

NYE COUNTY AGENDA INFORMATION FORM

Action Presentation Presentation & Action

Department: County Manager		Agenda Date:
Category: Timed Agenda Item – 10:45 a.m.		January 7, 2019
Contact: Lorina Dellinger	Phone: (775) 482-7319	Continued from meeting of:
Return to:	Location:	Phone:
Action requested: (Include what, with whom, when, where, why, how much (\$ and terms) <p>Public Hearing, discussion and deliberation regarding a request to: 1) adopt, amend and adopt, or reject Nye County Bill No. 2018-24: A Bill proposing to amend Nye County Code Title 2 Administration and Personnel, by amending Chapter 2.60, Safety Committee; and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto; and 2) Set an effective date.</p>		
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) <p>Staff recommends adoption with an effective date of January 28, 2019.</p>		
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.		
Expenditure Impact by FY(s): (Provide detail on Financial Form) <p><input checked="" type="checkbox"/> No financial impact</p>		

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	RB Date 11-28-18
4.	Date	9. Finance	Date N/A
5.	Date	10. County Manager	MG <input checked="" type="checkbox"/> Place on Agenda Date

ITEM # 12

BILL NO. 2018-24
NYE COUNTY ORDINANCE NO.

SUMMARY: A bill proposing to amend Nye County Code Title 2 Administration and Personnel, by amending Chapter 2.60, Safety Committee; and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 2 ADMINISTRATION AND PERSONNEL, BY AMENDING CHAPTER 2.60, SAFETY COMMITTEE; BY AMENDING SECTION 2.60.020 COMPOSITION AND TERMS; BY DELETING SECTION 2.60.030 INTERNAL GOVERNANCE OF COMMITTEE; DELETING SECTION 2.60.040 SCOPE OF AUTHORITY; DELETING SECTION 2.60.050 DUTIES OF COMMITTEE; DELETING SECTION 2.60.060 DUTIES AND RESPONSIBILITIES OF OFFICIALS, MANAGEMENT AND EMPLOYEES REGARDING THE COUNTY'S SAFETY PROGRAM; DELETING SECTION 2.60.070 BUDGET; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Board of Commissioners of Nye County ("Board"), on October 7, 1997; pursuant to the mandate of NRS 618.383, enacted Nye County Ordinance No. 203, which created the Nye County Safety Committee [hereafter "Safety Committee"], for the purpose of completing and effecting the County's safety program; on May 21, 2001 enacted Nye County Ordinance No. 240 to consolidate Ordinance Nos. 203, 211, and 222; on November 18, 2008 enacted Nye County Ordinance No. 365 to update the voting members, redefine composition of terms and specify the internal governance of the committee, and other matters properly related thereto.

WHEREAS, NRS 618.383 requires each Nevada employer to establish and effect a safety program; and

WHEREAS, the Nye County Board of Commissioners ("Board") is fully cognizant of the importance of implementing, facilitating and maintaining safety in all of the County's work sites; and

WHEREAS, it is the duty of County officials, members of management and employees to promote, cooperate in and assure work place safety; and

WHEREAS, the Board also believes that the responsibilities of all County officials, members of management and employees, relating to the County's safety program and its safety committee should be set forth with particularity, so that all concerned will have full notice of the County's determination to fully implement and effect its safety program; and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

NYE COUNTY CODE TITLE 2 IS HEREBY AMENDED AS FOLLOWS, with Deletions shown in strike- through red font, and additions and modifications shown in underscored blue font:

2.60.010: COMMITTEE CREATED:

The Nye County ~~s~~Safety ~~e~~Committee ("Safety ~~e~~Committee") was created October 7, 1997, with the enactment of Nye County ~~e~~Ordinance 203 (97-12). (Ord. 240 § 1, 2001)

2.60.020: COMPOSITION, APPOINTMENT AND TERMS:

A. Composition: The Safety ~~C~~ommittee shall be comprised of a minimum of ten (10) members, as follows:

Representing	Number of Positions
Nye County Employee Association (NCEA)	1
Nye County Management Employee Association (NCMEA)	1
Nye County Law Enforcement Association (NCLEA)	1
Nye County Association of Sheriff's Supervisors (NCASS)	1
International Association of Fire Fighters (IAFF)	1
Northern Nye	1
Represents various administrative offices in Tonopah	
Central Nye	1
Represents various administrative offices in Beatty and Amargosa Valley	
Southern Nye	1
Represents various administrative offices in Pahrump	
Public Works Department	1
Department of Emergency Management	1

Committee Safety Advisor: The Workplace Safety and Training Officer will serve as primary advisor to the Safety ~~C~~ommittee and attend scheduled committee meetings. On occasion other safety subject experts may be invited.

B. Appointments: Appointments shall be made in accordance with Nevada Revised Statutes 618.383 ~~(f2)(b): If an employer has more than 25 employees, or if an employer's employees are engaged in the manufacture of explosives, the establishment of a safety committee. The safety committee must include representatives of the employees. If the employees are represented by a labor organization, the representatives of employees must be selected by employees and not appointed by the employer.~~ Each member and their alternate representing a labor union shall be appointed by his or her association. Only full time, regular county employees shall be eligible for membership to the Safety ~~C~~ommittee and said membership shall be voluntary. All members shall attempt to provide an alternate from their respective department.

Appointments for Northern, Central, and Southern Nye County, Public Works Department and Department of Emergency Management will be appointed by the County Manager in cooperation with the respective department heads and officials. Each member and an alternate for single county department positions shall be selected or appointed by his or her department head or official.

1. Committee members shall be responsible to coordinate with their alternates if for any reason they will be unable to attend a scheduled meeting.

~~The safety committee will facilitate the designation of primary work sites or work areas throughout the county. Site safety representatives and alternates shall be selected and appointed by their peers in writing for each of these areas. Site safety representatives shall have full voting privileges on matters of the safety committee. Officials and department heads shall facilitate this process as appropriate. The committee shall be notified in writing regarding the selections.~~

~~It is the policy of the board that equal opportunity for appointment and/or selection be afforded to all well qualified county employees, regardless of age, sex, race, sexual orientation, color, religion or national origin.~~

C. Term: ~~Safety committee membership will be evaluated by the committee annually. The term for the initial members of the Safety Committee shall be through December 30, 2018. They~~
~~Members may be reappointed or replaced at the discretion of the relevant appointing authority, as noted in subsection B of this section. Commencing July 1, 2019 and thereafter those appointed or selected shall serve for a term of two (2) years.~~ The term for the initial members of the Safety Committee shall be through June 30, 2019. Commencing July 1, 2019 and thereafter, those appointed or selected shall serve a term of two (2) years. Members may be reappointed or replaced at the discretion of the relevant appointing authority, as noted in subsection B of this section. Members may serve more than one consecutive term.

D. Filling Unexpired Terms: A ~~Safety Committee~~ member or any alternate who fails, refuses, resigns (from the ~~Safety Committee~~ or from county employ), or is otherwise unable to fulfill and serve the term to which he or she has been appointed shall be removed from membership/participation. The relevant department shall choose a replacement and notify the ~~committee~~ ~~County Manager~~ in writing not later than thirty (30) ~~calendar~~ days after such removal, to fulfill the unexpired portion of the available term. (Ord. 365, 2008)

2.60.030: INTERNAL GOVERNANCE OF COMMITTEE:

A. Election Of Officers: ~~The members of the committee shall elect from their membership a chairperson, cochairperson and secretary to serve terms as set forth in the committee bylaws. The duties of the officers shall be prescribed by the committee, which may adopt bylaws for its internal governance.~~

1. The first officers shall be elected immediately following the effective date hereof and shall serve through June 30, 2002.

B. Minutes And Communiques: The secretary shall be responsible for ensuring that general minutes are taken at each meeting of the committee; written documentation of the minutes is prepared, and edited; and copies of the minutes forwarded to the board of county commissioners, county manager, committee chairperson and cochairperson, committee members, the county safety officer and other persons as the committee may prescribe. The secretary shall ensure that all official correspondence of the committee is prepared, edited and distributed as prescribed by the committee. Official minutes, policies and communiques shall be maintained by the secretary in accordance with committee bylaws.

C. Transaction Of Business: It is expressly understood and agreed that the business of the committee shall be transacted during the regular working hours of county employees. Each member of the committee, county safety and training officer and other invited employee participants shall receive his or her full salary while transacting the business of the committee. The committee shall establish those bylaws and procedures as determined necessary.

D. Open Meetings And Quorum: All meetings of the committee shall be held in full compliance with the Nevada open meeting law, as provided in Nevada Revised Statutes chapter 241. "Quorum" means a simple majority of the committee's minimum ten (10) members.

E. Meetings; Time And Place: The committee shall hold regularly scheduled meetings once a month, on a day of the month to be set by the committee. Additional meetings may be called by the chairperson, or the cochairperson in the chairperson's absence, subject to the posting and notice requirements of the Nevada open meeting law. The committee may meet anywhere within the county, at the discretion of the chairperson or cochairperson; and the committee may meet outside of the county with other safety committees, for training, or when otherwise required.

F. Meetings; Agenda: The agenda shall be disseminated by the secretary for each regular committee meeting. It shall include, but not be limited to, an overall review of all unfinished business of the prior month's meeting; accident and injury reports; committee member areas of concern; any specific safety problems; updates regarding outstanding safety work orders, safety purchase orders, and other committee inquiries, requests and directives; and county safety and training officer updates and advisories. The secretary will be responsible for ensuring its preparation and distribution.

G. Committee Action Initiatives: Committee action initiatives shall include, but not be limited to, safety work orders and/or purchase orders; inquiries and/or information requests; policy and compliance directives; and discipline and penalty concerns. The committee will cause to be developed and implemented a set of standard forms, uniquely designed to address the various safety initiatives of the committee. Such initiatives are to be considered and given the highest priority by all concerned.

H. Committee Safety Advisors: The county safety and training officer will serve as primary advisor to the committee and attend scheduled committee meetings. On occasion other safety subject experts may be invited.

~~1. Site Safety Representatives: Investigation, inspection and various other compliance information reports shall be forwarded by the site safety representatives to their respective officials and department heads and the county safety and training officer on standard forms prescribed for that purpose by the committee. These reports shall be presented to the committee by the relevant committee member. (Ord. 365, 2008)~~

2.60.040: SCOPE OF AUTHORITY:

~~A. Generally: The board of county commissioners authorizes the duly appointed members and officers of the committee to:~~

- ~~1. Formulate, facilitate development and make recommendations regarding overall county safety program policies, procedures and other matters related thereto for review and approval by the board.~~
- ~~2. Review and analyze all relevant aspects of the county's safety program to ensure continuity and full compliance with regard to officer, department head, supervisor and employee responsibilities.~~
- ~~3. Make any and all decisions, initiate appropriate corrective action and deal with all matters properly relating to the maintenance and effectuation of the county's safety program, within the parameters of the policies adopted by the board and subject to final approval of the board, which, when required by time constraints, may be in the form of ratification at the first regular board meeting after the action is taken by the committee.~~
- ~~4. Present regular reports and status updates to the board and county manager regarding the county's safety program as often as required, but no less than once each quarter.~~

~~B. Specific Scope Of Authority: To effectuate the purpose of the committee and the county's safety program, the committee:~~

- ~~1. Will be afforded full and free access to all county buildings, facilities, property, equipment and work sites for the purpose of safety inspections and accident investigation;~~
- ~~2. May cause to be developed and approve standard forms for tracking safety related issues, reporting of accidents resulting in injury or loss to or by any county employee, equipment or facility;~~
- ~~3. May convene to receive any reports or testimony, oral or written, concerning any accident involving any county employee, equipment or facility;~~
- ~~4. May request and require any county official, department head, supervisor, employee, member of any county board, agency, or commission, and any other knowledgeable person to provide such information as the person may have concerning any accident involving any county employee, equipment or facility;~~

5. May prepare and issue any report or recommendations said committee may deem advisable concerning the need for loss control improvements for the benefit of the county, or concerning accidents involving county employees, equipment or facilities with a copy of any such report or recommendation(s) presented to the board of county commissioners; and
6. May initiate various action initiatives, as noted in subsection 2.60.030G of this chapter, to officials, department heads and employees for appropriate response and action. The status of such issues shall be provided to the board on a regular basis. (Ord. 240 § 4, 2001)

2.60.050: DUTIES OF COMMITTEE:

The committee specifically is directed and required to:

- A. Review specific safety program policies, rules, regulations and training, and other documents and submit same along with recommendations to the board of county commissioners for approval and adoption; and, upon adoption, issue a corresponding directive to the appropriate individuals/departments for implementation and compliance.
- B. Review, study and analyze accident and injury reports and proper reference data, statistics, and trends relating to county employees and/or property and determine and initiate appropriate corrective action with written response requirements.
- C. Assist or arrange for the necessary assistance for supervisors and county employee site safety representatives in planning and assuring full employee participation in safety and health instruction and/or training programs; continually monitor and evaluate the effectiveness of the county's safety programs; and, propose and require the implementation of changes to the overall program, as well as, individual department programs, as needed to fulfill the goal of fully educating the county's employees regarding workplace safety.
- D. Conduct or cause to be conducted periodic facility inspections to detect unsafe conditions and practices with the assistance of the site safety representatives and the county safety and training officer. Ensure or cause to be developed various types of guidance and direction to the site safety representatives.
- E. Monitor and evaluate suggested employee improvements to existing safety and health rules, procedures and regulations, and make appropriate recommendations for changes to the board. Receive and review suggestions, comments, or complaints from county officials and citizens on matters pertaining to safety.
- F. Periodically review and make recommendations to the board regarding suitable hazard elimination and reduction measures. Periodically review and cause to be updated existing work practices and hazard controls.
- G. Assess or cause to be assessed and reported the implication of changes in work tasks, operations, facilities and/or processes and initiate appropriate inquiries, directives and recommendations.

~~H. Conduct or cause to be conducted special investigations, research, or policy development in the area of safety, loss control and risk management with the assistance of the county safety and training officer and the POOLs risk management and loss control specialist.~~

~~I. Compile, distribute and/or cause to be disseminated safety, health and hazard communications to the county's employees.~~

~~J. Review status of outstanding action initiatives, safety work and purchase orders and other related inquiries. Provide updates to the board on a regular basis. (Ord. 240 § 5, 2001)~~

~~2.60.060: DUTIES AND RESPONSIBILITIES OF OFFICIALS, MANAGEMENT AND EMPLOYEES REGARDING THE COUNTY'S SAFETY PROGRAM:~~

~~A. Generally: All county officials, department heads and their employees are required to comply with all provisions of the county's safety program and with all policies, rules and regulations adopted by the board as a part of that safety program.~~

~~B. Responsibility For Safety: Each official and department head is responsible to fully develop and implement the county's safety program within his or her department(s); and to assure that his or her work site(s) is/are safe and that his or her supervisors, foreman, leads and employees are complying with all provisions of the county's safety program. Specifically, the principal duties of officials and department heads in fulfilling their responsibilities for safety are as follows:~~

- ~~1. Ensure that the county's safety policies and procedures are complied with by all personnel under his or her direction. Initiate, develop and submit to the committee for its review and board approval process and subsequently implement relevant safety improvements and mandated requirements.~~
- ~~2. Provide the leadership and positive direction essential in maintaining effective loss prevention policies as a prime consideration in all operations. Ensure that all supervisors, foremen and leads follow through with train the trainer direction provided to them by the county safety and training officer.~~
- ~~3. Devote a portion of staff meetings, as necessary, to review departmental losses (accidents) and to discuss plans to bring about more positive loss reduction.~~
- ~~4. Demonstrate a personal concern in departmental losses by interviewing directly or through a responsible representative each employee (and the employee's supervisor) who has lost work time from an on the job injury or has been involved in a vehicular accident in a county vehicle or while on county business.~~
- ~~5. Enforce safe work rules and utilize progressive discipline, where necessary, to ensure compliance by all of their supervisors and employees with the county's safety program.~~

6. Ensure that all supervisors and employees in his or her department/work site(s) are made aware and reminded regularly that safety is an integral part of their responsibilities and their performance in this regard reflected in their performance reviews.
7. Ensure that all accidents and work injuries are promptly reported to the committee, workers' compensation coordinator, and county safety and training officer on the forms and in the format set forth by the committee.
8. Evaluate all safety suggestions referred to the department from supervisors, foremen, leads and employees, site safety representatives and any others. Provide definite replies to all those from whom suggestions are received.
9. Work with the committee and county site safety representatives in the evaluation of personal protective equipment and other equipment where safety may be a factor.
10. Establish a program of regular safety meetings with supervisors and ensure that safety information is transmitted to all employees.
11. Ensure that prompt preventive and corrective action is taken to remedy unsafe conditions.
12. Ensure that necessary safety equipment and protective devices for each job are available, are used, and are used properly.

C. Discipline: Any employee not complying with the requirements set forth in the county's safety program, or any of its policies, rules and regulations, shall be subject to appropriate disciplinary action within their department, up to and including discharge.

1. In the event that the committee obtains information that an employee has violated any requirement of the county's safety program, or any of its policies, rules or regulations, or has refused to comply with any provision of the safety program, the committee shall forward a request for discipline to the employee's official or department head.
2. Every official and department head is responsible for discipline within their department(s) and to respond to any request for discipline from the committee by taking appropriate, progressive disciplinary action, to the fullest extent permitted by any applicable labor contract or personnel policies.
3. Repeated violations or refusals to comply with the county's safety policies, rules and regulations by any employee shall be deemed an egregious breach of the employee's responsibilities and must be dealt with by appropriately severe discipline, including discharge.
4. The official or department head to whom the committee's request for discipline is submitted shall inform the committee in writing of the action taken regarding the alleged violation or compliance failure not later than ten (10) working days after completion of the disciplinary process.

~~D. Responsibility For Penalties: If an official or department head is informed of an unsafe condition in his or her department/work site(s) or receives a request for discipline from the committee, and he or she fails or refuses to correct the safety problem or to take appropriate disciplinary action, and the county thereafter is subject to any kind of fine, damages or other monetary penalties based on the officials or department head's inaction, the board may at its discretion require the official or department head to pay all or part of those penalties out of his or her approved budget.~~

~~E. Whistle Blower Protection: The occupational safety and health act provides protection against employers who discriminate, harass and/or in any way punish employees who report violations of OSHA standards. The workplace safety and training officer will serve as the ombudsman or investigative officer with regard to any such allegations. An employee or witness shall suffer no reprisal for filing a complaint regarding a situation that he/she believes represents an unsafe condition, practice and/or piece of equipment. (Ord. 240 § 6, 2001)~~

2.60.070: BUDGET:

~~A. Upon the recommendation of the committee, the board of county commissioners will establish a budget for the committee, sufficient to allow the committee to carry out its duties.~~

~~B. Expenses of the committee, including, but not limited to, printing, publishing, training, travel, investigation and inspection costs all will be included in the budget established by the board. (Ord. 240 § 7, 2001)~~

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the _____ day of _____, 2018.

Proposed on the _____ day of _____, 2018.

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST: _____
Sandra "Sam" L. Merlino
Clerk and Ex-Officio
Clerk of the Board

DRX

BILL NO. 2018-24
NYE COUNTY ORDINANCE NO.

SUMMARY: A bill proposing to amend Nye County Code Title 2 Administration and Personnel, by amending Chapter 2.60, Safety Committee; and providing for the severability, constitutionality and effective date thereof; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 2 ADMINISTRATION AND PERSONNEL, BY AMENDING CHAPTER 2.60, SAFETY COMMITTEE; BY AMENDING SECTION 2.60.020 COMPOSITION AND TERMS; BY DELETING SECTION 2.60.030 INTERNAL GOVERNANCE OF COMMITTEE; DELETING SECTION 2.60.040 SCOPE OF AUTHORITY; DELETING SECTION 2.60.050 DUTIES OF COMMITTEE; DELETING SECTION 2.60.060 DUTIES AND RESPONSIBILITIES OF OFFICIALS, MANAGEMENT AND EMPLOYEES REGARDING THE COUNTY'S SAFETY PROGRAM; DELETING SECTION 2.60.070 BUDGET; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the Board of Commissioners of Nye County ("Board"), on October 7, 1997; pursuant to the mandate of NRS 618.383, enacted Nye County Ordinance No. 203, which created the Nye County Safety Committee [hereafter "Safety Committee"], for the purpose of completing and effecting the County's safety program; on May 21, 2001 enacted Nye County Ordinance No. 240 to consolidate Ordinance Nos. 203, 211, and 222; on November 18, 2008 enacted Nye County Ordinance No. 365 to update the voting members, redefine composition of terms and specify the internal governance of the committee, and other matters properly related thereto.

WHEREAS, NRS 618.383 requires each Nevada employer to establish and effect a safety program; and

WHEREAS, the Nye County Board of Commissioners ("Board") is fully cognizant of the importance of implementing, facilitating and maintaining safety in all of the County's work sites; and

WHEREAS, it is the duty of County officials, members of management and employees to promote, cooperate in and assure work place safety; and

WHEREAS, the Board also believes that the responsibilities of all County officials, members of management and employees, relating to the County's safety program and its safety committee should be set forth with particularity, so that all concerned will have full notice of the County's determination to fully implement and effect its safety program; and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

2.60.010: COMMITTEE CREATED:

The Nye County Safety Committee ("Safety Committee") was created October 7, 1997, with the enactment of Nye County Ordinance 203 (97-12). (Ord. 240 § 1, 2001)

2.60.020: COMPOSITION, APPOINTMENT AND TERMS:

A. Composition: The Safety Committee shall be comprised of a minimum of ten (10) members, as follows:

<u>Representing</u>	<u>Number of Positions</u>
Nye County Employee Association (NCEA)	1
Nye County Management Employee Association (NCMEA)	1
Nye County Law Enforcement Association (NCLEA)	1
Nye County Association of Sheriff's Supervisors (NCASS)	1
International Association of Fire Fighters (IAFF)	1
Northern Nye Represents various administrative offices in Tonopah	1
Central Nye Represents various administrative offices in Beatty and Amargosa Valley	1
Southern Nye Represents various administrative offices in Pahrump	1
Public Works Department	1
Department of Emergency Management	1

Committee Safety Advisor: The Workplace Safety and Training Officer will serve as primary advisor to the Safety Committee and attend scheduled committee meetings. On occasion other safety subject experts may be invited.

B. Appointments: Appointments shall be made in accordance with Nevada Revised Statutes 618.383(2)(b). Each member and their alternate representing a labor union shall be appointed by his or her association. Only full time, regular county employees shall be eligible for membership to the Safety Committee and said membership shall be voluntary. All members shall attempt to provide an alternate from their respective department.

Appointments for Northern, Central, and Southern Nye County, Public Works Department and Department of Emergency Management will be appointed by the County Manager in cooperation with the respective department heads and officials. Each member and an alternate for single county department positions shall be selected or appointed by his or her department head or official.

C. Term: The term for the initial members of the Safety Committee shall be through June 30, 2019. Commencing July 1, 2019 and thereafter, those appointed or selected shall serve a term of two (2) years. Members may be reappointed or replaced at the discretion of the relevant appointing authority, as noted in subsection B of this section. Members may serve more than one consecutive term.

D. Filling Unexpired Terms: A Safety Committee member or any alternate who fails, refuses, resigns (from the Safety Committee or from county employ), or is otherwise unable to fulfill and serve the term to which he or she has been appointed shall be removed from membership/participation. The relevant department shall choose a replacement and notify the County Manager in writing not later than thirty (30) calendar days after such removal, to fulfill the unexpired portion of the available term. (Ord. 365, 2008).

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the _____ day of _____, 2018.

Proposed on the _____ day of _____, 2018.

Proposed by: Commissioner _____.

Adopted on the _____ day of _____, 2018

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
John Koenig, Chairman
Nye County Board of
County Commissioners

ATTEST: _____
Sandra L. Merlino
Clerk and Ex-Officio
Clerk of the Board