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5 **Minutes of the Board of Agriculture**
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7 CALL TO ORDER – The meeting of the Board of Agriculture was called to order on
8 September 30, 2014 at 9:02 a.m. by Board of Agriculture Chairperson Scott Enright, at
9 the Plant Quarantine Conference Room, 1849 Auiki Street, Honolulu, Hawaii 96819.

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11 **Members Present:**

12 Scott Enright, Chairperson, Board of Agriculture
13 Glenn Hong, Member-At-Large
14 Clark Hashimoto, Member-At-Large
15 Jerry Ornellas, Kauai Member
16 Michelle Galimba, Member-At-Large
17 Dr. Maria Gallo, Dean of the College of Tropical Agriculture & Human Resources
18 University of Hawaii (CTAHR-UH), Ex Officio Member
19 Mary Alice Evans, Deputy Director, Department of Business, Economic
20 Development and Tourism
21 Lynn DeCoite, Maui Member
22

23 **Members Absent:**

24 Richard Ha, Hawaii Member
25 William Aila, Chairperson, Board of Land and Natural Resources
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27 **Others Present:**

28 Keevin Minami, Hawaii Department of Agriculture (HDOA)/ Plant Quarantine
29 Branch (PQB)
30 Inga Gibson, Humane Society of the United States (HSUS)
31 Thomas Callaghan, Civilian
32 Linda Murai, HDOA/ Agriculture Resource Management(ARM)
33 Randall Chang, HDOA/ARM
34 Randy Teruya, HDOA/ARM
35 Dean Matsukawa, HDOA/ARM
36 Stan Ceria, HDOA/ Agriculture Loan Division (SALD)
37 Kevin Yokoyama, HDOA AgLoan
38 Neil Reimer, HDOA/Plant Industry Division
39 Haunani Burns, Deputy Attorney General
40 Janelle Saneishi, HDOA/Chairperson's Office
41 Michael Opgenorth, HDOA/Chairperson's Office
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1 I. APPROVAL OF MINUTES FROM 8/26/14 MEETING:

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3 Motion to approve: Hashimoto/ Galimba
4 Vote: Approved, 6/0

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6 II. COMMENTS FROM THE GENERAL PUBLIC ON AGENDA ITEMS (ORAL OR
7 WRITTEN)

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9 Chairperson Enright said that the Board will be taking public comments on agenda
10 items as they come up during the meeting.

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12 III. INTRODUCTION AND COMMENTS

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14 There were no introductions or comments.

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16 IV. COMMUNICATIONS FROM DIVISIONS AND ADMINISTRATION

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18 A. AGRICULTURAL LOAN DIVISION

- 19
20 1. Request for Approval of One (1) Emergency Loan to Jose A. Ramelb
21 and Evelyn C Ramelb

22
23 (Board Members Lynn DeCoite and Mary Alice Evans arrived at 9:07 am.)

24
25 Presentation by Stan Ceria, Hawaii Island Agricultural Loan Officer and Mr. Dean
26 Matsukawa, Division Administrator, State Agricultural Loan Division (SALD) as
27 submitted.

28
29 Motion to accept: Ornellas/Gallo

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31 Chairperson Enright asked if the acreage that Mr. Ramelb is thinking about replanting is
32 down lower than Pahoia due to the approaching lava

33
34 Mr. Ceria confirmed this was the case.

35
36 Chairperson Enright asked Mr. Ceria about road access complications and if Mr. Ceria
37 talked to Mr. Ramelb about that.

38
39 Mr. Ceria explained he asked him about that, and asked if he still wants to go through
40 with this loan and he says "yes". He has committed to 11 acres and in areas he is
41 farming now, if things change, he could change his mind.

42
43 Chairperson Enright stated that Mr. Ramelb can lease near Keaau if at that time the
44 money is available. The lava may be across the road in Pahoia.

45

1 Mr. Ceria stated that processing will be done in 30-45 days. Hopefully by then SALD
2 will have a better picture of the situation.

3
4 Chairperson Enright concluded his questions and thanked Mr. Ceria for the work for
5 helping farmers after the tropical storm, work that's much appreciated.

6
7 Vote: approved 8/0

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10 2. Request for Approval of One (1) Emergency Loan to Nestor M.
11 Pagtama and Jeogy D Pagtama

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13 Kevin Yokoyama of HDOA Agriculture Loan Division presented on the Pagtama's
14 request, as submitted.

15
16 Motion to accept: Galimba/ DeCoite.

17
18 No questions were asked by the Board or attendees.

19
20 Vote: approved, 8/0.

21
22 Dean Matsukawa of the Agriculture Loan Division gave additional updates on two
23 emergency loans that are being submitted to the Board. One is a micro loan request.
24 The Division has eight applications they are working on; they are still in discussion.

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27 B. PLANT INDUSTRY DIVISION

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30 1. Request to: (1) Allow the Importation of Superb Bird of Paradise,
31 *Lophorina superba*, a Bird on the List of Restricted Animals (Part A), by
32 Permit, for Exhibition by the Honolulu Zoo; and (2) Establish Permit
33 Conditions for the Importation of Superb Bird of Paradise, *Lophorina*
34 *Superba*, a Bird on the List of Restricted Animals (Part A), by Permit,
35 for Exhibition by the Honolulu Zoo

36 Presentation by Keevin Minami Land Vertebrae Specialist of the HDOA Plant
37 Quarantine Branch (PQB):

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39

40 The Superb Bird of Paradise at one time was inadvertently deleted from the import lists
41 but, as an unlisted animal, by statute, this bird was allowed entry into Hawaii by special
42 permit for scientific research. On that basis, it was imported by Honolulu Zoo for captive
43 breeding. Subsequently, the Superb Bird of Paradise was added back to the list of
44 Restricted Animals (Part A) which allows import for purposes including municipal zoo
45 exhibition. (Section 4-71-6.5(b), HAR). Honolulu Zoo now seeks to import the Superb
Bird of Paradise for exhibition and permit conditions need to be established for

1 exhibition consistent with this bird’s status as a Restricted List animal. Breeding in
2 captivity would be allowed unless import permits for zoo exhibition animals say “no
3 breeding” and address how that would be implemented. The commodity is one female,
4 Superb Bird of Paradise coming from the Central Park Zoo in New York and will be
5 used for captive breeding purposes.

6
7 Staff recommends approval.

8
9 Motion to accept: Evans/Hashimoto

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11 Board Member Galimba asks if this import is for an indefinite period.

12
13 PQB Specialist Minami states “yes”, for the lifetime of the bird, actually. PQB wants to
14 establish standard permit conditions for imports of multiple bird species eventually
15 because the conditions are generally the same for birds like this and containment
16 requirements are usually the same. If the Zoo exhibits such birds in an outdoor
17 enclosure, they report that to HDOA first.

18
19 Vote: approved, 8/0.

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22 C. AGRICULTURAL RESOURCE MANAGEMENT DIVISION

- 23
24 1. Request for Approval to Issue a Right-of-Entry for Construction Access
25 to Adjacent Department of Land and Natural Resources Property;
26 TMK: (1) 5-6-008:006, for Construction of Wind Turbines, Kahuku
27 Agricultural Park, Koolauloa, Oahu

28
29 Presentation by Mr. Randy Teruya, Agricultural Asset Manager, Agricultural Resource
30 Management (ARM) as submitted. The recommendation is for issuance of a Right-of-
31 entry for the use of the interior roadway of the Kahuku Agricultural Park to Na Pua
32 Makani Power Partners, LLC to access Lot 1168, TMK (1) 5-6-008:006, containing
33 approximately 232 acres, for the purpose of construction and maintenance of five (5)
34 turbines.

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36 Motion to accept: Evans/Hashimoto

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38 Board Member Hong asked if the twelve existing turbines were related to the very
39 storage facility that caught fire.

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41 Mr. Teruya confirmed that they were.

42
43 Board Member Hong asked if the twelve turbines have been offline since that time.

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45 Mr. Teruya answered, "Yes"

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Board Member Hong confirmed that the turbines have been offline for a while. And this request is to add five more turbines.

Mr. Teruya says in the area, this work is by West Wind Works, which is a separate developer who gained initial access to the right of entry. Na Pua Makani is the replacement developer for West Wind Works.

Chairperson Enright said he was not sure what leverage HDOA had to have the construction company fix the road. They are paying \$500/month but they were also liable for the wear and tear on the road, so they were going to take care of the potholes?

Mr. Teruya says this is only during the period of the construction traffic. Initially they would be bringing in 18 wheelers to transport the wind turbine parts and components and, of course, the stands itself is the largest, longest component. So, as for the weight itself, the construction trucks themselves are one of the major concerns. Because, not only would they be transporting the turbine components, but prior to that, they will be transporting construction equipment because they have to build the concrete pads first.

Chairperson Enright asked Mr. Teruya to ensure Na Pua Makani maintains the road.

Mr. Teruya confirms that the Agriculture Resource Management (ARM) division will be overseeing.

Board Member Galimba: How long is the piece of road they will be on?

Mr. Teruya said the road is about a mile and a half from the Kamehameha highway entrance. Looking at the map, the five turbines that are in circles, are right behind the property. If you look at Kamehameha highway, the red and yellow line, it goes around a turn to a secondary roadway. The initial roadway is called Roadway A and then it turns into roadway "C". Roadway C terminates right around mark "1". The roadway ends and that is the back edge of the Agricultural Park, where it is adjacent to 232 acres. This is where they already built the roadway, and because of this expanded roadway, it will provide access through farm lots, which HDOA does not want. We do not want all types of traffic going through the farm lots. This roadway keeps them out of the farm lots on an existing road, and they can have access 24/7 to their equipment.

Board Member Hong asked if this is the roadway they will be using on an ongoing basis after construction.

Mr. Teruya responded: "Yes, they will."

Vote: approved, 8/0

- 1 2. Request for Approval to Issue a Nonexclusive Revocable Permit for
2 Equipment Storage Purposes, TMK: (4) 1-2-002:001 (por), Easement
3 "E", Kekaha Agricultural Park, Kekaha, Kauai
4

5 Presentation by Mr. Randy Teruya, Agricultural Asset Manager, Agricultural Resource
6 Management (ARM) as submitted. The recommendation is for the Board to authorize
7 the issuance of a Revocable Permit to Mr. Steve Pianowski for use of the Kekaha
8 Agricultural Park Water Tank and Pump Infrastructure area containing approximately
9 0.87 acres, for the purpose of storing equipment and supplies used in conjunction with
10 the cultivation and harvesting of agricultural commodities for a period of one year.
11

12 Motion to accept: Ornellas/Hashimoto
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14 Board Member Ornellas stated his support of the request because he knows Mr.
15 Pianowski, the farmer, and Mr. Pianowski has an operation that will support other crops
16 beside seed corn in this community.
17

18 Chairperson Enright followed up on this point, stating that Jimmy Nakatani, Executive
19 Director of the Agribusiness Development Corporation (ADC) has been working to
20 recruit other farmers for those lands. ADC is entertains very favorable rents for those
21 lands, but there are few, if any, takers. This is a good opportunity. Mr. Pianowski tried
22 growing green beans on land he purchased, so he wanted to switch it out and try
23 growing green beans in Kekaha.
24

25 Board Member Ornellas says Mr. Pianowski is looking at his first harvest for the
26 property Chairperson Enright is referring to, but has had some issue with rose beetles.
27 But Mr. Pianowski should get a handle on it, he is a very competent farmer. Board
28 Member Ornellas States said the farmer is originally from Michigan, doing large-scale
29 farming in the order of 500 acre crops at that time, mostly green beans.
30

31 Approved: 8/0
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33

- 34 3. Request for Extension of General Lease No. S-5660 to William J.
35 Sanchez, Sr.; TMK: (4) 4-4-004:004 & 051; Kainahola Pasture Land,
36 Kapaa Homesteads, 2nd Series, Waipouli, Kawaihau (Puna), Island of
37 Kauai
38

39 Randal Chang of the Agricultural Resource Management Division presented the
40 request, as submitted. Staff recommends approval of the lessee's request to extend
41 General Lease No. S-5660 held by William J. Sanchez, Sr. for no more than twenty (20)
42 years on the same terms and conditions, subject to rent reopening on 8/28/2022 and
43 8/28/2032.
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45 Motion to accept: DeCoite/Galimba

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Board member Evans asked, in light of Mr. Sanchez 60 years of ranching experience, should Mr. Sanchez decide to retire, does the proposed term have a process for the remaining years on the lease?

Mr. Chang explained that Mr. Sanchez has some options. He could possibly assign a lease to someone who would have to qualify, which would be the ideal thing and would go back to the Board for approval. Mr. Sanchez would also have the option of returning the parcel to the Department.

Mr. Teruya also stated that, for the Board's information, Mr. Sanchez's daughter currently operates the farm and ranch. So the intent is that she will continue to work with her dad, and if he decides to retire, he can always make the request to assign the lease to his daughter.

Board Member Ornellas said that, for the record, he did not believe the Department can discriminate on the basis of age and asked for confirmation.

Mr. Teruya confirmed: "That is correct."

Board Member Ornellas said he did talk to Mr. Sanchez about this and that he said both his son and daughter will be around. To pass the business on is his intent.

Approve: 8/0

4. Request for Approval for Conversion of Revocable Permit No. S-5519 to a New General Lease for William J. Sanchez, Sr.; TMK: (4) 4-4-004:005; Kainahola Pasture Land, Parcel B-1, Waipouli, Kapaa, Kawaihau, Island of Kauai

Randal Chang of the Agricultural Resource Management Division presented the request, as submitted.

December 2, 2011, it expired and was continued on a month-to-month basis under Revocable Permit No. S-5519. The parcel was transferred to HDOA as of December 21, 2011. The lessee has requested a conversion of said revocable permit in accordance with Section 4-158-8, Hawaii Administrative Rules (HAR), to a new 20-year lease term. The staff affirms an appraisal was completed in accordance with Section 4-158-21 HAR for the purpose of determining the fair market rentals for a number of parcels on Oahu, Kauai and island of Hawaii scheduled for rent openings, extensions and conversions, including this parcel.

Staff recommends approval of the lessee's request to convert a revocable permit S-5519 to a non-ag park lease of not more than twenty years (20) subject to the conversion provisions of Chapter 4-158, HAR.

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Motion to accept: Ornellas/Hashimoto

Board Member Evans asked if there any lease requirements that would be imposed on the parcel as a result of transfer of the lease to HDOA.

Mr. Chang explained there would be no further restrictions.

Mr. Teruya explained the only restriction would be if the lessee wanted to use the land for anything other than pasture use, they would have to come back to receive approval.

Board Member Ornellas explained that the two parcels this lessee is ranching are across the street from each other, and another interesting fact is that the Poi mill the Board has been discussing is close by. Board Member Ornellas said that this is only about a quarter mile from his farm and he has rented one of these parcels. The annual rent will be \$1,385/year. When he spoke to Mr. Sanchez, he Mr. Sanchez brought up the fact that the terrain on the two parcels is exactly the same: somewhat marginal land and one is going for \$433/year and that is a 34 acre parcel. He just had questions about the appraisal.

Chairperson Enright stated Mr. Sanchez had questions on the ADC lands too.

Board Member Ornellas reaffirmed that Mr. Sanchez is an excellent rancher and he keeps his pasture in top shape.

Board Member Hong asked if the 20 year term will start with the execution of the general lease.

Board Member DeCoite stated that the amount of acres seems strange for ranch lands.

Mr. Teruya says it is small acreage, but if you see the land, these lands are at higher elevation, and are flood prone. The majority of these lands sit in a “bowl” on one side. The general slope is going up where the cattle can go up and graze, but the best grazing is at the bottom of the lands. Because of the location of the land, when a heavy rain comes through, this area will flood. The water comes right through there to feed the reservoir.

Board Member Ornellas confirms that this occurs adjacent to the parcel.

Board Member Evans asked, in regard to this parcel and the previously discussed parcel, the difference between the lease rent for the two parcels, that one is substantiated and one is conversion, makes quite a big difference in the cost. Is the land twice as valuable?

1 Mr. Teruya answered that the premium requirement there is actually a part of the
2 administrative rules. Again, the premium is to avoid having to compete for that parcel of
3 land in the public domain.

4
5 Mr. Teruya stated that Mr. Sanchez would be paying \$1,385 per year, semiannually,
6 and this rate was established by the Department of Land and Natural Resources.
7 (DLNR). Unfortunately, Act 90 which transferred the lands over from DLNR to DOA
8 prohibited us from adjusting the rents down.

9
10 Board Member Ornellas said it is really unfortunate, because part of the history of these
11 lands is that there would be a competitive bidder. When he had a dairy operation close
12 by and needed it for his dry cows, he paid a lot of money for it. And it is marginal lands,
13 as was pointed out.

14
15 Board Member Evans asked if the Board of Agriculture would be able to adjust the rate.

16
17 Mr. Teruya said that he thinks the Board may have the authority to change the rate for
18 appraisals. It would have to be approached through Act 90, which was also quoted as
19 Chapter 166E, Non-Agricultural Park Lands.

20
21 Board Member Evans asked whether the staff would have the ability to recommend to
22 the Board an earlier re-opening. Do the rules allow for that?

23
24 Mr. Teruya described this issue as something the staff needs to discuss internally first.
25 Five year lease openings may not be something our agricultural communities would
26 accept.

27
28 Approved: 8/0

29
30 Linda Murai, Property Manager for the Agricultural Resource Management Division at
31 the Hawaii Department of Agriculture explained that if there is an appraisal, and if it
32 comes lower than the current rent, then the current rent stands.

33
34 Mr. Teruya stated this agreement for Mr. Sanchez is a lease term. Staff needs to look at
35 the statutes and the administrative rules.

- 36
37
38 5. Request for Extension of General Lease No. S-4632, Lot No. 3, Puna
39 Certified Nursery, Inc., TMK (3) 2-3-049:032, Panaewa Farm Lots, 2nd
40 Series, Waiakea, Hilo, Island of Hawaii

41
42 Linda Murai, Property Manager for the Agricultural Resource Management Division
43 presented the request, as submitted. The recommendation is that the Board approve
44 the request to extend general lease # S-4632 held by Puna Certified Nursery for no
45 more than thirty (30) years.

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Motion: Evans/Galimba

Discussion:

Board Member Galimba said this is the first time she has heard of a "short form lease" by DLNR.

Mr. Teruya explained that a long form lease is 40-50 pages, whereas the short form lease is a summary that references the long form lease and is just a document that gets recorded that has fewer pages. Basically it is the same thing but it does reference the original general lease.

Board Member Galimba asks what the reason is for using a short term lease

Mr. Teruya states it is just for convenience, so the applicant does not have to spend so much money, to spend a dollar per page for 50 pages. To print out the long version is more costly.

Further discussion:

Board Member Hashimoto asked what the proximity is of the volcano to this parcel?

Mr. Teruya said that this is in Panaewa, so just outside of Hilo town, way north of Pahoa and the current lava flow. Currently safe.

Approve: 8/0

6. Request for Consent to Assignment of General Lease No. S-7017, Virgino C. Aguiar to AGEE, Inc. Hamakua Agricultural Park, Island of Hawaii

Linda Murai, Property Manager, ARM, presented the request, as submitted. Staff recommends approval.

Motion to approve: Hong/DeCoite

Chairperson Enright said that it appears the rent is up to date at this point. He mentioned that he had been notified that there were problems at this location after hours.

Mr. Teruya stated that he was not aware of that. Mr. Teruya said that the deceased lessee's wife, who is his Personal Representative, requests assignment of the lease to a corporation composed of herself and her son to continue the operation (holding area for young cattle pre-shipment to the mainland). Mr. Teruya said they want to get

1 through the assignment first, and at that point, they will come back to the Board and ask
2 for an extension of the lease. This is an agricultural park lease, and under the program
3 rules, the only way to extend the lease is to qualify. Again, the lease expires in 2018
4 and Board will have until then to consider.

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6 Approved: 8/0
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8 7. Request for Consent to Assignment of General Lease No. S-5643 and
9 Lease Amendment; TMK (1) 4-1-018:051; Patrick Vahey, Koolaupoko,
10 Waimanalo, Oahu, Hawaii
11

12 Linda Murai, Property Manager of the Agricultural Resource Management Division
13 (ARM) presented the request, as submitted. Recommendation is to approve the
14 assignment of this lease from Patrick Vahey to Thomas P. Callaghan. The State will
15 benefit, as the outstanding balances due for the lease rent, real property taxes and an
16 Agricultural loan will be paid in full.
17

18 Motion to accept: Evans/Hashimoto
19

20 Chairperson Enright asked Mr. Callaghan to come forward.
21

22 Mr. Callaghan said that even on small plots like this, there is a lot of potential here in
23 Hawaii. Waimanalo, in general, has a lot of potential. The canvass needs to be cleared
24 a little bit to see what is there, but there is a lot of potential.
25

26 Board Member Hashimoto asked Mr. Callaghan whether he was farming part time, and
27 had a full time job.
28

29 Mr. Callaghan responded that farming will be a full time job for him, a second career, as
30 he retired in 2011. Stock investing is a primary income but farming will be full time. He
31 said he wants to do organic farming and aquaculture.
32

33 Board Member Ornellas asks what the conditions of the facilities are at this time.
34

35 Mr. Callaghan said that the facilities are exceptionally derelict and that the land needs to
36 be cleared and the soil assessed as to soil rehabilitation.
37

38 The soil is the big issue as it has been stagnant and compacted. The land was cleared
39 and leveled at one point, but it is clear land just overgrown. It takes clearing it again
40 and looking at soil quality.
41

42 Board Member Evans asked what the water source was and Mr. Callaghan replied that
43 the water source is the city line, potable city water, not a well.
44

1 In response to a question from Board Member Hong , Mr. Callaghan said that the land
2 has a skeleton structure of an agricultural operation, with no existing fruit trees.

3
4 Board Member DeCoite asked if it would be a one man operation to start off.

5
6 Mr. Callaghan confirmed it will be a one-man operation at first, although his father is
7 eager to help. The operation will also be doing Community Supported Agriculture (CSA)
8 based operations and using volunteers. The coop is right down the street so there is a
9 good potential for people to get involved. Mr. Callaghan mentioned he had lots of
10 friends who also want to assist the operation.

11
12 Board Member DeCoite asked Mr. Callaghan what he was looking at in terms of a
13 timetable.

14
15 Mr. Callaghan replied that there will be quite a transition, so he was not exactly sure
16 when the start date would be. He said that from talking to people, he realizes it will be a
17 lot of work, so it would be 3-6 months. The soil will be a bigger thing to see what it
18 takes for rehabilitation, and how much clearly there is going to be. The work would be 3-
19 6 months for clearing and much longer for rehabilitation.

20
21 Board Member Evans asks Randy Teruya if this parcel been tested for Little Fire Ant.

22
23 Mr. Teruya answers that he is not sure this parcel was specifically tested, but it is some
24 distance from the last identified infested areas in Waimanalo.

25
26 Chairperson Enright stated it has been pretty well eradicated in those areas but it is not
27 an official statement yet. However, there is still Little Fire Ant in some of the nurseries
28 in Waimanalo.

29
30 Mr. Callaghan said he didn't see any Little Fire Ant on this parcel.

31
32 In response to a question from Chairperson Enright, Mr. Callaghan said the operation
33 will focus on aquaponics and that he thinks it will take two to three years to set it up
34 right.

35
36 Chairperson Enright asked if the agricultural loan gets paid off with this assignment.

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38 Ms. Murai from ARM responded: "Yes, so for us this is a win/win/win for everyone"

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40 Approved: 8/0

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1 D. QUALITY ASSURANCE DIVISION

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3 1. Request for Extension of Time to Present Report of Board of
4 Agriculture Investigative Committee on Milk Rule Amendments (to Allow Waiver
5 of Minimum Milk Prices Paid by Distributors to Producers).
6

7 Board Member Ornellas had no comments but requested more time for the Investigative
8 Committee to complete the report. The next meeting is when the report is expected.
9

10 Motion to approve: Hong/DeCoite.

11 Approved: 8/0
12

13 VI. NEW BUSINESS

14
15 10:23 Call for Adjournment
16

17 VII. ADJOURNMENT OF REGULAR MEETING

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19 Meeting adjourned at 10:23 p.m.
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22 Respectfully submitted,
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26 Michael L. Opgenorth
27 Board Secretary