

Torrance County

Resolution Number 2009 – 30

WHEREAS, in 2006 the State Legislature passed Senate Bill 295, which was signed into law by the Governor and chaptered as Laws 2006, Chapter 43, amending NMSA 1978, Section 1-9-7.1 to require the use of paper ballots in all elections conducted under the election code, provided that sufficient funds were available “to hold the counties harmless for payments due for voting systems under lease purchase agreements entered into pursuant to Sections 1-9-17 through 1-9-19 NMSA 1978.”; and

WHEREAS, in 2009 the State Legislature passed House Bill 387, which was signed into law by the Governor and chaptered as Laws 2009, Chapter 173, adding NMSA 1978, Section 1-9-17.1, authorizing the state Board of Finance to renegotiate the lease-purchase contracts between the state and counties which negotiation may provide that “the contract shall be terminated and no additional payments from the county shall be due.”; and

WHEREAS, NAME County holds lease-purchase agreement numbered 212-51 for which payments are still due.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of NAME County offers to renegotiate the terms of voting systems and support equipment lease-purchase contracts with the State Board of Finance numbered 212-51 under all of the following terms:

- (1) The Board of County Commissions recognizes state ownership of the voting systems and support equipment acquired through the above-referenced lease-purchase contracts, and authority of the Board of Finance to dispose of the voting machines and support equipment as provided by law;
- (2) The Board of County Commissioners relinquishes any interest in or claim to the voting systems and support equipment acquired through the above-referenced lease-purchase contracts;

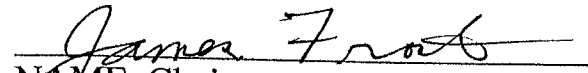
(3) The county will be responsible for transporting the voting systems and support equipment acquired through the above-referenced lease-purchase contracts to a central location in the state of New Mexico selected by the Director of the State Board of Finance by July 14, 2009 or by a date determined by the Director of the State Board of Finance, whichever is later;

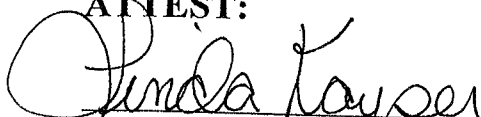
(4) The county will make voting machine technicians employed or contracted by the county available to travel to that central location on a date determined by the Director of the State Board of Finance to assist the state in preparing the machines for disposal following manufacturer specifications; and

(5) The Board of County Commissioners authorizes the Chair of the County Commission and the County Clerk, by July 14, 2009 or by a date determined by the Director of the State Board of Finance, whichever is later, to sign an amendment that renegotiates the above-referenced lease-purchase contracts incorporating only the terms contained in this Resolution and specifically providing that the contracts are terminated and no additional payments from the county shall be due.


PASSED, APPROVED, and ADOPTED this 8th day of July, 2009.

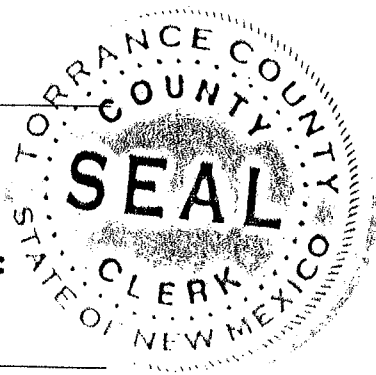
BOARD OF COUNTY COMMISSIONERS:

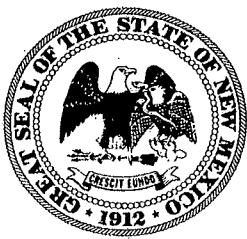

NAME, Chairman

ATTEST:

NAME, County Clerk

APPROVED AS TO FORM:


NAME, County Attorney





STATE OF NEW MEXICO
DEPARTMENT OF FINANCE AND ADMINISTRATION
BOARD OF FINANCE
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GOVERNOR BILL RICHARDSON
 PRESIDENT

KATHERINE B. MILLER
 CABINET SECRETARY

OLIVIA PADILLA-JACKSON
 DIRECTOR

June 8, 2009

Torrance County Clerk
 Linda Kayser
 PO Box 767
 Estancia, NM 87016

Dear Ms. Kayser,

House Bill 387, enacted in 2009, authorizes the State Board of Finance (the "Board") to renegotiate the terms of current outstanding lease-purchase agreements between the Board and counties so that the Board can forgive debt owed by counties on those machines and the Board can dispose of the machines.

The Board plans to dispose of machines for which a current lease-purchase agreement is in place between the Board and a county through an Invitation for Bids issued by the General Services Department. Issuing the Invitation for Bids will require an accurate inventory of the machines offered for disposition. According to the Board's records, your county has current outstanding lease-purchase agreements with the Board on the following voting machines:

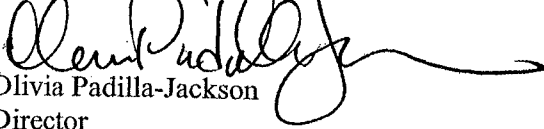
Date BOF Approved	County	L.P.A. #	Terms	Loan Amount	Balance	Mfg	Number of Machines	Machine Model	Serial Numbers
03/12/02	Torrance	212-51	10 yrs	26,900.00	16,140.00	Sequoia	5	4 AVC DRE, 1 AVC Edge	10346, 21877-21880

To participate in the Board's efforts to dispose of machines for which a current lease-purchase agreement is in place, each county must verify/complete its inventory and provide the Board with the current location of these machines no later than June 15, 2009. Please be sure to confirm the specific machine model types, as the Board's records of models are incomplete in some instances (for example AVC Advantage, AVC Edge).

Working through an advisory group of five county clerks, the Board will be in touch with counties to begin negotiations regarding ownership and outstanding loans this week.

Please send your county's responses via email to the Board's Deputy Director, Stephanie Schardin, at Stephanie.Schardin@state.nm.us. Please contact Ms. Schardin if you have any questions. Thank you.

Sincerely,


 Olivia Padilla-Jackson
 Director

CC: Katherine Miller, Secretary, DFA
 Rick Martinez, Deputy Secretary, DFA
 Francisco Trujillo, Deputy Secretary of State

AMENDMENT TO LEASE PURCHASE AGREEMENT #212-51

This amendment is to Lease-Purchase Agreement #212-51 ("Agreement") entered into by and between the State Board of Finance, State of New Mexico ("SBOF") and Torrance County, a political subdivision of the State of New Mexico, acting by and through its Board of County Commissioners ("County") to amend the Agreement.

WHEREAS, the SBOF and the County entered into the Agreement pursuant to the authority granted in section 1-9-17, NMSA 1978 (2001), to purchase electronic voting systems and necessary support equipment, and payments remain outstanding under the Agreement; and

WHEREAS, following the purchase reflected in the Agreement, the State provided new paper ballot machines to the County to be used in place of the machines and support equipment purchased under the Agreement; and

WHEREAS, the 2009 legislature authorized the SBOF to renegotiate the Agreement, including provisions to forgive any outstanding debt and terminate the Agreement, see N.M. Laws 2009, Chp. 173; and

WHEREAS, on July 8, 2009, the County authorized its County Commission Chair and County Clerk to renegotiate the Agreement under the terms and conditions set out below; and

WHEREAS, the SBOF authorized its director to renegotiate this Agreement as set forth below at its meeting on June 23, 2009;

THEREFORE IT IS HEREBY AGREED, notwithstanding the provisions of the Agreement:

1. The County recognizes state ownership of and relinquishes any interest or claim to the voting systems and support equipment acquired through the Agreement, and also recognizes the authority of the SBOF to dispose of that property as provided by law.
2. The County will transport the voting machines and support equipment to a central location in the State of New Mexico selected by the SBOF director by July 14, 2009 or by a date determined by the SBOF director, whichever is later.
3. The County will make voting machine technicians employed or contracted by the County available to travel to that location on a date determined by the SBOF director to assist in preparing the machines and equipment for disposal as required by manufacturer specifications. The Secretary of State's office may, in its sole discretion, grant a written waiver of this obligation to the County based on inability to perform such duties.

4. Upon the County's performance of its obligations stated in this Amendment, the SBOF and the County agree that the Agreement shall terminate and no additional payments from the County shall be due pursuant to the Agreement.

WHEREUPON, the parties have affixed their signatures this 8th day of July, 2009.

By: [Signature]
Torrance County Clerk

By: _____
Director, State Board of Finance

By: [Signature]
Torrance County Commission Chair

