

VALENCIA COUNTY BOARD OF COMMISSIONERS

Special Meeting

November 30, 2009

PRESENT	ABSENT
	Pedro G. Rael, Chairman
Donald E. Holliday, Vice-Chairman	
David R. Medina, Member	
Ron Gentry, Member	
Georgia Otero-Kirkham, Member	Late Attendance
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to order by Vice-Chairman Donald Holliday at 8:36 A.M.

2) Vice-Chairman Donald Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Gentry motioned for approval of the agenda. Seconded by Commissioner Medina. Motion carried unanimously.

4) ACTION ITEMS:

Board of County Commissioners Convenes as Canvassing Board

Commissioner Medina made a motion to convene as the Canvassing Board. Seconded by Vice-Chairman Holliday. Roll call. Commissioner Gentry voted yes. Commissioner Medina voted yes. Vice-Chairman Holliday voted yes. Commissioner Kirkham was running late. Motion carried. 3-0

a) Consideration of Canvass for the "Correctional Facility Gross Receipts Tax" - Sally Perea/Peggy Carabajal.

Bureau of Elections Director Peggy Carabajal presented the commission with the final canvass for the Gross Receipts Tax Special Election that was held on Tuesday November 24, 2009. Ms. Carabajal stated there were 37,852 ballots mailed out to voters and the total vote count was 9,848. The yes votes were 3,353, the no votes were 6,495, hand tallying was 789 because the voter either circled a yes or no area or did not complete the arrow as instructed, and 194 were unsigned ballots. Ms. Carabajal requested approval of the Gross Receipt Tax Special Election Canvass.

Commissioner Kirkham was absent for the start of the meeting and apologized for being late.

Commissioner Gentry had hoped to get results by precinct on whether the Gross Receipts Tax passed or failed so that they would know on each commission district and within their precinct how the constituents had voted. In talking to the company that produced the all mail ballots they said with the all mail ballot system in this election, it was impossible to do that. It would have been better, to him; if they could have produced by district and precinct as to how many it passed or failed by so they as elected officials would understand how the different segments of our county felt when they voted on this. Another issue he wanted to bring up was that 3897 ballots were returned to the county because they were undeliverable and as we all know the county's' been plagued over the years with forty some thousand tax notices that come back each year and we don't collect taxes because they don't get to the recipient. This concerns both him and the clerk. We need to find a system to track down these people to clear up the voter database.

Commissioner Medina said some of his neighbors had not received a ballot and it was because they had a P.O. Box and were registered with a street address. He had asked them to come in and notify the Bureau of Elections.

County Clerk Sally Perea said her office would be willing to research this but after talking to Ernie Marquez from Automated Election Services there was no way of producing it by precinct because the ballots were not mailed out by precinct; this was one question and one ballot style. Commissioner Medina is right in that there are many voters registered with a street address but receive their mail at a post office box and there is no way to

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know that unless the voter contacts the office and lets us know. We can do so much and then it is the responsibility of the voter to make sure the Bureau of Elections Department has their correct mailing address. We published two notices in the local newspaper advising people to contact the office if they didn't receive their ballot and we got very little response.

Commissioner Kirkham said even though the vote for the Gross receipt Tax was an overwhelming no, the situation is not going to go away just because the Gross Receipt Tax lost, the county still has the same problem. The county is going to have to figure out how to fix this problem with the jail. In speaking with the County Clerk this cannot be brought up for another year and it won't be a year for the November General Election. It's a dire situation and this loss didn't change anything other than spending \$48,000 to get a no.

Vice-Chairman Holliday said on the mailed ballots there was a check box to mark if their address had changed. Could we go back and would we be breaking the law by looking at that. If they changed their address, it should be on there.

Bureau of Election Director Peggy Carabajal said yes, Automated Elections did tell us that we can because if they had it marked we can go through the envelopes, because they're just envelopes, where the voter did mark a change of address and we will send out a new voter registration form to that new address. Staff did do some clean-up with people calling in and saying they did not get their ballot. They came in and filled out a new voter registration and were able to vote.

Commissioner Gentry moved for approval of the canvass. Seconded by Commissioner Medina. Motion carried unanimously. (SEE EXHIBIT A)

Commissioner Medina thanked the County Clerk, Peggy and staff for a good job.

Board Re-Convenes as Board of County Commissioner.

Commissioner Medina motioned to re-convene as the Board of County Commissioners. Seconded by Commissioner Kirkham. Motion carried unanimously.

5) ADJOURNMENT

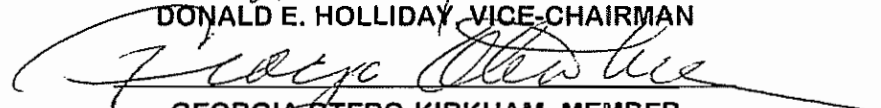
Commissioner Kirkham motioned to adjourn. Seconded by Commissioner Medina. Motion carried unanimously. 8:54 A.M.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 30, 2009 Special Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS


PEDRO G. RAEL, CHAIRMAN

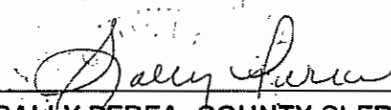

DONALD E. HOLLIDAY, VICE-CHAIRMAN


GEORGIA OTERO-KIRKHAM, MEMBER

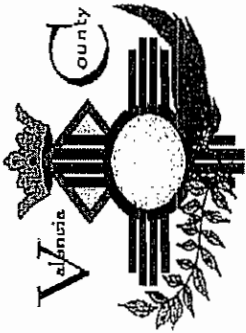

RON GENTRY, MEMBER


DAVID MEDINA, MEMBER

ATTEST:


SALLY PEREA, COUNTY CLERK

DATE 12.21.09



SPECIAL ELECTION
VALENCIA COUNTY, NEW MEXICO
NOVEMBER 24, 2009

OFFICIAL ELECTION RESULTS

County Correctional Facility Gross Receipts Tax Question	VOTE BY MAIL	HAND TALLY	TOTAL	%
YES	3096	257	3353	34.05%
NO	5963	532	6495	65.95%
TOTAL	9059	789	9848	100.00%

CERTIFICATION

We, the undersigned Valencia County Board of Commissioners, do hereby certify the above to be a true and accurate canvass of the votes cast in the Special Election held on Tuesday, November 24, 2009. We further certify that said election was held in accordance with the Election Ordinance and rules and regulations of the State of New Mexico.

SIGNED

Chairman Pedro R. Rael

Donald E. Holliday
Vice President, Donald E. Holliday

Georgia Otero-Kirkham
Commissioner Georgia Otero-Kirkham

Commissioner Ron Gentry

David R. Medina
Commissioner David R. Medina

ATTEST: SALLY PEREA, COUNTY CLERK



EXHIBIT A