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May 2, 1995, April 8, 1996;  
May 14, 2009

## **ALASKA STATE EMERGENCY RESPONSE COMMISSION BYLAWS**

### **Article I NAME**

This organization shall be known as the Alaska State Emergency Response Commission, hereinafter referred to as the "SERC."

### **Article II MISSION**

The mission of the SERC is to ensure State, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive.

### **Article III PURPOSES**

The duties and activities of the SERC are those set forth by Alaska Statute (AS) 26.23, which establishes the SERC to implement the requirements of the "Emergency Planning and Community Right-to-Know Act of 1986," enacted by the U.S. Congress, and hereinafter referred to as the "Act" and planning for all hazards which may threaten the people, property or environment of the State of Alaska as defined in AS 26.23. The SERC is designated as the State Emergency Response Commission as defined in the Act, and shall perform all of the duties required of it under the Act and AS 26.23.

### **Article IV MEMBERSHIP**

Section 1. Members. To the extent practicable, the SERC shall be comprised of individuals with expertise in the emergency response field. The SERC shall consist of the following members:

(1) Seven public members appointed by the Governor:

Two of whom must be members of a rural Local Emergency Planning Committee (LEPC);

Two of whom must be members of an urban LEPC;

Two of whom must represent a political subdivision with an LEPC;

One member who need not be any of the above, but who could represent any of the LEPC membership categories;

(2) The Adjutant General of the Department of Military and Veterans Affairs (DMVA) or the Adjutant General's designee (SERC co-chairperson);

(3) The Commissioner of the Department of Environmental Conservation (DEC) or the Commissioner's designee (SERC co-chairperson);

and the following commissioners or their designees:

(4) The Commissioner of the Department of Commerce, Community, and Economic

- Development;
- (5) The Commissioner of the Department of Fish and Game;
  - (6) The Commissioner of the Department of Health and Social Services;
  - (7) The Commissioner of the Department of Labor and Workforce Development;
  - (8) The Commissioner of the Department of Natural Resources;
  - (9) The Commissioner of the Department of Public Safety; and
  - (10) The Commissioner of the Department of Transportation and Public Facilities.
  - (11) Representatives of the following state & federal agencies as ex-officio, nonvoting members:

Department of Administration  
Department of Education and Early Development  
U.S. Department of Defense - Alaskan Command;  
Federal Emergency Management Agency (FEMA);  
U.S. Environmental Protection Agency (EPA); and  
U.S. Coast Guard (USCG).

Section 2. Inactive Members. Appointed members shall be considered inactive when they have missed more than two 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 other than those from the designated state departments serve staggered terms of three years.

Section 5. Vacancies. Vacancies in membership of the SERC shall be filled by the governor for the remainder of the unexpired term.

## **Article V**

### **OFFICERS AND DUTIES**

Section 1. Named. The officers of the SERC shall consist of two co-chairpersons. The adjutant general of the DMVA or the adjutant general's designee and the commissioner of the DEC or the commissioner's designee shall serve as co-chairpersons of the SERC.

Section 2. Duties of the DMVA co-chairperson. The DMVA co-chairperson shall, in cooperation with the DEC co-chairperson, recommend an agenda for each meeting, preside at all meetings of the SERC, preserve order during its meetings, appoint the chairperson of each committee of the SERC, serve as an ex-officio member of such committees, sign all minutes and other such records, vouchers or other documents connected with the work of the SERC requiring such signature, and be responsible for implementing the policies and actions adopted by the SERC.

Section 3. Duties of the DEC co-chairperson. In cooperation with the DMVA co-chairperson, recommend an agenda for each meeting. In the absence of the DMVA co-chairperson, or in the event of the DMVA co-chairperson's inability or refusal to act, the DEC co-chairperson, unless otherwise determined by the SERC, shall perform the duties of the DMVA co-chairperson, and when so acting shall have all the powers of the DMVA co-chairperson. The DEC co-chairperson shall exercise such other duties as from time to time may be assigned by the DMVA co-chairperson or the SERC.

## **Article VI**

### **MEETINGS**

Section 1. Regular Meetings. The Commission shall meet at least two times a year for regularly scheduled meetings. One of these meetings may be held via teleconference. Meeting dates are at the call of the co-chairpersons. Meetings shall be held in a location determined by the SERC unless otherwise noticed.

Section 2. Special Meetings. The DMVA co-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 five members, the DMVA co-chairperson shall call a special meeting within 10 days. If the DMVA co-chairperson fails to call the special meeting, the DEC co-chairperson shall call it.

Section 3. Teleconference Meetings. The SERC may hold teleconference meetings as necessary. One of the two regular meetings may be held via teleconference, based on the recommendation of the SERC co-chairpersons. When a teleconference is held primarily to discuss and approve LEPC appointments, a simple majority must be on-line to take action on these appointments. The appointments may be approved by consent agenda or individually.

Section 4. Public Comment Meetings. The SERC shall hold such public comment meetings as it may deem necessary and desirable at such times and places as it may be determined by a majority vote of the SERC in regular meeting.

Section 5. Quorum. A quorum shall consist of a simple majority of SERC voting members. A quorum shall be required to be present to transact business.

Section 6. Agenda. Any member may request the co-chairpersons to place an item on the agenda. If the co-chairpersons should decline to do so, a member may have such item placed on the agenda by submitting it in writing to the DMVA co-chairperson with supporting signatures of three members. Any other person wishing to place an item on the agenda for SERC consideration may request the DMVA co-chairperson to place the item on the agenda. Any matters not appearing on the agenda may be considered upon a favorable vote of a majority of the members present to do so.

Section 7. Notice of Meeting. Notice of the time, place, and agenda items to be considered at each meeting shall be given in writing by the staff to all 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 at least seven days in advance of any special meeting. Notice to the public of all SERC meetings shall be made in accordance with AS 44.62.310, Government Meetings Public. Notice of the meeting shall be posted at the offices of the co-chairpersons and at the meeting site.

Section 8. 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 Commission 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 9. Minutes of Meetings. Accurate minutes of all SERC meetings shall be maintained by the DMVA. Accurate minutes shall include, but not be limited to a record of all SERC actions, a record of attendance at meetings, and a summary of SERC discussion. Minutes of meetings shall be made available to any person who requests a copy. Agenda, minutes, and general information regarding the SERC are also available on the following website for public access:

<[http://www.ak-prepared.com/serc/SERC\\_Home.htm](http://www.ak-prepared.com/serc/SERC_Home.htm)>

Section 10. Participation of Members of the Public. Members of the public shall be encouraged to attend all regular, special, and public comment meetings. An opportunity shall be provided at the beginning and end of each meeting for members of the public to address the SERC. The SERC may enter into dialogue with representatives of groups represented in order to come to a vote on a matter. Members of the public speaking before the SERC must use microphones provided, state for the record their name, and who they represent if anyone other than themselves.

## **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. No member shall vote by proxy.

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 as described in AS 39.52, Alaska Executive Branch Ethics Act.

Section 5. Conflict of Interest. Members will be familiar with AS 39.52., and its regulations.

Section 6. Roll Call Votes. At the discretion of the chairperson, during a teleconference meeting, 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 DMVA co-chairperson shall appoint the chair of each committee of the SERC, with powers, membership, and purposes as specified by the co-chairperson or 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 at which the SERC may approve or disapprove the selection.

The following are standing committees established by the SERC:

- All Hazards Plan Review Committee
- Finance Committee
- Work Plan Committee
- Training Committee
- Disaster Search and Rescue (DSAR)
- Citizen Corps
- Interoperable Communications Committee

Section 2. Membership. The DMVA co-chairperson of the SERC may appoint additional persons other than SERC members or their designees to serve on committees. At least one committee member shall be a member (or a designated representative) of the SERC.

Section 3. Travel and Per Diem. Members of committees shall serve without compensation, but are eligible to receive per diem and travel expenses authorized by AS 39.20.180 for boards and commissions.

Section 4. Staff Support. The DMVA shall serve as staff to the SERC. SERC staff shall provide technical support to and serve committees in an advisory capacity.

Section 5. 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.

Section 6. Working Groups. The DMVA co-chairperson may appoint working groups to study special topics. At least one SERC member (or a designated representative) shall be on each working group.

## **Article IX**

### **RESOLUTIONS, REPORTS AND RECOMMENDATIONS**

Section 1. Resolutions. All resolutions received for consideration by the SERC shall first be referred to SERC staff to present 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 to ensure coordination and implementation of the Act and AS 26.23.

Section 3. Report. The SERC shall prepare a biennial (once every two years) report describing its activities for the preceding two years. Upon approval by the SERC, the report shall be transmitted by the co-chairpersons to the governor and then made available to the legislature, State and local agencies, local emergency planning committees and political subdivisions. The report shall be made available to the general public 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**

### **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.