



Marion County Local Emergency Planning Committee Bylaws

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ARTICLE I—Identification

The Marion County Local Emergency Planning Committee, hereinafter referred to as the “Committee,” is an advisory group that In Marion County carries out the functions described in SARA Title III, the Emergency Planning and Community Right-to-Know Act of 1986 and Indiana Law. The members of the committee have been appointed by the Indiana Emergency Response commission. While the primary purpose of the Committee is to implement SARA Title III in Marion County, its broader purpose is to enhance environmental protection and public health and safety as these are affected by chemical hazards in Marion County.

ARTICLE II—Membership of the Planning Committee

Section 1: Organizations Represented

The Committee consists of members selected under the provisions of these Bylaws and appointed by the Indiana Emergency Response Commission (IERC), and includes one representative from each of the following: local and state government, law enforcement, emergency management, firefighting, emergency medical services, health, hospital, environmental, transportation, media, community groups, and owners and operators of facilities subject to SARA Title III reporting requirements.

Section 2: Membership Applications

Membership on the Committee is open to any interested person who meets the criteria established by the IERC for membership in the roster category in question. The names of the nominated applicants will be forwarded to the IERC for appointment at the next IERC meeting. Applicants whom the Chair informs do not meet the IERC’s criteria, will be informed of the procedure for petitioning the IERC to appeal the IERC’s determination.

Section 3: Proxy

Each roster member category shall have a proxy. The proxy will act on the roster member’s behalf in the rostered member’s absence. The names of the nominated proxy will be forwarded to the IERC for appointment at the next IERC meeting. Proxy applicants whom the Chair informs do not meet the IERC’s criteria, will be informed of the procedure for petitioning the IERC to appeal the IERC’s determination.

Section 4: Member Review

Members shall serve for a period of two years. Each member’s term shall be reviewed on a yearly basis. In December of each year, the Committee shall review the attendance records and will consider the removal or substitution of a committee member who is absent six consecutive scheduled meetings of the committee.

ARTICLE III—Committee Meetings

Section 1: Frequency of Meetings

The Committee will meet on the first Monday of the even numbered months at 3:30 p.m. (except when the first Monday falls on a federal or state holiday), and more frequently at the discretion of the Chair.

Section 2: Announcement of Meetings

- (a) Members of the Committee shall be notified at each Committee meeting of the next meeting time, place, and date, and shall be notified in writing at least one week in advance of such meetings of the next meeting, agenda, time, place, and date.
- (b)) The public will be notified of Committee meetings by publication of a meeting notice in the Indianapolis Star two times during the month of January and by posting a meeting notice on the meeting location’s main public entrance at least two (2) business days in advance of each meeting.

Section 3: Location of Meetings

The Committee meetings will be held at the Marion County Public Health Department, 3901 Meadows Drive, Indianapolis, Indiana, or as otherwise determined by the Chair. All meetings of the Committee and of its subcommittees shall be open to the public.

Section 4: Quorum of Members for Meetings

A quorum of Committee members is required for the conduct of business and consists of the presence of a majority of members.

Section 5: Conduct of Meetings

(a) Committee meetings will be conducted according to Robert's Rules of Order, and in accordance with the provisions of the Indiana Open Door Law, the Indiana Public Records Law, and the Indiana Administrative Order and Procedures Act.

(b) Any matter to be voted on shall take the form of a resolution or motion. A simple majority of the members in attendance at a Committee meeting must vote affirmatively for adoption of any resolution.

(c) Each Committee member, including the chair will have one vote.

(d)) A Committee member may vote for or against a resolution or may abstain from voting.

Section 6: Electronic Meetings

(a) As allowed by IC 5-14-1.5-3.5, a member of the LEPC who is not physically present at a LEPC meeting may participate in the meeting by any electronic means of communication that does the following:

1. Allows all participating LEPC members to simultaneously communicate with each other.
2. Allows the public to simultaneously attend and observe the meeting.

(b) A member of the LEPC who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the member can be seen and heard.

(c) A technological failure in an electronic means of communication that disrupts or prevents:

1. the simultaneous communication between a LEPC member who is not physically present at the meeting and the LEPC; or
2. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the LEPC from conducting the meeting or affect the validity of an action taken by the LEPC at the meeting if the sum of the LEPC members physically present at the meeting and LEPC members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the LEPC.

(d) At least fifty percent (50%) of the LEPC members must be physically present at a meeting.

(e) A LEPC member may not attend more than fifty percent (50%) of the LEPC's meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

1. military service;
2. illness or other medical condition;
3. death of a relative; or
4. an emergency involving actual or threatened injury to persons or property.

(f) The LEPC may not prohibit a LEPC member from attending consecutive meetings by electronic communication. A LEPC member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A LEPC member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

1. military service;
2. illness or other medical condition;

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3. death of a relative; or
 4. an emergency involving actual or threatened injury to persons or property.
- (g) A LEPC member may not participate in a LEPC meeting by electronic communication if the LEPC is attempting to take final action to adopt a budget.
- (h) All votes taken during a meeting under this section must be taken by roll call vote.
- (i) The meeting minutes prepared under Article VI Section 5 for a meeting in which a member participates by an electronic means of communication must:
1. state the name of each LEPC member who
 - i. was physically present at the place where the meeting was conducted
 - ii. participated in the meeting by using any electronic means of communication; and
 - iii. was absent; and
 2. identify the electronic means of communication by which:
 - i. members of LEPC participated in the meeting; and
 - ii. the public attended and observed the meeting.

Section 7: Meetings During a Declared Disaster

- (a) In the event the governor declares a disaster emergency under IC 10-14-3-12; or a city/county executive declares a local disaster emergency under IC 10-14-3-29, the members of the LEPC are not required to be physically present at a LEPC meeting until the disaster emergency or local disaster emergency is terminated.
- (b) The LEPC may meet by any means of electronic communication if the following are satisfied:
1. At least a quorum of the LEPC members participate in the meeting by means of electronic communication or in person.
 2. The public can simultaneously attend and observe the meeting.
- (c) All votes taken during a meeting under this section must be taken by roll call vote.
- (d) The meeting minutes prepared under Article VI Section 5 for a meeting in which a member participates by an electronic means of communication must:
1. state the name of each LEPC member who
 - i. was physically present at the place where the meeting was conducted
 - ii. participated in the meeting by using any electronic means of communication; and
 - iii. was absent; and
 2. identify the electronic means of communication by which:
 - i. LEPC members participated in the meeting; and
 - ii. the public attended and observed the meeting.

ARTICLE IV—Committee Sub-Committees

Section 1: Establishment of Sub-Committees and Appointments/Resignations

- (a)) The Committee Chair may establish Sub-Committees, including but not limited to Planning, Fiscal, Communications, and Training, as needed.
- (b) Appointments to Sub-Committees, including Sub-Committee Chairs, are made by the Chair of the Committee.
- (c) Resignations of Sub-Committee members are to be submitted in writing to the Committee Chair, who may, at his/her discretion, replace resigning members.

Section 2: Dissolution of Sub-Committees

Existing Sub-Committees will be dissolved by a majority vote of the Committee with the presence of a majority of members (quorum).

Section 3: Duties of Sub-Committees

- (a) Sub-Committees will convene to consider issues assigned by the Committee Chair and/or the
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Committee

(b) Sub-Committee meetings will be held at the discretion of Sub-Committee Chairs in terms of frequency and location. Such meetings shall comply with the Indiana Open Door law.

(c) Sub-Committees will report their findings and make their recommendations to the Committee.

(d) Sub-Committee recommendations must be adopted, and be affirmed as resolutions by a majority of the Committee members.

(e) Additional duties may be assigned Sub-Committees by the Committee Chair.

Article V—Officers

Section 1: Officers

The Officers of the Committee are the Chair, Vice-Chair, and Secretary/Treasurer.

Section 2: Terms of Officers

The Terms of the Officers are for a period of two years.

Section 3: Election of Officers

Biennial election of Officers will be effected by a majority vote at the April meeting in even numbered years of all Committee members with the presence of a majority of members.

ARTICLE VI—Powers and Duties of Officers

Section 1: Meeting Frequency, Dates, Times, and Locations

The Committee Chair will determine the frequency, dates, times, and locations of Committee meetings. Such meetings shall comply with the Indiana Open Door law.

Section 2: Sub-Committee Appointments

The Committee Chair shall appoint the Chair and members of each Sub-Committee.

Section 3: Committee Meetings' Conduct

(a)) The Chair will conduct Committee meetings according to Robert's Rules of Order.

(b) Committee meeting agendas will be set by the Chair.

Section 4: Delegation of Authority

The Chair of the Committee may delegate at his/her discretion his/her powers and duties to the Vice-Chair, consistent with other provisions of the bylaws.

Section 5: Meeting Minutes and Fiscal Records

The Secretary/Treasurer shall keep Committee meeting minutes and a record of the finances of the Committee.

ARTICLE VII—Title III Document Submissions

Section 1: Repository of Documents

The Marion County Public Health Department (Department of Water Quality and Hazardous Materials Management) 3901 Meadows Drive 2nd Floor, Indianapolis, Indiana will be the repository for all documents submitted to the Committee pursuant to the provisions of SARA Title III and the Indiana Access to Public Records law.

Section 2: Availability of Documents to the Public

(a) Tier II information (i.e., Tier II form, facility information, chemical lists, and/or safety data sheets) filed by covered SARA Title III facilities in Marion County may be reviewed by appointment during regular business hours at the office of the Department of Water Quality and Hazardous Materials Management of the Marion County Public Health Department. To make an appointment, a written request shall be submitted to the Marion County LEPC in care of:

Department of Water Quality and Hazardous Materials Management
Marion County Public Health Department
3901 Meadows Drive, 2nd Floor
Indianapolis, Indiana 46205

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Copies of documents may be obtained at this office, and the Marion County Public Health Department may charge a fee for copying.

(b) Marion County Public Health Department staff shall document each Tier II inquiry received and shall notify the Committee Chair before the Committee's next scheduled meeting. Requestors shall be categorized into one of the following six general areas: private citizens, groups/neighborhood associations, public agency, business, media, or other.

(c) Marion County Public Health Department staff shall undertake measures to protect the confidentiality of any requestor identified as a private citizen seeking to obtain information for planning purposes within their community. Requestors identified as private citizens will be asked for permission to release their identity to the affected facility. There will be no guarantee of confidentiality for any requestor of Tier II information other than a private citizen as noted in this section.

(d) Facilities for which Tier II information has been requested will be notified of such inquiries and will receive a duplication of the information provided to the requestor. Such notification will be forwarded to the affected facility on the same day as the information to the requestor. If a significant error in the information is discovered by the affected facility, an amended copy containing accurate information will be mailed to the requestor. Subject to the confidentiality requirement contained in Section 2(c) of this Article, the affected facility may request and receive from the Marion County Public Health Department the recorded identity and affiliation of the requestor.

(e) The Marion County Hazardous Materials Response Plan prepared by the Marion County LEPC is available for review only, by appointment, at the office of the Department of Water Quality and Hazardous Materials Management of the Marion County Public Health Department during normal business hours. To make an appointment to review the plan, a written request shall be submitted to the Marion County LEPC in care of:

**Department of Water Quality and Hazardous Materials Management
Marion County Public Health Department
3901 Meadows Drive, 2nd Floor
Indianapolis, Indiana 46205**

(f) The Marion County Public Health Department may at its discretion ask for Chair or Committee review of any requests it considers unusual. Such information request will not be processed until the Committee and/or Committee Chair have completed their review.

(g) The Committee shall comply with the Indiana Access to Public Records law, including provisions relating to confidential records.

Section 3: Committee Records

All records of Committee meetings, including meeting agendas and minutes, shall be available for inspection and copying by any person at the Department of Water Quality and Hazardous Materials Management, Marion County Public Health, 3901 Meadows Drive 2nd Floor, Indianapolis, Indiana.

Section 4: Legal Notices

The Committee shall publish annually in January a legal notice indicating where its Title III documents are maintained, including the Committee's emergency plan, SDS, Tier forms, and written follow-up notices from facilities experiencing Title III spills.

ARTICLE VIII—Adoption/Amendment of Committee Bylaws

Section 1: Adoption of Bylaws

A majority of Committee members is required to adopt the Committee's Bylaws

Section 2: Amendment of Bylaws

A majority of Committee members is required to amend the Committee's bylaws.

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ARTICLE IX—Non-Exclusion Provision

Nothing in these bylaws is to be construed as excluding or contravening any additional provision of federal or state law which are not explicitly or implicitly referred to within these bylaws.

ARTICLE X—Bylaws Adoption and Signing

Upon their adoption by the Committee, a copy of these bylaws will be signed and dated by the Chair of the Committee and will be available for inspection and copying by the public at the Department of Water Quality and Hazardous Materials Management Marion County Public Health Department, 3901 Meadows Drive 2nd Floor, Indianapolis, Indiana.

Approved and adopted by majority vote in a public meeting of the Marion County Local Emergency Planning Committee held February 3, 2025.

A handwritten signature in blue ink, appearing to read "William Beranek, Jr.", followed by a large, stylized flourish or checkmark.

William Beranek, Jr.
Chairperson