



Quarterly Meeting Minutes Nevada Commission on Homeland Security

Attendance	DATE	October 16, 2012	
	TIME	9:30am - noon	
	LOCATION	Las Vegas PBS (Public Broadcasting Multi-Purpose Rooms 122/123 3050 E. Flamingo Road Las Vegas, Nevada 89121	
	METHOD	Conference	
	RECORDER	Selby Marks	
Commission Members	Present	Legislative & Ex-Officio Members, Staff and Others	Present
Governor Sandoval, Governor	X	Christopher B. Smith	X
Michael Haley	X	Assemblyman Horne	
Andy Flock	X	Senator Lee	X
Robert Fisher	X	Kevin Favreau	
Bertral Washington	X	Karen Burke	X
Bill Welch		Chris Ipsen	X
Doug Gillespie	X	Gonzalo Cordova	X
Adam Garcia			
Dr. Warren Gilbert	X		
Troy Wade	X		
Tom Lozich	X	Selby Marks (Staff)	X
Richard Perkins	X	Samantha Ladich (AG rep)	X
Rosemary Vassiliadis		Angela Krutsinger representing Bill Welch	X
Alfreida Jake	X	Ed Atwell representing Adam Garcia	X
Loren Fuller	X		
Frank Gonzales	X		

1. CALL TO ORDER AND ROLL CALL

Governor Brian Sandoval, Chairman of the Nevada Commission on Homeland Security called meeting to order at 9:30am. Roll call was performed by Selby Marks, Nevada Division of Emergency Management (NDEM) and Homeland Security. A quorum of voting members present was established for this meeting.

2. PUBLIC COMMENT

Governor Sandoval opened discussion for public commentary in both the northern and southern venues. Laura Fucci, Chief Information Officer for Clark County presented a request to the Commission for reconsideration of funding related to project change requests NCHS-52 and NCHS-53, both relating to Access Control for Cyber Information. Ms. Fucci indicated that a lack of clarity may have been at the center of concern leading to denial of these two funding requests, indicating that Phase II's need for the purchase of hardware and software was identified two years ago in the initial study. There is concern relating to the time restraints at this time due to the impending expiration of this grant in August of 2013. Ms. Fucci indicated the desire to streamline and improve security access, respectfully requesting the Commission to consider these two projects once again.

3. APPROVAL OF MINUTES

Governor Sandoval called for discussion and approval of the meeting minutes from the NCHS meeting held June 27, 2012. A motion was put forth by Sheriff Michael Haley, Washoe County. The motion was seconded by Sheriff Doug Gillespie, Las Vegas Metropolitan Police Department (LVMPD). All Commissioners voted in favor with no opposition noted. Motion passed unanimously.

4. COMMENTS BY THE CHAIRMAN

Governor Sandoval instructed the Commissioners that this meeting had an aggressive agenda in addition to introducing Commander Frank Gonzales, Nevada Army National Guard as newest member of the Nevada Commission on Homeland Security (Commission). Commander Gonzales thanked the Governor and relayed he is honored to be a part of the Commission, offering the value the Nevada Army National Guard brings to the Commission's goals and objectives.

5. UPDATE ON THE STATUS OF THE SONNet COMMITTEE

An update on the status of the State of Nevada Network (SONNet) Committee was presented by Sheriff Haley and Chief Chris Magenheimer, North Lake Tahoe Fire Protection District covering discussion of the seating of the First Responder Network Authority (FirstNet) board and that board's initial through current actions. The strategy currently is to keep the Governor informed in addition to positioning Nevada in the best possible light to take advantage of information coming from FirstNet. Nevada is ahead in its preparations. This Committee will have to decide in the future who is best placed to be on this committee to ensure the appropriate expertise is readily available moving forward. Chief Magenheimer provided a brief overview of what has transpired at the federal level with regard to FirstNet. The current makeup of the FirstNet Board consists of retired communications members focusing on a commercial cellular basis for first responders to work with. States, unfortunately, have not been asked to participate in the planning. Nevada has reached out to Arizona, Oregon, and Utah as well as other western states with large disbursements of rural/urban areas. Questions still remain as to how this is going to be paid for, and how the responders will interact. A grant in the amount of \$135,000,000 will be made available eventually to help ramp up these efforts.

Sheriff Gillespie presented concern pertaining to the nationwide roll-out of FirstNet's efforts in contrast to rolling this program out in single Federal Emergency Management Administration (FEMA) regions. Chief Magenheimer reiterated that the intent of FirstNet is to develop a single system, not a set of systems. Sheriff Haley added that this is the type of thing, in addition to funding issues, may be included in a Request for Proposal originating from FirstNet.

Robert Fisher, President and Chief Executive Officer of Nevada Broadcasters Association cautioned the Commission to be realistic in waiting for federal efforts in addition to encouraging Nevada's continue efforts to be in front of this initiative. Richard Perkins spoke to his own concern as to whether FirstNet's agenda was more internal or was being based on legislative demands. Chief Magenheimer indicated that the National Telecommunications and Information Administration (NTIA) is working with FirstNet to go the route of the commercial path instead of what he envisioned as being a more specialized path for the response community as a whole.

6. REPORT ON THE REVISION OF THE COMMISSION ON HOMELAND SECURITY BYLAWS

Robert Fisher presented the revisions pertaining to the entirety of the Nevada Commission on Homeland Security Bylaws thanking both Selby Marks, Nevada Division of Emergency Management, Homeland Security Administrator and Samantha Ladich, Senior Deputy Attorney General for their tremendous efforts in assisting with this project. Mr. Fisher summarized categorical changes to reflect standardizing the format, creating an easy-to-read document, and the removal of conflicting language pertaining to Nevada Revised Statutes and Open Meeting Law requirements. Highlights included:

OFFICIAL MINUTES – Approved by the Nevada Commission on Homeland Security on December 20, 2012.

- Article I - Authority; Removal of Commission history language and insertion of clear authority language.
- Article II - Purpose and Mission; Current language enhanced to be more concise in addition to reflecting the correct statutory reference, but no change to intent.
- Article III - Membership; Membership role changed to reflect 16 members with Commission discussion pertaining to both legality, membership appointment requirements, voting status limitations per NRS 239C.120 giving the Governor the authority to have at least three non-voting members; deletion of term limits as membership is deemed at the pleasure of the Governor; redundancy of voting requirements language removed; redundancy of compensation language removed. Specific language deletions/additions to the proposed bylaws as discussed after presentation by Mr. Fisher included:
 - Paragraph 3; “Governor shall appoint at least three non-voting members that he determines to be appropriate and who serves at his pleasure that must include”
 - Paragraph 3; Inserting statutory reference of NRS 239C.120
- Article IV - Officers & Duties; Inclusion of only Chair and Vice-Chair as officers, with removal of sub-committee Chair to de-conflict with Nevada Revised Statutes 239C.170, as statute requires sub-committee membership to choose Chair and Vice-Chair positions. Samantha Ladich indicated under 2nd paragraph, subsection A, statute requires a February 15 2013 date. Specific language deletions/additions to the proposed bylaws as discussed after presentation by Mr. Fisher included
 - Paragraph 4; Removing December 31, 2012 and adding February 15, 2013
- Article V - Meetings; Language amended to be more precise in Section 1 in addition to removing Roberts Rules to Order as a reference. Also removed subparts C&D; In Section 2, removed closed sections and proposed bylaws due to redundancy. The Commission's ability to close meetings is still referenced; In Section 3, remove redundancy pertaining to special meetings.
- Article VII - Voting; Deletion of Article VII in proposed bylaws removing funding language. Specific language deletions/additions to the proposed bylaws as discussed after presentation by Mr. Fisher included
 - Replacing first paragraph with NRS 239C.130 Sub-section 2 stating, “A majority of voting members of the Commission constitutes a quorum for the transaction of business and a majority of those voting members present at any meeting is sufficient for any official action taken by the Commission.”
- Article IX - Amendments; Language changed to reflect that the Commission must vote to change the bylaws in addition to remove requirement that review of bylaws go through a bylaws committee.

The public can access the current bylaws on the Homeland Security website. Bylaws, if accepted today, would be in effect immediately. Existing sub-committee Chair and Vice-Chair positions will be addressed in the next calendar year to reflect the provisions of the newly adopted bylaws. NRS 239C.170 mandates compliance with election of Chair and Vice-Chair positions, and this needs to be addressed as soon as possible per Samantha Ladich. In July 2013, the Bylaws Committee can convene to establish any statutory changes and report back to the Commission.

There was limited discussion pertaining to state demography and how changes to this demography can change the structure of the Commission membership representation.

Entirety of Bylaws, with proposed changes, led to a motion to approve the updated bylaws by Sheriff Gillespie. Motion was seconded by Dr. Warren Gilbert with no opposition. Motion passed unanimously.

7. REQUEST TO REALLOATE HOMELAND SECURITY GRANT PROGRAM (HSGP) FUNDS

Sheriff Gillespie briefed the Commission on the Finance Committee recommendations with respect to the agendaized project change requests.

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As Chair of the Finance Committee, Sheriff Gillespie offered to call a meeting of the Finance Committee to re-hear project requests NCHS-47, NCHS-52, and NCHS-53 explaining that these instances occur on occasion when vetting questions or scope questions arise and are further clarified. He will work with Selby Marks on convening a meeting of the Finance Committee to address these project change requests.

Governor Sandoval moved forward with asking Commission if they should recommend approval of all other projects, and revisiting the three denied projects pending Finance Committee recommendations. Richard Perkins questioned if funding is still then available as a result of the denied projects in question, with clarification from Sheriff Gillespie that those funds are still available with time limits due to grant issues.

Motion to approve the recommendations of the Finance Committee was presented by Sheriff Haley, with a second by Richard Perkins. No opposition. Motion passed unanimously.

No action warranted on the Commission's part regarding the denied project change requests NCHS-47, NCHS-52, and NCHS-53 at this time as the Commission is not approving nor denying these requests at this time.

8. STATE HOMELAND SECURITY STRATEGY (SHSS) ADVISORY COMMITTEE UPDATE

Angela Krutsinger, Nevada Hospital Association presented an update of the status of the work being conducted by the SHSS Advisory Committee. Highlights on this update included efforts pertaining to the September 25, 2012 meeting in which Angela Krutsinger was unanimously voted in as Chair, as was Tom Lozich, MGM Resorts International as Vice-Chair as well as efforts being applied to line by line review/revision pertaining to the purpose, vision, focus, coordination, efforts, jurisdiction, and region updates by this committee. With the goal to align this strategy with the Nevada Commission on Homeland Security's priorities, Ms. Krutsinger indicated that it is this committee's goal to complete this update by January 2013 in time to present at the next quarterly meeting of the Commission. The Nevada Division of Emergency Management staff is enlisted to assist with this task in providing tracked changes to committee members to review prior to established meeting dates. The next meeting of the SHSS Advisory Committee will be on November 13, 2012, with another meeting to be scheduled between that time and January to complete this task.

9. NEVADA DIVISION OF EMERGENCY MANAGEMENT (NDEM) GRANTS MANAGEMENT GUIDE

Rick Martin, Program Manager for the Nevada Division of Emergency Management presented an overview of the Grants Management Guide. This guide is intended to be a living and changing document with updates to reflect current grant information on a scheduled basis. Chief Christopher Smith, Nevada Division of Emergency Management and Homeland Security interjected that the sub grantees are appreciative of this effort by Mr. Martin's team.

Governor Sandoval voiced concern on how changes to this document would be relayed to the sub grantees. Notifications will be sent directly to them per Rick Martin via email, with Chief Smith indicating that guidance usually stands annually with revisions annually.

10. HOMELAND SECURITY GRANT PROGRAM MEMORANDUM OF UNDERSTANDING (MOU)

Chief Christopher Smith, presented historical and current activities surrounding the recently completed NDEM Memorandum of Understanding (MOU) that addresses the 80% / 20% split for the Homeland Security Grant Program explaining the need and use of such an MOU. This MOU does not change the process for requesting funding. This applies to the State Homeland Security Program only, not the Urban Areas Security Initiative (UASI). Audit findings found that an MOU was not in place with sub-grantees, and as a compliance effort, sub-grantees will be asked to sign this MOU. No questions were posed by the Commission.

11. DISCUSSION ON THE CREATION OF A GOVERNANCE MODEL FOR THE NEVADA FUSION CENTERS

Chief Smith presented information pertaining to the August 22, 2012 Fusion Center Summit held between the SNCTC and the NTAC Directors to discuss fusion center specific topics including capabilities, mission, business models, concept of operations, and specifically governance. Both the Directors and staff at this summit agree that the structure of the Homeland Security Commission is the best suited to provide overarching structure and support the governance model. Chief Smith indicated it is in the best interest of the fusion centers to re-establish a committee to address information and intelligence sharing efforts on a statewide level.

Discussion ensued about the naming convention, charge, and membership of this committee with several viewpoints presented by several Commissioners. Sheriff Gillespie indicated concern as to the direction this committee would take believing it should focus less on intelligence, but more on information sharing being advisory to the Commission as to how to spend the limited funding now available for fusion centers. Chief Smith agrees that those that are actually running the fusion centers and working in that arena should be represented in this committee with the charge of developing statewide strategy, leveraging current resources, and making recommendations to the Commission. Per Samantha Ladich, NRS 239C.170 requires at least one member of the Commission to sit on this committee.

The Governor wanted to establish membership and a name before discussing the charge of the committee at length. The consensus on membership includes both fusion center Directors, a Commission representative, the Homeland Security Advisor, Federal partners to include, but not be limited to the Federal Bureau of Investigation, Transportation Safety Administration, United States Attorney's Office, Department of Energy, the Nevada Army National Guard, rural county representation, and tribal representation. At the suggestion of Sheriff Gillespie, Sheriff Haley should be the representative for the Commission, acting as the Chair. Through Commission discussion and several names put forth by Sheriff Gillespie and Angela Krutsinger, pertaining to the naming convention of this committee, the Commission made a final decision to name this new committee the 'Fusion Center Steering Committee'.

Sheriff Haley inquired about the types of meetings this committee could have, either open or closed, and per Samantha Ladich, this sub-committee will be subject to Open Meeting Law. Chief Smith indicated the topics discussed will be at the strategic level and not pertaining to specific intelligence or information which would be appropriate for public discussion.

Discussion pertaining to the charge of this committee was presented by Chief Bertal Washington, Clark County Fire Department, Sheriff Gillespie, and Richard Perkins concerning the governance of this body, particularly the intent of directing operations of individual fusion centers in contrast with a broader state-wide strategy. Chief Smith indicated it is not the intent to direct daily operations at the local fusion center level, but rather this Committee would look at investment justifications for these centers looking into the validity of the requests for the benefit of the State of Nevada. Richard Perkins interjected there is the potential for an atmosphere of subordination to occur.

Sheriff Haley has been working with the State to collapse into one center, and that has migrated to collapsing into NTC rather than into the NNTC. If that occurs, we will have just two centers, moving from there to arriving at the goal as to how to run fusion in the state and how to communicate information. Discussion ensued as to where this occurrence leaves this new committee in coordinating information, and whether the creation of this committee should be re-evaluated at a later time. Sheriff Gillespie asked if there could be a report back to the Commission at the next meeting on the status of fusion centers in the State of Nevada in addition to a recommendation of a steering committee to monitor that progress. The Governor concurred, asking that this be agendaized for the next Commission meeting. No formal action is required per Samantha Ladich.

12. BRIEFING ON THE RECENT CONGRESSIONAL SUBCOMMITTEE REPORT ON STATE AND REGIONAL FUSION CENTERS

Captain Al Salinas, Director of the Southern Nevada Counter Terrorism Center (SNCTC) presented an overview of the October 2, 2012 Senate Permanent Subcommittee on Investigations released Federal Support for and involvement in State and Local Fusion Centers. The findings were not favorable with regard to fusion centers, particularly in relation to the capability of state and local fusion centers to conduct intelligence related activities in support of the federal counter-terrorism mission. Captain Salinas countered such findings by detailing the true nature of the 'all threats/all hazards' business model of the SNCTC, relaying the fact that the SNCTC partners with 17 different agencies, 21 different bodies, all in the effort to develop information and intelligence to include Las Vegas Metropolitan Police Department and the Major Parties Chief's Association. Numerous detectives contribute analytics statewide to multiple agencies on both classified and unclassified levels. A high level of effort is placed on pushing this information out, and extensive work has been done with community outreach, particularly in relation to counter-terrorism efforts as evidenced with several examples Captain Salinas provided to include efforts to deter spikes in diesel thefts which often lead to the production of improvised explosive devices, in addition to work with local casinos to positively identify individuals with past terrorism investigations.

Lieutenant Ryan Miller, Director of the Nevada Threat Analysis Center (NTAC) spoke to his center's perspective regarding this report, noting that although the report focuses on perceived inefficiencies, those finding were largely rebuked by major law enforcement associations as well as Congress. Lt. Miller stressed that although the NTAC mission statement does not specifically mention terrorism, it is the primary focus of his center as the number one standing information requirement and the primary focus of outreach programs. Over 100 related presentations have produced 311 TLO's representing multiple disciplines. As fusion centers are state owned and operated, the NTAC has additional responsibilities outside of federal requirements such as natural disasters and critical infrastructure. As a second point, Lt. Miller relayed that the NTAC is heavily involved in sharing information, stressing that his center has produced nearly 80 terrorism related products, and received over 140 suspicious activities reports that have been forwarded to multiple agencies.

Karen Burke, Transportation Security Administration reiterated that Nevada fusion centers are advanced as any in the country. Networking between agencies is working well.

Sheriff Gillespie reiterated the importance of understanding that this report. Though flawed, is a living document that can be used to affect funding efforts for projects. He stressed the importance of the commitment to defend the 'all threats/all hazards' approach and the effective use of the money coming to local government to support such effort. He cited a particular finding in the report pertaining to a negative finding criticizing the school violence prevention program after a student death at Palo Verde High School, stressing the importance of having an embedded Clark County Police Department representative seated at the SNCTC. As such, significant reduction in crime has resulted in the Clark County area. Sheriff Gillespie invited any Commission member to visit the SNCTC.

Dr. Warren Gilbert suggested it may be a good idea to put in writing the accomplishments of the SNCTC as justification for the existence of the fusion centers. Sheriff Gillespie indicated there are good examples of positive efforts, particularly in FEMA Region 9 that will enhance information sharing.

Bob Fisher reiterated how critical it is that the Governor's staff sends out a comprehensive analysis of this meeting, and that the media work with Commissioners to get message out, and after November 6, 2012, the media will be responsive. In the absence of cameras and reporters, the public may assume they are being protected, but we have to put out the Commission's agenda to connect the dots between the Commission efforts and the public understanding of those efforts. The legislature isn't as informed as they could be on our efforts. The Governor indicated that he can put out a release, but cannot guarantee that it is picked up. The Commission should be proud of its work.

13. REPORT ON THE THREAT, HAZARD, IDENTIFICATION, AND RISK ASSESSMENT (THIRA) PROCESS FOR NEVADA

Paul Burke, Nevada Division of Emergency Management presented a detailed report on the Threat, Hazard, Identification, and Risk Assessment (THIRA) process to date for the State of Nevada. Mr. Burke received praise from Bob Fisher on the tremendous amount of work put into this report.

Discussion included concern presented by Chief Andy Flock, Sparks Fire Department relating to whether the Chemical/Biological/Radiological/Nuclear (CBRN) issues are addressed in the current THIRA concluding that these issues are presented with a weight that is appropriate for the State of Nevada.

Discussion was presented by Sheriff Haley questioning the statewide effort of credentialing, with Chief Smith indicating the desire to develop a product that can be added via barcode to identify pertinent information which can be scanned into any incident in efforts to identify groups of qualified individuals. A Request for Proposal (RFP) will be pushed out in the next four weeks. Bob Fisher indicated the wait for credentialing has been long, and his organization has begun broadcasting training events.

Gonzalo Cordova, Department of Homeland Security inquired if a separate THIRA report is available for the Urban Area Security Initiative (UASI), with Mr. Burke indicating there is a requirement for a separate THIRA for that group.

14. CRITICAL INFRASTRUCTURE COMMITTEE UPDATE

Robert Dorsey, Vice-Chair of the Critical Infrastructure Committee (CIC) presented a brief overview of the last CIC meeting covering elections of Chief Washington as Chair, himself as Vice-Chair, a report by Paul Burke on the current THIRA update, and the establishment of a working group to review the Critical Infrastructure plan. Nichole Hart presented information on the Joint Counter-Terrorism Awareness Workshop (JCTAW).

Governor Sandoval congratulated both Chief Washington and Robert Dorsey. Chief Washington thanked the Governor for his support, indicating that he would like to re-examine the CIC's mission ensuring to get that information to the Commission.

15. PUBLIC COMMENT

Chris Ipsen, State of Nevada, Department of Administration congratulated Chief Smith for his professionalism and being selected as the Chair of the Cyber Security Committee. Governor Sandoval also expressed his congratulations for Chief Smith's efforts on behalf of the State. Both Selby Marks and Karen Hall were recognized by both Robert Fisher and Governor Sandoval for their efforts in ensuring the Commission members receive the necessary meeting information required for this meeting, making special note to the amount of work that is required to present such information.

Governor Sandoval praised the historical efforts of journalist Shaun Whaley for reporting on Commission efforts in the past. The Governor also informed the Commission that he has been selected as Co-Chair for the National Governor's Association Committee for Health and Homeland Security. The Governor indicated that he would seek information from this Commission regarding input into specific topics on behalf of the State of Nevada as well as the nation.

16. ADJOURN

Governor Sandoval called for a motion to adjourn the meeting. Motion presented by Robert Fisher, with a second by Sheriff Haley. Meeting adjourned at 12:42 p.m.