

**Minutes**  
**Nevada State Emergency Response Commission (SERC)**  
**Third Quarterly Meeting**

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

**July 24, 2008**

**Members Present**

Richard Brenner, Co-Chair  
Carl Byrd  
Ty Cobb  
Larry Farr  
Dale Lotspeich  
Craig Nixon  
Jim O'Brien- teleconferenced  
Jim Reagan  
Frank Siracusa  
Douglas Webb  
Jim Wright, Co-Chair

**Members Not Present**

Tom Clark  
Susan Crowley  
Tom Czehowski  
Stacey Giomi  
John Helmreich  
Dennis Nolan  
Tom Porta

**Staff**

Suzanne Adam  
Karen Pabón

**Guests**

David Albert  
Andrew Byrd  
Chad Hastings  
Pat Irwin  
Dick Mirgon  
Linda Mulkey  
Peter Mulvihill  
Jeff Page  
Harry Raub  
Scott Reed

**I. CALL TO ORDER**

Jim Wright, Co-Chairman, called the meeting to order at 9:00 a.m.

**II. INTRODUCTIONS**

Members, staff and guests introduced themselves as shown above. A quorum was present. Karen Pabón advised Dale Lotspeich, Craig Nixon, Tom Clark and Ty Cobb were recently appointed Commissioners to the SERC. Ms. Pabón stated Doyle Sutton was not reappointed and is no longer with the SERC.

**III. APPROVAL OF APRIL 17, 2008 MEETING MINUTES**

Jim O'Brien made a motion to approve the minutes of the April 17, 2008 meeting. Larry Farr seconded the motion which was approved unanimously.

#### **IV. NEW BUSINESS**

##### **A. Local Emergency Planning Committee (LEPC) Updates (*attending LEPC Representatives*)**

*Clark LEPC* – Mr. O'Brien advised Clark LEPC postponed its August 20 meeting due to executive staff being unavailable. The meeting has been rescheduled for September 30, 2008, 9:00 a.m. at the Clark County Government Center, Pueblo Room.

*Lyon LEPC* – Jeff Page advised the LEPC is holding monthly meetings.

There have been two agriculture incidents resulting in the agricultural community voluntarily placarding their chemicals.

The Lyon LEPC is working on a new franchise agreement with Waste Management for the collection of household hazardous materials. The LEPC is in the process of revamping the hazardous waste ordinance.

*Esmeralda LEPC* – Scott Reed advised the Esmeralda LEPC co-chair has resigned. The LEPC is maintaining status quo. The population in Esmeralda County has been dwindling and there are only 32 members countywide in emergency services.

*Mineral LEPC* – Craig Nixon advised there have been no mercury deliveries to the federal depot in Mineral County as of yet. Mineral County is considering updating its hazardous materials ordinance.

*Lander LEPC* – Carl Byrd advised he has not been able to attend a LEPC meeting for several months and cannot give an accurate account of what the LEPC has been doing.

##### **B. U.S. Environmental Protection Agency Update**

Ms. Pabón advised Mike Ardito was not present, but the US EPA Emergency Prevention, Preparedness, and Response Program Update is provided in the handouts.

Mr. Ardito also delivered 2008 Emergency Response Guidebooks. These guidebooks are also available in Spanish.

##### **C. U.S. Federal Emergency Management Agency (FEMA) Update**

Ms. Pabón advised Matthew Bradley is no longer with Region IX and SERC has not been advised of his replacement. There was nothing to report.

Ms. Pabón stated FEMA gave SERC \$19,000 to support the 2008 HazMat Explo Conference.

#### **D. Occupational Safety and Health Administration Update**

Tom Czehowski was not present and there was nothing to report.

#### **E. Nevada Division of Emergency Management Update**

Frank Siracusa advised the Division of Emergency Management (DEM) is dealing with budget reductions but able to maintain services. DEM is mostly federally funded and is not being highly impacted.

Mr. Siracusa stated DEM will soon be hearing what the allocations are for the 2008 Homeland Security grant program. A Homeland Security working group meeting will be scheduled for the latter part of August 2008.

Mr. Siracusa advised DEM is planning an Emergency Managers Conference to be scheduled for October 2008.

#### **F. Nevada Division of Environmental Protection Update**

Tom Porta was not present. Rob Palmer gave a presentation on the Fernley Flood after action report.

#### **G. Nevada State Fire Marshal Update**

Mr. Wright advised the Annual Firefighters Conference was held in Fallon with 200 firefighters in attendance. Liquefied Petroleum Gas (LPG) training took place at the conference.

The State Fire Marshal's Division (SFM) has been working on a hazmat technician course for Reno, Sparks and Sierra fire districts. Mr. Wright stated the training was to be scheduled for May/June 2008; however, the contractor selected to provide the training failed to present insurance requirements for that contract. The SFM continues to work on the contract and plans to schedule training later in the fall.

The SFM is working with Lyon County to schedule a hazardous materials incident command class.

The SFM has issued over 1,200 training certificates during fiscal year 2008.

Mr. Wright advised with reference to the training denial letters, it is not always clear as to what type of training the LEPCs are requesting.

The SFM is continually working to get the new hazardous materials database online.

Mr. O'Brien recommended DEM coordinate with SFM when it does its annual exercise planning and training workshop, and development of a multi-year exercise planning and training work plan.

#### **H. Report of Legislative Committee**

Jim Reagan advised the Legislative Committee has not met.

#### **I. Report of Strategic Planning Committee**

The Committee has not met and there was nothing to report.

#### **J. Report of Funding Committee**

Mr. Farr advised the Committee met on July 7, 2008. There was an extensive review for United We Stand (UWS) grant applications. Mr. Farr advised the Committee recommended denial of quite a few grants. Many applicants did not address the following evaluation factors set forth in SERC Policy 8.2a and outlined in the application kit: 1) threat and risk mitigation, 2) infra-structure protection and mitigation, and 3) accomplishment of objectives of initiatives in the State Enhancement Plan for Homeland Security.

##### **1. Discussion/Review of U.S. Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) mid-cycle grant applications submitted by Local Emergency Planning Committees (LEPCs)**

Mr. Farr stated Washoe County LEPC requested a mid-cycle HMEP grant to send four people to the Continuing Challenge Conference in Sacramento, CA for a cost of \$4,280. The Committee approved the request.

##### **2. \*Discussion/Action of fiscal year 2009 United We Stand grant applications submitted by the LEPCs and State agencies to the SERC**

Mr. Farr stated State agencies and LEPCs submitted applications for UWS grants.

*Supreme Court* – Mr. Farr advised the Supreme Court is requesting \$21,950 for x-ray screening equipment. The evaluation factors were addressed and the Committee recommended approval. Ms. Pabón advised staff received a quote for \$128 less than the requested amount for a total of \$21,822.

Steve Albert advised the Court would be using the portable scanner initially

for incoming packages, boxes and mail. When court is in session, the portable scanner will be used to scan purses, briefcases, etc.

Craig Nixon made a motion to approve the Supreme Court's allocation for \$21,822. Dale Lotspeich seconded the motion which was approved unanimously.

*Dept. of Administration/Budget* – Mr. Farr advised the Dept. of Administration is requesting \$30,000 for a security gate to restrict access behind the Capitol Building. The evaluation factors were addressed and the Committee recommended approval. A discussion ensued.

Doug Webb made a motion to approve the Dept. of Administration's allocation for \$30,000. Jim Reagan seconded the motion. A vote was taken with Ty Cobb abstaining. The motion carried. Ms. Pabón explained previously the Attorney General's Office advised unless a Commissioner is directly receiving funding from a vote or personally benefiting, it would not be appropriate to abstain.

*The State Controller's Office* – Mr. Farr advised the State Controller's Office is requesting \$29,836 for a card key entry system. Mr. Farr advised the Controller's Office houses computers for the State financial system and is in need of a card key entry system for security. The evaluation factors were addressed and the Committee recommended approval.

Mr. Lotspeich made a motion to approve the State Controller's Office allocation for \$29,836. Mr. Nixon seconded the motion which was approved unanimously.

*Legislative Police* – Mr. Farr advised the Legislative Police is requesting \$29,501 for a security gate and bollards. Ms. Pabón stated they submitted an amended application prior to the Committee reviewing the application which totaled \$30,000. Legislative Police will pay the additional cost over the \$30,000. The evaluation factors were addressed and the Committee recommended approval. A discussion ensued. Ms. Pabón stated all State agencies requesting the security gates referred to a Department of Homeland Security (DHS) study where there was a site assist study identifying these areas as being at risk.

Mr. Reagan made a motion to approve the Legislative Police allocation for \$30,000. Mr. Webb seconded the motion which was approved unanimously.

*UNLV Police* – Mr. Farr advised the UNLV Police is requesting \$23,230.64 for surveillance cameras. The Committee reviewed the application. The evaluation factors were not addressed and the Committee recommended denial. Ms. Pabón advised she e-mailed UNLV Police after the Funding

Committee meeting and has not had any contact from them.

Mr. Lotspeich made a motion to deny the UNLV Police allocation for \$23,230.64. Carl Byrd seconded the motion which was approved unanimously.

*Dept. of Conservation and Natural Resources* – Mr. Farr advised the Dept. of Conservation and Natural Resources is requesting \$30,000 for concrete planter boxes to act as barriers. The evaluation factors were addressed and the Committee recommended approval of the request for \$6,094. Ms. Pabón stated the application included a quote for the planter boxes but not for shipping costs, stating the total would not be more than \$30,000. Linda Mulkey advised the Dept. of Conservation and Natural Resources would like to request \$4,000 for shipping and submitted the appropriate quote. The Bryan Building was identified as a Tier II infrastructure by the DHS, and they are vulnerable to anyone driving in off of Stewart Street into the building. A discussion ensued.

Mr. Reagan made a motion to approve the Dept. of Conservation and Natural Resources new allocation request for \$10,094. Mr. Lotspeich seconded the motion which was approved unanimously.

Ms. Pabón gave an update on the UWS license plate fees. Based on projections, the SERC will balance forward approximately \$389,000 from this fiscal year to the next fiscal year. In fiscal year 2009, \$400,000 is expected. The SERC made policy that the first priority is to fund the LEPCs with remaining funds, not to exceed 20% of the total amount available, for State agencies. The amounts awarded on the State agency requests are within these limits.

*Carson City LEPC* – Mr. Farr advised Carson City LEPC is requesting \$29,475 for emergency weather network. The evaluation factors were addressed and the Committee recommended approval.

Mr. Nixon made a motion to approve Carson City's grant request for \$29,475. Mr. Byrd seconded the motion which was approved unanimously.

*Churchill LEPC* – Mr. Farr advised Churchill LEPC is requesting \$30,051.37 for radios, satellite phones and communication equipment. The evaluation factors were not addressed and the Committee recommended denial. Ms. Pabón stated on notification of the recommendation, the Churchill LEPC chair objected. This objection is included in the Commissioners' meeting packets. A discussion ensued.

Mr. Lotspeich made a motion to deny Churchill LEPC's grant request for \$30,051.37. Ty Cobb seconded the motion. A discussion ensued.

Mr. Nixon asked what SERC policy was about the LEPCs speaking and having the decision reversed by SERC. Ms. Pabón advised the requesting agency can defend their grant request. A discussion ensued.

Mr. Page advised the Lyon LEPC did not read the application thoroughly but submitted it. Mr. Page stated the same wording was used in last year's grant application which was approved.

Dick Mirgon advised Douglas LEPC addressed the intent. Mr. Mirgon stated the same wording in the application approved last year was recommended for denial this year. Mr. Mirgon stated the Funding Committee is not being consistent.

Scott Reed advised Esmeralda LEPC submitted the same package which was approved last year. He stated they made a good faith attempt to meet the intent of the application.

Mr. Nixon asked if the policy identifying the three criteria came out after the grant request from last year. Ms. Pabón stated the policy went into effect October 2006. The same wording was included in the 2007 UWS application.

Mr. Farr stated they do need to be consistent but should also learn and progress from year to year. The Funding Committee is a recommendation committee. The SERC has the final decision.

Mr. Page recommended the SERC award the grant contingent on addressing the evaluation factors and compliance.

A vote was taken with eight in favor of denying Churchill LEPC's grant request and three opposed. The motion carried.

*Clark LEPC* – Mr. Farr advised Clark LEPC is requesting \$30,000 for a robot gas detector and radiation detector. North Las Vegas Police Department/SWAT Team is requesting the robot gas detector. The evaluation factors were addressed and the the Committee recommended approval of the grant request for the modified amount of \$29,994. Ms. Pabón stated originally they did not have a quote for the thermal interceptor or the gas detector. A subsequent quote received for the thermal interceptor was for \$26.00 less than requested. The quote for the gas detector was for more than requested and the City of Henderson will pay the additional amount.

Mr. Byrd made a motion to approve Clark LEPC's grant request for \$29,994. Mr. Reagan seconded the motion which was approved unanimously.

*The Commission recessed for a break at 10:41 a.m.*

*The Commission reconvened at 10:50 a.m.*

*Douglas LEPC* – Mr. Farr advised Douglas LEPC is requesting \$22,908 for radio repeaters. They are not administratively compliant. The evaluation factors were not addressed and the Committee recommended denial.

Ms. Pabón advised they have not had four consecutive quarterly meetings. Any award on this grant would have to be contingent on having four consecutive quarterly meetings. The LEPC could possibly receive this grant in October 2008. A discussion ensued.

Mr. Mirgon stated they would have another meeting within the next couple of weeks, which would be the four consecutive meetings. Mr. Mirgon reiterated what he stated earlier in the meeting. The grant application last year was approved and the wording for this year's application was the same as for last year. Mr. Mirgon identified the evaluation factors in the Douglas LEPC application. The grant request approval should be contingent on having the fourth quarterly meeting. A discussion ensued.

Mr. Lotspeich stated the justification of three criteria were present in Douglas LEPC's grant application in broad terms. Frank Siracusa agreed with Mr. Lotspeich and advised SERC should approve Douglas LEPC's grant request. Mr. Siracusa advised the State Enhancement Plan no longer exists. It has been replaced by the State Preparedness Report. It is basically the same in content, although condensed.

Mr. Webb asked what the responses were to each of the three criteria in the applications. Mr. Farr stated there was no specificity on threat mitigation. Generally, the goals and objectives will be listed in the beginning of the application. Mr. Webb stated Douglas LEPC's application did not state their goals and objectives. Mr. Farr advised that was correct.

Mr. Lotspeich made a motion to approve Douglas LEPC's grant request for \$22,908 contingent on administrative compliance. Mr. Reagan seconded the motion which was approved unanimously.

*Esmeralda LEPC* – Mr. Farr advised Esmeralda LEPC is requesting \$30,000 for spare equipment for communications. The evaluation factors were not addressed and the Committee recommended denial. Mr. Farr stated there was a written response identifying the evaluation factors in the application from Esmeralda LEPC included in the Commissioners' packets. Mr. Reed advised the equipment is spare equipment until there is another round of grants to promote it to a primary roll for EMS and Fire channels. Equipment

items are central control equipment for EMS, fire and ambulance such as receivers, various modules, power supplies, interface module, calibration and test and tool equipment.

Mr. Cobb asked how this grant will help Esmeralda LEPC combat terrorism. Mr. Reed advised as the enhancement plan has pointed out, communications, while not preventing terrorism from happening does help turn a defensive position to an offensive position. Mr. Reed stated US 95 is a major hub of transportation. There are major petroleum carriers and have been military shipments supporting the war effort. Mr. Siracusa advised the risk assessment determined US 95 and the transportation of low level waste to be a major risk for Esmeralda.

Mr. Cobb made a motion to deny Esmeralda LEPC's grant request. There was no second to the motion.

Mr. Lotspeich made a motion to approve Esmeralda LEPC's grant request for \$30,000. Mr. Siracusa seconded the motion. A discussion ensued regarding the threat to rural areas and interoperability. A vote was taken with Mr. Farr and Mr. Cobb opposed. The motion carried.

*Lander LEPC* – Mr. Farr advised Lander LEPC is requesting \$29,726 for classroom disaster kits, projectors, generators, atmosphere detectors, laptops, binoculars, and spotting scopes. The evaluation factors were addressed and the Committee recommended approval.

Mr. Nixon made a motion to approve Lander LEPC's grant request for \$29,726. Mr. Lotspeich seconded the motion which was approved unanimously.

*Nye LEPC* – Mr. Farr advised Nye LEPC is requesting \$29,747 for interface and radio equipment, level A suits and testers. The evaluation factors were addressed and the Committee recommended approval.

Mr. Lotspeich made a motion to approve Nye LEPC's grant request for \$29,747. Mr. Nixon seconded the motion which was approved unanimously.

*Pershing LEPC* – Mr. Farr advised Pershing LEPC is requesting \$29,945 for CBRN packs, mass casualty evacuation response trailer and radios. The evaluation factors were addressed and the Committee recommended approval.

Mr. Lotspeich made a motion to approve Pershing LEPC's grant request for \$29,945. Mr. Byrd seconded the motion which was approved unanimously.

*Storey LEPC* – Mr. Farr advised Storey LEPC is requesting \$29,786 for

radio, a generator and communication equipment. The evaluation factors were addressed and the Committee recommended approval.

Mr. Lotspeich made a motion to approve Storey LEPC's grant request for \$29,786. Mr. Nixon seconded the motion which was approved unanimously.

*Washoe LEPC* – Mr. Farr advised Washoe LEPC is requesting \$30,000 for respirators, coveralls, SCBAs, a laptop, radios, hazmat suits, and gas mask cartridges. The evaluation factors were addressed and the Committee recommended approval. Ms. Pabón stated there was a contingency of submission of the June 12, 2008 exercise/incident report, which was subsequently received by SERC staff.

Mr. Byrd made a motion to approve Washoe LEPC's grant request for \$30,000. Mr. Lotspeich seconded the motion which was approved unanimously.

*White Pine LEPC* – Mr. Farr advised White Pine LEPC is requesting \$30,000 for a radio repeater, personal protective equipment and a laptop. The evaluation factors were not addressed and the Committee recommended denial.

Mr. Lotspeich made a motion to deny White Pine LEPC's grant request for \$30,000. Mr. Siracusa seconded the motion which was approved unanimously.

*Lincoln LEPC* – Mr. Farr advised Lincoln LEPC is requesting \$30,000 for internet connections, fire truck equipment, a laptop with Bluetooth and supplies. Mr. Farr stated the LEPC is noncompliance for a meeting. The evaluation factors were not addressed and the Committee recommended denial. Since the Committee's meeting, Marge Gunn, LEPC Chair, submitted an e-mail addressing the evaluation factors which is included in the Commissioners' packets. A discussion ensued.

Mr. Lotspeich made a motion to deny Lincoln LEPC's grant request for \$30,000. Mr. Cobb seconded the motion. A vote was taken with Mr. Brenner and Mr. Webb opposed. The motion carried.

Mr. Siracusa stated the DEM and SERC can meet and develop a process to better assist the smaller counties with their needs.

Ms. Pabón asked if this denial is made without consideration of Ms. Gunn's subsequent submission. A discussion ensued. Mr. Lotspeich stated a motion should be made on the application as submitted. Discussion was also held regarding the definition of terrorism. It was stated there is a federal definition.

Mr. Lotspeich asked if there was an appeal process if Lincoln LEPC disagrees with this decision. Ms. Pabón advised there is an appeal process.

*Lyon LEPC* – Mr. Farr advised Lyon LEPC is requesting \$30,000 for a night vision device, SCBA bottles, radios, a response trailer and equipment. Ms. Pabón stated the minutes are forthcoming. The Letter of Promulgation has been signed and the date made current. Mr. Page advised Lyon LEPC did not read the grant application thoroughly. They included the same wording as in last year's which was approved. Mr. Farr asked about some of the equipment and how it relates to terrorism. Mr. Page discussed the reasons for the need for equipment relating to combating terrorism.

Mr. Lotspeich made a motion to deny Lyon LEPC's grant request for \$30,000. Mr. Cobb seconded the motion. A discussion ensued.

Mr. Reagan stated SERC should have a motion to allow all those agencies and LEPCs denied to reapply with the appropriate information ensuring there is no misunderstanding from instructions from staff and allowing the LEPC to come into compliance. Mr. Farr did not agree with this statement as it gives a second chance at the application process. Mr. Farr stated to continually go over the applications puts undo burden on the Funding Committee and staff.

Mr. Mirgon suggested a way of correcting the problem would be to have a second grant cycle.

A vote to deny the application was taken with Mr. Siracusa and Mr. Reagan opposed. The motion carried.

*Mineral LEPC* – Mr. Farr advised Mineral LEPC is requesting \$29,859 for a propane generator and an extendo bed for their command vehicle. The evaluation factors were not addressed and the Committee recommended denial.

Mr. Nixon stated the wording was the same as for last year's application which was approved.

Mr. Lotspeich made a motion to deny Mineral LEPC's grant request for \$29,859. Mr. Byrd seconded the motion. A vote was taken with Mr. Nixon abstaining. The motion carried.

Mr. Wright advised an appeal process is available.

**3. \*Discussion/Action of ongoing hardware, software and support maintenance costs for the Nevada Online Hazardous Materials Reporting System**

The Funding Committee met and discussed maintenance of the new hazardous materials database.

The SFM is going through budget reduction. They will provide labor to send out bills for the Commission as well as their own permit processing.

The Funding Committee recommended the SERC fund the cost not approved in the State budget process for the maintenance, support and licensing for two years not to exceed \$12,000. They further recommended a letter of understanding will be developed between the SFM and SERC regarding the ongoing costs and labor input. The letter of understanding will be reviewed on a two year cycle. The Committee did not want to commit to indefinitely pay the cost. If the budget issue gets better there should be some shared costs.

Ms. Pabón stated the ongoing software licenses for Oracle, VeriSign and MSDS and support and maintenance are included in the \$12,000. The Department of Public Safety (DPS), Information Technology Division (IT), is requesting the servers be replaced. The servers were just recently put into place. The IT recommends a four year cycle for replacement. Ms. Pabón advised the Funding Committee did not make a recommendation on this particular issue.

Mr. Byrd made a motion to approve up to \$12,000 for software, hardware and maintenance costs for the new hazardous materials database.

Mr. Lotspeich seconded the motion. A vote was taken with Mr. Wright abstaining. The motion carried.

**4. \*Discussion/Action regarding possible increase of maximum amount that can be requested by grantees when submitting the fiscal year 2009 HMEP grant applications**

Mr. Farr stated the maximum request allowed for HMEP grant applications has always been \$25,000, while the other applications from SERC carry a \$30,000 limit. The fiscal year 2009 HMEP grant is expected to increase. The Committee recommended increasing the maximum amount of HMEP grant requests to \$30,000 to be consistent with other applications.

Mr. Byrd made a motion to approve the increase of the maximum amount of the HMEP grant applications submitted to the SERC to \$30,000.

Mr. Reagan seconded the motion which was approved unanimously.

**5. \*Discussion/Action regarding use of SERC grant funds for payment of supplies needed for delivery of the training of the hazardous materials database. Supplies include binders, copies of training manual, compact**

**discs.**

Mr. Farr stated the training schedule for the new hazardous materials database has been distributed to the LEPCs, responders and facilities. The Committee recommended approval of a SERC grant not to exceed \$5,000 for database training materials. Ms. Pabón added marketing to the cost and postage for mailing. She advised the grant needs to be made retroactive.

Mr. Nixon made a motion to approve the use of SERC grant funds of up to \$5,000 to pay for training costs, and mailing and marketing costs related to the new hazardous materials database. Mr. Webb seconded the motion. Mr. Nixon amended the motion to include being retroactive to July 10, 2008. Mr. Webb seconded the amended motion. A vote was taken. The motion carried.

*The Commission recessed for a break at 12:25 p.m.*

*The Commission reconvened at 12:30 p.m.*

#### **K. Report of Bylaws Committee**

##### **1. \*Discussion/Review/Action of recommended changes to SERC Mission and Vision Statements to include the duty to support preparedness to combat terrorism**

Ms. Pabón stated the Commissioners were given the changes of the Mission and Vision Statements and Bylaws as recommended by the Bylaws Committee at the April 17, 2008 SERC meeting. SERC Bylaws require the Commissioners have the changes 30 days prior to the meeting in which they will be considered for approval.

Mr. Cobb made a motion to approve the recommended changes to the SERC Mission and Vision Statements to include the duty to support preparedness to combat terrorism. Mr. Farr seconded the motion which was approved unanimously.

##### **2. \*Discussion/Review/Action of recommended changes to SERC bylaws to include the duty to support preparedness to combat terrorism**

Mr. Farr made a motion to approve the recommended changes to the SERC Bylaws to include the duty to support preparedness to combat terrorism. Mr. Lotspeich seconded the motion which was approved unanimously.

#### **L. Report of Information Technology Committee**

Mr. Brenner advised the Committee has not met.

**M. Report of Policy Committee**

The Committee has not met and there was nothing to report.

**N. \*Discussion/Action on approval of the fiscal year 2009 Hazardous Materials Emergency Preparedness grant application for submission to the U.S. Department of Transportation (USDOT)**

Ms. Pabón stated this application is consistent with the previous years of grant applications with the appropriate updates. The application itself is submitted online.

Mr. Reagan made a motion to approve the fiscal year 2009 Hazardous Materials Emergency Preparedness grant application. Mr. Webb seconded the motion which was approved unanimously.

**O. \*Discussion/Action regarding Humboldt and Lincoln fiscal year 2009 SERC grants, which were awarded with contingencies and the contingencies were not met by the due date**

Mr. Brenner advised Humboldt and Lincoln LEPCs had the same consultant update their hazmat emergency response plans. The updates to the plans were to be completed in a timely manner and were not. Both Humboldt and Lincoln LEPCs did not meet their required 45 days to submit their updated plans.

Currently, Humboldt LEPC has not submitted a Level of Response Questionnaire. Their updated plan was still incorrect.

Lincoln LEPC submitted their plan which had incorrect contact phone numbers.

Mr. Brenner stated there is no action on this item. The 2009 SERC grants for Humboldt and Lincoln LEPCs will be deobligated. A discussion ensued.

No action was necessary.

**P. \*Discussion/Action on possible request for Attorney General opinion regarding appointment of new SERC Co-Chair**

Mr. Brenner stated the co-chair position is a political appointment and gave a brief description of how co-chairs were previously chosen.

Mr. Farr had concerns because SERC has a business relationship with SFM including a Memorandum of Understanding with SFM regarding financial reports and transactions. Mr. Farr recommended requesting an A.G.'s opinion

as to whether there is a conflict of interest.

Mr. Cobb asked what Mr. Farr's concerns were. Mr. Farr advised Mr. Wright is managing SFM staff and as Co-Chair of SERC, he is managing SERC staff on day to day operations.

Mr. Webb advised in today's media environment, even if there is no conflict, SERC should get an opinion. If someone perceives there is a conflict, SERC will already have the A.G.'s opinion on file. Mr. Reagan agreed.

Pete Mulvihill advised he was concerned as to what the consequences might be from getting the A.G.'s opinion. The Governor has the authority and statute to appoint the people as he sees fit.

Mr. Lotspeich stated the opinion was made as it is not a conflict of interest to sit on this Commission and vote on financial items unless the Commissioner would personally benefit.

Mr. Wright stated he will work with staff to fix the issues at hand, and feels being Co-Chair puts him in a better position to work with the SERC staff. He stated he has been told there were continuing problems but he has not been informed as to what they are. He stated he cannot fix them until he knows what the concerns are.

Ms. Pabón stated there are continuing issues with SFM financial accounting. However, because SERC is short staffed, Ms. Pabón has been unable to detail the issues and bring them to Mr. Wright's attention.

Mr. Farr made a motion to request an opinion from the A.G.'s office to see if there is a conflict of interest with having the position of State Fire Marshal serve as co-chair of SERC. Mr. Webb seconded the motion. A vote was taken with four in favor, five opposed and 1 abstention. Mr. Cobb advised an abstention counts as a no. The motion did not pass.

**Q. \*Discussion/Action regarding approval filling the SERC Grants and Projects Analyst I position**

Ms. Pabón advised there have been changes to the State process with regards to filling a position. Ms. Pabón advised she had submitted the proper paperwork to fill the position and then a hiring freeze went into affect.

The DPS Director did not approve a subsequent justification to fill pending a meeting regarding Highway Funds in July.

Ms. Pabón contends that SERC never needed Department approval to fill the Grants and Projects Analyst I position as Executive Director and Chairman

have that authority. The Nevada Revised Statutes (NRS) gives the SERC the authority to employ personnel. Ms. Pabón stated she cannot continue to do two jobs at once. The Analyst position has been in the SERC budget since 1994 or 1995.

A discussion ensued about hiring a temporary employee or contracting the position.

Mr. Reagan made a motion to fill the Grants and Projects Analyst I position with available budget capabilities, and if that fails to investigate the utilization of contract or other supplement type of personnel to fill the position.

Mr. Lotspeich seconded the motion which was approved unanimously.

## **Executive Director**

### **1. FEMA Training Allocation**

This was already discussed earlier in the agenda.

### **2. Office Lease**

Ms. Pabón advised the office lease is due to expire at the end of this month. SERC staff will be staying in the same office at the same rate and conditions.

### **3. NAC revisions**

Ms. Pabón stated the NACs, as approved in the April 17 meeting, were submitted to the Legislative Council Bureau (LCB) in May 2008. A draft copy was received and they appear to be prepared as submitted.

Ms. Pabón advised a Workshop, Public Hearing and Adoption Hearing need to be scheduled. Ms. Pabón plans to hold the Workshop and Public Hearing in time to include the Adoption Hearing on the agenda of the October SERC Quarterly meeting.

Most of the changes to the NACs were in regards to the UWS grant. It was listed in the NACs but not worded correctly.

Mr. Wright asked if there was an estimated cost. Ms. Pabón stated SERC was budgeted for this for fiscal year 2008 and there is an estimated cost of \$1,200 to 1,600.

### **4. Database updates**

Ms. Pabón advised the data was converted into the new database and

delivered in April 2008. Due to the lack of satisfactory service from the DPS/IT section, it has not been possible to get appropriate updates into the production mode. As of this date, the system is basically unused.

The contract with the vendor for the additional \$25,000 for enhancements has been approved.

Funding for a project manager has been approved. Interviews finished July 23 and a contractor has been selected.

The interlocal contract with Truckee Meadows Community College (TMCC) to provide training has been approved by the Board of Examiners (BOE). Scott Alquist will be the instructor and develop a training plan. Staff is working on mailing out the notification of training to the 5,000 facilities.

#### **Additional Items**

The 2009 HMEP grant application from SERC to the LEPCs is ready to be posted.

Ms. Pabón stated the Commissioners requested an A.G. opinion at the April 17 SERC meeting regarding the ability to designate a quorum other than a majority. The A.G.'s opinion was a simple majority is required for a quorum. Both Churchill and White Pine LEPCs were notified and have made appropriate changes to their Bylaws.

#### **V. PUBLIC COMMENTS**

There was no public comment.

#### **VI. ADJOURNMENT**

Mr. Lotspeich made a motion to adjourn the meeting at 1:30 p.m.