

Elko County Local Emergency Planning Committee Bylaws

Article I – Authority

Public Law 99-499 (codified as 42 USC 11001) States: The Governor of each state was directed to establish a State Emergency Response Commission (SERC), Emergency Planning Districts, and Local Emergency Planning Committees. The State of Nevada directed the establishments of Local Emergency Planning Committees (LEPC) to be a function of County Government. Elko County has had an active LEPC since at least 1992.

Article II- Purpose

The purpose of the Elko County Local Emergency Planning Committee (herein after known as LEPC) is to provide oversight and management of all provisions of the Superfund Amendments and Re-authorization Act (SARA Title III), and Emergency Planning and Community Right-to-know Act of 1986. It is to provide inter-agency and organizational planning for the emergency response to hazardous materials.

Article III- Duties

The duties of the committee in fulfilling its purpose shall include the following:

1. Maintain and update a Hazardous Materials Emergency Response Plan and submit it to SERC for review annually.
2. Coordinate hazardous materials response training with other organizations represented by the committee.
3. Post meeting agendas and conduct meetings in accordance with the Nevada Open Meeting Law.
4. Conduct regularly scheduled public meetings at a minimum of one general membership meeting per quarter.
5. Maintain minutes approved by the membership of the LEPC and provide copies as needed to the SERC, LEPC members, and other interested parties.
6. Plan, execute, prepare, or approve post incident reports on training exercises at least annually.
7. Review and make recommendations on all grant requests that require local LEPC approval.
8. Submit Bylaws and membership list accepted by the County Commission annually to SERC for approval.
9. Enact procedures or adopt best practices as necessary to carry out the purpose, duties, and responsibilities of the LEPC.
10. Keep the Elko County Commissioners apprised of LEPC activities.
11. Seek funding through grants and other sources to provide resources for emergency responders.

Article IV- Membership

Section I – Current Members

Membership is categorized into one of the disciplines below. Each discipline may have up to three voting member entities. Voting member entities are assigned by agency or group (i.e., Sheriff's Office, Fire Departments). Member entities (entities) may designate primary and alternate voting members.

Membership is by appointment of the Elko County LEPC Executive Committee, with a maximum of 30 entities. The committee's intent is to provide as much diversity as possible, with representation of the 15 disciplines to include:

- Elected State and Local Officials
- Law Enforcement
- Civil Defense / Emergency Management
- Firefighting
- First Aid / Emergency Medical Services (EMS)
- Health / Public Health
- Local Environmental
- Hospitals
- Transportation
- Tribal
- Broadcast and/or Print Media
- Community/VOAD Groups
- Owners and Operators of facilities subject to the requirements of the Emergency Planning and Community Right to Know Act (EPCRA)
- Education
- Members at-large

Section II – New Members

1. The Elko County LEPC accepts new entities or persons wishing membership in the LEPC.
2. Entities or persons wishing membership shall request membership in writing to the committee on a form authorized by the LEPC. New applicants will indicate on the application which of the disciplines the new applicant most affiliates. Membership will be by entity, with at-large memberships available for private citizens or otherwise unaffiliated personnel.

Section III – General

1. The committee shall consist of a minimum of one voting member from each of the designated disciplines. When any discipline is vacant, the committee will seek to fill the position.
2. The LEPC will only conduct business with a quorum of the members. The quorum is defined as 7 of the disciplines listed above.
3. Each entity, including the at-large members, shall be entitled to one vote on any action item. Any member may speak on any agenda item or request new agenda items.
4. Entities shall designate a primary voting member and list other alternates. If voting members to the committee miss three meetings in a row or more than 50% of the meetings in a calendar year, the entity shall be asked to assign a different voting member. If an entity is unable to assign a different voting member, the Executive Committee may select a member to represent that entity, if available.

Approved 01/04/2023

5. An entity may have as many people attend meetings as they wish. However, during voting, only the voting member or the alternate will have a vote. The entity may change their voting member(s) at any time by informing the committee.
6. The Executive Committee may, in its discretion, establish additional categories of representation which will then be ratified by the membership.
7. A member may represent only one entity but may represent more than one discipline.
8. Members will receive no personal compensation for their services on the LEPC, including the Officers, Executive Committee and all committees or subcommittees.
9. Members are responsible for updating and changing contact information with the Secretary.

Article V – Officers

Section I- Officers

The Elko County LEPC shall have the following officers:

- Chair
- Vice Chair
- Secretary

Section II- Duties of Officers

The duties of the officers include but are not restricted to the following:

Chair

- Conduct meetings
- Assign persons to report on or lead discussion on agenda items.
- Provide leadership for the affairs of the committee
- Appoint members to Committees, including the Chair of each committee if not designated in the bylaws
- Report activities to County Staff and the County Commissioners
- Initiate all actions needed for ratification by the County Commissioners
- Represent the LEPC at the SERC meetings
- Be an at-large member on all sub-committees
- Serve as the external liaison for Elko County LEPC
- Approve agenda items and assist with preparing the agenda

Vice Chair

- Assume all the chairperson's duties in the absence of the chairperson
- Maintain a list of member entities, and at-large members, and those voting members authorized to participate in voting
- Recommend members to Committees, including the Chair of each committee if not designated in the bylaws
- Be responsible for bylaw changes
- Assist with the preparing of the agenda

Secretary

- In collaboration with the Elko County Clerk assure minutes are kept of all meetings
- With the Chair, prepare agendas for meetings
- Maintain membership roster and conduct all business dealing with members

- Distribute agendas to members
- Liaison with Elko County Fiscal Affairs for all financial matters relating to LEPC
- Support the Grants and Contracts Manager with required reports, input, or consultation

Section II – Election of Officers

1. The term of all elected officers shall be two calendar years, January to December. Officers may be elected by the membership to consecutive terms, without term limits.
2. The Elko County Emergency Manager shall serve as the Chair of the Elko County LEPC. When the position of Elko County Emergency Manager is not filled, the Chair position shall transfer to the Deputy Emergency Manager and then in accordance with Elko County's delegation of authority for Assistant Emergency Managers. If no Emergency Management positions are filled, the Committee shall elect a chair from among the members in accordance with these bylaws for election of officers for up to a one calendar year term, or until the position of Emergency Manager is filled, whichever is sooner.
3. Votes for Vice Chair and Secretary will take place at the last meeting of the calendar year; even years for Vice Chair, and odd years for Secretary; with the recommendation passed onto the County Commissioners for approval.
4. All officer's terms will take office on January 1 each year or immediately following approval by the County Commission, whichever is later. All officers will be approved by the County Commission annually.
5. If an officer resigns or is unable to complete his or her term for any reason the Chair may select a committee member to serve as an interim officer until the next meeting. An election for that position will be held at the next regularly scheduled meeting to complete the unexpired term. The result of the LEPC vote will be forwarded to the County Commissioners for approval.

Article VI – Meetings

1. Meetings will be noticed and conducted in conformation with Nevada Open Meeting Law. All business will be conducted through motions and majority vote of the quorum present.
2. Meetings are open to the public and shall be held on a regularly scheduled basis, at least quarterly. Additional meetings may be required to fulfill the requirements of the Elko County LEPC, if scheduled these will be noticed and conducted in conformation with Nevada Open Meeting Law.
3. Sign in sheets will be distributed at each meeting and kept to maintain a record of members participating, speakers, and guests present.
4. Minutes shall be kept of all meetings, including for any meeting that does not meet quorum requirements, with main topics of discussion and all motions. The Elko County Clerk will maintain minutes for the Elko County LEPC.

5. If quorum is not met for any meeting, business will not be conducted. However, reports and discussion may be presented to those present. The Chair or the Executive Committee may choose to schedule another meeting in the quarter to transact business of the committee.
6. The agenda for the Elko County LEPC will include the following items, and other items as may be necessary to conduct the business of the Committee:
 - Hazardous Materials Emergency Response Plan and Annex(es)
 - Membership
 - Tier II Plans
 - Incidents
 - Training
 - Drills
 - Grants
 - Committee Reports
 - Public Comment

Article VII – Public Availability

The Elko County LEPC shall annually publish a notice in the local newspaper (Elko Daily Free Press) advising the Hazardous Material Safety Data Sheets (MSDS) or chemical inventory lists, and follow-up emergency notices are available for public review; consistent with Section 322 of the Emergency Planning and Community Right-to-know Act (EPCRA). The public notice shall also state that follow-up emergency notices may be issued.

The public may review these documents at the following locations during normal office hours.

Elko County Administrative Offices
540 Court Street, Suite 101
Elko, NV 89801

Article VIII – Public Comment

1. Public comments concerning the Hazardous Materials Response Plan, Annex, or Elko County LEPC activities in general are welcome.
2. The Hazardous Materials Response Plan and Annex will be open for discussion at every regularly scheduled quarterly LEPC meeting.
3. Written comments or questions directed to the Elko County LEPC will be answered in writing within 30 days, after appropriate coordination.
4. Public comment will be accepted for any item listed on an agenda as an “Action Item”. Public comment may be accepted for any item listed on the agenda as a “Non-Action Item” at the discretion of the presiding officer.
5. Additional opportunities for public comment will be included on the agenda at the beginning and end of each public meeting.

Article IX – Public Request for Information

Any person may submit a written request for information under Section 311, 312, and 324 of EPCRA. Requests shall be addressed to:

Elko County LEPC
Attn: Public Request for Information
540 Court Street, Suite 101
Elko, NV 89801

The Elko County LEPC shall respond to requests for information no later than 45 days from the receipt of the request. The LEPC Chair shall serve as the Coordinator of Information if Elko County does not have an employee otherwise designated for coordinating public records requests.

Article X- Committees

There shall be three standing committees – Executive, Grants, and Planning

The LEPC Chair, in consultation with the Officers, shall appoint each Committee Chair. Other committees shall be established as needed by the LEPC. Appointments to any committee will be made in writing and read into the minutes at the next LEPC meeting.

Executive Committee

The Executive Committee shall consist of five members of the Elko County LEPC. The members of the Executive Committee shall consist of members from the following disciplines:

- Law Enforcement
- Firefighting
- First Aid / Emergency Medical Services (EMS)
- Health / Public Health, or Hospitals
- Any discipline at-large

If any Officer of Elko County LEPC represents a discipline above, he/she will automatically assume that seat on the Executive Committee. Other members of the Executive Committee will be appointed by the Chair to one-year term, from January to December of each calendar year. Executive Committee members may be reappointed by the Chair to consecutive terms, without term limits. If an Executive Committee member is unable to serve for any reason, the Chair may select another member from the same discipline to fill that position.

The Chair of the Elko County LEPC shall serve as an additional at-large member of the committee and may participate in discussion and deliberation with the committee. The Chair shall not vote on any Executive Committee matter except to break a tie. Executive Committee voting will be done by roll-call vote, starting with Law Enforcement and moving through the list to the at-large appointee. The LEPC Chair may only vote when a tie exists after all other members present have voted.

The Executive Committee may conduct business with a minimum quorum of three members, including the LEPC Chair. The Committee may review any aspect of the operation or administration of the Elko County LEPC and act, as needed, to ensure timely submissions or effective operation of the Elko County

LEPC. Any action taken by the Executive Committee will be brought before the LEPC membership at the next scheduled meeting as an action item.

The Executive Committee may utilize non-members such as Elko County Fiscal Affairs, County Manager, District Attorney's Office, etc. to review any item before action by the LEPC. These non-members shall not vote on any Executive Committee matter.

Grants Committee

The Grants Committee shall review all grant requests before regularly scheduled meeting and present their findings to the LEPC membership.

- The Elko County LEPC shall request permission from the Elko County Commission to apply for grant funding prior to applying for any/all grants; upon notification of a grant award, the LEPC shall notify the Elko County Commission and request permission to accept the award.
- The LEPC membership must approve all grant requests.
- All entities wishing to apply for a grant through LEPC must complete the entire application including quotes.
- All entities receiving grant funding; must report progress and status to the LEPC and to Elko County Fiscal Affairs.
- The Elko County Grants and Contracts Manager may serve as non-voting member of the Grant Committee and will provide oversight to the Elko County Grants program, of which the Elko County LEPC is a component.
- The Grants Committee membership will be determined after grant requests are received and shall be appointed by the LEPC Chair. No entity requesting grant funding may have a representative member on the Grant Committee considering its own request for funding.

Planning Committee

The Planning Committee shall review the Hazardous Materials Emergency Response Plan on a yearly basis and make suggestions for change. This committee shall also address any long-term planning needs as requested by the LEPC.

Article XI- Grants

1. The Elko County LEPC routinely applies for grants, the timing of which may vary based on information contained in each Notice of Funding Opportunity. Any member entity may make a request for grant funds through the LEPC. Requests will include the item requested, a written quote(s) for price, a written justification for the request, and any other documentation required by Elko County Fiscal Affairs or as required by the Grant.
2. The grant committee will determine the appropriateness of each request and prioritize each request, with priority being determined by the greatest overall benefit to the County. At a regularly scheduled meeting the Grant Committee will present all applications, and the list of priorities to the Elko County LEPC membership for vote to determine grant applications to be

forwarded to the County Commission.

3. When no regularly scheduled meeting can be held before the application deadline the Grant Committee will present the applications and priorities to the Executive Board to determine which grant applications will be forwarded to the County Commission. The Grant Committee and Executive Committee will then report this to the membership at the next regularly scheduled LEPC meeting.
4. The Elko County LEPC, by vote of the membership at a regularly scheduled meeting may seek blanket approval from the Elko County Commission to apply for grants available to the LEPC. When approved by the County Commission, the LEPC may then act within the parameters set by the County Commission and Elko County Fiscal Affairs to apply for, receive, and expend grant funding without future individual action of the County Commission.
5. Equipment received or funded by a grant will be under the control of the group or organization receiving the equipment, with ownership retained by Elko County. Equipment is not to be disposed of without permission of the Executive Committee, approval of Elko County, and notice given to the LEPC membership. Disposal or transfer of equipment will follow all legal or grant guidelines for de-commission, disposal, transfer and/or removal of equipment.
6. It is expected that the equipment under control of any group or organization will be maintained in a serviceable and response ready status for the expected lifespan of the equipment. If the grant provides funding for any personnel, training, or equipment the group or organization receiving the grant via the Elko County LEPC shall provide that service, equipment, or level of training to any other organization within Elko County at no cost, upon an approved request to the Executive Committee.

Article XII – Distribution of the Hazardous Materials Response Plan and Annex

1. Routine distribution of the Response Plan will be in accordance with the operational needs of the membership and in compliance with Nevada law.
2. Copies of the most recent approved plan will be available for review in the Elko County Office of Emergency Management.
3. Access to Emergency Plans or Response Plans of a political subdivision of the State of Nevada may be restricted by Nevada Revised Statutes 239C.210, 239C.220, NRS 239C.240, or 239C.250 or any other applicable statutes.

Article XIII-Bylaw Changes

1. Changes in the bylaws shall require review and approval by LEPC membership.
2. The bylaw change will be distributed to the membership electronically or in writing with at least 10 business day notice before the meeting at which the change will be an action item. When bylaw change is listed as an action item on the agenda, changes, updates, and new items will be

accepted during the meeting. Action may be taken during that meeting or may be specifically included on a successive agenda as an action item.

3. All bylaw changes adopted by the membership will be submitted for review by the Elko County District Attorney's Office. Minor changes (i.e., spelling, grammar, phrasing, item order, references, etc.) are accepted by the LEPC, and the document with minor changes may be forwarded for approval or submittal without additional action of the LEPC membership. Fundamental changes (i.e., membership, processes, committees, Articles, etc.) will be returned to the LEPC membership at the next regularly scheduled meeting for approval. The Executive Committee may take action on fundamental changes to ensure timely submittal to the Nevada State Emergency Response Commission only.
4. Changes approved by the LEPC membership shall be forwarded for approval by the Elko County Commission and shall take effect once approved by the Commission.

Article XIV – Dissolution of the Elko County LEPC

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



Lee Cabaniss, LEPC Chair

January 04, 2023
Date