



**INDIANA EMERGENCY RESPONSE COMMISSION (IERC)  
POLICY/TECHNICAL COMMITTEE**

**Indiana Government Center South  
302 W. Washington St., Conference Rooms 1-2  
Indianapolis, Indiana 46205  
September 9, 2019 [Start Time: 11:06 am]**

**COMMITTEE MEMBERS PRESENT:**

James Pridgen—Business/Industry Representative, Chair  
Cara Cyrus – Business/Industry Representative  
Jeff Larmore—Local Government Representative  
Laura Steadham—Designee for IDEM Commissioner  
Becky Waymire—Morgan County LEPC  
Sarah Chaney—IDHS  
Ian Ewusi—IDHS  
Dawn Mason—IDHS  
Madison Roe—IDHS

**COMMITTEE MEMBERS ON THE PHONE:**

None

**COMMITTEE MEMBERS ABSENT:**

Matt Bilkey—Designee for ISP Superintendent  
Allison Moore—Monroe County EMA  
Shawn French—Business/Industry Representative

**The following Commissioners, staff and audience members were present:**

Kraig Kinney—IDHS  
Larry Hamby—Designee for IDHS Executive Director  
Jason Rogers—Delaware County EMA  
Mike Ashley—Delaware County LEPC

**WELCOME AND INTRODUCTION**

Mr. Pridgen welcomed everyone to the meeting and asked for a determination of a quorum.

**DETERMINATION OF QUORUM**

Ms. Mason advised there was a quorum present.

**CONSIDERATION OF MINUTES**

A motion to accept July 8, 2019, meeting minutes was made by Mr. Larmore and seconded by Mrs. Chaney. All present were in favor. No further discussion occurred.

## **OLD BUSINESS**

### **IERC Policy Manual Updates (Handbook):**

Mr. Pridgen requested updates on the policy manual revisions. Mrs. Chaney explained Ms. Mason and she are thoroughly reading through the manual and making necessary edits as needed. They planned to update documents with current signatures, contact information, appendices and the new LEPC Plan Review documents. She stated the timeframe for completion has been extended to a future date and once completed staff will advise the Policy-Technical Committee of the edits made.

Mr. Pridgen advised to update revision dates at the bottom of the page on the new manual and to maintain the old manual for at least six to eight months before disposing of it. Ms. Chaney stated staff would upload the new manual to the IERC website and also archive the older manual under the year it was created.

### **Committee Meetings Dates:**

Mr. Ewusi explained committees can hold meetings anytime other than on the IERC meeting date, which could help eliminate time constraints placed on the committees. Mr. Ewusi advised Mr. Beier was the only committee chair to hold a pre-meeting with staff at this time. Mr. Pridgen stated he prefers to hold the Policy-Technical meeting the same day the IERC meets even if the meeting needs to be later in the afternoon. Mr. Larmore expressed his interest in the option. Mr. Ewusi and Mr. Larmore discussed the chair from each committee being at the Indiana Government Center as a pre-requisite for the pre-meeting and Mr. Pridgen advised leaving it up to the discretion of each committee.

### **IPAD Status:**

Mr. Pridgen asked for a status update of IPADs. Mr. Ewusi stated he met with the IDHS Information Technology (IT) Director who approved of the idea to use IPADs for commission meetings to cut down the cost of paper and printing. He suggested a trial run with two IPADs at the October IERC meeting to determine if the IPADs will work as desired. Mr. Ewusi also verified the IPADs are able to be updated and all documents placed on the IPADs will be removed after the meetings and stored in a separate location.

Mr. Pridgen asked for any feedback and Mr. Larmore asked if the IPADs would be waiting for the Committee/Commission members at the meeting, documents would still be sent to committee members before the meeting to proof-read or print, and the IPADs would feature large font. Staff confirmed yes.

## **NEW BUSINESS**

### **EMAI/IERC Agenda:**

Mr. Pridgen asked for clarification on the agenda. Ms. Chaney advised that Ms. McKinney sent the finalized agenda for EMAI/IERC conference and staff will deliver three presentations at the conference. Ms. Chaney stated the first presentation will discuss Marplot and how to create vulnerability zone maps with Tier II Data for LEPCs to update the county plans. She stated the second presentation is the LEPC Response Plans - The Nine Elements Explored, to discuss plan requirements in each element, the statue related to the requirements and a few plans to use as good examples. She stated the third presentation would discuss LEPC Fiscal reporting

requirements, how to upload the county fiscal report into the Tier II Manager system, the categories based on the state statute, and the reason for the required information.

Mr. Ewusi identified a possible third presentation to discuss the Unmanned Aerial Systems (UASs) contingent upon the purchase of UASs by the state. He discussed IDHS hazmat staff presenting information on the systems if possible. Mr. Pridgen asked Mr. Ashley, from Delaware County, about their UASs and how they incorporate their uses in the county. Mr. Ewusi advised that 4 hazmat staff are now Federal Aviation Administration (FAA) certified to fly UASs for the agency. He said the overall idea is to present information to the LEPCs and cover all the requirements needed when obtaining UASs and he wants to make the LEPCs aware of the requirements before they request permission from the IERC to purchase UASs. Mr. Hamby discussed being a member of the Academy of Model Aeronautics (AMA) which is a non-for-profit organization, and he directed LEPCs and fire departments to contact the organization for training on UAS usage. He stated the organization works with the FAA.

Additional conversations occurred regarding the different types of UASs, cost and their desired uses. More information can be obtained from the September 9, 2019 Policy-Technical Committee meeting recordings.

Mr. Pridgen discussed the EMAI/IERC conference and the idea of changing breaks in between agenda items to give attendees more time to visit with vendors.

Ms. Cyrus requested information about policy changes sent to the LEPC chairs and asked for any policy changes also to be sent to Policy -Technical Committee members. Mr. Larmore discussed sending information out in the new LEPC Newsletter called "Hazmat Happenings" and he requested sending the newsletter to all LEPC members, not just the chairs.

No further discussion occurred.

#### **LEPC Plan Reviews:**

Mr. Pridgen discussed the list of counties with complete and in-complete LEPC Plan Reviews for 2018. He began with the east side of the state where Ms. Chaney is the LEPC Program Manager. He asked Ms. Chaney to explain the different reasons for non-compliance on the plan reviews. She discussed Fayette, Jefferson, Madison, Scott, and Steuben County LEPC plans. Ms. Chaney explained Fayette County was non-active and tried to reestablish the LEPC. Jefferson and Madison County were both non-compliant because they have not uploaded the plan, and Steuben County thought the plan needed to be signed by commissioners before it was submitted, so it was not uploaded on time. Mr. Pridgen asked Ms. Chaney to invite the Scott County's LEPC chair, Mr. Ramoni, to the next IERC meeting to discuss the importance of the LEPC, its function and the importance of keeping the citizens safe. Mr. Pridgen emphasized the reason for an LEPC to exist and how the media could influence the public in a hazmat incident if one would occur.

Mr. Pridgen discussed the west side of the state where Ms. Mason as the LEPC Program Manager. He asked about Benton, Carroll, Crawford, Knox, Marshall, Martin, Morgan, Orange, and Vigo County LEPC plans. Ms. Mason explained Benton, Carroll, and Crawford are new and trying to recover from the LEPC disbanding and they are projected to upload their plans in 2019. Ms. Mason discussed Orange and Martin County being non-compliant and inactive for years and Mr. Pridgen suggested going to the next county commissioner's meeting to discuss the importance of an active LEPC. Ms. Mason discussed Vigo and Knox County and stated she is working with them to see their plans.

Mr. Ewusi discussed Vigo County LEPC and their status of non-compliance in previous years. Ms. Mason explained she tried to review the county plan but she was instructed to ask for a password to view the plan on the county website. Mr. Ewusi explained that requiring a password to view the plan on a website is not

acceptable and he emphasized the importance of having access to the county plans in accordance with the Federal Community Right-to-Know law and statutory requirements in place.

Mr. Pridgen suggested finding the meeting dates for the newly elected Indiana Commissioners and scheduling a meeting to help inform them of the importance of an LEPC.

Further discussions occurred about county plans, relationships between LEPCs and facilities, and the legal reasons for an LEPC to exist. More information can be obtained from the September 9, 2019, Policy-Technical Committee recordings.

No further discussion occurred

**LEPC Electronic Meetings:**

Ms. Chaney discussed LEPC Program Managers not only representing the IERC in the positions they hold, but also being advocates for the LEPCs to the IERC. She stated several counties are requesting using electronic meetings to help with meeting quorums. She introduced the Delaware County EMA director, Mr. Jason Rogers, who was present to request IERC approval to hold LEPC electronic meetings. Mr. Rogers explained they currently use the OWL for their EMS and Fire Board meetings to allow for virtual presence. He wanted the LEPC and the IERC to recognize virtual meetings in the counties and he pointed out there are ways to record attendance, such as an electronic signature, to prove a member attended the meeting.

Mr. Rogers discussed the state allowing video conferencing for EMAs about five years ago to assist with Task Force participation and District Planning Councils (DPC) which all use video teleconference for voting members to attend the meetings. He requested the IERC to approve LEPCs to amend their By-laws to include virtual meetings. He discussed requesting authorization from each LEPC committee member to allow an electronic signature to show attendance.

Mr. Rogers and Mr. Ashley discussed illness, vacations, and varying school schedules as reasons for using virtual/electronic meetings. Ms. Chaney asked how they plan to record the meetings and prove attendance other than an electronic signature. Mr. Rogers stated the electronic signature is the only way they record attendance at this time, other than the secretary taking the minutes at the meeting to reflect all members present. He noted current virtual meeting use VTC on the signature line of the roster to show they attended electronically. Mr. Rogers explained members attending the meetings electronically would not receive a stipend for that meeting and he discussed the free options of internet available for members to attend virtually which would prevent any additional cost for the LEPCs.

Ms. Cyrus asked if the IERC could extend the policy to hold electronic meetings to the LEPCs. Ms. Mason questioned if it fell under federal statute, and Mr. Kinney stated legally the counties cannot hold electronic meeting and he referenced two statutes. He discussed Indiana Code (IC) 5-14-1.5-3.5, which addresses political subdivision, states they are not allowed to hold electronic meetings in terms of determining quorum and allowing votes for members not present physically at the meeting and includes the Open Door Policy which the Public Access Councilor manages. Mr. Kinney explained the authority for the state of Indiana falls under IC 5-14-1.5-3.6 which allows electronic communications by certain governing bodies, and is a public agency of the state including a body of corporate and politics established by instrumentality of the state. Mr. Kinney explained under the old theory the LEPCs were operating under the IERC adopted the policy and decided to keep it for the IERC only. He stated the change that allowed LEPCs to be a county board precludes them from being a state board and places the LEPCs under IC 5-14-1.5-3.5 which prohibits electronic meetings as a means of reaching quorum or permitting off-site members to vote.

Mr. Kinney advised the LEPCs to ask a legislator to consider changing the statute but until then the law prohibits electronic meetings. Mr. Rogers asked if the law was specific in stating the Open Door Policy and

required an open meeting in which Mr. Kinney stated yes. Mr. Rogers stated the LEPC requires members to attend and the meetings would not be just a virtual meeting but if someone could not attend on the day of the meeting then they would attend through virtual presence. Mr. Kinney explained the law states members cannot participate in a final actions and they cannot be considered present at the meeting for purposes, which allows LEPC members to observe to keep up to date on information, but members would not be allowed to vote or be counted towards quorum.

Mr. Rogers discussed other ins and outs for holding electronic meetings regarding statutes, improved technology, health and safety. Mr. Larmore and Mr. Pridgen acknowledged the concerns and suggested legislative changes as the solution for LEPCs to hold electronic meetings. Mr. Rogers asked who enforces the law regarding electronic meetings and Mr. Kinney advised the Public Access Councilor is the person to handle the law. Mr. Kinney advised since the state evaluates the minutes to determine if a quorum was met and electronic meetings are held in which not enough members were physically present, then a quorum would not be met under the current law and the meeting would not count towards compliance.

Mr. Larmore suggested finding legislative support to change the law, however Mr. Rogers stated he does not have the lobbying power to get legislative support. Mr. Larmore suggested IDHS request the change in law. Mr. Kinney suggested several LEPCs speaking with a legislator as an option but cautioned against IDHS going to legislators because of every board, commission and division submitting proposals at this time which could prevent legislators from having time to review the law. Mr. Kinney stated the bill was passed in 2012 and there is a reason the counties were precluded from holding electronic meetings, but further research is required to find more information.

Ms. Waymire promoted in person meetings and stated there is no other time all the agencies come together like they do at the LEPC meetings, and she feels more gets done in person rather than electronically. Mr. Larmore promoted electronic meetings stating it allows people with busy schedules to attend and possibly make quorum. Mr. Pridgen suggested the LEPCs are on the right track and he discussed the history about why the counties did not want the IERC to push directives down, therefore some allowances were lost. He however agreed pursuit of the legislative route is the best option to change the law since the IERC and committees cannot approve electronic meetings for the counties.

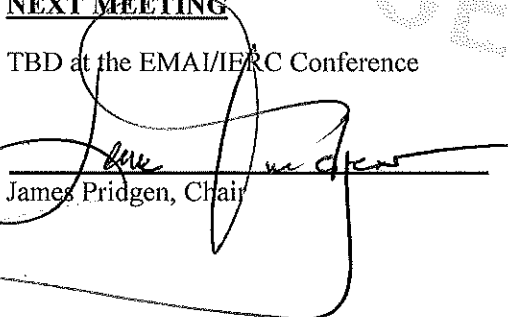
Further discussions occurred regarding the different types of electronic meetings, ideas toward changing the statute to allow for electronic meetings, and the reasons LEPCs became a county board, which can be obtained from the September 9, 2019, Policy-Technical Committee meeting recording.

A motion to request the IERC to ask legal staff to contact Public Records and determine if LEPCs can conduct electronic meetings by law was made by Ms. Cyrus and seconded by Ms. Steadham. All present were in favor. No further discussion occurred.

A motion to adjourn the meeting was made by Ms. Chaney and seconded by Ms. Waymire. All present were in favor. No further discussion occurred.

**NEXT MEETING**

TBD at the EMAI/IERC Conference

  
James Pridgen, Chair