



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: September 14, 2021

DATE: Thursday, September 09, 2021

TO: Board of County Commissioners

FROM: Wade Carner, Deputy District Attorney
(775) 337-5713, wcarner@washoecounty.us

THROUGH: Nate Edwards, Assistant District Attorney
Cathy Hill, Risk Manager/Comptroller

SUBJECT: Discussion and possible approval of a settlement of claim number 2021203 involving Washoe County and Votec Corporation for an amount of [\$25,000] to VOTEC Corporation, inclusive of attorney's fees and costs for all claims by or against Washoe County, and to revise the Board's prior termination for cause to reflect a mutual termination by the parties. (All Commission Districts) FOR POSSIBLE ACTION.

SUMMARY

This is a possible settlement of claim number 2021204 claimed by VOTEC Corporation against Washoe County. A proposed draft of the settlement agreement is attached as Exhibit 1 to this staff report. The VOTEC Corporation claim arises associated with Washoe County's termination of a contract for goods and services associated with polling hardware and software.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

The contract for the purchase of additional hardware and software between Washoe County and VOTEC Corporation to provide for the needed additional equipment to accommodate same-day registration, as well as other provisions as mandated in AB 345 from the 2019 Legislative Session, was approved by the Board of County Commissioners at the December 18, 2019 meeting (agenda item 11).

On April 28, 2020 the Board voted to terminate the agreement with VOTEC Corporation (agenda item 13).

BACKGROUND

Assembly Bill 345 obligated Washoe County to "carry out the provisions of Automatic Voter Registration and Same Day Registration". The Registrar of Voters determined that

AGENDA ITEM # _____

250 additional pollbooks were needed to supplement the County's current inventory of 190 VOTEC kiosks.

December 10, 2019, the Board of County Commissioners approved the purchase of hardware and software necessary to fulfill Washoe County's obligations under AB 345 from VOTEC Corporation in the amount of \$445,850.00.

On April 28, 2020, Washoe County terminated its contract with VOTEC Corporation at the Board of County Commissioners meeting.

Washoe County and VOTEC Corporation have agreed to mutually terminate the agreement pursuant to the terms included in the proposed settlement agreement.

FISCAL IMPACT

Funding for the payment of the \$25,000 settlement is available within the FY22 adopted budget in the Risk Management Fund (619).

RECOMMENDATION

It is recommended that the Board approve of a settlement of claim number 2021203 involving Washoe County and VOTEC Corporation for an amount of [\$25,000] to VOTEC Corporation, inclusive of attorney's fees and costs for all claims by or against Washoe County, and revise its prior termination for cause to reflect a mutual termination by the parties.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion could be:

“Move to approve of a settlement of claim number 2021203 involving Washoe County and VOTEC Corporation for an amount of [\$25,000] to VOTEC Corporation, inclusive of attorney's fees and costs for all claims by or against Washoe County, and to revise the Board's prior termination for cause to reflect a mutual termination by the parties.