



MICHAEL R. PENCE, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204

## INDIANA EMERGENCY RESPONSE COMMISSION (IERC) SPECIAL MEETING

**Brownsburg Fire Department  
470 Northfield Drive  
Brownsburg, Indiana 46112  
October 7, 2015  
10:30 AM**

### **COMMISSION MEMBERS PRESENT:**

Catherine Dutton— Designee for State Fire Marshal  
Bruce Palin—Designee for Commissioner of IDEM  
Robert Johnson—Designee for Executive Director of IDHS  
Bernie Beier—Local Government Representative  
James Pridgen—Business and Industry Representative  
Dean Larson—Public Representative  
Shawn French—Business and Industry Representative (via conference call)

### **COMMISSION MEMBERS ABSENT:**

Matt Bilkey—Designee for Superintendent of ISP

### **The following staff members were present:**

|                     |                         |
|---------------------|-------------------------|
| Ian Ewusi— IDHS     | Catherine Dutton—IDHS   |
| Madison Roe—IDHS    | Brad Gavin—IDHS         |
| Charlie Heflin—IDHS | Laura Steadham— DEM     |
| Pam Walters—IDHS    | Marc Torbec—IDHS Intern |

### **The following members of the audience were present:**

|  |   |
|--|---|
| Jeff Larmore—Marion County LEPC              | Joel Thacker—Brownsburg Fire Department |
| Pam Thevenow—Marion County LEPC              | Lise Crouch—Hendricks County LEPC       |
| Mike Crider—Hamilton County LEPC             |   |
| Fred Schwomeyer—Indianapolis Fire Department |   |

### **WELCOME AND INTRODUCTION**

Mr. Bruce Palin welcomed everyone to the meeting and requested determination of a quorum.

### **QUORUM**

Mr. Charlie Heflin conducted a roll-call of members and indicated a quorum was present.

## **CONSIDERATION OF THE MINUTES**

Minutes from the September 14<sup>th</sup>, 2015 meeting were not available at the time of this meeting.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

Mr. Palin yielded the scheduled discussion regarding the proposed 2016 legislative changes to Mr. Gavin (see attached Legislative Proposal).

Mr. Gavin introduced Ms. Pam Walters who was in attendance as a member of IDHS legislative team and noted that the proposed changes would impact all LEPCs. He explained that this meeting was called to present the proposal to the Commission for input and approval before disseminating it to the LEPCs. Mr. Gavin indicated that the proposal, if approved, would change the designation of an LEPC from a state agency to a county agency. He noted that most aspects of the LEPCs would remain unchanged and explained that the primary changes include the following:

- i. LEPC members would no longer designated as special state appointees,
- ii. LEPC members would no longer subject to state ethics code or have to take the state ethics training, and
- iii. LEPCs would be subject to county purchasing requirements and procedures.

After providing additional overview of the proposed changes, Mr. Gavin invited questions and/or comments from the Commissioners on the proposal.

Mr. Larson suggested that LEPC members should have the right to appoint proxies and LEPCs take an “all-hazards” approach.

Mr. Beier asked for additional clarification on the advantages and disadvantages of making the proposed changes to the LEPCs. Mr. Gavin indicated that the proposal facilitates LEPC compliance with current state law which is desirable. Mr. Beier noted his support for the fact that the fiscal component of the new legislation will not change to make LEPC funds available outside of local LEPC function. He also wanted it to be clear that that if the proposal passes local control of the LEPCs remains local. Additionally, he noted his support for the overall concept of the proposed legislation and suggested a lot of due diligence be done before making any changes. There was a short discussion about some of the specifics of this proposal by the commission members.

Mr. Palin invited input and comments from the audience on the legislative proposal. A variety of audience members submitted their comments. Ms. Thevenow expressed concern about whether LEPCs would have time to submit their comments before the proposal was submitted for final approval. She also requested for earlier IERC meeting notices on such matters so LEPCs may participate. She also inquired if the proposal would create any additional hardships for existing county boards. Mr. Larmore supported Ms. Thevenow’s comments and asked that the body that officially approves LEPC membership be clarified. Ms. Lise Crouch indicated her support for the issues raised by that Ms. Thevenow. There was a brief discussion about scheduling a session at

the upcoming EMAI/IERC conference to address comments from the LEPCs. Mr. Ewusi indicated that he had scheduled a conference call with representatives from 18 LEPCs later that day to broadly discuss the proposal. A brief discussion took place about the legislative process and how the LEPCs will be notified as things progress.

Mr. Palin requested for a motion indicating IERC support of the proposal and to push forward with the process. Mr. Larson made a motion to that effect which was seconded by Mr. Pridgen. No further discussion was presented.

**Roll Call Vote**

Bruce Palin—Yes

Robert Johnson—Yes

Bernie Beier—Yes

Shawn French—Yes

James Pridgen—Yes

Dean Larson—Yes

Catherin Dutton—Yes

**MOTION CARRIED**

Mr. Gavin asked the public to submit comments in writing as it pertains to the proposal being discussed at this meeting.

**NEXT MEETING**

November 9, 2015, 1:00PM  
302 W Washington IGC-S  
Indianapolis, Indiana 46204

**ADJOURNMENT**

Mr. Palin asked to adjourn the meeting.

Motion to adjourn the meeting was made by Mr. Pridgen and seconded by Mrs. Dutton.

**MOTION CARRIED.**

**MEETING ADJOURNED.**



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Bruce Palin

## INDIANA DEPARTMENT OF HOMELAND SECURITY LEGISLATIVE PROPOSAL DESIGNATING LEPCS AS COUNTY BOARDS

**Proposal:** Make Local Emergency Planning Committees (LEPCs) County agencies rather than State agencies.

This legislation, if adopted, will result in some changes; however, most aspects of an LEPC will remain unchanged.

**The legislative proposal will NOT change the following:**

- (1) The state emergency planning and right to know funds distributed to the county must be deposited in a separate fund (the "LEPC Fund") established for the purpose of providing funding for the 8 statutory spending categories.
- (2) Money from the LEPC Fund shall be appropriated by the county fiscal body upon receipt by the county fiscal body of the LEPC's spending plan (which must have been approved by a majority of members of the LEPC and conform to the statutory requirements for the funds).
- (3) The county fiscal body shall not appropriate money from the LEPC Fund for any person or purpose other than for approved LEPC expenditures.
- (4) All equipment, apparatus, and supplies purchased with money from the LEPC Fund remains under the direction and control of the LEPC.
- (5) The LEPC will still select its officers.
- (6) The IERC will still be responsible for appointing the members of the LEPC.
- (7) The LEPC will continue to be responsible for providing the IERC with the 7 funding prerequisites, in compliance with the timeline and method established by the IERC, to be eligible to receive their annual state funding.
- (8) The IERC will still be responsible for ensuring LEPC compliance with both state and federal requirements.

**Things that will change:**

- (1) LEPC members will no longer be special state appointees; therefore, LEPC members will not be subject to the State Ethics Code and will not have to take the State Ethics training.
- (2) The LEPC will be subject to county purchasing procedures and requirements.

The Indiana Department of Homeland Security welcomes comments, questions, suggestions and any other input concerning this proposal. If you have questions, comments, suggestions or any other input on this legislative proposal please contact **Ian Ewusi** at [iewusi@dhs.in.gov](mailto:iewusi@dhs.in.gov) or 317-695-2119.