COUNTY OF NEVADA

STATE OF CALIFORNIA

Heidi Hall, 1st District Ed Scofield, 2nd District (Chair) Dan Miller, 3rd District Hank Weston, 4th District Richard Anderson, 5th District (Vice-Chair)



BOARD OF SUPERVISORS

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Julie Patterson Hunter, Clerk of the Board Alison Lehman, County Executive Officer Alison Barratt-Green, County Counsel

SUMMARY MINUTES

Date Time Location

Tuesday, October 23, 2018 9:00 AM

Board Chambers, First Floor Eric Rood Administrative Center 950 Maidu Avenue Nevada City, California

REGULAR MEETING: 9:00 AM

Rollcall

The following Supervisors present:

Heidi Hall, 1st District Ed Scofield, 2nd District Dan Miller, 3rd District Hank Weston, 4th District Richard Anderson, 5th District

STANDING ORDERS:

Chairman Scofield called the meeting to order at 9:00 A.M.

Pledge of Allegiance led by Mr. Michael Ertola, Chief Probation Officer.

Corrections and/or deletions to agenda.

ACTION TAKEN: Agenda items #21 and #22 pulled from the Agenda by staff.

SCHEDULED ITEMS: 9:01 A.M.

Public Comment:

ACTION TAKEN: The following members provided comment: Ms. Linda Chaplin, District I resident; Mr. Matthew Coulter, District I resident; and Mr. Wade Laughter, District I resident.

1. <u>SR 18-0912</u>

Nevada County UC Cooperative Extension Programs, focusing on the 4-H Youth Development All Star Report. (Mr. Christopher Kitchen, Nevada County 4-H County Ambassador, and Ms. Cindy Fake, UC ANR Placer and Nevada Counties County Director, and Horticulture and Small Farms Advisor)

ACTION TAKEN: Chairman Scofield introduced Ms. Cindy Fake, UC ANR Placer and Nevada County's County Director, and Horticulture and Small Farm Advisor. Ms. Fake provided an overview of Nevada County's UC Cooperative Extension Programs, and introduced Mr. Christopher Kitchen, 2018/19 Nevada County 4-H All Star Ambassador. Mr. Kitchen provided an overview of the 4-H All Star Program, including the Summer Camp Program. He reported on 4-H All Stars' upcoming visit to Washington DC, funded by fundraisers including their Spaghetti Feed, and he invited members of the Board to attend.

Mr. Kitchen responded to Board questioning. Chairman Scofield thanked Ms. Fake and Mr. Kitchen, for the presentation.

CONSENT CALENDAR:

Public Health Director: Jill Blake

2. SR 18-0939

Resolution approving a contract between the County of Nevada and the County of Sacramento for microbiological, rabies testing and other laboratory tests and consultation services through the Sacramento County Public Health Laboratory for the Public Health Department and the Sheriff's Animal Control Division, in the maximum amount of \$37,500, for the period July 1, 2018 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Sheriff-Coroner/Public Administrator: Keith Royal

3. <u>SR 18-0935</u>

Resolution accepting the United States Department of Justice Body-Worn Camera Policy (BWC) and Implementation Program Grant Award 2018-BC-BX-0006, for the purchase of 82 body-worn cameras and related equipment as well as the development of policies and procedures regarding operation and utilization of the BWC system, in the maximum amount of \$123,000, for the period October 1, 2018 through September 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the agreement.

Adopted.

Enactment No: RES 18-507

Auditor-Controller: Marcia Salter

4. SR 18-0965

Resolution authorizing the Nevada Joint Union High School District to sell General Obligation Bonds without further action by the County.

Adopted.

Enactment No: RES 18-508

Environmental Health Director: Amy Irani

5. SR 18-0929

Resolution approving Grant Agreement EA29-18-0018 between the County of Nevada and the California Department of Resources Recycling and Recovery (CalRecycle) for the Solid Waste LEA Enforcement Assistance Grant to support solid waste facilities permit, inspection and enforcement programs, in the amount of \$17,264, for the period July 1, 2018 through October 29, 2019, and authorizing the Chair of the Board of Supervisors to execute the Agreement.

Adopted.

Enactment No: RES 18-509

Director of Public Works: Trisha Tillotson

6. SR 18-0746

Resolution of Intent to create the Higgins Woodridge Permanent Road Division (PRD) located within the boundaries south of Combie Road and east of State Route 49, hold a public hearing on December 11, 2018 at 11:00 a.m., conduct an assessment ballot proceeding to impose a parcel charge for the purpose of providing road maintenance services within the Higgins Woodridge PRD, and determine whether to form the Higgins Woodridge PRD and impose parcel charges. (Dist.II)

Adopted.

7.	SR	<u> 18-(</u>	<u> 1936</u>

Resolution directing the Nevada County Purchasing Agent to solicit Requests for Qualifications for on-call construction management and inspection services for various County projects.

Adopted.

Enactment No: RES 18-511

8. SR 18-0938

Resolution approving Amendment 1 to the agreement between the County of Nevada and the County of Placer for snow removal services in the Donner Pass Road area to provide coverage on an as-needed basis (Res. 17-597), extending the term of the agreement to June 30, 2019, and authorizing the Director of the Department of Public Works Supervisors to execute the Amendment. (Dist. V)

Adopted.

Enactment No: RES 18-512

9. SR 18-0944

Resolution approving Program Supplement Number F062 to Administering Agency-State Agreement No. 03-5917F15 - Federal Contract No. ER-32L0(472), for emergency repairs on Brunswick Road from Loma Rica to Whispering Pines, in the amount of \$5,407.32, plus \$811.10 in contingency, for a total amount not to exceed \$6,218.42, and authorizing the Chair of the Board of Supervisors to execute the supplemental documents. (Dist. III)

Adopted.

Enactment No: RES 18-513

10. SR 18-0945

Resolution approving Program Supplement Number F064 to Administering Agency-State Agreement No. 03-5917F15 - Federal Contract No. ER-32L0(431), for emergency repairs on Brunswick Road from the Greenhorn/Bennett Intersection to 1,000 feet south, in the amount of \$679,429.50, plus \$101,914.43 in contingency, for a total amount not to exceed \$781,343.93, and authorizing the Chair of the Board of Supervisors to execute the supplemental documents. (Dist III)

Adopted.

Enactment No: RES 18-514

11. SR 18-0924

Resolution approving an Amendment Modification Summary increase to Administering Agency-State Agreement No. BRLO-5917(083), County Project No. 224021, for construction of the Purdon Road over Shady Creek Bridge Project No. 17C0060 (Res. 17-487), increasing the amount of the award by \$2,298,901, for a new total amount of \$2,668,901. (Dist. IV)

Adopted.

Interim Human Resources Director: Mali Dyck

Resolution approving Amendment 1 to the contract between the County of Nevada and Liebert Cassidy Whitmore pertaining to legal employment relations services (PESM3624), increasing the maximum contract amount to \$122,500, for the period July 1, 2018 through June 30, 2019, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-516

13. SR 18-0940 Resolution amending the Nevada County Personnel Code Section P-9,

Drug-Free Workplace Policy, effective as of October 23, 2018.

Adopted.

Enactment No: RES 18-517

14. <u>SR 18-0949</u> Resolution amending Authorized Personnel Staffing Resolution 18-240,

effective October 23, 2018, with the total number of FTE remaining at 798.35.

Adopted.

Enactment No: RES 18-518

15. SR 18-0950 Resolution amending Authorized Personnel Salary Resolution 18-241, effective

October 23, 2018.

Adopted.

Enactment No: RES 18-519

Chief Probation Officer: Michael Ertola

16. SR 18-0948 Resolution approving the Nevada County Community Corrections Partnership

Plan for Fiscal Year 2018/2019, and authorizing the Chair of the Board of

Supervisors to execute the Plan.

Adopted.

Enactment No: RES 18-520

Chief Information Officer: Stephen Monaghan

17. <u>SR 18-0957</u> Resolution continuing the declaration of a Local Emergency in Nevada County

due to the Airport Hangar Fire. (4/5 affirmative vote required) (Airport)

Adopted.

18. SR 18-0946

Approval of the proposed Forest Reserve (Title III) spending plans for Forest Reserve funding in Fiscal Years 2018/19 and 2019/20, in the amount of \$23,500 in FY 18/19 and \$23,500 in FY 19/20, designating the Fire Safe Council of Nevada County's Firewise Communities Program as the sole spending plan, and directing staff to schedule a public hearing on December 11, 2018 for final approval. (Office of Emergency Services)

Approved.

19. SR 18-0947

Resolution accepting the Fiscal Year 2018 Homeland Security Grant in the amount of \$173,366, from the California Governor's Office of Emergency Services funded through the U.S. Department of Homeland Security, for use during the period September 1, 2018 through May 31, 2021. (Emergency Services)

Adopted.

Enactment No: RES 18-522

20. SR 18-0937

Resolution approving the Notice of Acceptance and Completion of the contract between the County of Nevada and Deschaine Enterprises, Inc., for the Eric Rood Administrative Center West Entry ADA Ramp and Parking Upgrade Project (Res. 18-227), with contract costs totaling \$37,064, and directing the Clerk of the Board of Supervisors to record the Notice in accordance with Civil Code Section 9208. (Facilities)

Adopted.

Enactment No: RES 18-523

21. SR 18-0952

Resolution approving a contract between the County of Nevada and George Roofing for the Nevada County Roof Restoration and Replacement Project at Various Locations (Res. 18-446), pertaining to roof restoration at the Grass Valley Veterans Memorial Building (255 South Auburn Street, Grass Valley), in the amount of \$177,154 plus a contingency of \$17,716 for a total amount of \$194,870, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Capital Facilities budget. (4/5 affirmative vote required) (Facilities) (Pulled from the Agenda.)

22. SR 18-0953	22.	SR I	18-0	953
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Resolution approving a contract between the County of Nevada and Rua & Son Mechanical, Inc., for the Nevada County Roof Restoration and Replacement Project at Various Locations (Res. 18-446), pertaining to roof restoration at the Eric Rood Administrative Center (950 Maidu Avenue, Nevada City), the District Attorney Building (201 Commercial Street, Nevada City), and the Animal Shelter Modular (14679 McCourtney Road, Grass Valley), in the amount of \$533,664 plus a contingency of \$53,367 for a total amount of \$587,031, authorizing the Chair of the Board of Supervisors to execute the contract, and directing the Auditor-Controller to amend the Fiscal Year 2018/19 Capital Facilities budget. (4/5 affirmative vote required) (Facilities) (Pulled from the Agenda.)

23. SR 18-0961

Resolution approving bidding documents and specifications for the Nevada County Operations Center (NCOC) Project located at 12350 La Barr Meadows Road, Grass Valley, and directing the Purchasing Agent to solicit bids for this Project. (Facilities)

Adopted.

Enactment No: RES 18-524

Clerk of the Board: Julie Patterson Hunter

24. SR 18-0951

Resolution approving a contract between the County of Nevada and Sierra Business Council pertaining to economic development management services as the Economic Development Agency (EDA) Economic Development District Planning Organization for the development and implementation of the County's five-year Comprehensive Economic Development Strategy (CEDS), in the maximum amount of \$15,302, for the period November 1, 2018 through June 30, 2021, and authorizing the Chair of the Board of Supervisors to execute the contract.

Adopted.

Enactment No: RES 18-525

25. SR 18-0925

Election of Supervisor Ed Scofield to continue as representative, and Supervisor Heidi Hall as alternate, to the California State Association of Counties (CSAC) Board of Directors for the 2018/19 Association Year, beginning Tuesday, November 27, 2018.

Appointed.

26. SR 18-0956

Acceptance of resignations from Ms. Lindy Beatie and Mr. Richard Mantle, as Private Sector representatives to the Adult and Family Services Commission.

Accepted.

27.	SR 18-0955	Acceptance of resignation from Ms. Helen Williamson as District I representative to the Nevada County Mental Health Advisory Board. Accepted.
28.	SR 18-0917	Approval of the Nevada Cemetery District's amended Conflict of Interest Code. Approved.
29.	SR 18-0932	Approval of the Nevada County Charter Services Authority's amended Conflict of Interest Code. Approved.
30.	SR 18-0931	Approval of the Nevada County Consolidated Fire District's amended Conflict of Interest Code. Approved.
31.	SR 18-0960	Ratify Nevada County Transportation Commission Resolution 18-34, approving the amended Conflict of Interest Code for the Nevada County Transportation Commission. Approved.
32.	<u>SR 18-0921</u>	Acceptance of Board of Supervisors Summary Minutes for October 9, 2018. Accepted.

ACTION TAKEN: Chairman Scofield introduced the consent calendar. Chairman Scofield reiterated that Agenda Items #21 and #22 had been pulled from the Agenda.

Approval of the Consent Agenda

Adopted.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Miller, to approve the consent calendar less Agenda Items #21 and #22. On a roll call vote, the motion passed unanimously.

*DEPARTMENT HEAD MATTERS:

SR 18-0959

33.

Community Development Agency Director: Sean Powers

Community Development rightly Director, Sean Fowers

Resolution directing the Community Development Agency to establish a pre-application conditional process for temporary local authorization in response to State inquiries regarding cannabis cultivation for State temporary

licenses.

Adopted as amended.

Enactment No: RES 18-526

ACTION TAKEN: Chairman Scofield introduced the agenda item and Mr. Sean Powers, Community Development Agency Director, provided a PowerPoint presentation and reviewed the staff report regarding the establishment of a pre-application conditional process for temporary local authorization in response to State inquiries regarding cannabis cultivation for State temporary licenses. He shared concerns surrounding the creation of local jurisdiction processes, and the ability for the processes to mesh with, and to keep up with, the changing State regulations. Mr. Powers summarized the timeline of the State's process for commercial cannabis licenses, requiring applicants to hold a temporary license, which will expire at the end of the year. The State has not indicated any regulatory efforts to extend that timeframe.

Mr. Powers explained that the State is trying to figure out how temporary licenses will bridge with new processes for 2019 and with local permitting processes. Currently, the State has close to 1,000 temporary license applications in their review queue, and they have also received applications for permanent licensing. Mr. Powers reported on Senate Bill (SB) 1459, which passed on September 27, 2018. This bill states that an applicant must have or hold a temporary license in the 2018 timeframe. This creates an urgency in the industry to obtain a temporary license this year in order to be eligible for the permanent license in 2019 (or "provisional" license, an alternative that may become available for one year). The State advised the Counties that it may take six to eight months to process the permanent licenses.

Mr. Powers reviewed the County's solutions, which include: 1) Provide growers with an interim local authorization so that they can check the box on the State application for 2019 to show they had a temporary license with the County; 2) If the grower meets all of the current minimum requirements that staff has outlined in the draft ordinance, it would be considered meeting the intent of compliance under the draft permanent ordinance; and 3) County staff is looking to preserve what is happening now so that it can be considered by the State when they look at applications next March or April, basically to provide a placeholder in line.

Mr. Powers noted that the State has indicated that they may allow the temporary local authorizations to extend into 2019 for the first four to five months. He reviewed the County's timeline, and requested the Board approve the proposed Resolution.

Board questioning ensued.

Mr. Powers clarified that the State has advised the County that applications cannot be accepted after December 31, 2018. He believed the County's process would provide for this, although staff's plan is to get all growers off of the temporary licensing. The State will still accept and review regular annual license applications after December 31, however, there is no guarantee these applications will be approved in 2019. He is recommending that any growers who are intending to apply, apply for the provisional license as soon as possible.

Ms. Alison Barratt-Green, County Counsel, recommended adding a provision to the Resolution stating that Temporary Local Authorization will expire along with State Temporary Licensing. Therefore, if the State extends for 90 days, then local licensing would follow along.

Board questioning continued.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided comments regarding the pre-application process: Ms. Patricia Rockwell, District IV resident; Ms. Heather Burke, attorney who represents cannabis clients and District I resident; Ms. Diana Gamzon, Executive Director of Nevada County Cannabis Alliance and District I resident; Mr. Abraham Valensky, District IV resident; Mr. Basil McMahon, District II resident; Ms. Barbara Jones, District IV resident; Ms. Maria Busby, District I resident; Mr. Jonathon Collier, District I resident; Mr. Matthew Coulter, District I resident; Mr. Wade Laughter, District I resident; and Mr. Gary Sobonya, District I resident.

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

Board questioning and discussion ensued.

Ms. Barratt-Green explained that any cultivation has to fall under the regulations that are currently in place.

Supervisor Hall asked for clarification on regulations relating to applications where there was prior cultivation. Mr. Powers explained that with new cultivation, there could be additional environmental conditions, although staff is trying to avoid this. Ms. Gamzon provided the Coalition's position. In the regulation, currently there is no cultivation allowed; they want this to

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be addressed in cases where people have already been cultivating. Mr. Powers suggested it be taken on a case-by-case basis. Staff is very open to work with the growers and they are setting the regulations up so as not to be exclusive. If there is a need to create a new cultivation site, growers would need to show there are no new significant environmental impacts.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to adopt Resolution 18-526 with the additional language that the County Temporary License will expire concurrently with the State Temporary License. On a roll call vote the motion passed unanimously.

Planning Director: Brian Foss

34. SR 18-0970 Motion to provide direction regarding a minor amendment to the draft ordinance permitting process for Commercial Medical Cannabis Cultivation.

ACTION TAKEN: Chairman Scofield introduced the agenda item, and Mr. Brian Foss, Planning Director, provided a PowerPoint presentation and reviewed the staff report regarding a minor amendment to the draft ordinance permitting process for Commercial Medical Cannabis Cultivation. The amendment would eliminate the Use Permit requirement and replace it with the Administrative Development Permit which is currently used for grows with up to 2,500 square feet of canopy.

Mr. Foss reviewed the current draft Ordinance permitting procedure, which requires an Administrative Development Permit (ADP) process. A permit is required for land use that is consistent with the zoning; the Use Permit process is reserved for land uses that may or may not be compatible with surrounding area based on site specifications.

Mr. Foss explained the differences between the Use Permit process and Administrative Development permit process. Use Permits require longer processing times, a site specific internal review, a public hearing, and public notification. Administrative Development Permits require no public notice, no custom mitigation or conditions of approval, and has quicker processing time. He stressed that development standards still need to be met. Mr. Foss clarified that the amendment to the draft Ordinance would streamline the permitting process and allow permits to be issued in a more timely manner once the Ordinance is adopted.

Mr. Foss reported that the California Environmental Quality Act (CEQA) Analysis process is currently underway. This amendment would make a change to the Environmental Impact Report (EIR) and would identify broader significant impacts from Ordinance implementation and will require overriding findings to be made that state that the impacts to the environment and surrounding properties may be significant, but the benefits of the project outweigh the significant adverse impacts.

Mr. Foss concluded his presentation, and Board questioning ensued.

Mr. Foss requested a motion from the Board to include the following actions:

- 1. Remove the Conditional Use Permit requirement for sites over 2,500 square feet of canopy;
- 2. Require an Administrative Development Permit (ADP) for cultivation sites sixed from 2,500 square feet to 10,000 square feet of canopy;
- 3. Require an Annual Permit for cultivation sites less then 2,500 square feet of canopy.

Board questioning ensued.

Supervisor Anderson shared concerns regarding impacts to neighboring properties on Residential Agricultural (RA) zoned properties. He asked that neighbors be notified as part of the process when cannabis applications are submitted. Supervisor Weston also wanted the neighbors to be notified.

Supervisor Hall stressed that cannabis farmers should be treated the same as other farmers, and did not want to add an additional layer to the process. She believed that the proposed permitting process was in place to address potential issues, and any zoning impacts would have already been carefully reviewed.

Mr. Foss clarified that generally, processing facilities for other types of commercial agricultural products do require a use permit.

Board discussion ensued.

Mr. Foss and Mr. Sean Powers, Community Development Agency Director, explained that if it was required, staff would notify surrounding property owners early on in the process. It is a nondiscretionary process. Staff would work with the applicant to address their neighbor's concerns. It is likely that they would move forward with the permit in accordance with the existing standards, regardless of the comments received. Mr. Foss clarified that there would be an appeal process that would come before the Board for review.

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Ms. Barratt-Green, County Counsel, explained that the Board's process would come under the same standards as staff's process under the Ordinance. In other words, if staff does not have the discretion to impose new conditions or to mitigate an issue, under the ADP, the Board will be subject to the same standards. If someone appeals there could be a compromise worked out, but the Board would not have the authority to simply impose the mitigation.

Chairman Scofield provided an opportunity for public comment.

The following members of the public provided comments: Ms. Diana Gamzon, Nevada County Cannabis Alliance Executive Director and District I resident; Ms. Heather Burke, attorney who represents cannabis clients and District I resident; Mr. Abraham Valensky, District IV resident; Mr. Karuna Warren, environmental consultant and District III resident; Ms. Maria Herrera, District V resident; Mr. Wade Laughter, District I resident; Ms. Sarah Smale, cannabis attorney and District IV resident; Ms. Barbara Jones, District IV resident; and Mr. Jonathan Collier, District I resident.

There being no further public comment, Chairman Scofield closed the public comment period. He noted that there was an item scheduled for 11:30 a.m., and suggested the Board take short recess, hear the 11:30 timed item, and then return back to Agenda Item #34 for further discussion.

Following a short recess, Chairman Scofield called the meeting back into order.

SCHEDULED ITEM: 11:30 A.M.

35. SR 18-0922 Presentation of the 2018 California State Association of Counties (CSAC)
Challenge Awards. (Ms. Darby Kernan, CSAC Deputy Executive Director of Legislative Services)

Housing Land Use and Infrastructure Challenge Award Nevada County Department of Public Works Ask Nevada County App and Web Tool

Government, Finance Administration and Technology Merit Award Mr. Martin Polt, Chief Fiscal Officer/Deputy County Executive Officer Nevada County Budget Analysis Interim Program ACTION TAKEN: Chairman Scofield introduced Ms. Darby Kernan. California State Association of Counties (CSAC) Deputy Executive Director of Legislative Service. Ms. Kernan provided a brief overview of the process for award selection, and presented the CSAC Government, Finance Administration and Technology Merit Award to Mr. Martin Polt, Chief Fiscal Officer/Deputy County Executive Officer, for the "Nevada County Analyst Interim Program"; and the CSAC Housing Land Use and Infrastructure Challenge Award to Ms. Trisha Tillotson, Public Works Director and the Nevada County Department of Public Works for the "Ask Nevada County Web Tool and App."

The Board members congratulated staff for their innovative work, and thanked Ms. Kernan for CSAC's efforts.

Planning Director: Brian Foss

34. SR 18-0970 Motion to provide direction regarding a minor amendment to the draft ordinance permitting process for Commercial Medical Cannabis Cultivation.

ACTION TAKEN: Chairman Scofield reintroduced the continued agenda item, and Mr. Foss and Mr. Powers responded to questions regarding the public notification process and regarding odor complaints and code compliance issues.

Board discussion ensued.

MOTION: Motion made by Supervisor Hall, seconded by Supervisor Anderson, to direct staff to make the minor amendment to the draft Ordinance as recommended. On a roll call vote the motion passed as follows: Weston, Hall, Anderson, Scofield - Aye; Miller-No.

*CLOSED SESSION:

SR 18-0974

Pursuant to Government Code Section 54956.9(d)(1), County Counsel is requesting a closed session to discuss the following existing litigation case: Evans, et al. v. County of Nevada, California Courts, 3rd Appellate District, Case No. C087658.

ACTION TAKEN: Ms. Alison Barratt-Green, County Counsel, read the title of the closed session(s) into the record and the Board entered into closed session.

Following the closed session, Ms. Barratt-Green reported that nothing occurred in closed session that is required to be reported out by law.

*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: Not held.

ADJOURNMENT:

ACTION TAKEN: Chairman Scofield adjourned the meeting at 12:30 P.M.

Signature and Attestation

Edward C. Scofield, Chairman

ATTEST:

By:

Lelia Loomis, Deputy Clerk to the Board