



SUNSET EMPIRE TRANSPORTATION DISTRICT

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BOARD MEETING MINUTES

April 28, 2011 9 AM

Members Present: Chair Ron Bline, Commissioners: Gannaway, Goforth, Gaebel, Conner, Fenske and Kee

MEETING WAS CALLED TO ORDER 9:00 AM

ROLL CALL

BOARD REPORTS

REPORTS FROM CHAIR AND COMMISSIONERS:

Chair Bline reported that under the Directors report today there will be preliminary findings that Scott has helped with that will show how we think it is going so far. Chair Bline reported that the 2010 Audit has been completed and the Board report will be presented at a special Public Meeting on May 5 at 8:30 AM here at the Transit Center. Chair Bline said we will begin to look towards the future of this organization and look at the job description for the Executive Director and look at Budget Committee appointment for this year's budget process. He also said that Bill Anderson, Dan Schwanz, George Dunkel from SDAO and at least 3 SETD commissioners will begin doing some strategic planning and nail down some benchmarks so we can check off how we are doing. We are busy and we are looking towards the future.

Commissioner Fenske: Reported that she has heard a lot of complaints about how expensive the Medix transportation is. She said that Liz has been helping people apply for paratransit and that has helped but she is hoping that when things get turned around that Dial A Ride can come back. Commissioner Fenske also reported that the Public Transit Advisory Committee did not meet this quarter due to lack of quorum. Commissioner Gannaway asked how long the Public Transit Advisory Committee had been meeting and Commissioner Goforth asked what the committee actually does. Commissioner Fenske said that the first meeting was in January and her understanding is that this committee is required when you receive federal transit funds. Interim Executive Director Schwanz said that he suspects that it probably became clear when we were working on the ADA plan that we needed this committee. Commissioner Fenske said she had volunteered in November to be on the committee. She said it is an advisory committee and the group has good representation from throughout the county and meets quarterly. Mary said she would send the board the Public Transit Advisory Committee description and the minutes from the last meeting.

Commissioner Kee: Reported that he has been riding the bus routes and they are extremely full. He asked if there is a policy that our drivers enforce requiring riders to not place belongings on the seat next to them specifically if the bus is full and all seats are needed. Scott said we do not have a policy for that and we pretty

much let the public police that. A driver cannot always see why a person is standing. But the drivers do try to watch and will ask people to clear the seat and make room if they have to. Scott said we certainly can encourage the drivers to monitor this. Commissioner Kee said that he has ridden in other municipalities that make an announcement that you only pay for one seat so do not place belonging in the empty seats.

Commissioner Goforth: Reported she had attended the NWRC meeting and we had a pretty full house. Liz Pietila did a presentation about service animals and what qualifies as a service animal. There was also discussion about denying taking a service animal. There had been an issue discussed about a provider that refused to take an animal because the dog was wet and muddy and it would have damaged the inside of the car so the question was does the provider have the right to refuse a service animal in this condition. This is something we will have to look at on individual basis as he did not want to take the dog because it would have damaged his upholstery.

Also DHS has been a quandary concerning providers and the Brokerage firm services, however Interim Executive Director Dan Schwanz reported that he had gone to a meeting and the NWRC will remain the same and there will be no changes for the next two years.

CHANGES TO THE AGENDA:

Chair Blaine said we will be adding the STF grant under F in new business

PUBLIC COMMENTS:

Judy Richmond: Wanted to thank the board for all the time you put in being a board member. If I were taking a bus I would try to take the #10. It goes east and then goes up the hill and they come around to the transit center. If I am shopping downtown I cannot walk to where the bus would pick me up by Lumps. I just haven't been able to do it. I would suggest the #10 come back to the transit center and then up over the hill because the transit center is a nice place to wait. I would like to know who is riding the bus. In my neighborhood there are a lot of apartments, but I am the only one with a car and house and I feel kind of isolated. I think there are some myths as to who actually rides the bus. Chair Blaine said we will be discussing some preliminary report.

APPROVAL OF MINUTES:

Chair Blaine: We had two meetings in March, the 24th and 28th. Particularly the minutes from the 24th were quite long and they were taken from recordings which you are all welcome to review.

Commissioner Fenske asked if the Cruise Ships were paying us \$47 per hour for the limited fixed route bus service and if the Bicentennial Celebration is also going to pay those fees for bus service. She said this sounds an awful lot like we are operating a charter service to me.

Interim Director Dan Schwanz said that he would go over that situation when we get to we get to New Business. He said it has gotten both interesting and complicated.

Commissioner Goforth made a motion to approve the minutes for March 24th and March 28th.

Commissioner Conner seconded the motion.

Discussion: Interim Executive Director Dan Schwanz said that he would like to commend Mary for doing an outstanding job at making sure she got the public comments accurately and correctly. I think this a good record for the district to have.

Commissioner Fenske: I noticed a couple misspellings, my last name and Lylla's name.

The minutes were approved as corrected.

Commissioner Gaebel abstained as she was not in attendance at either meeting

FINANCIALS:

Interim Executive Director Dan Schwanz said he would give a summary. He reported that we are still not at the point where all the data entry is back in Quick Books, at this point the hang up is getting all the payroll back in, so we are not able to give an official financial report at this Board Meeting. You do have copies of all the bank

statements. We are about \$165,000 short of what it will take to get to the end of the fiscal year. I will mention in this report a possible solution to that problem. We have \$30,000 that will be used for paying bills. We were able to cash out the Intercity Grant between Astoria and Westport and we have gotten most of our Grants from ODOT at this point. We are still waiting on timber revenue, tax revenue and mass transit payroll. We are where we expected we would be but there is quite a significant shortfall. I had a conversation with DHS yesterday about our sustainability, viability and our being able to operate as a district and run the NWRC. They are very concerned about this, and I want to get your approval on this, but we can officially do what we had been doing in the past, which is spend some of their money to help support the transit district until the end of the fiscal year. What that would basically do is give us enough cash flow to make it to the end of the fiscal year. The pay back on that would be when they do the annual reconciliation which is usually a year to a year and a half out. Basically they are giving us an interest free loan until the end of the year so if we accept this we will end up owing them \$500,000 to \$600,000. Commissioner Conner asked what would happen if we didn't use this money? Interim Executive Director Schwanz said he is still working on other sources of revenue including receiving STF funding from ODOT now that we would have received in 2012 and 2013 and the two fiscal years after that which are about \$65,000 a year. He said he had also been talking to Bank of Astoria and Clatsop Community Bank and the Clatsop Economic Development Committee and that once the Audit is complete the banks might be willing to talk to us about restructuring some of our loans. We are going to have to look at some influx of funding to get us through this year, and that does not take into account what we owe SDAO. There are no guarantees on any of this. Commissioner Gaebel asked what was needed from the Board. Interim Executive Director Schwanz said if the Board decides to accept the DHS money they would have to accept the offer with the understanding that it will have to be paid back and basically we are mortgaging the future. Commissioner Gaebel said she would like the DHS option only used at the last resort. Interim Executive Director Schwanz said that the main advantage of this is that there is no interest involved and we have done this before. Director Schwanz said we have worked our bills down quite well however we owe SDAO for our property/vehicle insurance which is \$74,000, the auditors \$39,000, OTAK the architect firm that did preliminary work for the Seaside transit \$45,000. We have gotten our fuel bills down but we owe SDAO about \$180,000 for medical insurance and also for Bill Anderson and ODOT hasn't billed you for me yet either.

Commissioner Gaebel said she understood that we were going to require 2 signatures on all checks as a safeguard. Executive Director Schwanz said that our existing policy before this required 2 signatures if a check was over \$2500 and if that policy has changed than we need to be made aware of it. Commissioner Gannaway said he thought we had discussed that but he did not remember agreeing on it. Commissioner Goforth said the bank is aware that any check over \$2500 requires two signatures, but we can change that. Commissioner Fenske said she thought the \$2500 limit was reasonable and that rounding up two Board members should not be too difficult. Commissioner Gaebel said she would like to keep the amount at a moderate limit at this time since we only have \$35,000 in our account right now.

Commissioner Gaebel made a motion that we require two signatures for any check over \$1000 and one signature for any check that is less than \$1000.

Commissioner Goforth seconded the motion.

Chair Bline asked for discussion: Interim Executive Director Dan Schwanz said that once you have a new Executive Director with signatory authority then that director will have that authority under the current rules or the new rules for signing. The only reason I bring this up is that if you require 2 signatures on all checks it ensures that you always have Board member that is reviewing the backup documentation for every check.

Commissioner Goforth withdrew her second of the original motion.

Commissioner Gaebel withdrew her original motion and restated the motion to state that all checks will require 2 signatures and always require that one of the signatures be a Board member.

Commissioner Goforth seconded the motion.

Chair Bline asked for discussion: Carol Gearin suggested that in the case of an emergency where something has to be done immediately the Executive Director should have the authority to sign and was wondering perhaps if that should be included in the motion. Interim Executive Director Schwanz said that is the thing in Hood River, all of his Board members has signature cards at the bank. Commissioner Fenske said that for the time being if require two signatures on all checks it is a great first step and if it was an emergency we could find somebody. Chair Bline said that we have to get more Board members as on signature cards.

Interim Executive Schwanz asked Chair Bline about getting a little more direction of what the Board wants me to do. Chair Bline that is the general consensus to pursue the DHS offer but use it at last resort.

OLD BUSINESS:

Interim Executive Director Schwanz said that we have discussed this Inter-Governmental Grant several times during the restructure. This is the Department of Energy grant that may allow us to reinstate the bus route to Westport. Janice is here from Columbia County to speak with you about this grant. Janice said that this grant links together 5 counties. It is a no match 3 year grant and we are about 6 months into it right now. All of the other agencies that are part of the partnership have signed the IGA except Sunset. We have not spent a lot of money yet because we have wanted to hire a consultant first to help us set this up. None of us have started working on this yet. The consultant will help us set up a 501c3. We are just asking that Sunset approve this agreement so we can move ahead. Commissioner Gaebel asked about the required biodiesel busses. Janice said that the busses were eliminated. All of the partners eliminated the busses from their budget as a purchased item. This may help bring back the Hwy 30 route. Some of the partners have specific issues but this is a real diverse group with each county having specific issues and it has been very interesting when we all come together. The consultant will be looking for other opportunities and grants for sustainability. Interim Executive Director Schwanz said the biggest drawback for the district is that this has some pretty lofty goals and that since we have cut back so far it will take some work for us to fit this with what we have left. Janet said that the consultant can help us fit into this grant and the consultant is aware of SETD's problems and has dealt with other agencies in similar situations. Commissioner Gaebel said she has had conversations with the consultant and she has a lot of experience.

Commissioner Goforth made a motion that we accept and authorize Chair Ron Bline to sign the IGA

Commissioner Gaebel seconded the motion

Chair Bline asked for discussion

Motion passed by unanimous decision

Interim Executive Director Schwanz said he has been unable to attend the planning meetings that have been held on Monday, Janet said that you may want to appoint a board member in the future to focus on this grant and meet with the consultant

SETD Budget Process

Chair Bline said that we need to appoint a budget officer and this year's budget committee. The committee is made up of board members and community volunteers. Executive Assistant Mary Parker reviewed the list of the 4 new and the 2 returning budget committee members. Mary said she had heard back from most of the committee and said that the majority of the new budget committee members had responded and could come on May 13th at 9 AM. and could also attend a meeting on the 20th if necessary. Returning to the committee are Steve Hawks and Martin Bue. James Santee is available at anytime. Melinda Ward is also available anytime as well Melinda is the general manager of 2 businesses in Cannon Beach. Leslie Shepherd has been very active in the community and has served on the Warrenton budget committee and is available in the afternoon only. Orabelle is a past bank manager but does have a meeting every Friday morning at 9 am but will come a little late. The budget committee members usually serve a 3 year term.

Interim Executive Director Schwanz quorum will be the total number including the board divided in half plus one.

Commissioner Gaebel moved that we approve the 4 new Budget Committee members and that we have the Budget meeting at 2pm on the 13th of May.

Commissioner Key seconded the motion

Chair Bline asked for discussion

Motion passed by unanimous decision Commissioner Fenske abstained due to scheduling conflict.

Commissioner Gaebel made a motion to appoint Dan Schwanz as the SETD Budget Committee Officer for 2011-2012 Budget.

Commissioner Fenske seconded the motion

Chair Bline asked for discussion

Motion passed by unanimous decision

CORRESPONDENCE:

There was supportive letter from the Astoria Warrenton Chamber giving SETD a complimentary membership. A thank you note has been sent to Director Skip Hauke.

NEW BUSINESS:

Executive Director Search-

Chair Bline asked for input on how to begin the search process for a full time Executive Director. Chair Bline said that the search will be for someone with a strong fiscal background as we have staff with strong operational skills. Interim Executive Director Schwanz said that it is clear from our past and present audit reports that the district needs an executive director that can write policies and procedures for fiscal management. Interim Executive Director Schwanz said that he and Bill Anderson and George Dunkel were going to meet when Bill got back from vacation to discuss search process. Commissioner Gannaway suggested putting together a smaller group with 2 or 3 Board members to meet with Bill, Dan and George. Chair Bline appointed Commissioner Gaebel to the ED search committee and Lylla asked Commissioner Conner and Commissioner Goforth to also be on the committee. Commissioner Gaebel said they will plan a meeting when Bill is back from vacation.

Astor Street Opera Company-

Paula Fisher, director of the Astor Street Opera Company, asked the board if they would consider allowing them to continue the use of the SETD basement for storage of their props and other materials. Paula said that that they have always struggled to find adequate storage and that the transit center basement has been the best storage they have ever had. They are also struggling to keep their head above water and can't afford to rent space. Paula said that she had brought a copy of their \$100,000 liability insurance policy. Paula said that they are happy to move any of their items to wherever you want us to in the basement. She said they no longer have a key so they do not have access on the weekends. Commissioner Gaebel asked if they have to wait for the building to be open or do you have a key? Paula until recent events we used to have a key. Commissioner Gaebel said she prefers that no one outside of employees has a key. Commissioner Gaebel said if we are going to do this I would like to see an end date like give them an extension for 90 days or something. Commissioner Goforth asked what we are using the space for. Interim Executive Director Schwanz said that he did not see a problem with them using the space in the basement because all confidential records have been moved to Warrenton. His main concern is that SETD be named second on the ASOC liability insurance. Lori Karl said she just wanted to know who they had turned the key into. Commissioner Gaebel said what if we did 6 month agreement with a requirement, which could be renegotiated. Since we are bringing in a new director on and at least one new board member I think 6 months is a reasonable amount of time. Commissioner Goforth disagreed she said she would like to see a one year agreement. She said they are struggling like we are struggling. Commissioner Fenske said she agreed it shows us as a good neighbor. Commissioner Gaebel said there is nothing that says that after 6 months you can't be extended again, it just allows when you are bringing on a new director and a new board member. Carol Gearin said she agrees with the 6 month agreement with a 30 option. So if you do not give them a 30 day notice then the agreement rolls over to another 6 months and will continue

to do that. You may tie the new director's hands by committing yourself for a year. Commissioner Goforth said I still think we should give them a year. Paula said that 30 days notice would be very hard for them.

Commissioner Kee made a motion to allow the Astor Street Opera Company to have an open ended agreement to use the basement at the SETD transit center for storage and that Astor Street Opera Company will be given 120 days vacating notice and that SETD be named second on their liability insurance.

Commissioner Goforth seconded the motion

Chair Bline asked for Discussion- None

All in favor Yea

Commissioner Gaebel-Nay

Motion passed

Clatsop Cruise Host Agreement-

Interim Executive Director Dan Schwanz said basically how we are currently doing the cruise ship bus situation is considered chartering and he has been asked to cease and desist. An alternative to how we are currently doing it would be to sell to whoever is paying for these buses a day pass, so then the individuals would pay a fair or show the driver a pass and then the services would no longer be paid for by an outside party.

Chair Bline asked who would pay for the passes.

Interim Executive Director Schwanz said somebody besides us.

Commissioner Goforth said what you are saying is the cruise host themselves would buy the passes and they would have to give the passes to the riders.

This meets the letter of the law but not the spirit of the law.

Commissioner Fenske said we sold two busses and I understood that the port would have a shuttle service

Interim Executive Director Schwanz said ODOT's interpretation which I re-reviewed and there is also the finding in our audit as well which describes perfectly what we are doing with our shuttle and it is something we cannot be doing.

Commissioner Gaebel why can't they do the shuttle with those 2 busses?

The first ship was less than 1000 people and we did it with 3 busses. The next ship coming in has asked for 5 busses on May 4th for 2000 people and they have requested 6 busses on the 5th for 2500 people.

Commissioner Goforth said that the two busses we sold to the port would never accommodate the number of people

Interim Executive Director Schwanz said basically what ODOT would like us to do if we are going to do this it needs to be done where we are literally selling passes and the district is just supplying the service and the district is in essence paying for the service and the cruise host is buying the passes for people to utilize the service. Then ODOT wants us to get out of the business and I agree with that at this point.

Commissioner Goforth said that this is a service that is absolutely and terribly important to the tourism of Astoria.

Interim Executive Director Schwanz said we are not the only entity that can supply that service there are plenty of services in Portland that can provide this service. We are violating federal charter rules and they can shut us down. It is not worth it.

Commissioner Gaebel said we are competing with private entities.

Commissioner Fenske said at one point Bruce was using some of the school busses.

Commissioner Goforth said the busses were not used for tours. He is qualified to charter he has all the necessary licenses to charter.

Commissioner Fenske said we need to not be doing anything that can be perceived as a charter. Remember a few years ago there was a charter service that was going to file suit with us because we were running a charter service and Cindy changed a few things a little bit but the only reason we did not get into trouble was because the other company went under.

Commissioner Goforth said ok lets meet with the cruise hosts and find out about them buying passes.

Schwanz said again all that does is it meets the letter of the law but it puts us in a bad situation.

Commissioner Gaebel said Rae I think you are in a conflicting position because of your tour service.

Commissioner Goforth said no I do not have a conflict with the cruise host or the shuttle it goes from the ship, except for the fact that I think to deny the downtown people not having that service to take the people around town. The ships are going to say if you can't provide some sort of a service they probably are not going to come back.

Commissioner Gaebel said that this facilitates your tour service.

Commissioner Goforth-No it has absolutely has nothing to do with my tour service. We charter busses that do my tour service. It has nothing to do with the taking the people from the pier and downtown and back. We are making a circle. Now if the cruise hosts can meet with you and buy passes to give to their people let's do that. To simply say we are no longer going to take the people from the pier downtown and back is very very bad.

Commissioner Gaebel- We can do it temporarily with the understanding that we do need to cease and desist as soon as possible and I am guessing within a year they are going to come back and they are going to say get out of it.

Commissioner Fenske-I do not understand why those 2 busses that we sold to the port are inadequate

Commissioner Goforth- We have ships coming in until June then they will be in September

Commissioner Gaebel-We cannot continue to do it they will shut us down totally that is what Dan has said

Commissioner Goforth- Oh come on don't use scare tactics lets talk to the cruise host and sell them a pass

Commissioner Gaebel- That is what Dan has just said.

Interim Executive Director Schwanz-We really need to get out of it.

Commissioner Fenske asked why those 2 busses are inadequate to take people downtown.

Scott Earls- Those two busses we sold the Port only hold 19 passengers. We are running busses that hold 37 passengers with standing room only. You could not keep up with those two small busses. The two port busses are being used to do a run out to Costco the cruise ship's crew and do a run up to the column. We had 700 riders on the first ship and anticipate 3000 on the next ship, so we will be running our biggest busses and making 15 trips every hour. I am not saying if it is a charter service or a fixed route or if we should or shouldn't do it I am just telling you what they are asking for and how we are accommodating that.

Commissioner Goforth-We would be making \$235 an hour.

Commissioner Fenske said she has tried to flag down the bus and they do not stop

Scott said we are not a flag stop for that service. We have a right to not be a flag service we have the right to say these are the bus stops on that route.

Commissioner Fenske said that she recommend that we adhere to the letter of the law to get through spring

Interim Executive Director Schwanz said if there is a break between summer and fall that would give them enough time to make other arrangements. There is a whole list of charter services in Portland that are already providing services here anyway that is there business.

Commissioner Goforth- I would like to set up a meeting with the cruise host but I am not a cruise host. I have tried to accommodate them between us. We have things coming up like the Bicentennial.

Interim Executive Director Dan said and we cannot do that either. This is something ODOT is very aware of all it took was a letter to the editor that got their attention immediately and I am not going to fight this one it is really not worth taking the District down.

Commissioner Fenske asked since the Bicentennial is on the weekend can't they use schoolbuses

Commissioner Gaebel said it is not that we as individual board members do not want to support it. It is as a district we cannot continue to support it because we will be shut down. ODOT has put on notice.

Commissioner Goforth-Have we been put on notice?

Interim Executive Director Schwanz said we have been put on notice that we are in violation of federal charter rules.

Commissioner Goforth-I think you should meet with the cruise host and tell them that, but this is a real slap in the face for Astoria.

Commissioner Fenske said we do not need another reason to have our doors threatened.

Commissioner Goforth -Okay you guys. You will have to talk with the cruise host and I am not going to do it. You will have to tell the people on the Bicentennial that SETD cannot help you. Everyone has been working so hard as volunteers.

Interim Executive Director Schwanz said he would do it. We have federal rules we have to follow.

Commissioner Fenske I move that we adhere to the letter of the law providing a temporary fixed route service through the spring for the cruise ship passengers but we give notice to the cruise host that they will have to make other arrangements for the fall.

Commissioner Gannaway asked if we should run that by ODOT?

Interim Executive Director Schwanz said he had a lengthy conversation with ODOT and again the compromise was that we would try the pass idea with the understanding that we will get out of the business completely. However if some other entity does not like what we are doing they can do that and we are still violating those rules. There are still some risks in doing this but I made it very clear that the district is between a rock and a hard spot on this one. There are 2 ships a week scheduled through May

Commissioner Gaebel Would we be safe in providing service to the end of the calendar year

Commissioner Goforth I think we have 5 ships coming in September and October. Could we finish out the year because that is what they have been offered. We have done this for 8 years.

Commissioner Gaebel said we have a spotlight on us Rae

Scott Earls said I think that we need to make sure for the record that we are operating a temporary fixed route open to the public's use at the scheduled stops.

Commissioner Goforth-It is money coming into our bank account.

Interim Executive Director Dan Schwanz said it is more important that we be legal at this point

Commissioner Fenske restated her original motion: I make a motion that we make a temporary arrangement to provide temporary fixed route service with the pass system through this calendar year and they will have to make arrangements for a new provider for next year.

Commissioner Gaebel seconded the motion

Discussion Dan will notify ODOT about the process that we are going to follow and will tell them we will cease providing cruise ship transport at the end of this calendar year.

Motion passed

Commissioner Conner abstained due to conflict of interest due to her husband being a cruise host and coordinator and owner of Sundial Travel.

Kips Candy Contract

Kip has presented a contract that says he will maintain the vending machines and leave them at the transit center and the employee coffee room in Warrenton. He will pay a small percentage of his sales to SETD .

Sign Rental Agreement

Commissioner Goforth said she had done quite a bit of research comparing pricing for other signs in the area and felt that \$1200 a year was a reasonable amount and this contract is based on a one sided sign.

Commissioner Gaebel made a motion to allow Interim Executive Director Schwanz to negotiate and sign both contracts presented for Kips Candy and the Sign Rental Agreement.

Chair Bline seconded the motion

Discussion-Marcia asked about Kip being an SETD employee and that being a conflict however Kip was one of the drivers that was laid off. Commissioner Fenske asked if the safety issues with the sign had been addressed. Commissioner Goforth said she has a copy of the liability coverage with the contract.

Motion passed by unanimous decision

Commissioner Fenske asked to be excused from the meeting to attend work

DIRECTORS REPORT:

STF Grant- Interim Executive Director Schwanz explained that we are asking for pre payment of the STF grant. We had a meeting with the Senior and Disability Committee last week and received their approval to proceed with the amended application for the payment of this grant.

Commissioner Gaebel made a motion to authorize Interim Executive Director Schwanz to proceed with the amended application for STF funds.

Commissioner Goforth seconded the motion

Commissioner Gaebel amended her motion to add that Chair Bline will be the signer on the application
Discussion

Motion passed by unanimous decision

Riders Report- Our numbers are about where we would expect them to be. The biggest complaint that we receive is that the 101 is always running behind schedule. The busses are full. We will be taking a look at that in June. We not only receive complaints but we receive compliments as well.

OTHER ITEMS:

Chair Bline expressed a thank you from Ron Downs and the Board as well to Lori Karl for her exceptional help and hard work in the past few months.

Commissioner Gaebel complimented all of the SETD staff for their outstanding support of the general operation of SETD.

Meeting was adjourned at 11:30 AM.

Mary Parker
Recording Secretary

Commissioner Goforth, Secretary/Treasurer