

BY-LAWS OF THE

WHITFIELD COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

ARTICLE I

NAME

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

ARTICLE II

PURPOSES

The purpose(s) of the LEPC are those set forth 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 Environmental Protection Agency (EPA) and/or Georgia Environmental Protection Division (GAEPD) and/or the Federal Emergency Management Agency (FEMA) and/or the Georgia Emergency Management Agency (GEMA.) In keeping with the intent of the *EPCRA* regulations, all activities of the LEPC are intended to be conducted in a manner which shall encourage participation from all varied segments of the community.

Initially, the LEPC shall develop an “*All Hazards Emergency Response and Preparedness Plan*” (hereinafter sometimes referred to as “the Plan,”) for Whitfield County, Georgia, and shall establish protocols and procedures for conducting its public information and education responsibilities.

The Plan shall include chemical emergencies as well as other potential 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 upon a regular annual basis, in accordance with Section 303 of *EPCRA*.

Additional purposes of the LEPC shall include, but not be limited to, the following:

- A. Establish procedures for reviewing and processing requests from the public for information pursuant to Section 324 of the *EPCRA*;
- B. Develop hazard/risk analyses with respect to all hazards, including, but not limited to, transportation systems, within Whitfield County with the information and reports from facilities operating within Whitfield County;
- C. Identify private and public sector resources available to assist with hazardous materials emergencies as well as with other catastrophic emergencies within Whitfield County (i.e., weather-related disasters, homeland security situations, etc.)
- D. Review any other local emergency plans or facility plans submitted and make recommendations thereon, as appropriate;
- E. Assist with the coordination of Plan exercises or mock disaster drills.

- F. Establish systems for collecting and maintaining all reports and records required by *EPCRA*.
- G. Assessment of resources necessary to implement the Plan, and recommendations, as appropriate, regarding additional resources necessary to implement the Plan.

ARTICLE III

MEMBERSHIP

Section 1 *Members*. Membership in the LEPC shall be permanent and standing for the persons (or their respective designee) who shall occupy the following positions within the community:

- A. Whitfield County Fire Chief;
- B. City of Dalton Fire Chief;
- C. Whitfield County Sheriff
- D. City of Dalton Police Chief;
- E. Whitfield County EMS Director;
- F. Whitfield County 911 Director;
- G. Whitfield County EMA Director;
- H. Town of Cohutta Police Chief;
- I. City of Tunnel Hill Police Chief;
- J. City of Varnell Police Chief;
- K. Whitfield County School Superintendent;
- L. Dalton City Schools Superintendent;
- M. Whitfield County Board of Health
- N. Emergency Preparedness Coordinator for Hamilton Medical Center
- O. Whitfield County Public Works Director;
- P. City of Dalton Public Works Director;
- Q. Emergency Preparedness Coordinator for Dalton Utilities
- R. Emergency Preparedness Coordinator for North Georgia Electric Membership Corporation;
- S. Emergency Preparedness Coordinator for Georgia Power;
- T. Emergency Preparedness Coordinator for T.V.A.;
- U. Emergency Preparedness Coordinator for Norfolk-Southern Railway;
- V. Local Representative of the American Red Cross
- W. Emergency Preparedness Coordinator for Dalton State College.

Additionally, any person or firm engaged in business which subscribes to the principles and purposes of the LEPC is eligible for at-large membership, as determined by the Executive Committee. If a corporation or other entity holds membership, such entity shall be considered one (1) member for voting purposes, though multiple representatives, as appropriate, may attend and participate in meetings of the LEPC. Members of the LEPC shall be residents of or conduct business within Whitfield County.

All additional standing appointments and all at-large appointments to the LEPC shall be made by the Executive Committee, as set forth hereinbelow.

Section 2 *Inactive Members*. Members shall be considered inactive when they shall have missed three (3) or more consecutive LEPC meetings.

Section 3 *Removal of Members.* The LEPC shall consider terminating the membership of any inactive members at the next regularly-scheduled meeting after which such member shall become inactive. Termination of membership shall occur except for good cause shown.

Section 4 *Membership Rights, Obligations, and Immunity.* All members of the LEPC shall have the same rights, privileges, and obligations. Members are immune from prosecution arising out of the duties of their membership pursuant to Official Code of Georgia Annotated Section 38-3-35.

ARTICLE IV

OFFICERS

Section 1 *Named.* The Officers of the LEPC (which shall compose the Executive Committee) shall consist of a Chairperson, a Vice-Chairperson, a Treasurer, and a Secretary.

Section 2 *Election and Term.* The LEPC shall elect the Chairperson, Vice-Chairperson, Treasurer and Secretary at the first meeting of each calendar year. The officers shall serve for one (1) year. In the case of death, resignation, or any other reason that an officer cannot fulfill his or her duties, an interim replacement shall be appointed by the remaining three (3) members of the Executive Committee until election by the full LEPC for the unexpired term.

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 or her inability or refusal to act, the Vice-Chairperson shall perform the duties of the Chairperson, and when so acting shall have all the powers of the Chairperson. The Vice-Chairperson shall exercise such other duties as from time to time may be assigned by the Chairperson.

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 of 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 as set forth herein. The Executive Committee shall meet from time to time as it shall deem advisable and shall prepare the agenda for each full LEPC meeting. The Executive Committee shall act for the LEPC as a whole concerning organizational issues and matters. Additionally, the Executive Committee shall determine whether and to what extent any special or *ad hoc* committee shall be formed for a specific task and which members shall populate such committees. Finally, the Executive Committee shall admit at-large members of the LEPC and shall propose additional standing members upon the concurrence of not less than sixty percent (60%) of the membership of the LEPC.

Section 2. *Standing Committees*. The following standing committees shall be established:

- A. Emergency Response/Training & Exercise Committee
- B. Finance/Funding Committee
- C. Industrial Outreach Committee
- D. Public Relations/Awareness/Outreach Committee
- E. Planning, Resource, and Bylaws Committee
- F. Biohazards Committee
- G. Grants Committee

ARTICLE VII

MEETINGS

Section 1 *Regular Meetings*. The LEPC shall meet on the first _____ of each quarter at _____.

Section 2 *Special Meetings*. The Chairperson may call such special meetings as he or she may deem necessary to carry out the duties of the LEPC. Additionally, a special meeting shall be called upon the written request of not less than four (4) members. Any special meeting shall occur within seven (7) days of the call for such meeting, but not less than forty-eight (48) hours of the call, unless there shall be declared an emergency.

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 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 not fewer than thirty *per cent* (30%) of the total membership of the LEPC. 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 not fewer than three (3) members.

Section 6 *Rules of Order*. The deliberations of all meetings of the LEPC and its various committees shall be governed by ***Roberts' Rules of Order***, the latest revision thereof.

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 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. All requirements of the *Georgia Open Meetings Act* shall be met, including, but not limited to, a posting of the agenda at the normal meeting place not less than twenty-four (24) hours prior to any such meeting and provision

of such agenda to local media not less than twenty-four (24) hours prior to any such meeting. Such notice shall specify the meeting designated specifically for receipt of public comments upon the Plan.

ARTICLE VIII

VOTING

Section 1 *One Vote Each.* Each LEPC member shall be entitled to one vote.

Section 2 *Proxy Votes.* No member shall vote by proxy.

Section 3 *Abstentions.* Members may register an abstention upon any vote, which shall be reflected in the minutes. 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 31st of each successive year, the LEPC shall make a report describing its activities for the preceding calendar year to the Whitfield County Board of Commissioners and to the Mayor and Council of the City of Dalton.

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 the LEPC.

ARTICLE X

FINANCIAL PROCEDURES

Section 1 *Appropriations.* The Whitfield County LEPC may receive and disburse public and private funds for promoting the implementation of *EPCRA*, and any other local, state, or federal legislation pertaining to emergency planning in the Plan service area of Whitfield County, Georgia. Any such funds 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 "Whitfield County LEPC."

Section 2 *Financial Reporting.* At each quarterly LEPC meeting, 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 run concurrently with a calendar year.

ARTICLE XI

AMENDMENTS

These by-laws may be amended or replaced upon the affirmative vote of a super-majority of sixty percent (60%) of the members of the LEPC at any regular meeting of the LEPC provided that any proposed changes have been circulated to all members not less than thirty (30) days prior to any action thereon.

ARTICLE XII

RATIFICATION PROVISION

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