

Minutes
Nevada State Emergency Response Commission (SERC)

Special Meeting

Tuesday, April 26, 2022 at 9:00am

1. CALL TO ORDER

Richard Brenner called the meeting to order at 9:04am.

2. ROLL CALL, CONFIRM QUORUM, AND INTRODUCTIONS

Role was take of members and a quorum was present.

Members Present:

Carolyn Levering
Danny Brennen
David Sellen
Debra Dailey
Dennis Nolan, Co-Chair
Eric Santos
Jon Bakkedahl
Karen Luna
Kimberly Ferguson
Lance Chantler
Michael Mallner
Michael Morton
Richard Brenner, Co-Chair
"TJ" Monteviest Qualls

Guests:

Brett North, White Pine County LEPC
Kelly Echeverria, Washoe County LEPC

Nathan Hastings, DAG
Tami Beauregard, SERC Administrator

3. PUBLIC COMMENT

Mr. Brenner called for public comment. There was none.

4. SERC COMMITTEE REPORTS

a. BYLAWS COMMITTEE

Tami Beauregard reviewed the recommend changes to the SERC Bylaws from the Bylaws Committee.

Debra Daily made a motion to approve the recommend changes to the SERC Bylaws. Dennis Nolan seconded the motion which was approved unanimously.

b. **LEGISLATIVE COMMITTEE**

1. Nevada Revised Statutes

- a. NRS 459.735.1 – ‘General Fund’ being used and 459.735.5 – ‘Highway Fund’ being used. Is this a conflict?

Mr. Nolan advised there is no conflict.

- b. NRS 459.742.4 – does the SERC still do this and 459.742.8 – should ‘Division of Emergency Management’ be changed to ‘Department of Public Safety’?

The recommended language for NRS 459.742.4 to read:

Provide technical assistance and administrative support to the Telecommunications Unit of the Communications Division of Enterprise Information Technology Services of the Department of Administration for the development of systems for communication during such emergencies

The recommended language for NRS 459.742.8 to read:

Adopt regulations setting forth the manner in which the State Fire Marshal / Department of Public Safety and/or the Nevada Division of Emergency Management / Homeland Security shall (Ms. Beauregard to insert the correct name for Division of Emergency Management)

- c. NRS 459.755 – add language allowing the SERC to establish regulations governing the use of contingency account funds to reimburse LEPCs for hazardous materials spill clean-up.

Mr. Brenner and Nathan Hastings provided a synopsis of what the statute allows the SERC to do, the statute is being reviewed and how the SERC should move forward.

Mr. Hastings suggested the SERC give the co-chairs and staff the authority to work with the Legislative Council Bureau (LCB) to come up with the correct language to give the SERC the authority to make regulations if a local agency does need to use the contingency funds.

- d. NRS 459.773 – does the Fire Marshal still do this?

Mr. Nolan advised the Fire Marshal does do the task in the statute.

Carolyn Levering made a motion to approve the verbiage change in NRS 459.742.4 and empower and authorize the co-chairs and SERC staff to negotiate a bill draft request wording for NRS 459.755. Debra Dailey seconded the motion which was approved unanimously.

2. Nevada Administrative Codes

- a. NAC 459.99121 add 'membership list' and 'Commission Bylaws' into the language.

The Commission had no issue with the recommended changes.

- b. NAC 459.99123 change 'emergency plan' to Hazardous Materials Response Plan'.

The recommended language for NAC 459.99123 to read:

"Emergency Plan" means a plan established by a local emergency planning committee pursuant to NAC 459.99133 to respond to an emergency caused by the release of a hazardous material

- c. NAC 459.99131.6 add 'Commission Bylaws' into the language.

Mr. Brenner and Mr. Hastings gave a synopsis with regards to the issues the Washoe County LEPC has with changes to their Bylaws as requested by the Bylaws Committee, when and how the Bylaws sample was added to the SERC's website, past practices, what is in the Emergency Planning and Community Right-to-Know Act (EPCRA) law and how the SERC should handle this situation.

A discussion ensued with regards to what should be in the regulations so that the minimum Bylaws requirements do not limit the Local Emergency Planning Committees (LEPCs) need to govern other issues, as well as the amount of time to be given to the LEPCs to meet the new requirements.

Kelly Echeverria thanked the Commission for the discussion and feels the LEPC's concerns are understood and expressed their gratitude.

The Commission had no issue with the recommended changes.

- d. NAC 459.99132.3 add 'via the Commission' into the language.

The Commission had no issue with the recommended changes.

- e. NAC 459.99132.5 add 'at the same time the agenda and minutes become available to the public' into the language.

The Commission had no issue with the recommended changes.

- f. NAC 459.99133.1.c add ' via the Commission' into the language.

The Commission had no issue with the recommended changes.

- g. NAC 459.99141.2.b change 'the Department of Public Safety' to 'Homeland Security'.

The recommended language for NAC 459.99141.2.b to read:

To pay for training to support preparedness to combat terrorism unless the local emergency planning committee previously submitted a request to the Nevada Division of Emergency Management / Homeland / Security to participate in a training program provided by the Division and the Division declined to provide such training

- h. NAC 459.99163.2.b change 'the Department of Public Safety' to 'Homeland Security'.

The recommended language for NAC 459.99163.2.b to read:

To pay for training to support preparedness to combat terrorism unless the local emergency planning committee previously submitted a request to the Nevada Division of Emergency Management / Homeland / Security to participate in a training program provided by the Division and the Division declined to provide such training

- i. NAC 459.99183.2 change 'Attorney General' to 'State Controller's Office'.

The Commission had no issues with the recommended changes.

- j. NAC 459.99189.1 and 459.99189.2 and 459.99189.3 and 459.99189.6 change 'Executive Director' to 'Administrator'.

The Commission had no issues with the recommended changes.

Additional recommended NAC language added by the Legislative Committee to read:

NAC 459.????? "Legislative Committee" defined. (NRS 459.740) "Legislative Committee" means the committee established by the Commission to assist the Commission in matters concerning regulation changes and/or laws relative to the Commission's oversight responsibilities.

NAC 459.????? “Policy Committee” defined. (NRS 459.740) *“Policy Committee” means the committee established by the Commission to assist the Commission in matters concerning policies as needed and/or to satisfy audit findings. The Committee will also recommend policies for migration to statutes and/or other regulations.*

NAC 459.????? “Radiological Committee” defined. (NRS 459.740) *“Radiological Committee” means the committee established by the Commission to assist the Commission in matters concerning the support of State, Tribal, County and City jurisdictions and agencies utilizing the State of Nevada Preventative Radiological and Nuclear Detection Concept of Operations (ConOps) and the State of Nevada Radiological and Nuclear Detection Sustainment Plan.*

Ms. Levering made a motion to authorize the SERC co-chairs and staff to be authorized to pursue rule making amendments for the Nevada Administrative Code 459 as discussed and agenda items 2a – 2j, as detailed on the agenda and to include the addition of the Legislative Committee, Policy Committee and Radiological Committee definitions and any other administrative updates as needed. David Sellen seconded the motion which was approved unanimously.

5. REVIEW OF THE LOCAL EMERGENCY PLANNING COMMITTEES (LEPCs) CURRENTLY NOT IN COMPLIANCE WITH FEDERAL AND SERC POLICIES

Mr. Hastings suggested the Commission decide on whether or not any LEPC not in compliance with their Bylaws due to suggested changes by the Bylaws Committee continue to be out of compliance or if the requested changes will not be enforced at this time. Mr. Hastings added it appears that the appetite of the Commission at this time is to not enforce the requested changes at this time. Mr. Brenner agreed to Mr. Hastings statement.

Ms. Beauregard reviewed the deficiencies, if any, for each LEPC and reviewed the process for which the LEPC was advised of any deficiency.

A discussion ensued with regards to why some of the LEPCs are deficient and how the SERC can assist to bring them back into compliance.

Ms. Echeverria suggested sending a poll to the LEPCs to find out what they would like to see as far as SERC support with grants and what their struggles or challenges are. Mr. Brenner noted this is a good idea. Kim Ferguson also agreed.

6. PUBLIC COMMENT

Mr. Brenner called for public comment. There was none.

7. ADJOURNMENT

Mr. Nolan made a motion to adjourn the meeting at 10:45am. Deb Dailey seconded the motion which was approved unanimously.