

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

APRIL 20, 2021

PRESENT:

Bob Lucey, Chair
Vaughn Hartung, Vice Chair
Alexis Hill, Commissioner
Kitty Jung, Commissioner
Jeanne Herman, Commissioner

Janis Galassini, County Clerk
Eric Brown, County Manager
Nathan Edwards, Deputy District Attorney

The Washoe County Board of Commissioners convened at 10:02 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

21-0268 AGENDA ITEM 3 Public Comment.

Ms. Tracey Thomas provided handouts, which the Clerk distributed to the Board and placed on file. She wondered why the County did not use E-Verify to identify voters and their eligibility and expressed frustration about the voter registration application. Referencing Agenda Item 6F proclaiming May 1 as Law Day, she said the Commissioners should consider Public Law 108-447, Section 111, which mandated that all agencies who received federal funds conduct educational programs related to the Constitution each September 17.

Ms. Janet Butcher, an information technology professional, said it was allowable to place a person under oath to review software. She spoke about a peer-reviewed study conducted by Stanford University that demonstrated face masks had no chance of preventing the spread of COVID-19 (C19); anyone could verify that online at www.ncbi.nlm.nih.gov.

Ms. Cindy Martinez felt the new C19 mitigation plan looked the same as the old plan and she objected to it. She expressed frustration about Washoe County being involved in the State's public health emergency and believed there was no emergency. She spoke about Governor Steve Sisolak's lack of authority to abridge First Amendment rights and she objected to any restriction to religious expression. She reviewed documents about U.S. Senate Bill 937 and House of Representatives Bill 1843 regarding C19 hate crimes, copies of which were placed on file with the Clerk.

Mr. Kenji Otto requested the metal detector outside of Chambers be removed and mask wearing no longer be required. The past two weeks he went to retail stores but had not been approached about not wearing a mask. He stated it was his choice not to wear one. He felt children had suffered enough and did not want them subjected to any more restrictions; suicide rates were increasing and kids were confused as to why people wanted him to wear a mask. He hoped the Board would make a good decision about Agenda Item 9.

Ms. Katherine Snedigar wanted Washoe County fully opened immediately. She expressed frustration about Governor Sisolak's lack of authority to continue an executive order for more than 30 days. She asserted the pandemic had gone on for too long and it was damaging education, businesses, adults, children, and the economy. She encouraged the District Attorney to read about *Gilmore v. the City of Atlanta*.

Ms. Melanie Sutton provided a handout and a book of the Constitution for the Commissioners, copies of which were placed on file with the Clerk. She referred to the handout, a study about the inefficacy of masks in the spread of C19; the study confirmed adverse effects in humans who wore masks. She asked the Commissioners to find the courage to stand up for the people in the community and fight against mask restrictions. She urged the Board to read the study.

Ms. Kaylynn Sutton asserted C19 had taken more than a year away from her childhood. She said she wanted to go to school and help her friends, but it was difficult to see when someone was sad or hurt if they were wearing a mask.

Mr. James Benthin cited the Centers for Disease Control and Prevention (CDC) by saying 226 people aged 0 to 17 died from C19 in the United States in 2020. He felt the suicide rate in Washoe County teens could be higher than the C19 death rate, asserting schools should not have closed. He expressed frustration about the C19 shutdown when 81 percent of community deaths were individuals over the age of 65. According to the CDC, the two leading causes of death were heart disease and cancer; he wondered why focus was not on treatment for those diseases.

Via the Zoom app, Ms. Annemarie Grant mentioned the trial for George Floyd's murder. She felt her brother's cause of death was incorrectly listed as excited delirium since he only exhibited one of the six symptoms, which was being sweaty; she contested anyone hogtied for 40 minutes would be sweaty. She spoke in opposition to Vice Chair Hartung's donation of taxpayer money to the Sheriff's Office.

Mr. Dan Purdy, via Zoom, brought the donation Vice Chair Hartung was making to the Sheriff's Office. He thought the money could be used for more appropriate purposes such as feeding people, education, and providing health care, and he urged the Board to deny the donation.

21-0269 **AGENDA ITEM 4** Announcements/Reports.

Vice Chair Hartung indicated the robot he was donating to the Sheriff's Office was a non-lethal alternative which saved lives and helped people in crisis. He thought utilizing a robot was less aggressive than sending in a tactical team.

21-0270 **AGENDA ITEM 5** Presentation by Jeremy Smith, Executive Director, Truckee Meadows Regional Planning Agency, Aditya G. Nair, Assistant Professor, Aerospace Engineering UNR, and Dr. Bayo Curry-Winchell, Medical Director, Saint Mary's Urgent Care to provide an overview of the Truckee Meadows COVID Risk Meter.

Via the Zoom app, Dr. Jeremy Smith, Executive Director of the Truckee Meadows Regional Planning Agency (TMRPA), conducted a PowerPoint presentation and reviewed slides with the following titles: Truckee Meadows COVID Risk Meter; Collaborative Approach to Data Synthesis and Messaging; Get Vaccine Information; Truckee Meadows COVID Threat Meter; Scoring and Cutoff Criteria for the Meter; Historic Risk Generation; and Risk Meter Model Performance (3 slides).

Dr. Aditya Nair, Assistant Professor of Aerospace Engineering at the University of Nevada, Reno, continued the PowerPoint presentation via the Zoom app, reviewing slides with the following titles: Risk Meter Prediction; Why the surge during 15-20 December; Prediction Performance (2 slides); and Where are we heading.

Via Zoom, Dr. Bayo Curry-Winchell, Medical Director of Saint Mary's Urgent Care, thanked the Board, Dr. Smith, and Dr. Nair. As a front-line worker treating COVID-19 (C19) patients and dealing with its long-lasting effects, she joined the group to bring her perspective of what she was seeing in the clinic. She indicated the meter had been on target with her medical experiences in the clinic and the hospital. She stressed the meter was not for enforcement, but rather to provide guidance to individuals in the community so they could make informed decisions about what they wanted to do, whether it was going to a restaurant and attending gatherings. She felt the meter provided information about how many cases were in the community.

Commissioner Hill thanked them for the presentation and asserted it was helpful because she did not know how many people in the community understood how important this resource was. She wanted to figure out how to promote it. She was awed by the amount of time put into this project. She asked whether ownership of the meter would eventually transition to the Health District and how they ensured data was being uploaded. Dr. Smith said they were in the process to transitioning ownership and maintenance of the meter to the Health District, whose staff was aware of the meter and had been advising them throughout the process, even while being overwhelmed with the pandemic. He asserted they understood the Health District was the appropriate place for the meter, but they would continue to collaborate with them to ensure consistent information was available to the community.

Vice Chair Hartung wondered whether the C19 Risk Meter panel used data from the One Water Innovation Institute for wastewater samples. Dr. Smith replied they were not incorporating that data into the model, but he had been in contact with them and was well aware of their work.

Commissioner Jung asked about the area the data covered. Dr. Smith replied it generally covered the Truckee Meadows area and would encompass Washoe County in its entirety; hospital data also incorporated information from the Carson Tahoe Hospital.

Commissioner Jung said the information was vague and had time lag. She wondered whether there was a plan to use wastewater samples to determine flare ups in a more targeted way. Dr. Smith thought they set out to provide simplified messaging for risk, but he agreed with Commissioner Jung that they could move towards implementing wastewater tracking in a more surgical way. He felt none of the measures were perfect and there were limitations with wastewater studies, but he admitted they did a good job tracking the initial surge.

Commissioner Jung expected the Health District to come back with mitigation plans for more precise ways to avoid community spread. She thought it was the Health District's job and wanted to see how regional government could assist in addressing flare ups. She looked forward to more precise data, which she felt would get the community back to better than normal. Chair Lucey asserted he would relay that information to the Health District.

Chair Lucey thanked the panel for the presentation. He agreed with the Commissioners that this was very important part of the County control plan.

There was no public comment or action taken on this item.

PROCLAMATIONS

21-0271 **6A** Proclaim April 2021 as National Child Abuse and Neglect Prevention Month.

Commissioner Hill read the Proclamation.

Via the Zoom app, Ryan Gustafson, Division Director of Child Protective Services, thanked the Commissioners for the Proclamation. He asserted children were spending more time at home due to COVID-19 and were more susceptible to abuse and neglect. He encouraged the community to have a heightened awareness during this time to ensure the safety of the most vulnerable. He urged the community to report suspected child abuse or neglect by calling 833-900-SAFE.

21-0272 **6E** Proclaim the month of May as National Bike and Bicycle Safety Month and Washoe County Bike Month.

Commissioner Hill read the Proclamation.

Ky Plaskon, President of the Truckee Meadows Bicycle Alliance, expressed appreciation to the Board for the Proclamation. He thanked his board, who were listening via Zoom, saying they were a diverse group in the fields of technology, local business, infrastructure, and construction, among others. He brought up micro-mobility, a new buzz term that was exclusive not just to bikes but to scooters, one wheels, and electric skateboards as well. Studies showed each of these mobility items led to \$1,800 in economic impact, and the addition of these items into the community was better for the economy. He remarked safety was a huge factor and they wanted to work with the community to promote and improve safety, which would bring more people out regardless of what they were riding. He said Bike Month proclamations were great and Bike Month itself was fantastic, but they needed to take stock of the progress and challenges. He said everyone needed to be on the same page for micro-mobility, how much economic impact it would have, and how safe it was. He hoped the Board would invite them back in May to provide a safety presentation.

Vice Chair Hartung brought up Kiwanis and said they had a great selection of bikes at reasonable prices.

21-0273 **6B** Proclaim the week of April 18-24, 2021 as National Crime Victims' Rights Month.

Commissioner Jung read the Proclamation and presented it to District Attorney Chris Hicks, who she was honored to have in Chambers to accept it. She said Mr. Hicks was the elected District Attorney who ensured victims' rights were upheld.

Mr. Hicks thanked to Board for the Proclamation and asserted this was an important Proclamation, not only for this community but across the country to recognize what it was like to be a crime victim. He said it was a week to honor crime victims, support what they had been through, and reaffirm the commitment to ensuring they were treated with the respect and dignity they deserved. He mentioned this was his 19th year as a prosecutor and, in that time, he had the pleasure of working with countless victims of crime, from children to the elderly. He said he learned over the years about the difficulty of being a victim of crime. Victims of crime had to deal with the fact they were victims, and the trauma that went along with that was devastating and life altering. He said the criminal justice system could be challenging and confusing, and victims had to navigate it while overcoming their trauma. He stressed the Board's commitment was important and he thanked them for the Proclamation.

21-0274 **6F** Proclaim May 1, 2021 as Law Day.

Commissioner Jung read the Proclamation.

Via the Zoom app, Emily Reed, Program Manager for the Law Library, thanked the Board for proclaiming May 1 as Law Day. Working at the District Court, she saw how important and impactful the rule of law was every day. She introduced Sarah Bates, Law Librarian II, also via Zoom, who worked tirelessly to increase digital services over the past year and offer the Lawyer in the Library program virtually.

Ms. Bates thanked the Board for the Proclamation. She expressed excitement about a partnership between the Washoe County Library and the Northern Nevada Women Lawyers Association to hold a Lawyer in the Library event on Saturday, May 1. Participants would be able to speak with a volunteer attorney for up to 20 minutes via the Zoom app about family law, landlord tenant law, bankruptcy, foreclosures, probate law, or general criminal law. She said the program was completely free and it would be held using the Zoom app. Appointments were available at washoecourts.com/lawlibrary or by calling the Law Library.

21-0275 **6C** Proclaim April 30, 2021 as National Therapy Animal Day.

Vice Chair Hartung spoke about his daughter being ill and waiting for an organ transplant, and a feral rabbit was the only thing that comforted her. He read the Proclamation, though no one was present to accept it.

21-0276 **6D** Proclaim the month of May 2021 as ALS Awareness Month.

Vice Chair Hartung mentioned the ice bucket challenge that had been done for ALS awareness. He noted he and his wife adopted an ALS family from Carson City during that time, and he emphasized the severity of the disease. He read the Proclamation, although there was no one present to accept it.

On the call for public comment, Washoe County School Police Officer MJ Cloud spoke via the Zoom app about Agenda Item 6E, the safe routes to school program, for which she appreciated the Board's support. She invited the Board to participate in any of the Washoe County School District bike events that would take place in May.

Ms. Annemarie Grant spoke via Zoom about Agenda Items 6B and 6F, stating victims in Washoe County deserved rights, though she questioned whether victims of law enforcement had those rights. She claimed no reviews were made of three asphyxiation deaths. She felt no one should be above the law, including members of law enforcement. She spoke about the trauma suffered by Miciah Lee's family.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 6A through 6F be adopted.

DONATIONS

- 21-0277** **7A** Recommendation to accept donations of [\$2,515.25] from various businesses, organizations and individuals for Regional Parks and Open Space programs and facilities; and direct the Comptroller's Office to make the appropriate budget amendments. Community Services. (All Commission Districts.)
- 21-0278** **7B1** Recommendation to retroactively accept a donation from the Grace Community Church of Reno, a non-profit religious organization, to the Washoe County Human Services Agency in the amount of [\$100,000] to provide housing and rental assistance to families and clients; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 21-0279** **7B2** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$873.00]; (2) accept donations from various donors to Washoe County Human Services Agency Child Protective Services Fund to support welfare activities in the amount of [\$816.25] retroactive for the period January 21, 2021 through March 20, 2021; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 21-0280** **7B3** Recommendation to: (1) acknowledge various items donated totaling an estimated market value of [\$1,095.00]; and (2) accept donations to the Human Services Agency - Senior Services Fund to support operations of the Washoe County Senior Centers in the amount of [\$150.00] retroactive for the period January 21, 2021 through March 20, 2021; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)
- 21-0281** **7C** Recommendation to accept a donation of four-hundred and thirty (430) First Line CLP Oil Applicator Pens [total estimated value of \$4,300.00] from First Line Limited owner Ricky Garretson Jr., to be utilized for the safety of commissioned staff members. Sheriff. (All Commission Districts.)

There was no response to the call for public comment.

On motion by Vice Chair Hartung, seconded by Commissioner Hill, which duly carried on a 5-0 vote, it was ordered that Agenda Items 7A through 7C be accepted.

11:26 a.m. **The Board recessed.**

11:30 a.m. **The Board reconvened with all Commissioners present.**

CONSENT AGENDA ITEMS – 8A1 THROUGH 8B2

- 21-0282** **8A1** Approval of minutes for the Board of County Commissioners' regular meeting of March 9, 2021. Clerk. (All Commission Districts.)
- 21-0283** **8A2** Acknowledge the communications and reports received by the Clerk on behalf of the Board of County Commissioners, including the following categories: Monthly Statements/Reports, Quarterly Statements/Reports, and Budgets. Clerk. (All Commission Districts.)
- 21-0284** **8B1** Recommendation to approve Commission District Special Fund disbursement in the amount of [\$10,000] for Fiscal Year 2020-2021; District 4 Commissioner Vaughn Hartung recommends a [\$10,000] grant to Washoe County Sheriff's Office SWAT Team to support the purchase of a new Vantage F3 robot and control system to be used for tactical purposes; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary budget appropriation transfer of funds. Manager's Office. (Commission District 4)
- 21-0285** **8B2** Recommendation to approve Commission District Special Fund disbursement in the amount of [\$4,000] for Fiscal Year 2020-2021; District 5 Commissioner Jeanne Herman recommends a [\$2,000] grant to Washoe County 4-H Youth Development Program of the University of Nevada Extension to support the Washoe County 4-H Large Livestock and Horse Programs, and a [\$2,000] grant to the Food Bank of Northern Nevada to support Mobile Harvest distribution; approve Resolutions necessary for same; and direct the Comptroller's Office to make the necessary disbursement of funds. Manager's Office. (Commission District 5.)

Commissioner Jung noted Vice Chair Hartung allocated half of his district funds to support the new Vantage F3 robot and control system, which was intended to reduce the human-to-human escalation often experienced when law enforcement responded to an emergency. This would ensure the rights of people and keep the community positive and supportive of interventions. She commended Vice Chair Hartung for his generosity in supplying up-to-date tactical equipment to law enforcement, which provided safety to all involved.

Commissioner Jung indicated Commissioner Herman allocated her district funds to the Washoe County 4-H Youth Development Program to support large livestock programs and to the Food Bank of Northern Nevada to support Mobile Harvest distribution. These programs were critical, and she commended Commissioner Herman for her generosity and commitment to the community.

Referring to Agenda Item 8B1, Vice Chair Hartung noted the special weapons and tactical team had been raising money for the past two years for this item. Once the robot was purchased and in service, he recommended that the Sheriff's Office

bring it into Chambers to address non-lethal options the Sheriff's Office was instituting in extremely agitated situations. He indicated this was a great opportunity to reduce errors that could occur during those types of encounters.

On the call for public comment, Ms. Annemarie Grant spoke about Agenda Item 8B1 via the Zoom app. She asserted a deadline to spend district funds was not an excuse for this donation. She wanted to see data that proved this robot would save lives. She commented that the L brackets used on bunks at the detention facility had been an issue since 2015 and a number of suicide attempts had been made without anyone donating money to fix that issue. She felt law enforcement had plenty of safety concerns.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Items 8A1 through 8B2 be approved. Any and all Resolutions or Interlocal Agreements pertinent to Consent Agenda Items 8A1 through 8B2 are attached hereto and made a part of the minutes thereof.

21-0286 **AGENDA ITEM 9** Recommendation and possible action to approve the Washoe County COVID-19 Local Mitigation and Enforcement Plan (“the Plan”), and direction to staff to submit the Plan to the COVID-19 Mitigation and Management Task Force (“Task Force”) for approval as the final Local Plan for Washoe County as required by the Governor’s Declaration of Emergency, Directive 041 (“the Directive”). The Plan was developed as required by the Directive which delegated to the Counties the duty and authority to develop a COVID-19 Local Mitigation and Enforcement Plan to be submitted to the Task Force for approval prior to the Governor delegating management of mitigation measures and transitioning authority to local control.

As required by the Directive the County consulted, collaborated with, and has received the endorsement of the Plan from the County Health Officer Kevin Dick, the Washoe County School District Superintendent, local and regional hospitals, the Nevada Hospital Association, and the City Managers of Reno and Sparks in creating the Plan. The proposed Plan addresses the topics required by the Directive including mitigation measures for:

- Public Gatherings and events, including a process for review and approval of large gathering plans;
- Retail businesses and indoor malls;
- Community/recreational centers, including public pools;
- Food and beverage establishments such as bars, wineries, distilleries, and breweries;
- Places of worship;
- Gyms, fitness studios, yoga studios, dance studios, martial arts, and similar establishments;
- Spas, massage, hair salons and barber shops, nail salon, body art and piercing and similar establishments;
- Arcades, racetracks, bowling alleys, mini-golf, pool halls, theme parks, and

similar activities; and,
•Youth and adult recreational sports.

The Plan also includes enforcement measures and procedures for ensuring compliance with mitigation measures; a strategy for ensuring adequate monitoring of COVID-19; and public information campaigns to promote public health measures and vaccination efforts. Unless the Task Force returns the Plan for further revision, this will be the final Local Plan. Manager's Office. (All Commission Districts.)

Chair Lucey thanked staff for the time and energy they put into this and admitted it was a hard road. He stated this Board took extra time to consider the plan as a way of providing transparency and allowing people to see the plan and participate in the discussion.

Assistant County Manager Dave Solaro said the Commissioners were aware of the direction provided to him at the April 8 meeting and the changes they recommended for the local authority plan. After that meeting, he worked with the local task force to determine whether those changes could be integrated into a plan that would receive endorsement per the requirements of Governor's Directive 041. Governor Sisolak held a press conference on April 13 where he discussed a plan to get every county in the state opened at 100 percent capacity by June 1. During that press conference, information was provided that Directive 021, which outlined social distancing and hygiene requirements, would be amended. Confusion arose about social distancing requirements, and he said specifics had not been released until 11:22 a.m.; he had only a few minutes to review the requirements. He said there were two plans presented to the Board, one created from the Board's direction of April 8 and the other plan which had received endorsement from the required groups. He noted he would review both plans because there were some nuances between the two. However, Directive 044 instituted the mask mandate which would continue to be in effect at the Governor's level; the County could not loosen restrictions related to masks or the plan would be denied. He read Directive 044, which very clearly outlined the mandate for face coverings.

Mr. Solaro clarified the April 14 version included direction from the Board and the April 16 revision had the endorsement of the required entities. He conducted a comprehensive review of each plan and compared changes made in the endorsed plan with provisions in Directive 044 from the Governor. He pointed out the April 14 plan included social distancing from May 1 to May 31, while Governor's Directive 044 would remove social distancing; this Board could be more restrictive than the Governor. He summarized the first County plan included social distancing requirements even though the Governor's Directive planned to abolish that requirement.

Mr. Solaro staff was working with the University of Nevada, Reno at the Board's direction on a sewer study, requesting a proposal to continue monitoring major interceptors as well as 12 identified locations.

Chair Lucey commended Ms. Solaro for working with County Manager

Eric Brown to identify this plan, saying it was very difficult for the Board and staff to write the plan, address the needs of the community, and be flexible with new directives that arrived at the last minute. The Board respected the Governor and his attempt to move the State forward and said it had been challenging. He asserted Mr. Brown and Mr. Solaro had worked hard to bring this plan together and get endorsements from stakeholders and the community.

Vice Chair Hartung brought up the inconsistencies with social distancing on airplanes, saying every seat was filled yet passengers were required to social distance while lined up to board. He said the Governor's Directive would remove social distancing effective May 1 and he wondered about changes for June 1. Mr. Solaro thought other directives would be eliminated starting June 1. Vice Chair Hartung brought up the plan for brothels to be closed, but brothels were illegal in Washoe County, which he thought was misleading. He wondered about the authority of the Governor since the State was giving authority to local governments. He did not understand who was in charge and which restrictions were valid. He felt there was much confusion and it made him frustrated.

Commissioner Hill thought the ability for anyone who wanted a vaccination to get one was important to many people in the community. She wondered whether the County was at that point yet, citing that the news indicated there were many available appointments. If someone wanted to get vaccinated, Mr. Solaro confirmed, they could sign up if they were 16 years or older. Commissioner Hill said people had concerns about fully opening because service workers would not have access to vaccines, but she understood a push had occurred to ensure they were vaccinated. Mr. Solaro said people still had to make appointments to get vaccinated, but they were booked through the month of April into the beginning of May. He believed anyone could get an appointment to be vaccinated within three to four weeks.

Commissioner Hill noted the endorsed plan included social distancing after May 1 when local control would be given to Washoe County, and she inquired about the projected percentage of people who would be vaccinated by that date. Mr. Solaro indicated that, as of earlier that morning, 46.25 percent of eligible individuals in Washoe County had initiated the process by receiving at least their first shot. Commissioner Hill assumed the group who endorsed the plan did not know the Governor would announce drastic changes for May 1. Mr. Solaro responded the Task Force provided inconclusive information about guidelines and staff did not know what to expect until Directive 044 was released earlier that day. Commissioner Hill asserted it would be difficult for this Board to assess stricter requirements than the Governor's directives starting on May 1 knowing the accessibility of vaccines in the region.

Commissioner Herman expressed concern about her current faith in the Governor due to these excessive changes and how much longer the emergency had lasted than originally anticipated. She knew the Commissioners were trying to do their jobs and said she meant no offense to anyone in Chambers, but she could not accept any of the plans because she felt they were not consistent. Solutions had come from trial and error, and she thought citizens had been put through a lot and were tired of it. She spoke about the heartfelt

public comment provided earlier and said children and adults were all hurting. She wanted a resolution to come before this Board but stated she could not support this plan.

Commissioner Jung said she shared the Vice Chair's frustrations about the plans. She thought it was important for the Board to be mindful of the role it played, and she pointed out the plan was endorsed by people who were not elected officials. The Board was the final endorsement and she thought it was good that other people were involved in the creation of plans without the involvement of political figures. She thought it was right that the Board was the body which publicly vetted the plan, adding no other entity had a publicly vetted plan. Additionally, she remarked the Commission Chambers had been open while others were closed. She said the Board would take the responsibility as well as the criticism that came with it.

Commissioner Jung stated this was a new phenomenon and no one had gone through a pandemic. She expressed confidence in staff and said the Board vetted this plan through a public process and was mindful of the ultimate authority over the Governor. For people who did not like the laws of the County, she asserted it was their responsibility change the laws at the legislative level and elect new officials who would challenge the laws. She expressed pride in the community and the various agencies who did not rely on back-room arguments; instead, the Board and the Chair took responsibility from the Governor and attempted to make it work, and she did not want to lose sight of that. She supported moving forward with these changes, leaving it up to the Governor to tell the County whether it could move forward. She said the plan had been endorsed and brought to the Board, where Chair Lucey allowed for negotiation and changes. She thought the County deserved credit for the public vetting of the plan and said she supported it.

Commissioner Jung commended staff who came to work during the pandemic to ensure the County was still working while most people stayed in their homes. She expressed gratitude for the work of staff, the County Manager, the Chair, and the Board. She agreed people were frustrated and felt disempowered. She spoke about vaccinations and reminded people they did not have to go to the Health District to receive the vaccine; pharmacies, fire stations, private doctors, and other locations in the region were administering shots. She knew vaccine supply was plentiful.

Vice Chair Hartung said he needed to understand what was going to be voted on since all the rules would change on May 1. He stated the Governor had mandates and he wondered who would enforce them. He felt the Board should not be charged with enforcing them, adding the Governor had agencies in place that should be responsible for enforcement. He opined the Board was voting to adopt what the Governor planned for May 1, which was to allow people to make decisions. He thought there were responsible people and business owners in the community who tried to do everything they could to abide by the mandates. He said the Board had done a good job. He wondered whether the Cities of Reno and Sparks would be required to follow the mitigation plan if the Board approved it.

Chair Lucey stated Nevada Revised Statute (NRS) 414.06 was the guiding law that provided direction to the Governor regarding emergency powers, which was

clearly outlined in the directive; he read that portion of NRS. In summary, the Governor was vested as the Chief Magistrate to provide all guidelines. Therefore, until the Legislature or the Governor declared there was no longer a state of emergency and returned authority back to local governments, the Governor's directives were State mandates. He mentioned section 4 of the Directive would terminate social distancing requirements at 11:59 p.m. on April 30, 2021. He spoke about the process to request changes to a plan once it was endorsed. On June 1, the County would no longer have to follow the process as authority would be given to local government, but an endorsed plan for the period between May 1 and May 31 had to be approved by the COVID-19 (C19) Task Force before authority could change. He stated the County along with Clark County had to submit a plan to the C19 Task Force on April 22.

Mr. Solaro stated receiving local authority from the Governor based on an endorsed plan was important to the Board and the community; without it, businesses would be severely impacted and limited to 50 percent of fire code capacity and events would be limited to 250 participants. He mentioned C19 spread did not recognize dates and it was important for the community to consider their personal choices and take precautions to keep themselves and others safe. He asserted business owners wanted to see processes change, and the community could get there by starting with the endorsed plan dated April 16, 2021 and later replacing the section about social distancing with what was in the Board-directed plan; changes would be based on Directive 044 and direction from the Board of County Commissioners given at the April 8, 2021 meeting, and would be consistent with Centers for Disease Control and Prevention (CDC) guidance on social distancing. He said local business owners thought it important to recognize that some employees might not be ready for face-to-face contact with many people coming into businesses. He reviewed the changes that would be made to the endorsed plan based on Directive 044 to mirror the CDC's guidelines.

Chair Lucey clarified a recommendation had been made to move the social distancing requirement to three feet even though the CDC recommendation was still six feet; the plan would consider it as a recommendation to social distance and not a mandate. Monitoring in the endorsed plan would follow the C19 Meter as a risk assessment and hospitalization rates would still be considered, but the Board would need to have a final discussion before enacting any further restrictions. He asked Mr. Solaro whether that was correct. Mr. Solaro stated it was correct and indicated he would take the monitoring paragraph from the April 14 document and insert it into the April 16 document.

Chair Lucey wondered whether discussion with State officials or the Nevada Resort Association had occurred about Senate Bill (SB) 4, which dealt with elevators and resort compliance. Mr. Solaro indicated SB 4 was currently State law and it contained requirements for gaming operators and social distancing guidelines. There was some conflict with the Board's proposals for social distancing, but he felt that should be changed at the Legislature level. The Health District would continue enforcement as required by law until that was changed, but he had not had conversations with anyone at the Gaming Control Board or gaming establishments related to SB 4.

Chair Lucey asked whether recommendations for youth and adult recreational sports including limits on the number of spectators allowed would change based on the May 1 recommendation. Mr. Solaro confirmed it would change based on Directive 044. Chair Lucey questioned the capacity guidelines for food and beverage establishments and inquired about the process since no social distancing requirements would be in place. Mr. Solaro was unclear since it was in different documents. Chair Lucey indicated this was an item that needed to be addressed before the proposed plan was submitted to the C19 Task Force later this week, especially since there would not be another opportunity before then to present this to the Commissioners. Mr. Solaro thought the language in the April 14 document was appropriate, reminding them it would require that indoor and outdoor dining maintain social distancing unless it presented a hardship to monitor, at which point the establishment could set its own limits. With social distancing being a recommendation and not a mandate, that decision would be up to businesses based on their needs and workforce. Chair Lucey believed the definition of a group would change without social distancing. Mr. Solaro thought that was correct, but he would clarify with Directive 044. He wanted a group to be 10 people for the month of May and hoped the Board would agree since that had been their direction.

Vice Chair Hartung said it would be helpful for him was to know the differences between the April 14 and April 16 documents. He would have liked a red-lined version to show the differences. Mr. Solaro admitted that was a big discussion about what information to provide to cause the least confusion, but changes were mainly in the social distancing and monitoring sections. Vice Chair Hartung noted the endorsers did not want the Board to use hospitalization rates. Mr. Solaro said he would transfer the information regarding monitoring and adjusting guidelines from the Board-approved plan into the other plan; the distinction related only to the hospitalization portion. Vice Chair Hartung said hospitals were full when C19 was at its peak and they had difficulty accommodating all the patients. With changes occurring on May 1, he wanted people to be allowed to make decisions, though he was happy to vote on a plan to take to the C19 Task Force. He wondered whether the Board could decree that, on May 1, the Governor's directives would take hold, allowing businesses to open and letting people decide on their own comfort levels, and any other Governor mandates would become the State's responsibility.

Commissioner Hill believed staff's concern was that the County would be stuck at 50 percent capacity for the month of May if a plan were not brought to the C19 Task Force. Mr. Solaro concurred his concern was that State directives would have to be followed if the County did not have an endorsed plan, and the directives did not lessen the cap on businesses nor the cap on large gatherings. He reminded the Board he had had only 10 minutes to review the newest directive, but he thought there was a transition period. He opined it did not hurt to get to that point because C19 did not care about dates. The last thing he wanted was to have the Board approve a plan and signal to the community that C19 was gone and was no longer a problem. He said the County had the ability to revert if positive cases increased. Commissioner Hill did not want businesses to be put in a situation where they were at 50 percent capacity at end of May when they thought they would be at a higher percentage because social distancing requirements were lessened.

Mr. Edwards remarked the County would revert to the State's provisions if a plan were not adopted. The County had the authority to make its own decisions about social distancing and business capacities through adoption of the plan. There was a benefit to adopting a plan rather than allowing the State provisions to remain in effect. If a local plan were adopted by June 1, he commented, the County could amend it without seeking endorsements. It was unknown whether a plan could be adopted after June 1 if one were not adopted before then. He felt this incentivized local governments to adopt local plans, giving them more latitude later.

Chair Lucey stated some plan needed to be presented in two days, and failure to do so would result in the County being in a difficult situation. He pointed out the plan could be amended if it were determined to be inadequate. He explained the directive was very confusing. He said he had challenges within the endorsed plan because it was not well defined, but he felt they needed to move forward with recommendations. 46.25 percent of the population had been vaccinated so far, not including those individuals who had already recovered from C19 and might have immunity, and that number was increasing by 2 to 4 percent each week. Additionally, vaccine appointments were booked out for three to four weeks. He expected this would put the population at over a 50 percent vaccination rate by May 1 and nearing or surpassing 60 percent by June 1. He noted he requested removal of mask mandates in gyms and that was not possible.

Chair Lucey reviewed two of the Board's options: vote on some form of the endorsed plan or vote on a different plan since it was not mandatory to gain endorsements of the plan. This would allow he, Mr. Solaro, and Mr. Brown to clarify some of the definitions in the plan before meeting with the State on Thursday. Mr. Brown interjected, saying it was his understanding the Task Force would not accept a plan without endorsements. Mr. Solaro agreed, pointing out that Chair Lucey was citing Directive 044, but Directive 41 required endorsements. Chair Lucey said he understood that the Board could modify the endorsed plan on May 1 without seeking further endorsements. Mr. Edwards confirmed the Chair was correct. Chair Lucey thought Directive 044 superseded Directive 41, though he admitted he the directives were confusing.

Commissioner Jung suggested approving the endorsed plan with the understanding that the Board would continue public discussions about what would be the best fit for the County. She reviewed the Commissioners' various areas of expertise and relayed her trust in the Chair to continue discussions with Governor Sisolak. She believed the Board would include their own personal culture because this area was different than any other county in Nevada. She indicated the Board wanted local control and would base their decisions on data. She mentioned the Board voted to reelect Chair Lucey as chair because they trusted him. The Governor had never done this before, the Commissioner pointed out, saying he relied on the knowledge of this board. She trusted the Chair and Vice Chair to incorporate the Commissioners' perspectives, and approval of the endorsed plan would provide stability and some guidelines.

Vice Chair Hartung stated the community had a year of experience and people were smart enough to take care of themselves. He spoke about public governmental

requests, saying something had to be submitted. Because May 1 was a Saturday, he suggested meeting on April 30 so things could be instituted on May 1. Alternately, direction could be given now, though he wanted guidance from legal counsel. He expressed confusions as to how the Task Force, made up of unelected individuals, had so much power, even though he recognized their desire to keep the community safe. He opined Governor Sisolak would not allow full planes to leave or enter Nevada if he were truly concerned about social distancing. He expressed frustrations about the inconsistencies in the plan. He agreed to support the endorsed plan with the expectation that the Board find opportunities for businesses to open.

Vice Chair Hartung said he was exhausted from being blamed, and he asked whether the County had authority over the incorporated cities. He provided an example of a business on Wells Avenue not needing a Washoe County business license, though a Health District license might be required. He wanted to know the extent of the County's authority. Mr. Edwards said there was no clear answer to that question because of the interplay between counties and cities in State law. In this case, however, the County was granted the authority to adopt a plan, though they needed to obtain endorsements by the City Managers. He acknowledged the City Council would not be the ones to endorse, though they likely had some influence on what might be endorsed. The County's authority was given by the Governor pursuant to NRS 414.

Chair Lucey stated his belief that the Board could call a special meeting on May 1 to amend the plan, and further endorsements would not be required, nor would approval by the Task Force. He summarized the endorsed plan would cover the month of May and the Board had 10 days to get that plan approved. After those 10 days, substantive changes to the plan could be made, which was how he suggested proceeding.

On the call for public comment, Ms. Cindy Martinez stated the simple solution would be to discard the Governor's mandates and pass a resolution removing the County from the public health emergency. She felt social distancing was not based on scientific modeling. She thought people had the ability to take responsibility for their own health and she empathized with Chair Lucey for having to sort through the legal language in the directives. She reiterated her desire to be removed from the public health emergency.

Chair Lucey suggested any motion to move forward with the endorsed plan contain the opportunity to edit the plan on May 1 to mirror the Governor's guidelines and Directive 044. If it were determined the plan still did not address the needs of the County, a special meeting could be scheduled after May 1 to address those needs. Washoe and Clark Counties needed to provide something within two days; providing nothing would result in businesses needing to adhere to the Governor's authority. He said the Cities of Reno and Sparks were partners in this and the County was speaking on their behalf with their best interests in mind.

Vice Chair Hartung asked about the differences between the plan approved by the Board and the endorsed plan. Commissioner Hill replied the two main changes were the use of masks in gyms and removal of the requirement that event promoters needed to

govern mask wearing after June 1.

Chair Lucey opined he wanted the Governor to enforce his own mandates, but local businesses should be allowed to reopen and people should be allowed to make their own decisions. He pledged to continue working with staff on clarity because he heard the concerns and frustrations of the public. He stated he no longer wanted to wear a mask or adhere to certain social restrictions. He had no interest getting involved in a discussion of the County's authority based on NRS 414, but he would work to get through the process as quickly as possible.

Vice Chair Hartung compared the process with a court of law, where an appeal was the only option after a decision was rendered. The choice to waive that appeal effectively ended the process.

On motion by Commissioner Hill, seconded by Vice Chair Hartung, which motion duly carried on a 4-1 vote with Commissioner Herman voting no, it was ordered that the Board move forward with the endorsed plan including changes from the most recent Governor's directive, including the addition of language incorporating the use of the Truckee Meadows COVID Risk Meter and sewer prevalence study data as guiding principles for decisions on further restrictions. Additionally, staff was directed to submit the plan to the Task Force.

21-0287 **AGENDA ITEM 10** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators, by Washoe County, Truckee Meadows Fire Protection District, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County. Manager's Office. (All Commission Districts.)

Chair Lucey stated the Board was provided with an update on the action of the previous weeks, saying the deadline to move out of the first house had passed. He said the bills that died and would no longer need to be watched started on page 14. Some of the bills which passed were listed on page 13, and bills that would continue to be watched were listed on pages 1 through 13. He noted the bills were categorized by issue on the back of the update if anyone was concerned about them.

There was no public comment or action taken on this item.

21-0288 **AGENDA ITEM 11** Public Comment.

There was no response to the call for public comment.

21-0289 **AGENDA ITEM 12** Announcements/Reports.

County Manager Eric Brown introduced new Chief Information Officer Behzad Zamanian. Mr. Zamanian briefed the Board on his background and stated he spent the past 17 years working in Huntington Beach, California for one of the largest municipalities in Orange County. He looked forward to working under the guidance and direction of the Board.

Commissioner Jung said the Steamboat ditch needed to be cleaned and excess debris removed. She expressed concern about fire danger in that area and wondered who was responsible for that maintenance.

Chair Lucey asserted he supported individuals' rights and wanted to ensure his intentions were not to push local government on anyone. He expressed appreciation for people willingly participating to help move past this COVID-19 situation and return to normalcy.

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1:14 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Doni Gassaway, Deputy County Clerk*