

**BYLAWS OF THE WHITE PINE COUNTY  
LOCAL EMERGENCY PLANNING COMMITTEE**

**ARTICLE I**

This organization shall be known as the White Pine County Local Emergency Planning Committee, (LEPC).

**ARTICLE II**

The purposes of the LEPC are those set out in Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and any other lawful purposes which are assigned to it or permitted by the White Pine County Commissioners and/or the State Emergency Response Commission. In keeping with the intent of SARA, Title III, all activities of the Committee will be conducted in a manner encouraging input and participation from all segments of the community.

The Committee's responsibilities will include:

- Development of the White Pine County Hazardous Materials Emergency Response Plan, and regular review and updating of the Plan in accordance to these Bylaws and SARA, Title III;
- Receipt of reports and other information from covered facilities and other agencies;
- Community right to know activities, including providing public access to information in accordance to these Bylaws;
- Assessment of resources necessary to implement the Plan, and making of recommendations to appropriate people, agencies and organizations regarding additional resources needed to implement the plan;
- Compliance and enforcement activities.

**ARTICLE III**

**MEMBERSHIP**

Section 1: Voting Members

The committee shall consist of a minimum of thirteen (13) voting members. The members will be nominated by the White Pine County Local Emergency Planning Committee and will be appointed by the White Pine County Commission. Membership will at all times include, at a minimum, representatives of the groups listed in Section 30 I of SARA, Title III and the State of Nevada Emergency Response Commission's Local Emergency Planning Committee membership list.

Section 2: Non-Voting Members

The committee may consist of one or more non-voting members. The members will be nominated by the White Pine County Local Emergency Planning Committee and will be appointed by the White Pine County Commission. Non-voting members shall not be included when considering whether or not a quorum is met and shall not have the right to vote on any issue but shall have the same rights as a voting member otherwise.

Section 3: Terms of Membership

The White Pine County Commissioners shall appoint members for a two (2) year term of office.

Section 4: Inactive Members

Appointed members may be considered inactive when they have missed more than two (2) consecutive committee meetings without notification to the Committee Chair or staff office of significant reasons why they were unable to attend the meetings. An annual report listing members declared inactive will be provided to the White Pine County Commissioners and the State Commission.

Section 5: Removal of Members

The White Pine County LEPC may request that the White Pine County Commission remove a member.

Section 6: Vacancies

Vacancies in membership of the Committee shall be filled using the process set out in Section 1 of this Article.

**ARTICLE IV**  
**OFFICERS**

Section 1: Officers

The officers of the Committee shall consist of a Chair, a Vice Chair, and a Secretary/treasurer. The Secretary/treasurer shall be the only officer that can be a voting or a non-voting member.

Section 2: Election

At the first meeting of each calendar year, the Committee shall elect from its own membership, a Chair, a Vice Chair, and a Secretary/treasurer who will serve for one (1) year, or until the office becomes vacant for any reason.

Section 3: Removal

Any of the Committee's officers may be removed by a majority vote of the Committee at a meeting called for that purpose in accordance with the Bylaws.

Section 4: Vacancies

The Committee will fill any vacant Officer positions from its own membership.

**ARTICLE V**  
**DUTIES OF THE OFFICERS**

Section 1: Duties of the Chair

The Chair shall preside at all meetings of the Committee; preserve order during meetings; appoint all subcommittees, after consultation with the membership; serve as an ex-officio member of such subcommittees; and sign all minutes and other documents connected with the work of the Committee requiring signature.

Section 2: Duties of the Vice-Chair

In the absence of the Chair or in the event of an inability or refusal of the Chair to act, the Vice-Chair, unless otherwise determined by the Committee, shall perform the duties of the Chair and, when so acting shall have all the powers of the Chair.

Section 3: Duties of the Secretary/treasurer

The Secretary/treasurer can be a voting or a non-voting member and shall have charge of all books, papers, records, money, and other documents of the Committee; shall keep minutes of all meetings of the Committee; shall conduct all correspondence pertaining to the Committee; shall compile statistics and other data as required for the use of the members of the Committee; shall keep an account of all monies of the Committee; and shall perform such other duties as may be directed by the Chair of the Committee.

**ARTICLE VI**  
**STAFF**

The Committee may employ its own staff if it is legally authorized to do so and if funding is available, or may use the personnel of an existing County office with the approval of that Department head. Staff shall perform only such duties as are requested or authorized by the Committee or are necessary to carry out the policies, decisions and work of the Committee.

**ARTICLE VII  
MEETINGS**

**Section 1: Regular Meetings**

The Committee shall follow open meeting laws. Refer to the Nevada Department of Justice, Office of the Attorney Generals' website, <http://ag.state.nv.us/oml/oml.htm>, for direction on how to conduct meetings in conformation with the Nevada Open Meeting Law. Meetings are open to the public and shall be held on a regularly scheduled, at a minimum quarterly, basis.

**Section 2: Special Meetings**

The Chair may call such Special Meetings as may be deemed necessary to carry out the duties of the Committee. Upon the written request of at least three (3) of the members the Chair shall call a meeting by written notice within ten days.

**Section 3: Hearings**

The Committee Shall hold such hearings or public forums as it may deem necessary and desirable at such times and places as may be determined by a majority vote of the Committee. At least one such public hearing or forum shall be held each year for the purpose of discussing the Committee's emergency plan with the public, receiving public comments, and responding to public comments.

**Section 4: Quorum**

A quorum shall consist of a simple majority of the Committee voting members, a Quorum shall be required to transact business. For an item to pass it will require an affirmative vote by a majority of the Committee voting members present. Their designated alternate can represent the member's organization and present its proxy vote.

**Section 5: Agenda**

Any member may request that the Chair place an item on the agenda. If the Chair should decline to do so, a member may have such an item placed on the agenda by submitting it in writing to the Chair with supporting signatures of three (3) members.

**Section 6: Rules of Order**

The deliberation of all members of the Committee and its various subcommittees shall be governed by the Robert's Rule of Order, Newly Revised.

**Section 7: Notice of Meetings**

Notice of time, place, and agenda items to be considered at each meeting shall be posted in writing at the White Pine County Court House, Ely City Hall, the White Pine County Library, the White Pine County Administrative Building, and the Public Safety Building and given all members at least three (3) working days prior to each meeting by the staff or Chair in accordance with NRS 241 and to the Clerk of the White Pine County Board of Commissioners.

In accordance with SARA Title III, an annual notice of the regular meeting schedules of the Committee shall be published in the newspaper with regular circulation in White Pine County. This notice shall specify the meeting designated specifically for receipt of public comments to the Emergency Plan.

**ARTICLE VIII  
VOTING**

**Section I**

Each Committee voting member or their designated representative, including the Chair, shall be entitled to one vote. Non-voting member will not be entitled to a vote but may engage in conversation, input and debate on any issue or agenda item.

Section 2: Proxy Votes

A Proxy vote will be allowed by a committee members designated alternate. This alternate must be identified to the LEPC in writing, meeting all regular membership requirements. Each LEPC position (member) only gets one vote.

Section 3: Abstentions

Members may register their abstention on any vote. The abstention shall be reflected in the minutes. Members are required to abstain on matters which pose a conflict of interest for them, and shall declare the conflict for the record.

Section 4: Determination of Actions

All final actions, Committee positions or policy recommendations shall require the favorable vote of a majority of Committee voting members present.

**ARTICLE IX  
REPORTS AND RECOMMENDATIONS**

Section 1: Annual Reports

By February 1 of each year, the Committee shall make a report describing its activities for the preceding calendar year to the White Pine County Board of Commissioners. A copy of the annual report will be provided to the State Emergency Response Commission.

Section 2: Review of Draft Reports

A draft of any proposed annual report shall be circulated to all members of the Committee at least 14 days prior to consideration by the full Committee at a scheduled meeting.

Section 3: Issuance of Reports

No report of any kind shall be released in the name of the Committee unless and until it has been duly adopted by a favorable vote of a majority of the members of the Committee.

Section 4: Ordinances/Resolutions and Recommendations

The Committee may address matters regarding ordinances and resolutions to be endorsed by the Committee for recommendations to the White Pine County Commissioners.

Section 5: Emergency Plan

The Hazardous Materials Emergency Response Plan will be developed in accordance with SARA, and will be distributed by the Chair of the Local Emergency Planning Committee. Plan holders will be found in Appendix A to these Bylaws.

**ARTICLE X  
PUBLIC AVAILABILITY**

The White Pine County LEPC shall annually publish a notice in the local Newspaper, 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.

These documents are available during business hours from the White Pine County Office of Emergency Management/White Pine County Fire Protection District located at the Emergency Operations Center, 1150 US Highway 93 North, Ely, Nevada and/or the Ely Volunteer Fire Department 1780 Great Basin Blvd. The Fire Departments will only provide information on facilities in their local jurisdiction.

**ARTICLE XI**  
**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 the White Pine County LEPC (located at the Emergency Operations Center 1150 US Highway 93 North, Ely, NV 89301). The LEPC shall respond to requests for information no later than 45 days from the receipt of request. The LEPC Chairman shall serve as the Coordinator of Information.

**ARTICLE XII**  
**PUBLIC COMMENT**

Public comments concerning the Hazardous Materials Response Plan Annex, or LEPC activities in general are welcome. The Hazardous Materials Response Plan Annex will be open for discussion at every LEPC meeting. Comments or questions directed to the LEPC will be answered in writing within 14 working days, after appropriate coordination.

**ARTICLE XIII**  
**DISTRIBUTION OF THE HAZARDOUS MATERIALS RESPONSE PLAN ANNEX**

Routine distribution of the Response Plan will be in accordance with operational needs. Copies of the most recent published plan will be available for public review in the White Pine County Office of Emergency Management/ Emergency Operations Center, 1150 US Highway 93 North, Ely, Nevada during normal office hours.

**ARTICLE XIV**  
**DISSOLUTION OF LEPC**

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

**ARTICLE XV**  
**AMENDMENTS**

These Bylaws may be amended or replaced upon the affirmative vote of a majority of the members of the Committee provided that any proposed changes have been circulated to all members three (3) days prior to any action thereon.

**ARTICLE XI**  
**RATIFICATION PROVISION**

The bylaws are duly adopted by the approval of the White Pine County Commission this 10<sup>th</sup> day of Jan 2024 in White Pine County, Nevada. The signature of those subscribing to these Bylaws are set forth below:

<u>Janet Vaulang</u>	<u>Vice Chairman</u>
<u>Maria Carson</u>	<u>Chairman</u>
<u>[Signature]</u>	<u>Commissioner</u>
<u>[Signature]</u>	<u>Commissioner</u>
<u>[Signature]</u>	<u>Commissioner</u>
	Date: <u>Jan 10, 2024</u>

Bylaws- LEPC

January 2024

Appendix A

Voting Members-Minimum 14 members - 2 year term

LEP C	NAME	REPRESENTS	CATEGORY	VOTED IN	TERM EXP	OATH
1			ELECTED STATE OFFICIAL			
2			ELECTED LOCAL OFFICIAL			
3			ELECTED LOCAL OFFICIAL			
4			LAW ENFORCEMENT			
5			CIVIL DEFENSE (EMERGENCY MANAGEMENT)			
6			FIREFIGHTING			
7			FIRST AID			
8			HEALTH			
9			LOCAL ENVIRONMENTAL			
10			HOSPITAL			
11			TRANSPORTATION			
12			BROADCAST/PRINT MEDIA			
13			COMMUNITY GROUP			
14			EPCRA FACILITY OWNER/OPERATOR			
<b>Nonvoting Members</b>						
		Duckwater Emergency Mgmt.	Duckwater			
		WPC OEM	Secretary			

\*\*\*Chair:

\*\*Co-Chair:

\*Secretary: