2025

Polk County All-Hazards Council - Local Emergency Planning Committee

BY-LAWS

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Article I

Name

This organization shall be known as the "Polk County All-Hazard Council/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 Polk 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:

1. Establish procedures for reviewing and processing requests from the public for information pursuant to Section 324 of the EPCRA;

2. Develop hazard/risk analyses with respect to all hazards, including, but not limited to, transportation systems, within Polk County with the information and reports from facilities operating within Polk County;

3. Identify private and public sector resources available to assist with hazardous materials emergencies as well as with other catastrophic emergencies within Polk County (i.e., weather-related disasters, homeland security situations, etc.)

4. Review any other local emergency plans or facility plans submitted and make recommendations thereon, as appropriate;

5. Assist with the coordination of Plan exercises or mock disaster drills.

6. Establish systems for collecting and maintaining all reports and records required by EPCRA.

7. Assessment of resources necessary to implement the Plan, and recommendations, as appropriate, regarding additional resources necessary to implement the Plan.

Article III

Membership

Any person or firm engaged in business which subscribes to the principles and purposes of the LEPC is eligible for 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 related to hazardous materials within Polk County.

Inactive Members

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

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.

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

The Officers of the LEPC (which shall compose the Executive Committee) shall consist of two Co-Chairpersons (one from Government and one from the Business Community), a Vice-Chairperson, a Treasurer, a Secretary and a Community Emergency Coordinator.

Election and Term

The LEPC shall elect the Co-Chairpersons, Vice-Chairperson, Treasurer and Secretary at the first meeting of each calendar year. The officers shall serve for two (2) 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 Officers

Duties of the Chairpersons Co-Chaired Business/Government

The Chairpersons 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.

Duties of the Vice-Chairperson

In the absence of the Chairpersons 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.

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.

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.

Duties of the Community Emergency Coordinator

Receives emergency notifications of a hazardous material release by any facility as mandated under Title III within Polk County. This position is not considered part of the Executive Committee and shall be held by the Emergency Management Agency Director.

Article VI

Committees

Executive Committee

The Executive Committee shall consist of the four (5) 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.

Standing Committees

The following standing committees shall be established:

1. Emergency Response/Training & Exercise Committee
2. Finance/Funding Committee
3. Industrial Outreach Committee
4. Public Relations/Awareness/Outreach Committee
5. Planning, Resource, and Bylaws Committee
6. Biohazards Committee
7. Grants Committee

Article VII

Meetings

Regular Meetings. The LEPC shall meet on the second Thursday of each quarter at Polk County EMA Headquarters located at 55 Clines Ingram Jackson Road Cedartown Georgia. Meeting locations are subject to be relocated at the discretion of the executive committee.

Special Meetings

The Chairpersons 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.

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.

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.

Agenda

Any member may request the Chairpersons to place an item on the agenda. If the Chairpersons should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the Chairpersons with supporting signatures of not fewer than three (3) members.

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.

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

One Vote Each

Each LEPC member shall be entitled to one vote.

Proxy Votes

No member shall vote by proxy.

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.

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 & Recommendations

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 Polk County Board of Commissioners.

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.

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

Appropriations

The Polk 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 Polk 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 "Polk County LEPC."

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.

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.