

**IN A SPECIAL JOINT WHITE PINE COUNTY COMMISSION, ELY CITY COUNCIL & WHITE PINE COUNTY BOARD OF PUBLIC HEALTH MEETING HELD ON MAY 7, 2020 IN THE WHITE PINE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA**

The Following Were Present:

County Commission

- Richard Howe, Chairman
- Travis Godon, Commissioner (Zoom)
- Ian Bullis, Commissioner (Zoom)
- Shane Bybee, Commissioner (Zoom)
- Laurie Carson, Commissioner
- Nichole Baldwin, Clerk of the Board

County Officials

- Tim Bunch, HR Director (Zoom)
- Elizabeth Frances, Finance Dir. (Zoom)
- Scott Henriod, WPC Sheriff (Zoom)
- Dr. David Byun, Public Hlth (Zoom)
- Michael Johnson, IT
- Mike Wheable, District Attorney

Others Present

- A. McDonald (Zoom)
- Geri Wopschall (Zoom)
- Jennifer Lee (Zoom)
- Lisa Ashby (Zoom)
- Michelle Beecher, City Councilman (Zoom)
- Marietta Henry (Zoom)
- Suzanne Featherston, Kinross (Zoom)
- Judy \_\_\_\_\_ (Zoom)
- Jeanette Trask, City of Ely Treasurer (Zoom)
- Ed Spear, City Councilman (Zoom)
- Nathan Robertson, City of Ely Mayor
- Jim Alworth, City Councilman
- Kurt Carson, City Councilman
- George Chachas
- Ron & Tammy Carlgren
- Caroline Townsend, City of Ely Attorney

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Chairman Richard Howe called the meeting to order at 5:00 p.m.  
Mr. Jim Alworth led the Pledge of Allegiance.

**MOMENT OF SILENCE/SILENT INVOCATION**

This was duly observed.

**PUBLIC COMMENT**

As there were 11 people present at this time, District Attorney Mike Wheable left the room to allow for Public Comment. Mr. George Chachas noted that at the last Tourism & Recreation meeting, it was mentioned that a certain cuss word had not yet been removed from a retaining wall. He erased that word 2 years ago, and doesn't know where these are coming from. He asked if the Building Inspector ever made it back from Eureka. He held up a copied photo of a business claiming stuff is in the walkway, and it's against ADA regulations. The Building Inspector refuses to issue him a permit and he's been asking about it for a long time now. Mr. Chachas continued that he has building supplies he can't

use because he hasn't been issued the permit. He cited possible discrimination going on against veterans and foreigners; he also reminded the assemblage that Mr. Keith Carson put a modular home in a trailer park that isn't up to proper code. He claimed this isn't in compliance and is in violation of the Trailer Ordinance.

Ms. Suzanne Featherston from Kinross Bald Mountain Mine provided an update on their operations; they are continuing to operate with rigorous precautions due to COVID-19, and have no confirmed cases so far. Measures have been taken, including increasing cleaning and disinfection, frequent handwashing and social distancing. There is no travel being permitted, questionnaires are required for employees returning to work from days off, no non-essential visitors are allowed, and temperatures are being checked at their bus stops and mine gates. Their buses are disinfected, capacity reduced to 40-50%, and seating is socially distanced.

Chairman Richard Howe noted yesterday's action taken by the Commission to table the opening of Parks; this was done because they wanted to hear from the Governor about the reopening process. He thanked the entire Commission for that, and then one day later there's a soft opening announcement, "with practically everything we wanted changed." He gave the Commission a verbal pat on the back, and condemned the naysayers who are negative towards the Commission without knowing all the facts. Chairman Howe asked a couple of attendees to leave the room so the District Attorney could re-enter; he also thanked the members of the City Council for joining them today.

**DISCUSSION/UPDATE ON THE GOVERNOR'S "ROADMAP TO RECOVERY" LOCAL EMPOWERMENT ADVISORY PANEL (LEAP) FINDINGS AND RECOMMENDATIONS, AS WELL AS STATUS ON GOVERNOR'S PLAN AS IT PERTAINS TO THE CITY OF ELY AND WHITE PINE COUNTY COMMUNITIES**

District Attorney Mike Wheable noted the Governor's plan to reopen that was issued today. It was advised Mr. J.J. Goicoechea from Eureka County, Marilyn Kirkpatrick from Clark County and Dagny Stapleton from NACO are members on the LEAP panel. The State wanted to know how prepared White Pine County was to open and handle potentially positive cases. He continued that the letter was sent last Friday, which led to what is being discussed today. Following today's announcement by the Governor, however, he doesn't know what if it would be worth discussing it on today's agenda. He added that there is no new data or direction on testing.

**DISCUSSION/POSSIBLE ACTION TO DISCUSS AND DRAFT THE LOGISTICS AND CONCEPTS OF A COHESIVE PLAN TO REOPEN BUSINESSES CONTINGENT ON GOVERNOR SISOLAK GRANTING INDIVIDUAL REGIONS AUTHORITY TO IMPLEMENT REOPENING PLANS CONSISTENT WITH PUBLIC HEALTH OFFICERS' OPINION. DISCUSSION SHALL BE LIMITED TO NON-ESSENTIAL BUSINESSES, FOOD ESTABLISHMENTS, AND OTHER BUSINESSES CURRENTLY SUBJECT TO CLOSURE DIRECTIVES ISSUED BY THE GOVERNOR**

District Attorney Mike Wheable noted that the Governor had hinted that control would return to local jurisdictions. A curve ball was thrown however, since he hasn't turned over any powers to do anything looser than the State standards; they are only stricter. The plan lays out what can be opened and what can be closed, and there's still a big impact to our community. He continued that we should discuss those questions we have that the directives don't cover; it isn't clear what they DO cover; and pertaining to those items falling outside those directives, to see what can be done. Chairman Richard Howe noted the Parks, playgrounds and swimming pools had been included in our plan; the Governor's plan didn't include swimming pools, but he did note "recreation centers" and "community centers." Public Health Official Dr. David Byun mentioned "lap swimming by appointment only." Ely Mayor Nathan Robertson noted the releases had stated their use will continue to be limited. He plans to continue to keep the City offices closed through May 31<sup>st</sup> unless they decide differently.

The assemblage discussed the Road Map document that the City Attorney shared with the City Council. Per Ms. Caroline Townsend, the Governor will issue an Executive Order or Directive tomorrow. Mr. Jim Alworth wants printed copies made for the public. He also wanted to know how we will all be uniform regarding enforcement of these. Mayor Robertson said that the limit on businesses is ½ of their occupancy permit figure, not just 10 people. D.A. Wheable advised the group that the remedy would be similar; if a business exceeded its occupancy limits; they would receive a citation. There will be people "ratting each other out," but people patronizing businesses isn't a bad thing. Mayor Robertson wants to avoid crossing over the line into issuing citations, and wants businesses to remain in the "respond and inform" status.

Mr. Jim Alworth received numerous calls about a church and a bounce-house opening up last weekend; he told them he wouldn't enforce anything, since he's not a deputy. Mayor Robertson noted the complications in figuring out who needs to be cited; "this is a learn-as-we-go situation." District Attorney Mike Wheable noted an example of what's happening to people who are violating directives; they are being held for a short period of time and then released. Other communities are pushing the limits, but "we don't want to slide backwards." He felt we could look at prosecuting violators locally, or send them over to the Attorney General's Office. Mayor Robertson thought we should stay with "respond and inform." Chairman Richard Howe advised places of worship are either drive-up, or are limited to 10 people. D.A. Wheable understood that some people get frustrated when they see others exercising their First Amendment right to worship freely; he felt those rights are fundamental, and he felt the emergency to enforce directives to drag parishioners out of a church is passing away. Commissioner Shane Bybee was contacted by local business owners following the Governor's speech, who didn't know their occupancy limits; the City had said that it depends on their building, and they should know their capacity. The Building Inspector will be contacted and asked to drive to businesses who are slated to reopen, to let them know what their occupancy limits are; the City will assist with that.

Ms. Michelle Beecher stated that businesses that have been open the entire time haven't been subjected to limitations, but now they are. D.A. Wheable felt this occupancy limit will hurt us much here in White Pine County. Commissioner Ian Bullis wants us to be mindful as we move forward, that we are walking a fine line; statistically speaking, it is clear that this isn't a danger to society. He wants to ensure we don't get a lot of "flack" from Carson City, if they find out we're open more than we should be. He felt our Constitutional rights have been stepped on and "nothing should have closed in the first place." He feels people are sick of the changes that COVID-19 has brought forward, and are upset. He continued that he feels we'll be on the winning side, due to major overreach of government.

Public Health Official Dr. David Byun showed the assemblage a picture from the last slide of his Power Point. The general principle is that there are 2 branches, to ensure we have everything in place to handle an outbreak of COVID-19; our only weapon is social distancing. He continued that we need to have ample testing, the ability to trace and track people, to quarantine, and to provide treatment and prevention.

Ely Mayor Nathan Robertson thinks our community has done a fantastic job in keeping people safe. Despite anyone's feelings about the Constitutionality of all this, we do have a responsibility; he wants to open things up quickly, but safely; he wants to see people back in business as soon as possible. City Councilman Ed Spear asked about grocery stores being limited to 50%, as he didn't see them on the list. The reply was that we would have to wait for the Governor's written directive, to see what the details are. Governor Sisolak made it a law/directive that employers and employees are "encouraged" to wear masks or face coverings, which Mr. Spear feels is discouraging. Commissioner Laurie Carson felt the Governor was talking about the "big box stores" when it came to the 50% occupancy. Mr. Kurt Carson felt we should look into business owners preparing a business plan on how they will run from here on out and present it to the Governor. If they come up with a plan to make the Governor happy, perhaps more businesses can open. Commissioner Carson noted green stickers on storefront windows indicating compliance. D.A. Wheable wants to know more about the challenges businesses are facing in opening up and what is happening with this in Elko. Mayor Robertson agreed that learning about the hurdles our businesses face, can help us reach better solutions. D.A. Wheable noted that we had presented a plan to the City and other agencies about a soft reopening, and that it's almost word-for-word what was heard from the Governor today about our reopening as a State. Chairman Howe wanted to know if everyone on the Commission and the City Council are content with Phase 1. Commissioner Ian Bullis advised he isn't content, and that we should be 100% open. Commissioner Laurie Carson thought we should follow what the Governor has set forth, as she has been concerned for businesses not knowing if they have what is required to reopen. She felt we also need to play it safe with everyone who comes through here. Mayor Robertson felt people will patronize businesses that they feel are safe. Chairman Howe noted the Gaming Control Board will be making a decision soon as to when they will reopen the casinos.

Mayor Robertson noted Dr. Byun's professionalism and commended the County on appointing him. Commissioner Carson wanted to start out with the Governor's directives, and Mayor Robertson agreed that is wise. D.A. Wheable advised the group that due to the circumstances, the only valid motion today would be to restrict something further; otherwise the boards should just keep the agenda item to "discussion only" and make decisions at a future meeting. Chairman Howe advised we will leave today's agenda item as "discussion only", and as we return to our own offices we can have further discussions about this.

### **PUBLIC COMMENT**

Ms. Jennifer Hollingsworth thought that as a County and City, we need to be aware that the PPE shortage we're all seeing for first responders and nurses, is because they are all being sent off to the business owners. It's next to impossible to obtain these masks! Instead of giving out the PPEs, we need to be prepared to handle the outbreaks. District Attorney Mike Wheable stated we can prioritize the PPE distribution and ensure critical facets of the community get what they need. Dr. Byun advised that for the vast majority where there is a shortage, the advice is to wear a face covering which can be homemade, and that will meet the criteria.

Ms. Mary Kerner thanked the Commission and the City Council for being diligent; she also thanked District Attorney Mike Wheable and Mayor Nathan Robertson for listening, for caring, and for making the right decisions.

Mr. Cody Coombs echoed Commissioner Ian Bullis' concerns, as he agrees and thinks we should move forward and open things up. The directives go against the Constitution, and he asked the boards to look at that, and what they swore to uphold. He thanked them and wanted them to consider going to President Trump's Phase 3.

Mr. Hank Moon directed his question to Commissioner Bullis; where does he get his facts from? District Attorney Mike Wheable didn't want a debate, and stated that Commissioner Bullis will respond during the next Commission meeting.

Commissioner Shane Bybee was disappointed with the Governor's release today. He had previously acted like he trusted local jurisdictions to make their own decisions, but today has showed he has no trust in us to do so.

Commissioner Travis Godon agreed with Commissioners Bullis and Bybee; we have zero COVID-19 cases, but we have to comply because we don't want to fall under the State's control.

Mr. George Chachas felt the Governor did well, as evidenced by the decreasing numbers. Nationwide, things aren't good, and the death toll is increasing. He asked the Major what the City paid the Fire Dept. in overtime; he wants to know who received what. He also noted City Code violations haven't been addressed by the Regional Planning Commission and the new board isn't doing anything about them. He continued that Mr.

Keith Carson keeps horses within the City limits, which is in violation of the NRS. He asked why the RPC and Building Inspector continually selectively enforce the law? This needs to be addressed.

Ms. Lacey Balch thanked the group for their dedication in all of this. However, she would appreciate it if they would decide and make a decision, as it's frustrating to wait on both the Governor's end and the Commissioners' end, as to where we're going to go. She wants to see a decision be made. She continued that we are a County where people travel through, come and go; her concerns were voiced regarding community safety and COVID-19.

**ADJOURNMENT**


At 6:07 p.m., Commissioner Laurie Carson made a motion to adjourn. City Councilman Jim Alworth seconded. Motion carried.

BOARD OF COUNTY COMMISSIONERS  
WHITE PINE COUNTY  
STATE OF NEVADA

BY:

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
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WPC CLERK OF THE BOARD