

VALENCIA COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 4, 2009

PRESENT	ABSENT
Pedro G. Rael, Chairman	
Donald E. Holliday, Vice-Chairman	
David R. Medina, Member	
Ron Gentry, Member	
Georgia Otero-Kirkham, Member	
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 Chairman Pedro Rael at 5:00 P.M.

2) Chairman Rael led the Pledge of Allegiance.

3) **Approval of Agenda**

Commissioner Kirkham requested moving item (5) Public Comments prior to Executive Session so the students from the School of Dreams did not have to wait to do their presentation. After no objection, Commissioner Kirkham made a motion to approve the agenda as amended. Seconded by Commissioner Holliday. Motion carried unanimously.

4) **Approval of Minutes of October 14, 2009 Public Hearing Meeting**

Commissioner Medina moved for approval. Seconded by Commissioner Holliday. Motion carried unanimously.

Approval of Minutes of October 21, 2009 Regular Business Meeting

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

5) (a) **Presentation Schools of Dreams**

Martin Romero gave a brief presentation on the activities the students have been working on as part of their service learning project with the School of Dreams. The students presented some findings and opinions about the state of the county and what they would like to see done within the county. The students also read letters they wrote to county and state officials.

(b) **Introduction to Los Lunas Treatment Center**

Louis Thorp with Partners in Wellness gave an introduction of the Los Lunas Substance Abuse Treatment Center and the cooperative efforts between the State of New Mexico and Partners for Wellness. They have been contracted by the State Department of Human Services Department to start the program. Partners in Wellness are a state of the art, non-profit organization dedicated to transforming lives through education and counseling. On November 18, 2009 there will be an official ground breaking for the construction of the building on Morris road. It is a three phase program which consists of Phase 1- an outpatient treatment center for substance abuse for adolescence and adults. Phase 2- a women's residential treatment center. Phase 3- a men's residential treatment center.

6) **NON-ACTION ITEMS:**

a) **Presentation and Discussion of an Inducement Resolution for the Roadrunner Metal Recycling Project – Jason Grubbs**
Presentation was withdrawn.

b) **Presentation for Habitat for Humanity of Valencia County – Les Swindle/Mary Andersen**

Mary Andersen presented a proposal to form a partnership between Habitat and Valencia County. This is to repair and rehabilitate whatever needs to be done for sub-standard homes within the county only and not the incorporated villages. This will not make an impact on the county's budget; it will cost the county nothing

and is an opportunity to help families who qualify under the income standards who cannot afford to fix up their own homes.

Les Swindle explained the details of this program and stated that for the last several years Habitat for Humanity has received funding through the Mortgage Finance Authority of the state in order to operate a rehabilitation program, which has been done very successfully. Unfortunately at present they are unable to apply for those funds again, however the county can. What was suggested was that the county makes the application for those funds with the assistance of Habitat and that Habitat enters into a memorandum of agreement with the county to operate that program. There is no monetary involvement of the county except to act as a fiscal agent for the program which would then transfer the funds as necessary to Habitat for Humanity in order to do two things; 1) pay for the repairs to the homes and 2) pay an administrative fee to Habitat for operating the program. Both of those funding mechanisms are included within the program where there is no direct cost to the county and no direct involvement by county employees' for operating this program. That is done solely by the employee's of Habitat for Humanity.

c) Reports from Directors - Directors

Valencia County Budget Analysis Larry Trussel updated the commission on the financial status of the county's budgeted revenues. Mr. Trussel said in comparing the revenues at this point and time, we're only looking at 30% of the entire budgeted revenues, because 70% of the budgeted revenues are for the current tax year in which the county hasn't started collecting.

Eric Zamora County Manager said by mid December we should have some projections based on the receipts to date. Building permits were up this summer but last month they have tapered back down.

d) Reports from Boards, commissions & Committees - County Commissions

Commissioner Gentry would like an update on where they were at in regards to the embezzlement of a former county manager and also on the issue that occurred in the Treasurer's Office in which a person was funneling properties out and redeeding them. He asked counsel to formally ask the District Attorney where the county stands with these two issues.

Valencia County Attorney Ardren Nance stated he had formally sent a letter and had made several phone calls.

County Manager Eric Zamora announced the steering committee for the Los Lunas Transportation Corridor will meet this Friday at 9:30 at the Counsel of Governments Office to discuss potential alignments of a new east - west corridor across the county.

Commissioner Gentry also asked that a meeting with management and the commission be put together to find out what area's the county can utilize the Indigent Fund within the General Fund.

7) ACTION ITEMS:

a) Consideration whether to co-host an OMA workshop with the FOG and the AG's Office - Dave Pato

County Attorney Dave Pato stated he spoke with Sarah Walsh the director of the Foundation for Open Government and she inquired whether or not this commission would be interested in co-sponsoring a workshop with the FOG (Foundation for Open Government) and the Attorney General's Office with our Open Meetings Act. Commissioner Kirkham motioned to co-host the Open Meetings Act with the Foundation for Open Government and the Attorney Generals Office. Seconded by Commissioner Holliday. Motion carried unanimously.

b) Consideration of Approval Assistance Agreement with the Department of Energy - Eric Zamora

Mr. Zamora is requesting consideration for an agreement with the Department of Energy in the amount of \$250,000. This is the Energy Efficiency Conservation Block Grant. This goes towards upgrades to provide for more efficient operations. It may be required that some sort of energy audit be done, which would allow the

county to identify major losses and implement the corrections of major loss of energy.

Commissioner Gentry motioned for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (SEE EXHIBIT A)

c) FINANCIAL MATTERS:

1) Resolution 2009-52, Transfer Revenue & Expenditures from: 299 account to 700 account, increase expenditures from OAP and US Department of Energy Office - Wilma Abril

Commissioner Gentry motioned for approval. Seconded by Commissioner Holliday. Motion carried unanimously. (See Exhibit B)

2) Consideration of Approval Payroll/ Warrants – Wilma Abril
Wilma Abril presented the attached computer printout list all checks issued by the Manager's Office on October 29, 2009 covering vendor bills processed on the above date. Check #101015 thru check #101187 inclusive, for the total of \$452,139.16. (See Exhibit C)

Wilma Abril presented the attached computer printout lists for all checks issued by the Manager's Office on 10/23/2009 covering payroll process on the above date. Direct Deposit Check #12855 thru direct deposit check #13030 inclusive. Deduction Check #101022 thru deduction check #101056 inclusive. Payroll check #85785 thru payroll check #85878 inclusive. Listing total \$371,944.57. (See Exhibit D)

Commissioner Gentry motioned for approval. Seconded by Commissioner Holliday. Motion carried unanimously.

PUBLIC COMMENTS:

Chairman Rael wanted to clear up an issue of a prior meeting that he feels is one of the problems and needs a clear understanding of what the rules are and what the commission operates under. It's a matter of communication and he will make all the rules available for public consumption, in short form and the source of the rules. Section 4 38-12 New Mexico Statutes, Statute 30-20-13 Subsection C and Statute 30-38-2 Sec. 61 of Roberts Rules of Order are the rules that the commission has been operating under. These rules all apply to public commentary. Chairman Rael also quoted excerpts from the United States Court of Appeals for case #07-1181 in the Fourth Circuit and from the Third Circuit United States Court of Appeals, a case that was decided in September 21, 2004 which states the "overwhelming and whole sufficient motive to ejecting a member from a meeting is perfectly sustainable and content neutral desire to prevent badgering constant interruptions and disregards for rules of decorum." These are Roberts Rules of Order that were adopted by this commission in January of every year and the rules Chairman Rael has been trying to follow.

What Commissioner Gentry would like to do as a courtesy and for the commissions knowledge is have the county's legal counsel go through and do a summary which will stand the test of the things that Chairman Rael just said and take into account our own policies which supersede Roberts Rules of Order because we passed a special policy saying that the chairman has no other powers then any other commissioner.

Bob Gostischa expressed his concerns regarding an article he read in the local paper and how the Gross Receipt Tax was going to be used.

Sue Moran also expressed concerns regarding the Valencia County Hospital and the Gross Receipts Tax.

Brian Benoit felt that what he has just witnessed was an attempt to chill his first amendment rights.

William A. Dean expressed concerns on roads that are in need of repairs, especially on Mesa Road in Belen and requested the commission not spend money on something the county doesn't need, fix the roads.

Clark Metcalf said this is the perfect time for the commission to gain some trust back from the voters by promising to make a resolution to place an ending date on the Gross Receipts Tax if it does pass.

Alice Torwirt had read an article in which Commissioner Holliday stated that he supports the Gross Receipt Tax and that the jail expansion will alleviate the need to farm out inmates and potentially provide the county with a source of income. This concerns her and requests that the commission place an end date on the Gross Receipts Tax.

Ken Mangano informed the commission that the Meadow Lake Residents Association may have ended but there are citizens that are still concerned about the litter problem and wanted everyone to be aware that there will be an ongoing Meadow Lake community cleanup.

George Muscona asked for a status on the curb side pickup and hopes at some point curb side recycling will be added to it.

Mr. Zamora said a forty-one page request for proposals is finished and will be sent to the attorney's for their comments and hopes to have it back by December.

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 Holliday motioned to go into Executive Session. Seconded by Commissioner Kirkham. Motion carried 5-0

Commissioner Medina motioned to go back into Regular Session. Seconded by Commissioner Holliday. Motion carried unanimously.

County Attorney Adren Nance stated the matters discussed in Executive Session were limited to communications with Health Common in regards to that lawsuit and the lawsuit regarding Michael Woods and no final action was taken.

Commissioner Holliday moved to approve the summary state by counsel. Seconded by Commissioner Medina. Roll call vote. Commissioner Medina voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Motion carried 5-0

9) ACTION ITEM(S) ON EXECUTIVE SESSION DISCUSSIONS:

a) Consideration giving direction to Attorney's regarding Michael Woods Lawsuit.
No action taken.

Commissioner Holliday moved to approve the summary stated by counsel. Seconded by Commissioner Medina. Roll call vote. Commissioner Medina voted yes. Commissioner Holliday voted yes. Commissioner Gentry voted yes. Commissioner Kirkham voted yes. Chairman Rael voted yes. Motion carried 5-0

10) COUNTY MANAGER'S REPORT (Informational only)

Eric Zamora County Manager reported on three issues; 1) personnel is hoping to have emergency personnel hired by December, 2) they are working with the Council of Governments and the Department of Transportation in development of the quiet zones at Valentina and Molina Roads, and 3) the county has preliminary approval for the closure plan for the old land fill and is hoping to get official approval before Thanksgiving which would allow proceeding with the closure in early 2010 and would bring the county into compliance.

11) The November 11, 2009 Public Hearing Meeting is cancelled until December 9, 2009 due to the Veteran's Day Holiday.

The next Regular Business Meeting of the Valencia County Board of County Commission will be held on November 18, 2009 at 5:00 PM in the County Commission Room at the Valencia County Courthouse.

12) Adjournment

Commissioner Kirkham moved for adjournment. Seconded by Commissioner Medina. Motion carried unanimously. Time 7:25 PM


NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the November 4, 2009 Regular Business Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

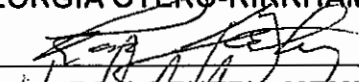
PEDRO G RAEI, CHAIRMAN



DONALD E. HOLLIDAY, VICE-CHAIRMAN



GEORGIA OTERO-KIRKHAM, MEMBER

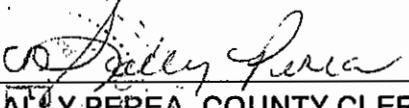


RON GENTRY, MEMBER



DAVID MEDINA, MEMBER

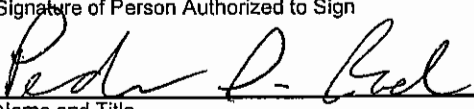
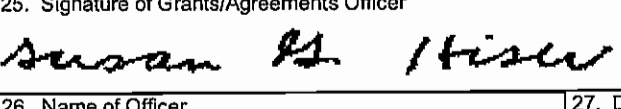
ATTEST:



SALLY PEREA, COUNTY CLERK

DATE

ASSISTANCE AGREEMENT

1. Award No. DE-SC0002622		2. Modification No.		3. Effective Date 09/28/2009		4. CFDA No. 81.128	
5. Awarded To VALENCIA, COUNTY OF Attn: ADELINA BENAVIDEZ P.O. BOX 1119 1209 HIGHWAY 314 LOS LUNAS NM 870311119				6. Sponsoring Office EERE (FORS) U.S. Department of Energy Office of Energy Efficiency & Renewable Forrestal Building 1000 Independence Avenue, SW Washington DC 20585			7. Period of Performance 09/28/2009 through 09/27/2012
8. Type of Agreement <input checked="" type="checkbox"/> Grant <input type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Other		9. Authority ENERGY INDEPENDENCE AND SECURITY ACT(EISA) OF 2007			10. Purchase Request or Funding Document No. 09SC004678		
11. Remittance Address VALENCIA, COUNTY OF Attn: ADELINA BENAVIDEZ P.O. BOX 1119 1209 HIGHWAY 314 LOS LUNAS NM 870311119				12. Total Amount Govt. Share: \$289,800.00 Cost Share : \$0.00 Total : \$289,800.00		13. Funds Obligated This action: \$250,000.00 Total : \$250,000.00	
14. Principal Investigator MS ADELINA BENAVIDEZ 505-865-2415		15. Program Manager Martha J. Kass Phone: 865-576-0717			16. Administrator Oak Ridge U.S. Department of Energy P.O. Box 2001 Oak Ridge TN 37831		
17. Submit Payment Requests To OR for Oak Ridge/OSTI U.S. Department of Energy Oak Ridge Office Oak Ridge Financial Service Center P.O. Box 6017 Oak Ridge TN 37831				18. Paying Office		19. Submit Reports To SEE REPORTING REQUIREMENT CHECKLIST	
20. Accounting and Appropriation Data Block Grants							
21. Research Title and/or Description of Project ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM							
For the Recipient				For the United States of America			
22. Signature of Person Authorized to Sign 				25. Signature of Grants/Agreements Officer 			
23. Name and Title Pedro G. Rael		24. Date Signed 11-4-09		26. Name of Officer SUSAN G. HISER		27. Date Signed 09/23/2009	

CONTINUATION SHEET

REFERENCE NO. OF DOCUMENT BEING CONTINUED
DE-SC0002622PAGE OF
2 2NAME OF OFFEROR OR CONTRACTOR
VALENCIA, COUNTY OF

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	DUNS Number: 788203081 TAS::89 0331::TAS Recovery Act Block Grant for ARRA Funding. New Award Valencia County, NM. ASAP: Yes Extent Competed: NOT AVAIL FOR COMP Delivery Location Code: 00522 Oak Ridge Office U.S. Department of Energy Oak Ridge Office 230 Warehouse Road Oak Ridge TN 37830 Payment: OR for Oak Ridge/OSTI U.S. Department of Energy Oak Ridge Financial Service Center P.O. Box 6017 Oak Ridge TN 37831 Fund: 05796 Appr Year: 2009 Allottee: 30 Report Entity: 471999 Object Class: 41000 Program: 1005115 Project: 2004350 WFO: 0000000 Local Use: 0000000 TAS Agency: 89 TAS Account: 0331				

July 2004

ENTITY NAME: Valencia
FISCAL YEAR: F.Y. 09-10
DFA Resolution Number:

ENTITY NAME: Valencia
FISCAL YEAR: F.Y. 09-10
DFA Resolution Number:

[illegible]

309
(Date)


Mayor/Board Chairman
Pedro G. Rael

(Date)

EXHIBIT B

OTHER-MISC (FUND 299)
FY 2010 Operating Budget

COUNTY: VALENCIA

OTHER FUNDS - 299	6/30/2007 FISCAL YEAR ACTUAL	6/30/2008 FISCAL YEAR ACTUAL	FY 2009 FINAL BUDGET 6/30/2009	VARIANCE FY2008 - FY2009 INC / (DEC) %	FY 2010 BUDGET REQUEST	VARIANCE FY2009 - FY2010 INC / (DEC) %
(Fire Excise-Road)						
REVENUES	170,492	182,511	170,000	(6.85%)	160,000	(5.88%)
EXPENDITURES	92,335	246,797	170,000	(31.12%)	82,404	(51.53%)
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!
(Fire Excise-Fire Departments)						
REVENUES	170,492	182,511	170,000	(6.85%)	160,000	(5.88%)
EXPENDITURES	167,842	183,815	170,000	(7.52%)	160,000	(5.88%)
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!
(Correction Facility GRT)						
REVENUES	0	0	0	#DIV/0!	450,000	#DIV/0!
EXPENDITURES	0	0	0	#DIV/0!	511,614	#DIV/0!
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!
(Regional Transit GRT)						
REVENUES	0	0	0	#DIV/0!	520,000	
EXPENDITURES	0	0	0	#DIV/0!	520,000	
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	
Transfers (Out)	0	0	0	#DIV/0!	0	
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	
(EMS-GRT)						
REVENUES	0	0	0	#DIV/0!	1,200,000	#DIV/0!
EXPENDITURES	0	0	0	#DIV/0!	1,200,000	#DIV/0!
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!
FUND 299 SUMMARY						
Revenue - TOTAL	\$9,603,420	\$5,639,477	\$1,607,970	(71.49%)	\$4,647,869	189.05%
Expenditures - TOTAL	\$7,334,258	\$5,521,584	\$2,548,645	(53.84%)	\$3,630,349	42.44%
TOTAL - OTHER FINANCING SOURCES	\$718,036	\$775,731	\$820,975	5.83%	(\$1,050,000)	(227.90%)

*more to
get and sent
Trust Agency
Pete D. Fox*

INTERNAL SERVICE - TRUST AND AGENCY FUNDS
FY 2009 Operating Budget

COUNTY: Valencia

	6/30/2007 FISCAL YEAR ACTUAL	6/30/2008 FISCAL YEAR ACTUAL	FY 2009 FINAL BUDGET 6/30/2008	VARIANCE FY2007 - FY2008 INC / (DEC) %	FY 2010 BUDGET REQUEST	VARIANCE FY2009 - FY2010 INC / (DEC) %
INTERNAL SERVICE FUNDS [600]						
REVENUES						
Charges for Services	0	0	0	#DIV/0!	0	#DIV/0!
Interest on Investments	0	0	0	#DIV/0!	0	#DIV/0!
Miscellaneous revenues	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL REVENUES	0	0	0	#DIV/0!	0	#DIV/0!
EXPENDITURES						
Operating Expenditures	0	0	0	#DIV/0!	0	#DIV/0!
Miscellaneous	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL EXPENDITURES	0	0	0	#DIV/0!	0	#DIV/0!
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!
TRUST AND AGENCY FUNDS [700]						
REVENUES						
Investments	0	0	0	#DIV/0!	0	#DIV/0!
Interest on Investments	0	0	0	#DIV/0!	0	#DIV/0!
Tax Revenues	0	0	0	#DIV/0!	520,000	#DIV/0!
Miscellaneous revenues	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL REVENUES	0	0	0	#DIV/0!	520,000	#DIV/0!
EXPENDITURES						
General Government/Benefits	0	0	0	#DIV/0!	0	#DIV/0!
Capital Outlay	0	0	0	#DIV/0!	0	#DIV/0!
Debt Service	0	0	0	#DIV/0!	0	#DIV/0!
Miscellaneous	0	0	0	#DIV/0!	520,000	#DIV/0!
TOTAL EXPENDITURES	0	0	0	#DIV/0!	520,000	#DIV/0!
OTHER FINANCING SOURCES						
Transfers In	0	0	0	#DIV/0!	0	#DIV/0!
Transfers (Out)	0	0	0	#DIV/0!	0	#DIV/0!
TOTAL - OTHER FINANCING SOURCES	0	0	0	#DIV/0!	0	#DIV/0!

VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
PAYROLL AUTHORIZATION

The attached computer printout lists all checks issued by the Managers Office on
10/23/2009 covering payroll process on the above date.

Direct Deposit Check # 12855 thru direct deposit check# 13030 inclusive.
Deduction Check# 101022 thru deduction check# 101056 inclusive.
Payroll Check # 85785 thru payroll check # 85878 inclusive.
Listing total \$ 371,944.57.

All have been reviewed for:

1. Appropriate documentation and approvals
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Manager's Office request this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

Recommended:

Wilma Abril
Wilma Abril, Finance Director

Done this 4th day of November, 2009

VALENCIA COUNTY BOARD OF COMMISSIONERS

Pedro G. Rael
Pedro G. Rael, Chair

Georgia Otero-Kirkham
Georgia Otero-Kirkham, Vice-Chair

David R. Medina
David R. Medina, Commissioner

Ron Gentry
Ron Gentry, Commissioner

Donald E. Holliday
Donald E. Holliday, Commissioner

ATTEST

Sally Perea
Sally Perea, County Clerk

EXHIBIT C

**VALENCIA COUNTY
BOARD OF COUNTY COMMISSIONERS
ACCOUNTS PAYABLE AUTHORIZATION**

The attached computer printout lists all the checks issued by the Manager's Office on October 29, 2009 covering vendor bills processed on the above date. Check # 101015 thru Check # 101187 inclusive, for the total of \$ 452,139.16.

All have been reviewed for:

1. Appropriate documentation and approvals.
2. Authorized budget appropriations.
3. Compliance with New Mexico Statutes, and
4. DFA Rules and Regulations.

In recognition of the above, the Fiscal Office requests this action be officially recorded in the minutes of the regular county commission meeting before which body this matter came.

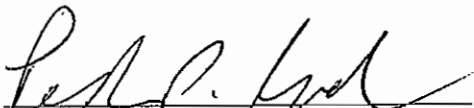
Recommended:



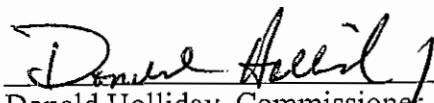
Wilma Abril, Director of Finance

Done this 4th day of November, 2009.

VALENCIA COUNTY BOARD OF COMMISSIONERS



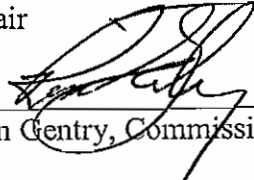
Pedro G. Rael, Commissioner, Chair



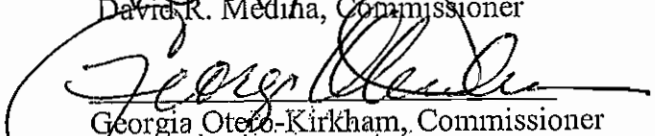
Donald Holliday, Commissioner, Vice Chair



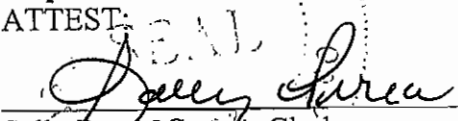
David R. Medina, Commissioner



Ron Gentry, Commissioner



Georgia Otero-Kirkham, Commissioner

ATTEST


Sally Perea, County Clerk

EXHIBIT D