

SHASTA COUNTY BOARD OF SUPERVISORS

Thursday, April 6, 2023

SPECIAL MEETING

8:59 a.m.: Chair Jones called the Special Session of the Board of Supervisors to order on the above date with the following present:

- District No. 1 - Supervisor Crye
- District No. 2 - Supervisor Garman
- District No. 3 - Supervisor Rickert
- District No. 4 - Supervisor Jones
- District No. 5 - Supervisor Kelstrom

Acting County Executive Officer/Clerk of the Board - Mary Williams
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Stefany Blankenship

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Rickert.

REGULAR CALENDAR

CLOSED SESSION ANNOUNCEMENT

Chair Jones announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

Consider a public employee appointment (County Executive Officer), pursuant to Government Code section 54957; and

Confer with its Agency Designated Representatives, County Counsel Rubin E. Cruse, Jr., and Assistant Personnel Director Monica Fugitt, to discuss the following unrepresented position: County Executive Officer, pursuant to Government Code section 54957.6.

Public comment was opened.

Susanne Baremore, Christian Gardinier, Judy Salter, Missy McArthur, Lynne Wonacott, Eric Silberstein, Dana Silberstein, Steve Kohn, Robert, and Jeff Gorder opposed the appointment of Chriss Street as County Executive Officer (CEO).

Ron Plumb, Teresa Roberts, Jim Burnett, and Nick Gardner supported appointing Chriss Street as CEO.

Dolores Lucero spoke in opposition to Supervisor Crye.

Nathan Blaze, Joyce Lively, Christina Vanosdol, and Lisa Jensen discussed issues of political division and the importance of law.

Public comment was closed.

9:39 a.m.: The Board of Supervisors recessed to Closed Session.

10:26 a.m.: The Board of Supervisors returned from Closed Session and reconvened in Open Session with all Supervisors, Acting County Executive Officer/Clerk of the Board Mary Williams, and County Counsel Rubin E. Cruse, Jr., present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr., reported that the Board of Supervisors met in Closed Session to discuss a public employee appointment and labor negotiations.

In connection with Item R1, Public Employee Appointment – County Executive Officer, the Board of Supervisors, by a 5-0 vote, authorized the following report from Closed Session:

The Board of Supervisors, by a 5-0 vote, has decided to rescind its preliminary offer of employment to Chriss Street for the County Executive Officer position.

In connection with Item R2, Conference with Labor Negotiator – County Executive Officer, the Board of Supervisors, by a 5-0 vote, authorized the following report:

The Board of Supervisors, by a 5-0 vote, decided to extend a preliminary offer of employment to another candidate for the position of County Executive Officer, contingent on the completion of a background investigation in accordance with legal requirements.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

COUNTY CLERK/ELECTIONS

AUTHORIZATION OF CONTRACT WITH HART INTERCIVIC

Joanna Francescut, Assistant County Clerk/Registrar of Voters, presented the staff report and recommended approval, as action must be taken by April 6, 2023, in order to ensure that the Registrar of Voters can conduct any Special Election and prepare a manual tally method to be submitted to the Secretary of State. Ms. Francescut explained the need for certified voting equipment to create and print ballots, as well as to guarantee compliance with laws relating to disability access and to satisfy State requirements regarding manual tallies.

In response to questions by Supervisor Jones, Ms. Francescut stated that the County would be purchasing 75 Hart Intercivic (Hart) disability access units. She discussed the financial details of the purchase, and explained that scanning and serializing ballots prior to hand-counting were part of the chain of custody requirements. Ms. Francescut also explained that, in order to follow State law and use a system certified by the State, the system had to be used in the manner in which it was certified.

In response to questions by Supervisor Crye, Cathy Darling Allen, County Clerk/Registrar of Voters, stated that there were no current requirements in State law or regulations for a manual-tally process for an entire election. Ms. Darling Allen clarified that she had seen draft regulations for a manual-tally process which were in the process of approval but which were not yet finalized. She explained that the Secretary of State was working on regulations to accommodate a hand-tally process but had communicated to her office that those regulations would include the requirements to number the ballots serially and capture a digital image of them prior to them being counted by hand. Ms. Darling Allen further explained that hand-counted ballots could be subject to tampering, which the digital images were intended to prevent, but that the manual tally would be the official count. She stated that the current plan was to count all ballots in a central location.

In response to questions by Supervisor Kelstrom, Ms. Darling Allen clarified that the 75 Hart units were used to generate ballots for disabled individuals, but the units did not tally

ballots, and further discussed the placements of the 75 Hart units during an election. She stated that voter law mandated three units be available at voting centers and discussed the requirements surrounding them. Ms. Darling Allen stated that the County did not track the number of voters who requested to use the machines at each election, but the number of users did not affect the requirements of State and Federal law.

In response to questions by Supervisor Crye, Ms. Francescut stated that Trinity County also used the Hart system and that their equipment would be accessible by Shasta County if the need arose.

Public comment was opened.

Susanne Baremore and Tim Hill spoke in support of Elections Office staff and the use of certified electronic voting systems.

Don Yost, Joyce Lively, Christina Vanosdol, and two anonymous speakers supported the use of certified electronic voting systems.

Eric Silberstein, Steve Kohn, and Christian Gardinier expressed concerns with the cost of the proposed manual tally system.

Jon Knight, Patty Plumb, Nick Gardner, Jim Burnett, Terry Rapoza, and two anonymous speakers supported hand-counting ballots.

Jeff Gorder questioned Mike Lindell's involvement with the financial costs of the County's proposed manual tally system and any possible litigation.

Public comment was closed.

Ms. Francescut discussed the State and Federal legal requirements to provide ballot marking devices at each voting precinct and the associated hardware and software to create ballots that function with those devices. She also discussed the extremely short timeline the Elections Office had to work within due to upcoming special elections and the March 2024 Primary Election.

Supervisor Jones made a motion to accept and approve staff recommendations. Supervisor Crye seconded the motion.

Supervisor Rickert expressed her opposition to hand-counting ballots and her belief in fiscal conservatism.

In response to questions by Supervisor Rickert, Supervisor Crye stated his belief that the County would not face litigation due to moving to a hand-counting system.

Supervisor Rickert made a substitute motion to rescind the early termination of the contract with Dominion Voting Systems, Inc. (Dominion).

In response to questions by Supervisor Garman, County Counsel Rubin E. Cruse, Jr., stated that there was no agenda item concerning the contract with Dominion, so no action could be taken on the substitute motion.

Supervisor Rickert amended her motion to bring back before the Board at a future meeting for discussion or action the option of reinstating the County's contract with Dominion. Supervisor Garman seconded the amended motion.

In response to questions by Supervisor Garman, Supervisor Crye stated that there was no money in escrow from Mike Lindell for Shasta County.

The substitute motion failed by the following roll call vote:

AYES: Supervisors Rickert and Garman

NOES: Supervisors Jones, Kelstrom, and Crye

By motion made, seconded (Jones/Crye), and unanimously carried by roll call vote, the Board of Supervisors received a report and authorized the County Clerk/Registrar of Voters or her designee to negotiate and execute an agreement with Hart Intercivic (Hart) for a three-year term in an amount not to exceed \$950,000 for the purposes of purchasing the equipment and associated hardware, software, licenses, and related services to comply with applicable state and federal laws, including but not limited to, laws relating to disability access, and satisfy requirements for a manual tally method to be approved by the Secretary of State

PURCHASE OF VOTING EQUIPMENT
BUDGET AMENDMENT

Cathy Darling Allen, County Clerk/Registrar of Voters, presented the staff report and recommended approval. Ms. Darling Allen explained that the budget amendment would support the additional costs of the previous item, which had not been budgeted for in the Fiscal Year 2022-2023 budget, and that further costs would come before the Board as they arose.

In response to questions by Supervisor Rickert, Ms. Short explained that the full costs of the changes to the County's voting system were unknown. She stated that some costs would fall within the current fiscal year while others would fall in the next, and that some costs would be ongoing. Ms. Short stated that all additional costs such as the proposed budget amendment would be coming from the General Fund.

Public comment was opened.

Susanne Baremore questioned whether Mike Lindell's offer to cover costs associated with hand-counting ballots would be included in the County's funds for the expenses such as the budget amendment under consideration.

Steve Kohn questioned why an escrow account had not been created as described in Mike Lindell's original communication with Supervisor Crye and encouraged the Board to support the County Clerk/Elections Office as needed to accomplish their duties.

Joanne Roskowski, representing the League of Women Voters of the Redding area, encouraged the Board to support the County Clerk/Elections Office with the financial and staff support needed to develop and implement the hand-counting system as directed by the Board.

Kathi Antonson expressed frustration at the decision to move to hand-counting ballots and also encouraged the Board to support the County Clerk/Elections Office as necessary to implement the system. She also suggested budgeting for voter education regarding the changes.

Nick Gardner supported the use of a hand-counting tally system.

Public comment was closed.

Supervisor Garman expressed concern about where the funding would come from to move forward with the manual tally voting system.

By motion made, seconded (Kelstrom/Garman), and unanimously carried by a roll call vote, the Board of Supervisors approved a budget amendment for fiscal year 2022-23 to increase appropriations within the Clerk/Elections Department by \$801,543 to allow for the purchase of voting equipment and associated hardware, software, licenses, and related services to comply with applicable state and federal laws, including but not limited to, laws relating to disability access, and satisfy requirements for a manual tally method to be approved by the Secretary of State, offset by use of General Fund.

11:55 a.m.: The Board of Supervisors adjourned.

Chair

ATTEST:

MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By _____
Deputy