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**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

IN THE ADMINISTRATIVE MATTER OF:

RESCINDING PRIOR ADMINISTRATIVE
ORDER PROVISIONS RE: MASK
REQUIREMENTS AND ADDRESSING
CURRENT MASK PARAMETERS.

ADMINISTRATIVE ORDER 2022-03

**[RESCINDING PRIOR ADMINISTRATIVE ORDER PROVISIONS
RE: MASK REQUIREMENTS AND ADDRESSING CURRENT MASK PARAMETERS]**

WHEREAS the Second Judicial District Court (“SJDC”) Chief Judge has authority to make administrative decisions pertaining to the business of the court. NRS 3.025(2)(c); WDCR 2(2);

WHEREAS on March 12, 2020, Governor Steve Sisolak (“Governor Sisolak”) issued a Declaration of Emergency in response to the outbreak of the Coronavirus Disease (COVID-19). On March 13, 2020, the President of the United States declared a nationwide emergency pursuant to §501(6) of the Robert T. Stanford Disaster Relief and Emergency Assistance Act. 42 U.S.C. §§5121-5207;

WHEREAS the Declaration of Emergency in Nevada has not been rescinded although many subsequent Directives have been issued;

1 WHEREAS the original Declaration of Emergency for COVID-19 and all Directives
2 issued are available at: gov.nv.gov/News/Emergency_Orders/Emergency Orders (last
3 accessed 2/14/2022);
4

5 WHEREAS on February 10, 2022, Governor Sisolak issued Directive 052, stating, in
6 part:

7 WHEREAS, the number of COVID-19 cases have (sic) fallen dramatically in
8 recent weeks; and

9 WHEREAS, based on the trajectory of case trends and lower COVID-19
10 detection in wastewater monitoring, the state expects the number of COVID-
11 19 cases to continue to rapidly decline; and

12 WHEREAS, the number of hospitalizations related to COVID-19 is decreasing;
13 and

14 WHEREAS, on May 3, 2021, the Governor issued emergency Directive 045,
15 which provides, among other things, that the State of Nevada requires the
16 wearing of masks in a manner consistent with current guidance from the CDC,
17 including any subsequent guidance issued by CDC; and

18 WHEREAS, COVID-19 remains a statewide public health crisis and requires
19 that certain mitigation measures and emergency management functions will
20 continue to be managed at the state level to protect the overall health and
21 safety of all Nevadans;

22 State of Nevada, Executive Department, Declaration of Emergency, Directive 052
23 (2022) (“Directive 052”). Pursuant to Directive 052, Nevada’s mask mandate was
24 rescinded effective immediately. Masks are no longer required in public places.
25 Directive 052.

26 WHEREAS the Washoe County Board of County Commissioners approved, with
27 certain exceptions, the elimination of mask¹ requirements;

28

¹ In this AO, “mask” shall mean a face covering that snugly covers the nose and mouth. It does not include face coverings with vents, exhalation valves, or mesh, gaiters or bandanas. “Mask” includes face shields but only if worn with a mask and not alone.

1 WHEREAS on February 16, 2022, during the White House COVID-19 Response
2 Team press briefing, Dr. Rochelle Walensky, CDC Director, observed nationwide, the
3 current seven-day daily average for new COVID-19 cases has decreased approximately
4 40% from the previous week, and the seven-day average for hospital admissions has
5 decreased approximately 28% over the previous week, stating:
6

7 [The CDC is] assessing the most important factors based on where we are in
8 the pandemic, and we'll soon put guidance in place that is relevant and
9 encourages preventing measures when they are most needed to protect public
10 health and our hospitals. We want to give people a break from things like
11 mask-wearing, when these metrics are better, and then have the ability to
12 reach for them again should things worsen.

13 [https://www.whitehouse.gov/briefing-room/press-briefings/2022/02/16/press-briefing-by-
14 white-house-covid-19-response-team-and-public-health-officials-83/](https://www.whitehouse.gov/briefing-room/press-briefings/2022/02/16/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-83/) (visited 02/16/2022).

15 WHEREAS on February 16, 2022 Washoe County reported 146.6 as the seven-day
16 moving daily average for new COVID-19 positive cases, with 104 daily new cases. Washoe
17 County further reported 64.52% of Washoe County residents ages 5+ are fully vaccinated.

18 <https://www.arcgis.com/apps/dashboards/0db36fa8fa9c47758bc38210e4c23818> (last
19 visited 2/16/2022);

20 WHEREAS Kevin Dick, the District Health Officer of Washoe County, stated:

21 We are seeing a significant drop in COVID-19 cases in Washoe County;
22 however, we're still experiencing case levels that are among the highest we've
23 seen since March 2020. Masks are an effective mitigation method to prevent
24 COVID-19 transmission and I encourage people to wear masks of their own
25 free will to protect themselves and others.

26 I respect the Governor's decision to end the mask mandate as I am sure it was
27 not an easy one. I want to thank him for his leadership and the actions he has
28 taken for nearly two years to protect Nevadans from COVID-19.

 Ending the mask mandate removes the requirement for people to wear
 masks. It allows for people to choose whether they will wear masks, and
 whether they will require that masks be worn in their establishments. Many

1 have pushed for the mask mandate to be dropped; now that this decision has
2 been left to each of us it is important that we respect one another's decisions.

3 We remind people to follow the Truckee Meadows COVID Risk Meter on our
4 website at www.COVID19Washoe.com to see how the virus is impacting
Washoe County.

5 [https://washoelife.washoecounty.gov/health-district/statement-from-district-health-](https://washoelife.washoecounty.gov/health-district/statement-from-district-health-officer-kevin-dick-regarding-removal-of-mask-mandate)
6 [officer-kevin-dick-regarding-removal-of-mask-mandate](https://washoelife.washoecounty.gov/health-district/statement-from-district-health-officer-kevin-dick-regarding-removal-of-mask-mandate) (accessed 2/17/2022);

7 WHEREAS it is critical for the SJDC to continue to monitor circumstances related to
8 COVID-19, and its emerging variants;

9 WHEREAS this AO is intended to be consistent with Nevada's Declaration of
10 Emergency in Nevada, Governor Sisolak's most recent Directives issued, and subsequent
11 renewals or extensions of said Directives, together with BCC approvals, Washoe County
12 Health District observations;

13 WHEREAS this AO is also intended to be consistent with the Center for Disease
14 Control and Prevention ("CDC") past and evolving guidelines² and recent commentary;

15 WHEREAS this AO is also intended to be consistent with the May 12, 2020,
16 Statement from the National Council of Juvenile and Family Court Judges Regarding Safe
17 Courts and Access to Justice During COVID-19 ("the NCJFCJ Statement")³ and AO 2020-
18 05(A) which adopted the NCJFCJ Statement's protective guidelines and addresses when
19 precautions should be altered;

20 WHEREAS the Chief Judge continues to enter Administrative Orders ("AO(s)") on
21 court matters during the COVID-19 pandemic as it ensues and wanes. All AOs are
22 available at washoecourts.com/Main/AdminOrders (last visited 2/14/2022);

23 _____
24 ² The CDC guidelines are available at cdc.gov/coronavirus/2019-ncor/community/organizations (last
25 visited 2/13/2022).

26 ³ [NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-
27 19_Final.pdf](http://NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-19_Final.pdf) (last visited 6/1/2021).

1 **Accordingly, and good cause appearing therefor, this Administrative Order**
2 **2022-03 follows:**

3 All provisions of prior AOs shall remain in full force and effect except as modified or
4 supplemented by this and subsequent AOs.

5
6 Article III, Section 1 of the Nevada Constitution provides, “The powers of the
7 Government of the State of Nevada shall be divided into three separate departments, - the
8 Legislative, - the Executive and the Judicial; and no persons charged with the exercise of
9 powers properly belonging to one of these departments shall exercise any functions,
10 appertaining to either of the others, except in the cases expressly directed or permitted in
11 this constitution.” Nev. Const. art. III, §1. Further, the Nevada Supreme Court has opined
12 “[i]n addition to the constitutionally expressed powers and functions of each Department,
13 each (the Legislative, the Executive, and the Judicial) possess inherent and incidental
14 powers that are properly termed ministerial. Ministerial functions are methods of
15 implementation to accomplish or put into effect the basic function of each Department.”
16 Galloway v. Truesdell, 83 Nev. 13, 21, 422 P.2d 234, 237 (1967). Judicial power is vested
17 in the state Court system comprised of the Nevada Supreme Court, the Nevada Court of
18 Appeals, District Courts, Justice Courts and Municipal Courts. Nev. Const. art. VI, §1.

19
20 Rule 2 of the Washoe District Court Rules (“WDCR”) charges the Chief Judge of the
21 SJDC with various responsibilities, including supervising the court administrator and judges,
22 appointing committees of the SJDC, speaking for the court on matters approved by the
23 judges, representing the SJDC in its relations with other agencies of the government, the
24 bar, the general public and the news media, supervising case flow management, and
25 resolving calendar conflicts and case assignment and procedural policy disputes.
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1 During the COVID-19 pandemic, the SJDC exercised its ministerial judicial powers
2 and issued administrative orders to control entry and safety protocols in SJDC facilities to
3 mitigate the risk associated with the COVID-19 pandemic while continuing to provide SJDC
4 essential services.
5

6 Since the March 16, 2020, issuance of AO 2020-2, the SJDC has effectively
7 continued court operations, court proceedings and public access to the SJDC via strategic
8 planning, sanitization and mask requirements, virtual and alternative method access, and
9 graduated in-person access, all based on national, state and local restrictions, CDC
10 guidelines, and prevailing science and statistics. This AO continues the SJDC's operational
11 and judicial response to the COVID-19 pandemic.
12

13 As of February 10, 2022 all state-mandated mask requirements included within
14 Directives 024, 045 and 047 were terminated. Directive 052.
15

16 The Updated Guidance from the Nevada Occupational Safety and Health
17 Administration (OSHA), effective February 14, 2022 (superseding COVID-19 guidance
18 released on January 14, 2022 and January 25, 2022), reflects mask requirements have
19 been rescinded. Other requirements continue to apply. Directive 052 allows employers and
20 local jurisdictions in impose more restrictive requirements for masks and personal protective
21 equipment. OSHA Guidance effective February 14, 2022.
22

23 The SJDC is committed to providing a safe and healthy workplace for its employees,
24 community partners and the public it serves.
25

26 **Based on the foregoing, all SJDC mask requirements imposed by provisions in**
27 **prior AOs are rescinded, effectively.** Administration shall continue to monitor Nevada
28 OSHA's Guidance and follow protocols.

1 Although masks are no longer required in the SJDC, there may be circumstances in
2 which it is prudent and/or an individual chooses to wear a mask. This AO does not prevent
3 any individual in SJDC facilities from wearing a mask, including judicial officers and SJDC
4 employees. No individual choosing to wear a mask may be asked to remove the mask
5 except briefly for identification purposes in court proceedings and while testifying as a
6 witness.
7

8 To ensure access to justice, continue to minimize the potential for the spread of
9 COVID-19 infection among persons in SJDC facilities, and to reduce foot traffic in SJDC
10 facilities, **appearances by alternative means remain preferred.** For court proceedings,
11 judicial officers should, to the extent possible, accommodate requests to appear by
12 alternative means for any attorney, party or witness who is considered a vulnerable person
13 under current CDC guidelines. This includes persons who are over sixty-five, pregnant, or
14 suffering from an underlying health condition. The SJDC's means of alternative appearance
15 includes audiovisual and audio appearance via the Zoom.us platform.
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18 **This SJDC AO does not affect the portions of the 1 S. Sierra Street facility that**
19 **are not used by the Family Division of the SJDC, i.e., Reno Justice Court and Reno**
20 **Municipal Court facilities.**
21

22 This AO shall be reviewed at appropriate intervals, as determined by the Chief Judge
23 and shall remain in effect until modified or rescinded by a subsequent order.

24 IT IS SO ORDERED.

25 DATED this 18th day of February, 2022.

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LYNNE K. SIMONS
CHIEF JUDGE