

2. ITEMS FROM ELECTED OFFICIALS AND DEPARTMENT HEADS:

A. COUNTY COMMISSION

1. Commission Vice Chairman Travis Godon &

Commissioner Ian Bullis

- *a) Discussion/For Possible Action to approve Resolution 2020-76 declaring a State of Economic Emergency due to COVID-19 state mandated regulations and orders, and issuing certain local orders pertaining thereto on a temporary basis

White Pine County
Board of County Commissioners

Resolution 2020-76

WHEREAS Corona Virus (hereinafter referred to as "CV19") has caused damaging long-term affects on businesses within White Pine County,

WHEREAS restrictions on business operations and forced reduced capacity have put restaurants, bars, casinos and other dining and entertainment industry businesses in danger of permanent closure,

WHEREAS The State Of Nevada has refused to work directly with the White Pine County Commission to create policies appropriate to our rural community AND our LOW case count, instead mandating "one-size-fits-all" policies created for more densely populated counties,

WHEREAS the United States Constitution prohibits the infringement on religious liberty,

WHEREAS the Governor of the State of Nevada has exceeded his constitutional authority by issuing "directives" beyond the scope of his standard powers AND any additional powers during a declared "state of emergency",

The White Pine County Commission hereby declares and Economic State of Emergency.

The following will take effect immediately:

- I. Individuals and businesses will maintain positive and productive relationship with the White Pine County Public Health officer and will kindly take his perspectives and recommendations into account when setting policy.
- II. Notice to all government agencies will be distributed, announcing that they will not be permitted to issue fines or warnings related to the CV19 pandemic or any directives given by the Governor of The State of Nevada nor by Local Officials (elected or otherwise) within the City of Ely or White Pine County.
 - A. Health Department
 - B. OSHA
 - C. MSHA
 - D. Board Of Cosmetology
 - E. Nevada Gaming Control Board
 - F. City Of Ely
 - G. *Any others not mentioned here

III. Due to the high risk nature of exposure by routinely visiting non-compliant establishments outside the community (in more densely populated regions), officials and agents from OUTSIDE White Pine County shall be required to check in with Sheriff's department and to quarantine for 14 days PRIOR to visitation of establishments.

1. Agents/Officers found in violation will be escorted off premises by the White Pine County Sheriff's Department and will be ordered to quarantine or leave the county.
2. Should extra enforcement be required, the Sheriff, any county commissioner, or the District Attorney may request assistance from another Nevada County Sheriff's department.

IV. The Sheriff's Department shall be directed not to enforce or respond to complaints related to alleged CV19 directive violations

V. The District Attorney's office shall be directed not to prosecute individuals, business owners or corporations for alleged violations of any CV19 directive.

In an effort to avoid irreparable economic damage, the White Pine County Commission hereby recommends establishments (in good faith) continue to operate under recommendations outlined in the directive set to expire November 23rd 2020. However, the commission condemns all infringements on individual liberty. We respect the right of each business and organization to determine how/if to implement certain practices as they see fit.

Adopted and approved this 23rd day of November, 2020

Ayes: _____

Nays: _____

Absent: _____

Richard Howe, Commission Chairman

Attest:

Nichole Baldwin, County Clerk

RESOLUTION NO. 2020-76

**A RESOLUTION OF THE WHITE PINE COUNTY BOARD OF COUNTY COMMISSIONERS
DECLARING A STATE OF ECONOMIC EMERGENCY DUE TO COVID-19 STATE-MANDATED
REGULATIONS AND ORDERS, AND ISSUING CERTAIN LOCAL ORDERS PERTAINING
THERETO ON A TEMPORARY BASIS**

WHEREAS, Chapter 244 of the Nevada Revised Statutes establishes the County’s authority to regulate matters of local concern, including the public health, safety and welfare of those in the County;

WHEREAS, the Board of County Commissioners finds that the economic prosperity of the County is a matter of local concern which directly affects the public health, safety and welfare of those in the County;

WHEREAS, Chapter 414 of the Nevada Revised Statutes authorizes the Board of County Commissioners to declare a state of emergency within White Pine County;

WHEREAS, Chapter 239 of the Nevada Revised Statutes provides that the Board of County Commissioners, serving as the the County Board of Health, is charged with the duty to adopt such regulations as may be necessary for the prevention, suppression and control of any contagious or infectious disease dangerous to the public health;

WHEREAS, COVID-19-related restrictions on businesses, including forced reduced capacity, have put restaurants, bars, casinos and other dining and entertainment industry businesses in danger of permanent closure;

WHEREAS, the Board of County Commissioners recognizes that these COVID-19-related restrictions have caused damaging long-term effects on the White Pine County economy;

WHEREAS, the State of Nevada has refused to work directly with rural Nevada to create policies tailored to rural Nevada and its low COVID-19 case count, instead mandating “one-size-fits-all” policies created for more densely-populated counties;

WHEREAS, both the United States Constitution and the Nevada Constitution prohibit infringement on religious liberty and unlawful searches and seizures;

WHEREAS, the Governor of the State of Nevada first declared a state of emergency related to COVID-19 on March 12, 2020, and began issuing “emergency directives” within days thereafter;

WHEREAS, the Nevada Legislature has convened and adjourned two special sessions subsequent to the Governor’s declaration of emergency related to COVID-19;

WHEREAS, despite the Nevada Legislature’s ability to pass laws and regulations addressing the COVID-19 pandemic on behalf of its constituents, the Governor instead continues to legislate the State’s COVID-19 response himself through his “emergency directives”;

WHEREAS, the Governor of the State of Nevada has exceeded his constitutional authority beyond the scope of his standard powers and any additional powers conferred upon him during a declared “state of emergency” without meaningful input from rural Nevada and without regard to the economic impact on rural Nevadans, resulting in contravention of rural Nevadans’ right to life, liberty and the pursuit of happiness;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF WHITE PINE COUNTY, STATE OF NEVADA, hereby resolves:

THAT IT DECLARES AN ECONOMIC STATE OF EMERGENCY.

THAT IN RESPONSE TO THIS DECLARATION, THE FOLLOWING WILL TAKE EFFECT IMMEDIATELY:

- I. That individuals and businesses will maintain positive and productive relationships with the White Pine County Public Health Officer and will kindly take his perspectives and recommendations into account when setting policy.
- II. That the Sheriff and the District Attorney are required to enforce all local orders and regulations promulgated by the White Pine County Board of Public Health, including without limitation, quarantine orders pursuant to NRS 439.360.
- III. That due to the additional risk of exposure to COVID-19 caused by routinely visiting noncompliant businesses in more densely-populated parts of the State, government officials and agents from agencies outside White Pine County shall, with the exception of routine health and safety inspections authorized by Title 40 of the Nevada Revised Statutes, be required to quarantine for 14 days prior to conducting official business within businesses in White Pine County. Failure to follow local regulations may result in local prosecution.
- IV. That the Sheriff shall be directed to use his discretion not to enforce or respond to complaints related to violations of the Governor’s “emergency directives.”
- V. That the District Attorney shall be directed not to prosecute violations of the Governor’s “emergency directives.”
- VI. That in an effort to avoid irreparable economic damage, the Board of County Commissioners hereby recommends that businesses continue to operate within the Governor’s “emergency directives” in good faith. However, the Board condemns all infringements on individual liberty and accordingly respects the right of each business and organization to determine how to implement those directives, if at all.
- VII. That in an effort to combat economic damage resulting from enforcement of the Governor’s “emergency directives,” the Board of County Commissioners hereby establishes an “Economic Relief Fund” for business who have incurred Governor-emergency-directive-related expenses in the form of fines, penalties, or legal fees. The Fund shall be created from the County’s General Fund in the amount of \$50,000 and shall be administered on a first come, first served basis by the Board of County Commissioners. Those seeking reimbursement from the Fund shall submit proof of their expenses to the White Pine County Clerk, who in turn, will place an action item for possible reimbursement of the expense on the agenda of the next regular meeting of the Board of County Commissioners. The Board of County Commissioners hereby retains unto itself the sole discretion to award funds based on the facts presented to it by each applicant.

THIS RESOLUTION WILL EXPIRE NINETY (90) DAYS AFTER ITS PASSAGE.

INTRODUCED AND PASSED this _____ day of _____, 2020

Approved:

Richard Howe, Chairman
BOARD OF COUNTY COMMISSIONERS
White Pine County, Nevada

ATTEST:

Clerk of the Board