



GENERAL MEETING AGENDA

Date: Tuesday, JUN 21, 2022 0900 HRS.

Location: 701 Main Street, St. Joseph, MI 49085

Note: Committee business and announcements are published at: <http://www.bcsheriff.org/1529/Local-Emergency-Planning-Committee-LEPC> .

The committee's newsletter and meeting cancelation notices can be subscribed to at: <http://www.berriencounty.org/list.aspx> .

| <u>TIME</u> | <u>AGENDA ITEMS</u> | <u>FACILITATOR</u> |
|--------------------|--|---------------------------|
| 0900 | Call to Order: <ul style="list-style-type: none"> Reminder- Please turn off all electronic devices off. Upon calling the meeting to order, it shall be the duty of each member to conduct himself/herself in a professional manner, to avoid unnecessary noise and to refrain from private conversation. Public in attendance shall be held to the same standards of conduct. | Chairperson |
| 0901 | Roll Call of Members: <ul style="list-style-type: none"> Conducted by review of member sign in sheet. Secretary announces a quorum to conduct business. | Secretary |
| 0905 | Public Comment: Public comments at this portion of the meeting must be related to business listed on today's agenda only. Those speaking during public comments may do so no longer than two minutes . If time permits, additional time may be given at the end of the meeting for. | Chairperson |
| 0915 | Presentations: <ul style="list-style-type: none"> Southwest Michigan Red Cross Board of Directors – Community Preparedness | Robert Wilson |
| 0930 | Approve Previous Meetings Minutes | Chairperson |
| 0935 | Approve Consent Calendar The following actions are considered routine and will be adopted by one voice vote unless a request for removal, discussion, or explanation is received from a board member: <ul style="list-style-type: none"> A2022001 Resolution Adopt Virtual Meeting Policy M2022001 Confirm appointment of Caitlin Sampsell as LEPC Member | Chairperson |

BERRIEN COUNTY



| <u>TIME</u> | <u>AGENDA ITEMS</u> | <u>FACILITATOR</u> |
|--------------------|--|---------------------------|
| 0940 | Items removed from Consent Calendar. | Chairperson |
| 0945 | Executive Subcommittee Reports: <ul style="list-style-type: none">• Chairperson Report• Secretary Report• Information Coordinators Report• Emergency Management Coordinator | As indicated |
| 1015 | Membership Subcommittee Report | Secretary |
| 1020 | Old Business <ul style="list-style-type: none">• Virtual Meeting Policy• Plan Update | CPT Adams |
| 1025 | New Business <ul style="list-style-type: none">• Sgt Ronald Bush Resignation | |
| 1030 | Announcements/Reminders <ul style="list-style-type: none">• Next LEPC General meeting is 08/16/ 2022, at 9AM, BC Administration Center. | Chairperson |
| 1035 | Public Comment <ul style="list-style-type: none">• Those speaking during public comments may do so no longer than two minutes. This entire Agenda Item will conclude by the adjournment time indicated below unless a member moves to adjourn the meeting earlier or a motion is made to extend the meeting. | Chairperson |
| 1045 | Adjourn <ul style="list-style-type: none">• Adjournment is at the chairperson's description when business has obviously concluded or the discussion has reached the planned end time published on the agenda. | Chairperson |



LEPC MEETING MINUTES

Date: Tuesday, February 15, 2022

Location: 701 Main Street, St. Joseph, MI 49085

Call to Order:

- Meeting opened at 9:00am by Chair Dave Vollrath.

Roll Call of Members:

- Chair Dave Vollrath announced a quorum to conduct business.
- Rockey Adams, Dave Albers, Michael Davidson, Frank DeLaTorre, Al DiBrito, Beth Ferry, Ashley Geuther, Michael Hansen, Robert Harrison, Jim Kalinowski, Ed Kretchman, Carmen Kucinich, William Martindale, Caitlin Sampsell, Todd Taylor, Dave Vollrath.

Public Comment:

- None.

Presentations:

- Captain Rockey Adams from Berrien County Emergency Management Division presented on Threat Assessment Teams and stated he and Deputy Albers formulated a Threat Assessment Team working group to discuss a comprehensive strategy to implement teams in Berrien County schools using a common protocol. After, using that model, a modified guidance for the chemical sector will become available for the industry to use if they choose to.
- Spectrum Lakeland has a program; Al DiBrito offered to share their resources as may be needed. Al.dibrito@spectrumhealth.org
- Carmen Kucinich stated the FBI Victim Services Advocates are looking for ideas to better educate police chiefs across the state about their programs for recovery.

Approve Previous Meetings Minutes:

- A supported motion to approve the minutes of December 21, 2022 was made by Michael Hansen and approved unanimously.

Executive Subcommittee Reports:

- Chairperson Report: Hope everyone arrived safely and if you have any problems with this building please let us know. This conference room is on the docket until the end of the year. The next meeting is Tuesday, June 21, 2022.
- Secretary Report: Continuously updating the Berrien County LEPC website. Please email ageuther@berriencounty.org if you have any ideas for the website. Also if you have any ideas for future presentations let me know and we can put that on the agenda.



- Information Coordinators Report: Tier II reports are steadily coming in. Once all of the chemical facility plans are updated members and emergency responders can download through [Berrien County's Sharefile](#). The Hazardous Materials Emergency Preparedness (HMEP) Grant paperwork is signed, the resolution is on the docket for the commissioners meeting on Thursday and the paperwork will be sent to Michigan State Police Friday. Last quarter, the New Buffalo Water Department was broken into and a variety of tools and a chlorine cylinder emergency kit was stolen. For trainings, Paradigm held a Pipeline Emergency Response Training on February 7th at the Mendel Center. The Michigan Hazardous Materials Responder Conference is April 11th through 13th, and the Midwest Hazardous Materials Response Conference will be held virtual on May 6th through June 6th. We are always looking for Fire Departments and Facilities to have the hazmat team out for training. If you are interested or know anyone interested please call or email.
- Emergency Management Coordinator: The Emergency Management Division will be publishing our drafted Hazard Mitigation Plan for public comment. A resolution will be needed from all the municipalities to adopt the plan. There is a deadline of August, but we want to get it to FEMA before June. This project opens the doors for communities to apply for Building Resilience Infrastructure & Communities Grants. Over the last few months the Palisades Community Advisory Panel started meeting. Their goal is to provide open communication, public involvement, and education on issues related to the Palisades Nuclear Power Plant shutdown and decommissioning, The Emergency Management Division hosted a 4-day 800 MHz Radio Train the Trainer Course. We also participated with Buckeye Oil in Niles on a pipeline exercise to practice coordinating our response together.

Membership Subcommittee Report:

- If you won't be able to attend an LEPC meeting please send an email so you will have an excused absence. Three or more unexcused absences can lead to a review of your participating membership.

Old Business:

- [Virtual Meeting Policy](#): Attached is the updates to the proposed virtual meeting policy. If you would like to comment on it please email tier2@berriencounty.org. We plan to have our corporate counsel review it and bring it back to the group for a vote in the 2Q meeting.

New Business:

- None.



Public Comment:

- Beth Ferry introduced herself to the LEPC. She stated she works for Michigan State University Extension in Berrien County in the agriculture industry specifically with animals for highly contagious disease outbreaks. She also works with The Emergency Response to Accident Involving Livestock (ERAIL) Program that is focused on providing resources and training for first responders that could be involved in responding to an accident where animals are involved.
- Frank DeLaTorre requested information regarding the status of a Rescue Task Force.
 - Rocky Adams stated there are plans to start up the program and we do not have an exact date yet. We recently applied for state grants to get additional training equipment and instructors.
- Caitlin Sampsell stated they received a 5 million dollar state grant for a new radio tower for South County. We are also looking into creating a new dispatch center with the Emergency Operations Center to have a backup center.

Adjournment:

- Meeting adjourned at 09:56 am.

Respectfully submitted,

Ashley Geuther
Secretary



LOCAL EMERGENCY PLANNING COMMITTEE RESOLUTION

A2022001 - ADOPT VIRTUAL MEETING POLICY

SPONSORED BY: CPT ROCKEY ADAMS

MEETING DATE: JUNE 21, 2022

Introduction

The Michigan Open Meetings Act (Act 267 of 1976) requires public bodies open to the public and must be held in a place available to the general public. The Act explains permissible reasons for a member to be absent from the meeting location and be allowed to participate using virtual meeting aid, such as a phone or internet meeting tool. In these circumstances, the public body must establish the procedures to accommodate the absence of any member needing to be absent for the reasons permitted by the Act. The Act expresses requirements for such procedures to address.

The COVID19 pandemic revealed that this body did not have the procedures explained above and due to that emergency response, this body was unable to meet in order to adopt the necessary procedures to allow virtual meetings.

Due to the nature of the SARS-CoV-2 hazard, it was in the public health interests of the community to require people to stay away from each other and limit personal contact. This was done to lessen the chances of spreading the virus among each other. Virtual meetings became an excellent mechanism to meet that goal. It is for these reasons, the sponsor recommends adopting this policy, in an effort to be prepared in case there are similar future issues that preclude meeting in person.

A Virtual/Digital Meeting Policy and Procedure has been introduced to this body during the December 21, 2021 meeting in draft form. It was posted on the internet for public comment until January 31, 2022. All comments were from committee members and were incorporated into a final draft presented at the February 15, 2022 meeting. The draft is being presented for adoption during this JUNE 21, 2022 meeting.

Resolved

The Berrien County Local Emergency Planning Committee has agreed to resolve the following:

1. The attached "Virtual/Digital Meeting Policy and Procedure v2" shall be adopted by this committee.

Certification

The above resolution is a true and accurate reflection of the committee's decision made by majority vote on the indicated meeting date. This resolution is certified by the signature of the chairperson and secretary of the committee.

Secretary: Mrs. Ashley Geuther

Chairperson:

(Signature)
JUNE 21, 2022

(Signature)
JUNE 21, 2022

(Date)

(Date)

| | |
|--|----------------------|
| Berrien County LEPC Board Policy and Procedures | |
| Title: Virtual/Digital Meeting Policy and Procedure | |
| Effective Date: June 21, 2022 | Revision: 2.0 |
| Page 1 of 5 | |

Overview

To describe the manner virtual or digital meetings may be conducted to resolve board business.

Scope

This policy and procedure shall apply only to meetings that are required to be open to the public pursuant to the Michigan Open Meetings Act (OMA).

Authority

1. The Michigan OPEN MEETINGS ACT, [PA 267 of 1976](#), section 3a (MCL 15.263a) describes the manner and permitted circumstances for conducting remote meetings.
2. The Attorney General's guidance on OMA is located at: www.mi.gov/foia-ag.
3. "Article V – Meetings" of the LEPC By-Laws describes the manner meetings shall be conducted. The bylaws require:
 - a. General Committee Meetings - The meeting location shall be held in a place available to the general public.
 - b. Subcommittee Meetings – Shall be in compliance with the OMA, when applicable.

Policy

All meetings of the LEPC, and administrative activities associating with posting and recording meetings, shall comply with the OMA.

When allowed by the OMA, virtual or remote technology may be used to augment or replace the physical meeting place. When this occurs, all people physically present must have two-way communication capability with all people present in the virtual space at the appropriate times. Members shall not use peer-to-peer direct communications for private conversations at any time in the meeting (i.e. text messages, private chat, email etc.).

Public participants must have two-way communication capability during allotted public comment periods only. Members of the public shall have the ability to hear all parties that are present and/or virtually present. Public participants must not speak during times not designated for public comment, but must be able to hear all members – both virtually and physically present.

Meetings that are held in a public place, with no restrictions to member or public attendance in-person, may be broadcast virtually for the benefit of increased public viewing. Meetings conducted in this manner are not considered virtual meetings. Broadcasting, in this manner, does not require the LEPC to accommodate public participation of those viewing the broadcast and this service is not subject to the OMA. Members who only view a broadcasted meeting are not counted as being present for that meeting.

Virtual meetings or broadcasts will not be recorded or retained. Meeting minutes will serve as the record of events for the meeting. All exhibits must be attached to the minutes for record keeping. Retention of records will follow Michigan retention schedules.

The following procedures will be used to meet the intent of this policy.

Intent

The intent of this procedure is to:

1. Ensure the OMA is followed while using available technology to create efficiency and flexibility for the LEPC to conduct business.
2. Use virtual options to increase public availability and transparency. Caution must be used because virtual meetings can allow greater opportunity to anonymously disrupt and cause a meeting to adjourn if controls are not in place.

Procedure – Prerequisites for accommodating member absence

1. Members who will be absent for the following reasons must notify the secretary in writing no less than 72 hours before the meeting, to attend the meeting in a virtual manner:
 - a. due to military duty;
 - b. a medical condition where the member is a qualified individual with a disability; or
 - c. a statewide or local state of emergency or state of disaster declared pursuant to law or charter or local ordinance by the governor or a local official, governing body, or chief administrative officer that would risk the personal health or safety of members of the public or the public body if the meeting were held in person, if allowed by law.
2. The chair may grant or deny accommodations request from a result of a, b, or c above, based upon reasonableness (i.e. timeliness).

Procedure – Posting

1. Notice shall be posted on the LEPCs webpage no less than 18 hours before the meeting.
2. A posting to those who are signed up for the LEPCs public email newsletter shall also be made contemporaneously with the posting described above.
3. The postings must include:
 - a. Why the LEPC is meeting electronically;
 - b. How members of the public may participate in the meeting electronically. If a telephone number, internet address, or both are needed to participate, that information must be provided specifically.
 - c. A statement explaining that people who need accommodations for access related to a disability (ADA), must request reasonable accommodations 10 days before the meeting to tier2@berriencounty.org or by calling/ mailing the secretary (number/address provided). The Secretary will work with the Berrien County Administration Center to provide auxiliary aids or services for the meeting.
 - d. How members of the public may contact members of the LEPC to provide input or ask questions on any business that will come before the LEPC at the meeting. Advanced correspondence can be made to tier2@berriencounty.org, but instructions on using the chat feature and how public comment will be conducted at the meeting may also be included to satisfy this requirement.
4. A posting should also include instructions on what to do if a meeting is delayed because of technology issues. These instructions should cover the most common “problem” scenarios associated with hosting virtual meetings.
5. As with physical meetings, persons with disabilities may participate in the meeting, but must request reasonable accommodations in 10 days advance by contacting tier2@berriencounty.org .
6. The agenda must be made available to the public at least 2 hours before the electronic meeting begins on the LEPC webpage. It will also be sent to the publicly available email newsletter for the LEPC.
7. Requiring the public to register or otherwise provide names, other information, or otherwise to fulfill a condition precedent to attendance will not be allowed.

8. Those who want to request public comment time longer than 2 minutes, will be required to make the request to tier2@berriencounty.org 5 days in advance and provide their statement in writing. The chair will need a name or unique identifier to recognize the requestor if extended time is granted, but it need not be published in the minutes if it is requested to be suppressed by the speaker.
9. The Secretary may attach a vendor-specific instruction sheet, to set a meeting up, to this policy. It may be edited without the need to gain approval as a policy change. This checklist should be designed to aid in meeting setup and to help determine which features should be enabled and disabled when the meeting is setup.

Procedure – Hosting the Meeting

1. The Secretary, after properly posting the meeting notice, shall appoint a meeting moderator for the virtual meeting space. If not appointed, the Secretary will moderate the meeting.
2. The moderator will be responsible for ensuring the technology being used and manner of discussion will accommodate the meeting in an orderly manner.
3. The moderator should explain the technology being used at the onset of the meeting to ensure all attending are comfortable using the equipment and establish ground rules. A suggested script may be attached to this policy and may be changed by the Secretary at any time without the need to re-approve the policy.
4. The Secretary may attach a summarized “rules of behavior”, written in plain language, to this policy. It may be changed at any time without requiring approval to change the policy. This bulletin should be posted and should reside on the LEPC webpage.
5. The technology should be set to mute all participants at the beginning of the meeting. Unmuting shall occur on a one-at-a-time basis in an orderly manner. This concept parallels a physical meeting where a party requesting the floor must first be recognized before addressing the Committee.
6. Members of the public shall not be given the ability to unmute their lines during agenda topics that are not intended for public comment. The moderator shall be given the ability to mute members of the public at any time and shall disconnect public attendees if disruptive conduct occurs. Warnings need not be issued, however; may be given by the presiding official at their discretion. Those excused from a meeting for disruptive behavior must be blocked from re-admittance to that same meeting. This ability may require the use of two virtual tools that are linked together (i.e. Use of Zoom for members, broadcast onto YouTube for Public etc.). See public comment procedures below.
7. The LEPC Chairperson will determine if visual displays will be relevant to decisions that are made during the meeting. If so, then the virtual meeting room shall be capable of broadcasting them. To ensure accessibility to members of the public who cannot view these displays during the meeting, they shall be provided as part of the agenda before the meeting date. For agenda items, such as an educational presentation requiring no vote of the members, pre-distribution of the materials is not required.
8. When visual displays are not relevant to the business at hand, then an audio-only meeting may be used. If a meeting begins with the broadcasting of visual displays (Video of members as they speak, screen share of non-business related presentation, etc.) and an outage occurs, the meeting may continue as an audio only meeting.

Procedure – Roll Call

1. Members who are participating in a meeting electronically are counted as part of the quorum. A roll call of members will be conducted to confirm the member can hear the meeting and can be heard.
2. Any member who cannot meet the two-way communications requirement at any time during the meeting, will be considered absent from the point of discovery forward. This will be recorded in the minutes. If they are able to rejoin the meeting in a sustained manner (5

consecutive minutes), they will be readmitted upon their request and this will also be recorded in the minutes.

- a. When a motion has been introduced for action, only those who are present for the entire discussion will be eligible to vote. When a member drops connection during the discussion, the LEPC chairperson may allow the portions the member missed to be restated to allow their participation. Alternatively the chairperson may rule the member as absent for that portion of business and not record a vote for the member.
3. For each member of the LEPC attending the meeting remotely, a public announcement at the outset of the meeting, by the member, that they are attending the meeting remotely. This is to be included in the meeting minutes.
 - a. If the member is attending remotely for a purpose other than for military duty, the member's announcement must further identify specifically the member's physical location by stating the county, city, township, or village and state from which he or she is attending the meeting remotely.
4. Roll call votes are the clearest way to make decisions during a conference call meeting and shall be used for all voting decisions during meetings with number of virtual participants.

Procedure – Presentations

1. Educationally driven presentations are often a part of the LEPC agenda. Presentations of this category should not be considered a matter of business and independently are not subject to the OMA.
2. If a presentation is being given that is relevant to a matter of business, it should be marked on the agenda as a business presentation and will be subject to the OMA in the manner that all other business will be conducted. The presentation materials shall be attached to the minutes.

Procedure – Public Comment

1. The public may request time to speak for up to 2 minutes during an open LEPC meeting.
2. The public must use the tools available by the meeting service to raise their hand or other substantially similar cue to request time.
3. The moderator will monitor these requests and will unmute the public participant after explaining the process to the requestor. The moderator will reasonably thank and mute the participant after their comments are provided. If the participant is near the end of a thought at the 2 minute mark, the moderator may allow reasonable time before muting. If it does not appear that the end of their comment is near by that time, the moderator shall mute the participant and announce that their time is expired. The Chairperson should then decide if the next commenter should be recognized or ask the first commenter if they could conclude their thoughts in a reasonable amount of time (defined by the Chairperson).
 - a. The purpose of ending a person's comments are to ensure business is conducted within the time allotted for the meeting and to keep the LEPCs focus upon those items that are on the agenda. Since the public has a mechanism to request time before the meeting and be placed on the agenda, the LEPC has no obligation to accommodate no-notice requests more than 2 minutes per person.
4. The chat box, if enabled, may be used to collect comments during the meeting from members of the public. If collected, they shall be read at the conclusion of the meeting by the moderator in a final public comment period, time permitting.
5. Written messages submitted to tier2@berriencounty.org at least 24 hours before the meeting, will be summarized by the Secretary during the public comment time and will be attached to the minutes.

Procedure – Voting

1. On any matter requiring a vote, a roll call vote must be conducted when any member is attending virtually. Voice votes are too difficult to discern in a virtual meeting and may give rise to question whether a vote was cast, able to have been cast (i.e. technology issues), or properly recorded. Roll call votes in a one-at-a-time manner are slower, but will be the most accurate way of recording votes.

Procedure – Subcommittees

1. Subcommittee meetings may be conducted in a virtual environment at any time in which the subcommittee is performing work that is not decisional and will be presented to the board for action. These meetings are not subject to the OMA.
 - a. A committee composed of less than a quorum of a full board is subject to the OMA, if the committee is effectively authorized to determine whether items will or will not be referred for action by the full board, citing OAG, 1977- 1978, No 5222, p 216 (September 1, 1977) . To conform to this opinion, all subcommittee business shall be brought to the full board for disposition. Subcommittees do not have authority to make a decision on behalf of the whole LEPC or withhold a matter from the LEPC in a closed session.
 - b. Based upon the assignment given to the subcommittee, they may make a recommendation to act, or to not recommend action, to the full LEPC provided they present the measure fully before the full board at an open meeting. The recommendation need not be developed in a public meeting, so long as it is presented to the LEPC in an open meeting.

Procedure – Rules of Conduct

1. Participants are encouraged to be respectful and considerate of the opinions of others.
2. Public commenters may refer to another person’s comments to debate ideas, but are discouraged from referring to the commenter in a derogatory manner.
3. Participants must be considerate of the time allocated for others to speak.
4. Demeaning, derogatory, profane, inflammatory, or vulgar language or actions is discouraged. Behavior that is disruptive to the efficient and orderly conduct of the meeting may result in attendee(s) being removed from the meeting.
5. A moderator will administer the rules. A moderator may:
 - a. Interrupt, warn, or terminate a participant’s statements when the statements exceed the time allotted;
 - b. Remove any individual from the meeting when that person is disrupting the orderly conduct of the meeting;
 - c. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

Review

1. This procedure will be reviewed by the EMC each 5th year. Suggested revisions will be presented to the LEPC as found necessary.

Record of Changes

| Version | Change | Notes/Reason |
|---------|---------------|--------------|
| 1.0 | Initial Draft | |



LOCAL EMERGENCY PLANNING COMMITTEE RESOLUTION

M2022001 - CONFIRM APPOINTMENT OF CAITLIN SAMPSELL AS AN LEPC MEMBER

SPONSORED BY: CPT ROCKEY ADAMS

MEETING DATE: JUNE 21, 2022

Introduction

A vacancy exists in primary membership for the Broadcast Stations and Media Groups category that will expire Dec 31, 2023.

LEPC bylaws state the following regarding vacancies: *“Vacancies shall be appointed by the Chair at the earliest possible time and new appointees’ names shall be sent to the MCCERCC for approval and will serve the remainder of the predecessor’s term.”*

Caitlin Sampsell is the Director of Berrien County Public Safety Communication Center.

The membership committee favorably recommends Caitlin Sampsell for appointment to the LEPC.

Resolved

The Berrien County Local Emergency Planning Committee has agreed to resolve the following:

1. The primary members of the LEPC confirm the Chair’s appointment of Caitlin Sampsell to serve as a primary member representing Broadcast Stations and Media Groups until December 31, 2023.

Certification

The above resolution is a true and accurate reflection of the committee’s decision made by majority vote on the indicated meeting date. This resolution is certified by the signature of the chairperson and secretary of the committee.

Secretary: Mrs. Ashley Geuther

Chairperson:

(Signature)

(Signature)

(Date)

(Date)



2022 Berrien County Local Emergency
 Planning Committee Meeting Calendar

| Date | Time | Location |
|-------------------|-------------|---|
| February 15, 2022 | 0900 | Berrien County Administration Center 701 Main Street St. Joseph, MI 49085 |
| June 21, 2022 | 0900 | Berrien County Administration Center 701 Main Street St. Joseph, MI 49085 |
| August 16, 2022 | 0900 | Berrien County Administration Center 701 Main Street St. Joseph, MI 49085 |
| November 15, 2022 | 0900 | Berrien County Administration Center 701 Main Street St. Joseph, MI 49085 |