

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

TUESDAY

8:30 A.M.
SPECIAL MEETING

DECEMBER 2, 2014

PRESENT:

David Humke, Chairman
Bonnie Weber, Vice Chairperson*
Marsha Berkbigler, Commissioner
Vaughn Hartung, Commissioner

Nancy Parent, County Clerk
John Slaughter, County Manager
Paul Lipparelli, Legal Counsel

ABSENT:

Kitty Jung, Commissioner

The Washoe County Board of Commissioners convened at 8:45 a.m. in special 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:

14-1001 AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

Jeff Church discussed various issues he had regarding the City of Reno. A copy of his comments was placed on file with the Clerk.

8:47 a.m. Commissioner Weber arrived during Mr. Church’s public comment.

Cathy Brandhorst spoke about children going hungry and needing help.

14-1002 AGENDA ITEM 4 – ANNOUNCEMENTS/REPORTS/UPDATES

Agenda Subject: “Commissioners’/Manager’s announcements, reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to. Requests for information, topics for future agendas and any ideas and suggestions for greater efficiency, cost effectiveness and

innovation in County government. (No discussion among Commissioners will take place on this item.)”

John Slaughter, County Manager, noted there would be a concurrent meeting with the Cities of Reno and Sparks on December 8, 2014.

Commissioner Berkbigler said the Veteran’s Parade was wonderful and it was one of the largest crowds she had seen. She stated the Employee Appreciation Breakfast would be held tomorrow morning in the Senior Center.

Commissioner Weber said she was going to the National Association of Counties (NACO) Board of Directors meeting, which was being held in Maui, Hawaii. She stated she attended the Nevada Association of Counties (NACo) meeting in Ely, Nevada, which was the largest conference held in the last eight or nine years. She noted NACo would have a lot of new members, and those Commissioners were given a handbook containing information on everything they would need to know. She said Chairman Humke and herself were recognized for their years of service on the Washoe County Board of County Commissioners.

Chairman Humke said there was a vacancy on the Reno City Council due to Hillary Schieve being elected as Reno’s Mayor. He stated a sitting State Legislator was reported to be on most of the nominating ballots. He felt a process should be established so the Board of County Commissioners (BCC) could fill that vacancy if that Legislator was appointed to the Reno City Council. He said if that situation arose, it would help the State Legislature, the individual, and Washoe County if the appointment was made as soon as possible. He stated there would be a tremendous learning curve for someone to be ready for the Legislative Session starting in February 2015. He said there was also a vacancy due to a judge retiring at the Reno Justice Court in Department 3, and a process should be established for making that appointment.

Later in the meeting after the Board dealt with Agenda Item 5, Chairman Humke stated a special meeting in December would be necessary if the Commission needed make an appointment to fill a vacated Assembly seat.

Commissioner Hartung asked if calling for applicants could be put on the agenda for the concurrent meeting on December 8th, or would it have to wait until the Board’s December 9th regular meeting. Paul Lipparelli, Legal Counsel, said the process of deciding how to fill a vacancy of an Assembly seat was up to the County Commission. He advised the only requirements were the candidate must be from the same district and the same party. He said there were recent examples on filling those types of vacancies, but some of the steps could be overlapped or condensed to give the person a reasonable time to prepare to fill the vacancy. He felt there would be no legal problems and the Board would be acting appropriately to fill the vacancy sooner rather than later. He said to answer Commissioner Hartung’s question, it would not constitute an emergency under the Open Meeting Law and there could not be a meeting without following the three-day posting requirement.

After further discussion about putting the appointment on one of the two upcoming agendas, Mr. Slaughter said the decision by the Reno City Council was expected late in the evening on December 3rd, which would be too late to post for the meeting on December 8th. He said the discussion by the City Council would be monitored and staff would be ready to move to post an agenda with that item included after the City Council's final decision if necessary.

Commissioner Berkbigler stated she was already being approached by people who were interested in being appointed to fill the potentially vacant Assembly seat. She believed the Board should move forward as quickly as possible.

Chairman Humke noted if the Legislator was appointed to the Reno City Council, that individual would need to inform the Governor of his resignation from the Legislature, which would set in motion the process for finding a replacement to fill his Assembly seat.

Mr. Slaughter suggested leaving handling the agenda to the Manager's discretion. He said if it looked like if it could go on the December 8th agenda, staff would do so; otherwise, it would be put on the agenda for December 9th.

Commissioner Berkbigler asked about the Reno Justice Court vacancy. Chairman Humke felt those two appointment processes should work in tandem throughout December.

14-1003 AGENDA ITEM 5 – REGISTRAR OF VOTERS

Agenda Subject: “Declaration of Canvass of Vote (recount of seven precincts in Assembly District 26) and execute Order of the recount--Registrar of Voters.”

Luanne Cutler said Assembly District 26 candidate, Lisa Krasner, submitted a formal request for a recount of Assembly District 26 on November 17, 2014 and named the seven precincts she wanted recounted. She stated the recount took place on November 21, 2014, which started with uploading and tallying the early voting cartridges. She said then the Election Day results were uploaded and tallied from the seven precincts chosen. She stated there were 33 absentee ballots within the seven precincts chosen that had been duplicated by the Duplication Board prior to the General Election. She said each of those ballots was opened and a four-man team confirmed that each ballots had been duplicated properly. She stated those paper ballots were run through the counting machines and the results were uploaded to the main server. She advised the result was exactly the same as the result on Election Day. She noted since no discrepancies were found, the recount went no further.

Ms. Cutler said what was being done was explained to the people observing, so everyone understood what was going on.

Greg Neuweiler, Election Certification Accuracy Board Chairman, stated 30 observers were present during the recount and everything went very well. He thanked the County's staff under County Manager John Slaughter's direction, and the Registrar of Voter's staff under Ms. Cutler's direction, for their work. He admitted he was a little nervous when the final report was run, and he went straight to the totals line, which matched. He advised a vote had never been lost in the last 20 plus elections.

Bob Legoy, Election Certification Accuracy Board Member, said the same members had been on the Certification Board since being part of the Election Task Force in 1999. He said the recount coming in the same as it did during the General Election was a testimony to the integrity of the people and equipment Washoe County had.

Jean Stoess, Election Certification Accuracy Board Member, said the recount went very well, and she was proud of Ms. Cutler and her staff. She stated she was optimistic that in two years they would have everything under control during the Presidential Election, which should be a real humdinger of an election. She thanked Commissioner Weber and Chairman Humke for their service.

Ms. Cutler said the recount process reaffirmed to her that the procedures, processes, and people in place to run the elections in Washoe County were the right choice. She stated her staff took a great deal of pride in what they did and it showed. She said she also hoped the recount dispelled any doubts about the election equipment. She stated she was grateful to the Board, the management team, and the District Attorney's Office, especially Herb Kaplan, Deputy District Attorney, for their support. She also thanked the Certification Board. She said it was a fine team, and she was very proud of them.

Commissioner Berkbigler said a terrific staff came from having a terrific boss and Ms. Cutler was doing a wonderful job. She asked why the ballots had to be duplicated. Ms. Cutler said the paper ballots were torn while being mailed or, most often, a voter did not mark their ballot correctly. She stated in this election, a lot of voters made two choices in one race. She said those ballots were rejected by the counting machines and were given to the four-person Duplication Board. She stated the Board members marked all of the voter's choices that had been marked correctly on a fresh ballot, which the counting machines could read. Commissioner Berkbigler said she appreciated the service of the Certification Board and all of Ms. Cutler's team.

Commissioner Weber thanked everyone for doing a great job, and noted it had been a pleasure working with them. She felt having this process available to the candidates was fabulous, along with having the Certification Board. She said if a candidate was concerned, they should go forward with requesting a recount. She asked the Board to consider that if there was a certain small percentage difference in the votes, to possibly seek to change the law so the candidate would not have to come up with the money to do the recount. She said even if this Board never had the appetite to do so, at least the candidate had the ability to request a recount. She stated the best part was that there had never been any change to the vote count due to a recount.

Commissioner Hartung asked if the final figure on what it cost to do the recount was available. Ms. Cutler said before she could finalize Ms. Krasner's bill, she needed the final billing from the vendor, but she believed the estimate given to Ms. Krasner would be spot on. Commissioner Hartung said well done to the team. He stated he was pleased the process was validated and he could not be more proud of the system and the people who ran it in Washoe County.

Chairman Humke said he would like to replicate all of the remarks he made on November 12, 2014, because they still stood. He said Ms. Cutler ran a great department, which provided for a fair and clean election. He thanked Ms. Cutler and the Certification Committee for their service.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkgigler, which motion duly carried with Commissioner Jung absent, it was ordered that the Declaration of Canvass Recount of seven precincts in Assembly District 26 and Order for the 2014 Assembly District Recount be approved.

9:20 a.m. Commissioner Weber left the meeting.

14-1004 AGENDA ITEM 7 – PUBLIC COMMENT

Agenda Subject: “Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole.”

In response to the call for public comment, Cathy Brandhorst spoke about matters of concern to herself.

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9:38 p.m. There being no further business to discuss, the meeting was adjourned without objection.

Chairman
Washoe County Commission

ATTEST:

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

*Minutes Prepared by:
Jan Frazzetta, Deputy County Clerk*