

From: [Peter Van Houten](#)
To: [bdofsupervisors](#)
Subject: Endorsement for Dr. Sherilynn Cooke
Date: Monday, December 13, 2021 6:07:59 PM
Attachments: [image001.png](#)

Dist 4

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Dear Supervisors,

As a family physician who has worked at a community clinic in Nevada County for the last 40 years, I have seen the importance of having a highly qualified and experienced Public Health Officer.

This is a tumultuous time in medicine and culturally. Nevada County needs a well-qualified Public Health Officer, especially during the ongoing COVID-19 pandemic. It is wonderful to see that we have a candidate of her caliber. The Nevada County Public Health Department has done an excellent job recruiting her. With a master's degree in Public Health from UCLA, an MD degree from Stanford, and 9 years of experience prior to medical school, working for San Diego County in various roles, including Public Health Educator, she is well prepared for this position. We are fortunate to have someone of Dr. Cooke's caliber and experience willing to serve our county in this challenging role.

Dr. Cooke is an outstanding candidate, and I ask you to vote to confirm her. She has my full support.

Respectfully,

[Peter Van Houten MD](#)

Chief Medical Officer
Sierra Family Health Center



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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 5:13:09 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Peter Mason submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Today, more than ever, we need science based decision making. Thank you for your support. Peter Mason, Nevada City

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From: [Dr. Harris](#)
To: [bdofsupervisors](#)
Subject: Public Health Officer Recommendation
Date: Monday, December 13, 2021 5:58:58 PM

Dist 1

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Dear Supervisors,

Nevada County needs a well-qualified Public Health Officer, especially during the ongoing COVID-19 pandemic. Thanks to the recruiting efforts of the Nevada County Public Health Department, we have an excellent candidate in Dr. Sherilynn Cooke. With a master's degree in Public Health from UCLA, an MD degree from Stanford, and 9 years of experience prior to medical school, working for San Diego County in various roles, including Public Health Educator, she is well prepared for this position. We are fortunate to have someone of Dr. Cooke's caliber willing to serve our county in this challenging role.

As a community physician practicing here in Nevada County since 2013 and in adjacent counties for 20 years previously, I know how important the County Public Health Officer is to the health of your constituents. Dr. Cooke is an outstanding candidate, and I ask you to vote to confirm her.

Sincerely,
Andrea Harris, MD
Yubadocs Urgent Care

[REDACTED]
[REDACTED]
[REDACTED]

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 5:42:50 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Janet Cohen submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please agree to this contract! We desperately need a new Public Health Officer to replace Dr. Kellerman. The county needs a new Public Health Officer in this difficult time. Please don't be swayed by people who would rather have chaos reign in this county than health and well-being for all. It doesn't matter whether the appointee is local. Please don't be intimidated! Please approve this contract with this highly qualified woman. Many thanks!

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Date: Monday, December 13, 2021 9:12:13 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Frank Francis submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Frank Francis Dec.13 9:pm - Honorable Board of Supervisors -- Public health has always been a high priority in this community and the Public Health Officer has become person of critical importance during our struggle with the Virus. It is imperative that you select a person who is not only highly competent but who is willing to withstand the the adverse currents of a minority of public opinion while serving the community. Please select Dr. Cooke

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Kathy Hillis submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I support offering Dr. Sherilynn Cooke the contract to be Public Health director.
Kathy Hillis

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Marina Bernheimer submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Grateful for the very qualified and well trained Ms. Cooke. We are lucky someone with her training and experience as an md and public health expert is willing to serve here during these challenging times.

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Date: Monday, December 13, 2021 7:33:17 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Shari Wilson submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I support Dr Cooke as the next Public Health Officer for Nevada County. In a rural area where it's difficult to attract and retain physicians, during a period when more public health officers have left the profession than any other time in history, I'm satisfied with a Stanford trained physician with a residency at Highland who has practiced in Richmond and is willing to serve. We need someone with sound public health knowledge, and experience that can be applied anywhere. Yes to Dr Cooke.

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Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Tuesday, December 14, 2021 7:42:56 AM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Polly Conley submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: As a local provider I support Dr. Cooke. She is very well qualified and would be an asset to our community. As someone who is involved in trying to recruit medical providers to work in Nevada County I know how difficult it is to find qualified people. In a time where we have a shortage of providers and are competing with larger, better funded communities I think we are lucky to have gotten a public health doctor with such good experience and preparation for the job. Polly Conley PNP WSMC

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Joanna Robinson submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This message is to urge you to execute the contract with Sharilynn Cooke and make her our new head of County Health. Her credentials look great and she has good, solid experience. Sincerely, Joanna Robinson

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

John Lace submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I am the Medical Director of the Intensive Care Unit at Sierra Nevada Memorial Hospital. I have attended on many cases of severe illness and many of them could have been prevented by adherence to public health guidelines. I am commenting to support strongly that the Board approve the contract with Dr. Cooke. I have reviewed her professional and personal credentials and I believe she is ideally positioned to build upon the fabulous work done by Dr. Kellerman.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Michael Askins submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Because of the current COVID related public health crisis, in my opinion, it is particularly important that the county select a highly qualified and capable candidate for the Public Health Officer position. I believe that Dr. Cooke is just such a candidate and I support her selection for the position.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Catherine Hardy submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Hello Supervisors- Thank you for taking my comment. Nevada County needs and deserves a qualified public health officer. Please approve the hiring of Sherilynn Cooke!

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Linda Hartman submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Dear Honorable Nevada County Supervisors - I am writing to express my support for the appointment of Dr. Sherilynn Cooke to replace Dr. Scott Kellerman as the Director of Nevada County Public Health. During these difficult times we need someone with Dr. Cooke's training, experience, and intellect to lead our Health Department and protect our citizens. Thank you for making a wise decision. Very truly yours, Linda M Hartman Deputy County Counsel, 1979 - 2013 Retired

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Uli Paulin submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please approve the contract with Ms. Cooke. We need her knowledge and expertise. Uli Paulin

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Ellen Hall submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I'm grateful that you have found a way to provide us with a qualified doctor to serve as our Public Health Officer. Of course it would be nice to have a local physician serve in that way, but I totally understand why they wouldn't want to, given the disrespect and incivility that would come their way. Ellen Fietz Hall

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Daniel Bibelheimer submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Dear Supervisors. Our county needs a qualified public health director, and Dr Cooke appears suited to that position. Our county has been disrupted and divided by a minority who oppose medical common sense out of a source of unfounded fears. Do NOT let their noise overcome a strong community support of the citizens and medical community for good leadership. Your staff at the public health department has done a remarkable job. Please approve Dr Cooke. Daniel J. Bibelheimer MD

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Karla Arens submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please approve Dr. Cooke as our Nevada County Health Officer.

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From: [Ingrid Bauer](#)
To: [bdofsupervisors](#)
Subject: Dr Sherilynn Cooke
Date: Monday, December 13, 2021 9:01:39 PM

Dist 4

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Supervisors,

I urge you to vote to confirm Dr. Sherilynn Cooke as our new County Public Health Officer. After a thorough search and vetting by the County Public Health Department, Dr. Cooke has been chosen due to her exceptional medical training, extensive professional experience, and commitment to public health outreach and leadership. After completing her master's in Public Health at UCLA and her MD at Stanford, Dr Cooke trained in internal medicine at Highland Hospital in Oakland, CA, where I was also fortunate to train. At Highland, which is Alameda County's trauma center and safety net hospital, all trainees learn that a community's health is only as strong as its social programs and commitment to access to quality and affordable care. I brought this mission and vision with me when I moved to Nevada County three years ago to serve as a primary care physician at Western Sierra Medical Clinic. I trust that Dr Cooke will bring the same passion for the common good as our County Public Health Officer.

The last two years of a pandemic have been challenging for all of us, and we need a competent, dedicated leader to help us navigate the next phases of this historical public health crisis. Please approve Dr. Cook to lead the Nevada County Public Health Department.

Respectfully,

Ingrid Bauer, MD, MS, FACP

Interim Chief Medical Officer

Western Sierra Medical Clinic

Grass Valley, CA

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:24:43 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Marcie Ellers submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: The Board of Supervisors owes it to our community to hire a professional who is willing to take on our community and assist us in our efforts to maintain the health of all Nevada County residents. Currently, 800,000 Americans have lost their lives to this scourge. Please approve the hiring of this highly qualified individual. We need a qualified public health officer in Nevada County. Respectfully submitted, Marcie Ellers

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To: [BOS Public Comment](#)
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Date: Monday, December 13, 2021 4:20:40 PM

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Andrew Rust submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

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eComment: Dr Cooke in MHO has performed an excellent job under current conditions and see no issue with approving the contract - I am grateful that they want to continue considering all the BS that has come their way.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

David Painter submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I fully support the hiring of a well qualified Doctor to take on the PHO position. Dr. Cooke has the credentials needed for this challenging job. David Painter Grass Valley

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Lindy Beatie submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

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eComment: Totally approve of the contract for this fantastic doctor to the public health position. There needs to be a level headed, science based medical professional on board to guide the health in our county

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From: [Marcus RhodenHill](#)
To: [bdofsupervisors](#)
Subject: Public Health Officer
Date: Tuesday, December 14, 2021 11:26:47 AM

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Dear Supervisors,

Nevada County needs a well-qualified Public Health Officer, especially during the ongoing COVID-19 pandemic. Thanks to the recruiting efforts of the Nevada County Public Health Department, we have an excellent candidate in Dr. Sherilynn Cooke. With a master's degree in Public Health from UCLA, an MD degree from Stanford, and 9 years of experience prior to medical school, working for San Diego County in various roles, including Public Health Educator, she is well prepared for this position. We are fortunate to have someone of Dr. Cooke's caliber willing to serve our county in this challenging role.

As a community physician practicing here for more than 21 years, I know how important the County Public Health Officer is to the health of your constituents. Dr. Cooke is an outstanding candidate, and I ask you to vote to confirm her.

Respectfully,

Marcus RhodenHill PA-C

--

Make it a great day,
Marcus RhodenHill, L.Ac., MSOM, MSPAS, PA-C

From: mrteenev@att.net
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#); [Public Health](#)
Subject: December 14 Meeting
Date: Tuesday, December 14, 2021 8:01:20 PM

Dist 1

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Due to the snow, I was able to finally view a board of supervisors meeting today and I was appalled with what I saw. Not appalled by citizens exercising their first amendment right, but the most condescending board of supervisors I have ever seen. Chairman Miller spoke in the most disgusted and disdainful manner towards the audience, and Heidi Hall's late in the session monologue (including accusations of anti-Semitism??) about how she'll listen to us but do what she wants anyway, shows she isn't representing anyone besides herself.

My takeaway with this meeting is despite a large number of opposition against the appointment of a new PHO including an offer to do it for free, the BoS decided to do their own thing and approve SR21-0882. This could have been pulled from consent, an official public hearing could have been scheduled or they could have hired the doctor who offered to do it for free. I'm also questioning the call-in comments as they sounded like they were reading a script and could be on someone's payroll; the "I'm afraid of the unmasked" comment is also cringe worthy. The icing on the cake was how you voted in your own pay raise; wish I could do that.

However, I am encouraged that there are Nevada County residents who are willing to take a stand and call you out. While you lay blame at your forthcoming with the state, there are other counties (Placer and Orange for example) who have gone against the state's tyrannical wishes. All you have to do is declare an end to this "emergency", everyone can get their lives back in order and you can get back to discussing improving the dump.

Nevertheless, I am looking forward to signing the upcoming recall petition, as Heidi Hall should have resigned after her drunken collision that could have killed someone, and instead played the victim (isn't she still on probation?). It's also interesting as to what the veteran during the comment period (can't remember his name) said about treasonous acts and having the military step in. A violation of the constitution is a violation regardless if you're pressured by the state to do it, the Nuremburg code states the same.

Despite what you think, there is many more in Nevada County like the group you encountered today. We're the working class that normally can't appear in person at your meeting, were the ones suffering with your poor decisions, we're also paying your salary, but your policies have caused an awakening. Your attitudes disgusted me; in this time of not trusting the government you more than cemented that feeling. There will be more calls for resignations, and more signatures for the recall as more of the Nevada County populace becomes aware of what you are doing.

Your Pal,

Jad Funk
Nevada City

From: [Janet Stegman](#)
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#); [Public Health](#)
Subject: NO VOTE ON PUBLIC HEALTH OFFICER TODAY - NOT WITHOUT INPUT FROM THE COMMUNITY AND AN OVERSIGHT COMMITTEE FIRST
Date: Wednesday, December 15, 2021 8:18:10 AM

Dist 2

CAUTION: This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

THIS IS NOT A ROUTINE HIRING DECISION! PUBLIC HEALTH OFFICERS CLAIM SIGNIFICANT POWERS TO ORDER BUSINESS SHUTDOWNS AND QUARANTINES, AND TO IMPOSE CRIMINAL PENALTIES FOR THOSE WHO DO NOT COMPLY!

Why are we appointing a Doctor from Oakland to this position and paying her nearly 1/2 million dollars when she has full-time employment in another County? Why is the public being left out of the selection and review of the PUBLIC health officer's appointment? The concerned citizens of Nevada County are fed-up and tired of their rights being trampled on.

To the Members of the Board in Nevada County:

I am writing to express my concern regarding the consent calendar regarding a new PHO. This decision is coming from your staff, without public debate. This is legally wrong and an abrogation of your duty to we your community members to represent them in the best interests of our community. **I am opposed to this and ask you to remove it from the consent calendar.**

We have been telling you meeting after meeting that all the mandates and lockdowns have done more harm than good. We the community must be involved in the discussion of a new Public Health Officer. This is a really big deal, and we have more questions than answers.

I have requested countless times that the public health emergency in our County, when total Covid deaths as of today are just 106 out of a population of over 100,000 people, needs to be ended and you have the power to do so according to the document you signed when you put it in place. I have asked over and over for a public discourse about this involving a broad spectrum of medical authorities, including our local doctors. You never responded.

You, our supervisors and public health officials have ignored Covid vaccine injuries and deaths. The Covid vaccines have caused more deaths and injuries than all previous vaccines combined.

4.) In view of the above, why hasn't any PHO for our County re-considered the declaration of emergency?

You our supervisors cannot legally delegate your authority to a County PHO to dictate policy to our community. You are the ones who must look at the negative impacts of the lockdowns and mandates that have thus far resulted in the highest death rates by any nation on earth.

I demand you remove from the consent calendar the new PHO in order for discussion regarding a PHO who is capable and responsible to look at the full facts and not join the current narrative. This is a time for change and can start with a new PHO.

Sincerely,
Janet Stegman



From: [Olivia Pritchett](#)
To: [bdofsupervisors](#)
Subject: FW: In support of Dr. Cook
Date: Tuesday, December 14, 2021 8:05:03 AM

Dist 1

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Please accept this as a letter of support for Dr. Cook to be appointed as the new public health officer for Nevada County.

She completed her undergraduate education at Cal Poly University Pomona, a Master of Public Health at UCLA and her medical degree at Stanford University.

She has worked in Public Health and Primary Care.

She is interested in promoting a healthy lifestyle and in taking individual and community preventive measures to prevent disease.

Her experience speaks for itself to demonstrate that she will be a good fit for the position.

We are thankful for Dr. Kellermann's service to our county and are confident that Dr. Cook will be able to step into the role and continue to do the great work that he's done.

Respectfully,

Olivia Pritchett

Office Manager
Bouchier-Pritchett Family Medicine



Grass Valley, CA 95945

From: [Joy Brann](#)
To: [bdofsupervisors](#)
Cc: [Public Health](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#)
Subject: Remove Agenda Item 8. SR 21-0882 from consent calendar
Date: Monday, December 13, 2021 10:39:11 PM

Dist 1

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To: Nevada County Supervisors Heidi Hall, Dan Miller, Ed Scofield, Sue Hoek and Hardy Bullock, and Jill Blake

i, Joy Brann, a woman, request agenda item 8, SR 21-0882 be immediately removed from the consent calendar.

The men and women of our county have demanded and never received any verification or justification for emergency restrictions, resulting in bankrupting local businesses and other preventable harms, including deaths, caused by ineffective, detrimental and unlawful public health policies.

I request a resolution to form an oversight committee composed of a group of men and women of our county, including qualified health professionals, to review the current selection and open the bid for this position to local doctors who have a vested interest in our local community.

I request selection of a public officer be placed on the agenda, for public discussion and comments, with a review from the PHO oversight committee and suggested local M.D.'s.

Joy Brann, MPH

[REDACTED]

From: [Christine Newsom](#)
To: [bdofsupervisors](#)
Subject: Dr. Sherilynn Cooke
Date: Monday, December 13, 2021 10:04:48 PM

Dist 1

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Dear Supervisors:

I am writing you to express my support for the hiring of Dr. Sherilynn Cooke as the new public health officer of Nevada County. She is eminently qualified to handle the many different demands of this position, especially in these unprecedented times of the Covid epidemic. She will continue to carry out the policies of federal, state, and county laws and regulations, and make decisions with the health of our Nevada County citizens in mind.

Please do not let the voices of a small but vocal minority sway your decision in this matter of hiring such a well qualified person for a position that is likely to be very difficult to fill if we pass up this opportunity.

Respectfully,
Christine M Newsom MD



From: [Pam Harley](#)
To: [Ed Scofield](#)
Cc: [bdofsupervisors](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#); [Public Health](#)
Subject: Urgent! Remove PHO from 12/14/21 Consent Calendar -For the Public Record!!
Date: Tuesday, December 14, 2021 2:02:21 PM

Dist 2

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Dear Mr. Scofield,

I just now read this message and realized my request may be too late, but I sincerely hope that the name of Sherilynn E. Cooke, M.D. has been removed from the "Consent Calendar" to insert and replace our Public Health Officer without discussion or debate. I request formation of an oversight committee, composed of a group of the PUBLIC, preferably health oriented/educated individuals and a group of LOCAL Doctors, to review the current selection and open up the bid for this position to local doctors who have a vested interest in our local community.

Sincerely,

Pam Harley

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Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions. Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 9:01:07 PM

Dist 1

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Andy Wright submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Dr. Scott Kellermann has done an exemplary job in the face of a serious viral foe and public resistance. His replacement, Dr. Cooke should be hired to fill the position using medical science to keep our county healthy and safe.

[View and Analyze eComments](#)

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From: [Jessica Pittaway](#)
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#); [Public Health](#)
Subject: Oppose PHO appointee choice on Dec 14th 2021 Consent Calendar
Date: Monday, December 13, 2021 6:45:43 PM

Dist 3

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To everyone this does concern,

In these current times there is a great importance to have local input for the selection of, and local considerations for the position of, a new Nevada County Public Health Officer. To give this highly paying position away to a bay area resident doctor who will not be as likely to have Nevada County's best interests in mind as much a Nevada County Resident would, does make this a highly controversial and unacceptable choice! This no-bid contract for Sherilynn E. Cooke, M.D as the new PHO in Nevada County must be pulled from tomorrow's consent calendar, and I insist a more public selection process must be implemented before a contract is authorized.

Thank You,

Jessica Pittaway

Grass Valley CA Resident

From: [darlene weiss](#)
To: [bdofsupervisors](#); [Public Health](#); [Hardy Bullock](#); [Sue Hoek](#); [Dan Miller](#); [Ed Scofield](#); [Heidi Hall](#)
Subject: SR- 21-0082 Appointed Public Health Officer
Date: Monday, December 13, 2021 6:25:09 PM

Dist 3

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To All This May Concern;

Kindly remove SR- 21-0082 from the consent calendar. This appointment is very alarming & unethical as Sherilynn E. Cooke, M.D. is not a Nevada County resident, nor was this position made available to local candidates. It is only fair this position is open for discussion, public comment, & review from residents in Nevada County fairly.

Sent from my iPad

From: [Robin DeMartini](#)
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#)
Cc: [Public Health](#); [BOS Public Comment](#)
Subject: SR 21-0882 be immediately removed from the Consent Calendar...
Date: Monday, December 13, 2021 5:28:25 PM

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SR 21-0882 be immediately removed from the Consent Calendar...

It has come to my attention that Sherilynn E. Cooke, M.D., who is employed full-time as an M.D. at Kaiser in Martinez, has been hand selected in a no-bid contract by Jill Blake to become Nevada County's next Public Health Officer.

I am requesting the formation of an oversight committee; a group of the PUBLIC, preferably health oriented/educated individuals and a group of LOCAL Doctors, to review the current selection and open up the bid for this position to local doctors who have a vested interest in our local community

This item MUST be placed on the agenda (for discussion and public comment) with a review from the PHO oversight committee and suggested local M.D.'s.

Thank you,
Robin DeMartini

Sent from ProtonMail for iOS

From: [JUDI CALER](#)
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#); [Public Health](#)
Subject: Agenda Items 12-14-21
Date: Monday, December 13, 2021 4:54:40 PM

Dist 1

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Please remove Sherilynn E. Cooke's contract from the consent calendar--don't you know that you're spending almost a half million dollars of our tax money on someone we know nothing about? Do you not realize how controversial this is?

And I suggest you take own pay raises off the calendar permanently, so as not to embarrass yourselves and our County.

Judi Caler
Nevada City

From: [Rebecca Cole](#)
To: [bdofsupervisors](#)
Subject: Sherilynn Cooke
Date: Monday, December 13, 2021 9:18:01 AM

Dist 1

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I am concerned about Nevada County employing Sherilynn Cooke as our Public Health Officer. She does not understand our health needs. Our Public Health Official needs to be selected by a local oversight committee from doctors who live in our area.

Thank you.

Rebecca Cole



From: karlmeyers@startmail.com
To: [bdofsupervisors](#)
Subject: Yes, You all need to be Recalled
Date: Wednesday, December 15, 2021 12:17:16 PM

Dist 4

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So you choose to hire someone from Oakland who already has a full time job, and give her an additional job paying half a million dollars? You are insane, and should be locked up for insanity. The things you people do don't surprise me. I would not be surprised at all if you all voted yourselves a half million dollar pay raise, because you all have learned how to walk on water. Hiring someone from Oakland to work in Nevaday County for a half million dollars is insane. I am ashamed and can't wait for all of you to be recalled. This makes our county so called government a bunch of complete idiots who should be in prison.

Karl Meyers
Rough and Ready

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 3:54:12 PM

Dist 3

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Roger Burger submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: As someone with two graduate degrees in science, I am delighted that Dr. Sherilynn Cooke has shown willingness to take the helm as Public Health Officer for Nevada County. I strongly encourage you to approve this resolution.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 3:55:36 PM

Dist 5

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

ER Regan submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This item is on consent and supposed to be uncontroversial. Clearly it is. Selecting a Doctor outside of our community- no one knows anything about, with no public discourse and offering nearly 1/2 a million for her contract is outrageous. A position of PHO holds power and the public must be included in the appointment of someone who will serve our needs best. Local options first with community input is a must.

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 3:55:36 PM

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

ER Regan submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This item is on consent and supposed to be uncontroversial. Clearly it is. Selecting a Doctor outside of our community- no one knows anything about, with no public discourse and offering nearly 1/2 a million for her contract is outrageous. A position of PHO holds power and the public must be included in the appointment of someone who will serve our needs best. Local options first with community input is a must.

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From: [Connie Kays](#)
To: [BOS Public Comment](#)
Subject: PHO SR21-0882
Date: Monday, December 13, 2021 3:59:35 PM

Dist 3

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BOS

NO !!! The PHO should be chosen from Nevada county, not from the bay area. We all live here in this special county and trust those who have our backs. Many qualified people live here who would be a great PHO. Have the medical professionals and a number of residents vet and choose who would be the best for our county. Please listen to the people and a select few should not be making this decision.

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:00:02 PM

Dist 4

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Theadora Hood submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I oppose this contract since there must be a more public selection process before authorizing a contract. A PHO should be hired from Nevada County rather than an out of county consultant. Local medical professionals and citizens should have input in making the selection.

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:07:07 PM

Dist 1

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Ricardo Fuentes submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I am against this contract. The contract for 18 months come to 27,015 per month. This entirely way too much money for someone who is just an administrator that is just going to sit around answer questions. All she can do is follow existing law. Is there an option for renewal of the contract ? Is there a provision for bonuses ? How was she selected - competitive bidding ? Will she be a true contractor or an employee ? Is she a resident of NV County ? Hire a local !

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:14:56 PM

Dist 3

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Dianna Helms submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This highly controversial no-bid contract must be pulled from Consent by the BOS and a more public selection process must be implemented before a contract is authorized. The supervisors should direct staff to prioritize the hiring of a PHO from Nevada County rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:15:59 PM

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Rachel West submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Hiring a doctor who is responsible for the public health of our county that doesn't actually live or participate in our community is absolutely the wrong move. This position needs to be someone who lives locally and is concerned about how things actually effect us and feels what those decisions feel like. Covid has been trying on every level and Nevada County has done a terrible job listening to what it's citizens need. Please consider another candidate for this position.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:20:04 PM

Dist 2

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Bethany Heuseveldt submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I strongly oppose this contract being fast tracked and offered to someone who does not reside in our community. We need one of the many medical professionals within our area to be considered for this position. This item needs to be pulled for the consent calendar until the public has the opportunity to state what they want in a PHO - someone local who has the desire to be a public servant, not someone from the Bay Area who we will be paying almost \$500k of our tax dollars to!

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:25:09 PM

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Quinna Water submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I would like to see someone appointed who is a local and will also be impacted by the legislations passed, not to mention a more affordable candidate.

[View and Analyze eComments](#)

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 4:27:21 PM

Dist 4

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Denis Peirce submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Dear Supervisors, I would like the board to not take action on this item today. Dr. Cooke is a resident of Pleasant Hill CA. I want the board to hire a local doctor of which we have many to fill this position. Dr Cooke will be spending her 6-figure salary outside of this county. She will not be subject to the choices she makes for this community. We have many qualified people to choose from in our local population. Please choose one of these to fill this position. Denis Peirce Penn Valley

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Judi Caler submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 37. SR 21-0887 (Introduce/Waive further reading) Ordinance amending Article 2 of Chapter II, of the Nevada County Administrative Code - Board of Supervisors, setting the Board of Supervisors compensation for services in alignment with the County elected officials, and deleting the event allowance and the assignment of a County vehicle to Fifth District Supervisor.

eComment: So, the BOS violates their oath to the Constitution and turns over their responsibilities and our liberty to an unelected health officer -- and they want a pay raise?! That's rich. They should all resign in shame.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

John Walsh submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: At the time of this comment there are roughly six pages of opposition to this appointment. The BOS should heed that input and open the selection up for public input and consider qualified doctors who reside within Nevada County. Why the large salary? A quick glance at other counties PHO salaries are well below 500k. As a resident of Nevada City I want health recommendations that are appropriate for Nevada County. Not ones that are from someone who lives in the Bay Area. Open this process up

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Na Pa submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please consider local applicants for his position.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Chandra Moore submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This highly controversial no-bid contract must be pulled from Consent by the BOS and a more public selection process must be implemented before a contract is authorized. The supervisors should direct staff to prioritize the hiring of a PHO from Nevada County rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

JENNY RICE submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This highly controversial no-bid contract must be pulled from Consent by the BOS and a more public selection process must be implemented before a contract is authorized. The supervisors should direct staff to prioritize the hiring of a PHO from Nevada County rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Hughes Margaret submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I feel we need someone who will be living in our community and who has a vested interest. There needs to be public input

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Valmore Gauthier submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This highly controversial no-bid contract must be pulled from Consent by the BOS and a more public selection process must be implemented before a contract is authorized. The supervisors should direct staff to prioritize the hiring of a PHO from Nevada County rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

william larsen submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: please confirm the contract of sherilynn cooke as our new public health officer. this stanford graduate is extremely competent and able to protect the health and welfare of our community.....sincerely, william larsen

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Mary Gauthier submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: This highly controversial no-bid contract must be pulled from Consent by the BOS and a more public selection process must be implemented before a contract is authorized. The supervisors should direct staff to prioritize the hiring of a PHO from Nevada County rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Brandilyn Davidson submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Our local public health official should just that: local.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

JB Hiatt submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please consider hiring a qualified doctor for the position of PHO who is local and familiar with our communities strengths and weaknesses. We need an individual who will be living within the community, in order that they understand the implications and ramifications of their decisions for the community. Thank you J. Hiatt

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Lisa Moorlag submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I am writing to express my concern regarding the consent calendar regarding a new PHO. This item should 100% be open for public debate. Please remove this consent calendar and open it up for all members of Nevada County to discuss and to decide. As a voter and a tax paying citizen of Nevada County I am officially asking that this would be brought forward to the public. I do not want my money paying for PHO that does not live or work in our county.

Respectfully Aaron and Lisa Moorlag

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Nick Chalko submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: We should not hire someone who does not live in the area.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Nancy Peirce submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: On the Consent Calendar? This position should have publicly vetted and multiple candidates.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Alan Livingston submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please vote no on 8. We want a local doctor and resident if this is a position that truly needs filling. Our community and state is suffering from over-reaching measures and mandates. Let's be sensible and consider the lives and businesses being affected. Thank you

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Danielle Cavolt submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I oppose the contract of Dr. Cooke. The comments of those who are in favor say she is "willing" and "qualified". We have plenty that live in Nevada County that are willing and qualified, especially for that kind of money!! How can we trust someone who doesn't live, work or have children/grandchildren that go to school in our community to have the best interest of Nevada County residents at heart? This should be a public selection process, not pushed through the consent calendar. Hire a local!

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From: [Robin DeMartini](#)
To: [bdofsupervisors](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#); [Hardy Bullock](#)
Cc: [Public Health](#); [BOS Public Comment](#)
Subject: SR 21-0882 be immediately removed from the Consent Calendar...
Date: Monday, December 13, 2021 5:28:25 PM

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SR 21-0882 be immediately removed from the Consent Calendar...

It has come to my attention that Sherilynn E. Cooke, M.D., who is employed full-time as an M.D. at Kaiser in Martinez, has been hand selected in a no-bid contract by Jill Blake to become Nevada County's next Public Health Officer.

I am requesting the formation of an oversight committee; a group of the PUBLIC, preferably health oriented/educated individuals and a group of LOCAL Doctors, to review the current selection and open up the bid for this position to local doctors who have a vested interest in our local community

This item MUST be placed on the agenda (for discussion and public comment) with a review from the PHO oversight committee and suggested local M.D.'s.

Thank you,
Robin DeMartini

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Kristin Duffy submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I'm of by he opinion that this position should be filled my someone from the community, who lives in the community and would be subject to decisions they make for us. Also the BOS should want to take feedback from the community they serve. This decision should be made in a public setting where the community can give feedback. This position is a powerful position and will effect our community and will greatly effect our schools.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Amy Schubert submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

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eComment: Our PHO should be someone who lives locally and knows our community. Someone who is vested in our way of life. We are not the bay area. We are not a city. Nor do we want to be. Please don't vote this person in. This is a decision that should have community input.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Patricia Milami submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I would wish to see that the person elected to this position is a member of this community and a resident in our county. I do not have faith in a person making such serious decisions for our county, our communities, and most importantly our schools who does not live among us to have a real grasp on day to day living in this county.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Ryan Duffy submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Please consider the significant differences between communities and the variances in public health policy that are both expected and appropriate. Our public health officer should be both present and vested in the community as he or she makes decisions that affect us all. Please do not hire Dr. Cooke for this important position in our county.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Dee Dziak submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilyn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Why is the Nevada Corporation intending on installing someone unfamiliar with day to day life in our county? I'm under the impression this candidate is from the impeccable town of Oakland.

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New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Jenna Beauchamp submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: The person that represents us here in Nevada County should be someone who lives and works within our county. Nevada County IS NOT the Bay Area. We are a rural community and should have someone locally fill this position.

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From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 11:08:22 PM

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Lisa Fortgonz submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Remove this controversial agenda item 8. SR 21-0882 from the Consent calander immediately! And a more public election process must be implemented before a contract is authorized. The Supervisors should direct staff to prioritize the hiring of a PHO from Nevada county rather than sending almost half a million dollars to an out of county consultant. A panel of local medical professionals and citizens should be convened to assist the county in making the best possible selection.

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From: [cindy burke](#)
To: [BOS Public Comment](#)
Subject: PHO
Date: Tuesday, December 14, 2021 2:06:08 PM

Dist 4

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I am writing as a concerned citizen about the county's apparent decision to put in place a PHO from another county.

This position pays more than the president of the United states at \$400,000. and more than Dr. Fauci's pay at 417,000, and brings with it tremendous power that may impact our communities without this person even living here or knowing our people or needs.

Please readdress this issue immediately!

Cindy Burke and Michael Allgeier

Sent from [Mail](#) for Windows 10

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Monday, December 13, 2021 10:42:54 PM

Dist 1

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Joy Brann submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Remove agenda item 8. SR 21-0882 from consent calendar immediately. Introduce and adopt a resolution to form an oversight committee and of local, qualified health professionals to review an open bid process for PHO replacement from within our community.

[View and Analyze eComments](#)

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From: [Dora Cividino](#)
To: [BOS Public Comment](#); [Heidi Hall](#); [Ed Scofield](#); [Dan Miller](#); [Sue Hoek](#)
Cc: [Public Health](#)
Subject: Remove PHO from consent calendar. 12/14/21
Date: Monday, December 13, 2021 10:19:21 PM

Dist 4

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FOR THE RECORD

Members of the Board in Nevada County:

How do you square hiring an out of area doctor for the position of PHO to the tune of one-half million dollars while fully employed and will continue to be in another County?

Why have you so little respect and concern for this community?

Why have you not put this position up for discussion or debate?

Why does Jill Blake, current director of PHO have this enormous power to hire or select someone to fill the position without going through the regular channels as required by law?

Why have you not looked locally to fill that position?

Why have you abrogated your duties to consider the harm already done on lockdowns and mandates? How about vaccine deaths or injuries? How about the psychological harm to our children? You swore to uphold the Constitution. Please read it. We did in order to gain citizenship following legal entry into the U.S.

We are dismayed, shocked that as a Board you have adopted a cavalier attitude that appears to serve only your personal interests, your thirst for power. Please, do an examen of conscience, which many of us do each day personally as we seek to become better individuals and citizens.

Submitted respectfully and grateful for your time.

Dora and Frank Cividino

[REDACTED]

From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Tuesday, December 14, 2021 8:27:17 AM

Dist 2

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Janet Stegman submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: Do not vote without community input. Do not hire a person from the Bay Area who already has a full-time position somewhere else; hire a doctor from Nevada County who has experience with healing people of viruses been successful, and who has experience in preventive medicine. Someone like Dr. Stephen Bannister.

[View and Analyze eComments](#)

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From: [Chris Whitlock](#)
To: [BOS Public Comment](#)
Date: Tuesday, December 14, 2021 8:37:22 AM

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Item 8 is on the first page, which is Agenda item SR 21-0882.
resolution to hire Sharilyn E. Cook, MD as the PHO, etc.

Don't we have enough of this coming from our federal government and our state government?

Please do not send Nevada County down the same road. Do not vote for Sharilyn E. Cook, MD as the PHO, etc, and put shackles on the freedom we are allowed under the Constitution of the United States.

We need no more restrictions to cripple the county and put unnecessary restrictions on businesses and private lives.

We voted for you and to put a hired shill, unvoted for and unapproved by the population, to do as the outrageous political steamroller wants to do in Nevada County.

This is outrageous and unacceptable. Please do not allow this to happen and please do not allow this woman to be hired, assuming power not beneficial for the common population.

--

Chris Whitlock
<ps42v1cw@gmail.com>



From: noreply@granicusideas.com
To: [BOS Public Comment](#)
Subject: New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda
Date: Tuesday, December 14, 2021 8:46:44 AM

Dist 3 or 5

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[SpeakUp](#)

New eComment for Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Carrie Haines submitted a new eComment.

Meeting: Nevada County Board of Supervisors December 14, 2021, Meeting Agenda

Item: 8. SR 21-0882 Resolution approving a contract between the County of Nevada and Sherilynn E. Cooke, M.D. to serve as the Public Health Officer and Registrar for the County of Nevada, for the period January 1, 2022 through June 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the contract.

eComment: I truly hope you listen to the people about this choice to bring in a Public Health Officer who does not reside in our county. We want someone who is from here, not from the city where they will bring in more city mentality. Any person serving our county should be someone who understands the people of that county. This can only truly be done by dwelling among us. Please do NOT bring in someone who is not one of us to serve us in this position. Bring in one of our own; a Nevada County resident.

[View and Analyze eComments](#)

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From: [Amy Young](#)
To: [BOS Public Comment](#)
Subject: OPPOSE selection of the new LHO under these terms
Date: Monday, December 13, 2021 9:31:34 PM
Attachments: [MO_Shannon_Robinson_v_DHSS_Judgement_20211122.pdf](#)

Dist 4

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Supervisors:

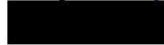
I strongly oppose you taking any action tomorrow to appoint a new LHO. The process needs to be 100% transparent and you must do your due diligence, and allow input from the public.

Sadly, the California Health and Safety Codes give LHOs almost dictatorial powers.: HSC 120210 Allows the LHO to quarantine and isolate people "whenever in the judgment of the department it is necessary", and further to destroy property according to his/her judgment.

A judge in Missouri recently struck down similar legislation giving discretionary powers to the LHOs in that state. I am attaching his judgment so you can learn about how such powers are unconstitutional.

You **shall not** saddle us with an LHO who will use these powers to deprive us of our liberty. The wrong person in this position will mean disaster for this county. I know that's not what you want.

Sincerely,
Amy Young



IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

SHANNON ROBINSON, et al.,)
)
 Plaintiffs,)
)
v.) 20AC-CC00515
)
MISSOURI DEPARTMENT OF HEALTH)
AND SENIOR SERVICES,)
)
 Defendant.)

JUDGMENT

This case is about whether Missouri’s Department of Health and Senior Services regulations can abolish representative government in the creation of public health laws, and whether it can authorize closure of a school or assembly based on the unfettered opinion of an unelected official. This Court finds it cannot.

Plaintiffs Shannon Robinson, B&R STL, and Church of the Word (a benevolent corporation) filed this action seeking a declaratory judgment pursuant to Mo. Rev. Stat. § 536.050 that rules issued by the Department of Health and Senior Services (“DHSS”), codified at 19 CSR 20-20.010 et seq., which authorize the Director of DHSS or a local health agency director to exercise personal discretion to (1) implement discretionary “control measures” including the “creation and enforcement of orders” affecting individuals, schools, organizations, businesses and other entities, and (2) close schools and places of public assembly based solely on his/her opinion, are invalid. 19 CSR 20-20.010(26); 19 CSR 20-20.040(2)(G)-(I); 19 CSR 20-20.040(6); 19 CSR 20-20.050(3) (collectively “DHSS regulations”). This matter comes to this court as a Motion for Summary/Declaratory Judgment. The Court concludes that the DHSS regulations (1) violate separation of powers principles of art. II, § 1 of the Missouri Constitution;

(2) violate the Missouri Administrative Procedure Act, Mo. Rev. Stat. § 536.010 et seq.; (3) are inconsistent with the public health law framework established by Missouri statutes; and (4) violate the equal protection clause of the Missouri Constitution, MO. CONST. art. II, § 1.

1. The DHSS regulations violate separation of powers principles of art. II, § 1 of the Missouri Constitution.

Separation of powers among the three branches of government – legislative, administrative, judicial – is fundamental to the preservation of liberty. DHSS regulations break our three-branch system of government in ways that a middle school civics student would recognize because they place the creation of orders or laws, and enforcement of those laws, into the hands of an unelected administrative official.

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.” Baron de Montesquieu, *The Spirit of the Laws* (London: J. Nourse and P. Vaillant, 1758), Book XI, ch. 6, p. 16. “One of the settled maxims in constitutional law is that the power conferred upon the legislature to make laws cannot be delegated by that department to any other body or authority.” Cooley, *Constitutional Limitations* (1886), pp. 116-117. “It is incumbent on the courts to ensure decisions are made according to the rule of law, not hysteria. . . . One hopes that this great principle—essential to any free society, including ours—will not itself become yet another casualty of COVID-19.” *Dept. of Health and Human Services v. Manke*, CC: 20-004700-CZ (Mich. 2020, Justice Viviano, concurring).

The Missouri Constitution provides as follows:

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of

powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted.

MO. CONST. art. II, § 1.

Thus, absent express direction or express permission in the Missouri Constitution for one of three departments of government to exercise powers belonging to either of the other two departments, acts done “must incontinently be condemned as unwarranted by the constitution. . . . Each department of the government is essentially and necessarily distinct from the others, and neither can lawfully trench upon or interfere with the powers of the other; and our safety, both as to national and state governments, is largely dependent upon the preservation of the distribution of power and authority made by the constitution, and the laws made in pursuance thereof.” *Missouri Coalition for Environment v. Joint Committee on Administrative Rules*, 948 S.W.2d 125 (Mo. 1997), citing *Albright v. Fisher*, 164 Mo. 56, 64 S.W. 106, 108–09 (1901).

The Missouri Supreme Court has recognized that a legislative body generally cannot delegate its authority, but alone must exercise its legislative functions. *Automobile Club of Mo. v. City of St. Louis*, 334 S.W.2d 355 (Mo. 1960); *State ex rel. Priest v. Gunn*, 326 S.W.2d 314, 320, 321 (Mo. banc 1959). A law delegating certain authority “is constitutional if a definite standard is provided and no arbitrary discretion is involved.” *State v. Bridges*, 398 S.W.2d 1, 5 (Mo. 1966); *Behnke v. City of Moberly*, 243 S.W.2d 549 (Mo. App. 1951). Any law “which attempts to clothe an administrative officer with arbitrary discretion, without a definite standard or rule for his guidance, is an unwarranted attempt to delegate legislative functions to such officer, and for that reason is unconstitutional.” *Lux v. Milwaukee Mechanics Ins. Co.*, 15 S.W.2d 343 (Mo. 1929).

The Missouri Supreme Court has well developed case law on the subject of unconstitutional delegations of power to executive branch officials. Although “a legislative body cannot delegate its authority,” the Court has held that “it may empower certain officers, boards and commissions to carry out in detail the legislative purposes and promulgate rules by which to put in force legislative regulations.” *Auto. Club of Mo. v. City of St. Louis*, 334 S.W.2d 355, 358 (Mo.1960). This is particularly so where the executive agency possesses special expertise. *State Tax Comm'n v. Admin. Hearing Comm'n*, 641 S.W.2d 69, 74 (Mo.1982). Delegation is constitutional only when the delegating statute or ordinance “contains sufficient criteria or guidelines” to guide the executive official's decision-making. *Ruggeri v. City of St. Louis*, 441 S.W.2d 361, 363 (Mo.1969); see also *Auto. Club of Mo.*, 334 S.W.2d at 358. Conversely, an ordinance or statute is unconstitutional when it “attempts to clothe an administrative officer with arbitrary discretion, without a definite standard or rule for his guidance.” *Porporis v. City of Warson Woods*, 352 S.W.2d 605, 607 (Mo.1962) (internal quotes omitted); see also *Howe v. City of St. Louis*, 512 S.W.2d 127, 133 (Mo.1974). Regarding the delegation of law-making functions in particular, the Court has recognized that “the duty and power to define crimes and ordain punishment is exclusively vested in the legislature,” *State v. Brown*, 660 S.W.2d 694, 698 (Mo.1983). The requirements that the Missouri Constitution and over a century of Missouri Supreme Court precedent place on delegations of authority applies to DHSS. DHSS is limited to a definite standard for its delegated duty, and no arbitrary discretion can be or is involved. *State v. Bridges*, 398 S.W.2d at 5.

DHSS has statutory authority to “designate those diseases which are infectious, contagious, communicable or dangerous in their nature and shall make and enforce adequate orders, findings, rules and regulations to prevent the spread of such diseases and to determine the prevalence of such diseases within the state.” Mo. Rev. Stat. § 192.026. DHSS regulations delegate to the DHSS Director and local health agency directors throughout Missouri the power to implement discretionary “control measures” including the “creation and enforcement of orders” within their jurisdictions. 19 CSR 20-20.040(2)(G)-(I); 19 CSR 20-20.040(6). DHSS regulations also authorize an individual health agency director to close a school or place of public assembly if “in the opinion of the [health official] the closing is necessary to protect the public health.” 19 CSR 20-20.050(3). Thus, the state delegated rulemaking power to an administrative agency, and the administrative agency, has in turn, delegated broad rulemaking power to an unelected administrative official. This type of double delegation, which results in lawmaking by an administrative entity, is an impermissible combination of legislative and administrative power. *Cavanaugh v. Gerk*, 280 S.W.2d 51 (Mo. banc 1926) (rules promulgated by a traffic council pursuant to general provisions are unauthorized by law). The DHSS regulations violate the principles of separation of powers by unlawfully placing unguided and unbridled rulemaking power in the hands of a public official.

DHSS asserts that words such as “necessary,” “adequate,” and “appropriate” smattered throughout the regulations provide sufficient standards to guide agency officials in developing control measures and creating and enforcing their own rules and orders. Decades of case law consistently holds otherwise. Delegations of authority that include the phrase “in accordance with *public convenience and necessity*” are insufficient due to lack of criterion or standard. *Automobile Club*, 334 S.W.2d at 359 (emphasis supplied). Also, delegations that permit

discretionary declarations that a building is a public nuisance and allow an official to take “steps as may be *necessary* for the immediate abatement of any and all such nuisances” are also insufficient due to lack of criterion or standard for abatement. *Lux*, 15 S.W.2d at 345 (emphasis supplied); *see also Clay v. City of St. Louis*, 495 S.W.2d 672, 674 (Mo. App. 1973) (a delegation that instructed an agency to “establish a fee schedule” was insufficient because it did not set forth any standards to follow when setting the fees).

Other states, like Michigan, Wisconsin, and Pennsylvania have recently come to the same conclusion regarding administrative order-creation in connection with COVID-19.

“The powers conferred by [a Michigan statute granting an executive authority to take action] simply cannot be rendered constitutional by the standards ‘reasonable’ and ‘necessary,’ either separately or in tandem.” *Midwest Inst. Of Health, PLLC v. Governor of Mich. (In re Certified Questions from the United States Dist. Court)*, No. 16, 506 Mich. 332 (Mich. 2020).

The Wisconsin Supreme Court also addressed this issue when it struck down a statewide “Safer at Home Order” issued by a Director of Wisconsin’s department of health in response to COVID-19 concerns. *Wisconsin Legislature v. Palm*, 942 N.W.2d 900 (Wisc. 2021). The order was created by a Wisconsin administrative official pursuant to a state regulation that gave her broad authority to take “all emergency measures *necessary* to control communicable diseases.” *Palm*, 942 N.W.2d at 917. The term “necessary” did not provide sufficient standards for her action. *Id.* Most recently the Pennsylvania court held: “

The purported authority cited by the Acting Secretary in the Masking Order does not convey the authority required to promulgate a new regulation without compliance with the formal rulemaking requirements of the . . . Regulatory Review Act. Therefore, because the Acting Secretary did not comply with the requirements of the [state APA], the Masking Order is void ab initio. For this Court to rule otherwise would be tantamount to giving the Acting Secretary unbridled authority to issue orders with the effect of regulations in the absence

of. compliance with the. . . [state APA]. As this would be contrary to Pennsylvania's existing law, we decline to do so.

Corman, et.al v. Acting Secretary of the Pennsylvania Department of Health, No. 294

M.D. 2021 (Nov. 10)

Federal courts also agree. The United States Supreme Court held that a delegation authorizing an executive to take action "as he may deem necessary" is an unconstitutional delegation because it assumes positive motives with no set standards. *Panama Refining Co. v. Ryan*, 293 U.S. 388 (1934); *see also State v. Becerra*, 2021 WL 2514138 (M.D. Fla.) (holding that Center for Disease Control ("CDC") lacked authority to issue a "conditional sailing order" to the cruise industry, rejecting the CDC's argument that a federal statute authorized the Secretary to freely employ his "judgment" about restrictions "necessary" to prevent the transmission of COVID-19).

i. Regulations that delegate unfettered and unbridled rulemaking to an administrative official based on "necessity" are invalid.

The authority that the DHSS regulations purport to grant to an administrative official to implement control measures and create and enforce orders is open-ended discretion—a catch-all to permit naked lawmaking by bureaucrats throughout Missouri. The regulations codified at 19 CSR 20-20.040(2)(G) -(I), 19 CSR 20-20.040(6) fail to set forth any standards to guide the DHSS Director or the DHSS-deputized local health agency directors in their creation of orders purporting to prevent the spread of a communicable disease into the state. The state's enabling act provides no standards for the issuance of orders. Mo. Rev. Stat. § 192.026. Orders authorized by the regulations are completely within the discretion of the agency official and are limitless, standardless, and lack adequate legislative guidance for their creation. The regulations also fail to provide any procedural safeguards for those aggrieved by the orders. The regulations create a

system of statewide health governance that enables unelected officials to become accountable to no one. Authorizing necessary, or appropriate, or adequate orders does not set forth the required standard or guideline for the administrative official.

Plaintiffs produced ample evidence that health agency directors throughout Missouri have used the power granted to them by 19 CSR 20-20.040 to exercise unbridled and unfettered personal authority to in effect, legislate. Local health directors have created generally applicable orders, both in writing and verbally, requiring individuals within their jurisdictions to wear masks, limiting gathering sizes in peoples' own homes, creating capacity restrictions, limiting usage of school and business facilities including tables, desks, and even lockers, mandating spacing between people, ordering students be excluded from school via quarantine and isolation rules created by health directors based on masking or other criteria not adequately set forth in either by the state legislature or by DHSS rules, among other generally applicable orders. This impermissible power to independently create new laws is purportedly delegated to them by 19 CSR 20-20.040(2)(G) -(I), 19 CSR 20-20.040(6) but MO. CONST. art. II, § 1 simply and clearly prohibits, without question, such lawmaking.

A local health agency director is constitutionally prohibited from exercising discretion to issue generally applicable rules prohibiting or requiring certain conduct and disciplinary consequences for violations of the director's unilaterally created rules. Yet, this has been happening across the state for over 18 months, thanks to unconstitutional language buried in state regulations. DHSS regulations that permit an agency health director to create and enforce orders and take other discretionary "control measures," which are predominantly set forth in 19 CSR 20-20.040(2) (G)-(I) and (6), are unconstitutional and are therefore invalid.

- ii. *DHSS regulation that delegates unfettered and unbridled decision-making authority to an administrative official to close a school or assembly based on the official's "opinion" is invalid.*

The DHSS regulation authorizing a health agency director's discretionary closure of a school or place of public assembly based on the director's personal opinion is invalid. 19 CSR 20-20.050(3). This regulation clothes an individual health agency director with the power to "close any public or private school or other place of public or private assembly when in the opinion of the [health agency director] the closing is necessary to protect the public health." The use of the term "in the opinion of" clearly designates complete discretion in an administrative bureaucrat to determine closure. The regulation even prohibits reopening "until permitted by whomever ordered the closure." 19 CSR 20-20.050(3).

The Missouri Supreme Court has held that a bureaucrat cannot possess such broad authority. In *Lux v. Milwaukee Mechanics Ins. Co.*, 15 S.W.2d 343 (Mo. 1929), a challenged ordinance clothed an appointed city official, the superintendent of buildings, with full discretionary power to declare any building which becomes unsafe from fire to be a public nuisance, and authorized the superintendent to take immediate steps to abate such nuisance. The challenged ordinance was held unconstitutional because it gave a city official the power to condemn a building without providing guides, tests, or standards to protect the property owner from arbitrary action.

A health agency director with the authority to shut down a school or assembly wields incredible power to coerce his subjects into submission. DHSS's permissive closure regulation effectively converts the recommendations, and even whims, of a health agency director into enforceable law. If the health agency director holds the "opinion" that a school is not doing enough, he can close it. And according to the regulation, he is the only one who can permit it to

be reopened. This incredible power cannot lawfully be placed in the hands of one bureaucrat. *Lux*, 15 S.W.2d at 345. Put simply, if “as may be *necessary* for the immediate abatement of any and all such nuisances” was insufficient according to Missouri’s highest court in *Lux*, then “necessary to protect the public health” based on “opinion” is definitely insufficient.

Schools and places of public assemblies should no longer fear arbitrary closure based on the whims of public health bureaucrats. This system is entirely inconsistent with representative government and separation of powers and makes a mockery of our Missouri Constitution and the concept of separation of powers. The DHSS regulation set forth at 19 CSR 20-20.050(3) is unconstitutional and is therefore invalid.

2. DHSS regulations violate the Missouri Administrative Procedure Act, Mo. Rev. Stat. § 536.010, et seq.

The DHSS regulations are also invalid because they authorize rulemaking by state and local agency officials in violation of the Missouri Administrative Procedure Act, § 536.010, et seq. A “rule” is defined by Mo. Rev. Stat. § 536.010(6) to include “each agency statement of *general applicability* that implements, interprets, or prescribes law or policy.” (emphasis supplied). “Any agency announcement of policy or interpretation of law that has future effect and acts on unnamed and unspecified facts is a ‘rule.’” *Department of Social Services, Div. of Medical Services v. Little Hills Healthcare LLC*, 236 S.W.3d 637 (Mo. banc 2007), citing *NME Hospitals, Inc. v. Department of Social Servs*, 850 S.W.2d 71, 74 (Mo. banc 1993).

Rules promulgated by DHSS must comply with the procedural requirements of the Administrative Procedure Act Sections 536.021 and 536.024 prior to enactment and enforcement. Mo. Rev. Stat. § 192.006. These procedural requirements include a number of steps, including publication, notice and comment period, and approval of the Missouri Legislature prior to finality. In *Little Hills*, a state agency imposed a financial calculation related

to Medicaid reimbursement that did not proceed through the procedural safeguards set forth in Chapter 536 prior to its implementation. Because the financial calculation had general applicability to the public, it was ineffective unless and until the procedural due process set forth in Chapter 536 occurred. 236 S.W.3d at 643 (“failure to promulgate a rule as required voids the decision that should have been properly promulgated as a rule”).

Although the regulations contained in 19 CSR 20-20.010 et seq. were themselves promulgated pursuant to the APA’s procedural protections, the regulations specifically authorize subsequent rulemaking by administrative officers for which there are no procedural protections prior to implementation. DHSS is prohibited by the APA from giving an unelected official the power to do what DHSS itself lacks the power to do – enact rules outside the procedural protections set forth in Chapter 536, RSMo. DHSS has done *exactly that* by authorizing one person at a local agency to create and enforce orders, rules or regulations without ensuring that the procedural safeguards applicable to DHSS actions are also applicable to the bureaucrat’s actions.

Plaintiffs presented evidence that these subsequent rules – those directed to prevention of COVID-19 – have been issued as “orders” by local health agency directors throughout Missouri in reliance on 19 CSR 20-20.040(2) and (6). Local health agency directors, in reliance on 19 CSR 20-20.040, have enacted rules all by themselves, with no notice, sometimes posted them on the internet by surprise, sometimes sent them by email, and sometimes provided verbal orders. They also haphazardly ordered the shutdown of businesses not in compliance with their self-imposed laws.

DHSS regulations that permit agency directors to implement discretionary control measures and create and enforce orders that fit within the definition of “rule” are invalid because

they violate the APA. Thus, regulations codified at 19 CSR 20-20.040(2)(G) -(I), (6) expressly authorize violations of the APA and are therefore invalid.

3. DHSS regulations are inconsistent with the framework established by Missouri statutes for the creation of public health law and violate Section 31 of Article I of the Constitution of Missouri.

Missouri statutes give elected legislative bodies, not individual health agency directors, authority to create county-wide laws related to communicable disease.¹ More specifically, Mo. Rev. Stat. § 192.300 provides: “County commissions [which include county councils] and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county.” A “county health center board”² is an elected governing body established by Mo. Rev. Stat. Chapter 205.

Missouri law also provides for criminal punishment for violation of a public health law adopted by a county council or county commission. Mo. Rev. Stat. § 192.300(4) provides: “Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law.” Thus, when a county council or

¹ No Missouri statute specifically authorizes an individual health agency official to unilaterally issue orders, rules or regulations related to communicable disease. To do so would be an unlawful delegation of authority in violation of MO. CONST. art. II, § 1. The legislature recently placed a time limit on certain orders related to communicable disease. Mo. Rev. Stat. 67.265. A time limit does not rectify the constitutionally deficient DHSS regulations because health agency officials are constitutionally prohibited from creating generally applicable laws for any length of time, no matter how brief.

² It is also commonly referred to as a “county health center board of trustees.”

commission enacts a law to prevent the spread of contagious disease that is generally applicable to all individuals, schools, businesses, governments and other organizations, the legislature must determine that the order or ordinance is so necessary that a violation of the law justifies applicable criminal sanctions.

Further, the Missouri Constitution provides “that no law shall delegate to any commission, bureau, board or other administrative agency authority to make any rule fixing a fine or imprisonment as punishment for its violation.” MO. CONST. art. 1, § 31. Thus, DHSS regulations that authorize a county health agency director to write a law cannot possibly be considered, within the statutory framework of Section 192.300, a county-wide law. To do so would violate the creation authority set forth in Mo. Rev. Stat. § 192.300 and the prohibition on criminal punishment set forth in Section 31 of Article I of the Missouri Constitution.

4. The DHSS regulations, as implemented, violate the equal protection clause of the Missouri Constitution.

Article I, Section II of the Missouri Constitution provides that “all persons are created equal and are entitled to equal rights and opportunity under the law.” MO. CONST. art I, § 2. Equal protection of the law means “equal security or burden under the laws to everyone similarly situated; and that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or classes of persons in the same place and under like circumstances.” *Kansas City v. Webb*, 484 S.W.2d 817 (Mo. banc 1972) *citing Ex Parte Wilson*, 330 Mo. 230, 48 S.W.2d 919, 921. Equal protection of the laws means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in the same place and under like circumstances. *Id.*, *citing Missouri v. Lewis*, 101 U.S. 22, 31, 25 L.Ed. 989.

Throughout 2020 and 2021, Missouri's residents and businesses have been subjected to orders created and issued by bureaucratic edict outside the constitutionally mandatory legislative process. These orders substantially differ between counties even though COVID-19 is not a county-specific disease. Plaintiffs presented evidence that Missourians have been subjected to unconstitutionally created "health orders" that, for example, prohibit them from leaving their homes located in certain counties except for certain delineated reasons, permit worship services but prohibit Bible study, require churches in some counties to turn people away from their services if fire code capacity reaches 25%, require elementary students to wear masks indoors, even while playing basketball, and prohibited children from giving "high fives." Plaintiff Shannon Robinson was not permitted to have people over to her own home, even in masks, even socially distanced, because she has a large family and the number of people would exceed permitted attendance at her own dinner table. When she moved from St. Louis County to Franklin County, she could again have friends over. Restaurants have been unilaterally shut down even without any presence of infection and without inspection based on administratively issued "health orders" that violate the Constitution and have not been promulgated pursuant to the APA's procedural protections, while restaurants down the street in a neighboring county remain open. Children are removed from schools in some counties but not others, based on different masking rules issued by local health bureaucrats that are unconstitutionally created.

Plaintiffs presented evidence that these orders issued by health agency directors go into effect without public comment, and become effective once posted on the internet. These bureaucratic edicts are for an indefinite duration until they are removed or edited based on the opinion of the bureaucrat who wrote them.

Because DHSS permits discretionary orders on a county by county basis by bureaucrats in each respective county, Missourians have faced disparate treatment based on county lines. In a statewide pandemic as defined by 19 CSR 20-20.010(37), it is not fair or equitable for a business in one county to be arbitrarily closed down, when another business in another county experiencing the same exact pandemic situation is not also closed down for the same reasons. The DHSS regulations authorize arbitrary and capricious rulemaking that creates a substantial inequity among affected people and businesses. This is particularly true of those who live in a county with an overactive, unelected and unchecked bureaucrat intent on exerting power that is not similarly exerted in other counties by their unelected health bureaucrats.

Can it be said that COVID-19 knows to stop at specific county lines and does not travel over? It is completely irrational that, at this point in time, now that COVID-19 has spread across the globe, a first grader in Wildwood is not allowed to play sports, while a first grader in Jefferson County who lives less than a mile away is allowed to do so. Individual freedoms are affected in different ways throughout Missouri relating to the same COVID-19 illness thanks to the DHSS regulations that allow one person to make and enforce laws, and close things down with no standards other than a completely unappealable and unchallengeable “opinion” regarding public health protection. The DHSS regulations permit different treatment across county lines in a manner that is completely arbitrary and violates the equal protection clause of the Missouri Constitution, MO. CONST. art. II, § 1.

Missouri’s local health authorities have grown accustomed to issuing edicts and coercing compliance. It is far past time for this unconstitutional conduct to stop.

For the foregoing reasons, this court issues the following orders:

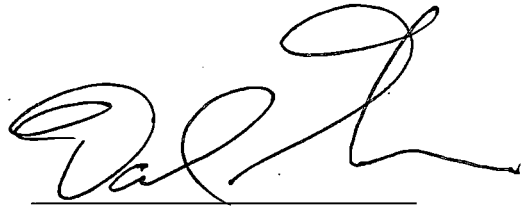
- 1) This court declares that 19 CSR 20-20.040(2)(G) -(I), 19 CSR 20-20.040(6), including references to discretionary control measures contained in 19 CSR 20-20.010 et seq., violate the Missouri Constitution and Missouri statutes and are therefore invalid.
- 2) This court declares that 19 CSR 20-20.050(3) violates the Missouri Constitution and Missouri statutes and is therefore invalid.
- 3) The Director of the Department of Health and Senior Services, pursuant to Mo. Rev. Stat. § 536.022, shall file a notice of this court's action with the Missouri Secretary of State in accordance with the requirements of Mo. Rev. Stat. § 536.022.
- 4) The Missouri Secretary of State shall take action required by Mo. Rev. Stat. § 536.022(4) regarding placing a notice in the register and removing the invalid regulations from the register.
- 5) Consistent with Plaintiffs' request for relief that this Court deems just and proper, DHSS and local health authorities are ordered to refrain from taking actions pursuant to 19 CSR 20-20.010 et seq. that require independent discretion in a manner inconsistent with this opinion and inconsistent with the constitution's limitation on legislative delegations and the APA's limitations on rulemaking authority. This includes discretionary verbal or written orders for which the legislature has failed to provide specific standards or guidelines, and to the extent that standards or guidelines for a particular action have been provided, they must be followed.
- 6) Plaintiffs presented evidence that students are being excluded from schools by discretionary written or verbal order or direction of local health authorities. Consistent with Plaintiffs' request for relief that this Court deems just and proper, and to eliminate the need for additional plaintiffs to request this Court strike invalid applications of DHSS

regulations regarding communicable disease, this Court directs DHSS to instruct local health authorities to refrain from issuing verbal or written orders regarding circumstances under which children can be excluded from school. 19 CSR 20-20.030(1) specifically provides that “persons suffering from a reportable disease or who are liable to transmit a reportable disease listed in 19 CSR 20-20.020(1)-(3) shall be barred from attending school.” “Liable” means in a position to incur transmission (<https://www.merriam-webster.com/dictionary/liable>). Without determining whether 19 CSR 20-20.030 is constitutional, it is clear that any quarantine and isolation rules, or rules that exclude students from school, created by a local health authority outside the language of 19 CSR 20-20.030, are prohibited.

- 7) Consistent with Plaintiffs’ request for relief that this Court deems just and proper, this Court orders that any and all discretionary orders or rules, whether written or verbal, that have been issued outside the protections of the Missouri Administrative Procedure Act and constitute a statement of general applicability that implements, interprets, or prescribes law or policy, or close a business based on the opinion or discretion of an agency official without any standards or guidance, by Director of the Department of Health and Senior Services and all local health authorities as defined by 19 CSR 20-20.010(26), are null and void.
- 8) Consistent with Plaintiffs’ request for relief that this Court deems just and proper, this Court orders the Director of the Department of Health and Senior Services to provide a copy of this order to all local health authorities throughout Missouri, and to post it with 19 CSR 20-20.010 et seq. in locations where the same is made publicly available by DHSS.

9) This court orders payment of Plaintiffs' attorney's fees and costs pursuant to Mo. Rev. Stat. § 536.050.

Dated: 11/22/21



Daniel R. Green