

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

TUESDAY

10:00 A.M.

JANUARY 5, 2021

PRESENT:

Bob Lucey, Chair

Alexis Hill, Commissioner

Kitty Jung, Commissioner (via telephone)

Vaughn Hartung, Commissioner

Jeanne Herman, Commissioner

Janis Galassini, County Clerk

Eric Brown, County Manager

David Watts-Vial, Deputy District Attorney (via Zoom)

The Washoe County Board of Commissioners convened at 10:00 a.m. in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

Chair Lucey explained Governor Steve Sisolak's mandate requiring face masks during the COVID-19 pandemic and noted individuals who refused to comply would be asked to leave the Chambers. He empathized with some members of the public who did not agree with the requirement, but stated the Board of County Commissioners did not have the authority to remove this mandate.

21-0003 **AGENDA ITEM 5** Oath of office for newly elected officials by Judge Pierre Hascheff.

Judge Pierre Hascheff administered the oaths of office to the newly-elected County Commissioners and County Officers as listed below:

County Commissioners

Alexis Hill - Washoe County Commissioner, District 1

Vaughn Hartung - Washoe County Commissioner, District 4

General Improvement Districts

Larry Chesney - Trustee, Palomino Valley General Improvement District

Joseph Barstow - Trustee, Sun Valley General Improvement District

Carmen Ortiz - Trustee, Sun Valley General Improvement District

Michael Rider - Trustee, Sun Valley General Improvement District

Chair Lucey thanked the newly-elected representatives, acknowledging the difficulty of running for public office and saying they should take pride in their achievement.

There was no public comment on this item.

10:15 a.m. **The Board recessed.**

10:20 a.m. **The Board reconvened with all Commissioners present.**

21-0004 **AGENDA ITEM 3** Public Comment.

Chair Lucey officially welcomed new County Commissioner Alexis Hill.

Mr. Christopher Thatcher asked how many small businesses would have to close before limiting the public's ability to access businesses because of COVID-19 (C19) would end. He wanted to know what the County Commissioners could do and what they were doing to pressure Governor Steve Sisolak to ease up on the mandate. He asked what sort of matrices were being used to measure the effectiveness of face coverings and social distancing. He opined the Commissioners should be looking into this if they did not already have that information. He thanked the Board for the opportunity to make public comment and participate in the meeting.

Mr. Dawson Thatcher wanted to know when citizens would be allowed to resume their normal lives. He opined the Commissioners should have a say in how things turned out.

Ms. Katania Taylor congratulated Commissioner Hill on her election. She stated she had emailed the other Commissioners several but received no response. Two weeks prior, she said, many citizens had made public comment requesting a public hearing regarding the C19 response. She opined it was their democratic right to participate and get answers, and it was frustrating to speak to the Board and not receive a response. She did not understand how emergency orders which had been in place for more than 10 months could continue with no input from citizens and no response to the public's emails. She wanted to know why a public debate could not take place. She noted she had provided Chair Lucey with her contact information in her emails and she would send another message to him after the meeting. She opined citizens wanted to know why they had been locked down for 10 months, requested data and information regarding the public health response, and questioned the ethics of the restrictions.

Dr. Layne Linebaugh said she had also been in attendance at the Board meeting two weeks earlier and made public comment at that time. She believed the C19-related mandates had caused citizens physical, mental, and emotional distress. She opined a more democratic process was needed and she discussed C19 issues in Ireland. She alleged there was no real proof of the effectiveness of safety measures such as face mask mandates, social distancing, and lockdowns, and she opined that masks were muzzles. She believed

social distancing was being required so surveillance could more easily identify citizens. She asked the Commissioners to join the members of the public who had commented in protest of C19-related mandates.

Via Zoom, Ms. Annemarie Grant, sister of Thomas Purdy, an inmate who died at the Washoe County Jail, listed the names of the deputies involved with her brother's death. She also mentioned the case of an 18-year old who died at the jail. She welcomed Commissioner Hill to the Board and said the citizens needed a Commissioner who would not just go along with the status quo or silence community members. She opined the Board was attempting to deflect questions and avoid being accountable to those who had elected them. She stated Commissioners had the ability to respond to the public's comments during the meeting. She alleged the County Commissioners were neglecting their duties required under the Nevada Revised Statutes. She spoke about several individuals who had died at the Washoe County Jail. She cited statutes regarding the Commissioners' responsibilities to inspect the jail, ensure repairs were made, inquire into the treatment of prisoners, and ensure jail staff were taking necessary precautions to prevent escape, sickness, and infection. Ms. Grant concluded by playing an audio recording of her brother's last moments alive.

Via Zoom, Mr. Daniel Purdy, brother of Thomas Purdy, agreed the Commissioners could choose to respond to questions during public meetings if desired. He was glad to see community members were sharing opinions and comments regarding many different issues. He alleged the County Commissioners accepted money from casinos and big businesses, taking actions that served those parties' interests rather than those of citizens or smaller businesses. He stated the community needed to be made aware how much money the Commissioners made. He believed they were being willfully ignorant of a higher-than-average death rate at the Washoe County Jail. He also claimed many inmates were contracting C19, had not been provided proper personal protective equipment, and were being kept in cells 24 hours per day. He indicated poor choices may have landed inmates in jail, but Commissioners still had a responsibility to protect the health and safety of incarcerated individuals. He welcomed Commissioner Hill and hoped she would do things differently.

21-0005 **AGENDA ITEM 4** Announcements/Reports.

Commissioner Herman said she had spent years at the podium making public comments before she decided to run for County Commissioner because she thought she could get something done. She indicated she had taken similar actions as the citizens protesting to protect their rights and ways of making a living, but it had not been as simple as she had hoped. She said she would continue to request an audience with Governor Steve Sisolak so she could try to make known what some citizens were going through. She commented she had owned her business since 1970 and understood how hard it was to hang on in tough times. She wanted to help others understand that small business owners had been singled out and were in pain, which was also painful to her. She emphasized that she heard them and understood, adding there had to be some way to get them some help. She felt she might be the odd one out on the Board when it came to making a difference,

but there had to be some way to do so if everyone worked together. She reiterated she would keep working on the issues. She asked people to continue to attend meetings and provide comments, opining they had been treated poorly by the government which was supposed to protect and serve them.

Commissioner Hill wanted to know whether the Board could work together with Manager Brown to make sure public commenters received some sort of response to their emails.

Commissioner Hartung thought a white paper he had submitted to Governor Sisolak and his staff in March might possibly help. As it had not received a response, he thought perhaps it should be resubmitted. He said small businesses should use the same methodologies as the larger businesses which had been allowed to stay open.

Commissioner Jung welcomed Commissioner Hill and congratulated her on her election, highlighting Commissioner Hill's formal education. She indicated it would be nice to have a new champion on the Board with a new vision, and she hoped Commissioner Hill would help improve the quality of life in Washoe County. Commissioner Jung also welcomed the new trustees of the Sun Valley and Palomino Valley General Improvement Districts.

Commissioner Jung indicated the Board was in direct communication with the Sheriff's Office and the community. She asked Chair Lucey to consider a recurring agenda item every three months so the Sheriff's Office could provide updates. She wanted the report to include information pertinent to the Board of County Commissioners' required oversight per applicable Nevada Revised Statutes (NRS), including updates on the condition and treatment of incarcerated individuals, the security of the jail, and any maintenance issues. She did not think this would be difficult to obtain, as she suspected the Sheriff already kept track of such information.

Commissioner Jung reminded the public that the Washoe County Sheriff was an elected official, and she indicated that, with the way the State's government worked, County Commissioners had no real control over Governor Sisolak's decisions. She stated the Governor and the NRS dictated what could and could not be done, and that local governments had to approach the State Legislature to request permission to make changes. She admitted this was frustrating, but she agreed with Commissioner Herman that the community could get to a place where most of the citizens were happy if everyone worked together. She emphasized that she heard the public commenters' complaints and would try to respond to them. She thanked Chair Lucey for a well-run meeting despite high tensions. She welcomed Commissioner Hartung back to the Board after his re-election, expressing appreciation that she would continue to work with him in her last year as a Commissioner.

Chair Lucey acknowledged Commissioner Jung's request for a recurring agenda item with updates from the Sheriff's Office. He stated the Board had already requested reports from the Sheriff but agreed it would be beneficial to do so on a quarterly

basis. He also said the Board should visit and inspect the status of the jail, noting he had visited the entire facility the previous month.

Chair Lucey thanked the new trustees and Commissioners, and stated elected officials worked for the public. When the public came to the podium to explain their needs, frustrations, desires, and disappointments, he said, elected officials heard them. He emphasized Commissioners were also community members and had chosen to run for office so they could try to help, rather than to challenge or oppose the public's interests. However, processes, laws, and governance only allowed Commissioners to do certain things. He explained that Open Meeting Law (OML) did not allow Commissioners to respond specifically during public comment. He indicated the Board of County Commissioners did not have the same authority as the Governor or the State of Nevada.

Chair Lucey commented that Dr. Layne Linebaugh, who spoke during public comment, was a personal friend who knew him as a normal citizen and business owner, just as she was. He said Commissioners heard citizens and continued to fight for them, leading many efforts to make sure things were better in Washoe County than in other areas of the state. He noted bars and schools had remained open in Washoe County when they had closed in Clark County, and Commissioners fought to make sure that was the case. He stated Governor Sisolak had put forth 37 directives, and a special session of the Legislature gave him the authority to do so. The Chair said he could not change this as he was only an intermediary between the State and the County. He explained local municipalities had authority to tighten restrictions but not loosen them, and even if he could go against Governor Sisolak's directives, it would only apply to the businesses within the unincorporated areas of the county; the Cities of Reno and Sparks could choose to do things differently.

Chair Lucey noted the Board of County Commissioners was the only local board with open Chambers allowing individuals to come and speak in person. Regarding the public hearing that commenters requested, OML allowed a properly noticed, agendaized quorum to participate in monitored discussion, and back-and-forth could not happen. What could happen, he explained, was public comment. He said he had received Ms. Taylor's email on December 31 and would be happy to sit with her. He indicated the parties responsible for making decisions regarding the pandemic, such as individuals in the Governor's Office and the Health District, were not under the purview of the Board. He noted the Health District had its own board meetings.

Chair Lucey clarified the Board was not trying to be confrontational, but rather provide information and work within the confines of the system. He understood small businesses were being disproportionately impacted, and Commissioners owned businesses which had been impacted as well. Like many members of the public, the Board wanted the disruptions to end, but Chair Lucey said he could not unilaterally make that decision on his own, nor could any Commissioner. He was happy to have civil conversations and continue to have public commenters share their stories, trials, and tribulations, but he reminded the audience how challenging it was to get an audience with Governor Sisolak or influence his decisions. Chair Lucey reiterated the Board would

continue to fight for the citizens, but he implored them to understand the parameters it had to work within.

21-0006 **AGENDA ITEM 6** Public Comment.

Mr. Travis Barbie said there were commenters who wanted to voice concern regarding the ongoing pandemic. He believed there were cures for COVID-19 (C19), including hydroxychloroquine, which were intentionally being obscured from the public and not being used in hospitals. He stated patients were being forced to remain hospitalized if they had underlying health conditions. He did not understand the point of lockdowns and school closures and asked why restrictions continued if there were cures for C19. He wanted to know why he had to wear a mask everywhere he went and said it made people not want to go into businesses. He believed masks were not only ineffective in preventing the spread of the virus, they made things worse. He stated those involved with the Black Lives Matter movement got to speak and hold protests, but the country's own president was not allowed to speak. He believed Governor Sisolak had used the pandemic for personal purposes and many had died needlessly.

Via Zoom, Ms. Annemarie Grant listed the names of the officers involved with her brother's death. She remarked that the Commissioners could deliberate on items if they were agendaized and posted prior to the meeting in accordance with Open Meeting Law (OML). She indicated OML did not expressly prohibit responses to public comment. She listed the 2019 total pay and benefits of Commissioners Jung and Hartung, and Chair Lucey. She stated her brother had died while the Commissioners neglected their duties under the Nevada Revised Statutes. She opined Commissioners should speak to incarcerated individuals. She believed staff at the jail had violated the Prison Rape Elimination Act (PREA) and prevented an inmate who may have witnessed the assault from confidentially filing a complaint; the same deputy was still working the next day in the same unit. She concluded by playing audio from her brother's last moments at the jail.

Ms. Cindy Martinez stated it was nice to see Commissioner Hartung attending in person rather than phoning in to the meeting from home. She welcomed Commissioner Hill, who previously worked at the City of Reno, and shared Commissioner Hill's 2019 total pay and benefits. Ms. Martinez said she did not have her own business but was a patron of others'. She expressed frustration about the doors to the County building being locked due to C19 restrictions and having to wear a face covering. She noted witnessing Commissioners ignoring social distancing rules and removing their masks to pose for photographs as she waited outside the Chambers to make her comments. She opined the Board should follow the same rules as members of the public were expected to adhere to. She recalled having recently been asked to leave Costco for removing her face covering and said police were called as she protested outside the personal residence of an employee of the Occupational Safety and Health Administration. She expressed remorse for voting for Commissioner Hartung and stated government did not need to tell her to wash her hands and stay away from sick people. She concluded the Commissioners could schedule a public hearing as citizens had requested because she was tired of Board

members saying they could not do anything for the members of the public protesting C19 restrictions.

21-0007 **AGENDA ITEM 7** Announcements/Reports.

Commissioner Herman asked Chair Lucey if the Board of County Commissioners could compose another formal letter to Governor Steve Sisolak requesting that small businesses be allowed the same rights as big box stores and grocery retailers. She expressed concern for individuals and businesses affected by the pandemic. She felt the Board should bring the commenters' stories to the Governor's attention, suggesting that a letter also be published in the local newspaper. She opined the restrictions were unconstitutional as citizens were not being treated equally. She commented that Commissioners were not following their oaths of office and needed to do whatever it took to change the minds of those in charge of the restrictions. She felt it would have been fair for Walmart to be treated the same as other businesses, but this was not the case.

Commissioner Jung wished everyone a happy new year. She stated that, whether people agreed or not, the community was a family which lived and died together, and people needed to work together to address issues. She said Governor Sisolak watched local meetings and heard those who made public comments. She agreed corporations should not have more rights than small businesses. She also noted the data indicated C19 was spreading in Washoe County mostly due to private indoor gatherings with non-household members. Because business owners could be held liable for not following Health District and state guidelines, she believed the virus was spreading less frequently in business settings. She reiterated private parties were the main driver behind recent local super-spreader events. She thanked the citizens for their input and expressed confidence the community would get through the challenging times.

Chair Lucey concurred with Commissioners Herman and Jung, and said he would be happy to prepare a letter to the Governor on behalf of the Board stating that C19 restrictions should either allow everything to be open or everything closed. He opined picking winners and losers was inappropriate and unconstitutional. By the authority bestowed upon them, he concluded, the Commissioners would continue to do what they could to fight for the County's citizens.

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11:11 a.m. There being no further business to discuss, the meeting was adjourned without objection.

BOB LUCEY, Chair
Washoe County Commission

ATTEST:

JANIS GALASSINI, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
LJ Burton, Deputy County Clerk*

Pending Board Approval