

**MUNICIPALITY OF GARABITO
ACT OF ORDINARY SESSION N°42
FEBRUARY 21, 2007
6:00 P.M.**

DIRECTORY:

REG. DAMARIS ARRIOLA COLES
President

REG. LUIS DIEGO CHAVES SOLÍS
Vicepresident

REGIDORES OWNERS:

REINIER OBANDO ENRÍQUEZ
FREDDY CASTRO AGÜERO.
BETTINA VALVERDE GÓMEZ

Act as owner, in substitution of Mr. Marvin Elizondo Cordero.

REGIDORES SUBSTITUTES:

YAMILETH JIMÉNEZ RANGEL
JOSÉ A. GONZÁLEZ BLANCO
ORLANDO CHINCHILLA PIEDRA.

SINDICATE OWNERS:

GUIDO DELGADO ORDOÑEZ

SINDICATE SUBSTITUTES:

VIRIA ALPÍZAR RODRÍGUEZ.

MUNICIPALITY OFFICIALS:

MARVIN ELIZONDO CORDERO
Mayor

XINIA ESPINOZA MORALES
Secretary

COLABORATOR:

LIC. JOSÉ MIGUEL VILLALOBOS

CHECKED BY THE QUOROM AND ORDER OF THE DAY APPROVED, BEGIN SESSION.

ARTICLE I: APPROVAL OF THE PREVIOUS ACT

The act of the Ordinary Session N°41, celebrated the 14th of February of 2007, **REMAINS APPROVED**, with the following observations:

1. **Page 10:** Vicepresident – Luis Diego Chaves, declares that he did not participate in the vote of Agreement in Article VII, Interjection B, point N°2 respecting to the process of nulifacation of the patents to sell liquor, since at this moment it was found outside of the session room, and in his placere, Yamilety Jiménez participated.
2. **Page 10:** In Article VII, Interjection A, correcting “Peter Van Hussen”.
3. **Page N°9:** Freddy Castro declares that he voted against the Agreement container in Article VI, Interjection J, that invites the members of the Municipality of Orotina to a reunion in order to exchange ideas about the problems they confront for the final disposition of the solids discarded.
4. **Page N°9:** Article VI, Interjection K: The President declares that the authorization for the Mayor to subscribe the agreement of the donation of the beach clearing equipment remains unresolved/pending.

Following, the Town Council **DEFINITELY AND UNANIMOUSLY AGREES:**

To authorize the Mayor – Marvin Elizondo Cordero, to subscribe a Contract between the Garabito Municipality, the business of Daystar Properties Management Corporation and the Central Pacific Chamber of Commerce, for the donation of the beach clearing equipment.

The mentioned contract is to include the following clauses:

FIRST OBJECTIVE: The objective of the present contract is to transfer to the title of real and effective donation on behalf of DAYSTAR PROPERTIES MANAGEMENT CORP., to the Municipality of Garabito the right to control the garbage collecting equipment to clean the beach, according to bond #7720746, which has the following characteristics: Marc: Beachcomber II, year: 2006, 47 inches Wide, with an electric panel and with two garbage containers, each 50 gallons.

SECOND: WORTH OF THE GOOD GIVEN IN DONATION: The worth of the good turned in according to the present contract is greater than \$21.805 (twentyone thous. Eight hundred and five dollars, USD)

THIRD: STATE OF THE GOODS: At the moment of signing this contract, the beach clearing machina will be turned in completely new by the doner in perfect mechanical conditions – physical and in perfect conditions to be used.

FOURTH: OBLIGATIONS OF THE PARTIES: OBLIGATIONS OF THE DONER: a) to appoint the beach cleaner exclusively to Jacó beach; b) to authorize to the CENTRAL PACIFIC COSTA RICA-CHAMBER OF COMMERCE ASSOCIATION the operation (pay of the employees and plans) and maintenance of the beach clearing equipment, for a term of forty-five years, following the instructions of the Municipality of Garabito. c) to allow the

CENTRAL PACIFIC COSTA RICA-CHAMBER OF COMMERCE ASSOCIATION to coordinate the hours of functioning and operation of the equipment. d) to provide a place to park the clearing equipment as well as a place to deposit the recolected discarded ítems each day. e) to promote the cleaner to companies in the community.

OBLIGATIONS OF THE DONER: a) to complete the delivery of the beach cleaner as soon as it is out of storage b) to guarantee maintenance and operation of the equipment for a termo f forty-five years to the Municipality of Garabito.

FIFTH: This contract will be governed by the Costa Rican laws and the text in Spanish is to be authentic and that both parts accept to dissolve any contractual difference.

ARTICLE II: AUDIENCES

A) TOWN COMMITTEE OF SPORTS AND RECREATON OF GARABITO

In accordance with the call made by means of circular De acuerdo con la convocatoria realizada mediante circulatng S.G.67-2007, the President proceeds with the jurification of the Town Comité of Sports and Recreation of Garabito, integrated by the following persons:

NAME	IDENTIFICATION	REPRESENTATION
Marcos Antonio Petersen Dotti	3-216-953	Town Council
Alba Luz Mora Flores	6-229-496	Town Council
José Joaquín Adanis Castillo.	6-158-200	Comunal Organizations
Carlos Humberto Hernández Villalobos	1-713-081	Sports Organizations
Randall Solís Salas	6-278-410	Sports Organizations

Note: Mr. Carlos Humberto Hernández Villalobos, is sworn in Various Matters.

B) MR. NELSON LOBO ADANIS, IDENTIFICATION N°6-203-638, RESIDENT OF TÁRCOLES – GARABITO.

Not in attendance.

ARTÍCULO III: CORRESPONDENCE RECEIVED.

A) JOSÉ DANIEL GÓMEZ ACUÑA – SUBDIRECTOR A.I., ADMINISTRATIVE AND TRIBUNAL ALLOCATION OF WORTH, OFICIAL VA-039-2007.

In response to the oficial S.G-43-2007 of February 1, 2007, by which support of the decision of the the Municipality of Osa is provided, asking the Ministry of Treasury to update the total sums of estimates in the Marítimo Terrestre Zone, indicates the following:

“...So that the municipalities place current values on the terrains in concession in the Marítimo Terrestre Zone the they are allowed to increase their income by that canon, appropriately ask for the estimates to the corresponding Tributary Administration. The Tributary Administrations take care of the requests, whenever they fulfill the requirements established in the Regulation that contains a plan of each one of the buildings with the detail of the area to value and that a value had not been placed on the building in the last five years.

Also, it's important to emphasize that a good coordination between the municipality and the valued Areas of the Tribunal Administrations will allow a soon attention of the solitation of estimates, and especially the colaboration of the municipalities in facilitating the transportation of those placing the values for the inspection of the land will be well received”.

It is agreed to transfer a copy of the oficial **VA-039-2007** to the Mayor so that he coordinates what is necessary with the corresponding departments. **UNANIMOUS AGREEMENT.**

B) DR. PEDRO CASTRO FERNÁNDEZ, – VICEMINISTER OF PUBLIC AND TRANSPORT WORK.

Sends copy of its official DVOP-715-07, directed to Mr. Santiago Santiago Chepe, in response to the official SSCH-12, Feb. 8, 2007, informing him that the Ministry is in the greater interest of cooperating with the maintenance and/or improvement of any town road, however, pertaining to the mentioned road to the municipality, any type of support must be approved through the Town Council.

Thus, that ministry can help in the situation raised only if the Municipality asks for it or if a third request, where certification is attached in which the Town Council grants its endorsement to take part in the way.

It is suggested to look for support in the competent instances, such as Constitutional Room or Defensory of the Inhabitants, with the purpose of which the Municipality of Garabito executes the ordered thing by the Constitutional Room, given that the ministry lacks legal possibilities in that case.

It is agreed to transfer the office to Mr. Alcalde so that it is channeled through the MOPT and of the Cantonal Road Meeting the maintenance and/or improvement of the public road that leads to Playa Mantas. **UNANIMOUS AGREEMENT.**

C) DIP. FEDERICO TINOCO CARMONA, NATIONAL LIBERATION FRACTION, OFICIAL CFTC-061-2007.

It express its congratulation to the Municipal Council and the new Mayor - Mr. Marvin Elizondo, and their greater desires of the success crowns the important management in these crucial moments of our country.

At the same time, it offers its support as Deputy in everything that is possible, and affirms that it is absolutely decided to free together with the Local Governments a parliamentary battle to motivate

the territorial decentralization that restores the true local power that corresponds to the municipalities, over any political faction or follower.

INFORMED.

D) MR. LEONEL BONILLA – DIRECTOR – MEETING ART, CONGRESSES & CONVENTIONS.

Invites to the laying of the first stone of the Project of RAMADA RESORT & RESIDENCES JACÓ BEACH, Saturday, March 3rd, at 11 am, in front of hotel Best Western Jacó Beach.

INFORMED.

E) MR. OTTO CORRALES ROJAS – GENERAL MANAGER – TRANSPORT LA PISTA CORP.

Placed to the disposition of the Municipality the line of transportation of products derived from petroleum.

Agreement of transfer of a copy of the note to the Department of Proveeduría, coordinating with the Transports La Pista Corp. Business, the Se acuerda trasladar copia de la nota al Departamento de Proveeduría, para que coordine con la empresa Transportes La Pista S.A, the management to its inscription in the registry of suppliers of this Municipality. **UNANIMOUS AGREEMENT.**

F) MRS. SONIA ALVARADO MARÍN – SECRETARY – GARABITO ECOLOGICAL PARTY.

Declares that in response to the denouncement by the Garabito Ecological Party before the Defensor of Habitants for the contamination of the beaches and rivers of the town, a copy of the oficial DARSO-004-07 was made that Dr. Andrea Garita Castro – Director of Area of Health of Orotina, directs to Dr. Carlos Manuel Venegas Porras – Director de the Central Pacific Region, and that in its last paragraph, it indicates that for approximately 5 months they have had a new SEAT for a Lawyer in Environmental Management, for the exclusive attention of the town of Garabito, which is still vacant due to the lack of offerers.

Copy attached of the stated oficial (of which a copy is given to each memeber of the Council) and it is added that there has been a conversation with persons of the Ministry of Health and they are very motivated to prepare a work program, short, médium and long term, with the Garabito Ecological Party.

It is considered urgent to continue making the routes but to wait for Lic. Francisco Murillo to return from vacation.

The Council, **UNANAMOUS AND DEFINITIVE AGREEMENT:**

To invite Lic. Francisco Murillo Espinoza – Boss of Saneamiento Ambiental of the Area of Health of Orotina, San Mateo and Garabito, to a reunion with members of this Municipality, in order to analyze the main problems of contamination that confronts our town.

At the same time, to take advantage of the reunion in order to analyze the form to be completed for the vacant position of a Lawyer in Environmental Management created 5 months ago for the town of Garabito, agreeing with that declared by Dr. Andrea Garita Castro – Director of the Area of Health of Orotina, San Mateo and Garabito, in its oficial DARSO-004-07, directed to Dr. Carlos Manuel Venegas Porras – Director of the Central Pacific Region.

MRS. SONIA ALVARADO MARÍN – PRESIDENT – COMMITTEE PRO BLUE FLAG OF JACÓ.

Copy of the oficial BAE-2007-009, date of Feb. 7 by Dr. Darner Mora, who declares that: "all the effort made by the comité that You represent is recognized and this comission urges that You continue working to obtain the evaluation of the 2007 east award and as stimulation, the Nacional commission invites them to participate in the awarding for recognition. This will take place Feb. 27 at 9:00 a.m in the amphitheater of Inbioparque in Santo Domingo of Heredia", (copy of the document is given to each member of the Council)

This is considered beginning and they need the Municipality in order to resolve many problems and above all, contamination, which are the biggest problems.

G) MYRNA RODRÍGUEZ VARGAS – DIRECTOR – QUEBRADA GANADO.

Copy of note from Feb. 14, 2007 sent, directed to the Comission of Treasury and Budget, soliciting an análisis of the possibility of including a part to the lyceum of Quebrada Ganado for the aquirement of recorders, a televisión, dvd placer, projector, tape recorder, desks for the teachers, office furniture, fans, and to improve the level of learning of the students.

INFORMED.

ARTÍCULO IV: VARIOUS SOLICITUDES

A) MIGUEL ROJAS C, PARISH PRIEST – INMACULADA CONCEPCIÓN DE MARÍA.

Solicites permission to open bathrooms in the old Madrigal camping, with the inention of collecting funds for the social pastoral of the Catholic Church, and to watch out for the most needy, and to provide attention with monthly supplies for tose familias that qualify through a priously accepted diagnostic test. It is added that the service of purchasing coffins will also be presented for tose poor families that lose a loved one.

It is agreed to comunicate to Pbro. Miguel Rojas, Parish Priest of Garabito, that he plans to obtain authorization on behalf of the Municipality, he should appeal to the Ministry of Health in order to determine if the stated bathrooms are found to be in adequate conditions for its functioning.
UNANAMOUS AGREEMENT.

B) ING. GUILLERMO CARRANZA CASTRO – MARINA CARARA BAY.

Solicites a meeting to present the Marina Carara Bay Project.

The Council **AGREES UNANAMOUSLY AND IN DEFINITIVE FORM:**

To comunicate to the Engenier Guillermo Carranza Castro that the reunion solicited through his note Feb. 19, 2007, is conceded Saturday March 3, 2007, at 1pm, in the site where they plan to contruct the Marina Carara Bay, in Playa Agujas.

C) LISBETH MORA VARGAS – SCHOOL DIRECTOR OF QUEBRADA GANADO AND MR. WILLIAM LEÓN SEGURA – PRESIDENT OF THE BOARD OF EDUCATION.

Solicites consideration in the extraordinary budget the donation made in 2006, to the Quebrada Ganado School, destined for the construction of a theater room, very necessary for the institution to have different activities.

This due to the work that was not able to be contructed during the past year, due to processes tat should have been completed and that were outside of its posibiliteís.

It is agreed to move the solitation to the Comission of Treasury and Budget, for the corresponding study. **UNANAMOUS AND DEFINITIVE AGREEMENT.**

ARTICLE V: MOTIONS

A) MRS. DAMARIS ARRIOLA COLES – MUNICIPAL PRESIDENT.

Present Motion that says in writing the following:

“Considering that Mr. Luis Quirós Rodríguez has had good participation in the Area of Conservation of the Central Pacific, where she was director, and in the Area of Conservation of la Cordillera Volcánica Central, as Sub-regional Manager.

Motion to include the name of Mr. Luis Quirós in the list in order to compete as director for ACOPAC.

Copy sent to Dr. Roberto Robles Moya – Minister of Environment, to Jorge Rodríguez Quirós – Viceminister of Energy and **Minas**, to Ronald Vargas Brenes – Director of SINAC”.

The Council APPROVES in all its parts, the Motion presented by the President– Damaris Arriola Coles. **UNANIMOUS AND DEFINITIVE AGREEMENT.**

ARTÍCULO: VI: MAYOR REPORTS

- A)** Solicits the naming of the new Road Board and the possibility that its new members are administered under oath in today’s Session.

President – Damaris Arriola explains that due to some members of the Road Board have left the Municipality or have become inactive members, she would like to modify the naming of this Board.

Based in the justification made by the President, the Council **AGREES UNANIMOUSLY AND IN DEFINITIVE FORM:**

- 1- MODIFY the Agreement stated by the Municipal Council of Garabito in the Ordinary Session N°15, Article VII, celebrated August 9, 2006 (circular S.G.548-2006), regarding the naming of the Town Road Board of Garabito, which remains composed in the following way:

TOWN ROAD BOARD OF GARABITO		
NAME	ID	REPRESENTATION
Marvin Elizondo Cordero	4-126-011	Municipal Mayor
Bettina Valverde Gómez	1-339-716	Municipal Council
José Adanis Castillo	6-158-200	Development Associations
Danilo Solís Martínez	6-148-878	Private Sector
Peter Van Hussen		Chamber of Commerce
Manuel Vargas Calderón	6-143-745	District Council
Ing. Fernando Hidalgo Cárdenas		Minister of Public Works and Transportation.

The Mayor declares that the naming of the Director of Management remains pending, that Engineer Victor Sánchez, who will begin working for the Municipality the first of March as engineer and as Regent, is possible.

Also, takes advantage of the opportunity to inform that the Road Board meets on the first of each month at 10:00 a.m, in the session room of this Municipality.

All of the members of the Road Board are administered oath, except for Peter Van Hussen y Fernando Hidalgo.

- B)** Presents copy of oficial P.M. 48-2007, through which Ana Cecilia Adanis Castillo – In charge of the Department of Encargada del Departamento de Proveeduría, reminds of the importance of soliciting to the Coucil the following:

- 1- The naming of the COUNTERSIGNATURE COMMISSION that would be in charge of approving the Postres of the different licitations.
- 2- The modification of the Agreement that autorices the Mayor to turn until a maximum amount of ¢1.500.000.00 (one million five hundred colones) without Agreement of the Council. So that this amount increases to ¢ 3.000.000.00 (three million colones).

Regarding point N°1, the President declares that the election of the Countersignature Commission is by means of the Mayor.

The Mayor indicates that in this case the countersignature commission will be the same as the Treasury and Budget Commission.

The next Treasury and Budget Commission meets next Saturday, Feb. 24, 2007 at 10:00 a.m, in the session room of this Municipality with the objective of preparing the Project of the first Extraordinary Budget of 2007.

The Council agrees to send the announcement to the members of the Commission of Treasury and Budget. Also, to incorporate in this Commission Bettina Valverde and José Miguel Villalobos, in place of Mr. Randall Vargas. **UNANAMOUS AND DEFINITIVE AGREEMENT.**

With respect to point N°2, the Council solicits Mr. Marvin Elizondo that in his place as Mayor, he coordinates with Mrs. Ana Cecilia Adanis Castillo, the justification of the solicitation formulated through official PM. 48-2007, regarding the increasing of the amount that the Mayor can turn without Agreement of the Council, from ¢1.500.000.00 to ¢3.000.000.00.

This with the ending of definig with would be the buying and payments that could be covered under this, agreeing with the stipulation in the law that governs the matter.

Furthermore, the stated information has to be in written form in order to be known Saturday Feb. 24 in the meeting programmed by the Commission of Treasury and Budget, and that at the same time, this Commission gives a recommendation to the respect, in order to make a determination in the following Ordinary Session, Feb. 28 **UNANAMOUS AND DEFINITIVE AGREEMENT.**

- C) Presents copy of the oficial DVOP-217-07-AM, through which Dr. Pedro Castro Fernández – Viceminister of Public Works declares that it will initiate a contracting in order to intervene the route 320, section: Tárcoles – Delicias, route located in Central the Pacific Zone by an amount of ¢97.919.450.60, Also, it is had predicted to take part route 34, under the modality of "Routine Maintenance in the Asphalted Road Network".

The President solicits to the Mayor that all correspondence be knowin in the Municipal Session that it be given to the Council Secretary befote Tuesday at 4:30 p.m,

The Mayor takes note.

- D) Informs that they have been doing work on Pastor Días Ave. And the MOPT will facilitate 150 tons more of asphalt which will amplify the Works.
- E) Solicits agreement for the demolition of the local that harbours the Alcoholics Anonymous group, in the INVU of Jacó. The business members are not interested in continuing to use the locale and that it is really a hole of drug addicts. Therefore, the neighbors want it demolished and to instead construct a children park.

The President indicates that the matter is merely an administrative matter, and it will be the Mayor who will make the decision.

- F)** A copy of the Project of “Integral Community Houses” is given to each member of the Council, that are physical spaces that hold different types of activities to the different sectors of society.

With the request of which they analyze and present its criteria for the next session.

- G)** Informs that the prefabricated house of Ronal Figueroa is already bought, donated by industrialists of the zone. It only remains to define the authorization asked for to the Legislative Assembly for the change of use of the land where the house will be located.

The President further expands that a part of the Money that was donated for this work is left over and that it will be used to buy some furniture that Ronal Figueroa needs.

A place to deposit bought materials is needed, for this reason, the Mayor asks that while the Legislative Assembly resolves the soliciting of the change of the use of land, it coordinates the retention of the consignment of the materials, for some 4 days.

Adds that it includes the metallic structure for the roof donated by the business PROVIVIENDA worth ₡300.000.00, and the transportation for ₡ 250.000.00.

ARTÍCULO VII: VARIOUS MATTERS:

A) REINIER OBANDO ENRÍQUEZ – REGIDOR PROPIETARIO.

Reminds the Mayor that in Ordinary Session N°40, Article VI, Interjection E, he asked that the garbage collecting service in Playa Agujas be regular, each time that the recolector vehicle pass only on Thursdays, and that it is important that the service is at least two times a week (Tuesdays and Thursdays) and in the case that this is not possible two days that the recollection takes place on Tuesdays.

The Mayor declares that he made note of the petition of Obando and that he really should improve the garbage collection service because Playa Agujas is a clean beach with the Blue Flag, but has not been able to coordinate with the collectors, promising that he will do it this week.

On the other hand, he informs that a person is to be hired that will be in charge of clearing the road ways in Playa Agujas, Quebrada Ganado y Tárcoles, and that it is necessary to reform the regulation to receive this heading.

B) MR. FREDDY CASTRO AGÜERO – REGIDOR PROPIETARIO.

Asks the Mayor to inform in what stage the process is in for the demolition of the sidewalk constructed in front of the hotel restaurant La Hacienda in Jacó.

The Mayor indicates that tomorrow he will speak about this with the official Alexander Méndez Solís of the Inspection Unit, since confusion exists regarding the permissions for the construction of this work.

C) MRS. DAMARIS ARRIOLA COLES – MUNICIPAL PRESIDENT.

- 1- Asks to exempt the reading of the rough draft of the Regulation for Operations of the Commissions of Popular Festejos and that it is transferred to make the necessary observations to approve it in definite and to send it to publication.

José Miguel Villalobos clarifies the Operations Manual for the Comisión of Popular Festejos, that it approved and published the General Contraloría of the Republic, of which he can not make changes and it does not require the approval of the Municipality.

Adds that he is able to make a regulation for the comunal festejos, and that he compromisos to obtain copies of regulations that other towns use in order to adjust ours.

- 2- Declares that the Internacional Hogar Crea Association wants an audience with this Council in order to plan together a better way to establish an Hogar in our town.

It is agreed to comunicate to Mr. Carlos Coghi Gómez – Nacional Director of Treatment of Hogares Crea that the audience is given for March 7, 2007 at 6:00 p.m. **UNANAMOUS AND DEFINITE AGREEMENT**

- 3- The budgets by Fernando Hidalgo – Regional Director of MOPT are turned in to the Mayor for the reparing of Calle Madrigal, Avenida Pastor Díaz, and the route from Doce Lunas to Quebrada Seca, which requires a collective signatura with this ministry.

José Miguel Villalobos declares that the best alternative for the reparing of roadways are the collective agreements using the legal marc because in that way, the Works speed up.

The President declares that in the meeting today it was said that the collective agreements are a good alternative, but that we should work with the three figures for the execution of the Works (contract, agreements and Works by the administration).

Adds that the authorization will remain pending that the Mayor signs the agreements with MOPT, until then, the rough drafts are presented in order to be familiar with the terms of each one of these agreements.

- 4- Finally, the President informs that Mr. Huberth Madrigal Orozco was named Presidencial Delegate of the town of Garabito, just as Mrs. Marta Sandoval Fernández named in Augusto f the past year.

UPON BEING NINETEEN HOURS WITH FOURTY FIVE MINUTES, THE SESSION ENDS.

DAMARIS ARRIOLA COLES
Municipal President

++++ u.l++++

XINIA ESPINOZA MORALES
Municipal Secretary