

VALENCIA COUNTY BOARD OF COMMISSIONERS

Emergency Meeting

December 21, 2006

PRESENT	ABSENT
	Paul Trujillo, Chairman
Ron Gentry, Vice-Chairman	Mary J. Andersen, Member
Georgia Otero-Kirkham, Member	
Lynette Pinkston, Member	
Francisco Apodaca, County Manager	
Cynthia R. Wimberly, County Attorney	
Sally Perea, County Clerk	
Press and Public	

1. The meeting was called to order by Vice-Chairman Gentry at 2:14 PM in the Sheriff’s Conference Room.

2. Approval of Agenda

Commissioner Pinkston moved for approval of the agenda. Seconded by Commissioner Kirkham. Motion carried unanimously.

3. Action Item:

Peralta Incorporation Election

Vice-Chairman Gentry stated the reason and concern for calling the special emergency meeting. The County Clerk informed the County administration of a potential problem with a mail-ballot election on the question of incorporation of the community of Peralta into the Town of Peralta. The election contractor who prepares the election material sent the wrong return envelope to several hundred voters. The return envelope apparently had the wrong deadline to return the ballot and listed the name and address of the Cibola County Clerk. There are concerns regarding whether the oath the voter signs on the envelope is valid.

Ms. Wimberly explained to the Commission and to the public present the concerns that this unfortunate circumstance how it may adversely affect the validity of this election. The date of the election is January 2, 2007. Ms. Wimberly said she contacted Zachary Shandler of the Attorney General’s Office who gives advice to the Secretary of State and discussed these issues and concerns with him. Ms. Wimberly stated that given the short time frame, his advice was for the County to go to a court of competent jurisdiction in the matter of Peralta Incorporation vs. Valencia County and present the circumstances to the judge and get guidance on this matter. Ms. Wimberly recommended that the County do this based on the information given to us by Mr. Shandler.

Vice-Chairman Gentry opened for questions.

Discussion ensued with Sally Perea, County Clerk, Bureau of Elections, Director, Lawrence Kaneshiro, and Automated Elections, Tim Sanchez. Also in attendance were a handful of committee members for the Peralta Incorporation. Vice-Chairman Gentry stated since this Commission is the canvassing board, it is our duty to certify the election results.

4. Executive Session-Pursuant to section 10-15-1 NMSA 1978, the following matters may be discussed in closed session: a. limited personnel matters; b. pending or threatened litigation, and c. other specific limited topics that are allowed or authorized under the stated statute.

Commissioner Pinkston moved to enter into executive session. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Vice-Chairman Gentry voted yes. Motion carried 3-0.

Commissioner Pinkston moved to enter back into regular session. Seconded by Commissioner Kirkham. Motion carried unanimously.

Ms. Wimberly reported the item discussed was threatened litigation on the Section 10-15-1, the pros and cons of filing a petition for direction on the matter of Peralta Incorporation on the January 2, 2007 mail ballot election. No final action was taken and no other matters were discussed.

Commissioner Kirkham moved to ratify as to what was discussed in executive session. Seconded by Commissioner Pinkston. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Vice-Chairman Gentry voted yes. Motion carried 3-0.

Commissioner Pinkston moved to proceed with the recommendation of the County Attorney. Seconded by Commissioner Kirkham. Discussion. Motion carried.

Vice-Chairman Gentry asked Ms. Wimberly to state again for the public what procedure will be taken. Ms. Wimberly said we will file a petition with District Court laying out the circumstances according to statutory law and it would request the judge to enter an order to give guidance and direction to the County in addressing the issue of the wrong returned envelope. Also as proposed as part of this process, to notify anyone of interest that they may be present at this hearing. We will request this hearing be held prior to January 2, 2007.

5. Adjournment

Commission adjourned at 3:29 PM.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the December 21, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
PEDRO G. RAEL, CHAIRMAN**

**ss/
GEORGIA OTERO-KIRKHAM, VICE-CHAIRMAN**

**ss/
DAVID R. MEDINA, MEMBER**

**ss/
RON GENTRY, MEMBER**

**ss/
LYNETTE PINKSTON, MEMBER**

ATTEST: ss/

SALLY PEREA, COUNTY CLERK

DATE: February 7, 2007