

MEMORANDUM

TO: Board of Trustees

FROM: Indra S. Winqest
District General Manager

SUBJECT: Review, discuss and possibly provide input on the transition back to in-person Board of Trustees meetings – Governor Sisolak’s lifting of Directive 006 governing public meetings

DATE: May 3, 2021

On March 22, 2020, Nevada State Governor Steve Sisolak issued Emergency Directive 006 which is attached hereto. This directive, along with subsequent directives which basically extended this directive and are not heretofore attached, suspended the requirement that meetings of public bodies be held in a physical location. This directive also suspended physical notification postings for said meetings.

Nevada State Governor Sisolak recently announced that, effective June 1, 2021, that the mandates for the control of the COVID-19 pandemic would transfer to counties which means, for IVGID, that Washoe County will be in charge. Presently, the Washoe County Commissioners have an approved mitigation plan that was submitted for review to the State of Nevada.

The one item relative to our Board of Trustees meetings is that the mask mandate remains in effect. That may mean one of two options – (1) a member of Staff is appointed to enforce said mandate on everyone entering the meeting and during the meeting until its conclusion and people have disbursed or (2) a member of private security is hired to enforce said mandate on everyone entering the meeting and during the meeting until its conclusion and people have disbursed.

All prior meeting protocols such as members of the public being present to make their public comments, have a quorum of Board members present, either in person or via telephone, etc. will be followed. As to refreshments during the meeting, Staff is recommending that we only provide self-serve water and refrain from providing snacks to avoid people gathering in intimate groups and because buffets are limited presently.

Financial impact depends upon whether we use a Staff member or private security. Once that decision is made, Staff can finalize a cost estimate but we need to know first which direction the Board of Trustees prefers. Staff’s preference is to hire private security but no quote has been obtained as of the memorandum date.



DECLARATION OF EMERGENCY DIRECTIVE 006

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States declared a nationwide emergency pursuant to Sec. 501(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization (WHO) and United States Centers for Disease Control and Prevention (CDC) have advised that there is a correlation between density of persons gathered and the risk of transmission of COVID-19; and

WHEREAS, close proximity to other persons is currently contraindicated by public health and medical best practices to combat COVID-19; and

WHEREAS, recreational social gatherings unnecessarily extend periods of interpersonal contact and promulgates spread of COVID-19; and

WHEREAS, certain non-essential activities result in the congregation of persons for extended periods of time; and

WHEREAS, [NRS 414.060](#) outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, Nevada Revised Statutes [NRS 414.060\(3\)](#) states: "In performing his or her duties under this chapter and to effect its policy and purpose, the Governor may: (a) Make, amend and rescind the necessary orders and regulations to carry out the provisions of this chapter within the limits of the authority conferred upon the Governor in this chapter, with due consideration of the plans provided by the Federal Government;" and

WHEREAS, [NRS 414.070](#) outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, on March 15, 2020, I directed executive branch agencies to close state offices to the public and to wind down in-person public services and to the extent practicable, transition services to online and over-the-phone services; and

WHEREAS, Nevada Revised Statutes 241.010 provides that "[i]n enacting this chapter, the Legislature finds and declares that all public bodies exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly;" and

WHEREAS, the continued operations of state public bodies are essential to the State of Nevada; and

WHEREAS, on March 20, 2020, I issued Declaration of Emergency Directive 003 that ordered the closure of all Non-Essential Businesses by 11:59 p.m. on March 20, 2020, authorized criminal and civil penalties for Non-Essential Businesses that continued to operate in violation of that order, and authorized all local, city, and county governments along with the Office of the Attorney General to enforce that Directive; and

WHEREAS, immediate enforcement of Declaration of Emergency Directive 003 is vital to protect the Health and Safety of the public:

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

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| SECTION 1: | The requirement contained in NRS 241.023 (1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate is suspended. |
| SECTION 2: | If a public body holds a meeting by means of teleconference or video conference and a physical location where members of the public can attend is not provided, the public body must provide a means for the public to provide public comment, and post that means on the public notice agenda posted in accordance with NRS 241.020 . Public comment options may include, without limitation, telephonic or email comment. |
| SECTION 3: | The requirements contained in NRS 241.020 (4)(a) that public notice agendas be posted at physical locations within the State of Nevada are suspended. |
| SECTION 4: | Public bodies must still comply with the requirements in NRS 241.020 (4)(b) and NRS 241.020 (4)(c) that public notice agendas be posted to Nevada's notice website and the public body's website, if it maintains one along with providing a copy to any person who has requested one via U.S. mail or electronic mail. |
| SECTION 5: | The requirement contained in NRS 241.020 (3)(c) that physical locations be available for the public to receive supporting material for public meetings is suspended. |
| SECTION 6: | If a public body holds a meeting and does not provide a physical location where supporting material is available to the public, the public body must provide on its public notice agenda the name and contact information for the person designated by the public body from whom a member of the public may request supporting material electronically and must post supporting material to the public body's website, if it maintains one. |
| SECTION 7: | A public body that holds a meeting pursuant to this Executive Order must ensure that any party entitled to or required to appear before it shall be able to do so through remote means and fully able to participate in the agenda items that pertain to them. |
| SECTION 8: | The requirements of NRS 241.033 , NRS 241.034 are suspended for any actions necessary to enforce Declaration of Emergency Directive 003 against entities, owners, representatives, agents, or employees that continue to operate or assist in operation after 11 :59 p.m. on March 2020. Public bodies enforcing Declaration of Emergency Directive 003 against entities, owners, agents, or employees pursuant to this section shall provide the responding party with at least 24 hours notice of a meeting to take action;and |
| SECTION 9: | Public bodies may enforce Declaration of Emergency Directive 003 at an emergency meeting as authorized by NRS 241.020 (11) and may make use of all other amendments to NRS chapter 241 included in this Executive Order. |
| SECTION 10: | This Directive shall remain in effect until April 16, 2020, unless renewed by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic. |

2020-03-21 - COVID-19 Declaration of Emergency Directive 006 orders



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 22nd day of March, in the year two thousand twenty.



Governor of the State of Nevada

Balhana K. Cegavske
Secretary of State

Scott W. Anderson
Deputy Secretary of State

Executive

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