

Churchill County LEPC Bylaws

BYLAWS

OF

THE CHURCHILL COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (Revised May 2023)

Enclosure (1): LEPC Final Parliamentary Rules

ARTICLE I NAME AND PURPOSE

Section 1. Name. The name of this organization shall be the “Churchill County Local Emergency Planning Committee,” hereinafter referred to as the “LEPC.”

Section 2. Definitions. Churchill County, hereinafter “County,” is a political subdivision of the State of Nevada. “Board of County Commissioners” means the governing board for County.

Section 3. Purpose. The purpose of the LEPC shall be:

A. To carry out for Churchill County those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, the Emergency Planning and Community Right-to-Know Act, hereafter known as “EPCRA,” and related regulations including but not limited to:

(1) Assisting in the development, training, and testing of response capabilities and plans to (a) hazardous substances, (b) natural disasters, (c) man-made disasters, and (d) terrorist threats for jurisdictions within Churchill County;

(2) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA;

(3) Development of procedures for receiving and processing requests from the public under the community right-to-know provisions of EPCRA;

(4) Provision for public notification of committee activities.

B. To implement such other and further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the Board of County Commissioners.

ARTICLE II MEMBERSHIP

Section 1. Qualification. The organization shall consist of those members nominated by the Board of County Commissioners, or by the LEPC Chair, and approved by the SERC for membership in this body. Those persons named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be residents of or conduct business in Churchill County. Non-Voting Members may be appointed by the

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County Commissioners. Non-Voting members may have a voice in the meetings, but may not vote on matters coming before the LEPC.

Section 2. Officers. Officers shall be elected from within the LEPC membership to conduct meetings, appoint subcommittees, keep minutes, and to otherwise accomplish the work of the committee. Such elections shall be held at least bi-annually or at such other times as may be determined by the LEPC membership.

Section 3. Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death, or disqualification of a member will be filled by appointment in accordance with Article II, Section 1. Suggestions for candidates to fill vacant positions may be made by the Executive Committee to the Board of County Commissioners who will make his or her recommendation to the SERC for approval.

Section 4. Duties. The LEPC shall assist established Emergency Planning Offices within the county with the planning for emergency response and public information as directed by law.

Section 5. Meetings. There shall be at least four regular meetings of the committee per year. Special meetings of the LEPC may be called by the Chairperson at such time and place as the Chairperson may determine. The special committees shall meet as the work under their groupings proceeds.

Section 6. Quorum. The presence of a simple majority of the members of LEPC is needed at the meetings to constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of a simple majority of the Committee shall constitute a quorum for the transaction of business. A LEPC member in good standing that is unable to attend a scheduled meeting may appoint an alternate from their business or agency to represent them at the meeting; the presence of the alternate will count toward a quorum. The alternate may cast a vote on any agenda item, such vote will be counted as a vote of the member. If a member and their alternate both attend a meeting; only the vote of the member will be counted.

ARTICLE III OFFICERS

Section 1. Enumeration of Officers. The officers of the LEPC shall be a Chairperson, and Vice Chairperson. The Chairperson shall be appointed by the Board of County Commissioners (usually the County Emergency Management Coordinator). The Vice Chairperson shall be elected by the committee as a whole in a manner herein provided. All officers shall be members of the LEPC. A Secretary may be appointed by the Chairperson.

Section 2. Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nomination and election of officers shall occur. Nominations will be accepted from the floor for the position of Vice Chairperson. The election shall be by ballot, except that when there is only one nomination for the office, election may be by voice vote. This officer shall be selected by majority of the members of the LEPC present and voting at the meeting.

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Section 3. Term of Office. The term of Chairperson shall continue until replaced by the Board of County Commissioners. The term of Vice Chairperson will terminate December 31 in odd numbered years (i.e. 2005, 2007, etc). Thereafter, the term shall be for a period of two years.

Section 4. Chairperson. The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; shall perform the duties of Treasurer; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5. Vice Chairperson. Upon the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson. The Vice Chairperson shall perform such other duties as may be assigned by the Chairperson.

Section 6. Treasurer. The Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC.

Section 7. Secretary. The secretary shall be the custodian of all books, papers, and documents of the LEPC. The Secretary shall keep a true record of the proceedings of all meetings of the LEPC.

Section 8. Information Coordinator. The LEPC may appoint an Information Coordinator. The Coordinator shall assist the Treasurer and Secretary in records management and financial matters. The Information Coordinator shall be a non-voting member of all committees and the LEPC.

Section 9. Volunteer Coordinator. The LEPC may appoint a Volunteer Coordinator. The Coordinator shall be a voting member and assist the LEPC members in planning assistance for the County Commissioner's duties under the Disaster Plan Manual.

ARTICLE IV COMMITTEES

Section 1. Executive Committee. The Executive Committee will consist of the Chairperson and Vice Chairperson. The Information Coordinator shall serve as a non-voting member of this Committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and ad hoc Committees.

Section 2. Standing Committees. The following Standing Committees may be established:

A) Right-to-Know Committee. This Committee shall be responsible for the formulation of all policies and procedures concerning the public's right-to-know program; the formulation of all chemical release reporting procedures; the establishment of trade secret protection procedures; and the formulation of all recordkeeping and information dissemination procedures for the LEPC.

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B) Public Education and Information Committee. This Committee will be responsible for the development of a public alert and notification program; public relations with affected communities and the public at large; all publicity of the LEPC; development of public education and information program.

C) Hazardous Materials Facilities Liaison Committee. This Committee shall be responsible for procedures for identification and communication with affected facilities. This committee shall work with the Emergency Response and Resources Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous substance emergency response plan for the planning district as required by law.

D) Emergency Response and Resources Committee. This Committee will work with the Hazardous Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district to review and help the local emergency management office(s) test a hazardous substance emergency response plan and disaster emergency response plan for the planning district as required by law. This Committee shall review existing federal, state, and local plans for the purpose of coordination with the LEPC planning process.

Section 3. Meetings. Meetings of the Standing and ad hoc Committees may be called by the Chairperson of the LEPC or the Chairperson of the Committee as deemed necessary.

Section 4. Chairperson of the Standing Committees. The Chairperson of the Standing Committees shall be nominated and elected by their respective Committees. Voting shall be conducted as provided in Article III, Section 4 (See Robert's Rules).

Section 5. Membership of Standing Committees. All members may volunteer to serve on at least one Standing Committee and shall not serve on more than two Standing Committees. Final membership of the Standing committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient membership to carry out their assigned tasks.

Section 6. Ad Hoc Committees. The Chairperson may create ad hoc committees as necessary to perform the function of the LEPC. Chairperson of ad hoc committees shall be appointed by the Chairperson.

ARTICLE V MISCELLANEOUS PROVISION

Section 1. Fiscal Year. The fiscal year shall be considered to run from July 1 to June 30.

Section 2. Indebtedness. All indebtedness incurred by the LEPC shall be approved by a majority of the LEPC membership present and attested by the Chairperson before payment by the Treasurer.

Section 3. Approval of Bylaws. These bylaws shall become effective upon approval by a majority of those in attendance at the organizational meeting.

ARTICLE VI

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AMENDMENTS

Section 1. Amendments. These bylaws may be amended by a two-thirds vote of those members present and voting at any meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to all of the members in writing at least one week in advance of the meeting.

ARTICLE VII RULES ESTABLISHED

EPCRA, requires that the LEPC “shall establish rules by which the committee shall function.” Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee and distribution of the emergency plan. The final rules are attached to these bylaws.

RULES

Section 1. Adoption of Rules; Publication of Proposals. The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior to final adoption by the LEPC. Publication shall be effected through posting of the proposed rules and a statement of basis and purpose on the public bulletin boards located at the public entrance to the Churchill County Administration Complex, 155 No. Taylor Street, Fallon, Nevada and at least three such other public places as may be represented by the LEPC membership. (The proposed rule, together with the statement of basis and purpose are hereafter referred to as “notice of proposed rulemaking.”) Such notice of proposed rulemaking shall invite written public comment on any aspect of the proposed rule during the 10 day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 2. Method of Initiating Proposed Rulemaking. Any member of the LEPC may recommend the initiation of proposed rulemaking. Any proposed rules shall be initially considered by the Executive Committee, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves a proposed rule it shall thereafter proceed to publication as provided in the preceding section.

Section 3. Method of Adopting Final Rules. Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discusses the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

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Section 4. Notice of Adoption. Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to comments received and any changes to the proposal made in response to such comments. Publication of the final rule shall be in the same manner as that for proposed rules. Nothing herein shall require a specific response to each and every comment received.

Section 5. Emergency Rules. In emergency circumstances, to be determined, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

ARTICLE VIII PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Authority. The rules contained in Robert's Rules of Order, Newly Revised, shall govern this committee in all cases to which they are applicable and in which they are not inconsistent with these bylaws. Enclosure (1) to this document are the Churchill County LEPC Final Rules.

ARTICLE IX DISTRIBUTION OF THE HAZARDOUS MATERIALS RESPONSE PLAN ANNEX

Routine distribution of the Churchill County Multi Jurisdictional Response Plan will be in accordance with operational needs. Copies of the most recent published plan will be available for public review in the Churchill County Emergency Operations Center, 507 S. Maine St. Fallon, NV during normal office hours.

ARTICLE X DISSOLUTION OF LEPC

In the event that the Churchill County LEPC is dissolved or becomes inactive as determined by the Churchill County Board of Commissioners; all equipment and LEPC responsibilities shall revert to the Churchill County Board of Commissioners.

RATIFICATION

Bylaws Adopted: 5/09/2023

Approved Date: 5/09/2023

City of Fallon Emergency Manager/LEPC Chairman
County Official and Title

Steven Endacott
Chairperson



Revised: May 2023

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FINAL PARLIAMENTARY RULES

I. Definitions: Unless otherwise stated, all terms herein shall be defined in accordance with the definitions provided in Title III of the Superfund Amendments and Reauthorization Act of 1986, P.L. 99-499, (the "Act") and regulations adopted in accordance therewith.

II. Public Notification and General Participation

- A. The LEPC shall post notice of all its meetings, on the public bulletin board at the southwest entrance to the County Administration Building of Churchill County, 155 No. Taylor Street, Fallon, Nevada, at least 72 hours prior to any such meeting and at three other public places. In emergencies, declared by the Chairperson and confirmed by a majority of the LEPC in attendance at an emergency meeting, the 72-hour notice may be waived. NRS 241..... (See NRS 241).
- B. All meetings of the LEPC shall be open to the public, except under circumstances where the Nevada Open Meeting Law or other specific statutory exceptions may permit otherwise. The Chairperson shall afford a reasonable period of time (5 minute increments per person) at the beginning of each regular quarterly meeting to accept public comments on any aspect of the LEPC's mission or functions.
- C. Not less than once each calendar year, the Chairperson shall cause to be published in a newspaper of general circulation in Churchill County a notice that written public comment is invited during a thirty day period on any aspect of the LEPC's organization, membership, functions, planning process, or purpose. Such notice shall comply in all respects with Section 324(b) of the Act and present a brief explanation of the LEPC's statutory purpose, the location of LEPC minutes and other records, and the name and address of the person designated by the Chairperson to receive written comments. The LEPC shall review all comments received and shall publish, in the manner described in subsection A of this section, responses to major issues raised in such public comments. Nothing herein shall require the LEPC to respond to each and every comment received.

III. LEPC Participation in Planning Process

- A. The Disaster Act requires each local and inter-jurisdictional agency to prepare and keep current an emergency management plan for its area. Additionally, in accordance with a Governor's Executive Order, the mayor of each municipal corporation and the County Commission of each county in the state are the designated Emergency Management Directors for each such political subdivision. In Nevada, LEPCs are therefore not the primary entity responsible for the composition and maintenance of an emergency management plan.
- B. The LEPC will strive to work with the local governments which are responsible for the emergency management plans which cover the areas of LEPC responsibility.

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1. The LEPC shall review such plans once a year, or more frequently as changed circumstances in the community or at any facility may require. Their primary focus should be with those parts of the plan which cover the following categories: warning, population protection, emergency public information, resource management, and HAZMAT response.
 2. The LEPC shall evaluate the need for resources necessary to develop and implement the emergency plan, and shall make recommendations with respect to additional resources that may be required.
- C. The LEPC should maintain copies of current plans and annexes of each jurisdiction it serves.

IV. Public Access to Information

- A. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier II form or the Material Safety Data Sheet (MSDS) otherwise in possession of the Committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier II form.
- B. All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such person. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of LEPC bylaws, or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

- C. Requests for MSDS and Other Non-Confidential Information.
1. Any person may obtain a MSDS with respect to a specific facility by submitting a written request to the Committee's Information Coordinator.
 2. Any person may obtain any other non-confidential information in the possession of the Committee by submitting a written request to the Committee's Information Coordinator.
 3. If the Committee does not have in its possession the MSDS or other information requested in sections C1 or C2 of this section, it shall request a submission of the MSDS from the owner or operator of the facility that is the subject of the request. The Committee will only make requests to specific facilities for information which it is required to maintain or collect pursuant to applicable law.

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D. Requests for Tier II Information.

1. Any person may request Tier II information with respect to a specific facility by submitting a written request to the Committee in accordance with the requirements of this section.
2. If the Committee does not have in its possession the Tier II information requested in paragraph D1 of this section, it shall request a submission of the Tier II form from the owner or operator of the facility that is the subject of the request, provided that the request is from a State or local official acting in his or her official capacity or the request is limited to hazardous chemicals stored at the facility in an amount in excess of threshold planning quantities.
3. If the request under paragraph D1 of this section does not meet the requirements of paragraph D2 of this section, the Committee may request submission of the Tier II form from the owner or operator of the facility that is the subject of the request if the request under paragraph D1 of this section includes a general statement of need.

V. Trade Secrets

Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 213(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC permanently or until such time as (1) an authorized governmental agency, and if applicable, a court of competent jurisdiction makes a final determination following any appeals, that such information is not subject to a valid claim of business confidentiality or trade secret and (2) the LEPC receives a written notice of such determination.

STANDING RULES

To be added as needed, Standing Rules are used for such items as: Travel Expenses, to determine who, what and when travel is authorized, etc., Fundraising activities, or any regularly scheduled activity which requires the expenditure of funds. Also, how payment is requested and how bills are paid.

BUDGET

The Budget requests are submitted to the Board of County Commissioners.

LEPC CATEGORIES

(In accordance with Public Law 99-499, Section 3 01 (c))

Elected State and Local Officials