



# MARQUIS AURBACH COFFING

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OF COUNSEL

April 8, 2021

*Via: Certified Mail and email as noted below*  
Attn: Covid-19 Mitigation and Management Task Force  
State of Nevada  
Office of the Governor  
101 North Carson Street  
Carson City, Nevada 89701

Our File No. 13257-4

To Whom it May Concern:

Please be advised that this office represents Lander County and, consistent with Directive 041, hereby submits the Lander County Covid-19 Local Mitigation and Enforcement Plan (the "Local Plan") which addresses the requirements set forth under Directive 041. This Local Plan is hereby being submitted to the Covid-19 Mitigation and Management Task Force (the "Task Force") consistent with the afore-referenced directive. If the Task Force has any additional questions, comments, concerns or wishes to discuss the Local Plan enclosed herewith, please feel free to contact the undersigned directly.

Sincerely,

MARQUIS AURBACH COFFING

Brian R. Hardy, Esq.

BRH:mm

Enclosure: As stated

cc: Meagan Werth Ranson via email: [mwranson@gov.nv.gov](mailto:mwranson@gov.nv.gov)  
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To: Governor Steve Sisolak and Nevada's COVID-19 Mitigation and Management Task Force

From: Board of Lander County Commissioners

Re: Declaration of Emergency Directive 041

Lander County is a rural county in Nevada with a population of less than 6,000 people. As of April 8, 2021, the Nevada Department of Health and Human Services' ("DHHS") update of "Key Metrics" for COVID-19 cases in Lander County reported that there were no "new daily cases" (based on a 14-day moving average). Further, since January 17, 2021, there have been no COVID-19 related hospitalizations or deaths. Lander County's COVID-19 test positivity rate is currently sitting at 0.7%, among the lowest in Nevada and well below the State's 5.2% positivity rate.<sup>1</sup> In fact, Lander County has been at or below the five percent (5%) positivity rate since February 3, 2021. In spite of the fact that the DHHS Key Metrics confirm Lander County's remarkable management to address and remediate COVID-19 locally, Lander County remains subject to the overly broad Directive 41 which incorrectly asserts that COVID-19 remains an ongoing statewide public health crisis.

As a reminder, Nevada proudly includes its 13 rural counties and not just the two metropolitan areas. Based upon current data, there is no justification for Lander County to remain subject to the Governor's emergency directives. The World Health Organization ("WHO"), the Center for Disease Control ("CDC"), and Governor Sisolak's own criteria qualify Lander County to be in the lowest possible transmission groups.<sup>2,3,4</sup> Specifically, based upon the WHO's COVID-19 published guidance, Lander County is at a Situational Level recommending no restrictions on daily activities. Nevertheless, Directive 41 dictates that only after May 1, 2021 that *it may be appropriate* for Governor Sisolak to transition certain measures to the counties to manage. Whether from a public health or economic perspective, this one-size-fits-all approach is simply not in the best interest of Lander County.

As a result of the absence of an ongoing emergency health situation, and based on national and international public health guidance, on February 25, 2021, the Board of Lander County Commissioners ("BLCC") unanimously passed Resolution No. 2021-03 which removes Lander County from the Governor's state of emergency Declaration.<sup>5</sup> The BLCC has determined

<sup>1</sup> <https://nvhealthresponse.nv.gov/>

<sup>2</sup> <https://www.who.int/publications/i/item/considerations-in-adjusting-public-health-and-social-measures-in-the-context-of-covid-19-interim-guidance>

<sup>3</sup> <https://covid.cdc.gov/covid-data-tracker/#county-view>

<sup>4</sup> <https://nvhealthresponse.nv.gov/>

<sup>5</sup> The CDC provided specific guidance to rural communities such as Lander County (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/other-at-risk-populations/rural-communities.html>) which recommends "[e]ach rural community should assess their unique susceptibility and social vulnerability to COVID-19." Consistent with that recommendation, the BLCC assessed and provided a response appropriate to the rural residents of Lander County. As I am sure you are aware, the United States Supreme Court recently affirmed that the "question of when restrictions on particular social activities should be lifted during the pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement." See *South Bay United Pentecostal Church, et al. v. Newsom, et al.* Case No. 19A1044, 2020 WL 2813056 at \*2 (May 29, 2020). And, such questions of fact may not be best accomplished through general directives or mandates. Rather, it is well-established that the Constitution principally entrusts the health and safety of communities to the elected officials who are most accountable to the people and most knowledgeable about the specific needs of their communities. See, e.g., *id.*; *Marshall v. United States*, 414 U.S. 417, 427, 94 S. Ct. 700, 706 (1974); *Jacobson v. Massachusetts*,

that spending time and resources to develop and submit to the State the new COVID-19 Local Mitigation and Enforcement Plan ("Local Mitigation Plan") requested in Directive 041, is not a prudent use of county resources. Nevertheless, please see the attached Lander County Local Mitigation Plan.

Governor Sisolak has repeatedly acknowledged that each county varies in needs. Nevertheless, given Governor Sisolak's refusal to consider previously submitted Local Mitigation Plans, the BLCC is of the opinion that he intends to treat each county the same and as he sees fit – without considering the singular circumstances applicable to each individual county. Furthermore, due to the extremely limited number (if any) of COVID-19 cases within Lander County, there is nothing for Lander County to mitigate. Mitigation is "the process or result of making something less severe, dangerous, painful, harsh, or damaging."<sup>6</sup> With virtually no transmission in Lander County, COVID-19 is no longer a public health emergency that requires a new or revised Local Mitigation Plan.

While we welcome Governor Sisolak's long-awaited overture to work with Lander County, waiting until May 1, 2021 to have any voice is not an acceptable option. In May of 2020, Governor Sisolak acknowledged a "one-size-fits-all" directive was not appropriate<sup>7</sup> and he initiated the Nevada United: Roadmap to Recovery which created three different criteria. However, the Roadmap to Recovery plan was abandoned after only a few months when Governor Sisolak ignored his previous declarations and issued State-only directives without consideration of divergent county needs. Presently, even though Lander County satisfies all reasonable benchmark criteria for successful COVID-19 management, the State continues to capriciously impose on Lander County the same restrictions as counties with higher transmission levels and greater public health challenges. Even after acknowledging that "Nevada counties are diverse in many ways and have been impacted by COVID differently," the current statewide directives continue to treat all counties the same.<sup>8</sup> The State presumes that even on May 1, 2021, minimum directives including the mask mandate, will still be required in counties regardless of the absence of COVID-19 cases and local vaccination efforts.

As you are well aware, the Governor's declaration of emergency has been ongoing for over a year now, with no end in sight. An emergency is defined as "an unforeseen combination of circumstances or the resulting state that calls for immediate action" or "an urgent need for

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197 U.S. 11, 38, 25 S. Ct. 358, 366 (1905). Here, the BLCC firmly believes that individual counties and their elected officials should be afforded discretion and latitude in addressing the needs of their residents. After all, the population, demographics, and very way of life in Lander County is markedly different from other counties in Nevada - such as Clark County and Washoe County. As statistics confirm, the spread and impact of COVID-19 has been significantly different in rural counties as compared to Nevada's larger more populous counties. Based upon their direct knowledge of the situation in Lander County, the BLCC is fully apprised of the needs of the residents and is optimistic that Lander County residents will reasonably adhere to all health guidelines and continue their individual efforts to help keep themselves and their community safe and healthy.

<sup>6</sup> <https://www.merriam-webster.com/dictionary/mitigation>

<sup>7</sup> Governor Sisolak once stated: "I come from the counties. I am the only governor in the United States who most recently served as a county commissioner before becoming governor," Sisolak said. "I get it. I know where you're at. I uniquely understand that counties know how to get the work done and they know what is best for their residents and what their businesses and residents need and how they operate. I have not and will not forget that."

<https://thenevadaindependent.com/article/counties-submit-reports-to-state-panel-detailing-why-they-should-open-as-pressure-mounts-on-sisolak-to-issue-phase-1-directive>

<sup>8</sup> [https://gov.nv.gov/uploadedFiles/govnewsnv.gov/Content/News/Emergency\\_Orders/2020/2020-08-03%20-%20COVID-19%20Road%20to%20Recovery%20-%20Moving%20to%20a%20New%20Normal.pdf](https://gov.nv.gov/uploadedFiles/govnewsnv.gov/Content/News/Emergency_Orders/2020/2020-08-03%20-%20COVID-19%20Road%20to%20Recovery%20-%20Moving%20to%20a%20New%20Normal.pdf)

assistance or relief.”<sup>9</sup> It may have been appropriate in March of 2020 to declare a state of emergency for the entire State. Much has transpired in the last 12 months. Thanks to President Trump and “Operation Warp Speed” private and public groups mobilized supplies to hospitals and healthcare workers and developed multiple variations of vaccines which have been, and are being, administered to those in need. In Lander County, there presently are no dire emergent circumstances that require immediate action, and no urgent need for assistance or relief. Simply put, there is no longer a state of emergency in Lander County.

Taking a realistic look at its residents and the fact that there has been no “emergency” with respect to COVID-19 for months, Lander County has removed itself from a state of emergency and are of the firm opinion that Governor Sisolak and his prolonging of the “state of emergency” has overreached beyond his statutory powers and authority. NRS 414.060 provides “in the event of emergency or disaster *beyond local control*, [the Governor] may assume direct operational control over all or any part of the functions of emergency management within [Nevada].” NRS 414.060 was never intended for the governor of Nevada to be able to control the entire state for over a year without listening to input from local officials, especially those counties in which there is no public health crisis. Frankly, there is no longer a statewide public health crisis, COVID-19 is now being managed under local control and Lander County is taking back its decision-making power. Counties are able to make assessments based upon the individual needs of their residents. Lumping a 6,000-person county into the same guidelines as a 2-million-person metropolitan city is not responsible, reasonable, practicable, or supported by science.

As Lander County is not in a health crisis, BLCC determined it is in the best interest of their residents for their local commissioners to determine the guidelines and efforts necessary in response to COVID-19. NRS Chapter 244 establishes the County’s authority to regulate matters of local concern, including the public health, safety, and welfare of those in the county. As vaccinations are being administered and Lander County has few if any COVID-19 cases, this is now a matter of local concern. The real concern for the BLCC is to plan for the future success of Lander County and recovering from the economic impact resulting from COVID-19 and the Governor’s extensive directives.

To be clear, Lander County is not ignoring the science. It has thoroughly reviewed available science and guidelines. Lander County will rely on its residents to take personal responsibility and expects each of them to continue using reasonable measures to protect their health and safety. According to the CDC, each rural community should assess their unique susceptibility and social vulnerability to COVID-19.<sup>10</sup> Consistent with that recommendation, the Commissioners assessed and provided a response appropriate to the residents of Lander County.

If Lander County’s transmission does begin to rise, Lander County officials are well-equipped and prepared to handle any uptick in cases. WHO guidelines clearly support this notion as they consistently state the situational assessments should be done at *the most local administrative level possible*.<sup>11</sup>

<sup>9</sup> <https://www.merriam-webster.com/dictionary/emergency>

<sup>10</sup> <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/other-at-risk-populations/rural-communities.html>

<sup>11</sup> <https://www.who.int/publications/i/item/considerations-in-adjusting-public-health-and-social-measures-in-the-context-of-covid-19-interim-guidance>

Additionally, WHO guidelines generally provide that mask use in community settings should only be required in areas of known or suspected community or cluster SARS-CoV-2 transmission. Based upon the WHO guidelines, Lander County is in a Situation Level 0 or at the most Situation Level 1.<sup>12</sup> Neither of these Situation Levels include suspected community or cluster transmissions and neither of the situation levels require or recommend mask mandates.<sup>13</sup> WHO mask guidance confirm that there is “only limited and inconsistent scientific evidence to support the effectiveness of masking of healthy people in the community to prevent infection.”<sup>14</sup> Since Lander County has little to no transmission of COVID-19 in its communities, the BLCC voted to end the mask mandate. The end of the mask mandate also is supported by CDC guidelines.

The CDC guidelines provide if a person has been fully vaccinated, that person can gather indoors with other fully vaccinated people without wearing a mask, and even gather indoors with a limited number of unvaccinated people.<sup>15</sup> As of March 17, 2021, 19.31% of the Lander County population has initiated the vaccine, over 765 people (12.76%) in Lander County had been fully vaccinated. Governor Sisolak repeatedly stated he is following the science and guidelines for COVID-19, yet the current directives and slow pace of change – especially for Lander County – are not supported by the same agencies the Governor relied upon to shut down the State.

Nevada’s Roadmap to Recovery acknowledged “responsible local governments, with their knowledge of their unique communities and their existing local licensing and regulatory structure, are in the best position to execute the gradual reopening of the businesses and public life of their local residents.”<sup>16</sup> Lander County officials have the knowledge and regulatory structure to permit Lander County residents to reestablish their business and public life. Lander County Commissioners are unanimous in their determination that Lander County is safe to reopen.

In sum, Governor Sisolak was quick to shut down the State, but has been slow to take into consideration the unique and varied communities within this state. It is now time for the Governor to acknowledge that *there is no longer a statewide emergency* and the time has come for him to release the heavy hand he has used to subject his will on Nevadans through his “emergency powers”, and trust, as he once stated, that the “counties know what is best for their residents and what their businesses and residents need”.<sup>17</sup> Waiting another month and a half to even consider restoring the statutory authority granted to the counties is not based on science and will only further exacerbate the economic problems resulting from policies propagated by the Governor.

<sup>12</sup> <https://www.who.int/publications/i/item/considerations-in-adjusting-public-health-and-social-measures-in-the-context-of-covid-19-interim-guidance>

<sup>13</sup> [https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)

<sup>14</sup> [https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)

<sup>15</sup> <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

<sup>16</sup> <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/NEVADA-UNITED-ROADMAP-TO-RECOVERY-1.pdf>

<sup>17</sup> <https://thenevadaindependent.com/article/counties-submit-reports-to-state-panel-detailing-why-they-should-open-as-pressure-mounts-on-sisolak-to-issue-phase-1-directive>

Let it be known that Lander County trusts its residents, restores to them their freedom, and is fully open for business.



Commissioner Kathleen V. Ancho



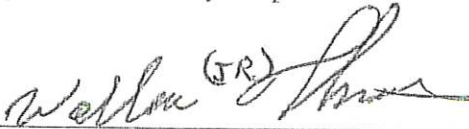
Commissioner Patsy Waits



Commissioner Art Clark, III



Commissioner Bryan Sparks



Commissioner Wallace (JR) Thomas



### PUBLIC GATHERINGS & EVENTS

Large in-person gatherings can present risk for increasing the spread of COVID-19 if social distancing, face covering requirements, and other mitigation guidance is not followed. All organizations, individuals and families, and event planners are encouraged to provide remote events and gatherings as an alternative to hosting in-person gatherings

#### CURRENT STATEWIDE STANDARDS

#### PROPOSED LOCAL MEASURES

##### CAPACITY

Limited to no more than 250 individuals or 50 percent of fire code capacity, whichever is less, under strict social distancing requirements. --- UPDATE PER DIRECTIVE 041 effective March 15, 2021: If a gathering space or venue wants to host more than 250 individuals for an event, (live entertainment show, convention, trade show, etc.) it may have up to 50 percent of fire code capacity, so long as a Large Gathering Plan Certification Form is submitted and approved.

NONE

##### LARGE GATHERING PLANS

Submitted PRIOR to May 1 for: • Events taking place prior to May 1: Large Gathering Plan Certification Forms may be submitted to the Nevada Department of Business & Industry (B&I) who will work in consultation with state public health officials and other applicable state agencies to review and potentially approve gatherings above 250 individuals, up to 50 percent. • Events taking place May 1 – June 30 (after potential transition to Local Authority): Large Gathering Plan Certification Forms may be submitted through April 30 (or through whenever authority transitions to a county) to the Nevada Department of Business & Industry (B&I) who will work in consultation with state public health officials and other applicable state agencies to review and potentially approve gatherings above 250 individuals, up to 50 percent capacity. Applications Submitted after Transition to Local Authority: Large Gathering approval process will be determined by county authorities in accordance with its Local Mitigation and Enforcement Plan.

NONE

### PRIVATE GATHERINGS & EVENTS

In-person gatherings can present risk for increasing the spread of COVID-19 if social distancing, face covering requirements, and other mitigation guidance are not followed. All organizations, individuals and families, and event planners are encouraged to provide remote events and gatherings as an alternative to hosting in-person gatherings. Public health officials continue to strongly recommend avoiding gatherings with individuals outside of your household.

##### CAPACITY

Private social gatherings are restricted to 10 people indoors and 25 people outdoors. NONE

### FOOD & BEVERAGE ESTABLISHMENTS

Restaurants & Bars, Pubs, Wineries, Distilleries, and Breweries (those that serve food and those that do not). This includes all restaurants and bars within gaming properties.

**CAPACITY** May allow indoor dining at no more than 50% occupancy based on applicable fire code, under strict social distancing requirements. No occupancy limits for outdoor dining\*\*, as long as all social distancing requirements are followed. NONE

**RESERVATIONS** Reservations NOT REQUIRED NONE

**SEATING** No more than 6 patrons per table with social distancing requirements NONE

**BAR SEATING** Patrons sitting at a table or booth must only be served via table service. Patrons may be served at bar tops if paced 6ft apart and bar top parties should be limited to no more than 2 persons. NONE

**ADDITIONAL MEASURES** Strongly encouraged to continue curbside, delivery, and/or carry out operations. Restaurants and bars are encouraged to try to expand outdoor seating options, and local governments are encouraged to work with these businesses to meet this goal. Restaurants and bars should continue to have hand sanitizer available and should be conducting health screenings and/or temperature checks. Buffets will remain prohibited. NONE

### PLACES OF WORSHIP

Mitigation measures, including but not limited to capacity, for houses of worship must not be more restrictive than mitigation measures for similar gatherings or businesses.

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

**ADDITIONAL MEASURES**

### GYMS, FITNESS/DANCE/YOGA STUDIOS, MARTIAL ARTS STUDIOS & SIMILAR ESTABLISHMENTS

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

**GYM/STUDIO LOCKER ROOMS** Locker rooms may be open but MUST be limited to 50 percent capacity. Single stall showers may be utilized. Community showers, saunas, vapor baths, salt therapy rooms, hot tubs, spas and other communal areas remain prohibited. NONE

**ADDITIONAL MEASURES** Equipment MUST be moved or designated inoperable to ensure a minimum of six feet of social distancing between users. NONE



**GAMING FLOORS:**

**CAPACITY** Capacity and mitigation measures for gaming areas will NOT transition to local control after May 1 and will remain under the authority of the Nevada Gaming Control Board. Uniform, statewide mitigation measures will continue to apply to gaming areas. After May 1, other businesses located within a gaming property will be subject to the applicable county's capacity and other mitigation measures applicable to that type of business, per the approved Local Mitigation and Enforcement Plan. For example, a retail clothing store located within a gaming property shall follow the mitigation measures for retail stores that are set forth in the county's plan. NONE

**ARCADES, RACETRACKS, BOWLING ALLEYS, MINI GOLF, POOL HALLS, AMUSEMENT & THEME PARKS, and SIMILAR ACTIVITIES**

These venues have many high-touch surfaces and are common venues for group gatherings, or gatherings that would promote food/drink consumption or other activities that would require mask removal. A responsible and staggered approach is strongly recommended by public health officials.

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

**ADDITIONAL MEASURES** High-touch surfaces should be avoided (remain closed if applicable/possible) and cleaned frequently. Food and drink should be contained to areas designated as restaurants/food courts and should adhere to requirements in place for those types of establishments. NONE

**LIBRARIES, MUSEUMS, ART GALLERIES, AQUARIUMS & ZOOS: CURRENT STATEWIDE STANDARDS PROPOSED LOCAL MEASURES**

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

**ADDITIONAL MEASURES** All interactive and/or hands-on exhibits must be closed. High-touch surfaces should be avoided and cleaned frequently. Food and drink should be contained to areas designated as restaurants/food courts and should adhere to requirements in place for those types of establishments. NONE

**BODY ART & PIERCING ESTABLISHMENTS: CURRENT STATEWIDE STANDARDS PROPOSED LOCAL MEASURES**

**CAPACITY** May operate under strict social distancing requirements per existing Directives. NONE

**APPOINTMENTS** Services shall be provided by appointment only, and customers waiting for an appointment must wait outside and practice social distancing. NONE

**ADDITIONAL MEASURES** No body art or piercing may be done around the nose or mouth. Establishments with walls/partitions between stations or chairs may utilize all stations, but no more than 1 customer can be at a station at any given time. Establishments without walls/partitions between stations/chairs may only seat clients every other station or chair, or arrange stations or chairs to a min of 6ft apart. NONE

#### **SPAS, MASSAGE THERAPY & MASSAGE ESTABLISHMENTS**

Industries regulated by professional licensing boards covered in Title 54 of the Nevada Revised Statutes will continue to follow the statewide baseline standards for COVID-19 mitigation measures and any mitigation measures promulgated by their respective regulatory bodies, in addition to local measures.

**CAPACITY** May operate under strict social distancing requirements per existing Directives and protocols established by the Nevada State Board of Cosmetology and Nevada State Board of Massage Therapy. NONE

**APPOINTMENTS** Services shall be provided by appointment only, and customers waiting for an appointment must wait outside and practice social distancing. NONE

**ADDITIONAL MEASURES** Out-call and/or in-home service may be provided with observation of same protocols as in the establishments. Establishments, including day and overnight spas, that may operate for aesthetic and massage services must prohibit the use of steam rooms, saunas, portable saunas, vapor baths, salt therapy rooms, hot tubs, and any other communal facilities. NONE

#### **HAIR SALONS, BARBERSHOPS, NAIL SALONS & BUSINESSES THAT PROVIDE AESTHETIC SKIN SERVICES**

Industries regulated by professional licensing boards covered in Title 54 of the Nevada Revised Statutes will continue to follow the statewide baseline standards for COVID-19 mitigation measures and any mitigation measures promulgated by their respective regulatory bodies, in addition to local measures.

**CAPACITY** May operate under strict social distancing requirements per existing Directives and protocols established by the Nevada State Board of Cosmetology and Nevada Barbers' Health and Sanitation Board, as applicable. NONE

**APPOINTMENTS** Services shall be provided by appointment only, and customers waiting for an appointment must wait outside and practice social distancing. NONE

**ADDITIONAL MEASURES** Out-call and/or in-home service may be provided with observation of same protocols as in the establishments. Salons & barber shops with walls/partitions between stations or chairs may utilize all stations, but no more than 1 customer can be at a station at any given time. Salons and barber shops without walls/partitions between stations/chairs may only seat clients every other station or chair, or arrange stations or chairs to a min of 6ft apart. NONE



### RETAIL STORES

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

**RETAIL & GROCERY STORES W/OVER 50,000 sq. ft. capacity** MUST have "counters" at all public entrances to manage capacity. MUST have health screening signage at public entrances. Encouraged to conduct temperature screenings before entry. NONE

**SELF-SERVE FOOD/BEVERAGE OPTIONS** Retail stores, including grocery stores, may offer limited self-service food and drinks with mitigation measures in place. NONE

**ADDITIONAL MEASURES** Strongly encouraged to promote and continue online or call-in ordering, curbside, delivery, and/or carry out operations. NONE

### CANNABIS - Medicinal & Recreational Establishments

After May 1, Medicinal and Recreational Marijuana Establishments will still remain under the authority and regulatory control of the Nevada Cannabis Compliance Board (CCB). However, capacity and mitigation measures for Medicinal and Recreational Marijuana establishments will fall under the category of "Retail Stores" within each county • For example, if a county decides to set a capacity limit of 50 percent for retail stores in its Local Mitigation and Enforcement Plan, marijuana establishments will also be at 50 percent capacity. NONE

### INDOOR MALLS

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code -- including no more than 50% capacity within each individual retail store, which must comply with all retail business restrictions. NONE

**ADDITIONAL MEASURES** Strongly encouraged to promote and continue online or call-in ordering, curbside, delivery, and/or carry out operations. NONE

### COMMUNITY & RECREATIONAL CENTERS

**CAPACITY** May operate under strict social distancing requirements at no more than 50% occupancy based on applicable fire code. NONE

### YOUTH AND ADULT RECREATIONAL SPORTS

Current state guidance does NOT govern professional sports leagues or college division level sports. The NIAA retains authority over when high school sports will resume and the guidelines under which competition will resume, consistent with Section 7 of Directive 028 and Sections 5 and 7 of Directive

**TOURNAMENTS** Tournaments for permissible sports (pursuant to Directive 034) allowed to resume no earlier than March 15. Tournaments must be approved by applicable State authorities prior to competitions through submission of a Preparedness & Safety Plan. NONE

**ADDITIONAL MEASURES** Amount of spectators allowed at a tournaments will be dictated by the applicable Directives on gathering sizes and must be outlined in the tournament's approved Preparedness & Safety Plan. NONE

**CONTACT LEVEL PROHIBITED** (unless regulated by NIAA) • Full-Contact Sports including football, rugby, wrestling, ice hockey, basketball, etc. --- **ALLOWED:**  
• Minimal-Contact Sports including baseball, softball, soccer, volleyball, lacrosse, etc.  
• Non-Contact Sports including golf, tennis, running, track and field, skiing/snowboarding, gymnastics, etc. NONE

**ESTABLISHMENTS CURRENTLY CLOSED THAT MAY TRANSITION TO LOCAL AUTHORITY**

ADULT ENTERTAINMENT ESTABLISHMENTS	CLOSED	NONE
NIGHTCLUBS & DAYCLUBS	CLOSED	NONE
BROTHELS	CLOSED	NONE
KARAOKE	CLOSED	NONE

**DOC #: 297803**

02/01/2021 04:08 PM Page: 1 of 4

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: araiya



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**RESOLUTION NO. 2021-03**

**of the Board of Lander County Commissioners**

**A RESOLUTION REMOVING LANDER COUNTY FROM  
A STATE OF EMERGENCY**

**COMMISSION MEETING: FEBRUARY 25, 2021**

**ITEM #5**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**



**RESOLUTION NO. 2021-03**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION REMOVING LANDER COUNTY FROM A STATE OF EMERGENCY.**

**WHEREAS**, the Governor of the State of Nevada issued a Declaration of Emergency to facilitate the State's response to the Covid-19 pandemic on March 12, 2020 and has issued over thirty-five (35) emergency directives since that date; and

**WHEREAS**, a State of Emergency was declared by the Lander County Board of County Commissioners by Proclamation 2020-02 on March 18, 2020 as a result of a public health event (Covid-19) and the impacts to hospital emergency rooms, local government agencies, local business, residents and visitors, and

**WHEREAS**, Lander County in an effort to avoid irreparable economic damage to local businesses, has previously created a policy wherein a business owner who has incurred expenses in the form of fines, penalties, or legal fees due to a state government directive can get reimbursement from the County with the County pursuing all legal defenses on behalf of the business; and

**WHEREAS**, the State of Nevada has steadfastly refused to work directly with rural Nevada to create policies tailored to rural Nevada, instead mandating "one-size-fits-all" policies created for more densely-populated counties; and

**WHEREAS**, the Board of County Commissioners recognizes that the Governor's Covid-19 related restrictions have caused damaging long-term economic effects on the Lander County economy; and

**WHEREAS**, the Fourteenth Amendment to the U.S. Constitution declares, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United State"; and

**WHEREAS**, the Great Barrington Declaration issued by infectious disease epidemiologists and public health scientists and co-signed by more than fifty-two thousand (52,000) medical professionals states, "Current lockdown policies are producing devastating effects in short and long-term public health" and "keeping these measures in place will cause irreparable damage"; and

**WHEREAS**, decisions affecting the health and well being of Lander County citizens must be based on empirical evidence without regard to politics or the influence of special interest groups; and

**WHEREAS**, Chapter 244 of the Nevada Revised Statutes establishes the County's authority to regulate matters of local concern, including the public health, safety and welfare of those in the County; and

**WHEREAS**, the Lander County Board of County Commissioners finds that the public health, safety and welfare of those in the County as well as the economic prosperity of the County is a matter of local concern; and

**WHEREAS**, the Lander County Health Board has recommended that "we are no longer in an emergency situation and there is more damage being done to our children and the economy due to restrictions than due to virus and it's time to get back to work and back to school".

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Commission hereby removes Lander County from the previously declared State of Emergency and declares that the County is open and free of restrictions; and

**BE IT FURTHER RESOLVED**, that our County is extremely concerned about the impacts to our children of any further delays to in-person education and therefore all school districts in our jurisdiction are urged to safely open all schools as soon as possible with no restrictions and no masks and provide in-person instruction to the greatest extent possible without further delay.

PASSED AND ADOPTED this 25th day of February, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho

Commissioner: Patsy Waits

Commissioner: Art Clark, III

Commissioner: Bryan Sparks


Commissioner: Wallace (JR) Thomas

THOSE VOTING NAY: Commissioner: None

Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None

Commissioner: \_\_\_\_\_

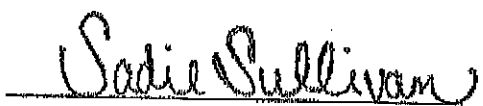
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Kathleen V. Ancho, Chair

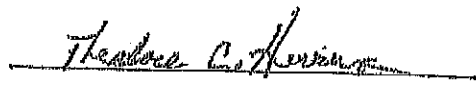
Lander County Board of Commissioners

ATTEST:

APPROVED AS TO FORM AND LEGALITY,



SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada



THEODORE C. HERRERA  
Lander County District Attorney

**DOC #: 298480**

03/25/2021 08:10 AM Page: 1 of 4

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: archive



**RECORDING REQUESTED BY:**  
**LANDER COUNTY COMMISSIONERS**  
**50 STATE ROUTE 305**  
**BATTLE MOUNTAIN, NV 89820**

**RESOLUTION NO. 2021-04**  
**Of the Board of Lander County Commissioner**

**A RESOLUTION RECOMMENDING NUTRITIONAL GUIDANCE FOR  
RESIDENTS OF LANDER COUNTY. THESE ARE  
RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH  
BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD  
BE MADE AFTER CONSULTATION WITH YOUR MEDICAL  
PROVIDER.**

**Approved: March 25, 2021**

**Commission Meeting: March 25, 2021**

**Item #8**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

**RESOLUTION NO. 2021-04**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION RECOMMENDING NUTRITIONAL GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**WHEREAS**, it is known by public health agencies that based upon recent National Health and Nutrition Examination Survey (NHANES) data published by the Centers for Disease Control and Prevention (CDC): 65-95% of Americans are deficient in Vitamin D, 60-84% of Americans are deficient in Vitamin E, 35-45% of Americans are deficient in Vitamin A, 37-46% of Americans are deficient in Vitamin C, and 11-15% of Americans are deficient in Zinc; and

**WHEREAS**, it is known by public health agencies that people deficient in Vitamin D, Vitamin E, Vitamin A, Vitamin C, and Zinc are more susceptible to infection, prolonged infection, hospitalization, and severe adverse events related to the pathophysiologic response to all infections including the SARS-CoV-2 virus and variants; and

**WHEREAS**, it is known based upon the preponderance of peer-reviewed evidence-based research that the inclusion of Vitamin D, Vitamin E, Vitamin A, Vitamin C, and Zinc reduces duration of infection and hospitalization; and

**WHEREAS**, evidence-based nutritional guidance has been proven safe based upon the billions of oral administrations consumed annually without cause of death or severe adverse event; and

**WHEREAS**, evidence-based nutritional guidance has been proven effective specifically for COVID-19 based upon the preponderance of evidence submitted for public record; and

**WHEREAS**, economic and mental health concerns now take precedence within our county making the safe return to in person education, the responsible reopening of small businesses, and the essential reemergence of citizens into society a county priority.

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends all residents discuss with their primary care providers the safety and efficacy of all nutritional guidance, before endeavoring into the use of evidence-based nutritional guidance here; and

Lander County recommends that residents utilize all evidence-based means to safely return to their pursuit of happiness including: regular hand washing, staying home when feeling ill, and



taking supplemental precautions to shore up any unknown nutrient deficiency using peer-reviewed evidence; and

Lander County recommends the following nutritional guidance as an additional option for mitigation of the infective spread of SARS-COV-2 (and all pathogenic microorganisms) by using supplementation from reputable companies with at least one of the following certifications for purity and potency: cGMP, NSF, USP, UL, NonGMO Project, or ConsumerLabs; and

Lander County recommends the following nutritional guidance as an additional tool for the responsible reopening of our community including small businesses, bedside advocate access in hospital & long-term senior care settings and the safe return to in-person education for all children:

**Seniors, Adults, Pregnant & Nursing Mothers, Teenagers**

Vitamin A (Beta-Carotene) - 5,000 IU/day

Vitamin C - 3,000 to 5,000 mg/day

Vitamin D3 - 10,000 IU/day (for 14-Days) 5,000IU/day (Thereafter)

Vitamin E - 200-600 IU/day

Zinc - 25 to 40 mg/day

\*Taken with food to minimize any temporary feelings of nausea that supplementation can lead to.

**Children Age 5 to 12**

Vitamin A (Beta-Carotene) - 5,000 IU/day

Vitamin C - 2,000 to 4,000 mg/day

Vitamin D3 - 5,000 IU/day (for 14-Days) 2,000 IU/day (Thereafter)

Vitamin E - 100 IU/day

Zinc - 25 mg/day

\*Taken with food to minimize any temporary feelings of nausea that supplementation can lead to.

**Children Age 1 to 4**

Vitamin A (Beta-Carotene) - 2,000 IU/day

Vitamin C - 500 to 1,000 mg/day

Vitamin D3 - 1,000 to 2,000 IU/day

Vitamin E - 50 IU/day

Zinc - 10 mg/day

\*Taken with food to minimize any temporary feelings of nausea that supplementation can lead to.

This Board recommendation constitutes prima facie evidence that persons and entities, including medical provider, within Lander County are not subject to findings of negligence per se

on the sole basis of having engaged in activities that are inconsistent with executive emergency orders related to COVID-19; and

This Board Recommendation constitutes prima facia evidence that in Lander County the hazard posed by COVID-19 is one of low probability and risk, and that reasonable precautions taken by persons and entities to minimize the virus's spread constitute good faith efforts regardless of whether such precautions are consistent with executive emergency orders related to COVID-19; and


All persons and entities within Lander County may present this Board recommendation to any court or tribunal, including proceedings before administrative bodies, as prima facia evidence of good faith compliance with relevant state and local laws and rules, including administrative rules, while engaging in activities that are inconsistent with executive emergency orders related to COVID-19.

**PASSED AND ADOPTED** this 25th day of March, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho  
Commissioner: Bryan Sparks  
Commissioner: Art Clark III  
Commissioner: Patsy A. Waits  
Commissioner: Wallace "JR" Thomas

THOSE VOTING NAY: Commissioner: None  
Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None  
Commissioner: \_\_\_\_\_



Kathleen V. Ancho, Chair

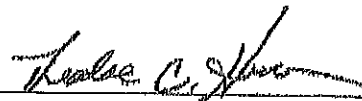
Lander County Board of Commissioners

ATTEST:



SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

APPROVED AS TO FORM AND  
LEGALITY,



THEODORE C. HERRERA  
Lander County District Attorney

**DOC #: 298481**

03/25/2021 09:10 AM Page: 1 of 3

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: areiva



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**RESOLUTION NO. 2021-05**  
**Of the Board of Lander County Commissioner**

**A RESOLUTION RECOMMENDING TREATMENT GUIDANCE FOR  
RESIDENTS OF LANDER COUNTY. THESE ARE  
RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH  
BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD  
BE MADE AFTER CONSULTATION WITH YOUR MEDICAL  
PROVIDER.**

**Approved: March 25, 2021**

**Commission Meeting: March 25, 2021**

**Item #9**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

**RESOLUTION NO. 2021-05**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION RECOMMENDING TREATMENT GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**WHEREAS**, it is known by public health agencies that people deficient in Vitamin D, Vitamin E, Vitamin A, Vitamin C, and Zinc are more susceptible to infection, prolonged infection, hospitalization, and severe adverse events related to the pathophysiologic response to all infections including the SARS-COV-2 virus and variants; and

**WHEREAS**, it is known based upon a preponderance of evidence that Vitamin D deficiency plays a substantial role in negative outcomes due to SARS-COV-2 infection; and

**WHEREAS**, it is known based upon peer-reviewed research involving 191,779 patients that patients with circulating Vitamin D, 25-Hydroxy levels less than 20 ng/ml are more than twice as likely to contract the SARS-COV-2 virus when compared to patients with circulating Vitamin D, 25-Hydroxy levels equal to or greater than 55 ng/ml; and

**WHEREAS**, it is important for all citizens to have access to evidence-based treatments; and

**WHEREAS**, the off-label use of Food and Drug Administration (FDA) approved medications is standard practice in medicine; and

**WHEREAS**, Ivermectin and Hydroxychloroquine have been clinically proven to be safe and effective for off-label use in the prophylaxis and treatment of COVID-19; and

**WHEREAS**, it is universally agreed upon that the withholding of evidence-based treatments from people in need is unethical and potentially evidence of willful misconduct.

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends that all medical facilities administer serologic Vitamin D, 25-Hydroxy testing to all patients exhibiting signs or symptoms of COVID-19 upon entry and/or admission to the medical facility; and

Lander County recommends that all patients with a circulating Vitamin D, 25-Hydroxy level below 55 ng/ml be issued daily oral Vitamin D of 10,000 IU for 14 days and then reduce dosing to 5,000 IU/day for all patients 13 years of age or older; 2,000 IU/day for all patients 5 to 12 years of age; and 1,000 IU/day for all patients 1 to 4 years of age; and

Lander County recommends that evidence-based primary treatment options including Ivermectin, Hydroxychloroquine, Intravenous Ascorbic Acid, and Therapeutic Oral Dosing of Vitamin A, C, D, E, and Zinc be presented to patients and their family advocates. All patients with the mental capacity to decide the course of action they would like to take should be allowed to select their own desired treatment option(s) as protected by the patient bill of rights; and

Lander County recommends that evidence-based supportive treatment options including Nebulized H2O2, Nebulized Glutathione, Quercetin, and Melatonin be offered to patients when appropriate to help accelerate patient recovery; and

**PASSED AND ADOPTED** this 25th day of March, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho

Commissioner: Bryan Sparks

Commissioner: Art Clark III

Commissioner: Patsy A. Waits

Commissioner: Wallace "JR" Thomas

THOSE VOTING NAY: Commissioner: None

Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None

Commissioner: \_\_\_\_\_

KV Ancho

**Kathleen V. Ancho, Chair**

**Lander County Board of Commissioners**

ATTEST:

APPROVED AS TO FORM AND LEGALITY,

Sadie Sullivan

Theodore C. Herrera

SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

THEODORE C. HERRERA  
Lander County District Attorney



**DOC #: 298482**

03/26/2021 09:10 AM Page: 1 of 4

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTY: \$0.00  
Recorded By: areiya



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**RESOLUTION NO. 2021-06  
Of the Board of Lander County Commissioner**

**A RESOLUTION RECOMMENDING TESTING PROTOCOL GUIDANCE  
FOR RESIDENTS OF LANDER COUNTY. THESE ARE  
RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH  
BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD  
BE MADE AFTER CONSULTATION WITH YOUR MEDICAL  
PROVIDER.**

**Approved: March 25, 2021**

**Commission Meeting: March 25, 2021**

**Item #10**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

**RESOLUTION NO. 2021-06**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION RECOMMENDING TESTING PROTOCOL GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**WHEREAS**, there has been no evidence to definitively substantiate that asymptomatic transmission of the SARS-COV-2 virus is a driver of infective spread or exists based upon medical gold-standards of clinical and laboratory investigation; and

**WHEREAS**, there is significant published, peer-reviewed evidence based upon medical gold-standards of clinical and laboratory investigation to disprove the theory of asymptomatic transmission of the SARS-COV-2 virus; and

**WHEREAS**, qualitative COVID RT-qPCR tests are not calibrated to be used diagnostically; and

**WHEREAS**, qualitative COVID RT-qPCR tests cannot determine whether a positive test result is indeed infectious; and

**WHEREAS**, it has been admitted by the World Health Organization (WHO) in January 2021 that cycle threshold values for qualitative COVID RT-qPCR have been set too high and have thus been responsible for encouraging false positive results at cycle threshold values above 25.00; and

**WHEREAS**, it has been proven by world-renowned PCR expert Dr. Sang Hi Lee that qualitative RT-qPCR leads to a 30% or greater false positive rate; and

**WHEREAS**, qualitative COVID RT-qPCR is not based upon Sanger Sequencing; and

**WHEREAS**, Sanger Sequencing is the gold-standard for PCR testing development because it provides a high degree of accuracy, according to the National Institutes of Health; and

**WHEREAS**, accurate testing is essential to the mitigation of the infective spread of the SARS-COV-2 virus; and

**WHEREAS**, Emergency Use Authorization (EUA) has been granted to serologic viral load antigen testing and serologic IgM and IgG antibody testing.

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends that all laboratories performing qualitative RT-qPCR testing for county residents submit the following information with each test result: (1) cycle threshold value used to determine positive versus negative qualitative test result, (2) quantitative cycle amplification value for each patient sample, and (3) quantitative Delta Rn value for each patient sample; and

Lander County recommends that all licensed healthcare personnel interpret qualitative RT-qPCR results for symptomatic patient samples as follows including requiring confirmatory lab testing for all RT-qPCR test results with quantitative cycle threshold values between 25.00 and 33.99; and

**PROPOSAL FOR CALIBRATING COVID RT-qPCR BASED UPON VIRAL REPLICATION-COMPETENCE**

Infectious	<23.00	Quarantine/Isolation Until No Longer Symptomatic + 2days. Administration of Evidence-Based Nutritional Guidance. Retest/Serologic Antibodies to Confirm (+IgG, +IgM)
Possibly Infectious	25.00 - 33.99	Confirmatory Lab Testing, Serologic Antigen Or Live Human Cell Culture, Quarantine/Isolation Until Confirmed, Administration Of Evidence-Based Nutritional Guidance As Precaution.
Not Infectious	≥34.00	Recommendation of Evidence-Based Nutritional Guidance As Precaution.

Lander County recommends that qualitative COVID-RT-qPCR testing be removed as the primary or sole method of laboratory evaluation of suspected COVID cases due to the inherent concerns regarding accuracy; and

Lander County recommends that COVID RT-qPCR testing become a reduced part of a more comprehensive testing strategy, exclusively for symptomatic persons only, that includes BUA approved COVID Viral Load Antigen Testing and COVID IgM and IgG Antibody Testing in order to better identify who is and who is not infectious; and

Lander County acknowledges that when the Food and Drug Administration (FDA) approves a COVID RT-qPCR Test based upon Sanger Sequencing that a re-evaluation of the accuracy of that test will be performed to determine it's role in the comprehensive testing strategy; and

Lander County acknowledges that asymptomatic transmission of the SAR-COV-2 virus has never been definitively proven by the WHO, Center for Disease Control and Prevention (CDC), or state health department; and

Lander County acknowledges that asymptomatic patients should not be tested using qualitative RT-qPCR testing alone in order to establish infectiousness; and

Lander County formally acknowledges that asymptomatic patients should instead be tested using EUA serologic viral load antigen and serologic IgM and IgG antibody to establish whether or not a resident is indeed an infectious new case; and

Lander County formally recommends that 10% of tests should be verified by sequencing with nested primers targeting SARS-COV-2, SARS-COV-1, INFLUENZA A, INFLUENZA B, and Bacterial Pneumonia; and

Lander County formally recommends that 50% of Sanger validated tests be further characterized with whole genome sequencing to monitor variants; and

Lander County formally recommends the use of three (3) diagnostic categories considering delta CT and relative transmissibility based on imperial data.

**PASSED AND ADOPTED** this 25th day of March, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho  
Commissioner: Bryan Sparks  
Commissioner: Art Clark III  
Commissioner: Patsy A. Waits  
Commissioner: Wallace "JR" Thomas

THOSE VOTING NAY: Commissioner: None  
Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None  
Commissioner: \_\_\_\_\_

KV Ancho  
Kathleen V. Ancho, Chair

Lander County Board of Commissioners

ATTEST:  
Sadie Sullivan

SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

APPROVED AS TO FORM AND LEGALITY,

Theodore C. Herrera

THEODORE C. HERRERA  
Lander County District Attorney

**DOC #: 298887**

04/27/2021 03:20 PM Page: 1 of 3

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: adalgado



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**AMENDED RESOLUTION NO. 2021-07**

**Of the board of Lander County Commissioner**

**A RESOLUTION RECOMMENDING ELDERS & DISABLED RESIDENTS' RIGHTS GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**APPROVED: April 22, 2021**

**Commission Meeting: April 22, 2021**

**Item #3**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

**AMENDED RESOLUTION NO. 2021-07**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION RECOMMENDING ELDER & DISABLED RESIDENTS' RIGHTS GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**WHEREAS**, there has been no evidence to definitively substantiate that asymptomatic transmission of the SARS-COV-2 virus is a driver of infective spread or exists based upon medical gold-standards of clinical and laboratory investigation; and

**WHEREAS**, there is significant published, peer-reviewed evidence based upon medical gold-standards of clinical and laboratory investigation to disprove the theory of asymptomatic transmission of the SARS-COV-2 virus; and

**WHEREAS**, a study published in Nature Journal on November 20, 2020 demonstrated that in 9,898,828 enrolled participants there was a 0.000000% chance of asymptomatic transmission based upon RT-qPCR testing in addition to confirmatory IgM and IgG antibody testing as well as live cell cultures in attempts to find replication competent virus; and

**WHEREAS**, prolonged isolation is associated with increased incidence of depression, anxiety, and despair and sequelae; and

**WHEREAS**, all seniors and disabled persons residing in assisted living environments have explicit state and federal rights, protected by the Nursing Home Reform Act of 1987 and its' defined Residents' Bill of Rights; and

**WHEREAS**, senior and disabled persons have had their rights substantially infringed upon by existing state public health policies; and

**WHEREAS**, the Nursing Home Reform Act of 1987 and its' included Residents' Bill of Rights, recognizes and protects a residents' right to: participate in their own assessment, care-planning, treatment, and discharge; refuse medication and treatment; private and unrestricted communication with any person of their choice; be free from mental and physical abuse, corporal punishment, involuntary seclusion, and physical and chemical restraints; self-determination; visits by relatives, friends, and others of the residents' choosing; raise grievances without fear of consequences; make personal decisions, such as what to wear and how to spend free time; participate in community activities, both inside and outside the nursing home; and be fully informed of the type of care to be provided, and risks and benefits of proposed treatments.



NOW THEREFORE, BE IT RESOLVED, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends that all residents within senior and disabled person assisted living environments be permitted to have visitors at their discretion; and

Lander County recommends that all residents within senior and disabled person assisted living environments be permitted to leave their residence at their discretion; and

BE IT FURTHER RESOLVED, Lander County recommends that all public health policies within this county are reevaluated to align with and meet, at minimum, the standards on residents' rights set forth in and protected by the Nursing Home Reform Act of 1987 and its' included Residents' Bill of Rights.

PASSED AND ADOPTED this 22nd day of April, 2021.

THOSE VOTING AYE: Commissioner: Bryan Sparks

Commissioner: Art Clark III

Commissioner: Patsy Waits

Commissioner: Wallace "JR" Thomas

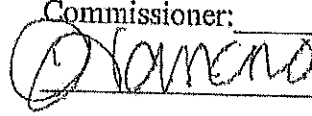
Commissioner: \_\_\_\_\_

THOSE VOTING NAY: Commissioner: Kathleen V. Ancho

Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None

Commissioner: \_\_\_\_\_



Kathleen V. Ancho, Chair

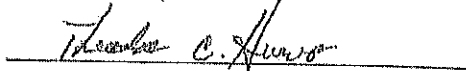
Lander County Board of Commissioners

ATTEST:



SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

APPROVED AS TO FORM AND LEGALITY,



THEODORE C. HERRERA  
Lander County District Attorney

DOC #: 298886

04/27/2021 03:26 PM Page: 1 of 4

OFFICIAL RECORD

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: adeigado



RECORDING REQUESTED BY:

LANDER COUNTY COMMISSIONERS

50 STATE ROUTE 305

BATTLE MOUNTAIN, NV 89820

**AMENDED RESOLUTION NO. 2021-08**

Of the board of Lander County Commissioner

A RESOLUTION RECOMMENDING VACCINE INFORMED CONSENT GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.

**APPROVED: April 22, 2021**

**Commission Meeting: April 22, 2021**

**Item #4**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

**AMENDED RESOLUTION NO. 2021-08**

**of the Board of Lander County Commissioners**

**SUMMARY: A RESOLUTION RECOMMENDING VACCINE INFORMED CONSENT GUIDANCE FOR RESIDENTS OF LANDER COUNTY. THESE ARE RECOMMENDATIONS ONLY FROM THE LANDER COUNTY HEALTH BOARD AND ALL MEDICAL AND TREATMENT DECISIONS SHOULD BE MADE AFTER CONSULTATION WITH YOUR MEDICAL PROVIDER.**

**WHEREAS**, informed consent applies to all vaccines used under Emergency Use Authorization (EAU) or Food and Drug Administration (FDA) licensure; and

**WHEREAS** informed consent laws exist to protect human use of medical products still within ongoing clinical trial; and

**WHEREAS**, all persons electing to engage in the use of medical products still within ongoing clinical trials have definitive rights to know detailed information in order to satisfy the legal tenants of being informed before granting their consent; and

**WHEREAS**, all existing COVID vaccines are confirmed by the National Institutes of Health (NIH) to still be in Phase 3 of ongoing clinical trials; and

**WHEREAS**, all existing COVID vaccines are EUA approved only and not yet licensed by the FDA; and

**WHEREAS**, all existing COVID vaccines cannot be officially FDA licensed until the conclusion of said Phase 3 clinical trials once long-term safety and efficacy data has been collected and submitted for analytical review by the FDA; and

**WHEREAS**, all existing COVID vaccines will be in clinical trial until October 27, 2022 at the earliest according to the NIH; and

**WHEREAS**, the Public Readiness and Emergency Preparedness (PREP) Act protects all vaccine manufacturers from liability should their products, still in clinical trial, injure or be the cause of death for anyone electing to use their products without being officially entered into the clinical trial; and

**WHEREAS**, all persons electing to engage in the use of medical products still in ongoing clinical trial have the right to be informed of known and unknown risks, as well as the right to refuse any medical product still in experimental phases of development and evaluation; and

**WHEREAS**, SARS-CoV-2 vaccine manufacturers, and the entire chain from production, distribution to administration, have been granted immunity from liability for adverse events.

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Board of Commissioners recommends as follows:

Lander County recommends that all residents of the county be provided up to date information from the federal Vaccine Adverse Events Reporting System (VAERS) regarding number of deaths following administration of any of the COVID vaccines; and

Lander County recommends that all residents of the county be provided up to date information from VAERS regarding number of injuries following administration of any of the COVID vaccines; and

Lander County recommends that all residents of the county be provided up to date information from VAERS regarding number of deaths and injuries by age demographic; and

Lander County recommends that all healthcare providers are aware of the signs of COVID vaccine injuries reported; and

Lander County recommends that all persons electing to engage in the use of COVID vaccines, still in ongoing clinical trial, are made aware of the complete list of adverse events compiled from each official record in VAERS prior to administration of any COVID vaccine so the county resident can report any adverse events to their healthcare provider should they occur.

**BE IT FURTHER RESOLVED THAT**, any practitioner, administering vaccines, is required to provide patients with the information from the following websites on immunity from liability and all legal remedies for any adverse events.

<https://crsreports.congress.gov/product/pdf/LSB/LSB10443>

**PASSED AND ADOPTED** this 22nd day of April, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho

Commissioner: Bryan Sparks

Commissioner: Art Clark III

Commissioner: Patsy Waits

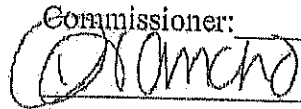
Commissioner: Wallace "JR" Thomas

THOSE VOTING NAY: Commissioner: None

Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None

Commissioner: \_\_\_\_\_



**Kathleen V. Ancho, Chair**

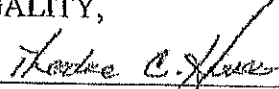
**Lander County Board of Commissioners**

ATTEST:



SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

APPROVED AS TO FORM AND  
LEGALITY,



THEODORE C. HERRERA  
Lander County District Attorney

**DOC #: 298883**

04/27/2021 03:20 PM Page: 1 of 5

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: adelgado



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**RESOLUTION NO. 2021-12**

**A RESOLUTION PROHIBITING THE LANDER COUNTY COMMISSION OR ANY LANDER COUNTY BOARD, AGENCY, DEPARTMENT, POLITICAL SUBDIVISION AGENT OR ASSIGNS FROM PRODUCING AND/OR ISSUING A COVID-19 "VACCINE PASSPORT" OR REQUIRING ONE FOR ANY PURPOSE OR FROM PROVIDING INFORMATION OF AN INDIVIDUAL'S COVID-19 VACCINE STATUS TO ANYONE OR TO ANY ENTITY FOR INCLUSION IN A COVID-19 "VACCINE PASSPORT" PROGRAM.**

**APPROVED: April 22, 2021**

**Commission Meeting: April 22, 2021**

**Item #8**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**



RESOLUTION NO. 2021-12

of the Board of Lander County Commissioners

**SUMMARY: A RESOLUTION PROHIBITING THE LANDER COUNTY COMMISSION OR ANY LANDER COUNTY BOARD, AGENCY, DEPARTMENT, POLITICAL SUBDIVISION AGENT OR ASSIGNS FROM PRODUCING AND/OR ISSUING A COVID-19 “VACCINE PASSPORT” OR REQUIRING ONE FOR ANY PURPOSE OR FROM PROVIDING INFORMATION OF AN INDIVIDUAL’S COVID-19 VACCINE STATUS TO ANYONE OR TO ANY ENTITY FOR INCLUSION IN A COVID-19 “VACCINE PASSPORT” PROGRAM.**

**WHEREAS**, an individual’s COVID-19 vaccination status and records are protected health information which should not be shared by mandate; and

**WHEREAS**, COVID-19 “vaccine passports” reduce individual freedom and will harm patient privacy; and

**WHEREAS**, no government or business entity should compel disclosure of protected health information by mandating a “vaccine passport” for COVID-19 or by otherwise conditioning receipt of services on an individual’s COVID-19 vaccination status; and

**WHEREAS**, requiring COVID-19 “vaccine passports” for taking part in everyday life - such as for employment, attending school, or a sporting event, patronizing a restaurant, or going to a movie theater - would create two classes of citizens based on vaccination; and

**WHEREAS**, Jim Crow laws and regulations institutionalized segregation, discrimination and economic, educational, and social disadvantages for African Americans; and

**WHEREAS**, Jim Crow laws were upheld in 1896 in the case of *Plessy vs. Ferguson*, in which the U.S. Supreme Court laid out its “separate but equal” legal doctrine for facilities that segregated and discriminated against African Americans; and

**WHEREAS**, in 1954, the U.S. Supreme Court declared segregation of public schools unconstitutional in the landmark case *Brown v. Board of Education*. Generally, the remaining Jim Crow laws were overruled by the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

**WHEREAS**, COVID-19 “vaccine passports” and segregation and discrimination based on an individual’s COVID-19 vaccination status create the conditions of a new Jim Crow 2.0; and

**WHEREAS**, the crimes of World War II led to the establishment of the Nuremberg Code, which lays out requirements for medical experimentation on human subjects. The most important provision of the code being, **voluntary consent of the human subject is absolutely essential** (<https://history.nih.gov/display/history/Nuremberg+Code>); and

**WHEREAS**, the right to bodily integrity and self-ownership of one’s body is globally recognized as inalienable and protected human rights. To preserve bodily integrity, all medical

interventions, including vaccination, must be made with full informed consent and without conditions of coercion, including the restriction of free movement through and participation in normal society; and

**WHEREAS**, Nevada law does not require Nevadans receive a COVID-19 vaccine and it is a personal choice and where some Nevadans because of their age, medical condition, religious or philosophical objection are unable to receive a vaccine; and

**WHEREAS**, the U.S. Food and Drug Administration (FDA) has granted Emergency Use Authorization (EUA) for COVID-19 vaccines that are not yet FDA licensed, pursuant to the Project BioShield Act of 2004, 21 U.S.C. (&) 360bbb-3; and

**WHEREAS**, that federal statute expressly recognizes that each individual has “the option to accept or refuse administration of the product” under an Emergency Use Authorization (EUA), 21 U.S.C. 360bbb-3(e)(1)(A)(i)(III); and

**WHEREAS**, the U.S. Supreme Court ruled vaccines “unavoidably unsafe” in *Bruesewitz v. Wyeth LLC* (2011); and

**WHEREAS**, all COVID-19 vaccine manufacturers, and the entire chain from production distribution to administration, have been granted immunity from liability for adverse events; and

**WHEREAS**, COVID-19 vaccines use new platform technology, such as mRNA and nanotechnology, making them both innately experimental and significantly divergent from any previous vaccines which necessitates extensive gold standard safety studies, which have not yet begun; and

**WHEREAS**, COVID 19 “vaccine passports” are being developed primarily as digital vaccination records which are inherently vulnerable to privacy breaches, manipulation and integration into a digital tracking system - like blockchain - that enrolls the participant, with or without consent into a “do to do” system for one’s participation in society. A “do to do” system dictates that one must “do” something (such as receive a COVID-19 vaccine) in order to be able to “do” another thing (such as have a job or access to food in a grocery store) and is the next generation of a “show me your papers” totalitarian technocratic regime; and

**WHEREAS**, Nevada Governor Sisolak is championing “Innovation Zones” which would establish a new political subdivision of autonomous self-governing blockchain-powered “smart cities” functioning outside of county ordinances. “Innovation Zones” are focused on the development of advanced technologies such as blockchain, Internet of Things (IoT), artificial intelligence, robotics, biometrics and renewables and will use digital blockchain technology to fully integrate the “smart city” operating systems and the residents’ personal information including health, finance, education, utilities, judicial, and social media thereby creating a complete digital control system; and

**WHEREAS**, it is discriminatory, coercive and a violation of inalienable human and civil rights for either the government or the private sector to require that an individual show proof of vaccination to participate in normal society; and

**WHEREAS**, some states are exploring the creation of COVID-19 “vaccine passports” and New York is promoting a software program that will facilitate the exclusion of Americans who have not received a COVID-19 vaccine from receiving services and fully participating in public life; and

**WHEREAS**, the board has serious concerns that implementing COVID-19 “vaccine passports” will violate Lander County residents’ medical privacy rights, prejudice those who have not been vaccinated, and cause division among our populace; and

**WHEREAS**, it is contrary to the core values and principles of this board, of the U.S. Constitution, the Bill of Rights and the global body of human rights doctrines to mandate the COVID-19 vaccine or issue COVID-19 “vaccine passports” and

**WHEREAS**, it is necessary to prohibit discrimination against individuals who have not been vaccinated against COVID-19; and

**WHEREAS**, it is necessary to protect the fundamental rights and privacies of Lander County residents and the free flow of commerce within the county.

**NOW THEREFORE, BE IT RESOLVED**, that the Lander County Board of Commissioners, do hereby proclaim and declare as follows:

1. No Lander County commission, board, agency, department, political subdivision, agent or assigns, shall:
  - a. Require as condition for accessing state services or facilities that an individual produce proof that he or she has received a Covid-19 vaccine;
  - b. Produce and issue a COVID-19 “vaccine passport” for the purpose of certifying that an individual has received a COVID-19 vaccine; or
  - c. Provide information of an individual’s COVID-19 vaccine status to any person, company, or government entity for inclusion in a COVID-19 “vaccine passport” program.
2. Businesses in Lander County are prohibited from requiring patrons or customers to provide any documentation certifying COVID-19 vaccination or post-transmission recovery to gain access to, entry upon, or service from the business.
3. Public and private business entities are prohibited from basing employment on requiring proof of COVID-19 vaccination status or making employment decisions based on such vaccination status.
4. All county agencies shall work to ensure businesses comply with this order.
5. All businesses must comply with this order to be eligible for grants or contracts funded through county revenues.
6. The Lander County Board of Health shall engage with other counties in Nevada to convene an ad hoc working group for the purpose of promulgating a statement of the ethical and legal

considerations around the use of 1.) new platform technology being used in vaccines, such as mRNA and nanotechnology, and 2.) digital ledger and tracking systems.

7. This Resolution does not, and shall not be construed to, prohibit, restrict, or otherwise limit the right of an individual to access his or her own personal health information under state or federal law.

**PASSED AND ADOPTED** this 22nd day of April, 2021.

THOSE VOTING AYE: Commissioner: Kathleen V. Ancho

Commissioner: Bryan Sparks

Commissioner: Art Clark III

Commissioner: Patsy Waits


Commissioner: Wallace "JR" Thomas

THOSE VOTING NAY: Commissioner: None

Commissioner: \_\_\_\_\_

THOSE ABSENT: Commissioner: None

Commissioner: \_\_\_\_\_

 \_\_\_\_\_

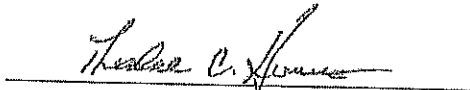
**Kathleen V. Ancho, Chair**

**Lander County Board of Commissioners**

ATTEST:

APPROVED AS TO FORM AND  
LEGALITY,





SADIE SULLIVAN, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of  
Lander County, Nevada

THEODORE C. HERRERA  
Lander County District Attorney

**DOC #: 300543**

08/27/2021 09:42 AM Page: 1 of 4

**OFFICIAL RECORD**

Requested By:  
LANDER COUNTY COMMISSIONERS

Lander County, NV  
Lesley Bunch, Recorder

Fee: \$0.00 RPTT: \$0.00  
Recorded By: lbunch



**RECORDING REQUESTED BY:**

**LANDER COUNTY COMMISSIONERS**

**50 STATE ROUTE 305**

**BATTLE MOUNTAIN, NV 89820**

**ORDINANCE NO. 2021-03**

**AN ORDINANCE ADDING NEW TITLE 08, CHAPTER 42 TO THE  
LANDER COUNTY CODE SO AS TO PROHIBIT ALL COUNTY  
GOVERNMENTAL ENTITIES AND BUSINESSES WITHIN THE  
COUNTY FROM REQUIRING PATRONS AND RESIDENTS TO  
PROVIDE PROOF OF VACCINATION FOR COVID-19, AND  
ALL OTHER MATTERS PROPERLY RELATING THERETO.**

**Approved for Passage: August 12, 2021**

**Meeting: August 12, 2021**

**ITEM #2**

**This page added to provide information required by NRS 111.312, sections 1-2**

**This cover page must be typed or printed**

charge or membership requirement.

COUNTY GOVERNMENTAL ENTITY: Means a Lander County governmental agency, division, authority, board, commission, instrumentality, municipality, county, town, incorporated or unincorporated or other governmental entity.

COVID-19: Means the 2019 Novel Coronavirus Disease and its variants.

**08.42.020 - Prohibition:**

COVID-19 Passports are prohibited in Lander County.

**08.42.030 - County Governmental Entity shall not issue COVID-19 Passport:**

A County Governmental Entity in this County may not issue or require a vaccine passport, vaccine pass, or other standardized documentation to certify an individual's COVID-19 vaccination status to a third party for a purpose other than health care, or otherwise publish or share any individual's COVID-19 immunization record or similar health information for a purpose other than health care.

**08.42.040 - County and Business Entity shall not require COVID-19 Passport:**

Notwithstanding any provision of law to the contrary, a business or county governmental entity shall not require a customer, patron, client, patient, or other person who is invited onto the premises of the business or county governmental entity to furnish proof of having received a vaccination for COVID-19 prior to entering onto the premises of the business or county governmental entity.

**08.42.050 - Compliance:**

Notwithstanding any other law, each appropriate county agency shall ensure that businesses in this county comply with LCC 08.42.040 and may require compliance with that subsection as a condition for a license, permit, or other county authorization necessary for conducting business in this County.

**Section 2.** This ordinance shall be effective on August 26, 2021.

**Compliance with NRS 244.119.** Pursuant to the requirements of NRS 244.119, the Lander County Clerk is hereby directed to file three (3) copies in the office of the county clerk and two (2) copies of this ordinance with the Librarian of the Supreme Court Law Library.

PROPOSED on the 22nd day of July, 2021.

PROPOSED by Board Member Bryan Sparks


PASSED on the 12th day of August, 2021.

AYES: Commissioners Kathleen V. Ancho; Patsy Waits;


Bryan Sparks; Wallace (JR) Thomas;

NAYS: Commissioners None

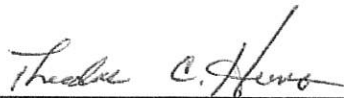
ABSENT: Commissioners Art Clark, III

By:   
Kathleen V. Ancho, Chairperson

**ATTEST:**

By:   
Sadie Sullivan, County Clerk and Ex-Officio  
Clerk of the Board of Commissioners of Lander  
County, Nevada

**APPROVED AS TO FORM AND LEGALITY:**

By:   
Theodore C. Herrera  
District Attorney