

Minutes
IOWA EMERGENCY RESPONSE COMMISSION
Thursday, May 24, 2012 at 9:00 a.m.
Wallace Building, 3rd Floor Conference Room
Des Moines, Iowa

Attendance and introductions:
(5 of the 7 voting members needed for a quorum)

Members Present:

- Bob Dougherty - IERC Member
- #Janet Gastineau-IERC Member
- Meghan Gavin – IERC Member
- #Susan Green – IERC Member
- #Dean House - IERC Member
- #Anne Jackson – IERC Chair
- #Ray Reynolds – IERC Member
- Julie Waltz - IERC Member

• **Absent Members:**

- #Terry Butler - IERC Member
- Kevin Klommhaus-IERC Member
- Melanie Rasmusson-IERC Mmbr

On the Conference Phone:

- Rex Mundt – IERC Vice Chair
- Jim Clark – IERC Member
- #Staci Griffin - IERC Member
- Ted Stopulos – IERC Member
- Pat Reitz - EPA
- Janet Riley – HSEMD Staff
- Tricia Boggs – HSEMD Staff

Staff Present:

- Paul Sadler – HSEMD Staff
- Lisa Sexton – HSEMD Staff
- Kathy Lee – DNR Staff
- Elonda Bacon – DNR Staff

1. **Approval of Agenda** - Motion by Dean House to approve the agenda, second by Susan Green. Motion carried unanimously.
2. **Approval of Minutes** - Motion to approve the March 15, 2012 minutes by Dean House, second by Janet Gastineau. Motion carried unanimously.
3. **Correspondence, Speeches, Conference Reports**
 - Paul Sadler he delivered training to Rex Mundt, Terry Butler, and Janet Gastineau. Will train Ray Reynolds next week.
 - LEPC Workshops – discussion deferred until later on the agenda
 - Two IERC telephone Conference calls were held to discuss the HMEP grant but did not have a quorum.
 - Stakeholders meeting in Kansas City – Anne Jackson, Paul Sadler, Kathy Lee and Elonda Bacon attended. Anne Jackson had the distinction of being the only SERC Chair in attendance. She presented the Iowa PowerPoint to the Stakeholders from Kansas, Missouri and Nebraska, which emphasized that we are doing the best we can with what we have, but made the state proud. Nebraska is doing workshops in June and Julie and Kathy said will try to go to the Nebraska workshops. Some of the Nebraska people attended ours in Sioux City.
 - Susan Green – said that she has been in discussions with her training partners at the Federal level, they are rolling out a hazardous materials planning training and they are looking for a state to pilot that program. She said she has offered to

sponsor that pilot training in Iowa. The training is free training and instructors would be brought in. It would be a real coup for Iowa. The training would be open to both public sector and private responders.

4. Standing Committee Updates

- Executive Committee – no report.
- LEPC Support/ Education Committee – Review of LEPC Workshops deferred to Old Business.
- Fee Legislation Study Committee – no report.
- Rules Committee - Chapter 605 – no report.
- Grants Committee – The Grants Committee is meeting to discuss the HMEP Grant. One was on May 1st and the next is scheduled for June 1st. Intent is to support Lisa Sexton in her application process and review of the applications.

5. Old Business:

- Discussion and approval of the Federal HMEP Grant Application – The grant went in to the Feds on May 1st. Applications were made available to the IERC members. Dean said he liked the process of viewing the applications on the web. Julie said she heard positive comments from other IERC members. Motion to approve the 2013 HMEP grant application by Ray Reynolds. Second by Susan Green. Motion carried unanimously.
 - Review of LEPC workshops – Kathy Lee said that they have been successful. So far there have been four workshops in different districts of the state. She said the evaluation comments were positive. Paul Sadler asked if the evaluations could be shared. Kathy Lee passed the originals around the table. Susan Green offered Beth Lewis as a resource on compiling and distributing the evaluations to the IERC. Pat Reitz said that one good thing at the Sioux City workshop was that half of the participants were from industry. Jim Clark thought it went well and was happy that it could be brought to Sioux City.
- **New Business:**
 - Training on Open Meetings, Public Records – Meghan Gavin. In the IERC's packets are the "Iowa Open Meetings, Open Records Handbook" from the Iowa Freedom of Information Council. This Commission does not have to deal with personnel actions so it should have few reasons to go into closed session. She gave three default rules for the IERC: all meetings are open; all meetings are noticed, all meetings are available to the public and public presence and participation is encouraged. She said that the IERC does all of these the best that she has seen. She explained that sub-committee meetings are not typically public meetings, but they can turn into public meetings if a majority of the members are present. It gets tricky when members meet formally or informally. If a majority of the members of a board or commission attends an informal event and someone brings up a business topic and there is any deliberation or action taken that is under the Commission's discretion, then it could fall under the Open Meetings Law. The IERC has both voting and non-voting members. Even if the meeting is a majority of non-voting members and if there is discussion, it could fall under the Open Meetings law. Megan said this Commission has typically

treated every meeting as a public meeting and you can never go wrong by doing that. Megan caution about meeting electronically. This Commission allows telephonic meetings, which is permitted, and must be stated why it is not practical to not hold the meeting in person. When the majority of the members are in the room, it is not a telephonic meeting. If the majority is meeting on the phone it is a telephonic meeting. Meghan said that state law encourages the use of email. Email can be used to pass out information or one on one discussion. Problems can happen when one person sends out information and people start replying to all and deliberation takes place. Then it becomes a public meeting. You can use email; you just have to be judicious, especially when you apply it to everyone. Just remember to “reply” but not “reply to all”. For making public notice of a meeting, the preferred method is to post the agenda in building where the meeting takes place and on websites. Ted Stopulos will find out the status of the central Open Meetings website. The IERC rules state that the agenda must be posted in the office of HSEMD, but email and website is also utilized. Meghan discussed quorum. The State has a default quorum rule in 17A of the Code and that is 2/3 of voting members unless otherwise stated in the statute that created the Commission. This body is ¾. But a majority needed to pass a motion is a simple majority of the Commission. Meghan warned that individual members of the Commission are liable for violating the Open Meetings law. Meghan offered to be available anytime if Commission members have a question.

- Review and Appoint Standing Committee members – Anne Jackson. She said we often mistakenly call the Standing Committees as “sub-committees”. She referred to the hand out in packets which shows the Standing Committees and a recommended membership based on precedent. Anne said for now she would be the Chair of each Standing Committee until they have an opportunity to meet and designate a chairperson. Motion by Susan Green to adopt Standing Committees, second by Ray Reynolds. Motion carried unanimously.
- Renewal of authority to approve LEPC members subject to IERC action and approval. - Anne Jackson. Discussion to clarify and authorize HSEMD support staff to review and “approve” nominations and resignations between IERC meetings. This would allow new LEPC members to immediately participate in LEPC business. The approved nominations and resignations must be subject to IERC action, i.e.: the appointment of LEPC members and the acceptance of LEPC resignations. This allows the staff to track possible conflicts of interest and present only qualified nominations to the IERC. Motion by Julie Waltz to give authority to HSEMD staff to approve LEPC nominations and resignations which will be subject to IERC action to appoint LEPC nominations and accept resignations. Motion second by Ray Reynolds. Motion carried unanimously.
- **Agency Reports**
 - **Homeland Security and Emergency Management Division**
 - Section 301 – LEPC membership – Paul Sadler. Appointments and Resignations since last March are spread on the minutes. Motion to appoint the LEPC nominations and accept the LEPC resignations by Dean House, second by Janet Gastineau. Motion carried unanimously.

- LEPC Membership Report – Paul Sadler said that about 20 counties have not provided the required documentation to show they are active, but he is still working with a number of them and will provide an accurate map at the next meeting.
- Section 303 – Plan Submissions –Paul Sadler reported that every county in Iowa has a hazardous materials plan in place however Buchanan County did not provide the required yearly review and update, which technically makes them “non-compliant” but they still have a plan that can be implemented. HSEMD continues to work with Buchanan County.
- Section 305 – Grants, Training Funds and Courses – Lisa Sexton
During this grant year of 2012, 1595 first responders have been trained in 53 classes. 1211 were refresher classes, 2 awareness classes, 7 operations, 43 refresher classes, 1 tech. Planning projects are in exercises, which must have a planning component. She discussed that the grant process has changed from last year.
- **Dept. of Natural Resources**
 - Section 302 & 312 – Tier II Reporting & facility Submissions – Kathy Lee. Kathy Lee provided some hand-outs and they will be sent out the IERC after the meeting and spread on the minutes.
 - Section 304 & Section 313 - Emergency Notifications & Form R Reporting – Kathy Lee. DNR doesn't see these reports anymore since they go to EPA and are submitted electronically. Public needs to go to website. We will discontinue reporting on 313 and ask EPA representatives to provide 313 TRI reports yes. No motion was necessary.
- **EPA Reports – Pat Reitz, EPA – Paul will send the report out after the meeting and spread on the minutes.**
- **Public Comment – none**
- **Set next meeting date - October 25, 2012.**
- **Adjourn motion to adjourn by Dean House, Second by Susan Green, Motion carried unanimously. Meeting adjourned at 10:52 am.**

Minutes submitted by Paul Sadler

Chairperson

Date