

Washoe County District Board of Health

Special Videoconference Meeting Notice and Agenda

Members

Dr. John Novak, Chair
Michael D. Brown, Vice Chair
Marsha Berkbigler
Kristopher Dahir
Dr. Reka Danko
Oscar Delgado
Tom Young

Thursday, September 10, 2020
2:00 p.m.

Washoe County Health District
Conference Rooms A&B
1001 East Ninth Street, Building B
Reno, NV

1. Roll Call and Determination of Quorum

Chair Novak called the meeting to order at 2:02 p.m.

The following members and staff were present:

Members present: Dr. John Novak, Chair
Michael Brown, Vice-Chair
Kristopher Dahir (via zoom)
Dr. Reka Danko (telephonically)
Oscar Delgado (via zoom)
Tom Young (joined via zoom after roll call)

Mrs. Valdespin verified a quorum was present.

Members absent: Marsha Berkbigler

Staff present: Kevin Dick, District Health Officer
Dania Reid, Deputy District Attorney
Charlene Albee (via zoom)

2. Pledge of Allegiance

Charlene Albee led the pledge to the flag.

3. Public Comment

Chair Novak opened the public comment period.

Mrs. Valdespin called one pre-registered public comment by Greg Ferraro representing Virginia Valentine from the Nevada Resort Association.

Mr. Ferraro spoke regarding item #6 on behalf of Virginia Valentine, president of the Nevada Resort Association and the members of said association. Mr. Ferraro referred to the letter Ms. Valentine forwarded to the Board prior to this meeting.

Mr. Ferraro began his statement by thanking the Board and the Health District team for their dedication to the health and well-being of residents and visitors. Mr. Ferraro stated the Resort Industry appreciates the steady guidance and continued lines of open communication.

Mr. Ferraro mentioned the Resort Industry is heavily invested in safeguarding constituencies and ending the public health emergency, as the tourism industry's existence and recovery depend on it. Mr. Ferraro stated they recognize the regulations of item #6 are designed to stop spread of COVID-19 and to help the community return to normalcy, however, Mr.

Ferraro is asking for clarification on a few items so that the association member can better understand the expectations.

Mr. Ferraro continued to relate to section 11 of the regulations and stated they have questions on cleaning protocols and hopes the Board can provide the materials necessary to comply. Mr. Ferraro continued to refer to section 14 regarding imposing fines but would like further content around the fines and would like to work with this Board on a solution to clarify the imposition of fines.

Mr. Ferraro further asked the Board to issue a check list for new regulations, in an effort to receive clarity. Additionally, Mr. Ferraro requested more time past the proposed September 10, 2020 date for the regulations to go into effect. Mr. Ferraro referred to Southern Nevada's effective date of 30 days after passage. Mr. Ferraro clarified the need more time is to allow members to hire and train employees to ensure they have all the required protocols and resources in place, as well as allowing the Health District to the same.

Mr. Ferraro concluded by voicing appreciation for the Board's cooperation and collaboration.

Chair Novak informed Mr. Ferraro that Ms. Valentine's letter has been submitted to the record.

Ms. Kristie Strejec requested to comment; however, Chair Novak declined to accept this public comment as it was not properly submitted pursuant to the agenda directive.

Ms. Valdespin confirmed no more public comment requests.

Chair Novak closed the public comment period.

4. Approval of Agenda

September 10, 2020

Councilman Dahir moved to approve the agenda for the September 10, 2020, District Board of Health special meeting. Vice-chair Brown seconded the motion which was approved unanimously.

5. Consent Items

Matters which the District Board of Health may consider in one motion. Any exceptions to the Consent Agenda must be stated prior to approval.

A. Budget Amendments/Interlocal Agreements

- i. Approve the termination of the Interlocal Contract between the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection (NDEP) and the Washoe County Health District, Environmental Health Services Division (EHS) for activities associated with the Underground Storage Tank (UST) Program and, if approved, authorize the District Health Officer to execute the termination of the Agreement.

Staff Representative: Jim English

- ii. Approve the termination of the Interlocal Contract between the State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection (NDEP) and the Washoe County Health District, Environmental Health Services Division (EHS) for activities associated with the Safe Drinking Water

(SDW) Program and, if approved, authorize the District Health Officer to execute the termination of the Agreement.

Staff Representative: Jim English

- iii. Approve the Terms and Conditions of the Coronavirus Relief Fund Agreement between Washoe County Health District and the State of Nevada, Governor's Finance Office in the amount of \$500,000.00 retroactive to March 1, 2020 through December 30, 2020 to enforce the provisions of sections 4 to 15, inclusive, of Senate Bill 4 of the 32nd (2020) Special Session of the Nevada Legislature and authorize the District Health Officer to execute the Agreement and Eligibility Certification.

Staff Representative: Nancy Kerns-Cummins

Vice-Chair Brown moved to approve the consent agenda. Councilman Delgado seconded the motion which was approved unanimously.

6. Discussion and possible action to ratify Nevada Administrative Code 447E, SARS-CoV-2 Regulations at Public Accommodation Facilities, as adopted by the Nevada Department of Health and Human Services on August 31, 2020, in response to Senate Bill 4, as approved by Governor Sisolak on August 11, 2020.

Staff Representative: Charlene Albee

Ms. Albee identified her reports as being the Regulations that were developed by Department of Health and Human Services in response to Senate Bill 4 that was recently passed at the Legislative Session. Ms. Albee explained these regulations were intended to control and mitigate the spread of COVID-19 in the public accommodation facilities. These regulations call for the establishment of cleaning standards with inspections being performed quarterly at hotels that have more than 200 rooms and every other month at resorts with more than 300 rooms.

Ms. Albee continued to explain the requirements to have Outbreak Response Plans, for which Washoe County has been identified as having enforcement authority of the regulations and assessments of fines in Washoe County.

Ms. Albee reported the Health District was not engaged in the development of the language of SB4, but the Health District has been delegated the duty to enforce these regulations. Ms. Albee added that on August 10, 2020 the Health District received a draft of regulations with instructions to submit comments by August 12, 2020.

Ms. Albee stated she appreciates and understands that there are a lot of questions revolving around the regulations and the need to have clear direction and insight, as the Health District has the same questions.

Ms. Albee informed that in order to establish a consistent standards and guidance across the State the Health District has contacted Southern Nevada Health District and will continue to work with them recognizing that Southern Nevada does not have enforcement authority like Washoe County.

Ms. Albee further reported the Health District will continue to reach out to the state to receive clarification and determine the state's expectations of the Health District and how the Health District can move forward. Ms. Albee stated the Heath District reached out to the 18 facilities that are affected by the regulations and let them know that these regulations were imminent.

Ms. Albee noted that an unknown piece is the response to complaints at any of the gaming facilities, as the Health District is supposed to respond to said complaints. As of this report, the Health District has not heard from the Gaming Control Board about their expectations. Ms. Albee reports that the expectation is to pull inspectors to focus on meeting the statutory mandates of these regulations.

Ms. Albee opened her presentation to questions from the Board.

Councilman Dahir expressed his concern about how the Health District will assess fees in complying with these regulations, as the community is already financially stressed. Councilman Dahir is asking for more details about how staff is handling this process. Additionally, he expressed he hopes extra steps are involved to ensure that everyone is working together when it comes to this enforcement.

Tom Young questioned the 30-days turn-around time for figuring out the protocols. He opines it may take longer to train staff and implement those protocols on the facilities affected. He also feels the Health District will face a challenge in retraining staff to implement these protocols.

Vice-Chair Brown moved to ratify the Nevada Administrative Code 447E, SARS-CoV-2 Regulations at Public Accommodation Facilities, as adopted by the Nevada Department of Health and Human Services on August 31, 2020, in response to Senate Bill 4, as approved by Governor Sisolak on August 11, 2020 with an implementation date 30 days from September 10, 2020. Councilman Delgado seconded the motion which was approved unanimously.

Councilman Dahir asked if the Board is set on a 30-day implementation.

Ms. Albee informed the way the funding is set-up for the program currently it is only available until December 30, 2020. After this date, it becomes an unfunded mandate. The Regulations are effective for 6-months as an Emergency Adoption, during this time permanent regulations must be developed and be brought back to the Board for approval. Ms. Albee continued to define the timelines to establish this process so that fees can be properly established.

Chair Novak opined that this process will be complicated as the Board does not have guidelines. Chair Novak asked for patience and cooperation.

Councilman Dahir commented he would not want the Board to move in haste and make decision that do not make sense. Councilman Dahir asked for this decision not to be made hastily if the Health District is not ready. Councilman stated he wants to do what is good for the community and push if necessary.

Tom Young agreed with Councilman Dahir. Mr. Young elaborated on some of the things that should be limited, such as room service. Mr. Young also stated he stand by his vote if Ms. Albee feels the Health District can be ready in 30 days and the operators are in place. Mr. Young reiterated caution is important.

Chair Novak reassured the Board about the professionalism of staff that will be handling the development of these programs.

Councilman Dahir stated he did not question Health District staff; he does question what staff is being asked to do. **Councilman Dahir expressed his desire to withdraw his vote if the deadline is set on 30-days.**

Ms. Albee responded to Councilman Dahir's decision by committing that if within 30-days the programs are not ready, staff will come to the Board and provide an update on the status.

Tom Young asked if we are tied to 30-days even if staff is not ready.

Dania Reid, Deputy District Attorney informed that the legislature mandated that these regulations be adopted as written no later than today. However, the legislature was silent as far as implementation and enforcement deadlines and requirements. Ms. Reid advised that a reasonable interpretation is that the legislature acted in haste through a special session in responding to an emergency and the likelihood that this was designed to be a drawn-out process is slim.

Ms. Reid stated that it is reasonable, as proposed by Ms. Albee, to give a status update since a legal recommendation are not easily projected. Additionally, Ms. Reid confirmed the motion reflects that implementation is scheduled to take effect within 30 days, but if there is a need to revise that the conversation will be better had with the necessary facts that lead to that necessity.

Councilman Dahir and Tom Young confirmed their agreement and comfort with counsel's advise.

7. Board Comment.

Chair Novak opened the Board comment period.

Mr. Kevin Dick informed the State Task Force has approved the reopening of bars, taverns, etc. no later than 11:59 p.m. next Wednesday, September 16, 2020. Mr. Dick informed the Health District will be working on tune-ups to the plan that had been previously proposed on this matter.

Chair Novak closed the Board comment period

8. Public Comment.

Chair Novak opened the public comment period.

Mrs. Valdespin confirmed no further registrations for public comment, but for the record informed Cahir Novak of Ms. Virginia Valentine's letter regarding item #6.

Chair Novak closed the public comment period.

Adjournment.

Chair Novak adjourned the meeting at 2:35 p.m.

Possible Changes to Agenda Order and Timing: Items on the agenda may be taken out of order, combined with other items, withdrawn from the agenda, moved to the agenda of another later meeting; moved to or from the Consent section, or they may be voted on in a block. Items with a specific time designation will not be heard prior to the stated time but may be heard later. Items listed in the Consent section of the agenda are voted on as a block and will not be read or considered separately unless withdrawn from the Consent agenda.

Special Accommodations: The District Board of Health Meetings are accessible to the disabled. Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify Administrative Health Services in writing at the Washoe County Health District, 1001 E. 9th Street, Building B, Reno, NV 89512, or by calling 775.328.2416, 24 hours prior to the meeting.

Public Comment: Members of the public may make public comment by submitting an email comment to svaldespin@washoecounty.us no later than 4:00 p.m. the day before the scheduled meeting, which includes the name of the commenter and the agenda item number for which the comment is submitted. During the "Public Comment" items, emails may be

submitted pertaining to any matter either on or off the agenda, to include items to be heard on consent. For the remainder of the agenda, public comment emails will only be heard during items that are not marked with an asterisk (*). Any public comment for hearing items will be heard before action is taken on the item and must be about the specific item being considered by the Board.

Response to Public Comment: The Board of Health can deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. During the public comment period, speakers may address matters listed or not listed on the published agenda. The *Open Meeting Law* does not expressly prohibit responses to public comments by the Board of Health. However, responses from the Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. On the advice of legal counsel and to ensure the public has notice of all matters the Board of Health will consider, Board members may choose not to respond to public comments, except to correct factual inaccuracies, ask for Health District Staff action or to ask that a matter be listed on a future agenda. The Board of Health may do this either during the public comment item or during the following item: "Board Comments – District Board of Health Member's announcements, reports and updates, request for information or topics for future agendas. (No discussion among Board Members will take place on the item)

Posting of Agenda; Location of Website:

Pursuant to NRS 241.020, Notice of this meeting was posted electronically at the following locations:

Washoe County Health District Website www.washoecounty.us/health

State of Nevada Website: <https://notice.nv.gov>

Pursuant to the Declaration of Emergency Directive 006 NRS241.023(1)(b), the requirement to physically post agendas is hereby suspended.

How to Get Copies of Agenda and Support Materials: Supporting materials are available to the public at the Washoe County Health District located at 1001 E. 9th Street, in Reno, Nevada. Ms. Susy Valdespin, Administrative Secretary to the District Board of Health is the person designated by the Washoe County District Board of Health to respond to requests for supporting materials. Ms. Valdespin is located at the Washoe County Health District and may be reached by telephone at (775) 328-2415 or by email at svaldespin@washoecounty.us. Supporting materials are also available at the Washoe County Health District Website www.washoecounty.us/health pursuant to the requirements of NRS 241.020.