

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Monday, August 11, 2008
Roughrider Room, State Capitol
Bismarck, North Dakota

Representative Lee Kaldor, Chairman, called the meeting to order at 9:00 a.m. He informed the commission that Mr. Jim Gilmour, Planning Director, Fargo, was replacing Ms. Linda Coates on the commission.

Members present: Representatives Lee Kaldor, Dwight Wrangham; Senators Arden C. Anderson, Dwight Cook; Citizen Members Jim Gilmour, Ron Krebsbach, Rodney Ness, Bev Nielson, Greg Sund, Ken Yantes; Governor's Designee Brian D. Bitner

Member absent: Randy Bina

Others present: See [Appendix A](#)

It was moved by Ms. Nielson, seconded by Mr. Ness, and carried on a voice vote that the minutes of the previous meeting be approved as distributed.

BOARD OF COUNTY COMMISSIONERS TO RESOLVE ZONING DISPUTE IN EXTRATERRITORIAL ZONING AREA SECOND BILL DRAFT

Commission counsel presented for a second time a bill draft [\[90101.0200\]](#) that would require the board of county commissioners to hold a hearing on any zoning or subdivision regulation in the extraterritorial zoning authority area and approve or disapprove of the regulation after looking at certain factors.

In response to a question from Ms. Nielson, Mr. Ness said if there is not an organized township and a city imposes an extraterritorial zoning authority regulation, under the bill draft the county acting as the board of township supervisors would make a decision in any controversy between the county and the city.

In response to a question from Senator Cook, commission counsel said the county would make a decision based on the standard in the statute. He said if there were previous township actions, the township actions would be afforded weight to the preponderance of the evidence level.

In response to a question from Representative Wrangham, Representative Kaldor said the bill draft does not address the issue of when the city denies a request from a property owner.

Mr. Sund said the bill draft does not provide recourse for a property owner. He said the bill draft assumes there are organized townships and that the board of county commissioners is independent.

Mr. Krebsbach said the county has all of the zoning authority of townships in certain counties because there are not any organized townships.

Mr. Warren Solberg, Horace, North Dakota, testified in opposition to the bill draft. He said the bill draft does not address the necessary issues of the distance of extraterritorial zoning authority and strip annexation.

REPEAL OF SUNSET ON PRESENT EXTRATERRITORIAL ZONING AUTHORITY LAW BILL DRAFT

Commission counsel presented for the second time a bill draft [\[90154.0100\]](#) that would remove the sunset on present extraterritorial zoning authority law.

In response to a question from Senator Cook, commission counsel said this bill draft is the sole bill draft that relates to the continuation of present law.

Mr. Solberg presented testimony in opposition to the bill draft. He said the bill draft violated the principle of one person, one vote. He said the bill draft does not address the situation of a city annexing a strip of land of 101 feet wide to extend extraterritorial zoning authority.

Mr. Keith Berndt, Cass County Engineer, provided testimony on the bill draft. He said in Cass County the organized township usually exercises zoning authority and the county usually exercises subdivision regulation.

In response to a question from Representative Kaldor, commission counsel said under North Dakota Century Code (NDCC) Section 40-48-18, a city may by ordinance extend subdivision regulation to the same extent as a city may extend zoning authority under the extraterritorial zoning authority statute.

Mr. Sund said the present law unnecessarily creates another statutory committee.

Mr. Doug Schonert, Burleigh County Commissioner, presented testimony in support of the board of county commissioners being the mechanism to resolve any dispute or make any determination in the extraterritorial zoning area. He said the board of county commissioners represents all the citizens in the area. He said the county should have the final decisionmaking authority over extraterritorial zoning authority.

Mr. Gilmour said a city needs the support of at least 75 percent of the area for annexation. He said this is a difficult standard to meet by the city. He said

in Fargo, large property owners that were further out wanted to be in the city and closer property owners did not want to be in the city, so the city chose strip annexation.

Mr. Solberg said the authority of the city to annex through a strip of land should be repealed. He said Fargo strip-annexed an area six miles south of the city. He said the strip was narrowed so that farmers adjacent to the strip would not be against the annexation. He said the city should provide water and sewer service before it is able to annex. He said if the strip would have been wider the farmers would have protested.

Mr. Gilmour said the ability to protest is based upon the area of the annexation and the wider the strip the more area. He said the purpose of the annexation was not to extend extraterritorial zoning authority. He said an earlier annexation used a strip of more than 100 feet and could be used to extend extraterritorial zoning authority. He said this may be done to extend flood protection to an area in which the city will be located within 40 years.

Mr. Solberg presented testimony on annexation in Fargo. He said the last annexation was of an area that is at least 40 years out before the city develops to that point. He said the annexation created the problem by only annexing half of a road. He said the farmers in the area were not for the annexation.

REPEAL OF EXTRATERRITORIAL ZONING BILL DRAFT

Commission counsel presented a bill draft [\[90108.0200\]](#), distributed at a previous meeting, which would repeal extraterritorial zoning and subdivision regulation by cities.

Representative Wrangham said he was in favor of the bill draft. He said the testimony the commission has received has discredited the practice of extraterritorial zoning and has shown that it is not essential. He said all planning and permitting will happen without extraterritorial zoning. He said there may be disagreements between cities and these disagreements may need a legislative solution; however, voters should not be disenfranchised for the purpose of resolving disputes between cities.

Ms. Nielson said she was concerned with the transition from present regulations to no regulation.

Representative Wrangham said the transition could be added during the legislative process.

Mr. Gilmour said the commission had heard testimony about the consequences of bad planning. He said these consequences are an additional cost to the taxpayer. He said extraterritorial zoning authority of cities is needed for well-planned growth. He said organized townships in rapidly growing areas are not equipped to deal with the growth. He said if an area is poorly planned, it will hinder the economic development of the area. He said there are other bill drafts that provide a better compromise.

Mr. Albert Frisinger, board member, Stanley Township, presented testimony in support of the bill draft. He said Stanley Township strongly supports the bill draft to repeal extraterritorial zoning authority. He said he does not know of an instance in which Stanley Township has planned poorly.

Mr. Gilmour said there have been instances in which townships have had a too narrow right of way and homes have had to be purchased and destroyed. He said there have been instances in which inadequate septic systems have been installed in township areas. He said the city of Fargo is willing to have joint authority with the townships.

In response to a question from Mr. Yantes, Mr. Frisinger said the city of Fargo has not approached Stanley Township in the last 10 years to enter a joint powers agreement.

Mr. Raymond D. Wilkens, Rye Township resident, presented written testimony ([Appendix B](#)) to the commission. He said he is opposed to the extension of the extraterritorial zoning authority in Grand Forks and the placement of a landfill in Rye Township. He said he should be able to vote for the body that extends extraterritorial zoning authority over his property and for the placement of a landfill within that area.

Mr. Solberg presented information on the bill draft. He said it would be a mistake to remove the jurisdiction from the city and not replace it with something else. He said there needs to be uniformity in the regulation around the city. He said the townships should act as a group for the issuance of permits and enforcement of regulations. He said the city planning commission would have involvement on the regulations created by the group of townships. He said townships have made mistakes in planning in the past and so have cities. He said the group of townships would include the county if there were not organized townships.

Representative Wrangham said cities, counties, and townships have made mistakes. He gave examples of regional planning in areas around the state and how well they work. He said septic systems are better than city water treatment centers because septic systems naturally return waste back to the earth instead of dumping chemicals in the water. He said although people may be upset to have a house torn down, people are at least equally upset about the loss of the right to vote.

Mr. Richard Hammond, Burleigh County resident, presented written testimony ([Appendix C](#)) in support of the bill draft.

Mr. Richard Gross provided testimony in support of the bill draft. He said there have been abuses of power with extraterritorial zoning. He said the right to vote was the most important issue with extraterritorial zoning authority.

Mr. Curly Haugland, Landowners Association of North Dakota, presented testimony in support of the bill draft. He said all members of the commission should be required to take an oath of office when

making a decision that affects the constitutional rights of the citizens affected by the decisions of the commission.

Mr. Jerry Hjelmstad, North Dakota League of Cities, presented testimony in opposition to the bill draft to repeal extraterritorial zoning authority.

OFFICE OF ADMINISTRATIVE HEARINGS AS DISPUTE MECHANISM

Mr. Allen C. Hoberg, Director, Office of Administrative Hearings, presented testimony ([Appendix D](#)) on the annexation procedure and the bill drafts on extraterritorial zoning that involved the Office of Administrative Hearings. He said the more factors the law lists, the easier it is to draft a decision. He said the Office of Administrative Hearings does not receive general funds and receives compensation by charging for its services.

In response to a question from Ms. Nielson, Mr. Hoberg said the decision of the administrative law judge in an annexation proceeding may be appealed to district court.

Mr. Hoberg said the annexation statute provides substantial guidance but does not provide any standard as to the weight to be given each factor to be reviewed. He said the bill draft should provide factors to be reviewed and how to apply those factors in reaching a decision. He said any bill draft using the Office of Administrative Hearings should state who pays for the services. He said he is not for or against the bill drafts.

In response to a question from Ms. Nielson, Mr. Hoberg said the bill drafts do not specifically provide for appeal rights and the bill drafts should provide a more detailed procedure, including the right to appeal.

In response to a question from Representative Kaldor, Mr. Hoberg said the more specific the statute is, the more guidance it offers the decisionmaker.

Mr. Sund said he is concerned with using the annexation factors in the extraterritorial zoning law. He said any bill draft that uses the Office of Administrative Hearings should list factors.

In response to a question from Mr. Sund, Mr. Hoberg said he supports the listing of factors, not necessarily the specific factors.

In response to a question from Representative Kaldor, Mr. Hoberg said there may be guidance in case law or elsewhere in the North Dakota Century Code.

Mr. Gilmour said comprehensive plans are detailed plans that the administrative law judge could use to make a decision.

Mr. Haugland said a comprehensive plan should not be used by the administrative law judge to weigh whether a regulation is appropriate. He said comprehensive plans are advisory and when they are used in statute as the basis of a decision they become more than advisory. He said the comprehensive plan in Burleigh County had a provision that accords the

right to the city to be extraterritorially zoned and required the payment of a living wage for grant recipients.

Representative Wrangham said there are problems with extraterritorial zoning authority and these problems are regional in nature. He said the commission should not try to make better a bad law but should disregard the bad law and repeal extraterritorial zoning authority.

It was moved and withdrawn by Representative Wrangham, and seconded and withdrawn by Mr. Yantes, that the commission approve and recommend to the Legislative Council the bill draft to repeal extraterritorial zoning authority.

Mr. Sund expressed concern with repealing all extraterritorial zoning authority as a starting point. He said the commission should focus on changing the existing law and sending a bill draft that expresses the will of the commission, not the message that the Legislative Assembly needs to start over in the area of extraterritorial zoning authority.

Senator Anderson said he worked for a city and extraterritorial zoning worked well because there was cooperation between the township and the city. He said the original extraterritorial zoning authority law was good, but since the area has doubled there have been problems. He said he does not approve of the repeal of extraterritorial zoning authority.

Mr. Gilmour said the commission has received much testimony and should try to offer a solution.

Representative Kaldor said he was sympathetic to the idea of repeal, but thought a cooperative planning effort was a better idea.

JOINT JURISDICTION AND EXTRATERRITORIAL AREA LIMITED TO 10-YEAR GROWTH PLAN WITH DISPUTE RESOLUTION BY OFFICE OF ADMINISTRATIVE HEARINGS BILL DRAFT

Commission counsel presented for the second time a bill draft [[90064.0200](#)] that would limit extraterritorial zoning jurisdiction to within a city's 10-year growth plan, require joint jurisdiction of the city and the governing body that exercised zoning or subdivision jurisdiction before the extension in the area of extraterritorial zoning, and provide for dispute resolution through the Office of Administrative Hearings to determine whether the proposed regulation is substantially related to the purpose of the regulation and does not unnecessarily burden affected persons.

Mr. Sund said many cities do not have a 10-year growth plan. He said the bill draft provides an unfunded mandate. He said the bill draft also provides a business opportunity for some contractors. He said he does not know if this is an appropriate consequence of the bill draft.

Senator Cook said the 10-year growth plan may be an appropriate factor for the administrative law judge.

Mr. Gilmour said 10 years is not long enough and the growth plan should be in the range of 20 years to 30 years.

Representative Kaldor said growth trends tailor the distance of extraterritorial zoning to the city. Growth trends would provide a more reasoned limit for extraterritorial zoning authority.

Mr. Sund said the area of extraterritorial zoning jurisdiction does not matter if there is joint authority in the area.

Representative Kaldor said the distance allowed by statute would most likely be meaningless if limited by the distance allowed by the growth plan.

Mr. Sund said cities do not grow symmetrically and a growth plan would allow for asymmetrical growth.

Mr. Haugland presented testimony against the bill draft. He said the bill draft would create two governing bodies from whom a landowner would have to receive permission for a zoning change.

JOINT JURISDICTION IN THE OUTSIDE HALF OF THE EXTRATERRITORIAL AREA WITH DISPUTE RESOLUTION BY OFFICE OF ADMINISTRATIVE HEARINGS BILL DRAFT

Commission counsel presented for a second time a bill draft [90140.0100] that would provide joint jurisdiction in the outside half of the area to the extraterritorially zoned. He said this bill draft encompassed the concept contained in the bill draft [90105.0100] that would provide for joint jurisdiction in the outside half of the area to be extraterritorially zoned.

Mr. Hjelmstad presented written testimony ([Appendix E](#)) in support of the bill draft. He said cities are unique in that cities are the only political subdivision that may grow. He said some counties have 10 cities to 12 cities and the county would be overburdened if it was the dispute resolution mechanism or the decisionmaker.

In response to a question from Representative Wrangham, Mr. Hjelmstad said although a governing body of the city under NDCC Section 40-06-01 has health and safety jurisdiction when within one-half mile of the border of a city, this does not provide for zoning to restrict uses and is a limited authority with no zoning authority.

Mr. Curt Kreun, Grand Forks City Council member and planning and zoning commission member, presented testimony in support of the bill draft. He said extraterritorial zoning authority is handled differently in different cities. He said the bill draft should not make the system more difficult for the user. He said one governing body should take care of zoning change requests from landowners.

In response to a question from Senator Cook, Mr. Kreun said there are as many people affected that live near the present Grand Forks landfill as people in the township affected by the new landfill.

Senator Cook said the original intent of extraterritorial zoning was to prohibit landfills and feedlots next to cities which were allowed by the county or township. He said cities have used extraterritorial zoning authority to site landfills in townships that do not want them. He said there needs to be carefully considered criteria used to resolve disputes.

Mr. Kreun said he does not take lightly that those affected by the landfill siting do not have the right to vote on the landfill siting. He said the county did not want the responsibility or cost of siting a landfill. He said city regulations are more stringent than the county's for landfill siting. He said there needs to be a regional solution for landfill siting.

In response to a question from Representative Kaldor, Mr. Kreun said the city began the landfill discussion in 1994. He said the cost in delaying the siting of the landfill would be great. He said if the city waited until a new law was in place, in addition to the extra cost, he did not know whether the outcome would be any better.

Representative Kaldor said the siting of a landfill raises the issue of the constitutionally protected rights of the individual versus the power of government to provide for the greater good of the many to the detriment of a few.

In response to a question from Mr. Sund, Mr. Kreun said the city has been working with the township and the individuals in the township. He said it would be difficult to start the process over because a lot has been done to date and that effort would have to be repeated. He said not everyone will be happy with the siting of a landfill, but it needs to be done.

In response to a question from Ms. Nielson, commission counsel said the commission may want to delineate the procedure for appeal from the decision of the administrative law judge if there are questions as to the language in the bill draft.

In response to a question from Ms. Nielson, Mr. Hoberg said in the annexation statute a party may appeal to a court within 30 days through a writ of certiorari. He said this is a very limited review.

Mr. Solberg said the people in the extraterritorial zoning area have had something of a great value taken away from them and getting half of it back does not make it better.

Mr. Randal Loeslie, Grand Forks-Traill Water District, presented testimony on the bill drafts. He said four miles is too far, two miles is better, and none is the best. He said the same problem with water districts and extraterritorial zoning is occurring throughout the state.

Mr. Bill Wocken, City Administrator, Bismarck, provided testimony to the commission. He said extraterritorial zoning authority is needed past one mile for flood control, transportation corridors, and storm water. He said the original law worked well and problems arose when the distances were doubled. He said he supports the bill draft that returns to the

original length and allows for joint jurisdiction in the outside half.

In response to a question from Senator Cook, Mr. Wocken said there are good criteria that could be incorporated into the law for an administrative law judge to use in deciding disputes in areas of joint jurisdiction. He said the annexation law was a good place to start looking for criteria. He said the criteria could include a growth plan. He said approval of a zoning change initiated by a landowner would not have to happen in a sequential process but could happen with concurrent hearings.

Mr. Haugland presented testimony in opposition to the bill draft. He said this was not a compromise and opposed all extraterritorial zoning authority. He said the bill draft creates another layer of government for an individual wanting to change zoning regulations. He said the administrative law judge using the comprehensive plan of the city is even worse than the administrative law judge using the plan of the county.

Mr. Sund suggested giving a veto power to the township and having the city hold the hearing.

EXTRATERRITORIAL ZONING AUTHORITY OF ONE-HALF MILE AND SIMILAR REGULATION BILL DRAFT

Commission counsel presented a bill draft [\[90237.0100\]](#) that would limit extraterritorial zoning authority to one-half mile and require the city to adopt regulations previously or subsequently adopted by a governmental entity with authority in the area before the extension.

Representative Wrangham said his intent in requesting the bill draft was choosing one-half mile because it was the same as in NDCC Section 40-06-01. He said the language on page 5 of the bill draft was meant to allow a city to extend to one-half mile outside the city limits, but the ordinances and regulations in that area would be limited to those adopted by the entity previously in that area. He said this would provide citizens in that area involvement in decisions made in that area.

Ms. Nielson said the bill draft did not provide any benefit to a city and was basically the same as a repeal.

Representative Wrangham said the city would be able to enforce the regulations.

COMMISSION DISCUSSION

Mr. Bitner said the commission should take all of the good things from the different bill drafts and include them in one bill draft.

Representative Kaldor agreed that some elements in some bill drafts seem to have consensus and other elements in the same bill drafts do not have the consensus of the commission.

Senator Cook said leaving the law the same is not wise and completely eliminating extraterritorial zoning authority is not preferred. He said certain concepts have the support of the commission, including dual

jurisdiction and dispute resolution when there is a disagreement. He said the commission does not support extra layers of government. He said the commission has not expressed any concern with disputes determined by an administrative law judge, but there would need to be statutory factors upon which the administrative law judge could base a decision. He said for all the work the commission has done, the commission should recommend a piece of legislation.

Mr. Sund said a mile limit was arbitrary. He said he liked the idea of linking extraterritorial zoning authority to a growth plan. He said he did not like a third party making the growth plan. He said he would prefer that the political subdivisions involved agree to the growth plan.

Mr. Gilmour said the board of county commissioners could determine what growth is reasonable. He said one procedure would be for the city to propose a 30-year growth plan to the county to review. He said there may be too much animosity between some cities and townships to come to an agreement.

Mr. Sund said it would be better to propose a growth plan of up to 30 years. He said 30 years could be too long for some areas and right for others.

Mr. Yantes said using the board of county commissioners to review the city's plan ignores the voters of the township.

Mr. Gilmour said the township could make an argument to the board of county commissioners. He said for zoning regulations there would be joint jurisdiction and for the area of growth there would be review by the board of county commissioners.

Mr. Ness said townships need to be involved with the long-range planning.

Senator Cook said a goal of legislation would be to create the need to cooperate.

Mr. Krebsbach said his county works closely with the townships and the process works well.

Representative Kaldor reviewed the discussion of the commission and said as to distance the city would make a map showing the growth plan for up to 30 years and the existing zoning authority would have to agree to that map. He said if the authority did not agree then the question would go to an administrative law judge for resolution.

In response to a question from Ms. Nielson, Representative Kaldor said the city would need the approval of each township for the area within that township under the concept of joint jurisdiction.

Representative Wrangham said he thought the growth plan idea had merit but suggested a 10-year growth plan with a provision for it to be increased upon a showing of necessity.

Mr. Bitner said 10 years is a good time and 30 years is too long. He said he supported Representative Wrangham's suggestion.

Mr. Sund said the joint board on regulation would have to agree no matter the distance.

Senator Cook said if the issue is going to be decided by an administrative law judge then there should be criteria to determine whether the growth plan is for 10 years or 30 years.

Representative Kaldor said if the time and the factors are designed correctly, the law will adapt to each city.

Mr. Bitner said Apple Creek Township likes growth and would not reasonably reject growth.

Mr. Sund said a growth plan would be a map of projected growth for a particular time. He said the joint jurisdiction would be in the entire area because the concept of joint jurisdiction in the outside half would not mean anything if the mile limitation were replaced with a growth plan limitation.

Representative Kaldor said it appeared the consensus of the commission would be to use the bill draft [90064.0200] as a starting point.

Representative Kaldor asked for discussion on the criteria used by the administrative law judge to make a determination. He said there were seven factors and three criteria for annexation. He said with annexation the property owner receives the right to vote and services and with extraterritorial zoning the owner gets neither.

Mr. Sund suggested a number of factors, including whether the government in the area is willing to maintain the roads, whether zoning is compatible with adjacent land uses, whether the limit will lead to urban sprawl, and whether the city made a reasonable case for the growth plan.

Representative Wrangham said he does not think urban sprawl was a well-defined term.

Mr. Gilmour said urban sprawl is low density and inefficient streets and structures. He said urban sprawl is uncoordinated with no plans for density. He said if there is urban sprawl, development is expensive.

Mr. Bitner said he did not like the reference to urban sprawl.

Mr. Gilmour suggested a criteria of looking at the compatibility of the land use with city, township, and county plans. He said whether the land use would have a negative effect on the health and safety of citizens would be a useful criteria.

Representative Kaldor said these factors would be useful for an administrative law judge to determine if zoning is appropriate. He said the criteria in the annexation statute may not be appropriate.

Mr. Bitner said changing the word "annexation" to "extraterritorial zoning authority" may be a good start for the factors.

Mr. Sund said annexation is for very near term and extraterritorial zoning authority is for long-range planning.

Representative Wrangham said if there is not a potential for annexation, there should not be extraterritorial zoning authority.

Representative Kaldor said replacing the terms may not be appropriate because of the differences

between annexation and extraterritorial zoning authority.

Senator Cook said when determining what criteria for the administrative law judge to look at when determining a dispute, he would pose the question of what would a judge need to look at for the judge to make a fair decision in the siting of a landfill in the extraterritorial zoning jurisdiction of Grand Forks.

Representative Kaldor said it would be best if the townships, cities, and counties could work together to create a list of factors.

Ms. Nielson said the ability of these political subdivisions to provide a list of criteria would be a good test of joint jurisdiction.

Representative Kaldor asked for discussion regarding a citizen questioning a zoning change not having additional impediments as a result of the bill draft.

Mr. Gilmour suggested the city take the lead review and have a joint hearing of the city planning commission and the township board that would provide a recommendation to the city and the township board.

Representative Wrangham said if the planning commission recommends against the property owner, then the property owner would have to go to both boards. In addition, he said, the property owner would have to go to both boards to follow through on the requested change.

Mr. Gilmour said it is not unreasonable for the property owner to go to both hearings.

Mr. Sund said these are important decisions that take time and people want and need due process, so having to attend both hearings is acceptable.

Representative Kaldor said the person paying for the administrative law judge should be the person seeking the change--the petitioner.

Mr. Bitner said an individual in the extraterritorial zoning area should be able to protest to the administrative law judge. He said his concern is that a citizen has a place to go once affected by a decision as a result of extraterritorial zoning authority.

Representative Kaldor said the commission should adopt the annexation process for the extraterritorial zoning process.

Mr. Sund said if there is joint jurisdiction then there are two places for the citizen to be heard.

Senator Cook said if the size of the zones can change based upon the growth plan, there may be more disputes between cities.

Representative Kaldor said present law has a provision that addresses this situation.

Representative Wrangham said the commission should not miss the important point of correcting the injustice of a person not being able to vote for the people that make decisions over that person.

OTHER TESTIMONY

The commission received letters ([Appendix F](#)) on extraterritorial zoning authority. The commission received a letter from the Rye Township Board in

opposition to the four-mile extraterritorial zoning law and in support of the Grand Forks County Citizens Coalition lawsuit. The township board supported a reduction to two miles. The commission received a letter from the Stanley Township Board of Supervisors in support of the repeal of extraterritorial zoning authority. The commission received a letter from the Grand Forks County Board of Commissioners in support of the return of extraterritorial zoning authority to two miles.

No further business appearing, Chairman Kaldor adjourned the meeting at 2:22 p.m.

Timothy J. Dawson
Commission Counsel

ATTACH:6