

**STATE OF NEVADA EMERGENCY RESPONSE
COMMISSION (SERC)
Third Quarterly Meeting
July 16, 2020, 9:00 a.m.**

1. CALL TO ORDER (Non-Action Item)

Ms. Christina Wilson, SERC Coordinator, welcomed everyone and called the July 16, 2020 SERC meeting to order at 9:06 a.m.

2. ROLL CALL, CONFIRM QUORUM, AND INTRODUCTIONS (Non-Action Item)

COMMITTEE MEMBERS PRESENT

Dennis Nolan
Richard Brenner
"Gus" Augustine Farias
Susan Crowley
Clinton Hayes
Eric Santos
Jess Lankford
Jon Bakkedahl
Karen Luna
Kelly Thomas
Lance Chantler
Matt Greigo
David Sellen
Kimberly Ferguson
Clay Madsen
Deb Dailey

OTHERS PRESENT

Tom Raw
Pat Anderson
Patricia Brownfield
Mike Heidemann
Sean Slamon
Dave Fogerson
Patrick Lazenby
Jack Snyder
Aaron Kenneston
Tabitha Hamilton
Karen Taylor
Brett Bindley
Eric Millette
Mike Pickern
Derek Bowman

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SERC STAFF

Nathan Hastings; Deputy Attorney General
Brandi Salisbury; SERC Administrator
Christina Wilson; SERC Coordinator

3. PUBLIC COMMENT (Non-Action Item) - No comments

4. APPROVAL OF February 19, 2020 MEETING MINUTES (Discussion/For Possible Action)

After review and discussion of the meeting minutes of February 19, 2020

Karen Luna Motioned to accept the Minutes; Lance Chantler seconded the motion. The motion was unanimously carried.

5. NEW COMMISSION MEMBERS AND STANDING COMMITTEES UPDATES (Discussion/For Possible Action)

Richard introduced the new members to the Commission as well as others who submitted applications to be a part of the commission.

David Sellen: Reports he spent just shy of 28 years in the Army, nine with 92nd Weapons of Mass Destruction Civil Support Team in Las Vegas, Nevada, as the Operations Officer, the Deputy Commander, and then commanding the unit. Worked with many emergency managers across the state. Has known Richard Brenner for the last 15 years.

Clay Madsen: States he served as Sergeant with Las Vegas Highway Patrol for about 18 years, four years on our fatal team. Currently in commercial enforcement going on 10 years, the last three as administrative sergeant. Background in hazardous materials, transportation through the CFR's, Code of Federal Regulations and the Federal Motor Carrier Safety Administration. Coordinator for Highway Patrol's multiple assault counterterrorism action capabilities where we teach counterterrorism alongside Metro MACTAC group in Southern Nevada.

Deb Dailey: Richard Brenner stated she worked with the rural division of the Clark County Fire Department. She was part of the incident management team for both the October 1 shootings and the civil unrest issues that happened in Clark County. Deb later introduced herself as owner of the EMS Training Center in Las Vegas. She has been a paramedic in Las Vegas for a little over 32 years and has known and worked well with Dennis and Richard for many years. She is part of the Incident Management Team type 3, in Las Vegas, currently working as the plan Section Chief and the Situation Unit Leader for MACC for the COVID situation in Clark County.

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The following have turned in their paperwork for membership consideration and could possibly give presentations at future meetings once approved:

Steve Spencer is with Air Liquide, they are building a hydrogen plant in North Las Vegas.

Kim Ferguson with NV Energy. We had some discussion at our last SERC meeting and the gentleman up north, Dennis recommended that Kim get the position.

Will Roberts Storey County. Joe Curtis helped us get that individual from Tesla.

Caroline Levering, emergency manager with the city of Las Vegas. She has not received any information yet in reference to official appointment but that will be forthcoming.

Bylaws Committee

Christina Wilson reported the Bylaws Committee has a vacant chair position that needs to be appointed. There are currently only three members on that committee, so could use a couple more members.

Legislative Committee

The Legislative Committee needs a couple more members.

6. LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) UPDATES

Carson City: Tom Raw reported currently keeping up with COVID response through quad counties. Carson City Health and Human Services is doing a great job coordinating a four-county response with Carson, Douglas, Storey, and Lyon County. Wildfires have been keeping us busy as over the last three to four weeks, there have been several big ones. Things have calmed down but expecting more lightning today.

Clark County: Richard Brenner reported being in the middle of the COVID like everyone else. We have scheduled meetings daily to every other day. Karen Taylor has been working on the HMEP grant, needing additional information from Henderson and LVMPD. Brandi has mentioned through HMEP grants we could get PPE and cleaning items so that we could actually do exercises with that grant. I am working on trying to schedule a tabletop exercise later in the year. Working on moving forward with that exercise while attempting to stay within the regulations the Governor has put in place. Karen mentioned currently working towards advertising to publicize SERC requirements which are always published end of July.

Douglas County: Dave Fogerson reported working the COVID incident as quad county. We have our MAC(MultiAgency Coordination) activated, are meeting every week, and coordinating the efforts between the four counties along with State of Nevada Emergency Response Commission (SERC) / July 16, 2020, 9:00 a.m.

Carson City Health and Human Services. Started with a unified command and then opened a quad EOC for the first time and kind of melded our emergency operation plans together to make it more effective for all of us to do. Prior year grants have been closed out and we have new grants for this year. Required quarterly LEPC meetings have been held, one via Zoom, one in person. We have had our resiliency meetings. We are really working extensively with our business industry/LEPC partners about COVID because we have an all-hazard LEPC. Our resort casinos at the lake are doing a tremendous job with increased business due to Lake Tahoe closures. We are trying to maintain that we do not have additional outbreaks from that. We were finalizing a family assistance center plan as a quad but suspended that work because of COVID. We have canceled our shelter exercise but have opened shelters due to fire twice and we are implementing our evacuation and sheltering plan which are the same ones that we would use for a HAZMAT incident. As stated, we have had two 22,000 acres fires in Douglas County. All of the quad counties have been there to help us manage that. We have used EOC interface as part of the command control plan that we would utilize on a HAZMAT incident as well. Using a grant, the Army Corp engineers had, we are revising our flood management plan with them. They helped us update our flood management issues and we are coordinating heavily with El Dorado, Alpine, and Mono County California's LEPCs to make sure that we don't impact each other unless there's governor orders that we can't address otherwise. We are working together to build stronger relationships with them.

Elko County: Pat Anderson thanked the commissioners for approval of grant requests. Many LEPC members are working on the COVID EOC response teams, working heavily with community employment partners. Mining partners continue to be active with the LEPC because a large percentage of the population works within that realm whether they work for the mines or one of the mine support groups and we are working on safety with them. Due to increased number of COVID-19 cases in the last few weeks we are working hard on getting those numbers back down. We have had a few fires, but responses have been large and rapid so keeping them to a one-day event.

Esmeralda County: Patricia reported having regular quarterly meetings in January and June as well as a special March meeting to approve the OPTE FY21 grant application that we turned in. We had our July meeting last night. We have an exercise requirement for the end of the year, so decided to try to work on a tabletop, online session.

Eureka County: Jessica reported being slow as far as LEPC goes. We were shut down for about three to four weeks so most everybody was working from home. Our meetings so far this year have been one in January and one in May to ratify our application for the SERC OPTE Grant for which we are awaiting results. Our March meeting was canceled due to COVID-19 shutdown. A tabletop exercise is planned for August 6. We have been working on COVID-19 response. We were a zero-count county for a long time until one case recently which has recovered, so we are back to a zero-count county. We have drive-in

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community testing planned for next week. As far as LEPC, we've not had any HAZMAT response. We had an accident on I-80 that did have some HAZMAT but did not involve any of our members responding.

Humboldt County: Sean Wilkins reported still moving forward with the Hazard Mitigation plan. LEPC is going well. We submitted the United We Stand grant and other grants. With COVID we have been very busy.

Lincoln County: Derek Bowman reported continuing to work on COVID mitigation and have had two total cases of COVID. Recently efforts have focused on fires, with five wildland fires in the county in the last two to three weeks. Currently focusing on a 5,000 acre one to the west of the county also involving Utah. Most of our resources have been focused there along with BLM and other agencies to get our wildland fires under control.

Pershing County: Sean Burke reported he has been on board about three months. During that time, we have been primarily busy with COVID response. Have had a couple of LEPC meetings in that time period focusing on rejuvenating the LEPC and bringing on some new members. We are closing out the grant cycle from the previous year and waiting for the results from new grants next year. LEPC seems to be fairly well on track regarding COVID-19.

Nye County: Patrick Lazenby reported currently focusing mostly on COVID-19. Have had a few small brush fires, nothing major. Next LEPC meeting is scheduled for August 5.

Storey County: Joe reported working on COVID-19 within a Quad-county area including Carson City and have shared staffing to man the quad county EOC. We are conducting community testing on a regular basis now and our fourth community test site will be on the 25th of this month. We are meeting percentage factors for testing in the counties. Second quarter LEPC meeting was yesterday. Planned for August 25 is a quad-county hazardous materials exercise involving a railroad car incident. This will be held at our Tahoe-Reno Industrial(TRI) Complex. A lot of people have shown interest in being involved with that. Tesla is having a person participate with SERC. We were notified of one spill that we were never able to locate. A railroad locomotive from Union Pacific and a spill to NDEP along its tracks. They were extremely uncooperative and nasty to us when we called inquiring about the location of the site and provided absolutely no information whatsoever. The only thing I was able to find was the location of the mile marker in Storey County as they provided that information to NDEP spill line. Because of this incident I am having trust issues with Union Pacific and would like to know if there is someone on SERC that has a connection with them so I could get a connection going there as we they are running through our line at the Tahoe-Reno Industrial Complex.

Richard Brenner responded with the name of Robert Bavier and his boss, Mr. O'Brien with Union Pacific. Richard will get the contact numbers to Joe.

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Joe responded that they have had a couple of other situations not quite as severe as this one involving railroad situations along the track line that runs through the industrial complex.

Washoe County: Aaron reported several First Responders that have had COVID-19 near misses and several First Responders that have had to isolate and quarantine. Therefore, we are conducting LEPCs via Zoom and appreciate SERC staff joining as well. So much time was spent building our yearly calendar last December, and essentially have placed it in the shredder over these last few months. Some it was important training and exercises, things like Continuing Challenge, and we have had to go back and adjust our grants and ask for program change requests, so we're feeling the pain like all the other LEPCs, and the SERC as well. We have limited face to face so are spending most of our time running points of screening and testing and contact tracing, as Chief Nolan knows because he has been supporting one of our posts. In between we have had wildland fires where multiple structures were lost. We had noncongregate evacuations thanks to the Red Cross. Instead of running big community shelters we were placing people directly into hotel rooms who had lost their house or could not get back to their homes. We received our declarations for a drought as well. We are moving forward with taking our responsibilities with hazardous material seriously, and we and have an exercise scheduled. We are planning an exercise with our airport on August 20th involving hazardous materials component. There will be some limited, on-the-ground, full-scale activities occurring but most of us will be on Zoom, kind of replicating the support structure and the emergency operations.

White Pine County: Brett North reported an 8,600-acre wildland fire encroaching on the town of Lund and forcing a six-hour evacuation. Some LEPC members were involved in the evacuations. There were no losses, and everyone has returned home. A tanker trailer flipped over, caught on fire, and burned it down. LEPC meetings have been going forward. There will be another community-based COVID-19 testing on the 21st.

7. NON-STATE AGENCY UPDATES (Non-Action Item)

- a. U.S. Environmental Protection Agency (EPA) – No representative present. We have reached out to this agency and received no response
- b. Federal Emergency Management Agency (FEMA) – No representative present. We have reached out to this agency and received no response
- c. U.S. Department of Homeland Security (DHS) – No representative present. We have reached out to this department and received no response

8. STATE AGENCY UPDATES (Non-Action Item)- Was taken out of order of the agenda

Division of Emergency Management: Jon reported being buried in COVID-19. They have been activated for five months, coordinating resources and personnel around the state, assisting National Guard coordination with community-based collection, sampling in all of the counties including tribal nations across the state.

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They are continuing hazard assistance as well, with the southern central rural part of the state having upwards of 1,000 to 2,000 earthquakes a day. It is in a very, very rural area so not causing much damage to major infrastructure. US-95 has had some damage and has been repaired twice. Most ESF (emergency support functions) partners are in support including federal partners. Currently have four FEMA representatives embedded with us coordinating the governor's information as well as the continued operation of all four major sections. Currently reporting to the National Guard working under Major General Berry to ensure a coordinated effort with the Department of Health as well as Division of Emergency Management, reporting directly through them and coordinating all of our information, activities, and state-wide support.

Nevada Highway Patrol Division: Clay Madsen reported that on the NHP side there are three different area commands out of Carson City/Reno, Elko, and Las Vegas. All three regions are a little different, but HAZMAT things are similar. We continue to do inspections, making sure that all the hazardous materials packages are traveling safely across the state. Recently had to escort a decommissioned reactor pressure vessel from San Diego to Wendover, up 93 and 318 which was a three-week event in the middle of July 4th. Other than the first day with some blown tires and equipment issues, it went off without a hitch. Emmert International is a good group of professional drivers. We've been assisting with the civil unrest in the various regions as needed and requested, as well as other duties as assigned, and we are conducting training as best as we can despite the COVID-10 restrictions.

Richard Brenner responded that the reactor vessel was impressive, coming in on rail to Las Vegas over the Memorial holiday. He watched them transfer the 770-ton vessel to the ground unit and it was incredible.

Clay Madsen stated they got word today that it arrived yesterday or today. They had level 6 inspectors on each day of the shipment. We pretty much ran it out of here, even though it was out of Elko officially due to Elko being short staffed due to Sergeant Ben Jenkin's memorial service. They had six total trucks, 2 pullers, 4 pushers, and it was amazing to stand beside it as it was one of the biggest things I've ever been around, and I grew up in construction and mining. So, it was very significant.

Richard Brenner stated it was amazing, but they should have also coordinated with Public Utility Commission and NDOT.

Clay Madsen responded that they had been talking to NDOT for the past year but as far as the escort, it did not dawn on anybody what it was going to entail. In speaking with the owner and vice president of the company it is considered a classified load and only certain people can divulge information about it. Our daily survey results showed we were getting less radiation off of it than what you'd get background. They did a phenomenal job. More loads coming out of that

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decommissioned power plant is expected in coming years, but not nearly as big or significant.

Richard Brenner responded that the location of this one was between L.A. and San Diego and it was decommissioned in 1992 and has been sitting there because it was too large to go through the Panama Canal. They tried to send it through South America, around the Cape, and Chile, and Peru, and a whole bunch of countries, didn't like that, so they came up with this other plan, and because of sitting so long is now giving off very little radiation.

Nevada Division of Environmental Protection: Kelly Thomas with Division of Environmental Protection stated they have nothing to report this quarter.

Nevada Division of Emergency Management: Jon Bakkedahl responded in regard to the above NHP statement, on those type of shipments a lot of information is not released. The Office of Nuclear Projects is the agency that leads that, and all information comes through and out of that office which is based out of Carson City and is currently an operation of just one. Joe Strolin retired for the second time last year, so Fred Dilger is the point of contact at that office. Lieutenant Don Plowman had information on that and was working with the Office of Nuclear Projects and so he may be able to give get some additional information. We had training scheduled across the I-80 corridor as well as Las Vegas for NHP commercial and for UMC Hospital. Due to COVID-19 it was all canceled, so we do have shipments going across I-80 and shipments that will be taking place in September, anywhere from 10 to 30 different semi-shipments coming out of Lawrence Livermore National Labs and the Bay area, so we are trying to force training. Four communities have requested it, Washoe County, Humboldt County, Elko County, and West Wendover, looking for training prior to the shipments. In May and June, we completed all the calibrations of devices across the state for those that were able to come up with their devices. We have a new hire here at DEM that helped me with that, going around to all the communities with our contractor, picking up equipment and getting all devices calibrated. Also working with Tori at UMC as well as Lieutenant John Arias from Southern Nevada Commercial, on rescheduling the RAD trainings down there as well, to get Southern Nevada Commercial online as well as the hospital so can continue to build up for large-scale exercises they are looking to perform later. In summary, calibrations are complete, lots of training will be rescheduled, and we purchased some additional new equipment to use up some of our grant money so that once I do the training I can allocate the new equipment on how it's used. We plan to do all that before the fall.

Richard Brenner asked Kelly Thomas if we still plan to do Chemical Accident Prevention Program(CAPP) inspections in the fall in Southern Nevada.

Kelly responded they are currently on schedule to do that but are going month by month right now. July it is all virtual inspections primarily focusing on facilities that State of Nevada Emergency Response Commission (SERC) / July 16, 2020, 9:00 a.m.

have minimal potential impact, and hopefully come August, September, we will be back on that road.

Nevada OSHA: Jesse Lankford reported OSHA is currently buried with COVID-19/pandemic work. The entire agency is focused on dealing with business and public structures when it comes to the exposure and move of the virus. At the state level, leadership is starting to look into Battelle decontamination systems. Through the grapevine it has been heard that we are setting up for the long haul when it comes to the virus, so our entire staff is focused on doing nothing but working in the field and ensuring businesses are requiring masks when we enter the door. We have been in contact with several representatives and multiple counties to try to figure out how to manage certain aspects of this.

Dennis questioned what the penalty is for an employer required to have their employees wearing face masks but found not to be complying. He questioned if it was an initial warning or an immediate citation.

Jesse Lankford responded it depends on what kind of business it is. Some businesses we will perform unannounced observation, to see if they are complying. We are working as kind of the right hand of the governor to get information and statistics for that. If we open an investigation with a business and find that the business isn't doing what is currently required of the business when it comes to managing their employees and the exposure of the employees, the penalties start at \$13,400.00 and are adjusted by the size of the business, employee population, exposures, etcetera.

Deb stated she owns an advanced EMT school which is considered an essential business. They have a check-in station as people come in. They must have masks and are taking temperatures but had a question from someone where we have classes. Currently we are live streaming, but if we bring them into the building (which we have not done) for the didactic portion, are they still mandated to be six feet away from each other if they are wearing face masks?

Dennis responded that general guidance for all public is to remain six feet apart and wear your mask, but he is reviewing vocational school requirements. We know it takes some exposure to be able to do hands-on practical's in some events at a vocational school, what we are asking individual entities and establishments to do is have good hygiene practices in order to limit exposures. Then when there is an exposure or a close contact they should go back to their chairs, use sanitizer, clean themselves up, then are good to go.

Deb responded that they are currently requiring everyone, including instructors, office staff to have masks, and practice good hygiene but the question relates to if they were to come back into the class. Right now, they are already practicing with labs done in small group labs. Because there are seven or eight classrooms, we can keep them small and rotate them through, so it works out okay. We then disinfect everything in between each group. But if they were to sit in a classroom

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together if they are less than six feet apart but have their masks on, that is the question.

Dennis responded that he would get her in touch with Jesse regarding this question as Truckee Meadows Community College is facing the same issue.

9. SERC Committee Reports

a. Planning and Training Subcommittee - Review of Compliance Reports following the Subcommittee's June 2, 2020 Meeting:

Richard reported the chair is Caroline Levering. We are trying to get her onto the SERC Commission. On June 2 we had a meeting and reviewed all of the LEPC HAZMAT plans as well as their exercises. We are also working with staff, Christina and Brandi, to make ensure they submitted their information, affidavits, bylaws, and meeting minutes in order to be in compliance, and when this is confirmed they are eligible to put in for grants. We did have that meeting, but in the past we always met in person and it can be kind of complicated looking at plans that are 100, 150 pages, but staff did a wonderful job in getting the plans out so we could all review them ahead of time and it worked out great and they basically gave recommendations. The Planning and Training Subcommittee is a subcommittee of the Funding Committee, so it helped us in funding, which is item B, the next agenda item. When we met June 15th, we were able to go very quickly through the grants even though we had quite a few grants. As you can see, there are three different set of grants that we started to go through and approve. Any questions before I proceed to item B?

Nathan Hastings questioned that since the item is framed in the agenda as potential action for the full SERC to accept any recommendations of the Planning and Training Subcommittee from the exercises and plans, whether would be an action taken on the item.

Richard Brenner responded there would be no action taken as they gave recommendations to the Funding Committee.

Nathan Hastings responded that since the agenda state otherwise, hopefully, we will keep that in mind for agenda review next time.

b. Funding Committee:

Richard Brenner reported they had their meeting and had three different sets of grants. Normally these are spread these out over separate meetings, but COVID-19 has created some issues and we managed to get through them.

1. REVIEW OF FY21 HMEP MIDCYCLE GRANT APPLICATIONS

Richard Brenner reported regarding the HMEP grant which is a grant that we get from PHMSA a part of United States Department of Transportation (USDOT). They have a special section which is the Pipeline Hazardous Material Group that handles hazardous materials. Every state and territory and some (not all) tribal, are eligible for this grant. The money is used for

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planning and training with a focus on transportation because the money generated comes from transporters of hazardous materials and hazardous waste. Our staff has compiled spreadsheets with a green heading entitled Hazardous Materials Emergency Preparedness Grant, HMEP Midcycle Subgrant Award. Does everybody have access to that?

Various respondents both yes and no.

Clay Madsen asked if it could be found on the website.

Christina Wilson stated she could grant immediate access if an e-mail is sent with first and last name.

Richard Brenner asked if anyone else needed access.

Commission went through each of the counties that applied for HMEP grants.

Carson City applied for \$975.00 for FireShowsWest Conference.

Clark County applied for \$3,166.00 for an explosives class.

Clark County applied for a second one \$8,595.00 for some training.

Henderson Fire Department was doing that.

Douglas County applied for two classes \$5,441.00 to attend Continuing Challenge Conference in Sacramento. There was \$11,643.00 for attending the FireShowsWest Conference.

Elko County applied for \$43,175.00 for two training classes, ICS type classes.

Humboldt put in for \$5,665.00. This was for the FireShowsWest Conference.

Storey County put in for two grants. One of them was \$8,595.00, for doing an exercise, and then the other was \$1,629.95, for training and monitor exercise.

White Pine put in for \$11,578.00, and that was for FireShowsWest Conference.

Those are a quick summary of the grants on the spreadsheet, all of which were approved.

The only ones are Carson City and White Pine, and they are asking for FireShowsWest funding.

Christina Wilson responded that Humboldt County is asking as well.

Richard Brenner stated what we try to do with this grant is that we have a certain amount of money, for example, \$300,000.00, then we have a grant period where we open it up to all the LEPCs. At that point we have a balance which we keep open and we let all the LEPCs that are eligible for the remaining amount of money to be used for anything focused on hazardous materials and transportation. It can be used for buying cleaning supplies and PPE when you do your exercises. He questioned if anybody had any questions in reference to the grants that reviewed. Brandi confirmed the funds are still available.

Richard Brenner requested a motion regarding funding the above HMEP grants.

Susan Crowley made a motion that we fund these grants in the amounts requested. Lance Chantler seconded the motion.

Richard Brenner called for any discussion.

Nathan Hastings asked for clarification under 9B, asking if this motion was just for the 9B1 HMEP midcycle.

Richard Brenner stated this was correct.

Nathan Hastings suggested in order to make it clear on the record because the motion was stated a little bit more broadly in terms of funding these grants under 9B, to make it clear that this motion is not about items 2 and 3 as well, but just 9B1 for the HMEP midcycle.

Susan Crowley affirmed as the motion maker I would ask that we make that specific.

Richard Brenner called for a vote. [ayes around]

The motion was unanimously carried.

2. Review of United We Stand Funding Opportunities

Richard Brenner reported if you are familiar with the license plates with the eagle on it, this was developed many years ago after 9/11, and we get funding for each plate sold which goes into a special fund. Every year we have this grant opportunity that is to be used solely for combating terrorism, and it is a good program. You may have heard of the Homeland Security grants that we get from Department of Homeland Security (DHS) most of which are for bigger counties like Washoe and Clark. But this is a grant opportunity for smaller frontier counties to get funding. Reviewing the spreadsheet, at the top it is blue in color, and is entitled United We Stand, UWS, Planning, Training, Equipment, and Supplies. The spreadsheet indicates different agencies including one state agency that applied for the grant. Again, this grant is for basically prevention measures. The Funding Committee has reviewed them and made recommendations, and this spreadsheet is our recommendations for each of the LEPCs and the one state agency, the Legislative Council Bureau (LCB) police.

Brandi inquired if they would be discussing Pershing County.

Susan Crowley asked if there were funds in the United We Stand grant pot?

Brandi stated yes, there were.

Richard Brenner stated that Brandi mentioned Pershing County, but the Funding Committee has not reviewed theirs as it was late. Matt is the chair of the Funding Committee and his feedback would be nice, but I have reviewed Pershing County's United We Stand grant, and it is on the spreadsheet. They wanting to buy 15 gas masks with riot control filters, so if there is tear gas that law enforcement uses it will protect them. Any feedback would be appreciated.

Nathan Hastings with Attorney General's office responded that from an open meeting law standpoint, in terms of the notice that has been given of what action can be taken in this meeting, the commission, under this agenda item, may approve with contingencies or deny applications where there is a recommendation from the Funding committee. The Funding Committee met last month and made recommendations, and the Pershing County application was not one for which a recommendation was made.

Richard Brenner posed a question to Nathan that if we actually have the Funding Committee members available on the phone right now, could we discuss and approve this item?

Nathan Hastings advised against that as that would be an action taken by the Funding Committee, which is a public body in and of itself, and that committee needs to have it put on an agenda and given notice of any action that it was going to take. This is based on Open Meeting Law, but the committee can choose to not heed his advice.

Dennis responded to Nathan that this was inadvertent, and we want to try to approve this without waiting for the next quarterly meeting which could have some negative impacts on Pershing. He then asked if, as a committee, they could make a motion to accept the Funding Committee's recommendation of either adopting or not adopting this item, and collectively vote on accepting the recommendation of the Funding Committee for it, as then it would be much easier for us to put together a Funding Committee meeting in short order for this and other items to adopt. In other words, should the Funding Committee vote to approve this, could the body as a whole then approve it?

Nathan Hastings responded by reviewing language stating that the Commission will review recommendations from Funding Committee and then approve such applications. The trouble is just, with the way the beginning part of the agenda item was written, it kind of precludes reviewing anywhere there is not a recommendation from the Funding Committee. Nothing in the law that says that the SERC has to have a recommendation from a Funding Committee before it can approve grant distributions on these applications. The concern here is about the Open Meeting Law and what the agenda says. If this agenda item said something like, additionally, the SERC can grant or

approve grant applications that had not yet been seen by the Funding Committee, that would be perfectly fine, as far as I'm aware, from an authority standpoint. This is a notice issue. I have given my advice based on the way I read the agenda item and my understanding of the Open Meeting Law, and I'm just going to leave it there. If you guys make a determination that for practical reasons you need to do something, and you feel comfortable doing it, I am not here to stand in the way of what you want to do or tell you what you can and can't do. I am just giving legal advice.

Richard Brenner expressed appreciation for Nathan's feedback, stating the reason why we have these subcommittees is it makes it much timelier to run a SERC meeting when all the work is done with the subcommittees. The Funding Committee looks at all these grants and it was a long meeting. My thinking is the Funding Committee is a small portion of the SERC, and as a group, we can decide, so what I will do is call for a motion and a second and then we have a discussion on where we want to go with it.

Dennis responded for Richard to go ahead and make a motion.

Richard Brenner responded that he did not know he could make a motion.

Susan Crowley made a motion that we approve the grant applications that have been recommended to us for approval from the Funding Committee, and that we add to that the Pershing County that was not reviewed by the Funding Committee but looks wholly appropriate to include in the United We Stand grant applications that we grant out.

Richard Brenner called for a second.

Lance Chantler seconded the motion.

Richard Brenner asked if Christina had gotten that.

Christina Wilson questioned Nathan if that was specific enough to accomplish what we wanted to.

Nathan Hastings replied that in terms of the motion being clear and stating the intent of what you want it to accomplish, it sounded clear and concise.

Christina Wilson confirmed to Richard that she had gotten that.

Richard Brenner called for discussion.

Clay Madsen asked if there was a timeline that we have about funding this request or is just for the safety of getting it done quickly in case we have more situations where they need the gas masks?

Christina Wilson responded that the timeline for the United We Stand and SERC grant, the performance period runs July 1st through June 30th of the next year, so FY21 is going to be July 1st through June 20th of 2021. The HMEP is a little different because it is on a federal fiscal year. The importance of getting these approved as soon as possible allows for the counties that have the same state fiscal budget timeline as the SERC and the United We Stand to utilize the funds without having any more hiccups or issues with getting documents done and confusing everybody. It also allows them to get their people equipped, trained, and so forth with these funds. The HMEP with it being on a federal has a performance period of October 1, so it would be October 1, 2020, to September 30th, 2021, because HMEP runs on the federal fiscal year. Timeline-wise, we try to have all of the applications reviewed and approved in order to get award letters out to each county within that timeline so they can start utilizing funds as soon as possible. We tend to have a timeline at the beginning of the year as deadlines for applications to be submitted. Our Funding Committee and our Commission normally review these applications in the March to April timeline, but this year a wrench was thrown into that system so we are trying to get these out and approved as soon as possible to try to play catch-up a little bit.

Richard Brenner stated that in 2008 the United We Stand grants that we looked at were “solely” United We Stand grants, and all the funding was for combating terrorism. Back in 2008 when we went through our recession in the state, we got the money taken from us. That is why I am concerned that we need to do something with Pershing right now as we are in a similar situation. Based on history, we need to encumber the money as quick as possible.

Clay Madsen stated that is where he was going with that, wanting to know if are we in jeopardy of losing the funding if we wait to fund it. A couple of other questions. How late was their application, a matter of days or an extended period because of COVID? What are the ramifications to the Commission if we break that Open Meeting Law?

Christina Wilson responded the application was only about a day past the deadline due to a new emergency manager in Pershing County trying to get everything together to ensure that their county has the best possible resources to help get everybody equipped. It was received June 5th and was just overlooked which was partly our fault and for which I will take the blame. I had all the documents together for Brandi. I didn't hear the second question.

Clay Madsen responded the question is this is for Mr. Hastings as it sounds like his concern is the fact that may be violating the Nevada Open Meeting Law with even discussing this without the first posting that first part of it. What are the ramifications to the Commission if we do go against those Open Meeting Laws?

Nathan Hastings responded it is not a simple answer, that to really understand it very well it would take some time to. Referring to Chapter 10 of the state's Open Meeting Law manual, the basic principle as stated in NRS 241.036, that an action taken by a public body in violation of any provision of the Open Meeting Law is void and the action has no legal force or binding effect. In a practical sense that means if the statute, Chapter 241, also provides for a person or entity that wants to make a claim that the Open Meeting Law has been violated in some way, they can file an action to bring to a court's attention that the Open Meeting Law was violated and seek that the action taken be invalidated and potentially, depending on the situation those actions would and could result in an order from a court for the public body that took the action deemed to be void to have to "correct the action." I would have to really think about what that would mean in this context. And then, if anyone was damaged by the action taken in violation of the Open Meeting Law, then there could potentially be a fine related to a damages component of that happening. If there was a limited pot of money and one entity got some money whereby the public body here, the SERC, taking an action that was in violation of the Open Meeting Law, and that left it so that some other entity could not get funds when they had properly done their application-that is a hypothetical scenario that I can think of-that would potentially lead to damages or something like that. The advice I am comfortable giving today is general advice about what is required, and the fact that what I've stated already about what this agenda does and doesn't say, I do not feel comfortable giving you any kind of firm legal advice about risk of an outcome or adverse situation based on a violation. I think that that is something that if you want to look into more closely, I would refer you to Chapter 10 of the state's Open Meeting Law manual.

Clay Madsen stated that is what he was looking for, more generalities. It sounds like, if we do fund this and then somebody does challenges it the worst that would happen was Pershing County may be on the hook for that award. How big is the pot of money that we have to deal with?

Brandi responded that even with the awards we are talking about today we would still have \$657,000.00 in that account.

Dennis responded that he thinks Nathan was trying to convey his legal opinion while at the same time understanding the dilemma that we face. If we take action on this, I think a worst-case scenario is that there is an open meeting group that is notified that somehow SERC made a motion to adopt and award grant funds under certain circumstances and they want to take that to court, and at the end of the day and a long battle, the court determined that, while well-intentioned, we did not meet Open Meeting Law and that the grant was null and void, probably three years after the grant money was spent, in which case Pershing could always come back, ask for a like amount of grant money that can be awarded, given back. There are a lot of scenarios and a whole bunch of what ifs. One thing we could do is have all the Funding

Committee members incorporate that as a side bar into your motion that the present Funding Committee members unanimously voted in favor of your motion.

Karen Luna wondered if the motion should be modified to make it conditional on the Funding Committee separately documenting their recommendation and asked if every Funding Committee member was present on this call.

Christina Wilson responded everybody except for Matt Griego.

Richard Brenner responded that we have a majority of Funding Committee members on the call.

Susan Crowley stated that we have had applications for different kinds of grants that have bypassed the Funding Committee and gone right to the SERC, though it was not intentional. We are definitely complying with the intent of the whole process of providing an application, Funding Committee reviewing if they are able, and then SERC approving.

Clay Madsen stated he agrees with all being said, and that this is valuable equipment that they need in which is in full support but is just trying to share information about what some of the ramifications could be. I like the idea of approving it contingent upon the Funding Committee doing their due diligence and approving it that way.

Susan Crowley, the motion maker, added that contingency to her motion.

Lance Chantler likewise amended his second.

Richard Brenner called for further discussion of which there was none, then called for a vote. [ayes around] The **motion was unanimously carried.**

3. REVIEW OF SERC OPTE GRANT APPLICATIONS

Richard Brenner reported this is a grant where we get funding from industries that have hazardous materials here in Nevada. They pay a fee which that goes into a special contingency fund, and LEPCs are eligible to put in for that money. There is money to operate the LEPCs, up to \$4,000.00, and they can also put in for planning, training, and equipment. The spreadsheet is titled State Emergency Response Commission - OPTE, Operations, Planning, Training, and Equipment. The Funding Committee has reviewed all on the list and the counties are also listed. Is there a motion?

Susan Crowley stated there are several counties that have not asked for their operations money and she wondered if they needed to specifically submit an application to request the \$4,000.00.

Christina Wilson responded that they do have to submit an application. The counties with no application were contacted and stated that they were not going to be applying for the operation as well even though they were advised that with them being in compliance for the year they could still get it. There was no request after that. I believe it was Esmeralda County that asked for the operational funds only.

Susan Crowley asked if we have enough money in our account to fund all of these at the full amount.

Christina Wilson responded in the affirmative.

Susan Crowley made a motion that we accept the recommendation of the Funding Committee and grant these applications in the amounts given in this spreadsheet.

Eric Santos seconded the motion.

Richard Brenner call for discussion, then hearing none, called for a vote. [ayes around] The **motion was unanimously carried.**

c. Bylaws Committee

Richard Brenner confirmed with Christina/Brandi and reported the Bylaws Committee did not meet. They are still looking for additional members on that committee.

d. Legislative Committee & Policy Committee

Richard Brenner confirmed with Christina/Brandi and reported the Legislative Committee & Policy Committee did not meet

e. Radiation Committee

Richard Brenner confirmed with Christina Wilson there was no update and no meeting as well.

Dennis shared if any members on the phone recommendations for the Legislative Committee with the upcoming legislature that might require a bill draft request, if you could forward those to both and I it would be appreciated as we need to start formulating that may need to be taken as soon as possible.

10. ADMINISTRATIVE REPORT

A. Grant Change Requests

Brandi reported there were several grant change requests approved.

Clark County requested a grant period extension for the United We Stand grant.

Elko County requested that their savings from their United We Stand grant be

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used to purchase additional tablets, vehicle mounts for tablets, and cases for their tablets.

Storey County requested to change their budget authority from \$31,694.00 to \$30,111.00 on their United We Stand grant. On that same request, they requested to purchase 100 key fobs to go with their courthouse new security doors. They also submitted a second request to change the grant period for an extension on that.

Washoe County was a continuing challenge for SERC OPTE for the \$21,512.00.

Richard Brenner stated he approved it and asked Brandi if she had sent it over to Dennis.

Brandi responded that Richard approved it, but she did not hear anything back from Dennis. It was just moving it from training to equipment.

Richard Brenner responded that basically what happened for the Commission's background information, this was already discussed at a Funding Committee or they contacted Matt, the Funding Committee chairperson who said he was not in opposition and felt it was okay but wanted the co-chairs to look at it. It was sent to the co-chairs. They sent it to the co-chairs, and I think it is just waiting for Dennis.

Dennis responded that he wants to hold a few things over Aaron Kenniston's head before he signs off on it. Dennis stated he is good with it.

Brandi stated the State Fire Marshal requested to decrease the number of ballistic vests on their United We Stand grant and they requested to buy cameras, ladders, flashlights, and cases with that money. They submitted a second request to extend the grant period for the United We Stand grant and to purchase additional cameras, range finders, and cases since the iPads they purchased came in at a cheaper price.

B. LEPC Compliance Report

Brandi reported all subgrantees are in compliance, but we are asking that updated memberships be mailed to us as we are discovering a lot of the county memberships are not up to date.

C. Budget Update

SERC OPTE: Brandi reported the total amount award for SERC OPTE for the fiscal year was \$382,017.00. So far have only received \$126,000.00 in reimbursement SERC OPTE FY21 total awarded was \$466,000, with a remaining of \$213,677.00 left in that account.

United We Stand FY20: Brandi reported the total amount that was awarded was \$430,376.00. So far, we have only received \$120,429.00 in reimbursement claims. United We Stand fiscal year 21, which we just awarded, was \$353,490.00. In that account, we have a remaining balance of \$657,075.00. If

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you have any reimbursement claims that you have submitted and not received payment, we are asking that you please email them in so we do not get stale claims at the end of the year. With the COVID-19 and people working from home we might have missed some. I also have some FY19 stale claims that I'm still waiting for approval on from the Governor's office.

D. USDOT/HMEP

Brandi reported for year 1 of the HMEP grant we have a remaining balance of about \$72,000.00. They are also now offering COVID-19-related items such as sneeze guards, gloves, disinfectant spray, soap, masks, hand sanitizers, paper towels, a number of other things but they cannot be used for planning. They have to be used for training of HMEP only. They cannot be purchased for operational use. When filling out the HMEP grant applications, please remember to fill out the form completely. Currently there are lot of issues with activity requests not meeting the 50 percent tie-in to have transportation in the description, so they are being kicked back.

E. FireShowsWest

Brandi reported the in-person FireShowsWest has been canceled and we will know more tomorrow. They will post more details on what they're going to do. They are trying to get a virtual conference together, so not yet sure how that will affect the HMEP grants that the LEPCs have applied for.

F. National Night Out

Brandi reported National Night Out has been canceled.

Kelly asked if she had heard correctly that National Night Out had been canceled.

Christina responded that both National Night Out was announced as canceled. National Night Out cancellation was announced last month but FireShowsWest cancellation was recently announced it for in person. They are looking at trying to hold classes virtually and more information on that will be available tomorrow and will be passed along.

Patricia with Esmeralda County asked if their remaining balance of \$72,000.00 can that be applied to equipment or if it is only for planning and training, as she has a couple of departments interested in requesting grants on that.

Brandi responded that the \$72,000.00 is the HMEP as a whole for the first-year grant money, and therefore it can be used for equipment.

Patricia questioned if this must be applied for by this September.

Brandi responded affirmatively.

11. PUBLIC COMMENT

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No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Public comments are limited to three minutes unless the Committee elects to extend the comments for purposes of further discussion. Comments will not be restricted based on viewpoint. Richard Brenner called for public comment.

Susan Crowley stated something came to mind as Brandi was going through her report. For those grants that we have provided to LEPCs to participate in FireShowsWest, if they are not able to use those because FireShowsWest has been canceled and they do not come up with a digital format that allows our LEPCs and firefighting groups to use the funds to participate there is nothing we can do right now about it but we might want to be thinking about creative ways to help firefighters and emergency responders use funds. We may need to think about re-granting them out in a different way.

Richard Brenner responded that a good thing is that it stays in our budget, but asked Christina and Brandi their opinion.

Christina Wilson responded that she agrees that they will have to think of some creative ways to utilize that for training and planning, and that once we get the information tomorrow we will probably have a better scope of what they can do. They are talking about doing virtual trainings, and if they do, they will surely have a registration fee, but let us cross that bridge when it gets here tomorrow.

Susan Crowley questioned because FireShowsWest comes up quickly in the fall, October or November, we may not have a regular, full SERC meeting before we need to be able to spend these funds or grant them out, so will there be a special SERC meeting needed to be able to address this?

Richard Brenner responded that in the past we have had a SERC meeting in July to deal with fire shows and we just don't have enough information, therefore, we may have to call another meeting before as normally our next meeting is at the FireShowsWest Conference.

Christina Wilson inquired that since these applications were already approved for FireShowsWest would they be able to do a grant change if they find an activity that's allowable by HMEP standard? Administratively we could, but I'm asking Commission-wise would you be comfortable with that?

Richard Brenner responded that policies are in play here and questioned if it was 10 percent and then go to the Funding Chair?

Christina Wilson responded that if it is 10 percent or less it is internally approved but posed the question if it is over 10 percent and they are using the same amounts, or less than 10 percent, would you feel comfortable with that?

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Richard Brenner responded that as long as it is approved by PHMSA, I do not see a problem with that.

Christina Wilson responded that a lot of the LEPCs with the announcement that the funds can be utilized for the planning and training for the PPE, the sanitation items, they can hold classes and tabletop exercises and so forth and I could see a lot of them doing that. If that is an Option, we can talk about that once we get all the information from FireShowsWest.

Susan Crowley questioned if it is more than 10 percent can the Chairs approve that change?

Christina Wilson responded affirmatively.

Richard Brenner stated that comes back to what we just discussed a few minutes ago in reference of Washoe County. It goes to the Funding Chair, in this case Matt. He approved it but still wanted the Co-Chairs to approve it as we, and so it worked out really well.

Karen Taylor stated that Clark County LEPC applied for an HMEP midcycle approximately a year and a half ago. This grant required some work to get it approved. Clark County LEPC received an award letter less than 30 days ago with a turnaround time expiration date of 30 days after the issue date. I have had discussions with the SERC administrative staff requesting that an extension be granted because obviously, we cannot turn a grant around and do the performance in 30 days but she said this is not possible. If this is truly the case, I would like to request that Clark County LEPC, for this particular project which was for \$10,500.00 be subbed out from Clark County to the Mesquite Fire Department to do drone training, that Clark County LEPC be considered for the available HMEP midcycle funds for this current year that is available.

Brandi commented to Karen that she had a discussion with her and asked you if the end of August would help her out but she had stated it would not.

Karen Taylor responded that is correct, that a couple months for an organization like Clark County is not enough time for us to administratively administer this grant.

Richard Brenner commented that in this case we are eligible for HMEP funding so we can reapply, so he does not understand Karen's question.

Karen Taylor inquired if instead of reapplying since they applied a year and a half ago and there is funding available in the next year for HMEP could the award letter be transferred to the money that is available? That would give us six months or a year or whatever the closeout period, performance period of HMEP 20 is.

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Brandi responded no because this is actually the HMEP 2016 grant, the three-year grant, so she has to close that grant out in September. A new application would have to be submitted for the new HMEP grant, 19 grant, for year 1. So, it would have to be submitted as a new activity.

Karen stated that because the award letter says 19 HMEP she assumes it is 19.

Brandi replied that it is the 16 three-year grant, and the third year is 19.

Nathan Hastings stated that specifically during a public comment portion of the agenda, law requires that the agenda must state that no action may be taken on a matter raised under this item. This discussion is towards potential administrative function, so the best practice here would be, once public comment is made for purposes of a public comment period and is heard and understood, any further discussion including about administrative action should happen offline after this meeting.

Richard Brenner stated that we will address this issue offline.

12. ADJOURNMENT

Richard Brenner called for a motion to adjourn.

Susan Crowley so ruled a motion to adjourn.

Richard Brenner expressed appreciation for bearing with us and making this happen in these unique times when it is difficult working and make this come together on all these different mediums.

Christina Wilson stated if anyone needs information from us, not to be afraid to contact us.

The meeting adjourned at 11:35 a.m.

This is a public meeting. In conformance with the Nevada Public Meeting Law, I, Christina Wilson, posted or caused the posting of this agenda on or before July 16, 2020 9:00 am. at the following locations.

Pursuant to NRS 241.020(2) (c), a copy of supporting materials for the meeting may be obtained by contacting the State Emergency Response Commission at (775) 684-7511, 107 Jacobsen Way, Carson City, NV 89711 or serc@dps.state.nv.us.

*State Emergency Response Commission – 107 Jacobsen Way – Carson City
Carson City Public Library – 900 North Roop Street – Carson City
Clark County Public Library – 833 Las Vegas Boulevard – Las Vegas
Grant Sawyer Building – 555 East Washington Street – Las Vegas
NV Department of Transportation – 1301 Old Hot Springs Road – Carson City
NV Department of Transportation – 123 East Washington Avenue – Las Vegas
SERC web site – <http://serc.nv.gov>*

Nevada Public Notice Website – <https://notice.nv.gov>

We are pleased to make reasonable accommodations for members of the public who are disabled. If special arrangements are necessary, please notify the Commission at (775) 684-7511. Twenty-four hour advance notice is requested.

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