

Minutes

Nevada State Emergency Response Commission (SERC)

Policy and Legislative Committee Meeting

Tuesday, November 29, 2016 – 1:30 pm

Tele-Conference

Phone-in # 775-687-0999 Carson City

702-486-5260 Las Vegas

Participant's Collaboration Code: 47516

Carson City

State Emergency Response Commission
107 Jacobsen Way, Room 51
Carson City, NV

Committee Members: Richard Brenner - Chair, Susan Crowley, Paul Enos, Matthew Griego, Stacey Giomi and Jim Reagan

Staff: Stephanie Parker, Denise Uber, Nathan Hastings

Guest: Terry Taylor

The Committee may take action on items marked "Discussion/For Possible Action". Items may be taken out of the order presented on the agenda at the discretion of the chairperson. Items may be combined for consideration by the Committee at the discretion of the chairperson. Items may be pulled or removed from the agenda at any time.

1. **CALL TO ORDER**

Mr. Brenner called the meeting to order at 1:33 pm.

2. **ROLL, CONFIRM QUORUM AND INTRODUCTIONS**

Members and staff introduced themselves as above. A quorum was present.

3. **PUBLIC COMMENT**

Ms. Crowley asked if policies that were in need of changes from the last meeting were going to be on another agenda. Ms. Parker responded that multiple policies were put on hold until the NAC was completed. Ms. Crowley questioned the progress of policy 8.12, the appeals process, and 8.13, the requirements of original signatures on documents and the use of emails and faxes rather than mailing the documents and if the LEPC's needed to follow state purchasing rules. Mr. Reagan said that Mr. Hastings was going to research this, then comment, after the NAC codes had been changed which probably had not happened yet. Ms. Parker said this would be added onto the next agenda.

4. **APPROVAL OF THE POLICY COMMITTEE DECEMBER 18, 2015 MINUTES**

Ms. Crowley motioned to approve the December 18, 2015 minutes of the Policy and Legislative Committee meeting, Mr. Reagan seconded. Motioned passed unanimously.

5. REVIEW OF THE FOLLOWING SERC POLICIES

SERC Policy 8.8 was discussed; the SERC needs to monitor all the LEPC/Sub-Recipient's that have a HMEP grant each year. Mr. Reagan said the old 8.8 policy section E was deleted and Staff will financially audit and monitor all grantees, exercises and all discrepancies were changed. Ms. Parker said currently we have not reviewed 100% of the HMEP Sub-Grantees to date for this fiscal year from the previous years' grants. Ms. Parker said she is providing technical guidance and looking at policies that SERC has access to through NDEM. The goal of SERC is to not impact them in a negative way timewise. Mr. Giomi said we are not following our own policy; so we need to change the policy or follow it. Mr. Brenner said this is a requirement and we need to do it, if we don't have the staff or the funding then it needs to be addressed. Ms. Parker said the policy needs to be changed from eight monitoring's per year, because technically all federal sub-grantees are required to be monitored. Mr. Giomi recommended to amend the current SERC policy 8.8 to read that the SERC will audit and monitor all grantee and sub-grantees as required by the grant program annually. Ms. Crowley seconded. Motioned carries unanimously.

6. DEVELOP A DRAFT RECCOMENDATION OF A POLICY FOR UTILIZATION OF THE CONTINGENCY ACCOUNT FOR HAZARDOUS MATERIALS COSTS

The Committee reviewed the underlying law that provides for potential reimbursement of costs incurred for Hazmat incidents. There was a request made at the October 5, 2016 SERC meeting from East Fork Fire District of Douglas County for reimbursement for response to a hazardous material related event. This type of request has not occurred in the past and a policy needs to be developed. Ms. Crowley suggested that the EPA has a set of guidelines in place that SERC may follow if appropriate for use with the Contingency fund. Mr. Reagan inquired about the Contingency funds, Ms. Parker explained that they are fees collected by SERC which eventually go into the Reserves and are carried forward and used for grants. There has not been anything written for the reimbursement of a response to a cleanup in the past. NRS. 459.755, allows for the use of the contingency account to pay for the cost of cleaning and the decontamination of an area affected by a spill. Mr. Giomi asked if Staff could draft a policy where it states; first-the local county government has an ordinance seeking reimbursement for an incident, has attempted reimbursement and has expended all of their resources; second-put a monetary cap on the amount say \$25,000 per incident and third- the \$25,000 is in the form of a grant (for example) is submitted to the next SERC meeting for consideration. Mr. Giomi further stated that the funds, if approved would first come out of any existing SERC grant award and possibly count as the grant award of the LEPC for the next award cycle. Mr. Hastings brought up the legalities of a county that may have previously pursued and received an Award for the clean-up of an incident; they should have to give back these funds to the SERC which could put it into some kind of perpetual fund to avoid being compensated twice. Mr. Giomi said the LEPC's should be compliant. Mr. Hasting said some prioritizing could be put into place such as personnel costs, equipment costs, and any other county assistance costs. Mr. Hastings clarified the statutes that define what the SERC can pay for. The SERC could prioritize between applications and refer the ones which have followed the policy, then administer to these entities. There was discussion on the amount of money that could be dispersed over a fiscal year, depending on the amount of requests and funds available. Mr. Hastings said the Committee should reconvene to consider and supplement items discussed today, before presenting to the full SERC and not make a motion on Douglas County's request yet due to any policy being in place at the time. Ms. Crowley agreed to the comments, as did Mr. Reagan, who was concerned about funds possibly dwindling if we act too soon. A follow-up

meeting will be scheduled before the next SERC meeting. Staff will develop a draft policy for the committee to review.

7. Review Application for Contingency Account Funds from Douglas County for Hazardous Materials costs incurred by East Fork Fire Protection and their Quad County Cooperators

The Committee reviewed the application, accompanying documents, along with the underlying law that provides for potential reimbursement of the cost incurred by Douglas County, East Fork Fire Protection and their Quad County Cooperators. Mr. Giomi said we should wait before making a decision. Mr. Terry said that Douglas County has a county code authorizing the District Attorney to seek reimbursement and they have initiated that process. Mr. Hastings suggested waiting until a policy has been adopted by the full SERC. Mr. Taylor clarified that the Douglas County report includes the narrative report of the calls, personnel and call back units assigned and figures used for determining the cost incurred on this hazardous materials incident. Mr. Terry also said this is a good example for the SERC to use to develop the policy, and believes it is worthy of being considered.

8. UPDATE ON NAC 459 REVISIONS

There were no recommendations submitted by the public at or after the public workshop on October 5, 2016. The Commissioners needed more time to review the NAC. Ms. Parker said she had put in the verbal comments, bullets of explanation and dates as requested. Ms. Crowley wanted more time to review it. Mr. Hastings said there needs to be another public meeting or public hearing to adopt the regulations, and it needs to be independent of a SERC Quarterly meeting. Ms. Parker said she needs to receive feedback from the Commissioners in order to move forward. Mr. Hastings mentioned communicating with our LCB contact as to when we need to have another public meeting and when our deadline is. Ms. Parker asked Mr. Hastings if Commissioners could respond directly to her with questions or concerns and Mr. Hastings advised they cannot deliberate electronically with each other.

9. PUBLIC COMMENT

Mr. Brenner called for public comment, there was none.

10. ADJOURNMENT

Ms. Crowley motioned for adjournment, Mr. Giomi seconded. Meeting was adjourned at 3:40pm.