



Storey County Board of County Commissioners Agenda Action Report

Meeting date: 06/16/2020

Estimate of time required: 5 min.

Agenda: Consent ☐ Regular agenda ☒ Public hearing required ☐

1. **Title:** Approval of minutes for May 5, 2020 (reconvened)

2. **Recommended motion:** Approve minutes as submitted.

3. **Prepared by:** Vanessa Stephens

Department: Clerk & Treasurer

Telephone: 775 847-0969

4. **Staff summary:** Minutes are attached.

5. **Supporting materials:** Attached.

6. **Fiscal impact:** N/A

Funds Available:

Fund:

____ Comptroller

7. **Legal review required:** N/A

____ District Attorney

8. **Reviewed by:**

VB Department Head

Department Name: Clerk & Treasurer

____ County Manager

Other agency review: _____

9. **Board action:**

☐ Approved

☐ Approved with Modifications

☐ Denied

☐ Continued

Agenda Item No. 6



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MAY 5, 2020 MEETING - RECONVENED

WEDNESDAY, MAY 6, 2020 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

ROLL CALL via zoom: Chairman McBride, Vice Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Clerk-Treasurer Vanessa Stephens, District Attorney Anne Langer, Emergency Management Director Joe Curtis, Sheriff Antinoro, Fire Chief Jeff Nevin, Human Resources Jeanne Greene, Community Relations Director Lara Mather, Assessor Jana Seddon

1. CALL TO ORDER RECONVENED MEETING OF MAY 5, 2020 AT 10:15 A.M.

Meeting was called to order by Chairman McBride at 10:15 A.M

9. DISCUSSION/POSSIBLE ACTION: Correspondence including letter to Governor Sisolak requesting consideration of a draft Storey County plan for phased, limited, and properly planned reopening of businesses in Virginia City within the protective guidelines of the CDC and the Governor's office.

County Manager Osborne said this a non-action item providing the public and full Commission with a summary of a letter submitted to the Governor on April 27th.

The letter requests consideration by the Governor's office for a safe approach to re-opening Nevada - as suggested he will do. This is for sectors, including essential and non-essential businesses - restaurants, hotels, gyms, and others specifically talked about. The letter outlines conditions primarily in Virginia City - small businesses, non-corporation, "mom & pop shops" - trying to survive. Some of these people (living at their business location) would also lose their home.

The goal is not to tell the Governor that we want to have a lot of people in Virginia City with lots of tourism and events, not to return to normal. The goal is to at least consider the conditions the small businesses are enduring, allowing them to open their doors to whatever traffic comes their way -

giving them a chance to survive. The efforts of the Quad-County and our Emergency Management team are also summarized – the health aspect, testing, Storey County’s “zero cases”, and other conditions related to the Quad County coalition. Also, measures that the (County) has taken, and will take, are included. The Governor is reminded of measures that have been taken by Storey County – actions taken before his directives. Including canceling of events, placement of hand-sanitizing stations, reduction of occupancy in businesses (currently at 25%), and on-going outreach and education of the public regarding business, health, Quad County efforts, and so on.

A copy of the letter has gone to EDAWN, NNDA, Go-Ed, Nevada Association of Counties, as well as Lyon and Douglas Counties and Carson City. Lyon County appreciated the letter and submitted a copy of it as well.

Chairman McBride thanked Mr. Osborne and commended him on the letter. This is a good supplement to the summary requested by the Governor. The more information given to the Governor on how (the County) is operating and proceeding – the better.

Chair McBride said he and Commissioner Carmona have also sent letters.

District Attorney Anne Langer clarified this letter has nothing to do with the brothels.

Commissioner Gilman commented that everyone has been working diligently with the Governor – asking him to take a hard look at the little counties – one size does not fit all. Washoe and Clark are facing different elements. We are looking to the Governor to allow the various counties and their leadership, to make their decisions to open based upon individual requirements. The letter is a great vehicle with a lot of information to consider. There is feedback that he is sensitive to the rural counties. This (letter) is well done and he is anxious to the results.

Vice Chairman Carmona: Both letters have the same narrative and he is happy to see the Governor take this into consideration – allowing the counties to move forward within his guidelines. These efforts are applauded.

10. DISCUSSION/POSSIBLE ACTION: Review recommendations by county staff and consider approval of a responsible and phased plan for COVID-19 small business recovery in Virginia City and Storey County.

District Attorney Anne Langer requested this item be divided so that the first portion discussed was small businesses, excluding the brothel. All Commissioners could discuss. Then the second portion would discuss the brothel and Commissioner Gilman would be excluded from discussion. There would be two different motions.

County Manager Osborne confirmed that the first letter discussed would be about everyone except brothels. The second discussed would include brothels.

Mr. Osborne said the letter submitted to the Governor’s office asked to please consider Storey County’s offer to provide a plan for re-opening in a phased approach. This is a follow-up to that letter being considered by the Board.

We recognize the Governor is creating his opening plan for Nevada. He has talked about a Phase 1, 2, and 3 approach. This letter looks at a similar approach and is in response to his request for comments from the rural counties.

The letter is based on a modified approach at the Federal level – what is being recommended for phased re-opening of the country, adding elements from the Governor’s directive 016, with justification of certain elements applying to Storey County, and in particular Virginia City and the Lockwood community, dealing with small businesses. Elements in the letter deal with essential and non-essential businesses selling similar products. Restaurants and gymnasiums, fitness gyms, are addressed. In the 016 announcement, the Governor indicated he may consider rural counties differently than urban counties regarding fitness gyms, size of the gyms. There is an attachment from Divide Fitness asking the Governor to consider this gym, and ones like it, to open faster, on a limited basis, than larger organizations.

The goal is not to return to economic normalcy right away. It is asking the Governor to consider allowing our small businesses to partially open, to survive and offset costs to prevent closure.

There is a request to be able to promote Virginia City and let people know we are here. But not actively promoting Virginia City to bring in large numbers of people for events. There needs to be balance with resident’s needs, the economy of the County, and the health and safety of the community.

CDC elements are part of the letter. Government services are encouraged at a business level. Hand sanitizing and social distancing are still maintained. Hand sanitizing/washing stations are on C Street. Occupancy of businesses allowed to open is limited. The County maintains on-going education and public outreach.

Commissioner Gilman commented these are the conditions that County staff and Commissioners have identified as being the conditions to opening our businesses, retail or service, within the County. Many of the stores on C Street opened last weekend in a “trial run”. He believes it went very well with the majority of businesses following this criteria and hopes the Governor takes this letter very seriously. It has been tried and it does work.

Vice Chairman Carmona agrees with Commissioner Gilman and is fully in support of the letter.

Chairman McBride said he is also in favor of this letter.

Mr. Osborne reviewed suggested amendments to the letter:

- Change the occupancy rate to 50% from 25% per the Governor’s suggestion;
- Regarding hotels and other over-night accommodations, add: “shall follow CDC recommendations”.
- In regards to “worship” – remove the word worship and let the Governor’s Office take that. He will treat this as it’s supposed to be.
- Add that this letter to be copied to the Nevada Association of Counties.

Public Comment:

Nicole Barde, Storey County resident: Asked about the timing for Phase 1 and Phase 2. What would need to be seen out of Phase 1 that would indicate Phase 2 was a go?

Mr. Osborne: The Governor is looking at cases across the State to make that determination.

Chairman McBride believes Storey County's Phase 1 would follow the Governor's Phase 1, the same with Phase 2, and so on.

Mr. Osborne said this letter would then defer to those Federal recommendations on what would happen in Phase 1, 2, and 3 to be an accelerated opening of businesses.

Ms. Barde: If the Governor's Phase 1 is more restrictive than what the County is asking for in its Phase 1 - is the County then asking for an exception?

Chair McBride: Yes, we would ask him to lift the restrictions on (the County) knowing that that probably wouldn't happen. He has indicated he knows all counties are different - but he's going to treat all counties alike.

Ms. Barde: What is the purpose of the letter if the understanding is the Governor is not going to give "dispensation" to the rurals?

Chair McBride: If you don't ask, you don't get.

Ms. Barde said she gets it. This is not a declaration of "here's what we're going to do". Just, "we will do what you ask - but here's what we're asking".

Chair McBride: Exactly.

Mr. Osborne explained it is noted in this letter, and the preceding letter, that rural counties are different than urban counties - like Clark County - and should be treated differently and be allowed to open as we recommend. We are asking the Governor to consider these elements presented while putting your plan together. As a rural county, we believe Phase 1 is an appropriate opening process- Phase 2 and Phase 3 as well - and (as stated) should be treated differently.

Sam Toll, Gold Hill resident questioned the letters posted on the website and asked about the technicality of one to be signed on behalf of the brothel. It seems the 15-page attachment doesn't serve any purpose other than to be an attachment to the letter.

Mr. Osborne: One attachment letter talks about fitness gyms - asking the Governor to consider fitness gyms in rural counties differently than larger jurisdictions. The letter references a plan submitted by the only gym in Storey County showing what that plan would look like. The other attachment referred to is a survey of Virginia City merchants talking about the issues of being forced to close - but SBA, unemployment, unemployment for independent contractors, other Federal and State resources - are not available to help. The survey shows the challenges in securing funds.

The brothel letter is a separate item. Mr. Osborne suggests that attachment be removed from the letter per this discussion. The other attachment is the first letter submitted by Chairman McBride to the Governor.

District Attorney Langer said that is right – she understands that all three Commissioners will be signing this letter. Commissioner Gilman is part of the brothel, so that (brothel) letter will not be sent as an attachment to this letter.

Motion: I, Jay Carmona, motion to approve a responsible and phased plan to the Nevada State Governor's Office for Covid 19 small business recovery in Virginia City in Storey County, with the noted modifications, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

Mr. Osborne said the second letter is similar to the one just approved – without the brothel component.

Commissioner Gilman recused himself from discussion and vote on this letter as he holds a pecuniary interest in the business that is the subject matter of this discussion.

Mr. Osborne: Brothels are a legal industry in Storey County and should be included as a small business. There is a difference: the brothel would not be allowed to open in Phase 1. There are ancillary uses including a restaurant and bar. A plan for re-opening Storey County should consider the restaurant and bar operation be treated similarly as like industries. The restaurant and bar provides meals for construction and factory workers in the north end of the County.

Phase 2 for brothels becomes incumbent on a comprehensive plan between the brothel owner, CDC guidelines, and the Governor's office on how to provide a safe opening. For example, the brothel would be allowed to open under severely limited occupancy and under no contact – there is discussion on what that means. CDC Guidelines and the Governor's office would be involved in this.

Phase 3 would be an extended amount of operation in accordance with the submitted plan. Donnie Gilman is available by phone to answer any questions.

Chairman McBride asked Sheriff Antinoro if he had any concerns.

Sheriff Antionoro said he has reviewed the letter and has nothing to add at this time. Concerns he had were addressed with the County Manager - they are later on in the phases. Concerns are not an issue as long as safety guidelines are followed.

Chairman Carmona had no comments or concerns and agrees that it is appropriate to address the brothel issue.

Donnie Gilman thanked the Board for taking this into consideration.

Mr. Osborne explained this letter will have the same amendments as the first letter.

Public Comment:

Sam Toll: Looking at the (agenda) packet he could not find a copy of this letter. Is there a second letter, or are you using the first letter with the brothel memorandum attached?

District Attorney Langer explained it is one letter. The first (version) will have all three Commissioners names; the second one will not include Commissioner Gilman. It is the exact same letter without Commissioner Gilman and with the brothel memorandum. All of the information is in the packet.

Mr. Osborne clarified: Strike all reference to brothel – that will be the first letter. The second will be exactly as written.

Mr. Toll said he is encouraged the Mustang will be able to re-open, getting people back to work. He is concerned with the brothel side of the business. The memorandum suggests there will be no physical contact between customer and independent contractor. What's the point if there can be no physical contact? The rest of the brothel business should not be hindered from reopening.

There was discussion between Chairman McBride and Mr. Toll about answering and/or not answering questions during public comment.

Jennifer Barnes, Storey County resident/Madam of Mustang Ranch: Explained “no contact”. Their industry is 60% communication – going out to dinner (with escort license), gambling. Currently these are not available, it will be different – an “out date”, such as cooking for them, making a VIP experience. There are a lot of people looking for companionship only – looking for conversation.

Nicole Barde: Asked if she will be able to go the hairdresser in town under Phase 2. Is this part of the plan – is this an essential business under Phase 1 or Phase 2?

Chairman McBride: Is that covered?

Mr. Osborne: Under White House guidelines, that industry is not covered under the special businesses. It can be added. If so, we are still on the same agenda item and this could be added to the first letter. If the Board approves, he has no objection as long as it follows the District Attorney's process.

Chairman McBride does not see any reason not to.

Commissioner Carmona supports this addition to the letter. We should do everything that can be done to get local business up and running.

District Attorney Langer suggested completing letter “B” (the second letter) then go back to the first letter to do the addition.

Chairman McBride called for additional public comment on the second letter.

Clay Mitchell: Under sub-section G, it says “take orders from the kitchen or bar would be allowed”. Under sub-section F, it says “customers would be provided with masks after passing screening test

and would be required to maintain their mask in proper position at all times". Does this allow for actually consuming food or drink – or is that assumed?

Mr. Osborne: Assumes this is the memorandum from Donnie Gilman.

Mr. Gilman: Believes this is for people closer than 6 feet apart – this is a precaution. If someone wants to eat on the patio, maintaining specific distance, masks can be taken off to have their meal.

Mr. Osborne read the amendments to the letter: all businesses, not just brothels, be 50% occupancy as opposed to the 25% occupancy, consistent with the Governor's recommendations. Hotels and living accommodations would defer to CDC guidelines for re-opening. Worship would be removed from the letter in order to defer to the Governor's office to handle that. Add NACO (Nevada Association of Counties) to be copied. Add hair and nail salons, with additional language to operate within CDC guidelines.

Motion: I, Jay Carmona, move to approve sending out of letter B, with the noted additions from County Manager Osborne, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

Chairman McBride re-opened the "A" portion – the first letter. Commissioner Gilman joined the Board.

Motion: I, Jay Carmona, move to approve sending out of letter A, with the noted additions from County Manager Osborne, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

Public Comment:

Sam Toll commented about having Public Comment at the beginning and end of each meeting. Also, in response to a public records request, Martin Azevedo asked him about his public records request currently stuck at the District Attorney's office. He offered access to records that do not have any personal, confidential, or privileged information. This is the transparency that voters and citizens should expect. The stone-walling in the County Manager and District Attorney's offices is shameful. The County is claiming transparency – in fact, it is anything else. Most of the County takes seriously public access to records.

Chairman McBride adjourned the meeting at 11:15 AM.