

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting

November 17, 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	
Tina Gallegos, County Clerk	
Press and Public	

1. The meeting was called to order by Chairman Paul Trujillo at 9:06 AM.
2. Chairman Trujillo asked Francisco Apodaca to lead the Pledge of Allegiance.
3. Approval of Agenda

Mr. Apodaca recommended moving Item (m) Finalize the 2006 General Election Canvass to Item (a) and to eliminate Item (g) Consideration of MOU between Belen Schools and the County on the agenda. Commissioner Pinkston moved for approval with the above changes. Seconded by Commissioner Andersen. Motion carried unanimously.
4. Approval of Minutes

None
5. Public Requests

Lillie McNabb, Bosque Farms, said she would like to thank County Clerk, Tina Gallegos, voting machine technician Chris Castillo and the temporary help and all of the county clerk staff and election department for a job well done.

Samuel Aragon has concerns on the taxes in Meadow Lake and issues of not enough law enforcement in that area. We need to work with our legislators to improve that area.
6. Discussion (Non-Action) Items

a. Reports from Boards, Commissions & Committees – County Commission

Commissioner Kirkham reported on the exit audit with the auditors that were recently here and we had very few items that needed to be addressed in that report. The Treasurer’s staff and Manager’s staff did a very good job with this audit.

Commissioner Pinkston said she and Commissioner Kirkham attended a meeting with the committee to incorporate Peralta to discuss issues with the fire department.

b. Department Reports – Department Directors (Exhibit A & B)

Mr. Apodaca submitted reports from Frank Sherman, Chief Building Administrator and Fire and Rescue, Charles Eaton for Commission review.
7. Action Items:

Commissioner Gentry moved to recess as Board of County Commissioners. Seconded by Commissioner Pinkston. Motion carried unanimously.

**Board of Commissioners convene as Canvassing Board – County Commission**

Commissioner Gentry moved to convene as the Canvassing Board. Seconded by Commissioner Andersen. Motion carried unanimously.

m. Finalize the 2006 General Election Canvass (Exhibit C)

County Clerk, Tina Gallegos said she will give the Commissioners an overview of the whole election day process and go over the canvass results. We did a new voting machine workshop prior to training the poll workers and also a hands on, so the poll workers could become comfortable with the machine on election day. The Secretary of State sent out an informational video to all presiding judges in the state covering all of the procedures and sensitivity issues that come up on election day. We held the mandatory election school training, the presiding judge training, the election clerks and judges training, and staff and poll workers sat through the 2 ½ hour training workshop. We had mentioned the increase pay on election day for presiding judges which was \$140 and the election clerks and judges received \$120. We had a mobile voting center in Highland Meadows, there were 150 registered voters, we had 25 voters vote in the 2 days that we had voting set up in that area. Early voting went well, there were lines especially here in Los Lunas, we had early voting at the Belen Community Center, this was a different site from last time so we had some lost voters but they

did find their way. There was a lengthy wait of about 45 minutes or more but this was due to this election being paper ballot, it took time in voting the ballot on both sides. On election day, we experienced no problems with the M100 equipment, the Auto Mark which was used for the special

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impaired and disability, we did experience some problems with this machine but only six voters attempted to use it. There were no precinct problems, we did have some poll worker confusion with the new roster covers that they had to fill out, but for the most part election day ran smoothly. We had a 54% voter turnout. The biggest problem was with the new system, the amount of equipment that they sent us, we have voting booths that have to get set up, tabulator machine, the auto mark machine. This was a lot of equipment to deliver prior to election day and set up and then retrieving it back for storage and inventoried. What normally took the two technicians two days, it took seven employees and two extra days. This was a bigger challenge for us. What we did as a courtesy for the poll workers was we set the equipment up for them, this took an extra day. We used Planning and Zoning employees, which we thank Ruben Chavez, because without them we could not have done it. They set up all of the voting booths and got the auto marks ready to go for election day. This was the biggest concern we had and we may have to address this issue at a later date.

Ms. Gallegos said as far as election night, she was not there because she was a candidate, returns came in under the direction of Elections Director, Lawrence Kaneshiro. We had the County Attorney present, County Commissioner Pinkston was also present and they were able to see how hard the election and county clerk's staff works and how the process is done. We might ask the County Attorney to be present at all of our elections, her knowledge and presence there made everything more comfortable for everyone.

We did have one precinct put their provisional ballots in the locked ballot box and we had to obtain a court order to retrieve them. We had Commission District 1 race impounded. The ballots were held in District Court for security purposes and delivered to us on that Friday when we did the provisional counting. We did have watchers and challengers in the room, county staff did a very good job in this process. We did have some precincts that did not balance their signature rosters and we sent an explanation sheet to Secretary of State's Office and those are available for Commission review.

On absentee voting and the absentee precinct, AV1 did not report their hand tallies until 5:00 AM the next morning, this was a long night for them. We were using the M650, which is a fast tabulating type of equipment. This machine may have had a high sensitivity rate, but it rejected more ballots than we expected which in turn led to hand tallies. Absentee AV2 reported at 2:00 AM. Other than absentee, election reporting was done by 10:00 PM election night. We couldn't do anything about the hand tally process, but what we might do in the future is get more absentee poll workers, or start earlier because this process was very time consuming. The hand tally process did not get started until 10:00 PM which made for a very long night.

Due to the television advertisements by the Secretary of State, there was a lot of voter awareness, which was helpful to the voters but to the Clerks this produced a lot of questions and problems, especially with the provisional ballots.

Ms. Gallegos said she is at the end of her presentation but before she concludes, she would like to say thank you to her Bureau of Election staff and County Clerk staff, these people worked above and beyond as always and she is very thankful to them. They put in a lot of hours, they worked thru a holiday, working sometimes until 10:00 PM, early voting satellites didn't close until 8:00 PM but by the time the reports got faxed to Secretary of State, it was late. Special thanks to Chris Castillo, he really stepped up to the plate, he is why we don't have problems on election day, he does his job beautifully. Ms. Gallegos said she would like to see all state voting machine technicians get on the same pay rate. There are voting machine technicians in Bernalillo County that make a lot more than he does. Some of the similar counties to Valencia, their pay scale is still a lot more than ours. We hired four temporary employees, they got paid \$7.00 an hr., these individuals worked the same long hours as her BOE staff and on election day. Ms. Gallegos offered thanks to her employees and asked the Commissioners to do the same.

Ms. Gallegos presented the Official Canvass results for the Commissioners signature and approval. Commissioner Pinkston said watching the election process was quite an experience for her. She and the County Manager visited the absentee site and a few precinct sites. She also witnessed the provisional ballot counting procedure and thanked the Bureau of Elections and County Clerk staff for a job well done. Ms. Gallegos said she had thanked her voting machine technician, Chris Castillo earlier in her presentation but not to be remiss on her other BOE employees, Peggy Estrada, Kristen Baca, Sally Perea, Lawrence Kaneshiro, Bobbie Mallory, Tanya Padilla, Demetrio Vialpando, Adrian Perea, Recording and Filing employees, Debbie Ridley, Laura Vallejos, Theresa Sanchez, and Heidi Deleon.

Commissioner Gentry moved to accept the canvass report. Seconded by Commissioner Pinkston. Motion carried unanimously.

***Board Reconvenes as Board of County Commissioners – County Commission***

Commissioner Gentry moved to adjourn as the Canvassing Board. Seconded by Commissioner Pinkston. Motion carried unanimously.

Commissioner Pinkston moved to reconvene as Board of County Commissioners. Seconded by Commissioner Gentry. Motion carried unanimously.

**a. Consideration of Resignation: County Clerk and Replacement – County Commission**

County Clerk, Tina Gallegos said this resignation won't be an easy thing for her to do as she is already choked up, but as the Commission is aware the voters of Valencia County elected her to the

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office of Magistrate Judge Division One. She is looking forward to this new chapter in her life. Ms. Gallegos said she has enjoyed holding the office of County Clerk. She has enjoyed working with each of the Commissioners because it made her job as County Clerk so much easier. It is her hope that this Commission appoint her Chief Deputy, Sally Perea to resume the County Clerk position. There are two years left in her term as County Clerk. It is expected for the Chief Deputy to take over if and when the County Clerk cannot. Ms. Perea has been with her every step of the way and is a very capable person to replace her. Ms. Perea has been with the County for over 20 years, her background and integrity go without question. She leaves this office without hesitation and she wants the voters to know that she is leaving the office in capable hands with Ms. Perea. Ms. Gallegos said she wants the transition from County Clerk to Magistrate Judge to go smoothly, she has several classes to start attending and at this time she would like her resignation to take effect on December 15. There are two elections coming up, the Peralta Incorporation on January 2<sup>nd</sup> and the School Board Election on February 6<sup>th</sup>. Ms. Gallegos said she looks forward to serving Valencia County as Magistrate Judge and thank you again to this Commission.

Commissioner Gentry moved to accept Ms. Gallegos resignation as County Clerk effective December 15<sup>th</sup>. Seconded by Commissioner Andersen. Motion carried unanimously.

Commissioner Gentry moved to appoint Sally Perea as County Clerk to fulfill that term. Seconded by Commissioner Andersen. Motion carried unanimously.

Sally Perea came forward and said she would like to take this opportunity to thank Ms. Gallegos. Ms. Perea said she has learned a lot from working with her and we do have an awesome crew. The election went smooth and that is because of the employees. Ms. Perea thanked the Commission for their confidence and trust that they are placing in her that she will do a good job. She knows she will because she has all of the employees behind her.

**b. Ordinance 2006-07, Valencia County Airport Encroachment Overlay Zone – Ruben Chavez (Exhibit D)**

Mr. Chavez said at the last public hearing meeting there were discussions regarding the ordinance and with the County Attorney they came up with the amendments to the ordinance. Mr. Chavez said for review the updated amendments are for Commission approval. Ms. Wimberly said at the November 8<sup>th</sup> Public Hearing Meeting this Commission directed her to draft amendments that were concerns to the public. Ms. Wimberly explained each amendment to the ordinance. Commissioner Andersen moved for adoption of the ordinance. Seconded by Commissioner Kirkham. Discussion. Roll call vote. After discussion, Commissioner Andersen withdrew her motion. Commissioner Kirkham withdrew her second. Commissioner Andersen moved to revise her motion and accept all amendments on the Airport Encroachment Overlay Zone Ordinance. Seconded by Commissioner Kirkham. Motion carried unanimously.

Commissioner Andersen moved to accept the Valencia County Airport Encroachment Overlay Zone Ordinance as amended. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Commissioner Gentry voted no. Commissioner Andersen voted yes. Chairman Trujillo voted no. Motion carried 3-2.

Ms. Gallegos announced this would be **Ordinance Number 2007-07**.

***Board of Commissioners convene as Indigent Claims Board***

Commissioner Pinkston moved to convene as the Indigent Claims Board. Seconded by Commissioner Kirkham. Motion carried unanimously.

**c. Indigent Report/Appeals – Barbara Baker (Exhibit E)**

Ms. Baker presented the indigent claims from October 4, 2006 to November 2, 2006. There were 81 claims submitted and there were 20 applicant denials. The amount of claims submitted was \$345,554.70 and Ms. Baker recommended approval of \$69,272.76. Commission Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

Ms. Baker presented one claims appeal for Sam Lechuga. His claim was denied as he does have Medicare, if Mr. Lechuga would not have had Medicare his hospital bills would have been approved. Ms. Baker recommended approval to Presbyterian Hospital bills for a total of \$896.03. Commissioner Kirkham moved for approval. Seconded by Commissioner Andersen. Motion carried unanimously.

**(Exhibit F)**

***Reconvene as Board of County Commissioners***

Commissioner Pinkston moved to reconvene. Seconded by Commissioner Andersen. Motion carried unanimously.

**d. Consideration of Approval: Health Care Facility Development and Management Contract and Hospital Board Process – Jim Wurts/Robin Hunn (Exhibit G)**

Mr. Wurts said he wanted to start by thanking a few people, Francisco Apodaca, Vangie Gabaldon, Cynthia Wimberly for the work that has been done on this health care project. Also, to the selection committee for the work they did. This community deserves health care, we have a passion for health care in small towns. Commissioner Pinkston moved for approval. Seconded by Commissioner Gentry. Discussion. Commissioner Gentry opened up for discussion per the memorandum the recommendation that the Commission nominate five individuals for the geographics and oversight of the hospital. Commissioner Pinkston amended her motion for approval to include that each

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Commissioner have one designated appointee. Commissioner Gentry amended his second. Motion carried unanimously.

**e. Consideration of Approval: Publish Ordinance Authorizing the Issuance of the Village of Los Lunas, NM/Valencia County JPA 911 Surcharge Revenue Bonds – Bonnie Pasley (Exhibit H)**

Ms. Pasley presented the above item for consideration of approval. This is a joint power's agreement relating to the JPA 911 Surcharge Revenue Bonds. Ms. Pasley said she is here today seeking authority to publish a notice of intent to adopt an ordinance. Commissioner Kirkham moved for approval to approve the publication, this item will be on the December 13<sup>th</sup> Public Hearing Meeting and then a final vote approval on December 15<sup>th</sup>. Seconded by Commissioner Andersen. Motion carried unanimously.

**f. Consideration to Publish: Request for Proposals for Planning & Design Professional Services Project Water & Waste Water Master Plan – Francisco Apodaca (Exhibit I)**

Mr. Apodaca presented this proposal which was done in conjunction with the State Engineer's Office, NM Department of Environment, Middle Rio Grande Council of Governments and the Mortgage Finance Authority. This is from the 1.5 million dollar appropriation that was approved last year with a convoluted thought on this proposal. This is a conceptual water and waste water master plan. Mr. Apodaca said this is a pilot project so that is why these entities got together for this consideration proposal. Commissioner Gentry would like to see this published in the Phoenix, Denver and Dallas news as well as local, Albuquerque and the Las Cruces newspapers. Commissioner Kirkham said the water usage and water needs of this County is such a priority and let's not waste time in going forward with this project. Commissioner Andersen said she agrees because this is something this County should have worked on 20 years ago. We need a waste water system so that we can stop polluting the aquifer. Commissioner Gentry said in 1974 there was study done for the sewer and waste water and the County wide proposal, this was a joint effort, at that time Bosque Farms was only \$2400 and now it is a million and a half. Commissioner Gentry wanted to make sure that for record purposes that Valencia County is the lead agency for this project so when these documents are reviewed and all experts are reviewing the proposal, they are aware Valencia County is the lead agent and will have the final say and the approval and voting process also stays with Valencia County. Commissioner Andersen moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**g. Consideration of Approval: MOU between Belen Consolidated Schools for use of a Portable Building (tabled) 10/20/06 – Charles Eaton**

Removed from the agenda.

**h. Consideration for Approval: Re-Bid #605, Class A pumper for Manzano Vista Fire Department – Ruben Chavez (Exhibit J)**

Mr. Chavez requested for approval to go out to bid for the Manzano Vista Fire Department for a pumper. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Discussion. Motion carried unanimously.

**i. Consideration of Approval: Award contract to Village Architect for the revision of plans to the Animal Control Facility – Ruben Chavez (Exhibit K)**

Mr. Chavez presented the above consideration for approval to award the contract to Village Architects for the revision of plans to the Animal Control Facility. During the course of negotiating with the Humane Society, a second architect was ordered to redesign to a standard acceptable by the Humane Society. The secondary report was completed and staff consulted with Village Architects for the redesign. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**j. Consideration of Approval: Award Bid #608, Casa Colorada School Renovations & Addition – Vangie Gabaldon (Exhibit L)**

Ms. Gabaldon requested approval of awarding Bid #608 Casa Colorada School Renovation and Addition to Vigil Contracting Services in the amount of \$368,615.00. Commissioner Gentry moved for approval. Seconded by Chairman Trujillo. Motion carried unanimously.

**k. Consideration of Approval: MOU between Valencia County Older American Program and Mid-West NM Community Action Program – Vangie Gabaldon (Exhibit M)**

Ms. Gabaldon requested the above consideration and approval of a Memorandum of Understanding between the Older American Program and the Mid-West NM Community Action Program. This is to help foster a friendly and cooperative relationship between both programs to better serve our client base. Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**l. Consideration of Approval: Ground Lease between Valencia County and the Mid-West NM Community Action Program – Vangie Gabaldon (Exhibit N)**

Ms. Gabaldon recommended to go forward with this agreement, we have had an agreement in the past for the CAP Headstart Program, the lease expired in 2005, and we would like to reactivate the ground lease. There is no change to the lease. Commissioner Pinkston moved for approval. Seconded by Commissioner Kirkham. Motion carried unanimously.

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**o. Final Action on Public Hearing held November 8, 2006**

**i) Request to Amend Zone Maps from RR1 to WCF to build a Wireless Facility on the property El Cerro Mission Unit 14, Blk 5 Tr A, AKA El Cerro Mission Community Center & Fire Department/T-Mobile/Dan Varela (Exhibit O)**

Commissioner Gentry moved to take Item (o) (1) before Item (n). Seconded by Commissioner Andersen. Motion carried unanimously.

Commissioner Kirkham moved for approval of Item (o) (i) the request to amend zone maps from RR1 to WCF to build a wireless facility on the property of El Cerro Mission. Seconded by Commissioner Gentry. Motion carried unanimously.

**n. Consideration of Approval: T-Mobile Site Lease El-Cerro Mission Blvd – Dan Varela, Agent for T-Mobile**

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

**ii. Request for a Preliminary Plat review for Luna Vista Subdivision, Lot 48 a portion of Open Space as shown on a replat of Lots 72-A – Lots 95-A & Lots 250-A-264A of replat of a portion of Eastland Hills Subdivision, Valencia County, NM/Robert Moore, Agent (Exhibit P)**

Commissioner Kirkham moved for approval as per written motion with conditions. Seconded by Commissioner Pinkston. Motion carried unanimously.

**iii. Request to Amend the Master Plan of Rio Del Oro Unit 46, to facilitate development of 350-400 acres, Westerly portion of Unit 6, Rio Del Oro Subdivision, Los Lunas, NM/Mike McCartney (Exhibit Q)**

Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**iv. Request for a Preliminary Plat review for La Vida Suerta Subdivision all of Parcel A-1-A of McCullough & Knight Tracts, such parcel is shown on Maps 79 & 83 of the surveys within the MRGCD situate within Sec. 2 & 11 T6N R2E, NMPM, Valencia County, NM Filed on May 12, 2005, in Cabinet J Page 582/Kenny Trujillo (Exhibit R)**

Commissioner Kirkham moved for approval as per written motion. Seconded by Commissioner Andersen. Motion carried unanimously.

**p. Financial Matters:**

**i. Resolution 2006-54, Overtime for Law Enforcement “Holiday Burglary Crimes Task Force” Increase Overtime Expenditures – Richard Perea (Exhibit S)**

Commissioner Kirkham moved for approval. Seconded by Commissioner Pinkston. Discussion. Motion carried unanimously.

**ii Consideration of Approval: Amendment #1 to the Cash In Lieu of Commodities Agreement between the North Central NM Economic Development District – Vangie Gabaldon (Exhibit T)**

Ms. Gabaldon presented the above consideration agreement. The purpose of this amendment is to revise the contract amount, increasing it from \$23,567.00 to \$37,625.00. Commissioner Gentry moved for approval. Seconded by Commissioner Pinkston. Motion carried unanimously.

**iii Consideration of Approval: Payroll/Warrants – Francisco Apodaca**

Mr. Apodaca presented the computer printout lists of all the checks issued by the Manager's Office on November 3, 2006 covering vendor bills processed on that date. Check #87122 thru Check #87124 for a total of \$17,708.09. **(Exhibit U)**

Mr. Apodaca presented the computer printout lists of all the checks issued by the Manager's Office on November 9, 2006 covering vendor bills process on that date. Check #87154 thru Check #87257 inclusive for a total of \$739,752.26. **(Exhibit V)**

Mr. Apodaca presented the computer printout lists of all the checks issued by the Manager's Office on November 9, 2006 covering payroll processed on that date. Payroll Check #76185 thru Payroll Check #76435 inclusive. Deduction Check #87125 thru Deduction Check #87153 inclusive for a listing total of \$293,472.60. **(Exhibit W)**

Mr. Apodaca presented the computer printout lists of all the checks issued by the Manager's Office on November 15, 2006 (special payroll) covering payroll processed on that date. Payroll Check #76436 thru Payroll Check #76437 inclusive. Deduction Check #87258 thru Deduction Check #87262 inclusive for a listing total of \$42,162.45. **(Exhibit X)**

Mr. Apodaca presented the computer printout lists of all the checks issued by the Manager's Office on November 16, 2006 covering vendor bills process on that date. Check #87263 thru Check #87504 inclusive for a total of \$34,454.74. **(Exhibit Y)**

Commissioner Kirkham moved for approval of the above payroll/warrants. Seconded by Commissioner Pinkston. Motion carried unanimously.

**8. 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 Andersen voted yes. Commissioner Gentry voted yes.

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Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Trujillo voted yes. Motion carried 5-0.

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

Ms. Wimberly reported on matters that were discussed in executive session, several tort claims act notices, status of a hearing for a public employee labor relations board, an EEOC complaint with respect to a particular employee, personnel issues relating to the Volunteer Fire Department. No final action taken.

Commissioner Pinkston moved to accept the above report as presented by Ms. Wimberly. Seconded by Commissioner Kirkham. Roll call vote. Commissioner Andersen voted yes. Commissioner Gentry voted yes. Commissioner Pinkston voted yes. Commissioner Kirkham voted yes. Chairman Trujillo voted yes. Motion carried 5-0.

**9. County Manager's Report (Informational Only)**

Mr. Apodaca said the exit audit went well. As previously been reported by Commissioner Kirkham, she wanted to commend county staff for a job well done.

**10.** The next Regular Business Meeting of the Valencia County Board of County Commission will be held on December 1, 2006 at 9:00 AM in the County Commission Room at the Valencia County Courthouse. The next Regular Public Hearing Meeting will be held on December 13, 2006 at 5:00 PM in the County Commission Room.

**11. Adjournment**

After all documentation has been signed, Chairman Trujillo adjourned the meeting at 12:32 PM.

<p><b>NOTE:</b> All proposals, documents, items, etc., pertaining to items on the agenda of the November 17, 2006 Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.</p>
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**VALENCIA COUNTY BOARD OF COMMISSIONERS**

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

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

**DAVID R. MEDINA, MEMBER**

**ss/  
RON GENTRY, MEMBER**

**ss/  
LYNETTE PINKSTON, MEMBER**

**ATTEST: ss/**

**SALLY PEREA, COUNTY CLERK**

**DATE: January 5, 2007**