

MINUTES OF MEETING
October 9, 2013

Call to Order:

Upon notice duly given, Chairman Walden called to order a regularly scheduled meeting of the Hamilton County Election Commission at 8:30 am on October 9, 2013 at the office of the Hamilton County Election Commission, 700 River Terminal Road, Chattanooga, Tennessee.

Invocation: Commissioner Braly

Pledge of Allegiance: Commissioner Crangle

Present at Meeting:

Commissioners Walden, Summers, Braly, Crangle, and Scott were present at the meeting, as well as members of the media, employees of the county and staff of the Election Commission.

Approval of Minutes:

Commissioner Braly made a motion to accept the minutes.

Commissioner Crangle seconded.

Motion passed unanimously

New Business:

Administrator Morgan stated that the commissioners had an optical scan paper and this was their summary of the RFP that we sent out. There were two responses and they were Dominion and Unisyn.

Chairman Walden introduced Gail Roppo, who is the director of the Hamilton County Purchasing Department. She facilitated the state approved RFP. He further stated that she is here to answer any questions you may have regarding the RFP. He then asked Administrator Morgan if she had any recommendations.

Administrator Morgan stated that she recommended Dominion. She further stated that we feel like the Dominion voting system is what we need and felt it is the best option.

Chairman Walden asked if anyone had any questions.

Secretary Summers asked what the cost was.

Administrator Morgan stated that on page 2 there was a comparison of the purchase price.

Attorney Clem stated that he went to both of the demonstration meetings and there was one that had the ability to download Adobe pictures of all the ballots and then load them to a thumb drive, and I couldn't remember which one it was.

Commissioner Scott stated that it was Unisyn. He then stated that in the key expectations it states we will continue to use paper ballots, when did we say we were going to do so? Because one of the companies doesn't use the current system that we have and on here it says we plan to continue to use paper ballots but we haven't voted on that so how can we have it in there?

Assistant Administrator Allen stated that the only new equipment that has been certified by the 2005 VVSG standards are paper ballot-based system. There are other counties who have the touch screen unit because they are grandfathered in, but if they were making changes to a new system they would have the same three options we do and all three systems are capable of a paper based systems.

Chairman Walden asked if that is required by law?

Assistant Administrator Allen stated that yes under the 2005 VVSG standards.

Chairman Walden then asked if this was HAVA Act compliant?

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Administrator Morgan stated that yes in every way.

Chairman Walden then asked that this was federal money and not county money we are getting a grant to pay for this?

Administrator Morgan stated that yes that was correct.

Chairman Walden stated that just for historical notes, last time we voted to go with the Opti-Scan system prior to it being required and when the state started paying the other 94 counties, we didn't get that money, actually the taxpayers paid for it, and this time it is a federal grant.

Commissioner Scott stated that it was his understanding that the two companies who came, neither of them will print ballots, so we are going to vote on a company and then have a contract for someone to print the ballots, or do they have the capability to print their own ballots?

Chairman Walden stated that no they did not.

Administrator Morgan stated that we have always used Scott Seay at Mid-west printing since 1998.

Assistant Administrator Allen stated that either company would require that the printer vendor become a certified printer of their system.

Chairman Walden asked if we have ever bid our ballots out?

Administrator Morgan stated that yes we did and no one wanted to do them because we needed the stub, and then we found someone and that is who we have used.

Chairman Scott stated that we needed to bid them out again.

Chairman Walden stated that he totally agreed with Commissioner Scott and to get with purchasing because he was sure there were some standards that could be every 1, 3, or 5 years to bid, but if it has been since 1998, then it makes sense to go out to the market because of the technology and things like that we should be able to save some money as long as they are certified pre-approved through purchasing and bring us a recommendation.

Secretary Summers made a motion to bid out the printed ballots.

Commissioner Scott seconded.

Motion was unanimous.

Commissioner Crangle asked was the license fee included in the grant?

Administrator Morgan stated that yes for the first 5 years and then it becomes a budget item.

Chairman Walden stated that they have quoted (and he asked this question prior to the meeting) that the \$40,000 is the list price but that they would negotiate.

Attorney Clem asked have either company provided a contract because he hadn't seen one, not that he has to.

Chairman Walden asked that purchasing send a copy of the contract to the attorney.

Secretary Summers stated that he would like it sent to the entire commission.

Commissioner Braly asked if both fees were negotiable, the \$40,000 and the \$37,000?

Chairman Walden stated that where it says estimated license fee per machine that is for ALL the machines not each machine.

Secretary Summers stated that it looks like if two are negotiable then they should see if all three are negotiable.

Gail Roppo stated that a point of clarification is they included the firmware and license and the five year warranty into the purchase price in the first five years. The negotiable part is they gave us their current list pricing as an example for five years and at that point we would be negotiating a new service support contract with them and that is why they said it would be negotiable.

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Chairman Walden stated that the \$40,000 is paid in the first year but going forward year two and on it, is a \$40,000 expense and Unisyn has a \$25, 00 expense year one through five. That is already in the bid and we can't fool with that.

Assistant Administrator Allen stated that if we don't get this vote in this week and get things rolling we will not have the machines by May 14, 2014 from either company.

Chairman Walden stated that we needed to vote on this today and then the county can negotiate the contract.

Commissioner Braly made a motion to approve Dominion as the vendor as it appears on the face as the lowest most responsive bidder.

Commissioner Crangle seconded.

Motion passed with a 3-1-0 vote

Chairman Walden voted yes

Secretary Summers Abstained

Commissioner Braly voted yes

Commissioner Crangle voted yes

Commissioner Scott opposed.

Chairman Walden stated that on the November 13 our regularly scheduled meeting that Charlotte and three commissioner will be attending TACEO in pigeon forge. How is November 6th for everyone?

Attorney Clem stated that Susan Rich just filed a brief and it was 72 pages. I believe she filed it instead of John Konvalinka. The rule of the court of appeals is 50 pages. The City of Chattanooga is going to take the lead on that.

Administrator Morgan stated that she wanted to make the commission aware that on February 4, 2014 she would be retiring as Administrator. She further stated that she would like to be around to help but not as Administrator.

Chairman Walden thanked her for her 32 years of service and continued service and that prior to the November 6 meeting he would get with Chris and draft a job description and a set of guidelines we will use going forward with the selection process of the new administrator.

He further stated that Administrator Morgan has stated that she would like to stay on in some capacity and we would benefit from her 32 years of experience and make the transition to a new Administrator of Election a little smoother. Chris and I will get together and then we will present to you the procedures we will use in selecting the new administrator.

Commissioner Scott asked did he know how soon the process would start and what the time frame is that we will have a replacement?

Chairman Walden stated that if we meet in November we can start the process and have some candidates in December and a decision made no later than mid January or February and transition.

Attorney Clem stated that they wanted to avoid the mistakes other commissions have made.

Chairman Walden stated that the decision would be made by them by a majority vote.

The Next Meeting is Scheduled for Wednesday November 6, 2013 @ 8:00am

Adjournment

Commissioner Braly made a motion to adjourn.

Commissioner Scott seconded.

The meeting was adjourned.

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APPROVED:

Jerry Summers

Secretary

Michael S. Walden Chairman

Ruth Braly Commissioner

Tommy Crangle Commissioner

Kelvin Scott Commissioner