

RESOLUTION NO. 21-03

**A RESOLUTION OF THE LYON COUNTY BOARD OF COUNTY COMMISSIONERS
DECLARING A STATE OF ECONOMIC EMERGENCY DUE TO COVID-19 GUBERNATORIAL-
MANDATED REGULATIONS AND ORDERS, AND ISSUING CERTAIN LOCAL ORDERS
PERTAINING THERETO ON A TEMPORARY BASIS**

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;

WHEREAS, the Board of County Commissioners finds that the economic prosperity of the County is a matter of local concern which directly affects the public health, safety and welfare of those in the County;

WHEREAS, Chapter 414 of the Nevada Revised Statutes authorizes the Board of County Commissioners to declare a state of emergency within Lyon County;

WHEREAS, Chapter 239 of the Nevada Revised Statutes provides that the Board of County Commissioners, serving as the County Board of Health, is charged with the duty to adopt such regulations as may be necessary for the prevention, suppression and control of any contagious or infectious disease dangerous to the public health;

WHEREAS, Lyon County recognizes all independently owned businesses are essential and shall be treated as such.

WHEREAS, COVID-19-related restrictions on businesses, including forced reduced capacity, have put restaurants, bars, casinos, brothels and other dining and entertainment industry businesses in danger of permanent closure;

WHEREAS, the Board of County Commissioners recognizes that these overburdensome COVID-19-related restrictions have devastated our economy and have caused damaging long-term intellectual, emotional, and physical health to the citizens of Lyon County;

WHEREAS, the State of Nevada has refused to work directly with rural Nevada to create policies tailored to rural Nevada and its low COVID-19 case count, instead mandating “one-size-fits-all” policies created for more densely-populated counties;

WHEREAS, both the United States Constitution and the Nevada Constitution prohibit infringement on religious liberty and unlawful searches and seizures;

WHEREAS, the Governor of the State of Nevada first declared a state of emergency related to COVID-19 on March 12, 2020, and began issuing “emergency directives” within days thereafter;

WHEREAS, the Nevada Legislature has convened and adjourned two special sessions subsequent to the Governor’s declaration of emergency related to COVID-19;

WHEREAS, despite the Nevada Legislature’s ability to pass laws and regulations addressing the COVID-19 pandemic on behalf of its constituents, the Governor instead continues to dictate the State’s COVID-19 response himself through his “emergency directives”;

WHEREAS, the Governor of the State of Nevada has singularly dictated what information he chooses the citizens to be made aware of, steering the narrative through his own agenda, without representing the citizens of the State of Nevada;

WHEREAS, the Governor of the State of Nevada has exceeded his constitutional authority well beyond the scope of his standard powers and any additional powers conferred upon him during a declared “state of emergency” without meaningful input from rural Nevada and without regard to the economic impact on rural Nevadans, resulting in contravention of rural Nevadans’ right to life, liberty and the pursuit of happiness;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, STATE OF NEVADA, hereby resolves:

THAT IT DECLARES AN ECONOMIC STATE OF EMERGENCY.

THAT IN RESPONSE TO THIS DECLARATION, THE FOLLOWING WILL TAKE EFFECT IMMEDIATELY:

- I. That individuals and businesses will maintain positive and productive relationships with Lyon County Public Health with the cooperation of the Quad County Health (CCHHS) and will respectively incorporate their recommendations into their personal and business policies, urging citizens to follow COVID-19 mitigation best practices and measures under the auspices of being self-governing and committed to protecting our well-being and that of our neighbors without coercion.
- II. That the Sheriff and the District Attorney are encouraged to enforce all local orders and regulations promulgated by the Lyon County Board of Public Health pursuant to NRS 439.360.
- III. That due to the additional risk of exposure to COVID-19 caused by routinely visiting businesses in more densely-populated cities, and counties in Nevada, all government officials and agents from agencies outside Lyon County tasked with COVID-19 compliance inspections set forth by the Governors directives, shall be required to quarantine a minimum of 10 days prior to any COVID-19 business compliance inspections in Lyon County. Failure to follow local regulations may result in referral to the Nevada Attorney General’s Office for possible prosecution.
- IV. That the Sheriff shall be encouraged to use his discretion not to enforce or respond to complaints related to violations of the Governor’s “emergency directives.”
- V. That the District Attorney shall be encouraged to use his prosecutorial discretions to not prosecute violations of the Governor’s “emergency directives.”

- VI. That the Lyon County Board of Commissioner’s encourage legislative representatives to aggressively support amendments to the Nevada Revised Statutes that would limit any Governor’s authority to restrict our freedoms under the auspices of a declared and prolonged declaration of emergency.
- VII. That Lyon County Board of Commissioner’s direct the county manager to research county ordinances for possible amendments supporting local businesses and/or limiting access by state enforcement agencies.
- VIII. That in an effort to avoid irreparable economic damage, the Board of County Commissioners hereby recommends that businesses continue to operate within the Governor’s “emergency directives” in good faith. However, the Board condemns all infringements on individual liberty and accordingly respects the right of each business and organization to determine how and if to implement those directives relative to their business model.
- IX. That the Lyon County Board of Commissioner’s support a concept of creating a fund supported by individual donations, to be administered by a non-county entity, to support businesses that may have been fined by the State enforcement agencies, and subsequent legal fees incurred during illegal and unwarranted fines imposed by the state that have been shown to cause harm.
- X. That the Lyon County Board of Commissioner’s recognizes their right, as stated in our Declaration of Independence, to confront the Government when it has subjected its citizens to a “long train of abuses and usurpations” and our solemn duty to “throw off such Government” if those abuses are not cured.

THIS RESOLUTION WILL EXPIRE ONE HUNDER EIGHTY (180) DAYS AFTER ITS PASSAGE OR AT SUCH TIME THE GOVERNOR RESCINDS HIS ORDERS OR HIS ORDERS ARE NULLIFIED UNDER JUDICIAL ACTION.

INTRODUCED AND PASSED this _____ day of _____, 2021

Approved:

 Vida Keller, Chairman
 BOARD OF COUNTY COMMISSIONERS
 Lyon County, Nevada

ATTEST:

 Clerk of the Board