC Executive Committee.

The membership structure of the Gordon County LEPC shall consist of an Executive Committee and the Members At Large.

Section 2 *Inactive Members.* Appointed members shall be considered inactive when they have missed more than three consecutive LEPC meetings without notification to the LEPC chairperson or secretary of significant reasons why they were unable to attend the meetings.

Section 3 *Removal of Members.* All members of the LEPC shall serve at the pleasure of the Gordon County Board of Commissioners, the Calhoun City Council and the Executive Committee of the LEPC.

The name of any inactive member(s) by a majority vote of the Executive Committee may have their name submitted to the Gordon County Board of Commissioners and/or the Calhoun City Council for removal from the LEPC committee roster and the loss of voting member privileges, subject to the right of said member to appeal their potential removal in writing to LEPC Chairperson with fifteen (15) days of certified-mail notice of the member's removal.

Section 4 *Vacancies.* Vacancies in membership of the committee shall be filled by the original appointing authority for the remainder of the unexpired term.

Section 5 *Membership Rights, Obligations, and Immunity.* All members of the LEPC have the same rights, privileges,

and obligations. Members are immune from prosecution arising out of the duties of their membership, providing there is no negligence on part of the member, per Official Code of Georgia Annotated Section 38-3-35.

ARTICLE IV

OFFICERS

- Section 1 *Named.* The officers of the executive committee shall consist of a chairperson, a vice-chairperson, a treasurer, and a secretary.
- Section 2 *Election and Term.* The LEPC members at large and the executive committee shall elect the chairperson, vice-chairperson, treasurer and secretary of the executive committee. At the first meeting of each calendar year, the LEPC shall conduct the election of officers. The officers shall serve for one (1) year. In the case of death, resignation or any other reason that an officer cannot fulfill his/her duties, then a replacement shall be appointed by the executive committee until a nomination and election by the LEPC can be conducted.
- Section 3 *Removal.* The vice-chairperson or secretary or treasurer may be removed by the executive committee whenever in its judgment the best interests of the committee will be served thereby. The removal of an officer shall follow the aforementioned process for removal as described in Article III, Section 3.

ARTICLE V

DUTIES OF THE OFFICERS

- Section 1 *Duties of the Chairperson.* The chairperson shall preside at all meetings of the LEPC, preserve order during its meetings, appoint all subcommittees, and sign all minutes, and such records, vouchers, or other documents connected with the work of the LEPC requiring such signature.
- Section 2 *Duties of the Vice-Chairperson.* In the absence of the chairperson or in the event of his inability or refusal to act, the vice-chairperson, unless otherwise determined by the executive committee, shall perform the duties of the chairperson, and when so acting shall have all the powers of the chairperson. He/she shall exercise such other duties as from time to time may be assigned to him/her by the chairperson of the LEPC.
- Section 3 *Duties of the Treasurer.* The treasurer shall have charge of all financial books, papers, records, and other documents of the LEPC and shall conduct all correspondence pertaining to the office of the treasurer; shall compile financial statistics and other data as may be required for the use of the members of the LEPC and the executive committee; and shall perform such other duties as may be directed by the chairperson or by the executive committee. The Treasurer shall have charge of the Finance/Funding Committee in addition to the aforementioned duties.
- Section 4 *Duties of the Secretary.* The secretary shall keep the minutes of all meetings of the LEPC and the executive committee 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 LEPC and the executive committee; and shall perform such other duties as may be directed by chairperson or by the executive committee.

ARTICLE VI

COMMITTEES

Section 1 *Executive Committee.* The Executive Committee shall consist of the four (4) elected officers, two (2) additional positions shall be appointed by the Gordon County Board of Commissioners, two additional (2) positions shall be appointed by the Calhoun City Council, and two (2) positions shall be filled by members of Gordon County EMA for a total of ten (10) members. The Executive Committee shall act for the LEPC as a whole where concerns organizational issues and matters. The Executive Committee shall act for the LEPC in the absence of a quorum of the LEPC when issues requiring a vote of the members at large is called. The quorum of the Executive Committee shall be seven (7).

Section 2 The following standing committees shall be established:

1. Emergency Response Committee
2. Finance/Funding Committee
3. Hazardous Materials/Title III EPCRA Reporting & Plans Review Committee
4. Industrial Outreach Committee
5. Public Relations/Awareness/Outreach Committee
6. Training and Exercise Committee
7. Planning and Resource Committee
8. Biohazards Committee

Ad hoc or subcommittees may be formed at any time for special purposes or assignments. They will cease to function when their specific task is completed.

ARTICLE VII

MEETINGS

Section 1 *Regular Meetings.* The LEPC shall meet quarterly for regular meetings.

Section 2 *Special Meetings.* The chairperson may call such special meetings as may be deemed necessary to carry out the duties of the LEPC. Upon the written request of at least four members, the chairperson shall call a meeting within ten (10) days.

Section 3 *Hearings.* The LEPC 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 LEPC in regular meetings. At least one such public hearing, or forum, shall be held each year for the purpose of discussing the LEPC's emergency plan with the public, and to receive and respond to the public's comments of the presented plan.

Section 4 *Quorum.* A quorum shall consist of a majority of LEPC members present. A quorum shall be required to transact business.

Section 5 *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 placed on the agenda by submitting it in writing to the chairperson with supporting signatures of three members.

Section 6 *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.

Section 8 *Notice of Meetings.* Notice of time, place, and agenda items to be considered at each meeting shall be given in writing to all members prior to each meeting by the secretary or chairperson. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present.

Notice of special meetings and intended agenda items shall be given to all committee members by telephone or email at least seven (7) days in advance of any special meetings.

An annual notice of the regular meeting schedule of the LEPC shall be published in a newspaper with regular circulation in Gordon County and/or posted in an electronic in accordance with Title III of EPCRA. This notice shall specify the meeting designated specifically for receipt of public comments on the emergency plan.

ARTICLE VIII

VOTING

Section 1 *One Vote Each.* Each LEPC member, including the chairperson, shall be entitled to one 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 should 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 March 31 of each year, the LEPC shall make a report describing its activities for the preceding calendar year to the chairpersons of the Gordon County Board of Commissioners and the Calhoun City Council.

Section 2 *Review of Draft Reports.* A draft of any proposed annual report shall be circulated to all members of the LEPC at least thirty (30) days prior to consideration by the full LEPC at a regularly scheduled meeting.

Section 3 *Issuance of Reports.* No reports of any kind shall be released in the name of the LEPC unless and until it has been duly adopted by a favorable vote of a majority of the members of the LEPC.

Section 4 *Ordinances/Resolutions Recommendations.* The LEPC may address matters regarding ordinances and resolutions to be endorsed by the LEPC in between regularly scheduled meetings. In the event that the LEPC is divided into smaller groups to accommodate the logistical requirements of telephone conferencing, the LEPC chairperson shall be a party to each conference.

ARTICLE X

FINANCIAL PROCEDURES

Section 1 *Monies and Appropriations.* The Gordon County LEPC may receive and disburse public and private funds for implementing the Emergency Planning and Community Right-To-Know Act of 1986, and any other local, state, or federal legislation pertaining to emergency planning in the plan service area of Gordon County, Georgia. Such monies shall be deposited and managed in accordance with generally accepted accounting practices. All funds received, both state funds and any private funds, shall be deposited into a distinct, independent account that shall be designated for LEPC use only. The account and received checks shall be in the name of "Gordon County LEPC". The Chairperson, upon taking into consideration the total funds available, may expend up to \$500.00. All expenditures in excess of the \$500.00 limit, will require a majority

vote of the LEPC.

Section 2 *Financial Reporting.* At each quarterly LEPC meeting, including the annual hearing, the Treasurer shall present to the LEPC membership a presentation of expenditures, credits and account balance. This financial presentation shall be recorded in the meeting minutes. A section in the Annual Report shall be devoted to disclosing the total expenditures, credits, and current account balance for the previous year.

Section 3 *Fiscal Year.* The fiscal year for the LEPC shall be considered to run from January 1 – December 31.

ARTICLE XI

AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the LEPC at any regular meeting of the LEPC provided that any proposed changes have been circulated to all members thirty (30) days prior to any action thereon.

ARTICLE XII

PUBLIC ACCESS TO INFORMATION

In accordance with Section 324 of EPCRA, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II forms or the Material Safety Data Sheets (MSDS) otherwise in possession of the LEPC shall be made available to any person submitting a request under this section, subject to any withholding provisions of EPCRA. If the owner should request the location of a specified chemical not be identified, the LEPC shall withhold that information.

All photocopied information requested by a member for the public shall be provided at the sole expense of the requestor(s). The Secretary/Treasurer shall set the cost of such reproductions, with the approval of the Chairperson, at a level, which will enable the recovery of all reasonable expenses associated with the processing of the request. This cost assessment may be waived under certain circumstances as enumerated by the LEPC in writing.

All written requests for information shall be complied with in accordance with the Freedom of Information Act,

Request for MSDS:s and Other Non-Confidential Information. Any person may obtain an MSDS with respect to a specific facility by submitting a written request to Hazardous Materials/Title III EPCRA Reporting & Plans Review Committee. Any person may request any other non-confidential information concerning a facility by submitting a written request to Hazardous Materials/Title III EPCRA Reporting & Plans Review Committee.

Request for Tier II Information. Any person may request Tier II information with respect to a specific facility by submitting a written request to Hazardous Materials/Title III EPCRA Reporting & Plans Review Committee. If the Committee does not have in its possession the Tier II information as requested, it shall request a submission of the particular Tier II form from the owner or operator of the facility subject to the request.

ARTICLE XIII

RATIFICATION PROVISION

These bylaws are duly adopted by a majority of the members of the LEPC this _____ day of _____, 200__ in Gordon County, Georgia.