

**CITY OF HENDERSON
CHARTER COMMITTEE
REGULAR MEETING AGENDA**

**Tuesday, July 19, 2016
8:30 AM
Meeting Inquiries: (702) 267-1200**

**Mayor & Council Boardroom
240 Water Street
Henderson, Nevada 89015**

NOTICE

Notice to persons with special needs: For those requiring special assistance or accommodation to attend or participate in this meeting, arrangements for a sign language interpreter or services necessary for effective communication for qualified persons with disabilities should be made as soon as possible, but no later than 72 hours before the scheduled event. Listening devices are available for persons with hearing impairments.

Please contact Crystal Bomar at (702) 267-2057 or TTY: 7-1-1 at least 72 hours in advance to request a sign language interpreter. You may also submit your request by using [Contact Henderson](#).

The Chairman reserves the right to hear agenda items out of order, combine two or more agenda items for consideration, remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes.

Backup materials for agenda items can be found at the Intergovernmental Relations Office or on the City's website at: <http://henderson.siretechnologies.com/sirepub/meetresults.aspx>. To request backup materials, please contact Crystal Bomar at (702) 267-2057.

I. CALL TO ORDER

II. CONFIRMATION OF POSTING AND ROLL CALL

III. PUBLIC COMMENT

Items discussed under Public Comment cannot be acted upon at this meeting, but may be referred to a future agenda for consideration. Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes, at the discretion of the Chairman.

IV. ACCEPTANCE OF AGENDA (For Possible Action)

V. NEW BUSINESS

NB-1 MINUTES
CHARTER COMMITTEE MEETING
JUNE 21, 2016

For Possible Action.

RECOMMENDATION: Adopt the Charter Committee Meeting Minutes of June 21, 2016.

City of Henderson Charter Committee Meeting minutes of June 21, 2016.

NB-2 FINAL REPORT TO CITY COUNCIL

For Possible Action.

RECOMMENDATION: Approve

Discussion and approval of the final report to City Council as per Henderson Municipal Code HMC 2.50.330, Purpose, and approve the Chair and Vice-Chair to present the Final Report to Council on behalf of the Committee.

VI. CHAIRMAN\MEMBER COMMENTS

The Chairman and Members may speak on any subject under this section of the agenda. Chairman and Members may comment on matters including, without limitation, future agenda items, upcoming meeting dates, and meeting procedures. Comments made cannot be acted upon or discussed at this meeting, but may be placed on a future agenda for consideration.

VII. PUBLIC COMMENT

Items discussed under Public Comment cannot be acted upon at this meeting, but may be referred to a future agenda for consideration. Individuals speaking on an item will be limited to three (3) minutes and spokespersons for a group will be limited to ten (10) minutes, at the discretion of the Chairman.

VIII. ADJOURNMENT

Posted by 9:00 a.m., July 13, 2016, at the following locations:

City Hall, 240 Water Street, 1st Floor Lobbies
Multigenerational Center, 250 S. Green Valley Parkway
Whitney Ranch Recreation Center, 1575 Galleria Drive
Fire Station No. 86, 1996 E. Galleria Drive
www.cityofhenderson.com
<https://notice.nv.gov>

**CITY OF HENDERSON
CHARTER COMMITTEE
REGULAR MEETING MINUTES
JUNE 21, 2016**

I. CALL TO ORDER

Vice-Chair Nick Vaskov called the Charter Committee meeting to order at 8:34 a.m., in the Mayor and Council Board Room, Henderson City Hall, 240 S. Water Street, Henderson, Nevada.

II. CONFIRMATION OF POSTING AND ROLL CALL

Crystal Bomar, Board Secretary, confirmed the Charter Committee meeting had been noticed in compliance with the Open Meeting Law by posting the Agenda three working days prior to the meeting at the Facilities Management Building, City Hall, the Multigenerational Center, the Whitney Ranch Recreation Center, Fire Station No. 86, the Nevada Public Notice Website, the City of Henderson Website, and by emailing a copy of the Agenda to everyone appearing thereon on the Agenda Master Mailing List.

Present: Vice-Chair Nick Vaskov
Lou Cila
Virginia Bear-Finnegan
Edward Gonzalez
Terry Mannion
Erin McMullen (via teleconference)
Robert McNinch
Tina Past (arrived at 8:36 a.m.)
Dr. Walt Rulffes
John Simmons

Absent: Chair Jennifer Carleton
Charlene Frost
Joseph Zerga

Staff: Crystal Bomar, Board Secretary
Chris Boyd, Intergovernmental Relations Specialist
Stacey Brownfield, Assistant City Clerk
Bud Cranor, Director of Council Support
Brent Gunson, Assistant City Attorney
April Parra, Council and Commission Services Reporter
Sabrina Mercadante, City Clerk
Robert Murnane, City Manager
Rory Robinson, Senior Assistant City Attorney

III. PUBLIC COMMENT

There were no public comments presented.

IV. ACCEPTANCE OF AGENDA

(Motion) Mr. Simmons introduced a motion to accept the agenda as submitted. The vote favoring approval was unanimous. Vice-Chair Vaskov declared the motion carried.

V. NEW BUSINESS

NB-1 MINUTES
CHARTER COMMITTEE MEETING
MAY 24, 2016

City of Henderson Charter Committee Meeting Minutes of May 24, 2016.

(Motion) Dr. Rulffes introduced a motion to adopt the minutes of May 24, 2016, as submitted. The vote favoring approval was unanimous. Vice-Chair Vaskov declared the motion carried.

NB-2 PRESENTATION REGARDING THE PROCESS AND COST FOR AN ALL-MAIL BALLOT ELECTION SYSTEM

The City Clerk's Office will provide an overview of the process and cost estimate for an all-mail ballot election system.

Sabrina Mercadante, City Clerk, gave a PowerPoint presentation on the process and cost involved with an all-mail ballot election system. Areas of discussion included: What is All-Mail Ballot Voting, What is the Process, Advantages, Disadvantages, Other States that Utilize Mail Voting, Henderson's Turnout Historically, How do we Move Forward, NMCA Proposed Change to NRS 293C.112, and Cost.

The following questions were presented by the Committee members:

Q Have states that utilized all-mail ballot elections seen any improvement with turnout and have there been any reports of fraud?

A Yes, there has been improved turnout, but that was possibly due to it being an individual option prior to it being mandatory. There was some fraud experienced; however, they were able to resolve the situation before the end of the election.

Q Why have some states had success with this program and others have not?

A This could be due to the marketing of the program and the culture of the area.

Mr. McNinch said he would like to see why other states are not utilizing mail ballots.

Ms. Mercadante said she feels that other states are in the same situation as Nevada and are checking it out and trying to figure out how to make it work.

Q Could we send out email ballots?

A Sample ballots can be emailed; however, actual ballots cannot be emailed.

Q Would the City be paying the postage both ways in an all-mail ballot?

A We would pay for all outgoing ballots and 60% of return ballots. The voter would not pay anything.

Q Would ballots be forwarded?

A No, election mail is not forwarded.

Q How would you handle overseas ballots?

A The same way as the others; however, they also have the option of faxing them in.

Q Could someone scan and email their license in?

A Staff will get more information.

Q How many of the 2,000 mail ballots are returned by the voter?

A The majority of them are returned because they are specifically requested by individuals.

Q How does the cost of an all-mail ballot compare?

A It costs more than a regular election.

Dr. Rulffes said it would be interesting to see the cost per vote cast for the two different elections.

Q Has the Council taken a position on this?

A They have not seen this presentation. We are not sure how they currently feel about an all-mail election.

Q Is the Clerk's Association in favor of an all-mail ballot due to the cost savings and modernization?

A Yes.

Q What does the Clerk's Office expect for turnout?

A Not sure at this time.

Q Why does an all-mail ballot election cost more?

A This is due to printing and postage costs as well as additional staffing.

Mr. Simmons said he finds it is a convenience to the citizens and we should be providing it to the community.

Q Has anyone gone out into the community to see how the citizens feel?

A No, we have not.

Stacey Brownfield, Assistant City Clerk, said a survey will be going out shortly to Henderson citizens that will include this question.

Q What is the current process if a voter requests a mail ballot and then moves?

A The voter would need to call in and then sign an affidavit that they did not already vote.

NB-3 DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING REVISIONS TO THE HENDERSON CITY CHARTER, ARTICLE V, ELECTIONS, TO PROVIDE THE OPTION TO USE AN ALL-MAIL BALLOT ELECTION SYSTEM

Discussion and possible recommendation regarding the revisions to the Henderson City Charter, Article V, Elections, to provide the option to use an all-mail ballot election system.

Vice-Chair Vaskov stated that an all-mail ballot is something the City needs to move towards.

Ms. Past agreed and said if it makes it easier for people to vote, then it is a good idea.

Mr. Cila said he is concerned about allowing a small group of people to determine the future of the city. He noted that some people do not have Internet access or open their mail on a regular basis.

Ms. Mercadante said when they visit other states, they can find out what those states are doing to make sure they capture all groups.

Mr. McNinch said mandating tends to have a bad connotation and has the ability to disenfranchise people. He is more in favor of seeing what people in Henderson want instead of just mandating it.

Mr. Gonzalez said he would be interested to see what other states have done about homeless voters.

(Motion) Ms. Bear-Finnegan introduced a motion recommending the City

Council revise the Henderson City Charter, Article V, Elections, to reflect the wording proposed by staff to provide the option to use an all-mail ballot election system.

The roll call vote favoring approval was: Those voting aye: Vaskov, Cila, Bear-Finnegan, Mannion, McNinch, Past, Rulffes, and Simmons. Those voting nay: Gonzalez. Those absent: Carleton, Frost, McMullen, and Zerga. Those abstaining: None. Vice-Chair Vaskov declared the motion carried.

NB-4 DISCUSSION OF FINAL REPORT TO CITY COUNCIL

Discuss final report to City Council and direct the Chair to work with staff to prepare the final report to City Council.

The Committee concluded that the main issues they have discussed include:

- Operation of the municipal court in relation to the Sparks case and national trends
- Mail-in ballots
- Ward-specific City Council elections versus At-large elections
- Changes to the bylaws

(Motion) Ms. Past introduced a motion to direct the Chair to work with staff to prepare the final report to City Council. The vote favoring approval was unanimous. Vice-Chair Vaskov declared the motion carried.

VI. CHAIRMAN\MEMBER COMMENTS

Ms. Past thanked City staff for assisting her to get some documents together to refinance her home.

VII. SET NEXT MEETING

The next meeting was set for July 19, 2016.

VIII. PUBLIC COMMENT

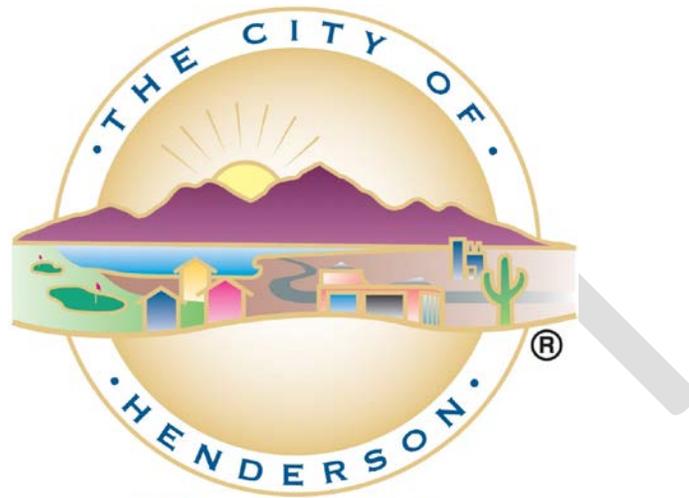
There were no public comments presented.

IX. ADJOURNMENT

There being no further business to be discussed, the meeting was adjourned at 9:25 a.m.

Respectfully submitted,

April Parra,
Council and Commission
Services Reporter



A Place To Call Home

Charter Committee

Report to the Henderson City Council August 2, 2016

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Summary

The Henderson Charter Committee was created by statute in 2013 and required to meet every two years to “review the Henderson City Charter and make recommendations to the City Council regarding necessary amendments to the Charter.” (Henderson Municipal Code 2.50.330) The Committee met five times in 2016 and included the following topics in their discussions: voting by ward, combining municipal elections with statewide general elections, operations of the Municipal Court, and voting by mail. The Committee also updated its bylaws in accordance with Henderson Municipal Code and Nevada Revised Statutes.

Throughout the discussions regarding elections there was a general consensus to discuss efforts to increase voter turnout during municipal elections. As a result of their discussions, the Committee recommended that the City Council seek a change to the City Charter to reflect the proposed language presented by the City Clerk to provide the option to use an all-mail ballot election system. (See Appendix A.)

DRAFT

BACKGROUND

In 2013, the City of Henderson sought to amend the City's Charter to better reflect current City practices. The Charter had not been amended in more than ten years. The Charter amendments proposed in Senate Bill 440 (2013) were the result of comprehensive review and collaboration from every department in the City of Henderson.

During the legislative committee process Senate Bill 440 underwent minor amendments, most of which served to clarify the City's intent regarding the bill's provisions. The only substantive amendment involved the creation of a *Charter Review Committee*, which legislators urged would give the public more input into the charter amendment process. The changes made in Senate Bill 440 were codified in the Henderson City Charter as Sections 1.120 – 1.140. Pursuant to this change, the City Council also adopted Henderson Municipal Code 2.50.330, which created the City's Charter Committee.

As stated in the committee bylaws, “... the purpose of the Charter Committee shall be to review the Henderson City Charter and advise the City Council with regard to its recommendations to the City Council regarding necessary amendments to the City Charter.” The Charter Committee is comprised of thirteen members of whom seven are appointed by the Mayor and Council and the remaining six appointed by state legislators. The committee is required, at a minimum, to meet in March of every even year and must present its recommended Charter changes to the City Council for their consideration and approval.

The members of the 2016 Charter Committee are as follows:

Mayor & Council Appointees

Jennifer Carleton
Lou Cila
Erin McMullen
Tina Past
Dr. Walt Rulffes
Nicholas Vaskov
Joseph Zerga

Legislator Appointees

Virginia Bear-Finnegan
Charlene Frost
Edward Gonzalez
Terry Mannion
Robert McNinch
John Simmons

PUBLIC MEETINGS

To encourage public involvement, Charter Committee meetings are publicly noticed in accordance to Nevada's Open Meeting Law. Agendas, backup and minutes of each meeting are posted on the City's website.

First Meeting – March 29, 2016

The Charter Committee received welcome remarks from City Manager Bob Murnane, as well as background information on the Committee's creation and its purpose.

Following committee member introductions, the Committee elected Jennifer Carleton as Chair and Nicholas Vaskov as Vice-Chair.

Assistant City Attorney Brent Gunson presented recommended amendments to the Charter Committee bylaws. These amendments would reduce the requirement for approval of recommendations to the City Council from a two-thirds majority of members present at the meeting to a simple majority. In response to questions regarding the proposed change, Mr. Gunson stated that it was in order to be consistent with both the Henderson Municipal Code (HMC) and Nevada Revised Statutes (NRS). Committee members recommended some word changes for clarity, which staff accepted for an updated draft. Approval of the bylaws would be agendaized for the following meeting.

Director of Public Affairs Javier Trujillo presented an overview of the 2014 Charter Committee and their Final Report. Additionally, City Attorney Josh Reid presented an overview of the City Charter and updates to "Home Rule" authority granted by the 2015 Legislature through Assembly Bill 493.

Finally, during Chairman / Member Comments, Committee members requested future presentations on voting by ward and the operations of the Municipal Court.

Second Meeting – April 26, 2016

The Committee approved the recommended changes to the bylaws unanimously.

Per the March 29th request by Committee members, Assistant City Clerk Stacey Brownfield presented the following background information regarding voting at large:

- Prior to 1963, Henderson councilmembers were elected by ward.
- From 1963 – present, voting has been done at large.
- In 1973, a question was posed to voters to change the system to voting by ward. This question did not pass.
- In 2011, Senate Bill 304 was introduced to change Henderson and other cities in Nevada to voting by ward. It was passed by the legislature, but vetoed by the Governor.
- In 2013, Senate Bill 457 was introduced to change Henderson and other cities in

Nevada to voting by ward. It was passed by the legislature, but vetoed by the Governor.

- In 2015, Senate Bill 368 and Assembly Bill 458 were introduced to change Henderson and other cities in Nevada to voting by ward, but both failed to meet first house deadlines.

While the Charter Committee had explored the issue of voting by ward in 2014, Committee members requested it be on the agenda for further discussion. Additionally, Committee members had questions regarding combining the municipal election with the statewide general election in even years.

In response to a question from the Committee, Director of Public Affairs Javier Trujillo stated that it has been the City's position that any change to the voting process go to the voters for a decision. Mr. Trujillo reviewed what occurred at the last session of the Charter Committee and noted that a motion to recommend voting by ward to Council was defeated and a motion for an advisory question on this issue had been defeated as well under the previous bylaws.

Responding to a question by Mr. Gonzalez regarding the idea of moving the date of the municipal election to the general election, Mr. Trujillo said the combined elections discussion was held during the 2014 Charter Committee. The City Council currently has the option of combining elections within its authority under the Charter. Mr. Gonzalez requested historical information regarding the combining of municipal elections. Chair Carleton requested that members be provided with the minutes from the 2014 Charter Committee regarding the discussions of voting by ward and combining elections.

Per the March 29th request by Committee members, Senior Assistant City Attorney Rory Robinson gave a PowerPoint presentation on the Henderson Municipal Court, organized under Article IV of the Henderson City Charter, and the impact of the City of Sparks v. Sparks Municipal Court case. That case stated that the Municipal Court was a separate branch of government and entitled to control its own budget once set by a city council. In response to that case, the City of Henderson entered into a memorandum of understanding (MOU) with the Municipal Court to clarify budgeting and employment practices.

In response to a question, Vice-Chair Vaskov commented that he requested this agenda item and said the MOU is completely appropriate. However, he requested additional information on the financial snapshot of the Municipal Court and whether bench warrants and other fees that are attached to municipal cases lead to a disproportionate number of individuals from disadvantaged communities being incarcerated for an inability to pay.

City Manager Bob Murnane responded that he is confident that everyone is comfortable with the current system. The City has no problem providing the financial information regarding the Court to the Committee members. Mr. Murnane also noted that the Court has mitigated impacts to the disadvantaged with programs and other methods. Municipal Court

Administrator Bill Zihlmann will provide the Committee with a presentation at the next meeting.

Third Meeting – May 24, 2016

Per the April 26th request by Committee members, Director of Public Affairs Javier Trujillo confirmed that members were e-mailed the minutes of the 2014 Charter Committee regarding voting by ward and combined municipal elections. There was no further discussion on voting by ward.

In response to a question from the Committee, City Attorney Josh Reid stated that Council could shorten their term of office under Section 5.020.4 in order to combine municipal elections with the statewide general election.

The Committee debated the effect of combining municipal elections with the statewide general election on voter turnout. City Clerk Sabrina Mercadante reported that combining municipal elections might reduce voter turnout because the municipal elections would be at the end of the ballot. It is common for voters to experience fatigue on long ballots. There was a consensus on the importance of increasing voter turnout.

Mr. Trujillo stated that discussions regarding the mandating of combined elections have taken place in Carson City for many legislative sessions; however, no progress has been made. He explained that a chief concern of combining elections is the lack of resources to run campaigns and voter fatigue. Mr. Trujillo again noted that the City Council already has the authority to move in that direction if desired.

Responding to a question as to limitations on an all-mail ballot, City Clerk Sabrina Mercadante said per state law, Henderson can only do an all-mail ballot for a ballot that has one question or one race on it. Staff is pursuing the possibility of an all-mail ballot for full municipal primary and general elections. Ms. Mercadante also stated the Nevada Municipal Clerk's Association is pursuing the issue at the legislature.

Chair Carleton suggested staff provide a presentation on mail-in ballots for informational purposes. City Attorney Josh Reid commented that it might be helpful to have an action item on the next meeting agenda with specific language to discuss the information provided by the City Clerk.

Per the April 26th request by Committee members, Municipal Court Administrator Bill Zihlmann presented information on the Municipal Court budget and the apportionment of fines to various accounts as prescribed by state law. The Court receives \$10.00 for the court construction fund and \$7.00 for the technology fund. He noted these funds have very specific limitations on how they can be used. In response to a question, Chief Financial Officer Richard Derrick replied that during the previous year, the cost of operations in the Municipal Court was \$6.6 million and revenue was \$4.3 million. He stated the Municipal

Court is not a profit center. Mr. Derrick said the cost for the criminal prosecutors housed in the Municipal Court is an additional \$3.4 million. He noted there are ongoing costs to taxpayers from the General Fund to operate the Municipal Court.

In response to questions regarding how missed payments are addressed, Mr. Zihlmann said people who do not appear for a court date are sent a courtesy notice through regular mail. A warrant is then issued for their arrest if the person does not respond. He also stated that they use mail addresses because that is the information received from the police department. He noted that they are looking at adding email notifications or text messages if police officers capture the information when citations are written. Mr. Zihlmann also noted that payment options are afforded to individuals upon request and people can pay fees online or in person with a clerk. Another option is the work program (community service) through the Alternative Sentencing division. Finally, a warrant walk-in program allows people to pay their warrants without being arrested.

Fourth Meeting – June 21, 2016

As per the May 24th request by Committee members, City Clerk Sabrina Mercadante gave a presentation on all-mail ballot voting, including: the process for receiving and returning ballots, accommodations for disabled voters, election day drop off sites for optional return of ballots in person, signature inspection, and an inspection board for disputes. She noted that this would be permissive and that municipal governments would have the option to use an all-mail ballot at their discretion. She also discussed potential advantages and disadvantages, provided statistics from other states that use all-mail voting, and estimated the cost to be about \$364,000. She noted that the City and the County are in discussions about the cost of municipal elections and this was comparable to the County's most recent estimate of approximately \$315,000.

Members of the Committee asked questions for her to consider as she gathers information with the Nevada Municipal Clerk's Association including: the mechanics of voting by mail in other states, outreach to disadvantaged and homeless populations, the cost per vote for an all-mail ballot versus the current system, and what those states do to mitigate fraud.

In response to a question from the Committee, Director of Council Support Bud Cranor indicated a survey of Henderson residents is going out shortly that would include a question regarding all-mail ballots.

Ms. Mercadante presented language drafted by the City Attorney's Office that would change the City's Charter to give the City Council the option for using an all-mail ballot. The draft language is included in Appendix A.

Ms. Bear-Finnegan introduced a motion recommending that the City Council seek a change to the City Charter to reflect the proposed language presented by the City Clerk to provide the

option to use an all-mail ballot election system. (See Appendix A.) Ms. Past seconded the motion.

The roll call vote favoring approval was: Those voting aye: Vaskov, Cila, Bear-Finnegan, Mannion, McNinch, Past, Rulfes, and Simmons. Those voting nay: Gonzalez. Those absent: Carleton, Frost, McMullen, and Zerga. Those abstaining: None.

Vice-Chair Vaskov declared the motion carried.

Fifth Meeting – July 19, 2016

Discussion and approval of the Committee’s final report to the City Council.

CONCLUSION

The Committee voted to recommend that revisions be made to the Henderson City Charter, Article V, Elections, to provide the option to use an all-mail ballot election system. This concludes the committee report of the Charter Committee. On behalf of the members of the Committee, I present this report for your consideration.

Jennifer Carleton
Committee Chair

Appendix A

DRAFT

DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING REVISIONS TO THE HENDERSON CITY CHARTER, ARTICLE V, ELECTIONS, TO PROVIDE THE OPTION TO USE AN ALL-MAIL BALLOT ELECTION SYSTEM

POTENTIAL CHARTER LANGUAGE

Section 5.030 - Applicability of state election laws; elections under City Council control; mail ballot election.

1. All elections held under this Charter are governed by the provisions of the election laws of this State, so far as those laws can be made applicable and are not inconsistent herewith.
2. The conduct of all municipal elections is under the control of the City Council. The City Council shall by ordinance provide for the holding of the election, appoint the necessary officers thereof and do all the things required to carry the election into effect as it considers desirable and consistent with law and this Charter.
3. The City Council may adopt an ordinance to conduct a primary municipal election, general municipal election or special election in which all ballots must be cast by mail. The provisions of NRS 293C.265 to 293C.302, inclusive, 293C.305 to 293C.340, inclusive, and 293C.355 to 293C.361, inclusive, do not apply to an election conducted pursuant to this subsection. For the purposes of an election conducted pursuant to this subsection, each precinct in the City shall be deemed to have been designated a mailing precinct pursuant to NRS 293C.342.