

**MINUTES OF THE LOCAL AGENCY FORMATION COMMISSION
HEARING OF FEBRUARY 18, 2004**

REGULAR MEETING

9:00 A.M.

FEBRUARY 18, 2004

PRESENT:

COMMISSIONERS:	Jim Bagley, Vice Chairman	Richard P. Pearson
	Paul Biane	A. R. "Tony" Sedano, Alternate
	James V. Curatalo, Alternate	Diane Williams
	Bob Colven	Clifford Young
	Neal Hertzmann, Alternate	

STAFF: **Kathleen Rollings-McDonald, Executive Officer**
 Clark H. Alsop, Legal Counsel
 Debby Chamberlin, Clerk to the Commission

ABSENT:

COMMISSIONERS: **Gerald Smith, Chairman**
 Dennis Hansberger, Alternate

REGULAR SESSION - CALL TO ORDER - 9:08 A.M.

Vice Chairman Bagley calls the regular session of the Local Agency Formation Commission to order. Commissioner Biane leads the flag salute.

Vice Chairman Bagley requests those present who are involved with any of the changes of organization to be considered today by the Commission and have made a contribution of more than \$250 within the past twelve months to any member of the Commission to come forward and state for the record their name, the member to whom the contribution has been made, and the matter of consideration with which they are involved. There are none.

APPROVAL OF MINUTES FOR REGULAR MEETING OF JANUARY 21, 2004

Vice Chairman Bagley calls for any corrections, additions, or deletions to the minutes. There are none. Commissioner Colven moves approval of the minutes as presented, seconded by Commissioner Biane. Vice Chairman Bagley calls for a voice vote on the motion and it is as follows: Ayes: Bagley, Biane, Colven, Curatalo, Pearson, Williams. Noes: None. Abstain: None. Absent: Smith (Curatalo voting in his stead).

SWEARING IN OF REGULAR BOARD OF SUPERVISORS MEMBER OF THE COMMISSION

Clerk to the Commission Debby Chamberlin administers the Oath of Allegiance to Regular Board of Supervisors Member Clifford Young, who is filling the unexpired term of Bill Postmus, which expires in May, 2007.

CONSENT ITEMS

LAFCO considers the items listed under its consent calendar. Vice Chairman Bagley states that the consent calendar consists of: (1) approval of the Executive Officer's expense report; (2) approval of payments as reconciled for the month of January 2004; (3) authorization to contract with the Special Districts Risk Management Authority (SDRMA) for its Property and Liability Insurance Program; and (4) one service contract proposal, summarized as:

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Consideration of: (1) CEQA Statutory Exemption for LAFCO SC#217; and (2) LAFCO SC#217 - Irrevocable Agreement to Annex #2003-02 for Sewer Service, City of San Bernardino

A Travel Claim for the Executive Officer's expense report and staff reports for the reconciled payments, authorization for contracting for the SDRMA insurance program and the service contract have been prepared and a copy of each is on file in the LAFCO office and is made a part of the record by its reference herein. Consent calendar items have been advertised as required by law through publication in The Sun, a newspaper of general circulation.

The staff recommendation is that the Commission approve the Executive Officer's expense report and payments as reconciled and take the following actions for the service contract: (1) determine that SC#217 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption; (2) approve SC#217 authorizing the City of San Bernardino to extend sewer service outside its boundaries; and (3) adopt LAFCO Resolution No. 2806 outlining the Commission's approval. The staff recommendation for the SDRMA insurance program is that the Commission authorize the Chairman and the Executive Officer to sign and process the documents necessary to: (1) secure Property and Liability Insurance through the SDRMA; (2) cancel the Commission's current insurance policies through Driver Alliant Insurance Services; and (3) adopt Resolution No. 2805 authorizing the receipt of Property and Liability Insurance coverage through SDRMA.

Vice Chairman Bagley asks whether there is anyone present wishing to discuss any of the consent calendar items. There is no one.

Commissioner Biane moves approval of the consent calendar, seconded by Commissioner Colven. Vice Chairman Bagley calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Bagley, Biane, Colven, Curatalo, Pearson, Williams, Young. Noes: None. Abstain: None. Absent: Smith (Curatalo voting in his stead).

CONTINUED ITEMS

ADOPTION OF RESOLUTION NO. 2802 MAKING DETERMINATIONS ON A SERVICE REVIEW AND APPROVING A SPHERE OF INFLUENCE REDUCTION FOR INLAND EMPIRE WEST RESOURCE CONSERVATION DISTRICT (LAFCO 2901) TO A ZERO SPHERE OF INFLUENCE; ADOPTION OF RESOLUTION NO. 2803 MAKING DETERMINATIONS ON A SERVICE REVIEW AND APPROVING A SPHERE OF INFLUENCE EXPANSION FOR EAST VALLEY RESOURCE CONSERVATION DISTRICT (LAFCO 2917); AND ADOPTION OF RESOLUTION NO. 2804 MAKING DETERMINATIONS ON A SERVICE REVIEW AND APPROVING A SPHERE OF INFLUENCE ESTABLISHMENT FOR RIVERSIDE-CORONA RESOURCE CONSERVATION DISTRICT (LAFCO 2918) - APPROVE STAFF RECOMMENDATION

LAFCO conducts a continued hearing to consider the adoption of resolutions related to service reviews and sphere of influence changes for the Inland Empire West Resource Conservation District, East Valley Resource Conservation District and the Riverside-Corona Resource Conservation District. This hearing was continued from January 21, 2004. Notice of the original hearing was advertised as required by law through publication in The Sun, the Inland Valley Daily Bulletin and the Riverside Press-Enterprise, newspapers of general circulation in the area. Individual notice of this hearing was provided to affected and interested agencies, County departments and those individuals requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald states that last month the Commission considered the service reviews and sphere updates for these three Resource Conservation Districts (RCDs) and adopted staff's recommendations, including deferral of adoption of the resolutions to this hearing. She says the draft resolutions attached to the staff report reflect the actions taken at the last hearing, including the reduction of the Inland Empire West RCD's sphere to a "zero" sphere, the expansion of the East Valley RCD' sphere, and the establishment of a sphere coterminous with its service area within San Bernardino County for the Riverside-Corona RCD. Ms. McDonald states

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that the staff recommendation is that the Commission adopt: (1) Resolution No. 2802 for LAFCO 2901; (2) Resolution No. 2803 for LAFCO 2917; and (3) Resolution No. 2804 for LAFCO 2918. She asks if there are any questions.

Commissioner Biane moves approval of staff recommendation, seconded by Commissioner Pearson.

Vice Chairman Bagley asks for clarification on the intent of the resolutions since the Commission discussed possible dissolution of the RCDs last month. Ms. McDonald responds that there will be an independent study to review the validity of RCDs in the County, including Mojave Desert RCD. She says she contacted the four districts and asked that they submit supplemental information regarding their districts. She says staff will bring this issue back to the Commission as soon as possible. She says the Commission's actions last month pointed toward consolidation, at a minimum, of the Inland Empire West and East Valley RCDs and she says the resolutions reflect that.

(It is noted that Commissioner Sedano arrives at 9:12 a.m., announcing that there is no parking available in the Civic Center parking lot.)

Vice Chairman Bagley says these districts are being given fair notice that the Commission is looking at their validity.

Commissioner Pearson asks whether the RCDs will have to come up with a plan for service for the dissolution process. Ms. McDonald explains that if dissolution is initiated at the end of the study, it will be the Commission's responsibility, through its staff, to put together a plan for service. Commissioner Colven asks whether the Commission will look at the fiscal aspect of a consolidation because of the disparity between the Inland Empire West and East Valley RCDs. Ms. McDonald responds that if the two agencies are consolidated, there will be no disparity because all funds will be transitioned into the new agency.

Vice Chairman Bagley calls for further questions or discussion and there are none. He calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Bagley, Biane, Colven, Curatalo, Pearson, Williams, Young. Noes: None. Abstain: None. Absent: Smith (Curatalo voting in his stead).

Before proceeding with the rest of the agenda, Ms. McDonald announces that she conducted interviews for the LAFCO Analyst position. She reports that she selected Samuel Martinez and says he will start working full-time on March 8.

DISCUSSION ITEMS

CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 2947; AND (2) LAFCO 2947 - WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT ANNEXATION - APPROVE STAFF RECOMMENDATION

LAFCO conducts a public hearing to consider a proposal to annex approximately 47,000 acres to the West Valley Mosquito and Vector Control District (hereinafter referred to as "the District"). Notice of this hearing has been advertised as required by law and pursuant to Commission policy through publication of a one-eighth page display ad in The Sun, Inland Valley Daily Bulletin, Chino Champion and Los Angeles Daily News, newspapers of general circulation in the area. Individual notice of this hearing was provided to affected and interested agencies, County departments and those individuals requesting mailed notice. In addition, copies of the Notice of Hearing were forwarded to the cities and special districts within the area of consideration for posting.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald points out the study area on the display map, stating that it includes the balance of the City of Montclair and its sphere of influence not currently a part of the District, the balance of the City of Ontario not currently a part of the

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District, and the corporate boundaries of the City of Rancho Cucamonga. She notes that the District's sphere to the north is part of the City of Rancho Cucamonga's sphere, but says it will not be annexed at this time. Commissioner Williams asks why that area is not being annexed. Ms. McDonald explains that the City of Rancho Cucamonga contracts with the District for service delivery and she says that area is not part of the existing contract. She says the County Vector Control Program provides service in the City's sphere area and receives assessments for that service. She points out that as the City's sphere areas are annexed to the City, they will also be annexed to the District as part of the reorganization. She reports that in November the Commission approved expansion of the District's sphere to include this area after many months of negotiation and discussion among the District, the County Vector Control Program and the affected cities. She says this annexation will allow the District to not only respond to complaints, but to provide for preventative measures to these areas.

Ms. McDonald summarizes how staff addressed the issues related to the four primary factors that must be reviewed for this proposal, noting that it is very difficult to address those issues in an annexation with 47,000 acres, 95,000 voters, and 220,000 residents. She says the boundaries reflect the areas that currently contract with the District for service and are proposed to become part of an assessment zone of the District to fund an enhanced level of service. She says this proposal will have no effect on land uses. She points out that urbanization of this portion of the Valley impacts mosquito and vector borne-diseases that may affect the residents and she says the District wants to respond to those issues in a proactive rather than reactive manner. She discusses the service issues, which are outlined in the staff report, as presented by the District in its Assessment District Plan and Plan for Service. She says the District wants to provide four levels of service through the imposition of an assessment, which will be about \$10 per single-family equivalent unit.

Ms. McDonald says the property owners within the study area will decide the success or failure of the annexation. She reports that the District has requested that if the Commission approves the annexation, it be with the condition that the protest proceedings be held in abeyance until after the completion of the assessment district proceedings. She explains that the District is undertaking a Proposition 218 assessment proceeding by a mailed ballot election, to be mailed out to property owners in the area on March 4, 2004, with the ballots due back by the hearing date of April 21. She notes that if the property owners do not support this assessment, the District will continue to provide service in a reactive manner with the contracts it has with the Cities. She discusses that each city has indicated its support for this annexation if the people support the assessment. As far as environmental review, she says Tom Dodson of Tom Dodson & Associates, the Commission's environmental consultant, has recommended that the Commission adopt a Statutory Exemption for this proposal, as there will be no change in the physical environment through this action.

Ms. McDonald states that the findings required by State law and Commission policy are outlined in the staff report and are made a part of the record by their reference herein. She says the staff recommendation is that the Commission: (1) certify that LAFCO 2947 is statutorily exempt from environmental review and direct the Clerk to file a Notice of Exemption within five (5) working days; (2) approve LAFCO 2947, subject to the conditions listed on page one of the staff report; and (3) adopt LAFCO Resolution No. 2807 setting forth the Commission's findings and determinations.

Commissioner Colven asks whether a response to the mailed notice will be requested. Ms. McDonald responds that the District will be conducting a mailed ballot election, so there will be a response returned; and the District will let LAFCO staff know whether the assessment district succeeded or failed.

Commissioner Williams asks whether the District is planning to do any educational promotions. Ms. McDonald reports that there have been a number of newspaper articles and editorials in the West End supporting this strategy. Commissioner Curatalo asks, with such an extensive County boundary, how well the agencies on both sides of the County boundaries work together. Ms. McDonald says the District can respond but she says the County Vector Control Program serves everything that is not a part of the contracts the District has with the cities. She says those two entities work together, along with those entities along the Orange and Los Angeles County sides. Commissioner Hertzmann asks whether the election is a protest election or "up/down" and whether it is weighted. Ms. McDonald responds that it is a simple majority but she is not sure if it is weighted.

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Vice Chairman Bagley opens the public hearing and asks if there is anyone wishing to speak.

Josh Morris of Shilts Consultants, representing the District, says the balloting process is a weighted ballot. He says the returned ballots are weighted by the dollars and proposed assessment they represent and that a simple majority of the ballots returned have to be in support of the assessment. Mr. Morris says he has worked with a number of commissions around the State and has not come across one that has been as helpful as this Commission. He thanks Ms. McDonald for her work in answering all the District's questions and moving this process forward.

Commissioner Biane asks if any educational efforts regarding the process will be presented. Mr. Shilts responds that the packet that will be mailed to the property owners will include a ballot, a notice about the hearing and its procedural elements, as well as an informational packet about programs offered by the District and about the annexation process. He says the District has put articles in the paper to educate the public and is working with agencies now on education outreaches.

Commissioner Williams comments that the District needs to be very up front in the balloting process and says people should not have to dig through the ballot packets to find out what they need to know about the assessment and how much it will cost them. Mr. Shilts says each ballot has the property owner's name, address, parcel number, and the dollar amount of the proposed assessment. He says if a person has multiple parcels, all parcels will be on the same ballot and that the property owner will have to vote "Yes" or "No", and sign his name. In response to inquiry of Commissioner Young, Mr. Shilts says the election ballots will be mailed out March 4, with the public hearing on April 21. He says that at the conclusion of the hearing, the District Board will call for other ballots, close the balloting period, and begin the tabulating process.

Discussion follows regarding the composition of the District Board. Ms. McDonald says the Board members are appointed to fixed terms. She says each of the Cities overlaying the District--Chino, Chino Hills, Montclair and Ontario--provide one representative on the Board and the County provides one at-large member for the unincorporated area. She says that with this annexation, the City of Rancho Cucamonga will have a seat on the Board. Dr. Min-Lee Cheng, the District Manager, says that the County probably will appoint two members. Vice Chairman Bagley asks about the City of Upland. Ms. McDonald explains that the City of Upland is part of the County Vector Control Program, which provides services through an individual assessment throughout the balance of the County in the valley. She says that one of the issues at the beginning of this process was that the County Vector Control Program opposed this annexation, so Upland was removed from the applications. Vice Chairman Bagley says Upland seems to be a natural portion of the District. He comments that one of LAFCO's charges is efficiency of government and he says this action will isolate one City from the District. Ms. McDonald responds that the District worked with the County Vector Control people and came up with this compromise because the County did not want to lose the area of the City of Upland from its program. She says the two entities work in conjunction with each other.

Vice Chairman Bagley calls for further testimony or discussion. There is none and he closes the hearing.

Commissioner Biane moves approval of staff recommendation, seconded by Commissioner Young. Vice Chairman Bagley calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Bagley, Biane, Colven, Curatalo, Pearson, Williams, Young. Noes: None. Abstain: None. Absent: Smith (Curatalo voting in his stead).

CONSIDERATION OF: (1) CEQA STATUTORY EXEMPTION FOR LAFCO 2928; AND (2) LAFCO 2928 - SERVICE REVIEW AND SPHERE OF INFLUENCE UPDATE FOR CITY OF LOMA LINDA - CONTINUE TO MARCH 17, 2004

LAFCO conducts a public hearing to consider a service review and sphere of influence update for the City of Loma Linda. Notice of this hearing was advertised as required by law through publication in The Sun and the Loma Linda City News, newspapers of general circulation in the area. Individual notice of this

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hearing was provided to affected and interested agencies, County departments and those individuals requesting mailed notice.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald states that the staff recommendation is that this item be continued to the March 17, 2004 hearing. She reports that the City of Loma Linda has indicated in the letter attached to the staff report that it has no concerns with a deferral.

Commissioner Biane moves approval of staff recommendation, seconded by Commissioner Williams. Vice Chairman Bagley calls for any objections to the motion. There being none, the voice vote is as follows: Ayes: Bagley, Biane, Colven, Curatalo, Pearson, Williams, Young. Noes: None. Abstain: None. Absent: Smith (Curatalo voting in his stead).

NOTE RECEIPT OF PROPOSALS INITIATED BY CITY COUNCIL RESOLUTION - (1) LAFCO 2952 - CITY OF HESPERIA REORGANIZATION NO. 2003-01 INCLUDING ANNEXATIONS TO CITY OF HESPERIA, HESPERIA FIRE PROTECTION DISTRICT, HESPERIA WATER DISTRICT AND HESPERIA RECREATION AND PARK DISTRICT AND DETACHMENT FROM COUNTY SERVICE AREA 70, IMPROVEMENT ZONE J (CATABA AREA) ; AND (2) LAFCO 2953 - CITY OF HESPERIA REORGANIZATION NO. 2003-02 INCLUDING ANNEXATIONS TO CITY OF HESPERIA, HESPERIA FIRE PROTECTION DISTRICT, HESPERIA WATER DISTRICT AND HESPERIA RECREATION AND PARK DISTRICT, DETACHMENT FROM COUNTY SERVICE AREA 70, IMPROVEMENT ZONE J AND DISSOLUTION OF COUNTY SERVICE AREA 70, IMPROVEMENT ZONE R-41 (FREEWAY CORRIDOR) - NOTE RECEIPT OF PROPOSALS

The Commission notes receipt of two reorganization proposals submitted by the City of Hesperia -- LAFCO 2952 - City of Hesperia Reorganization No. 2003-01 (Cataba Area) and LAFCO 2953 - City of Hesperia Reorganization No. 2003-02 (Freeway Corridor). Notice of this item has been advertised as required by law through publication in The Sun, a newspaper of general circulation. Individual notice was provided to affected and interested agencies and County departments.

Executive Officer Kathleen Rollings-McDonald presents the staff report, a copy of which is on file in the LAFCO office and is made a part of the record by its reference herein. Ms. McDonald explains that State law requires that any proposal involving annexation to a special district, not filed by the district, must be placed on the next available Commission agenda as an information item. She says the staff report provides information on these applications and she notes that the Hesperia Recreation and Park District has a 60-day time period in which it may submit a resolution of opposition to the proposal. She reports that the Park District has indicated its support for these reorganizations. She says no Commission action, other than to note receipt, is required today.

FINANCIAL STATUS REPORT FOR PERIOD JULY 1, 2003 THROUGH JANUARY 31, 2004 - NOTE RECEIPT OF REPORT

Executive Officer Kathleen Rollings-McDonald presents a staff report providing a financial status report for the period July 1, 2003 through January 31, 2004. Notice of this item was advertised in The Sun, a newspaper of general circulation.

Ms. McDonald says this is a new item to present the Commission with background information on its activities and expenditures and revenues for the period July 1, 2003 through January 31, 2004. She reports that the Commission has received 103% of its anticipated revenues and expended about 48% of its anticipated expenditures. She points out that this information, along with the Status Report of Pending Proposals, tells the Commission that activity levels have escalated. She notes that over the past six weeks staff has taken in five proposals, while over the last six or seven years proposals averaged about 11 per year. She says that included in the expenditure estimates are several full year items such as Countywide Cost Allocation Plan (COWCAP), Workers' Compensation, Liability and Property

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Insurance and CALAFCO membership. Ms. McDonald says this is an information item and no action is required. She asks if there are any questions.

Commissioner Hertzmann comments that it appears to him that the final budget expenditure for the Professional & Special Services (Legal Counsel) will be much higher than \$46,000 and possibly more like \$68,000, unless there is a sudden drop off of services. Ms. McDonald says that is true, in all probability. She explains, however, that one recommendation from the last Audit Report was that expenditures no longer be abated when the Commission is refunded money from Special Counsel charges, but that they show up in an actual revenue account. She says that change has been made and that there is now a line item on the revenue page that shows what the Special Counsel receipts are. She notes that an adjustment may have to be made toward the end of the year, once there is a better feel for that activity level.

Vice Chairman Bagley comments that this report is a nice addition and he compliments Ms. McDonald for presenting it.

PENDING LEGISLATION

Ms. McDonald states that she has no legislation report. She says she is now on the CALAFCO Legislative Committee and will be going to Sacramento on February 27 to participate in a meeting. She says she will be providing written reports in the future.

EXECUTIVE OFFICER'S ORAL REPORT

Ms. McDonald reports that the Commissioners have been presented with the annual Statement of Economic Interests form, the California Special Districts Association Newsletter, and environmental review documents for an annexation to the Yucaipa Valley Water District, which will be on the March 17 agenda. She says that also on that agenda will be the City of Loma Linda service review, which was continued from today, two City of Redlands' service contracts, the dissolution of the Barstow Park and Recreation District, the staff reorganization, a waiver of filing fees requested by the City of Big Bear Lake for an annexation, and waivers of legal counsel conflict for the City of Big Bear Lake annexation, a City of Fontana annexation, and the City of Colton service review.

Ms. McDonald reports that Commissioner Sedano's term of office expires in May and that the Alternate Public Member selection process will be opened up at the end of March. She says the Commissioners will be presented with information for interviews and consideration at the May hearing. She reports that Chairman Smith's term also expires in May and says the Special Districts Selection Committee process will be opened up this week with the mailing out on February 19 of the notice of the meeting, which will be held on April 8. She says a reminder notice will be mailed out March 25. She says the annual budget process will also begin at the April hearing, with adoption of the final budget and selection of the Chairman and Vice Chairman at the May hearing.

Commissioner Bagley asks about the Apple Valley Airport dissolution proposal. Ms. McDonald reports that the application was received and she says the Departmental Review Committee will meet to review the technical aspects of the proposal on March 11. She says the application was "staffed out" to many people and that the Plan for Service is posted on the Commission's website to defray printing and postage costs. She reports that the Apple Valley Airport Governance Committee will meet next Monday to make a recommendation on its vision for the Airport.

Ms. McDonald reports that staff is continuing to process the Zone L/Baldy Mesa Water District annexation. She says she had hoped to start with a study session in March or April but she says that legal and financial opinions required for the transfer of a loan document have not been received yet. She says staff continues to work on gathering the information required before a hearing schedule can be established.

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Commissioner Hertzmann asks why the City of Big Bear Lake's request for a waiver of filing fees and the annexation are not considered at the same time. Ms. McDonald explains that according to the Commission's policy, the failure to pay the filing fees means that an application is not complete. She says if the Commission decides at the March hearing not to authorize a waiver, the City will be required to pay the fees to continue the processing of its application.

Ms. McDonald announces that within the next 30 to 60 days the Commission's new map page on the website should be available. She says this will be the final phase for independent districts and the County Board-governed districts for which LAFCO contracted to maintain maps.

COMMISSIONER COMMENTS

Commissioner Sedano thanks Ms. McDonald for the maps that are provided with the agenda items. He says they make the areas being considered very easy to decipher. He also comments on the very inexpensive dinners Ms. McDonald claims on her travel expense report.

Commissioner Young is welcomed by the other Commissioners.

COMMENTS FROM THE PUBLIC

Vice Chairman Bagley calls for comments from the public. There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE HEARING IS
ADJOURNED AT 9:45 A.M.**

ATTEST:

DEBBY CHAMBERLIN
Clerk to the Commission

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JIM BAGLEY, Vice Chairman