



Meeting Minutes COVID-19 Mitigation and Mangement Task Force

Attendance	DATE	October 8, 2020
	TIME	10:00 A.M.
	METHOD	Video-Teleconference
	RECORDER	Tanya Benitez
Task Force Voting Member Attendance		
Member Name		Present
Caleb Cage		X
Richard Whitley		X
Terry Reynolds		ABS
Jaime Black		X
Justin Luna		ABS
Felicia Gonzales		X
Brett Compston		X
Meagan Werth Ranson		X
Chris Lake		X
Dagny Stapleton		X
Wesley Harper		X
Mark Pandori		X
Task Force Non-Voting Member Attendance		
Kyra Morgan		X
Lisa Sherych		X
Julia Peek		X
Melissa Peek-Bullock		X
Malinda Southard		X
Lesley Mohlenkamp		X
Samantha Ladich		X

1. Call to Order and Roll Call

Chair Caleb Cage, Governor’s Office (GO), called the meeting to order. Roll call was performed by Meagan Werth Ranson, GO. Quorum was established for the meeting.

2. Public Comment

Chair Cage opened the discussion for public comment in all venues. John Koenig, Nye County Commissioner addressed the Task Force. “John Koenig, Nye County Commissioner. Chair Cage and members of the Task Force Team, I am speaking today requesting that you allow brothels in Nye County and the rest of the state where they are permitted to reopen where criteria would allow. I propose that each brothel would submit a reopening plan. That plan would be approved by county management, after which they would be allowed to open. They are already inspected regularly. Any deviations from that plan, would be cause to shut them down. Massage parlors are open. Bars are open. Most everything is open, except brothels. It’s time. I understand that some people do not like brothels, but they are a legal business in the State of Nevada in counties that allow it. Waiting to speak after me, if you allow, is Attorney Deanna Forbush, she works for the Chicken Ranch Brothel in Nye County.

Draft Minutes – For approval at the October 22, 2020 Meeting

Deanna Forbush, Attorney in Las Vegas, with Fox Rothschild, thank you Chair and thank you Task Force for holding this meeting. Because Nye County has established and has maintained a low positivity rate, everything in the county is open except for the brothels. I represent one of those brothels in Nye County that has been kept closed with no rational basis provided for the continued closure. One thing the Governor must do to maintain his emergency executive authority is to avoid acting in an arbitrary or capricious manner. He accomplishes that by evaluating and treating all businesses with the same criteria. That has not been done here. Some businesses are open while others remain closed. The decisions made in this regard have clearly not only been arbitrary and capricious but also prejudicial and unconstitutional. So far all we have been told is that the Governor is not focused on brothels. He is more interested in getting kids back to school and he doesn't like skin on skin activity. First, I have to tell you how hurt the people are that work in this lawful industry. People who have been out of work for eight months and whose children are hungry in many cases are very hurt to learn just how little they mean to the Governor. Secondly, there are plenty of skin on skin businesses that have been open while my client remains closed. Dentists and their Hygienists, who probe their patients mouths with their fingers for up to 30 to 60 minutes at a time are open. Yes, they wear gloves but our customers wear just as much protection as they do, and they have been doing so long before COVID. And, just like the dental professionals, our customers, employees, and contractors are required to wear masks and other PPE at all times pursuant to the protocols we've submitted to our county with great approvals as Commissioner Koenig just mentioned. Spas and massage parlors are open where, while wearing nothing more than a sheet, a person can have their bodies massaged with oils and lotions rubbed into their body by a masseuse for up to 90 minutes uninterrupted. They've been able to do that since phase two. Eyelash and hair salons are open where technicians applying lashes have their ungloved fingers in their customers' eyes for 60 minutes straight. Hair stylists stand over their clients, washing their hair, massaging their scalps, cutting their hair, and then blowing it dry, sometimes for up to two hours without interruption. And Escort Services are open, which, as I understand it, involves one-on-one dating of persons who are generally unfamiliar with one another. Meanwhile, the brothels are closed because the Governor doesn't like skin-on-skin business. You must understand that every business is essential to the people who work there and who patronize it. We are not going to successfully kill this virus by killing our economy. We simply cannot change the course of a pandemic with an economic lockdown. While there have been some openings of some businesses, the government has disparately applied its opening metrics creating winners and losers. I know this is true because if the State's metrics were being applied evenly, my client would be opened. Decision makers cannot allow their own individual prejudices or moral judgements to discriminate against businesses by applying different standards to similar industries. Beyond being unfair, the system that has been employed to date, is blatantly unconstitutional. The constitutionality of Emergency Directives are subject to the constitutional guarantees of due process and equal protection. The Equal Protection Clause of the 14th Amendment requires that before a government can treat similarly situated groups differently, there must be a rational relationship between the disparity of treatment and some legitimate governmental purpose. This principal is reinforced by the Procedural Due Process of the 14th Amendment and the 5th Amendment which require that before a government can deprive individuals of liberty or property, for example their businesses or livelihood, the government must show that it is acting for a public purpose, and that its actions have some reasonable relation to that stated purpose. Here there is no possible rational relationship between keeping my client closed that the public's safety. People that frequent my client's establishment do not engage in group activity; services are provided one-on-one. The government has allowed businesses with indistinguishable risk factors to open and has permitted super spreader events to go forward with impunity, due to the participants; constitutional rights. Those same constitutional rights are guaranteed to my client and they have been denied for over eight months. I am sure that the Governor has taken notice of the fact that the lawsuits that have been filed around the country have not been favorable to Governors. In Pennsylvania, Governor Wolf was told by his Supreme Court that his order shutting down businesses violative of the 14th Amendment. In Michigan Governor Whitmer learned from her Supreme Court that her actions were unconstitutional. The same thing happened to Wisconsin where that State's Supreme Court overturned its Governor's mandates and the same thing will happen here. My client doe does not wish

to join the long list of businesses that have sued the Governor and this State.” Chair Cage requested the remainder of Ms. Forbush’s public comment be submitted in writing due to time constraints.

Lance Gilman commented next. “I am Lance Gilman, I am a Storey County resident and a multiple County business owner. Mr. Cage and members of the COVID-19 Mitigation and Management Task Force, undoubtedly, we are in unprecedented times that have required difficult decisions and challenging choices. We have and do respect the leadership put forth by this Task Force, Elite Committee, and Governor Sisolak and his office. As such, Storey County, it’s leadership and management team, it’s businesses, and it’s citizens, we have all implemented the regulations and the suggestions that have been put forth by the State to mitigate the impact of COVID-19 and we are proud of our results. To date, Storey County has only had 11 cases of COVID-19. All of which have been treated and have recovered. With that in mind, I implore you to allow Storey County the ability to re-open all of its businesses and fully begin the long recovery from the significant economic damage from this pandemic and its ensuing shut down. Specifically, this morning, I am asking that you allow the county the ability to re-open the Mustang Ranch. A long-standing economic driver and community steward for our County. Since the beginning of the shutdown, our States leadership has repeatedly reiterated the criteria for re-opening businesses in our State. It has been stressed by the Governor and this Task Force that decisions on reopening businesses would be made first and foremost on data and the likelihood of getting infected and spreading the COVID-19 virus in a business and/or municipality. It has been stressed that the data and not the industry or the business would be the driving force for closing or keeping a business closed. It has also been emphasized that for a business to reopen a sufficient and adequate mitigation and enforcement plan would be absolutely needed. In short, the goal of the shutdown and subsequent reopening was to avoid picking winners and losers, but rather to minimize the risk of community spread of the burden on our healthcare system. With those as the guiding philosophies of our States COVID-19 response, I am hereby formally requesting Storey County’s ability to reopen the Mustang Ranch. Working in coordination with health care professionals, Storey County Leadership, the Storey County Sheriff, other law enforcement, the Mustang Ranch has developed a significant mitigation and enforcement plan and it’s designed to address COVID-19. This plan has been shared with the Governor’s office, the LEAP Committee, the COVID-19 Task Force, the States medical leadership and many others, and by all accounts it is absolutely sufficient and adequate to open the Mustang Ranch. We have received no feedback of any kind on why this business continues to remain closed. It is not a business that encourages congregation or large crowds. The proposed mitigation plan further mandates that there will be no crowds or groups at any time at the business. To date, the State has reopened massage parlors, health spas, martial arts studios, dental offices, and a large variety of other businesses that do involve close contact and one-on-one physical actions. I mean we have even opened the male strip show down on the Las Vegas strip. Furthermore, there is no doubt that the services provided at the Mustang Ranch are at any higher risk of spreading COVID-19 than any of these other businesses and industries. Since 1971, the Mustang Ranch has been a long-standing community steward for Storey County. Doing everything from significantly supporting underprivileged school children and after school programs to providing meals on a regular basis for seniors on fixed income and in challenging situations. In fact, the Mustang Ranch has continued to provide significant monetary support to a number of community-based programs during this health and economic crisis. For example, the school backpack program for the kids that don’t have enough to eat over the weekend, or our after-school programs totally funded by the Mustang Ranch. Additionally, the closure of Mustang Ranch has had dire impact on the employees and the women that work there. It’s has been forcing their families into critical financial circumstances. I can tell you for many years, the Mustang Ranch was the only significant economic driver in Storey County, paving the way for our County and the region to become the economic development beacon that it is now today. The Ranch has been a constant for our community through times of prosperity and adversity alike. We can identify no reason that the Ranch should remain closed. Based on all of the above reasons and the States commitment to data based decisions, not arbitrarily picking winners and losers, and I again implore this Task Force, please to immediately give Storey County the ability to reopen our Mustang Ranch in a safe and healthy manner. Thank you so much for this time respectfully.”

Draft Minutes – For approval at the October 22, 2020 Meeting

Austin Osborne, Storey County Manager, read into the record a letter that was approved by the Storey County Commissioners. “I want to read a letter into the record that was approved by the Board of Storey County Commissioners yesterday on October 7th with one abstention regarding brothel business reopening plan. “Mr. Cage and members of the COVID-19 Mitigation and Management Task Force, we appreciate the leadership and protective measures that the Governor’s Task Force, LEAP Committee, and Governor Sisolak have taken to mitigate COVID-19 impacts across the State. Storey County has businesses and residents have also implemented the Governor’s directives to protect its residences and businesses. All but one business in Storey County is permitted to open under COVID-19 phase two guidelines. Please accept this letter requesting that all legal licensed businesses be allowed to open or partially open when proper mitigation plans are submitted in conformance to strict protective measures is constantly demonstrated. The State thus far has reopened massage parlors, health spas, martial arts, and other businesses involved in close contact and one-on-one physical interaction. Reopening plans have been submitted to the Governor’s office by Storey County suggests that brothels may also operate safely under Phase Two directives when they are regulated properly and closely monitored by healthcare professionals, local law enforcement, and qualified state leadership. On May 6 and August 5, 2020, Storey County provided the Governor’s office COVID-19 mitigation and business reopening plans. Each plan outlined measures to be taken by all licensed businesses in the County to safely reopen or partially reopen under the COVID-19 event. On September 17, 2020, Commission Chairman McBride also submitted to the Governor’s Task Force a letter summarizing past board action regarding business reopening plans, and he requested the Task Force to consider placing the topic on an upcoming agenda for discussion. State leadership has consistently reiterated that decisions on reopening businesses would be based on data, the likelihood of infection and spread of COVID-19, on proper mitigation planning, and upon strict enforcement of state directives and local mitigation plans. Storey County’s only licensed brothel submitted several reopening plans to county leaders and to the Governor’s office. Each submittal offered to consult directly with state authorities to discuss and address healthcare and law enforcement concerns. We respectfully request this statement to be considered by the Governor and the Task Force, to be provided an opportunity to discuss this matter further, or for the Task Force to communicate with or provide an advisory recommendation to the Governor. Storey County has taken COVID-19 mitigation emergency seriously and will continue working closely with local law enforcement and leadership, and Quad-County healthcare professionals to administer community testing, mitigating health hazards, ensuring compliance with state directives, and engaging in public outreach. Sincerely Storey County Commissioners Marshall McBride, Chairman and Jay Carmona Vice-Chairman.”

Trudy Kevoyn, General Manager of the Chicken Ranch Brothel was next to provide public comment. “On March 16th when I had to come in and lay off my staff, as well as all of my contractors and working ladies, it was devastating. Our doors had never been closed and most were unprepared, but all wanted to respect what the Governor had put down for us, and we were all as afraid of this COVID as much as everybody else was. We wanted to slow down the process and sent everyone home. At this time, my staff of employees were able to collect unemployment benefits; however, the contractors, many were not. It was several months before they were able to even receive any kind of benefits and yet not all of them were able to receive those benefits. Unfortunately, many have not been prepared to be shut down for seven or eight months, and it has been a real task on them emotionally and mentally on their state of being. Our contractors are in constant contact with me, and this has affected them severely. Most of them are too embarrassed or humiliated to reach out to their local food pantries and things like that for help because this is not something they have been accustomed to. They take pride in the fact that they have chosen to do their professional business legally and they wanted to maintain that. They pay all of the associated costs of doing their business, but they are now months into being held out of work and unable to provide for their families. I have seen over the months how this is truly devastating most of them. When it comes to safety and sanitation, I would say our protocols inside the brothels far exceeds those of Walmart or any of the bars that are currently open and have been given the opportunity to bring their people back to work and let them provide for their families. It’s about pride with these women, they do a job that they pay to be legal in doing and they work hard for that. We are prepared to follow all of

the protocols that our Governor has set down as long as our protocols that we will submit to our County Commissioners for approval. We are probably more sanitized than any other place that is currently open and I believe we should be allowed the opportunity to prove that to the Governor and to the State that we can run under these revisions and protocols just as effectively as any other business that is currently open. In conclusion, I respect, and I appreciate the time in hearing me out and I hope the Governor's Office will take into consideration that the road to recovery needs to be all inclusive and not exclusive. Thank you.

Kristin Bartolo, provided comment. "My name is Kristen Bartolo and I own a bar in Las Vegas, NV. It actually has been open since 1962, called Dino's Lounge, it's on Las Vegas Blvd. I have been told from the Attorney General's Office, I guess this morning and the enforcement team, that no karaoke is allowed anywhere in Las Vegas, including karaoke rooms, which everybody has been open doing and I am not sure why all of a sudden those things are not being allowed. We are a Karaoke Bar, that is like saying a sports bar can't show sports. I got an email this morning from the City of Las Vegas and they said that they met with the regional enforcement team and Attorney General's Office and Attorney General Theresa Haar confirmed that all karaoke activity including rooms are prohibited at this time. As far as I know all these can with karaoke in the Venetian and all these places are open, and we have a plexiglass covering on our stage that has one signer at a time, with sanitized cordless mics that we sanitize in between people and mic covers one person at a time is no different than one person at a time checking out at a grocery store. I don't understand why all of a sudden this came up like this. You're pretty much closing down an entire industry, karaoke rooms, karaoke bars an entire system. I don't understand why this is happening today." Chairman Cage thanked Ms. Bartolo and let her know they are not allowed to take any action off from public comment. Chair Cage requested Ms. Bartolo reach out to them offline in order to answer her questions.

3. Approval of Minutes

Chair Cage called for a motion to amend or approve the draft minutes from the September 17, 2020 meeting. Brett Compston, Division of Emergency Management, noted he was not in attendance for the September 17, 2020 meeting. A motion to approve the amended minutes was provided by Meagan Werth Ranson with a second provided by Chris Lake, Nevada Hospital Association. Motion passed unanimously.

4. Appointed Department Updates

a. Department of Business and Industry – Industrial Relations – Administrator, Victoria Carreon

Victoria Carreon spoke to work being done by B&I and the Division of Occupational Safety and Health Administration (OSHA) regarding compliance visits. A total of 8,974 observations have been completed since the end of June. The statewide compliance rate was 89%; 90% in the North and 87% in the South. From September 30 – October 6, there were 385 observations with a total compliance rate of 92%. The concentration has mostly been on bars and restaurants, since bars were most recently opened. Observations have taken place in both Northern and Southern Nevada. Compliance rates for bars are much better now that they have reopened than initially in July before they were closed. Bar compliance for the last week was 90.4% and restaurants were at 94%. The lowest compliance rates have been in Carson City and in Sparks. Follow up observations are done if the initial observation showed lack of compliance. In the past week, 44 second observation visits were completed, and the compliance rate was about 96%. The COVID-19 dashboard on the B&I website is available for review. Nearly 4,000 complaints for COVID-19 have been received. This number is seven times the normal amount of complaints received. Top five zip codes for complaints are: 1 Reno, 2 Sparks and 2 Las Vegas. Top locations for complaints are retail, restaurants, bars, medical, gaming, casinos and grocery stores. After a complaint is received, a letter is sent asking the employer to provide information in response. If the response is adequate, the complaint is closed, if it is inadequate, then a review is done to determine if an inspection is necessary. 169 citations have been issued since the Governor initially released the emergency

declaration in March. The total amount of the citations is \$1.6 million dollars. All information can be found on the B&I dashboard.

b. Division of Emergency Management (DEM) – PPE Status – Incident Commander, Brett Compston

No current update to provide.

c. Fiscal Update – COVID related Funding Coordination –Executive Budget Officer, Lesley Mohlenkamp

Lesley Mohlenkamp, Governor’s Finance Office (GFO), provided an overview of COVID related funding coordination efforts. Ms. Mohlenkamp reported GFO is currently working with agencies to move the Coronavirus relief funds out which are only available through December 30, 2020. GFO continues to work with multiple agencies including the Department of Education (DOE) and the Governor’s Office of Economic Development (GOED) office with some economic development programs.

d. Nevada Department of Education (NDE) – School Opening Plans – Deputy Superintendent of Educator Effectiveness and Family Engagement, Felicia Gonzales

Felicia Gonzales provided an update for NDE. Five school districts are providing full-time in person learning: Eureka, Esmerelda, Lincoln, Pershing, and White Pine. Clark and Elko are currently providing full-time distance learning for the majority of students, however, some exceptions exist for some rural parts in Clark and Elko counties, where in person learning for pre-k and special education program have been implemented. The remaining ten districts are using hybrid models. Ms. Gonzales reiterated the decisions and authority to reopen schools and or transition to in-person, distance or hybrid learning remains with each individual school district or charter school governing body.

e. Gaming Control Board (GCB) – Chief, Jaime Black

Jaime Black provided an update on the GCB enforcement efforts. The GCB updated policies to address the applicable provisions of Directive 33 as it relates to the requirements imposed upon licensing fees intending to hold large events gatherings. This update was posted to the GCB website on October 1, 2020. Ms. Black provided inspection numbers for September: there were 1725 compliance inspections and 198 regulatory cases to date are 198. The GCB noted overall compliance is good.

f. Nevada Association of Counties (NACO) – Executive Director, Dagny Stapleton

Dagny Stapleton provided an update for NACO. NACO continues to work with members to expend Coronavirus Aid, Relief, and Economic Security Act (CARES) fund dollars especially regarding rural members. Most members are utilizing funds for county operations in response to COVID-19 including emergency response and public health measures.

g. Nevada League of Cities – Director, Wesley Harper

Wesley Harper spoke to Nevada League of Cities. Discussions are ongoing with members of the municipalities as to how CARES funds are being utilized.

5. County Criteria Discussion

Kyra Morgan, Department of Health and Human Services (DHHS) provided an overview of the current situation in Nevada as it relates to COVID to include the following (slides were also included in the meeting packet):

- 1,093,978 Molecular tests
- 83,347 Confirmed cases
- 1,636 Total deaths
- 13.3 Tests per 1,000 per week
- 9.3% Daily positivity rate
- 9.7% Cumulative positivity rate
- 346 Confirmed hospitalizations
- 149 Suspected hospitalizations
- 137 Patients in intensive care units

Ms. Morgan provided the group with an update regarding the slides provided in the handouts showing the trends of COVID-19 in Nevada. Ms. Morgan stated, Nevada has experienced an increase in cases since mid-September. Since mid-September hospitalization data has stabilized with no significant increase or decrease. The seven-day moving average of test positivity rates has started to increase since mid-September. There has not been a significant change in the turnaround times for the labs since the last report. The average is approximately two days, statewide; however, there have been decreases in the turnaround time for several rural counties. Ms. Morgan spoke to results for county tracker criteria for the previous week comparatively to the current slide as of October 5, 2020. Lyon County is no longer being flagged for elevated disease transmission. Humboldt and Washoe Counties are indicated as having elevated disease transmission. Ms. Morgan spoke to additional slides included in the handouts to allow for review of trends over an extended period. Chair Cage thanked Ms. Morgan for the overview and requested the threshold analysis. Ms. Morgan presented the threshold analysis. The purpose of this presentation was to discuss the data used to monitor the counties and the criteria that was chosen to help in knowing where the state is currently in the pandemic and where the response is, in order to move to a sustainable path going forward. Ms. Morgan stated there has been a lot of national work done regarding these benchmarks. The State wants to do a thorough evaluation of what has been chosen for Nevada. Ms. Morgan provided context with national and other state partners and assessed if the choices made several months ago still make sense, if there is room to make changes to fall in line with best practices or to adjust to the new normal, as things start to open up.

The three criteria being discussed:

1. Average number of tests per day (per 100,00) <150. Currently, set at less than 150 a county would meet the criteria and would receive one point toward elevated disease transmission.

The first criteria are the average number of tests per day (per 100,000). This measure is to ensure counties are testing a sufficient portion of their population. It was proposed to adjust the threshold down. Nevada's standards are currently more stringent than national standards. Ms. Morgan proposed the new average number of tests per day (per 100,000) < 100 get flagged for elevated disease transmission (weekly equivalent: <700 weekly). There seems to be a natural breaking point at 100 tests per 100,000 per day. Various counties that are not meeting the 150 tests per day are not meeting the 100 tests per day. This provides some cushion for the counties that are falling very close to the 100-150 threshold. There have been a couple of instances in Washoe county where they came in at 140 tests per 100,000 per day. In general, there is not a very significant change in the threshold. A lot of the trends are sustained and maintained across the different thresholds.

2. Case rate (per 100,000) > 200; Based on evaluation, does not need to be adjusted.
3. Case rate (per 100,000) >50 AND testing positivity > 7.0%. Currently, if the threshold is greater than 7%, the county would be flagged and receive a point toward elevated disease transmission.

The purpose of the test positivity rate (paired with case rate) is to measure current disease in Nevada's communities. The World Health Organization (WHO) recommends that the epidemic is controlled if less than 5% of samples are positive for COVID-19, at least for the last two weeks assuming that surveillance for suspected cases is comprehensive. The current criteria is test positivity rate greater than 7% and the proposed criteria is test positivity rate greater than 8%. Ms. Morgan stated, as things open up, there will be an increase in cases. Monitoring the impact of those increases and understanding at what level is a happy median between containment and having the economy as open as possible. As some of the restrictions are loosened, we consider utilizing a higher test positivity rate as the threshold. The impact is fairly minimal.

Ms. Morgan stated the proposed changes maintain integrity of the current methodology while accommodating more recent testing needs in the community. Early in the pandemic, there were a lot of surge testing events. However, this is not sustainable for the long-term. The state will need to reach a baseline of normalcy in testing volume. The proposed changes continue to be well aligned with federal reporting thresholds. Nevada is on the upper end of the thresholds being used federally and in other states. Slightly adjusting the general testing volume threshold down (from 150 to 100) and simultaneously loosening the test positivity threshold up (from 7% to 8%) will add "cushion" to help account for the issues identified around data quality of patient resident address being used for county assignment. This is a way to respond to the concern in a way that maintains integrity to the process being used. With no counties currently subject to additional county-specific closures due to elevated disease criteria, timing is opportune to shift thresholds to a more sustainable "new normal."

Chair Cage thanked Ms. Morgan for the information. Chair Cage stated that it reflects the feedback from local government partners as far as concerns about testing and concerns about results coming back to the counties. Chair Cage referenced slide #3. There are two proposals under this action item. Chair Cage spoke to being more comfortable with this recommendation than test positivity and strongly opposed to doing a red, yellow, green criteria within one criterion as it would increase the level of complexity and may be detrimental in the overall effort. Chair Cage called for discussion. Dagny Stapleton spoke to being able to support the proposal for both the smaller and larger counties and agreed it should just be one threshold number, not the green, yellow, and red. Director Whitley, DHHS, did not have any concerns. Julia Peek, Deputy Administrator, Department of Public and Behavioral Health (DPBH), echoed Director Whitley's comments. Ms. Peek stated she believes a level of COVID fatigue has been seen and so for the counties to get that high level of testing volume, is not necessarily helpful or possible. Ms. Peek went on to say it was very reasonable expectation while still maintaining enough testing in the community that we can flag it and address it early. The 100 vs 150 is appropriate based on what we are seeing in the communities related to testing. The funds will not always be available to do huge community testing events and the guard has been an incredible part of the testing events. Their mission will end, as well. Ms. Peek continued with deeming it an appropriate point in the pandemic where approach can be modified a little, but still maintain a good level of testing in the community. Chair Cage said one of the things he has seen repeatedly is to all of the points that have already been made; COVID fatigue, challenges with getting the community events to test. Chair Cage referenced the successful surge event that was hosted in Clark County over the last month, as an example of a large effort that went toward testing needs. Chair Cage continued with those things are a surge for a reason, they are a surge resource for a specific time and do not last forever. Chair Cage believed this was a good accommodation from the input received from the local governments without any sort of public health tradeoffs or negative impacts. Chair Cage stated that the same things are still being measured. Also, that it is really important that when looking at the criteria, the same three categories of criteria are being used and not changing midstream what is being measured.

Chair Cage requested comments and discussion regarding test positivity rates, slide #5. Chair Cage stated his biggest concern is since we are seeing increases right now, would the 7% allow us to engage earlier in the process with communities that are having increased risk levels due to the three criteria in their community. Ms. Morgan spoke to the second recommendation which was to increase the threshold for the test positivity rate

from 7% to 8% and only when paired with a case rate of greater than 50 per 100,000 population. Chair Cage asked Dr. Lake if they could foresee any changes to the hospitals, if the changes were to take place. Dr. Lake responded they do not. Hospital and ICU admissions are monitored as a separate set of criteria, not necessarily associated with the testing or case rate. Dr. Lake stated he would not foresee significant changes from the hospital association perspective. Dr. Lake went on to explain that NHAs statistics are more about capacity and if they maintain the ability to treat all hazards and all cause hospitalization, then they are good. Chair Cage verified the capacity has been able to stay within the 70 to 80% range with the exception of July early August. Dr. Lake confirmed and stated that is the general baseline throughout the year. Chair Cage asked for a motion. Dr. Lake made a motion to adopt the recommendations as presented, with the average number of tests going from 150 to 100 tests per day and raising the test positivity per 100,000 from 7% to 8%. Chair Cage clarified not including the red, yellow, green tier. Dr. Lake confirmed. Ms. Stapleton provided a second. The motion was approved unanimously.

6. Current Situation Report

Chair Cage requested Ms. Morgan to review the two county slides. Ms. Morgan spoke to County Tracker slide #8. Humboldt and Washoe Counties were both flagged. Humboldt was due to a low testing number of 74.5 compared to the threshold of 150 and would still be under the new criteria of 100. Humboldt also had a test positivity rate of 8.4%. Washoe County was flagged for having a case rate of 412.2 per 100,000 with the benchmark being 200, and a test positivity rate of 8.4%. The changes discussed would not change flagging either Humboldt and Washoe counties. Chair Cage verified Humboldt is on for the first week and Lyon county is no longer flagged. Washoe county has been added. Chair Cage also pointed out Washoe County has had a very consistent positivity rate for some time now.

Ms. Julia Peek spoke to Case Investigation and Contact Tracing. From September 27th to October 3rd, 99% of the 3,169 individual exposures identified were contacted within 24 hours of the report sent to the surge staff agency. Ms. Peek thanked the team for their efforts. Ms. Peek reported more 25% of cases have been identified through contact tracing and case investigation efforts and it has remained that way for the last several weeks. Ms. Peek provided an update on the COVID Trace app with the number of downloads continuing to rise. Ten exposures have been identified from two cases that had the app. The exposure notifications were sent during their interview. Ms. Peek stated they continue to work with Google and Apple on their EN Express notification. The two programs can be complimentary. To make public health stronger in our State, in perpetuity, we are moving to a system to build COVID into a statewide database for infectious diseases. Chair Cage said the COVID Trace app has 43,765. Interesting that two cases have used the app, which is a low number in the state of Nevada, but a sign that it is working based on the exposure notifications that have been sent out. The goal is to get several hundred thousand people using the app and that is when the numbers will start to grow at that point. Ms. Peek confirmed and stated that they now have support from Nevada higher education. President Sandoval has put efforts out to get students to download. It doesn't have to be mass volume. If a business downloads, that works. Need to encourage people that this is a tool for the individual. It catches people you may not know. Chair Cage commended the team for the steadily increasing percentages of the people contacted. Congratulations to your team and DHHS for working with the local health districts and counties throughout the State to build this capacity. There were no other comments.

a. Nye County Self-Assessment and Action Plan

Chief Scott Lewis provided an update on the plan submitted by Nye County. Tim Sutton, County Manager, prepared a written update to the September 28, 2020 plan in preparation for the originally scheduled meeting on October 1, 2020. Considering the additional timeframe some stats changed, however, the premise of the assessment remained viable and accurate. Chair Cage thanked him for the report and voiced his appreciation

for all the hard work at the community level. Chair Cage asked for any comments. No additional comments were provided.

b. Washoe County Self- Assessment and Action Plan

Kevin Dick, Washoe County Health District Officer, provided an update for Washoe County. Washoe County remained concerned about the number of cases with University of Nevada Reno (UNR) students and gatherings. From September 27 to October 3 there were 119 cases in 18-24-year-olds which represented 21% of the new cases. There have been some comments made about the bars reopening and the contributions that might have to the high numbers being experienced. There was a steep spike in cases that started on August 26 in the 18-24-year-old age range before the bars reopened. Washoe County has seen a reduction in the cases week to week in that age range. Believes the cases are from gatherings over the Labor Day Holiday. Washoe County has 80.1 new cases per day in the seven-day rolling average. On October 7, 2020 there were 118 cases which increased the seven-day moving average to 87 new cases per day. Page 8 was referenced from the previous presentation, regarding the county's information on disease investigation and contact tracing efforts. The number of cases investigated over the seven-day period declined for the second week in a row. Washoe County believes this is due to being overwhelmed with the case rate which almost doubled from the previous several weeks. Additionally, they are working through backlog. Washoe County continues to recruit staff for tracing efforts but stated huge spikes in cases pose a challenge. The types of facilities that are reporting more than two cases identified in the past week are; education, healthcare, manufacturing, warehouse distribution and hospitality. The organizations that had more than four positive COVID cases identified are large organizations such as K-12 students and school district staff, UNR, and a healthcare facility had a number of cases that occurred. Washoe County commented on the actions President Sandoval has taken in his very short time as the president at UNR. Washoe County supported the steps taken to close the Wiegand Fitness Center and understood it was due to the identification as a hot spot where a number of people had been that had been infected with COVID-19 and many of them that had been there during their infectious period. Washoe County also concurred with the decision to not open the opening season Wolf Pack game to fans in order to get a handle on the outbreak that has been occurring in the student population. Washoe County expressed gratitude for UNRs new protect the pack initiative and promotion of the COVID Trace app.

Additionally, Manager Eric Brown also provided an update. Washoe County continues to work on enforcement particularly in Reno and Sparks. Over the weekend, a lot of activity was reported out by the Reno Police Department, in response to complaints about private parties and events. There has been discussion with the County and President Sandoval and his team about how to get in front, because by the time they get a complaint, the congregation has already occurred. Washoe County hoped to review marketing the following day, with Public Information Officers (PIOs) and begin implementation. It will be focused on the 18-29 group and the Latino audience which has also been roughly half of the new cases since the pandemic started. Chair Cage thanked both Mr. Dick and Mr. Brown. Additionally, Chair Cage, acknowledged and thanked them for a positive meeting with the local health authorities that took place the previous day, that regarded the next steps going forward, and how we can better communicate and the mechanisms we have in place in order to communicate. Chair Cage stated there would be a follow up meeting with counterparts in Southern Nevada. Chair Cage asked Mr. Dick if he can provide an overview on where Washoe County stands now based on the reduced restrictions in regard to larger events and gatherings. Mr. Dick responded they have received several plans that have been submitted to them. The County is evaluating them now in light of the elevated disease transmission that is occurring in the community, and the adequacy of their public health infrastructure has allowed those events to proceed. Washoe County stated they would be issuing more information on that later that day. Chair Cage thanked and asked for questions for Washoe County. No additional comments.

Chair Cage commended the hard work and collaboration at the county level. Chair Cage stressed the importance of continuing to have opportunities to communicate. Chair Cage acknowledge that this may take a lot of time,

but it is really important to reflect the great work being done at the community level. Health Officer Dick expressed his appreciation for the meeting they had yesterday and agreed it was a productive discussion. Additional meetings and discussions are expected to take place.

c. Clark County Self-Assessment and Action Plan

Billy Samuels, Clark County, provided an updated on the plan submitted by Clark County. Mr. Samuels stated based on the data dated September 23rd and are moving in the right direction so they will stay the same. Clark County is not going to make changes in the plan since it is working. Mr. Samuels inquired why the case rate per 100,000, the second criteria, was not looked at. Chair Cage stated Kyra is more than happy to answer the question, but that they needed to stick to the agenda. This will be a discussion point for the future. Chair Cage stated Clark County is not currently listed on the elevated criteria list and commended Mr. Samuels believes the assessment is always a strong reporting of what is going on. Chair Cage said we appreciate your time and we know there are a lot of demands on it. Chair Cage asked for additional comments. No additional comments.

d. Elko County Self-Assessment and Action Plan

Amanda Osborne, Elko County, provided an update for Elko County. Ms. Osborne spoke to being three weeks without meeting any of the criteria. Elko County is monitoring their case rate as well as positivity rate. The county has experienced an outbreak at a local organization, which is not public facing. Elko County currently has 17 cases and counting with that specific location and are watching the community spread as a result of that. Elko County currently has 69 active cases. Ms. Osborne requested an offline conversation with Ms. Morgan in regard to how active cases maybe play a part into some of the criteria and the data that is being used to monitor local situations. The County continues to partner with DEM and the National Guard for community-based testing which is scheduled for each Friday this month. As a result of the first event on Friday, October 2, the County did receive a couple positives from that event. Regarding the rest of the results, they were not provided to the location or who we asked them to be provided to. Elko County is working on following up, but that has been part of the conversation from the beginning. This is very important to mitigating the spread of the disease in our counties and we have to get these pieces right.

Commissioner Andreozzi wished all a Happy Nevada Day. Commissioner Andreozzi spoke to the skilled nursing facility and what has happened there. Another resident has tested positive as well as a couple more of the staff members. In total, seven people are unfortunately deceased as a result of that outbreak. There is one more on palliative care. That group represents over 75% of Elko County's death rate and represents 10% death rate of all residents at that facility. It is really a shame and I hope we can get that under control. As Amanda also talked Commissioner Andreozzi spoke about his experience with participating in the community-based testing event(s). He stated he never received his results from a prior event and that he did participate with the most recent in Elko County but still had not received his results. Commissioner Andreozzi stated there is definitely some type of breakdown and said there should be a way to figure out how to improve that. He posed the question, "How do we, as a group of people, continue to improve that so we can better manage the incident." Commissioner Andreozzi continued and shared a personal story. "The last thing I want to tell the Task Force, is I personally got that call not long ago where I had close contact with someone that was a confirmed positive and I was required to self-isolate in my home for two weeks. I have done that, and I isolated from my wife and my daughter in my basement. To this date, I have had two tests and both tests are negative. I just wanted to let the Task Force know that we are absolutely concerned and doing the best that we can out here, but there are definitely some challenges. I'm convinced if we keep this line of communication open, that we can all come to some level of consensus that works best for all of our different needs. Chair Cage thanked Commissioner Andreozzi and asked for clarification. "You said you still haven't received your test results. Is that from the very first time because then you said you have taken two tests and they have come up clear." Commissioner Andreozzi clarified, he has had a total of four tests, but the two community-based test results have not received.

Chair Cage thanked the Commissioner for the clarification. Chair Cage called for questions and/or comments for Elko County. No additional comments.

7. Update on State's Laboratory Reporting System:

Lisa Sherych, Administrator for DPBH, provided the lab update. This is following the same format from a couple weeks ago when the last update was provided. There were four areas being addressed.

- Electronic Lab Reporting System: The recommendation was to increase IT staff to support the data ingestion to Southern Nevada Health District. Currently, there are no specific updates to that. Looking at accessing additional staff but working on the ability to do that fiscally.
- Regulatory Authority: The recommendation was to use regulatory authority to require all labs doing business in Nevada to be licensed. The team continues to meet through nationwide conference calls. They have been able to finalize the template for providers across the state to use to report labs via the secure email until they are set up in the electronic lab reporting system. That template is available on the office of public health and investigation of epidemiology (OPHIE).
- Commercial Labs experiencing delays: The recommendation was to impose penalties for failures to report. They have been able to finalize the policy and procedure and currently there has been no additional warning emails that have been sent since early September. All labs are working with the state and Inductive Health to onboard accordingly.
- Develop and Promote Webpage Dedicated to Lab Reporting: The last area was to develop and promote a web page dedicated to providing various information on lab reporting, contact information for the ELR staff forms descriptions and penalties. The webpage has been established. It is on the Division of Public and Behavioral Health website under programs, and the office of informatics and epidemiology.

Chair Cage thanked Ms. Sherych for the update. Chair Cage spoke to the two community-based events Commissioner Andreozzi had discussed and asked how they should go about figuring out what the breakdown is causing that type of concern, where a person goes to a number of events and doesn't receive results.

Ms. Peek responded "When there is a testing event, the notification needs to go to the clinician, in this case, Elko County who is performing those tests. The lab will send those directly to the clinician. They will also send it to the public health authority, in this case the state. When there is a delay or potentially missing result, DHHS would look at both locations and see where the disconnect was. DHHS is happy to do that. What we typically do is get the name of the entity. I am aware of just one exception in Elko County where some specimens that didn't make it to the lab, and I am sure Elko County is aware of that situation as well. That issue was not a result of the lab. In this case, we will go back and figure out where those lab tests sent and to whom they were sent. Were they sent to not only the individual doing the specimen collection, but also the public health and then if there was some sort of breakdown anywhere in the system, we will figure out how we close that loop. I think Dr. Pandori is on as well and they have done a good job on their end to identify where there is a delay or issue in either getting the specimen or processing and sending it back." Dr. Mark Pandori concurred and stated "The State lab is turning around a vast majority of the specimens in between two and four days I can't speak to some of the other labs, although Ms. Morgan showed some very good data, that shows everybody is running somewhere in that realm and occasionally in some of the rural counties it is longer. What we are finding is most of the delay is either after specimens are collected, reaching the laboratory is one issue. Then after the results are generated in the lab, the patient actually getting the result from the providers is really where a lot of padding is being added to the delay."

Ms. Osborne stated they are personally transporting samples for all of the providers in the community on Friday, Saturday and Sundays as their normal courier does not run on the weekend. They deliver those to the State Health Lab. Ms. Osborne will send a sample of what is being sent with the COVID-19 samples, so you have an idea. Ms. Peek confirmed Elko is still using just the State Public Health Lab. They will commit with Dr. Pandori

to figure out what is happening. It sounds like there is a few places where the delivery and then the result could get confused. It was then stated by Ms. Sherych that if there are specific issues being experienced to not hesitate to reach out to so they can assist in getting that information more timely.

Chair Cage stated he would like to keep this agenda item on as it gives an opportunity to have this discussion as a Task Force. Chair Cage requested contact information for the best person for jurisdictional organization, Ms. Stapleton and Wesley Harper. Lisa Sherych responded Melissa Peek-Bullock the State Epidemiologist, was the best point of contact and would reach out to Ms. Osborne. Chair Cage said we talked before about getting a ground truth of test turnaround numbers provided on the overview slide. He asked Ms. Stapleton to pull the slide and send it out to NACO members and see if the averages are in line from the State's perspective with the county perspective as well. Ms. Stapleton responded she would be happy to do that and will speak with Ms. Peek and Ms. Morgan offline to see who needs to get that request.

Ms. Morgan presented the outcome of the electronic lab reporting process. The data presented is through September 30, 2020. The purpose is to look at the way data is presented on the dashboard, the way that relates to the improvements, progress that has been made around testing availability, different types of tests that are on the market and that people are using, and how is causes to pivot, quantify things and present the numbers back out to the public. The goal is to emphasize moving averages and recent trends rather than daily and cumulative numbers as we progress through the pandemic. Ms. Morgan stated the following, "Using anything that is cumulative loses the impact because at this point we have seven months' worth of data and it is much more relevant to focus on the most recent couple of weeks or months than it is to put it all together in one number to try to monitor progress. This new dashboard includes county criteria and related trends as well as statewide comparative numbers to compare the county criteria against which are not currently provided publicly through our dashboard. Another significant change is this attributes testing numbers and cases to specimen collection date, removing bias we have seen introduced by reporting delays. The dashboard as it is presented currently, might report 400 new cases a day but those 400 new cases we identify today actually apply to people who have been tested up to seven days ago based on the lag time between specimen collection and report date. This is a more accurate way of attributing our case numbers and our testing numbers back to the timeframe which that transmission was occurring. It allows for the incorporation of the Abbott ID Now test results moves to a testing encounters methodology for de-duplication which will allow us to represent multiple test results for a single individual that might take place on the same day. As the less standard tests are coming out, a lot of times it is standard practice for people to get two tests on the same day, so they would get an Abbott ID Now test for a more immediate result and then that result would potentially be followed up with a molecular PCR test to confirm the test and we do not want to be counting those multiple times if they truly are for the same person, specimen was collected at the same time and one is truly confirmative of the other. This allows the methodology to count the Abbott ID Now tests without duplication. Aesthetically, we have made changes to how the dashboard looks to make it easier to navigate including relevant technical notes related to how the data is pulled." Ms. Morgan went through each tab and stated they are already looking ahead to future improvements for the dashboard. Chair Cage thanked Ms. Morgan and her team for a remarkable job. This is an extraordinary step forward in our ability to convey to the public, people who are interested, and to County partners about what is going on in the State regarding COVID-19. Chair Cage stated this is a critical step and was happy to see the changes and how data is presented, mostly focusing on trends. This was something that was desired in the beginning, because it is the best way to look at it. He stated, he thought every page of the dashboard shows the trend over time. This is an initial version and there will be improvements made over time. Very pleased to see all of the input that was received by our local partnerships in regard to having the dashboard public facing. It gives us a chance to meet the need and be even more transparent with the information. Chair Cage asked for questions or comments. No additional comments were made.

8. Public Comment

Chair Cage opened the discussion for public comment in all venues. John Parrazo, City of Las Vegas, Senior Citizen Advisory Board spoke. “As a senior I had a bit of a challenge getting connect to the phone call. I appreciate the meeting, grateful to sit through it and hear the comments and the statistics and the challenges we are facing as State. Two things that jump out to me were personal tools. I signed up for the COVID Trace app in early September and again challenged to find room on the phone for the app but got over that. I did not get my test results from the massive test that was done at the end of May at the convention center until just today. I looked it up again, but I guess the system was overwhelmed and I am grateful to see the results at last, but it is hardly efficiency to know four months after the test to know whether you are infected or not. I figured they wouldn’t let me come back to work if I was infected, so I used that as my response of the test. In light of that a personal tool that I have been advocating for is Michael Vena’s suggestion about a flow through spit on a piece of paper antigen test. Now it has to be quality. I deeply regret the problems we had in August, with the false positives, but I think a false positive rate of 60% is completely unacceptable and I have heard that we can get it up to 95% true on the positive result. We have seen the last week the problems of using it as a negative determination of not infected. I think that is an example of what not to do. I think if we do it carefully and quality, I think it could be an excellent personal tool, maybe not this month but at least in the coming winter months that someone could see I am infected I need to do something about it. I need to get further tested, quarantined, whatever it takes, but at least they would have the personal feedback. I have been doing statistics and graphs for the last seven months, but the response I get is well that’s nice but that’s not me, even though I can narrow it down to the zip code, the personal connection was not there. If you could look into this a little further, I would appreciate it. Rapidtests.org has more information. Thank you. This is my personal response and not an official one, although I did give a presentation about this at the last Senior Citizen Advisory Board meeting. Thank you very much for your time.” John Koenig, Nye County Commissioner, spoke again. “John Koenig, Nye County Commissioner, once again, back to our comments earlier on reopening brothels, if you could get something on a future agenda so the interested people could at least hear some discussion or reasons not to do that or to do that. Public comment is great, but we never know what you guys are thinking or what we can do to make it better to convince you to do it. So, if you can figure out a way to do that, I would highly appreciate it. We have been through Nye County opening bars and in the northern part and that worked out well and reopening bars here and that seems to be working out well. We are not seeing anything going on so we would like to take one more step and open brothels obviously and plus the rest of the State so if you could just do something so we know how you feel at least we would appreciate it. Thank you.”

9. Adjourn

Chair Cage called for a motion to adjourn the meeting. A motion to adjourn was presented by Felicia Gonzales and a second was provided by Jaime Black. The motion passed unanimously. Meeting adjourned.