The Washoe County Board of Commissioners convened at 1:00 p.m. with the Reno City Council and the Sparks City Council in concurrent session via the Zoom application as specified on the agenda. Following the Pledge of Allegiance to the flag of our Country, the City and County Clerks called the roll and the Board conducted the following business:

21-0062 AGENDA ITEM 4 Public Comment.

Mr. Andrew Diss, Vice President of Government Affairs at Grand Sierra Resort (GSR), spoke about Senate Bill (SB) 4, which gave the Washoe County Health District (WCHD) extraordinary authority to enforce COVID-19 mitigation guidelines. He said GSR staff members had gone through great lengths to ensure guests were kept safe and that all legislative mandates were met. Although GSR conducted staff education and performance improvement, they did not always do things perfectly, so the WCHD cited them for violations. Those minor violations brought the shortcomings of the current appeals process to his attention. He requested that a clear appeals process be established which would allow businesses to appeal to a different body than the one issuing citations. He thought the Occupational Safety and Health Administration provided a good example for inspections, warnings for first offenses, and fines. He asserted GSR staff took the responsibility of visitor safety seriously. He offered the GSR parking lot or empty convention spaces to the WCHD for community vaccination if it was needed.

Ms. Annemarie Grant alleged her brother Thomas Purdy was hogtied by Reno Police officers and asphyxiated in the County jail. She asserted the Commissioners neglected their duties under Nevada Revised Statute (NRS) 211.020. She mentioned there had been other people who died after being hogtied by police officers in the County. She spoke about an event she hosted for Washoe County residents whose loved ones had been killed by police officers. She urged the Commissioners and Councilmembers to do better.
Sparks City Clerk Lisa Hunderman read an email from Mr. Cameron Harris. In it, Mr. Harris said he had reported abandoned vehicles on West 4th Street to the City of Reno and the State. He spoke about NRS Chapter 487 which addressed abandoned vehicles. He reported the issue to the Nevada Highway Patrol and the Reno Police Department, but no steps had been taken to enforce state and local codes. He expressed frustration because the illegally parked vehicles had not been moved, even though he submitted the complaint through various means.

As read by Ms. Hunderman, District Board of Health (DBH) Chair Dr. John Novak discussed the appellate bodies established by the DBH. He noted the appeals boards had existed for over thirty years. He said the appeal process for SB4 had been created by the WCHD since it had not been included in State 447E regulations. He stated all facilities had the opportunity to appeal a citation within 10 business days. He described the appeal process, variance requirements, and water system permitting. He identified the various agencies involved in the appeals process and the regulations that dealt with appeals.


The City of Sparks voted to approve the agenda.

On motion by Vice Chair Hartung, seconded by Commissioner Herman, which motion duly carried on a 4-0 vote with Commissioner Jung temporarily unable to participate via Zoom, it was ordered that Agenda Item 5 be approved.

The City of Reno voted to approve the agenda.

There were no public comments on this item.

21-0064 AGENDA ITEM 6 Minutes.

Sparks City Clerk Lisa Hunderman said each jurisdiction would approve the minutes of the previous concurrent meeting at their regular board meetings because they each had their own minutes.

There was no public comment or action taken on this item.
AGENDA ITEM 7  Presentation and discussion regarding the establishment, structure, and membership of Washoe County Health District and District Board of Health.

Sparks Assistant City Manager Alyson McCormick explained the Washoe County Health District (WCHD) had been established in 1972 pursuant to an interlocal agreement between Washoe County and the Cities of Sparks and Reno. She noted health districts were governed by Nevada Revised Statute (NRS) Chapter 439. She said the interlocal agreement had been revised several times, including a complete rewrite in 1986; it had last been amended in 1993. The 1993 amendment only changed subsections 2d and 2e, which pertained to board membership. She stated the District Board of Health (DBH) was comprised of two members from each jurisdiction and one physician member who was appointed by the rest of the Board. The DBH membership was established pursuant to section 2 of the interlocal agreement and NRS 439.390. She said the Health Officer was appointed by the DBH pursuant to NRS 439.400.

Ms. McCormick said the interlocal agreement created two issues specific to DBH membership. The first was the designation of who could be a board member. NRS 439.390.1 indicated the DBH must consist of two members appointed by the governing body of the county, city, or town in which they resided. She noted sections 2b, 2c, and 2d of the interlocal agreement limited the number of elected officials appointed by each jurisdiction to one, although the State did not impose a limit. Board member terms were not defined by Nevada law, but section 2f of the agreement designated a four-year term of office for each board member. She outlined the expiration dates for board members who were not elected officials. She noted section 2f of the agreement said members would continue to serve on the Board after their term expired until their successor was elected and qualified.

Vice Chair Hartung asked what the Board membership requirements were prior to the 1993 amendment. Ms. McCormick replied section 2c in the overhauled 1986 interlocal agreement limited the number of elected officials for the City of Sparks to one member, but there were no limitations on the City of Reno or the County; the 1993 amendment added those limitations, though the reason for adding them was unclear.

Reno City Councilmember Jenny Brekhus thought the governance of the DBH was intrinsically related to the functions of the Board. She noted the National Air Quality Act was adopted in 1970. She asked how the air quality function had become the responsibility of the DBH if it had not been subject to an interlocal agreement amendment. Ms. McCormick replied the WCHD was formed in 1972, after that piece of legislation.

Councilmember Brekhus confirmed the WCHD’s initiating power regulated the National Air Quality Act. Ms. McCormick replied she was not aware that it was included. Councilmember Brekhus asked whether Ms. McCormick had a timeline of when each function had been assigned to the DBH. Ms. McCormick replied no. Councilmember Brekhus noted the DBH had been formed and its duties had grown over time. She asked who had assigned duties to the DBH. Ms. McCormick said the Nevada
Legislature and its various administrative agencies assigned those duties through regulations.

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

**AGENDA ITEM 8** Consideration, discussion, and possible direction to staff to negotiate a proposed amendment of the interlocal agreement concerning the Washoe County Health District (FOR POSSIBLE ACTION)

Sparks Assistant City Manager Alyson McCormick said some elected officials had expressed interest during the prior concurrent meeting in reviewing the structure of the District Board of Health (DBH). Staff had reviewed the interlocal agreement and identified four potential avenues for making changes to the Washoe County Health District (WCHD). They were: adding members to the DBH, creating a general appellate body within the WCHD, terminating the interlocal agreement thereby terminating the WCHD, and amending the interlocal agreement. She stated the fourth option was identified by staff as the only viable option.

Ms. McCormick reviewed Nevada Revised Statute (NRS) 439.390.1, which limited DBH membership to two members for each jurisdiction plus one physician. The limit kept membership to an odd number of officials to prevent tie votes. She stated adding more members to the DBH would violate State law. She outlined the options for appeals based on NRS 439, noting certain specific provisions such as Senate Bill 4 authorized the WCHD to take certain enforcement actions related to COVID-19 (C19). In addition, NRS 444.190 had provisions regarding enforcement of sanitation regulations, NRS 446.940 allowed the DBH to adopt regulations regarding food establishments, and NRS 445b.275 provided for the establishment of an air pollution control hearing board. She said the powers of a board of health were outlined in NRS 439.410 and 439.360, which did not include general appellate powers or the authority to establish a general appellate body. She stated NRS did not expressly prohibit the establishment of a general appellate body, but she thought the detailed description of some types of appeals implied other types of appeals were not permitted. Regarding the termination of the interlocal agreement, she noted the WCHD was the only body authorized by State law to perform certain functions the County and the Cities of Reno and Sparks lacked the staff and infrastructure to perform. She asserted terminating the WCHD would not be advisable, particularly during a global pandemic. The State Board of Health would need to approve a new health district if the WCHD was terminated, and the demands of C19 would slow the process considerably. She described the process and timelines involved with terminating a health district.

Ms. McCormick said amending the interlocal agreement would require approval of an amendment by each jurisdiction at least 90 days before the renewal date, so the deadline would be October 2. The jurisdictions could direct staff to negotiate amendments which would then be approved by the jurisdictions either at another concurrent meeting or in separate meetings. She noted section 7c of the interlocal agreement required the DBH to review the interlocal agreement annually and recommend changes to the three jurisdictions. She said the three jurisdictions could either direct staff
to negotiate a proposed amendment for DBH review or request that the DBH recommend changes to the interlocal agreement. Amendments to the agreement could include changing membership requirements to mirror Nevada law, making changes to the name of the WCHD, or updating the agreement in general.

Vice Chair Hartung asked whether terminating the interlocal agreement would also terminate the Regional Emergency Medical Services Authority (REMSA) franchise agreement. Ms. McCormick believed the WCHD was the entity that entered into the franchise agreement, so terminating the interlocal agreement would also likely terminate it. Vice Chair Hartung observed there could be various unintended consequences if the interlocal agreement was terminated.

Sparks City Councilmember Kristopher Dahir mentioned he had served on the DBH for the past five years. He noted the responsibilities of WCHD staff were far-reaching. He thought the WCHD should not be disbanded, but there were some issues that needed to be reviewed. He believed the actions of WCHD staff needed to be directed by the DBH rather than simply reporting to the Board. He expressed frustration because there had been instances when he learned about actions taken by staff through the media after they happened. He asserted a board had the ability to protect staff when they took actions, but it was difficult to do so when staff said or did things that did not represent the board. He thought the appeals process was another area that needed to be reviewed. He opined the DBH needed to establish how constituents would be treated, and there needed to be accountability for decisions. He expressed appreciation for having experts such as restauranteurs and doctors available to answer questions when the DBH decided on issues that would affect constituents.

Vice Chair Hartung agreed with Councilmember Dahir’s statement about the appeals process. He asked whether the interlocal agreement could be changed to require that the DBH Chair and Vice Chair be elected officials. Ms. McCormick replied State law did not address who could serve as Chair or Vice Chair. She did not know whether the DBH bylaws had any requirements, but the bylaws could be changed without going to the Legislature. Vice Chair Hartung asked who determined the bylaws. Ms. McCormick responded the DBH determined the bylaws with a two-thirds vote. Vice Chair Hartung asked whether the interlocal agreement could be changed. Ms. McCormick said it could, but the bylaws would need to be changed as well.

Reno City Councilmember Naomi Duerr asked whether decisions were made by staff which could then be appealed to the DBH, or whether staff made recommendations but the DBH made the decisions. She asked for clarification on the appeals process. Ms. McCormick replied the process depended on the type of violation. As an example, air pollution issues would be appealed to the Air Pollution Hearing Board, while other matters would be appealed to other bodies. Part of the frustration expressed during public comment was around the lack of a streamlined process for appealing citations. Councilmember Duerr inquired whether an appeals process could be established which would direct appeals to the DBH first, then to other agencies for further consideration. She asked whether that would require a legislative change. Ms. McCormick
replied the extra step could not be created in every context. Councilmember Duerr suggested the appeals process might be simplified and made more timely by the addition of a preliminary step.

Sparks City Mayor Ed Lawson summarized that, based on Ms. McCormick’s presentation, the only option was to amend the interlocal agreement. He asserted the name of the WCHD needed to be changed to clarify that it was an entity separate from the Washoe County Board of County Commissioners. He noted the appeals process was another issue which needed addressing. He asked the Commissioners and Councilmembers for feedback to clarify the direction to staff. He explained the jurisdictions were not planning to make surreptitious changes to the WCHD during a global pandemic; the intent was to improve the WCHD for the benefit of the community.

Reno City Mayor Hillary Schieve said she had worked with Chair Lucey on some of these issues for some time, but the pandemic had taken precedence. Some shortfalls in the public health infrastructure had been highlighted by the pandemic, and she wanted to use the experience as an opportunity to improve all WCHD services. She reiterated the purpose of the meeting was not to dismantle anything but to address long-standing constituent concerns. She expressed frustration about the lack of necessary information during the C19 pandemic, which made it more difficult to make decisions.

Upon initially hearing about the meeting, Reno City Councilmember Jenny Brekhus said she wondered whether it would address C19 issues. She expressed concern about addressing C19 issues while in the midst of the pandemic. She thought making changes to the DBH now could undermine the authority of the WCHD and confidence in the District Health Officer. She acknowledged C19 had elucidated some issues, but she thought this was not the time to make changes. She noted the Kaiser Family Foundation had published a study which indicated over 150 health officers had been fired, retired, or forced to resign during the C19 pandemic.

Chair Lucey agreed with Councilmember Brekhus’ statement about issues brought to light by C19. He asserted this meeting was not aimed at making massive changes to the public health system. The issues addressed during the meeting had been under discussion for the past five or six years, and they involved public health challenges experienced by individuals throughout the community.

Mayor Schieve thought information being siloed hurt the public health system. She had hundreds of emails from people expressing concerns and asking about actions the Reno City Council was taking. She thought not considering how to create better public health infrastructure was a disservice to the community, and the conversation was long overdue. She asserted the discussion had not been prompted by C19; it was about improving public health for the community.

Reno City Councilmember Oscar Delgado thanked everyone for participating in the meeting and requested they continue to advocate on behalf of the WCHD because it was one of the lowest funded health districts in the country. He asked
for clarification about what the Commissioners and Councilmembers were trying to accomplish aside from better communication. He thought most issues the DBH had encountered during his tenure had been successfully addressed. He supported a name change, but he was unsure of the end goal of the current discussion.

Reno City Councilmember Neoma Jardon expressed concern about the lack of communication, transparency, and collaboration. She thought the name change was fine, but the improvement of communication and transparency needed to be addressed as well. Elected officials needed to have the information sought by constituents.

Councilmember Dahir agreed that this issue was not about C19. He recognized WCHD staff for their efforts to address C19, noting employees worked overtime to address the pandemic. He stated not having the correct infrastructure could leave staff members exposed if their actions deviated from their normal roles. Elected officials were ultimately responsible for employee actions, so he wanted to ensure the correct infrastructure was in place. He emphasized his concerns were not intended to reflect negatively towards staff; he was very supportive of District Health Officer Kevin Dick and WCHD staff. He recognized C19 exacerbated some of the issues being discussed, but he had served on the DBH for five years and was aware that these issues preceded the pandemic. He acknowledged some appeals were heard by the DBH as Councilmember Delgado stated, but many appeals did not go before the DBH and he was made aware of them only when he heard from constituents. He thought processes needed more involvement from elected officials and they needed to be reviewed to ensure things were done correctly.

Chair Lucey noted the pandemic had been difficult for everyone and the only way to maneuver through it was as a community. He referred to Vice Chair Hartung’s statement about the number of years since the interlocal agreement was last amended, adding it was time to work as a region to evaluate the agreement and make amendments to better serve the community’s current needs. The community was much larger than when the agreement was written, and the services provided by the WCHD needed to catch up. He agreed the name was very confusing for people because, although the WCHD included Washoe County, the Board of County Commissioners had no governance over it. He suggested the name Northern Nevada Health District. He noted the WCHD provided guidance and oversight for many businesses, but community leaders needed to ensure the guidance was suitable for the needs of the community. The WCHD had accomplished some great things and it performed well during the pandemic, but there were areas that needed improvement. He wanted the Commissioners and Councilmembers to provide direction so staff could present options for improving the WCHD.

Sparks City Councilmember Charlene Bybee expressed appreciation for the comments and the opportunity to improve the WCHD. She was cognizant of a variety of issues concerning both the WCHD and the DBH which had been discussed during her tenure on the Sparks City Council. She noted C19 highlighted how critical the WCHD was to the community and the importance of efficiency and transparency within the health district. She agreed the appeals process needed to be reviewed. She asked whether the
interlocal agreement could be amended to address appeals not directed to State agencies; she agreed with concerns about appealing to the same body that issued the citation. She thought disbanding the WCHD did not make sense, especially in the middle of a pandemic. She noted jurisdictions often performed cleanup on codes, policies, and procedures, so she supported reviewing the interlocal agreement which had been written so many years prior.

Councilmember Delgado said he was open to recommendations for how to better serve the community. He saw this as an opportunity to go back to the WCHD with suggestions for better communication about procedures. He thought many of the questions were about procedures already in place, so he thought there was an opportunity to report back to each jurisdiction with clarification about processes. He was not convinced about the need to change the makeup of the DBH, which he believed reflected the community needs since it included medical professionals, small businesses, and elected officials.

Commissioner Hill thought hearing from the District Health Officer would provide more context for anyone who did not serve on the DBH as well as community members. She suggested additional details and flowcharts for the appeals processes would help in making informed decisions. Mayor Lawson agreed.

In regard to a name change, Councilmember Brekhus suggested the use of Truckee Meadows because there was some precedent with agencies such as the Truckee Meadows Water Authority. She agreed with Councilmember Delgado’s hesitation to change the DBH governance structure at this point. She noted some appeals, such as air quality, might be routed to other agencies in accordance with state or federal laws. She thought reviewing each function of the WCHD should be considered at each jurisdiction after the pandemic was resolved. She noted the City of Reno had three managers in recent years, and there was both a global pandemic and the possibility of a recession as well. She wanted to take the issue back to its respective board for further discussion.

In response to Councilmembers Brekhus and Delgado, Chair Lucey noted the Southern Nevada Health District had a very different construct because of the size of Clark County. He said most of their members were elected officials, but they also had representation from business and industry. He suggested the DBH could utilize liaisons from business and industry to provide input and perspective to the voting members of the board.

Reno City Councilmember Devon Reese considered the renaming of the WCHD and the creation of an appeals process long overdue. He thought political interference with public health was not a good idea. He opined adding more elected officials to the DBH rather than making scientifically based decisions equated to prioritizing partisanship over public health. He thought elected officials needed to empower local health officials to provide factual information with limited partisan influence. He said the goal was to have better health outcomes, so the different functions of the WCHD needed to be separated out.
Vice Chair Hartung thought there were four main issues to consider: the name change, the structure of the DBH, the potential requirement for offices on the DBH to be held by elected officials, and the appellate board. He thought each issue should be considered separately to determine what could be done for each.

Commissioner Herman noted the interlocal agreement had been in existence for over 30 years and she thought there would be no immediate solution. She suggested waiting until the C19 pandemic subsided when more information would be available. She believed the structure of the DBH needed to be considered carefully. She thought adding medical professionals rather than elected officials might be more beneficial. She acknowledged the community had changed, but she thought the issues remained the same only on a larger scale.

Reno City Councilmember Bonnie Weber thought something needed to be done right away. She agreed with Chair Lucey’s suggestion of adding elected officials and having liaisons. She suggested the DBH could have two elected officials from each jurisdiction and some liaisons. The elected officials would be accountable to the public but the subject matter experts could provide insights. In regard to Vice Chair Hartung’s summary of issues, she wanted to add communication with the public. She thought the public needed to know what the WCHD was responsible for, and that information had not been communicated well.

Councilmember Duerr observed the Commissioners and Councilmembers had various ideas of how to improve the WCHD. She noted the issues were unclear to her because she had not served on the DBH. She thought defining a clear problem statement would help direct future discussion and staff’s efforts. She suggested staff input could help clarify issues because they had firsthand knowledge of what worked and what did not. She tended to agree with statements about the accountability of elected officials who were responsive to constituents. She said many boards included elected officials as well as non-voting advisors to provide independent context on issues. She acknowledged the County was often blamed for actions of the WCHD or the Washoe County School District because of the name of those boards. She opined the concept of a Northern Nevada Health District would be useful to clarify the autonomy of the board.

Commissioner Jung opined all of the points made during the discussion were valid. She thought communication was critical, particularly for elected officials. She believed members of the DBH had a unique perspective because they understood the DBH’s needs. She wondered whether DBH members could take the discussion to the DBH to see what could be resolved directly. She acknowledged the WCHD name was an issue because it confused citizens. She expressed respect for the District Health Officer, individuals on the DBH, and WCHD staff for their efforts during the C19 pandemic.

Mayor Lawson stated the only action for this item would be to give direction to staff. It was determined the only option for making changes would be to amend the interlocal agreement. In summation, he thought the discussion provided sufficient
information for staff, the DBH needed to be involved in further discussions, and the appeals process needed to be simplified as much as possible.

Sparks City Councilmember Donald Abbott asked whether there was a timeline for the changes which had been discussed. Mayor Lawson thought a letter indicating the intent to amend the interlocal agreement needed to be submitted three months prior to the end of the year. Ms. McCormick clarified the amendment needed to be approved by the three jurisdictions by October 2.

The City of Sparks voted on and passed a motion for this item.

Chair Lucey mentioned the DBH was composed of seven members, two members appointed by each jurisdiction and one licensed physician. He noted the Southern Nevada Health District specified three of their board members needed to represent the gaming industry, non-gaming industry, and a licensed physician. In contrast, the WCHD bylaws did not specify industry representation. He reiterated Commissioner Hill’s request to have the WCHD present potential options to each jurisdiction, specifically to the Board of County Commissioners.

Vice Chair Hartung agreed the DBH was missing industry experts, so he thought adding those experts would be a potential change. He asked when the three jurisdictions would meet again as a group to make collective decisions on the types of changes that needed to be made.

Vice Chair Hartung moved to prioritize the changes and convene in another concurrent meeting in April or May to ensure the three jurisdictions were moving in the same direction. He restated the four issues: DBH membership, the appeal process, the leadership structure of the board, and the name.

Chair Lucey seconded the motion with the suggestion that each jurisdiction convey their changes to one representative who would sit with the City and County Managers to compile the changes. Vice Chair Hartung agreed with the change in the motion.

Commissioner Hill clarified that options would be reviewed by each entity, but the three jurisdictions would meet again before making final decisions. Commissioner Herman agreed with Commissioner Hill’s statement.

On motion by Vice Chair Hartung, seconded by Chair Lucey, which motion duly carried on a 5-0 vote, it was ordered that staff from each jurisdiction review the four primary issues discussed, prioritize changes, convey the changes to the City and County Managers through one representative, and reconvene at a future concurrent meeting.

Mayor Schieve agreed with Councilmembers’ and Commissioners’ statements about the need to clarify the issues. She urged each jurisdiction to write down specific issues which could then be used to make progress as a community. She also wanted
to acknowledge the positives and successes of the WCHD. She asked each jurisdiction to work with staff to provide suggestions for improvements to the WCHD.

Councilmember Weber noted three different motions were being discussed on this item. Mayor Schieve suggested each jurisdiction could work with their Manager to clarify options before reconvening in another concurrent meeting. Mayor Lawson replied the three jurisdictions would work in a unified direction.

Councilmember Brekhus thought the Reno City Council needed to discuss this issue and determine a course of action.

The City of Reno voted on and passed a motion for this item.

21-0067 AGENDA ITEM 9 Comments from Council/Commission Members or City/County Managers.

Sparks City Councilmember Charlene Bybee asked whether State Statute limited the number of liaisons who could serve on the District Board of Health (DBH). Sparks Assistant City Manager Alyson McCormick responded any possible limit would depend on how liaison roles were structured. She said there was nothing preventing the DBH from seeking input from community members either in an official liaison role or informally. She stated research would be required to determine whether an official liaison role could be pursued.

Sparks Chief Assistant City Attorney Wes Duncan confirmed any limitations would depend on the liaison role. He said he would work with staff to define the liaison role, and he would examine the Nevada Administrative Code and the Nevada Revised Statutes to determine whether any limitations were applicable.

Sparks City Mayor Ed Lawson thought the legal issues would be part of the research requested of staff.

Reno City Councilmember Naomi Duerr thanked Ms. McCormick for the information, saying she was impressed with the presentation. Commissioner Jung agreed.

Mayor Lawson commended the Commissioners and Councilmembers for participating in a second concurrent meeting in the last year. He expressed pride in the spirit of community and collaboration exhibited by all participants.
AGENDA ITEM 10  Public Comment.

Mr. Barry Duplantis, Chief Financial Officer for Regional Emergency Medical Services Authority (REMSA), stated REMSA would be directly impacted by decisions made by the jurisdictions concerning the District Board of Health. REMSA operated under a franchise agreement which gave them exclusive rights to provide emergency medical transportation within the community. He noted health was very dynamic and many of the issues discussed during the meeting had existed prior to COVID-19. He offered his assistance and input in resolving the issues discussed during the meeting.

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3:24 p.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:
Carolina Stickley, Deputy County Clerk