



GENERAL MEETING AGENDA

Date: Tuesday, DEC 21, 2021 0900 HRS.

Location: 2149 East Napier Ave., Benton Harbor, MI

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"> SEMCO Energy Gas Company 	Steve McCarthy
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"> M2021004 Confirm appointment of Michael Mattix as LEPC Member M2021005 Confirm appointment of Beth Ferry as LEPC Member 	Chairperson
0940	Items removed from Consent Calendar.	Chairperson

BERRIEN COUNTY



<u>TIME</u>	<u>AGENDA ITEMS</u>	<u>FACILITATOR</u>
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: <ul style="list-style-type: none">• Review what was discussed at Subcommittee Meeting• Membership List	Secretary
1020	Old Business <ul style="list-style-type: none">• Virtual Meeting Policy	Chairperson
1025	New Business <ul style="list-style-type: none">• 2022 LEPC Calendar	Chairperson
1030	Announcements/Reminders <ul style="list-style-type: none">• LEPC Survey	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, September 14, 2021

Location: 2149 East Napier Ave., Benton Harbor, MI

Call to Order:

- Meeting opened at 9:06am by Acting Chair, Captain Rockey Adams.

Roll Call of Members:

- Secretary Ashley Geuther announced a quorum to conduct business.
- Rockey Adams, David Albers, Marc Bilka, Ron Bush, Michael Davidson, Al DiBrito, Ashley Geuther, Michael Hansen, Ed Kretchman, Carmen Kucinich, Jerry Sirk, Todd Taylor.

Introductions:

- Introductions were made around the room.

Public Comment:

- Jerry Sirk stated the Masonic Lodge hosted a Red Cross blood drive and successfully donated 20 pints of blood. The Grand Lodge Michigan will allow each lodge a yearly \$2400 in grants to give to community organizations and is looking for projects for the grant.

Presentations:

- None

Approve Previous Meetings Minutes:

- A motion to approve the minutes of January 21, 2020 was made by Jerry Sirk, seconded by Todd Taylor, approved unanimously.

Approve Consent Calendar:

- A motion to approve the Consent Calendar was made by Michael Davidson, seconded by Jerry Sirk, approved unanimously.

Motions Removed from Consent Calendar:

- None.



Executive Subcommittee Reports:

- Chairperson Report: Acting Chair Rockey Adams reported the Chairperson has a prior engagement and sends his regrets for not being here. Commissioner Vollrath thanks everyone that could be here and will see everyone in December.
- Secretary Report: Currently working on The Berrien County LEPC website by adding additional resources. There are two new LEPC applications. Moving forward, all minutes will be posted on the website and emailed to all members. Also, will be drafting the 2022 LEPC calendar. Meetings will be quarterly and on the third Tuesday of the month, unless impacted by a holiday.
- Information Coordinators Report: All chemical facility plans are updated and the offsite response plans are posted. Members and emergency responders can download through [Berrien County's Sharefile](#). EGLE has an upcoming free webinar series covering the Michigan Mapping Project: An Emerging Response Technology.
- Emergency Management Coordinator: Submitted written monthly report. [See attached](#).

Membership Subcommittee Report:

- Secretary Ashley Geuther stated the committee has many vacant spots that need to be filled. We currently need a representative from Firefighting, Emergency Medicine, Local Environmental Groups, Transportation, Broadcast stations and print media. We would like nominations before the December meeting. The LEPC application and Appointment/vacancy flowchart is posted on the website.
- Carmen Kucinich stated there isn't a representative for the Native American Tribal Government and we need someone to reach out to them to get a representative.
- The Membership subcommittee will meet virtually Tuesday, October 19 2021.

Old Business:

- None

New Business:

- Rockey Adams stated that he is currently working on a Virtual Meeting Policy and the logistics.

Announcements/Reminders:

- EGLE's webinar [The Michigan Mapping Project: An Emerging Response Technology](#) will be September 22, 2021 at 10:00am.
- The next LEPC meeting will be December 21, 2021.
- Berrien County Comprehensive Master Plan update. There is a survey which can be located at [Berriencounty.org](#) on the news banner.
- Steve McCarthy stated SEMCO Energy is offering a free two hour hazmat training on natural gas for fire services, law enforcement, emergency management, and dispatch. Any questions can be directed to Steve McCarthy at Steven.McCarthy@semcoenergy.com



Public Comment:

- Carmen Kucinich asked if the LEPC is looking for presentation topics for future meetings, and if so, would be willing to present on responding to Nashville bombing.
- CPT Rockey Adams stated presentations during the quarterly business meetings will be around 20-25 minutes on big topics involving the regulated chemical industry; but offered alternatives for longer educational sessions as workshops if a business meeting won't accommodate the topic or time.

Adjournment:

- Meeting adjourned at 9:55am.

Respectfully submitted,

Ashley Geuther
Secretary

CPT Rockey Adams
Acting Chair



LOCAL EMERGENCY PLANNING COMMITTEE RESOLUTION

M2021004 - CONFIRM APPOINTMENT OF MICHAEL MATTIX AS AN LEPC MEMBER

SPONSORED BY: CPT ROCKEY ADAMS

MEETING DATE: DECEMBER 21, 2021

Introduction

A vacancy exists in primary membership for the Firefighting 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.”* They also state: *“The Secretary shall be appointed by the LEPC Chairperson.”*

On Sept 14, 2021 Michael Mattix submitted an application for membership to the LEPC for primary membership in the category of Firefighting.

Michael Mattix is employed at the North Berrien Fire and Rescue Department and serves as the Chief. Chief Mattix is currently serving as the Vice-President of the Berrien County Fire Chiefs Association. Chief Mattix serves as an instructor for the Berrien County Firefighting Training Council.

The membership committee favorably recommends Chief Mattix 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 Michael Mattix to serve as a primary member representing Firefighting 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)



LOCAL EMERGENCY PLANNING COMMITTEE RESOLUTION

M2021005 - CONFIRM APPOINTMENT OF BETH FERRY AS AN LEPC MEMBER

SPONSORED BY: CPT ROCKEY ADAMS

MEETING DATE: DECEMBER 21, 2021

Introduction

A vacancy exists in primary membership for the Local Environmental 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.”*

On DEC 16, 2021 Beth Ferry submitted an application for membership to the LEPC for primary membership in the category of Local Environmental Groups.

Beth Ferry is employed at the Michigan State University Agricultural Extension Office in Berrien County. Beth Ferry serves as the MSU Extension Office’s planner for animal related emergencies to include disease outbreaks and exposure control. Beth also serves as a member on the Michigan Pork Producer’s Association and the Secure Food Supply Task Force.

The membership committee favorably recommends Beth Ferry 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 Beth Ferry to serve as a primary member representing Local Environmental 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)

Berrien County LEPC Board Policy and Procedures	
Title: Virtual/Digital Meeting Policy and Procedure	
Effective Date: 12/22/2021	Revision: 1.0
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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.

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;
 - 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.
 - d. 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 registration 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 offensive or 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 que 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 must be respectful and considerate of the opinions of others.
2. Public commenters may refer to another person’s comments to debate ideas, but shall not refer to the commenter in a derogatory manner (i.e. John is stupid for saying.....).
3. Participants must be considerate of the time allocated for others to speak.
4. Demeaning, derogatory, profane, inflammatory, or vulgar language or actions will not be permitted and may result in attendee(s) being removed from the meeting.
5. Solicitations of commerce will not be allowed.
6. Comments that are unrelated to the particular agenda items for the meeting will be submitted in writing and not verbally communicated during the meeting.
7. Supporting or opposing political campaigns or ballot measures is not allowed, unless it is directly related to a measure proposed or sponsored by the LEPC to the Board of Commission for action.
8. A moderator will administer the rules. A moderator may:
 - a. Interrupt, warn, or terminate a participant’s statements when the statements are too lengthy, personally directed, abusive, obscene, or irrelevant;
 - b. Remove any individual from the meeting when that person does not observe reasonable decorum;
 - 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	



2022 Berrien County Local Emergency
 Planning Committee Meeting Calendar

Date	Time	Location
February 15, 2022	0900	Berrien County Conference Room 2149 E. Napier Avenue Benton Harbor, MI 49022
June 21, 2022	0900	Berrien County Conference Room 2149 E. Napier Avenue Benton Harbor, MI 49022
August 16, 2022	0900	Berrien County Conference Room 2149 E. Napier Avenue Benton Harbor, MI 49022
November 15, 2022	0900	Berrien County Conference Room 2149 E. Napier Avenue Benton Harbor, MI 49022