

RESOLUTION NO. 2021-01

**A RESOLUTION IN SUPPORT OF THE LOCAL ECONOMY AND BUSINESSES IMPACTED BY COVID-19 RESTRICTIONS INCLUDING REQUESTS FOR A REDUCTION OF SAID RESTRICTIONS TO PROTECT LOCAL BUSINESSES**

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**WHEREAS**, America was founded as “one nation, under God, indivisible, with liberty and justice for all;” and

**WHEREAS**, our Founding Fathers recognized the abuses inherent with a totalitarian government and drafted two of the most sacred documents of all time - the Declaration of Independence and U.S. Constitution – to limit the government’s power and to clearly define and protect the God given rights we Americans enjoy; and

**WHEREAS**, we as Elko County Commissioners have sworn to “support, protect and defend” that Constitution; and

**WHEREAS**, Nevada Governor Steve Sisolak has sworn exactly the same oath; and

**WHEREAS**, Nevada Governor Steve Sisolak’s order limiting the capacity of churches and the sizes of our family gatherings violates our First Amendment rights to the free exercise of our religions and our right to “peaceably assemble;” and

**WHEREAS**, Nevada Governor Steve Sisolak’s order that our businesses be restricted to 25% capacity violates our Fifth Amendment right that declares no citizen shall be deprived of his property, “without the due process of law;” and

**WHEREAS**, the Fourteenth Amendment of the U.S. Constitution says, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;” and

**WHEREAS**, it has been recognized throughout our history that our Constitutional rights will only be good for as long as we stand up for them; and

**WHEREAS**, U.S. Attorney General William Barr publicly stated last summer that there is no pandemic exception to our Constitutional Rights; and

**WHEREAS**, Nevada Governor Sisolak is usurping the role of the Nevada Legislature by creating law with his directives and claiming the right to do so under the authority of “emergency powers” even though the pandemic has been with us for nearly a year and the legislature has met twice; and

**WHEREAS**, initial “expert” predictions were that the COVID case fatality rate would be three to five percent and the actual fatality rate is less than one half of one percent; and

**WHEREAS**, Nevada Governor Steve Sisolak’s initial directives were intended to “flatten the curve” and prevent Nevada’s hospitals and other health care facilities from being overwhelmed; and

**WHEREAS**, Nevada Governor Steve Sisolak’s directives have had no effect on slowing the virus; and

**WHEREAS**, Elko County’s health care facilities, including Northern Nevada Regional Hospital, have not been and are not now near full capacity; and

**WHEREAS**, Nevada Governor Steve Sisolak has singled out bars and restaurants for closures when studies have shown only 1.4% of COVID-19 infections have been traced to those sources; and

**WHEREAS**, Elko County is being punished by the Governor’s directives when more than 42% of the COVID-19 deaths here have occurred in the skilled nursing facility under the authority of the state; and

**WHEREAS**, lockdowns have proven to be ineffective in slowing the virus as witnessed by the experiences within our local extended care facility and county jail, as well as data coming out of California; and

**WHEREAS**, the Great Barrington Declaration issued by infectious disease epidemiologists and public health scientists and co-signed by more than 52,000 medical professionals states, “Current lockdown policies are producing devastating effects on short and long-term public health” and “Keeping these measures in place ... will cause irreparable damage;” and

**WHEREAS**, the wisdom of the Great Barrington Declaration is being borne out with the exploding crime rates, more mental health issues, fewer cancer screenings and worsening outcomes from other medical conditions across the nation.

**NOW THEREFORE BE IT RESOLVED**, that the Elko County Commission concludes that Nevada Gov. Steve Sisolak has failed to uphold his solemn pledge to “support, protect and defend” the U.S. Constitution and urges him to correct his course by removing his orders restricting our local businesses and limiting the size of peaceful gatherings; and

**BE IT FURTHER RESOLVED**, that the Elko County Commission request that Gov. Sisolak provide scientific evidence that his directives have a direct and significant impact on reducing the spread of Covid-19 in the community that justifies the reduction of business and/or the shut downs in the community.

**BE IT FURTHER RESOLVED** that Elko County Commission considers all its independently owned businesses essential and urges the governor to treat them the same as the big name retailers; and

**BE IT FURTHER RESOLVED** that Elko County Commission demands that the Governor remove the current restrictions before one more business is lost for every business lost is jobs lost and a loss to the tax base of this State and County; and

**BE IT FURTHER RESOLVED** that Elko County Commission urges the Governor to direct his OSHA inspectors to discontinue their abusive inspections and fines on our county businesses; and

**BE IT FURTHER RESOLVED** that Elko County Commission urges our legislative representatives to aggressively support amendments to Nevada Revised Statutes that would limit any Governor's authority to restrict our freedoms under the auspices of a declared emergency; and

**BE IT FURTHER RESOLVED** that Elko County administrative and legal staffs shall research litigation opportunities that the county, or multiple counties collaboratively, could pursue to provide relief to our local businesses; and

**BE IT FURTHER RESOLVED** that Elko County administrative and legal staffs shall research County ordinances for possible amendments supporting our local businesses and/or limiting access by State enforcement agencies; and

**BE IT FURTHER RESOLVED** that Elko County administrative and legal staffs shall research the possibility of using unspent and recently extended CARES Act funding in support of businesses that have been or may be fined by State enforcement agencies; and

**BE IT FURTHER RESOLVED** that Elko County will consider opening and providing for the management of a fund to be supported by individual donations in support of businesses that have been or may be fined by State enforcement agencies; and

**BE IF FURTHER RESOLVED** that Elko County administrative and legal staffs will research and develop a document that summarizes businesses' rights and obligations when a State enforcement agent approaches or enters that business; and

**BE IF FURTHER RESOLVED** that Elko County recognizes its 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 corrected.

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**PROPOSED by Commissioner \_\_\_\_\_.**

**SECONDED by Commissioner \_\_\_\_\_.**

**PASSED and ADOPTED this 6th day of January 2021.**

VOTE:     AYES -  
          NAYS -  
          ABSENT -

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**JON KARR, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
ELKO COUNTY NEVADA**

**ATTEST:**

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**KRISTINE JAKEMAN, ELKO COUNTY CLERK**