

**BOARD OF COUNTY COMMISSIONERS
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

JULY 21, 2015

PRESENT:

Marsha Berkbigler, Chair
Kitty Jung, Vice Chair
Vaughn Hartung, Commissioner
Jeanne Herman, Commissioner
Bob Lucey, Commissioner

Nancy Parent, County Clerk
Kevin Schiller, County Manager
David Watts-Vial, Legal Counsel

The Washoe County Board of Commissioners convened at 10:02 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

15-0620 AGENDA ITEM 3 Public Comment.

Garth Elliott supported comments made by Tom Noblett during the Truckee Meadows Fire Protection District agenda about unkempt properties in Sun Valley which posed fire hazards. He spoke of an experience 20 years ago when he was contacted by a fire department inspector about combustibles on his property and a possible fine.

Levi Hooper spoke about getting water to the homeless due to the high temperatures.

Sam Dehne spoke about the new Reno Police Chief and the local media.

Cathy Brandhorst spoke about matters of concern to herself.

15-0621 AGENDA ITEM 4 Presentation of Excellence in Public Service Certificates honoring the following Washoe County employees who have completed essential employee development courses--Human Resources.

Kevin Schiller, Assistant County Manager, recognized the following employees for successful completion of the Excellence in Public Service Certificate Programs administered by the Human Resources Department:

Essentials of High Performing Teams

Don Thornberry, Technology Services

Promote Yourself! Mini Certificate Program

Jessica Cabrales, Health

Jennifer Kannisto, Sheriff

Deborah Wachtrup, Sheriff

Chair Berkbiger thanked the employees.

There was no public comment or action taken on this item.

DONATIONS – ITEMS 5A through 5B

- 15-0622** **5A** Accept donation of a 2015 Cargo Express trailer from Ms. Sally Skewis, [retail value of \$6,343.25] to the Washoe County Sheriff's Office, Hostage Negotiations Team to be used as a negotiating platform during protracted or weather sensitive incidents. Sheriff. (All Commission Districts.)

On behalf of the Board Commissioner Jung thanked Sally Skewis for the donation of the Cargo Express trailer.

Sally Skewis stated she joined the Washoe County Sheriff's Hostage Negotiating Team in 1998. Prior to having the trailer, she said she hid behind boulders, bushes, and under overpasses in all types of weather. She thanked the Board for accepting the trailer.

Chair Berkbiger thanked Sally Skewis for volunteerism and for her support to the community.

- 15-0623** **5B** Accept cash donations in the amount of \$1,765.50 for the period of June 1, 2015 through June 30, 2015 and direct the Comptroller's Office to make the appropriate budget adjustments. Social Services. (All Commission Districts.)

On behalf of the Board Commissioner Jung thanked the various donors for their cash donations.

There was no public comment on the donations listed above.

On motion by Commissioner Lucey, seconded by Commissioner Hartung, which motion duly carried, it was ordered that Agenda Items 5A to 5B be accepted.

15-0624 **AGENDA ITEM 6** Appearance: Wendy Underhill, National Conference of State Legislatures and Luanne Cutler, Washoe County, Registrar of Voters. Presentation to be given by Wendy Underhill of the National Conference of State Legislatures (NCSL) regarding the status of elections and election equipment nationwide (All Commission Districts).

Chair Berkgigler thanked the following elected officials for their service to the County: State Senator Debbie Smith, Assemblywoman Amber Joiner, and State Senator Don Gustavson. During Chair Berkgigler's acknowledgment of Senator Smith, she stated Senator Smith had been very active in the National Conference of State Legislatures (NCSL) for many years and she had been a superb representative for northern Nevada. In regards to Assemblywoman Joiner, Chair Berkgigler stated the Board had nothing but positive reports on what she had done at the Legislature on behalf of the State and the County. In acknowledgment of Senator Gustavson, Chair Berkgigler stated he was an institution in northern Nevada and mentioned he had been extremely supportive of many great issues. Chair Berkgigler also thanked Assemblywoman Theresa Benitez-Thompson, who was not present, for her participation with NCSL.

Luanne Cutler, Registrar of Voters, stated she met Wendy Underhill in Carson City when Ms. Underhill appeared before the Nevada State Senate and Assembly. At the presentation in Carson City she heard the true concerns of election officials in the State, which was that they needed to plan for the future of voting equipment in Nevada. She said she hoped to ensure the County had a plan in regards to replacing voting equipment and wanted the County to be informed and aware of the issue.

Wendy Underhill, Program Manager for Elections with NCSL, thanked the Board for allowing her to conduct the presentation. She mentioned Senator Smith was the president of the NCSL and thanked her for the energy she provided. She began her PowerPoint presentation titled Elections Technology: A National Perspective, and noted the decision about the kind of equipment bought for elections was done at local level, but her presentation was based on a national overview. She provided a general summary of her presentation by stating how voting equipment was aging across the nation and needed to be replaced. She said there were new options available but no federal funding to assist in purchasing them. She gave a brief overview of NCSL by stating they were bipartisan, worked on behalf of legislators and legislative staff, and information regarding NCSL was primarily online but staff was always available to assist. She said NCSL created an election technology project, a two-year project funded by the MacArthur Foundation, after hearing from State election directors concerned about the type of equipment their citizens were going to be voting on in 2016 and beyond. With that information, NCSL went to the MacArthur Foundation to obtain funding, and then went to eight states to inquire about what they were doing in regards to election technology. NCSL found the Presidential Commission on Election Administration named election technology as a pending crisis. As NCSL visited various states, they visited offices to see what kind of equipment had been used and what they were thinking in relation to the future and funding. NCSL asked each state what mattered to them in terms of voting technology and

what they believed was a good system. The consensus was states wanted the following: a secured and reliable system, the voting equipment to count votes accurately, ease of use, the technology to be reasonable for the election officials and poll workers to utilize, and it to be accessible for people with disabilities. She said election technology had no political divide.

Ms. Underhill stated the NCSL noticed Clark County had a trailer where people could vote, which provided additional access to voting. NCSL found the things of interest in Nevada were electronic poll books, the concern about the connection between the motor vehicle agencies and the statewide voter registration database, and that voting equipment had to be replaced throughout Nevada. Election officials concerns included how that was going to happen, when was it going to happen and who was going to pay for it.

Ms. Underhill presented a slide and spoke about the following nine points: 1) Voting equipment was aging; 2) Legislators provided the framework for voting equipment; 3) Today's voting equipment was a hodgepodge; 4) Technology was not just for voting; 5) Hardware and software; 6) Was it secure?; 7) Internet voting was not secure, said most experts; 8) All election issues related to technology; and 9) The feds would not pay for new equipment; who would?

While speaking about aging voting equipment, Ms. Underhill gave the following examples: most jurisdictions bought their voting equipment in 2005 when people were still using flip phones; and voting equipment in Pennsylvania and New Jersey were purchased when President Clinton was in office. She mentioned technology was moving forward and stated there were two options for voting technology. The first option was a Direct Recording Electronic (DRE) Machine and the second was an Optical Scan Voting Machine. She stated most people chose the Optical Scan Voting Machine because it left a paper record; whereas, the DRE machines were only sometimes equipped with paper for a backup. She said most people liked machines they were familiar with.

Ms. Underhill stated legislators decided on voting equipment by setting certification requirements in Statute. She said there were federal voluntary guidelines provided by the United States Election Assistance Commission, which, until recently, had not been functioning. Those federal voluntary guidelines were set in 2007. She said, at some point, there would be conversation in Nevada as far as what standards the State would want in place.

Ms. Underhill displayed a map showing the various types of voting equipment being used across the country, and talked about how it could vary from jurisdiction to jurisdiction within a state.

Ms. Underhill pointed out technology was not just for voting. She mentioned electronic poll books, which replaced paper records that would have an image of a voter's signature. She said electronic poll books provided more accuracy and allowed poll workers to pull up the voter's information quicker. This technology provided

automatic voter registration updates on the spot. Another piece of technology was the ballot marking devices, which allowed voters to make selections on their own tablet or phone. The voter would be able to bring their tablet or phone to the polling station and print out their selections directly on a ballot, which would then be fed into an optical scan machine. The utilization of a tablet was not a concept being widely used, but it had been used in nursing homes due to the ease of use for people with dexterity issues.

Ms. Underhill spoke about hardware, programming and software. She gave the example of connecting the Department of Motor Vehicles (DMV) with the voter registration database. She mentioned states were particularly interested in how well systems would be integrated, if the record could move over instantaneously, and if the record would have to be printed out on paper at some point and then reentered. She stated these would entail a software fix if the states wanted to look into that. Online voter registration was primarily about software and Nevada already had it in place. She stated in 2002 the Help America Vote Act was enacted and it provided money to states to upgrade voting equipment. It also required states to have a statewide voter registration database. In the mid-2000s states upgraded their voting equipment and moved over to a statewide voter registration system. Ten years later, the equipment and databases were getting old. States may be looking at expenditures to bring their statewide voter databases back up to speed.

Ms. Underhill stated when the question of elections came up, the question was always whether the voting system was secure. One concern was physical security, which meant having locks on voting equipment so they could not be tampered with. Another concern was whether a system could be hacked.

Ms. Underhill discussed how the National Institute of Standards and Technology believed internet voting was not yet secure enough to do internet-based voting. She gave examples of online voting in Estonia which could not be compared to the United States, and online Major League Baseball All-Star voting which resulted in issues of ballot stuffing. She said online voting was not ready for primetime with one big exception, which was the electronic transmission of ballots. In Nevada, the State allowed overseas voters to request ballots electronically, print out their ballots to complete, scan their completed ballots, and then send their ballots in a portable document format (PDF) to their local jurisdiction. The PDF would then be recreated onto an official ballot at the Registrar of Voters office, so it could be read by the voting equipment. She stated the submission of ballots electronically was a policy choice for legislators to decide based on whether the security risk was appropriate.

Ms. Underhill noted every single issue which came before the NCSL had a technology component. Voting by mail required ballots to be fed into optical scan machines and the use of scanners to read driver licenses where voter identification was required involved technology. Another example she gave were vote centers. She described them as a big box voting places which anyone could go to. Vote centers required electronic poll books to be utilized to record when someone had already voted so

they could not vote again at another center. She closed this point by stating there was an overlap between technology and policy; as well as, technology and human beings, which had to be considered in conjunction with each other.

Ms. Underhill said no one expected the federal government to direct additional funding to support the next generation of voting equipment. There were two other options for funding which included obtaining funding from the State or from local jurisdictions. She stated the cost for new equipment was traditionally paid by local jurisdictions. She provided examples of state options: Arkansas had a revolving grant opportunity for its counties to obtain for upgrades; Colorado had a business filing fee through their Secretary of State's office, which loaned funds to counties; New Mexico had a revolving grant; Maryland decided what type of equipment would be purchased and split costs 50/50 with the counties; Georgia and Oklahoma ran elections at the state level.

In closing, Ms. Underhill mentioned election officials were smart with their money. She gave an example of a local election official in Minnesota utilizing the Boy Scouts of America to build a flag stand. She stated technological advances were coming. She said some states decided to rent voting equipment for the time being because there would be a broader selection of voting equipment in a few years.

Chair Berkbigler thanked Ms. Underhill for appearing and for her presentation.

Nancy Parent, County Clerk, stated she was provided hand-outs related to this item from the United States Election Assistance Commission titled Ten Things to Know About Selecting a Voting System, which she would distribute to the Board.

There was no public comment or action taken on this item.

15-0625 **AGENDA ITEM 7** Commissioners'/Manager's announcements

Mr. Schiller stated he had nothing to report.

Later this item was re-opened upon the request of Commissioner Hartung. He said staff would bring to the Board, at a future meeting, amendments to policies related to landscaping requirements for development agreements. He stated the Board would review those policies, and also review NRS 116.330 regarding homeowner association (HOA) requirements for landscaping and their inability to require drought tolerate landscaping.

Commissioner Jung added she would like staff to include in their staff report what their recommendations would be in regards to restrictions for new construction of water features, ponds and swimming pools for single-family residences in the unincorporated County. She announced she recently had the honor of representing the Board at the Eid Celebration, end of Ramadan, at the Northern Nevada Muslim Community Center.

There was no public comment on this item.

15-0626 **AGENDA ITEM 8** Approve minutes for the regular Board of County Commission meeting of June 23, 2015.

Ms. Parent stated during the July 14th meeting, John Slaughter, County Manager, made an announcement regarding a typographical error that had been included in the June 23rd meeting agenda related to the terms of office for the Wildlife Advisory Board. The expiration date of the terms was indicated as July 1, 2017, and should have been July 1, 2018. She stated she could not change what the Board did, but also did not want to leave the record as it existed with the incorrect date. She mentioned she distributed a revised Page 5 for the June 23rd minutes, which explained Mr. Slaughter's announcement. She requested the Board approve the revised Page 5, along with the approval of the minutes, to ensure the record was clear.

On motion by Commissioner Hartung, seconded by Commissioner Lucey, which motion duly carried, it was ordered that Agenda Item 8 be approved as amended.

15-0627 **AGENDA ITEM 11** Public Comment.

Cathy Brandhorst spoke about matters of concern to herself.

15-0628 **AGENDA ITEM 9** Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220.

11:06 a.m. On motion by Commissioner Jung, seconded by Commissioner Hartung, which motion duly carried with Commissioner Jung absent, it was ordered that the meeting recess to a closed session for the purpose of discussing negotiations with Employee Organizations per NRS 288.220. Commissioner Jung made the motion, but stepped out and was absent for the vote.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted, and ordered placed on file with the Clerk:

COMMUNICATIONS:

15-0629 Agreement between the County of Washoe, a political subdivision of the State of Nevada, and Saint Mary's / Kids to Seniors Korner, a non-profit charitable organization. (Heard at the Board of County Commissioners meeting on August 24, 2010, Minute Item No. 10-788)

15-0630 Letter from Q & D Construction, INC. Re: Contract No. 3591, Project No. SPI-580-1 (022), I 580 at South Virginia (Summit Mall), Washoe County. Notice that the subject contract was completely executed effective June 18, 2015.

15-0631 Regulations of the Washoe County District Board of Health governing food establishments. Adopted by the District Board of Health on May 28, 2015 and approved by the Nevada State Board of Health on June 12, 2015.

MONTHLY STATEMENTS

15-0632 Monthly Statement of the Washoe County Treasurer for Month Ending March 31, 2015.

15-0633 Monthly Statement of the Washoe County Treasurer for Month Ending May 31, 2015.

QUARTERLY FINANCIAL STATEMENTS

15-0634 County Clerk's Quarterly Financial Statement for the Third Quarter of FY 2014-15 (January 1 – March 31).

15-0635 Clerk of the Court, Quarterly Financial Statement for Quarter ending December, 2014.

15-0636 Clerk of the Court, Quarterly Financial Statement for Quarter ending March, 2015.

15-0637 Clerk of the Court, Quarterly Financial Statement for Quarter ending June, 2015.

TENTATIVE BUDGETS / FINAL BUDGETS

15-0638 City of Sparks Tentative Budget for Fiscal Year 2015-16.

15-0639 Redevelopment Agency of the City of Sparks Area One Tentative Budget for Fiscal Year 2015-16.

15-0640 Redevelopment Agency of the City of Sparks Area Two Tentative Budget for Fiscal Year 2015-16.

15-0641 Washoe County School District Tentative Budget for Fiscal Year 2015-16.

15-0642 The Reno-Sparks Convention and Visitors Authority (RSCVA) Tentative Budget for Fiscal Year ending June 30, 2016.

- 15-0643** Verdi Television District Budget for Fiscal Year ending June 30, 2016.
- 15-0644** Sun Valley General Improvement District Budget for Fiscal Year 2015-16.
- 15-0645** Palomino Valley General Improvement District Final Fiscal Year 2015-16 Budget.
- 15-0646** Washoe County Final Budget for Fiscal Year Ending June 30, 2016.
- 15-0647** Gerlach General Improvement District's Final Fiscal Year 2016 Budget.
- 15-0648** Washoe County School District's 2015-16 Final Budget.
- 15-0649** Washoe County School District's 2015-16 Amended Final Budget.

* * * * *

11:31 a.m. There being no further business to discuss, on motion by Commissioner Herman, seconded by Commissioner Lucey, which motion duly carried with Commissioner Jung absent, the meeting was adjourned.

MARSHA BERKBIGLER, Chair
Washoe County Commission

ATTEST:

NANCY PARENT, County Clerk and
Clerk of the Board of County Commissioners

*Minutes Prepared by:
Michael Siva, Deputy County Clerk*