

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

TUESDAY

10:00 A.M.

APRIL 21, 2020

PRESENT:

Bob Lucey, Chair
Marsha Berkbigler, Vice Chair
Kitty Jung, Commissioner (via telephone)
Vaughn Hartung, Commissioner (via telephone)
Jeanne Herman, Commissioner

Nancy Parent, County Clerk
Eric Brown, County Manager
Nate Edwards, Deputy District Attorney (via telephone)

The Washoe County Board of Commissioners convened at 10:00 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:

20-0220 AGENDA ITEM 3 Public Comment.

On the call for public comment, County Clerk Nancy Parent advised the Board she received two emailed public comments, which she placed on the record and read aloud.

As read by Ms. Parent, Ms. Diane Becker-Heirshberg stated the COVID-19 (C19) pandemic illustrated that Washoe County needed the ability to make temporary rules and regulations governing short-term rentals (STRs) during times of emergencies and disasters. She requested the STR ordinance include a provision allowing the County to issue orders, directives, and advisories both during emergencies and for health and safety purposes. She said the provision should require owners, renters, property managers, and online rental services to adhere to County-issued orders, directives, and advisories. She mentioned residents of Incline Village (IV) and Crystal Bay requested temporary provisions to protect them from an influx of out-of-state visitors during the C19 pandemic, but they were told there was no STR ordinance in place. She stated the County needed the tools to deal with future emergencies and disasters.

As read by Ms. Parent, Ms. Carole Black expressed two concerns. The first was the apparent lack of proactive implementation of C19 orders, advisories, and recommendations for STRs, which potentially created additional risks to visitors, support workers, owners, and adjacent residents. She thought the County and the Health District should facilitate notifying STR property owners of regulatory mandates. Her second concern was the dissemination of testing results by zip code to support enhanced

containment efforts and reopening plans. She understood the data would be separated and she looked forward to seeing detailed information. Ms. Parent read an additional comment in which Ms. Black noted that, although Washoe County's peak might be behind Nevada's, planning for reopening had begun. She noted attention was placed on moving in a thoughtful, paced manner while maintaining preventative measures and recognizing economic implications. She expressed difficulty reconciling the perspectives expressed by officials with the apparent lack of attention to risks associated with STRs. She stated advisories and orders were implemented for certain essential businesses but not for STR owners and renters. Due to the length of Ms. Black's emailed comments, the rest of her comments were placed on the record.

Using the Zoom app, Mr. Jeff Church said he listened to a presentation given by Vice Chair Berkgigler in IV. He noted Vice Chair Berkgigler seemed to indicate the Governor could shut down state highways including Highway 431. He hoped the Board did not endorse that because shutting down interstate travel was unconstitutional. He stated Vice Chair Berkgigler indicated she was not in favor of opening businesses quickly and she was critical of individuals who participated in peaceful protests of their constitutional rights. He reminded the Board that constitutional rights did not go away because of the C19 virus. Limiting constitutional rights required a compelling, narrowly focused reason. He said the goal was to flatten the curve and that had been accomplished, but the virus would not go away. He hoped the Board endorsed safely opening businesses as soon as possible. With regard to the upcoming election, he hoped the County would review undeliverable ballots, see who voted in the past, and work to prevent voter fraud.

A voice mail from Ms. Annemarie Grant was played. She alleged her brother Thomas Purdy was hogtied by Reno Police officers on October 4, 2015 and smothered in the County jail, one of three homicides in the jail that year. She purported Sheriff Darin Balaam accepted two campaign contributions from NaphCare, Inc., the medical vendor used by the County jail when her brother passed away. She spoke about wrongful death settlements paid by County residents. She questioned the Sheriff's concern for the safety of inmates, who were among the most vulnerable community members. She urged the Board to do their duty under Nevada Revised Statute 211.020 and not fail other inmates. She suggested the Board investigate why officer-involved shooting reports were not released in a timely manner in Washoe County. She asked that inmates in the County jail be protected during the C19 crisis.

20-0221 **AGENDA ITEM 4** Announcements/Reports.

County Manager Eric Brown mentioned a virtual town hall meeting about the County's response to COVID-19 (C19) would be held on Friday, April 24, at 1:00 p.m. The focus of the session would be law enforcement, public safety, and mental health. He said Chair Lucey, Sheriff Darin Balaam, and Truckee Meadows Fire Protection District Captain Derek Reid would participate in the event. He noted more information was available on the County's website.

Mr. Brown said planning had begun for scaling down the C19 incident command team. He said the number of C19 cases, occupied hospital beds, and other metrics used to evaluate the status of the emergency were plateauing. When the appropriate time arrived, the incident command would transition operations back to the Regional Emergency Operations Center and the Cities of Sparks and Reno. He said planning for safely transitioning County employees back to work had also begun, although it was not yet time to transition.

In response to the public comment from Diane Becker-Heirshberg about the short-term rentals (STRs) ordinance, Vice Chair Berkbigler mentioned Assistant County Manager Dave Solaro said the earliest it might be agendized would be June. She suggested the item be agendized as soon as possible after changes from the Commissioners were incorporated into the ordinance. She mentioned she had a draft of a paragraph which she wanted the Board to consider including in the STR ordinance. It dictated what the Board would be allowed to do to better protect residents during an emergency. She said she would forward the addition to Mr. Brown so he could distribute it to the Commissioners.

Vice Chair Berkbigler stated she had not and did not advocate for the Governor to close state highways as indicated by a public commenter. She clarified she said the Governor had the authority to close highways but the County did not. She noted the County was unable to ask the Sheriff's Office to close highways and she did not support doing that. She said the other statement she allegedly made was also incorrect. She suggested members of the public contact her directly to verify her statements in the future.

Commissioner Jung highlighted Chair Lucey as the first to call for social distancing in the region. He alerted everyone to the potential of using data to flatten the curve of C19's spread. She congratulated him for flattening the curve and for the news that incident operations would be scaled back from what was originally anticipated. She praised his leadership and ability to convey the information in an un-alarmist yet stern manner. She believed the efforts of Chair Lucey, the regional joint communications team, and District Health Officer Kevin Dick produced positive results. She was glad to hear the news from Mr. Brown about de-escalating the C19 incident response.

Commissioner Jung wanted to know about the work-from-home policy and the plan for County employees to transition back to work. She asked about continuing and expanding the option to work from home. She thought the County should not go back to the standard operating procedure with everyone back at work. She requested a report from staff. She asked for an explanation of what constituted an emergency item on an agenda. She inquired about the response and staff time that resulted from a Commissioner requesting an emergency agenda item or a special meeting. She asked Deputy District Attorney Nate Edwards to provide the information via email to the Commissioners. She said she had an idea she wanted to pursue.

Commissioner Hartung said he received calls from several residents whose medical accounts were sent to collections because they were unable to make payments during the C19 emergency. He requested an agenda item about sending a letter from the

County to regional hospitals politely requesting deferment of collections. He stated he and several residents received calls from people imitating Internal Revenue Service (IRS) or Social Security Administration (SSA) employees. He reminded everyone that the IRS and the SSA would not contact people in this manner.

Commissioner Hartung noted he sent Chair Lucey and Mr. Brown information about how the City of Denver safely reopened golf courses. He suggested a working group of medical professionals, business owners, and the Health Department be established to provide ideas to the Governor for reopening businesses in phases. He thought businesses needed to be opened as quickly as possible to get people back to work, but reopening needed to be done safely.

Chair Lucey mentioned the disbursement of Commission District Special Funds were overlooked during the meeting on April 14. He summarized Commissioner Jung's disbursements: \$14,000 to the University of Nevada Reno Foundation to support Senior Outreach Services, \$5,000 to the Truckee Meadows Parks Foundation to support the participation of Washoe County employees in the Truckee Meadows Trails Challenge, and \$1,000 to the Washoe County Human Services Agency to support the purchase of gift cards for basic needs for community members affected by the C19 pandemic; he disbursed \$5,000 to the Community Foundation of Western Nevada to support the Food for Heroes Fund, and \$5,000 to the Friends of Washoe County Library to support the South Valleys Library STEAM Program.

Chair Lucey noted Commissioner Jung attributed much of the C19 response to him, but he said the C19 response was the County's approach to working together and it demonstrated a regional collective effort. He stated counties were suited to dealing with emergencies and responding in the interest of citizens, whether they lived in cities or in unincorporated areas. The County willingly took action when situations occurred. He acknowledged the guidance from the County Manager, the collective support of the Board, and the efforts of staff all contributed to the County's ability to flatten the curve. He thought people forgot the importance of the County's role in this type of situation. He agreed with Commissioner Jung that the County had done well regarding social distancing, wearing face coverings, and washing hands. The improved hygiene measures produced positive results. He thought developing plans for reopening businesses in the County was the next step. He had spoken with business owners who wanted to know what to expect as the new normal as they prepared to reopen. He suggested regulations and policies might need to be amended and businesses might need to be creative in their operations. He mentioned face coverings and restricting the number of patrons in stores as possible solutions. He said the County was best suited for understanding the needs of this community, so thoughts and recommendations for reopening needed to be developed locally and submitted to the State. He acknowledged constituents were frustrated and small businesses struggled.

Commissioner Herman wondered why Chair Lucey mentioned the special fund donations of only two Commissioners. Chair Lucey apologized for overlooking the disbursements made by Commissioner Herman and reviewed them: she gave \$1,500 to the Nevada State High School Rodeo Association to support the Washoe County High School

Rodeo Club, \$1,500 to the Board of Regents of the University of Nevada to support Washoe County 4-H Livestock Leaders, \$2,000 to Saving Grace Academy to support the purchase of daycare equipment and Washoe County permits, \$5,000 to the Food Bank of Northern Nevada to aid in the organization's C19 response, \$5,000 to Washoe County Emergency Management to purchase personal protective equipment for first responders and medical professionals responding to the C19 pandemic, and \$2,000 to the Salvation Army of Washoe County to support Reno's Men's Adult Rehabilitation Program. He expressed appreciation for the Commissioner's support.

20-0222 **AGENDA ITEM 5** Appearance and presentation by Washoe County District Health Officer Kevin Dick on COVID-19 impacts and emergency response, to include an update on hospital surge capacity and planning, an update on COVID-19 impacts and emergency response in rural areas outside the Reno/Sparks metro area, and other items related to the COVID-19 emergency response in Washoe County.

Using the Zoom app, District Health Officer Kevin Dick thanked Chair Lucey and the Board for their partnership and support during the COVID-19 (C19) crisis. He expressed gratitude for the support of regional partners who worked with the Health District on the C19 response. He said there were 25 new cases and a total of 662 cases of C19 reported in Washoe County as of April 20, 2020. He reported there were 18 deaths from C19, 477 active cases, 166 people had recovered, 43 individuals were hospitalized, and 37 individuals had been released from the hospitals. He stated hospitals had good capacity. As of April 19, 2020, 55 percent of staffed acute care beds, 56 percent of intensive care unit beds, and 24 percent of ventilators were in use. He said the Health District, in conjunction with REMSA, continued to operate a call center for C19 risk assessments and testing. Risk assessments were conducted both over the phone and through a web-based portal. He noted the call center and web portal provided the option of completing the risk assessment in English or Spanish. He emphasized C19 testing was free and individuals were not required to provide information about immigration status or health insurance coverage. He said anyone experiencing C19 symptoms needed to contact the Health District to be scheduled for testing. He mentioned drive-through specimen collection for C19 testing was performed at the State Public Health Lab (SPHL) and 217 individuals were tested there the prior day. Testing at the SPHL would take place Wednesday, Friday, and Saturday as well. He expressed appreciation for the employees from other departments who volunteered to assist at the call center, and for the National Guard who had joined the efforts at the call center, the testing post, and with contact tracing.

In response to remarks about flattening the curve, Mr. Dick said he was cautiously optimistic based on the number of new cases reported daily and the models that had been developed. He mentioned one model being watched was the Los Alamos National Lab (LANL) model for the State of Nevada. That model predicted an 80 percent chance Washoe County had reached the peak of C19 cases as of April 15, but that was later updated as an 82 percent chance the County reached the peak on April 19. If the County had not yet reached the peak, he continued, the LANL model projected a 26 to 27 percent chance it would be reached during the current week and a 21 percent chance it would be reached

the following week, with declining probabilities of reaching the peak in subsequent weeks. Based on the data and the LANL model, he believed the number C19 cases might have reached a plateau. He noted the County was currently experiencing the highest number of active C19 cases, although a plateau of the number of new cases had almost been reached. He emphasized the importance of continued vigilance, including practicing social distancing, staying home when going out was not essential, operating only essential businesses, wearing face coverings, washing hands frequently, using hand sanitizer, and continuously cleaning high-contact surfaces to reduce C19's spread. He said staff would continue to track the number of cases. He hoped to see a decline in the number cases, which would demonstrate a reduction of community spread, rather than a plateau which would indicate a continuing rate of transmission.

Mr. Dick said a future transition, which could occur with a decline in cases, would take into account how the spread of the virus might be controlled to prevent another surge of cases when the economy was reopened. He said the County would use the box-it-in approach defined by Dr. Tom Frieden, former Director of the Centers for Disease Control and Prevention. The approach included testing widely, isolating infected people, contact tracing, and imposing a 14-day quarantine for anyone who was in contact with an infected individual. He said the framework worked in conjunction with gradually opening different types of businesses while monitoring the number of cases in the community and being able to react quickly by slowing the rate of reopening if a new surge started to develop. He thought it was important to discuss which types of businesses would reopen first and what practices should be used to limit the spread during the reopening phases. He also recognized the importance of providing input to the Governor as the statewide reopening strategy was developed. He believed reopening the economy in a thoughtful and cautious manner would help avoid additional impacts to residents and help control the level of the disease in the population.

Mr. Dick mentioned Harvard University's recommendations for reopening economies and easing restrictions had indicated that communities needed to perform 152 tests per day for every 100,000 people, or 700 tests per day for Washoe County. He said the County averaged 240 tests per day the prior week, which was about 52 tests per 100,000 people. Additional testing capacity was needed in the County, as discussed at the national level. He said the County had four Abbott ID Now rapid testing units which had been deployed to Renown Hospital, Saint Mary's Regional Medical Center, Northern Nevada Medical Center, and Community Health Alliance. Rapid test units provided 15-minute results, but the County had a limited supply of the cartridges for those tests. He noted the rapid ID tests could be deployed to point-of-care practices throughout the community as capacity increased. Test units would be distributed to medical practices and people would be able to get tested as they did for the flu. He mentioned efforts were underway to develop an antibody test which could identify individuals who had developed antibodies to C19. He said the effectiveness of those tests was not yet known. The test needed to specifically identify C19 antibodies and not provide false positives when someone had antibodies for another type of coronavirus. He stated the SPHL would work to validate the antibody tests during the current week and he hoped better information on their effectiveness would be available the following week.

Mr. Dick said testing was one key element which would support reopening and another was the need for the workforce to perform contact tracing. Case contact investigations had two components: isolating anyone who tested positive and identifying close contacts of positive cases to ensure those people were quarantined. He stated the Association of State and Territorial Health Officials (ASTHO) and the National Association of County and City Health Officials (NACCHO) worked in conjunction with Johns Hopkins University on opinion papers which estimated that 100,000 people would be needed nationally to perform contact tracing. Washoe County would need approximately 140 people based on those recommendations. He said ASTHO and NACCHO had initiated a \$3.6 billion federal funding request to provide state and local health departments the funds to recruit the contact tracing workforce. He indicated having an effective strategy to identify and isolate infected people was another key component to support reopening. He thought the County needed strengthened enforcement of isolation and quarantine because the protection provided by staying home would be removed as businesses reopened. He said observing social distancing measures and safe workplace practices throughout the reopening process would help prevent the spread of C19 until a vaccine was available.

Commissioner Jung noted the Federal Emergency Management Agency, the Army Corps of Engineers, and possibly the National Guard charged fees for their assistance even though they were funded by federal taxes. She wanted to know how those agencies were able to tax twice for their assistance. Regarding case contact investigators, she asked whether staff had been in contact with Truckee Meadows Community College (TMCC) to have them develop an emergency training program so the Health District could recruit and train case investigators. She noted Mr. Dick mentioned the County would need 140 investigators. She thought the training program did not need to go through a curriculum committee and asked about the quickest method of developing the training through emergency curriculum measures. She thought TMCC was most able to accomplish this, but she acknowledged other agencies such as Job Corps might need to be contacted. She thought the discussion of case investigator training should be a priority.

Commissioner Jung mentioned County testing would need to be tripled to reach the recommended numbers for reopening and relaxing the stringent requirements that helped flatten the curve. She asked for an agenda item or regional meeting to discuss options besides hoping for additional tests. She said there had to be different trigger points to allow a degree of reopening while keeping the health and safety of residents in mind. She stated every Commissioner had tried to find additional testing, but tests were simply not available. She asked what else County residents could reasonably be expected to do to support reopening if additional testing was not available until September. She expressed concern that people would not respect and adhere to social isolation recommendations. She thought the psychological and physical needs of people had to be recognized along with the scientific data. She summarized she wanted to know what alternatives were available if the County never acquired enough tests and she also requested contingency recommendations.

Commissioner Hartung noted reopening would be difficult because businesses were very diverse. The preliminary conversations regarding contact tracing demonstrated there was no easy way to monitor contacts. He said business owners might need to keep lists of patrons and the times they visited the business locations. He acknowledged it would be difficult to conduct business that way but it had to be considered as a possible solution. He said making suggestions to the Governor quickly was important but the state had a wide range of business models.

Commissioner Herman thought business owners needed to be given consideration. She said states such as South Dakota, where business owners were given the opportunity to make decisions, had done quite well. She stated business owners would welcome the chance to be open and not go bankrupt. She thought people needed to get back to work or everyone would lose in the long term. She said reopening was not as complex as people thought and she believed the County needed to get started.

Chair Lucey thanked Mr. Dick for the update and the Commissioners for their input.

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

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Chair Lucey said he would take Agenda Item 10 next because there were people waiting to provide input on that item.

20-0223 **ITEM 10** Discussion and possible direction to the Washoe County District Attorney’s Office to file an amicus (or similar) legal brief on behalf of the county in support of the Nevada Osteopathic Medical Association’s (NOMA) and Dr. Bruce Fong’s legal challenge to the Nevada State Board of Pharmacy’s (BOP) March 23, 2020, emergency regulation banning chloroquine and hydroxychloroquine prescriptions for the treatment of COVID-19 except in cases of hospitalization. An amicus brief is a document submitted by a non-party to a lawsuit that is intended to outline legal arguments and authorities for the benefit of the Court in ruling on the legal issues involved. NOMA presented its challenge by letter to the BOP on April 9, 2020, asking it to pass upon the validity of the regulation pursuant to NRS 233B.110 and asserting, among other things, that there was no basis demonstrated to pass the regulation on an emergency basis, that the regulation is preempted by federal law, that the regulation constitutes the unauthorized practice of medicine by the BOP, and that it violates the statutory and constitutional rights of doctors and their patients to make intimate decisions about their healthcare. NOMA’s challenge seeks to allow licensed healthcare providers to prescribe these medications to treat people with COVID-19 regardless of hospitalization. NOMA’s challenge is expected to have been filed in Court by April 17, 2020, or to be filed in Court in the immediate future. (All Commission Districts.)

Deputy District Attorney Nathan Edwards said this agenda item concerned the emergency regulation banning chloroquine (CQ) and hydroxychloroquine (HCQ) prescriptions for the treatment of COVID-19 (C19) except in cases of hospitalization. He stated Chair Lucey submitted a letter on March 31 to the BOP and the Governor asking that the restrictions be lessened to allow licensed physicians to prescribe those drugs without hospitalization. He noted the Food and Drug Administration (FDA) issued an emergency use authorization recognizing the likely efficacy and safety of those drugs for the treatment of C19 in certain circumstances. The FDA's decision was tied to the national stockpile of those drugs, which was under the federal system and would be made available to hospitals throughout the country. He said BOP staff issued a waiver on April 7 allowing emergency room doctors to use CQ and HCQ on an outpatient basis. NOMA submitted a challenge to the BOP and the Governor asking them to remove the restriction. He noted the firm Joey Gilbert Law filed the challenge with the BOP and they planned to file a complaint to challenge it in court since there was no movement on the restriction. He said doctors who could provide helpful information were available to speak about this agenda item. He pointed out the NOMA challenge did not require doctors to treat their patients with those drugs, but rather it sought to return the decision to doctors and their patients rather than letting the government make the decision. He said he highlighted some of the County's interests in the staff report. The County would be a non-party which would ask the court to accept the brief.

Chair Lucey explained the letter he submitted to the Governor's Office was based on the County's mission of maintaining the safety, security, and health of the community. He noted the response team advised people to stay home, take care of themselves, and self-isolate if they tested positive for C19. He pointed out there had been anecdotal evidence of CQ and HCQ helping patients when prescribed in combination with azithromycin. The request made to the BOP was for a slightly less stringent restriction which would allow primary care physicians to give a small prescription of those drugs to a person who tested positive for C19. He said the County's stance was that giving doctors the ability to prescribe would help protect individuals in the community, lessen the demand on hospitals, and help reduce the spread of C19. Lessening the restriction would allow medically trained providers to service their patients and prevent the government from coming between patients and their doctors.

Attorney Joey Gilbert said he filed a petition with the Governor's Office asking him to reverse the emergency regulation because there was no emergency shortage or medication stockpiling. He stated major pharmacies confirmed the medication could be acquired locally but the Governor's ban had produced a shortfall. He said testing, quarantine, and safety protocols should be maintained but the effectiveness of HCQ had been proven by thousands of doctors worldwide and hundreds of doctors in the U.S. He explained HCQ killed the C19 virus by preventing it from reproducing, resulting in reduced recovery times, lessened symptoms, and lives saved. He stated using HCQ early with high-risk patients was a life or death decision, and local emergency doctors had asked that it be made available for use in high-risk patients before the patient's condition deteriorated. He noted 80 percent of patients who went on a ventilator would not recover. He asserted the Governor needed to reverse the political ban of HCQ and CQ. He stated disallowing the

use of those drugs was cruel, possibly illegal, and would carry liability. Introducing HCQ in the therapeutic use window would save lives and prevent the healthcare system from being overwhelmed.

Dr. Bruce Fong, President of NOMA, said he tried to stay abreast of new developments concerning C19 from the start of the pandemic. Research and case reports provided new information almost constantly. He stated there were tens of thousands of C19 case reports worldwide and 9 out of 10 treatment protocols included the use of HCQ or CQ, all of which demonstrated positive results. It was important to treat a C19 patient before their symptoms were severe enough to require hospitalization. He clarified doctors were not proposing treating the 80 percent of patients who recovered on their own; they wanted to use the treatment protocols for the 15 to 20 percent of patients who self-isolated but had not improved or recovered. Those patients had severe immunologic damage to their lungs and potentially their hemoglobin, which affected their ability to carry oxygen in their blood. The damage occurred when the disease progressed to the point where hospitalization was required. He reiterated that a patient on a ventilator only had a 20 percent chance of survival. He said physicians who had established relationships with their patients had a better understanding of when a patient was in need of medication. He believed the therapeutic window was missed with the current treatment protocol. He expressed appreciation that the Board would consider filing the amicus brief.

Dr. Brian Callister, Governor of the American College of Physicians' Nevada Chapter, expressed his desire to support the petition for Governor Steve Sisolak to change his executive order. In reference to Chair Lucey's statement about the anecdotal evidence of CQ and HCQ's efficacy, he said there were contradictions in the information which were amplified by political influences. He explained CQ and HCQ worked by acting as an ionosphere which blocked the virus from entering the cells and it blocked the receptors in the lungs. He said using the medication early made sense from a scientific perspective. Blocking for lung receptors sooner increased the chance of the patient not becoming critically ill or needing a ventilator. He noted patients who required a ventilator had a 50 to 80 percent chance of not recovering. He stated the Governor's order took away the physician's ability to do what was best for patients and it created an incentive for people to go to the emergency room. He explained the study results were contradictory because there were differences in the treatment protocol, including when the medication was administered. He concluded the drug needed to be administered early to patients who were C19 positive, symptomatic, and could remain at home.

On the call for public comment and via the Zoom app, Mr. Cliff Low expressed amazement to see this item on the meeting agenda. He remarked the two doctors and the attorney had legitimate points and appeared to have a strong case, but he questioned whether the Board should be involved. He asked whether the Board wanted to set a precedent by questioning the authority of the State on the issue. He opined the Commissioners had many other issues to address without becoming involved in a national controversy. He believed taking a position on this issue would open a Pandora's box and encourage people to use the Board as a forum for complaints on a variety of topics. As much as he did not want the government to restrict individual rights, he urged the Board

not to take a position on this issue because it could result in other people requesting amicus briefs to be filed in other matters.

Dr. Warren Gilbert said he was a 70-year-old physician and a C19 survivor. He agreed with the statements made by his son Joey Gilbert, Dr. Fong, and Dr. Callister. He stated he was exposed to the virus in mid-March, developed symptoms on March 20, and had a positive C19 diagnosis on March 23. He began the HCQ Z-pak regimen right away and his symptoms improved within three hours of taking the first dose. He said he was tested again three weeks later and the test was negative. His wife developed symptoms a few days after he did; she tested positive for C19, followed the HCQ regimen, and had a similar experience to his own. He was aware of the studies performed worldwide. There were tens of thousands of patients on the drug worldwide. He noted the drug had been used for more than 70 years for the prevention and treatment of malaria, lupus, and rheumatoid arthritis. He said HCQ was a benign drug and it had a nearly 100 percent cure rate when used in the treatment of C19. He asserted it should be available to anyone who tested positive for C19.

Chair Lucey stated he received email correspondence from City of Reno Emergency Operations Division Chief Bob Leighton, a copy of which was placed on the record for the meeting. The email expressed Mr. Leighton's support of rescinding the restriction on HCQ and allowing the decision to prescribe the medication be placed at the physician level.

Commissioner Jung asked for data about reported supply chain problems for HCQ and CQ. She inquired whether patients who already used those medications for lupus and other medical conditions could be assured they were not at risk of losing their supply. She thought assuring those patients was the first priority. She asked whether the Governor's Office responded to Chair Lucey's letter. She said she thought the Board had no policy or recommendations regarding amicus briefs. She requested a minimum of three general government policy recommendations from staff during the next Board meeting. She believed she had not done this before. She acknowledged the Board controlled the County through the Health District, but she needed to know the best policy. She asserted a provision was needed to ensure that people who were already using those medications had priority. She understood these drugs were highly sought after and had a supply chain issue.

Commissioner Hartung said he was supportive of this agenda item. He noted his comments were not centered on HCQ, CQ, or other pharmaceutical efficacies in treating any disease. He thought the issue was about letting physicians determine how, when, and whether to prescribe any drugs they deemed best for a patient. He asserted it was a physician's duty to judge risk versus reward when prescribing any treatment or pharmaceutical to their patients. He was supportive of the brief with respect to a physician's rights and duties regardless of the drug.

Commissioner Herman thanked the doctors who spoke on the issue. She applauded them for coming forward against the restriction. She thought the timing was right and the issue needed to be addressed. She expressed support for the brief.

Commissioner Jung said she supported anyone who wanted to challenge rules or disagreements through the civil process of suing, because it was part of a civil society. She was not opining on the merits of the lawsuit or whether a suit should be filed. She believed the decision to use these drugs was between doctors and their patients. She said the doctor's expertise would determine the outcome of a lawsuit if a patient was harmed. She was not saying individuals did not have the right to sue. She reiterated the decision and the liability rested on the doctor and the patient. She insisted she needed to know about the supply chain but she had not received any information.

In response to Commissioner Jung, Chair Lucey said he would work on obtaining the information she requested. He noted he sent a letter to the BOP and the Governor's Office. He also spoke with the Governor, stating his position was to ensure the safety of the public by fighting this pandemic. He wanted people to get the proper treatment when they were asked to stay home, and he wanted doctors to have the ability to treat their patients. He agreed with Commissioner Jung's request for information about the supply chain for the drugs. He noted the amicus brief would express the Board's support of the intent to move forward on the issue based on conversations with the District Attorney. It was not an assertion that the County had standing to file an injunction against the BOP.

Vice Chair Berkgigler thought medical care was between the doctor and the patient, not the BOP. She agreed with Commissioner Jung's statement about needing to know the efficacy and other issues if the County participated in a lawsuit. She did not see why the Board should not support the brief. She mentioned her husband was a pharmaceutical salesman for 35 years, so she had extensive experience working with the pharmaceutical industry. She noted Abbott Laboratories sales representatives were close family friends.

Commissioner Jung noted she had not said anything about efficacy or data. She would be supportive of the brief if the supply chain was assured.

On motion by Commissioner Herman, seconded by Vice Chair Berkgigler, which motion duly carried on a 4-1 vote with Commissioner Jung voting "no", it was ordered that Agenda Item 10 be approved and the Washoe County District Attorney's Office be directed to file an amicus (or similar) legal brief on behalf of the County.

PROCLAMATIONS

20-0224 **6A** Proclaim April 2020 as National Donate Life Month.

Commissioner Hartung said the issue of organ donation was near and dear to his heart. He said having a family member who received an organ donation or who had donated an organ was the strongest gift a person could give. He expressed appreciation for the Proclamation. He read the Proclamation and presented it to Chief Medical Examiner and Coroner Dr. Laura Knight.

Dr. Knight thanked Chair Lucey, Commissioner Hartung, and the Board for their ongoing and substantial support of organ and tissue donation. She stated the issue was important to the County and the Regional Medical Examiner's Office (RMEO). She noted the RMEO started a partnership with the Nevada Donor Network in 2017 to bridge a gap in the community by allowing individuals who died outside of a hospital to donate corneas and tissues. She said the RMEO had referred thousands of potential donors, which resulted in hundreds of successful donations. She expressed pride in the success of that partnership. She thanked the Board for recognizing this important issue and proclaiming April as National Donate Life Month.

20-0225 **6B** Proclaim April 2020 as National Child Abuse and Neglect Prevention Month.

Commissioner Jung noted the COVID-19 crisis brought to light the extra services provided by K-12 schools, including nutrition, daycare, and child abuse monitoring. Children did not currently have those mandatory reporters watching for signs of child abuse, so it was more important than ever to focus on preventing and saving children in those situations. She read the Proclamation and presented it to Human Services Division Director Ryan Gustafson.

Commissioner Jung added that Chair Lucey and his wife, Megan Lucey, had partnered to increase awareness of this issue. She noted Ms. Lucey was in charge of the County's family reunification services. She knew Chair Lucey and Mrs. Lucey were aware of how fragile children could be because they had two small children. She thanked them both for working to ensure children were given the opportunity to be children. She acknowledged the contributions of Mr. Gustafson, under the direction of Human Services Agency (HSA) Director Amber Howell and Chair Lucey. Chair Lucey thanked Commissioner Jung for her acknowledgement.

Mr. Gustafson thanked Chair Lucey and the Board for the support and recognition. He noted the HSA planted hundreds of blue pinwheels which represented the joyful childhood free of abuse and neglect that children deserved. He said protecting children was important to the HSA. He asked the public to be vigilant for signs of child abuse and neglect throughout the community. He stated suspected cases could be reported by calling the HSA at 833-900-SAFE. He asked community members to follow Washoe County on Facebook and Twitter, and help raise awareness by using the hashtag #pinwheelsforprevention.

Chair Lucey emphasized the importance of preventing child abuse and neglect. He said the issue was more important than ever in light of the C19 stay-at-home directive, which could potentially increase domestic violence. He stated the community needed to protect and provide support to children who often had little to no voice. He thanked the Board for the support of the HSA's efforts to place children in their forever families where they could thrive. He asserted each life saved would result in multiple future lives saved through advocacy.

20-0226 **6C** Proclaim April 12th to April 19th, National Public Safety Telecommunications Week.

Commissioner Herman read the Proclamation and presented it to Sheriff's Office Chief Deputy Tim O'Connor.

Using the Zoom app, Chief Deputy O'Connor thanked the Board for recognizing emergency dispatchers. He said they were the first contacts to help residents during some of the worst moments in their personal lives. He said dispatchers provided a sense of calm to callers and initiated calls to police, fire, or emergency medical services in a timely manner. He stated the work performed by dispatchers allowed first responders to provide needed services to the community. He thanked dispatchers for their efforts and the Board for the Proclamation.

Chair Lucey shared Chief Deputy O'Connor's sentiment and thanked the Board for the Proclamation. He noted emergency dispatchers were rarely recognized amongst first responders, but they were often on the front lines during tragic situations, helping to ensure community safety. He thanked them for the work they performed.

20-0227 **6D** Proclaim April 19-25, 2020 as National Library Week.

Vice Chair Berkbigler said libraries were a wonderful part of the County and they provided many services besides lending books to patrons. She read the Proclamation and presented it to Library Director Jeff Scott and Law Library Program Manager Emily Reed.

Mr. Scott thanked the Board for the Proclamation and support. He said the County provided 80 percent of the Washoe County Library System's (WCLS) budget. He thanked the Commissioners for supporting the WCLS with their district funds. He noted all Commissioners had provided financial support to the WCLS during the previous five years. He said most recently Chair Lucey supplied \$5,000 to the Friends of the Library, a portion of which was used for a personal protective equipment project. The WCLS partnered with the University of Nevada, Reno to print facemasks for hospital heroes using 3D printers. He said the WCLS encouraged people to attend the library from home by accessing virtual resources including thousands of e-books, audio books, digital magazines, workforce development programs, and online programs to facilitate learning a new language. He mentioned librarians conducted virtual story time on Facebook every

day at 11:00 a.m. and 4:00 p.m. The libraries might be closed but the digital library was always open.

Ms. Reed thanked the Board for celebrating National Library Week and for supporting the Washoe County Law Library (WCLL). She said the WCLL was available to assist community members during the COVID-19 emergency. She stated WCLL staff was available to answer reference questions through LiveChat, email, and phone. She noted the WCLL also offered a number of online databases which she encouraged residents to access. She said the Lawyer in the Library program was available through Zoom. Residents could sign up for that service on washoecourts.com. She acknowledged many families faced legal difficulties and did not know where to begin, so the WCLL would continue to remotely provide legal information and resources to community members.

There was no response to the call for public comment.

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

DONATIONS

- 20-0228** **7A** Recommendation to the Board of County Commissioners to acknowledge a bequest of paintings by Paris Fruscione [\$25,000 value, no County match required], to the Second Judicial District Court from the estate of Martin O’Conlon. District Court (All Commission Districts.)
- 20-0229** **7B** Recommendation to accept a Burning Man donation in the amount of [\$3,000.00] for Washoe County Emergency Management to offset some of the costs associated with increasing support needs for Burning Man. Manager’s Office. (All Common Districts)
- 20-0230** **7C1** Recommendation to accept a one-time appreciation gift donation of twenty (20) dinner and two (2) one-night stay gift certificates from the Incline Hyatt Regency [estimated value of \$5,000.00] to the Washoe County Sheriff’s Office. Sheriff. (Commission District Two.)
- 20-0231** **7C2** Recommendation to accept a donation of 540 American flag lapel pins [total estimated value of \$11,880.00] from a private citizen to the Washoe County Sheriff’s Office to be distributed amongst Commissioned staff members to wear on their uniform and as giveaways to visiting dignitaries. Sheriff. (All Commission Districts.)
- 20-0232** **7C3** Recommendation to accept a donation of a Sprung Tent Structure and eleven (11) combined air handler, air conditioning, and heating units [total estimated value of \$1,213,827.00] from a private citizen to be used by the Sheriff’s Office to store and protect assets for the Special Operations Division. Sheriff. (All Commission Districts.)

20-0233 **7D1** Recommendation to (1) acknowledge various items donated totaling an estimated market value of [\$1,050.00]; 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 [\$102.76] retroactive for the period January 21, 2020 through February 21, 2020; and direct the Comptroller to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

20-0234 **7D2** Recommendation to (1) acknowledge various items donated totaling an estimated market value of [\$2,545.00]; (2) accept donations to Washoe County Human Services Agency to support child welfare activities in the amount of [\$606.00] retroactive for the period January 21, 2020 through February 21, 2020; and direct the Comptroller's Office to make the necessary budget amendments. Human Services Agency. (All Commission Districts.)

Vice Chair Berkbigler read the donations. She said the County was blessed with citizens who made generous donations and gifts such as paintings for the court system. She noted Washoe County citizens were active and interactive. On behalf of the County, she thanked everyone who made donations.

There was no response to the call for public comment.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, it was ordered that Agenda Items 7A through 7D2 be accepted.

CONSENT AGENDA ITEM – 8A

20-0235 **8A** Recommendation to approve the reclassification of a vacant Senior Technology Systems Administrator, pay grade P, to Security Electronics Administrator, pay grade N (Technology Services), as evaluated by the Job Evaluation Committee; and authorize Human Resources to make the necessary changes. [Net annual fiscal impact is estimated \$13,728 decrease.] Human Resources. (All Commission Districts.)

On motion by Commissioner Herman, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that Consent Agenda Item 8A be approved and authorized.

Deputy District Attorney Nate Edwards reminded Chair Lucey to call for public comment. There was no public comment on the Consent Agenda Item listed above.

Mr. Edwards said he was familiar with the procedures used for the meeting as well as the practical issues. He was aware Chair Lucey checked for public comment on each agenda item, but asking whether there was public comment was a way to ensure the record reflected that public comment was sought out.

Chair Lucey noted the difficulty of meeting procedures which involved multiple digital resources. He acknowledged the need for clarity in the audio records and the importance of stopping to verbally call for comment although he could see on the screens whether there were comments or not.

20-0236 **AGENDA ITEM 9** Recommendation to adopt an ordinance authorizing the issuance by Washoe County, Nevada of its General Obligation (Limited Tax) Sewer Bond additionally Secured by Pledged Revenues) Series 2020 in the maximum principal amount of [\$27,000,000] for the purpose of financing sewerage projects for the County; providing the form, terms and conditions thereof and covenants relating to the payment of said bond; and providing for its adoption as if an emergency exists; and providing other matters relating thereto. Manager's Office. (All Commission Districts)

County Manager Eric Brown opened the public hearing.

County Clerk Nancy Parent noted the item would be Bill No. 1837 and, if adopted, Ordinance No. 1647. She said Mr. Brown read the item with the exception of the recommendation, which was the exact reading of the Ordinance.

Chair Lucey stated Assistant County Manager Christine Vuletich, Bond Counsel Kendra Follett, Financial Advisor Marty Johnson, and Director of Engineering and Capital Projects Dwayne Smith where available via telephone.

Ms. Vuletich said it was requested that the Board adopt an ordinance to issue general obligation bonds in the principal amount of \$27,000,000 to support the South Truckee Meadows Water Reclamation Facility, which included the Huffaker Hills Reservoir lining. She stated the project began several years earlier. The financing component started on December 11, 2018, when the Board directed staff to apply for a loan through the State of Nevada Clean Water State Revolving Fund (CWSRF). She noted staff had been before the Board several times, most recently for a public hearing in March 2019. She said the project was delayed due to environmental issues but was now moving forward. The County would enter into a loan contract through the CWSRF if the Board adopted this ordinance. She explained CWSRF loans were issued in the form of a bond per Nevada Revised Statute 350. She said the County would go through the bond issuance process, but the State of Nevada would be the sole investor purchasing the bond. She mentioned the State would provide a below-market interest rate through the CWSRF, which was the least expensive financing available to the County.

The Chair opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Vice Chair Berkbigler, seconded by Commissioner Herman, which motion duly carried on a 5-0 vote, Chair Lucey ordered that Ordinance No. 1647, Bill No. 1837, be adopted, approved and published in accordance with NRS 244.100.

20-0237 **AGENDA ITEM 11** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County and Truckee Meadows Fire Protection District per NRS 288.220.

Chair Lucey said the Board needed a closed session to discuss County staff labor negotiations after the meeting recessed.

12:13 p.m. On motion by Vice Chair Berkbigler, seconded by Commissioner Hartung, which motion duly carried on a 5-0 vote, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220.

Later in the meeting, Agenda Item 11 was reopened and Deputy District Attorney Nathan Edwards said he was told there was no need for a closed session; only an attorney/client meeting was needed.

Chair Lucey confirmed the meeting could be adjourned instead of recessed after the last item was heard since there was no need for a closed session. Mr. Edwards said that was correct.

20-0238 **AGENDA ITEM 12** Public Comment.

Ms. Barbara Poole provided public comment via voicemail. She thought all developers should go home. She opined there was too much development in the area and wondered why people were averse to open space and trees.

20-0239 **AGENDA ITEM 13** Announcements/Reports.

Commissioner Jung wanted to know how she or the Board could encourage the Washoe County Library Director to open the library's drive-up window with the guidance of the District Health Officer. She thought the drive-up window would be easy to control and sanitize. She said accessing library materials would help many senior citizens and County residents who relied on the library.

Commissioner Herman mentioned a County resident arrived at the Washoe County building before the Board meeting and expressed frustration that she could not attend the meeting in person. Commissioner Herman asked whether the format of the Board meeting was in full compliance with Open Meeting Law. She thought the Board needed to explain the legality of the meeting format for residents who were unable to give public comment using the Zoom app or voicemail. She believed the virtual meeting format needed to be clarified.

Chair Lucey noted conducting public meetings without having the public physically present in Chambers had been difficult as it was a new and different procedure. He stated the modified meeting procedures were based on the Governor's declaration of emergency, Directive 006 section 2, which allowed public agencies flexibility during the

COVID-19 response. He assured the public that if and when the Governor's directive changed, the County would resume standard meetings with the public present in Chambers. He noted some procedure modification might be required to allow for social distancing in Chambers, but he anticipated returning to in-person meetings. He understood participating in meetings via the Zoom app or leaving voice messages could be challenging for some people. He suggested those individuals drop off a written public comment to the security officer in the lobby of the Washoe County Administrative Complex. Written comments would be delivered to the Manager's Office and would be read during the meeting. He hoped the Board would be able to return to regular meetings soon.

Commissioner Herman noted the individual she mentioned was prohibited from entering the building or using the restroom facility. She thought it might be beneficial for the District Attorney's Office to provide a written statement explaining the County's position on this matter. Chair Lucey agreed it might be advisable and said he would contact Deputy District Attorney Nate Edwards or Assistant District Attorney David Watts-Vial.

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12:20 p.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Carolina Stickley, Deputy County Clerk*