

COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District (Vice-Chair)

Ed Scofield, 2nd District

Dan Miller, 3rd District

Susan Hoek, 4th District

Richard Anderson, 5th District (Chair)

Julie Patterson Hunter, Clerk of the Board

Alison Lehman, County Executive Officer

Alison Barratt-Green, County Counsel



BOARD OF SUPERVISORS

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SUMMARY MINUTES

<u>Date</u>	<u>Time</u>	<u>Location</u>
Tuesday, March 26, 2019	9:30 AM	Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:30 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District

Ed Scofield, 2nd District

Dan Miller, 3rd District

Susan Hoek, 4th District

Richard Anderson, 5th District

STANDING ORDERS:

Chairman Anderson called the meeting to order at 9:30 a.m.

Pledge of Allegiance led by Mr. Don Bessee, District II resident.

Corrections and/or deletions to agenda.

ACTION TAKEN: No corrections and/or deletions to the agenda were noted.

PUBLIC COMMENT: 9:31 A.M.

ACTION TAKEN: No public comment received.

CONSENT CALENDAR:

Public Health Director: Jill Blake

1. [SR 19-0246](#) Resolution proclaiming April 1 through 7, 2019 as Public Health Week in Nevada County.

Adopted.

Enactment No: RES 19-110

Director of Social Services: Tex Ritter

2. [SR 19-0213](#) Resolution approving the Second Amended and Restated Joint Exercise of Powers Agreement (JPA) between the County of Nevada and the California Statewide Automated Welfare System (CalSAWS) Consortium for implementation of an automated welfare system, stating that Nevada County will continue to contribute its funding allocation to the Consortium for the project purposes outlined in the Agreement, effective June 1, 2019, and authorizing the Chair of the Board of Supervisors to execute the JPA.

Adopted.

Enactment No: RES 19-111

3. [SR 19-0217](#) Resolution approving the Memorandum of Understanding (MOU) between the County of Nevada and the California Statewide Automated Welfare System (CalSAWS) Consortium, a California Joint Powers Authority, for implementation of an automated welfare system, delineating areas of understanding and agreement between the CalSAWS Consortium and the Members regarding administration and fulfillment of the Consortium's purpose, effective June 28, 2019, and authorizing the Chair of the Board of Supervisors to execute the MOU.

Adopted.

Enactment No: RES 19-112

Sheriff-Coroner/Public Administrator: Shannan Moon

4. [SR 19-0206](#) Resolution accepting the 2017 Edward Byrne Memorial Justice Assistance Grant in the amount of \$14,262 from the Department of Justice, Bureau of Justice Assistance, to purchase computers and related peripheral equipment for the Nevada County Sheriff's office, authorizing the County Executive Officer to execute the award documents and certifications, and directing the Auditor Controller to amend the Sheriff's Office Fiscal Year 2018/19 budget. (4/5 affirmative vote required)

Adopted.

Enactment No: RES 19-113

Agricultural Commissioner: Chris de Nijs

5. [SR 19-0211](#) Resolution approving Amendment 1 to Standard Agreement 18-0036 between the County of Nevada and the California Department of Food and Agriculture pertaining to reimbursing the Agricultural Commissioner for work performed in high-risk pest exclusion inspections and enforcement activities, increasing the contract to an amount not to exceed \$29,405.29, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the Amendment.

Adopted.

Enactment No: RES 19-114

Planning Director: Brian Foss

6. [SR 19-0236](#) Resolution approving Amendment 3 to the contract between the County of Nevada and Helix Environmental Planning for the Boca Quarry Expansion Project Environmental Impact Report (Res. 12-009), extending the contract expiration date to December 31, 2019, authorizing the Chair of the Board of Supervisors to execute the Amendment, increasing the contract amount by \$86,070 for additional administrative and project management efforts, and directing the Auditor-Controller to amend the Planning Department's Fiscal Year 2018/19 budget. (4/5 affirmative vote required) (Dist. V)

Adopted.

Enactment No: RES 19-115

Director of Public Works: Trisha Tillotson

7. [SR 19-0223](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Construction Materials Engineers, Inc. for on-call materials testing and construction inspection services (Res. 18-054), increasing the contract to a maximum amount of \$160,000, extending the contract expiration date to June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the Amendment.
Adopted.
Enactment No: RES 19-116
8. [SR 19-0225](#) Resolution approving the Request for Qualifications for Engineering and Design Services for the Rough and Ready Highway Intersection Improvement Project, authorizing the Chair of the Board of Supervisors to execute the documents, and instructing the Purchasing Division to advertise for qualifications in accordance with applicable regulations. (Dist. III)
Adopted.
Enactment No: RES 19-117
9. [SR 19-0231](#) Resolution adopting a list of projects for Fiscal Year 2019/20 funded by Senate Bill 1 (SB1): The Road Repair and Accountability Act of 2017.
Adopted.
Enactment No: RES 19-118
10. [SR 19-0248](#) Resolution authorizing the Director of Public Works to request the relinquishment of State Right-of-Way to the County of Nevada and to accept the relinquished Right-of-Way on behalf of the County of Nevada. (Dist. II)
Adopted.
Enactment No: RES 19-119

Chief Information Officer: Stephen Monaghan

11. [SR 19-0219](#) Resolution continuing the declaration of a Local Emergency in Nevada County due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)
Adopted.
Enactment No: RES 19-120

12. [SR 19-0220](#) Resolution approving a Lease Agreement between the County of Nevada and Alpine Aviation, Inc. to operate an aircraft maintenance facility as a fixed based operator, with a rental rate of \$1,435.20 per month, for the period October 1, 2018 through September 30, 2023, and authorizing the Chair of the Board of Supervisors to execute the Lease Agreement. (4/5 affirmative vote required) (Airport)
Adopted.
Enactment No: RES 19-121
13. [SR 19-0222](#) Resolution approving Amendment 1 to the contract between the County of Nevada and Disability Access Consultants for the Nevada County Facilities ADA Self Evaluation and Transition Plan (BMS18504), increasing the contract amount by \$18,950 for a maximum contract price of \$78,950, authorizing the Chair of the Board of Supervisors to execute the Amendment, and directing the Auditor-Controller to amend the Facilities Management Fiscal Year 2018/19 budget. (4/5 affirmative vote required) (Facilities)
Adopted.
Enactment No: RES 19-122
14. [SR 19-0235](#) Resolution approving Amendment 2 to the Lease Agreement between the County of Nevada and M.K. Blake Estate Company for the Brighton Greens Business Park located at 988 McCourtney Road, Grass Valley (Res. 14-545), acknowledging the sale of the property to 9 Miller Court, LLC and Brighton Greens Ventures, LLC, dba 9 Miller Court Properties, releasing M.K. Blake Estate Company from all obligations in the original Lease Agreement, and authorizing the Chair of the Board of Supervisors to execute the Amendment. (Facilities)
Adopted.
Enactment No: RES 19-123
15. [SR 19-0226](#) Resolution approving bidding documents and specifications for the Nevada County Sheriff Property Unit Lab Construction Project, authorizing the Chair of the Board of Supervisors to execute the documents, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)
Adopted.
Enactment No: RES 19-124

Clerk of the Board: Julie Patterson Hunter

16. [SR 19-0228](#) Appointments of Ms. Josie Andrews and Ms. Becky Robinson to the Citizen's Oversight Committee, for four-year terms ending March 31, 2023.
Appointed.

17. [SR 19-0227](#) Appointment of Ms. Mary Eldridge-Tober, an Owner of Lake of the Pines Property, Zone 2 representative to the Nevada County Sanitation District #1 Advisory Committee, for a two-year unexpired term ending June 30, 2020.
Appointed.
18. [SR 19-0241](#) Resolution making findings, accepting the appeal filed by Ms. Jennifer D' Andrade from the decision of the Planning Commission's approval of a Conditional Use Permit, Seasonal and Ephemeral Stream Management Plan, and Amendment to a Tentative Parcel Map (PLN18-0023; CUP18-0009; MGT18-0019; AAM18-0002), and adoption of Mitigated Negative Declaration (EIS18-0012) for an outdoor event center located at 17869 Cattle Drive, Penn Valley (APN 051-110-004), and scheduling the appeal for public hearing on April 23, 2019, at 10:30 a.m. (Dist. IV)
Adopted.
Enactment No: RES 19-125
19. [SR 19-0239](#) Acceptance of Board of Supervisors Summary Minutes for March 12, 2019.
Accepted.

ACTION TAKEN: Chairman Anderson introduced the consent calendar.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to approve the consent calendar. On a roll call vote, the motion passed unanimously.

The Board took a short break until the scheduled item at 10:30 a.m.

SCHEDULED ITEMS: 10:30 A.M.**Child Support Services, Collections, and Housing Director: Mike Dent**

20. [SR 19-0212](#) Public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, at which it will hear and consider information, and determine whether to authorize a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time, and at no time to exceed \$7,500,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, rehabilitation and development of a 42-unit multifamily rental housing project located at 10491 and 10533 Broken Oak Court, Penn Valley, California. The facilities are to be owned by Penn Valley 2, LP (the "Borrower"), operated by FPI Management, Inc., and are generally known as Courtyards at Penn Valley Apartments (the "Project").

Public hearing held.

Resolution approving the issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Courtyards at Penn Valley Apartments. (Housing)

Adopted.

Enactment No: RES 19-126

ACTION TAKEN: Chairman Anderson called the meeting back to order and introduced the Agenda item.

Mr. Mike Dent, Director of Child Support Services, Collections, and Housing, reviewed the staff report regarding the plan for providing funding using multi-family housing revenue bonds issued by the California Statewide Communities Development Authority, for the purpose of financing or re-financing the acquisition, rehabilitation and development of a 42-unit multi-family rental housing project located at 10491 and 10533 Broken Oak Court, Penn Valley, known as Courtyards at Penn Valley Apartments (Project).

He introduced Mr. James Hamill, Managing Director, California Statewide Communities Development Authority, the Authority responsible for monitoring and issuing bonds for this type of purpose.

In response to Board questioning, Mr. Dent provided a brief history of the project, and Mr. Hamill commented on the benefit of the issuance of the bonds which will protect the affordability of the Project.

Board questioning ensued.

Chairman Anderson opened the public hearing for public comment. There being no public comment, Chairman Anderson closed public comment.

Board discussion ensued.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to adopt Resolution 19-126. On a roll call vote the motion passed unanimously.

21. [SR 19-0229](#) Resolution approving modification of terms of the Community Development Block Grant Promissory Note between the County of Nevada and the Nevada County Housing Development Corporation related to the 42-unit affordable housing rental complex located at 10533 Broken Oak Court, Penn Valley, CA 95946, and authorizing the Director of Housing and Community Services to execute the Modification to the Promissory Note. (Housing)

Adopted.

Enactment No: RES 19-127

ACTION TAKEN: Mr. Mike Dent, Director of Child Support Services, Collections, and Housing, reviewed the staff report regarding the modification of terms of the Community Development Block Grant Promissory Note between the County of Nevada and the Nevada County Housing Development Corporation. He explained that staff is requesting an extension of the Promissory Note for an additional two years for the 42-unit affordable housing rental complex located at 10533 Broken Oak Court, Penn Valley.

Board discussion ensued.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hoek, to adopt Resolution 19-127. On a roll call vote the motion passed unanimously.

***ANNOUNCEMENTS:**

Pursuant to Government Code Section 54954.2, Board members and County Executive Officer may make a brief announcement or brief report on his or her activities. Board members and County Executive Officer may also provide a reference to staff or other resources for factual information, request staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

ACTION TAKEN: Updates were provided by members of the Board.

SCHEDULED ITEMS: 10:45 A.M.**Planning Director: Brian Foss**

22. [SR 19-0232](#) Public hearing to consider the Nevada County Planning Commission's February 28, 2019, (5-0 Vote) recommendation for the Mena TPZ Rezone Project to: 1) find the adoption of Timberland Production Zones statutorily exempt from environmental review pursuant to CEQA Guidelines Section 15264; and 2) approve the corresponding amendment to Zoning District Map (ZDM) No. 97 to change APN 065-280-001 zoning from Forest, with the Subdivision Limitation Combining District (FR-X), to Timberland Production Zone, with the Subdivision Limitation Combining District (TPZ-X), (RZN18-0001).

(Introduce/Waive further reading/Adopt) An Ordinance amending Zoning District Map 97 to rezone 54.38 acres (APN 065-280-001) located in the unincorporated area of Nevada County, from Forest with the Subdivision Limitation Combining District (FR-X) to Timberland Production Zone with the Subdivision Limitation Combining District (TPZ-X) (RZN18-0001) (Mena) (Dist. V).

Adopted.

Enactment No: ORD-2461

ACTION TAKEN: Mr. Brian Foss, Planning Director, and Ms. Janeane Martin, Associate Planner, provided a PowerPoint presentation outlining the existing zoning and the proposed zoning for the Mena Timberland Production Zone (TPZ) rezone. She reviewed the request from Mr. Mena to rezone this property and the criteria for the rezone through the Forest Management Plan.

Ms. Martin stated that the proposed TPZ zoning district is consistent with the Forest General Plan designation which specifically supports protection of the County's timber producing lands. In addition, in order to be eligible for the "TPZ" District, continued timber operations need to occur as described in the Forest Management Plan. Ms. Martin ended her presentation and closed with staff's recommendation for the rezone.

Board questioning ensued.

Chairman Anderson opened the public hearing for public comment. There being none, Chairman Anderson closed public comment.

MOTION: Motion made by Supervisor Scofield, seconded by Supervisor Hoek, to Introduce, Waive further reading and Adopt Ordinance 2461. On a roll call vote the motion passed unanimously.

23. [SR 19-0157](#) Public hearing, continued from September 25, 2018, to consider an Ordinance amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.19.1 to incentivize the development and long-term residential use of Accessory Dwelling Units (ADUs) by: 1) prohibiting short-term rental of ADUs with exceptions for Agritourism, the Soda Springs Rural Center and the Town of Truckee Sphere of Influence; 2) removing owner occupancy requirements; 3) providing a road and sewer maintenance fee deferral projects for ADUs when certain criteria are met; and 4) removing restrictions on ADUs on parcels with Employee Housing, including amending Chapter II of the Nevada County Land Use and Development Code Section L-II for consistency with the removal of this restriction. The Project also provides clarification regarding septic and water requirements for an ADU and allows for the development of an attached ADU on parcels less than one acre (ORD18-1).

(Introduce/Waive further reading/Adopt) An Ordinance amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.19.1 to incentivize the development and long term residential use of Accessory Dwelling Units (ADUs) by: 1) prohibiting short term rental of ADUs with exceptions for Agritourism, the Soda Springs Rural Center, and the Town of Truckee Sphere of Influence; 2) removing Owner Occupancy requirements; 3) providing a Road and Sewer Mitigation Fee deferral process for ADUs when certain criteria are met; and 4) removing restriction of ADUs on parcels with Employee Housing, including amending Chapter II of the Nevada County Land Use and Development Code Section L-II 3.10 for consistency with the removal of this restriction. The Project also provides clarification regarding septic and water requirements for an ADU and allows for the development of a detached ADU on parcels less than one acre (Planning File No. ORD 18-1).

Adopted.

Enactment No: ORD-2462

ACTION TAKEN: Chairman Anderson introduced the public hearing.

Mr. Brian Foss, Planning Director, introduced Mr. Tyler Barrington, Principal Planner. Mr. Barrington provided a PowerPoint presentation regarding the proposed amendments to Nevada County's Land Use and Development Code to incentivize the development and long-term residential use of Accessory Dwelling Units (ADUs). He provided background information regarding the process, and he reviewed the recommended changes provided by the Planning Commission.

The changes include; removal of the Owner Occupancy requirements; incentives and sewer maintenance fee deferrals; continuing the prohibition of the rental of ADUs on a short term basis with exceptions for Agritourism, the Soda Springs Rural Center and the Town of Truckee Sphere of Influence; removing restrictions on ADUs on parcels with Employee Housing; requiring a deed restriction for use of ADUs to ensure rental provisions are adhered to. The changes provide clarification regarding septic and water requirements for an ADU and allows for the development of an attached ADU on parcels less than one acre. Staff recommends the Board find the project exempt from the California Environmental Quality Act (CEQA), adopt the proposed Ordinance, and close Board Order BO17-02.

Supervisor Hall asked about clarification of septic and water requirements for ADUs. She remembered that previous discussion directed looking at septic requirements on a case-by-case basis. Ms. Amy Irani, Environmental Health Director, responded that adding a second unit disrupts the main system; it is best to have a separate tank to allow both systems to settle properly. For an ADU, which is a separate living structure, a separate tank would be required. She reported that she reached out to other rural county jurisdictions, and all ten responses agreed that separate tanks would be required. Ms. Irani wanted to clarify that along with the separate tank the permit review would look on a case by case basis at the existing leach field and whether it has the capacity to handle the additional tank.

Board discussion and questioning continued.

Chairman Anderson opened the public hearing for public comment. The following members of the public provided comments: Ms. Laurie Oberholzer, representative of Community Environmental Advocates and District I resident; Mr. Lee French, District II resident; Mr. Don Bessee, Alta Sierra Property Owners Association and District II resident; and Ms. Teresa Dietrich, President, Nevada County Association of Realtors.

There being no further public comment, Chairman Anderson closed the public comment period.

Board discussion ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller, to introduce, waive further reading and adopt Ordinance 2462. On a roll call vote the motion passed unanimously.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Hall, to close Board Order BO17-02. On a roll call vote the motion passed unanimously.

Recess for lunch:

AFTERNOON SESSION

SCHEDULED ITEMS: 1:30 P.M.

Chief Information Officer: Stephen Monaghan

24. [SR 19-0237](#) Resolution approving an agreement between the County of Nevada and the Nevada County Consolidated Fire District (NCCFD) and an amended and restated agreement between the County of Nevada and Nevada-Yuba-Placer Unit, California Department of Forestry and Fire Protection (Cal Fire) pertaining to the County's Defensible Space Inspection Program, with payment to NCCFD for providing program management in the amount of \$51,200, for the period April 1, 2019 through June 30, 2020, and authorizing the Board of Supervisors to execute both agreements. (Emergency Services)

Adopted.

Enactment No: RES 19-128

ACTION TAKEN: Chairman Anderson called the meeting back into order at 1:30 p.m. and introduced the Agenda item.

Mr. Stephen Monaghan, Chief Information Officer, introduced Nevada County Consolidated Fire Prevention Officer Terry McMahon. Mr. Monaghan informed the Board that he would be bringing back a full fire-related report to the Board in May. He provided a PowerPoint presentation regarding the three items on the agenda, relating to fire protection and defensible space. Mr. Monaghan reported on the Defensible Space Inspection (DSI) Program, and management services provided by the County's contract with California Department of Forestry and Fire Protection (CAL FIRE) and Nevada County Consolidated Fire District (NCCFD). He reviewed the larger goal to make more impact within the community with regards to defensible space. Mr. Monaghan provided an overview of the core program elements. They have renewed their contract with CAL FIRE for property inspections, with a goal to increase inspections and to build efficiencies and best practices within the program. Mr. Monaghan proposed partnering further with NCCFD to coordinate the County's inspectors to ensure oversight, coordination and coverage for better delivery of services to the community. As part of the new contract, NCCFD now has dedicated staff to provide direction, training and oversight.

Officer McMahon provided his support for the program, with the goal to meet directly with all of the Fire Districts and to coordinate closely with Nevada County's Office of Emergency Services (OES).

Board questioning and discussion ensued.

Mr. Monaghan explained that the County has hired four part-time DSI Inspectors. NCCFD will provide the oversight of the inspectors and program, with the goal to bring property owners into compliance. In addition, CAL FIRE also has DSI Inspectors that work within the County.

Officer Mertens, CAL FIRE Law Enforcement, Nevada-Yuba-Placer Unit, responded to questions regarding CAL FIRE's process, and how they will allocate the work of their four Inspectors.

Mr. Monaghan explained that funding for the contract is coming from Prop 172 funding and the County's General Fund. They are in the process of hiring the additional Inspectors, with assistance from NCCFD.

Officer Mertens reviewed their plans to allocate the work of the four Inspectors using the CAL FIRE state-wide Collector Application, which will include pre-identified priority areas. Inspectors using the application can see which homes were already inspected, thereby reducing overlap and maximizing coverage. Inspectors will only return for follow up if violations were found during the initial inspection.

Mr. Monaghan reported that the desire of the program is to build a stronger partnership with the Fire Safe Council of Nevada County to provide advisory services within the community. He added that they are also working with the Fire Wise Community Program; the Cities and Town have their own ordinances, but they are working together with the County and State to bring parcels into compliance.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller, to adopt Resolution 19-128. On a roll call vote the motion passed unanimously.

25. [SR 19-0230](#) (Introduce/Waive further reading/Adopt) An Urgency Ordinance amending Article 7 of Chapter IV of the Nevada County General Code regarding Hazardous Vegetation Abatement. (4/5 affirmative vote required) (Emergency Services)

Adopted.

Enactment No: ORD 2463

ACTION TAKEN: Chairman Anderson read the title of the Ordinance into the record and Mr. Stephen Monaghan, Chief Information Officer, provided a PowerPoint presentation and reviewed the staff report report regarding the third update to the Hazardous Vegetation Abatement Ordinance.

Revisions include; removing redundant Public Resource Code 4291 within the Ordinance, which is already adopted in the County's Building Code; replacing the title "Fire Official" with "Public Official" which enables OES and Code Compliance staff to enforce the Ordinance; clarifying penalties for violations; adding a Safety Code violation to streamline Administrative Citation ability; adding tiered fines; and providing the opportunity for fine discretion to Public Officials when working with cooperating property owners.

Board questioning and discussion ensued.

MOTION: Motion made by Supervisor Miller, seconded by Supervisor Scofield, to introduce, waive further reading and adopt Ordinance 2463. On a roll call vote the motion passed unanimously.

- 26. [SR 19-0175](#) Resolution approving Amendment 1 to the contract between the County of Nevada and the Fire Safe Council of Nevada County to provide fire prevention and education activities in Nevada County (Res. 18-244), increasing the contract amount by \$10,400 for a maximum contract price of \$70,400, for the period July 1, 2018 through June 30, 2019, authorizing the Board of Supervisors to execute the Amendment. (Emergency Services)
Adopted.
 Enactment No: RES 19-129

ACTION TAKEN: Mr. Stephen Monaghan, Chief Information Officer, reviewed the purpose of the amendment and introduced Ms. Jamie Jones, Nevada County Fire Safe Council Executive Director, who provided clarification of their process regarding Firewise Communities. Currently there are close to 40 communities registered as Firewise Communities and more are working on getting certified. In order to complete the certification process the Fire Safe Council needs to hire a Registered Professional Forester.

Board discussion ensued.

MOTION: Motion made by Supervisor Hoek, seconded by Supervisor Hall, to adopt Resolution 19-129. On a roll call vote the motion passed unanimously.

ADJOURNMENT:

Meeting adjourned at 2:21 P.M.

Signature and Attestation

Richard Anderson, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board