

Santa Fe County  
Resolution Number 2009 - 112

**A Resolution Authorizing The County To Renegotiate With The New Mexico Board Of Finance For The Forgiveness Of Debt Previously Incurred By The County With Respect To A Lease-Purchase Agreement For Certain AVC Advantage Voting Machines And Ancillary Equipment, Entered Into by The County And The New Mexico Board Of Finance In 1996, 1998 and 2002**

**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**, Santa Fe County holds lease-purchase agreements numbered 212-29, 212-36, and 212-50, for which payments are still due.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners of Santa Fe County offers to renegotiate the terms of voting systems and support equipment lease-purchase contracts with the State Board of Finance numbered 212-29, 212-36, and 212-50 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 30 day of June, 2009.**

**BOARD OF COUNTY COMMISSIONERS:**

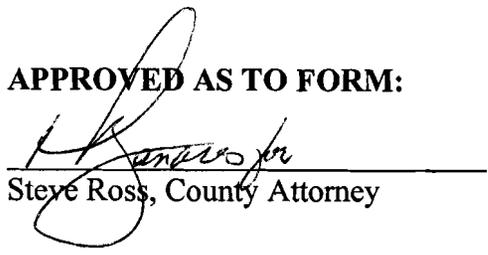
  
Mike Anaya, Chairman

**ATTEST:**

  
Valerie Espinoza, County Clerk



**APPROVED AS TO FORM:**

  
Steve Ross, County Attorney



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss BCC RESOLUTIONS  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 1ST Day Of July, 2009 at 01:29:23 PM  
And Was Duly Recorded as Instrument # 1568948  
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM