



NORTH DAKOTA STATE EMERGENCY RESPONSE COMMISSION CHARTER

As defined by North Dakota Century Code, reference NDCC 37-17.1-07.1, the legal name of this Commission is the North Dakota State Emergency Response Commission (SERC).

1. SERC Mission Statement. Statutorily provided in North Dakota Century Code (NDCC) 37-17.1-07.1 (a) The state emergency response commission's responsibilities as outlined in Public Law 99-499, 42 U.S.C 11001, et seq., also referred to SARA Title III shall, in conjunction with local emergency planning committees, as appointed by the boards of county commissioners, and local emergency management organizations coordinate the development and maintenance of a state hazardous chemicals preparedness and response program. It shall ensure citizens are provided emergency and hazardous chemical inventory information upon request in accordance with the state and federal laws.

2. Responsibilities.

- a. Review state hazardous materials response plans annually.
- b. Monitor the activities and membership of Local Emergency Planning Committees (LEPCs).
- c. Ensure LEPCs receive and record documented reports submitted under the Emergency Planning and Community Right-to-Know Act (EPCRA) and provide information required by law.
- d. Monitor resources and activities of state agencies related to respective roles and responsibilities as specified in the North Dakota State Emergency Operations Plan (SEOP) and applicable Hazardous Materials Annex.

3. Methods and Processes to Achieve Responsibilities

- a. The SERC will receive quarterly updates from North Dakota Department of Emergency Services (NDDDES) regarding planning, preparedness, mitigation, and response activities relating to hazard materials release incidents.
- b. The SERC will receive a yearly briefing detailing the state's Hazardous Materials Annex within the SEOP.
- c. On a yearly basis, the SERC will review individual LEPC membership, changes to membership, number of meetings conducted, concerns related to the top three risks identified by each LEPC, and changes to local emergency response plans along with revision dates.
- d. On a yearly basis, the SERC will review hazardous chemical inventory reporting tools, federal toxic chemical release reporting procedures, methods put in place to maintain records, and processes to provide information to the public.
- e. Provide recommendations to NDDDES relating to changes in the Hazardous Materials Annex.

4. Commission Membership.

- a. The Governor shall appoint SERC members to perform the commission's mission. The SERC consists of eighteen (18) appointed members. All have voting privileges except for the Office of the Attorney General, who will serve in a technical support role. One representative will be appointed from the following:

- (1) Department Of Emergency Services
- (2) State Fire Marshal's Office
- (3) Division Of State Radio
- (4) Health Department
- (5) Highway Patrol
- (6) Office Of Management And Budget
- (7) Office of the Governor
- (8) Office of the Attorney General
- (9) Workforce Safety and Insurance
- (10) Department Of Agriculture
- (11) Insurance Department
- (12) Industrial Commission (Oil & Gas
- (13) Department of Transportation (NDDOT
- (14) National Guard
- (15) Firefighters' Association
- (16) Private Industry: Dakota Plains Cooperative (Agricultural chemical retailer)
- (17) Private Industry: The North Dakota Motor Carriers Association
- (18) Private Industry: Tesoro Mandan Refinery

- b. Non-voting Members. The SERC will encourage and accept input from agencies or organizations that have a key stake in the SERC's mission.

- c. Meeting Attendance. Appointed members are expected to attend all regular meetings or assign a knowledgeable alternate representative. Voting rights will reside with the representative who attends the meeting. Agencies or organizations whose representative does not attend regularly will be formally asked to participate in accordance with the Governor's appointment. Continued absence will result in a recommendation to the Governor for removal and reassignment of new SERC member.

d. Officers.

- (1) As provided in North Dakota Century Code (NDCC) § 37-17.1-07.1, "The director of the division of homeland security shall serve as the chairman of the commission. In the absence of the chairman, the designated vice chairman shall serve as chairman. The Chairman shall have the authority to appoint subcommittees, call special meetings, and generally perform duties as may be prescribed within the charter."
- (2) Vice Chairman. The SERC will select a Vice Chairman by vote to fulfill a two year term. The Vice Chairman shall work in close cooperation with the Chairman and shall perform duties assigned by the SERC. In the absence of

the Chairman, the Vice Chairman shall be vested with all powers and duties of the Chairman. In addition, the Vice Chairman shall, in case of the resignation, death, or removal of the Chairman, become Chairman and shall serve in that capacity until his or her successor has been appointed.

- (3) The Chairman shall designate a commission secretary from the staff of the Division of Homeland Security solely for the purpose of documenting and distributing a summary of the proceedings. The secretary shall in writing, acknowledge the minutes of each SERC meeting, disseminate all SERC meeting notices, and perform other duties directed by the Chairman. The secretary shall not be a voting member.

5. Conduct of Meetings. The SERC will follow the basic elements of Roberts Rules of Order.

- a. Frequency. The SERC shall meet quarterly unless emergency situations require special meetings or a meeting cancellation. Special meeting notifications will be at the discretion of the Chairman or in his or her absence, the Vice Chairman and will follow the same timelines as regular meetings. Notices shall specify the purpose of the special meeting.
- b. Notice of Meetings. The secretary shall provide written notice including the meeting agenda to members five (5) days in advance. If unable to attend a scheduled meeting, it is the member's responsibility to provide reasonable notice to the Chairman and include the name of his or her designee. Postponements or cancellations will be in written or email form sent to all members a minimum of five (5) days prior or verbal by phone or voicemail notice provided at least two (2) days prior.
- c. All meetings will strictly follow North Dakota's open meeting laws as set forth in Chapter 44-04 of the North Dakota Century Code.
- d. Decision making will occur through formal motions and vote. A quorum is a simple majority of voting members or their designated representatives in attendance. A quorum is required to transact business.
- e. Order of Business. The following shall be the regular order of business:
 - (1) Roll Call
 - (2) Minutes of the previous meeting
 - (3) Report of Committees
 - (4) Unfinished Business
 - (5) New Business
 - (6) Public Comment Period
 - (7) Adjournment
- f. Minutes of Meetings. The secretary shall maintain accurate minutes that shall include, but are not limited to, a record of all SERC actions, a record of attendance, and a summary of SERC discussions. Meeting minutes shall be available to all who request the documentation.

6. Communications. Commission members have full authority and responsibility to communicate all information available at SERC meetings within their represented agency

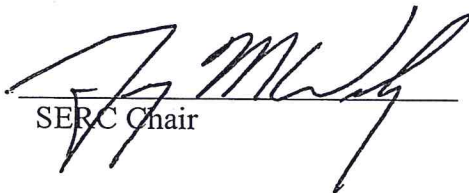
or organization. Formal information releases will be the responsibility of the Chairman and will be supported by NDDDES public information staff.

7. Resources and Funding. SERC activities requiring resources and funding will be supported through NDDDES Hazardous Chemicals Program funds. SERC members will be supported for special travel and reimbursement for expenses associated with travel to non-regular meetings. Reimbursement rates will follow the State of North Dakota schedule as prescribed by law.

8. Amending the Charter. This charter may be amended by a two-thirds majority vote of the membership during a SERC meeting provided a quorum is present and only after the proposed changes have been read and discussed at a previous meeting.

9. This Charter is adopted on June 6, 2012 by a majority approval vote by the SERC membership and is signed and dated by the Chair and Vice-Chair of the SERC and will be available for the public at NDDDES.

Date: June 7, 2012



SERC Chair

Date: June 7, 2012



Vice Chair