



NEW MEXICO STATE EMERGENCY RESPONSE COMMISSION BYLAWS

Article I NAME

This commission shall be known as the State Emergency Response Commission, hereinafter referred to as the *SERC*.

Article II AUTHORITY

The *SERC* is created pursuant to 74-4E-4 NMSA 1978.

Article III PURPOSE

The duties and purposes of the *SERC* are those set forth pursuant to the "Emergency Planning and Community Right-to-Know Act," Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and the Section 74-4E-1 through 74-4E-9 NMSA 1978, . These duties and purposes include, but are not limited to:

1. Coordinating SARA Title III training, grant opportunities, education, technical assistance and outreach activities;
2. Designating local and regional emergency planning districts, appointing and coordinating local and regional emergency planning committees for each district;
3. Establishing policies and procedures for reporting hazardous material inventories and emergency releases from covered facilities, and requests for information from concerned citizens and members of the public; designation of an official to serve as coordinator for information;
4. Increasing state and local emergency response capabilities through the opportunity of obligating funds under federal grant opportunities; and
5. Providing direction to the Hazardous Materials Safety Board.

Article IV MEMBERSHIP

Section 1.

Members. The membership of the *SERC* shall be as defined in 74-4E-4 NMSA 1978.

Section 2.

Inactive Members. Appointed members shall be considered inactive when they have missed more than three consecutive *SERC* meetings without notification to the *SERC* chairperson or staff of significant reasons why they were unable to attend the meetings.

Section 3.

Removal of Members. Members of the *SERC* serve at the pleasure of the Governor and may be removed by the Governor without cause.

Section 4.

Terms. Members of the *SERC* serve staggered terms of four years as determined by the Governor at the time of their initial appointment.

Section 5.

Vacancies. Vacancies in membership of the *SERC* shall be filled by the Governor for the remainder of the unexpired term.

Section 6.

Compensation. Members of the *SERC* shall serve without compensation.

Article V OFFICERS AND DUTIES

Section 1.

Named. The officers of the *SERC* shall consist of a chairperson and vice-chairperson.

Section 2.

Appointments of Officers. According to statute the Governor shall appoint the chairperson of the *SERC*.

Section 3.

Duties of the Chairperson. The chairperson shall recommend an agenda for each meeting, preside at all meetings of the *SERC*, preserve order during its meetings, appoint the chair of each committee of the *SERC*, serve as an ex-officio member of such committees, sign all minutes and other records of documents connected with the work of the *SERC* requiring such signature and be responsible for implementing policies adopted by the Commission.

Section 4.

Duties of the Vice-Chairperson. In the absence of the chairperson or in the event of his or her inability or refusal to act, the vice-chairperson shall perform the duties of the chairperson, and when so acting shall have all the power of the chairperson. The vice-chairperson may exercise other duties as from time to time may be assigned to the vice-chairperson by the chairperson or the *SERC*.

Section 5.

Staff. Support staff for the *SERC* shall be provided by the Department of Homeland Security and Emergency Management as described in Article X.

Article VI MEETINGS

Section 1.

Regular Meetings. The Commission shall meet at least two times a year for regularly scheduled meetings. Meeting dates are at the call of the chairperson. Meetings shall be held in a location determined by the *SERC* unless otherwise noticed.

Section 2.

Special Meetings. The Chairperson may call such special meetings as may be deemed necessary to carry out the duties of the *SERC*. Upon written request of at least three members, the chairperson shall call a special meeting as soon as possible.

Section 3.

Quorum. A quorum shall consist of a simple majority of the *SERC* members. A quorum shall be required to be present to transact business.

Section 4.

Agenda. Any member may request the chairperson to place an item on the agenda. If the chairperson should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the chairperson with supporting signatures of three members. Any other person wishing to place an item on the agenda for *SERC* consideration may request the chairperson to place the item on the agenda. Any matters not appearing on the agenda may be considered to be placed on the agenda upon a favorable vote of a majority of the members present to do so in accordance with the Open Meetings Act.

Section 5.

Notice of Meetings. Notice of the time, place, and agenda items to be considered at each meeting shall be given in writing to all *SERC* members at least two weeks prior to each meeting. Notice of special meetings and intended agenda items shall be given to all *SERC* members in writing, via fax, email (including referral to the *SERC* website), or by phone as soon as possible in advance of any special meeting. Notice to the public of all *SERC* meetings shall be made in accordance with the Open Meetings Act.

Section 6.

Rules of Order. The *SERC* shall adopt in its policies an order of business to be used for each meeting. The deliberation of all meetings of the *SERC* and its various committees shall be governed by Robert's Rules of Order, newly revised, when not inconsistent with these bylaws, or with special rules of order adopted by the *SERC*.

Section 7.

Minutes of Meetings. Accurate minutes of all *SERC* meetings shall be maintained by the *SERC* staff. Minutes shall include, but not be limited to a date, time, and location of meetings, record of all *SERC* actions, record of attendance at meetings, and a summary of *SERC* discussions. Minutes of meetings shall be made available to any person who requests a copy. Agenda, minutes, and general information regarding the *SERC* shall be also be available on a designated website for public access.

Section 8.

Participation of Members of the Public. Members of the public shall be encouraged to attend all regular or special meetings. Members of the public shall supply the chairperson with his or her name, address, group represented and the subject to be addressed. An opportunity shall be provided at the end of each meeting for members of the public to address the *SERC*.

The *SERC* may enter into dialogue with representatives of groups during a meeting in order to enhance understanding of the matter under consideration.

Any member of the public who wishes to have an item placed on the *SERC*'s agenda shall advise the chairperson or staff at least two weeks prior to the meeting. The chairperson may grant, refuse or act upon this request at the chairperson's discretion. The latter may include, but not limited to, directing the item to a *SERC* committee. No person shall speak more than once on the same subject unless granted permission by the chairperson. No presentation shall exceed 10 minutes unless permitted by a majority vote of Commissioners present.

Article VII VOTING

Section 1.

One Vote Each. Each *SERC* member, including the chairperson, is entitled to one vote.

Section 2.

Ex-Officio Members. Ex-Officio members may not vote.

Section 3.

Proxy Votes. Members must notify the *SERC* coordinator in writing before the meeting with the name, email and phone number of the proxy vote.

Section 4.

Abstentions. Members may register their abstention on any vote which shall be reflected in the minutes, and members are encouraged to abstain on matters which would pose for them a conflict of interest.

Section 5.

Conflict of Interest. Members will be familiar with the Governmental Conduct Act, and its regulations.

Section 6.

Roll Call Votes. At the discretion of the chairperson or upon call of any member, any *SERC* action may be taken by a roll call vote, and the vote of each member shall be reflected in the minutes.

Article VIII COMMITTEES

Section 1.

Establishment. The *SERC* may establish committees as it deems necessary to accomplish its duties. When a committee is established, the categories of membership shall also be established and maintained by the *SERC* coordinator. The chairperson or the *SERC* shall appoint the chair of each committee of the *SERC*, with powers, membership, and purposes as specified by the *SERC*, subject to approval by the *SERC* at its next regularly-scheduled meeting. The chair of each committee shall select the members of the committee, and shall report each selection to the *SERC* at the *SERC*'s next regularly-scheduled meeting.

The following are standing committees established by the *SERC*:

- Finance Committee;
- LEPCs Committee;
- Policy/Legislature/Bylaws Committee; and
- Hazardous Materials Safety Board

Section 2.

Membership and Quorum. The *SERC* may appoint additional persons other than *SERC* members to serve on committees. At least one committee member shall be a member of the *SERC*. A quorum shall consist of a majority of committee members.

Section 3.

Notice of Meetings. Notice to the public of all committee meetings is not required by the Open Meetings Act.

Section 4.

Voting. Voting shall follow the same procedure as prescribed for *SERC* meetings and described in Article VII.

Section 5.

Duties of Committee Chairs. Standing committee chairs will be expected to;

1. Schedule committee meetings at least quarterly;
2. Recommend an agenda for each committee meeting;
3. Preside at each committee meeting;
4. Sign all minutes and other such records;
5. Provide a report of committee activities at *SERC* meetings.

Committees which are not currently standing are not required to perform these actions.

Section 6.

Duties of Committee Members. Committee members are expected to attend committee meetings. At the direction of the committee's chair, the committee members should be prepared to discuss actions and motions, annually review the activities of the committee, and define goals.

Section 7.

Committee Actions. All committee actions are subject to approval by the *SERC* unless the *SERC* has specifically delegated approval authority.

Section 8.

Travel and Per Diem. Members of committees shall serve without compensation, but are eligible to receive per diem and travel expenses authorized by Mileage and Per Diem Act.

Section 9.

Staff Support. The Department of Homeland Security and Emergency Management shall serve as staff to the *SERC* committees. *SERC* staff shall provide technical support to and serve committees in an advisory capacity.

Section 10.

Motions, Resolutions and Reports. Committee motions, resolutions, and reports shall be presented in writing or verbally to the *SERC*. Reports and minutes of the *SERC* meetings shall document the actions, decisions, and participation of committee members. To the maximum extent possible, written committee reports will be made available to the *SERC* members in advance of the meeting in which they are presented.

Each standing committee, or active special committee, will prepare and deliver a report of that committee's activities during each regular *SERC* meeting.

Section 11.

Special Committees. When deemed necessary to carry out *SERC* assignments, the *SERC* chairperson may appoint special committee with specific duties. Once the task of a special committee has been fulfilled, that committee will be disbanded at the discretion of the chairperson of the *SERC*.

Article IX

RESOLUTIONS, REPORTS AND RECOMMENDATIONS

Section 1.

Resolutions. All resolutions submitted for consideration by the *SERC* shall first be referred to an appropriate committee for review, consideration and its recommendation. For resolutions not falling in the prevue of any committee, the *SERC* staff shall present such resolutions to the *SERC* with any background information necessary for *SERC* action.

Section 2.

Work Plan. The *SERC* shall develop a biennial (once every two years) work plan describing its intended activities. The final work plan shall include a review and comment process by all local emergency planning committees and the public.

Section 3.

Report. The *SERC* shall prepare an annual (once every year) report to the governor and the legislature, describing its activities for the preceding year. A draft of any proposed report shall be circulated to all members of the *SERC* for a consideration by the *SERC* at a regular meeting. Upon approval by the *SERC*, the report shall be transmitted by the chairperson to the governor and then made available to the legislature, State and local agencies, local emergency planning committees and concerned political subdivisions. The report shall be made available to the general public on the *SERC* web site and upon request.

Section 4.

Legislative Recommendations. The *SERC* may make recommendations under its name to the governor for new or revised legislation which bears upon the duties and responsibilities of the *SERC*. Such recommendations shall not be considered final until approved by a majority of the members following a reasonable period of review. The *SERC* may designate one of its members to represent the *SERC*'s position as the legislation is developed. Upon request of the governor, the *SERC* shall, in its name, formulate, and make recommendation for new or revised legislation.

Article X

DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT

The Department of Homeland Security and Emergency Management (DHSEM) will perform the administrative duties of the *SERC*. The administrative duties shall include, but not limited to, the following:

1. Receive, catalogue, and organize information required to be submitted to the *SERC*;
2. Utilize existing state response organizations, plans and facilities to the extent possible;
3. Upon concurrence of the *SERC*, enter into training exercise agreements with federal response organizations;
4. Coordinate with other state agencies on training for first responders and emergency service personnel;
5. Respond to requests for information from the public on behalf of the *SERC*;
6. Employ such clerical and technical personnel and acquire data management and other equipment and office space as may be necessary.

Article XI
AMENDMENTS

These bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the *SERC* at any regular meeting of the *SERC* provided that any proposed changes have been circulated to all members two weeks prior to any action thereon.

Article XII
ADOPTION OF SERC BYLAWS

A majority approval vote by the *SERC* members is required to adopt the *SERC* bylaws. Upon the adoption of the bylaws by the *SERC*, a copy of the bylaws will be signed and dated by the chairperson of the *SERC* and will be available for inspection by the public on the *SERC* web site or at the office of DHSEM.

DATE:
2 December 2020

Chairperson, New Mexico *SERC*