

**Richland County LEPC**  
**Meeting Minutes**  
**October 27, 2022**

**Members present:**

Brandon Fetterly – UW-Richland  
Darin Gudgeon – RC EM  
Amber Burch – RC EMS  
Scott Gald – RCFD

Lauren Moe – RCPD  
Sarah Orr – RC EMS  
Rose Kohout – Richland County HHS  
John Heinen – JT Heinen Global

1. **Meeting called to order** at 6:01 PM by Brandon Fetterly and a roll of all in-person and virtual participants occurred. A sign-in sheet was circulated for signatures of those who were present.
2. **Proof of notification** was provided by Darin Gudgeon. It was reported that notification was properly posted and published.
3. **Motion to approve agenda** was made by Sarah Orr and Scott Gald seconded. The motion carried.
4. **Approval of minutes from the September 22, 2022 LEPC Meeting** occurred with a motion from Chair Brandon Fetterly and a second from Amber Burch. The motion passed unanimously.
5. **Director's report** included information from Director Darin Gudgeon that he had received no feedback regarding the proposed changes to the by-laws that had been submitted to LEPC members for their review. The only changes for consideration included the schedule for the election of officers as mentioned during the September 22, 2022 meeting. There were no questions for Director Gudgeon.
6. **Public Comments and Input:** There were no public comments offered during the meeting.
7. **New Business:**
  - a) **EPCRA Plan of Work Administration**

**1. Election of Officers:**

The topic of the election of LEPC officers was discussed. When asked, Chair Brandon Fetterly expressed his willingness to continue to serve in his current capacity. It was noted that Sean Gary, though absent from the meeting, had indicated his desire to remain as the LEPC's Vice-Chair. Rose Kohout, however, declined to continue to serve as the committee's Secretary. In response, John Heinen stated that he could serve in this position. Given Mr. Heinen's interest, Scott Gald nominated him as a candidate for secretary. Nominations were brought to the floor and, hearing no others, a motion was made to close nominations. At that time, Mr. Heinen inquired about whether there would be any conflicts of interest given his role as an LEPC Care Taker. It was noted that, in addition to Mr. Heinen, Darin Gudgeon and Chris Kanable supported the LEPC as Care Takers and there should not be any concerns if John was elected secretary. In response, Brandon Fetterly moved to elect Mr. Heinen as secretary and Amber Burch seconded. The motion passed unanimously.

## **2. Review of Bylaws and Approve:**

It was stated that the LEPC's Plan of Work cycle has moved to a January-December cadence. The reporting period to capture the previous year's activities will be January 1-January 31. Chair Fetterly inquired on holding a status meeting in June to evaluate the committee's progress. Darin informed members that grant applications are open between January and March and there might not be much progress to review. There was discussion of holding an "official meeting" in late fall and Mr. Fetterly asked if members should adjourn until after the new year. There was no action on either meeting option. Attention then focused on the proposed changes to the bylaws that included having officers elected to coincide with the Plan of Work cycle. The language that was added was discussed and Darin moved to approve the changes as written. Scott Gald seconded the motion and the changes were approved unanimously. The updated bylaws will be disseminated to committee members.

### **b) Review and Approve Vernon Four-County Hazardous Materials Response Agreement:**

Questions were posed at the beginning of the discussion regarding this agenda item. They included: Was the plan due for renewal and was any action required? Director Darin Gudgeon reported that there have been concerns about billing practices for law enforcement when requests have been made of the four-county hazardous materials team. When the perpetrator of a hazardous materials spill or incident can be identified, this entity becomes financially responsible for clean-up activities. When there is no "bad actor" or the situation is considered a public property incident, law enforcement is billed for both the response as well as fuel and labor. At times, this can be a considerable amount of money. It was noted that a law enforcement agency operating within the four-county area served by the team received a large invoice and discussions with their county emergency management nearly prompted the county to withdraw from the consortium. Darin expressed that having Vernon County (site of the team/fiscal agent) bill for direct costs associated with their response (fuel and labor) would be an equitable way to recoup funds. Each of the four participating counties (Iowa, Crawford, Vernon, and Richland) contributes grant funding (~\$8000) and each adds an additional \$2500 annually to support the consortia. During the discussion, it was noted that if a fire department requests a clear team to respond to an event, there is no invoice received. A workaround to having law enforcement request a clear team might be to have the fire department make the referral. It was stated, too, that the rules for hazardous materials and statutory law are different. If the perpetrator cannot be immediately located, the state allows a period of time to locate the offender and if the search fails, reimbursement can be received for the efforts that occurred. Mr. Gudgeon noted that the hazardous materials team has enough equipment, as well as money for training. It was shared that the possible development of a strike team in Richland County has been considered by the team. Given that the team appears to be financially secure, having them bill for fuel and labor costs to member counties would appear to be a viable option. Members discussed how to approach Richland County's concerns with Vernon County and it was decided that Darin should reach back out his counterparts at the other counties and have each county's Emergency Manager and LEPC Chair meet with the consortium board. Mr. Gudgeon indicated that he would support having member counties increase their contribution if this would reduce the financial burden on law enforcement agencies.

8. **Meeting adjourned** by Chair Fetterly at 6:35 PM as members had reached the end of the agenda.