

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

MONDAY

10:00 A.M.

MAY 3, 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
David Watts-Vial, Assistant District Attorney

The Washoe County Board of Commissioners convened at 10:03 a.m. in special 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:

21-0322 AGENDA ITEM 3 Public Comment.

Ms. Rita Pepi believed the County needed to remove the public health emergency, open up at 100 percent, and discontinue the mask mandate. She opined masks were ineffective, unhealthy, and instilled fear in children. She displayed several documents, copies of which were placed on file with the Clerk. She alleged public health officials had long wanted to deny Americans the right to refuse vaccines, and the mask mandate would set a precedent of power over the people. She asserted the COVID-19 (C19) vaccine was an experimental drug.

Ms. Valerie Fiannaca read a statement from a neighbor in which he enumerated reasons for ending the public health emergency and opening the county. She spoke about C19 impacts on local businesses and noted the recovery rate for C19 was 99 percent. She alleged the government had weaponized the virus. She said science did not support the need to continue on the current path.

Ms. Sharon Stoneman said she had been a critical care nurse for many years. She stated surgical masks did not prevent the virus from escaping, so wearing masks served no purpose. She thought it was time to open up the county. She spoke about the C19 recovery rate and available treatments.

Mr. Wes Elliott thanked the Commissioners for allowing the public to attend live meetings, unlike other jurisdictions. He said a prayer asking for understanding

and wisdom. He asserted C19 was gone, and it was time to end restrictions. He said the Commissioners worked for the people and they should do what the people wanted.

Dr. Layne Linebaugh said a prayer asking for all spells, curses, and manipulations to be removed from everyone on the Board, the state, and the world. She prayed for healing and sanity, and asked for all mandates to be removed and freedom restored.

Mr. George Lee thanked Commissioner Herman for not yielding to pressure. He spoke about the County's unemployment rate and deficient schools. He noted the closedown was only intended to last until the curve was flattened, but currently only 30 hospital beds were used for C19 patients out of 500,000 residents. He said it was the Commissioners' responsibility to do the right thing. He stated people could practice good health without wearing a mask.

Ms. Bev Stenehjem asked for Washoe County to be completely opened without restrictions. She noted 22 states and 8 Nevada counties were completely open and the local hospital beds were empty. She asserted the public health emergency was over and masks were not effective. She expressed concern for local establishments that were going out of business. She inquired about the process for getting an item on the agenda. She reminded the Commissioners they were elected to represent their constituents and urged them to honor their oath of service.

Ms. Carole Fineberg said that in 1954 President Eisenhower stated nothing would separate this nation from God. She stated the Board was interfering with God's law. She said the public had nowhere else to go to plea for common sense.

Ms. Janet Butcher spoke about the anxiety, depression, suicide attempts, domestic violence, and animal cruelty which had been exacerbated by C19. She said using government force to restrict businesses was immoral. She stated the National Association for Mental Illness documented a 600 percent increase in phone calls during the pandemic lockdown. She brought up the lasting effects of suicide on family members.

Mr. James Benthin said Dillon's Rule indicated that, in places where a governor had power, a government entity was connected to a state as a child was connected to a parent. Eight counties in Nevada that were already open, so it did not appear Dillon's Rule applied. He spoke about consumer choices and informed consent regarding the C19 vaccine, and about the ineffectiveness of masks.

Ms. Karen Hyatt-Miner said she was a small business owner who was forced to shut down even though big box stores remained open. She displayed an image of Governor Sisolak at Walgreens not wearing a mask or social distancing. She noted the shutdown was supposed to be for two weeks, but it had lasted 15 months so far. She thought it was time to reopen the county without restrictions.

Mr. Gary Miner thanked the Commissioners for listening to the public, saying he agreed with almost all prior commenters. He said he did not like having his liberty taken away by Governor Sisolak or the Board. He asked the Board to reopen the county and remove the mask mandate.

Ms. Christina Schwanke asked the Commissioners to think about the voters they sought. She noted she was a millennial and a parent raising the next generation. She said she was a right-wing Trump supporter uniting with Bernie supporters to start a grassroots movement. She said the movement would work to remove elected officials from office if they did not help free people from the public health crisis.

Ms. Laurie Agnew said the public had not gotten the Commissioners' attention until commenters mentioned their inattention. She expressed confusion about the Board of County Commissioners' mission with regard to opening the county. She asserted Governor Sisolak's plan violated the constitutional rights of Washoe County residents. She noted government officials, including the Commissioners, were elected to represent the people, and the people would not re-elect them if they failed to represent them.

Ms. Cindy Sassenrath agreed with the prior comment about Commissioners' inattention. She mentioned the Centers for Disease Control and Prevention's estimates for C19 survival. She said the two-week projections to stop the spread had passed, and anyone who wanted wear a mask, get a vaccine, or stay home could do so. She asked the Board to override Governor Sisolak and open the county 100 percent.

Ms. Kelsey Schroeder requested that the Board end the local health emergency. She acknowledged there would be people who would continue to wear masks for their personal comfort. She believed the number of Washoe County residents with natural immunity was higher than estimated. She asked for restrictions to be removed from children. She expressed concern about the number of disposable masks being discarded improperly.

Ms. Susie Howell believed the Commissioners were uninterested in the opinions of public commenters. She wondered whether the Commissioners believed the C19 restrictions would keep them safe, and she urged them to open the county. She alleged the C19 vaccine was deleterious.

Mr. Gary Hasstrom spoke about his military history and career. He said the chemicals in disposable masks were hazardous and would result in health issues later in life. He expressed aversion to requiring school children to wear masks.

Ms. Susan Bush asked the Board to lift the public emergency, remove the mask requirement, and reopen the county.

Ms. Lynda Frieden said everyone had enough of social distancing, masks, and occupancy restrictions. She believed it was time to restore constitutional freedoms and end restrictions. She spoke about C19 recovery rates, falling case numbers in Washoe

County, and inefficient PCR tests. She expressed concern about the social and emotional effects of social distancing. She said the cancellation of in-person meetings had significantly affected recovery efforts for individuals fighting addiction.

Ms. Carol Kitchuck spoke about her family's military history and her pride in being an American citizen. She thought wearing masks was no longer a viable response to C19. She said she had been vaccinated in order to travel even though she had C19 antibodies. She thought businesses needed to be opened and children needed to stop wearing masks.

Ms. Dawnee Olson said her entire family had C19 in November and they all survived. She believed wearing masks was ridiculous and unhealthy. She wondered what wearing masks and impeding proper oxygen intake while pregnant would do to future generations. She thought the restrictions were unconstitutional and asked the Commissioners to consider other people and the science.

Ms. Jaimee Shepler noted C19 had a 99 percent survival rate, unlike more serious viruses. She said people who were scared or immunocompromised could stay home or wear a mask. Individuals who had antibodies or the vaccine should be allowed to live normal lives. She mentioned a Massachusetts Institute of Technology study that found masks to be ineffective.

Mr. Donald Fossum said the Commissioners were forcing the curtailment of society and economics through bad policy. He thought the Board was violating citizens' rights. He urged the Commissioners to stop playing with the constitutional rights of citizens and to uphold the oath they took to protect the rights of their constituents.

Ms. Sara Hadden said the community was becoming increasingly unsafe and unhealthy. She stated people with no authority enforced the use of masks.

Mr. Andrew Diss, Vice President of Meruelo Gaming, thanked the Board for considering the new C19 Local Mitigation and Enforcement Plan. He understood the county would not open up at 100 percent capacity overnight, but he believed this proposal would help the process. He said Washoe County residents had done their part to help stop the spread and increase vaccination rates. He said Grand Sierra Resort staff was willing to put in the extra effort so the county could reopen and people could get back to work. He urged the Board to approve the plan.

Ms. Julianne Harrison said the Commissioners had failed to fulfill their duty as elected representatives of Washoe County residents. She disapproved of non-action and urged the Board to develop a solution that would best serve residents. She spoke about the restriction of spectators for outdoor youth sports and asked that masks, social distancing, and capacity limits be removed.

Ms. Kaylynn Sutton asked whether the flag stood for freedom anymore. She said having children wear masks was not a good idea since germs were transferred from their hands to the masks and then to their faces.

Ms. Melanie Sutton displayed a video of Commissioner Jung in Chambers prior to the meeting in which she was not wearing a mask. Ms. Sutton said she belonged to Nevada Grassroots and she would fight to prevent the reelection of anyone not working for the people. She said she was listed on Antifa's website because she was fighting for freedom.

Ms. Stephanie Dillingham was called but was not present to speak.

Ms. Cindy Martinez said Governor Sisolak's Directive 041 made the Commissioners cede authority to unelected bureaucrats. She stated the original C19 mitigation plan stipulated vaccination rates and included unconstitutional directives on places of worship. She displayed letters of endorsement for the mitigation plan from the Cities of Reno and Sparks, the Nevada Hospital Association, the Washoe County Health District, and the Washoe County School District. She reminded the Commissioners they swore an oath to uphold and defend the Constitution.

Ms. Katherine Snedigar said the Board had no constitutional or legal authority to force members of the public to wear masks. She believed the Board was acting under the color of law by forcing the general public to follow the rules of the Occupational Safety and Health Administration. She believed the C19 vaccine was an experimental drug, not a vaccine.

Ms. Diane Craig spoke about the detrimental effects of C19, including the loss of life, business impacts, and the isolation of grandparents and care facility patients. She said children were being robbed of normal childhood experiences including celebrating graduations. She stated the greatest loss caused by C19 was that of personal freedom. She inquired when it had become the government's job to keep people safe.

Using the Zoom app, Mr. Nicholas St. Jon expected Chair Lucey to say he had no power to change the mask mandate. He demanded a concise definition of a pandemic. He requested the ability to share his screen but was told that was not possible while making public comment using the Zoom app. He said not being able to share his screen violated U.S. Code because he did not have free and equal access. He asked whether the Commissioners thought they were not subject to God's judgement.

Using the Zoom app, Ms. Rebecca Marco thanked the Commissioners for their advocacy. She said she was a high-risk patient who spent the past year in her house socially distanced from her teenagers and husband. She appreciated the Board's advocacy for masks and the C19 vaccine.

Using the Zoom app, Ms. Annemarie Grant alleged her brother Thomas Purdy was hogtied and smothered by Reno Police officers and Washoe County Sheriff

deputies during a mental health crisis. She spoke about Nico Lamar Smith, another inmate who was asphyxiated at the Washoe County Jail during a mental health crisis. She hoped for transparency and accountability, and she asked the Commissioners to do their jobs.

County Clerk Jan Galassini advised the Board she received emailed public comments from Ms. Annemarie Grant, Bruce and Lisa Durgin, and Mr. Cody Heimerdinger, copies of which were placed on the record.

21-0323 **AGENDA ITEM 4** Announcements/Reports.

There were no announcements or reports.

21-0324 **AGENDA ITEM 5** 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 be the final Local Plan. Manager's Office. (All Commission Districts.).

Assistant County Manager Dave Solaro conducted a PowerPoint presentation, a copy of which was placed on file with the Clerk. He reviewed slides with the following titles: Proposed Washoe County COVID-19 Local Authority Mitigation and Enforcement Plan; Guiding Principles; Objectives; Mitigation Measures: Proposed (2 slides); Event Specific Guidelines; Additional Business Specifics; Monitoring and the Future; and Overall Guidelines Summary.

Mr. Solaro noted the plan covered the period from May 3 through May 31. He said Governor Steve Sisolak had subsequently submitted Directive 044, which would make more changes on June 1. He indicated the mask requirement would not change and was not under the authority of the Board of County Commissioners. The intent of the mitigation plan and Directive 044 was for the State of Nevada, including Washoe County, to be opened at 100 percent on June 1. He said Washoe County's plan was consistent with plans for the surrounding counties with a few notable exceptions. He indicated staff had reviewed the requirements of surrounding counties to prevent negatively impacting those communities or having them negatively impact Washoe County.

Vice Chair Hartung noted the Plan used six-foot distancing because it was a State mandate, but the Centers for Disease Control and Prevention (CDC) said people who were vaccinated could be outside together. Mr. Solaro said the Plan contemplated using CDC guidance for both outdoor and indoor social distancing. Vice Chair Hartung observed the CDC did not specify a distance of six feet for outdoor gatherings. Mr. Solaro replied the CDC website defined social distancing as involving groups that were not from the same household. Vice Chair Hartung asked whether adult entertainment would remain closed even though Storey County brothels would be open. Mr. Solaro confirmed that was correct for the month of May. He noted the decision was made by the entire group that worked on the Plan.

On the call for public comment, Ms. Jaimee Shepler was called but was not present to speak.

Ms. Cindy Martinez expressed frustration because Board members appeared distracted during public comment, which she felt was disrespectful to Washoe County citizens. She noted the roadmap to recovery referred to vaccination rate requirements. She spoke about tools and metrics used by the State to track COVID-19 (C19) rates, social distancing requirements which would not be in effect after June 1, and the desires of Governor Sisolak that she felt were in opposition to science. She opined the Board had relinquished authority and responsibility to unelected bureaucrats.

Using the Zoom app, Mr. Nicholas St. Jon wondered why the special meeting scheduled for April 3 had been cancelled. He mentioned his concerns about the

Plan including restrictions for places of worship, the current practice of using C19 case counts instead of hospitalization rates, and treatment protocols.

Vice Chair Hartung asked whether the adult entertainment restriction included nightclubs located inside casinos. Mr. Solaro confirmed it did. Chair Lucey clarified all establishments within a casino were regulated by Senate Bill 4 restrictions, so they were validated and checked by the Nevada Gaming Control Board.

Chair Lucey acknowledged the ongoing challenges everyone in the community was experiencing. He recognized small businesses had struggled more than big businesses. He said he previously expressed a dislike for wearing a mask and disagreed with the determination that there was a medical emergency, especially since there were currently only 30 hospitalizations. He clarified the Washoe County Health District (WCHD) was an independent organization formed by Nevada Revised Statutes, and it was governed by an autonomous board. He reasserted the Board of County Commissioners (BCC) had no authority over the WCHD or District Health Officer Kevin Dick. He said the Washoe County School District (WCSD) was also governed by an independent elected board of trustees and was not under the purview of the BCC. He noted Directive 041, issued by Governor Sisolak, needed to be endorsed by many entities, including the WCHD, WCSD, and the Nevada Hospital Association. Several weeks earlier, a BCC-approved plan was submitted to the State without the endorsement of the City of Reno, the WCHD, or the WCSD. The State indicated nothing was wrong with the plan, but the endorsement of those agencies was required. He stated the BCC was responsible for the half-million residents in Washoe County, and the best option was to endorse the Plan so local authority could be brought back to the County. He noted the county would open at 100 percent without social distancing on June 1, so this plan covered only 29 days. He thought the best course of action was to move forward as a community rather than continuing to be divisive.

Vice Chair Hartung mentioned the County had submitted Clark County's plan almost verbatim, but it had been turned down by the WCHD, the WCSD, and the City of Reno. He echoed Chair Lucey's comments, noting he felt the first version of the plan had been good, but there was no way to move forward without the endorsement of the other agencies. He noted the WCHD, the WCSD, and the Cities of Reno and Sparks had not voted on the plan.

On motion by Vice Chair Hartung, seconded by Chair Lucey, which motion duly carried on a 4-0 vote with Commissioner Herman voting "no", it was ordered that Agenda Item 5 be approved.

21-0325 **AGENDA ITEM 6** Public Comment.

Ms. Jaimee Shepler was called but was not present to speak.

Mr. Donald Fossum spoke about everyone in the country becoming more informed for the next election. He opined schools were becoming more divisive and anti-American, and they employed a curriculum he did not agree with.

Using the Zoom app, Mr. Nicholas St. Jon thanked the Board for the time and energy they put into resolving this issue. He said residents were not pleased with the lack of progress. He wanted to understand more about the Washoe County Health District (WCHD), noting Chair Lucey was Vice Chair of the WCHD Board and could influence the WCHD's actions. He wanted to see the Commissioners taking a stand to protect the constitutional rights of Washoe County residents.

Using the Zoom app, Ms. Annemarie Grant alleged her brother Thomas Purdy was murdered by Reno police officers and Washoe County Sheriff deputies. She agreed with comments made by Ms. Cindy Martinez about the inattention of the Commissioners, adding she believed their demeanor tended to be unprofessional. She spoke about the death of George Floyd, noting it was time to hold law enforcement officers accountable for their actions.

21-0326 AGENDA ITEM 7 Announcements/Reports.

Commissioner Herman said the group of residents who attended the prior meeting provided a well written resolution, but it was not considered by the Board. She expressed regret because the County had not worked with residents to reach a compromise on these issues.

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12:10 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:
Carolina Stickley, Deputy County Clerk*