

1 The Honorable Board of Lander County Commissioners met in regular session in the
2 Commission Chambers of the Lander County Courthouse and Administration Building in Battle
3 Mountain, Nevada, 50 State Route 305, on October 14, 2021, at 9:00AM.

4
5 **PRESENT: PATSY WAITS, COMMISSIONER**
6 **ART CLARK III, COMMISSIONER (arrived at 9:04AM)**
7 **KATHLEEN ANCHO, COMMISSIONER**
8 **BRYAN SPARKS, COMMISSIONER**
9 **WALLACE (JR) THOMAS, COMMISSIONER**
10 **BARTOLO (BERT) RAMOS, COUNTY MANAGER**
11 **THEODORE HERRERA, DISTRICT ATTORNEY**
12 **ELIZABETH ESPARZA, DISTRICT ATTORNEY'S OFFICE**
13 **KATHY DUVAL, COUNTY CLERK'S OFFICE**
14 **PEGGY SURLA, COUNTY CLERK'S OFFICE**
15 **SADIE SULLIVAN, LANDER COUNTY CLERK**
16

17 (Let the record reflect the presence of a quorum of five commissioners. Let the record
18 reflect the presence of Austin via teleconference. Let the record reflect the meeting is also
19 via Audio Conference by Go-To-Meeting.)
20

21
22 **9:00 AM**

23
24 Chair Kathy Ancho called the meeting to order.
25 Commissioner Thomas led the Pledge of Allegiance.
26 Chair Kathy Ancho called for a moment of silence.
27

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29 **COMMISSIONER REPORTS**

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31 Commissioner Waits: No report.
32 Chair Kathy Ancho: Kathy attended a hospital board meeting. It was general business
33 with a big crowd, and information to do with COVID.
34 Commissioner Sparks: No report.
35 Commissioner Thomas: No report.
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37
38 **STAFF REPORTS**

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40 Bert Ramos (County Manager): Bert stated that they have opened the Austin library. As
41 of Tuesday, it will be open Tuesdays, Wednesdays, and Thursdays, from 11:00am to 5:00pm.
42 We aren't considered a library yet, we are book-lending until we get through a few more steps.
43 We're also doing the same thing here at the Battle Mountain library. We have it advertised as
44 well, with one interested party. We'll be coming back with that, as well.

45 Two individuals stepped down from the Livestock Board. Deb Piazza and Monte Price
46 have stepped down. They had a vision of the Livestock Advisory Board having more say in
47 putting events on and doing things, as opposed to just advising. They would like to put events on
48 and make things happen. Those left on the advisory board are talking about possibly abolishing
49 the board entirely, and maybe getting a club together of some sort that could run the rodeo
50 grounds and be more productive. Everything else he has is on the agenda.

51

52 *Commissioner Clark joined the meeting at 9:04AM.*

53

54

55 **PUBLIC COMMENT**

56

57 None.

58

59

60 **CONSENT AGENDA**

61

62 Chair Kathy Ancho read in the consent agenda items, numbered 1 through 6.

63 Commissioner Sparks made a motion to approve items numbered 1, 2, and 6.

64 Commissioner Waits seconded the motion. The motion was voted and carried.

65 **Motion to approve items numbered 1, 2, and 6:** Commissioner Sparks;

66 **Seconded by:** Commissioner Waits;

67 **The motion was voted and carried.**

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70 **COMMISSIONERS**

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73 1) **COMMISSIONERS: For possible action to approve/disapprove the payment of**
74 **bills.**

75

76 Chair Kathy Ancho began by pulling out checks #213310, and #213387, payable
77 to Point S.

78 Commissioner Sparks made a motion to approve paying the balance of the bills.

79 This was seconded by Commissioner Thomas.

80 **Motion to approve paying remainder of the bills:** Commissioner Sparks;

81 **Seconded by:** Commissioner Thomas;

82 **The motion was voted and carried.**

83

84 Commissioner Waits made the motion to approve paying checks #213310, and
85 #213387. This was seconded by Commissioner Clark.

86 **Motion to approve:** Commissioner Waits;

87 **Seconded by:** Commissioner Clark;

88 **The motion was voted and carried, with Commissioner Sparks abstaining as**
89 **the checks are to his employer.**

90 2) **COMMISSIONERS: For discussion and possible action to approve/disapprove**
91 **using Lander County buildings to administer the COVID-19 vaccination and if**
92 **approved to establish a procedure for the implementation.**
93

94 Chair Kathy Ancho: Kathy stated that she was the one that asked to bring this
95 item back. At times there are large amounts of people wanting vaccines and she would
96 like to be able to have the civic center available for that. We can work through having
97 information and procedures in there, and to provide this service for people. It is a facility
98 for Lander County citizens.

99 Commissioner Clark: Art asked what was wrong with using the John Peters
100 building.

101 Chair Kathy Ancho: Kathy stated that they would be renting offices out in that
102 building soon and there's no way they can fit over a hundred people in there. The
103 building is not that big. We need to implement procedures to use our county facility. We
104 can give the information about the vaccines, to make everybody feel more comfortable.

105 Commissioner Sparks: Bryan talked about various points of the resolution that the
106 county approved. He wanted people to sign a liability waiver before receiving the
107 injection, so the county doesn't become liable.

108 Chair Kathy Ancho: Kathy stated that she respects that, but with any medication
109 anybody takes they are given a pamphlet about the medication to look over. They make
110 the choice whether to take the medication or not. She chooses to take her medication
111 because she needs it.

112 There was discussion about aspects of using buildings, or not using buildings, and
113 options for where people could get information.

114 Amy Nelson: She asks that you do have the list of ingredients available out front
115 and visible. She asks that the flu vaccine ingredients are also available. She wants people
116 to understand this is still experimental, not approved, and not a vaccine yet.

117 Commissioner Waits: Patsy mentioned that they must use public buildings in
118 Austin, as there aren't other options available.

119 Jason Bleak (CEO of the hospital): Jason stated that the goal of the hospital is to
120 provide the opportunity for people to make the choice of receiving vaccines. That has
121 been their push this whole time. They have used the civic center sixteen times
122 successfully, in the past year and a half. They're able to put a lot of people in there, and
123 to do it very quickly. He does not have staff set aside to do just vaccinations. They have
124 an adequate consent form, and hand out the information from the government and the
125 CDC. They have had to try other things since not being able to use the civic center, and
126 have done two outdoor drive-up vaccination events. Cold weather makes it difficult, it
127 takes more time, and takes people from their normal job duties. They did try it in the one
128 room available in the John Peters building, but it is not big enough. It becomes a mess
129 very quickly. This is an opportunity to do the bigger groups in a safe environment. We're
130 not mandating anything. In a world of choice, we're offering all three vaccines. We have
131 EMS and nurses there to monitor and help. It's just a matter of efficiency. They have
132 given just shy of 2,000 vaccines, and still have people calling for them. There are still
133 needs out there.

134 Commissioner Sparks: Bryan asked if they could go to people's home to give
135 them, and where compensation comes from.

136 Jason Bleak: Jason stated that the vials have five doses in them. Once the vial is
137 punctured it has to be used within a certain number of hours. That's not practical.

138 Commissioner Sparks: Bryan asked what if any they received for giving COVID
139 vaccines.

140 Jason Bleak: Jason stated that compensation we could get is through insurances,
141 and it's for the administration thereof.

142 Commissioner Sparks: Art asked about \$3,000,000 COVID money that was
143 received by the hospital, and he brought up the close proximity of the library when the
144 civic center would be used for these vaccination events. He has no support for this.

145 Bert Ramos (County Manager): Bert asked whether there is an approved vaccine
146 somewhere, or if that was just a rumor.

147 Jason Bleak: Jason stated that he didn't know the answer to that, and he went over
148 a few things he has heard about. They are approved for emergency use authorization.
149 They keep up-to-date on information coming out of the CDC before administering the
150 vaccines. Jason mentioned that he called the hospital's liability company and their
151 coverage follows their actions wherever they go, such as the civic center. It is covered.

152 After a bit more discussion Commissioner Waits made a motion to use the county
153 facilities for administering vaccines, to setup procedures, and follow the resolution. The
154 motion was seconded by Commissioner Ancho. The motion died, with two Ayes, and
155 three Nays.

156 Discussion continued after the vote when Commissioner Waits asked what would
157 happen in Austin now, due to this decision. Ideas were expressed and suggestions were
158 made on where a location could be in Austin. Jason Bleak went over what information
159 they give out when people come for vaccines. County Manager Ramos spoke about the
160 county resolution and having more informed consent to go along with that.
161 Commissioner Sparks wanted to be sure that people get all the information and that there
162 be no liability whatsoever for the county. If that could be guaranteed he wouldn't see the
163 harm in it. Chair Ancho asked if that could be done, with a waiver and a copy of the
164 resolution, so that we have absolutely no liability. D.A. Herrera agreed that it would
165 cover his concerns with it, and that the informed consent follows Lander County's
166 resolution. Ted stated that they be given a packet that included the informed consent, a
167 copy of the resolution, and a waiver of liability.

168 Commissioner Waits made a new motion that Lander County facilities may be
169 used to administer the COVID-19 vaccination, that we establish a procedure for
170 implementation, include the resolution, the information in the resolution, and waiver of
171 liability. This will be overseen by our county manager to include the information
172 described. County Manager Ramos stated that he would get with Jason to be provided a
173 packet from them, and they would work on it together to match the resolution.

174 Lori Price: Lori thanked Commissioner Sparks for giving people the choice. We
175 have a facility and why couldn't we use it? You're giving everybody a choice on whether
176 they get a vaccine, or not. She agrees with letting people know of the consequences and
177 ingredients.

178 After discussion on whether or not the library location was an issue or not, it was
179 stated that the library could be blocked off with partitions.

180 Chair Kathy Ancho: Kathy went ahead and seconded the motion made by
181 Commissioner Waits. The motion was voted and carried, with Commissioner Clark
182 voting Nay.

183 **Motion to approve with the stipulations mentioned:** Commissioner Waits;

184 **Seconded by:** Commissioner Ancho;

185 **The motion was voted and carried, with Commissioner Clark voting Nay.**
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187

188 **3) COMMISSIONERS: For discussion and possible action to approve/disapprove a**
189 **full-time position for the Lander County library in Battle Mountain.**
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191 Bert Ramos (County Manager): Bert stated they may not execute the full-time yet
192 but they wanted to have it approved and ready to go. It may be more effective with full-
193 time, rather than part-time. Commissioner Thomas made the motion to approve the full-
194 time position for the librarian. Commissioner Sparks seconded the motion. D.A. Herrera
195 explained that technically, it's not a librarian. It's a full-time position for the library.
196 They haven't created the library yet. He asked that the motion state that it's a full-time
197 position for the library. Commissioner Thomas amended his motion to state that it's a
198 full-time position for the library. It was seconded by Commissioner Sparks. The motion
199 was voted and carried. Commissioner Waits mentioned for clarification, that under the
200 NRS a librarian has to have a certificate. D.A. Herrera confirmed that.

201 **Motion to approve:** Commissioner Thomas;

202 **Seconded by:** Commissioner Sparks;

203 **Amended motion to approve:** Commissioner Thomas;

204 **Seconded by:** Commissioner Sparks;

205 **The motion was voted and carried.**
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208 **4) COMMISSIONERS: Discussion from Barbara K. Cegavske with the Office of the**
209 **Secretary of State regarding the recent passage of numerous elections-related bills**
210 **and recognizing the importance of an informed electorate and to discuss a formal**
211 **outreach campaign.**
212

213 Mark Wlaschin (Deputy Secretary for Elections): Mark explained that he was to
214 be here in person, but circumstances changed last evening. He expressed his apologies for
215 the change. Mark stated that he was there on behalf of Secretary of State Barbara
216 Cegavske, to discuss plans for their voter outreach campaign, and to ask for the Board's
217 assistance. In close coordination with the county clerk, and in addition to any local voter
218 outreach campaign he intends to spend significant portions of the next 18-24 months
219 providing facts for current and future voters.

220 They have identified some very clear needs from the 2020 election cycle and are
221 working to address them. They will spend more time talking with voters about elections,
222 how they are conducted, and how they are administered at the state and local levels.

223 Specific procedural and technical details are now being discussed at dinner tables,
224 association meetings, and on social media across the state, after not being of much
225 interest to people in times past. Unfortunately, this can include everything from deliberate
226 falsehoods to simple misunderstandings about federal and state laws through which we
227 maintain strict compliance. That alone has added to significant confusion, but adding in
228 the 2021 legislative session creating a number of changes to how our elections are to be
229 conducted for future election cycles has created even more confusion. These changes
230 include different timelines for ballot submission and signature curing. There are new
231 options for specific classifications of voters, and others that will further complicate voter
232 understanding of an already complex process. He has an acute understanding of our
233 state's election laws, and he wants to have a better understanding of the constituents'
234 concerns and questions. He is wanting to find out how to best contact them. In order to
235 maximize the effectiveness of this voter outreach campaign he asks that through the
236 county clerk he may be directed toward any advocacy groups, community leaders, and
237 others who could benefit from a discussion about our elections. The conversations could
238 be in person when possible, or via Zoom. There is no limit to how many we could
239 schedule, and no deadline by which we need to complete this. He would like to talk to as
240 many people as possible before the 2022 general election on November 8th of next year.
241 Mark recognizes that these conversations will need to continue well into 2023 and 2024.
242 He plans to schedule similar meetings such as this with statewide elected officials, county
243 school boards, and many other boards and advocacy groups across the state. He would
244 like to schedule an in-person meeting with this board to discuss those same items, and to
245 answer any questions you may have.

246 Our electoral process is intricate, but our voters deserve to hear from a trusted
247 source about how it works, and what Sadie and her team do to comply with federal and
248 state laws. Mark stated that he is firm in his belief that our process is secure. With that
249 being said he is available for their questions.

250 Commissioner Sparks: Bryan mentioned that he had recently listened to the
251 school board meeting in which Mark had given a presentation. He was looking for some
252 clarity from Mark on what he intended for working with the high school students, and he
253 asked that Mark restate what he said at that meeting.

254 Mark Wlaschin (Deputy Secretary for Elections): Mark went over what he talked
255 about at the school board meeting, which included the state's effort to communicate with
256 new and future voters, including high school students. The Secretary of State issues an
257 award called the Helen J. Stewart Award, for high schools who have over 85% of their
258 eligible high school seniors registered to vote. The intent of his comments the other night
259 to the school board were really to drive home the importance of high school seniors being
260 involved in the electoral process, understanding how to register to vote, and offering
261 services of the Secretary of State and her staff to assist teachers in discussions about
262 elections and civic responsibilities.

263 Commissioner Clark: Art had Mark repeat the name of the award that was
264 mentioned. Art had worked in the school in Las Vegas that was named for Helen J.
265 Stewart, and he was wondering how the award came about.

266 Sadie Sullivan (Lander County Clerk): Sadie mentioned that when Mr. Knight
267 was a teacher, he would invite her staff to explain to the students about how elections

268 work. We did it in a non-partisan manner. One year we had a mock election so they could
269 have some hands-on experience, and make a connection with the election experience.

270 Chair Kathy Ancho: Kathy mentioned that Mr. Eisenbarth did that in a
271 government class that she took back in high school, during the civics part of the class.

272 Commissioner Sparks: Bryan stated that he thinks having the local level do it
273 would be more acceptable in the school environment, rather than the state coming in to
274 do it.

275 Mark Wlaschin (Deputy Secretary for Elections): Mark agreed that ideally, the
276 county clerks should be providing that at the local level, because they know their
277 constituents and are trusted by individuals in the county. We recognize that the county
278 clerks wear many hats and have numerous responsibilities. If there is an opportunity to
279 augment what Ms. Sullivan is doing, we are available to do so.

280 Sadie Sullivan (Lander County Clerk): Sadie mentioned the item that had passed
281 through the legislature where everyone would be receiving a paper ballot, just like we did
282 in the last general election. She had mentioned that in a previous meeting. Sadie asked
283 that Mark be allowed to elaborate on that.

284 Mark Wlaschin (Deputy Secretary for Elections): Mark stated that there were a
285 number of election-related bills passed, and that is why he would like to schedule a time
286 to come in person to talk about Assembly Bill 321, and 121. All of these bills are going to
287 have an impact on Lander County voters. The intent is not to present pros and cons, but
288 simply to explain what the law now says and requires of the county clerks and the
289 Secretary of State.

290 Commissioner Clark: Art mentioned the Voters' Bill of Rights being passed and
291 that it was a bipartisan effort to go back to paper ballots. He asked of Mr. Wlaschin if that
292 was correct.

293 Mark Wlaschin (Deputy Secretary for Elections): Mark stated that he understands
294 the question, and from a technical point of view the systems that we have across Nevada
295 do contain paper ballots that are auditable. So, from an auditing standpoint we are able to
296 look at every voter's paper ballot to confirm that it matches the numbers that ultimately
297 were released and finally canvassed by the Supreme Court.

298 Commissioner Clark: Art replied that he only needed a yes or no.

299 Mark Wlaschin (Deputy Secretary for Elections): Yes.

300 Commissioner Sparks: Bryan asked that every commissioner be given a copy of
301 the Voters' Bill of Rights. He thinks the whole thing needs to be read in entirety.

302 Sadie Sullivan (Lander County Clerk): Sadie stated that she had the Voters' Bill
303 of Rights in front of her. She asked what specific number they were specifically speaking
304 of.

305 Commissioner Clark: Art interjected, "If you would have been at the last meeting
306 it was in the backup.

307 Sadie Sullivan (Lander County Clerk): Sadie responded with, "Sorry, I was not
308 able to be here. I had some medical obligations. Thank you.

309 Commissioner Clark: Art said, "If it's important you'll be here."

310 Chair Kathy Ancho: Kathy said, "Sadie said she had medical, so that's all that
311 needs to be said.

312 Commissioner Clark: Art said, “I came the day after a total knee replacement
313 there, lady.”

314 Commissioner Sparks: Bryan thought it was 1A or 1B. He would recognize it if it
315 was read.

316 Sadie presented her copy to the district attorney, and there was discussion
317 regarding whether or not the copy Sadie had was the most current copy, as it didn’t have
318 the section they were referring to. Sadie read in a different portion of the document, and
319 referred to NRS 293.2546, #10 - Each voter has the right to have a uniform, statewide
320 standard for counting and recounting all votes accurately. Sadie stated that we do have
321 paper ballots in place. We’ve had paper ballots, we have mail-in precincts, which we can
322 talk about in another item. There are those paper ballots that have been provided all
323 along.

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325

326 5) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**
327 **appointment of two (2) individuals to serve on the Lander County Convention &**
328 **Tourism Authority Board which has three (3) vacancies, new terms are two years**
329 **from June 30th, 2021 through June 30th, 2023, and to consider all of the following**
330 **applicants to include:**

- 331
- 332 a) **Richard Ripley**
 - 333 b) **Miteshell Lanham**
- 334

335 Chair Kathy Ancho: Kathy asked if they should be voted on separately and it was
336 decided to do that.

337 Commissioner Sparks made the motion to approve Richard Ripley to the
338 Convention & Tourism Authority Board. It was seconded by Commissioner Thomas. The
339 motion was voted and carried.

340 **Motion to approve:** Commissioner Sparks;
341 **Seconded by:** Commissioner Thomas;
342 **The motion was voted and carried.**

343 Commissioner Waits made the motion to approve Miteshell Lanham to the
344 Convention & Tourism Authority Board. It was seconded by Commissioner Sparks. The
345 motion was voted and carried.

346 **Motion to approve:** Commissioner Waits;
347 **Seconded by:** Commissioner Sparks;
348 **The motion was voted and carried.**

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351 6) **COMMISSIONERS: For discussion and possible action to accept a “request for**
352 **acceptance of a grant of a public access and utility easement across a portion of**
353 **Section 15, Township 31 North, Range 45 East, M.D.B. & M.” The easement will**
354 **facilitate the connection of three existing county roadways, that is:**

355 **“A 30 feet in width roadway and utility easement across the Westerly side of**
356 **section 10 and a 30 feet in width roadway and utility easement across the Southerly**

357 **side of section 10, both connecting to a 60 foot roadway and utility easement across**
358 **the Northerly side of section 16, thus enabling property owners in Section 16 and**
359 **areas south of section 16 to access their property from the section 10 easements.”**
360

361 Kent Maher (Attorney): Kent is in the meeting by phone.

362 Bert Ramos (County Manager): Bert read in a letter from a property owner in the
363 vicinity by the name of Sandra Eslick. Sandra stated in her letter that after reading the
364 letters in the meeting packet she wanted to respond. The owners of the properties just off
365 Norman Lane have worked very hard and followed county codes in developing our
366 properties. We have, together, brought in over twenty loads of gravel to build up the
367 roads and limit the dust. The dust that does occur comes in from the desert and lack of
368 water. There is also dust from the dirt that was brought in to block the easement. As we
369 develop the properties dust should decrease. They are looking for easy access to their
370 properties, to have a home and space, like everyone else in Battle Mountain.

371 Margaret Ames: Margaret stated her address as 1916 Norman Lane. She believes
372 the easement being talked about is on their property. She had a list of residents along
373 their road that don't want any new diggings, or anything. Margaret talked about some
374 other properties and easements that were part of another development off of Old 8A.
375 They are thinking any roads coming in should come off of Old 8A. She mentioned some
376 properties that have been sold, and people are camping out on them. They would prefer
377 not to have much development around their houses.

378 District Attorney Herrera: Ted explained that this is a group of landowners that
379 got together on their land to create this easement. Mr. Maher is putting this through the
380 county as a courtesy. He could have recorded this on his own, and it is not on the Ames'
381 property, or any other property that is not contained in the group. It can be recorded
382 regardless of what this commission says, and it's before the commission as a courtesy.

383 Kent Maher (Attorney): Kent directed them to page 77 in their meeting packet. It
384 was exhibit B of the deed, which was a map of the easement area. He explained what the
385 easement consisted of, and he went over the dedicated easements already in existence.
386 This new easement will connect three existing Lander County easements. The three roads
387 already belong to the county. Kent stated that the easement will not affect the Ames'
388 property, or any other property owners. Battle Mountain Land Company is conveying this
389 30' x 60' easement in section 15 to Lander County, to connect the three existing
390 easements.

391 District Attorney Herrera: Ted stated that Battle Mountain Land is dedicating part
392 of their land to the county for the other homeowners to have access to their land.

393 Margaret Ames: Margaret wondered why they couldn't use a different route from
394 Old 8A, and Mr. Maher stated that it wasn't relevant to the discussion of approving this
395 deed. Margaret asked if the county was going to be maintaining the roads after this.

396 County Manager Ramos: Bert stated that the roads have to be brought up to
397 county standards before the county maintains them. These easements are already ours.
398 This is just a matter of clarification, and the county can't really say no to this.

399 Margaret wanted to talk about another option, but it was explained that it wasn't
400 on the agenda and it wouldn't change the results of this easement that has been created. It
401 was confirmed to her that everybody would be able to use the roads now.

402 Commissioner Sparks made the motion to disapprove acceptance of this
403 easement. It was clarified to him that he actually needed to approve the item and he
404 amended his motion to approval. It was seconded by Commissioner Clark. The motion
405 was voted and carried.

406 **Motion to disapprove, and amended to approve:** Commissioner Sparks;

407 **Seconded by:** Commissioner Clark;

408 **The motion was voted and carried.**

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411 7) **PUBLIC WORKS: For discussion and possible action to approve/disapprove the**
412 **proposal from Day Engineering for design, bid assistance and construction**
413 **administration services for the paving of Yellow Brick Road in the amount not to**
414 **exceed \$44,000.**

415
416 Don Prince and Marty Ugalde were in attendance for this item.

417 Don Prince (Public Works): Don explained that Marty brought this to him to
418 obtain approval for this paving project. If approved they are hoping to get it done by mid-
419 November. They will be paving 4,500', with a width of 26', and 4' shoulders.

420 Commissioner Sparks made the motion to approve the proposal from Day
421 Engineering. It was seconded by Commissioner Thomas. The motion was voted and
422 carried.

423 **Motion to approve:** Commissioner Sparks;

424 **Seconded by:** Commissioner Thomas;

425 **The motion was voted and carried.**

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428 8) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**
429 **signing of the letter to U.S. Department of the Interior Secretary Haaland regarding**
430 **wild horses and burros.**

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432 County Manager Bert Ramos: Bert received an email from Jerry Annis, and the
433 conservation district does support this. They would like to see us move forward with
434 sending a letter to the Department of the Interior requesting some horse gathers.

435 Public Comment: Clerk Sadie Sullivan asked that they provide a new original of
436 the letter if this one is approved, as it needs to not be hole-punched.

437 After discussion, Commissioner Waits made the motion to approve signing the
438 letter to U.S. Department of Interior Secretary Haaland, regarding wild horses and burros.
439 It was seconded by Commissioner Sparks. The motion was voted and carried.

440 **Motion to approve:** Commissioner Waits;

441 **Seconded by:** Commissioner Sparks;

442 **The motion was voted and carried.**

446 9) **COMMISSIONERS: For discussion and update on Lander County cricket**
447 **abatement.**

448
449 Jack Knight (State Entomologist/NV Dept. of Agriculture): Jack stated that he
450 oversees the state's side of the Mormon cricket and grasshopper program. He's going to
451 cover some possible misconceptions and misinformation that was sent out earlier, and
452 update you on that. They do have yearly public meetings across the northern part of the
453 state. Last year was virtual and this coming year will probably be a combination of virtual
454 and some in-person.

455 There's actually no state general fund money in this program, other than part of
456 his salary. The money that was allocated to them in 2003 has about one year left of it. He
457 went over what they spend yearly and some issues they have. They have issues with
458 hiring people, like everyone these days. Once the money is gone that the state has, they
459 will revert back to the way things were prior to 2003. This is actually a USDA program,
460 and they're the ones that oversee it. We do everything under their guidelines. If there is
461 no replacement found the NDA's involvement will be somewhat limited in certain areas.
462 They have some ideas they are pursuing to try and get more money, but most of those are
463 federal programs.

464 Jack detailed some of their programs, and how they request money for the
465 programs. There are severe budget restrictions going on at this time. They prioritize their
466 programs, and look at crop protection, rangeland, and public safety. He mentioned that a
467 piece of ground can be treated one time for crickets. It is not effective on mature crickets.
468 Jack explained about spraying being delayed by some environmental assessments at
469 times. State cost-sharing depends on money availability, and it is a one-third, one-third,
470 one-third deal, federal, private, and state. There are county options, like contracting with
471 sprayers, creating weed and pest districts for tax revenue, and getting reports from private
472 citizens to treat when needed. Humboldt County worked with the BLM to spray on BLM
473 land. The biggest thing he asks for is sharing of data. Reports from the private citizens
474 does help a lot.

475 It was mentioned that we've been buying our own cricket bait, and Jack stated
476 that baiting is a stopgap measure. It slows them down a little, and is expensive. The real
477 way to treat crickets when you have them is to block out an area and treat the entire area,
478 shortly after they've hatched or midway through their lifecycle.

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481 *****A litigation meeting was held from 10:33AM – 11:26AM*****

482
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484 10) **COMMISSIONERS: For discussion and possible action to approve/disapprove**
485 **Lander County's contribution with a minimum of \$3,500.00 for the Desert Research**
486 **Institution to conduct cloud seeding operations in the Humboldt River Basin.**

487
488 Commissioner Sparks wanted to see this tabled and to see if there are other
489 options out there. Chair Kathy Ancho asked Mr. Fontaine if there were other options out
490 there.

491 Jeff Fontaine: Jeff stated that there may be other options, but at this late date there
492 most likely isn't time to investigate other options. The cloud seeding program starts on
493 November 1st. Cloud seeding has been done in the Humboldt Basin since the 1960s.
494 Desert Research has been doing it since the 1980s. It's a matching program of dollar for
495 dollar by the William H. Pennington Foundation, and they have quite a bit of
496 contributions already. The goal is to raise \$60,000 and they are close to their goal.

497 The Humboldt River Water Basin Authority, which includes Pershing, Eureka,
498 Elko, and Humboldt counties are participating. At least three of the mines in the
499 Humboldt region are contributing as well. In response to a question from Commissioner
500 Ancho about any downsides, Jeff spoke about a miniscule amount of iodine that is used
501 in the process. This process is effective and has been done for a long time. He's not
502 aware of any real downsides. The Desert Research Institute already has their units in
503 place in the area, and that would not be true for another entity if one is located.

504 Commissioner Waits: Patsy asked whether they would meet their goal, or still be
505 short with Lander County's contribution.

506 Jeff Fontaine: Jeff stated that just that morning they had pretty much already met
507 their goal. If the county decides to participate any amount over what was needed could be
508 used to analyze runoff samples to evaluate the effectiveness of this year's cloud seeding.
509 They could also start looking at additional locations to do cloud seeding.

510 County Manager Bert Ramos: Bert stated for clarification, that he believes the
511 commission approved to pay the \$3,500 at the last meeting. This item was to find out
512 how much you might be short on the needed funds, and if we would be getting any cloud
513 seeding operations out of this, close to or in Lander County.

514 Jeff Fontaine: Jeff stated that he's not aware of any cloud seeding operations in
515 Lander County. When it comes to cloud seeding and the additional precipitation and
516 runoff, we're looking at this from a basin-to-basin perspective. The reason is that the
517 Humboldt region is over-appropriated. Virtually every basin in the Humboldt region is
518 over-appropriated. We have conflicts between those who utilize the ground water, and
519 those who utilize the surface water. The whole system benefits from cloud seeding and it
520 helps reduce conflict in the basins.

521 Commissioner Waits stated that she'd like to see us do this again. Patsy made the
522 motion to not exceed \$3,500, if not approved at the last meeting. Commissioner Sparks
523 seconded the motion. The motion was voted and carried.

524 **Motion to approve and not to exceed \$3,500:** Commissioner Waits;

525 **Seconded by:** Commissioner Sparks;

526 **The motion was voted and carried.**

- 527
528
529 11) **SUMMIT ENGINEERING: Update from Summit Engineering on progress made on**
530 **the current "project" pursuant to the agreement between Lander County and**
531 **Summit Engineering with the effective date of April 14, 2013. For discussion and**
532 **possible action to approve/disapprove the continuation, the termination and/or**
533 **modification of the existing contract between Summit Engineering and Lander**
534 **County on the Austin Town Boundary Realignment Project.**
535

536 Larry Grube (Summit Engineering): Larry stated that he is the professional
537 surveyor that has been working on the boundary resolution project in Austin, Nevada. He
538 was accompanied by Nick Coston, an engineering intern with Summit Engineering, who
539 has been producing the subdivision maps for all the properties.

540 Larry referred to an email that had been sent out about a month ago, when they
541 were revising their rate schedules. He finally got that, and he was able to put some
542 numbers together. They have a pretty good idea of what remains to be done now, and
543 believe they have uncovered all of the land mines down there. Larry went into detail on
544 what issues they have been dealing with, and things that are still issues. The Maestretti
545 parcels are a major stumbling block, and the estate has not been opened up. The Austin
546 Resources parcels have not been resolved either. Larry said the owner of those has gone
547 stone cold on them. There is an issue with a government lot going through a parcel, and
548 the BLM can't look at that one until fall. Another controversy is a property around the
549 school, that is in litigation at this time. Also, there are mineral surveys to deal with, and
550 they are very complex.

551 Larry stated that maps A-K have been submitted to the planning department. He
552 stated that the original agreement was that when the maps went to Kyla, that department
553 would take care of chasing down the owners and getting their signatures for the owners'
554 affidavits. We currently don't have a new planner for Lander County so he's not sure
555 how we're going to proceed there. They have also submitted the maps to High Desert,
556 and Bob Marley, the county surveyor. Bob contacted him last week, about some issues
557 they were having tech-checking maps. They need to concentrate on getting High Desert
558 up to speed on the tech-checks.

559 Essentially, they are at a point where they can quantify what's left to be done.
560 Basically, finishing off maps A-L, they believe it should be a total cost of about \$24,360.
561 For each map N-S, which would be 7 maps, we're looking at about \$13,000 per map.
562 Since sending out the letter he did add two long days of field costs. Commissioner Waits
563 had asked him at a previous meeting if he was done with the surveying. They believed
564 they were done with the surveying, but when the mineral survey issue came up, he had to
565 go back out and find corners. He added two days of field surveying to the estimate in case
566 it's needed. He doesn't want to have any surprises on the remaining maps.

567 Larry talked about the issues with the Maestretti parcels and they have decided to
568 show them as they believe they need to be done. It may come down to making some of
569 the subdivision maps court-ordered again. They are having issues with people in town
570 just not responding to them anymore.

571 Commissioner Waits stated that they are aware of Austin Resources being a
572 problem, and they would like Summit to finish up what they can. Larry said they have
573 seven more maps to do, one every thirty days.

574 Larry talked about protecting the value of what you've been doing. They are
575 engineering the town of Austin. He understands road grades and things like that, and
576 wants to give Austin the best maps possible, so that they have correct property lines to
577 move into the future.

578 There was continued extensive discussion on possible things that might be done to
579 move the project forward. Tom Gallagher from Summit Engineering, came forward to
580 give some of his thoughts on this project, and the issues that have come up with it. Tom

581 explained that when they came into this thing, they had the false feeling that the county
582 recorder might have known who owned what properties, or approximately who owned
583 what. It didn't turn out to be the case. They weren't told on the front end that Bob Hughes
584 hated everybody in Lander County, and Lander County didn't like Bob Hughes very
585 well. He personally flew to Salt Lake, and made peace with Bob Hughes, with
586 Commissioner Mills, who was a commissioner at the time. He stated that this whole thing
587 has been a complete nightmare, and if you don't believe him, talk to your county
588 surveyor. There have been too many landmines in this project that were not foreseen.

589 After continuing discussion of fees, contracts, and other issues, it was decided that
590 Larry would prepare a proposal by the next week, to move forward and another agenda
591 item would be set for this item.

592
593

594 ***The meeting broke for lunch from 12:12PM – 1:20PM***

595
596

597 12) **COMMISSIONERS: For discussion and possible action to approve/disapprove a**
598 **Resolution to establish a County Library and a County Library fund for Austin and**
599 **Battle Mountain and to appoint the Lander County Board of Commissioners as**
600 **temporary County Library Trustees whose terms shall not exceed one (1) year.**

601
602 There being no questions or discussion needed, Commissioner Waits read in
603 Resolution 2021-15, as part of the motion to approve this item, with a needed correction
604 to the document noted, and the Chair to sign. It was seconded by Commissioner Sparks.
605 The motion was voted and carried.

606 **Motion to approve, with needed correction, and Chair to sign:** Commissioner
607 Waits;

608 **Seconded by:** Commissioner Sparks;

609 **The motion was voted and carried.**

610
611

612 13) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**
613 **attorney retainer agreement with Lander County and Law Offices of Jennings &**
614 **Fulton, LTD, for legal services as needed.**

615
616 County Manager Bert Ramos: Bert stated that these are firms we had already been
617 with through third-party contracting. Now we are contracting with them directly.

618 Chair Kathy Ancho: Kathy questioned if these had anything to do with Joey
619 Gilbert, as she had been questioned about that.

620 County Manager Bert Ramos: Bert stated for the record that Joey Gilbert has
621 stepped down. He felt that his name being part of this brought the wrong perception to
622 what was trying to be accomplished here, and that it was more of a distraction than it was
623 a benefit. He has refunded the full \$5,000 that he was retained with, and the remainder of
624 that money is being retained by these attorneys.

625 Commissioner Clark: Art stated for the record, "We never gave \$50,000 to Joey
626 Gilbert to run for governor. That is a rumor that we just cleared up."

627 County Manager Bert Ramos: Bert stated for the record, that Joey Gilbert kept
628 zero from Lander County. He never billed us for a penny, and the remainder of that is the
629 retainer for the other attorneys.

630 Commissioner Sparks made the motion to approve the attorney retainer
631 agreement. It was seconded by Commissioner Thomas. The motion was voted and
632 carried.

633 **Motion to approve:** Commissioner Sparks;

634 **Seconded by:** Commissioner Thomas;

635 **The motion was voted and carried.**

636
637
638 14) **COMMISSIONERS: For discussion and possible action to approve/disapprove the**
639 **attorney retainer agreement with Lander County and Bundren Law Group, PLLC**
640 **for legal services as needed.**

641
642 There being no questions on this item, Commissioner Sparks made the motion to
643 approve the attorney retainer agreement with Bundren Law Group, PLLC, and to
644 authorize the County Manager to sign. It was seconded by Commissioner Thomas. The
645 motion was voted and carried.

646 **Motion to approve:** Commissioner Sparks;

647 **Seconded by:** Commissioner Thomas;

648 **The motion was voted and carried.**

649
650 **PUBLIC COMMENT:**
651
652 None.

653
654
655 15) **LANDER COUNTY CLERK: Report to Commission on conversion to paper**
656 **ballots, another manufacturer of electronic voting machines, or to stay with**
657 **Dominion. After report the Lander County Board of Commissioners to discuss and**
658 **approve/disapprove one of the above options for future elections.**

659
660 Lander County Clerk Sadie Sullivan and Election IT Richard Green appeared for
661 this item.

662 Commissioner Waits: Patsy read a letter from a constituent that she was asked to
663 read into the record during public comment. The letter pertained to the Dominion voting
664 machines, and paper ballots.

665 County Manager Bert Ramos: Bert stated that they have people on for public
666 comment but would wait until after Sadie's presentation, as it might answer some of the
667 questions.

669 Sadie continued by stating that she and her staff would continue to follow county,
670 state and federal laws. If you choose to pass this today, we will continue to work to the
671 best of our abilities to move forward on this. Sadie does not feel that voting on this item
672 is fair to the voters of Lander County. They should have a say at the polls, and not just a
673 few people to decide. She also stated that she cannot give a full, fair opinion on
674 everything today, because of course she is not an attorney, and legal would not be for her
675 to comment on. She can answer any questions that pertain to how things are done in the
676 office and for elections, but not something that needs a legal opinion.

677 Sadie brought the Nevada Revised Statutes Title 24 code book to have a visual aid
678 of the extent of election laws that must be followed, and that it is just the Nevada portion
679 of it. She acknowledged that we all have the same goals, to have fair and secure elections.
680 We want our votes to count. We do not want anyone to be able to exploit any part of the
681 process so that each legal vote may be cast.

682 You have asked for a report about a possible transition from our current election
683 system to some other system, with the intent of improving our existing processes. There
684 are a number of factors that you should be aware of that would affect the transition. There
685 will be additional training requirements, additional personnel requirements, implementing
686 the added requirements that have come out of the 2021 legislative session, and other
687 fiscal and operational impacts.

688 Some constituents have reached out to me about the possible transition. Some are
689 worried that their voices are not being heard, and they want to be involved. If you decide
690 to transition from the voting machines we are currently using, I simply request that we do
691 so in a deliberative and carefully thought-out manner. We do not need to rush into it
692 blind, and to the second and third impacts that would cause ripple effects in the next
693 year's elections, and in the county's costs.

694 Sadie displayed the policy and procedures manual that is followed for the
695 Dominion equipment that the county currently has. Sadie explained that changes made in
696 Lander County will also impact the other sixteen counties in Nevada. She explained the
697 process for provisional ballots that can't be counted until it has been verified that they
698 have not voted in any other county. After all ballots have been cast every county provides
699 their list of provisional ballots to the Secretary of State so that they can validate that no
700 one attempted to vote in more than one county. This is a requirement that happens before
701 each board of county commissioners can certify the results. Every county has to have
702 completed their reporting to the Secretary of State, and they have to wait for us before
703 this step is completed.

704 We also have a relatively new audit requirement, in addition to other audits we
705 are already required to conduct. This new type of audit is a risk-limiting audit, known as
706 RLA. It's described in NRS 293.394. This new audit is conducted at both the state and
707 county levels. Each RLA will increase confidence that the votes are accurate. There have
708 been a number of pilot RLAs across the state in the last two years, continuing through
709 this year and next, in preparation for continuing them full-time, starting in January of
710 2024. These audits are another important step in assuring our elections are fair and
711 secure.

712 Sadie stated that she is providing this information at their request. She is not
713 directing, saying, guiding, or whatever, she's just bringing the information. Sadie first

714 addressed the pros and cons of staying with Dominion. We have worked with Dominion
715 for years, and they have been a proven and reliable partner in conducting elections. They
716 provide immediate helpful support whenever needed, and have never failed to meet the
717 provisions of the contract. The staff is familiar with the system, and the equipment works
718 well across the state. Sixteen of the seventeen counties use the same system. There is
719 plenty of redundancy in the processes if there is ever an issue and need of a backup.

720 Sadie continued by going over other options for a different election system and
721 provider. There are a number of pros and cons, all depending on what we end up with. If
722 you decide to move forward from our current system, she recommends we enable our
723 electorate to engage as well. We could arrange for an open house where a number of
724 vendors bring their systems for voters to see and review what options are out there. She
725 suspects more people do not know the difference between direct-recording electronic
726 voting machines (DRE), and a ballot-marking device (BMD). Examples of our chain of
727 custody documents and other forms and processes that we use to ensure the security and
728 fairness of an election would be shown. Our machines are DRE machines, and Carson
729 City uses a BMD system. The BMD system is basically a machine that prints your
730 choices directly on a piece of paper that you hold in your hand. You then drop that paper
731 into a box that records your vote, and it is tallying at that time. The current machines
732 have a printer that sits next to them, that you can review your votes as you go along. The
733 paper is there, but you can't touch it. People do like the feel of it in their hands, and to
734 then go drop it. That's just a little bit of an explanation of the two types of machines for
735 you. Our voters should be allowed to see what goes on and help with the decision. The
736 systems would range in cost between \$150,000 - \$300,000. They would have their own
737 training requirements and delivery timelines. We need to get them early enough to
738 incorporate them into our voter outreach plan, in order to let the voters see what the new
739 system looks like, how it functions, and what security measures we have in place for a
740 fair and secure election.

741 Sadie went on to explain the pros and cons of trying to transition to a paper ballot
742 election. Her first thought is that she would need to better understand what they mean by
743 this. She needs to understand what they mean, and it needs to be on the record, depending
744 on how the Board votes today. We have quite a few more machines than you probably
745 realize involved in our elections. So, do you mean you don't want any machines at all
746 involved in our elections, or do you mean that you don't want our voters to use the DRE
747 voting machines? Sadie detailed the current process of the ballots being prepared on
748 paper. When the item reads as *conversion to paper ballots, another manufacturer of*
749 *electronic voting machines, or to stay with Dominion*, the thought in her mind is that
750 those ballots are produced, they return them, they mail them, drop off in person, and they
751 get put into the system that they've been returned. The signatures are verified at that time,
752 and they are verified again by her election board. They are a board that is not part of
753 those working at the civic center. They pile up those ballots and then the ballots run
754 through a machine to be read. If for some reason someone has made a mark on the ballot,
755 filled in more than one oval, or anything like that it's detected at that time. You have two
756 board workers that work to decide what the person intended. They also ask a third person
757 for their opinion on those issues to decide which direction to go on that vote. Ballots can
758 have coffee stains, kids using crayons on them, any number of things like that. The

759 scanner detects every little thing. Those workers are for those types of things specifically.
760 To what degree are you guys looking for doing paper ballots, because we already do
761 paper ballots?

762 Commissioner Sparks: Bryan stated that he is interested in how it states it in the
763 Voters' Bill of Rights 293B, which he still hasn't seen a copy of exactly, to where we're
764 all on the same page. His idea of a paper ballot is a ballot that somebody fills in, and then
765 whatever machine you use to tabulate the vote.

766 Sadie Sullivan (Lander County Clerk): Sadie stated that she wanted that
767 clarification. So, you're okay with a paper ballot and they can be run through a machine
768 for tabulation. There was talk of course, of having to do hand-counting. Sadie explained
769 that precincts 6, 7, 8, and 9 all use paper ballots. As Mark had stated earlier regarding
770 what has passed through the legislature, everybody will be receiving a paper ballot again,
771 just as they did in the general election. That's just some clarification she wanted to have
772 with the Board, what the thoughts were of everybody on this topic.

773 Commissioner Sparks: Bryan is interested in hearing about the tabulation
774 machines, how they make them, how they work, and all that.

775 Commissioner Clark: Art is interested in how it was done before electronic voting
776 machines, because it's his understanding that it was quick, easy, and fast.

777 Chair Kathy Ancho: Kathy had some questions on that and she was told that now
778 that NRS's have changed on the voting they are run through a machine and validated that
779 way. That is a requirement and there's no hand-counting. They have to be run through a
780 machine to try and avoid human error. That's the way they are reported to the Secretary
781 of State, because there has to be some kind of electronic way of reporting to the state
782 that's not done by a human.

783 Richard Green (Election/IT/Clerk's Office): It's a mechanical process to actually
784 process the paper. After that it's digitized at that point. According to all the NRS that we
785 have it has to be in a certain form to be reported to the state. They're not going to take it
786 any old way, and it has to be presented to them in a way that they will accept it.

787 D.A. Herrera: Ted stated, "You're talking about procedures, but the procedures
788 aren't the law.

789 Sadie Sullivan (Lander County Clerk): Sadie asked if he meant the statutes, or
790 their procedures. She went on to detail the procedures that are followed, and that are set
791 up by the providers of the machines and software. The machines are programmed for
792 each election by the election staff in the office, following the steps given by the company
793 that they are purchased from. There is a representative from the company on site to help
794 with any issues. This is hands-on involvement. This process is called pre-lats, and it is
795 open to the public for viewing, in a quiet manner. The information comes to us on secure
796 encrypted thumb drives, and then we decrypt it to install the election setup on each
797 machine. This puts Lander County's ballot on each machine. Sadie went over a few of
798 the steps that ballots go through to be verified during the election cycles.

799 Chair Kathy Ancho: Kathy asked how many other companies have the machines
800 that tally.

801 Sadie Sullivan (Lander County Clerk): Sadie explained that the companies can
802 have similar things throughout, and others may be more unique.

803 Mark Wlaschin (Deputy Secretary for Elections): Mark stated that there are
804 numerous companies that provide ballot-marking devices. These are approved companies
805 that he's referring to. A list of companies can be put together to provide additional
806 information for your review.

807 Sadie Sullivan (Lander County Clerk): Sadie spoke about the electronic pollbooks
808 that are used for checking voters in, and that the signatures are compared at that time.
809 What would this process look like if we're not able to use those for checking voters in?
810 Are we going back to printing the paper voter rolls with signatures being done there?
811 There are so many questions about this.

812 Commissioner Sparks: Bryan mentioned issues that had happened in Clark
813 County, and he wanted to know what Sadie would recommend to eliminate problems
814 with signatures.

815 Sadie Sullivan (Lander County Clerk): Sadie talked about people that had come in
816 to verify what signature was on file, to make sure that their record was current. The
817 signatures are saved into the voter data records, and might have come from old voter
818 registration forms, or were pulled from DMV records. Signatures may change through the
819 years. There are processes that are performed to help with keeping signatures updated.

820 Mark Wlaschin (Deputy Secretary for Elections): Mark stated that there are many
821 ways to validate signatures. The concerns about Clark County using a machine to verify
822 signatures is easy to prevent in Lander County, simply by not using that same machine.
823 There are other types of machines for verifying signatures. There is a requirement now
824 from *AB321*, for signature verification training for all staff that are part of the
825 administration of an election. The people that are involved in Lander County's signature
826 verification in 2022 and going forward will be trained in signature verification. There are
827 opportunities provided to cure signature issues. The people are notified of the issues and
828 urged to come in and provide a current signature.

829 Sadie Sullivan (Lander County Clerk): Sadie mentioned that she is required by
830 NRS 293.675 to maintain an electronic voter registration list so that she may provide
831 information to the Secretary of State. She is wondering if this is still acceptable. Our
832 uniformed and overseas citizens, and now pursuant to *AB121* our community members
833 with disabilities are allowed by federal and state laws to use the *Effective Absentee system*
834 (*EASE*) for elections. *EASE* allows for secure electronic transmissions of voter ballots to
835 her office. This process creates an auditable paper ballot trail to remain secure. Sadie
836 wanted to know if this was still acceptable. Finally, Sadie asked if it mattered that
837 pursuant to *AB321* she will be required to mail a ballot to every active registered voter
838 going forward, and if it meets their requirements. Regardless of what you decide today,
839 rest assured that her entire staff will work together with the Secretary of State to ensure
840 that every vote cast in Lander County will count, and that our elections will be fair and
841 secure.

842 Sadie continued speaking regarding the Voters' Bill of Rights, NRS 293.2546.
843 She read #10, that reads as follows, 'To have a uniform, statewide standard for counting
844 and recounting all votes accurately'. Whatever is decided here today will affect the other
845 counties, and Sadie wanted that on the record. There was a representative from Dominion
846 on the line if there were any questions for them. Mark Wlaschin was still on the line, and

847 also Kay Stimson, the vice president of Government Affairs, with Dominion Voting
848 Systems, if you have any questions.

849 Chair Kathy Ancho asked how long we had been with Dominion. Sadie replied
850 with the year 2004, and it's before her time as the clerk. Kathy wondered how Dominion
851 came to be the main provider of equipment for the state, and it was stated that would need
852 to be researched, as it was before the time of both Sadie or Mark's positions and
853 knowledge. Kathy asked if the counties had to use Dominion and how that worked. Sadie
854 talked about the meeting in Carson City where ES&S and Dominion were both present to
855 show their equipment. There are a couple other counties that are not using Dominion.

856 Mark Wlaschin explained that the counties were able to pick which systems to go
857 with, based on their constituents and discussions with their commissioners.

858 Sadie talked about several of the smaller counties considering possibly going with
859 ES&S back then, but when it came down to it, they felt that it would be better to go more
860 uniform, for supplies and things like that. Sadie gave an example of sharing thermal
861 paper with Elko County during a past election, and it not being something you could run
862 buy off the shelf.

863 Commissioner Thomas asked who Sadie might recommend if they decided to go
864 with paper ballots. Sadie stated that she is used to Dominion because that's who she has
865 worked with. On paper ballots it's what you guys decide to go with. They all have to
866 follow the same rules and laws. Dominion has always been there for every phone call,
867 whatever is needed. ES&S is also able to answer any questions for us. They were there at
868 the capitol building, along with Dominion.

869 There was continued discussion on paper ballots, and how the ballot information
870 is produced. Commissioner Sparks stated that he doesn't think of Dominion as having a
871 paper ballot. Sadie detailed how the ballots are produced, printed, and sent out. Sadie
872 stated that the Board is certifying paper ballots, the mail-in ballots from the mail-in
873 precincts, snowbirds, absentee ballots, military and overseas ballots. That whole
874 certification process is for the election as a whole. Any board of commissioners is
875 certifying what is from the machines, and also the paper ballots as well. Commissioner
876 Sparks stated that her idea of paper ballots is different than what his idea of paper ballots
877 is. Sadie talked about the mail-in precincts from the south, and that some people from the
878 south want to be able to vote in person. They aren't allowed to vote in person because
879 precincts 6 through 9 were designated as mail-in only precincts at a prior time in Lander
880 County history. Those ballots go through the same tabulator machine as any other mail-in
881 ballots. It's all done through the Dominion system.

882 Discussion continued regarding paper ballots and how to proceed. Amy Nelson
883 came forward to ask how Dominion is involved in her vote, and how that information
884 could be manipulated. Sadie went over the process of voting on the machines, how it
885 calibrates your choices, and what shows up in the printer viewing screen to verify your
886 choices. The paper in each printer is also kept as a record of votes cast on each machine
887 for auditing purposes. You can make any changes you might want to before you hit the
888 tab to cast your final vote.

889 Sadie explained that Dominion programs the ballot information for each election.
890 The election staff then installs that information to each machine from a thumb drive that
891 is sent from Dominion. At the end of the whole tally, we take the thumb drives to a

892 secure computer that never goes online. Those thumb drives are run through the tallying
893 computer to get the records for your tabulation and reports for the election. The
894 information is then transferred to a separate thumb drive, and sent through another
895 computer using the secure Ipswitch file transfer software to the Secretary of State's
896 office.

897 Amy Nelson had more questions about information possibly being manipulated at
898 some point. Richard Green, the clerk's office election IT, explained that any
899 manipulation would have to happen after it leaves here and it goes to another system.

900 Commissioner Sparks stated that he doesn't think anything happened with our
901 election in Lander County. He feels we've been disenfranchised at the state level and
902 could have possibly been represented better than somebody getting in by some
903 manipulation. That's his concern, and that as a commissioner we're certifying the
904 election. Sadie stated that it is her name, and she is concerned, as well. It's a huge thing
905 and we all need to work together on it.

906 The commissioners were asking for whatever systems were out there, besides
907 Dominion. Commissioner Waits mentioned some of her concerns with the Dominion
908 system, including that it might be hacked too easily. Sadie went over the processes again,
909 and she spoke about the misleading stories circulating in the news and on social media.
910 She stated that it is usually best to go to the source for your information. Richard Green
911 went over how many different ways the election information is tallied and the
912 redundancies therein.

913 After discussion on issues with mail-in ballots and the ways to cure some of the
914 issues with cleaning up the voter rolls, Commissioner Sparks stated that he'd like Sadie
915 to provide information on three different options as far as paper ballots, other than
916 Dominion. Commissioner Waits mentioned to include the tabulating machines if that's
917 what is wanted. Commissioner Sparks was not interested in electronic machines.
918 Commissioner Waits was not sure she wanted to give up the electronic machines right off
919 the bat. She knows we don't want Dominion.

920 Sadie spoke to the changes in perceptions where before people were all against
921 the paper ballots, and now it's all about paper, paper, paper. She understands where it's
922 coming from, but on the other hand, when she goes and votes on those machines, and she
923 verifies her choices on the paper feed that's printed out on the side of the machine, she
924 trusts in that.

925 Commissioner Waits stated that they don't trust in it. She asked if they still
926 wanted to terminate Dominion today. Commissioner Sparks asked if they needed to make
927 a motion on Item 15 today. D.A. Herrera suggested that they make a motion asking Sadie
928 what you want her to bring in front of you. Sadie asked if they would be interested in
929 having Dominion come in person to answer any questions they may have. There wasn't
930 any interest in that. Commissioner Sparks asked how he should phrase the motion. Ted
931 gave a suggestion of making a motion to have a list of three companies that have the
932 paper ballots, and three separate companies that have the tabulation machines. Bryan
933 said, "I make a motion stating that exact thing." The motion was seconded by
934 Commissioner Clark. The motion was voted and carried.

935

936 **Motion to bring back the list of choices for paper ballots and tabulator**
937 **machines:** Commissioner Sparks;
938 **Seconded by:** Commissioner Clark;
939 **The motion was voted and carried.**
940

941 **PUBLIC COMMENT:**
942

943 Bert Ramos (County Manager): Bert spoke for Cori Warwood. She would like to
944 have seen this tabled, so that she could have some say in her votes. She needs more
945 information and would like a townhall meeting. Bert stated that he is still pretty confused
946 by what is considered paper, what is considered electronic, and what really does take
947 place in the middle of it.

948 Commissioner Waits: Patsy asked about the vote for Item 16, as she needed to
949 leave. Patsy left the meeting at 2:47PM.

950 Dora Martinez (Nevada Disabilities Peer Action Coalition Representative): Dora
951 stated that she is one of the activists for the coalition. She had someone waiting to read a
952 public comment from someone who could not be in attendance today, due to medical
953 reasons. She would come back on after the reading of the public comment. A gentleman
954 then starting reading the public comment regarding how important the NVEASE online
955 voting system has been during the COVID-19 pandemic for this individual, who is a
956 Nevada resident with a disability. The person is totally blind and has been voting
957 independently since 2004, using the audio ballot capability included in the electronic
958 voting machines at their voting precinct. They have done so with pride and joy. Last year
959 access to NVEASE allowed them to vote in two consequential elections from home,
960 using their iPhone and refreshable braille display. These pieces of technology allowed
961 them to not have to worry about transportation to polling places, or exposure to COVID-
962 19. They were able to successfully fill out their ballot without outside assistance, and
963 with relatively few technical issues. They were proud to be able to do so. It's a positive
964 experience to use NVEASE, and under COVID circumstances it is vital that this voting
965 option continues to be permanently available. We now have the law with the passage of
966 *ABI21*, that all Nevadans with disabilities can continue to vote independently, securely,
967 and conveniently, along with members of the military, and other Americans overseas,
968 without having to worry about transportation to the polls, or having to apply for a paper
969 absentee ballot, which often requires the assistance of others, and is therefore not private,
970 for a person with a visual impairment or other disability. Since access to NVEASE for
971 Nevadans with disabilities is now granted by law this access should remain, regardless of
972 location in the state of Nevada, and regardless of the population size most areas have
973 residents with disabilities. NVEASE should be available whenever and wherever it is
974 needed. Appreciation for consideration of their message was expressed at the end of the
975 letter. The letter writer's name was stated as Janine Morris.

976 Dora Martinez: Dora came back on, and stated that she would send in the letter in
977 an email format. She wanted to remind everyone that the Help America Vote Act
978 (HAVA) that passed in 2002, is a federal law in the U.S. It was amended to include
979 Nevada residents with disabilities. Along with the ADA 504 as of 1973 allowing people
980 with disabilities the right to vote, regardless of whether you all want complete paper

981 ballots or not, it needs to be accessible. Dora gave an example of her husband going to
982 vote in person, and some of the volunteers did not know how to turn on the computer to
983 speak to her husband, using the speech system in their own computer. This meant it had
984 to be read out loud, so there was no integrity and privacy of voting in that manner.
985 Everybody knew in the room, who they voted for, and heard his social security number.
986 So, with this in mind the NVEASE system for elections is now a law that passed, so
987 please don't forget to add that into your procedures. If you do decide to use some of the
988 voting machines, consult people with disabilities to know which machine is compatible
989 with the Americans with Disabilities Act, as not all of them are.

990 Sadie Sullivan (Lander County Clerk): Sadie stated that she appreciated them
991 speaking up. We take for granted, as individuals who are not wheelchair bound today,
992 that it's hard to get to voting locations, they want to be heard, and they have equal rights
993 to us. We're not guaranteed anything, and something could come upon us, to lose
994 eyesight, or another disability. These are federal laws that need to be followed. As the
995 county clerk and as a county we need to respect those people as equally as they want to
996 respect us. She appreciates them calling in, as it's easy to get side-tracked and not
997 understand what they are dealing with. It's a lesson and a reminder for us.

998 Commissioner Sparks: Bryan stated that as commissioners we wouldn't do
999 anything outside the whole NRS or federal law.

1000 Commissioner Clark: Art stated that as a Board they jumped right on ADA with
1001 the sidewalks. As a commissioner on the Board, and 31 years teaching special ed do you
1002 think for one second, I would ignore ADA?

1003 Sadie Sullivan (Lander County Clerk): Sadie replied that she didn't think that.
1004 With NVEASE we will have electronics provided, according to federal law. So, if you
1005 want to go all paper there is that exception, and that is what they are stating.

- 1006
1007
1008 **16) COMMISSIONERS: For discussion and possible action on whether to terminate the**
1009 **Voting System Agreement by and between Dominion Voting systems, Inc. and**
1010 **Lander County, NV dated October 17, 2017 pursuant to Section 15.2 of the**
1011 **agreement which provides that such may be terminated for non-appropriation of**
1012 **funds. Upon any action to terminate the agreement, Lander County Clerk must**
1013 **undertake efforts to preserve any and all election information stored on any electronic**
1014 **voting machine subject to the agreement so the same can be preserved and accessible**
1015 **as required under the law without the use of the software licensed under the agreement**
1016 **and, thereafter, to timely notify Dominion of termination under the agreement prior to**
1017 **expiration of the current license term.**

1018
1019 D.A. Herrera: Ted spoke regarding making a motion for Item 16, and that Items
1020 17 and 18 should be tabled until Sadie comes back with the information.

1021 Chair Kathy Ancho: Kathy asked how we would preserve the information on the
1022 machines if we're not under contract.

1023 Sadie Sullivan (Lander County Clerk): Sadie stated that Mark Wlaschin and Kay
1024 Stimson were still on the line. She wanted them to answer the question put forth by Chair
1025 Ancho. Sadie stated that the machines are Lander County's machines. The data stays put.

1026 Chair Kathy Ancho: Kathy asked about getting information for any kind of audit
1027 on the machines and if we're able to access it if we no longer have a contract.

1028 D.A. Herrera: Ted stated that he believes Sadie has to keep the information for
1029 twenty-two months. You've approved terminating the contract by not allocating the
1030 funds. Sadie has to keep the data on those machines, whether you make copies of them,
1031 or whatever. We just want to make sure we're not preventing you from following state
1032 law.

1033 Sadie Sullivan (Lander County Clerk): Sadie stated that to her understanding it
1034 stays on the machines, and we have the additional thumb drives that have the same
1035 information and then we have the paper. So, we have it in three areas. In response to a
1036 question from Commissioner Thomas about why get rid of Dominion before having
1037 something else, Sadie talked about the filing period coming up in March, and then we
1038 start immediately working with the companies to create the ballots. We hope it works out.

1039 There was a short discussion on the question about getting rid of Dominion before
1040 having another company engaged.

1041

1042 PUBLIC COMMENT:

1043

1044 Amy Nelson: Amy said she appreciated what Sadie said about all wanting the
1045 same thing. She wants to make sure her vote and the county's votes counted. She feels
1046 very disenfranchised from what she has investigated and researched. She has total faith in
1047 Lander County, but no faith in the machines used to transmit the data and what's
1048 happening in the other states. She wants a full forensic audit of Lander County.

1049 There being no further public comment, Commissioner Sparks made the motion
1050 to terminate the contract with Dominion Voting Systems. It was seconded by
1051 Commissioner Clark. The motion was voted and carried.

1052 **Motion to approve:** Commissioner Sparks;

1053 **Seconded by:** Commissioner Clark;

1054 **The motion was voted and carried.**

1055

1056

1057 17) **COMMISSIONERS: For discussion and possible action on whether to convert to**
1058 **paper ballots for all future elections. Upon any action to convert to paper ballots,**
1059 **Lander County Clerk must undertake any and all action to assure that all appropriate**
1060 **accommodations are made to assure every legal voter has the opportunity to cast their**
1061 **ballot including, but not limited to, making sure all necessary accommodations are**
1062 **made under the Americans with Disabilities Act.**

1063

1064 This item was tabled.

1065

1066

1067 18) **COMMISSIONERS: For discussion and possible action on whether to**
1068 **reappropriate budgetary funds to the printing and use of paper ballots for all future**
1069 **elections. Such funds to be reappropriated from election service fees, annual license**
1070 **fees and warranty fees associated with the use of electronic voting machines.**

1071 Namely, those funds allocated under the Voting System Agreement by and between
1072 Dominion Voting systems, Inc. and Lander County, NV dated October 17, 2017.

1073
1074 This item was tabled.
1075

1076
1077 19) NEVADA DEPARTMENT OF WILDLIFE: Presentation by Nevada Department of
1078 Wildlife (NDOW) on solar farms.

1079
1080 Jasmine Kleiber (Wildlife Staff Specialist-Habitat Division): Jasmine introduced
1081 herself, and began her presentation on energy planning and how it relates to wildlife, and
1082 how the department approaches energy planning and wildlife resources across the state.

1083 We have seen significant shifts in priorities focusing on sustainable renewable
1084 energy over the last decade. There have been changes to existing and new legislation, as
1085 well as the development of some new approaches to how we plan for energy
1086 development. They are working toward having more stakeholders involved, with more
1087 interested parties trying to do this in a more sustainable way. There is a push towards
1088 more renewable energy now.

1089 Jasmine talked about national energy corridors, BLM solar development,
1090 executive orders done in 2019, in Nevada, Smart-from-the-Start Energy Planning, the
1091 state's climate strategy, and various programs that NDOW has. We're starting to see
1092 large-scale infrastructure projects, including two transmission line projects that cover the
1093 expanse of Nevada. They are Greenlink Transmission lines. NDOW falls within both
1094 national and statewide efforts. They have had legislation passed that has established
1095 energy planning and conservation with new programs. That's nested under their technical
1096 review program. They also participate in the AFWA Solar Wildlife Work Group.

1097 Jasmine talked about Nevada's renewable energy future, and the goals they have
1098 set. In 2019, about 85% of energy consumed in Nevada came from outside the state; 2nd
1099 in the nation in electricity generation from geothermal energy; 4th in utility-scale
1100 generation from solar energy.

1101 In 2020, 30% of Nevada's power came from renewables; 14% from solar, with 30
1102 active solar facilities; 10% from geothermal; and 6% from hydroelectric.

1103 Jasmine covered the Smart-from-the-Start program, and the participation that's
1104 needed for coordinated planning.

1105 There was discussion on birds being killed on solar farms, and wildlife mortality
1106 is a concern.

1107
1108
1109 20) NEVADA DEPARTMENT OF WILDLIFE: A presentation by Nevada Department
1110 of Wildlife on their future plans in Lander County and possible action on whether
1111 to support their project. Nevada Department of Wildlife is not requesting financial
1112 support.

1113
1114 Alan Jenne (Habitat Division Administrator/NDOW): Alan stated that they came
1115 today to inform the Board about an opportunity they've been presented with, and would

1116 like the Board to consider. The current owner, Bob Mueller, of the Licking Ranch north
1117 of town, has approached them to see if they would be interested in acquiring that
1118 property. The wildlife values on that property are very high. They are very interested, and
1119 are here today to hear the Board's reactions to the idea. If so, they would like to work
1120 together to get some support because they will have to go in front of a legislative interim
1121 finance committee to get the approval to spend the funds to actually acquire it.

1122 Commissioner Clark: Art questioned if it was the Venturacci place, and if this
1123 would stop the Tomeras from being able to use it.

1124 Alan Jenne: Alan explained that most everything they own, they put to use. They
1125 lease farming and grazing rights on their properties. If NDOW receives this property they
1126 would continue to manage it as it is right now. What they see has worked, they wouldn't
1127 want to mess with. The haying operation and grazing that are occurring on there still
1128 provide a huge benefit for wildlife, and it's in great condition. There's still that
1129 opportunity for traditional use.

1130 Commissioner Clark: Art asked if it would be open for everyone if they acquired
1131 it.

1132 Alan Jenne: Alan explained that they have properties where they manage access,
1133 manage timing, like during certain seasons where there is active nesting. Properties are
1134 managed for wildlife benefit and recreation, like fishing and birders.

1135 Commissioner Thomas: JR asked about possibly forming a committee to plant
1136 birds out there.

1137 Alan Jenne: Alan stated that they have evaluated that on other properties as well,
1138 and contemplated some of it, historically. That's another opportunity along the Humboldt
1139 River with the pheasant population. On all of their properties they go through a public
1140 planning process where they invite everybody in and hear their comments about how to
1141 manage that property. Mueller's intent when he bought the property in 2005, was because
1142 he loved the conservation value, and he wants that to continue.

1143 If they end up getting this property they would staff it here, and it would be
1144 managed for wildlife benefit and also for recreation. They would be maintaining its
1145 historic use. NDOW is literally the only state agency that pays property taxes, so that is
1146 not lost. They would not build houses or anything down in the floodplain. They will try to
1147 clean up some of the houses that are there already.

1148 Commissioner Clark: Art stated that he would have to think really hard on this,
1149 and talk to the people involved before making any decision on it. He does not want to
1150 interrupt anyone's family operation, and would like to be at a meeting where the Tomeras
1151 are present to talk about it.

1152 Commissioner Sparks: Bryan stated that he'd like to talk to people that done this
1153 on other properties to see how it has worked out.

1154 Alan Jenne: They have had agreements where certain entities have had a
1155 guarantee of rights for a certain duration. He gave an example of guaranteed grazing
1156 rights on another property they had acquired that went until the party refused those rights.
1157 Alan also mentioned that the water rights Bob Mueller has will come with the property.
1158 Some of the water rights are leased to the county, and that would continue as well. Alan
1159 said he understands that there is a good relationship between Bob Mueller and the
1160 Tomeras. If he wants to establish that right it can be written into the purchase and sale

1161 agreement. They will be reaching out to the Tomeras right after this meeting. They did
1162 not want to get ahead of themselves before this meeting.

1163 After a short discussion Commissioner Sparks made the motion to show support,
1164 depending on the Tomeras' approval. This was seconded by Commissioner Thomas. The
1165 motion was voted and carried. Commissioner Waits had left the meeting before this vote.

1166 **Motion to show support depending on Tomeras' approval:** Commissioner
1167 Sparks;

1168 **Seconded by:** Commissioner Thomas;

1169 **The motion was voted and carried.**

1170

1171

1172 **21) CORRESPONDENCE: Correspondence/reports/future agenda items.**

1173

1174 County Manager Bert Ramos: Bert stated that he has the Summit proposal on the
1175 next agenda. The election items are a standing item until Sadie is ready with that. The
1176 tabled items will be standing, as well.

1177

1178

1179 **PUBLIC COMMENT**

1180

1181 Sean Bakker (Recreation Center Manager): Sean stated that the ice-skating rink is out.
1182 The pad is down, and we had a little hiccup with the fence, but he will get that taken care of this
1183 weekend. It will look great after this weekend. It is behind the rec center by the ballfields. The
1184 lights are being installed, as it's starting to get darker during the winter. It is synthetic ice, but it
1185 should work.

1186 Sadie Sullivan (Lander County Clerk): Sadie stated that she had received an email from
1187 the Secretary of State's office regarding the U.S. Election Assistance Commission. It's about
1188 voting system test laboratories, and it names the two certified companies that are approved for
1189 audits. If you would like this information, she will get it over to Ted. It will be emailed out.

1190

1191

1192 **ADJOURNMENT**

1193

1194 There being no further business before the Commission at this time, Commissioner
1195 Sparks moved to adjourn the regular session of October 14, 2021. Seconded by Commissioner
1196 Thomas, the motion was voted and carried. **ADJOURNED.**

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1198

1199 **Meeting was adjourned at 3:55 PM.**


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**CHAIRMAN OR VICE CHAIRMAN OF
THE BOARD OF LANDER COUNTY**

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**COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

ATTEST:


LANDER COUNTY CLERK