1. **CALL TO ORDER** Chair Madaffer called the Board of Directors’ meeting to order at 9:00 a.m.

Chair Madaffer welcomed the Board to the meeting and briefly discussed logistics of the meeting.

2. **ROLL CALL, DETERMINATION OF QUORUM**

   Clerk of the Board Nelson called the roll. Directors present virtually were Chair Madaffer, Vice Chair Croucher, Secretary Guerin, and Directors Arant, Ayala*, Barnum, Bebee, Boyle, Butkiewicz, Cate, Cherashore, Evans, Fong-Sakai, Hall, Hedberg*, Heinrichs, Hilliker, Hogan, Katz, Kennedy, Lewinger, Martinez, Miller, Murtland*, Mosca*, Preciado, Reeh, Rios, Saxod, Scalzitti*, Smith, Steiner, Wilson, and Supervisor Desmond.

   Directors absent were Heidemann (p)*, Udrys, and Simpson.

   Staff present included General Manager Kerl, Deputy General Manager Denham, General Counsel Hattam, Director of Administrative Services Foster, Director of the Colorado River Program Rodgers, Director of Engineering Reed, Director of Finance Harris, Director of Government Relations Farrell, Director of Human Resources Kite, Director of MWD Program Chen, Director of Operations & Maintenance Fisher, Director of Public Affairs Vedder, Director of Water Resources Gage, Controller Woidzik, Human Resources Manager Spaniol, Operations & Maintenance Manager Meda, Water Resources Manager Lovsted, Senior Construction Manager Olvera, Senior Water Resources Specialist Mendelson-Goossens, QSA Outreach Coordinator Simon, and Clerk of the Board Nelson. Also present was Ken Carpi of Carpi & Clay, Inc.

   2-A  **Report on proxies received.** No proxies were received.

3. **ADDITIONS TO THE AGENDA**

   There were no additions to the agenda.

   *Directors Hedberg and Murtland arrived at 9:05 a.m.

4. **APPROVAL OF MINUTES**

   Director Cherashore moved, seconded by Director Lewinger, and the motion carried at 93.3645% of the vote to approve the minutes of the Formal Board of Directors’ meeting of August 27, 2020. Ms. Nelson took a roll call vote.
5. **PUBLIC COMMENT**

Mr. Glenn Pruim, Vallecitos Water District General Manager, addressed the Board regarding an unresolved incident concerning desalinated water agreements and upcoming litigation steps for breach of contract.

*Directors Ayala and Mosca arrived at 9:13 a.m.

6. **REPORT BY CHAIR**

Chair Madaffer reported that on July 1, 2020 the Government Finance Officers Association awarded the Water Authority with a Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report (CAFR) for fiscal year ending June 2019. He added that it was the 20th consecutive year that the Water Authority had received the prestigious award and congratulated staff on the achievement.

He spoke briefly on Colorado River hydrology issues and stated the Bureau of Reclamation released updated projections that indicated an increased risk of the probability of shortages. He stated the 2019 Drought Contingency Plan (DCP) was being implemented and that no DCP issues were anticipated in California for 2021. He referred to the written Colorado River Hydrology update memo for more information on issues along the Colorado River.

Chair Madaffer also reported on continued discussion with the Governor, and members of his administration, regarding benefits of the San Vicente Pumped Hydro Storage facility as a green energy solution to alleviate the strain on California’s energy grid. He added that the project could provide 500 megawatts of long duration clean green energy, as well as provide substantial economic activity within the region.

7. **ACTION/DISCUSSION/PRESENTATION**

7.1 Presentation of Directors’ Service Certificates.

Chair Madaffer presented Directors Ayala, Fong-Sakai, Hall, Heinrichs, Kennedy, and Preciado with service certificates recognizing each for five years of service to the San Diego County Water Authority Board of Directors.

7.2 **Election of Board Officers for October 1, 2020 – September 30, 2022.**

The following Board Members were nominated:

Chair: Gary Croucher  
Vice Chair: Christy Guerin  
Secretary: Jerry Butkiewicz and Chris Cate

Chair Madaffer announced the nominations received for Board Officers for term ending September 30, 2022 and made a motion to approve the election of Croucher for Chair,
Guerin for Vice Chair, and Butkiewicz for Secretary. Director Mosca seconded the motion.

Directors Bebee, Kennedy, and Cate asked questions and made comments.

*Director Scalzitti arrived at 9:28 a.m.

Chair Madaffer moved, seconded by Director Mosca, and the motion carried at 79.6925% of the vote to approve the Chairs recommendation. Ms. Nelson took a roll call vote.

Chair Madaffer provided further comments on the process and congratulated the incoming Officers. Directors Kennedy, Bebee, Scalzitti, Butkiewicz, Barnum, Hedberg, Hilliker, and Guerin asked questions and made comments.

Vice Chair Croucher thanked the Board for the election to Chair of the Board and stated that he looked forward to moving ahead, with a lot to be accomplished. He announced that the committee selection process was due to begin, and committee interest surveys would be sent out in following weeks.

Item 7.3 was deferred to later in the meeting.

7.3 Presentation to Outgoing Chair Madaffer.

*Ms. Nelson announced that a proxy had been received at 9:45 a.m. and that Director Martinez was the proxy for Director Heidemann.

7.4 Workforce Development update.

Ms. Spaniol presented an update on the Regional Workforce Development work group that included a review of work group objectives and updates, and shared a demonstration of the SanDiegoWaterWorks.org website. She reviewed the Department of Defense SkillBridge Program established for hiring military veterans, a Bachelor Degree program partnership between Cuyamaca College and National University specific to the water industry, and the 2020-2021 Regional Water and Wastewater Internship Program.

Ms. Kerl congratulated Ms. Spaniol for all that was achieved working with member agencies and provided further comments on workforce development projects and tools. Directors Preciado, Fong-Sakai, Martinez, and Chair Madaffer made comments and asked questions. Ms. Spaniol responded.

7.5 Detachment Update.

Ms. Kerl began the detachment update with an announcement that the Water Authority and other member agencies had filed LAFCO responses by the September 18, 2020 deadline, and that a number of member agencies had responded. She added that the Delta
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Watermaster also submitted a letter to the Water Authority, expressing concern about how the change in suppliers would increase reliance on the Bay-Delta, and the Water Authority submitted that letter to LAFCO. She stated the Water Authority Response was extensive and was supported by over 70 exhibits. The Response covered major issues including the Water Authority’s key role in planning for the County and diversifying supply, the 2015 failed Fallbrook/Rainbow merger, and the major effects of detachment on member agencies such as significant financial impacts; loss of voting rights at MWD; and Fallbrook and Rainbow moving to a less reliable water supply.

Ms. Kerl reported that Fallbrook and Rainbow chose to respond to their applications with a short cost study by a local group of real estate advisors, which claimed that Fallbrook and Rainbow were subsidizing all other member agencies. Ms. Kerl stated the study was based on multiple incorrect assumptions and would be addressed by the Water Authority at LAFCO. She added that MWD also responded as an interested party in the proceeding and had filed a report asserting no water supply issues, and no Bay-Delta impacts. She announced LAFCO was in the process of selecting consultants to review certain major issues in the reorganization applications, and the consultants would work with LAFCO and the parties, with results expected next year. She stated that the LAFCO Advisory Committee meeting was moved to early November 2020 and the Board would be updated.

Mr. Hattam continued by thanking all the Staff involved and urged all Board members, General Managers, and the public to carefully read the Response. He stated he would be working with LAFCO to address all issues raised in the filing.

Director Bebee provided comments regarding the detachment update and LAFCO process.

Director Arant made comments clarifying that Valley Center Water District had no interest in, and was not contemplating, leaving the Water Authority.

Directors Preciado and Kennedy also provided comments.


Mr. Woidzik provided a presentation that included a summary report of water sales volumes in acre-feet, and FY 2020 Budget and Actual comparisons. He continued with a review of the FY 2020 Budget versus Actual results summary including total net water sales revenues, other revenues and expenses, net revenues before CIP, CIP costs, and net fund withdraws. He stated the presentation was a high-level summary and detailed information could be found in the written report.

Directors Smith, Bebee, and Wilson made comments and asked questions, and Mr. Woidzik responded.
Ms. Harris provided further comments in response to questions by Directors Bebee and Wilson, regarding budgets savings and reductions that were obtained through cost cutting measures in order to reach the bottom line. Ms. Kerl added further comments.

7.7 Amendment 2 to the services contract with OneSource Distributors, LLC, for preventative maintenance, upgrades, repair, and technical support for medium voltage variable frequency drives.

Staff recommendation: Authorize the General Manager to execute Amendment 2 to the services contract with OneSource Distributors, LLC, for preventative maintenance, upgrades, repair, and technical support for medium voltage variable frequency drives for an additional three years, increasing the contract maximum amount by $646,005 for a new not-to-exceed maximum of $1,219,197.

Mr. Meda provided a presentation that included project background, an overview of the proposed amendment 2, and staff recommendation.

Director Miller moved, seconded by Director Katz, and the motion carried at 96.961% of the vote to approve staffs’ recommendation. Ms. Nelson took a roll call vote.

7.8 Notice of Completion for the Vallecitos Water District 11/Vista Irrigation District 12 Flow Control Facility project.

Staff recommendation: Authorize the General Manager to accept the Vallecitos Water District 11/Vista Irrigation District 12 Flow Control Facility project as complete, record the Notice of Completion, and release all funds held in retention to Kiewit Infrastructure West, Inc., following the expiration of Notice of Completion period.

Due to time constraints no presentation was provided.

Directors Evans and Miller recused on item 7.8

Director Lewinger moved, seconded by Director Preciado, and the motion carried at 91.042% of the vote to approve staffs’ recommendation. Ms. Nelson took a roll call vote.

7.9 Adopt a Permanent Special Agricultural Water Rate Program ordinance and grant temporary PSAWR eligibility for existing Transitional Special Agricultural Water Rate Program customers.

Staff recommendation: Adopt Ordinance No.2020-04 to establish the Permanent Special Agricultural Water Rate (PSAWR) Program effective January 1, 2021, and grant existing Transitional Special Agricultural Water Rate (TSAWR) Program participants eligibility to participate in the PSAWR Program on a temporary basis through June 30, 2021, to allow member agencies sufficient time to verify compliance with new PSAWR Program eligibility requirements.
Ms. Gage spoke briefly on the background and history of the Special Agricultural Water Rate Program, and development of the Special Agricultural Water Rate.

Ms. Herbon continued with an overview of historical water rate programs, fiscal sustainability task force recommendations, PSAWR service limitations, and PSAWR CY 2021 cost benefits. She reviewed program development points, draft policies and procedures based on member agencies feedback, eligibility requirements, and temporary access eligibility for TSAWR customers. She concluded with next steps and a review of the staff recommendation.

Directors Kennedy and Arant made comments and thanked Staff.

Director Steiner commented and requested clarification on comments made regarding the rate going through cost of service study analysis. Staff responded that they would return with an answer.

Directors Barnum, and Bebee also made comments and thanked Staff. Mr. Denham responded to comments made by Director Bebee.

Ms. Harris responded to Director Steiner and clarified that the PSAWR had gone through the cost of service study.

Director Heinrichs moved, seconded by Director Hilliker, and the motion carried at 97.933% of the vote to approve staffs’ recommendation. Ms. Nelson took a roll call vote.

Director Lewinger provided further comments recognizing and thanking Director Arant for his continued dedication for over fifteen years, in achieving the PSAWR. Chair Madaffer added further comments and congratulations.

Due to time constraints Chair Madaffer referred to the written materials provided in the packet for item 7.10.

7.10 Metropolitan Water District Delegates report.

7.11 State Salton Sea Management Program update.

Mr. Simon presented a Sate Salton Sea Management Program (SSMP) update that included background, California Natural Resources Agency update on SSMP, CNRA signs of progress and steps towards SSMP implementation, and State Water Resource Control Board (SWRCB) response to SSMP update. He concluded with a review of next steps, including upcoming public workshops and congressional hearings.

7.12 Update on Metropolitan Water District’s 2021 and 2022 Budget and Rates Review.
Ms. Chen presented an update on MWD 2021 and 2022 Budget and Rates that included a review of April rate reductions not from budget cuts. She briefly discussed Chair Madaffer’s request to MWD for rate relief that included a fifteen dollars per acre-foot reduction in transportation rates and offered fifty-three million dollars in cost saving opportunities. She stated that a number of member agencies had rallied in support of Water Authority efforts for rate relief from MWD including Mayor Faulconer’s Office and the San Diego County Taxpayers Association. She reviewed September 2020 rate discussions and MWD Board actions including an action to consider new revenue generation options during mid-cycle budget review and a moratorium on non-emergency unbudgeted proposals for FY 2021.

Director Preciado made comments and asked questions regarding water sales and revenues at MWD and Staff responded. MWD Delegates Smith and Hogan provided further clarification and comments in response to Director Preciado’s questions.

Directors Bebee and Lewinger made comments and asked questions and Ms. Chen responded.

7.13 Update on Metropolitan Water District’s 2020 Integrated Water Resources Plan.

Ms. Mendelson-Goossens presented on the MWD 2020 Integrated Water Resource Plan (IWRP). She included a background review, and 2020 IRWP process overview. She stated that MWD had launched the 2020 IRP update in February 2020 using the scenario planning approach. She discussed major steps in the scenario planning process including development of projected resources mix in coordination with member agencies, uncertainty scenarios, potential strategies, and key tracking metrics.

Director Smith provided further comments on the IRP.

7.14 Update on Implementation of Senate Bill 606 and Assembly Bill 1668.

Chair Madaffer referred to the written materials included in the Board Packet for item 7.14.

7.15 Washington report by Ken Carpi.

Mr. Carpi provided a Washington report which included updates related to issues of interest of the Water Authority.

7.16 Sacramento report.

Mr. Farrell provided a report on legislative activities in Sacramento and reviewed issues of interest to the Water Authority. He stated that Legislature adjourned August 31, 2020 and would convene December 7, 2020 for the 2021-22 legislative session. He concluded with a review of Water Authority co-sponsored legislation SB 1386, and announced the bill had passed Legislature on unanimous vote, and was pending final action by the Governor.
Chair Madaffer and the Board wished Director Mosca a Happy Birthday.

8. **CONSENT CALENDAR**
Director Barnum pulled item 8.2., Director Lewinger pulled item 8.4., and Chair Madaffer pulled item 8.6.

Mr. Hattam announced that Director Hall would recuse on item 8.5.

Director Ayala moved, seconded by Director Bebee, and the motion carried at 99.912% of the vote to approve Consent Calendar items, 8.1, and 8.3, and 8.5. Ms. Nelson took a roll call vote. Directors voting no, or abstaining are listed under the item.

8.1 **Monthly Treasurer’s Report on Investments and Cash Flow.**
*Staff recommendation:* Note and file the Treasurer’s report.

8.3 **Equipment purchase and service contract with Reliability Controls Corporation for the purchase of three Bently Nevada machinery protection systems for the San Vicente Pump Station, including software and support services for system installation and commissioning.**
*Staff recommendation:* Authorize the General Manager to execute an equipment purchase and service contract with Reliability Controls Corporation for machinery protection system equipment and services for an amount not-to-exceed $250,032.

8.5 **Approve City of Carlsbad Waiver Request for Late Fee on June 2020 Water Bill.**
*Staff recommendation:* Authorize the General Manager to waive City of Carlsbad late fee for the June 2020 water invoice amounting to $23,808.25.

Director Hall recused on 8.5. The motion carried at 98.0825%

8.2 **New Treated Water Service Connection for City of Poway.**
*Staff recommendation:* Authorize City of Poway’s (Poway) request for a new service connection on the Water Authority’s system to be owned and operated by the Water Authority for the purpose of conveying treated water into Poway’s distribution system.

Ms. Kerl provided comments on the new treated water service connection request for City of Poway and introduced Mr. Crutchfield to continue the presentation.

Mr. Crutchfield provided a presentation that included background information on the Ramona Pipeline, Poway service connection planning study framework, and next steps. He stated that timing was extremely important in order for Poway to meet requirements from the Department of Drinking Water to complete the project by April 1, 2021. He concluded with a review of the staff recommendation.

Ms. Kerl stated that Director Barnum had requested to submit an alternate recommendation to the Board and introduced Director Barnum to present comments on his recommendation.
Director Barnum addressed the Board regarding his concerns with the staff recommendation and presented an alternate recommendation for consideration of the Board.

**Alternative recommendation:**
Authorize the City of Poway’s request for a planning study for a new service connection on the Water Authority’s system to be owned and operated by the Water Authority for the purpose of conveying treated water into Poway’s distribution system. The planning study will include the original stakeholders of the Ramona Pipeline including the City of San Diego, Olivenhain Municipal Water District and Ramona Municipal Water District. The connection point will be determined for Board approval at a later date and will involve the original stakeholders that funded the Ramona Pipeline.

Director Barnum provided further comments on the Ramona Pipeline and connection capacities.

Director Barnum moved the motion to approve his alternate recommendation.

Chair Madaffer and Director Barnum further discussed the alternative recommendation and the staff recommendation.

Director Martinez and Secretary Guerin asked questions and made comments. Secretary Guerin moved to approve staffs’ recommendation.

Director Kennedy seconded the alternate recommendation moved by Director Barnum.

Directors Arant, Steiner, Lewinger, Bebee, Cate, Guerin, and Chair Madaffer asked questions and made comments, and Ms. Kerl, Staff, and Director Barnum responded.

Director Steiner offered an alternative staff recommendation that included language from both proposed recommendations.

Discussion and clarification of the recommendation took place between Director Barnum and Chair Madaffer.

Chair Madaffer stated the amended recommendation:

**Alternative staff recommendation:** Authorize City of Poway’s (Poway) request for a new service connection on the Water Authority’s system to be owned and operated by the Water Authority for the purpose of conveying treated water into Poway’s distribution system. There will be a planning study to include the original stakeholders (City of San Diego, Olivenhain MWD, and Ramona MWD). The connection point, and the terms and conditions, will be determined for Board approval at a later date and will involve the original stakeholders that funded the Ramona Pipeline.
Further discussion on the alternative motion took place between Director Steiner, Secretary Guerin, Director Barnum, and Chair Madaffer.

Director Kennedy clarified that he was the second to the motion to approve the alternative recommendation moved by Director Barnum, and not Director Bebee as stated. He added that he supported the amendment by Director Steiner and removed his second to the alternative recommendation. Director Barnum accepted the amendment as proposed.

Vice Chair Croucher, Secretary Guerin, and Directors Heinrichs, Mosca, Hogan, Bebee, and Barnum asked questions and made comments and staff responded.

Director Guerin moved, seconded by Director Steiner, and the motion carried at 99.912% of the vote to approve the alternative staff recommendation. Ms. Nelson took a roll call vote.

8.4  Adopt a Resolution of Support for Proposition 16 – the “Allows Diversity as a Factor in Public Employment, Education and Contracting Decisions” Legislative Constitutional Amendment.

Staff recommendation: Adopt resolution 2020-____ endorses Proposition 16, the “Allows Diversity as a Factor in Public Employment, Education and Contracting Decisions” legislative constitutional amendment.

Director Lewinger addressed the Board regarding the Water Authority Board taking a position of Support for Proposition 16. He stated that the Water Authority was a diverse agency and half of the 12 key positions were held by women and/or minorities, and the Proposition was not related to water. Director Lewinger made a motion to table item 8.4., seconded by Vice-Chair Croucher.

Chair Madaffer clarified that a motion to table, under the Water Authority Code, would require the item to return to the Board. He suggested Director Lewinger amend his motion to instead pull item 8.4 from the agenda, and he asked Mr. Hattam to clarify further. Mr. Hattam provided further clarification of the Water Authority Code.

Director Lewinger amended his motion to pull item 8.4 from the agenda, Vice-Chair Croucher seconded.

Directors Arant, Wilson, Kennedy, Mosca, Butkiewicz, Madaffer, Guerin, Preciado, Lewinger, Barnum, and Rios made comments and asked questions and staff responded.

Director Lewinger moved, and Vice-Chair Croucher seconded the motion to pull item 8.4. Ms. Nelson took a roll call vote and stated the motion failed at 60.259% of the vote.

Mr. Hattam clarified how the vote was calculated with further detail provided in respect to the block vote by the City of San Diego and he explained that the City of San Diego had essentially removed themselves with a split vote.
Mr. Hattam recommended that Chair Madaffer proceed with the motion by Director Mosca to approve staffs’ recommendation. Discussion on meeting procedure ensued between Mr. Hattam, Chair Madaffer, and Directors Lewinger and Preciado.

Director Mosca made a motion to approve staffs’ recommendation, seconded by Director Preciado. Ms. Nelson took a roll call vote and the motion failed at 84.027% of the vote.

**8.6 Agreement with San Diego Gas & Electric to Rent Water Authority Property.**

*Staff recommendation:* Authorize the General Manager to negotiate and enter into an agreement with San Diego Gas & Electric (SDGE) to rent Water Authority property to store construction materials and equipment for an amount up to $560,000.

Director Fong-Sakai asked for clarification of renting versus licensing and Mr. Hattam responded. Director Fong-Sakai asked a follow-up question regarding coordination with the City of San Diego and Mr. Reed replied that there would be coordination between SDG&E and the City of San Diego, as well as community outreach. Director Butkiewicz commented on the importance of community outreach.

Director Fong-Sakai moved staffs’ recommendation, and Director Cherashore seconded.

Chair Madaffer requested Ms. Nelson report the 8.4 vote results and Ms. Nelson stated that vote calculations were being tallied and recommended moving forward with the vote on 8.6.

Director Fong-Sakai moved, seconded by Director Cherashore, and the motion carried at 96.5464% of the vote to approve staffs’ recommendation. Ms. Nelson took a roll call vote. Director Hedberg recused.

The following Information items were received and filed:

**9. INFORMATION**

9-A Report on purchase orders and contracts for goods and services above $10,000.
9-B Board Calendar.
9-C Colorado River Board Representative’s report.
9-D Colorado River Hydrology Update.
9-E Government Relations Update.
9-F Water Resources report.

**10. SPECIAL REPORTS**

10-A GENERAL MANAGER’S REPORT – Ms. Kerl stated she had nothing further to report.
10-B GENERAL COUNSEL’S REPORT – Mr. Hattam stated he had nothing further to report.
10-C SANDAG REPORT – Director Katz reported on discussion and action taken at the SANDAG meeting.
SANDAG Subcommittees: Borders Committee – No report was provided.
Regional Planning Committee – No report was provided.
10-D AB 1234 Compliance Reports – No reports were given.

7.3 Presentation to Outgoing Chair Madaffer.

Vice-Chair Croucher thanked Chair Madaffer and recognized him for the time and effort given to the position of Chair over the prior two years. He presented Chair Madaffer with a gift of appreciation on behalf of the Board of Directors.

Chair Madaffer thanked Vice-Chair Croucher and the Board and reflected on highlights, achievements, and challenges during his tenor as Board Chair. He thanked Staff and the Board Officers for support provided during his tenor and wished the incoming Officers success in the future.

Vice-Chair Croucher thanked the Board for his nomination to Chair and expressed his intent to move forward collaboratively with the Board of Directors on issues of interest to the region. He reminded the Board of the upcoming committee selection process and stated that surveys regarding committee interest would be sent in the following days.

11. CLOSED SESSION(S)

Mr. Hattam took the Committee into Closed Session at 2:00 p.m.

11-A Conference with Legal Counsel – Existing Litigation
Government Code §54956.9(d)(1)
SDCWA v. Metropolitan Water District of Southern California; San Francisco Superior Court Case Nos. CPF-10-510830; CPF-12-512466; CPF-14-514004; CPF-16-515282; CPF-16-515391; CGC-17-563350; CPF-18-516389; California Court of Appeal (1st District) Case Nos. A146901; A148266; A154325; California Supreme Court Case Nos. S243500; and S251025.

11-B Conference with Legal Counsel – Existing Litigation
Government Code §54956.9(d)(1)
Food & Water Watch and Center for Food Safety v. Metropolitan Water District of Southern California and All Persons Interested in the Matter; Los Angeles Superior Court Case No. BC 720692; California Court of Appeal (2nd District) Case No. B297553.

11-C Conference with Legal Counsel – Anticipated Litigation
Government Code §54956.9(d)(2)
One Case (claim available for public inspection pursuant to Government Code §54957.5).
12. **ACTION FOLLOWING CLOSED SESSION**
Mr. Hattam brought the Board out of Closed Session at 2:19 p.m. and stated there was nothing to report.

13. **OTHER COMMUNICATIONS**

14. **ADJOURNMENT**
There being no further business to come before the Board, Chair Madaffer adjourned the meeting at 2:20 p.m.

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Gary Croucher, Chair

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Jerry Butkiewicz, Secretary

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Melinda Nelson, Clerk of the Board