

CBJ DOCKS AND HARBORS BOARD
REGULAR MEETING MINUTES
For Thursday, September 30th, 2021

Zoom Meeting

I. Call to Order: Mr. Etherdige called the Regular Board Meeting to order at 5:00 p.m. via Zoom.

II. Roll Call: The following members were present in the Port Director's conference room or via Zoom. Lacey Derr, Paul Grant, David Larkin, Matthew Leither, Annette Smith, Bob Westmann, and Don Etheridge.

Also in attendance: Carl Uchytel – Port Director, Erich Schaal – Port Engineer, Matthew Creswell – Harbormaster, and Teena Larson – Administrative Officer.

Absent: Mark Ridgway and James Becker.

III. Approval of Agenda

MOTION By MR. GRANT: TO APPROVE THE AGENDA AS PRESENTED.

Motion passed with no objection.

IV. Approval of August 26th, 2021 Board minutes.

Hearing no objection, the August 26th, 2021 Board minutes were approved as presented.

V. Special Order of Business

Mr. Uchytel read an Employee of the Quarter award for Kenneth Davis.

VI. Public Participation on Non-Agenda Items.

Mr. Kirby Day, Juneau, AK

Mr. Day commented that the Harbor staff did a great job this summer and he thanked the Board for the reasonable concessions made to the tour operators, reducing fees where the Board could make a difference for some businesses being able to open and get through a very difficult time.

VII. Consent Agenda

- A. Public Requests for Consent Agenda Changes - None
- B. Board Members Requests for Consent Agenda Changes - None
- C. Items for Action

- 1. Authority to create Full Time Equivalent (FTE) – Harbor Security Officer Presentation by the Harbormaster

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RECOMMENDATION: TO AUTHORIZE THE CREATION OF AN ADDITIONAL FTE FOR THE PURPOSE OF AN AFTER NORMAL BUSINESS HOURS HARBOR SECURITY OFFICER.

2. Appropriation – FEMA Port Security Grant
Presentation by the Port Director

RECOMMENDATION: THAT THE ASSEMBBLY APPROVE ORDINANCE 2021-08(b)(am)(F) APPROPRIATING \$24,730 FROM FEMA PORT SECURITY GRANT AS FUNDING FOR FACILITY SECURITY ENHANCEMENT AT THE AUKE BAY LOADING FACILITY.

3. Resolution – In Support of Full Funding for the FY23 ADOT Harbor Facility Grant
Presentation by the Port Director

RECOMMENDATION: THAT CBJ ASSEMBLY APPROVE A RESOLUTION TO URGE FULL FUNDING IN THE AMOUNT OF \$11,492,760 FOR THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE FY 2023 STATE CAPITAL BUDGET.

4. MARAD Correspondence – Self-propelled Hydraulic Boatlift
Presentation by the Port Director

RECOMMENDATION: TO DISPOSE OF THE SEALIFT SELF-PROPELLED HYDRAULIC BOATLIFT TO THE MARITIME ADMINISTRATION (MARAD) CONSISTENT WITH FEDERAL PROCESSES.

MOTION By MS. DERR: TO APPROVE THE CONSENT AGENDA AS PRESENTED AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

VIII. Unfinished Business

1. Charter Vessel Rates at Statter Harbor (05 CBJAC 20.080 Passenger-for-hire fee)
Mr. Uchytel said this is on page 38 in the packet. These rates have been through two Finance Sub-committee meetings with discussion raising the passenger for hire rates 10% for calendar year 2022. The 10% increase would generate about \$15,000 of new revenue for next year. The inspected vessel rate would go from \$518 to \$569.80 and the uninspected vessel rate would go from \$156 to \$171.60. The passenger fees would go from \$1.50 to \$1.65. If this proposal goes through tonight he will work with CBJ Law to begin an ordinance change. When the ordinance change is completed he will bring it back to the Board next month and start a 21 day public notice period. The Board will hold a hearing for the proposed changes and then it will go before the Assembly and they will decide to enact the 10% increase. In the memo he labeled this Statter Harbor passenger for hire fee but this fee applies to all of our facilities.

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Board Questions

Mr. Grant said he would hate to set up a situation that someone picking up someone downtown would say this does not apply because it is labeled Statter Harbor passenger for hire fees. He said the name should be accurate.

Mr. Uchtyl said it is accurate in the passenger-for-hire regulation change. This was driven due to needing to set the rates for the new floats at Statter Harbor.

Mr. Grant said if the memo is just for the Board it is fine but he would hate to have this misleading.

Mr. Etheridge said when it goes out to public it will not have the Statter Harbor.

Ms. Smith asked if this is only for 2022? She said she thought the Board is also planning to have the same increases for 2023 and 2024.

Mr. Uchtyl said this would apply for 2022.

Public Comment

Dennis Watson, Juneau, AK

Mr. Watson said this was a good start. He would recommend to have a continuous adjustment up or down along with the cost of living.

Board Discussion/Action

Mr. Wostmann said the sub-committee did recognize that the ultimate rate increase for the new facilities would probably be higher than what is represented by the 10% but we did not feel we had supported documentation along with the uncertainty for next season. The Committee believed this is a reasonable first step in adjusting the rates. The Committee anticipates that it is likely to increase for future seasons, but we are waiting for the rate study before we move forward after this year. We do anticipate that the CPI adjustment also be applied to this rate once our policy is finalized on how rates will be adjusted in the future.

MOTION By MR. WOSTMANN: TO RECOMMEND A 10% INCREASE PER VESSEL FEE AND 10% INCREASE PER PASSENGER FEE, SET UNDER 05 CBJAC 20.080, TO BE EFFECTIVE FOR CALENDAR YEAR 2022 AND ASK UNANIMOUS CONSENT.

Ms. Smith clarified that 2022 means that will be the rate for 2022 and beyond.

Mr. Etheridge said that will be the new rate until we change it again.

Motion passed with no objection.

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IX. New Business

1. Bid Award – Taku Seawalk Releveling Project

Mr. Schaal said the bid results are on page 39 in the packet. This project is to address settlement issues between Taku Smokeries and the Fishermen’s Memorial. This will require pulling up some of the timber decking, adding more material, pouring a short concrete curb, and re-installing as much of the salvaged timber as possible. This will provide a safer relevelled seawalk to walk on. Staff has been concerned about what the bids will be due to what the timber prices had been doing. We worked with the designer to get the best Engineer’s Estimate. There were two submitted bids with the apparent low bidder being Island Contractors with \$107,100. There was a newer entity to the Juneau market, H. W. Scott, and they bid \$306,227. During the bid process they realized there was some calculation errors. The Engineer’s Estimate was \$119,000 and in the CIP account currently there is \$209,000. Staff would like to receive approval from the Board to move ahead to bring it in front of the Assembly where they will award the project. This project will begin this winter with a substantial completion date of December 31st and final completion on January 31st.

Board Questions

Mr. Etheridge asked where the funds are coming from?

Mr. Schaal said these funds are coming from cruise head tax. This is a CIP account that CBJ Engineering has been doing seawalk work with.

Mr. Grant asked if there was anything in the higher bid that would have been a good thing to be included? It is concerning why they were so far apart?

Mr. Schaal said the timber price is what set them apart in the two bids. It was calculated incorrectly.

Mr. Grant asked when the Engineers Estimate was prepared?

Mr. Schaal said he recalls the estimate was prepared in April. Typically a contractor will send out the list of supplies to their supplier and they will provide a bid and the contractor will send it out again just before the bid is due to make sure they have the most current price. With the estimate coming in close to the Engineer’s Estimate, staff does not have a concern with the timber prices in the low bidders bid. The document on page 40 is a legal document and they are required to adhere to their prices.

Ms. Smith asked if we have worked with these businesses in the past and has Island Contractors done marine construction projects?

Mr. Schaal said we have worked with Island Contractors on several projects and we are satisfied with their work. H.W. Scott is a new entity to us.

Public Comment - None

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Board Discussion/Action

MOTION By MS. DERR: TO RECOMMEND A BID AWARD TO ISLAND CONTRACTORS, INC. IN THE AMOUNT OF \$107,100 FOR PROJECT DH22-007 – TAKU SEAWALK RELEVELING AND ASK UNANIMOUS CONSENT.

Motion passed with no objection

X. Items for Information/Discussion

1. Proposed American Rescue Plan Act (ARPA) Funding to Docks Enterprise
Mr. Uchytel said ARPA is a federal plan that is giving money to the state for lost revenue and the state is passing that on to the municipality. The Assembly is considering giving Docks & Harbors \$8.4M for revenue lost as well as for completing future projects. The breakdown of the \$8.4M is on page 42;

- \$1M Docks Enterprise for lost revenue due to no large cruise ships
- \$1M Seawalk handrails
- \$3M Statter Harbor Phase IIIC
- \$3.4M Seawalk type work

Board Discussion

Mr. Leither said his concern is that we are trying to raise funds through the harbors. We are looking at raising rates for the little guys and we have this fund of money that is not just for the tourism industry and they are giving \$1M to the Docks funds for lost revenue. Harbors lost \$150,000 last year and we are only seeing a tenth of the cruise ship passenger from 2019 so that would be close to \$300,000 that Harbors did not see any part of. He said he has a problem with that when we are looking at raising rates but we do not have a conversation about this pot of money going to Docks instead of the Harbors when both sides lost money. He asked when is this coming to the Assembly for discussion or approval, and is it possible to see the State wording in the ARPA report and what the money was intended for?

Mr. Uchytel said it is probably possible he will just need to find it.

Mr. Grant asked what Mr. Leither's specific item on the list he was referring to.

Mr. Leither said as he looks at the list, it is not a transfer to Docks & Harbors but a transfer to Docks, the \$1M for the Seawalk handrails is for the cruise ship passenger, Statter Harbor phase IIIC – that does serve the whole harbor but it is primarily designed for the cruise ship passengers, the Seawalk downtown is for cruise ship passengers. If this is a fair breakdown, with Docks receiving \$1M for lost revenue, Harbors should also received \$300,000 for lost revenue and he is frustrated he does not see that in the City's proposal.

Mr. Grant asked Mr. Leither for a specific suggestion?

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Mr. Leither said his frustration is that this should go in the general fund as it does for the Docks to cover fixed expenditures and to cover other appreciable revenue from Docks & Harbors. If this went in the general fund it could fund things the Harbor patrons are looking at not just our Docks patrons. His understanding is there is no control with where this money is going. He brings this up because he does not think this is right. He was hoping the City would ask the Board about this and if the Assembly has not thought to ask the Board he feels it is reasonable for this to be brought up to them.

Mr. Grant said this is a discussion we should have with the Assembly.

Ms. Alicia Hughes-Skandijs said this particular breakdown is on the docket to be discussed. This raised a good point and can be communicated at the Assembly Finance Meeting. She said she can communicate our concerns at the next Assembly Finance Meeting as Liaison and now would be a good time to interact with the Assembly.

Mr. Etheridge said the \$1M for the safety handrail, this is more for locals than tourists. Local people have fallen off the Seawalk and had to be rescued. The main push for this item is for safety. He said he appreciates our Liaison taking this back to the Assembly Finance meeting on our behalf.

Mr. Uchytel said if we are not given the \$1M for the Docks Enterprise, we would have to pull from our fund balance. For the Harbors, we have reduced revenue but we have not lost money. When the City Manager was receiving the money from the State, the State was looking for areas that had lost revenue from lack of tourism. The City Manager did not have to choose these projects but did so by showing good faith to the cruise industry because the bulk of the money coming through the state is from lack of revenue because of the cruise ships.

Mr. Leither asked how much is in the Docks Fund Balance?

Mr. Uchytel said it would decrease \$1M to \$1.5M with the shortfall in revenue but with this money it will go back to \$2.5M. The Seawalk handrails and Statter Harbor phase IIC are projects that previous Board members have supported and we have requested passenger money for. The Seawalk project was inherited from CBJ Engineering for Docks & Harbors to execute.

Mr. Grant asked if there is any benefit for some kind of a formal declaration from this Board on our concerns about this? He said it is a little vague when Ms. Hughes-Skandijs said she would take it back to the Assembly Finance Committee because what are we asking the Assembly to do with this? He suggested maybe a resolution asking them to re-examine this allocation or put the money into the general fund so the Board has the option to allocate it.

Ms. Hughes-Skandijs said if the majority of the Board feels having something more formal from the Board to say we would like the City Manager and the Assembly to re-

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examine the project list would be appropriate. It would be a clearer way of communicating what the Board wants, but without something more formal she will bring this topic to the Assembly Finance Committee.

Mr. Wostmann said he would support the Board going back to the Assembly Finance Committee to suggest that the Docks & Harbors Board is in the best position to determine how the money can best be allocated. He does not have an immediate issue with the proposed allocations but he would also support going to the Assembly Finance Committee and at a minimum discuss if the \$1M going in the Docks fund could go in a general fund for the Board's own discretion as well as in the discussion on how the remaining funds are allocated.

Mr. Etheridge asked Ms. Hughes-Skandijs what is the timeline for this to go to the Assembly Finance Committee?

Ms. Hughes Skandijs said the next Assembly Finance meeting will not be until after the Assembly reorganization. She said there would be time to draw up a resolution if that is what the Board wanted to do. She is unsure if a resolution or drafting a letter to go to the City Manager and the Assembly is the better way to proceed. She said her opinion is that she does not think it would get Assembly approval for full discussion over the entire \$8.4M.

Mr. Leither asked what the reorganization means and when that would take place?

Mr. Etheridge said it will be the new Assembly being seated after the election. They will be seated on October 25th. That would give the Board time to come up with a resolution for the October 20th Operations Committee meeting.

Mr. Grant asked if the Operations Committee has the authority to adopt resolutions?

Mr. Etheridge said yes, or we could do a Special Board meeting ahead of the Operations meeting.

Ms. Hughes-Skandijs said the next Assembly Finance Meeting will be November 3rd.

Mr. Uchytel asked if the Board wants to draft a resolution prior to the next Operations Meeting? We have a nine person Board and he is unsure what the resolution would say. He commented that he does not want to come across that Docks & Harbors is ungrateful with the generous offer that the Assembly has before us now. There is also the ask from the Board for consideration for the UAS property. The City Manager has indicated, with concurrence of the new Deputy Mayor, that he would recommend the November 1st Committee-of-the-Whole meeting to have discussion on the UAS property, the dockage fee, and the dock electrification which will be a lot of asks for Docks & Harbors. With all Docks & Harbors is requesting, he is unsure how to say the Docks & Harbors Board would like to re-rack the proposed windhall for the ARPA money.

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Mr. Etheridge said he agrees.

Mr. Grant recommended to Mr. Leither to work on a resolution for the Board to discuss at our next meeting.

Mr. Leither said he will work on a resolution and asked to have it on our next Operations meeting.

Public Comment

Mr. Dennis Watson, Juneau, AK

Mr. Watson said he concurs with the Port Director and the Board Chair. The ask submitted already was an appropriate one and following up with the City Manager or the Assembly Finance Committee would be okay, but he would not suggest doing anything beyond that at this point.

2. Renaming Archipelago Lot – Peratrovich Plaza

Mr. Uchtyl said on page 43 of the packet is a memo that was discussed at the Operations meeting last week. This was well received at that meeting. He said he was directed to outreach to appropriate parties. Since then he has spoken with Elizabeth Peratrovich's son (Roy), Elizabeth Peratrovich's granddaughter (Betsy), Crystal Worl (mural artist) and Jay Zeller (Sealaska Heritage Institute) that were all in support of the proposed name. If the Board gives direction to move forward he will work on a resolution with the Law department and bring it back to a future Board meeting.

Board Discussion

Mr. Grant said he received an email suggesting a different name that he did not see in the packet.

Mr. Uchtyl said that was the only comment he received which he forwarded to all the Board members.

Public Comment – None

Mr. Etheridge asked if there was any objection to moving forward with the resolution?

Hearing no objection, Mr. Uchtyl was told to move forward.

3. Harbor Rate Study - RFP

Mr. Uchtyl said he was directed to draft an RFP for a future rate study. He received comments at the last Operations Committee meeting and on page 52 and 53 is where he addressed the comments from a Board member. The Board member has reviewed the changes and approved the changes. He also added on page 53 that the Docks & Harbors Board will expect monthly briefings from the successful proposer. If this is approved tonight he will post it tomorrow. There will be a pre-proposal meeting on October 19th.

Board Discussion

Mr. Wostmann said his concerns were addressed in the change.

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Public Comment - None

Mr. Etheridge said the Board is good with the language in the RFP.

4. Board Retreat Planning & Board Meeting Calendar

Mr. Uchytel said on page 70 in the packet is the Board calendar. He was directed to look at a time for the Board Retreat for Friday night November 5th from 5pm to 8pm or 9pm and Saturday November 6th from 10am to 2pm. He reserved the Assembly Chambers but the challenge with the chambers is that room has a higher technology video system where we can not conduct a simple teleconference anymore at that location. He is working with MIS to see if something could be modified to have a simple teleconference in the chambers.

Board Discussion

Mr. Leither asked for the time on Friday.

Mr. Uchytel said from 5pm to 8pm or 9pm.

Public Comment –

Mr. Kirby Day, Juneau, AK

Mr. Day asked pending the situation with COVID, is it the Boards intention to let public in person or only virtual.

Mr. Uchytel said if it is in the Assembly Chambers he would have the Board members at four tables and we could allow seven members of the public and anyone else who wanted to participate could call into the teleconference line. If the Assembly Chambers will not work, he will contact Bartlett to see if we can use their Board room. The items the Board wants on the retreat agenda would be, prioritization of the CIP list, list for the Assembly to consider for the 1% sales tax, what is it the Board members would like to do to be more active in the community, what is the ask for staff and what is the ask from staff to be more efficient moving forward. Ms Derr has volunteered to work on an agenda for the retreat.

Ms. Derr said she will have a draft agenda for the Operations Committee to review and move forward to the Board next month.

Mr. Grant said he met with Mr. Wostmann to discuss By-Law changes. Mr. Wostmann will put together a draft of the changes but there were a couple of policy related questions that were not technical issues with the meeting structures and we thought it would be appropriate for the Board to review the By-Law suggestions at our retreat.

5. End of Season Meeting – Juneau Tourism Companies

Mr. Uchytel said in the packet on page 71 is our agenda for the end of season meeting being held tomorrow. Staff holds a meeting twice a year for beginning of season and end

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of season providing information with companies involved in the tourism industry. This is a public meeting where Docks & Harbors staff communicates with tourism businesses.

Board Discussion

Mr. Wostmann asked if the general public would be able to participate.

Mr. Uchytel said yes.

Public Comment - None

XI. Committee and Member Reports

1. Operations/Planning Committee Meeting- Wednesday, September 22nd, 2021

Mr. Etheridge said everything covered at the Operations meeting was covered tonight.

Mr. Uchytel said two items not on tonight agenda that was on the Operations agenda was the brief on the downtown CIP projects and a proposed use agreement for the Auke Bay Marine Station. Staff has received a use agreement application for renting rooms in the butler building since the meeting last week. This rental space will bring about \$18,000 annually.

2. Finance Sub-Committee Meetings –

September 8th - Mr. Wostmann said the Committee discussed the Statter Harbor rates on the new floats and began a discussion on setting a policy on how rates will be reviewed and addressed in the future.

September 29th – Mr. Wostmann said the Committee continued the discussion on the rate policy and there was a draft to review. There were a couple of changes suggested and it will come up for review and public comment at our next meeting. We also looked at a summary of all the rates for our facilities. It grouped all of the rates into one of four categories, current, more than five years old, more than ten years old, and older than fifteen years. There was a discussion on how the report could be used to prioritize rates that need to be reviewed. That discussion will be continued at our next meeting. We also reviewed the RFP for the rate study.

3. Member Reports – None

4. Assembly Lands, Housing & Economic Development Committee Liaison Report

Ms. Derr said the food court purchase on South Franklin, Mr. McCasland is in the process of purchasing the Gastineau Avenue Apartment and the recommendation was to move forward with approving the purchase of that food court area as well. He is looking to do some development as well as housing. The housing is part of the contingent deal. If the purchase of the apartments does not go through, than likely the sale of the food court will not go through. The food court area is considered Parks & Rec land. The Parks & Rec liaison said there has been several requests to purchase land but they are more interested in land swaps than land sales. The other item of interest is Travel Juneau

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has put together a Board of directors and looking to form a Board. They have put a request into the Assembly for an Assembly Liaison and they want to create some By-Laws.

5. Auke Bay Neighborhood Association Liaison Report

Mr. Wostmann said nothing new to report.

6. South Douglas/West Juneau Liaison Report

Ms. Smith said she has nothing to report.

XII. Port Engineer's Report – Mr. Schaals report is in the packet.

Mr. Schaal said with the construction of the Statter Harbor Launch Ramp there came some controversy over trees. Staff has been measuring the trees growth in September for the past five years. He showed the graph on the tree growth that indicated the trees are not growing exceedingly fast.

Mr. Grant asked why we care about the growth of trees and why are we spending staff time to measure these trees?

Mr. Schaal said when we received the conditional use permit for the launch ramp project, the Auke Bay Condo Association hired a lawyer and almost killed the project. The Auke Bay Condo's contention was there was not enough landscaping at this facility so we added more landscaping, including these trees, in the design. Once the construction started the business owners across the street were very concerned with the loss of view to the water. They started a public outcry with posting signs on their building to remove the trees and they were holding signs during our ribbon cutting ceremony to cut the trees down. In responding to their worries, staff moved some of the trees that were directly across the street from those businesses and put them along Bay Creek. Staff promised to maintain a record of how the trees are growing to address their concern that in 20 years the trees will obscure their view. This is five years of data on how the trees are growing to meet our commitment to address the concerns of the business across the street. As to the staff time, it takes two people two hours and a little bit of data entry once a year. This is pretty minor for a yearly input.

Mr. Schaal said the Harris Harbor Zinc Anodes update is that they are completely installed and tested.

XIII. Harbormaster's Report

Mr. Creswell reported;

- There are a couple of "5 knots no wake signs" ordered for the speed zones for the area north of the bridge. They will be installed in the next week or two.
- Staff has completed writing the Security position that was passed tonight.
- Army divers provided Docks & Harbors with 53 hours of inwater dive support. They cleaned all the potable water lines in Harris Harbor, the hook up of the Harris Harbor sewer pump out, installation of the troughrod in the breakwater at Statter Harbor, and inspected recent chain repairs.

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- Staff will go down to Taku Harbor to do the needed repairs soon.
- Staff had about eight loads of gravel delivered to Douglas Harbor to fill the pot holes.
- We are starting to shut the Port down for the winter.
- We now have year around working pump outs in all four harbors. Staff is preparing letters to patrons and start inspecting installed toilets on boats as in our regulation.
- Winter hot berth starting to fill up.
- Staff started the process for impounding vehicles with our own procedure.
- End of season meeting tomorrow
- Renting office space at the ABMS
- Getting ready for winter

Mr. Grant asked if the work group going to Taku Harbor is going to fix the slip issue?

Mr. Creswell said they will take shingles down there to install on the slippery area.

XIV. Port Director's Report

Mr. Uchytel said we had a vessel impounded that was 73' long. It sold on public surplus for \$1,000. This was a win for us so we did not have to dispose of it.

XV. Assembly Liaison Report

Ms. Hughes Skandijis said she was going to talk about the ARPA funding breakdown but that was already discussed earlier.

XVI. Board Administrative Matters

- a. Finance Sub-Committee Meeting – Wednesday, October 13th & October 27th, 2021(changed to the correct date)
- b. Ops/Planning Committee Meeting – Wednesday, October 20th, 2021
- c. Board Meeting – Thursday, October 28th, 2021
- d. Board Strategic Retreat – Friday, November 5th & Saturday, November 6th, 2021

XVII. Adjournment - The meeting adjourned at 6:32 pm.