

Minutes

Nevada State Emergency Response Commission (SERC)

Bylaws Committee Meeting

*Professional Engineers & Land Surveyor's State Board Room
1755 E. Plumb Lane, Suite 130
Reno, Nevada*

March 24, 2009

Members Present

Larry Farr, Chair
Richard Brenner
Stacey Giomi

Members Absent

Staff

Suzie Adam
Shelley Fleming
Karen Pabón
Glade Myler

Guests

Rick Stever
Steve Tognoli

I. Call to Order

Larry Farr called the meeting to order at 1:38 p.m.

II. Introduction

Members, staff and guests introduced themselves. A quorum was present.

III. Approval of March 26, 2008 Meeting Minutes

Richard Brenner made a motion to approve the minutes of the March 26, 2008 meeting. Stacey Giomi seconded the motion which was approved unanimously.

IV. New Business

A. *Discussion/Review/Recommendation of possible changes to SERC bylaws

Karen Pabón advised staff reviewed the SERC bylaws and there are typographical errors which can be handled administratively. The following are the staff recommended changes to the SERC bylaws:

Article III, Section 1, Membership, the last sentence of the first paragraph is missing the word 'the' before the word Commission.

Page three, second paragraph, in the last line the word “members’,” the apostrophe is in the wrong place for the possessive.

Ms. Pabón stated there was a recent discussion regarding the legislative members not being voting members. Ms. Pabón asked the Committee for its recommendations as to how to incorporate this into the SERC bylaws. A discussion ensued.

Mr. Giomi made a motion to recommend changing Article III, Section 1, Membership, deleting “and the state legislature and;” and adding a new paragraph: “2 members of the Legislature who shall serve as ex-officio members.” In addition, under Article V, Section 1, Meetings, the second to the last sentence in the first paragraph, delete “with the exception of ex-officio members,” and also recommended staff make the necessary typographical and grammatical changes. Mr. Brenner seconded the motion which was approved unanimously. Ms. Pabón advised these proposed changes will be presented at the April 2009 SERC meeting and voted on at the July 2009 SERC meeting.

B. *Discussion/Review/Recommendation of the Local Emergency Planning Committee (LEPC) membership lists for compliance with the Emergency Planning and Community Right-to-Know Act (EPCRA)

Mr. Farr stated membership lists were received from all LEPCs. Under policies, LEPCs may request a waiver for categories of membership as defined in EPCRA.

Carson City and Clark LEPCs were found to be in compliance and approved.

Churchill LEPC – Churchill LEPC requested a variance for an elected state official. The LEPC was found to be in compliance and approved.

Douglas LEPC – Mr. Giomi stated Douglas LEPC did not indicate whether it made an effort to fill the category of elected state official. A discussion ensued about the membership list form and the ability to check a box on the form indicating an attempt was made to fill a certain category. Ms. Pabón stated Mr. Tognoli could make a statement at this meeting. Glade Myler, Senior Deputy Attorney General, advised Mr. Tognoli needed to follow up with a letter to staff. Mr. Tognoli advised Douglas LEPC has not pursued getting an elected state official.

A discussion ensued regarding the review processes of this Committee. Ms. Pabón advised the SERC Bylaws state the Committee shall annually review the LEPC membership lists and bylaws to ensure compliance. The Committee may want to consider revising this procedure. Mr. Farr

recommended the Committee review membership lists with exceptions, and those without exceptions would stand approved. A discussion ensued. Mr. Farr stated it would be more efficient for staff to send a notification advising a LEPC is not compliant. Mr. Farr recommended this procedure be an administrative process. Staff would complete an exception report, to be given to the Bylaws Committee, stating the LEPCs in question were notified of deficiencies. The Committee could then accept or take further action. Mr. Giomi agreed with Mr. Farr.

Mr. Farr made a motion to direct staff send a letter to Douglas LEPC advising they are not in compliance and need to submit a notification advising they have pursued filling the elected state official category and request a waiver. Mr. Giomi seconded the motion which was approved unanimously.

Mr. Tognoli asked the Committee if an elected state official can be a voting member. A discussion ensued. Mr. Myler advised the elected state official LEPC member should not vote stating it would be an ethical conflict. The elected state officials make laws dealing with the counties as well as the State. Mr. Giomi recommended if Mr. Tognoli had any further questions about this issue to query the Douglas County District Attorney.

Elko LEPC – Mr. Giomi advised Elko LEPC’s membership list was missing the following categories: civil defense, elected state official, hospital; and there was no waiver.

Mr. Giomi made a motion to direct staff send a letter to Elko LEPC notifying they are not in compliance and need to submit a notification advising they pursued filling the civil defense, elected state official and hospital categories and request a waiver. Mr. Brenner seconded the motion which was approved unanimously.

Esmeralda LEPC – Mr. Giomi advised Esmeralda LEPC’s membership list was missing the following categories: elected state official, local environmental, media; and there was no waiver.

Mr. Giomi made a motion to direct staff send a letter to Esmeralda LEPC notifying they are not in compliance and need to submit a notification advising they pursued filling the elected state official, local environmental and media categories and request a waiver. Mr. Farr seconded the motion which was approved unanimously.

Eureka LEPC – Mr. Giomi advised Eureka LEPC does not indicate they pursued filling the hospital category on their membership list and there was no waiver.

A discussion ensued about the membership list form. Mr. Giomi stated the Committee designed the form to assist the LEPCs. Shelley Fleming asked if the forms need to be signed even if the categories were filled. Mr. Farr advised the LEPCs do not sign in that instance.

Mr. Brenner made a motion to direct staff send a letter to Eureka LEPC advising they are not in compliance and need to submit a notification advising they pursued filling the hospital category and request a waiver. Mr. Giomi seconded the motion which was approved unanimously.

Mr. Farr made a blanket motion directing staff to notify the LEPCs found to be out of compliance. Mr. Giomi seconded the motion which was approved unanimously.

Humboldt LEPC – Mr. Giomi advised Humboldt LEPC has the hospital category filled but also has checked the box indicating they have attempted to get someone for that category but could not. In addition, the LEPC listed a county commissioner as an elected state official. Staff was directed to notify the LEPC of these deficiencies.

Lander, Lincoln, Lyon, Mineral, Nye and Pershing LEPCs membership lists were found to be in compliance and approved.

Storey LEPC – Mr. Giomi advised Storey LEPC is missing the following categories: elected state official, first aid, local environmental, hospital, media; and there was no waiver.

Washoe LEPC – Mr. Giomi advised Washoe LEPC is missing an elected state official and there was no waiver.

White Pine LEPC – Mr. Giomi advised White Pine LEPC is missing an elected state official and there is no waiver.

Mr. Farr advised staff will notify those who are out of compliance and request the appropriate paperwork from the LEPCs involved.

C. *Discussion/Review/Recommendation of LEPC bylaws for compliance with EPCRA

Ms. Fleming advised six LEPCs reported they had no changes to their bylaws. The Committee reviewed the LEPC bylaws submitted resulting in one issue:

Lander LEPC – Mr. Giomi advised on page three, under Elections, the LEPC has stated “At the first meeting of each even numbered calendar year (July).” July is the first month of the fiscal year not the calendar year. Mr. Giomi

directed staff to contact Lander LEPC and have them clarify if they mean calendar year or fiscal year.

V. Public Comments

No public comment.

VI. Adjournment

Mr. Giomi made a motion to adjourn the meeting at 2:15 p.m.

DRAFT