

IN A SPECIAL EMERGENCY MEETING OF THE WHITE PINE COUNTY COMMISSION HELD ON MARCH 20, 2020 IN THE COUNTY LIBRARY CONFERENCE ROOM IN ELY, NEVADA

The Following Were Present:

County Commission

Richard Howe, Chairman
Travis Godon, Commissioner
*Shane Bybee, Commissioner
Laurie Carson, Commissioner
Ian Bullis, Commissioner
Nichole Baldwin, Clerk of the Board
Susan Lujan, Deputy Clerk

County Officials

Dr. David Byun, Chairman, Board of Public Health
Brett North, WPCFD Chief
Scott Henriod, WPC Sheriff
Jaime Swetich, Sheriff's Dept.
Jennifer Farnworth, IT Specialist
Mike Johnson, IT Specialist
Mike Wheable, District Attorney
Elizabeth Frances, Finance Director

Others Present

Nathan Robertson, Mayor of Ely
Wyatt Cox, KELY (Telephonically)

*Commissioner Shane Bybee was unable to attend today.

Commission Chairman Richard Howe and Board of Public Health Chairman Dr. David Byun called the White Pine County Commission and Board of Public Health to order simultaneously at 3:00 p.m. Commissioner Laurie Carson led the Pledge of Allegiance.

MOMENT OF SILENCE/SILENT INVOCATION

This was duly observed.

PUBLIC COMMENT

KELY's Wyatt Cox advised that they are broadcasting live.

DISCUSSION/FOR POSSIBLE ACTION TO RATIFY AND ADOPT DR. BYUN'S MARCH 9, 2020 PUBLIC HEALTH DECREE, AND DR. BYUN'S MARCH 20, 2020 PUBLIC MANDATES AS BOTH OF THESE BOARDS' REGULATIONS, AND FURTHER DECLARE AND ADOPT IN RESOLUTION 2020-19 THAT ANY ACT CONTRARY TO ANY OF DR. BYUN'S PUBLIC MANDATES AND ORDERS RELATED TO THE ABATEMENT AND PREVENTION OF THE SPREAD OF COVID-19 IS A PUBLIC NUISANCE AND SHALL BE IDENTIFIED AS SUCH AND HEREBY ORDERED TO BE ABATED PURSUANT TO WHITE PINE COUNTY CODE 2.85, AND 6.29, AND NRS 439.350-439.360. FURTHER, THAT THIS RESOLUTION REGULATING THIS NUISANCE BE SENT TO THE STATE BOARD OF HEALTH FOR RATIFICATION

District Attorney Mike Wheable advised of Dr. David Byun's March 9th Public Health Decree and read it into the record. He also cited Resolution 2020-19, "Issuance of Public Mandate, Declaration of Public Nuisance and ORDER to Abate," reading it into the record. It was noted these

will be placed on the County website this afternoon. D.A. Wheable advised that after research, it was found the best way to enforce these decrees and regulations is through the County's public nuisance code. He is requesting both the County Commission and the Board of Public Health make these regulations effective as law, under the public nuisance code, and to allow the WPC Sheriff's Dept. to abate it as such, if necessary. He added that this is still necessary as a foundation going forward; we can utilize our local rules during this time of emergency. Commissioner Travis Godon asked if the 6-foot social distancing is the only thing mandated; D.A. Wheable noted it authorizes Dr. Byun to issue another order taking further restrictive measures, in order to become enforceable. He continued that Dr. Byun has chosen to do the least amount of restrictions as possible, although necessary, and he is doing this step-by-step. Businesses are allowed to operate at this point as long as the 6-foot social distancing is followed.

Commission Chairman Richard Howe clarified that if both entities ratify these today, then this is local. But if the Governor has mandates, would it give the authority to go along with that without having to call another meeting? It was noted the Governor would still be in control because of the nature of the circumstances in which he just issued it. It was emphasized that the decree and resolution are just our local regulations. Also, the boards can ratify at the next meeting or request that Board of Public Health Chairman Dr. Byun withdraw some of this. It was explained that the Emergency Declaration date expires on April 18th. To extend that date, this order would need to be extended. It was also clarified this is only pertaining to orders regarding COVID-19.

Commission Chairman Richard Howe advised that we have heard from both the District Attorney and Dr. Byun; we will be ratifying the March 18, 19, and 20 public mandates. There were no questions from the Board. It was noted Dr. Byun may vote along with the Commission as this is a joint meeting. Chairman Howe entertained approval; both boards were unanimously in favor. Commissioner Laurie Carson made a motion to approve Resolution 2020-19 as presented. Commissioner Ian Bullis seconded. Motion carried, noting Commissioner Shane Bybee was not in attendance today.

District Attorney Mike Wheable advised the orders need to be ratified and to adopt the Resolution, making sure Board of Health Chairman Dr. Byun's voice is heard in the vote. Commissioner Laurie Carson therefore listed the decrees for March 18, 19, and 20, and Resolution 2020-19 to be ratified and approved per legal counsel. Commissioner Ian Bullis seconded. Motion carried unanimously, noting Dr. Byun voting in the affirmative and the absence of Commissioner Shane Bybee.

PUBLIC COMMENT

District Attorney Mike Wheable advised that Governor Steve Sisolak invoked his executive powers to issue an Executive Order yesterday at 3:00 p.m. As of midnight, non-essential businesses shall close. While he is still digesting the scope of this, D.A. Wheable wished to give as much notice as possible to the community, including the media. He emphasized this is an Executive Order from the Governor of Nevada. Civil licenses would be revoked prior to further penalties being imposed, but for now we do have the 6-foot social distancing law; he added we'd rather issue warnings and help educate the public at this time. He will keep everyone posted on this.

KELY's Wyatt Cox asked if the Governor's mandate would be duplicative? D.A. Wheable advised in the negative, it rather supercedes what we have. Regardless, we need to continue having Dr. Byun's mandates on social distancing enforced until the emergency is over or if Dr. Byun lifts that.

KELY advised they will be on the air for several hours and requested that D.A. Wheable come to the station and go live on the radio. He acquiesced.

White Pine County
Board of County Commissioners

WPClerk@whitepincounty.nv.gov

RESOLUTION NO. 2020-19

Issuance of Public Mandate, Declaration of Public Nuisance and ORDER to Abate

WHEREAS, NRS 244.137 establishes the County's authority to regulate matters of local concern;

WHEREAS, White Pine County Code 2.85, and 6.29, and Nevada Revised Statutes 439.350-439.360 Authorizes this Board to promulgate regulations, declare and abate public nuisances to protect public health within White Pine County;

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory illness that can spread among humans through social contact;

WHEREAS, Dr. David Byun is the duly appointed Health Officer for White Pine County and is vested with power to advise on, and abate, public nuisances, including infectious diseases pursuant to County Code 2.85.050;

WHEREAS, COVID-19 was first detected in China and has now been detected in more than 100 locations internationally, in all 50 states in the United States, including Nevada, and the World Health Organization declared the COVID-19 outbreak a pandemic;

WHEREAS, Governor Steve Sisolak declared a state of emergency for the State of Nevada to respond to COVID-19 on March 12, 2020;

WHEREAS, the President of the United States declared the COVID-19 outbreak a national emergency on March 13, 2020;

WHEREAS, the White Pine County Commission declared a State of Emergency March 18, 2020;

NOW THEREFORE, THE WHITE PINE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE WHITE PINE BOARD OF PUBLIC HEALTH HEREBY JOINTLY ISSUE THE FOLLOWING DECLARATION THAT COVID-19 THREATENS THE HEALTH, SAFETY, WELFARE, ECONOMY, AND PROPERTY OF WHITE PINE COUNTY RESIDENTS.

THEREFORE, THE WHITE PINE COUNTY BOARD OF COUNTY COMMISSIONERS AND THE WHITE PINE BOARD OF PUBLIC HEALTH HEREBY JOINTLY ISSUE THE FOLLOWING DECLARATION: THAT COVID-19 IS A PUBLIC NUISANCE: And that any act contrary to a Public Mandate or Order issued to prevent and control the spread and contracting of the COVID-19 Virus/Disease is also a PUBLIC NUISANCE

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IT IS FURTHER ORDERED BY REGULATION: that WPC Health Officer Dr. David Byun is authorized to take whatever reasonable action in his learned discretion is necessary to abate said public nuisance, through the issuance of public mandates and orders during this special time of Emergency within White Pine County.

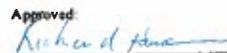
The Board of County Commissioners and the White Pine County Board of Public Health directs that Public Health Officer Dr. David Byun is authorized to promulgate orders and mandates on behalf of these respective boards during this time of emergency due to COVID-19, which said orders have immediate effect of law within the boundaries of White Pine County, and that said orders and mandates will be considered for ratification at a subsequent joint White Pine County Commission Meeting and White Pine County Board of Health Meeting.

The Board of County Commissioners and Board of Public Health further directs by REGULATION that until lifted by the Order of Health Officer, Dr. David Byun:

1. That all of residents and visitors to White Pine County inform themselves of and follow the orders and directives of the County Health Officer
2. That all residents and visitors to White Pine County inform themselves of the Mitigation Initiatives promulgated by the Governor and the Nevada Health Response on March 18, 2020. <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/03/NV-Health-Response-COVID19.pdf>
3. That all individuals must exercise "social distancing" and observe a six-foot distance between them and another person.
4. That businesses should only remain open if employees and consumers strictly adhere to the social distancing protocol.
5. That Public and Social Contact, or any other ACT contrary to a Public Mandate or Order related to the prevention and control of the spread of COVID-19, promulgated by White Pine County Public Health Officer, Dr. David Byun is extremely dangerous, EVEN DEADLY to the Public Health, Safety, Welfare of the citizens of White Pine County and is therefore a NUISANCE and shall be abated accordingly.

IF ANY DIRECTIVE OF THE BOARD OF COUNTY COMMISSIONERS DECLARED HEREIN IS IN CONFLICT WITH A DIRECTIVE, ORDER, OR DECLARATION OF ANY FEDERAL, STATE, OR LOCAL AUTHORITY, THE PUBLIC IS ORDERED TO UNDERTAKE THE MORE RESTRICTIVE COURSE OF ACTION DIRECTED, ORDERED OR DECLARED.

INTRODUCED AND PASSED this 20th day of March, 2020

Approved:

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

Approved:

David Byun, D.O., Chairman
BOARD OF HEALTH
White Pine County, Nevada

ATTEST:

Clerk of the Board

ADJOURNMENT

At 3:24 p.m., Commission Chairman Richard Howe entertained a motion to adjourn. Commissioner Travis Godon made the motion; Commissioner Ian Bullis seconded. Motion carried unanimously, with Board of Public Health Chairman Dr. David Byun also voting in the affirmative.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF WHITE PINE
STATE OF NEVADA

BY: Richard Howe
CHAIRMAN

ATTEST:

Travis Godon
WPC CLERK OF THE BOARD