

2025

Randolph County LEPC By-Laws



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BYLAWS FOR THE RANDOLPH COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

WHEREAS the Superfund Amendments and Reauthorization Act of 1986 (SARA) was enacted by Congress on October 17, 1986, and contains Title III, The Emergency Planning and Community Right-to-Know Act of 1986.

WHEREAS, according to Title III, the Indiana Emergency Response Commission designated the Randolph County Local Emergency Planning Committee as the Local Emergency Planning Committee for Randolph County, and the following jurisdictions are adopting this plan composed of elected officials, law enforcement, fire service, emergency medical, emergency management, and public health professionals and environmental, hospital and transportation officials, as well as industry representatives of facilities subject to the SARA requirements, community groups, and the media. Therefore, this Committee has been named the Randolph County Local Emergency Planning Committee (cited as "the Committee").

WHEREAS, the Committee's task is to establish rules, give public notice of its activities, establish procedures for handling open requests for information, and develop an emergency operations plan. This plan must:

- identify facilities containing major transportation routes for highly hazardous substances;
- include emergency response procedures;
- designate a management system to implement the plan and encourage private sector facility representatives to participate in the process;
- establish emergency notification procedures;
- develop methods for identifying the occurrence of a release, the area and population affected, and the potentially toxic effects of the exposure;
- describe public and private sector technical and hardware resources for hazardous material emergency response and identify methods of acquisition during an emergency;
- include directions to where possible source reference information of local hazardous materials companies, facilities or businesses, rail systems, or governmental emergency operations plans exist that contain basic highway evacuation plans;

- include public notification procedures;
- provide procedures for responding to public requests for information;
- assist members in providing public education outreach regarding the emergency response process, options, and evacuation plans;
- provide for the inclusion of the public in emergency response training and exercises; and
- develop and describe a system for providing hazardous material response training and plan exercises and provide a schedule of these activities.

The Committee must allow public members to provide information and comment on the plan.

The Committee may enter agreements with other governmental entities, advisory boards, committees, or councils.

WHEREAS, to meet these goals, the Committee has adopted the following bylaws:

ARTICLE I – SCOPE

Section 1. Name of the Committee

The Committee's name shall be the "Randolph County Local Emergency Planning Committee."

Section 2. Status of Committee

The Committee shall operate as a governmental entity according to and strictly to all applicable laws, regulations, guidelines, and ordinances.

Section 3. Mailing Address and Telephone Number

The official mailing address and telephone number of the Committee shall be:

Randolph County Local Emergency Planning Committee
155 E South Street
Winchester, Indiana 47394
(765) 584-1721 (office) (765)584-5442 (fax)

ARTICLE II – MEMBERSHIP

Section 1. Members

Title III and federal statute, under 42 USC 11001 (C), requires that the members of the Committee consist of representatives of the following groups:

- Elected state and local officials: state legislators, mayors, county commissioners, township trustees, etcetera.
- Law enforcement: police department, sheriff's department, Indiana State Police members, town marshals, Department of Natural Resources (DNR) enforcement officers, ex-police officers, auxiliary police with law enforcement powers, reservists.
- Emergency management: local emergency management (EMA) directors or personnel, county directors.
- Fire Fighting: paid or volunteer public sector fire department members.
- Emergency Medical Services: public or private ambulance service staff, emergency room staff, emergency medical technicians (EMTs), advanced EMTs, and paramedics.
- Health: local health officers and health department staff, physicians, nurses, dentists, and veterinarians.
- Local Environmental: members of recognized national, state, or local environmental groups, employees of public works departments.
- Hospital: hospital medical personnel.
- Transportation: school corporation or transit authority personnel, county highway department staff.
- Broadcast/Print Media: radio/TV station or newspaper/print media personnel, public information officers (PIOs), emergency communications personnel (911).
- Community Groups: members of the Red Cross, service clubs, United Way, League of Women Voters, etcetera.
- Industry: Title III or non-Title III facility representatives.

All members must be recommended to and appointed by the Indiana Emergency Response Commission. In addition, all LEPC members must have an email address and notify the Committee chair of any email changes. (*Note that members not employed in these professions may fill these roster categories when professionals from these areas cannot supply the positions*). Each Committee position shall have at least one (1) but at most nine (9) members in any category.

Section 2. Term of Membership

All members shall serve for a general term from the date of appointment by the Indiana Emergency Response Commission. Polling of the membership concerning tenure and nominations review shall occur during the annual meeting.

Section 3. Attendance at Meetings

All members or designees must attend at least fifty percent (50%) of all committee meetings held in any twelve (12) month period unless excused for cause by the Chairperson. A Committee member is excused from meetings upon notification to the Chairperson, Vice-Chairperson, or designee.

Section 4. Expulsion

Annually in May, if a member has not attended fifty percent (50%) of all committee meetings in twelve (12) months, the member may be removed from membership. Excused absences are excluded.

An LEPC may ask the IERC to remove an LEPC member for missing three (3) consecutive meetings. In addition, the LEPC Chair may request that the IERC remove a member due to the member's resignation or inability to continue serving. A resignation letter or member removal request must accompany an updated roster submitted to the IERC to reflect the change. The resignation letter or removal request may be sent by email. All updates must be done using the LEPC online reporting system.

An LEPC member must be notified of involuntary removal following the above procedure. Any removed member may appeal the dismissal following the same process outlined in Article 11 of Article 5, paragraph 3.

Section 5. Alternate Representatives

All members may elect to formally identify an alternate member (Proxy) in writing to the Chairperson for their position on the Committee. The alternate representative may participate in the Committee discussions on behalf of the missing member and shall be allowed to vote on any matters before the Committee. The alternate representative's attendance shall be counted as a present member when it is determined whether a quorum is in attendance or as attendance for the committee member for whom the representative is attending.

Section 6. Filling Vacancies and Adding New Members

Should vacancies occur on the Committee, they may be filled by persons recommended to the Indiana Emergency Response Commission by the Committee and appointed by the Indiana Emergency Response Commission. Vacancies on the Committee of the minimum twelve (12) shall be filled. Vacancies above the minimum twelve (12) only have to be filled if, because of the vacancy, the Committee will no longer meet any relevant local, state, or federal requirements. Should adding new members to the Committee be deemed necessary, the procedure shall be the same as filling vacancies.

ARTICLE III – OFFICERS

Section 1. Officers

The committee officers shall be the Chairperson, the Vice-Chairperson, and the Secretary.

Section 2. Chairperson

The Chairperson shall preside over committee meetings, preserve order and dignity, and submit recommendations and information as they consider proper concerning the Committee's business, affairs, and policies. Except as authorized by the bylaws or resolution, the Chairperson shall sign or delegate the authority to sign all committee documents to the Vice-Chair. In addition, the Chairperson shall establish or authorize the Vice-Chairperson to establish any fees collected by the Committee. The Chairperson shall also ensure that an agenda of each Committee meeting is mailed or delivered as provided by Article V, Section 5.

Section 3. Vice Chairperson & Secretary

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until the Committee shall elect a new Chairperson. The Vice-Chairperson has the authority to sign the Committee's documents and establish fees to be collected by the Committee, as outlined in the agreement with the counties represented. In addition, the Vice-Chairperson shall ensure that information gathered by the Committee is submitted according to requirements established by the Committee and is properly stored and maintained at the LEPC address.

The Secretary shall ensure that the Randolph County LEPC records are accurate summaries of the meetings and that such document is kept and distributed as prescribed by Article V, Section 8.

Section 4. Additional Duties

The Committee's officers shall perform other duties and functions that may sometimes be required by the Committee or by the laws, bylaws, or rules and regulations governing the Committee.

Section 5. Elections

The Vice-Chairperson and Secretary may be elected to serve for unlimited two-year terms. A new Vice-Chairperson and Secretary shall be selected from the committee members during a meeting in February of odd-numbered years. The Chairperson is not an elected position but an assumed position, the Randolph County Homeland Security & Emergency Management director.

Section 6. Vacancies

Should the office of Vice-Chairperson or Secretary become vacant, the Committee shall elect a successor from the Committee members for the unexpired portion of the term within 90 days of the occurrence of the vacancy.

Section 7. Additional Appointments

Additional appointments for positions that may be necessary for the operation of the Committee's tasks will be made by the Chairperson and passed at a regular meeting of the Committee when a quorum of the members is present. The Committee may employ personnel deemed necessary to exercise its powers, duties, and functions as prescribed by federal, state, and local laws, rules, and regulations or guidelines. The Committee shall determine the selection and compensation of such personnel subject to applicable laws.

ARTICLE IV – SUBCOMMITTEES

Section 1. Appointment of Subcommittees

The Chairperson or Vice-Chair, in the absence of the Chairperson, may occasionally appoint subcommittees composed of members of the Committee to study and report on matters relevant to the Committee.

ARTICLE V – MEETINGS

Section 1. Annual Meeting

The annual meeting of the Committee shall be the first Wednesday in February of each year at a time and location designated in the "Notice of Annual Meeting" mailed, emailed, or delivered to each Committee member at least seven (7) days before such meeting. Officers and nominations shall be elected at the annual meeting and in the following order: (1) nomination and (2) election. Those who may vote and run for office are those persons who have been nominated from the Committee membership.

Section 2. Regular Meetings

Regular meetings of the Committee shall be held quarterly and scheduled by the Chairperson. At least seven days' notice of the meeting shall be provided to all Committee members by emailing, mailing, or delivering a written notice to the address provided by the member to the Committee. The written notice of the meeting may also be mailed or delivered with the agenda for the meeting. The news media shall be informed of meeting dates, times, and locations by legal postings or email. In unusual circumstances, when neither the Chair nor Vice Chair can preside at a regular meeting, the Chairperson may appoint a proxy to conduct the meeting at their direction. If a regularly scheduled monthly meeting falls adjacent to or on holiday, most members present at the monthly meeting before the holiday may vote to cancel the meeting in question. Following Indiana's Open-Door Law, each LEPC must convene a majority (quorum) of its membership on an approved roster to conduct business, whether of the LEPC as a whole or a sub-committee of the LEPC.

A quorum of members is defined as greater than 50% of the approved roster members. Therefore, the majority is seven (7) members present for an LEPC with the IERC-approved minimum membership count of twelve (12) members.

Section 3. Special Meetings

The Chairperson may consider, when it is deemed desirable, calling a meeting of the Committee upon written request of at least two members of the Committee for transacting any business of the Committee. The purpose of the meeting shall be outlined in the call, and the call may be mailed or delivered to Committee members at least two (2) days before such meeting. Business shall be considered only as designated in the call at the special session. However, a quorum of the members is present at a special meeting. In that case, any item of business may be transacted if the member's present votes to transact said business.

Section 4. Frequency

Regular and Special Meetings shall be held quarterly except when the members have voted to cancel a meeting that conflicts with the holiday.

Section 5. Agenda for Committee Meetings

An agenda of the meeting shall be electronically distributed to each Committee member and proxy before each session unless a vote is taken per Article V, Section 9, to eliminate this requirement. Should this requirement be removed, it can be reinstated by the election of the Committee following Article V, Section 9. In addition, the agenda for the next meeting shall be mailed electronically or delivered to each person or entity whose name and address are included on the membership list.

Section 6. Order of Business

At meetings of the Committee, the following shall be the order of business:

1. WELCOME AND INTRODUCTIONS
2. APPROVAL OF AGENDA AND MEETING SUMMARY
3. FINANCIAL REPORT
4. SUBCOMMITTEE REPORTS
5. NEW BUSINESS
6. HAZARDOUS MATERIALS INCIDENTS REPORTED TO THE LEPC IN THE LAST QUARTER
7. HOMELAND SECURITY ACTIVITIES
8. LEGISLATION
9. ANNOUNCEMENTS/OTHER BUSINESS
10. PUBLIC COMMENTS
11. NEXT MEETING

Section 7. Manner of Conducting Meetings

No standard rules of procedure shall be required unless adopted by the Committee following Article V, Section 9. The meetings shall be conducted with order and decorum. The Committee shall follow the procedure determined appropriate by the Chairperson of the Committee, which may include the following:

1. Person shall speak only if first recognized by the Chairperson.
2. Debate on a matter shall be closed by a motion and second to bring the issue to a vote.
3. Any member of the Committee may make or second a motion.

Section 8. Summaries of Committee Meetings

Reviews of all the Committee meetings shall be taken and maintained by the LEPC secretary or staff. Reviews shall include, but not be limited to, a record of all votes of the Committee, a history of attendance at Committee meetings, and a summary of Committee discussions. The reviews of each meeting shall be mailed electronically to each Committee member at least one week before the next meeting date.

Section 9. Quorum

The powers of the Committee shall be vested in the Committee. Greater than fifty percent (50%) of the total membership of the Committee shall constitute a quorum for opening a Committee meeting. Therefore, the majority is seven (7) members present for an LEPC with the IERC-approved minimum membership count of twelve (12) members.

Section 10. Manner of Voting

We are voting on all questions before the Committee shall be by yea or nay or by a show of hands unless action is taken for a roll call vote. If a roll call vote is approved, the yeas and nays shall be recorded in the minutes of such meetings.

There may be occasions where an emergency vote needs to be taken, such as authorizing spending not previously approved by the committee members. Therefore, an electronic vote can occur through electronic mail. The chair will bring the question through the committee secretary. The secretary will then email all voting committee members. All committee members will reply yea or nay to the question(s) posed in the email by a return reply. A quorum of committee members must respond to make the vote official. The secretary will notify all members of the results and record any email voting as an addendum to the regular quarterly meeting minutes.

Section 11. Participation by Members of the Public

Public members are encouraged to attend all Committee Regular, Special, and Annual Meetings. An opportunity will be provided at each meeting for public members to address the Committee on matters related to a local hazardous material emergency preparedness. A public member who desires to address the Committee may mail a written notice to appear to the Chairperson at the committee address and sign in with the Vice-Chair before the meeting begins. Members of the public who appear at the meeting and wish to address the Committee will be allowed to do so without prior written notice of intent to appear. However, they must wait until after any public members with written notice have spoken. Public members are also encouraged to submit written opinions and information to the Committee at the committee address. Public members include, but are not limited to, citizens, industry representatives, experts, expert witnesses, and government entity representatives.

A citizen who wishes to participate as an LEPC member shall inform the LEPC Chair of their desire to serve on the LEPC, indicating the category they feel qualified to help. The LEPC Chair must respond to the request within thirty (30) days. If the applicant is rejected, notify the latter in writing, citing the reasons for the rejection, and provide the IERC Chair a copy of the rejection letter.

Suppose a citizen is rejected for membership after applying. They may appeal the decision directly to the Chair of the IERC within thirty (30) days of receiving the rejection letter, giving their reasons for believing the LEPC's rejection to be unwarranted. The IERC Chair will refer the matter to the Policy/Technical Committee for consideration, including all relevant correspondence. The Committee shall decide by majority vote within ninety (90) days of the IERC Chair's receipt of the appeal. The designated LEPC contact person or the LEPC Chair will notify the IERC decision within thirty (30) days after the IERC meeting. The Policy/Technical Committee's recommendation is approved.

ARTICLE VI – ADMINISTRATION

Section 1. Annual Budget

An annual budget shall be adopted and approved by the Committee.

Section 2. Monies and Appropriations

The Randolph County LEPC may receive and disburse public and private funds for implementing the Emergency Planning and Community Right-to-Know Act of 1986 in the plan service area. Such monies shall be deposited and managed following the standard procedures of the LEPC. All disbursements over \$1,000 or not following the annually approved budget will require prior authorization by the Committee by category or a specific item. Periodic financial reports will be made to the Committee as required by law or requested by the Committee or Committee Chairperson. A

projected budget for the upcoming fiscal year to the Committee by the LEPC staff in conjunction with the yearly LEPC application for CEPF/HMEP funds by no later than July 1 of each year.

Section 3. Fees

Reasonable fees may be collected for information provided or services rendered by the Committee. The fees collected shall be established or recommended by local, state, or federal law, regulation, guideline, or ordinance. Without a prescribed or required fee, the Chairperson shall determine the price based on the service or data cost.

ARTICLE VII – AMENDMENTS

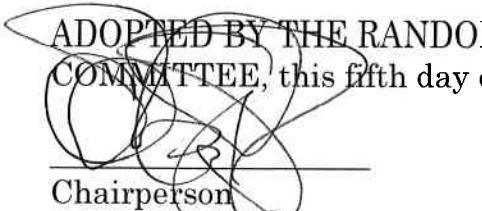
Section 1. Amendments to Bylaws

The bylaws of the Committee may be amended by an affirmative vote of fifty-one percent (51%) of the total membership of the Committee. All voting to change bylaws will occur once the amendments have been written and distributed. An agenda for the meeting will include the proposed amendment to be voted on.

Section 2. Filing of Bylaws and Amendments to Bylaws

A copy of the bylaws and any amendments to the bylaws shall be kept on file by LEPC. They may provide it to any public entity or citizen requesting a copy or copies. In addition, a copy of the Bylaws shall be provided to the Indiana Emergency Response Commission.

ADOPTED BY THE RANDOLPH COUNTY LOCAL EMERGENCY PLANNING
COMMITTEE, this fifth day of February, 2025.


Chairperson


Vice-Chairperson


Secretary

