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Jim Walsh: Good afternoon everyone. My name is Jim Walsh it's my privilege to be chair of today's meeting. I'd like to do as usual start off with our introductions to my right.

Douglas Kellner: Douglas Kellner.

Evelyn Aquila: Evelyn Aquila.

Gregory Peterson: Gregory Peterson

Jim Walsh: Continuing on.

Todd Valentine: Todd Valentine

Kimberly Galvin: Kimberly Galvin

Paul Collins: Paul Collins

John Conklin: John Conklin

Tom Connolly: Tom Connolly

Dave Loomis: Dave Loomis

Joe Burns: Joe Burns

Anna Svizzero: Anna Svizzero

Bill McCann: Bill McCann

Bob Brehm: Bob Brehm

Cheryl: Cheryl Couser

Tarry Beads: Tarry Breads

Sarah Podber: Sarah Podber

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Casey Seiler: Casey Seiler from the Times Union

Jim Walsh: Thank you all

Douglas Kellner: And Sarah you're from the League of Women Voters?

Jim Walsh: Our first item of business is the review of our minutes. Do we have a motion to

approve? Any additions or deletions will be accepted at this time.

Douglas Kellner: So moved the minutes as drafted.

Jim Walsh: Second? All in favor?

Chorus of Ayes

Jim Walsh: Opposed? Carried. Unit updates Executive Robert Brehm and Todd Valentine please.

Todd Valentine: I mean one of the main purposes of this meeting I guess is a good thing is was to review any challenges or determinations on judicial nominating documents and we don't have any cause there are no objections that have been filed at this point and, I know, knock on wood. So that I don't know what that says about the process but maybe people finally we've been able to help them and they all get it right 100% the first time. So, we don't... that's one thing we don't have to do and you know, as we've alluded to in the past, I mean it's been busy but not so much related to, there's been some follow up from the election process and Anna can talk more about this but there seemed to be a number of tie votes in small races that have occurred throughout the state, vacancies created by that. So, guiding the counties and the parties that nominate as a result of that you know, it's always new to them, but this is an initiative we see so we try to provide, we spend a lot of time providing guidance for that in the post primary world.

And, you know, we've been busy with attending the Moreland Commission. We virtually attended the one on the 17th which was down in New York City, they webcast that. They held one here on the 24th, a number of the staff attended that as well as watched it online. And we've had interviews with staff level here on the 23rd, 26th and 27th of this month. So

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the next goal related to that is to turn to starting to come up with our own draft testimony based on what we've put in in the past in the last 2 Senate hearings for the hearing that's scheduled on the 29^{th} which is something we need to talk about later for our next Board meeting.

And we did receive the big item on the administrative front, we did receive the budget call letter for, as may have been reported in the media. Again, they're looking for a flat budget, a no growth budget for the next year, actually the next 2 fiscal years they anticipate which you know is problematic when we have touch resources right now and to go with a zero growth budget, we've done a lot of savings in the last couple of years with the rent money that we saved. We've cut down on our fleet of cars has been reduced to 1 which we own. A fleet of one. We still have to do a fleet report but we have a fleet of one which I think we're actually going to get rid of too because it's an old cargo van, it's not a cargo van but itwas, it's a mini van that doesn't have seats. We were using it as a cargo van which admittedly is an inconvenience to the staff when they do need to have transportation for on short notice for visits to county boards for attending meetings. You know it's a big state so a car is almost the easiest way to travel around so that's become somewhat of a problem. So...

Evelyn Aquila: Very difficult to travel

Todd Valentine: well it makes it more inconvenient because they prefer that you rent cars and if you do use your own personal vehicle which is always the third and last choice, for transportation if you're not using public transportation, you know you're limited in your mileage reimbursement and it becomes difficult and on top of that as an administrative front, we have significant challenges getting reports out about the status of our spending and anticipated spending for the rest of the year.

We finally did get a report out of our host agency, the Office of General Services for our anticipated spending and right now, it's good, we're actually on track to have a surplus which possibly could get eaten up in the next, because of the anticipated expense related to the publication requirements for the constitutional amendments. I know that's something that we've worked on to try to sharpen our pencils to narrow that down as much as it is, but based on the size, there are six amendments which is not something we would normally anticipate, one or two but the cost will be in the several hundred thousand dollar range just because to advertise that much text on those many papers statewide costs a lot

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of money which is going to eat into whatever little surplus we thought we might have towards the end of the year. So that's going to be a challenge. Bob?

Bob Brehm: That's a pretty complete report. I know its taken quite a while working with the Office of General Service, Division of Budget, our Administrative Office and staff members to try and get a clear picture from OGS as to our fiscal situation. When we went to the new financial system, there certainly has been a learning curve that they are under and we were used to receiving quarterly reports guiding, we'd re-evaluate our spending to date as compared to a year ago and whether or not we project to the end of the fiscal year. Last year in all that effort we really didn't get a report until about a month before the end of the fiscal year really was very difficult for us. This year we've been, we continued to push for that report and we just got it last week and one, it was helpful to see but there's still a few questions.

The one risk being of course the printing of the constitutional amendments but also to make sure that we're up to date with all of the various, business service center that pays the bills and OGS and the State Comptroller. So, it's uncertain yet whether or not that is a complete picture of all of the invoices are actually accounted for. So that is something that we are hopeful that in the next couple of weeks we have a follow up meeting with them a week from Tuesday to make sure that we're in that comfort zone that we know that we're on tract to at least the bills are paid. Because it has been a concern of both Todd and I and Tom Jerose and others that we get accurate information. And we've been working with everybody to do that and that's an important thing for us as we go forward. The budget submission is due October 16th. That generally isn't the big issue because it's flat budget. There's not a lot of decision making there. Certainly, we'll have to start we've been submitting budget side letter, I think it'll probably reflect probably what we'll say at the Moreland Commission probably a little shorter. But certainly the resource need, the technology need, the unique issues going into the next fiscal year that happen once every 4 years when there's a governor's election, that's the fiscal year we have to do things like perhaps reprint forms because the parties change, the order change things like that, things that people forget that we identify for them in that cycle. That is hard when you're just set to a finite budget to submit the same as you had last year where we didn't have those cycle issues that come up once every lifetime.

But, generally speaking, that's where we're concerned a little bit I think about the from the federal fiscal situation, we have two types of grants that I know, today is the end of federal

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fiscal year so I know the PIO staff has been working hard for the county funds to make sure that any of the funds that are related to the HHS that expire today because the 5 year ago funds end today and they've been working hard and we've been pushing through OGS and the Business Service Center to make sure anything submitted is paid because it has to be received today, otherwise it goes away at midnight tonight whether the federal government stays in business or not. But we also have to MOVE Act grant that we draw down that money. So depending on quarterly, so this is the end of the cycle. So we would look to draw down money, so, one, we're just not certain of the impact. It's not great. I think it'll work through but, you know, it's issues that the staff are working through. I think the biggest one is for the staff to make sure because they do a great deal of energy to make sure every county has a little bit of money left in that HHS 5 year money, that they're noticed and they're told they're handheld to make sure that they get those through process. And I think we've succeeded with everybody that gave it to us timely.

Jim Walsh: Thank you for that. Legal, Kim Galvin?

Kim Galvin: Thank you commissioner. We participated in many of the things that Bob and Todd talked about. I think there was a county call in there that they didn't mention that we also participated in. A variety of us worked with Anna to review documents on the Supreme Court nominations. She got stuck with finding us but it seemed to have worked out but she obviously did most of the work there. As they said, we reviewed the Moreland Commission Testimony. I personally didn't attend but I watched them both on the webcast and I think we're going to work towards, you know, creating a testimony that answers many of the questions that were raised. And in addition, taking the opportunity to put forth our best foot forward on a variety of issues even though the timing might be constrained to give actual life testimony. And we were served the Board was served with a case in the southern district, New York Progress and Protection Pact that the Attorney General is representing us on that I think is basically challenging the 150,000 dollar contribution limit. Do you have anything to add?

Paul Collins: I don't think we've been served yet. But be that as it may,

Kim Galvin: They are representing us

Paul Collins: When you receive notification...have we been served? I'm not aware of that. I don't think we have been. We received notification from the Office of the Attorney

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General down in the beautiful city of New York that an action was going to be commenced against the Commissioner's in their official capacities only challenging this 150,000 dollar limit. As of this moment, I do not believe that we have been served. Recently the complaint was filed and I haven't seen it come up this way as yet. We have sent to the Attorney General of the State of New York a request for representation and indemnification on behalf of the commissioners. So that's always nice to know. In the other matter

Douglas Kellner: But on Friday there was an application for a preliminary injunction and...

Paul Collins: So the complaint has been filed...

Douglas Kellner: And Judge Crotty set a schedule as to how our papers are due on Friday.

Paul Collins: And fortunately Commissioner the Attorney General is working on it. Fortunately sir. In the Hispanic Leadership Fund case, the motion on behalf of the Commissioners to dismiss by reason of a lack of standing of the plaintiff's was denied, so that case will progress. As you know, each side of the board has their own independent counsel on that case. And in the Tax Payer Revolt case down in Nassau County which was filed in the Eastern District, the motion for a PI, I believe is under consideration by the court. I don't think the judge has issued a determination as yet. He reserved decision. Okay. And that's pretty much it. Other than that, we've having a wonderful time.

George Peterson: Are you going to be able to clear up any of the misconceptions that the Moreland Commission may have regarding the way we do not work as they work in Washington. As it's rare that we have a problem voting in the same direction. That the 99% of the time we vote in the same direction and it seems to me that it's something that has been perpetuated and ludicrous. I can't remember the last time we didn't agree. That doesn't mean every once in a while there won't be a log jam but that's like rare.

Kim Galvin: there seems to be a repeated recurring theme that regardless of how many times we say that deadlock doesn't occur, that they write that deadlock continually occurs. But we are going to hopefully address that in the testimony both in the written and the oral testimony.

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George Peterson: I can't remember in all the time I've been here the last deadlock. Maybe there's been one.

Evelyn Aquila: They're very rare because we work things out. Before they have to come to some and that's what we're here for. We're here to work things out.

George Peterson: Maybe we should give some lessons to Washington on that.

Evelyn Aquila: These things are important and we want it to be right. We want everyone to agree on the fact that what we're doing is right for the people and I think we make a big effort towards that.

Jim Walsh: I said I watched a lot of the local news particularly the political type, and often someone will make that statement, "Well that Board of Elections is 4 commissioners, 2 Republican / 2 Democrat and they always vote in ties." So someone picks it up and then a few weeks later they have a new guest on the show, "Well the Board of Elections, every time they meet there's too many problems, every time they meet it's a tie." And again, we've had 1% we're saying that was a tie.

Kim Galvin: I think that was one case in 10 years perhaps, something like that.

Evelyn Aquila: I think we don't want that. I think our job here at the Board of Elections is to make elections right and so people can vote fairly and I think we strive towards that so that's why in the end the four of us agree.

Jim Walsh: It's very disappointing to some that we can really work together.

Evelyn Aquila: They want us to prove that elections are correct and therefore we're always fighting. And we're part of that scheme. Our scheme is to make everything fair and right and proper. So since we're mostly 4 honest people it gets that ways pretty easily, not always, not always, we have our moments.

Jim Walsh: Kim are you complete with your report? Thank you. Election operations, Anna please.

Anna Svizzero: Thank you Commissioner, all Commissioners. We have a slight change in our unit report. We've processed indeed 28 nominations for Supreme Court as Kim

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mentioned. 68 candidates were nominated in that process. We on our unit report reported 2 declinations, we now have 7 and since this report was put in your packets, we have 2 substitutions of those 7. Tomorrow is the last day to fill a vacancy because of the declinations, but unfortunately, our documents come to us in the mail in a lot of cases so that just drags out the turnaround time on some of these issues but...

Evelyn Aquila: Excuse me Anna, is that to midnight tonight?

Anna Svizzero: With us? It's got to be postmarked by midnight tonight yes.

Bob Brehm: Tomorrow

Anna Svizzero: Tomorrow I'm sorry the first, yes. Ironically we have to certify our ballot so we usually certify and then give a heads up to the JD's that are affected that there's a declination pending or a substitution pending rather so that they're held a bit in abeyance but we will meet our certification deadline on time.

We continued up to the convening of these conventions, and even beyond in some cases collecting primary information concerning delegates and alternate delegates who were in contests. We created those official roll calls, provided them to the conveners where conveners were shared with us. Otherwise we gave the information the documents to the State Committee and they distributed as they saw fit.

We conducted, I believe one more acceptance test since our last meeting in a county that purchased a central count system. We are getting some positive feedback on counties that have never counted ballots centrally so we're looking forward to them buying those systems and helping those boards with that implementation.

Consistent with our commitment to this Board that we're going to have an updated guide on how to operate a Board of Elections out by the end of the year, we have sent that updated guide out to the Commissioners. There are 4 Commissioners that are working with us on the project. That guide reflected all of the changes that were made in the series of meetings that we had with those Commissioners and it also reflects the updates that the various unit heads around the table gave us updating their own chapters in that guide. So we're going to get the county board feedback and we'll have another draft to take a look at.

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We continued with the routine operations relating to independent petition filings, petition reviews and those kinds of issues in the county boards as well as their generic questions. Joe do you have anything?

Douglas Kellner: Anna what's the status of the New York City canvass procedures that are required for the general election which is less than 5 weeks away?

Anna Svizzero: I have, I don't have procedures that were submitted by the city Board of Elections I only have some documents that were submitted by the Manhattan Borough Chief Clerk in response to the e-mail concerning their mushroom ballots and the preponderance of finding crops of those. So I have not had any procedures submitted to us for that kind of review from the Board itself in that context.

Douglas Kellner: But what are you doing to pursue the City Board to make sure that they have procedures in place that comply with the new statute?

Anna Svizzero: Bob met with the Executive Director, Mr. Ryan when he was in the City last week on his Moreland Commission and they discussed the need for us to see these procedures quickly. Again, he indicated that they'd be sent after Counsel's office was done with them which is a little counterproductive in our case but if that's what they want to do that's fine, that's not going to stop us from reviewing and commenting on them at that stage.

Douglas Kellner: Well I don't think it's fine that this is being delayed and I'm extremely concerned that given the statutory responsibility to our agency to oversee the procedures of the County Boards that it's outrageous that we're continued to be stonewalled by the City Board on this and I would strongly urge that this be given priority to make sure that our input in these city procedures is done in a timely manner. And with the election less than 5 weeks away, I raised this issue a month ago and we are no closer to resolution on this than we were a month ago and I'm extremely disappointed.

Evelyn Aquila: May I say something? I know that the City Board is working 7 days a week and I know that they are working most days 12 hours a day, 8 hours a day and then 12 hours when they can. So I don't think, I mean I just know through friends, I don't really think that they are stonewalling us or not wanting to do what they want.

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Douglas Kellner: They say that there are procedures but they're not going to show them to us until Counsel's office and the City Board reviews them and that's not appropriate.

Evelyn Aquila: No that doesn't seem not to make sense. They want their counsel to review them - that makes sense.

Douglas Kellner: We can be reviewing them a the same time that their counsel is reviewing them

Evelyn Aquila: Well most people would prefer counsel first then us

Douglas Kellner: Yeah but that was a month ago that, that status has not changed in a month and what's going to happen is that these procedures are going to be popped out when its too late to make any substance or comments or changes on them.

Evelyn Aquila: They've just had a lot of elections in the last couple of months. They have one tomorrow. And then they have...I don't think your 100% wrong, don't' get me wrong but I think we have to take into consideration what's going on. They don't get people hired as easily as we'd like them to. There's problems you know, we know that and I think Anna is very close to them and I think if they were, they were really not doing their job she would straighten them out, she wouldn't need us. She would talk to them very quickly. But from what I hear the hours I see you know some of my neighbors who are inspectors said the hours that they're putting in down there are unbelievable. 7 days a week, they're working Saturdays and Sundays and they're working long, long hours, not little hours. 12 hours a day some of them. So, I mean I think they know what we want and or we wouldn't see this going on and I have to understand you know money is a question too. I think we should, I think what you're saying is right and we should say that and let them know and at the same time realize that they are trying very hard.

Anna Svizzero: I'll reach out to them again today when I get back to my desk. I'm not aware that that's a regulation of the city boards that they're only allowed to share procedures once counsel has signed off on them. that may be their routine but I don't know that they'd be breaking any Board policy by sending us something that could be reviewed in tandem with counsel's review or anybody else's.

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Douglas Kellner: Forget their Board policy, the state statute requires that we have input and supervisory role with respect to the procedures. So I'm simply saying that given the time of this that we need to asset that in as strong a way as possible so that we don't have a repeat of what happened three years ago when they...

Evelyn Aquila: I don't think you will and I mean they're really working very hard on that, very, very hard. And I'm really saying that on the record not off the record. They're working like dogs.

Jim Walsh: Thank you Anna.

Anna Svizzero: Thank you

Jim Walsh: Public Information, John Conklin please.

John Conklin: Thank you Commissioner. Well we've been in the news a fair amount since the last meeting answering questions about our participation and response to the Moreland Commission. But we also do have our other routine inquires from the press and other's. Campaign finance filings are always of great interest to everyone, plus as Todd stated the Statewide Ballot Propositions.

We continue to facilitate MOVE Act compliance and updates with the local boards, SIDL (sounds like) and SOE and the county who are registration vendors for absentee ballot transmission.

We are almost done with the quote we're compiling for compliance with the requirement that we publish the 6 constitutional amendments and legal notices around the state. The last figure I had was 300 and, well it's been up a little bit since that, it's now 311...

Kim Galvin: 311,000

John Conklin: I'm sorry 313,000 is the last number but I'm still waiting on a quote from a Bengali newspaper in New York City, a newspaper in Steuben County, Delaware County and then we should be complete. But it's going to be slightly above 313,000 dollars at this point.

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Douglas Kellner: And we should remind everyone that our legislative package has proposed eliminating that publication requirement year after year and of course, all the propositions are posted on the website so that there really is no significant purpose served by paying substantial costs.

Evelyn Aquila: I'm sorry, I'm sorry. I was watching television about a week ago and the Bengali news came on. I guess the own it and they talked about the Board of Elections. The election coming soon the election on the 30th and being involved and then they spoke in Bengali or whatever and I said this is something new for me it really it. I've seen immigrants come before but not to be my goodness right on the spot and I just wanted to say you see them in the newspaper in Brooklyn, we saw them on the television.

John Conklin: Bengali is the latest language to be added onto the Voting Rights Act

Evelyn Aquila: Yes I know that, they made that very clear. They spoke both in English and Bengali. And encouraged Bengali people from Bengali to learn to speak English. That was a surprise.

Jim Walsh: Is your report complete John?

John Conklin: I just wanted to note that we published the candidates list for the Supreme Court candidates, is on the website. For the ones that the nominations are reported here so that is excluding the first and second, there are not vacancies in the 13th but, and the EAC grant reports were also published on the website since the last Board Meeting. Anything to add Tom?

Tom Connolly: Just you had mentioned before the Move Act... this Friday is the deadline for transmittal of the military ballots so I sent out an e-mail this morning to all the counties so we will be working with them this week. I know New York City is on somewhat of a shifted schedule because they have the extra week for certifying the ballot. So we'll be working with them to get out a federal write-in absentee ballot this Friday if there's not a ballot available, still by the 32 day deadline and then otherwise. As John mentioned we've been working with required of the proposition language and getting translations done both for the Boards to make their ballots, but also the audio files for their ballot marking devices. So things are read in the correct language. And we were able to get input from some outside groups to try to get their feedback to try to make a better overall translation.

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Jim Walsh: Any further questions? Thank you. Campaign finance, Bill McCann please.

Bill McCann: Thank you Commissioner. Last week was not auspicious, auspicious for her in that she got to retire but not necessarily auspicious for the Board but Liz Hogan retired and will be moving. Just a couple of highlights of the workings of the unit. Last week we did file the July order show cause against approximately 381 candidates and committees for failure to file which, while that may seem like a lot, compared to the number of people who actually get the Dunning notice we do see the fruits of that. As you know, we serve the notices by Certified mail and then even though it's not statutorily required, we also send it by first class mail as well and so in addition to that we do enlist the services of the county boards of elections by sending them the late lists so that they can work with their local filers to try to get them into compliance. So we take a very proactive approach to try to reduce the number of folks that we ultimately have to seek a failure to file claim against, but we did commence that last week.

We have a new process server that we will be working with under it's going to be an MWBE Minority Women Business Enterprise contract. It's in the process of being executed by the parties and then will go to the Comptroller and Attorney General. But in the interim we'll be working off a purchase order on this in order to show cause that we can implement that.

We also did work specifically with the New York City Campaign Finance Board. Tomorrow is the run-off in New York City and so based upon the obligations to file run-off reports for those candidates and committees in the run-off and then any supporting or opposing them, we worked closely with the New York City Campaign Finance Board in order to come up with a schedule of filing so that would work within the constructs of our software and also their filing process as well.

So, those are the two big highlights. And I would be happy to take any questions if you have any.

Evelyn Aquila: Well my candidate didn't make it. I love him.

Bill McCann: As my mother would say Mi dispiace

Jim Walsh: Thank you Bill. IT Dave Loomis

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Dave Loomis: Thank you Commissioner. We continue to work on major initiatives that we've outlined for the Board for this year. I just want to point out that we'll be sending out a questionnaire to the County Boards for election night reporting system that we're putting together for this election and we're looking to have a technical contact person from the Board so that we can begin working with them and going over what we need in order to put a system in place for this years' election.

Jim Walsh: Any questions? Thank you Dave. Old business, regulations?

George Peterson: After listening to Commissioner Kellner and Anna on that matter I briefly discussed it with Todd and I see no reason why we shouldn't move that ahead like you requested in the spirit of cooperation.

Douglas Kellner: So the application and we

George Peterson: If it has to be amended afterwards so be it.

Douglas Kellner: And Anna I think you should take a hard look if they have suggestions on amending it. Well thank you. So I move that we notice the proposed regulations for publication.

George Peterson: Second

Iim Walsh: All in favor?

Chorus of ayes

Jim Walsh: Opposed? Carried. That was item A and B combined?

Douglas Kellner: Yes

Jim Walsh: New business. Determination of 8 judicial nominations. Do we have anything to say about this?

Todd Valentine: We don't have anything.

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Jim Walsh: Okay.

Evelyn Aquila: Thank God.

Jim Walsh: Discuss the calendar for 2014 primary and general elections.

Douglas Kellner: So I think we have a draft that's out there and we should take this up at the next meeting but for anyone who's interested, they should simply ask us. We would be happy to forward the draft so everybody knows what we're thinking of and hopefully would be ready to make a motion to Judge Sharp in November.

Jim Walsh: Okay. Next meeting day we did have to change because of conflict with the Moreland Commission meetings. We have come up with the date of November 1st, is that correct or no?

Evelyn Aquila: What's that...November 1st. Well I know it's all Saints Day but I don't have a problem with that. It's just I had in November that's a nightmare that I have everything going on in the whole world but it ends with a week in Florida at my son's place so it's not so bad.

Jim Walsh: Great so November 1st

Evelyn Aquila: It's just our church is 100 years old and followed by a mass plus our pastor is how many, I forget 72 years old and they're celebrating...

Douglas Kellner: So he's just a baby

Evelyn Aquila: He wants to retire but they won't let him.

Jim Walsh: November 1st is a fact, Commissioners?

Douglas Kellner: Yep

Jim Walsh: Okay. We have some preliminary determinations do we need to vote to go into Executive Session or not?

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Douglas Kellner: I move that we adopt the determinations as drafted by staff.

George Peterson: I second the motion.

Jim Walsh: All in favor?

Chorus of ayes

Jim Walsh: Opposed? Carried

Evelyn Aquila: November 1st I'm writing October 1st which is tomorrow

Jim Walsh: I will accept a motion to adjourn to November 1st

Douglas Kellner: Moved

Jim Walsh: All in favor, okay here we go. Thank you.