

**SERC MEETING**  
January 06,2021  
DHSEM

**I. Call to Order, Introduction of Members congratulations**

- Secretary Bianca Ortiz Wertheim called the meeting to order at 2:00 p.m.
- Roll was called followed by introduction of members.
- Meeting was held on Zoom.

Bianca Ortiz	Wertheim	DHSEM/Cabinet Secretary	505-476-9655	<a href="mailto:Bianca.Ortiz-Wertheim@state.nm.us">Bianca.Ortiz-Wertheim@state.nm.us</a>
Candice	DuBois	DHSEM/Preparedness Contractor	505-476-0628	<a href="mailto:Candice.DuBois@state.nm.us">Candice.DuBois@state.nm.us</a>
Cynthia	Holmes	DHSEM/Training and Exercise Unit Manager	505-476-9607	<a href="mailto:Cynthia.Holmes2@state.nm.us">Cynthia.Holmes2@state.nm.us</a>
Eric	Brummett	DHSEM/Exercise Coordinator	505-476-0872	<a href="mailto:Eric.Brummett@state.nm.us">Eric.Brummett@state.nm.us</a>
Janine	Kraemer	New Mexico Environment Department	505-476-4372	<a href="mailto:Janine.kraemer@state.nm.us">Janine.kraemer@state.nm.us</a>
Mark	Rowley	New Mexico State Police	505-660-5441	<a href="mailto:Mark.rowley@state.nm.us">Mark.rowley@state.nm.us</a>
Michael	Wisner	Retired	505-670-2902	<a href="mailto:wisner_7@q.com">wisner_7@q.com</a>
Dr. Paul	Felsher	Los Alamos National Laboratory	505-500-7087	<a href="mailto:pfelsher@lanl.gov">pfelsher@lanl.gov</a>
Ronald	Fitzherbert	Think CSE	575-496-6271	<a href="mailto:ron@thinkcse.org">ron@thinkcse.org</a>
Stephanie	Stringer	Resource Protection Division Director	505-827-2855	<a href="mailto:Stephanie.Stringer@state.nm.us">Stephanie.Stringer@state.nm.us</a>
Wendy	Blackwell	DHSEM/Preparedness Bureau Chief	505-476-9676	<a href="mailto:Wendy.Blackwell@state.nm.us">Wendy.Blackwell@state.nm.us</a>

**II. Approval of Minutes from October 26, 2020 and the Agenda.**

- Secretary Bianca Ortiz Wertheim motioned to postpone agenda line items 5d and 5e. It was seconded by Michael Wisner and approved by vote.
- Mark Rowley motioned for approval of the October 26, 2020 Minutes. It was seconded by Paul Flesher and approved by vote.

**III. Administrative Items**

- No administrative items to address.

**IV. New Business**

- Wendy Blackwell presented the NMSA 74-4E-7 through 74-4E-9 for change by the SERC.

- Secretary Bianca Ortiz Wertheim explained what the Tier II database is and why it is necessary to re-establish the hazardous waste emergency fund that was repealed in 1992.
- Wendy Blackwell further described the current fee schedule and cap.
- Secretary Bianca Ortiz Wertheim asked if fees are being collected. Wendy Blackwell replied that the fees are being collected and at the end of the fiscal year any remaining funds are reverted to the State General Fund. Wendy Blackwell stated that it would be helpful to have the funds available in another account to continue to manage the program (i.e. for purchasing software and equipment).
- Wendy Blackwell compared our current fee structure to that of surrounding states.
- Secretary Bianca Ortiz Wertheim asked when the last time other states had made changes to their fees. Wendy Blackwell stated that research would need to be conducted to answer this question.
- o Paul Flesher asked that when in-person meetings are allowed again, to have a Commission members participate in Local Emergency Planning Committee Meetings to explain why Tier II reporting is so important and explain the new fee structure.
- Mark Rowley recommended to put the fund back and to include the authority for the fee structure. He recommended leaving the fee structure and fines out of public law and instead include it as regulation which could be up-dated without going through a legal change.
- Janine Kraemer requested that the funds not revert to the State General Fund at the end of the Fiscal Year.
- Secretary Bianca Ortiz Wertheim asked how much is being reverted at the end of the year. Wendy Blackwell stated that she didn't have the information at this time but that we could provide that information to the SERC.
- Michael Wismer motioned to restore funding in section 7 of NMSA 74-4E and not have it be non-reverting. It was seconded by Paul Flesher and was approved by vote.
- Mark Rowley motioned to submit legislative language that the fee and fine schedule regulations be drafted in the administrative code while keeping the current fee structure until the regulations were formally adopted. It was seconded by Paul Flesher and was approved by vote.
- Stephanie Stringer stated that removal of the Orphan Fund would not be attached to the bill that the Environment Department was planning to present at this year's legislative session.
- Mark Rowley explained the reason for removal of the Orphan Fund.
- Wendy Blackwell stated that absentee voting would be included in the agenda for the next meeting.
- Ronald Fitzherbert requested that he stay on the SERC as his term has expired. Secretary Bianca Ortiz Wertheim said we would get clarification from the Governor's Office of Boards and Commissions.
- Secretary Bianca Ortiz Wertheim motioned to delay orphan fund, Agenda line item 5f item until a later meeting. It was seconded by Mark Rowley and was approved by vote.

Contact information given for questions regarding LEPC, SERC, and Tier II:

- [julie.jolly@state.nm.us](mailto:julie.jolly@state.nm.us)
- [www.nmdhsem.org](http://www.nmdhsem.org)
- Phone: 505-469-8012

## **V. Old Business**

- Wendy Blackwell stated that all members should have received the new HMER Plan.
- Wendy Blackwell stated that the Emergency Response Guides are still available.

## **VI. Comments**

- Secretary Bianca Ortiz Wertheim asked for public comments.
- No public comments were made.

## **VI. Action Items**

1. Julie Jolly will research the following;
  - a. ask other states when they did their last fee update, what they use the fees to accomplish and why they have or don't have fines;
  - b. identify how much of the Tier II fees are being reverted at the end of each fiscal year;
  - c. current compliance with Tier II reporting;
2. Julie Jolly will rewrite 74-4E based on SERC direction for submittal to DHSEM Legal Counsel
3. Julie Jolly to get clarification from the Governor's Office of Boards and Commissions about expiring memberships.
4. Julie Jolly will schedule the next SERC Meeting for late March or April 2021.

## **VII. Adjournment.**

- Paul Flesher motioned to adjourn. It was seconded by Janine Kraemer and was approved by vote.
- Secretary Bianca Ortiz Wertheim adjourned the meeting at 3 p.m.
- Next meeting will be via Zoom after the legislative session. Julie Jolly will reach out with suggested dates.