

BILL NO. 2018-24

NYE COUNTY ORDINANCE NO. 544

SUMMARY: An Ordinance Amending 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: AN ORDINANCE AMENDING 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 28<sup>th</sup> day of January, 2019.

Proposed on the 4<sup>th</sup> day of December, 2018.

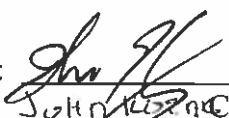
Proposed by: Commissioner Schinhofen.


Adopted on the 7<sup>th</sup> day of January, 2019

Vote: Ayes: Commissioners: Koenig, Wichman, Strickland, Cox, Blundo

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY:   
John Cox, Chairman  
Nye County Board of  
County Commissioners

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